

**Union Calendar No. 487**

118TH CONGRESS }  
*2d Session*

HOUSE OF REPRESENTATIVES

{ REPORT  
118-587

WATER RESOURCES DEVELOPMENT ACT OF  
2024

---

R E P O R T

OF THE

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE

TO ACCOMPANY

H.R. 8812



JULY 18, 2024.—Committed to the Committee of the Whole House on  
the State of the Union and ordered to printed

**WATER RESOURCES DEVELOPMENT ACT OF 2024**

**Union Calendar No. 487**

118TH CONGRESS }  
*2d Session*

HOUSE OF REPRESENTATIVES

{ REPORT  
118-587

WATER RESOURCES DEVELOPMENT ACT OF  
2024

---

R E P O R T

OF THE

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE

TO ACCOMPANY

H.R. 8812



JULY 18, 2024.—Committed to the Committee of the Whole House on  
the State of the Union and ordered to printed

---

U.S. GOVERNMENT PUBLISHING OFFICE

56-267

WASHINGTON : 2024



WATER RESOURCES DEVELOPMENT ACT OF 2024

JULY 18, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 8812]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 8812) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
Purpose of Legislation .....	89
Background and Need for Legislation .....	89
Congressional Direction .....	97
Project Expedites .....	102
Hearings .....	106
Legislative History and Consideration .....	108
Committee Votes .....	128
Committee Oversight Findings and Recommendations .....	130
New Budget Authority and Tax Expenditures .....	130
Congressional Budget Office Cost Estimate .....	130
Performance Goals and Objectives .....	130
Duplication of Federal Programs .....	130
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	131
Federal Mandates Statement .....	131
Preemption Clarification .....	131
Advisory Committee Statement .....	131
Applicability to Legislative Branch .....	131
Section-By-Section Analysis of The Legislation .....	132
TITLE I—General Provisions .....	132
TITLE II—Studies and Reports .....	138
TITLE III—Deauthorizations and Modifications .....	141
TITLE IV—Water Resources Infrastructure .....	144
Changes in Existing Law Made by the Bill, as Reported .....	145

The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 2024”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Secretary defined.

**TITLE I—GENERAL PROVISIONS**

- Sec. 101. Continuing authority programs.
- Sec. 102. Community project advisor.
- Sec. 103. Minimum real estate interest.
- Sec. 104. Study of water resources development projects by non-Federal interests.
- Sec. 105. Construction of water resources development projects by non-Federal interests.
- Sec. 106. Review process.
- Sec. 107. Electronic submission and tracking of permit applications.
- Sec. 108. Vertical integration and acceleration of studies.
- Sec. 109. Systemwide improvement framework and encroachments.
- Sec. 110. Fish and wildlife mitigation.
- Sec. 111. Harbor deepening.
- Sec. 112. Emerging harbors.
- Sec. 113. Remote and subsistence harbors.
- Sec. 114. Additional projects for underserved community harbors.
- Sec. 115. Inland waterways regional dredge pilot program.
- Sec. 116. Dredged material disposal facility partnerships.
- Sec. 117. Maximization of beneficial use.
- Sec. 118. Economic, hydraulic, and hydrologic modeling.
- Sec. 119. Forecast-informed reservoir operations.
- Sec. 120. Updates to certain water control manuals.
- Sec. 121. Water supply mission.
- Sec. 122. Real estate administrative fees.
- Sec. 123. Challenge cost-sharing program for management of recreation facilities.
- Sec. 124. Retention of recreation fees.
- Sec. 125. Databases of Corps recreational sites.
- Sec. 126. Services of volunteers.
- Sec. 127. Nonrecreation outgrant policy.
- Sec. 128. Improvements to National Dam Safety Program.
- Sec. 129. Rehabilitation of Corps of Engineers constructed dams.
- Sec. 130. Treatment of projects in covered communities.
- Sec. 131. Ability to pay.
- Sec. 132. Tribal partnership program.
- Sec. 133. Funding to process permits.
- Sec. 134. Project studies subject to independent external peer review.
- Sec. 135. Control of aquatic plant growths and invasive species.
- Sec. 136. Remote operations at Corps dams.
- Sec. 137. Harmful algal bloom demonstration program.
- Sec. 138. Support of Army civil works missions.
- Sec. 139. National coastal mapping program.
- Sec. 140. Watershed and river basin assessments.
- Sec. 141. Removal of abandoned vessels.
- Sec. 142. Corrosion prevention.
- Sec. 143. Missouri River existing features protection.
- Sec. 144. Federal breakwaters and jetties.
- Sec. 145. Temporary relocation assistance pilot program.
- Sec. 146. Easements for hurricane and storm damage reduction projects.
- Sec. 147. Shoreline and riverine protection and restoration.
- Sec. 148. Sense of Congress related to water data.
- Sec. 149. Sense of Congress relating to comprehensive benefits.
- Sec. 150. Reporting and oversight.
- Sec. 151. Sacramento River watershed Native American site and cultural resource protection pilot program.
- Sec. 152. Emergency drought operations pilot program.
- Sec. 153. Report on minimum real estate interest.
- Sec. 154. Levee Owners Board.
- Sec. 155. Definition.

**TITLE II—STUDIES AND REPORTS**

- Sec. 201. Authorization of proposed feasibility studies.
- Sec. 202. Expedited completion.
- Sec. 203. Expedited modification of existing feasibility studies.
- Sec. 204. Corps of Engineers reports.
- Sec. 205. GAO studies.
- Sec. 206. Annual report on harbor maintenance needs and trust fund expenditures.
- Sec. 207. Examination of reduction of microplastics.
- Sec. 208. Post-disaster watershed assessment for impacted areas.
- Sec. 209. Upper Barataria Basin and Morganza to the Gulf of Mexico Connection, Louisiana.
- Sec. 210. Upper Mississippi River System Flood Risk and Resiliency Study.
- Sec. 211. New Jersey hot spot erosion mitigation.
- Sec. 212. Oceanside, California.
- Sec. 213. Coastal Washington.
- Sec. 214. Cherryfield Dam, Narraguagus River, Maine.
- Sec. 215. Poor Farm Pond Dam, Worcester, Massachusetts.
- Sec. 216. National Academy of Sciences study on Upper Rio Grande Basin.
- Sec. 217. Chambers, Galveston, and Harris Counties, Texas.
- Sec. 218. Sea sparrow accounting.
- Sec. 219. Wilson Lock floating guide wall, Alabama.
- Sec. 220. Algiers Canal Levees, Louisiana.

## TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS

- Sec. 301. Deauthorization of inactive projects.
- Sec. 302. General reauthorizations.
- Sec. 303. Conveyances.
- Sec. 304. Lakes program.
- Sec. 305. Maintenance of navigation channels.
- Sec. 306. Asset divestiture.
- Sec. 307. Upper Mississippi River restoration program.
- Sec. 308. Coastal community flood control and other purposes.
- Sec. 309. Shore protection and restoration.
- Sec. 310. Hopper dredge McFarland replacement.
- Sec. 311. Acequias irrigation systems.
- Sec. 312. Pacific region.
- Sec. 313. Selma, Alabama.
- Sec. 314. Barrow, Alaska.
- Sec. 315. San Francisco Bay, California.
- Sec. 316. Santa Ana River Mainstem, California.
- Sec. 317. Faulkner Island, Connecticut.
- Sec. 318. Broadkill Beach, Delaware.
- Sec. 319. Federal Triangle Area, Washington, District of Columbia.
- Sec. 320. Washington Aqueduct.
- Sec. 321. Washington Metropolitan Area, Washington, District of Columbia, Maryland, and Virginia.
- Sec. 322. Northern estuaries ecosystem restoration, Florida.
- Sec. 323. New Savannah Bluff Lock and Dam, Georgia and South Carolina.
- Sec. 324. Dillard Road, Patoka Lake, Indiana.
- Sec. 325. Larose to Golden Meadow, Louisiana.
- Sec. 326. Morganza to the Gulf of Mexico, Louisiana.
- Sec. 327. Port Fourchon Belle Pass Channel, Louisiana.
- Sec. 328. Upper St. Anthony Falls Lock and Dam, Minnesota.
- Sec. 329. Missouri River levee system, Missouri.
- Sec. 330. Table Rock Lake, Missouri and Arkansas.
- Sec. 331. Missouri River mitigation, Missouri, Kansas, Iowa, and Nebraska.
- Sec. 332. New York and New Jersey Harbor and Tributaries, New York and New Jersey.
- Sec. 333. Western Lake Erie basin, Ohio, Indiana, and Michigan.
- Sec. 334. Willamette Valley, Oregon.
- Sec. 335. Columbia River Channel, Oregon and Washington.
- Sec. 336. Buffalo Bayou Tributaries and Resiliency study, Texas.
- Sec. 337. Matagorda Ship Channel Jetty Deficiency, Port Lavaca, Texas.
- Sec. 338. San Antonio Channel, San Antonio, Texas.
- Sec. 339. Western Washington State, Washington.
- Sec. 340. Environmental infrastructure.
- Sec. 341. Specific deauthorizations.
- Sec. 342. Congressional notification of deferred payment agreement request.

## TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Project authorizations.
- Sec. 402. Facility investment.

**SEC. 2. SECRETARY DEFINED.**

In this Act, the term “Secretary” means the Secretary of the Army.

**TITLE I—GENERAL PROVISIONS****SEC. 101. CONTINUING AUTHORITY PROGRAMS.**

(a) PILOT PROGRAM FOR ALTERNATIVE PROJECT DELIVERY FOR CONTINUING AUTHORITY PROGRAM PROJECTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement a pilot program, in accordance with this subsection, allowing a non-Federal interest or the Secretary to carry out a project under a continuing authority program through the use of an alternative delivery method.

(2) CONSISTENCY.—The Secretary shall implement the pilot program under this subsection through a single office, which shall be headed by a Director.

(3) PARTICIPATION IN PILOT PROGRAM.—In carrying out paragraph (1), the Director shall—

(A) solicit project proposals from non-Federal interests by posting program information on a public-facing website and reaching out to non-Federal interests that have previously submitted project requests to the Secretary;

(B) review such proposals and select projects, taking into consideration geographic diversity among the selected projects and the alternative delivery methods used for the selected projects; and

(C) notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of each project selected under subparagraph (B), including—

(i) identification of the project name, type, and location, and the associated non-Federal interest;

- (ii) a description of the type of alternative delivery method being used to carry out the project; and
  - (iii) a description of how the project meets the authorized purposes and requirements of the applicable continuing authority program.
- (4) COST SHARE.—The Federal and non-Federal shares of the cost of a project carried out pursuant to this subsection shall be consistent with the cost share requirements of the applicable continuing authority program.
- (5) MODIFICATIONS TO PROCESSES.—With respect to a project selected under paragraph (3), the Secretary shall—
- (A) allow the non-Federal interest to contribute more than the non-Federal share of the project required under the applicable continuing authority program;
  - (B) allow the use of return on Federal investment as an alternative to benefit-cost analysis;
  - (C) allow the use of a real estate acquisition audit process to replace existing crediting, oversight, and review processes and procedures; and
  - (D) notwithstanding any otherwise applicable requirement of a continuing authority program, allow the use of a single contract with the non-Federal interest that incorporates the feasibility and construction phases, and may also include the operations and maintenance of the project.
- (6) CREDIT OR REIMBURSEMENT.—
- (A) IN GENERAL.—A project selected under paragraph (3) that is carried out by a non-Federal interest pursuant to this subsection shall be eligible for credit or reimbursement for the Federal share of the cost of the project if, before initiation of construction of the project—
    - (i) the non-Federal interest enters into a written agreement with the Secretary under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), including an agreement to pay the non-Federal share of the cost of operation and maintenance of the project, consistent with the applicable continuing authority program; and
    - (ii) the Director—
      - (I) reviews the plans for construction of the project developed by the non-Federal interest;
      - (II) determines that the project meets the requirements of the applicable continuing authority program;
      - (III) determines that the project outputs are consistent with the project scope;
      - (IV) determines that the plans comply with applicable Federal laws and regulations; and
      - (V) verifies that the construction documents, including supporting information, have been signed by an Engineer of Record.
  - (B) APPLICATION OF CREDIT.—With respect to a project selected under paragraph (3), the Secretary may only apply credit under subparagraph (A) toward the non-Federal share of that project.
  - (C) APPLICATION OF REIMBURSEMENT.—The Secretary may only provide reimbursement under subparagraph (A) if the Director certifies that—
    - (i) the non-Federal interest has obligated funds for the cost of the project selected under paragraph (3) and has requested reimbursement of the Federal share of the cost of the project; and
    - (ii) the project has been constructed in accordance with—
      - (I) all applicable permits or approvals; and
      - (II) the requirements of this subsection.
  - (D) MONITORING.—The Director shall regularly monitor and audit any project constructed by a non-Federal interest pursuant to this subsection to ensure that—
    - (i) the construction is carried out in compliance with the requirements of this subsection; and
    - (ii) the costs of construction are reasonable.
- (7) EVALUATIONS AND REPORTING.—The Director shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and outcomes of projects carried out pursuant to this subsection, including—
- (A) an assessment of whether the use of alternative delivery methods has resulted in cost savings or time efficiencies; and
  - (B) identification of changes to laws or policies needed in order to implement more projects using alternative delivery methods.
- (8) DEFINITIONS.—In this subsection:



(A) ALTERNATIVE DELIVERY METHOD.—The term “alternative delivery method” means a project delivery method that is not the traditional design-bid-build method, including progressive design-build, public-private partnerships, and construction manager at risk.

(B) CONTINUING AUTHORITY PROGRAM.—The term “continuing authority program” has the meaning given that term in the section 7001(c)(1)(D) of Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(C) DIRECTOR.—The term “Director” means the Director of the office through which the Secretary is implementing the pilot program under this subsection.

(D) RETURN ON FEDERAL INVESTMENT.—The term “return on Federal investment” means, with respect to Federal investment in a water resources development project, the economic return on the investment for the Federal Government, taking into consideration qualitative returns for any anticipated life safety, risk reduction, economic growth, environmental, and social benefits accruing as a result of the investment.

(9) SUNSET.—The authority to commence pursuant to this subsection a project selected under paragraph (3) shall terminate on the date that is 10 years after the date of enactment of this Act.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each fiscal year.

(b) MODIFICATIONS TO CONTINUING AUTHORITY PROGRAMS.—

(1) DELEGATION OF DECISIONMAKING AUTHORITY.—

(A) IN GENERAL.—Except with respect to a project carried out pursuant to subsection (a), the Secretary shall delegate decisionmaking authority and review of projects under a continuing authority program to the District Commander of the district of the Corps of Engineers in which the project is located.

(B) SCOPE OF AUTHORITY.—Authority delegated under subparagraph (A) shall include authority related to the approval of project initiation, allocation of funds within statutory limits, and oversight of project implementation.

(2) PROCEDURE FOR EXTENDING COST LIMITS.—

(A) INITIAL DETERMINATION.—If, during the preconstruction phase of a project under a continuing authority program, the total Federal costs of the project are projected to exceed the established Federal per-project limit, the District Commander to whom authority has been delegated under paragraph (1) with respect to the project shall conduct an assessment to determine whether the project can continue to be carried out with a revised scope.

(B) TRANSITION TO NEW FEASIBILITY STUDY CASE 1.—If the District Commander determines under subparagraph (A) that a project cannot continue to be carried out with a revised scope within the existing authority for the project, and the cost of completing the project is not projected to exceed twice the applicable established per-project limit—

(i) the project may be considered a new feasibility study and shall be prioritized for investigation funds from the Secretary to minimize starts and stops on project implementation; and

(ii) such transition to a new feasibility study shall require approval from the Secretary and shall include a notification to Congress.

(C) TRANSITION TO NEW FEASIBILITY STUDY CASE 2.—If the District Commander determines under subparagraph (A) that a project cannot continue to be carried out with a revised scope within the existing authority for the project, and the cost of completing the project is projected to exceed twice the applicable established per-project limit, the project may only continue as a feasibility study subject to the requirements of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(D) SAVINGS CLAUSE.—A project carried out pursuant to subparagraph (B) shall not count towards the annual program funding authorization limits for the applicable continuing authority program.

(3) CONTINUING AUTHORITY PROGRAM DEFINED.—In this subsection, the term “continuing authority program” has the meaning given that term in the section 7001(c)(1)(D) of Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(c) EMERGENCY STREAMBANK AND SHORELINE PROTECTION.—Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking “\$25,000,000” and inserting “\$50,000,000”.

(d) STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.—Section 3(c) of the Act of August 13, 1946 (33 U.S.C. 426g(c)) is amended—

- (1) in paragraph (1), by striking “\$37,500,000” and inserting “\$62,500,000”; and
- (2) in paragraph (2)(B), by striking “\$10,000,000” and inserting “\$12,500,000”.
- (e) SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.—Section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)) is amended by striking “\$10,000,000” and inserting “\$12,500,000”.
- (f) AQUATIC ECOSYSTEM RESTORATION.—Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—
- (1) in subsection (b), by adding at the end the following:
- “(3) ANADROMOUS FISH.—Notwithstanding paragraph (1), for projects carried out under subsection (a)(3), the non-Federal interest shall provide 15 percent of the cost of construction, including provision of all lands, easements, rights-of-way, and necessary relocations.”; and
- (2) in subsection (d), by striking “\$10,000,000” and inserting “\$15,000,000”.
- (g) REMOVAL OF OBSTRUCTIONS; CLEARING CHANNELS.—Section 2 of the Act of August 28, 1937 (33 U.S.C. 701g) is amended by striking “\$500,000” and inserting “\$1,000,000”.
- (h) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT OR DROUGHT RESILIENCY.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—
- (1) in the section heading, by inserting “OR DROUGHT RESILIENCY” after “ENVIRONMENT”;
- (2) in subsection (a)—
- (A) by striking “for the purpose of improving” and inserting the following: “for the purpose of—
- “(1) improving”;
- (B) in paragraph (1) (as so designated), by striking the period at the end and inserting “; or”; and
- (C) by adding at the end the following:
- “(2) providing drought resiliency.”;
- (3) in subsection (b), by striking “(2) will improve” and inserting “(2) will provide for drought resilience or will improve”;
- (4) in subsection (d), by striking “\$10,000,000” and inserting “\$12,500,000”;
- (5) in subsection (h), by striking “\$50,000,000” and inserting “\$62,000,000”; and
- (6) by adding at the end the following:
- “(j) DROUGHT RESILIENCE.—Drought resilience measures carried out under this section may include—
- “(1) water conservation measures to mitigate and address drought conditions;
- “(2) removal of sediment captured behind a dam for the purpose of restoring or increasing the authorized storage capacity of the project concerned;
- “(3) the planting of native plant species that will reduce the risk of drought and the incidence of nonnative species; and
- “(4) other actions that increase drought resilience, water conservation, or water availability.”.
- (i) SMALL FLOOD CONTROL PROJECTS.—
- (1) IN GENERAL.—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended to read as follows:

**“SEC. 205. SMALL FLOOD CONTROL PROJECTS.**

“(a) IN GENERAL.—The Secretary shall carry out a program for the implementation, in partnership with non-Federal interests, of small structural or nonstructural projects for flood risk management, stormwater management, and related purposes not specifically authorized by Congress when in the opinion of the Chief of Engineers such work is advisable.

“(b) COST SHARE.—

“(1) FLOOD RISK MANAGEMENT AND STORMWATER PURPOSES.—

“(A) NON-FEDERAL SHARE.—The non-Federal share for a project implemented under this section of the costs assigned to purposes described in subsection (a) shall be 35 percent.

“(B) REQUIREMENT.—The non-Federal interest for a project implemented under this section shall pay 5 percent of the costs assigned to purposes described in subsection (a) during construction of the project.

“(2) OTHER PURPOSES.—The non-Federal share for a project implemented under this section of the costs assigned to purposes not described in subsection (a) shall be consistent with the cost share requirements of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

- “(3) LANDS.—The non-Federal interest for a project implemented under this section shall provide all lands, easements, rights-of-way, dredged material disposal areas, and perform all related necessary relocations.
- “(c) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into an agreement with the Secretary to pay—
- “(1) the non-Federal share of the costs of construction required by this section; and
  - “(2) 100 percent of any operation, maintenance, replacement, and rehabilitation costs associated with the project in accordance with regulations prescribed by the Secretary.
- “(d) COMPLETENESS.—A project implemented under this section shall be complete in itself and shall not commit the United States to any additional improvement for the successful operation of the project.
- “(e) FLEXIBILITY IN PROJECT DESIGN AND IMPLEMENTATION.—The Secretary is authorized to, in coordination with the non-Federal interest for a project implemented under this section, incorporate natural features and nature-based features, water reuse and recycling practices, and other innovative stormwater management practices and techniques, including green infrastructure, permeable pavements, rain gardens, and retention basins into the project.
- “(f) CONSIDERATION.—In implementing a project under this section, the Secretary shall, where appropriate, examine opportunities to include features for the reclamation, treatment, and reuse of flood water and stormwater associated with the project that will not result in—
- “(1) a determination that the project is not economically justified; or
  - “(2) the limitation described in subsection (h)(1) conflicting with the required Federal share of the cost of the project.
- “(g) STORMWATER-RELATED PROJECTS.—For any project for stormwater management implemented under this section, the Secretary shall include management of stormwater that flows at a rate of less than 800 cubic feet per second for the 10-percent flood.
- “(h) FUNDING.—
- “(1) LIMITATION.—Not more than \$15,000,000 in Federal funds may be allocated under this section for a single project within a single specific geographic area, such as a city, town, or county.
  - “(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$90,000,000 for each fiscal year.”
- (2) EFFECT ON EXISTING AGREEMENTS.—Nothing in the amendment made by this subsection shall affect any agreement in effect on the date of enactment of this Act under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), except that, upon request by the non-Federal interest for the project that is the subject of such an agreement, the Secretary and the non-Federal interest may modify the agreement to reflect the requirements of such section 205, as so amended.
- (j) COMMUNITY REVITALIZATION PROGRAM.—Section 165(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note) is amended—
- (1) by striking the subsection heading and inserting “COMMUNITY REVITALIZATION PROGRAM”;
  - (2) in paragraph (1), by striking “pilot program” and inserting “program”;
  - (3) in paragraph (2)—
    - (A) by amending subparagraph (A) to read as follows:
 

“(A) solicit project proposals from non-Federal interests by posting program information on a public-facing website and reaching out to non-Federal interests that have previously submitted project requests to the Secretary; and”; and
    - (B) in subparagraph (B), by striking “a total of 20 projects” and inserting “projects”;
  - (4) by striking paragraph (4) and inserting the following:
 

“(4) PRIORITY PROJECTS.—In carrying out this subsection, the Secretary shall prioritize the following projects:

    - “(A) Projects located in coastal communities in western Alaska impacted by Typhoon Merbok.
    - “(B) The Hatch Dam project, Arizona, carried out pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
    - “(C) Projects located in Guam.”; and
  - (5) by adding at the end the following:
 

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each fiscal year.”.

**SEC. 102. COMMUNITY PROJECT ADVISOR.**

(a) **COMMUNITY PROJECT ADVISOR.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a single office to assist non-Federal interests in accessing Federal resources related to water resources development projects, which shall be headed by a community project advisor appointed by the Secretary.

(b) **RESPONSIBILITIES.**—The community project advisor appointed under this section shall—

(1) provide guidance to potential non-Federal interests on accessing programs, services, and other assistance made available by the Corps of Engineers relating to water resources development projects, including under—

(A) continuing authority programs (as such term is defined in section 7001(c)(1)(D) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d));

(B) section 14 of the Act of March 3, 1899 (33 U.S.C. 408);

(C) section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a);

(D) section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16);

(E) section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231);

(F) section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232);

(G) section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269);

(H) section 5014 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note); and

(I) the Water Infrastructure Finance and Innovation Act (33 U.S.C. 3901 et seq.);

(2) conduct outreach and workshops for potential non-Federal interests to provide information on such assistance, including processes for accessing such assistance; and

(3) identify programs, services, and other assistance made available by other Federal and State agencies relating to water resources development projects for purposes of advising potential non-Federal interests on the best available applicable assistance.

(c) **PRIORITIZATION.**—In carrying out activities under this section, to the maximum extent practicable, the community project advisor shall prioritize providing assistance with respect to water resources development projects that will benefit a rural community, a small community, or a community described in the guidance issued by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note).

(d) **ELECTRONIC PORTAL.**—

(1) **DEVELOPMENT.**—In carrying out this section, the Secretary shall develop an online, interactive portal that—

(A) contains information relating to the assistance described in subsection (b); and

(B) can be used by a potential non-Federal interest as a succinct guide to accessing such assistance based on the applicable potential water resources development project.

(2) **AVAILABILITY.**—The Secretary shall ensure that the portal developed under paragraph (1) is made available in a prominent location on the public-facing website of the headquarters of the Corps of Engineers and of each district and division of the Corps of Engineers.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each fiscal year.

**SEC. 103. MINIMUM REAL ESTATE INTEREST.**

(a) **REAL ESTATE PLAN.**—The Secretary shall provide to the non-Federal interest for an authorized water resources development project a real estate plan for the project that includes a description of the real estate interests required for construction, operation and maintenance, repair, rehabilitation, or replacement of the project, including any specific details and legal requirements necessary for implementation of the project.

(b) **IDENTIFICATION OF MINIMUM INTEREST.**—

(1) **IN GENERAL.**—For each authorized water resources development project for which an interest in real property is required for any applicable construction, operation and maintenance, repair, rehabilitation, or replacement, the Secretary shall identify the minimum interest in the property necessary to carry out the applicable activity.

(2) DETERMINATION.—In carrying out paragraph (1), the Secretary shall identify an interest that is less than fee simple title in cases where the Secretary determines that—

(A) such an interest is sufficient for construction, operation and maintenance, repair, rehabilitation, and replacement of the applicable project; and

(B) the non-Federal interest cannot legally make available to the Secretary an interest in fee simple title for purposes of the project.

(c) REQUIREMENT.—The non-Federal interest for an authorized water resources development project shall provide for the project an interest in the applicable real property that is the minimum interest identified under subsection (b).

(d) ANNUAL REPORT.—The Secretary shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing—

(1) a summary of all instances in which the Secretary identified under subsection (b) fee simple title as the minimum interest necessary with respect to an activity for which the non-Federal interest requested the use of an interest less than fee simple title; and

(2) with respect to each such instance, a description of the legal requirements that resulted in identifying fee simple title as the minimum interest.

(e) EXISTING AGREEMENTS.—At the request of a non-Federal interest, an agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) between the Secretary and the non-Federal interest before the date of enactment of this Act may be amended to reflect the requirements of this section.

**SEC. 104. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

(a) IN GENERAL.—Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “may undertake a federally authorized feasibility study of a proposed water resources development project, or,” and inserting the following: “may undertake and submit to the Secretary—

“(A) a federally authorized feasibility study of a proposed water resources development project; or”;

(ii) by striking “upon the written approval” and inserting the following:

“(B) upon the determination”;

(iii) in subparagraph (B) (as so designated)—

(I) by striking “undertake”; and

(II) by striking “, and submit the study to the Secretary” and inserting “or constructed by a non-Federal interest pursuant to section 204”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “, as soon as practicable,”; and

(II) by striking “non-Federal interests to” and inserting “non-Federal interests that”;

(ii) by striking subparagraph (A) and inserting the following:

“(A) provide clear, concise, and transparent guidance for the non-Federal interest to use in developing a feasibility study that complies with requirements that would apply to a feasibility study undertaken by the Secretary”;

(iii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(C) provide guidance to a non-Federal interest on obtaining support from the Secretary to complete elements of a feasibility study that may be considered inherently governmental and required to be done by a Federal agency; and

“(D) provide contacts for employees of the Corps of Engineers that a non-Federal interest may use to initiate coordination with the Secretary and identify at what stages coordination may be beneficial.”; and

(C) by adding at the end the following:

“(3) DETERMINATION.—If a non-Federal interest requests to undertake a feasibility study on a modification to a constructed water resources development project under paragraph (1)(B), the Secretary shall expeditiously provide to the non-Federal interest the determination required under such paragraph with respect to whether conceptual modifications, as presented by the non-Federal interest, are consistent with the authorized purposes of the project.”;

(2) in subsection (b)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking “receives a request under this paragraph” and inserting “receives a study submission under subsection (a) or receives a request under subparagraph (A)”; and

(ii) by adding at the end the following:

“(C) ADDITIONAL INFORMATION REQUIRED.—The Secretary shall notify a non-Federal interest if, upon initial review of a submission received under subsection (a) or a receipt of a request under subparagraph (A), the Secretary requires additional information to perform the required analyses, reviews, and compliance processes and include in such notification a detailed description of the required information.”;

(B) by striking paragraph (4) and inserting the following:

“(4) NOTIFICATION.—Upon receipt of a study submission under subsection (a) or receipt of a request under paragraph (3)(A), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the submission or request and a timeline for completion of the required analyses, reviews, and compliance processes and shall notify the non-Federal interest of such timeline.”; and

(C) in paragraph (5), by striking “receiving a request under paragraph (3)” and inserting “receiving a study submission under subsection (a) or a request under paragraph (3)(A)”; and

(3) in subsection (d)—

(A) by striking “If a project” and inserting the following:

“(1) IN GENERAL.—If a project”;

(B) by inserting “or modification to the project” before “an amount equal to”; and

(C) by adding at the end the following:

“(2) MAXIMUM AMOUNT.—Any credit provided to a non-Federal interest under this subsection may not exceed the maximum Federal cost for a feasibility study initiated by the Secretary under section 1001(a)(2) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)).”;

(4) by adding at the end the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$1,000,000 for each fiscal year to carry out this section.”.

(b) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall update any guidance as necessary to reflect the amendments made by this section.

(c) IMPLEMENTATION.—Any non-Federal interest that has entered in a written agreement with the Secretary related to carrying out a feasibility study pursuant to section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) before the date of enactment of this Act may submit to the Secretary a request to amend such agreement to reflect the amendments made by this section.

**SEC. 105. CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232) is amended—

(1) in subsection (c)(1)—

(A) by striking “an appropriate non-Federal interest” and inserting “a non-Federal interest carrying out a project, or separable element of a project, under this section”;

(B) by striking “on construction for any project” and inserting “for the construction of any project or separable element”; and

(C) by inserting “, consistent with the authorized cost share for the project,” after “United States funds”;

(2) in subsection (d)—

(A) in paragraph (1)(A), by striking clauses (i) through (iii) and inserting the following:

“(i) the non-Federal interest—

“(I) enters into a written agreement with the Secretary under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), including an agreement to pay the non-Federal share, if any, of the cost of operation and maintenance of the project;

“(II) makes any information relevant to carrying out the project available to the Secretary to review; and

“(III) identifies features of the project or separable element that are outside the scope of the authorized project; and

“(ii) the Secretary—

“(I) reviews the plans for construction by the non-Federal interest;

“(II) determines the project outputs are consistent with the authorized project and construction would not result in life safety concerns;

“(III) determines that the plans comply with applicable Federal laws and regulations; and

“(IV) verifies that the construction documents, including supporting information, have been signed by an Engineer of Record; and”;

(B) in paragraph (3)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(ii) by inserting after subparagraph (A) the following:

“(B) the non-Federal interest has obligated or expended funds for the cost of a discrete segment or separable element thereof and has requested reimbursement of the Federal share of the cost of the discrete segment or separable element.”; and

(iii) in subparagraph (C) (as so redesignated), by inserting “, discrete segment of the project, or separable element of the project,” after “the project”;

(C) in paragraph (5)—

(i) by striking subparagraph (A)(ii) and inserting the following:

“(ii) before the review and approval of plans under paragraph (1)(A)(ii), the Secretary makes the determinations required under subclauses (II) and (III) of paragraph (1)(A)(ii) with respect to the discrete segment.”;

(ii) in subparagraph (B)(ii), by striking “plans approved under paragraph (1)(A)(i)” and inserting “the plans reviewed under paragraph (1)(A)(ii)”;

(iii) in subparagraph (C)(i), by striking “paragraph (1)(A)(iii)” and inserting “paragraph (1)(A)(i)”;

(iv) in subparagraph (D)(i) by striking “paragraph (1)(A)(iii)” and inserting “paragraph (1)(A)(i)”;

(D) by adding at the end the following:

“(6) EXCLUSIONS.—The Secretary may not provide credit or reimbursement for—

“(A) activities required by the non-Federal interest to initiate design and construction that would otherwise not be required by the Secretary; or

“(B) delays incurred by the non-Federal interest resulting in project cost increases.”; and

(3) by adding at the end the following:

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$1,000,000 for each fiscal year.”.

(b) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall update any guidance as necessary to reflect the amendments made by this section.

(c) IMPLEMENTATION.—Any non-Federal interest that has entered in a written agreement with the Secretary to carry out a water resources development project pursuant to section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232) before the date of enactment of this Act may submit to the Secretary a request to amend such agreement to reflect the amendments made by this section.

#### SEC. 106. REVIEW PROCESS.

Section 14 of the Act of March 3, 1899 (33 U.S.C. 408) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following:

“(c) REVIEW PROCESS.—

“(1) CONSISTENCY.—The Secretary shall establish a single office within the Corps of Engineers with the expertise to provide consistent and timely recommendations under subsection (a) for applications for permission submitted pursuant to such subsection.

“(2) PREAPPLICATION MEETING.—At the request of a non-Federal entity that is planning on submitting an application for permission pursuant to subsection (a), the Secretary, acting through the office established under paragraph (1), shall meet with the non-Federal entity to—

“(A) provide clear, concise, and specific technical requirements for non-Federal entity to use in the development of the application;

“(B) recommend the number of design packages to submit for the proposed action, and the stage of development at which to submit such packages; and

“(C) identify potential concerns or conflicts with such proposed actions.

“(3) CONTRIBUTED FUNDS.—The Secretary may use funds accepted from a non-Federal entity under subsection (b)(3) for purposes of conducting a meeting described in paragraph (2).”; and

(2) in subsection (d), as so redesignated—

(A) in paragraph (1), by striking “the Secretary shall inform” and inserting “the Secretary, acting through the head of the office established under subsection (c), shall inform”; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “the Secretary shall” and inserting “the Secretary, acting through the head of the office established under subsection (c), shall”.

**SEC. 107. ELECTRONIC SUBMISSION AND TRACKING OF PERMIT APPLICATIONS.**

(a) ELECTRONIC SYSTEM.—Section 2040(a) of the Water Resources Development Act of 2007 (33 U.S.C. 2345(a)) is amended—

(1) in the subsection heading, by striking “DEVELOPMENT OF ELECTRONIC” and inserting “ELECTRONIC”;

(2) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—The Secretary shall implement an electronic system to allow the electronic—

“(A) preparation and submission of applications for permits and requests for jurisdictional determinations under the jurisdiction of the Secretary; and

“(B) tracking of documents related to Federal environmental reviews for projects under the jurisdiction of the Secretary or for which the Corps of Engineers is designated as the lead Federal agency.”;

(3) in paragraph (2)—

(A) in subparagraph (E), by striking “; and” and inserting a semicolon; (B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(G) documents related to Federal environmental reviews for projects under the jurisdiction of the Secretary or for which the Corps of Engineers is designated as the lead Federal agency.”; and

(4) by adding at the end the following:

“(5) COORDINATION WITH OTHER AGENCIES.—To the maximum extent practicable, the Secretary shall use the electronic system required under paragraph (1) to enhance interagency coordination in the preparation of documents related to Federal environmental reviews.”.

(b) SYSTEM REQUIREMENTS.—Section 2040(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2345(b)) is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) in paragraph (5)(C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) enable a non-Federal interest for a project to—

“(A) submit information related to the preparation of any Federal environmental review document associated with the project; and

“(B) track the status of a Federal environmental review associated with the project.”.

(c) RECORD RETENTION.—Section 2040(d) of the Water Resources Development Act of 2007 (33 U.S.C. 2345(d)) is amended—

(1) in the subsection heading, by striking “RECORD OF DETERMINATIONS” and inserting “RECORD RETENTION”;

(2) in paragraph (1), by inserting “, and all Federal environmental review documents included in the electronic system” before the period at the end; and

(3) in paragraph (2), by inserting “and all Federal environmental review documents included in the electronic system,” before “after the 5-year”.

(d) AVAILABILITY OF RECORDS.—Section 2040(e) of the Water Resources Development Act of 2007 (33 U.S.C. 2345(e)) is amended—

(1) in the subsection heading, by striking “DETERMINATIONS” and inserting “RECORDS”; and

(2) in paragraph (1), by inserting “, and all final Federal environmental review documents included in the electronic system,” before “available to the public”.



(e) **DEADLINE FOR ELECTRONIC SYSTEM IMPLEMENTATION.**—Section 2040(f)(1) of the Water Resources Development Act of 2007 (33 U.S.C. 2345(f)(1)) is amended by striking “2 years after the date of enactment of the Water Resources Development Act of 2022” and inserting “1 year after the date of enactment of the Water Resources Development Act of 2024”.

(f) **APPLICABILITY.**—Section 2040(g) of the Water Resources Development Act of 2007 (33 U.S.C. 2345(g)) is amended by inserting “, and the requirements described in subsections (d) and (e) relating to Federal environmental documents shall apply with respect to Federal environmental review documents that are prepared after the date of enactment of the Water Resources Development Act of 2024” before the period at the end.

(g) **E-NEPA.**—

(1) **CONSISTENCY.**—Section 2040 of the Water Resources Development Act of 2007 (33 U.S.C. 2345) is amended by adding at the end the following:

“(i) **CONSISTENCY WITH E-NEPA.**—In carrying out this section, the Secretary shall take into consideration the results of the permitting portal study conducted pursuant to the amendment made by section 321(b) of the Fiscal Responsibility Act of 2023 (137 Stat. 44).”.

(2) **COOPERATION.**—The Secretary shall cooperate with the Council on Environmental Quality in conducting the permitting portal study required pursuant to the amendment made by section 321(b) of the Fiscal Responsibility Act of 2023 (137 Stat. 44).

(h) **CONFORMING AMENDMENT.**—Section 2040 of the Water Resources Development Act of 2007 (33 U.S.C. 2345) is amended in the section heading by striking “**PERMIT APPLICATIONS**” and inserting “**PERMIT APPLICATIONS AND OTHER DOCUMENTS**”.

**SEC. 108. VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.**

(a) **IN GENERAL.**—Section 1001(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)) is amended—

(1) in paragraph (1), by striking “of initiation” and inserting “on which the Secretary determines the Federal interest for purposes of the report pursuant to section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b))”; and

(2) in paragraph (2)—

(A) by striking “cost of \$3,000,000; and” and inserting the following: “cost of—

“(A) \$3,000,000 for a project with an estimated construction cost of less than \$500,000,000; and”; and

(B) by adding at the end the following:

“(B) \$5,000,000 for a project with an estimated construction cost of greater than or equal to \$500,000,000; and”.

(b) **ADJUSTMENT.**—Section 905(b)(2)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)(2)(B)) is amended by striking “\$200,000” and inserting “\$300,000”.

(c) **CONFORMING AMENDMENT.**—Section 905(b)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)(4)) is amended by striking “(A) **TIMING.**—” and all that follows through “The cost of” and inserting “The cost of”.

**SEC. 109. SYSTEMWIDE IMPROVEMENT FRAMEWORK AND ENCROACHMENTS.**

(a) **IN GENERAL.**—Section 5(c) of the Act of August 18, 1941 (33 U.S.C. 701n(c)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) **SYSTEMWIDE IMPROVEMENT PLAN.**—

“(A) **IN GENERAL.**—Notwithstanding the status of compliance of a non-Federal interest with the requirements of a levee owner’s manual, or any other eligibility requirement established by the Secretary related to the maintenance and upkeep responsibilities of the non-Federal interest, the Secretary shall consider the non-Federal interest to be eligible for repair and rehabilitation assistance under this section if—

“(i) in coordination with the Secretary, the non-Federal interest develops a systemwide improvement plan that—

“(I) identifies any items of deferred or inadequate maintenance and upkeep, including any such items identified by the Secretary or through periodic inspection of the flood control work;

“(II) identifies any additional measures, including repair and rehabilitation work, that the Secretary determines necessary to ensure that the flood control work performs as designed and intended; and

“(III) includes specific timelines for addressing such items and measures; and

- “(ii) the Secretary—  
 “(I) determines that the systemwide improvement plan meets the requirements of clause (i); and  
 “(II) determines that the non-Federal interest makes satisfactory progress in meeting the timelines described in clause (i)(III).  
 “(B) GRANDFATHERED ENCROACHMENTS.—At the request of the non-Federal interest, the Secretary—  
 “(i) shall review documentation developed by the non-Federal interest showing a covered encroachment does not negatively impact the integrity of the flood control work;  
 “(ii) shall make a written determination with respect to whether removal or modification of such covered encroachment is necessary to ensure the encroachment does not negatively impact the integrity of the flood control work; and  
 “(iii) may not determine that a covered encroachment is a deficiency requiring corrective action unless such action is necessary to ensure the encroachment does not negatively impact the integrity of the flood control work.”; and  
 (2) in paragraph (4), by adding at the end the following:  
 “(C) COVERED ENCROACHMENT.—The term ‘covered encroachment’ means a permanent nonproject structure that—  
 “(i) is located inside the boundaries of a flood control work;  
 “(ii) is depicted on construction drawings or operation and maintenance plans for the flood control work that are signed by an engineer of record; and  
 “(iii) is determined, by the Secretary, to be an encroachment of such flood control work.”.
- (b) CONFORMING AMENDMENT.—Section 3011 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 701n note) is repealed.
- (c) TRANSITION.—The amendments made by this section shall have no effect on any written agreement signed by the Secretary and a non-Federal interest pursuant to section 5(c)(2) of the Act of August 18, 1941 (as in effect on the day before the date of enactment of this Act) if the non-Federal interest otherwise continues to meet the requirements of section 5(c)(2) as in effect on the day before the date of enactment of this Act.
- (d) PARTICIPATION IN PREPAREDNESS EXERCISES.—The Secretary may not condition the eligibility of a non-Federal interest for rehabilitation assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) on the participation of the non-Federal interest in disaster preparedness exercises that are unrelated to necessary repairs, rehabilitation, maintenance, and upkeep of a flood control work.
- SEC. 110. FISH AND WILDLIFE MITIGATION.**
- Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—
- (1) in subsection (d)—
- (A) in paragraph (1)—
- (i) by striking “After November 17, 1986, the Secretary” and inserting “The Secretary”; and
- (ii) by striking “shall not submit” and all that follows through “unless such report contains” and inserting “may not approve any proposal related to a water resources project unless the Secretary has prepared a report relating to the project that contains”;
- (B) in paragraph (2)—
- (i) by striking “The Secretary” and inserting the following:  
 “(A) IN GENERAL.—The Secretary”; and
- (ii) by adding at the end the following:  
 “(B) IDENTIFICATION.—The Secretary shall consult with the non-Federal interest for a water resources project, and other stakeholders, to the maximum extent practicable—  
 “(i) to identify mitigation implementation practices or accepted assessment methodologies used in the region of the water resources project and incorporate such practices and methodologies into the mitigation plan for such project; and  
 “(ii) to identify projects that have not been constructed, or concepts described in mitigation plans for other water resources projects, that may be used to meet the restoration or mitigation needs of the water resources project.”; and
- (C) in paragraph (3)(B)(iv)(I), by inserting “or a description of the requirements for a third-party mitigation instrument that would be developed in

the case that a contract for future delivery of credits will be used” after “to be used”;

(2) in subsection (i)(1)(A)—

(A) in clause (i), by inserting “, for immediate delivery or future delivery to be identified in the mitigation instrument” after “banks”; and

(B) in clause (ii), by inserting “, for immediate delivery or future delivery to be identified in the mitigation instrument” after “programs”; and

(3) by adding at the end the following:

“(1) SEPARABLE ELEMENTS.—Mitigation of fish and wildlife losses required under this section that is provided in the form of credit shall be considered a separable element of a project without requiring further evaluation.

“(m) TRANSPARENCY.—The Secretary shall ensure that—

“(1) the mitigation requirements for each water resources project—

“(A) are made publicly available (including on a website of the headquarters of the Corps of Engineers); and

“(B) include the location of the project, the anticipated schedule for mitigation, the type of mitigation required, the amount of mitigation required, and the remaining mitigation needs;

“(2) the mitigation plan for such project is made publicly available, as applicable;

“(3) the information described in paragraph (1) is updated regularly; and

“(4) carrying out the requirements of this subsection with respect to each water resources project is considered a project expense.

“(n) COORDINATION.—To the maximum extent practicable, the Secretary shall ensure that the project delivery team and regulatory team of the Corps of Engineers work in coordination to successfully carry out mitigation efforts.”.

#### SEC. 111. HARBOR DEEPENING.

(a) CONSTRUCTION.—Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)) is amended by striking “50 feet” each place it appears and inserting “55 feet”.

(b) OPERATION AND MAINTENANCE.—Section 101(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)(1)) is amended by striking “50 feet” and inserting “55 feet”.

#### SEC. 112. EMERGING HARBORS.

Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) issue guidance for the purpose of carrying out section 210(c)(3)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(c)(3)(B)); and

(2) develop a mechanism to accept the non-Federal share of funds from a non-Federal interest for maintenance dredging carried out under such section.

#### SEC. 113. REMOTE AND SUBSISTENCE HARBORS.

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

“(1) the project would be located in the State of Hawaii or Alaska, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or American Samoa; and

“(2)(A) over 80 percent of the goods transported through the harbor would be consumed within the United States, as determined by the Secretary, including consideration of information provided by the non-Federal interest; or

“(B) the long-term viability of the community in which the project is located, or the long-term viability of a community that is located in the region that is served by the project and that will rely on the project, would be threatened without the harbor and navigation improvement.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “benefits of the project to” and inserting “benefits of the project to any of”; and

(B) in paragraph (4), by striking “; and” and inserting “; or”.

#### SEC. 114. ADDITIONAL PROJECTS FOR UNDERSERVED COMMUNITY HARBORS.

Section 8132 of the Water Resources Development Act of 2022 (33 U.S.C. 2238e) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “section based on an assessment of” and all that follows through “the local or regional economic benefits of the project;” and inserting the following: “section—

“(1) based on an assessment of—

- “(A) the local or regional economic benefits of the project;”
- (B) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively (and by conforming the margins accordingly);
- (C) in subparagraph (C) (as so redesignated) by striking the period at the end and inserting “; and”; and
- (D) by adding at the end the following:

“(2) that are located—

“(A) in a harbor where passenger and freight service is provided to island communities dependent on that service; or

“(B) in a lake, or any related connecting channels, within the United States that is included in the Boundary Waters Treaty of 1909.”;

(2) in subsection (g)(2), in the matter preceding subparagraph (A), by inserting “, or a marina or berthing area that is located adjacent to, or is accessible by, a Federal navigation project,” before “for which”; and

(3) by adding at the end the following:

“(i) PROJECTS FOR MARINA OR BERTHING AREAS.—The Secretary may carry out not more than 10 projects under this section that are projects for an underserved community harbor that is a marina or berthing area described in subsection (g)(2).”.

**SEC. 115. INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.**

Section 8133(c) of the Water Resources Development Act of 2022 (136 Stat. 3720) is amended to read as follows:

“(c) PROJECTS.—In awarding contracts under subsection (a), the Secretary shall consider projects that—

“(1) improve navigation reliability on inland waterways that are accessible year-round;

“(2) increase freight capacity on inland waterways; and

“(3) have the potential to enhance the availability of containerized cargo on inland waterways.”.

**SEC. 116. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.**

Section 217(b) of the Water Resources Development Act of 1996 (33 U.S.C. 2326a(b)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—

“(A) NON-FEDERAL USE.—The Secretary—

“(i) at the request of a non-Federal entity, may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by the non-Federal entity if the Secretary determines that such use will not reduce the availability of the facility for the authorized water resources development project on a channel in the vicinity of the disposal facility;

“(ii) at the request of a non-Federal entity, shall permit the non-Federal entity to use a non-Federal disposal facility for the disposal of material dredged by the non-Federal entity, regardless of any connection to a Federal navigation project, if—

“(I) permission for such use has been granted by the owner of the non-Federal disposal facility; and

“(II) the Secretary determines that the dredged material disposal needs required to maintain, perform authorized deepening, or restore the navigability and functionality of authorized navigation channels in the vicinity of the non-Federal disposal facility for the 20-year period following the date of the request, including all planned and routine dredging operations necessary to maintain such channels for the authorized purposes during such period, can be met by the available gross capacity of other dredged material disposal facilities in the vicinity of the non-Federal disposal facility; and

“(iii) shall impose fees to recover capital, operation, and maintenance costs associated with such uses.

“(B) DETERMINATIONS.—The Secretary shall—

“(i) delegate determinations under clauses (i) and (ii)(II) of subparagraph (A) to the District Commander of the district in which the relevant disposal facility is located; and

“(ii) make such determinations not later than 90 days after receiving the applicable request.”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “USE OF FEES” and inserting “FEES”;

(B) by striking “Notwithstanding” and inserting the following:

- “(A) USE.—Notwithstanding”; and  
 (C) by adding at the end the following:  
 “(B) REDUCTION IN AMOUNT.—In collecting any fee under this subsection, the Secretary shall reduce the amount imposed under paragraph (1)(A)(iii) to account for improvements made to the non-Federal disposal facility by the non-Federal entity to recover the capacity of the non-Federal disposal facility.”; and  
 (3) by adding at the end the following:  
 “(3) DISPOSITION STUDIES.—  
 “(A) REQUIREMENT.—Upon request by the owner of a non-Federal disposal facility, the Secretary shall carry out a disposition study of the non-Federal disposal facility, in accordance with section 1168 of the Water Resources Development Act of 2018 (33 U.S.C. 578b), if—  
 “(i) the Secretary has not used the non-Federal disposal facility for the disposal of dredged material during the 20-year period preceding the date of the request; and  
 “(ii) the Secretary determines that the non-Federal disposal facility is not needed for such use by the Secretary during the 20-year period following the date of the request.  
 “(B) CONCLUSIVE PRESUMPTIONS.—For purposes of carrying out a disposition study required under subparagraph (A), the Secretary shall—  
 “(i) consider the non-Federal disposal facility to be a separable element of a project; and  
 “(ii) consider a Federal interest in the non-Federal disposal facility to no longer exist.  
 “(4) DEFINITIONS.—In this subsection:  
 “(A) GROSS CAPACITY.—The term ‘gross capacity’ means the total quantity of dredged material that may be placed in a dredged material disposal facility, taking into consideration any additional capacity that can be constructed at the facility.  
 “(B) NON-FEDERAL DISPOSAL FACILITY.—The term ‘non-Federal disposal facility’ means a dredged material disposal facility under the jurisdiction of, or managed by, the Secretary that is owned by a non-Federal entity.”.

**SEC. 117. MAXIMIZATION OF BENEFICIAL USE.**

(a) BENEFICIAL USE OF DREDGED MATERIAL.—Section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note) is amended—

(1) in subsection (a)—

(A) by striking “Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program” and inserting “The Secretary is authorized”; and

(B) by striking paragraph (1) and inserting the following:

“(1) promoting resiliency and reducing the risk to property and infrastructure of flooding and storm damage;”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “the pilot program” and inserting “this section”; and

(B) by striking paragraph (1) and inserting the following:

“(1) identify and carry out projects for the beneficial use of dredged material;”;

(3) in subsection (c)(1)—

(A) by striking “In carrying out the pilot program, the” and inserting “The”; and

(B) by striking “under the pilot program” and inserting “under this section”;

(4) in subsection (d), in the matter preceding paragraph (1), by striking “the pilot program” and inserting “this section”;

(5) in subsection (f)—

(A) in paragraph (1), by striking “the pilot program” and inserting “this section”; and

(B) in paragraph (4), by striking “the pilot program” and inserting “the implementation of this section”; and

(6) by striking subsection (g) and redesignating subsection (h) as subsection (g).

(b) REGIONAL SEDIMENT MANAGEMENT.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(1) in subsection (a)(1), by striking “rehabilitation of projects” and inserting “rehabilitation of projects, including projects for the beneficial use of dredged materials described in section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note);” and

- (2) in subsection (f), by adding at the end the following:  
“(12) Osceola County, Florida.”
- (c) **BENEFICIAL USE OF DREDGED MATERIAL.**—Section 125(a)(1) of the Water Resources Development Act of 2020 (33 U.S.C. 2326g) is amended—
- (1) by striking “It is the policy” and inserting the following:  
“(A) **POLICY.**—It is the policy”; and
- (2) by adding at the end the following:  
“(B) **NATIONAL GOAL.**—To the greatest extent practicable, the Secretary shall ensure that not less than 70 percent by tonnage of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects is used beneficially.”
- (d) **MAXIMIZATION OF BENEFICIAL USE IN DREDGED MATERIAL MANAGEMENT PLANS.**—Each dredged material management plan for a federally authorized water resources development project, and each regional sediment plan developed under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), including any such plan under development on the date of enactment of this Act, shall—
- (1) maximize the beneficial use of suitable dredged material; and
- (2) to the maximum extent practicable, prioritize the use of such dredged material in water resources development projects in areas vulnerable to coastal land loss or shoreline erosion.
- (e) **TRANSFER OF SUITABLE DREDGED MATERIAL.**—The Secretary is authorized to transfer to a non-Federal interest at no cost, for the purpose of beneficial use, suitable dredged material that the Secretary has determined is in excess of the amounts of such material identified as needed for use by the Secretary.

**SEC. 118. ECONOMIC, HYDRAULIC, AND HYDROLOGIC MODELING.**

- (a) **MODEL DEVELOPMENT.**—The Secretary, in collaboration with other Federal and State agencies, National Laboratories, and nonprofit research institutions (including institutions of higher education and centers and laboratories focused on economics or water resources), shall develop, update, and maintain economic, hydraulic, and hydrologic models, including models for compound flooding, for use in the planning, design formulation, modification, and operation of water resources development projects and water resources planning.
- (b) **COORDINATION AND USE OF MODELS AND DATA.**—In carrying out subsection (a), to the extent practicable, the Secretary shall—
- (1) work with the non-Federal interest for a water resources development project to identify existing relevant economic, hydraulic, and hydrologic models and data;
- (2) utilize, where appropriate, economic, hydraulic, and hydrologic models and data provided to the Secretary by the agencies, laboratories, and institutions described in subsection (a); and
- (3) upon written request by a non-Federal interest for a project, provide to the non-Federal interest draft or working economic, hydraulic, and hydrologic models, and any data generated by such models with respect to the project, not later than 30 days after receiving such request; and
- (4) in accordance with section 2017 of the Water Resources Development Act of 2007 (33 U.S.C. 2342), make final economic, hydraulic, and hydrologic models, and any data generated by such models, available to the public, as quickly as practicable, but not later than 30 days after receiving a written request for such models or data.
- (c) **MODEL OUTPUTS.**—To the extent practicable and appropriate, the Secretary shall incorporate data generated by models developed under this section into the formulation of feasibility studies for, and the operation of, water resources development projects.
- (d) **FUNDING.**—The Secretary is authorized to transfer to other Federal and State agencies, National Laboratories, and nonprofit research institutions, including institutions of higher education, such funds as may be necessary to carry out subsection (a) from amounts available to the Secretary.
- (e) **IN-KIND CONTRIBUTION CREDIT.**—A partnership agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) may provide, at the request of the non-Federal interest for the applicable project, that the Secretary credit toward the non-Federal share of the cost of the project the value of economic, hydraulic, and hydrologic models required for the project that are developed by the non-Federal interest in accordance with any policies and guidelines applicable to the relevant partnership agreement pursuant to such section.
- (f) **REVIEW.**—The Secretary shall review economic, hydraulic, and hydrologic models developed under this section in the same manner as any such models developed under any other authority of the Secretary.

(g) DEFINITIONS.—In this section:

(1) COMPOUND FLOODING.—The term “compound flooding” means a flooding event in which two or more flood drivers, such as coastal storm surge-driven flooding and inland rainfall-driven flooding, occur simultaneously or in close succession and the potential adverse effects of the combined flood drivers may be greater than that of the individual flood driver components.

(2) ECONOMIC.—The term “economic”, as used in reference to models, means relating to the evaluation of benefits and cost attributable to a project for an economic justification under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2).

**SEC. 119. FORECAST-INFORMED RESERVOIR OPERATIONS.**

(a) IN GENERAL.—In updating a water control manual for any reservoir constructed, owned, or operated by the Secretary, including a reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood control or navigation pursuant to section 7 of the Act of December 22, 1944 (33 U.S.C. 709), the Secretary shall, to the maximum extent practicable, incorporate the use of forecast-informed reservoir operations.

(b) GUIDELINES.—The Secretary, in coordination with relevant Federal and State agencies and non-Federal interests, shall issue clear and concise guidelines for incorporating the use of forecast-informed reservoir operations into water control manuals for reservoirs described in subsection (a).

(c) ASSESSMENT.—

(1) REQUIREMENT.—The Secretary shall carry out an assessment of geographically diverse reservoirs described in subsection (a) to determine the viability of using forecast-informed reservoir operations at such reservoirs.

(2) PRIORITY AREAS.—In carrying out the assessment described in paragraph (1), the Secretary shall include an assessment of—

(A) each reservoir located in the South Pacific Division of the Corps of Engineers; and

(B) reservoirs located in each of the Northwestern Division and the South Atlantic Division of the Corps of Engineers.

(3) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with relevant Federal and State agencies and non-Federal interests.

**SEC. 120. UPDATES TO CERTAIN WATER CONTROL MANUALS.**

Section 8109 of the Water Resources Development Act of 2022 (136 Stat. 3702) is amended by inserting “or that incorporate the use of forecast-informed reservoir operations into such manuals” before the period at the end.

**SEC. 121. WATER SUPPLY MISSION.**

(a) IN GENERAL.—The Secretary shall—

(1) include water supply as a primary mission of the Corps of Engineers in planning, prioritization, designing, constructing, modifying, operating, and maintaining water resources development projects; and

(2) give equal consideration to the water supply mission in the planning, prioritization, designing, constructing, modifying, operating, and maintaining of water resources development projects.

(b) LIMITATIONS.—

(1) NO NEW AUTHORITY.—Nothing in subsection (a) authorizes the Secretary to initiate a water resources development project or modify an authorized water resources development project.

(2) LIMITATIONS.—Nothing in subsection (a) affects—

(A) any existing authority of the Secretary, including—

(i) authorities of the Secretary with respect to navigation, hydro-power, flood control, and environmental protection and restoration;

(ii) the authority of the Secretary under section 6 of the Flood Control Act of 1944 (33 U.S.C. 708); and

(iii) the authority of the Secretary under section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b);

(B) any applications for permits under the jurisdiction of the Secretary, or lawsuits relating to such permits or water resources development projects, pending as of the date of enactment of this Act;

(C) the application of any procedures to assure public notice and an opportunity for public hearing for such permits; or

(D) the authority of a State to manage, use, or allocate the water resources of that State.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and In-

frastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

- (A) the steps taken to comply with subsection (a); and
  - (B) actions identified by non-Federal interests that may be taken, consistent with existing authorized purposes of the applicable water resources development projects, to—
    - (i) reallocate storage space in existing water resources development projects for municipal and industrial water supply purposes pursuant to section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b);
    - (ii) enter into surplus water supply contracts pursuant to section 6 of the Flood Control Act of 1944 (33 U.S.C. 708);
    - (iii) modify the operations of an existing water resources development project to produce water supply benefits incidental to, and consistent with, the authorized purposes of the project, including by—
      - (I) adjusting the timing of releases for other authorized purposes to create opportunities for water supply conservation, use, and storage;
      - (II) capturing stormwater;
      - (III) releasing water from storage to replenish aquifer storage and recovery; and
      - (IV) carrying out other conservation measures that enhance the use of a project for water supply; and
    - (iv) cooperate with State, regional, and local governments and planning authorities to identify strategies to augment water supply, enhance drought resiliency, promote contingency planning, and assist in the planning and development of alternative water sources.
- (2) FINAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes—
- (A) identification of—
    - (i) the steps taken to comply with subsection (a); and
    - (ii) the specific actions identified under paragraph (1)(B) that were taken; and
  - (B) an assessment of the results of such steps and actions.

**SEC. 122. REAL ESTATE ADMINISTRATIVE FEES.**

- (a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate the development of guidance to standardize processes for developing, updating, and tracking real estate administrative fees administered by the Corps of Engineers.
- (b) GUIDANCE.—In developing guidance under subsection (a), the Secretary shall—
- (1) outline standard methodologies to estimate costs for purposes of setting real estate administrative fees;
  - (2) define the types of activities involved in managing real estate instruments that are included for purposes of setting such fees;
  - (3) establish cost-tracking procedures to capture data relating to the activities described in paragraph (2) for purposes of setting such fees;
  - (4) outline a schedule for divisions or districts of the Corps of Engineers to review, and update as appropriate, real estate administrative fees, including specifying what such reviews should entail and the frequency of such reviews; and
  - (5) provide opportunities for stakeholder input on real estate administrative fees.
- (c) PUBLICLY AVAILABLE.—The Secretary shall make publicly available on the website of each Corps of Engineers district—
- (1) the guidance developed under this section; and
  - (2) any other relevant information on real estate administrative fees, including lists of real estate instruments requiring such fees, and methodologies used to set such fees.

**SEC. 123. CHALLENGE COST-SHARING PROGRAM FOR MANAGEMENT OF RECREATION FACILITIES.**

Section 225 of the Water Resources Development Act of 1992 (33 U.S.C. 2328) is amended—

- (1) in subsection (b)—
  - (A) by striking “To implement” and inserting the following:
    - “(1) IN GENERAL.—To implement”.



(B) in paragraph (1) (as so designated), by striking “non-Federal public and private entities” and inserting “non-Federal public entities and private nonprofit entities”; and

(C) by adding at the end the following:

“(2) REQUIREMENTS.—Before entering into an agreement under paragraph (1), the Secretary shall ensure that the non-Federal public entity or private nonprofit entity has the authority and capability—

“(A) to carry out the terms of the agreement; and

“(B) to pay damages, if necessary, in the event of a failure to perform.”;

(2) by striking subsection (c) and inserting the following:

“(c) USER FEES.—

“(1) COLLECTION OF FEES.—

“(A) IN GENERAL.—The Secretary may allow a non-Federal public entity or private nonprofit entity that has entered into an agreement pursuant to subsection (b) to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by the non-Federal public entity or private nonprofit entity or the Department of the Army.

“(B) USE OF VISITOR RESERVATION SERVICES.—

“(i) IN GENERAL.—A non-Federal public entity or a private nonprofit entity described in subparagraph (A) may use, to manage fee collections and reservations under this section, any visitor reservation service that the Secretary has provided for by contract or interagency agreement, subject to such terms and conditions as the Secretary determines to be appropriate.

“(ii) TRANSFER.—The Secretary may transfer, or cause to be transferred by another Federal agency, to a non-Federal public entity or a private nonprofit entity described in subparagraph (A) user fees received by the Secretary or other Federal agency under a visitor reservation service described in clause (i) for recreation facilities and natural resources managed by the non-Federal public entity or private nonprofit entity pursuant to a cooperative agreement entered into under subsection (b).

“(2) USE OF FEES.—

“(A) IN GENERAL.—A non-Federal public entity or private nonprofit entity that collects a user fee under paragraph (1)—

“(i) may retain up to 100 percent of the fees collected, as determined by the Secretary; and

“(ii) notwithstanding section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)), shall use any retained amounts for operation, maintenance, and management activities relating to recreation and natural resources at recreation site at which the fee is collected.

“(B) REQUIREMENTS.—The use by a non-Federal public entity or private nonprofit entity of user fees collected under paragraph (1)—

“(i) shall remain subject to the direction and oversight of the Secretary; and

“(ii) shall not affect any existing third-party property interest, lease, or agreement with the Secretary.

“(3) TERMS AND CONDITIONS.—The authority of a non-Federal public entity or private nonprofit entity under this subsection shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States.”; and

(3) in subsection (d)—

(A) by striking “For purposes” and inserting the following:

“(1) IN GENERAL.—For purposes”; and

(B) by striking “non-Federal public and private entities. Any funds received by the Secretary under this section” and inserting the following: “non-Federal public entities, private nonprofit entities, and other private entities.

“(2) DEPOSIT OF FUNDS.—Any funds received by the Secretary under this subsection”; and

(4) by adding at the end the following:

“(e) DEFINITIONS.—In this section:

“(1) NON-FEDERAL PUBLIC ENTITY.—The term ‘non-Federal public entity’ means a non-Federal public entity as defined in the memorandum issued by the Corp of Engineers on April 4, 2018, and titled ‘Implementation Guidance for Section 1155, Management of Recreation Facilities, of the Water Resources Development Act (WRDA) of 2016, Public Law 114–322’.

“(2) PRIVATE NONPROFIT ENTITY.—The term ‘private nonprofit entity’ means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.”.

**SEC. 124. RETENTION OF RECREATION FEES.**

(a) IN GENERAL.—Section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)) is amended—

(1) in paragraph (1), by striking “Notwithstanding” and all that follows through “to establish” and inserting “Subject to paragraphs (2) and (3), the Secretary of the Army may establish”;

(2) in paragraph (3), by striking “vehicle. Such maximum amount” and inserting “vehicle, which amount”; and

(3) by striking paragraph (4) and inserting the following:

“(4) DEPOSIT IN TREASURY.—Subject to paragraph (5), the fees collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

“(5) RETENTION AND USE BY SECRETARY.—

“(A) RETENTION.—Of the fees collected under this subsection, the Secretary may retain, for use in accordance with subparagraph (B)(ii), beginning in fiscal year 2035 and each fiscal year thereafter, the total amount of fees collected under this subsection for the fiscal year.

“(B) USE.—The amounts retained by the Secretary under subparagraph (A) shall—

“(i) be deposited in a special account, to be established in the Treasury; and

“(ii) be available for use, without further appropriation, for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary, subject to the condition that not less than 80 percent of fees collected at a specific recreation site shall be used at such site.

“(6) TREATMENT.—Fees collected under this subsection—

“(A) shall be in addition to annual appropriated funding provided for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary; and

“(B) shall not be used as a basis for reducing annual appropriated funding for such operation and maintenance.”.

(b) SPECIAL ACCOUNTS.—Amounts in the special account for the Corps of Engineers described in section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)(4)) (as in effect on the day before the date of enactment of this Act) that are unobligated on that date shall—

(1) be transferred to the special account established under paragraph (5)(B)(i) of section 210(b) of the Flood Control Act of 1968 (as added by subsection (a)(3)); and

(2) be available to the Secretary of the Army for operation and maintenance of any recreation sites and facilities under the jurisdiction of the Secretary of the Army, without further appropriation, subject to paragraph (5)(B)(ii) of such section (as added by subsection (a)(3)).

**SEC. 125. DATABASES OF CORPS RECREATIONAL SITES.**

The Secretary shall regularly update publicly available databases maintained, or cooperatively maintained, by the Corps of Engineers with information on sites operated or maintained by the Secretary that are used for recreational purposes, including the operational status of, and the recreational opportunities available at, such sites.

**SEC. 126. SERVICES OF VOLUNTEERS.**

The Secretary may recognize a volunteer providing services under the heading “Department of Defense—Civil—Department of the Army—Corps of Engineers—Civil—General Provisions” in chapter IV of title I of the Supplemental Appropriations Act, 1983 (33 U.S.C. 569c) through an award or other appropriate means, except that such award may not be in the form of a cash award.

**SEC. 127. NONRECREATION OUTGRANT POLICY.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall update the policy guidance of the Corps of Engineers for the evaluation and approval of nonrecreational real estate outgrant requests for the installation, on lands and waters operated and maintained by the Secretary, of infrastructure for the provision of broadband services.

(b) REQUIREMENTS.—In updating the policy guidance under subsection (a), the Secretary shall ensure that the policy guidance—

(1) requires the consideration of benefits to the public in evaluating a request described in subsection (a);

(2) requires the Secretary to consider financial factors when determining whether there is a viable alternative to the installation for which approval is requested as described in subsection (a);

(3) requires that a request described in subsection (a) be expeditiously approved or denied after submission of a completed application for such request; and

(4) requires the Secretary to include in any denial of such a request detailed information on the justification for the denial.

(c) SAVINGS CLAUSE.—Nothing in this section affects or alters the responsibility of the Secretary—

(1) to sustain and protect the natural resources of lands and waters operated and maintained by the Secretary; or

(2) to carry out a water resources development project consistent with the purposes for which such project is authorized.

**SEC. 128. IMPROVEMENTS TO NATIONAL DAM SAFETY PROGRAM.**

(a) DEFINITIONS.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by redesignating paragraph (16) as paragraph (17); and

(2) by inserting after paragraph (15) the following:

“(16) UNDERSERVED COMMUNITY.—The term ‘underserved community’ means a community with a population of less than 50,000 that has a median household income of less than 80 percent of the statewide median household income.”.

(b) NATIONAL INVENTORY OF DAMS AND LOW-HEAD DAMS.—Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

**“SEC. 6. NATIONAL INVENTORY OF DAMS AND LOW-HEAD DAMS.**

“(a) IN GENERAL.—The Secretary of the Army shall maintain and update information on the inventory of dams and low-head dams in the United States.

“(b) DAMS.—The inventory maintained under subsection (a) shall include any available information assessing each dam based on inspections completed by a Federal agency, a State dam safety agency, or a Tribal government.

“(c) LOW-HEAD DAMS.—The inventory maintained under subsection (a) shall include—

“(1) the location, ownership, description, current use, condition, height, and length of each low-head dam;

“(2) any information on public safety conditions at each low-head dam; and

“(3) any other relevant information concerning low-head dams.

“(d) DATA.—In carrying out this section, the Secretary shall—

“(1) coordinate with Federal and State agencies, Tribal governments, and other relevant entities; and

“(2) use data provided to the Secretary by those agencies and entities.

“(e) PUBLIC AVAILABILITY.—The Secretary shall make the inventory maintained under subsection (a) publicly available (including on a publicly available website), including—

“(1) public safety information on the dangers of low-head dams; and

“(2) a directory of financial and technical assistance resources available to reduce safety hazards and fish passage barriers at low-head dams.

“(f) CLARIFICATION.—Nothing in this section provides authority to the Secretary to carry out an activity, with respect to a low-head dam, that is not explicitly authorized under this section.

“(g) LOW-HEAD DAM DEFINED.—In this section, the term ‘low-head dam’ means a river-wide artificial barrier that generally spans a stream channel, blocking the waterway and creating a backup of water behind the barrier, with a drop off over the wall of not less than 6 inches and not more than 25 feet.”.

(c) REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.—Section 8A of the National Dam Safety Program Act (33 U.S.C. 467f–2) is amended—

(1) in subsection (c)(2), by striking subparagraph (C) and inserting the following:

“(C) GRANT ASSURANCE.—As part of a grant agreement under subparagraph (B), the Administrator shall require that each eligible subrecipient to which the State awards a grant under this section provides an assurance from the dam owner, with respect to the dam to be rehabilitated, that the dam owner will carry out a plan for maintenance of the dam during the expected life of the dam.”;

(2) in subsection (d)(2)(C), by striking “commit” and inserting “for a project not including removal, obtain a commitment from the dam owner”;

(3) by striking subsection (e) and inserting the following:

“(e) FLOODPLAIN MANAGEMENT PLANS.—

“(1) IN GENERAL.—As a condition of receipt of assistance under this section, an eligible subrecipient shall demonstrate that a floodplain management plan to reduce the impacts of future flood events from a controlled or uncontrolled release from the dam or management of water levels in the area impacted by the dam—

“(A) for a removal—

“(i) is in place; and

“(ii) identifies areas that would be impacted by the removal of the dam and includes a communication and outreach plan for the project and the impact of the project on the affected communities; or

“(B) for a project not including removal—

“(i) is in place; or

“(ii) will be—

“(I) developed not later than 2 years after the date of execution of a project agreement for assistance under this section; and

“(II) implemented not later than 2 years after the date of completion of construction of the project.

“(2) REQUIREMENT.—In the case of a plan for a removal, the Administrator may not impose any additional requirements or conditions other than the requirements in paragraph (1)(A).

“(3) INCLUSIONS.—A plan under paragraph (1)(B) shall address—

“(A) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected or impacted by the dam;

“(B) plans for flood fighting and evacuation; and

“(C) public education and awareness of flood risks.

“(4) PLAN CRITERIA AND TECHNICAL SUPPORT.—The Administrator, in consultation with the Board, shall provide criteria, and may provide technical support, for the development and implementation of floodplain management plans prepared under this subsection.”;

(4) in subsection (g)(1)—

(A) in subparagraph (A), by striking “Any” and inserting “Except as provided in subparagraph (C), any”; and

(B) by adding at the end the following:

“(C) UNDERSERVED COMMUNITIES.—Subparagraph (A) shall not apply to a project carried out by or for the benefit of an underserved community.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “2023” and inserting “2028”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “and low-head dams” after “inventory of dams” each place it appears; and

(ii) by amending subparagraph (B) to read as follows:

“(B) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this paragraph for a fiscal year may not exceed the amount that is equal to 4 times the amount of funds committed by the State to implement dam safety activities for that fiscal year.”;

(2) in subsection (b)—

(A) by striking the subsection heading and inserting “NATIONAL INVENTORY OF DAMS AND LOW-HEAD DAMS”; and

(B) by striking “2023” and inserting “2028”;

(3) in subsection (c), by striking “2023” and inserting “2028”;

(4) in subsection (d), by striking “2023” and inserting “2028”;

(5) in subsection (e), by striking “2023” and inserting “2028”; and

(6) in subsection (f), by striking “2023” and inserting “2028”.

(e) CONFORMING AMENDMENT.—Section 15 of the National Dam Safety Program Act (33 U.S.C. 467o) is repealed.

**SEC. 129. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.**

Section 1177 of the Water Resources Development Act of 2016 (33 U.S.C. 467f-2 note) is amended—

(1) in subsection (e)—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary”; and

(B) by adding at the end the following:

“(2) EXCEPTION.—For a project under this section for which the Federal share of the costs is expected to exceed \$60,000,000, the Secretary may expend more than such amount only if—

“(A) the Secretary submits to Congress the determination made under subsection (a) with respect to the project; and

“(B) construction of the project substantially in accordance with the plans, and subject to the conditions described in such determination is specifically authorized by Congress.”; and

(2) in subsection (f), by striking “2017 through 2026” and inserting “2025 through 2030”.

**SEC. 130. TREATMENT OF PROJECTS IN COVERED COMMUNITIES.**

(a) IN GENERAL.—In carrying out a feasibility study for a project that serves a covered community, the Secretary shall adjust the calculation of the benefit-cost ratio for the project in order to equitably compare such project to projects carried out in the contiguous States of the United States and the District of Columbia.

(b) EVALUATION.—In carrying out this section, the Secretary shall—

(1) compute the benefit-cost ratio without adjusting the calculation as described in subsection (a);

(2) compute an adjusted benefit-cost ratio by adjusting the construction costs for the project to reflect what construction costs would be if the project were carried out in a comparable community in the contiguous States that is nearest to the community in which the project will be carried out;

(3) include in the documentation associated with the feasibility study for the project the ratios calculated under paragraph (1) and paragraph (2); and

(4) consider the adjusted benefit-cost ratio calculated under paragraph (2) in selecting the tentatively selected plan for the project.

(c) COVERED COMMUNITY DEFINED.—In this section, the term “covered community” means a community located in the State of Hawaii, Alaska, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or American Samoa.

**SEC. 131. ABILITY TO PAY.**

(a) IN GENERAL.—Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) in paragraph (1) by striking “an agricultural” and inserting “a”;

(2) by striking paragraphs (2) and (3) and inserting the following:

“(2) CRITERIA.—The Secretary shall determine the ability of a non-Federal interest to pay under this subsection by considering—

“(A) per capita income data for the county or counties in which the project is to be located;

“(B) the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located;

“(C) the financial capabilities of the non-Federal interest for the project;

“(D) the guidance issued under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note); and

“(E) any additional criteria relating to the non-Federal interest’s financial ability to carry out its cost-sharing responsibilities determined appropriate by the Secretary.

“(3) PROCEDURES.—For purposes of carrying out paragraph (2), the Secretary shall develop procedures—

“(A) to allow a non-Federal interest to identify the amount such non-Federal interest would likely be able to pay; and

“(B) for a non-Federal interest to submit a request to the Secretary to reduce the required non-Federal share.”; and

(3) by adding at the end the following:

“(5) BENEFITS ANALYSIS CONSIDERATIONS.—In calculating the benefits and costs of project alternatives relating to the height of a flood risk reduction project for purposes of determining the national economic development benefits of the project, the Secretary—

“(A) shall include insurance costs incurred by homeowners; and

“(B) may consider additional costs incurred by households, as appropriate.

“(6) EXCEPTION.—This subsection shall not apply to project costs greater than the national economic determination plan.

“(7) REPORT.—

“(A) IN GENERAL.—Not less frequently than annually, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing all determinations of the Secretary under this subsection regarding the ability of a non-Federal interest to pay.

“(B) CONTENTS.—The Secretary shall include in each report required under subparagraph (A) a description, for the applicable year, of—

“(i) requests by a non-Federal interest to reduce the non-Federal share required in a cost-sharing agreement;

“(ii) the determination of the Secretary with respect to each such request; and

“(iii) the basis for each such determination.

“(C) INCLUSION IN CHIEF’S REPORT.—The Secretary shall include each determination to reduce the non-Federal share required in a cost-sharing agreement for construction of a project in the report of the Chief of Engineers for the project.”.

(b) UPDATE TO GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update any agency guidance or regulation relating to the ability of a non-Federal interest to pay as necessary to reflect the amendments made by this section.

(c) PRIORITY PROJECTS.—The Secretary shall make a determination under section 103(m) of the Water Resources Development Act of 1986, as amended by this section, of the ability to pay of the non-Federal interest for the following projects:

(1) Any authorized water resources development project for which the Secretary waives the cost-sharing requirement under section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310).

(2) Any authorized watercraft inspection and decontamination station established, operated, or maintained pursuant to section 104(d) of the River and Harbor Act of 1958 (33 U.S.C. 610(d)).

(3) The Chattahoochee River Program, authorized by section 8144 of the Water Resources Development Act of 2022 (136 Stat. 3724).

(4) The project for navigation, Craig Harbor, Alaska, authorized by section 1401(1) of the Water Resources Development Act of 2016 (130 Stat. 1709).

(5) The project for flood risk management, Westminster, East Garden Grove, California Flood Risk Management, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(6) Modifications to the L–29 levee component of the Central and Southern Florida project, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), in the vicinity of the Tigertail camp.

(7) Any authorized water resources development projects in Guam.

(8) The project for flood risk management, Ala Wai Canal, Hawaii, authorized by section 1401(2) of the Water Resources Development Act of 2018 (132 Stat. 3837).

(9) The project for flood control Kentucky River and its tributaries, Kentucky, authorized by section 6 of the Act of August 11, 1939 (chapter 699, 53 Stat. 1416).

(10) The project for flood risk management on the Kentucky River and its tributaries and watersheds in Breathitt, Clay, Estill, Harlan, Lee, Leslie, Letcher, Owsley, Perry, and Wolfe Counties, Kentucky, authorized by section 8201(a)(31) of the Water Resources Development Act of 2022 (136 Stat. 3746).

(11) The project for flood control, Williamsport, Pennsylvania, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1573).

(12) The project for ecosystem restoration, Resacas, in the vicinity of the City of Brownsville, Texas, authorized by section 1401(5) of the Water Resources Development Act of 2018 (132 Stat. 3839).

(13) Construction of any critical restoration project in the Lake Champlain watershed, Vermont and New York, authorized by section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150; 134 Stat. 2680; 136 Stat. 3822).

(14) Any authorized flood control and storm damage reduction project in the United States Virgin Islands that was impacted by Hurricanes Irma and Maria.

(15) Construction of dredged material stabilization and retaining structures related to the project for navigation, Lower Willamette and Columbia Rivers, from Portland, Oregon, to the sea, authorized by the first section of the Act of June 18, 1878 (chapter 267, 20 Stat. 157, chapter 264).

(16) Any water-related environmental infrastructure project authorized by section 219 of the Water Resources Development Act of 1992 (Public Law 102–580).

**SEC. 132. TRIBAL PARTNERSHIP PROGRAM.**

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (a), by striking “the term ‘Indian tribe’ has the meaning given the term” and inserting “the terms ‘Indian tribe’ and ‘Indian Tribe’ have the meanings given the terms”;

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking “or in proximity” and inserting “, in proximity”; and

(ii) by inserting “, or in proximity to a river system or other aquatic habitat with respect to which an Indian Tribe has Tribal treaty rights” after “Alaska Native villages”;

(B) in paragraph (2)(A), by striking “flood hurricane and storm damage reduction, including erosion control,” and inserting “flood or hurricane and storm damage reduction, including erosion control and stormwater management (including management of stormwater that flows at a rate of less than 800 cubic feet per second for the 10-percent flood),”; and

(C) in paragraph (4), by striking “\$26,000,000” each place it appears and inserting “\$28,500,000”; and

(3) by striking subsection (e).

**SEC. 133. FUNDING TO PROCESS PERMITS.**

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

“(D) INDIAN TRIBE.—The term ‘Indian Tribe’ means—

“(i) an Indian Tribe, as such term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304); and

“(ii) any entity formed under the authority of one or more Indian Tribes, as so defined.”;

(2) in paragraph (2)—

(A) by inserting “Indian Tribe,” after “public-utility company,” each place it appears; and

(B) in subparagraph (A), by inserting “, including an aquatic ecosystem restoration project” before the period at the end; and

(3) by striking paragraph (4).

**SEC. 134. PROJECT STUDIES SUBJECT TO INDEPENDENT EXTERNAL PEER REVIEW.**

Section 2034 of the Water Resources Development Act of 2007 (33 U.S.C. 2343) is amended—

(1) in subsection (d)(2)—

(A) by striking “assess the adequacy and acceptability of the economic” and insert the following: “assess the adequacy and acceptability of—

“(A) the economic”;

(B) in subparagraph (A), as so redesignated, by adding “and” at the end; and

(C) by adding at the end the following:

“(B) the consideration of nonstructural alternatives under section 73(a) of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11(a)) for projects for flood risk management;”;

(2) by striking subsection (h); and

(3) by redesignating subsections (i) through (l) as subsections (h) through (k), respectively.

**SEC. 135. CONTROL OF AQUATIC PLANT GROWTHS AND INVASIVE SPECIES.**

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (e)(3), by inserting “, and monitoring and contingency planning for,” after “early detection of”; and

(2) in subsection (g)(2)(A), by inserting “the Connecticut River Basin,” after “the Ohio River Basin.”

**SEC. 136. REMOTE OPERATIONS AT CORPS DAMS.**

During the 10-year period beginning on the date of enactment of this Act, with respect to a water resources development project owned, operated, or managed by the Corps of Engineers, the Secretary may not use remote operation activities at a navigation or hydroelectric power generating facility at such project as a replacement for activities performed, as of the date of enactment of this Act, by personnel under the direction of the Secretary at such project unless the Secretary provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice that—

(1) use of the remote operation activities—

(A) does not affect activities described in section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321);

(B) will address any cyber and physical security risks to such project in accordance with applicable Federal law and agency guidance; and

(C) is necessary to increase the availability and capacity, as applicable, of such project, including a project on a lower use waterway; and

(2) the remote operation activities were developed under a public process that included engagement with such personnel and other stakeholders who may be affected by the use of such activities.

**SEC. 137. HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM.**

Section 128 of the Water Resources Development Act of 2020 (33 U.S.C. 610 note) is amended—

(1) in subsection (a), by inserting “or affecting water bodies of regional, national, or international importance” after “projects”;

(2) in subsection (b)(1), by striking “and State agencies” and inserting “, State, and local agencies, institutions of higher education, and private organizations, including nonprofit organizations”;

(3) in subsection (c) in paragraph (6), insert “Watershed” after “Okeechobee”;

(4) in subsection (e), by striking “\$25,000,000” and inserting “\$35,000,000”; and

(5) by adding at the end the following:

“(f) PRIORITY.—In carrying out the demonstration program under subsection (a), the Secretary shall, to the maximum extent possible, prioritize carrying out program activities that—

“(1) reduce nutrient pollution;

“(2) utilize natural and nature-based approaches, including oysters;

“(3) protect, enhance, or restore wetlands or flood plains, including river and streambank stabilization;

“(4) develop technologies for remote sensing, monitoring, or early detection of harmful algal blooms, or other emerging technologies; and

“(5) combine removal of harmful algal blooms with a beneficial use, including conversion of retrieved algae biomass into biofuel, fertilizer, or other products.

“(g) AGREEMENTS.—In carrying out the demonstration program under subsection (a), the Secretary may enter into agreements with a non-Federal entity for the use or sale of successful technologies developed under this section.”.

**SEC. 138. SUPPORT OF ARMY CIVIL WORKS MISSIONS.**

Section 8159 of the Water Resources Development Act of 2022 (136 Stat. 3740) is amended—

(1) in paragraph (3), by striking “; and” and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) Western Washington University, Bellingham to conduct academic research on water quality, aquatic ecosystem restoration (including aquaculture), and the resiliency of water resources development projects in the Pacific Northwest to natural disasters;

“(6) the University of North Carolina Wilmington to conduct academic research on flood mitigation, coastal resiliency, water resource ecology, water quality, aquatic ecosystem restoration (including aquaculture), coastal restoration, and resource-related emergency management in North Carolina and Mid-Atlantic region; and

“(7) California State Polytechnic University, Pomona to conduct academic research on integrated design and management of water resources development projects, including for the purposes of flood risk management, ecosystem restoration, water supply, water conservation, and sustainable aquifer management.”.

**SEC. 139. NATIONAL COASTAL MAPPING PROGRAM.**

(a) IN GENERAL.—The Secretary is authorized to carry out a national coastal mapping program to provide recurring national coastal mapping along the coasts of the United States to support Corps of Engineers navigation, flood risk management, environmental restoration, and emergency operations missions.

(b) SCOPE.—In carrying out the program under subsection (a), the Secretary shall—

(1) disseminate coastal mapping data and new or advanced geospatial information and remote sensing tools for coastal mapping derived from the analysis of such data to the Corps of Engineers, other Federal agencies, States, and other stakeholders;



(2) implement coastal surveying based on findings of the national coastal mapping study carried out under section 8110 of the Water Resources Development Act of 2022 (136 Stat. 3702);

(3) conduct research and development on bathymetric LiDAR and ancillary technologies necessary to advance coastal mapping capabilities in order to exploit data with increased efficiency and greater accuracy;

(4) with respect to any region affected by a hurricane rated category 3 or higher—

(A) conduct coastal mapping of such region;

(B) determine volume changes at Federal projects in such region;

(C) quantify damage to navigation infrastructure in such region;

(D) assess environmental impacts to such region, measure any coastal impacts; and

(E) make any data gathered under this paragraph publicly available not later than 2 weeks after the acquisition of such data;

(5) at the request of another Federal entity or a State or local government entity, provide subject matter expertise, mapping services, and technology evolution assistance;

(6) enter into an agreement with another Federal agency or a State agency to accept funds from such agency to expand the coverage of the program to efficiently meet the needs of such agency;

(7) coordinate with representatives of the Naval Meteorology and Oceanography Command, the National Oceanic and Atmospheric Administration, United States Geological Survey, and any other representative of a Federal agency that the Secretary determines necessary, to support any relevant Federal, State, or local agency through participation in working groups, committees, and organizations;

(8) maintain the panel of senior leaders established under section 8110(e) of the Water Resources Development Act of 2022;

(9) convene an annual coastal mapping community of practice meeting to discuss and identify technical topics and challenges to inform such panel in carrying out the duties of such panel; and

(10) to the maximum extent practicable, to procure any surveying or mapping services in accordance with chapter 11 of title 40, United States Code.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year \$15,000,000, to remain available until expended.

**SEC. 140. WATERSHED AND RIVER BASIN ASSESSMENTS.**

Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a) is amended—

(1) in subsection (d)—

(A) in paragraph (12), by striking “; and” and inserting a semicolon;

(B) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(14) Connecticut River Watershed, Connecticut, Massachusetts, New Hampshire, and Vermont;

“(15) Lower Rouge River Watershed, Michigan; and

“(16) Grand River Watershed, Michigan.”; and

(2) by adding at the end the following:

“(g) FEASIBILITY REPORT ON PROJECT SPECIFIC RECOMMENDATIONS FROM ASSESSMENTS.—

“(1) IN GENERAL.—At the request of a non-Federal interest for an assessment completed under this section, the Secretary is authorized to prepare a feasibility report, in accordance with the requirements of section 905, recommending the construction or modification of a water resources development project to address a water resources need of a river basin or watershed of the United States identified in the assessment.

“(2) PRIORITY WATERSHEDS.—In carrying out this subsection, the Secretary shall give priority to—

“(A) the watersheds of the island of Maui, Hawaii, including the Wahikuli, Honokowai, Kahana, Honokahua, and Honolua watersheds, including the coral reef habitat north of Lahaina off the northwestern coast of the island of Maui; and

“(B) the watersheds of the Northern Mariana Islands, American Samoa, and Guam.”.

**SEC. 141. REMOVAL OF ABANDONED VESSELS.**

(a) IN GENERAL.—Section 19 of the Act of March 3, 1899 (33 U.S.C. 414) is amended—

(1) by striking “SEC. 19. (a) That whenever” and inserting the following:

**“SEC. 19. VESSEL REMOVAL BY CORPS OF ENGINEERS.**

“(a) REMOVAL OF OBSTRUCTIVE VESSELS.—

“(1) IN GENERAL.—That whenever”;

(2) in subsection (b)—

(A) by striking “described in this section” and inserting “described in this subsection”; and

(B) by striking “under subsection (a)” and inserting “under paragraph (1)”;

(3) by striking “(b) The owner” and inserting the following:

“(2) LIABILITY OF OWNER, LESSEE, OR OPERATOR.—The owner”; and

(4) by adding at the end the following:

“(b) REMOVAL OF ABANDONED VESSEL.—

“(1) IN GENERAL.—The Secretary is authorized to remove from the navigable waters of the United States a covered vessel that does not obstruct the navigation of such waters, if—

“(A) such removal is determined to be in the public interest by the Secretary, in consultation with any State in which the vessel is located or any Indian Tribe with jurisdiction over the area in which the vessel is located, as applicable; and

“(B) in the case of a vessel that is not under the control of the United States by reason of seizure or forfeiture, the Commandant of the Coast Guard determines that the vessel is abandoned.

“(2) INTERAGENCY AGREEMENTS.—In removing a covered vessel under this subsection, the Secretary—

“(A) shall enter into an interagency agreement with the head of any Federal department, agency, or instrumentality that has control of such vessel; and

“(B) is authorized to accept funds from such department, agency, or instrumentality for the removal of such vessel.

“(3) LIABILITY.—The owner of a covered vessel shall be liable to the United States for the costs of removal, destruction, and disposal of such vessel under this subsection.

“(4) COVERED VESSEL DEFINED.—

“(A) IN GENERAL.—In this subsection, the term ‘covered vessel’ means a vessel—

“(i) determined to be abandoned by the Commandant of the Coast Guard; or

“(ii) under the control of the United States by reason of seizure or forfeiture pursuant to any law.

“(B) EXCLUSION.—The term ‘covered vessel’ does not include—

“(i) any vessel for which the Secretary has removal authority under subsection (a) or section 20;

“(ii) an abandoned barge for which the Commandant of the Coast Guard has the authority to remove under chapter 47 of title 46, United States Code; and

“(iii) a vessel—

“(I) for which the owner is not identified, unless determined to be abandoned by the Commandant of the Coast Guard; or

“(II) for which the owner has not agreed to pay the costs of removal, destruction, or disposal.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2025 through 2029.”.

(b) CONFORMING AMENDMENT.—Section 20 of the Act of March 3, 1899 (33 U.S.C. 416) is amended by striking “the preceding section of this Act” and inserting “section 19(a)”.

**SEC. 142. CORROSION PREVENTION.**

Section 1033(c) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2350(c)) is amended—

(1) in paragraph (2), by striking “; and” and inserting a semicolon;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

“(3) the carrying out of an activity described in paragraph (1) or (2) through a program in corrosion prevention that is—

“(A) offered or accredited by an organization that sets industry standards for corrosion mitigation and prevention; or

“(B) an industrial coatings applicator program that is—

“(i) an employment and training activity (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)); or

“(ii) registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and”.

**SEC. 143. MISSOURI RIVER EXISTING FEATURES PROTECTION.**

(a) **IN GENERAL.**—Before carrying out a covered action with respect to a covered in-river feature, the Secretary shall perform an analysis to identify whether such action will—

(1) contribute to adverse effects of increased water levels during flood events adjacent to the covered in-river feature;

(2) increase risk of flooding on commercial and residential structures and critical infrastructure adjacent to the covered in-river feature;

(3) decrease water levels during droughts adjacent to the covered in-river feature;

(4) affect the navigation channel, including crossflows, velocity, channel depth, and channel width, adjacent to the covered in-river feature;

(5) contribute to bank erosion on private lands adjacent to the covered in-river feature;

(6) affect ports or harbors adjacent to the covered in-river feature; or

(7) affect harvesting of sand adjacent to the covered in-river feature.

(b) **MITIGATION.**—If the Secretary determines that a covered action will result in an outcome described in subsection (a), the Secretary shall mitigate such outcome.

(c) **SAVINGS CLAUSE.**—Nothing in this section may be construed to affect the requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(d) **DEFINITIONS.**—In this section:

(1) **COVERED ACTION.**—The term “covered action” means the construction of, modification of, operational changes to, or implementation of a covered in-river feature.

(2) **COVERED IN-RIVER FEATURE.**—The term “covered in-river feature” means in-river features on the Missouri River used to create and maintain dike notches, chutes, and complexes for interception or rearing authorized pursuant to section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143; 113 Stat. 306; 121 Stat. 1155) and section 334 of the Water Resources Development Act of 1999 (113 Stat. 306; 136 Stat. 3799).

**SEC. 144. FEDERAL BREAKWATERS AND JETTIES.**

Section 8101 of the Water Resources Development Act of 2022 (33 U.S.C. 2351b) is amended—

(1) by inserting “, pile dike,” after “jetty” each place it appears; and

(2) in subsection (b)(2)—

(A) by striking “if” and all that follows through “the Secretary” and inserting “if the Secretary”;

(B) by striking “breakwater; and” and inserting “breakwater and—”

(C) by redesignating subparagraph (B) as subparagraph (A);

(D) in subparagraph (A) (as so redesignated), by striking the period at the end and inserting “; or”; and

(E) by adding at the end the following:

“(B) the pile dike has disconnected from an authorized navigation project as a result of a lack of such regular and routine Federal maintenance activity.”.

**SEC. 145. TEMPORARY RELOCATION ASSISTANCE PILOT PROGRAM.**

Section 8154(g)(1) of the Water Resources Development Act of 2022 (136 Stat. 3734) is amended by adding at the end the following:

“(F) Project for hurricane and storm damage risk reduction, Norfolk Coastal Storm Risk Management, Virginia, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2738).”.

**SEC. 146. EASEMENTS FOR HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.**

(a) **IN GENERAL.**—With respect to a project for hurricane and storm damage reduction for which the Secretary is requiring a perpetual easement, the Secretary shall, upon request by the non-Federal interest for the project, certify real estate availability and proceed to construction of such project with a nonperpetual easement if—

(1) such certification and construction are in compliance with the terms of the report of the Chief of Engineers for the project and the applicable project partnership agreement; and

(2) the Secretary provides the non-Federal interest with formal notice that, in the event in which the nonperpetual easement expires and is not extended, the Secretary will be unable to—

(A) fulfill the Federal responsibility with respect to the project or carry out any required nourishment of the project under the existing project authorization;

(B) carry out repair and rehabilitation of the project under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n); and

(C) provide any other relevant Federal assistance with respect to the project.

(b) **DISCLOSURE.**—For any project for hurricane storm damage risk reduction, or a proposal to modify such a project, that is authorized after the date of enactment of this Act for which a perpetual easement is required for Federal participation in the project, the Secretary shall include in the report of the Chief of Engineers for the project a disclosure of such requirement.

(c) **MANAGEMENT.**—To the maximum extent practicable, the Secretary shall, at the request of the non-Federal interest for a project for hurricane storm damage risk reduction, identify and accept the minimum real estate interests necessary to carry out the project, in accordance with section 103.

(d) **HURRICANE AND STORM DAMAGE REDUCTION PROJECT IMPLEMENTATION.**—

(1) **IN GENERAL.**—During the 2-year period beginning on the date of enactment of this Act, notwithstanding any requirement of the Secretary for a covered project to comply with the memorandum of the Corps of Engineers entitled “Standard Estates – Perpetual Beach Nourishment and Perpetual Restrictive Dune Easement” and dated August 4, 1995, the Secretary shall carry out each covered project in a manner consistent with the previously completed initial construction and periodic nourishments of the project, including repair and restoration work on the project under section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)).

(2) **COVERED PROJECT DEFINED.**—In this subsection, the term “covered project” means an authorized project for hurricane and storm damage reduction in any one of the following locations:

(A) Brevard County, Canaveral Harbor, Florida – Mid Reach.

(B) Brevard County, Canaveral Harbor, Florida – North Reach.

(C) Brevard County, Canaveral Harbor, Florida – South Reach.

(D) Broward County, Florida – Segment II.

(E) Broward County, Florida – Segment III.

(F) Dade County, Florida – Main Segment.

(G) Dade County, Florida – Sunny Isles Segment.

(H) Duval County, Florida.

(I) Fort Pierce Beach, Florida.

(J) Lee County, Florida – Captiva.

(K) Lee County, Florida – Gasparilla.

(L) Manatee County, Florida.

(M) Martin County, Florida.

(N) Nassau County, Florida.

(O) Palm Beach County, Florida – Jupiter/Carlin Segment.

(P) Palm Beach County, Florida – Delray Segment.

(Q) Palm Beach County, Florida – Mid Town.

(R) Palm Beach County, Florida – North Boca.

(S) Palm Beach County, Florida – Ocean Ridge.

(T) Panama City Beaches, Florida.

(U) Pinellas County, Florida – Long Key.

(V) Pinellas County, Florida – Sand Key Segment.

(W) Pinellas County, Florida – Treasure Island.

(X) Sarasota, Lido Key, Florida.

(Y) Sarasota County, Florida – Venice Beach.

(Z) St. Johns County, Florida – St. Augustine Beach.

(AA) St. Johns County, Florida – Vilano Segment.

(BB) St. Lucie County, Florida – Hutchinson Island.

(3) **SENSE OF CONGRESS.**—It is the sense of Congress that, for the purpose of constructing and maintaining a project for hurricane and storm damage risk reduction, the minimum estate necessary for easements may not exceed the life of the project nor be less than 50 years.

(e) SAVINGS CLAUSE.—Nothing in this section may be construed to affect the requirements of section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)).

**SEC. 147. SHORELINE AND RIVERINE PROTECTION AND RESTORATION.**

Section 212(e)(2) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)(2)) is amended by adding at the end the following:

“(L) Shoreline of the State of Connecticut.”.

**SEC. 148. SENSE OF CONGRESS RELATED TO WATER DATA.**

It is the sense of Congress that, for the purpose of improving water resources management, the Secretary should—

- (1) develop and implement a framework for integrating, sharing, and using water data;
- (2) identify and prioritize key water data needed to support water resources management and planning, including—
  - (A) water data sets, types, and associated metadata; and
  - (B) water data infrastructure, technologies, and tools;
- (3) in consultation with other Federal agencies, States, Indian Tribes, local governments, and relevant stakeholders, develop and adopt common national standards for collecting, sharing, and integrating water data, infrastructure, technologies, and tools;
- (4) ensure that water data is publicly accessible and interoperable;
- (5) integrate water data and tools through nationwide approaches to data infrastructure, platforms, models, and tool development; and
- (6) support the adoption of new technologies and the development of tools for water data collection, sharing, and standardization.

**SEC. 149. SENSE OF CONGRESS RELATING TO COMPREHENSIVE BENEFITS.**

It is the sense of Congress that in carrying out any feasibility study, the Secretary should follow, to the maximum extent practicable—

- (1) the guidance described in the memoranda relating to “Comprehensive Documentation of Benefits in Feasibility Studies”, dated April 3, 2020, and April 13, 2020, and signed by the Assistant Secretary for Civil Works and the Director of Civil Works, respectively; and
- (2) the policies described in the memorandum relating to “Policy Directive – Comprehensive Documentation of Benefits in Decision Document” dated January 5, 2021, and signed by the Assistant Secretary for Civil Works.

**SEC. 150. REPORTING AND OVERSIGHT.**

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a report detailing the status of the reports described in paragraph (2).

(2) REPORTS DESCRIBED.—The reports described in this paragraph are the following:

- (A) The comprehensive backlog and operation and maintenance report required under section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).
- (B) The report on managed aquifer recharge required under section 8108(d) of the Water Resources Development Act of 2022 (33 U.S.C. 2357(d)).
- (C) The plan on beneficial use of dredged material required under section 8130(a) of the Water Resources Development Act of 2022 (136 Stat. 3717).
- (D) The updated report on Corps of Engineers Reservoirs required under section 8153 of the Water Resources Development Act of 2022 (136 Stat. 3734).
- (E) The report on dredge capacity require under section 8205 of the Water Resources Development Act of 2022 (136 Stat. 3754).
- (F) The report on the assessment of the consequences of changing operation and maintenance responsibilities required under section 8206 of the Water Resources Development Act of 2022 (136 Stat. 3756).
- (G) The report on the western infrastructure study required under section 8208 of the Water Resources Development Act of 2022 (136 Stat. 3756).
- (H) The report on excess lands for Whittier Narrows Dam, California, required under section 8213 of the Water Resources Development Act of 2022 (136 Stat. 3758).

(I) The report on recreational boating in the Great Lakes basin required under section 8218 of the Water Resources Development Act of 2022 (136 Stat. 3761).

(J) The report on the disposition study on hydropower in the Willamette Valley, Oregon, required under section 8220 of the Water Resources Development Act of 2022 (136 Stat. 3762).

(K) The report on corrosion prevention activities required under section 8234 of the Water Resources Development Act of 2022 (136 Stat. 3767).

(3) ELEMENTS.—The Secretary shall include in the report required under paragraph (1) the following information with respect to each report described in paragraph (2):

(A) A summary of the status of each such report, including if the report has been initiated.

(B) The amount of funds that—

(i) have been made available to carry out each such report; and

(ii) the Secretary requires to complete each such report.

(C) A detailed assessment of how the Secretary intends to complete each such report, including an anticipated timeline for completion.

(D) Any available information that is relevant to each such report that would inform the committees described in paragraph (1).

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 10 days after the date on which the budget of the President for each fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a report on the status of each covered report.

(2) ELEMENTS.—The Secretary shall include in the report required under paragraph (1) the following information:

(A) A summary of the status of each covered report, including if each such report has been initiated.

(B) The amount of funds that—

(i) have been made available to carry out each such report; and

(ii) the Secretary requires to complete each such report.

(C) A detailed assessment of how the Secretary intends to complete each covered report, including an anticipated timeline for completion.

(3) PUBLICLY AVAILABLE.—The Secretary shall make each report required under paragraph (1) publicly available on the website of the Corps of Engineers.

(4) NOTIFICATION OF COMMITTEES.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate on an annual basis a draft of each covered report.

(5) DEFINITION OF COVERED REPORT.—In this subsection, the term “covered report”—

(A) means any report or study required to be submitted by the Secretary under this Act or any Act providing authorizations for water resources development projects enacted after the date of enactment of this Act to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate that has not been so submitted; and

(B) does not include a feasibility study (as such term is defined in section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)).

**SEC. 151. SACRAMENTO RIVER WATERSHED NATIVE AMERICAN SITE AND CULTURAL RESOURCE PROTECTION PILOT PROGRAM.**

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a pilot program in accordance with this section to protect Native American burial sites, village sites, and cultural resources identified or discovered at civil works projects in the watershed of the Sacramento River and its tributaries, including the American, Bear, Yuba, and Feather Rivers, in the State of California.

(b) REBURIAL.—

(1) REBURIAL AREAS.—In carrying out the pilot program, the Secretary shall, in consultation with and with the consent of each affected Indian Tribe, identify, and, as applicable, cooperate with appropriate Tribal, local, State, and Federal Government property owners to set aside, areas that may be used for the reburial of Native American human remains and funerary objects that—

(A) have been identified or discovered at the site of a covered civil works project;

(B) have been rightfully claimed by any affected Indian Tribe; and

- (C) can be reburied in such areas in a manner secure from future disturbances, with the consent of such property owner or owners, as applicable.
- (2) RECOVERY AND REBURIAL STANDARDS.—
- (A) TIMING OF RECOVERY.—
- (i) REQUIREMENTS.—In carrying out the pilot program, the Secretary shall work in good faith with each affected Indian Tribe, and each owner of property affected by the recovery process, to ensure that—
- (I) the recovery of a burial site, village site, or cultural resources from the site of a covered civil works project under the pilot program is completed, pursuant to a written plan or protocol, not later than 45 days after the initiation of such recovery; and
- (II) with respect to a burial site, village site, or cultural resources identified at the site of a covered civil works project before construction of the covered civil works project commences, such recovery is completed before such construction commences on the portion of the covered civil works project affected by the recovery process.
- (ii) ALTERNATIVE TIMETABLE.—Notwithstanding the deadlines established by clause (i), the Secretary, each relevant non-Federal interest for the covered civil works project, each affected Indian Tribe, and each owner of property affected by the recovery process may negotiate and agree to an alternative timetable for recovery other than that required by such clause, based on the circumstances of the applicable covered civil works project.
- (B) GUIDANCE.—In carrying out subsection (a), the Secretary shall develop and issue written guidance for recovery and reburial under the pilot program that meets or exceeds the recovery and reburial standards in policy statements and guidance issued by the Advisory Council on Historic Preservation.
- (C) EMINENT DOMAIN PROHIBITION.—No Federal entity may exercise the power of eminent domain to acquire any property to be used for reburial under the pilot program.
- (3) RECOVERY AND REBURIAL.—
- (A) RECOVERY AND REBURIAL BY SECRETARY.—In carrying out the pilot program, the Secretary shall, at Federal expense, in consultation with and with the consent of each affected Indian Tribe, and with appropriate dignity and in accordance with the guidance developed under paragraph (2)—
- (i) recover any cultural resources identified or discovered at the site of a covered civil works project and rightfully claimed by any affected Indian Tribe;
- (ii) rebury any human remains and funerary objects so recovered at the applicable areas identified and set aside under paragraph (1); and
- (iii) repatriate any other cultural resources so recovered to the affected Indian Tribe that has rightfully claimed such cultural resources.
- (B) TRIBAL AUTHORIZATION.—
- (i) IN GENERAL.—Upon the request of an affected Indian Tribe, the Secretary shall authorize, pursuant to a memorandum of agreement entered into under clause (ii), the Indian Tribe to assume recovery and reburial responsibilities under the pilot program of cultural resources that have been rightfully claimed by the affected Indian Tribe, and shall reimburse the affected Indian Tribe for reasonable costs directly related to such recovery and reburial.
- (ii) MEMORANDUM OF AGREEMENT.—In carrying out clause (i)—
- (I) with respect to a burial site, village site, or cultural resources identified at a covered civil works project before construction of the project commences, the Secretary shall, upon request by the affected Indian Tribe, enter into a written memorandum of agreement with the affected Indian Tribe to authorize the necessary recovery and reburial activities before such construction commences; and
- (II) with respect to a burial site, village site, or cultural resources discovered at a covered civil works project after construction of the project commences, the Secretary shall, upon request by the affected Indian Tribe, enter into a written memorandum of agreement with the affected Indian Tribe to authorize the necessary recovery and reburial activities not later than 45 days after such discovery.

- (iii) LIMITATION.—Reimbursement under clause (i) shall not exceed 1 percent of the total cost of construction of the applicable covered civil works project, pursuant to the terms outlined in paragraph (6).
- (4) TRIBAL MONITORS.—
- (A) IN GENERAL.—In carrying out the pilot program, the Secretary may hire a Tribal monitor or monitors, and shall allow any affected Indian Tribe to hire a Tribal monitor or monitors, at Federal expense, during the construction of any covered civil works project, for each area of construction, including for each burial site and village site with respect to which Native American cultural resources are being recovered for reburial.
- (B) QUALIFICATIONS.—The Secretary or affected Indian Tribe, as applicable, shall ensure that preference in hiring Tribal monitors under this paragraph is provided to qualified Native Americans, including individuals who—
- (i) have a professional relationship with the affected Indian Tribe; or
- (ii) possess knowledge of, and expertise in, the customs of the affected Indian Tribe.
- (C) LIMITATION.—The Federal expense of Tribal monitors hired under this paragraph shall not exceed 1 percent of the total cost of construction of the applicable covered civil works project, pursuant to the terms outlined in paragraph (6).
- (5) IDENTIFICATION AND INVENTORY.—In carrying out the pilot program, the Secretary shall accept identifications made by an affected Indian Tribe of Native American burial sites and village sites at the site of a covered civil works project, and include such identifications in any inventory document for such project.
- (6) TIMING OF PAYMENTS.—The Secretary shall enter into a contract or other agreement to make a payment to an affected Indian Tribe for reimbursement of reasonable costs under paragraph (3)(B) or actual expenses under paragraph (4), subject to market-based pricing, which payment shall be made not later than 90 days after the affected Indian Tribe submits an invoice for such costs or expenses to the Secretary.
- (c) CONVEYANCE AUTHORITY.—
- (1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an affected Indian Tribe for use as a cemetery or reburial area any area that is located on land owned by the Department of the Army and is identified and set aside under subsection (b)(1).
- (2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of any Corps of Engineers project related to the conveyed land.
- (d) CONFIDENTIALITY OF INFORMATION PROVIDED.—
- (1) IN GENERAL.—In carrying out subsection (a), the Secretary shall develop and issue written guidance regarding the confidentiality of information provided to the Department of the Army by Indian Tribes in connection with any covered civil works project under the pilot program.
- (2) NONPUBLIC INFORMATION.—The following information provided to the Department of the Army by an Indian Tribe under the pilot program shall be treated as confidential and nonpublic information, to protect Native American burial sites, village sites, and cultural resources, and their locations, from unauthorized excavation, desecration, or vandalism:
- (A) Information regarding the locations of burial sites, village sites, and cultural resources, including maps designating such locations.
- (B) Information regarding cultural or traditional practices related to such sites or resources.
- (e) AVOIDANCE OF DUPLICATION.—In carrying out the pilot program, the Secretary shall avoid, to the maximum extent practicable, duplication of efforts relating to compliance with this section and any other applicable provision of law.
- (f) APPLICABILITY.—
- (1) IN GENERAL.—Section 208 of the Water Resources Development Act of 2000 (33 U.S.C. 2338) shall not apply to a covered civil works project during the period during which the Secretary is carrying out the pilot program.
- (2) EXISTING CONTRACTS.—Nothing in this section shall affect any contract relating to a covered civil works project entered into by the Secretary of the Army before the date of enactment of this Act.
- (g) PERIOD.—The Secretary shall carry out the pilot program until the date that is 4 years after the date on which the pilot program is established.
- (h) DEFINITIONS.—In this section:



(1) **AFFECTED INDIAN TRIBE.**—The term “affected Indian Tribe” means any Indian Tribe that attaches religious or other significance to any burial site, village site, or cultural resources identified or discovered at a covered civil works project.

(2) **BURIAL SITE.**—The term “burial site” means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, where Native American cultural resources are present as a result of a death rite or ceremony of a culture.

(3) **COVERED CIVIL WORKS PROJECT.**—The term “covered civil works project” means a civil works project that is—

(A) located in the watershed of the Sacramento River and its tributaries, including the American, Bear, Yuba, and Feather Rivers, within the State of California;

(B) being constructed, reconstructed, or repaired, or operated and maintained, using Federal funds; and

(C) owned, authorized, permitted, carried out, or operated and maintained by the Department of the Army, including a project carried out by a non-Federal interest under section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232) or section 1043 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note).

(4) **CULTURAL RESOURCES.**—The term “cultural resources” means—

(A) human remains; or

(B) funerary objects or other ceremonial objects.

(5) **FUNERARY OBJECTS.**—The term “funerary objects” means items that are associated with the death rite or ceremony of a culture.

(6) **HUMAN REMAINS.**—The term “human remains” means the physical remains of a human body, including such remains that have been cremated and that may be in any state of decomposition or skeletal completeness (including ashes or small bone fragments).

(7) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130).

(8) **PILOT PROGRAM.**—The term “pilot program” means the pilot program established under this section.

(9) **RIGHTFULLY CLAIMED.**—The term “rightfully claimed” means claimed by—

(A) with respect to cultural resources identified or discovered on Federal or Tribal lands at the site of a covered civil works project—

(i) the person or entity with ownership or control of the cultural resources under section 3 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002); or

(ii) with respect to cultural resources not subject to such Act, the appropriate person or entity determined in accordance with the priority order established by such section; and

(B) with respect to cultural resources identified or discovered on other lands at the site of a covered civil works project—

(i) in the case of Native American human remains and funerary objects associated with such remains, the lineal descendants of the Native American, as determined in accordance with the laws of the State of California; or

(ii) in any case in which such lineal descendants cannot be ascertained, and in the case of other funerary objects or other ceremonial objects—

(I) the Indian Tribe that has the closest cultural affiliation with the cultural resources; or

(II) if the cultural affiliation of the cultural resources cannot be reasonably ascertained—

(aa) the Indian Tribe that is recognized as aboriginally occupying the area in which the cultural resources were identified or discovered; or

(bb) if it can be shown by a preponderance of the evidence that a different Indian Tribe has a stronger cultural relationship with the cultural resources than the Indian Tribe specified in item (aa), the Indian Tribe that has the strongest demonstrated relationship with such cultural resources.

(10) **VILLAGE SITE.**—The term “village site” means any natural or prepared physical location, whether below, on, or above the surface of the earth, where a Native American village has been present.

**SEC. 152. EMERGENCY DROUGHT OPERATIONS PILOT PROGRAM.**

(a) **DEFINITION OF COVERED PROJECT.**—In this section, the term “covered project” means a project—

(1) that is located in the State of California, the State of Nevada, or the State of Arizona; and

(2)(A) of the Corps of Engineers for which water supply is an authorized purpose; or

(B) for which the Secretary develops a water control manual under section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665; 33 U.S.C. 709).

(b) **EMERGENCY OPERATION DURING DROUGHT.**—Consistent with other authorized project purposes and in coordination with the non-Federal interest, in operating a covered project during a drought emergency in the project area, the Secretary may carry out a pilot program to operate the covered project with water supply as the primary project purpose.

(c) **UPDATES.**—In carrying out this section, the Secretary may update the water control manual for a covered project to include drought operations and contingency plans.

(d) **REQUIREMENTS.**—In carrying out subsection (b), the Secretary shall ensure that—

(1) operations described in that subsection—

(A) are consistent with water management deviations and drought contingency plans in the water control manual for the covered project;

(B) impact only the flood pool managed by the Secretary; and

(C) shall not be carried out in the event of a forecast or anticipated flood or weather event that would require flood risk management to take precedence;

(2) to the maximum extent practicable, the Secretary uses forecast-informed reservoir operations; and

(3) the covered project returns to the operations that were in place prior to the use of the authority provided under that subsection at a time determined by the Secretary, in coordination with the non-Federal interest.

(e) **CONTRIBUTED FUNDS.**—The Secretary may receive and expend funds contributed by a non-Federal interest to carry out activities under this section.

(f) **REPORT.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the pilot program carried out under this section.

(2) **INCLUSIONS.**—The Secretary shall include in the report under paragraph

(1) a description of the activities of the Secretary that were carried out for each covered project and any lessons learned from carrying out those activities.

(g) **LIMITATIONS.**—Nothing in this section—

(1) affects, modifies, or changes the authorized purposes of a covered project;

(2) affects existing Corps of Engineers authorities, including authorities with respect to navigation, hydropower, flood damage reduction, and environmental protection and restoration;

(3) affects the ability of the Corps of Engineers to provide for temporary deviations;

(4) affects the application of a cost-share requirement under section 101, 102, or 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2212, 2213);

(5) supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act;

(6) supersedes or modifies any amendment to an existing multistate water control plan for the Colorado River Basin, if applicable;

(7) affects any water right in existence on the date of enactment of this Act;

(8) preempts or affects any State water law or interstate compact governing water;

(9) affects existing water supply agreements between the Secretary and the non-Federal interest; or

(10) affects any obligation to comply with the provisions of any Federal or State environmental law, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

**SEC. 153. REPORT ON MINIMUM REAL ESTATE INTEREST.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that through this Act, as well as through section 1115 of the Water Resources Development Act of 2018, that Congress has provided the Secretary all of the authority, and all of the direction, needed to acquire interests in real estate that are less than fee simple title.

(b) REPORT.—Not later than 90 days after the enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report indicating whether they agree with the sense of Congress in subsection (a).

(c) DISAGREEMENT.—Should the result of report required in subsection (b) be that the Secretary disagrees with the sense of Congress in subsection (a), not later than 1 year after the enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report specifying recommendations and technical drafting assistance for statutory language that would provide the Secretary the intended authority and expressed in subsection (a).

**SEC. 154. LEVEE OWNERS BOARD.**

Section 9003 of the Water Resources Development Act of 2007 (33 U.S.C. 3302) is amended to read as follows:

**“SEC. 9003. LEVEE OWNERS BOARD.**

“(a) ESTABLISHMENT OF OWNERS BOARD.—There is hereby established a Levee Owners Board (hereinafter in this section referred to as the ‘Owners Board’) composed of the eleven members appointed by the Secretary. The members shall be appointed so as to represent various regions of the country, including at least one Federal levee system owner-operator from each of the eight civil works divisions of the U.S. Army Corps of Engineers. The Secretary of the Army shall designate, and the Administrator of FEMA may designate, a representative to act as an observer of the Owners Board.

**“(1) TERMS OF MEMBERS.—**

“(A) IN GENERAL.—A member of the Owners Board shall be appointed for a period of 3 years.

“(B) REAPPOINTMENT.—A member of the Owners Board may be reappointed to the Owners Board, as the Secretary determines to be appropriate.

“(C) VACANCIES.—A vacancy on the Owners Board shall be filled in the same manner as the original appointment was made.

**“(2) CHAIRPERSON.—**

“(A) IN GENERAL.—The members of the Owners Board shall appoint a chairperson from among the members of the Owners Board.

**“(b) DUTIES OF THE OWNERS BOARD.—**

“(1) IN GENERAL.—The Owners Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding levee system reliability throughout the United States.

**“(2) ADVICE AND RECOMMENDATIONS.—The Owners Board shall provide—**

“(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding overall levee system reliability;

“(B) advice and recommendations to Congress regarding any feasibility report for a flood risk management project that has been submitted to Congress;

“(C) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding flood risk management project construction and rehabilitation priorities and corresponding spending levels;

“(D) advice and recommendations to the Secretary and the Congress regarding effectiveness of the U.S. Army Corps of Engineers levee safety program, including comments and recommendations on the budgets and expenditures as described in subsection (c)(2); and

“(E) advice and recommendations to the Secretary, the Congress, and the Administrator regarding effectiveness of the levee safety initiative established by section 9005, including comments and recommendations on the budgets and expenditures described in subsection (c)(2).

“(3) INDEPENDENT JUDGMENT.—Any advice or recommendations made by the Owners Board shall reflect the independent judgment of the Owners Board.

“(c) DUTIES OF THE SECRETARY.—The Secretary shall—

“(1) designate an Executive Secretary who shall assist the Chairman in administering the Owners Board and ensuring that the Owners Board operates in accordance with chapter 10 of title 5, United States Code;

“(2) provide to the Owners Board such detailed reports of Corps activities and expenditures related to flood risk management and levees, including for the Corps levee safety program and the levee safety initiative, not less frequently than semiannually; and

“(3) submit to the Owners Board a courtesy copy of any completed feasibility report for a flood risk management project submitted to Congress.

“(d) ADMINISTRATION.—

“(1) IN GENERAL.—The Owners Board shall be subject to chapter 10 of title 5, other than section 1013, and with the consent of the appropriate agency head, the Owners Board may use the facilities and services of any Federal agency.

“(2) MEMBERS NOT CONSIDERED SPECIAL GOVERNMENT EMPLOYEES.—For the purposes of complying with chapter 10 of title 5, United States Code, the members of the Owners Board shall not be considered special Government employees (as defined in section 202 of title 18, United States Code).

“(3) TRAVEL EXPENSE.—Non-Federal members of the Owners Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.”.

**SEC. 155. DEFINITION.**

For the purposes of this Act, the term “State” shall have the meaning given to such term in the Act of October 15, 1940 (33 U.S.C. 701h-1).

## **TITLE II—STUDIES AND REPORTS**

**SEC. 201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.**

(a) NEW PROJECTS.—The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) LUXAPALLILA CREEK, MILLPORT, ALABAMA.—Project for flood risk management, Town of Millport and vicinity, Alabama.

(2) YAVAPAI COUNTY, ARIZONA.—Project for flood risk management, Yavapai County, in the vicinity of the City of Cottonwood, Arizona.

(3) CLEAR LAKE, CALIFORNIA.—Project for flood risk management and ecosystem restoration, Clear Lake, Lake County, California.

(4) COSUMNES RIVER WATERSHED, CALIFORNIA.—Project for flood risk management, ecosystem restoration, water supply, and related purposes, Cosumnes River watershed, California.

(5) HESPERIA, CALIFORNIA.—Project for flood risk management, city of Hesperia, California.

(6) PILLAR POINT HARBOR, CALIFORNIA.—Project for flood risk management and storm damage risk reduction, Pillar Point Harbor, California.

(7) RIALTO CHANNEL, CALIFORNIA.—Project for flood risk management, Rialto Channel, city of Rialto and vicinity, California.

(8) SALINAS RIVER, CALIFORNIA.—Project for flood risk management and ecosystem restoration, Salinas River, California.

(9) SAN BERNARDINO, CALIFORNIA.—Project for flood risk management, city of San Bernardino, California.

(10) SAN DIEGO BAY, CALIFORNIA.—Project for flood risk management, San Diego Bay, California.

(11) SAN DIEGO AND ORANGE COUNTIES, CALIFORNIA.—Project for flood and coastal storm risk management and ecosystem restoration, San Diego and Orange Counties, California.

(12) SAN FELIPE LAKE AND PAJARO RIVER, SAN BENITO COUNTY, CALIFORNIA.—Project for flood risk management, San Felipe Lake and Pajaro River, San Benito County, California.

(13) CITY OF SAN MATEO, CALIFORNIA.—Project for flood risk management, including stormwater runoff reduction, City of San Mateo, California.

(14) SANTA ANA RIVER, ANAHEIM, CALIFORNIA.—Project for flood risk management, water supply, and recreation, Santa Ana River, Anaheim, California.

- (15) SANTA ANA RIVER, JURUPA VALLEY, CALIFORNIA.—Project for ecosystem restoration and recreation, Santa Ana River, Jurupa Valley, California.
- (16) SWEETWATER RESERVOIR, CALIFORNIA.—Project for ecosystem restoration and water supply, Sweetwater Reservoir, California.
- (17) FOUNTAIN CREEK AND TRIBUTARIES, COLORADO.—Project for flood risk management and ecosystem restoration, Fountain Creek, Colorado Springs and Pueblo, Colorado.
- (18) CITY OF NORWALK, CONNECTICUT.—Project for flood risk management, City of Norwalk, Connecticut, in the vicinity of the Norwalk wastewater treatment plant.
- (19) CONNECTICUT SHORELINE, CONNECTICUT.—Project for hurricane and storm damage risk reduction, Connecticut shoreline, Connecticut.
- (20) PARK RIVER CONDUIT, CITY OF HARTFORD, CONNECTICUT.—Project for flood risk management, including stormwater management, City of Hartford, Connecticut and vicinity.
- (21) WESTPORT BEACHES, CONNECTICUT.—Project for hurricane and storm damage risk reduction and ecosystem restoration, Westport, Connecticut.
- (22) DELAWARE INLAND BAYS WATERSHED, DELAWARE.—Project for flood risk management, hurricane and storm risk reduction, and ecosystem restoration, including shoreline stabilization, Delaware Inland Bays watershed, Delaware.
- (23) TOWN OF MILTON, DELAWARE.—Project for flood risk management, Town of Milton, Delaware.
- (24) CITY OF WILMINGTON, DELAWARE.—Project for flood risk management and hurricane and storm risk reduction, City of Wilmington, Delaware.
- (25) ANACOSTIA RIVER BANK AND SEAWALLS, DISTRICT OF COLUMBIA AND MARYLAND.—Project for navigation, ecosystem restoration, and recreation, including dredging and sediment management, Anacostia River bank and seawalls, Washington, District of Columbia, and Prince George's County, Maryland.
- (26) FLETCHERS COVE, DISTRICT OF COLUMBIA.—Project for recreation, including dredging, Fletchers Cove, District of Columbia.
- (27) EAST LAKE TOHOPEKALIGA, FLORIDA.—Project for flood risk management and ecosystem restoration, including sediment and debris management, East Lake Tohopekaliga, Florida.
- (28) FLORIDA SPACEPORT SYSTEM MARINE INTERMODAL TRANSPORTATION WHARF, FLORIDA.—Project for navigation, Florida Spaceport System Marine Intermodal Transportation Wharf, in the vicinity of Cape Canaveral, Florida.
- (29) FORT GEORGE INLET, JACKSONVILLE, FLORIDA.—Project for coastal storm risk management, including shoreline damage prevention and mitigation, Fort George Inlet, city of Jacksonville, Florida.
- (30) LAKE CONWAY, FLORIDA.—Project for flood risk management, navigation, and ecosystem restoration, including sediment and debris management, Lake Conway, Florida.
- (31) MACDILL AIR FORCE BASE, TAMPA, FLORIDA.—Project for hurricane and storm damage risk reduction and ecosystem restoration in the vicinity of MacDill Air Force Base, City of Tampa, Florida.
- (32) PALATKA BARGE PORT, PUTNAM COUNTY, FLORIDA.—Project for navigation, Palatka Barge Port, Putnam County, Florida.
- (33) CAMP CREEK TRIBUTARY, GEORGIA.—Project for flood risk management and ecosystem restoration, including stream restoration, along the Camp Creek Tributary in Fulton County, Georgia.
- (34) COLLEGE PARK, GEORGIA.—Project for flood risk management, City of College Park, Georgia.
- (35) PROCTOR CREEK, SMYRNA, GEORGIA.—Project for flood risk management, Proctor Creek, Smyrna, Georgia, including Jonquil Driver Stormwater Park.
- (36) TYBEE ISLAND, GEORGIA.—Project for ecosystem restoration and hurricane and storm damage risk reduction, Tybee Island, Georgia, including by incorporating other Federal studies conducted on the effect of the construction of Savannah Harbor Channel on the shoreline of Tybee Island.
- (37) GUAM.—Project for flood risk management and coastal storm risk management, Guam.
- (38) KAUAI, HAWAII.—Project for flood and coastal storm risk management, county of Kauai, Hawaii.
- (39) KAIKA-WAIALUA WATERSHED, HAWAII.—Project for flood risk management, Kaiaka-Waialua watershed, Oahu, Hawaii.
- (40) BERWYN, ILLINOIS.—Project for comprehensive flood risk management, City of Berwyn, Illinois.
- (41) BUTTERFIELD CREEK, ILLINOIS.—Project for flood risk management and ecosystem restoration, Butterfield Creek, Illinois.

- (42) FRANKLIN PARK, ILLINOIS.—Project for flood risk management, ecosystem restoration, and water supply, Village of Franklin Park, Illinois.
- (43) ROCKY RIPPLE, INDIANA.—Project for flood risk management, Town of Rocky Ripple, Indiana.
- (44) BAYOU RIGAUD TO CAMINADA PASS, LOUISIANA.—Project for navigation, Bayou Rigaud to Caminada Pass, Louisiana.
- (45) HAGAMAN CHUTE, LAKE PROVIDENCE, LOUISIANA.—Project for navigation, including widening, Hagaman Chute, Lake Providence, Louisiana.
- (46) LAKE PONTCHARTRAIN STORM SURGE REDUCTION PROJECT, LOUISIANA.—Project for hurricane and storm damage risk reduction, Lake Pontchartrain, Orleans, St. Tammany, Tangipahoa, Livingston, St. James, St. John, St. Charles, Jefferson, and St. Bernard Parishes, Louisiana.
- (47) LIVINGSTON PARISH FLOOD PROTECTION, LOUISIANA.—Project for flood risk management, Livingston Parish, Louisiana.
- (48) NATCHITOCHES, LOUISIANA.—Project for flood risk management, City of Natchitoches, Louisiana.
- (49) NEW ORLEANS METRO AREA, LOUISIANA.—Project for ecosystem restoration and water supply, including mitigation of saltwater wedges, for the City of New Orleans and metro area, Louisiana.
- (50) PILOTTOWN, LOUISIANA.—Project for navigation and flood risk management, including dredging, in the vicinity of Pilottown, Plaquemines Parish, Louisiana.
- (51) BALTIMORE INLAND FLOODING, MARYLAND.—Project for inland flood risk management, City of Baltimore and Baltimore County, Maryland.
- (52) BEAVERDAM CREEK, PRINCE GEORGE'S COUNTY, MARYLAND.—Project for flood risk management, Beaverdam Creek, Prince George's County, Maryland, in the vicinity of United States Route 50 and railroads.
- (53) MARYLAND BEACHES, MARYLAND.—Project for hurricane and storm damage risk reduction and flood risk management in the vicinity of United States Route 1, Maryland.
- (54) CAPE COD CANAL, MASSACHUSETTS.—Project for recreation, Cape Cod Canal, in the vicinity of Tidal Flats Recreation Area, Massachusetts.
- (55) LEOMINSTER, MASSACHUSETTS.—Project for flood risk management, City of Leominster, Massachusetts.
- (56) LOWER COBB BROOK, MASSACHUSETTS.—Project for flood risk management, Lower Cobb Brook, City of Taunton, Massachusetts.
- (57) SUNSET BAY, CHARLES RIVER, MASSACHUSETTS.—Project for navigation, flood risk management, recreation, and ecosystem restoration, including dredging, in the vicinity of Sunset Bay, Charles River, cities of Boston, Watertown, and Newton, Massachusetts.
- (58) SQUANTUM CAUSEWAY, MASSACHUSETTS.—Project for flood and coastal storm risk management, Squantum, in the vicinity of East Squantum Street and Dorchester Street Causeway, Quincy, Massachusetts.
- (59) TOWN NECK BEACH, SANDWICH, MASSACHUSETTS.—Project for flood risk management and coastal storm risk management, including shoreline damage prevention and mitigation, Town Neck Beach, town of Sandwich, Massachusetts.
- (60) WESTPORT HARBOR, MASSACHUSETTS.—Project for flood risk management, hurricane and storm damage risk reduction, and navigation, including improvements to the breakwater at Westport Harbor, Town of Westport, Massachusetts.
- (61) ANN ARBOR, MICHIGAN.—Project for water supply, Ann Arbor, Michigan.
- (62) KALAMAZOO RIVER WATERSHED, MICHIGAN.—Project for flood risk management and ecosystem restoration, Kalamazoo River Watershed and tributaries, Michigan.
- (63) MCCOMB, MISSISSIPPI.—Project for flood risk management, city of McComb, Mississippi.
- (64) MILES CITY, MONTANA.—Project for flood risk management, Miles City, Montana.
- (65) BERKELEY HEIGHTS, NEW PROVIDENCE, AND SUMMIT, NEW JERSEY.—Project for flood risk management, Township of Berkeley Heights, Borough of New Providence, and City of Summit, New Jersey.
- (66) BERRY'S CREEK, NEW JERSEY.—Project for flood risk management, Berry's Creek, New Jersey.
- (67) FLEISCHER BROOK, NEW JERSEY.—Project for flood risk management, Fleischer Brook, New Jersey.
- (68) GUTTENBERG, NEW JERSEY.—Project for flood risk management, Guttenberg, New Jersey, in the vicinity of John F. Kennedy Boulevard East.

(69) PASSAIC RIVER BASIN, NEW JERSEY.—Project for flood risk management and ecosystem restoration, Bergen, Essex, Hudson, Morris, and Passaic Counties, New Jersey.

(70) PASSAIC RIVER, PATERSON, NEW JERSEY.—Project for navigation and flood risk management, Passaic River, Paterson, New Jersey.

(71) GREAT FALLS RACEWAYS, PATERSON, NEW JERSEY.—Project for flood risk management and hydropower, Paterson, New Jersey.

(72) PAULSBORO, NEW JERSEY.—Project for navigation, Borough of Paulsboro, New Jersey.

(73) VILLAGE OF RIDGEWOOD, NEW JERSEY.—Project for flood risk management along the Ho-Ho-Kus Brook and Saddle River, Village of Ridgewood, New Jersey.

(74) WOLF CREEK, NEW JERSEY.—Project for flood risk management, Wolf Creek, Ridgefield, New Jersey.

(75) DOÑA ANA COUNTY, NEW MEXICO.—Project for water supply, Doña Ana County, New Mexico.

(76) HATCH, NEW MEXICO.—Project for flood risk management, including the Hatch Dam Project, Village of Hatch, New Mexico.

(77) NAMBE RIVER WATERSHED, NEW MEXICO.—Project for flood risk management and ecosystem restoration, including sediment and debris management, Nambe River Watershed, New Mexico.

(78) OTERO COUNTY, NEW MEXICO.—Project for flood risk management, Otero County, New Mexico.

(79) BABYLON, NEW YORK.—Project for flood risk management, hurricane and storm damage risk reduction, navigation, and ecosystem restoration, Town of Babylon, New York.

(80) BRONX RIVER, NEW YORK.—Project for flood risk management and hurricane and storm damage risk reduction, Bronxville, Tuckahoe, and Yonkers, New York.

(81) BROOKHAVEN, NEW YORK.—Project for flood risk management, hurricane and storm damage risk reduction, and ecosystem restoration, Town of Brookhaven, New York.

(82) HIGHLANDS, NEW YORK.—Project for flood risk management and ecosystem restoration, Highland Brook (also known as “Buttermilk Falls Brook”) and tributaries, Town of Highlands, Orange County, New York.

(83) INWOOD HILL PARK, NEW YORK.—Project for ecosystem restoration, Inwood Hill Park, Spuyten Duyvil Creek, Manhattan, New York.

(84) ISLIP, NEW YORK.—Project for flood risk management, Town of Islip, New York.

(85) OYSTER BAY, NEW YORK.—Project for coastal storm risk management and flood risk management in the vicinity of Tobay Beach, Town of Oyster Bay, New York.

(86) PASCACK BROOK, ROCKLAND COUNTY, NEW YORK.—Project for flood risk management, Pascack Brook, Rockland County, New York, including the Village of Spring Valley.

(87) SPARKILL CREEK, ORANGETOWN, NEW YORK.—Project for flood risk management and erosion, Sparkill Creek, Orangetown, New York.

(88) TURTLE COVE, NEW YORK.—Project for ecosystem restoration, Pelham Bay Park, Eastchester Bay, in the vicinity of Turtle Cove, Bronx, New York.

(89) SOMERS, NEW YORK.—Project for ecosystem restoration and water supply, Town of Somers, New York.

(90) CAPE FEAR RIVER AND TRIBUTARIES, NORTH CAROLINA.—Project for flood risk management, in the vicinity of Northeast Cape Fear River and Black River, North Carolina.

(91) LELAND, NORTH CAROLINA.—Project for flood risk management, navigation, ecosystem restoration, and recreation, including bank stabilization, for Jackeys Creek in the Town of Leland, North Carolina.

(92) MARION, NORTH CAROLINA.—Project for flood risk management, including riverbank stabilization, along the Catawba River, City of Marion, North Carolina.

(93) PENDER COUNTY, NORTH CAROLINA.—Project for flood risk management in the vicinity of North Carolina Highway 53, Pender County, North Carolina.

(94) PIGEON RIVER, NORTH CAROLINA.—Project for flood risk management, Pigeon River, in the vicinity of the towns of Clyde and Canton, Haywood County, North Carolina.

(95) UNION COUNTY, SOUTH CAROLINA.—Project for flood risk management, water supply, and recreation, Union County, South Carolina.

(96) OGALLALA AQUIFER.—Project for flood risk management and water supply, including aquifer recharge, for the Ogallala Aquifer, Colorado, Kansas, New Mexico, Oklahoma, and Texas.

(97) COE CREEK, OHIO.—Project for flood risk management, Coe Creek, City of Fairview Park, Ohio.

(98) GREAT MIAMI RIVER, OHIO.—Project for flood risk management, ecosystem restoration, and recreation, including incorporation of existing levee systems, for the Great Miami River, Ohio.

(99) LAKE TEXOMA, OKLAHOMA AND TEXAS.—Project for water supply, including increased needs in southern Oklahoma, Lake Texoma, Oklahoma and Texas.

(100) SARDIS LAKE, OKLAHOMA.—Project for water supply, Sardis Lake, Oklahoma.

(101) SIUSLAW RIVER, FLORENCE, OREGON.—Project for flood risk management and streambank erosion, Siuslaw River, Florence, Oregon.

(102) WILLAMETTE RIVER, LANE COUNTY, OREGON.—Project for flood risk management and ecosystem restoration, Willamette River, Lane County, Oregon.

(103) ALLEGHENY RIVER, PENNSYLVANIA.—Project for navigation and ecosystem restoration, Allegheny River, Pennsylvania.

(104) BOROUGH OF POTTSTOWN, PENNSYLVANIA.—Project for alternate water supply, Borough of Pottstown, Pennsylvania.

(105) BOROUGH OF NORRISTOWN, PENNSYLVANIA.—Project for flood risk management, including dredging along the Schuylkill River, in the Borough of Norristown and vicinity, Pennsylvania.

(106) WEST NORRITON TOWNSHIP, PENNSYLVANIA.—Project for flood risk management and streambank erosion, Stony Creek, in the vicinity of Whitehall Road, West Norriton Township, Pennsylvania.

(107) GUAYAMA, PUERTO RICO.—Project for flood risk management, Río Guamaní, Guayama, Puerto Rico.

(108) NARANJITO, PUERTO RICO.—Project for flood risk management, Río Guadiana, Naranjito, Puerto Rico.

(109) OROCOVIS, PUERTO RICO.—Project for flood risk management, Río Orocovis, Orocovis, Puerto Rico.

(110) PONCE, PUERTO RICO.—Project for flood risk management, Río Inabón, Ponce, Puerto Rico.

(111) SANTA ISABEL, PUERTO RICO.—Project for flood risk management, Río Descalabrado, Santa Isabel, Puerto Rico.

(112) YAUCO, PUERTO RICO.—Project for flood risk management, Río Yauco, Yauco, Puerto Rico.

(113) GREENE COUNTY, TENNESSEE.—Project for water supply, including evaluation of Nolichucky River capabilities, Greene County, Tennessee.

(114) DAVIDSON COUNTY, TENNESSEE.—Project for flood risk management, City of Nashville, Davidson County, Tennessee.

(115) GUADALUPE COUNTY, TEXAS.—Project for flood risk management, Guadalupe County, including City of Santa Clara, Texas.

(116) HARRIS COUNTY, TEXAS.—Project for flood risk management and ecosystem restoration, Halls Bayou, Harris County, Texas.

(117) WINOOSKI RIVER BASIN, VERMONT.—Project for flood risk management and ecosystem restoration, Winooski River basin, Vermont.

(118) CEDARBUSH CREEK, GLOUCESTER COUNTY, VIRGINIA.—Project for navigation, Cedarbush Creek, Gloucester County, Virginia.

(119) CHICKAHOMINY RIVER, JAMES CITY COUNTY, VIRGINIA.—Project for flood and coastal storm risk management, Chickahominy River, James City County, Virginia.

(120) JAMES CITY COUNTY, VIRGINIA.—Project for flood risk management and navigation, James City County, Virginia.

(121) TIMBERNECK CREEK, GLOUCESTER COUNTY, VIRGINIA.—Project for navigation, Timberneck Creek, Gloucester County, Virginia.

(122) YORK RIVER, YORK COUNTY, VIRGINIA.—Project for flood risk management and coastal storm risk management, York River, York County, Virginia.

(123) WAHKIAKUM COUNTY, WASHINGTON.—Project for flood risk management and sediment management, Grays River, in the vicinity of Rosburg, Wahkiakum County, Washington.

(124) ARCADIA, WISCONSIN.—Project for flood risk management, city of Arcadia, Wisconsin.

(125) CITY OF LA CROSSE, WISCONSIN.—Project for flood risk management, City of La Crosse, Wisconsin.

(126) RIVER FALLS, WISCONSIN.—Project for ecosystem restoration, city of River Falls, Wisconsin.



(b) **PROJECT MODIFICATIONS.**—The Secretary is authorized to conduct a feasibility study for the following project modifications:

(1) **BLACK WARRIOR AND TOMBIGBEE RIVERS, ALABAMA.**—Modifications to the project for navigation, Coffeeville Lock and Dam, authorized pursuant to section 4 of the Act of July 5, 1884 (chapter 229, 23 Stat. 148; 35 Stat. 818), and portion of the project for navigation, Warrior and Tombigbee Rivers, Alabama and Mississippi, consisting of the Demopolis Lock and Dam on the Warrior-Tombigbee Waterway, Alabama, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 17), for construction of new locks to maintain navigability.

(2) **FARMINGTON DAM, CALIFORNIA.**—Modifications to the project for flood control and other purposes, the Calaveras River and Littlejohn Creek and tributaries, California, authorized by section 10 of the Act of December 22, 1944 (chapter 665, 58 Stat. 902), for improved flood risk management and to support water supply recharge and storage.

(3) **HUMBOLDT HARBOR AND BAY, CALIFORNIA.**—Modifications to the project for navigation, Humboldt Harbor and Bay, California, authorized by the first section of the Act of July 3, 1930 (chapter 847, 46 Stat. 932; 82 Stat. 732; 110 Stat. 3663), for additional deepening and widening.

(4) **SAN JOAQUIN RIVER BASIN, CALIFORNIA.**—Modifications to the project for flood control, Sacramento-San Joaquin Basin Streams, California, authorized pursuant to the resolution of the Committee on Public Works of the House of Representatives adopted on May 8, 1964 (docket number 1371), for improved flood risk management, including dredging.

(5) **MADERA COUNTY, CALIFORNIA.**—Modifications to the project for flood risk management, water supply, and ecosystem restoration, Chowchilla River, Ash Slough, and Berenda Slough, Madera County, California, authorized pursuant to section 6 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1595; 52 Stat. 1225).

(6) **SACRAMENTO RIVER INTEGRATED FLOODPLAIN MANAGEMENT, CALIFORNIA.**—Modifications to the project for flood control, Sacramento River, California, authorized by section 2 of the Act of March 1, 1917 (chapter 144, 39 Stat. 949; 76 Stat. 1197), to enhance flood risk reduction, to incorporate natural and nature-based features, and to incorporate modifications to the portion of such project north of the Fremont Weir for the purposes of integrating management of such system with the adjacent floodplain.

(7) **THAMES RIVER, CONNECTICUT.**—Modifications to the project for navigation, Thames River, Connecticut, authorized by the first section of the Act of March 2, 1945 (59 Stat. 13), to increase authorized depth.

(8) **HANAPEPE RIVER, HAWAII.**—Modifications to the project for local flood protection, Hanapepe River, island of Kaua'i, Hawaii, authorized by section 10 of the Act of December 22, 1944 (chapter 665, 58 Stat. 903), to improve protection provided by levees and flood control features.

(9) **LAUPAHOEHOE HARBOR, HAWAII.**—Modifications to the project for navigation, Laupahoehoe Harbor, Hawaii, authorized pursuant to section 107 of the River and Harbor Act of 1960 (74 Stat. 486), for seawall repair and mitigation.

(10) **WAIMEA RIVER, KAUA'I, HAWAII.**—Modifications to the project for coastal storm risk management and ecosystem restoration, Waimea River, Kaua'i, Hawaii, authorized pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), to improve protection provided by levees and flood control features.

(11) **CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.**—Modifications to the project for Chicago Sanitary and Ship Canal and Dispersal Barrier, Illinois, initiated under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251; 118 Stat. 1352), for the construction of an emergency access boat ramp in the vicinity of Romeoville, Illinois.

(12) **EAST SAINT LOUIS AND VICINITY, ILLINOIS.**—Modifications to the project for ecosystem restoration and recreation, authorized by section 1001(18) of the Water Resources Development Act of 2007 (121 Stat. 1052), to reevaluate levels of flood risk management and integrate the Spring Lake Project, as recommended in the report of the Chief of Engineers issued on December 22, 2004.

(13) **LOUISVILLE METROPOLITAN FLOOD PROTECTION SYSTEM RECONSTRUCTION, JEFFERSON AND BULLITT COUNTIES, KENTUCKY.**—Modifications to the project for flood risk management, Louisville Metropolitan Flood Protection System Reconstruction, Jefferson and Bullitt Counties, Kentucky, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735), to expand project scope and incorporate features identified in the document prepared for the non-Federal sponsor of the project, issued in June 2017, and titled “20-

Year Comprehensive Facility Plan, Critical Repair and Reinvestment Plan, Volume 4: Ohio River Flood Protection”.

(14) CALCASIEU RIVER AND PASS, LOUISIANA.—Modifications to the project for navigation, Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), to include channel deepening and jetty extension.

(15) MISSISSIPPI RIVER AND TRIBUTARIES, OUACHITA RIVER, LOUISIANA.—Modifications to the project for flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Missouri, authorized by the first section of the Act of May 15, 1928 (chapter 569, 45 Stat. 534), to include bank stabilization on the portion of the project consisting of the Ouachita River from Monroe to Caldwell Parishes, Louisiana.

(16) MISSISSIPPI RIVER AND TRIBUTARIES, OUACHITA RIVER, LOUISIANA.—Modifications to the project for flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Missouri, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), to study the feasibility of adding 62 miles of the east bank of the Ouachita River Levee System at and below Monroe Parish to Caldwell Parish, Louisiana.

(17) HODGES VILLAGE DAM, OXFORD, MASSACHUSETTS.—Modifications to the project for flood risk management, Hodges Village Dam, Oxford, Massachusetts, authorized pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), to add recreation and ecosystem restoration as a project purpose, including in the vicinity of Greenbriar Park.

(18) NEW BEDFORD, FAIRHAVEN, AND ACUSHNET, MASSACHUSETTS.—Modifications to the project for hurricane-flood protection at New Bedford, Fairhaven, and Acushnet, Massachusetts, authorized by section 201 of the Flood Control Act of 1958 (72 Stat. 305), for navigation improvements and evaluation of the current barrier function.

(19) HOLLAND HARBOR, MICHIGAN.—Modifications to the portion of the project for navigation Holland (Black Lake), Michigan, authorized by the first section of the Act of June 14, 1880 (chapter 211, 21 Stat. 183; 30 Stat. 1130; 46 Stat. 929; 49 Stat. 1036; 68 Stat. 1252), consisting of the Federal Channel of Holland Harbor, for additional deepening.

(20) MONROE HARBOR, MICHIGAN.—Modifications to the project for navigation, Monroe Harbor, Michigan, authorized by the first section of the Act of July 3, 1930 (chapter 847, 46 Stat. 930), for additional deepening.

(21) PORT HURON, MICHIGAN.—Modifications to the project for navigation, Channels in Lake Saint Clair Michigan, authorized by the first section of the Act of August 30, 1935 (chapter 831, 49 Stat. 1036), for additional deepening at the mouth of the Black River, Port Huron, Michigan.

(22) SAINT JOSEPH HARBOR, MICHIGAN.—Modifications to the portion of the project for navigation, Saint Joseph, Michigan, authorized by the first section of the Act of June 14, 1880 (chapter 211, 21 Stat. 183; 30 Stat. 1130; 49 Stat. 1036; 72 Stat. 299), consisting of the Federal Channel of Saint Joseph Harbor, for additional deepening.

(23) SAINT MARYS RIVER, MICHIGAN.—Modifications to the project for navigation Middle and West Neebish channels, Saint Marys River, Michigan, authorized by the first section of the Act of June 13, 1902 (chapter 1079, 32 Stat. 361; 70 Stat. 54), to bring the channels to a consistent depth.

(24) SURRY MOUNTAIN LAKE DAM, NEW HAMPSHIRE.—Modifications to the project for flood protection and recreation, Surry Mountain Lake dam, authorized pursuant to section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1572; 52 Stat. 1216; 58 Stat. 892), to add ecosystem restoration as a project purpose, and to install the proper gates and related equipment at Surry Mountain Lake to support stream flow augmentation releases.

(25) BAYONNE, NEW JERSEY.—Modifications to the project for navigation, Jersey Flats and Bayonne, New Jersey, authorized by the first section of the Act of September 22, 1922 (chapter 427, 42 Stat. 1038), for improvements to the navigation channel, including channel extension, widening, and deepening, in the vicinity of Bayonne Dry Dock, New Jersey.

(26) LONG BEACH, NEW YORK.—Modifications to the project for storm damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York, authorized by section 101(a)(21) of the Water Resources Development Act of 1996 (110 Stat. 3665), to include additional replacement of beach groins to offer storm protection, erosion prevention, and reduce the need for future renourishment.

(27) BALD HEAD ISLAND, NORTH CAROLINA.—Modifications to the project for hurricane-flood control protection, Cape Fear to the North Carolina-South Caro-

lina State line, North Carolina, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1419), to add coastal storm risk management and hurricane and storm damage risk reduction, including shoreline stabilization, as an authorized purpose of the project for the village of Bald Head Island, North Carolina.

(28) RENO BEACH-HOWARD FARMS, OHIO.—Modifications to the project for flood control, Reno Beach-Howard Farms, Ohio, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1178), to improve project levees and to provide flood damage risk reduction to the portions of Jerusalem Township, Ohio, not currently benefited by the project.

(29) DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA.—Modifications to the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802; 113 Stat. 300; 114 Stat. 2602), to increase the authorized depth.

(30) DELAWARE RIVER, MANTUA CREEK (FORT MIFFLIN) AND MARCUS HOOK, PENNSYLVANIA.—Modifications to the project for navigation, Delaware River, Philadelphia to the sea, authorized by the first section of the Act of June 25, 1910 (chapter 382, 36 Stat. 637; 46 Stat. 921; 49 Stat. 1030; 52 Stat. 803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297), to deepen the anchorage areas at Mantua Creek (Fort Mifflin) and Marcus Hook.

(31) CHARLESTON, SOUTH CAROLINA.—Modifications to the project for navigation, Charleston Harbor, South Carolina, authorized by section 1401(1) of the Water Resources Development Act of 2016 (130 Stat. 1708), including improvements to the portion of the project that serves the North Charleston Terminal.

(32) GALVESTON BAY AREA, TEXAS.—Modifications to the following projects for deepening and associated dredged material placement, disposal, and environmental mitigation navigation:

(A) The project for navigation, Galveston Bay Area, Texas City Channel, Texas, authorized by section 201 of the Water Resources Development Act of 1986 (100 Stat. 4090).

(B) The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666).

(C) The project for navigation, Galveston Harbor Channel Extension Project, Houston-Galveston Navigation Channels, Texas, authorized by section 1401(1) of the Water Resources Development Act of 2018 (132 Stat. 3836).

(D) The project for navigation, Houston Ship Channel Expansion Channel Improvement Project, Harris, Chambers, and Galveston Counties, Texas, authorized by section 401(1) of the Water Resources Development Act of 2020 (134 Stat. 2734).

(33) GALVESTON HARBOR CHANNEL EXTENSION PROJECT, HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—Modifications to the project for navigation, Galveston Harbor Channel Extension Project, Houston-Galveston Navigation Channels, Texas, authorized by section 1401(1) of the Water Resources Development Act of 2018 (132 Stat. 3836), to include further deepening and extension of the Federal channel and Turning Basin 2.

(34) GATHRIGHT RESERVOIR AND FALLING SPRING DAM, VIRGINIA.—Modifications to the project for navigation and flood control, Gathright Reservoir and Falling Spring dam, Virginia, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 645), to include recreation as an authorized project purpose.

(35) MOUNT ST. HELENS SEDIMENT CONTROL, WASHINGTON.—Modifications to the project for sediment control and navigation, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318; 114 Stat. 2612), to include dredging to address flood risk management and navigation for federally authorized channels on the Cowlitz River and at the confluence of the Cowlitz and Columbia Rivers.

(c) SPECIAL RULE.—Each study authorized by subsection (b) shall be considered a new phase investigation and afforded the same treatment as a general reevaluation.

#### SEC. 202. EXPEDITED COMPLETION.

(a) FEASIBILITY STUDIES.—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

(1) Project for ecosystem restoration, Claiborne and Millers Ferry Locks and Dams Fish Passage, Lower Alabama River, Alabama, authorized pursuant to section 216 of the Flood Control Act of 1970 (84 Stat. 1830).

(2) Project for navigation, Akutan Harbor Navigational Improvements, Alaska, authorized pursuant to section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

(3) Project for ecosystem restoration, Central and South Florida, Comprehensive Everglades Restoration Program, Lake Okeechobee Watershed Restoration, Florida, authorized by section 601(b)(1) of the Water Resources Development Act of 2000 (114 Stat. 2680).

(4) Project for coastal storm risk management, Miami-Dade Back Bay, Florida, authorized pursuant to the Act of June 15, 1955 (chapter 140, 69 Stat. 132).

(5) Project for navigation, Tampa Harbor, Pinellas and Hillsborough Counties, Florida, Deep Draft Navigation, authorized by the resolution of the Committee on Transportation and Infrastructure of the House of Representatives, dated July 23, 1997.

(6) Project for ecosystem restoration, Central and South Florida, Comprehensive Everglades Restoration Program, Western Everglades Restoration Project, Florida, authorized by section 601(b)(1) of the Water Resources Development Act of 2000 (114 Stat. 2680).

(7) Project for flood risk management, Ala Wai Canal General Reevaluation, Hawaii, authorized by section 1401(2) of the Water Resources Development Act of 2018 (132 Stat. 3837).

(8) Project for flood risk management, Amite River and Tributaries, East of the Mississippi, Louisiana, authorized by the resolution of the Committee on Public Works of the United States Senate, adopted April 14, 1967.

(9) Project for coastal storm risk management, Baltimore Metropolitan, Baltimore City, Maryland, authorized by the resolution of the Committee on Public Works and Transportation of the House of Representatives, dated April 30, 1992.

(10) Project for coastal storm risk management, Nassau County Back Bays, New York, authorized pursuant to the Act of June 15, 1955 (chapter 140, 69 Stat. 132).

(11) Project for coastal storm risk management, Surf City, North Carolina, authorized by section 7002(3) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1367).

(12) Project for flood risk management, Tar-Pamlico River Basin, North Carolina, authorized by the resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives dated April 11, 2000, and May 21, 2003.

(13) Project for coastal storm risk management, Puerto Rico, authorized by section 204 of the Flood Control Act of 1970 (84 Stat. 1828).

(14) Project for ecosystem restoration, Hatchie-Loosahatchie, Mississippi River Miles 775–736, Tennessee and Arkansas, authorized by section 1202(a) of the Water Resources Development Act of 2018 (132 Stat. 3803).

(b) POST-AUTHORIZATION CHANGE REPORTS.—The Secretary shall expedite completion of a post-authorization change report for the following projects:

(1) Project for ecosystem restoration, Central and South Florida, Comprehensive Everglades Restoration Program, Biscayne Bay Coastal Wetlands, Florida, authorized by section 601(b)(1) of the Water Resources Development Act of 2000 (114 Stat. 2680).

(2) Project for water reallocation, Stockton Lake Reallocation Study, Missouri, at the project for flood control, hydropower, water supply, and recreation, Stockton Lake, Missouri, authorized by the Flood Control Act of 1954 (Public Law 83–780).

(3) Project for ecosystem restoration and recreation, Los Angeles River, California, authorized by section 1407(7) of the Water Resources Development Act of 2016 (130 Stat. 1714).

#### SEC. 203. EXPEDITED MODIFICATION OF EXISTING FEASIBILITY STUDIES.

The Secretary shall expedite the completion of the following feasibility studies, as modified by this section, and if the Secretary determines that a project that is the subject of the feasibility study is justified in the completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

(1) MARE ISLAND STRAIT, CALIFORNIA.—The study for navigation, Mare Island Strait channel, authorized by section 406 of the Water Resources Development Act of 1999 (113 Stat. 323; 136 Stat. 3753), is modified to authorize the Secretary to consider the benefits of deepening the channel to support activities of the Secretary of the department in which the Coast Guard is operating.

(2) SAVANNAH HARBOR, GEORGIA.—Section 8201(b)(4) of the Water Resources Development Act of 2022 (136 Stat. 3750) is amended by striking “, without evaluation of additional deepening” and inserting “, including evaluation of additional deepening”.

(3) HONOLULU HARBOR, HAWAII.—The study to modify the project for navigation, Honolulu, Hawaii, authorized by the first section of the Act of March 3, 1905 (chapter 1482, 33 Stat. 1146; 136 Stat. 3750), is modified to authorize the Secretary to consider the benefits of the project modification on disaster resilience and enhanced national security from utilization of the harbor by the Department of Defense.

(4) ALEXANDRIA TO THE GULF OF MEXICO, LOUISIANA.—The study for flood control, navigation, wetland conservation and restoration, wildlife habitat, commercial and recreational fishing, saltwater intrusion, freshwater and sediment diversion, and other purposes, in the area drained by the intercepted drainage system of the West Atchafalaya Basin Protection Levee, from Alexandria, Louisiana to the Gulf of Mexico, being carried out under Committee Resolution 2535 of the Committee on Transportation and Infrastructure of the House of Representatives, adopted July 23, 1997, is modified to include the parishes of Pointe Coupee, Allen, Calcasieu, Jefferson Davis, Acadia, Iberville, and Cameron within the scope of the study.

(5) SAW MILL RIVER, NEW YORK.—The study for flood risk management and ecosystem restoration to address areas in the City of Yonkers and the Village of Hastings-on-the-Hudson within the 100-year flood zone, Saw Mill River, New York, authorized by section 8201(a)(70) of the Water Resources Development Act of 2022 (136 Stat. 3748), is modified to authorize the Secretary to include within the scope of the study areas surrounding the City of Yonkers and the Village of Hastings-on-the-Hudson and the Village of Elmsford and the Village of Ardsley.

**SEC. 204. CORPS OF ENGINEERS REPORTS.**

(a) REPORT ON RECREATIONAL ACCESS FOR INDIVIDUALS WITH DISABILITIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on access for individuals with disabilities to covered recreational areas.

(2) REQUIREMENTS.—The Secretary shall include in the report submitted under paragraph (1)—

(A) existing policies or guidance for complying with the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) at covered recreational areas;

(B) a complete list of covered recreational areas, and the status of each covered recreational area with respect to compliance with the requirements of such Act;

(C) identification of policy changes, internal guidance changes, or changes to shoreline management plans that may result in increased access for individuals with disabilities to covered recreational areas, including access to fishing-related recreational activities at covered recreational areas;

(D) an analysis of barriers that exist for covered recreational areas to fully comply with the requirements of such Act; and

(E) identification of specific covered recreational areas that could be improved or modified to better accommodate visitors with disabilities, including to increase recreational fishing access for individuals with disabilities.

(3) COVERED RECREATIONAL AREA DEFINED.—In this subsection, the term “covered recreational area” means all sites constructed, owned, operated, or maintained by the Secretary that are used for recreational purposes.

(b) REPORT ON TURBIDITY IN THE WILLAMETTE VALLEY, OREGON.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on instances of high turbidity in a reservoir in the Willamette Valley resulting from a drawdown in the reservoir.

(2) SCOPE.—In carrying out subsection (a), the Secretary shall—

(A) collaborate with any relevant Federal, State, and non-Federal entities;

(B) identify and report instances during the 10-year period preceding the date of enactment of this Act in which turbidity concerns have arisen following a drawdown at a reservoir in the Willamette Valley, including Foster Lake and Green Peter Lake;

(C) report on turbidity monitoring that the Secretary performs during drawdowns to identify, and if necessary correct, turbidity issues;

(D) provide a summary of turbidity monitoring records collected during drawdowns with respect to which turbidity concerns have been raised by the public, including a comparison between turbidity prior to a drawdown, during a drawdown, and following refilling;

(E) identify lessons learned associated with turbidity resulting from drawdowns and indicate how changes based on those lessons learned are being implemented; and

(F) identify opportunities to minimize monetary strains on non-Federal entities caused by increased turbidity levels.

(c) REPORT ON SECURITY AT SOO LOCKS, MICHIGAN.—

(1) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(A) highlights any security deficiencies that exist with respect to the Soo Locks;

(B) highlights any supply chain, logistical, and economic effects that would result from a malfunction or failure of the Soo Locks;

(C) highlights any effects on the Great Lakes Navigation System that would result from such a malfunction or failure;

(D) highlights any potential threats to the integrity of the Soo Locks;

(E) details the Corps of Engineers security measures in place to protect the Soo Locks; and

(F) contains recommendations, as necessary, and cost estimates for such recommendations, for—

(i) strengthening security measures for the Soo Locks; and

(ii) reducing the effects on the supply chain that would result from a malfunction or failure of the Soo Locks.

(2) SOO LOCKS DEFINED.—In this subsection, the term “Soo Locks” means the locks at Sault Sainte Marie, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254; 121 Stat. 1131; 136 Stat. 3844).

(d) REPORT ON FLORIDA SEAGRASS REHABILITATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter for 4 years, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on any planned or ongoing efforts to promote, rehabilitate, and enhance the growth of seagrasses in Florida stormwater treatment areas.

(2) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall coordinate with relevant Federal, State, and local agencies and other regional stakeholders.

(3) FLORIDA STORMWATER TREATMENT AREA DEFINED.—In this subsection, the term “Florida stormwater treatment area” means a stormwater treatment area in the State of Florida authorized by or pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680; 121 Stat. 1268; 132 Stat. 3786).

(e) REPORT ON SHORELINE USE PERMITS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the use of the authority under part 327 of title 36, Code of Federal Regulations, with respect to the issuance of new, or modifications to existing, shoreline use permits at the Table Rock Lake project of the Corps of Engineers, located in Missouri and Arkansas, authorized as one of the multipurpose reservoir projects in the White River Basin by section 4 of the Act of June 28, 1938 (52 Stat. 1218).

(2) CONTENTS.—The Secretary shall include in the report required under paragraph (1)—

(A) a review of existing regulatory and administrative requirements related to the lease, rent, sublease, or other usage agreement by a permittee for permitted facilities under a shoreline use permit, including a floating, nonfloating, or fixed-floating structure;

(B) a description of the authority and public-interest rationale for such requirements, including impacts on local businesses, property owners, and prospective lessors, renters, or other contractual users of such facilities; and

(C) a description of the authority for the transfer of shoreline use permits upon transfer of the permitted facility by sale or other means.

(f) REPORT ON RELOCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the policies of the Corps of Engineers relating to using property buyouts as part of coastal storm risk management projects.

(2) REQUIREMENTS.—In developing the report under paragraph (1), the Secretary shall consider ways in which current policies on mandatory property buyouts may—

(A) diminish the incentives for local communities to work with the Corps of Engineers; and

(B) increase vulnerabilities of communities to flood risk, including communities described in the guidance issued by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note).

(g) REPORT ON FUEL EFFICIENCY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on fuel efficiency of each vessel within the fleet of vessels owned by the Corps of Engineers.

(2) CONTENTS.—In the report submitted under paragraph (1), the Secretary shall include the following:

(A) A list of vessels that are commercially available and may be used to carry out the missions of the Corps of Engineers that can be incorporated into the fleet of vessels owned by the Corps of Engineers to increase fuel efficiency of such fleet.

(B) A list of modifications that can be made to increase fuel efficiency of such fleet and the associated cost of such modifications.

(C) A life cycle cost analysis of replacing vessels owned by the Corps of Engineers with vessels that are more fuel efficient.

(D) A description of technologies used or available to the Secretary to evaluate fuel efficiency of each vessel owned by the Corps of Engineers.

(E) A description of other opportunities to increase fuel efficiency of each such vessel.

(F) A description of potential cost savings by increasing fuel efficiency of such vessels.

(G) A description of State or local policies or requirements regarding efficiencies or emissions of vessels, or related technology, that the Secretary must comply with at water resources development projects, and any impact such policies and requirements have on project costs.

(h) REPORT ON BOAT RAMPS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) the number of boat ramps constructed by the Secretary that are located at a site constructed, owned, operated, or maintained by the Secretary;

(2) the number of such boat ramps that are operational; and

(3) the number of such boat ramps that require maintenance in order to be made operational.

**SEC. 205. GAO STUDIES.**

(a) STUDY ON DONOR PORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of the treatment of donor ports under section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) that includes—

(A) a description of the funding available to donor ports under such section, including a description of how eligibility for such donor ports has been modified;

(B) a summary of all funds that have been provided to donor ports under such section;

(C) an assessment of how the Secretary provides funding under such section to donor ports, including—

(i) a complete description of the process and data used to determine eligibility; and

(ii) the impact construction and maintenance projects, including maintenance dredging and deep draft navigation construction projects, have on donor port eligibility;

(D) an assessment of other major container ports that are not currently eligible as a donor port under such section and a description of the criteria that exclude such container ports from eligibility; and

(E) recommendations to improve the provision of funds under such section.

(2) REPORT.—Upon completion of the review required under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of such review.

(b) STUDY ON DIGITAL INFRASTRUCTURE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete an analysis of—

(A) the extent to which the Corps of Engineers utilizes digital infrastructure technologies for delivery of authorized water resources development projects, including 3D modeling;

(B) the digital technology systems utilized by the Corps of Engineers;

(C) the digital technology systems utilized by non-Federal entities working with the Secretary on authorized water resources development projects;

(D) the cost to the Government of supporting multiple digital technology systems utilized by the Corps of Engineers;

(E) available digital technology systems that may be used to for the delivery of authorized water resources development projects;

(F) any security concerns related to the use of digital technology systems and how such concerns may be addressed;

(G) the benefits of expanding the adoption of digital technology systems for use by the Corps of Engineers, including for delivery of authorized water resources development projects, in order to—

(i) maximize interoperability with other systems, products, tools, or applications;

(ii) boost productivity;

(iii) manage complexity;

(iv) reduce project delays and cost overruns;

(v) enhance safety and quality;

(vi) reduce total costs for the entire lifecycle of authorized water resources development projects;

(vii) reduce emissions and quantify other sustainable and resilient impacts;

(viii) promote more timely and productive information sharing; and

(ix) increase transparency as the result of the real-time sharing of information; and

(H) how the Corps of Engineers could better leverage digital technology systems to enable 3D model delivery and digital project delivery for—

(i) seamless application integration;

(ii) workflow and State-based access control capabilities;

(iii) audit trails; and

(iv) automation capabilities supporting a closed-loop process.

(2) REPORT.—Upon completion of the analysis required under paragraph (1), the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of such analysis.

(c) STUDY ON CORPS OF ENGINEERS DISASTER PREPAREDNESS, RESPONSE, AND RELATED INFORMATION COLLECTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate an analysis of Corps of Engineers disaster preparedness and response activities, including—

(A) an accounting of postdisaster expenditures from the “Corp of Engineers–Civil–Flood Control and Coastal Emergencies” account for each fiscal year beginning with fiscal year 2004, including—

(i) the amounts transferred to such account from other accounts of the Corps of Engineers to cover postdisaster activities in each fiscal year;

(ii) the name and location of the authorized water resources development projects impacted by the transfer of funds described in clause (i);



- (iii) a summary of the activities and actions carried out with amounts available in such account, including the amount provided for salaries and expenses; and
- (iv) trends in the provision of post-disaster assistance that may impact future spending through such account;
- (B) an evaluation of—
  - (i) the publicly available information on disaster response and preparedness related to authorized water resources development projects, such as levees;
  - (ii) the impacts of natural disasters on authorized water resources development projects, including how such disasters affect the performance of such projects and resiliency of such projects to such disasters; and
  - (iii) whether the Corps of Engineers utilizes, or shares with non-Federal interests, information regarding such impacts in assessing whether modifications to such projects would reduce the likelihood of repetitive impacts or be in the public interest; and
- (C) recommendations to improve the provision of assistance for response to natural disasters under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).
- (2) REPORT.—Upon completion of the analysis required under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of such analysis.
- (d) STUDY ON HOMELESS ENCAMPMENTS ON CORPS OF ENGINEERS PROPERTY.—
  - (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate an analysis of—
    - (A) unauthorized homeless encampments on water resources development projects constructed by the Corps of Engineers and lands owned or under the control of the Corps of Engineers;
    - (B) any actual or potential impacts of such encampments on the construction, operation and maintenance, or management of such projects and lands, including potential impacts on flood risk reduction or ecosystem restoration efforts, water quality, or public safety;
    - (C) efforts to remove or deter such encampments from such projects and lands, or remove any materials associated with such encampments that are unauthorized to be present and pose a potential threat to public safety, including manmade, flammable materials in urban and arid regions; and
    - (D) constraints on the ability of the Corps of Engineers to remove or deter such encampments due to Federal, State, or local laws, regulations, or ordinances.
  - (2) CONSULTATION.—In carrying out the analysis required under paragraph (1), the Comptroller General shall consult with the Secretary, the Administrator of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and other relevant Federal, State, and local government officials and interested parties.
  - (3) REPORT.—Upon completion of the analysis required under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of such analysis.
- (e) STUDY ON FEDERAL-STATE DATA SHARING EFFORTS.—
  - (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate an analysis of the coordination of the Secretary with other Federal and State agencies and academic institutions in carrying out the development, update, modernization, and utilization of scientific, peer-reviewed data on the predictability of future resiliency, sea-level rise, and flood impacts.
  - (2) SCOPE.—In conducting the analysis required under paragraph (1), the Comptroller General shall—
    - (A) consult with the Secretary, the heads of other relevant Federal and State agencies, and academic institutions that collect, analyze, synthesize, and utilize scientific, peer-reviewed data on the predictability of future resiliency, sea-level rise, and flooding events;
    - (B) examine the methodologies and mechanisms for collecting, analyzing, synthesizing, and verifying such data; and
    - (C) review and report on the opportunities for, and appropriateness of, the Secretary and relevant non-Federal interests to utilize such data in the planning, design, construction, and operation and maintenance of authorized water resources development projects.

- (3) REPORT.—Upon completion of the analysis required under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of such analysis.
- (f) STUDY ON INSTITUTIONAL BARRIERS TO NATURE-BASED FEATURES.—
- (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate an analysis of—
- (A) nature-based features that are incorporated into authorized water resources development projects by the Corps of Engineers and the type of such projects;
- (B) any limitation on the authority of the Secretary to incorporate nature-based features into authorized water resources development projects;
- (C) regulatory processes necessary for the use of nature-based features, including permitting timelines;
- (D) the level of efficacy and effectiveness of nature-based features at authorized water resources development projects that have—
- (i) utilized such nature-based features; and
- (ii) undergone extreme weather events, including hurricanes; and
- (E) institutional barriers within the Corps of Engineers preventing broader consideration and integration of nature-based features, including—
- (i) staff experience with, and expertise on, nature-based features;
- (ii) official Corps of Engineers guidance on nature-based features;
- (iii) time constraints or other expediency expectations; or
- (iv) life cycle costs associated with incorporating nature-based features into water resources development projects.
- (2) REPORT.—Upon completion of the analysis required under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of such analysis.
- (3) DEFINITIONS.—In this subsection, the term “nature-based feature” has the meaning given the terms “natural feature” and “nature-based feature” in section 1184 of the Water Resources Development Act of 2016 (32 U.S.C. 2289a).
- (g) STUDY ON ECOSYSTEM SERVICES.—
- (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate an analysis of the use of ecosystem restoration by the Corps of Engineers for flood control or flood risk management projects.
- (2) SCOPE.—In conducting the analysis under paragraph (1), the Comptroller General shall assess—
- (A) how the Corps of Engineers complies, integrates, and prioritizes ecosystem restoration in benefit-cost analysis and generation of project alternatives;
- (B) the geographic distribution and frequency of ecosystem restoration for flood control or flood risk management projects;
- (C) the rationale and benefit-cost analyses that drive decisions to incorporate ecosystem restoration into flood control or flood risk management projects;
- (D) the additional long-term comprehensive benefits to local communities related to ecosystem restoration for flood control or flood risk management projects;
- (E) recommendations for prioritizing ecosystem restoration as a tool for flood control and flood risk management projects; and
- (F) the percentage of the annual construction budget utilized for ecosystem restoration projects over the past 5 years at flood control or flood risk management projects.
- (3) REPORT.—Upon completion of the analysis required under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of such analysis.
- (h) STUDY ON TRIBAL COORDINATION.—
- (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of the Corps of Engineers procedures to address the discovery of Tribal historic or cultural resources, including village sites, burial sites, and human remains, at authorized water resources development projects.
- (2) SCOPE.—In conducting the review required under paragraph (1), the Comptroller General shall—

(A) evaluate the implementation of the Tribal Liaison requirements under section 8112 of the Water Resources Development Act of 2022 (33 U.S.C. 2281a);

(B) describe the procedures used by the Corps of Engineers when Tribal historic or cultural resources are identified at authorized water resources development projects, including—

- (i) coordination with relevant Tribes, Federal, State, and local agencies;
- (ii) the role and effectiveness of the Tribal Liaison;
- (iii) recovery and reburial standards;
- (iv) any differences in procedures used by each Corps of Engineers district; and
- (v) as applicable, the implementation of the requirements of section 306108 of title 54, United States Code (formerly known as section 106 of the National Historic Preservation Act) or the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq); and

(C) provide recommendations to improve the coordination between the Corps of Engineers and Tribes for the identification and recovery of Tribal historic and cultural resources discovered at authorized water resources development projects.

(3) **PRIORITIZATION.**—In conducting the review required under paragraph (1), the Comptroller General shall prioritize reviewing procedures used by the Sacramento District in the South Pacific Division of the Corps of Engineers.

(4) **REPORT.**—Upon completion of the review required under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of such review.

(i) **STUDY ON RISK RATING 2.0.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review on the Risk Rating 2.0 initiative.

(2) **CONTENTS.**—The Comptroller General shall include in the review required under paragraph (1) the following:

(A) A description of—

- (i) the Corps of Engineers processes for communicating changes to floodplain maps made as a result of Risk Rating 2.0 to affected communities and property owners; and
- (ii) any measures the Corps of Engineers has put in place to assist owners of property that has been included in floodplain maps as a result of Risk Rating 2.0, including any options for mitigating flood risk and financial support programs.

(B) An evaluation of the transparency and clarity of information provided to property owners about such changes, including an assessment of the adequacy of outreach and education efforts to inform such property owners about available resources for flood risk mitigation.

(C) An assessment of—

- (i) the broader effects of changes to floodplain maps as a result of Risk Rating 2.0 on communities, including potential economic and social effects of increased floodplain designations;
- (ii) the role of local governments and community organizations in responding to and managing such changes;
- (iii) how such changes may affect the benefit-cost analysis used by the Corps of Engineers; and
- (iv) whether such changes affect the prioritization and justification of flood risk management projects.

(3) **REPORT.**—Upon completion of the review required under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of such review.

**SEC. 206. ANNUAL REPORT ON HARBOR MAINTENANCE NEEDS AND TRUST FUND EXPENDITURES.**

(a) **IN GENERAL.**—On the date on which the budget of the President is submitted to Congress pursuant to section 1105 of title 31, United States Code, for fiscal year 2026, and for each fiscal year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing—

- (1) with respect to the fiscal year for which the budget is submitted, the operation and maintenance costs associated with harbors and inland harbors de-

scribed in section 210(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(a)(2)), including a description of the costs required to achieve and maintain the constructed width and depth for such harbors and inland harbors and the costs for expanded uses at eligible harbors and inland harbors (as defined in section 210(d)(2) of such Act), on a project-by-project basis;

(2) as of the date on which the report is submitted, expenditures and deposits into the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986;

(3) an identification of the amount of funding requested in the budget of the President for the operation and maintenance costs associated with such harbors and inland harbors, on a project-by-project basis;

(4) an explanation of how the amount of funding described in paragraph (2) complies with the requirements of section 102 of the Water Resources Development Act of 2020 (33 U.S.C. 2238 note);

(5) an identification of the unmet operation and maintenance needs associated with such harbors and inland harbors, on a project-by-project basis, that remains after accounting for the amount identified under paragraph (3); and

(6) a description of deposits made into the Harbor Maintenance Trust Fund in the fiscal year preceding the fiscal year of the applicable budget submission and the sources of such deposits.

(b) **ADDITIONAL REQUIREMENT.**—In the first report required to be submitted under subsection (a), the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors described in section 210(a)(2) of the Water Resources Development Act of 1986, on a project-by-project basis.

(c) **PUBLIC AVAILABILITY.**—The Secretary shall make the report submitted under subsection (a) available to the public, including on the internet.

(d) **CONFORMING AMENDMENTS.**—

(1) **ASSESSMENT OF HARBORS AND INLAND HARBORS.**—Section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) is repealed.

(2) **HARBOR MAINTENANCE TRUST FUND DEPOSITS AND EXPENDITURES.**—Section 330 of the Water Resources Development Act of 1992 (26 U.S.C. 9505 note) and the item related to such section in the table of contents for such Act, are repealed.

**SEC. 207. EXAMINATION OF REDUCTION OF MICROPLASTICS.**

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary, acting through the Director of the Engineer Research and Development Center and, where appropriate, in consultation with other Federal agencies, shall carry out research and development activities relating to measures that may be implemented to reduce the release of microplastics into the environment associated with carrying out the civil works missions of the Corps of Engineers.

(b) **FOCUS AREAS.**—In carrying out subsection (a), the Secretary shall, at a minimum—

(1) review efforts to reduce the release of microplastics associated with sand-blasting or hydro-blasting vessels owned or operated by the Corps of Engineers;

(2) research whether natural features or nature-based features can be used effectively to reduce the release of microplastics into the environment; and

(3) describe the potential costs and benefits, and the effects on the timeline for carrying out water resources development projects, of implementing measures to reduce the release of microplastics into the environment.

**SEC. 208. POST-DISASTER WATERSHED ASSESSMENT FOR IMPACTED AREAS.**

(a) **IN GENERAL.**—The Secretary shall carry out a post-disaster watershed assessment under section 3025 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2267b) for the following areas:

(1) Areas of Maui, Hawaii, impacted by the August 2023 wildfires.

(2) Areas near Belen, New Mexico, impacted by the April 2022 wildfires.

(b) **REPORT TO CONGRESS.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representative and the Committee on Environment and Public Works of the Senate a report on the status of the post-disaster watershed assessments carried out under subsection (a).

**SEC. 209. UPPER BARATARIA BASIN AND MORGANZA TO THE GULF OF MEXICO CONNECTION, LOUISIANA.**

(a) **IN GENERAL.**—The Secretary shall evaluate constructing a connection between the Upper Barataria Basin Hurricane and Storm Damage Risk Reduction project, Louisiana, authorized by section 8401(3) of the Water Resources Development Act of 2022 (136 U.S.C. 3839), and the project for hurricane and storm damage reduc-

tion, Morganza to the Gulf of Mexico, Louisiana, authorized by section 1001(24) of the Water Resources Development Act of 2007 (121 Stat. 1053).

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the evaluation described in subsection (a) and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate any recommendations related to constructing a connection between the projects described in such subsection.

**SEC. 210. UPPER MISSISSIPPI RIVER SYSTEM FLOOD RISK AND RESILIENCY STUDY.**

(a) IN GENERAL.—The Secretary shall conduct a study to evaluate and recommend local and systemic measures to improve flood resiliency and reduce flood risk in the floodplain, including the floodway, of the Upper Mississippi River System.

(b) COMPONENTS.—In carrying out the study required under subsection (a), the Secretary shall—

(1) develop recommendations to reduce costs and damages associated with flooding and enable people located in areas adjacent to, and economies dependent on, the Upper Mississippi River System to be more resilient to flood events;

(2) identify opportunities to support navigation, environmental sustainability, and environmental restoration goals for the Upper Mississippi River System, including recommending measures that are incidental flood risk measures that may achieve such goals;

(3) describe the existing flood risk conditions of the Upper Mississippi River System;

(4) develop and recommend integrated, comprehensive, and systems-based approaches for flood risk reduction and floodplain management to minimize the threat to life, health, safety, and property resulting from flooding by using structural and nonstructural measures in the Upper Mississippi River System;

(5) investigate and provide recommendations for modifications to authorized water resources development projects in Upper Mississippi River States within the floodplain of the Upper Mississippi River System, including modifications to the authorized purposes of such projects to further flood risk management and resiliency;

(6) perform a systemic analysis of flood resiliency and flood risk to determine the feasibility of protecting authorized water resources development projects for flood control and navigation in the Upper Mississippi River System;

(7) develop management plans and actions, to be carried out by the responsible Federal agency or State government, to reduce flood risk and improve resiliency in the Upper Mississippi River System;

(8) identify and provide recommendations for any necessary changes to Federal or State law to carry out recommendations provided pursuant to this section;

(9) recommend followup studies of problem areas in the Upper Mississippi River System for which data or technology does not allow immediate solutions; and

(10) recommend additional monitoring of, or systemic adaptive management measures for, authorized water resources development projects to respond to changing conditions in the Upper Mississippi River System.

(c) COORDINATION AND CONSULTATION.—In carrying out the study required under subsection (a), the Secretary shall—

(1) coordinate with the Upper Mississippi River States, including collectively through the Upper Mississippi River Basin Association;

(2) consult with the appropriate Federal agencies, levee and drainage districts, and units of local government, and the Mississippi River Commission; and

(3) seek and consider input from the Upper Mississippi navigation industry, agriculture and conservation organizations, and other interested parties in such States.

(d) CONTINUATION OF STUDY.—The following studies shall be considered a continuation of the study carried out under subsection (a):

(1) Any study recommended to be carried out in a report that the Chief of Engineers prepares for the study conducted under this section.

(2) Any study spun off from the study conducted under this section before completion of such study.

(e) CORPS OF ENGINEERS DISTRICT.—The Secretary shall carry out the study required under subsection (a) through the St. Louis District in the Mississippi Valley Division of the Corps of Engineers.

(f) COST SHARE.—The Federal share of the cost of the study carried out under subsection (a) and any study carried out pursuant to subsection (d) shall be 75 percent.

(g) DEFINITIONS.—In this section:

(1) UPPER MISSISSIPPI RIVER STATE.—The term “Upper Mississippi River State” means any of the States of Illinois, Iowa, Minnesota, Missouri, or Wisconsin.

(2) UPPER MISSISSIPPI RIVER SYSTEM.—The term “Upper Mississippi River System” has the meaning given the term in section 1103(b) of the Water Resources Development Act of 1986 (33 U.S.C. 652(b)).

**SEC. 211. NEW JERSEY HOT SPOT EROSION MITIGATION.**

(a) IN GENERAL.—The Secretary shall conduct one or more studies on the effects of hot spot erosion on authorized coastal storm risk management projects in the State of New Jersey, which shall include, with respect to each affected project included in a study—

(1) the specific area of the project that is affected by hot spot erosion; and

(2) the impact of hot spot erosion on the effectiveness of the project in meeting the purpose of coastal storm risk management.

(b) FORM.—A study conducted under subsection (a) may be in the form of a general reevaluation report, an engineering documentation report, or any other method of assessment that the Secretary determines appropriate.

(c) RECOMMENDATIONS.—Based on the study or studies carried out under subsection (a), the Secretary shall develop recommendations for mitigating the effects of hot spot erosion on authorized coastal storm risk management projects in the State of New Jersey, which may include recommendations relating to—

(1) the design and construction of seawalls, jetties, berms, groins, breakwaters, or other physical structures;

(2) the use of natural features and nature-based features, including living shorelines; and

(3) modifications to authorized project designs or renourishment schedules.

(d) HOT SPOT EROSION DEFINED.—In this section, the term “hot spot erosion” means the loss of sediment in a specific, concentrated area, significantly faster than in immediately surrounding areas, due to natural processes.

**SEC. 212. OCEANSIDE, CALIFORNIA.**

The Secretary—

(1) shall—

(A) expedite the completion of the study of plans for mitigation and beach restoration authorized by section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636); and

(B) produce a report of the Chief of Engineers with a recommended plan for mitigation and beach restoration based on updated sediment sampling and analysis; and

(2) may, if the Secretary determines that the mitigation and beach restoration plans described in such study are technically feasible and environmentally acceptable, proceed directly to preconstruction planning, engineering, and design of the mitigation and beach restoration work.

**SEC. 213. COASTAL WASHINGTON.**

(a) IN GENERAL.—The Secretary is authorized to carry out comprehensive studies for riverine and coastal flooding of coastal areas in the State of Washington.

(b) REQUIREMENTS.—In carrying out a study under subsection (a), the Secretary shall—

(1) conduct a comprehensive analysis of current riverine and coastal flooding and corresponding risk reduction measures with an emphasis on resiliency to maintain or enhance current levels of risk management in response to changing conditions;

(2) establish a method of projecting sea level rise with limited tide gage information and develop applicable tools to address the unique coastal flooding process in the Pacific Northwest region;

(3) conduct research and development to understand the atmospheric, oceanic, geologic, and coastal forcing and response conditions necessary to develop a numerical modeling system that may be used for developing coastal hazard data, and how to best include that information in such a modeling system;

(4) identify coastal vulnerabilities and risks in riverine and coastal areas due to sea level change, extreme weather, and increased coastal storm risk;

(5) identify Tribal and economically disadvantaged communities (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note) with riverine and coastal flooding vulnerabilities and risks; and

(6) recommend actions necessary to protect critical public infrastructure, communities, and critical natural or cultural resources.

(c) **DATA NEEDS.**—In carrying out this section, the Secretary shall, to the maximum extent practicable and where appropriate, use existing data provided to the Secretary by Federal and State agencies, Indian Tribes, and other stakeholders, including data obtained through other Federal programs.

**SEC. 214. CHERRYFIELD DAM, NARRAGUAGUS RIVER, MAINE.**

(a) **IN GENERAL.**—The Secretary shall carry out a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) for the deauthorization and potential removal of the Cherryfield Local Protection Project, Narraguagus River, Maine, constructed pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(b) **REPORT TO CONGRESS.**—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of the disposition study required under subsection (a).

**SEC. 215. POOR FARM POND DAM, WORCESTER, MASSACHUSETTS.**

(a) **IN GENERAL.**—The Secretary shall carry out a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) for the deauthorization and potential removal of the Poor Farm Pond Dam, Worcester, Massachusetts.

(b) **REPORT TO CONGRESS.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of the disposition study required under subsection (a).

**SEC. 216. NATIONAL ACADEMY OF SCIENCES STUDY ON UPPER RIO GRANDE BASIN.**

(a) **IN GENERAL.**—The Secretary shall seek to enter into an agreement with the National Academy of Sciences to prepare a report containing—

- (1) the results of a study on the management and operations of the dams and reservoirs in the Upper Rio Grande Basin, including the Heron, El Vado, Abiquiu, Cochiti, Jemez Canyon, and Elephant Butte dams and reservoirs; and
- (2) recommendations for future management and operation strategies for such dams and reservoirs with a goal of optimizing currently authorized project purposes and enhancing resiliency, including to drought and weather variations.

(b) **CONSULTATION.**—In preparing the report under subsection (a), the National Academy of Sciences shall consult with relevant Federal agencies.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the report prepared under subsection (a).

**SEC. 217. CHAMBERS, GALVESTON, AND HARRIS COUNTIES, TEXAS.**

(a) **IN GENERAL.**—The Secretary shall carry out a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) for the release, transfer, conveyance, or exchange of excess easements, or the exchange of land, held for placement of dredged material for the project for navigation, Houston Ship Channel Expansion Channel Improvement Project, Harris, Chambers, and Galveston Counties, Texas, authorized by section 401(1) of the Water Resources Development Act of 2020 (134 Stat. 2734).

(b) **ACTIONS.**—In carrying out the study required under subsection (a) the Secretary shall—

- (1) ensure that the relevant non-Federal interest is provided right of first refusal for any potential release, transfer, conveyance, or exchange of excess easements; and
- (2) work alongside the non-Federal interest in identifying opportunities for land exchanges, where possible.

**SEC. 218. SEA SPARROW ACCOUNTING.**

(a) **IN GENERAL.**—The Secretary shall share data and coordinate with relevant Federal, State, and local agencies to obtain an accurate count of Cape Sable Seaside Sparrows in Florida during each year and, to the maximum extent practicable, during the 5-year period preceding each such year.

(b) **SUBMISSION OF INFORMATION TO CONGRESS.**—Not later than 90 days after the date of enactment of this Act, and annually thereafter during the 10-year period beginning on such date of enactment, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the information obtained under subsection (a).

**SEC. 219. WILSON LOCK FLOATING GUIDE WALL, ALABAMA.**

On the request of the relevant Federal entity, the Secretary shall, to the maximum extent practicable, use all relevant authorities to expeditiously provide technical assistance, including engineering and design assistance, and cost estimation assistance to the relevant Federal entity in order to address the impacts to navigation along the Tennessee River at the Wilson Lock and Dam, Alabama.

**SEC. 220. ALGIERS CANAL LEVEES, LOUISIANA.**

The Secretary shall issue a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate within 60 days of the passage of this Act detailing the Corps plan to assume responsibilities for the Algiers Canal Levee as outlined in section 8340(a) of the Water Resources Development Act of 2022 (136 Stat. 3795).

## **TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS**

**SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

Section 301 of the Water Resources Development Act of 2020 (33 U.S.C. 579d–2) is amended by striking subsections (a) through (c) and inserting the following:

“(a) **PURPOSES.**—The purposes of this section are—

“(1) to identify water resources development projects, and separable elements of projects, authorized by Congress that are no longer viable for construction due to—

“(A) a lack of local support;

“(B) a lack of available Federal or non-Federal resources; or

“(C) an authorizing purpose that is no longer relevant or feasible;

“(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects and separable elements that are no longer viable for construction; and

“(3) to allow the continued authorization of water resources development projects and separable elements that are viable for construction.

“(b) **PROPOSED DEAUTHORIZATION LIST.**—

“(1) **PRELIMINARY LIST OF PROJECTS.**—

“(A) **IN GENERAL.**—The Secretary shall develop a preliminary list of each water resources development project, or separable element of a project, authorized for construction before June 10, 2014, for which—

“(i) planning, design, or construction was not initiated before the date of enactment of the Water Resources Development Act of 2024; or

“(ii) planning, design, or construction was initiated before the date of enactment of the Water Resources Development Act of 2024, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 10 preceding fiscal years.

“(B) **USE OF COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND MAINTENANCE REPORT.**—The Secretary may develop the preliminary list from the comprehensive construction backlog and operation and maintenance reports developed pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a).

“(2) **PREPARATION OF PROPOSED DEAUTHORIZATION LIST.**—

“(A) **PROPOSED LIST AND ESTIMATED DEAUTHORIZATION AMOUNT.**—The Secretary shall—

“(i) prepare a proposed list of projects for deauthorization comprised of a subset of projects and separable elements identified on the preliminary list developed under paragraph (1) that are projects or separable elements described in subsection (a)(1), as determined by the Secretary; and

“(ii) include with such proposed list an estimate, in the aggregate, of the Federal cost to complete such projects.

“(B) **DETERMINATION OF FEDERAL COST TO COMPLETE.**—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

“(3) **PUBLIC COMMENT AND CONSULTATION.**—



“(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the proposed deauthorization list prepared under paragraph (2)(A).

“(B) COMMENT PERIOD.—The public comment period shall be 90 days.

“(4) PREPARATION OF FINAL DEAUTHORIZATION LIST.—

“(A) IN GENERAL.—The Secretary shall prepare a final deauthorization list by—

“(i) considering any comments received under paragraph (3); and

“(ii) revising the proposed deauthorization list prepared under paragraph (2)(A) as the Secretary determines necessary to respond to such comments.

“(B) APPENDIX.—The Secretary shall include as part of the final deauthorization list an appendix that—

“(i) identifies each project or separable element on the proposed deauthorization list that is not included on the final deauthorization list; and

“(ii) describes the reasons why the project or separable element is not included on the final deauthorization list.

“(c) SUBMISSION OF FINAL DEAUTHORIZATION LIST TO CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICATION.—

“(1) IN GENERAL.—Not later than 90 days after the date of the close of the comment period under subsection (b)(3), the Secretary shall—

“(A) submit the final deauthorization list and appendix prepared under subsection (b)(4) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate; and

“(B) publish the final deauthorization list and appendix in the Federal Register.

“(2) EXCLUSIONS.—The Secretary shall not include in the final deauthorization list submitted under paragraph (1) any project or separable element with respect to which Federal funds for planning, design, or construction are obligated after the development of the preliminary list under subsection (b)(1)(A) but prior to the submission of the final deauthorization list under paragraph (1)(A) of this subsection.”

**SEC. 302. GENERAL REAUTHORIZATIONS.**

(a) LAS VEGAS, NEVADA.—Section 529(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2658; 119 Stat. 2255; 125 Stat. 865; 136 Stat. 4631) is amended by striking “\$40,000,000” and inserting “\$60,000,000”.

(b) INVASIVE SPECIES IN ALPINE LAKES PILOT PROGRAM.—Section 507(c) of the Water Resources Development Act of 2020 (16 U.S.C. 4701 note) is amended by striking “2028” and inserting “2030”.

(c) ENVIRONMENTAL BANKS.—Section 309(e) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3957(e)) is amended by striking “12” and inserting “14”.

(d) LEVEE SAFETY INITIATIVE.—Section 9005(g)(2)(E)(i) of the Water Resources Development Act of 2007 (33 U.S.C. 3303a(g)(2)(E)(i)) is amended by striking “2028” and inserting “2033”.

(e) NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.—Section 1043(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note) is amended by striking “2026” each place it appears and inserting “2030”.

(f) ASIAN CARP PREVENTION AND CONTROL PILOT PROGRAM.—Section 509(a) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note) is amended—

(1) in paragraph (2)(C)(ii), by striking “2024” and inserting “2030”; and

(2) in paragraph (7), by striking “2 years thereafter” and inserting “2 years after the date of enactment of the Water Resources Development Act of 2024”.

(g) TRANSFER OF EXCESS CREDIT.—Section 1020 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2223) is amended by striking “2028” and inserting “2033” each place it appears.

(h) PILOT PROGRAMS ON THE FORMULATION OF CORPS OF ENGINEERS PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—Section 118 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note) is amended—

(1) in subsection (e), by striking “5 years and 10 years” and inserting “5 years, 10 years, and 15 years”;

(2) in subsection (g), by striking “10 years” and inserting “15 years”; and

(3) by adding at the end the following:

“(h) PRIORITY PROJECTS.—In carrying out this section, the Secretary shall prioritize the following projects:

“(1) The project for flood risk management, city of Rialto, California, authorized by section 201 of the Water Resources Development Act of 2024.

“(2) The project for ecosystem restoration and recreation, Santa Ana River, Jurupa Valley, California, authorized by section 201 of the Water Resources Development Act of 2024.

“(3) The project for flood control and other purposes, Kentucky River and its tributaries, Kentucky, authorized by section 6 of the Act of August 11, 1939 (chapter 699, 53 Stat. 1416).

“(4) The project for flood risk management, Kentucky River, Kentucky, authorized by section 8201(a)(31) of the Water Resources Development Act of 2022 (136 Stat. 3746).

“(5) The project for navigation, Hagaman Chute, Lake Providence, Louisiana, authorized by section 201 of the Water Resources Development Act of 2024.

“(6) The project for flood risk management, Otero County, New Mexico, authorized by section 201 of the Water Resources Development Act of 2024.

“(7) The project for flood control and other purposes, Susquehanna River Basin, Williamsport, Pennsylvania, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1573).

“(8) The project for flood risk management and ecosystem restoration, Winooski River basin, Vermont, authorized by section 201 of the Water Resources Development Act of 2024.

“(9) The project for flood risk management and sediment management, Grays River, Wahkiakum County, Washington, authorized by section 201 of the Water Resources Development Act of 2024.”.

(i) REHABILITATION OF EXISTING LEVEES.—Section 3017(e) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3303a note) is amended by striking “2028” and inserting “2033”.

#### SEC. 303. CONVEYANCES.

##### (a) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

##### (b) CITY OF LOS ANGELES, CALIFORNIA.—

(1) CONVEYANCE AUTHORIZED.—The Secretary is authorized to convey, without consideration, to the City of Los Angeles, California, all right, title, and interest of the United States in and to the real property described in paragraph (2), for the purpose of housing a fire station, swiftwater rescue facility, and firefighter training facility.

(2) PROPERTY.—The property to be conveyed under this subsection is the approximately 11.25 acres of land, including improvements on that land, located at 5101 Sepulveda Boulevard, Sherman Oaks, California.

(3) REVERSION.—If the Secretary determines at any time that the property conveyed under paragraph (1) is not being used in accordance with the purpose specified in such paragraph, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

##### (c) SALINAS DAM AND RESERVOIR, CALIFORNIA.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey, without consideration, to the County of San Luis Obispo, California, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed under this subsection is Salinas Dam and Reservoir (Santa Margarita Lake), California.

(3) SAFETY REQUIREMENTS.—The Secretary shall, in consultation with appropriate Federal and non-Federal entities, ensure the property described in para-

graph (2) meets applicable State and Federal dam safety requirements before conveying such property under this subsection.

(4) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not used for a public purpose, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

(d) PORT OF SKAMANIA COUNTY, WASHINGTON.—

(1) CONVEYANCE AUTHORIZED.—The Secretary may convey, without consideration, to the Port of Skamania County, Washington, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed under this subsection is the approximately 1.6 acres of land, including improvements on that land, consisting of the following: Lot 1–2 in the Fifth Addition to the Plats of Relocated North Bonneville recorded in Volume B of Plat Records, Pages 51 and 52, Skamania County Auditor’s File No. 94016.

(3) WAIVER OF PROPERTY SCREENING PROVISION.—Section 401(e) of Public Law 100–581 (102 Stat. 2944) shall not apply to the conveyance under this subsection.

(4) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not used for a public purpose, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

(e) TECHNICAL CORRECTION.—Section 8377(e)(3)(B) of the Water Resources Development Act of 2022 (136 Stat. 3825) is amended by striking “reserved an retained” and inserting “reserved and retained”.

**SEC. 304. LAKES PROGRAM.**

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 104 Stat. 4646; 110 Stat. 3758; 118 Stat. 295; 121 Stat. 1076; 134 Stat. 2703; 136 Stat. 3778) is amended—

- (1) in paragraph (33), by striking “and” at the end;
- (2) in paragraph (34) by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:
  - “(35) East Lake Tohopekaliga, Florida;
  - “(36) Dillon Lake, Ohio;
  - “(37) Hillcrest Pond, Pennsylvania;
  - “(38) Falcon Lake, Zapata County, Texas; and
  - “(39) Lake Casa Blanca, Webb County, Texas.”.

**SEC. 305. MAINTENANCE OF NAVIGATION CHANNELS.**

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat. 2679; 136 Stat. 3779) is amended by adding at the end the following:

- “(23) West Dundalk Branch Channel and Dundalk-Seagirt Connecting Channel, Baltimore Harbor Anchorages and Channels, Maryland.
- “(24) Crown Bay Marina Channel, United States Virgin Islands.
- “(25) Pidgeon Industrial Area Harbor, Memphis, Tennessee.
- “(26) McGriff Pass Channel, Florida.
- “(27) Oak Harbor Channel and Breakwater, Washington.
- “(28) Ediz Hook, Port Angeles, Washington.”.

**SEC. 306. ASSET DIVESTITURE.**

(a) IN GENERAL.—Section 109 of the River and Harbor Act of 1950 (33 U.S.C. 534) is amended—

(1) by striking “That the Secretary of the Army” and inserting the following: “(a) IN GENERAL.—The Secretary of the Army”;

(2) by striking “with or without consideration” and all that follows through the period at the end and inserting the following: “with or without consideration if, prior to any transfer or conveyance of a bridge, the Secretary and the State authority, or political subdivision thereof, execute an agreement containing the following terms and conditions:

“(1) The State authority, or political subdivision thereof, shall assume responsibility for the operation, maintenance, repair, replacement, and rehabilitation of the bridge, including the preservation, protection, inspection and evaluation of, and future construction on, the bridge.

“(2) Operation of the bridge shall be consistent with the purposes of, and may not constrain or change, the operation and maintenance of the water resources development project in connection to which the bridge was constructed or acquired.

“(3) The State authority, or political subdivision thereof, shall hold the United States harmless from any liability with respect to the operation, maintenance, repair, replacement, and rehabilitation of the bridge, including preservation, protection, inspection and evaluation of, and future construction on, the bridge.

“(4) Any additional terms or conditions that the Secretary considers appropriate to protect the interests of the United States.”; and

(3) by adding at the end the following:

“(b) FUNDS.—The Secretary may transfer to the State authority, or political subdivision thereof, to which a bridge is transferred or conveyed under this section any funds made available to the Secretary for necessary replacement or rehabilitation of the bridge.”.

(b) REPORT ON BRIDGE INVENTORY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on bridges owned, operated, and maintained by the Corps of Engineers.

(2) REQUIREMENTS.—The Secretary shall include in the report required under paragraph (1)—

(A) a list of bridges carrying passengers that are—

(i) not located in recreational areas; and

(ii) not required to be owned, operated, and maintained by the Corps of Engineers for the proper functioning of water resources development projects;

(B) a description of the location of such bridges and applicable State authority or political subdivision to which such bridges may be transferred or conveyed under section 109 of the River and Harbor Act of 1950 (33 U.S.C. 534) (as amended by this section); and

(C) a description of measures taken by the Corps of Engineers to reduce the number of bridges owned, operated, and maintained by the Corps of Engineers.

**SEC. 307. UPPER MISSISSIPPI RIVER RESTORATION PROGRAM.**

Section 1103(e)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(4)) is amended by striking “\$15,000,000 for fiscal year 1999 and each fiscal year thereafter” and inserting “\$15,000,000 for fiscal year 2024 and \$20,000,000 for each fiscal year thereafter”.

**SEC. 308. COASTAL COMMUNITY FLOOD CONTROL AND OTHER PURPOSES.**

Section 103(k)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “makes” and inserting “made”; and

(B) in clause (ii), by striking “repays an amount equal to  $\frac{2}{3}$  of the remaining principal by” and inserting “made a payment of an additional \$200,000,000 for that eligible deferred payment agreement on or before”;

(2) in subparagraph (B) by inserting “interest’s” after “non-Federal”; and

(3) by adding at the end the following:

“(C) REFUND OF CREDIT.—Any agreement made that applied credits to satisfy the terms of a pre-payment made under subsection (k)(4)(A) that resulted in total payment in excess of the amount now required under subsection (k)(4)(A) shall be modified to indicate that the excess credits continue to apply toward any remaining principal of the respective project, or at the request of the non-Federal interest, the agreement shall be modified to retroactively transfer back those excess credits to the non-Federal interest such that those credits may be applied by the non-Federal interest to any cost-shared project identified by the non-Federal interest.”.

**SEC. 309. SHORE PROTECTION AND RESTORATION.**

Section 8327 of the Water Resources Development Act of 2022 (136 Stat. 3788) is amended—

(1) in the section heading, by striking “DELAWARE”; and

(2) in subsection (b)—

(A) in the heading, by striking “DELAWARE”;

(B) by striking “the State of Delaware” and inserting “the covered geographic area” each place it appears; and

(C) in paragraph (7), by adding at the end the following:

“(C) COVERED GEOGRAPHIC AREA.—The term ‘covered geographic area’ means—

“(i) the State of Delaware;

“(ii) Fire Island National Seashore, New York; and  
 “(iii) the hamlets of Massapequa Park, Massapequa, Amityville, Copiague, Lindenhurst, West Babylon, Babylon, West Islip, West Bay Shore, Brightwaters, Bay Shore, Islip, East Islip, Great River, Oakdale, West Sayville, Saville, Bayport, Blue Point, Patchogue, East Patchogue, Bellport, Brookhaven, Shirley, Mastic Beach, Mastic, Moriches, Center Moriches, East Moriches, and Eastport, New York.”.

**SEC. 310. HOPPER DREDGE MCFARLAND REPLACEMENT.**

If the Secretary replaces the Federal hopper dredge McFarland referred to in section 563 of the Water Resources Development Act of 1996 (110 Stat. 3784; 121 Stat. 1105) with another Federal hopper dredge, the Secretary shall—

- (1) place the replacement Federal hopper dredge in a ready reserve status;
- (2) periodically perform routine underway dredging tests of the equipment (not to exceed 70 days per year) of the replacement Federal hopper dredge in a ready reserve status to ensure the ability of the replacement Federal hopper dredge to perform urgent and emergency work; and
- (3) in consultation with affected stakeholders, place the replacement Federal hopper dredge in active status in order to perform dredging work if the Secretary determines that private industry has failed—
  - (A) to submit a responsive and responsible bid for work advertised by the Secretary; or
  - (B) to carry out a project as required pursuant to a contract between the industry and the Secretary.

**SEC. 311. ACEQUIAS IRRIGATION SYSTEMS.**

Section 1113 of the Water Resources Development Act of 1986 (100 Stat. 4232; 110 Stat. 3719, 136 Stat. 3781) is amended—

- (1) in subsection (d)—
  - (A) by striking “The non-Federal” and inserting the following:  
 “(1) IN GENERAL.—The non-Federal”; and
  - (B) by adding at the end the following:  
 “(2) RECONNAISSANCE STUDY.—Notwithstanding paragraph (1), the Federal share of a reconnaissance study carried out by the Secretary under this section shall be 100 percent.”; and
- (2) in subsection (e), by striking “\$80,000,000” and inserting “\$90,000,000”.

**SEC. 312. PACIFIC REGION.**

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747; 113 Stat. 286) is amended by inserting “Hawaii,” after “Guam,”.

**SEC. 313. SELMA, ALABAMA.**

The Federal share of the cost of the project for flood risk management, Selma Flood Risk Management and Bank Stabilization, Alabama, authorized by section 8401(2) of the Water Resources Development Act of 2022 (136 Stat. 3838), shall be 100 percent.

**SEC. 314. BARROW, ALASKA.**

For purposes of implementing the coastal erosion project, Barrow, Alaska, authorized pursuant to section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2851) the Secretary may consider the North Slope Borough to be in compliance with section 402(a) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(a)) on adoption by the North Slope Borough Assembly of a floodplain management plan to reduce the impacts of flood events in the immediate floodplain area of the project, if the plan—

- (1) was developed in consultation with the Secretary and the Administrator of the Federal Emergency Management Agency in accordance with the guidelines developed under section 402(c) of such Act; and
- (2) is approved by the Secretary.

**SEC. 315. SAN FRANCISCO BAY, CALIFORNIA.**

Section 142 of the Water Resources Development Act of 1976 (90 Stat. 2930; 100 Stat. 4158) is amended—

- (1) by striking “The Secretary” and inserting “(a) The Secretary”;
- (2) by inserting “, Contra Costa,” before “and Solano”; and
- (3) by adding at the end the following:  
 “(b) ADDITIONAL PURPOSES.—In carrying out subsection (a), the Secretary shall—
  - “(1) include the ocean shorelines of each county;
  - “(2) with respect to the bay and ocean shorelines of each county—
    - “(A) investigate measures to adapt to rising sea levels;

“(B) consider the needs of economically disadvantaged communities within the study area, including identification of areas in which infrastructure for transportation, wastewater, housing, and other economic assets of such communities are most vulnerable to flood or shoreline risks; and

“(C) to the maximum extent practicable, consider the use of natural features or nature-based features and the beneficial use of dredged materials; and

“(3) with respect to the bay and ocean shorelines, and streams running to the bay and ocean shorelines, of each county, investigate the effects of proposed flood or shoreline protection, coastal storm risk reduction, environmental infrastructure, and other measures or improvements on—

“(A) the local economy, including recreation;

“(B) aquatic ecosystem restoration, enhancement, or expansion efforts or opportunities;

“(C) public infrastructure protection and improvement;

“(D) stormwater runoff capacity and control measures, including those that may mitigate flooding;

“(E) erosion of beaches and coasts; and

“(F) any other measures or improvements relevant to adapting to rising sea levels.”.

**SEC. 316. SANTA ANA RIVER MAINSTEM, CALIFORNIA.**

(a) SANTA ANA CREEK, INCLUDING SANTIAGO CREEK.—

(1) MODIFICATION.—The project for flood control, Santa Ana River Mainstem Project, including Santiago Creek, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113; 101 Stat. 1329–111; 104 Stat. 4611; 110 Stat. 3713; 121 Stat. 1115), is modified to require the Secretary to treat construction of the Santiago Creek Channel as a separable element of the project.

(2) PROHIBITION.—The Secretary may not construct the Santiago Creek Channel unless such construction minimizes the impacts to existing trees in, or adjacent to, the Santiago Creek Channel.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect the authorization for other portions of the project described in paragraph (1).

(4) DEFINITIONS.—In this subsection:

(A) SANTIAGO CREEK CHANNEL.—The term “Santiago Creek Channel” means the portion of the project for flood control, Santa Ana River Mainstem Project, including Santiago Creek, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113; 101 Stat. 1329–111; 104 Stat. 4611; 110 Stat. 3713; 121 Stat. 1115), consisting of Santiago Creek downstream of the I–5 Interstate Highway to the confluence with the Santa Ana River.

(B) SEPARABLE ELEMENT.—The term “separable element” has the meaning given such term in section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall provide the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate with an update on implementation of the project for flood control, Santa Ana River Mainstem, including Santiago Creek, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113; 101 Stat. 1329–111; 104 Stat. 4611; 110 Stat. 3713; 121 Stat. 1115).

(2) SPECIFICATIONS.—In providing the update required under paragraph (1), the Secretary is directed to provide specific information on—

(A) efforts by the Secretary and the non-Federal interest for the project to acquire the lands or interests in lands necessary to implement the project;

(B) the status of potential reimbursement requests by the non-Federal interest for such lands or interests; and

(C) the status of ongoing requests by the non-Federal interest for approval by the Secretary of pending land (or interest in land) appraisals and litigation settlements associated with such lands or interests in lands.

**SEC. 317. FAULKNER ISLAND, CONNECTICUT.**

Section 527 of the Water Resources Development Act of 1996 (110 Stat. 3767) is amended by striking “\$4,500,000” and inserting “\$8,000,000”.

**SEC. 318. BROADKILL BEACH, DELAWARE.**

The project for hurricane and storm damage risk reduction, Delaware Beneficial Use of Dredged Material for the Delaware River, Delaware, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2736; 136 Stat. 3788) is modified to include the project for hurricane and storm damage reduction, Delaware Bay coastline, Delaware and New Jersey—Broadkill Beach, Delaware, authorized by section 101(a)(11) of the Water Resources Development Act of 1999 (113 Stat. 275).

**SEC. 319. FEDERAL TRIANGLE AREA, WASHINGTON, DISTRICT OF COLUMBIA.**

In carrying out the feasibility study for the project for flood risk management, Federal Triangle Area, Washington, District of Columbia, authorized by section 8201(a)(12) of the Water Resources Development Act of 2022 (136 Stat. 3745), the Secretary may accept and expend funds contributed by other Federal agencies within the study area.

**SEC. 320. WASHINGTON AQUEDUCT.**

Section 8146(d) of the Water Resources Development Act of 2022 (40 U.S.C. 9501 note; 136 Stat. 3729) is amended—

(1) in paragraph (1), by inserting “Water and Sewer Authority” after “District of Columbia”; and

(2) in paragraph (3), by striking “Fairfax County” and inserting “the Fairfax County Water Authority”.

**SEC. 321. WASHINGTON METROPOLITAN AREA, WASHINGTON, DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA.**

The Federal share of the cost of the feasibility study for the project for water supply, Washington, District of Columbia, Maryland, and Virginia, authorized by section 8201(a)(14) of the Water Resources Development Act of 2022 (136 Stat. 3745) shall be 100 percent.

**SEC. 322. NORTHERN ESTUARIES ECOSYSTEM RESTORATION, FLORIDA.**

Section 8215(b) of the Water Resources Development Act of 2022 is amended by adding at the end the following:

“(6) FEDERAL SHARE.—The Federal share of the cost of carrying out paragraph (1) shall be 100 percent.”.

**SEC. 323. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.**

Section 1319(c) of the Water Resources Development Act of 2016 (130 Stat. 1703; 136 Stat. 3792) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Project is modified to include—

“(A) full repair of the New Savannah Bluff Lock and Dam structure;

“(B) modification of the structure such that the structure is able to maintain a stable pool with the same daily average elevation as is achieved by the existing structure, as measured at both the United States Geological Survey Gage 02196999, located at the New Savannah Bluff Lock and Dam, and the United States Geological Survey Gage 02196670, located in the vicinity of the Fifth Street Bridge, Augusta, Georgia, which at the New Savannah Bluff Lock and Dam is between 114.5 and 115 feet National Geodetic Vertical Datum of 1929 (NGVD29);

“(C) construction of a fish passage structure as recommended in the report of the Chief of Engineers for the Project, dated August 17, 2012, or such other Project feature that appropriately mitigates impacts to fish habitat caused by the Project without removing the dam; and

“(D) conveyance by the Secretary to Augusta-Richmond County, Georgia, of the park and recreation area adjacent to the New Savannah Bluff Lock and Dam, without consideration.”;

(2) in paragraph (2), by adding at the end the following:

“(C) CEILING.—The costs of construction to be paid by the Georgia Ports Authority as a non-Federal interest for the Project for the modifications authorized under paragraph (1) shall not exceed the costs that would be paid by such non-Federal interest for construction of the fish passage structure recommended in the report of the Chief of Engineers for the Project, dated August 17, 2012.”; and

(3) in paragraph (3), by striking “the cost sharing of the Project as provided by law” and inserting “the cost sharing of the fish passage structure as recommended in the report of the Chief of Engineers for the Project, dated August 17, 2012”.

**SEC. 324. DILLARD ROAD, PATOKA LAKE, INDIANA.**

(a) **TRANSFER AUTHORIZED.**—The Secretary is authorized to transfer, without consideration, to the State of Indiana, all right, title, and interest of the United States in and to the real property interests described in subsection (b).

(b) **PROPERTY.**—The real property interests to be transferred under this section are any easements on the approximately 11.85 acres of land associated with Dillard Road, located in Patoka Township, Crawford County, Indiana, that is subject to the Department of the Army license granted to the State of Indiana numbered DACW27–3–22–690, as described in Exhibit A of such license, including improvements on that land.

(c) **DISPOSAL.**—The Secretary may, under subchapter III of chapter 5 of subtitle I of title 40, United States Code, dispose of any portion of the real property interests described in subsection (b) of which the State of Indiana does not accept transfer.

(d) **REVERSION.**—If the Secretary determines that the land described in subsection (b) ceases to be used as a road, all right, title, and interest in and to the real property interests shall revert, at the discretion of the Secretary, to the United States.

(e) **COSTS OF TRANSFER.**—The State of Indiana shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transfer under this section.

(f) **LIABILITY.**—The State of Indiana shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the land described in subsection (b).

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require that the transfer under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

**SEC. 325. LAROSE TO GOLDEN MEADOW, LOUISIANA.**

(a) **SCOPING OF EVALUATION.**—

(1) **STUDY.**—Not later than June 30, 2025, the Secretary shall complete a study of the following relating to the covered project:

(A) Any project modifications undertaken by the non-Federal interest for the covered project since 2005 not constructed in accordance with section 14 of the Act of March 3, 1899 (33 U.S.C. 408).

(B) Current elevations required for the covered project to meet the 100-year level of risk reduction.

(C) Whether project modifications undertaken by the non-Federal interest for the covered project since 2005 were injurious to the covered project or the public.

(D) Any deviations from design guidelines acceptable for the covered project.

(E) Improvements needed for the covered project to address any deficiencies according to current design guidelines of the Corps of Engineers district in which the covered project is located.

(F) A re-evaluation of project economics.

(2) **REPORT.**—Not later than 90 days after completing the study under paragraph (1), the Secretary shall submit to Congress a report that includes—

(A) the results of the study;

(B) a recommendation for a pathway into a systemwide improvement plan created pursuant to section 5(c)(2) of the Act of August 18, 1941 (33 U.S.C. 701n(c)) (as amended by this Act); and

(C) recommendations for improvement to the covered project to address any deficiencies.

(b) **COVERED PROJECT DEFINED.**—In this section, the term “covered project” means the Larose to Golden Meadow project, Louisiana, authorized by the Flood Control Act of 1965 as the Grand Isle and vicinity project.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000.

**SEC. 326. MORGANZA TO THE GULF OF MEXICO, LOUISIANA.**

Section 1001(24) of the Water Resources Development Act of 2007 (121 Stat. 1053) is amended by adding at the end the following:

“(C) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project described in subparagraph (A) the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work—

“(i) is integral to the project;

“(ii) complies with all applicable Federal laws, regulations, and policies that were in place at the time the work was completed; and



“(iii) notwithstanding the date described in this subparagraph, is otherwise in compliance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).”.

**SEC. 327. PORT FOURCHON BELLE PASS CHANNEL, LOUISIANA.**

(a) **STUDY REQUEST.**—If the non-Federal interest for the Port Fourchon project requests to undertake a feasibility study for a modification to the project under section 203(a)(1)(B) of the Water Resources Development Act of 1986 (as amended by this Act), the Secretary shall provide to the non-Federal interest, not later than 30 days after the date on which the Secretary receives such request, a determination in accordance with section 203(a)(1)(3) of such Act (as amended by this Act).

(b) **NOTIFICATION OF ADDITIONAL ANALYSES AND REVIEWS.**—Not later than 30 days after receiving a feasibility study for modification to the Port Fourchon project submitted by the non-Federal interest for the project under section 203(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2231(a)), the Secretary shall—

(1) review the study and determine, in accordance with section 203(b)(3)(C) such Act (as amended by this Act), whether additional information is needed for the Secretary to perform the required analyses, reviews, and compliance processes;

(2) provide the non-Federal interest with a comprehensive list of additional information needs, as applicable; and

(3) if additional information is not needed, inform the non-Federal interest that the study submission is complete.

(c) **ANALYSIS, REVIEW, AND COMPLIANCE.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), not later than 180 days after the Secretary receives the study for the Port Fourchon project described in subsection (b), the Secretary shall complete the analyses, review, and compliance processes for the project required under section 203(b) of the Water Resources Development Act of 1986, issue a finding of no significant impact or a record of decision, and submit such finding or decision to the non-Federal interest.

(2) **EXCEPTION.**—The Secretary may delay the issuance of the finding or record of decision required under paragraph (1) if—

(A) the Secretary has not received necessary information or approvals from another entity, including the non-Federal interest, in a manner that affects the ability of the Secretary to meet any requirements under State, local, or Federal law; or

(B) significant new information or circumstances, including a major modification to an aspect of the Port Fourchon project, requires additional analysis by the Secretary.

(3) **NOTIFICATION OF ADDITIONAL TIME.**—If the Secretary determines that more than 180 days will be required to carry out paragraph (1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the non-Federal interest and describe the basis for requiring additional time.

(d) **PORT FOURCHON PROJECT DEFINED.**—In this section, the term “Port Fourchon project” means the project for navigation, Port Fourchon Belle Pass Channel, Louisiana, authorized by section 403(a)(4) of the Water Resources Development Act of 2020 (134 Stat. 2743).

**SEC. 328. UPPER ST. ANTHONY FALLS LOCK AND DAM, MINNESOTA.**

The Upper St. Anthony Falls Lock and Dam (as such term is defined in section 2010 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270; 136 Stat. 3795)) is modified to remove navigation as an authorized purpose.

**SEC. 329. MISSOURI RIVER LEVEE SYSTEM, MISSOURI.**

Section 111 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (123 Stat. 607) is amended by striking “\$7,000,000” and inserting “\$65,000,000”.

**SEC. 330. TABLE ROCK LAKE, MISSOURI AND ARKANSAS.**

(a) **IN GENERAL.**—The Secretary shall permit the ongoing presence of an eligible structure at the Table Rock Lake project.

(b) **PRIVATELY OWNED SEWER AND SEPTIC SYSTEM.**—The Secretary shall permit the ongoing presence of an eligible structure that is a privately owned sewer and septic system at the Table Rock Lake project until—

(1) the abandonment of such system by the holder of a license for right-of-way for such system; or

(2) the failure of such system.

(c) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE STRUCTURE.**—The term “eligible structure” means a privately owned sewer and septic system for which a license for right-of-way has been provided by the Secretary and is in effect on the date of enactment of this Act, dwelling unit, shed, retaining wall, deck, patio, gazebo, driveway, or fence—

(A) that is located on fee land or land subject to a flowage easement; and

(B) that does not impact the reservoir level or pose a failure risk to the dam of the Table Rock Lake project.

(2) **FEE LAND.**—The term “fee land” means the land acquired in fee title by the United States for the Table Rock Lake project.

(3) **TABLE ROCK LAKE PROJECT.**—The term “Table Rock Lake project” means the Table Rock Lake project of the Corps of Engineers, located in Missouri and Arkansas, authorized as one of the multipurpose reservoir projects in the White River Basin by section 4 of the Act of June 28, 1938 (52 Stat. 1218).

**SEC. 331. MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA.**

(a) **ACQUISITION OF LANDS.**—In acquiring any land, or interests in land, to satisfy the total number of acres required for the covered project, the Secretary—

(1) may only acquire land, or an interest in land, that—

(A) is on the riverward side of levees; or

(B) will contribute to future flood risk resiliency projects;

(2) may only acquire land, or an interest in land, with the approval of the Governor of the State in which the land is located; and

(3) may not acquire land, or an interest in land, by eminent domain.

(b) **APPLICATION OF LANDS.**—The Secretary shall apply all covered land toward the number of acres required for the covered project in accordance with section 334 of the Water Resources Development Act of 1999 (113 Stat. 306; 136 Stat. 3799).

(c) **DEFINITIONS.**—In this section:

(1) **COVERED LAND.**—The term “covered land” means any land or interests in land that—

(A) is acquired by a Federal agency other than the Corps of Engineers;

(B) is located within the meander belt of the lower Missouri River; and

(C) the Secretary, in consultation with the head of any Federal agency that has acquired the land or interest in land, determines meets the purposes of the covered project.

(2) **COVERED PROJECT.**—The term “covered project” means the project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143; 113 Stat. 306; 121 Stat. 1155; 136 Stat. 2395).

**SEC. 332. NEW YORK AND NEW JERSEY HARBOR AND TRIBUTARIES, NEW YORK AND NEW JERSEY.**

(a) **IN GENERAL.**—The study for flood and storm damage reduction for the New York and New Jersey Harbor and Tributaries project, authorized by the Act of June 15, 1955 (chapter 140, 69 Stat. 132, 134 Stat. 2676) and being carried out pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113–2), is modified to require the Secretary, upon the request of the non-Federal interest for the project, to include within the scope of such study an investigation of, and recommendations relating to, projects and activities to maximize the net public benefits, including ecological benefits and societal benefits, from the reduction of the comprehensive flood risk within the geographic scope of the project from the isolated and compound effects of factors described in section 8106(a) of the Water Resources Development Act of 2022 (33 U.S.C. 2282g).

(b) **ASSOCIATED PROJECTS.**—The Secretary is authorized to carry out projects and activities recommended pursuant to subsection (a) if such projects and activities otherwise meet the criteria for projects carried out under a continuing authority program (as defined in section 7001(c)) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(c)).

(c) **CONTINUATION.**—Any study recommended to be carried out in a report that the Chief of Engineers prepares for such study shall be considered a continuation of the study described in subsection (a).

(d) **CONSIDERATION; CONSULTATION.**—In developing recommendations pursuant to subsection (a), the Secretary shall—

(1) consider the use of natural and nature-based features;

(2) consult with applicable Federal and State agencies and other stakeholders within the geographic scope of the project; and

(3) solicit public comments.

(e) **INTERIM PROGRESS; REPORT TO CONGRESS.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on

Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

- (1) any recommendations made pursuant to subsection (a);
- (2) any projects or activities carried out under subsection (b);
- (3) any additional, site-specific areas within the geographic scope of the project for which additional study is recommended by the Secretary; and
- (4) any interim actions related to reduction of comprehensive flood risk within the geographic scope of the project undertaken by the Secretary during the study period.

(f) SAVINGS CLAUSE.—Any additional action authorized by this section shall not delay any existing study, engineering, or planning work underway as of the date of enactment of this Act.

**SEC. 333. WESTERN LAKE ERIE BASIN, OHIO, INDIANA, AND MICHIGAN.**

Section 441 of the Water Resources Development Act of 1999 (113 Stat. 328) is amended—

- (1) in subsection (a), by striking “flood control,” and inserting “flood risk management, hurricane and storm damage risk reduction,”;
- (2) in subsection (b), by striking “the study” and inserting “any study under this section”; and
- (3) by striking subsection (c) and inserting the following:

“(c) TREATMENT OF STUDIES.—Any study carried out by the Secretary under this section after the date of enactment of the Water Resources Development Act of 2024 shall be treated as a continuation of the initial study carried out under this section.

“(d) PROJECTS.—A project resulting from a study carried out under this section may be implemented pursuant to section 212.”.

**SEC. 334. WILLAMETTE VALLEY, OREGON.**

The Secretary may not complete its review of, and consultation with other Federal agencies on, the operation and maintenance of the projects for flood control, navigation, and other purposes, Willamette River Basin, Oregon, authorized by section 4 of the Act of June 28, 1938 (chapter 795, 52 Stat. 1222; 62 Stat. 1178; 64 Stat. 177; 68 Stat. 1264; 74 Stat. 499; 100 Stat. 4144), until the Secretary prepares and formally analyzes an alternative that ceases hydropower operations at the projects, notwithstanding hydropower being an authorized purpose of such projects.

**SEC. 335. COLUMBIA RIVER CHANNEL, OREGON AND WASHINGTON.**

In carrying out maintenance activities on the project for navigation, Columbia River Channel, Oregon and Washington, authorized by section 101(b)(13) of the Water Resources Development Act of 1999 (113 Stat. 280), the Secretary is authorized to include, as part of the full operating costs of the Cutter Suction Dredge provided by the non-Federal interest for the project, any costs of replacing the Cutter Suction Dredge that the Secretary and the non-Federal interest agree are necessary.

**SEC. 336. BUFFALO BAYOU TRIBUTARIES AND RESILIENCY STUDY, TEXAS.**

(a) IN GENERAL.—The Secretary shall expedite completion of the Buffalo Bayou Tributaries and Resiliency Study, Texas, carried out pursuant to title IV of the Bipartisan Budget Act of 2018 (132 Stat. 76).

(b) REPORTS.—The final report of the Chief of Engineers for the study described in subsection (a) shall contain recommendations for projects that—

- (1) align with community objectives;
- (2) avoid or minimize adverse effects on the environment and community; and
- (3) promote the resiliency of infrastructure.

(c) DEADLINE.—Not later than December 31, 2025, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the final report described in subsection (b).

**SEC. 337. MATAGORDA SHIP CHANNEL JETTY DEFICIENCY, PORT LAVACA, TEXAS.**

(a) IN GENERAL.—The project for navigation, Matagorda Ship Channel, Port Lavaca, Texas, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 298), is modified to authorize the Secretary to carry out the repairs for the Matagorda Ship Channel Jetty Deficiency, as described in the report titled “Matagorda Ship Channel Project Deficiency Report” and published by the Secretary in the June 2020 Matagorda Ship Channel Project Deficiency Report.

(b) COST SHARE.—The non-Federal share of the cost of the repairs carried out pursuant to subsection (a) shall be 10 percent.

**SEC. 338. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

The project for flood control, San Antonio channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 as part of the project for flood protec-

tion on the Guadalupe and San Antonio Rivers, Texas (68 Stat. 1259; 90 Stat. 2921; 114 Stat. 2611), is modified to require the Secretary to carry out the project substantially in accordance with Alternative 7, as identified in the final General Re-evaluation Report and Environmental Assessment for the project, dated January 2014.

**SEC. 339. WESTERN WASHINGTON STATE, WASHINGTON.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Chelan County, Island County, King County, Kittitas County, Pierce County, San Juan County, Snohomish County, Skagit County, and Whatcom County, Washington.

(b) **FORM OF ASSISTANCE.**—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the counties listed in subsection (a) or make defined term for Western Washington State, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) **OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) **PARTNERSHIP AGREEMENTS.**—

(1) **IN GENERAL.**—Before providing assistance under this section to a non-Federal interest, the Secretary shall enter into a partnership agreement under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) with the non-Federal interest with respect to the project to be carried out with such assistance.

(2) **REQUIREMENTS.**—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) **CREDIT FOR INTEREST.**—In case of a delay in the funding of the Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest accrued on the cost of providing the non-Federal share of the project cost.

(C) **CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—Notwithstanding section 221(a)(4)(G) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)(G)), the non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), except that the credit may not exceed 25 percent of total project costs.

(D) **OPERATION AND MAINTENANCE.**—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated \$242,000,000 to carry out this section.

(2) **CORPS OF ENGINEERS EXPENSES.**—Not more than 10 percent of the amounts made available to carry out this section may be used by the Secretary to administer projects under this section at Federal expense.

(f) **CONFORMING AMENDMENT.**—Section 219(f)(404) of the Water Resources Development Act of 1992 is repealed.

**SEC. 340. ENVIRONMENTAL INFRASTRUCTURE.**

(a) **NEW PROJECTS.**—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1258; 136 Stat. 3808) is amended by adding at the end the following:

“(406) **BUCKEYE, ARIZONA.**—\$12,000,000 for water and wastewater infrastructure, including water reclamation, City of Buckeye, Arizona.

- “(407) FLAGSTAFF, ARIZONA.—\$5,000,000 for water and wastewater infrastructure, including water reclamation, City of Flagstaff, Arizona.
- “(408) PAGE, ARIZONA.—\$10,000,000 for water and wastewater infrastructure, including water reclamation, City of Page, Arizona.
- “(409) SAHUARITA, ARIZONA.—\$4,800,000 for water and wastewater infrastructure, including water reclamation, in the town of Sahuarita, Arizona.
- “(410) TUCSON, ARIZONA.—\$20,000,000 for water and wastewater infrastructure, including water reclamation, City of Tucson, Arizona.
- “(411) WINSLOW, ARIZONA.—\$3,000,000 for water and wastewater infrastructure, including water reclamation, City of Winslow, Arizona.
- “(412) ADELANTO, CALIFORNIA.—\$4,000,000 for water and wastewater infrastructure in the City of Adelanto, California.
- “(413) APTOS, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure in the town of Aptos, California.
- “(414) BISHOP, CALIFORNIA.—\$2,500,000 for water and wastewater infrastructure in the city of Bishop, California.
- “(415) BLOOMINGTON, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including stormwater management, in Bloomington, California.
- “(416) BUTTE COUNTY, CALIFORNIA.—\$50,000,000 for water and wastewater infrastructure, including stormwater management, water supply, environmental restoration, and surface water resource protection in Butte County, California.
- “(417) CALIFORNIA CITY, CALIFORNIA.—\$1,902,808 for water and wastewater infrastructure, including water supply, in the city of California City, California.
- “(418) CARSON, CALIFORNIA.—\$11,000,000 for water and water supply infrastructure in the City of Carson, California.
- “(419) CEDAR GLEN, CALIFORNIA.—\$35,000,000 for water and wastewater infrastructure, including water supply and water storage, in Cedar Glen, California.
- “(420) CULVER CITY, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure, including water supply and drinking water, in City of Culver City, California.
- “(421) COLTON, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Colton, California.
- “(422) EAST SAN FERNANDO VALLEY, CALIFORNIA.—\$50,000,000 for water and wastewater infrastructure, including stormwater management, drinking water, and water supply, in the City of Los Angeles, California, including Sun Valley.
- “(423) FRESNO COUNTY, CALIFORNIA.—\$20,000,000 for water and water supply infrastructure, including stormwater management, surface water resource protection, and environmental restoration, in Fresno County, California.
- “(424) GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT, CALIFORNIA.—\$20,500,000 for water and wastewater infrastructure, including water supply and water storage, for communities served by the Georgetown Divide Public Utility District, California.
- “(425) GRAND TERRACE, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Grand Terrace, California.
- “(426) HAYWARD, CALIFORNIA.—\$15,000,000 for water and wastewater infrastructure, including related environmental infrastructure, in the city of Hayward, California.
- “(427) HOLLISTER, CALIFORNIA.—\$5,000,000 for water and wastewater infrastructure in the city of Hollister, California.
- “(428) KERN COUNTY, CALIFORNIA.—\$50,000,000 for water and water supply infrastructure in Kern County, California.
- “(429) LAKE COUNTY, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including stormwater management, in Lake County, California.
- “(430) LAKE TAHOE BASIN.—\$20,000,000 for water and wastewater infrastructure, including water supply, in the communities within the Lake Tahoe Basin in Nevada and California.
- “(431) LA QUINTA, CALIFORNIA.—\$4,000,000 for water and wastewater infrastructure, in the City of La Quinta, California.
- “(432) LAKEWOOD, CALIFORNIA.—\$8,000,000 for water and wastewater infrastructure in the city of Lakewood, California.
- “(433) LAWDALE, CALIFORNIA.—\$6,000,000 for water and wastewater infrastructure, including stormwater management, and environmental infrastructure, in the city of Lawndale, California.
- “(434) LONE PINE, CALIFORNIA.—\$7,000,000 for water and wastewater infrastructure, including stormwater management, in the town of Lone Pine, California.

“(435) LOMITA, CALIFORNIA.—\$5,500,000 for water and wastewater infrastructure, including water supply and stormwater management, in the city of Lomita, California.

“(436) LOS BANOS, CALIFORNIA.—\$4,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Los Banos, California.

“(437) LOS OLIVOS, CALIFORNIA.—\$4,000,000 for water and wastewater infrastructure in the town of Los Olivos, California.

“(438) LYNWOOD, CALIFORNIA.—\$12,000,000 for water and water supply infrastructure in the city of Lynwood, California.

“(439) MADERA COUNTY, CALIFORNIA.—\$27,500,000 for water and water supply infrastructure in Madera County, California.

“(440) MILPITAS, CALIFORNIA.—\$15,000,000 for water and water supply infrastructure in the city of Milpitas, California.

“(441) MONTECITO, CALIFORNIA.—\$18,250,000 for water and wastewater infrastructure, including water supply and stormwater management, in the town of Montecito, California.

“(442) OAKLAND-ALAMEDA ESTUARY, CALIFORNIA.—\$30,000,000 for water and wastewater infrastructure, including stormwater management, in the cities of Oakland and Alameda, California.

“(443) OXNARD, CALIFORNIA.—\$40,000,000 for water and wastewater infrastructure, including water supply, conservation, water reuse and related facilities, environmental restoration, and surface water resource protection, in the city of Oxnard, California.

“(444) PATTERSON, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure, including water supply and environmental restoration, in the city of Patterson, California.

“(445) POMONA, CALIFORNIA.—\$35,000,000 for water and wastewater infrastructure, including water supply and drinking water, in Pomona, California.

“(446) ROHNERT PARK, CALIFORNIA.—\$10,000,000 for water and water supply infrastructure in the city of Rohnert Park, California.

“(447) SALINAS, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including water supply, in the city of Salinas, California.

“(448) SAN BENITO COUNTY, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure, including water supply, in San Benito County, California.

“(449) SAN BUENAVENTURA, CALIFORNIA.—\$18,250,000 for water and wastewater infrastructure, including water reclamation, City of San Buenaventura, California.

“(450) SAN DIEGO COUNTY, CALIFORNIA.—\$200,000,000 for water and wastewater infrastructure, including water supply, in San Diego County, California.

“(451) SOUTH GATE, CALIFORNIA.—\$5,000,000 for water and water supply infrastructure in the city of South Gate, California.

“(452) SAN LUIS OBISPO COUNTY, CALIFORNIA.—\$5,000,000 for water and wastewater infrastructure, including drinking water and water supply, in San Luis Obispo County, California.

“(453) STANISLAUS COUNTY, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure, including water supply and stormwater management, in Stanislaus County, California.

“(454) TULARE COUNTY, CALIFORNIA.—\$20,000,000 for water and water supply infrastructure, including stormwater management, surface water resource protection, and environmental restoration, in Tulare County, California.

“(455) WATSONVILLE, CALIFORNIA.—\$28,000,000 for water and wastewater infrastructure in the city of Watsonville, California.

“(456) YOLO COUNTY, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including water supply and stormwater management, in Yolo County, California.

“(457) YORBA LINDA WATER DISTRICT, CALIFORNIA.—\$6,500,000 for water and water supply infrastructure in communities served by the Yorba Linda Water District, California.

“(458) FREMONT COUNTY, COLORADO.—\$50,000,000 for water and water supply infrastructure, in Fremont County, Colorado.

“(459) EAST HAMPTON, CONNECTICUT.—\$25,000,000 for water and wastewater infrastructure, including water supply, in the town of East Hampton, Connecticut.

“(460) EAST LYME, CONNECTICUT.—\$25,000,000 for water and wastewater infrastructure, including water supply, in the town of East Lyme, Connecticut.

“(461) BETHANY BEACH TO REHOBOTH BEACH, DELAWARE.—\$25,000,000 for water and wastewater infrastructure, including stormwater management, water

storage and treatment, and environmental restoration in the town of Bethany Beach, Delaware, and the city of Rehoboth Beach, Delaware.

“(462) WILMINGTON, DELAWARE.—\$25,000,000 for water and wastewater infrastructure, including stormwater management, water storage and treatment, and environmental restoration in the City of Wilmington, Delaware.

“(463) BROWARD COUNTY, FLORIDA.—\$50,000,000 for water and water-related infrastructure, including stormwater management, water storage and treatment, surface water protection, and environmental restoration, in Broward County, Florida.

“(464) DELTONA, FLORIDA.—\$31,200,000 for water and wastewater infrastructure in the City of Deltona, Florida.

“(465) LONGBOAT KEY, FLORIDA.—\$2,000,000 for water and wastewater infrastructure, including stormwater management, in the Town of Longboat Key, Florida.

“(466) MARION COUNTY, FLORIDA.—\$10,000,000 for water and water supply infrastructure, including water supply, in Marion County, Florida.

“(467) OVIEDO, FLORIDA.—\$10,000,000 for water and wastewater infrastructure, including water storage and treatment, in the city of Oviedo, Florida.

“(468) OSCEOLA COUNTY, FLORIDA.—\$5,000,000 for water and wastewater infrastructure, including water supply, and environmental restoration, in Osceola County, Florida.

“(469) CENTRAL FLORIDA.—\$45,000,000 for water and wastewater infrastructure, including water supply, in Brevard County, Orange County, and Osceola County, Florida.

“(470) CENTRAL COASTAL GEORGIA, GEORGIA.—\$50,000,000 for water and wastewater infrastructure, including stormwater management and water supply, in Bryan, Camden, Chatham, Effingham, Glynn, and McIntosh Counties, Georgia.

“(471) DEKALB COUNTY, GEORGIA.—\$40,000,000 for water and wastewater infrastructure, including drinking water and water treatment, in DeKalb County, Georgia.

“(472) PORTERDALE, GEORGIA.—\$10,000,000 for water and wastewater infrastructure, including stormwater management, water supply, and environmental restoration in the city of Porterdale, Georgia.

“(473) BURLEY, IDAHO.—\$20,000,000 for water and wastewater infrastructure, including water treatment, in the city of Burley, Idaho.

“(474) BELVIDERE, ILLINOIS.—\$17,000,000 for water and wastewater infrastructure in the city of Belvidere, Illinois.

“(475) DUPAGE COUNTY, ILLINOIS.—\$5,000,000 for water and wastewater infrastructure, including water supply and drinking water, in the village of Clarendon Hills, Illinois.

“(476) FOX RIVER, ILLINOIS.—\$9,500,000 for water and wastewater infrastructure, including water storage and treatment, in the villages of Lakemoor, Island Lake, and Volo, and McHenry County, Illinois.

“(477) GERMAN VALLEY, ILLINOIS.—\$5,000,000 for water and wastewater infrastructure, including drinking water and water treatment, in the village of German Valley, Illinois.

“(478) LASALLE, ILLINOIS.—\$4,000,000 for water and wastewater infrastructure, including stormwater management, drinking water, water treatment, and environmental restoration, in the city of LaSalle, Illinois.

“(479) ROCKFORD, ILLINOIS.—\$4,000,000 for water and wastewater infrastructure, including drinking water and water treatment, in the city of Rockford, Illinois.

“(480) SAVANNA, ILLINOIS.—\$2,000,000 for water and water supply infrastructure, including drinking water, in the city of Savanna, Illinois.

“(481) SHERRARD, ILLINOIS.—\$7,000,000 for water and wastewater infrastructure, including drinking water and water treatment, in the village of Sherrard, Illinois.

“(482) BROWNSVILLE, KENTUCKY.—\$14,000,000 for water and wastewater infrastructure, including water supply and drinking water, in the city of Brownsville, Kentucky.

“(483) MONROE, LOUISIANA.—\$7,000,000 for water and wastewater infrastructure, including stormwater management, water supply, and drinking water, in the city of Monroe, Louisiana.

“(484) POINTE CELESTE, LOUISIANA.—\$50,000,000 for water and wastewater infrastructure, including pump stations, in Pointe Celeste, Louisiana.

“(485) FRANKLIN, MASSACHUSETTS.—\$1,000,000 for water and wastewater infrastructure, including stormwater management, in the town of Franklin, Massachusetts.

“(486) WINTHROP, MASSACHUSETTS.—\$1,000,000 for water and wastewater infrastructure, including stormwater management, in the town of Winthrop, Massachusetts.

“(487) MILAN, MICHIGAN.—\$3,000,000 for water and wastewater infrastructure, including water supply and drinking water, in the city of Milan, Michigan.

“(488) SOUTHEAST MICHIGAN.—\$58,000,000 for water and wastewater infrastructure, including stormwater management and water supply, in Genesee, Macomb, Oakland, Wayne, and Washtenaw Counties, Michigan.

“(489) ELYSIAN, MINNESOTA.—\$5,000,000 for water and wastewater infrastructure, including water supply, in the city of Elysian, Minnesota.

“(490) LE SUEUR, MINNESOTA.—\$3,200,000 for water and wastewater infrastructure, including water supply, in the city of Le Sueur, Minnesota.

“(491) COLUMBIA, MISSISSIPPI.—\$4,000,000 for water and wastewater infrastructure, including water quality enhancement and water supply, in the city of Columbia, Mississippi.

“(492) HANCOCK COUNTY, MISSISSIPPI.—\$7,000,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, Hancock County, Mississippi.

“(493) LAUREL, MISSISSIPPI.—\$5,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Laurel, Mississippi.

“(494) MOSS POINT, MISSISSIPPI.—\$11,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Moss Point, Mississippi.

“(495) OLIVE BRANCH, MISSISSIPPI.—\$10,000,000 for water and wastewater infrastructure, including stormwater management, water quality enhancement, and water supply, in the city of Olive Branch, Mississippi.

“(496) PICAYUNE, MISSISSIPPI.—\$5,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Picayune, Mississippi.

“(497) STARKVILLE, MISSISSIPPI.—\$6,000,000 for water and wastewater infrastructure, including drinking water, water treatment, water quality enhancement, and water supply, in the city of Starkville, Mississippi.

“(498) LAUGHLIN, NEVADA.—\$29,000,000 for water infrastructure, including water supply, in the town of Laughlin, Nevada.

“(499) PAHRUMP, NEVADA.—\$4,000,000 for water and wastewater infrastructure in the town of Pahrump, Nevada.

“(500) NEW HAMPSHIRE.—\$25,000,000 for water and wastewater infrastructure, and related environmental infrastructure, in the counties of Belknap, Carroll, Hillsborough, Merrimack, Rockingham, and Strafford, New Hampshire.

“(501) BELMAR, NEW JERSEY.—\$10,000,000 for water and wastewater infrastructure, including related environmental infrastructure and stormwater management in Belmar Township, New Jersey.

“(502) CAPE MAY, NEW JERSEY.—\$40,000,000 for water and wastewater infrastructure, including water supply and desalination, for the city of Cape May, the boroughs of West Cape May and Cape May Point, and Lower Township, New Jersey.

“(503) COLESVILLE, NEW JERSEY.—\$10,000,000 for water and wastewater infrastructure in Colesville, New Jersey.

“(504) DEPTFORD TOWNSHIP, NEW JERSEY.—\$4,000,000 for water and wastewater infrastructure in Deptford Township, New Jersey.

“(505) LACEY TOWNSHIP, NEW JERSEY.—\$10,000,000 for water and wastewater infrastructure, including related environmental infrastructure and stormwater management, in Lacey Township, New Jersey.

“(506) MERCHANTVILLE, NEW JERSEY.—\$18,000,000 for water and wastewater infrastructure in the borough of Merchantville, New Jersey.

“(507) PARK RIDGE, NEW JERSEY.—\$10,000,000 for water and wastewater infrastructure in the borough of Park Ridge, New Jersey.

“(508) WASHINGTON TOWNSHIP, NEW JERSEY.—\$3,200,000 for water and wastewater infrastructure in Washington Township, Gloucester County, New Jersey.

“(509) BERNALILLO, NEW MEXICO.—\$20,000,000 for wastewater infrastructure in the town of Bernalillo, New Mexico.

“(510) BOSQUE FARMS, NEW MEXICO.—\$10,000,000 for wastewater infrastructure in the village of Bosque Farms, New Mexico.

“(511) CARMEL, NEW YORK.—\$3,450,000 for water and wastewater infrastructure, including stormwater management, in the town of Carmel, New York.

“(512) DUTCHESS COUNTY, NEW YORK.—\$10,000,000 for water and wastewater infrastructure in Dutchess County, New York.



“(513) KINGS COUNTY, NEW YORK.—\$100,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in Kings County, New York.

“(514) MOHAWK RIVER AND TRIBUTARIES, NEW YORK.—\$100,000,000 for water and wastewater infrastructure, including stormwater management, surface water resource protection, environmental restoration, and related infrastructure, in the vicinity of the Mohawk River and tributaries, including the counties of Albany, Delaware, Fulton, Greene, Hamilton, Herkimer, Lewis, Madison, Montgomery, Oneida, Otsego, Saratoga, Schoharie, and Schenectady, New York.

“(515) MOUNT PLEASANT, NEW YORK.—\$2,000,000 for water and wastewater infrastructure, including stormwater management, in the town of Mount Pleasant, New York.

“(516) NEWTOWN CREEK, NEW YORK.—\$25,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the vicinity of Newtown Creek, New York City, New York.

“(517) NEW YORK COUNTY, NEW YORK.—\$60,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in New York County, New York.

“(518) ORANGE COUNTY, NEW YORK.—\$10,000,000 for water and wastewater infrastructure in Orange County, New York.

“(519) SLEEPY HOLLOW, NEW YORK.—\$2,000,000 for water and wastewater infrastructure, including stormwater management, in the village of Sleepy Hollow, New York.

“(520) ULSTER COUNTY, NEW YORK.—\$10,000,000 for water and wastewater infrastructure in Ulster County, New York.

“(521) RAMAPO, NEW YORK.—\$4,000,000 for water infrastructure, including related environmental infrastructure, in the town of Ramapo, New York.

“(522) RIKERS ISLAND, NEW YORK.—\$25,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows) on Rikers Island, New York.

“(523) YORKTOWN, NEW YORK.—\$10,000,000 for water and wastewater infrastructure in the town of Yorktown, New York.

“(524) CANTON, NORTH CAROLINA.—\$41,025,650 for water and wastewater infrastructure, including stormwater management, in the town of Canton, North Carolina.

“(525) FAIRMONT, NORTH CAROLINA.—\$7,137,500 for water and wastewater infrastructure, in the town of Fairmont, North Carolina.

“(526) MURPHY, NORTH CAROLINA.—\$1,500,000 for water and wastewater infrastructure, including water supply, in the town of Murphy, North Carolina.

“(527) ROBBINSVILLE, NORTH CAROLINA.—\$3,474,350 for water and wastewater infrastructure in the town of Robbinville, North Carolina.

“(528) WEAVERVILLE, NORTH CAROLINA.—\$4,000,000 for water and wastewater infrastructure in the town of Weaverville, North Carolina.

“(529) APPLE CREEK, OHIO.—\$350,000 for water and wastewater infrastructure, including stormwater management, in the village of Apple Creek, Ohio.

“(530) BROOKLYN HEIGHTS, OHIO.—\$170,000 for water and wastewater infrastructure, including stormwater management, in the village of Brooklyn Heights, Ohio.

“(531) CHAGRIN FALLS REGIONAL WATER SYSTEM, OHIO.—\$3,500,000 for water and wastewater infrastructure in the villages of Bentleyville, Chagrin Falls, Moreland Hills, and South Russell, and the Townships of Bainbridge, Chagrin Falls, and Russell, Ohio.

“(532) CUYAHOGA COUNTY, OHIO.—\$11,500,000 for water and wastewater infrastructure in Cuyahoga County, Ohio.

“(533) ERIE COUNTY, OHIO.—\$16,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows) in Erie County, Ohio.

“(534) HURON, OHIO.—\$7,100,000 for water and wastewater infrastructure in the city of Huron, Ohio.

“(535) KELLEYS ISLAND, OHIO.—\$1,000,000 for wastewater infrastructure in the village of Kelleys Island, Ohio.

“(536) NORTH OLMSTED, OHIO.—\$1,175,165 for water and wastewater infrastructure in the city of North Olmsted, Ohio.

“(537) PAINESVILLE, OHIO.—\$11,800,000 for water and wastewater infrastructure, including stormwater management, in the City of Painesville, Ohio.

“(538) SOLON, OHIO.—\$14,137,341 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Solon, Ohio.

“(539) SUMMIT COUNTY, OHIO.—\$25,000,000 for water and wastewater infrastructure, including related environmental infrastructure, in Summit County, Ohio.

“(540) STARK COUNTY, OHIO.—\$24,000,000 for water and wastewater infrastructure, including related environmental infrastructure, in Stark County, Ohio.

“(541) TOLEDO AND OREGON, OHIO.—\$10,500,000 for water and wastewater infrastructure in the cities of Toledo and Oregon, Ohio.

“(542) VERMILION, OHIO.—\$15,400,000 for wastewater infrastructure in the city of Vermilion, Ohio.

“(543) WESTLAKE, OHIO.—\$750,000 for water and wastewater infrastructure, including stormwater management, in the city of Westlake, Ohio.

“(544) STILLWATER, OKLAHOMA.—\$30,000,000 for water infrastructure, including related environmental infrastructure and water storage, transmission, treatment, and distribution, in the city of Stillwater, Oklahoma.

“(545) BEAVERTON, OREGON.—\$10,000,000 for water supply in the city of Beaverton, Oregon.

“(546) CLACKAMAS COUNTY, OREGON.—\$50,000,000 for water and wastewater infrastructure, including combined sewer overflows, in Clackamas County, Oregon.

“(547) WASHINGTON COUNTY, OREGON.—\$50,000,000 for water infrastructure and water supply in Washington County, Oregon.

“(548) BERKS COUNTY, PENNSYLVANIA.—\$7,000,000 for water and wastewater infrastructure, including water supply, stormwater management, drinking water, and water treatment, in Berks County, Pennsylvania.

“(549) CHESTER COUNTY, PENNSYLVANIA.—\$7,000,000 for water and wastewater infrastructure, including water supply, stormwater management, drinking water, and water treatment, in Chester County, Pennsylvania.

“(550) FRANKLIN TOWNSHIP, PENNSYLVANIA.—\$2,000,000 for water and wastewater infrastructure, including stormwater management, in Franklin Township, Pennsylvania.

“(551) INDIAN CREEK, PENNSYLVANIA.—\$50,000,000 for wastewater infrastructure in the boroughs of Telford, Franconia, and Lower Safford, Pennsylvania.

“(552) PEN ARGYL, PENNSYLVANIA.—\$5,000,000 for water and wastewater infrastructure in the borough of Pen Argyl, Pennsylvania.

“(553) CHESTERFIELD, SOUTH CAROLINA.—\$1,200,000 for water and wastewater infrastructure in the town of Chesterfield, South Carolina.

“(554) CHERAW, SOUTH CAROLINA.—\$8,800,000 for water, wastewater, and other environmental infrastructure in the town of Cheraw, South Carolina.

“(555) FLORENCE COUNTY, SOUTH CAROLINA.—\$40,000,000 for water and wastewater infrastructure in Florence County, South Carolina.

“(556) LAKE CITY, SOUTH CAROLINA.—\$15,000,000 for water and wastewater infrastructure, including stormwater management in the city of Lake City, South Carolina.

“(557) TIPTON, HAYWOOD, AND FAYETTE COUNTIES, TENNESSEE.—\$50,000,000 for water and wastewater infrastructure, including related environmental infrastructure and water supply, in Tipton, Haywood, and Fayette Counties, Tennessee.

“(558) AUSTIN, TEXAS.—\$50,000,000 for water and wastewater infrastructure in the city of Austin, Texas.

“(559) AMARILLO, TEXAS.—\$38,000,000 for water and wastewater infrastructure, including stormwater management and water storage and treatment systems, in the City of Amarillo, Texas.

“(560) BROWNSVILLE, TEXAS.—\$40,000,000 for water and wastewater infrastructure, in the City of Brownsville, Texas.

“(561) CLARENDON, TEXAS.—\$5,000,000 for water infrastructure, including water storage, in the city of Clarendon, Texas.

“(562) QUINLAN, TEXAS.—\$1,250,000 for water and wastewater infrastructure in the city of Quinlan, Texas.

“(563) RUNAWAY BAY, TEXAS.—\$7,000,000 for water and wastewater infrastructure, including stormwater management and water storage and treatment systems, in the city of Runaway Bay, Texas.

“(564) WEBB COUNTY, TEXAS.—\$20,000,000 for wastewater infrastructure and water supply in Webb County, Texas.

“(565) ZAPATA COUNTY, TEXAS.—\$20,000,000 for water and wastewater infrastructure, including water supply, in Zapata County, Texas.

“(566) KING WILLIAM COUNTY, VIRGINIA.—\$1,300,000 for wastewater infrastructure in King William County, Virginia.

“(567) POTOMAC RIVER, VIRGINIA.—\$1,000,000 for wastewater infrastructure, environmental infrastructure, and water quality improvements, in the vicinity of the Potomac River, Virginia.

“(568) CHELAN, WASHINGTON.—\$9,000,000 for water infrastructure, including water supply, storage, and distribution, in the city of Chelan, Washington.

“(569) COLLEGE PLACE, WASHINGTON.—\$5,000,000 for water infrastructure, including water supply and storage, in the city of College Place, Washington.

“(570) FERNDALE, WASHINGTON.—\$4,000,000 for water, wastewater, and environmental infrastructure, in the city of Ferndale, Washington.

“(571) LYNDEN, WASHINGTON.—\$4,000,000 for water, wastewater, and environmental infrastructure, in the city of Lynden, Washington.

“(572) OHELLO, WASHINGTON.—\$14,000,000 for water and wastewater infrastructure, including water supply and aquifer storage and recovery, in the city of Othello, Washington.”

(b) PROJECT MODIFICATIONS.—

(1) CONSISTENCY WITH REPORTS.—Congress finds that the project modifications described in this subsection are in accordance with the reports submitted to Congress by the Secretary under section 7001 of the Water Resources Reform and Development Act (33 U.S.C. 2282d), titled “Report to Congress on Future Water Resources Development”, or have otherwise been reviewed by Congress.

(2) MODIFICATIONS.—

(A) ALAMEDA AND CONTRA COSTA COUNTIES, CALIFORNIA.—Section 219(f)(80) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1258) is amended by striking “\$25,000,000” and inserting “\$45,000,000”.

(B) CALAVERAS COUNTY, CALIFORNIA.—Section 219(f)(86) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259; 136 Stat. 3816) is amended by striking “\$13,280,000” and inserting “\$16,300,000”.

(C) CONTRA COSTA COUNTY, CALIFORNIA.—Section 219(f)(87) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259) is amended—

(i) in the paragraph heading, by striking “WATER DISTRICT” and inserting “COUNTY”;

(ii) by inserting “\$80,000,000, of which not less than” before “\$23,000,000”;

(iii) by inserting “shall be” after “\$23,000,000”; and

(iv) by inserting “service area, and of which not less than \$57,000,000 shall be for water and wastewater infrastructure, including stormwater management and water supply, within the service areas for the Delta Diablo Sanitation District and the Ironhouse Sanitary District, Contra Costa County” after “Water District”.

(D) LOS ANGELES COUNTY, CALIFORNIA.—Section 219(f)(93) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259; 136 Stat. 3816) is amended—

(i) by striking “\$103,000,000” and inserting “\$128,000,000”; and

(ii) by striking “Santa Clarity Valley” and inserting “Santa Clarity Valley”.

(E) LOS ANGELES COUNTY, CALIFORNIA ENVIRONMENTAL ASSISTANCE PROGRAM.—Section 8319(e)(1) of the Water Resources Development Act of 2022 (136 Stat. 3785) is amended by striking “\$50,000,000” and inserting “\$100,000,000”.

(F) LOS OSOS, CALIFORNIA.—

(i) PROJECT DESCRIPTION.—Section 219(c)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219; 121 Stat. 1209) is amended by striking “Wastewater” and inserting “Water and wastewater”.

(ii) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—Section 219(e)(15) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 121 Stat. 1192) is amended by striking “\$35,000,000” and inserting “\$43,000,000”.

(G) SAN BERNARDINO COUNTY, CALIFORNIA.—Section 219(f)(101) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1260) is modified by striking “\$9,000,000” and inserting “\$24,000,000”.

(H) SOUTH PERRIS, CALIFORNIA.—Section 219(f)(52) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A–220; 134 Stat. 2718) is amended by striking “\$50,000,000” and inserting “\$100,000,000”.

(I) PALM BEACH COUNTY, FLORIDA.—Section 219(f)(129) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1261) is amended by striking “\$7,500,000” and inserting “\$57,500,000”.

(J) ATLANTA, GEORGIA.—Section 219(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended by striking “\$75,000,000” and inserting “\$100,000,000”.

(K) EAST POINT, GEORGIA.—Section 219(f)(136) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1261; 136 Stat. 3817) is amended by striking “\$15,000,000” and inserting “\$20,000,000”.

(L) GUAM.—Section 219(f)(323) of the Water Resources Development Act of 1992 (136 Stat. 3811) is amended by striking “\$10,000,000” and inserting “\$35,000,000”.

(M) MAUI, HAWAII.—Section 219(f)(328) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3811) is modified by striking “\$20,000,000” and inserting “\$50,000,000”.

(N) COOK COUNTY AND LAKE COUNTY, ILLINOIS.—Section 219(f)(54) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A-221) is amended by striking “\$100,000,000” and inserting “\$149,000,000”.

(O) FOREST PARK, ILLINOIS.—Section 219(f)(330) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3811) is amended by striking “\$10,000,000” and inserting “\$50,000,000”.

(P) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—Section 219(f)(55) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A-221; 134 Stat. 2718; 136 Stat. 3817) is amended—

(i) by inserting “(including stormwater)” after “wastewater”; and

(ii) by striking “\$100,000,000” and inserting “\$150,000,000”.

(Q) SOUTH CENTRAL ILLINOIS.—Section 219(f)(333) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3812) is amended—

(i) in the paragraph heading, by striking “MONTGOMERY AND CHRISTIAN COUNTIES, ILLINOIS” and inserting “SOUTH CENTRAL ILLINOIS”; and

(ii) by striking “Montgomery County and Christian County” and inserting “Montgomery County, Christian County, Fayette County, Shelby County, Jasper County, Richland County, Crawford County, and Lawrence County”.

(R) WILL COUNTY, ILLINOIS.—Section 219(f)(334) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3808) is amended by striking “\$30,000,000” and inserting “\$36,000,000”.

(S) BATON ROUGE, LOUISIANA.—Section 219(f)(21) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A-220; 121 Stat. 1226; 136 Stat. 3817) is amended by striking “\$90,000,000” and inserting “\$100,000,000”.

(T) EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION, LOUISIANA.—Section 5082(i) of the Water Resources Development Act of 2007 (121 Stat. 1226) is amended by striking “\$40,000,000” and inserting “\$45,000,000”.

(U) LAFOURCHE PARISH, LOUISIANA.—Section 219(f)(146) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1262) is amended by striking “\$2,300,000” and inserting “\$7,300,000”.

(V) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—Section 219(f)(153) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1262; 136 Stat. 3817) is amended by striking “\$12,500,000” and inserting “\$17,500,000”.

(W) SOUTHEAST LOUISIANA REGION, LOUISIANA.—Section 5085(i) of the Water Resources Development Act of 2007 (121 Stat. 1228) is amended by striking “\$17,000,000” and inserting “\$22,000,000”.

(X) FITCHBURG, MASSACHUSETTS.—Section 219(f)(336) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3812) is amended by striking “\$20,000,000” and inserting “\$30,000,000”.

(Y) HAVERHILL, MASSACHUSETTS.—Section 219(f)(337) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3812) is amended by striking “\$20,000,000” and inserting “\$30,000,000”.

(Z) LAWRENCE, MASSACHUSETTS.—Section 219(f)(338) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3812) is amended by striking “\$20,000,000” and inserting “\$30,000,000”.

(AA) LOWELL, MASSACHUSETTS.—Section 219(f)(339) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3812) is amended by striking “\$20,000,000” and inserting “\$30,000,000”.

(BB) METHUEN, MASSACHUSETTS.—Section 219(f)(340) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3812) is amended by striking “\$20,000,000” and inserting “\$30,000,000”.

(CC) MACOMB COUNTY, MICHIGAN.—Section 219(f)(345) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3812) is amended by striking “\$40,000,000” and inserting “\$90,000,000”.

(DD) MICHIGAN.—Section 219(f)(157) of the Water Resources Development Act of 1992 (106 Stat. 4825; 113 Stat. 336; 121 Stat. 1262; 136 Stat. 3818) is amended—

(i) in the paragraph heading, by striking “MICHIGAN COMBINED SEWER OVERFLOWS” and inserting “MICHIGAN”; and

(ii) in subparagraph (A) by striking “\$85,000,000” and inserting “\$160,000,000”.

(EE) BILOXI, MISSISSIPPI.—Section 219(f)(163) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1263) is amended by striking “\$5,000,000” and inserting “\$10,000,000”.

(FF) DESOTO COUNTY, MISSISSIPPI.—Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A–220; 119 Stat. 282; 119 Stat. 2257; 122 Stat. 1623; 134 Stat. 2718) is amended by striking “\$130,000,000” and inserting “\$170,000,000”.

(GG) MADISON COUNTY, MISSISSIPPI.—Section 219(f)(351) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 136 Stat. 3813) is amended by striking “\$10,000,000” and inserting “\$22,000,000”.

(HH) MERIDIAN, MISSISSIPPI.—Section 219(f)(352) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 136 Stat. 3813) is amended by striking “\$10,000,000” and inserting “\$26,000,000”.

(II) RANKIN COUNTY, MISSISSIPPI.—Section 219(f)(354) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 136 Stat. 3813) is amended by striking “\$10,000,000” and inserting “\$22,000,000”.

(JJ) ST. LOUIS, MISSOURI.—Section 219(f)(32) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 337; 121 Stat. 1233; 134 Stat. 2718) is amended by striking “\$70,000,000” and inserting “\$100,000,000”.

(KK) CAMDEN, NEW JERSEY.—Section 219(f)(357) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 136 Stat. 3813) is amended by striking “\$119,000,000” and inserting “\$143,800,000”.

(LL) CENTRAL NEW MEXICO.—Section 593(h) of the Water Resources Development Act of 1999 (113 Stat. 380; 119 Stat. 2255; 136 Stat. 3820) is amended by striking “\$100,000,000” and inserting “\$150,000,000”.

(MM) KIRYAS JOEL, NEW YORK.—Section 219(f)(184) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1264) is amended by striking “\$5,000,000” and inserting “\$25,000,000”.

(NN) QUEENS, NEW YORK.—Section 219(f)(377) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3814) is amended by striking “\$119,200,000” and inserting “\$190,000,000”.

(OO) NEW YORK CITY WATERSHED.—Section 552(a) of the Water Resources Development Act of 1996 (110 Stat. 3780; 136 Stat. 3821) is amended by adding at the end the following:

“(3) CONSIDERATIONS.—In carrying out this section, the Secretary may consider natural and nature-based infrastructure.”

(PP) NORTH CAROLINA.—Section 5113 of the Water Resources Development Act of 2007 (121 Stat. 1237) is amended in subsection (f) by striking “\$13,000,000” and inserting “\$50,000,000”.

(QQ) CLEVELAND, OHIO.—Section 219(f)(207) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1265) is amended by striking “\$2,500,000 for Flats East Bank” and inserting “\$25,500,000”.

(RR) CINCINNATI, OHIO.—Section 219(f)(206) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1265) is amended by striking “\$1,000,000” and inserting “\$31,000,000”.

(SS) OHIO.—Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381; 119 Stat. 2261; 121 Stat. 1140; 121 Stat. 1944; 136 Stat. 3821) is amended in subsection (h) by striking “\$250,000,000” and inserting “\$300,000,000”.

(TT) MIDWEST CITY, OKLAHOMA.—Section 219(f)(231) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat.

1266; 134 Stat 2719) is amended by striking “\$5,000,000” and inserting “\$15,000,000”.

(UU) WOODWARD, OKLAHOMA.—Section 219(f)(236) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1266) is amended by striking “\$1,500,000” and inserting “\$3,000,000”.

(VV) SOUTHWESTERN OREGON.—Section 8359 of the Water Resources Development Act of 2022 (136 Stat. 3802) is amended—

(i) in subsection (e)(1), by striking “\$50,000,000” and inserting “\$100,000,000”; and

(ii) in subsection (f), by inserting “Lincoln,” after “Lane.”

(WW) HATFIELD BOROUGH, PENNSYLVANIA.—Section 219(f)(239) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1266) is amended by striking “\$310,000” and inserting “\$3,000,000”.

(XX) NORTHEAST PENNSYLVANIA.—Section 219(f)(11) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334) is amended by striking “\$20,000,000 for water related infrastructure” and inserting “\$70,000,000 for water and wastewater infrastructure, including water supply”.

(YY) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—Section 219(f)(68) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A–221) is amended by striking “\$2,400,000 for water and sewer infrastructure” and inserting “\$10,000,000 for water and wastewater infrastructure, including stormwater infrastructure and water supply”.

(ZZ) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—Section 219(f)(25) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A–220; 117 Stat. 1838; 130 Stat. 1677; 132 Stat. 3818; 134 Stat. 2719; 136 Stat. 3818) is amended by striking “\$165,000,000” and inserting “\$235,000,000”.

(AAA) MOUNT PLEASANT, SOUTH CAROLINA.—Section 219(f)(393) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3815) is amended by striking “\$7,822,000” and inserting “\$20,000,000”.

(BBB) SMITH COUNTY, TENNESSEE.—Section 219(f)(395) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3815) is amended by striking “\$19,500,000” and inserting “\$69,500,000”.

(CCC) DALLAS COUNTY REGION, TEXAS.—Section 5140 of the Water Resources Development Act of 2007 (121 Stat. 1251) is amended in subsection (i) by striking “\$40,000,000” and inserting “\$100,000,000”.

(DDD) TEXAS.—Section 5138 of the Water Resources Development Act of 2007 (121 Stat. 1250; 136 Stat. 3821) is amended in subsection (i) by striking “\$80,000,000” and inserting “\$200,000,000”.

(EEE) WESTERN RURAL WATER.—Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat. 1836; 118 Stat. 440; 121 Stat. 1219; 123 Stat. 2851; 128 Stat. 1316; 130 Stat. 1681; 134 Stat. 2719; 136 Stat. 3822) is amended—

(i) in subsection (c)(1)—

(I) by inserting by inserting “, including natural and nature-based infrastructure” after “water-related environmental infrastructure”;

(II) in subparagraph (C), by striking “and” at the end; and

(III) by adding at the end the following:

“(E) drought resilience measures; and”; and

(ii) in subsection (i)—

(I) in paragraph (1), by striking “\$800,000,000” and inserting “\$850,000,000”; and

(II) in paragraph (2), by striking “\$200,000,000” and inserting “\$250,000,000”.

(FFF) MILWAUKEE, WISCONSIN.—Section 219(f)(405) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3816) is amended by striking “\$4,500,000” and inserting “\$11,000,000”.

(3) EFFECT ON AUTHORIZATION.—Notwithstanding the operation of section 6001(e) of the Water Resources Reform and Development Act of 2014 (as in effect on the day before the date of enactment of the Water Resources Development Act of 2016), any project included on a list published by the Secretary pursuant to such section the authorization for which is amended by this subsection remains authorized to be carried out by the Secretary.

**SEC. 341. SPECIFIC DEAUTHORIZATIONS.**

(a) DEAUTHORIZATION OF DESIGNATED PORTIONS OF THE LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.—

(1) IN GENERAL.—The portion of the project for flood risk management, Los Angeles County Drainage Area, California, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1589; 50 Stat. 167; 52 Stat. 1215; 55 Stat. 647; 64 Stat. 177; 104 Stat. 4611; 136 Stat. 3785), consisting of the flood channels described in paragraph (2), are no longer authorized beginning on the date that is 18 months after the date of enactment of this Act.

(2) FLOOD CHANNELS DESCRIBED.—The flood channels referred to in paragraph (1) are the following flood channels operated and maintained by the Los Angeles County Flood Control District, as generally defined in Corps of Engineers operations and maintenance manuals and as may be further described in an agreement entered into under paragraph (3):

- (A) Arcadia Wash Channel (Auburn Branch Channel).
- (B) Arcadia Wash Channel (Baldwin Ave. Branch Channel).
- (C) Arcadia Wash Channel (East Branch Channel).
- (D) Arcadia Wash Channel (Lima St. Branch Channel).
- (E) Bel Aire Dr./Sunset Canyon Channel.
- (F) Big Dalton Wash Channel.
- (G) Big Dalton Wash Channel (East Branch Inlet Channel).
- (H) Blanchard Canyon Channel.
- (I) Blue Gum Canyon Channel.
- (J) Brand Canyon Channel.
- (K) Childs Canyon Channel.
- (L) Dead Horse Canyon Channel.
- (M) Dunsmuir Canyon Channel.
- (N) Eagle Canyon Channel.
- (O) Elmwood Canyon Channel.
- (P) Emerald Wash Channel.
- (Q) Emerald Wash Channel (West Branch).
- (R) Hay Canyon Channel.
- (S) Higgins and Coldwater Canyon.
- (T) Hillcrest Canyon Channel.
- (U) La Tuna Canyon Channel.
- (V) Little Dalton Diversion Channel.
- (W) Little Dalton Wash Channel.
- (X) Live Oak Wash Channel.
- (Y) Mansfield St. Channel.
- (Z) Marshall Creek Channel.
- (AA) Marshall Creek Channel (West Branch).
- (BB) Rexford-Monte Mar Branch.
- (CC) Royal Boulevard Channel.
- (DD) Rubio Canyon Diversion Channel.
- (EE) San Dimas Wash Channel.
- (FF) Sawtelle Channel.
- (GG) Shields Canyon Channel.
- (HH) Sierra Madre Villa Channel.
- (II) Sierra Madre Wash.
- (JJ) Sierra Madre Wash Inlet.
- (KK) Snover Canyon Channel.
- (LL) Stough Canyon Channel.
- (MM) Thompson Creek Channel.
- (NN) Walnut Creek Channel.
- (OO) Webber Canyon Channel.
- (PP) Westwood Branch Channel.
- (QQ) Wilson Canyon Channel.
- (RR) Winery Canyon Channel.

(3) AGREEMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall seek to enter into an agreement with the Los Angeles County Flood Control District to ensure that the Los Angeles County Flood Control District—

- (A) will continue to operate, maintain, repair, rehabilitate, and replace as necessary, the flood channels described in paragraph (2)—
  - (i) in perpetuity at no cost to the United States; and
  - (ii) in a manner that does not reduce the level of flood protection of the project described in paragraph (1);

(B) will retain public ownership of all real property required for the continued functioning of the flood channels described in paragraph (2), consistent with authorized purposes of the project described in paragraph (1);

(C) will allow the Corps of Engineers to continue to operate, maintain, repair, rehabilitate, and replace any appurtenant structures, such as rain and stream gages, existing as of the date of enactment of this Act and located within the flood channels subject to deauthorization under paragraph (1) as necessary to ensure the continued functioning of the project described in paragraph (1); and

(D) will hold and save the United States harmless from damages due to floods, breach, failure, operation, or maintenance of the flood channels described in paragraph (2).

(4) ADMINISTRATIVE COSTS.—The Secretary may accept and expend funds voluntarily contributed by the Los Angeles County Flood Control District to cover the administrative costs incurred by the Secretary to—

(A) enter into an agreement under paragraph (3); and

(B) monitor compliance with such agreement.

(b) THAMES RIVER, CONNECTICUT.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, the 25-foot-deep channel portion of the project for navigation, Thames River, Connecticut, authorized by the first section of the Act of July 3, 1930 (chapter 847, 46 Stat. 918), consisting of the area described in paragraph (2), is no longer authorized.

(2) AREA DESCRIBED.—The area referred to in paragraph (1) is the area—

(A) beginning at a point N706550.83, E1179497.53;

(B) running southeasterly about 808.28 feet to a point N705766.32, E1179692.10;

(C) running southeasterly about 2219.17 feet to a point N703725.88, E1180564.64;

(D) running southeasterly about 1594.84 feet to a point N702349.59, E1181370.46;

(E) running southwesterly about 483.01 feet to a point N701866.63, E1181363.54;

(F) running northwesterly about 2023.85 feet to a point N703613.13, E1180340.96;

(G) running northwesterly about 2001.46 feet to a point N705453.40, E1179554.02; and

(H) running northwesterly about 1098.89 feet to the point described in paragraph (1).

(c) SAINT PETERSBURG HARBOR, FLORIDA.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, the portion of the project for navigation, Saint Petersburg Harbor, Florida, authorized by section 101 the River and Harbor Act of 1950 (64 Stat. 165), consisting of the area described in paragraph (2) is no longer authorized.

(2) AREA DESCRIBED.—The area referred to in paragraph (1) is the portion of the Federal channel located within Bayboro Harbor, at approximately -82.635353 W and 27.760977 N, south of the Range 300 line and west of the Station 71+00 line.

(d) NORTH BRANCH, CHICAGO RIVER, ILLINOIS.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, the portion of the project for navigation North Branch channel, Chicago River, Illinois, authorized by section 22 of the Act of March 3, 1899 (chapter 425, 30 Stat. 1156), consisting of the area described in paragraph (2) is no longer authorized.

(2) AREA DESCRIBED.—The area referred to in paragraph (1) is the approximately one-mile long segment of the North Branch Channel on the east side of Goose Island, Chicago River, Illinois.

(e) PAPILLION CREEK WATERSHED, NEBRASKA.—Beginning on the date of enactment of this Act, the project for flood protection and other purposes in the Papillion Creek Basin, Nebraska, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 743) is modified to deauthorize the portions of the project known as Dam Site 7 and Dam Site 12.

(f) TRUCKEE RIVER, NEVADA.—Beginning on the date of enactment of this Act, the project for flood risk management, Truckee Meadows, Nevada, authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366), is no longer authorized.

(g) NEWTOWN CREEK FEDERAL NAVIGATION CHANNEL, NEW YORK.—

(1) DEFINITION OF NEWTOWN CREEK NAVIGATION PROJECT.—In this subsection, the term “Newtown Creek navigation project” means the project for the Newtown Creek Federal navigation channel, New York, described in The Rivers and Harbors Act of 1919, Ch. 832, 40 Stat. 1275, 1276 (1919), The Rivers and Har-



bors Improvement Act of 1930, Ch. 847, 46 Stat. 918, 920 (1930), and The Rivers and Harbors Improvement Act of 1937, Ch. 832, 50 Stat. 844, 845 (1937).

(2) The Newtown Creek navigation project is modified to reduce, in part, the authorized dimensions of the project, such that the remaining authorized depths are as follows:

(A) A 18-foot deep channel with a center line beginning at point North 40.727729 and West 73.929142, thence to a point North 40.722214 and West 73.925874. [Reach EA]

(B) A 18-foot deep Turning Basin South-West of a line formed by points North 40.726202 and West 73.927289; and North 40.723508 and West 73.924713. [Reaches E1A and GA]

(C) A 16-foot-deep channel with a center line beginning at a point North 40.722214 and West 73.925874, thence to a point North 40.718664 and West 73.924176. [Reaches EB and H]

(D) A 16-foot-deep channel with a center line beginning at a point North 40.718664 and West 73.924176, thence to a point North 40.717539 and West 73.927438. [Reach JA]

(E) A 14-foot-deep channel with a center line beginning at a point North 40.717539 and West 73.927438, thence to a point North 40.716611 and West 73.929278. [Reach JB]

(F) A 12-foot-deep channel with a center line beginning at a point North 40.716611 and West 73.929278, thence to a point North 40.713156 and West 73.931351. [Reaches JC and KA]

(3) DEAUTHORIZATIONS.—

(A) IN GENERAL.—The portions of the Newtown Creek navigation project described in subparagraphs (B) through (E) are deauthorized.

(B) PORTION DESCRIBED.—A portion referred to in Paragraph (1) is a portion of the channel adjacent the Turning Basin, specifically the area—

(i) East of a line formed by points North 40.726202 and West 73.927289; and North 40.723508 and West 73.924713; [Reaches E1B and GB] and

(ii) Maspeth Creek. [Reach F]

(C) PORTION DESCRIBED.—A portion referred to in Paragraph (1) is a portion of the channel in East Branch, specifically the area—

(i) Beginning at a point North 40.718066 and West 73.923931; and

(ii) Extending upstream. [Reach I]

(D) PORTION DESCRIBED.—A portion referred to in Paragraph (1) is a portion of the channel in English Kills, specifically the area—

(i) Beginning at a point North 40.713156 and West 73.931351; and

(ii) Extending upstream. [Reach KB]

(E) PORTION DESCRIBED.—A portion referred to in Paragraph (1) as Dutch Kills, specifically the area—

(i) Beginning at a point North 40.737623 and West 73.94681; and

(ii) Extending upstream. [Reach L/L1]

(h) MONROE BAY AND CREEK FEDERAL CHANNEL, VIRGINIA.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, the portion of the project for navigation, Monroe Bay and Creek, Virginia, authorized by the first section of the Act of July 3, 1930 (chapter 847, 46 Stat. 922), consisting of the area described in paragraph (2) is no longer authorized.

(2) AREA DESCRIBED.—The area referred to in paragraph (1) is the roughly 300 feet of the length of the Federal turning and anchorage basin in the vicinity of the property located at 829 Robin Grove Ln., Colonial Beach, Virginia, 22443.

(i) SEATTLE HARBOR, WASHINGTON.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, the project for navigation, Seattle Harbor, Washington, authorized by the first section of the Act of August 30, 1935 (chapter 831, 49 Stat. 1039), is modified to deauthorize the portion of the project within the East Waterway consisting of the area described in paragraph (2).

(2) AREA DESCRIBED.—The area referred to in paragraph (1) is the area—

(A) beginning at the southwest corner of Block 386, Plat of Seattle Tidelands (said corner also being a point on the United States pierhead line);

(B) thence north 90°00'00" west along the projection of the south line of Block 386, 206.58 feet to the centerline of the East Waterway;

(C) thence north 14°30'00" east along the centerline and parallel with the northwesterly line of Block 386, 64.83 feet;

(D) thence north 33°32'59" east, 235.85 feet;

(E) thence north 39°55'22" east, 128.70 feet;

(F) thence north 14°30'00" east parallel with the northwesterly line of Block 386, 280.45 feet;

(G) thence north 90°00'00" east, 70.00 feet to the pierhead line and the northwesterly line of Block 386; and

(H) thence south 14°30'00" west, 650.25 feet along said pierhead line and northwesterly line of Block 386 to the point of beginning.

(j) STUDY ON ADDITIONAL DEAUTHORIZATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the impacts of deauthorization of the following projects:

(1) The portion of the project for flood protection on the Lower San Joaquin River and tributaries, California, authorized by section 10 of the Act of December 22, 1944 (chapter 665, 58 Stat. 901) consisting of the right bank of the San Joaquin River between levee miles 0.00 on the left bank of the Tuolumne River and levee mile 3.76 on the San Joaquin River, California; and

(2) The Freeport and Vicinity Coastal Storm Risk Management separable element of the project for coastal storm risk management and ecosystem restoration, Sabine Pass to Galveston Bay, authorized by section 1401 of the Water Resources Development Act of 2018 (132 Stat. 3838).

**SEC. 342. CONGRESSIONAL NOTIFICATION OF DEFERRED PAYMENT AGREEMENT REQUEST.**

Section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)) is amended by adding at the end the following:

“(5) CONGRESSIONAL NOTIFICATION.—

“(A) IN GENERAL.—Upon receipt of a request for a renegotiation of terms by a non-Federal interest under paragraph (2), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House and the Committee on Environment and Public Works of the Senate a report 30 days after enactment and quarterly thereafter regarding the status of the request.

“(B) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should respond to any request for a renegotiation of terms submitted under paragraph (2) in a timely manner.”.

**TITLE IV—WATER RESOURCES  
INFRASTRUCTURE**

**SEC. 401. PROJECT AUTHORIZATIONS.**

The following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief Engineers	D. Estimated Costs
1. CA	Oakland Harbor Turning Basins Widening, Oakland	May 30, 2024	Federal: \$408,164,600 Non-Federal: \$200,780,400 Total: \$608,945,000
2. MD	Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel, City of Baltimore, Deep Draft Navigation	June 22, 2023	Federal: \$47,956,500 Non-Federal: \$15,985,500 Total: \$63,942,000

(2) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. DC, VA	Metropolitan Washington, District of Columbia, Coastal Storm Risk Management	June 17, 2024	Federal: \$9,899,000 Non-Federal: \$5,330,500 Total: \$15,230,000
2. FL	St. Johns County, Ponte Vedra Beach Coastal Storm Risk Management	April 18, 2024	Initial Federal: \$24,591,000 Initial Non-Federal: \$35,533,000 Total: \$60,124,000 Renourishment Federal: \$24,632,000 Renourishment Non-Federal: \$53,564,000 Renourishment Total: \$78,196,000
3. NY	South Shore Staten Island, Fort Wadsworth to Oakwood Beach, Richmond County, Coastal Storm Risk Management	February 6, 2024	Federal: \$1,730,973,900 Non-Federal: \$363,228,100 Total: \$2,094,202,000
4. RI	Rhode Island Coastline, Coastal Storm Risk Management	September 28, 2023	Federal: \$188,353,750 Non-Federal: \$101,421,250 Total: \$289,775,000

## (3) FLOOD RISK MANAGEMENT AND HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. LA	St. Tammany Parish, Louisiana Coastal Storm and Flood Risk Management	May 28, 2024	Federal: \$3,653,346,450 Non-Federal: \$2,240,881,550 Total: \$5,894,229,000

## (4) NAVIGATION AND HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Gulf Intracoastal Waterway, Coastal Resilience Study, Brazoria and Matagorda Counties	June 2, 2023	Total: \$314,221,000

## (5) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. MS	Memphis Metropolitan Stormwater - North DeSoto County Feasibility Study, DeSoto County, Flood Risk Management and Ecosystem Restoration	December 18, 2023	Federal: \$44,295,000 Non-Federal: \$23,851,000 Total: \$68,146,000

## (6) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. AZ	Tres Rios, Arizona Ecosystem Restoration Project	May 28, 2024	Federal: \$215,840,300 Non-Federal: \$116,221,700 Total: \$332,062,000
2. KS	Manhattan, Kansas Federal Levee System	May 6, 2024	Federal: \$29,454,750 Non-Federal: \$15,860,250 Total: \$45,315,000
3. MO	University City Branch, River Des Peres, University City, St. Louis County, Flood Risk Management	February 9, 2024	Federal: \$9,094,000 Non-Federal: \$4,897,000 Total: \$13,990,000

**SEC. 402. FACILITY INVESTMENT.**

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by the first section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) that are not otherwise obligated, the Secretary may—

(1) design and construct the new building for operations and maintenance in Galveston, Texas, described in the prospectus submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on May 22, 2024, pursuant to subsection (c) of such Act (33 U.S.C. 576(c)), substantially in accordance with such prospectus;

(2) design and construct the new warehouse facility at the Longview Lake Project near Lee's Summit, Missouri, described in the prospectus submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on May 22, 2024, pursuant to subsection (c) of such Act (33 U.S.C. 576(c)), substantially in accordance with such prospectus;

(3) design and construct the joint facility for the resident office for the Corpus Christi Resident Office (Construction) and the Corpus Christi Regulatory Field Office on existing federally owned property at the Naval Air Station, in Corpus Christi, Texas, described in the prospectus submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on June 6, 2023, pursuant to subsection (c) of such Act (33 U.S.C. 576(c)), substantially in accordance with such prospectus; and

(4) carry out such construction and infrastructure improvements as are required to support such building and facilities, including any necessary demolition of the existing infrastructure.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall ensure that the revolving fund established by the first section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) is appropriately reimbursed from funds appropriated for Corps of Engineers programs that benefit from the building and facilities constructed under this section.

## PURPOSE OF LEGISLATION

The purpose of H.R. 8812, the *Water Resources Development Act (WRDA) of 2024*, as amended, is to authorize the United States Army Corps of Engineers (Corps) to carry out vital water resources development activities across the Nation,<sup>1</sup> typically through cost-shared partnerships with a non-Federal interest. These activities encompass a wide range of projects and studies aimed at addressing river and coastal navigation, reducing flood and hurricane storm damage risks, protecting shorelines, ensuring water supply, restoring and protecting ecosystems and the environment, enhancing recreation, supporting hydropower, and facilitating disaster response and recovery.

H.R. 8812, as amended, focuses on delivering projects efficiently and effectively. It improves the Corps' project delivery process by empowering the non-Federal interest and the Corps to expedite the completion of important projects. H.R. 8812 authorizes new projects and modifies existing water resources development project and study authorities to meet local infrastructure demands, ensuring that the Nation's water resources infrastructure can address contemporary challenges and support community resilience and economic growth.

## BACKGROUND AND NEED FOR LEGISLATION

*WRDA 2024*, as amended, builds on a long-standing commitment to address the Nation's water resources challenges, primarily through the efforts of the Corps. *WRDA 2024* aims to enhance the Corps' ability to deliver critical water infrastructure projects efficiently, meeting the diverse needs of river and coastal navigation, flood and hurricane storm damage reduction, shoreline protection, water supply, ecosystem restoration, recreation, hydropower, and disaster response and recovery. The need for *WRDA 2024* arises from several key factors:

1. **Aging Infrastructure:** Many of the Nation's water resources infrastructure projects are decades old and require significant upgrades or replacements to meet current and future demands.<sup>2</sup> Modernizing these projects is essential to ensure safety, reliability, and efficiency.
2. **Economic Competitiveness:** Efficient water transportation systems are vital for the Nation's economic competitiveness.<sup>3</sup> Enhancing river and coastal navigation through infrastructure improvements ensures the smooth movement of goods and supports economic growth.
3. **Extreme Weather Events:** The increasing frequency and intensity of extreme weather events, such as hurricanes, floods, and droughts, underscores the need for robust water resources

<sup>1</sup> UNITED STATES ARMY CORPS OF ENGINEERS, *Value to the Nation*, (last accessed July 9, 2024), available at <https://www.iwr.usace.army.mil/Missions/Value-to-the-Nation/>.

<sup>2</sup> UNITED STATES ARMY CORPS OF ENGINEERS, *Value to the Nation: Capital Stock Fast Facts*, (last accessed Jul. 9, 2024), available at <https://www.iwr.usace.army.mil/Missions/Value-to-the-Nation/Fast-Facts/Capital-Stock/>.

<sup>3</sup> UNITED STATES ARMY CORPS OF ENGINEERS, *Inland Marine Transportation System*, (last accessed July 9, 2024), available at <https://www.usace.army.mil/Missions/Civil-Works/Navigation/IMTS/>.

infrastructure.<sup>4</sup> *WRDA 2024* provides the Corps with the authority to undertake projects that enhance community and infrastructure resilience to these events.

4. Environmental Restoration and Protection: There is a growing recognition of the importance of restoring and protecting ecosystems that provide critical services such as flood control, water filtration, and wildlife habitat. Healthy ecosystems support industries like tourism, fishing, and agriculture, offering significant economic benefits.<sup>5</sup> Additionally, natural infrastructure solutions can be cost-effective alternatives to traditional methods, reducing project costs and maintenance.<sup>6</sup> *WRDA 2024* includes provisions to support the Corps' efforts in ecosystem restoration, mitigation, and protection, leveraging these economic advantages to enhance community resilience and promote economic vitality.

5. Collaboration with the Non-Federal Interest: *WRDA 2024* emphasizes the importance of collaboration between the Corps and the non-Federal interest, other non-Federal entities, including state and local governments, to leverage resources and expertise and to ensure early and engaged collaboration with affected stakeholders. This approach helps ensure that projects meet local needs, gain local support, and maximize the benefits of Federal investments.

6. Project Delivery Efficiency: One of the central focuses of *WRDA 2024* is to improve the project delivery process. By simplifying procedures, reducing unnecessary hurdles, and empowering the non-Federal interest, the legislation aims to expedite the completion of vital water resources projects.

Enactment of *WRDA 2024* is crucial for addressing these challenges and ensuring that the Nation's water resources infrastructure can meet the demands of the 21st Century. This legislation provides the necessary authority and direction to the Corps to carry out its mission effectively and efficiently, thereby safeguarding communities, enhancing economic productivity, and protecting valuable environmental resources.

#### *WRDA 2024 Delivers Water Resource Projects*

Using the established framework to carry out water resource infrastructure projects by the Corps, infrastructure projects are being delivered through established processes in *WRDA 2024*. This includes projects focused on navigation, flood control, ecosystem restoration, and other related areas. The process involves several key steps:

1. Identifying Needs and Opportunities: The process begins with the identification of water resources needs and opportunities at the local, regional, and national levels. This can be initiated by the non-Federal interest, such as state and local governments, Tribal entities, and other stakeholders, who recog-

<sup>4</sup>JONATHAN D. HASKETT CONG. RSCH. SERVICES, CLIMATE CHANGE AND EXTREME HEAT, 2023, (IN12250) available at <https://crsreports.congress.gov/IN12250>.

<sup>5</sup>NICOLE T. CARTER AND NORMAND, ANNA E. NORMAND, CONG. RSCH. SERVICES, PROCESS FOR U.S. ARMY CORPS OF ENGINEERS (USACE), 2024 (R47946) available at <https://crsreports.congress.gov/R47946>.

<sup>6</sup>Headwaters Economics, *Green Infrastructure: Cost-effective solutions to flooding*, (last accessed July 9, 2024), available at <https://headwaterseconomics.org/natural-hazards/green-infrastructure/>.

nize specific challenges or opportunities in their areas. Many of these projects are included in an annual report issued by the Corps known as the “7001 Report” based on a process established by section 7001 of the *Water Resources Reform and Development Act of 2014 (WRRDA 2014)*.<sup>7</sup>

2. Feasibility Studies: Once a need or opportunity is identified, a request can be made by a Member of Congress to authorize a new feasibility study. Section 201 of *WRDA 2024* authorizes the Secretary to carry out more than 150 new feasibility studies. These studies can be started after they receive appropriations.

3. Chief’s Report: Following the completion of a feasibility study, the Corps submits to Congress a Report of the Chief of Engineers, more commonly referred to as a Chief’s Report, documenting the findings and recommendations for a proposed water resources project.<sup>8</sup> This report serves as a key milestone in the project authorization process, providing the necessary information for Congressional authorization and funding. In addition to Chief’s Reports, the Chief of Engineers prepares a Director’s Report when a water resources project is modified or exceeds the existing project authorization.<sup>9</sup> Section 401 of *WRDA 2024* authorizes the construction of 12 pending Chief’s Reports or Director’s Reports that have been submitted to Congress since the enactment of *WRDA 2022*. Construction of these projects can begin after they receive appropriations.

#### *Delivering Environmental Infrastructure Projects through WRDA 2024*

In addition to the study and construction authority of traditional water resources projects, the Corps has the authority to provide design and construction assistance for infrastructure in specified municipalities, counties, and states through the Environmental Infrastructure program. Projects within this program include water distribution works, stormwater management, surface water protection, and environmental restoration.<sup>10</sup> Section 340 of *WRDA 2024* authorizes 166 new environmental infrastructure authorities and authorizes modifications to several existing environmental infrastructure authorities.

#### *Delivering Small Projects through WRDA 2024*

*WRDA 2024*, as amended, enhances the delivery of small projects, defined as those with a Federal commitment of less than \$15 million, by implementing significant changes to the Continuing

<sup>7</sup> UNITED STATES ARMY CORPS OF ENGINEERS, *WRRDA 7001 Proposals*, (last accessed July 9, 2024), available at <https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/WRRDA-7001-Proposals/>.

<sup>8</sup> UNITED STATES ARMY CORPS OF ENGINEERS, *Signed Chief’s Reports*, (last accessed July 9, 2024), available at <https://planning.ercd.dren.mil/toolbox/library.cfm?Option=Direct&Group=Main&Item=Chief%20Report&Sub=None&Sort=Default>.

<sup>9</sup> UNITED STATES ARMY CORPS OF ENGINEERS, *Signed Director’s Reports*, (last accessed July 9, 2024), available at <https://planning.ercd.dren.mil/toolbox/library.cfm?Option=Direct&Group=Main&Item=Director%20Report&Sub=None&Sort=Default>.

<sup>10</sup> Anna E. Normand, Cong. Rsch. Services, OVERVIEW OF U.S. ARMY CORPS OF ENGINEERS ENVIRONMENTAL INFRASTRUCTURE (EI) ASSISTANCE (2023) (R47162) available at <https://crsreports.congress.gov R47162>.

Authorities Programs (CAP).<sup>11</sup> These modifications aim to optimize project delivery and reduce unnecessary hurdles. Key changes include:

1. Delegated Decision-Making Authority: *WRDA 2024* delegates decision making authority for CAP to the District level, which expedites project delivery and empowers the staff at the District level who have a better understanding of the specific needs and conditions of their regions. This localized decision-making process reduces the need for extensive reviews and approvals from higher levels, which can add delays and increase administrative costs. This streamlined approach ensures that funds are allocated more directly to project execution rather than administrative overhead, resulting in more efficient use of resources and quicker project completion.

2. Automatic Conversion to Feasibility Study: *WRDA 2024* allows projects initiated under CAPs that exceed the per-project authority limit to be automatically converted into feasibility studies if the excess is less than twice the authority threshold. This minimizes project starts and stops, reducing costs and maintaining momentum in project development. Previously, exceeding the authorized threshold could lead to significant delays as projects waited for Congressional authorization to become a new feasibility study. By allowing an automatic conversion to a feasibility study, the process becomes smoother and more predictable, preventing costly halts and increasing project delivery for communities, all while maintaining Congress' oversight role for significant Corps' projects.

3. Increased Per-Project and Annual Program Limits: The per-project authorization limit on six of the nine CAPs has been increased in *WRDA 2024*, along with four of the nine annual program authorization limits. Increasing these limits acknowledges the impact of inflation on infrastructure projects. Notably, the limits for Small Flood Control Projects (33 U.S.C. 701s) and Aquatic Ecosystem Restoration (33 U.S.C. 2330) programs have been raised slightly higher than others as these types of CAP projects are more frequently pursued by the non-Federal interest. These changes ensure that critical projects receive adequate funding from the start, reducing the need for piecemeal approaches and enabling more robust, long-term solutions.

4. Inclusion of Stormwater: Stormwater management has been incorporated into the Small Flood Control Projects (33 U.S.C. 701s) program, emphasizing the growing demand for addressing stormwater issues in communities. This inclusion recognizes the increasing challenges posed by larger and stronger storms, which cause severe flooding and associated damage in urban and rural areas alike. *WRDA 2024* authorizes the Corps to be more flexible and responsive to stormwater management, while also making it easier for communities to qualify for and receive Federal assistance. This change highlights the program's adaptability to local needs and its commitment to proactive flood risk management, which is crucial for

---

<sup>11</sup>Section 7001(c)(1)(D) of Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).



protecting lives, property, and the environment in the face of changing climate patterns and urban development pressures.

5. Resiliency: *WRDA 2024* augments the Corps' authority to address infrastructure resilience to increasing frequency and intensity of extreme weather events, such as increased precipitation and droughts. *WRDA 2024* amends the Small Flood Control Projects (33 U.S.C. 701s) program to direct the Secretary, where appropriate, to include features for the reclamation, treatment, and reuse of flood and stormwater associated with projects to further enhance the resiliency of communities. Similarly, this legislation amends the authority for Project Modifications for Improvement of the Environment (33 U.S.C. 2309a) to authorize the Secretary to modify existing Corps' projects to enhance drought resiliency. Under this modified authority, the Secretary would be authorized to carry out modifications to existing water resources development projects, such as enhanced water conservation measures, removal of excess sediment, the planting of native vegetation, and other actions to increase drought resilience, water conservation, and water availability.

6. Community Revitalization Program: The Community Revitalization Program (enacted as Section 165(a) of *WRDA 2020*) has been made permanent, ensuring long-term support for community-led efforts to revitalize and enhance local infrastructure. This stability provides support for projects that address critical needs, promote sustainable development, and improve overall community well-being. Increasing the number of projects that can be carried out through this program provides all communities across the Nation with greater access to Corps expertise in addressing local water resources challenges, enabling communities of all economic means to undertake vital projects that might otherwise be unaffordable. Such investments lead to improved local economies, enhanced quality of life, and greater resilience to future challenges.

7. Alternative Delivery CAP Pilot: Subsection 101(a) creates a new, alternative delivery office within the Corps, and directs that office to implement a pilot program carrying out projects using alternative delivery. This new CAP delivery process focuses on accelerating the delivery of projects through use of methods, such as progressive design-build and construction manager at risk approaches to project delivery. The alternative delivery office is tasked with working with the non-Federal interest to identify and implement strategies that reduce project timelines, cut costs, and improve overall project outcomes, with a goal of enhancing project efficiency and effectiveness.

These changes demonstrate a commitment to delivering small projects more effectively and efficiently, addressing key areas of need while minimizing administrative burdens and costs.

*Delivering Projects by Connecting Communities with the Corps in WRDA 2024*

Section 102 of *WRDA 2024*, as amended, establishes a new program designed to assist communities in identifying the Federal program through the Corps that best suits their needs and guiding them through the various stages or requirements. The Committee

recognizes disparities among Corps Districts in their community engagement capabilities. This program aims to level the playing field, ensuring equal access for all communities, regardless of their respective Corps District.

Similarly, Section 106 of *WRDA 2024* introduces reforms to enhance consistency and efficiency within the Corps by creating a centralized office tasked with reviewing requests for permission to modify existing water resources development projects under Section 408.<sup>12</sup> This office will provide non-Federal entities with clear, consistent, and timely recommendations, ensuring uniformity across Corps Districts by moving these reviews from Corps Districts to a centralized office. Non-Federal entities may request pre-application meetings through this office to clarify technical requirements, determine optimal design package submissions, and address potential concerns or conflicts with proposed actions.

*Delivering Projects with non-Federal Interests through WRDA 2024*

In addition to establishing the new alternative delivery CAP, Sections 104 and 105 of *WRDA 2024*, as amended, amend Sections 203 and 204 of *WRDA 1986*, respectively, to clarify and enhance the responsibilities of non-Federal interests in conducting studies and construction activities for authorized projects. These amendments provide clear guidelines and expectations, ensuring efficient processes and effective project oversight.

Section 327 of *WRDA 2024*, as amended, includes specific schedules for a specific project being pursued under Section 203 of *WRDA 1986*. These are designed to facilitate timely project execution, ensuring that studies progress efficiently and conclusions are reached within reasonable timeframes.

*Delivering Projects more Efficiently through Policy in WRDA 2024*

*WRDA 2024* marks a pivotal advancement in infrastructure development policy, introducing strategic reforms aimed at enhancing efficiency and effectiveness in project delivery across the Nation. Through targeted policy changes, this legislation empowers the Corps to better manage processes, optimize resource allocation, and foster greater collaboration with non-Federal entities. These not only prioritize timely project completion but also ensure that taxpayer dollars are invested judiciously, supporting sustainable infrastructure solutions that meet the evolving needs of communities nationwide.

1. Minimum Real Estate Interest: In response to concerns received by the Committee regarding the appropriate use of real estate interests by the Corps for project purposes, Section 103 of *WRDA 2024* modifies the requirements for minimum real estate interests. The Committee recognizes that in some instances, the Corps has utilized higher levels of real estate instruments than necessary for project objectives, thereby increasing project costs and administrative burdens. *WRDA 2024* mandates a recalibration of minimum real estate interests, ensuring that the Corps utilizes instruments that are more proportionate to project needs, rather than defaulting to fee simple ownership. This adjustment aims to optimize project effi-

---

<sup>12</sup> 33 U.S.C. 408.

ciency and cost-effectiveness by requiring the use of lesser interests when feasible and appropriate. The intent behind this change is to align the Corps' real estate practices more closely with project requirements, promoting the use of alternatives that provide sufficient control and access while minimizing unnecessary acquisition costs and administrative complexities.

2. **Electronic Submission and Tracking of Permit Applications:** Building upon Section 2040 of *WRDA 2007* (33 U.S.C. 2345(a)), Section 107 of *WRDA 2024* enhances the Corps' ongoing efforts to implement electronic submission and tracking systems for permit applications by directing the Corps to include environmental documentation on its existing online portal. By leveraging existing frameworks, USACE will streamline communication, accelerate decision-making processes, and improve transparency for non-Federal interests.

3. **Vertical Integration:** Section 108 of *WRDA 2024* adjusts the Federal authority limit for feasibility studies to accommodate projects with anticipated construction costs exceeding \$500 million. This adjustment addresses inflationary pressures and ensures that large projects receive adequate resources from the onset, during the feasibility phase. By increasing financial support for these complex initiatives early in the planning process, *WRDA 2024* promotes thorough project assessment, informed decision-making, and efficient resource allocation. This strategic adjustment underscores the Committee's commitment to prudent infrastructure investment, facilitating comprehensive evaluations that assess project viability and benefits for communities and the Nation. This section also provides the Corps with additional flexibility by excluding reconnaissance-level, Federal-interest-determination work from existing deadlines.

4. **Systemwide Improvement Framework and Encroachments:** Section 109 of *WRDA 2024* establishes a Systemwide Improvement Plan to assist non-Federal entities in achieving compliance with the P.L. 84-99 program by requiring that the Corps work with non-Federal interests to develop comprehensive compliance plans.

5. **Third Party Mitigation:** Section 110 of *WRDA 2024* amends Section 906 of *WRDA 1986* to clarify existing mitigation authorities and enhance the Corps' ability to utilize third-party mitigation to fulfill project mitigation requirements. Additionally, requires that the Corps provide transparency on project mitigation to assist oversight of project implementation as well as assist potential third-party mitigation providers in planning and preparing appropriate solutions. These changes aim to enhance mitigation outcomes, foster collaboration with third-party providers, and ensure timely and adequate environmental stewardship for Corps projects.

*Modernizing Corps Authorities to Address Current Water Resources Challenges in WRDA 2024*

The Committee recognizes the need for the Corps to collaborate with non-Federal entities. *WRDA 2024* makes several changes to existing authorities requiring the Corps to partner with non-Fed-

eral entities to address current water resources challenges facing local communities.

1. Economic, Hydraulic, and Hydrologic Model: Section 118 of *WRDA 2024*, as amended, encourages the Corps to collaborate with non-Federal entities when developing economic, hydraulic, and hydrologic models. By leveraging the expertise and resources of these entities, the Corps can augment accuracy, efficiency, and innovation in project development. This collaborative approach aims to integrate diverse perspectives and specialized knowledge, advancing the Corps' ability to plan, design, and implement effective infrastructure projects that meet the Nation's water resources needs.

2. Water Supply Mission: The Committee recognizes the critical importance of water supply to the nation's health, economy, and security. Accordingly, Section 121 of *WRDA 2024*, as amended, recognizes water supply as a primary mission of the Corps, aligning water supply with the existing primary missions of flood control (risk reduction), navigation, and ecosystem restoration. This designation underscores the necessity of prioritizing and funding water supply projects and initiatives, ensuring that the Corps is fully empowered and directed to address the Nation's water resource needs with the highest level of commitment and expertise.

3. Low-Head Dam Inventory: Section 128 of *WRDA 2024*, as amended, amends Section 6 of the *National Dam Safety Program Act* (33 U.S.C. 467d) to incorporate low-head dams into the National Inventory of Dams (NID). The intent of this amendment is to ensure that there is a single, comprehensive database that includes all dams currently in the NID, as well as low-head dams. This unified database will improve the ability to monitor, manage, and ensure the safety of all dam structures Nationwide, providing a more complete and accurate resource for stakeholders involved in dam safety and management.

#### *Delivering Projects to More Communities through WRDA 2024*

The Committee recognizes the critical importance of delivering water resources projects to all communities, ensuring access to the benefits these projects provide. To this end, Section 131 of *WRDA 2024*, as amended, amends the ability-to-pay provisions of Section 103 of *WRDA 1986*, establishing new criteria for the Secretary of the Army to evaluate the cost-sharing capacity of communities. These criteria aim to ensure that project cost-sharing requirements are appropriately scaled to the financial capabilities of the benefiting communities, promoting inclusivity and fairness in project implementation. Similar to the changes made in Sections 101(j) and 302(h) of this Act, providing additional financial flexibility for carrying out water resources development projects provides all communities across the Nation with greater access to Corps expertise in addressing local water resources challenges, enabling communities of all economic means to undertake vital projects that might otherwise be unaffordable. Such investments lead to improved local economies, enhanced quality of life, and greater resilience to future challenges.

Furthermore, Section 132 of *WRDA 2024*, as amended, expands the types of projects available to Tribes under the Tribal Partnership Program, recognizing the unique needs and priorities of Tribal communities. Section 302 of *WRDA 2024*, as amended, extends the authorization for the pilot program established under Section 118 of *WRDA 2020* for additional years, allowing additional communities access to the benefits provided by this program.

*Delivering Projects to Ports and Harbors through WRDA 2024*

Ports and harbors in the United States are essential to our economic and national security, helping to support the transportation of waterborne commerce and military goods. *WRDA 2024*, as amended, seeks to strengthen United States supply chains by continuing to prioritize the infrastructure and maintenance needs of our nation's harbors—both big and small. For example, Section 206 includes an annual reporting requirement on the operations and maintenance costs and needs at harbors and inland harbors, the distribution of funds from the Harbor Maintenance Trust Fund, and a list of unmet needs at harbors. This requirement will provide the Committee with a continuous baseline and understanding of the infrastructure needs at our Nation's harbors, as well as the Corps' implementation of Harbor Maintenance Trust Fund allocations directed by Section 102 of *WRDA 2020*.

*WRDA 2024*, as amended, also amends Sections 101(a) and (b) of *WRDA 1986* to increase the depth at which Federal ports and harbors projects can receive Federal support for construction and operation and maintenance. This will help ports and harbors modernize and stay competitive on the global stage, allowing more goods and services to be delivered into our country and exported around the world. Additionally, this legislation expands existing programs at the Corps that support emerging harbors (Section 112), remote and subsistence harbors (Section 113), and underserved community harbors (Section 114), which are often critical to the economic well-being of local communities.

CONGRESSIONAL DIRECTION

*After Action Reviews.*—The Committee recognizes that the Corps performs after action reviews following completion of each project; however, it understands that the results from those reviews are not shared amongst the Corps' various Districts and Divisions. The Committee encourages the Corps to develop a database for sharing lessons learned internally from after action reviews in a format that is helpful to other Corps project teams, such as being searchable by project feature.

*Allegheny River, Pennsylvania.*—The Committee recognizes the importance of the Allegheny River to the inland waterways network and to the movement of freight. In carrying out the study pursuant to Section 201(a)(102), the Secretary is encouraged to coordinate with relevant Federal agencies and a broad array of stakeholders to consider opportunities for waterway freight diversification, multi-modal facility development, and other economic development opportunities for the continued viability of the Allegheny River Corridor, Pennsylvania.

*Cleveland Harbor, Ohio, Dredge Material Management Plan.*—Ensuring adequate dredged material placement capacity for ports

along Lake Erie is essential to adhere to the State of Ohio's law prohibiting the open lake placement of dredged material.<sup>13</sup> The Committee continues to encourage the Corps to maximize the beneficial use of dredged material and plan for the long-term management of dredged material in Lake Erie, particularly in Cleveland Harbor, which is expected to reach its current dredged material capacity by 2029. The Committee notes that the interim Dredged Material Management Plan (DMMP) for Cleveland Harbor, Ohio, has been under development since 2017 and that the development of the full 20-year DMMP has been delayed. The Committee encourages the Corps to expeditiously complete a DMMP, no later than 2025, for Cleveland Harbor and evaluate the Cleveland Harbor Eastern Embayment Resilience Strategy project as a locally led, long-term dredged material placement site.

*Coastal Mapping Program.*—The Committee underscores that Section 8110 of *WRDA 2022* authorized the Corps to carry out a national coastal mapping study and received funding through the *Consolidated Appropriations Act of 2024* (P.L. 118–42). In addition, the Committee notes that flood risk in coastal floodplains can be equally affected by impacts from tidally-influenced waterways as well as by non-tidal riverine and precipitation influences. Accordingly, the Committee encourages the Corps to examine potential coastal impacts from both tidal and non-tidal waterbodies (including wetlands, streams, and rivers) in conducting comprehensive watershed assessments.

*Coordination with the 3D Hydrography Program.*—The 3D Hydrography Program (3DHP), led by the United States Geological Survey, utilizes cutting-edge mapping and geographic information system technologies to provide comprehensive data on our Nation.<sup>14</sup> The Committee encourages the Corps to continue coordination with this program and utilize 3DHP data, as appropriate, in the development and evaluation of water resource projects.

*Corps-Operated Dams for Hydropower.*—The Committee is aware that Power Marketing Agencies often utilize Corps-operated dams for the production of hydropower. The Committee continues to maintain that no action by the Secretary in carrying out the Corps of Engineers' primary mission areas preempts the Administrator of a Power Marketing Agency from setting rates for the sale of electric power and energy pursuant to Section 5 of the *Flood Control Act of 1944*, except in the circumstance Congress has specified that monies appropriated to the Corps of Engineers must be repaid by hydropower customers within a prescribed time period.

*Craig Harbor, Alaska.*—The Committee directs the Corps to expeditiously undertake formal consultation with the Craig Tribal Association regarding a General Reevaluation Report for the Craig Navigation Improvements Project, authorized under Section 204 of the *Flood Control Act of 1948* and construction authorized by Section 1401 of the *Water Infrastructure Improvements for the Nation Act of 2016* (P.L. 114–322), according to Sections 2, 6, and 7 of the

<sup>13</sup> Ohio Code § 611.32.

<sup>14</sup> U.S. GEOLOGICAL SURVEY, *3D Hydrography Program* (last accessed July 9, 2024), available at <https://www.usgs.gov/3DHP>.

November 30, 2022 Memorandum on Uniform Standards for Tribal Consultation.<sup>15</sup>

*Dam Safety Assurance Authority.*—The Committee encourages the Corps to consider and review any request for application of its authority pursuant to Section 1203 of the *Water Resources Development Act of 1985* (33 U.S.C. 467n), specifically at Garrison Dam, North Dakota, and Oahe Dam, South Dakota.

*Deauthorizations.*—Section 301 of the bill establishes a process for the deauthorization of certain water resources development projects not yet initiated or appropriated. The Committee notes that the following projects continue to have support from the associated non-Federal interest and should not be included in any list to deauthorize water resources projects pursuant to this section:

(1) The project for environmental restoration, Matilija Dam, Ventura County, California, authorized by section 1001(10) of *WRDA 2007* (121 Stat. 1051).

(2) The project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, authorized by section 101(b) of *WRDA 2000* (114 Stat. 2577).

(3) San Francisco Bay to Stockton Navigation Improvement: Project to modify the project for navigation, San Francisco Bay to Stockton, California, authorized by the *Rivers and Harbors Act of 1965* (79 Stat. 1091).

(4) Suisun Bay Channel (Slough), California: Project for navigation, Suisun Bay Channel (Slough), California. The Corps already abandoned its previous disposition study in 2021.

(5) Middle Creek, Lake County, California: Project for flood damage reduction and environmental restoration, Middle Creek, Lake County, California, authorized by section 1001(11) of the *WRDA 2007* (121 Stat. 1051).

*Definition of Including.*—The Committee notes that a fundamental canon of statutory construction is that the term “include” should be interpreted with a presumption of non-exclusiveness—meaning that the word “including,” when used by itself, means that the list is merely exemplary and not exhaustive.<sup>16</sup> The Committee is concerned that the Corps has taken a narrower approach to the use of the term “including” in *WRDA* interpretation, and reminds the Corps of the plain meaning of this term when used in statutory construction.

*Dredged Material Placement for Ohio Harbors.*—The Committee is aware of the ongoing issues with securing sufficient dredged material placement sites for Federal harbors in the State of Ohio. The Committee encourages the Corps to consider the beneficial use facilities being designed by the Ohio Department of Natural Resources and non-Federal interests as viable sites for the Corps ongoing dredging operations. Further, the Committee directs the Corps to expedite completion of written agreements for the implementation of any such sites that provide for the beneficial use of dredged material for Ohio harbors.

<sup>15</sup>The White House, *Memorandum on Uniform Standards for Tribal Consultation*, (last accessed July 11, 2024), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/11/30/memorandum-on-uniform-standards-for-tribal-consultation/>.

<sup>16</sup>See generally ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW* (2012).

*Flood Control Projects Impacting Military Installations.*—The Committee encourages the Corps to expedite reviews pursuant to Section 14 of the Act of March 3, 1899 (33 U.S.C. 408) for proposed actions that may provide a military installation with increased protection.

*Great Lakes Fishery and Ecosystem Restoration Program.*—The Great Lakes Fishery and Ecosystem Restoration Program enables the Corps to use its planning, design, and construction expertise to support projects that restore the Great Lakes fishery and ecosystem. This program has supported the restoration of more than 1,900 acres of fish and wildlife habitat.<sup>17</sup> The Committee encourages the Corps to continue its support for this program.

*Jones Levee Flood Control Project, Washington.*—The Committee instructs the Corps to expedite completion of the study for the Jones Levee Flood Control, Pierce County, Washington project carried out under Section 205 of the *Flood Control Act of 1948* (33 U.S.C. 701s). The Committee is aware of the project history, including the termination of a General Investigations study in 2018, and encourages the Corps to identify a viable way to move the project forward. The Committee believes several of the policies within Section 101 of *WRDA 2024*, as amended, provide assistance for completing this project and directs the Corps to use the provided authorities to implement a locally supported, economically justified project.

*Kirtland Air Force Base, New Mexico.*—The Committee is aware the Corps is providing technical assistance to the United States Air Force to address subsurface releases from Kirtland Air Force Base into neighboring areas. The Committee directs the Corps to prioritize and expedite their work with the Air Force to identify, prevent, and remediate any such leaks using its existing statutory authorities.

*Lake Aquilla, Texas.*—The Committee encourages the Corps to expeditiously review current conditions and forecasted regional water supply needs as part of a water reallocation study and provide updated costs and needs at Lake Aquilla as part of the Middle Brazos System, Texas.

*Materials.*—The Committee encourages the Corps to maintain a flexible and adaptive approach in selecting construction materials. This entails prioritizing the most suitable materials for each specific application and may include in its analysis factors such as performance, impact, cost-effectiveness, and availability. The Corps should also remain informed about advancements in material science and the development of new materials to ensure that they are utilizing the most current and innovative options available.

*Missouri River Ice Jams.*—Section 1150 of *WRDA 2016*, as amended, provides the Corps with authority for preventing and mitigating flood damage and ensuring water supply associated with ice jams in the Upper Missouri River Basin and the Northeast. The Committee encourages the Corps to utilize this authority, specifically addressing the dangerous levels of ice jam impacts on the Missouri River reach (20 miles) of Omaha, Nebraska, as evidenced by the 2021, 2022, and 2023 ice jams.

<sup>17</sup> UNITED STATES ARMY CORPS OF ENGINEERS, *Great Lakes Fishery & Ecosystem Restoration Program*, (last accessed July 9, 2024), available at <https://www.lrd.usace.army.mil/Home/Great-Lakes-Fishery-Ecosystem-Restoration-Program/Program-Success/>.



*Missouri River Levee System 408L Unit.*—The Committee recognizes the challenges faced by the Farley-Beverly Levee District in Missouri in working with the Bureau of Prisons and encourages the Corps to continue working with the Levee District and Bureau of Prisons to protect the integrity of the relevant Federally-constructed levee and maintain eligibility under the emergency response to natural disasters program pursuant to 33 U.S.C. 701n.

*Norfolk Harbor and Channels, Virginia.*—The Committee reminds the Corps that Section 1403 of *WRDA 2018* authorized further improvements for Norfolk Harbor and Channels, Virginia, and took no deauthorization action. The Committee further instructs the Corps that absent any specific deauthorization, the elements of Norfolk Harbor and Channels, Virginia, including a depth of 55 feet for Anchorage F, authorized by Section 201 of *WRDA 1986* remain fully authorized.

*Noyes Levee, Minnesota.*—The Committee encourages the Corps to work with the State of Minnesota and other non-Federal partners to address the maintenance needs of the Noyes Levee.

*Oyster Gardens.*—The Committee recognizes the role oysters can play in improving water quality and encourages the Corps to explore opportunities to work with states, localities, and other non-Federal partners to support the development of oyster gardens and other oyster restoration activities.

*Prospect Park, Des Moines, Iowa.*—The Committee encourages the Corps to work with the city of Des Moines, Iowa to establish an easement on the Prospect Park property in Des Moines, Iowa, providing for its public outdoor recreation use in perpetuity consistent with the requirements of 54 U.S.C. 300305.

*Red River Basin Chloride Control Area VIII, Texas.*—The Committee recognizes the importance of the Red River Basin Chloride Control Area VIII Project, which improves water quality and provides other important water resource benefits to the region. The Committee encourages the Corps to continue this project.

*Sacramento and San Joaquin Rivers, California.*—The Committee instructs the Corps to expedite completion of emergency repairs to levees pursuant to P.L. 84–99 for flood control projects on the Sacramento and San Joaquin Rivers, California.

*Santa Paula Creek Flood Control Project, Ventura, California.*—The Corps has been partnering with the County of Ventura, CA, to implement the Santa Paula Creek Flood Control Project. The County has been seeking a workable management plan for the project that requires the Corps to deliver the project's Operation, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R) Manual. The Committee urges the Corps to work with the County of Ventura to deliver a workable and approved OMRR&R Manual.

*Strategic Rail Corridor Network.*—The Committee is aware that coastal erosion may be impacting the Strategic Rail Corridor Network (STRACNET). Due to the economic importance of STRACNET, the Committee encourages the Corps to identify the potential non-Federal interest for studying improvements to the network and adjacent lands to increase its resiliency and mitigate impacts from erosion, hurricane and storm damage, flooding, and other evolving factors that may impact STRACNET operability and function.

*Unmanned Aircraft Systems Technology Development.*—The Committee recognizes the Corps' work through the Engineer Research and Development Center on unmanned aircraft systems (UAS) and encourages the continued use of these technologies, including to support levee safety evaluations.

*Wilson Lock, Tennessee River, Alabama.*—The Committee received a number of requests regarding repair of the floating guide wall at Wilson Lock, Alabama. The Committee understands the importance of Wilson Lock to navigation and commerce on the Tennessee River and encourages continued cooperation between the Corps and the Tennessee Valley Authority to expeditiously complete repairs at Wilson Lock.

*Zebra and Quagga Mussels in the Great Lakes.*—Zebra and Quagga mussels were first identified in the Great Lakes in the late 1980s. The Committee notes the impact these freshwater, non-native species have on water resources infrastructure, often leading to increased maintenance costs, and the hazard they pose to human health and the Great Lakes ecosystem. The Committee encourages the Corps to address and mitigate these nuisance species in the Great Lakes.

#### PROJECT EXPEDITES

The Committee received several requests relating to water resource development projects, studies, and programs that are authorized but awaiting the necessary funds to be carried out. The Committee urges the Corps to prioritize the following projects, studies, and programs:

- (1) Construction of a new lock on the Tombigbee River near Demopolis, Alabama, authorized by Section 2 of the *River and Harbor Act of 1945* (P.L. 79–14).
- (2) The program to carry out structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, as authorized by Section 8315 of *WRDA 2022* (136 Stat. 3783).
- (3) Construction of the Ak Chin Levee project, Arizona, carried out under Section 205 of the *Flood Control Act of 1948* (33 U.S.C. 701s).
- (4) Feasibility study for modifications to the Cave Buttes Dam Project, Arizona, pursuant to Section 1201(1) of *WRDA 2018* (132 Stat. 3802).
- (5) The Pima-Maricopa Irrigation Project, Arizona, carried out pursuant to the Tribal Partnership Program (33 U.S.C. 2269).
- (6) Construction of the Rio de Flag Flood Control Project, Flagstaff, Arizona, authorized by Section 101(b)(3) of *WRDA 2000* (114 Stat. 2576).
- (7) The project for Salt River (Va Shly' Ay Akimel) Maricopa County, Arizona, authorized by Section 1001(6) of *WRDA 2007* (121 Stat. 1050).
- (8) Feasibility study for Salt River (Rio Salado Oeste), Maricopa County, Arizona, authorized by Section 1001(5) of *WRDA 2007* (121 Stat. 1050).
- (9) The revisions to the flood control manual for the Theodore Roosevelt Dam, Arizona.

(10) Feasibility study for the Trilby Wash and McMicken Dam project, Arizona, authorized by the *Flood Control Act of 1938*.

(11) The Beaver Lake Water Supply Storage Reallocation Study, Arkansas, authorized pursuant to Section 301 of the *Water Supply Act of 1958*.

(12) Project for Lake Dardanelle Lock Dam, Arkansas, to re-contour and stabilize the slope.

(13) Feasibility study of modifications to the project for flood control, water conservation, and related purposes, Coyote Valley Dam, California.

(14) Construction of the Hamilton Wetlands Restoration Project, California, authorized by Section 101(b)(3) of *WRDA 1999* (113 Stat 269, 279).

(15) Feasibility study to identify and evaluate aquatic ecosystem restoration opportunities at Lake Elsinore, California, authorized pursuant to Section 206 of *WRDA 1986*.

(16) Revisions to water control manuals for Lake Oroville and New Bullards Bar Reservoir, California.

(17) Project for flood risk management, Lower San Joaquin River, Lathrop and Manteca, California, as described in Section 1322(b)(2)(F) of *WRDA 2016* (130 Stat. 1707).

(18) Study for beneficial use opportunities at the Petaluma River Marsh Restoration project, California.

(19) Feasibility study for modifications to Pine Flat Dam, California, authorized pursuant to a 1964 Congressional Resolution of the House Committee on Public Works, and constructed pursuant to the *Flood Control Act of 1944*.

(20) Completion of construction of the Resilient San Francisco Bay Beneficial Use Pilot Project, California.

(21) Project for flood and storm risk management ecosystem restoration at the San Francisco International Airport, California, authorized by Section 142 of *WRDA 1976* (90 Stat. 2930) and Section 203(a)(1) of *WRDA 2000* (114 Stat. 2675).

(22) Project for flood risk management in Westminster, East Garden Grove, California, authorized by Section 401(2) of *WRDA 2020* (134 Stat. 2735).

(23) Director's report for the Broward County Water Preserve Areas project to address costs that exceed the maximum project cost pursuant to Section 902 of *WRDA 1986* (100 Stat. 4183).

(24) Director's report to address design changes and cost increases for the Central and Southern Florida, Canal 111 (C-111) South Dade County project, authorized by Section 401(7) of *WRDA 2020* (134 Stat. 2741).

(25) Review and coordination of the feasibility study for the Volusia County, Florida, Storm Damage Reduction and Coastal Resiliency proposed project addressing damage caused by Hurricanes Ian and Nicole.

(26) The comprehensive plan for the Chattahoochee River Basin Program, authorized by Section 8144 of *WRDA 2022* (136 Stat. 3724).

(27) The project for flood protection and ecosystem restoration, East Saint Louis and vicinity, Illinois (East Side levee

and sanitary district), authorized by Section 204 of the *Flood Control Act of 1965* (79 Stat. 1082; 114 Stat. 2602)

(28) Feasibility study for repairs to the Federally authorized levee, Grand Tower and Degognia and Fountain Bluff Levee System, Illinois, in the vicinity of the community of Cora.

(29) Completion of a comprehensive bank stabilization plan, Clarksville, Indiana.

(30) Modifications to the project for flood risk management, Cedar River, Cedar Rapids, Iowa, authorized by Section 8201(b)(6) of *WRDA 2022* (136 Stat. 3750).

(31) Repairs to the levee system in Covington, Kentucky.

(32) The project for navigation, Kentucky Lock Addition, Kentucky, authorized by Section 101(a)(13) of *WRDA 1996* (110 Stat. 3664).

(33) Feasibility study for Newport, Kentucky, authorized by Section 8201 of *WRDA 2022* (136 Stat. 3746).

(34) Flood warning emergency evacuation plan for North, South, and Middle Fork of the Kentucky River, Kentucky, authorized pursuant to section 205 of the *Flood Control Act of 1948*.

(35) The study for the Bayou Sorrel Lock, Louisiana, authorized by the resolution of the Committee on Public Works of the United States Senate on September 29, 1972, and the resolution of the Committee on Public Works of the United States House of Representatives on October 12, 1972.

(36) Reevaluation study for the Mississippi River & Tributaries Lower Atchafalaya Basin, Louisiana.

(37) The project for hurricane and storm damage risk reduction and ecosystem restoration, Southwest Coastal Louisiana, authorized by Section 1401(8) of the *WIIN Act* (130 Stat. 1715).

(38) Construction of the Back River Channel Dredge Project, Weymouth, Massachusetts.

(39) Project for restoring fish passage in the Hayward Creek and Eaton Pond Watershed, Massachusetts, authorized pursuant to Section 1135 of *WRDA 1986* (100 Stat. 4251).

(40) Feasibility study for modifications to the New Charles River Dam in Boston, Massachusetts, authorized pursuant to Section 8201(35) of *WRDA 2022* (136 Stat. 3746).

(41) Project for restoring fish passage in the Smelt Brook Tributary to the Weymouth-Fore River, Massachusetts, authorized pursuant to Section 1135 of *WRDA 1986* (100 Stat. 4251).

(42) Red Run Inter-County Drain Restoration Improvements, Macomb and Oakland Counties, Michigan.

(43) Disposition study for the Lower St. Anthony Falls Lock and Dam and Lock and Dam, Minnesota.

(44) Project for streambank protection and grade control structures along Muddy Creek, Otoe County, Nebraska, authorized pursuant to Section 14 of the *Flood Control Act of 1946*.

(45) General reevaluation report for the project for flood risk management, Green Brook, New Jersey, authorized pursuant to Section 401(a) of *WRDA 1986*.

(46) Lower Saddle River Flood Protection Project, New Jersey, authorized by Section 401(a) of *WRDA 1986* (100 Stat. 4119).

(47) Project for hurricane and storm damage risk reduction, Rahway River Basin, New Jersey, authorized by Section 401(3) of *WRDA 2020* (134 Stat. 2737).

(48) Feasibility study for flood risk management along the Peckman River Basin in the townships of Verona, Cedar Grove, and West Caldwell, New Jersey, authorized by Section 8201(a)(58) of *WRDA 2022* (136 Stat. 3747).

(49) Feasibility study for flood risk management in the Whippany River Watershed, Morris County, New Jersey, authorized by section 8201(a)(59) in *WRDA 2022* (136 Stat. 3747).

(50) Feasibility study for an updated hydrologic analysis for the town of Estancia, New Mexico.

(51) The flood risk management project for the Swannanoa River Watershed, Buncombe County, North Carolina, authorized pursuant to Section 205 of the *Flood Control Act of 1948*.

(52) Completion of an environmental impact statement to the feasibility study for the project for navigation, Wilmington Harbor, North Carolina, conducted pursuant to section 203 of *WRDA 1986* and conditionally authorized in Section 403 of *WRDA 2020* (134 Stat. 2744).

(53) Maintenance dredging at the Rocky River Harbor, Ohio.

(54) The project for the Northeast Levee System for flood control and other purposes, Williamsport, Pennsylvania, authorized pursuant to Section 5 of the *Flood Control Act of 1936* (49 Stat. 1570).

(55) The San Juan Metropolitan Area Coastal Storm Damage Protection Project, Puerto Rico, authorized by Section 8401(3) of *WRDA 2022* (136 Stat. 3842).

(56) Completion of the Missouri River sediment management plan at Lewis & Clark Lake, South Dakota.

(57) Completion of construction for the Brazos River Floodgates, as part of the Gulf Intracoastal Waterway, Brazos River Floodgates and Colorado River Locks, Texas, authorized by Section 401(2) of *WRDA 2020* (134 Stat. 2734).

(58) Study on the repair and restoration of embankments associated with Waco Lake, Texas, pursuant to Section 147 of *WRDA 2020* (134 Stat. 2656).

(59) Construction of the project at Bolongo Bay, United States Virgin Islands.

(60) Maintenance dredging of the Federally authorized navigation channels of Parrotts Creek, Jackson Creek, and Horn Harbor, Virginia.

(61) Feasibility study for coastal storm risk management project in Virginia Beach and vicinity, authorized by Section 201(a)(27) of *WRDA 2020* (134 Stat. 2671).

(62) The Upper Guyandotte Feasibility Study, West Virginia.

(63) The project for the Williamsport Levee Recertification on the West Branch Susquehanna River in Pennsylvania.

(64) The Great Lakes Coastal Resiliency Study authorized by Section 1219 of *WRDA 2018* (132 Stat. 3811).

The Committee is aware of the development of several feasibility studies being carried out by a non-Federal interest through Section 203 of the *WRDA of 1986* (33 U.S.C. 2231). Pursuant to Section 203 of *WRDA 1986*, as amended, subsection (b)(3)(A) encourages the

non-Federal interest to work with the Corps and may request that the Corps initiate its analysis prior to the final submission under subsection (a)(1). The Committee encourages the Corps to work with the non-Federal interest expeditiously to complete all analyses, reviews, and compliance processes necessary. The Corps is directed to include the steps for these processes in the required updated program guidance documents. The Committee urges the Corps to, upon receipt of a completed study, prioritize its review of the following studies:

- (1) Lake Okeechobee Component A Reservoir (LOCAR)—Lake Okeechobee Watershed Northern Storage.
- (2) Port Fourchon Belle Pass Channel, Louisiana.
- (3) Cedar Port Navigation Project, Texas.
- (4) Raymondville Drain, Texas.
- (5) Sabine-Waterway, Texas.

The Committee received several requests related to studies and projects that were started under one of the continuing authorities programs<sup>18</sup> exceeded the per project authorized limit, and have been included in Section 201 as a new feasibility study. To minimize cost increases incurred from project starts and stops, the Committee urges the Corps to use information already developed during the development of the project and prioritize completion of the following projects in Section 201:

- (1) Fort George Inlet, Jacksonville, Florida
- (2) Palatka Barge Port, Putnam County, Florida
- (3) Town Neck Beach, Sandwich, Massachusetts
- (4) Miles City, Montana
- (5) Hatch, New Mexico
- (6) Guayama, Puerto Rico
- (7) Naranjito, Puerto Rico
- (8) Orocovis, Puerto Rico
- (9) Ponce, Puerto Rico
- (10) Santa Isabel, Puerto Rico
- (11) Yauco, Puerto Rico
- (12) Arcadia, Wisconsin
- (13) River Falls, Wisconsin

#### HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress, the following hearings were used to develop or consider H.R. 8812:

On Thursday, June 22, 2023, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing titled “*Review of Fiscal Year 2024 Budget Request: Agency Perspectives (Part I)*.” The Subcommittee received testimony from The Honorable Michael L. Connor, Assistant Secretary of the Army for Civil Works, Department of the Army; Major General William “Butch” H. Graham, Deputy Chief of Engineers and Deputy Commanding General, United States Army Corps of Engineers; Mr. Jeff Lyash, President and Chief Executive Officer, Tennessee Valley Authority; and Mr. Adam Tindall-Schlicht, Administrator, Great Lakes St. Lawrence Seaway Devel-

<sup>18</sup>Section 7001(c)(1)(D) of Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

opment Corporation. This hearing was part one of two in a series of hearings to provide Members with an opportunity to review the President's Fiscal Year 2024 Budget Request, as well as the Administration's program priorities within the jurisdiction of the Subcommittee.

On Tuesday, December 5, 2023, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing titled "*Water Resources Development Acts: Status of Past Provisions and Future Needs.*" The Subcommittee received testimony from The Honorable Michael L. Connor, Assistant Secretary of the Army for Civil Works, Department of the Army; and Lieutenant General Scott Spellmon, Commanding General and Chief of Engineers, United States Army Corps of Engineers. This hearing provided Members with an opportunity to review the implementation of Corps projects and policies included in past WRDAs, discuss proposals for the development of a *Water Resources Development Act of 2024*, and receive testimony from the Corps on the Administration's priorities for a *Water Resources Development Act of 2024*.

On Wednesday, December 13, 2023, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing titled "*Proposals for a Water Resources Development Act of 2024: Stakeholder Priorities.*" The Subcommittee received testimony from Mr. Shane Kinne, Executive Director, Coalition to Protect the Missouri River; Hon. Teresa Batts, Mayor, Surf City, North Carolina; Mr. Jim Weakley, President, Lake Carriers' Association; Hon. Paul Anderson, President and Chief Executive Officer, Port Tampa Bay, and Chairman, Board of Directors, American Association of Port Authorities; and Mr. Dave Mitamura, Executive Director, National Water Supply Alliance. This hearing was the second in a series of hearings to provide Members with an opportunity to hear priorities for the development of a *Water Resources Development Act of 2024* from interested parties, including the Administration, non-Federal stakeholders, and off-Committee Members.

On Thursday, January 11, 2024, the Subcommittee on Water Resources and Environment on the Committee on Transportation and Infrastructure held hearing titled "*Proposals for a Water Resources Development Act of 2024: Members' Day Hearing.*" The Subcommittee received testimony from Hon. Carol Miller, a Representative from the 1st District of West Virginia; Hon. Grace Meng, a Representative from the 6th District of New York; Hon. Bryan Steil, a Representative from the 1st District of Wisconsin; Hon. Ed Case, a Representative from the 1st District of Hawaii; Hon. Clay Higgins, a Representative from the 3rd District of Louisiana; Hon. Marcy Kaptur, a Representative from the 9th District of Ohio; Hon. Marie Gluesenkamp Perez, a Representative from the 3rd District of Washington; Hon. Russell Fry, a Representative from the 7th District of South Carolina; Hon. Derek Kilmer, a Representative from the 6th District of Washington; Hon. Rashida Tlaib, a Representative from the 12th District of Michigan; Hon. Erin Houchin, a Representative from the 9th District of Indiana; Hon. Dan Newhouse, a Representative from the 4th District of Washington; Hon. Eric Sorensen, a Representative from the 17th District of Illinois; Hon. Lizzie Fletcher, a Representative from the 7th District

of Texas; Hon. Earl L. “Buddy” Carter, a Representative from the 1st District of Georgia; Hon. Byron Donalds, a Representative from the 19th District of Florida; Hon. Kevin Mullin, a Representative from the 15th District of California; Hon. Anna Paulina Luna, a Representative from the 13th District of Florida; Hon. Nick LaLota, a Representative from the 1st District of New York; Hon. Kim Schrier, a Representative from the 8th District of Washington; Hon. Nikki Budzinski, a Representative from the 13th District of Illinois; Hon. Donald G. Davis, a Representative from the 1st District of North Carolina; Hon. Jim Costa, a Representative from the 21st District of California; Hon. James C. Moylan, a Delegate from the Territory of Guam; Hon. Sylvia R. Garcia, a Representative from the 29th District of Texas; Hon. Bill Pascrell, Jr., a Representative from the 9th District of New Jersey; Hon. Andrew Garbarino, a Representative from the 2nd District of New York; Hon. Susie Lee, a Representative from the 3rd District of Nevada; Hon. Debbie Wasserman Schultz, a Representative from the 25th District of Florida; Hon. Mary E. Miller, a Representative from the 15th District of Illinois; Hon. Rick W. Allen, a Representative from the 12th District of Georgia; Hon. Darren Soto, a Representative from the 9th District of Florida; Hon. Robert C. “Bobby” Scott, a Representative from the 3rd District of Virginia; Hon. Terri A. Sewell, a Representative from the 7th District of Alabama; Hon. Katie Porter, a Representative from the 47th District of California; Hon. Gabe Amo, a Representative from the 1st District of Rhode Island; Hon. Lisa Blunt Rochester, a Representative from Delaware; Hon. J. Luis Correa, a Representative from the 46th District of California; Hon. Jasmine Crockett, a Representative from the 30th District of Texas; Hon. Danny K. Davis, a Representative from the 7th District of Illinois; Hon. Lloyd Doggett, a Representative from the 35th District of Texas; Hon. Greg Landsman, a Representative from the 1st District of Ohio; Hon. John B. Larson, a Representative from the 1st District of Connecticut; Hon. Mike Levin, a Representative from the 49th District of California; Hon. Zoe Lofgren, a Representative from the 18th District of California; Hon. Stephen F. Lynch, a Representative from the 8th District of Massachusetts; Hon. Harold Rogers, a Representative from the 5th District of Kentucky; and Hon. Robert J. Wittman, a Representative from the 1st District of Virginia. This hearing provided Members with an opportunity to testify before the Subcommittee on their priorities for the development of a *Water Resources Development Act of 2024*.

#### LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 8812, the “*Water Resources Development Act of 2024*”, was introduced in the United States House of Representatives on June 25, 2024, by Mr. Graves of Missouri, with Mr. Larsen of Washington, Mr. Rouzer, and Ms. Napolitano as original cosponsors, and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 8812 was referred to the Subcommittee on Water Resources and Environment.

The Subcommittee on Water Resources and Environment was discharged from further consideration of H.R. 8812 on June 26, 2024.



The Committee considered H.R. 8812 on June 26, 2024, and ordered the measure to be reported to the House with a favorable recommendation, with amendment, by recorded vote of 61 yeas to 2 nays.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Graves of Missouri, as amended; was AGREED TO by voice vote.

A Manager's Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Graves of Missouri (Graves of Missouri 01); was AGREED TO by voice vote:

At the appropriate place in title I, insert the following:

SEC. \_\_\_\_ . DEFINITION.

For the purposes of this Act, the term "State" shall have the meaning given to such term in the Act of October 15, 1940 (33 U.S.C. 701h-1). Page 69, line 2, insert "hydropower," after "flood control,". Page 69, strike line 21 and all that follows through page 70, line 2. Page 91, line 20, strike the comma. Page 114, line 14, strike "paragraph (1), (2), or (3)" and insert "paragraph (1) or (2)". Page 118, beginning on line 9, strike "that has been authorized before the date of enactment of this Act and". Page 119, insert after line 20 the following: (d) HURRICANE AND STORM DAMAGE REDUCTION PROJECT IMPLEMENTATION.—(1) IN GENERAL.—During the 2-year period beginning on the date of enactment of this Act, notwithstanding any requirement of the Secretary for a covered project to comply with the memorandum of the Corps of Engineers entitled "Standard Estates—Perpetual Beach Nourishment and Perpetual Restrictive Dune Easement" and dated August 4, 1995, the Secretary shall carry out each covered project in a manner consistent with the previously completed initial construction and periodic nourishments of the project, including repair and restoration work on the project under section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)). (2) COVERED PROJECT DEFINED.—In this subsection, the term "covered project" means an authorized project for hurricane and storm damage reduction in any one of the following locations: (A) Brevard County, Canaveral Harbor, Florida—Mid Reach. (B) Brevard County, Canaveral Harbor, Florida—North Reach. (C) Brevard County, Canaveral Harbor, Florida—South Reach. (D) Broward County, Florida—Segment II. (E) Broward County, Florida—Segment III. (F) Dade County, Florida—Main Segment. (G) Dade County, Florida—Sunny Isles Segment. (H) Duval County, Florida. (I) Fort Pierce Beach, Florida. (J) Lee County, Florida—Captiva. (K) Lee County, Florida—Gasparilla. (L) Manatee County, Florida. (M) Martin County, Florida. (N) Nassau County, Florida. (O) Palm Beach County, Florida—Jupiter/Carlin Segment. (P) Palm Beach County, Florida—Delray Segment. (Q) Palm Beach County, Florida—Mid Town. (R) Palm Beach County, Florida—North Boca. (S) Palm Beach County, Florida—Ocean Ridge. (T) Panama City Beaches, Florida. (U) Pinellas County, Florida—Long Key. (V) Pinellas County, Florida—Sand Key Segment. (W) Pinellas County, Florida—Treasure Island. (X) Sarasota, Lido Key, Florida. (Y) Sarasota County, Florida—Venice Beach. (Z) St. Johns County, Florida—St. Augustine Beach. (AA) St. Johns County, Florida—Vilano Segment. (BB) St. Lucie County,

Florida—Hutchinson Island. (3) SENSE OF CONGRESS.—It is the sense of Congress that, for the purpose of constructing and maintaining a project for hurricane and storm damage risk reduction, the minimum estate necessary for easements may not exceed the life of the project nor be less than 50 years. At the appropriate place in title II, insert the following: SEC. II. WILSON LOCK FLOATING GUIDE WALL, ALABAMA. On the request of the relevant Federal entity, the Secretary shall, to the maximum extent practicable, use all relevant authorities to expeditiously provide technical assistance, including engineering and design assistance, and cost estimation assistance to the relevant Federal entity in order to address the impacts to navigation along the Tennessee River at the Wilson Lock and Dam, Alabama. Page 141, line 14, insert “flood risk management and” after “Project for”. Page 144, after line 3, insert the following: (115) HARRIS COUNTY, TEXAS.—Project for flood risk management and ecosystem restoration, Halls Bayou, Harris County, Texas. Page 146, strike lines 1 through 7. Page 146, line 20, insert “and widening” after “deepening”. Page 161, after line 11, insert the following: Project for ecosystem restoration and recreation, Los Angeles River, California, authorized by section 1407(7) of the Water Resources Development Act of 2016 (130 Stat. 1714). Page 172, after line 17, insert the following: (h) REPORT ON BOAT RAMPS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—(1) the number of boat ramps constructed by the Secretary that are located at a site constructed, owned, operated, or maintained by the Secretary; (2) the number of such boat ramps that are operational; and (3) the number of such boat ramps that require maintenance in order to be made operational. At the appropriate place in title III, insert the following: SEC. II. CONGRESSIONAL NOTIFICATION OF DEFERRED PAYMENT AGREEMENT REQUEST. Section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)) is amended by adding at the end the following: (5) CONGRESSIONAL NOTIFICATION.—(A) IN GENERAL.—Upon receipt of a request for a renegotiation of terms by a non-Federal interest under paragraph (2), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House and the Committee on Environment and Public Works of the Senate a report 30 days after enactment and quarterly thereafter regarding the status of the request. (B) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should respond to any request for a renegotiation of terms submitted under paragraph (2) in a timely manner. At the appropriate place in title III, insert the following: SEC. II. MORGANZA TO THE GULF OF MEXICO, LOUISIANA. Section 1001(24) of the Water Resources Development Act of 2007 (121 Stat. 1053) is amended by adding at the end the following: (C) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project described in subparagraph (A) the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work—(i) is integral to the project; (ii) complies with all applicable Federal laws, regulations, and policies that were in place at the

time the work was completed; and (iii) notwithstanding the date described in this subparagraph, is otherwise in compliance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b). Page 240, line 17, insert “or” at the end. Page 240, strike lines 18 through 23 and insert the following: (2) the failure of such system. Page 241, line 3, strike “system,” and insert “system for which a license for right-of-way has been provided by the Secretary and is in effect on the date of enactment of this Act,”. Page 241, line 6, insert “and” at the end. Page 241, strike lines 7 through 9. Page 256, line 10, strike “INDIAN WELLS” and insert “KERN COUNTY”. Page 256, line 12, strike “the city of Indian Wells” and insert “Kern County”. Page 265, line 11, strike “POINT” and insert “POINTE”. Page 265, line 13, strike “Point” and insert “Pointe”. Page 266, after line 17, insert the following: “(III) HANCOCK COUNTY, MISSISSIPPI.—\$7,000,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, Hancock County, Mississippi. Page 280, line 3, strike “WATER DISTRICT” and insert “COUNTY”. Page 280, after line 7, insert the following: (i) in the paragraph heading, by striking “WATER DISTRICT” and inserting “COUNTY”; Page 282, line 1, strike “BERNADINO” and insert “BERNARDINO”. Page 284, after line 21, insert the following: (II) WILL COUNTY, ILLINOIS.—Section 219(f)(334) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 136 Stat. 3808) is amended by striking “\$30,000,000” and inserting “\$36,000,000”. Page 302, strike line 16 and all that follows through page 303, line 10 and insert the following: (g) NEWTOWN CREEK FEDERAL NAVIGATION CHANNEL, NEW YORK.—(1) DEFINITION OF NEWTOWN CREEK NAVIGATION PROJECT.—In this subsection, the term “Newtown Creek navigation project” means the project for the Newtown Creek Federal navigation channel, New York, described in The Rivers and Harbors Act of 1919, Ch. 832, 40 Stat. 1275, 1276 (1919), The Rivers and Harbors Improvement Act of 1930, Ch. 847, 46 Stat. 918, 920 (1930), and The Rivers and Harbors Improvement Act of 1937, Ch. 832, 50 Stat. 844, 845 (1937). The Newtown Creek navigation project is modified to reduce, in part, the authorized dimensions of the project, such that the remaining authorized depths are as follows: A 18-foot deep channel with a center line beginning at point North 40.727729 and West 73.929142, thence to a point North 40.722214 and West 73.925874. [Reach EA] A 18-foot deep Turning Basin South-West of a line formed by points North 40.726202 and West 73.927289; and North 40.723508 and West 73.924713. [Reaches E1A and GA] A 16-foot-deep channel with a center line beginning at a point North 40.722214 and West 73.925874, thence to a point North 40.718664 and West 73.924176. [Reaches EB and H] A 16-foot-deep channel with a center line beginning at a point North 40.718664 and West 73.924176, thence to a point North 40.717539 and West 73.927438. [Reach JA] A 14-foot-deep channel with a center line beginning at a point North 40.717539 and West 73.927438, thence to a point North 40.716611 and West 73.929278. [Reach JB] A 12-foot-deep channel with a center line beginning at a point North 40.716611 and West 73.929278, thence to a point North 40.713156 and West 73.931351. [Reaches JC and KA]

DEAUTHORIZATIONS.—IN GENERAL.—The portions of the Newtown Creek navigation project described in subparagraphs (B) through (E) are deauthorized. PORTION DESCRIBED.—A portion referred to in Paragraph (1) is a portion of the channel adjacent the Turning Basin, specifically the area—East of a line formed by points North 40.726202 and West 73.927289; and North 40.723508 and West 73.924713; [Reaches E1B and GB] and Maspeth Creek. [Reach F] PORTION DESCRIBED.—A portion referred to in Paragraph (1) is a portion of the channel in East Branch, specifically the area—Beginning at a point North 40.718066 and West 73.923931; and Extending upstream. [Reach I] PORTION DESCRIBED.—A portion referred to in Paragraph (1) is a portion of the channel in English Kills, specifically the area—Beginning at a point North 40.713156 and West 73.931351; and Extending upstream. [Reach KB] PORTION DESCRIBED.—A portion referred to in Paragraph (1) as Dutch Kills, specifically the area—Beginning at a point North 40.737623 and West 73.94681; and Extending upstream. [Reach L/ L1] Page 305, after line 9, insert the following: STUDY ON ADDITIONAL DEAUTHORIZATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the impacts of deauthorization of the following projects: The portion of the project for flood protection on the Lower San Joaquin River and tributaries, California, authorized by section 10 of the Act of December 22, 1944 (chapter 665, 58 Stat. 901) consisting of the right bank of the San Joaquin River between levee miles 0.00 on the left bank of the Tuolumne River and levee mile 3.76 on the San Joaquin River, California; and The Freeport and Vicinity Coastal Storm Risk Management separable element of the project for coastal storm risk management and ecosystem restoration, Sabine Pass to Galveston Bay, authorized by section 1401 of the Water Resources Development Act of 2018 (132 Stat. 3838).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Crawford of Arkansas (Crawford 073): Strike section 302(d).; was NOT AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Garamendi of California (Garamendi 251): At the appropriate place in title I, insert the following: SEC. 111. REQUIRED RULEMAKING ON SURPLUS WATER. Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a rule to implement section 6 of the Flood Control Act of 1944 (33 U.S.C. 708).; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Graves of Louisiana (Graves of Louisiana 116): Page 223, after line 6, insert the following: (c) BRIDGE REASSIGNMENT AND CLOSURE.—Beginning on the date that is 5 years after the date of enactment of this Act, if a non-Federal entity has not entered into an agreement with the Secretary under section 109 of the River and Harbor Act of 1950 (33 U.S.C. 534) (as amended by this section) for the transfer or conveyance of a bridge identified in the report described in subsection (b), the Secretary

may close public access to such bridge until such an agreement has been executed.; was NOT AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Bost of Illinois (Bost 057): At the appropriate place in Title I, insert the following: SEC. 111. FEDERAL REQUIREMENTS FOR WIFIA ELIGIBILITY AND PROJECT SELECTION. Section 5028(a)(1)(C) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907) is amended by: (1) striking “The Secretary” and inserting the following: “(i) FINANCING SECURITY FEATURES.—The Secretary”; and (2) adding at the end the following: “(ii) CONSTRUCTION PAYMENT AND PERFORMANCE SECURITY.—“(I) IN GENERAL.—The Secretary or the Administrator, as applicable, shall ensure that the construction of a project carried out with assistance under this subtitle shall have payment and performance security. “(II) USE OF STATE OR LOCAL REQUIREMENTS.—With respect to the construction of a project for which payment and performance security is required to be furnished by applicable State or local law, the Secretary or the Administrator, as applicable, shall accept such payment and performance security requirements for purposes of subclause (I), except that the amount of any payment and performance security accepted shall not be less than 50 percent of the total construction contract amount. “(III) USE OF OTHER REQUIREMENTS.—With respect to the construction of a project for which no State or local payment and performance security requirements are applicable, the payment and performance security described in paragraphs (1) and (2) of section 3131(b) of title 40, United States Code, shall be required for purposes of subclause (I).”.”; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. LaMalfa of California (LaMalfa 077): At the appropriate place in Title I, insert the following: SEC. 111. SACRAMENTO RIVER WATERSHED NATIVE AMERICAN SITE AND CULTURAL RESOURCE PROTECTION PILOT PROGRAM. (a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a pilot program in accordance with this section to protect Native American burial sites, village sites, and cultural resources identified or discovered at civil works projects in the watershed of the Sacramento River and its tributaries, including the American, Bear, Yuba, and Feather Rivers, in the State of California. (b) REBURIAL.—(1) REBURIAL AREAS.—In carrying out the pilot program, the Secretary shall, in consultation with and with the consent of each affected Indian Tribe, identify, and, as applicable, cooperate with appropriate Tribal, local, State, and Federal Government property owners to set aside areas that may be used for the reburial of Native American human remains and funerary objects that have been identified or discovered at the site of a covered civil works project, have been rightfully claimed by any affected Indian Tribe, and can be reburied in such areas in a manner secure from future disturbances, with the consent of such property owner or owners, as applicable. (2) RECOVERY AND REBURIAL STANDARDS.—(A) TIMING OF RECOVERY.—(i) REQUIREMENTS.—In carrying out the pilot program, the Secretary shall work in good faith with each affected

Indian Tribe, and each owner of property affected by the recovery process, to ensure that the recovery of a burial site, village site, or cultural resources from the site of a covered civil works project under the pilot program is completed, pursuant to a written plan or protocol, not later than 45 days after the initiation of such recovery. With respect to a burial site, village site, or cultural resources identified at the site of a covered civil works project before construction of the covered civil works project commences, such recovery is completed before such construction commences on the portion of the covered civil works project affected by the recovery process. (ii) ALTERNATIVE TIMETABLE.—Notwithstanding the deadlines established by clause (i), the Secretary, each relevant non-Federal interest for the covered civil works project, each affected Indian Tribe, and each owner of property affected by the recovery process may negotiate and agree to an alternative timetable for recovery other than that required by such clause, based on the circumstances of the applicable covered civil works project. (B) GUIDANCE.—In carrying out subsection (a), the Secretary shall develop and issue written guidance for recovery and reburial under the pilot program that meets or exceeds the recovery and reburial standards in policy statements and guidance issued by the Advisory Council on Historic Preservation. (C) EMINENT DOMAIN PROHIBITION.—No Federal entity may exercise the power of eminent domain to acquire any property to be used for reburial under the pilot program. (3) RECOVERY AND REBURIAL.—(A) RECOVERY AND REBURIAL BY SECRETARY.—In carrying out the pilot program, the Secretary shall, at Federal expense, in consultation with and with the consent of each affected Indian Tribe, and with appropriate dignity and in accordance with the guidance developed under paragraph (2)—(i) recover any cultural resources identified or discovered at the site of a covered civil works project and rightfully claimed by any affected Indian Tribe; (ii) rebury any human remains and funerary objects so recovered at the applicable areas identified and set aside under paragraph (1); and (iii) repatriate any other cultural resources so recovered to the affected Indian Tribe that has rightfully claimed such cultural resources. (B) TRIBAL AUTHORIZATION.—(i) IN GENERAL.—Upon the request of an affected Indian Tribe, the Secretary shall authorize, pursuant to a memorandum of agreement entered into under clause (ii), the Indian Tribe to assume recovery and reburial responsibilities under the pilot program of cultural resources that have been rightfully claimed by the affected Indian Tribe, and shall reimburse the affected Indian Tribe for reasonable costs directly related to such recovery and reburial. (ii) MEMORANDUM OF AGREEMENT.—In carrying out clause (i)—(I) with respect to a burial site, village site, or cultural resources identified at a covered civil works project before construction of the project commences, the Secretary shall, upon request by the affected Indian Tribe, enter into a written memorandum of agreement with the affected Indian Tribe to authorize the necessary recovery and reburial activities before such construction commences; and (II) with respect to a burial site, village site, or cultural resources discovered at a covered civil works project after construction of the project commences, the Secretary shall, upon request by the affected Indian Tribe, enter into a written memorandum of agreement with the affected Indian Tribe to

authorize the necessary recovery and reburial activities not later than 45 days after such discovery. (iii) LIMITATION.—Reimbursement under clause (i) shall not exceed 1 percent of the total cost of construction of the applicable covered civil works project, pursuant to the terms outlined in paragraph (6). (4) TRIBAL MONITORS.—(A) IN GENERAL.—In carrying out the pilot program, the Secretary may hire a Tribal monitor or monitors, and shall allow any affected Indian Tribe to hire a Tribal monitor or monitors, at Federal expense, during the construction of any covered civil works project, for each area of construction, including for each burial site and village site with respect to which Native American cultural resources are being recovered for reburial. (B) QUALIFICATIONS.—The Secretary or affected Indian Tribe, as applicable, shall ensure that preference in hiring Tribal monitors under this paragraph is provided to qualified Native Americans, including individuals who have a professional relationship with the affected Indian Tribe or possess knowledge of, and expertise in, the customs of the affected Indian Tribe. (C) LIMITATION.—The Federal expense of Tribal monitors hired under this paragraph shall not exceed 1 percent of the total cost of construction of the applicable covered civil works project, pursuant to the terms outlined in paragraph (6). (5) IDENTIFICATION AND INVENTORY.—In carrying out the pilot program, the Secretary shall accept identifications made by an affected Indian Tribe of Native American burial sites and village sites at the site of a covered civil works project, and include such identifications in any inventory document for such project. (6) TIMING OF PAYMENTS.—The Secretary shall enter into a contract or other agreement to make a payment to an affected Indian Tribe for reimbursement of reasonable costs under paragraph (3)(B) or actual expenses under paragraph (4), subject to market-based pricing, which payment shall be made not later than 90 days after the affected Indian Tribe submits an invoice for such costs or expenses to the Secretary. (c) CONVEYANCE AUTHORITY.—(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an affected Indian Tribe for use as a cemetery or reburial area any area that is located on land owned by the Department of the Army and is identified and set aside under subsection (b)(1). (2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of any Corps of Engineers project related to the conveyed land. (d) CONFIDENTIALITY OF INFORMATION PROVIDED.—(1) IN GENERAL.—In carrying out subsection (a), the Secretary shall develop and issue written guidance regarding the confidentiality of information provided to the Department of the Army by Indian Tribes in connection with any covered civil works project under the pilot program. (2) NONPUBLIC INFORMATION.—The following information provided to the Department of the Army by an Indian Tribe under the pilot program shall be treated as confidential and nonpublic information, to protect Native American burial sites, village sites, and cultural resources, and their locations, from unauthorized excavation, desecration, or vandalism: (A) Information regarding the locations of burial sites, village sites, and cultural re-

sources, including maps designating such locations. (B) Information regarding cultural or traditional practices related to such sites or resources. (e) AVOIDANCE OF DUPLICATION.—In carrying out the pilot program, the Secretary shall avoid, to the maximum extent practicable, duplication of efforts relating to compliance with this section and any other applicable provision of law. (f) APPLICABILITY.—(1) IN GENERAL.—Section 208 of the Water Resources Development Act of 2000 (33 U.S.C. 2338) shall not apply to a covered civil works project during the period during which the Secretary is carrying out the pilot program. (2) EXISTING CONTRACTS.—Nothing in this section shall affect any contract relating to a covered civil works project entered into by the Secretary of the Army before the date of enactment of this Act. (g) PERIOD.—The Secretary shall carry out the pilot program until the date that is 4 years after the date on which the pilot program is established. (h) DEFINITIONS.—In this section: (1) AFFECTED INDIAN TRIBE.—The term “affected Indian Tribe” means any Indian Tribe that attaches religious or other significance to any burial site, village site, or cultural resources identified or discovered at a covered civil works project. (2) BURIAL SITE.—The term “burial site” means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, where Native American cultural resources are present as a result of a death rite or ceremony of a culture. (3) COVERED CIVIL WORKS PROJECT.—The term “covered civil works project” means a civil works project that is located in the watershed of the Sacramento River and its tributaries, including the American, Bear, Yuba, and Feather Rivers, within the State of California; being constructed, reconstructed, or repaired, or operated and maintained, using Federal funds; and owned, authorized, permitted, carried out, or operated and maintained by the Department of the Army, including a project carried out by a non-Federal interest under section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232) or section 1043 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note). (4) CULTURAL RESOURCES.—The term “cultural resources” means human remains; or funerary objects or other ceremonial objects. (5) FUNERARY OBJECTS.—The term “funerary objects” means items that are associated with the death rite or ceremony of a culture. (6) HUMAN REMAINS.—The term “human remains” means the physical remains of a human body, including such remains that have been cremated and that may be in any state of decomposition or skeletal completeness (including ashes or small bone fragments). (7) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130). (8) PILOT PROGRAM.—The term “pilot program” means the pilot program established under this section. (9) RIGHTFULLY CLAIMED.—The term “rightfully claimed” means claimed by—(A) with respect to cultural resources identified or discovered on Federal or Tribal lands at the site of a covered civil works project—the person or entity with ownership or control of the cultural resources under section 3 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002); or with respect to cultural resources not subject to such Act, the appropriate person or entity determined in accordance with the priority order estab-



lished by such section; and (B) with respect to cultural resources identified or discovered on other lands at the site of a covered civil works project—in the case of Native American human remains and funerary objects associated with such remains, the lineal descendants of the Native American, as determined in accordance with the laws of the State of California; or in any case in which such lineal descendants cannot be ascertained, and in the case of other funerary objects or other ceremonial objects—the Indian Tribe that has the closest cultural affiliation with the cultural resources; or if the cultural affiliation of the cultural resources cannot be reasonably ascertained—the Indian Tribe that is recognized as aboriginally occupying the area in which the cultural resources were identified or discovered; or if it can be shown by a preponderance of the evidence that a different Indian Tribe has a stronger cultural relationship with such cultural resources than the Indian Tribe specified in item (aa), the Indian Tribe that has the strongest demonstrated relationship with such cultural resources. (10) VILLAGE SITE.—The term “village site” means any natural or prepared physical location, whether below, on, or above the surface of the earth, where a Native American village has been present.; was AGREED TO by a recorded vote of 40 yeas and 21 nays (RC#49).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Westerman of Arkansas (Westerman 090): At the appropriate place in title I, insert the following: SEC. 111. UPDATE OF CONTRACT THRESHOLD AMOUNT FOR CORPS OF ENGINEERS. Section 6702 of title 41, United States Code, is amended—(1) in subsection (a)(2), by inserting before “involves” the following: “except as provided in subsection (c).”; and (2) by adding at the end the following new subsection: “(c) EXCEPTION FOR CORPS OF ENGINEERS.—(1) THRESHOLD AMOUNT.—With respect to any contract or bid specification for a contract entered into by the Secretary of the Army, acting through the Chief of Engineers, subsection (a)(2) shall be applied by substituting the amount determined under paragraph (2) for ‘\$2,500’. (2) AMOUNT DETERMINED.—The amount determined under this paragraph shall be \$25,000, except that the Secretary shall by rule increase such amount every 5 years, beginning with the date that is 5 years after the date of enactment of this subsection, to account for inflation as measured by the Consumer Price Index for all Urban Consumers (CPI-U, as published by the Bureau of Labor Statistics of the Department of Labor).”; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Mast of Florida (Mast 182): At the appropriate place in title I, insert the following: SEC. 111. LAKE OKEECHOBEE REGULATION SCHEDULE REVIEW. (a) IN GENERAL.—The Secretary shall expedite completion of a revised Lake Okeechobee regulation schedule that accounts for the completion of the project for ecosystem restoration, Central and Southern Florida, Everglades Agricultural Area, Florida, authorized by section 1308 of the Water Resources Development Act of 2018 (132 Stat. 3819). (b) REQUIREMENTS.—In completing the revised Lake Okeechobee regulation schedule under this section, the Secretary shall include in such regulation schedule measures to maximize water sent south into the Everglades National Park; prohibit trans-

fers of water through the S-308, S-80, S-271, S-352, S-77, S-78, S-79 lock and dam structures when such water exceeds the 10 parts per billion phosphorous water quality standard consistent with the consent decree entered into between the United States, the South Florida Water Management District, and the Florida Department of Environmental Protection, on June 20, 1995, based on tests conducted by the Secretary, another Federal agency, or the State of Florida; and except in circumstances in which the Herbert Hoover Dike would be at imminent risk of failure, eliminate all transfers of water through—all transfers of water through the S-80 and S-308 lock and dam structures to the Lucie Estuary; all harmful transfers of water through the S-271 and S-352 lock and dam structures to the Lake Worth Lagoon; and all harmful transfers of water through the S-77, S-78, and S-79 lock and dam structures to the Caloosahatchee River.; was NOT AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Mann of Kansas (Mann 048): At the appropriate place in title III, add the following: SEC. II. INTEREST CALCULATION FOR WATER SUPPLY STORAGE SPACE IN KANSAS. (a) IN GENERAL.—The Secretary shall seek to amend the Milford Lake contract with respect to the interest charges that began accruing on February 1, 1977, on the investment costs for the 198,350 acre-feet of future use storage space, and the Perry Lake contract with respect to the interest charges that began accruing on April 1, 1979, on the investment costs for the 125,000 acre-feet of future use storage space, from compounding interest annually to charging simple interest annually on the applicable principal amounts, until—(1) the State of Kansas informs the Secretary of the desire to convert the future use storage space to present use; and (2) the principal amount plus the accumulated interest becomes payable pursuant to the terms of each such contract. (b) DEFINITIONS.—In this section: (1) MILFORD LAKE CONTRACT.—The term “Milford Lake contract” means the contract entered into by the United States and the State of Kansas for the use of storage space for water supply by the State of Kansas in Milford Lake, Kansas, entered into on March 8, 1974 (Contract DACW41 74-C 0081). (2) PERRY LAKE CONTRACT.—The term “Perry Lake contract” means the contract entered into by the United States and the State of Kansas for the use of storage space for water supply by the State of Kansas in Perry Lake, Kansas, entered into on December 10, 1976 (Contract DACW41 77-C 0003).; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Molinaro of New York (Molinaro 229): At the appropriate place in title I, insert the following: SEC. 111. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASIN COMMISSIONS. Section 5019 of the Water Resources Development Act of 2007 (121 Stat. 1201; 128 Stat. 1307) is amended—(1) in subsection (a)(3), by inserting “, who may be the Administrator of the Environmental Protection Agency (referred to in this section as the ‘Administrator’) (or a designee),” after “member”; and (2) in subsection (b)—(A) in paragraph (1), by striking “The Secretary” and inserting “Subject to the availability of appropriations, the Ad-

ministrator”; (B) in paragraph (2), by striking “For each fiscal year, the Secretary” and inserting “Subject to the availability of appropriations, for each fiscal year, the Administrator”; and (C) in paragraph (3), by striking “Secretary” each place it appears and inserting “Administrator”.; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Bean of Florida (Bean 036): At the appropriate place in title I, insert the following: SEC. 11. APPROVAL OF FLORIDA PERMIT PROGRAM. The notice of the Environmental Protection Agency approving the State of Florida’s request to carry out a permit program for the discharge of dredged or fill material pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), published on December 22, 2020, and titled “EPA’s Approval of Florida’s Clean Water Act Section 404 Assumption Request” (85 Fed. Reg. 83553) shall have the force and effect of law.; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Graves of Louisiana (Graves of Louisiana 113): SEC. 11. COST-SHARE ELIGIBILITY. Section 2007 of the Water Resources Development Act of 2007 (33 U.S.C. 2222) is amended—(1) in the matter preceding paragraph (1), by striking “project if” and all that follows through “the statutory authority” and inserting the following: “project—“(1) if—“(A) the statutory authority”;(2) by redesignating paragraph (2) as subparagraph (B);(3) in subparagraph (B) (as so redesignated), by striking the period at the end and inserting a semicolon; and(4) by adding at the end the following: “(2) if the funds are made available pursuant to section 311(t) of the Federal Water Pollution Control Act (33 U.S.C. 1321(t)); or “(3) if the funds are sourced through a non-Federal source, such as revenue sharing.”.; was NOT AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Garamendi of California (Garamendi 255): SEC. 11. ANNUAL REPORT TO CONGRESS. Section 7001(b)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(b)(1)) is amended by inserting “proposals for repair or restoration of a flood control work under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), proposals for construction of water resources development projects by non-Federal interests under section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232), proposals for allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects pursuant to section 1043(b),” after “projects and feasibility studies,”.; was NOT AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Collins of Georgia (Collins 047): At the appropriate place in title III, insert the following: SEC. 311. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA. Section 1319(c) of the Water Resources Development Act of 2016 (130 Stat. 1703; 136 Stat. 3792) is amended—(1) by amending paragraph (1) to read as follows: “(1) IN GENERAL.—

Notwithstanding any other provision of law, the Project is modified to include—“(A) full repair of the New Savannah Bluff Lock and Dam structure; “(B) modification of the structure such that the structure is able to maintain a stable pool with the same daily average elevation as is achieved by the existing structure, as measured at both the United States Geological Survey Gage 02196999, located at the New Savannah Bluff Lock and Dam, and the United States Geological Survey Gage 02196670, located in the vicinity of the Fifth Street Bridge, Augusta, Georgia, which at the New Savannah Bluff Lock and Dam is between 114.5 and 115 feet National Geodetic Vertical Datum of 1929 (NGVD29); “(C) construction of a fish passage structure as recommended in the report of the Chief of Engineers for the Project, dated August 17, 2012, or such other Project feature that appropriately mitigates impacts to fish habitat caused by the Project without removing the dam; and “(D) conveyance by the Secretary to Augusta-Richmond County, Georgia, of the park and recreation area adjacent to the New Savannah Bluff Lock and Dam, without consideration.”; (2) in paragraph (2), by adding at the end the following: “(C) CEILING.—The costs of construction to be paid by the Georgia Port Authority as a non-Federal interest for the Project for the modifications authorized under paragraph (1) shall not exceed the costs that would be paid by such non-Federal interest for construction of the fish passage structure recommended in the report of the Chief of Engineers for the Project, dated August 17, 2012.”; and (3) in paragraph (3), by striking “the cost sharing of the Project as provided by law” and inserting “the cost sharing of the fish passage structure as recommended in the report of the Chief of Engineers for the Project, dated August 17, 2012”.; was AGREED TO by a recorded vote of 32 yeas and 31 nays (RC#50).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. LaMalfa of California (LaMalfa 078): At the appropriate place in title III, insert the following: SEC. 311. CALIFORNIA STATE WIDE ENVIRONMENTAL AUTHORITY. Section 5039 of the Water Resources Development Act of 2007 (121 Stat. 1206) is amended—(1) in subsection (a), by inserting “, including signatories to the Agreements to Support Healthy Rivers and Landscapes, California, and the Memorandum of Understanding dated March 29, 2022, between the State of California, Federal agencies, and municipal and agricultural water suppliers” before the period at the end; (2) in subsection (b)—(A) by inserting “, planning, engineering, resource monitoring,” after “design”; and (B) by inserting “stormwater infrastructure, ecosystem and habitat restoration,” after “restoration.”; (3) in subsection (c), by striking “publicly owned” and inserting “owned by a public entity or a nonprofit entity, including a nonprofit mutual benefit corporation”; and (4) in subsection (f), by inserting “, including a nonprofit mutual benefit corporation” before the period at the end.; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Westerman of Arkansas (Westerman 089): At the appropriate place in title I, insert the following: SEC. 11. RATE OF WAGES FOR LABORERS AND MECHANICS. Section 3142(a) of title 40, United States Code, is amended—(1) by striking “The advertised” and inserting the following: “(1) IN GEN-

ERAL.—The advertised”; and (2) by adding at the end the following: “(2) EXCEPTION FOR CORPS OF ENGINEERS CONTRACTS.—(A) IN GENERAL.—With respect to a contract to which the Corps of Engineers is a party, the requirements of paragraph (1) shall only apply to a contract in excess of \$36,000. (B) UPDATES FOR INFLATION.—Not more than once every 5 years, the Secretary of Labor shall update the monetary threshold in subparagraph (A) to reflect inflation based on the Consumer Price Index—All Urban Consumers, as published by the Bureau of Labor Statistics.”; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Graves of Louisiana (Graves of Louisiana 114): At the appropriate place in title III, insert the following: SEC. 311. LAROSE TO GOLDEN MEADOW, LOUISIANA. (a) INTERIM INCLUSION WITHIN RIP.—The Secretary shall reinstate, on an interim basis and with an effective date of June 1, 2021, the covered project into the Rehabilitation and Inspection Program on the date on which all of the following conditions have been met: (1) The non-Federal interest for the covered project has provided verification signed by a licensed professional engineer to the District Commander and the State of Louisiana that the work undertaken by the non-Federal interest since 2005 has not caused injury to the public interest or impaired the usefulness of the covered project. (2) The State of Louisiana has issued, not later than 90 days after receipt of the verification under paragraph (1), a letter to the District Commander describing the conditions of the 1% Annual Exceedance Probability storm event in the project area, against which the effectiveness of the covered project should be measured. (3) The Administrator of the National Oceanic and Atmospheric Administration National Hurricane Center has issued, not later than 90 days after the State of Louisiana issues a letter under paragraph (2), a letter to the District Commander detailing the conditions of Hurricane Ida in 2021 and its impact on the covered project, including whether the storm met or exceeded conditions for the 1% Annual Exceedance Probability storm event. (b) SCOPING OF EVALUATION.—(1) STUDY.—Not later than June 30, 2027, the Secretary shall complete a study of the following relating to the covered project: (A) Any project modifications undertaken by the non-Federal interest for the covered project since 2005 not constructed in accordance with section 14 of the Act of March 3, 1899 (33 U.S.C. 408). (B) Current elevations required for the covered project to meet the 100-year level of risk reduction. (C) Whether project modifications undertaken by the non-Federal interest for the covered project since 2005 were injurious to the covered project or the public. (D) Any deviations from design guidelines acceptable for the covered project. (E) Improvements needed for the covered project to address any deficiencies according to current design guidelines of the Corps of Engineers district in which the covered project is located. (F) A re-evaluation of project economics. (2) EFFECT OF NOT COMPLETING.—If the Secretary does not complete the study under paragraph (1) by the deadline required in such paragraph, the interim inclusion into the Rehabilitation and Inspection Program under subsection (a) shall become permanent. (3) REPORT.—Not later than 90 days after completing the study

under paragraph (1), the Secretary shall submit to Congress a report that includes—(A) the results of the study; (B) any exceptions to the requirements of section 14 of the Act of March 3, 1899 (33 U.S.C. 408) that are recommended for the covered project; (C) an updated summary of cost-sharing requirements for the covered project; (D) recommendations and cost estimates for improvement to the covered project to address any deficiencies according to the current design guidelines of the Corps of Engineers district in which the covered project is located; and (E) the updated authorized cost for the covered project. (c) DEFINITIONS.—In this section: (1) COVERED PROJECT.—The term “covered project” means the Larose to Golden Meadow project, Louisiana, authorized by the Flood Control Act of 1965 as the Grand Isle and vicinity project. (2) DISTRICT COMMANDER.—The term “District Commander” means the District Commander of the New Orleans district of the Corps of Engineers. (d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000.; was NOT AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Garamendi of California (Garamendi 254): SEC. II. STUDY FOR MODIFICATION OF PROJECT PURPOSES IN CALIFORNIA. (a) IN GENERAL.—The Secretary shall carry out a study of a project of the Corps of Engineers in California to determine whether to include water supply or water conservation as a project purpose of that project if a request for such a study to modify the project purpose is made to the Secretary by— (1) the non-Federal interest for the project; or (2) in the case of a project for which there is no non-Federal interest, the Governor of the State of California. (b) COORDINATION.—The Secretary, to the maximum extent practicable, shall coordinate with relevant State and local authorities in carrying out this section. (c) RECOMMENDATIONS.—If, after carrying out a study under subsection (a) with respect to a project described in that subsection, the Secretary determines that water supply or water conservation should be included as a project purpose for that project, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a recommendation for the modification of the project purpose of that project.; was NOT AGREED TO by voice vote.

An en bloc Amendment to the Amendment in the Nature of a Substitute, offered by Mr. Graves of Louisiana (Graves of Louisiana 119 Rev 1 and Graves of Louisiana 121): At the appropriate place in title II, insert the following: SEC. II. INDEPENDENT UTILITY OF HURRICANE AND COASTAL STORM DAMAGE RISK REDUCTION PROJECTS. Upon the request of a non-Federal sponsor of a hurricane and coastal storm damage risk reduction project with an estimated project cost exceeding \$1,000,000,000, the Secretary shall conduct, or accept from the non-federal sponsor, an analysis on whether there are separable elements (as defined in section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) of such project that provide independent utility and are thus eligible for separate environmental review.; and At the appropriate place in title I, insert the following: SEC. III. NON FED-

ERAL INTEREST CONTRACT SERVICES. The non-Federal interest for an authorized water resources development project shall be eligible to be a contractor for purposes of authorized planning, engineering, design, and construction work—(1) that is not eligible for Work-In-Kind or credit; and (2) that otherwise complies with all applicable Federal laws, regulations, and policies.; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Babin of Texas (Babin 047): At the appropriate place in title III, insert the following: SEC. 311. SABINE PASS TO GALVESTON BAY, TEXAS. For the project for hurricane and storm damage risk reduction, Sabine Pass to Galveston Bay, Texas, authorized by section 1401(3) of the Water Resources Development Act of 2018 (132 Stat. 3838), the Secretary shall include in the total project costs the costs of all lands, easements, and rights of way not owned by the non-Federal sponsor prior to execution of the partnership agreement for the project under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) that are required for the project, and credit the value of such lands, easements, and rights of way against the non-Federal share of project costs in accordance with provisions of section 103(c)(5) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(5)); was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by M. Titus of Nevada (Titus 134): At the appropriate place in title I, insert the following: SEC. 11. EMERGENCY DROUGHT OPERATIONS PILOT PROGRAM. (a) DEFINITION OF COVERED PROJECT.—In this section, the term “covered project” means a project—(1) that is located in the State of California, the State of Nevada, or the State of Arizona; and (2)(A) of the Corps of Engineers for which water supply is an authorized project purpose; or (B) for which the Secretary develops a water control manual under section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665; 33 U.S.C. 709). (b) EMERGENCY OPERATION DURING DROUGHT.—Consistent with other authorized project purposes and in coordination with the non-Federal interest, in operating a covered project during a drought emergency in the project area, the Secretary may carry out a pilot program to operate the covered project with water supply as the primary project purpose. (c) UPDATES.—In carrying out this section, the Secretary may update the water control manual for a covered project to include drought operations and contingency plans. (d) REQUIREMENTS.—In carrying out subsection (b), the Secretary shall ensure that—(1) operations described in that subsection—(A) are consistent with water management deviations and drought contingency plans in the water control manual for the covered project; (B) impact only the flood pool managed by the Secretary; and (C) shall not be carried out in the event of a forecast or anticipated flood or weather event that would require flood risk management to take precedence; (2) to the maximum extent practicable, the Secretary uses forecast-informed reservoir operations; and (3) the covered project returns to the operations that were in place prior to the use of the authority provided under that subsection at a time determined by the Sec-

retary, in coordination with the non-Federal interest. (e) CONTRIBUTED FUNDS.—The Secretary may receive and expend funds contributed by a non-Federal interest to carry out activities under this section. (f) REPORT.—(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the pilot program carried out under this section. (2) INCLUSIONS.—The Secretary shall include in the report under paragraph (1) a description of the activities of the Secretary that were carried out for each covered project and any lessons learned from carrying out those activities. (g) LIMITATIONS.—Nothing in this section—(1) affects, modifies, or changes the authorized purposes of a covered project; (2) affects existing Corps of Engineers authorities, including authorities with respect to navigation, flood damage reduction, and environmental protection and restoration; (3) affects the ability of the Corps of Engineers to provide for temporary deviations; (4) affects the application of a cost-share requirement under section 101, 102, or 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2212, 2213); (5) supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act; (6) supersedes or modifies any amendment to an existing multistate water control plan for the Colorado River Basin, if applicable; (7) affects any water right in existence on the date of enactment of this Act; (8) preempts or affects any State water law or interstate compact governing water; (9) affects existing water supply agreements between the Secretary and the non-Federal interest; or (10) affects any obligation to comply with the provisions of any Federal or State environmental law, including—(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); (B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and (C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); was AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Mast of Florida (Mast 183): At the appropriate place, insert the following: SEC. III. FINDING RELATING TO THE ST. LUCIE CANAL. The St. Lucie Canal (C-44) constructed in 1924, spans 26 miles to connect two bodies of water, the St. Lucie Estuary, which is a saltwater estuary, and the Lake Okeechobee reservoir, which is freshwater.; was NOT AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Carter of Louisiana (Carter of Louisiana 041 Rev 1): The Secretary shall issue a report to the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works within 60 days of the passage of this act detailing the Corps plan to assume responsibilities for the Algiers Canal Levee as outlined in Section 8340(a) of the Water Resources Development Act of 2022 (136 Stat. 3795).; was AGREED TO by voice vote.

An en bloc Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Graves of Louisiana



(Graves of Louisiana 122 and Graves of Louisiana 123): At the appropriate place in title I, insert the following: **SEC. II. REPORT ON MINIMUM REAL ESTATE INTEREST.** (a) **SENSE OF CONGRESS.**—It is the sense of Congress that through this Act, as well as through section 1115 of the Water Resources Development Act of 2018, that Congress has provided the Secretary all of the authority, and all of the direction, needed to acquire interests in real estate that are less than fee simple title. (b) **REPORT.**—Not later than 90 days after the enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report indicating whether they agree with the sense of Congress in subsection (a). (c) **DISAGREEMENT.**—Should the result of the report required in subsection (b) be that the Secretary disagrees with the sense of Congress in subsection (a), not later than 1 year after the enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report specifying recommendations and technical drafting assistance for statutory language that would provide the Secretary the intended authority as expressed in subsection (a).; and Page 134, after line 9, insert the following: ( ) **LIVINGSTON PARISH FLOOD PROTECTION, LOUISIANA.**—Project for flood risk management, Livingston Parish, Louisiana.; was **AGREED TO**, en bloc, by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Garamendi of California (Garamendi 257): Section 131 is amended by adding the following: “(17) Any identified project needs of economically disadvantaged communities within the study area, as identified Section 142(b)(2)(B) of the Water Resources Development Act of 1976 (90 Stat. 2930; 100 Stat. 4158).”; was **WITHDRAWN**.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Perry of Pennsylvania (Perry 497): At the appropriate place in title I, insert the following: **SEC. II. REGULATION OF HYDRAULIC FRACTURING WITHIN THE SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS.** Section 5019 of the Water Resources Development Act of 2007 (Public Law 110–114) is amended by adding at the end the following: “(f) **REGULATION OF HYDRAULIC FRACTURING.**—Notwithstanding any provision of the Susquehanna River Basin Compact to which consent was given by Public Law 91–575 (84 Stat. 1512), the Delaware River Basin Compact to which consent was given by Public Law 87–328 (75 Stat. 691), or the Potomac River Basin Compact to which consent was given by Public Law 91–407 (84 Stat. 856), the Susquehanna River Basin Commission, the Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin, as applicable, may not finalize, implement, or enforce any regulation relating to hydraulic fracturing that is issued pursuant to any authority other than that of the State in which the regulation is to be implemented or enforced.”.; was **WITHDRAWN**.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Crawford of Arkansas (Crawford 074): At the appropriate place in title I, insert the following: SEC. II. LEVEE OWNERS BOARD. (a) ESTABLISHMENT OF OWNERS BOARD.—There is hereby established a Levee Owners Board (hereinafter in this section referred to as the “Owners Board”) composed of the eleven members appointed by the Secretary. The members shall be appointed so as to represent various regions of the country, including at least one Federal levee system owner-operator from each of the eight civil works divisions of the U.S. Army Corps of Engineers. The Secretary of the Army shall designate, and the Administrator of FEMA may designate, a representative to act as an observer of the Owners Board. (1) TERMS OF MEMBERS.—(A) IN GENERAL.—A member of the Owners Board shall be appointed for a period of 3 years. (B) REAPPOINTMENT.—A member of the Owners Board may be reappointed to the Owners Board, as the Secretary determines to be appropriate. (C) VACANCIES.—A vacancy on the Owners Board shall be filled in the same manner as the original appointment was made. (2) CHAIRPERSON.—(A) IN GENERAL.—The members of the Owners Board shall appoint a chairperson from among the members of the Owners Board. (b) DUTIES OF THE OWNERS BOARD.—(1) IN GENERAL.—The Owners Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding levee system reliability throughout the United States. (2) ADVICE AND RECOMMENDATIONS.—The Owners Board shall provide— (A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding overall levee system reliability in accordance with section 3303d of Title 33; (B) advice and recommendations to Congress regarding any feasibility report for a flood risk management project that has been submitted to Congress; (C) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding flood risk management project construction and rehabilitation priorities and corresponding spending levels; (D) advice and recommendations to the Secretary and the Congress regarding effectiveness of the U.S. Army Corps of Engineers levee safety program, including comments and recommendations on the budgets and expenditures as described in paragraph (c)(2); and (E) advice and recommendations to the Secretary, the Congress, and the Administrator regarding effectiveness of the levee safety initiative established by 33 U.S.C. § 3303a, including comments and recommendations on the budgets and expenditures described in paragraph (c)(2). (3) INDEPENDENT JUDGMENT.—Any advice or recommendations made by the Owners Board shall reflect the independent judgment of the Owners Board. (c) DUTIES OF THE SECRETARY.—The Secretary shall—(1) designate an Executive Secretary who shall assist the Chairman in administering the Owners Board and ensuring that the Owners Board operates in accordance with chapter 10 of title 5; (2) provide to the Owners Board such detailed reports of Corps activities and expenditures related to flood risk management and levees, including for the Corps levee safety program and the levee safety initiative, not less frequently than semiannually; and (3) submit to the Owners Board a courtesy copy

of any completed feasibility report for a flood risk management project submitted to Congress. (d) ADMINISTRATION.—(1) IN GENERAL.—The Owners Board shall be subject to chapter 10 of title 5, other than section 1013, and with the consent of the appropriate agency head, the Owners Board may use the facilities and services of any Federal agency. (2) Members not considered special Government employees. For the purposes of complying with chapter 10 of title 5, the members of the Owners Board shall not be considered special Government employees (as defined in section 202 of title 18). (3) TRAVEL EXPENSE.—Non-Federal members of the Owners Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.; was AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Graves of Louisiana (Graves of Louisiana Staff 1): At the appropriate place in Title III, insert the following: Sec. \_\_\_\_\_. Modification, Cape Cod Canal, Massachusetts In General- For the purposes of the project for navigation, Cape Cod Canal, Massachusetts, authorized by the Flood Control Act of 1927, the Secretary shall define any bridge authorized as a component of the project, including the Sagamore and Bourne bridges, only as a new public vehicle bridge crossing the Mississippi River in the vicinity of Baton Rouge, LA.; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Graves of Louisiana (Graves of Louisiana 118): At the appropriate place in title III, insert the following: SEC 3 \_\_\_\_\_. LAROSE TO GOLDEN MEADOW, LOUISIANA. (a) SCOPING OF EVALUATION.—(1) STUDY.—Not later than June 30, 2025, the Secretary shall complete a study of the following relating to the covered project: (A) Any project modifications undertaken by the non-Federal interest for the covered project since 2005 not constructed in accordance with section 14 of the Act of March 3, 1899 (33 U.S.C. 408). (B) Current elevations required for the covered project to meet the 100-year level of risk reduction. (C) Whether project modifications undertaken by the non-Federal interest for the covered project since 2005 were injurious to the covered project or the public. (D) Any deviations from design guidelines acceptable for the covered project. (E) Improvements needed for the covered project to address any deficiencies according to current design guidelines of the Corps of Engineers district in which the covered project is located. (F) A re-evaluation of project economics. (2) REPORT.—Not later than 90 days after completing the study under paragraph (1), the Secretary shall submit to Congress a report that includes—(A) the results of the study; (B) recommendation for pathway into systemwide improvement plan created under Sec. 189 of this Act. (D) recommendations for improvement to the covered project to address any deficiencies. (b) COVERED PROJECT DEVINED.—In this section, the term “covered project” means the Larose to Golden Meadow Project, Louisiana, authorized by the Flood Control Act of 1065 as the Grand Isle and vicinity project. (c) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section \$3,000,000.; was AGREED TO by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

*Committee on Transportation and Infrastructure Roll Call Vote No. 49*

On: Amendment No. 077, an Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. LaMalfa of California

Agreed to: 40 yeas and 21 nays

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	Y	Ms. Norton	N
Mr. Webster of FL	N	Mrs. Napolitano	N
Mr. Massie	Y	Mr. Cohen	Y
Mr. Perry	Y	Mr. Garamendi	Y
Mr. Babin	Y	Mr. Johnson of GA	N
Mr. Graves of LA	Y	Mr. Carson	N
Mr. Rouzer	N	Ms. Titus	Y
Mr. Bost	Y	Mr. Huffman	Y
Mr. LaMalfa	Y	Ms. Brownley	Y
Mr. Westerman	Y	Ms. Wilson of FL	N
Mr. Mast	Y	Mr. DeSaulnier	Y
Mrs. González-Colón	Y	Mr. Carbajal	Y
Mr. Stauber	Y	Mr. Stanton	Y
Mr. Burchett	Y	Mr. Allred	N
Mr. Johnson of SD	Y	Ms. Davids of KS	N
Mr. Van Drew	Y	Mr. García of IL	N
Mr. Nehls	Y	Mr. Pappas	Y
Mr. Mann	Y	Mr. Moulton	N
Mr. Owens	Y	Mr. Auchincloss	N
Mr. Yakym	Y	Ms. Strickland	N
Mrs. Chavez-DeRemer	Y	Mr. Carter of LA	N
Mr. Kean of NJ	Y	Mr. Ryan	N
Mr. D'Esposito	Y	Mrs. Peltola	Y
Mr. Burlison	Y	Mr. Menendez	N
Mr. Van Orden	Y	Ms. Hoyle of OR	N
Mr. Williams of NY	Y	Mrs. Sykes	N
Mr. Molinaro	Y	Ms. Scholten	N
Mr. Collins	Y	Mrs. Foushee	N
Mr. Ezell	Y	Mr. Deluzio	N
Mr. Duarte	Y		
Mr. Bean of FL	Y		
Ms. Maloy	Y		
Mr. Kiley	Y		
Mr. Fong	Y		

*Committee on Transportation and Infrastructure Roll Call Vote No. 50*

On: Amendment No. 047, an Amendment to the Amendment in the Nature of a Substitute to H.R. 8812, offered by Mr. Collins of Georgia

Agreed to: 32 yeas and 31 nays

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	Y	Ms. Norton	N
Mr. Webster of FL	Y	Mrs. Napolitano	N
Mr. Massie	Y	Mr. Cohen	N
Mr. Perry	Y	Mr. Garamendi	N
Mr. Babin	Y	Mr. Johnson of GA	N
Mr. Graves of LA	Y	Mr. Carson	N
Mr. Rouzer	N	Ms. Titus	N
Mr. Bost	Y	Mr. Huffman	N
Mr. LaMalfa	Y	Ms. Brownley	N
Mr. Westerman	Y	Ms. Wilson of FL	N
Mr. Mast	Y	Mr. DeSaulnier	N
Mrs. González-Colón	Y	Mr. Carbajal	N
Mr. Stauber	Y	Mr. Stanton	N
Mr. Burchett	Y	Mr. Allred	N
Mr. Johnson of SD	Y	Ms. Davids of KS	N
Mr. Van Drew	Y	Mr. Garcia of IL	N
Mr. Nehls	Y	Mr. Pappas	N
Mr. Mann	Y	Mr. Moulton	N
Mr. Owens	Y	Mr. Auchincloss	N
Mr. Yakym	Y	Ms. Strickland	N
Mrs. Chavez-DeRemer	Y	Mr. Carter of LA	N
Mr. Kean of NJ	Y	Mr. Ryan	N
Mr. D'Esposito	Y	Mrs. Peltola	N
Mr. Burlison	Y	Mr. Menendez	N
Mr. Van Orden	Y	Ms. Hoyle of OR	N
Mr. Williams of NY	Y	Mrs. Sykes	N
Mr. Molinaro	Y	Ms. Scholten	N
Mr. Collins	Y	Mrs. Foushee	N
Mr. Ezell	Y	Mr. Deluzio	N
Mr. Duarte	Y		
Mr. Bean of FL	Y		
Ms. Maloy	Y		
Mr. Kiley	Y		
Mr. Fong	Y		

*Committee on Transportation and Infrastructure Roll Call Vote No. 51*

On: Final passage of H.R. 8812, as amended  
 Agreed to: 61 yeas and 2 nays

Member	Vote	Member	Vote
Mr. Graves of MO	Y	Mr. Larsen of WA	Y
Mr. Crawford	Y	Ms. Norton	Y
Mr. Webster of FL	Y	Mrs. Napolitano	Y
Mr. Massie	Y	Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	Y	Mr. Johnson of GA	Y
Mr. Graves of LA	Y	Mr. Carson	Y
Mr. Rouzer	Y	Ms. Titus	Y
Mr. Bost	Y	Mr. Huffman	Y
Mr. LaMalfa	Y	Ms. Brownley	Y
Mr. Westerman	Y	Ms. Wilson of FL	N
Mr. Mast	N	Mr. DeSaulnier	Y
Mrs. González-Colón	Y	Mr. Carbajal	Y
Mr. Stauber	Y	Mr. Stanton	Y
Mr. Burchett	Y	Mr. Allred	Y
Mr. Johnson of SD	Y	Ms. Davids of KS	Y
Mr. Van Drew	Y	Mr. Garcia of IL	Y
Mr. Nehls	Y	Mr. Pappas	Y
Mr. Mann	Y	Mr. Moulton	Y
Mr. Owens	Y	Mr. Auchincloss	Y
Mr. Yakym	Y	Ms. Strickland	Y
Mrs. Chavez-DeRemer	Y	Mr. Carter of LA	Y
Mr. Kean of NJ	Y	Mr. Ryan	Y

Member	Vote	Member	Vote
Mr. D'Esposito .....	Y	Mrs. Peltola .....	Y
Mr. Burlison .....	Y	Mr. Menendez .....	Y
Mr. Van Orden .....	Y	Ms. Hoyle of OR .....	Y
Mr. Williams of NY .....	Y	Mrs. Sykes .....	Y
Mr. Molinaro .....	Y	Ms. Scholten .....	Y
Mr. Collins .....	Y	Mrs. Foushee .....	Y
Mr. Ezell .....	Y	Mr. Deluzio .....	Y
Mr. Duarte .....	Y		
Mr. Bean of FL .....	Y		
Ms. Maloy .....	Y		
Mr. Kiley .....	Y		
Mr. Fong .....	Y		

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to carry out water resources development activities for the Nation, usually through cost-shared partnerships with non-Federal interests.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R.

8812, as amended, establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

#### FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 8812, as amended, does not preempt any state, local, or Tribal law.

#### ADVISORY COMMITTEE STATEMENT

Section 5(b) of the appendix to Title 5, United States Code, requires the report of any Committee establishing, or authorizing the establishment of any advisory committee, to include a statement as to whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. The Committee finds the functions of the Levees Owners Board, established in Section 154 of the Act, are not being performed and could not be performed by an existing committee or agency. The Levee Owners Board is intended to bring together a variety of non-Federal stakeholders to provide advice and recommendations to the Corps on levee system reliability and safety and flood risk management projects.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

**TITLE I—GENERAL PROVISIONS***Section 101. Continuing Authority Programs*

This section modifies the per project and programmatic authorization levels for the United States Army Corps of Engineers' (Corps') continuing authorities programs and adds stormwater management, drought resilience, and a pilot program for alternative project delivery of continuing authorities program projects.

*Section 102. Community Project Advisor*

This section directs the Secretary of the Army (Secretary) to create a new community project advisor program to assist non-Federal interests with water resources development projects.

*Section 103. Minimum Real Estate Interest*

This section directs the Secretary to identify and utilize the minimum real estate interest required for authorized water resources development projects and report back to Congress when the Secretary requires the use of fee simple title, where the non-Federal interest requested the use of something less than fee simple title.

*Section 104. Study of Water Resources Development Projects by Non-Federal Interests*

This section clarifies requirements for a non-Federal interest carrying out a study of an authorized project or a study of a modification for an authorized project.

*Section 105. Construction of Water Resources Development Projects by Non-Federal Interests*

This section clarifies requirements for a non-Federal interest carrying out construction of an authorized project.

*Section 106. Review Process*

This section directs the Secretary to establish a single office within the Corps and provide technical direction to support modifications of a Corps-built structure by the non-Federal entity.

*Section 107. Electronic Submission and Tracking of Permit Applications*

This section directs the Secretary to implement an electronic tracking and submission system for environmental reviews.

*Section 108. Vertical Integration and Acceleration of Studies*

This section raises the allowable cost of feasibility studies for large projects to five million dollars and clarifies when the study time frame begins.

*Section 109. Systemwide Improvement Framework and Encroachments*

This section revises the process to bring a levee system back into compliance for assistance and manages pre-existing encroachments.



*Section 110. Fish and Wildlife Mitigation*

This section clarifies the Secretary's requirements to provide transparent mitigation to the public and explicitly authorizes third party implementation of mitigation obligations. Section 110(1)(A) clarifies the original intent of Congress regarding the application of Section 906 of *WRDA* 1986, as amended. Section 110(3) does not alter the responsibility of the Secretary to carry out mitigation in compliance with Section 906 of *WRDA* 1986, as amended.

*Section 111. Harbor Deepening*

This section modifies the depth at which Federal ports and harbors projects can receive Federal support for construction and operation and maintenance.

*Section 112. Emerging Harbors*

This section requires the Secretary to issue guidance and to develop a mechanism to accept funds from a non-Federal interest for the purpose of maintenance dredging.

*Section 113. Remote and Subsistence Harbors*

This section supports project completion for remote and subsistence harbors.

*Section 114. Additional Projects for Underserved Community Harbors*

This section directs the Corps to provide assistance to certain community harbor projects.

*Section 115. Inland Waterways Regional Dredge Pilot Program*

This section modifies the Inland Waterways Regional Dredge Pilot Program.

*Section 116. Dredged Material Disposal Facility Partnerships*

The section allows non-Federal entities to utilize certain non-Federal disposal facilities managed by the Secretary for dredged material disposal with permission from the facility owner and the Secretary. The Secretary is authorized to perform disposition evaluations for non-Federal disposal facilities not utilized for 20 years.

*Section 117. Maximization of Beneficial Use*

This section encourages additional beneficial reuse of dredged materials by making the program permanent, increasing the use of regional sediment management plans, and codifying the Corps' goal of beneficially using 70 percent of dredged material. The Committee notes that ecosystem restoration efforts in McKay Bay, Florida could be advanced through greater beneficial use of sediment, as directed by this section.

*Section 118. Economic, Hydraulic, and Hydrologic Modeling*

This section directs the Secretary to collaborate with Federal and state agencies, National Laboratories, and non-profit research institutions, including institutions of higher education, to develop economic, hydraulic, and hydrologic models for use in water resource development projects. The Committee believes that robust models populated with accurate and up-to-date data are essential for plan-

ning effective water resources projects, and avoid dangerous, unintended consequences for communities, fish and wildlife habitat, resource-based businesses, and water-dependent industries.

*Section 119. Forecast-Informed Reservoir Operations*

This section makes permanent the authority of the Secretary to incorporate the use of forecast-informed reservoir operations (otherwise known as FIRO) in managing Corps facilities and directs the Corps to prioritize the assessment of additional areas for integrating forecast-informed reservoir operations.

*Section 120. Updates to Certain Water Control Manuals*

This section directs the Secretary to prioritize the update of water control manuals that incorporate the use of forecast-informed reservoir operations into such manuals.

*Section 121. Water Supply Mission*

This section elevates water supply as a primary mission of the Corps, while maintaining the priority of existing missions. This section also directs the Secretary to issue two reports to the authorizing committees of the House and Senate on steps taken to elevate water supply as a primary mission area, and opportunities to further partner with non-Federal interests to incorporate water supply into existing Corps' projects.

*Section 122. Real Estate Administrative Fees*

This section directs the Secretary to develop guidance to standardize processes for developing, updating, and tracking real estate administrative fees administered by the Corps.

*Section 123. Challenge Cost-Sharing Program for Management of Recreation Facilities*

This section authorizes a private, non-profit entity to partner with the Corps on the operation and management of a Corps recreation facility.

*Section 124. Retention of Recreation Fees*

This section authorizes Corps recreation facilities to retain future recreation fees collected.

*Section 125. Databases of Corps Recreational Sites*

This section directs the Secretary to regularly update publicly available databases with information about Corps recreational sites, such as the operational status and the recreational opportunities available at these sites.

*Section 126. Services of Volunteers*

This section authorizes the Secretary to recognize the contributions of volunteers at Corps recreation sites.

*Section 127. Non-Recreation Outgrant Policy*

This section directs the Secretary to update policy guidance for the evaluation and approval of non-recreational real estate outgrant requests for the installation of broadband infrastructure on lands and waters operated and maintained by the Corps.

*Section 128. Improvements to National Dam Safety Program*

This section modifies the National Dam Inventory to include low-head dams.

This section also reauthorizes the Federal Emergency Management Agency's (FEMA's) National Dam Safety Program through 2028 and makes changes to strengthen the High Hazard Potential Dam program, including requiring that rehabilitated dams are maintained and appropriate floodplain management plans are in place.

*Section 129. Rehabilitation of Corps of Engineers Constructed Dams*

This section reauthorizes current authority for rehabilitating certain Corps-constructed dams.

*Section 130. Treatment of Projects in Covered Communities.*

This section provides support for certain communities in delivering water resources development projects.

*Section 131. Ability to Pay*

This section directs the Secretary to assess the ability of non-Federal interests to pay by considering criteria such as per capita income, project cost, and financial resources of relevant counties, and to report annually to Congress on these determinations.

*Section 132. Tribal Partnership Program*

This section makes the Tribal Partnership Program permanent and increases its authorization and areas of function.

*Section 133. Funding to Process Permits*

This section amends Section 214 of the *WRDA 2000* to include Indian Tribes. The Committee is aware that the Corps has not yet implemented changes to the Section 214 program as amended by *WRDA 2022*. Section 8135 of *WRDA 2022* expanded the Section 214 process to allow the funds to be utilized towards the review of proposed mitigation bank sites and mitigation banking instruments, under which the Corps evaluates a proposed mitigation bank against certain requirements and determines potential creditable value. The Corps interpretation of the statute is that they only have the ability to utilize Section 214 funds towards processing construction permits for mitigation banks, not the approval of the site as a mitigation bank or the mitigation banking instrument. The Committee finds this contrary to the plain language of the *WRDA 2022* language and hopes correcting this interpretation can be addressed administratively and aligned with Congressional intent.

*Section 134. Project Studies Subject to Independent External Peer Review*

This section modifies the Independent External Peer Review program parameters and makes the program permanent.

*Section 135. Control of Aquatic Plant Growths and Invasive Species*

This section authorizes the Secretary to work with non-Federal interests, including states, on monitoring and contingency planning

for invasive species and adds the Connecticut River Basin to the program.

*Section 136. Remote Operations at Corps Dams*

This section implements certain requirements for the use of remote operation activities at water resources development projects.

*Section 137. Harmful Algal Bloom Demonstration Program*

This section directs the Secretary to prioritize program activities that reduce nutrient pollution, utilize natural and nature-based approaches, protect wetlands, develop technologies for detecting harmful algal blooms, and combine bloom removal with beneficial uses. Additionally, the Secretary is authorized to enter into agreements with non-Federal entities for the use or sale of successful technologies developed under the program.

*Section 138. Support of Army Civil Works Missions*

This section authorizes the Secretary to enter into contracts or cooperative agreements with certain universities to conduct research in support of the Corps' civil works missions.

*Section 139. National Coastal Mapping Program*

This section authorizes the Secretary to carry out a National coastal mapping program to provide recurring mapping of coastlines to support navigation, flood risk management, environmental restoration, and emergency operations projects.

*Section 140. Watershed and River Basin Assessments*

This section includes additional locations for watershed-based studies under Section 729 of the *WRDA of 1986* and authorizes their conversion to feasibility studies.

*Section 141. Removal of Abandoned Vessels*

This section authorizes the Secretary to remove abandoned vessels.

*Section 142. Corrosion Prevention*

This section encourages the Secretary to coordinate with apprenticeship programs and utilize National standard best practices when conducting corrosion prevention activities.

*Section 143. Missouri River Existing Features Protection*

This section requires the Secretary to mitigate for certain actions in the Missouri River.

*Section 144. Federal Breakwaters and Jetties*

This section authorizes the Secretary to repair and maintain pile dikes.

*Section 145. Temporary Relocation Assistance Pilot Program*

This section adds the Norfolk Coastal Storm Risk Management Project to a temporary relocation assistance program.

*Section 146. Easements for Hurricane and Storm Damage Reduction Projects*

This section directs the Secretary to provide flexibility and transparency for real estate requirements for hurricane and storm damage reduction projects. This section also provides two years for certain authorized hurricane and storm damage reduction projects to come into compliance with the Corps' real estate requirements.

*Section 147. Shoreline and Riverine Protection and Restoration*

This section adds the shoreline of the State of Connecticut to Section 212 of the *WRDA of 1999* for the purpose of carrying out studies and projects to reduce flood and storm damage hazards and restore shorelines.

*Section 148. Sense of Congress Related to Water Data*

This section expresses a sense of Congress that the Secretary should develop and implement a framework for integrating, sharing, and using water data for the purpose of improving water resources management.

*Section 149. Sense of Congress Relating to Comprehensive Benefits*

This section expresses a sense of Congress that the Secretary should, to the maximum extent practicable, follow, when carrying out a feasibility study: (1) the guidance included in the "Comprehensive Documentation of Benefits in Feasibility Studies" memorandum, dated April 3, 2020; and (2) the policies included in the "Policy Directive—Comprehensive Documentation of Benefits in Decision Document," dated January 5, 2021. This section is not intended to affect ongoing efforts by the Corps to implement the requirements of Section 110 of *WRDA 2020* (42 U.S.C. 1962–4).

*Section 150. Reporting and Oversight*

This section requires the Secretary to submit a report detailing the status of certain reports that Congress has previously directed the Corps to complete, as well as an annual report on newly authorized reports.

The Committee is deeply concerned with the lack of progress by the Corps in carrying out several legislative mandates to complete certain studies and reports related to individual projects or policies of the Corps civil works missions. The Committee does not view fulfillment of these legal requirements as optional on the part of the Corps, regardless of whether specific appropriations are provided to carry out these directives; yet, in recent years, the Committee is concerned that the Corps has taken such an approach, and has, often at the last minute, rebuffed legal obligations for mandated studies and reports due to "lack of specific appropriations". This section highlights specific legislatively-mandated studies and reports enacted in recent years that are well past their statutorily required deadline but is not a comprehensive accounting of other legislatively mandated studies and reports from prior *WRDAs* that are also well overdue. The Committee expects the Corps, using existing funds available to the agency, to not only provide the specific information required by this section, but also to fulfil its legal obligation to provide the Committees with all mandated reports and studies pending with the Corps.

*Section 151. Sacramento River Watershed Native American Site and Cultural Resource Protection Program*

This section establishes a pilot program in the Sacramento River watershed regarding Native American cultural resources at Corps sites.

*Section 152. Emergency Drought Operations Pilot Program*

This section establishes a pilot program for emergency drought operations in Arizona, California, and Nevada.

*Section 153. Report on Minimum Real Estate Interest*

This section requires the Secretary to report to Congress regarding minimum real estate interests.

*Section 154. Levee Owners Board*

This section amends Section 9003 of *WRDA 2007* (33 U.S.C. 3302) to direct the Secretary to create a Levee Owners Board to collaborate with and provide advice and recommendations on flood protection.

*Section 155. Definition.*

This section defines the term “state”.

## **TITLE II—STUDIES AND REPORTS**

*Section 201. Authorization of Proposed Feasibility Studies*

This section authorizes the Secretary to carry out 160 new feasibility studies.

*Section 202. Expedited Completion*

This section directs the Secretary to expedite completion of 13 feasibility studies currently underway. Upon completion of the study, if the Secretary determines that the project is justified, the Corps may proceed directly to preconstruction planning, engineering, and design. This section also directs the Secretary to expedite the completion of three post-authorization change reports for existing projects.

*Section 203. Expedited Modification of Existing Feasibility Studies*

This section directs the Secretary to expedite modifications to the scope of five authorized feasibility studies.

*Section 204. Corps of Engineers Reports*

This section directs the Secretary to develop various reports to Congress, including recreational access on Corps facilities for individuals with disabilities; turbidity in the Willamette Valley; Soo Locks security; sea grass rehabilitation; shoreline use permits; fuel efficiency; and boat ramps.

*Section 205. GAO Studies*

This section directs the Comptroller General of the United States to initiate and complete several studies, including: a review of donor port funding under the *Water Resources Reform and Development Act* of 2014; an analysis of the Corps’ use of digital infrastructure technologies; an examination of disaster preparedness and re-

sponse activities; an analysis of unauthorized homeless encampments on Corps' properties; a review of Federal-state data-sharing efforts regarding future resiliency and flood impacts; an analysis of institutional barriers to incorporating nature-based features into water resources development projects; and a study on the use of ecosystem restoration for flood control or flood risk management projects.

*Section 206. Annual Report on Harbor Maintenance Needs and Trust Fund Expenditures*

This section requires an annual report on operations and maintenance costs at harbors and inland harbors and the distribution of funds from the Harbor Maintenance Trust Fund. This section includes an annual reporting requirement on the operations and maintenance costs and needs at harbors and inland harbors, the distribution of funds from the Harbor Maintenance Trust Fund, and a list of unmet needs at harbors. This requirement will provide the Committee with a continuous baseline and understanding of the infrastructure needs at our nation's harbors, as well as the Corps' implementation of Harbor Maintenance Trust Fund allocations directed by Section 102 of *WRDA 2020*.

*Section 207. Examination of Reduction of Microplastics*

This section directs the Corps' Engineer Research and Development Center, in consultation with other Federal agencies, to carry out research and development activities on efforts to reduce the release of microplastics into the environment.

*Section 208. Post-Disaster Watershed Assessment for Impacted Areas*

This section directs the Secretary to carry out two, specific post-disaster watershed assessments under Section 3025 of *WRRDA 2014*: an assessment for the areas of Maui, Hawaii, impacted by the August 2023 wildfires, and an assessment of areas near Belen, New Mexico, impacted by the April 2022 wildfires.

*Section 209. Upper Barataria Basin and Morganza to the Gulf of Mexico Connection, Louisiana*

This section directs the Secretary to evaluate a connection between the Upper Barataria Basin Hurricane and Storm Damage Risk Reduction and Morganza to the Gulf of Mexico projects in Louisiana.

*Section 210. Upper Mississippi River System Flood Risk and Resiliency Study*

This section directs the Secretary to conduct a study to evaluate and recommend measures to improve flood resiliency and reduce flood risk in the floodplain of the Upper Mississippi River System.

*Section 211. New Jersey Hot Spot Erosion Mitigation*

This section directs the Secretary to study the effects of hot spot erosion on authorized coastal storm risk management projects in the State of New Jersey and provide recommendations for mitigating the effects.

*Section 212. Oceanside, California*

This section directs the Secretary to expedite completion of the Oceanside, California shoreline study and produce a recommended plan.

*Section 213. Coastal Washington*

This section authorizes the Secretary to carry out comprehensive studies for riverine and coastal flooding in the State of Washington.

*Section 214. Cherryfield Dam, Narraguagus River, Maine*

This section directs the Secretary to perform a disposition study for the deauthorization and potential removal of the Cherryfield Local Protection Project, Narraguagus River, Maine.

*Section 215. Poor Farm Pond Dam, Worcester, Massachusetts*

This section directs the Secretary to perform a disposition study for the deauthorization and potential removal of the Poor Farm Pond Dam, Worcester, Massachusetts.

*Section 216. National Academy of Sciences Study on Upper Rio Grande Basin*

This section directs the Secretary to enter into an agreement with the National Academy of Sciences and prepare a report studying the dams and reservoirs in the Upper Rio Grande Basin and recommendations for future management and operation strategies to enhance resiliency.

*Section 217. Chambers, Galveston, and Harris Counties, Texas*

This section directs the Secretary to carry out a disposition study for excess easements held for placement of dredged material for the Houston Ship Channel Expansion Channel Improvement Project.

*Section 218. Sea Sparrow Accounting*

This section directs the Secretary to share data and coordinate with relevant Federal, state, and local agencies to provide an accurate accounting of Cape Sable Seaside Sparrows.

*Section 219. Wilson Lock Floating Guide Wall, Alabama*

This section directs the Secretary to use all relevant existing authorities to provide technical assistance and cost estimation assistance to the Tennessee Valley Authority related to major rehabilitation and repairs at the Wilson Lock and Dam, Alabama.

*Section 220. Algiers Canal Levee*

This section directs the Secretary to complete a report on the progress of implementing Section 8340(a) of *WRDA 2022*. The Committee is concerned that the Corps has taken no action to assume the operation and maintenance responsibilities for the Algiers Canal Levee as intended with the passage of Section 8340 of *WRDA 2022*. The Committee directs the Corps to consider the costs incurred by the Southeast Louisiana Flood Protection Authority West to carry out maintenance since the date on which it became the Corps' responsibility, and where appropriate, consider opportunities for credit or reimbursement.



### TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS

#### *Section 301. Deauthorization of Inactive Projects*

This section establishes a process for the deauthorization of certain water resources development projects not yet initiated or appropriated.

#### *Section 302. General Reauthorizations*

This provision provides additional authorizations of Federal appropriations for several Corps programs.

#### *Section 303. Conveyances*

This section authorizes three conveyances.

#### *Section 304. Lakes Program*

This section includes additional locations in the Corps' Lakes Program authority under Section 602 of the *WRDA of 1986*.

#### *Section 305. Maintenance of Navigation Channels*

This section amends Section 509(a) of the *WRDA of 1996* to include additional projects for the Secretary to examine to determine if Federal assumption of maintenance is merited.

#### *Section 306. Asset Divestiture*

This section amends Section 109 of the *River and Harbor Act of 1950* to include terms and conditions for the transfer of bridges owned by the Secretary and requires a report on the existing bridge inventory.

#### *Section 307. Upper Mississippi River Restoration Program*

This section amends the authorization for the Upper Mississippi River Restoration Program.

#### *Section 308. Coastal Community Flood Control and Other Purposes*

This legislation modifies repayment terms under the *WRDA of 1986*, specifying adjustments to pre-payment conditions and refund protocols for non-Federal contributions exceeding required amounts.

#### *Section 309. Shore Protection and Restoration*

This section adds Fire Island, New York to the Shore Protection and Restoration authority under Section 8327 of the *WRDA of 2022*.

#### *Section 310. Hopper Dredge McFarland Replacement*

This section requires that any Federal replacement vessel for the Federal hopper dredge McFarland be placed in the same ready reserve status as the McFarland.

#### *Section 311. Acequias Irrigation Systems*

This section modifies the authorization for the Acequias Rehabilitation and Restoration program.

*Section 312. Pacific Region*

This section amends Section 444 of the *WRDA of 1996* to include Hawaii.

*Section 313. Selma, Alabama*

This section modifies the Selma Flood Risk Management and Bank Stabilization project.

*Section 314. Barrow, Alaska*

This section specifies the floodplain management plan requirements for a coastal erosion project in Barrow, Alaska.

*Section 315. San Francisco Bay, California*

This section clarifies additional areas for inclusion in the study of San Francisco Bay, California and directs the Secretary to evaluate measures to increase shoreline resiliency.

*Section 316. Santa Ana River Mainstem, California*

This section modifies the Santa Ana River Mainstem Project, requiring modification of the Santiago Creek Channel portion of the project, and requires an update by the Corps on the larger project.

*Section 317. Faulkner Island, Connecticut*

This section modifies the authorization for the Faulkner, Connecticut shoreline protection project.

*Section 318. Broadkill Beach, Delaware*

This section modifies a project under Section 401(3) of the *WRDA of 2020* to include Delaware Bay coastline, Delaware and New Jersey Broadkill Beach, Delaware.

*Section 319. Federal Triangle Area, Washington, District of Columbia*

This section authorizes the Secretary to accept and expend funds contributed by other Federal agencies to carry out a feasibility study in the Federal Triangle Area.

*Section 320. Washington Aqueduct*

This section makes a technical correction to an authority enacted in Section 8146(d) of the *WRDA of 2022*.

*Section 321. Washington Metropolitan Area, Washington, District of Columbia, Maryland, and Virginia*

This section modifies the project for water supply, Washington Metropolitan Area, Washington, District of Columbia, Maryland, and Virginia.

*Section 322. Northern Estuaries Ecosystem Restoration, Florida*

This section modifies the requirements for the comprehensive plan to restore the northern estuaries in Florida, carried out under Section 8215(b) of the *WRDA of 2022*.

*Section 323. New Savannah Bluff Lock and Dam, Georgia and South Carolina*

This section modifies the project for navigation, Savannah Harbor expansion, Georgia, as it relates to the New Savannah Bluff Lock and Dam, Georgia and South Carolina pursuant to Section 1319 of *WRDA 2016*.

*Section 324. Dillard Road, Patoka Lake, Indiana*

This section directs the Secretary to convey 11 easements for Dillard Road, Patoka Lake, Indiana, to the State of Indiana.

*Section 325. Larose to Golden Meadow, Louisiana*

This section directs the Secretary to complete a study regarding certain work for the Larose to Golden Meadow, Louisiana project.

*Section 326. Morganza to the Gulf of Mexico, Louisiana*

This section authorizes the Secretary to credit towards the non-Federal share of the cost of work carried out for the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana, if conditions are met.

*Section 327. Port Fourchon Belle Pass Channel, Louisiana*

This section directs the Secretary to promptly review a feasibility study to modify a project carried out and submitted by a non-Federal interest under Section 203 of *WRDA 1986*.

*Section 328. Upper St. Anthony Falls Lock and Dam, Minnesota*

This section modifies the St. Anthony Falls Lock and Dam to remove navigation as an authorized purpose.

*Section 329. Missouri River Levee System, Missouri*

This section modifies the authorization for the Missouri River Levee System (MRLS) Unit L-385 Project.

*Section 330. Table Rock Lake, Missouri and Arkansas*

This section directs the Secretary to permit the ongoing presence of certain eligible structures at Table Rock Lake. The Committee instructs the Corps that failure of a system as defined in this section that the system is completely inoperable, and that the Committee does not intend to require the owners of such systems to move the entire system if it could be repaired in its current location.

*Section 331. Missouri River Mitigation, Missouri, Kansas, Iowa, and Nebraska*

This section clarifies mitigation acre requirements for the Missouri River Bank Stabilization and Navigation Mitigation Project.

*Section 332. New York and New Jersey Harbor and Tributaries, New York and New Jersey*

This section modifies the study for flood and storm damage reduction for the New York and New Jersey Harbor and Tributaries Project.

*Section 333. Western Lake Erie Basin, Ohio, Indiana, and Michigan*

This section expands the study authority under Section 441 of the *WRDA of 1999* for the Western Lake Erie basin.

*Section 334. Willamette Valley, Oregon*

This section requires the Secretary to analyze an alternative that ceases hydropower operation at projects in the Willamette River Basin, Oregon.

*Section 335. Columbia River Channel, Oregon and Washington*

This section clarifies the authorities for the Columbia River Channel, Oregon.

*Section 336. Buffalo Bayou Tributaries and Resiliency Study, Texas*

This section directs the Secretary to expedite the completion of the Buffalo Bayou and Tributaries Resiliency Study, Texas.

*Section 337. Matagorda Ship Channel Jetty Deficiency, Port Lavaca, Texas*

This section authorizes the Secretary to carry out repairs for the Matagorda Ship Channel Deficiency, consistent with the 2020 deficiency report for the project.

*Section 338. San Antonio Channel, San Antonio, Texas*

This section modifies the Westside Creeks Ecosystem Restoration Project to require the Secretary to implement Alternative 7, as identified in the 2014 final General Re-evaluation Report and Environmental Assessment for the project.

*Section 339. Western Washington State, Washington*

This section authorizes funding for environmental infrastructure in Western Washington State, Washington.

*Section 340. Environmental Infrastructure*

This section authorizes new and modifies existing environmental infrastructure authorities of the Secretary.

*Section 341. Specific Deauthorizations*

This section deauthorizes specific projects or portions of projects.

*Section 342. Congressional Notification of Deferred Payment Agreement Request*

This section requires the Secretary to notify Congress upon receipt of a request pursuant to Section 103(k) of *WRDA of 1986*.

#### **TITLE IV—WATER RESOURCES INFRASTRUCTURE**

*Section 401. Project Authorizations*

This section authorizes 12 projects for construction that have completed technical review by the Corps and are recommended by the Chief of Engineers.

The Committee notes that the Chief's Report for the harbor improvement project at the Port of Oakland does not include the request of the non-Federal interest to cost share the use of electric dredges. The Committee notes that the Corps approved the cost-

shared use of electric dredges when constructing the deepening project at the Port in 1999. The use of electric dredges is a unique opportunity to use a commercially viable alternative to achieve additional air quality improvement that will benefit the local population and is strongly supported by the non-Federal interest for the project. The Committee urges the Corps of Engineers to more diligently advocate for and include provisions in Chief's Reports requested by the non-federal interests.

*Section 402. Facility Investment*

This section authorizes the Secretary to design and construct a facility near Lee's Summit, Missouri, and Corpus Christi, Texas, using funds available in the revolving fund established by the first section of the *Civil Functions Appropriations Act of 1954*.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**FLOOD CONTROL ACT OF 1946**

\* \* \* \* \*

SEC. 14. That the Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed ~~[\$25,000,000]~~ *\$50,000,000* per year, for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, lighthouses (including those lighthouses with historical value), and public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, That not more than \$10,000,000 shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year, and if such amount is not sufficient to cover the costs included in the Federal cost share for a project, as determined by the Secretary, the non-Federal interest shall be responsible for any such costs that exceed such amount.

---

**ACT OF AUGUST 13, 1946**

\* \* \* \* \*

**SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.**

**(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—**

(1) **IN GENERAL.**—The Secretary may carry out a program for the construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

(2) **LOCAL COOPERATION.**—The local cooperation requirement of the first section of this Act shall apply to a project under this section.

(3) **COMPLETENESS.**—A project under this subsection—

(A) shall be complete; and

(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project; except for participation in periodic beach nourishment in accordance with—

(i) the first section of this Act; and

(ii) the procedure for projects authorized after submission of a survey report.

**(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—**

(1) **IN GENERAL.**—The Secretary shall conduct under the program authorized by subsection (a) a national shoreline erosion control development and demonstration program (referred to in this section as the “demonstration program”).

(2) **REQUIREMENTS.**—

(A) **IN GENERAL.**—The demonstration program shall include provisions for—

(i) projects consisting of planning, design, construction, and monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

(ii) monitoring of the applicable prototypes;

(iii) detailed engineering and environmental reports on the results of each project carried out under the demonstration program; and

(iv) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

(B) **DETERMINATION OF FEASIBILITY.**—A project under the demonstration program shall not be carried out until the Secretary determines that the project is feasible.

(C) **EMPHASIS.**—A project under the demonstration program shall emphasize, to the maximum extent practicable—

(i) the development and demonstration of innovative technologies;

(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

(v) the avoidance of negative impacts to adjacent shorefront communities;

(vi) in areas with substantial residential or commercial interests located adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

(vii) the potential for long-term protection afforded by the technology; and

(viii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962-5 note), including—

(I) adequate consideration of the subgrade;

(II) proper filtration;

(III) durable components;

(IV) adequate connection between units; and

(V) consideration of additional relevant information.

(D) SITES.—

(i) IN GENERAL.—Each project under the demonstration program may be carried out at—

(I) a privately owned site with substantial public access; or

(II) a publicly owned site on open coast or in tidal waters.

(ii) SELECTION.—The Secretary shall develop criteria for the selection of sites for projects under the demonstration program, including criteria based on—

(I) a variety of geographic and climatic conditions;

(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

(III) the rate of erosion;

(IV) significant natural resources or habitats and environmentally sensitive areas; and

(V) significant threatened historic structures or landmarks.

(3) CONSULTATION.—The Secretary shall carry out the demonstration program in consultation with—

(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

(B) Federal, State, and local agencies;

(C) private organizations;

- (D) the Coastal Engineering Research Center established by the first section of Public Law 88-172 (33 U.S.C. 426-1); and
- (E) applicable university research facilities.
- (4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and cost of a project under the demonstration program, the Secretary may—
- (A) amend, at the request of a non-Federal interest of the project, the partnership agreement for a federally authorized shore protection project in existence on the date on which initial construction of the project under the demonstration program is complete to incorporate the project constructed under the demonstration program as a feature of the shore protection project, with the future cost sharing of the project constructed under the demonstration program to be determined by the project purposes of the shore protection project; or
- (B) transfer all interest in and responsibility for the completed project constructed under the demonstration program to a non-Federal interest or another Federal agency.
- (5) AGREEMENTS.—The Secretary may enter into a partnership agreement with the non-Federal interest or a cooperative agreement with the head of another Federal agency under the demonstration program—
- (A) to share the costs of construction, operation, maintenance, and monitoring of a project under the demonstration program;
- (B) to share the costs of removing the project, or element of the project if the Secretary determines that the project or element of the project is detrimental to public or private property, public infrastructure, or public safety; or
- (C) to specify ownership of the completed project if the Secretary determines that the completed project will not be part of a Corps of Engineers project.
- (6) REPORT.—Not later than December 31, 2008, and every 3 years thereafter, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—
- (A) the activities carried out and accomplishments made under the demonstration program since the previous report under this paragraph; and
- (B) any recommendations of the Secretary relating to the program.
- (c) AUTHORIZATION OF APPROPRIATIONS.—
- (1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than ~~[\$37,500,000]~~ \$62,500,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under this section.
- (2) LIMITATION.—The total amount expended for a project under this section shall—



(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

(B) be not more than ~~[\$10,000,000]~~ \$12,500,000.

\* \* \* \* \*

---

**RIVER AND HARBOR ACT OF 1960**

\* \* \* \* \*

SEC. 107. (a) That the Secretary of the Army is authorized to allot from any appropriations hereafter made for rivers and harbors not to exceed \$62,500,000 for any one fiscal year for the construction of small river and harbor improvement projects not specifically authorized by Congress which will result in substantial benefits to navigation and which can be operated consistently with appropriate and economic use of the waters of the Nation for other purposes, when in the opinion of the Chief of Engineers such work is advisable, if benefits are in excess of the cost.

(b) Not more than ~~[\$10,000,000]~~ \$12,500,000 shall be allotted for the construction of a project under this section at any single locality and the amount allotted shall be sufficient to complete the Federal participation in the project under this section.

(c) Local interests shall provide without cost to the United States all necessary lands, easements and rights-of-way for all projects to be constructed under the authority of this section. In addition, local interests may be required to hold and save the United States free from damages that may result from the construction and maintenance of the project and may be required to provide such additional local cooperation as the Chief of Engineers deems appropriate. A State, county, municipality or other responsible local entity shall give assurance satisfactory to the Chief of Engineers that such conditions of cooperation as are required will be accomplished.

(d) Non-Federal interests may be required to share in the cost of the project to the extent that the Chief of Engineers deems that such cost should not be borne by the Federal Government in view of the recreational or otherwise special or local nature of the project benefits.

(e) Each project for which money is allotted under this section shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, other than routine maintenance, and except as may result from the normal procedure applying to projects authorized after submission of survey reports, and projects constructed under the authority of this section shall be considered as authorized projects.

(f) This section shall apply to, but not be limited to, the provision of low water access navigation channels from the existing channel of the Mississippi River to harbor areas heretofore or now established and located along the Mississippi River.

\* \* \* \* \*

---

**WATER RESOURCES DEVELOPMENT ACT OF 1996**

\* \* \* \* \*

**TITLE II—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 206. AQUATIC ECOSYSTEM RESTORATION.****(a) GENERAL AUTHORITY.—**

(1) **IN GENERAL.**—The Secretary may carry out a project to restore and protect an aquatic ecosystem or estuary if the Secretary determines that the project—

(A)(i) will improve the quality of the environment and is in the public interest; or

(ii) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902)); and

(B) is cost-effective.

(2) **DAM REMOVAL.**—A project under this section may include removal of a dam.

**(3) ANADROMOUS FISH HABITAT AND PASSAGE.—**

(A) **MEASURES.**—A project under this section may include measures to improve habitat or passage for anadromous fish, including—

(i) installing fish bypass structures on small water diversions;

(ii) modifying tide gates; and

(iii) restoring or reconnecting floodplains and wetlands that are important for anadromous fish habitat or passage.

(B) **BENEFITS.**—A project that includes measures under this paragraph shall be formulated to maximize benefits for the anadromous fish species benefitted by the project.

**(b) COST SHARING.—**

(1) **IN GENERAL.**—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all lands, easements, rights-of-way, and necessary relocations.

(2) **FORM.**—Before October 1, 2003, the Federal share of the cost of a project under this section may be provided in the form of reimbursements of project costs.

(3) **ANADROMOUS FISH.**—*Notwithstanding paragraph (1), for projects carried out under subsection (a)(3), the non-Federal interest shall provide 15 percent of the cost of construction, including provision of all lands, easements, rights-of-way, and necessary relocations.*

**(c) AGREEMENTS.—**

(1) **IN GENERAL.**—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

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

(d) COST LIMITATION.—Not more than ~~【\$10,000,000】~~ \$15,000,000 in Federal funds may be allotted under this section for a project at any single locality.

(e) USE OF NATURAL AND NATURE-BASED FEATURES.—In carrying out a project to restore and protect an aquatic ecosystem or estuary under subsection (a), the Secretary shall consider, and may include, with the consent of the non-Federal interest, a natural feature or nature-based feature, as such terms are defined in section 1184 of the Water Resources Development Act of 2016, if the Secretary determines that inclusion of such features is consistent with the requirements of subsection (a).

(f) FUNDING.—There is authorized to be appropriated to carry out this section \$62,500,000 for each fiscal year.

(g) PRIORITIZATION.—The Secretary shall give projects that include measures described in subsection (a)(3) equal priority for implementation as other projects under this section.

\* \* \* \* \*

**SEC. 217. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.**

(a) ADDITIONAL CAPACITY OR REPLACEMENT CAPACITY.—

(1) PROVIDED BY SECRETARY.—

(A) IN GENERAL.—Subject to subparagraph (B), at the request of a non-Federal interest with respect to a project, the Secretary may—

(i) provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond the capacity that would be required for project purposes; or

(ii) permit the use of dredged material disposal facility capacity required for project purposes by the non-Federal interest if the Secretary determines that replacement capacity can be constructed at the facility or another facility or site before such capacity is needed for project purposes.

(B) AGREEMENT.—Before the Secretary takes an action under subparagraph (A), the non-Federal interest shall agree to pay—

(i) all costs associated with the construction of the additional capacity or replacement capacity in advance of construction of such capacity; and

(ii) in the case of use by a non-Federal interest of dredged material disposal capacity required for project purposes under subparagraph (A)(ii), any increase in the cost of operation and maintenance of the project that the Secretary determines results from the use of the project capacity by the non-Federal interest in advance of each cycle of dredging.

(C) CREDIT.—In the event the Secretary determines that the cost to operate or maintain the project decreases as a result of use by the non-Federal interest of dredged mate-

rial disposal capacity required for project purposes under subparagraph (A)(ii), the Secretary, at the request of the non-Federal interest, shall credit the amount of the decrease toward any cash contribution of the non-Federal interest required thereafter for construction, operation, or maintenance of the project, or of another navigation project.

(2) **COST RECOVERY AUTHORITY.**—The non-Federal interest may recover the costs assigned to the additional capacity under paragraph (1)(A)(i) through fees assessed on third parties whose dredged material is deposited at the facility and who enter into agreements with the non-Federal interest for the use of the facility. The amount of such fees may be determined by the non-Federal interest.

(3) **SPECIAL RULE FOR DESIGNATION OF REPLACEMENT CAPACITY FACILITY OR SITE.**—

(A) **IN GENERAL.**—Subject to such terms and conditions as the Secretary determines to be necessary or advisable, an agreement under paragraph (1)(B) for use permitted under paragraph (1)(A)(ii) shall reserve to the non-Federal interest—

(i) the right to submit to the Secretary for approval at a later date an alternative to the facility or site designated in the agreement for construction of replacement capacity; and

(ii) the right to construct the replacement capacity at the alternative facility or site at the expense of the non-Federal interest.

(B) **REQUIREMENT.**—The Secretary shall not reject a site for the construction of replacement capacity under paragraph (1)(A)(ii) that is submitted by the non-Federal interest for approval by the Secretary before the date of execution of the agreement under paragraph (1)(B), or thereafter, unless the Secretary—

(i) determines that the site is environmentally unacceptable, geographically unacceptable, or technically unsound; and

(ii) provides a written basis for the determination under clause (i) to the non-Federal interest.

(4) **PUBLIC COMMENT.**—The Secretary shall afford the public an opportunity to comment on the determinations required under this subsection for a use permitted under paragraph (1)(A)(ii).

(b) **NON-FEDERAL USE OF DISPOSAL FACILITIES.**—

【(1) **IN GENERAL.**—The Secretary—

【(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for project purposes; and

【(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.】

(1) **IN GENERAL.**—

(A) **NON-FEDERAL USE.**—*The Secretary—*

(i) at the request of a non-Federal entity, may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by the non-Federal entity if the Secretary determines that such use will not reduce the availability of the facility for the authorized water resources development project on a channel in the vicinity of the disposal facility;

(ii) at the request of a non-Federal entity, shall permit the non-Federal entity to use a non-Federal disposal facility for the disposal of material dredged by the non-Federal entity, regardless of any connection to a Federal navigation project, if—

(I) permission for such use has been granted by the owner of the non-Federal disposal facility; and

(II) the Secretary determines that the dredged material disposal needs required to maintain, perform authorized deepening, or restore the navigability and functionality of authorized navigation channels in the vicinity of the non-Federal disposal facility for the 20-year period following the date of the request, including all planned and routine dredging operations necessary to maintain such channels for the authorized purposes during such period, can be met by the available gross capacity of other dredged material disposal facilities in the vicinity of the non-Federal disposal facility; and

(iii) shall impose fees to recover capital, operation, and maintenance costs associated with such uses.

(B) DETERMINATIONS.—The Secretary shall—

(i) delegate determinations under clauses (i) and (ii)(II) of subparagraph (A) to the District Commander of the district in which the relevant disposal facility is located; and

(ii) make such determinations not later than 90 days after receiving the applicable request.

(2) **[USE OF FEES] FEES.—[Notwithstanding]**

(A) USE.—Notwithstanding section 401(c) of the Federal Water Pollution Control Act (33 U.S.C. 1341(c)) but subject to advance appropriations, any monies received through collection of fees under this subsection shall be available to the Secretary, and shall be used by the Secretary, for the operation and maintenance of the disposal facility from which the fees were collected.

(B) REDUCTION IN AMOUNT.—In collecting any fee under this subsection, the Secretary shall reduce the amount imposed under paragraph (1)(A)(iii) to account for improvements made to the non-Federal disposal facility by the non-Federal entity to recover the capacity of the non-Federal disposal facility.

(3) **DISPOSITION STUDIES.—**

(A) REQUIREMENT.—Upon request by the owner of a non-Federal disposal facility, the Secretary shall carry out a disposition study of the non-Federal disposal facility, in accordance with section 1168 of the Water Resources Development Act of 2018 (33 U.S.C. 578b), if—

(i) the Secretary has not used the non-Federal disposal facility for the disposal of dredged material during the 20-year period preceding the date of the request; and

(ii) the Secretary determines that the non-Federal disposal facility is not needed for such use by the Secretary during the 20-year period following the date of the request.

(B) **CONCLUSIVE PRESUMPTIONS.**—For purposes of carrying out a disposition study required under subparagraph (A), the Secretary shall—

(i) consider the non-Federal disposal facility to be a separable element of a project; and

(ii) consider a Federal interest in the non-Federal disposal facility to no longer exist.

(4) **DEFINITIONS.**—In this subsection:

(A) **GROSS CAPACITY.**—The term “gross capacity” means the total quantity of dredged material that may be placed in a dredged material disposal facility, taking into consideration any additional capacity that can be constructed at the facility.

(B) **NON-FEDERAL DISPOSAL FACILITY.**—The term “non-Federal disposal facility” means a dredged material disposal facility under the jurisdiction of, or managed by, the Secretary that is owned by a non-Federal entity.

(c) **DREDGED MATERIAL FACILITY.**—

(1) **IN GENERAL.**—The Secretary may enter into a partnership agreement under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) with one or more non-Federal interests with respect to a water resources project, or group of water resources projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

(2) **PERFORMANCE.**—One or more of the parties to a partnership agreement under this subsection may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

(3) **MULTIPLE PROJECTS.**—If appropriate, the Secretary may combine portions of separate water resources projects with appropriate combined cost-sharing among the various water resources projects in a partnership agreement for a facility under this subsection if the facility serves to manage dredged material from multiple water resources projects located in the geographic region of the facility.

(4) **SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.**—

(A) **SPECIFIED FEDERAL FUNDING.**—A partnership agreement with respect to a facility under this subsection shall specify—

(i) the Federal funding sources and combined cost-sharing when applicable to multiple water resources projects; and

(ii) the responsibilities and risks of each of the parties relating to present and future dredged material managed by the facility.

(B) MANAGEMENT OF SEDIMENTS.—

(i) IN GENERAL.—A partnership agreement under this subsection may include the management of sediments from the maintenance dredging of Federal water resources projects that do not have partnership agreements.

(ii) PAYMENTS.—A partnership agreement under this subsection may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material processing, treatment, contaminant reduction, or disposal facilities.

(C) CREDIT.—A partnership agreement under this subsection may allow costs incurred by the non-Federal interest before execution of the partnership agreement to be credited in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

(5) CREDIT.—

(A) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any non-Federal interest for the cost-sharing, construction, and operation and maintenance of a water resources project.

(B) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal interest for a water resources project may receive credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility to the extent the facility is used to manage dredged material from the project.

(C) NON-FEDERAL INTEREST RESPONSIBILITIES.—A non-Federal interest entering into a partnership agreement under this subsection for a facility shall—

(i) be responsible for providing all necessary lands, easements, relocations, and rights-of-way associated with the facility; and

(ii) receive credit toward the non-Federal share of the cost of the project with respect to which the agreement is being entered into for those items.

(d) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may carry out a program to evaluate and implement opportunities for public-private partnerships in the design, construction, management, or operation and maintenance of dredged material processing, treatment, contaminant reduction, or disposal facilities in connection with

construction or maintenance of Federal navigation projects. If a non-Federal interest is a sponsor of the project, the Secretary shall consult with the non-Federal interest in carrying out the program with respect to the project.

(2) PRIVATE FINANCING.—

(A) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into an agreement with a non-Federal interest with respect to a project, a private entity, or both for the acquisition, design, construction, management, or operation and maintenance of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

(B) REIMBURSEMENT.—If any funds provided by a private entity are used to carry out a project under this subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through the payment of subsequent user fees. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

(C) AMOUNT OF FEES.—User fees paid pursuant to subparagraph (B) shall be sufficient to repay funds contributed by the private entity plus a reasonable return on investment approved by the Secretary in cooperation with the non-Federal interest with respect to the project and the private entity.

(D) FEDERAL SHARE.—The Federal share of such fees shall be equal to the percentage of the total cost that would otherwise be borne by the Federal Government as required pursuant to existing cost-sharing requirements, including section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2325).

(E) BUDGET ACT COMPLIANCE.—Any spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2))) authorized by this section shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

\* \* \* \* \*

**TITLE IV—STUDIES**

\* \* \* \* \*

**SEC. 444. PACIFIC REGION.**

The Secretary may conduct studies in the interest of water resources development including navigation, flood damage reduction, and environmental restoration in that part of the Pacific region that includes American Samoa, Guam, *Hawaii*, and the Commonwealth of the Northern Mariana Islands.

\* \* \* \* \*



## TITLE V—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

### SEC. 509. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.—Upon request of the non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels constructed or improved by non-Federal interests if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Humboldt Harbor and Bay, Fields Landing Channel, California.

(2) Mare Island Strait, California. For purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(3) East Fork, Calcasieu Pass, Louisiana.

(4) Mississippi River Ship Channel, Chalmette Slip, Louisiana.

(5) Greenville Inner Harbor Channel, Mississippi.

(6) New Madrid Harbor, Missouri. For purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(7) Providence Harbor Shipping Channel, Rhode Island, from the vicinity of the Fox Point hurricane barrier to the vicinity of the Francis Street bridge in Providence, Rhode Island. For purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(8) Matagorda Ship Channel, Point Comfort Turning Basin, Texas.

(9) Corpus Christi Ship Channel, Rincon Canal System, Texas.

(10) Brazos Island Harbor, Texas, connecting channel to Mexico.

(11) Blair Waterway, Tacoma Harbor, Washington.

(12) Acadiana Navigation Channel, Louisiana.

(13) Contraband Bayou, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

(14) Lake Wallula Navigation Channel, Washington.

(15) Wadley Pass (also known as “McGriff Pass”), Suwanee River, Florida.

(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

(17) Morehead City Harbor, North Carolina.

(18) Second harbor at New Madrid County Harbor, Missouri.

(19) Yabucoa Harbor, Puerto Rico.

(20) Everett Harbor and Snohomish River, Boat Launch Connector Channel, Washington.

(21) Port Townsend, Boat Haven Marina Breakwater, Washington.

(22) Segment 1B of Houston Ship Channel, Texas.

(23) *West Dundalk Branch Channel and Dundalk-Seagirt Connecting Channel, Baltimore Harbor Anchorages and Channels, Maryland.*

(24) *Crown Bay Marina Channel, United States Virgin Islands.*

(25) *Pidgeon Industrial Area Harbor, Memphis, Tennessee.*

(26) *McGriff Pass Channel, Florida.*

(27) *Oak Harbor Channel and Breakwater, Washington.*

(28) *Ediz Hook, Port Angeles, Washington.*

(b) COMPLETION OF ASSESSMENT.—Not later than 6 months after receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

\* \* \* \* \*

**SEC. 527. FAULISNER ISLAND, CONNECTICUT.**

In consultation with the Director of the United States Fish and Wildlife Service, the Secretary shall design and construct shoreline protection measures for the coastline adjacent to the Faulkner Island Lighthouse, Connecticut, at a total cost of **[\$4,500,000]** *\$8,000,000.*

\* \* \* \* \*

**SEC. 552. NEW YORK CITY WATERSHED.**

(a) ENVIRONMENTAL ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in the New York City Watershed.

(2) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design, repair, replacement, and construction assistance for water-related environmental infrastructure and resource protection and development projects in the New York City Watershed, including projects for water supply, storage, treatment, stormwater management, and water distribution facilities, and surface water resource protection and development.

(3) CONSIDERATIONS.—*In carrying out this section, the Secretary may consider natural and nature-based infrastructure.*

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) ELIGIBLE PROJECTS.—

(1) CERTIFICATION.—A project shall be eligible for financial assistance under this section only if the State director for the project certifies to the Secretary that the project will contribute to the protection and enhancement of the quality or quantity of the New York City water supply.

(2) SPECIAL CONSIDERATION.—In certifying projects to the Secretary, the State director shall give special consideration to those projects implementing plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the New York City Watershed.

(3) PROJECT DESCRIPTIONS.—Projects eligible for assistance under this section shall include the following:

(A) Implementation of intergovernmental agreements for coordinating regulatory and management responsibilities.

(B) Acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use.

(C) Acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality.

(D) Natural resources stewardship on public and private lands to promote land uses that preserve and enhance the economic and social character of the communities in the New York City Watershed and protect and enhance water quality.

(d) COOPERATION AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with the State director, or a public entity designated by the State director, to carry out the project with the assistance, subject to the project's meeting the certification requirement of subsection (c)(1).

(e) COST SHARING.—

(1) IN GENERAL.—Total project costs under each agreement entered into under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(2) CREDIT FOR DESIGN WORK.—Total project costs under each agreement entered into under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(3) CREDIT FOR INTEREST.—In the event of a delay in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest costs incurred to provide the non-Federal share of a project's cost.

(4) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs (including direct costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(5) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2000, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with

recommendations concerning whether such program should be implemented on anational basis.

(h) **NEW YORK CITY WATERSHED DEFINED.**—In this section, the term “New York City Watershed” means the land area within the counties of Delaware, Greene, Schoharie, Ulster, Sullivan, Westchester, Putnam, and Dutchess, New York, that contributes water to the water supply system of New York City.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$42,500,000.

\* \* \* \* \*

## SECTION 2 OF THE ACT OF AUGUST 28, 1937

(Public Law Chapter 877 of the 75th Congress; Enacted August 28, 1937)

AN ACT To amend an Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved June 22, 1936.

\* \* \* \* \*

SEC. 2. That the Secretary of the Army is hereby authorized to allot not to exceed \$7,500,000 from any appropriations heretofore or hereafter made for any one fiscal year for flood control, for removing accumulated snags and other debris, and clearing and straightening the channel in navigable streams and tributaries thereof, when in the opinion of the Chief of Engineers such work is advisable in the interest of flood control: *Provided*, That not more than ~~【\$500,000】~~ \$1,000,000 shall be expended for this purpose for any single tributary from the appropriations for any one fiscal year.

\* \* \* \* \*

## WATER RESOURCES DEVELOPMENT ACT OF 1986

\* \* \* \* \*

### TITLE I—COST SHARING

#### SEC. 101. HARBORS.

##### (a) CONSTRUCTION.—

(1) **PAYMENTS DURING CONSTRUCTION.**—The non-Federal interests for a navigation project for a harbor or inland harbor, or any separable element thereof, on which a contract for physical construction has not been awarded before the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113–121) shall pay, during the period of construction of the project, the following costs associated with general navigation features:

(A) 10 percent of the cost of construction of the portion of the project which has a depth not in excess of 20 feet; plus

(B) 25 percent of the cost of construction of the portion of the project which has a depth is excess of 20 feet but not in excess of ~~【50 feet】~~ 55 feet; plus

(C) 50 percent of the cost of construction of the portion of the project which has a depth in excess of **【50 feet】 55 feet.**

(2) **ADDITIONAL 10 PERCENT PAYMENT OVER 30 YEARS.**—The non-Federal interests for a project to which paragraph (1) applies shall pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, at an interest rate determined pursuant to section 106. The value of lands, easements, rights-of-way, and relocations provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.

(3) **LANDS, EASEMENTS, AND RIGHTS-OF-WAY.**—Except as provided under section 906(c), the non-Federal interests for a project to which paragraph (1) applies shall provide the lands, easements, rights-of-way, and relocations (other than utility relocations under paragraph (4)) necessary for the project, including any lands, easements, rights-of-way, and relocations (other than utility relocations accomplished under paragraph (4)) that are necessary for dredged material disposal facilities.

(4) **UTILITY RELOCATIONS.**—The non-Federal interests for a project to which paragraph (1) applies shall perform or assure the performance of all relocations of utilities necessary to carry out the project, except that in the case of a project for a deep-draft harbor and in the case of a project constructed by non-Federal interests under section 204, one-half of the cost of each such relocation shall be borne by the owner of the facility being relocated and one-half of the cost of each such relocation shall be borne by the non-Federal interests.

(5) **DREDGED MATERIAL DISPOSAL FACILITIES FOR PROJECT CONSTRUCTION.**—In this subsection, the term “general navigation features” includes constructed land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for project construction and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph.

(b) **OPERATION AND MAINTENANCE.**—

(1) **IN GENERAL.**—The Federal share of the cost of operation and maintenance of each navigation project for a harbor or inland harbor constructed by the Secretary pursuant to this Act or any other law approved after the date of the enactment of this Act shall be 100 percent, except that in the case of a deep-draft harbor, the non-Federal interests shall be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of such project over the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of **【50 feet】 55 feet.**

(2) **DREDGED MATERIAL DISPOSAL FACILITIES.**—The Federal share of the cost of constructing land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for the operation and maintenance of a project and for which a contract for construction has not been awarded on or before the date of the enact-

ment of this paragraph shall be determined in accordance with subsection (a). The Federal share of operating and maintaining such facilities shall be determined in accordance with paragraph (1).

(c) EROSION OR SHOALING ATTRIBUTABLE TO FEDERAL NAVIGATION WORKS.—Costs of constructing projects or measures for the prevention or mitigation of erosion or shoaling damages attributable to Federal navigation works shall be shared in the same proportion as the cost sharing provisions applicable to the project causing such erosion or shoaling. The non-Federal interests for the project causing the erosion or shoaling shall agree to operate and maintain such measures.

(d) NON-FEDERAL PAYMENTS DURING CONSTRUCTION.—The amount of any non-Federal share of the cost of any navigation project for a harbor or inland harbor shall be paid to the Secretary. Amounts required to be paid during construction shall be paid on an annual basis during the period of construction, beginning not later than one year after construction is initiated.

(e) AGREEMENT.—Before initiation of construction of a project to which this section applies, the Secretary and the non-Federal interests shall enter into a cooperative agreement according to the provisions of section 221 of the Flood Control Act of 1970. The non-Federal interests shall agree to—

(1) provide to the Federal Government lands, easements, and rights-of-way, including those necessary for dredged material disposal facilities, and perform the necessary relocations required or construction, operation, and maintenance of such project;

(2) hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors;

(3) provide to the Federal Government the non-Federal share of all other costs of construction of such project; and

(4) in the case of a deep-draft harbor, be responsible for the non-Federal share of operation and maintenance required by subsection (b) of this section.

(f) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—The Secretary shall ensure, to the extent practicable, that—

(1) funding requirements for operation and maintenance dredging of commercial navigation harbors are considered before Federal funds are obligated for payment of the Federal share of costs associated with the construction of dredged material disposal facilities in accordance with subsections (a) and (b);

(2) funds expended for such construction are apportioned equitably in accordance with regional needs; and

(3) use of a dredged material disposal facility designed, constructed, managed, or operated by a private entity is not precluded if, consistent with economic and environmental considerations, the facility is the least-cost alternative.

\* \* \* \* \*

**SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.****(a) FLOOD CONTROL.—**

(1) **GENERAL RULE.**—The non-Federal interests for a project with costs assigned to flood control (other than a nonstructural project) shall—

(A) pay 5 percent of the cost of the project assigned to flood control during construction of the project;

(B) provide all lands, easements, rights-of-way, and dredged material disposal areas required only for flood control and perform all related necessary relocations; and

(C) provide that portion of the joint costs of lands, easements, rights-of-way, dredged material disposal areas, and relocations which is assigned to flood control.

(2) **35 PERCENT MINIMUM CONTRIBUTION.**—If the value of the contributions required under paragraph (1) of this subsection is less than 35 percent of the cost of the project assigned to flood control, the non-Federal interest shall pay during construction of the project such additional amounts as are necessary so that the total contribution of the non-Federal interests under this subsection is equal to 35 percent of the cost of the project assigned to flood control.

(3) **50 PERCENT MAXIMUM.**—The non-Federal share under paragraph (1) shall not exceed 50 percent of the cost of the project assigned to flood control. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.

(4) **DEFERRED PAYMENT OF AMOUNT EXCEEDING 30 PERCENT.**—If the total amount of the contribution required under paragraph (1) of this subsection exceeds 30 percent of the cost of the project assigned to flood control, the non-Federal interests may pay the amount of the excess to the Secretary over a 15-year period (or such shorter period as many be agreed to by the Secretary and the non-Federal interests) beginning on the date construction of the project or separable element is completed, at an interest rate determined pursuant to section 106. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.

**(b) PROJECTS USING NONSTRUCTURAL, NATURAL, OR NATURE-BASED FEATURES.—**

(1) **IN GENERAL.**—The non-Federal share of the cost of a flood risk management or hurricane and storm damage risk reduction measure using a nonstructural feature, or a natural feature or nature-based feature (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))), shall be 35 percent of the cost of such measures. The non-Federal interests for any such measures shall be required to provide all lands, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project, but shall not be required to contribute any amount in cash during construction for a nonstructural feature if the costs of land, easements, rights-of-way, dredged material disposal areas, and relocations for such feature are estimated to exceed 35 percent.

(2) **NON-FEDERAL CONTRIBUTION IN EXCESS OF 35 PERCENT.**—At any time during construction of a project, if the Secretary

determines that the costs of land, easements, rights-of-way, dredged material disposal areas, and relocations for the project, in combination with other costs contributed by the non-Federal interests, will exceed 35 percent, any additional costs for the project (not to exceed 65 percent of the total costs of the project) shall be a Federal responsibility and shall be contributed during construction as part of the Federal share.

(c) OTHER PURPOSES.—The non-Federal share of the cost assigned to other project purposes shall be as follows:

(1) hydroelectric power: 100 percent, except that the marketing of such power and the recovery of costs of constructing, operating, maintaining, and rehabilitating such projects shall be in accordance with existing law: *Provided*, That after the date of enactment of this Act, the Secretary shall not submit to Congress any proposal for the authorization of any water resources project that has a hydroelectric power component unless such proposal contains the comments of the appropriate Power Marketing Administrator designated pursuant to section 302 of the Department of Energy Organization Act (Public Law 95-91) concerning the appropriate Power Marketing Administration's ability to market the hydroelectric power expected to be generated and not required in the operation of the project under the applicable Federal power marketing law, so that, 100 percent of operation, maintenance and replacement costs, 100 percent of the capital investment allocated to the purpose of hydroelectric power (with interest at rates established pursuant to or prescribed by applicable law), and any other costs assigned in accordance with law for return from power revenues can be returned within the period set for the return of such costs by or pursuant to such applicable Federal power marketing law;

(2) municipal and industrial water supply: 100 percent;

(3) agricultural water supply: 35 percent;

(4) recreation, including recreational navigation: 50 percent of separable costs and, in the case of any harbor or inland harbor or channel project, 50 percent of joint and separable costs allocated to recreational navigation;

(5) hurricane and storm damage reduction: 35 percent;

(6) aquatic plant control: 50 percent of control operations; and

(7) environmental protection and restoration: 35 percent; except that nothing in this paragraph shall affect or limit the applicability of section 906.

(d) CERTAIN OTHER COSTS ASSIGNED TO PROJECT PURPOSES.—

(1) CONSTRUCTION.—Costs of constructing projects or measures for beach erosion control and water quality enhancement shall be assigned to appropriate project purposes listed in subsections (a), (b), and (c) and shall be shared in the same percentage as the purposes to which the costs are assigned, except that all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private lands shall be borne by non-Federal interests and all costs assigned to the protection of federally owned shores shall be borne by the United States.

(2) PERIODIC NOURISHMENT.—



(A) IN GENERAL.—In the case of a project authorized for construction after December 31, 1999, except for a project for which a District Engineer's Report is completed by that date, the non-Federal cost of the periodic nourishment of the project, or any measure for shore protection or beach erosion control for the project, that is carried out—

- (i) after January 1, 2001, shall be 40 percent;
- (ii) after January 1, 2002, shall be 45 percent; and
- (iii) after January 1, 2003, shall be 50 percent.

(B) BENEFITS TO PRIVATELY OWNED SHORES.—All costs assigned to benefits of periodic nourishment projects or measures to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by the non-Federal interest.

(C) BENEFITS TO FEDERALLY OWNED SHORES.—All costs assigned to the protection of federally owned shores for periodic nourishment measures shall be borne by the United States.

(e) APPLICABILITY.—

(1) IN GENERAL.—This section applies to any project (including any small project which is not specifically authorized by Congress and for which the Secretary has not approved funding before the date of enactment of this Act), or separable element thereof, on which physical construction is initiated after April 30, 1986, as determined by the Secretary, except as provided in paragraph (2). For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.

(2) EXCEPTIONS.—This section shall not apply to the Yazoo Basin, Mississippi, Demonstration Erosion Control Program, authorized by Public Law 98–8, or to the Harlan, Kentucky, or Barbourville, Kentucky, elements of the project authorized by section 202 of Public Law 96–367.

(f) DEFINITION OF SEPARABLE ELEMENT.—For purposes of this Act, the term “separable element” means a portion of a project—

- (1) which is physically separable from other portions of the project; and
- (2) which—

(A) achieves hydrologic effects, or

(B) produces physical or economic benefits, which are separately identifiable from those produced by other portions of the project.

(g) DEFERRAL OF PAYMENT.—(1) With respect to the projects listed in paragraph (2), no amount of the non-Federal share required under this section shall be required to be paid during the three-year period beginning on the date of enactment of this Act.

(2) The projects referred to in paragraph (1) are the following:

(A) Boeuf and Tensas Rivers, Tensas Basin, Louisiana and Arkansas, authorized by the Flood Control Act of 1946;

(B) Eight Mile Creek, Arkansas, authorized by Public Law 99–88; and

(C) Rocky Bayou Area, Yazoo Blackwater Area, Yazoo Basin, Mississippi, authorized by the Flood Control Act approved August 18, 1941.

(h) **ASSIGNED JOINT AND SEPARABLE COSTS.**—The share of the costs specified under this section for each project purpose shall apply to the joint and separable costs of construction of each project assigned to that purpose, except as otherwise specified in this Act.

(i) **LANDS, EASEMENTS, RIGHTS-OF-WAY, DREDGED MATERIAL DISPOSAL AREAS, AND RELOCATIONS.**—Except as provided under section 906(c), the non-Federal interests for a project to which this section applies shall provide all lands, easements, rights-of-way, and dredged material disposal areas required for the project and perform all necessary relocations, except to the extent limited by any provision of this section. The value of any contribution under the preceding sentence shall be included in the non-Federal share of the project specified in this section.

(j) **AGREEMENT.**—

(1) **REQUIREMENT FOR AGREEMENT.**—

(A) **IN GENERAL.**—Any project to which this section applies (other than a project for hydroelectric power) shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operations, maintenance, and replacement and rehabilitation costs of the project, to pay the non-Federal share of the costs of construction required by this section, and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(B) **INCLUSION.**—An agreement under subparagraph (A) shall include a brief description and estimation of the anticipated operations, maintenance, and replacement and rehabilitation costs of the non-Federal interest for the project.

(2) **ELEMENTS OF AGREEMENT.**—The agreement required pursuant to paragraph (1) shall be in accordance with the requirements of section 221 of the Flood Control Act of 1970 (84 Stat. 1818) and shall provide for the rights and duties of the United States and the non-Federal interest with respect to the construction, operation, and maintenance of the project, including, but not limited to, provisions specifying that, in the event the non-Federal interest fails to provide the required non-Federal share of costs for such work, the Secretary—

(A) shall terminate or suspend work on the project unless the Secretary determines that continuation of the work is in the interest of the United States or is necessary in order to satisfy agreements with other non-Federal interests in connection with the project; and

(B) may terminate or adjust the rights and privileges of the non-Federal interest to project outputs under the terms of the agreement.

(k) **PAYMENT OPTIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, the Secretary may permit the full non-Federal contribution to be made without interest during construction of the project or separable element, or with interest at a rate determined pursuant to section 106 over a period of not more than thirty years from the date of completion of the project or sepa-

erable element. Repayment contracts shall provide for recalculation of the interest rate at five-year intervals.

(2) RENEGOTIATION OF TERMS.—

(A) IN GENERAL.—At the request of a non-Federal interest, the Secretary and the non-Federal interest may renegotiate the terms and conditions of an eligible deferred payment, including—

- (i) permitting the non-Federal contribution to be made without interest, pursuant to paragraph (1);
- (ii) recalculation of the interest rate;
- (iii) full or partial forgiveness of interest accrued during the period of construction; and
- (iv) a credit against construction interest for a non-Federal investment that benefits the completion or performance of the project or separable element.

(B) ELIGIBLE DEFERRED PAYMENT.—An eligible deferred payment agreement under subparagraph (A) is an agreement for which—

- (i) the non-Federal contribution was made with interest;
- (ii) the period of project construction exceeds 10 years from the execution of a project partnership agreement or appropriation of funds; and
- (iii) the construction interest exceeds \$45,000,000.

(3) CREDIT FOR NON-FEDERAL CONTRIBUTION.—

(A) IN GENERAL.—The Secretary is authorized to credit any costs incurred by the non-Federal interest (including in-kind contributions) to remedy a design or construction deficiency of a covered project or separable element toward the non-Federal share of the cost of the covered project, if the Secretary determines the remedy to be integral to the completion or performance of the covered project.

(B) CREDIT OF COSTS.—If the non-Federal interest incurs costs or in-kind contributions for a project to remedy a design or construction deficiency of a project or separable element which has a 100 percent Federal cost share, and the Secretary determines the remedy to be integral to the completion or performance of the project, the Secretary is authorized to credit such costs to any interest accrued on a deferred non-Federal contribution.

(4) TREATMENT OF PRE-PAYMENT.—

(A) IN GENERAL.—Notwithstanding a deferred payment agreement with a non-Federal interest, the Secretary shall accept, without interest of any type, the repayment of a non-Federal contribution for any eligible deferred payment described in paragraph (2)(B) for which—

- (i) the non-Federal interest **[makes]** *made* a payment of at least \$200,000,000 for that eligible deferred payment agreement on or before September 30, 2021;
- (ii) the non-Federal interest **[repays an amount equal to ⅔ of the remaining principal by]** *made a payment of an additional \$200,000,000 for that eligible deferred payment agreement on or before September 30, 2023;* and

(iii) the non-Federal interest repays the balance of remaining principal by June 1, 2032.

(B) REPAYMENT OPTIONS.—Repayment of a non-Federal interest's contribution under subparagraph (A)(iii) may be satisfied through the provision by the non-Federal interest of fish and wildlife mitigation for one or more projects or separable elements, if the Secretary determines that—

(i) the non-Federal interest has incurred costs for the provision of mitigation that—

(I) equal or exceed the amount of the required repayment; and

(II) are in excess of any required non-Federal contribution for the project or separable element for which the mitigation is provided; and

(ii) the mitigation is integral to the project for which it is provided.

(C) REFUND OF CREDIT.—*Any agreement made that applied credits to satisfy the terms of a pre-payment made under subsection (k)(4)(A) that resulted in total payment in excess of the amount now required under subsection (k)(4)(A) shall be modified to indicate that the excess credits continue to apply toward any remaining principal of the respective project, or at the request of the non-Federal interest, the agreement shall be modified to retroactively transfer back those excess credits to the non-Federal interest such that those credits may be applied by the non-Federal interest to any cost-shared project identified by the non-Federal interest.*

(5) CONGRESSIONAL NOTIFICATION.—

(A) IN GENERAL.—*Upon receipt of a request for a renegotiation of terms by a non-Federal interest under paragraph (2), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House and the Committee on Environment and Public Works of the Senate a report 30 days after enactment and quarterly thereafter regarding the status of the request.*

(B) SENSE OF CONGRESS.—*It is the sense of Congress that the Secretary should respond to any request for a renegotiation of terms submitted under paragraph (2) in a timely manner.*

(1) DELAY OF PAYMENT.—

(1) INITIAL PAYMENT.—At the request of any non-Federal interest the Secretary may permit such non-Federal interest to delay the initial payment of any non-Federal contribution under this section or section 101 for up to one year after the date when construction is begun on the project for which such contribution is to be made. Any such delay in initial payment shall be subject to interest charges for up to six months at a rate determined pursuant to section 106.

(2) INTEREST.—

(A) IN GENERAL.—At the request of any non-Federal interest, the Secretary may waive the accrual of interest on any non-Federal cash contribution under this section or section 101 for a project for a period of not more than 1 year if the Secretary determines that—

- (i) the waiver will contribute to the ability of the non-Federal interest to make future contributions; and
- (ii) the non-Federal interest is in good standing under terms agreed to under subsection (k)(1).

(B) LIMITATIONS.—The Secretary may grant not more than 1 waiver under subparagraph (A) for the same project.

(m) ABILITY TO PAY.—

(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or [an agricultural] a water supply project, shall be subject to the ability of the non-Federal interest to pay.

[(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, not later than December 31, 2007 to reflect the requirements of such paragraph (3).

[(3) REVISION OF CRITERIA AND PROCEDURES.—In revising criteria and procedures pursuant to paragraph (2), the Secretary—

[(A) shall consider—

[(i) per capita income data for the county or counties in which the project is to be located; and

[(ii) the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located; and

[(B) may consider additional criteria relating to the non-Federal interest's financial ability to carry out its cost-sharing responsibilities, to the extent that the application of such criteria does not eliminate areas from eligibility for a reduction in the non-Federal share as determined under subparagraph (A).]

(2) CRITERIA.—*The Secretary shall determine the ability of a non-Federal interest to pay under this subsection by considering—*

(A) *per capita income data for the county or counties in which the project is to be located;*

(B) *the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located;*

(C) *the financial capabilities of the non-Federal interest for the project;*

(D) *the guidance issued under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note); and*

(E) *any additional criteria relating to the non-Federal interest's financial ability to carry out its cost-sharing responsibilities determined appropriate by the Secretary.*

(3) *PROCEDURES.*—For purposes of carrying out paragraph (2), the Secretary shall develop procedures—

- (A) to allow a non-Federal interest to identify the amount such non-Federal interest would likely be able to pay; and
- (B) for a non-Federal interest to submit a request to the Secretary to reduce the required non-Federal share.

(4) *NON-FEDERAL SHARE.*—Notwithstanding subsection (a), the Secretary may reduce the requirement that a non-Federal interest make a cash contribution for any project that is determined to be eligible for a reduction in the non-Federal share under criteria and procedures in effect under paragraphs (1), (2), and (3).

(5) *BENEFITS ANALYSIS CONSIDERATIONS.*—In calculating the benefits and costs of project alternatives relating to the height of a flood risk reduction project for purposes of determining the national economic development benefits of the project, the Secretary—

- (A) shall include insurance costs incurred by homeowners; and
- (B) may consider additional costs incurred by households, as appropriate.

(6) *EXCEPTION.*—This subsection shall not apply to project costs greater than the national economic determination plan.

(7) *REPORT.*—

(A) *IN GENERAL.*—Not less frequently than annually, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing all determinations of the Secretary under this subsection regarding the ability of a non-Federal interest to pay.

(B) *CONTENTS.*—The Secretary shall include in each report required under subparagraph (A) a description, for the applicable year, of—

- (i) requests by a non-Federal interest to reduce the non-Federal share required in a cost-sharing agreement;
- (ii) the determination of the Secretary with respect to each such request; and
- (iii) the basis for each such determination.

(C) *INCLUSION IN CHIEF'S REPORT.*—The Secretary shall include each determination to reduce the non-Federal share required in a cost-sharing agreement for construction of a project in the report of the Chief of Engineers for the project.

(n) *NON-FEDERAL CONTRIBUTIONS.*—

(1) *PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.*—The Secretary may not—

- (A) solicit contributions from non-Federal interests for costs of constructing authorized water resources projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c); or
- (B) condition Federal participation in such projects or measures on the receipt of such contributions.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary’s authority under section 903(c).

\* \* \* \* \*

TITLE II—HARBOR DEVELOPMENT

\* \* \* \* \*

SEC. 203. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

(a) SUBMISSION TO SECRETARY.—

(1) IN GENERAL.—A non-Federal interest **may undertake a federally authorized feasibility study of a proposed water resources development project, or,** *may undertake and submit to the Secretary—*

*(A) a federally authorized feasibility study of a proposed water resources development project; or* **upon the written approval**

*(B) upon the determination of the Secretary that the modifications are consistent with the authorized purposes of the project, undertake a feasibility study on modifications to a water resources development project constructed by the Corps of Engineers, and submit the study to the Secretary or constructed by a non-Federal interest pursuant to section 204.*

(2) GUIDELINES.—To assist non-Federal interests, the Secretary **as soon as practicable,** shall issue guidelines for the formulation of feasibility studies of water resources development projects undertaken by **non-Federal interests to** *non-Federal interests that—*

**ensure that any feasibility study with respect to which the Secretary submits an assessment to Congress under subsection (c) complies with all of the requirements that would apply to a feasibility study undertaken by the Secretary; and**

*(A) provide clear, concise, and transparent guidance for the non-Federal interest to use in developing a feasibility study that complies with requirements that would apply to a feasibility study undertaken by the Secretary;*

*(B) provide sufficient information for the formulation of the studies, including processes and procedures related to reviews and assistance under subsection (e);*

*(C) provide guidance to a non-Federal interest on obtaining support from the Secretary to complete elements of a feasibility study that may be considered inherently governmental and required to be done by a Federal agency; and*

*(D) provide contacts for employees of the Corps of Engineers that a non-Federal interest may use to initiate coordination with the Secretary and identify at what stages coordination may be beneficial.*

(3) DETERMINATION.—*If a non-Federal interest requests to undertake a feasibility study on a modification to a constructed water resources development project under paragraph (1)(B), the Secretary shall expeditiously provide to the non-Federal interest the determination required under such paragraph with*

*respect to whether conceptual modifications, as presented by the non-Federal interest, are consistent with the authorized purposes of the project.*

(b) REVIEW BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall review each feasibility study received under subsection (a)(1) for the purpose of determining whether or not the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water resources development projects.

(2) TIMING.—The Secretary may not submit to Congress an assessment of a feasibility study under this section until such time as the Secretary—

(A) determines that the feasibility study complies with all of the requirements that would apply to a feasibility study undertaken by the Secretary; and

(B) completes all of the Federal analyses, reviews, and compliance processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that would be required with respect to the proposed project if the Secretary had undertaken the feasibility study.

(3) INITIATION OF REVIEW.—

(A) REQUEST.—

(i) SUBMISSION.—The non-Federal interest may submit to the Secretary a request that the Secretary initiate the analyses, reviews, and compliance processes described in paragraph (2)(B) with respect to the proposed project prior to the non-Federal interest's submission of a feasibility study under subsection (a)(1).

(ii) EFFECT.—Receipt by the Secretary of a request submitted under clause (i) shall be considered the receipt of a proposal or application that will lead to a major Federal action that is subject to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) that would be required if the Secretary were to undertake the feasibility study.

(B) DEADLINE.—Not later than 10 days after the Secretary **receives a request under this paragraph** *receives a study submission under subsection (a) or receives a request under subparagraph (A)*, the Secretary shall begin the required analyses, reviews, and compliance processes.

(C) ADDITIONAL INFORMATION REQUIRED.—*The Secretary shall notify a non-Federal interest if, upon initial review of a submission received under subsection (a) or a receipt of a request under subparagraph (A), the Secretary requires additional information to perform the required analyses, reviews, and compliance processes and include in such notification a detailed description of the required information.*

**[(4) NOTIFICATION.—Upon receipt of a request under paragraph (3), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the request and a timeline for completion of the required analyses, reviews, and compliance processes. ]**



(4) *NOTIFICATION.*—Upon receipt of a study submission under subsection (a) or receipt of a request under paragraph (3)(A), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the submission or request and a timeline for completion of the required analyses, reviews, and compliance processes and shall notify the non-Federal interest of such timeline.

(5) *STATUS UPDATES.*—Not later than 30 days after [receiving a request under paragraph (3)] receiving a study submission under subsection (a) or a request under paragraph (3)(A), and every 30 days thereafter until the Secretary submits an assessment under subsection (c) for the applicable feasibility study, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the non-Federal interest of the status of the Secretary's required analyses, reviews, and compliance processes.

(c) *SUBMISSION TO CONGRESS.*—

(1) *REVIEW AND SUBMISSION OF STUDIES TO CONGRESS.*—Not later than 180 days after the completion of review of a feasibility study under subsection (b), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an assessment that describes—

(A) the results of the Secretary's review of the study under subsection (b), including a determination of whether the project is feasible;

(B) any recommendations the Secretary may have concerning the plan or design of the project; and

(C) any conditions the Secretary may require for construction of the project.

(2) *LIMITATION.*—The completion of the review by the Secretary of a feasibility study that has been submitted under subsection (a)(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration.

(d) *CREDIT.*—[If a project]

(1) *IN GENERAL.*—If a project for which a feasibility study has been submitted under subsection (a)(1) is authorized by a Federal law enacted after the date of the submission to Congress under subsection (c), the Secretary shall credit toward the non-Federal share of the cost of construction of the project or modification to the project an amount equal to the portion of the cost of developing the study that would have been the responsibility of the United States if the study had been developed by the Secretary.

(2) *MAXIMUM AMOUNT.*—Any credit provided to a non-Federal interest under this subsection may not exceed the maximum Federal cost for a feasibility study initiated by the Secretary under section 1001(a)(2) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)).

(e) *REVIEW AND TECHNICAL ASSISTANCE.*—

(1) *REVIEW.*—The Secretary may accept and expend funds provided by non-Federal interests to undertake reviews, in-

spections, certifications, and other activities that are the responsibility of the Secretary in carrying out this section.

(2) **TECHNICAL ASSISTANCE.**—At the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.

(3) **LIMITATION.**—Funds provided by non-Federal interests under this subsection shall not be eligible for credit under subsection (d) or reimbursement.

(4) **IMPARTIAL DECISIONMAKING.**—In carrying out this section, the Secretary shall ensure that the use of funds accepted from a non-Federal interest will not affect the impartial decision-making of the Secretary, either substantively or procedurally.

(5) **SAVINGS PROVISION.**—The provision of technical assistance by the Secretary under paragraph (2)—

(A) shall not be considered to be an approval or endorsement of the feasibility study; and

(B) shall not affect the responsibilities of the Secretary under subsections (b) and (c).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—*There is authorized to be appropriated to the Secretary \$1,000,000 for each fiscal year to carry out this section.*

**SEC. 204. CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

(a) **WATER RESOURCES DEVELOPMENT PROJECT DEFINED.**—In this section, the term “water resources development project” means a project recommendation that results from—

(1) a feasibility report, as such term is defined in section 7001(f) of the Water Resources Reform and Development Act of 2014;

(2) a completed feasibility study developed under section 203; or

(3) a final feasibility study for water resources development and conservation and other purposes that is specifically authorized by Congress to be carried out by the Secretary.

(b) **AUTHORITY.**—

(1) **IN GENERAL.**—A non-Federal interest may carry out a federally authorized water resources development project, or separable element thereof—

(A) in accordance with a plan approved by the Secretary for the project or separable element; and

(B) subject to any conditions that the Secretary may require, including any conditions specified under section 203(c)(3).

(2) **CONDITIONS.**—Before carrying out a water resources development project, or separable element thereof, under this section, a non-Federal interest shall—

(A) obtain any permit or approval required in connection with the project or separable element under Federal or State law, except as provided in paragraph (3); and

(B) ensure that a final environmental impact statement or environmental assessment, as appropriate, for the project or separable element has been filed.

(3) **PERMIT EXCEPTION.**—

(A) IN GENERAL.—For a project described in subsection (a)(1) or subsection (a)(3), or a separable element thereof, with respect to which a written agreement described in subparagraph (B) has been entered into, a non-Federal interest that carries out a project under this section shall not be required to obtain any Federal permits or approvals that would not be required if the Secretary carried out the project or separable element unless significant new circumstances or information relevant to environmental concerns or compliance have arisen since development of the project recommendation.

(B) WRITTEN AGREEMENT.—For purposes of this paragraph, a written agreement shall provide that the non-Federal interest shall comply with the same legal and technical requirements that would apply if the project or separable element were carried out by the Secretary, including all mitigation required to offset environmental impacts of the project or separable element as determined by the Secretary.

(C) CERTIFICATIONS.—Notwithstanding subparagraph (A), if a non-Federal interest carrying out a project under this section would, in the absence of a written agreement entered into under this paragraph, be required to obtain a certification from a State under Federal law to carry out the project, such certification shall still be required if a written agreement is entered into with respect to the project under this paragraph.

(4) DATA SHARING.—

(A) IN GENERAL.—If a non-Federal interest for a water resources development project begins to carry out that water resources development project under this section, the non-Federal interest may request that the Secretary transfer to the non-Federal interest all relevant data and documentation under the control of the Secretary with respect to that water resources development project.

(B) DEADLINE.—Except as provided in subparagraph (C), the Secretary shall transfer the data and documentation requested by a non-Federal interest under subparagraph (A) not later than the date that is 90 days after the date on which the non-Federal interest so requests such data and documentation.

(C) LIMITATION.—Nothing in this paragraph obligates the Secretary to share any data or documentation that the Secretary considers to be proprietary information.

(c) STUDIES AND ENGINEERING.—

(1) IN GENERAL.—When requested by [an appropriate non-Federal interest] *a non-Federal interest carrying out a project, or separable element of a project, under this section*, the Secretary shall undertake all necessary studies, engineering, and technical assistance [on construction for any project] *for the construction of any project or separable element to be undertaken under this section*, and provide technical assistance in obtaining all necessary permits for the construction, if the non-Federal interest contracts with the Secretary to furnish the United States funds, *consistent with the authorized cost share*

for the project, for the studies, engineering, or technical assistance on construction in the period during which the studies, engineering, or technical assistance on construction are being conducted.

(2) NO WAIVER.—Nothing in this section may be construed to waive any requirement of section 3142 of title 40, United States Code.

(3) LIMITATION.—Funds provided by non-Federal interests under this subsection shall not be eligible for credit or reimbursement under subsection (d).

(4) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the use of funds accepted from a non-Federal interest will not affect the impartial decision-making of the Secretary, either substantively or procedurally.

(d) CREDIT OR REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to paragraph (3), a project or separable element of a project carried out by a non-Federal interest under this section shall be eligible for credit or reimbursement for the Federal share of work carried out on a project or separable element of a project if—

(A) before initiation of construction of the project or separable element—

【(i) the Secretary approves the plans for construction of the project or separable element of the project by the non-Federal interest;

【(ii) the Secretary determines, before approval of the plans, that the project or separable element of the project is feasible; and

【(iii) the non-Federal interest enters into a written agreement with the Secretary under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), including an agreement to pay the non-Federal share, if any, of the cost of operation and maintenance of the project; and】

(i) the non-Federal interest—

(I) enters into a written agreement with the Secretary under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), including an agreement to pay the non-Federal share, if any, of the cost of operation and maintenance of the project;

(II) makes any information relevant to carrying out the project available to the Secretary to review; and

(III) identifies features of the project or separable element that are outside the scope of the authorized project; and

(ii) the Secretary—

(I) reviews the plans for construction by the non-Federal interest;

(II) determines the project outputs are consistent with the authorized project and construction would not result in life safety concerns;

(III) determines that the plans comply with applicable Federal laws and regulations; and

*(IV) verifies that the construction documents, including supporting information, have been signed by an Engineer of Record; and*

(B) the Secretary determines that all Federal laws and regulations applicable to the construction of a water resources development project, and any conditions identified under subsection (b)(1)(B), were complied with by the non-Federal interest during construction of the project or separable element of the project.

(2) APPLICATION OF CREDIT.—The Secretary may apply credit toward—

(A) the non-Federal share of authorized separable elements of the same project; or

(B) subject to the requirements of this section and section 1020 of the Water Resources Reform and Development Act of 2014, at the request of the non-Federal interest, the non-Federal share of a different water resources development project.

(3) REQUIREMENTS.—The Secretary may only apply credit or provide reimbursement under paragraph (1) if—

(A) Congress has authorized construction of the project or separable element of the project;

*(B) the non-Federal interest has obligated or expended funds for the cost of a discrete segment or separable element thereof and has requested reimbursement of the Federal share of the cost of the discrete segment or separable element;*

**[(B)] (C) the Secretary certifies that the project, discrete segment of the project, or separable element of the project, has been constructed in accordance with—**

**(i) all applicable permits or approvals; and**

**(ii) this section; and**

**[(C)] (D) in the case of reimbursement, appropriations are provided by Congress for such purpose.**

(4) MONITORING.—The Secretary shall regularly monitor and audit any water resources development project, or separable element of a water resources development project, constructed by a non-Federal interest under this section to ensure that—

(A) the construction is carried out in compliance with the requirements of this section; and

(B) the costs of the construction are reasonable.

(5) DISCRETE SEGMENTS.—

(A) IN GENERAL.—The Secretary may authorize credit or reimbursement under this subsection for carrying out a discrete segment of a federally authorized water resources development project, or separable element thereof, before final completion of the project or separable element if—

(i) except as provided in clause (ii), the Secretary determines that the discrete segment satisfies the requirements of paragraphs (1) through (4) in the same manner as the project or separable element; and

**[(ii) notwithstanding paragraph (1)(A)(ii), the Secretary determines, before the approval of the plans under paragraph (1)(A)(i), that the discrete segment is technically feasible and environmentally acceptable.]**

(ii) before the review and approval of plans under paragraph (1)(A)(ii), the Secretary makes the determinations required under subclauses (II) and (III) of paragraph (1)(A)(ii) with respect to the discrete segment.

(B) DETERMINATION.—Credit or reimbursement may not be made available to a non-Federal interest pursuant to this paragraph until the Secretary determines that—

(i) the construction of the discrete segment for which credit or reimbursement is requested is complete; and

(ii) the construction is consistent with the authorization of the applicable water resources development project, or separable element thereof, and the [plans approved under paragraph (1)(A)(i)] *the plans reviewed under paragraph (1)(A)(ii).*

(C) WRITTEN AGREEMENT.—

(i) IN GENERAL.—As part of the written agreement required under [paragraph (1)(A)(iii)] *paragraph (1)(A)(i)*, a non-Federal interest to be eligible for credit or reimbursement under this paragraph shall—

(I) identify any discrete segment that the non-Federal interest may carry out; and

(II) agree to the completion of the water resources development project, or separable element thereof, with respect to which the discrete segment is a part and establish a timeframe for such completion.

(ii) REMITTANCE.—If a non-Federal interest fails to complete a water resources development project, or separable element thereof, that it agreed to complete under clause (i)(II), the non-Federal interest shall remit any reimbursements received under this paragraph for a discrete segment of such project or separable element.

(D) DISCRETE SEGMENT DEFINED.—In this paragraph, the term “discrete segment” means a physical portion of a water resources development project to be carried out, or separable element thereof—

(i) described by a non-Federal interest in a written agreement required under [paragraph (1)(A)(iii)] *paragraph (1)(A)(i)*; and

(ii) that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the water resources development project, or separable element thereof.

(6) EXCLUSIONS.—*The Secretary may not provide credit or reimbursement for—*

(A) *activities required by the non-Federal interest to initiate design and construction that would otherwise not be required by the Secretary; or*

(B) *delays incurred by the non-Federal interest resulting in project cost increases.*

(e) NOTIFICATION OF COMMITTEES.—If a non-Federal interest notifies the Secretary that the non-Federal interest intends to carry

out a project, or separable element thereof, under this section, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives concerning the intent of the non-Federal interest.

(f) OPERATION AND MAINTENANCE.—

(1) ASSUMPTION OF MAINTENANCE.—Whenever a non-Federal interest carries out improvements to a federally authorized harbor or inland harbor, the Secretary shall be responsible for operation and maintenance in accordance with section 101(b) if—

(A) before construction of the improvements—

(i) the Secretary determines that the improvements are feasible and consistent with the purposes of this title; and

(ii) the Secretary and the non-Federal interest execute a written agreement relating to operation and maintenance of the improvements;

(B) the Secretary certifies that the project or separable element of the project is constructed in accordance with applicable permits and appropriate engineering and design standards; and

(C) the Secretary does not find that the project or separable element is no longer feasible.

(2) FEDERAL FINANCIAL PARTICIPATION IN THE COSTS OF A LOCALLY PREFERRED PLAN.—In the case of improvements determined by the Secretary pursuant to paragraph (1)(A)(i) to deviate from the national economic development plan, the Secretary shall be responsible for all operation and maintenance costs of such improvements, as described in section 101(b), including costs in excess of the costs of the national economic development plan, if the Secretary determines that the improvements satisfy the requirements of paragraph (1).

(g) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to the Secretary to carry out this section \$1,000,000 for each fiscal year.*

\* \* \* \* \*

**SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

(a) TRUST FUND.—There are authorized to be appropriated out of the Harbor Maintenance Trust Fund, established by section 9505 of the Internal Revenue Code of 1954, for each fiscal year such sums as may be necessary to pay—

(1) 100 percent of the eligible operations and maintenance costs of those portions of the Saint Lawrence Seaway operated and maintained by the Great Lakes St. Lawrence Seaway Development Corporation for such fiscal year; and

(2) up to 100 percent of the eligible operations and maintenance costs assigned to commercial navigation of all harbors and inland harbors within the United States.

(b) GENERAL FUND.—There are authorized to be appropriated out of the general fund of the Treasury of the United States for each fiscal year such sums as may be necessary to pay the balance of all eligible operations and maintenance costs not provided by pay-

ments from the Harbor Maintenance Trust Fund under this section.

(c) OPERATION AND MAINTENANCE OF HARBOR PROJECTS.—

(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), including expenditures of funds appropriated from the Harbor Maintenance Trust Fund, based on an equitable allocation of funds among all such harbors and inland harbors.

(2) CRITERIA.—

(A) IN GENERAL.—In determining an equitable allocation of funds under paragraph (1), the Secretary shall—

- (i) consider the information obtained in the assessment conducted under subsection (e);
- (ii) consider the national and regional significance of harbor operations and maintenance; and
- (iii) as appropriate, consider national security and military readiness needs.

(B) LIMITATION.—The Secretary shall not allocate funds under paragraph (1) based solely on the tonnage transiting through a harbor.

(3) EMERGING HARBOR PROJECTS.—

(A) ALLOCATION.—Notwithstanding any other provision of this subsection, in making expenditures under paragraph (1) for each fiscal year, the Secretary shall allocate for operation and maintenance costs of emerging harbor projects an amount that is not less than 10 percent of the funds made available under this section for fiscal year 2012 to pay the costs described in subsection (a)(2).

(B) ADDITIONAL USES AT EMERGING HARBORS.—

(i) USES.—In each fiscal year, the Secretary may use not more than \$5,000,000 of funds allocated for emerging harbor projects under paragraph (1) to pay for the costs of up to 10 projects for maintenance dredging of a marina or berthing area, in an emerging harbor, that includes an area that is located adjacent to, or is accessible by, a Federal navigation project, subject to clauses (ii) and (iii) of this subparagraph.

(ii) ELIGIBLE EMERGING HARBORS.—The Secretary may use funds as authorized under clause (i) at an emerging harbor that—

(I) supports commercial activities, including commercial fishing operations, commercial fish processing operations, recreational and sport fishing, and commercial boat yards; or

(II) supports activities of the Secretary of the department in which the Coast Guard is operating.

(iii) COST-SHARING REQUIREMENTS.—The Secretary shall require a non-Federal interest to contribute not less than 25 percent of the costs for maintenance dredging of that portion of a maintenance dredging project described in clause (i) that is located outside of the Federal navigation project, which may be provided



as an in-kind contribution, including through the use of dredge equipment owned by non-Federal interest to carry out such activities.

(4) MANAGEMENT OF GREAT LAKES NAVIGATION SYSTEM.—To sustain effective and efficient operation and maintenance of the Great Lakes Navigation System, including any navigation feature in the Great Lakes that is a Federal responsibility with respect to operation and maintenance, the Secretary shall manage all of the individually authorized projects in the Great Lakes Navigation System as components of a single, comprehensive system, recognizing the interdependence of the projects.

(d) PRIORITIZATION.—

(1) PRIORITY.—

(A) IN GENERAL.—For each fiscal year, if priority funds are available, the Secretary shall use at least 10 percent of such funds for emerging harbor projects.

(B) ADDITIONAL CONSIDERATIONS.—For each fiscal year, of the priority funds available, the Secretary shall use—

(i) not less than 5 percent of such funds for underserved harbor projects; and

(ii) not less than 10 percent of such funds for projects that are located within the Great Lakes Navigation System.

(C) UNDERSERVED HARBORS.—In determining which underserved harbor projects shall receive funds under this paragraph, the Secretary shall consider—

(i) the total quantity of commerce supported by the water body on which the project is located; and

(ii) the minimum width and depth that—

(I) would be necessary at the underserved harbor project to provide sufficient clearance for fully loaded commercial vessels using the underserved harbor project to maneuver safely; and

(II) does not exceed the constructed width and depth of the authorized navigation project.

(2) EXPANDED USES.—

(A) DEFINITION OF ELIGIBLE HARBOR OR INLAND HARBOR DEFINED.—In this paragraph, the term “eligible harbor or inland harbor” means a harbor or inland harbor at which the total amount of harbor maintenance taxes collected in the immediately preceding 3 fiscal years exceeds the value of the work carried out for the harbor or inland harbor using amounts from the Harbor Maintenance Trust Fund during those 3 fiscal years.

(B) USE OF EXPANDED USES FUNDS.—

(i) FISCAL YEARS 2015 THROUGH 2024.—For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use not less than 10 percent of such funds for expanded uses carried out at an eligible harbor or inland harbor.

(ii) SUBSEQUENT FISCAL YEARS.—For fiscal year 2025 and each fiscal year thereafter, the Secretary shall use not less than 10 percent of the priority funds available

for expanded uses carried out at an eligible harbor or inland harbor.

(C) PRIORITIZATION.—In allocating funds under this paragraph, the Secretary shall give priority to projects at eligible harbors or inland harbors for which the difference, calculated in dollars, is greatest between—

(i) the total amount of funding made available for projects at that eligible harbor or inland harbor from the Harbor Maintenance Trust Fund in the immediately preceding 3 fiscal years; and

(ii) the total amount of harbor maintenance taxes collected at that harbor or inland harbor in the immediately preceding 3 fiscal years.

(3) REMAINING FUNDS.—

(A) IN GENERAL.—For each of fiscal years 2015 through 2024, if after fully funding all projects eligible for funding under paragraphs (1)(B) and (2)(B)(i), priority funds made available under those paragraphs remain unobligated, the Secretary shall use those remaining funds to pay for operation and maintenance costs of any harbor or inland harbor referred to in subsection (a)(2) based on an equitable allocation of those funds among the harbors and inland harbors.

(B) CRITERIA.—In determining an equitable allocation of funds under subparagraph (A), the Secretary shall—

(i) use the criteria specified in subsection (c)(2)(A); and

(ii) make amounts available in accordance with the requirements of paragraph (1)(A).

(4) EMERGENCY EXPENDITURES.—Nothing in this subsection prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if—

(A) the Secretary determines that the action is necessary to address the navigation needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and

(B) the Secretary provides within 90 days of the action notice and information on the need for the action to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(e) ASSESSMENT OF HARBORS AND INLAND HARBORS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, and biennially thereafter, the Secretary shall assess, and issue a report to Congress on, the operation and maintenance needs and uses of the harbors and inland harbors referred to in subsection (a)(2).

(2) ASSESSMENT OF HARBOR NEEDS AND ACTIVITIES.—

(A) TOTAL OPERATION AND MAINTENANCE NEEDS OF HARBORS.—In carrying out paragraph (1), the Secretary shall identify—

(i) the total future costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2); and

(ii) the total expected costs for uses described in subsection (c)(3)(B) and expanded uses at eligible harbors or inland harbors referred to in subsection (d)(2).

(B) USES OF HARBORS AND INLAND HARBORS.—In carrying out paragraph (1), the Secretary shall identify current uses (and, to the extent practicable, assess the national, regional, and local benefits of such uses) of harbors and inland harbors referred to in subsection (a)(2), including the use of those harbors for—

(i) commercial navigation, including the movement of goods;

(ii) domestic trade;

(iii) international trade;

(iv) commercial fishing;

(v) subsistence, including use by Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for subsistence and ceremonial purposes;

(vi) use as a harbor of refuge;

(vii) transportation of persons;

(viii) purposes relating to domestic energy production, including the fabrication, servicing, or supply of domestic offshore energy production facilities;

(ix) activities of the Secretary of the department in which the Coast Guard is operating;

(x) activities of the Secretary of the Navy;

(xi) public health and safety related equipment for responding to coastal and inland emergencies;

(xii) recreation purposes; and

(xiii) other authorized purposes.

(C) OPPORTUNITIES FOR BENEFICIAL USE OF DREDGED MATERIALS.—In carrying out paragraph (1), the Secretary shall identify potential opportunities for the beneficial use of dredged materials obtained from harbors and inland harbors referred to in subsection (a)(2), including projects eligible under section 1122 of the Water Resources Development Act of 2016 (130 Stat. 1645; 33 U.S.C. 2326 note).

[(3) REPORT TO CONGRESS.—

[(A) IN GENERAL.—For fiscal year 2016, and biennially thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that, with respect to harbors and inland harbors referred to in subsection (a)(2)—

[(i) identifies the operation and maintenance costs associated with the harbors and inland harbors, including those costs required to achieve and maintain

the constructed width and depth for the harbors and inland harbors and the costs for expanded uses at eligible harbors and inland harbors, on a project-by-project basis;

[(ii) identifies the amount of funding requested in the President’s budget for the operation and maintenance costs associated with the harbors and inland harbors, on a project-by-project basis;

[(iii) identifies the unmet operation and maintenance needs associated with the harbors and inland harbors, on a project-by-project basis; and

[(iv) identifies the harbors and inland harbors for which the President will allocate funding over the subsequent 5 fiscal years for operation and maintenance activities, on a project-by-project basis, including the amounts to be allocated for such purposes.

[(B) ADDITIONAL REQUIREMENT.—In the first report submitted under subparagraph (A) following the date of enactment of the Water Resources Development Act of 2016, the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2), on a project-by-project basis.

[(C) PUBLIC AVAILABILITY.—The Secretary shall make the report submitted under subparagraph (A) available to the public, including on the Internet.]

(f) DEFINITIONS.—In this section:

(1) CONSTRUCTED WIDTH AND DEPTH.—The term “constructed width and depth” means the width and depth to which a project has been constructed, which may not exceed the authorized width and depth of the project.

(2) EMERGING HARBOR.—The term “emerging harbor” means a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually.

(3) EMERGING HARBOR PROJECT.—The term “emerging harbor project” means a project that is assigned to an emerging harbor.

(4) EXPANDED USES.—The term “expanded uses” means the following activities:

(A) The maintenance dredging of a berth in a harbor that is accessible to a Federal navigation project and that benefits commercial navigation at the harbor.

(B) The maintenance dredging and disposal of legacy-contaminated sediment, and sediment unsuitable for open water disposal, if—

(i) such dredging and disposal benefits commercial navigation at the harbor; and

(ii) such sediment is located in and affects the maintenance of a Federal navigation project or is located in a berth that is accessible to a Federal navigation project.

(C) An in-water improvement, if the improvement—

(i) is for the seismic reinforcement of a wharf or other berthing structure, or the repair or replacement

of a deteriorating wharf or other berthing structure, at a port facility;

(ii) benefits commercial navigation at the harbor; and

(iii) is located in, or adjacent to, a berth that is accessible to a Federal navigation project.

(D) An activity to maintain slope stability at a berth in a harbor that is accessible to a Federal navigation project if such activity benefits commercial navigation at the harbor.

(5) GREAT LAKES NAVIGATION SYSTEM.—The term “Great Lakes Navigation System” includes—

(A)(i) Lake Superior;

(ii) Lake Huron;

(iii) Lake Michigan;

(iv) Lake Erie; and

(v) Lake Ontario;

(B) all connecting waters between the lakes referred to in subparagraph (A) used for commercial navigation;

(C) any navigation features in the lakes referred to in subparagraph (A) or waters described in subparagraph (B) that are a Federal operation or maintenance responsibility; and

(D) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

(6) HARBOR MAINTENANCE TAX.—The term “harbor maintenance tax” means the amounts collected under section 4461 of the Internal Revenue Code of 1986.

(7) MODERATE-USE HARBOR PROJECT.—The term “moderate-use harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits annually—

(A) more than 1,000,000 tons of cargo; but

(B) less than 10,000,000 tons of cargo.

(8) PRIORITY FUNDS.—The term “priority funds” means the difference between—

(A) the total funds that are made available under this section to pay the costs described in subsection (a)(2) for a fiscal year; and

(B) the total funds made available under this section to pay the costs described in subsection (a)(2) in fiscal year 2012.

(9) UNDERSERVED HARBOR PROJECT.—

(A) IN GENERAL.—The term “underserved harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2)—

(i) that is a moderate-use harbor project or an emerging harbor project;

(ii) that has been maintained at less than the constructed width and depth of the project during each of the preceding 6 fiscal years; and

(iii) for which State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years.

(B) ADMINISTRATION.—For purposes of this paragraph, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).

\* \* \* \* \*

TITLE VI—WATER RESOURCES CONSERVATION AND DEVELOPMENT

\* \* \* \* \*

**SEC. 602. LAKES PROGRAM.**

(a) Subject to section 903(a) of this Act, the Secretary shall carry out programs for the removal of silt, aquatic growth, and other material in the following lakes:

- (1) Albert Lea Lake, Freeborn County, Minnesota, removal of silt and aquatic growth;
- (2) Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, removal of silt, aquatic growth, and other material and construction of silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River;
- (3) Greenwood Lake and Belcher Creek, New Jersey, removal of silt and stumps;
- (4) Sauk Lake and its tributary streams in the vicinity of Sauk Centre, Stearns County, Minnesota, removal of silt and aquatic growth;
- (5) Deal Lake, Monmouth County, New Jersey, removal of silt and stumps and the control of pollution from nonpoint sources;
- (6) Lake Worth, Tarrant County, Texas, removal of silt and aquatic growth, including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Lake Worth; such project shall also provide for the use of dredged material from Lake Worth for the reclamation of despoiled land;
- (7) Hamlet City Lake, Hamlet, North Carolina, removal of accumulated silt and debris including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Hamlet City Lake;
- (8) Lake Herman, Lake County, South Dakota, removal of excess silt;
- (9) Gorton's Pond, Warwick, Rhode Island, mitigation activities recommended in the 1982 Environmental Protection Agency diagnostic feasibility study, including the installation of retention basins, the dredging of inlets and outlets in recommended areas and the disposal of dredge material, and weed harvesting and nutrient inactivation;
- (10) Wappingers Lake, New York, for removal of silt and aquatic growth;
- (11) Lake George, New York, for removal of silt and aquatic growth, stump removal, and the control of pollution;
- (12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;

(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;

(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth and nutrient monitoring;

(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit;

(16) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion;

(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and measures to address excessive sedimentation and high nutrient concentration;

(18) Flints Pond, Hollis, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation;

(19) Osgood Pond, Milford, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation;

(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

(21) McCarter Pond, Borough of Fairhaven, New Jersey, removal of silt and measures to address water quality;

(22) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;

(23) Greenwood Lake, New York and New Jersey, removal of silt and aquatic growth;

(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity;

(25) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

(26) Lake Luxembourg, Pennsylvania;

(27) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

(28) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

(29) Ellis Pond and Guild Pond, Norwood, Massachusetts;

(30) Memorial Pond, Walpole, Massachusetts;

(31) Salisbury Pond, Worcester, Massachusetts;

(32) Baisley Pond, New York;

(33) Legacy Park, Decatur, Georgia; [and]

(34) White Rock Lake, Dallas, Texas[.];

(35) *East Lake Tohopekaliga, Florida;*

(36) *Dillon Lake, Ohio;*

(37) *Hillcrest Pond, Pennsylvania;*

(38) *Falcon Lake, Zapata County, Texas; and*

(39) *Lake Casa Blanca, Webb County, Texas.*

(b) The non-Federal share of the cost of each project and activity carried out under this section shall be 25 percent.

(c) The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of the pro-

gram under subsection (a) and activities under subsection (f), together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

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

(e) There is authorized to be appropriated \$40,000,000 for fiscal years beginning after September 30, 1986, to carry out this section. Not more than \$8,000,000 may be obligated for any project under subsection (a).

(f) **CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.**—

(1) **IN GENERAL.**—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and

(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.

(2) **USE OF RESEARCH.**—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

(3) **BIOLOGICAL MONITORING STATION.**—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

(4) **CREDIT.**—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection \$3,000,000. Such sums shall remain available until expended.

\* \* \* \* \*

**TITLE VII—WATER RESOURCES STUDIES**

\* \* \* \* \*

**SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.**

(a) **IN GENERAL.**—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

- (1) ecosystem protection and restoration;
- (2) flood damage reduction;
- (3) navigation and ports;
- (4) watershed protection;
- (5) water supply;



- (6) drought preparedness;
  - (7) sea level rise;
  - (8) coastal storm damage reduction; and
  - (9) streambank and shoreline protection.
- (b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—
- (1) the Secretary of the Interior;
  - (2) the Secretary of Agriculture;
  - (3) the Secretary of Commerce;
  - (4) the Administrator of the Environmental Protection Agency; and
  - (5) the heads of other appropriate agencies.
- (c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.
- (d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—
- (1) the Delaware River basin;
  - (2) the Kentucky River basin;
  - (3) the Potomac River basin;
  - (4) the Susquehanna River basin;
  - (5) the Willamette River basin;
  - (6) Tuscarawas River Basin, Ohio;
  - (7) Sauk River Basin, Snohomish and Skagit Counties, Washington;
  - (8) Niagara River Basin, New York;
  - (9) Genesee River Basin, New York;
  - (10) White River Basin, Arkansas and Missouri;
  - (11) New York-New Jersey Watershed Basin, which encompasses all the watersheds that flow into the New York-New Jersey Harbor and their associated estuaries, including the Hudson, Mohawk, Raritan, Passaic, Hackensack, and Bronx River Watersheds and the Hudson River Estuary;
  - (12) Mississippi River Watershed<sup>1</sup>; and<sup>2</sup>;
  - (13) Chattahoochee River Basin, Alabama, Florida, and Georgia<sup>3</sup>;
  - (14) *Connecticut River Watershed, Connecticut, Massachusetts, New Hampshire, and Vermont*;
  - (15) *Lower Rouge River Watershed, Michigan*; and
  - (16) *Grand River Watershed, Michigan*.
- (e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.
- (f) COST-SHARING REQUIREMENTS.—
- (1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.
  - (2) CREDIT.—
    - (A) IN GENERAL.—Subject to subparagraph (B), the Secretary may credit toward the non-Federal share of an assessment under this section the cost of services, materials,

supplies, or other in-kind contributions provided by the non-Federal interests for the assessment.

(B) MAXIMUM AMOUNT OF CREDIT.—The credit under subparagraph (A) may not exceed an amount equal to 25 percent of the costs of the assessment.

(g) FEASIBILITY REPORT ON PROJECT SPECIFIC RECOMMENDATIONS FROM ASSESSMENTS.—

(1) IN GENERAL.—At the request of a non-Federal interest for an assessment completed under this section, the Secretary is authorized to prepare a feasibility report, in accordance with the requirements of section 905, recommending the construction or modification of a water resources development project to address a water resources need of a river basin or watershed of the United States identified in the assessment.

(2) PRIORITY WATERSHEDS.—In carrying out this subsection, the Secretary shall give priority to—

(A) the watersheds of the island of Maui, Hawaii, including the Wahikuli, Honokōwai, Kahana, Honokahua, and Honolulu watersheds, including the coral reef habitat north of Lahaina off the northwestern coast of the island of Maui; and

(B) the watersheds of the Northern Mariana Islands, American Samoa, and Guam.

\* \* \* \* \*

TITLE IX—GENERAL PROVISIONS

\* \* \* \* \*

SEC. 905. FEASIBILITY REPORTS.

(a) PREPARATION OF REPORTS.—

(1) IN GENERAL.—In the case of any water resources project-related study authorized to be undertaken by the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authorization by Congress in law or otherwise, the Secretary shall prepare a feasibility report, subject to section 105 of this Act.

(2) CONTENTS OF FEASIBILITY REPORTS.—A feasibility report shall describe, with reasonable certainty, the economic, environmental, and social benefits and detriments of the recommended plan and alternative plans considered by the Secretary and the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. A feasibility report shall also include the views of other Federal agencies and non-Federal agencies with regard to the recommended plan, a description of a nonstructural alternative to the recommended plan when such plan does not have significant nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. A feasibility report shall include a preliminary analysis of the Federal interest and the costs, benefits, and environmental impacts of the project.

(3) APPLICABILITY.—This subsection shall not apply to—

(A) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act;

(B) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b);

(C) any study for a project which does not require specific authorization by Congress in law or otherwise; and

(D) general studies not intended to lead to recommendation of a specific water resources project.

(4) FEASIBILITY REPORT DEFINED.—In this subsection, the term “feasibility report” means each feasibility report, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.

(b) FEDERAL INTEREST DETERMINATION.—

(1) IN GENERAL.—

(A) ECONOMICALLY DISADVANTAGED COMMUNITIES.—In preparing a feasibility report under subsection (a) for a study that will benefit an economically disadvantaged community, upon request by the non-Federal interest for the study, the Secretary shall first determine the Federal interest in carrying out the study and the projects that may be proposed in the study.

(B) OTHER COMMUNITIES.—In preparing a feasibility report under subsection (a) for a study that will benefit a community other than a community described in subparagraph (A), upon request by the non-Federal interest for the study, the Secretary may, with respect to not more than 20 studies in each fiscal year, first determine the Federal interest in carrying out the study and the projects that may be proposed in the study.

(2) COST SHARE.—The costs of a determination under paragraph (1)—

(A) shall be at Federal expense; and

(B) shall not exceed ~~【\$200,000】~~ *\$300,000*.

(3) DEADLINE.—A determination under paragraph (1) shall be completed by not later than 120 days after the date on which funds are made available to the Secretary to carry out the determination.

(4) TREATMENT.—

~~【(A) TIMING.—The period during which a determination is being completed under paragraph (1) for a study shall not be included for purposes of the deadline to complete a final feasibility report under section 1001(a)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)(1)).】~~

~~【(B) COST.—The cost of】~~ *The cost of* a determination under paragraph (1) shall not be included for purposes of the maximum Federal cost under section 1001(a)(2) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)(2)).

(5) REPORT TO NON-FEDERAL INTEREST.—If, based on a determination under paragraph (1), the Secretary determines that a study or project is not in the Federal interest because the project will not result, or is unlikely to result, in a recommended plan that will produce national economic development benefits greater than cost, but may result in a technically sound and environmentally acceptable plan that is otherwise consistent with section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281), the Secretary shall issue a report to the non-Federal interest with recommendations on how the non-Federal interest might modify the proposal such that the project could be in the Federal interest and feasible.

(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY CONGRESS.—In the case of any water resources project-related study authorized to be undertaken by the Secretary without specific authorization by Congress in law or otherwise, the Secretary shall prepare a detailed project report.

(d) INDIAN TRIBES.—For purposes of studies undertaken pursuant to this section, the Secretary is authorized to consider benefits which may accrue to Indian tribes as a result of a project resulting from such a study.

(e) STANDARD AND UNIFORM PROCEDURES AND PRACTICES.—The Secretary shall undertake such measures as are necessary to ensure that standard and uniform procedures and practices are followed by each district office (and each division office for any area in which there is no district office) of the United States Army Corps of Engineers in the preparation of feasibility reports on water resources projects.

(f) ENHANCED PUBLIC PARTICIPATION.—

(1) IN GENERAL.—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

(2) MEMBERSHIP.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

(3) LIMITATION.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).

(g) DETAILED PROJECT SCHEDULE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine a set of milestones needed for the completion of a feasibility study under this subsection, including all major actions, report submissions and responses, reviews, and comment periods.

(2) DETAILED PROJECT SCHEDULE MILESTONES.—Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to feasibility studies in the District developed by the Secretary under paragraph (1).

(3) NON-FEDERAL INTEREST NOTIFICATION.—Each District Engineer shall submit by certified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—

(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this subsection, not later than 180 days after the establishment of milestones under paragraph (1); and

(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.

(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Beginning in the first full fiscal year after the date of enactment of this subsection, the Secretary shall—

(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) make publicly available, including on the Internet, a copy of the annual report described in subparagraph (A) not later than 14 days after date on which a report is submitted to Congress.

(5) FAILURE TO ACT.—If a District Engineer fails to meet any of the deadlines in the project schedule under paragraph (2), the District Engineer shall—

(A) not later than 30 days after each missed deadline, submit to the non-Federal interest a report detailing—

(i) why the District Engineer failed to meet the deadline; and

(ii) a revised project schedule reflecting amended deadlines for the feasibility study; and

(B) not later than 30 days after each missed deadline, make publicly available, including on the Internet, a copy of the amended project schedule described in subparagraph (A)(ii).

#### **SEC. 906. FISH AND WILDLIFE MITIGATION.**

(a)(1) In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced as of the date of enactment of this Act, and which necessitates the mitigation of fish and wildlife losses, including the acquisition of lands or interests in lands to mitigate losses to fish and wildlife, as a result of such project, such mitigation, including acquisition of the lands or interests—

(A) shall be undertaken or acquired before any construction of the project (other than such acquisition) commences, or

(B) shall be undertaken or acquired concurrently with lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses),

whichever the Secretary determines is appropriate, except that any physical construction required for the purposes of mitigation may be undertaken concurrently with the physical construction of such project.

(2) For the purposes of this subsection, any project authorized before the date of enactment of this Act on which more than 50 percent of the land needed for the project, exclusive of mitigation lands, has been acquired shall be deemed to have commenced construction under this subsection.

(b)(1) After consultation with appropriate Federal and non-Federal agencies, the Secretary is authorized to mitigate damages to fish and wildlife resulting from any water resources project under his jurisdiction, whether completed, under construction, or to be constructed. Such mitigation may include the acquisition of lands, or interests therein, except that—

(A) acquisition under this paragraph shall not be by condemnation in the case of projects completed as of the date of enactment of this Act or on which at least 10 percent of the physical construction on the project has been completed as of the date of enactment of this Act; and

(B) acquisition of water, or interests therein, under this paragraph, shall not be by condemnation.

The Secretary, shall, under the terms of this paragraph, obligate no more than \$30,000,000 in any fiscal year. With respect to any water resources project, the authority under this subsection shall not apply to measures that cost more than \$7,500,000 or 10 percent of the cost of the project, whichever is greater.

(2) Whenever, after his review, the Secretary determines that such mitigation features under this subsection are likely to require condemnation under subparagraph (A) or (B) of paragraph (1) of this subsection, the Secretary shall transmit to Congress a report on such proposed modification, together with his recommendations.

(c) Costs incurred after the date of enactment of this Act, including lands, easements, rights-of-way, and relocations, for implementation and operation, maintenance, and rehabilitation to mitigate damages to fish and wildlife shall be allocated among authorized project purposes in accordance with applicable cost allocation procedures, and shall be subject to cost sharing or reimbursement to the same extent as such other project costs are shared or reimbursed, except that when such costs are covered by contracts entered into prior to the date of enactment of this Act, such costs shall not be recovered without the consent of the non-Federal interests or until such contracts are complied with or renegotiated.

(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—

(1) IN GENERAL.—[After November 17, 1986, the Secretary shall not submit any proposal for the authorization of any water resources project to Congress in any report, and shall not select a project alternative in any report, unless such report contains] *The Secretary may not approve any proposal related to a water resources project unless the Secretary has prepared a report relating to the project that contains* (A) a recommendation with a specific plan to mitigate for damages to ecological resources, including terrestrial and aquatic resources, and fish and wildlife losses created by such project, or (B) a determination by the Secretary that such project will

have negligible adverse impact on ecological resources and fish and wildlife without the implementation of mitigation measures. Specific mitigation plans shall ensure that impacts to bottomland hardwood forests are mitigated in-kind, and other habitat types are mitigated to not less than in-kind conditions, to the extent possible. If the Secretary determines that mitigation to in-kind conditions is not possible, the Secretary shall identify in the report the basis for that determination and the mitigation measures that will be implemented to meet the requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)). In carrying out this subsection, the Secretary shall consult with appropriate Federal and non-Federal agencies.

(2) SELECTION AND DESIGN OF MITIGATION PROJECTS.—【The Secretary】

(A) *IN GENERAL.*—*The Secretary shall select and design mitigation projects using a watershed approach to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.*

(B) *IDENTIFICATION.*—*The Secretary shall consult with the non-Federal interest for a water resources project, and other stakeholders, to the maximum extent practicable—*

*(i) to identify mitigation implementation practices or accepted assessment methodologies used in the region of the water resources project and incorporate such practices and methodologies into the mitigation plan for such project; and*

*(ii) to identify projects that have not been constructed, or concepts described in mitigation plans for other water resources projects, that may be used to meet the restoration or mitigation needs of the water resources project.*

(3) MITIGATION REQUIREMENTS.—

(A) *IN GENERAL.*—*To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies with, at a minimum, the mitigation standards and policies established pursuant to the regulatory programs administered by the Secretary.*

(B) *INCLUSIONS.*—*A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—*

*(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including the cost and duration of any monitoring, and, to the extent practicable, a designation of the entities that will be responsible for the monitoring;*

*(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics;*

(iii) for projects where mitigation will be carried out by the Secretary—

(I) a description of the land and interest in land to be acquired for the mitigation plan;

(II) the basis for a determination that the land and interests are available for acquisition; and

(III) a determination that the proposed interest sought does not exceed the minimum interest in land necessary to meet the mitigation requirements for the project;

(iv) for projects where mitigation will be carried out through a third party mitigation arrangement in accordance with subsection (i)—

(I) a description of the third party mitigation instrument to be used *or a description of the requirements for a third-party mitigation instrument that would be developed in the case that a contract for future delivery of credits will be used*; and

(II) the basis for a determination that the mitigation instrument can meet the mitigation requirements for the project;

(v) a description of—

(I) the types and amount of restoration activities to be conducted;

(II) the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which the mitigation will occur outside the watershed, a detailed explanation for undertaking the mitigation outside the watershed; and

(III) the functions and values that will result from the mitigation plan; and

(vi) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

(C) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest under section 221 of Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

(4) DETERMINATION OF SUCCESS.—

(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:



(i) The ecological success of the mitigation as of the date on which the report is submitted.

(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

(iii) The projected timeline for achieving that success.

(iv) Any recommendations for improving the likelihood of success.

(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.

(e) In those cases when the Secretary, as part of any report to Congress, recommends activities to enhance fish and wildlife resources, the fish costs of such enhancement shall be a Federal cost when—

(1) such enhancement provides benefits that are determined to be national, including benefits to species that are identified by the National Marine Fisheries Service as of national economic importance, species that are subject to treaties or international convention to which the United States is a party, and anadromous fish;

(2) such enhancement is designed to benefit species that have been listed as threatened or endangered by the Secretary of the Interior under the terms of the Endangered Species Act, as amended (16 U.S.C. 1531, et seq.), or

(3) such activities are located on lands managed as a national wildlife refuge.

When benefits of enhancement do not qualify under the preceding sentence, 25 percent of such first costs of enhancement shall be provided by non-Federal interests under a schedule of reimbursement determined by the Secretary. Not more than 80 percent of the non-Federal share of such first costs may be satisfied through in-kind contributions, including facilities, supplies, and services that are necessary to carry out the enhancement project. The non-Federal share of operation, maintenance, and rehabilitation of activities to enhance fish and wildlife resources shall be 25 percent.

(f) Fish and wildlife enhancement measures carried out as part of the project for Atchafalaya Floodway System, Louisiana, authorized by Public Law 99-88, and the project for Mississippi Delta, Region, Louisiana, authorized by the Flood Control Act of 1965, shall be considered to provide benefits that are national for purposes of this section.

(g) The provisions of subsections (a), (b), and (d) shall be deemed to supplement the responsibility and authority of the Secretary pursuant to the Fish and Wildlife Coordination Act, and nothing in this section is intended to affect that Act.

(h) PROGRAMMATIC MITIGATION PLANS.—

(1) IN GENERAL.—The Secretary may develop programmatic mitigation plans to address the potential impacts to ecological resources, fish, and wildlife associated with existing or future Federal water resources development projects.

(2) USE OF MITIGATION PLANS.—The Secretary shall, to the maximum extent practicable, use programmatic mitigation plans developed in accordance with this subsection to guide the development of a mitigation plan under subsection (d).

(3) NON-FEDERAL PLANS.—The Secretary shall, to the maximum extent practicable and subject to all conditions of this subsection, use programmatic environmental plans developed by a State, a body politic of the State, which derives its powers from a State constitution, a government entity created by State legislation, or a local government, that meet the requirements of this subsection to address the potential environmental impacts of existing or future water resources development projects.

(4) SCOPE.—A programmatic mitigation plan developed by the Secretary or an entity described in paragraph (3) to address potential impacts of existing or future water resources development projects shall, to the maximum extent practicable—

(A) be developed on a regional, ecosystem, watershed, or statewide scale;

(B) include specific goals for aquatic resource and fish and wildlife habitat restoration, establishment, enhancement, or preservation;

(C) identify priority areas for aquatic resource and fish and wildlife habitat protection or restoration;

(D) include measures to protect or restore habitat connectivity;

(E) encompass multiple environmental resources within a defined geographical area or focus on a specific resource, such as aquatic resources or wildlife habitat; and

(F) address impacts from all projects in a defined geographical area or focus on a specific type of project.

(5) CONSULTATION.—The scope of the plan shall be determined by the Secretary or an entity described in paragraph (3), as appropriate, in consultation with the agency with jurisdiction over the resources being addressed in the environmental mitigation plan.

(6) CONTENTS.—A programmatic environmental mitigation plan may include—

(A) an assessment of the condition of environmental resources in the geographical area covered by the plan, including an assessment of recent trends and any potential threats to those resources;

(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area covered by the plan through strategic mitigation for impacts of water resources development projects;

(C) standard measures for mitigating certain types of impacts, including impacts to habitat connectivity;

(D) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;

(E) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring;

(F) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources; and

(G) any offsetting benefits of self-mitigating projects, such as ecosystem or resource restoration and protection.

(7) PROCESS.—Before adopting a programmatic environmental mitigation plan for use under this subsection, the Secretary shall—

(A) for a plan developed by the Secretary—

(i) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public; and

(ii) consider any comments received from those agencies and the public on the draft plan; and

(B) for a plan developed under paragraph (3), determine, not later than 180 days after receiving the plan, whether the plan meets the requirements of paragraphs (4) through (6) and was made available for public comment.

(8) INTEGRATION WITH OTHER PLANS.—A programmatic environmental mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.

(9) CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.—If a programmatic environmental mitigation plan has been developed under this subsection, any Federal agency responsible for environmental reviews, permits, or approvals for a water resources development project may use the recommendations in that programmatic environmental mitigation plan when carrying out the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(10) PRESERVATION OF EXISTING AUTHORITIES.—Nothing in this subsection limits the use of programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(11) EFFECT.—Nothing in this subsection—

(A) requires the Secretary to undertake additional mitigation for existing projects for which mitigation has already been initiated, including the addition of fish passage to an existing water resources development project; or

(B) affects the mitigation responsibilities of the Secretary under any other provision of law.

(i) THIRD-PARTY MITIGATION ARRANGEMENTS.—

(1) ELIGIBLE ACTIVITIES.—In accordance with all applicable Federal laws (including regulations), mitigation efforts carried out under this section may include—

(A) participation in mitigation banking or other third-party mitigation arrangements, such as—

(i) the purchase of credits from commercial or State, regional, or local agency-sponsored mitigation banks, *for immediate delivery or future delivery to be identified in the mitigation instrument*; and

(ii) the purchase of credits from in-lieu fee mitigation programs, *for immediate delivery or future delivery to be identified in the mitigation instrument*; and

(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands if the Secretary determines that the contribu-

tions will ensure that the mitigation requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)) will be met.

(2) INCLUSION OF OTHER ACTIVITIES.—The banks, programs, and efforts described in paragraph (1) include any banks, programs, and efforts developed in accordance with applicable law (including regulations).

(3) TERMS AND CONDITIONS.—In carrying out natural habitat and wetlands mitigation efforts under this section, contributions to the mitigation effort may—

(A) take place concurrent with, or in advance of, the commitment of funding to a project; and

(B) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and water resources development planning processes.

(4) PREFERENCE.—At the request of the non-Federal project sponsor, preference may be given, to the maximum extent practicable, to mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement, if the use of credits from the mitigation bank or in-lieu fee, or the other third-party mitigation arrangement for the project has been approved by the applicable Federal agency.

(j) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary, with the consent of the applicable non-Federal interest, may use funds made available for preconstruction engineering and design after authorization of project construction to satisfy mitigation requirements through third-party arrangements or to acquire interests in land necessary for meeting mitigation requirements under this section.

(2) NOTIFICATION.—Prior to the expenditure of any funds for a project pursuant to paragraph (1), the Secretary shall notify the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Appropriations and the Committee on Environment and Public Works of the Senate.

(k) MEASURES.—The Secretary shall consult with interested members of the public, the Director of the United States Fish and Wildlife Service, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, States, including State fish and game departments, and interested local governments to identify standard measures under subsection (h)(6)(C) that reflect the best available scientific information for evaluating habitat connectivity.

(l) SEPARABLE ELEMENTS.—*Mitigation of fish and wildlife losses required under this section that is provided in the form of credit shall be considered a separable element of a project without requiring further evaluation.*

(m) TRANSPARENCY.—*The Secretary shall ensure that—*

(1) *the mitigation requirements for each water resources project—*

- (A) are made publicly available (including on a website of the headquarters of the Corps of Engineers); and
  - (B) include the location of the project, the anticipated schedule for mitigation, the type of mitigation required, the amount of mitigation required, and the remaining mitigation needs;
  - (2) the mitigation plan for such project is made publicly available, as applicable;
  - (3) the information described in paragraph (1) is updated regularly; and
  - (4) carrying out the requirements of this subsection with respect to each water resources project is considered a project expense.
- (n) *COORDINATION.*—To the maximum extent practicable, the Secretary shall ensure that the project delivery team and regulatory team of the Corps of Engineers work in coordination to successfully carry out mitigation efforts.

\* \* \* \* \*

**TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS**

\* \* \* \* \*

**SEC. 1103. UPPER MISSISSIPPI RIVER PLAN.**

(a)(1) This section may be cited as the “Upper Mississippi River Management Act of 1986”.

(2) To ensure the coordinated development and enhancement of the Upper Mississippi River system, it is hereby declared to be the intent of Congress to recognize that system as a nationally significant ecosystem and a nationally significant commercial navigation system. Congress further recognizes that the system provides a diversity of opportunities and experiences. The system shall be administered and regulated in recognition of its several purposes.

(b) For purposes of this section—

(1) the term “Upper Mississippi River system” and “system” mean those river reaches having commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskakia River, Illinois;

(2) the term “Master Plan” means the comprehensive master plan for the management of the Upper Mississippi River system, dated January 1, 1982, prepared by the Upper Mississippi River Basin Commission and submitted to Congress pursuant to Public Law 95–502;

(3) the term “GREAT I, GREAT II, and GRRM studies” means the studies entitled “GREAT Environmental Action Team—GREAT I—A Study of the Upper Mississippi River”, dated September 1980, “GREAT River Environmental Action Team—GREAT II—A Study of the Upper Mississippi River”, dated December 1980, and “GREAT River Resource Management Study”, dated September 1982; and

(4) the term “Upper Mississippi River Basin Association” means an association of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, formed for the purposes of cooperative effort and united assistance in the comprehensive plan-

ning for the use, protection, growth, and development of the Upper Mississippi River System.

(c)(1) Congress hereby approves the Master Plan as a guide for future water policy on the Upper Mississippi River system. Such approval shall not constitute authorization of any recommendation contained in the Master Plan.

(2) Section 101 of Public Law 95-502 is amended by striking out the last two sentences of subsection (b), striking out subsection (i), striking out the final sentence of subsection (j), and redesignating subsection “(j)” as subsection “(i)”.

(d)(1) The consent of the Congress is hereby given to the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or any two or more of such States, to enter into negotiations for agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River system, and to establish such agencies, joint or otherwise, or designate an existing multi-State entity, as they may deem desirable for making effective such agreements. To the extent required by Article I, section 10 of the Constitution, such agreements shall become final only after ratification by an Act of Congress.

(2) The Secretary is authorized to enter into cooperative agreements with the Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection to promote and facilitate active State government participation in the river system management, development, and protection.

(3) For the purpose of ensuring the coordinated planning and implementation of programs authorized in subsections (e) and (h)(2) of this section, the Secretary shall enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of such programs.

(4) The Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection is hereby designated by Congress as the caretaker of the master plan. Any changes to the master plan recommended by the Secretary shall be submitted to such association or agency for review. Such association or agency may make such comments with respect to such recommendations and offer other recommended changes to the master plan as such association or agency deems appropriate and shall transmit such comments and other recommended changes to the Secretary. The Secretary shall transmit such recommendations along with the comments and other recommended changes of such association or agency to the Congress for approval within 90 days of the receipt of such comments or recommended changes.

(e) PROGRAM AUTHORITY.—

(1) AUTHORITY.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may undertake, as identified in the master plan—

(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(ii) implementation of a long-term resource monitoring, computerized data inventory and analysis, and applied research program, including research on water quality issues affecting the Mississippi River (including elevated nutrient levels) and the development of remediation strategies.

(B) ADVISORY COMMITTEE.—In carrying out subparagraph (A)(i), the Secretary shall establish an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

(2) REPORTS.—Not later than December 31, 2004, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each of the programs;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(3) For purposes of carrying out paragraph (1)(A)(i) of this subsection, there is authorized to be appropriated to the Secretary \$75,000,000 for fiscal year 1999 and each fiscal year thereafter.

(4) For purposes of carrying out paragraph (1)(A)(ii) of this subsection, there is authorized to be appropriated to the Secretary ~~【\$15,000,000 for fiscal year 1999 and each fiscal year thereafter】~~ *\$15,000,000 for fiscal year 2024 and \$20,000,000 for each fiscal year thereafter.*

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(B) \$350,000 for each of fiscal years 1999 through 2009.

(6) TRANSFER OF AMOUNTS.—For fiscal year 1999 and each fiscal year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer not to exceed 20 percent of the amounts appropriated to carry out clause (i) or (ii) of paragraph (1)(A) to the amounts appropriated to carry out the other of those clauses.

(7)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A)(i) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act; except that the costs of operation and maintenance of projects located on Federal lands or lands owned or operated by a State or local government shall be borne by the Federal, State, or local agency that is responsible for management activities for

fish and wildlife on such lands and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent.

(B) Notwithstanding the provisions of subsection (a)(2) of this section, the cost of implementing the activities authorized by paragraph (1)(A)(ii) of this subsection shall be allocated in accordance with the provisions of section 906 of this Act, as if such activity was required to mitigate losses to fish and wildlife.

(8) None of the funds appropriated pursuant to any authorization contained in this subsection shall be considered to be chargeable to navigation.

(f)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, is authorized to implement a program of recreational projects for the system substantially in accordance with the recommendations of the GREAT I, GREAT II, and GRRM studies and the master plan reports. In addition, the Secretary, in consultation with any such agency, shall, at Federal expense, conduct an assessment of the economic benefits generated by recreational activities in the system. The cost of each such project shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with title I of this Act.

(2) For purposes of carrying out the program of recreational projects authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$500,000 per fiscal year for each of the first 15 fiscal years beginning after the effective date of this section.

(g) The Secretary shall, in his budget request, identify those measures developed by the Secretary, in consultation with the Secretary of Transportation and any agency established under subsection (d)(1) of this section, to be undertaken to increase the capacity of specific locks throughout the system by employing non-structural measures and making minor structural improvements.

(h)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall monitor traffic movements on the system for the purpose of verifying lock capacity, updating traffic projections, and refining the economic evaluation so as to verify the need for future capacity expansion of the system.

(2) DETERMINATION.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall determine the need for river rehabilitation and environmental enhancement and protection based on the condition of the environment, project developments, and projected environmental impacts from implementing any proposals resulting from recommendations made under subsection (g) and paragraph (1) of this subsection.

(B) REQUIREMENTS.—The Secretary shall—

(i) complete the ongoing habitat needs assessment conducted under this paragraph not later than September 30, 2000; and

(ii) include in each report under subsection (e)(2) the most recent habitat needs assessment conducted under this paragraph.



(3) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.

(i)(1) The Secretary shall, as he determines feasible, dispose of dredged material from the system pursuant to the recommendations of the GREAT I, GREAT II, and GRRM studies.

(2) The Secretary shall establish and request appropriate Federal funding for a program to facilitate productive uses of dredged material. The Secretary shall work with the States which have, within their boundaries, any part of the system to identify potential users of dredged material.

(j) The Secretary is authorized to provide for the engineering, design, and construction of a second lock at locks and dam 26, Mississippi River, Alton, Illinois and Missouri, at a total cost of \$220,000,000, with a first Federal cost of \$220,000,000. Such second lock shall be one hundred and ten feet by six hundred feet and shall be constructed at or in the vicinity of the location of the replacement lock authorized by section 102 of Public Law 95-502. Section 102 of this Act shall apply to the project authorized by this subsection.

\* \* \* \* \*

#### SEC. 1113. ACEQUIAS IRRIGATION SYSTEM.

(a)(1) The Congress finds that the irrigation ditch systems in New Mexico, known as the Acequia systems, date from the eighteenth century, and that these early engineering works have significance in the settlement and development of the western portion of the United States.

(2) The Congress, therefore, declares that the restoration and preservation of the Acequia systems has cultural and historic values to the region.

(b) AUTHORIZATION.—The Secretary shall carry out, without regard to economic analysis, such measures as are necessary to protect and restore the river diversion structures and associated channels attendant to the operations of the community ditch and Acequia systems in New Mexico that—

(1) are declared to be a political subdivision of the State; or

(2) belong to an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(c) INCLUSIONS.—The measures described in subsection (b) shall, to the maximum extent practicable—

(1) ensure greater resiliency of diversion structures, including to flow variations, prolonged drought conditions, invasive plant species, and threats from changing hydrological and climatic conditions; or

(2) support research, development, and training for innovative management solutions, including those for controlling invasive aquatic plants that affect acequias.

(d) COST SHARING.—**[The non-Federal]**

(1) *IN GENERAL.*—*The non-Federal* share of the cost of carrying out the measures described in subsection (b), including study costs, shall be 25 percent, except that in the case of a measure benefitting an economically disadvantaged community (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note)), in-

cluding economically disadvantaged communities located in urban and rural areas, the Federal share of the cost of carrying out such measure shall be 90 percent.

(2) *RECONNAISSANCE STUDY.*—*Notwithstanding paragraph (1), the Federal share of a reconnaissance study carried out by the Secretary under this section shall be 100 percent.*

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the measures described in subsection (b) ~~【\$80,000,000】~~ \$90,000,000.

(f) PUBLIC ENTITY STATUS.—

(1) IN GENERAL.—The Secretary shall consider the historic Acequia systems (community ditches) of the southwestern United States as public entities, if these systems are chartered by the respective State laws as political subdivisions of that State or belong to an Indian Tribewithin the State of New Mexico.

(2) EFFECT.—The public entity status provided under paragraph(1) shall allow the officials of the Acequia systemsdescribed in such paragraph to enter into agreements and serve as local sponsors of water-related projects of the Secretary.

\* \* \* \* \*

**SEC. 1135. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT OR DROUGHT RESILIENCY.**

(a) The Secretary is authorized to review water resources projects constructed by the Secretary to determine the need for modifications in the structures and operations of such projects ~~【for the purpose of improving】~~ *for the purpose of—*

(1) *improving* the quality of the environment in the public interest and to determine if the operation of such projects has contributed to the degradation of the quality of the environment~~【.】~~; *or*

(2) *providing drought resiliency.*

(b) The Secretary is authorized to carry out a program for the purpose of making such modifications in the structures and operations of water resources projects constructed by the Secretary which the Secretary determines (1) are feasible and consistent with the authorized project purposes, and ~~【(2) will improve】~~ (2) *will provide for drought resilience or will improve* the quality of the environment in the public interest.

(c) RESTORATION OF ENVIRONMENTAL QUALITY.—

(1) IN GENERAL.—If the Secretary determines that construction of a water resources project by the Secretary or operation of a water resources project constructed by the Secretary has contributed to the degradation of the quality of the environment, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, through modifications either at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

(2) CONTROL OF SEA LAMPREY.—Congress finds that—

(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts on its fishery; and

(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.

(d) NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.—The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) shall be 25 percent. The non-Federal share may be provided in kind, including a facility, supply, or service that is necessary to carry out the modification or measure. Not more than ~~【\$10,000,000】~~ \$12,500,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section.

(e) The Secretary shall coordinate any actions taken pursuant to this section with appropriate Federal, State, and local agencies.

(f)

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

(h) There is authorized to be appropriated not to exceed ~~【\$50,000,000】~~ \$62,000,000 annually to carry out this section.

(i) DEFINITION.—In this section, the term “water resources project constructed by the Secretary” includes a water resources project constructed or funded jointly by the Secretary and the head of any other Federal agency (including the Natural Resources Conservation Service).

(j) DROUGHT RESILIENCE.—*Drought resilience measures carried out under this section may include—*

- (1) *water conservation measures to mitigate and address drought conditions;*
- (2) *removal of sediment captured behind a dam for the purpose of restoring or increasing the authorized storage capacity of the project concerned;*
- (3) *the planting of native plant species that will reduce the risk of drought and the incidence of non-native species; and*
- (4) *other actions that increase drought resilience, water conservation, or water availability.*

\* \* \* \* \*

**FLOOD CONTROL ACT OF 1948**

\* \* \* \* \*

【SEC. 205. That the Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed \$68,750,000 for any one fiscal year, for the implementation of small structural and nonstructural projects, and projects that use natural features or nature-based features (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))), for flood control and related purposes not specifically authorized by Congress, which

come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable. The amount allotted for a project shall be sufficient to complete Federal participation in the project. Not more than \$10,000,000 shall be allotted under this section for a project at any single locality. The provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, as amended, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports.】

**SEC. 205. SMALL FLOOD CONTROL PROJECTS.**

(a) *IN GENERAL.*—The Secretary shall carry out a program for the implementation, in partnership with non-Federal interests, of small structural or nonstructural projects for flood risk management, stormwater management, and related purposes not specifically authorized by Congress when in the opinion of the Chief of Engineers such work is advisable.

(b) *COST SHARE.*—

(1) *FLOOD RISK MANAGEMENT AND STORMWATER PURPOSES.*—

(A) *NON-FEDERAL SHARE.*—The non-Federal share for a project implemented under this section of the costs assigned to purposes described in subsection (a) shall be 35 percent.

(B) *REQUIREMENT.*—The non-Federal interest for a project implemented under this section shall pay 5 percent of the costs assigned to purposes described in subsection (a) during construction of the project.

(2) *OTHER PURPOSES.*—The non-Federal share for a project implemented under this section of the costs assigned to purposes not described in subsection (a) shall be consistent with the cost share requirements of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(3) *LANDS.*—The non-Federal interest for a project implemented under this section shall provide all lands, easements, rights-of-way, dredged material disposal areas, and perform all related necessary relocations.

(c) *AGREEMENTS.*—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into an agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation, maintenance, replacement, and rehabilitation costs associated with the project in accordance with regulations prescribed by the Secretary.

(d) *COMPLETENESS.*—A project implemented under this section shall be complete in itself and shall not commit the United States to any additional improvement for the successful operation of the project.

(e) *FLEXIBILITY IN PROJECT DESIGN AND IMPLEMENTATION.*—The Secretary is authorized to, in coordination with the non-Federal interest for a project implemented under this section, incorporate natural features and nature-based features, water reuse and recycling practices, and other innovative stormwater management practices

and techniques, including green infrastructure, permeable pavements, rain gardens, and retention basins into the project.

(f) *CONSIDERATION.*—In implementing a project under this section, the Secretary shall, where appropriate, examine opportunities to include features for the reclamation, treatment, and reuse of flood water and stormwater associated with the project that will not result in—

(1) a determination that the project is not economically justified; or

(2) the limitation described in subsection (h)(1) conflicting with the required Federal share of the cost of the project.

(g) *STORMWATER-RELATED PROJECTS.*—For any project for stormwater management implemented under this section, the Secretary shall include management of stormwater that flows at a rate of less than 800 cubic feet per second for the 10-percent flood.

(h) *FUNDING.*—

(1) *LIMITATION.*—Not more than \$15,000,000 in Federal funds may be allocated under this section for a single project within a single specific geographic area, such as a city, town, or county.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$90,000,000 for each fiscal year.

\* \* \* \* \*

**WATER RESOURCES DEVELOPMENT ACT OF 2020**  
**DIVISION AA—WATER RESOURCES DEVELOPMENT ACT OF 2020**

\* \* \* \* \*

**TITLE I—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 118. PILOT PROGRAMS ON THE FORMULATION OF CORPS OF ENGINEERS PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.**

(a) *IN GENERAL.*—The Secretary shall establish and implement pilot programs, in accordance with this section, to evaluate opportunities to address the flood risk management and hurricane and storm damage risk reduction needs of rural communities and economically disadvantaged communities.

(b) *ECONOMICALLY DISADVANTAGED COMMUNITY FLOOD PROTECTION AND HURRICANE AND STORM DAMAGE REDUCTION STUDY PILOT PROGRAM.*—

(1) *IN GENERAL.*—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to carry out feasibility studies, in accordance with this subsection, for flood risk management and hurricane and storm damage risk reduction projects for economi-

cally disadvantaged communities, in coordination with non-Federal interests.

(2) PARTICIPATION IN PILOT PROGRAM.—In carrying out paragraph (1), the Secretary shall—

(A) annually publish a notice in the Federal Register that requests from non-Federal interests proposals for the potential feasibility study of a flood risk management project or hurricane and storm damage risk reduction project for an economically disadvantaged community;

(B) upon request of a non-Federal interest for such a project, provide technical assistance to such non-Federal interest in the formulation of a proposal for a potential feasibility study to be submitted to the Secretary under the pilot program; and

(C) review such proposals and, subject to the availability of appropriations, annually select 10 feasibility studies for such projects to be carried out by the Secretary, in coordination with the non-Federal interest, under this pilot program.

(3) SELECTION CRITERIA.—In selecting a feasibility study under paragraph (2)(C), the Secretary shall consider whether—

(A) the percentage of people living in poverty in the county or counties (or county-equivalent entity or entities) in which the project is located is greater than the percentage of people living in poverty in the State, based on census bureau data;

(B) the percentage of families with income above the poverty threshold but below the average household income in the county or counties (or county-equivalent entity or entities) in which the project is located is greater than such percentage for the State, based on census bureau data;

(C) the percentage of the population that identifies as belonging to a minority or indigenous group in the county or counties (or county-equivalent entity or entities) in which the project is located is greater than the average such percentage in the State, based on census bureau data; and

(D) the project is addressing flooding or hurricane or storm damage effects that have a disproportionate impact on a rural community, a minority community, or an Indian Tribe.

(4) ADMINISTRATION.—Notwithstanding the requirements of section 105(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2215), the Federal share of the cost of a feasibility study carried out under the pilot program shall be 100 percent.

(5) STUDY REQUIREMENTS.—Feasibility studies carried out under this subsection shall, to the maximum extent practicable, incorporate natural features or nature-based features (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a)), or a combination of such features and nonstructural features, that avoid or reduce at least 50 percent of flood or storm damages

in one or more of the alternatives included in the final alternatives evaluated.

(6) NOTIFICATION.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the selection of each feasibility study under the pilot program.

(7) COMPLETION.—Upon completion of a feasibility report for a feasibility study selected to be carried out under this subsection, the Secretary shall transmit the report to Congress for authorization, and shall include the report in the next annual report submitted under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(c) PILOT PROGRAM FOR THE RECOMMENDATION OF FLOOD PROTECTION AND HURRICANE AND STORM DAMAGE REDUCTION PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate, and make recommendations to Congress on, flood risk management projects and hurricane and storm damage risk reduction projects in rural communities or economically disadvantaged communities, without demonstrating that each project is justified solely by national economic development benefits.

(2) CONSIDERATIONS.—In carrying out this subsection, the Secretary may make a recommendation to Congress on up to 10 projects annually, without demonstrating that the project is justified solely by national economic development benefits, if the Secretary determines that—

(A) the community to be served by the project is an economically disadvantaged community or a rural community;

(B) the long-term life safety, economic viability, and environmental sustainability of the community would be threatened without the project; and

(C) the project is consistent with the requirements of section 1 of the Flood Control Act of 1936 (33 U.S.C. 701a).

(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that project recommendations are consistent with the principles and requirements and the interagency guidelines, as such terms are defined in section 110 of this Act, including the consideration of quantifiable monetary and nonmonetary benefits of the project.

(4) PRIORITIZATION.—The Secretary may give equivalent budgetary consideration and priority to projects recommended under this subsection.

(d) GEOGRAPHIC DIVERSITY.—In selecting feasibility studies under subsection (b)(2)(C) or in making project recommendations under subsection (c), the Secretary shall consider the geographic diversity among proposed projects.

(e) REPORT.—Not later than **[5 years and 10 years]** *5 years, 10 years, and 15 years* after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly

available, a report detailing the results of the pilot programs carried out under this section, including—

- (1) a description of proposals received from non-Federal interests pursuant to subsection (b)(2)(A);
- (2) a description of technical assistance provided to non-Federal interests under subsection (b)(2)(B);
- (3) a description of proposals selected under subsection (b)(2)(C) and criteria used to select such proposals;
- (4) a description of the projects evaluated or recommended by the Secretary under subsection (c);
- (5) a description of the quantifiable monetary and nonmonetary benefits associated with the projects recommended under subsection (c); and
- (6) any recommendations to Congress on how the Secretary can address the flood risk management and hurricane and storm damage risk reduction needs of economically disadvantaged communities.

(f) STATE DEFINED.—In this section, the term “State” means each of the several States, the District of Columbia, and each of the commonwealths, territories, and possessions of the United States.

(g) SUNSET.—The authority to commence a feasibility study under subsection (b), and the authority make a recommendation under subsection (c), shall terminate on the date that is **[10 years]** 15 years after the date of enactment of this Act.

(h) PRIORITY PROJECTS.—*In carrying out this section, the Secretary shall prioritize the following projects:*

(1) *The project for flood risk management, city of Rialto, California, authorized by section 201 of the Water Resources Development Act of 2024.*

(2) *The project for ecosystem restoration and recreation, Santa Ana River, Jurupa Valley, California, authorized by section 201 of the Water Resources Development Act of 2024.*

(3) *The project for flood control and other purposes, Kentucky River and its tributaries, Kentucky, authorized by section 6 of the Act of August 11, 1939 (chapter 699, 53 Stat. 1416).*

(4) *The project for flood risk management, Kentucky River, Kentucky, authorized by section 8201(a)(31) of the Water Resources Development Act of 2022 (136 Stat. 3746).*

(5) *The project for navigation, Hagaman Chute, Lake Providence, Louisiana, authorized by section 201 of the Water Resources Development Act of 2024.*

(6) *The project for flood risk management, Otero County, New Mexico authorized by section 201 of the Water Resources Development Act of 2024.*

(7) *The project for flood control and other purposes, Susquehanna River Basin, Williamsport, Pennsylvania, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1573).*

(8) *The project for flood risk management and ecosystem restoration, Winooski River basin, Vermont, authorized by section 201 of the Water Resources Development Act of 2024.*

(9) *The project for flood risk management and sediment management, Grays River, Wahkiakum County, Washington, au-*



thorized by section 201 of the Water Resources Development Act of 2024.

\* \* \* \* \*

**SEC. 125. BENEFICIAL USE OF DREDGED MATERIAL; DREDGED MATERIAL MANAGEMENT PLANS.**

(a) NATIONAL POLICY ON THE BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—**[It is the policy]**

(A) *POLICY.*—*It is the policy* of the United States for the Corps of Engineers to maximize the beneficial use, in an environmentally acceptable manner, of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects.

(B) *NATIONAL GOAL.*—*To the greatest extent practicable, the Secretary shall ensure that not less than 70 percent by tonnage of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects is used beneficially.*

(2) PLACEMENT OF DREDGED MATERIALS.—

(A) IN GENERAL.—In evaluating the placement of dredged material obtained from the construction or operation and maintenance of water resources development projects, the Secretary shall consider—

(i) the suitability of the dredged material for a full range of beneficial uses; and

(ii) the economic and environmental benefits, efficiencies, and impacts (including the effects on living coral) of using the dredged material for beneficial uses, including, in the case of beneficial use activities that involve more than one water resources development project, the benefits, efficiencies, and impacts that result from the combined activities.

(B) CALCULATION OF FEDERAL STANDARD.—

(i) DETERMINATION.—The economic benefits and efficiencies from the beneficial use of dredged material considered by the Secretary under subparagraph (A) shall be included in any determination relating to the “Federal standard” by the Secretary under section 335.7 of title 33, Code of Federal Regulations, for the placement or disposal of such material.

(ii) REPORTS.—The Secretary shall submit to Congress—

(I) a report detailing the method and all of the factors utilized by the Corps of Engineers to determine the Federal standard referred to in clause (i); and

(II) for each evaluation under subparagraph (A), a report displaying the calculations for economic and environmental benefits and efficiencies from the beneficial use of dredged material (including, where appropriate, the utilization of alternative dredging equipment and dredging disposal methods) considered by the Secretary under such sub-

paragraph for the placement or disposal of such material.

(C) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR CERTAIN PURPOSES.—Section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)) is amended—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking “In developing” and all that follows through “the non-Federal interest,” and inserting “At the request of the non-Federal interest for a water resources development project involving the disposal of dredged material, the Secretary, using funds appropriated for construction or operation and maintenance of the project, may select”; and

(II) in subparagraph (B), by striking “flood and storm damage and flood reduction benefits” and inserting “hurricane and storm or flood risk reduction benefits”; and

(ii) by adding at the end the following:

“(5) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR CERTAIN PURPOSES.—Activities carried out under this subsection—

“(A) shall be carried out using amounts appropriated for construction or operation and maintenance of the project involving the disposal of the dredged material; and

“(B) shall not carried out using amounts made available under subsection (g).”.

(b) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) PILOT PROGRAM PROJECTS.—Section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note) is amended—

(A) in subsection (a)—

(i) in paragraph (6), by striking “; and” and inserting a semicolon;

(ii) in paragraph (7)(C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(8) recovering lost storage capacity in reservoirs due to sediment accumulation, if the project also has a purpose described in any of paragraphs (1) through (7).”;

(B) in subsection (b)(1), by striking “20” and inserting “35”; and

(C) in subsection (g), by striking “20” and inserting “35”.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary, in selecting projects for the beneficial use of dredged materials under section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note), should ensure the thorough evaluation of project submissions from rural, small, and economically disadvantaged communities.

(3) PROJECT SELECTION.—In selecting projects for the beneficial use of dredged materials under section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note), the Secretary shall prioritize the selection of at least one project for the utilization of thin layer placement of dredged fine and

coarse grain sediment and at least one project for recovering lost storage capacity in reservoirs due to sediment accumulation authorized by subsection (a)(8) of such section, to the extent that a non-Federal interest has submitted an application for such project purposes that otherwise meets the requirements of such section.

(4) TEMPORARY EASEMENTS.—Section 1148 of the Water Resources Development Act of 2018 (33 U.S.C. 2326 note) is amended—

(A) in subsection (a)—

(i) by striking “grant” and inserting “approve”; and

(ii) by striking “granting” and inserting “approving”;

and

(B) in subsection (b), by striking “grants” and inserting “approves”.

(c) FIVE-YEAR REGIONAL DREDGED MATERIAL MANAGEMENT PLANS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the District Commander of each district of the Corps of Engineers that obtains dredged material through the construction or operation and maintenance of a water resources development project shall, at Federal expense, develop and submit to the Secretary a 5-year dredged material management plan in coordination with relevant State agencies and stakeholders.

(2) SCOPE.—Each plan developed under this subsection shall include—

(A) a dredged material budget for each watershed or littoral system within the district;

(B) an estimate of the amount of dredged material likely to be obtained through the construction or operation and maintenance of all water resources development projects projected to be carried out within the district during the 5-year period following submission of the plan, and the estimated timing for obtaining such dredged material;

(C) an identification of potential water resources development projects projected to be carried out within the district during such 5-year period that are suitable for, or that require, the placement of dredged material, and an estimate of the amount of dredged material placement capacity of such projects;

(D) an evaluation of—

(i) the suitability of the dredged material for a full range of beneficial uses; and

(ii) the economic and environmental benefits, efficiencies, and impacts (including the effects on living coral) of using the dredged material for beneficial uses, including, in the case of beneficial use activities that involve more than one water resources development project, the benefits, efficiencies, and impacts that result from the combined activities;

(E) the district-wide goals for beneficial use of the dredged material, including any expected cost savings from aligning and coordinating multiple projects (including

projects across Corps districts) in the use of the dredged material; and

(F) a description of potential beneficial use projects identified through stakeholder solicitation and coordination.

(3) PUBLIC COMMENT.—In developing each plan under this subsection, each District Commander shall provide notice and an opportunity for public comment, including a solicitation for stakeholders to identify beneficial use projects, in order to ensure, to the extent practicable, that beneficial use of dredged material is not foregone in a particular fiscal year or dredging cycle.

(4) PUBLIC AVAILABILITY.—Upon submission of each plan to the Secretary under this subsection, each District Commander shall make the plan publicly available, including on a publicly available website.

(5) TRANSMISSION TO CONGRESS.—As soon as practicable after receiving a plan under subsection (a), the Secretary shall transmit the plan to Congress.

(6) REGIONAL SEDIMENT MANAGEMENT PLANS.—A plan developed under this section—

(A) shall be in addition to regional sediment management plans prepared under section 204(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(a)); and

(B) shall not be subject to the limitations in section 204(g) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(g)).

(d) DREDGE PILOT PROGRAM.—

(1) REVISIONS.—Section 1111 of the Water Resources Development Act of 2018 (33 U.S.C. 2326 note) is amended—

(A) in subsection (a), by striking “for the operation and maintenance of harbors and inland harbors” and all that follows through the period at the end and inserting the following: “for the operation and maintenance of—

“(1) harbors and inland harbors referred to in section 210(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(a)(2)); or

“(2) inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).”;

(B) in subsection (b), by striking “or inland harbors” and inserting “, inland harbors, or inland or intracoastal waterways”.

(2) COORDINATION WITH EXISTING AUTHORITIES.—The Secretary may carry out the dredge pilot program authorized by section 1111 of the Water Resources Development Act of 2018 (33 U.S.C. 2326 note) in coordination with Federal regional dredge demonstration programs in effect on the date of enactment of this Act.

\* \* \* \* \*

**SEC. 128. HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM.**

(a) IN GENERAL.—The Secretary shall carry out a demonstration program to determine the causes of, and implement measures to effectively detect, prevent, treat, and eliminate, harmful algal blooms

associated with water resources development projects *or affecting water bodies of regional, national, or international importance.*

(b) CONSULTATION; USE OF EXISTING DATA AND PROGRAM AUTHORITIES.—In carrying out the demonstration program under subsection (a), the Secretary shall—

(1) consult with the heads of appropriate Federal [and State agencies], *State, and local agencies, institutions of higher education, and private organizations, including nonprofit organizations; and*

(2) make maximum use of existing Federal and State data and ongoing programs and activities of Federal and State agencies, including the activities of the Secretary carried out through the Engineer Research and Development Center pursuant to section 1109 of the Water Resources Development Act of 2018 (33 U.S.C. 610 note).

(c) FOCUS AREAS.—In carrying out the demonstration program under subsection (a), the Secretary shall undertake program activities related to harmful algal blooms in—

(1) the Great Lakes;

(2) the tidal and inland waters of the State of New Jersey, including Lake Hopatcong, New Jersey;

(3) the coastal and tidal waters of the State of Louisiana;

(4) the waterways of the counties that comprise the Sacramento-San Joaquin Delta, California;

(5) the Allegheny Reservoir Watershed, New York;

(6) Lake Okeechobee *Watershed*, Florida;

(7) the Caloosahatchee and St. Lucie Rivers, Florida;

(8) Lake Sidney Lanier, Georgia;

(9) Rio Grande River Basin, Colorado, New Mexico, and Texas;

(10) lakes and reservoirs in the State of Ohio;

(11) the Upper Mississippi River and tributaries;

(12) Detroit Lake, Oregon;

(13) Ten Mile Lake, Oregon; and

(14) the coastal waters of the United States Virgin Islands.

(d) ADDITIONAL FOCUS AREAS.—In addition to the areas described in subsection (c), in carrying out the demonstration program under subsection (a), the Secretary shall undertake program activities related to harmful algal blooms at any Federal reservoir located in the Upper Missouri River Basin or the North Platte River Basin, at the request and expense of another Federal agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary ~~【\$25,000,000】~~ *\$35,000,000* to carry out this section. Such sums shall remain available until expended.

(f) PRIORITY.—*In carrying out the demonstration program under subsection (a), the Secretary shall, to the maximum extent possible, prioritize carrying out program activities that—*

(1) *reduce nutrient pollution;*

(2) *utilize natural and nature-based approaches, including oysters;*

(3) *protect, enhance, or restore wetlands or flood plains, including river and streambank stabilization;*

(4) *develop technologies for remote sensing, monitoring, or early detection of harmful algal blooms, or other emerging technologies; and*

(5) *combine removal of harmful algal blooms with a beneficial use, including conversion of retrieved algae biomass into biofuel, fertilizer, or other products.*

(g) **AGREEMENTS.**—*In carrying out the demonstration program under subsection (a), the Secretary may enter into agreements with a non-Federal entity for the use or sale of successful technologies developed under this section.*

\* \* \* \* \*

**SEC. 165. CONTINUING AUTHORITY PROGRAMS.**

(a) **PILOT PROGRAM FOR CONTINUING AUTHORITY PROJECTS IN SMALL OR DISADVANTAGED COMMUNITIES.—** **COMMUNITY REVITALIZATION PROGRAM.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement a  **pilot program ] program**, in accordance with this subsection, for carrying out a project under a continuing authority program for an economically disadvantaged community.

(2) **PARTICIPATION IN PILOT PROGRAM.**—In carrying out paragraph (1), the Secretary shall—

**[(A) publish a notice in the Federal Register that requests non-Federal interest proposals for a project under a continuing authority program for an economically disadvantaged community; and]**

*(A) solicit project proposals from non-Federal interests by posting program information on a public-facing website and reaching out to non-Federal interests that have previously submitted project requests to the Secretary; and*

**(B) review such proposals and select [a total of 20 projects] projects**, taking into consideration geographic diversity among the selected projects.

(3) **COST SHARE.**—Notwithstanding the cost share authorized for the applicable continuing authority program, the Federal share of the cost of a project selected under paragraph (2) shall be 100 percent.

**[(4) SUNSET.**—The authority to commence pursuant to this subsection a project selected under paragraph (2) shall terminate on the date that is 10 years after the date of enactment of this Act.]

(4) **PRIORITY PROJECTS.**—*In carrying out this subsection, the Secretary shall prioritize the following projects:*

*(A) Projects located in coastal communities in western Alaska impacted by Typhoon Merbok.*

*(B) The Hatch Dam project, Arizona, carried out pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).*

*(C) Projects located in Guam.*

(5) **CONTINUING AUTHORITY PROGRAM DEFINED.**—In this subsection, the term “continuing authority program” has the meaning given that term in section 7001(c)(1)(D) of Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(6) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated to carry out this subsection \$50,000,000 for each fiscal year.*

(b) *AUTHORIZATIONS OF APPROPRIATIONS.*—

(1) *EMERGENCY STREAMBANK AND SHORELINE PROTECTION.*—Notwithstanding section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), there is authorized to be appropriated to carry out such section \$25,500,000 for each of fiscal years 2021 through 2024.

(2) *STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.*—Notwithstanding section 3(c) of the Act of August 13, 1946 (33 U.S.C. 426g(c)), there is authorized to be appropriated to carry out such section \$38,000,000 for each of fiscal years 2021 through 2024.

(3) *SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.*—Notwithstanding section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), there is authorized to be appropriated to carry out such section \$63,000,000 for each of fiscal years 2021 through 2024.

(4) *REGIONAL SEDIMENT MANAGEMENT.*—Notwithstanding section 204(g) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(g)), there is authorized to be appropriated to carry out such section \$63,000,000 for each of fiscal years 2021 through 2024.

(5) *SMALL FLOOD CONTROL PROJECTS.*—Notwithstanding section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), there is authorized to be appropriated to carry out such section \$69,250,000 for each of fiscal years 2021 through 2024.

(6) *AQUATIC ECOSYSTEM RESTORATION.*—Notwithstanding section 206(f) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(f)), there is authorized to be appropriated to carry out such section \$63,000,000 for each of fiscal years 2021 through 2024.

(7) *REMOVAL OF OBSTRUCTIONS; CLEARING CHANNELS.*—Notwithstanding section 2 of the Act of August 28, 1937 (33 U.S.C. 701g), there is authorized to be appropriated to carry out such section \$8,000,000 for each of fiscal years 2021 through 2024.

(8) *PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.*—Notwithstanding section 1135(h) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(h)), there is authorized to be appropriated to carry out such section \$50,500,000 for each of fiscal years 2021 through 2024.

\* \* \* \* \*

## **TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS**

### **SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

[(a) *PURPOSES.*—The purposes of this section are—

[(1) to identify water resources development projects, and separable elements of projects, authorized by Congress that are no longer viable for construction due to—

[(A) a lack of local support;

[(B) a lack of available Federal or non-Federal resources; or

[(C) an authorizing purpose that is no longer relevant or feasible;

[(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects and separable elements that are no longer viable for construction; and

[(3) to allow the continued authorization of water resources development projects and separable elements that are viable for construction.

[(b) PROPOSED DEAUTHORIZATION LIST.—

[(1) PRELIMINARY LIST OF PROJECTS.—

[(A) IN GENERAL.—The Secretary shall develop a preliminary list of each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

[(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

[(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 10 preceding fiscal years.

[(B) USE OF COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND MAINTENANCE REPORT.—The Secretary may develop the preliminary list from the comprehensive construction backlog and operation and maintenance reports developed pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a).

[(2) PREPARATION OF PROPOSED DEAUTHORIZATION LIST.—

[(A) PROPOSED LIST AND ESTIMATED DEAUTHORIZATION AMOUNT.—The Secretary shall—

[(i) prepare a proposed list of projects for deauthorization comprised of a subset of projects and separable elements identified on the preliminary list developed under paragraph (1) that are projects or separable elements described in subsection (a)(1), as determined by the Secretary; and

[(ii) include with such proposed list an estimate, in the aggregate, of the Federal cost to complete such projects.

[(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

[(3) PUBLIC COMMENT AND CONSULTATION.—

[(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the proposed deauthorization list prepared under paragraph (2)(A).



- [(B) COMMENT PERIOD.—The public comment period shall be 90 days.
- [(4) PREPARATION OF FINAL DEAUTHORIZATION LIST.—
- [(A) IN GENERAL.—The Secretary shall prepare a final deauthorization list by—
- [(i) considering any comments received under paragraph (3); and
  - [(ii) revising the proposed deauthorization list prepared under paragraph (2)(A) as the Secretary determines necessary to respond to such comments.
- [(B) APPENDIX.—The Secretary shall include as part of the final deauthorization list an appendix that—
- [(i) identifies each project or separable element on the proposed deauthorization list that is not included on the final deauthorization list; and
  - [(ii) describes the reasons why the project or separable element is not included on the final deauthorization list.
- [(c) SUBMISSION OF FINAL DEAUTHORIZATION LIST TO CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICATION.—
- [(1) IN GENERAL.—Not later than 90 days after the date of the close of the comment period under subsection (b)(3), the Secretary shall—
- [(A) submit the final deauthorization list and appendix prepared under subsection (b)(4) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate; and
  - [(B) publish the final deauthorization list and appendix in the Federal Register.
- [(2) EXCLUSIONS.—The Secretary shall not include in the final deauthorization list submitted under paragraph (1) any project or separable element with respect to which Federal funds for planning, design, or construction are obligated after the development of the preliminary list under subsection (b)(1)(A) but prior to the submission of the final deauthorization list under paragraph (1)(A) of this subsection.]
- (a) *PURPOSES.—The purposes of this section are—*
- (1) *to identify water resources development projects, and separable elements of projects, authorized by Congress that are no longer viable for construction due to—*
    - (A) *a lack of local support;*
    - (B) *a lack of available Federal or non-Federal resources;*

*or*

  - (C) *an authorizing purpose that is no longer relevant or feasible;*
- (2) *to create an expedited and definitive process for Congress to deauthorize water resources development projects and separable elements that are no longer viable for construction; and*
  - (3) *to allow the continued authorization of water resources development projects and separable elements that are viable for construction.*
- (b) *PROPOSED DEAUTHORIZATION LIST.—*
- (1) *PRELIMINARY LIST OF PROJECTS.—*

- (A) *IN GENERAL.*—The Secretary shall develop a preliminary list of each water resources development project, or separable element of a project, authorized for construction before June 10, 2014, for which—
- (i) planning, design, or construction was not initiated before the date of enactment of the Water Resources Development Act of 2024; or
  - (ii) planning, design, or construction was initiated before the date of enactment of the Water Resources Development Act of 2024, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 10 preceding fiscal years.
- (B) *USE OF COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND MAINTENANCE REPORT.*—The Secretary may develop the preliminary list from the comprehensive construction backlog and operation and maintenance reports developed pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a).
- (2) *PREPARATION OF PROPOSED DEAUTHORIZATION LIST.*—
- (A) *PROPOSED LIST AND ESTIMATED DEAUTHORIZATION AMOUNT.*—The Secretary shall—
- (i) prepare a proposed list of projects for deauthorization comprised of a subset of projects and separable elements identified on the preliminary list developed under paragraph (1) that are projects or separable elements described in subsection (a)(1), as determined by the Secretary; and
  - (ii) include with such proposed list an estimate, in the aggregate, of the Federal cost to complete such projects.
- (B) *DETERMINATION OF FEDERAL COST TO COMPLETE.*—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.
- (3) *PUBLIC COMMENT AND CONSULTATION.*—
- (A) *IN GENERAL.*—The Secretary shall solicit comments from the public and the Governors of each applicable State on the proposed deauthorization list prepared under paragraph (2)(A).
- (B) *COMMENT PERIOD.*—The public comment period shall be 90 days.
- (4) *PREPARATION OF FINAL DEAUTHORIZATION LIST.*—
- (A) *IN GENERAL.*—The Secretary shall prepare a final deauthorization list by—
- (i) considering any comments received under paragraph (3); and
  - (ii) revising the proposed deauthorization list prepared under paragraph (2)(A) as the Secretary determines necessary to respond to such comments.
- (B) *APPENDIX.*—The Secretary shall include as part of the final deauthorization list an appendix that—

(i) identifies each project or separable element on the proposed deauthorization list that is not included on the final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included on the final deauthorization list.

(c) *SUBMISSION OF FINAL DEAUTHORIZATION LIST TO CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICATION.*—

(1) *IN GENERAL.*—Not later than 90 days after the date of the close of the comment period under subsection (b)(3), the Secretary shall—

(A) submit the final deauthorization list and appendix prepared under subsection (b)(4) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate; and

(B) publish the final deauthorization list and appendix in the Federal Register.

(2) *EXCLUSIONS.*—The Secretary shall not include in the final deauthorization list submitted under paragraph (1) any project or separable element with respect to which Federal funds for planning, design, or construction are obligated after the development of the preliminary list under subsection (b)(1)(A) but prior to the submission of the final deauthorization list under paragraph (1)(A) of this subsection.

(e) *SPECIAL RULES.*—

(1) *POST-AUTHORIZATION STUDIES.*—A project or separable element of a project may not be identified on the proposed deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 10 preceding fiscal years.

(2) *TREATMENT OF PROJECT MODIFICATIONS.*—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent such modification.

(f) *DEAUTHORIZATION OF ANTIQUATED PROJECTS.*—

(1) *IN GENERAL.*—Any water resources development project, or separable element of a project, authorized for construction prior to November 17, 1986, for which construction has not been initiated prior to the date of enactment of this Act, or for which funds have not been obligated for construction in the 10-year period prior to the date of enactment of this Act, is hereby deauthorized.

(2) *IDENTIFICATION.*—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that identifies—

(A) the name of each project, or separable element of a project, deauthorized by paragraph (1); and

(B) the estimated current value of each such project or separable element of a project.

(g) ECONOMIC AND ENVIRONMENTAL REVIEW OF INACTIVE WATER RESOURCES DEVELOPMENT PROJECTS.—The Secretary or the non-Federal interest may not carry out any authorized water resources development project, or separable element of such project, for which construction has not been initiated in the 20-year period following the date of the authorization of such project or separable element, until—

(1) the Secretary provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a post-authorization change report that updates the economic and environmental analysis of the project or separable element; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate take appropriate action to address any modifications to the economic and environmental analysis for the project or separable element of the project contained in the post-authorization change report.

(h) DEFINITIONS.—In this section:

(1) POST-AUTHORIZATION CHANGE REPORT.—The term “post-authorization change report” has the meaning given such term in section 1132(d) of the Water Resources Development Act of 2016 (33 U.S.C. 2282e).

(2) POST-AUTHORIZATION STUDY.—The term “post-authorization study” means—

(A) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(B) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(C) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

(i) demonstrates a Federal interest; and

(ii) requires additional analysis for the project or separable element.

\* \* \* \* \*

## TITLE V—OTHER MATTERS

\* \* \* \* \*

### SEC. 507. INVASIVE SPECIES IN ALPINE LAKES PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall establish a pilot program (referred to in this section as the “pilot program”) to develop and carry out effective measures necessary to prevent, control, or eradicate aquatic invasive species in alpine lakes that are not located within a unit of the National Park System.

(b) **PARTNERSHIPS.**—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall offer to enter into a partnership to carry out the pilot program with—

- (1) any relevant partnering Federal agency; and
- (2) any relevant compact agency organized with the consent of Congress under article I, section 10 of the Constitution of the United States.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the pilot program \$25,000,000 for the period of fiscal years 2022 through **[2028]** 2030.

\* \* \* \* \*

**SEC. 509. ASIAN CARP PREVENTION AND CONTROL PILOT PROGRAM.**

(a) **CORPS OF ENGINEERS ASIAN CARP PREVENTION PILOT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary, in conjunction with the Tennessee Valley Authority and other relevant Federal agencies, shall carry out an Asian carp prevention pilot program to carry out projects to manage and prevent the spread of Asian carp using innovative technologies, methods, and measures.

(2) **PROJECT SELECTION.**—

(A) **LOCATION.**—Each project under the pilot program shall be carried out in a river system or reservoir in the Cumberland River Watershed, Tennessee River Watershed, or Tombigbee River Watershed in which Asian carp populations are expanding or have been documented.

(B) **CONSULTATION.**—In selecting projects to carry out under the pilot program, the Secretary shall consult with—

- (i) applicable Federal, State, and local agencies;
- (ii) institutions of higher education; and
- (iii) relevant private organizations, including non-profit organizations.

(C) **LIMITATIONS.**—

(i) **NUMBER OF PROJECTS.**—The Secretary may select not more than 10 projects to carry out under the pilot program, of which not fewer than 1 shall be carried out on the Tennessee–Tombigbee Waterway.

(ii) **DEADLINE.**—Not later than September 30, **[2024]** 2030, the Secretary shall complete projects selected to be carried out under the pilot program.

(3) **BEST PRACTICES.**—In carrying out the pilot program, to the maximum extent practicable, the Secretary shall consider existing best practices, such as those described in the document of the Asian Carp Working Group of the Aquatic Nuisance Species Task Force entitled “Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States” and dated November 2007.

(4) **COST-SHARE.**—

(A) **IN GENERAL.**—The Federal share of the costs of a project carried out under the program may not exceed 75 percent of the total costs of the project.

(B) **OPERATION, MAINTENANCE, REHABILITATION, AND REPAIR.**—After the completion of a project under the pilot

program, the Federal share of the costs for operation, maintenance, rehabilitation, and repair of the project shall be 100 percent.

(5) MEMORANDUM OF AGREEMENT.—For projects carried out in reservoirs owned or managed by the Tennessee Valley Authority, the Secretary and the Tennessee Valley Authority shall execute a memorandum of agreement establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

(6) PAYMENTS.—The Secretary is authorized to accept and expend funds from the Tennessee Valley Authority to complete any work under this section at a reservoir owned or managed by the Tennessee Valley Authority.

(7) REPORT.—Not later than 2 years after the date of enactment of this Act, and [2 years thereafter] *2 years after the date of enactment of the Water Resources Development Act of 2024*, the Secretary shall submit to Congress a report describing the results of the pilot program, including an analysis of the effectiveness of the innovative technologies, methods, and measures used in projects carried out under the pilot program at preventing the spread, or managing the eradicating of, Asian carp.

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$25,000,000, to remain available until expended.

(b) FISH AND WILDLIFE SERVICE ASIAN CARP ERADICATION PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall establish a program to provide financial assistance to States to implement measures, including for management, research, and public education activities, necessary to eradicate the Asian carp.

(2) ELIGIBILITY.—A State is eligible to receive financial assistance under this subsection if such State has demonstrated to the Secretary of the Interior sufficient need to implement measures to eradicate the Asian carp.

(3) PRIORITY.—In providing financial assistance under the program, the Secretary of the Interior shall give priority to States in the Cumberland River Watershed or the Tennessee River Watershed in which Asian carp populations are expanding or have been documented.

(4) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the costs of activities carried out under the program may not exceed 80 percent of the total costs of such activities.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of activities carried out under the program may be provided in the form of in-kind contributions of materials or services.

(5) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of financial assistance provided by the Secretary of the Interior under this subsection may be used for administrative expenses.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this subsection \$4,000,000 for each of fiscal years 2021 through 2025.

\* \* \* \* \*

### ACT OF MARCH 3, 1899

\* \* \* \* \*

#### SEC. 14.

(a) PROHIBITIONS AND PERMISSIONS.—It shall not be lawful for any person or persons to take possession of or makes use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works: *Provided*, That the Secretary of War may, on the recommendation of the Chief of Engineers, grant permission for the temporary occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest: *Provided further*, That the Secretary may, on the recommendation of the Chief of Engineers, grant permission for the alteration or permanent occupation or use of any of the aforementioned public works when in the judgment of the Secretary such occupation or use will not be injurious to the public interest and will not impair the usefulness of such work.

(b) CONCURRENT REVIEW.—

(1) NEPA REVIEW.—

(A) IN GENERAL.—In any case in which an activity subject to this section requires a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), review and approval of the activity under this section shall, to the maximum extent practicable, occur concurrently with any review and decisions made under that Act.

(B) CORPS OF ENGINEERS AS A COOPERATING AGENCY.—If the Corps of Engineers is not the lead Federal agency for an environmental review described in subparagraph (A), the Corps of Engineers shall, to the maximum extent practicable and consistent with Federal laws—

(i) participate in the review as a cooperating agency (unless the Corps of Engineers does not intend to submit comments on the project); and

(ii) adopt and use any environmental document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the lead agency to the same extent that a Federal agency could adopt or use a document prepared by another Federal agency under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(2) **REVIEWS BY SECRETARY.**—In any case in which the Secretary must approve an action under this section and under another authority, including sections 9 and 10 of this Act, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413), the Secretary shall—

(A) coordinate applicable reviews and, to the maximum extent practicable, carry out the reviews concurrently; and

(B) adopt and use any document prepared by the Corps of Engineers for the purpose of complying with the same law and that addresses the same types of impacts in the same geographic area if such document, as determined by the Secretary, is current and applicable.

(3) **CONTRIBUTED FUNDS.**—The Secretary may accept and expend funds received from non-Federal public or private entities to evaluate under this section an alteration or permanent occupation or use of a work built by the United States.

(c) **REVIEW PROCESS.**—

(1) **CONSISTENCY.**—*The Secretary shall establish a single office within the Corps of Engineers with the expertise to provide consistent and timely recommendations under subsection (a) for applications for permission submitted pursuant to such subsection.*

(2) **PREAPPLICATION MEETING.**—*At the request of a non-Federal entity that is planning on submitting an application for permission pursuant to subsection (a), the Secretary, acting through the office established under paragraph (1), shall meet with the non-Federal entity to—*

(A) *provide clear, concise, and specific technical requirements for non-Federal entity to use in the development of the application;*

(B) *recommend the number of design packages to submit for the proposed action, and the stage of development at which to submit such packages; and*

(C) *identify potential concerns or conflicts with such proposed actions.*

(3) **CONTRIBUTED FUNDS.**—*The Secretary may use funds accepted from a non-Federal entity under subsection (b)(3) for purposes of conducting a meeting described in paragraph (2).*

[(c)] (d) **TIMELY REVIEW.**—

(1) **COMPLETE APPLICATION.**—On or before the date that is 30 days after the date on which the Secretary receives an application for permission to take action affecting public projects pursuant to subsection (a), [the Secretary shall inform] *the Secretary, acting through the head of the office established under subsection (c), shall inform* the applicant whether the application is complete and, if it is not, what items are needed for the application to be complete.

(2) **DECISION.**—On or before the date that is 90 days after the date on which the Secretary receives a complete application for permission under subsection (a), [the Secretary shall]



*the Secretary, acting through the head of the office established under subsection (c), shall—*

(A) make a decision on the application; or

(B) provide a schedule to the applicant identifying when the Secretary will make a decision on the application.

(3) NOTIFICATION TO CONGRESS.—In any case in which a schedule provided under paragraph (2)(B) extends beyond 120 days from the date of receipt of a complete application, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an explanation justifying the extended timeframe for review.

[(d)] (e) WORK DEFINED.—For the purposes of this section, the term “work” shall not include unimproved real estate owned or operated by the Secretary as part of a water resources development project if the Secretary determines that modification of such real estate would not affect the function and usefulness of the project.

\* \* \* \* \*

**[SEC. 19. (a) That whenever]**

**SEC. 19. VESSEL REMOVAL BY CORPS OF ENGINEERS.**

(a) REMOVAL OF OBSTRUCTIVE VESSELS.—

(1) IN GENERAL.—*That whenever* the navigation of any river, lake, harbor, sound, bay, canal, or other navigable waters of the United States shall be obstructed or endangered by any sunken vessel, boat, water craft, raft, or other similar obstruction, and such obstruction has existed for a longer period than thirty days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel, boat, water craft, raft, or other obstruction shall be subject to be broken up, removed, sold, or otherwise disposed of by the Secretary of War at his discretion, without liability for any damage to the owners of the same: *Provided*, That in his discretion, the Secretary of War may cause reasonable notice of such obstruction of not less than thirty days, unless the legal abandonment of the obstruction can be established in a less time, to be given by publication, addressed “To whom it may concern,” in a newspaper published nearest to the locality of the obstruction, requiring the removal thereof: *And provided also*, That the Secretary of War may, in his discretion, at or after the time of giving such notice, cause sealed proposals to be solicited by public advertisement, giving reasonable notice of not less than ten days, for the removal of such obstruction as soon as possible after the expiration of the above specified thirty days’ notice, in case it has not in the meantime been so removed, these proposals and contracts, at his discretion, to be conditioned that such vessel, boat, water craft, raft, or other obstruction, and all cargo and property contained therein, shall become the property of the contractor, and the contract shall be awarded to the bidder making the proposition most advantageous to the United States: *Provided*, That such bidder shall give satisfactory security to execute the work: *Provided further*, That any money received from the sale of any such wreck, or from any contractor for the removal of wrecks, under this paragraph shall be covered into the Treasury of the United States.

**[(b) The owner]**

(2) *LIABILITY OF OWNER, LESSEE, OR OPERATOR.*—*The owner, lessee, or operator of such vessel, boat, watercraft, raft, or other obstruction as [described in this section] described in this subsection shall be liable to the United States for the cost of removal or destruction and disposal as described which exceeds the costs recovered [under subsection (a)] under paragraph (1). Any amount recovered from the owner, lessee, or operator of such vessel pursuant to this subsection to recover costs in excess of the proceeds from the sale or disposition of such vessel shall be deposited in the general fund of the Treasury of the United States.*

**(b) REMOVAL OF ABANDONED VESSEL.**—

(1) *IN GENERAL.*—*The Secretary is authorized to remove from the navigable waters of the United States a covered vessel that does not obstruct the navigation of such waters, if—*

*(A) such removal is determined to be in the public interest by the Secretary, in consultation with any State in which the vessel is located or any Indian Tribe with jurisdiction over the area in which the vessel is located, as applicable; and*

*(B) in the case of a vessel that is not under the control of the United States by reason of seizure or forfeiture, the Commandant of the Coast Guard determines that the vessel is abandoned.*

(2) *INTERAGENCY AGREEMENTS.*—*In removing a covered vessel under this subsection, the Secretary—*

*(A) shall enter into an interagency agreement with the head of any Federal department, agency, or instrumentality that has control of such vessel; and*

*(B) is authorized to accept funds from such department, agency, or instrumentality for the removal of such vessel.*

(3) *LIABILITY.*—*The owner of a covered vessel shall be liable to the United States for the costs of removal, destruction, and disposal of such vessel under this subsection.*

**(4) COVERED VESSEL DEFINED.**—

(A) *IN GENERAL.*—*In this subsection, the term “covered vessel” means a vessel—*

*(i) determined to be abandoned by the Commandant of the Coast Guard; or*

*(ii) under the control of the United States by reason of seizure or forfeiture pursuant to any law.*

(B) *EXCLUSION.*—*The term “covered vessel” does not include—*

*(i) any vessel for which the Secretary has removal authority under subsection (a) or section 20;*

*(ii) an abandoned barge for which the Commandant of the Coast Guard has the authority to remove under chapter 47 of title 46, United States Code; and*

*(iii) a vessel—*

*(I) for which the owner is not identified, unless determined to be abandoned by the Commandant of the Coast Guard; or*

*(II) for which the owner has not agreed to pay the costs of removal, destruction, or disposal.*

(5) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2025 through 2029.*

SEC. 20. (a) That under emergency, in the case of any vessel, boat, water craft, or raft, or other similar obstruction, sinking or grounding, or being unnecessarily delayed in any Government canal or lock, or in any navigable waters mentioned in section nineteen, in such manner as to stop, seriously interfere with, or specially endanger navigation, in the opinion of the Secretary of War, or any agent of the United States to whom the Secretary may delegate proper authority, the Secretary of War or any such agent shall have the right to take immediate possession of such boat, vessel, or other water craft, or raft, so far as to remove or to destroy it and to clear immediately the canal, lock, or navigable waters aforesaid of the obstruction thereby caused, using his best judgment to prevent any unnecessary injury; and no one shall interfere with or prevent such removal or destruction: *Provided*, That the officer or agent charged with the removal or destruction of an obstruction under this section may in his discretion give notice in writing to the owners of any such obstruction requiring them to remove it: *And provided further*, That the actual expense, including administrative expenses, of removing any such obstruction as aforesaid shall be a charge against such craft and cargo; and if the owners thereof fail or refuse to reimburse the United States for such expense within thirty days after notification, then the officer or agent aforesaid may sell the craft or cargo, or any part thereof that may not have been destroyed in removal, and the proceeds of such sale shall be covered into the Treasury of the United States.

(b) *REMOVAL REQUIREMENT.*—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal on an expedited basis, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).

(c) The owner, lessee, or operator of such vessel, boat, watercraft, raft, or other obstruction as described in this section shall be liable to the United States for the actual cost, including administrative costs, of removal or destruction and disposal as described which exceeds the costs recovered under subsection (a). Any amount recovered from the owner, lessee, or operator of such vessel pursuant to this subsection to recover costs in excess of the proceeds from the sale or disposition of such vessel shall be deposited in the general fund of the Treasury of the United States.

Such sum of money as may be necessary to execute this section and [the preceding section of this Act] *section 19(a)* is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid out on the requisition of the Secretary of War.

That all laws or parts of laws inconsistent with the foregoing sections ten to twenty, inclusive, of this Act are hereby repealed: *Provided*, That no action begun, or right of action accrued, prior to the passage of this Act shall be affected by this repeal.

## WATER RESOURCES DEVELOPMENT ACT OF 2007

\* \* \* \* \*

### TITLE I—WATER RESOURCES PROJECTS

#### SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES, ALASKA.—The project for navigation, Haines, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$14,040,000, with an estimated Federal cost of \$11,232,000 and an estimated non-Federal cost of \$2,808,000.

(2) PORT LIONS, ALASKA.—The project for navigation, Port Lions, Alaska: Report of the Chief of Engineers dated June 14, 2006, at a total cost of \$9,530,000, with an estimated Federal cost of \$7,624,000 and an estimated non-Federal cost of \$1,906,000.

(3) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for environmental restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of \$97,700,000, with an estimated Federal cost of \$63,300,000 and an estimated non-Federal cost of \$34,400,000.

(4) TANQUE VERDE CREEK, PIMA COUNTY, ARIZONA.—The project for environmental restoration, Tanque Verde Creek, Pima County, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of \$5,906,000, with an estimated Federal cost of \$3,836,000 and an estimated non-Federal cost of \$2,070,000.

(5) SALT RIVER (RIO SALADO OESTE), MARICOPA COUNTY, ARIZONA.—The project for environmental restoration, Salt River (Rio Salado Oeste), Maricopa County, Arizona: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$166,650,000, with an estimated Federal cost of \$106,629,000 and an estimated non-Federal cost of \$60,021,000.

(6) SALT RIVER (VA SHLY'AY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for environmental restoration, Salt River (Va Shly'ay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of \$162,100,000, with an estimated Federal cost of

\$105,200,000 and an estimated non-Federal cost of \$56,900,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the design and construction of the project described in subparagraph (A) with the Bureau of Reclamation and any operating agent for any Federal reclamation project in the Salt River Basin to avoid impacts to existing Federal reclamation facilities and operations in the Salt River Basin.

(7) MAY BRANCH, FORT SMITH, ARKANSAS.—The project for flood damage reduction, May Branch, Fort Smith, Arkansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$30,850,000, with an estimated Federal cost of \$15,010,000 and an estimated non-Federal cost of \$15,840,000.

(8) HAMILTON CITY, GLENN COUNTY, CALIFORNIA.—The project for flood damage reduction and environmental restoration, Hamilton City, Glenn County, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$52,400,000, with an estimated Federal cost of \$34,100,000 and estimated non-Federal cost of \$18,300,000.

(9) SILVER STRAND SHORELINE, IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Silver Strand Shoreline, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of \$13,700,000, with an estimated Federal cost of \$8,521,000 and an estimated non-Federal cost of \$5,179,000, and at an estimated total cost of \$42,500,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of \$21,250,000 and an estimated non-Federal cost of \$21,250,000.

(10) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for environmental restoration, Matilija Dam, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$144,500,000, with an estimated Federal cost of \$89,700,000 and an estimated non-Federal cost of \$54,800,000.

(11) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and environmental restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of \$45,200,000, with an estimated Federal cost of \$29,500,000 and an estimated non-Federal cost of \$15,700,000.

(12) NAPA RIVER SALT MARSH RESTORATION, CALIFORNIA.—

(A) IN GENERAL.—The project for environmental restoration, Napa River Salt Marsh Restoration, Napa, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$134,500,000, with an estimated Federal cost of \$87,500,000 and an estimated non-Federal cost of \$47,000,000.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanita-

tion District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(13) DENVER COUNTY REACH, SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for environmental restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of \$20,100,000, with an estimated Federal cost of \$13,065,000 and an estimated non-Federal cost of \$7,035,000.

(14) CENTRAL AND SOUTHERN FLORIDA, INDIAN RIVER LAGOON, FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Central and Southern Florida, Indian River Lagoon, Florida, at a total cost of \$1,365,000,000, with an estimated Federal cost of \$682,500,000 and an estimated non-Federal cost of \$682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—The following projects are not authorized after the date of enactment of this Act:

(i) The uncompleted portions of the project for the C-44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), at a total cost of \$147,800,000, with an estimated Federal cost of \$73,900,000 and an estimated non-Federal cost of \$73,900,000.

(ii) The uncompleted portions of the Martin County, Florida, modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), at a total cost of \$15,471,000, with an estimated Federal cost of \$8,073,000 and an estimated non-Federal cost of \$7,398,000.

(iii) The uncompleted portions of the East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S-311 modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), at a total cost of \$77,118,000, with an estimated Federal cost of \$55,124,000 and an estimated non-Federal cost of \$21,994,000.

(15) COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA, PICAYUNE STRAND RESTORATION PROJECT, COLLIER COUNTY, FLORIDA.—The project for ecosystem restoration, Comprehensive Everglades Restoration Plan, Central and Southern Florida, Picayune Strand Restoration Project, Collier County, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of \$375,330,000 with an estimated Federal cost of \$187,665,000 and an estimated non-Federal cost of \$187,665,000.

(16) COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA, SITE 1 IMPOUNDMENT PROJECT, PALM BEACH COUNTY, FLORIDA.—The project for ecosystem restoration, Comprehensive Everglades Restoration Plan, Central and Southern Florida, Site 1 Impoundment Project, Palm Beach County, Florida: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$80,840,000, with an estimated Federal cost of \$40,420,000 and an estimated non-Federal cost of \$40,420,000.

(17) MIAMI HARBOR, MIAMI-DADE COUNTY, FLORIDA.—

(A) IN GENERAL.—The project for navigation, Miami Harbor, Miami-Dade County, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of \$152,510,000, with an estimated Federal cost of \$92,007,000 and an estimated non-Federal cost of \$60,503,000.

(B) GENERAL REEVALUATION REPORT.—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers referred to in subparagraph (A) shall be the same percentage as the non-Federal share of cost of construction of the project.

(C) AGREEMENT.—The Secretary shall enter into a new partnership with the non-Federal interest to reflect the cost sharing required by subparagraph (B).

(18) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for environmental restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$208,260,000, with an estimated Federal cost of \$134,910,000 and an estimated non-Federal cost of \$73,350,000.

(19) PEORIA RIVERFRONT DEVELOPMENT, ILLINOIS.—The project for environmental restoration, Peoria Riverfront Development, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of \$18,220,000, with an estimated Federal cost of \$11,840,000 and an estimated non-Federal cost of \$6,380,000.

(20) WOOD RIVER LEVEE SYSTEM RECONSTRUCTION, MADISON COUNTY, ILLINOIS.—The project for flood damage reduction, Wood River Levee System Reconstruction, Madison County, Illinois: Report of the Chief of Engineers dated July 18, 2006, at a total cost of \$17,220,000, with an estimated Federal cost of \$11,193,000 and an estimated non-Federal cost of \$6,027,000.

(21) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of \$10,780,000, with an estimated Federal cost of \$6,967,000 and an estimated non-Federal cost of \$3,813,000.

(22) LICKING RIVER BASIN, CYNTHIANA, KENTUCKY.—The project for flood damage reduction, Licking River Basin, Cynthiana, Kentucky: Report of the Chief of Engineers dated October 24, 2006, at a total cost of \$18,200,000, with an estimated Federal cost of \$11,830,000 and an estimated non-Federal cost of \$6,370,000.

(23) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of \$9,600,000. The costs of construction of the project are to be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(24) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of \$886,700,000, with an estimated Federal cost of \$576,355,000 and an estimated non-Federal cost of \$310,345,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intra-coastal Waterway floodgate features of the project described in subparagraph (A) that provide for inland waterway transportation shall be a Federal responsibility in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212).

(C) CREDIT.—*The Secretary shall credit toward the non-Federal share of the cost of the project described in subparagraph (A) the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work—*

*(i) is integral to the project;*

*(ii) complies with all applicable Federal laws, regulations, and policies that were in place at the time the work was completed; and*

*(iii) notwithstanding the date described in this subparagraph, is otherwise in compliance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).*

(25) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana: Report of the Chief of Engineers dated December 31, 2006, at a total cost of \$131,250,000, with an estimated Federal cost of \$105,315,000 and an estimated non-Federal cost of \$25,935,000.

(26) SMITH ISLAND, SOMERSET COUNTY, MARYLAND.—The project for environmental restoration, Smith Island, Somerset County, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of \$15,580,000, with an estimated Federal cost of \$10,127,000 and an estimated non-Federal cost of \$5,453,000.

(27) ROSEAU RIVER, ROSEAU, MINNESOTA.—The project for flood damage reduction, Roseau River, Roseau, Minnesota: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$25,100,000, with an estimated Federal cost of \$13,820,000 and an estimated non-Federal cost of \$11,280,000.

(28) ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS, MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS.—The project for flood damage reduction, Argentine, East Bottoms, Fairfax-Jersey



Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$65,430,000, with an estimated Federal cost of \$42,530,000 and an estimated non-Federal cost of \$22,900,000.

(29) SWOPE PARK INDUSTRIAL AREA, BLUE RIVER, KANSAS CITY, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Blue River, Kansas City, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of \$16,980,000, with an estimated Federal cost of \$11,037,000 and an estimated non-Federal cost of \$5,943,000.

(30) GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Great Egg Harbor Inlet to Townsends Inlet, New Jersey: Report of the Chief of Engineers dated October 24, 2006, at a total cost of \$54,360,000, with an estimated Federal cost of \$35,069,000 and an estimated non-Federal cost of \$19,291,000, and at an estimated total cost of \$202,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of \$101,250,000 and an estimated non-Federal cost of \$101,250,000.

(31) HUDSON RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—

(A) IN GENERAL.—The project for environmental restoration, Hudson Raritan Estuary, Liberty State Park, New Jersey: Report of the Chief of Engineers dated August 25, 2006, at a total cost of \$34,100,000, with an estimated Federal cost of \$22,200,000 and an estimated non-Federal cost of \$11,900,000.

(B) RESTORATION TEAMS.—In carrying out the project, the Secretary shall establish and utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey department of environmental protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

(32) NEW JERSEY SHORE PROTECTION STUDY, MANASQUAN INLET TO BARNEGAT INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, New Jersey Shore Protection Study, Manasquan Inlet to Barnegat Inlet, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of \$71,900,000, with an estimated Federal cost of \$46,735,000 and an estimated non-Federal cost of \$25,165,000, and at an estimated total cost of \$119,680,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of \$59,840,000 and an estimated non-Federal cost of \$59,840,000.

(33) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of \$115,000,000, with an estimated Federal cost of \$74,800,000 and an estimated non-Federal cost of \$40,200,000, and at an estimated total cost of \$6,500,000 for

periodic nourishment over the 50-year life of the project, with an estimated Federal cost of \$3,250,000 and an estimated non-Federal cost of \$3,250,000.

(34) SOUTH RIVER, RARITAN RIVER BASIN, NEW JERSEY.—The project for hurricane and storm damage reduction and environmental restoration, South River, Raritan River Basin, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of \$122,300,000, with an estimated Federal cost of \$79,500,000 and an estimated non-Federal cost of \$42,800,000.

(35) SOUTHWEST VALLEY, BERNALILLO COUNTY, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Bernalillo County, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of \$24,840,000, with an estimated Federal cost of \$16,150,000 and an estimated non-Federal cost of \$8,690,000.

(36) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of \$14,600,000, with an estimated Federal cost of \$7,300,000 and an estimated non-Federal cost of \$7,300,000.

(37) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—

(A) IN GENERAL.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio: Report of the Chief of Engineers dated August 24, 2006, at a total cost of \$20,980,000, with an estimated Federal cost of \$13,440,000 and an estimated non-Federal cost of \$7,540,000.

(B) WAYNE NATIONAL FOREST.—

(i) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, may construct other project features on property that is located in the Wayne National Forest, Ohio, owned by the United States and managed by the Forest Service as described in the report of the Corps of Engineers entitled “Hocking River Basin, Ohio, Monday Creek Sub-Basin Ecosystem Restoration Project Feasibility Report and Environmental Assessment”.

(ii) COST.—Each project feature carried out on Federal land shall be designed, constructed, operated, and maintained at Federal expense.

(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this subparagraph \$1,270,000.

(38) TOWN OF BLOOMSBURG, COLUMBIA COUNTY, PENNSYLVANIA.—The project for flood damage reduction, town of Bloomsburg, Columbia County, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of \$44,500,000, with an estimated Federal cost of \$28,925,000 and an estimated non-Federal cost of \$15,575,000.

(39) PAWLEYS ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawleys Island, South Carolina: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$8,980,000, with an estimated Federal cost of \$5,840,000 and an estimated non-Federal cost of

\$3,140,000, and at an estimated total cost of \$21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of \$10,600,000 and an estimated non-Federal cost of \$10,600,000.

(40) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas: Report of the Chief of Engineers dated June 2, 2003, at a total cost of \$188,110,000, with an estimated Federal cost of \$87,810,000 and an estimated non-Federal cost of \$100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce the navigational servitude in the Corpus Christi Ship Channel (including the removal or relocation of any facility obstructing the project) consistent with the cost sharing requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(41) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of \$17,280,000. The costs of construction of the project are to be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(42) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, High Island to Brazos River, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of \$14,450,000. The costs of construction of the project are to be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(43) LOWER COLORADO RIVER BASIN PHASE I, TEXAS.—The project for flood damage reduction and ecosystem restoration, Lower Colorado River Basin Phase I, Texas: Report of the Chief of Engineers dated December 31, 2006, at a total cost of \$110,730,000, with an estimated Federal cost of \$69,640,000 and an estimated non-Federal cost of \$41,090,000.

(44) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT, DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of \$37,200,000.

(45) CRANEY ISLAND EASTWARD EXPANSION, NORFOLK HARBOR AND CHANNELS, HAMPTON ROADS, VIRGINIA.—

(A) IN GENERAL.—The project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia: Report of Chief of Engineers dated October 24, 2006, at a total cost of \$712,103,000.

(B) NON-FEDERAL SHARE.—Notwithstanding sections 101 and 103 of the Water Resources Development Act of 1986

(33 U.S.C. 2211 and 2213), the Federal share of the cost of the project shall be 50 percent.  
(46) CENTRALIA, CHEHALIS RIVER, LEWIS COUNTY, WASHINGTON.—

(A) IN GENERAL.—The project for flood damage reduction, Centralia, Chehalis River, Lewis County, Washington: Report of the Chief of Engineers dated September 27, 2004, at a total cost of \$123,770,000, with an estimated Federal cost of \$74,740,000 and an estimated non-Federal cost of \$49,030,000.

(B) CREDIT.—The Secretary shall—

(i) credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project up to \$6,500,000 for the cost of planning and design work carried out by the non-Federal interest in accordance with the project study plan dated November 28, 1999; and

(ii) credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

\* \* \* \* \*

## TITLE II—GENERAL PROVISIONS

\* \* \* \* \*

### SEC. 2006. REMOTE AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

【(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

【(B) the project would be located in the State of Hawaii or Alaska, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or American Samoa;

【(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the region served by the harbor and navigation improvement, as determined by the Secretary, including consideration of information provided by the non-Federal interest; and

【(3) the long-term viability of the community in which the project is located, or the long-term viability of a community that is located in the region that is served by the project and that will rely on the project, would be threatened without the harbor and navigation improvement.】

(1) *the project would be located in the State of Hawaii or Alaska, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or American Samoa; and*

(2)(A) *over 80 percent of the goods transported through the harbor would be consumed within the United States, as determined by the Secretary, including consideration of information provided by the non-Federal interest; or*

(B) *the long-term viability of the community in which the project is located, or the long-term viability of a community that is located in the region that is served by the project and that will rely on the project, would be threatened without the harbor and navigation improvement.*

(b) JUSTIFICATION.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the [benefits of the project to] *benefits of the project to any of—*

(1) public health and safety of the local community and communities that are located in the region to be served by the project and that will rely on the project, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the regional population to be served by the project[; and]; *or*

(5) social and cultural value to the local community and communities that are located in the region to be served by the project and that will rely on the project.

(c) PRIORITIZATION.—Projects recommended by the Secretary under subsection (a) shall be given equivalent budget consideration and priority as projects recommended solely by national economic development benefits.

(d) DISPOSITION.—

(1) IN GENERAL.—The Secretary may carry out any project identified in the study carried out pursuant to subsection (a) in accordance with the criteria for projects carried out under the authority of the Secretary under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(2) NON-FEDERAL INTERESTS.—In evaluating and implementing a project under this section, the Secretary shall allow a non-Federal interest to participate in the financing of a project in accordance with the criteria established for flood control projects under section 903(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4184).

(e) ANNUAL REPORT.—For a project that cannot be carried out under the authority specified in subsection (d), on a determination by the Secretary of the feasibility of the project under subsection (a), the Secretary may include a recommendation concerning the project in the annual report submitted to Congress under section 7001.

\* \* \* \* \*

**SEC. 2034. INDEPENDENT PEER REVIEW.**

(a) PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.—

(1) IN GENERAL.—Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

(2) SCOPE.—The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

(3) PROJECT STUDIES SUBJECT TO PEER REVIEW.—

(A) MANDATORY.—A project study shall be subject to peer review under paragraph (1) if—

(i) the project has an estimated total cost of more than \$200,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6);

(ii) the Governor of an affected State requests a peer review by an independent panel of experts; or

(iii) the Chief of Engineers determines that the project study is controversial considering the factors set forth in paragraph (4).

(B) DISCRETIONARY.—

(i) AGENCY REQUEST.—A project study shall be considered by the Chief of Engineers for peer review under this section if the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts.

(ii) DEADLINE FOR DECISION.—A decision of the Chief of Engineers under this subparagraph whether to conduct a peer review shall be made within 21 days of the date of receipt of the request by the head of the Federal or State agency under clause (i).

(iii) REASONS FOR NOT CONDUCTING PEER REVIEW.—If the Chief of Engineers decides not to conduct a peer review following a request under clause (i), the Chief shall make publicly available, including on the Internet, the reasons for not conducting the peer review.

(iv) APPEAL TO CHAIRMAN OF COUNCIL ON ENVIRONMENTAL QUALITY.—A decision by the Chief of Engineers not to conduct a peer review following a request under clause (i) shall be subject to appeal by a person referred to in clause (i) to the Chairman of the Council on Environmental Quality if such appeal is made within the 30-day period following the date of the decision being made available under clause (iii). A decision of the Chairman on an appeal under this clause shall be made within 30 days of the date of the appeal.

(4) FACTORS TO CONSIDER.—In determining whether a project study is controversial under paragraph (3)(A)(iii), the Chief of Engineers shall consider if—

(A) there is a significant public dispute as to the size, nature, or effects of the project; or

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(5) PROJECT STUDIES EXCLUDED FROM PEER REVIEW.—The Chief of Engineers may exclude a project study from peer review under paragraph (1)—

(A) if the project study does not include an environmental impact statement and is a project study subject to peer review under paragraph (3)(A)(i) that the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the critical habitat of such species designated under such Act;

(B) if the project study—

(i) involves only the rehabilitation or replacement of existing hydropower turbines, lock structures, or flood control gates within the same footprint and for the same purpose as an existing water resources project;

(ii) is for an activity for which there is ample experience within the Corps of Engineers and industry to treat the activity as being routine; and

(iii) has minimal life safety risk; or

(C) if the project study does not include an environmental impact statement and is a project study pursued under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g), section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), section 3 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (33 U.S.C. 603a), section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), or section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(6) DETERMINATION OF TOTAL COST.—For purposes of determining the estimated total cost of a project under paragraph

(3)(A), the total cost shall be based upon the reasonable estimates of the Chief of Engineers at the completion of the reconnaissance study for the project. If the reasonable estimate of total costs is subsequently determined to be in excess of the amount in paragraph (3)(A), the Chief of Engineers shall make a determination whether a project study is required to be reviewed under this section.

(b) TIMING OF PEER REVIEW.—

(1) IN GENERAL.—The Chief of Engineers shall determine the timing of a peer review of a project study under subsection (a). In all cases, the peer review shall occur during the period beginning on the date of the signing of the feasibility cost-sharing agreement for the study and ending on the date established under subsection (e)(1)(A) for the peer review and shall be accomplished concurrent with the conducting of the project study.

(2) FACTORS TO CONSIDER.—In any case in which the Chief of Engineers has not initiated a peer review of a project study, the Chief of Engineers shall consider, at a minimum, whether to initiate a peer review at the time that—

(A) the without-project conditions are identified;

(B) the array of alternatives to be considered are identified; and

(C) the preferred alternative is identified.

(3) REASONS FOR TIMING.—If the Chief of Engineers does not initiate a peer review for a project study at a time described in paragraph (2), the Chief shall—

(A) not later than 7 days after the date on which the Chief of Engineers determines not to initiate a peer review—

(i) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of that decision; and

(ii) make publicly available, including on the Internet, the reasons for not conducting the review; and

(B) include the reasons for not conducting the review in the decision document for the project study.

(4) LIMITATION ON MULTIPLE PEER REVIEW.—Nothing in this subsection shall be construed to require the Chief of Engineers to conduct multiple peer reviews for a project study.

(c) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—For each project study subject to peer review under subsection (a), as soon as practicable after the Chief of Engineers determines that a project study will be subject to peer review, the Chief of Engineers shall contract with the National Academy of Sciences or a similar independent scientific and technical advisory organization or an eligible organization to establish a panel of experts to conduct a peer review for the project study.

(2) MEMBERSHIP.—A panel of experts established for a project study under this section shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted.

(3) LIMITATION ON APPOINTMENTS.—The National Academy of Sciences or any other organization the Chief of Engineers con-



tracts with under paragraph (1) to establish a panel of experts shall apply the National Academy of Science's policy for selecting committee members to ensure that members selected for the panel of experts have no conflict with the project being reviewed.

(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Following the identification of a project study for peer review under this section, but prior to initiation of the review by the panel of experts, the Chief of Engineers shall, not later than 7 days after the date on which the Chief of Engineers determines to conduct a review—

(A) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review conducted under this section; and

(B) make publicly available, including on the Internet, information on—

(i) the dates scheduled for beginning and ending the review;

(ii) the entity that has the contract for the review; and

(iii) the names and qualifications of the panel of experts.

(d) DUTIES OF PANELS.—A panel of experts established for a peer review for a project study under this section shall—

(1) conduct the peer review for the project study;

(2) **assess the adequacy and acceptability of the economic** *assess the adequacy and acceptability of—*

(A) *the economic, engineering, and environmental methods, models, and analyses used by the Chief of Engineers; and*

(B) *the consideration of nonstructural alternatives under section 73(a) of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11(a)) for projects for flood risk management;*

(3) receive from the Chief of Engineers the public written and oral comments provided to the Chief of Engineers;

(4) provide timely written and oral comments to the Chief of Engineers throughout the development of the project study, as requested; and

(5) submit to the Chief of Engineers a final report containing the panel's economic, engineering, and environmental analysis of the project study, including the panel's assessment of the adequacy and acceptability of the economic, engineering, and environmental methods, models, and analyses used by the Chief of Engineers, to accompany the publication of the report of the Chief of Engineers for the project.

(e) DURATION OF PROJECT STUDY PEER REVIEWS.—

(1) DEADLINE.—A panel of experts established under this section shall—

(A) complete its peer review under this section for a project study and submit a report to the Chief of Engineers under subsection (d)(5) not more than 60 days after the last day of the public comment period for the draft project study, or, if the Chief of Engineers determines that a

longer period of time is necessary, such period of time determined necessary by the Chief of Engineers; and

(B) terminate on the date of initiation of the State and agency review required by the first section of the Flood Control Act of December 22, 1944 (58 Stat. 887).

(2) FAILURE TO MEET DEADLINE.—If a panel of experts does not complete its peer review of a project study under this section and submit a report to the Chief of Engineers under subsection (d)(5) on or before the deadline established by paragraph (1) for the peer review, the Chief of Engineers shall complete the project study without delay.

(f) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY THE CHIEF OF ENGINEERS.—After receiving a report on a project study from a panel of experts under this section and before entering a final record of decision for the project, the Chief of Engineers shall consider any recommendations contained in the report and prepare a written response for any recommendations adopted or not adopted.

(2) PUBLIC AVAILABILITY AND SUBMISSION TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall make available to the public, including on the Internet, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) a copy of the report not later than 7 days after the date on which the report is delivered to the Chief of Engineers; and

(B) a copy of any written response of the Chief of Engineers on recommendations contained in the report not later than 3 days after the date on which the response is delivered to the Chief of Engineers.

(3) INCLUSION IN PROJECT STUDY.—A report on a project study from a panel of experts under this section and the written response of the Chief of Engineers shall be included in the final decision document for the project study.

(g) COSTS.—

(1) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(A) shall be a Federal expense; and

(B) shall not exceed \$500,000.

(2) WAIVER.—The Chief of Engineers may waive the \$500,000 limitation contained in paragraph (1)(B) in cases that the Chief of Engineers determines appropriate.

[(h) APPLICABILITY.—This section shall apply to—

[(1) project studies initiated during the 2-year period preceding the date of enactment of this Act and for which the array of alternatives to be considered has not been identified; and

[(2) project studies initiated during the period beginning on such date of enactment and ending 17 years after such date of enactment.]

[(i)] (h) REPORTS.—

(1) INITIAL REPORT.—Not later than 3 years after the date of enactment of this section, the Chief of Engineers shall submit

to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section.

(2) **ADDITIONAL REPORT.**—Not later than 6 years after the date of enactment of this section, the Chief of Engineers shall update the report under paragraph (1) taking into account any further information on implementation of this section and submit such updated report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

[(j)] (i) **NONAPPLICABILITY OF CHAPTER 10 OF TITLE 5, UNITED STATES CODE.**—Chapter 10 of title 5, United States Code, shall not apply to a peer review panel established under this section.

[(k)] (j) **SAVINGS CLAUSE.**—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on the date of enactment of this section.

[(l)] (k) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **PROJECT STUDY.**—The term “project study” means—

(A) a feasibility study or reevaluation study for a water resources project, including the environmental impact statement prepared for the study; and

(B) any other study associated with a modification of a water resources project that includes an environmental impact statement, including the environmental impact statement prepared for the study.

(2) **AFFECTED STATE.**—The term “affected State”, as used with respect to a water resources project, means a State all or a portion of which is within the drainage basin in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

(3) **ELIGIBLE ORGANIZATION.**—The term “eligible organization” means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

(4) **TOTAL COST.**—The term “total cost”, as used with respect to a water resources project, means the cost of construction (including planning and designing) of the project. In the case of a project for hurricane and storm damage reduction or flood damage reduction that includes periodic nourishment over the life of the project, the term includes the total cost of the nourishment.

\* \* \* \* \*

**SEC. 2040. ELECTRONIC SUBMISSION AND TRACKING OF [PERMIT APPLICATIONS] PERMIT APPLICATIONS AND OTHER DOCUMENTS.**

(a) **[DEVELOPMENT OF ELECTRONIC] ELECTRONIC SYSTEM.—**

**[(1) IN GENERAL.—**The Secretary shall research, develop, and implement an electronic system to allow the electronic preparation and submission of applications for permits and requests for jurisdictional determinations under the jurisdiction of the Secretary.**]**

*(1) IN GENERAL.—The Secretary shall implement an electronic system to allow the electronic—*

*(A) preparation and submission of applications for permits and requests for jurisdictional determinations under the jurisdiction of the Secretary; and*

*(B) tracking of documents related to Federal environmental reviews for projects under the jurisdiction of the Secretary or for which the Corps of Engineers is designated as the lead Federal agency.*

**(2) INCLUSION.—**The electronic system required under paragraph (1) shall address—

**(A)** applications for standard individual permits;

**(B)** applications for letters of permission;

**(C)** joint applications with States for State and Federal permits;

**(D)** applications for emergency permits;

**(E)** applications or requests for jurisdictional determinations**;** and**;**

**(F)** preconstruction notification submissions, when required for a nationwide or other general permit**;** and

*(G) documents related to Federal environmental reviews for projects under the jurisdiction of the Secretary or for which the Corps of Engineers is designated as the lead Federal agency.*

**(3) IMPROVING EXISTING DATA SYSTEMS.—**The Secretary shall seek to incorporate the electronic system required under paragraph (1) into existing systems and databases of the Corps of Engineers to the maximum extent practicable.

**(4) PROTECTION OF INFORMATION.—**The electronic system required under paragraph (1) shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is otherwise prohibited by law.

*(5) COORDINATION WITH OTHER AGENCIES.—To the maximum extent practicable, the Secretary shall use the electronic system required under paragraph (1) to enhance interagency coordination in the preparation of documents related to Federal environmental reviews.*

(b) **SYSTEM REQUIREMENTS.—**The electronic system required under subsection (a) shall—

**(1)** enable an applicant or requester to prepare electronically an application for a permit or request;

**(2)** enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, the completed application form or request;

**(3)** enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, data and

other information in support of the permit application or request;

(4) provide an online interactive guide to provide assistance to an applicant or requester at any time while filling out the permit application or request~~;~~ and~~;~~

(5) enable an applicant or requester (or a designated agent) to track the status of a permit application or request in a manner that will—

(A) allow the applicant or requester to determine whether the application is pending or final and the disposition of the request;

(B) allow the applicant or requester to research previously submitted permit applications and requests within a given geographic area and the results of such applications or requests; and

(C) allow identification and display of the location of the activities subject to a permit or request through a map-based interface~~;~~ and

(6) *enable a non-Federal interest for a project to—*

*(A) submit information related to the preparation of any Federal environmental review document associated with the project; and*

*(B) track the status of a Federal environmental review associated with the project.*

(c) DOCUMENTATION.—All permit decisions and jurisdictional determinations made by the Secretary shall be in writing and include documentation supporting the basis for the decision or determination. The Secretary shall prescribe means for documenting all decisions or determinations to be made by the Secretary.

(d) ~~RECORD OF DETERMINATIONS~~ *RECORD RETENTION.*—

(1) IN GENERAL.—The Secretary shall maintain, for a minimum of 5 years, a record of each permit decision and jurisdictional determination made by the Secretary, including documentation supporting the basis of the decision or determination, *and all Federal environmental review documents included in the electronic system.*

(2) ARCHIVING OF INFORMATION.—The Secretary shall explore and implement an appropriate mechanism for archiving records of permit decisions and jurisdictional determinations, including documentation supporting the basis of the decisions and determinations, *and all Federal environmental review documents included in the electronic system, after the 5-year maintenance period described in paragraph (1).*

(e) AVAILABILITY OF ~~DETERMINATIONS~~ *RECORDS.*—

(1) IN GENERAL.—The Secretary shall make the records of all permit decisions and jurisdictional determinations made by the Secretary, *and all final Federal environmental review documents included in the electronic system, available to the public for review and reproduction.*

(2) PROTECTION OF INFORMATION.—The Secretary shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is prohibited by law, which may be excluded from disclosure.

(f) DEADLINE FOR ELECTRONIC SYSTEM IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall develop and implement, to the maximum extent practicable, the electronic system required under subsection (a) not later than **【2 years after the date of enactment of the Water Resources Development Act of 2022】** *1 year after the date of enactment of the Water Resources Development Act of 2024.*

(2) UPDATE ON ELECTRONIC SYSTEM IMPLEMENTATION.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a quarterly update describing the status of the implementation of this section.

(g) APPLICABILITY.—The requirements described in subsections (c), (d), and (e) shall apply to permit applications and requests for jurisdictional determinations submitted to the Secretary after the date of enactment of the Water Resources Development Act of 2016, *and the requirements described in subsections (d) and (e) relating to Federal environmental documents shall apply with respect to Federal environmental review documents that are prepared after the date of enactment of the Water Resources Development Act of 2024.*

(h) LIMITATION.—This section shall not preclude the submission to the Secretary, acting through the Chief of Engineers, of a physical copy of a permit application or a request for a jurisdictional determination.

(i) CONSISTENCY WITH E-NEPA.—*In carrying out this section, the Secretary shall take into consideration the results of the permitting portal study conducted pursuant to the amendment made by section 321(b) of the Fiscal Responsibility Act of 2023 (137 Stat. 44).*

\* \* \* \* \*

**TITLE V—MISCELLANEOUS**

\* \* \* \* \*

**SEC. 5082. EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION, LOUISIANA.**

(a) EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION DEFINED.—In this section, the term “East Atchafalaya Basin and Amite River Basin Region” means the following parishes and municipalities in the State of Louisiana: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, and West Feliciana.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the East Atchafalaya Basin and Amite River Basin Region.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the East Atchafalaya Basin and Amite River Basin Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement of a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—In accordance with 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.

(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **【\$40,000,000】** \$45,000,000.

\* \* \* \* \*

**SEC. 5085. SOUTHEAST LOUISIANA REGION, LOUISIANA.**

(a) DEFINITION OF SOUTHEAST LOUISIANA REGION.—In this section, the term “Southeast Louisiana Region” means any of the following parishes and municipalities in the State of Louisiana:

- (1) Orleans.
- (2) Jefferson.
- (3) St. Tammany.
- (4) Tangipahoa.
- (5) St. Bernard.
- (6) St. Charles.
- (7) St. John.
- (8) Plaquemines.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Southeast Louisiana Region.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Southeast Louisiana Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development (including projects to improve water quality in the Lake Pontchartrain basin).

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—



(A) IN GENERAL.—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—In accordance with 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.

(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[\$17,000,000]** **\$22,000,000**.

\* \* \* \* \*

**SEC. 5113. NORTH CAROLINA.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of North Carolina.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for environmental infrastructure and resource protection and development projects in North Carolina, including projects for—

- (1) wastewater treatment and related facilities;
  - (2) combined sewer overflow, water supply, storage, treatment, and related facilities;
  - (3) drinking water infrastructure including treatment and related facilities;
  - (4) environmental restoration;
  - (5) stormwater infrastructure; and
  - (6) surface water resource protection and development.
- (c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.
- (d) PARTNERSHIP AGREEMENTS.—
- (1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.
  - (2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:
    - (A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.
    - (B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.
- (3) COST SHARING.—
- (A) IN GENERAL.—The Federal share of the cost of a project under this section—
    - (i) shall be 75 percent; and
    - (ii) may be provided in the form of grants or reimbursements of project costs.
  - (B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project, in an amount not to exceed 6 percent of the total construction costs of the project, the cost of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.
  - (C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.
  - (D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land).
  - (E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects con-

structed with assistance provided under this section shall be 100 percent.

(e) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section ~~【\$13,000,000】~~ *\$50,000,000*.

\* \* \* \* \*

**SEC. 5138. TEXAS.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of Texas.

(b) **FORM OF ASSISTANCE.**—Assistance provided under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment, and related facilities, water quality protection, wastewater treatment, and related facilities, environmental restoration, and surface water resource protection, and development.

(c) **OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) **PARTNERSHIP AGREEMENTS.**—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest.

(e) **COST SHARING.**—

(1) **IN GENERAL.**—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(2) **IN-KIND SERVICES.**—The non-Federal share may be provided in the form of materials and in-kind services, including planning, design, construction, and management services, as the Secretary determines to be compatible with, and necessary for, the project.

(3) **CREDIT FOR WORK.**—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design work and construction carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(4) **CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs.

(5) **OPERATION AND MAINTENANCE.**—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) **NONPROFIT ENTITIES.**—In this section, the term non-Federal interest has the meaning given such term in section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)).

(h) **CORPS OF ENGINEERS EXPENSES.**—Not more than 10 percent of the amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section **[\$80,000,000]** **\$200,000,000.**

\* \* \* \* \*

**SEC. 5140. DALLAS COUNTY REGION, TEXAS.**

(a) **DALLAS COUNTY REGION DEFINED.**—In this section, the term “Dallas County region” means the city of Dallas, and the municipalities of DeSoto, Duncanville, Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill, Glenn Heights, and Ferris, Texas.

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Dallas County region.

(c) **FORM OF ASSISTANCE.**—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Dallas County region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) **OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) **PARTNERSHIP AGREEMENTS.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) **REQUIREMENTS.**—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—In accordance with 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.

(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[\$40,000,000]** *\$100,000,000*.

\* \* \* \* \*

## TITLE IX—NATIONAL LEVEE SAFETY PROGRAM

\* \* \* \* \*

### [(SEC. 9003. COMMITTEE ON LEVEE SAFETY.

[(a) ESTABLISHMENT.—There is established a committee to be known as the “Committee on Levee Safety”.

[(b) MEMBERSHIP.—The committee shall be composed of 16 members as follows:

[(1) NONVOTING MEMBERS.—The following 2 nonvoting members:

[(A) The Secretary (or a designee of the Secretary).

[(B) The Administrator (or a designee of the Administrator).

[(2) The following 14 voting members appointed by the Secretary:

[(A) Eight representatives of State levee safety agencies, one from each of the eight civil works divisions of the Corps of Engineers.

[(B) Two representatives of the private sector who have expertise in levee safety.

[(C) Two representatives of local and regional governmental agencies who have expertise in levee safety.

[(D) Two representatives of Indian tribes who have expertise in levee safety.

[(c) ADMINISTRATION.—

[(1) TERMS OF VOTING MEMBERS.—

[(A) IN GENERAL.—A voting member of the committee shall be appointed for a term of 3 years, except that, of the members first appointed—

[(i) 5 shall be appointed for a term of 1 year;

[(ii) 5 shall be appointed for a term of 2 years; and

[(iii) 4 shall be appointed for a term of 3 years.

[(B) REAPPOINTMENT.—A voting member of the committee may be reappointed to the committee, as the Secretary determines to be appropriate.

[(C) VACANCIES.—A vacancy on the committee shall be filled in the same manner as the original appointment was made.

[(2) CHAIRPERSON.—

[(A) IN GENERAL.—The voting members of the committee shall appoint a chairperson from among the voting members of the committee.

[(B) TERM.—The chairperson shall serve a term of not more than 2 years.

[(d) STANDING COMMITTEES.—

[(1) IN GENERAL.—The committee may establish standing committees comprised of volunteers from all levels of government and the private sector, to advise the committee regarding specific levee safety issues, including participating programs, technical issues, public education and awareness, and safety and the environment.

[(2) MEMBERSHIP.—The committee shall recommend to the Secretary for approval individuals for membership on the standing committees.

[(e) DUTIES AND POWERS.—The committee—

[(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the levee safety initiative in accordance with section 9006; and

[(2) may secure from other Federal agencies such services, and enter into such contracts, as the committee determines to be necessary to carry out this subsection.

[(f) TASK FORCE COORDINATION.—The committee shall, to the maximum extent practicable, coordinate the activities of the com-

mittee with the Federal Interagency Floodplain Management Task Force.

[(g) COMPENSATION.—

[(1) FEDERAL EMPLOYEES.—Each member of the committee who is an officer or employee of the United States—

[(A) shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States; but

[(B) shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

[(2) NON-FEDERAL EMPLOYEES.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the committee who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the committee.

[(3) STANDING COMMITTEE MEMBERS.—Each member of a standing committee shall serve in a voluntary capacity.

[(h) APPLICABILITY OF CHAPTER 10 OF TITLE 5, UNITED STATES CODE.—Chapter 10 of title 5, United States Code, shall not apply to the committee.]

**SEC. 9003. LEVEE OWNERS BOARD.**

(a) *ESTABLISHMENT OF OWNERS BOARD.*—*There is hereby established a Levee Owners Board (hereinafter in this section referred to as the "Owners Board") composed of the eleven members appointed by the Secretary. The members shall be appointed so as to represent various regions of the country, including at least one Federal levee system owner-operator from each of the eight civil works divisions of the U.S. Army Corps of Engineers. The Secretary of the Army shall designate, and the Administrator of FEMA may designate, a representative to act as an observer of the Owners Board.*

(1) *TERMS OF MEMBERS.*—

(A) *IN GENERAL.*—*A member of the Owners Board shall be appointed for a period of 3 years.*

(B) *REAPPOINTMENT.*—*A member of the Owners Board may be reappointed to the Owners Board, as the Secretary determines to be appropriate.*

(C) *VACANCIES.*—*A vacancy on the Owners Board shall be filled in the same manner as the original appointment was made.*

(2) *CHAIRPERSON.*—

(A) *IN GENERAL.*—*The members of the Owners Board shall appoint a chairperson from among the members of the Owners Board.*

(b) *DUTIES OF THE OWNERS BOARD.*—

(1) *IN GENERAL.*—*The Owners Board shall meet not less frequently than semiannually to develop and make recommenda-*

tions to the Secretary and Congress regarding levee system reliability throughout the United States.

(2) *ADVICE AND RECOMMENDATIONS.*—The Owners Board shall provide—

(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding overall levee system reliability;

(B) advice and recommendations to Congress regarding any feasibility report for a flood risk management project that has been submitted to Congress;

(C) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding flood risk management project construction and rehabilitation priorities and corresponding spending levels;

(D) advice and recommendations to the Secretary and the Congress regarding effectiveness of the U.S. Army Corps of Engineers levee safety program, including comments and recommendations on the budgets and expenditures as described in subsection (c)(2); and

(E) advice and recommendations to the Secretary, the Congress, and the Administrator regarding effectiveness of the levee safety initiative established by section 9005, including comments and recommendations on the budgets and expenditures described in subsection (c)(2).

(3) *INDEPENDENT JUDGMENT.*—Any advice or recommendations made by the Owners Board shall reflect the independent judgment of the Owners Board.

(c) *DUTIES OF THE SECRETARY.*—The Secretary shall—

(1) designate an Executive Secretary who shall assist the Chairman in administering the Owners Board and ensuring that the Owners Board operates in accordance with chapter 10 of title 5, United States Code;

(2) provide to the Owners Board such detailed reports of Corps activities and expenditures related to flood risk management and levees, including for the Corps levee safety program and the levee safety initiative, not less frequently than semi-annually; and

(3) submit to the Owners Board a courtesy copy of any completed feasibility report for a flood risk management project submitted to Congress.

(d) *ADMINISTRATION.*—

(1) *IN GENERAL.*—The Owners Board shall be subject to chapter 10 of title 5, other than section 1013, and with the consent of the appropriate agency head, the Owners Board may use the facilities and services of any Federal agency.

(2) *MEMBERS NOT CONSIDERED SPECIAL GOVERNMENT EMPLOYEES.*—For the purposes of complying with chapter 10 of title 5, United States Code, the members of the Owners Board shall not be considered special Government employees (as defined in section 202 of title 18, United States Code).

(3) *TRAVEL EXPENSE.*—Non-Federal members of the Owners Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed



*travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.*

\* \* \* \* \*

**SEC. 9005. LEVEE SAFETY INITIATIVE.**

(a) **ESTABLISHMENT.**—The Secretary, in consultation with the Administrator, shall carry out a levee safety initiative.

(b) **MANAGEMENT.**—The Secretary shall appoint—

- (1) an administrator of the levee safety initiative; and
- (2) such staff as are necessary to implement the initiative.

(c) **LEVEE SAFETY GUIDELINES.**—

(1) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, the Secretary, in consultation with the Administrator and in coordination with State, regional, local, and tribal governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—

(A) are available for common, uniform use by all Federal, State, regional, local, and tribal agencies;

(B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and

(C) provide for adaptation to local, regional, or watershed conditions.

(2) **REQUIREMENT.**—The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).

(3) **INCORPORATION.**—The guidelines shall address, to the maximum extent practicable—

(A) the activities and practices carried out by State, regional, local, and tribal governments and the private sector to safely build, regulate, operate, and maintain levees; and

(B) Federal activities that facilitate State, regional, or tribal efforts to develop and implement effective State, regional, or tribal programs for the safety of levees, including levee inspection, levee rehabilitation, locally developed floodplain management, and public education and training programs.

(4) **CONSIDERATION BY FEDERAL AGENCIES.**—To the maximum extent practicable, all Federal agencies shall consider the levee safety guidelines in carrying out activities relating to the management of levees.

(5) **PUBLIC COMMENT.**—Prior to finalizing the guidelines under this subsection, the Secretary shall—

(A) issue draft guidelines for public comment, including comment by States, regional districts, Indian tribes, non-Federal interests, and other appropriate stakeholders; and

(B) consider any comments received in the development of final guidelines.

(d) **HAZARD POTENTIAL CLASSIFICATION SYSTEM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a hazard potential classification system for use under the levee safety initiative and participating programs.

(2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.

(3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.

(e) TECHNICAL ASSISTANCE AND MATERIALS.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall provide technical assistance and training to promote levee safety and assist States, regional districts, Indian tribes, communities, and levee owners in—

(A) developing levee safety programs;

(B) identifying and reducing flood risks associated with levees;

(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and

(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

(2) ELIGIBILITY.—To be eligible to receive technical assistance under this subsection, a State shall—

(A) be in the process of establishing or have in effect a State levee safety program under which a State levee safety agency, in accordance with State law, carries out the guidelines established under subsection (c)(1); and

(B) allocate sufficient funds in the budget of that State to carry out that State levee safety program.

(3) WORK PLANS.—The Secretary shall enter into an agreement with each State receiving technical assistance under this subsection to develop a work plan necessary for the State levee safety program of that State to reach a level of program performance that meets the guidelines established under subsection (c)(1).

(f) PUBLIC EDUCATION AND AWARENESS.—

(1) IN GENERAL.—The Secretary, in coordination with the Administrator, shall carry out public education and awareness efforts relating to the levee safety initiative.

(2) CONTENTS.—In carrying out the efforts under paragraph (1), the Secretary and the Administrator shall—

(A) educate individuals living in leveed areas regarding the risks of living in those areas; and

(B) promote consistency in the transmission of information regarding levees among Federal agencies and regarding risk communication at the State and local levels.

(g) STATE, REGIONAL, AND TRIBAL LEVEE SAFETY PROGRAM.—

(1) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, in consultation with the Administrator, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State, regional, or tribal levee safety program as a participating program.

(B) GUIDELINE CONTENTS.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating State, regional district, and In-

dian tribe to certify to the Secretary that the State, regional district, or Indian tribe, as applicable—

- (i) has the authority to participate in the levee safety initiative;
- (ii) can receive funds under this title;
- (iii) has adopted any levee safety guidelines developed under this title;
- (iv) will carry out levee inspections;
- (v) will carry out, consistent with applicable requirements, flood risk management and any emergency action planning procedures the Secretary determines to be necessary relating to levees;
- (vi) will carry out public education and awareness activities consistent with the efforts carried out under subsection (f); and
- (vii) will collect and share information regarding the location and condition of levees, including for inclusion in the national levee database.

(C) PUBLIC COMMENT.—Prior to finalizing the guidelines under this paragraph, the Secretary shall—

- (i) issue draft guidelines for public comment; and
- (ii) consider any comments received in the development of final guidelines.

(2) ASSISTANCE TO STATES, REGIONAL DISTRICTS, AND INDIAN TRIBES.—

(A) ESTABLISHMENT.—The Administrator may provide assistance, subject to the availability of funding specified in appropriations Acts for Federal Emergency Management Agency activities pursuant to this title and subject to amounts available under subparagraph (E), to States, regional districts, and Indian tribes in establishing participating programs, conducting levee inventories, and improving levee safety programs in accordance with subparagraph (B).

(B) REQUIREMENTS.—To be eligible to receive assistance under this section, a State, regional district, or Indian tribe shall—

- (i) meet the requirements of a participating program established by the guidelines issued under paragraph (1);
- (ii) use not less than 25 percent of any amounts received to identify and assess non-Federal levees within the State or regional district or on land of the Indian tribe;
- (iii) submit to the Secretary and Administrator any information collected by the State, regional district, or Indian tribe in carrying out this subsection for inclusion in the national levee safety database; and
- (iv) identify actions to address hazard mitigation activities associated with levees and leveed areas identified in the hazard mitigation plan of the State approved by the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

## (C) MEASURES TO ASSESS EFFECTIVENESS.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall implement quantifiable performance measures and metrics to assess the effectiveness of the assistance provided in accordance with subparagraph (A).

(ii) CONSIDERATIONS.—In assessing the effectiveness of assistance under clause (i), the Administrator shall consider the degree to which the State, regional, or tribal program—

(I) ensures that human lives and property that are protected by new and existing levees are safe;

(II) encourages the use of appropriate engineering policies, procedures, and technical practices for levee site investigation, design, construction, operation and maintenance, inspection, assessment, and emergency preparedness;

(III) develops and supports public education and awareness projects to increase public acceptance and support of levee safety programs and provide information;

(IV) builds public awareness of the residual risks associated with living in levee protected areas; and

(V) develops technical assistance materials, seminars, and guidelines to improve the security of levees of the United States.

(D) MAINTENANCE OF EFFORT.—Technical assistance or grants may not be provided to a State under this subsection during a fiscal year unless the State enters into an agreement with the Administrator to ensure that the State will maintain during that fiscal year aggregate expenditures for programs to ensure levee safety that equal or exceed the average annual level of such expenditures for the State for the 2 fiscal years preceding that fiscal year.

## (E) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this subsection \$25,000,000 for each of fiscal years 2019 through [2028] 2033.

(ii) ALLOCATION.—For each fiscal year, amounts made available under this subparagraph shall be allocated among the States, regional districts, and Indian tribes as follows:

(I)  $\frac{1}{3}$  among States, regional districts, and Indian tribes that qualify for assistance under this subsection.

(II)  $\frac{2}{3}$  among States, regional districts, and Indian tribes that qualify for assistance under this subsection, to each such State, regional district, or Indian tribe in the proportion that—

(aa) the miles of levees in the State or regional district or on the land of the Indian

tribe that are listed on the inventory of levees; bears to

(bb) the miles of levees in all States and regional districts and on the land of all Indian tribes that are in the national levee database.

(iii) **MAXIMUM AMOUNT OF ALLOCATION.**—The amounts allocated to a State, regional district, or Indian tribe under this subparagraph shall not exceed 50 percent of the reasonable cost of implementing the State, regional, or tribal levee safety program.

(F) **PROHIBITION.**—No amounts made available to the Administrator under this title shall be used for levee construction, rehabilitation, repair, operations, or maintenance.

(h) **LEVEE REHABILITATION ASSISTANCE PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall provide assistance to States, regional districts, Indian tribes, and local governments relating to addressing flood mitigation and levee rehabilitation activities that result in an overall reduction in flood risk.

(2) **REQUIREMENTS.**—To be eligible to receive assistance under this subsection, a State, regional district, Indian tribe, or local government shall—

(A) participate in, and comply with, all applicable Federal floodplain management and flood insurance programs;

(B) have in place a hazard mitigation plan that—

(i) includes all levee risks; and

(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

(C) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(D) commit to provide normal operation and maintenance of the project for the 50 year-period following completion of rehabilitation; and

(E) comply with such minimum eligibility requirements as the Secretary, in consultation with the committee, may establish to ensure that each owner and operator of a levee under a participating State, regional, or tribal levee safety program—

(i) acts in accordance with the guidelines developed under subsection (c); and

(ii) carries out activities relating to the public in the leveed area in accordance with the hazard mitigation plan described in subparagraph (B).

(3) **FLOODPLAIN MANAGEMENT PLANS.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of execution of a project agreement for assistance under this subsection, a State, regional district, Indian tribe, or local government shall prepare a floodplain management plan in accordance with the guidelines under subparagraph (D) to reduce the impacts of future flood events in each applicable leveed area.

(B) **INCLUSIONS.**—A plan under subparagraph (A) shall address—

(i) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in each applicable leveed area;

(ii) plans for flood fighting and evacuation; and

(iii) public education and awareness of flood risks.

(C) IMPLEMENTATION.—Not later than 1 year after the date of completion of construction of the applicable project, a floodplain management plan prepared under subparagraph (A) shall be implemented.

(D) GUIDELINES.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary, in consultation with the Administrator, shall develop such guidelines for the preparation of floodplain management plans prepared under this paragraph as the Secretary determines to be appropriate.

(E) TECHNICAL SUPPORT.—The Secretary may provide technical support for the development and implementation of floodplain management plans prepared under this paragraph.

(4) USE OF FUNDS.—

(A) IN GENERAL.—Assistance provided under this subsection may be used—

(i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State, regional, or tribal levee safety program; and

(ii) only for a levee that is not federally operated and maintained.

(B) PROHIBITION.—Assistance provided under this subsection shall not be used—

(i) to perform routine operation or maintenance for a levee; or

(ii) to make any modification to a levee that does not result in an improvement to public safety.

(5) NO PROPRIETARY INTEREST.—A contract for assistance provided under this subsection shall not be considered to confer any proprietary interest on the United States.

(6) COST SHARE.—The maximum Federal share of the cost of any assistance provided under this subsection shall be 65 percent.

(7) PROJECT LIMIT.—The maximum amount of Federal assistance for a project under this subsection shall be \$25,000,000.

(8) LIMITATION.—A project shall not receive Federal assistance under this subsection more than 1 time.

(9) FEDERAL INTEREST.—For a project that is not a project eligible for rehabilitation assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), the Secretary shall determine that the proposed rehabilitation is in the Federal interest prior to providing assistance for such rehabilitation.

(10) OTHER LAWS.—Assistance provided under this subsection shall be subject to all applicable laws (including regulations) that apply to the construction of a civil works project of the Corps of Engineers.

(11) **PRIORITIZATION.**—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this subsection to economically disadvantaged communities (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note)), including economically disadvantaged communities located in urban and rural areas.

(i) **EFFECT OF SECTION.**—Nothing in this section—

(1) affects the requirement under section 100226(b)(2) of Public Law 112–141 (42 U.S.C. 4101 note; 126 Stat. 942); or

(2) confers any regulatory authority on—

(A) the Secretary; or

(B) the Administrator, including for the purpose of setting premium rates under the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

\* \* \* \* \*

**WATER RESOURCES REFORM AND DEVELOPMENT ACT  
OF 2014**

\* \* \* \* \*

**TITLE I—PROGRAM REFORMS AND  
STREAMLINING**

**SEC. 1001. VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.**

(a) **IN GENERAL.**—To the extent practicable, a feasibility study initiated by the Secretary, after the date of enactment of this Act, under section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)) shall—

(1) result in the completion of a final feasibility report not later than 3 years after the date [of initiation] *on which the Secretary determines the Federal interest for purposes of the report pursuant to section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b))*;

(2) have a maximum Federal [cost of \$3,000,000; and] *cost of—*

(A) \$3,000,000 for a project with an estimated construction cost of less than \$500,000,000; and

(B) \$5,000,000 for a project with an estimated construction cost of greater than or equal to \$500,000,000; and

(3) ensure that personnel from the district, division, and headquarters levels of the Corps of Engineers concurrently conduct the review required under that section.

(b) **EXTENSION.**—If the Secretary determines that a feasibility study described in subsection (a) will not be conducted in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall—

(1) prepare an updated feasibility study schedule and cost estimate;

(2) notify the non-Federal feasibility cost-sharing partner that the feasibility study has been delayed; and

(3) provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as to the reasons the requirements of subsection (a) are not attainable.

(c) EXCEPTION.—

(1) IN GENERAL.—The Secretary may extend the timeline of a study by a period not to exceed 3 years, if the Secretary determines that the feasibility study is too complex to comply with the requirements of subsection (a).

(2) FACTORS.—In making a determination that a study is too complex to comply with the requirements of subsection (a), the Secretary shall consider—

(A) the type, size, location, scope, and overall cost of the project;

(B) whether the project will use any innovative design or construction techniques;

(C) whether the project will require significant action by other Federal, State, or local agencies;

(D) whether there is significant public dispute as to the nature or effects of the project; and

(E) whether there is significant public dispute as to the economic or environmental costs or benefits of the project.

(3) NOTIFICATION.—Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as to the results of that determination, including an identification of the specific 1 or more factors used in making the determination that the project is complex.

(d) REVIEWS.—Not later than 90 days after the date of the initiation of a study described in subsection (a) for a project, the Secretary shall—

(1) take all steps necessary to initiate the process for completing federally mandated reviews that the Secretary is required to complete as part of the study, including the environmental review process under section 1005;

(2) convene a meeting of all Federal, tribal, and State agencies identified under section 2045(e) of the Water Resources Development Act of 2007 (33 U.S.C. 2348(e)) that may be required by law to conduct or issue a review, analysis, or opinion on or to make a determination concerning a permit or license for the study; and

(3) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

(e) INTERIM REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that describes—



(1) the status of the implementation of the planning process under this section, including the number of participating projects;

(2) a review of project delivery schedules, including a description of any delays on those studies participating in the planning process under this section; and

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process for water resource projects.

(f) FINAL REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that describes—

(1) the status of the implementation of this section, including a description of each feasibility study subject to the requirements of this section;

(2) the amount of time taken to complete each feasibility study; and

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process, including an analysis of whether the limitation established by subsection (a)(2) needs to be adjusted to address the impacts of inflation.

\* \* \* \* \*

**SEC. 1020. TRANSFER OF EXCESS CREDIT.**

(a) APPLICATION OF CREDIT.—

(1) IN GENERAL.—Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that are in excess of the required non-Federal cost share for a water resources development study or project toward the required non-Federal cost share for a different water resources development study or project.

(2) APPLICATION PRIOR TO COMPLETION OF PROJECT.—On request of a non-Federal interest, the credit described in paragraph (1) may be applied prior to completion of a study or project, if the credit amount is verified by the Secretary.

(3) STUDIES AND PROJECTS WITH MULTIPLE NON-FEDERAL INTERESTS.—A credit described in paragraph (1) for a study or project with multiple non-Federal interests may be applied to the required non-Federal cost share for a study or project of any such non-Federal interest, if each such non-Federal interest agrees in writing to such application.

(b) RESTRICTIONS.—

(1) IN GENERAL.—Except for subsection (a)(4)(D)(i) of that section, the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) (as amended by section 1018(a)) shall apply to any credit under this section.

(2) CONDITIONS.—Credit in excess of the non-Federal share for a study or project may be approved under this section only if—

(A) the non-Federal interest submits a comprehensive plan to the Secretary that identifies—

(i) the studies and projects for which the non-Federal interest intends to provide in-kind contributions for credit that are in excess of the non-Federal cost share for the study or project; and

(ii) the authorized studies and projects to which that excess credit would be applied;

(B) the Secretary approves the comprehensive plan; and

(C) the total amount of credit does not exceed the total non-Federal share for the studies and projects in the approved comprehensive plan.

(3) **CONDITIONAL APPROVAL OF EXCESS CREDIT.**—Notwithstanding paragraph (2)(A)(ii), the Secretary may approve credit in excess of the non-Federal share for a study or project prior to the identification of each authorized study or project to which the excess credit will be applied, subject to the condition that the non-Federal interest agrees to submit for approval by the Secretary an amendment to the comprehensive plan prepared under paragraph (2) that identifies each authorized study or project in advance of execution of the feasibility cost-sharing agreement or project partnership agreement for that authorized study or project.

(c) **ADDITIONAL CRITERIA.**—In evaluating a request to apply credit in excess of the non-Federal share for a study or project toward a different study or project, the Secretary shall consider whether applying that credit will—

(1) help to expedite the completion of a project or group of projects;

(2) reduce costs to the Federal Government; and

(3) aid the completion of a project that provides significant flood risk reduction or environmental benefits.

(d) **TERMINATION OF AUTHORITY.**—The authority provided in this section shall terminate on December 31, **[2028]** 2033.

(e) **REPORT.**—

(1) **DEADLINES.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and once every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available an interim report on the use of the authority under this section.

(B) **FINAL REPORT.**—Not later than December 31, **[2028]** 2033, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a final report on the use of the authority under this section.

(2) **INCLUSIONS.**—The reports described in paragraph (1) shall include—

(A) a description of the use of the authority under this section during the reporting period;

(B) an assessment of the impact of the authority under this section on the time required to complete projects; and

(C) an assessment of the impact of the authority under this section on other water resources projects.

\* \* \* \* \*

**SEC. 1033. CORROSION PREVENTION.**

(a) **IN GENERAL.**—To the greatest extent practicable, the Secretary shall encourage and incorporate corrosion prevention activities at water resources development projects.

(b) **ACTIVITIES.**—In carrying out subsection (a), the Secretary, to the greatest extent practicable, shall ensure that contractors performing work for water resources development projects—

(1) use best practices to carry out corrosion prevention activities in the field;

(2) use industry-recognized standards and corrosion mitigation and prevention methods when—

(A) determining protective coatings;

(B) selecting materials; and

(C) determining methods of cathodic protection, design, and engineering for corrosion prevention;

(3) use certified coating application specialists and cathodic protection technicians and engineers;

(4) use best practices in environmental protection to prevent environmental degradation and to ensure careful handling of all hazardous materials;

(5) demonstrate a history of employing industry-certified inspectors to ensure adherence to best practices and standards; and

(6) demonstrate a history of compliance with applicable requirements of the Occupational Safety and Health Administration.

(c) **CORROSION PREVENTION ACTIVITIES DEFINED.**—In this section, the term “corrosion prevention activities” means—

(1) the application and inspection of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;

(2) the installation, testing, and inspection of cathodic protection systems[; and];

(3) *the carrying out of an activity described in paragraph (1) or (2) through a program in corrosion prevention that is—*

(A) *offered or accredited by an organization that sets industry standards for corrosion mitigation and prevention;*  
or

(B) *an industrial coatings applicator program that is—*

(i) *an employment and training activity (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)); or*

(ii) *registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and*

[(3)] (4) any other activities related to corrosion prevention the Secretary determines appropriate.

(d) **REPORT.**—In the first annual report submitted to Congress after the date of enactment of this subsection in accordance with section 8 of the Act of August 11, 1888 (25 Stat. 424, chapter 860; 33 U.S.C. 556), and section 925(b) of the Water Resources Develop-

ment Act of 1986 (33 U.S.C. 2295(b)), the Secretary shall report on the corrosion prevention activities encouraged under this section, including—

- (1) a description of the actions the Secretary has taken to implement this section; and
- (2) a description of the projects utilizing corrosion prevention activities, including which activities were undertaken.

\* \* \* \* \*

**SEC. 1043. NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.**

(a) **NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out feasibility studies for flood risk management, hurricane and storm damage reduction, aquatic ecosystem restoration, and coastal harbor and channel and inland navigation.

(2) **PURPOSES.**—The purposes of the pilot program are—

(A) to identify project delivery and cost-saving alternatives to the existing feasibility study process;

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and

(C) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(3) **ADMINISTRATION.**—

(A) **IN GENERAL.**—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-Federal interest to provide full project management control of a feasibility study for a project for—

(i) flood risk management;

(ii) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;

(iii) coastal harbor and channel and inland navigation; and

(iv) aquatic ecosystem restoration.

(B) **USE OF NON-FEDERAL FUNDS.**—

(i) **IN GENERAL.**—A non-Federal interest that has entered into an agreement with the Secretary pursuant to subparagraph (A) may use non-Federal funds to carry out the feasibility study.

(ii) **CREDIT.**—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this subsection an amount equal to the portion of the cost of developing the study that would have been the responsibility of the Secretary, if the study were carried out by the Secretary, subject to the conditions that—

(I) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;

(II) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and

(III) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under subparagraph (A).

(C) TRANSFER OF FUNDS.—

(i) IN GENERAL.—After the date on which an agreement is executed pursuant to subparagraph (A), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—

(I) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(II) additional amounts, as determined by the Secretary, from amounts made available under paragraph (8), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.

(ii) ADMINISTRATION.—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under subparagraph (A) to ensure that a non-Federal interest receiving Federal funds under this paragraph—

(I) has the necessary qualifications to administer those funds; and

(II) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.

(D) NOTIFICATION.—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.

(E) AUDITING.—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to ensure that the use of any funds transferred under subparagraph (C) are used in compliance with the agreement signed under subparagraph (A).

(F) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.

(G) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under subparagraph (A), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.

(4) COST SHARE.—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this subsection.

(5) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report detailing the results of the pilot program carried out under this section, including—

(i) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to paragraph (3)(G); and

(ii) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(B) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

(C) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(6) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this subsection.

(7) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this subsection terminates on the date that is 5 years after the date of enactment of this Act.

(8) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, \$25,000,000 for each of fiscal years 2015 through 2019.

(b) NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and

project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects.

(2) PURPOSES.—The purposes of the pilot program are—

(A) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and

(C) to evaluate alternatives for the decentralization of the project management, design, and construction for authorized Corps of Engineers water resources projects.

(3) ADMINISTRATION.—

(A) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(i) identify a total of not more than 20 projects for flood risk management, hurricane and storm damage reduction (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channels, inland navigation, and aquatic ecosystem restoration that have been authorized for construction, including—

(I) not more than 12 projects that have been authorized for construction prior to the date of enactment of this Act and that—

(aa)(AA) have received Federal funds prior to the date of enactment of this Act; or

(BB) for more than 2 consecutive fiscal years, have an unobligated funding balance for that project in the Corps of Engineers construction account; and

(bb) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers;

(II) not more than 3 projects that have been authorized for construction prior to the date of enactment of this Act and that have not received Federal funds in the period beginning on the date on which the project was authorized and ending on the date of enactment of this Act; and

(III) not more than 5 projects that have been authorized for construction, but did not receive the authorization prior to the date of enactment of this Act;

(ii) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;

(iii) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, de-

sign, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;

(iv) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(v) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—

(I) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(II) additional amounts, as determined by the Secretary, from amounts made available under paragraph (8), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and

(vi) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

(B) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under subparagraph (A)(iv), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on estimated funding levels, that lists all deadlines for each milestone in the construction of the project.

(C) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with and compensates the Secretary for the technical assistance relating to—

(i) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this subsection; and

(ii) expeditiously obtaining any permits necessary for the project.

(4) COST SHARE.—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this subsection.

(5) REPORT.—



(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report detailing the results of the pilot program carried out under this subsection, including—

(i) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to paragraph (2)(B); and

(ii) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(B) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

(C) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(6) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this subsection.

(7) TERMINATION OF AUTHORITY.—The authority to commence a project under this subsection terminates on September 30, ~~2026~~ 2030.

(8) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, \$25,000,000 for each of fiscal years 2019 through ~~2026~~ 2030.

(9) IMPLEMENTATION GUIDANCE.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Secretary shall issue guidance for the implementation of the pilot program that, to the extent practicable, identifies—

(i) the metrics for measuring the success of the pilot program;

(ii) a process for identifying future projects to participate in the pilot program;

(iii) measures to address the risks of a non-Federal interest constructing projects under the pilot program, including which entity bears the risk for projects that fail to meet the Corps of Engineers standards for design or quality;

(iv) the laws and regulations that a non-Federal interest must follow in carrying out a project under the pilot program; and

(v) which entity bears the risk in the event that a project carried out under the pilot program fails to be carried out in accordance with the project authorization or this subsection.

(B) NEW PROJECT PARTNERSHIP AGREEMENTS.—The Secretary may not enter into a project partnership agreement under this subsection during the period beginning on the date of enactment of this paragraph and ending on the date on which the Secretary issues the guidance under subparagraph (A).

\* \* \* \* \*

### TITLE III—SAFETY IMPROVEMENTS AND ADDRESSING EXTREME WEATHER EVENTS

\* \* \* \* \*

#### Subtitle B—Levee Safety

##### [SEC. 3011. SYSTEMWIDE IMPROVEMENT FRAMEWORK.

[A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.]

\* \* \* \* \*

##### SEC. 3017. REHABILITATION OF EXISTING LEVEES.

(a) IN GENERAL.—The Secretary shall carry out measures that address consolidation, settlement, subsidence, sea level rise, and new datum to restore federally authorized hurricane and storm damage reduction projects that were constructed as of the date of enactment of this Act to the authorized levels of protection of the projects if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified.

(b) LIMITATION.—This section shall only apply to those projects for which the executed project partnership agreement provides that the non-Federal interest is not required to perform future measures to restore the project to the authorized level of protection of the project to account for subsidence and sea-level rise as part of the operation, maintenance, repair, replacement, and rehabilitation responsibilities.

(c) COST SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section

103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(2) CERTAIN ACTIVITIES.—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.

(d) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall include in the annual report developed under section 7001—

(1) any recommendations relating to the continued need for the authority provided under this section;

(2) a description of the measures carried out under this section;

(3) any lessons learned relating to the measures implemented under this section; and

(4) best practices for carrying out measures to restore hurricane and storm damage reduction projects.

(e) TERMINATION OF AUTHORITY.—The authority of the Secretary under this section terminates on December 31, [2028] 2033.

\* \* \* \* \*

---

#### ACT OF AUGUST 18, 1941

SEC. 5. (a)(1) That there is authorized an emergency fund to be expended in preparation for emergency response to any natural disaster, in flood fighting and rescue operations, or in the repair or restoration of any flood control work threatened or destroyed by flood, including the strengthening, raising, extending, realigning, or other modification thereof as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work for flood control and subject to the condition that the Chief of Engineers may include modifications to the structure or project, or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor; in the emergency protection of federally authorized hurricane or shore protection being threatened when in the discretion of the Chief of Engineers such protection is warranted to protect against imminent and substantial loss to life and property; in the repair and restoration of any federally authorized hurricane or shore protective structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the pre-storm level of protection, to the design level of protection, or, notwithstanding the authorized dimensions of the structure or project, to a level sufficient to meet the authorized purpose of such structure or project, whichever provides greater protection, when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, including to ensure the structure or project is functioning adequately to protect against projected changes in wave action or height or storm surge (including changes that result from relative sea level change over the useful life of the structure or project), subject to the condition that the Chief of Engineers may, if requested by the non-Federal sponsor, include modifications to the structure or project (including the addition of new

project features) to address major deficiencies, increase resilience, increase benefits from the reduction of damages from inundation, wave action, or erosion, or implement nonstructural alternatives to the repair or restoration of the structure. The emergency fund may also be expended for emergency dredging for restoration of authorized project depths for Federal navigable channels and waterways made necessary by flood, drought, earthquake, or other natural disasters. In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief and Emergency Assistance Act, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services. The Chief of Engineers, in the exercise of his discretion, is further authorized to provide emergency supplies of clean water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality. The appropriation of such moneys for the initial establishment of this fund and for its replenishment on an annual basis, is authorized: *Provided*, That pending the appropriation of sums to such emergency fund, the Secretary of the Army may allot, from existing flood-control appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made. The Chief of Engineers is authorized, in the prosecution of work in connection with rescue operations, or in conducting other flood emergency work, to acquire on a rental basis such motor vehicles, including passenger cars and buses, as in his discretion are deemed necessary.

(2) COST AND BENEFIT FEASIBILITY ASSESSMENT.—

(A) CONSIDERATION OF BENEFITS.—In preparing a cost and benefit feasibility assessment for any emergency project described in paragraph (1), the Chief of Engineers shall consider the benefits to be gained by such project for the protection of—

- (i) residential establishments;
- (ii) commercial establishments, including the protection of inventory; and
- (iii) agricultural establishments, including the protection of crops.

(B) SPECIAL CONDITIONS.—

(i) AUTHORITY TO CARRY OUT WORK.—The Chief of Engineers may carry out repair or restoration work described in paragraph (1) that does not produce benefits greater than the cost if—

- (I) the non-Federal sponsor agrees to pay, or provide contributions equal to, an amount suffi-

cient to make the remaining costs of the project equal to the estimated value of the benefits of the repair or restoration work; and

(II) the Secretary determines that—

(aa) the damage to the structure was not a result of negligent operation or maintenance; and

(bb) repair of the project could benefit another Corps project.

(ii) TREATMENT OF PAYMENTS AND CONTRIBUTIONS.—Non-Federal payments or contributions pursuant to clause (i) shall be in addition to any non-Federal payments or contributions required by the Chief of Engineers that are applicable to the remaining costs of the repair or restoration work.

(3) EXTENDED ASSISTANCE.—Upon request by a locality receiving assistance under the fourth sentence of paragraph (1), the Secretary shall, subject to the availability of appropriations, enter into an agreement with the locality to provide such assistance beyond the time period otherwise provided for by the Secretary under such sentence.

(4) NONSTRUCTURAL ALTERNATIVES DEFINED.—In this subsection, the term “nonstructural alternatives” includes efforts to restore or protect natural resources, including streams, rivers, floodplains, wetlands, or coasts, if those efforts will reduce flood risk.

(5) FEASIBILITY STUDY.—

(A) DETERMINATION.—Not later than 180 days after receiving, from a non-Federal sponsor of a project to repair or rehabilitate a flood control work described in paragraph (1), a request to initiate a feasibility study to further modify the relevant flood control work to provide for an increased level of protection, the Secretary shall provide to the non-Federal sponsor a written decision on whether the Secretary has the authority under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) to undertake the requested feasibility study.

(B) RECOMMENDATION.—If the Secretary determines under subparagraph (B) that the Secretary does not have the authority to undertake the requested feasibility study, the Secretary shall include the request for a feasibility study in the annual report submitted under section 7001 of the Water Resources Reform and Development Act of 2014.

(b)(1) The Secretary, upon a written request for assistance under this paragraph made by any farmer, rancher, or political subdivision within a distressed area, and after a determination by the Secretary that (A) as a result of the drought such farmer, rancher, or political subdivision has an inadequate supply of water, (B) an adequate supply of water can be made available to such farmer, rancher, or political subdivision through the construction of a well, and (C) as a result of the drought such well could not be constructed by a private business, the Secretary, subject to paragraph (3) of this subsection, may enter into an agreement with such farmer, rancher, or political subdivision for the construction of such well.

(2) The Secretary, upon a written request for assistance under this paragraph made by any farmer, rancher, or political subdivision within a distressed area, and after a determination by the Secretary that as a result of the drought such farmer, rancher, or political subdivision has an inadequate supply of water and water cannot be obtained by such farmer, rancher, or political subdivision, the Secretary may transport water to such farmer, rancher, or political subdivision by methods which include, but are not limited to, small-diameter emergency water lines and tank trucks, until such time as the Secretary determines that an adequate supply of water is available to such farmer, rancher, or political subdivision.

(3)(A) Any agreement entered into by the Secretary pursuant to paragraph (1) of this subsection shall require the farmer, rancher, or political subdivision for whom the well is constructed to pay to the United States the reasonable cost of such construction, with interest, over such number of years, not to exceed thirty, as the Secretary deems appropriate. The rate of interest shall be that rate which the Secretary determines would apply if the amount to be repaid was a loan made pursuant to section 7(b)(2) of the Small Business Act.

(B) The Secretary shall not construct any well pursuant to this subsection unless the farmer, rancher, or political subdivision for whom the well is being constructed has obtained, prior to construction, all necessary State and local permits.

(4) The Federal share for the transportation of water pursuant to paragraph (2) of this subsection shall be 100 per centum.

(5) For purposes of this subsection—

(A) the term “construction” includes construction, reconstruction, or repair;

(B) the term “distressed area” means an area which the Secretary determines due to drought conditions has an inadequate water supply which is causing, or is likely to cause, a substantial threat to the health and welfare of the inhabitants of the area including threat of damage or loss of property;

(C) the term “political subdivision” means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over the water supply of such public body;

(D) the term “reasonable cost” means the lesser of (i) the cost to the Secretary of constructing a well pursuant to this subsection exclusive of the cost of transporting equipment used in the construction of wells, or (ii) the cost to a private business of constructing such well;

(E) the term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers; and

(F) the term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) ELIGIBILITY.—

(1) LEVEE OWNER’S MANUAL.—Not later than 1 year after the date of the enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary of the Army shall prepare a manual describing the maintenance and

upkeep responsibilities that the Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

**[(2) COMPLIANCE.—**

**[(A) IN GENERAL.—**Notwithstanding the status of compliance of a non-Federal interest with the requirements of a levee owner's manual described in paragraph (1), or with any other eligibility requirement established by the Secretary related to the maintenance and upkeep responsibilities of the non-Federal interest, the Secretary shall consider the non-Federal interest to be eligible for repair and rehabilitation assistance under this section if the non-Federal interest—

**[(i)** enters into a written agreement with the Secretary that identifies any items of deferred or inadequate maintenance and upkeep identified by the Secretary prior to the natural disaster; and

**[(ii)** pays, during performance of the repair and rehabilitation work, all costs to address—

**[(I)** any items of deferred or inadequate maintenance and upkeep identified by the Secretary; and

**[(II)** any repair or rehabilitation work necessary to address damage the Secretary attributes to such deferred or inadequate maintenance or upkeep.

**[(B) ELIGIBILITY.—**The Secretary may only enter into one agreement under subparagraph (A) with any non-Federal interest.

**[(C) SUNSET.—**The authority of the Secretary to enter into agreements under paragraph (2) shall terminate on the date that is 5 years after the date of enactment of this paragraph.]

**(2) SYSTEMWIDE IMPROVEMENT PLAN.—**

*(A) IN GENERAL.—Notwithstanding the status of compliance of a non-Federal interest with the requirements of a levee owner's manual, or any other eligibility requirement established by the Secretary related to the maintenance and upkeep responsibilities of the non-Federal interest, the Secretary shall consider the non-Federal interest to be eligible for repair and rehabilitation assistance under this section if—*

*(i) in coordination with the Secretary, the non-Federal interest develops a systemwide improvement plan that—*

*(I) identifies any items of deferred or inadequate maintenance and upkeep, including any such items identified by the Secretary or through periodic inspection of the flood control work;*

*(II) identifies any additional measures, including repair and rehabilitation work, that the Secretary determines necessary to ensure that the*

*flood control work performs as designed and intended; and*

*(III) includes specific timelines for addressing such items and measures; and*

*(ii) the Secretary—*

*(I) determines that the systemwide improvement plan meets the requirements of clause (i); and*

*(II) determines that the non-Federal interest makes satisfactory progress in meeting the timelines described in clause (i)(III).*

**(B) GRANDFATHERED ENCROACHMENTS.**—*At the request of the non-Federal interest, the Secretary—*

*(i) shall review documentation developed by the non-Federal interest showing a covered encroachment does not negatively impact the integrity of the flood control work;*

*(ii) shall make a written determination with respect to whether removal or modification of such covered encroachment is necessary to ensure the encroachment does not negatively impact the integrity of the flood control work; and*

*(iii) may not determine that a covered encroachment is a deficiency requiring corrective action unless such action is necessary to ensure the encroachment does not negatively impact the integrity of the flood control work.*

**(3) AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$1,000,000 to carry out paragraph (1).

**(4) DEFINITIONS.**—In this subsection, the following definitions apply:

**(A) MAINTENANCE AND UPKEEP.**—The term “maintenance and upkeep” means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

**(B) REPAIR AND REHABILITATION.**—The term “repair and rehabilitation”—

*(i) means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; but*

*(ii) does not include—*

*(I) any improvement to the structure; or*

*(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.*

**(C) COVERED ENCROACHMENT.**—*The term “covered encroachment” means a permanent non-project structure that—*

*(i) is located inside the boundaries of a flood control work;*

*(ii) is depicted on construction drawings or operation and maintenance plans for the flood control work that are signed by an engineer of record; and*



(iii) is determined, by the Secretary, to be an encroachment of such flood control work.

(d) INCREASED LEVEL OF PROTECTION.—In conducting repair or restoration work under subsection (a), at the request of the non-Federal sponsor, the Chief of Engineers may increase the level of protection above the level to which the system was designed, or, if the repair or restoration includes repair or restoration of a pumping station, increase the capacity of a pump, if—

(1) the Chief of Engineers determines the improvements are in the public interest, including consideration of whether—

(A) the authority under this section has been used more than once at the same location;

(B) there is an opportunity to decrease significantly the risk of loss of life and property damage; or

(C) there is an opportunity to decrease total life cycle rehabilitation costs for the project; and

(2) the non-Federal sponsor agrees to pay the difference between the cost of repair or restoration to the original design level or original capacity and the cost of achieving the higher level of protection or capacity sought by the non-Federal sponsor.

(e) NOTICE.—The Secretary shall notify and consult with the non-Federal sponsor regarding the opportunity to request implementation of nonstructural alternatives to the repair or restoration of a flood control work under subsection (a).

\* \* \* \* \*

## WATER RESOURCES DEVELOPMENT ACT OF 2022

### TITLE LXXXI—WATER RESOURCES DEVELOPMENT ACT OF 2022

\* \* \* \* \*

#### Subtitle A—General Provisions

##### SEC. 8101. FEDERAL BREAKWATERS AND JETTIES.

(a) IN GENERAL.—In carrying out repair or maintenance activity of a Federal jetty, *pile dike*, or breakwater associated with an authorized navigation project, the Secretary shall, notwithstanding the authorized dimensions of the jetty, *pile dike*, or breakwater, ensure that such repair or maintenance activity is sufficient to meet the authorized purpose of such project, including ensuring that any harbor or inland harbor associated with the project is protected from projected changes in wave action or height (including changes that result from relative sea level change over the useful life of the project).

(b) CLASSIFICATION OF ACTIVITY.—The Secretary may not classify any repair or maintenance activity of a Federal jetty, *pile dike*, or breakwater carried out under subsection (a) as major rehabilitation of such jetty, *pile dike*, or breakwater—

(1) if the Secretary determines that—

(A) projected changes in wave action or height, including changes that result from relative sea level change, will diminish the functionality of the jetty, *pile dike*, or breakwater to meet the authorized purpose of the project; and  
(B) such repair or maintenance activity is necessary to restore such functionality; or

(2) **if—**

**[(A) the Secretary] if the Secretary** has not carried out regular and routine Federal maintenance activity at the jetty, *pile dike*, or **[breakwater; and] breakwater and—**

**[(B)] (A) the structural integrity of the jetty, *pile dike*, or breakwater is degraded as a result of a lack of such regular and routine Federal maintenance activity[.]; or**

**(B) the *pile dike* has disconnected from an authorized navigation project as a result of a lack of such regular and routine Federal maintenance activity.**

\* \* \* \* \*

**SEC. 8109. UPDATES TO CERTAIN WATER CONTROL MANUALS.**

On request of the Governor of a State for which the Governor declared a statewide drought disaster in 2021, the Secretary is authorized to update water control manuals for water resources development projects under the authority of the Secretary in the State, with priority given to those projects that include water supply or water conservation as an authorized purpose *or that incorporate the use of forecast-informed reservoir operations into such manuals.*

\* \* \* \* \*

**SEC. 8132. ADDITIONAL PROJECTS FOR UNDERSERVED COMMUNITY HARBORS.**

(a) **IN GENERAL.**—Subject to the availability of appropriations designated by statute as being for the purpose of carrying out this section, the Secretary may carry out projects for underserved community harbors for purposes of sustaining water-dependent commercial and recreational activities at such harbors.

(b) **BENEFICIAL USE.**—

(1) **JUSTIFICATION.**—The Secretary may carry out a project under this section involving a disposal option for the beneficial use of dredged material that is not the least cost disposal option if the Secretary determines that the incremental cost of the disposal option is reasonable pursuant to the standard described in section 204(d)(1) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)(1)).

(2) **COST SHARE.**—The non-Federal share of the incremental cost of a project carried out under this section involving a disposal option for the beneficial use of dredged material that is not the least cost disposal option shall be determined as provided under subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(c) **PRIORITIZATION.**—The Secretary shall prioritize carrying out projects using funds made available under this **[section based on an assessment of—]**

**[(1) the local or regional economic benefits of the project;] section—**

(1) *based on an assessment of—*

(A) *the local or regional economic benefits of the project;*

[(2)] (B) *the environmental benefits of the project, including the benefits to the aquatic environment to be derived from the creation of wetland and control of shoreline erosion; and*

[(3)] (C) *other social effects of the project, including protection against loss of life and contributions to local or regional cultural heritage[.]; and*

(2) *that are located—*

(A) *in a harbor where passenger and freight service is provided to island communities dependent on that service; or*

(B) *in a lake, or any related connecting channels, within the United States that is included in the Boundary Waters Treaty of 1909.*

(d) CLARIFICATION.—The Secretary shall not require the non-Federal interest for a project carried out under this section to perform additional operation and maintenance activities at the beneficial use placement site or the disposal site for such project as a condition of receiving assistance under this section.

(e) FEDERAL PARTICIPATION LIMIT.—The Federal share of the cost of a project under this section shall not exceed \$10,000,000.

(f) STATUTORY CONSTRUCTION.—Projects carried out under this section shall be in addition to operation and maintenance activities otherwise carried out by the Secretary for underserved community harbors using funds appropriated pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) or section 102(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2238 note).

(g) DEFINITIONS.—In this section:

(1) PROJECT.—The term “project” means a single cycle of maintenance dredging of an underserved community harbor and any associated placement of dredged material at a beneficial use placement site or disposal site.

(2) UNDERSERVED COMMUNITY HARBOR.—The term “underserved community harbor” means an emerging harbor (as defined in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f))), *or a marina or berthing area that is located adjacent to, or is accessible by, a Federal navigation project, for which—*

(A) *no Federal funds have been obligated for maintenance dredging in the current fiscal year or in any of the 4 preceding fiscal years; and*

(B) *State and local investments in infrastructure have been made during any of the 4 preceding fiscal years.*

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$50,000,000 from the General Fund of the Treasury for each of fiscal years 2023 through 2026, to be deposited into the “corps of engineers—civil—operation and maintenance” account.

(2) SPECIAL RULE.—Not less than 35 percent of the amounts made available to carry out this section for each fiscal year

shall be used for projects involving the beneficial use of dredged material.

(i) *PROJECTS FOR MARINA OR BERTHING AREAS.*—The Secretary may carry out not more than 10 projects under this section that are projects for an underserved community harbor that is a marina or berthing area described in subsection (g)(2).

**SEC. 8133. INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.**

(a) **IN GENERAL.**—The Secretary is authorized to establish a pilot program (referred to in this section as the “pilot program”) to conduct a multiyear demonstration program to award contracts with a duration of up to 5 years for dredging projects on inland waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) **PURPOSES.**—The purposes of the pilot program shall be to—

- (1) increase the reliability, availability, and efficiency of federally owned and federally operated inland waterways projects;
- (2) decrease operational risks across the inland waterways system; and
- (3) provide cost savings by combining work across multiple projects across different accounts of the Corps of Engineers.

[(c) **DEMONSTRATION.**—

[(1) **IN GENERAL.**—The Secretary shall, to the maximum extent practicable, award contracts for projects under subsection (a) that combine work for construction and operation and maintenance.

[(2) **PROJECTS.**—In awarding contracts under paragraph (1), the Secretary shall consider projects that—

[(A) improve navigation reliability on inland waterways that are accessible year-round;

[(B) increase freight capacity on inland waterways; and

[(C) have the potential to enhance the availability of containerized cargo on inland waterways.]

(c) *PROJECTS.*—In awarding contracts under subsection (a), the Secretary shall consider projects that—

(1) improve navigation reliability on inland waterways that are accessible year-round;

(2) increase freight capacity on inland waterways; and

(3) have the potential to enhance the availability of containerized cargo on inland waterways.

(d) **SAVINGS CLAUSE.**—Nothing in this section affects the responsibility of the Secretary with respect to the construction and operation and maintenance of projects on the inland waterways system.

(e) **REPORT TO CONGRESS.**—Not later than 1 year after the date on which the first contract is awarded pursuant to the pilot program, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates, with respect to the pilot program and any contracts awarded under the pilot program—

(1) cost-effectiveness;

(2) reliability and performance;

(3) cost savings attributable to mobilization and demobilization of dredge equipment; and

(4) response times to address navigational impediments.

(f) SUNSET.—The authority of the Secretary to enter into contracts pursuant to the pilot program shall expire on the date that is 10 years after the date of enactment of this Act.

\* \* \* \* \*

**SEC. 8146. WASHINGTON AQUEDUCT.**

(a) CAPITAL IMPROVEMENT AUTHORITY.—The Secretary may carry out capital improvements for the Washington Aqueduct that the Secretary determines necessary for the safe, effective, and efficient operation of the Aqueduct.

(b) BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4) and subsection (c), the Secretary is authorized to borrow from the Treasury of the United States such amounts as are sufficient to cover any obligations that will be incurred by the Secretary in carrying out capital improvements for the Washington Aqueduct under subsection (a).

(2) LIMITATION.—The amount borrowed by the Secretary under paragraph (1) may not exceed \$40,000,000 in any fiscal year.

(3) AGREEMENT.—Amounts borrowed under paragraph (1) may only be used to carry out capital improvements with respect to which the Secretary has entered into an agreement with each customer.

(4) TERMS OF BORROWING.—

(A) IN GENERAL.—Subject to subsection (c), the Secretary of the Treasury shall provide amounts borrowed under paragraph (1) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest.

(B) TERM.—The term of any loan made under paragraph (1) shall be for a period of not less than 20 years.

(C) PREPAYMENT.—There shall be no penalty for the prepayment of any amounts borrowed under paragraph (1).

(c) CONTRACTS WITH CUSTOMERS.—

(1) IN GENERAL.—The Secretary may not borrow any amounts under subsection (b) until such time as the Secretary has entered into a contract with each customer under which the customer commits to pay a pro rata share (based on water purchase) of the principal and interest owed to the Secretary of the Treasury under subsection (b).

(2) PREPAYMENT.—Any customer may pay, in advance, the pro rata share of the principal and interest owed by the customer, or any portion thereof, without penalty.

(3) RISK OF DEFAULT.—A customer that enters into a contract under this subsection shall, as a condition of the contract, commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(4) OBLIGATIONS.—Each contract entered into under paragraph (1) shall include such terms and conditions as the Secretary of the Treasury may require so that the total value to the Government of all contracts entered into under paragraph (1) is estimated to be equal to the obligations of the Secretary for carrying out capital improvements for the Washington Aqueduct.

(5) OTHER CONDITIONS.—Each contract entered into under paragraph (1) shall—

(A) include other conditions consistent with this section that the Secretary and the Secretary of the Treasury determine to be appropriate; and

(B) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct.

(d) CUSTOMER DEFINED.—In this section, the term “customer” means—

(1) the District of Columbia *Water and Sewer Authority*;

(2) Arlington County, Virginia; and

(3) [Fairfax County] *the Fairfax County Water Authority*, Virginia.

\* \* \* \* \*

**SEC. 8154. TEMPORARY RELOCATION ASSISTANCE PILOT PROGRAM.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program to evaluate the extent to which the provision of temporary relocation assistance enhances the completeness, effectiveness, efficiency, acceptability, and equitable implementation of covered water resources development projects.

(b) ASSISTANCE AUTHORIZED.—Subject to subsection (c)—

(1) the non-Federal interest for a covered water resources development project included in the pilot program established under this section may provide temporary relocation assistance to a temporarily displaced person; and

(2) the Secretary shall, pursuant to a project partnership agreement—

(A) include the temporary relocation assistance provided by the non-Federal interest for a covered water resources development project under paragraph (1) in the value of the land, easements, and rights-of-way required for the project; and

(B) credit the amount of the temporary relocation assistance provided by the non-Federal interest for the covered water resources development project under paragraph (1) toward the non-Federal share of the cost of the project.

(c) REQUIREMENTS.—

(1) REQUEST OF NON-FEDERAL INTEREST.—At the request of the non-Federal interest for a covered water resources development project, the Secretary may include the project in the pilot program established under this section.

(2) DUPLICATION OF BENEFITS.—The Secretary and the non-Federal interest for a covered water resources development project included in the pilot program established under this section shall ensure that no temporarily displaced person receives temporary relocation assistance under this section for expenses for which the temporarily displaced person has received financial assistance from any insurance, other program, or any other governmental source.

(3) EQUAL TREATMENT.—The non-Federal interest for a covered water resources development project included in the pilot program established under this section shall provide temporary

relocation assistance to each temporarily displaced person on equal terms.

(4) **MAXIMUM AMOUNT OF CREDIT.**—The Secretary shall not include in the value of the land, easements, and rights-of-way required for a covered water resources development project, or credit toward the non-Federal share of the cost of the project, any amount paid to individuals of a single household by the non-Federal interest for the project under subsection (b) that exceeds \$20,000.

(d) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes findings and recommendations of the Secretary with respect to the provision of temporary relocation assistance for covered water resources development projects included in the pilot program established under this section.

(e) **SUNSET.**—The authority to enter into or amend a project partnership agreement for a covered water resources development project under the pilot program established under this section shall expire on the date that is 10 years after the date of enactment of this Act.

(f) **SAVINGS PROVISION.**—Nothing in this section affects the eligibility for, or entitlement to, relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) for any individual.

(g) **DEFINITIONS.**—In this section:

(1) **COVERED WATER RESOURCES DEVELOPMENT PROJECT.**—The term “covered water resources development project” means the following projects:

(A) Project for hurricane and storm damage risk reduction, Charleston Peninsula, Coastal Storm Risk Management, South Carolina, authorized by this Act.

(B) Project for hurricane and storm damage risk reduction, Fire Island Inlet to Montauk Point, New York, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2738).

(C) Project for hurricane and storm damage risk reduction, Rahway River Basin, New Jersey, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2737).

(D) Project for flood risk management, Peckman River Basin, New Jersey, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(E) Project for hurricane and storm damage reduction, New Jersey Back Bays, Cape May, Ocean, Atlantic, Monmouth, and Burlington Counties, authorized by resolutions of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, approved in December 1987, under study on the date of enactment of this Act.

(F) *Project for hurricane and storm damage risk reduction, Norfolk Coastal Storm Risk Management, Virginia, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2738).*

(2) DWELLING.—The term “dwelling” means—

(A) a single-family house;

(B) a single-family unit in a two-family, multifamily, or multipurpose property;

(C) a unit of a condominium or cooperative housing project;

(D) a mobile home; or

(E) any other residential unit.

(3) HOUSEHOLD.—The term “household” means 1 or more individuals occupying a single dwelling.

(4) TEMPORARILY DISPLACED PERSON.—The term “temporarily displaced person” means an individual who is—

(A) required to temporarily move from a dwelling that is the primary residence of the individual as a direct result of the elevation or modification of the dwelling by the Secretary or a non-Federal interest as part of a covered water resources development project; and

(B) not otherwise entitled to temporary relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(5) TEMPORARY RELOCATION ASSISTANCE.—The term “temporary relocation assistance” means assistance that covers all or any portion of the documented reasonable living expenses, excluding food and personal transportation, incurred by a temporarily displaced person during a period of displacement.

\* \* \* \* \*

#### SEC. 8159. SUPPORT OF ARMY CIVIL WORKS MISSIONS.

The Secretary is authorized to use contracts, cooperative agreements, or any other authorized means, in support of the Corps of Engineers civil works missions, to work with—

(1) the University of Delaware to conduct academic research on water resource ecology, water quality, aquatic ecosystem restoration (including shellfish aquaculture), coastal restoration, and water resource-related emergency management, in the State of Delaware, the Delaware River Basin, and the Chesapeake Bay watershed;

(2) the University of Missouri to conduct economic analyses and other academic research to improve water management, enhance flood resiliency, and preserve water resources for the State of Missouri, the Lower Missouri River Basin, and Upper Mississippi River Basin;

(3) Oregon State University to conduct a study and other academic research on the associated impacts of wildfire on water resource ecology, water supply, quality, and distribution in the Willamette River Basin and to develop a water resource assessment and management platform for the Willamette River Basin[; and];

(4) West Virginia University to conduct academic research on flood risk management, water resource-related emergency



management, aquatic ecosystem restoration, water quality, hydropower, and water resource-related recreation in the State of West Virginia[.];

(5) *Western Washington University, Bellingham to conduct academic research on water quality, aquatic ecosystem restoration (including aquaculture), and the resiliency of water resources development projects in the Pacific Northwest to natural disasters;*

(6) *the University of North Carolina Wilmington to conduct academic research on flood mitigation, coastal resiliency, water resource ecology, water quality, aquatic ecosystem restoration (including aquaculture), coastal restoration, and resource-related emergency management in North Carolina and Mid-Atlantic region; and*

(7) *California State Polytechnic University, Pomona to conduct academic research on integrated design and management of water resources development projects, including for the purposes of flood risk management, ecosystem restoration, water supply, water conservation, and sustainable aquifer management.*

\* \* \* \* \*

## Subtitle B—Studies and Reports

### SEC. 8201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

(a) NEW PROJECTS.—The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) DUDLEYVILLE, ARIZONA.—Project for flood risk management, Dudleyville, Arizona.

(2) MCMICKEN DAM, ARIZONA.—Project for flood risk management, McMicken Dam, Arizona.

(3) CONN CREEK DAM, CALIFORNIA.—Project for flood risk management, Conn Creek Dam, California.

(4) CITY OF HUNTINGTON BEACH, CALIFORNIA.—Project for hurricane and storm damage risk reduction, including sea level rise, and shoreline stabilization, City of Huntington Beach, California.

(5) NAPA RIVER, CALIFORNIA.—Project for navigation, Federal Channel of Napa River, California.

(6) PETALUMA RIVER WETLANDS, CALIFORNIA.—Project for ecosystem restoration, City of Petaluma, California.

(7) CITY OF RIALTO, CALIFORNIA.—Project for ecosystem restoration and flood risk management, City of Rialto and vicinity, California.

(8) NORTH RICHMOND, CALIFORNIA.—Project for hurricane and storm damage risk reduction, including sea level rise, and ecosystem restoration, North Richmond, California.

(9) STRATFORD, CONNECTICUT.—Project for hurricane and storm damage risk reduction and flood risk management, Stratford, Connecticut.

(10) THATCHBED ISLAND, CONNECTICUT.—Project for flood risk management and ecosystem restoration, Thatchbed Island, Essex, Connecticut.

(11) WOODBRIDGE, CONNECTICUT.—Project for flood risk management, Woodbridge, Connecticut.

(12) FEDERAL TRIANGLE AREA, WASHINGTON, DISTRICT OF COLUMBIA.—Project for flood risk management, Federal Triangle Area, Washington, District of Columbia, including construction of improvements to interior drainage.

(13) POTOMAC AND ANACOSTIA RIVERS, WASHINGTON, DISTRICT OF COLUMBIA.—Project for recreational access, including enclosed swimming areas, Potomac and Anacostia Rivers, District of Columbia.

(14) WASHINGTON METROPOLITAN AREA, WASHINGTON, DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA.—Project for water supply, including the identification of a secondary water source and additional water storage capability for the Washington Metropolitan Area, Washington, District of Columbia, Maryland, and Virginia.

(15) TOWN OF LONGBOAT KEY, FLORIDA.—Project for whole island hurricane and storm damage risk reduction, Town of Longboat Key, Florida.

(16) LAKE RUNNYMEDE, FLORIDA.—Project for ecosystem restoration, Lake Runnymede, Florida.

(17) TAMPA BACK BAY, FLORIDA.—Project for flood risk management and hurricane and storm damage risk reduction, including the use of natural features and nature-based features for protection and recreation, Tampa Back Bay, Florida.

(18) PORT TAMPA BAY AND MCKAY BAY, FLORIDA.—Project for hurricane and storm damage risk reduction, Port Tampa Bay, Florida, including McKay Bay.

(19) LAKE TOHOPEKALIGA, FLORIDA.—Project for ecosystem restoration and flood risk management, Lake Tohopekaliga, Florida.

(20) CITY OF ALBANY, GEORGIA.—Project for flood risk management, City of Albany, Georgia.

(21) CITY OF EAST POINT, GEORGIA.—Project for flood risk management, City of East Point, Georgia.

(22) CUMBERLAND ISLAND AND SEA ISLAND, GEORGIA.—Project for ecosystem restoration and coastal storm risk management, Cumberland Island and Sea Island, Georgia.

(23) FLINT RIVER BASIN HEADWATERS, CLAYTON COUNTY, GEORGIA.—Project for flood risk management and ecosystem restoration, Flint River Basin Headwaters, Clayton County, Georgia.

(24) COUNTY OF HAWAII, HAWAII.—Project for flood and coastal storm risk management, County of Hawaii, Hawaii.

(25) MAUI, HAWAII.—Project for coastal storm risk management, County of Maui, Hawaii.

(26) WAIKIKI, HAWAII.—Project for ecosystem restoration and hurricane and storm damage risk reduction, Waikiki, Hawaii.

(27) WAILUPE STREAM WATERSHED, HAWAII.—Project for flood risk management, Wailupe Stream watershed, Hawaii.

(28) COLUMBUS, KENTUCKY.—Project for flood risk management, including riverbank stabilization, Columbus, Kentucky.

(29) CUMBERLAND RIVER, KENTUCKY.—Project for navigation, Cumberland River, Kentucky.

(30) JENKINS, KENTUCKY.—Project for flood risk management and water supply, Jenkins, Kentucky.

(31) KENTUCKY RIVER, KENTUCKY.—Project for flood risk management on the Kentucky River and its tributaries and watersheds in Breathitt, Clay, Estill, Harlan, Lee, Leslie, Letcher, Owsley, Perry, and Wolfe Counties, Kentucky.

(32) NEWPORT, KENTUCKY.—Project for ecosystem restoration, flood risk management, and recreation, Newport, Kentucky.

(33) ELICOTT CITY AND HOWARD COUNTY, MARYLAND.—Project for flood risk management, Ellicott City and Howard County, Maryland.

(34) ASSAWOMPSET POND COMPLEX, MASSACHUSETTS.—Project for ecosystem restoration, flood risk management, and water supply, Assawompset Pond Complex, Massachusetts.

(35) CHARLES RIVER, MASSACHUSETTS.—Project for flood risk management and ecosystem restoration, Charles River, Massachusetts.

(36) CHELSEA CREEK AND MILL CREEK, MASSACHUSETTS.—Project for flood risk management and ecosystem restoration, including bank stabilization, City of Chelsea, Massachusetts.

(37) CONNECTICUT RIVER STREAMBANK EROSION, MASSACHUSETTS, VERMONT, AND NEW HAMPSHIRE.—Project for streambank erosion, Connecticut River, Massachusetts, Vermont, and New Hampshire.

(38) DEERFIELD RIVER, MASSACHUSETTS.—Project for flood risk management and ecosystem restoration, Deerfield River, Massachusetts.

(39) TOWN OF NORTH ATTLEBOROUGH, MASSACHUSETTS.—Project for ecosystem restoration and flood risk management, Ten Mile River, North Attleborough, Massachusetts.

(40) TOWN OF HULL, MASSACHUSETTS.—Project for flood risk management and hurricane and storm damage risk reduction, Hull, Massachusetts.

(41) CITY OF REVERE, MASSACHUSETTS.—Project for flood risk management and marsh ecosystem restoration, City of Revere, Massachusetts.

(42) LOWER EAST SIDE, DETROIT, MICHIGAN.—Project for flood risk management, Lower East Side, Detroit, Michigan.

(43) ELIJAH ROOT DAM, MICHIGAN.—Project for dam removal, by carrying out a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), Elijah Root Dam, Michigan.

(44) GROSSE POINTE SHORES AND GROSSE POINTE FARMS, MICHIGAN.—Project for ecosystem restoration and flood risk management, Grosse Pointe Shores and Grosse Pointe Farms, Michigan.

(45) SOUTHEAST MICHIGAN, MICHIGAN.—Project for flood risk management, Southeast Michigan.

(46) TITTABAWASSEE RIVER, CHIPPEWA RIVER, PINE RIVER, AND TOBACCO RIVER, MICHIGAN.—Project for flood risk management and ecosystem restoration, Tittabawassee River, Chippewa River, Pine River, and Tobacco River, Michigan.

(47) SOUTHWEST MISSISSIPPI, MISSISSIPPI.—Project for ecosystem restoration and flood risk management, Wilkinson, Adams, Warren, Claiborne, Franklin, Amite, and Jefferson Counties, Mississippi.

(48) BELLEVUE, NEBRASKA.—Project for flood risk management, Bellevue, Nebraska, including the placement of a pump station near Offutt Ditch.

(49) PAPILLION CREEK, NEBRASKA.—Project for flood risk management, including levee improvement, Papillion Creek, Nebraska.

(50) SARPY COUNTY, NEBRASKA.—Project for flood risk management, Sarpy County, Nebraska.

(51) CAMDEN AND GLOUCESTER COUNTY, NEW JERSEY.—Project for tidal and riverine flood risk management, Camden and Gloucester Counties, New Jersey.

(52) EDGEWATER, NEW JERSEY.—Project for flood risk management, Edgewater, New Jersey.

(53) MAURICE RIVER, NEW JERSEY.—Project for navigation and for beneficial use of dredged materials for hurricane and storm damage risk reduction and ecosystem restoration, Maurice River, New Jersey.

(54) NORTHERN NEW JERSEY INLAND FLOODING, NEW JERSEY.—Project for inland flood risk management in Hudson, Essex, Union, Bergen, Hunterdon, Morris, Somerset, Warren, Passaic, and Sussex Counties, New Jersey.

(55) RISER DITCH, NEW JERSEY.—Project for flood risk management, including channel improvements, and other related water resource needs related to Riser Ditch in the communities of South Hackensack, Hasbrouck Heights, Little Ferry, Teterboro, and Moonachie, New Jersey.

(56) ROCKAWAY RIVER, NEW JERSEY.—Project for flood risk management and ecosystem restoration, including bank stabilization, Rockaway River, New Jersey.

(57) TENAKILL BROOK, NEW JERSEY.—Project for flood risk management, Tenakill Brook, New Jersey.

(58) VERONA, CEDAR GROVE, AND WEST CALDWELL, NEW JERSEY.—Project for flood risk management along the Peckman River Basin in the townships of Verona (and surrounding area), Cedar Grove, and West Caldwell, New Jersey.

(59) WHIPPANY RIVER WATERSHED, NEW JERSEY.—Project for flood risk management, Morris County, New Jersey.

(60) LAKE FARMINGTON DAM, NEW MEXICO.—Project for water supply, Lake Farmington Dam, New Mexico.

(61) MCCLURE DAM, NEW MEXICO.—Project for dam safety improvements and flood risk management, McClure Dam, City of Santa Fe, New Mexico.

(62) BLIND BROOK, NEW YORK.—Project for flood risk management, coastal storm risk management, navigation, ecosystem restoration, and water supply, Blind Brook, New York.

(63) BROOKLYN NAVY YARD, NEW YORK.—Project for flood risk management and hurricane and storm damage risk reduction, Brooklyn Navy Yard, New York.

(64) CONNETQUOT RIVER AND GREEN CREEK, NEW YORK.—Project for navigation, Connetquot River and Green Creek, Suffolk County, New York.

(65) HUTCHINSON RIVER, NEW YORK.—Project for flood risk management and ecosystem restoration, Hutchinson River, New York.

(66) MOHAWK RIVER BASIN, NEW YORK.—Project for flood risk management, navigation, and environmental restoration, Mohawk River Basin, New York.

(67) NEWTOWN CREEK, NEW YORK.—Project for ecosystem restoration, Newtown Creek, New York.

(68) JOHN J. BURNS PARK, OYSTER BAY, NEW YORK.—Project for flood risk management and hurricane and storm risk reduction, Oyster Bay, New York, in the vicinity of John J. Burns Park, Massapequa, New York, including the replacement and reconstruction of the existing bulkhead system.

(69) JOSEPH J. SALADINO MEMORIAL MARINA, OYSTER BAY, NEW YORK.—Project for flood risk management and hurricane and storm risk reduction, Oyster Bay, New York, in the vicinity of the Joseph J. Saladino Memorial Marina, Massapequa, New York, including the replacement and reconstruction of the existing bulkhead system.

(70) SAW MILL RIVER, NEW YORK.—Project for flood risk management and ecosystem restoration to address areas in the City of Yonkers and the Village of Hastings-on-Hudson within the 100-year flood zone, Saw Mill River, New York.

(71) SOUTH SHORE OF LONG ISLAND, NEW YORK.—Project for flood and coastal storm risk management, navigation, and ecosystem restoration, South Shore of Long Island, New York.

(72) UPPER EAST RIVER AND FLUSHING BAY, NEW YORK.—Project for ecosystem restoration, Upper East River and Flushing Bay, New York.

(73) CAPE FEAR RIVER BASIN, NORTH CAROLINA.—Project for flood and coastal storm risk management, Cape Fear River Basin, North Carolina.

(74) OREGON INLET, NORTH CAROLINA.—Project for navigation, Oregon Inlet, North Carolina.

(75) MINERAL RIDGE DAM, OHIO.—Project for dam safety improvements and rehabilitation, Mineral Ridge Dam, Ohio.

(76) MILL CREEK LEVEE AND WALLA WALLA RIVER, OREGON.—Project for ecosystem restoration, Mill Creek Levee and Walla Walla River, Oregon.

(77) BRODHEAD CREEK WATERSHED, PENNSYLVANIA.—Project for ecosystem restoration and flood risk management, Brodhead Creek Watershed, Pennsylvania.

(78) CHARTIERS CREEK WATERSHED, PENNSYLVANIA.—Project for flood risk management, Chartiers Creek Watershed, Pennsylvania.

(79) COPLAY CREEK, PENNSYLVANIA.—Project for flood risk management, Coplay Creek, Pennsylvania.

(80) BERKELEY COUNTY, SOUTH CAROLINA.—Project for ecosystem restoration and flood risk management, Berkeley County, South Carolina.

(81) BIG SIOUX RIVER, SOUTH DAKOTA.—Project for flood risk management, City of Watertown and vicinity, South Dakota.

(82) EL PASO COUNTY, TEXAS.—Project for flood risk management for economically disadvantaged communities, as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note), along the United States-Mexico border, El Paso County, Texas.

(83) GULF INTRACOASTAL WATERWAY-CHANNEL TO PALACIOS, TEXAS.—Project for navigation, Gulf Intracoastal Waterway-Channel to Palacios, Texas.

(84) HIDALGO AND CAMERON COUNTIES, TEXAS.—Project for flood risk management and ecosystem restoration, the Resacas, Hidalgo and Cameron Counties, Texas.

(85) SIKES LAKE, TEXAS.—Project for ecosystem restoration and flood risk management, Sikes Lake, Texas.

(86) SOUTHWEST BORDER REGION, TEXAS.—Project for flood risk management for economically disadvantaged communities, as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note), along the United States-Mexico border in Webb, Zapata, and Starr Counties, Texas.

(87) LOWER CLEAR CREEK AND DICKINSON BAYOU, TEXAS.—Project for flood risk management, Lower Clear Creek and Dickinson Bayou, Texas.

(88) GREAT SALT LAKE, UTAH.—Project for ecosystem restoration and water supply, Great Salt Lake, Utah.

(89) CEDAR ISLAND, VIRGINIA.—Project for ecosystem restoration, hurricane and storm damage risk reduction, and navigation, Cedar Island, Virginia.

(90) BALLINGER CREEK, WASHINGTON.—Project for ecosystem restoration, City of Shoreline, Washington.

(91) CITY OF NORTH BEND, WASHINGTON.—Project for water supply, City of North Bend, Washington.

(92) TANEUM CREEK, WASHINGTON.—Project for ecosystem restoration, Taneum Creek, Washington.

(93) CITY OF HUNTINGTON, WEST VIRGINIA.—Project for flood risk management, Huntington, West Virginia.

(94) FOX-WOLF BASIN, WISCONSIN.—Project for flood risk management and water supply, Fox-Wolf Basin, Wisconsin.

(b) PROJECT MODIFICATIONS.—The Secretary is authorized to conduct a feasibility study for the following project modifications:

(1) CRAIGHEAD, POINSETT, AND CROSS COUNTIES, ARKANSAS.—Modifications to the project for flood protection and major drainage improvement in the Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), to provide flood risk management for the tributaries and drainage of Straight Slough, Craighead, Poinsett, and Cross Counties, Arkansas.

(2) SHINGLE CREEK AND KISSIMMEE RIVER, FLORIDA.—Modifications to the project for ecosystem restoration and water storage, Shingle Creek and Kissimmee River, Florida, author-

ized by section 201(a)(5) of the Water Resources Development Act of 2020 (134 Stat. 2670), for flood risk management.

(3) JACKSONVILLE HARBOR, FLORIDA.—Modifications to the project for navigation, Jacksonville Harbor, Florida, authorized by section 7002 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1364), for outer channel improvements.

(4) SAVANNAH HARBOR, GEORGIA.—Modifications to the project for navigation, Savannah Harbor Expansion Project, Georgia, authorized by section 7002(1) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1364; 132 Stat. 3839)【, without evaluation of additional deepening】, *including evaluation of additional deepening*.

(5) HONOLULU HARBOR, HAWAII.—Modifications to the project for navigation, Honolulu Harbor, Hawaii, for navigation improvements and coastal storm risk management, authorized by the first section of the Act of March 3, 1905 (chapter 1482, 33 Stat. 1146).

(6) CEDAR RIVER, CEDAR RAPIDS, IOWA.—Modifications to the project for flood risk management, Cedar River, Cedar Rapids, Iowa, authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366), consistent with the City of Cedar Rapids, Iowa, Cedar River Flood Control System Master Plan.

(7) SOUTH HAVEN HARBOR, MICHIGAN.—Modifications to the project for navigation, South Haven Harbor, Michigan, for turning basin improvements, authorized by the first section of the Act of August 11, 1888 (chapter 860, 25 Stat. 406).

(8) SALEM RIVER, SALEM COUNTY, NEW JERSEY.—Modifications to the project for navigation, Salem River, Salem County, New Jersey, authorized by section 1 of the Act of March 2, 1907 (chapter 2509, 34 Stat. 1080), to increase the authorized depth.

(9) PORT OF OGDENSBURG, NEW YORK.—Modifications to the project for navigation, Port of Ogdensburg, New York, including deepening, authorized by the first section of the Act of June 25, 1910 (chapter 382, 36 Stat. 635).

(10) ROLLINSON CHANNEL AND HATTERAS INLET TO HATTERAS, NORTH CAROLINA.—Modifications to the project for navigation, Rollinson Channel and channel from Hatteras Inlet to Hatteras, North Carolina, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), to incorporate the ocean bar.

(11) HIRAM M. CHITTENDEN LOCKS, LAKE WASHINGTON SHIP CANAL, WASHINGTON.—Modifications to the Hiram M. Chittenden Locks (also known as Ballard Locks), Lake Washington Ship Canal, Washington, authorized by the Act of June 25, 1910 (chapter 382, 36 Stat. 666), for the construction of fish ladder improvements, including efforts to address elevated temperature and low dissolved oxygen levels in the Canal.

(12) HUNTINGTON, WEST VIRGINIA.—Modifications to the Huntington Local Protection Project, Huntington, West Virginia.

(c) SPECIAL RULES.—

(1) WAILUPE STREAM WATERSHED, HAWAII.—The study authorized by subsection (a)(27) shall be considered a resumption and a continuation of the general reevaluation initiated on December 30, 2003, pursuant to section 209 of the Flood Control Act (76 Stat. 1197).

(2) BELLEVUE AND PAPILLION CREEK, NEBRASKA.—The studies authorized by paragraphs (48) and (49) of subsection (a) shall be considered a continuation of the study that resulted in the Chief's Report for the project for Papillion Creek and Tributaries Lakes, Nebraska, signed January 24, 2022.

(3) SOUTH SHORE OF LONG ISLAND, NEW YORK.—In carrying out the study authorized by subsection (a)(71), the Secretary shall study the South Shore of Long Island, New York, as a whole system, including inlets that are Federal channels.

(4) PROJECT MODIFICATIONS.—Each study authorized by subsection (b) shall be considered a new phase investigation and afforded the same treatment as a general reevaluation.

\* \* \* \* \*

**SEC. 8215. NORTHERN ESTUARIES ECOSYSTEM RESTORATION, FLORIDA.**

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—The term “Central and Southern Florida Project” has the meaning given that term in section 601 of the Water Resources Development Act of 2000.

(2) NORTHERN ESTUARIES.—The term “northern estuaries” means the Caloosahatchee Estuary, Charlotte Harbor, Indian River Lagoon, Lake Worth Lagoon, and St. Lucie River Estuary.

(3) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term “South Florida ecosystem” means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term “South Florida ecosystem” includes—

- (i) the Everglades;
- (ii) the Florida Keys;
- (iii) the contiguous near-shore coastal water of South Florida; and
- (iv) Florida's Coral Reef.

(4) STUDY AREA.—The term “study area” means all lands and waters within—

- (A) the northern estuaries;
- (B) the South Florida ecosystem; and
- (C) the study area boundaries of the Indian River Lagoon National Estuary Program and the Coastal and Heartland Estuary Partnership, authorized pursuant to section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(b) PROPOSED COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, in cooperation with the non-Federal sponsors of the Central and Southern Florida project and any relevant Federal, State, and Tribal



agencies, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the northern estuaries.

(2) INCLUSIONS.—In carrying out paragraph (1), the Secretary shall develop a proposed comprehensive plan that provides for ecosystem restoration within the northern estuaries, including the elimination of harmful discharges from Lake Okeechobee.

(3) SUBMISSION.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress for approval—

(A) the proposed comprehensive plan developed under this subsection; and

(B) recommendations for future feasibility studies within the study area for the ecosystem restoration of the northern estuaries.

(4) INTERIM REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the submission of the proposed comprehensive plan under paragraph (3), the Secretary shall submit to Congress an interim report on the development of the proposed comprehensive plan.

(5) ADDITIONAL STUDIES AND ANALYSES.—Notwithstanding the submission of the proposed comprehensive plan under paragraph (3), the Secretary shall continue to conduct such studies and analyses after the date of such submission as are necessary for the purpose of restoring, preserving, and protecting the northern estuaries.

(6) FEDERAL SHARE.—*The Federal share of the cost of carrying out paragraph (1) shall be 100 percent.*

(c) LIMITATION.—Nothing in this section shall be construed to require the alteration or amendment of the schedule for completion of the Comprehensive Everglades Restoration Plan.

\* \* \* \* \*

## Subtitle C—Deauthorizations and Modifications

\* \* \* \* \*

### SEC. 8319. LOS ANGELES COUNTY, CALIFORNIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Los Angeles County, California.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Los Angeles County, California, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) **IN GENERAL.**—Before providing assistance under this section to a non-Federal interest, the Secretary shall enter into a partnership agreement under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) with the non-Federal interest with respect to the project to be carried out with such assistance.

(2) **REQUIREMENTS.**—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—The Federal share of the cost of a project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) **CREDIT FOR INTEREST.**—In case of a delay in the funding of the Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project cost.

(C) **CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—Notwithstanding section 221(a)(4)(G) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(G)), the non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but the credit may not exceed 25 percent of total project costs.

(D) **OPERATION AND MAINTENANCE.**—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated **[\$50,000,000] \$100,000,000** to carry out this section.

(2) **CORPS OF ENGINEERS EXPENSES.**—Not more than 10 percent of the amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

\* \* \* \* \*

**SEC. 8327. [DELAWARE] SHORE PROTECTION AND RESTORATION.**

(a) **DELAWARE BENEFICIAL USE OF DREDGED MATERIAL FOR THE DELAWARE RIVER, DELAWARE.**—

(1) **IN GENERAL.**—At the request of the non-Federal interest for the project for hurricane and storm damage risk reduction,

Delaware Beneficial Use of Dredged Material for the Delaware River, Delaware, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2736) (referred to in this subsection as the “project”), the Secretary shall implement the project using borrow sources that are alternatives to the Delaware River, Philadelphia to the Sea, project, Delaware, New Jersey, Pennsylvania, authorized by the Act of June 25, 1910 (chapter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat. 803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297).

(2) INTERIM AUTHORITY.—Until the Secretary implements the modification under paragraph (1), the Secretary is authorized, at the request of a non-Federal interest, to carry out initial construction or periodic nourishments at any site included in the project under—

(A) section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note); or

(B) section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)).

(3) COST SHARE.—The Federal share of the cost to construct and periodically nourish the project, including the cost of any modifications carried out under paragraph (1) and the incremental cost of any placements carried out under paragraph (2)(B), shall be 90 percent.

(b) **【DELAWARE】 EMERGENCY SHORE RESTORATION.**—

(1) IN GENERAL.—The Secretary is authorized to repair or restore a federally authorized hurricane and storm damage reduction structure or project or a public beach located in **【the State of Delaware】** *the covered geographic area* pursuant to section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)), if—

(A) the structure, project, or public beach is damaged by wind, wave, or water action associated with a Nor’easter; and

(B) the Secretary determines that the damage prevents—

(i) in the case of a structure or project, the adequate functioning of the structure or project for the authorized purposes of the structure or project; or

(ii) in the case of a public beach, the adequate functioning of the beach as a natural barrier to inundation, wave attack, or erosion coinciding with hurricanes, coastal storms, or Nor’easters.

(2) JUSTIFICATION.—The Secretary may carry out a repair or restoration activity under paragraph (1) without the need to demonstrate that the activity is justified solely by national economic development benefits if—

(A) the Secretary determines that—

(i) such activity is necessary to restore the adequate functioning of the structure, project, or public beach for the purposes described in paragraph (1)(B), as applicable; and

(ii) such activity is warranted to protect against loss to life or property of the community protected by the structure, project, or public beach; and

(B) in the case of a public beach, the non-Federal interest agrees to participate in, and comply with, applicable Federal floodplain management and flood insurance programs.

(3) PRIORITIZATION.—Repair or restoration activities carried out by the Secretary under paragraph (2) shall be given equal budgetary consideration and priority as activities justified solely by national economic development benefits.

(4) LIMITATIONS.—An activity carried out under paragraph (1) for a public beach shall not—

(A) repair or restore the beach beyond its natural profile;

or

(B) be considered initial construction of the hurricane and storm damage reduction project.

(5) SAVINGS PROVISION.—The authority provided by this subsection shall be in addition to any authority provided by section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)) to repair or restore federally authorized hurricane or shore protective structure or project located in [the State of Delaware] *the covered geographic area* damaged or destroyed by wind, wave, or water action of other than an ordinary nature.

(6) SUNSET.—The authority of the Secretary to carry out an activity under paragraph (1) for a public beach shall expire on the date that is 10 years after the date of enactment of this Act.

(7) DEFINITIONS.—In this subsection:

(A) NOR'EASTER.—The term “Nor’easter” means a synoptic-scale, extratropical cyclone in the western North Atlantic Ocean.

(B) PUBLIC BEACH.—The term “public beach” means a beach within the geographic boundary of an unconstructed federally authorized hurricane and storm damage reduction project that is—

(i) a publicly owned beach; or

(ii) a privately owned beach that is available for public use, including the availability of reasonable public access, in accordance with Engineer Regulation 1165-2-130, published by the Corps of Engineers, dated June 15, 1989.

(C) COVERED GEOGRAPHIC AREA.—The term “covered geographic area” means—

(i) the State of Delaware;

(ii) Fire Island National Seashore, New York; and

(iii) the hamlets of Massapequa Park, Massapequa, Amityville, Copiague, Lindenhurst, West Babylon, Babylon, West Islip, West Bay Shore, Brightwaters, Bay Shore, Islip, East Islip, Great River, Oakdale, West Sayville, Saville, Bayport, Blue Point, Patchogue, East Patchogue, Bellport, Brookhaven, Shirley, Mastic Beach, Mastic, Moriches, Center Moriches, East Moriches, and Eastport, New York.

(c) INDIAN RIVER INLET AND BAY, DELAWARE.—

(1) IN GENERAL.—In carrying out major maintenance of the project for navigation, Indian River Inlet and Bay, Delaware, authorized by the first section of the Act of August 26, 1937

(chapter 832, 50 Stat. 846; 59 Stat. 14), the Secretary shall repair, restore, or relocate any non-Federal public recreation facility that has been damaged, in whole or in part, by the deterioration or failure of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000.

(d) INDIAN RIVER INLET SAND BYPASS PLANT, DELAWARE.—

(1) IN GENERAL.—The project for hurricane-flood protection and beach erosion control at Indian River Inlet, Delaware, commonly known as the “Indian River Inlet Sand Bypass Plant”, authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182), is modified to authorize the Secretary, at the request of a non-Federal interest, to provide periodic nourishment through dedicated dredging or other means to maintain or restore the functioning of such project when—

(A) the sand bypass plant is inoperative; or

(B) operation of the sand bypass plant is insufficient to maintain the functioning of the project.

(2) COST SHARE.—The non-Federal share of the cost of a cycle of periodic nourishment provided pursuant to paragraph (1) shall be the same percentage as the non-Federal share of the cost to operate the sand bypass plant.

(e) REPROGRAMMING FOR COASTAL STORM RISK MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

(1) IN GENERAL.—For each fiscal year, the Secretary may reprogram amounts made available for any coastal storm risk management project to use such amounts for the project for hurricane-flood protection and beach erosion control at Indian River Inlet, Delaware, commonly known as the “Indian River Inlet Sand Bypass Plant”, authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182).

(2) LIMITATIONS.—

(A) IN GENERAL.—The Secretary may carry out not more than 2 reprogramming actions under paragraph (1) for each fiscal year.

(B) AMOUNT.—For each fiscal year, the Secretary may reprogram—

(i) not more than \$100,000 per reprogramming action; and

(ii) not more than \$200,000 for each fiscal year.

\* \* \* \* \*

**SEC. 8359. SOUTHWESTERN OREGON.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in southwestern Oregon.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southwestern Oregon, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section to a non-Federal interest, the Secretary shall enter into a partnership agreement under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) with the non-Federal interest with respect to the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of a project carried out under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR INTEREST.—In case of a delay in the funding of the Federal share of a project that is the subject of a partnership agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project cost.

(C) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—Notwithstanding section 221(a)(4)(G) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(G)), the non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated **[\$50,000,000]** \$100,000,000 to carry out this section.

(2) CORPS OF ENGINEERS EXPENSE.—Not more than 10 percent of the amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(f) SOUTHWESTERN OREGON DEFINED.—In this section, the term “southwestern Oregon” means the counties of Benton, Coos, Curry, Douglas, Lane, *Lincoln*, Linn, and Josephine, Oregon.

\* \* \* \* \*

**SEC. 8377. CONVEYANCES.**

(a) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(b) CITY OF LEWES, DELAWARE.—

(1) CONVEYANCE AUTHORIZED.—The Secretary is authorized to convey, without consideration, to the City of Lewes, Delaware, all right, title, and interest of the United States in and to the real property described in paragraph (2), for the purpose of housing a new municipal campus for Lewes City Hall, a police station, and a board of public works.

(2) PROPERTY.—The property to be conveyed under this subsection is the approximately 5.26 acres of land, including improvements on that land, located at 1137 Savannah Road, Lewes, Delaware.

(3) REVERSION.—

(A) IN GENERAL.—If the Secretary determines at any time that the property conveyed under paragraph (1) is not being used in accordance with the purpose specified in such paragraph, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

(B) DETERMINATION.—A determination by the Secretary under subparagraph (A) shall be made on the record after an opportunity for a hearing.

(c) ARMY RESERVE FACILITY, BELLEVILLE, ILLINOIS.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the city of Belleville, Illinois, without consideration, all right,

title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed under this subsection is the approximately 5.2 acres of land, including improvements on that land, located at 500 South Belt East in Belleville, Illinois.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(4) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not used for a public purpose, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

(d) LAKE BARKLEY, KENTUCKY.—

(1) IN GENERAL.—The Secretary is authorized to convey to the Eddyville Riverport and Industrial Development Authority all right, title, and interest of the United States in and to the approximately 3.3 acres of land in Lyon County, Kentucky, including the land identified as Tract 1216-2 and a portion of the land identified as Tract 112-2, adjacent to the southwestern boundary of the port facilities of the Authority at the Barkley Dam and Lake Barkley project, Kentucky, authorized by the first section of the Act of July 24, 1946 (chapter 595, 60 Stat. 636).

(2) RESERVATION OF RIGHTS.—The Secretary shall reserve and retain from the conveyance under this subsection such easements, rights-of-way, and other interests that the Secretary determines to be necessary and appropriate to ensure the continued operation of the project described in paragraph (1).

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(4) CONSIDERATION.—The Eddyville Riverport and Industrial Development Authority shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(e) SARDIS LAKE, PANOLA COUNTY, MISSISSIPPI.—

(1) CONVEYANCE AUTHORIZED.—The Secretary is authorized to convey to the City of Sardis, Mississippi, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed is the approximately 1,064 acres of lying in the eastern half of Sections 12 and 13, T 8 S, R 6 W and the western half of Section 18 and the western half of Section 7, T 8 S, R 5 W, in Panola County, Mississippi, and being more particularly described as follows: Begin at the southeast corner of said Section 13, run thence from said point of beginning, along the south line of said Section 13, run westerly, 2,723 feet; thence run N 27°39'53" W, for 1,898 feet; thence run north 2,434 feet; thence run east, 1,006 feet, more or less, to a point on the easterly edge of Mississippi



State Highway No. 315; thence run along said easterly edge of highway, northerly, for 633 feet; thence leaving said easterly edge of highway, run N 62°00' E, for 200 feet; thence N 07°00' E, for 1,350 feet; thence N 07°00' W, for 800 feet; thence N 37°30' W for 800 feet; thence N 10°00' W for 350 feet; thence N 11°00' E, for 350 feet; thence N 43°30' E for 250 feet; thence N 88°00' E for 200 feet; thence S 64°00' E for 350 feet; thence S 25°30' E, for 650 feet, more or less, to the intersection of the east line of the western half of the eastern half of the northwest quarter of the southeast quarter of the aforesaid Section 12, T 8 S, R 6 W and the 235-foot contour; thence run along said 235-foot contour, 6,392 feet; thence leaving said 235-foot contour, southerly 1,762 feet, more or less, to a point on the south line of Section 7; thence S 00°28'49" E, 2,664.97 feet, more or less, to a point on the south line of the northwest quarter of said Section 18; thence along said south line, easterly for 100 feet, more or less to the northwest corner of the southwest quarter of said Section 18; thence leaving said south line of said northwest quarter, along the east line of said southwest quarter, S 00°06'20" E, run 2,280 feet, more or less, to the southerly edge of an existing power line right-of-way; thence leaving said east line of said southwest quarter, along said southerly edge of said power line right-of-way, northwesterly, 300 feet, more or less, to the easterly edge of the existing 4-H Club Road; thence leaving said southerly edge of said power line right-of-way, along said easterly edge of said road, southeasterly, 420 feet, more or less, to the south line of said southwest quarter; thence leaving said easterly edge of said road, along said south line of southwest quarter, westerly, 2,635 feet, more or less, to the point of beginning, LESS AND EXCEPT the following prescribed parcel: Beginning at a point N 00°45'48" W, 302.15 feet and west, 130.14 feet from the southeast corner of said Section 13, T 8 S, R 6 W, and running thence S 04°35'58" W, 200.00 feet to a point on the north side of a road; running thence with the north side of said road, N 83°51' W, for 64.84 feet; thence N 72°26'44" W, 59.48 feet; thence N 60°31'37" W, 61.71 feet; thence N 63°35'08" W, 51.07 feet; thence N 06°47'17" W, 142.81 feet to a point; running thence S 85°24'02" E, 254.37 feet to the point of beginning, containing 1.00 acre, more or less.

(3) RESERVATION OF RIGHTS.—

(A) IN GENERAL.—The Secretary shall reserve and retain from the conveyance under this subsection such easements, rights-of-way, and other interests that the Secretary determines to be necessary and appropriate to ensure the continued operation of the Sardis Lake project, authorized by section 6 of the Act of May 15, 1928 (chapter 569, 45 Stat. 536).

(B) FLOODING; LIABILITY.—In addition to any easements, rights-of-way, and other interests [reserved an retained] *reserved and retained* under subparagraph (A), the Secretary—

- (i) shall retain the right to flood land for downstream flood control purposes on—

(I) the land located east of Blackjack Road and below 301.0 feet above sea level; and

(II) the land located west of Blackjack Road and below 224.0 feet above sea level; and

(ii) shall not be liable for any reasonable damage resulting from any flooding of land pursuant to clause (i).

(4) DEED.—The Secretary shall—

(A) convey the property under this section by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States; and

(B) ensure that such deed includes a permanent restriction that all future building of above-ground structures on the land conveyed under this subsection shall be restricted to areas lying at or above 301.0 feet above sea level.

(5) CONSIDERATION.—The City of Sardis, Mississippi, shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(6) NOTICE AND REPORTING.—After conveying property under this subsection, the Secretary shall submit to the City of Sardis, Mississippi—

(A) weekly reports describing—

(i) the water level of Sardis Lake, as in effect on the date of submission of the report;

(ii) any applicable forecasts of that water level; and

(iii) any other information that may affect land conveyed under this subsection; and

(B) a timely notice of any anticipated flooding of a portion of the land conveyed under this subsection.

(f) ROGERS COUNTY, OKLAHOMA.—

(1) CONVEYANCE AUTHORIZED.—The Secretary is authorized to convey to the City of Tulsa-Rogers County Port Authority, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed under this subsection is the approximately 176 acres of Federal land located on the following 3 parcels in Rogers County, Oklahoma:

(A) Parcel 1 consists of U.S. tract 119 (partial), U.S. tract 123, U.S. tract 120, U.S. tract 125, and U.S. tract 118 (partial).

(B) Parcel 2 consists of U.S. tract 124 (partial) and U.S. tract 128 (partial).

(C) Parcel 3 consists of U.S. tract 128 (partial).

(3) RESERVATION OF RIGHTS.—The Secretary shall reserve and retain from any conveyance under this subsection such easements, rights-of-way, and other interests that the Secretary determines to be necessary and appropriate to ensure the continued operation of the McClellan-Kerr Arkansas River navigation project (including Newt Graham Lock and Dam 18) authorized under the comprehensive plan for the Arkansas River Basin by the Act of June 28, 1938 (chapter 795, 52 Stat. 1218; 60 Stat. 634; 60 Stat. 647; 101 Stat. 1329-112; 117 Stat. 1842).

(4) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(5) CONSIDERATION.—The City of Tulsa-Rogers County Port Authority shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(6) OBSTRUCTIONS TO NAVIGABLE CAPACITY.—A conveyance under this subsection shall not affect the jurisdiction of the Secretary under section 10 of the Act of March 3, 1899 (33 U.S.C. 403) with respect to the property conveyed.

(g) REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.—

(1) CONVEYANCE AUTHORIZED.—At such time as new facilities are available to be used as the office for the Galveston District of the Corps of Engineers, the Secretary shall convey to the Port of Corpus Christi, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The property referred to in paragraph (1) is the land known as Tract 100 and Tract 101, including improvements on that land, in Corpus Christi, Texas, and described as follows:

(A) TRACT 100.—The 1.89 acres, more or less, as conveyed by the Nueces County Navigation District No. 1 of Nueces County, Texas, to the United States by instrument dated October 16, 1928, and recorded at Volume 193, pages 1 and 2, in the Deed Records of Nueces County, Texas.

(B) TRACT 101.—The 0.53 acres as conveyed by the City of Corpus Christi, Nueces County, Texas, to the United States by instrument dated September 24, 1971, and recorded at Volume 318, pages 523 and 524, in the Deed Records of Nueces County, Texas.

(C) IMPROVEMENTS.—

(i) Main Building (RPUID AO-C-3516), constructed January 9, 1974.

(ii) Garage, vehicle with 5 bays (RPUID AO-C-3517), constructed January 9, 1985.

(iii) Bulkhead, Upper (RPUID AO-C-2658), constructed January 1, 1941.

(iv) Bulkhead, Lower (RPUID AO-C-3520), constructed January 1, 1933.

(v) Bulkhead Fence (RPUID AO-C-3521), constructed January 9, 1985.

(vi) Bulkhead Fence (RPUID AO-C-3522), constructed January 9, 1985.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(4) CONSIDERATION.—The Port of Corpus Christi shall pay to the Secretary an amount that is not less than the fair market

value of the property (including improvements) conveyed under this subsection, as determined by the Secretary.

\* \* \* \* \*

## WATER RESOURCES DEVELOPMENT ACT OF 2016

\* \* \* \* \*

### TITLE I—WATER RESOURCES DEVELOPMENT

\* \* \* \* \*

#### Subtitle A—General Provisions

\* \* \* \* \*

#### SEC. 1122. BENEFICIAL USE OF DREDGED MATERIAL.

(a) IN GENERAL.—[Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program] *The Secretary is authorized to carry out projects for the beneficial use of dredged material, including projects for the purposes of—*

**[(1) reducing storm damage to property and infrastructure;]**

*(1) promoting resiliency and reducing the risk to property and infrastructure of flooding and storm damage;*

*(2) promoting public safety;*

*(3) protecting, restoring, and creating aquatic ecosystem habitats;*

*(4) stabilizing stream systems and enhancing shorelines;*

*(5) promoting recreation;*

*(6) supporting risk management adaptation strategies;*

*(7) reducing the costs of dredging and dredged material placement or disposal, such as projects that use dredged material for—*

*(A) construction or fill material;*

*(B) civic improvement objectives; and*

*(C) other innovative uses and placement alternatives that produce public economic or environmental benefits; and*

*(8) recovering lost storage capacity in reservoirs due to sediment accumulation, if the project also has a purpose described in any of paragraphs (1) through (7).*

(b) PROJECT SELECTION.—In carrying out [the pilot program] *this section, the Secretary shall—*

**[(1) identify for inclusion in the pilot program and carry out 35 projects for the beneficial use of dredged material;]**

*(1) identify and carry out projects for the beneficial use of dredged material;*

*(2) consult with relevant State agencies in selecting projects; and*

*(3) select projects solely on the basis of—*

- (A) the environmental, economic, and social benefits of the projects, including monetary and nonmonetary benefits; and
  - (B) the need for a diversity of project types and geographical project locations.
- (c) REGIONAL BENEFICIAL USE TEAMS.—
- (1) IN GENERAL.—**[In carrying out the pilot program, the Secretary shall establish regional beneficial use teams to identify and assist in the implementation of projects [under the pilot program] under this section.**
  - (2) COMPOSITION.—
    - (A) LEADERSHIP.—For each regional beneficial use team established under paragraph (1), the Secretary shall appoint the Commander of the relevant division of the Corps of Engineers to serve as the head of the team.
    - (B) MEMBERSHIP.—The membership of each regional beneficial use team shall include—
      - (i) representatives of relevant Corps of Engineers districts and divisions;
      - (ii) representatives of relevant State and local agencies; and
      - (iii) representatives of Federal agencies and such other entities as the Secretary determines appropriate, consistent with the purposes of this section.
- (d) CONSIDERATIONS.—The Secretary shall carry out **[the pilot program] this section** in a manner that—
- (1) maximizes the beneficial placement of dredged material from Federal and non-Federal navigation channels;
  - (2) incorporates, to the maximum extent practicable, 2 or more Federal navigation, flood control, storm damage reduction, or environmental restoration projects;
  - (3) coordinates the mobilization of dredges and related equipment, including through the use of such efficiencies in contracting and environmental permitting as can be implemented under existing laws and regulations;
  - (4) fosters Federal, State, and local collaboration;
  - (5) implements best practices to maximize the beneficial use of dredged sand and other sediments; and
  - (6) ensures that the use of dredged material is consistent with all applicable environmental laws.
- (e) COST SHARING.—
- (1) IN GENERAL.—Projects carried out under this section shall be subject to the cost-sharing requirements applicable to projects carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).
  - (2) ADDITIONAL COSTS.—Notwithstanding paragraph (1), if the cost of transporting and depositing dredged material for a project carried out under this section exceeds the cost of carrying out those activities pursuant to any other water resources project in accordance, if applicable, with the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations), the Secretary may not require the non-Federal interest to bear the additional cost of such activities.
- (f) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to

the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

- (1) a description of the projects selected to be carried out under **[the pilot program]** *this section*;
- (2) documentation supporting each of the projects selected;
- (3) the findings of regional beneficial use teams regarding project selection; and
- (4) any recommendations of the Secretary or regional beneficial use teams with respect to **[the pilot program]** *the implementation of this section*.

**[(g) TERMINATION.**—The pilot program shall terminate after completion of the 35 projects carried out pursuant to subsection (b)(1).]

**[(h)] (g) EXEMPTION FROM OTHER STANDARDS.**—The projects carried out under this section shall be carried out notwithstanding the definition of the term “Federal standard” in section 335.7 of title 33, Code of Federal Regulations.

(i) **REGIONAL SEDIMENT MANAGEMENT.**—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(1) in subsection (a)(1)—

(A) by striking “For sediment” and inserting the following:

“(A) **SEDIMENT FROM FEDERAL WATER RESOURCES PROJECTS.**—For sediment”; and

(B) by adding at the end the following:

“(B) **SEDIMENT FROM OTHER FEDERAL SOURCES AND NON-FEDERAL SOURCES.**—For purposes of projects carried out under this section, the Secretary may include sediment from other Federal sources and non-Federal sources, subject to the requirement that any sediment obtained from a non-Federal source shall not be obtained at Federal expense.”; and

(2) in subsection (d) by adding at the end the following:

“(3) **SPECIAL RULE.**—Disposal of dredged material under this subsection may include a single or periodic application of sediment for beneficial use and shall not require operation and maintenance.

“(4) **DISPOSAL AT NON-FEDERAL COST.**—The Secretary may accept funds from a non-Federal interest to dispose of dredged material as provided under section 103(d)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(1)).”.

(j) **CLARIFICATION.**—Section 156(e) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f(e)) is amended by striking “3” and inserting “6”.

\* \* \* \* \*

**SEC. 1177. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.**

(a) **IN GENERAL.**—If the Secretary determines that the project is feasible, the Secretary may carry out a project for the rehabilitation of a dam described in subsection (b).

(b) **ELIGIBLE DAMS.**—A dam eligible for assistance under this section is a dam—

- (1) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;

- (2) for which construction was completed before 1940;
- (3) that is classified as “high hazard potential” by the State dam safety agency of the State in which the dam is located; and
- (4) that is operated by a non-Federal entity.
- (c) COST SHARING.—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.
- (d) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—
- (1) to pay the non-Federal share of the costs of construction under subsection (c); and
- (2) to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.
- (e) COST LIMITATION.—**[The Secretary]**
- (1) *IN GENERAL.*—*Except as provided in paragraph (2), the Secretary shall not expend more than \$60,000,000 for a project at any single dam under this section.*
- (2) *EXCEPTION.*—*For a project under this section for which the Federal share of the costs is expected to exceed \$60,000,000, the Secretary may expend more than such amount only if—*
- (A) *the Secretary submits to Congress the determination made under subsection (a) with respect to the project; and*
- (B) *construction of the project substantially in accordance with the plans, and subject to the conditions described in such determination is specifically authorized by Congress.*
- (f) FUNDING.—There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years **[2017 through 2026]** *2025 through 2030*.
- (g) SPECIAL RULE.—Notwithstanding subsection (c), the non-Federal share of the cost of the project for rehabilitation of Waterbury Dam, Washington County, Vermont, under this section, including the cost of any required study, shall be the same share assigned to the non-Federal interest for the cost of initial construction of the Waterbury Dam.

\* \* \* \* \*

## **Subtitle C—Deauthorizations, Modifications, and Related Provisions**

\* \* \* \* \*

### **SEC. 1319. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.**

- (a) DEFINITIONS.—In this section, the following definitions apply:
- (1) NEW SAVANNAH BLUFF LOCK AND DAM.—The term “New Savannah Bluff Lock and Dam” means—
- (A) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and
- (B) the appurtenant features to the lock and dam, including—

(i) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924), and the first section of the Act of August 30, 1935 (49 Stat. 1032); and

(ii) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(2) PROJECT.—The term “Project” means the project for navigation, Savannah Harbor expansion, Georgia, authorized by section 7002(1) of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1364).

(b) DEAUTHORIZATION.—

(1) IN GENERAL.—Effective beginning on the date of enactment of this Act—

(A) the New Savannah Bluff Lock and Dam is deauthorized; and

(B) notwithstanding section 348(l)(2)(B) of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2630; 114 Stat. 2763A-228) (as in effect on the day before the date of enactment of this Act) or any other provision of law, the New Savannah Bluff Lock and Dam shall not be conveyed to the city of North Augusta and Aiken County, South Carolina, or any other non-Federal entity.

(2) REPEAL.—Section 348 of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2630; 114 Stat. 2763A-228) is amended—

(A) by striking subsection (l); and

(B) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(c) PROJECT MODIFICATIONS.—

[(1) IN GENERAL.—Notwithstanding any other provision of law, the Project is modified to include, as the Secretary determines to be necessary—

[(A)(i) repair of the lock wall of the New Savannah Bluff Lock and Dam and modification of the structure such that the structure is able—

[(I) to maintain the pool for navigation, water supply, and recreational activities, as in existence on the date of enactment of this Act; and

[(II) to allow safe passage over the structure to historic spawning grounds of shortnose sturgeon, Atlantic sturgeon, and other migratory fish; or

[(ii)(I) construction at an appropriate location across the Savannah River of a structure that is able to maintain the pool for water supply and recreational activities, as in existence on the date of enactment of this Act; and

[(II) removal of the New Savannah Bluff Lock and Dam on completion of construction of the structure; and

[(B) conveyance by the Secretary to Augusta-Richmond County, Georgia, of the park and recreation area adjacent to the New Savannah Bluff Lock and Dam, without consideration.]



(1) *IN GENERAL.*—Notwithstanding any other provision of law, the Project is modified to include—

(A) full repair of the New Savannah Bluff Lock and Dam structure;

(B) modification of the structure such that the structure is able to maintain a stable pool with the same daily average elevation as is achieved by the existing structure, as measured at both the United States Geological Survey Gage 02196999, located at the New Savannah Bluff Lock and Dam, and the United States Geological Survey Gage 02196670, located in the vicinity of the Fifth Street Bridge, Augusta, Georgia, which at the New Savannah Bluff Lock and Dam is between 114.5 and 115 feet National Geodetic Vertical Datum of 1929 (NGVD29);

(C) construction of a fish passage structure as recommended in the report of the Chief of Engineers for the Project, dated August 17, 2012, or such other Project feature that appropriately mitigates impacts to fish habitat caused by the Project without removing the dam; and

(D) conveyance by the Secretary to Augusta-Richmond County, Georgia, of the park and recreation area adjacent to the New Savannah Bluff Lock and Dam, without consideration.

(2) *COST SHARE.*—

(A) *IN GENERAL.*—The costs of construction of a Project feature constructed pursuant to paragraph (1) shall be determined in accordance with section 101(a)(1)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)(B)).

(B) *SAVINGS PROVISION.*—Any increase in costs for the Project due to the construction of a Project feature constructed pursuant to paragraph (1) shall not be included in the total project cost for purposes of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(C) *CEILING.*—The costs of construction to be paid by the Georgia Ports Authority as a non-Federal interest for the Project for the modifications authorized under paragraph (1) shall not exceed the costs that would be paid by such non-Federal interest for construction of the fish passage structure recommended in the report of the Chief of Engineers for the Project, dated August 17, 2012.

(3) *OPERATION AND MAINTENANCE COSTS.*—The Federal share of the costs of operation and maintenance of any Project feature constructed pursuant to paragraph (1) shall be consistent with [the cost sharing of the Project as provided by law] the cost sharing of the fish passage structure as recommended in the report of the Chief of Engineers for the Project, dated August 17, 2012.

\* \* \* \* \*

**WATER RESOURCES DEVELOPMENT ACT OF 1992**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

\* \* \* \* \*

**TITLE III—MISCELLANEOUS PROVISIONS**

\* \* \* \* \*

**[Sec. 330. Harbor Maintenance Trust Fund deposits and expenditures.]**

\* \* \* \* \*

**TITLE II—GENERALLY APPLICABLE PROVISIONS**

\* \* \* \* \*

**SEC. 204. REGIONAL SEDIMENT MANAGEMENT.**

(a) **IN GENERAL.**—

(1) **SEDIMENT USE.**—

(A) **SEDIMENT FROM FEDERAL WATER RESOURCES PROJECTS.**—For sediment obtained through or used in the construction, operation, or maintenance of an authorized Federal water resources project, including a project authorized for flood control, the Secretary shall develop, at Federal expense, regional sediment management plans and carry out projects at locations identified in plans developed under this section, or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or **[rehabilitation of projects]** *rehabilitation of projects, including projects for the beneficial use of dredged materials described in section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note)*, associated with Federal water resources projects for purposes listed in paragraph (3).

(B) **SEDIMENT FROM OTHER FEDERAL SOURCES AND NON-FEDERAL SOURCES.**—For purposes of projects carried out under this section, the Secretary may include sediment from other Federal sources and non-Federal sources, subject to the requirement that any sediment obtained from a non-Federal source shall not be obtained at Federal expense.

(2) **COOPERATION.**—The Secretary shall develop plans under this subsection in cooperation with the appropriate Federal, State, regional, and local agencies.

(3) **PURPOSES FOR SEDIMENT USE IN PROJECTS.**—The purposes of using sediment for the construction, repair, modification, or rehabilitation of Federal water resources projects are—

(A) to reduce storm damage to property;

(B) to protect, restore, and create aquatic and ecologically related habitats, including wetlands; and

- (C) to transport and place suitable sediment for the purposes of improving environmental conditions in marsh and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local risk management adaptation strategies.
- (4) REDUCING COSTS.—To reduce or avoid Federal costs, the Secretary shall consider the beneficial use of dredged material in a manner that contributes to the maintenance of sediment resources in the nearby coastal system.
- (b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—
- (1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and
  - (2) the project will not result in environmental degradation.
- (c) DETERMINATION OF PROJECT COSTS.—
- (1) COSTS OF CONSTRUCTION.—
    - (A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a regional sediment management plan shall be limited solely to construction costs that are in excess of the costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.
    - (B) COST SHARING.—
      - (i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the construction cost of a project under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).
      - (ii) SPECIAL RULE.—Construction of a project under this section for one or more of the purposes of protection, restoration, or creation of aquatic and ecologically related habitat, the cost of which does not exceed \$750,000 and which is located in a disadvantaged community as determined by the Secretary, may be carried out at Federal expense.
    - (C) TOTAL COST.—The total Federal costs associated with construction of a project under this section may not exceed \$10,000,000.
  - (2) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project under this section are the responsibility of the non-Federal interest.
- (d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL RESTORATION OR STORM DAMAGE AND FLOOD REDUCTION.—
- (1) IN GENERAL.—At the request of the non-Federal interest for a water resources development project involving the disposal of dredged material, the Secretary, using funds appropriated for construction or operation and maintenance of the project, may select a disposal method that is not the least cost

option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to—

(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion; or

(B) the hurricane and storm or flood risk reduction benefits, including shoreline protection, protection against loss of life, and damage to improved property.

(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

(3) SPECIAL RULE.—Disposal of dredged material under this subsection may include a single or periodic application of sediment for beneficial use and shall not require operation and maintenance.

(4) DISPOSAL AT NON-FEDERAL COST.—The Secretary may accept funds from a non-Federal interest to dispose of dredged material as provided under section 103(d)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(1)).

(5) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR CERTAIN PURPOSES.—Activities carried out under this subsection—

(A) shall be carried out using amounts appropriated for construction or operation and maintenance of the project involving the disposal of the dredged material; and

(B) shall not be carried out using amounts made available under subsection (g).

(e) STATE AND REGIONAL PLANS.—The Secretary may—

(1) cooperate with any State or group of States in the preparation of a comprehensive State or regional sediment management plan within the boundaries of the State or among States;

(2) encourage State participation in the implementation of the plan; and

(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to a regional sediment management project in the vicinity of each of the following:

(1) Little Rock Slackwater Harbor, Arkansas.

(2) Fletcher Cove, California.

(3) Egmont Key, Florida.

(4) Calcasieu Ship Channel, Louisiana.

(5) Delaware River Estuary, New Jersey and Pennsylvania.

(6) Fire Island Inlet, Suffolk County, New York.

(7) Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.

(8) Morehead City, North Carolina.

(9) Toledo Harbor, Lucas County, Ohio.

(10) Galveston Bay, Texas.

(11) Benson Beach, Washington.

(12) *Osceola County, Florida.*

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$62,500,000 per fiscal year, of which not more than \$5,000,000 per fiscal year may be used for the development of regional sediment management plans

authorized by subsection (e) and of which not more than \$3,000,000 per fiscal year may be used for construction of projects to which subsection (c)(1)(B)(ii) applies. Such funds shall remain available until expended.

\* \* \* \* \*

**SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.**

(a) **IN GENERAL.**—The Secretary is authorized to provide assistance to non-Federal interests for carrying out water-related environmental infrastructure and resource protection and development projects described in subsection (c), including waste water treatment and related facilities and water supply, storage, treatment, and distribution facilities. Such assistance may be in the form of technical and planning and design assistance. If the Secretary is to provide any design or engineering assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

- (1) the service would require the use of a new technology unavailable in the private sector; or
- (2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of projects for which assistance is provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(c) **PROJECT DESCRIPTIONS.**—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

- (1) **WASHINGTON, D.C. AND MARYLAND.**—Measures to alleviate adverse water quality impacts resulting from storm water discharges from Federal facilities in the Anacostia River watershed, Washington, D.C. and Maryland.
- (2) **ATLANTA, GEORGIA.**—A combined sewer overflow treatment facility for the city of Atlanta, Georgia.
- (3) **HAZARD, KENTUCKY.**—A water system (including a 13,000,000 gallon per day water treatment plant), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for Hazard, Kentucky.
- (4) **ROUGE RIVER, MICHIGAN.**—Completion of a comprehensive streamflow enhancement project for the Western Townships Utility Authority, Rouge River, Wayne County, Michigan.
- (5) **JACKSON COUNTY, MISSISSIPPI.**—Provision of an alternative water supply, projects for stormwater and drainage systems, and projects for the design, installation, enhancement, or repair of sewer systems for Jackson County, Mississippi.
- (6) **EPPING, NEW HAMPSHIRE.**—Evaluation and assistance in addressing expanded and advanced wastewater treatment needs for Epping, New Hampshire.
- (7) **MANCHESTER, NEW HAMPSHIRE.**—Elimination of combined sewer overflows in the city of Manchester, New Hampshire.

(8) ROCHESTER, NEW HAMPSHIRE.—Provision of advanced wastewater treatment for the city of Rochester, New Hampshire.

(9) PATERSON AND PASSAIC COUNTY, NEW JERSEY.—Drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph's Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey.

(10) STATE OF NEW JERSEY AND NEW JERSEY WASTEWATER TREATMENT TRUST.—The development of innovative beneficial uses of sewage sludge and conventional and innovative facilities to dispose of sewage sludge or to make reusable products from sewage sludge for local government units that ceased the discharge of sewage sludge in the Atlantic Ocean.

(11) ERIE COUNTY, NEW YORK.—A tunnel from North Buffalo, New York, to Amherst Quarry to relieve flooding and improve water quality.

(12) ERIE COUNTY, NEW YORK.—A sludge processing disposal facility to serve the Erie County Sewer District 5, New York.

(13) OTSEGO COUNTY, NEW YORK.—A water storage tank and an adequate water filtration system for the Village of Milford, Otsego County, New York.

(14) CHENANGO COUNTY, NEW YORK.—A primary source water well and improvement of a water distribution system for New Berlin, Chenango County, New York.

(15) GREENSBORO AND GLASSWORKS, PENNSYLVANIA.—A sewage treatment plant for the borough of Greensboro, Pennsylvania, and the unincorporated village of Glassworks, Pennsylvania.

(16) LYNCHBURG, VIRGINIA.—Alleviation of combined sewer overflows for Lynchburg, Virginia, in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(17) RICHMOND, VIRGINIA.—Alleviation of combined sewer overflows for Richmond, Virginia, in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(18) COLONIAS ALONG UNITED STATES-MEXICO BORDER.—Wastewater treatment facilities, water systems (including water treatment plants), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for colonias in the United States along the United States-Mexico border.

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

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

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

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

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

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

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

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

(27) LOS OSOS, CALIFORNIA.—**[Wastewater]** *Water and wastewater* infrastructure, Los Osos, California.

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

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

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

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

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

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

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

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

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

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

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

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

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

(41) WINCHESTER, KENTUCKY.—Wastewater infrastructure, Winchester, Kentucky.

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

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

(1) \$57,500,000 for the project described in subsection (c)(5);

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

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

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

(5) **[\$75,000,000]** *\$100,000,000* for the project described in subsection (c)(2);

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

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

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

- (9) \$35,000,000 for the project described in subsection (c)(18);
- (10) \$27,000,000 for the project described in subsection (c)(19);
- (11) \$20,000,000 for the project described in subsection (c)(20);
- (12) \$35,000,000 for the project described in subsection (c)(23);
- (13) \$20,000,000 for the project described in subsection (c)(25);
- (14) \$20,000,000 for the project described in subsection (c)(26);
- (15) ~~[\$35,000,000]~~ \$43,000,000 for the project described in subsection (c)(27);
- (16) \$20,000,000 for the project described in subsection (c)(28);
- (17) \$30,000,000 for the project described in subsection (c)(40);
- (18) \$70,000,000 for the project described in subsection (c)(33); and
- (19) \$36,000,000 for the project described in subsection (c)(34).

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

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

(2) PATERSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.—The project described in subsection (c)(9), modified to include drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph's Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey, and innovative facilities to manage and treat additional flows in the Passaic Valley, Passaic River basin, New Jersey.

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

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

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

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

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

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



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

(10) EASTERN SHORE AND SOUTHWEST VIRGINIA.—

(A) IN GENERAL.—\$52,000,000 for water supply, wastewater infrastructure, and environmental restoration projects in the counties of Accomack, Northampton, Lee, Norton, Wise, Scott, Russell, Dickenson, Buchanan, and Tazewell, Virginia.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(11) NORTHEAST PENNSYLVANIA.—~~[\$20,000,000 for water related infrastructure]~~ *\$70,000,000 for water and wastewater infrastructure, including water supply* in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, Northumberland, Union, Snyder, Luzerne, and Monroe, Pennsylvania, including assistance for the Mountoursville Regional Sewer Authority, Lycoming County, Pennsylvania.

(12) CALUMET REGION, INDIANA.—

(A) IN GENERAL.—\$125,000,000 for water related infrastructure projects in the counties of Benton, Jasper, Lake, Newton, and Porter, Indiana.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(13) CLINTON COUNTY, PENNSYLVANIA.—\$2,000,000 for water related infrastructure in Clinton County, Pennsylvania.

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

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

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

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

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

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

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

(21) BATON ROUGE, LOUISIANA.—~~[\$90,000,000]~~ *\$100,000,000* for water related infrastructure for the parishes of East Baton Rouge, Ascension, and Livingston, Louisiana.

(22) EAST SAN JOAQUIN COUNTY, CALIFORNIA.—

(A) IN GENERAL.—\$25,000,000 for ground water recharge and conjunctive use projects in Stockton East Water District, California.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

(23) SACRAMENTO AREA, CALIFORNIA.— \$45,000,000 for regional water conservation, recycling, reliability, and resiliency projects in Placer, El Dorado, and Sacramento Counties and the San Juan Water District, California.

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

(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—~~[\$165,000,000]~~ *\$235,000,000* for wastewater treatment and water supply treatment and distribution projects in the counties of Berkeley, Calhoun, Clarendon, Colleton, Dorchester, and Orangeberg, South Carolina.

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

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

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

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

(30) DESOTO COUNTY, MISSISSIPPI.—~~[\$130,000,000]~~ *\$170,000,000* for a wastewater infrastructure project in the county of DeSoto, Mississippi.

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

(32) ST. LOUIS, MISSOURI.—~~[\$70,000,000]~~ *\$100,000,000* for projects to eliminate or control combined sewer overflows in the city of St. Louis and St. Louis County, Missouri.

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

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

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

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

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

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

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

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

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

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

(43) HARBOR/SOUTH BAY, CALIFORNIA.—\$70,000,000 for an industrial water reuse project for the Harbor/South Bay area, California.

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

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

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

(48) CAMBRIA, CALIFORNIA.—

(A) IN GENERAL.—\$10,300,000 for desalination infrastructure, Cambria, California.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project not to exceed \$3,000,000 for the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

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

(50) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—\$24,500,000 for water and wastewater infrastructure, North Valley Region, Lancaster, California.

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

(52) SOUTH PERRIS, CALIFORNIA.—**[\$50,000,000]** \$100,000,000 for water supply desalination infrastructure, South Perris, California.

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

(54) COOK COUNTY AND LAKE COUNTY, ILLINOIS.—**[\$100,000,000]** \$149,000,000 for wastewater infrastructure, including stormwater management, and other water-related infrastructure and resource protection and development, Cook County and Lake County, Illinois.

(55) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—**[\$100,000,000]** \$150,000,000 for water and wastewater (*including stormwater*) assistance, Madison and St. Clair Counties, Illinois.

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

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

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

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

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

(61) GARRISON, CROW WING COUNTY, MILLE LACS COUNTY, MILLE LACS INDIAN RESERVATION, AND KATHIO TOWNSHIP, MINNESOTA.—\$17,000,000 for a wastewater infrastructure project for the city of Garrison, Crow Wing County, Mille Lacs County, Mille Lacs Indian Reservation established by the treaty of February 22, 1855 (10 Stat. 1165), and Kathio Township, Minnesota. Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota, except for assistance provided directly to the Mille Lacs Band of Ojibwe at the discretion of the Secretary.

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

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

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

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

(66) ALLEGHENY COUNTY, PENNSYLVANIA.—

(A) IN GENERAL.—\$30,000,000 for wastewater infrastructure, including stormwater management, and other water-related environmental infrastructure, Allegheny County, Pennsylvania.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

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

(68) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—~~[\$2,400,000 for water and sewer infrastructure]~~ *\$10,000,000 for water and wastewater infrastructure, including stormwater infrastructure and water supply*, Phoenixville Borough, Chester County, Pennsylvania.

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

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

(71) CORONADO, CALIFORNIA.—

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

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

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

(72) CHARLESTON, SOUTH CAROLINA.—\$10,000,000 for wastewater infrastructure, including wastewater collection systems, and stormwater system improvements, Charleston, South Carolina.

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

(74) LASSEN, PLUMAS, BUTTE, SIERRA, AND NEVADA COUNTIES, CALIFORNIA.—\$25,000,000 to improve the efficiency and use of existing water supplies in the counties of Lassen, Plumas, Butte, Sierra, and Nevada, California, through water and waste water projects, programs, and infrastructure.

(75) INDIANAPOLIS, INDIANA.—\$6,430,000 for environmental infrastructure for Indianapolis, Indiana.

(76) ST. CROIX FALLS, WISCONSIN.—\$5,000,000 for waste water infrastructure, St. Croix Falls, Wisconsin.

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

(78) ST. CLAIR COUNTY, BLOUNT COUNTY, AND CULLMAN COUNTY, ALABAMA.—\$5,000,000 for water related infrastructure, St. Clair County, Blount County, and Cullman County, Alabama.

(79) CRAWFORD COUNTY, ARKANSAS.—\$35,000,000 for water supply infrastructure, Crawford County, Arkansas.

(80) ALAMEDA AND CONTRA COSTA COUNTIES, CALIFORNIA.—~~[\$25,000,000]~~ \$45,000,000 for recycled water treatment facilities within the East Bay Municipal Utility District service area, Alameda and Contra Costa Counties, California.

(81) ALISO CREEK, ORANGE COUNTY, CALIFORNIA.—\$5,000,000 for water related infrastructure, Aliso Creek, Orange County, California.

(82) AMADOR COUNTY, CALIFORNIA.—\$3,000,000 for wastewater collection and treatment infrastructure, Amador County, California.

(83) ARCADIA, SIERRA MADRE, AND UPLAND, CALIFORNIA.—\$33,000,000 for water and wastewater infrastructure, Arcadia, Sierra Madre, and Upland, California, including \$13,000,000 for stormwater infrastructure for Upland, California.

(84) BIG BEAR AREA REGIONAL WASTEWATER AGENCY, CALIFORNIA.—\$15,000,000 for water reclamation and distribution infrastructure, Big Bear Area Regional Wastewater Agency, California.

(85) BRAWLEY COLONIA, IMPERIAL COUNTY, CALIFORNIA.—\$1,400,000 for water infrastructure to improve water quality in the Brawley Colonia Water District, Imperial County, California.

(86) CALAVERAS COUNTY, CALIFORNIA.—~~[\$13,280,000]~~ \$16,300,000 for water supply and wastewater infrastructure improvement projects in Calaveras County, California, including wastewater reclamation, recycling, and conjunctive use projects.

(87) CONTRA COSTA ~~[WATER DISTRICT]~~ COUNTY, CALIFORNIA.—\$80,000,000, *of which not less than \$23,000,000 shall be for water and wastewater infrastructure for the Contra Costa Water District service area, and of which not less than \$57,000,000 shall be for water and wastewater infrastructure, including stormwater management and water supply, within the service areas for the Delta Diablo Sanitation District and the Ironhouse Sanitary District, Contra Costa County, California.*

(88) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—\$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

(89) EAST PALO ALTO, CALIFORNIA.—\$4,000,000 for a new pump station and stormwater management and drainage system, East Palo Alto, California.

(90) IMPERIAL COUNTY, CALIFORNIA.—\$10,000,000 for wastewater infrastructure, including a wastewater disinfection facil-

ity and polishing system, to improve water quality in the vicinity of Calexico, California, on the southern New River, Imperial County, California.

(91) LA HABRA, CALIFORNIA.—\$5,000,000 for wastewater and water related infrastructure, city of La Habra, California.

(92) LA MIRADA, CALIFORNIA.—\$4,000,000 for the planning, design, and construction of a stormwater program in La Mirada, California.

(93) LOS ANGELES COUNTY, CALIFORNIA.—**[\$103,000,000]** \$128,000,000 for water and wastewater infrastructure, including stormwater management, Diamond Bar, La Habra Heights, Dominguez Channel, **[Santa Clarity Valley]** *Santa Clarita Valley*, and Rowland Heights, Los Angeles County, California.

(94) LOS ANGELES COUNTY, CALIFORNIA.—\$20,000,000 for the planning, design, and construction of water related infrastructure for Santa Monica Bay and the coastal zone of Los Angeles County, California.

(95) MALIBU, CALIFORNIA.—\$3,000,000 for municipal wastewater and recycled water infrastructure, Malibu Creek Watershed Protection Project, Malibu, California.

(96) MONTEBELLO, CALIFORNIA.—\$4,000,000 for water infrastructure improvements in south Montebello, California.

(97) NEW RIVER, CALIFORNIA.—\$10,000,000 for wastewater infrastructure to improve water quality in the New River, California.

(98) ORANGE COUNTY, CALIFORNIA.—\$10,000,000 for wastewater and water related infrastructure, Anaheim, Brea, Mission Viejo, Rancho Santa Margarita, and Yorba Linda, Orange County, California.

(99) PORT OF STOCKTON, STOCKTON, CALIFORNIA.—\$3,000,000 for water and wastewater infrastructure projects for Rough and Ready Island and vicinity, Stockton, California.

(100) PERRIS, CALIFORNIA.—\$3,000,000 for recycled water transmission infrastructure, Eastern Municipal Water District, Perris, California.

(101) SAN BERNARDINO COUNTY, CALIFORNIA.—**[\$9,000,000]** \$24,000,000 for wastewater and water related infrastructure, Chino and Chino Hills, San Bernardino County, California.

(102) SANTA CLARA COUNTY, CALIFORNIA.—\$5,500,000 for an advanced recycling water treatment plant in Santa Clara County, California.

(103) SANTA MONICA, CALIFORNIA.—\$3,000,000 for improving water system reliability, Santa Monica, California.

(104) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—\$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

(105) STOCKTON, CALIFORNIA.—\$33,000,000 for water treatment and distribution infrastructure, Stockton, California.

(106) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—\$375,000 to improve water quality and remove non-native aquatic nuisance species from the Sweetwater Reservoir, San Diego County, California.

(107) WHITTIER, CALIFORNIA.—\$8,000,000 for water, wastewater, and water related infrastructure, Whittier, California.

(108) ARKANSAS VALLEY CONDUIT, COLORADO.—\$10,000,000 for the Arkansas Valley Conduit, Colorado.

(109) BOULDER COUNTY, COLORADO.—\$20,000,000 for water and wastewater infrastructure, including stormwater management and water supply, Boulder County, Colorado.

(110) MONTEZUMA AND LA PLATA COUNTIES, COLORADO.—\$1,000,000 for water and wastewater related infrastructure for the Ute Mountain project, Montezuma and La Plata Counties, Colorado.

(111) OTERO, BENT, CROWLEY, KIOWA, AND PROWERS COUNTIES, COLORADO.—\$35,000,000 for water transmission infrastructure, Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.

(112) PUEBLO AND OTERO COUNTIES, COLORADO.—\$34,000,000 for water transmission infrastructure, Pueblo and Otero Counties, Colorado.

(113) ENFIELD, CONNECTICUT.—\$1,000,000 for infiltration and inflow correction, Enfield, Connecticut.

(114) LEDYARD AND MONTVILLE, CONNECTICUT.—\$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

(115) NEW HAVEN, CONNECTICUT.—\$300,000 for stormwater system improvements, New Haven, Connecticut.

(116) NORWALK, CONNECTICUT.—\$3,000,000 for the Keeler Brook Storm Water Improvement Project, Norwalk, Connecticut.

(117) PLAINVILLE, CONNECTICUT.—\$6,280,000 for wastewater treatment, Plainville, Connecticut.

(118) SOUTHTON, CONNECTICUT.—\$9,420,000 for water supply infrastructure, Southington, Connecticut.

(119) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—\$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

(120) DISTRICT OF COLUMBIA.—\$35,000,000 for implementation of a combined sewer overflow long-term control plan in the District of Columbia.

(121) CHARLOTTE COUNTY, FLORIDA.—\$33,000,000 for wastewater and water supply infrastructure, Charlotte County, Florida.

(122) CHARLOTTE, LEE, AND COLLIER COUNTIES, FLORIDA.—\$20,000,000 for water supply interconnectivity infrastructure, Charlotte, Lee, and Collier Counties, Florida.

(123) COLLIER COUNTY, FLORIDA.—\$5,000,000 for water infrastructure to improve water quality in the vicinity of the Gordon River, Collier County, Florida.

(124) HILLSBOROUGH COUNTY, FLORIDA.—\$6,250,000 for water infrastructure and supply enhancement, Hillsborough County, Florida.

(125) JACKSONVILLE, FLORIDA.—\$25,000,000 for wastewater related infrastructure, including septic tank replacements, Jacksonville, Florida.

(126) SARASOTA COUNTY, FLORIDA.—\$10,000,000 for water and wastewater infrastructure in Sarasota County, Florida.



(127) SOUTH SEMINOLE AND NORTH ORANGE COUNTY, FLORIDA.—\$30,000,000 for wastewater infrastructure for the South Seminole and North Orange Wastewater Transmission Authority, Florida.

(128) MIAMI-DADE COUNTY, FLORIDA.—\$190,250,000 for wastewater infrastructure, including water reuse supply and a water transmission pipeline, Miami-Dade County, Florida.

(129) PALM BEACH COUNTY, FLORIDA.—~~[\$7,500,000]~~ \$57,500,000 for water infrastructure, Palm Beach County, Florida.

(130) ALBANY, GEORGIA.—\$109,000,000 for wastewater infrastructure, including stormwater management (including combined sewer overflows), Albany, Georgia.

(131) BANKS COUNTY, GEORGIA.—\$5,000,000 for water infrastructure improvements, Banks County, Georgia.

(132) BERRIEN COUNTY, GEORGIA.—\$5,000,000 for water infrastructure improvements, Berrien County, Georgia.

(133) CHATTOOGA COUNTY, GEORGIA.—\$8,000,000 for wastewater and drinking water infrastructure improvement, Chattooga County, Georgia.

(134) CHATTOOGA, FLOYD, GORDON, WALKER, AND WHITIFIELD COUNTIES, GEORGIA.—\$10,000,000 for water infrastructure improvements, Armuchee Valley, Chattooga, Floyd, Gordon, Walker, and Whitfield Counties, Georgia.

(135) DAHLONEGA, GEORGIA.—\$5,000,000 for water infrastructure improvements, Dahlonega, Georgia.

(136) EAST POINT, GEORGIA.—~~[\$15,000,000]~~ \$20,000,000 for stormwater management and other water infrastructure improvements, city of East Point, Georgia.

(137) FAYETTEVILLE, GRANTVILLE, LAGRANGE, PINE MOUNTAIN (HARRIS COUNTY), DOUGLASVILLE, AND CARROLLTON, GEORGIA.—\$24,500,000 for water and wastewater infrastructure, Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.

(138) MERIWETHER AND SPALDING COUNTIES, GEORGIA.—\$7,000,000 for water and wastewater infrastructure, Meriwether and Spalding Counties, Georgia.

(139) MOULTRIE, GEORGIA.—\$5,000,000 for water supply infrastructure, Moultrie, Georgia.

(140) STEPHENS COUNTY/CITY OF TOCCOA, GEORGIA.—\$8,000,000 water infrastructure improvements, Stephens County/city of Toccoa, Georgia.

(141) NORTH VERNON AND BUTLERVILLE, INDIANA.—\$1,700,000 for wastewater infrastructure, North Vernon and Butlerville, Indiana.

(142) SALEM, WASHINGTON COUNTY, INDIANA.—\$3,200,000 for water supply infrastructure, Salem, Washington County, Indiana.

(143) ATCHISON, KANSAS.—\$20,000,000 to address combined sewer overflows, Atchison, Kansas.

(144) CENTRAL KENTUCKY.—\$10,000,000 for water related infrastructure and resource protection and development, Scott, Franklin, Woodford, Anderson, Fayette, Mercer, Jessamine, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Clark, Montgomery, and Bourbon Counties, Kentucky.

(145) LAFAYETTE, LOUISIANA.—\$1,200,000 for water and wastewater improvements, Lafayette, Louisiana.

(146) LAFOURCHE PARISH, LOUISIANA.—~~[\$2,300,000]~~ \$7,300,000 for measures to prevent the intrusion of saltwater into the freshwater system, Lafourche Parish, Louisiana.

(147) LAKE CHARLES, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Lake Charles, Louisiana.

(148) NORTHWEST LOUISIANA COUNCIL OF GOVERNMENTS, LOUISIANA.—\$2,000,000 for water and wastewater improvements, Northwest Louisiana Council of Governments, Louisiana.

(149) OUACHITA PARISH, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Ouachita Parish, Louisiana.

(150) PLAQUEMINE, LOUISIANA.—\$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

(151) RAPIDES AREA PLANNING COMMISSION, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Rapides, Louisiana.

(152) SHREVEPORT, LOUISIANA.—\$20,000,000 for water supply infrastructure in Shreveport, Louisiana.

(153) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—~~[\$12,500,000]~~ \$17,500,000 for water and wastewater improvements, South Central Planning and Development Commission, Louisiana.

(154) UNION-LINCOLN REGIONAL WATER SUPPLY PROJECT, LOUISIANA.—\$2,000,000 for the Union-Lincoln Regional Water Supply project, Louisiana.

(155) CHESAPEAKE BAY IMPROVEMENTS, MARYLAND, VIRGINIA, AND DISTRICT OF COLUMBIA.—\$30,000,000 for environmental infrastructure projects to benefit the Chesapeake Bay, including the nutrient removal project at the Blue Plains Wastewater Treatment facility in the District of Columbia.

(156) CHESAPEAKE BAY REGION, MARYLAND AND VIRGINIA.—\$40,000,000 for water pollution control, Chesapeake Bay Region, Maryland and Virginia.

(157) ~~[MICHIGAN COMBINED SEWER OVERFLOWS]~~ MICHIGAN.—

(A) IN GENERAL.—~~[\$85,000,000]~~ \$160,000,000 for correction of combined sewer overflows, Michigan.

(B) ADDITIONAL PROJECTS.—Amounts made available under subparagraph (A) may be used for design and construction projects for water-related environmental infrastructure and resource protection and development projects in Michigan, including for projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(158) CENTRAL IRON RANGE SANITARY SEWER DISTRICT, MINNESOTA.—\$12,000,000 for wastewater infrastructure for the Central Iron Range Sanitary Sewer District to serve the cities of Hibbing, Chisholm, Buhl, and Kinney, and Balkan and Great Scott Townships, Minnesota.

(159) CENTRAL LAKE REGION SANITARY DISTRICT, MINNESOTA.—\$2,000,000 for sanitary sewer and wastewater infrastructure for the Central Lake Region Sanitary District, Minnesota, to serve Le Grande and Moe Townships, Minnesota.

(160) GOODVIEW, MINNESOTA.—\$3,000,000 for water quality infrastructure, Goodview, Minnesota.

(161) GRAND RAPIDS, MINNESOTA.—\$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

(162) WILLMAR, MINNESOTA.—\$15,000,000 for wastewater infrastructure, Willmar, Minnesota.

(163) BILOXI, MISSISSIPPI.—~~[\$5,000,000]~~ \$10,000,000 for water and wastewater related infrastructure, city of Biloxi, Mississippi.

(164) CORINTH, MISSISSIPPI.—\$7,500,000 for a surface water program, city of Corinth, Mississippi.

(165) GULFPORT, MISSISSIPPI.—\$5,000,000 for water and wastewater related infrastructure, city of Gulfport, Mississippi.

(166) HARRISON COUNTY, MISSISSIPPI.—\$5,000,000 for water and wastewater related infrastructure, Harrison County, Mississippi.

(167) JACKSON, MISSISSIPPI.—\$125,000,000 for water and wastewater infrastructure, including resilience activities for such infrastructure, Jackson, Mississippi.

(168) CLARK COUNTY, NEVADA.—\$30,000,000 for wastewater infrastructure, Clark County, Nevada.

(169) CLEAN WATER COALITION, NEVADA.—\$50,000,000 for the Systems Conveyance and Operations Program, Clark County, Henderson, Las Vegas, and North Las Vegas, Nevada.

(170) GLENDALE DAM DIVERSION STRUCTURE, NEVADA.—\$10,000,000 for water system improvements to the Glendale Dam Diversion Structure for the Truckee Meadows Water Authority, Nevada.

(171) HENDERSON, NEVADA.—\$13,000,000 for wastewater infrastructure, Henderson, Nevada.

(172) INDIAN SPRINGS, NEVADA.—\$12,000,000 for construction of wastewater system improvements for the Indian Springs community, Nevada.

(173) RENO, NEVADA.—\$13,000,000 for construction of a water conservation project for the Highland Canal, Mogul Bypass in Reno, Nevada.

(174) WASHOE COUNTY, NEVADA.—\$14,000,000 for construction of water infrastructure improvements to the Huffaker Hills Reservoir Conservation Project, Washoe County, Nevada.

(175) CRANFORD TOWNSHIP, NEW JERSEY.—\$6,000,000 for storm sewer improvements, Cranford Township, New Jersey.

(176) MIDDLETOWN TOWNSHIP, NEW JERSEY.—\$1,100,000 for storm sewer improvements, Middletown Township, New Jersey.

(177) PATERSON, NEW JERSEY.—\$35,000,000 for wastewater infrastructure, Paterson, New Jersey.

(178) RAHWAY VALLEY, NEW JERSEY.—\$25,000,000 for sanitary sewer and storm sewer improvements in the service area of the Rahway Valley Sewerage Authority, New Jersey.

(179) BABYLON, NEW YORK.—\$5,000,000 for wastewater infrastructure, Town of Babylon, New York.

(180) ELLICOTTVILLE, NEW YORK.—\$2,000,000 for water supply, water, and wastewater infrastructure in Ellicottville, New York.

(181) ELMIRA, NEW YORK.—\$5,000,000 for wastewater infrastructure, Elmira, New York.

(182) ESSEX HAMLET, NEW YORK.—\$5,000,000 for wastewater infrastructure, Essex Hamlet, New York.

(183) FLEMING, NEW YORK.—\$5,000,000 for drinking water infrastructure, Fleming, New York.

(184) KIRYAS JOEL, NEW YORK.—~~[\$5,000,000]~~ \$25,000,000 for drinking water infrastructure, village of Kiryas Joel, New York.

(185) NIAGARA FALLS, NEW YORK.—\$5,000,000 for wastewater infrastructure, Niagara Falls Water Board, New York.

(186) PATCHOGUE, NEW YORK.—\$5,000,000 for wastewater infrastructure, village of Patchogue, New York.

(187) SENNETT, NEW YORK.—\$1,500,000 for water infrastructure, town of Sennett, New York.

(188) SPRINGPORT AND FLEMING, NEW YORK.—\$10,000,000 for water related infrastructure, including water mains, pump stations, and water storage tanks, Springport and Fleming, New York.

(189) WELLSVILLE, NEW YORK.—\$2,000,000 for water supply, water, and wastewater infrastructure in Wellsville, New York.

(190) YATES COUNTY, NEW YORK.—\$5,000,000 for drinking water infrastructure, Yates County, New York.

(191) CABARRUS COUNTY, NORTH CAROLINA.—\$4,500,000 for water related infrastructure, Cabarrus County, North Carolina.

(192) CARY, WAKE COUNTY, NORTH CAROLINA.—\$4,000,000 for a water reclamation facility, Cary, Wake County, North Carolina.

(193) CHARLOTTE, NORTH CAROLINA.—\$14,000,000 for the Briar Creek Relief Sewer project, city of Charlotte, North Carolina.

(194) FAYETTEVILLE, CUMBERLAND COUNTY, NORTH CAROLINA.—\$6,000,000 for water and sewer upgrades, city of Fayetteville, Cumberland County, North Carolina.

(195) MOORESVILLE, NORTH CAROLINA.—\$4,000,000 for water and wastewater infrastructure improvements, town of Mooresville, North Carolina.

(196) NEUSE REGIONAL WATER AND SEWER AUTHORITY, NORTH CAROLINA.—\$4,000,000 for the Neuse regional drinking water facility, Kinston, North Carolina.

(197) RICHMOND COUNTY, NORTH CAROLINA.—\$13,500,000 for water related infrastructure, Richmond County, North Carolina.

(198) UNION COUNTY, NORTH CAROLINA.—\$6,000,000 for water related infrastructure, Union County, North Carolina.

(199) WASHINGTON COUNTY, NORTH CAROLINA.—\$1,000,000 for water and wastewater infrastructure, Washington County, North Carolina.

(200) WINSTON-SALEM, NORTH CAROLINA.—\$3,000,000 for stormwater upgrades, city of Winston-Salem, North Carolina.

(201) NORTH DAKOTA.—\$15,000,000 for water-related infrastructure, North Dakota.

(202) DEVILS LAKE, NORTH DAKOTA.—\$15,000,000 for water supply infrastructure, Devils Lake, North Dakota.

(203) SAIPAN, NORTHERN MARIANA ISLANDS.—\$20,000,000 for water related infrastructure, Saipan, Northern Mariana Islands.

(204) AKRON, OHIO.—\$5,000,000 for wastewater infrastructure, Akron, Ohio.

(205) BURR OAK REGIONAL WATER DISTRICT, OHIO.—\$4,000,000 for construction of a water line to extend from a well field near Chauncey, Ohio, to a water treatment plant near Millfield, Ohio.

(206) CINCINNATI, OHIO.—~~[\$1,000,000]~~ \$31,000,000 for wastewater infrastructure, Cincinnati, Ohio.

(207) CLEVELAND, OHIO.—~~[\$2,500,000 for Flats East Bank]~~ \$25,500,000 water and wastewater infrastructure, city of Cleveland, Ohio.

(208) COLUMBUS, OHIO.—\$4,500,000 for wastewater infrastructure, Columbus, Ohio.

(209) DAYTON, OHIO.—\$1,000,000 for water and wastewater infrastructure, Dayton, Ohio.

(210) DEFIANCE COUNTY, OHIO.—\$1,000,000 for wastewater infrastructure, Defiance County, Ohio.

(211) FOSTORIA, OHIO.—\$2,000,000 for wastewater infrastructure, Fostoria, Ohio.

(212) FREMONT, OHIO.—\$2,000,000 for construction of off-stream water supply reservoir, Fremont, Ohio.

(213) LAKE COUNTY, OHIO.—\$1,500,000 for wastewater infrastructure, Lake County, Ohio.

(214) LAWRENCE COUNTY, OHIO.—\$5,000,000 for Union Rome wastewater infrastructure, Lawrence County, Ohio.

(215) MEIGS COUNTY, OHIO.—\$1,000,000 to extend the Tupper Plains Regional Water District water line to Meigs County, Ohio.

(216) MENTOR-ON-LAKE, OHIO.—\$625,000 for water and wastewater infrastructure, Mentor-on-Lake, Ohio.

(217) VINTON COUNTY, OHIO.—\$1,000,000 to construct water lines in Vinton and Brown Townships, Ohio.

(218) WILLOWICK, OHIO.—\$665,000 for water and wastewater infrastructure, Willowick, Ohio.

(219) ADA, OKLAHOMA.—\$1,700,000 for sewer improvements and other water infrastructure, city of Ada, Oklahoma.

(220) ALVA, OKLAHOMA.—\$250,000 for wastewater infrastructure improvements, city of Alva, Oklahoma.

(221) ARDMORE, OKLAHOMA.—\$1,900,000 for water and sewer infrastructure improvements, city of Ardmore, Oklahoma.

(222) BARTLESVILLE, OKLAHOMA.—\$2,500,000 for water supply infrastructure, city of Bartlesville, Oklahoma.

(223) BETHANY, OKLAHOMA.—\$1,500,000 for water improvements and water related infrastructure, city of Bethany, Oklahoma.

(224) CHICKASHA, OKLAHOMA.—\$650,000 for industrial park sewer infrastructure, city of Chickasha, Oklahoma.

(225) DISNEY AND LANGLEY, OKLAHOMA.—\$2,500,000 for water and sewer improvements and water related infrastructure, cities of Disney and Langley, Oklahoma.

(226) DURANT, OKLAHOMA.—\$3,300,000 for bayou restoration and water related infrastructure, city of Durant, Oklahoma.

(227) EASTERN OKLAHOMA STATE UNIVERSITY, WILBERTON, OKLAHOMA.—\$1,000,000 for sewer and utility upgrades and water related infrastructure, Eastern Oklahoma State University, Wilberton, Oklahoma.

(228) GUYMON, OKLAHOMA.—\$16,000,000 for water and wastewater related infrastructure, city of Guymon, Oklahoma.

(229) KONAWA, OKLAHOMA.—\$500,000 for water treatment infrastructure improvements, city of Konawa, Oklahoma.

(230) LUGERT-ALTUS IRRIGATION DISTRICT, ALTUS, OKLAHOMA.—\$5,000,000 for water related infrastructure improvements, Lugert-Altus Irrigation District, Altus, Oklahoma.

(231) MIDWEST CITY, OKLAHOMA.—~~[\$5,000,000]~~ *\$15,000,000* for improvements to water related infrastructure, the City of Midwest City, Oklahoma.

(232) MUSTANG, OKLAHOMA.—\$3,325,000 for water improvements and water related infrastructure, city of Mustang, Oklahoma.

(233) NORMAN, OKLAHOMA.—\$10,000,000 for water related infrastructure, Norman, Oklahoma.

(234) OKLAHOMA PANHANDLE STATE UNIVERSITY, GUYMON, OKLAHOMA.—\$275,000 for water testing facility and water related infrastructure development, Oklahoma Panhandle State University, Guymon, Oklahoma.

(235) WEATHERFORD, OKLAHOMA.—\$500,000 for arsenic program and water related infrastructure, city of Weatherford, Oklahoma.

(236) WOODWARD, OKLAHOMA.—~~[\$1,500,000]~~ *\$3,000,000* for water improvements and water related infrastructure, Woodward, Oklahoma.

(237) ALBANY, OREGON.—\$35,000,000 for wastewater infrastructure to improve habitat restoration, Albany, Oregon.

(238) BEAVER CREEK RESERVOIR, PENNSYLVANIA.—\$3,000,000 for projects for water supply and related activities, Beaver Creek Reservoir, Clarion County, Beaver and Salem Townships, Pennsylvania.

(239) HATFIELD BOROUGH, PENNSYLVANIA.—~~[\$310,000]~~ *\$3,000,000* for wastewater related infrastructure for Hatfield Borough, Pennsylvania.

(240) LEHIGH COUNTY, PENNSYLVANIA.—\$5,000,000 for stormwater control measures and storm sewer improvements, Lehigh County, Pennsylvania.

(241) NORTH WALES BOROUGH, PENNSYLVANIA.—\$1,516,584 for wastewater related infrastructure for North Wales Borough, Pennsylvania.

(242) PEN ARGYL, PENNSYLVANIA.—\$5,250,000 for wastewater infrastructure, Pen Argyl, Pennsylvania.

(243) PHILADELPHIA, PENNSYLVANIA.—\$1,600,000 for wastewater related infrastructure for Philadelphia, Pennsylvania.

(244) STOCKERTON BOROUGH, TATAMY BOROUGH, AND PALMER TOWNSHIP, PENNSYLVANIA.—\$10,000,000 for stormwater control measures, particularly to address sinkholes, in the vicinity of Stockerton Borough, Tatamy Borough, and Palmer Township, Pennsylvania.

(245) VERA CRUZ, PENNSYLVANIA.—\$5,500,000 for wastewater infrastructure, Vera Cruz, Pennsylvania.

(246) COMMONWEALTH OF PUERTO RICO.—\$35,000,000 for water and wastewater infrastructure in the Commonwealth of Puerto Rico.

(247) CHARLESTON, SOUTH CAROLINA.—\$4,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

(248) CHARLESTON AND WEST ASHLEY, SOUTH CAROLINA.—\$6,000,000 for wastewater tunnel replacement, Charleston and West Ashley, South Carolina.

(249) CROOKED CREEK, MARLBORO COUNTY, SOUTH CAROLINA.—\$25,000,000 for a project for water storage and water supply infrastructure on Crooked Creek, Marlboro County, South Carolina.

(250) MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—\$31,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach and vicinity, South Carolina.

(251) NORTH MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—\$74,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach and vicinity, South Carolina.

(252) SURFSIDE, SOUTH CAROLINA.—\$11,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

(253) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—\$65,000,000 for water related infrastructure, Cheyenne River Sioux Reservation (Dewey and Ziebach counties) and Perkins and Meade Counties, South Dakota.

(254) ATHENS, TENNESSEE.—\$16,000,000 for wastewater infrastructure, Athens, Tennessee.

(255) BLAINE, TENNESSEE.—\$500,000 for water supply and wastewater infrastructure, Blaine, Tennessee.

(256) CLAIBORNE COUNTY, TENNESSEE.—\$1,250,000 for water supply and wastewater infrastructure, Claiborne County, Tennessee.

(257) GILES COUNTY, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure, county of Giles, Tennessee.

(258) GRAINGER COUNTY, TENNESSEE.—\$1,250,000 for water supply and wastewater infrastructure, Grainger County, Tennessee.

(259) HAMILTON COUNTY, TENNESSEE.—\$500,000 for water supply and wastewater infrastructure, Hamilton County, Tennessee.

(260) HARROGATE, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure, city of Harrogate, Tennessee.

(261) JOHNSON COUNTY, TENNESSEE.—\$600,000 for water supply and wastewater infrastructure, Johnson County, Tennessee.

(262) KNOXVILLE, TENNESSEE.—\$5,000,000 for water supply and wastewater infrastructure, city of Knoxville, Tennessee.

(263) NASHVILLE, TENNESSEE.—\$5,000,000 for water supply and wastewater infrastructure, Nashville, Tennessee.

(264) LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure, counties of Lewis, Lawrence, and Wayne, Tennessee.

(265) OAK RIDGE, TENNESSEE.—\$4,000,000 for water supply and wastewater infrastructure, city of Oak Ridge, Tennessee.

(266) PLATEAU UTILITY DISTRICT, MORGAN COUNTY, TENNESSEE.—\$1,000,000 for water supply and wastewater infrastructure, Morgan County, Tennessee.

(267) SHELBY COUNTY, TENNESSEE.—\$4,000,000 for water related environmental infrastructure, county of Shelby, Tennessee.

(268) CENTRAL TEXAS.—\$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burlison, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

(269) EL PASO COUNTY, TEXAS.—\$75,000,000 for water related infrastructure and resource protection, including stormwater management, and development, El Paso County, Texas.

(270) FT. BEND COUNTY, TEXAS.—\$20,000,000 for water and wastewater infrastructure, Ft. Bend County, Texas.

(271) DUCHESNE, IRON, AND Uintah COUNTIES, UTAH.—\$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

(272) NORTHERN WEST VIRGINIA.—

(A) IN GENERAL.—\$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie Counties, West Virginia.

(B) LOCAL COOPERATION AGREEMENTS.—Notwithstanding subsection (a), at the request of a non-Federal interest for a project or a separable element of a project that receives assistance under this paragraph, the Secretary may enter into an agreement developed in accordance with section 571(e) of the Water Resources Development Act of 1999 (113 Stat. 371) for the project or separable element.

(273) UNITED STATES VIRGIN ISLANDS.—\$25,000,000 for wastewater infrastructure for the St. Croix Anguilla wastewater treatment plant and the St. Thomas Charlotte Amalie wastewater treatment plant, United States Virgin Islands.

(274) ALABAMA.—\$50,000,000 for water, wastewater, and other environmental infrastructure in Alabama.

(275) CHANDLER, ARIZONA.—\$18,750,000 for water and wastewater infrastructure in the city of Chandler, Arizona.

(276) PINAL COUNTY, ARIZONA.—\$40,000,000 for water and wastewater infrastructure in Pinal County, Arizona.

(277) TEMPE, ARIZONA.—\$37,500,000 for water and wastewater infrastructure, including water reclamation and groundwater recharge, for the City of Tempe, Arizona.

(278) ALAMEDA COUNTY, CALIFORNIA.—\$20,000,000 for environmental infrastructure, in Alameda County, California.

(279) BELL GARDENS, CALIFORNIA.—\$12,500,000 for water and wastewater infrastructure, including water recycling and water supply, in the city of Bell Gardens, California.



(280) CALIMESA, CALIFORNIA.—\$3,500,000 for stormwater management and water supply infrastructure, including groundwater recharge and water recycling, in the city of Calimesa, California.

(281) COMPTON CREEK, CALIFORNIA.—\$6,165,000 for stormwater management infrastructure in the vicinity of Compton Creek, city of Compton, California.

(282) DOWNEY, CALIFORNIA.—\$100,000,000 for water infrastructure, including water supply, in the city of Downey, California.

(283) EAST COUNTY, SAN DIEGO COUNTY, CALIFORNIA.—\$70,000,000 for water and wastewater infrastructure, including water recycling and water supply, in East County, San Diego County, California.

(284) EASTERN LOS ANGELES COUNTY, CALIFORNIA.—\$25,000,000 for the planning, design, and construction of water and wastewater infrastructure, including water recycling and water supply, for the cities of Azusa, Baldwin Park, Covina, Duarte, El Monte, Glendora, Industry, Irwindale, La Puente, La Verne, Monrovia, San Dimas, and West Covina, and for Avocado Heights, Bassett, and Valinda, California.

(285) ESCONDIDO CREEK, CALIFORNIA.—\$34,000,000 for water and wastewater infrastructure, including stormwater management, in the vicinity of Escondido Creek, city of Escondido, California.

(286) FONTANA, CALIFORNIA.—\$16,000,000 for stormwater management infrastructure in the city of Fontana, California.

(287) HEALDSBURG, CALIFORNIA.—\$23,500,000 for water and wastewater infrastructure, including water recycling and water supply, in the city of Healdsburg, California.

(288) INLAND EMPIRE, CALIFORNIA.—\$60,000,000 for water and wastewater infrastructure, including water supply, in Riverside County and San Bernardino County, California.

(289) LOMITA, CALIFORNIA.—\$4,716,600 for stormwater management infrastructure in the city of Lomita, California.

(290) MARIN COUNTY, CALIFORNIA.—\$28,000,000 for water and wastewater infrastructure, including water supply, in Marin County, California.

(291) MAYWOOD, CALIFORNIA.—\$10,000,000 for wastewater infrastructure in the city of Maywood, California.

(292) MONTEREY PENINSULA, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, and water supply, on the Monterey Peninsula, California.

(293) NORTH RICHMOND, CALIFORNIA.—\$45,000,000 for water and wastewater infrastructure, including coastal flooding resilience measures for such infrastructure, in North Richmond, California.

(294) ONTARIO, CALIFORNIA.—\$40,700,000 for water and wastewater infrastructure, including water recycling and water supply, in the city of Ontario, California.

(295) PARAMOUNT, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Paramount, California.

(296) PETALUMA, CALIFORNIA.—\$13,700,000 for water and wastewater infrastructure, including water recycling, in the city of Petaluma, California.

(297) PLACER COUNTY, CALIFORNIA.—\$21,000,000 for environmental infrastructure, in Placer County, California.

(298) RIALTO, CALIFORNIA.—\$27,500,000 for wastewater infrastructure in the city of Rialto, California.

(299) RINCON RESERVATION, CALIFORNIA.—\$38,000,000 for water and wastewater infrastructure on the Rincon Band of Luiseño Indians reservation, California.

(300) SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.—\$50,000,000 for water and wastewater infrastructure (including stormwater management), water supply and related facilities, environmental restoration, and surface water protection and development, including flooding resilience measures for such infrastructure, in Contra Costa County, San Joaquin County, Solano County, Sacramento County, and Yolo County, California.

(301) SAN JOAQUIN AND STANISLAUS, CALIFORNIA.—\$200,000,000 for water and wastewater infrastructure, including stormwater management, and water supply, in San Joaquin County and Stanislaus County, California.

(302) SANTA ROSA, CALIFORNIA.—\$19,400,000 for water and wastewater infrastructure, in the city of Santa Rosa California.

(303) SIERRA MADRE, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, and water supply, including earthquake resilience measures for such infrastructure and water supply, in the city of Sierra Madre, California.

(304) SMITH RIVER, CALIFORNIA.—\$25,000,000 for wastewater infrastructure in Howonquet Village and Resort and Tolowa Dee-ni' Nation, Smith River, California.

(305) SOUTH SAN FRANCISCO, CALIFORNIA.—\$270,000,000 for water and wastewater infrastructure, including stormwater management and water recycling, at the San Francisco International Airport, California.

(306) TEMECULA, CALIFORNIA.—\$18,000,000 for environmental infrastructure, in the city of Temecula, California.

(307) TORRANCE, CALIFORNIA.—\$100,000,000 for water and wastewater infrastructure, including groundwater recharge and water supply, in the city of Torrance, California.

(308) WESTERN CONTRA COSTA COUNTY, CALIFORNIA.—\$15,000,000 for wastewater infrastructure in the cities of Pinole, San Pablo, and Richmond, and in El Sobrante, California.

(309) YOLO COUNTY, CALIFORNIA.—\$6,000,000 for environmental infrastructure, in Yolo County, California.

(310) HEBRON, CONNECTICUT.—\$3,700,000 for water and wastewater infrastructure in the town of Hebron, Connecticut.

(311) NEW LONDON, CONNECTICUT.—\$16,000,000 for wastewater infrastructure in the town of Bozrah and the City of Norwich, Connecticut.

(312) WINDHAM, CONNECTICUT.—\$18,000,000 for water and wastewater infrastructure in the town of Windham, Connecticut.

(313) KENT, DELAWARE.—\$35,000,000 for water and wastewater infrastructure, including stormwater management, water storage and treatment systems, and environmental restoration, in Kent County, Delaware.

(314) NEW CASTLE, DELAWARE.—\$35,000,000 for water and wastewater infrastructure, including stormwater management, water storage and treatment systems, and environmental restoration, in New Castle County, Delaware.

(315) SUSSEX, DELAWARE.—\$35,000,000 for water and wastewater infrastructure, including stormwater management, water storage and treatment systems, and environmental restoration, in Sussex County, Delaware.

(316) WASHINGTON, DISTRICT OF COLUMBIA.—\$1,000,000 for water and wastewater infrastructure, including stormwater management, in Washington, District of Columbia.

(317) LONGBOAT KEY, FLORIDA.—\$12,750,000 for water and wastewater infrastructure in the town of Longboat Key, Florida.

(318) MARTIN, ST. LUCIE, AND PALM BEACH COUNTIES, FLORIDA.—\$100,000,000 for water and wastewater infrastructure, including stormwater management, to improve water quality in the St. Lucie River, Indian River Lagoon, and Lake Worth Lagoon in Martin County, St. Lucie County, and Palm Beach County, Florida.

(319) POLK COUNTY, FLORIDA.—\$10,000,000 for wastewater infrastructure, including stormwater management, in Polk County, Florida.

(320) OKEECHOBEE COUNTY, FLORIDA.—\$20,000,000 for wastewater infrastructure in Okeechobee County, Florida.

(321) ORANGE COUNTY, FLORIDA.—\$50,000,000 for water and wastewater infrastructure, including water reclamation and water supply, in Orange County, Florida.

(322) GEORGIA.—\$75,000,000 for environmental infrastructure in Baldwin County, Bartow County, Floyd County, Haralson County, Jones County, Gilmer County, Towns County, Warren County, Lamar County, Lowndes County, Troup County, Madison County, Toombs County, Dade County, Bulloch County, Gordon County, Walker County, Dooly County, Butts County, Clarke County, Crisp County, Newton County, Bibb County, Baker County, Barrow County, Oglethorpe County, Peach County, Brooks County, Carroll County, Worth County, Jenkins County, Wheeler County, Calhoun County, Randolph County, Wilcox County, Stewart County, Telfair County, Clinch County, Hancock County, Ben Hill County, Jeff Davis County, Chattooga County, Lanier County, Brantley County, Charlton County, Tattnall County, Emanuel County, Mitchell County, Turner County, Bacon County, Terrell County, Macon County, Ware County, Bleckley County, Colquitt County, Washington County, Berrien County, Coffee County, Pulaski County, Cook County, Atkinson County, Candler County, Taliaferro County, Evans County, Johnson County, Irwin County, Dodge County, Jefferson County, Appling County, Taylor County, Wayne County, Clayton County, Decatur County, Schley County, Sumter County, Early County, Webster County, Clay County, Upson County, Long County, Twiggs County,

Dougherty County, Quitman County, Meriwether County, Stephens County, Wilkinson County, Murray County, Wilkes County, Elbert County, McDuffie County, Heard County, Marion County, Talbot County, Laurens County, Montgomery County, Echols County, Pierce County, Richmond County, Chattahoochee County, Screven County, Habersham County, Lincoln County, Burke County, Liberty County, Tift County, Polk County, Glascock County, Grady County, Jasper County, Banks County, Franklin County, Whitfield County, Treutlen County, Crawford County, and Hart County, Georgia.

(323) GUAM.—【\$10,000,000】 \$35,000,000 for water and wastewater infrastructure in Guam.

(324) STATE OF HAWAII.—\$75,000,000 for water and wastewater infrastructure (including urban stormwater conveyance), resource protection and development, water supply, environmental restoration, and surface water protection and development, in the State of Hawaii.

(325) COUNTY OF HAWAII, HAWAII.—\$20,000,000 for water and wastewater infrastructure, including stormwater management, in the County of Hawai'i, Hawaii.

(326) HONOLULU, HAWAII.—\$20,000,000 for water and wastewater infrastructure, including stormwater management, in the City and County of Honolulu, Hawaii.

(327) KAUA'I, HAWAII.—\$20,000,000 for water and wastewater infrastructure, including stormwater management, in the County of Kaua'i, Hawaii.

(328) MAUI, HAWAII.—【\$20,000,000】 \$50,000,000 for water and wastewater infrastructure, including stormwater management, in the County of Maui, Hawaii.

(329) DIXMOOR, ILLINOIS.—\$15,000,000 for water and water supply infrastructure in the village of Dixmoor, Illinois.

(330) FOREST PARK, ILLINOIS.—【\$10,000,000】 \$50,000,000 for wastewater infrastructure, including stormwater management, in the village of Forest Park, Illinois.

(331) LEMONT, ILLINOIS.—\$3,135,000 for water infrastructure in the village of Lemont, Illinois.

(332) LOCKPORT, ILLINOIS.—\$6,550,000 for wastewater infrastructure, including stormwater management, in the city of Lockport, Illinois.

(333) 【MONTGOMERY AND CHRISTIAN COUNTIES, ILLINOIS】 *SOUTH CENTRAL ILLINOIS.*—\$30,000,000 for water and wastewater infrastructure, including water supply, in 【Montgomery County and Christian County】 *Montgomery County, Christian County, Fayette County, Shelby County, Jasper County, Richland County, Crawford County, and Lawrence County,* Illinois.

(334) WILL COUNTY, ILLINOIS.—【\$30,000,000】 \$36,000,000 for water and wastewater infrastructure, including stormwater management, in Will County, Illinois.

(335) ORLEANS PARISH, LOUISIANA.—\$100,000,000 for water and wastewater infrastructure in Orleans Parish, Louisiana.

(336) FITCHBURG, MASSACHUSETTS.—【\$20,000,000】 \$30,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Fitchburg, Massachusetts.

(337) HAVERHILL, MASSACHUSETTS.—**[\$20,000,000]** \$30,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Haverhill, Massachusetts.

(338) LAWRENCE, MASSACHUSETTS.—**[\$20,000,000]** \$30,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Lawrence, Massachusetts.

(339) LOWELL, MASSACHUSETTS.—**[\$20,000,000]** \$30,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Lowell, Massachusetts.

(340) METHUEN, MASSACHUSETTS.—**[\$20,000,000]** \$30,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Methuen, Massachusetts.

(341) MARYLAND.—\$100,000,000 for water, wastewater, and other environmental infrastructure, Maryland.

(342) BOONSBORO, MARYLAND.—\$5,000,000 for water infrastructure, including water supply, in the town of Boonsboro, Maryland.

(343) BRUNSWICK, MARYLAND.—\$15,000,000 for water and wastewater infrastructure in the city of Brunswick, Maryland.

(344) CASCADE CHARTER TOWNSHIP, MICHIGAN.—\$7,200,000 for water and wastewater infrastructure in Cascade Charter Township, Michigan.

(345) MACOMB COUNTY, MICHIGAN.—**[\$40,000,000]** \$90,000,000 for wastewater infrastructure, including stormwater management, in Macomb County, Michigan.

(346) NORTHFIELD, MINNESOTA.—\$33,450,000 for water and wastewater infrastructure in the city of Northfield, Minnesota.

(347) CENTERTOWN, MISSOURI.—\$15,900,000 for water and wastewater infrastructure in the village of Centertown, Missouri.

(348) CITY OF ST. LOUIS, MISSOURI.—\$45,000,000 for water and wastewater infrastructure in the city of St. Louis, Missouri.

(349) ST. LOUIS COUNTY, MISSOURI.—\$45,000,000 for water and wastewater infrastructure in St. Louis County, Missouri.

(350) CLINTON, MISSISSIPPI.—\$13,600,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, in the city of Clinton, Mississippi.

(351) MADISON COUNTY, MISSISSIPPI.—**[\$10,000,000]** \$22,000,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, in Madison County, Mississippi.

(352) MERIDIAN, MISSISSIPPI.—**[\$10,000,000]** \$26,000,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, in the city of Meridian, Mississippi.

(353) OXFORD, MISSISSIPPI.—\$10,000,000 for environmental infrastructure, including water and wastewater infrastructure

(including stormwater management), drainage systems, and water quality enhancement, in the City of Oxford, Mississippi.

(354) RANKIN COUNTY, MISSISSIPPI.—**[\$10,000,000]** \$22,000,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, in Rankin County, Mississippi.

(355) MANCHESTER, NEW HAMPSHIRE.—\$20,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Manchester, New Hampshire.

(356) BAYONNE, NEW JERSEY.—\$825,000 for wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Bayonne, New Jersey.

(357) CAMDEN, NEW JERSEY.—**[\$119,000,000]** \$143,800,000 for wastewater infrastructure, including stormwater management, in the city of Camden, New Jersey.

(358) ESSEX AND SUSSEX COUNTIES, NEW JERSEY.—\$60,000,000 for water and wastewater infrastructure, including water supply, in Essex County and Sussex County, New Jersey.

(359) FLEMINGTON, NEW JERSEY.—\$4,500,000 for water and wastewater infrastructure, including water supply, in the Borough of Flemington, New Jersey.

(360) JEFFERSON, NEW JERSEY.—\$90,000,000 for wastewater infrastructure, including stormwater management, in Jefferson Township, New Jersey.

(361) KEARNY, NEW JERSEY.—\$69,900,000 for wastewater infrastructure, including stormwater management (including combined sewer overflows), in the town of Kearny, New Jersey.

(362) LONG HILL, NEW JERSEY.—\$7,500,000 for wastewater infrastructure, including stormwater management, in Long Hill Township, New Jersey.

(363) MORRIS COUNTY, NEW JERSEY.—\$30,000,000 for water and wastewater infrastructure in Morris County, New Jersey.

(364) PASSAIC, NEW JERSEY.—\$1,000,000 for wastewater infrastructure, including stormwater management, in Passaic County, New Jersey.

(365) PHILLIPSBURG, NEW JERSEY.—\$2,600,000 for wastewater infrastructure, including stormwater management, in the town of Phillipsburg, New Jersey.

(366) RAHWAY, NEW JERSEY.—\$3,250,000 for water and wastewater infrastructure in the city of Rahway, New Jersey.

(367) ROSELLE, NEW JERSEY.—\$5,000,000 for wastewater infrastructure, including stormwater management, in the Borough of Roselle, New Jersey.

(368) SOUTH ORANGE VILLAGE, NEW JERSEY.—\$7,500,000 for water infrastructure, including water supply, in the Township of South Orange Village, New Jersey.

(369) SUMMIT, NEW JERSEY.—\$1,000,000 for wastewater infrastructure, including stormwater management, in the city of Summit, New Jersey.

(370) WARREN, NEW JERSEY.—\$4,550,000 for wastewater infrastructure, including stormwater management, in Warren Township, New Jersey.

(371) ESPAÑOLA, NEW MEXICO.—\$21,995,000 for water and wastewater infrastructure in the city of Española, New Mexico.

(372) FARMINGTON, NEW MEXICO.—\$15,500,000 for water infrastructure, including water supply, in the city of Farmington, New Mexico.

(373) MORA COUNTY, NEW MEXICO.—\$2,874,000 for wastewater infrastructure in Mora County, New Mexico.

(374) SANTA FE, NEW MEXICO.—\$20,700,000 for water and wastewater infrastructure, including water reclamation, in the city of Santa Fe, New Mexico.

(375) CLARKSTOWN, NEW YORK.—\$14,600,000 for wastewater infrastructure, including stormwater management, in the town of Clarkstown, New York.

(376) GENESEE, NEW YORK.—\$85,000,000 for water and wastewater infrastructure, including stormwater management and water supply, in Genesee County, New York.

(377) QUEENS, NEW YORK.—~~[\$119,200,000]~~ *\$190,000,000* for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in Queens, New York.

(378) YORKTOWN, NEW YORK.—\$40,000,000 for wastewater infrastructure, including stormwater management, in the town of Yorktown, New York.

(379) BRUNSWICK, OHIO.—\$4,510,000 for wastewater infrastructure, including stormwater management, in the city of Brunswick, Ohio.

(380) BROOKINGS, OREGON.—\$2,000,000 for wastewater infrastructure in the City of Brookings and the Port of Brookings Harbor, Oregon.

(381) MONROE, OREGON.—\$6,000,000 for water and wastewater infrastructure in the city of Monroe, Oregon.

(382) NEWPORT, OREGON.—\$60,000,000 for water and wastewater infrastructure, including water supply and water storage, in the city of Newport, Oregon.

(383) LANE COUNTY, OREGON.—\$25,000,000 for water and wastewater infrastructure, including water supply and storage, distribution, and treatment systems, in Lane County, Oregon.

(384) PALMYRA, PENNSYLVANIA.—\$36,300,000 for wastewater infrastructure in Palmyra Township, Pennsylvania.

(385) PIKE COUNTY, PENNSYLVANIA.—\$10,000,000 for water and stormwater management infrastructure, including water supply, in Pike County, Pennsylvania.

(386) PITTSBURGH, PENNSYLVANIA.—\$20,000,000 for wastewater infrastructure, including stormwater management, in the city of Pittsburgh, Pennsylvania.

(387) POCONO, PENNSYLVANIA.—\$22,000,000 for water and wastewater infrastructure in Pocono Township, Pennsylvania.

(388) WESTFALL, PENNSYLVANIA.—\$16,880,000 for wastewater infrastructure in Westfall Township, Pennsylvania.

(389) WHITEHALL, PENNSYLVANIA.—\$6,000,000 for stormwater management infrastructure in Whitehall Township and South Whitehall Township, Pennsylvania.

(390) BEAUFORT, SOUTH CAROLINA.—\$7,462,000 for stormwater management infrastructure in Beaufort County, South Carolina.

(391) CHARLESTON, SOUTH CAROLINA.—\$25,583,000 for wastewater infrastructure, including stormwater management, in the city of Charleston, South Carolina.

(392) HORRY COUNTY, SOUTH CAROLINA.—\$19,000,000 for environmental infrastructure, including ocean outfalls, in Horry County, South Carolina.

(393) MOUNT PLEASANT, SOUTH CAROLINA.—**[\$7,822,000]** \$20,000,000 for wastewater infrastructure, including stormwater management, in the town of Mount Pleasant, South Carolina.

(394) PORTLAND, TENNESSEE.—\$1,850,000 for water and wastewater infrastructure, including water supply, in the city of Portland, Tennessee.

(395) SMITH COUNTY, TENNESSEE.—**[\$19,500,000]** \$69,500,000 for wastewater infrastructure, including stormwater management, in Smith County, Tennessee.

(396) TROUSDALE, MACON, AND SUMNER COUNTIES, TENNESSEE.—\$178,000,000 for water and wastewater infrastructure in Trousdale County, Macon County, and Sumner County, Tennessee.

(397) UNITED STATES VIRGIN ISLANDS.—\$1,584,000 for wastewater infrastructure in the United States Virgin Islands.

(398) BONNEY LAKE, WASHINGTON.—\$3,000,000 for water and wastewater infrastructure in the city of Bonney Lake, Washington.

(399) BURIEN, WASHINGTON.—\$5,000,000 for stormwater management infrastructure in the city of Burien, Washington.

(400) ELLENSBURG, WASHINGTON.—\$3,000,000 for wastewater infrastructure, including stormwater management, in the city of Ellensburg, Washington.

(401) NORTH BEND, WASHINGTON.—\$30,000,000 for wastewater infrastructure, including stormwater management, in the city of North Bend, Washington.

(402) PORT ANGELES, WASHINGTON.—\$7,500,000 for wastewater infrastructure, including stormwater management, in the City and Port of Port Angeles, Washington.

(403) SNOHOMISH COUNTY, WASHINGTON.—\$56,000,000 for water and wastewater infrastructure, including water supply, in Snohomish County, Washington.

**[(404) WESTERN WASHINGTON STATE.—\$200,000,000 for water and wastewater infrastructure, including stormwater management, water supply, and conservation, in Chelan County, King County, Kittitas County, Pierce County, Snohomish County, Skagit County, and Whatcom County, Washington.]**

(405) MILWAUKEE, WISCONSIN.—**[\$4,500,000]** \$11,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), and resource protection and development, in the Milwaukee metropolitan area, Wisconsin.

(406) *BUCKEYE, ARIZONA.—\$12,000,000 for water and wastewater infrastructure, including water reclamation, City of Buckeye, Arizona.*

(407) *FLAGSTAFF, ARIZONA.—\$5,000,000 for water and wastewater infrastructure, including water reclamation, City of Flagstaff, Arizona.*



(408) PAGE, ARIZONA.—\$10,000,000 for water and wastewater infrastructure, including water reclamation, City of Page, Arizona.

(409) SAHUARITA, ARIZONA.—\$4,800,000 for water and wastewater infrastructure, including water reclamation, in the town of Sahuarita, Arizona.

(410) TUCSON, ARIZONA.—\$20,000,000 for water and wastewater infrastructure, including water reclamation, City of Tucson, Arizona.

(411) WINSLOW, ARIZONA.—\$3,000,000 for water and wastewater infrastructure, including water reclamation, City of Winslow, Arizona.

(412) ADELANTO, CALIFORNIA.—\$4,000,000 for water and wastewater infrastructure in the City of Adelanto, California.

(413) APTOS, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure in the town of Aptos, California.

(414) BISHOP, CALIFORNIA.—\$2,500,000 for water and wastewater infrastructure in the city of Bishop, California.

(415) BLOOMINGTON, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including stormwater management, in Bloomington, California.

(416) BUTTE COUNTY, CALIFORNIA.—\$50,000,000 for water and wastewater infrastructure, including stormwater management, water supply, environmental restoration, and surface water resource protection in Butte County, California.

(417) CALIFORNIA CITY, CALIFORNIA.—\$1,902,808 for water and wastewater infrastructure, including water supply, in the city of California City, California.

(418) CARSON, CALIFORNIA.—\$11,000,000 for water and water supply infrastructure in the City of Carson, California.

(419) CEDAR GLEN, CALIFORNIA.—\$35,000,000 for water and wastewater infrastructure, including water supply and water storage, in Cedar Glen, California.

(420) CULVER CITY, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure, including water supply and drinking water, in City of Culver City, California.

(421) COLTON, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Colton, California.

(422) EAST SAN FERNANDO VALLEY, CALIFORNIA.—\$50,000,000 for water and wastewater infrastructure, including stormwater management, drinking water, and water supply, in the City of Los Angeles, California, including Sun Valley.

(423) FRESNO COUNTY, CALIFORNIA.—\$20,000,000 for water and water supply infrastructure, including stormwater management, surface water resource protection, and environmental restoration, in Fresno County, California.

(424) GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT, CALIFORNIA.—\$20,500,000 for water and wastewater infrastructure, including water supply and water storage, for communities served by the Georgetown Divide Public Utility District, California.

(425) GRAND TERRACE, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Grand Terrace, California.

(426) HAYWARD, CALIFORNIA.—\$15,000,000 for water and wastewater infrastructure, including related environmental infrastructure, in the city of Hayward, California.

(427) HOLLISTER, CALIFORNIA.—\$5,000,000 for water and wastewater infrastructure in the city of Hollister, California.

(428) KERN COUNTY, CALIFORNIA.—\$50,000,000 for water and water supply infrastructure in Kern County, California.

(429) LAKE COUNTY, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including stormwater management, in Lake County, California.

(430) LAKE TAHOE BASIN.—\$20,000,000 for water and wastewater infrastructure, including water supply, in the communities within the Lake Tahoe Basin in Nevada and California.

(431) LA QUINTA, CALIFORNIA.—\$4,000,000 for water and wastewater infrastructure, in the City of La Quinta, California.

(432) LAKEWOOD, CALIFORNIA.—\$8,000,000 for water and wastewater infrastructure in the city of Lakewood, California.

(433) LAWDALE, CALIFORNIA.—\$6,000,000 for water and wastewater infrastructure, including stormwater management, and environmental infrastructure, in the city of Lawndale, California.

(434) LONE PINE, CALIFORNIA.—\$7,000,000 for water and wastewater infrastructure, including stormwater management, in the town of Lone Pine, California.

(435) LOMITA, CALIFORNIA.—\$5,500,000 for water and wastewater infrastructure, including water supply and stormwater management, in the city of Lomita, California.

(436) LOS BANOS, CALIFORNIA.—\$4,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Los Banos, California.

(437) LOS OLIVOS, CALIFORNIA.—\$4,000,000 for water and wastewater infrastructure in the town of Los Olivos, California.

(438) LYNWOOD, CALIFORNIA.—\$12,000,000 for water and water supply infrastructure in the city of Lynwood, California.

(439) MADERA COUNTY, CALIFORNIA.—\$27,500,000 for water and water supply infrastructure in Madera County, California.

(440) MILPITAS, CALIFORNIA.—\$15,000,000 for water and water supply infrastructure in the city of Milpitas, California.

(441) MONTECITO, CALIFORNIA.—\$18,250,000 for water and wastewater infrastructure, including water supply and stormwater management, in the town of Montecito, California.

(442) OAKLAND-ALAMEDA ESTUARY, CALIFORNIA.—\$30,000,000 for water and wastewater infrastructure, including stormwater management, in the cities of Oakland and Alameda, California.

(443) OXNARD, CALIFORNIA.—\$40,000,000 for water and wastewater infrastructure, including water supply, conservation, water reuse and related facilities, environmental restoration, and surface water resource protection, in the city of Oxnard, California.

(444) PATTERSON, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure, including water supply and environmental restoration, in the city of Patterson, California.

(445) POMONA, CALIFORNIA.—\$35,000,000 for water and wastewater infrastructure, including water supply and drinking water, in Pomona, California.

(446) ROHNERT PARK, CALIFORNIA.—\$10,000,000 for water and water supply infrastructure in the city of Rohnert Park, California.

(447) SALINAS, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including water supply, in the city of Salinas, California.

(448) SAN BENITO COUNTY, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure, including water supply, in San Benito County, California.

(449) SAN BUENAVENTURA, CALIFORNIA.—\$18,250,000 for water and wastewater infrastructure, including water reclamation, City of San Buenaventura, California.

(450) SAN DIEGO COUNTY, CALIFORNIA.—\$200,000,000 for water and wastewater infrastructure, including water supply, in San Diego County, California.

(451) SOUTH GATE, CALIFORNIA.—\$5,000,000 for water and water supply infrastructure in the city of South Gate, California.

(452) SAN LUIS OBISPO COUNTY, CALIFORNIA.—\$5,000,000 for water and wastewater infrastructure, including drinking water and water supply, in San Luis Obispo County, California.

(453) STANISLAUS COUNTY, CALIFORNIA.—\$10,000,000 for water and wastewater infrastructure, including water supply and stormwater management, in Stanislaus County, California.

(454) TULARE COUNTY, CALIFORNIA.—\$20,000,000 for water and water supply infrastructure, including stormwater management, surface water resource protection, and environmental restoration, in Tulare County, California.

(455) WATSONVILLE, CALIFORNIA.—\$28,000,000 for water and wastewater infrastructure in the city of Watsonville, California.

(456) YOLO COUNTY, CALIFORNIA.—\$20,000,000 for water and wastewater infrastructure, including water supply and stormwater management, in Yolo County, California.

(457) YORBA LINDA WATER DISTRICT, CALIFORNIA.—\$6,500,000 for water and water supply infrastructure in communities served by the Yorba Linda Water District, California.

(458) FREMONT COUNTY, COLORADO.—\$50,000,000 for water and water supply infrastructure, in Fremont County, Colorado.

(459) EAST HAMPTON, CONNECTICUT.—\$25,000,000 for water and wastewater infrastructure, including water supply, in the town of East Hampton, Connecticut.

(460) EAST LYME, CONNECTICUT.—\$25,000,000 for water and wastewater infrastructure, including water supply, in the town of East Lyme, Connecticut.

(461) BETHANY BEACH TO REHOBOTH BEACH, DELAWARE.—\$25,000,000 for water and wastewater infrastructure, including stormwater management, water storage and treatment, and environmental restoration in the town of Bethany Beach, Delaware and the city of Rehoboth Beach, Delaware.

(462) WILMINGTON, DELAWARE.—\$25,000,000 for water and wastewater infrastructure, including stormwater management, water storage and treatment, and environmental restoration in the City of Wilmington, Delaware.

(463) BROWARD COUNTY, FLORIDA.—\$50,000,000 for water and water-related infrastructure, including stormwater man-

agement, water storage and treatment, surface water protection, and environmental restoration, in Broward County, Florida.

(464) DELTONA, FLORIDA.—\$31,200,000 for water and wastewater infrastructure in the City of Deltona, Florida.

(465) LONGBOAT KEY, FLORIDA.—\$2,000,000 for water and wastewater infrastructure, including stormwater management, in the Town of Longboat Key, Florida.

(466) MARION COUNTY, FLORIDA.—\$10,000,000 for water and water supply infrastructure, including water supply, in Marion County, Florida.

(467) OVIEDO, FLORIDA.—\$10,000,000 for water and wastewater infrastructure, including water storage and treatment, in the city of Oviedo, Florida.

(468) OSCEOLA COUNTY, FLORIDA.—\$5,000,000 for water and wastewater infrastructure, including water supply, and environmental restoration, in Osceola County, Florida.

(469) CENTRAL FLORIDA.—\$45,000,000 for water and wastewater infrastructure, including water supply, in Brevard County, Orange County, and Osceola County, Florida.

(470) CENTRAL COASTAL GEORGIA, GEORGIA.—\$50,000,000 for water and wastewater infrastructure, including stormwater management and water supply, in Bryan, Camden, Chatham, Effingham, Glynn, and McIntosh Counties, Georgia.

(471) DEKALB COUNTY, GEORGIA.—\$40,000,000 for water and wastewater infrastructure, including drinking water and water treatment, in DeKalb County, Georgia.

(472) PORTERDALE, GEORGIA.—\$10,000,000 for water and wastewater infrastructure, including stormwater management, water supply, and environmental restoration in the city of Porterdale, Georgia.

(473) BURLEY, IDAHO.—\$20,000,000 for water and wastewater infrastructure, including water treatment, in the city of Burley, Idaho.

(474) BELVIDERE, ILLINOIS.—\$17,000,000 for water and wastewater infrastructure in the city of Belvidere, Illinois.

(475) DUPAGE COUNTY, ILLINOIS.—\$5,000,000 for water and wastewater infrastructure, including water supply and drinking water, in the village of Clarendon Hills, Illinois.

(476) FOX RIVER, ILLINOIS.—\$9,500,000 for water and wastewater infrastructure, including water storage and treatment, in the villages of Lakemoor, Island Lake, and Volo, and McHenry County, Illinois.

(477) GERMAN VALLEY, ILLINOIS.—\$5,000,000 for water and wastewater infrastructure, including drinking water and water treatment, in the village of German Valley, Illinois.

(478) LASALLE, ILLINOIS.—\$4,000,000 for water and wastewater infrastructure, including stormwater management, drinking water, water treatment, and environmental restoration, in the city of LaSalle, Illinois.

(479) ROCKFORD, ILLINOIS.—\$4,000,000 for water and wastewater infrastructure, including drinking water and water treatment, in the city of Rockford, Illinois.

(480) SAVANNA, ILLINOIS.—\$2,000,000 for water and water supply infrastructure, including drinking water, in the city of Savanna, Illinois.

(481) *SHERRARD, ILLINOIS.*—\$7,000,000 for water and wastewater infrastructure, including drinking water and water treatment, in the village of Sherrard, Illinois.

(482) *BROWNSVILLE, KENTUCKY.*—\$14,000,000 for water and wastewater infrastructure, including water supply and drinking water, in the city of Brownsville, Kentucky.

(483) *MONROE, LOUISIANA.*—\$7,000,000 for water and wastewater infrastructure, including stormwater management, water supply, and drinking water, in the city of Monroe, Louisiana.

(484) *POINTE CELESTE, LOUISIANA.*—\$50,000,000 for water and wastewater infrastructure, including pump stations, in Pointe Celeste, Louisiana.

(485) *FRANKLIN, MASSACHUSETTS.*—\$1,000,000 for water and wastewater infrastructure, including stormwater management, in the town of Franklin, Massachusetts.

(486) *WINTHROP, MASSACHUSETTS.*—\$1,000,000 for water and wastewater infrastructure, including stormwater management, in the town of Winthrop, Massachusetts.

(487) *MILAN, MICHIGAN.*—\$3,000,000 for water and wastewater infrastructure, including water supply and drinking water, in the city of Milan, Michigan.

(488) *SOUTHEAST MICHIGAN.*—\$58,000,000 for water and wastewater infrastructure, including stormwater management and water supply, in Genesee, Macomb, Oakland, Wayne, and Washtenaw Counties, Michigan.

(489) *ELYSIAN, MINNESOTA.*—\$5,000,000 for water and wastewater infrastructure, including water supply, in the city of Elysian, Minnesota.

(490) *LE SUEUR, MINNESOTA.*—\$3,200,000 for water and wastewater infrastructure, including water supply, in the city of Le Sueur, Minnesota.

(491) *COLUMBIA, MISSISSIPPI.*—\$4,000,000 for water and wastewater infrastructure, including water quality enhancement and water supply, in the city of Columbia, Mississippi.

(492) *HANCOCK COUNTY, MISSISSIPPI.*—\$7,000,000 for environmental infrastructure, including water and wastewater infrastructure (including stormwater management), drainage systems, and water quality enhancement, Hancock County, Mississippi.

(493) *LAUREL, MISSISSIPPI.*—\$5,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Laurel, Mississippi.

(494) *MOSS POINT, MISSISSIPPI.*—\$11,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Moss Point, Mississippi.

(495) *OLIVE BRANCH, MISSISSIPPI.*—\$10,000,000 for water and wastewater infrastructure, including stormwater management, water quality enhancement, and water supply, in the city of Olive Branch, Mississippi.

(496) *PICAYUNE, MISSISSIPPI.*—\$5,000,000 for water and wastewater infrastructure, including stormwater management, in the city of Picayune, Mississippi.

(497) *STARKVILLE, MISSISSIPPI.*—\$6,000,000 for water and wastewater infrastructure, including drinking water, water

*treatment, water quality enhancement, and water supply, in the city of Starkville, Mississippi.*

(498) *LAUGHLIN, NEVADA.—\$29,000,000 for water infrastructure, including water supply, in the town of Laughlin, Nevada.*

(499) *PAHRUMP, NEVADA.—\$4,000,000 for water and wastewater infrastructure in the town of Pahrump, Nevada.*

(500) *NEW HAMPSHIRE.—\$25,000,000 for water and wastewater infrastructure, and related environmental infrastructure, in the counties of Belknap, Carroll, Hillsborough, Merrimack, Rockingham, and Strafford, New Hampshire.*

(501) *BELMAR, NEW JERSEY.—\$10,000,000 for water and wastewater infrastructure, including related environmental infrastructure and stormwater management in Belmar Township, New Jersey.*

(502) *CAPE MAY, NEW JERSEY.—\$40,000,000 for water and wastewater infrastructure, including water supply and desalination, for the city of Cape May, the boroughs of West Cape May and Cape May Point, and Lower Township, New Jersey.*

(503) *COLESVILLE, NEW JERSEY.—\$10,000,000 for water and wastewater infrastructure in Colesville, New Jersey.*

(504) *DEPTFORD TOWNSHIP, NEW JERSEY.—\$4,000,000 for water and wastewater infrastructure in Deptford Township, New Jersey.*

(505) *LACEY TOWNSHIP, NEW JERSEY.—\$10,000,000 for water and wastewater infrastructure, including related environmental infrastructure and stormwater management, in Lacey Township, New Jersey.*

(506) *MERCHANTVILLE, NEW JERSEY.—\$18,000,000 for water and wastewater infrastructure in the borough of Merchantville, New Jersey.*

(507) *PARK RIDGE, NEW JERSEY.—\$10,000,000 for water and wastewater infrastructure in the borough of Park Ridge, New Jersey.*

(508) *WASHINGTON TOWNSHIP, NEW JERSEY.—\$3,200,000 for water and wastewater infrastructure in Washington Township, Gloucester County, New Jersey.*

(509) *BERNALILLO, NEW MEXICO.—\$20,000,000 for wastewater infrastructure in the town of Bernalillo, New Mexico.*

(510) *BOSQUE FARMS, NEW MEXICO.—\$10,000,000 for wastewater infrastructure in the village of Bosque Farms, New Mexico.*

(511) *CARMEL, NEW YORK.—\$3,450,000 for water and wastewater infrastructure, including stormwater management, in the town of Carmel, New York.*

(512) *DUTCHESS COUNTY, NEW YORK.—\$10,000,000 for water and wastewater infrastructure in Dutchess County, New York.*

(513) *KINGS COUNTY, NEW YORK.—\$100,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in Kings County, New York.*

(514) *MOHAWK RIVER AND TRIBUTARIES, NEW YORK.—\$100,000,000 for water and wastewater infrastructure, including stormwater management, surface water resource protection, environmental restoration, and related infrastructure, in the vicinity of the Mohawk River and tributaries, including the coun-*

*ties of Albany, Delaware, Fulton, Greene, Hamilton, Herkimer, Lewis, Madison, Montgomery, Oneida, Otsego, Saratoga, Schoharie, and Schenectady, New York.*

(515) MOUNT PLEASANT, NEW YORK.—\$2,000,000 for water and wastewater infrastructure, including stormwater management, in the town of Mount Pleasant, New York.

(516) NEWTOWN CREEK, NEW YORK.—\$25,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the vicinity of Newtown Creek, New York City, New York.

(517) NEW YORK COUNTY, NEW YORK.—\$60,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in New York County, New York.

(518) ORANGE COUNTY, NEW YORK.—\$10,000,000 for water and wastewater infrastructure in Orange County, New York.

(519) SLEEPY HOLLOW, NEW YORK.—\$2,000,000 for water and wastewater infrastructure, including stormwater management, in the village of Sleepy Hollow, New York.

(520) ULSTER COUNTY, NEW YORK.—\$10,000,000 for water and wastewater infrastructure in Ulster County, New York.

(521) RAMAPO, NEW YORK.—\$4,000,000 for water infrastructure, including related environmental infrastructure, in the town of Ramapo, New York.

(522) RIKERS ISLAND, NEW YORK.—\$25,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows) on Rikers Island, New York.

(523) YORKTOWN, NEW YORK.—\$10,000,000 for water and wastewater infrastructure in the town of Yorktown, New York.

(524) CANTON, NORTH CAROLINA.—\$41,025,650 for water and wastewater infrastructure, including stormwater management, in the town of Canton, North Carolina.

(525) FAIRMONT, NORTH CAROLINA.—\$7,137,500 for water and wastewater infrastructure, in the town of Fairmont, North Carolina.

(526) MURPHY, NORTH CAROLINA.—\$1,500,000 for water and wastewater infrastructure, including water supply, in the town of Murphy, North Carolina.

(527) ROBBINSVILLE, NORTH CAROLINA.—\$3,474,350 for water and wastewater infrastructure in the town of Robbinsville, North Carolina.

(528) WEAVERVILLE, NORTH CAROLINA.—\$4,000,000 for water and wastewater infrastructure in the town of Weaverville, North Carolina.

(529) APPLE CREEK, OHIO.—\$350,000 for water and wastewater infrastructure, including stormwater management, in the village of Apple Creek, Ohio.

(530) BROOKLYN HEIGHTS, OHIO.—\$170,000 for water and wastewater infrastructure, including stormwater management, in the village of Brooklyn Heights, Ohio.

(531) CHAGRIN FALLS REGIONAL WATER SYSTEM, OHIO.—\$3,500,000 for water and wastewater infrastructure in the villages of Bentleyville, Chagrin Falls, Moreland Hills, and South

*Russell, and the Townships of Bainbridge, Chagrin Falls, and Russell, Ohio.*

(532) CUYAHOGA COUNTY, OHIO.—\$11,500,000 for water and wastewater infrastructure in Cuyahoga County, Ohio.

(533) ERIE COUNTY, OHIO.—\$16,000,000 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows) in Erie County, Ohio.

(534) HURON, OHIO.—\$7,100,000 for water and wastewater infrastructure in the city of Huron, Ohio.

(535) KELLEYS ISLAND, OHIO.—\$1,000,000 for wastewater infrastructure in the village of Kelleys Island, Ohio.

(536) NORTH OLMSTED, OHIO.—\$1,175,165 for water and wastewater infrastructure in the city of North Olmsted, Ohio.

(537) PAINESVILLE, OHIO.—\$11,800,000 for water and wastewater infrastructure, including stormwater management, in the City of Painesville, Ohio.

(538) SOLON, OHIO.—\$14,137,341 for water and wastewater infrastructure, including stormwater management (including combined sewer overflows), in the city of Solon, Ohio.

(539) SUMMIT COUNTY, OHIO.—\$25,000,000 for water and wastewater infrastructure, including related environmental infrastructure, in Summit County, Ohio.

(540) STARK COUNTY, OHIO.—\$24,000,000 for water and wastewater infrastructure, including related environmental infrastructure, in Stark County, Ohio.

(541) TOLEDO AND OREGON, OHIO.—\$10,500,000 for water and wastewater infrastructure in the cities of Toledo and Oregon, Ohio.

(542) VERMILION, OHIO.—\$15,400,000 for wastewater infrastructure in the city of Vermilion, Ohio.

(543) WESTLAKE, OHIO.—\$750,000 for water and wastewater infrastructure, including stormwater management, in the city of Westlake, Ohio.

(544) STILLWATER, OKLAHOMA.—\$30,000,000 for water infrastructure, including related environmental infrastructure and water storage, transmission, treatment, and distribution, in the city of Stillwater, Oklahoma.

(545) BEAVERTON, OREGON.—\$10,000,000 for water supply in the city of Beaverton, Oregon.

(546) CLACKAMAS COUNTY, OREGON.—\$50,000,000 for water and wastewater infrastructure, including combined sewer overflows, in Clackamas County, Oregon.

(547) WASHINGTON COUNTY, OREGON.—\$50,000,000 for water infrastructure and water supply in Washington County, Oregon.

(548) BERKS COUNTY, PENNSYLVANIA.—\$7,000,000 for water and wastewater infrastructure, including water supply, stormwater management, drinking water, and water treatment, in Berks County, Pennsylvania.

(549) CHESTER COUNTY, PENNSYLVANIA.—\$7,000,000 for water and wastewater infrastructure, including water supply, stormwater management, drinking water, and water treatment, in Chester County, Pennsylvania.

(550) FRANKLIN TOWNSHIP, PENNSYLVANIA.—\$2,000,000 for water and wastewater infrastructure, including stormwater management, in Franklin Township, Pennsylvania.



(551) *INDIAN CREEK, PENNSYLVANIA.*—\$50,000,000 for wastewater infrastructure in the boroughs of Telford, Franconia, and Lower Safford, Pennsylvania.

(552) *PEN ARGYL, PENNSYLVANIA.*—\$5,000,000 for water and wastewater infrastructure in the borough of Pen Argyl, Pennsylvania.

(553) *CHESTERFIELD, SOUTH CAROLINA.*—\$1,200,000 for water and wastewater infrastructure in the town of Chesterfield, South Carolina.

(554) *CHERAW, SOUTH CAROLINA.*—\$8,800,000 for water, wastewater, and other environmental infrastructure in the town of Cheraw, South Carolina.

(555) *FLORENCE COUNTY, SOUTH CAROLINA.*—\$40,000,000 for water and wastewater infrastructure in Florence County, South Carolina.

(556) *LAKE CITY, SOUTH CAROLINA.*—\$15,000,000 for water and wastewater infrastructure, including stormwater management in the city of Lake City, South Carolina.

(557) *TIPTON, HAYWOOD, AND FAYETTE COUNTIES, TENNESSEE.*—\$50,000,000 for water and wastewater infrastructure, including related environmental infrastructure and water supply, in Tipton, Haywood, and Fayette Counties, Tennessee.

(558) *AUSTIN, TEXAS.*—\$50,000,000 for water and wastewater infrastructure in the city of Austin, Texas.

(559) *AMARILLO, TEXAS.*—\$38,000,000 for water and wastewater infrastructure, including stormwater management and water storage and treatment systems, in the City of Amarillo, Texas.

(560) *BROWNSVILLE, TEXAS.*—\$40,000,000 for water and wastewater infrastructure, in the City of Brownsville, Texas.

(561) *CLARENDON, TEXAS.*—\$5,000,000 for water infrastructure, including water storage, in the city of Clarendon, Texas.

(562) *QUINLAN, TEXAS.*—\$1,250,000 for water and wastewater infrastructure in the city of Quinlan, Texas.

(563) *RUNAWAY BAY, TEXAS.*—\$7,000,000 for water and wastewater infrastructure, including stormwater management and water storage and treatment systems, in the city of Runaway Bay, Texas.

(564) *WEBB COUNTY, TEXAS.*—\$20,000,000 for wastewater infrastructure and water supply in Webb County, Texas.

(565) *ZAPATA COUNTY, TEXAS.*—\$20,000,000 for water and wastewater infrastructure, including water supply, in Zapata County, Texas.

(566) *KING WILLIAM COUNTY, VIRGINIA.*—\$1,300,000 for wastewater infrastructure in King William County, Virginia.

(567) *POTOMAC RIVER, VIRGINIA.*—\$1,000,000 for wastewater infrastructure, environmental infrastructure, and water quality improvements, in the vicinity of the Potomac River, Virginia.

(568) *CHELAN, WASHINGTON.*—\$9,000,000 for water infrastructure, including water supply, storage, and distribution, in the city of Chelan, Washington.

(569) *COLLEGE PLACE, WASHINGTON.*—\$5,000,000 for water infrastructure, including water supply and storage, in the city of College Place, Washington.

(570) *FERNDALE, WASHINGTON.*—\$4,000,000 for water, wastewater, and environmental infrastructure, in the city of Ferndale, Washington.

(571) *LYNDEN, WASHINGTON.*—\$4,000,000 for water, wastewater, and environmental infrastructure, in the city of Lynden, Washington.

(572) *OTHELLO, WASHINGTON.*—\$14,000,000 for water and wastewater infrastructure, including water supply and aquifer storage and recovery, in the city of Othello, Washington.

\* \* \* \* \*

**SEC. 225. CHALLENGE COST-SHARING PROGRAM FOR THE MANAGEMENT OF RECREATION FACILITIES.**

(a) **IN GENERAL.**—The Secretary is authorized to develop and implement a program to share the cost of managing recreation facilities and natural resources at water resource development projects under the Secretary’s jurisdiction.

(b) **COOPERATIVE AGREEMENTS.**—**[To implement]**

(1) *IN GENERAL.*—*To implement* the program under this section, the Secretary is authorized to enter into cooperative agreements with **[non-Federal public and private entities]** *non-Federal public entities and private nonprofit entities* to provide for operation and management of recreation facilities and natural resources at civil works projects under the Secretary’s jurisdiction where such facilities and resources are being maintained at complete Federal expense.

(2) **REQUIREMENTS.**—*Before entering into an agreement under paragraph (1), the Secretary shall ensure that the non-Federal public entity or private nonprofit entity has the authority and capability—*

(A) *to carry out the terms of the agreement; and*

(B) *to pay damages, if necessary, in the event of a failure to perform.*

**[(c) USER FEES.—**

**[(1) COLLECTION OF FEES.—**

**[(A) IN GENERAL.**—The Secretary may allow a non-Federal public entity that has entered into an agreement pursuant to subsection (b) to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by that entity or the Department of the Army.

**[(B) USE OF VISITOR RESERVATION SERVICES.**—A non-Federal public entity described in subparagraph (A) may use, to manage fee collections and reservations under this section, any visitor reservation service that the Secretary has provided for by contract or interagency agreement, subject to such terms and conditions as the Secretary determines to be appropriate.

**[(2) USE OF FEES.**—A non-Federal public entity that collects user fees under paragraph (1)—

**[(A)** may retain up to 100 percent of the fees collected, as determined by the Secretary; and

**[(B)** notwithstanding section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)), shall use any retained amount for operation, maintenance, and manage-

ment activities at the recreation site at which the fee is collected.

【(3) TERMS AND CONDITIONS.—The authority of a non-Federal public entity under this subsection shall be subject to such terms and conditions as the Secretary determines necessary to protect the interests of the United States.】

(c) *USER FEES.*—

(1) *COLLECTION OF FEES.*—

(A) *IN GENERAL.*—*The Secretary may allow a non-Federal public entity or private nonprofit entity that has entered into an agreement pursuant to subsection (b) to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by the non-Federal public entity or private nonprofit entity or the Department of the Army.*

(B) *USE OF VISITOR RESERVATION SERVICES.*—

(i) *IN GENERAL.*—*A non-Federal public entity or a private nonprofit entity described in subparagraph (A) may use, to manage fee collections and reservations under this section, any visitor reservation service that the Secretary has provided for by contract or inter-agency agreement, subject to such terms and conditions as the Secretary determines to be appropriate.*

(ii) *TRANSFER.*—*The Secretary may transfer, or cause to be transferred by another Federal agency, to a non-Federal public entity or a private nonprofit entity described in subparagraph (A) user fees received by the Secretary or other Federal agency under a visitor reservation service described in clause (i) for recreation facilities and natural resources managed by the non-Federal public entity or private nonprofit entity pursuant to a cooperative agreement entered into under subsection (b).*

(2) *USE OF FEES.*—

(A) *IN GENERAL.*—*A non-Federal public entity or private nonprofit entity that collects a user fee under paragraph (1)—*

*(i) may retain up to 100 percent of the fees collected, as determined by the Secretary; and*

*(ii) notwithstanding section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)(4)), shall use any retained amounts for operation, maintenance, and management activities relating to recreation and natural resources at recreation site at which the fee is collected.*

(B) *REQUIREMENTS.*—*The use by a non-Federal public entity or private nonprofit entity of user fees collected under paragraph (1)—*

*(i) shall remain subject to the direction and oversight of the Secretary; and*

*(ii) shall not affect any existing third-party property interest, lease, or agreement with the Secretary.*

(3) *TERMS AND CONDITIONS.*—*The authority of a non-Federal public entity or private nonprofit entity under this subsection shall be subject to such terms and conditions as the Secretary*

*determines to be necessary to protect the interests of the United States.*

**(d) CONTRIBUTIONS.—[For purposes]**

*(1) IN GENERAL.—For purposes of carrying out this section the Secretary may accept contributions of funds, materials, and services from [non-Federal public and private entities. Any funds received by the Secretary under this section] non-Federal public entities, private nonprofit entities, and other private entities.*

*(2) DEPOSIT OF FUNDS.—Any funds received by the Secretary under this subsection shall be deposited into the account in the Treasury of the United States entitled “Contributions and Advances, Rivers and Harbors, Corps of Engineers (8662)” and shall be available until expended to carry out the purposes of this section.*

**(e) DEFINITIONS.—In this section:**

*(1) NON-FEDERAL PUBLIC ENTITY.—The term “non-Federal public entity” means a non-Federal public entity as defined in the memorandum issued by the Corp of Engineers on April 4, 2018, and titled “Implementation Guidance for Section 1155, Management of Recreation Facilities, of the Water Resources Development Act (WRDA) of 2016, Public Law 114–322”.*

*(2) PRIVATE NONPROFIT ENTITY.—The term “private nonprofit entity” means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.*

\* \* \* \* \*

**TITLE III—MISCELLANEOUS PROVISIONS**

\* \* \* \* \*

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

**[(a) REPORT.—**Not later than March 1, 1993, and annually thereafter concurrent with the submission of the President’s annual budget request to Congress, the President shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on expenditures from and deposits into the Harbor Maintenance Trust Fund.

**[(b) CONTENTS.—**

**[(1) IN GENERAL.—**Each report to be transmitted under subsection (a) shall contain the following:

**[(A) A description of expenditures made from the trust fund in the previous fiscal year on a project-by-project basis.**

**[(B) A description of deposits made into the trust fund in the previous fiscal year and the sources of such deposits.**

**[(C) A 5-year projection of expenditures from and deposits into the trust fund.**

[(D) A description of the expected expenditures from the trust fund to meet the needs of navigation for the fiscal year of the budget request.

[(2) PREVIOUS YEARS INFORMATION.—In addition to information required under paragraph (1), the initial report to be transmitted under subsection (a) shall contain the information described in subparagraphs (A) and (B) of paragraph (1) for fiscal years 1987 through 1992.]

\* \* \* \* \*

**FLOOD CONTROL ACT OF 1968**

\* \* \* \* \*

**SEC. 210. RECREATIONAL USER FEES..**

(a) PROHIBITION ON ADMISSIONS FEES.—No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army.

(b) FEES FOR USE OF DEVELOPED RECREATION SITES AND FACILITIES.—

(1) ESTABLISHMENT AND COLLECTION.—[Notwithstanding section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(b)), the Secretary of the Army is authorized, subject to paragraphs (2) and (3), to establish] *Subject to paragraphs (2) and (3), the Secretary of the Army may establish* and collect fees for the use of developed recreation sites and facilities, including campsites, swimming beaches, and boat launching ramps but excluding a site or facility which includes only a boat launch ramp and a courtesy dock.

(2) EXEMPTION OF CERTAIN FACILITIES.—The Secretary shall not establish or collect fees under this subsection for the use or provision of drinking water, wayside exhibits, roads, scenic drives, overlook sites, picnic tables, toilet facilities, surface water areas, undeveloped or lightly developed shoreland, or general visitor information.

(3) PER VEHICLE LIMIT.—The fee under this subsection for use of a site or facility (other than an overnight camping site or facility or any other site or facility at which a fee is charged for use of the site or facility as of the date of the enactment of this paragraph) for persons entering the site or facility by private, noncommercial vehicle transporting not more than 8 persons (including the driver) shall not exceed \$3 per day per [vehicle. Such maximum amount] *vehicle, which amount* may be adjusted annually by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

[(4) DEPOSIT INTO TREASURY ACCOUNT.—All fees collected under this subsection shall be deposited into the Treasury account for the Corps of Engineers established by section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(i)) and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of

such Act at the water resources development project at which the fees were collected.】

(4) DEPOSIT IN TREASURY.—Subject to paragraph (5), the fees collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

(5) RETENTION AND USE BY SECRETARY.—

(A) RETENTION.—Of the fees collected under this subsection, the Secretary may retain, for use in accordance with subparagraph (B)(ii), beginning in fiscal year 2035 and each fiscal year thereafter, the total amount of fees collected under this subsection for the fiscal year.

(B) USE.—The amounts retained by the Secretary under subparagraph (A) shall—

(i) be deposited in a special account, to be established in the Treasury; and

(ii) be available for use, without further appropriation, for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary, subject to the condition that not less than 80 percent of fees collected at a specific recreation site shall be used at such site.

(6) TREATMENT.—Fees collected under this subsection—

(A) shall be in addition to annual appropriated funding provided for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary; and

(B) shall not be used as a basis for reducing annual appropriated funding for such operation and maintenance.

\* \* \* \* \*

**NATIONAL DAM SAFETY PROGRAM ACT**

\* \* \* \* \*

**SEC. 2. DEFINITIONS.**

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) BOARD.—The term “Board” means a National Dam Safety Review Board established under section 8(f).

(3) DAM.—The term “dam”—

(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

(i) is 25 feet or more in height from—

(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

(B) does not include—

- (i) a levee; or
  - (ii) a barrier described in subparagraph (A) that—
    - (I) is 6 feet or less in height regardless of storage capacity; or
    - (II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;
 unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Administrator).
- (4) **ELIGIBLE HIGH HAZARD POTENTIAL DAM.**—
- (A) **IN GENERAL.**—The term “eligible high hazard potential dam” means a non-Federal dam that—
- (i) is located in a State with a State dam safety program;
  - (ii) is classified as “high hazard potential” by the State dam safety agency in the State in which the dam is located;
  - (iii) has an emergency action plan that—
    - (I) is approved by the relevant State dam safety agency; or
    - (II) is in conformance with State law and pending approval by the relevant State dam safety agency;
  - (iv) fails to meet minimum dam safety standards of the State in which the dam is located, as determined by the State; and
  - (v) poses an unacceptable risk to the public, as determined by the Administrator, in consultation with the Board.
- (B) **EXCLUSION.**—The term “eligible high hazard potential dam” does not include—
- (i) a licensed hydroelectric dam under a hydropower project with an authorized installed capacity of greater than 1.5 megawatts; or
  - (ii) a dam built under the authority of the Secretary of Agriculture.
- (5) **FEDERAL AGENCY.**—The term “Federal agency” means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.
- (6) **FEDERAL GUIDELINES FOR DAM SAFETY.**—The term “Federal Guidelines for Dam Safety” means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.
- (7) **FEMA.**—The term “FEMA” means the Federal Emergency Management Agency.
- (8) **HAZARD REDUCTION.**—The term “hazard reduction” means the reduction in the potential consequences to life and property of dam failure.
- (9) **ICODS.**—The term “ICODS” means the Interagency Committee on Dam Safety established by section 7.

(10) **ELIGIBLE SUBRECIPIENT.**—The term “eligible sub-recipient”, in the case of a project receiving assistance under section 8A, includes—

- (A) a governmental organization; and
- (B) a nonprofit organization.

(11) **PROGRAM.**—The term “Program” means the national dam safety program established under section 8.

(12) **REHABILITATION.**—The term “rehabilitation” means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable State dam safety and security standards.

(13) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(14) **STATE DAM SAFETY AGENCY.**—The term “State dam safety agency” means a State agency that has regulatory authority over the safety of non-Federal dams.

(15) **STATE DAM SAFETY PROGRAM.**—The term “State dam safety program” means a State dam safety program approved and assisted under section 8(e).

(16) **UNDERSERVED COMMUNITY.**—*The term “underserved community” means a community with a population of less than 50,000 that has a median household income of less than 80 percent of the statewide median household income.*

[(16)] (17) **UNITED STATES.**—The term “United States”, when used in a geographical sense, means all of the States.

\* \* \* \* \*

**[SEC. 6. NATIONAL DAM INVENTORY.**

**]** The Secretary of the Army shall maintain and update information on the inventory of dams in the United States. Such inventory of dams shall include any available information assessing each dam based on inspections completed by either a Federal agency or a State dam safety agency. **]**

**SEC. 6. NATIONAL INVENTORY OF DAMS AND LOW-HEAD DAMS.**

(a) **IN GENERAL.**—*The Secretary of the Army shall maintain and update information on the inventory of dams and low-head dams in the United States.*

(b) **DAMS.**—*The inventory maintained under subsection (a) shall include any available information assessing each dam based on inspections completed by a Federal agency, a State dam safety agency, or a Tribal government.*

(c) **LOW-HEAD DAMS.**—*The inventory maintained under subsection (a) shall include—*

- (1) *the location, ownership, description, current use, condition, height, and length of each low-head dam;*
- (2) *any information on public safety conditions at each low-head dam; and*
- (3) *any other relevant information concerning low-head dams.*

(d) **DATA.**—*In carrying out this section, the Secretary shall—*

- (1) *coordinate with Federal and State agencies, Tribal governments, and other relevant entities; and*



(2) use data provided to the Secretary by those agencies and entities.

(e) **PUBLIC AVAILABILITY.**—The Secretary shall make the inventory maintained under subsection (a) publicly available (including on a publicly available website), including—

(1) public safety information on the dangers of low-head dams; and

(2) a directory of financial and technical assistance resources available to reduce safety hazards and fish passage barriers at low-head dams.

(f) **CLARIFICATION.**—Nothing in this section provides authority to the Secretary to carry out an activity, with respect to a low-head dam, that is not explicitly authorized under this section.

(g) **LOW-HEAD DAM DEFINED.**—In this section, the term “low-head dam” means a river-wide artificial barrier that generally spans a stream channel, blocking the waterway and creating a backup of water behind the barrier, with a drop off over the wall of not less than 6 inches and not more than 25 feet.

\* \* \* \* \*

#### **SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Administrator shall establish, within FEMA, a program to provide technical, planning, design, and construction assistance in the form of grants to States with dam safety programs for rehabilitation of eligible high hazard potential dams.

(b) **ELIGIBLE ACTIVITIES.**—A grant awarded under this section to a State may be used by the State to award grants to eligible sub-recipients for—

(1) repair;

(2) removal; or

(3) any other structural or nonstructural measures to rehabilitate an eligible high hazard potential dam.

(c) **AWARD OF GRANTS.**—

(1) **APPLICATION.**—

(A) **IN GENERAL.**—A State interested in receiving a grant under this section may submit to the Administrator an application for the grant.

(B) **REQUIREMENTS.**—An application submitted to the Administrator under this section shall be submitted at such time, be in such form, and contain such information as the Administrator may prescribe by regulation.

(2) **GRANT.**—

(A) **IN GENERAL.**—The Administrator may make a grant in accordance with this section for rehabilitation of eligible high hazard potential dams to a State that submits an application for the grant in accordance with the regulations prescribed by the Administrator.

(B) **GRANT AGREEMENT.**—The Administrator shall enter into a grant agreement with the State to establish the terms of the grant and the projects for which the grant is awarded, including the amount of the grant.

[(C) **GRANT ASSURANCE.**—As part of a grant agreement under subparagraph (B), the Administrator shall require that each eligible subrecipient to which the State awards

a grant under this section provides an assurance, with respect to the dam to be rehabilitated by the eligible subrecipient, that the dam owner will carry out a plan for maintenance of the dam during the expected life of the dam.】

(C) *GRANT ASSURANCE.*—As part of a grant agreement under subparagraph (B), the Administrator shall require that each eligible subrecipient to which the State awards a grant under this section provides an assurance from the dam owner, with respect to the dam to be rehabilitated, that the dam owner will carry out a plan for maintenance of the dam during the expected life of the dam.

(D) *LIMITATION.*—A State may not award a grant to an eligible subrecipient under this section that exceeds, for any 1 dam, the lesser of—

- (i) 12.5 percent of the total amount of funds made available to carry out this section; or
- (ii) \$7,500,000.

(d) *REQUIREMENTS.*—

(1) *APPROVAL.*—A grant awarded under this section to an eligible subrecipient for a project shall be approved by the relevant State dam safety agency.

(2) *ELIGIBLE SUBRECIPIENT REQUIREMENTS.*—To receive a grant under this section, an eligible subrecipient shall, with respect to the dam to be rehabilitated by the eligible subrecipient—

(A) demonstrate that the community in which the dam is located participates in, and complies with, all applicable Federal flood insurance programs, including demonstrating that such community is participating in the National Flood Insurance Program, and is not on probation, suspended, or withdrawn from such Program;

(B) beginning not later than 2 years after the date on which the Administrator publishes criteria for hazard mitigation plans under paragraph (3), demonstrate that the Tribal or local government with jurisdiction over the area in which the dam is located has in place a hazard mitigation plan that—

- (i) includes all dam risks; and
- (ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

(C) **【commit】** for a project not including removal, obtain a commitment from the dam owner to provide operation and maintenance of the project for the expected life of the dam following completion of rehabilitation;

(D) comply with such minimum eligibility requirements as the Administrator may establish to ensure that each owner and operator of a dam under a participating State dam safety program and that receives assistance under this section—

- (i) acts in accordance with the State dam safety program; and
- (ii) carries out activities relating to the public in the area around the dam in accordance with the hazard mitigation plan described in subparagraph (B); and

(E) comply with section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)) (as in effect on the date of enactment of this section) with respect to projects receiving assistance under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes.

(3) HAZARD MITIGATION PLAN CRITERIA.—Not later than 1 year after the date of enactment of this paragraph, the Administrator, in consultation with the Board, shall publish criteria for hazard mitigation plans required under paragraph (2)(B).

[(e) FLOODPLAIN MANAGEMENT PLANS.—

[(1) IN GENERAL.—As a condition of receipt of assistance under this section, an eligible subrecipient shall demonstrate that a floodplain management plan to reduce the impacts of future flood events in the area protected by the project—

[(A) is in place; or

[(B) will be—

[(i) developed not later than 2 years after the date of execution of a project agreement for assistance under this section; and

[(ii) implemented not later than 2 years after the date of completion of construction of the project.

[(2) INCLUSIONS.—A plan under paragraph (1) shall address—

[(A) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project;

[(B) plans for flood fighting and evacuation; and

[(C) public education and awareness of flood risks.

[(3) PLAN CRITERIA AND TECHNICAL SUPPORT.—The Administrator, in consultation with the Board, shall provide criteria, and may provide technical support, for the development and implementation of floodplain management plans prepared under this subsection.]

(e) FLOODPLAIN MANAGEMENT PLANS.—

(1) IN GENERAL.—As a condition of receipt of assistance under this section, an eligible subrecipient shall demonstrate that a floodplain management plan to reduce the impacts of future flood events from a controlled or uncontrolled release from the dam or management of water levels in the area impacted by the dam—

(A) for a removal—

(i) is in place; and

(ii) identifies areas that would be impacted by the removal of the dam and includes a communication and outreach plan for the project and the impact of the project on the affected communities; or

(B) for a project not including removal—

(i) is in place; or

(ii) will be—

(I) developed not later than 2 years after the date of execution of a project agreement for assistance under this section; and

(II) implemented not later than 2 years after the date of completion of construction of the project.

(2) *REQUIREMENT.*—In the case of a plan for a removal, the Administrator may not impose any additional requirements or conditions other than the requirements in paragraph (1)(A).

(3) *INCLUSIONS.*—A plan under paragraph (1)(B) shall address—

(A) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected or impacted by the dam;

(B) plans for flood fighting and evacuation; and

(C) public education and awareness of flood risks.

(4) *PLAN CRITERIA AND TECHNICAL SUPPORT.*—The Administrator, in consultation with the Board, shall provide criteria, and may provide technical support, for the development and implementation of floodplain management plans prepared under this subsection.

(f) *PRIORITY SYSTEM.*—The Administrator, in consultation with the Board, shall develop a risk-based priority system for use in identifying eligible high hazard potential dams for which grants may be made under this section.

(g) *FUNDING.*—

(1) *COST SHARING.*—

(A) *IN GENERAL.*—[Any] Except as provided in subparagraph (C), any assistance provided under this section for a project shall be subject to a non-Federal cost-sharing requirement of not less than 35 percent.

(B) *IN-KIND CONTRIBUTIONS.*—The non-Federal share under subparagraph (A) may be provided in the form of in-kind contributions.

(C) *UNDERSERVED COMMUNITIES.*—Subparagraph (A) shall not apply to a project carried out by or for the benefit of an underserved community.

(2) *ALLOCATION OF FUNDS.*—The total amount of funds made available to carry out this section for each fiscal year shall be distributed as follows:

(A) *EQUAL DISTRIBUTION.*— $\frac{1}{3}$  shall be distributed equally among the States in which the projects for which applications are submitted under subsection (c)(1) are located.

(B) *NEED-BASED.*— $\frac{2}{3}$  shall be distributed among the States in which the projects for which applications are submitted under subsection (c)(1) are located based on the proportion that—

(i) the number of eligible high hazard potential dams in the State; bears to

(ii) the number of eligible high hazard potential dams in all such States.

(h) *USE OF FUNDS.*—None of the funds provided in the form of a grant or otherwise made available under this section shall be used—

(1) to rehabilitate a Federal dam;

- (2) to perform routine operation or maintenance of a dam;
- (3) to modify a dam to produce hydroelectric power;
- (4) to increase water supply storage capacity; or
- (5) to make any other modification to a dam that does not also improve the safety of the dam.

(i) **CONTRACTUAL REQUIREMENTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), as a condition on the receipt of a grant under this section of an amount greater than \$1,000,000, an eligible subrecipient that receives the grant shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under—

(A) chapter 11 of title 40, United States Code; or

(B) an equivalent qualifications-based requirement prescribed by the relevant State.

(2) **NO PROPRIETARY INTEREST.**—A contract awarded in accordance with paragraph (1) shall not be considered to confer a proprietary interest upon the United States.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- (1) \$10,000,000 for fiscal years 2017 and 2018;
- (2) \$25,000,000 for fiscal year 2019;
- (3) \$40,000,000 for fiscal year 2020; and
- (4) \$60,000,000 for each of fiscal years 2021 through 2026.

\* \* \* \* \*

**SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

(a) **NATIONAL DAM SAFETY PROGRAM.**—

(1) **ANNUAL AMOUNTS.**—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 12 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under subsections (b) through (e)), \$9,200,000 for each of fiscal years 2019 through ~~2023~~ 2028, to remain available until expended.

(2) **ALLOCATION.**—

(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), for each fiscal year, amounts made available under this subsection to carry out section 8 shall be allocated among the States as follows:

(i) One-third among States that qualify for assistance under section 8(e).

(ii) Two-thirds among States that qualify for assistance under section 8(e), to each such State in proportion to—

(I) the number of dams in the State that are listed as State-regulated dams on the inventory of dams *and low-head dams* maintained under section 6; as compared to

(II) the number of dams in all States that are listed as State-regulated dams on the inventory of

dams and low-head dams maintained under section 6.

**[(B) MAXIMUM AMOUNT OF ALLOCATION.—**

**[(i) IN GENERAL.—**The amount of funds allocated to a State under this paragraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

**[(ii) FISCAL YEAR 2015 AND SUBSEQUENT FISCAL YEARS.—**For fiscal year 2015 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.]

*(B) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this paragraph for a fiscal year may not exceed the amount that is equal to 4 times the amount of funds committed by the State to implement dam safety activities for that fiscal year.*

**(C) DETERMINATION.—**The Administrator and the Board shall determine the amount allocated to States.

**(b) [NATIONAL DAM INVENTORY.—] NATIONAL INVENTORY OF DAMS AND LOW-HEAD DAMS.—**There is authorized to be appropriated to carry out section 6 \$500,000 for each of fiscal years 2019 through [2023] 2028.

**(c) PUBLIC AWARENESS.—**There is authorized to be appropriated to carry out section 11 \$1,000,000 for each of fiscal years 2019 through [2023] 2028.

**(d) RESEARCH.—**There is authorized to be appropriated to carry out section 9 \$1,450,000 for each of fiscal years 2019 through [2023] 2028, to remain until expended.

**(e) DAM SAFETY TRAINING.—**There is authorized to be appropriated to carry out section 10 \$750,000 for each of fiscal years 2019 through [2023] 2028.

**(f) STAFF.—**There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 8 through 10 \$1,000,000 for each of fiscal years 2019 through [2023] 2028.

**(g) LIMITATION ON USE OF AMOUNTS.—**Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.

**[SEC. 15. NATIONAL LOW-HEAD DAM INVENTORY.**

**[(a) DEFINITIONS.—**In this section:

**[(1) INVENTORY.—**The term “inventory” means the national low-head dam inventory developed under subsection (b)(1)(A).

**[(2) LOW-HEAD DAM.—**The term “low-head dam” means a river-wide artificial barrier that generally spans a stream channel, blocking the waterway and creating a backup of water behind the barrier, with a drop off over the wall of not less than 6 inches and not more than 25 feet.

**[(b) NATIONAL LOW-HEAD DAM INVENTORY.—**

**[(1) IN GENERAL.—**Not later than 18 months after the date of enactment of this section, the Secretary of the Army, in consultation with the heads of appropriate Federal and State agencies, shall—

[(A) develop an inventory of low-head dams in the United States that includes—

[(i) the location, ownership, description, current use, condition, height, and length of each low-head dam;

[(ii) any information on public safety conditions at each low-head dam;

[(iii) public safety information on the dangers of low-head dams;

[(iv) a directory of financial and technical assistance resources available to reduce safety hazards and fish passage barriers at low-head dams; and

[(v) any other relevant information concerning low-head dams; and

[(B) submit the inventory to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

[(2) DATA.—In carrying out this subsection, the Secretary shall—

[(A) coordinate with Federal and State agencies and other relevant entities; and

[(B) use data provided to the Secretary by those agencies and entities.

[(3) PUBLIC AVAILABILITY.—The Secretary shall make the inventory publicly available, including on a publicly available website.

[(4) UPDATES.—The Secretary, in consultation with the heads of appropriate Federal and State agencies, shall maintain and periodically publish updates to the inventory.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$30,000,000.

[(d) CLARIFICATION.—Nothing in this section provides authority to the Secretary to carry out an activity, with respect to a low-head dam, that is not explicitly authorized under this section.]

---

## WATER RESOURCES DEVELOPMENT ACT OF 2000

\* \* \* \* \*

## TITLE II—GENERAL PROVISIONS

\* \* \* \* \*

### SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, [the term “Indian tribe” has the meaning given the term] *the terms “Indian tribe” and “Indian Tribe” have the meanings given the terms* in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may carry out water-related planning activities, or activities relating to the

study, design, and construction of water resources development projects, that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) **【or in proximity】**, *in proximity to Alaska Native villages, or in proximity to a river system or other aquatic habitat with respect to which an Indian Tribe has Tribal treaty rights.*

(2) **AUTHORIZED ACTIVITIES.**—An activity conducted under paragraph (1) may address—

(A) projects for **【flood hurricane and storm damage reduction, including erosion control,】** *flood or hurricane and storm damage reduction, including erosion control and stormwater management (including management of stormwater that flows at a rate of less than 800 cubic feet per second for the 10-percent flood)*, environmental restoration and protection, and preservation of cultural and natural resources;

(B) watershed assessments and planning activities;

(C) technical assistance to an Indian tribe, including—

(i) assistance for planning to ameliorate flood hazards, to avoid repetitive flood impacts, to anticipate, prepare, and adapt to changing hydrological and climatic conditions and extreme weather events, and to withstand, respond to, and recover rapidly from disruption due to flood hazards; and

(ii) the provision of, and integration into planning of, hydrologic, economic, and environmental data and analyses; and

(D) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(3) **FEASIBILITY STUDY AND REPORTS.**—

(A) **IN GENERAL.**—On the request of an Indian tribe, the Secretary shall conduct a study on, and provide to the Indian tribe a report describing, the feasibility of a water resources development project described in paragraph (1).

(B) **RECOMMENDATION.**—A report under subparagraph (A) may, but shall not be required to, contain a recommendation on a specific water resources development project.

(C) **INITIAL COSTS.**—The first \$200,000 of the costs of a study under this section shall be at Federal expense.

(4) **DESIGN AND CONSTRUCTION.**—

(A) **IN GENERAL.**—The Secretary may carry out the design and construction of a water resources development project, or separable element of a project, described in paragraph (1) that the Secretary determines is feasible if the Federal share of the cost of the project or separable element is not more than **【\$26,000,000】** *\$28,500,000*.



- (B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of the project or separable element described in subparagraph (A) is more than ~~[\$26,000,000]~~ \$28,500,000, the Secretary may only carry out the project or separable element if Congress enacts a law authorizing the Secretary to carry out the project or separable element.
- (5) PROJECT JUSTIFICATION.—Notwithstanding any requirement for economic justification established under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2), the Secretary may implement a project (other than a project for ecosystem restoration) under this section if the Secretary determines that the project will—
- (A) significantly reduce potential flood or hurricane and storm damage hazards (which may be limited to hazards that may be addressed by measures for erosion mitigation or bank stabilization);
  - (B) improve the quality of the environment;
  - (C) reduce risks to life safety associated with the hazards described in subparagraph (A); and
  - (D) improve the long-term viability of the community.
- (c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—
- (1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning an activity conducted under subsection (b).
  - (2) INTEGRATION OF ACTIVITIES.—The Secretary shall—
    - (A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and
    - (B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning an activity conducted under subsection (b).
- (d) COST SHARING.—
- (1) ABILITY TO PAY.—
    - (A) IN GENERAL.—Any cost-sharing agreement for an activity conducted under subsection (b) shall be subject to the ability of the non-Federal interest to pay.
    - (B) USE OF PROCEDURES.—
      - (i) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.
      - (ii) DETERMINATION.—Not later than 180 days after the date of enactment of this clause, the Secretary shall issue guidance on the procedures described in clause (i).
  - (2) CREDIT.—The Secretary may credit toward the non-Federal share of the costs of an activity conducted under subsection (b) the cost of services, studies, supplies, or other in-kind contributions provided by the non-Federal interest.
  - (3) SOVEREIGN IMMUNITY.—The Secretary shall not require an Indian tribe to waive the sovereign immunity of the Indian

tribe as a condition to entering into a cost-sharing agreement under this subsection.

(4) WATER RESOURCES DEVELOPMENT PROJECTS.—

(A) IN GENERAL.—The non-Federal share of costs for the study of a water resources development project described in subsection (b)(1) shall be 50 percent.

(B) OTHER COSTS.—The non-Federal share of costs of design and construction of a project described in subparagraph (A) shall be assigned to the appropriate project purposes described in sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2213) and shared in the same percentages as the purposes to which the costs are assigned.

(5) WATER-RELATED PLANNING ACTIVITIES.—

(A) IN GENERAL.—The non-Federal share of costs of a watershed and river basin assessment conducted under subsection (b) shall be 25 percent.

(B) OTHER COSTS.—The Federal share of costs of other water-related planning activities described in subsection (b)(1) shall be 100 percent.

(6) TECHNICAL ASSISTANCE.—The Federal share of the cost of activities described in subsection (b)(2)(C) shall be 100 percent.

[(e) RESTRICTIONS.—The Secretary is authorized to carry out activities under this section for fiscal years 2015 through 2033.]

\* \* \* \* \*

**SEC. 214. FUNDING TO PROCESS PERMITS.**

(a) FUNDING TO PROCESS PERMITS.—

(1) DEFINITIONS.—In this subsection:

(A) NATURAL GAS COMPANY.—The term “natural gas company” has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451), except that the term also includes a person engaged in the transportation of natural gas in intrastate commerce.

(B) PUBLIC-UTILITY COMPANY.—The term “public-utility company” has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451).

(C) RAILROAD CARRIER.—The term “railroad carrier” has the meaning given the term in section 20102 of title 49, United States Code.

(D) INDIAN TRIBE.—*The term “Indian Tribe” means—*

*(i) an Indian Tribe, as such term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304); and*

*(ii) any entity formed under the authority of one or more Indian Tribes, as so defined.*

(2) PERMIT PROCESSING.—

(A) IN GENERAL.—The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity or a public-utility company, *Indian Tribe*, natural gas company, or railroad carrier to expedite the evaluation of a permit of that entity, company, or carrier related to a project or activity for a public purpose under

the jurisdiction of the Department of the Army, *including an aquatic ecosystem restoration project.*

(B) MITIGATION BANK INSTRUMENT PROCESSING.—An activity carried out by the Secretary to expedite evaluation of a permit described in subparagraph (A) may include the evaluation of an instrument for a mitigation bank if—

- (i) the non-Federal public entity, public-utility company, *Indian Tribe*, natural gas company, or railroad carrier applying for the permit described in that subparagraph is the sponsor of the mitigation bank; and
- (ii) expediting evaluation of the instrument is necessary to expedite evaluation of the permit described in that subparagraph.

(3) EFFECT ON OTHER ENTITIES.—To the maximum extent practicable, the Secretary shall ensure that expediting the evaluation of a permit through the use of funds accepted and expended under this section does not adversely affect the timeline for evaluation (in the Corps district in which the project or activity is located) of permits under the jurisdiction of the Department of the Army of other entities that have not contributed funds under this section.

[(4) GAO STUDY.—Not later than December 31, 2022, the Comptroller General of the United States shall carry out a followup study of the implementation by the Secretary of the authority provided under paragraph (2) to public-utility companies, natural gas companies, and railroad carriers, including an evaluation of the compliance with the requirements of this section and, with respect to a permit for those entities, the requirements of applicable Federal laws.]

(b) EFFECT ON PERMITTING.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

(2) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by—

- (i) the District Commander, or the Commander's designee, of the Corps District in which the project or activity is located; or
- (ii) the Commander of the Corps Division in which the District is located if the evaluation of the permit is initially conducted by the District Commander; and

(B) utilize the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(c) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

(d) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public in a common format,

including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.

(2) DECISION DOCUMENT.—The Secretary shall—

(A) use a standard decision document for evaluating all permits using funds accepted under this section; and

(B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.

(3) AGREEMENTS.—The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.

(e) REPORTING.—

(1) IN GENERAL.—The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section—

(A) a comprehensive list of any funds accepted under this section during the previous fiscal year;

(B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and

(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.

(2) SUBMISSION.—Not later than 90 days after the end of each fiscal year, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and

(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.

\* \* \* \* \*

## TITLE V—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

### SEC. 529. LAS VEGAS, NEVADA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMITTEE.—The term “Committee” means the Las Vegas Wash Coordinating Committee.

(2) PLAN.—The term “Plan” means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.

(3) PROJECT.—The term “Project” means the Las Vegas Wash wetlands restoration and Lake Mead improvement project and includes the programs, features, components, projects, and activities identified in the Plan.

(b) PARTICIPATION IN PROJECT.—

(1) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Sec-

retary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project at Las Vegas Wash and Lake Mead in accordance with the Plan.

(2) COST SHARING REQUIREMENTS.—

(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(B) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(C) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated ~~【\$40,000,000】~~ \$60,000,000 to carry out this section.

\* \* \* \* \*

## RIVER AND HARBOR ACT OF 1958

### TITLE I—RIVERS AND HARBORS

\* \* \* \* \*

SEC. 104. (a)

(1) IN GENERAL.—There is hereby authorized a comprehensive program to provide for prevention, control, and progressive eradication of noxious aquatic plant growths and aquatic invasive species from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and State agencies.

(2) LOCAL INTERESTS.—Local interests shall agree to hold and save the United States free from claims that may occur from control operations and to participate to the extent of 30 per centum of the cost of such operations.

(3) FEDERAL COSTS.—Costs for research and planning undertaken pursuant to the authorities of this section shall be borne fully by the Federal Government.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (except for subsections (f) and (g)) \$130,000,000 for each fiscal year, of which—

(A) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(i);

- (B) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(ii);
  - (C) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(iii);
  - (D) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(iv); and
  - (E) \$10,000,000 shall be made available to carry out subsection (d)(1)(A)(v).
- (2) OTHER PROGRAMS.—
- (A) IN GENERAL.—There are authorized to be appropriated—
    - (i) \$10,000,000 for each of fiscal years 2021 through 2024 to carry out subsection (f); and
    - (ii) \$75,000,000 for each of fiscal years 2021 through 2028 to carry out subsection (g)(2).
  - (B) INVASIVE PLANT SPECIES PILOT PROGRAM.—There is authorized to be appropriated to the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, \$10,000,000 to carry out subsection (g)(3).
- (3) CONTROL OPERATIONS.—Any funds made available under paragraph (1) or (2)(A) to be used for control operations shall be allocated by the Chief of Engineers on a priority basis, based on the urgency and need of each area and the availability of local funds.
- (c) SUPPORT.—In carrying out the program under this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.
- (d) WATERCRAFT INSPECTION AND DECONTAMINATION STATIONS.—
- (1) IN GENERAL.—
    - (A) WATERCRAFT INSPECTION AND DECONTAMINATION STATIONS.—In carrying out this section, the Secretary shall establish (as applicable), operate, and maintain new or existing watercraft inspection and decontamination stations—
      - (i) to protect the Columbia River Basin;
      - (ii) to protect the Upper Missouri River Basin;
      - (iii) to protect the Upper Colorado River Basin and the South Platte and Arkansas River Basins;
      - (iv) to protect the Russian River Basin, California; and
      - (v) to protect basins and watersheds that adjoin an international border between the United States and Canada.
    - (B) LOCATIONS.—The Secretary shall place watercraft inspection and decontamination stations under subparagraph (A) at locations with the highest likelihood of preventing the spread of aquatic invasive species into and out of waters of the United States, as determined by the Secretary in consultation with the Governors and entities described in paragraph (3).
    - (C) RAPID RESPONSE.—The Secretary shall assist States within the areas described in subparagraph (A) with rapid

- response to any aquatic invasive species, including quagga or zebra mussel, infestation.
- (2) **COST SHARE.**—The non-Federal share of the cost of constructing, operating, and maintaining watercraft inspection and decontamination stations described in paragraph (1) (including personnel costs) shall be—
- (A) 50 percent; and
  - (B) provided by the State or local governmental entity in which such inspection station is located.
- (3) **COORDINATION.**—In carrying out this subsection, the Secretary shall consult and coordinate with—
- (A) the Governors of the States within the areas described in each of clauses (i) through (v) of paragraph (1)(A), as applicable;
  - (B) Indian tribes; and
  - (C) other Federal agencies, including—
    - (i) the Department of Agriculture;
    - (ii) the Department of Energy;
    - (iii) the Department of Homeland Security;
    - (iv) the Department of Commerce; and
    - (v) the Department of the Interior.
- (e) **MONITORING AND CONTINGENCY PLANNING.**—In carrying out this section, the Secretary may—
- (1) carry out risk assessments of water resources facilities;
  - (2) monitor for aquatic invasive species;
  - (3) assist States in early detection of, *and monitoring and contingency planning for*, aquatic invasive species, including quagga and zebra mussels; and
  - (4) monitor water quality, including sediment cores and fish tissue samples.
- (f) **INVASIVE SPECIES MANAGEMENT PILOT PROGRAM.**—
- (1) **DEFINITION OF INVASIVE SPECIES.**—In this subsection, the term “invasive species” has the meaning given the term in section 1 of Executive Order 13112 (64 Fed. Reg. 6183; relating to invasive species (February 3, 1999)) (as amended by section 2 of Executive Order 13751 (81 Fed. Reg. 88609; relating to safeguarding the Nation from the impacts of invasive species (December 5, 2016))).
- (2) **DEVELOPMENT OF PLANS.**—The Secretary, in coordination with the Aquatic Nuisance Species Task Force, shall carry out a pilot program under which the Secretary shall collaborate with States in the Upper Missouri River Basin in developing voluntary aquatic invasive species management plans to mitigate the effects of invasive species on public infrastructure facilities located on reservoirs of the Corps of Engineers in those States.
- (3) **MANAGEMENT PLAN.**—
- (A) **IN GENERAL.**—The Secretary, in consultation with the Governor of each State in the Upper Missouri River Basin that elects to participate in the pilot program, shall prepare a management plan, or update or expand an existing plan, for each participating State that identifies public infrastructure facilities located on reservoirs of the Corps of Engineers in those States that—
- (i) are affected by aquatic invasive species; and

(ii) need financial and technical assistance in order to maintain operations.

(B) USE OF EXISTING PLANS.—In developing a management plan under subparagraph (A), the Secretary shall consider a management plan submitted by a participating State under section 1204(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4724(a)).

(4) TERMINATION OF AUTHORITY.—The authority provided under this subsection shall terminate on September 30, 2028.

(g) INVASIVE SPECIES PREVENTION, CONTROL, AND ERADICATION.—

(1) DEFINITION OF INVASIVE SPECIES.—In this subsection, the term “invasive species” has the meaning given the term in section 1 of Executive Order 13112 (64 Fed. Reg. 6183; relating to invasive species (February 3, 1999)) (as amended by section 2 of Executive Order 13751 (81 Fed. Reg. 88609; relating to safeguarding the Nation from the impacts of invasive species (December 5, 2016))).

(2) INVASIVE SPECIES PARTNERSHIPS.—

(A) IN GENERAL.—The Secretary may enter into partnerships with applicable States and other Federal agencies to carry out actions to prevent the introduction of, control, or eradicate, to the maximum extent practicable, invasive species that adversely impact water quantity, water quality, or ecosystems in the Platte River Basin, the Upper Colorado River Basin, the Upper Snake River Basin, the Lake Erie Basin, the Ohio River Basin, *the Connecticut River Basin*, and the Upper Missouri River Basin.

(B) PRIORITIZATION.—In selecting actions to carry out under a partnership under subparagraph (A), the Secretary shall give priority to projects that are intended to control or eradicate the Russian olive (*Elaeagnus angustifolia*), hydrilla (*Hydrilla verticillata*), or saltcedar (of the genus *Tamarix*).

(3) INVASIVE PLANT SPECIES PILOT PROGRAM.—

(A) DEFINITIONS.—In this paragraph:

(i) ELIGIBLE ENTITY.—The term “eligible entity” means a partnership between or among 2 or more entities that—

(I) includes—

(aa) at least 1 flood control district; and

(bb) at least 1 city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State or Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); and

(II) may include any other entity (such as a non-profit organization or institution of higher education), as determined by the Secretary.

(ii) INVASIVE PLANT SPECIES.—The term “invasive plant species” means a plant that is nonnative to the ecosystem under consideration, the introduction of



which causes or is likely to cause economic harm or harm to human health.

(B) PILOT PROGRAM.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall establish a pilot program under which such Secretary shall work with eligible entities to carry out activities—

(i) to remove invasive plant species in riparian areas that contribute to drought conditions in—

- (I) the Lower Colorado River Basin;
- (II) the Rio Grande River Basin;
- (III) the Texas Gulf Coast Basin; and
- (IV) the Arkansas-White-Red Basin;

(ii) where appropriate, to replace the invasive plant species described in clause (i) with ecologically suitable native species; and

(iii) to maintain and monitor riparian areas in which activities are carried out under clauses (i) and (ii).

(C) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this subsection, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the implementation of the pilot program.

(D) TERMINATION OF AUTHORITY.—The authority provided under this paragraph shall terminate on September 30, 2028.

(4) COST SHARE.—The Federal share of an action carried out under a partnership under paragraph (2) or an activity carried out under the pilot program under paragraph (3) shall not exceed 80 percent of the total cost of the action or activity.

\* \* \* \* \*

**WATER RESOURCES DEVELOPMENT ACT OF 1999**

\* \* \* \* \*

**TITLE II—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 212. SHORELINE AND RIVERINE PROTECTION AND RESTORATION.**

(a) IN GENERAL.—The Secretary may carry out studies and projects to—

- (1) reduce flood and hurricane and storm damage hazards; or
- (2) restore the natural functions and values of rivers and shorelines throughout the United States.

(b) STUDIES AND PROJECTS.—

(1) AUTHORITY.—

(A) STUDIES.—In carrying out subsection (a), the Secretary may carry out studies to identify appropriate measures for—

(i) the reduction of flood and hurricane and storm damage hazards, including measures for erosion mitigation and bank stabilization; or

(ii) the conservation and restoration of the natural functions and values of rivers and shorelines.

(B) PROJECTS.—Subject to subsection (f)(2), in carrying out subsection (a), the Secretary may design and implement projects described in subsection (a).

(2) CONSULTATION AND COORDINATION.—The studies and projects carried out under this section shall be conducted, to the maximum extent practicable, in consultation and coordination with the Federal Emergency Management Agency and other appropriate Federal agencies, and in consultation and coordination with appropriate State and local agencies and tribes.

(3) NONSTRUCTURAL APPROACHES.—The studies and projects shall emphasize, to the maximum extent practicable and appropriate, nonstructural approaches to preventing or reducing flood and hurricane and storm damages, including the use of natural features or nature-based features.

(4) PARTICIPATION.—The studies and projects shall be conducted, to the maximum extent practicable, in cooperation with State and local agencies and tribes to ensure the coordination of local flood and hurricane and storm damage reduction or riverine, shoreline, and wetland restoration studies with projects that conserve, restore, and manage hydrologic and hydraulic regimes and restore the natural functions and values of floodplains and coastal barriers.

(c) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215), except that the first \$200,000 of the costs of a study conducted under this section shall be at Federal expense.

(2) ENVIRONMENTAL RESTORATION AND NONSTRUCTURAL PROJECTS.—

(A) IN GENERAL.—Design and construction of a project under this section that includes a nonstructural measure, a natural feature or nature-based feature, or an environmental restoration measure, shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct such a project benefitting an economically disadvantaged community (including economically disadvantaged communities located in urban and rural areas) shall be 10 percent.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for such projects.

(C) CREDIT.—The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(3) STRUCTURAL FLOOD CONTROL OR HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.—Any structural flood control or hurricane and storm damage reduction projects carried out under this section shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct such a project benefitting an economically disadvantaged community (including economically disadvantaged communities located in urban and rural areas) shall be 10 percent.

(4) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(d) PROJECT JUSTIFICATION.—Notwithstanding any requirement for economic justification established under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2), the Secretary may implement a project under this section if the Secretary determines that the project—

- (1) will significantly reduce potential flood, hurricane and storm, or erosion damages;
- (2) will improve the quality of the environment; and
- (3) is justified considering all costs and beneficial outputs of the project.

(e) AREAS FOR EXAMINATION.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall examine appropriate locations, including—

- (A) Pima County, Arizona, at Paseo De Las Iglesias and Rillito River;
- (B) Coachella Valley, Riverside County, California;
- (C) Los Angeles and San Gabriel Rivers, California;
- (D) Murrieta Creek, California;
- (E) Napa River Valley watershed, California, at Yountville, St. Helena, Calistoga, and American Canyon;
- (F) Santa Clara basin, California, at Upper Guadalupe River and Tributaries, San Francisquito Creek, and Upper Penitencia Creek;
- (G) Pond Creek, Kentucky;
- (H) Red River of the North, Minnesota, North Dakota, and South Dakota;
- (I) Connecticut River, New Hampshire;
- (J) Pine Mount Creek, New Jersey;
- (K) Southwest Valley, Albuquerque, New Mexico;
- (L) Upper Delaware River, New York;
- (M) Briar Creek, North Carolina;
- (N) Chagrin River, Ohio;
- (O) Mill Creek, Cincinnati, Ohio;
- (P) Tillamook County, Oregon;
- (Q) Willamette River basin, Oregon;
- (R) Blair County, Pennsylvania, at Altoona and Frankstown Township;

- (S) Delaware River, Pennsylvania;
  - (T) Schuylkill River, Pennsylvania;
  - (U) Providence County, Rhode Island;
  - (V) Shenandoah River, Virginia;
  - (W) Lincoln Creek, Wisconsin;
  - (X) Perry Creek, Iowa;
  - (Y) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;
  - (Z) Lower Hudson River and tributaries, New York;
  - (AA) Susquehanna River watershed, Bradford County, Pennsylvania;
  - (BB) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas;
  - (CC) Ascension Parish, Louisiana;
  - (DD) East Baton Rouge Parish, Louisiana;
  - (EE) Iberville Parish, Louisiana;
  - (FF) Livingston Parish, Louisiana; and
  - (GG) Pointe Coupee Parish, Louisiana.
- (2) PRIORITY PROJECTS.—In carrying out this section, the Secretary shall prioritize projects for the following locations:
- (A) Delaware beaches and watersheds, Delaware.
  - (B) Louisiana Coastal Area, Louisiana.
  - (C) Great Lakes Shores and Watersheds.
  - (D) Oregon Coastal Area and Willamette River basin, Oregon.
  - (E) Upper Missouri River Basin.
  - (F) Ohio River Tributaries and their watersheds, West Virginia.
  - (G) Chesapeake Bay watershed and Maryland beaches, Maryland.
  - (H) City of Southport, North Carolina.
  - (I) Maumee River, Ohio.
  - (J) Los Angeles and San Gabriel Rivers, California.
  - (K) Kentucky River and its tributaries and watersheds.
  - (L) *Shoreline of the State of Connecticut.*
- (f) PROCEDURE.—
- (1) ALL PROJECTS.—The Secretary shall not implement any project under this section until—
    - (A) the Secretary submits to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (d)(1); and
    - (B) 21 calendar days have elapsed after the date on which the notification was received by the committees.
  - (2) PROJECTS REQUIRING SPECIFIC AUTHORIZATION.—If the Federal share of the cost to design and construct a project under this section exceeds \$15,000,000, the Secretary may only carry out the project if Congress enacts a law authorizing the Secretary to carry out the project.
- (g) DEFINITIONS.—In this section:
- (1) ECONOMICALLY DISADVANTAGED COMMUNITY.—The term “economically disadvantaged community” has the meaning given the term as defined by the Secretary under section 160

of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note).

(2) NATURAL FEATURE; NATURE-BASED FEATURE.—The terms “natural feature” and “nature-based feature” have the meanings given those terms in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)).

\* \* \* \* \*

**TITLE IV—STUDIES**

\* \* \* \* \*

**SEC. 441. WESTERN LAKE ERIE BASIN, OHIO, INDIANA, AND MICHIGAN.**

(a) IN GENERAL.—The Secretary shall conduct a study to develop measures to improve [flood control,] *flood risk management, hurricane and storm damage risk reduction*, navigation, water quality, recreation, and fish and wildlife habitat in a comprehensive manner in the western Lake Erie basin, Ohio, Indiana, and Michigan, including watersheds of the Maumee, Ottawa, and Portage Rivers.

(b) COOPERATION.—In carrying out [the study] *any study under this section*, the Secretary shall—

(1) cooperate with interested Federal, State, and local agencies and nongovernmental organizations; and

(2) consider all relevant programs of the agencies.

[(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study, including findings and recommendations.]

(c) *TREATMENT OF STUDIES.*—*Any study carried out by the Secretary under this section after the date of enactment of the Water Resources Development Act of 2024 shall be treated as a continuation of the initial study carried out under this section.*

(d) *PROJECTS.*—*A project resulting from a study carried out under this section may be implemented pursuant to section 212.*

\* \* \* \* \*

**TITLE V—MISCELLANEOUS PROVISIONS**

\* \* \* \* \*

**SEC. 593. CENTRAL NEW MEXICO.**

(a) DEFINITION OF CENTRAL NEW MEXICO.—In this section, the term “central New Mexico” means the counties of Bernalillo, Colfax, Sandoval, and Valencia, New Mexico.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in central New Mexico.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for waterrelated environmental infrastructure and resource protection and development projects in central New Mexico, including projects for wastewater treatment and related facilities, water supply, conservation, water reuse, and related facilities, stormwater retention and remediation, environmental restoration, and surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot pro-

gram carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ~~【\$100,000,000】~~ \$150,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

**SEC. 594. OHIO AND NORTH DAKOTA.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in Ohio and North Dakota.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for waterrelated environmental infrastructure and resource protection and development projects in Ohio and North Dakota, including projects for—

- (1) wastewater treatment and related facilities;
- (2) combined sewer overflow, water supply, storage, treatment, and related facilities;
- (3) mine drainage;
- (4) environmental restoration; and
- (5) surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each project cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each project cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a project cooperation agreement with the Secretary.

(C) CREDIT FOR CERTAIN FINANCING COSTS.—In case of a delay in the reimbursement of the non-Federal share of the costs of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for the non-Federal interest to provide the non-Federal share of the project costs.

(D) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including costs associated with obtaining permits necessary for the placement of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed under an agreement entered into under this subsection shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

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

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ~~【\$250,000,000】~~ \$300,000,000 for Ohio and \$100,000,000 for North Dakota.

(i) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts authorized under subsection (h), there is authorized to be appropriated to carry out this section \$100,000,000, to be divided between the States referred to in subsection (a).

#### SEC. 595. WESTERN RURAL WATER.

(a) DEFINITIONS.—In this section:

(1) RURAL NEVADA.—The term “rural Nevada” means (A) the counties of Lincoln, White Pine, Nye, Eureka, Elko, Humboldt, Pershing, Churchill, Storey, Lyon, Carson, Douglas, Mineral, Esmeralda, and Lander, Nevada;

(B) the portions of Washoe County, Nevada, that are located outside the cities of Reno and Sparks; and

(C) the portions of Clark County, Nevada, that are located outside the cities of Las Vegas, North Las Vegas, and Henderson and the unincorporated portion of the county in the Las Vegas Valley.

(2) RURAL UTAH.—The term “rural Utah” means—

(A) the counties of Box Elder, Cache, Rich, Tooele, Morgan, Summit, Daggett, Wasatch, Duchesne, Uintah, Juab, Sanpete, Carbon, Millard, Sevier, Emery, Grand, Beaver, Piute, Wayne, Iron, Garfield, San Juan, and Kane, Utah; and

(B) the portions of Washington County, Utah, that are located outside the city of St. George, Utah.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal



interests in Arizona, rural Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of—

(1) design and construction assistance for water-related environmental infrastructure, *including natural and nature-based infrastructure* and resource protection and development in Arizona, Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, including projects for—

(A) wastewater treatment and related facilities;

(B) water supply and related facilities;

(C) environmental restoration; **[and]**

(D) surface water resource protection and development;

and

(E) *drought resilience measures; and*

(2) technical assistance to small and rural communities for water planning and issues relating to access to water resources.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for

land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

(h) ELIGIBILITY.—

(1) IN GENERAL.—Assistance under this section shall be made available to all eligible States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities.

(2) SELECTION OF PROJECTS.—In selecting projects for assistance under this section, the Secretary shall give priority to a project located in an eligible State or local entity for which the project sponsor is prepared to—

(A) execute a new or amended project cooperation agreement; and

(B) commence promptly after the date of enactment of the Water Resources Development Act of 2016.

(3) RURAL PROJECTS.—The Secretary shall consider a project authorized under this section and an environmental infrastructure project authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835) for new starts on the same basis as any other similarly funded project.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, to remain available until expended—

(1) for the period beginning with fiscal year 2001, **[\$800,000,000]** *\$850,000,000* for Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming; and

(2) **[\$200,000,000]** *\$250,000,000* for Arizona.

**COASTAL WETLANDS PLANNING, PROTECTION AND  
RESTORATION ACT**

**TITLE III—WETLANDS**

\* \* \* \* \*

**SEC. 309. ENVIRONMENTAL BANKS.**

(a) **GUIDELINES.**—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, the Task Force shall, after public notice and opportunity for comment, issue guidelines for the use, maintenance, and oversight of environmental banks in Louisiana.

(b) **REQUIREMENTS.**—The guidelines issued pursuant to subsection (a) shall—

(1) set forth procedures for establishment and approval of environmental banks subject to the approval of the heads of the appropriate Federal agencies responsible for implementation of Federal environmental laws for which mitigation credits may be used;

(2) establish criteria for siting of environmental banks that enhance the resilience of coastal resources to inundation and coastal erosion in high priority areas, as identified within Federal or State restoration plans, including the restoration of resources within the scope of a project authorized for construction;

(3) establish criteria that ensure environmental banks secure adequate financial assurances and legally enforceable protection for the land or resources that generate the credits from environmental banks;

(4) stipulate that credits from environmental banks may not be used for mitigation of impacts required under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or the Endangered Species Act (16 U.S.C. 1531 et seq.) in an area where an existing mitigation bank approved pursuant to such laws within 5 years of enactment of the Water Resources Development Act of 2016 has credits available;

(5) establish performance criteria for environmental banks; and

(6) establish criteria and financial assurance for the operation and monitoring of environmental banks.

(c) **ENVIRONMENTAL BANK.**—

(1) **DEFINITION OF ENVIRONMENTAL BANK.**—In this section, the term “environmental bank” means a project, project increment, or projects for purposes of restoring, creating, or enhancing natural resources at a designated site to establish mitigation credits.

(2) **CREDITS.**—Mitigation credits created from environmental banks approved pursuant to this section may be used to satisfy existing liability under Federal environmental laws.

(d) **SAVINGS CLAUSE.**—

(1) **APPLICATION OF FEDERAL LAW.**—Guidelines developed under this section and mitigation carried out through an environmental bank established pursuant to such guidelines shall

comply with all applicable requirements of Federal law (including regulations), including—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Endangered Species Act (16 U.S.C. 1531 et seq.);

(C) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(D) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(E) section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(2) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect—

(A) any authority, regulatory determination, or legal obligation in effect the day before the date of enactment of the Water Resources Development Act of 2016; or

(B) the obligations or requirements of any Federal environmental law.

(e) SUNSET.—No new environmental bank may be created or approved pursuant to this section after the date that is [12] 14 years after the date of enactment of this section.

\* \* \* \* \*

## SECTION 109 OF THE RIVER AND HARBOR ACT OF 1950

### SEC. 109.

(a) *IN GENERAL.*—[That the Secretary of the Army] *The Secretary of the Army* is hereby authorized to transfer or convey to State authorities or political subdivisions thereof all right, title, and interest of the United States, in and to any and all bridges heretofore or hereafter constructed or acquired in connection with the improvement of canals, rivers and harbors, or works of flood control, together with the necessary lands, easements, or rights-of-way, upon such terms and conditions and [with or without consideration, as may be determined to be in the best interest of the United States by the Chief of Engineers: Provided, That such transferred bridges shall be toll-free.] *with or without consideration if, prior to any transfer or conveyance of a bridge, the Secretary and the State authority, or political subdivision thereof, execute an agreement containing the following terms and conditions:*

(1) *The State authority, or political subdivision thereof, shall assume responsibility for the operation, maintenance, repair, replacement, and rehabilitation of the bridge, including the preservation, protection, inspection and evaluation of, and future construction on, the bridge.*

(2) *Operation of the bridge shall be consistent with the purposes of, and may not constrain or change, the operation and maintenance of the water resources development project in connection to which the bridge was constructed or acquired.*

(3) *The State authority, or political subdivision thereof, shall hold the United States harmless from any liability with respect to the operation, maintenance, repair, replacement, and rehabilitation of the bridge, including preservation, protection, inspection and evaluation of, and future construction on, the bridge.*

- (4) *Any additional terms or conditions that the Secretary considers appropriate to protect the interests of the United States.*
- (b) *FUNDS.—The Secretary may transfer to the State authority, or political subdivision thereof, to which a bridge is transferred or conveyed under this section any funds made available to the Secretary for necessary replacement or rehabilitation of the bridge.*

**SECTION 142 OF THE WATER RESOURCES  
DEVELOPMENT ACT OF 1976**

\* \* \* \* \*

SEC. 142. **[The Secretary]** (a) *The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to investigate the flood and related problems to those lands lying below the plane of mean higher high water along the San Francisco Bay shoreline of San Mateo, Santa Clara, Alameda, Napa, San Francisco, Marin, Sonoma, Contra Costa, and Solano Counties to the confluence of the Sacramento and San Joaquin Rivers with a view toward determining the feasibility of and the Federal interest in providing protection against tidal and fluvial flooding. The investigation shall evaluate the effects of any proposed improvements on wildlife preservation, agriculture, municipal and urban interests in coordination with Federal, State, regional, and local agencies with particular reference to preservation of existing marshland in the San Francisco Bay region.*

(b) *ADDITIONAL PURPOSES.—In carrying out subsection (a), the Secretary shall—*

- (1) *include the ocean shorelines of each county;*
- (2) *with respect to the bay and ocean shorelines of each county—*
  - (A) *investigate measures to adapt to rising sea levels;*
  - (B) *consider the needs of economically disadvantaged communities within the study area, including identification of areas in which infrastructure for transportation, wastewater, housing, and other economic assets of such communities are most vulnerable to flood or shoreline risks; and*
  - (C) *to the maximum extent practicable, consider the use of natural features or nature-based features and the beneficial use of dredged materials; and*
- (3) *with respect to the bay and ocean shorelines, and streams running to the bay and ocean shorelines, of each county, investigate the effects of proposed flood or shoreline protection, coastal storm risk reduction, environmental infrastructure, and other measures or improvements on—*
  - (A) *the local economy, including recreation;*
  - (B) *aquatic ecosystem restoration, enhancement, or expansion efforts or opportunities;*
  - (C) *public infrastructure protection and improvement;*
  - (D) *stormwater runoff capacity and control measures, including those that may mitigate flooding;*
  - (E) *erosion of beaches and coasts; and*

*(F) any other measures or improvements relevant to  
adapting to rising sea levels.*

\* \* \* \* \*

---

**SECTION 111 OF THE ENERGY AND WATER DEVELOP-  
MENT AND RELATED AGENCIES APPROPRIATIONS  
ACT, 2009**

SEC. 111. The Missouri River Levee System (MRLS) Unit L-385 Project, Riverside, Missouri, authorized by the Flood Control Act of 1941, Public Law 77-228, and the Flood Control Act of 1944, Public Law 78-534, is modified to direct the Secretary, acting through the Chief of Engineers, to take such action as is necessary to correct deficiencies in the L-385 levee system in Riverside, Missouri at full Federal expense at a cost of no more than **[\$7,000,000]** *\$65,000,000*.

○