

117TH CONGRESS
2D SESSION

S. 3610

To establish a program to provide environmental assistance in the
Chattahoochee River Basin, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2022

Mr. OSSOFF (for himself and Mr. WARNOCK) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

A BILL

To establish a program to provide environmental assistance
in the Chattahoochee River Basin, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chattahoochee River
5 Act”.

6 **SEC. 2. CHATTAHOOCHEE RIVER PROGRAM.**

7 (a) DEFINITIONS.—In this section:

8 (1) NON-FEDERAL INTEREST.—The term “non-
9 Federal interest” has the meaning given the term in

1 section 221(b) of the Flood Control Act of 1970 (42
2 U.S.C. 1962d–5b(b)).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Army.

5 (b) ESTABLISHMENT.—

6 (1) IN GENERAL.—The Secretary shall establish
7 a program to provide environmental assistance to
8 non-Federal interests in the Chattahoochee River
9 Basin.

10 (2) FORM.—The assistance under paragraph
11 (1) shall be in the form of design and construction
12 assistance for water-related resource protection and
13 restoration projects affecting the Chattahoochee
14 River Basin, based on the comprehensive plan under
15 subsection (c), including projects for—

16 (A) sediment and erosion control;

17 (B) protection of eroding shorelines;

18 (C) ecosystem restoration, including res-
19 toration of submerged aquatic vegetation;

20 (D) protection of essential public works;

21 (E) beneficial uses of dredged material;

22 and

23 (F) other related projects that may en-
24 hance the living resources of the Chattahoochee
25 River Basin.

1 (c) COMPREHENSIVE PLAN.—

2 (1) IN GENERAL.—Not later than 2 years after
3 the date of enactment of this Act, the Secretary, in
4 cooperation with State and local governmental offi-
5 cials and affected stakeholders, shall develop a com-
6 prehensive Chattahoochee River Basin restoration
7 plan to guide the implementation of projects under
8 subsection (b)(2).

9 (2) COORDINATION.—The restoration plan de-
10 scribed in paragraph (1) shall, to the maximum ex-
11 tent practicable, consider and avoid duplication of
12 any ongoing or planned actions of other Federal,
13 State, and local agencies and nongovernmental orga-
14 nizations.

15 (3) PRIORITIZATION.—The restoration plan de-
16 scribed in paragraph (1) shall give priority to
17 projects eligible under subsection (b)(2) that will
18 also improve water quality or quantity or use nat-
19 ural hydrological features and systems.

20 (d) AGREEMENT.—

21 (1) IN GENERAL.—Before providing assistance
22 under this section, the Secretary shall enter into an
23 agreement with a non-Federal interest for the design
24 and construction of a project carried out pursuant to

the comprehensive Chattahoochee River Basin restoration plan described in subsection (c).

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a resource protection and restoration plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(e) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each agreement entered into under this section shall be 80 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out an agreement entered into under

1 this section, the Secretary shall provide credit
2 to a non-Federal interest for the value of land,
3 easements, rights-of-way, and relocations pro-
4 vided by the non-Federal interest, except that
5 the amount of credit provided for a project
6 under this paragraph may not exceed 20 per-
7 cent of the total project costs.

8 (B) OPERATION AND MAINTENANCE
9 COSTS.—The non-Federal share of the costs of
10 operation and maintenance of activities carried
11 out under an agreement under this section shall
12 be 100 percent.

13 (f) COOPERATION.—In carrying out this section, the
14 Secretary shall cooperate with—

15 (1) the heads of appropriate Federal agencies,
16 including—

17 (A) the Administrator of the Environ-
18 mental Protection Agency;

19 (B) the Secretary of Commerce, acting
20 through the Administrator of the National Oce-
21 anic and Atmospheric Administration;

22 (C) the Secretary of the Interior, acting
23 through the Director of the United States Fish
24 and Wildlife Service; and

1 (D) the heads of such other Federal agen-
2 cies as the Secretary determines to be appro-
3 priate; and

4 (2) agencies of a State or political subdivision
5 of a State.

6 (g) PROTECTION OF RESOURCES.—A project estab-
7 lished under this section shall be carried out using such
8 measures as are necessary to protect environmental, his-
9 toric, and cultural resources.

10 (h) PROJECT CAP.—The total cost of a project car-
11 ried out under this section may not exceed \$15,000,000.

12 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$90,000,000.

○