

## Calendar No. 361

117TH CONGRESS  
2D SESSION**S. 4136**

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.

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IN THE SENATE OF THE UNITED STATES

MAY 4, 2022

Mr. CARPER, from the Committee on Environment and Public Works, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

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.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Water Resources Development Act of 2022”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—GENERAL PROVISIONS

Sec. 101. Scope of feasibility studies.

Sec. 102. Shoreline and riverbank protection and restoration mission.

Sec. 103. Inland waterway projects.

Sec. 104. Protection and restoration of other Federal land along rivers and  
coasts.

Sec. 105. Policy and technical standards.

Sec. 106. Planning assistance to States.

Sec. 107. Floodplain management services.

Sec. 108. Workforce planning.

Sec. 109. Credit in lieu of reimbursement.

Sec. 110. Coastal cost calculations.

Sec. 111. Advance payment in lieu of reimbursement for certain Federal costs.

Sec. 112. Use of emergency funds.

Sec. 113. Research and development.

Sec. 114. Tribal and Economically Disadvantaged Communities Advisory Com-  
mittee.

Sec. 115. Non-Federal Interest Advisory Committee.

Sec. 116. Underserved community harbor projects.

Sec. 117. Corps of Engineers Western Water Cooperative Committee.

Sec. 118. Updates to certain water control manuals.

Sec. 119. Retention of recreation fees.

Sec. 120. Relocation assistance.

Sec. 121. Reprogramming limits.

Sec. 122. Lease durations.

Sec. 123. Sense of Congress relating to post-disaster repairs.

Sec. 124. Payment of pay and allowances of certain officers from appropriation  
for improvements.

Sec. 125. Reforestation.

Sec. 126. Use of other Federal funds.

Sec. 127. National low-head dam inventory.

Sec. 128. Transfer of excess credit.

Sec. 129. National levee restoration.

Sec. 130. Inland waterways regional dredge pilot program.

Sec. 131. Funding to process permits.

Sec. 132. Non-Federal project implementation pilot program.

Sec. 133. Cost sharing for territories and Indian Tribes.

Sec. 134. Water supply conservation.

Sec. 135. Criteria for funding operation and maintenance of small, remote, and  
subsistence harbors.

Sec. 136. Protection of lighthouses.

Sec. 137. Expediting hydropower at Corps of Engineers facilities.

Sec. 138. Materials, services, and funds for repair, restoration, or rehabilitation  
of certain public recreation facilities.

Sec. 139. Dredged material management plans.

Sec. 140. Lease deviations.

Sec. 141. Columbia River Basin flood risk management.

Sec. 142. Continuation of construction.

## TITLE II—STUDIES AND REPORTS

- Sec. 201. Authorization of feasibility studies.
- Sec. 202. Special rules.
- Sec. 203. Expedited completion of studies.
- Sec. 204. Studies for periodic nourishment.
- Sec. 205. NEPA reporting.
- Sec. 206. GAO audit of projects over budget or behind schedule.
- Sec. 207. GAO study on project distribution.
- Sec. 208. GAO audit of joint costs for operations and maintenance.
- Sec. 209. GAO review of Corps of Engineers mitigation practices.
- Sec. 210. Sabine–Neches Waterway Navigation Improvement project, Texas.
- Sec. 211. Great Lakes recreational boating.
- Sec. 212. Upper St. Johns River Basin, Central and Southern Florida.
- Sec. 213. Investments for recreation areas.
- Sec. 214. Western infrastructure study.
- Sec. 215. Upper Mississippi River and Illinois Waterway System.
- Sec. 216. West Virginia hydropower.
- Sec. 217. Recreation and economic development at Corps facilities in Appalachia.
- Sec. 218. Automated fee machines.
- Sec. 219. Lake Champlain Canal, Vermont and New York.
- Sec. 220. Report on concessionaire practices.

## TITLE III—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS

- Sec. 301. Additional assistance for critical projects.
- Sec. 302. Southern West Virginia.
- Sec. 303. Northern West Virginia.
- Sec. 304. Local cooperation agreements, northern West Virginia.
- Sec. 305. Special rule for certain beach nourishment projects.
- Sec. 306. Coastal community flood control and other purposes.
- Sec. 307. Modifications.
- Sec. 308. Port Fourchon, Louisiana, dredged material disposal plan.
- Sec. 309. Delaware shore protection and restoration.
- Sec. 310. Great Lakes advance measures assistance.
- Sec. 311. Rehabilitation of existing levees.
- Sec. 312. Pilot program for certain communities.
- Sec. 313. Rehabilitation of Corps of Engineers constructed pump stations.
- Sec. 314. Chesapeake Bay environmental restoration and protection program.
- Sec. 315. Evaluation of hydrologic changes in Souris River Basin.
- Sec. 316. Memorandum of understanding relating to Baldhill Dam, North Dakota.
- Sec. 317. Upper Mississippi River restoration program.
- Sec. 318. Harmful algal bloom demonstration program.
- Sec. 319. Colleton County, South Carolina.
- Sec. 320. Arkansas River corridor, Oklahoma.
- Sec. 321. Abandoned and inactive noncoal mine restoration.
- Sec. 322. Asian carp prevention and control pilot program.
- Sec. 323. Forms of assistance.
- Sec. 324. Debris removal, New York Harbor, New York.
- Sec. 325. Invasive species management.
- Sec. 326. Wolf River Harbor, Tennessee.

- Sec. 327. Missouri River mitigation, Missouri, Kansas, Iowa, and Nebraska.
- Sec. 328. Invasive species management pilot program.
- Sec. 329. Nueces County, Texas, conveyances.
- Sec. 330. Mississippi Delta Headwaters, Mississippi.
- Sec. 331. Ecosystem restoration, Hudson–Raritan Estuary, New York and New Jersey.
- Sec. 332. Timely reimbursement.
- Sec. 333. New Savannah Bluff Lock and Dam, Georgia and South Carolina.
- Sec. 334. Lake Tahoe Basin restoration, Nevada and California.
- Sec. 335. Additional assistance for Eastern Santa Clara Basin, California.
- Sec. 336. Tribal partnership program.
- Sec. 337. Surplus water contracts and water storage agreements.
- Sec. 338. Copan Lake, Oklahoma.
- Sec. 339. Enhanced development program.
- Sec. 340. Ecosystem restoration coordination.
- Sec. 341. Acequias irrigation systems.
- Sec. 342. Rogers County, Oklahoma.
- Sec. 343. Water supply storage repair, rehabilitation, and replacement costs.
- Sec. 344. Non-Federal payment flexibility.
- Sec. 345. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 346. Waiver of non-Federal share of damages related to certain contract claims.
- Sec. 347. Algiers Canal Levees, Louisiana.
- Sec. 348. Israel River ice control project, Lancaster, New Hampshire.
- Sec. 349. City of El Dorado, Kansas.
- Sec. 350. Upper Mississippi River protection.
- Sec. 351. Regional Corps of Engineers Office, Corpus Christi, Texas.
- Sec. 352. Pilot program for good neighbor authority on Corps of Engineers land.
- Sec. 353. Southeast Des Moines, Southwest Pleasant Hill, Iowa.
- Sec. 354. Middle Rio Grande flood protection, Bernalillo to Belen, New Mexico.
- Sec. 355. Comprehensive Everglades Restoration Plan, Florida.
- Sec. 356. Maintenance dredging permits.
- Sec. 357. Puget Sound nearshore ecosystem restoration, Washington.
- Sec. 358. Tribal assistance.
- Sec. 359. Recreational opportunities at certain projects.
- Sec. 360. Rehabilitation of Corps of Engineers constructed dams.
- Sec. 361. South Florida Ecosystem Restoration Task Force.
- Sec. 362. New Madrid County Harbor, Missouri.
- Sec. 363. Trinity River and tributaries, Texas.
- Sec. 364. Rend Lake, Carlyle Lake, and Lake Shelbyville, Illinois.
- Sec. 365. Federal assistance.
- Sec. 366. Land transfer and trust land for Choctaw Nation of Oklahoma.

#### TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Project authorizations.
- Sec. 402. Storm damage prevention and reduction, coastal erosion, and ice and glacial damage, Alaska.
- Sec. 403. Expedited completion of projects.
- Sec. 404. Special rules.
- Sec. 405. Chattahoochee River program.
- Sec. 406. Lower Mississippi River Basin demonstration program.
- Sec. 407. Forecast-informed reservoir operations.

Sec. 408. Mississippi River mat sinking unit.

Sec. 409. Sense of Congress relating to Okatibbee Lake.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-  
3 retary of the Army.

4 **TITLE I—GENERAL PROVISIONS**

5 **SEC. 101. SCOPE OF FEASIBILITY STUDIES.**

6 (a) FLOOD AND COASTAL STORM RISK MANAGE-  
7 MENT.—In carrying out a feasibility study for a project  
8 for flood or coastal storm risk management, the Secretary,  
9 at the request of the non-Federal interest for the study,  
10 shall formulate alternatives to maximize net benefits from  
11 the reduction of the comprehensive flood risk that is iden-  
12 tified through a holistic evaluation of the isolated and  
13 compound effects of—

- 14 (1) a riverine discharge of any magnitude or  
15 frequency;
- 16 (2) inundation, wave attack, and erosion coin-  
17 ciding with a hurricane or coastal storm;
- 18 (3) a tide of any magnitude or frequency;
- 19 (4) a rainfall event of any magnitude or fre-  
20 quency;
- 21 (5) seasonal variation in water levels;
- 22 (6) groundwater emergence;
- 23 (7) sea level rise;
- 24 (8) subsidence; or

1           (9) any other driver of flood risk affecting the  
2       study area.

3       (b) WATER SUPPLY, WATER SUPPLY CONSERVA-  
4 TION, AND DROUGHT RISK REDUCTION.—In carrying out  
5 a feasibility study for any purpose, the Secretary, at the  
6 request of the non-Federal interest for the study, shall for-  
7 mulate alternatives—

8           (1) to maximize combined net benefits for the  
9       primary purpose of the study and for water supply,  
10      water supply conservation, and drought risk reduc-  
11      tion; or

12          (2) to include 1 or more measures for the pur-  
13      pose of water supply, water supply conservation, or  
14      drought risk reduction.

15      (c) COST SHARING.—All costs to carry out a feasi-  
16 bility study in accordance with this section shall be shared  
17 in accordance with the cost share requirements otherwise  
18 applicable to the study.

19 **SEC. 102. SHORELINE AND RIVERBANK PROTECTION AND**  
20 **RESTORATION MISSION.**

21      (a) DECLARATION OF POLICY.—Congress declares  
22 that—

23          (1) consistent with the civil works mission of  
24      the Corps of Engineers, it is the policy of the United  
25      States to protect and restore the shorelines, river-

1 banks, and streambanks of the United States from  
2 the damaging impacts of extreme weather events  
3 and other factors contributing to the vulnerability of  
4 coastal and riverine communities and ecosystems;

5 (2) the Chief of Engineers shall give priority  
6 consideration to the protection and restoration of  
7 shorelines, riverbanks, and streambanks from ero-  
8 sion and other damaging impacts of extreme weather  
9 events in carrying out the civil works mission of the  
10 Corps of Engineers;

11 (3) to the maximum extent practicable, projects  
12 and measures for the protection and restoration of  
13 shorelines, riverbanks, and streambanks shall be for-  
14 mulated to increase the resilience of such shores and  
15 banks from the damaging impacts of extreme weath-  
16 er events and other factors contributing to the vul-  
17 nerability of coastal and riverine communities and  
18 ecosystems using measures described in section  
19 1184(a) of the Water Resources Development Act of  
20 2016 (33 U.S.C. 2289a(a)); and

21 (4) to the maximum extent practicable, periodic  
22 nourishment shall be provided, in accordance with  
23 subsection (c) of the first section of the Act of Au-  
24 gust 13, 1946 (60 Stat. 1056, chapter 960; 33  
25 U.S.C. 426e(c)), and subject to section 156 of the

1 Water Resources Development Act of 1976 (42  
 2 U.S.C. 1962d–5f), for projects and measures carried  
 3 out for the purpose of restoring and increasing the  
 4 resilience of ecosystems to the same extent as peri-  
 5 odic nourishment is provided for projects and meas-  
 6 ures carried out for the purpose of coastal storm  
 7 risk management.

8 (b) SHORELINE AND RIVERINE PROTECTION AND  
 9 RESTORATION.—

10 (1) IN GENERAL.—Section 212 of the Water  
 11 Resources Development Act of 1999 (33 U.S.C.  
 12 2332) is amended—

13 (A) in the section heading, by striking  
 14 “**FLOOD MITIGATION AND RIVERINE RES-**  
 15 **TORATION PROGRAM**” and inserting  
 16 “**SHORELINE AND RIVERINE PROTECTION**  
 17 **AND RESTORATION**”;

18 (B) by striking subsection (a) and insert-  
 19 ing the following:

20 “(a) IN GENERAL.—The Secretary may carry out  
 21 projects—

22 “(1) to reduce flood and coastal storm hazards,  
 23 including shoreline erosion and riverbank and  
 24 streambank failures; or



1 “(2) to restore the natural functions and values  
2 of rivers and shorelines throughout the United  
3 States.”;

4 (C) in subsection (b)—

5 (i) by striking paragraph (1) and in-  
6 serting the following:

7 “(1) AUTHORITY.—

8 “(A) STUDIES.—The Secretary may carry  
9 out studies to identify appropriate measures  
10 for—

11 “(i) the reduction of flood and coastal  
12 storm hazards, including shoreline erosion  
13 and riverbank and streambank failures; or

14 “(ii) the restoration of the natural  
15 functions and values of rivers and shore-  
16 lines.

17 “(B) PROJECTS.—Subject to subsection  
18 (f)(2), the Secretary may design and implement  
19 projects described in subsection (a).”;

20 (ii) in paragraph (3), by striking  
21 “flood damages” and inserting “flood and  
22 coastal storm damages, including the use  
23 of measures described in section 1184(a)  
24 of the Water Resources Development Act  
25 of 2016 (33 U.S.C. 2289a(a))”; and

1 (iii) in paragraph (4)—

2 (I) by inserting “and coastal  
3 storm” after “flood”;

4 (II) by inserting “, shoreline,”  
5 after “riverine”; and

6 (III) by inserting “and coastal  
7 barriers” after “floodplains”;

8 (D) in subsection (c)—

9 (i) by striking paragraph (1) and in-  
10 serting the following:

11 “(1) STUDIES.—

12 “(A) IN GENERAL.—Subject to subpara-  
13 graph (B), the non-Federal share of the cost of  
14 a study under this section shall be—

15 “(i) 50 percent; and

16 “(ii) 10 percent, in the case of a study  
17 benefitting an economically disadvantaged  
18 community (as defined pursuant to section  
19 160 of the Water Resources Development  
20 Act of 2020 (33 U.S.C. 2201 note; Public  
21 Law 116–260)).

22 “(B) FEDERAL INTEREST DETERMINA-  
23 TION.—The first \$100,000 of the costs of a  
24 study under this section shall be at full Federal  
25 expense.”; and

1 (ii) in paragraph (2)—

2 (I) in the paragraph heading, by  
3 striking “FLOOD CONTROL”; and

4 (II) by striking subparagraph (A)  
5 and inserting the following:

6 “(A) IN GENERAL.—Design and construc-  
7 tion of a nonstructural measure or project, a  
8 measure or project described in section 1184(a)  
9 of the Water Resources Development Act of  
10 2016 (33 U.S.C. 2289a(a)), or for a measure or  
11 project for environmental restoration, shall be  
12 subject to cost sharing in accordance with sec-  
13 tion 103 of the Water Resources Development  
14 Act of 1986 (33 U.S.C. 2213), except that the  
15 non-Federal share of the cost to design and  
16 construct a project benefitting an economically  
17 disadvantaged community (as defined pursuant  
18 to section 160 of the Water Resources Develop-  
19 ment Act of 2020 (33 U.S.C. 2201 note; Public  
20 Law 116–260)) shall be 10 percent.”; and

21 (iii) in paragraph (3)—

22 (I) in the paragraph heading, by  
23 striking “CONTROL” and inserting  
24 “AND COASTAL STORM RISK MANAGE-  
25 MENT”;

1 (II) by striking “control” and in-  
 2 serting “and coastal storm risk man-  
 3 agement”; and

4 (III) by striking “section 103(a)  
 5 of the Water Resources Development  
 6 Act of 1986 (33 U.S.C. 2213(a))”  
 7 and inserting “section 103 of the  
 8 Water Resources Development Act of  
 9 1986 (33 U.S.C. 2213), except that  
 10 the non-Federal share of the cost to  
 11 design and construct a project benefit-  
 12 ing an economically disadvantaged  
 13 community (as defined pursuant to  
 14 section 160 of the Water Resources  
 15 Development Act of 2020 (33 U.S.C.  
 16 2201 note; Public Law 116–260))  
 17 shall be 10 percent”;

18 (E) in subsection (d)—

19 (i) by striking paragraph (2);

20 (ii) by striking the subsection designa-  
 21 tion and heading and all that follows  
 22 through “Notwithstanding” in paragraph  
 23 (1) in the matter preceding subparagraph  
 24 (A) and inserting the following:

25 “(d) PROJECT JUSTIFICATION.—Notwithstanding”;

1 (iii) by redesignating subparagraphs  
 2 (A) through (C) as paragraphs (1) through  
 3 (3), respectively, and indenting appro-  
 4 priately; and

5 (iv) in paragraph (1) (as so redesign-  
 6 nated)—

7 (I) by inserting “or coastal  
 8 storm” after “flood”; and

9 (II) by inserting “, including ero-  
 10 sion or riverbank or streambank fail-  
 11 ures” after “damages”;

12 (F) in subsection (e)—

13 (i) by redesignating paragraphs (1)  
 14 through (33) as subparagraphs (A)  
 15 through (GG), respectively, and indenting  
 16 appropriately;

17 (ii) in the matter preceding subpara-  
 18 graph (A) (as so redesignated), by striking  
 19 “In carrying out” and inserting the fol-  
 20 lowing:

21 “(1) IN GENERAL.—In carrying out”; and

22 (iii) by adding at the end the fol-  
 23 lowing:

24 “(2) PRIORITY PROJECTS.—In carrying out this  
 25 section after the date of enactment of the Water Re-

sources Development Act of 2022, 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, Oregon.

“(E) Upper Missouri River Basin.

“(F) Ohio River Tributaries and their watersheds, West Virginia.

“(G) Chesapeake Bay watershed and Maryland beaches, Maryland.”;

(G) by striking subsections (f), (g), and (i);

(H) by redesignating subsection (h) as subsection (f); and

(I) in subsection (f) (as so redesignated), by striking paragraph (2) and inserting the following:

“(2) PROJECTS REQUIRING SPECIFIC AUTHORIZATION.—The Secretary shall not carry out a project until Congress enacts a law authorizing the Secretary to carry out the project, if the Federal share of the cost to design and construct the project exceeds—

1           “(A) \$26,000,000, in the case of a project  
 2           benefitting an economically disadvantaged com-  
 3           munity (as defined pursuant to section 160 of  
 4           the Water Resources Development Act of 2020  
 5           (33 U.S.C. 2201 note; Public Law 116–260));

6           “(B) \$23,000,000, in the case of a project  
 7           other than a project benefitting an economically  
 8           disadvantaged community (as so defined)  
 9           that—

10                   “(i) is for purposes of environmental  
 11                   restoration; or

12                   “(ii) derives not less than 50 percent  
 13                   of the erosion, flood, or coastal storm risk  
 14                   reduction benefits from nonstructural  
 15                   measures or measures described in section  
 16                   1184(a) of the Water Resources Develop-  
 17                   ment Act of 2016 (33 U.S.C. 2289a(a)); or

18           “(C) \$18,500,000, for a project other than  
 19           a project described in subparagraph (A) or  
 20           (B).”.

21           (2) CLERICAL AMENDMENT.—The table of con-  
 22           tents in section 1(b) of the Water Resources Devel-  
 23           opment Act of 1999 (113 Stat. 269) is amended by  
 24           striking the item relating to section 212 and insert-  
 25           ing the following:

“Sec. 212. Shoreline and riverine protection and restoration.”.

1 (c) EMERGENCY STREAMBANK AND SHORELINE  
 2 PROTECTION.—Section 14 of the Flood Control Act of  
 3 1946 (33 U.S.C. 701r) is amended by striking  
 4 “\$5,000,000” and inserting “\$10,000,000”.

5 **SEC. 103. INLAND WATERWAY PROJECTS.**

6 (a) IN GENERAL.—Section 102(a) of the Water Re-  
 7 sources Development Act of 1986 (33 U.S.C. 2212(a)) is  
 8 amended—

9 (1) in the matter preceding paragraph (1), by  
 10 striking “One-half of the costs” and inserting “75  
 11 percent of the costs”; and

12 (2) in the undesignated matter following para-  
 13 graph (3), in the second sentence, by striking “One-  
 14 half of such costs” and inserting “25 percent of  
 15 such costs”.

16 (b) APPLICATION.—The amendments made by sub-  
 17 section (a) shall apply to new and ongoing projects begin-  
 18 ning on October 1, 2022.

19 (c) CONFORMING AMENDMENT.—Section 109 of the  
 20 Water Resources Development Act of 2020 (33 U.S.C.  
 21 2212 note; Public Law 116–260) is amended by striking  
 22 “fiscal years 2021 through 2031” and inserting “fiscal  
 23 years 2021 through 2022”.



1 **SEC. 104. PROTECTION AND RESTORATION OF OTHER FED-**  
2 **ERAL LAND ALONG RIVERS AND COASTS.**

3 (a) IN GENERAL.—The Secretary is authorized to use  
4 funds made available to the Secretary for water resources  
5 development purposes to construct, at full Federal ex-  
6 pense, a measure benefitting Federal land under the ad-  
7 ministrative jurisdiction of another Federal agency, if the  
8 measure—

9 (1) is included in a report of the Chief of Engi-  
10 neers or other decision document for a water re-  
11 sources development project that is specifically au-  
12 thorized by Congress;

13 (2) is included in a detailed project report (as  
14 defined in section 105(d) of the Water Resources  
15 Development Act of 1986 (33 U.S.C. 2215(d)); or

16 (3) utilizes dredged material from a water re-  
17 sources development project beneficially.

18 (b) APPLICABILITY.—This section shall apply to a  
19 measure for which construction is initiated after the date  
20 of enactment of this Act.

21 (c) EXCLUSION.—In this section, the term “Federal  
22 land” does not include a military installation.

23 (d) SAVINGS PROVISIONS.—Nothing in this section  
24 precludes—

25 (1) a Federal agency with administrative juris-  
26 diction over Federal land from contributing funds

1 for any portion of the cost of a measure described  
 2 in subsection (a) that benefits that land; or

3 (2) the Secretary, at the request of the non-  
 4 Federal interest for a study for a project for flood  
 5 or coastal storm risk management, from using funds  
 6 made available to the Secretary for water resources  
 7 development investigations to formulate measures to  
 8 reduce risk to a military installation, if the non-Fed-  
 9 eral interest shares in the cost to formulate those  
 10 measures to the same extent that the non-Federal  
 11 interest is required to share in the cost of the study.

12 (e) REPEAL.—

13 (1) IN GENERAL.—Section 1025 of the Water  
 14 Resources Reform and Development Act of 2014 (33  
 15 U.S.C. 2226) is repealed.

16 (2) CONFORMING AMENDMENT.—The table of  
 17 contents in section 1(b) of the Water Resources Re-  
 18 form and Development Act of 2014 (128 Stat.  
 19 1193) is amended by striking the item relating to  
 20 section 1025.

21 **SEC. 105. POLICY AND TECHNICAL STANDARDS.**

22 Consistent with the 5-year administrative publication  
 23 life cycle of the Department of the Army, the Secretary  
 24 shall revise, rescind, or certify as current, as applicable,

1 each publication for the civil works programs of the Corps  
2 of Engineers.

3 **SEC. 106. PLANNING ASSISTANCE TO STATES.**

4 (a) IN GENERAL.—Section 22 of the Water Re-  
5 sources Development Act of 1974 (42 U.S.C. 1962d–16)  
6 is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (3), by striking “section  
9 236 of title 10” and inserting “section 4141 of  
10 title 10”; and

11 (B) by adding at the end the following:

12 “(4) PRIORITIZATION.—To the maximum ex-  
13 tent practicable, the Secretary shall prioritize the  
14 provision of assistance under this subsection to ad-  
15 dress both inland and coastal life safety risks.”;

16 (2) by redesignating subsections (b) through (f)  
17 as subsections (c) through (g), respectively;

18 (3) by inserting after subsection (a) the fol-  
19 lowing:

20 “(b) OUTREACH.—

21 “(1) IN GENERAL.—The Secretary is authorized  
22 to carry out activities, at full Federal expense—

23 “(A) to inform and educate States and  
24 other non-Federal interests about the missions,

1 programs, policies, and procedures of the Corps  
2 of Engineers; and

3 “(B) to engage with States and other non-  
4 Federal interests to identify specific opportuni-  
5 ties to partner with the Corps of Engineers to  
6 address water resources development needs.

7 “(2) STAFF.—The Secretary shall designate  
8 staff in each district office of the Corps of Engineers  
9 to provide assistance under this subsection.”; and

10 (4) in subsection (d) (as so redesignated), by  
11 adding at the end the following:

12 “(3) OUTREACH.—There is authorized to be ap-  
13 propriated \$30,000,000 for each fiscal year to carry  
14 out subsection (b).

15 “(4) PRIORITIZATION.—To the maximum ex-  
16 tent practicable, the Secretary shall prioritize the  
17 provision of assistance under this section to eco-  
18 nomically disadvantaged communities (as defined  
19 pursuant to section 160 of the Water Resources De-  
20 velopment Act of 2020 (33 U.S.C. 2201 note; Public  
21 Law 116–260)).”.

22 (b) CONFORMING AMENDMENT.—Section  
23 3014(b)(3)(B) of the Water Resources Reform and Devel-  
24 opment Act of 2014 (42 U.S.C. 4131(b)(3)(B)) is amend-  
25 ed by striking section “22(b) of the Water Resources De-

1 velopment Act of 1974 (42 U.S.C. 1962d–16(b))” and in-  
 2 serting “section 22(c) of the Water Resources Develop-  
 3 ment Act of 1974 (42 U.S.C. 1962d–16(c))”.

4 **SEC. 107. FLOODPLAIN MANAGEMENT SERVICES.**

5 Section 206 of the Flood Control Act of 1960 (33  
 6 U.S.C. 709a) is amended—

7 (1) in subsection (a)—

8 (A) in the second sentence, by striking  
 9 “Surveys and guides” and inserting the fol-  
 10 lowing:

11 “(2) SURVEYS AND GUIDES.—Surveys and  
 12 guides”;

13 (B) in the first sentence—

14 (i) by inserting “identification of  
 15 areas subject to floods due to accumulated  
 16 snags and other debris,” after “inundation  
 17 by floods of various magnitudes and fre-  
 18 quencies,”; and

19 (ii) by striking “In recognition” and  
 20 inserting the following:

21 “(1) IN GENERAL.—In recognition”; and

22 (C) by adding at the end the following:

23 “(3) IDENTIFICATION OF ASSISTANCE.—

24 “(A) IN GENERAL.—To the maximum ex-  
 25 tent practicable, in providing assistance under

1           this subsection, the Secretary shall identify and  
 2           communicate to States and non-Federal inter-  
 3           ests specific opportunities to partner with the  
 4           Corps of Engineers to address flood hazards.

5           “(B) COORDINATION.—The Secretary shall  
 6           coordinate activities under this paragraph with  
 7           activities described in subsection (b) of section  
 8           22 of the Water Resources Development Act of  
 9           1974 (42 U.S.C. 1962d–16).”;

10          (2) by redesignating subsection (d) as sub-  
 11          section (e); and

12          (3) by inserting after subsection (c) the fol-  
 13          lowing:

14          “(d) INSTITUTIONS OF HIGHER EDUCATION.—Not-  
 15          withstanding section 4141 of title 10, United States Code,  
 16          in carrying out this section, the Secretary may work with  
 17          an institution of higher education, as determined appro-  
 18          priate by the Secretary.”.

19       **SEC. 108. WORKFORCE PLANNING.**

20          (a) DEFINITION OF HISTORICALLY BLACK COLLEGE  
 21          OR UNIVERSITY.—In this section, the term “historically  
 22          Black college or university” has the meaning given the  
 23          term “part B institution” in section 322 of the Higher  
 24          Education Act of 1965 (20 U.S.C. 1061).

1 (b) AUTHORIZATION.—The Secretary is authorized to  
2 carry out activities, at full Federal expense—

3 (1) to foster, enhance, and support science,  
4 technology, engineering, and math education and  
5 awareness; and

6 (2) to recruit individuals for careers at the  
7 Corps of Engineers.

8 (c) PARTNERING ENTITIES.—In carrying out activi-  
9 ties under this section, the Secretary may enter into part-  
10 nerships with—

11 (1) public and nonprofit elementary and sec-  
12 ondary schools;

13 (2) community colleges;

14 (3) technical schools;

15 (4) colleges and universities, including histori-  
16 cally Black colleges and universities; and

17 (5) other institutions of learning.

18 (d) PRIORITIZATION.—The Secretary shall, to the  
19 maximum extent practicable, prioritize the recruitment of  
20 individuals under this section that are located in economi-  
21 cally disadvantaged communities (as defined pursuant to  
22 section 160 of the Water Resources Development Act of  
23 2020 (33 U.S.C. 2201 note; Public Law 116–260)).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
 2 authorized to be appropriated to carry out this section  
 3 \$20,000,000 for each of fiscal years 2023 through 2027.

4 **SEC. 109. CREDIT IN LIEU OF REIMBURSEMENT.**

5 (a) IN GENERAL.—Section 1022 of the Water Re-  
 6 sources Reform and Development Act of 2014 (33 U.S.C.  
 7 2225) is amended—

8 (1) in subsection (a)—

9 (A) by striking “or” before “an authorized  
 10 coastal navigation project”;

11 (B) by inserting “or any other water re-  
 12 sources development project for which the Sec-  
 13 retary is authorized to reimburse the non-Fed-  
 14 eral interest for the Federal share of construc-  
 15 tion or operation and maintenance,” before  
 16 “the Secretary”; and

17 (C) by striking “of the project” and insert-  
 18 ing “to construct, periodically nourish, or oper-  
 19 ate and maintain the project”;

20 (2) in each of subsections (b) and (c), by strik-  
 21 ing “flood damage reduction and coastal navigation”  
 22 each place it appears and inserting “water resources  
 23 development”; and

24 (3) by adding at the end the following:



1       “(d) APPLICABILITY.—With respect to a project con-  
 2       structed under section 204 of the Water Resources Devel-  
 3       opment Act of 1986 (33 U.S.C. 2232), the Secretary shall  
 4       exercise the authority under this section to apply credits  
 5       and reimbursements related to the project in a manner  
 6       consistent with the requirements of subsection (d) of that  
 7       section.”.

8       (b) TREATMENT OF CREDIT BETWEEN PROJECTS.—  
 9       Section 7007(d) of the Water Resources Development Act  
 10      of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended by  
 11      inserting “, or may be applied to reduce the amounts re-  
 12      quired to be paid by the non-Federal interest under the  
 13      terms of the deferred payment agreements entered into  
 14      between the Secretary and the non-Federal interest for the  
 15      projects authorized by section 7012(a)(1)” before the pe-  
 16      riod at the end.

17      **SEC. 110. COASTAL COST CALCULATIONS.**

18      Section 152(a) of the Water Resources Development  
 19      Act of 2020 (33 U.S.C. 2213a(a)) is amended by inserting  
 20      “or coastal storm risk management” after “flood risk  
 21      management”.

22      **SEC. 111. ADVANCE PAYMENT IN LIEU OF REIMBURSEMENT**  
 23                                      **FOR CERTAIN FEDERAL COSTS.**

24      The Secretary is authorized to provide in advance to  
 25      the non-Federal interest the Federal share of funds re-

1 quired for the acquisition of land, easements, and rights-  
 2 of-way and the performance of relocations for a project  
 3 or separable element—

4 (1) authorized to be constructed at full Federal  
 5 expense; or

6 (2) described in section 103(b)(2) of the Water  
 7 Resources Development Act of 1986 (33 U.S.C.  
 8 2213(b)(2)).

9 **SEC. 112. USE OF EMERGENCY FUNDS.**

10 Section 5(a) of the Act of August 18, 1941 (com-  
 11 monly known as the “Flood Control Act of 1941”) (55  
 12 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), is amended—

13 (1) in paragraph (1), in the first sentence, by  
 14 inserting “, increase resilience, increase effectiveness  
 15 in preventing damages from inundation, wave at-  
 16 tack, or erosion,” after “address major deficiencies”;  
 17 and

18 (2) by adding at the end the following:

19 “(6) WORK CARRIED OUT BY A NON-FEDERAL  
 20 SPONSOR.—

21 “(A) GENERAL RULE.—The Secretary may  
 22 authorize a non-Federal sponsor to plan, de-  
 23 sign, or construct repair or restoration work de-  
 24 scribed in paragraph (1).

25 “(B) REQUIREMENTS.—

1           “(i) IN GENERAL.—To be eligible for  
2           a payment under subparagraph (C) for the  
3           Federal share of a planning, design, or  
4           construction activity for repair or restora-  
5           tion work described in paragraph (1), the  
6           non-Federal sponsor shall enter into a  
7           written agreement with the Secretary be-  
8           fore carrying out the activity.

9           “(ii) COMPLIANCE WITH OTHER  
10          LAWS.—The non-Federal sponsor shall  
11          carry out all activities under this para-  
12          graph in compliance with all laws and reg-  
13          ulations that would apply if the activities  
14          were carried out by the Secretary.

15          “(C) PAYMENT.—

16               “(i) IN GENERAL.—The Secretary is  
17               authorized to provide payment, in the form  
18               of an advance or a reimbursement, to the  
19               non-Federal sponsor for the Federal share  
20               of the cost of a planning design, or con-  
21               struction activity for the repair or restora-  
22               tion work described in paragraph (1).

23               “(ii) ADDITIONAL AMOUNTS.—If the  
24               Federal share of the cost of the activity  
25               under this paragraph exceeds the amount

obligated by the Secretary under an agree-  
 ment under subparagraph (B), the advance  
 or reimbursement of such additional  
 amounts shall be at the discretion of the  
 Secretary.

“(D) ANNUAL LIMIT ON REIMBURSEMENTS  
 NOT APPLICABLE.—Section 102 of the Energy  
 and Water Development Appropriations Act,  
 2006 (33 U.S.C. 2221), shall not apply to an  
 agreement under subparagraph (B).”.

**SEC. 113. RESEARCH AND DEVELOPMENT.**

(a) IN GENERAL.—Section 7 of the Water Resources  
 Development Act of 1988 (33 U.S.C. 2313) is amended—

(1) in the section heading, by striking “**COL-  
 LABORATIVE**”;

(2) in subsection (b), by redesignating para-  
 graphs (1) and (2) as subparagraphs (A) and (B),  
 respectively, and indenting appropriately;

(3) by striking subsection (e);

(4) by redesignating subsections (b), (c), (d),  
 and (f) as paragraphs (2), (3), (4), and (5), respec-  
 tively, and indenting appropriately;

(5) in subsection (a), by striking “of the Army  
 Corps of Engineers, the Secretary is authorized to  
 utilize Army” and inserting the following: “of the

1 Corps of Engineers, the Secretary is authorized to  
 2 engage in basic research, applied research, advanced  
 3 research, and development projects, including such  
 4 projects that are—

5 “(1) authorized by Congress; or

6 “(2) included in an Act making appropriations  
 7 for the Corps of Engineers.

8 “(b) COLLABORATIVE RESEARCH AND DEVELOP-  
 9 MENT.—

10 “(1) IN GENERAL.—In carrying out subsection  
 11 (a), the Secretary is authorized to utilize”;

12 (6) in subsection (b) (as so redesignated)—

13 (A) in paragraph (2)(B) (as so redesign-  
 14 ated), by striking “this section” and inserting  
 15 “this subsection”;

16 (B) in paragraph (3) (as so redesignated),  
 17 in the first sentence, by striking “this section”  
 18 each place it appears and inserting “this sub-  
 19 section”;

20 (C) in paragraph (4) (as so redesignated),  
 21 by striking “subsection (c)” and inserting  
 22 “paragraph (3)”; and

23 (D) in paragraph (5) (as so redesignated),  
 24 by striking “this section” and inserting “this  
 25 subsection;”; and

1 (7) by adding at the end the following:

2 “(c) OTHER TRANSACTIONS.—

3 “(1) AUTHORITY.—The Secretary may enter  
4 into transactions (other than contracts, cooperative  
5 agreements, and grants) in order to carry out this  
6 section.

7 “(2) EDUCATION AND TRAINING.—The Sec-  
8 retary shall—

9 “(A) ensure that management, technical,  
10 and contracting personnel of the Corps of Engi-  
11 neers involved in the award or administration of  
12 transactions under this section or other innova-  
13 tive forms of contracting are afforded opportu-  
14 nities for adequate education and training; and

15 “(B) establish minimum levels and require-  
16 ments for continuous and experiential learning  
17 for such personnel, including levels and require-  
18 ments for acquisition certification programs.

19 “(3) NOTIFICATION.—The Secretary shall pro-  
20 vide to the Committee on Environment and Public  
21 Works of the Senate and the Committee on Trans-  
22 portation and Infrastructure of the House of Rep-  
23 resentatives notice of a transaction under this sub-  
24 section not less than 30 days before entering into  
25 the transaction.

1           “(4) REPORT.—Not later than 3 years and not  
 2           later than 7 years after the date of enactment of the  
 3           Water Resources Development Act of 2022, the Sec-  
 4           retary shall submit to the Committee on Environ-  
 5           ment and Public Works of the Senate and the Com-  
 6           mittee on Transportation and Infrastructure of the  
 7           House of Representatives a report on the use of the  
 8           authority under paragraph (1).

9           “(d) REPORT.—

10           “(1) IN GENERAL.—For fiscal year 2025, and  
 11           annually thereafter, in conjunction with the annual  
 12           budget submission of the President to Congress  
 13           under section 1105(a) of title 31, United States  
 14           Code, the Secretary shall submit to the Committee  
 15           on Environment and Public Works of the Senate  
 16           and the Committee on Transportation and Infra-  
 17           structure of the House of Representatives a report  
 18           on projects carried out under subsection (a).

19           “(2) CONTENTS.—A report under paragraph  
 20           (1) shall include—

21                   “(A) a description of each ongoing and  
 22                   new project, including—

23                           “(i) the estimated total cost;

24                           “(ii) the amount of Federal expendi-  
 25                   tures;

1 “(iii) the amount of expenditures by a  
 2 non-Federal entity as described in sub-  
 3 section (b)(1), if applicable;

4 “(iv) the estimated timeline for com-  
 5 pletion;

6 “(v) the requesting district of the  
 7 Corps of Engineers, if applicable; and

8 “(vi) how the project is consistent  
 9 with subsection (a); and

10 “(B) any additional information that the  
 11 Secretary determines to be appropriate.

12 “(e) COST SHARING.—

13 “(1) IN GENERAL.—Except as provided in sub-  
 14 section (b)(3) and paragraph (2), a project carried  
 15 out under this section shall be at full Federal ex-  
 16 pense.

17 “(2) TREATMENT.—Nothing in this subsection  
 18 waives applicable cost-share requirements for a  
 19 water resources development project or feasibility  
 20 study (as defined in section 105(d) of the Water Re-  
 21 sources Development Act of 1986 (33 U.S.C.  
 22 2215(d))).

23 “(f) SAVINGS CLAUSE.—Nothing in this section lim-  
 24 its the ability of the Secretary to carry out a project re-  
 25 quested by a district of the Corps of Engineers in support



1 of a water resources development project or feasibility  
 2 study (as defined in section 105(d) of the Water Resources  
 3 Development Act of 1986 (33 U.S.C. 2215(d))).

4 “(g) RESEARCH AND DEVELOPMENT ACCOUNT.—

5 “(1) IN GENERAL.—There is established a Re-  
 6 search and Development account of the Corps of En-  
 7 gineers for the purposes of carrying out this section.

8 “(2) AUTHORIZATION OF APPROPRIATIONS.—

9 There is authorized to be appropriated to the Re-  
 10 search and Development account established by  
 11 paragraph (1) \$85,000,000 for each of fiscal years  
 12 2023 through 2027.”.

13 (b) FORECASTING MODELS FOR THE GREAT  
 14 LAKES.—

15 (1) AUTHORIZATION.—There is authorized to  
 16 be appropriated to the Secretary \$10,000,000 to  
 17 complete and maintain a model suite to forecast  
 18 water levels, account for water level variability, and  
 19 account for the impacts of extreme weather events  
 20 and other natural disasters in the Great Lakes.

21 (2) SAVINGS PROVISION.—Nothing in this sub-  
 22 section precludes the Secretary from using funds  
 23 made available under the Great Lakes Restoration  
 24 Initiative established by section 118(c)(7) of the  
 25 Federal Water Pollution Control Act (33 U.S.C.

1       1268(c)(7)) for activities described in paragraph (1)  
 2       for the Great Lakes, if funds are not appropriated  
 3       for such activities.

4       (c) CLERICAL AMENDMENT.—The table of contents  
 5       contained in section 1(b) of the Water Resources Develop-  
 6       ment Act of 1988 (102 Stat. 4012) is amended by striking  
 7       the item relating to section 7 and inserting the following:  
       “Sec. 7. Research and development.”.

8       **SEC. 114. TRIBAL AND ECONOMICALLY DISADVANTAGED**  
 9               **COMMUNITIES ADVISORY COMMITTEE.**

10       (a) DEFINITIONS.—In this section:

11           (1) COMMITTEE.—The term “Committee”  
 12       means the Tribal and Economically Disadvantaged  
 13       Communities Advisory Committee established under  
 14       subsection (b).

15           (2) ECONOMICALLY DISADVANTAGED COMMU-  
 16       NITY.—The term “economically disadvantaged com-  
 17       munity” has the meaning given the term pursuant  
 18       to section 160 of the Water Resources Development  
 19       Act of 2020 (33 U.S.C. 2201 note; Public Law 116–  
 20       260).

21           (3) INDIAN TRIBE.—The term “Indian Tribe”  
 22       has the meaning given the term in section 4 of the  
 23       Indian Self-Determination and Education Assistance  
 24       Act (25 U.S.C. 5304).

1       (b) ESTABLISHMENT.—Not later than 90 days after  
2 the date of enactment of this Act, the Secretary shall es-  
3 tablish a committee, to be known as the “Tribal and Eco-  
4 nomically Disadvantaged Communities Advisory Com-  
5 mittee”, to develop and make recommendations to the Sec-  
6 retary and the Chief of Engineers on activities and actions  
7 that should be undertaken by the Corps of Engineers to  
8 ensure more effective delivery of water resources develop-  
9 ment projects, programs, and other assistance to economi-  
10 cally disadvantaged communities and Indian Tribes.

11       (c) MEMBERSHIP.—The Committee shall be com-  
12 posed of members, appointed by the Secretary, who have  
13 the requisite experiential or technical knowledge needed to  
14 address issues related to the water resources needs and  
15 challenges of economically disadvantaged communities and  
16 Indian Tribes, including—

17           (1) 5 individuals representing organizations  
18 with expertise in environmental policy, rural water  
19 resources, economically disadvantaged communities,  
20 Tribal rights, or civil rights; and

21           (2) 5 individuals, each representing a non-Fed-  
22 eral interest for a Corps of Engineers project.

23       (d) DUTIES.—

24           (1) RECOMMENDATIONS.—The Committee shall  
25 provide advice and make recommendations to the

1 Secretary and the Chief of Engineers to assist the  
2 Corps of Engineers in—

3 (A) efficiently and effectively delivering so-  
4 lutions to water resources development projects  
5 needs and challenges for economically disadvan-  
6 tagged communities and Indian Tribes;

7 (B) integrating consideration of economi-  
8 cally disadvantaged communities and Indian  
9 Tribes, where applicable, in the development of  
10 water resources development projects and pro-  
11 grams of the Corps of Engineers; and

12 (C) improving the capability and capacity  
13 of the workforce of the Corps of Engineers to  
14 assist economically disadvantaged communities  
15 and Indian Tribes.

16 (2) MEETINGS.—The Committee shall meet as  
17 appropriate to develop and make recommendations  
18 under paragraph (1).

19 (3) REPORT.—Recommendations provided  
20 under paragraph (1) shall be—

21 (A) included in a report submitted to the  
22 Committee on Environment and Public Works  
23 of the Senate and the Committee on Transpor-  
24 tation and Infrastructure of the House of Rep-  
25 resentatives; and

1 (B) be made publicly available, including  
2 on a publicly available website.

3 (e) INDEPENDENT JUDGMENT.—Any recommenda-  
4 tion made by the Committee to the Secretary and the  
5 Chief of Engineers under subsection (d)(1) shall reflect  
6 the independent judgment of the Committee.

7 (f) ADMINISTRATION.—

8 (1) COMPENSATION.—Except as provided in  
9 paragraph (2), the members of the Committee shall  
10 serve without compensation.

11 (2) TRAVEL EXPENSES.—The members of the  
12 Committee shall be allowed travel expenses, includ-  
13 ing per diem in lieu of subsistence, at rates author-  
14 ized for employees of agencies under subchapter I of  
15 chapter 57 of title 5, United States Code, while  
16 away from their homes or regular places of business  
17 in the performance of services for the Committee.

18 (3) TREATMENT.—The members of the Com-  
19 mittee shall not be considered to be Federal employ-  
20 ees, and the meetings and reports of the Committee  
21 shall not be considered a major Federal action under  
22 the National Environmental Policy Act of 1969 (42  
23 U.S.C. 4321 et seq.).

1           (4) APPLICABILITY OF FACA.—The Federal Ad-  
 2       visory Committee Act (5 U.S.C. App.) shall apply to  
 3       the Committee.

4 **SEC. 115. NON-FEDERAL INTEREST ADVISORY COMMITTEE.**

5       (a) IN GENERAL.—Not later than 90 days after the  
 6       date of enactment of this Act, the Secretary shall establish  
 7       a committee, to be known as the “Non-Federal Interest  
 8       Advisory Committee” (referred to in this section as the  
 9       “Committee”), to develop and make recommendations to  
 10      the Secretary and the Chief of Engineers on activities and  
 11      actions that should be undertaken by the Corps of Engi-  
 12      neers to ensure more effective and efficient delivery of  
 13      water resources development projects, programs, and  
 14      other assistance.

15      (b) MEMBERSHIP.—

16           (1) IN GENERAL.—The Committee shall be  
 17      composed of the members described in paragraph

18      (2), who shall—

19           (A) be appointed by the Secretary; and

20           (B) have the requisite experiential or tech-  
 21      nical knowledge needed to address issues re-  
 22      lated to water resources needs and challenges.

23      (2) REPRESENTATIVES.—The members of the  
 24      Committee shall include the following:

1 (A) A representative of each of the fol-  
2 lowing:

3 (i) A non-Federal interest for a  
4 project for navigation for an inland harbor.

5 (ii) A non-Federal interest for a  
6 project for navigation for a harbor.

7 (iii) A non-Federal interest for a  
8 project for flood risk management.

9 (iv) A non-Federal interest for a  
10 project for coastal storm risk management.

11 (v) A non-Federal interest for a  
12 project for aquatic ecosystem restoration.

13 (B) A representative of each of the fol-  
14 lowing:

15 (i) A non-Federal stakeholder with re-  
16 spect to inland waterborne transportation.

17 (ii) A non-Federal stakeholder with  
18 respect to water supply.

19 (iii) A non-Federal stakeholder with  
20 respect to recreation.

21 (iv) A non-Federal stakeholder with  
22 respect to hydropower.

23 (v) A non-Federal stakeholder with re-  
24 spect to emergency preparedness, including  
25 coastal protection.

1 (C) A representative of each of the fol-  
2 lowing:

3 (i) An organization with expertise in  
4 conservation.

5 (ii) An organization with expertise in  
6 environmental policy.

7 (iii) An organization with expertise in  
8 rural water resources.

9 (c) DUTIES.—

10 (1) RECOMMENDATIONS.—The Committee shall  
11 provide advice and make recommendations to the  
12 Secretary and the Chief of Engineers to assist the  
13 Corps of Engineers in—

14 (A) efficiently and effectively delivering  
15 water resources development projects;

16 (B) improving the capability and capacity  
17 of the workforce of the Corps of Engineers to  
18 deliver projects and other assistance;

19 (C) improving the capacity and effective-  
20 ness of Corps of Engineers consultation and li-  
21 aison roles in communicating water resources  
22 needs and solutions, including regionally-spe-  
23 cific recommendations; and



1 (D) strengthening partnerships with non-  
2 Federal interests to advance water resources so-  
3 lutions.

4 (2) MEETINGS.—The Committee shall meet as  
5 appropriate to develop and make recommendations  
6 under paragraph (1).

7 (3) REPORT.—Recommendations provided  
8 under paragraph (1) shall be—

9 (A) included in a report submitted to the  
10 Committee on Environment and Public Works  
11 of the Senate and the Committee on Transpor-  
12 tation and Infrastructure of the House of Rep-  
13 resentatives; and

14 (B) made publicly available, including on a  
15 publicly available website.

16 (d) INDEPENDENT JUDGMENT.—Any recommenda-  
17 tion made by the Committee to the Secretary and the  
18 Chief of Engineers under subsection (c)(1) shall reflect the  
19 independent judgment of the Committee.

20 (e) ADMINISTRATION.—

21 (1) IN GENERAL.—The Committee shall be sub-  
22 ject to the Federal Advisory Committee Act (5  
23 U.S.C. App.).

1           (2) COMPENSATION.—Except as provided in  
2           paragraph (3), the members of the Committee shall  
3           serve without compensation.

4           (3) TRAVEL EXPENSES.—The members of the  
5           Committee shall be allowed travel expenses, includ-  
6           ing per diem in lieu of subsistence, at rates author-  
7           ized for employees of agencies under subchapter I of  
8           chapter 57 of title 5, United States Code, while  
9           away from their homes or regular places of business  
10          in the performance of services for the Committee.

11          (4) TREATMENT.—The members of the Com-  
12          mittee shall not be considered to be Federal employ-  
13          ees and the meetings and reports of the Committee  
14          shall not be considered a major Federal action under  
15          the National Environmental Policy Act of 1969 (42  
16          U.S.C. 4321 et seq.).

17 **SEC. 116. UNDERSERVED COMMUNITY HARBOR PROJECTS.**

18          (a) DEFINITIONS.—In this section:

19           (1) PROJECT.—The term “project” means a  
20           single cycle of dredging of an underserved commu-  
21           nity harbor and the associated placement of dredged  
22           material at a beneficial use placement site or dis-  
23           posal site.

24           (2) UNDERSERVED COMMUNITY HARBOR.—The  
25           term “underserved community harbor” means an

1 emerging harbor (as defined in section 210(f) of the  
2 Water Resources Development Act of 1986 (33  
3 U.S.C. 2238(f))) for which—

4 (A) no Federal funds have been obligated  
5 for maintenance dredging in the current fiscal  
6 year or in any of the 4 preceding fiscal years;  
7 and

8 (B) State and local investments in infra-  
9 structure have been made during the preceding  
10 4 fiscal years.

11 (b) IN GENERAL.—The Secretary may carry out  
12 projects to dredge underserved community harbors for  
13 purposes of sustaining water-dependent commercial and  
14 recreational activities at such harbors.

15 (c) JUSTIFICATION.—The Secretary may carry out a  
16 project under this section if the Secretary determines that  
17 the cost of the project is reasonable in relation to the sum  
18 of—

19 (1) the local or regional economic benefits; and

20 (2)(A) the environmental benefits, including the  
21 benefits to the aquatic environment to be derived  
22 from the creation of wetland and control of shoreline  
23 erosion; or

1 (B) other social effects, including protection  
2 against loss of life and contributions to local or re-  
3 gional cultural heritage.

4 (d) COST SHARE.—The non-Federal share of the cost  
5 of a project carried out under this section shall be deter-  
6 mined in accordance with—

7 (1) subsection (a), (b), (c), or (d), as applicable,  
8 of section 103 of the Water Resources Development  
9 Act of 1986 (33 U.S.C. 2213), for any portion of  
10 the cost of the project allocated to flood or coastal  
11 storm risk management, ecosystem restoration, or  
12 recreation; and

13 (2) section 101(b)(1) of the Water Resources  
14 Development Act of 1986 (33 U.S.C. 2211(b)(1)),  
15 for the portion of the cost of the project other than  
16 a portion described in paragraph (1).

17 (e) CLARIFICATION.—The Secretary shall not require  
18 the non-Federal interest for a project carried out under  
19 this section to perform additional operation and mainte-  
20 nance activities at the beneficial use placement site or the  
21 disposal site for such project.

22 (f) FEDERAL PARTICIPATION LIMIT.—The Federal  
23 share of the cost of a project under this section shall not  
24 exceed \$10,000,000.

25 (g) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) IN GENERAL.—There is authorized to be  
 2           appropriated to carry out this section \$50,000,000  
 3           for each of fiscal years 2023 through 2026.

4           (2) SPECIAL RULE.—Not less than 35 percent  
 5           of the amounts made available to carry out this sec-  
 6           tion for each fiscal year shall be used for projects  
 7           that include the beneficial use of dredged material.

8           (h) SAVINGS PROVISION.—Carrying out a project  
 9           under this section shall not affect the eligibility of an un-  
 10          derserved community harbor for Federal operation and  
 11          maintenance funding otherwise authorized for the under-  
 12          served community harbor.

13   **SEC. 117. CORPS OF ENGINEERS WESTERN WATER COOPER-**  
 14                           **ATIVE COMMITTEE.**

15          (a) FINDINGS.—Congress finds that—

16               (1) a bipartisan coalition of 19 Western Sen-  
 17               ators wrote to the Office of Management and Budg-  
 18               et on September 17, 2019, in opposition to the pro-  
 19               posed rulemaking entitled “Use of U.S. Army Corps  
 20               of Engineers Reservoir Projects for Domestic, Mu-  
 21               nicipal & Industrial Water Supply” (81 Fed. Reg.  
 22               91556 (December 16, 2016)), describing the rule as  
 23               counter to existing law and court precedent;

1           (2) on January 21, 2020, the proposed rule-  
2           making described in paragraph (1) was withdrawn;  
3           and

4           (3) the Corps of Engineers should consult with  
5           Western States to ensure, to the maximum extent  
6           practicable, that operation of flood control projects  
7           in prior appropriation States is consistent with the  
8           principles of the first section of the Act of December  
9           22, 1944 (commonly known as the “Flood Control  
10          Act of 1944”) (58 Stat. 887, chapter 665; 33 U.S.C.  
11          701–1) and section 301 of the Water Supply Act of  
12          1958 (43 U.S.C. 390b).

13          (b) ESTABLISHMENT.—

14               (1) IN GENERAL.—Not later than 90 days after  
15               the date of enactment of this Act, the Secretary  
16               shall establish a Western Water Cooperative Com-  
17               mittee (referred to in this section as the “Coopera-  
18               tive Committee”).

19               (2) PURPOSE.—The purpose of the Cooperative  
20               Committee is to ensure that Corps of Engineers  
21               flood control projects in Western States are operated  
22               consistent with congressional directives by identi-  
23               fying opportunities to avoid or minimize conflicts be-  
24               tween operation of Corps of Engineers projects and  
25               State water rights and water laws.

1 (3) MEMBERSHIP.—

2 (A) IN GENERAL.—The Cooperative Com-  
3 mittee shall be composed of—

4 (i) the Assistant Secretary of the  
5 Army for Civil Works (or a designee);

6 (ii) the Chief of Engineers (or a des-  
7 ignee);

8 (iii) 1 representative from each of the  
9 States of Alaska, Arizona, California, Colo-  
10 rado, Idaho, Kansas, Montana, Nebraska,  
11 Nevada, New Mexico, North Dakota, Okla-  
12 homa, Oregon, South Dakota, Texas,  
13 Utah, Washington, and Wyoming, who  
14 may serve on the Western States Water  
15 Council, to be appointed by the Governor  
16 of each State;

17 (iv) 1 representative with legal experi-  
18 ence from each of the States of Alaska, Ar-  
19 izona, California, Colorado, Idaho, Kansas,  
20 Montana, Nebraska, Nevada, New Mexico,  
21 North Dakota, Oklahoma, Oregon, South  
22 Dakota, Texas, Utah, Washington, and  
23 Wyoming, to be appointed by the Attorney  
24 General of each State; and

1 (v) 1 employee from each of the im-  
2 pacted regional offices of the Bureau of In-  
3 dian Affairs.

4 (4) MEETINGS.—

5 (A) IN GENERAL.—The Cooperative Com-  
6 mittee shall meet not less than once each year  
7 in a State represented on the Cooperative Com-  
8 mittee.

9 (B) AVAILABLE TO PUBLIC.—Each meet-  
10 ing of the Cooperative Committee shall be open  
11 and accessible to the public.

12 (C) NOTIFICATION.—The Cooperative  
13 Committee shall publish in the Federal Register  
14 adequate advance notice of a meeting of the Co-  
15 operative Committee.

16 (5) DUTIES.—The Cooperative Committee shall  
17 develop and make recommendations to avoid or min-  
18 imize conflicts between the operation of Corps of  
19 Engineers projects and State water rights and water  
20 laws, which may include recommendations for legis-  
21 lation or the promulgation of policy or regulations.

22 (6) STATUS UPDATES.—

23 (A) IN GENERAL.—On an annual basis,  
24 the Secretary shall provide to the Committee on  
25 Environment and Public Works of the Senate



1 and the Committee on Transportation and In-  
 2 frastructure of the House of Representatives a  
 3 written report that includes—

4 (i) a summary of the contents of  
 5 meetings of the Cooperative Committee;  
 6 and

7 (ii) a description of any recommenda-  
 8 tions made by the Cooperative Committee  
 9 under paragraph (5), including actions  
 10 taken by the Secretary in response to such  
 11 recommendations.

12 (B) COMMENT.—

13 (i) IN GENERAL.—Not later than 45  
 14 days following the conclusion of a meeting  
 15 of the Cooperative Committee, the Sec-  
 16 retary shall provide to members of the Co-  
 17 operative Committee an opportunity to  
 18 comment on the contents of the meeting  
 19 and any recommendations.

20 (ii) INCLUSION.—Comments provided  
 21 under clause (i) shall be included in the re-  
 22 port provided under subparagraph (A).

23 (7) COMPENSATION.—

24 (A) IN GENERAL.—Except as provided in  
 25 subparagraph (B), the members of the Coopera-

1           tive Committee shall serve without compensa-  
2           tion.

3                   (B) TRAVEL EXPENSES.—The members of  
4           the Cooperative Committee shall be allowed  
5           travel expenses, including per diem in lieu of  
6           subsistence, at rates authorized for employees  
7           of agencies under subchapter I of chapter 57 of  
8           title 5, United States Code, while away from  
9           their homes or regular places of business in the  
10          performance of services for the Cooperative  
11          Committee.

12                   (8) MAINTENANCE OF RECORDS.—The Cooper-  
13          ative Committee shall maintain records pertaining to  
14          operating costs and records of the Cooperative Com-  
15          mittee for a period of not less than 3 years.

16 **SEC. 118. UPDATES TO CERTAIN WATER CONTROL MANU-**  
17 **ALS.**

18          On request of the Governor of State in which the  
19          Governor declared a statewide drought disaster in 2021,  
20          the Secretary is authorized to update water control manu-  
21          als for waters in the State, with priority given to those  
22          waters that accommodate a water supply project.

23 **SEC. 119. RETENTION OF RECREATION FEES.**

24           (a) IN GENERAL.—Section 210(b) of the River and  
25          Harbor Act of 1968 (16 U.S.C. 460d–3(b)) is amended—

1           (1) by striking paragraph (4) and inserting the  
2 following:

3           “(4) DEPOSIT INTO TREASURY ACCOUNT.—All  
4 fees collected under this subsection shall—

5                 “(A) be deposited in a special account in  
6 the Treasury; and

7                 “(B) be available for use, without further  
8 appropriation, for the operation and mainte-  
9 nance of recreation sites and facilities under the  
10 jurisdiction of the Secretary of the Army, sub-  
11 ject to the condition that not less than 80 per-  
12 cent of fees collected at a specific recreation site  
13 are utilized at that site.”; and

14           (2) by adding at the end the following:

15           “(5) SUPPLEMENT, NOT SUPPLANT.—Fees col-  
16 lected under this subsection—

17                 “(A) shall be in addition to annual appro-  
18 priated funding provided for the operation and  
19 maintenance of recreation sites and facilities  
20 under the jurisdiction of the Secretary of the  
21 Army; and

22                 “(B) shall not be used as a basis for re-  
23 ducing annual appropriated funding for those  
24 purposes.”.

1 (b) SPECIAL ACCOUNTS.—Amounts in the special ac-  
 2 count for the Corps of Engineers described in section  
 3 210(b)(4) of the River and Harbor Act of 1968 (16 U.S.C.  
 4 460d–3(b)(4)) (as in effect on the day before the date of  
 5 enactment of this Act) that are unobligated on that date  
 6 shall—

7 (1) be transferred to the special account estab-  
 8 lished under section 210(b)(4) of the River and Har-  
 9 bor Act of 1968 (16 U.S.C. 460d–3(b)(4)) (as  
 10 amended by subsection (a)(1)); and

11 (2) be available to the Secretary for operation  
 12 and maintenance of any recreation sites and facili-  
 13 ties under the jurisdiction of the Secretary, without  
 14 further appropriation.

15 **SEC. 120. RELOCATION ASSISTANCE.**

16 In the case of a water resources development project  
 17 using nonstructural measures for the elevation or modi-  
 18 fication of a dwelling that is the primary residence of an  
 19 owner-occupant and that requires the owner-occupant to  
 20 relocate temporarily from the dwelling during the period  
 21 of construction, the Secretary may include in the value  
 22 of the land, easements, and rights-of-way required for the  
 23 project or measure the documented reasonable living ex-  
 24 penses, excluding food and personal transportation, in-

1 curred by the owner-occupant during the period of reloca-  
2 tion.

3 **SEC. 121. REPROGRAMMING LIMITS.**

4 (a) OPERATIONS AND MAINTENANCE.—In re-  
5 programming funds made available to the Secretary for  
6 operations and maintenance—

7 (1) the Secretary may not reprogram more than  
8 25 percent of the base amount up to a limit of—

9 (A) \$8,500,000 for a project, study, or ac-  
10 tivity with a base level over \$1,000,000; and

11 (B) \$250,000 for a project, study, or activ-  
12 ity with a base level of \$1,000,000 or less; and

13 (2) \$250,000 may be reprogrammed for any  
14 continuing study or activity of the Secretary that did  
15 not receive an appropriation.

16 (b) INVESTIGATIONS.—In reprogramming funds  
17 made available to the Secretary for investigations—

18 (1) the Secretary may not reprogram more than  
19 \$150,000 for a project, study, or activity with a base  
20 level over \$100,000; and

21 (2) \$150,000 may be reprogrammed for any  
22 continuing study or activity of the Secretary that did  
23 not receive an appropriation for existing obligations  
24 and concomitant administrative expenses.

1 **SEC. 122. LEASE DURATIONS.**

2       The Secretary shall issue guidance on, in the case of  
3 a leasing decision pursuant to section 2667 of title 10,  
4 United States Code, or section 4 of the Act of December  
5 22, 1944 (commonly known as the “Flood Control Act of  
6 1944”) (58 Stat. 889, chapter 665; 16 U.S.C. 460d), in-  
7 stances in which a lease duration in excess of 25 years  
8 is appropriate.

9 **SEC. 123. SENSE OF CONGRESS RELATING TO POST-DIS-**  
10 **ASTER REPAIRS.**

11       It is the sense of Congress that in permitting and  
12 funding post-disaster repairs, the Secretary should, to the  
13 maximum extent practicable, repair assets—

14               (1) to project design levels; or

15               (2) if the original project design is outdated, to  
16       above project design levels.

17 **SEC. 124. PAYMENT OF PAY AND ALLOWANCES OF CERTAIN**  
18 **OFFICERS FROM APPROPRIATION FOR IM-**  
19 **PROVEMENTS.**

20       Section 36 of the Act of August 10, 1956 (70A Stat.  
21 634, chapter 1041; 33 U.S.C. 583a), is amended—

22               (1) by striking “Regular officers of the Corps  
23 of Engineers of the Army, and reserve officers of the  
24 Army who are assigned to the Corps of Engineers,”  
25 and inserting the following:

1 “(a) IN GENERAL.—The personnel described in sub-  
2 section (b)”;

3 (2) by adding at the end the following:

4 “(b) PERSONNEL DESCRIBED.—The personnel re-  
5 ferred to in subsection (a) are the following:

6 “(1) Regular officers of the Corps of Engineers  
7 of the Army.

8 “(2) The following members of the Army who  
9 are assigned to the Corps of Engineers:

10 “(A) Reserve component officers.

11 “(B) Warrant officers (whether regular or  
12 reserve component).

13 “(C) Enlisted members (whether regular or  
14 reserve component).”.

15 **SEC. 125. REFORESTATION.**

16 The Secretary is encouraged to consider measures to  
17 restore swamps and other wetland forests in studies for  
18 water resources development projects for ecosystem res-  
19 toration and flood and coastal storm risk management.

20 **SEC. 126. USE OF OTHER FEDERAL FUNDS.**

21 Section 2007 of the Water Resources Development  
22 Act of 2007 (33 U.S.C. 2222) is amended—

23 (1) by striking “water resources study or  
24 project” and inserting “water resources development  
25 study or project, including a study or project under

1 a continuing authority program (as defined in sec-  
 2 tion 7001(c)(1)(D) of the Water Resources Reform  
 3 and Development Act of 2014 (33 U.S.C.  
 4 2282d(c)(1)(D))),”; and

5 (2) by striking “the Federal agency that pro-  
 6 vides the funds determines that the funds are au-  
 7 thorized to be used to carry out the study or  
 8 project” and inserting “the funds appropriated to  
 9 the Federal agency are for a purpose that is similar  
 10 or complementary to the purpose of the study or  
 11 project”.

12 **SEC. 127. NATIONAL LOW-HEAD DAM INVENTORY.**

13 The National Dam Safety Program Act (33 U.S.C.  
 14 467 et seq.) is amended by adding at the end the fol-  
 15 lowing:

16 **“SEC. 15. NATIONAL LOW-HEAD DAM INVENTORY.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) INVENTORY.—The term ‘inventory’ means  
 19 the national low-head dam inventory developed  
 20 under subsection (b)(1).

21 “(2) LOW-HEAD DAM.—The term ‘low-head  
 22 dam’ means a river-wide dam that generally spans  
 23 a stream channel, blocking the waterway and cre-  
 24 ating a backup of water behind the dam, with a drop



1 off over the wall of not less than 6 inches and not  
 2 more than 25 feet.

3 “(3) SECRETARY.—The term ‘Secretary’ means  
 4 the Secretary of the Army.

5 “(b) NATIONAL LOW-HEAD DAM INVENTORY.—

6 “(1) IN GENERAL.—Not later than 18 months  
 7 after the date of enactment of this section, the Sec-  
 8 retary, in consultation with the heads of appropriate  
 9 Federal and State agencies, shall—

10 “(A) develop an inventory of low-head  
 11 dams in the United States that includes—

12 “(i) the location, ownership, descrip-  
 13 tion, current use, condition, height, and  
 14 length of each low-head dam;

15 “(ii) any information on public safety  
 16 conditions at each low-head dam;

17 “(iii) public safety information on the  
 18 dangers of low-head dams;

19 “(iv) a directory of financial and tech-  
 20 nical assistance resources available to re-  
 21 duce safety hazards and fish passage bar-  
 22 riers at low-head dams; and

23 “(v) any other relevant information  
 24 concerning low-head dams; and

1           “(B) submit the inventory to the Com-  
 2           mittee on Environment and Public Works of the  
 3           Senate and the Committee on Transportation  
 4           and Infrastructure of the House of Representa-  
 5           tives.

6           “(2) DATA.—In carrying out this subsection,  
 7           the Secretary shall—

8           “(A) coordinate with Federal and State  
 9           agencies and other relevant entities; and

10           “(B) use data provided to the Secretary by  
 11           those agencies.

12           “(3) UPDATES.—The Secretary, in consultation  
 13           with appropriate Federal and State agencies, shall  
 14           maintain and periodically publish updates to the in-  
 15           ventory.

16           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 17           is authorized to be appropriated to the Secretary to carry  
 18           out this section \$30,000,000.

19           “(d) CLARIFICATION.—Nothing in this section pro-  
 20           vides authority to the Secretary to carry out an activity,  
 21           with respect to a low-head dam, that is not explicitly au-  
 22           thorized under this section.”.

23   **SEC. 128. TRANSFER OF EXCESS CREDIT.**

24           Section 1020 of the Water Resources Reform and De-  
 25           velopment Act of 2014 (33 U.S.C. 2223) is amended—

1           (1) in subsection (a), by adding at the end the  
2 following:

3           “(3) STUDIES AND PROJECTS WITH MULTIPLE  
4 NON-FEDERAL INTERESTS.—A credit described in  
5 paragraph (1) for a study or project with multiple  
6 non-Federal interests may be applied to the required  
7 non-Federal cost share for a study or project of any  
8 of those non-Federal interests, subject to the condi-  
9 tion that each non-Federal interest for the study or  
10 project for which the credit described in paragraph  
11 (1) is provided concurs in writing.”;

12           (2) in subsection (b), by adding at the end the  
13 following:

14           “(3) CONDITIONAL APPROVAL OF EXCESS  
15 CREDIT.—The Secretary may approve credit in ex-  
16 cess of the non-Federal share for a study or project  
17 prior to the identification of each authorized study  
18 or project to which the excess credit will be applied,  
19 subject to the condition that the non-Federal inter-  
20 est agrees to submit for approval by the Secretary  
21 an amendment to the comprehensive plan prepared  
22 under paragraph (2) that identifies each authorized  
23 study or project in advance of execution of the feasi-  
24 bility cost sharing agreement or project partnership  
25 agreement for that authorized study or project.”;

1 (3) by striking subsection (d); and

2 (4) by redesignating subsection (e) as sub-  
3 section (d).

4 **SEC. 129. NATIONAL LEVEE RESTORATION.**

5 (a) DEFINITION OF REHABILITATION.—Section  
6 9002(13) of the Water Resources Development Act of  
7 2007 (33 U.S.C. 3301(13)) is amended—

8 (1) by inserting “, or improvement” after “re-  
9 moval”; and

10 (2) by inserting “, increase resiliency to ex-  
11 treme weather events,” after “flood risk”.

12 (b) LEVEE REHABILITATION ASSISTANCE PRO-  
13 GRAM.—Section 9005(h) of the Water Resources Develop-  
14 ment Act of 2007 (33 U.S.C. 3303a(h)) is amended—

15 (1) in paragraph (7), by striking  
16 “\$10,000,000” and inserting “\$25,000,000”; and

17 (2) by adding at the end the following:

18 “(11) PRIORITIZATION.—To the maximum ex-  
19 tent practicable, the Secretary shall prioritize the  
20 provision of assistance under this subsection to eco-  
21 nomically disadvantaged communities (as defined  
22 pursuant to section 160 of the Water Resources De-  
23 velopment Act of 2020 (33 U.S.C. 2201 note; Public  
24 Law 116–260)).”.

1 **SEC. 130. INLAND WATERWAYS REGIONAL DREDGE PILOT**  
2 **PROGRAM.**

3 Section 1111 of the America's Water Infrastructure  
4 Act of 2018 (33 U.S.C. 2326 note; Public Law 115–270)  
5 is amended by adding at the end the following:

6 “(e) INLAND WATERWAYS REGIONAL DREDGE PILOT  
7 PROGRAM.—

8 “(1) IN GENERAL.—The Secretary is authorized  
9 to establish a pilot program (referred to in this sub-  
10 section as the ‘pilot program’) to conduct a  
11 multiyear dredging demonstration program to award  
12 contracts with a duration of up to 5 years for  
13 projects on inland waterways.

14 “(2) PURPOSES.—The purposes of the pilot  
15 program shall be—

16 “(A) to increase the reliability, availability,  
17 and efficiency of federally-owned and federally-  
18 operated inland waterways projects;

19 “(B) to decrease operational risks across  
20 the inland waterways system; and

21 “(C) to provide cost-savings by combining  
22 work across multiple projects across different  
23 accounts of the Corps of Engineers.

24 “(3) DEMONSTRATION.—

25 “(A) IN GENERAL.—The Secretary shall,  
26 to the maximum extent practicable, award con-

1           tracts for projects on inland waterways that  
2           combine work across the Construction and Op-  
3           eration and Maintenance accounts of the Corps  
4           of Engineers.

5           “(B) PROJECTS.— In awarding contracts  
6           under subparagraph (A), the Secretary shall  
7           consider projects that—

8                   “(i) improve navigation reliability on  
9                   inland waterways that are accessible year-  
10                  round;

11                  “(ii) increase freight capacity on in-  
12                  land waterways; and

13                  “(iii) have the potential to enhance  
14                  the availability of containerized cargo on  
15                  inland waterways.

16           “(4) SAVINGS CLAUSE.—Nothing in this sub-  
17           section affects the responsibility of the Secretary  
18           with respect to the construction and operations and  
19           maintenance of projects on the inland waterways  
20           system.

21           “(5) REPORT TO CONGRESS.—Not later than 1  
22           year after the date on which the first contract is  
23           awarded pursuant to the pilot program, the Sec-  
24           retary shall submit to the Committee on Environ-  
25           ment and Public Works of the Senate and the Com-

1        mittee on Transportation and Infrastructure of the  
 2        House of Representatives a report that evaluates,  
 3        with respect to the pilot program and any contracts  
 4        awarded under the pilot program—

5                “(A) cost effectiveness;

6                “(B) reliability and performance;

7                “(C) cost savings attributable to mobiliza-  
 8        tion and demobilization of dredge equipment;  
 9        and

10              “(D) response times to address naviga-  
 11        tional impediments.

12              “(6) SUNSET.—The authority of the Secretary  
 13        to enter into contracts pursuant to the pilot program  
 14        shall expire on the date that is 10 years after the  
 15        date of enactment of this Act.”.

16    **SEC. 131. FUNDING TO PROCESS PERMITS.**

17        Section 214(a)(2) of the Water Resources Develop-  
 18        ment Act of 2000 (33 U.S.C. 2352(a)(2)) is amended—

19              (1) by striking “The Secretary” and inserting  
 20        the following:

21              “(A) IN GENERAL.—The Secretary”; and

22              (2) by adding at the end the following:

23              “(B) MULTI-USER MITIGATION BANK IN-  
 24        STRUMENT PROCESSING.—

1           “(i) IN GENERAL.—An activity carried  
2 out by the Secretary to expedite evaluation  
3 of a permit described in subparagraph (A)  
4 may include the evaluation of an instru-  
5 ment for a mitigation bank if—

6           “(I) the non-Federal public enti-  
7 ty, public-utility company, natural gas  
8 company, or railroad carrier applying  
9 for the permit described in that sub-  
10 paragraph is the sponsor of the miti-  
11 gation bank; and

12           “(II) expediting evaluation of the  
13 instrument is necessary to expedite  
14 evaluation of the permit described in  
15 that subparagraph.

16           “(ii) USE OF CREDITS.—The use of  
17 credits generated by the mitigation bank  
18 established using expedited processing  
19 under clause (i) shall be limited to current  
20 and future projects and activities of the  
21 entity, company, or carrier described in  
22 subclause (I) of that clause for a public  
23 purpose, except that in the case of a non-  
24 Federal public entity, not more than 25



1                   percent of the credits may be sold to other  
2                   public and private entities.”.

3 **SEC. 132. NON-FEDERAL PROJECT IMPLEMENTATION**  
4 **PILOT PROGRAM.**

5       Section 1043(b) of the Water Resources Reform and  
6 Development Act of 2014 (33 U.S.C. 2201 note; Public  
7 Law 113–121) is amended—

8           (1) in paragraph (3), by inserting “or discrete  
9       segment” after “separable element” each place it ap-  
10       pears; and

11          (2) by adding at the end the following:

12           “(10) DEFINITION OF DISCRETE SEGMENT.—In  
13       this subsection, the term ‘discrete segment’ means a  
14       physical portion of a project or separable element  
15       that the non-Federal interest can operate and main-  
16       tain, independently and without creating a hazard,  
17       in advance of final completion of the water resources  
18       development project, or separable element thereof.”.

19 **SEC. 133. COST SHARING FOR TERRITORIES AND INDIAN**  
20 **TRIBES.**

21       Section 1156 of the Water Resources Development  
22 Act of 1986 (33 U.S.C. 2310) is amended by adding at  
23 the end the following:

24       “(c) APPLICATION TO STUDIES.—

1 “(1) INCLUSION.—For purposes of this section,  
2 the term ‘study’ includes watershed assessments.

3 “(2) APPLICATION.—The Secretary shall apply  
4 the waiver amount described in subsection (a) to re-  
5 duce only the non-Federal share of study costs.”.

6 **SEC. 134. WATER SUPPLY CONSERVATION.**

7 Section 1116 of the WIIN Act (130 Stat. 1639) is  
8 amended—

9 (1) in subsection (a), in the matter preceding  
10 paragraph (1), by striking “during the 1-year period  
11 ending on the date of enactment of this Act” and in-  
12 serting “for at least 2 years during the 10-year pe-  
13 riod preceding a request from a non-Federal interest  
14 for assistance under this section”; and

15 (2) in subsection (b)(4), by inserting “, includ-  
16 ing measures utilizing a natural feature or nature-  
17 based feature (as those terms are defined in section  
18 1184(a)) to reduce drought risk” after “water sup-  
19 ply”.

20 **SEC. 135. CRITERIA FOR FUNDING OPERATION AND MAIN-**  
21 **TENANCE OF SMALL, REMOTE, AND SUBSIST-**  
22 **ENCE HARBORS.**

23 (a) IN GENERAL.—Not later than 180 days after the  
24 date of enactment of this Act, the Secretary shall develop  
25 specific criteria for the annual evaluation and ranking of

1 maintenance dredging requirements for small, remote, and  
2 subsistence harbors, taking into account the criteria pro-  
3 vided in the joint explanatory statement of managers ac-  
4 companying division D of the Consolidated Appropriations  
5 Act, 2021 (Public Law 116–260; 134 Stat. 1352).

6 (b) INCLUSION IN GUIDANCE.—The Secretary shall  
7 include the criteria developed under subsection (a) in the  
8 annual Civil Works Direct Program Development Policy  
9 Guidance of the Secretary.

10 (c) REPORT TO CONGRESS.—For fiscal year 2024,  
11 and biennially thereafter, in conjunction with the annual  
12 budget submission of the President under section 1105(a)  
13 of title 31, United States Code, the Secretary shall submit  
14 to the Committees on Environment and Public Works and  
15 Appropriations of the Senate and the Committees on  
16 Transportation and Infrastructure and Appropriations of  
17 the House of Representatives a report that identifies the  
18 ranking of projects in accordance with the criteria devel-  
19 oped under subsection (a).

20 **SEC. 136. PROTECTION OF LIGHTHOUSES.**

21 Section 14 of the Flood Control Act of 1946 (33  
22 U.S.C. 701r) is amended by inserting “lighthouses, includ-  
23 ing those lighthouses with historical value,” after  
24 “schools,”.

1 **SEC. 137. EXPEDITING HYDROPOWER AT CORPS OF ENGI-**  
 2 **NEERS FACILITIES.**

3 Section 1008 of the Water Resources Reform and De-  
 4 velopment Act of 2014 (33 U.S.C. 2321b) is amended—

5 (1) in subsection (b)(1), by inserting “and to  
 6 meet the requirements of subsection (b)” after  
 7 “projects”;

8 (2) by redesignating subsections (b) and (c) as  
 9 subsections (c) and (d), respectively; and

10 (3) by inserting after subsection (a) the fol-  
 11 lowing:

12 “(b) IMPLEMENTATION OF POLICY.—The Secretary  
 13 shall—

14 “(1) ensure that the policy described in sub-  
 15 section (a) is implemented nationwide in an efficient,  
 16 consistent, and coordinated manner; and

17 “(2) assess opportunities—

18 “(A) to increase the development of hydro-  
 19 electric power at existing hydroelectric water re-  
 20 sources development projects of the Corps of  
 21 Engineers; and

22 “(B) to develop new hydroelectric power at  
 23 nonpowered water resources development  
 24 projects of the Corps of Engineers.”.

1 **SEC. 138. MATERIALS, SERVICES, AND FUNDS FOR REPAIR,**  
2 **RESTORATION, OR REHABILITATION OF CER-**  
3 **TAIN PUBLIC RECREATION FACILITIES.**

4 (a) DEFINITION OF ELIGIBLE PUBLIC RECREATION  
5 FACILITY.—In this section, the term “eligible public recre-  
6 ation facility” means a facility at a reservoir operated by  
7 the Corps of Engineers that—

8 (1) was constructed to enable public use of and  
9 access to the reservoir; and

10 (2) requires repair, restoration, or rehabilitation  
11 to function.

12 (b) AUTHORIZATION.—During a period of low water  
13 at an eligible public recreation facility, the Secretary is  
14 authorized—

15 (1) to accept and use materials, services, and  
16 funds from a non-Federal interest to repair, restore,  
17 or rehabilitate the facility; and

18 (2) to reimburse the non-Federal interest for  
19 the Federal share of the materials, services, or  
20 funds.

21 (c) REQUIREMENT.—The Secretary may not reim-  
22 burse a non-Federal interest for the use of materials or  
23 services accepted under this section unless the materials  
24 or services—

25 (1) meet the specifications of the Secretary; and

1           (2) comply with all applicable laws and regula-  
2           tions that would apply if the materials and services  
3           were acquired by the Secretary, including subchapter  
4           IV of chapter 31 and chapter 37 of title 40, United  
5           States Code, section 8302 of title 41, United States  
6           Code, and the National Environmental Policy Act of  
7           1969 (42 U.S.C. 4321 et seq.).

8           (d) AGREEMENT.—Before the acceptance of mate-  
9           rials, services, or funds under this section, the Secretary  
10          and the non-Federal interest shall enter into an agreement  
11          that—

12           (1) specifies that the non-Federal interest shall  
13           hold and save the United States free from any and  
14           all damages that arise from use of materials or serv-  
15           ices of the non-Federal interest, except for damages  
16           due to the fault or negligence of the United States  
17           or its contractors;

18           (2) requires that the non-Federal interest shall  
19           certify that the materials or services comply with all  
20           applicable laws and regulations under subsection (c);  
21           and

22           (3) includes any other term or condition re-  
23           quired by the Secretary.

1 **SEC. 139. DREDGED MATERIAL MANAGEMENT PLANS.**

2 (a) IN GENERAL.—The Secretary shall prioritize im-  
3 plementation of section 125(c) of the Water Resources De-  
4 velopment Act of 2020 (33 U.S.C. 2326h) at federally au-  
5 thorized harbors in the State of Ohio.

6 (b) REQUIREMENTS.—Each dredged material man-  
7 agement plan prepared by the Secretary under section  
8 125(c) of the Water Resources Development Act of 2020  
9 (33 U.S.C. 2326h) for a federally authorized harbor in  
10 the State of Ohio shall—

11 (1) include, in the baseline conditions, an an-  
12 nual prohibition on use of funding for open-lake dis-  
13 posal of dredged material; and

14 (2) maximize beneficial use of dredged material  
15 under the base plan and under section 204(d) of the  
16 Water Resources Development Act of 1992 (33  
17 U.S.C. 2326(d)).

18 (c) SAVINGS PROVISION.—This section does not—

19 (1) impose a prohibition on use of funding for  
20 open-lake disposal of dredged material; or

21 (2) require the development or implementation  
22 of a dredged material management plan in accord-  
23 ance with subsection (b) if use of funding for open-  
24 lake disposal is not otherwise prohibited by law.

1 **SEC. 140. LEASE DEVIATIONS.**

2       The Secretary shall fully implement the requirements  
3 of section 153 of the Water Resources Development Act  
4 of 2020 (134 Stat. 2658).

5 **SEC. 141. COLUMBIA RIVER BASIN FLOOD RISK MANAGE-**  
6 **MENT.**

7       (a) IN GENERAL.—The Secretary is encouraged to  
8 utilize all existing authorities of the Secretary to facili-  
9 tate—

10           (1) the renegotiation of the Treaty Relating to  
11 Cooperative Development of the Water Resources of  
12 the Columbia River Basin, signed at Washington  
13 January 17, 1961 (15 UST 1555; TIAS 5638); and

14           (2) the execution of the obligations of the  
15 United States under the Treaty described in para-  
16 graph (1).

17       (b) STATUS UPDATES.—Not later than 90 days after  
18 the enactment of this Act and not less frequently than  
19 biannually thereafter, the Secretary shall update the Com-  
20 mittee on Environment and Public Works of the Senate  
21 and the Committee on Transportation and Infrastructure  
22 of the House of Representatives on—

23           (1) the status of activities carried out by the  
24 Secretary under subsection (a); and



1           (2) any recommendations for legislation to au-  
 2           thorize the Secretary to carry out additional activi-  
 3           ties for the purposes described in subsection (a).

4           (c) EXPIRATION.—The requirements of subsection  
 5 (b) shall terminate on the date that is not later than 1  
 6 year after ratification of any successor treaty to the Trea-  
 7 ty described in subsection (a)(1).

8 **SEC. 142. CONTINUATION OF CONSTRUCTION.**

9           (a) IN GENERAL.—The Secretary shall not include  
 10 the amount of Federal obligations incurred and non-Fed-  
 11 eral contributions provided for an authorized water re-  
 12 sources development project during the period beginning  
 13 on the date of enactment of this Act and ending on Sep-  
 14 tember 30, 2025, for purposes of determining if the cost  
 15 of the project exceeds the maximum cost of the project  
 16 under section 902 of the Water Resources Development  
 17 Act of 1986 (33 U.S.C. 2280).

18           (b) CONTINUATION OF CONSTRUCTION.—

19           (1) IN GENERAL.—The Secretary shall not,  
 20 solely on the basis of section 902 of the Water Re-  
 21 sources Development Act of 1986 (33 U.S.C.  
 22 2280)—

23                   (A) defer the initiation or continuation of  
 24 construction of a water resources development

1 project during the period described in sub-  
2 section (a); or

3 (B) terminate a contract for design or con-  
4 struction of a water resources development  
5 project entered into during the period described  
6 in subsection (a) after expiration of that period.

7 (2) RESUMPTION OF CONSTRUCTION.—The  
8 Secretary shall resume construction of any water re-  
9 sources development project for which construction  
10 was deferred on the basis of section 902 of the  
11 Water Resources Development Act of 1986 (33  
12 U.S.C. 2280) during the period beginning on Octo-  
13 ber 1, 2021, and ending on the date of enactment  
14 of this Act.

15 (c) STATUTORY CONSTRUCTION.—Nothing in this  
16 section waives the obligation of the Secretary to submit  
17 to the Committee on Environment and Public Works of  
18 the Senate and the Committee on Transportation and In-  
19 frastructure of the House of Representatives a post-au-  
20 thorization change report recommending an increase in  
21 the authorized cost of a project if the project otherwise  
22 would exceed the maximum cost of the project under sec-  
23 tion 902 of the Water Resources Development Act of 1986  
24 (33 U.S.C. 2280).

## **TITLE II—STUDIES AND REPORTS**

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

(a) IN GENERAL.—The Secretary is authorized to investigate the feasibility of the following projects:

(1) Project for ecosystem restoration, Mill Creek Levee and Walla Walla River, Oregon.

(2) Project for flood risk management and ecosystem restoration, Tittabawassee River, Chippewa River, Pine River, and Tobacco River, Michigan.

(3) Project for flood risk management, Southeast Michigan.

(4) Project for flood risk management, McMicken Dam, Arizona.

(5) Project for flood risk management, Ellicott City and Howard County, Maryland.

(6) Project for flood risk management, Ten Mile River, North Attleboro, Massachusetts.

(7) Project for flood risk management and water supply, Fox-Wolf Basin, Wisconsin.

(8) Project for flood risk management and ecosystem restoration, Thatchbed Island, Essex, Connecticut.

1           (9) Project for flood and coastal storm risk  
2 management, Cape Fear River Basin, North Caro-  
3 lina.

4           (10) Project for flood risk management, Lower  
5 Clear Creek and Dickinson Bayou, Texas.

6           (11) Project for flood risk management and  
7 ecosystem restoration, the Resacas, Hidalgo and  
8 Cameron Counties, Texas.

9           (12) Project for flood risk management, includ-  
10 ing levee improvement, Papillion Creek, Nebraska.

11           (13) Project for flood risk management, Offutt  
12 Ditch Pump Station, Nebraska.

13           (14) Project for flood risk management, naviga-  
14 tion, and ecosystem restoration, Mohawk River  
15 Basin, New York.

16           (15) Project for coastal storm risk manage-  
17 ment, Waikiki Beach, Hawaii.

18           (16) Project for ecosystem restoration and  
19 coastal storm risk management, Cumberland and  
20 Sea Islands, Georgia.

21           (17) Project for flood risk management,  
22 Wailupe Stream watershed, Hawaii.

23           (18) Project for flood and coastal storm risk  
24 management, Hawaii County, Hawaii.

1           (19) Project for coastal storm risk manage-  
2           ment, Maui County, Hawaii.

3           (20) Project for flood risk management, Sarpy  
4           County, Nebraska.

5           (21) Project for aquatic ecosystem restoration,  
6           including habitat for endangered salmon, Columbia  
7           River Basin.

8           (22) Project for ecosystem restoration, flood  
9           risk management, and recreation, Newport, Ken-  
10          tucky.

11          (23) Project for flood risk management and  
12          water supply, Jenkins, Kentucky.

13          (24) Project for flood risk management, includ-  
14          ing riverbank stabilization, Columbus, Kentucky.

15          (25) Project for flood and coastal storm risk  
16          management, navigation, and ecosystem restoration,  
17          South Shore, Long Island, New York.

18          (26) Project for flood risk management, coastal  
19          storm risk management, navigation, ecosystem res-  
20          toration, and water supply, Blind Brook, New York.

21          (27) Project for navigation, Cumberland River,  
22          Kentucky.

23          (b) PROJECT MODIFICATIONS.—The Secretary is au-  
24          thorized to investigate the feasibility of the following modi-  
25          fications to the following projects:

1           (1) Modifications to the project for navigation,  
2       South Haven Harbor, Michigan, for turning basin  
3       improvements.

4           (2) Modifications to the project for navigation,  
5       Rollinson Channel and channel from Hatteras Inlet  
6       to Hatteras, North Carolina, authorized by section  
7       101 of the River and Harbor Act of 1962 (76 Stat.  
8       1174), to incorporate the ocean bar.

9           (3) Modifications to the project for flood con-  
10      trol, Saint Francis River Basin, Missouri and Ar-  
11      kansas, authorized by section 204 of the Flood Con-  
12      trol Act of 1950 (64 Stat. 172, chapter 188), to pro-  
13      vide flood risk management for the tributaries and  
14      drainage of Straight Slough, Craighead, Poinsett,  
15      and Cross Counties, Arkansas.

16          (4) Modifications to the project for flood risk  
17      management, Cedar River, Cedar Rapids, Iowa, au-  
18      thorized by section 7002(2) of the Water Resources  
19      Reform and Development Act of 2014 (128 Stat.  
20      1366), consistent with the City of Cedar Rapids,  
21      Iowa, Cedar River Flood Control System Master  
22      Plan.

23          (5) Modifications to the project for navigation,  
24      Norfolk Harbor and Channels, Virginia, for Anchor-  
25      age F modifications.

1           (6) Modifications to the project for navigation,  
2       Savannah Harbor, Georgia, without evaluation of  
3       additional deepening.

4           (7) Modifications to the project for navigation,  
5       Honolulu Harbor, Hawaii, for navigation improve-  
6       ments and coastal storm risk management.

7           (8) Modifications to the project for navigation,  
8       Port of Ogdensburg, New York, including deepening.

9           (9) Modifications to the Huntington Local Pro-  
10      tection Project, Huntington, West Virginia.

11 **SEC. 202. SPECIAL RULES.**

12       (a) The studies authorized by paragraphs (12) and  
13       (13) of section 201(a) shall be considered a continuation  
14       of the study that resulted in the Chief's Report for the  
15       project for Papillion Creek and Tributaries Lakes, Ne-  
16       braska, signed January 24, 2022.

17       (b) The study authorized by section 201(a)(17) shall  
18       be considered a resumption and a continuation of the gen-  
19       eral reevaluation initiated on December 30, 2003.

20       (c) In carrying out the study authorized by section  
21       201(a)(25), the Secretary shall study the South Shore of  
22       Long Island, New York, as a whole system, including in-  
23       lets that are Federal channels.

1 (d) The studies authorized by section 201(b) shall be  
 2 considered new phase investigations afforded the same  
 3 treatment as a general reevaluation.

4 **SEC. 203. EXPEDITED COMPLETION OF STUDIES.**

5 (a) FEASIBILITY REPORTS.—The Secretary shall ex-  
 6 pedite the completion of a feasibility study for each of the  
 7 following projects, and if the Secretary determines that  
 8 the project is justified in a completed report, may proceed  
 9 directly to preconstruction planning, engineering, and de-  
 10 sign of the project:

11 (1) Modifications to the project for flood risk  
 12 management, North Adams, Massachusetts, author-  
 13 ized by section 5 of the Act of June 22, 1936 (com-  
 14 monly known as the “Flood Control Act of 1936”)  
 15 (49 Stat. 1572, chapter 688; 33 U.S.C. 701h), and  
 16 section 3 of the Act of August 18, 1941 (commonly  
 17 known as the “Flood Control Act of 1941”) (55  
 18 Stat. 639, chapter 377), for flood risk management  
 19 and ecosystem restoration.

20 (2) Project for coastal storm risk management,  
 21 Charleston Peninsula, South Carolina.

22 (3) Project for flood and coastal storm risk  
 23 management and ecosystem restoration, Boston  
 24 North Shore, Revere, Saugus, Lynn, Maiden, and  
 25 Everett, Massachusetts.



1           (4) Project for flood risk management, De Soto  
2     County, Mississippi.

3           (5) Project for coastal storm risk management,  
4     Chicago shoreline, Illinois.

5           (6) Project for flood risk management, Cave  
6     Buttes Dam, Arizona.

7           (7) Project for flood and coastal storm risk  
8     management, Chelsea, Massachusetts, authorized by  
9     a study resolution of the Committee on Public  
10    Works of the Senate dated September 12, 1969.

11          (8) Project for ecosystem restoration, Herring  
12    River Estuary, Barnstable County, Massachusetts,  
13    authorized by a study resolution of the Committee  
14    on Transportation and Infrastructure of the House  
15    of Representatives dated July 23, 1997.

16          (9) Project for coastal storm risk management,  
17    ecosystem restoration, and navigation, Nauset Bar-  
18    rier Beach and inlet system, Chatham, Massachu-  
19    setts, authorized by a study resolution of the Com-  
20    mittee on Public Works of the Senate dated Sep-  
21    tember 12, 1969.

22          (10) Project for flood risk management, East  
23    Hartford Levee System, Connecticut.

24          (11) Project for flood risk management, Rah-  
25    way, New Jersey, authorized by section 336 of the

1 Water Resources Development Act of 2020 (134  
2 Stat. 2712).

3 (12) New York and New Jersey Harbor Chan-  
4 nel Deepening Improvements, New York and New  
5 Jersey.

6 (13) Project for coastal storm risk manage-  
7 ment, Sea Bright to Manasquan, New Jersey.

8 (14) Project for coastal storm risk manage-  
9 ment, Raritan Bay and Sandy Hook Bay, New Jer-  
10 sey.

11 (15) Tacoma Harbor Navigation Improvement  
12 Project, Washington.

13 (16) Project for coastal storm risk manage-  
14 ment, South Central Coastal Louisiana, Louisiana.

15 (17) Project for coastal storm risk manage-  
16 ment, St. Tammany Parish, Louisiana.

17 (18) Project for ecosystem restoration, Fox  
18 River, Illinois, authorized by section 519 of the  
19 Water Resources Development Act of 2000 (114  
20 Stat. 2653).

21 (19) Project for ecosystem restoration, Chicago  
22 River, Illinois.

23 (20) Project for ecosystem restoration, Three  
24 Forks of Beargrass Creek, Kentucky.

1           (21) Project for ecosystem restoration, Lake  
2       Okeechobee, Florida.

3           (22) Project for ecosystem restoration, Western  
4       Everglades, Florida.

5           (23) Modifications to the project for navigation,  
6       Hilo Harbor, Hawaii.

7           (24) Project for flood risk management,  
8       Kanawha River Basin, West Virginia, Virginia,  
9       North Carolina.

10          (25) Modifications to the project for navigation,  
11       Auke Bay, Alaska.

12       (b) POST-AUTHORIZATION CHANGE REPORTS.—The  
13       Secretary shall expedite completion of a post-authorization  
14       change report for the following projects:

15           (1) Project for ecosystem restoration, Tres  
16       Rios, Arizona, authorized by section 101(b)(4) of the  
17       Water Resources Development Act of 2000 (114  
18       Stat. 2577).

19           (2) Project for coastal storm risk management,  
20       Surf City and North Topsail Beach, North Carolina,  
21       authorized by section 7002(3) of the Water Re-  
22       sources Reform and Development Act of 2014 (128  
23       Stat. 1367).

24           (3) Project for water supply and ecosystem res-  
25       toration, Howard A. Hanson Dam, Washington, au-

1       thorized by section 101(b)(15) of the Water Re-  
2       sources Development Act of 1999 (113 Stat. 281).

3           (4) Project for ecosystem restoration, Central  
4       and Southern Florida, Indian River Lagoon, Flor-  
5       ida, authorized by section 1001(14) of the Water  
6       Resources Development Act of 2007 (121 Stat.  
7       1051).

8       (c) WATERSHED AND RIVER BASIN ASSESSMENTS.—  
9       The Secretary shall expedite the completion of the fol-  
10      lowing assessments under section 729 of the Water Re-  
11      sources Development Act of 1986 (33 U.S.C. 2267a):

12           (1) Great Lakes Coastal Resiliency Study, Illi-  
13      nois, Indiana, Michigan, Minnesota, New York,  
14      Ohio, Pennsylvania, and Wisconsin.

15           (2) Ouachita-Black Rivers, Arkansas and Lou-  
16      isiana.

17           (3) Project for watershed assessment, Hawaii  
18      County, Hawaii.

19       (d) DISPOSITION STUDY.—The Secretary shall expe-  
20      dite the completion of the disposition study for the Los  
21      Angeles County Drainage Area under section 216 of the  
22      Flood Control Act of 1970 (33 U.S.C. 549a).

1 **SEC. 204. STUDIES FOR PERIODIC NOURISHMENT.**

2 (a) IN GENERAL.—Section 156 of the Water Re-  
3 sources Development Act of 1976 (42 U.S.C. 1962d–5f))  
4 is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1), by striking “15” and  
7 inserting “50”; and

8 (B) in paragraph (2), by striking “15”;

9 (2) in subsection (e)—

10 (A) by striking “10-year period” and in-  
11 serting “16-year period”; and

12 (B) by striking “6 years” and inserting  
13 “12 years”; and

14 (3) by adding at the end the following:

15 “(f) TREATMENT OF STUDIES.—A study carried out  
16 under subsection (b) shall be considered a new phase in-  
17 vestigation afforded the same treatment as a general re-  
18 evaluation.”.

19 (b) INDIAN RIVER INLET SAND BYPASS PLANT.—

20 For purposes of the project for coastal storm risk manage-  
21 ment, Delaware Coast Protection, Delaware (commonly  
22 known as the “Indian River Inlet Sand Bypass Plant”),  
23 authorized by section 869 of the Water Resources Devel-  
24 opment Act of 1986 (100 Stat. 4182), a study carried out  
25 under section 156(b) of the Water Resources Development  
26 Act of 1976 (42 U.S.C. 1962d–5f(b)) shall consider as an

1 alternative for periodic nourishment continued reimburse-  
 2 ment of the Federal share of the cost to the non-Federal  
 3 interest for the project to operate and maintain a sand  
 4 bypass plant.

5 **SEC. 205. NEPA REPORTING.**

6 (a) DEFINITIONS.—In this section:

7 (1) CATEGORICAL EXCLUSION.—The term “cat-  
 8 egorical exclusion” has the meaning given the term  
 9 in section 1508.1 of title 40, Code of Federal Regu-  
 10 lations (or a successor regulation).

11 (2) ENVIRONMENTAL ASSESSMENT.—The term  
 12 “environmental assessment” has the meaning given  
 13 the term in section 1508.1 of title 40, Code of Fed-  
 14 eral Regulations (or a successor regulation).

15 (3) ENVIRONMENTAL IMPACT STATEMENT.—  
 16 The term “environmental impact statement” means  
 17 a detailed written statement required under section  
 18 102(2)(C) of the National Environmental Policy Act  
 19 of 1969 (42 U.S.C. 4332(2)(C)).

20 (4) FINDING OF NO SIGNIFICANT IMPACT.—The  
 21 term “finding of no significant impact” has the  
 22 meaning given the term in section 1508.1 of title 40,  
 23 Code of Federal Regulations (or a successor regula-  
 24 tion).

25 (5) NEPA PROCESS.—

1 (A) IN GENERAL.—The term “NEPA  
2 process” has the meaning given the term in sec-  
3 tion 1508.1 of title 40, Code of Federal Regula-  
4 tions (or a successor regulation).

5 (B) PERIOD.—For purposes of subpara-  
6 graph (A), the NEPA process—

7 (i) begins on the date on which the  
8 Secretary initiates a project study; and

9 (ii) ends on the date on which the  
10 Secretary issues, with respect to the  
11 project study—

12 (I) a record of decision, includ-  
13 ing, if necessary, a revised record of  
14 decision;

15 (II) a finding of no significant  
16 impact; or

17 (III) a categorical exclusion  
18 under title I of the National Environ-  
19 mental Policy Act of 1969 (42 U.S.C.  
20 4331 et seq.).

21 (6) PROJECT STUDY.—The term “project  
22 study” means a feasibility study for a project carried  
23 out pursuant to section 905 of the Water Resources  
24 Development Act of 1986 (33 U.S.C. 2282) for  
25 which a categorical exclusion, an environmental as-

1        sessment, or an environmental impact statement is  
2        required pursuant to the National Environmental  
3        Policy Act of 1969 (42 U.S.C. 4321 et seq.).

4        (b) REPORTS.—

5            (1) NEPA DATA.—

6            (A) IN GENERAL.—The Secretary shall  
7            carry out a process to track, and annually sub-  
8            mit to the Committee on Environment and  
9            Public Works of the Senate and the Committee  
10          on Transportation and Infrastructure of the  
11          House of Representatives a report containing,  
12          the information described in subparagraph (B).

13          (B) INFORMATION DESCRIBED.—The in-  
14          formation referred to in subparagraph (A) is,  
15          with respect to the Corps of Engineers—

16            (i) the number of project studies for  
17            which a categorical exclusion was used dur-  
18            ing the reporting period;

19            (ii) the number of project studies for  
20            which the decision to use a categorical ex-  
21            clusion, to prepare an environmental as-  
22            sessment, or to prepare an environmental  
23            impact statement is pending on the date  
24            on which the report is submitted;



1 (iii) the number of project studies for  
2 which an environmental assessment was  
3 issued during the reporting period, broken  
4 down by whether a finding of no signifi-  
5 cant impact, if applicable, was based on  
6 mitigation;

7 (iv) the length of time the Corps of  
8 Engineers took to complete each environ-  
9 mental assessment described in clause (iii);

10 (v) the number of project studies  
11 pending on the date on which the report is  
12 submitted for which an environmental as-  
13 sessment is being drafted;

14 (vi) the number of project studies for  
15 which an environmental impact statement  
16 was issued during the reporting period;

17 (vii) the length of time the Corps of  
18 Engineers took to complete each environ-  
19 mental impact statement described in  
20 clause (vi); and

21 (viii) the number of project studies  
22 pending on the date on which the report is  
23 submitted for which an environmental im-  
24 pact statement is being drafted.

1           (2) PUBLIC ACCESS TO NEPA REPORTS.—The  
2       Secretary shall make publicly available each annual  
3       report required under paragraph (1).

4   **SEC. 206. GAO AUDIT OF PROJECTS OVER BUDGET OR BE-**  
5                   **HIND SCHEDULE.**

6       (a) IN GENERAL.—Not later than 1 year after the  
7       date of enactment of this Act, the Comptroller General  
8       of the United States shall conduct a review of the factors  
9       and conditions for each ongoing water resources develop-  
10      ment project carried out by the Secretary for which—

11           (1) the current estimated total project cost of  
12      the project exceeds the original estimated total  
13      project cost of the project by not less than  
14      \$50,000,000; or

15           (2) the current estimated completion date of the  
16      project exceeds the original estimated completion  
17      date of the project by not less than 5 years.

18      (b) REPORT.—The Comptroller General of the  
19      United States shall submit to the Committee on Environ-  
20      ment and Public Works of the Senate and the Committee  
21      on Transportation and Infrastructure of the House of  
22      Representatives a report on the findings of the review  
23      under subsection (a).

1   **SEC. 207. GAO STUDY ON PROJECT DISTRIBUTION.**

2           (a) IN GENERAL.—Not later than 1 year after the  
3   date of enactment of this Act, the Comptroller General  
4   of the United States shall conduct an analysis of the geo-  
5   graphic distribution of annual and supplemental funding  
6   for water resources development projects carried out by  
7   the Secretary over the previous 10 fiscal years and the  
8   factors that have led to that distribution.

9           (b) REPORT.—The Comptroller General of the  
10   United States shall submit to the Committee on Environ-  
11   ment and Public Works of the Senate and the Committee  
12   on Transportation and Infrastructure of the House of  
13   Representatives a report on the findings of the analysis  
14   under subsection (a).

15   **SEC. 208. GAO AUDIT OF JOINT COSTS FOR OPERATIONS**  
16                           **AND MAINTENANCE.**

17           (a) IN GENERAL.—Not later than 1 year after the  
18   date of enactment of this Act, the Comptroller General  
19   of the United States shall conduct a review of the practices  
20   of the Corps of Engineers with respect to the determina-  
21   tion of joint costs associated with operations and mainte-  
22   nance of reservoirs owned and operated by the Secretary.

23           (b) REPORT.—The Comptroller General of the  
24   United States shall submit to the Committee on Environ-  
25   ment and Public Works of the Senate and the Committee  
26   on Transportation and Infrastructure of the House of

1 Representatives a report on the findings of the review  
2 under subsection (a) and any recommendations that result  
3 from the review.

4 **SEC. 209. GAO REVIEW OF CORPS OF ENGINEERS MITIGA-**  
5 **TION PRACTICES.**

6 (a) IN GENERAL.—Not later than 1 year after the  
7 date of enactment of this Act, the Comptroller General  
8 of the United States shall carry out a review of the water  
9 resources development project mitigation practices of the  
10 Corps of Engineers.

11 (b) CONTENT.—The review under subsection (a) shall  
12 include an evaluation of—

13 (1) the implementation by the Corps of Engi-  
14 neers of the final rule issued on April 10, 2008, enti-  
15 tled “Compensatory Mitigation for Losses of Aquatic  
16 Resources” (73 Fed. Reg. 19594), including, at a  
17 minimum—

18 (A) the extent to which the final rule is  
19 consistently implemented by the districts of the  
20 Corps of Engineers; and

21 (B) the performance of each of the mitiga-  
22 tion mechanisms included in the final rule; and  
23 (2) opportunities to utilize alternative methods  
24 to satisfy mitigation requirements of water resources

1 development projects, including, at a minimum, per-  
 2 formance-based contracts.

3 (c) REPORT.—The Comptroller General of the United  
 4 States shall submit to the Committee on Environment and  
 5 Public Works of the Senate and the Committee on Trans-  
 6 portation and Infrastructure of the House of Representa-  
 7 tives a report on the findings of the review under sub-  
 8 section (a) and any recommendations that result from the  
 9 review.

10 (d) DEFINITION OF PERFORMANCE-BASED CON-  
 11 TRACT.—In this section, the term “performance-based  
 12 contract” means a procurement mechanism by which the  
 13 Corps of Engineers contracts with a public or private non-  
 14 Federal entity for a specific mitigation outcome require-  
 15 ment, with payment to the entity linked to delivery of  
 16 verifiable and successful mitigation performance.

17 **SEC. 210. SABINE-NECHES WATERWAY NAVIGATION IM-**  
 18 **PROVEMENT PROJECT, TEXAS.**

19 The Secretary shall expedite the review and coordina-  
 20 tion of the feasibility study for the project for navigation,  
 21 Sabine–Neches Waterway, Texas, under section 203(b) of  
 22 the Water Resources Development Act of 1986 (33 U.S.C.  
 23 2231(b)).

1 **SEC. 211. GREAT LAKES RECREATIONAL BOATING.**

2 Not later than 1 year after the date of enactment  
3 of this Act, the Secretary shall prepare, at full Federal  
4 expense, and submit to the Committee on Environment  
5 and Public Works of the Senate and the Committee on  
6 Transportation and Infrastructure of the House of Rep-  
7 resentatives a report updating the findings of the report  
8 on the economic benefits of recreational boating in the  
9 Great Lakes basin prepared under section 455(c) of the  
10 Water Resources Development Act of 1999 (42 U.S.C.  
11 1962d–21(c)).

12 **SEC. 212. UPPER ST. JOHNS RIVER BASIN, CENTRAL AND**  
13 **SOUTHERN FLORIDA.**

14 (a) IN GENERAL.—On request and at the expense of  
15 the St. Johns River Water Management District, the Sec-  
16 retary shall evaluate the effects of deauthorizing the  
17 southernmost 3.5-mile reach of the L–73 levee, Section 2,  
18 Osceola County, Florida, on the functioning of the project  
19 for flood control and other purposes, Upper St. Johns  
20 River Basin, Central and Southern Florida, authorized by  
21 section 203 of the Flood Control Act of 1948 (62 Stat.  
22 1176).

23 (b) REPORT.—In carrying out the evaluation under  
24 subsection (a), the Secretary shall—

25 (1) prepare a report that includes the results of  
26 the evaluation, including—

1 (A) the advisability of deauthorizing the  
2 levee described in that subsection; and

3 (B) any recommendations for conditions  
4 that should be placed on a deauthorization to  
5 protect the interests of the United States and  
6 the public; and

7 (2) submit to the Committee on Environment  
8 and Public Works of the Senate and the Committee  
9 on Transportation and Infrastructure of the House  
10 of Representatives the report under paragraph (1)  
11 as part of the annual report submitted to Congress  
12 pursuant to section 7001 of the Water Resources  
13 Reform and Development Act of 2014 (33 U.S.C.  
14 2282d).

15 **SEC. 213. INVESTMENTS FOR RECREATION AREAS.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) The Corps of Engineers operates more  
18 recreation areas than any other Federal or State  
19 agency, apart from the Department of Interior.

20 (2) Nationally, visitors to nearly 600 dams and  
21 lakes, managed by the Corps of Engineers, spend an  
22 estimated \$12,000,000,000 per year and support  
23 500,000 jobs.

1           (3) Lakes managed by the Corps of Engineers  
2       are economic drivers that support rural commu-  
3       nities.

4       (b) SENSE OF CONGRESS.—It is the sense of Con-  
5       gress that the Corps of Engineers should use all available  
6       authorities to promote and enhance development and rec-  
7       reational opportunities at lakes that are part of authorized  
8       civil works projects under the administrative jurisdiction  
9       of the Corps of Engineers.

10       (c) REPORT.—Not later than 180 days after the en-  
11       actment of this Act, the Secretary shall submit to the  
12       Committee on Environment and Public Works of the Sen-  
13       ate and the Committee on Transportation and Infrastruc-  
14       ture of the House of Representatives a report on invest-  
15       ments needed to support recreational activities that are  
16       part of authorized water resources development projects  
17       under the administrative jurisdiction of the Corps of Engi-  
18       neers.

19       (d) REQUIREMENTS.—The report under subsection  
20       (c) shall include—

21           (1) a list of deferred maintenance projects, in-  
22       cluding maintenance projects relating to recreational  
23       facilities, sites, and associated access roads;



1           (2) a plan to fund the projects described in  
 2           paragraph (1) over the 5-year period following the  
 3           date of enactment of this Act;

4           (3) a description of efforts made by the Corps  
 5           of Engineers to coordinate investments in rec-  
 6           reational facilities, sites, and associated access roads  
 7           with—

8                       (A) State and local governments; or

9                       (B) private entities; and

10          (4) an assessment of whether the modification  
 11          of Federal contracting requirements could accelerate  
 12          the availability of funds for the projects described in  
 13          paragraph (1).

14   **SEC. 214. WESTERN INFRASTRUCTURE STUDY.**

15          (a) DEFINITIONS OF NATURAL FEATURE AND NA-  
 16          TURE-BASED FEATURE.—In this section, the terms “nat-  
 17          ural feature” and “nature-based feature” have the mean-  
 18          ings given those terms in section 1184(a) of the WIIN  
 19          Act (33 U.S.C. 2289a(a)).

20          (b) COMPREHENSIVE STUDY.—The Secretary shall  
 21          conduct a comprehensive study (referred to in this section  
 22          as the “study”) to evaluate the effectiveness of carrying  
 23          out additional measures, including measures that utilize  
 24          natural features or nature-based features at or upstream  
 25          of reservoirs for the purposes of—

1           (1) sustaining operations in response to chang-  
2           ing hydrological and climatic conditions;

3           (2) mitigating the risk of drought or floods, in-  
4           cluding the loss of storage capacity due to sediment  
5           accumulation;

6           (3) increasing water supply; or

7           (4) aquatic ecosystem restoration.

8       (c) STUDY FOCUS.—In conducting the study, the  
9       Secretary shall include all reservoirs owned and operated  
10      by the Secretary and reservoirs for which the Secretary  
11      has flood control responsibilities under section 7 of the Act  
12      of December 22, 1944 (commonly known as the “Flood  
13      Control Act of 1944”) (58 Stat. 890, chapter 665; 33  
14      U.S.C. 709), in the South Pacific Division of the Corps  
15      of Engineers.

16      (d) CONSULTATION AND USE OF EXISTING DATA.—

17           (1) CONSULTATION.—In conducting the study,  
18      the Secretary shall consult with applicable—

19                   (A) Federal, State, and local agencies;

20                   (B) Indian Tribes;

21                   (C) non-Federal interests; and

22                   (D) other stakeholders, as determined ap-  
23      propriate by the Secretary.

1           (2) USE OF EXISTING DATA AND PRIOR STUD-  
2       IES.—To the maximum extent practicable and where  
3       appropriate, the Secretary may—

4           (A) use existing data provided to the Sec-  
5       retary by entities described in paragraph (1);  
6       and

7           (B) incorporate—

8           (i) relevant information from prior  
9       studies and projects carried out by the  
10      Secretary; and

11          (ii) the latest technical data and sci-  
12      entific approaches with respect to changing  
13      hydrological and climatic conditions.

14      (e) REPORT.—Not later than 3 years after the date  
15      of enactment of this Act, the Secretary shall submit to  
16      the Committee on Environment and Public Works of the  
17      Senate and the Committee on Transportation and Infra-  
18      structure of the House of Representatives a report that  
19      describes—

20          (1) the results of the study; and

21          (2) any recommendations on site-specific areas  
22      where additional study is recommended by the Sec-  
23      retary.

24      (f) SAVINGS PROVISION.—Nothing in this section  
25      provides authority to the Secretary to change the author-

1 ized purposes at any of the reservoirs described in sub-  
2 section (c).

3 **SEC. 215. UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-**  
4 **WAY SYSTEM.**

5 Section 8004(g) of the Water Resources Development  
6 Act of 2007 (33 U.S.C. 652 note; Public Law 110–114)  
7 is amended—

8 (1) by redesignating paragraph (2) as para-  
9 graph (3); and

10 (2) by inserting after paragraph (1) the fol-  
11 lowing:

12 “(2) REPORT ON WATER LEVEL MANAGE-  
13 MENT.—Not later than 1 year after the date of en-  
14 actment of the Water Resources Development Act of  
15 2022, the Secretary shall submit to the Committee  
16 on Environment and Public Works of the Senate  
17 and the Committee on Transportation and Infra-  
18 structure of the House of Representatives an imple-  
19 mentation report on opportunities to expand the use  
20 of water level management on the Upper Mississippi  
21 River and Illinois Waterway System for the purpose  
22 of ecosystem restoration.”.

1 **SEC. 216. WEST VIRGINIA HYDROPOWER.**

2 (a) IN GENERAL.—For water resources development  
3 projects described in subsection (b), the Secretary is au-  
4 thorized—

5 (1) to evaluate the feasibility of modifications to  
6 such projects for the purposes of adding Federal hy-  
7 dropower or energy storage development; and

8 (2) to grant approval for the use of such  
9 projects for non-Federal hydropower or energy stor-  
10 age development in accordance with section 14 of  
11 the Act of March 3, 1899 (commonly known as the  
12 “Rivers and Harbors Act of 1899”) (30 Stat. 1152,  
13 chapter 425; 33 U.S.C. 408).

14 (b) PROJECTS DESCRIBED.—The projects referred to  
15 in subsection (a) are the following:

16 (1) Sutton Dam, Braxton County, West Vir-  
17 ginia, authorized by section 5 of the Act of June 22,  
18 1936 (49 Stat. 1586, chapter 688).

19 (2) Hildebrand Lock and Dam, Monongahela  
20 County, West Virginia, authorized by section 101 of  
21 the River and Harbor Act of 1950 (64 Stat. 166,  
22 chapter 188).

23 (3) Bluestone Lake, Summers County, West  
24 Virginia, authorized by section 5 of the Act of June  
25 22, 1936 (49 Stat. 1586, chapter 688).

(6) East Lynn Dam, Wayne County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(c) DEMONSTRATION PROJECTS.—The authority for facility modifications under subsection (a) includes demonstration projects.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, 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 plan to implement the recreational and economic development opportunities identified by the Secretary in the report prepared under section 206 of the Water Resources

1 Development Act of 2020 (134 Stat. 2680) at Corps of  
 2 Engineers facilities located within a distressed or at-risk  
 3 county (as described in subsection (a)(1) of that section)  
 4 in Appalachia.

5 (b) CONSIDERATIONS.—In preparing the plan under  
 6 subsection (a), the Secretary shall consider options for  
 7 Federal funding, partnerships, and outgrants to Federal,  
 8 State, and local governments, nonprofit organizations, and  
 9 commercial businesses.

10 **SEC. 218. AUTOMATED FEE MACHINES.**

11 For the purpose of mitigating adverse impacts to  
 12 public access to outdoor recreation, to the maximum ex-  
 13 tent practicable, the Secretary shall consider alternatives  
 14 to the use of automated fee machines for the collection  
 15 of fees for the use of developed recreation sites and facili-  
 16 ties in West Virginia.

17 **SEC. 219. LAKE CHAMPLAIN CANAL, VERMONT AND NEW**  
 18 **YORK.**

19 Section 5146 of the Water Resources Development  
 20 Act of 2007 (121 Stat. 1255) is amended by adding at  
 21 the end the following:

22 “(c) CLARIFICATIONS.—

23 “(1) IN GENERAL.—At the request of the non-  
 24 Federal interest for the study of the Lake Cham-  
 25 plain Canal Aquatic Invasive Species Barrier carried

1 out under section 542 of the Water Resources Devel-  
 2 opment Act of 2000 (114 Stat. 2671; 121 Stat.  
 3 1150; 134 Stat. 2652), the Secretary shall scope the  
 4 phase II portion of that study to satisfy the feasi-  
 5 bility determination under subsection (a).

6 “(2) DISPERSAL BARRIER.—A dispersal barrier  
 7 constructed, maintained, or operated under this sec-  
 8 tion may include—

9 “(A) physical hydrologic separation;

10 “(B) nonstructural measures;

11 “(C) deployment of technologies;

12 “(D) buffer zones; or

13 “(E) any combination of the approaches  
 14 described in subparagraphs (A) through (D).”.

15 **SEC. 220. REPORT ON CONCESSIONAIRE PRACTICES.**

16 (a) IN GENERAL.—Not later than 1 year after the  
 17 date of enactment of this Act, the Secretary shall submit  
 18 to the Committee on Environment and Public Works of  
 19 the Senate and the Committee on Transportation and In-  
 20 frastructure of the House of Representatives a report on  
 21 concessionaire lease practices by the Corps of Engineers.

22 (b) INCLUSIONS.—The report under subsection (a)  
 23 shall include, at a minimum—

24 (1) an assessment of the reasonableness of the  
 25 formula of the Corps of Engineers for calculating



1 concessionaire rental rates, taking into account the  
 2 operating margins for sales of food and fuel; and

3 (2) the process for assessing administrative fees  
 4 to concessionaires across districts of the Corps of  
 5 Engineers.

6 **TITLE III—DEAUTHORIZATIONS,**  
 7 **MODIFICATIONS, AND RE-**  
 8 **LATED PROVISIONS**

9 **SEC. 301. ADDITIONAL ASSISTANCE FOR CRITICAL**  
 10 **PROJECTS.**

11 (a) ATLANTA, GEORGIA.—Section 219(e)(5) of the  
 12 Water Resources Development Act of 1992 (106 Stat.  
 13 4835; 110 Stat. 3757; 113 Stat. 334) is amended by strik-  
 14 ing “\$25,000,000” and inserting “\$75,000,000”.

15 (b) EASTERN SHORE AND SOUTHWEST VIRGINIA.—  
 16 Section 219(f)(10)(A) of the Water Resources Develop-  
 17 ment Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121  
 18 Stat. 1255) is amended—

19 (1) by striking “\$20,000,000” and inserting  
 20 “\$52,000,000”; and

21 (2) by striking “Accomac” and inserting  
 22 “Accomack”.

23 (c) LAKES MARION AND MOULTRIE, SOUTH CARO-  
 24 LINA.—Section 219(f)(25) of the Water Resources Devel-  
 25 opment Act of 1992 (106 Stat. 4835; 113 Stat. 336; 130

1 Stat. 1677; 134 Stat. 2719) is amended by striking  
2 “\$110,000,000” and inserting “\$151,500,000”.

3 (d) LAKE COUNTY, ILLINOIS.—Section 219(f)(54) of  
4 the Water Resources Development Act of 1992 (106 Stat.  
5 4835; 113 Stat. 334; 114 Stat. 2763A–221) is amended—

6 (1) in the paragraph heading, by striking  
7 “COOK COUNTY” and inserting “COOK COUNTY AND  
8 LAKE COUNTY”; and

9 (2) by striking “\$35,000,000” and inserting  
10 “\$100,000,000”.

11 (e) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—  
12 Section 219(f)(55) of the Water Resources Development  
13 Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat.  
14 2763A–221; 134 Stat. 2718) is amended by striking  
15 “\$45,000,000” and inserting “\$100,000,000”.

16 (f) CALAVERAS COUNTY, CALIFORNIA.—Section  
17 219(f)(86) of the Water Resources Development Act of  
18 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259)  
19 is amended by striking “\$3,000,000” and inserting  
20 “\$13,280,000”.

21 (g) LOS ANGELES COUNTY, CALIFORNIA.—Section  
22 219(f) of the Water Resources Development Act of 1992  
23 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259) is  
24 amended by striking paragraph (93) and inserting the fol-  
25 lowing:

1 “(93) LOS ANGELES COUNTY, CALIFORNIA.—

2 “(A) IN GENERAL.—\$38,000,000 for  
3 wastewater and water related infrastructure,  
4 Los Angeles County, California.

5 “(B) ELIGIBILITY.—The Water Replenish-  
6 ment District of Southern California may be el-  
7 igible for assistance under this paragraph.”.

8 (h) MICHIGAN.—Section 219(f)(157) of the Water  
9 Resources Development Act of 1992 (106 Stat. 4835; 113  
10 Stat. 334; 121 Stat. 1262) is amended—

11 (1) by striking “\$35,000,000 for” and inserting  
12 the following:

13 “(A) IN GENERAL.—\$85,000,000 for”; and

14 (2) by adding at the end the following:

15 “(B) ADDITIONAL PROJECTS.—Amounts  
16 made available under subparagraph (A) may be  
17 used for design and construction projects for  
18 water-related environmental infrastructure and  
19 resource protection and development projects in  
20 Michigan, including for projects for wastewater  
21 treatment and related facilities, water supply  
22 and related facilities, environmental restoration,  
23 and surface water resource protection and de-  
24 velopment.”.

1 (i) MYRTLE BEACH AND VICINITY, SOUTH CARO-  
 2 LINA.—Section 219(f) of the Water Resources Develop-  
 3 ment Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121  
 4 Stat. 1267) is amended by striking paragraph (250) and  
 5 inserting the following:

6 “(250) MYRTLE BEACH AND VICINITY, SOUTH  
 7 CAROLINA.—\$31,000,000 for environmental infra-  
 8 structure, including ocean outfalls, Myrtle Beach  
 9 and vicinity, South Carolina.”.

10 (j) NORTH MYRTLE BEACH AND VICINITY, SOUTH  
 11 CAROLINA.—Section 219(f) of the Water Resources De-  
 12 velopment Act of 1992 (106 Stat. 4835; 113 Stat. 334;  
 13 121 Stat. 1267) is amended by striking paragraph (251)  
 14 and inserting the following:

15 “(251) NORTH MYRTLE BEACH AND VICINITY,  
 16 SOUTH CAROLINA.—\$74,000,000 for environmental  
 17 infrastructure, including ocean outfalls, North Myr-  
 18 tle Beach and vicinity, South Carolina.”.

19 (k) HORRY COUNTY, SOUTH CAROLINA.—Section  
 20 219(f) of the Water Resources Development Act of 1992  
 21 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) is  
 22 amended by adding at the end the following:

23 “(274) HORRY COUNTY, SOUTH CAROLINA.—  
 24 \$19,000,000 for environmental infrastructure, in-

1 including ocean outfalls, Horry County, South Caro-  
 2 lina.”.

3 (l) LANE COUNTY, OREGON.—Section 219(f) of the  
 4 Water Resources Development Act of 1992 (106 Stat.  
 5 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by sub-  
 6 section (k)) is amended by adding at the end the following:

7 “(275) LANE COUNTY, OREGON.—\$20,000,000  
 8 for environmental infrastructure, Lane County, Or-  
 9 egon.”.

10 (m) PLACER COUNTY, CALIFORNIA.—Section 219(f)  
 11 of the Water Resources Development Act of 1992 (106  
 12 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended  
 13 by subsection (l)) is amended by adding at the end the  
 14 following:

15 “(276) PLACER COUNTY, CALIFORNIA.—  
 16 \$21,000,000 for environmental infrastructure, Plac-  
 17 er County, California.”.

18 (n) ALAMEDA COUNTY, CALIFORNIA.—Section  
 19 219(f) of the Water Resources Development Act of 1992  
 20 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as  
 21 amended by subsection (m)) is amended by adding at the  
 22 end the following:

23 “(277) ALAMEDA COUNTY, CALIFORNIA.—  
 24 \$20,000,000 for environmental infrastructure, Ala-  
 25 meda County, California.”.

1 (o) TEMECULA CITY, CALIFORNIA.—Section 219(f)  
2 of the Water Resources Development Act of 1992 (106  
3 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended  
4 by subsection (n)) is amended by adding at the end the  
5 following:

6 “(278) TEMECULA CITY, CALIFORNIA.—  
7 \$18,000,000 for environmental infrastructure,  
8 Temecula City, California.”.

9 (p) YOLO COUNTY, CALIFORNIA.—Section 219(f) of  
10 the Water Resources Development Act of 1992 (106 Stat.  
11 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by sub-  
12 section (o)) is amended by adding at the end the following:

13 “(279) YOLO COUNTY, CALIFORNIA.—  
14 \$6,000,000 for environmental infrastructure, Yolo  
15 County, California.”.

16 (q) CLINTON, MISSISSIPPI.—Section 219(f) of the  
17 Water Resources Development Act of 1992 (106 Stat.  
18 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by sub-  
19 section (p)) is amended by adding at the end the following:

20 “(280) CLINTON, MISSISSIPPI.—\$13,600,000  
21 for environmental infrastructure, Clinton, Mis-  
22 sissippi.”.

23 (r) OXFORD, MISSISSIPPI.—Section 219(f) of the  
24 Water Resources Development Act of 1992 (106 Stat.

1 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by sub-  
2 section (q)) is amended by adding at the end the following:

3 “(281) OXFORD, MISSISSIPPI.—\$10,000,000 for  
4 environmental infrastructure, Oxford, Mississippi.”.

5 (s) MADISON COUNTY, MISSISSIPPI.—Section 219(f)  
6 of the Water Resources Development Act of 1992 (106  
7 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended  
8 by subsection (r)) is amended by adding at the end the  
9 following:

10 “(282) MADISON COUNTY, MISSISSIPPI.—  
11 \$10,000,000 for environmental infrastructure, Madi-  
12 son County, Mississippi.”.

13 (t) RANKIN COUNTY, MISSISSIPPI.—Section 219(f)  
14 of the Water Resources Development Act of 1992 (106  
15 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended  
16 by subsection (s)) is amended by adding at the end the  
17 following:

18 “(283) RANKIN COUNTY, MISSISSIPPI.—  
19 \$10,000,000 for environmental infrastructure,  
20 Rankin County, Mississippi.”.

21 (u) MERIDIAN, MISSISSIPPI.—Section 219(f) of the  
22 Water Resources Development Act of 1992 (106 Stat.  
23 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by sub-  
24 section (t)) is amended by adding at the end the following:

1           “(284) MERIDIAN, MISSISSIPPI.—\$10,000,000  
2       for wastewater infrastructure, Meridian, Mis-  
3       sissippi.”.

4       (v) DELAWARE.—Section 219(f) of the Water Re-  
5       sources Development Act of 1992 (106 Stat. 4835; 113  
6       Stat. 334; 121 Stat. 1268) (as amended by subsection (u))  
7       is amended by adding at the end the following:

8           “(285) DELAWARE.—\$50,000,000 for sewer,  
9       stormwater system improvements, storage treatment,  
10      environmental restoration, and related water infra-  
11      structure, Delaware.”.

12      (w) QUEENS, NEW YORK.—Section 219(f) of the  
13      Water Resources Development Act of 1992 (106 Stat.  
14      4835; 113 Stat. 334; 121 Stat. 1268) (as amended by sub-  
15      section (v)) is amended by adding at the end the following:

16           “(286) QUEENS, NEW YORK.—\$20,000,000 for  
17      the design and construction of stormwater manage-  
18      ment and improvements to combined sewer overflows  
19      to reduce the risk of flood impacts, Queens, New  
20      York.”.

21      (x) GEORGIA.—Section 219(f) of the Water Re-  
22      sources Development Act of 1992 (106 Stat. 4835; 113  
23      Stat. 334; 121 Stat. 1268) (as amended by subsection  
24      (w)) is amended by adding at the end the following:



1           “(287) GEORGIA.—\$75,000,000 for environ-  
2       mental infrastructure, Baldwin County, Bartow  
3       County, Floyd County, Haralson County, Jones  
4       County, Gilmer County, Towns County, Warren  
5       County, Lamar County, Lowndes County, Troup  
6       County, Madison County, Toombs County, Dade  
7       County, Bulloch County, Gordon County, Walker  
8       County, Dooly County, Butts County, Clarke Coun-  
9       ty, Crisp County, Newton County, Bibb County,  
10      Baker County, Barrow County, Oglethorpe County,  
11      Peach County, Brooks County, Carroll County,  
12      Worth County, Jenkins County, Wheeler County,  
13      Calhoun County, Randolph County, Wilcox County,  
14      Stewart County, Telfair County, Clinch County,  
15      Hancock County, Ben Hill County, Jeff Davis Coun-  
16      ty, Chattooga County, Lanier County, Brantley  
17      County, Charlton County, Tattnall County, Emanuel  
18      County, Mitchell County, Turner County, Bacon  
19      County, Terrell County, Macon County, Ware Coun-  
20      ty, Bleckley County, Colquitt County, Washington  
21      County, Berrien County, Coffee County, Pulaski  
22      County, Cook County, Atkinson County, Candler  
23      County, Taliaferro County, Evans County, Johnson  
24      County, Irwin County, Dodge County, Jefferson  
25      County, Appling County, Taylor County, Wayne

1 County, Clayton County, Decatur County, Schley  
 2 County, Sumter County, Early County, Webster  
 3 County, Clay County, Upson County, Long County,  
 4 Twiggs County, Dougherty County, Quitman Coun-  
 5 ty, Meriwether County, Stephens County, Wilkinson  
 6 County, Murray County, Wilkes County, Elbert  
 7 County, McDuffie County, Heard County, Marion  
 8 County, Talbot County, Laurens County, Mont-  
 9 gomery County, Echols County, Pierce County,  
 10 Richmond County, Chattahoochee County, Screven  
 11 County, Habersham County, Lincoln County, Burke  
 12 County, Liberty County, Tift County, Polk County,  
 13 Glascock County, Grady County, Jasper County,  
 14 Banks County, Franklin County, Whitfield County,  
 15 Treutlen County, Crawford County, Hart County,  
 16 Georgia.”.

17 (y) MARYLAND.—Section 219(f) of the Water Re-  
 18 sources Development Act of 1992 (106 Stat. 4835; 113  
 19 Stat. 334; 121 Stat. 1268) (as amended by subsection (x))  
 20 is amended by adding at the end the following:

21 “(288) MARYLAND.—\$100,000,000 for water,  
 22 wastewater, and other environmental infrastructure,  
 23 Maryland.”.

24 (z) MILWAUKEE METROPOLITAN AREA, WIS-  
 25 CONSIN.—Section 219(f) of the Water Resources Develop-

1 ment Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121  
 2 Stat. 1268) (as amended by subsection (y)) is amended  
 3 by adding at the end the following:

4           “(289) MILWAUKEE METROPOLITAN AREA, WIS-  
 5           CONSIN.—\$4,500,000 for water-related infrastruc-  
 6           ture, resource protection and development,  
 7           stormwater management, and reduction of combined  
 8           sewer overflows, Milwaukee metropolitan area, Wis-  
 9           consin.”.

10          (aa) HAWAII.—Section 219(f) of the Water Re-  
 11          sources Development Act of 1992 (106 Stat. 4835; 113  
 12          Stat. 334; 121 Stat. 1268) (as amended by subsection (z))  
 13          is amended by adding at the end the following:

14               “(290) HAWAII.—\$75,000,000 for water-related  
 15               infrastructure, resource protection and development,  
 16               wastewater treatment, water supply, urban storm  
 17               water conveyance, environmental restoration, and  
 18               surface water protection and development, Hawaii.”.

19          (bb) ALABAMA.—Section 219(f) of the Water Re-  
 20          sources Development Act of 1992 (106 Stat. 4835; 113  
 21          Stat. 334; 121 Stat. 1268) (as amended by subsection  
 22          (aa)) is amended by adding at the end the following:

23               “(291) ALABAMA.—\$50,000,000 for water,  
 24               wastewater, and other environmental infrastructure,  
 25               Alabama.”.

1       (cc) MISSISSIPPI.—Section 592(g) of the Water Re-  
 2 sources Development Act of 1999 (113 Stat. 380; 123  
 3 Stat. 2851) is amended by striking “\$200,000,000” and  
 4 inserting “\$300,000,000”.

5       (dd) CENTRAL NEW MEXICO.—Section 593(h) of the  
 6 Water Resources Development Act of 1999 (113 Stat.  
 7 381; 119 Stat. 2255) is amended by striking  
 8 “\$50,000,000” and inserting “\$100,000,000”.

9       (ee) NORTH DAKOTA AND OHIO.—Section 594 of the  
 10 Water Resources Development Act of 1999 (113 Stat.  
 11 381; 121 Stat. 1140; 121 Stat. 1944) is amended by add-  
 12 ing at the end the following:

13       “(i) AUTHORIZATION OF ADDITIONAL APPROPRIA-  
 14 TIONS.—In addition to amounts authorized under sub-  
 15 section (h), there is authorized to be appropriated to carry  
 16 out this section \$100,000,000, to be divided between the  
 17 States referred to in subsection (a).”.

18       (ff) WESTERN RURAL WATER.—Section 595(i) of the  
 19 Water Resources Development Act of 1999 (113 Stat.  
 20 383; 134 Stat. 2719) is amended—

21           (1) in paragraph (1), by striking  
 22 “\$435,000,000” and inserting “\$490,000,000”; and  
 23           (2) in paragraph (2), by striking  
 24 “\$150,000,000” and inserting “\$200,000,000”.

1 (gg) LAKE CHAMPLAIN WATERSHED, VERMONT AND  
 2 NEW YORK.—Section 542 of the Water Resources Devel-  
 3 opment Act of 2000 (114 Stat. 2671; 121 Stat. 1150) is  
 4 amended—

5 (1) in subsection (b)(2)(C), by striking “plan-  
 6 ning” and inserting “clean water infrastructure  
 7 planning, design, and construction”; and

8 (2) in subsection (g), by striking  
 9 “\$32,000,000” and inserting “\$100,000,000”.

10 (hh) TEXAS.—Section 5138 of the Water Resources  
 11 Development Act of 2007 (121 Stat. 1250) is amended—

12 (1) in subsection (b), by striking “, as identified  
 13 by the Texas Water Development Board”;

14 (2) in subsection (e)(3), by inserting “and con-  
 15 struction” after “design work”;

16 (3) by redesignating subsection (g) as sub-  
 17 section (i); and

18 (4) by inserting after subsection (f) the fol-  
 19 lowing:

20 “(g) NONPROFIT ENTITIES.—In accordance with sec-  
 21 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
 22 1962d–5b(b)), for any project carried out under this sec-  
 23 tion, a non-Federal interest may include a nonprofit entity  
 24 with the consent of the affected local government.

1       “(h) CORPS OF ENGINEERS EXPENSES.—Not more  
 2 than 10 percent of the amounts made available to carry  
 3 out this section may be used by the Corps of Engineers  
 4 district offices to administer projects under this section  
 5 at Federal expense.”.

6 **SEC. 302. SOUTHERN WEST VIRGINIA.**

7       (a) IN GENERAL.—Section 340 of the Water Re-  
 8 sources Development Act of 1992 (106 Stat. 4856) is  
 9 amended—

10           (1) in the section heading, by striking “**ENVI-**  
 11 **RONMENTAL RESTORATION INFRASTRUCTURE**  
 12 **AND RESOURCE PROTECTION DEVELOPMENT**  
 13 **PILOT PROGRAM**”; and

14           (2) by striking subsection (f) and inserting the  
 15 following:

16       “(f) DEFINITION OF SOUTHERN WEST VIRGINIA.—  
 17 In this section, the term ‘southern West Virginia’ means  
 18 the counties of Boone, Braxton, Cabell, Calhoun, Clay,  
 19 Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln,  
 20 Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nich-  
 21 olas, Pendleton, Pocahontas, Putnam, Raleigh, Roane,  
 22 Summers, Wayne, Webster, Wirt, and Wyoming, West  
 23 Virginia.”.

24       (b) CLERICAL AMENDMENT.—The table of contents  
 25 contained in section 1(b) of the Water Resources Develop-

1 ment Act of 1992 (106 Stat. 4799) is amended by striking  
 2 the item relating to section 340 and inserting the fol-  
 3 lowing:

“Sec. 340. Southern West Virginia.”.

4 **SEC. 303. NORTHERN WEST VIRGINIA.**

5 (a) IN GENERAL.—Section 571 of the Water Re-  
 6 sources Development Act of 1999 (113 Stat. 371; 121  
 7 Stat. 1257; 134 Stat. 2719) is amended—

8 (1) in the section heading, by striking “**CEN-**  
 9 **TRAL**” and inserting “**NORTHERN**”;

10 (2) by striking subsection (a) and inserting the  
 11 following:

12 “(a) DEFINITION OF NORTHERN WEST VIRGINIA.—  
 13 In this section, the term ‘northern West Virginia’ means  
 14 the counties of Barbour, Berkeley, Brooke, Doddridge,  
 15 Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson,  
 16 Lewis, Marion, Marshall, Mineral, Morgan, Monongalia,  
 17 Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor,  
 18 Tucker, Tyler, Upshur, Wetzel, and Wood, West Vir-  
 19 ginia.”;

20 (3) in subsection (b), by striking “central” and  
 21 inserting “northern”; and

22 (4) in subsection (c), by striking “central” and  
 23 inserting “northern”.

24 (b) CLERICAL AMENDMENT.—The table of contents  
 25 in section 1(b) of the Water Resources Development Act

1 of 1999 (113 Stat. 269) is amended by striking the item  
2 relating to section 571 and inserting the following:

“Sec. 571. Northern West Virginia.”.

3 **SEC. 304. LOCAL COOPERATION AGREEMENTS, NORTHERN**  
4 **WEST VIRGINIA.**

5 Section 219(f)(272) of the Water Resources Develop-  
6 ment Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121  
7 Stat. 1268) is amended—

8 (1) by striking “\$20,000,000 for water and  
9 wastewater” and inserting the following:

10 “(A) IN GENERAL.—\$20,000,000 for water  
11 and wastewater”; and

12 (2) by adding at the end the following:

13 “(B) LOCAL COOPERATION AGREE-  
14 MENTS.—Notwithstanding subsection (a), at  
15 the request of a non-Federal interest for a  
16 project or a separable element of a project that  
17 receives assistance under this paragraph, the  
18 Secretary may adopt a model agreement devel-  
19 oped in accordance with section 571(e) of the  
20 Water Resources Development Act of 1999  
21 (113 Stat. 371).”.



1 **SEC. 305. SPECIAL RULE FOR CERTAIN BEACH NOURISH-**  
2 **MENT PROJECTS.**

3 (a) IN GENERAL.—In the case of a water resources  
4 development project described in subsection (b), the Sec-  
5 retary shall—

6 (1) fund, at full Federal expense, any incre-  
7 mental increase in cost to the project that results  
8 from a legal requirement to use a borrow source de-  
9 termined by the Secretary to be other than the least-  
10 cost option; and

11 (2) exclude the cost described in paragraph (1)  
12 from the cost-benefit analysis for the project.

13 (b) AUTHORIZED WATER RESOURCES DEVELOP-  
14 MENT PROJECTS DESCRIBED.—An authorized water re-  
15 sources development project referred to in subsection (a)  
16 is any of the following:

17 (1) The Townsends Inlet to Cape May Inlet,  
18 New Jersey, coastal storm risk management project,  
19 authorized by section 101(a)(26) of the Water Re-  
20 sources Development Act of 1999 (113 Stat. 278).

21 (2) The Folly Beach, South Carolina, coastal  
22 storm risk management project, authorized by sec-  
23 tion 501(a) of the Water Resources Development  
24 Act of 1986 (100 Stat. 4136) and modified by sec-  
25 tion 108 of the Energy and Water Development Ap-  
26 propriations Act, 1992 (105 Stat. 520).

1           (3) The Carolina Beach and Vicinity, North  
2           Carolina, coastal storm risk management project,  
3           authorized by section 203 of the Flood Control Act  
4           of 1962 (76 Stat. 1182) and modified by section  
5           401(7) of the Water Resources Development Act of  
6           2020 (134 Stat. 2741).

7           (4) The Wrightsville Beach, North Carolina,  
8           coastal storm risk management project, authorized  
9           by section 203 of the Flood Control Act of 1962 (76  
10          Stat. 1182) and modified by section 401(7) of the  
11          Water Resources Development Act of 2020 (134  
12          Stat. 2741).

13          (5) A project for coastal storm risk manage-  
14          ment for any shore included in a project described  
15          in this subsection that is specifically authorized by  
16          Congress on or after the date of enactment of this  
17          Act.

18          (6) Emergency repair and restoration of any  
19          project described in this subsection under section 5  
20          of the Act of August 18, 1941 (commonly known as  
21          the “Flood Control Act of 1941”) (55 Stat. 650,  
22          chapter 377; 33 U.S.C. 701n).

23          (c) SAVINGS PROVISION.—Nothing in this section  
24          limits the eligibility for, or availability of, Federal expendi-  
25          tures or financial assistance for any water resources devel-

1 opment project, including any beach nourishment or re-  
 2 nourishment project, under any other provision of Federal  
 3 law.

4 **SEC. 306. COASTAL COMMUNITY FLOOD CONTROL AND**  
 5 **OTHER PURPOSES.**

6 Section 103(k)(4) of the Water Resources Develop-  
 7 ment Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

8 (1) by redesignating subparagraphs (A) and  
 9 (B) as clauses (i) and (ii), respectively, and indent-  
 10 ing appropriately;

11 (2) in the matter preceding clause (i) (as so re-  
 12 designated), by striking “Notwithstanding” and in-  
 13 serting the following:

14 “(A) IN GENERAL.—Notwithstanding”;

15 (3) in subparagraph (A) (as so redesignated)—

16 (A) in clause (i) (as so redesignated)—

17 (i) by striking “\$200 million” and in-  
 18 serting “\$200,000,000”; and

19 (ii) by striking “and” at the end;

20 (B) in clause (ii) (as so redesignated)—

21 (i) by inserting “an amount equal to  
 22  $\frac{2}{3}$  of” after “repays”; and

23 (ii) by striking the period at the end  
 24 and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(iii) the non-Federal interest repays  
 2 the balance of remaining principal by June  
 3 1, 2032.”; and

4 (4) by adding at the end the following:

5 “(B) REPAYMENT OPTIONS.—Repayment  
 6 of a non-Federal contribution under subpara-  
 7 graph (A)(iii) may be satisfied through the pro-  
 8 vision by the non-Federal interest of fish and  
 9 wildlife mitigation for one or more projects or  
 10 separable elements, if the Secretary determines  
 11 that—

12 “(i) the non-Federal interest has in-  
 13 curred costs for the provision of mitigation  
 14 that—

15 “(I) equal or exceed the amount  
 16 of the required repayment; and

17 “(II) are in excess of any re-  
 18 quired non-Federal contribution for  
 19 the project or separable element for  
 20 which the mitigation is provided; and

21 “(ii) the mitigation is integral to the  
 22 project for which it is provided.”.

23 **SEC. 307. MODIFICATIONS.**

24 (a) IN GENERAL.—The following modifications to  
 25 studies and projects are authorized:

1           (1) MISSISSIPPI RIVER GULF OUTLET, LOU-  
2           ISIANA.—The Federal share of the cost of the  
3           project for ecosystem restoration, Mississippi River  
4           Gulf Outlet, Louisiana, authorized by section  
5           7013(a)(4) of the Water Resources Development Act  
6           of 2007 (121 Stat. 1281), shall be 90 percent.

7           (2) GREAT LAKES AND MISSISSIPPI RIVER  
8           INTERBASIN PROJECT, BRANDON ROAD, WILL COUN-  
9           TY, ILLINOIS.—Section 402(a)(1) of the Water Re-  
10          sources Development Act of 2020 (134 Stat. 2742)  
11          is amended by striking “80 percent” and inserting  
12          “90 percent”.

13          (3) LOWER MISSISSIPPI RIVER COMPREHENSIVE  
14          MANAGEMENT STUDY.—Section 213 of the Water  
15          Resources Development Act of 2020 (134 Stat.  
16          2687) is amended by adding at the end the fol-  
17          lowing:

18          “(j) COST-SHARE.—The Federal share of the cost of  
19          the comprehensive study described in subsection (a), and  
20          any feasibility study described in subsection (e), shall be  
21          90 percent.”.

22          (4) PORT OF NOME, ALASKA.—

23                 (A) IN GENERAL.—The Secretary shall  
24                 carry out the project for navigation, Port of  
25                 Nome, Alaska, authorized by section 401(1) of

1 the Water Resources Development Act of 2020  
2 (134 Stat. 2733).

3 (B) COST-SHARE.—The Federal share of  
4 the cost of the project described in subpara-  
5 graph (A) shall be 90 percent.

6 (5) CHICAGO SHORELINE PROTECTION.—The  
7 project for storm damage reduction and shore pro-  
8 tection, Lake Michigan, Illinois, from Wilmette, Illi-  
9 nois, to the Illinois–Indiana State line, authorized by  
10 section 101(a)(12) of the Water Resources Develop-  
11 ment Act of 1996 (110 Stat. 3664), is modified to  
12 authorize the Secretary to provide 65 percent of the  
13 cost of the locally preferred plan, as described in the  
14 Report of the Chief of Engineers dated April 14,  
15 1994, for the construction of the following segments  
16 of the project:

17 (A) Shoreline revetment at Morgan Shoal.

18 (B) Shoreline revetment at Promontory  
19 Point.

20 (6) LOWER MUD RIVER, MILTON, WEST VIR-  
21 GINIA.—Notwithstanding section 3170 of the Water  
22 Resources Development Act of 2007 (121 Stat.  
23 1154), the Federal share of the cost of the project  
24 for flood control, Milton, West Virginia, authorized  
25 by section 580 of the Water Resources Development

1 Act of 1996 (110 Stat. 3790), and modified by sec-  
 2 tion 340 of the Water Resources Development Act  
 3 of 2000 (114 Stat. 2612) and section 3170 of the  
 4 Water Resources Development Act of 2007 (121  
 5 Stat. 1154), shall be 90 percent.

6 (b) AGREEMENTS.—At the request of the applicable  
 7 non-Federal interests for the project described in section  
 8 402(a) of the Water Resources Development Act of 2020  
 9 (134 Stat. 2742) and for the studies described in sub-  
 10 section (j) of section 213 of that Act (134 Stat. 2687),  
 11 the Secretary shall not require those non-Federal interests  
 12 to be jointly and severally liable for all non-Federal obliga-  
 13 tions in the project partnership agreement for the project  
 14 or in the feasibility cost share agreements for the studies.

15 **SEC. 308. PORT FOURCHON, LOUISIANA, DREDGED MATE-**  
 16 **RIAL DISPOSAL PLAN.**

17 The Secretary shall determine that the dredged mate-  
 18 rial disposal plan recommended in the document entitled  
 19 “Port Fourchon Belle Pass Channel Deepening Project  
 20 Section 203 Feasibility Study (January 2019, revised  
 21 January 2020)” is the least cost, environmentally accept-  
 22 able dredged material disposal plan for the project for  
 23 navigation, Port Fourchon Belle Passe Channel, Lou-  
 24 isiana, authorized by section 403(a)(4) of the Water Re-  
 25 sources Development Act of 2020 (134 Stat. 2743).

1 **SEC. 309. DELAWARE SHORE PROTECTION AND RESTORA-**  
2 **TION.**

3 (a) DELAWARE BENEFICIAL USE OF DREDGED MA-  
4 TERIAL FOR THE DELAWARE RIVER, DELAWARE.—

5 (1) IN GENERAL.—The project for coastal  
6 storm risk management, Delaware Beneficial Use of  
7 Dredged Material for the Delaware River, Delaware,  
8 authorized by section 401(3) of the Water Resources  
9 Development Act of 2020 (134 Stat. 2736) (referred  
10 to in this subsection as the “project”), is modified—

11 (A) to direct the Secretary to implement  
12 the project using alternative borrow sources to  
13 the Delaware River, Philadelphia to the Sea,  
14 project, Delaware, New Jersey, Pennsylvania,  
15 authorized by the Act of June 25, 1910 (chap-  
16 ter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat.  
17 803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297);  
18 and

19 (B) until the Secretary implements the  
20 modification under subparagraph (A), to au-  
21 thorize the Secretary, at the request of a non-  
22 Federal interest, to carry out initial construc-  
23 tion or periodic nourishments at any site in-  
24 cluded in the project under—

25 (i) section 1122 of the Water Re-  
26 sources Development Act of 2016 (33



1 U.S.C. 2326 note; Public Law 114–322);

2 or

3 (ii) section 204(d) of the Water Re-  
4 sources Development Act of 1992 (33  
5 U.S.C. 2326(d)).

6 (2) TREATMENT.—If the Secretary determines  
7 that a study is required to carry out paragraph  
8 (1)(A), the study shall be considered to be a con-  
9 tinuation of the study that formulated the project.

10 (3) COST-SHARE.—The Federal share of the  
11 cost of the project, including the cost of any modi-  
12 fications carried out under subsection (a)(1), shall  
13 be 90 percent.

14 (b) INDIAN RIVER INLET SAND BYPASS PLANT,  
15 DELAWARE.—

16 (1) IN GENERAL.—The Indian River Inlet Sand  
17 Bypass Plant, Delaware, coastal storm risk manage-  
18 ment project (referred to in this subsection as the  
19 “project”), authorized by section 869 of the Water  
20 Resources Development Act of 1986 (100 Stat.  
21 4182), is modified to authorize the Secretary, at the  
22 request of a non-Federal interest, to provide periodic  
23 nourishment through dedicated dredging or other  
24 means to maintain or restore the functioning of the  
25 project when—

1 (A) the sand bypass plant is inoperative; or

2 (B) operation of the sand bypass plant is  
3 insufficient to maintain the functioning of the  
4 project.

5 (2) REQUIREMENTS.—A cycle of periodic nour-  
6 ishment provided pursuant to paragraph (1) shall be  
7 subject to the following requirements:

8 (A) COST-SHARE.—The non-Federal share  
9 of the cost of a cycle shall be the same percent-  
10 age as the non-Federal share of the cost to op-  
11 erate the sand bypass plant.

12 (B) DECISION DOCUMENT.—If the Sec-  
13 retary determines that a decision document is  
14 required to support a request for funding for  
15 the Federal share of a cycle, the decision docu-  
16 ment may be prepared using funds made avail-  
17 able to the Secretary for construction or for in-  
18 vestigations.

19 (C) TREATMENT.—

20 (i) DECISION DOCUMENT.—A decision  
21 document prepared under subparagraph  
22 (B) shall not be subject to a new invest-  
23 ment determination.

24 (ii) CYCLES.—A cycle shall be consid-  
25 ered continuing construction.

1 (c) DELAWARE EMERGENCY SHORE RESTORA-  
2 TION.—

3 (1) IN GENERAL.—The Secretary is authorized  
4 to repair or restore any beach or any federally au-  
5 thorized hurricane or shore protective structure or  
6 project located in the State of Delaware pursuant to  
7 section 5(a) of the Act of August 18, 1941 (com-  
8 monly known as the “Flood Control Act of 1941”)  
9 (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)),  
10 if—

11 (A) the structure, project, or beach is dam-  
12 aged by wind, wave, or water action associated  
13 with a storm of any magnitude; and

14 (B) the damage prevents the adequate  
15 functioning of the structure, project, or beach.

16 (2) BENEFIT-COST ANALYSIS.—The Secretary  
17 shall determine that the benefits attributable to the  
18 objectives set forth in section 209 of the Flood Con-  
19 trol Act of 1970 (42 U.S.C. 1962–2) and section  
20 904(a) of the Water Resources Development Act of  
21 1986 (33 U.S.C. 2281(a)) exceed the cost for work  
22 carried out under this subsection.

23 (3) SAVINGS PROVISION.—The authority pro-  
24 vided by this subsection shall be in addition to any  
25 authority provided by section 5(a) of the Act of Au-

1       gust 18, 1941 (commonly known as the “Flood Con-  
 2       trol Act of 1941”) (55 Stat. 650, chapter 377; 33  
 3       U.S.C. 701n(a)) to repair or restore a beach or fed-  
 4       erally authorized hurricane or shore protection struc-  
 5       ture or project located in the State of Delaware  
 6       damaged or destroyed by wind, wave, or water action  
 7       of other than an ordinary nature.

8       (d) INDIAN RIVER INLET AND BAY, DELAWARE.—  
 9       In carrying out major maintenance of the project for navi-  
 10      gation, Indian River Inlet and Bay, Delaware, authorized  
 11      by the Act of August 26, 1937 (50 Stat. 846, chapter  
 12      832), and section 2 of the Act of March 2, 1945 (59 Stat.  
 13      14, chapter 19), the Secretary shall repair, restore, or re-  
 14      locate any non-Federal facility or other infrastructure,  
 15      that has been damaged, in whole or in part, by the deterio-  
 16      ration or failure of the project.

17      (e) REPROGRAMMING FOR COASTAL STORM RISK  
 18      MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

19           (1) IN GENERAL.—Notwithstanding any other  
 20      provision of law, for each fiscal year, the Secretary  
 21      may reprogram amounts made available for a coastal  
 22      storm risk management project to use such amounts  
 23      for the project for coastal storm risk management,  
 24      Indian River Inlet Sand Bypass Plant, Delaware,

1 authorized by section 869 of the Water Resources  
2 Development Act of 1986 (100 Stat. 4182).

3 (2) LIMITATIONS.—

4 (A) IN GENERAL.—The Secretary may  
5 carry out not more than 2 reprogramming ac-  
6 tions under paragraph (1) for each fiscal year.

7 (B) AMOUNT.—For each fiscal year, the  
8 Secretary may reprogram—

9 (i) not more than \$100,000 per re-  
10 programming action; and

11 (ii) not more than \$200,000 for each  
12 fiscal year.

13 **SEC. 310. GREAT LAKES ADVANCE MEASURES ASSISTANCE.**

14 Section 5(a) of the Act of August 18, 1941 (com-  
15 monly known as the “Flood Control Act of 1941”) (55  
16 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) (as amended  
17 by section 112(2)), is amended by adding at the end the  
18 following:

19 “(7) SPECIAL RULE.—

20 “(A) IN GENERAL.—The Secretary shall  
21 not deny a request from the Governor of a  
22 State to provide advance measures assistance  
23 under this subsection to reduce the risk of dam-  
24 age from rising water levels in the Great Lakes

1           solely on the basis that the damage is caused by  
2           erosion.

3           “(B) FEDERAL SHARE.—Assistance pro-  
4           vided by the Secretary pursuant to a request  
5           under subparagraph (A) may be at full Federal  
6           expense if the assistance is to construct ad-  
7           vanced measures to a temporary construction  
8           standard.”.

9   **SEC. 311. REHABILITATION OF EXISTING LEVEES.**

10       Section 3017(e) of the Water Resources Reform and  
11       Development Act of 2014 (33 U.S.C. 3303a note; Public  
12       Law 113–121) is amended—

13           (1) by striking “this subsection” and inserting  
14       “this section”; and

15           (2) by striking “10 years” and inserting “20  
16       years”.

17   **SEC. 312. PILOT PROGRAM FOR CERTAIN COMMUNITIES.**

18       (a) PILOT PROGRAMS ON THE FORMULATION OF  
19       CORPS OF ENGINEERS PROJECTS IN RURAL COMMU-  
20       NITIES AND ECONOMICALLY DISADVANTAGED COMMU-  
21       NITIES.—Section 118 of the Water Resources Develop-  
22       ment Act of 2020 (33 U.S.C. 2201 note; Public Law 116–  
23       260) is amended—

24           (1) in subsection (b)(2)(C), by striking “10”;  
25       and

1 (2) in subsection (c)—

2 (A) in paragraph (2), in the matter pre-  
3 ceding subparagraph (A), by striking “make a  
4 recommendation to Congress on up to 10  
5 projects” and inserting “recommend projects to  
6 Congress”; and

7 (B) by adding at the end the following:

8 “(5) RECOMMENDATIONS.—In recommending  
9 projects under paragraph (2), the Secretary shall in-  
10 clude such recommendations in the next annual re-  
11 port submitted to Congress under section 7001 of  
12 the Water Resources Reform and Development Act  
13 of 2014 (33 U.S.C. 2282d) after the date of enact-  
14 ment of the Water Resources Development Act of  
15 2022.”.

16 (b) PILOT PROGRAM FOR CAPS IN SMALL OR DIS-  
17 ADVANTAGED COMMUNITIES.—Section 165(a) of the  
18 Water Resources Development Act of 2020 (33 U.S.C.  
19 2201 note; Public Law 116–260) is amended—

20 (1) in paragraph (2)(B), by striking “a total of  
21 10”;

22 (2) by redesignating paragraphs (4) and (5) as  
23 paragraphs (5) and (6), respectively; and

24 (3) by inserting after paragraph (3) the fol-  
25 lowing:

1           “(4) MAXIMUM FEDERAL AMOUNT.—For a  
 2           project carried out under this subsection, the max-  
 3           imum Federal amount, if applicable, shall be in-  
 4           creased by the commensurate amount of the non-  
 5           Federal share that would otherwise be required for  
 6           the project under the applicable continuing authority  
 7           program.”.

8   **SEC. 313. REHABILITATION OF CORPS OF ENGINEERS CON-**  
 9                           **STRUCTED PUMP STATIONS.**

10          Section 133 of the Water Resources Development Act  
 11          of 2020 (33 U.S.C. 2327a) is amended—

12               (1) in subsection (a), by striking paragraph (1)  
 13               and inserting the following:

14               “(1) ELIGIBLE PUMP STATION.—The term ‘eli-  
 15               gible pump station’ means a pump station that—

16                       “(A) is a feature of a federally authorized  
 17                       flood or coastal storm risk management project;  
 18                       or

19                       “(B) if inoperable, would impair drainage  
 20                       of water from areas interior to a federally au-  
 21                       thorized flood or coastal storm risk manage-  
 22                       ment project.”;

23               (2) by striking subsection (b) and inserting the  
 24               following:



1       “(b) AUTHORIZATION.—The Secretary may carry out  
2 rehabilitation of an eligible pump station, if the Secretary  
3 determines that—

4               “(1) the pump station has a major deficiency;  
5       and

6               “(2) the rehabilitation is feasible.”; and

7               (3) by striking subsection (f) and inserting the  
8 following:

9       “(f) PRIORITIZATION.—To the maximum extent prac-  
10 ticable, the Secretary shall prioritize the provision of as-  
11 sistance under this section to economically disadvantaged  
12 communities.”.

13 **SEC. 314. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
14 **TION AND PROTECTION PROGRAM.**

15       Section 510(a)(2) of the Water Resources Develop-  
16 ment Act of 1996 (110 Stat. 3759; 128 Stat. 1317) is  
17 amended—

18               (1) in subparagraph (B), by inserting “and  
19 streambanks” after “shorelines”;

20               (2) in subparagraph (E), by striking “and” at  
21 the end;

22               (3) by redesignating subparagraph (F) as sub-  
23 paragraph (H); and

24               (4) by inserting after subparagraph (E) the fol-  
25 lowing:

1                   “(F) wastewater treatment and related fa-  
2                   cilities;  
3                   “(G) stormwater and drainage systems;  
4                   and”.

5   **SEC. 315. EVALUATION OF HYDROLOGIC CHANGES IN**  
6                   **SOURIS RIVER BASIN.**

7           The Secretary is authorized to evaluate hydrologic  
8   changes affecting the agreement entitled “Agreement Be-  
9   tween the Government of Canada and the United States  
10   of America for Water Supply and Flood Control in The  
11   Souris River Basin”, signed in 1989.

12   **SEC. 316. MEMORANDUM OF UNDERSTANDING RELATING**  
13                   **TO BALDHILL DAM, NORTH DAKOTA.**

14           The Secretary may enter into a memorandum of un-  
15   derstanding with the non-Federal interest for the Red  
16   River Valley Water Supply Project to accommodate flows  
17   for downstream users through Baldhill Dam, North Da-  
18   kota.

19   **SEC. 317. UPPER MISSISSIPPI RIVER RESTORATION PRO-**  
20                   **GRAM.**

21           Section 1103(e)(3) of the Water Resources Develop-  
22   ment Act of 1986 (33 U.S.C. 652(e)(3)) is amended by  
23   striking “\$40,000,000” and inserting “\$75,000,000”.

1 **SEC. 318. HARMFUL ALGAL BLOOM DEMONSTRATION PRO-**  
 2 **GRAM.**

3 Section 128(c) of the Water Resources Development  
 4 Act of 2020 (33 U.S.C. 610 note; Public Law 116–260)  
 5 is amended by inserting “the Upper Mississippi River and  
 6 its tributaries,” after “New York,”.

7 **SEC. 319. COLLETON COUNTY, SOUTH CAROLINA.**

8 Section 221(a)(4)(C)(i) of the Flood Control Act of  
 9 1970 (42 U.S.C. 1962d–5b(a)(4)(C)(i)) shall not apply to  
 10 construction carried out by the non-Federal interest before  
 11 the date of enactment of this Act for the project for hurri-  
 12 cane and storm damage risk reduction, Colleton County,  
 13 South Carolina, authorized by section 1401(3) of the  
 14 Water Resources Development Act of 2016 (130 Stat.  
 15 1711).

16 **SEC. 320. ARKANSAS RIVER CORRIDOR, OKLAHOMA.**

17 Section 3132 of the Water Resources Development  
 18 Act of 2007 (121 Stat. 1141) is amended by striking sub-  
 19 section (b) and inserting the following:

20 “(b) **AUTHORIZED COST.**—The Secretary is author-  
 21 ized to carry out construction of a project under this sec-  
 22 tion at a total cost of \$128,400,000, with the cost shared  
 23 in accordance with section 103 of the Water Resources  
 24 Development Act of 1986 (33 U.S.C. 2213).

25 “(c) **ADDITIONAL FEASIBILITY STUDIES AUTHOR-**  
 26 **IZED.**—

1           “(1) IN GENERAL.—The Secretary is authorized  
 2           to carry out feasibility studies for purposes of rec-  
 3           ommending to the Committee on Environment and  
 4           Public Works of the Senate and the Committee on  
 5           Transportation and Infrastructure of the House of  
 6           Representatives additional projects under this sec-  
 7           tion.

8           “(2) TREATMENT.—An additional feasibility  
 9           study carried out under this subsection shall be con-  
 10          sidered a continuation of the feasibility study that  
 11          formulated the project carried out under subsection  
 12          (b).”.

13 **SEC. 321. ABANDONED AND INACTIVE NONCOAL MINE RES-**  
 14 **TORATION.**

15          Section 560 of the Water Resources Development Act  
 16 of 1999 (33 U.S.C. 2336) is amended—

17           (1) in subsection (c), by inserting “or on land  
 18           taken into trust by the Secretary of the Interior on  
 19           behalf of, and for the benefit of, an Indian Tribe”  
 20           after “land owned by the United States”; and

21           (2) in subsection (f), by striking “\$30,000,000”  
 22           and inserting “\$50,000,000”.

1   **SEC. 322. ASIAN CARP PREVENTION AND CONTROL PILOT**  
2                   **PROGRAM.**

3           Section 509(a)(2) of the Water Resources Develop-  
4   ment Act of 2020 (33 U.S.C. 610 note; Public Law 116–  
5   260) is amended—

6           (1) in subparagraph (A), by striking “or Ten-  
7   nessee River Watershed” and inserting “, Tennessee  
8   River Watershed, or Tombigbee River Watershed”;  
9   and

10          (2) in subparagraph (C)(i), by inserting “, of  
11   which not less than 1 shall be carried out on the  
12   Tennessee–Tombigbee Waterway” before the period  
13   at the end.

14   **SEC. 323. FORMS OF ASSISTANCE.**

15          Section 592(b) of the Water Resources Development  
16   Act of 1999 (113 Stat. 379) is amended by striking “and  
17   surface water resource protection and development” and  
18   inserting “surface water resource protection and develop-  
19   ment, stormwater management, drainage systems, and  
20   water quality enhancement”.

21   **SEC. 324. DEBRIS REMOVAL, NEW YORK HARBOR, NEW**  
22                   **YORK.**

23          (a) IN GENERAL.—Beginning on the date of enact-  
24   ment of this Act, the project for New York Harbor collec-  
25   tion and removal of drift, authorized by section 91 of the  
26   Water Resources Development Act of 1974 (88 Stat. 39),

1 and deauthorized pursuant to section 6001 of the Water  
 2 Resources Reform and Development Act of 2014 (33  
 3 U.S.C. 579b) (as in effect on the day before the date of  
 4 enactment of the WIIN Act (130 Stat. 1628)), is author-  
 5 ized to be carried out by the Secretary.

6 (b) FEASIBILITY STUDY.— The Secretary shall carry  
 7 out, and submit to the Committee on Environment and  
 8 Public Works of the Senate and the Committee on Trans-  
 9 portation and Infrastructure of the House of Representa-  
 10 tives a report on the results of, a feasibility study for the  
 11 project described in subsection (a).

12 **SEC. 325. INVASIVE SPECIES MANAGEMENT.**

13 Section 104 of the River and Harbor Act of 1958  
 14 (33 U.S.C. 610) is amended—

15 (1) in subsection (b)(2)(A)(ii)—

16 (A) by striking “\$50,000,000” and insert-  
 17 ing “\$75,000,000”; and

18 (B) by striking “2024” and inserting  
 19 “2028”; and

20 (2) in subsection (g)(2)—

21 (A) in subparagraph (A)—

22 (i) by striking “water quantity or  
 23 water quality” and inserting “water quan-  
 24 tity, water quality, or ecosystems”; and

1 (ii) by inserting “the Lake Erie  
 2 Basin, the Ohio River Basin,” after “the  
 3 Upper Snake River Basin,”; and  
 4 (B) in subparagraph (B), by inserting “,  
 5 hydrilla (*Hydrilla verticillata*),” after  
 6 “*angustifolia*)”.

7 **SEC. 326. WOLF RIVER HARBOR, TENNESSEE.**

8 Beginning on the date of enactment of this Act, the  
 9 project for navigation, Wolf River Harbor, Tennessee, au-  
 10 thorized by title II of the Act of June 16, 1933 (48 Stat.  
 11 200, chapter 90) (commonly known as the “National In-  
 12 dustrial Recovery Act”), and modified by section 203 of  
 13 the Flood Control Act of 1958 (72 Stat. 308), is modified  
 14 to reduce the authorized dimensions of the project, such  
 15 that the remaining authorized dimensions are a 250-foot-  
 16 wide, 9-foot-depth channel with a center line beginning at  
 17 a point 35.139634, -90.062343 and extending approxi-  
 18 mately 8,500 feet to a point 35.160848, -90.050566.

19 **SEC. 327. MISSOURI RIVER MITIGATION, MISSOURI, KAN-**  
 20 **SAS, IOWA, AND NEBRASKA.**

21 The matter under the heading “MISSOURI RIVER  
 22 MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA”  
 23 in section 601(a) of the Water Resources Development Act  
 24 of 1986 (100 Stat. 4143; 121 Stat. 1155), as modified  
 25 by section 334 of the Water Resources Development Act

1 of 1999 (113 Stat. 306), is amended by adding at the  
 2 end the following: “When acquiring land to meet the re-  
 3 quirements of fish and wildlife mitigation, the Secretary  
 4 may consider incidental flood risk management benefits.”.

5 **SEC. 328. INVASIVE SPECIES MANAGEMENT PILOT PRO-**  
 6 **GRAM.**

7 Section 104(f)(4) of the River and Harbor Act of  
 8 1958 (33 U.S.C. 610(f)(4)) is amended by striking  
 9 “2024” and inserting “2026”.

10 **SEC. 329. NUECES COUNTY, TEXAS, CONVEYANCES.**

11 (a) IN GENERAL.—On receipt of a written request  
 12 of the Port of Corpus Christi, the Secretary shall—

13 (1) review the land owned and easements held  
 14 by the United States for purposes of navigation in  
 15 Nueces County, Texas; and

16 (2) convey to the Port of Corpus Christi or, in  
 17 the case of an easement, release to the owner of the  
 18 fee title to the land subject to such easement, with-  
 19 out consideration, all such land and easements de-  
 20 scribed in paragraph (1) that the Secretary deter-  
 21 mines are no longer required for project purposes.

22 (b) CONDITIONS.—

23 (1) QUITCLAIM DEED.—Any conveyance of land  
 24 under this section shall be by quitclaim deed.



1           (2) TERMS AND CONDITIONS.—The Secretary  
2       may subject any conveyance or release of easement  
3       under this section to such terms and conditions as  
4       the Secretary determines necessary and advisable to  
5       protect the United States.

6       (c) ADMINISTRATIVE COSTS.—In accordance with  
7       section 2695 of title 10, United States Code, the Port of  
8       Corpus Christi shall be responsible for the costs incurred  
9       by the Secretary to convey land or release easements  
10      under this section.

11      (d) WAIVER OF REAL PROPERTY SCREENING RE-  
12      QUIREMENTS.—Section 2696 of title 10, United States  
13      Code, shall not apply to the conveyance of land or release  
14      of easements under this section.

15      **SEC. 330. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.**

16      As part of the authority of the Secretary to carry out  
17      the project for flood damage reduction, bank stabilization,  
18      and sediment and erosion control, Yazoo Basin, Mis-  
19      sissippi Delta Headwaters, Mississippi, authorized by the  
20      matter under the heading “ENHANCEMENT OF WATER RE-  
21      SOURCE BENEFITS AND FOR EMERGENCY DISASTER  
22      WORK” in title I of Public Law 98–8 (97 Stat. 22), the  
23      Secretary may carry out emergency maintenance activi-  
24      ties, as the Secretary determines to be necessary, for fea-

1 tures of the project completed before the date of enact-  
2 ment of this Act.

3 **SEC. 331. ECOSYSTEM RESTORATION, HUDSON-RARITAN**  
4 **ESTUARY, NEW YORK AND NEW JERSEY.**

5 (a) IN GENERAL.—The Secretary may carry out ad-  
6 ditional feasibility studies for ecosystem restoration, Hud-  
7 son–Raritan Estuary, New York and New Jersey, includ-  
8 ing an examination of measures and alternatives at  
9 Baisley Pond Park and the Richmond Terrace Wetlands.

10 (b) TREATMENT.—A feasibility study carried out  
11 under subsection (a) shall be considered a continuation of  
12 the study that formulated the project for ecosystem res-  
13 toration, Hudson–Raritan Estuary, New York and New  
14 Jersey, authorized by section 401(5) of the Water Re-  
15 sources Development Act of 2020 (134 Stat. 2740).

16 **SEC. 332. TIMELY REIMBURSEMENT.**

17 (a) DEFINITION OF COVERED PROJECT.—In this sec-  
18 tion, the term “covered project” means a project for navi-  
19 gation authorized by section 1401(1) of the WIIN Act  
20 (130 Stat. 1708).

21 (b) REIMBURSEMENT REQUIRED.—In the case of a  
22 covered project for which the non-Federal interest has ad-  
23 vanced funds for construction of the project, the Secretary  
24 shall reimburse the non-Federal interest for advanced  
25 funds that exceed the non-Federal share of the cost of con-

1 struction of the project as soon as practicable after the  
 2 completion of each individual contract for the project.

3 **SEC. 333. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA**  
 4 **AND SOUTH CAROLINA.**

5 Section 1319(c) of the WIIN Act (130 Stat. 1704)  
 6 is amended by striking paragraph (2) and inserting the  
 7 following:

8 “(2) COST-SHARE.—

9 “(A) IN GENERAL.—The costs of construc-  
 10 tion of a Project feature constructed pursuant  
 11 to paragraph (1) shall be determined in accord-  
 12 ance with section 101(a)(1)(B) of the Water  
 13 Resources Development Act of 1986 (33 U.S.C.  
 14 2211(a)(1)(B)).

15 “(B) SAVINGS PROVISION.—Any increase  
 16 in costs for the Project due to the construction  
 17 of a Project feature described in subparagraph  
 18 (A) shall not be included in the total project  
 19 cost for purposes of section 902 of the Water  
 20 Resources Development Act of 1986 (33 U.S.C.  
 21 2280).”.

22 **SEC. 334. LAKE TAHOE BASIN RESTORATION, NEVADA AND**  
 23 **CALIFORNIA.**

24 (a) DEFINITION.—In this section, the term “Lake  
 25 Tahoe Basin” means the entire watershed drainage of

1 Lake Tahoe including that portion of the Truckee River  
2 1,000 feet downstream from the United States Bureau of  
3 Reclamation dam in Tahoe City, California.

4 (b) ESTABLISHMENT OF PROGRAM.—The Secretary  
5 may establish a program for providing environmental as-  
6 sistance to non-Federal interests in Lake Tahoe Basin.

7 (c) FORM OF ASSISTANCE.—Assistance under this  
8 section may be in the form of planning, design, and con-  
9 struction assistance for water-related environmental infra-  
10 structure and resource protection and development  
11 projects in Lake Tahoe Basin—

12 (1) urban stormwater conveyance, treatment  
13 and related facilities;

14 (2) watershed planning, science and research;

15 (3) environmental restoration; and

16 (4) surface water resource protection and devel-  
17 opment.

18 (d) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-  
19 retary may provide assistance for a project under this sec-  
20 tion only if the project is publicly owned.

21 (e) LOCAL COOPERATION AGREEMENT.—

22 (1) IN GENERAL.—Before providing assistance  
23 under this section, the Secretary shall enter into a  
24 local cooperation agreement with a non-Federal in-

1       terest to provide for design and construction of the  
2       project to be carried out with the assistance.

3           (2) REQUIREMENTS.—Each local cooperation  
4       agreement entered into under this subsection shall  
5       provide for the following:

6           (A) PLAN.—Development by the Secretary,  
7       in consultation with appropriate Federal and  
8       State and Regional officials, of appropriate en-  
9       vironmental documentation, engineering plans  
10      and specifications.

11          (B) LEGAL AND INSTITUTIONAL STRUC-  
12      TURES.—Establishment of such legal and insti-  
13      tutional structures as are necessary to ensure  
14      the effective long-term operation of the project  
15      by the non-Federal interest.

16          (3) COST SHARING.—

17           (A) IN GENERAL.—The Federal share of  
18      project costs under each local cooperation  
19      agreement entered into under this subsection  
20      shall be 75 percent. The Federal share may be  
21      in the form of grants or reimbursements of  
22      project costs.

23           (B) CREDIT FOR DESIGN WORK.—The  
24      non-Federal interest shall receive credit for the  
25      reasonable costs of planning and design work

1 completed by the non-Federal interest before  
2 entering into a local cooperation agreement with  
3 the Secretary for a project.

4 (C) LAND, EASEMENTS, RIGHTS-OF-WAY,  
5 AND RELOCATIONS.—The non-Federal interest  
6 shall receive credit for land, easements, rights-  
7 of-way, and relocations provided by the non-  
8 Federal interest toward the non-Federal share  
9 of project costs (including all reasonable costs  
10 associated with obtaining permits necessary for  
11 the construction, operation, and maintenance of  
12 the project on publicly owned or controlled  
13 land), but not to exceed 25 percent of total  
14 project costs.

15 (D) OPERATION AND MAINTENANCE.—The  
16 non-Federal share of operation and mainte-  
17 nance costs for projects constructed with assist-  
18 ance provided under this section shall be 100  
19 percent.

20 (f) APPLICABILITY OF OTHER FEDERAL AND STATE  
21 LAWS.—Nothing in this section waives, limits, or other-  
22 wise affects the applicability of any provision of Federal  
23 or State law that would otherwise apply to a project to  
24 be carried out with assistance provided under this section.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
 2 authorized to be appropriated to carry out this section for  
 3 the period beginning with fiscal year 2005, \$50,000,000,  
 4 to remain available until expended.

5 (h) REPEAL.—Section 108 of division C of the Con-  
 6 solidated Appropriations Act, 2005 (118 Stat. 2942), is  
 7 repealed.

8 (i) TREATMENT.—The program authorized by this  
 9 section shall be considered a continuation of the program  
 10 authorized by section 108 of division C of the Consolidated  
 11 Appropriations Act, 2005 (118 Stat. 2942) (as in effect  
 12 on the day before the date of enactment of this Act).

13 **SEC. 335. ADDITIONAL ASSISTANCE FOR EASTERN SANTA**  
 14 **CLARA BASIN, CALIFORNIA.**

15 Section 111 of title I of division B of the Miscella-  
 16 neous Appropriations Act, 2001 (as enacted by section  
 17 1(a)(4) of the Consolidated Appropriations Act, 2001 (114  
 18 Stat. 2763; 114 Stat. 2763A–224; 121 Stat. 1209)), is  
 19 amended—

20 (1) in subsection (a), by inserting “and volatile  
 21 organic compounds” after “perchlorates”; and

22 (2) in subsection (b)(3), by inserting “and vola-  
 23 tile organic compounds” after “perchlorates”.

1 **SEC. 336. TRIBAL PARTNERSHIP PROGRAM.**

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

4 (1) in subsection (a), by striking “(25 U.S.C.  
5 450b)” and inserting “(25 U.S.C. 5304)”;

6 (2) in subsection (b)—

7 (A) in paragraph (2)(A)—

8 (i) by inserting “or coastal storm”  
9 after “flood”; and

10 (ii) by inserting “including erosion  
11 control,” after “reduction,”;

12 (B) in paragraph (3), by adding at the end  
13 the following:

14 “(C) FEDERAL INTEREST DETERMINA-  
15 TION.—The first \$100,000 of the costs of a  
16 study under this section shall be at full Federal  
17 expense.”;

18 (C) in paragraph (4)—

19 (i) in subparagraph (A), by striking  
20 “\$18,500,000” and inserting  
21 “\$26,000,000”; and

22 (ii) in subparagraph (B), by striking  
23 “\$18,500,000” and inserting  
24 “\$26,000,000”; and

25 (D) by adding at the end the following:



1           “(5)     PROJECT     JUSTIFICATION.—Notwith-  
 2     standing any other provision of law or requirement  
 3     for economic justification established under section  
 4     209 of the Flood Control Act of 1970 (42 U.S.C.  
 5     1962–2) for a project (other than a project for eco-  
 6     system restoration), the Secretary may implement a  
 7     project under this section if the Secretary deter-  
 8     mines that the project will—

9           “(A) significantly reduce potential flood or  
 10     coastal storm damages, which may include or be  
 11     limited to damages due to shoreline erosion or  
 12     riverbank or streambank failures;

13          “(B) improve the quality of the environ-  
 14     ment;

15          “(C) reduce risks to life safety associated  
 16     with the damages described in subparagraph  
 17     (A); and

18          “(D) improve the long-term viability of the  
 19     community.”;

20     (3) in subsection (d)(5)(B)—

21           (A) by striking “non-Federal” and insert-  
 22     ing “Federal”; and

23           (B) by striking “50 percent” and inserting  
 24     “100 percent”; and

1 (4) in subsection (e), by striking “2024” and  
 2 inserting “2033”.

3 **SEC. 337. SURPLUS WATER CONTRACTS AND WATER STOR-**  
 4 **AGE AGREEMENTS.**

5 Section 1046(c) of the Water Resources Reform and  
 6 Development Act of 2014 (128 Stat. 1254; 132 Stat.  
 7 3784; 134 Stat. 2715) is amended—

8 (1) by striking paragraph (3); and

9 (2) by redesignating paragraph (4) as para-  
 10 graph (3).

11 **SEC. 338. COPAN LAKE, OKLAHOMA.**

12 (a) IN GENERAL.—The Secretary shall amend Con-  
 13 tract DACW56-81-C-0114 between the United States and  
 14 the Copan Public Works Authority (referred to in this sec-  
 15 tion as the “Authority”), entered into on June 22, 1981,  
 16 for the utilization by the Authority of storage space for  
 17 water supply in Copan Lake, Oklahoma (referred to in this  
 18 section as the “project”)—

19 (1) to release to the United States all rights of  
 20 the Authority to utilize 4,750 acre-feet of future use  
 21 water storage space; and

22 (2) to relieve the Authority from all financial  
 23 obligations, to include the initial project investment  
 24 costs and the accumulated interest on unpaid project

1 investment costs, for the volume of water storage  
 2 space described in paragraph (1).

3 (b) REQUIREMENT.—During the 2-year period begin-  
 4 ning on the effective date of execution of the contract  
 5 amendment under subsection (a), the Secretary shall—

6 (1) provide the City of Bartlesville, Oklahoma,  
 7 with the right of first refusal to contract for the uti-  
 8 lization of storage space for water supply for any  
 9 portion of the storage space that was released by the  
 10 Authority under subsection (a); and

11 (2) ensure that the City of Bartlesville, Okla-  
 12 homa, shall not pay more than 110 percent of the  
 13 initial project investment cost per acre-foot of stor-  
 14 age for the acre-feet of storage space sought under  
 15 an agreement under paragraph (1).

16 **SEC. 339. ENHANCED DEVELOPMENT PROGRAM.**

17 The Secretary shall fully implement opportunities for  
 18 enhanced development at Oklahoma Lakes under the au-  
 19 thorities provided in section 3134 of the Water Resources  
 20 Development Act of 2007 (121 Stat. 1142; 130 Stat.  
 21 1671) and section 164 of the Water Resources Develop-  
 22 ment Act of 2020 (134 Stat. 2668).

23 **SEC. 340. ECOSYSTEM RESTORATION COORDINATION.**

24 (a) IN GENERAL.—In carrying out the project for  
 25 ecosystem restoration, South Fork of the South Branch

1 of the Chicago River, Bubbly Creek, Illinois, authorized  
 2 by section 401(5) of the Water Resources Development  
 3 Act of 2020 (134 Stat. 2740), the Secretary shall coordi-  
 4 nate to the maximum extent practicable with the Adminis-  
 5 trator of the Environmental Protection Agency, State en-  
 6 vironmental agencies, and regional coordinating bodies re-  
 7 sponsible for the remediation of toxics.

8 (b) SAVINGS PROVISION.—Nothing in this section ex-  
 9 tends liability to the Secretary for any remediation of  
 10 toxics present at the project site referred to in subsection  
 11 (a) prior to the date of authorization of that project.

12 **SEC. 341. ACEQUIAS IRRIGATION SYSTEMS.**

13 Section 1113 of the Water Resources Development  
 14 Act of 1986 (100 Stat. 4232) is amended—

15 (1) in subsection (b)—

16 (A) by striking “(b) Subject to section  
 17 903(a) of this Act, the Secretary is authorized  
 18 and directed to undertake” and inserting the  
 19 following:

20 “(b) AUTHORIZATION.—Subject to section 903(a),  
 21 the Secretary shall carry out”; and

22 (B) by striking “canals” and all that fol-  
 23 lows through “25 percent.” and inserting the  
 24 following: “channels attendant to the operations

1 of the community ditch and Acequia systems in  
2 New Mexico that—

3 “(1) are declared to be a political subdivision of  
4 the State; or

5 “(2) belong to a federally recognized Indian  
6 Tribe.”;

7 (2) by redesignating subsection (c) as sub-  
8 section (e);

9 (3) by inserting after subsection (b) the fol-  
10 lowing:

11 “(c) INCLUSIONS.—The measures described in sub-  
12 section (b) shall, to the maximum extent practicable—

13 “(1) ensure greater resiliency of diversion struc-  
14 tures, including to flow variations, prolonged  
15 drought conditions, invasive plant species, and  
16 threats from changing hydrological and climatic con-  
17 ditions; or

18 “(2) support research, development, and train-  
19 ing for innovative management solutions, including  
20 those for controlling invasive aquatic plants that af-  
21 fect Acequias.

22 “(d) COSTS.—

23 “(1) TOTAL COST.—The measures described in  
24 subsection (b) shall be carried out at a total cost of  
25 \$80,000,000.

1 “(2) COST SHARING.—

2 “(A) IN GENERAL.—Except as provided in  
3 subparagraph (B), the non-Federal share of the  
4 cost of carrying out the measures described in  
5 subsection (b) shall be 25 percent.

6 “(B) SPECIAL RULE.—In the case of a  
7 project benefitting an economically disadvan-  
8 taged community (as defined pursuant to sec-  
9 tion 160 of the Water Resources Development  
10 Act of 2020 (33 U.S.C. 2201 note; Public Law  
11 116–260)), the Federal share of the cost of car-  
12 rying out the measures described in subsection  
13 (b) shall be 90 percent.”; and

14 (4) in subsection (e) (as so redesignated)—

15 (A) in the first sentence—

16 (i) by striking “(e) The Secretary is  
17 further authorized and directed to” and in-  
18 serting the following:

19 “(e) PUBLIC ENTITY STATUS.—

20 “(1) IN GENERAL.—The Secretary shall”; and

21 (ii) by inserting “or belong to a feder-  
22 ally recognized Indian Tribe within the  
23 State of New Mexico” after “that State”;  
24 and

1 (B) in the second sentence, by striking  
 2 “This public entity status will allow the officials  
 3 of these Acequia systems” and inserting the fol-  
 4 lowing:

5 “(2) EFFECT.—The public entity status pro-  
 6 vided pursuant to paragraph (1) shall allow the offi-  
 7 cials of the Acequia systems described in that para-  
 8 graph”.

9 **SEC. 342. ROGERS COUNTY, OKLAHOMA.**

10 (a) CONVEYANCE.—The Secretary is authorized to  
 11 convey to the City of Tulsa–Rogers County Port Authority  
 12 (referred to in this section as the “Port Authority”), for  
 13 fair market value, all right, title, and interest of the  
 14 United States in and to the Federal land described in sub-  
 15 section (b).

16 (b) FEDERAL LAND DESCRIBED.—

17 (1) IN GENERAL.—The Federal land to be con-  
 18 veyed under this section is the approximately 176  
 19 acres of Federal land located on the following 3 par-  
 20 cels in Rogers County, Oklahoma:

21 (A) Parcel 1 includes U.S. tract 119 (par-  
 22 tial), U.S. tract 123, U.S. tract 120, U.S. tract  
 23 125, and U.S. tract 118 (partial).

24 (B) Parcel 2 includes U.S. tract 124 (par-  
 25 tial) and U.S. tract 128 (partial).

1 (C) Parcel 3 includes U.S. tract 128 (par-  
2 tial).

3 (2) DETERMINATION REQUIRED.—

4 (A) IN GENERAL.—Subject to paragraph  
5 (1) and subparagraphs (B), (C), and (D), the  
6 Secretary shall determine the exact property de-  
7 scription and acreage of the Federal land to be  
8 conveyed under this section.

9 (B) REQUIREMENT.—In making the deter-  
10 mination under subparagraph (A), the Sec-  
11 retary shall reserve from conveyance such ease-  
12 ments, rights-of-way, and other interests as the  
13 Secretary determines to be necessary and ap-  
14 propriate to ensure the continued operation of  
15 the McClellan-Kerr Arkansas River navigation  
16 project, including New Graham Lock and Dam  
17 18 as a part of that project, as authorized  
18 under the comprehensive plan for the Arkansas  
19 River Basin by section 3 of the Act of June 28,  
20 1938 (52 Stat. 1218, chapter 795), and section  
21 10 of the Flood Control Act of 1946 (60 Stat.  
22 647, chapter 596) and where applicable the  
23 provisions of the River and Harbor Act of 1946  
24 (60 Stat. 634, chapter 595) and modified by  
25 section 108 of the Energy and Water Develop-



1           ment Appropriation Act, 1988 (Public Law  
2           100–202; 101 Stat. 1329–112), and section  
3           136 of the Energy and Water Development Ap-  
4           propriations Act, 2004 (Public Law 108–137;  
5           117 Stat. 1842).

6           (C) OBSTRUCTIONS TO NAVIGABLE CAPAC-  
7           ITY.—A conveyance under this section shall not  
8           affect the jurisdiction of the Secretary under  
9           section 10 of the Act of March 3, 1899 (com-  
10          monly known as the “Rivers and Harbors Act  
11          of 1899”) (30 Stat. 1151, chapter 425; 33  
12          U.S.C. 403) with respect to the Federal land  
13          conveyed.

14          (D) SURVEY REQUIRED.—The exact acre-  
15          age and the legal description of any Federal  
16          land conveyed under this section shall be deter-  
17          mined by a survey that is satisfactory to the  
18          Secretary.

19          (c) APPLICABILITY.—Section 2696 of title 10, United  
20          States Code, shall not apply to the conveyance under this  
21          section.

22          (d) COSTS.—The Port Authority shall be responsible  
23          for all reasonable and necessary costs, including real es-  
24          tate transaction and environmental documentation costs,  
25          associated with the conveyance.

1 (e) HOLD HARMLESS.—

2 (1) IN GENERAL.—The Port Authority shall  
3 hold the United States harmless from any liability  
4 with respect to activities carried out on or after the  
5 date of the conveyance under this section on the  
6 Federal land conveyed.

7 (2) LIMITATION.—The United States shall re-  
8 main responsible for any liability incurred with re-  
9 spect to activities carried out before the date of the  
10 conveyance under this section on the Federal land  
11 conveyed.

12 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
13 retary may require that the conveyance under this section  
14 be subject to such additional terms and conditions as the  
15 Secretary considers necessary and appropriate to protect  
16 the interests of the United States.

17 **SEC. 343. WATER SUPPLY STORAGE REPAIR, REHABILITA-**  
18 **TION, AND REPLACEMENT COSTS.**

19 Section 301(b) of the Water Supply Act of 1958 (43  
20 U.S.C. 390b(b)) is amended, in the fourth proviso, by  
21 striking the second sentence and inserting the following:  
22 “For Corps of Engineers projects, all annual operation  
23 and maintenance costs for municipal and industrial water  
24 supply storage under this section shall be reimbursed from  
25 State or local interests on an annual basis, and all repair,

1 rehabilitation, and replacement costs shall be reimbursed  
 2 from State or local interests (1) without interest, during  
 3 construction of the repair, rehabilitation, or replacement,  
 4 (2) with interest, in lump sum on the completion of the  
 5 repair, rehabilitation, or replacement, or (3) at the request  
 6 of the State or local interest, with interest, over a period  
 7 of not more than 25 years beginning on the date of com-  
 8 pletion of the repair, rehabilitation, or replacement, with  
 9 repayment contracts providing for recalculation of the in-  
 10 terest rate at 5-year intervals. At the request of the State  
 11 or local interest, the Secretary of the Army shall amend  
 12 a repayment contract entered into under this section on  
 13 or before the date of enactment of this sentence for the  
 14 purpose of incorporating the terms and conditions de-  
 15 scribed in paragraph (3) of the preceding sentence.”.

16 **SEC. 344. NON-FEDERAL PAYMENT FLEXIBILITY.**

17 Section 103(l) of the Water Resources Development  
 18 Act of 1986 (33 U.S.C. 2213(l)) is amended—

19 (1) by striking the subsection designation and  
 20 heading and all that follows through “At the request  
 21 of” in the first sentence and inserting the following:

22 “(l) DELAY OF PAYMENT.—

23 “(1) INITIAL PAYMENT.—At the request of”;

24 and

25 (2) by adding at the end the following:

1 “(2) INTEREST.—

2 “(A) IN GENERAL.—At the request of any  
3 non-Federal interest, the Secretary may waive  
4 the accrual of interest on any non-Federal cash  
5 contribution under this section or section 101  
6 for a project for a period of not more than 1  
7 year if the Secretary determines that—

8 “(i) the waiver will contribute to the  
9 ability of the non-Federal interest to make  
10 future contributions; and

11 “(ii) the non-Federal interest is in  
12 good standing under terms agreed to under  
13 subsection (k)(1).

14 “(B) LIMITATIONS.—The Secretary may  
15 grant not more than 1 waiver under subpara-  
16 graph (A) for the same project.”.

17 **SEC. 345. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**  
18 **TEXAS.**

19 The project for ecosystem restoration, North Padre  
20 Island, Corpus Christi Bay, Texas, constructed by the Sec-  
21 retary prior to the date of enactment of this Act under  
22 section 556 of the Water Resources Development Act of  
23 1999 (113 Stat. 353), shall not be eligible for repair and  
24 restoration assistance under section 5(a) of the Act of Au-  
25 gust 18, 1941 (commonly known as the “Flood Control

1 Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C.  
2 701n(a)).

3 **SEC. 346. WAIVER OF NON-FEDERAL SHARE OF DAMAGES**  
4 **RELATED TO CERTAIN CONTRACT CLAIMS.**

5 In a case in which the Armed Services Board of Con-  
6 tract Appeals or a court of competent jurisdiction ren-  
7 dered a decision on a date that was at least 20 years be-  
8 fore the date of enactment of this Act awarding damages  
9 to a contractor relating to the adjudication of claims aris-  
10 ing from the construction of general navigation features  
11 of a project carried out under section 107 of the River  
12 and Harbor Act of 1960 (33 U.S.C. 577), notwithstanding  
13 the terms of the Project Partnership Agreement, the Sec-  
14 retary shall waive payment of the share of the non-Federal  
15 interest of such damages, including attorney’s fees, if the  
16 Secretary—

17 (1) terminated construction of the project prior  
18 to completion of all features; and

19 (2) has not collected payment from the non-  
20 Federal interest before the date of enactment of this  
21 Act.

22 **SEC. 347. ALGIERS CANAL LEVEES, LOUISIANA.**

23 In accordance with section 328 of the Water Re-  
24 sources Development Act of 1999 (113 Stat. 304; 121  
25 Stat. 1129), the Secretary shall resume operation, mainte-

1 nance, repair, rehabilitation, and replacement of the Al-  
 2 giers Canal Levees, Louisiana, at full Federal expense.

3 **SEC. 348. ISRAEL RIVER ICE CONTROL PROJECT, LAN-**  
 4 **CASTER, NEW HAMPSHIRE.**

5 Beginning on the date of enactment of this Act, the  
 6 project for flood control, Israel River, Lancaster, New  
 7 Hampshire, authorized by section 205 of the Flood Con-  
 8 trol Act of 1948 (33 U.S.C. 701s) is no longer authorized.

9 **SEC. 349. CITY OF EL DORADO, KANSAS.**

10 The Secretary shall amend Contract DACW56-72-  
 11 C-0220, between the United States and the City of El  
 12 Dorado, Kansas, entered into on June 30, 1972, for the  
 13 utilization by the City of storage space for water supply  
 14 in El Dorado Lake, Kansas, to change the method of cal-  
 15 culation of the interest charges that began accruing on  
 16 June 30, 1991, on the investment costs for the 72,087  
 17 acre-feet of future use storage space, from compounding  
 18 interest annually to charging simple interest annually on  
 19 the principal amount, until—

20 (1) the City desires to convert the future use  
 21 storage space to present use; and

22 (2) the principal amount plus the accumulated  
 23 interest becomes payable pursuant to the terms of  
 24 the Contract.

1 **SEC. 350. UPPER MISSISSIPPI RIVER PROTECTION.**

2 Section 2010 of the Water Resources Reform and De-  
3 velopment Act of 2014 (128 Stat. 1270; 132 Stat. 3812)  
4 is amended by adding at the end the following:

5 “(f) LIMITATION.—The Secretary shall not rec-  
6 ommend deauthorization of the Upper St. Anthony Falls  
7 Lock and Dam unless the Secretary identifies a willing  
8 and capable non-Federal public entity to assume owner-  
9 ship of the lock and dam.

10 “(g) MODIFICATION.—The Secretary is authorized to  
11 investigate the feasibility of modifying the Upper St. An-  
12 thony Falls Lock and Dam to add ecosystem restoration,  
13 including the prevention and control of invasive species,  
14 as an authorized purpose.”.

15 **SEC. 351. REGIONAL CORPS OF ENGINEERS OFFICE, COR-**  
16 **PUS CHRISTI, TEXAS.**

17 (a) IN GENERAL.—At such time as new facilities are  
18 available to the Corps of Engineers, and subject to this  
19 section, the Secretary shall convey to the Port of Corpus  
20 Christi Authority, by deed and without warranty, all right,  
21 title, and interest of the United States in and to the prop-  
22 erty described in subsection (c).

23 (b) CONSIDERATION.—Consideration for the convey-  
24 ance under subsection (a) shall be determined by an ap-  
25 praisal, satisfactory to the Secretary, of the market value  
26 of the property conveyed.

1 (c) DESCRIPTION OF PROPERTY.—The property re-  
 2 ferred to in subsection (a) is the land known as “Tract  
 3 100” and “Tract 101”, including improvements on that  
 4 land, in Corpus Christi, Texas, and described as follows:

5 (1) TRACT 100.— The 1.89 acres, more or less,  
 6 as conveyed by the Nueces County Navigation Dis-  
 7 trict No. 1 of Nueces County, Texas, to the United  
 8 States by instrument dated October 16, 1928, and  
 9 recorded at Volume 193, pages 1 and 2, in the Deed  
 10 Records of Nueces County, Texas.

11 (2) TRACT 101.—The 0.53 acres as conveyed by  
 12 the City of Corpus Christi, Nueces County, Texas,  
 13 to the United States by instrument dated September  
 14 24, 1971, and recorded at Volume 318, pages 523  
 15 and 524, in the Deed Records of Nueces County,  
 16 Texas.

17 (3) IMPROVEMENTS.—

18 (A) Main Building (RPUID AO-C-3516),  
 19 constructed January 9, 1974.

20 (B) Garage, vehicle with 5 bays (RPUID  
 21 AO-C-3517), constructed January 9, 1985.

22 (C) Bulkhead, Upper (RPUID AO-C-  
 23 2658), constructed January 1, 1941.

24 (D) Bulkhead, Lower (RPUID AO-C-  
 25 3520), constructed January 1, 1933.



1 (E) Bulkhead Fence (RPUID AO-C-  
2 3521), constructed January 9, 1985.

3 (F) Bulkhead Fence (RPUID AO-C-  
4 3522), constructed January 9, 1985.

5 (d) TERMS AND CONDITIONS.—

6 (1) IN GENERAL.—Before conveying the land  
7 described in subsection (c) to the Port of Corpus  
8 Christi Authority, the Secretary shall ensure that  
9 the conditions of buildings and facilities meet appli-  
10 cable requirements under Federal law, as determined  
11 by the Secretary.

12 (2) IMPROVEMENTS.—Improvements to condi-  
13 tions of buildings and facilities on the land described  
14 in subsection (c), if any, shall be incorporated into  
15 the consideration required under subsection (b).

16 (3) COSTS OF CONVEYANCE.—In addition to  
17 the fair market value for property rights conveyed,  
18 the Port of Corpus Christi Authority shall be re-  
19 sponsible for all reasonable and necessary costs, in-  
20 cluding real estate transaction and environmental  
21 documentation costs, associated with the conveyance  
22 under subsection (a).

23 **SEC. 352. PILOT PROGRAM FOR GOOD NEIGHBOR AUTHOR-**  
24 **ITY ON CORPS OF ENGINEERS LAND.**

25 (a) DEFINITIONS.—In this section:

1 (1) AUTHORIZED RESTORATION SERVICES.—

2 The term “authorized restoration services” means  
3 similar and complementary forest, rangeland, and  
4 watershed restoration services carried out—

5 (A) on Federal land; and

6 (B) by the Secretary or Governor pursuant  
7 to a good neighbor agreement.

8 (2) FEDERAL LAND.—

9 (A) IN GENERAL.—The term “Federal  
10 land” means land within the State that is ad-  
11 ministered by the Corps of Engineers.

12 (B) EXCLUSIONS.—The term “Federal  
13 land” does not include—

14 (i) a component of the National Wil-  
15 derness Preservation System;

16 (ii) Federal land on which the removal  
17 of vegetation is prohibited or restricted by  
18 an Act of Congress or a Presidential proc-  
19 lamation (including the applicable imple-  
20 mentation plan); or

21 (iii) a wilderness study area.

22 (3) FOREST, RANGELAND, AND WATERSHED  
23 SERVICES.—

1 (A) IN GENERAL.—The term “forest,  
2 rangeland, and watershed restoration services”  
3 means—

4 (i) activities to treat insect-infected  
5 and disease-infected trees;

6 (ii) activities to reduce hazardous  
7 fuels; and

8 (iii) any other activities to restore or  
9 improve forest, rangeland, and watershed  
10 health, including fish and wildlife habitat.

11 (B) EXCLUSIONS.—The term “forest,  
12 rangeland, and watershed restoration services”  
13 does not include—

14 (i) construction, reconstruction, re-  
15 pair, or restoration of paved or permanent  
16 roads or parking areas, other than the re-  
17 construction, repair, or restoration of a  
18 road that is necessary to carry out author-  
19 ized restoration services pursuant to a  
20 good neighbor agreement; and

21 (ii) construction, alteration, repair or  
22 replacement of public buildings or public  
23 works.

24 (4) GOOD NEIGHBOR AGREEMENT.—The term  
25 “good neighbor agreement” means a cooperative

1 agreement or contract (including a sole source con-  
2 tract) entered into between the Secretary and Gov-  
3 ernor under subsection (b)(1)(A) to carry out au-  
4 thorized restoration services under this section.

5 (5) GOVERNOR.—The term “Governor” means  
6 the Governor or any other appropriate executive offi-  
7 cial of the State.

8 (6) ROAD.—The term “road” has the meaning  
9 given the term in section 212.1 of title 36, Code of  
10 Federal Regulations (as in effect on February 7,  
11 2014).

12 (7) STATE.—The term “State” means the State  
13 of Idaho.

14 (b) GOOD NEIGHBOR AGREEMENTS.—

15 (1) GOOD NEIGHBOR AGREEMENTS.—

16 (A) IN GENERAL.—The Secretary may  
17 carry out a pilot program to enter into good  
18 neighbor agreements with the Governor to carry  
19 out authorized restoration services in the State  
20 in accordance with this section.

21 (B) PUBLIC AVAILABILITY.—The Secretary  
22 shall make each good neighbor agreement avail-  
23 able to the public.

24 (C) ADMINISTRATIVE COSTS.—The Gov-  
25 ernor shall provide, and the Secretary may ac-

cept and expend, funds to cover the costs of the Secretary to enter into and administer a good neighbor agreement.

(D) TERMINATION.—The pilot program under subparagraph (A) shall terminate on October 1, 2028.

(2) TIMBER SALES.—

(A) APPROVAL OF SILVICULTURE PRESCRIPTIONS AND MARKING GUIDES.—The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

(B) TREATMENT OF REVENUE.—Except as provided in subparagraph (C), funds received from the sale of timber by the Governor under a good neighbor agreement shall be retained and used by the Governor to carry out authorized restoration services under the good neighbor agreement.

(C) EXCESS REVENUE.—

(i) IN GENERAL.—Any funds remaining after carrying out subparagraph (B) that are in excess of the amount provided by the Governor to the Secretary under

1 paragraph (1)(C) shall be returned to the  
2 Secretary.

3 (ii) APPLICABILITY OF CERTAIN PRO-  
4 VISIONS.—Funds returned to the Secretary  
5 under clause (i) shall be subject to the first  
6 part of section 5 of the Act of June 13,  
7 1902 (commonly known as the “Rivers and  
8 Harbors Appropriations Act of 1902”) (32  
9 Stat. 373, chapter 1079; 33 U.S.C. 558).

10 (3) RETENTION OF NEPA RESPONSIBILITIES.—

11 Any decision required to be made under the Na-  
12 tional Environmental Policy Act of 1969 (42 U.S.C.  
13 4321 et seq.) with respect to any authorized restora-  
14 tion services to be provided under this section on  
15 Federal land shall not be delegated to the Governor.

16 **SEC. 353. SOUTHEAST DES MOINES, SOUTHWEST PLEASANT**  
17 **HILL, IOWA.**

18 (a) PROJECT MODIFICATIONS.—The project for flood  
19 risk management and other purposes, Red Rock Dam and  
20 Lake, Des Moines River, Iowa (referred to in this section  
21 as the “Red Rock Dam Project”), authorized by section  
22 10 of the Act of December 22, 1944 (commonly known  
23 as the “Flood Control Act of 1944”) (58 Stat. 896, chap-  
24 ter 665), and the project for flood risk management, Des  
25 Moines Local Flood Protection, Des Moines River, Iowa

1 (referred to in this section as “Flood Protection Project”),  
 2 authorized by section 10 of that Act (58 Stat. 896, chap-  
 3 ter 665), shall be modified as follows, subject to a new  
 4 or amended agreement between the Secretary and the non-  
 5 Federal interest for the Flood Protection Project, the City  
 6 of Des Moines, Iowa (referred to in this section as the  
 7 “City”), in accordance with section 221 of the Flood Con-  
 8 trol Act of 1970 (42 U.S.C. 1962d–5b):

9           (1) That portion of the Red Rock Dam Project  
 10 consisting of the segment of levee from Station  
 11 15+88.8W to Station 77+43.7W shall be trans-  
 12 ferred to the Flood Protection Project.

13           (2) The relocated levee improvement con-  
 14 structed by the City, from Station 77+43.7W to ap-  
 15 proximately Station 20+00, shall be included in the  
 16 Flood Protection Project.

17 (b) FEDERAL EASEMENT CONVEYANCES.—

18           (1) The Secretary is authorized to convey the  
 19 following easements, acquired by the Federal Gov-  
 20 ernment for the Red Rock Dam Project, to the City  
 21 to become part of the Flood Protection Project in  
 22 accordance with subsection (a):

23                   (A) Easements identified as Tracts 3215E-  
 24                   1 and 3235E.

1 (B) Easements identified as Partial Tracts  
2 3216E-2, 3216E-3, 3217E-1, 3217E-2, and  
3 3227E.

4 (2) On counter-execution of the new or amend-  
5 ed agreement pursuant to the Federal easement con-  
6 veyances under paragraph (1), the Secretary is au-  
7 thorized to convey the following easements, by quit-  
8 claim deed, without consideration, acquired by the  
9 Federal Government for the Red Rock Dam project,  
10 to the City or to the Des Moines Metropolitan  
11 Wastewater Reclamation Authority and no longer re-  
12 quired for the Red Rock Dam Project or for the Des  
13 Moines Local Flood Protection Project:

14 (A) Easements identified as Tracts 3200E,  
15 3202E-1, 3202E-2, 3202E-4, 3203E-2, 3215E-  
16 3, 3216E-1, and 3216E-5.

17 (B) Easements identified as Partial Tracts  
18 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

19 (3) All real property interests conveyed under  
20 this subsection shall be subject to the standard re-  
21 lease of easement disposal process. All administra-  
22 tive fees associated with the transfer of the subject  
23 easements to the City or to the Des Moines Metro-  
24 politan Wastewater Reclamation Authority will be  
25 borne by the transferee.



1 **SEC. 354. MIDDLE RIO GRANDE FLOOD PROTECTION,**  
 2 **BERNALILLO TO BELEN, NEW MEXICO.**

3 In the case of the project for flood risk management,  
 4 Middle Rio Grande, Bernalillo to Belen, New Mexico, au-  
 5 thorized by section 401(2) of the Water Resources Devel-  
 6 opment Act of 2020 (134 Stat. 2735), the non-Federal  
 7 share of the cost of the project shall be the percentage  
 8 described in section 103(a)(2) of the Water Resources De-  
 9 velopment Act of 1986 (33 U.S.C. 2213(a)(2)) (as in ef-  
 10 fect on the day before the date of enactment of the Water  
 11 Resources Development Act of 1996 (110 Stat. 3658)).

12 **SEC. 355. COMPREHENSIVE EVERGLADES RESTORATION**  
 13 **PLAN, FLORIDA.**

14 (a) IN GENERAL.—Section 601(e)(5) of the Water  
 15 Resources Development Act of 2000 (114 Stat. 2685; 132  
 16 Stat. 3786) is amended by striking subparagraph (E) and  
 17 inserting the following:

18 “(E) PERIODIC MONITORING.—

19 “(i) IN GENERAL.—To ensure that  
 20 the contributions of the non-Federal spon-  
 21 sor equal 50 percent proportionate share  
 22 for projects in the Plan, during each period  
 23 of 5 fiscal years, beginning on October 1,  
 24 2022, the Secretary shall, for each  
 25 project—

1                   “(I) monitor the non-Federal  
2                   provision of cash, in-kind services, and  
3                   land; and

4                   “(II) manage, to the maximum  
5                   extent practicable, the requirement of  
6                   the non-Federal sponsor to provide  
7                   cash, in-kind services, and land.

8                   “(ii) OTHER MONITORING.—The Sec-  
9                   retary shall conduct monitoring under  
10                  clause (i) separately for the  
11                  preconstruction engineering and design  
12                  phase and the construction phase for each  
13                  project in the Plan.

14                  “(iii) CLARIFICATION.—Not later than  
15                  90 days after the end of each fiscal year,  
16                  the Secretary shall provide to the non-Fed-  
17                  eral sponsor a financial accounting of non-  
18                  Federal contributions under clause (i)(I)  
19                  for such fiscal year.

20                  “(iv) LIMITATION.—As applicable, the  
21                  Secretary shall only require a cash con-  
22                  tribution from the non-Federal sponsor to  
23                  satisfy the cost share requirements of this  
24                  subsection on the last day of each period  
25                  of 5 fiscal years under clause (i).”.

1 (b) UPDATE.—The Secretary and the South Florida  
 2 Water Management District shall revise the Master Agree-  
 3 ment for the Comprehensive Everglades Restoration Plan,  
 4 executed in 2009 pursuant to section 601 of the Water  
 5 Resources Development Act of 2000 (114 Stat. 2680), to  
 6 reflect the amendment made by subsection (a).

7 **SEC. 356. MAINTENANCE DREDGING PERMITS.**

8 (a) IN GENERAL.—The Secretary shall, to the max-  
 9 imum extent practicable and appropriate, prioritize the  
 10 reissuance of any regional general permit for maintenance  
 11 dredging that expired prior to May 1, 2021.

12 (b) SAVINGS PROVISION.—Nothing in this section af-  
 13 fects, preempts, or interferes with any obligation to com-  
 14 ply with the provisions of any Federal or State environ-  
 15 mental law, including—

16 (1) the National Environmental Policy Act of  
 17 1969 (42 U.S.C. 4321 et seq.);

18 (2) the Federal Water Pollution Control Act  
 19 (33 U.S.C. 1251 et seq.); and

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

22 **SEC. 357. PUGET SOUND NEARSHORE ECOSYSTEM RES-**  
 23 **TORATION, WASHINGTON.**

24 In carrying out the project for ecosystem restoration,  
 25 Puget Sound, Washington, authorized by section 1401(4)

1 of the Water Resources Development Act of 2016 (130  
2 Stat. 1713), the Secretary shall consider the removal and  
3 replacement of the Highway 101 causeway and bridges at  
4 the Duckabush River Estuary site to be a project feature  
5 the costs of which are shared as construction.

6 **SEC. 358. TRIBAL ASSISTANCE.**

7 (a) CLARIFICATION OF EXISTING AUTHORITY.—

8 (1) IN GENERAL.—Subject to paragraph (2),  
9 the Secretary, in consultation with the heads of rel-  
10 evant Federal agencies, the Confederated Tribes of  
11 the Warm Springs Indian Reservation of Oregon,  
12 the Confederated Tribes and Bands of the Yakama  
13 Nation, Nez Perce Tribe, and the Confederated  
14 Tribes of the Umatilla Indian Reservation, shall re-  
15 vise and carry out the village development plan for  
16 Dalles Dam, Columbia River, Washington and Or-  
17 egon, as authorized by section 204 of the Flood Con-  
18 trol Act of 1950 (64 Stat. 179, chapter 188) to ad-  
19 dress adverse impacts to Indian villages, housing  
20 sites, and related structures as a result of the con-  
21 struction of Bonneville Dam, McNary Dam, and  
22 John Day Dam, Washington and Oregon.

23 (2) EXAMINATION.—Before carrying out the re-  
24 quirements of paragraph (1), the Secretary shall  
25 conduct an examination and assessment of the ex-

1 tent to which Indian villages, housing sites, and re-  
2 lated structures were displaced or destroyed by the  
3 construction of the following projects:

4 (A) Bonneville Dam, Oregon, as authorized  
5 by the first section of the Act of August 30,  
6 1935 (49 Stat. 1038, chapter 831) and the first  
7 section and section 2(a) of the Act of August  
8 20, 1937 (50 Stat. 731, chapter 720; 16 U.S.C.  
9 832, 832a(a)).

10 (B) McNary Dam, Washington and Or-  
11 egon, as authorized by section 2 of the Act of  
12 March 2, 1945 (commonly known as the “River  
13 and Harbor Act of 1945”) (59 Stat. 22, chap-  
14 ter 19).

15 (C) John Day Dam, Washington and Or-  
16 egon, as authorized by section 204 of the Flood  
17 Control Act of 1950 (64 Stat. 179, chapter  
18 188).

19 (3) REQUIREMENTS.—The village development  
20 plan under paragraph (1) shall include, at a min-  
21 imum—

22 (A) an evaluation of sites on both sides of  
23 the Columbia River;

1 (B) an assessment of suitable Federal land  
2 and land owned by the States of Washington  
3 and Oregon; and

4 (C) an estimated cost and tentative sched-  
5 ule for the construction of each housing devel-  
6 opment.

7 (4) LOCATION OF ASSISTANCE.—The Secretary  
8 may provide housing and related assistance under  
9 this subsection at 1 or more sites in the States of  
10 Washington and Oregon.

11 (b) PROVISION OF ASSISTANCE ON FEDERAL  
12 LAND.—The Secretary may construct housing or provide  
13 related assistance on land owned by the United States  
14 under the village development plan under subsection  
15 (a)(1).

16 (c) ACQUISITION AND DISPOSAL OF LAND.—

17 (1) IN GENERAL.—Subject to subsection (d),  
18 the Secretary may acquire land or interests in land  
19 for the purpose of providing housing and related as-  
20 sistance under the village development plan under  
21 subsection (a)(1).

22 (2) ADVANCE ACQUISITION.—Acquisition of  
23 land or interests in land under paragraph (1) may  
24 be carried out in advance of completion of all re-  
25 quired documentation and clearances for the con-

1 construction of housing or related improvements on the  
 2 land or on the interests in land.

3 (3) DISPOSAL OF UNSUITABLE LAND.—If the  
 4 Secretary determines that any land or interest in  
 5 land acquired by the Secretary under this section in  
 6 advance of completion of all required documentation  
 7 for the construction of housing or related improve-  
 8 ments is unsuitable for that housing or for those re-  
 9 lated improvements, the Secretary may—

10 (A) dispose of the land or interest in land  
 11 by sale; and

12 (B) credit the proceeds to the appropria-  
 13 tion, fund, or account used to purchase the land  
 14 or interest in land.

15 (d) LIMITATION.—The Secretary shall only acquire  
 16 land from willing landowners in carrying out this section.

17 (e) CONFORMING AMENDMENT.—Section 1178(c) of  
 18 the Water Resources Development Act of 2016 (130 Stat.  
 19 1675; 132 Stat. 3781) is repealed.

20 **SEC. 359. RECREATIONAL OPPORTUNITIES AT CERTAIN**  
 21 **PROJECTS.**

22 (a) DEFINITIONS.—In this section:

23 (1) COVERED PROJECT.—The term “covered  
 24 project” means any of the following projects of the  
 25 Corps of Engineers:

1 (A) Ball Mountain Lake, Vermont.

2 (B) Townshend Lake, Vermont.

3 (2) RECREATION.—The term “recreation” in-  
4 cludes downstream whitewater recreation that is de-  
5 pendent on operations, recreational fishing, and  
6 boating at a covered project.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that the Secretary should—

9 (1) ensure that, to the extent compatible with  
10 other project purposes, each covered project is oper-  
11 ated in such a manner as to protect and enhance  
12 recreation associated with the covered project; and

13 (2) manage land at each covered project to im-  
14 prove opportunities for recreation at the covered  
15 project.

16 (c) MODIFICATION OF WATER CONTROL PLANS.—  
17 The Secretary may modify, or undertake temporary devi-  
18 ations from, the water control plan for a covered project  
19 in order to enhance recreation, if the Secretary determines  
20 the modifications or deviations—

21 (1) will not adversely affect other authorized  
22 purposes of the covered project; and

23 (2) will not result in significant adverse impacts  
24 to the environment.



1 **SEC. 360. REHABILITATION OF CORPS OF ENGINEERS CON-**  
 2 **STRUCTED DAMS.**

3 Section 1177 of the Water Resources Development  
 4 Act of 2016 (33 U.S.C. 467f-2 note; Public Law 114-  
 5 322) is amended by adding at the end the following:

6 “(g) SPECIAL RULE.—Notwithstanding subsection  
 7 (c), the non-Federal share of the cost to rehabilitate Wa-  
 8 terbury Dam, Washington County, Vermont, under this  
 9 section, including the cost of any required study, shall be  
 10 the same share assigned to the non-Federal interest for  
 11 the cost of initial construction of Waterbury Dam.”.

12 **SEC. 361. SOUTH FLORIDA ECOSYSTEM RESTORATION TASK**  
 13 **FORCE.**

14 Section 528(f)(1)(J) of the Water Resources Develop-  
 15 ment Act of 1996 (110 Stat. 3771) is amended—

16 (1) by striking “2 representatives” and insert-  
 17 ing “3 representatives”; and

18 (2) by inserting “at least 1 of which shall be a  
 19 representative of the Florida Department of Envi-  
 20 ronmental Protection and at least 1 of which shall  
 21 be a representative of the Florida Fish and Wildlife  
 22 Conservation Commission,” after “Florida,”.

23 **SEC. 362. NEW MADRID COUNTY HARBOR, MISSOURI.**

24 Section 509(a) of the Water Resources Development  
 25 Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat.  
 26 2679) is amended by adding at the end the following:

1           “(18) Second harbor at New Madrid County  
2 Harbor, Missouri.”.

3 **SEC. 363. TRINITY RIVER AND TRIBUTARIES, TEXAS.**

4           Section 1201(7) of the Water Resources Development  
5 Act of 2018 (132 Stat. 3802) is amended by inserting  
6 “flood risk management, and ecosystem restoration,” after  
7 “navigation,”.

8 **SEC. 364. REND LAKE, CARLYLE LAKE, AND LAKE SHELBY-**  
9 **VILLE, ILLINOIS.**

10          (a) IN GENERAL.—Not later than 90 days after the  
11 date on which the Secretary receives a request from the  
12 Governor of Illinois to terminate a contract described in  
13 subsection (c), the Secretary shall amend the contract to  
14 release to the United States all rights of the State of Illi-  
15 nois to utilize water storage space in the reservoir project  
16 to which the contract applies.

17          (b) RELIEF OF CERTAIN OBLIGATIONS.—On execu-  
18 tion of an amendment described in subsection (a), the  
19 State of Illinois shall be relieved of the obligation to pay  
20 the percentage of the annual operation and maintenance  
21 expense, the percentage of major replacement cost, and  
22 the percentage of major rehabilitation cost allocated to the  
23 water supply storage specified in the contract for the res-  
24 ervoir project to which the contract applies.

1 (c) CONTRACTS.—Subsection (a) applies to the fol-  
 2 lowing contracts between the United States and the State  
 3 of Illinois:

4 (1) Contract DACW43–88–C–0088, entered  
 5 into on September 23, 1988, for utilization of stor-  
 6 age space for water supply in Rend Lake, Illinois.

7 (2) Contract DA–23–065–CIVENG–65–493,  
 8 entered into on April 28, 1965, for utilization of  
 9 storage space for water supply in Rend Lake, Illi-  
 10 nois.

11 (3) Contract DACW43–83–C–0008, entered  
 12 into on July 6, 1983, for utilization of storage space  
 13 in Carlyle Lake, Illinois.

14 (4) Contract DACW43–83–C–0009, entered  
 15 into on July 6, 1983, for utilization of storage space  
 16 in Lake Shelbyville, Illinois.

17 **SEC. 365. FEDERAL ASSISTANCE.**

18 Section 1328(c) of the America’s Water Infrastruc-  
 19 ture Act of 2018 (132 Stat. 3826) is amended by striking  
 20 “4 years” and inserting “8 years”.

21 **SEC. 366. LAND TRANSFER AND TRUST LAND FOR CHOC-**  
 22 **TAW NATION OF OKLAHOMA.**

23 (a) TRANSFER.—

24 (1) IN GENERAL.—Subject to paragraph (2)  
 25 and for the consideration described in subsection (c),

1 the Secretary shall transfer to the Secretary of the  
2 Interior the land described in subsection (b) to be  
3 held in trust for the benefit of the Choctaw Nation.

4 (2) CONDITIONS.—The land transfer under this  
5 subsection shall be subject to the following condi-  
6 tions:

7 (A) The transfer—

8 (i) shall not interfere with the oper-  
9 ation by the Corps of Engineers of the  
10 Sardis Lake Project or any other author-  
11 ized civil works project; and

12 (ii) shall be subject to such other  
13 terms and conditions as the Secretary de-  
14 termines to be necessary and appropriate  
15 to ensure the continued operation of the  
16 Sardis Lake Project or any other author-  
17 ized civil works project.

18 (B) The Secretary shall retain the right to  
19 inundate with water the land transferred to the  
20 Choctaw Nation under this subsection as nec-  
21 essary to carry out an authorized purpose of  
22 the Sardis Lake Project or any other civil  
23 works project.

24 (C) No gaming activities may be conducted  
25 on the land transferred under this subsection.

1 (b) LAND DESCRIPTION.—

2 (1) IN GENERAL.—The land to be transferred  
3 pursuant to subsection (a) is the approximately 247  
4 acres of land located in Sections 18 and 19 of T2N  
5 R18E, and Sections 5 and 8 of T2N R19E,  
6 Pushmataha County, Oklahoma, generally depicted  
7 as “USACE” on the map entitled “Sardis Lake –  
8 Choctaw Nation Proposal” and dated February 22,  
9 2022.

10 (2) SURVEY.—The exact acreage and legal de-  
11 scriptions of the land to be transferred under sub-  
12 section (a) shall be determined by a survey satisfac-  
13 tory to the Secretary and the Secretary of the Inte-  
14 rior.

15 (c) CONSIDERATION.—The Choctaw Nation shall  
16 pay—

17 (1) to the Secretary an amount that is equal to  
18 the fair market value of the land transferred under  
19 subsection (a), as determined by the Secretary,  
20 which funds may be accepted and expended by the  
21 Secretary; and

22 (2) all costs and administrative expenses associ-  
23 ated with the transfer of land under subsection (a),  
24 including the costs of—

25 (A) the survey under subsection (b)(2);

1 (B) compliance with the National Environ-  
2 mental Policy Act of 1969 (42 U.S.C. 4321 et  
3 seq.); and

4 (C) any coordination necessary with re-  
5 spect to requirements related to endangered  
6 species, cultural resources, clean water, and  
7 clean air.

8 **TITLE IV—WATER RESOURCES**  
9 **INFRASTRUCTURE**

10 **SEC. 401. PROJECT AUTHORIZATIONS.**

11 The following projects for water resources develop-  
12 ment and conservation and other purposes, as identified  
13 in the reports titled “Report to Congress on Future Water  
14 Resources Development” submitted to Congress pursuant  
15 to section 7001 of the Water Resources Reform and Devel-  
16 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-  
17 viewed by Congress, are authorized to be carried out by  
18 the Secretary substantially in accordance with the plans,  
19 and subject to the conditions, described in the respective  
20 reports or decision documents designated in this section:

21 (1) NAVIGATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. AK	Elim Subsistence Harbor	March 12, 2021	Federal: \$74,905,000 Non-Federal: \$1,896,000 Total: \$76,801,000
2. CA	Port of Long Beach Deep Draft Navigation, Los Angeles	October 14, 2021	Federal: \$71,985,500 Non-Federal: \$73,447,500 Total: \$145,433,000

1 (2) FLOOD RISK MANAGEMENT.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. AL	Selma	October 7, 2021	Federal: \$15,533,100 Non-Federal: \$8,363,900 Total: \$23,897,000
2. CA	Lower Cache Creek, Yolo County, Woodland, and Vicinity	June 21, 2021	Federal: \$215,152,000 Non-Federal: \$115,851,000 Total: \$331,003,000
3. OR	Portland Metro Levee System	August 20, 2021	Federal: \$77,111,100 Non-Federal: \$41,521,300 Total: \$118,632,400
4. NE	Papillion Creek and Tributaries Lakes	January 24, 2022	Federal: \$91,491,400 Non-Federal: \$52,156,300 Total: \$143,647,700
5. AL	Valley Creek, Bessemer and Birmingham	October 29, 2021	Federal: \$17,725,000 Non-Federal: \$9,586,000 Total: \$27,311,000

2 (3) HURRICANE AND STORM DAMAGE RISK RE-  
3 Duction.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. CT	Fairfield and New Haven Counties	January 19, 2021	Federal: \$92,937,000 Non-Federal: \$50,043,000 Total: \$142,980,000
2. PR	San Juan Metro	September 16, 2021	Federal: \$245,418,000 Non-Federal: \$131,333,000 Total: \$376,751,000
3. FL	Florida Keys, Monroe County	September 24, 2021	Federal: \$1,513,531,000 Non-Federal: \$814,978,000 Total: \$2,328,509,000
4. FL	Okaloosa County	October 7, 2021	Initial Federal: \$19,822,000 Initial Non-Federal: \$11,535,000 Initial Total: \$31,357,000 Renourishment Federal: \$71,045,000 Renourishment Non-Federal: \$73,787,000 Renourishment Total: \$144,832,000
5. SC	Folly Beach	October 26, 2021	Initial Federal: \$45,490,000 Initial Non-Federal: \$5,054,000 Initial Total: \$50,544,000 Renourishment Federal: \$164,424,000 Renourishment Non-Federal: \$26,767,000 Renourishment Total: \$191,191,000
6. FL	Pinellas County	October 29, 2021	Initial Federal: \$8,627,000 Initial Non-Federal: \$5,332,000 Initial Total: \$13,959,000 Renourishment Federal: \$92,000,000 Renourishment Non-Federal: \$101,690,000 Renourishment Total: \$193,690,000



<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
7. NY	South Shore of Staten Island, Fort Wadsworth to Oakwood Beach	October 27, 2016	Federal: \$371,310,000 Non-Federal: \$199,940,000 Total: \$571,250,000
8. LA	Upper Barataria Basin	January 28, 2022	Federal: \$1,005,001,000 Non-Federal: \$541,155,000 Total: \$1,546,156,000

1 (4) HURRICANE AND STORM DAMAGE REDUC-  
2 TION AND ECOSYSTEM RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. TX	Coastal Texas Protection and Restoration Feasibility Study	September 16, 2021	Federal: \$19,237,894,000 Non-Federal: \$11,668,393,000 Total: \$30,906,287,000

3 (5) ECOSYSTEM RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. CA	Prado Basin Eco- system Restora- tion, San Bernardino, Riverside and Orange Coun- ties	April 22, 2021	Federal: \$33,976,000 Non-Federal: \$18,294,000 Total: \$52,270,000

4 (6) MODIFICATIONS AND OTHER PROJECTS.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. LA	Lake Pontchartrain and Vicinity	December 16, 2021	Federal: \$807,000,000 Non-Federal: \$434,000,000 Total: \$1,241,000,000
2. LA	West Bank and Vicinity	December 17, 2021	Federal: \$431,000,000 Non-Federal: \$232,000,000 Total: \$663,000,000
3. GA	Brunswick Harbor, Glynn County	March 11, 2022	Federal: \$10,774,500 Non-Federal: \$3,594,500 Total: \$14,369,000
4. DC	Washington, DC and Vicinity	July 22, 2021	Federal: \$17,740,000 Non-Federal: \$0 Total: \$17,740,000

**1 SEC. 402. STORM DAMAGE PREVENTION AND REDUCTION,**  
**2 COASTAL EROSION, AND ICE AND GLACIAL**  
**3 DAMAGE, ALASKA.**

4 (a) IN GENERAL.—The Secretary shall establish a  
5 program to carry out structural and nonstructural  
6 projects for storm damage prevention and reduction,  
7 coastal erosion, and ice and glacial damage in the State  
8 of Alaska, including—

- 9 (1) relocation of affected communities; and  
10 (2) construction of replacement facilities.

11 (b) COST SHARE.—The non-Federal interest shall  
12 share in the cost to study, design, and construct a project  
13 carried out under this section in accordance with sections  
14 103 and 105 of the Water Resources Development Act of  
15 1986 (33 U.S.C. 2213, 2215), except that, in the case of

1 a project benefitting an economically disadvantaged com-  
2 munity (as defined pursuant to section 160 of the Water  
3 Resources Development Act of 2020 (33 U.S.C. 2201  
4 note; Public Law 116–260)), the non-Federal share shall  
5 be 10 percent.

6 (c) REPEAL.—Section 116 of the Energy and Water  
7 Development and Related Agencies Appropriations Act,  
8 2010 (123 Stat. 2851), is repealed.

9 (d) TREATMENT.—The program authorized by sub-  
10 section (a) shall be considered a continuation of the pro-  
11 gram authorized by section 116 of the Energy and Water  
12 Development and Related Agencies Appropriations Act,  
13 2010 (123 Stat. 2851) (as in effect on the day before the  
14 date of enactment of this Act).

15 **SEC. 403. EXPEDITED COMPLETION OF PROJECTS.**

16 The Secretary shall expedite completion of the fol-  
17 lowing projects:

18 (1) Project for flood risk management, Cum-  
19 berland, Maryland, restoration and rewatering of the  
20 Chesapeake and Ohio Canal, authorized by section  
21 580 of the Water Resources Development Act of  
22 1999 (113 Stat. 375).

23 (2) Project for flood risk management, Tulsa  
24 and West–Tulsa Levee System, Tulsa County, Okla-

1       homa, authorized by section 401(2) of the Water Re-  
2       sources Development Act of 2020 (134 Stat. 2735).

3           (3) Project for flood risk management, Little  
4       Colorado River at Winslow, Navajo County, Arizona,  
5       authorized by section 401(2) of the Water Resources  
6       Development Act of 2020 (134 Stat. 2735).

7           (4) Project for flood risk management, Rio De  
8       Flag, Flagstaff, Arizona, authorized by section  
9       101(b)(3) of the Water Resources Development Act  
10      of 2000 (114 Stat. 2576).

11          (5) Project for flood risk management, Rose  
12      and Palm Garden Washes, Arizona, authorized by  
13      section 205 of the Flood Control Act of 1948 (33  
14      U.S.C. 701s).

15          (6) Project for ecosystem restoration, El  
16      Corazon, Arizona, authorized by section 206 of the  
17      Water Resources Development Act of 1996 (33  
18      U.S.C. 2330).

19          (7) Projects for ecosystem restoration, Ches-  
20      apeake Bay Comprehensive Water Resources and  
21      Restoration Plan, Chesapeake Bay Environmental  
22      Restoration and Protection Program, authorized by  
23      section 510 of the Water Resources Development  
24      Act of 1996 (110 Stat. 3759).

1           (8) Projects authorized under section 219 of  
2           the Water Resources Development Act of 1992 (106  
3           Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 121  
4           Stat. 1258).

5           (9) Projects authorized under section 8004 of  
6           the Water Resources Development Act of 2007 (33  
7           U.S.C. 652 note; Public Law 110–114).

8           (10) Projects authorized under section 519 of  
9           the Water Resources Development Act of 2000 (114  
10          Stat. 2653).

11          (11) Project for flood risk management, Lower  
12          Santa Cruz River, Arizona, authorized by section  
13          205 of the Flood Control Act of 1948 (33 U.S.C.  
14          701s).

15          (12) Project for flood risk management, McCor-  
16          mick Wash, Arizona, authorized by section 205 of  
17          the Flood Control Act of 1948 (33 U.S.C. 701s).

18          (13) Project for navigation, including mainte-  
19          nance and channel deepening, McClellan–Kerr Ar-  
20          kansas River Navigation System.

21          (14) Project for dam safety modifications,  
22          Bluestone Dam, West Virginia.

23          (15) Maintenance dredging and other author-  
24          ized activities to address the impacts of shoaling af-  
25          fecting the project for navigation, Branford Harbor

1 and Branford River, Branford, Connecticut, author-  
2 ized by the first section of the Act of June 13, 1902  
3 (32 Stat. 333, chapter 1079).

4 (16) Maintenance dredging and other author-  
5 ized activities to address the impacts of shoaling af-  
6 fecting the project for navigation, Guilford Harbor  
7 and Sluice Channel, Connecticut.

8 (17) Maintenance dredging and other author-  
9 ized activities to address the impacts of shoaling af-  
10 fecting the project for navigation, Milford Harbor,  
11 Connecticut.

12 (18) Assistance for ecosystem restoration,  
13 Lower Yellowstone Intake Diversion Dam, Montana,  
14 authorized by section 3109 of the Water Resources  
15 Development Act of 2007 (121 Stat. 1135).

16 (19) Project for mitigation of shore damage  
17 from navigation works, Camp Ellis Beach, Saco,  
18 Maine, pursuant to section 111 of the River and  
19 Harbor Act of 1968 (33 U.S.C. 426i).

20 (20) Project for ecosystem restoration, Lower  
21 Blackstone River, Rhode Island, pursuant to section  
22 206 of the Water Resources Development Act of  
23 1996 (33 U.S.C. 2330).

24 (21) Project for navigation, Kentucky Lock Ad-  
25 dition, Kentucky.

1           (22) Maintenance dredging of the Federal chan-  
2           nel for the project for navigation, Columbia, Snake,  
3           and Clearwater Rivers, Oregon, Washington, and  
4           Idaho, authorized by section 2 of the Act of March  
5           2, 1945 (59 Stat. 21, chapter 19), at the Port of  
6           Clarkston, Washington, and the Port of Lewiston,  
7           Idaho.

8           (23) Maintenance dredging and other author-  
9           ized activities to address the impacts of shoaling af-  
10          fecting the project for navigation, Portsmouth Back  
11          Channels and Sagamore Creek, Portsmouth, New  
12          Castle, and Rye, New Hampshire, authorized by sec-  
13          tion 107 of the River and Harbor Act of 1960 (33  
14          U.S.C. 577).

15          (24) Maintenance dredging and other author-  
16          ized activities to address the impacts of shoaling af-  
17          fecting the project for navigation, Portsmouth Har-  
18          bor and Piscataqua River, Portsmouth, New Castle,  
19          and Newington, New Hampshire, and Kittery and  
20          Elliot, Maine, authorized by section 101 of the River  
21          and Harbor Act of 1962 (76 Stat. 1173).

22 **SEC. 404. SPECIAL RULES.**

23          (a) The following conditions apply to the project de-  
24          scribed in section 403(19):

1           (1) The project is authorized to be carried out  
2           under section 111 of the River and Harbor Act of  
3           1968 (33 U.S.C. 426i) at a Federal cost of  
4           \$45,000,000.

5           (2) The project may include Federal participa-  
6           tion in periodic nourishment.

7           (3) For purposes of subsection (b) of section  
8           111 of the River and Harbor Act of 1968 (33  
9           U.S.C. 426i), the Secretary shall determine that the  
10          navigation works to which the shore damages are at-  
11          tributable were constructed at full Federal expense.

12          (b) The following conditions apply to the project de-  
13          scribed in section 403(20):

14               (1) The project is authorized to be carried out  
15               under section 206 of the Water Resources Develop-  
16               ment Act of 1996 (33 U.S.C. 2330) at a Federal  
17               cost of \$15,000,000.

18               (2) If the Secretary includes in the project a  
19               measure on Federal land under the jurisdiction of  
20               another Federal agency, the Secretary may enter  
21               into an agreement with the Federal agency that pro-  
22               vides for the Secretary—

23                       (A) to construct the measure; and



1 (B) to operate and maintain the measure  
2 using funds provided to the Secretary by the  
3 non-Federal interest for the project.

4 (3) If the Secretary includes in the project a  
5 measure for fish passage at a dam licensed for hy-  
6 dropower, the Secretary shall include in the project  
7 costs all costs for the measure, except that those  
8 costs that are in excess of the costs to provide fish  
9 passage at the dam if hydropower improvements  
10 were not in place shall be a 100 percent non-Federal  
11 expense.

12 **SEC. 405. CHATTAHOOCHEE RIVER PROGRAM.**

13 (a) ESTABLISHMENT.—

14 (1) IN GENERAL.—The Secretary shall establish  
15 a program to provide environmental assistance to  
16 non-Federal interests in the Chattahoochee River  
17 Basin.

18 (2) FORM.—The assistance under paragraph  
19 (1) shall be in the form of design and construction  
20 assistance for water-related resource protection and  
21 restoration projects affecting the Chattahoochee  
22 River Basin, based on the comprehensive plan under  
23 subsection (b), including projects for—

24 (A) sediment and erosion control;

25 (B) protection of eroding shorelines;

1 (C) ecosystem restoration, including res-  
2 toration of submerged aquatic vegetation;

3 (D) protection of essential public works;

4 (E) beneficial uses of dredged material;

5 and

6 (F) other related projects that may en-  
7 hance the living resources of the Chattahoochee  
8 River Basin.

9 (b) COMPREHENSIVE PLAN.—

10 (1) IN GENERAL.—Not later than 2 years after  
11 the date of enactment of this Act, the Secretary, in  
12 cooperation with State and local governmental offi-  
13 cials and affected stakeholders, shall develop a com-  
14 prehensive Chattahoochee River Basin restoration  
15 plan to guide the implementation of projects under  
16 subsection (a)(2).

17 (2) COORDINATION.—The restoration plan de-  
18 scribed in paragraph (1) shall, to the maximum ex-  
19 tent practicable, consider and avoid duplication of  
20 any ongoing or planned actions of other Federal,  
21 State, and local agencies and nongovernmental orga-  
22 nizations.

23 (3) PRIORITIZATION.—The restoration plan de-  
24 scribed in paragraph (1) shall give priority to  
25 projects eligible under subsection (a)(2) that will

1 also improve water quality or quantity or use nat-  
2 ural hydrological features and systems.

3 (c) AGREEMENT.—

4 (1) IN GENERAL.—Before providing assistance  
5 under this section, the Secretary shall enter into an  
6 agreement with a non-Federal interest for the design  
7 and construction of a project carried out pursuant to  
8 the comprehensive Chattahoochee River Basin res-  
9 toration plan described in subsection (b).

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

12 (A) the development by the Secretary, in  
13 consultation with appropriate Federal, State,  
14 and local officials, of a resource protection and  
15 restoration plan, including appropriate engi-  
16 neering plans and specifications and an esti-  
17 mate of expected resource benefits; and

18 (B) the establishment of such legal and in-  
19 stitutional structures as are necessary to ensure  
20 the effective long-term operation and mainte-  
21 nance of the project by the non-Federal inter-  
22 est.

23 (d) COST SHARING.—

24 (1) FEDERAL SHARE.—Except as provided in  
25 paragraph (2)(B), the Federal share of the total

1 project costs of each agreement entered into under  
2 this section shall be 75 percent.

3 (2) NON-FEDERAL SHARE.—

4 (A) VALUE OF LAND, EASEMENTS,  
5 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-  
6 mining the non-Federal contribution toward  
7 carrying out an agreement entered into under  
8 this section, the Secretary shall provide credit  
9 to a non-Federal interest for the value of land,  
10 easements, rights-of-way, and relocations pro-  
11 vided by the non-Federal interest, except that  
12 the amount of credit provided for a project  
13 under this paragraph may not exceed 25 per-  
14 cent of the total project costs.

15 (B) OPERATION AND MAINTENANCE  
16 COSTS.—The non-Federal share of the costs of  
17 operation and maintenance of activities carried  
18 out under an agreement under this section shall  
19 be 100 percent.

20 (e) COOPERATION.—In carrying out this section, the  
21 Secretary shall cooperate with—

22 (1) the heads of appropriate Federal agencies,  
23 including—

24 (A) the Administrator of the Environ-  
25 mental Protection Agency;

1 (B) the Secretary of Commerce, acting  
2 through the Administrator of the National Oce-  
3 anic and Atmospheric Administration;

4 (C) the Secretary of the Interior, acting  
5 through the Director of the United States Fish  
6 and Wildlife Service; and

7 (D) the heads of such other Federal agen-  
8 cies as the Secretary determines to be appro-  
9 priate; and

10 (2) agencies of a State or political subdivision  
11 of a State.

12 (f) PROTECTION OF RESOURCES.—A project estab-  
13 lished under this section shall be carried out using such  
14 measures as are necessary to protect environmental, his-  
15 toric, and cultural resources.

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

18 (h) SAVINGS PROVISION.—Nothing in this section—

19 (1) establishes any express or implied reserved  
20 water right in the United States for any purpose;

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

23 (3) preempts or affects any State water law or  
24 interstate compact governing water; or

1           (4) affects any Federal or State law in exist-  
2           ence on the date of enactment of this Act regarding  
3           water quality or water quantity.

4           (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
5           authorized to be appropriated to carry out this section  
6           \$90,000,000.

7   **SEC. 406. LOWER MISSISSIPPI RIVER BASIN DEMONSTRA-**  
8                           **TION PROGRAM.**

9           (a) DEFINITION.—In this section, the term “Lower  
10          Mississippi River Basin” means the portion of the Mis-  
11          sissippi River that begins at the confluence of the Ohio  
12          River and flows to the Gulf of Mexico, and its tributaries  
13          and distributaries.

14          (b) ESTABLISHMENT.—

15               (1) IN GENERAL.—The Secretary shall establish  
16          a program to provide assistance to non-Federal in-  
17          terests in the Lower Mississippi River Basin.

18               (2) FORM.—

19                   (A) IN GENERAL.—The assistance under  
20          paragraph (1) shall be in the form of design  
21          and construction assistance for flood or coastal  
22          storm risk management or aquatic ecosystem  
23          restoration projects in the Lower Mississippi  
24          River Basin, based on the comprehensive plan  
25          under subsection (c).

1 (B) ASSISTANCE.—Projects under sub-  
2 paragraph (A) may include measures for—

3 (i) sediment control;

4 (ii) protection of eroding riverbanks  
5 and streambanks and shorelines;

6 (iii) channel modifications;

7 (iv) beneficial uses of dredged mate-  
8 rial; or

9 (v) other related projects that may en-  
10 hance the living resources of the Lower  
11 Mississippi River Basin.

12 (c) COMPREHENSIVE PLAN.—

13 (1) IN GENERAL.—Not later than 2 years after  
14 the date of enactment of this Act, the Secretary, in  
15 cooperation with State and local governmental offi-  
16 cials and affected stakeholders, shall develop a com-  
17 prehensive Lower Mississippi River Basin plan to  
18 guide the implementation of projects under sub-  
19 section (b)(2).

20 (2) COORDINATION.—The plan described in  
21 paragraph (1) shall, to the maximum extent prac-  
22 ticable, consider and avoid duplication of any ongo-  
23 ing or planned actions of other Federal, State, and  
24 local agencies and nongovernmental organizations.

1           (3) PRIORITIZATION.—To the maximum extent  
2       practicable, the plan described in paragraph (1)  
3       shall give priority to projects eligible under sub-  
4       section (b)(2) that will also improve water quality,  
5       reduce hypoxia in the Lower Mississippi River or  
6       Gulf of Mexico, or use a combination of structural  
7       and nonstructural measures.

8       (d) AGREEMENT.—

9           (1) IN GENERAL.—Before providing assistance  
10      under this section, the Secretary shall enter into an  
11      agreement with a non-Federal interest for the design  
12      and construction of a project carried out pursuant to  
13      the comprehensive Lower Mississippi River Basin  
14      plan described in subsection (c).

15          (2) REQUIREMENTS.—Each agreement entered  
16      into under this subsection shall provide for the es-  
17      tablishment of such legal and institutional structures  
18      as are necessary to ensure the effective long-term  
19      operation and maintenance of the project by the  
20      non-Federal interest.

21      (e) COST SHARING.—

22          (1) FEDERAL SHARE.—The Federal share of  
23      the cost to design and construct a project under  
24      each agreement entered into under this section shall  
25      be 75 percent.



1 (2) NON-FEDERAL SHARE.—

2 (A) VALUE OF LAND, EASEMENTS,  
3 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-  
4 mining the non-Federal contribution toward  
5 carrying out an agreement entered into under  
6 this section, the Secretary shall provide credit  
7 to a non-Federal interest for the value of land,  
8 easements, rights-of-way, and relocations pro-  
9 vided by the non-Federal interest, except that  
10 the amount of credit provided for a project  
11 under this paragraph may not exceed 25 per-  
12 cent of the cost to design and construct the  
13 project.

14 (B) OPERATION AND MAINTENANCE  
15 COSTS.—The non-Federal share of the costs of  
16 operation and maintenance of activities carried  
17 out under an agreement under this section shall  
18 be 100 percent.

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

21 (1) the heads of appropriate Federal agencies,  
22 including—

23 (A) the Secretary of Agriculture;

1 (B) the Secretary of the Interior, acting  
2 through the Director of the United States Fish  
3 and Wildlife Service; and

4 (C) the heads of such other Federal agen-  
5 cies as the Secretary determines to be appro-  
6 priate; and

7 (2) agencies of a State or political subdivision  
8 of a State.

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

11 (h) REPORT.—Not later than 3 years after the date  
12 of enactment of this Act, the Secretary shall submit to  
13 the Committee on Environment and Public Works of the  
14 Senate and the Committee on Transportation and Infra-  
15 structure of the House of Representatives a report that  
16 describes the results of the program under this section,  
17 including a recommendation on whether the program  
18 should be reauthorized.

19 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to carry out this section  
21 \$90,000,000.

22 **SEC. 407. FORECAST-INFORMED RESERVOIR OPERATIONS.**

23 (a) IN GENERAL.—The Secretary is authorized to  
24 carry out a research study pilot program at 1 or more  
25 dams owned and operated by the Secretary in the North

1 Atlantic Division of the Corps of Engineers to assess the  
2 viability of forecast-informed reservoir operations in the  
3 eastern United States.

4 (b) REPORT.—Not later than 1 year after completion  
5 of the research study pilot program under subsection (a),  
6 the Secretary shall submit to the Committee on Transpor-  
7 tation and Infrastructure of the House of Representatives  
8 and the Committee on Environment and Public Works of  
9 the Senate a report on the results of the study pilot pro-  
10 gram.

11 **SEC. 408. MISSISSIPPI RIVER MAT SINKING UNIT.**

12 The Secretary shall expedite the replacement of the  
13 Mississippi River mat sinking unit.

14 **SEC. 409. SENSE OF CONGRESS RELATING TO OKATIBBEE**  
15 **LAKE.**

16 It is the sense of Congress that—

17 (1) there is significant shoreline sloughing and  
18 erosion at the Okatibbee Lake portion of the project  
19 for flood protection, Chunky Creek, Chickasawhay  
20 and Pascagoula Rivers, Mississippi, authorized by  
21 section 203 of the Flood Control Act of 1962 (76  
22 Stat. 1183), which has the potential to impact infra-  
23 structure, damage property, and put lives at risk;  
24 and

1           (2) addressing shoreline sloughing and erosion  
2           at a project of the Secretary, including at a location  
3           leased by non-Federal entities such as Okatibbee  
4           Lake, is an activity that is eligible to be carried out  
5           by the Secretary as part of the operation and main-  
6           tenance of the project.



Calendar No. 361

117TH CONGRESS  
2D Session  
**S. 4136**

**A BILL**

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.

MAY 4, 2022

Read twice and placed on the calendar