

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

H. R. 7776

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. CARPER (for himself, Mrs. CAPITO, Mr. CARDIN, and Mr. CRAMER)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 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.

2

- 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 Committee.
- 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. Sense of Congress on operations and maintenance of recreation sites.
- 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.
- 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. 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.
- Sec. 367. Lake Barkley, Kentucky, land conveyance.

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.

1 **TITLE I—GENERAL PROVISIONS**

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

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

11 (1) a riverine discharge of any magnitude or
12 frequency;

13 (2) inundation, wave attack, and erosion coin-
14 ciding with a hurricane or coastal storm;

15 (3) a tide of any magnitude or frequency;

16 (4) a rainfall event of any magnitude or fre-
17 quency;

18 (5) seasonal variation in water levels;

19 (6) groundwater emergence;

20 (7) sea level rise;

21 (8) subsidence; or

22 (9) any other driver of flood risk affecting the
23 study area.

24 (b) WATER SUPPLY, WATER SUPPLY CONSERVA-
25 TION, AND DROUGHT RISK REDUCTION.—In carrying out

1 a feasibility study for any purpose, the Secretary, at the
2 request of the non-Federal interest for the study, shall for-
3 mulate alternatives—

4 (1) to maximize combined net benefits for the
5 primary purpose of the study and for water supply,
6 water supply conservation, and drought risk reduc-
7 tion; or

8 (2) to include 1 or more measures for the pur-
9 pose of water supply, water supply conservation, or
10 drought risk reduction.

11 (c) COST SHARING.—All costs to carry out a feasi-
12 bility study in accordance with this section shall be shared
13 in accordance with the cost share requirements otherwise
14 applicable to the study.

15 **SEC. 102. SHORELINE AND RIVERBANK PROTECTION AND**
16 **RESTORATION MISSION.**

17 (a) DECLARATION OF POLICY.—Congress declares
18 that—

19 (1) consistent with the civil works mission of
20 the Corps of Engineers, it is the policy of the United
21 States to protect and restore the shorelines, river-
22 banks, and streambanks of the United States from
23 the damaging impacts of extreme weather events
24 and other factors contributing to the vulnerability of
25 coastal and riverine communities and ecosystems;

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

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

17 (4) to the maximum extent practicable, periodic
18 nourishment shall be provided, in accordance with
19 subsection (c) of the first section of the Act of Au-
20 gust 13, 1946 (60 Stat. 1056, chapter 960; 33
21 U.S.C. 426e(c)), and subject to section 156 of the
22 Water Resources Development Act of 1976 (42
23 U.S.C. 1962d–5f), for projects and measures carried
24 out for the purpose of restoring and increasing the
25 resilience of ecosystems to the same extent as peri-

1 odic nourishment is provided for projects and meas-
2 ures carried out for the purpose of coastal storm
3 risk management.

4 (b) SHORELINE AND RIVERINE PROTECTION AND
5 RESTORATION.—

6 (1) IN GENERAL.—Section 212 of the Water
7 Resources Development Act of 1999 (33 U.S.C.
8 2332) is amended—

9 (A) in the section heading, by striking
10 **“FLOOD MITIGATION AND RIVERINE RES-**
11 **TORATION PROGRAM”** and inserting
12 **“SHORELINE AND RIVERINE PROTECTION**
13 **AND RESTORATION”**;

14 (B) by striking subsection (a) and insert-
15 ing the following:

16 “(a) IN GENERAL.—The Secretary may carry out
17 projects—

18 “(1) to reduce flood and coastal storm hazards,
19 including shoreline erosion and riverbank and
20 streambank failures; or

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

24 (C) in subsection (b)—

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

3 “(1) AUTHORITY.—

4 “(A) STUDIES.—The Secretary may carry
5 out studies to identify appropriate measures
6 for—

7 “(i) the reduction of flood and coastal
8 storm hazards, including shoreline erosion
9 and riverbank and streambank failures; or

10 “(ii) the restoration of the natural
11 functions and values of rivers and shore-
12 lines.

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

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

22 (iii) in paragraph (4)—

23 (I) by inserting “and coastal
24 storm” after “flood”;

1 (II) by inserting “, shoreline,”
2 after “riverine”; and

3 (III) by inserting “and coastal
4 barriers” after “floodplains”;

5 (D) in subsection (c)—

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

8 “(1) STUDIES.—

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

12 “(i) 50 percent; and

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

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

23 (ii) in paragraph (2)—

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

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

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

18 (iii) in paragraph (3)—

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

23 (II) by striking “control” and in-
24 serting “and coastal storm risk man-
25 agement”; and

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

15 (E) in subsection (d)—

16 (i) by striking paragraph (2);

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

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

23 (iii) by redesignating subparagraphs
24 (A) through (C) as paragraphs (1) through

1 (3), respectively, and indenting appro-
2 priately; and

3 (iv) in paragraph (1) (as so redesign-
4 nated)—

5 (I) by inserting “or coastal
6 storm” after “flood”; and

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

10 (F) in subsection (e)—

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

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

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

20 (iii) by adding at the end the fol-
21 lowing:

22 “(2) PRIORITY PROJECTS.—In carrying out this
23 section after the date of enactment of the Water Re-
24 sources Development Act of 2022, the Secretary
25 shall prioritize projects for the following locations:

1 “(A) Delaware beaches and watersheds,
2 Delaware.

3 “(B) Louisiana Coastal Area, Louisiana.

4 “(C) Great Lakes Shores and Watersheds.

5 “(D) Oregon Coastal Area, Oregon.

6 “(E) Upper Missouri River Basin.

7 “(F) Ohio River Tributaries and their wa-
8 tersheds, West Virginia.

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

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

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

14 (I) in subsection (f) (as so redesignated),
15 by striking paragraph (2) and inserting the fol-
16 lowing:

17 “(2) PROJECTS REQUIRING SPECIFIC AUTHOR-
18 IZATION.—The Secretary shall not carry out a
19 project until Congress enacts a law authorizing the
20 Secretary to carry out the project, if the Federal
21 share of the cost to design and construct the project
22 exceeds—

23 “(A) \$26,000,000, in the case of a project
24 benefitting an economically disadvantaged com-
25 munity (as defined pursuant to section 160 of

1 the Water Resources Development Act of 2020
2 (33 U.S.C. 2201 note; Public Law 116–260));

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

7 “(i) is for purposes of environmental
8 restoration; or

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

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

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

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

23 (c) EMERGENCY STREAMBANK AND SHORELINE
24 PROTECTION.—Section 14 of the Flood Control Act of

1 1946 (33 U.S.C. 701r) is amended by striking
2 “\$5,000,000” and inserting “\$10,000,000”.

3 **SEC. 103. INLAND WATERWAY PROJECTS.**

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

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

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

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

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

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

24 (a) IN GENERAL.—The Secretary is authorized to use
25 funds made available to the Secretary for water resources

1 development purposes to construct, at full Federal ex-
2 pense, a measure benefitting Federal land under the ad-
3 ministrative jurisdiction of another Federal agency, if the
4 measure—

5 (1) is included in a report of the Chief of Engi-
6 neers or other decision document for a water re-
7 sources development project that is specifically au-
8 thorized by Congress;

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

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

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

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

19 (d) SAVINGS PROVISIONS.—Nothing in this section
20 precludes—

21 (1) a Federal agency with administrative juris-
22 diction over Federal land from contributing funds
23 for any portion of the cost of a measure described
24 in subsection (a) that benefits that land; or

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

10 (e) REPEAL.—

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

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

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

20 Consistent with the 5-year administrative publication
21 life cycle of the Department of the Army, the Secretary
22 shall revise, rescind, or certify as current, as applicable,
23 each publication for the civil works programs of the Corps
24 of Engineers.

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

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

5 (1) in subsection (a)—

6 (A) in paragraph (3), by striking “section
7 236 of title 10” and inserting “section 4141 of
8 title 10”; and

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

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

14 (2) by redesignating subsections (b) through (f)
15 as subsections (c) through (g), respectively;

16 (3) by inserting after subsection (a) the fol-
17 lowing:

18 “(b) OUTREACH.—

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

21 “(A) to inform and educate States and
22 other non-Federal interests about the missions,
23 programs, policies, and procedures of the Corps
24 of Engineers; and

25 “(B) to engage with States and other non-
26 Federal interests to identify specific opportuni-

1 ties to partner with the Corps of Engineers to
2 address water resources development needs.

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

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

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

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

18 (b) CONFORMING AMENDMENT.—Section
19 3014(b)(3)(B) of the Water Resources Reform and Devel-
20 opment Act of 2014 (42 U.S.C. 4131(b)(3)(B)) is amend-
21 ed by striking section “22(b) of the Water Resources De-
22 velopment Act of 1974 (42 U.S.C. 1962d–16(b))” and in-
23 serting “section 22(c) of the Water Resources Develop-
24 ment Act of 1974 (42 U.S.C. 1962d–16(c))”.

1 **SEC. 107. FLOODPLAIN MANAGEMENT SERVICES.**

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

4 (1) in subsection (a)—

5 (A) in the second sentence, by striking
6 “Surveys and guides” and inserting the fol-
7 lowing:

8 “(2) SURVEYS AND GUIDES.—Surveys and
9 guides”;

10 (B) in the first sentence—

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

16 (ii) by striking “In recognition” and
17 inserting the following:

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

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

20 “(3) IDENTIFICATION OF ASSISTANCE.—

21 “(A) IN GENERAL.—To the maximum ex-
22 tent practicable, in providing assistance under
23 this subsection, the Secretary shall identify and
24 communicate to States and non-Federal inter-
25 ests specific opportunities to partner with the
26 Corps of Engineers to address flood hazards.

1 “(B) COORDINATION.—The Secretary shall
2 coordinate activities under this paragraph with
3 activities described in subsection (b) of section
4 22 of the Water Resources Development Act of
5 1974 (42 U.S.C. 1962d–16).”;

6 (2) by redesignating subsection (d) as sub-
7 section (e); and

8 (3) by inserting after subsection (c) the fol-
9 lowing:

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

15 **SEC. 108. WORKFORCE PLANNING.**

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

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

23 (1) to foster, enhance, and support science,
24 technology, engineering, and math education and
25 awareness; and

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

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

6 (1) public and nonprofit elementary and sec-
7 ondary schools;

8 (2) community colleges;

9 (3) technical schools;

10 (4) colleges and universities, including histori-
11 cally Black colleges and universities; and

12 (5) other institutions of learning.

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

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$20,000,000 for each of fiscal years 2023 through 2027.

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

23 (a) IN GENERAL.—Section 1022 of the Water Re-
24 sources Reform and Development Act of 2014 (33 U.S.C.
25 2225) is amended—

1 (1) in subsection (a)—

2 (A) by striking “or” before “an authorized
3 coastal navigation project”;

4 (B) by inserting “or any other water re-
5 sources development project for which the Sec-
6 retary is authorized to reimburse the non-Fed-
7 eral interest for the Federal share of construc-
8 tion or operation and maintenance,” before
9 “the Secretary”; and

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

13 (2) in each of subsections (b) and (c), by strik-
14 ing “flood damage reduction and coastal navigation”
15 each place it appears and inserting “water resources
16 development”; and

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

18 “(d) APPLICABILITY.—With respect to a project con-
19 structed under section 204 of the Water Resources Devel-
20 opment Act of 1986 (33 U.S.C. 2232), the Secretary shall
21 exercise the authority under this section to apply credits
22 and reimbursements related to the project in a manner
23 consistent with the requirements of subsection (d) of that
24 section.”.

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

10 **SEC. 110. COASTAL COST CALCULATIONS.**

11 Section 152(a) of the Water Resources Development
12 Act of 2020 (33 U.S.C. 2213a(a)) is amended by inserting
13 “or coastal storm risk management” after “flood risk
14 management”.

15 **SEC. 111. ADVANCE PAYMENT IN LIEU OF REIMBURSEMENT**
16 **FOR CERTAIN FEDERAL COSTS.**

17 The Secretary is authorized to provide in advance to
18 the non-Federal interest the Federal share of funds re-
19 quired for the acquisition of land, easements, and rights-
20 of-way and the performance of relocations for a project
21 or separable element—

22 (1) authorized to be constructed at full Federal
23 expense;

1 (2) described in section 103(b)(2) of the Water
2 Resources Development Act of 1986 (33 U.S.C.
3 2213(b)(2)); or

4 (3) described in, or modified by an amendment
5 made by, section 307(a) or 309(a), if at any time
6 the cost to acquire the land, easements, and rights-
7 of-way required for the project is projected to exceed
8 the non-Federal share of the cost of the project.

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

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

6 “(D) ANNUAL LIMIT ON REIMBURSEMENTS
7 NOT APPLICABLE.—Section 102 of the Energy
8 and Water Development Appropriations Act,
9 2006 (33 U.S.C. 2221), shall not apply to an
10 agreement under subparagraph (B).”.

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

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

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

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

19 (3) by striking subsection (e);

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

23 (5) in subsection (a), by striking “of the Army
24 Corps of Engineers, the Secretary is authorized to
25 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)”;

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

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(e)(7) of the
25 Federal Water Pollution Control Act (33 U.S.C.

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

4 (c) MONITORING AND ASSESSMENT PROGRAM FOR
5 SALINE LAKES IN THE GREAT BASIN.—

6 (1) IN GENERAL.—The Secretary is authorized
7 to carry out a program (referred to in this sub-
8 section as the “program”) to monitor and assess the
9 hydrology of saline lake ecosystems in the Great
10 Basin, including the Great Salt Lake, to inform and
11 support Federal and non-Federal management and
12 conservation activities to benefit those ecosystems.

13 (2) COORDINATION.—The Secretary shall co-
14 ordinate implementation of the program with rel-
15 evant—

16 (A) Federal and State agencies;

17 (B) Indian Tribes;

18 (C) local governments; and

19 (D) nonprofit organizations.

20 (3) CONTRACTS, GRANTS, AND COOPERATIVE
21 AGREEMENTS.—The Secretary is authorized to enter
22 into contracts, grant agreements, and cooperative
23 agreements with institutions of higher education and
24 with entities described in paragraph (2) to imple-
25 ment the program.

1 (4) UPDATE.—Not later than 1 year after the
2 date of enactment of this Act, the Secretary shall
3 submit to Congress an update on the progress of the
4 Secretary in carrying out the program.

5 (5) ADDITIONAL INFORMATION.—In carrying
6 out the program, the Secretary may use available
7 studies, information, literature, or data on the Great
8 Basin region published by relevant Federal, State, or
9 local entities.

10 (6) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to carry out
12 this subsection \$10,000,000.

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

17 **SEC. 114. TRIBAL AND ECONOMICALLY DISADVANTAGED**
18 **COMMUNITIES ADVISORY COMMITTEE.**

19 (a) DEFINITIONS.—In this section:

20 (1) COMMITTEE.—The term “Committee”
21 means the Tribal and Economically Disadvantaged
22 Communities Advisory Committee established under
23 subsection (b).

24 (2) ECONOMICALLY DISADVANTAGED COMMU-
25 NITY.—The term “economically disadvantaged com-

1 munity” has the meaning given the term pursuant
2 to section 160 of the Water Resources Development
3 Act of 2020 (33 U.S.C. 2201 note; Public Law 116–
4 260).

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

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

19 (c) MEMBERSHIP.—The Committee shall be com-
20 posed of members, appointed by the Secretary, who have
21 the requisite experiential or technical knowledge needed to
22 address issues related to the water resources needs and
23 challenges of economically disadvantaged communities and
24 Indian Tribes, including—

1 (1) 5 individuals representing organizations
2 with expertise in environmental policy, rural water
3 resources, economically disadvantaged communities,
4 Tribal rights, or civil rights; and

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

7 (d) DUTIES.—

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

12 (A) efficiently and effectively delivering so-
13 lutions to water resources development projects
14 needs and challenges for economically disadvan-
15 taged communities and Indian Tribes;

16 (B) integrating consideration of economi-
17 cally disadvantaged communities and Indian
18 Tribes, where applicable, in the development of
19 water resources development projects and pro-
20 grams of the Corps of Engineers; and

21 (C) improving the capability and capacity
22 of the workforce of the Corps of Engineers to
23 assist economically disadvantaged communities
24 and Indian Tribes.

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

4 (3) REPORT.—Recommendations provided
5 under paragraph (1) shall be—

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

11 (B) be made publicly available, including
12 on a publicly available website.

13 (e) INDEPENDENT JUDGMENT.—Any recommenda-
14 tion made by the Committee to the Secretary and the
15 Chief of Engineers under subsection (d)(1) shall reflect
16 the independent judgment of the Committee.

17 (f) ADMINISTRATION.—

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

21 (2) TRAVEL EXPENSES.—The members of the
22 Committee shall be allowed travel expenses, includ-
23 ing per diem in lieu of subsistence, at rates author-
24 ized for employees of agencies under subchapter I of
25 chapter 57 of title 5, United States Code, while

1 away from their homes or regular places of business
2 in the performance of services for the Committee.

3 (3) TREATMENT.—The members of the Com-
4 mittee shall not be considered to be Federal employ-
5 ees, and the meetings and reports of the Committee
6 shall not be considered a major Federal action under
7 the National Environmental Policy Act of 1969 (42
8 U.S.C. 4321 et seq.).

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

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

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

23 (b) MEMBERSHIP.—

1 (1) IN GENERAL.—The Committee shall be
2 composed of the members described in paragraph
3 (2), who shall—

4 (A) be appointed by the Secretary; and

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

8 (2) REPRESENTATIVES.—The members of the
9 Committee shall include the following:

10 (A) A representative of each of the fol-
11 lowing:

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

14 (ii) A non-Federal interest for a
15 project for navigation for a harbor.

16 (iii) A non-Federal interest for a
17 project for flood risk management.

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

20 (v) A non-Federal interest for a
21 project for aquatic ecosystem restoration.

22 (B) A representative of each of the fol-
23 lowing:

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

1 (ii) A non-Federal stakeholder with
2 respect to water supply.

3 (iii) A non-Federal stakeholder with
4 respect to recreation.

5 (iv) A non-Federal stakeholder with
6 respect to hydropower.

7 (v) A non-Federal stakeholder with re-
8 spect to emergency preparedness, including
9 coastal protection.

10 (C) A representative of each of the fol-
11 lowing:

12 (i) An organization with expertise in
13 conservation.

14 (ii) An organization with expertise in
15 environmental policy.

16 (iii) An organization with expertise in
17 rural water resources.

18 (c) DUTIES.—

19 (1) RECOMMENDATIONS.—The Committee shall
20 provide advice and make recommendations to the
21 Secretary and the Chief of Engineers to assist the
22 Corps of Engineers in—

23 (A) efficiently and effectively delivering
24 water resources development projects;

1 (B) improving the capability and capacity
2 of the workforce of the Corps of Engineers to
3 deliver projects and other assistance;

4 (C) improving the capacity and effective-
5 ness of Corps of Engineers consultation and li-
6 aison roles in communicating water resources
7 needs and solutions, including regionally-spe-
8 cific recommendations; and

9 (D) strengthening partnerships with non-
10 Federal interests to advance water resources so-
11 lutions.

12 (2) MEETINGS.—The Committee shall meet as
13 appropriate to develop and make recommendations
14 under paragraph (1).

15 (3) REPORT.—Recommendations provided
16 under paragraph (1) shall be—

17 (A) included in a report submitted to the
18 Committee on Environment and Public Works
19 of the Senate and the Committee on Transpor-
20 tation and Infrastructure of the House of Rep-
21 resentatives; and

22 (B) made publicly available, including on a
23 publicly available website.

24 (d) INDEPENDENT JUDGMENT.—Any recommenda-
25 tion made by the Committee to the Secretary and the

1 Chief of Engineers under subsection (c)(1) shall reflect the
2 independent judgment of the Committee.

3 (e) ADMINISTRATION.—

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

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

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

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

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

24 (a) DEFINITIONS.—In this section:

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

6 (2) UNDERSERVED COMMUNITY HARBOR.—The
7 term “underserved community harbor” means an
8 emerging harbor (as defined in section 210(f) of the
9 Water Resources Development Act of 1986 (33
10 U.S.C. 2238(f))) for which—

11 (A) no Federal funds have been obligated
12 for maintenance dredging in the current fiscal
13 year or in any of the 4 preceding fiscal years;
14 and

15 (B) State and local investments in infra-
16 structure have been made during the preceding
17 4 fiscal years.

18 (b) IN GENERAL.—The Secretary may carry out
19 projects to dredge underserved community harbors for
20 purposes of sustaining water-dependent commercial and
21 recreational activities at such harbors.

22 (c) JUSTIFICATION.—The Secretary may carry out a
23 project under this section if the Secretary determines that
24 the cost of the project is reasonable in relation to the sum
25 of—

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

2 (2)(A) the environmental benefits, including the
3 benefits to the aquatic environment to be derived
4 from the creation of wetland and control of shoreline
5 erosion; or

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

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

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

18 (2) section 101(b)(1) of the Water Resources
19 Development Act of 1986 (33 U.S.C. 2211(b)(1)),
20 for the portion of the cost of the project other than
21 a portion described in paragraph (1).

22 (e) CLARIFICATION.—The Secretary shall not require
23 the non-Federal interest for a project carried out under
24 this section to perform additional operation and mainte-

1 nance activities at the beneficial use placement site or the
2 disposal site for such project.

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

6 (g) AUTHORIZATION OF APPROPRIATIONS.—

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

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

14 (h) SAVINGS PROVISION.—Carrying out a project
15 under this section shall not affect the eligibility of an un-
16 derserved community harbor for Federal operation and
17 maintenance funding otherwise authorized for the under-
18 served community harbor.

19 **SEC. 117. CORPS OF ENGINEERS WESTERN WATER COOPER-**
20 **ATIVE COMMITTEE.**

21 (a) FINDINGS.—Congress finds that—

22 (1) a bipartisan coalition of 19 Western Sen-
23 ators wrote to the Office of Management and Budg-
24 et on September 17, 2019, in opposition to the pro-
25 posed rulemaking entitled “Use of U.S. Army Corps

1 of Engineers Reservoir Projects for Domestic, Mu-
2 nicipal & Industrial Water Supply” (81 Fed. Reg.
3 91556 (December 16, 2016)), describing the rule as
4 counter to existing law and court precedent;

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

8 (3) the Corps of Engineers should consult with
9 Western States to ensure, to the maximum extent
10 practicable, that operation of flood control projects
11 in prior appropriation States is consistent with the
12 principles of the first section of the Act of December
13 22, 1944 (commonly known as the “Flood Control
14 Act of 1944”) (58 Stat. 887, chapter 665; 33 U.S.C.
15 701–1) and section 301 of the Water Supply Act of
16 1958 (43 U.S.C. 390b).

17 (b) ESTABLISHMENT.—

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

23 (2) PURPOSE.—The purpose of the Cooperative
24 Committee is to ensure that Corps of Engineers
25 flood control projects in Western States are operated

1 consistent with congressional directives by identi-
2 fying opportunities to avoid or minimize conflicts be-
3 tween operation of Corps of Engineers projects and
4 State water rights and water laws.

5 (3) MEMBERSHIP.—

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

8 (i) the Assistant Secretary of the
9 Army for Civil Works (or a designee);

10 (ii) the Chief of Engineers (or a des-
11 ignee);

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

21 (iv) 1 representative with legal experi-
22 ence from each of the States of Alaska, Ar-
23 izona, California, Colorado, Idaho, Kansas,
24 Montana, Nebraska, Nevada, New Mexico,
25 North Dakota, Oklahoma, Oregon, South

1 Dakota, Texas, Utah, Washington, and
2 Wyoming, to be appointed by the Attorney
3 General of each State; and

4 (v) 1 employee from each of the im-
5 pacted regional offices of the Bureau of In-
6 dian Affairs.

7 (4) MEETINGS.—

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

12 (B) AVAILABLE TO PUBLIC.—Each meet-
13 ing of the Cooperative Committee shall be open
14 and accessible to the public.

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

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

25 (6) STATUS UPDATES.—

1 (A) IN GENERAL.—On an annual basis,
2 the Secretary shall provide to the Committee on
3 Environment and Public Works of the Senate
4 and the Committee on Transportation and In-
5 frastructure of the House of Representatives a
6 written report that includes—

7 (i) a summary of the contents of
8 meetings of the Cooperative Committee;
9 and

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

15 (B) COMMENT.—

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

23 (ii) INCLUSION.—Comments provided
24 under clause (i) shall be included in the re-
25 port provided under subparagraph (A).

1 (7) COMPENSATION.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), the members of the Coopera-
4 tive Committee shall serve without compensa-
5 tion.

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

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

19 **SEC. 118. UPDATES TO CERTAIN WATER CONTROL MANU-**
20 **ALS.**

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

1 **SEC. 119. SENSE OF CONGRESS ON OPERATIONS AND MAIN-**
2 **TENANCE OF RECREATION SITES.**

3 It is the sense of Congress that the Secretary, as part
4 of the annual work plan, should distribute amounts pro-
5 vided for the operations and maintenance of recreation
6 sites of the Corps of Engineers so that each site receives
7 an amount that is not less than 80 percent of the recre-
8 ation fees generated by such site in a given year.

9 **SEC. 120. RELOCATION ASSISTANCE.**

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

21 **SEC. 121. REPROGRAMMING LIMITS.**

22 (a) OPERATIONS AND MAINTENANCE.—In re-
23 programming funds made available to the Secretary for
24 operations and maintenance—

25 (1) the Secretary may not reprogram more than
26 25 percent of the base amount up to a limit of—

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

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

5 (2) \$250,000 may be reprogrammed for any
6 continuing study or activity of the Secretary that did
7 not receive an appropriation.

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

10 (1) the Secretary may not reprogram more than
11 \$150,000 for a project, study, or activity with a base
12 level over \$100,000; and

13 (2) \$150,000 may be reprogrammed for any
14 continuing study or activity of the Secretary that did
15 not receive an appropriation for existing obligations
16 and concomitant administrative expenses.

17 **SEC. 122. LEASE DURATIONS.**

18 The Secretary shall issue guidance on, in the case of
19 a leasing decision pursuant to section 2667 of title 10,
20 United States Code, or section 4 of the Act of December
21 22, 1944 (commonly known as the “Flood Control Act of
22 1944”) (58 Stat. 889, chapter 665; 16 U.S.C. 460d), in-
23 stances in which a lease duration in excess of 25 years
24 is appropriate.

1 **SEC. 123. SENSE OF CONGRESS RELATING TO POST-DIS-**
2 **ASTER REPAIRS.**

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

6 (1) to project design levels; or

7 (2) if the original project design is outdated, to
8 above project design levels.

9 **SEC. 124. PAYMENT OF PAY AND ALLOWANCES OF CERTAIN**
10 **OFFICERS FROM APPROPRIATION FOR IM-**
11 **PROVEMENTS.**

12 Section 36 of the Act of August 10, 1956 (70A Stat.
13 634, chapter 1041; 33 U.S.C. 583a), is amended—

14 (1) by striking “Regular officers of the Corps
15 of Engineers of the Army, and reserve officers of the
16 Army who are assigned to the Corps of Engineers,”
17 and inserting the following:

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

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

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

23 “(1) Regular officers of the Corps of Engineers
24 of the Army.

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

1 “(A) Reserve component officers.

2 “(B) Warrant officers (whether regular or
3 reserve component).

4 “(C) Enlisted members (whether regular or
5 reserve component).”.

6 **SEC. 125. REFORESTATION.**

7 The Secretary is encouraged to consider measures to
8 restore swamps and other wetland forests in studies for
9 water resources development projects for ecosystem res-
10 toration and flood and coastal storm risk management.

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

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

14 (1) by striking “water resources study or
15 project” and inserting “water resources development
16 study or project, including a study or project under
17 a continuing authority program (as defined in sec-
18 tion 7001(c)(1)(D) of the Water Resources Reform
19 and Development Act of 2014 (33 U.S.C.
20 2282d(c)(1)(D))),”; and

21 (2) by striking “the Federal agency that pro-
22 vides the funds determines that the funds are au-
23 thorized to be used to carry out the study or
24 project” and inserting “the funds appropriated to
25 the Federal agency are for a purpose that is similar

1 or complementary to the purpose of the study or
2 project”.

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

4 The National Dam Safety Program Act (33 U.S.C.
5 467 et seq.) is amended by adding at the end the fol-
6 lowing:

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

8 “(a) DEFINITIONS.—In this section:

9 “(1) INVENTORY.—The term ‘inventory’ means
10 the national low-head dam inventory developed
11 under subsection (b)(1).

12 “(2) LOW-HEAD DAM.—The term ‘low-head
13 dam’ means a river-wide dam that generally spans
14 a stream channel, blocking the waterway and cre-
15 ating a backup of water behind the dam, with a drop
16 off over the wall of not less than 6 inches and not
17 more than 25 feet.

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

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

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

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

3 “(i) the location, ownership, descrip-
4 tion, current use, condition, height, and
5 length of each low-head dam;

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

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

10 “(iv) a directory of financial and tech-
11 nical assistance resources available to re-
12 duce safety hazards and fish passage bar-
13 riers at low-head dams; and

14 “(v) any other relevant information
15 concerning low-head dams; and

16 “(B) submit the inventory to the Com-
17 mittee on Environment and Public Works of the
18 Senate and the Committee on Transportation
19 and Infrastructure of the House of Representa-
20 tives.

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

23 “(A) coordinate with Federal and State
24 agencies and other relevant entities; and

1 “(B) use data provided to the Secretary by
2 those agencies.

3 “(3) UPDATES.—The Secretary, in consultation
4 with appropriate Federal and State agencies, shall
5 maintain and periodically publish updates to the in-
6 ventory.

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

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

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

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

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

19 “(3) STUDIES AND PROJECTS WITH MULTIPLE
20 NON-FEDERAL INTERESTS.—A credit described in
21 paragraph (1) for a study or project with multiple
22 non-Federal interests may be applied to the required
23 non-Federal cost share for a study or project of any
24 of those non-Federal interests, subject to the condi-
25 tion that each non-Federal interest for the study or

1 project for which the credit described in paragraph
2 (1) is provided concurs in writing.”;

3 (2) in subsection (b), by adding at the end the
4 following:

5 “(3) **CONDITIONAL APPROVAL OF EXCESS**
6 **CREDIT.**—The Secretary may approve credit in ex-
7 cess of the non-Federal share for a study or project
8 prior to the identification of each authorized study
9 or project to which the excess credit will be applied,
10 subject to the condition that the non-Federal inter-
11 est agrees to submit for approval by the Secretary
12 an amendment to the comprehensive plan prepared
13 under paragraph (2) that identifies each authorized
14 study or project in advance of execution of the feasi-
15 bility cost sharing agreement or project partnership
16 agreement for that authorized study or project.”;

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

18 (4) by redesignating subsection (e) as sub-
19 section (d).

20 **SEC. 129. NATIONAL LEVEE RESTORATION.**

21 (a) **DEFINITION OF REHABILITATION.**—Section
22 9002(13) of the Water Resources Development Act of
23 2007 (33 U.S.C. 3301(13)) is amended—

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

1 multiyear dredging demonstration program to award
2 contracts with a duration of up to 5 years for
3 projects on inland waterways.

4 “(2) PURPOSES.—The purposes of the pilot
5 program shall be—

6 “(A) to increase the reliability, availability,
7 and efficiency of federally-owned and federally-
8 operated inland waterways projects;

9 “(B) to decrease operational risks across
10 the inland waterways system; and

11 “(C) to provide cost-savings by combining
12 work across multiple projects across different
13 accounts of the Corps of Engineers.

14 “(3) DEMONSTRATION.—

15 “(A) IN GENERAL.—The Secretary shall,
16 to the maximum extent practicable, award con-
17 tracts for projects on inland waterways that
18 combine work across the Construction and Op-
19 eration and Maintenance accounts of the Corps
20 of Engineers.

21 “(B) PROJECTS.— In awarding contracts
22 under subparagraph (A), the Secretary shall
23 consider projects that—

1 “(C) cost savings attributable to mobiliza-
2 tion and demobilization of dredge equipment;
3 and

4 “(D) response times to address naviga-
5 tional impediments.

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

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

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

13 (1) by striking “The Secretary” and inserting
14 the following:

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

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

17 “(B) MULTI-USER MITIGATION BANK IN-
18 STRUMENT PROCESSING.—

19 “(i) IN GENERAL.—An activity carried
20 out by the Secretary to expedite evaluation
21 of a permit described in subparagraph (A)
22 may include the evaluation of an instru-
23 ment for a mitigation bank if—

24 “(I) the non-Federal public enti-
25 ty, public-utility company, natural gas

1 company, or railroad carrier applying
2 for the permit described in that sub-
3 paragraph is the sponsor of the miti-
4 gation bank; and

5 “(II) expediting evaluation of the
6 instrument is necessary to expedite
7 evaluation of the permit described in
8 that subparagraph.

9 “(ii) USE OF CREDITS.—The use of
10 credits generated by the mitigation bank
11 established using expedited processing
12 under clause (i) shall be limited to current
13 and future projects and activities of the
14 entity, company, or carrier described in
15 subclause (I) of that clause for a public
16 purpose, except that in the case of a non-
17 Federal public entity, not more than 25
18 percent of the credits may be sold to other
19 public and private entities.”.

20 **SEC. 132. NON-FEDERAL PROJECT IMPLEMENTATION**
21 **PILOT PROGRAM.**

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

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

7 (2) in subsection (b)(4), by inserting “, includ-
8 ing measures utilizing a natural feature or nature-
9 based feature (as those terms are defined in section
10 1184(a)) to reduce drought risk” after “water sup-
11 ply”.

12 **SEC. 135. CRITERIA FOR FUNDING OPERATION AND MAIN-**
13 **TENANCE OF SMALL, REMOTE, AND SUBSIST-**
14 **ENCE HARBORS.**

15 (a) **IN GENERAL.**—Not later than 180 days after the
16 date of enactment of this Act, the Secretary shall develop
17 specific criteria for the annual evaluation and ranking of
18 maintenance dredging requirements for small, remote, and
19 subsistence harbors, taking into account the criteria pro-
20 vided in the joint explanatory statement of managers ac-
21 companying division D of the Consolidated Appropriations
22 Act, 2021 (Public Law 116–260; 134 Stat. 1352).

23 (b) **INCLUSION IN GUIDANCE.**—The Secretary shall
24 include the criteria developed under subsection (a) in the

1 annual Civil Works Direct Program Development Policy
2 Guidance of the Secretary.

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

13 **SEC. 136. PROTECTION OF LIGHTHOUSES.**

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

18 **SEC. 137. EXPEDITING HYDROPOWER AT CORPS OF ENGI-
19 NEERS FACILITIES.**

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

22 (1) in subsection (b)(1), by inserting “and to
23 meet the requirements of subsection (b)” after
24 “projects”;

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

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

5 “(b) IMPLEMENTATION OF POLICY.—The Secretary
6 shall—

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

10 “(2) assess opportunities—

11 “(A) to increase the development of hydro-
12 electric power at existing hydroelectric water re-
13 sources development projects of the Corps of
14 Engineers; and

15 “(B) to develop new hydroelectric power at
16 nonpowered water resources development
17 projects of the Corps of Engineers.”.

18 **SEC. 138. MATERIALS, SERVICES, AND FUNDS FOR REPAIR,**
19 **RESTORATION, OR REHABILITATION OF CER-**
20 **TAIN PUBLIC RECREATION FACILITIES.**

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

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

3 (2) requires repair, restoration, or rehabilitation
4 to function.

5 (b) AUTHORIZATION.—During a period of low water
6 at an eligible public recreation facility, the Secretary is
7 authorized—

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

11 (2) to reimburse the non-Federal interest for
12 the Federal share of the materials, services, or
13 funds.

14 (c) REQUIREMENT.—The Secretary may not reim-
15 burse a non-Federal interest for the use of materials or
16 services accepted under this section unless the materials
17 or services—

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

19 (2) comply with all applicable laws and regula-
20 tions that would apply if the materials and services
21 were acquired by the Secretary, including subchapter
22 IV of chapter 31 and chapter 37 of title 40, United
23 States Code, section 8302 of title 41, United States
24 Code, and the National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.).

1 (d) AGREEMENT.—Before the acceptance of mate-
2 rials, services, or funds under this section, the Secretary
3 and the non-Federal interest shall enter into an agreement
4 that—

5 (1) specifies that the non-Federal interest shall
6 hold and save the United States free from any and
7 all damages that arise from use of materials or serv-
8 ices of the non-Federal interest, except for damages
9 due to the fault or negligence of the United States
10 or its contractors;

11 (2) requires that the non-Federal interest shall
12 certify that the materials or services comply with all
13 applicable laws and regulations under subsection (c);
14 and

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

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

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

22 (b) REQUIREMENTS.—Each dredged material man-
23 agement plan prepared by the Secretary under section
24 125(c) of the Water Resources Development Act of 2020

1 (33 U.S.C. 2326h) for a federally authorized harbor in
2 the State of Ohio shall—

3 (1) include, in the baseline conditions, a prohi-
4 bition on use of funding for open-lake disposal of
5 dredged material consistent with section 105 of the
6 Energy and Water Development and Related Agen-
7 cies Appropriations Act, 2022 (Public Law 117–103;
8 136 Stat. 217) ; and

9 (2) maximize beneficial use of dredged material
10 under the base plan and under section 204(d) of the
11 Water Resources Development Act of 1992 (33
12 U.S.C. 2326(d)).

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

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

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

20 **SEC. 140. LEASE DEVIATIONS.**

21 The Secretary shall fully implement the requirements
22 of section 153 of the Water Resources Development Act
23 of 2020 (134 Stat. 2658).

1 **SEC. 141. COLUMBIA RIVER BASIN.**

2 (a) STUDY OF FLOOD RISK MANAGEMENT ACTIVI-
3 TIES.—

4 (1) IN GENERAL.—Using funds made available
5 to carry out this section, the Secretary is authorized,
6 at Federal expense, to carry out a study to deter-
7 mine the feasibility of a project for flood risk man-
8 agement and related purposes in the Columbia River
9 basin and to report to the Committee on Transpor-
10 tation and Infrastructure of the House of Represent-
11 atives and the Committee on Environment and Pub-
12 lic Works of the Senate with recommendations
13 thereon, including recommendations for a project to
14 potentially reduce the reliance on Canada for flood
15 risk management in the basin.

16 (2) COORDINATION.—The Secretary shall carry
17 out the activities described in this subsection in co-
18 ordination with other Federal and State agencies
19 and Indian Tribes.

20 (b) FUNDS FOR COLUMBIA RIVER TREATY OBLIGA-
21 TIONS.—

22 (1) IN GENERAL.—The Secretary is authorized
23 to expend funds appropriated for the purpose of sat-
24 isfying United States obligations under the Colum-
25 bia River Treaty to compensate Canada for oper-

1 ating Canadian storage on behalf of the United
2 States under such Treaty.

3 (2) NOTIFICATION.—If the U.S. entity calls
4 upon Canada to operate Canadian reservoir storage
5 for flood risk management on behalf of the United
6 States, which operation may incur an obligation to
7 compensate Canada under the Columbia River Trea-
8 ty—

9 (A) the Secretary shall submit to the Com-
10 mittees on Transportation and Infrastructure
11 and Appropriations of the House of Representa-
12 tives and the Committees on Environment and
13 Public Works and Appropriations of the Senate,
14 by not later than 30 days after the initiation of
15 the call, a written notice of the action and a
16 justification, including a description of the cir-
17 cumstances necessitating the call;

18 (B) upon a determination by the United
19 States of the amount of compensation that shall
20 be paid to Canada, the Secretary shall submit
21 to the Committees on Transportation and In-
22 frastructure and Appropriations of the House
23 of Representatives and the Committees on En-
24 vironment and Public Works and Appropria-
25 tions of the Senate a written notice specifying

1 such amount and an explanation of how such
2 amount was derived, which notification shall
3 not delay or impede the flood risk management
4 mission of the U.S. entity; and

5 (C) the Secretary shall make no payment
6 to Canada for the call under the Columbia
7 River Treaty until such time as funds appro-
8 priated for the purpose of compensating Can-
9 ada under such Treaty are available.

10 (c) DEFINITIONS.—In this section:

11 (1) COLUMBIA RIVER BASIN.—The term “Co-
12 lumbia River basin” means the entire United States
13 portion of the Columbia River watershed.

14 (2) COLUMBIA RIVER TREATY.—The term “Co-
15 lumbia River Treaty” means the Treaty relating to
16 cooperative development of the water resources of
17 the Columbia River Basin, signed at Washington
18 January 17, 1961, and entered into force September
19 16, 1964.

20 (3) U.S. ENTITY.—The term “U.S. entity”
21 means the entity designated by the United States
22 under Article XIV of the Columbia River Treaty.

23 **SEC. 142. CONTINUATION OF CONSTRUCTION.**

24 (a) IN GENERAL.—The Secretary shall not include
25 the amount of Federal obligations incurred and non-Fed-

1 eral contributions provided for an authorized water re-
2 sources development project during the period beginning
3 on the date of enactment of this Act and ending on Sep-
4 tember 30, 2025, for purposes of determining if the cost
5 of the project exceeds the maximum cost of the project
6 under section 902 of the Water Resources Development
7 Act of 1986 (33 U.S.C. 2280).

8 (b) CONTINUATION OF CONSTRUCTION.—

9 (1) IN GENERAL.—The Secretary shall not,
10 solely on the basis of section 902 of the Water Re-
11 sources Development Act of 1986 (33 U.S.C.
12 2280)—

13 (A) defer the initiation or continuation of
14 construction of a water resources development
15 project during the period described in sub-
16 section (a); or

17 (B) terminate a contract for design or con-
18 struction of a water resources development
19 project entered into during the period described
20 in subsection (a) after expiration of that period.

21 (2) RESUMPTION OF CONSTRUCTION.—The
22 Secretary shall resume construction of any water re-
23 sources development project for which construction
24 was deferred on the basis of section 902 of the
25 Water Resources Development Act of 1986 (33

1 U.S.C. 2280) during the period beginning on Octo-
2 ber 1, 2021, and ending on the date of enactment
3 of this Act.

4 (c) STATUTORY CONSTRUCTION.—Nothing in this
5 section waives the obligation of the Secretary to submit
6 to the Committee on Environment and Public Works of
7 the Senate and the Committee on Transportation and In-
8 frastructure of the House of Representatives a post-au-
9 thorization change report recommending an increase in
10 the authorized cost of a project if the project otherwise
11 would exceed the maximum cost of the project under sec-
12 tion 902 of the Water Resources Development Act of 1986
13 (33 U.S.C. 2280).

14 **TITLE II—STUDIES AND** 15 **REPORTS**

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

17 (a) IN GENERAL.—The Secretary is authorized to in-
18 vestigate the feasibility of the following projects:

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

21 (2) Project for flood risk management and eco-
22 system restoration, Tittabawassee River, Chippewa
23 River, Pine River, and Tobacco River, Michigan.

24 (3) Project for flood risk management, South-
25 east Michigan.

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

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

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

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

9 (8) Project for flood risk management and eco-
10 system restoration, Thatchbed Island, Essex, Con-
11 necticut.

12 (9) Project for flood and coastal storm risk
13 management, Cape Fear River Basin, North Caro-
14 lina.

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

17 (11) Project for flood risk management and
18 ecosystem restoration, the Resacas, Hidalgo and
19 Cameron Counties, Texas.

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

22 (13) Project for flood risk management, Offutt
23 Ditch Pump Station, Nebraska.

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

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

6 (16) Project for ecosystem restoration and
7 coastal storm risk management, Cumberland and
8 Sea Islands, Georgia.

9 (17) Project for flood risk management,
10 Wailupe Stream watershed, Hawaii.

11 (18) Project for flood and coastal storm risk
12 management, Hawaii County, Hawaii.

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

15 (20) Project for flood risk management, Sarpy
16 County, Nebraska.

17 (21) Project for aquatic ecosystem restoration,
18 including habitat for endangered salmon, Columbia
19 River Basin.

20 (22) Project for ecosystem restoration, flood
21 risk management, and recreation, Newport, Ken-
22 tucky.

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

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

3 (25) Project for flood and coastal storm risk
4 management, navigation, and ecosystem restoration,
5 South Shore, Long Island, New York.

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

9 (27) Project for navigation, Cumberland River,
10 Kentucky.

11 (28) Project for ecosystem restoration and
12 water supply, Great Salt Lake, Utah.

13 (b) PROJECT MODIFICATIONS.—The Secretary is au-
14 thorized to investigate the feasibility of the following modi-
15 fications to the following projects:

16 (1) Modifications to the project for navigation,
17 South Haven Harbor, Michigan, for turning basin
18 improvements.

19 (2) Modifications to the project for navigation,
20 Rollinson Channel and channel from Hatteras Inlet
21 to Hatteras, North Carolina, authorized by section
22 101 of the River and Harbor Act of 1962 (76 Stat.
23 1174), to incorporate the ocean bar.

24 (3) Modifications to the project for flood con-
25 trol, Saint Francis River Basin, Missouri and Ar-

1 kansas, authorized by section 204 of the Flood Con-
2 trol Act of 1950 (64 Stat. 172, chapter 188), to pro-
3 vide flood risk management for the tributaries and
4 drainage of Straight Slough, Craighead, Poinsett,
5 and Cross Counties, Arkansas.

6 (4) Modifications to the project for flood risk
7 management, Cedar River, Cedar Rapids, Iowa, au-
8 thorized by section 7002(2) of the Water Resources
9 Reform and Development Act of 2014 (128 Stat.
10 1366), consistent with the City of Cedar Rapids,
11 Iowa, Cedar River Flood Control System Master
12 Plan.

13 (5) Modifications to the project for navigation,
14 Savannah Harbor, Georgia, without evaluation of
15 additional deepening.

16 (6) Modifications to the project for navigation,
17 Honolulu Harbor, Hawaii, for navigation improve-
18 ments and coastal storm risk management.

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

21 (8) Modifications to the Huntington Local Pro-
22 tection Project, Huntington, West Virginia.

23 **SEC. 202. SPECIAL RULES.**

24 (a) The studies authorized by paragraphs (12) and
25 (13) of section 201(a) shall be considered a continuation

1 of the study that resulted in the Chief's Report for the
2 project for Papillion Creek and Tributaries Lakes, Ne-
3 braska, signed January 24, 2022.

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

7 (c) In carrying out the study authorized by section
8 201(a)(21), the Secretary shall only formulate measures
9 and alternatives to be consistent with the authorized pur-
10 poses of existing Federal projects while also maintaining
11 the benefits of such projects.

12 (d) In carrying out the study authorized by section
13 201(a)(25), the Secretary shall study the South Shore of
14 Long Island, New York, as a whole system, including in-
15 lets that are Federal channels.

16 (e) The studies authorized by section 201(b) shall be
17 considered new phase investigations afforded the same
18 treatment as a general reevaluation.

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

20 (a) FEASIBILITY REPORTS.—The Secretary shall ex-
21 pedite the completion of a feasibility study for each of the
22 following projects, and if the Secretary determines that
23 the project is justified in a completed report, may proceed
24 directly to preconstruction planning, engineering, and de-
25 sign of the project:

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

10 (2) Project for coastal storm risk management,
11 Charleston Peninsula, South Carolina.

12 (3) Project for flood and coastal storm risk
13 management and ecosystem restoration, Boston
14 North Shore, Revere, Saugus, Lynn, Maiden, and
15 Everett, Massachusetts.

16 (4) Project for flood risk management, De Soto
17 County, Mississippi.

18 (5) Project for coastal storm risk management,
19 Chicago shoreline, Illinois.

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

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

1 (8) Project for ecosystem restoration, Herring
2 River Estuary, Barnstable County, Massachusetts,
3 authorized by a study resolution of the Committee
4 on Transportation and Infrastructure of the House
5 of Representatives dated July 23, 1997.

6 (9) Project for coastal storm risk management,
7 ecosystem restoration, and navigation, Nauset Bar-
8 rier Beach and inlet system, Chatham, Massachu-
9 setts, authorized by a study resolution of the Com-
10 mittee on Public Works of the Senate dated Sep-
11 tember 12, 1969.

12 (10) Project for flood risk management, East
13 Hartford Levee System, Connecticut.

14 (11) Project for flood risk management, Rah-
15 way, New Jersey, authorized by section 336 of the
16 Water Resources Development Act of 2020 (134
17 Stat. 2712).

18 (12) Project for coastal storm risk manage-
19 ment, Sea Bright to Manasquan, New Jersey.

20 (13) Project for coastal storm risk manage-
21 ment, Raritan Bay and Sandy Hook Bay, New Jer-
22 sey.

23 (14) Project for coastal storm risk manage-
24 ment, St. Tammany Parish, Louisiana.

1 (15) Project for ecosystem restoration, Fox
2 River, Illinois, authorized by section 519 of the
3 Water Resources Development Act of 2000 (114
4 Stat. 2653).

5 (16) Project for ecosystem restoration, Chicago
6 River, Illinois.

7 (17) Project for ecosystem restoration, Lake
8 Okeechobee, Florida.

9 (18) Project for ecosystem restoration, Western
10 Everglades, Florida.

11 (19) Modifications to the project for navigation,
12 Hilo Harbor, Hawaii.

13 (20) Project for flood risk management,
14 Kanawha River Basin, West Virginia, Virginia,
15 North Carolina.

16 (21) Modifications to the project for navigation,
17 Auke Bay, Alaska.

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

21 (1) Project for ecosystem restoration, Tres
22 Rios, Arizona, authorized by section 101(b)(4) of the
23 Water Resources Development Act of 2000 (114
24 Stat. 2577).

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

6 (3) Anchorage F modifications to the project
7 for navigation, Norfolk Harbor and Channels, Vir-
8 ginia, authorized by section 201 of the Water Re-
9 sources Development Act of 1986 (100 Stat. 4090)
10 and modified by section 1403(a) of the Water Re-
11 sources Development Act of 2018 (132 Stat. 3840).

12 (4) Project for navigation, Port Everglades,
13 Florida, authorized by section 1401(1) of the Water
14 Resources Development Act of 2016 (130 Stat.
15 1709).

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

20 (1) Great Lakes Coastal Resiliency Study, Illi-
21 nois, Indiana, Michigan, Minnesota, New York,
22 Ohio, Pennsylvania, and Wisconsin.

23 (2) Ouachita-Black Rivers, Arkansas and Lou-
24 isiana.

1 (3) Project for watershed assessment, Hawaii
2 County, Hawaii.

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

7 (e) ADDITIONAL DIRECTION.—The post-authoriza-
8 tion change report for the project described in subsection
9 (b)(3) shall be completed not later than December 31,
10 2023.

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

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

15 (1) in subsection (b)—

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

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

19 (2) in subsection (e)—

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

22 (B) by striking “6 years” and inserting
23 “12 years”; and

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

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

5 (b) INDIAN RIVER INLET SAND BYPASS PLANT.—
6 For purposes of the project for coastal storm risk manage-
7 ment, Delaware Coast Protection, Delaware (commonly
8 known as the “Indian River Inlet Sand Bypass Plant”),
9 authorized by section 869 of the Water Resources Devel-
10 opment Act of 1986 (100 Stat. 4182), a study carried out
11 under section 156(b) of the Water Resources Development
12 Act of 1976 (42 U.S.C. 1962d–5f(b)) shall consider as an
13 alternative for periodic nourishment continued reimburse-
14 ment of the Federal share of the cost to the non-Federal
15 interest for the project to operate and maintain a sand
16 bypass plant.

17 **SEC. 205. NEPA REPORTING.**

18 (a) DEFINITIONS.—In this section:

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

23 (2) ENVIRONMENTAL ASSESSMENT.—The term
24 “environmental assessment” has the meaning given

1 the term in section 1508.1 of title 40, Code of Fed-
2 eral Regulations (or a successor regulation).

3 (3) ENVIRONMENTAL IMPACT STATEMENT.—

4 The term “environmental impact statement” means
5 a detailed written statement required under section
6 102(2)(C) of the National Environmental Policy Act
7 of 1969 (42 U.S.C. 4332(2)(C)).

8 (4) FINDING OF NO SIGNIFICANT IMPACT.—The

9 term “finding of no significant impact” has the
10 meaning given the term in section 1508.1 of title 40,
11 Code of Federal Regulations (or a successor regula-
12 tion).

13 (5) NEPA PROCESS.—

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

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

20 (i) begins on the date on which the
21 Secretary initiates a project study; and

22 (ii) ends on the date on which the
23 Secretary issues, with respect to the
24 project study—

1 (I) a record of decision, includ-
2 ing, if necessary, a revised record of
3 decision;

4 (II) a finding of no significant
5 impact; or

6 (III) a categorical exclusion
7 under title I of the National Environ-
8 mental Policy Act of 1969 (42 U.S.C.
9 4331 et seq.).

10 (6) PROJECT STUDY.—The term “project
11 study” means a feasibility study for a project carried
12 out pursuant to section 905 of the Water Resources
13 Development Act of 1986 (33 U.S.C. 2282) for
14 which a categorical exclusion, an environmental as-
15 sessment, or an environmental impact statement is
16 required pursuant to the National Environmental
17 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

18 (b) REPORTS.—

19 (1) NEPA DATA.—

20 (A) IN GENERAL.—The Secretary shall
21 carry out a process to track, and annually sub-
22 mit to the Committee on Environment and
23 Public Works of the Senate and the Committee
24 on Transportation and Infrastructure of the

1 House of Representatives a report containing,
2 the information described in subparagraph (B).

3 (B) INFORMATION DESCRIBED.—The in-
4 formation referred to in subparagraph (A) is,
5 with respect to the Corps of Engineers—

6 (i) the number of project studies for
7 which a categorical exclusion was used dur-
8 ing the reporting period;

9 (ii) the number of project studies for
10 which the decision to use a categorical ex-
11 clusion, to prepare an environmental as-
12 sessment, or to prepare an environmental
13 impact statement is pending on the date
14 on which the report is submitted;

15 (iii) the number of project studies for
16 which an environmental assessment was
17 issued during the reporting period, broken
18 down by whether a finding of no signifi-
19 cant impact, if applicable, was based on
20 mitigation;

21 (iv) the length of time the Corps of
22 Engineers took to complete each environ-
23 mental assessment described in clause (iii);

24 (v) the number of project studies
25 pending on the date on which the report is

1 submitted for which an environmental as-
2 sessment is being drafted;

3 (vi) the number of project studies for
4 which an environmental impact statement
5 was issued during the reporting period;

6 (vii) the length of time the Corps of
7 Engineers took to complete each environ-
8 mental impact statement described in
9 clause (vi); and

10 (viii) the number of project studies
11 pending on the date on which the report is
12 submitted for which an environmental im-
13 pact statement is being drafted.

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

17 **SEC. 206. GAO AUDIT OF PROJECTS OVER BUDGET OR BE-**
18 **HIND SCHEDULE.**

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

24 (1) the current estimated total project cost of
25 the project exceeds the original estimated total

1 project cost of the project by not less than
2 \$50,000,000; or

3 (2) the current estimated completion date of the
4 project exceeds the original estimated completion
5 date of the project by not less than 5 years.

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

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

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Comptroller General
15 of the United States shall conduct an analysis of the geo-
16 graphic distribution of annual and supplemental funding
17 for water resources development projects carried out by
18 the Secretary over the previous 10 fiscal years and the
19 factors that have led to that distribution.

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

1 **SEC. 208. GAO AUDIT OF JOINT COSTS FOR OPERATIONS**
2 **AND MAINTENANCE.**

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

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 review
14 under subsection (a) and any recommendations that result
15 from the review.

16 **SEC. 209. GAO REVIEW OF CORPS OF ENGINEERS MITIGA-**
17 **TION PRACTICES.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall carry out a review of the water
21 resources development project mitigation practices of the
22 Corps of Engineers.

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

25 (1) the implementation by the Corps of Engi-
26 neers of the final rule issued on April 10, 2008, enti-

1 tled “Compensatory Mitigation for Losses of Aquatic
2 Resources” (73 Fed. Reg. 19594), including, at a
3 minimum—

4 (A) the extent to which the final rule is
5 consistently implemented by the districts of the
6 Corps of Engineers; and

7 (B) the performance of each of the mitiga-
8 tion mechanisms included in the final rule; and

9 (2) opportunities to utilize alternative methods
10 to satisfy mitigation requirements of water resources
11 development projects, including, at a minimum, per-
12 formance-based contracts.

13 (c) REPORT.—The Comptroller General of the United
14 States shall submit to the Committee on Environment and
15 Public Works of the Senate and the Committee on Trans-
16 portation and Infrastructure of the House of Representa-
17 tives a report on the findings of the review under sub-
18 section (a) and any recommendations that result from the
19 review.

20 (d) DEFINITION OF PERFORMANCE-BASED CON-
21 TRACT.—In this section, the term “performance-based
22 contract” means a procurement mechanism by which the
23 Corps of Engineers contracts with a public or private non-
24 Federal entity for a specific mitigation outcome require-

1 ment, with payment to the entity linked to delivery of
2 verifiable and successful mitigation performance.

3 **SEC. 210. SABINE-NECHES WATERWAY NAVIGATION IM-**
4 **PROVEMENT PROJECT, TEXAS.**

5 The Secretary shall expedite the review and coordina-
6 tion of the feasibility study for the project for navigation,
7 Sabine–Neches Waterway, Texas, under section 203(b) of
8 the Water Resources Development Act of 1986 (33 U.S.C.
9 2231(b)).

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

11 Not later than 1 year after the date of enactment
12 of this Act, the Secretary shall prepare, at full Federal
13 expense, and submit to the Committee on Environment
14 and Public Works of the Senate and the Committee on
15 Transportation and Infrastructure of the House of Rep-
16 resentatives a report updating the findings of the report
17 on the economic benefits of recreational boating in the
18 Great Lakes basin prepared under section 455(c) of the
19 Water Resources Development Act of 1999 (42 U.S.C.
20 1962d–21(c)).

21 **SEC. 212. CENTRAL AND SOUTHERN FLORIDA.**

22 (a) EVALUATION AND REPORT.—

23 (1) EVALUATION.—On request and at the ex-
24 pense of the St. Johns River Water Management
25 District, the Secretary shall evaluate the effects of

1 deauthorizing the southernmost 3.5-mile reach of the
2 L-73 levee, Section 2, Osceola County, Florida, on
3 the functioning of the project for flood control and
4 other purposes, Upper St. Johns River Basin, Cen-
5 tral and Southern Florida, authorized by section 203
6 of the Flood Control Act of 1948 (62 Stat. 1176).

7 (2) REPORT.—In carrying out the evaluation
8 under paragraph (1), the Secretary shall—

9 (A) prepare a report that includes the re-
10 sults of the evaluation, including—

11 (i) the advisability of deauthorizing
12 the levee described in that paragraph; and

13 (ii) any recommendations for condi-
14 tions that should be placed on a deauthor-
15 ization to protect the interests of the
16 United States and the public; and

17 (B) submit to the Committee on Environ-
18 ment and Public Works of the Senate and the
19 Committee on Transportation and Infrastruc-
20 ture of the House of Representatives the report
21 under subparagraph (A) as part of the annual
22 report submitted to Congress pursuant to sec-
23 tion 7001 of the Water Resources Reform and
24 Development Act of 2014 (33 U.S.C. 2282d).

1 (b) COMPREHENSIVE CENTRAL AND SOUTHERN
2 FLORIDA STUDY.—

3 (1) IN GENERAL.—The Secretary is authorized
4 to carry out a feasibility study for resiliency and
5 comprehensive improvements or modifications to ex-
6 isting water resources development projects in cen-
7 tral and southern Florida, for the purposes of flood
8 risk management, water supply, ecosystem restora-
9 tion (including preventing saltwater intrusion),
10 recreation, and related purposes.

11 (2) REQUIREMENTS.—In carrying out the feasi-
12 bility study under paragraph (1), the Secretary—

13 (A) is authorized—

14 (i) to review the report of the Chief of
15 Engineers for central and southern Florida
16 (House Document 643, 80th Congress, 2d
17 Session), and other related reports of the
18 Secretary; and

19 (ii) to recommend cost-effective struc-
20 tural and nonstructural projects for imple-
21 mentation that provide a systemwide ap-
22 proach for the purposes described in that
23 paragraph; and

24 (B) shall ensure the study and any
25 projects recommended under subparagraph

1 (A)(ii) will not interfere with the efforts under-
2 taken to carry out the Comprehensive Ever-
3 glades Restoration Plan pursuant to section
4 601 of the Water Resources Development Act
5 of 2000 (114 Stat. 2680; 121 Stat. 1268; 132
6 Stat. 3786).

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

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

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

12 (2) Nationally, visitors to nearly 600 dams and
13 lakes, managed by the Corps of Engineers, spend an
14 estimated \$12,000,000,000 per year and support
15 500,000 jobs.

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

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the Corps of Engineers should use all available
21 authorities to promote and enhance development and rec-
22 reational opportunities at lakes that are part of authorized
23 civil works projects under the administrative jurisdiction
24 of the Corps of Engineers.

1 (c) REPORT.—Not later than 180 days after the en-
2 actment of this Act, the Secretary shall submit to the
3 Committee on Environment and Public Works of the Sen-
4 ate and the Committee on Transportation and Infrastruc-
5 ture of the House of Representatives a report on invest-
6 ments needed to support recreational activities that are
7 part of authorized water resources development projects
8 under the administrative jurisdiction of the Corps of Engi-
9 neers.

10 (d) REQUIREMENTS.—The report under subsection
11 (c) shall include—

12 (1) a list of deferred maintenance projects, in-
13 cluding maintenance projects relating to recreational
14 facilities, sites, and associated access roads;

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

18 (3) a description of efforts made by the Corps
19 of Engineers to coordinate investments in rec-
20 reational facilities, sites, and associated access roads
21 with—

22 (A) State and local governments; or

23 (B) private entities; and

24 (4) an assessment of whether the modification
25 of Federal contracting requirements could accelerate

1 the availability of funds for the projects described in
2 paragraph (1).

3 **SEC. 214. WESTERN INFRASTRUCTURE STUDY.**

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

9 (b) COMPREHENSIVE STUDY.—The Secretary shall
10 conduct a comprehensive study (referred to in this section
11 as the “study”) to evaluate the effectiveness of carrying
12 out additional measures, including measures that utilize
13 natural features or nature-based features at or upstream
14 of reservoirs for the purposes of—

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

17 (2) mitigating the risk of drought or floods, in-
18 cluding the loss of storage capacity due to sediment
19 accumulation;

20 (3) increasing water supply; or

21 (4) aquatic ecosystem restoration.

22 (c) STUDY FOCUS.—In conducting the study, the
23 Secretary shall include all reservoirs owned and operated
24 by the Secretary and reservoirs for which the Secretary
25 has flood control responsibilities under section 7 of the Act

1 of December 22, 1944 (commonly known as the “Flood
2 Control Act of 1944”) (58 Stat. 890, chapter 665; 33
3 U.S.C. 709), in the South Pacific Division of the Corps
4 of Engineers.

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

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

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

9 (B) Indian Tribes;

10 (C) non-Federal interests; and

11 (D) other stakeholders, as determined ap-
12 propriate by the Secretary.

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

16 (A) use existing data provided to the Sec-
17 retary by entities described in paragraph (1);
18 and

19 (B) incorporate—

20 (i) relevant information from prior
21 studies and projects carried out by the
22 Secretary; and

23 (ii) the latest technical data and sci-
24 entific approaches with respect to changing
25 hydrological and climatic conditions.

1 (e) REPORT.—Not later than 3 years after the date
2 of enactment of this Act, the Secretary shall submit to
3 the Committee on Environment and Public Works of the
4 Senate and the Committee on Transportation and Infra-
5 structure of the House of Representatives a report that
6 describes—

7 (1) the results of the study; and

8 (2) any recommendations on site-specific areas
9 where additional study is recommended by the Sec-
10 retary.

11 (f) SAVINGS PROVISION.—Nothing in this section
12 provides authority to the Secretary to change the author-
13 ized purposes at any of the reservoirs described in sub-
14 section (c).

15 **SEC. 215. UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-**
16 **WAY SYSTEM.**

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

20 (1) by redesignating paragraph (2) as para-
21 graph (3); and

22 (2) by inserting after paragraph (1) the fol-
23 lowing:

24 “(2) REPORT ON WATER LEVEL MANAGE-
25 MENT.—Not later than 1 year after the date of com-

1 pletion of the comprehensive plan for Mississippi
2 River water level management under section 22 of
3 the Water Resources Development Act of 1974 (42
4 U.S.C. 1962d–16), the Secretary shall submit to the
5 Committee on Environment and Public Works of the
6 Senate and the Committee on Transportation and
7 Infrastructure of the House of Representatives an
8 implementation report on opportunities identified in
9 the comprehensive plan to expand the use of water
10 level management on the Upper Mississippi River
11 and Illinois Waterway System for the purpose of
12 ecosystem restoration.”.

13 **SEC. 216. WEST VIRGINIA HYDROPOWER.**

14 (a) IN GENERAL.—For water resources development
15 projects described in subsection (b), the Secretary is au-
16 thorized—

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

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

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

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

6 (2) Hildebrand Lock and Dam, Monongahela
7 County, West Virginia, authorized by section 101 of
8 the River and Harbor Act of 1950 (64 Stat. 166,
9 chapter 188).

10 (3) Bluestone Lake, Summers County, West
11 Virginia, authorized by section 5 of the Act of June
12 22, 1936 (49 Stat. 1586, chapter 688).

13 (4) R.D. Bailey Dam, Wyoming County, West
14 Virginia, authorized by section 203 of the Flood
15 Control Act of 1962 (76 Stat. 1188).

16 (5) Stonewall Jackson Dam, Lewis County,
17 West Virginia, authorized by section 203 of the
18 Flood Control Act of 1966 (80 Stat. 1421).

19 (6) East Lynn Dam, Wayne County, West Vir-
20 ginia, authorized by section 5 of the Act of June 22,
21 1936 (49 Stat. 1586, chapter 688).

22 (7) Burnsville Lake, Braxton County, West Vir-
23 ginia, authorized by section 5 of the Act of June 22,
24 1936 (49 Stat. 1586, chapter 688).

1 (c) DEMONSTRATION PROJECTS.—The authority for
2 facility modifications under subsection (a) includes dem-
3 onstration projects.

4 **SEC. 217. RECREATION AND ECONOMIC DEVELOPMENT AT**
5 **CORPS FACILITIES IN APPALACHIA.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary shall prepare
8 and submit to the Committee on Environment and Public
9 Works of the Senate and the Committee on Transpor-
10 tation and Infrastructure of the House of Representatives
11 a plan to implement the recreational and economic devel-
12 opment opportunities identified by the Secretary in the re-
13 port prepared under section 206 of the Water Resources
14 Development Act of 2020 (134 Stat. 2680) at Corps of
15 Engineers facilities located within a distressed or at-risk
16 county (as described in subsection (a)(1) of that section)
17 in Appalachia.

18 (b) CONSIDERATIONS.—In preparing the plan under
19 subsection (a), the Secretary shall consider options for
20 Federal funding, partnerships, and outgrants to Federal,
21 State, and local governments, nonprofit organizations, and
22 commercial businesses.

23 **SEC. 218. AUTOMATED FEE MACHINES.**

24 For the purpose of mitigating adverse impacts to
25 public access to outdoor recreation, to the maximum ex-

1 tent practicable, the Secretary shall consider alternatives
2 to the use of automated fee machines for the collection
3 of fees for the use of developed recreation sites and facili-
4 ties in West Virginia.

5 **SEC. 219. LAKE CHAMPLAIN CANAL, VERMONT AND NEW**
6 **YORK.**

7 Section 5146 of the Water Resources Development
8 Act of 2007 (121 Stat. 1255) is amended by adding at
9 the end the following:

10 “(c) CLARIFICATIONS.—

11 “(1) IN GENERAL.—At the request of the non-
12 Federal interest for the study of the Lake Cham-
13 plain Canal Aquatic Invasive Species Barrier carried
14 out under section 542 of the Water Resources Devel-
15 opment Act of 2000 (114 Stat. 2671; 121 Stat.
16 1150; 134 Stat. 2652), the Secretary shall scope the
17 phase II portion of that study to satisfy the feasi-
18 bility determination under subsection (a).

19 “(2) DISPERSAL BARRIER.—A dispersal barrier
20 constructed, maintained, or operated under this sec-
21 tion may include—

22 “(A) physical hydrologic separation;

23 “(B) nonstructural measures;

24 “(C) deployment of technologies;

25 “(D) buffer zones; or

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

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

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary shall submit
6 to the Committee on Environment and Public Works of
7 the Senate and the Committee on Transportation and In-
8 frastructure of the House of Representatives a report on
9 concessionaire lease practices by the Corps of Engineers.

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

12 (1) an assessment of the reasonableness of the
13 formula of the Corps of Engineers for calculating
14 concessionaire rental rates, taking into account the
15 operating margins for sales of food and fuel; and

16 (2) the process for assessing administrative fees
17 to concessionaires across districts of the Corps of
18 Engineers.

19 **TITLE III—DEAUTHORIZATIONS,**
20 **MODIFICATIONS, AND RE-**
21 **LATED PROVISIONS**

22 **SEC. 301. ADDITIONAL ASSISTANCE FOR CRITICAL**
23 **PROJECTS.**

24 (a) ATLANTA, GEORGIA.—Section 219(e)(5) of the
25 Water Resources Development Act of 1992 (106 Stat.

1 4835; 110 Stat. 3757; 113 Stat. 334) is amended by strik-
2 ing “\$25,000,000” and inserting “\$75,000,000”.

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

7 (1) by striking “\$20,000,000” and inserting
8 “\$52,000,000”; and

9 (2) by striking “Accomac” and inserting
10 “Accomack”.

11 (c) LAKES MARION AND MOULTRIE, SOUTH CARO-
12 LINA.—Section 219(f)(25) of the Water Resources Devel-
13 opment Act of 1992 (106 Stat. 4835; 113 Stat. 336; 130
14 Stat. 1677; 134 Stat. 2719) is amended by striking
15 “\$110,000,000” and inserting “\$151,500,000”.

16 (d) LAKE COUNTY, ILLINOIS.—Section 219(f)(54) of
17 the Water Resources Development Act of 1992 (106 Stat.
18 4835; 113 Stat. 334; 114 Stat. 2763A–221) is amended—

19 (1) in the paragraph heading, by striking
20 “COOK COUNTY” and inserting “COOK COUNTY AND
21 LAKE COUNTY”; and

22 (2) by striking “\$35,000,000” and inserting
23 “\$100,000,000”.

24 (e) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—
25 Section 219(f)(55) of the Water Resources Development

1 Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat.
2 2763A–221; 134 Stat. 2718) is amended by striking
3 “\$45,000,000” and inserting “\$100,000,000”.

4 (f) CALAVERAS COUNTY, CALIFORNIA.—Section
5 219(f)(86) of the Water Resources Development Act of
6 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259)
7 is amended by striking “\$3,000,000” and inserting
8 “\$13,280,000”.

9 (g) LOS ANGELES COUNTY, CALIFORNIA.—Section
10 219(f) of the Water Resources Development Act of 1992
11 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259) is
12 amended by striking paragraph (93) and inserting the fol-
13 lowing:

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

15 “(A) IN GENERAL.—\$38,000,000 for
16 wastewater and water related infrastructure,
17 Los Angeles County, California.

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

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

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

1 “(A) IN GENERAL.—\$85,000,000 for”; and
2 (2) by adding at the end the following:

3 “(B) ADDITIONAL PROJECTS.—Amounts
4 made available under subparagraph (A) may be
5 used for design and construction projects for
6 water-related environmental infrastructure and
7 resource protection and development projects in
8 Michigan, including for projects for wastewater
9 treatment and related facilities, water supply
10 and related facilities, environmental restoration,
11 and surface water resource protection and de-
12 velopment.”.

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

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

22 (j) NORTH MYRTLE BEACH AND VICINITY, SOUTH
23 CAROLINA.—Section 219(f) of the Water Resources De-
24 velopment Act of 1992 (106 Stat. 4835; 113 Stat. 334;

1 121 Stat. 1267) is amended by striking paragraph (251)
2 and inserting the following:

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

7 (k) HORRY COUNTY, SOUTH CAROLINA.—Section
8 219(f) of the Water Resources Development Act of 1992
9 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) is
10 amended by adding at the end the following:

11 “(274) HORRY COUNTY, SOUTH CAROLINA.—
12 \$19,000,000 for environmental infrastructure, in-
13 cluding ocean outfalls, Horry County, South Caro-
14 lina.”.

15 (l) LANE COUNTY, OREGON.—Section 219(f) of the
16 Water Resources Development Act of 1992 (106 Stat.
17 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by sub-
18 section (k)) is amended by adding at the end the following:

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

22 (m) PLACER COUNTY, CALIFORNIA.—Section 219(f)
23 of the Water Resources Development Act of 1992 (106
24 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended

1 by subsection (l)) is amended by adding at the end the
2 following:

3 “(276) PLACER COUNTY, CALIFORNIA.—
4 \$21,000,000 for environmental infrastructure, Plac-
5 er County, California.”.

6 (n) ALAMEDA COUNTY, CALIFORNIA.—Section
7 219(f) of the Water Resources Development Act of 1992
8 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as
9 amended by subsection (m)) is amended by adding at the
10 end the following:

11 “(277) ALAMEDA COUNTY, CALIFORNIA.—
12 \$20,000,000 for environmental infrastructure, Ala-
13 meda County, California.”.

14 (o) TEMECULA CITY, CALIFORNIA.—Section 219(f)
15 of the Water Resources Development Act of 1992 (106
16 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended
17 by subsection (n)) is amended by adding at the end the
18 following:

19 “(278) TEMECULA CITY, CALIFORNIA.—
20 \$18,000,000 for environmental infrastructure,
21 Temecula City, California.”.

22 (p) YOLO COUNTY, CALIFORNIA.—Section 219(f) of
23 the Water Resources Development Act of 1992 (106 Stat.
24 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by sub-
25 section (o)) is amended by adding at the end the following:

1 “(279) YOLO COUNTY, CALIFORNIA.—
2 \$6,000,000 for environmental infrastructure, Yolo
3 County, California.”.

4 (q) CLINTON, MISSISSIPPI.—Section 219(f) of the
5 Water Resources Development Act of 1992 (106 Stat.
6 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by sub-
7 section (p)) is amended by adding at the end the following:

8 “(280) CLINTON, MISSISSIPPI.—\$13,600,000
9 for environmental infrastructure, including
10 stormwater management, drainage systems, and
11 water quality enhancement, Clinton, Mississippi.”.

12 (r) OXFORD, MISSISSIPPI.—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 (q)) is amended by adding at the end the following:

16 “(281) OXFORD, MISSISSIPPI.—\$10,000,000 for
17 environmental infrastructure, including stormwater
18 management, drainage systems, and water quality
19 enhancement, Oxford, Mississippi.”.

20 (s) MADISON COUNTY, MISSISSIPPI.—Section 219(f)
21 of the Water Resources Development Act of 1992 (106
22 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended
23 by subsection (r)) is amended by adding at the end the
24 following:

1 “(282) MADISON COUNTY, MISSISSIPPI.—
2 \$10,000,000 for environmental infrastructure, in-
3 cluding stormwater management, drainage systems,
4 and water quality enhancement, Madison County,
5 Mississippi.”.

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

11 “(283) RANKIN COUNTY, MISSISSIPPI.—
12 \$10,000,000 for environmental infrastructure, in-
13 cluding stormwater management, drainage systems,
14 and water quality enhancement, Rankin County,
15 Mississippi.”.

16 (u) MERIDIAN, 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 (t)) is amended by adding at the end the following:

20 “(284) MERIDIAN, MISSISSIPPI.—\$10,000,000
21 for wastewater infrastructure, including stormwater
22 management, drainage systems, and water quality
23 enhancement, Meridian, Mississippi.”.

24 (v) DELAWARE.—Section 219(f) of the Water Re-
25 sources Development Act of 1992 (106 Stat. 4835; 113

1 Stat. 334; 121 Stat. 1268) (as amended by subsection (u))

2 is amended by adding at the end the following:

3 “(285) DELAWARE.—\$50,000,000 for sewer,
4 stormwater system improvements, storage treatment,
5 environmental restoration, and related water infra-
6 structure, Delaware.”.

7 (w) QUEENS, NEW YORK.—Section 219(f) of the
8 Water Resources Development Act of 1992 (106 Stat.
9 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by sub-
10 section (v)) is amended by adding at the end the following:

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

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

20 “(287) GEORGIA.—\$75,000,000 for environ-
21 mental infrastructure, Baldwin County, Bartow
22 County, Floyd County, Haralson County, Jones
23 County, Gilmer County, Towns County, Warren
24 County, Lamar County, Lowndes County, Troup
25 County, Madison County, Toombs County, Dade

1 County, Bulloch County, Gordon County, Walker
2 County, Dooly County, Butts County, Clarke Coun-
3 ty, Crisp County, Newton County, Bibb County,
4 Baker County, Barrow County, Oglethorpe County,
5 Peach County, Brooks County, Carroll County,
6 Worth County, Jenkins County, Wheeler County,
7 Calhoun County, Randolph County, Wilcox County,
8 Stewart County, Telfair County, Clinch County,
9 Hancock County, Ben Hill County, Jeff Davis Coun-
10 ty, Chattooga County, Lanier County, Brantley
11 County, Charlton County, Tattnall County, Emanuel
12 County, Mitchell County, Turner County, Bacon
13 County, Terrell County, Macon County, Ware Coun-
14 ty, Bleckley County, Colquitt County, Washington
15 County, Berrien County, Coffee County, Pulaski
16 County, Cook County, Atkinson County, Candler
17 County, Taliaferro County, Evans County, Johnson
18 County, Irwin County, Dodge County, Jefferson
19 County, Appling County, Taylor County, Wayne
20 County, Clayton County, Decatur County, Schley
21 County, Sumter County, Early County, Webster
22 County, Clay County, Upson County, Long County,
23 Twiggs County, Dougherty County, Quitman Coun-
24 ty, Meriwether County, Stephens County, Wilkinson
25 County, Murray County, Wilkes County, Elbert

1 County, McDuffie County, Heard County, Marion
2 County, Talbot County, Laurens County, Mont-
3 gomery County, Echols County, Pierce County,
4 Richmond County, Chattahoochee County, Screven
5 County, Habersham County, Lincoln County, Burke
6 County, Liberty County, Tift County, Polk County,
7 Glascock County, Grady County, Jasper County,
8 Banks County, Franklin County, Whitfield County,
9 Treutlen County, Crawford County, Hart County,
10 Georgia.”.

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

15 “(288) MARYLAND.—\$100,000,000 for water,
16 wastewater, and other environmental infrastructure,
17 Maryland.”.

18 (z) MILWAUKEE METROPOLITAN AREA, WIS-
19 CONSIN.—Section 219(f) of the Water Resources Develop-
20 ment Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121
21 Stat. 1268) (as amended by subsection (y)) is amended
22 by adding at the end the following:

23 “(289) MILWAUKEE METROPOLITAN AREA, WIS-
24 CONSIN.—\$4,500,000 for water-related infrastruc-
25 ture, resource protection and development,

1 stormwater management, and reduction of combined
2 sewer overflows, Milwaukee metropolitan area, Wis-
3 consin.”.

4 (aa) HAWAII.—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 (z))
7 is amended by adding at the end the following:

8 “(290) HAWAII.—\$75,000,000 for water-related
9 infrastructure, resource protection and development,
10 wastewater treatment, water supply, urban storm
11 water conveyance, environmental restoration, and
12 surface water protection and development, Hawaii.”.

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

17 “(291) ALABAMA.—\$50,000,000 for water,
18 wastewater, and other environmental infrastructure,
19 Alabama.”.

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

24 (dd) CENTRAL NEW MEXICO.—Section 593(h) of the
25 Water Resources Development Act of 1999 (113 Stat.

1 381; 119 Stat. 2255) is amended by striking
2 “\$50,000,000” and inserting “\$100,000,000”.

3 (ee) NORTH DAKOTA AND OHIO.—Section 594 of the
4 Water Resources Development Act of 1999 (113 Stat.
5 381; 121 Stat. 1140; 121 Stat. 1944) is amended by add-
6 ing at the end the following:

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

12 (ff) WESTERN RURAL WATER.—Section 595(i) of the
13 Water Resources Development Act of 1999 (113 Stat.
14 383; 134 Stat. 2719) is amended—

15 (1) in paragraph (1), by striking
16 “\$435,000,000” and inserting “\$490,000,000”; and

17 (2) in paragraph (2), by striking
18 “\$150,000,000” and inserting “\$200,000,000”.

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

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

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

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

5 (1) in subsection (b), by striking “, as identified
6 by the Texas Water Development Board”;

7 (2) in subsection (e)(3), by inserting “and con-
8 struction” after “design work”;

9 (3) by redesignating subsection (g) as sub-
10 section (i); and

11 (4) by inserting after subsection (f) the fol-
12 lowing:

13 “(g) NONPROFIT ENTITIES.—In accordance with sec-
14 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
15 1962d–5b(b)), for any project carried out under this sec-
16 tion, a non-Federal interest may include a nonprofit entity
17 with the consent of the affected local government.

18 “(h) CORPS OF ENGINEERS EXPENSES.—Not more
19 than 10 percent of the amounts made available to carry
20 out this section may be used by the Corps of Engineers
21 district offices to administer projects under this section
22 at Federal expense.”.

1 **SEC. 302. SOUTHERN WEST VIRGINIA.**

2 (a) IN GENERAL.—Section 340 of the Water Re-
3 sources Development Act of 1992 (106 Stat. 4856) is
4 amended—

5 (1) in the section heading, by striking “**ENVI-**
6 **RONMENTAL RESTORATION INFRASTRUCTURE**
7 **AND RESOURCE PROTECTION DEVELOPMENT**
8 **PILOT PROGRAM**”; and

9 (2) by striking subsection (f) and inserting the
10 following:

11 “(f) DEFINITION OF SOUTHERN WEST VIRGINIA.—
12 In this section, the term ‘southern West Virginia’ means
13 the counties of Boone, Braxton, Cabell, Calhoun, Clay,
14 Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln,
15 Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nich-
16 olas, Pendleton, Pocahontas, Putnam, Raleigh, Roane,
17 Summers, Wayne, Webster, Wirt, and Wyoming, West
18 Virginia.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 contained in section 1(b) of the Water Resources Develop-
21 ment Act of 1992 (106 Stat. 4799) is amended by striking
22 the item relating to section 340 and inserting the fol-
23 lowing:

“Sec. 340. Southern West Virginia.”.

1 **SEC. 303. NORTHERN WEST VIRGINIA.**

2 (a) IN GENERAL.—Section 571 of the Water Re-
3 sources Development Act of 1999 (113 Stat. 371; 121
4 Stat. 1257; 134 Stat. 2719) is amended—

5 (1) in the section heading, by striking “**CEN-**
6 **TRAL**” and inserting “**NORTHERN**”;

7 (2) by striking subsection (a) and inserting the
8 following:

9 “(a) DEFINITION OF NORTHERN WEST VIRGINIA.—
10 In this section, the term ‘northern West Virginia’ means
11 the counties of Barbour, Berkeley, Brooke, Doddridge,
12 Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson,
13 Lewis, Marion, Marshall, Mineral, Morgan, Monongalia,
14 Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor,
15 Tucker, Tyler, Upshur, Wetzel, and Wood, West Vir-
16 ginia.”;

17 (3) in subsection (b), by striking “central” and
18 inserting “northern”; and

19 (4) in subsection (c), by striking “central” and
20 inserting “northern”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of the Water Resources Development Act
23 of 1999 (113 Stat. 269) is amended by striking the item
24 relating to section 571 and inserting the following:

“Sec. 571. Northern West Virginia.”.

1 **SEC. 304. LOCAL COOPERATION AGREEMENTS, NORTHERN**
2 **WEST VIRGINIA.**

3 Section 219(f)(272) of the Water Resources Develop-
4 ment Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121
5 Stat. 1268) is amended—

6 (1) by striking “\$20,000,000 for water and
7 wastewater” and inserting the following:

8 “(A) IN GENERAL.—\$20,000,000 for water
9 and wastewater”; and

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

11 “(B) LOCAL COOPERATION AGREE-
12 MENTS.—Notwithstanding subsection (a), at
13 the request of a non-Federal interest for a
14 project or a separable element of a project that
15 receives assistance under this paragraph, the
16 Secretary may adopt a model agreement devel-
17 oped in accordance with section 571(e) of the
18 Water Resources Development Act of 1999
19 (113 Stat. 371).”.

20 **SEC. 305. SPECIAL RULE FOR CERTAIN BEACH NOURISH-**
21 **MENT PROJECTS.**

22 (a) IN GENERAL.—In the case of a water resources
23 development project described in subsection (b), the Sec-
24 retary shall—

25 (1) fund, at full Federal expense, any incre-
26 mental increase in cost to the project that results

1 from a legal requirement to use a borrow source de-
2 termined by the Secretary to be other than the least-
3 cost option; and

4 (2) exclude the cost described in paragraph (1)
5 from the cost-benefit analysis for the project.

6 (b) AUTHORIZED WATER RESOURCES DEVELOP-
7 MENT PROJECTS DESCRIBED.—An authorized water re-
8 sources development project referred to in subsection (a)
9 is any of the following:

10 (1) The Townsends Inlet to Cape May Inlet,
11 New Jersey, coastal storm risk management project,
12 authorized by section 101(a)(26) of the Water Re-
13 sources Development Act of 1999 (113 Stat. 278).

14 (2) The Folly Beach, South Carolina, coastal
15 storm risk management project, authorized by sec-
16 tion 501(a) of the Water Resources Development
17 Act of 1986 (100 Stat. 4136) and modified by sec-
18 tion 108 of the Energy and Water Development Ap-
19 propriations Act, 1992 (105 Stat. 520).

20 (3) The Carolina Beach and Vicinity, North
21 Carolina, coastal storm risk management project,
22 authorized by section 203 of the Flood Control Act
23 of 1962 (76 Stat. 1182) and modified by section
24 401(7) of the Water Resources Development Act of
25 2020 (134 Stat. 2741).

1 (4) The Wrightsville Beach, North Carolina,
2 coastal storm risk management project, authorized
3 by section 203 of the Flood Control Act of 1962 (76
4 Stat. 1182) and modified by section 401(7) of the
5 Water Resources Development Act of 2020 (134
6 Stat. 2741).

7 (5) A project for coastal storm risk manage-
8 ment for any shore included in a project described
9 in this subsection that is specifically authorized by
10 Congress on or after the date of enactment of this
11 Act.

12 (6) Emergency repair and restoration of any
13 project described in this subsection under section 5
14 of the Act of August 18, 1941 (commonly known as
15 the “Flood Control Act of 1941”) (55 Stat. 650,
16 chapter 377; 33 U.S.C. 701n).

17 (c) SAVINGS PROVISION.—Nothing in this section
18 limits the eligibility for, or availability of, Federal expendi-
19 tures or financial assistance for any water resources devel-
20 opment project, including any beach nourishment or re-
21 nourishment project, under any other provision of Federal
22 law.

1 **SEC. 306. COASTAL COMMUNITY FLOOD CONTROL AND**
2 **OTHER PURPOSES.**

3 Section 103(k)(4) of the Water Resources Develop-
4 ment Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

5 (1) by redesignating subparagraphs (A) and
6 (B) as clauses (i) and (ii), respectively, and indent-
7 ing appropriately;

8 (2) in the matter preceding clause (i) (as so re-
9 designated), by striking “Notwithstanding” and in-
10 serting the following:

11 “(A) IN GENERAL.—Notwithstanding”;

12 (3) in subparagraph (A) (as so redesignated)—

13 (A) in clause (i) (as so redesignated)—

14 (i) by striking “\$200 million” and in-
15 serting “\$200,000,000”; and

16 (ii) by striking “and” at the end;

17 (B) in clause (ii) (as so redesignated)—

18 (i) by inserting “an amount equal to
19 $\frac{2}{3}$ of” after “repays”; and

20 (ii) by striking the period at the end
21 and inserting “; and”; and

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

23 “(iii) the non-Federal interest repays
24 the balance of remaining principal by June
25 1, 2032.”; and

26 (4) by adding at the end the following:

1 “(B) REPAYMENT OPTIONS.—Repayment
2 of a non-Federal contribution under subpara-
3 graph (A)(iii) may be satisfied through the pro-
4 vision by the non-Federal interest of fish and
5 wildlife mitigation for one or more projects or
6 separable elements, if the Secretary determines
7 that—

8 “(i) the non-Federal interest has in-
9 curred costs for the provision of mitigation
10 that—

11 “(I) equal or exceed the amount
12 of the required repayment; and

13 “(II) are in excess of any re-
14 quired non-Federal contribution for
15 the project or separable element for
16 which the mitigation is provided; and

17 “(ii) the mitigation is integral to the
18 project for which it is provided.”.

19 **SEC. 307. MODIFICATIONS.**

20 (a) IN GENERAL.—The following modifications to
21 studies and projects are authorized:

22 (1) MISSISSIPPI RIVER GULF OUTLET, LOU-
23 ISIANA.—The Federal share of the cost of the
24 project for ecosystem restoration, Mississippi River
25 Gulf Outlet, Louisiana, authorized by section

1 7013(a)(4) of the Water Resources Development Act
2 of 2007 (121 Stat. 1281), shall be 90 percent.

3 (2) GREAT LAKES AND MISSISSIPPI RIVER
4 INTERBASIN PROJECT, BRANDON ROAD, WILL COUN-
5 TY, ILLINOIS.—Section 402(a)(1) of the Water Re-
6 sources Development Act of 2020 (134 Stat. 2742)
7 is amended by striking “80 percent” and inserting
8 “90 percent”.

9 (3) LOWER MISSISSIPPI RIVER COMPREHENSIVE
10 MANAGEMENT STUDY.—Section 213 of the Water
11 Resources Development Act of 2020 (134 Stat.
12 2687) is amended by adding at the end the fol-
13 lowing:

14 “(j) COST-SHARE.—The Federal share of the cost of
15 the comprehensive study described in subsection (a), and
16 any feasibility study described in subsection (e), shall be
17 90 percent.”.

18 (4) PORT OF NOME, ALASKA.—

19 (A) IN GENERAL.—The Secretary shall
20 carry out the project for navigation, Port of
21 Nome, Alaska, authorized by section 401(1) of
22 the Water Resources Development Act of 2020
23 (134 Stat. 2733).

1 (B) COST-SHARE.—The Federal share of
2 the cost of the project described in subpara-
3 graph (A) shall be 90 percent.

4 (5) CHICAGO SHORELINE PROTECTION.—The
5 project for storm damage reduction and shore pro-
6 tection, Lake Michigan, Illinois, from Wilmette, Illi-
7 nois, to the Illinois–Indiana State line, authorized by
8 section 101(a)(12) of the Water Resources Develop-
9 ment Act of 1996 (110 Stat. 3664), is modified to
10 authorize the Secretary to provide 65 percent of the
11 cost of the locally preferred plan, as described in the
12 Report of the Chief of Engineers dated April 14,
13 1994, for the construction of the following segments
14 of the project:

15 (A) Shoreline revetment at Morgan Shoal.

16 (B) Shoreline revetment at Promontory
17 Point.

18 (6) LOWER MUD RIVER, MILTON, WEST VIR-
19 GINIA.—

20 (A) IN GENERAL.—Notwithstanding sec-
21 tion 3170 of the Water Resources Development
22 Act of 2007 (121 Stat. 1154), the Federal
23 share of the cost of the project for flood control,
24 Milton, West Virginia, authorized by section
25 580 of the Water Resources Development Act

1 of 1996 (110 Stat. 3790), and modified by sec-
2 tion 340 of the Water Resources Development
3 Act of 2000 (114 Stat. 2612) and section 3170
4 of the Water Resources Development Act of
5 2007 (121 Stat. 1154), shall be 90 percent.

6 (B) LAND, EASEMENTS, AND RIGHTS-OF-
7 WAY.—For the project described in subpara-
8 graph (A), the Secretary shall include in the
9 cost of the project, and credit toward the non-
10 Federal share of that cost, the value of land,
11 easements, and rights-of-way provided by the
12 non-Federal interest for the project, including
13 the value of land, easements, and rights-of-way
14 required for the project that are owned or held
15 by the non-Federal interest or other non-Fed-
16 eral public body.

17 (C) ADDITIONAL ELIGIBILITY.—Unless
18 otherwise directed in an Act making annual ap-
19 propriations for the Corps of Engineers for a
20 fiscal year in which the Secretary has deter-
21 mined an additional appropriation is required to
22 continue or complete construction of the project
23 described in subparagraph (A), the project shall
24 be eligible for additional funding appropriated

1 by that Act in the Construction account of the
2 Corps of Engineers—

3 (i) without a new investment decision;

4 and

5 (ii) on the same terms as a project

6 that is not the project described in sub-

7 paragraph (A).

8 (7) SOUTH SHORE STATEN ISLAND, NEW
9 YORK.—The Federal share of any portion of the cost
10 to design and construct the project for coastal storm
11 risk management, South Shore Staten Island, New
12 York, authorized by section 401(3), that exceeds the
13 estimated total project cost specified in the project
14 partnership agreement for the project, signed by the
15 Secretary on February 15, 2019, shall be 90 per-
16 cent.

17 (b) AGREEMENTS.—

18 (1) STUDIES AND PROJECTS WITH MULTIPLE
19 NON-FEDERAL INTERESTS.—At the request of the
20 applicable non-Federal interests for the project de-
21 scribed in section 402(a) of the Water Resources
22 Development Act of 2020 (134 Stat. 2742) and for
23 the studies described in subsection (j) of section 213
24 of that Act (134 Stat. 2687), the Secretary shall not
25 require those non-Federal interests to be jointly and

1 severally liable for all non-Federal obligations in the
2 project partnership agreement for the project or in
3 the feasibility cost share agreements for the studies.

4 (2) SOUTH SAN FRANCISCO BAY SHORELINE,
5 CALIFORNIA.—

6 (A) IN GENERAL.—Except for funds re-
7 quired for a betterment or for a locally pre-
8 ferred plan, the Secretary shall not require the
9 non-Federal interest for the project for flood
10 risk management, ecosystem restoration, and
11 recreation, South San Francisco Bay Shoreline,
12 California, authorized by section 1401(6) of the
13 Water Resources Development Act of 2016
14 (130 Stat. 1714), to contribute funds under an
15 agreement entered into prior to the date of en-
16 actment of this Act in excess of the total cash
17 contribution required from the non-Federal in-
18 terest for the project under section 103 of the
19 Water Resources Development Act of 1986 (33
20 U.S.C. 2213).

21 (B) REQUIREMENT.—The Secretary shall
22 not, at any time, defer, suspend, or terminate
23 construction of the project described in sub-
24 paragraph (A) solely on the basis of a deter-
25 mination by the Secretary that an additional

1 appropriation is required to cover the Federal
2 share of the cost to complete construction of
3 the project, if Federal funds in an amount de-
4 termined by the Secretary to be sufficient to
5 continue construction of the project remain
6 available in the allocation for the project under
7 the Long-Term Disaster Recovery Investment
8 Plan for amounts appropriated under the head-
9 ing “CONSTRUCTION” under the heading
10 “CORPS OF ENGINEERS—CIVIL—DE-
11 PARTMENT OF THE ARMY” in title IV of
12 subdivision 1 of division B of the Bipartisan
13 Budget Act of 2018 (Public Law 115–123; 132
14 Stat. 76).

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(e) 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 pro-
19 clamation (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-

1 cept and expend, funds to cover the costs of the
2 Secretary to enter into and administer a good
3 neighbor agreement.

4 (D) TERMINATION.—The pilot program
5 under subparagraph (A) shall terminate on Oc-
6 tober 1, 2028.

7 (2) TIMBER SALES.—

8 (A) APPROVAL OF SILVICULTURE PRE-
9 SCRIPTIONS AND MARKING GUIDES.—The Sec-
10 retary shall provide or approve all silviculture
11 prescriptions and marking guides to be applied
12 on Federal land in all timber sale projects con-
13 ducted under this section.

14 (B) TREATMENT OF REVENUE.—Except as
15 provided in subparagraph (C), funds received
16 from the sale of timber by the Governor under
17 a good neighbor agreement shall be retained
18 and used by the Governor to carry out author-
19 ized restoration services under the good neigh-
20 bor agreement.

21 (C) EXCESS REVENUE.—

22 (i) IN GENERAL.—Any funds remain-
23 ing after carrying out subparagraph (B)
24 that are in excess of the amount provided
25 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, 3235E, and 3227E.

1 (B) Easements identified as Partial Tracts
2 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

3 (2) On counter-execution of the new or amend-
4 ed agreement pursuant to the Federal easement con-
5 veyances under paragraph (1), the Secretary is au-
6 thorized to convey the following easements, by quit-
7 claim deed, without consideration, acquired by the
8 Federal Government for the Red Rock Dam project,
9 to the City or to the Des Moines Metropolitan
10 Wastewater Reclamation Authority and no longer re-
11 quired for the Red Rock Dam Project or for the Des
12 Moines Local Flood Protection Project:

13 (A) Easements identified as Tracts 3200E,
14 3202E-1, 3202E-2, 3202E-4, 3203E-2, 3215E-
15 3, 3216E-1, and 3216E-5.

16 (B) Easements identified as Partial Tracts
17 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

18 (3) All real property interests conveyed under
19 this subsection shall be subject to the standard re-
20 lease of easement disposal process. All administra-
21 tive fees associated with the transfer of the subject
22 easements to the City or to the Des Moines Metro-
23 politan Wastewater Reclamation Authority will be
24 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,
21 and after including consideration of all ex-
22 penditures and obligations incurred by the
23 non-Federal sponsor for land and in-kind
24 services for an authorized project for which
25 a project partnership agreement has not

1 been executed, the Secretary shall only re-
2 quire a cash contribution from the non-
3 Federal sponsor to satisfy the cost share
4 requirements of this subsection on the last
5 day of each period of 5 fiscal years under
6 clause (i).”.

7 (b) UPDATE.—The Secretary and the South Florida
8 Water Management District shall revise the Master Agree-
9 ment for the Comprehensive Everglades Restoration Plan,
10 executed in 2009 pursuant to section 601 of the Water
11 Resources Development Act of 2000 (114 Stat. 2680), to
12 reflect the amendment made by subsection (a).

13 **SEC. 356. MAINTENANCE DREDGING PERMITS.**

14 (a) IN GENERAL.—The Secretary shall, to the max-
15 imum extent practicable and appropriate, prioritize the
16 reissuance of any regional general permit for maintenance
17 dredging that expired prior to May 1, 2021.

18 (b) SAVINGS PROVISION.—Nothing in this section af-
19 fects, preempts, or interferes with any obligation to com-
20 ply with the provisions of any Federal or State environ-
21 mental law, including—

22 (1) the National Environmental Policy Act of
23 1969 (42 U.S.C. 4321 et seq.);

24 (2) the Federal Water Pollution Control Act

25 (33 U.S.C. 1251 et seq.); and

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

3 **SEC. 357. PUGET SOUND NEARSHORE ECOSYSTEM RES-**
4 **TORATION, WASHINGTON.**

5 In carrying out the project for ecosystem restoration,
6 Puget Sound, Washington, authorized by section 1401(4)
7 of the Water Resources Development Act of 2016 (130
8 Stat. 1713), the Secretary shall consider the removal and
9 replacement of the Highway 101 causeway and bridges at
10 the Duckabush River Estuary site to be a project feature
11 the costs of which are shared as construction.

12 **SEC. 358. TRIBAL ASSISTANCE.**

13 (a) CLARIFICATION OF EXISTING AUTHORITY.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 the Secretary, in consultation with the heads of rel-
16 evant Federal agencies, the Confederated Tribes of
17 the Warm Springs Indian Reservation of Oregon,
18 the Confederated Tribes and Bands of the Yakama
19 Nation, Nez Perce Tribe, and the Confederated
20 Tribes of the Umatilla Indian Reservation, shall re-
21 vise and carry out the village development plan for
22 Dalles Dam, Columbia River, Washington and Or-
23 egon, as authorized by section 204 of the Flood Con-
24 trol Act of 1950 (64 Stat. 179, chapter 188) to ad-
25 dress adverse impacts to Indian villages, housing

1 sites, and related structures as a result of the con-
2 struction of Bonneville Dam, McNary Dam, and
3 John Day Dam, Washington and Oregon.

4 (2) EXAMINATION.—Before carrying out the re-
5 quirements of paragraph (1), the Secretary shall
6 conduct an examination and assessment of the ex-
7 tent to which Indian villages, housing sites, and re-
8 lated structures were displaced or destroyed by the
9 construction of the following projects:

10 (A) Bonneville Dam, Oregon, as authorized
11 by the first section of the Act of August 30,
12 1935 (49 Stat. 1038, chapter 831) and the first
13 section and section 2(a) of the Act of August
14 20, 1937 (50 Stat. 731, chapter 720; 16 U.S.C.
15 832, 832a(a)).

16 (B) McNary Dam, Washington and Or-
17 egon, as authorized by section 2 of the Act of
18 March 2, 1945 (commonly known as the “River
19 and Harbor Act of 1945”) (59 Stat. 22, chap-
20 ter 19).

21 (C) John Day Dam, Washington and Or-
22 egon, as authorized by section 204 of the Flood
23 Control Act of 1950 (64 Stat. 179, chapter
24 188).

1 (3) REQUIREMENTS.—The village development
2 plan under paragraph (1) shall include, at a min-
3 imum—

4 (A) an evaluation of sites on both sides of
5 the Columbia River;

6 (B) an assessment of suitable Federal land
7 and land owned by the States of Washington
8 and Oregon; and

9 (C) an estimated cost and tentative sched-
10 ule for the construction of each housing devel-
11 opment.

12 (4) LOCATION OF ASSISTANCE.—The Secretary
13 may provide housing and related assistance under
14 this subsection at 1 or more sites in the States of
15 Washington and Oregon.

16 (b) PROVISION OF ASSISTANCE ON FEDERAL
17 LAND.—The Secretary may construct housing or provide
18 related assistance on land owned by the United States
19 under the village development plan under subsection
20 (a)(1).

21 (c) ACQUISITION AND DISPOSAL OF LAND.—

22 (1) IN GENERAL.—Subject to subsection (d),
23 the Secretary may acquire land or interests in land
24 for the purpose of providing housing and related as-

1 sistance under the village development plan under
2 subsection (a)(1).

3 (2) ADVANCE ACQUISITION.—Acquisition of
4 land or interests in land under paragraph (1) may
5 be carried out in advance of completion of all re-
6 quired documentation and clearances for the con-
7 struction of housing or related improvements on the
8 land or on the interests in land.

9 (3) DISPOSAL OF UNSUITABLE LAND.—If the
10 Secretary determines that any land or interest in
11 land acquired by the Secretary under this section in
12 advance of completion of all required documentation
13 for the construction of housing or related improve-
14 ments is unsuitable for that housing or for those re-
15 lated improvements, the Secretary may—

16 (A) dispose of the land or interest in land
17 by sale; and

18 (B) credit the proceeds to the appropria-
19 tion, fund, or account used to purchase the land
20 or interest in land.

21 (d) LIMITATION.—The Secretary shall only acquire
22 land from willing landowners in carrying out this section.

23 (e) CONFORMING AMENDMENT.—Section 1178(c) of
24 the Water Resources Development Act of 2016 (130 Stat.
25 1675; 132 Stat. 3781) is repealed.

1 **SEC. 359. RECREATIONAL OPPORTUNITIES AT CERTAIN**
2 **PROJECTS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED PROJECT.—The term “covered
5 project” means any of the following projects of the
6 Corps of Engineers:

7 (A) Ball Mountain Lake, Vermont.

8 (B) Townshend Lake, Vermont.

9 (2) RECREATION.—The term “recreation” in-
10 cludes downstream whitewater recreation that is de-
11 pendent on operations, recreational fishing, and
12 boating at a covered project.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the Secretary should—

15 (1) ensure that, to the extent compatible with
16 other project purposes, each covered project is oper-
17 ated in such a manner as to protect and enhance
18 recreation associated with the covered project; and

19 (2) manage land at each covered project to im-
20 prove opportunities for recreation at the covered
21 project.

22 (c) MODIFICATION OF WATER CONTROL PLANS.—
23 The Secretary may modify, or undertake temporary devi-
24 ations from, the water control plan for a covered project
25 in order to enhance recreation, if the Secretary determines
26 the modifications or deviations—

1 (1) will not adversely affect other authorized
2 purposes of the covered project; and

3 (2) will not result in significant adverse impacts
4 to the environment.

5 **SEC. 360. REHABILITATION OF CORPS OF ENGINEERS CON-**
6 **STRUCTED DAMS.**

7 Section 1177 of the Water Resources Development
8 Act of 2016 (33 U.S.C. 467f-2 note; Public Law 114-
9 322) is amended by adding at the end the following:

10 “(g) SPECIAL RULE.—Notwithstanding subsection
11 (c), the non-Federal share of the cost to rehabilitate Wa-
12 terbury Dam, Washington County, Vermont, under this
13 section, including the cost of any required study, shall be
14 the same share assigned to the non-Federal interest for
15 the cost of initial construction of Waterbury Dam.”.

16 **SEC. 361. SOUTH FLORIDA ECOSYSTEM RESTORATION TASK**
17 **FORCE.**

18 Section 528(f)(1)(J) of the Water Resources Develop-
19 ment Act of 1996 (110 Stat. 3771) is amended—

20 (1) by striking “2 representatives” and insert-
21 ing “3 representatives”; and

22 (2) by inserting “at least 1 of which shall be a
23 representative of the Florida Department of Envi-
24 ronmental Protection and at least 1 of which shall

1 be a representative of the Florida Fish and Wildlife
2 Conservation Commission,” after “Florida,”.

3 **SEC. 362. NEW MADRID COUNTY HARBOR, MISSOURI.**

4 Section 509(a) of the Water Resources Development
5 Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat.
6 2679) is amended by adding at the end the following:

7 “(18) Second harbor at New Madrid County
8 Harbor, Missouri.”.

9 **SEC. 363. TRINITY RIVER AND TRIBUTARIES, TEXAS.**

10 Section 1201(7) of the Water Resources Development
11 Act of 2018 (132 Stat. 3802) is amended by inserting
12 “flood risk management, and ecosystem restoration,” after
13 “navigation,”.

14 **SEC. 364. REND LAKE, CARLYLE LAKE, AND LAKE SHELBY-**
15 **VILLE, ILLINOIS.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date on which the Secretary receives a request from the
18 Governor of Illinois to terminate a contract described in
19 subsection (c), the Secretary shall amend the contract to
20 release to the United States all rights of the State of Illi-
21 nois to utilize water storage space in the reservoir project
22 to which the contract applies.

23 (b) RELIEF OF CERTAIN OBLIGATIONS.—On execu-
24 tion of an amendment described in subsection (a), the
25 State of Illinois shall be relieved of the obligation to pay

1 the percentage of the annual operation and maintenance
2 expense, the percentage of major replacement cost, and
3 the percentage of major rehabilitation cost allocated to the
4 water supply storage specified in the contract for the res-
5 ervoir project to which the contract applies.

6 (c) CONTRACTS.—Subsection (a) applies to the fol-
7 lowing contracts between the United States and the State
8 of Illinois:

9 (1) Contract DACW43–88–C–0088, entered
10 into on September 23, 1988, for utilization of stor-
11 age space for water supply in Rend Lake, Illinois.

12 (2) Contract DA–23–065–CIVENG–65–493,
13 entered into on April 28, 1965, for utilization of
14 storage space for water supply in Rend Lake, Illi-
15 nois.

16 (3) Contract DACW43–83–C–0008, entered
17 into on July 6, 1983, for utilization of storage space
18 in Carlyle Lake, Illinois.

19 (4) Contract DACW43–83–C–0009, entered
20 into on July 6, 1983, for utilization of storage space
21 in Lake Shelbyville, Illinois.

22 **SEC. 365. FEDERAL ASSISTANCE.**

23 Section 1328(e) of the America’s Water Infrastruc-
24 ture Act of 2018 (132 Stat. 3826) is amended by striking
25 “4 years” and inserting “8 years”.

1 **SEC. 366. LAND TRANSFER AND TRUST LAND FOR CHOCTAW**
2 **NATION OF OKLAHOMA.**

3 (a) TRANSFER.—

4 (1) IN GENERAL.—Subject to paragraph (2)
5 and for the consideration described in subsection (c),
6 the Secretary shall transfer to the Secretary of the
7 Interior the land described in subsection (b) to be
8 held in trust for the benefit of the Choctaw Nation.

9 (2) CONDITIONS.—The land transfer under this
10 subsection shall be subject to the following condi-
11 tions:

12 (A) The transfer—

13 (i) shall not interfere with the oper-
14 ation by the Corps of Engineers of the
15 Sardis Lake Project or any other author-
16 ized civil works project; and

17 (ii) shall be subject to such other
18 terms and conditions as the Secretary de-
19 termines to be necessary and appropriate
20 to ensure the continued operation of the
21 Sardis Lake Project or any other author-
22 ized civil works project.

23 (B) The Secretary shall retain the right to
24 inundate with water the land transferred to the
25 Choctaw Nation under this subsection as nec-
26 essary to carry out an authorized purpose of

1 the Sardis Lake Project or any other civil
2 works project.

3 (C) No gaming activities may be conducted
4 on the land transferred under this subsection.

5 (b) LAND DESCRIPTION.—

6 (1) IN GENERAL.—The land to be transferred
7 pursuant to subsection (a) is the approximately 247
8 acres of land located in Sections 18 and 19 of T2N
9 R18E, and Sections 5 and 8 of T2N R19E,
10 Pushmataha County, Oklahoma, generally depicted
11 as “USACE” on the map entitled “Sardis Lake –
12 Choctaw Nation Proposal” and dated February 22,
13 2022.

14 (2) SURVEY.—The exact acreage and legal de-
15 scriptions of the land to be transferred under sub-
16 section (a) shall be determined by a survey satisfac-
17 tory to the Secretary and the Secretary of the Inte-
18 rior.

19 (c) CONSIDERATION.—The Choctaw Nation shall
20 pay—

21 (1) to the Secretary an amount that is equal to
22 the fair market value of the land transferred under
23 subsection (a), as determined by the Secretary,
24 which funds may be accepted and expended by the
25 Secretary; and

1 (2) all costs and administrative expenses associ-
2 ated with the transfer of land under subsection (a),
3 including the costs of—

4 (A) the survey under subsection (b)(2);

5 (B) compliance with the National Environ-
6 mental Policy Act of 1969 (42 U.S.C. 4321 et
7 seq.); and

8 (C) any coordination necessary with re-
9 spect to requirements related to endangered
10 species, cultural resources, clean water, and
11 clean air.

12 **SEC. 367. LAKE BARKLEY, KENTUCKY, LAND CONVEYANCE.**

13 (a) **IN GENERAL.**—The Secretary is authorized to
14 convey to the Eddyville Riverport Authority (referred to
15 in this section as the “Authority”), for fair market value,
16 all right, title, and interest of the United States in and
17 to approximately 2.2 acres of land adjacent to the south-
18 western boundary of the port facilities of the Authority
19 at the Barkley Dam and Lake Barkley, Kentucky, project,
20 authorized by the River and Harbor Act of 1946 (60 Stat.
21 636, Public Law 79–525).

22 (b) **CONDITIONS.**—

23 (1) **QUITCLAIM DEED.**—Any conveyance of land
24 under this section shall be by quitclaim deed.

1 (2) RESERVATION OF RIGHTS.—The Secretary
2 shall reserve from a conveyance of land under this
3 section such easements, rights-of-way, or other inter-
4 ests as the Secretary determines to be necessary and
5 appropriate to the ensure the continued operation of
6 the project described in subsection (a).

7 (3) TERMS AND CONDITIONS.—The Secretary
8 may subject any conveyance under this section to
9 such terms and conditions as the Secretary deter-
10 mines necessary and advisable to protect the United
11 States.

12 (c) ADMINISTRATIVE COSTS.—The Authority shall be
13 responsible for all reasonable and necessary costs, includ-
14 ing real estate transaction and environmental documenta-
15 tion costs, associated with a conveyance under this section.

16 (d) WAIVER OF REAL PROPERTY SCREENING RE-
17 QUIREMENTS.—Section 2696 of title 10, United States
18 Code, shall not apply to the conveyance of land under this
19 section.

20 **TITLE IV—WATER RESOURCES** 21 **INFRASTRUCTURE**

22 **SEC. 401. PROJECT AUTHORIZATIONS.**

23 The following projects for water resources develop-
24 ment and conservation and other purposes, as identified
25 in the reports titled “Report to Congress on Future Water

1 Resources Development” submitted to Congress pursuant
 2 to section 7001 of the Water Resources Reform and Devel-
 3 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-
 4 viewed by Congress, are authorized to be carried out by
 5 the Secretary substantially in accordance with the plans,
 6 and subject to the conditions, described in the respective
 7 reports or decision documents designated in this section:

8 (1) NAVIGATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
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; May 31, 2022	Federal: \$73,533,500 Non-Federal: \$74,995,500 Total: \$148,529,000
3. WA	Tacoma Harbor Navigation Improvement	May 26, 2022	Federal: \$120,701,000 Non-Federal: \$174,627,000 Total: \$295,328,000
4. NY, NJ	New Jersey Harbor Deepening Channel Improvement	June 3, 2022	Federal: \$2,124,561,500 Non-Federal: \$3,439,337,500 Total: \$5,563,899,000

9 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
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
6. PR	Rio Guanajibo	May 24, 2022	Federal: \$110,974,500 Non-Federal: \$59,755,500 Total: \$170,730,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-
2 DUCTION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
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

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
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
7. NY	South Shore of Staten Island, Fort Wadsworth to Oak- wood 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

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
9. LA	South Central Coast, St. Martin, St. Mary, and Iberia Parishes	June 23, 2022	Federal: \$594,600,000 Non-Federal: \$320,169,000 Total: \$914,769,000

1 (4) HURRICANE AND STORM DAMAGE REDUC-
2 TION AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
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.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. CA	Prado Basin Ecosystem Restoration, San Bernardino, Riverside and Orange Counties	April 22, 2021	Federal: \$33,976,000 Non-Federal: \$18,294,000 Total: \$52,270,000
2. KY	Three Forks of Beargrass Creek	May 24, 2022	Federal: \$72,138,000 Non-Federal: \$48,998,000 Total: \$121,135,000

4 (6) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
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
5. MI	Soo Locks, Sault Ste. Marie	June 6, 2022	Federal: \$2,932,116,000 Non-Federal: \$0 Total: \$2,932,116,000
6. WA	Howard A. Hanson Dam Additional Water Storage	May 19, 2022	Federal: \$815,207,000 Non-Federal: \$39,979,000 Total: \$855,185,000
7. MO	Critical Infrastructure Cyber Security – Mandatory Center of Expertise Lab and Office Facility	January 13, 2020	Federal: \$5,956,404 Non-Federal: \$0 Total: \$5,956,404
8. FL	Central and Southern Florida, Indian River Lagoon	May 31, 2022	Federal: \$2,500,686,000 Non-Federal: \$2,500,686,000 Total: \$5,001,372,000

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

1 projects for storm damage prevention and reduction,
2 coastal erosion, and ice and glacial damage in the State
3 of Alaska, including—

4 (1) relocation of affected communities; and

5 (2) construction of replacement facilities.

6 (b) COST SHARE.—The non-Federal interest shall
7 share in the cost to study, design, and construct a project
8 carried out under this section in accordance with sections
9 103 and 105 of the Water Resources Development Act of
10 1986 (33 U.S.C. 2213, 2215), except that, in the case of
11 a project benefitting an economically disadvantaged com-
12 munity (as defined pursuant to section 160 of the Water
13 Resources Development Act of 2020 (33 U.S.C. 2201
14 note; Public Law 116–260)), the non-Federal share shall
15 be 10 percent.

16 (c) REPEAL.—Section 116 of the Energy and Water
17 Development and Related Agencies Appropriations Act,
18 2010 (123 Stat. 2851), is repealed.

19 (d) TREATMENT.—The program authorized by sub-
20 section (a) shall be considered a continuation of the pro-
21 gram authorized by section 116 of the Energy and Water
22 Development and Related Agencies Appropriations Act,
23 2010 (123 Stat. 2851) (as in effect on the day before the
24 date of enactment of this Act).

1 **SEC. 403. EXPEDITED COMPLETION OF PROJECTS.**

2 The Secretary shall expedite completion of the fol-
3 lowing projects:

4 (1) Project for flood risk management, Cum-
5 berland, Maryland, restoration and rewatering of the
6 Chesapeake and Ohio Canal, authorized by section
7 580 of the Water Resources Development Act of
8 1999 (113 Stat. 375).

9 (2) Project for flood risk management, Tulsa
10 and West-Tulsa Levee System, Tulsa County, Okla-
11 homa, authorized by section 401(2) of the Water Re-
12 sources Development Act of 2020 (134 Stat. 2735).

13 (3) Project for flood risk management, Little
14 Colorado River at Winslow, Navajo County, Arizona,
15 authorized by section 401(2) of the Water Resources
16 Development Act of 2020 (134 Stat. 2735).

17 (4) Project for flood risk management, Rio De
18 Flag, Flagstaff, Arizona, authorized by section
19 101(b)(3) of the Water Resources Development Act
20 of 2000 (114 Stat. 2576).

21 (5) Project for flood risk management, Rose
22 and Palm Garden Washes, Arizona, authorized by
23 section 205 of the Flood Control Act of 1948 (33
24 U.S.C. 701s).

25 (6) Project for ecosystem restoration, El
26 Corazon, Arizona, authorized by section 206 of the

1 Water Resources Development Act of 1996 (33
2 U.S.C. 2330).

3 (7) Projects for ecosystem restoration, Chesapeake Bay Comprehensive Water Resources and
4 Restoration Plan, Chesapeake Bay Environmental
5 Restoration and Protection Program, authorized by
6 section 510 of the Water Resources Development
7 Act of 1996 (110 Stat. 3759).

8 (8) Projects authorized under section 219 of
9 the Water Resources Development Act of 1992 (106
10 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 121
11 Stat. 1258).

12 (9) Projects authorized under section 8004 of
13 the Water Resources Development Act of 2007 (33
14 U.S.C. 652 note; Public Law 110–114).

15 (10) Projects authorized under section 519 of
16 the Water Resources Development Act of 2000 (114
17 Stat. 2653).

18 (11) Project for flood risk management, Lower
19 Santa Cruz River, Arizona, authorized by section
20 205 of the Flood Control Act of 1948 (33 U.S.C.
21 701s).

22 (12) Project for flood risk management, McCormick Wash, Arizona, authorized by section 205 of
23 the Flood Control Act of 1948 (33 U.S.C. 701s).

1 (13) Project for navigation, including mainte-
2 nance and channel deepening, McClellan–Kerr Ar-
3 kansas River Navigation System.

4 (14) Project for dam safety modifications,
5 Bluestone Dam, West Virginia.

6 (15) Maintenance dredging and other author-
7 ized activities to address the impacts of shoaling af-
8 fecting the project for navigation, Branford Harbor
9 and Branford River, Branford, Connecticut, author-
10 ized by the first section of the Act of June 13, 1902
11 (32 Stat. 333, chapter 1079).

12 (16) Maintenance dredging and other author-
13 ized activities to address the impacts of shoaling af-
14 fecting the project for navigation, Guilford Harbor
15 and Sluice Channel, Connecticut.

16 (17) Maintenance dredging and other author-
17 ized activities to address the impacts of shoaling af-
18 fecting the project for navigation, Milford Harbor,
19 Connecticut.

20 (18) Assistance for ecosystem restoration,
21 Lower Yellowstone Intake Diversion Dam, Montana,
22 authorized by section 3109 of the Water Resources
23 Development Act of 2007 (121 Stat. 1135).

24 (19) Project for mitigation of shore damage
25 from navigation works, Camp Ellis Beach, Saco,

1 Maine, pursuant to section 111 of the River and
2 Harbor Act of 1968 (33 U.S.C. 426i).

3 (20) Project for ecosystem restoration, Lower
4 Blackstone River, Rhode Island, pursuant to section
5 206 of the Water Resources Development Act of
6 1996 (33 U.S.C. 2330).

7 (21) Project for navigation, Kentucky Lock Ad-
8 dition, Kentucky.

9 (22) Maintenance dredging of the Federal chan-
10 nel for the project for navigation, Columbia, Snake,
11 and Clearwater Rivers, Oregon, Washington, and
12 Idaho, authorized by section 2 of the Act of March
13 2, 1945 (59 Stat. 21, chapter 19), at the Port of
14 Clarkston, Washington, and the Port of Lewiston,
15 Idaho.

16 (23) Maintenance dredging and other author-
17 ized activities to address the impacts of shoaling af-
18 fecting the project for navigation, Portsmouth Back
19 Channels and Sagamore Creek, Portsmouth, New
20 Castle, and Rye, New Hampshire, authorized by sec-
21 tion 107 of the River and Harbor Act of 1960 (33
22 U.S.C. 577).

23 (24) Maintenance dredging and other author-
24 ized activities to address the impacts of shoaling af-
25 fecting the project for navigation, Portsmouth Har-

1 bor and Piscataqua River, Portsmouth, New Castle,
2 and Newington, New Hampshire, and Kittery and
3 Elliot, Maine, authorized by section 101 of the River
4 and Harbor Act of 1962 (76 Stat. 1173).

5 **SEC. 404. SPECIAL RULES.**

6 (a) The following conditions apply to the project de-
7 scribed in section 403(19):

8 (1) The project is authorized to be carried out
9 under section 111 of the River and Harbor Act of
10 1968 (33 U.S.C. 426i) at a Federal cost of
11 \$45,000,000.

12 (2) The project may include Federal participa-
13 tion in periodic nourishment.

14 (3) For purposes of subsection (b) of section
15 111 of the River and Harbor Act of 1968 (33
16 U.S.C. 426i), the Secretary shall determine that the
17 navigation works to which the shore damages are at-
18 tributable were constructed at full Federal expense.

19 (b) The following conditions apply to the project de-
20 scribed in section 403(20):

21 (1) The project is authorized to be carried out
22 under section 206 of the Water Resources Develop-
23 ment Act of 1996 (33 U.S.C. 2330) at a Federal
24 cost of \$15,000,000.

1 (2) If the Secretary includes in the project a
2 measure on Federal land under the jurisdiction of
3 another Federal agency, the Secretary may enter
4 into an agreement with the Federal agency that pro-
5 vides for the Secretary—

6 (A) to construct the measure; and

7 (B) to operate and maintain the measure
8 using funds provided to the Secretary by the
9 non-Federal interest for the project.

10 (3) If the Secretary includes in the project a
11 measure for fish passage at a dam licensed for hy-
12 dropower, the Secretary shall include in the project
13 costs all costs for the measure, except that those
14 costs that are in excess of the costs to provide fish
15 passage at the dam if hydropower improvements
16 were not in place shall be a 100 percent non-Federal
17 expense.

18 **SEC. 405. CHATTAHOOCHEE RIVER PROGRAM.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—The Secretary shall establish
21 a program to provide environmental assistance to
22 non-Federal interests in the Chattahoochee River
23 Basin.

24 (2) FORM.—The assistance under paragraph
25 (1) shall be in the form of design and construction

1 assistance for water-related resource protection and
2 restoration projects affecting the Chattahoochee
3 River Basin, based on the comprehensive plan under
4 subsection (b), including projects for—

- 5 (A) sediment and erosion control;
- 6 (B) protection of eroding shorelines;
- 7 (C) ecosystem restoration, including res-
8 toration of submerged aquatic vegetation;
- 9 (D) protection of essential public works;
- 10 (E) beneficial uses of dredged material;

11 and

- 12 (F) other related projects that may en-
13 hance the living resources of the Chattahoochee
14 River Basin.

15 (b) COMPREHENSIVE PLAN.—

16 (1) IN GENERAL.—Not later than 2 years after
17 the date of enactment of this Act, the Secretary, in
18 cooperation with State and local governmental offi-
19 cials and affected stakeholders, shall develop a com-
20 prehensive Chattahoochee River Basin restoration
21 plan to guide the implementation of projects under
22 subsection (a)(2).

23 (2) COORDINATION.—The restoration plan de-
24 scribed in paragraph (1) shall, to the maximum ex-
25 tent practicable, consider and avoid duplication of

1 any ongoing or planned actions of other Federal,
2 State, and local agencies and nongovernmental orga-
3 nizations.

4 (3) PRIORITIZATION.—The restoration plan de-
5 scribed in paragraph (1) shall give priority to
6 projects eligible under subsection (a)(2) that will
7 also improve water quality or quantity or use nat-
8 ural hydrological features and systems.

9 (c) AGREEMENT.—

10 (1) IN GENERAL.—Before providing assistance
11 under this section, the Secretary shall enter into an
12 agreement with a non-Federal interest for the design
13 and construction of a project carried out pursuant to
14 the comprehensive Chattahoochee River Basin res-
15 toration plan described in subsection (b).

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

18 (A) the development by the Secretary, in
19 consultation with appropriate Federal, State,
20 and local officials, of a resource protection and
21 restoration plan, including appropriate engi-
22 neering plans and specifications and an esti-
23 mate of expected resource benefits; and

24 (B) the establishment of such legal and in-
25 stitutional structures as are necessary to ensure

1 the effective long-term operation and mainte-
2 nance of the project by the non-Federal inter-
3 est.

4 (d) COST SHARING.—

5 (1) FEDERAL SHARE.—Except as provided in
6 paragraph (2)(B), the Federal share of the total
7 project costs of each agreement entered into under
8 this section shall be 75 percent.

9 (2) NON-FEDERAL SHARE.—

10 (A) VALUE OF LAND, EASEMENTS,
11 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-
12 mining the non-Federal contribution toward
13 carrying out an agreement entered into under
14 this section, the Secretary shall provide credit
15 to a non-Federal interest for the value of land,
16 easements, rights-of-way, and relocations pro-
17 vided by the non-Federal interest, except that
18 the amount of credit provided for a project
19 under this paragraph may not exceed 25 per-
20 cent of the total project costs.

21 (B) OPERATION AND MAINTENANCE
22 COSTS.—The non-Federal share of the costs of
23 operation and maintenance of activities carried
24 out under an agreement under this section shall
25 be 100 percent.

1 (e) COOPERATION.—In carrying out this section, the
2 Secretary shall cooperate with—

3 (1) the heads of appropriate Federal agencies,
4 including—

5 (A) the Administrator of the Environ-
6 mental Protection Agency;

7 (B) the Secretary of Commerce, acting
8 through the Administrator of the National Oce-
9 anic and Atmospheric Administration;

10 (C) the Secretary of the Interior, acting
11 through the Director of the United States Fish
12 and Wildlife Service; and

13 (D) the heads of such other Federal agen-
14 cies as the Secretary determines to be appro-
15 priate; and

16 (2) agencies of a State or political subdivision
17 of a State.

18 (f) PROTECTION OF RESOURCES.—A project estab-
19 lished under this section shall be carried out using such
20 measures as are necessary to protect environmental, his-
21 toric, and cultural resources.

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

24 (h) SAVINGS PROVISION.—Nothing in this section—

1 (1) establishes any express or implied reserved
2 water right in the United States for any purpose;

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

5 (3) preempts or affects any State water law or
6 interstate compact governing water; or

7 (4) affects any Federal or State law in exist-
8 ence on the date of enactment of this Act regarding
9 water quality or water quantity.

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

13 **SEC. 406. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.**
14

15 (a) **DEFINITION.**—In this section, the term “Lower
16 Mississippi River Basin” means the portion of the Mis-
17 sissippi River that begins at the confluence of the Ohio
18 River and flows to the Gulf of Mexico, and its tributaries
19 and distributaries.

20 (b) **ESTABLISHMENT.**—

21 (1) **IN GENERAL.**—The Secretary shall establish
22 a program to provide assistance to non-Federal in-
23 terests in the Lower Mississippi River Basin.

24 (2) **FORM.**—

1 (A) IN GENERAL.—The assistance under
2 paragraph (1) shall be in the form of design
3 and construction assistance for flood or coastal
4 storm risk management or aquatic ecosystem
5 restoration projects in the Lower Mississippi
6 River Basin, based on the comprehensive plan
7 under subsection (c).

8 (B) ASSISTANCE.—Projects under sub-
9 paragraph (A) may include measures for—

10 (i) sediment control;

11 (ii) protection of eroding riverbanks
12 and streambanks and shorelines;

13 (iii) channel modifications;

14 (iv) beneficial uses of dredged mate-
15 rial; or

16 (v) other related projects that may en-
17 hance the living resources of the Lower
18 Mississippi River Basin.

19 (c) COMPREHENSIVE PLAN.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date of enactment of this Act, the Secretary, in
22 cooperation with State and local governmental offi-
23 cials and affected stakeholders, shall develop a com-
24 prehensive Lower Mississippi River Basin plan to

1 guide the implementation of projects under sub-
2 section (b)(2).

3 (2) COORDINATION.—The plan described in
4 paragraph (1) shall, to the maximum extent prac-
5 ticable, consider and avoid duplication of any ongo-
6 ing or planned actions of other Federal, State, and
7 local agencies and nongovernmental organizations.

8 (3) PRIORITIZATION.—To the maximum extent
9 practicable, the plan described in paragraph (1)
10 shall give priority to projects eligible under sub-
11 section (b)(2) that will also improve water quality,
12 reduce hypoxia in the Lower Mississippi River or
13 Gulf of Mexico, or use a combination of structural
14 and nonstructural measures.

15 (d) AGREEMENT.—

16 (1) IN GENERAL.—Before providing assistance
17 under this section, the Secretary shall enter into an
18 agreement with a non-Federal interest for the design
19 and construction of a project carried out pursuant to
20 the comprehensive Lower Mississippi River Basin
21 plan described in subsection (c).

22 (2) REQUIREMENTS.—Each agreement entered
23 into under this subsection shall provide for the es-
24 tablishment of such legal and institutional structures
25 as are necessary to ensure the effective long-term

1 operation and maintenance of the project by the
2 non-Federal interest.

3 (e) COST SHARING.—

4 (1) FEDERAL SHARE.—The Federal share of
5 the cost to design and construct a project under
6 each agreement entered into under this section shall
7 be 75 percent.

8 (2) NON-FEDERAL SHARE.—

9 (A) VALUE OF LAND, EASEMENTS,
10 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-
11 mining the non-Federal contribution toward
12 carrying out an agreement entered into under
13 this section, the Secretary shall provide credit
14 to a non-Federal interest for the value of land,
15 easements, rights-of-way, and relocations pro-
16 vided by the non-Federal interest, except that
17 the amount of credit provided for a project
18 under this paragraph may not exceed 25 per-
19 cent of the cost to design and construct the
20 project.

21 (B) OPERATION AND MAINTENANCE
22 COSTS.—The non-Federal share of the costs of
23 operation and maintenance of activities carried
24 out under an agreement under this section shall
25 be 100 percent.

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

3 (1) the heads of appropriate Federal agencies,
4 including—

5 (A) the Secretary of Agriculture;

6 (B) the Secretary of the Interior, acting
7 through the Director of the United States Fish
8 and Wildlife Service; and

9 (C) the heads of such other Federal agen-
10 cies as the Secretary determines to be appro-
11 priate; and

12 (2) agencies of a State or political subdivision
13 of a State.

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

16 (h) REPORT.—Not later than 3 years after the date
17 of enactment of this Act, the Secretary shall submit to
18 the Committee on Environment and Public Works of the
19 Senate and the Committee on Transportation and Infra-
20 structure of the House of Representatives a report that
21 describes the results of the program under this section,
22 including a recommendation on whether the program
23 should be reauthorized.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$90,000,000.

4 **SEC. 407. FORECAST-INFORMED RESERVOIR OPERATIONS.**

5 (a) IN GENERAL.—The Secretary is authorized to
6 carry out a research study pilot program at 1 or more
7 dams owned and operated by the Secretary in the North
8 Atlantic Division of the Corps of Engineers to assess the
9 viability of forecast-informed reservoir operations in the
10 eastern United States.

11 (b) REPORT.—Not later than 1 year after completion
12 of the research study pilot program under subsection (a),
13 the Secretary shall submit to the Committee on Transpor-
14 tation and Infrastructure of the House of Representatives
15 and the Committee on Environment and Public Works of
16 the Senate a report on the results of the study pilot pro-
17 gram.

18 **SEC. 408. MISSISSIPPI RIVER MAT SINKING UNIT.**

19 The Secretary shall expedite the replacement of the
20 Mississippi River mat sinking unit.

21 **SEC. 409. SENSE OF CONGRESS RELATING TO OKATIBBEE**

22 **LAKE.**

23 It is the sense of Congress that—

24 (1) there is significant shoreline sloughing and
25 erosion at the Okatibbee Lake portion of the project

1 for flood protection, Chunky Creek, Chickasawhay
2 and Pascagoula Rivers, Mississippi, authorized by
3 section 203 of the Flood Control Act of 1962 (76
4 Stat. 1183), which has the potential to impact infra-
5 structure, damage property, and put lives at risk;
6 and

7 (2) addressing shoreline sloughing and erosion
8 at a project of the Secretary, including at a location
9 leased by non-Federal entities such as Okatibbee
10 Lake, is an activity that is eligible to be carried out
11 by the Secretary as part of the operation and main-
12 tenance of the project.