

Calendar No. _____

117TH CONGRESS
2D SESSION

S. _____

[Report No. 11-_____]]

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.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the

5 “Water Resources Development Act of 2022”.

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

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

TITLE I—GENERAL PROVISIONS

- Sec. 101. Scope of feasibility studies.
- Sec. 102. Shoreline and riverbank protection and restoration mission.
- Sec. 103. Inland waterway projects.
- Sec. 104. Protection and restoration of other Federal land along rivers and coasts.
- Sec. 105. Policy and technical standards.
- Sec. 106. Planning assistance to States.
- Sec. 107. Floodplain management services.
- Sec. 108. Workforce planning.
- Sec. 109. Credit in lieu of reimbursement.
- Sec. 110. Coastal cost calculations.
- Sec. 111. Advance payment in lieu of reimbursement for certain Federal costs.
- Sec. 112. Use of emergency funds.
- Sec. 113. Research and development.
- Sec. 114. Tribal and Economically Disadvantaged Communities Advisory 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. Retention of recreation fees.
- Sec. 120. Relocation assistance.
- Sec. 121. Reprogramming limits.
- Sec. 122. Lease durations.
- Sec. 123. Sense of Congress relating to post-disaster repairs.
- Sec. 124. Payment of pay and allowances of certain officers from appropriation for improvements.
- Sec. 125. Reforestation.
- Sec. 126. Use of other Federal funds.
- Sec. 127. National low-head dam inventory.
- Sec. 128. Transfer of excess credit.
- Sec. 129. National levee restoration.
- Sec. 130. Inland waterways regional dredge pilot program.
- Sec. 131. Funding to process permits.
- Sec. 132. Non-Federal project implementation pilot program.
- Sec. 133. Cost sharing for territories and Indian Tribes.
- Sec. 134. Water supply conservation.
- Sec. 135. Criteria for funding operation and maintenance of small, remote, and subsistence harbors.
- Sec. 136. Protection of lighthouses.
- Sec. 137. Expediting hydropower at Corps of Engineers facilities.
- Sec. 138. Materials, services, and funds for repair, restoration, or rehabilitation of certain public recreation facilities.
- Sec. 139. Dredged material management plans.
- Sec. 140. Lease deviations.
- Sec. 141. Columbia River Basin flood risk management.

Sec. 142. Continuation of construction.

TITLE II—STUDIES AND REPORTS

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

TITLE III—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS

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

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

TITLE IV—WATER RESOURCES INFRASTRUCTURE

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

Sec. 408. Mississippi River mat sinking unit.

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

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

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

4 **TITLE I—GENERAL PROVISIONS**

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

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

14 (1) a riverine discharge of any magnitude or
15 frequency;

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

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

19 (4) a rainfall event of any magnitude or fre-
20 quency;

21 (5) seasonal variation in water levels;

22 (6) groundwater emergence;

23 (7) sea level rise;

24 (8) subsidence; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (C) in subsection (b)—

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

7 “(1) AUTHORITY.—

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

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

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

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

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

1 (iii) in paragraph (4)—

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

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

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

8 (D) in subsection (c)—

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

11 “(1) STUDIES.—

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

15 “(i) 50 percent; and

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

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

1 (ii) in paragraph (2)—

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

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

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

21 (iii) in paragraph (3)—

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

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

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

18 (E) in subsection (d)—

19 (i) by striking paragraph (2);

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

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

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

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

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

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

12 (F) in subsection (e)—

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

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

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

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

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

1 sources Development Act of 2022, the Secretary
2 shall prioritize projects for the following locations:

3 “(A) Delaware beaches and watersheds,
4 Delaware.

5 “(B) Louisiana Coastal Area, Louisiana.

6 “(C) Great Lakes Shores and Watersheds.

7 “(D) Oregon Coastal Area, Oregon.

8 “(E) Upper Missouri River Basin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (e) REPEAL.—

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

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

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

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

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

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

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

7 (1) in subsection (a)—

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

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

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

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

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

20 “(b) OUTREACH.—

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

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

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

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

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

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

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

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

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

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

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

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

7 (1) in subsection (a)—

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

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

13 (B) in the first sentence—

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

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

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

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

23 “(3) IDENTIFICATION OF ASSISTANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (2) community colleges;

14 (3) technical schools;

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

17 (5) other institutions of learning.

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

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

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

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

8 (1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(B) REQUIREMENTS.—

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

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

15 “(C) PAYMENT.—

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

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

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

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

10 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

23 (d) DUTIES.—

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

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

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

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

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

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

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

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

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

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

7 (f) ADMINISTRATION.—

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

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

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

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

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

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

15 (b) MEMBERSHIP.—

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

18 (2), who shall—

19 (A) be appointed by the Secretary; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (c) DUTIES.—

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

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

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

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

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

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

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

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

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

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

20 (e) ADMINISTRATION.—

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

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

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

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

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

18 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (g) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

15 (a) FINDINGS.—Congress finds that—

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

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

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

13 (b) ESTABLISHMENT.—

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

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

1 (3) MEMBERSHIP.—

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

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

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

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

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

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

4 (4) MEETINGS.—

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

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

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

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

22 (6) STATUS UPDATES.—

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

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

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

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

12 (B) COMMENT.—

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

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

23 (7) COMPENSATION.—

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

1 tive Committee shall serve without compensa-
2 tion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (1) to project design levels; or

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

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

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

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

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

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

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

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

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

10 “(A) Reserve component officers.

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

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

15 **SEC. 125. REFORESTATION.**

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

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

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

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

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

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

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

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

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

17 “(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(3) DEMONSTRATION.—

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

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

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

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

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

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

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

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

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

5 “(A) cost effectiveness;

6 “(B) reliability and performance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(c) APPLICATION TO STUDIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(2) assess opportunities—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (b) CONTINUATION OF CONSTRUCTION.—

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

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

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

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

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

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

1 **TITLE II—STUDIES AND**
2 **REPORTS**

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

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

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

8 (2) Project for flood risk management and eco-
9 system restoration, Tittabawassee River, Chippewa
10 River, Pine River, and Tobacco River, Michigan.

11 (3) Project for flood risk management, South-
12 east Michigan.

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

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

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

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

21 (8) Project for flood risk management and eco-
22 system restoration, Thatchbed Island, Essex, Con-
23 necticut.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) in subsection (b)—

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

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

9 (2) in subsection (e)—

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

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

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

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

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

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

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

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

6 (a) DEFINITIONS.—In this section:

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

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

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

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

25 (5) NEPA PROCESS.—

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

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

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

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

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

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

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

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

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

4 (b) REPORTS.—

5 (1) NEPA DATA.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) opportunities to utilize alternative methods
24 to satisfy mitigation requirements of water resources

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (A) State and local governments; or

9 (B) private entities; and

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

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

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

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

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

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

6 (3) increasing water supply; or

7 (4) aquatic ecosystem restoration.

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

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

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

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

20 (B) Indian Tribes;

21 (C) non-Federal interests; and

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

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

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

7 (B) incorporate—

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

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

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

20 (1) the results of the study; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(c) CLARIFICATIONS.—

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

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

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

9 “(A) physical hydrologic separation;

10 “(B) nonstructural measures;

11 “(C) deployment of technologies;

12 “(D) buffer zones; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (1) in paragraph (1), by striking
22 “\$435,000,000” and inserting “\$490,000,000”; and

23 (2) in paragraph (2), by striking
24 “\$150,000,000” and inserting “\$200,000,000”.

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

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

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

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

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

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

16 (3) by redesignating subsection (g) as sub-
17 section (i); and

18 (4) by inserting after subsection (f) the fol-
19 lowing:

20 “(g) NONPROFIT ENTITIES.—In accordance with sec-
21 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
22 1962d–5b(b)), for any project carried out under this sec-
23 tion, a non-Federal interest may include a nonprofit entity
24 with the consent of the affected local government.

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

6 **SEC. 302. SOUTHERN WEST VIRGINIA.**

7 (a) IN GENERAL.—Section 340 of the Water Re-
8 sources Development Act of 1992 (106 Stat. 4856) is
9 amended—

10 (1) in the section heading, by striking “**ENVI-**
11 **RONMENTAL RESTORATION INFRASTRUCTURE**
12 **AND RESOURCE PROTECTION DEVELOPMENT**
13 **PILOT PROGRAM**”; and

14 (2) by striking subsection (f) and inserting the
15 following:

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

24 (b) CLERICAL AMENDMENT.—The table of contents
25 contained in section 1(b) of the Water Resources Develop-

1 ment Act of 1992 (106 Stat. 4799) is amended by striking
2 the item relating to section 340 and inserting the fol-
3 lowing:

“Sec. 340. Southern West Virginia.”.

4 **SEC. 303. NORTHERN WEST VIRGINIA.**

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

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

10 (2) by striking subsection (a) and inserting the
11 following:

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

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

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

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 1(b) of the Water Resources Development Act

1 of 1999 (113 Stat. 269) is amended by striking the item
2 relating to section 571 and inserting the following:

“Sec. 571. Northern West Virginia.”.

3 **SEC. 304. LOCAL COOPERATION AGREEMENTS, NORTHERN**
4 **WEST VIRGINIA.**

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

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

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

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

13 “(B) LOCAL COOPERATION AGREE-
14 MENTS.—Notwithstanding subsection (a), at
15 the request of a non-Federal interest for a
16 project or a separable element of a project that
17 receives assistance under this paragraph, the
18 Secretary may adopt a model agreement devel-
19 oped in accordance with section 571(e) of the
20 Water Resources Development Act of 1999
21 (113 Stat. 371).”.

1 **SEC. 305. SPECIAL RULE FOR CERTAIN BEACH NOURISH-**
2 **MENT PROJECTS.**

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

6 (1) fund, at full Federal expense, any incre-
7 mental increase in cost to the project that results
8 from a legal requirement to use a borrow source de-
9 termined by the Secretary to be other than the least-
10 cost option; and

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

13 (b) AUTHORIZED WATER RESOURCES DEVELOP-
14 MENT PROJECTS DESCRIBED.—An authorized water re-
15 sources development project referred to in subsection (a)
16 is any of the following:

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

21 (2) The Folly Beach, South Carolina, coastal
22 storm risk management project, authorized by sec-
23 tion 501(a) of the Water Resources Development
24 Act of 1986 (100 Stat. 4136) and modified by sec-
25 tion 108 of the Energy and Water Development Ap-
26 propriations Act, 1992 (105 Stat. 520).

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

7 (4) The Wrightsville Beach, North Carolina,
8 coastal storm risk management project, authorized
9 by section 203 of the Flood Control Act of 1962 (76
10 Stat. 1182) and modified by section 401(7) of the
11 Water Resources Development Act of 2020 (134
12 Stat. 2741).

13 (5) A project for coastal storm risk manage-
14 ment for any shore included in a project described
15 in this subsection that is specifically authorized by
16 Congress on or after the date of enactment of this
17 Act.

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

23 (c) SAVINGS PROVISION.—Nothing in this section
24 limits the eligibility for, or availability of, Federal expendi-
25 tures or financial assistance for any water resources devel-

1 opment project, including any beach nourishment or re-
2 nourishment project, under any other provision of Federal
3 law.

4 **SEC. 306. COASTAL COMMUNITY FLOOD CONTROL AND**
5 **OTHER PURPOSES.**

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

8 (1) by redesignating subparagraphs (A) and
9 (B) as clauses (i) and (ii), respectively, and indent-
10 ing appropriately;

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

14 “(A) IN GENERAL.—Notwithstanding”;

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

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

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

19 (ii) by striking “and” at the end;

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

21 (i) by inserting “an amount equal to
22 $\frac{2}{3}$ of” after “repays”; and

23 (ii) by striking the period at the end
24 and inserting “; and”; and

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

1 “(iii) the non-Federal interest repays
2 the balance of remaining principal by June
3 1, 2032.”; and

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

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

12 “(i) the non-Federal interest has in-
13 curred costs for the provision of mitigation
14 that—

15 “(I) equal or exceed the amount
16 of the required repayment; and

17 “(II) are in excess of any re-
18 quired non-Federal contribution for
19 the project or separable element for
20 which the mitigation is provided; and

21 “(ii) the mitigation is integral to the
22 project for which it is provided.”.

23 **SEC. 307. MODIFICATIONS.**

24 (a) IN GENERAL.—The following modifications to
25 studies and projects are authorized:

1 (1) MISSISSIPPI RIVER GULF OUTLET, LOU-
2 ISIANA.—The Federal share of the cost of the
3 project for ecosystem restoration, Mississippi River
4 Gulf Outlet, Louisiana, authorized by section
5 7013(a)(4) of the Water Resources Development Act
6 of 2007 (121 Stat. 1281), shall be 90 percent.

7 (2) GREAT LAKES AND MISSISSIPPI RIVER
8 INTERBASIN PROJECT, BRANDON ROAD, WILL COUN-
9 TY, ILLINOIS.—Section 402(a)(1) of the Water Re-
10 sources Development Act of 2020 (134 Stat. 2742)
11 is amended by striking “80 percent” and inserting
12 “90 percent”.

13 (3) LOWER MISSISSIPPI RIVER COMPREHENSIVE
14 MANAGEMENT STUDY.—Section 213 of the Water
15 Resources Development Act of 2020 (134 Stat.
16 2687) is amended by adding at the end the fol-
17 lowing:

18 “(j) COST-SHARE.—The Federal share of the cost of
19 the comprehensive study described in subsection (a), and
20 any feasibility study described in subsection (e), shall be
21 90 percent.”.

22 (4) PORT OF NOME, ALASKA.—

23 (A) IN GENERAL.—The Secretary shall
24 carry out the project for navigation, Port of
25 Nome, Alaska, authorized by section 401(1) of

1 the Water Resources Development Act of 2020
2 (134 Stat. 2733).

3 (B) COST-SHARE.—The Federal share of
4 the cost of the project described in subpara-
5 graph (A) shall be 90 percent.

6 (5) CHICAGO SHORELINE PROTECTION.—The
7 project for storm damage reduction and shore pro-
8 tection, Lake Michigan, Illinois, from Wilmette, Illi-
9 nois, to the Illinois–Indiana State line, authorized by
10 section 101(a)(12) of the Water Resources Develop-
11 ment Act of 1996 (110 Stat. 3664), is modified to
12 authorize the Secretary to provide 65 percent of the
13 cost of the locally preferred plan, as described in the
14 Report of the Chief of Engineers dated April 14,
15 1994, for the construction of the following segments
16 of the project:

17 (A) Shoreline revetment at Morgan Shoal.

18 (B) Shoreline revetment at Promontory
19 Point.

20 (6) LOWER MUD RIVER, MILTON, WEST VIR-
21 GINIA.—Notwithstanding section 3170 of the Water
22 Resources Development Act of 2007 (121 Stat.
23 1154), the Federal share of the cost of the project
24 for flood control, Milton, West Virginia, authorized
25 by section 580 of the Water Resources Development

1 Act of 1996 (110 Stat. 3790), and modified by sec-
2 tion 340 of the Water Resources Development Act
3 of 2000 (114 Stat. 2612) and section 3170 of the
4 Water Resources Development Act of 2007 (121
5 Stat. 1154), shall be 90 percent.

6 (b) AGREEMENTS.—At the request of the applicable
7 non-Federal interests for the project described in section
8 402(a) of the Water Resources Development Act of 2020
9 (134 Stat. 2742) and for the studies described in sub-
10 section (j) of section 213 of that Act (134 Stat. 2687),
11 the Secretary shall not require those non-Federal interests
12 to be jointly and severally liable for all non-Federal obliga-
13 tions in the project partnership agreement for the project
14 or in the feasibility cost share agreements for the studies.

15 **SEC. 308. PORT FOURCHON, LOUISIANA, DREDGED MATE-**
16 **RIAL DISPOSAL PLAN.**

17 The Secretary shall determine that the dredged mate-
18 rial disposal plan recommended in the document entitled
19 “Port Fourchon Belle Pass Channel Deepening Project
20 Section 203 Feasibility Study (January 2019, revised
21 January 2020)” is the least cost, environmentally accept-
22 able dredged material disposal plan for the project for
23 navigation, Port Fourchon Belle Passe Channel, Lou-
24 isiana, authorized by section 403(a)(4) of the Water Re-
25 sources Development Act of 2020 (134 Stat. 2743).

1 **SEC. 309. DELAWARE SHORE PROTECTION AND RESTORA-**
2 **TION.**

3 (a) DELAWARE BENEFICIAL USE OF DREDGED MA-
4 TERIAL FOR THE DELAWARE RIVER, DELAWARE.—

5 (1) IN GENERAL.—The project for coastal
6 storm risk management, Delaware Beneficial Use of
7 Dredged Material for the Delaware River, Delaware,
8 authorized by section 401(3) of the Water Resources
9 Development Act of 2020 (134 Stat. 2736) (referred
10 to in this subsection as the “project”), is modified—

11 (A) to direct the Secretary to implement
12 the project using alternative borrow sources to
13 the Delaware River, Philadelphia to the Sea,
14 project, Delaware, New Jersey, Pennsylvania,
15 authorized by the Act of June 25, 1910 (chap-
16 ter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat.
17 803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297);
18 and

19 (B) until the Secretary implements the
20 modification under subparagraph (A), to au-
21 thorize the Secretary, at the request of a non-
22 Federal interest, to carry out initial construc-
23 tion or periodic nourishments at any site in-
24 cluded in the project under—

25 (i) section 1122 of the Water Re-
26 sources Development Act of 2016 (33

1 U.S.C. 2326 note; Public Law 114–322);

2 or

3 (ii) section 204(d) of the Water Re-
4 sources Development Act of 1992 (33
5 U.S.C. 2326(d)).

6 (2) TREATMENT.—If the Secretary determines
7 that a study is required to carry out paragraph
8 (1)(A), the study shall be considered to be a con-
9 tinuation of the study that formulated the project.

10 (3) COST-SHARE.—The Federal share of the
11 cost of the project, including the cost of any modi-
12 fications carried out under subsection (a)(1), shall
13 be 90 percent.

14 (b) INDIAN RIVER INLET SAND BYPASS PLANT,
15 DELAWARE.—

16 (1) IN GENERAL.—The Indian River Inlet Sand
17 Bypass Plant, Delaware, coastal storm risk manage-
18 ment project (referred to in this subsection as the
19 “project”), authorized by section 869 of the Water
20 Resources Development Act of 1986 (100 Stat.
21 4182), is modified to authorize the Secretary, at the
22 request of a non-Federal interest, to provide periodic
23 nourishment through dedicated dredging or other
24 means to maintain or restore the functioning of the
25 project when—

1 (A) the sand bypass plant is inoperative; or

2 (B) operation of the sand bypass plant is
3 insufficient to maintain the functioning of the
4 project.

5 (2) REQUIREMENTS.—A cycle of periodic nour-
6 ishment provided pursuant to paragraph (1) shall be
7 subject to the following requirements:

8 (A) COST-SHARE.—The non-Federal share
9 of the cost of a cycle shall be the same percent-
10 age as the non-Federal share of the cost to op-
11 erate the sand bypass plant.

12 (B) DECISION DOCUMENT.—If the Sec-
13 retary determines that a decision document is
14 required to support a request for funding for
15 the Federal share of a cycle, the decision docu-
16 ment may be prepared using funds made avail-
17 able to the Secretary for construction or for in-
18 vestigations.

19 (C) TREATMENT.—

20 (i) DECISION DOCUMENT.—A decision
21 document prepared under subparagraph
22 (B) shall not be subject to a new invest-
23 ment determination.

24 (ii) CYCLES.—A cycle shall be consid-
25 ered continuing construction.

1 (c) DELAWARE EMERGENCY SHORE RESTORA-
2 TION.—

3 (1) IN GENERAL.—The Secretary is authorized
4 to repair or restore any beach or any federally au-
5 thORIZED hurricane or shore protective structure or
6 project located in the State of Delaware pursuant to
7 section 5(a) of the Act of August 18, 1941 (com-
8 monly known as the “Flood Control Act of 1941”)
9 (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)),
10 if—

11 (A) the structure, project, or beach is dam-
12 aged by wind, wave, or water action associated
13 with a storm of any magnitude; and

14 (B) the damage prevents the adequate
15 functioning of the structure, project, or beach.

16 (2) BENEFIT-COST ANALYSIS.—The Secretary
17 shall determine that the benefits attributable to the
18 objectives set forth in section 209 of the Flood Con-
19 trol Act of 1970 (42 U.S.C. 1962–2) and section
20 904(a) of the Water Resources Development Act of
21 1986 (33 U.S.C. 2281(a)) exceed the cost for work
22 carried out under this subsection.

23 (3) SAVINGS PROVISION.—The authority pro-
24 vided by this subsection shall be in addition to any
25 authority provided by section 5(a) of the Act of Au-

1 gust 18, 1941 (commonly known as the “Flood Con-
2 trol Act of 1941”) (55 Stat. 650, chapter 377; 33
3 U.S.C. 701n(a)) to repair or restore a beach or fed-
4 erally authorized hurricane or shore protection struc-
5 ture or project located in the State of Delaware
6 damaged or destroyed by wind, wave, or water action
7 of other than an ordinary nature.

8 (d) INDIAN RIVER INLET AND BAY, DELAWARE.—

9 In carrying out major maintenance of the project for navi-
10 gation, Indian River Inlet and Bay, Delaware, authorized
11 by the Act of August 26, 1937 (50 Stat. 846, chapter
12 832), and section 2 of the Act of March 2, 1945 (59 Stat.
13 14, chapter 19), the Secretary shall repair, restore, or re-
14 locate any non-Federal facility or other infrastructure,
15 that has been damaged, in whole or in part, by the deterio-
16 ration or failure of the project.

17 (e) REPROGRAMMING FOR COASTAL STORM RISK
18 MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision of law, for each fiscal year, the Secretary
21 may reprogram amounts made available for a coastal
22 storm risk management project to use such amounts
23 for the project for coastal storm risk management,
24 Indian River Inlet Sand Bypass Plant, Delaware,

1 authorized by section 869 of the Water Resources
2 Development Act of 1986 (100 Stat. 4182).

3 (2) LIMITATIONS.—

4 (A) IN GENERAL.—The Secretary may
5 carry out not more than 2 reprogramming ac-
6 tions under paragraph (1) for each fiscal year.

7 (B) AMOUNT.—For each fiscal year, the
8 Secretary may reprogram—

9 (i) not more than \$100,000 per re-
10 programming action; and

11 (ii) not more than \$200,000 for each
12 fiscal year.

13 **SEC. 310. GREAT LAKES ADVANCE MEASURES ASSISTANCE.**

14 Section 5(a) of the Act of August 18, 1941 (com-
15 monly known as the “Flood Control Act of 1941”) (55
16 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) (as amended
17 by section 112(2)), is amended by adding at the end the
18 following:

19 “(7) SPECIAL RULE.—

20 “(A) IN GENERAL.—The Secretary shall
21 not deny a request from the Governor of a
22 State to provide advance measures assistance
23 under this subsection to reduce the risk of dam-
24 age from rising water levels in the Great Lakes

1 solely on the basis that the damage is caused by
2 erosion.

3 “(B) FEDERAL SHARE.—Assistance pro-
4 vided by the Secretary pursuant to a request
5 under subparagraph (A) may be at full Federal
6 expense if the assistance is to construct ad-
7 vanced measures to a temporary construction
8 standard.”.

9 **SEC. 311. REHABILITATION OF EXISTING LEVEES.**

10 Section 3017(e) of the Water Resources Reform and
11 Development Act of 2014 (33 U.S.C. 3303a note; Public
12 Law 113–121) is amended—

13 (1) by striking “this subsection” and inserting
14 “this section”; and

15 (2) by striking “10 years” and inserting “20
16 years”.

17 **SEC. 312. PILOT PROGRAM FOR CERTAIN COMMUNITIES.**

18 (a) PILOT PROGRAMS ON THE FORMULATION OF
19 CORPS OF ENGINEERS PROJECTS IN RURAL COMMU-
20 NITIES AND ECONOMICALLY DISADVANTAGED COMMU-
21 NITIES.—Section 118 of the Water Resources Develop-
22 ment Act of 2020 (33 U.S.C. 2201 note; Public Law 116–
23 260) is amended—

24 (1) in subsection (b)(2)(C), by striking “10”;

25 and

1 (2) in subsection (c)—

2 (A) in paragraph (2), in the matter pre-
3 ceding subparagraph (A), by striking “make a
4 recommendation to Congress on up to 10
5 projects” and inserting “recommend projects to
6 Congress”; and

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

8 “(5) RECOMMENDATIONS.—In recommending
9 projects under paragraph (2), the Secretary shall in-
10 clude such recommendations in the next annual re-
11 port submitted to Congress under section 7001 of
12 the Water Resources Reform and Development Act
13 of 2014 (33 U.S.C. 2282d) after the date of enact-
14 ment of the Water Resources Development Act of
15 2022.”.

16 (b) PILOT PROGRAM FOR CAPS IN SMALL OR DIS-
17 ADVANTAGED COMMUNITIES.—Section 165(a) of the
18 Water Resources Development Act of 2020 (33 U.S.C.
19 2201 note; Public Law 116–260) is amended—

20 (1) in paragraph (2)(B), by striking “a total of
21 10”;

22 (2) by redesignating paragraphs (4) and (5) as
23 paragraphs (5) and (6), respectively; and

24 (3) by inserting after paragraph (3) the fol-
25 lowing:

1 “(4) MAXIMUM FEDERAL AMOUNT.—For a
2 project carried out under this subsection, the max-
3 imum Federal amount, if applicable, shall be in-
4 creased by the commensurate amount of the non-
5 Federal share that would otherwise be required for
6 the project under the applicable continuing authority
7 program.”.

8 **SEC. 313. REHABILITATION OF CORPS OF ENGINEERS CON-**
9 **STRUCTED PUMP STATIONS.**

10 Section 133 of the Water Resources Development Act
11 of 2020 (33 U.S.C. 2327a) is amended—

12 (1) in subsection (a), by striking paragraph (1)
13 and inserting the following:

14 “(1) ELIGIBLE PUMP STATION.—The term ‘eli-
15 gible pump station’ means a pump station that—

16 “(A) is a feature of a federally authorized
17 flood or coastal storm risk management project;
18 or

19 “(B) if inoperable, would impair drainage
20 of water from areas interior to a federally au-
21 thorized flood or coastal storm risk manage-
22 ment project.”;

23 (2) by striking subsection (b) and inserting the
24 following:

1 “(b) AUTHORIZATION.—The Secretary may carry out
2 rehabilitation of an eligible pump station, if the Secretary
3 determines that—

4 “(1) the pump station has a major deficiency;
5 and

6 “(2) the rehabilitation is feasible.”; and

7 (3) by striking subsection (f) and inserting the
8 following:

9 “(f) PRIORITIZATION.—To the maximum extent prac-
10 ticable, the Secretary shall prioritize the provision of as-
11 sistance under this section to economically disadvantaged
12 communities.”.

13 **SEC. 314. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
14 **TION AND PROTECTION PROGRAM.**

15 Section 510(a)(2) of the Water Resources Develop-
16 ment Act of 1996 (110 Stat. 3759; 128 Stat. 1317) is
17 amended—

18 (1) in subparagraph (B), by inserting “and
19 streambanks” after “shorelines”;

20 (2) in subparagraph (E), by striking “and” at
21 the end;

22 (3) by redesignating subparagraph (F) as sub-
23 paragraph (H); and

24 (4) by inserting after subparagraph (E) the fol-
25 lowing:

1 “(F) wastewater treatment and related fa-
2 cilities;

3 “(G) stormwater and drainage systems;
4 and”.

5 **SEC. 315. EVALUATION OF HYDROLOGIC CHANGES IN**
6 **SOURIS RIVER BASIN.**

7 The Secretary is authorized to evaluate hydrologic
8 changes affecting the agreement entitled “Agreement Be-
9 tween the Government of Canada and the United States
10 of America for Water Supply and Flood Control in The
11 Souris River Basin”, signed in 1989.

12 **SEC. 316. MEMORANDUM OF UNDERSTANDING RELATING**
13 **TO BALDHILL DAM, NORTH DAKOTA.**

14 The Secretary may enter into a memorandum of un-
15 derstanding with the non-Federal interest for the Red
16 River Valley Water Supply Project to accommodate flows
17 for downstream users through Baldhill Dam, North Da-
18 kota.

19 **SEC. 317. UPPER MISSISSIPPI RIVER RESTORATION PRO-**
20 **GRAM.**

21 Section 1103(e)(3) of the Water Resources Develop-
22 ment Act of 1986 (33 U.S.C. 652(e)(3)) is amended by
23 striking “\$40,000,000” and inserting “\$75,000,000”.

1 **SEC. 318. HARMFUL ALGAL BLOOM DEMONSTRATION PRO-**
2 **GRAM.**

3 Section 128(c) of the Water Resources Development
4 Act of 2020 (33 U.S.C. 610 note; Public Law 116–260)
5 is amended by inserting “the Upper Mississippi River and
6 its tributaries,” after “New York,”.

7 **SEC. 319. COLLETON COUNTY, SOUTH CAROLINA.**

8 Section 221(a)(4)(C)(i) of the Flood Control Act of
9 1970 (42 U.S.C. 1962d–5b(a)(4)(C)(i)) shall not apply to
10 construction carried out by the non-Federal interest before
11 the date of enactment of this Act for the project for hurri-
12 cane and storm damage risk reduction, Colleton County,
13 South Carolina, authorized by section 1401(3) of the
14 Water Resources Development Act of 2016 (130 Stat.
15 1711).

16 **SEC. 320. ARKANSAS RIVER CORRIDOR, OKLAHOMA.**

17 Section 3132 of the Water Resources Development
18 Act of 2007 (121 Stat. 1141) is amended by striking sub-
19 section (b) and inserting the following:

20 “(b) **AUTHORIZED COST.**—The Secretary is author-
21 ized to carry out construction of a project under this sec-
22 tion at a total cost of \$128,400,000, with the cost shared
23 in accordance with section 103 of the Water Resources
24 Development Act of 1986 (33 U.S.C. 2213).

25 “(c) **ADDITIONAL FEASIBILITY STUDIES AUTHOR-**
26 **IZED.**—

1 “(1) IN GENERAL.—The Secretary is authorized
2 to carry out feasibility studies for purposes of rec-
3 ommending to the Committee on Environment and
4 Public Works of the Senate and the Committee on
5 Transportation and Infrastructure of the House of
6 Representatives additional projects under this sec-
7 tion.

8 “(2) TREATMENT.—An additional feasibility
9 study carried out under this subsection shall be con-
10 sidered a continuation of the feasibility study that
11 formulated the project carried out under subsection
12 (b).”.

13 **SEC. 321. ABANDONED AND INACTIVE NONCOAL MINE RES-**
14 **TORATION.**

15 Section 560 of the Water Resources Development Act
16 of 1999 (33 U.S.C. 2336) is amended—

17 (1) in subsection (c), by inserting “or on land
18 taken into trust by the Secretary of the Interior on
19 behalf of, and for the benefit of, an Indian Tribe”
20 after “land owned by the United States”; and

21 (2) in subsection (f), by striking “\$30,000,000”
22 and inserting “\$50,000,000”.

1 **SEC. 322. ASIAN CARP PREVENTION AND CONTROL PILOT**
2 **PROGRAM.**

3 Section 509(a)(2) of the Water Resources Develop-
4 ment Act of 2020 (33 U.S.C. 610 note; Public Law 116–
5 260) is amended—

6 (1) in subparagraph (A), by striking “or Ten-
7 nessee River Watershed” and inserting “, Tennessee
8 River Watershed, or Tombigbee River Watershed”;
9 and

10 (2) in subparagraph (C)(i), by inserting “, of
11 which not less than 1 shall be carried out on the
12 Tennessee–Tombigbee Waterway” before the period
13 at the end.

14 **SEC. 323. FORMS OF ASSISTANCE.**

15 Section 592(b) of the Water Resources Development
16 Act of 1999 (113 Stat. 379) is amended by striking “and
17 surface water resource protection and development” and
18 inserting “surface water resource protection and develop-
19 ment, stormwater management, drainage systems, and
20 water quality enhancement”.

21 **SEC. 324. DEBRIS REMOVAL, NEW YORK HARBOR, NEW**
22 **YORK.**

23 (a) IN GENERAL.—Beginning on the date of enact-
24 ment of this Act, the project for New York Harbor collec-
25 tion and removal of drift, authorized by section 91 of the
26 Water Resources Development Act of 1974 (88 Stat. 39),

1 and deauthorized pursuant to section 6001 of the Water
2 Resources Reform and Development Act of 2014 (33
3 U.S.C. 579b) (as in effect on the day before the date of
4 enactment of the WIIN Act (130 Stat. 1628)), is author-
5 ized to be carried out by the Secretary.

6 (b) FEASIBILITY STUDY.— The Secretary shall carry
7 out, and submit to the Committee on Environment and
8 Public Works of the Senate and the Committee on Trans-
9 portation and Infrastructure of the House of Representa-
10 tives a report on the results of, a feasibility study for the
11 project described in subsection (a).

12 **SEC. 325. INVASIVE SPECIES MANAGEMENT.**

13 Section 104 of the River and Harbor Act of 1958
14 (33 U.S.C. 610) is amended—

15 (1) in subsection (b)(2)(A)(ii)—

16 (A) by striking “\$50,000,000” and insert-
17 ing “\$75,000,000”; and

18 (B) by striking “2024” and inserting
19 “2028”; and

20 (2) in subsection (g)(2)—

21 (A) in subparagraph (A)—

22 (i) by striking “water quantity or
23 water quality” and inserting “water quan-
24 tity, water quality, or ecosystems”; and

1 (ii) by inserting “the Lake Erie
2 Basin, the Ohio River Basin,” after “the
3 Upper Snake River Basin,”; and
4 (B) in subparagraph (B), by inserting “,
5 hydrilla (*Hydrilla verticillata*),” after
6 “*angustifolia*”.

7 **SEC. 326. WOLF RIVER HARBOR, TENNESSEE.**

8 Beginning on the date of enactment of this Act, the
9 project for navigation, Wolf River Harbor, Tennessee, au-
10 thorized by title II of the Act of June 16, 1933 (48 Stat.
11 200, chapter 90) (commonly known as the “National In-
12 dustrial Recovery Act”), and modified by section 203 of
13 the Flood Control Act of 1958 (72 Stat. 308), is modified
14 to reduce the authorized dimensions of the project, such
15 that the remaining authorized dimensions are a 250-foot-
16 wide, 9-foot-depth channel with a center line beginning at
17 a point 35.139634, -90.062343 and extending approxi-
18 mately 8,500 feet to a point 35.160848, -90.050566.

19 **SEC. 327. MISSOURI RIVER MITIGATION, MISSOURI, KAN-**
20 **SAS, IOWA, AND NEBRASKA.**

21 The matter under the heading “MISSOURI RIVER
22 MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA”
23 in section 601(a) of the Water Resources Development Act
24 of 1986 (100 Stat. 4143; 121 Stat. 1155), as modified
25 by section 334 of the Water Resources Development Act

1 of 1999 (113 Stat. 306), is amended by adding at the
2 end the following: “When acquiring land to meet the re-
3 quirements of fish and wildlife mitigation, the Secretary
4 may consider incidental flood risk management benefits.”.

5 **SEC. 328. INVASIVE SPECIES MANAGEMENT PILOT PRO-**
6 **GRAM.**

7 Section 104(f)(4) of the River and Harbor Act of
8 1958 (33 U.S.C. 610(f)(4)) is amended by striking
9 “2024” and inserting “2026”.

10 **SEC. 329. NUECES COUNTY, TEXAS, CONVEYANCES.**

11 (a) IN GENERAL.—On receipt of a written request
12 of the Port of Corpus Christi, the Secretary shall—

13 (1) review the land owned and easements held
14 by the United States for purposes of navigation in
15 Nueces County, Texas; and

16 (2) convey to the Port of Corpus Christi or, in
17 the case of an easement, release to the owner of the
18 fee title to the land subject to such easement, with-
19 out consideration, all such land and easements de-
20 scribed in paragraph (1) that the Secretary deter-
21 mines are no longer required for project purposes.

22 (b) CONDITIONS.—

23 (1) QUITCLAIM DEED.—Any conveyance of land
24 under this section shall be by quitclaim deed.

1 (2) TERMS AND CONDITIONS.—The Secretary
2 may subject any conveyance or release of easement
3 under this section to such terms and conditions as
4 the Secretary determines necessary and advisable to
5 protect the United States.

6 (c) ADMINISTRATIVE COSTS.—In accordance with
7 section 2695 of title 10, United States Code, the Port of
8 Corpus Christi shall be responsible for the costs incurred
9 by the Secretary to convey land or release easements
10 under this section.

11 (d) WAIVER OF REAL PROPERTY SCREENING RE-
12 QUIREMENTS.—Section 2696 of title 10, United States
13 Code, shall not apply to the conveyance of land or release
14 of easements under this section.

15 **SEC. 330. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.**

16 As part of the authority of the Secretary to carry out
17 the project for flood damage reduction, bank stabilization,
18 and sediment and erosion control, Yazoo Basin, Mis-
19 sissippi Delta Headwaters, Mississippi, authorized by the
20 matter under the heading “ENHANCEMENT OF WATER RE-
21 SOURCE BENEFITS AND FOR EMERGENCY DISASTER
22 WORK” in title I of Public Law 98–8 (97 Stat. 22), the
23 Secretary may carry out emergency maintenance activi-
24 ties, as the Secretary determines to be necessary, for fea-

1 tures of the project completed before the date of enact-
2 ment of this Act.

3 **SEC. 331. ECOSYSTEM RESTORATION, HUDSON-RARITAN**
4 **ESTUARY, NEW YORK AND NEW JERSEY.**

5 (a) IN GENERAL.—The Secretary may carry out ad-
6 ditional feasibility studies for ecosystem restoration, Hud-
7 son–Raritan Estuary, New York and New Jersey, includ-
8 ing an examination of measures and alternatives at
9 Baisley Pond Park and the Richmond Terrace Wetlands.

10 (b) TREATMENT.—A feasibility study carried out
11 under subsection (a) shall be considered a continuation of
12 the study that formulated the project for ecosystem res-
13 toration, Hudson–Raritan Estuary, New York and New
14 Jersey, authorized by section 401(5) of the Water Re-
15 sources Development Act of 2020 (134 Stat. 2740).

16 **SEC. 332. TIMELY REIMBURSEMENT.**

17 (a) DEFINITION OF COVERED PROJECT.—In this sec-
18 tion, the term “covered project” means a project for navi-
19 gation authorized by section 1401(1) of the WIIN Act
20 (130 Stat. 1708).

21 (b) REIMBURSEMENT REQUIRED.—In the case of a
22 covered project for which the non-Federal interest has ad-
23 vanced funds for construction of the project, the Secretary
24 shall reimburse the non-Federal interest for advanced
25 funds that exceed the non-Federal share of the cost of con-

1 struction of the project as soon as practicable after the
2 completion of each individual contract for the project.

3 **SEC. 333. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA**
4 **AND SOUTH CAROLINA.**

5 Section 1319(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 (g) REVERSION.—If the Secretary determines that
18 the Federal land conveyed under this section is not being
19 used for a public purpose, all right, title, and interest and
20 to the Federal land shall revert, at the discretion of the
21 Secretary, to the United States.

22 **SEC. 343. WATER SUPPLY STORAGE REPAIR, REHABILITA-**
23 **TION, AND REPLACEMENT COSTS.**

24 Section 301(b) of the Water Supply Act of 1958 (43
25 U.S.C. 390b(b)) is amended, in the fourth proviso, by

1 striking the second sentence and inserting the following:
2 “For Corps of Engineers projects, all annual operation
3 and maintenance costs for municipal and industrial water
4 supply storage under this section shall be reimbursed from
5 State or local interests on an annual basis, and all repair,
6 rehabilitation, and replacement costs shall be reimbursed
7 from State or local interests (1) without interest, during
8 construction of the repair, rehabilitation, or replacement,
9 (2) with interest, in lump sum on the completion of the
10 repair, rehabilitation, or replacement, or (3) at the request
11 of the State or local interest, with interest, over a period
12 of not more than 25 years beginning on the date of com-
13 pletion of the repair, rehabilitation, or replacement, with
14 repayment contracts providing for recalculation of the in-
15 terest rate at 5-year intervals. At the request of the State
16 or local interest, the Secretary of the Army shall amend
17 a repayment contract entered into under this section on
18 or before the date of enactment of this sentence for the
19 purpose of incorporating the terms and conditions de-
20 scribed in paragraph (3) of the preceding sentence.”.

21 **SEC. 344. NON-FEDERAL PAYMENT FLEXIBILITY.**

22 Section 103(l) of the Water Resources Development
23 Act of 1986 (33 U.S.C. 2213(l)) is amended—

1 (1) by striking the subsection designation and
2 heading and all that follows through “At the request
3 of” in the first sentence and inserting the following:

4 “(1) DELAY OF PAYMENT.—

5 “(1) INITIAL PAYMENT.—At the request of”;

6 and

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

8 “(2) INTEREST.—

9 “(A) IN GENERAL.—At the request of any
10 non-Federal interest, the Secretary may waive
11 the accrual of interest on any non-Federal cash
12 contribution under this section or section 101
13 for a project for a period of not more than 1
14 year if the Secretary determines that—

15 “(i) the waiver will contribute to the
16 ability of the non-Federal interest to make
17 future contributions; and

18 “(ii) the non-Federal interest is in
19 good standing under terms agreed to under
20 subsection (k)(1).

21 “(B) LIMITATIONS.—The Secretary may
22 grant not more than 1 waiver under subpara-
23 graph (A) for the same project.”.

1 **SEC. 345. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
2 **TEXAS.**

3 The project for ecosystem restoration, North Padre
4 Island, Corpus Christi Bay, Texas, constructed by the Sec-
5 retary prior to the date of enactment of this Act under
6 section 556 of the Water Resources Development Act of
7 1999 (113 Stat. 353), shall not be eligible for repair and
8 restoration assistance under section 5(a) of the Act of Au-
9 gust 18, 1941 (commonly known as the “Flood Control
10 Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C.
11 701n(a)).

12 **SEC. 346. WAIVER OF NON-FEDERAL SHARE OF DAMAGES**
13 **RELATED TO CERTAIN CONTRACT CLAIMS.**

14 In a case in which the Armed Services Board of Con-
15 tract Appeals or a court of competent jurisdiction ren-
16 dered a decision on a date that was at least 20 years be-
17 fore the date of enactment of this Act awarding damages
18 to a contractor relating to the adjudication of claims aris-
19 ing from the construction of general navigation features
20 of a project carried out under section 107 of the River
21 and Harbor Act of 1960 (33 U.S.C. 577), notwithstanding
22 the terms of the Project Partnership Agreement, the Sec-
23 retary shall waive payment of the share of the non-Federal
24 interest of such damages, including attorney’s fees, if the
25 Secretary—

1 (1) terminated construction of the project prior
2 to completion of all features; and

3 (2) has not collected payment from the non-
4 Federal interest before the date of enactment of this
5 Act.

6 **SEC. 347. ALGIERS CANAL LEVEES, LOUISIANA.**

7 In accordance with section 328 of the Water Re-
8 sources Development Act of 1999 (113 Stat. 304; 121
9 Stat. 1129), the Secretary shall resume operation, mainte-
10 nance, repair, rehabilitation, and replacement of the Al-
11 giers Canal Levees, Louisiana, at full Federal expense.

12 **SEC. 348. ISRAEL RIVER ICE CONTROL PROJECT, LAN-**
13 **CASTER, NEW HAMPSHIRE.**

14 Beginning on the date of enactment of this Act, the
15 project for flood control, Israel River, Lancaster, New
16 Hampshire, authorized by section 205 of the Flood Con-
17 trol Act of 1948 (33 U.S.C. 701s) is no longer authorized.

18 **SEC. 349. CITY OF EL DORADO, KANSAS.**

19 The Secretary shall amend Contract DACW56-72-
20 C-0220, between the United States and the City of El
21 Dorado, Kansas, entered into on June 30, 1972, for the
22 utilization by the City of storage space for water supply
23 in El Dorado Lake, Kansas, to change the method of cal-
24 culation of the interest charges that began accruing on
25 June 30, 1991, on the investment costs for the 72,087

1 acre-feet of future use storage space, from compounding
2 interest annually to charging simple interest annually on
3 the principal amount, until—

4 (1) the City desires to convert the future use
5 storage space to present use; and

6 (2) the principal amount plus the accumulated
7 interest becomes payable pursuant to the terms of
8 the Contract.

9 **SEC. 350. UPPER MISSISSIPPI RIVER PROTECTION.**

10 Section 2010 of the Water Resources Reform and De-
11 velopment Act of 2014 (128 Stat. 1270; 132 Stat. 3812)
12 is amended by adding at the end the following:

13 “(f) LIMITATION.—The Secretary shall not rec-
14 ommend deauthorization of the Upper St. Anthony Falls
15 Lock and Dam unless the Secretary identifies a willing
16 and capable non-Federal public entity to assume owner-
17 ship of the lock and dam.

18 “(g) MODIFICATION.—The Secretary is authorized to
19 investigate the feasibility of modifying the Upper St. An-
20 thony Falls Lock and Dam to add ecosystem restoration,
21 including the prevention and control of invasive species,
22 as an authorized purpose.”.

1 **SEC. 351. REGIONAL CORPS OF ENGINEERS OFFICE, COR-**
2 **PUS CHRISTI, TEXAS.**

3 (a) IN GENERAL.—At such time as new facilities are
4 available to the Corps of Engineers, and subject to this
5 section, the Secretary shall convey to the Port of Corpus
6 Christi Authority, by deed and without warranty, all right,
7 title, and interest of the United States in and to the prop-
8 erty described in subsection (c).

9 (b) CONSIDERATION.—Consideration for the convey-
10 ance under subsection (a) shall be determined by an ap-
11 praisal, satisfactory to the Secretary, of the market value
12 of the property conveyed.

13 (c) DESCRIPTION OF PROPERTY.—The property re-
14 ferred to in subsection (a) is the land known as “Tract
15 100” and “Tract 101”, including improvements on that
16 land, in Corpus Christi, Texas, and described as follows:

17 (1) TRACT 100.— The 1.89 acres, more or less,
18 as conveyed by the Nueces County Navigation Dis-
19 trict No. 1 of Nueces County, Texas, to the United
20 States by instrument dated October 16, 1928, and
21 recorded at Volume 193, pages 1 and 2, in the Deed
22 Records of Nueces County, Texas.

23 (2) TRACT 101.—The 0.53 acres as conveyed by
24 the City of Corpus Christi, Nueces County, Texas,
25 to the United States by instrument dated September
26 24, 1971, and recorded at Volume 318, pages 523

1 and 524, in the Deed Records of Nueces County,
2 Texas.

3 (3) IMPROVEMENTS.—

4 (A) Main Building (RPUID AO-C-3516),
5 constructed January 9, 1974.

6 (B) Garage, vehicle with 5 bays (RPUID
7 AO-C-3517), constructed January 9, 1985.

8 (C) Bulkhead, Upper (RPUID AO-C-
9 2658), constructed January 1, 1941.

10 (D) Bulkhead, Lower (RPUID AO-C-
11 3520), constructed January 1, 1933.

12 (E) Bulkhead Fence (RPUID AO-C-
13 3521), constructed January 9, 1985.

14 (F) Bulkhead Fence (RPUID AO-C-
15 3522), constructed January 9, 1985.

16 (d) TERMS AND CONDITIONS.—

17 (1) IN GENERAL.—Before conveying the land
18 described in subsection (c) to the Port of Corpus
19 Christi Authority, the Secretary shall ensure that
20 the conditions of buildings and facilities meet appli-
21 cable requirements under Federal law, as determined
22 by the Secretary.

23 (2) IMPROVEMENTS.—Improvements to condi-
24 tions of buildings and facilities on the land described

1 in subsection (c), if any, shall be incorporated into
2 the consideration required under subsection (b).

3 (3) COSTS OF CONVEYANCE.—In addition to
4 the fair market value for property rights conveyed,
5 the Port of Corpus Christi Authority shall be re-
6 sponsible for all reasonable and necessary costs, in-
7 cluding real estate transaction and environmental
8 documentation costs, associated with the conveyance
9 under subsection (a).

10 **SEC. 352. PILOT PROGRAM FOR GOOD NEIGHBOR AUTHOR-**
11 **ITY ON CORPS OF ENGINEERS LAND.**

12 (a) DEFINITIONS.—In this section:

13 (1) AUTHORIZED RESTORATION SERVICES.—
14 The term “authorized restoration services” means
15 similar and complementary forest, rangeland, and
16 watershed restoration services carried out—

17 (A) on Federal land; and

18 (B) by the Secretary or Governor pursuant
19 to a good neighbor agreement.

20 (2) FEDERAL LAND.—

21 (A) IN GENERAL.—The term “Federal
22 land” means land within the State that is ad-
23 ministered by the Corps of Engineers.

24 (B) EXCLUSIONS.—The term “Federal
25 land” does not include—

1 (i) a component of the National Wil-
2 derness Preservation System;

3 (ii) Federal land on which the removal
4 of vegetation is prohibited or restricted by
5 an Act of Congress or a Presidential proe-
6 clamation (including the applicable imple-
7 mentation plan); or

8 (iii) a wilderness study area.

9 (3) FOREST, RANGELAND, AND WATERSHED
10 SERVICES.—

11 (A) IN GENERAL.—The term “forest,
12 rangeland, and watershed restoration services”
13 means—

14 (i) activities to treat insect-infected
15 and disease-infected trees;

16 (ii) activities to reduce hazardous
17 fuels; and

18 (iii) any other activities to restore or
19 improve forest, rangeland, and watershed
20 health, including fish and wildlife habitat.

21 (B) EXCLUSIONS.—The term “forest,
22 rangeland, and watershed restoration services”
23 does not include—

24 (i) construction, reconstruction, re-
25 pair, or restoration of paved or permanent

1 roads or parking areas, other than the re-
2 construction, repair, or restoration of a
3 road that is necessary to carry out author-
4 ized restoration services pursuant to a
5 good neighbor agreement; and

6 (ii) construction, alteration, repair or
7 replacement of public buildings or public
8 works.

9 (4) GOOD NEIGHBOR AGREEMENT.—The term
10 “good neighbor agreement” means a cooperative
11 agreement or contract (including a sole source con-
12 tract) entered into between the Secretary and Gov-
13 ernor under subsection (b)(1)(A) to carry out au-
14 thorized restoration services under this section.

15 (5) GOVERNOR.—The term “Governor” means
16 the Governor or any other appropriate executive offi-
17 cial of the State.

18 (6) ROAD.—The term “road” has the meaning
19 given the term in section 212.1 of title 36, Code of
20 Federal Regulations (as in effect on February 7,
21 2014).

22 (7) STATE.—The term “State” means the State
23 of Idaho.

24 (b) GOOD NEIGHBOR AGREEMENTS.—

25 (1) GOOD NEIGHBOR AGREEMENTS.—

1 (A) IN GENERAL.—The Secretary may
2 carry out a pilot program to enter into good
3 neighbor agreements with the Governor to carry
4 out authorized restoration services in the State
5 in accordance with this section.

6 (B) PUBLIC AVAILABILITY.—The Secretary
7 shall make each good neighbor agreement avail-
8 able to the public.

9 (C) ADMINISTRATIVE COSTS.—The Gov-
10 ernor shall provide, and the Secretary may ac-
11 cept and expend, funds to cover the costs of the
12 Secretary to enter into and administer a good
13 neighbor agreement.

14 (D) TERMINATION.—The pilot program
15 under subparagraph (A) shall terminate on Oc-
16 tober 1, 2028.

17 (2) TIMBER SALES.—

18 (A) APPROVAL OF SILVICULTURE PRE-
19 SCRIPTIONS AND MARKING GUIDES.—The Sec-
20 retary shall provide or approve all silviculture
21 prescriptions and marking guides to be applied
22 on Federal land in all timber sale projects con-
23 ducted under this section.

24 (B) TREATMENT OF REVENUE.—Except as
25 provided in subparagraph (C), funds received

1 from the sale of timber by the Governor under
2 a good neighbor agreement shall be retained
3 and used by the Governor to carry out author-
4 ized restoration services under the good neigh-
5 bor agreement.

6 (C) EXCESS REVENUE.—

7 (i) IN GENERAL.—Any funds remain-
8 ing after carrying out subparagraph (B)
9 that are in excess of the amount provided
10 by the Governor to the Secretary under
11 paragraph (1)(C) shall be returned to the
12 Secretary.

13 (ii) APPLICABILITY OF CERTAIN PRO-
14 VISIONS.—Funds returned to the Secretary
15 under clause (i) shall be subject to the first
16 part of section 5 of the Act of June 13,
17 1902 (commonly known as the “Rivers and
18 Harbors Appropriations Act of 1902”) (32
19 Stat. 373, chapter 1079; 33 U.S.C. 558).

20 (3) RETENTION OF NEPA RESPONSIBILITIES.—

21 Any decision required to be made under the Na-
22 tional Environmental Policy Act of 1969 (42 U.S.C.
23 4321 et seq.) with respect to any authorized restora-
24 tion services to be provided under this section on
25 Federal land shall not be delegated to the Governor.

1 **SEC. 353. SOUTHEAST DES MOINES, SOUTHWEST PLEASANT**
2 **HILL, IOWA.**

3 (a) PROJECT MODIFICATIONS.—The project for flood
4 risk management and other purposes, Red Rock Dam and
5 Lake, Des Moines River, Iowa (referred to in this section
6 as the “Red Rock Dam Project”), authorized by section
7 10 of the Act of December 22, 1944 (commonly known
8 as the “Flood Control Act of 1944”) (58 Stat. 896, chap-
9 ter 665), and the project for flood risk management, Des
10 Moines Local Flood Protection, Des Moines River, Iowa
11 (referred to in this section as “Flood Protection Project”),
12 authorized by section 10 of that Act (58 Stat. 896, chap-
13 ter 665), shall be modified as follows, subject to a new
14 or amended agreement between the Secretary and the non-
15 Federal interest for the Flood Protection Project, the City
16 of Des Moines, Iowa (referred to in this section as the
17 “City”), in accordance with section 221 of the Flood Con-
18 trol Act of 1970 (42 U.S.C. 1962d–5b):

19 (1) That portion of the Red Rock Dam Project
20 consisting of the segment of levee from Station
21 15+88.8W to Station 77+43.7W shall be trans-
22 ferred to the Flood Protection Project.

23 (2) The relocated levee improvement con-
24 structed by the City, from Station 77+43.7W to ap-
25 proximately Station 20+00, shall be included in the
26 Flood Protection Project.

1 (b) FEDERAL EASEMENT CONVEYANCES.—

2 (1) The Secretary is authorized to convey the
3 following easements, acquired by the Federal Gov-
4 ernment for the Red Rock Dam Project, to the City
5 to become part of the Flood Protection Project in
6 accordance with subsection (a):

7 (A) Easements identified as Tracts 3215E-
8 1 and 3235E.

9 (B) Easements identified as Partial Tracts
10 3216E-2, 3216E-3, 3217E-1, 3217E-2, and
11 3227E.

12 (2) On counter-execution of the new or amend-
13 ed agreement pursuant to the Federal easement con-
14 veyances under paragraph (1), the Secretary is au-
15 thorized to convey the following easements, by quit-
16 claim deed, without consideration, acquired by the
17 Federal Government for the Red Rock Dam project,
18 to the City or to the Des Moines Metropolitan
19 Wastewater Reclamation Authority and no longer re-
20 quired for the Red Rock Dam Project or for the Des
21 Moines Local Flood Protection Project:

22 (A) Easements identified as Tracts 3200E,
23 3202E-1, 3202E-2, 3202E-4, 3203E-2, 3215E-
24 3, 3216E-1, and 3216E-5.

1 (B) Easements identified as Partial Tracts
2 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

3 (3) All real property interests conveyed under
4 this subsection shall be subject to the standard re-
5 lease of easement disposal process. All administra-
6 tive fees associated with the transfer of the subject
7 easements to the City or to the Des Moines Metro-
8 politan Wastewater Reclamation Authority will be
9 borne by the transferee.

10 **SEC. 354. MIDDLE RIO GRANDE FLOOD PROTECTION,**
11 **BERNALILLO TO BELEN, NEW MEXICO.**

12 In the case of the project for flood risk management,
13 Middle Rio Grande, Bernalillo to Belen, New Mexico, au-
14 thorized by section 401(2) of the Water Resources Devel-
15 opment Act of 2020 (134 Stat. 2735), the non-Federal
16 share of the cost of the project shall be the percentage
17 described in section 103(a)(2) of the Water Resources De-
18 velopment Act of 1986 (33 U.S.C. 2213(a)(2)) (as in ef-
19 fect on the day before the date of enactment of the Water
20 Resources Development Act of 1996 (110 Stat. 3658)).

21 **SEC. 355. COMPREHENSIVE EVERGLADES RESTORATION**
22 **PLAN, FLORIDA.**

23 (a) IN GENERAL.—Section 601(e)(5) of the Water
24 Resources Development Act of 2000 (114 Stat. 2685; 132

1 Stat. 3786) is amended by striking subparagraph (E) and
2 inserting the following:

3 “(E) PERIODIC MONITORING.—

4 “(i) IN GENERAL.—To ensure that
5 the contributions of the non-Federal spon-
6 sor equal 50 percent proportionate share
7 for projects in the Plan, during each period
8 of 5 fiscal years, beginning on October 1,
9 2022, the Secretary shall, for each
10 project—

11 “(I) monitor the non-Federal
12 provision of cash, in-kind services, and
13 land; and

14 “(II) manage, to the maximum
15 extent practicable, the requirement of
16 the non-Federal sponsor to provide
17 cash, in-kind services, and land.

18 “(ii) OTHER MONITORING.—The Sec-
19 retary shall conduct monitoring under
20 clause (i) separately for the
21 preconstruction engineering and design
22 phase and the construction phase for each
23 project in the Plan.

24 “(iii) CLARIFICATION.—Not later than
25 90 days after the end of each fiscal year,

1 the Secretary shall provide to the non-Fed-
2 eral sponsor a financial accounting of non-
3 Federal contributions under clause (i)(I)
4 for such fiscal year.

5 “(iv) LIMITATION.—As applicable, the
6 Secretary shall only require a cash con-
7 tribution from the non-Federal sponsor to
8 satisfy the cost share requirements of this
9 subsection on the last day of each period
10 of 5 fiscal years under clause (i).”.

11 (b) UPDATE.—The Secretary and the South Florida
12 Water Management District shall revise the Master Agree-
13 ment for the Comprehensive Everglades Restoration Plan,
14 executed in 2009 pursuant to section 601 of the Water
15 Resources Development Act of 2000 (114 Stat. 2680), to
16 reflect the amendment made by subsection (a).

17 **SEC. 356. MAINTENANCE DREDGING PERMITS.**

18 (a) IN GENERAL.—The Secretary shall, to the max-
19 imum extent practicable and appropriate, prioritize the
20 reissuance of any regional general permit for maintenance
21 dredging that expired prior to May 1, 2021.

22 (b) SAVINGS PROVISION.—Nothing in this section af-
23 fects, preempts, or interferes with any obligation to com-
24 ply with the provisions of any Federal or State environ-
25 mental law, including—

1 (1) the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.);

3 (2) the Federal Water Pollution Control Act
4 (33 U.S.C. 1251 et seq.); and

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

7 **SEC. 357. PUGET SOUND NEARSHORE ECOSYSTEM RES-**
8 **TORATION, WASHINGTON.**

9 In carrying out the project for ecosystem restoration,
10 Puget Sound, Washington, authorized by section 1401(4)
11 of the Water Resources Development Act of 2016 (130
12 Stat. 1713), the Secretary shall consider the removal and
13 replacement of the Highway 101 causeway and bridges at
14 the Duckabush River Estuary site to be a project feature
15 the costs of which are shared as construction.

16 **SEC. 358. TRIBAL ASSISTANCE.**

17 (a) CLARIFICATION OF EXISTING AUTHORITY.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 the Secretary, in consultation with the heads of rel-
20 evant Federal agencies, the Confederated Tribes of
21 the Warm Springs Indian Reservation of Oregon,
22 the Confederated Tribes and Bands of the Yakama
23 Nation, Nez Perce Tribe, and the Confederated
24 Tribes of the Umatilla Indian Reservation, shall re-
25 vise and carry out the village development plan for

1 Dalles Dam, Columbia River, Washington and Or-
2 egon, as authorized by section 204 of the Flood Con-
3 trol Act of 1950 (64 Stat. 179, chapter 188) to ad-
4 dress adverse impacts to Indian villages, housing
5 sites, and related structures as a result of the con-
6 struction of Bonneville Dam, McNary Dam, and
7 John Day Dam, Washington and Oregon.

8 (2) EXAMINATION.—Before carrying out the re-
9 quirements of paragraph (1), the Secretary shall
10 conduct an examination and assessment of the ex-
11 tent to which Indian villages, housing sites, and re-
12 lated structures were displaced or destroyed by the
13 construction of the following projects:

14 (A) Bonneville Dam, Oregon, as authorized
15 by the first section of the Act of August 30,
16 1935 (49 Stat. 1038, chapter 831) and the first
17 section and section 2(a) of the Act of August
18 20, 1937 (50 Stat. 731, chapter 720; 16 U.S.C.
19 832, 832a(a)).

20 (B) McNary Dam, Washington and Or-
21 egon, as authorized by section 2 of the Act of
22 March 2, 1945 (commonly known as the “River
23 and Harbor Act of 1945”) (59 Stat. 22, chap-
24 ter 19).

1 (C) John Day Dam, Washington and Or-
2 regon, as authorized by section 204 of the Flood
3 Control Act of 1950 (64 Stat. 179, chapter
4 188).

5 (3) REQUIREMENTS.—The village development
6 plan under paragraph (1) shall include, at a min-
7 imum—

8 (A) an evaluation of sites on both sides of
9 the Columbia River;

10 (B) an assessment of suitable Federal land
11 and land owned by the States of Washington
12 and Oregon; and

13 (C) an estimated cost and tentative sched-
14 ule for the construction of each housing devel-
15 opment.

16 (4) LOCATION OF ASSISTANCE.—The Secretary
17 may provide housing and related assistance under
18 this subsection at 1 or more sites in the States of
19 Washington and Oregon.

20 (b) PROVISION OF ASSISTANCE ON FEDERAL
21 LAND.—The Secretary may construct housing or provide
22 related assistance on land owned by the United States
23 under the village development plan under subsection
24 (a)(1).

25 (c) ACQUISITION AND DISPOSAL OF LAND.—

1 (1) IN GENERAL.—Subject to subsection (d),
2 the Secretary may acquire land or interests in land
3 for the purpose of providing housing and related as-
4 sistance under the village development plan under
5 subsection (a)(1).

6 (2) ADVANCE ACQUISITION.—Acquisition of
7 land or interests in land under paragraph (1) may
8 be carried out in advance of completion of all re-
9 quired documentation and clearances for the con-
10 struction of housing or related improvements on the
11 land or on the interests in land.

12 (3) DISPOSAL OF UNSUITABLE LAND.—If the
13 Secretary determines that any land or interest in
14 land acquired by the Secretary under this section in
15 advance of completion of all required documentation
16 for the construction of housing or related improve-
17 ments is unsuitable for that housing or for those re-
18 lated improvements, the Secretary may—

19 (A) dispose of the land or interest in land
20 by sale; and

21 (B) credit the proceeds to the appropria-
22 tion, fund, or account used to purchase the land
23 or interest in land.

24 (d) LIMITATION.—The Secretary shall only acquire
25 land from willing landowners in carrying out this section.

1 (e) CONFORMING AMENDMENT.—Section 1178(c) of
2 the Water Resources Development Act of 2016 (130 Stat.
3 1675; 132 Stat. 3781) is repealed.

4 **SEC. 359. RECREATIONAL OPPORTUNITIES AT CERTAIN**
5 **PROJECTS.**

6 (a) DEFINITIONS.—In this section:

7 (1) COVERED PROJECT.—The term “covered
8 project” means any of the following projects of the
9 Corps of Engineers:

10 (A) Ball Mountain Lake, Vermont.

11 (B) Townshend Lake, Vermont.

12 (2) RECREATION.—The term “recreation” in-
13 cludes downstream whitewater recreation that is de-
14 pendent on operations, recreational fishing, and
15 boating at a covered project.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Secretary should—

18 (1) ensure that, to the extent compatible with
19 other project purposes, each covered project is oper-
20 ated in such a manner as to protect and enhance
21 recreation associated with the covered project; and

22 (2) manage land at each covered project to im-
23 prove opportunities for recreation at the covered
24 project.

1 (c) MODIFICATION OF WATER CONTROL PLANS.—

2 The Secretary may modify, or undertake temporary devi-
3 ations from, the water control plan for a covered project
4 in order to enhance recreation, if the Secretary determines
5 the modifications or deviations—

6 (1) will not adversely affect other authorized
7 purposes of the covered project; and

8 (2) will not result in significant adverse impacts
9 to the environment.

10 **SEC. 360. REHABILITATION OF CORPS OF ENGINEERS CON-**
11 **STRUCTED DAMS.**

12 Section 1177 of the Water Resources Development
13 Act of 2016 (33 U.S.C. 467f–2 note; Public Law 114–
14 322) is amended by adding at the end the following:

15 “(g) SPECIAL RULE.—Notwithstanding subsection
16 (c), the non-Federal share of the cost to rehabilitate Wa-
17 terbury Dam, Washington County, Vermont, under this
18 section shall be the same share assigned to the non-Fed-
19 eral interest for the cost of initial construction of Water-
20 bury Dam.”.

21 **SEC. 361. SOUTH FLORIDA ECOSYSTEM RESTORATION TASK**
22 **FORCE.**

23 Section 528(f)(1)(J) of the Water Resources Develop-
24 ment Act of 1996 (110 Stat. 3771) is amended—

1 (1) by striking “2 representatives” and insert-
2 ing “3 representatives”; and

3 (2) by inserting “at least 1 of which shall be a
4 representative of the Florida Department of Envi-
5 ronmental Protection and at least 1 of which shall
6 be a representative of the Florida Fish and Wildlife
7 Conservation Commission,” after “Florida,”.

8 **SEC. 362. NEW MADRID COUNTY HARBOR, MISSOURI.**

9 Section 509(a) of the Water Resources Development
10 Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat.
11 2679) is amended by adding at the end the following:

12 “(18) Second harbor at New Madrid County
13 Harbor, Missouri.”.

14 **SEC. 363. TRINITY RIVER AND TRIBUTARIES, TEXAS.**

15 Section 1201(7) of the Water Resources Development
16 Act of 2018 (132 Stat. 3802) is amended by inserting
17 “flood risk management, and ecosystem restoration,” after
18 “navigation,”.

19 **SEC. 364. REND LAKE, CARLYLE LAKE, AND LAKE SHELBY-**
20 **VILLE, ILLINOIS.**

21 (a) IN GENERAL.—Not later than 90 days after the
22 date on which the Secretary receives a request from the
23 Governor of Illinois to terminate a contract described in
24 subsection (c), the Secretary shall amend the contract to
25 release to the United States all rights of the State of Illi-

1 nois to utilize water storage space in the reservoir project
2 to which the contract applies.

3 (b) RELIEF OF CERTAIN OBLIGATIONS.—On execu-
4 tion of an amendment described in subsection (a), the
5 State of Illinois shall be relieved of the obligation to pay
6 the percentage of the annual operation and maintenance
7 expense, the percentage of major replacement cost, and
8 the percentage of major rehabilitation cost allocated to the
9 water supply storage specified in the contract for the res-
10 ervoir project to which the contract applies.

11 (c) CONTRACTS.—Subsection (a) applies to the fol-
12 lowing contracts between the United States and the State
13 of Illinois:

14 (1) Contract DACW43–88–C–0088, entered
15 into on September 23, 1988, for utilization of stor-
16 age space for water supply in Rend Lake, Illinois.

17 (2) Contract DA–23–065–CIVENG–65–493,
18 entered into on April 28, 1965, for utilization of
19 storage space for water supply in Rend Lake, Illi-
20 nois.

21 (3) Contract DACW43–83–C–0008, entered
22 into on July 6, 1983, for utilization of storage space
23 in Carlyle Lake, Illinois.

1 termines to be necessary and appropriate
2 to ensure the continued operation of the
3 Sardis Lake Project or any other author-
4 ized civil works project.

5 (B) The Secretary shall retain the right to
6 inundate with water the land transferred to the
7 Choctaw Nation under this subsection as nec-
8 essary to carry out an authorized purpose of
9 the Sardis Lake Project or any other civil
10 works project.

11 (C) No gaming activities may be conducted
12 on the land transferred under this subsection.

13 (b) LAND DESCRIPTION.—

14 (1) IN GENERAL.—The land to be transferred
15 pursuant to subsection (a) is the approximately 247
16 acres of land located in Sections 18 and 19 of T2N
17 R18E, and Sections 5 and 8 of T2N R19E,
18 Pushmataha County, Oklahoma, generally depicted
19 as “USACE” on the map entitled “Sardis Lake –
20 Choctaw Nation Proposal” and dated February 22,
21 2022.

22 (2) SURVEY.—The exact acreage and legal de-
23 scriptions of the land to be transferred under sub-
24 section (a) shall be determined by a survey satisfac-

1 tory to the Secretary and the Secretary of the Inte-
2 rior.

3 (c) CONSIDERATION.—The Choctaw Nation shall
4 pay—

5 (1) to the Secretary an amount that is equal to
6 the fair market value of the land transferred under
7 subsection (a), as determined by the Secretary,
8 which funds may be accepted and expended by the
9 Secretary; and

10 (2) all costs and administrative expenses associ-
11 ated with the transfer of land under subsection (a),
12 including the costs of—

13 (A) the survey under subsection (b)(2);

14 (B) compliance with the National Environ-
15 mental Policy Act of 1969 (42 U.S.C. 4321 et
16 seq.); and

17 (C) any coordination necessary with re-
18 spect to requirements related to endangered
19 species, cultural resources, clean water, and
20 clean air.

21 **TITLE IV—WATER RESOURCES** 22 **INFRASTRUCTURE**

23 **SEC. 401. PROJECT AUTHORIZATIONS.**

24 The following projects for water resources develop-
25 ment and conservation and other purposes, as identified

1 in the reports titled “Report to Congress on Future Water
 2 Resources Development” submitted to Congress pursuant
 3 to section 7001 of the Water Resources Reform and Devel-
 4 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-
 5 viewed by Congress, are authorized to be carried out by
 6 the Secretary substantially in accordance with the plans,
 7 and subject to the conditions, described in the respective
 8 reports or decision documents designated in this section:

9 (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	Federal: \$71,985,500 Non-Federal: \$73,447,500 Total: \$145,433,000

10 (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

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
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

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
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

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
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 Wads- worth 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

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

1 (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 (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

1 **SEC. 402. STORM DAMAGE PREVENTION AND REDUCTION,**
2 **COASTAL EROSION, AND ICE AND GLACIAL**
3 **DAMAGE, ALASKA.**

4 (a) IN GENERAL.—The Secretary shall establish a
5 program to carry out structural and nonstructural
6 projects for storm damage prevention and reduction,
7 coastal erosion, and ice and glacial damage in the State
8 of Alaska, including—

- 9 (1) relocation of affected communities; and
10 (2) construction of replacement facilities.

11 (b) COST SHARE.—The non-Federal interest shall
12 share in the cost to study, design, and construct a project
13 carried out under this section in accordance with sections
14 103 and 105 of the Water Resources Development Act of
15 1986 (33 U.S.C. 2213, 2215), except that, in the case of
16 a project benefitting an economically disadvantaged com-
17 munity (as defined pursuant to section 160 of the Water
18 Resources Development Act of 2020 (33 U.S.C. 2201
19 note; Public Law 116–260)), the non-Federal share shall
20 be 10 percent.

21 (c) REPEAL.—Section 116 of the Energy and Water
22 Development and Related Agencies Appropriations Act,
23 2010 (123 Stat. 2851), is repealed.

24 (d) TREATMENT.—The program authorized by sub-
25 section (a) shall be considered a continuation of the pro-
26 gram authorized by section 116 of the Energy and Water

1 Development and Related Agencies Appropriations Act,
2 2010 (123 Stat. 2851) (as in effect on the day before the
3 date of enactment of this Act).

4 **SEC. 403. EXPEDITED COMPLETION OF PROJECTS.**

5 The Secretary shall expedite completion of the fol-
6 lowing projects:

7 (1) Project for flood risk management, Cum-
8 berland, Maryland, restoration and rewatering of the
9 Chesapeake and Ohio Canal, authorized by section
10 580 of the Water Resources Development Act of
11 1999 (113 Stat. 375).

12 (2) Project for flood risk management, Tulsa
13 and West-Tulsa Levee System, Tulsa County, Okla-
14 homa, authorized by section 401(2) of the Water Re-
15 sources Development Act of 2020 (134 Stat. 2735).

16 (3) Project for flood risk management, Little
17 Colorado River at Winslow, Navajo County, Arizona,
18 authorized by section 401(2) of the Water Resources
19 Development Act of 2020 (134 Stat. 2735).

20 (4) Project for flood risk management, Rio De
21 Flag, Flagstaff, Arizona, authorized by section
22 101(b)(3) of the Water Resources Development Act
23 of 2000 (114 Stat. 2576).

24 (5) Project for flood risk management, Rose
25 and Palm Garden Washes, Arizona, authorized by

1 section 205 of the Flood Control Act of 1948 (33
2 U.S.C. 701s).

3 (6) Project for ecosystem restoration, El
4 Corazon, Arizona, authorized by section 206 of the
5 Water Resources Development Act of 1996 (33
6 U.S.C. 2330).

7 (7) Projects for ecosystem restoration, Chesapeake
8 Bay Comprehensive Water Resources and
9 Restoration Plan, Chesapeake Bay Environmental
10 Restoration and Protection Program, authorized by
11 section 510 of the Water Resources Development
12 Act of 1996 (110 Stat. 3759).

13 (8) Projects authorized under section 219 of
14 the Water Resources Development Act of 1992 (106
15 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 121
16 Stat. 1258).

17 (9) Projects authorized under section 8004 of
18 the Water Resources Development Act of 2007 (33
19 U.S.C. 652 note; Public Law 110–114).

20 (10) Projects authorized under section 519 of
21 the Water Resources Development Act of 2000 (114
22 Stat. 2653).

23 (11) Project for flood risk management, Lower
24 Santa Cruz River, Arizona, authorized by section

1 205 of the Flood Control Act of 1948 (33 U.S.C.
2 701s).

3 (12) Project for flood risk management, McCor-
4 mick Wash, Arizona, authorized by section 205 of
5 the Flood Control Act of 1948 (33 U.S.C. 701s).

6 (13) Project for navigation, including mainte-
7 nance and channel deepening, McClellan–Kerr Ar-
8 kansas River Navigation System.

9 (14) Project for dam safety modifications,
10 Bluestone Dam, West Virginia.

11 (15) Maintenance dredging and other author-
12 ized activities to address the impacts of shoaling af-
13 fecting the project for navigation, Branford Harbor
14 and Branford River, Branford, Connecticut, author-
15 ized by the first section of the Act of June 13, 1902
16 (32 Stat. 333, chapter 1079).

17 (16) Maintenance dredging and other author-
18 ized activities to address the impacts of shoaling af-
19 fecting the project for navigation, Guilford Harbor
20 and Sluice Channel, Connecticut.

21 (17) Maintenance dredging and other author-
22 ized activities to address the impacts of shoaling af-
23 fecting the project for navigation, Milford Harbor,
24 Connecticut.

1 (18) Assistance for ecosystem restoration,
2 Lower Yellowstone Intake Diversion Dam, Montana,
3 authorized by section 3109 of the Water Resources
4 Development Act of 2007 (121 Stat. 1135).

5 (19) Project for mitigation of shore damage
6 from navigation works, Camp Ellis Beach, Saco,
7 Maine, pursuant to section 111 of the River and
8 Harbor Act of 1968 (33 U.S.C. 426i).

9 (20) Project for ecosystem restoration, Lower
10 Blackstone River, Rhode Island, pursuant to section
11 206 of the Water Resources Development Act of
12 1996 (33 U.S.C. 2330).

13 (21) Project for navigation, Kentucky Lock Ad-
14 dition, Kentucky.

15 (22) Maintenance dredging of the Federal chan-
16 nel for the project for navigation, Columbia, Snake,
17 and Clearwater Rivers, Oregon, Washington, and
18 Idaho, authorized by section 2 of the Act of March
19 2, 1945 (59 Stat. 21, chapter 19), at the Port of
20 Clarkston, Washington, and the Port of Lewiston,
21 Idaho.

22 (23) Maintenance dredging and other author-
23 ized activities to address the impacts of shoaling af-
24 fecting the project for navigation, Portsmouth Back
25 Channels and Sagamore Creek, Portsmouth, New

1 Castle, and Rye, New Hampshire, authorized by sec-
2 tion 107 of the River and Harbor Act of 1960 (33
3 U.S.C. 577).

4 (24) Maintenance dredging and other author-
5 ized activities to address the impacts of shoaling af-
6 fecting the project for navigation, Portsmouth Har-
7 bor and Piscataqua River, Portsmouth, New Castle,
8 and Newington, New Hampshire, and Kittery and
9 Elliot, Maine, authorized by section 101 of the River
10 and Harbor Act of 1962 (76 Stat. 1173).

11 **SEC. 404. SPECIAL RULES.**

12 (a) The following conditions apply to the project de-
13 scribed in section 403(19):

14 (1) The project is authorized to be carried out
15 under section 111 of the River and Harbor Act of
16 1968 (33 U.S.C. 426i) at a Federal cost of
17 \$45,000,000.

18 (2) The project may include Federal participa-
19 tion in periodic nourishment.

20 (3) For purposes of subsection (b) of section
21 111 of the River and Harbor Act of 1968 (33
22 U.S.C. 426i), the Secretary shall determine that the
23 navigation works to which the shore damages are at-
24 tributable were constructed at full Federal expense.

1 (b) The following conditions apply to the project de-
2 scribed in section 403(20):

3 (1) The project is authorized to be carried out
4 under section 206 of the Water Resources Develop-
5 ment Act of 1996 (33 U.S.C. 2330) at a Federal
6 cost of \$15,000,000.

7 (2) If the Secretary includes in the project a
8 measure on Federal land under the jurisdiction of
9 another Federal agency, the Secretary may enter
10 into an agreement with the Federal agency that pro-
11 vides for the Secretary—

12 (A) to construct the measure; and

13 (B) to operate and maintain the measure
14 using funds provided to the Secretary by the
15 non-Federal interest for the project.

16 (3) If the Secretary includes in the project a
17 measure for fish passage at a dam licensed for hy-
18 dropower, the Secretary shall include in the project
19 costs all costs for the measure, except that those
20 costs that are in excess of the costs to provide fish
21 passage at the dam if hydropower improvements
22 were not in place shall be a 100 percent non-Federal
23 expense.

24 **SEC. 405. CHATTAHOOCHEE RIVER PROGRAM.**

25 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—The Secretary shall establish
2 a program to provide environmental assistance to
3 non-Federal interests in the Chattahoochee River
4 Basin.

5 (2) FORM.—The assistance under paragraph
6 (1) shall be in the form of design and construction
7 assistance for water-related resource protection and
8 restoration projects affecting the Chattahoochee
9 River Basin, based on the comprehensive plan under
10 subsection (b), including projects for—

- 11 (A) sediment and erosion control;
- 12 (B) protection of eroding shorelines;
- 13 (C) ecosystem restoration, including res-
14 toration of submerged aquatic vegetation;
- 15 (D) protection of essential public works;
- 16 (E) beneficial uses of dredged material;
- 17 and
- 18 (F) other related projects that may en-
19 hance the living resources of the Chattahoochee
20 River Basin.

21 (b) COMPREHENSIVE PLAN.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of enactment of this Act, the Secretary, in
24 cooperation with State and local governmental offi-
25 cials and affected stakeholders, shall develop a com-

1 comprehensive Chattahoochee River Basin restoration
2 plan to guide the implementation of projects under
3 subsection (a)(2).

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

10 (3) PRIORITIZATION.—The restoration plan de-
11 scribed in paragraph (1) shall give priority to
12 projects eligible under subsection (a)(2) that will
13 also improve water quality or quantity or use nat-
14 ural hydrological features and systems.

15 (c) 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 Chattahoochee River Basin res-
21 toration plan described in subsection (b).

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

24 (A) the development by the Secretary, in
25 consultation with appropriate Federal, State,

1 and local officials, of a resource protection and
2 restoration plan, including appropriate engi-
3 neering plans and specifications and an esti-
4 mate of expected resource benefits; and

5 (B) the establishment of such legal and in-
6 stitutional structures as are necessary to ensure
7 the effective long-term operation and mainte-
8 nance of the project by the non-Federal inter-
9 est.

10 (d) COST SHARING.—

11 (1) FEDERAL SHARE.—Except as provided in
12 paragraph (2)(B), the Federal share of the total
13 project costs of each agreement entered into under
14 this section shall be 75 percent.

15 (2) NON-FEDERAL SHARE.—

16 (A) VALUE OF LAND, EASEMENTS,
17 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-
18 mining the non-Federal contribution toward
19 carrying out an agreement entered into under
20 this section, the Secretary shall provide credit
21 to a non-Federal interest for the value of land,
22 easements, rights-of-way, and relocations pro-
23 vided by the non-Federal interest, except that
24 the amount of credit provided for a project

1 under this paragraph may not exceed 25 per-
2 cent of the total project costs.

3 (B) OPERATION AND MAINTENANCE
4 COSTS.—The non-Federal share of the costs of
5 operation and maintenance of activities carried
6 out under an agreement under this section shall
7 be 100 percent.

8 (e) COOPERATION.—In carrying out this section, the
9 Secretary shall cooperate with—

10 (1) the heads of appropriate Federal agencies,
11 including—

12 (A) the Administrator of the Environ-
13 mental Protection Agency;

14 (B) the Secretary of Commerce, acting
15 through the Administrator of the National Oce-
16 anic and Atmospheric Administration;

17 (C) the Secretary of the Interior, acting
18 through the Director of the United States Fish
19 and Wildlife Service; and

20 (D) the heads of such other Federal agen-
21 cies as the Secretary determines to be appro-
22 priate; and

23 (2) agencies of a State or political subdivision
24 of a State.

1 (f) PROTECTION OF RESOURCES.—A project estab-
2 lished under this section shall be carried out using such
3 measures as are necessary to protect environmental, his-
4 toric, and cultural resources.

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

7 (h) SAVINGS PROVISION.—Nothing in this section—

8 (1) establishes any express or implied reserved
9 water right in the United States for any purpose;

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

12 (3) preempts or affects any State water law or
13 interstate compact governing water; or

14 (4) affects any Federal or State law in exist-
15 ence on the date of enactment of this Act regarding
16 water quality or water quantity.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$90,000,000.

20 **SEC. 406. LOWER MISSISSIPPI RIVER BASIN DEMONSTRA-**
21 **TION PROGRAM.**

22 (a) DEFINITION.—In this section, the term “Lower
23 Mississippi River Basin” means the portion of the Mis-
24 sissippi River that begins at the confluence of the Ohio

1 River and flows to the Gulf of Mexico, and its tributaries
2 and distributaries.

3 (b) ESTABLISHMENT.—

4 (1) IN GENERAL.—The Secretary shall establish
5 a program to provide assistance to non-Federal in-
6 terests in the Lower Mississippi River Basin.

7 (2) FORM.—

8 (A) IN GENERAL.—The assistance under
9 paragraph (1) shall be in the form of design
10 and construction assistance for flood or coastal
11 storm risk management or aquatic ecosystem
12 restoration projects in the Lower Mississippi
13 River Basin, based on the comprehensive plan
14 under subsection (c).

15 (B) ASSISTANCE.—Projects under sub-
16 paragraph (A) may include measures for—

17 (i) sediment control;

18 (ii) protection of eroding riverbanks
19 and streambanks and shorelines;

20 (iii) channel modifications;

21 (iv) beneficial uses of dredged mate-
22 rial; or

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

1 (c) COMPREHENSIVE PLAN.—

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

9 (2) COORDINATION.—The plan described in
10 paragraph (1) shall, to the maximum extent prac-
11 ticable, consider and avoid duplication of any ongo-
12 ing or planned actions of other Federal, State, and
13 local agencies and nongovernmental organizations.

14 (3) PRIORITIZATION.—To the maximum extent
15 practicable, the plan described in paragraph (1)
16 shall give priority to projects eligible under sub-
17 section (b)(2) that will also improve water quality,
18 reduce hypoxia in the Lower Mississippi River or
19 Gulf of Mexico, or use a combination of structural
20 and nonstructural measures.

21 (d) AGREEMENT.—

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

1 the comprehensive Lower Mississippi River Basin
2 plan described in subsection (c).

3 (2) REQUIREMENTS.—Each agreement entered
4 into under this subsection shall provide for the es-
5 tablishment of such legal and institutional structures
6 as are necessary to ensure the effective long-term
7 operation and maintenance of the project by the
8 non-Federal interest.

9 (e) COST SHARING.—

10 (1) FEDERAL SHARE.—The Federal share of
11 the cost to design and construct a project under
12 each agreement entered into under this section shall
13 be 75 percent.

14 (2) NON-FEDERAL SHARE.—

15 (A) VALUE OF LAND, EASEMENTS,
16 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-
17 mining the non-Federal contribution toward
18 carrying out an agreement entered into under
19 this section, the Secretary shall provide credit
20 to a non-Federal interest for the value of land,
21 easements, rights-of-way, and relocations pro-
22 vided by the non-Federal interest, except that
23 the amount of credit provided for a project
24 under this paragraph may not exceed 25 per-

1 cent of the cost to design and construct the
2 project.

3 (B) OPERATION AND MAINTENANCE
4 COSTS.—The non-Federal share of the costs of
5 operation and maintenance of activities carried
6 out under an agreement under this section shall
7 be 100 percent.

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

10 (1) the heads of appropriate Federal agencies,
11 including—

12 (A) the Secretary of Agriculture;

13 (B) the Secretary of the Interior, acting
14 through the Director of the United States Fish
15 and Wildlife Service; and

16 (C) the heads of such other Federal agen-
17 cies as the Secretary determines to be appro-
18 priate; and

19 (2) agencies of a State or political subdivision
20 of a State.

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

23 (h) REPORT.—Not later than 3 years after the date
24 of enactment of this Act, the Secretary shall submit to
25 the Committee on Environment and Public Works of the

1 Senate and the Committee on Transportation and Infra-
2 structure of the House of Representatives a report that
3 describes the results of the program under this section,
4 including a recommendation on whether the program
5 should be reauthorized.

6 (i) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$90,000,000.

9 **SEC. 407. FORECAST-INFORMED RESERVOIR OPERATIONS.**

10 (a) IN GENERAL.—The Secretary is authorized to
11 carry out a research study pilot program at 1 or more
12 dams owned and operated by the Secretary in the North
13 Atlantic Division of the Corps of Engineers to assess the
14 viability of forecast-informed reservoir operations in the
15 eastern United States.

16 (b) REPORT.—Not later than 1 year after completion
17 of the research study pilot program under subsection (a),
18 the Secretary shall submit to the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 and the Committee on Environment and Public Works of
21 the Senate a report on the results of the study pilot pro-
22 gram.

23 **SEC. 408. MISSISSIPPI RIVER MAT SINKING UNIT.**

24 The Secretary shall expedite the replacement of the
25 Mississippi River mat sinking unit.

1 **SEC. 409. SENSE OF CONGRESS RELATING TO OKATIBBEE**
2 **LAKE.**

3 It is the sense of Congress that—

4 (1) there is significant shoreline sloughing and
5 erosion at the Okatibbee Lake portion of the project
6 for flood protection, Chunky Creek, Chickasawhay
7 and Pascagoula Rivers, Mississippi, authorized by
8 section 203 of the Flood Control Act of 1962 (76
9 Stat. 1183), which has the potential to impact infra-
10 structure, damage property, and put lives at risk;
11 and

12 (2) addressing shoreline sloughing and erosion
13 at a project of the Secretary, including at a location
14 leased by non-Federal entities such as Okatibbee
15 Lake, is an activity that is eligible to be carried out
16 by the Secretary as part of the operation and main-
17 tenance of the project.