

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

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

**H. R. 7776**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

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

Viz:

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

**TITLE I—GENERAL PROVISIONS**

Sec. 101. Scope of feasibility studies.

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

## 2

- Sec. 103. Inland waterway projects.
- Sec. 104. Protection and restoration of other Federal land along rivers and coasts.
- Sec. 105. Policy and technical standards.
- Sec. 106. Planning assistance to States.
- Sec. 107. Floodplain management services.
- Sec. 108. Workforce planning.
- Sec. 109. Credit in lieu of reimbursement.
- Sec. 110. Coastal cost calculations.
- Sec. 111. Advance payment in lieu of reimbursement for certain Federal costs.
- Sec. 112. Use of emergency funds.
- Sec. 113. Research and development.
- Sec. 114. Tribal and Economically Disadvantaged Communities Advisory Committee.
- Sec. 115. Non-Federal Interest Advisory Committee.
- Sec. 116. Underserved community harbor projects.
- Sec. 117. Corps of Engineers Western Water Cooperative Committee.
- Sec. 118. Updates to certain water control manuals.
- Sec. 119. Sense of Congress on operations and maintenance of recreation sites.
- Sec. 120. Relocation assistance.
- Sec. 121. Reprogramming limits.
- Sec. 122. Lease durations.
- Sec. 123. Sense of Congress relating to post-disaster repairs.
- Sec. 124. Payment of pay and allowances of certain officers from appropriation for improvements.
- Sec. 125. Reforestation.
- Sec. 126. Use of other Federal funds.
- Sec. 127. National low-head dam inventory.
- Sec. 128. Transfer of excess credit.
- Sec. 129. National levee restoration.
- Sec. 130. Inland waterways regional dredge pilot program.
- Sec. 131. Funding to process permits.
- Sec. 132. Non-Federal project implementation pilot program.
- Sec. 133. Cost sharing for territories and Indian Tribes.
- Sec. 134. Water supply conservation.
- Sec. 135. Criteria for funding operation and maintenance of small, remote, and subsistence harbors.
- Sec. 136. Protection of lighthouses.
- Sec. 137. Expediting hydropower at Corps of Engineers facilities.
- Sec. 138. Materials, services, and funds for repair, restoration, or rehabilitation of certain public recreation facilities.
- Sec. 139. Dredged material management plans.
- Sec. 140. Lease deviations.
- Sec. 141. Columbia River Basin.
- Sec. 142. Continuation of construction.

## TITLE II—STUDIES AND REPORTS

- Sec. 201. Authorization of feasibility studies.
- Sec. 202. Special rules.
- Sec. 203. Expedited completion of studies.
- Sec. 204. Studies for periodic nourishment.
- Sec. 205. NEPA reporting.
- Sec. 206. GAO audit of projects over budget or behind schedule.
- Sec. 207. GAO study on project distribution.

- Sec. 208. GAO audit of joint costs for operations and maintenance.
- Sec. 209. GAO review of Corps of Engineers mitigation practices.
- Sec. 210. Sabine–Neches Waterway Navigation Improvement project, Texas.
- Sec. 211. Great Lakes recreational boating.
- Sec. 212. Central and Southern Florida.
- Sec. 213. Investments for recreation areas.
- Sec. 214. Western infrastructure study.
- Sec. 215. Upper Mississippi River and Illinois Waterway System.
- Sec. 216. West Virginia hydropower.
- Sec. 217. Recreation and economic development at Corps facilities in Appalachia.
- Sec. 218. Automated fee machines.
- Sec. 219. Lake Champlain Canal, Vermont and New York.
- Sec. 220. Report on concessionaire practices.

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

- Sec. 301. Additional assistance for critical projects.
- Sec. 302. Southern West Virginia.
- Sec. 303. Northern West Virginia.
- Sec. 304. Local cooperation agreements, northern West Virginia.
- Sec. 305. Special rule for certain beach nourishment projects.
- Sec. 306. Coastal community flood control and other purposes.
- Sec. 307. Modifications.
- Sec. 308. Port Fourchon, Louisiana, dredged material disposal plan.
- Sec. 309. Delaware shore protection and restoration.
- Sec. 310. Great Lakes advance measures assistance.
- Sec. 311. Rehabilitation of existing levees.
- Sec. 312. Pilot program for certain communities.
- Sec. 313. Rehabilitation of Corps of Engineers constructed pump stations.
- Sec. 314. Chesapeake Bay environmental restoration and protection program.
- Sec. 315. Evaluation of hydrologic changes in Souris River Basin.
- Sec. 316. Memorandum of understanding relating to Baldhill Dam, North Dakota.
- Sec. 317. Upper Mississippi River restoration program.
- Sec. 318. Harmful algal bloom demonstration program.
- Sec. 319. Colleton County, South Carolina.
- Sec. 320. Arkansas River corridor, Oklahoma.
- Sec. 321. Abandoned and inactive noncoal mine restoration.
- Sec. 322. Asian carp prevention and control pilot program.
- Sec. 323. Forms of assistance.
- Sec. 324. Debris removal, New York Harbor, New York.
- Sec. 325. Invasive species management.
- Sec. 326. Wolf River Harbor, Tennessee.
- Sec. 327. Missouri River mitigation, Missouri, Kansas, Iowa, and Nebraska.
- Sec. 328. Invasive species management pilot program.
- Sec. 329. Nueces County, Texas, conveyances.
- Sec. 330. Mississippi Delta Headwaters, Mississippi.
- Sec. 331. Ecosystem restoration, Hudson–Raritan Estuary, New York and New Jersey.
- Sec. 332. Timely reimbursement.
- Sec. 333. New Savannah Bluff Lock and Dam, Georgia and South Carolina.
- Sec. 334. Lake Tahoe Basin restoration, Nevada and California.
- Sec. 335. Additional assistance for Eastern Santa Clara Basin, California.

- Sec. 336. Tribal partnership program.
- Sec. 337. Surplus water contracts and water storage agreements.
- Sec. 338. Copan Lake, Oklahoma.
- Sec. 339. Enhanced development program.
- Sec. 340. Ecosystem restoration coordination.
- Sec. 341. Acequias irrigation systems.
- Sec. 342. Rogers County, Oklahoma.
- Sec. 343. Water supply storage repair, rehabilitation, and replacement costs.
- Sec. 344. Non-Federal payment flexibility.
- Sec. 345. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 346. Waiver of non-Federal share of damages related to certain contract claims.
- Sec. 347. Algiers Canal Levees, Louisiana.
- Sec. 348. Israel River ice control project, Lancaster, New Hampshire.
- Sec. 349. City of El Dorado, Kansas.
- Sec. 350. Upper Mississippi River protection.
- Sec. 351. Regional Corps of Engineers Office, Corpus Christi, Texas.
- Sec. 352. Pilot program for good neighbor authority on Corps of Engineers land.
- Sec. 353. Southeast Des Moines, Southwest Pleasant Hill, Iowa.
- Sec. 354. Middle Rio Grande flood protection, Bernalillo to Belen, New Mexico.
- Sec. 355. Comprehensive Everglades Restoration Plan, Florida.
- Sec. 356. Maintenance dredging permits.
- Sec. 357. Puget Sound nearshore ecosystem restoration, Washington.
- Sec. 358. Tribal assistance.
- Sec. 359. Recreational opportunities at certain projects.
- Sec. 360. Rehabilitation of Corps of Engineers constructed dams.
- Sec. 361. South Florida Ecosystem Restoration Task Force.
- Sec. 362. New Madrid County Harbor, Missouri.
- Sec. 363. Trinity River and tributaries, Texas.
- Sec. 364. Rend Lake, Carlyle Lake, and Lake Shelbyville, Illinois.
- Sec. 365. Federal assistance.
- Sec. 366. Land transfer and trust land for Choctaw Nation of Oklahoma.
- Sec. 367. Lake Barkley, Kentucky, land conveyance.

#### TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Project authorizations.
- Sec. 402. Storm damage prevention and reduction, coastal erosion, and ice and glacial damage, Alaska.
- Sec. 403. Expedited completion of projects.
- Sec. 404. Special rules.
- Sec. 405. Chattahoochee River program.
- Sec. 406. Lower Mississippi River Basin demonstration program.
- Sec. 407. Forecast-informed reservoir operations.
- Sec. 408. Mississippi River mat sinking unit.
- Sec. 409. Sense of Congress relating to Okatibbee Lake.

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

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

# 1 **TITLE I—GENERAL PROVISIONS**

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

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

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

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

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

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

18 (5) seasonal variation in water levels;

19 (6) groundwater emergence;

20 (7) sea level rise;

21 (8) subsidence; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24            (C) in subsection (b)—



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

3 “(1) AUTHORITY.—

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

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

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

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

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

22 (iii) in paragraph (4)—

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

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

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

5 (D) in subsection (c)—

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

8 “(1) STUDIES.—

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

12 “(i) 50 percent; and

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

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

23 (ii) in paragraph (2)—

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

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

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

18 (iii) in paragraph (3)—

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

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

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

15 (E) in subsection (d)—

16 (i) by striking paragraph (2);

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

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

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

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

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

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

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

10 (F) in subsection (e)—

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

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

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

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

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

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

3           “(B) Louisiana Coastal Area, Louisiana.

4           “(C) Great Lakes Shores and Watersheds.

5           “(D) Oregon Coastal Area, Oregon.

6           “(E) Upper Missouri River Basin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

10       (e) REPEAL.—

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

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

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

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

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

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

5 (1) in subsection (a)—

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

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

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

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

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

18 “(b) OUTREACH.—

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

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

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

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

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

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

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

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

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

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

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

4 (1) in subsection (a)—

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

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

10 (B) in the first sentence—

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

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

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

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

20 “(3) IDENTIFICATION OF ASSISTANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

8           (2) community colleges;

9           (3) technical schools;

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

12           (5) other institutions of learning.

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

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

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

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

1 (1) in subsection (a)—

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           “(B) REQUIREMENTS.—

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

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

15          “(C) PAYMENT.—

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

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

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

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

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

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

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

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

19                   (3) by striking subsection (e);

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

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

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

5 “(1) authorized by Congress; or

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

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

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

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

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

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

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

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

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

2 “(c) OTHER TRANSACTIONS.—

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

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

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

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

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

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

9           “(d) REPORT.—

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

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

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

23           “(i) the estimated total cost;

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

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

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

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

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

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

12                  “(e) COST SHARING.—

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

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

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



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

4 “(g) RESEARCH AND DEVELOPMENT ACCOUNT.—

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

8 “(2) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

16           (A) Federal and State agencies;

17           (B) Indian Tribes;

18           (C) local governments; and

19           (D) nonprofit organizations.

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

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

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

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

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

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

19 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

7 (d) DUTIES.—

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

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

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

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

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

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

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

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

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

17          (f) ADMINISTRATION.—

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

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

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

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

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

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

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

23 (b) MEMBERSHIP.—

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

4                   (A) be appointed by the Secretary; and

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

18 (c) DUTIES.—

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

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

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

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

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

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

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

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

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

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

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

3 (e) ADMINISTRATION.—

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

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

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

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

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

24 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (g) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

21 (a) FINDINGS.—Congress finds that—

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

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

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

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

17 (b) ESTABLISHMENT.—

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

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

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

5 (3) MEMBERSHIP.—

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

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

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

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

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



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

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

7                   (4) MEETINGS.—

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

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

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

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

25                  (6) STATUS UPDATES.—

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

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

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

15           (B) COMMENT.—

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

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

1 (7) COMPENSATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (1) to project design levels; or

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

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

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

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

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

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

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

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

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

1 “(A) Reserve component officers.

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

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

6 **SEC. 125. REFORESTATION.**

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

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

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

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

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

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

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

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

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

8 “(a) DEFINITIONS.—In this section:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16   **SEC. 130. INLAND WATERWAYS REGIONAL DREDGE PILOT**  
17   **PROGRAM.**

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

21           “(e) INLAND WATERWAYS REGIONAL DREDGE PILOT  
22           PROGRAM.—

23           “(1) IN GENERAL.—The Secretary is authorized  
24           to establish a pilot program (referred to in this sub-  
25           section as the ‘pilot program’) to conduct a

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

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

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

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

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

14 “(3) DEMONSTRATION.—

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

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

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

4                   “(ii) increase freight capacity on in-  
5 land waterways; and

6                   “(iii) have the potential to enhance  
7 the availability of containerized cargo on  
8 inland waterways.

9                   “(4) SAVINGS CLAUSE.—Nothing in this sub-  
10 section affects the responsibility of the Secretary  
11 with respect to the construction and operations and  
12 maintenance of projects on the inland waterways  
13 system.

14                   “(5) REPORT TO CONGRESS.—Not later than 1  
15 year after the date on which the first contract is  
16 awarded pursuant to the pilot program, the Sec-  
17 retary shall submit to the Committee on Environ-  
18 ment and Public Works of the Senate and the Com-  
19 mittee on Transportation and Infrastructure of the  
20 House of Representatives a report that evaluates,  
21 with respect to the pilot program and any contracts  
22 awarded under the pilot program—

23                   “(A) cost effectiveness;

24                   “(B) reliability and performance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

12 **SEC. 133. COST SHARING FOR TERRITORIES AND INDIAN**  
13 **TRIBES.**

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

17 “(c) APPLICATION TO STUDIES.—

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

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

23 **SEC. 134. WATER SUPPLY CONSERVATION.**

24 Section 1116 of the WIIN Act (130 Stat. 1639) is  
25 amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10          “(2) assess opportunities—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

10 (c) DEFINITIONS.—In this section:

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

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

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

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

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

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

8 (b) CONTINUATION OF CONSTRUCTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23       **SEC. 202. SPECIAL RULES.**

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15                (1) in subsection (b)—

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

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

19                (2) in subsection (e)—

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

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

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

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

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

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

18       (a) DEFINITIONS.—In this section:

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

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

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

3 (3) ENVIRONMENTAL IMPACT STATEMENT.—

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

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

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

13 (5) NEPA PROCESS.—

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

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

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

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



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

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

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

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

18 (b) REPORTS.—

19 (1) NEPA DATA.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (a) EVALUATION AND REPORT.—

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

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

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

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

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

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

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



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

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

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

13 (A) is authorized—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22                   (A) State and local governments; or

23                   (B) private entities; and

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

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

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

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

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

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

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

20 (3) increasing water supply; or

21 (4) aquatic ecosystem restoration.

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

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

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

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

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

9 (B) Indian Tribes;

10 (C) non-Federal interests; and

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

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

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

19 (B) incorporate—

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

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

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

7 (1) the results of the study; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

10 “(c) CLARIFICATIONS.—

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

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

22 “(A) physical hydrologic separation;

23 “(B) nonstructural measures;

24 “(C) deployment of technologies;

25 “(D) buffer zones; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

2 is amended by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (2) in paragraph (2), by striking  
18 “\$150,000,000” and inserting “\$200,000,000”.

19 (gg) LAKE CHAMPLAIN WATERSHED, VERMONT AND  
20 NEW YORK.—Section 542 of the Water Resources Devel-  
21 opment Act of 2000 (114 Stat. 2671; 121 Stat. 1150) is  
22 amended—

23 (1) in subsection (b)(2)(C), by striking “plan-  
24 ning” and inserting “clean water infrastructure  
25 planning, design, and construction”; and

1           (2) in subsection (g), by striking  
2           “\$32,000,000” and inserting “\$100,000,000”.

3           (hh) TEXAS.—Section 5138 of the Water Resources  
4 Development Act of 2007 (121 Stat. 1250) is amended—

5           (1) in subsection (b), by striking “, as identified  
6           by the Texas Water Development Board”;

7           (2) in subsection (e)(3), by inserting “and con-  
8           struction” after “design work”;

9           (3) by redesignating subsection (g) as sub-  
10          section (i); and

11          (4) by inserting after subsection (f) the fol-  
12          lowing:

13          “(g) NONPROFIT ENTITIES.—In accordance with sec-  
14          tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
15          1962d–5b(b)), for any project carried out under this sec-  
16          tion, a non-Federal interest may include a nonprofit entity  
17          with the consent of the affected local government.

18          “(h) CORPS OF ENGINEERS EXPENSES.—Not more  
19          than 10 percent of the amounts made available to carry  
20          out this section may be used by the Corps of Engineers  
21          district offices to administer projects under this section  
22          at Federal expense.”.



1 **SEC. 302. SOUTHERN WEST VIRGINIA.**

2 (a) IN GENERAL.—Section 340 of the Water Re-  
3 sources Development Act of 1992 (106 Stat. 4856) is  
4 amended—

5 (1) in the section heading, by striking “**ENVI-**  
6 **RONMENTAL RESTORATION INFRASTRUCTURE**  
7 **AND RESOURCE PROTECTION DEVELOPMENT**  
8 **PILOT PROGRAM**”; and

9 (2) by striking subsection (f) and inserting the  
10 following:

11 “(f) DEFINITION OF SOUTHERN WEST VIRGINIA.—  
12 In this section, the term ‘southern West Virginia’ means  
13 the counties of Boone, Braxton, Cabell, Calhoun, Clay,  
14 Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln,  
15 Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nich-  
16 olas, Pendleton, Pocahontas, Putnam, Raleigh, Roane,  
17 Summers, Wayne, Webster, Wirt, and Wyoming, West  
18 Virginia.”.

19 (b) CLERICAL AMENDMENT.—The table of contents  
20 contained in section 1(b) of the Water Resources Develop-  
21 ment Act of 1992 (106 Stat. 4799) is amended by striking  
22 the item relating to section 340 and inserting the fol-  
23 lowing:

“Sec. 340. Southern West Virginia.”.

1 **SEC. 303. NORTHERN WEST VIRGINIA.**

2 (a) IN GENERAL.—Section 571 of the Water Re-  
3 sources Development Act of 1999 (113 Stat. 371; 121  
4 Stat. 1257; 134 Stat. 2719) is amended—

5 (1) in the section heading, by striking “**CEN-**  
6 **TRAL**” and inserting “**NORTHERN**”;

7 (2) by striking subsection (a) and inserting the  
8 following:

9 “(a) DEFINITION OF NORTHERN WEST VIRGINIA.—  
10 In this section, the term ‘northern West Virginia’ means  
11 the counties of Barbour, Berkeley, Brooke, Doddridge,  
12 Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson,  
13 Lewis, Marion, Marshall, Mineral, Morgan, Monongalia,  
14 Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor,  
15 Tucker, Tyler, Upshur, Wetzel, and Wood, West Vir-  
16 ginia.”;

17 (3) in subsection (b), by striking “central” and  
18 inserting “northern”; and

19 (4) in subsection (c), by striking “central” and  
20 inserting “northern”.

21 (b) CLERICAL AMENDMENT.—The table of contents  
22 in section 1(b) of the Water Resources Development Act  
23 of 1999 (113 Stat. 269) is amended by striking the item  
24 relating to section 571 and inserting the following:

“Sec. 571. Northern West Virginia.”.

1 **SEC. 304. LOCAL COOPERATION AGREEMENTS, NORTHERN**  
2 **WEST VIRGINIA.**

3 Section 219(f)(272) of the Water Resources Develop-  
4 ment Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121  
5 Stat. 1268) is amended—

6 (1) by striking “\$20,000,000 for water and  
7 wastewater” and inserting the following:

8 “(A) IN GENERAL.—\$20,000,000 for water  
9 and wastewater”; and

10 (2) by adding at the end the following:

11 “(B) LOCAL COOPERATION AGREE-  
12 MENTS.—Notwithstanding subsection (a), at  
13 the request of a non-Federal interest for a  
14 project or a separable element of a project that  
15 receives assistance under this paragraph, the  
16 Secretary may adopt a model agreement devel-  
17 oped in accordance with section 571(e) of the  
18 Water Resources Development Act of 1999  
19 (113 Stat. 371).”.

20 **SEC. 305. SPECIAL RULE FOR CERTAIN BEACH NOURISH-**  
21 **MENT PROJECTS.**

22 (a) IN GENERAL.—In the case of a water resources  
23 development project described in subsection (b), the Sec-  
24 retary shall—

25 (1) fund, at full Federal expense, any incre-  
26 mental increase in cost to the project that results

1 from a legal requirement to use a borrow source de-  
2 termined by the Secretary to be other than the least-  
3 cost option; and

4 (2) exclude the cost described in paragraph (1)  
5 from the cost-benefit analysis for the project.

6 (b) AUTHORIZED WATER RESOURCES DEVELOP-  
7 MENT PROJECTS DESCRIBED.—An authorized water re-  
8 sources development project referred to in subsection (a)  
9 is any of the following:

10 (1) The Townsends Inlet to Cape May Inlet,  
11 New Jersey, coastal storm risk management project,  
12 authorized by section 101(a)(26) of the Water Re-  
13 sources Development Act of 1999 (113 Stat. 278).

14 (2) The Folly Beach, South Carolina, coastal  
15 storm risk management project, authorized by sec-  
16 tion 501(a) of the Water Resources Development  
17 Act of 1986 (100 Stat. 4136) and modified by sec-  
18 tion 108 of the Energy and Water Development Ap-  
19 propriations Act, 1992 (105 Stat. 520).

20 (3) The Carolina Beach and Vicinity, North  
21 Carolina, coastal storm risk management project,  
22 authorized by section 203 of the Flood Control Act  
23 of 1962 (76 Stat. 1182) and modified by section  
24 401(7) of the Water Resources Development Act of  
25 2020 (134 Stat. 2741).

1           (4) The Wrightsville Beach, North Carolina,  
2           coastal storm risk management project, authorized  
3           by section 203 of the Flood Control Act of 1962 (76  
4           Stat. 1182) and modified by section 401(7) of the  
5           Water Resources Development Act of 2020 (134  
6           Stat. 2741).

7           (5) A project for coastal storm risk manage-  
8           ment for any shore included in a project described  
9           in this subsection that is specifically authorized by  
10          Congress on or after the date of enactment of this  
11          Act.

12          (6) Emergency repair and restoration of any  
13          project described in this subsection under section 5  
14          of the Act of August 18, 1941 (commonly known as  
15          the “Flood Control Act of 1941”) (55 Stat. 650,  
16          chapter 377; 33 U.S.C. 701n).

17          (c) SAVINGS PROVISION.—Nothing in this section  
18          limits the eligibility for, or availability of, Federal expendi-  
19          tures or financial assistance for any water resources devel-  
20          opment project, including any beach nourishment or re-  
21          nourishment project, under any other provision of Federal  
22          law.

1 **SEC. 306. COASTAL COMMUNITY FLOOD CONTROL AND**  
2 **OTHER PURPOSES.**

3 Section 103(k)(4) of the Water Resources Develop-  
4 ment Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

5 (1) by redesignating subparagraphs (A) and  
6 (B) as clauses (i) and (ii), respectively, and indent-  
7 ing appropriately;

8 (2) in the matter preceding clause (i) (as so re-  
9 designated), by striking “Notwithstanding” and in-  
10 sserting the following:

11 “(A) IN GENERAL.—Notwithstanding”;

12 (3) in subparagraph (A) (as so redesignated)—

13 (A) in clause (i) (as so redesignated)—

14 (i) by striking “\$200 million” and in-  
15 sserting “\$200,000,000”; and

16 (ii) by striking “and” at the end;

17 (B) in clause (ii) (as so redesignated)—

18 (i) by inserting “an amount equal to  
19  $\frac{2}{3}$  of” after “repays”; and

20 (ii) by striking the period at the end  
21 and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(iii) the non-Federal interest repays  
24 the balance of remaining principal by June  
25 1, 2032.”; and

26 (4) by adding at the end the following:

1           “(B) REPAYMENT OPTIONS.—Repayment  
2           of a non-Federal contribution under subpara-  
3           graph (A)(iii) may be satisfied through the pro-  
4           vision by the non-Federal interest of fish and  
5           wildlife mitigation for one or more projects or  
6           separable elements, if the Secretary determines  
7           that—

8                   “(i) the non-Federal interest has in-  
9                   curred costs for the provision of mitigation  
10                  that—

11                           “(I) equal or exceed the amount  
12                           of the required repayment; and

13                           “(II) are in excess of any re-  
14                           quired non-Federal contribution for  
15                           the project or separable element for  
16                           which the mitigation is provided; and

17                           “(ii) the mitigation is integral to the  
18                           project for which it is provided.”.

19 **SEC. 307. MODIFICATIONS.**

20           (a) IN GENERAL.—The following modifications to  
21           studies and projects are authorized:

22                   (1) MISSISSIPPI RIVER GULF OUTLET, LOU-  
23                   ISIANA.—The Federal share of the cost of the  
24                   project for ecosystem restoration, Mississippi River  
25                   Gulf Outlet, Louisiana, authorized by section

1       7013(a)(4) of the Water Resources Development Act  
2       of 2007 (121 Stat. 1281), shall be 90 percent.

3           (2) GREAT LAKES AND MISSISSIPPI RIVER  
4       INTERBASIN PROJECT, BRANDON ROAD, WILL COUN-  
5       TY, ILLINOIS.—Section 402(a)(1) of the Water Re-  
6       sources Development Act of 2020 (134 Stat. 2742)  
7       is amended by striking “80 percent” and inserting  
8       “90 percent”.

9           (3) LOWER MISSISSIPPI RIVER COMPREHENSIVE  
10       MANAGEMENT STUDY.—Section 213 of the Water  
11       Resources Development Act of 2020 (134 Stat.  
12       2687) is amended by adding at the end the fol-  
13       lowing:

14       “(j) COST-SHARE.—The Federal share of the cost of  
15       the comprehensive study described in subsection (a), and  
16       any feasibility study described in subsection (e), shall be  
17       90 percent.”.

18           (4) PORT OF NOME, ALASKA.—

19           (A) IN GENERAL.—The Secretary shall  
20       carry out the project for navigation, Port of  
21       Nome, Alaska, authorized by section 401(1) of  
22       the Water Resources Development Act of 2020  
23       (134 Stat. 2733).



1 (B) COST-SHARE.—The Federal share of  
2 the cost of the project described in subpara-  
3 graph (A) shall be 90 percent.

4 (5) CHICAGO SHORELINE PROTECTION.—The  
5 project for storm damage reduction and shore pro-  
6 tection, Lake Michigan, Illinois, from Wilmette, Illi-  
7 nois, to the Illinois–Indiana State line, authorized by  
8 section 101(a)(12) of the Water Resources Develop-  
9 ment Act of 1996 (110 Stat. 3664), is modified to  
10 authorize the Secretary to provide 65 percent of the  
11 cost of the locally preferred plan, as described in the  
12 Report of the Chief of Engineers dated April 14,  
13 1994, for the construction of the following segments  
14 of the project:

15 (A) Shoreline revetment at Morgan Shoal.

16 (B) Shoreline revetment at Promontory  
17 Point.

18 (6) LOWER MUD RIVER, MILTON, WEST VIR-  
19 GINIA.—

20 (A) IN GENERAL.—Notwithstanding sec-  
21 tion 3170 of the Water Resources Development  
22 Act of 2007 (121 Stat. 1154), the Federal  
23 share of the cost of the project for flood control,  
24 Milton, West Virginia, authorized by section  
25 580 of the Water Resources Development Act

1 of 1996 (110 Stat. 3790), and modified by sec-  
2 tion 340 of the Water Resources Development  
3 Act of 2000 (114 Stat. 2612) and section 3170  
4 of the Water Resources Development Act of  
5 2007 (121 Stat. 1154), shall be 90 percent.

6 (B) LAND, EASEMENTS, AND RIGHTS-OF-  
7 WAY.—For the project described in subpara-  
8 graph (A), the Secretary shall include in the  
9 cost of the project, and credit toward the non-  
10 Federal share of that cost, the value of land,  
11 easements, and rights-of-way provided by the  
12 non-Federal interest for the project, including  
13 the value of land, easements, and rights-of-way  
14 required for the project that are owned or held  
15 by the non-Federal interest or other non-Fed-  
16 eral public body.

17 (C) ADDITIONAL ELIGIBILITY.—Unless  
18 otherwise directed in an Act making annual ap-  
19 propriations for the Corps of Engineers for a  
20 fiscal year in which the Secretary has deter-  
21 mined an additional appropriation is required to  
22 continue or complete construction of the project  
23 described in subparagraph (A), the project shall  
24 be eligible for additional funding appropriated

1 by that Act in the Construction account of the  
2 Corps of Engineers—

3 (i) without a new investment decision;

4 and

5 (ii) on the same terms as a project  
6 that is not the project described in sub-  
7 paragraph (A).

8 (7) SOUTH SHORE STATEN ISLAND, NEW  
9 YORK.—The Federal share of any portion of the cost  
10 to design and construct the project for coastal storm  
11 risk management, South Shore Staten Island, New  
12 York, authorized by section 401(3), that exceeds the  
13 estimated total project cost specified in the project  
14 partnership agreement for the project, signed by the  
15 Secretary on February 15, 2019, shall be 90 per-  
16 cent.

17 (b) AGREEMENTS.—

18 (1) STUDIES AND PROJECTS WITH MULTIPLE  
19 NON-FEDERAL INTERESTS.—At the request of the  
20 applicable non-Federal interests for the project de-  
21 scribed in section 402(a) of the Water Resources  
22 Development Act of 2020 (134 Stat. 2742) and for  
23 the studies described in subsection (j) of section 213  
24 of that Act (134 Stat. 2687), the Secretary shall not  
25 require those non-Federal interests to be jointly and

1 severally liable for all non-Federal obligations in the  
2 project partnership agreement for the project or in  
3 the feasibility cost share agreements for the studies.

4 (2) SOUTH SAN FRANCISCO BAY SHORELINE,  
5 CALIFORNIA.—

6 (A) IN GENERAL.—Except for funds re-  
7 quired for a betterment or for a locally pre-  
8 ferred plan, the Secretary shall not require the  
9 non-Federal interest for the project for flood  
10 risk management, ecosystem restoration, and  
11 recreation, South San Francisco Bay Shoreline,  
12 California, authorized by section 1401(6) of the  
13 Water Resources Development Act of 2016  
14 (130 Stat. 1714), to contribute funds under an  
15 agreement entered into prior to the date of en-  
16 actment of this Act in excess of the total cash  
17 contribution required from the non-Federal in-  
18 terest for the project under section 103 of the  
19 Water Resources Development Act of 1986 (33  
20 U.S.C. 2213).

21 (B) REQUIREMENT.—The Secretary shall  
22 not, at any time, defer, suspend, or terminate  
23 construction of the project described in sub-  
24 paragraph (A) solely on the basis of a deter-  
25 mination by the Secretary that an additional

1 appropriation is required to cover the Federal  
2 share of the cost to complete construction of  
3 the project, if Federal funds in an amount de-  
4 termined by the Secretary to be sufficient to  
5 continue construction of the project remain  
6 available in the allocation for the project under  
7 the Long-Term Disaster Recovery Investment  
8 Plan for amounts appropriated under the head-  
9 ing “CONSTRUCTION” under the heading  
10 “CORPS OF ENGINEERS—CIVIL—DE-  
11 PARTMENT OF THE ARMY” in title IV of  
12 subdivision 1 of division B of the Bipartisan  
13 Budget Act of 2018 (Public Law 115–123; 132  
14 Stat. 76).

15 **SEC. 308. PORT FOURCHON, LOUISIANA, DREDGED MATE-**  
16 **RIAL DISPOSAL PLAN.**

17 The Secretary shall determine that the dredged mate-  
18 rial disposal plan recommended in the document entitled  
19 “Port Fourchon Belle Pass Channel Deepening Project  
20 Section 203 Feasibility Study (January 2019, revised  
21 January 2020)” is the least cost, environmentally accept-  
22 able dredged material disposal plan for the project for  
23 navigation, Port Fourchon Belle Passe Channel, Lou-  
24 isiana, authorized by section 403(a)(4) of the Water Re-  
25 sources Development Act of 2020 (134 Stat. 2743).

1 **SEC. 309. DELAWARE SHORE PROTECTION AND RESTORA-**  
2 **TION.**

3 (a) DELAWARE BENEFICIAL USE OF DREDGED MA-  
4 TERIAL FOR THE DELAWARE RIVER, DELAWARE.—

5 (1) IN GENERAL.—The project for coastal  
6 storm risk management, Delaware Beneficial Use of  
7 Dredged Material for the Delaware River, Delaware,  
8 authorized by section 401(3) of the Water Resources  
9 Development Act of 2020 (134 Stat. 2736) (referred  
10 to in this subsection as the “project”), is modified—

11 (A) to direct the Secretary to implement  
12 the project using alternative borrow sources to  
13 the Delaware River, Philadelphia to the Sea,  
14 project, Delaware, New Jersey, Pennsylvania,  
15 authorized by the Act of June 25, 1910 (chap-  
16 ter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat.  
17 803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297);  
18 and

19 (B) until the Secretary implements the  
20 modification under subparagraph (A), to au-  
21 thorize the Secretary, at the request of a non-  
22 Federal interest, to carry out initial construc-  
23 tion or periodic nourishments at any site in-  
24 cluded in the project under—

25 (i) section 1122 of the Water Re-  
26 sources Development Act of 2016 (33

1 U.S.C. 2326 note; Public Law 114–322);

2 or

3 (ii) section 204(d) of the Water Re-  
4 sources Development Act of 1992 (33  
5 U.S.C. 2326(d)).

6 (2) TREATMENT.—If the Secretary determines  
7 that a study is required to carry out paragraph  
8 (1)(A), the study shall be considered to be a con-  
9 tinuation of the study that formulated the project.

10 (3) COST-SHARE.—The Federal share of the  
11 cost of the project, including the cost of any modi-  
12 fications carried out under subsection (a)(1), shall  
13 be 90 percent.

14 (b) INDIAN RIVER INLET SAND BYPASS PLANT,  
15 DELAWARE.—

16 (1) IN GENERAL.—The Indian River Inlet Sand  
17 Bypass Plant, Delaware, coastal storm risk manage-  
18 ment project (referred to in this subsection as the  
19 “project”), authorized by section 869 of the Water  
20 Resources Development Act of 1986 (100 Stat.  
21 4182), is modified to authorize the Secretary, at the  
22 request of a non-Federal interest, to provide periodic  
23 nourishment through dedicated dredging or other  
24 means to maintain or restore the functioning of the  
25 project when—

1 (A) the sand bypass plant is inoperative; or

2 (B) operation of the sand bypass plant is  
3 insufficient to maintain the functioning of the  
4 project.

5 (2) REQUIREMENTS.—A cycle of periodic nour-  
6 ishment provided pursuant to paragraph (1) shall be  
7 subject to the following requirements:

8 (A) COST-SHARE.—The non-Federal share  
9 of the cost of a cycle shall be the same percent-  
10 age as the non-Federal share of the cost to op-  
11 erate the sand bypass plant.

12 (B) DECISION DOCUMENT.—If the Sec-  
13 retary determines that a decision document is  
14 required to support a request for funding for  
15 the Federal share of a cycle, the decision docu-  
16 ment may be prepared using funds made avail-  
17 able to the Secretary for construction or for in-  
18 vestigations.

19 (C) TREATMENT.—

20 (i) DECISION DOCUMENT.—A decision  
21 document prepared under subparagraph  
22 (B) shall not be subject to a new invest-  
23 ment determination.

24 (ii) CYCLES.—A cycle shall be consid-  
25 ered continuing construction.



1 (c) DELAWARE EMERGENCY SHORE RESTORA-  
2 TION.—

3 (1) IN GENERAL.—The Secretary is authorized  
4 to repair or restore any beach or any federally au-  
5 thorized hurricane or shore protective structure or  
6 project located in the State of Delaware pursuant to  
7 section 5(a) of the Act of August 18, 1941 (com-  
8 monly known as the “Flood Control Act of 1941”)  
9 (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)),  
10 if—

11 (A) the structure, project, or beach is dam-  
12 aged by wind, wave, or water action associated  
13 with a storm of any magnitude; and

14 (B) the damage prevents the adequate  
15 functioning of the structure, project, or beach.

16 (2) BENEFIT-COST ANALYSIS.—The Secretary  
17 shall determine that the benefits attributable to the  
18 objectives set forth in section 209 of the Flood Con-  
19 trol Act of 1970 (42 U.S.C. 1962–2) and section  
20 904(a) of the Water Resources Development Act of  
21 1986 (33 U.S.C. 2281(a)) exceed the cost for work  
22 carried out under this subsection.

23 (3) SAVINGS PROVISION.—The authority pro-  
24 vided by this subsection shall be in addition to any  
25 authority provided by section 5(a) of the Act of Au-

1       gust 18, 1941 (commonly known as the “Flood Con-  
2       trol Act of 1941”) (55 Stat. 650, chapter 377; 33  
3       U.S.C. 701n(a)) to repair or restore a beach or fed-  
4       erally authorized hurricane or shore protection struc-  
5       ture or project located in the State of Delaware  
6       damaged or destroyed by wind, wave, or water action  
7       of other than an ordinary nature.

8       (d) INDIAN RIVER INLET AND BAY, DELAWARE.—

9       In carrying out major maintenance of the project for navi-  
10      gation, Indian River Inlet and Bay, Delaware, authorized  
11      by the Act of August 26, 1937 (50 Stat. 846, chapter  
12      832), and section 2 of the Act of March 2, 1945 (59 Stat.  
13      14, chapter 19), the Secretary shall repair, restore, or re-  
14      locate any non-Federal facility or other infrastructure,  
15      that has been damaged, in whole or in part, by the deterio-  
16      ration or failure of the project.

17      (e) REPROGRAMMING FOR COASTAL STORM RISK  
18      MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

19           (1) IN GENERAL.—Notwithstanding any other  
20      provision of law, for each fiscal year, the Secretary  
21      may reprogram amounts made available for a coastal  
22      storm risk management project to use such amounts  
23      for the project for coastal storm risk management,  
24      Indian River Inlet Sand Bypass Plant, Delaware,

1 authorized by section 869 of the Water Resources  
2 Development Act of 1986 (100 Stat. 4182).

3 (2) LIMITATIONS.—

4 (A) IN GENERAL.—The Secretary may  
5 carry out not more than 2 reprogramming ac-  
6 tions under paragraph (1) for each fiscal year.

7 (B) AMOUNT.—For each fiscal year, the  
8 Secretary may reprogram—

9 (i) not more than \$100,000 per re-  
10 programming action; and

11 (ii) not more than \$200,000 for each  
12 fiscal year.

13 **SEC. 310. GREAT LAKES ADVANCE MEASURES ASSISTANCE.**

14 Section 5(a) of the Act of August 18, 1941 (com-  
15 monly known as the “Flood Control Act of 1941”) (55  
16 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) (as amended  
17 by section 112(2)), is amended by adding at the end the  
18 following:

19 “(7) SPECIAL RULE.—

20 “(A) IN GENERAL.—The Secretary shall  
21 not deny a request from the Governor of a  
22 State to provide advance measures assistance  
23 under this subsection to reduce the risk of dam-  
24 age from rising water levels in the Great Lakes

1 solely on the basis that the damage is caused by  
2 erosion.

3 “(B) FEDERAL SHARE.—Assistance pro-  
4 vided by the Secretary pursuant to a request  
5 under subparagraph (A) may be at full Federal  
6 expense if the assistance is to construct ad-  
7 vanced measures to a temporary construction  
8 standard.”.

9 **SEC. 311. REHABILITATION OF EXISTING LEVEES.**

10 Section 3017(e) of the Water Resources Reform and  
11 Development Act of 2014 (33 U.S.C. 3303a note; Public  
12 Law 113–121) is amended—

13 (1) by striking “this subsection” and inserting  
14 “this section”; and

15 (2) by striking “10 years” and inserting “20  
16 years”.

17 **SEC. 312. PILOT PROGRAM FOR CERTAIN COMMUNITIES.**

18 (a) PILOT PROGRAMS ON THE FORMULATION OF  
19 CORPS OF ENGINEERS PROJECTS IN RURAL COMMU-  
20 NITIES AND ECONOMICALLY DISADVANTAGED COMMU-  
21 NITIES.—Section 118 of the Water Resources Develop-  
22 ment Act of 2020 (33 U.S.C. 2201 note; Public Law 116–  
23 260) is amended—

24 (1) in subsection (b)(2)(C), by striking “10”;  
25 and

1 (2) in subsection (c)—

2 (A) in paragraph (2), in the matter pre-  
3 ceding subparagraph (A), by striking “make a  
4 recommendation to Congress on up to 10  
5 projects” and inserting “recommend projects to  
6 Congress”; and

7 (B) by adding at the end the following:

8 “(5) RECOMMENDATIONS.—In recommending  
9 projects under paragraph (2), the Secretary shall in-  
10 clude such recommendations in the next annual re-  
11 port submitted to Congress under section 7001 of  
12 the Water Resources Reform and Development Act  
13 of 2014 (33 U.S.C. 2282d) after the date of enact-  
14 ment of the Water Resources Development Act of  
15 2022.”.

16 (b) PILOT PROGRAM FOR CAPS IN SMALL OR DIS-  
17 ADVANTAGED COMMUNITIES.—Section 165(a) of the  
18 Water Resources Development Act of 2020 (33 U.S.C.  
19 2201 note; Public Law 116–260) is amended—

20 (1) in paragraph (2)(B), by striking “a total of  
21 10”;

22 (2) by redesignating paragraphs (4) and (5) as  
23 paragraphs (5) and (6), respectively; and

24 (3) by inserting after paragraph (3) the fol-  
25 lowing:

1           “(4) MAXIMUM FEDERAL AMOUNT.—For a  
2 project carried out under this subsection, the max-  
3 imum Federal amount, if applicable, shall be in-  
4 creased by the commensurate amount of the non-  
5 Federal share that would otherwise be required for  
6 the project under the applicable continuing authority  
7 program.”.

8 **SEC. 313. REHABILITATION OF CORPS OF ENGINEERS CON-**  
9 **STRUCTED PUMP STATIONS.**

10 Section 133 of the Water Resources Development Act  
11 of 2020 (33 U.S.C. 2327a) is amended—

12           (1) in subsection (a), by striking paragraph (1)  
13 and inserting the following:

14           “(1) ELIGIBLE PUMP STATION.—The term ‘eli-  
15 gible pump station’ means a pump station that—

16                   “(A) is a feature of a federally authorized  
17 flood or coastal storm risk management project;  
18 or

19                   “(B) if inoperable, would impair drainage  
20 of water from areas interior to a federally au-  
21 thorized flood or coastal storm risk manage-  
22 ment project.”;

23           (2) by striking subsection (b) and inserting the  
24 following:

1           “(b) AUTHORIZATION.—The Secretary may carry out  
2 rehabilitation of an eligible pump station, if the Secretary  
3 determines that—

4           “(1) the pump station has a major deficiency;  
5           and

6           “(2) the rehabilitation is feasible.”; and

7           (3) by striking subsection (f) and inserting the  
8 following:

9           “(f) PRIORITIZATION.—To the maximum extent prac-  
10 ticable, the Secretary shall prioritize the provision of as-  
11 sistance under this section to economically disadvantaged  
12 communities.”.

13 **SEC. 314. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
14 **TION AND PROTECTION PROGRAM.**

15           Section 510(a)(2) of the Water Resources Develop-  
16 ment Act of 1996 (110 Stat. 3759; 128 Stat. 1317) is  
17 amended—

18           (1) in subparagraph (B), by inserting “and  
19 streambanks” after “shorelines”;

20           (2) in subparagraph (E), by striking “and” at  
21 the end;

22           (3) by redesignating subparagraph (F) as sub-  
23 paragraph (H); and

24           (4) by inserting after subparagraph (E) the fol-  
25 lowing:

1                   “(F) wastewater treatment and related fa-  
2                   cilities;

3                   “(G) stormwater and drainage systems;  
4                   and”.

5 **SEC. 315. EVALUATION OF HYDROLOGIC CHANGES IN**  
6                   **SOURIS RIVER BASIN.**

7           The Secretary is authorized to evaluate hydrologic  
8 changes affecting the agreement entitled “Agreement Be-  
9 tween the Government of Canada and the United States  
10 of America for Water Supply and Flood Control in The  
11 Souris River Basin”, signed in 1989.

12 **SEC. 316. MEMORANDUM OF UNDERSTANDING RELATING**  
13                   **TO BALDHILL DAM, NORTH DAKOTA.**

14           The Secretary may enter into a memorandum of un-  
15 derstanding with the non-Federal interest for the Red  
16 River Valley Water Supply Project to accommodate flows  
17 for downstream users through Baldhill Dam, North Da-  
18 kota.

19 **SEC. 317. UPPER MISSISSIPPI RIVER RESTORATION PRO-**  
20                   **GRAM.**

21           Section 1103(e)(3) of the Water Resources Develop-  
22 ment Act of 1986 (33 U.S.C. 652(e)(3)) is amended by  
23 striking “\$40,000,000” and inserting “\$75,000,000”.



1 **SEC. 318. HARMFUL ALGAL BLOOM DEMONSTRATION PRO-**  
2 **GRAM.**

3 Section 128(c) of the Water Resources Development  
4 Act of 2020 (33 U.S.C. 610 note; Public Law 116–260)  
5 is amended by inserting “the Upper Mississippi River and  
6 its tributaries,” after “New York,”.

7 **SEC. 319. COLLETON COUNTY, SOUTH CAROLINA.**

8 Section 221(a)(4)(C)(i) of the Flood Control Act of  
9 1970 (42 U.S.C. 1962d–5b(a)(4)(C)(i)) shall not apply to  
10 construction carried out by the non-Federal interest before  
11 the date of enactment of this Act for the project for hurri-  
12 cane and storm damage risk reduction, Colleton County,  
13 South Carolina, authorized by section 1401(3) of the  
14 Water Resources Development Act of 2016 (130 Stat.  
15 1711).

16 **SEC. 320. ARKANSAS RIVER CORRIDOR, OKLAHOMA.**

17 Section 3132 of the Water Resources Development  
18 Act of 2007 (121 Stat. 1141) is amended by striking sub-  
19 section (b) and inserting the following:

20 “(b) AUTHORIZED COST.—The Secretary is author-  
21 ized to carry out construction of a project under this sec-  
22 tion at a total cost of \$128,400,000, with the cost shared  
23 in accordance with section 103 of the Water Resources  
24 Development Act of 1986 (33 U.S.C. 2213).

25 “(c) ADDITIONAL FEASIBILITY STUDIES AUTHOR-  
26 IZED.—

1           “(1) IN GENERAL.—The Secretary is authorized  
2           to carry out feasibility studies for purposes of rec-  
3           ommending to the Committee on Environment and  
4           Public Works of the Senate and the Committee on  
5           Transportation and Infrastructure of the House of  
6           Representatives additional projects under this sec-  
7           tion.

8           “(2) TREATMENT.—An additional feasibility  
9           study carried out under this subsection shall be con-  
10          sidered a continuation of the feasibility study that  
11          formulated the project carried out under subsection  
12          (b).”.

13 **SEC. 321. ABANDONED AND INACTIVE NONCOAL MINE RES-**  
14 **TORATION.**

15          Section 560 of the Water Resources Development Act  
16 of 1999 (33 U.S.C. 2336) is amended—

17           (1) in subsection (c), by inserting “or on land  
18           taken into trust by the Secretary of the Interior on  
19           behalf of, and for the benefit of, an Indian Tribe”  
20           after “land owned by the United States”; and

21           (2) in subsection (f), by striking “\$30,000,000”  
22           and inserting “\$50,000,000”.

1 **SEC. 322. ASIAN CARP PREVENTION AND CONTROL PILOT**  
2 **PROGRAM.**

3 Section 509(a)(2) of the Water Resources Develop-  
4 ment Act of 2020 (33 U.S.C. 610 note; Public Law 116–  
5 260) is amended—

6 (1) in subparagraph (A), by striking “or Ten-  
7 nessee River Watershed” and inserting “, Tennessee  
8 River Watershed, or Tombigbee River Watershed”;  
9 and

10 (2) in subparagraph (C)(i), by inserting “, of  
11 which not less than 1 shall be carried out on the  
12 Tennessee–Tombigbee Waterway” before the period  
13 at the end.

14 **SEC. 323. FORMS OF ASSISTANCE.**

15 Section 592(b) of the Water Resources Development  
16 Act of 1999 (113 Stat. 379) is amended by striking “and  
17 surface water resource protection and development” and  
18 inserting “surface water resource protection and develop-  
19 ment, stormwater management, drainage systems, and  
20 water quality enhancement”.

21 **SEC. 324. DEBRIS REMOVAL, NEW YORK HARBOR, NEW**  
22 **YORK.**

23 (a) IN GENERAL.—Beginning on the date of enact-  
24 ment of this Act, the project for New York Harbor collec-  
25 tion and removal of drift, authorized by section 91 of the  
26 Water Resources Development Act of 1974 (88 Stat. 39),

1 and deauthorized pursuant to section 6001 of the Water  
2 Resources Reform and Development Act of 2014 (33  
3 U.S.C. 579b) (as in effect on the day before the date of  
4 enactment of the WIIN Act (130 Stat. 1628)), is author-  
5 ized to be carried out by the Secretary.

6 (b) FEASIBILITY STUDY.— The Secretary shall carry  
7 out, and submit to the Committee on Environment and  
8 Public Works of the Senate and the Committee on Trans-  
9 portation and Infrastructure of the House of Representa-  
10 tives a report on the results of, a feasibility study for the  
11 project described in subsection (a).

12 **SEC. 325. INVASIVE SPECIES MANAGEMENT.**

13 Section 104 of the River and Harbor Act of 1958  
14 (33 U.S.C. 610) is amended—

15 (1) in subsection (b)(2)(A)(ii)—

16 (A) by striking “\$50,000,000” and insert-  
17 ing “\$75,000,000”; and

18 (B) by striking “2024” and inserting  
19 “2028”; and

20 (2) in subsection (g)(2)—

21 (A) in subparagraph (A)—

22 (i) by striking “water quantity or  
23 water quality” and inserting “water quan-  
24 tity, water quality, or ecosystems”; and

1 (ii) by inserting “the Lake Erie  
2 Basin, the Ohio River Basin,” after “the  
3 Upper Snake River Basin,”; and  
4 (B) in subparagraph (B), by inserting “,  
5 hydrilla (*Hydrilla verticillata*),” after  
6 “*angustifolia*”.

7 **SEC. 326. WOLF RIVER HARBOR, TENNESSEE.**

8 Beginning on the date of enactment of this Act, the  
9 project for navigation, Wolf River Harbor, Tennessee, au-  
10 thorized by title II of the Act of June 16, 1933 (48 Stat.  
11 200, chapter 90) (commonly known as the “National In-  
12 dustrial Recovery Act”), and modified by section 203 of  
13 the Flood Control Act of 1958 (72 Stat. 308), is modified  
14 to reduce the authorized dimensions of the project, such  
15 that the remaining authorized dimensions are a 250-foot-  
16 wide, 9-foot-depth channel with a center line beginning at  
17 a point 35.139634, -90.062343 and extending approxi-  
18 mately 8,500 feet to a point 35.160848, -90.050566.

19 **SEC. 327. MISSOURI RIVER MITIGATION, MISSOURI, KAN-**  
20 **SAS, IOWA, AND NEBRASKA.**

21 The matter under the heading “MISSOURI RIVER  
22 MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA”  
23 in section 601(a) of the Water Resources Development Act  
24 of 1986 (100 Stat. 4143; 121 Stat. 1155), as modified  
25 by section 334 of the Water Resources Development Act

1 of 1999 (113 Stat. 306), is amended by adding at the  
2 end the following: “When acquiring land to meet the re-  
3 quirements of fish and wildlife mitigation, the Secretary  
4 may consider incidental flood risk management benefits.”.

5 **SEC. 328. INVASIVE SPECIES MANAGEMENT PILOT PRO-**  
6 **GRAM.**

7 Section 104(f)(4) of the River and Harbor Act of  
8 1958 (33 U.S.C. 610(f)(4)) is amended by striking  
9 “2024” and inserting “2026”.

10 **SEC. 329. NUECES COUNTY, TEXAS, CONVEYANCES.**

11 (a) IN GENERAL.—On receipt of a written request  
12 of the Port of Corpus Christi, the Secretary shall—

13 (1) review the land owned and easements held  
14 by the United States for purposes of navigation in  
15 Nueces County, Texas; and

16 (2) convey to the Port of Corpus Christi or, in  
17 the case of an easement, release to the owner of the  
18 fee title to the land subject to such easement, with-  
19 out consideration, all such land and easements de-  
20 scribed in paragraph (1) that the Secretary deter-  
21 mines are no longer required for project purposes.

22 (b) CONDITIONS.—

23 (1) QUITCLAIM DEED.—Any conveyance of land  
24 under this section shall be by quitclaim deed.

1           (2) TERMS AND CONDITIONS.—The Secretary  
2           may subject any conveyance or release of easement  
3           under this section to such terms and conditions as  
4           the Secretary determines necessary and advisable to  
5           protect the United States.

6           (c) ADMINISTRATIVE COSTS.—In accordance with  
7           section 2695 of title 10, United States Code, the Port of  
8           Corpus Christi shall be responsible for the costs incurred  
9           by the Secretary to convey land or release easements  
10          under this section.

11          (d) WAIVER OF REAL PROPERTY SCREENING RE-  
12          QUIREMENTS.—Section 2696 of title 10, United States  
13          Code, shall not apply to the conveyance of land or release  
14          of easements under this section.

15          **SEC. 330. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.**

16          As part of the authority of the Secretary to carry out  
17          the project for flood damage reduction, bank stabilization,  
18          and sediment and erosion control, Yazoo Basin, Mis-  
19          sissippi Delta Headwaters, Mississippi, authorized by the  
20          matter under the heading “ENHANCEMENT OF WATER RE-  
21          SOURCE BENEFITS AND FOR EMERGENCY DISASTER  
22          WORK” in title I of Public Law 98–8 (97 Stat. 22), the  
23          Secretary may carry out emergency maintenance activi-  
24          ties, as the Secretary determines to be necessary, for fea-

1 tures of the project completed before the date of enact-  
2 ment of this Act.

3 **SEC. 331. ECOSYSTEM RESTORATION, HUDSON-RARITAN**  
4 **ESTUARY, NEW YORK AND NEW JERSEY.**

5 (a) IN GENERAL.—The Secretary may carry out ad-  
6 ditional feasibility studies for ecosystem restoration, Hud-  
7 son–Raritan Estuary, New York and New Jersey, includ-  
8 ing an examination of measures and alternatives at  
9 Baisley Pond Park and the Richmond Terrace Wetlands.

10 (b) TREATMENT.—A feasibility study carried out  
11 under subsection (a) shall be considered a continuation of  
12 the study that formulated the project for ecosystem res-  
13 toration, Hudson–Raritan Estuary, New York and New  
14 Jersey, authorized by section 401(5) of the Water Re-  
15 sources Development Act of 2020 (134 Stat. 2740).

16 **SEC. 332. TIMELY REIMBURSEMENT.**

17 (a) DEFINITION OF COVERED PROJECT.—In this sec-  
18 tion, the term “covered project” means a project for navi-  
19 gation authorized by section 1401(1) of the WIIN Act  
20 (130 Stat. 1708).

21 (b) REIMBURSEMENT REQUIRED.—In the case of a  
22 covered project for which the non-Federal interest has ad-  
23 vanced funds for construction of the project, the Secretary  
24 shall reimburse the non-Federal interest for advanced  
25 funds that exceed the non-Federal share of the cost of con-



1 struction of the project as soon as practicable after the  
2 completion of each individual contract for the project.

3 **SEC. 333. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA**  
4 **AND SOUTH CAROLINA.**

5 Section 1319(e) of the WIIN Act (130 Stat. 1704)  
6 is amended by striking paragraph (2) and inserting the  
7 following:

8 “(2) COST-SHARE.—

9 “(A) IN GENERAL.—The costs of construc-  
10 tion of a Project feature constructed pursuant  
11 to paragraph (1) shall be determined in accord-  
12 ance with section 101(a)(1)(B) of the Water  
13 Resources Development Act of 1986 (33 U.S.C.  
14 2211(a)(1)(B)).

15 “(B) SAVINGS PROVISION.—Any increase  
16 in costs for the Project due to the construction  
17 of a Project feature described in subparagraph  
18 (A) shall not be included in the total project  
19 cost for purposes of section 902 of the Water  
20 Resources Development Act of 1986 (33 U.S.C.  
21 2280).”.

22 **SEC. 334. LAKE TAHOE BASIN RESTORATION, NEVADA AND**  
23 **CALIFORNIA.**

24 (a) DEFINITION.—In this section, the term “Lake  
25 Tahoe Basin” means the entire watershed drainage of

1 Lake Tahoe including that portion of the Truckee River  
2 1,000 feet downstream from the United States Bureau of  
3 Reclamation dam in Tahoe City, California.

4 (b) ESTABLISHMENT OF PROGRAM.—The Secretary  
5 may establish a program for providing environmental as-  
6 sistance to non-Federal interests in Lake Tahoe Basin.

7 (c) FORM OF ASSISTANCE.—Assistance under this  
8 section may be in the form of planning, design, and con-  
9 struction assistance for water-related environmental infra-  
10 structure and resource protection and development  
11 projects in Lake Tahoe Basin—

12 (1) urban stormwater conveyance, treatment  
13 and related facilities;

14 (2) watershed planning, science and research;

15 (3) environmental restoration; and

16 (4) surface water resource protection and devel-  
17 opment.

18 (d) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-  
19 retary may provide assistance for a project under this sec-  
20 tion only if the project is publicly owned.

21 (e) LOCAL COOPERATION AGREEMENT.—

22 (1) IN GENERAL.—Before providing assistance  
23 under this section, the Secretary shall enter into a  
24 local cooperation agreement with a non-Federal in-

1       terest to provide for design and construction of the  
2       project to be carried out with the assistance.

3           (2) REQUIREMENTS.—Each local cooperation  
4       agreement entered into under this subsection shall  
5       provide for the following:

6           (A) PLAN.—Development by the Secretary,  
7       in consultation with appropriate Federal and  
8       State and Regional officials, of appropriate en-  
9       vironmental documentation, engineering plans  
10      and specifications.

11          (B) LEGAL AND INSTITUTIONAL STRUC-  
12      TURES.—Establishment of such legal and insti-  
13      tutional structures as are necessary to ensure  
14      the effective long-term operation of the project  
15      by the non-Federal interest.

16          (3) COST SHARING.—

17           (A) IN GENERAL.—The Federal share of  
18      project costs under each local cooperation  
19      agreement entered into under this subsection  
20      shall be 75 percent. The Federal share may be  
21      in the form of grants or reimbursements of  
22      project costs.

23           (B) CREDIT FOR DESIGN WORK.—The  
24      non-Federal interest shall receive credit for the  
25      reasonable costs of planning and design work

1 completed by the non-Federal interest before  
2 entering into a local cooperation agreement with  
3 the Secretary for a project.

4 (C) LAND, EASEMENTS, RIGHTS-OF-WAY,  
5 AND RELOCATIONS.—The non-Federal interest  
6 shall receive credit for land, easements, rights-  
7 of-way, and relocations provided by the non-  
8 Federal interest toward the non-Federal share  
9 of project costs (including all reasonable costs  
10 associated with obtaining permits necessary for  
11 the construction, operation, and maintenance of  
12 the project on publicly owned or controlled  
13 land), but not to exceed 25 percent of total  
14 project costs.

15 (D) OPERATION AND MAINTENANCE.—The  
16 non-Federal share of operation and mainte-  
17 nance costs for projects constructed with assist-  
18 ance provided under this section shall be 100  
19 percent.

20 (f) APPLICABILITY OF OTHER FEDERAL AND STATE  
21 LAWS.—Nothing in this section waives, limits, or other-  
22 wise affects the applicability of any provision of Federal  
23 or State law that would otherwise apply to a project to  
24 be carried out with assistance provided under this section.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section for  
3 the period beginning with fiscal year 2005, \$50,000,000,  
4 to remain available until expended.

5 (h) REPEAL.—Section 108 of division C of the Con-  
6 solidated Appropriations Act, 2005 (118 Stat. 2942), is  
7 repealed.

8 (i) TREATMENT.—The program authorized by this  
9 section shall be considered a continuation of the program  
10 authorized by section 108 of division C of the Consolidated  
11 Appropriations Act, 2005 (118 Stat. 2942) (as in effect  
12 on the day before the date of enactment of this Act).

13 **SEC. 335. ADDITIONAL ASSISTANCE FOR EASTERN SANTA**  
14 **CLARA BASIN, CALIFORNIA.**

15 Section 111 of title I of division B of the Miscella-  
16 neous Appropriations Act, 2001 (as enacted by section  
17 1(a)(4) of the Consolidated Appropriations Act, 2001 (114  
18 Stat. 2763; 114 Stat. 2763A–224; 121 Stat. 1209)), is  
19 amended—

20 (1) in subsection (a), by inserting “and volatile  
21 organic compounds” after “perchlorates”; and

22 (2) in subsection (b)(3), by inserting “and vola-  
23 tile organic compounds” after “perchlorates”.

1 **SEC. 336. TRIBAL PARTNERSHIP PROGRAM.**

2 Section 203 of the Water Resources Development Act  
3 of 2000 (33 U.S.C. 2269) is amended—

4 (1) in subsection (a), by striking “(25 U.S.C.  
5 450b)” and inserting “(25 U.S.C. 5304)”;

6 (2) in subsection (b)—

7 (A) in paragraph (2)(A)—

8 (i) by inserting “or coastal storm”  
9 after “flood”; and

10 (ii) by inserting “including erosion  
11 control,” after “reduction,”;

12 (B) in paragraph (3), by adding at the end  
13 the following:

14 “(C) FEDERAL INTEREST DETERMINA-  
15 TION.—The first \$100,000 of the costs of a  
16 study under this section shall be at full Federal  
17 expense.”;

18 (C) in paragraph (4)—

19 (i) in subparagraph (A), by striking  
20 “\$18,500,000” and inserting  
21 “\$26,000,000”; and

22 (ii) in subparagraph (B), by striking  
23 “\$18,500,000” and inserting  
24 “\$26,000,000”; and

25 (D) by adding at the end the following:

1           “(5) PROJECT JUSTIFICATION.—Notwith-  
2 standing any other provision of law or requirement  
3 for economic justification established under section  
4 209 of the Flood Control Act of 1970 (42 U.S.C.  
5 1962–2) for a project (other than a project for eco-  
6 system restoration), the Secretary may implement a  
7 project under this section if the Secretary deter-  
8 mines that the project will—

9           “(A) significantly reduce potential flood or  
10 coastal storm damages, which may include or be  
11 limited to damages due to shoreline erosion or  
12 riverbank or streambank failures;

13           “(B) improve the quality of the environ-  
14 ment;

15           “(C) reduce risks to life safety associated  
16 with the damages described in subparagraph  
17 (A); and

18           “(D) improve the long-term viability of the  
19 community.”;

20 (3) in subsection (d)(5)(B)—

21           (A) by striking “non-Federal” and insert-  
22 ing “Federal”; and

23           (B) by striking “50 percent” and inserting  
24 “100 percent”; and

1 (4) in subsection (e), by striking “2024” and  
2 inserting “2033”.

3 **SEC. 337. SURPLUS WATER CONTRACTS AND WATER STOR-**  
4 **AGE AGREEMENTS.**

5 Section 1046(c) of the Water Resources Reform and  
6 Development Act of 2014 (128 Stat. 1254; 132 Stat.  
7 3784; 134 Stat. 2715) is amended—

8 (1) by striking paragraph (3); and

9 (2) by redesignating paragraph (4) as para-  
10 graph (3).

11 **SEC. 338. COPAN LAKE, OKLAHOMA.**

12 (a) IN GENERAL.—The Secretary shall amend Con-  
13 tract DACW56-81-C-0114 between the United States and  
14 the Copan Public Works Authority (referred to in this sec-  
15 tion as the “Authority”), entered into on June 22, 1981,  
16 for the utilization by the Authority of storage space for  
17 water supply in Copan Lake, Oklahoma (referred to in this  
18 section as the “project”)—

19 (1) to release to the United States all rights of  
20 the Authority to utilize 4,750 acre-feet of future use  
21 water storage space; and

22 (2) to relieve the Authority from all financial  
23 obligations, to include the initial project investment  
24 costs and the accumulated interest on unpaid project



1 investment costs, for the volume of water storage  
2 space described in paragraph (1).

3 (b) REQUIREMENT.—During the 2-year period begin-  
4 ning on the effective date of execution of the contract  
5 amendment under subsection (a), the Secretary shall—

6 (1) provide the City of Bartlesville, Oklahoma,  
7 with the right of first refusal to contract for the uti-  
8 lization of storage space for water supply for any  
9 portion of the storage space that was released by the  
10 Authority under subsection (a); and

11 (2) ensure that the City of Bartlesville, Okla-  
12 homa, shall not pay more than 110 percent of the  
13 initial project investment cost per acre-foot of stor-  
14 age for the acre-feet of storage space sought under  
15 an agreement under paragraph (1).

16 **SEC. 339. ENHANCED DEVELOPMENT PROGRAM.**

17 The Secretary shall fully implement opportunities for  
18 enhanced development at Oklahoma Lakes under the au-  
19 thorities provided in section 3134 of the Water Resources  
20 Development Act of 2007 (121 Stat. 1142; 130 Stat.  
21 1671) and section 164 of the Water Resources Develop-  
22 ment Act of 2020 (134 Stat. 2668).

23 **SEC. 340. ECOSYSTEM RESTORATION COORDINATION.**

24 (a) IN GENERAL.—In carrying out the project for  
25 ecosystem restoration, South Fork of the South Branch

1 of the Chicago River, Bubbly Creek, Illinois, authorized  
2 by section 401(5) of the Water Resources Development  
3 Act of 2020 (134 Stat. 2740), the Secretary shall coordi-  
4 nate to the maximum extent practicable with the Adminis-  
5 trator of the Environmental Protection Agency, State en-  
6 vironmental agencies, and regional coordinating bodies re-  
7 sponsible for the remediation of toxics.

8 (b) SAVINGS PROVISION.—Nothing in this section ex-  
9 tends liability to the Secretary for any remediation of  
10 toxics present at the project site referred to in subsection  
11 (a) prior to the date of authorization of that project.

12 **SEC. 341. ACEQUIAS IRRIGATION SYSTEMS.**

13 Section 1113 of the Water Resources Development  
14 Act of 1986 (100 Stat. 4232) is amended—

15 (1) in subsection (b)—

16 (A) by striking “(b) Subject to section  
17 903(a) of this Act, the Secretary is authorized  
18 and directed to undertake” and inserting the  
19 following:

20 “(b) AUTHORIZATION.—Subject to section 903(a),  
21 the Secretary shall carry out”; and

22 (B) by striking “canals” and all that fol-  
23 lows through “25 percent.” and inserting the  
24 following: “channels attendant to the operations

1 of the community ditch and Acequia systems in  
2 New Mexico that—

3 “(1) are declared to be a political subdivision of  
4 the State; or

5 “(2) belong to a federally recognized Indian  
6 Tribe.”;

7 (2) by redesignating subsection (c) as sub-  
8 section (e);

9 (3) by inserting after subsection (b) the fol-  
10 lowing:

11 “(c) INCLUSIONS.—The measures described in sub-  
12 section (b) shall, to the maximum extent practicable—

13 “(1) ensure greater resiliency of diversion struc-  
14 tures, including to flow variations, prolonged  
15 drought conditions, invasive plant species, and  
16 threats from changing hydrological and climatic con-  
17 ditions; or

18 “(2) support research, development, and train-  
19 ing for innovative management solutions, including  
20 those for controlling invasive aquatic plants that af-  
21 fect Acequias.

22 “(d) COSTS.—

23 “(1) TOTAL COST.—The measures described in  
24 subsection (b) shall be carried out at a total cost of  
25 \$80,000,000.

1 “(2) COST SHARING.—

2 “(A) IN GENERAL.—Except as provided in  
3 subparagraph (B), the non-Federal share of the  
4 cost of carrying out the measures described in  
5 subsection (b) shall be 25 percent.

6 “(B) SPECIAL RULE.—In the case of a  
7 project benefitting an economically disadvan-  
8 taged community (as defined pursuant to sec-  
9 tion 160 of the Water Resources Development  
10 Act of 2020 (33 U.S.C. 2201 note; Public Law  
11 116–260)), the Federal share of the cost of car-  
12 rying out the measures described in subsection  
13 (b) shall be 90 percent.”; and

14 (4) in subsection (e) (as so redesignated)—

15 (A) in the first sentence—

16 (i) by striking “(e) The Secretary is  
17 further authorized and directed to” and in-  
18 serting the following:

19 “(e) PUBLIC ENTITY STATUS.—

20 “(1) IN GENERAL.—The Secretary shall”; and

21 (ii) by inserting “or belong to a feder-  
22 ally recognized Indian Tribe within the  
23 State of New Mexico” after “that State”;  
24 and

1 (B) in the second sentence, by striking  
2 “This public entity status will allow the officials  
3 of these Acequia systems” and inserting the fol-  
4 lowing:

5 “(2) EFFECT.—The public entity status pro-  
6 vided pursuant to paragraph (1) shall allow the offi-  
7 cials of the Acequia systems described in that para-  
8 graph”.

9 **SEC. 342. ROGERS COUNTY, OKLAHOMA.**

10 (a) CONVEYANCE.—The Secretary is authorized to  
11 convey to the City of Tulsa–Rogers County Port Authority  
12 (referred to in this section as the “Port Authority”), for  
13 fair market value, all right, title, and interest of the  
14 United States in and to the Federal land described in sub-  
15 section (b).

16 (b) FEDERAL LAND DESCRIBED.—

17 (1) IN GENERAL.—The Federal land to be con-  
18 veyed under this section is the approximately 176  
19 acres of Federal land located on the following 3 par-  
20 cels in Rogers County, Oklahoma:

21 (A) Parcel 1 includes U.S. tract 119 (par-  
22 tial), U.S. tract 123, U.S. tract 120, U.S. tract  
23 125, and U.S. tract 118 (partial).

24 (B) Parcel 2 includes U.S. tract 124 (par-  
25 tial) and U.S. tract 128 (partial).

1 (C) Parcel 3 includes U.S. tract 128 (par-  
2 tial).

3 (2) DETERMINATION REQUIRED.—

4 (A) IN GENERAL.—Subject to paragraph  
5 (1) and subparagraphs (B), (C), and (D), the  
6 Secretary shall determine the exact property de-  
7 scription and acreage of the Federal land to be  
8 conveyed under this section.

9 (B) REQUIREMENT.—In making the deter-  
10 mination under subparagraph (A), the Sec-  
11 retary shall reserve from conveyance such ease-  
12 ments, rights-of-way, and other interests as the  
13 Secretary determines to be necessary and ap-  
14 propriate to ensure the continued operation of  
15 the McClellan-Kerr Arkansas River navigation  
16 project, including New Graham Lock and Dam  
17 18 as a part of that project, as authorized  
18 under the comprehensive plan for the Arkansas  
19 River Basin by section 3 of the Act of June 28,  
20 1938 (52 Stat. 1218, chapter 795), and section  
21 10 of the Flood Control Act of 1946 (60 Stat.  
22 647, chapter 596) and where applicable the  
23 provisions of the River and Harbor Act of 1946  
24 (60 Stat. 634, chapter 595) and modified by  
25 section 108 of the Energy and Water Develop-

1           ment Appropriation Act, 1988 (Public Law  
2           100–202; 101 Stat. 1329–112), and section  
3           136 of the Energy and Water Development Ap-  
4           propriations Act, 2004 (Public Law 108–137;  
5           117 Stat. 1842).

6           (C) OBSTRUCTIONS TO NAVIGABLE CAPAC-  
7           ITY.—A conveyance under this section shall not  
8           affect the jurisdiction of the Secretary under  
9           section 10 of the Act of March 3, 1899 (com-  
10          monly known as the “Rivers and Harbors Act  
11          of 1899”) (30 Stat. 1151, chapter 425; 33  
12          U.S.C. 403) with respect to the Federal land  
13          conveyed.

14          (D) SURVEY REQUIRED.—The exact acre-  
15          age and the legal description of any Federal  
16          land conveyed under this section shall be deter-  
17          mined by a survey that is satisfactory to the  
18          Secretary.

19          (c) APPLICABILITY.—Section 2696 of title 10, United  
20          States Code, shall not apply to the conveyance under this  
21          section.

22          (d) COSTS.—The Port Authority shall be responsible  
23          for all reasonable and necessary costs, including real es-  
24          tate transaction and environmental documentation costs,  
25          associated with the conveyance.

1 (e) HOLD HARMLESS.—

2 (1) IN GENERAL.—The Port Authority shall  
3 hold the United States harmless from any liability  
4 with respect to activities carried out on or after the  
5 date of the conveyance under this section on the  
6 Federal land conveyed.

7 (2) LIMITATION.—The United States shall re-  
8 main responsible for any liability incurred with re-  
9 spect to activities carried out before the date of the  
10 conveyance under this section on the Federal land  
11 conveyed.

12 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
13 retary may require that the conveyance under this section  
14 be subject to such additional terms and conditions as the  
15 Secretary considers necessary and appropriate to protect  
16 the interests of the United States.

17 **SEC. 343. WATER SUPPLY STORAGE REPAIR, REHABILITA-**  
18 **TION, AND REPLACEMENT COSTS.**

19 Section 301(b) of the Water Supply Act of 1958 (43  
20 U.S.C. 390b(b)) is amended, in the fourth proviso, by  
21 striking the second sentence and inserting the following:  
22 “For Corps of Engineers projects, all annual operation  
23 and maintenance costs for municipal and industrial water  
24 supply storage under this section shall be reimbursed from  
25 State or local interests on an annual basis, and all repair,



1 rehabilitation, and replacement costs shall be reimbursed  
2 from State or local interests (1) without interest, during  
3 construction of the repair, rehabilitation, or replacement,  
4 (2) with interest, in lump sum on the completion of the  
5 repair, rehabilitation, or replacement, or (3) at the request  
6 of the State or local interest, with interest, over a period  
7 of not more than 25 years beginning on the date of com-  
8 pletion of the repair, rehabilitation, or replacement, with  
9 repayment contracts providing for recalculation of the in-  
10 terest rate at 5-year intervals. At the request of the State  
11 or local interest, the Secretary of the Army shall amend  
12 a repayment contract entered into under this section on  
13 or before the date of enactment of this sentence for the  
14 purpose of incorporating the terms and conditions de-  
15 scribed in paragraph (3) of the preceding sentence.”.

16 **SEC. 344. NON-FEDERAL PAYMENT FLEXIBILITY.**

17 Section 103(l) of the Water Resources Development  
18 Act of 1986 (33 U.S.C. 2213(l)) is amended—

19 (1) by striking the subsection designation and  
20 heading and all that follows through “At the request  
21 of” in the first sentence and inserting the following:

22 “(l) DELAY OF PAYMENT.—

23 “(1) INITIAL PAYMENT.—At the request of”;

24 and

25 (2) by adding at the end the following:

1 “(2) INTEREST.—

2 “(A) IN GENERAL.—At the request of any  
3 non-Federal interest, the Secretary may waive  
4 the accrual of interest on any non-Federal cash  
5 contribution under this section or section 101  
6 for a project for a period of not more than 1  
7 year if the Secretary determines that—

8 “(i) the waiver will contribute to the  
9 ability of the non-Federal interest to make  
10 future contributions; and

11 “(ii) the non-Federal interest is in  
12 good standing under terms agreed to under  
13 subsection (k)(1).

14 “(B) LIMITATIONS.—The Secretary may  
15 grant not more than 1 waiver under subpara-  
16 graph (A) for the same project.”.

17 **SEC. 345. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**  
18 **TEXAS.**

19 The project for ecosystem restoration, North Padre  
20 Island, Corpus Christi Bay, Texas, constructed by the Sec-  
21 retary prior to the date of enactment of this Act under  
22 section 556 of the Water Resources Development Act of  
23 1999 (113 Stat. 353), shall not be eligible for repair and  
24 restoration assistance under section 5(a) of the Act of Au-  
25 gust 18, 1941 (commonly known as the “Flood Control

1 Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C.  
2 701n(a)).

3 **SEC. 346. WAIVER OF NON-FEDERAL SHARE OF DAMAGES**  
4 **RELATED TO CERTAIN CONTRACT CLAIMS.**

5 In a case in which the Armed Services Board of Con-  
6 tract Appeals or a court of competent jurisdiction ren-  
7 dered a decision on a date that was at least 20 years be-  
8 fore the date of enactment of this Act awarding damages  
9 to a contractor relating to the adjudication of claims aris-  
10 ing from the construction of general navigation features  
11 of a project carried out under section 107 of the River  
12 and Harbor Act of 1960 (33 U.S.C. 577), notwithstanding  
13 the terms of the Project Partnership Agreement, the Sec-  
14 retary shall waive payment of the share of the non-Federal  
15 interest of such damages, including attorney’s fees, if the  
16 Secretary—

17 (1) terminated construction of the project prior  
18 to completion of all features; and

19 (2) has not collected payment from the non-  
20 Federal interest before the date of enactment of this  
21 Act.

22 **SEC. 347. ALGIERS CANAL LEVEES, LOUISIANA.**

23 In accordance with section 328 of the Water Re-  
24 sources Development Act of 1999 (113 Stat. 304; 121  
25 Stat. 1129), the Secretary shall resume operation, mainte-

1 nance, repair, rehabilitation, and replacement of the Al-  
2 giers Canal Levees, Louisiana, at full Federal expense.

3 **SEC. 348. ISRAEL RIVER ICE CONTROL PROJECT, LAN-**  
4 **CASTER, NEW HAMPSHIRE.**

5 Beginning on the date of enactment of this Act, the  
6 project for flood control, Israel River, Lancaster, New  
7 Hampshire, authorized by section 205 of the Flood Con-  
8 trol Act of 1948 (33 U.S.C. 701s) is no longer authorized.

9 **SEC. 349. CITY OF EL DORADO, KANSAS.**

10 The Secretary shall amend Contract DACW56-72-  
11 C-0220, between the United States and the City of El  
12 Dorado, Kansas, entered into on June 30, 1972, for the  
13 utilization by the City of storage space for water supply  
14 in El Dorado Lake, Kansas, to change the method of cal-  
15 culation of the interest charges that began accruing on  
16 June 30, 1991, on the investment costs for the 72,087  
17 acre-feet of future use storage space, from compounding  
18 interest annually to charging simple interest annually on  
19 the principal amount, until—

20 (1) the City desires to convert the future use  
21 storage space to present use; and

22 (2) the principal amount plus the accumulated  
23 interest becomes payable pursuant to the terms of  
24 the Contract.

1 **SEC. 350. UPPER MISSISSIPPI RIVER PROTECTION.**

2 Section 2010 of the Water Resources Reform and De-  
3 velopment Act of 2014 (128 Stat. 1270; 132 Stat. 3812)  
4 is amended by adding at the end the following:

5 “(f) **LIMITATION.**—The Secretary shall not rec-  
6 ommend deauthorization of the Upper St. Anthony Falls  
7 Lock and Dam unless the Secretary identifies a willing  
8 and capable non-Federal public entity to assume owner-  
9 ship of the lock and dam.

10 “(g) **MODIFICATION.**—The Secretary is authorized to  
11 investigate the feasibility of modifying the Upper St. An-  
12 thony Falls Lock and Dam to add ecosystem restoration,  
13 including the prevention and control of invasive species,  
14 as an authorized purpose.”

15 **SEC. 351. REGIONAL CORPS OF ENGINEERS OFFICE, COR-**  
16 **PUS CHRISTI, TEXAS.**

17 (a) **IN GENERAL.**—At such time as new facilities are  
18 available to the Corps of Engineers, and subject to this  
19 section, the Secretary shall convey to the Port of Corpus  
20 Christi Authority, by deed and without warranty, all right,  
21 title, and interest of the United States in and to the prop-  
22 erty described in subsection (c).

23 (b) **CONSIDERATION.**—Consideration for the convey-  
24 ance under subsection (a) shall be determined by an ap-  
25 praisal, satisfactory to the Secretary, of the market value  
26 of the property conveyed.

1 (c) DESCRIPTION OF PROPERTY.—The property re-  
2 ferred to in subsection (a) is the land known as “Tract  
3 100” and “Tract 101”, including improvements on that  
4 land, in Corpus Christi, Texas, and described as follows:

5 (1) TRACT 100.— The 1.89 acres, more or less,  
6 as conveyed by the Nueces County Navigation Dis-  
7 trict No. 1 of Nueces County, Texas, to the United  
8 States by instrument dated October 16, 1928, and  
9 recorded at Volume 193, pages 1 and 2, in the Deed  
10 Records of Nueces County, Texas.

11 (2) TRACT 101.—The 0.53 acres as conveyed by  
12 the City of Corpus Christi, Nueces County, Texas,  
13 to the United States by instrument dated September  
14 24, 1971, and recorded at Volume 318, pages 523  
15 and 524, in the Deed Records of Nueces County,  
16 Texas.

17 (3) IMPROVEMENTS.—

18 (A) Main Building (RPUID AO-C-3516),  
19 constructed January 9, 1974.

20 (B) Garage, vehicle with 5 bays (RPUID  
21 AO-C-3517), constructed January 9, 1985.

22 (C) Bulkhead, Upper (RPUID AO-C-  
23 2658), constructed January 1, 1941.

24 (D) Bulkhead, Lower (RPUID AO-C-  
25 3520), constructed January 1, 1933.

1 (E) Bulkhead Fence (RPUID AO-C-  
2 3521), constructed January 9, 1985.

3 (F) Bulkhead Fence (RPUID AO-C-  
4 3522), constructed January 9, 1985.

5 (d) TERMS AND CONDITIONS.—

6 (1) IN GENERAL.—Before conveying the land  
7 described in subsection (c) to the Port of Corpus  
8 Christi Authority, the Secretary shall ensure that  
9 the conditions of buildings and facilities meet appli-  
10 cable requirements under Federal law, as determined  
11 by the Secretary.

12 (2) IMPROVEMENTS.—Improvements to condi-  
13 tions of buildings and facilities on the land described  
14 in subsection (c), if any, shall be incorporated into  
15 the consideration required under subsection (b).

16 (3) COSTS OF CONVEYANCE.—In addition to  
17 the fair market value for property rights conveyed,  
18 the Port of Corpus Christi Authority shall be re-  
19 sponsible for all reasonable and necessary costs, in-  
20 cluding real estate transaction and environmental  
21 documentation costs, associated with the conveyance  
22 under subsection (a).

23 **SEC. 352. PILOT PROGRAM FOR GOOD NEIGHBOR AUTHOR-**  
24 **ITY ON CORPS OF ENGINEERS LAND.**

25 (a) DEFINITIONS.—In this section:

1 (1) AUTHORIZED RESTORATION SERVICES.—

2 The term “authorized restoration services” means  
3 similar and complementary forest, rangeland, and  
4 watershed restoration services carried out—

5 (A) on Federal land; and

6 (B) by the Secretary or Governor pursuant  
7 to a good neighbor agreement.

8 (2) FEDERAL LAND.—

9 (A) IN GENERAL.—The term “Federal  
10 land” means land within the State that is ad-  
11 ministered by the Corps of Engineers.

12 (B) EXCLUSIONS.—The term “Federal  
13 land” does not include—

14 (i) a component of the National Wil-  
15 derness Preservation System;

16 (ii) Federal land on which the removal  
17 of vegetation is prohibited or restricted by  
18 an Act of Congress or a Presidential pro-  
19 clamation (including the applicable imple-  
20 mentation plan); or

21 (iii) a wilderness study area.

22 (3) FOREST, RANGELAND, AND WATERSHED  
23 SERVICES.—



1 (A) IN GENERAL.—The term “forest,  
2 rangeland, and watershed restoration services”  
3 means—

4 (i) activities to treat insect-infected  
5 and disease-infected trees;

6 (ii) activities to reduce hazardous  
7 fuels; and

8 (iii) any other activities to restore or  
9 improve forest, rangeland, and watershed  
10 health, including fish and wildlife habitat.

11 (B) EXCLUSIONS.—The term “forest,  
12 rangeland, and watershed restoration services”  
13 does not include—

14 (i) construction, reconstruction, re-  
15 pair, or restoration of paved or permanent  
16 roads or parking areas, other than the re-  
17 construction, repair, or restoration of a  
18 road that is necessary to carry out author-  
19 ized restoration services pursuant to a  
20 good neighbor agreement; and

21 (ii) construction, alteration, repair or  
22 replacement of public buildings or public  
23 works.

24 (4) GOOD NEIGHBOR AGREEMENT.—The term  
25 “good neighbor agreement” means a cooperative

1 agreement or contract (including a sole source con-  
2 tract) entered into between the Secretary and Gov-  
3 ernor under subsection (b)(1)(A) to carry out au-  
4 thorized restoration services under this section.

5 (5) GOVERNOR.—The term “Governor” means  
6 the Governor or any other appropriate executive offi-  
7 cial of the State.

8 (6) ROAD.—The term “road” has the meaning  
9 given the term in section 212.1 of title 36, Code of  
10 Federal Regulations (as in effect on February 7,  
11 2014).

12 (7) STATE.—The term “State” means the State  
13 of Idaho.

14 (b) GOOD NEIGHBOR AGREEMENTS.—

15 (1) GOOD NEIGHBOR AGREEMENTS.—

16 (A) IN GENERAL.—The Secretary may  
17 carry out a pilot program to enter into good  
18 neighbor agreements with the Governor to carry  
19 out authorized restoration services in the State  
20 in accordance with this section.

21 (B) PUBLIC AVAILABILITY.—The Secretary  
22 shall make each good neighbor agreement avail-  
23 able to the public.

24 (C) ADMINISTRATIVE COSTS.—The Gov-  
25 ernor shall provide, and the Secretary may ac-

1           cept and expend, funds to cover the costs of the  
2           Secretary to enter into and administer a good  
3           neighbor agreement.

4           (D) TERMINATION.—The pilot program  
5           under subparagraph (A) shall terminate on Oc-  
6           tober 1, 2028.

7           (2) TIMBER SALES.—

8           (A) APPROVAL OF SILVICULTURE PRE-  
9           SCRIPTIONS AND MARKING GUIDES.—The Sec-  
10          retary shall provide or approve all silviculture  
11          prescriptions and marking guides to be applied  
12          on Federal land in all timber sale projects con-  
13          ducted under this section.

14          (B) TREATMENT OF REVENUE.—Except as  
15          provided in subparagraph (C), funds received  
16          from the sale of timber by the Governor under  
17          a good neighbor agreement shall be retained  
18          and used by the Governor to carry out author-  
19          ized restoration services under the good neigh-  
20          bor agreement.

21          (C) EXCESS REVENUE.—

22               (i) IN GENERAL.—Any funds remain-  
23               ing after carrying out subparagraph (B)  
24               that are in excess of the amount provided  
25               by the Governor to the Secretary under

1 paragraph (1)(C) shall be returned to the  
2 Secretary.

3 (ii) APPLICABILITY OF CERTAIN PRO-  
4 VISIONS.—Funds returned to the Secretary  
5 under clause (i) shall be subject to the first  
6 part of section 5 of the Act of June 13,  
7 1902 (commonly known as the “Rivers and  
8 Harbors Appropriations Act of 1902”) (32  
9 Stat. 373, chapter 1079; 33 U.S.C. 558).

10 (3) RETENTION OF NEPA RESPONSIBILITIES.—  
11 Any decision required to be made under the Na-  
12 tional Environmental Policy Act of 1969 (42 U.S.C.  
13 4321 et seq.) with respect to any authorized restora-  
14 tion services to be provided under this section on  
15 Federal land shall not be delegated to the Governor.

16 **SEC. 353. SOUTHEAST DES MOINES, SOUTHWEST PLEASANT**  
17 **HILL, IOWA.**

18 (a) PROJECT MODIFICATIONS.—The project for flood  
19 risk management and other purposes, Red Rock Dam and  
20 Lake, Des Moines River, Iowa (referred to in this section  
21 as the “Red Rock Dam Project”), authorized by section  
22 10 of the Act of December 22, 1944 (commonly known  
23 as the “Flood Control Act of 1944”) (58 Stat. 896, chap-  
24 ter 665), and the project for flood risk management, Des  
25 Moines Local Flood Protection, Des Moines River, Iowa

1 (referred to in this section as “Flood Protection Project”),  
2 authorized by section 10 of that Act (58 Stat. 896, chap-  
3 ter 665), shall be modified as follows, subject to a new  
4 or amended agreement between the Secretary and the non-  
5 Federal interest for the Flood Protection Project, the City  
6 of Des Moines, Iowa (referred to in this section as the  
7 “City”), in accordance with section 221 of the Flood Con-  
8 trol Act of 1970 (42 U.S.C. 1962d–5b):

9 (1) That portion of the Red Rock Dam Project  
10 consisting of the segment of levee from Station  
11 15+88.8W to Station 77+43.7W shall be trans-  
12 ferred to the Flood Protection Project.

13 (2) The relocated levee improvement con-  
14 structed by the City, from Station 77+43.7W to ap-  
15 proximately Station 20+00, shall be included in the  
16 Flood Protection Project.

17 (b) FEDERAL EASEMENT CONVEYANCES.—

18 (1) The Secretary is authorized to convey the  
19 following easements, acquired by the Federal Gov-  
20 ernment for the Red Rock Dam Project, to the City  
21 to become part of the Flood Protection Project in  
22 accordance with subsection (a):

23 (A) Easements identified as Tracts 3215E-  
24 1, 3235E, and 3227E.

1 (B) Easements identified as Partial Tracts  
2 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

3 (2) On counter-execution of the new or amend-  
4 ed agreement pursuant to the Federal easement con-  
5 veyances under paragraph (1), the Secretary is au-  
6 thorized to convey the following easements, by quit-  
7 claim deed, without consideration, acquired by the  
8 Federal Government for the Red Rock Dam project,  
9 to the City or to the Des Moines Metropolitan  
10 Wastewater Reclamation Authority and no longer re-  
11 quired for the Red Rock Dam Project or for the Des  
12 Moines Local Flood Protection Project:

13 (A) Easements identified as Tracts 3200E,  
14 3202E-1, 3202E-2, 3202E-4, 3203E-2, 3215E-  
15 3, 3216E-1, and 3216E-5.

16 (B) Easements identified as Partial Tracts  
17 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

18 (3) All real property interests conveyed under  
19 this subsection shall be subject to the standard re-  
20 lease of easement disposal process. All administra-  
21 tive fees associated with the transfer of the subject  
22 easements to the City or to the Des Moines Metro-  
23 politan Wastewater Reclamation Authority will be  
24 borne by the transferee.

1 **SEC. 354. MIDDLE RIO GRANDE FLOOD PROTECTION,**  
2 **BERNALILLO TO BELEN, NEW MEXICO.**

3 In the case of the project for flood risk management,  
4 Middle Rio Grande, Bernalillo to Belen, New Mexico, au-  
5 thorized by section 401(2) of the Water Resources Devel-  
6 opment Act of 2020 (134 Stat. 2735), the non-Federal  
7 share of the cost of the project shall be the percentage  
8 described in section 103(a)(2) of the Water Resources De-  
9 velopment Act of 1986 (33 U.S.C. 2213(a)(2)) (as in ef-  
10 fect on the day before the date of enactment of the Water  
11 Resources Development Act of 1996 (110 Stat. 3658)).

12 **SEC. 355. COMPREHENSIVE EVERGLADES RESTORATION**  
13 **PLAN, FLORIDA.**

14 (a) IN GENERAL.—Section 601(e)(5) of the Water  
15 Resources Development Act of 2000 (114 Stat. 2685; 132  
16 Stat. 3786) is amended by striking subparagraph (E) and  
17 inserting the following:

18 “(E) PERIODIC MONITORING.—

19 “(i) IN GENERAL.—To ensure that  
20 the contributions of the non-Federal spon-  
21 sor equal 50 percent proportionate share  
22 for projects in the Plan, during each period  
23 of 5 fiscal years, beginning on October 1,  
24 2022, the Secretary shall, for each  
25 project—

1                   “(I) monitor the non-Federal  
2                   provision of cash, in-kind services, and  
3                   land; and

4                   “(II) manage, to the maximum  
5                   extent practicable, the requirement of  
6                   the non-Federal sponsor to provide  
7                   cash, in-kind services, and land.

8                   “(ii) OTHER MONITORING.—The Sec-  
9                   retary shall conduct monitoring under  
10                  clause (i) separately for the  
11                  preconstruction engineering and design  
12                  phase and the construction phase for each  
13                  project in the Plan.

14                  “(iii) CLARIFICATION.—Not later than  
15                  90 days after the end of each fiscal year,  
16                  the Secretary shall provide to the non-Fed-  
17                  eral sponsor a financial accounting of non-  
18                  Federal contributions under clause (i)(I)  
19                  for such fiscal year.

20                  “(iv) LIMITATION.—As applicable,  
21                  and after including consideration of all ex-  
22                  penditures and obligations incurred by the  
23                  non-Federal sponsor for land and in-kind  
24                  services for an authorized project for which  
25                  a project partnership agreement has not



1           been executed, the Secretary shall only re-  
2           quire a cash contribution from the non-  
3           Federal sponsor to satisfy the cost share  
4           requirements of this subsection on the last  
5           day of each period of 5 fiscal years under  
6           clause (i).”.

7           (b) UPDATE.—The Secretary and the South Florida  
8           Water Management District shall revise the Master Agree-  
9           ment for the Comprehensive Everglades Restoration Plan,  
10          executed in 2009 pursuant to section 601 of the Water  
11          Resources Development Act of 2000 (114 Stat. 2680), to  
12          reflect the amendment made by subsection (a).

13       **SEC. 356. MAINTENANCE DREDGING PERMITS.**

14          (a) IN GENERAL.—The Secretary shall, to the max-  
15          imum extent practicable and appropriate, prioritize the  
16          reissuance of any regional general permit for maintenance  
17          dredging that expired prior to May 1, 2021.

18          (b) SAVINGS PROVISION.—Nothing in this section af-  
19          fects, preempts, or interferes with any obligation to com-  
20          ply with the provisions of any Federal or State environ-  
21          mental law, including—

22                (1) the National Environmental Policy Act of  
23                1969 (42 U.S.C. 4321 et seq.);

24                (2) the Federal Water Pollution Control Act

25                (33 U.S.C. 1251 et seq.); and

1           (3) the Endangered Species Act of 1973 (16  
2           U.S.C. 1531 et seq.).

3 **SEC. 357. PUGET SOUND NEARSHORE ECOSYSTEM RES-**  
4 **TORATION, WASHINGTON.**

5           In carrying out the project for ecosystem restoration,  
6 Puget Sound, Washington, authorized by section 1401(4)  
7 of the Water Resources Development Act of 2016 (130  
8 Stat. 1713), the Secretary shall consider the removal and  
9 replacement of the Highway 101 causeway and bridges at  
10 the Duckabush River Estuary site to be a project feature  
11 the costs of which are shared as construction.

12 **SEC. 358. TRIBAL ASSISTANCE.**

13           (a) CLARIFICATION OF EXISTING AUTHORITY.—

14           (1) IN GENERAL.—Subject to paragraph (2),  
15 the Secretary, in consultation with the heads of rel-  
16 evant Federal agencies, the Confederated Tribes of  
17 the Warm Springs Indian Reservation of Oregon,  
18 the Confederated Tribes and Bands of the Yakama  
19 Nation, Nez Perce Tribe, and the Confederated  
20 Tribes of the Umatilla Indian Reservation, shall re-  
21 vise and carry out the village development plan for  
22 Dalles Dam, Columbia River, Washington and Or-  
23 egon, as authorized by section 204 of the Flood Con-  
24 trol Act of 1950 (64 Stat. 179, chapter 188) to ad-  
25 dress adverse impacts to Indian villages, housing

1 sites, and related structures as a result of the con-  
2 struction of Bonneville Dam, McNary Dam, and  
3 John Day Dam, Washington and Oregon.

4 (2) EXAMINATION.—Before carrying out the re-  
5 quirements of paragraph (1), the Secretary shall  
6 conduct an examination and assessment of the ex-  
7 tent to which Indian villages, housing sites, and re-  
8 lated structures were displaced or destroyed by the  
9 construction of the following projects:

10 (A) Bonneville Dam, Oregon, as authorized  
11 by the first section of the Act of August 30,  
12 1935 (49 Stat. 1038, chapter 831) and the first  
13 section and section 2(a) of the Act of August  
14 20, 1937 (50 Stat. 731, chapter 720; 16 U.S.C.  
15 832, 832a(a)).

16 (B) McNary Dam, Washington and Or-  
17 egon, as authorized by section 2 of the Act of  
18 March 2, 1945 (commonly known as the “River  
19 and Harbor Act of 1945”) (59 Stat. 22, chap-  
20 ter 19).

21 (C) John Day Dam, Washington and Or-  
22 egon, as authorized by section 204 of the Flood  
23 Control Act of 1950 (64 Stat. 179, chapter  
24 188).

1           (3) REQUIREMENTS.—The village development  
2           plan under paragraph (1) shall include, at a min-  
3           imum—

4                   (A) an evaluation of sites on both sides of  
5           the Columbia River;

6                   (B) an assessment of suitable Federal land  
7           and land owned by the States of Washington  
8           and Oregon; and

9                   (C) an estimated cost and tentative sched-  
10          ule for the construction of each housing devel-  
11          opment.

12          (4) LOCATION OF ASSISTANCE.—The Secretary  
13          may provide housing and related assistance under  
14          this subsection at 1 or more sites in the States of  
15          Washington and Oregon.

16          (b) PROVISION OF ASSISTANCE ON FEDERAL  
17          LAND.—The Secretary may construct housing or provide  
18          related assistance on land owned by the United States  
19          under the village development plan under subsection  
20          (a)(1).

21          (c) ACQUISITION AND DISPOSAL OF LAND.—

22                   (1) IN GENERAL.—Subject to subsection (d),  
23          the Secretary may acquire land or interests in land  
24          for the purpose of providing housing and related as-

1       sistance under the village development plan under  
2       subsection (a)(1).

3           (2) ADVANCE ACQUISITION.—Acquisition of  
4       land or interests in land under paragraph (1) may  
5       be carried out in advance of completion of all re-  
6       quired documentation and clearances for the con-  
7       struction of housing or related improvements on the  
8       land or on the interests in land.

9           (3) DISPOSAL OF UNSUITABLE LAND.—If the  
10       Secretary determines that any land or interest in  
11       land acquired by the Secretary under this section in  
12       advance of completion of all required documentation  
13       for the construction of housing or related improve-  
14       ments is unsuitable for that housing or for those re-  
15       lated improvements, the Secretary may—

16           (A) dispose of the land or interest in land  
17           by sale; and

18           (B) credit the proceeds to the appropria-  
19           tion, fund, or account used to purchase the land  
20           or interest in land.

21       (d) LIMITATION.—The Secretary shall only acquire  
22       land from willing landowners in carrying out this section.

23       (e) CONFORMING AMENDMENT.—Section 1178(c) of  
24       the Water Resources Development Act of 2016 (130 Stat.  
25       1675; 132 Stat. 3781) is repealed.

1 **SEC. 359. RECREATIONAL OPPORTUNITIES AT CERTAIN**  
2 **PROJECTS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED PROJECT.—The term “covered  
5 project” means any of the following projects of the  
6 Corps of Engineers:

7 (A) Ball Mountain Lake, Vermont.

8 (B) Townshend Lake, Vermont.

9 (2) RECREATION.—The term “recreation” in-  
10 cludes downstream whitewater recreation that is de-  
11 pendent on operations, recreational fishing, and  
12 boating at a covered project.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that the Secretary should—

15 (1) ensure that, to the extent compatible with  
16 other project purposes, each covered project is oper-  
17 ated in such a manner as to protect and enhance  
18 recreation associated with the covered project; and

19 (2) manage land at each covered project to im-  
20 prove opportunities for recreation at the covered  
21 project.

22 (c) MODIFICATION OF WATER CONTROL PLANS.—  
23 The Secretary may modify, or undertake temporary devi-  
24 ations from, the water control plan for a covered project  
25 in order to enhance recreation, if the Secretary determines  
26 the modifications or deviations—

1           (1) will not adversely affect other authorized  
2 purposes of the covered project; and

3           (2) will not result in significant adverse impacts  
4 to the environment.

5 **SEC. 360. REHABILITATION OF CORPS OF ENGINEERS CON-**  
6 **STRUCTED DAMS.**

7           Section 1177 of the Water Resources Development  
8 Act of 2016 (33 U.S.C. 467f-2 note; Public Law 114-  
9 322) is amended by adding at the end the following:

10          “(g) SPECIAL RULE.—Notwithstanding subsection  
11 (c), the non-Federal share of the cost to rehabilitate Wa-  
12 terbury Dam, Washington County, Vermont, under this  
13 section, including the cost of any required study, shall be  
14 the same share assigned to the non-Federal interest for  
15 the cost of initial construction of Waterbury Dam.”.

16 **SEC. 361. SOUTH FLORIDA ECOSYSTEM RESTORATION TASK**  
17 **FORCE.**

18           Section 528(f)(1)(J) of the Water Resources Develop-  
19 ment Act of 1996 (110 Stat. 3771) is amended—

20           (1) by striking “2 representatives” and insert-  
21 ing “3 representatives”; and

22           (2) by inserting “at least 1 of which shall be a  
23 representative of the Florida Department of Envi-  
24 ronmental Protection and at least 1 of which shall

1 be a representative of the Florida Fish and Wildlife  
2 Conservation Commission,” after “Florida,”.

3 **SEC. 362. NEW MADRID COUNTY HARBOR, MISSOURI.**

4 Section 509(a) of the Water Resources Development  
5 Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat.  
6 2679) is amended by adding at the end the following:

7 “(18) Second harbor at New Madrid County  
8 Harbor, Missouri.”.

9 **SEC. 363. TRINITY RIVER AND TRIBUTARIES, TEXAS.**

10 Section 1201(7) of the Water Resources Development  
11 Act of 2018 (132 Stat. 3802) is amended by inserting  
12 “flood risk management, and ecosystem restoration,” after  
13 “navigation,”.

14 **SEC. 364. REND LAKE, CARLYLE LAKE, AND LAKE SHELBY-**  
15 **VILLE, ILLINOIS.**

16 (a) IN GENERAL.—Not later than 90 days after the  
17 date on which the Secretary receives a request from the  
18 Governor of Illinois to terminate a contract described in  
19 subsection (c), the Secretary shall amend the contract to  
20 release to the United States all rights of the State of Illi-  
21 nois to utilize water storage space in the reservoir project  
22 to which the contract applies.

23 (b) RELIEF OF CERTAIN OBLIGATIONS.—On execu-  
24 tion of an amendment described in subsection (a), the  
25 State of Illinois shall be relieved of the obligation to pay



1 the percentage of the annual operation and maintenance  
2 expense, the percentage of major replacement cost, and  
3 the percentage of major rehabilitation cost allocated to the  
4 water supply storage specified in the contract for the res-  
5 ervoir project to which the contract applies.

6 (c) CONTRACTS.—Subsection (a) applies to the fol-  
7 lowing contracts between the United States and the State  
8 of Illinois:

9 (1) Contract DACW43–88–C–0088, entered  
10 into on September 23, 1988, for utilization of stor-  
11 age space for water supply in Rend Lake, Illinois.

12 (2) Contract DA–23–065–CIVENG–65–493,  
13 entered into on April 28, 1965, for utilization of  
14 storage space for water supply in Rend Lake, Illi-  
15 nois.

16 (3) Contract DACW43–83–C–0008, entered  
17 into on July 6, 1983, for utilization of storage space  
18 in Carlyle Lake, Illinois.

19 (4) Contract DACW43–83–C–0009, entered  
20 into on July 6, 1983, for utilization of storage space  
21 in Lake Shelbyville, Illinois.

22 **SEC. 365. FEDERAL ASSISTANCE.**

23 Section 1328(e) of the America’s Water Infrastruc-  
24 ture Act of 2018 (132 Stat. 3826) is amended by striking  
25 “4 years” and inserting “8 years”.

1 **SEC. 366. LAND TRANSFER AND TRUST LAND FOR CHOCTAW**  
2 **NATION OF OKLAHOMA.**

3 (a) TRANSFER.—

4 (1) IN GENERAL.—Subject to paragraph (2)  
5 and for the consideration described in subsection (c),  
6 the Secretary shall transfer to the Secretary of the  
7 Interior the land described in subsection (b) to be  
8 held in trust for the benefit of the Choctaw Nation.

9 (2) CONDITIONS.—The land transfer under this  
10 subsection shall be subject to the following condi-  
11 tions:

12 (A) The transfer—

13 (i) shall not interfere with the oper-  
14 ation by the Corps of Engineers of the  
15 Sardis Lake Project or any other author-  
16 ized civil works project; and

17 (ii) shall be subject to such other  
18 terms and conditions as the Secretary de-  
19 termines to be necessary and appropriate  
20 to ensure the continued operation of the  
21 Sardis Lake Project or any other author-  
22 ized civil works project.

23 (B) The Secretary shall retain the right to  
24 inundate with water the land transferred to the  
25 Choctaw Nation under this subsection as nec-  
26 essary to carry out an authorized purpose of

1           the Sardis Lake Project or any other civil  
2           works project.

3                   (C) No gaming activities may be conducted  
4           on the land transferred under this subsection.

5           (b) LAND DESCRIPTION.—

6                   (1) IN GENERAL.—The land to be transferred  
7           pursuant to subsection (a) is the approximately 247  
8           acres of land located in Sections 18 and 19 of T2N  
9           R18E, and Sections 5 and 8 of T2N R19E,  
10          Pushmataha County, Oklahoma, generally depicted  
11          as “USACE” on the map entitled “Sardis Lake –  
12          Choctaw Nation Proposal” and dated February 22,  
13          2022.

14                   (2) SURVEY.—The exact acreage and legal de-  
15          scriptions of the land to be transferred under sub-  
16          section (a) shall be determined by a survey satisfac-  
17          tory to the Secretary and the Secretary of the Inte-  
18          rior.

19           (c) CONSIDERATION.—The Choctaw Nation shall  
20          pay—

21                   (1) to the Secretary an amount that is equal to  
22          the fair market value of the land transferred under  
23          subsection (a), as determined by the Secretary,  
24          which funds may be accepted and expended by the  
25          Secretary; and

1           (2) all costs and administrative expenses associ-  
2           ated with the transfer of land under subsection (a),  
3           including the costs of—

4                   (A) the survey under subsection (b)(2);

5                   (B) compliance with the National Environ-  
6           mental Policy Act of 1969 (42 U.S.C. 4321 et  
7           seq.); and

8                   (C) any coordination necessary with re-  
9           spect to requirements related to endangered  
10          species, cultural resources, clean water, and  
11          clean air.

12 **SEC. 367. LAKE BARKLEY, KENTUCKY, LAND CONVEYANCE.**

13          (a) **IN GENERAL.**—The Secretary is authorized to  
14 convey to the Eddyville Riverport Authority (referred to  
15 in this section as the “Authority”), for fair market value,  
16 all right, title, and interest of the United States in and  
17 to approximately 2.2 acres of land adjacent to the south-  
18 western boundary of the port facilities of the Authority  
19 at the Barkley Dam and Lake Barkley, Kentucky, project,  
20 authorized by the River and Harbor Act of 1946 (60 Stat.  
21 636, Public Law 79–525).

22          (b) **CONDITIONS.**—

23                   (1) **QUITCLAIM DEED.**—Any conveyance of land  
24          under this section shall be by quitclaim deed.

1           (2) RESERVATION OF RIGHTS.—The Secretary  
2           shall reserve from a conveyance of land under this  
3           section such easements, rights-of-way, or other inter-  
4           ests as the Secretary determines to be necessary and  
5           appropriate to the ensure the continued operation of  
6           the project described in subsection (a).

7           (3) TERMS AND CONDITIONS.—The Secretary  
8           may subject any conveyance under this section to  
9           such terms and conditions as the Secretary deter-  
10          mines necessary and advisable to protect the United  
11          States.

12          (c) ADMINISTRATIVE COSTS.—The Authority shall be  
13          responsible for all reasonable and necessary costs, includ-  
14          ing real estate transaction and environmental documenta-  
15          tion costs, associated with a conveyance under this section.

16          (d) WAIVER OF REAL PROPERTY SCREENING RE-  
17          QUIREMENTS.—Section 2696 of title 10, United States  
18          Code, shall not apply to the conveyance of land under this  
19          section.

## 20       **TITLE IV—WATER RESOURCES** 21                               **INFRASTRUCTURE**

### 22       **SEC. 401. PROJECT AUTHORIZATIONS.**

23           The following projects for water resources develop-  
24           ment and conservation and other purposes, as identified  
25           in the reports titled “Report to Congress on Future Water

1 Resources Development” submitted to Congress pursuant  
 2 to section 7001 of the Water Resources Reform and Devel-  
 3 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-  
 4 viewed by Congress, are authorized to be carried out by  
 5 the Secretary substantially in accordance with the plans,  
 6 and subject to the conditions, described in the respective  
 7 reports or decision documents designated in this section:

8 (1) NAVIGATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. AK	Elim Subsistence Harbor	March 12, 2021	Federal: \$74,905,000 Non-Federal: \$1,896,000 Total: \$76,801,000
2. CA	Port of Long Beach Deep Draft Navigation, Los Angeles	October 14, 2021; May 31, 2022	Federal: \$73,533,500 Non-Federal: \$74,995,500 Total: \$148,529,000
3. WA	Tacoma Harbor Navigation Improvement	May 26, 2022	Federal: \$120,701,000 Non-Federal: \$174,627,000 Total: \$295,328,000
4. NY, NJ	New Jersey Harbor Deepening Channel Improvement	June 3, 2022	Federal: \$2,124,561,500 Non-Federal: \$3,439,337,500 Total: \$5,563,899,000

9 (2) FLOOD RISK MANAGEMENT.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. AL	Selma	October 7, 2021	Federal: \$15,533,100 Non-Federal: \$8,363,900 Total: \$23,897,000
2. CA	Lower Cache Creek, Yolo County, Woodland, and Vicinity	June 21, 2021	Federal: \$215,152,000 Non-Federal: \$115,851,000 Total: \$331,003,000
3. OR	Portland Metro Levee System	August 20, 2021	Federal: \$77,111,100 Non-Federal: \$41,521,300 Total: \$118,632,400
4. NE	Papillion Creek and Tributaries Lakes	January 24, 2022	Federal: \$91,491,400 Non-Federal: \$52,156,300 Total: \$143,647,700
5. AL	Valley Creek, Bessemer and Birmingham	October 29, 2021	Federal: \$17,725,000 Non-Federal: \$9,586,000 Total: \$27,311,000
6. PR	Rio Guanajibo	May 24, 2022	Federal: \$110,974,500 Non-Federal: \$59,755,500 Total: \$170,730,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-  
2 DUCTION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. CT	Fairfield and New Haven Counties	January 19, 2021	Federal: \$92,937,000 Non-Federal: \$50,043,000 Total: \$142,980,000
2. PR	San Juan Metro	September 16, 2021	Federal: \$245,418,000 Non-Federal: \$131,333,000 Total: \$376,751,000

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
3. FL	Florida Keys, Monroe County	September 24, 2021	Federal: \$1,513,531,000 Non-Federal: \$814,978,000 Total: \$2,328,509,000
4. FL	Okaloosa County	October 7, 2021	Initial Federal: \$19,822,000 Initial Non-Federal: \$11,535,000 Initial Total: \$31,357,000 Renourishment Federal: \$71,045,000 Renourishment Non-Federal: \$73,787,000 Renourishment Total: \$144,832,000
5. SC	Folly Beach	October 26, 2021	Initial Federal: \$45,490,000 Initial Non-Federal: \$5,054,000 Initial Total: \$50,544,000 Renourishment Federal: \$164,424,000 Renourishment Non-Federal: \$26,767,000 Renourishment Total: \$191,191,000
6. FL	Pinellas County	October 29, 2021	Initial Federal: \$8,627,000 Initial Non-Federal: \$5,332,000 Initial Total: \$13,959,000 Renourishment Federal: \$92,000,000 Renourishment Non-Federal: \$101,690,000 Renourishment Total: \$193,690,000
7. NY	South Shore of Staten Island, Fort Wadsworth to Oak- wood Beach	October 27, 2016	Federal: \$371,310,000 Non-Federal: \$199,940,000 Total: \$571,250,000
8. LA	Upper Barataria Basin	January 28, 2022	Federal: \$1,005,001,000 Non-Federal: \$541,155,000 Total: \$1,546,156,000



<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
9. LA	South Central Coast, St. Martin, St. Mary, and Iberia Parishes	June 23, 2022	Federal: \$594,600,000 Non-Federal: \$320,169,000 Total: \$914,769,000

1 (4) HURRICANE AND STORM DAMAGE REDUC-  
2 TION AND ECOSYSTEM RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. TX	Coastal Texas Protection and Restoration Feasibility Study	September 16, 2021	Federal: \$19,237,894,000 Non-Federal: \$11,668,393,000 Total: \$30,906,287,000

3 (5) ECOSYSTEM RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. CA	Prado Basin Ecosystem Restoration, San Bernardino, Riverside and Orange Counties	April 22, 2021	Federal: \$33,976,000 Non-Federal: \$18,294,000 Total: \$52,270,000
2. KY	Three Forks of Beargrass Creek	May 24, 2022	Federal: \$72,138,000 Non-Federal: \$48,998,000 Total: \$121,135,000

4 (6) MODIFICATIONS AND OTHER PROJECTS.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. LA	Lake Pontchartrain and Vicinity	December 16, 2021	Federal: \$807,000,000 Non-Federal: \$434,000,000 Total: \$1,241,000,000
2. LA	West Bank and Vicinity	December 17, 2021	Federal: \$431,000,000 Non-Federal: \$232,000,000 Total: \$663,000,000
3. GA	Brunswick Harbor, Glynn County	March 11, 2022	Federal: \$10,774,500 Non-Federal: \$3,594,500 Total: \$14,369,000
4. DC	Washington, DC and Vicinity	July 22, 2021	Federal: \$17,740,000 Non-Federal: \$0 Total: \$17,740,000
5. MI	Soo Locks, Sault Ste. Marie	June 6, 2022	Federal: \$2,932,116,000 Non-Federal: \$0 Total: \$2,932,116,000
6. WA	Howard A. Hanson Dam Additional Water Storage	May 19, 2022	Federal: \$815,207,000 Non-Federal: \$39,979,000 Total: \$855,185,000
7. MO	Critical Infrastructure Cyber Security – Mandatory Center of Expertise Lab and Office Facility	January 13, 2020	Federal: \$5,956,404 Non-Federal: \$0 Total: \$5,956,404
8. FL	Central and Southern Florida, Indian River Lagoon	May 31, 2022	Federal: \$2,500,686,000 Non-Federal: \$2,500,686,000 Total: \$5,001,372,000

1 **SEC. 402. STORM DAMAGE PREVENTION AND REDUCTION,**  
2 **COASTAL EROSION, AND ICE AND GLACIAL**  
3 **DAMAGE, ALASKA.**

4 (a) IN GENERAL.—The Secretary shall establish a  
5 program to carry out structural and nonstructural

1 projects for storm damage prevention and reduction,  
2 coastal erosion, and ice and glacial damage in the State  
3 of Alaska, including—

4 (1) relocation of affected communities; and

5 (2) construction of replacement facilities.

6 (b) COST SHARE.—The non-Federal interest shall  
7 share in the cost to study, design, and construct a project  
8 carried out under this section in accordance with sections  
9 103 and 105 of the Water Resources Development Act of  
10 1986 (33 U.S.C. 2213, 2215), except that, in the case of  
11 a project benefitting an economically disadvantaged com-  
12 munity (as defined pursuant to section 160 of the Water  
13 Resources Development Act of 2020 (33 U.S.C. 2201  
14 note; Public Law 116–260)), the non-Federal share shall  
15 be 10 percent.

16 (c) REPEAL.—Section 116 of the Energy and Water  
17 Development and Related Agencies Appropriations Act,  
18 2010 (123 Stat. 2851), is repealed.

19 (d) TREATMENT.—The program authorized by sub-  
20 section (a) shall be considered a continuation of the pro-  
21 gram authorized by section 116 of the Energy and Water  
22 Development and Related Agencies Appropriations Act,  
23 2010 (123 Stat. 2851) (as in effect on the day before the  
24 date of enactment of this Act).

1 **SEC. 403. EXPEDITED COMPLETION OF PROJECTS.**

2 The Secretary shall expedite completion of the fol-  
3 lowing projects:

4 (1) Project for flood risk management, Cum-  
5 berland, Maryland, restoration and rewatering of the  
6 Chesapeake and Ohio Canal, authorized by section  
7 580 of the Water Resources Development Act of  
8 1999 (113 Stat. 375).

9 (2) Project for flood risk management, Tulsa  
10 and West-Tulsa Levee System, Tulsa County, Okla-  
11 homa, authorized by section 401(2) of the Water Re-  
12 sources Development Act of 2020 (134 Stat. 2735).

13 (3) Project for flood risk management, Little  
14 Colorado River at Winslow, Navajo County, Arizona,  
15 authorized by section 401(2) of the Water Resources  
16 Development Act of 2020 (134 Stat. 2735).

17 (4) Project for flood risk management, Rio De  
18 Flag, Flagstaff, Arizona, authorized by section  
19 101(b)(3) of the Water Resources Development Act  
20 of 2000 (114 Stat. 2576).

21 (5) Project for flood risk management, Rose  
22 and Palm Garden Washes, Arizona, authorized by  
23 section 205 of the Flood Control Act of 1948 (33  
24 U.S.C. 701s).

25 (6) Project for ecosystem restoration, El  
26 Corazon, Arizona, authorized by section 206 of the

1 Water Resources Development Act of 1996 (33  
2 U.S.C. 2330).

3 (7) Projects for ecosystem restoration, Chesapeake Bay Comprehensive Water Resources and  
4 Restoration Plan, Chesapeake Bay Environmental  
5 Restoration and Protection Program, authorized by  
6 section 510 of the Water Resources Development  
7 Act of 1996 (110 Stat. 3759).

8 (8) Projects authorized under section 219 of  
9 the Water Resources Development Act of 1992 (106  
10 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 121  
11 Stat. 1258).

12 (9) Projects authorized under section 8004 of  
13 the Water Resources Development Act of 2007 (33  
14 U.S.C. 652 note; Public Law 110–114).

15 (10) Projects authorized under section 519 of  
16 the Water Resources Development Act of 2000 (114  
17 Stat. 2653).

18 (11) Project for flood risk management, Lower  
19 Santa Cruz River, Arizona, authorized by section  
20 205 of the Flood Control Act of 1948 (33 U.S.C.  
21 701s).

22 (12) Project for flood risk management, McCormick Wash, Arizona, authorized by section 205 of  
23 the Flood Control Act of 1948 (33 U.S.C. 701s).

1           (13) Project for navigation, including mainte-  
2           nance and channel deepening, McClellan–Kerr Ar-  
3           kansas River Navigation System.

4           (14) Project for dam safety modifications,  
5           Bluestone Dam, West Virginia.

6           (15) Maintenance dredging and other author-  
7           ized activities to address the impacts of shoaling af-  
8           fecting the project for navigation, Branford Harbor  
9           and Branford River, Branford, Connecticut, author-  
10          ized by the first section of the Act of June 13, 1902  
11          (32 Stat. 333, chapter 1079).

12          (16) Maintenance dredging and other author-  
13          ized activities to address the impacts of shoaling af-  
14          fecting the project for navigation, Guilford Harbor  
15          and Sluice Channel, Connecticut.

16          (17) Maintenance dredging and other author-  
17          ized activities to address the impacts of shoaling af-  
18          fecting the project for navigation, Milford Harbor,  
19          Connecticut.

20          (18) Assistance for ecosystem restoration,  
21          Lower Yellowstone Intake Diversion Dam, Montana,  
22          authorized by section 3109 of the Water Resources  
23          Development Act of 2007 (121 Stat. 1135).

24          (19) Project for mitigation of shore damage  
25          from navigation works, Camp Ellis Beach, Saco,

1 Maine, pursuant to section 111 of the River and  
2 Harbor Act of 1968 (33 U.S.C. 426i).

3 (20) Project for ecosystem restoration, Lower  
4 Blackstone River, Rhode Island, pursuant to section  
5 206 of the Water Resources Development Act of  
6 1996 (33 U.S.C. 2330).

7 (21) Project for navigation, Kentucky Lock Ad-  
8 dition, Kentucky.

9 (22) Maintenance dredging of the Federal chan-  
10 nel for the project for navigation, Columbia, Snake,  
11 and Clearwater Rivers, Oregon, Washington, and  
12 Idaho, authorized by section 2 of the Act of March  
13 2, 1945 (59 Stat. 21, chapter 19), at the Port of  
14 Clarkston, Washington, and the Port of Lewiston,  
15 Idaho.

16 (23) Maintenance dredging and other author-  
17 ized activities to address the impacts of shoaling af-  
18 fecting the project for navigation, Portsmouth Back  
19 Channels and Sagamore Creek, Portsmouth, New  
20 Castle, and Rye, New Hampshire, authorized by sec-  
21 tion 107 of the River and Harbor Act of 1960 (33  
22 U.S.C. 577).

23 (24) Maintenance dredging and other author-  
24 ized activities to address the impacts of shoaling af-  
25 fecting the project for navigation, Portsmouth Har-

1 bor and Piscataqua River, Portsmouth, New Castle,  
2 and Newington, New Hampshire, and Kittery and  
3 Elliot, Maine, authorized by section 101 of the River  
4 and Harbor Act of 1962 (76 Stat. 1173).

5 **SEC. 404. SPECIAL RULES.**

6 (a) The following conditions apply to the project de-  
7 scribed in section 403(19):

8 (1) The project is authorized to be carried out  
9 under section 111 of the River and Harbor Act of  
10 1968 (33 U.S.C. 426i) at a Federal cost of  
11 \$45,000,000.

12 (2) The project may include Federal participa-  
13 tion in periodic nourishment.

14 (3) For purposes of subsection (b) of section  
15 111 of the River and Harbor Act of 1968 (33  
16 U.S.C. 426i), the Secretary shall determine that the  
17 navigation works to which the shore damages are at-  
18 tributable were constructed at full Federal expense.

19 (b) The following conditions apply to the project de-  
20 scribed in section 403(20):

21 (1) The project is authorized to be carried out  
22 under section 206 of the Water Resources Develop-  
23 ment Act of 1996 (33 U.S.C. 2330) at a Federal  
24 cost of \$15,000,000.



1           (2) If the Secretary includes in the project a  
2           measure on Federal land under the jurisdiction of  
3           another Federal agency, the Secretary may enter  
4           into an agreement with the Federal agency that pro-  
5           vides for the Secretary—

6                   (A) to construct the measure; and

7                   (B) to operate and maintain the measure  
8           using funds provided to the Secretary by the  
9           non-Federal interest for the project.

10          (3) If the Secretary includes in the project a  
11          measure for fish passage at a dam licensed for hy-  
12          dropower, the Secretary shall include in the project  
13          costs all costs for the measure, except that those  
14          costs that are in excess of the costs to provide fish  
15          passage at the dam if hydropower improvements  
16          were not in place shall be a 100 percent non-Federal  
17          expense.

18 **SEC. 405. CHATTAHOOCHEE RIVER PROGRAM.**

19          (a) ESTABLISHMENT.—

20               (1) IN GENERAL.—The Secretary shall establish  
21          a program to provide environmental assistance to  
22          non-Federal interests in the Chattahoochee River  
23          Basin.

24               (2) FORM.—The assistance under paragraph  
25          (1) shall be in the form of design and construction

1 assistance for water-related resource protection and  
2 restoration projects affecting the Chattahoochee  
3 River Basin, based on the comprehensive plan under  
4 subsection (b), including projects for—

5 (A) sediment and erosion control;

6 (B) protection of eroding shorelines;

7 (C) ecosystem restoration, including res-  
8 toration of submerged aquatic vegetation;

9 (D) protection of essential public works;

10 (E) beneficial uses of dredged material;

11 and

12 (F) other related projects that may en-  
13 hance the living resources of the Chattahoochee  
14 River Basin.

15 (b) COMPREHENSIVE PLAN.—

16 (1) IN GENERAL.—Not later than 2 years after  
17 the date of enactment of this Act, the Secretary, in  
18 cooperation with State and local governmental offi-  
19 cials and affected stakeholders, shall develop a com-  
20 prehensive Chattahoochee River Basin restoration  
21 plan to guide the implementation of projects under  
22 subsection (a)(2).

23 (2) COORDINATION.—The restoration plan de-  
24 scribed in paragraph (1) shall, to the maximum ex-  
25 tent practicable, consider and avoid duplication of

1 any ongoing or planned actions of other Federal,  
2 State, and local agencies and nongovernmental orga-  
3 nizations.

4 (3) PRIORITIZATION.—The restoration plan de-  
5 scribed in paragraph (1) shall give priority to  
6 projects eligible under subsection (a)(2) that will  
7 also improve water quality or quantity or use nat-  
8 ural hydrological features and systems.

9 (c) AGREEMENT.—

10 (1) IN GENERAL.—Before providing assistance  
11 under this section, the Secretary shall enter into an  
12 agreement with a non-Federal interest for the design  
13 and construction of a project carried out pursuant to  
14 the comprehensive Chattahoochee River Basin res-  
15 toration plan described in subsection (b).

16 (2) REQUIREMENTS.—Each agreement entered  
17 into under this subsection shall provide for—

18 (A) the development by the Secretary, in  
19 consultation with appropriate Federal, State,  
20 and local officials, of a resource protection and  
21 restoration plan, including appropriate engi-  
22 neering plans and specifications and an esti-  
23 mate of expected resource benefits; and

24 (B) the establishment of such legal and in-  
25 stitutional structures as are necessary to ensure

1 the effective long-term operation and mainte-  
2 nance of the project by the non-Federal inter-  
3 est.

4 (d) COST SHARING.—

5 (1) FEDERAL SHARE.—Except as provided in  
6 paragraph (2)(B), the Federal share of the total  
7 project costs of each agreement entered into under  
8 this section shall be 75 percent.

9 (2) NON-FEDERAL SHARE.—

10 (A) VALUE OF LAND, EASEMENTS,  
11 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-  
12 mining the non-Federal contribution toward  
13 carrying out an agreement entered into under  
14 this section, the Secretary shall provide credit  
15 to a non-Federal interest for the value of land,  
16 easements, rights-of-way, and relocations pro-  
17 vided by the non-Federal interest, except that  
18 the amount of credit provided for a project  
19 under this paragraph may not exceed 25 per-  
20 cent of the total project costs.

21 (B) OPERATION AND MAINTENANCE  
22 COSTS.—The non-Federal share of the costs of  
23 operation and maintenance of activities carried  
24 out under an agreement under this section shall  
25 be 100 percent.

1 (e) COOPERATION.—In carrying out this section, the  
2 Secretary shall cooperate with—

3 (1) the heads of appropriate Federal agencies,  
4 including—

5 (A) the Administrator of the Environ-  
6 mental Protection Agency;

7 (B) the Secretary of Commerce, acting  
8 through the Administrator of the National Oce-  
9 anic and Atmospheric Administration;

10 (C) the Secretary of the Interior, acting  
11 through the Director of the United States Fish  
12 and Wildlife Service; and

13 (D) the heads of such other Federal agen-  
14 cies as the Secretary determines to be appro-  
15 priate; and

16 (2) agencies of a State or political subdivision  
17 of a State.

18 (f) PROTECTION OF RESOURCES.—A project estab-  
19 lished under this section shall be carried out using such  
20 measures as are necessary to protect environmental, his-  
21 toric, and cultural resources.

22 (g) PROJECT CAP.—The total cost of a project car-  
23 ried out under this section may not exceed \$15,000,000.

24 (h) SAVINGS PROVISION.—Nothing in this section—

1           (1) establishes any express or implied reserved  
2 water right in the United States for any purpose;

3           (2) affects any water right in existence on the  
4 date of enactment of this Act;

5           (3) preempts or affects any State water law or  
6 interstate compact governing water; or

7           (4) affects any Federal or State law in exist-  
8 ence on the date of enactment of this Act regarding  
9 water quality or water quantity.

10       (i) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
11 authorized to be appropriated to carry out this section  
12 \$90,000,000.

13 **SEC. 406. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.**  
14

15       (a) **DEFINITION.**—In this section, the term “Lower  
16 Mississippi River Basin” means the portion of the Mis-  
17 sissippi River that begins at the confluence of the Ohio  
18 River and flows to the Gulf of Mexico, and its tributaries  
19 and distributaries.

20       (b) **ESTABLISHMENT.**—

21           (1) **IN GENERAL.**—The Secretary shall establish  
22 a program to provide assistance to non-Federal in-  
23 terests in the Lower Mississippi River Basin.

24           (2) **FORM.**—

1           (A) IN GENERAL.—The assistance under  
2 paragraph (1) shall be in the form of design  
3 and construction assistance for flood or coastal  
4 storm risk management or aquatic ecosystem  
5 restoration projects in the Lower Mississippi  
6 River Basin, based on the comprehensive plan  
7 under subsection (c).

8           (B) ASSISTANCE.—Projects under sub-  
9 paragraph (A) may include measures for—

10                   (i) sediment control;

11                   (ii) protection of eroding riverbanks  
12 and streambanks and shorelines;

13                   (iii) channel modifications;

14                   (iv) beneficial uses of dredged mate-  
15 rial; or

16                   (v) other related projects that may en-  
17 hance the living resources of the Lower  
18 Mississippi River Basin.

19           (c) COMPREHENSIVE PLAN.—

20           (1) IN GENERAL.—Not later than 2 years after  
21 the date of enactment of this Act, the Secretary, in  
22 cooperation with State and local governmental offi-  
23 cials and affected stakeholders, shall develop a com-  
24 prehensive Lower Mississippi River Basin plan to

1 guide the implementation of projects under sub-  
2 section (b)(2).

3 (2) COORDINATION.—The plan described in  
4 paragraph (1) shall, to the maximum extent prac-  
5 ticable, consider and avoid duplication of any ongo-  
6 ing or planned actions of other Federal, State, and  
7 local agencies and nongovernmental organizations.

8 (3) PRIORITIZATION.—To the maximum extent  
9 practicable, the plan described in paragraph (1)  
10 shall give priority to projects eligible under sub-  
11 section (b)(2) that will also improve water quality,  
12 reduce hypoxia in the Lower Mississippi River or  
13 Gulf of Mexico, or use a combination of structural  
14 and nonstructural measures.

15 (d) AGREEMENT.—

16 (1) IN GENERAL.—Before providing assistance  
17 under this section, the Secretary shall enter into an  
18 agreement with a non-Federal interest for the design  
19 and construction of a project carried out pursuant to  
20 the comprehensive Lower Mississippi River Basin  
21 plan described in subsection (c).

22 (2) REQUIREMENTS.—Each agreement entered  
23 into under this subsection shall provide for the es-  
24 tablishment of such legal and institutional structures  
25 as are necessary to ensure the effective long-term



1 operation and maintenance of the project by the  
2 non-Federal interest.

3 (e) COST SHARING.—

4 (1) FEDERAL SHARE.—The Federal share of  
5 the cost to design and construct a project under  
6 each agreement entered into under this section shall  
7 be 75 percent.

8 (2) NON-FEDERAL SHARE.—

9 (A) VALUE OF LAND, EASEMENTS,  
10 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-  
11 mining the non-Federal contribution toward  
12 carrying out an agreement entered into under  
13 this section, the Secretary shall provide credit  
14 to a non-Federal interest for the value of land,  
15 easements, rights-of-way, and relocations pro-  
16 vided by the non-Federal interest, except that  
17 the amount of credit provided for a project  
18 under this paragraph may not exceed 25 per-  
19 cent of the cost to design and construct the  
20 project.

21 (B) OPERATION AND MAINTENANCE  
22 COSTS.—The non-Federal share of the costs of  
23 operation and maintenance of activities carried  
24 out under an agreement under this section shall  
25 be 100 percent.

1 (f) COOPERATION.—In carrying out this section, the  
2 Secretary shall cooperate with—

3 (1) the heads of appropriate Federal agencies,  
4 including—

5 (A) the Secretary of Agriculture;

6 (B) the Secretary of the Interior, acting  
7 through the Director of the United States Fish  
8 and Wildlife Service; and

9 (C) the heads of such other Federal agen-  
10 cies as the Secretary determines to be appro-  
11 priate; and

12 (2) agencies of a State or political subdivision  
13 of a State.

14 (g) PROJECT CAP.—The total cost of a project car-  
15 ried out under this section may not exceed \$15,000,000.

16 (h) REPORT.—Not later than 3 years after the date  
17 of enactment of this Act, the Secretary shall submit to  
18 the Committee on Environment and Public Works of the  
19 Senate and the Committee on Transportation and Infra-  
20 structure of the House of Representatives a report that  
21 describes the results of the program under this section,  
22 including a recommendation on whether the program  
23 should be reauthorized.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$90,000,000.

4 **SEC. 407. FORECAST-INFORMED RESERVOIR OPERATIONS.**

5 (a) IN GENERAL.—The Secretary is authorized to  
6 carry out a research study pilot program at 1 or more  
7 dams owned and operated by the Secretary in the North  
8 Atlantic Division of the Corps of Engineers to assess the  
9 viability of forecast-informed reservoir operations in the  
10 eastern United States.

11 (b) REPORT.—Not later than 1 year after completion  
12 of the research study pilot program under subsection (a),  
13 the Secretary shall submit to the Committee on Transpor-  
14 tation and Infrastructure of the House of Representatives  
15 and the Committee on Environment and Public Works of  
16 the Senate a report on the results of the study pilot pro-  
17 gram.

18 **SEC. 408. MISSISSIPPI RIVER MAT SINKING UNIT.**

19 The Secretary shall expedite the replacement of the  
20 Mississippi River mat sinking unit.

21 **SEC. 409. SENSE OF CONGRESS RELATING TO OKATIBBEE**

22 **LAKE.**

23 It is the sense of Congress that—

24 (1) there is significant shoreline sloughing and  
25 erosion at the Okatibbee Lake portion of the project

1 for flood protection, Chunky Creek, Chickasawhay  
2 and Pascagoula Rivers, Mississippi, authorized by  
3 section 203 of the Flood Control Act of 1962 (76  
4 Stat. 1183), which has the potential to impact infra-  
5 structure, damage property, and put lives at risk;  
6 and

7 (2) addressing shoreline sloughing and erosion  
8 at a project of the Secretary, including at a location  
9 leased by non-Federal entities such as Okatibbee  
10 Lake, is an activity that is eligible to be carried out  
11 by the Secretary as part of the operation and main-  
12 tenance of the project.