

# Union Calendar No. 369

116TH CONGRESS }  
2d Session } HOUSE OF REPRESENTATIVES { REPT. 116-460  
Part 1

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## WATER RESOURCES DEVELOPMENT ACT OF 2020

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JULY 24, 2020.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
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Mr. DEFazio, from the Committee on Transportation and  
Infrastructure, submitted the following

### R E P O R T

together with

### ADDITIONAL VIEWS

[To accompany H.R. 7575]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 7575) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 2020”.

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

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

**TITLE I—GENERAL PROVISIONS**

- Sec. 101. Budgetary treatment expansion and adjustment for the Harbor Maintenance Trust Fund.  
 Sec. 102. Funding for navigation.  
 Sec. 103. Annual report to Congress on the Harbor Maintenance Trust Fund.  
 Sec. 104. Additional measures at donor ports and energy transfer ports.  
 Sec. 105. Assumption of maintenance of a locally preferred plan.  
 Sec. 106. Coast Guard anchorages.  
 Sec. 107. State contribution of funds for certain operation and maintenance costs.  
 Sec. 108. Inland waterway projects.  
 Sec. 109. Implementation of water resources principles and requirements.  
 Sec. 110. Resiliency planning assistance.  
 Sec. 111. Project consultation.  
 Sec. 112. Review of resiliency assessments.  
 Sec. 113. Small flood control projects.  
 Sec. 114. Conforming amendment.  
 Sec. 115. Feasibility studies; review of natural and nature-based features.  
 Sec. 116. Report on corrosion prevention activities.  
 Sec. 117. Quantification of benefits for flood risk management projects in seismic zones.  
 Sec. 118. Federal interest determination.  
 Sec. 119. Economically disadvantaged community flood protection and hurricane and storm damage reduction study pilot program.  
 Sec. 120. Permanent measures to reduce emergency flood fighting needs for communities subject to repetitive flooding.  
 Sec. 121. Emergency response to natural disasters.  
 Sec. 122. Study on natural infrastructure at Corps of Engineers projects.  
 Sec. 123. Review of Corps of Engineers assets.  
 Sec. 124. Sense of Congress on multipurpose projects.  
 Sec. 125. Beneficial reuse of dredged material; dredged material management plans.  
 Sec. 126. Aquatic ecosystem restoration for anadromous fish.  
 Sec. 127. Annual report to Congress.  
 Sec. 128. Harmful algal bloom demonstration program.  
 Sec. 129. Update on Invasive Species Policy Guidance.  
 Sec. 130. Report on debris removal.  
 Sec. 131. Missouri River interception-rearing complex construction.  
 Sec. 132. Cost and benefit feasibility assessment.  
 Sec. 133. Materials, services, and funds for repair, restoration, or rehabilitation of projects.  
 Sec. 134. Levee safety.  
 Sec. 135. National Dam Safety Program.  
 Sec. 136. Rehabilitation of Corps of Engineers constructed pump stations.  
 Sec. 137. Non-Federal Project Implementation Pilot Program.  
 Sec. 138. Definition of economically disadvantaged community.  
 Sec. 139. Cost sharing provisions for territories and Indian Tribes.  
 Sec. 140. Flood control and other purposes.  
 Sec. 141. Review of contracting policies.  
 Sec. 142. Buy America.  
 Sec. 143. Annual report on status of feasibility studies.

**TITLE II—STUDIES AND REPORTS**

- Sec. 201. Authorization of proposed feasibility studies.  
 Sec. 202. Expedited completions.  
 Sec. 203. Feasibility study modifications.  
 Sec. 204. Selma, Alabama.  
 Sec. 205. Comprehensive study of the Sacramento River, Yolo Bypass, California.  
 Sec. 206. Lake Okeechobee regulation schedule, Florida.  
 Sec. 207. Great Lakes Coastal Resiliency Study.  
 Sec. 208. Rathbun Lake, Chariton River, Iowa.  
 Sec. 209. Report on the status of restoration in the Louisiana coastal area.  
 Sec. 210. Lower Mississippi River comprehensive study.  
 Sec. 211. Upper Mississippi River Comprehensive Plan.  
 Sec. 212. Lower Missouri Basin Flood Risk and Resiliency Study, Iowa, Kansas, Nebraska, and Missouri.  
 Sec. 213. Portsmouth Harbor and Piscataqua River and Rye Harbor, New Hampshire.  
 Sec. 214. Cougar and Detroit Dams, Willamette River Basin, Oregon.  
 Sec. 215. Port Orford, Oregon.  
 Sec. 216. Wilson Creek and Sloan Creek, Fairview, Texas.  
 Sec. 217. GAO study on mitigation for water resources development projects.  
 Sec. 218. GAO study on application of Harbor Maintenance Trust Fund expenditures.  
 Sec. 219. GAO study on administration of environmental banks.  
 Sec. 220. Study on water supply and water conservation at water resources development projects.  
 Sec. 221. PFAS review and inventory at Corps facilities.  
 Sec. 222. Report on recreational facilities.

## TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS

- Sec. 301. Deauthorization of inactive projects.
- Sec. 302. Abandoned and inactive noncoal mine restoration.
- Sec. 303. Tribal partnership program.
- Sec. 304. Lakes program.
- Sec. 305. Watercraft inspection stations.
- Sec. 306. Chesapeake Bay Environmental Restoration and Protection Program.
- Sec. 307. Upper Mississippi River System Environmental Management Program.
- Sec. 308. McClellan-Kerr Arkansas River Navigation System.
- Sec. 309. Ouachita-Black River Navigation Project, Arkansas.
- Sec. 310. Sacramento River, Glenn-Colusa, California.
- Sec. 311. Lake Isabella, California.
- Sec. 312. Lower San Joaquin River flood control project.
- Sec. 313. San Diego River and Mission Bay, San Diego County, California.
- Sec. 314. San Francisco, California, Waterfront Area.
- Sec. 315. Western Pacific Interceptor Canal, Sacramento River, California.
- Sec. 316. Rio Grande Environmental Management Program, Colorado, New Mexico, and Texas.
- Sec. 317. New London Harbor Waterfront Channel, Connecticut.
- Sec. 318. Washington Harbor, District of Columbia.
- Sec. 319. Central Everglades, Florida.
- Sec. 320. Miami River, Florida.
- Sec. 321. Taylor Creek Reservoir and Levee L-73 (Section 1), Upper St. Johns River Basin, Florida.
- Sec. 322. Calcasieu River and Pass, Louisiana.
- Sec. 323. San Juan-Chama project; Abiquiu Dam, New Mexico.
- Sec. 324. Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island and Connecticut.
- Sec. 325. Harris County, Texas.
- Sec. 326. Cap Sante Waterway, Washington.
- Sec. 327. Regional sediment management.
- Sec. 328. Additional assistance for critical projects.
- Sec. 329. Project modification authorizations.
- Sec. 330. Application of credit.
- Sec. 331. Project reauthorizations.
- Sec. 332. Conveyances.
- Sec. 333. Repeals.

## TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Project authorizations.
- Sec. 402. Special rules.
- Sec. 403. Authorization of projects based on feasibility studies prepared by non-Federal interests.

**SEC. 2. SECRETARY DEFINED.**

In this Act, the term “Secretary” means the Secretary of the Army.

**TITLE I—GENERAL PROVISIONS****SEC. 101. BUDGETARY TREATMENT EXPANSION AND ADJUSTMENT FOR THE HARBOR MAINTENANCE TRUST FUND.**

(a) IN GENERAL.—Section 14003 of division B of the CARES Act (Public Law 116–136) is amended to read as follows:

“SEC. 14003. Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

“(H) HARBOR MAINTENANCE ACTIVITIES.—If, for any fiscal year, appropriations for the Construction, Mississippi River and Tributaries, and Operation and Maintenance accounts of the Corps of Engineers are enacted that are derived from the Harbor Maintenance Trust Fund established under section 9505(a) of the Internal Revenue Code of 1986 and that the Congress designates in statute as being for harbor operations and maintenance activities, then the adjustment for that fiscal year shall be the total of such appropriations that are derived from such Fund and designated as being for harbor operations and maintenance activities.’”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

**SEC. 102. FUNDING FOR NAVIGATION.**

(a) FUNDING FOR NAVIGATION.—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended, in the section heading, by striking “AUTHORIZATION OF APPROPRIATIONS” and inserting “FUNDING FOR NAVIGATION”.

(b) OPERATION AND MAINTENANCE OF HARBOR PROJECTS.—Section 210(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(c)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—For each fiscal year, of the funds made available under this section (including funds appropriated from the Harbor Maintenance Trust Fund), the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), using—

“(A) not less than 20 percent of such funds for emerging harbor projects, to the extent there are identifiable operations and maintenance needs, including eligible breakwater and jetty needs, at such harbor projects;

“(B) not less than 12 percent of such funds for projects that are located within the Great Lakes Navigation System;

“(C) 10 percent of such funds for expanded uses carried out at donor ports, as such term is defined in section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c); and

“(D) any remaining funds for operation and maintenance costs of any harbor or inland harbor referred to in subsection (a)(2) based on an equitable allocation of such funds among such harbors and inland harbors.”;

(2) by amending paragraph (3) to read as follows:

“(3) ADDITIONAL USES AT EMERGING HARBORS.—

“(A) IN GENERAL.—In each fiscal year, the Secretary may use not more than \$5,000,000 of funds designated for emerging harbor projects under paragraph (1)(A) to pay for the costs of up to 10 projects for maintenance dredging of a marina or berthing area, in an emerging harbor, that includes an area that is located adjacent to, or is accessible by, a Federal navigation project, subject to subparagraphs (B) and (C) of this paragraph.

“(B) ELIGIBLE EMERGING HARBORS.—The Secretary may use funds as authorized under subparagraph (A) at an emerging harbor that—

“(i) supports commercial activities, including commercial fishing operations, commercial fish processing operations, recreational and sport fishing, and commercial boat yards; or

“(ii) supports activities of the Secretary of the department in which the Coast Guard is operating.

“(C) COST-SHARING REQUIREMENTS.—The Secretary shall require a non-Federal interest to contribute not less than 25 percent of the costs for maintenance dredging of that portion of a maintenance dredging project described in subparagraph (A) that is located outside of the Federal navigation project, which may be provided as an in-kind contribution, including through the use of dredge equipment owned by non-Federal interest to carry out such activities.”; and

(3) by adding at the end the following:

“(5) EMERGENCY EXPENDITURES.—Nothing in this subsection prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if—

“(A) the Secretary determines that the action is necessary to address the navigation needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and

“(B) the Secretary provides within 90 days of the action notice and information on the need for the action to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.”.

(c) PRIORITIZATION.—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(d) ASSESSMENT OF HARBORS AND INLAND HARBORS.—Section 210(d)(2)(A)(ii) of the Water Resources Development Act of 1986 (as so redesignated) is amended by striking “expanded uses at eligible harbors or inland harbors referred to in subsection (d)(2)” and inserting “uses described in paragraphs (1)(C) and (3) of subsection (c)”.

(e) DEFINITIONS.—Section 210(e) of the Water Resources Development Act of 1986 (as so redesignated) is amended—

(1) by striking paragraphs (6) through (9);

(2) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(3) by striking paragraph (2) and inserting the following:

“(2) EMERGING HARBOR.—The term ‘emerging harbor’ means a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually.

“(3) EMERGING HARBOR PROJECT.—The term ‘emerging harbor project’ means a project that is assigned to an emerging harbor.”; and

(4) in paragraph (4) (as so redesignated), by adding at the end the following:

“(C) An in-water improvement, if the improvement—

“(i) is for the seismic reinforcement of a wharf or other berthing structure, or the repair or replacement of a deteriorating wharf or other berthing structure, at a port facility;

“(ii) benefits commercial navigation at the harbor; and

“(iii) is located in, or adjacent to, a berth that is accessible to a Federal navigation project.

“(D) An activity to maintain slope stability at a berth in a harbor that is accessible to a Federal navigation project if such activity benefits commercial navigation at the harbor.”.

**SEC. 103. ANNUAL REPORT TO CONGRESS ON THE HARBOR MAINTENANCE TRUST FUND.**

Section 330 of the Water Resources Development Act of 1992 (26 U.S.C. 9505 note; 106 Stat. 4851) is amended—

(1) in subsection (a)—

(A) by striking “and annually thereafter,” and inserting “and annually thereafter concurrent with the submission of the President’s annual budget request to Congress;” and

(B) by striking “Public Works and Transportation” and inserting “Transportation and Infrastructure”; and

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

“(D) A description of the expected expenditures from the trust fund to meet the needs of navigation for the fiscal year of the budget request.”.

**SEC. 104. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.**

(a) DEFINITIONS.—Section 2106(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c(a)) is amended—

(1) in paragraph (3)(A)—

(A) by amending clause (ii) to read as follows:

“(ii) at which the total amount of harbor maintenance taxes collected (including the estimated taxes related to domestic cargo and cruise passengers) comprise not less than \$15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund in each of the previous 3 fiscal years;”;

(B) in clause (iii), by inserting “(including the estimated taxes related to domestic cargo and cruise passengers)” after “taxes collected”; and

(C) in clause (iv), by striking “fiscal year 2012” and inserting “each of the previous 3 fiscal years”;

(2) in paragraph (5)(B), by striking “fiscal year 2012” each place it appears and inserting “each of the previous 3 fiscal years”;

(3) by redesignating paragraph (8) as paragraph (9) and inserting after paragraph (7) the following:

“(8) HARBOR MAINTENANCE TRUST FUND.—The term ‘Harbor Maintenance Trust Fund’ means the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.”; and

(4) in paragraph (9), as so redesignated—

(A) by amending subparagraph (B) to read as follows:

“(B) at which the total amount of harbor maintenance taxes collected (including the estimated taxes related to domestic cargo and cruise passengers) comprise annually more than \$5,000,000 but less than \$15,000,000 of the total funding of the Harbor Maintenance Trust Fund in each of the previous 3 fiscal years;”;

(B) in subparagraph (C), by inserting “(including the estimated taxes related to domestic cargo and cruise passengers)” after “taxes collected”; and

(C) in subparagraph (D), by striking “fiscal year 2012” and inserting “each of the previous 3 fiscal years”.

(b) REPORT TO CONGRESS; AUTHORIZATION OF APPROPRIATIONS.—Section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) is amended—

(1) by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking “2020” and inserting “2030”; and

(B) by striking paragraph (3).

**SEC. 105. ASSUMPTION OF MAINTENANCE OF A LOCALLY PREFERRED PLAN.**

Section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)) is amended to read as follows:

“(f) OPERATION AND MAINTENANCE.—

“(1) ASSUMPTION OF MAINTENANCE.—Whenever a non-Federal interest carries out improvements to a federally authorized harbor or inland harbor, the Sec-

retary shall be responsible for operation and maintenance in accordance with section 101(b) if—

“(A) before construction of the improvements—

“(i) the Secretary determines that the improvements are feasible and consistent with the purposes of this title; and

“(ii) the Secretary and the non-Federal interest execute a written agreement relating to operation and maintenance of the improvements;

“(B) the Secretary certifies that the project or separable element of the project is constructed in accordance with applicable permits and appropriate engineering and design standards; and

“(C) the Secretary does not find that the project or separable element is no longer feasible.

“(2) FEDERAL FINANCIAL PARTICIPATION IN THE COSTS OF A LOCALLY PREFERRED PLAN.—In the case of improvements determined by the Secretary pursuant to paragraph (1)(A)(i) to deviate from the national economic development plan, the Secretary shall be responsible for all operation and maintenance costs of such improvements, as described in section 101(b), including costs in excess of the costs of the national economic development plan, if the Secretary determines that the improvements satisfy the requirements of paragraph (1).”.

**SEC. 106. COAST GUARD ANCHORAGES.**

The Secretary is authorized to perform dredging at Federal expense within and adjacent to anchorages on the Columbia River established by the Coast Guard pursuant to section 7 of the Act of March 14, 1915 (33 U.S.C. 471), to provide safe anchorage for deep draft vessels commensurate with the authorized Federal navigation channel depth, including advanced maintenance.

**SEC. 107. STATE CONTRIBUTION OF FUNDS FOR CERTAIN OPERATION AND MAINTENANCE COSTS.**

In carrying out eligible operations and maintenance activities within the Great Lakes Navigation System pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) in a State that has implemented any additional State limitation on the disposal of dredged material in the open waters of such State, the Secretary may, pursuant to section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), receive from such State, and expend, such funds as may be contributed by the State to cover the additional costs for operations and maintenance activities for a harbor or inland harbor within such State that result from such limitation.

**SEC. 108. INLAND WATERWAY PROJECTS.**

(a) IN GENERAL.—Notwithstanding section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212), 35 percent of the costs of construction of any project for navigation on the inland waterways shall be paid from amounts appropriated from the Inland Waterways Trust Fund—

(1) during each of fiscal years 2021 through 2027; and

(2) for a project the construction of which is initiated during such period, in each fiscal year until such construction is complete.

(b) PRIORITIZATION.—In selecting projects described in subsection (a) for which to initiate construction during any of fiscal years 2021 through 2027, the Secretary shall prioritize projects that are included in the most recent 20-year program for making capital investments developed under section 302(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2251(d)).

**SEC. 109. IMPLEMENTATION OF WATER RESOURCES PRINCIPLES AND REQUIREMENTS.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue final agency-specific procedures necessary to implement the principles and requirements and the interagency guidelines.

(b) DEVELOPMENT OF FUTURE WATER RESOURCES DEVELOPMENT PROJECTS.—The procedures required by subsection (a) shall ensure that the Secretary, in the formulation of future water resources development projects—

(1) develops such projects in accordance with—

(A) the guiding principles established by the principles and requirements; and

(B) the national water resources planning policy established by section 2031(a) of the Water Resources Development Act of 2007 (42 U.S.C. 1962–3(a)); and

(2) fully identifies and analyzes national economic development benefits, regional economic development benefits, environmental quality benefits, and other societal effects.

(c) REVIEW AND UPDATE.—Every 5 years, the Secretary shall review and, where appropriate, revise the procedures required by subsection (a).

(d) **PUBLIC REVIEW, NOTICE, AND COMMENT.**—In issuing, reviewing, and revising the procedures required by this section, the Secretary shall—

- (1) provide notice to interested non-Federal stakeholders of the Secretary’s intent to revise the procedures;
- (2) provide opportunities for interested non-Federal stakeholders to engage with, and provide input and recommendations to, the Secretary on the revision of the procedures; and
- (3) solicit and consider public and expert comments.

(e) **DEFINITIONS.**—In this section:

- (1) **INTERAGENCY GUIDELINES.**—The term “interagency guidelines” means the interagency guidelines contained in the document finalized by the Council on Environmental Quality pursuant to section 2031 of the Water Resources Development Act of 2007 (42 U.S.C. 1962–3) in December 2014, to implement the principles and requirements.
- (2) **PRINCIPLES AND REQUIREMENTS.**—The term “principles and requirements” means the principles and requirements contained in the document prepared by the Council on Environmental Quality pursuant to section 2031 of the Water Resources Development Act of 2007 (42 U.S.C. 1962–3), entitled “Principles and Requirements for Federal Investments in Water Resources”, and dated March 2013.

**SEC. 110. RESILIENCY PLANNING ASSISTANCE.**

(a) **IN GENERAL.**—Section 206(a) of the Flood Control Act of 1960 (33 U.S.C. 709a(a)) is amended by inserting “, to avoid repetitive flooding impacts, to anticipate, prepare, and adapt to changing climatic conditions and extreme weather events, and to withstand, respond to, and recover rapidly from disruption due to the flood hazards” after “in planning to ameliorate the flood hazard”.

(b) **PRIORITIZING FLOOD RISK RESILIENCY TECHNICAL ASSISTANCE FOR ECONOMICALLY DISADVANTAGED COMMUNITIES.**—In carrying out section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a), the Secretary shall prioritize the provision of technical assistance to support flood risk resiliency planning efforts of an economically disadvantaged community.

**SEC. 111. PROJECT CONSULTATION.**

(a) **REPORTS REQUIRED.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit the following reports:

- (1) The report required under section 1214 of the Water Resources Development Act of 2018 (132 Stat. 3809).
- (2) The report required under section 1120(a)(3) of the Water Resources Development Act of 2016 (130 Stat. 1643).

(b) **CONSULTATION.**—

(1) **AGENCIES AND TRIBES.**—The Secretary shall ensure that all covered community consultation policies, regulations, and guidance of the Corps of Engineers continue to be implemented, and that consultations with Federal and State agencies and Indian Tribes required for a water resources development project are carried out.

(2) **COMMUNITIES.**—The Secretary shall ensure that any covered communities, including such communities identified in the reports submitted under subsection (a), that are found to be disproportionately or adversely affected are included in consultation policies, regulations, and guidance of the Corps of Engineers.

(3) **PROJECT PLANNING AND CONSTRUCTION.**—The Secretary shall ensure that covered communities are consulted in the development of water resources development project planning and construction, for the purposes of achieving environmental justice and addressing any disproportionate or adverse effects on such communities.

(c) **ENVIRONMENTAL JUSTICE UPDATES.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall update any policies, regulations, and guidance of the Corps of Engineers related to achieving environmental justice for covered communities.

(2) **RECOMMENDATIONS AND CONSULTATION.**—In carrying out paragraph (1), the Secretary shall—

- (A) consult with a wide array of representatives of covered communities; and
- (B) use the recommendations from the reports submitted under subsection (a).

(d) **COMMUNITY ENGAGEMENT.**—The Secretary shall ensure that in carrying out authorized water resources development projects in, and all other activities of the Corps of Engineers related to, covered communities, the Corps of Engineers—

- (1) promotes the meaningful involvement of such communities in the project development and implementation, enforcement efforts, and other activities of the Corps of Engineers;
  - (2) provides guidance and technical assistance to such communities to increase understanding of the project development and implementation activities, regulations, and policies of the Corps of Engineers; and
  - (3) cooperates with State, Tribal, and local governments with respect to activities carried out pursuant to this subsection.
- (e) TRIBAL LANDS AND CONSULTATION.—The Secretary shall ensure that in carrying out authorized water resources development projects and in all other activities of the Corps of Engineers, that the Corps of Engineers—
- (1)(A) consults with Indian Tribes specifically on any Tribal lands near or adjacent to any activities of the Corps of Engineers, for purposes of identifying lands of ancestral, cultural, or religious importance; and
  - (B) cooperates with Indian Tribes to avoid, or otherwise find alternate solutions with respect to, such lands; and
  - (2)(A) consults with Indian Tribes specifically on any Tribal areas near or adjacent to any activities of the Corps of Engineers, for purposes of identifying lands, waters, and other resources critical to the livelihood of the Indian Tribes; and
  - (B) cooperates with Indian Tribes to avoid, or otherwise find alternate solutions with respect to, such areas.
- (f) DEFINITIONS.—In this section:
- (1) COMMUNITY OF COLOR.—The term “community of color” means a community of individuals who are—
    - (A) American Indian or Alaska Native;
    - (B) Asian or Pacific Islander;
    - (C) Black, not of Hispanic origin; or
    - (D) Hispanic.
  - (2) COVERED COMMUNITY.—The term “covered community” means each of the following:
    - (A) A community of color.
    - (B) An economically disadvantaged community.
    - (C) A rural community.
    - (D) A Tribal or indigenous community.
  - (3) STATE.—The term “State” means each of the several States, the District of Columbia, and each of the commonwealths, territories, and possessions of the United States.

**SEC. 112. REVIEW OF RESILIENCY ASSESSMENTS.**

- (a) RESILIENCY ASSESSMENT.—
  - (1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, and in conjunction with the development of procedures under section 109 of this Act, the Secretary is directed to review, and where appropriate, revise the existing planning guidance documents and regulations on the assessment of the effects of sea level rise on future water resources development projects to ensure that such guidance documents and regulations are based on the best available, peer-reviewed science and data on the current and future effects of sea level rise on coastal communities.
  - (2) COORDINATION.—In carrying out this subsection, the Secretary shall—
    - (A) coordinate the review with the Engineer Research and Development Center, other Federal and State agencies, and other relevant entities; and
    - (B) to the maximum extent practicable and where appropriate, utilize data provided to the Secretary by such agencies.
- (b) ASSESSMENT OF BENEFITS OF SEA LEVEL RISE RESILIENCY IN FEASIBILITY REPORTS.—
  - (1) IN GENERAL.—Upon the request of a non-Federal interest, in carrying out a feasibility study for a project for flood risk mitigation, hurricane and storm damage risk reduction, or ecosystem restoration under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), the Secretary shall consider whether the need for the project is predicated upon or exacerbated by conditions related to sea level rise.
  - (2) SEA LEVEL RISE RESILIENCY BENEFITS.—To the maximum extent practicable, in carrying out a study pursuant to paragraph (1), the Secretary shall document the potential effects of sea level rise on the project, and benefits of the project relating to sea level rise, during the 50-year period after the date of completion of the project.



**SEC. 113. SMALL FLOOD CONTROL PROJECTS.**

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by inserting “, and projects that use natural features or nature-based features (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))),” after “nonstructural projects”.

**SEC. 114. CONFORMING AMENDMENT.**

Section 103(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended—

(1) in the subsection heading, by striking “NONSTRUCTURAL FLOOD CONTROL PROJECTS” and inserting “PROJECTS USING NONSTRUCTURAL, NATURAL, OR NATURE-BASED FEATURES”; and

(2) in paragraph (1)—

(A) by striking “nonstructural flood control measures” and inserting “a flood risk management or hurricane and storm damage risk reduction measure using a nonstructural feature, or a natural feature or nature-based feature (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))),”; and

(B) by striking “cash during construction of the project” and inserting “cash during construction for a nonstructural feature if the costs of land, easements, rights-of-way, dredged material disposal areas, and relocations for such feature are estimated to exceed 35 percent”.

**SEC. 115. FEASIBILITY STUDIES; REVIEW OF NATURAL AND NATURE-BASED FEATURES.**

(a) TECHNICAL CORRECTION.—Section 1149(c) of the Water Resources Development Act of 2018 (33 U.S.C. 2282 note; 132 Stat. 3787) is amended by striking “natural infrastructure alternatives” and inserting “natural feature or nature-based feature alternatives (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (32 U.S.C. 2289a))”.

(b) SUMMARY OF ANALYSIS.—To the maximum extent practicable, the Secretary shall include in each feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) for a project that contains a flood risk management or hurricane and storm damage risk reduction element, a summary of the natural feature or nature-based feature alternatives that were evaluated in the development of the feasibility report, and, if such alternatives were not included in the recommended plan, an explanation of why such alternatives were not included into the recommended plan.

**SEC. 116. REPORT ON CORROSION PREVENTION ACTIVITIES.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report that describes—

(1) the extent to which the Secretary has carried out section 1033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2350);

(2) the extent to which the Secretary has incorporated corrosion prevention activities (as defined in such section) at water resources development projects constructed or maintained by the Secretary since the date of enactment of such section; and

(3) in instances where the Secretary has not incorporated corrosion prevention activities at such water resources development projects since such date, an explanation as to why such corrosion prevention activities have not been incorporated.

**SEC. 117. QUANTIFICATION OF BENEFITS FOR FLOOD RISK MANAGEMENT PROJECTS IN SEISMIC ZONES.**

(a) IN GENERAL.—Upon the request of the non-Federal interest for a flood risk management project in a seismic zone, the Secretary shall quantify the seismic hazard risk reduction benefits for the project if the non-Federal interest identifies, and the Secretary approves, an acceptable methodology to quantify such benefits.

(b) APPLICABILITY.—The Secretary shall—

(1) include all associated seismic hazard risk reduction benefits approved by the Secretary in the calculation of the national economic development benefit-cost ratio for a flood risk management project in a seismic hazard zone for purposes of plan formulation pursuant to section 905 of the Water Resources Development Act of 1986; and

(2) seek to maximize the combination of flood risk reduction and seismic hazard risk reduction benefits in the formulation of the national economic development alternative for such project.

**SEC. 118. FEDERAL INTEREST DETERMINATION.**

Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by inserting after subsection (a) the following:

**“(b) FEDERAL INTEREST DETERMINATION.—**

“(1) **IN GENERAL.**—In preparing a feasibility report under subsection (a) for a study that will benefit an economically disadvantaged community, upon request by the non-Federal interest for the study, the Secretary shall first determine the Federal interest in carrying out the study and the projects that may be proposed in the study.

“(2) **COST SHARE.**—The costs of a determination under paragraph (1)—

“(A) shall be at Federal expense; and

“(B) shall not exceed \$200,000.

“(3) **DEADLINE.**—A determination under paragraph (1) shall be completed by not later than 120 days after the date on which funds are made available to the Secretary to carry out the determination.

“(4) **TREATMENT.**—

“(A) **TIMING.**—The period during which a determination is being completed under paragraph (1) for a study shall not be included for purposes of the deadline to complete a final feasibility report under section 1001(a)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)(1)).

“(B) **COST.**—The cost of a determination under paragraph (1) shall not be included for purposes of the maximum Federal cost under section 1001(a)(2) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)(2)).

“(5) **REPORT TO NON-FEDERAL INTEREST.**—If, based on a determination under paragraph (1), the Secretary determines that a study or project is not in the Federal interest because the project will not result, or is unlikely to result, in a recommended plan that will produce national economic development benefits greater than cost, but may result in a technically sound and environmentally acceptable plan that is otherwise consistent with section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281), the Secretary shall issue a report to the non-Federal interest with recommendations on how the non-Federal interest might modify the proposal such that the project could be in the Federal interest and feasible.”.

**SEC. 119. ECONOMICALLY DISADVANTAGED COMMUNITY FLOOD PROTECTION AND HURRICANE AND STORM DAMAGE REDUCTION STUDY PILOT PROGRAM.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate opportunities to address the flood risk management and hurricane and storm damage risk reduction needs of economically disadvantaged communities.

(b) **PARTICIPATION IN PILOT PROGRAM.**—In carrying out subsection (a), the Secretary shall—

(1) publish a notice in the Federal Register that requests from non-Federal interests proposals for the potential feasibility study of a flood risk management project or hurricane and storm damage risk reduction project for an economically disadvantaged community;

(2) upon request of a non-Federal interest for such a project, provide technical assistance to such non-Federal interest in the formulation of a proposal for a potential feasibility study to be submitted to the Secretary under the pilot program; and

(3) review such proposals and select 10 feasibility studies for such projects to be carried out by the Secretary, in coordination with the non-Federal interest, under this pilot program.

(c) **SELECTION CRITERIA.**—In selecting a feasibility study under subsection (b)(3), the Secretary shall consider whether—

(1) the percentage of people living in poverty in the county or counties (or county-equivalent entity or entities) in which the project is located is above the percentage of people living in poverty in the State, based on census bureau data;

(2) the percentage of families with income above the poverty threshold but below the average household income in the county or counties (or county-equivalent entity or entities) in which the project is located is above the percentage of the same for the State, based on census bureau data;

(3) the percentage of the population that identifies as belonging to a minority or indigenous group in the county or counties (or county-equivalent entity or entities) in which the project is located is above the average percentage in the State, based on census bureau data; and

(4) the project is addressing flooding or hurricane or storm damage effects that have a disproportionate impact on a rural community or a community of color (as such term is defined in section 111 of this Act), including Tribal or indigenous peoples.

(d) ADMINISTRATION.—Notwithstanding the requirements of section 105(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2215), the Federal share of the cost of a feasibility study carried out under the pilot program shall be 100 percent.

(e) GEOGRAPHIC DIVERSITY.—When selecting feasibility studies under subsection (b)(3), the Secretary shall consider the geographic diversity among proposed projects.

(f) STUDY REQUIREMENTS.—Feasibility studies carried out under this subsection shall, to the maximum extent practical, incorporate natural features or nature-based features (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a)), or a combination of such features and non-structural features, that avoid or reduce at least 50 percent of flood or storm damages in one or more of the alternatives included in the final alternatives evaluated.

(g) NOTIFICATION.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the selection of each feasibility study under the pilot program.

(h) COMPLETION.—Upon completion of a feasibility report for a feasibility study selected to be carried out under this section, the Secretary shall transmit the report to Congress for authorization, and shall include the report in the next annual report submitted under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(i) SUNSET.—The authority to commence a feasibility study under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

(j) REPORT.—Not later than 5 years and 10 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report detailing the results of the pilot program carried out under this section, including—

(1) a description of proposals received from non-Federal interests pursuant to subsection (b)(1);

(2) a description of technical assistance provided to non-Federal interests under subsection (b)(2); and

(3) a description of proposals selected under subsection (b)(3) and criteria used to select such proposals.

(k) STATE DEFINED.—In this section, the term “State” means each of the several States, the District of Columbia, and each of the commonwealths, territories, and possessions of the United States.

**SEC. 120. PERMANENT MEASURES TO REDUCE EMERGENCY FLOOD FIGHTING NEEDS FOR COMMUNITIES SUBJECT TO REPETITIVE FLOODING.**

(a) DEFINITIONS.—In this section:

(1) AFFECTED COMMUNITY.—The term “affected community” means a legally constituted public body (as that term is used in section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b))—

(A) with jurisdiction over an area that has been subject to flooding in two or more events in any 10-year period; and

(B) that has received emergency flood-fighting assistance, including construction of temporary barriers by the Secretary, under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) with respect to such flood events.

(2) NATURAL FEATURE; NATURE-BASED FEATURE.—The terms “natural feature” and “nature-based feature” have the meanings given those terms in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a).

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to carry out a program to study, design, and construct water resources development projects through measures involving, among other things, strengthening, raising, extending, realigning, or otherwise modifying existing flood control works, designing new works, and incorporating natural features, nature-based features, or nonstructural features, as appropriate to provide flood and coastal storm risk management to affected communities.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall, to the maximum extent practical, review and, where appropriate, incorporate natural features or nature-based features, or a combination of such features and nonstructural features, that avoid or reduce at least 50 percent of flood or storm

damages in one or more of the alternatives included in the final alternatives evaluated.

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary may carry out a project described in paragraph (1) without further congressional authorization if—

(i) the Secretary determines that the project—

(I) is advisable to reduce the risk of flooding for an affected community; and

(II) produces benefits that are in excess of the estimated costs; and

(ii) the Federal share of the cost of the construction does not exceed \$15,000,000.

(B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of a project described in paragraph (1) exceeds \$15,000,000, the Secretary shall submit the project recommendation to Congress for authorization prior to construction, and shall include the project recommendation in the next annual report submitted under section 7001 of the Water Resources Reform and Development Act of 2014.

(C) FINANCING.—

(i) CONTRIBUTIONS.—If, based on a study carried out pursuant to paragraph (1), the Secretary determines that a project described in paragraph (1) will not produce benefits greater than cost, the Secretary shall allow the affected community to pay, or provide contributions equal to, an amount sufficient to make the remaining costs of design and construction of the project equal to the estimated value of the benefits of the project.

(ii) EFFECT ON NON-FEDERAL SHARE.—Amounts provided by an affected community under clause (i) shall be in addition to any payments or contributions the affected community is required to provide toward the remaining costs of design and construction of the project under section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(4) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a project entered into pursuant to this section shall be subject to the ability of the affected community to pay.

(B) DETERMINATION.—The ability of any affected community to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(C) EFFECT OF REDUCTION.—Any reduction in the non-Federal share of the cost of a project described in paragraph (1) as a result of a determination under this paragraph shall not be included in the Federal share for purposes of subparagraphs (A) and (B) of paragraph (3).

**SEC. 121. EMERGENCY RESPONSE TO NATURAL DISASTERS.**

(a) IN GENERAL.—Section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) is amended—

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

“(5) FEASIBILITY STUDY.—

“(A) DETERMINATION.—Not later than 180 days after receiving, from a non-Federal sponsor of a project to repair or rehabilitate a flood control work described in paragraph (1), a request to initiate a feasibility study to further modify the relevant flood control work to provide for an increased level of protection, the Secretary shall provide to the non-Federal sponsor a written decision on whether the Secretary has the authority under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) to undertake the requested feasibility study.

“(B) RECOMMENDATION.—If the Secretary determines under subparagraph (B) that the Secretary does not have the authority to undertake the requested feasibility study, the Secretary shall include the request for a feasibility study in the annual report submitted under section 7001 of the Water Resources Reform and Development Act of 2014.”;

(2) in subsection (c)—

(A) in the subsection heading, by striking “LEVEE OWNERS MANUAL” and inserting “ELIGIBILITY”;

(B) in paragraph (1), in the heading, by striking “IN GENERAL” and inserting “LEVEE OWNER’S MANUAL”;

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

“(2) COMPLIANCE.—

“(A) IN GENERAL.—Notwithstanding the status of compliance of a non-Federal interest with the requirements of a levee owner’s manual described in paragraph (1), or with any other eligibility requirement established by the Secretary related to the maintenance and upkeep responsibilities of the non-Federal interest, the Secretary shall consider the non-Federal interest to be eligible for repair and rehabilitation assistance under this section if the non-Federal interest—

“(i) enters into a written agreement with the Secretary that identifies any items of deferred or inadequate maintenance and upkeep identified by the Secretary prior to the natural disaster; and

“(ii) pays, during performance of the repair and rehabilitation work, all costs to address—

“(I) any items of deferred or inadequate maintenance and upkeep identified by the Secretary; and

“(II) any repair or rehabilitation work necessary to address damage the Secretary attributes to such deferred or inadequate maintenance or upkeep.

“(B) ELIGIBILITY.—The Secretary may only enter into one agreement under subparagraph (A) with any non-Federal interest.

“(C) SUNSET.—The authority of the Secretary to enter into agreements under paragraph (2) shall terminate on the date that is 5 years after the date of enactment of this paragraph.”; and

(D) in paragraph (3) (as so redesignated), by striking “this subsection” and inserting “paragraph (1)”.

**SEC. 122. STUDY ON NATURAL INFRASTRUCTURE AT CORPS OF ENGINEERS PROJECTS.**

(a) DEFINITION OF NATURAL FEATURE AND NATURE-BASED FEATURE.—In this section, the terms “natural feature” and “nature-based feature” have the meanings given those terms in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)).

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report on the results of a study on the consideration by the Secretary of natural infrastructure, natural features, and nature-based features in the study of the feasibility of projects for flood risk management, hurricane and storm damage risk reduction, and ecosystem restoration.

(c) REQUIREMENTS.—The study under subsection (b) shall include—

(1) a description of guidance or instructions issued, and other measures taken, by the Secretary to consider natural infrastructure, natural features, and nature-based features in project feasibility studies;

(2) an assessment, based on information from relevant Federal and non-Federal sources, of—

(A) the costs, benefits, and effects associated with natural infrastructure, natural features, and nature-based features recommended by the Secretary for flood risk management, hurricane and storm damage risk reduction, and ecosystem restoration; and

(B) the effectiveness of natural infrastructure, natural features, and nature-based features;

(3) an analysis of projects for flood risk management, hurricane and storm damage risk reduction, and ecosystem restoration that have incorporated natural infrastructure, natural features, or nature-based features to identify best practices, including for measuring project benefits and costs;

(4) a description of any statutory, fiscal, regulatory, or other policy barriers to the appropriate consideration and use of a full array of natural infrastructure, natural features, and nature-based features in carrying out feasibility studies and projects; and

(5) any recommendations for changes to law, or to fiscal, regulatory, or other policies, to improve the use of natural infrastructure, natural features, and nature-based features by the Corps of Engineers in carrying out feasibility studies and projects.

**SEC. 123. REVIEW OF CORPS OF ENGINEERS ASSETS.**

Section 6002 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1349) is amended to read as follows:

**“SEC. 6002. REVIEW OF CORPS OF ENGINEERS ASSETS.**

“(a) **ASSESSMENT.**—The Secretary shall conduct an assessment of projects constructed by the Secretary for which the Secretary continues to have financial or operational responsibility.

“(b) **INVENTORY.**—Not later than 18 months after the date of enactment of the Water Resources Development Act of 2020, the Secretary shall, based on the assessment carried out under subsection (a), develop an inventory of projects or portions of projects—

“(1) that are not needed for the missions of the Corps of Engineers;

“(2) the modification of which, including though the use of natural features or nature-based features (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)), could improve the sustainable operations of the project, or reduce operation and maintenance costs for the project; or

“(3) that are no longer having project purposes adequately met by the Corps of Engineers, because of deferment of maintenance or other challenges, and the divestment of which to a non-Federal entity could better meet the local and regional needs for operation and maintenance.

“(c) **CRITERIA.**—In conducting the assessment under subsection (a) and developing the inventory under subsection (b), the Secretary shall use the following criteria:

“(1) The extent to which the project aligns with the current missions of the Corps of Engineers.

“(2) The economic and environmental impacts of the project on existing communities in the vicinity of the project.

“(3) The extent to which the divestment or modification of the project could reduce operation and maintenance costs of the Corps of Engineers.

“(4) The extent to which the divestment or modification of the project is in the public interest.

“(5) The extent to which investment of additional Federal resources in the project proposed for divestment or modification, including investment needed to bring the project to a good state of repair, is in the public interest.

“(6) The extent to which the authorized purpose of the project is no longer being met.

“(d) **RECOMMENDATIONS OF NON-FEDERAL INTERESTS.**—A non-Federal interest for a project may recommend that the Secretary include such project in the assessment or inventory required under this section.

“(e) **REPORT TO CONGRESS.**—

“(1) **IN GENERAL.**—Upon completion of the inventory required by subsection (b), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make publicly available, a report containing the findings of the Secretary with respect to the assessment and inventory required under this section.

“(2) **INCLUSION.**—The Secretary shall list in an appendix any recommendation of a non-Federal interest made with respect to a project under subsection (d) that the Secretary determines not to include in the inventory developed under subsection (b), based on the criteria in subsection (c), including information about the request and the reasons for the Secretary’s determination.”.

**SEC. 124. SENSE OF CONGRESS ON MULTIPURPOSE PROJECTS.**

It is the sense of Congress that the Secretary, in coordination with non-Federal interests, should maximize the development, evaluation, and recommendation of project alternatives for future water resources development projects that produce multiple project benefits, such as navigation, flood risk management, and ecosystem restoration benefits, including through the use of natural or nature-based features and the beneficial reuse of dredged material.

**SEC. 125. BENEFICIAL REUSE OF DREDGED MATERIAL; DREDGED MATERIAL MANAGEMENT PLANS.**

(a) **NATIONAL POLICY ON THE BENEFICIAL REUSE OF DREDGED MATERIAL.**—

(1) **IN GENERAL.**—It is the policy of the United States for the Corps of Engineers to maximize the beneficial reuse, in an environmentally acceptable manner, of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects.

(2) **PLACEMENT OF DREDGED MATERIALS.**—

(A) **IN GENERAL.**—In evaluating the placement of dredged material obtained from the construction or operation and maintenance of water resources development projects, the Secretary shall consider—

(i) the suitability of the dredged material for a full range of beneficial uses; and

(ii) the economic and environmental benefits, efficiencies, and impacts (including the effects on living coral) of using the dredged material for beneficial uses, including, in the case of beneficial reuse activities that involve more than one water resources development project, the benefits, efficiencies, and impacts that result from the combined activities.

(B) CALCULATION OF FEDERAL STANDARD.—The economic benefits and efficiencies from the beneficial use of dredged material considered by the Secretary under subparagraph (A) shall be included in any determination relating to the “Federal standard” by the Secretary under section 335.7 of title 33, Code of Federal Regulations for the placement or disposal of such material.

(b) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) PILOT PROGRAM PROJECTS.—Section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note) is amended—

(A) in subsection (b)(1), by striking “20” and inserting “30”; and

(B) in subsection (g), by striking “20” and inserting “30”.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary, in selecting projects for the beneficial reuse of dredged materials under section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note), should ensure the thorough evaluation of project submissions from rural, small, and economically disadvantaged communities.

(c) FIVE-YEAR REGIONAL DREDGED MATERIAL MANAGEMENT PLANS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the District Commander of each district of the Corps of Engineers that obtains dredged material through the construction or operation and maintenance of a water resources development project shall, at Federal expense, develop and submit to the Secretary a 5-year dredged material management plan in coordination with relevant State agencies and stakeholders.

(2) SCOPE.—Each plan developed under this subsection shall include—

(A) a dredged material budget for each watershed or littoral system within the district;

(B) an estimate of the amount of dredged material likely to be obtained through the construction or operation and maintenance of all water resources development projects projected to be carried out within the district during the 5-year period following submission of the plan, and the estimated timing for obtaining such dredged material;

(C) an identification of potential water resources development projects projected to be carried out within the district during such 5-year period that are suitable for, or that require, the placement of dredged material, and an estimate of the amount of dredged material placement capacity of such projects;

(D) an evaluation of—

(i) the suitability of the dredged material for a full range of beneficial uses; and

(ii) the economic and environmental benefits, efficiencies, and impacts (including the effects on living coral) of using the dredged material for beneficial uses, including, in the case of beneficial reuse activities that involve more than one water resources development project, the benefits, efficiencies, and impacts that result from the combined activities; and

(E) the district-wide goals for beneficial reuse of the dredged material, including any expected cost savings from aligning and coordinating multiple projects (including projects across Corps districts) in the reuse of the dredged material.

(3) PUBLIC COMMENT.—In developing each plan under this subsection, each District Commander shall provide notice and an opportunity for public comment.

(4) PUBLIC AVAILABILITY.—Upon submission of each plan to the Secretary under this subsection, each District Commander shall make the plan publicly available, including on a publicly available website.

(d) DREDGE PILOT PROGRAM.—

(1) REVISIONS.—Section 1111 of the Water Resources Development Act of 2018 (33 U.S.C. 2326 note) is amended—

(A) in subsection (a), by striking “for the operation and maintenance of harbors and inland harbors” and all that follows through the period at the end and inserting the following: “for the—

“(1) harbors and inland harbors referred to in section 210(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(a)(2)); or

“(2) inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).”; and (B) in subsection (b), by striking “or inland harbors” and inserting “, inland harbors, or inland or intracoastal waterways”.

(2) COORDINATION WITH EXISTING AUTHORITIES.—The Secretary may carry out the dredge pilot program authorized by section 1111 of the Water Resources Development Act of 2018 (33 U.S.C. 2326 note) in coordination with Federal regional dredge demonstration programs in effect on the date of enactment of this Act.

**SEC. 126. AQUATIC ECOSYSTEM RESTORATION FOR ANADROMOUS FISH.**

(a) ANADROMOUS FISH HABITAT AND PASSAGE.—Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

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

“(3) ANADROMOUS FISH HABITAT AND PASSAGE.—

“(A) MEASURES.—A project under this section may include measures to improve habitat or passage for anadromous fish, including—

“(i) installing fish bypass structures on small water diversions;

“(ii) modifying tide gates; and

“(iii) restoring or reconnecting floodplains and wetlands that are important for anadromous fish habitat or passage.

“(B) BENEFITS.—A project that includes measures under this paragraph shall be formulated to maximize benefits for the anadromous fish species benefitted by the project.”; and

(2) by adding at the end the following:

“(g) PRIORITIZATION.—The Secretary shall give projects that include measures described in subsection (a)(3) equal priority for implementation as other projects under this section.”.

**SEC. 127. ANNUAL REPORT TO CONGRESS.**

Section 7001(c)(4)(B) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(c)(4)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

“(ii) the Secretary shall not include proposals in the appendix of the annual report that otherwise meet the criteria for inclusion in the annual report solely on the basis that the proposals are for the purposes of navigation, flood risk management, ecosystem restoration, or municipal or agricultural water supply; and”.

**SEC. 128. HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM.**

(a) IN GENERAL.—The Secretary shall carry out a demonstration program to determine the causes of, and implement measures to effectively detect, prevent, treat, and eliminate, harmful algal blooms associated with water resources development projects.

(b) CONSULTATION; USE OF EXISTING DATA AND PROGRAM AUTHORITIES.—In carrying out the demonstration program under subsection (a), the Secretary shall—

(1) consult with the heads of appropriate Federal and State agencies; and

(2) make maximum use of existing Federal and State data and ongoing programs and activities of Federal and State agencies, including the activities of the Secretary carried out through the Engineer Research and Development Center pursuant to section 1109 of the Water Resources Development Act of 2018 (33 U.S.C. 610 note).

(c) FOCUS AREAS.—In carrying out the demonstration program under subsection (a), the Secretary shall undertake program activities related to harmful algal blooms in the Great Lakes, the tidal and inland waters of the State of New Jersey, the coastal and tidal waters of the State of Louisiana, the waterways of the counties that comprise the Sacramento-San Joaquin Delta, California, and Lake Okeechobee, Florida.

**SEC. 129. UPDATE ON INVASIVE SPECIES POLICY GUIDANCE.**

(a) IN GENERAL.—The Secretary shall periodically update the Invasive Species Policy Guidance, developed under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) and the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), in accordance with the most recent National Invasive Species Council Management Plan developed pursuant to Executive Order 13112.



(b) **INCLUSION.**—The Secretary may include in the updated guidance invasive species specific efforts at federally authorized water resources development projects located in—

- (1) high-altitude lakes; and
- (2) the Tennessee and Cumberland River basins.

**SEC. 130. REPORT ON DEBRIS REMOVAL.**

Section 1210 of the Water Resources Development Act of 2018 (132 Stat. 3808) is amended to read as follows:

**“SEC. 1210. REPORT ON DEBRIS REMOVAL.**

“Not later than 180 days after the date of enactment of the Water Resources Development Act of 2020, the Secretary shall submit to Congress and make publicly available a report that describes—

- “(1) the extent to which, during the 10 fiscal years prior to such date of enactment, the Secretary has carried out section 3 of the Act of March 2, 1945 (33 U.S.C. 603a);
- “(2) how the Secretary has evaluated potential work to be carried out under that section; and
- “(3) the extent to which the Secretary plans to start, continue, or complete debris removal activities in the 3 years following submission of the report.”.

**SEC. 131. MISSOURI RIVER INTERCEPTION-REARING COMPLEX CONSTRUCTION.**

(a) **REPORT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the effects of any interception-rearing complex constructed on the Missouri River on—

- (1) flood risk management and navigation; and
- (2) the population recovery of the pallid sturgeon, including baseline population counts.

(b) **NO ADDITIONAL IRC CONSTRUCTION.**—The Secretary may not authorize construction of an interception-rearing complex on the Missouri River until the Secretary—

- (1) submits the report required by subsection (a);
- (2) acting through the Engineer Research and Development Center, conducts further research on interception-rearing complex design, including any effects on existing flows, flood risk management, and navigation; and
- (3) develops a plan—
  - (A) to repair dikes and revetments that are affecting flood risk and bank erosion; and
  - (B) to establish, repair, or improve water control structures at the headworks of constructed shallow water habitat side-channels.

(c) **FUTURE IRC CONSTRUCTION.**—

(1) **PUBLIC COMMENT.**—The Secretary shall provide an opportunity for comment from the public and the Governor of each affected State on any proposals to construct an interception-rearing complex after the date of enactment of this Act.

(2) **PERIOD.**—The public comment period required by paragraph (1) shall be not less than 90 days for each proposal to construct an interception-rearing complex on the Missouri River.

**SEC. 132. COST AND BENEFIT FEASIBILITY ASSESSMENT.**

(a) **IN GENERAL.**—Section 5(a)(2)(B) of the Act of August 18, 1941 (33 U.S.C. 701n(a)(2)(B)) is amended—

- (1) in clause (i)(I), by inserting “, or provide contributions equal to,” after “pay”; and
- (2) in clause (ii)—
  - (A) in the heading, by inserting “AND CONTRIBUTIONS” after “OF PAYMENTS”;
  - (B) by inserting “or contributions” after “Non-Federal payments”; and
  - (C) by inserting “or contributions” after “non-Federal payments”.

(b) **CONTINUED ELIGIBILITY.**—Section 1161(b) of the Water Resources Development Act of 2018 (33 U.S.C. 701n note) is amended—

- (1) in the matter preceding paragraph (1)—
  - (A) by striking the “three fiscal years preceding” and inserting “five fiscal years preceding”; and
  - (B) by striking “last day of the third fiscal year” and inserting “last day of the fifth fiscal year”;
- (2) in paragraph (1), by inserting “, or provide contributions equal to,” before “an amount sufficient”; and

(3) by striking paragraph (2) and inserting the following:  
 “(2) the Secretary determines that the damage to the structure was not as a result of negligent operation or maintenance.”.

**SEC. 133. MATERIALS, SERVICES, AND FUNDS FOR REPAIR, RESTORATION, OR REHABILITATION OF PROJECTS.**

(a) **IN GENERAL.**—In any area covered by an emergency or major disaster declaration declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary is authorized to accept and use materials, services, and funds, during the period the declaration is in effect, from a non-Federal interest or private entity to repair, restore, or rehabilitate a federally authorized water resources development project, and to provide reimbursement to such non-Federal interest or private entity for such materials, services, and funds, in the Secretary’s sole discretion, and subject to the availability of appropriations, if the Secretary determines that reimbursement is in the public interest.

(b) **ADDITIONAL REQUIREMENT.**—The Secretary may only reimburse for the use of materials or services accepted under this section if such materials or services meet the Secretary’s specifications and comply with all applicable laws and regulations that would apply if such materials and services were acquired by the Secretary, including sections 3141 through 3148 and 3701 through 3708 of title 40, United States Code, section 8302 of title 41, United States Code, and the National Environmental Policy Act of 1969.

(c) **AGREEMENTS.**—

(1) **IN GENERAL.**—Prior to the acceptance of materials, services, or funds under this section, the Secretary and the non-Federal interest shall enter into an agreement that specifies—

(A) the non-Federal interest shall hold and save the United States free from any and all damages that arise from use of materials or services of the non-Federal interest, except for damages due to the fault or negligence of the United States or its contractors;

(B) the non-Federal interest shall certify that the materials or services comply with all applicable laws and regulations under subsection (b); and

(C) any other term or condition required by the Secretary.

(2) **EXCEPTION.**—If an agreement under paragraph (1) was not entered prior to materials or services being contributed, a non-Federal interest shall enter into an agreement with the Secretary that—

(A) specifies the value, as determined by the Secretary, of those materials or services contributed and eligible for reimbursement; and

(B) ensures that the materials or services comply with subsection (b) and paragraph (1).

**SEC. 134. LEVEE SAFETY.**

Section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) is amended by adding at the end the following:

“(d) **IDENTIFICATION OF DEFICIENCIES.**—

“(1) **IN GENERAL.**—For each levee included in an inventory established under subsection (b) or for which the Secretary has conducted a review under subsection (c), the Secretary shall—

“(A) identify the specific engineering and maintenance deficiencies, if any; and

“(B) describe the recommended remedies to correct each deficiency identified under subparagraph (A), and, if requested by owner of a non-Federal levee, the associated costs of those remedies.

“(2) **CONSULTATION.**—In identifying deficiencies and describing remedies for a levee under paragraph (1), the Secretary shall consult with relevant non-Federal interests, including by providing an opportunity for comment by those non-Federal interests.”.

**SEC. 135. NATIONAL DAM SAFETY PROGRAM.**

(a) **DEFINITIONS.**—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking clause (iii) and inserting the following:

“(iii) has an emergency action plan that—

“(I) is approved by the relevant State dam safety agency; or

“(II) is in conformance with State law and pending approval by the relevant State dam safety agency;”;

(ii) by striking clause (iv) and inserting the following:

- “(iv) fails to meet minimum dam safety standards of the State in which the dam is located, as determined by the State; and
      - “(v) poses an unacceptable risk to the public, as determined by the Administrator, in consultation with the Board.”; and
    - (B) in subparagraph (B)(i), by inserting “under a hydropower project with an authorized installed capacity of greater than 1.5 megawatts” after “dam”; and
  - (2) in paragraph (10)—
    - (A) in the heading, by striking “NON-FEDERAL SPONSOR” and inserting “ELIGIBLE SUBRECIPIENT”; and
    - (B) by striking “The term ‘non-Federal sponsor’” and inserting “The term ‘eligible subrecipient’”.
- (b) REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.—
  - (1) ESTABLISHMENT OF PROGRAM.—Section 8A(a) of the National Dam Safety Program Act (33 U.S.C. 467f-2(a)) is amended by striking “to non-Federal sponsors” and inserting “to States with dam safety programs”.
  - (2) ELIGIBLE ACTIVITIES.—Section 8A(b) of the National Dam Safety Program Act (33 U.S.C. 467f-2(b)) is amended, in the matter preceding paragraph (1), by striking “for a project may be used for” and inserting “to a State may be used by the State to award grants to eligible subrecipients for”.
  - (3) AWARD OF GRANTS.—Section 8A(c) of the National Dam Safety Program Act (33 U.S.C. 467f-2(c)) is amended—
    - (A) in paragraph (1)(A), by striking “non-Federal sponsor” and inserting “State”; and
    - (B) in paragraph (2)—
      - (i) in subparagraph (A), by striking “an eligible high hazard potential dam to a non-Federal sponsor” and inserting “eligible high hazard potential dams to a State”;
      - (ii) in subparagraph (B)—
        - (I) in the subparagraph heading, by striking “PROJECT GRANT” and inserting “GRANT”;
        - (II) by striking “project grant agreement with the non-Federal sponsor” and inserting “grant agreement with the State”; and
        - (III) by striking “project,” and inserting “projects for which the grant is awarded.”;
      - (iii) by amending subparagraph (C) to read as follows:
 

“(C) GRANT ASSURANCE.—As part of a grant agreement under subparagraph (B), the Administrator shall require that each eligible subrecipient to which the State awards a grant under this section provides an assurance, with respect to the dam to be rehabilitated by the eligible subrecipient, that the dam owner will carry out a plan for maintenance of the dam during the expected life of the dam.”; and
      - (iv) in subparagraph (D), by striking “A grant provided under this section shall not exceed” and inserting “A State may not award a grant to an eligible subrecipient under this section that exceeds, for any 1 dam,”.
  - (4) REQUIREMENTS.—Section 8A(d) of the National Dam Safety Program Act (33 U.S.C. 467f-2(d)) is amended—
    - (A) in paragraph (1), by inserting “to an eligible subrecipient” after “this section”;
    - (B) in paragraph (2)—
      - (i) in the paragraph heading, by striking “NON-FEDERAL SPONSOR” and inserting “ELIGIBLE SUBRECIPIENT”;
      - (ii) in the matter preceding subparagraph (A), by striking “the non-Federal sponsor shall” and inserting “an eligible subrecipient shall, with respect to the dam to be rehabilitated by the eligible subrecipient”;
      - (iii) in subparagraph (A), by striking “participate in, and comply with,” and inserting “demonstrate that the community in which the dam is located participates in, and complies with,”;
      - (iv) in subparagraph (B), by striking “have” and inserting “beginning not later than 2 years after the date on which the Administrator publishes criteria for hazard mitigation plans under paragraph (3), demonstrate that the Tribal or local government with jurisdiction over the area in which the dam is located has”; and
      - (v) in subparagraph (C), by striking “50-year period” and inserting “expected life of the dam”; and
    - (C) by adding at the end the following:

“(3) HAZARD MITIGATION PLAN CRITERIA.—Not later than 1 year after the date of enactment of this paragraph, the Administrator, in consultation with the Board, shall publish criteria for hazard mitigation plans required under paragraph (2)(B).”

(5) FLOODPLAIN MANAGEMENT PLANS.—Section 8A(e) of the National Dam Safety Program Act (33 U.S.C. 467f–2(e)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “the non-Federal sponsor” and inserting “an eligible subrecipient”; and

(ii) in subparagraph (B), by striking “1 year” and inserting “2 years” each place it appears; and

(B) by striking paragraph (3) and inserting the following:

“(3) PLAN CRITERIA AND TECHNICAL SUPPORT.—The Administrator, in consultation with the Board, shall provide criteria, and may provide technical support, for the development and implementation of floodplain management plans prepared under this subsection.”

(6) CONTRACTUAL REQUIREMENTS.—Section 8A(i)(1) of the National Dam Safety Program Act (33 U.S.C. 467f–2(i)(1)) is amended by striking “a non-Federal sponsor” and inserting “an eligible subrecipient”.

**SEC. 136. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED PUMP STATIONS.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PUMP STATION.—The term “eligible pump station” means a pump station—

(A) constructed, in whole or in part, by the Corps of Engineers for flood risk management purposes;

(B) that the Secretary has identified as having a major deficiency; and

(C) the failure of which the Secretary has determined would impair the function of a flood risk management project constructed by the Corps of Engineers.

(2) REHABILITATION.—

(A) IN GENERAL.—The term “rehabilitation”, with respect to an eligible pump station, means to address a major deficiency of the eligible pump station caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the eligible pump station.

(B) INCLUSIONS.—The term “rehabilitation”, with respect to an eligible pump station, includes—

(i) the incorporation into the eligible pump station of—

(I) current design standards;

(II) efficiency improvements; and

(III) associated drainage; and

(ii) increasing the capacity of the eligible pump station, subject to the condition that the increase shall—

(I) significantly decrease the risk of loss of life and property damage; or

(II) decrease total lifecycle rehabilitation costs for the eligible pump station.

(b) AUTHORIZATION.—The Secretary may carry out rehabilitation of an eligible pump station, if the Secretary determines that the rehabilitation is feasible.

(c) COST SHARING.—The non-Federal interest for the eligible pump station shall—

(1) provide 35 percent of the cost of rehabilitation of an eligible pump station carried out under this section; and

(2) provide all land, easements, rights-of-way, and necessary relocations associated with the rehabilitation described in subparagraph (A), at no cost to the Federal Government.

(d) AGREEMENT REQUIRED.—The rehabilitation of an eligible pump station pursuant to this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—

(1) to pay the non-Federal share of the costs of rehabilitation under subsection (c); and

(2) to pay 100 percent of the operation and maintenance costs of the rehabilitated eligible pump station, in accordance with regulations promulgated by the Secretary.

(e) TREATMENT.—The rehabilitation of an eligible pump station pursuant to this section shall not be considered to be a separable element of the associated flood risk management project constructed by the Corps of Engineers.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$60,000,000, to remain available until expended.

**SEC. 137. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.**

Section 1043(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note) is amended—

- (1) in paragraph (7), by striking “the date that is 5 years after the date of enactment of this Act” and inserting “September 30, 2026”;
- (2) in paragraph (8), by striking “2023” and inserting “2026”; and
- (3) by adding at the end the following:

**“(9) IMPLEMENTATION GUIDANCE.—**

**“(A) IN GENERAL.—**Not later than 120 days after the date of enactment of this paragraph, the Secretary shall issue guidance for the implementation of the pilot program that, to the extent practicable, identifies—

- “(i) the metrics for measuring the success of the pilot program;
- “(ii) a process for identifying future projects to participate in the pilot program;

“(iii) measures to address the risks of a non-Federal interest constructing projects under the pilot program, including which entity bears the risk for projects that fail to meet the Corps of Engineers standards for design or quality;

“(iv) the laws and regulations that a non-Federal interest must follow in carrying out a project under the pilot program; and

“(v) which entity bears the risk in the event that a project carried out under the pilot program fails to be carried out in accordance with the project authorization or this subsection.

**“(B) NEW PROJECT PARTNERSHIP AGREEMENTS.—**The Secretary may not enter into a project partnership agreement under this subsection during the period beginning on the date of enactment of this paragraph and ending on the date on which the Secretary issues the guidance under subparagraph (A).”.

**SEC. 138. DEFINITION OF ECONOMICALLY DISADVANTAGED COMMUNITY.**

(a) **IN GENERAL.—**Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidance defining the term “economically disadvantaged community” for the purposes of this Act and the amendments made by this Act.

(b) **CONSIDERATIONS.—**In defining the term “economically disadvantaged community” under subsection (a), the Secretary shall, to the maximum extent practicable, utilize the criteria under paragraphs (1) or (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161), to the extent that such criteria are applicable in relation to the development of water resources development projects.

**SEC. 139. COST SHARING PROVISIONS FOR TERRITORIES AND INDIAN TRIBES.**

Section 1156(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2310(b)) is amended by striking “inflation” and all that follows through the period at the end and inserting “on an annual basis for inflation.”.

**SEC. 140. FLOOD CONTROL AND OTHER PURPOSES.**

Section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended—

- (1) by striking “Except as” and inserting the following:

**“(1) IN GENERAL.—**Except as”;

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

**“(2) RENEGOTIATION OF TERMS.—**

**“(A) IN GENERAL.—**At the request of a non-Federal interest, the Secretary and the non-Federal interest may renegotiate the terms and conditions of an eligible deferred payment, including—

“(i) permitting the non-Federal contribution to be made without interest, pursuant to paragraph (1);

“(ii) recalculation of the interest rate;

“(iii) full or partial forgiveness of interest accrued during the period of construction; and

“(iv) a credit against construction interest for a non-Federal investment that benefits the completion or performance of the project or separable element.

**“(B) ELIGIBLE DEFERRED PAYMENT.—**An eligible deferred payment agreement under subparagraph (A) is an agreement for which—

“(i) the non-Federal contribution was made with interest;

“(ii) the period of project construction exceeds 10 years from the execution of a project partnership agreement or appropriation of funds; and

“(iii) the construction interest exceeds \$45,000,000.

“(C) CREDIT FOR NON-FEDERAL CONTRIBUTION.—

“(i) IN GENERAL.—The Secretary is authorized to credit any costs incurred by the non-Federal interest (including in-kind contributions) to remedy a design or construction deficiency of a covered project or separable element toward the non-Federal share of the cost of the covered project, if the Secretary determines the remedy to be integral to the completion or performance of the covered project.

“(ii) CREDIT OF COSTS.—If the non-Federal interest incurs costs or in-kind contributions for a project to remedy a design or construction deficiency of a project or separable element which has a 100 percent Federal cost share, and the Secretary determines the remedy to be integral to the completion or performance of the project, the Secretary is authorized to credit such costs to any interest accrued on a deferred non-Federal contribution.”.

**SEC. 141. REVIEW OF CONTRACTING POLICIES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall complete a review of the policies, guidelines, and regulations of the Corps of Engineers for the development of contractual agreements between the Secretary and non-Federal interests and utilities associated with the construction of water resources development projects.

(b) REPORT.—Not later than 90 days after completing the review under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report that includes—

(1) a summary of the results of the review; and

(2) public guidance on best practices for non-Federal interest to use when writing or developing contractual agreements with the Secretary and utilities.

(c) PROVISION OF GUIDANCE.—The Secretary shall provide the best practices guidance included under subsection (b)(2) to non-Federal interests prior to the development of contractual agreements.

**SEC. 142. BUY AMERICA.**

With respect to all Corps of Engineers construction and rehabilitation contracts to be awarded after the date of enactment of this Act, the steel components furnished and delivered under such contracts shall be manufactured or fabricated in whole or substantial part in the United States with steel produced or made in the United States, its territories, or possessions.

**SEC. 143. ANNUAL REPORT ON STATUS OF FEASIBILITY STUDIES.**

Concurrent with each report submitted under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works a report that provides for an accounting of all outstanding feasibility studies being conducted by the Secretary, including, for each such study, its length, cost, and expected completion date.

## TITLE II—STUDIES AND REPORTS

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

(a) IN GENERAL.—The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) TONTO CREEK, GILA RIVER, ARIZONA.—Project for flood risk management, Tonto Creek, Gila River, Arizona.

(2) SULPHUR RIVER, ARKANSAS AND TEXAS.—Project for ecosystem restoration, Sulphur River, Arkansas and Texas.

(3) CABLE CREEK, CALIFORNIA.—Project for flood risk management, water supply, and related benefits, Cable Creek, California.

(4) DEL MAR BLUFFS, CALIFORNIA.—Project for shoreline stabilization, Del Mar Bluffs, San Diego County, California.

(5) REDBANK AND FANCHER CREEKS, CALIFORNIA.—Project for water conservation and water supply, Redbank and Fancher Creeks, California.

(6) RIO HONDO CHANNEL, CALIFORNIA.—Project for ecosystem restoration, Rio Hondo Channel, San Gabriel River, California.

- (7) SOUTHERN CALIFORNIA, CALIFORNIA.—Project for coastal storm damage reduction, Southern California.
- (8) SHINGLE CREEK AND KISSIMMEE RIVER, FLORIDA.—Project for ecosystem restoration and water storage, Shingle Creek and Kissimmee River, Osceola County, Florida.
- (9) ST. JOHN'S RIVER AND LAKE JESUP, FLORIDA.—Project for ecosystem restoration, St. John's River and Lake Jesup, Florida.
- (10) WAIMEA RIVER, HAWAII.—Project for flood risk management, Waimea River, Kauai, Hawaii.
- (11) CHICAGO AREA WATERWAYS SYSTEM, ILLINOIS.—Project for ecosystem restoration, recreation, and other purposes, Illinois River, Chicago River, Calumet River, Grand Calumet River, Little Calumet River, and other waterways in the vicinity of Chicago, Illinois.
- (12) FOX RIVER, ILLINOIS.—Project for flood risk management, Fox River, Illinois.
- (13) LOWER MISSOURI RIVER, KANSAS.—Project for bank stabilization and navigation, Lower Missouri River, Sioux City, Kansas.
- (14) TANGIPAHOA PARISH, LOUISIANA.—Project for flood risk management, Tangipahoa Parish, Louisiana.
- (15) KENT NARROWS AND CHESTER RIVER, MARYLAND.—Project for navigation, Kent Narrows and Chester River, Queen Anne's County, Maryland.
- (16) BOSTON, MASSACHUSETTS.—Project for hurricane and storm damage risk reduction, Boston, Massachusetts, pursuant to the comprehensive study authorized under the Disaster Relief Appropriations Act, 2013 (Public Law 113-2).
- (17) LOWER ST. CROIX RIVER, MINNESOTA.—Project for flood risk management, ecosystem restoration, and recreation, Lower St. Croix River, Minnesota.
- (18) ESCATAWPA RIVER BASIN, MISSISSIPPI.—Project for flood risk management and ecosystem restoration, Escatawpa River, Jackson County, Mississippi.
- (19) LONG BEACH, BAY ST. LOUIS AND MISSISSIPPI SOUND, MISSISSIPPI.—Project for hurricane and storm damage risk reduction and flood risk management, Long Beach, Bay St. Louis and Mississippi Sound, Mississippi.
- (20) PASCAGOULA RIVER BASIN, MISSISSIPPI.—Project for comprehensive watershed study, Pascagoula, Mississippi.
- (21) TALLAHOMA AND TALLAHALA CREEKS, MISSISSIPPI.—Project for flood risk management, Leaf River, Jones County, Mississippi.
- (22) LOWER OSAGE RIVER BASIN, MISSOURI.—Project for ecosystem restoration, Lower Osage River Basin, Missouri.
- (23) UPPER BASIN AND STONY BROOK (GREEN BROOK SUB-BASIN), RARITAN RIVER BASIN, NEW JERSEY.—Reevaluation of the Upper Basin and Stony Brook portions of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4119), including the evaluation of nonstructural measures to achieve the project purpose.
- (24) LAKE ONTARIO SHORELINE, NEW YORK.—Project for coastal storm resiliency, Lake Ontario shoreline, New York.
- (25) WADING RIVER CREEK, NEW YORK.—Project for hurricane and storm damage risk reduction, flood risk management, navigation, and ecosystem restoration, Wading River Creek, New York.
- (26) REEL POINT PRESERVE, NEW YORK.—Project for navigation and shoreline stabilization, Reel Point Preserve, New York.
- (27) GOLDSMITH INLET, NEW YORK.—Project for navigation, Goldsmith Inlet, New York.
- (28) TUSCARAWAS RIVER BASIN, OHIO.—Project for comprehensive watershed study, Tuscarawas River Basin, Ohio.
- (29) LOWER COLUMBIA RIVER BASIN (TURNING BASIN), OREGON AND WASHINGTON.—Project to improve turning basins for the project for navigation, Columbia River Channel, Oregon and Washington, authorized by section 101(b)(13) of the Water Resources Development Act of 1999 (113 Stat. 280).
- (30) WILLIAMSPORT, PENNSYLVANIA.—Project for flood risk management and levee rehabilitation, greater Williamsport, Pennsylvania.
- (31) CITY OF CHARLESTON, SOUTH CAROLINA.—Project for tidal- and inland-related flood risk management, Charleston, South Carolina.
- (32) TENNESSEE AND CUMBERLAND RIVER BASINS, TENNESSEE.—Project to deter, impede, or restrict the dispersal of aquatic nuisance species in the Tennessee and Cumberland River Basins, Tennessee.
- (33) SABINE PASS TO GALVESTON BAY, TEXAS.—Modification of the project for hurricane and storm damage risk reduction, Port Arthur and Orange County, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1184), and authorized as a separable element of the project for Sabine Pass to

Galveston Bay, authorized by item 3 of section 1401(3) of the Water Resources Development Act of 2018 (132 Stat. 3838), to reduce the risk of flooding through the construction of improvements to interior drainage.

(34) PORT OF VICTORIA, TEXAS.—Project for flood risk management, Port of Victoria, Texas.

(35) LOWER FOX RIVER BASIN, WISCONSIN.—Project for comprehensive watershed study, Lower Fox River Basin, Wisconsin.

(36) UPPER FOX RIVER AND WOLF RIVER, WISCONSIN.—Project for flood risk management and ecosystem restoration, Upper Fox River and Wolf River, Wisconsin.

(b) SPECIAL RULE.—The Secretary shall consider any study carried out by the Secretary to formulate the modifications to the project for hurricane and storm damage risk reduction, Port Arthur and Orange County, Texas, identified in subsection (a)(33) to be a continuation of the study carried out for Sabine Pass to Galveston Bay, Texas, authorized by a resolution of the Committee on Environment and Public Works of the Senate, approved June 23, 2004, and funded by title IV of division B of the Bipartisan Budget Act of 2018, under the heading “Corps of Engineers—Civil—Department of the Army—Construction” (Public Law 115–123; 132 Stat. 76).

**SEC. 202. EXPEDITED COMPLETIONS.**

(a) FEASIBILITY REPORTS.—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

- (1) Project for navigation, St. George Harbor, Alaska.
- (2) Project for shoreline stabilization, Aunu'u Harbor, American Samoa.
- (3) Project for shoreline stabilization, Tutuila Island, American Samoa.
- (4) Project for flood risk management, Lower Santa Cruz River, Arizona.
- (5) Project for flood control, water conservation, and related purposes, Coyote Valley Dam, California.
- (6) Project for flood damage reduction and ecosystem restoration, Del Rosa Channel, city of San Bernardino, California.
- (7) Project for flood risk management, Lower Cache Creek, California.
- (8) Project for flood damage reduction and ecosystem restoration, Mission-Zanja Channel, cities of San Bernardino and Redlands, California.
- (9) Project for shoreline protection, Oceanside, California, authorized pursuant to section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636; 121 Stat. 1176).
- (10) Project for flood risk management, Prado Basin, California.
- (11) Project to modify the project for navigation, San Francisco Bay to Stockton, California.
- (12) Project to modify the Seven Oaks Dam, California, portion of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113; 101 Stat. 1329–111; 104 Stat. 4611; 110 Stat. 3713; 121 Stat. 1115), to include water conservation as an authorized purpose.
- (13) Project to modify the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802; 113 Stat. 300; 114 Stat. 2602), to include the construction of a turning basin located near the Packer Avenue Marine Terminal.
- (14) Project for ecosystem restoration, Central and Southern Florida Project Canal 111 (C-111), South Dade County, Florida.
- (15) Project for comprehensive hurricane and storm damage risk reduction and shoreline erosion protection, Chicago, Illinois, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664; 113 Stat. 302).
- (16) Project for flood risk management, Wheaton, DuPage County, Illinois.
- (17) Project for flood damage reduction, ecosystem restoration, and recreation, Blue River Basin, Kansas City, Kansas, carried out pursuant to the resolution of the Committee on Transportation and Infrastructure of the House of Representatives adopted on September 24, 2008 (docket number 2803).
- (18) Project for flood control, Amite River and Tributaries east of the Mississippi River, Louisiana.
- (19) Project for coastal storm risk management, Upper Barataria Basin, Louisiana.
- (20) Project to replace the Bourne and Sagamore Bridges, Cape Cod, Massachusetts.



(21) Project to deepen the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094).

(22) Project for flood risk management, Rahway River Basin, New Jersey.

(23) Project for hurricane and storm damage risk reduction, Raritan Bay and Sandy Hook Bay, Highlands, New Jersey.

(24) Project for navigation, Shark River, New Jersey.

(25) Project for flood risk management, Rondout Creek-Walkkill River Watershed, New York, carried out pursuant to the resolution of the Committee on Transportation and Infrastructure of the House of Representatives adopted on May 2, 2007 (docket number 2776).

(26) Project for ecosystem restoration and hurricane and storm damage risk reduction, Spring Creek South (Howard Beach), Queens, New York.

(27) Project to resolve increased silting and shoaling adjacent to the Federal channel, Port of Bandon, Coquille River, Oregon.

(28) Project for flood control, 42nd Street Levee, Springfield, Oregon, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(29) Project for ecosystem restoration, Hood River at the confluence with the Columbia River, Oregon.

(30) Project for flood risk management, Rio Culebrinas, Puerto Rico.

(31) Project for flood risk management, Rio Grande de Manati, Puerto Rico.

(32) Project for flood risk management, Rio Guayanilla, Puerto Rico.

(33) Project for flood risk management, Dorchester County, South Carolina.

(34) Project for navigation, Georgetown Harbor, South Carolina.

(35) Project for hurricane and storm damage risk reduction, Myrtle Beach, South Carolina.

(36) Project to modify the projects for navigation and other purposes, Old Hickory Lock and Dam and the Cordell Hull Dam and Reservoir, Cumberland River, Tennessee, authorized by the Act of July 24, 1946 (chapter 595, 60 Stat. 636), to add flood risk management as an authorized purpose.

(37) Project for flood risk management, ecosystem restoration, water supply, and related purposes, Lower Rio Grande River, Cameron County, Texas, carried out pursuant to the resolution of the Committee on Transportation and Infrastructure of the House of Representatives adopted on May 21, 2003 (docket number 2710).

(38) Project for hurricane and storm damage risk reduction and shoreline erosion protection, Bolongo Bay, St. Thomas, United States Virgin Islands.

(39) Project for flood risk management, Savan Gut Phase II, St. Thomas, United States Virgin Islands.

(40) Project for flood risk management, Turpentine Run, St. Thomas, United States Virgin Islands.

(41) Project for navigation, North Landing Bridge, Atlantic Intracoastal Waterway, Virginia.

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

(1) Project for ecosystem restoration, Tres Rios, Arizona.

(2) Project for flood control, San Luis Rey River, California.

(3) Project for ecosystem restoration, Central and Southern Florida Project Canal 111 (C-111), South Dade County, Florida.

(4) Project for ecosystem restoration, Comprehensive Everglades Restoration Plan, Caloosahatchee River C-43, West Basin Storage Reservoir, Florida.

(5) Project for flood risk management, Des Moines Levee System, including Birdland Park Levee, Des Moines and Raccoon Rivers, Des Moines, Iowa.

(c) WATERSHED AND RIVER BASIN ASSESSMENTS.—The Secretary shall expedite the completion of an assessment under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a), for the following:

(1) Kansas River Basin, Kansas.

(2) Merrimack River Basin, Massachusetts.

(d) DISPOSITION STUDY.—The Secretary shall expedite the completion of a disposition study, carried out under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), for the project for Salinas Reservoir (Santa Margarita Lake), California.

#### SEC. 203. FEASIBILITY STUDY MODIFICATIONS.

(a) SAN FRANCISCO BAY, CALIFORNIA.—Section 142 of the Water Resources Development Act of 1976 (90 Stat. 2930) is amended—

(1) by inserting “, and along the ocean shoreline of San Mateo, San Francisco, and Marin Counties,” after “Sacramento and San Joaquin Rivers”;

(2) by inserting “and, with respect to the bay and ocean shorelines of San Mateo, San Francisco, and Marin Counties, the feasibility of and the Federal

interest in providing measures to adapt to rising sea levels” after “tidal and fluvial flooding”;

(3) by striking “investigation” and inserting in its place “investigations”;

(4) by inserting after “San Francisco Bay region” the following: “and, with respect to the bay and ocean shorelines and streams running to the bay and ocean shorelines of San Mateo, San Francisco, and Marin Counties, the effects of proposed measures or improvements on the local economy; habitat restoration, enhancement, or expansion efforts or opportunities; public infrastructure protection and improvement; stormwater runoff capacity and control measures, including those that may mitigate flooding; erosion of beaches and coasts; and any other measures or improvements relevant to adapting to rising sea levels”.

(b) SACRAMENTO RIVER, SOUTHERN SUTTER COUNTY, CALIFORNIA.—The study for flood control and allied purposes for the Sacramento River Basin, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), is modified to authorize the Secretary to conduct a study for flood risk management, southern Sutter County between the Sacramento River and Sutter Bypass, California.

(c) SALTON SEA, CALIFORNIA.—In carrying out the program to implement projects to restore the Salton Sea, California, authorized by section 3032 of the Water Resources Development Act of 2007 (121 Stat. 1113; 130 Stat. 1677), the Secretary is authorized to carry out a study for the construction of a perimeter lake, or a northern or southern subset thereof, for the Salton Sea, California.

(d) NEW YORK AND NEW JERSEY HARBOR AND TRIBUTARIES, NEW YORK AND NEW JERSEY.—The study for flood and storm damage reduction for the New York and New Jersey Harbor and Tributaries project, authorized by the Act of June 15, 1955 (chapter 140, 69 Stat. 132), and being carried out pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113–2), is modified to require the Secretary to—

(1) evaluate and address the impacts of low-frequency precipitation and sea-level rise on the study area;

(2) consult with affected communities; and

(3) ensure the study is carried out in accordance with section 1001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c).

**SEC. 204. SELMA, ALABAMA.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(1) provides an update on the study for flood risk management and riverbank stabilization, Selma, Alabama, authorized by resolutions of the Committees on Public Works and Rivers and Harbors of the House of Representatives on June 7, 1961, and April 28, 1936, respectively, the completion of which the Secretary was required to expedite by section 1203 of the Water Resources Development Act of 2018 (132 Stat. 3803); and

(2) identifies project alternatives necessary to—

(A) assure the preservation of cultural and historic values associated with national historic landmarks within the study area; and

(B) provide flood risk management for economically disadvantaged communities within the study area.

**SEC. 205. COMPREHENSIVE STUDY OF THE SACRAMENTO RIVER, YOLO BYPASS, CALIFORNIA.**

(a) COMPREHENSIVE STUDY.—The Secretary shall conduct a comprehensive study of the Sacramento River in the vicinity of the Yolo Bypass System, California, to identify actions to be undertaken by the Secretary for the comprehensive management of the Yolo Bypass System for the purposes of flood risk management, ecosystem restoration, water supply, hydropower, and recreation.

(b) CONSULTATION AND USE OF EXISTING DATA.—

(1) CONSULTATION.—In conducting the comprehensive study under subsection (a), the Secretary shall consult with the Governor of the State of California, applicable Federal, State, and local agencies, non-Federal interests, the Yolo Bypass and Cache Slough Partnership, and other stakeholders.

(2) USE OF EXISTING DATA AND PRIOR STUDIES.—To the maximum extent practicable and where appropriate, the Secretary may—

(A) make use of existing data provided to the Secretary by the entities identified in paragraph (1); and

(B) incorporate—

(i) relevant information from prior studies and projects carried out by the Secretary within the study area; and

(ii) the latest technical data and scientific approaches to changing hydrologic and climatic conditions.

## (c) RECOMMENDATIONS.—

(1) IN GENERAL.—In conducting the comprehensive study under subsection (a), the Secretary may develop a recommendation to Congress for—

- (A) the construction of a water resources development project;
- (B) the structural or operational modification of an existing water resources development project;
- (C) additional monitoring of, or adaptive management measures to carry out with respect to, existing water resources development projects, to respond to changing hydrologic and climatic conditions; or
- (D) geographic areas within the Yolo Bypass System for additional study by the Secretary.

(2) ADDITIONAL CONSIDERATIONS.—Any feasibility study carried out pursuant to a recommendation under paragraph (1)(D) shall be considered to be a continuation of the comprehensive study authorized under subsection (a).

(d) COMPLETION OF STUDY; REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

- (1) the results of the comprehensive study conducted under subsection (a), including any recommendations developed under subsection (c);
- (2) any additional, site-specific areas within the Yolo Bypass System where additional study for flood risk management or ecosystem restoration projects is recommended by the Secretary; and
- (3) any interim actions relating to existing water resources development projects undertaken by the Secretary during the study period.

## (e) DEFINITIONS.—In this section:

(1) YOLO BYPASS SYSTEM.—The term “Yolo Bypass System” means the system of weirs, levees, bypass structures, and other water resources development projects in California’s Sacramento River Valley, extending from the Fremont Weir near Woodland, California, to the Sacramento River near Rio Vista, California, authorized pursuant to section 2 of the Act of March 1, 1917 (chapter 144; 39 Stat. 949).

(2) YOLO BYPASS AND CACHE CLOUGH PARTNERSHIP.—The term “Yolo Bypass and Cache Slough Partnership” means the group of parties to the Yolo Bypass and Cache Slough Memorandum of Understanding, effective May 2016, regarding collaboration and cooperation in the Yolo Bypass and Cache Slough region.

**SEC. 206. LAKE OKEECHOBEE REGULATION SCHEDULE, FLORIDA.**

(a) IN GENERAL.—In carrying out the review of the Lake Okeechobee regulation schedule pursuant to section 1106 of the Water Resources Development Act of 2018 (132 Stat. 3773), the Secretary shall—

- (1) evaluate the implications of prohibiting releases from Lake Okeechobee through the S-308 and S-80 lock and dam structures on the operation of the lake in accordance with authorized purposes and seek to minimize unnecessary releases to coastal estuaries; and
- (2) to the maximum extent practicable, coordinate with the ongoing efforts of Federal and State agencies responsible for monitoring, forecasting, and notification of cyanobacteria levels in Lake Okeechobee.

(b) MONTHLY REPORT.—Each month, the Secretary shall make public a report, which may be based on the Water Management Daily Operational Reports, disclosing the volumes of water deliveries to or discharges from Lake Okeechobee & Vicinity, Water Conservation Area I, Water Conservation Area II, Water Conservation Area III, East Coast Canals, and the South Dade Conveyance. Such report shall be aggregated and reported in a format designed for the general public, using maps or other widely understood communication tools.

(c) EFFECT.—In carrying out the evaluation under subsection (a)(1), nothing shall be construed to authorize any new purpose for the management of Lake Okeechobee or authorize the Secretary to affect any existing authorized purpose, including flood protection and management of Lake Okeechobee to provide water supply for all authorized users.

**SEC. 207. GREAT LAKES COASTAL RESILIENCY STUDY.**

(a) IN GENERAL.—In carrying out the comprehensive assessment of water resources needs for the Great Lakes System under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a), as required by section 1219 of the Water Resources Development Act of 2018 (132 Stat. 3811), the Secretary shall—

- (1) taking into account recent high lake levels within the Great Lakes, assess and make recommendations to Congress on—
  - (A) coastal storm and flood risk management measures, including measures that use natural features and nature-based features, as those terms

are defined in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a);

(B) operation and maintenance of the Great Lakes Navigation System, as such term is defined in section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238);

(C) ecosystem protection and restoration;

(D) the prevention and control of invasive species and the effects of invasive species; and

(E) recreation associated with water resources development projects;

(2) prioritize actions necessary to protect critical public infrastructure, communities, and critical natural or cultural resources; and

(3) to the maximum extent practicable and where appropriate, utilize existing data provided to the Secretary by Federal and State agencies, Indian Tribes, and other stakeholders, including data obtained through other Federal programs.

(b) **RECOMMENDATIONS; ADDITIONAL STUDY.**—

(1) **IN GENERAL.**—In carrying out the comprehensive assessment described in subsection (a), the Secretary may make a recommendation to Congress for—

(A) the construction of a water resources development project;

(B) the structural or operational modification of an existing water resources development project;

(C) such additional monitoring of, or adaptive management measures to carry out with respect to, existing water resources development projects, to respond to changing hydrologic and climatic conditions; or

(D) geographic areas within the Great Lakes System for additional study by the Secretary.

(2) **ADDITIONAL CONSIDERATIONS.**—Any feasibility study carried out pursuant to a recommendation under paragraph (1)(D) shall be considered to be a continuation of the comprehensive assessment described in subsection (a).

(c) **EXEMPTION FROM MAXIMUM STUDY COST AND DURATION LIMITATIONS.**—Section 1001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c) shall not apply to any study recommended under subsection (b)(1)(D).

**SEC. 208. RATHBUN LAKE, CHARITON RIVER, IOWA.**

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that evaluates—

(1) the existing allocations of storage space for Rathbun Lake, authorized pursuant to the Flood Control Act of 1954 (68 Stat. 1262; 121 Stat. 1124), including the existing allocation for municipal water supply;

(2) the feasibility of expanding the existing allocation of storage for municipal water supply; and

(3) the affordability of future municipal water supply allocations from Rathbun Lake, for residential users of such future allocations, at projected future costs.

**SEC. 209. REPORT ON THE STATUS OF RESTORATION IN THE LOUISIANA COASTAL AREA.**

Not later than 1 year after the date of enactment of this Act, the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by section 7004 of Water Resources Development Act of 2007 (121 Stat. 1272) shall submit to Congress a report that summarizes the activities and recommendations of the task force, including—

(1) policies, strategies, plans, programs, projects, and activities undertaken for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem; and

(2) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem.

**SEC. 210. LOWER MISSISSIPPI RIVER COMPREHENSIVE STUDY.**

(a) **COMPREHENSIVE STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a comprehensive study of the Lower Mississippi River basin, from Cape Girardeau, Missouri, to the Gulf of Mexico, to identify actions to be undertaken by the Secretary for the comprehensive management of the basin for the purposes of flood risk management, navigation, ecosystem restoration, water supply, hydropower, and recreation.

(2) **FOCUS AREAS.**—In conducting the comprehensive study under paragraph (1), the Secretary shall investigate projects, including—

(A) projects proposed in the comprehensive coastal protection master plan entitled “Louisiana Comprehensive Master Plan for a Sustainable Coast” prepared by the State of Louisiana and accepted by the Louisiana Coastal Protection and Restoration Authority (including any subsequent amendments or revisions), including—

- (i) Ama sediment diversion;
- (ii) Union freshwater diversion;
- (iii) increase Atchafalaya flow to Terrebonne; and
- (iv) Manchac Landbridge diversion; and

(B) natural features and nature-based features, including levee setbacks and instream and floodplain restoration.

(b) CONSULTATION AND USE OF EXISTING DATA.—In conducting the comprehensive study under subsection (a), the Secretary shall consult with applicable Federal, State, and local agencies, Indian Tribes, non-Federal interests, and other stakeholders, and, to the maximum extent practicable and where appropriate, make use of existing data provided to the Secretary by such parties.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—In conducting the comprehensive study under subsection (a), the Secretary may develop a recommendation to Congress for—

- (A) the construction of a water resources development project;
- (B) the structural or operational modification of an existing water resources development project;
- (C) such additional monitoring of, or adaptive management measures to carry out with respect to, existing water resources development projects, to respond to changing conditions; or
- (D) geographic areas within the Lower Mississippi River basin for additional study by the Secretary.

(2) ADDITIONAL CONSIDERATIONS.—Any feasibility study carried out pursuant to a recommendation under this subsection shall be considered to be a continuation of the comprehensive study required under subsection (a).

(d) COMPLETION OF STUDY; REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

- (1) the results of the comprehensive study required by this section, including any recommendations developed under subsection (c); and
- (2) any interim actions relating to existing water resources development projects undertaken by the Secretary during the study period.

**SEC. 211. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.**

(a) ASSESSMENT.—The Secretary shall conduct an assessment of the water resources needs of the Upper Mississippi River under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a).

(b) REQUIREMENTS.—The Secretary shall carry out the assessment under subsection (a) in accordance with the requirements in section 1206(b) of Water Resources Development Act of 2016 (130 Stat. 1686).

**SEC. 212. LOWER MISSOURI BASIN FLOOD RISK AND RESILIENCY STUDY, IOWA, KANSAS, NEBRASKA, AND MISSOURI.**

(a) ADDITIONAL STUDIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), upon the request of the non-Federal interest for the Lower Missouri Basin study, the Secretary shall expand the scope of such study to investigate and provide recommendations relating to—

- (A) modifications to projects in Iowa, Kansas, Nebraska, and Missouri authorized under the Pick-Sloan Missouri River Basin Program (authorized by section 9(b) of the Flood Control Act of December 22, 1944 (chapter 665, 58 Stat. 891)) and the Missouri River Bank Stabilization and Navigation project (authorized by section 2 of the Act of March 2, 1945 (chapter 19, 59 Stat. 19)), including modifications to the authorized purposes of such projects to further flood risk management and resiliency; and
- (B) modifications to non-Federal, publicly owned levees in the Lower Missouri River Basin.

(2) EXCEPTION.—If the Secretary determines that expanding the scope of the Lower Missouri Basin study as provided in paragraph (1) is not practicable, and the non-Federal interest for such study concurs in such determination, the Secretary shall carry out such additional studies as are necessary to investigate the modifications described in paragraph (1).

(3) CONTINUATION OF LOWER MISSOURI BASIN STUDY.—The following studies shall be considered a continuation of the Lower Missouri Basin study:

- (A) Any additional study carried out under paragraph (2).
- (B) Any study recommended to be carried out in a report that the Chief of Engineers prepares for the Lower Missouri Basin study.
- (C) Any study recommended to be carried out in a report that the Chief of Engineers prepares for an additional study carried out under paragraph (2).
- (D) Any study spun off from the Lower Missouri Basin study before the completion of such study.
- (E) Any study spun off from an additional study carried out under paragraph (2) before the completion of such additional study.
- (4) RELIANCE ON EXISTING INFORMATION.—In carrying out any study described in or authorized by this section, the Secretary, to the extent practicable, shall rely on existing data and analysis, including data and analysis prepared under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16).
- (5) CONSIDERATION; CONSULTATION.—In developing recommendations under paragraph (1), the Secretary shall—
  - (A) consider the use of—
    - (i) structural and nonstructural measures, including the setting back of levees and removing structures from areas of recurring flood vulnerability, where advantageous, to reduce flood risk and damages in the Lower Missouri River Basin; and
    - (ii) where such features are locally acceptable, natural features or nature-based features (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a); and
  - (B) consult with applicable Federal and State agencies, Indian Tribes, and other stakeholders within the Lower Missouri River Basin and solicit public comment on such recommendations.
- (6) EXEMPTION FROM MAXIMUM STUDY COST AND DURATION LIMITATIONS.—Section 1001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c) shall not apply to the Lower Missouri Basin study or any study described in paragraph (3).
- (7) PRECONSTRUCTION, ENGINEERING, AND DESIGN.—Upon completion of a study authorized by this section, if the Secretary determines that a recommended project, or modification to a project described in paragraph (1), is justified, the Secretary may proceed directly to preconstruction planning, engineering, and design of the project or modification.
- (8) TECHNICAL ASSISTANCE.—
  - (A) IN GENERAL.—For the provision of technical assistance to support small communities and economically disadvantaged communities in the planning and design of flood risk management and flood risk resiliency projects in the Lower Missouri River Basin, for each of fiscal years 2021 through 2026, there are authorized to be appropriated—
    - (i) \$2,000,000 to carry out section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a), in addition to amounts otherwise authorized to carry out such section; and
    - (ii) \$2,000,000 to carry out section 22(a)(2) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16), in addition to amounts otherwise authorized to carry out such section.
  - (B) CONDITIONS.—
    - (i) LIMITATIONS NOT APPLICABLE.—The limitations on the use of funds in section 206(d) of the Flood Control Act of 1960 and section 22(c)(2) of the Water Resources Development Act of 1974 shall not apply to the amounts authorized to be appropriated by subparagraph (A).
    - (ii) RULE OF CONSTRUCTION.—Nothing in this paragraph restricts the authority of the Secretary to use any funds otherwise appropriated to carry out section 206 of the Flood Control Act of 1960 or section 22(a)(2) of the Water Resources Development Act of 1974 to provide technical assistance described in subparagraph (A).
- (9) COMPLETION OF STUDY; REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—
  - (A) the results of the study authorized by this section;
  - (B) any additional, site-specific areas within the Lower Missouri River Basin for which additional study for flood risk management projects is recommended by the Secretary; and

(C) any interim actions relating to existing water resources development projects undertaken by the Secretary during the study period.

(b) DEFINITIONS.—In this section:

(1) LOWER MISSOURI BASIN STUDY.—The term “Lower Missouri Basin study” means the Lower Missouri Basin Flood Risk and Resiliency Study, Iowa, Kansas, Nebraska, and Missouri, authorized pursuant to section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

(2) SMALL COMMUNITY.—The term “small community” means a local government that serves a population of less than 15,000.

**SEC. 213. PORTSMOUTH HARBOR AND PISCATAQUA RIVER AND RYE HARBOR, NEW HAMPSHIRE.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a written status update regarding—

(1) efforts to address the impacts of shoaling affecting the project for navigation, Rye Harbor, New Hampshire, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480); and

(2) the project for navigation, Portsmouth Harbor and Piscataqua River, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), as required to be expedited under section 1317 of the Water Resources Development Act of 2018 (Public Law 115–270).

**SEC. 214. COUGAR AND DETROIT DAMS, WILLAMETTE RIVER BASIN, OREGON.**

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report providing an initial analysis of deauthorizing hydropower as a project purpose at the Cougar and Detroit Dams project.

(b) CONTENTS.—The Secretary shall include in the report submitted under subsection (a)—

(1) a description of the potential effects of deauthorizing hydropower as a project purpose at the Cougar and Detroit Dams project on—

(A) the operation of the project, including with respect to the other authorized purposes of the project;

(B) compliance of the project with the Endangered Species Act;

(C) costs that would be attributed to other authorized purposes of the project, including costs relating to compliance with such Act; and

(D) other ongoing studies in the Willamette River Basin; and

(2) identification of any further research needed.

(c) PROJECT DEFINED.—In this section, the terms “Cougar and Detroit Dams project” and “project” mean the Cougar Dam and Reservoir project and Detroit Dam and Reservoir project, Willamette River Basin, Oregon, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179).

**SEC. 215. PORT ORFORD, OREGON.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall, at Federal expense, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a summary report on the research completed and data gathered by the date of enactment of this Act with regards to the configuration of a breakwater for the project for navigation, Port Orford, Oregon, authorized by section 117 of the River and Harbor Act of 1970 (84 Stat. 1822; 106 Stat. 4809), for the purposes of addressing shoaling issues to minimize long-term maintenance costs.

**SEC. 216. WILSON CREEK AND SLOAN CREEK, FAIRVIEW, TEXAS.**

Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a written status update regarding efforts to address flooding along Wilson Creek and Sloan Creek in the City of Fairview, Texas.

**SEC. 217. GAO STUDY ON MITIGATION FOR WATER RESOURCES DEVELOPMENT PROJECTS.**

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study on the mitigation of the impact of water resources development projects, including the impact on fish and wildlife, consistent with the requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283), section 307(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)), and section 2036(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2283a), including—

(A) an evaluation of guidance or instructions issued, and other measures taken, by the Secretary to ensure successful mitigation of such impacts;

(B) a review of the methods of mitigation, including the use of in-lieu fees, mitigation banking, and permittee-responsible mitigation, and their long-term effectiveness of restoring or mitigating ecosystem services impacted by such projects;

(C) a review of how the use of the different mitigation methods for such projects varies across Corps of Engineers districts;

(D) an assessment of the backlog of mitigation projects, including the number of mitigation projects pending completion to address such impacts resulting from constructed water resources development projects;

(E) an evaluation of how the Secretary tracks compliance with the mitigation requirements across Corps of Engineers districts;

(F) a review of how the mitigation requirements for water resources development projects contributes to the resilience of water resources in the United States;

(G) an assessment of whether mitigation is being done prior to or contemporaneously with the construction of projects, as required by section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283);

(H) an evaluation of compliance with section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) for the development of specific mitigation plans for projects, whether such plans were successful in mitigating the designated impacts of the projects, and, in instances where such plans were not successful, what actions the Secretary is taking to modify the plans such that they will be successful; and

(I) an assessment of how the Secretary might take advantage of natural infrastructure in mitigation planning to reduce flood risks and flood recovery costs for some communities; and

(2) submit to Congress a report that—

(A) describes the results of the study conducted under paragraph (1);

(B) includes recommendations to ensure compliance with and successful implementation of mitigation requirements for water resources development projects; and

(C) includes recommendations to ensure existing programs and authorities include the use, to the maximum extent practicable, of natural infrastructure.

**SEC. 218. GAO STUDY ON APPLICATION OF HARBOR MAINTENANCE TRUST FUND EXPENDITURES.**

(a) **STUDY.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the operation and maintenance needs of federally authorized harbor and inland harbor projects, including—

(1) an inventory of all federally authorized harbor and inland harbor projects;

(2) an assessment of current uses of such projects (and, to the extent practicable, the national, regional, and local benefits of such uses), including the uses listed in section 210(d)(2)(B) of the Water Resources Development Act of 1986;

(3) an assessment of the annual operation and maintenance needs associated with harbors and inland harbors referred to in subsection (a)(2) of section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238), including a breakdown of such needs for each of the following types of projects—

(A) emerging harbor projects (as defined in such section);

(B) moderate-use harbor projects (as defined in such section on the day before the date of enactment of this Act);

(C) high-use harbor projects (as defined in such section on the day before the date of enactment of this Act); and

(D) projects assigned to harbors and inland harbors within the Great Lakes Navigation System (as defined in such section);

(4) an assessment of any deferred operation and maintenance needs for such projects;

(5) an assessment of the annual funding level trends for moderate-use harbor projects (as defined in section 210 of the Water Resources Development Act of 1986 on the day before the date of enactment of this Act) after the date of enactment of the Water Resources Development Act of 2014 (Public Law 113–121), excluding funds awarded to donor ports, medium-sized donor ports, and energy transfer ports (as such terms are defined in section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201));

(6) an assessment of projected needs associated with donor ports, medium-sized donor ports, and energy transfer ports (as such terms are defined in section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201)); and



(7) an itemization of expenditures provided to donor ports, medium-sized donor ports, and energy transfer ports under section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201).

(b) REPORT TO CONGRESS.—Upon completion of the report under subsection (a), the Comptroller General shall submit such report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

**SEC. 219. GAO STUDY ON ADMINISTRATION OF ENVIRONMENTAL BANKS.**

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the appropriate committees of Congress a report that analyzes the administration of section 309 of the Coastal Wetlands Planning, Protection and Restoration Act to establish an environmental bank (as defined in such section), such that the Secretary—

(1) achieves the objectives of the report of the Chief of Engineers for ecosystem restoration in the Louisiana Coastal Area or the objectives of the comprehensive coastal protection master plan entitled “Louisiana Comprehensive Master Plan for a Sustainable Coast” prepared by the State of Louisiana and accepted by the Louisiana Coastal Protection and Restoration Authority (including any subsequent amendments or revisions);

(2) promotes ridge restoration, barrier island restoration, marsh creation, non-structural risk management, or any other projects authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, pursuant to such comprehensive coastal protection master plan;

(3) allows for proactive investment in projects by a public or private entity seeking to generate credits to satisfy responsibilities associated with environmental compliance;

(4) allows for leveraging additional State, Parish, or Federal funds; and

(5) recommends methods for awarding additional credit for high-priority projects listed in the report and plan described in paragraph (1).

(b) CONSULTATION WITH STAKEHOLDERS.—In carrying out subsection (a), the Comptroller General of the United States shall consult with the Secretary, the Louisiana Coastal Wetlands Conservation and Restoration Task Force, the Governor of Louisiana (or an appointee), and other stakeholders, to the extent practicable.

**SEC. 220. STUDY ON WATER SUPPLY AND WATER CONSERVATION AT WATER RESOURCES DEVELOPMENT PROJECTS.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of the Representatives and the Committee on Environment and Public Works of the Senate a report that analyzes the benefits and consequences of including municipal water supply and water conservation as a primary mission of the Corps of Engineers in carrying out water resources development projects.

(b) INCLUSION.—The Secretary shall include in the report submitted under subsection (a)—

(1) a description of existing water resources development projects with municipal water supply or water conservation as authorized purposes, and the extent to which such projects are utilized for such purposes;

(2) a description of existing water resources development projects with respect to which—

(A) municipal water supply or water conservation could be added as a project purpose, including those with respect to which a non-Federal interest has expressed an interest in adding municipal water supply or water conservation as a project purpose; and

(B) such a purpose could be accommodated while maintaining existing authorized purposes;

(3) a description of ongoing water resources development project studies the authorizations for which include authorization for the Secretary to study the feasibility of carrying out the project with a purpose of municipal water supply or water conservation;

(4) an analysis of how adding municipal water supply and water conservation as a primary mission of the Corps of Engineers would affect the ability of the Secretary to carry out future water resources development projects; and

(5) any recommendations of the Secretary relating to including municipal water supply and water conservation as a primary mission of the Corps of Engineers.

**SEC. 221. PFAS REVIEW AND INVENTORY AT CORPS FACILITIES.**

(a) INVENTORY OF PFAS AT CORPS FACILITIES.—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this section, and annually thereafter the Secretary shall complete an inventory of Corps of Engineers civil works facilities that are or may be contaminated, or could become contaminated, by PFAS.

(2) **CONTENTS OF INVENTORY.**—In carrying out this subsection, the Secretary shall review and identify—

(A) all facilities owned or operated by the Corps of Engineers, for which there is a civil works function, that are or may be contaminated, or could become contaminated, by PFAS;

(B) the nature and extent of any such contamination or potential for contamination, including any potential pathways for human exposure to PFAS;

(C) response measures taken to monitor, control, remove, or remediate PFAS, or otherwise reduce the risk of human exposure to PFAS;

(D) for facilities identified under subparagraph (A), the extent to which such facilities (or any such contamination or potential for contamination at such facilities) are related to the civil works functions of the Corps of Engineers;

(E) the extent to which the Secretary, or other entities, may have responsibility for such contamination or potential for contamination; and

(F) for facilities identified under subparagraph (A), the costs to remediate and reduce the risk of human exposure to PFAS.

(3) **COORDINATION WITH OTHER FEDERAL AGENCIES.**—To the maximum extent practicable, the actions taken under this subsection shall supplement and support work undertaken by other Federal agencies, including actions taken pursuant to the plan published by the Administrator of the Environmental Protection Agency, titled “EPA’s Per- and Polyfluoroalkyl Substances (PFAS) Action Plan” and dated February 2019.

(4) **REPORT TO CONGRESS.**—Upon completion of the inventory under paragraph (1), and annually thereafter concurrent with the President’s annual budget request to Congress, the Secretary shall submit the inventory to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(b) **PFAS TECHNOLOGY RESEARCH.**—

(1) **RESEARCH SUPPORT.**—The Secretary, acting through the Hazardous Waste Research Center located at the Engineer Research and Development Center, shall, to the maximum extent practicable, support the efforts of other Federal agencies in the development of innovative technologies and methodologies for the detection, treatment, and cleanup of PFAS associated with Federal facilities, including groundwater associated with such facilities.

(2) **DUPLICATION OF EFFORTS.**—Nothing in this subsection is intended to duplicate the activities undertaken by other Federal agencies as identified in subsection (a)(3).

(c) **DEFINITION.**—In this section, the term “PFAS” means a perfluoroalkyl substance or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

**SEC. 222. REPORT ON RECREATIONAL FACILITIES.**

No later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that contains—

(1) an inventory of all recreational infrastructure and facilities associated with water resources development projects;

(2) an assessment of the annual operation and maintenance needs associated with such infrastructure and facilities;

(3) an assessment of deferred operation and maintenance needs for such infrastructure and facilities to operate safely at full capacity; and

(4) an assessment of the economic benefits of recreation to local and regional economies and benefits of sustaining and improving public access at recreational infrastructure and facilities.

## **TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS**

**SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

(a) **PURPOSES.**—The purposes of this section are—

(1) to identify water resources development projects authorized by Congress that are no longer viable for construction due to—

- (A) a lack of local support;
  - (B) a lack of available Federal or non-Federal resources; or
  - (C) an authorizing purpose that is no longer relevant or feasible;
  - (2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and
  - (3) to allow the continued authorization of water resources development projects that are viable for construction.
- (b) PROPOSED DEAUTHORIZATION LIST.—
- (1) PRELIMINARY LIST OF PROJECTS.—
    - (A) IN GENERAL.—The Secretary shall develop a preliminary list of each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—
      - (i) planning, design, or construction was not initiated before the date of enactment of this Act; or
      - (ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 10 preceding fiscal years.
    - (B) USE OF COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND MAINTENANCE REPORT.—The Secretary may develop the preliminary list from the comprehensive construction backlog and operation and maintenance reports developed pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a).
  - (2) PREPARATION OF PROPOSED DEAUTHORIZATION LIST.—
    - (A) DEAUTHORIZATION AMOUNT.—The Secretary shall prepare a proposed list of projects for deauthorization comprised of a subset of projects and separable elements identified on the preliminary list developed under paragraph (1) that have, in the aggregate, an estimated Federal cost to complete that is at least \$10,000,000,000.
    - (B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.
    - (C) INCLUSION OF DEAUTHORIZATION OF ANTIQUATED PROJECTS.—The Secretary shall reduce the amount identified for deauthorization under paragraph (2)(A) by an amount equivalent to the estimated current value of each project, or separable element of a project, that is deauthorized by subsection (f).
  - (3) SEQUENCING OF PROJECTS.—
    - (A) IN GENERAL.—The Secretary shall identify projects and separable elements for inclusion on the proposed list of projects for deauthorization under paragraph (2) according to the order in which the projects and separable elements were authorized, beginning with the earliest authorized projects and separable elements and ending with the latest project or separable element necessary to meet the aggregate amount under paragraph (2)(A).
    - (B) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements in an order other than that established by subparagraph (A) if the Secretary determines, on a case-by-case basis, that a project or separable element is critical for interests of the United States, based on the possible impact of the project or separable element on public health and safety, the national economy, or the environment.
  - (4) PUBLIC COMMENT AND CONSULTATION.—
    - (A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the proposed deauthorization list prepared under paragraph (2)(A).
    - (B) COMMENT PERIOD.—The public comment period shall be 90 days.
  - (5) PREPARATION OF FINAL DEAUTHORIZATION LIST.—
    - (A) IN GENERAL.—The Secretary shall prepare a final deauthorization list by—
      - (i) considering any comments received under paragraph (4); and
      - (ii) revising the proposed deauthorization list prepared under paragraph (2)(A) as the Secretary determines necessary to respond to such comments.
    - (B) APPENDIX.—The Secretary shall include as part of the final deauthorization list an appendix that—

- (i) identifies each project or separable element on the proposed deauthorization list that is not included on the final deauthorization list; and
  - (ii) describes the reasons why the project or separable element is not included on the final deauthorization list.
- (c) SUBMISSION OF FINAL DEAUTHORIZATION LIST TO CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICATION.—
  - (1) IN GENERAL.—Not later than 90 days after the date of the close of the comment period under subsection (b)(4), the Secretary shall—
    - (A) submit the final deauthorization list and appendix prepared under subsection (b)(5) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate; and
    - (B) publish the final deauthorization list and appendix in the Federal Register.
  - (2) EXCLUSIONS.—The Secretary shall not include in the final deauthorization list submitted under paragraph (1) any project or separable element with respect to which Federal funds for planning, design, or construction are obligated after the development of the preliminary list under subsection (b)(1)(A) but prior to the submission of the final deauthorization list under paragraph (1)(A) of this subsection.
- (d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—
  - (1) IN GENERAL.—After the expiration of the 2-year period beginning on the date of publication of the final deauthorization list and appendix under subsection (c)(1)(B), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.
  - (2) NON-FEDERAL CONTRIBUTIONS.—
    - (A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 2-year period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.
    - (B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (b)(2)(A).
  - (3) PROJECTS IDENTIFIED IN APPENDIX.—A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.
- (e) SPECIAL RULES.—
  - (1) POST-AUTHORIZATION STUDIES.—A project or separable element of a project may not be identified on the proposed deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 10 preceding fiscal years.
  - (2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent such modification.
- (f) DEAUTHORIZATION OF ANTIQUATED PROJECTS.—
  - (1) IN GENERAL.—Any water resources development project, or separable element of a project, authorized for construction prior to November 17, 1986, for which construction has not been initiated prior to the date of enactment of this Act, or for which funds have not been obligated for construction in the 10-year period prior to the date of enactment of this Act, is hereby deauthorized.
  - (2) IDENTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that identifies—
    - (A) the name of each project, or separable element of a project, deauthorized by paragraph (1); and
    - (B) the estimated current value of each such project or separable element of a project.
- (g) ECONOMIC AND ENVIRONMENTAL REVIEW OF INACTIVE WATER RESOURCES DEVELOPMENT PROJECTS.—The Secretary or the non-Federal interest may not carry out

any authorized water resources development project, or separable element of such project, for which construction has not been initiated in the 20-year period following the date of the authorization of such project or separable element, until—

(1) the Secretary provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a post-authorization change report that updates the economic and environmental analysis of the project or separable element; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate take appropriate action to address any modifications to the economic and environmental analysis for the project or separable element of the project contained in the post-authorization change report.

(h) DEFINITIONS.—In this section:

(1) POST-AUTHORIZATION CHANGE REPORT.—The term “post-authorization change report” has the meaning given such term in section 1132(d) of the Water Resources Development Act of 2016 (33 U.S.C. 2282e).

(2) POST-AUTHORIZATION STUDY.—The term “post-authorization study” means—

(A) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(B) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(C) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

(i) demonstrates a Federal interest; and

(ii) requires additional analysis for the project or separable element.

(3) WATER RESOURCES DEVELOPMENT PROJECT.—The term “water resources development project” includes an environmental infrastructure assistance project or program of the Corps of Engineers.

**SEC. 302. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.**

Section 560(f) of the Water Resources Development Act of 1999 (33 U.S.C. 2336(f)) is amended by striking “\$20,000,000” and inserting “\$30,000,000”.

**SEC. 303. TRIBAL PARTNERSHIP PROGRAM.**

Section 203(b)(4) of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended by striking “\$12,500,000” each place it appears and inserting “\$15,000,000”.

**SEC. 304. LAKES PROGRAM.**

Section 602(a) of the Water Resources Development Act of 1986 (Public Law 99–662, 100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295; 121 Stat. 1076) is amended—

(1) in paragraph (27), by striking “and” at the end;

(2) in paragraph (28), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(29) Ellis Pond and Guild Pond, Norwood, Massachusetts; and

“(30) Memorial Pond, Walpole, Massachusetts.”.

**SEC. 305. WATERCRAFT INSPECTION STATIONS.**

Section 104(d)(1)(A) of the River and Harbor Act of 1958 (33 U.S.C. 610(d)(1)(A)) is amended—

(1) in clause (ii), by striking “; and” and inserting a semicolon;

(2) in clause (iii), by striking “Arizona River Basins.” and inserting “Arkansas River Basins; and”; and

(3) by adding at the end the following:

“(iv) to protect the Russian River Basin, California.”.

**SEC. 306. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.**

(a) IN GENERAL.—Section 510 of the Water Resources Development Act of 1996 (Public Law 104–303, 110 Stat. 3759; 121 Stat. 1202; 128 Stat. 1317) is amended—

(1) by redesignating subsection (h) as subsection (i) and inserting after subsection (g) the following:

“(h) PROJECT CAP.—The total cost of a project carried out under this section may not exceed \$15,000,000.”; and

(2) in subsection (i) (as so redesignated), by striking “\$40,000,000” and inserting “\$60,000,000”.

(b) OUTREACH AND TRAINING.—The Secretary shall conduct public outreach and workshops for non-Federal interests to provide information on the Chesapeake Bay environmental restoration and protection program established under section 510 of

the Water Resources Development Act of 1996, including how to participate in the program.

**SEC. 307. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.**

Section 1103(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(3)) is amended by striking “\$22,750,000” and inserting “\$40,000,000”.

**SEC. 308. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM.**

Any Federal funds, regardless of the account from which the funds were provided, used to carry out construction of the modification to the McClellan-Kerr Arkansas River Navigation System, authorized in section 136 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1842), shall be considered by the Secretary as initiating construction of the project such that future funds will not require a new investment decision.

**SEC. 309. OUACHITA-BLACK RIVER NAVIGATION PROJECT, ARKANSAS.**

The project for navigation, Ouachita-Black River, Arkansas, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86-645), is modified to include water supply as a project purpose, subject to completion by the Secretary of a feasibility study and any other review necessary for such modification.

**SEC. 310. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.**

The portion of project for flood control, Sacramento River, California, authorized by section 2 of the Act of March 1, 1917 (chapter 144, 39 Stat. 949; 103 Stat. 649; 110 Stat. 3709; 112 Stat. 1841; 113 Stat. 299), consisting of a riverbed gradient restoration facility at the Glenn-Colusa Irrigation District Intake, is no longer authorized beginning on the date of enactment of this Act.

**SEC. 311. LAKE ISABELLA, CALIFORNIA.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary, when evaluating alternative locations for construction of a permanent Isabella Lake Visitor Center by the Corps of Engineers to replace the facility impacted by the Isabella Dam safety modification project, should afford substantial weight to the site preference of the local community.

(b) AUTHORITY.—The Secretary may acquire such interests in real property as the Secretary determines necessary or advisable to support construction of the Isabella Dam safety modification project.

(c) TRANSFER.—The Secretary may transfer any real property interests acquired under subsection (b) to any other Federal agency or department without reimbursement.

(d) ISABELLA DAM SAFETY MODIFICATION PROJECT DEFINED.—In this section, the term “Isabella Dam safety modification project” means the dam safety modification project at the Isabella Reservoir in the San Joaquin Valley, California (authorized by Act of December 22, 1944 (chapter 665, 58 Stat. 901)), including the component of the project relating to construction a visitor center facility.

**SEC. 312. LOWER SAN JOAQUIN RIVER FLOOD CONTROL PROJECT.**

The Secretary shall align the schedules of, and maximize complimentary efforts, minimize duplicative practices, and ensure coordination and information sharing with respect to—

(1) the project for flood risk management, Lower San Joaquin River, authorized by section 1401(2) of the Water Resources Development Act of 2018 (132 Stat. 3836); and

(2) the second phase of the feasibility study for the Lower San Joaquin River project for flood risk management, authorized for expedited completion by section 1203(a)(7) of the Water Resources Development Act 2018 (132 Stat. 3803).

**SEC. 313. SAN DIEGO RIVER AND MISSION BAY, SAN DIEGO COUNTY, CALIFORNIA.**

The portion of the project for flood control and navigation, San Diego River and Mission Bay, San Diego County, California, authorized by the Act of July 24, 1946 (chapter 595, 60 Stat. 636), identified in the National Levee Database established under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) as the San Diego River 3 segment and consisting of a 785-foot-long segment of the right bank levee from Station 209+41.75 to its end at Station 217+26.75, as described in construction plans dated August 30, 1951, is no longer authorized beginning on the date of enactment of this Act.

**SEC. 314. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.**

(a) IN GENERAL.—Section 114 of the River and Harbor Act of 1968 (33 U.S.C. 59h) is amended to read as follows:

**“SEC. 114. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.**

“(a) AREA TO BE DECLARED NONNAVIGABLE.—The following area is declared to be nonnavigable waters of the United States: All of that portion of the City and County of San Francisco, California, lying shoreward of a line beginning at the intersection of the southerly right of way line of Earl Street prolongation with the Pierhead United States Government Pierhead line, the Pierhead line as defined in the State of California Harbor and Navigation Code Section 1770, as amended in 1961; thence northerly along said Pierhead line to its intersection with a line parallel with and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32; thence westerly along last said parallel line to its intersection with said Pierhead line; thence northerly along said Pierhead line, to the intersection of the easterly right of way line of Van Ness Avenue, formerly Marlette Street, prolongation to the Pierhead line.

“(b) REQUIREMENT THAT AREA BE IMPROVED.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (a) that are or will be bulkheaded, filled, or otherwise occupied or covered by permanent structures and does not affect the applicability of any Federal statute or regulation that relates to filling of navigable waters or to other regulated activities within the area described in subsection (a), including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401, 403), section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

“(c) INCLUSION OF EMBARCADERO HISTORIC DISTRICT.—Congress finds and declares that the area described in subsection (a) contains the seawall, piers, and wharves that comprise the Embarcadero Historic District listed on the National Register of Historic Places on May 12, 2006.”

(b) CONFORMING AMENDMENT.—Section 5052 of the Water Resources Development Act of 2007 (33 U.S.C. 59h–1) is repealed.

**SEC. 315. WESTERN PACIFIC INTERCEPTOR CANAL, SACRAMENTO RIVER, CALIFORNIA.**

The portion of the project for flood protection on the Sacramento River, authorized by section 2 of the of March 1, 1917 (chapter 144, 39 Stat. 949; 45 Stat. 539; 50 Stat. 877; 55 Stat. 647; 80 Stat. 1422), consisting of the portion of the levee from GPS coordinate N2147673.584 E6690904.187 to N2147908.413 E6689057.060 associated with the Western Pacific Interceptor Canal, is no longer authorized beginning on the date of the enactment of this Act.

**SEC. 316. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.**

Section 5056(f) of the Water Resources Development Act of 2007 (Public Law 110–114, 121 Stat. 1213; 128 Stat. 1314) is amended by striking “2019” and inserting “2029”.

**SEC. 317. NEW LONDON HARBOR WATERFRONT CHANNEL, CONNECTICUT.**

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the first section of the Act of June 13, 1902 (chapter 1079, 32 Stat. 333), described in subsection (b) is no longer authorized beginning on the date of enactment of this Act.

(b) AREA DESCRIBED.—The area referred to in subsection (a) is generally the portion between and around the 2 piers at the State Pier in New London, specifically the area—

- (1) beginning at a point N691263.78, E1181259.26;
- (2) running N 35°01′50.75” W about 955.59 feet to a point N692046.26, E1180710.74;
- (3) running N 54°58′06.78” E about 100.00 feet to a point N692103.66, E1180792.62;
- (4) running S 35°01′50.75” E about 989.8 feet to a point N691293.17, E1181360.78; and
- (5) running S 73°51′15.45” W about 105.69 feet to the point described in paragraph (1).

**SEC. 318. WASHINGTON HARBOR, DISTRICT OF COLUMBIA.**

Beginning on the date of enactment of this Act, the project for navigation, Washington Harbor, District of Columbia, authorized by the Act of August 30, 1935 (chapter 831, 49 Stat. 1031), is modified to reduce, in part, the authorized dimensions of the project, such that the remaining authorized dimensions are as follows:

- (1) A 200 foot wide, 15 foot deep channel with a center line beginning at a point East 1,317,064.30 and North 440,373.32, thence to a point East 1,316,474.30 and North 440,028.31, thence to a point East 1,315,584.30 and North 439,388.30, thence to a point East 1,315,259.31 and North 438,908.30.

(2) A transition area 200 foot wide to 300 foot wide, 15 foot deep, with a center line beginning at a point East 1,315,259.31 and North 438,908.30 to a point East 1,315,044.31 and North 438,748.30.

(3) A 300 foot wide, 15 foot deep channel with a centerline beginning a point East 1,315,044.31 and North 438,748.30, thence to a point East 1,314,105.31 and North 438,124.79, thence to a point East 1,311,973.30 and North 438,807.78, thence to a point East 1,311,369.73 and North 438,577.42, thence to a point East 1,311,015.73 and North 438,197.57, thence to a point East 1,309,713.47 and North 435,678.91.

(4) A transition area 300 foot wide to 400 foot wide, 15 foot deep to 24 foot deep, with a center line beginning at a point East 1,309,713.47 and North 435,678.91 to a point East 1,307,709.33 and North 434,488.25.

(5) A 400 foot wide, 24 foot deep channel with a centerline beginning at a point East 1,307,709.33 and North 434,488.25, thence to a point East 1,307,459.33 and North 434,173.25, thence to a point East 1,306,476.82 and North 1,306,476.82, thence to a point East 1,306,209.79 and North 431,460.21, thence to a point at the end of the channel near Hains Point East 1,305,997.63 and North 429,978.31.

**SEC. 319. CENTRAL EVERGLADES, FLORIDA.**

The project for ecosystem restoration, Central Everglades, authorized by section 1401(4) of the Water Resources Development Act of 2016 (130 Stat. 1713), is modified to include the project for ecosystem restoration, Central and Southern Florida, Everglades Agricultural Area, authorized by section 1308 of the Water Resources Development Act of 2018 (132 Stat. 3819), and to authorize the Secretary to carry out the project as so combined.

**SEC. 320. MIAMI RIVER, FLORIDA.**

The portion of the project for navigation, Miami River, Florida, authorized by the Act of July 3, 1930 (46 Stat. 925; 59 Stat. 16; 74 Stat. 481; 100 Stat. 4257), beginning at the existing railroad bascule bridge and extending approximately 1,000 linear feet upstream to an existing salinity barrier and flood control structure, is no longer authorized beginning on the date of enactment of this Act.

**SEC. 321. TAYLOR CREEK RESERVOIR AND LEVEE L-73 (SECTION 1), UPPER ST. JOHNS RIVER BASIN, FLORIDA.**

The portions of the project for flood control and other purposes, Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), consisting of the Taylor Creek Reservoir and Levee L-73, Section 1, within the Upper St. Johns River Basin, Florida, are no longer authorized beginning on the date of enactment of this Act.

**SEC. 322. CALCASIEU RIVER AND PASS, LOUISIANA.**

Not later than 120 days after the date of enactment of this Act, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on plans to modify the Calcasieu River and Pass Dredged Material Management Plan and Supplemental Environmental Impact Statement (December 16, 2010 DMMP/SEIS) to allow for the expansion of Dredged Material Placement Facilities (DMPFs) 17, 19, 22, D, and E to the lakeside foreshore rock boundaries during planned rehabilitation of these facilities.

**SEC. 323. SAN JUAN-CHAMA PROJECT; ABIQUIU DAM, NEW MEXICO.**

(a) ABIQUIU RESERVOIR.—Section 5(b) of Public Law 97-140 (43 U.S.C. 620a note) is amended by striking “a total of two hundred thousand acre-feet of”.

(b) WATER STORAGE AT ABIQUIU DAM, NEW MEXICO.—Section 1 of Public Law 100-522 (43 U.S.C. 620a note) is amended—

(1) by striking “200,000 acre-feet of”;

(2) by inserting “and San Juan-Chama project” after “Rio Grande system”; and

(3) by striking “, in lieu of the water storage authorized by section 5 of Public Law 97-140, to the extent that contracting entities under section 5 of Public Law 97-140 no longer require such storage”.

(c) WATER STORAGE.—The Secretary shall—

(1) store up to elevation 6230.00 NGVD29 at Abiquiu Dam, New Mexico, to the extent that the necessary real property interests have been acquired by any entity requesting such storage; and

(2) amend the March 20, 1986, contract between the United States of America and the Albuquerque Bernalillo County Water Utility Authority (assigned by the City of Albuquerque, New Mexico to the Albuquerque Bernalillo County Water Utility Authority) for water storage space in Abiquiu Reservoir to allow



for storage by the Albuquerque Bernalillo County Water Utility Authority of San Juan-Chama project water or native Rio Grande system water up to elevation 6230.00 NGVD29.

(d) STORAGE AGREEMENTS WITH USERS OTHER THAN THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY.—The Secretary shall—

(1) retain or enter into new agreements with entities for a proportionate allocation of 29,100 acre-feet of storage space pursuant to section 5 of Public Law 97–140; and

(2) amend or enter into new storage agreements for storage of San Juan-Chama project water or native Rio Grande system water up to the space allocated for each entity's proportionate share of San Juan-Chama water.

(e) OPERATIONS DOCUMENTS.—The Secretary shall amend or revise any existing operations documents, including the Water Control Manual or operations plan for Abiquiu Reservoir, as necessary to meet the requirements of this section.

(f) LIMITATIONS.—In carrying out this section, the following limitations shall apply:

(1) The storage of native Rio Grande system water shall be subject to the provisions of the Rio Grande Compact and the resolutions of the Rio Grande Compact Commission.

(2) The storage of native Rio Grande system water shall only be authorized to the extent that the necessary water ownership and storage rights have been acquired by the entity requesting such storage.

(3) The storage of native Rio Grande system water or San-Juan Chama project water shall not interfere with the authorized purposes of the Abiquiu Dam and Reservoir project.

(4) Each user of storage space, regardless of source of water, shall pay for any increase in costs attributable to storage of that user's water.

**SEC. 324. PAWCATUCK RIVER, LITTLE NARRAGANSETT BAY AND WATCH HILL COVE, RHODE ISLAND AND CONNECTICUT.**

Beginning on the date of enactment of this Act, that portion of the project for navigation, Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island and Connecticut, authorized by section 2 of the Act of March 2, 1945 (chapter 19, 59 Stat. 13), consisting of a 10-foot deep, 16-acre anchorage area in Watch Hill Cove is no longer authorized.

**SEC. 325. HARRIS COUNTY, TEXAS.**

Section 575 of the Water Resources Development Act of 1996 (110 Stat. 3789) is repealed.

**SEC. 326. CAP SANTE WATERWAY, WASHINGTON.**

Beginning on the date of enactment of this Act, the project for navigation, Cap Sante Waterway and Navigation Channel, Skagit County, Washington, authorized by the Act of March 2, 1919 (chapter 95, 40 Stat. 1285), is modified to deauthorize the portion of the project consisting of an approximately 334,434 foot area of the Federal channel within Anacortes Harbor inside and directly adjacent to the Federal breakwater and training wall structure, starting at a point with coordinates N557015.552, E1210819.619, thence running S88 13°2.06'E approximately 200 feet to a point with coordinates N557009.330, E1211019.522, thence running S01 46°58.08'W approximately 578 feet to a point with coordinates N556431.405, E1211001.534, thence running S49 49°50.23'W approximately 69 feet to a point with coordinates N556387.076, E1210949.002, thence running S51 53°0.25'E approximately 35 feet to a point with coordinates N556365.662, E1210976.316, thence running S49 38°58.48'W approximately 112 feet to a point with coordinates N556292.989, E1210890.775, thence running N88 13°1.87'W approximately 109 feet to a point with coordinates N556296.367, E1210782.226, thence running S46 46°58.97'W approximately 141 feet to a point with coordinates N556199.527, E1210679.164, thence running N88 13°1.77'W approximately 700 feet to a point with coordinates N556221.305, E1209979.502, thence running N01 46°58.08'E approximately 250 feet to a point with coordinates N556471.184, E1209987.280, thence running S88 13°1.77'E approximately 815 feet to a point with coordinates N556445.828, E1210801.886, thence running N01 46°58.08'E approximately 570 feet to the point of origin.

**SEC. 327. REGIONAL SEDIMENT MANAGEMENT.**

The Secretary shall expedite the activities required to be carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) regarding the use of improvement dredging of the Portsmouth Federal navigation project in Portsmouth, New Hampshire, as a source of clean beach fill material to reinforce the stone revetment at Nantasket Beach, Hull, Massachusetts.

**SEC. 328. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.**

(a) **CONSISTENCY WITH REPORTS.**—Congress finds that the project modifications described in this section are in accordance with the reports submitted to Congress by the Secretary under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), titled “Report to Congress on Future Water Resources Development”, or have otherwise been reviewed by Congress.

(b) **MODIFICATIONS.**—

(1) **SACRAMENTO AREA, CALIFORNIA.**—Section 219(f)(23) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 117 Stat. 1840) is amended to read as follows:

“(23) SACRAMENTO AREA, CALIFORNIA.—\$45,000,000 for regional water conservation, recycling, reliability, and resiliency projects in Placer, El Dorado, and Sacramento Counties and the San Juan Suburban Water District, California.”.

(2) **SOUTH PERRIS, CALIFORNIA.**—Section 219(f)(52) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A–220) is amended by striking “\$25,000,000” and inserting “\$50,000,000”.

(3) **MADISON AND ST. CLAIR COUNTIES, ILLINOIS.**—Section 219(f)(55) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 114 Stat. 2763A–221) is amended by striking “\$10,000,000” and inserting “\$45,000,000”.

(4) **SOUTHERN AND EASTERN KENTUCKY.**—Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142; 121 Stat. 1226) is amended—

(A) in subsection (g), by inserting “Boyd, Carter, Elliott, Lincoln,” after “Lee,”; and

(B) in subsection (h), by striking “\$40,000,000” and inserting “\$80,000,000”.

(5) **DESOTO COUNTY, MISSISSIPPI.**—Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A–220; 119 Stat. 282; 119 Stat. 2257; 122 Stat. 1623) is amended by striking “\$75,000,000” and inserting “\$130,000,000”.

(6) **JACKSON COUNTY, MISSISSIPPI.**—Section 219(e)(1) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 1494; 121 Stat. 1258) is amended by striking “\$32,500,000” and inserting “\$57,500,000”.

(7) **ST. LOUIS, MISSOURI.**—Section 219(f)(32) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 337; 121 Stat. 1233) is amended by striking “\$35,000,000” and inserting “\$70,000,000”.

(8) **MIDWEST CITY, OKLAHOMA.**—Section 219(f)(231) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1266) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

(9) **SOUTH CENTRAL PENNSYLVANIA.**—Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723; 113 Stat. 310; 117 Stat. 142; 121 Stat. 1146) is amended—

(A) in subsection (g)(1), by striking “\$200,000,000” and inserting “\$400,000,000”; and

(B) in subsection (h)(2), by inserting “Beaver, Jefferson,” after “Washington,”.

(10) **LAKES MARION AND MOULTRIE, SOUTH CAROLINA.**—Section 219(f)(25) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A–220; 117 Stat. 1838; 130 Stat. 1677; 132 Stat. 3818) is amended by striking “\$89,550,000” and inserting “\$110,000,000”.

(11) **EL PASO COUNTY, TEXAS.**—Section 219(f)(269) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1268) is amended by striking “\$25,000,000” and inserting “\$75,000,000”.

(12) **WESTERN RURAL WATER.**—Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat. 1836; 118 Stat. 440; 121 Stat. 1219; 123 Stat. 2851; 128 Stat. 1316; 130 Stat. 1681) is amended—

(A) by striking the section heading and inserting “**WESTERN RURAL WATER.**”;

(B) in subsections (b) and (c), by inserting “Arizona,” before “Idaho” each place it appears; and

(C) in subsection (i), by striking “for the period beginning with fiscal year 2001, \$435,000,000, to remain available until expended.” and inserting the following: “, to remain available until expended—

“(1) for the period beginning with fiscal year 2001, \$435,000,000 for Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming; and

“(2) \$150,000,000 for Arizona.”.

(13) CENTRAL WEST VIRGINIA.—Section 571(h) of the Water Resources Development Act of 1999 (113 Stat. 371; 121 Stat. 1257) is amended by striking “\$20,000,000” and inserting “\$40,000,000”.

(14) SOUTHERN WEST VIRGINIA.—Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856; 110 Stat. 3727; 113 Stat. 320) is amended by striking “\$40,000,000” and inserting “\$120,000,000”.

(c) LOWELL CREEK TUNNEL, SEWARD, ALASKA.—Section 5032(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114, 121 Stat. 1205) is amended by striking “15” and inserting “20”.

**SEC. 329. PROJECT MODIFICATION AUTHORIZATIONS.**

(a) WATER SUPPLY.—The following project modifications for water supply, as identified in the report entitled “Report to Congress on Future Water Resources Development” dated February 2019, and submitted to Congress on June 3, 2019, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the recommendations, included in such report pursuant to section 301(c) of the Water Supply Act of 1958 (43 U.S.C. 390b(c)):

(1) The project modification for the State of Missouri, Clarence Cannon Dam and Mark Twain Lake Project Salt River, Missouri.

(2) The project modification for the City of Plattsburg, Smithville Lake, Missouri.

(3) The project modification for the City of Smithville, Smithville Lake, Missouri.

(b) FLOOD RISK MANAGEMENT.—The following project modifications for flood risk management, as identified in a report entitled “Report to Congress on Future Water Resources Development”, and submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary:

(1) Modification of the project for flood risk management, lower Mississippi River, authorized by the Act of May 15, 1928 (chapter 569, 45 Stat. 534), to incorporate the Wolf River Backwater and Nonconnah Creek levee systems into the project, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1575; 50 Stat. 881), subject to the determination of the Secretary that such systems meet all requirements applicable to such project.

(2) Modification of the project for flood risk management, Red River below Denison Dam, Arkansas, Louisiana, and Texas, authorized by the Act of June 28, 1938 (chapter 795, 52 Stat. 1219), to incorporate the Cherokee Park Levee into the project, subject to the determination of the Secretary that such levee meets all requirements applicable to such project.

**SEC. 330. APPLICATION OF CREDIT.**

Section 7007(d) of the Water Resources Development Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended by inserting “, or may be applied to reduce the amounts required to be paid by the non-Federal interest under the terms of the deferred payment agreements entered into between the Secretary and the non-Federal interest for the projects authorized by section 7012(a)(1)” before the period at the end.

**SEC. 331. PROJECT REAUTHORIZATIONS.**

(a) IN GENERAL.—

(1) MUDDY RIVER, MASSACHUSETTS.—The separable elements for ecosystem restoration of the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, authorized by section 522 of the Water Resources Development Act of 2000 (114 Stat. 2656), and deauthorized pursuant to section 6001 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1345), are authorized to be carried out by the Secretary, subject to subsection (b).

(2) EAST CHESTER CREEK, NEW YORK.—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for navigation, East Chester Creek, New York, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164; 100 Stat. 4181), and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579(a)), is authorized to be carried out by the Secretary, subject to subsection (b).

(3) CHRISTIANSTED HARBOR, UNITED STATES VIRGIN ISLANDS.—Notwithstanding section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4221), the portion of the project for navigation, Christiansted Harbor, St. Croix, United States Virgin Islands, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 167), and deauthorized under section 1002 of the Water Re-

sources Development Act of 1986 (100 Stat. 4221), is authorized to be carried out by the Secretary, subject to subsection (b).

(4) CHARLOTTE HARBOR, UNITED STATES VIRGIN ISLANDS.—Notwithstanding section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4221), the portion of the project for navigation, Charlotte Amalie (St. Thomas) Harbor, St. Thomas, United States Virgin Islands, authorized by the Act of August 26, 1937 (chapter 832, 50 Stat. 850), and deauthorized under section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4221), is authorized to be carried out by the Secretary, subject to subsection (b).

(b) REPORT TO CONGRESS.—The Secretary shall complete and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a post-authorization change report (as such term is defined in section 1132(d) of the Water Resources Development Act of 2016 (33 U.S.C. 2282e(d)) prior to carrying out a project identified in subsection (a).

#### SEC. 332. CONVEYANCES.

(a) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(b) EUFAULA, ALABAMA.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the City of Eufaula, Alabama, all right, title, and interest of the United States in and to the real property described in the Department of the Army Lease No. DACW01-2-17-0747, containing 56.76 acres, more or less, and being a part of Tracts L-1268 (26.12 acres), L-1273 (13.71 acres), L-1278 (6.75 acres), and L1279 (10.36 acres) of the Walter F. George Lock and Dam and Lake project.

(2) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(3) CONSIDERATION.—The City of Eufaula, Alabama, shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(c) MONTGOMERY, ALABAMA.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the City of Montgomery, Alabama, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed is the 62.38 acres of land and water under the primary jurisdiction of the Secretary in the R.E. “Bob” Woodruff Project Area that is covered by lease number DACW01-1-05-0037, including the parcels and structure known as “Powder Magazine”.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States, to include retaining the right to inundate with water any land transferred under this subsection.

(4) CONSIDERATION.—The City of Montgomery, Alabama, shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(d) OHIO RIVER LOCK AND DAM NUMBER 52, MASSAC COUNTY, ILLINOIS.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the Massac-Metropolis Port District, Illinois, all right, title, and interest of the United States in and to any real property located north of the south bank of the Ohio River

in Massac County, Illinois, that is associated with the Ohio River Lock and Dam 52.

(2) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(3) CONSIDERATION.—The Massac-Metropolis Port District, Illinois, shall pay to the Secretary an amount that is not less than fair market value of the property conveyed under this subsection, as determined by the Secretary.

(e) CLINTON, MISSOURI.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the City of Clinton, Missouri, without consideration, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(4) PROPERTY.—The property to be conveyed is a tract of land situated in the S  $\frac{1}{2}$  of Section 12 and the N  $\frac{1}{2}$  of Section 13, Township 41 North, Range 26 West of the Fifth Principal Meridian, Henry County, Missouri, more particularly described as follows: Beginning at the point of intersection of the north line of said S  $\frac{1}{2}$  of Section 12 and the easterly right-of-way of State Highway No. 13; thence easterly along the north line of said S  $\frac{1}{2}$  to the northeast corner of the W  $\frac{1}{2}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 12; thence southerly along the east line of said W  $\frac{1}{2}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  to the southeast corner thereof; thence easterly along the north line of the S  $\frac{1}{2}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 12 to the southwest corner of the W  $\frac{1}{2}$  NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of said Section 12; thence in a northeasterly direction to the northeast corner of said W  $\frac{1}{2}$  NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ; thence easterly along the north line of said S  $\frac{1}{2}$  to the westerly right-of-way of the County Road; thence in a southeasterly and southerly direction along the westerly right-of-way of said County Road approximately 2500 feet to the center of Deer Creek; thence in a southwesterly direction along the center of said Deer Creek, approximately 3900 feet to the south line of said N  $\frac{1}{2}$  of Section 13; thence westerly along the south line of said N  $\frac{1}{2}$  to the easterly right-of-way line of the St. Louis-San Francisco Railroad; thence in a northwesterly direction along the easterly right-of-way of said railroad to the easterly right-of-way of said State Highway No. 13; thence in a northeasterly direction along the easterly right-of-way of said State Highway No. 13 to the point of the beginning; and including a roadway easement for ingress and egress, described as a strip of land 80 feet in width, lying 40 feet on each side of the following described line, the initial extremities of the following described strip being extended or reduced as required to exactly adjoin the boundary lines which they meet, situated in the S  $\frac{1}{2}$  of Section 12, Township 41 North Range 26 West of the Fifth Principal Meridian, Henry County, Missouri, more particularly described as follows: Commencing at the center of said Section 12, thence S1°24'56"W, 1265.52 feet to a point, thence N88°29'02"W, 483.97 feet to the point of beginning of the strip of land herein described; thence in a northeasterly direction along a curve to the right, said curve having an initial tangent bearing of N3°44'41"E, a radius of 238.73 feet and an interior angle of 61°29'26", an arc distance of 256.21 feet to a point; thence N65°14'07"E 218.58 feet to a point; thence in a northeasterly direction along a curve to the left, having a radius of 674.07 feet and an interior angle of 36°00'01", an arc distance of 423.53 feet to a point; thence N29°14'07"E, 417.87 feet to a point; thence northeasterly along a curve to the right, having a radius of 818.51 feet and an interior angle of 14°30'01", an arc distance of 207.15 feet to a point; thence N43°44'07"E, 57.00 feet to the southerly right-of-way line of a county road, containing 2,948 acres, more or less; Excluding therefrom a tract of land situated in the S  $\frac{1}{2}$  of said Section 12, said Township and Range, described as commencing at the center of said Section 12; thence S1°24'56"W, 1265.52 feet to the point of beginning of the tract of land herein described; thence N88°29'02"W, 1122.50 feet; thence S1°43'26"W, 872.62 feet; thence S88°29'02"E, 1337.36 feet; thence N1°43'26"E, 872.62 feet; thence N88°29'02"W, 214.86 feet to the point of beginning, containing 26.79 acres, more or less. The above described tract contains, in the aggregate, 177.69 acres, more or less.

(2) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(3) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not being used for a public purpose, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

(f) CITY OF CLINTON, OLD ORCHARD ADDITION, MISSOURI.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the City of Clinton, Missouri, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed is Lot 28 in Old Orchard Addition, a subdivision of the City of Clinton, Henry County, Missouri, containing 0.36 acres, more or less, including any improvements thereon.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States, including such reservations, terms, and conditions as the Secretary determines necessary to allow the United States to operate and maintain the Harry S. Truman Reservoir Project.

(4) CONSIDERATION.—The City of Clinton, Missouri, shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(g) TRI-COUNTY LEVEE DISTRICT, MISSOURI.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the Tri-County Levee District, Missouri, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed is the part of Sections 1 and 12 Township 45 North Range 6 West of the 5th P.M. in Montgomery County, Missouri, described as follows: A tract of land being 60' wide and lying South and East of and adjoining the centerline of the existing levee and being described as follows: Commencing at the NW corner of Section 12, thence S 87° 52' 35" E 587.4', thence S 01° 29' 25" W 453.68' to the point of the beginning; said point being in the center of the levee, thence with the centerline of the levee N 77° 01' 30" E 164.92', thence N 74° 26' 55" E 250.0', thence N 72° 27' 55" E 270.0', thence N 69° 06' 10" E 300.0', thence N 66° 42' 15" E 500.0', thence N 64° 14' 30" E 270.0', thence N 61° 09' 10" E 800.0', thence N 60° 58' 15" E 1724.45', thence leaving the centerline S 01° 10' 35" W 69.43', thence parallel with the above described centerline S 60° 58' 15" W 1689.62', thence S 61° 09' 10" W 801.71', thence S 64° 14' 30" W 272.91', thence S 66° 42' 15" W 502.55', thence S 69° 06' 10" W 303.02', thence S 72° 27' 55" W 272.8', thence S 74° 26' 55" W 252.39', thence S 77° 01' 30" W 181.75', thence leaving the South side of the levee N 01° 26' 25" E 61.96' to the point of beginning and containing 5.89 acres more or less.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(4) CONSIDERATION.—The Tri-County Levee District, Missouri, shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(h) JUDGE JOSEPH BARKER, JR., HOUSE, OHIO.—

(1) NON-FEDERAL ENTITY.—In this subsection, the term “non-Federal entity” means the Friends of Joseph Barker, Jr., House, a nonprofit organization in the State of Ohio.

(2) CONVEYANCE AUTHORIZED.—

(A) IN GENERAL.—Subject to paragraph (6), the Secretary shall convey to the non-Federal entity, without consideration, all right, title, and interest of the United States in and to the property described in paragraph (3)(A).

(B) EASEMENT.—Upon conveyance of the property under subparagraph (A), the Secretary shall provide to the non-Federal entity, without consideration, an easement over the property described in paragraph (3)(B) for access to the conveyed property for as long as the non-Federal entity is in legal possession of the conveyed property.

(3) DESCRIPTIONS OF PROPERTY.—

(A) IN GENERAL.—The property referred to in paragraph (2)(A) is the following (as in existence on the date of enactment of this Act):

(i) JUDGE JOSEPH BARKER, JR., HOUSE.—The tract of land situated in the State of Ohio, Washington County, on the Ohio River, and being particularly bounded and described as follows: Beginning at a point located on the southern right-of-way line of Ohio Route 7, a new corner to the land now or formerly owned by the United States of America; thence, leaving the right-of-way of said Route 7 and severing the land of said United States of America parallel to and approximately 10 feet easterly of the toe of the existing dredge disposal berm, southeasterly approximately 326 feet to a point prior to the current Corps of Engineers access to the dredging spoil area; thence, northeasterly approximately 480 feet paralleling the top of the slope to the riverbank side of the house and approximately 25 feet northerly therefrom; thence,

northwest approximately 302 feet to a point in the southern right-of-way of Ohio Route 7; thence with the right-of-way of said Route 7, southwesterly approximately 485 feet to the point of beginning, containing approximately 3.51 acres.

(ii) ROAD TRACT.—The tract of land situated in the State of Ohio, Washington County, on the Ohio River, and being particularly bounded and described as follows: Beginning at a point located on the southern right-of-way line of Ohio Route 7, a new corner to the land now or formerly owned by the United States of America; thence, leaving the right-of-way of said Route 7 and severing the land of said United States of America and with the House Parcel southeasterly 25 feet; thence, northeast, running parallel to said Route 7 right-of-way, approximately 994 feet to a point of deflection; thence northeasterly 368 feet to a point beyond the existing fence corner; thence, east 140 feet to the edge of the existing Willow Island access road; thence with said access road, northwesterly approximately 62 feet to a point in the southern right-of-way of Ohio Route 7; thence with the right-of-way of said Route 7, southwesterly approximately 1,491 feet to the point of beginning, containing approximately 1 acre.

(B) EASEMENT.—The property referred to in paragraph (2)(B) is the following: The tract of land situated in the State of Ohio, Washington County, on the Ohio River, and being particularly bounded and described as follows: Beginning at a point at the intersection of the southern right-of-way of Ohio Route 7 and the northeast side of the existing Willow Island access road, a new corner to the land now or formerly owned by the United States of America; thence, southwest, running with said Route 7 right-of-way, approximately 30 feet to a point on the southwest side of the existing access road, and corner to the road tract; thence with said access road and the line of the road parcel, southeasterly approximately 62 feet to a point; thence leaving the road parcel and crossing the existing access road northeasterly approximately 30 feet to a point located on the northeast side of the existing access road; thence, northwesterly approximately 62 feet, to the point of beginning, containing approximately 0.04 acre.

(4) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(5) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not being used by the non-Federal entity for a public purpose, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

(6) REQUIREMENTS.—

(A) IMPROVEMENTS.—The Secretary shall make such improvements and alterations to the property described in paragraph (3)(A)(i) as the Secretary, in consultation with the non-Federal entity and relevant stakeholders, determines to be appropriate to facilitate conveyance of the property and provision of the easement under this subsection, subject to the condition that the total cost of those improvements and alterations undertaken by the Secretary shall be not more than \$120,000.

(B) ENVIRONMENTAL ASSESSMENT.—Before making a conveyance under paragraph (2), the Secretary shall—

(i) conduct, with respect to the property to be conveyed, an assessment of the environmental condition of the property, including an investigation of any potential hazardous, toxic, or radioactive waste present on such property; and

(ii) submit to the non-Federal entity a report describing the results of such assessment.

(C) REFUSAL BY NON-FEDERAL ENTITY.—

(i) IN GENERAL.—Upon review by the non-Federal entity of the report under subparagraph (B), the non-Federal entity may elect to refuse the conveyance under this subsection.

(ii) ELECTION.—An election under clause (i)—

(I) shall be at the sole discretion of the non-Federal entity; and

(II) shall be made by the non-Federal entity by not later than the date that is 30 days after the date of submission of the report under subparagraph (B)(ii).

(D) DREDGED MATERIAL PLACEMENT ACTIVITIES.—The Secretary shall—

(i) notify and coordinate with the non-Federal entity and relevant stakeholders before carrying out any dredged material placement ac-

tivities associated with the property described in paragraph (3)(A) after the date on which such property is conveyed under this subsection; and (ii) in carrying out a dredged material placement activity under clause (i), act in accordance with Engineer Manual EM 1110-2-5025 (or a subsequent version of that manual).

(7) RESERVATION OF RIGHTS.—The Secretary may reserve and retain from any conveyance under this subsection a right-of-way or any other right that the Secretary determines to be necessary for the operation and maintenance of the authorized Federal channel along the Ohio River.

(8) TREATMENT.—Conveyance to the non-Federal entity under this subsection of property described in paragraph (3)(A)(i) shall satisfy all obligations of the Secretary with respect to such property under—

(A) section 306101 of title 54, United States Code; and

(B) section 306108 of title 54, United States Code, with respect to the effects on the property of dredged material placement activities carried out by the Secretary after the date of the conveyances.

(9) INAPPLICABILITY.—Subtitle I of title 40, and chapter 4 of title 41, United States Code shall not apply to any conveyance or easement provided under this subsection.

(i) LEABURG FISH HATCHERY, LANE COUNTY, OREGON.—

(1) CONVEYANCE AUTHORIZED.—Subject to the provisions of this subsection, the Secretary shall convey, without consideration, to the State of Oregon, acting through the Oregon Department of Fish and Wildlife, all right, title, and interest of the United States in and to the real property comprising the Leaburg Fish Hatchery, consisting of approximately 21.55 acres, identified as tracts Q-1500, Q-1501E, and 300E-1 and described in Department of the Army Lease No. DACW57-1-18-0009, together with any improvements on the property.

(2) WATER RIGHTS.—The Secretary may transfer to the State of Oregon, acting through the Oregon Department of Fish and Wildlife, any water rights held by the United States that are appurtenant to the property conveyed under this subsection.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States, including a condition that all of the property conveyed under this subsection be used and maintained by the State of Oregon for the purpose of operating a fish hatchery in perpetuity.

(4) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not being used or maintained by the State of Oregon for the purpose of operating a fish hatchery in perpetuity, all or any portion of the property, including any water rights transferred under this subsection, shall, at the option of the Secretary, revert to the United States.

(5) SAVINGS CLAUSE.—If the State of Oregon does not accept the conveyance under this subsection, the Secretary may dispose of the property, including appurtenant water rights, under subchapter III of chapter 5 of title 40, United States Code.

(j) WILLAMETTE FALLS LOCKS, WILLAMETTE RIVER, OREGON.—

(1) DEFINITIONS.—In this section:

(A) REAL ESTATE APPENDIX.—The term “real estate appendix” means Appendix A of the document published by the District Commander of the Portland District of the Corps of Engineers, titled “Willamette Falls Locks Willamette River Oregon Section 216 Disposition Study with Integrated Environmental Assessment”.

(B) RECEIVING ENTITY.—The term “receiving entity” means an entity identified by the State of Oregon, in consultation with the Willamette Falls Locks Commission, to receive the conveyance under paragraph (2).

(C) WILLAMETTE FALLS LOCKS PROJECT.—The term “Willamette Falls Locks project” means the project for navigation, Willamette Falls Locks, Willamette River, Oregon, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382).

(D) WILLAMETTE FALLS LOCKS REPORT.—The term “Willamette Falls Locks report” means the memorandum of the Director of Civil Works with the subject “Willamette Falls Locks (WFL), Willamette River Oregon Section 216 Disposition Study with Integrated Environmental Assessment (Study)”, dated July 11, 2019.

(2) CONVEYANCE AUTHORIZED.—The Secretary is authorized to convey to the receiving entity, without consideration, all right, title, and interest of the United States in and to any land in which the Federal Government has a property interest for the Willamette Falls Locks project, together with any improve-



ments on the land, subject to the requirements of this subsection and in accordance with the Willamette Falls Locks report.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(4) SUBJECT TO EXISTING EASEMENTS AND OTHER INTERESTS.—The conveyance of property under paragraph (2) shall be subject to all existing deed reservations, easements, rights-of-way, and leases that are in effect as of the date of the conveyance.

(5) REVERSION.—If the Secretary determines that the property conveyed under this subsection cease to be held in public ownership, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

(6) REQUIREMENTS BEFORE CONVEYANCE.—

(A) PERPETUAL ROAD EASEMENT.—Before making the conveyance under paragraph (2), the Secretary shall acquire a perpetual road easement from an adjacent property owner for use of an access road, which easement shall convey with the property conveyed under such paragraph.

(B) ENVIRONMENTAL COMPLIANCE.—Before making the conveyance under paragraph (2), in accordance with the real estate appendix, the Secretary shall complete a Phase 1 Environmental Site Assessment pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(C) HISTORIC PRESERVATION.—The Secretary may enter into a memorandum of agreement with the Oregon State Historic Preservation Office and the Advisory Council on Historic Preservation that identifies actions the Secretary shall take before making the conveyance under paragraph (2).

(D) REPAIRS.—Before making the conveyance under paragraph (2), the Secretary shall carry out repairs to address primary seismic and safety risks in accordance with the recommendations approved in the Willamette Falls Locks report.

(7) DEAUTHORIZATION.—Beginning on the date on which the Secretary makes the conveyance under paragraph (2), the Willamette Falls Locks project is no longer authorized.

**SEC. 333. REPEALS.**

(a) Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended—

(1) in subsection (b), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(2) by striking subsection (c).

(b) Section 6003 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579c) (and the item relating to such section in the table of contents) are repealed.

(c) Section 1301 of the Water Resources Development Act of 2016 (33 U.S.C. 579d) (and the item relating to such section in the table of contents) are repealed.

(d) Section 1302 of the Water Resources Development Act of 2016 (33 U.S.C. 579c–1) (and the item relating to such section in the table of contents) are repealed.

(e) Section 1301 of the Water Resources Development Act of 2018 (33 U.S.C. 579d–1) (and the item relating to such section in the table of contents) are repealed.

(f) Section 1302 of the Water Resources Development Act of 2018 (33 U.S.C. 579c–2) (and the item relating to such section in the table of contents) are repealed.

## TITLE IV—WATER RESOURCES INFRASTRUCTURE

**SEC. 401. PROJECT AUTHORIZATIONS.**

The following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AK	Port of Nome Modifications	May 29, 2020	Federal: \$368,173,000 Non-Federal: \$122,746,000 Total: \$490,919,000
2. AK	Unalaska (Dutch Harbor) Channels	February 7, 2020	Federal: \$26,202,750 Non-Federal: \$8,734,250 Total: \$34,937,000
3. CT	New Haven Harbor Navigation Improvement Project	May 7, 2020	Federal: \$53,489,000 Non-Federal: \$18,822,000 Total: \$72,311,000
4. NY, NJ	New York and New Jersey Harbor Anchorages	April 23, 2020	Federal: \$18,940,000 Non-Federal: \$6,310,000 Total: \$25,250,000
5. TX	Gulf Intracoastal Waterway, Brazos River Floodgates and Colorado River Locks	October 23, 2019	Total: \$409,777,000, to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund.
6. TX	Houston Ship Channel Expansion Channel Improvement Project, Harris, Chambers, and Galveston Counties	April 23, 2020	Federal: \$462,803,000 Non-Federal: \$414,045,000 Total: \$876,848,000
7. TX	Matagorda Ship Channel Improvement Project, Port Lavaca	November 15, 2019	Federal: \$138,660,000 Non-Federal: \$79,664,000 Total: \$218,324,000

## (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AZ	Little Colorado River at Winslow, Navajo County	December 14, 2018	Federal: \$52,462,000 Non-Federal: \$28,249,000 Total: \$80,711,000
2. CA	Westminster, East Garden Grove, California Flood Risk Management	July 9, 2020	Federal: \$314,506,000 Non-Federal: \$910,092,000 Total: \$1,224,598,000
3. CT, NY	Westchester County Streams, Byram River Basin, Fairfield County, Connecticut, and Westchester County, New York	May 7, 2020	Federal: \$14,702,500 Non-Federal: \$14,702,500 Total: \$29,405,000
4. ND	Souris River Basin Flood Risk Management	April 16, 2019	Federal: \$58,041,750 Non-Federal: \$31,253,250 Total: \$89,295,000
5. NJ	Peckman River Basin	April 29, 2020	Federal: \$95,022,000 Non-Federal: \$51,166,000 Total: \$146,188,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
6. NM	Middle Rio Grande Flood Protection, Bernalillo to Belen	March 13, 2020	Federal: \$190,538,000 Non-Federal: \$102,598,000 Total: \$293,136,000
7. OK	Tulsa and West-Tulsa Levee System, Tulsa County	April 23, 2020	Federal: \$86,780,000 Non-Federal: \$46,728,000 Total: \$133,508,000

## (3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. DE	Delaware Beneficial Use of Dredged Material for the Delaware River	March 6, 2020	Initial Federal: \$53,220,000 Initial Non-Federal: \$28,660,000 Total: \$81,880,000 Renourishment Federal: \$116,380,000 Renourishment Non-Federal: \$116,380,000 Renourishment Total: \$232,760,000
2. NJ	New Jersey Beneficial Use of Dredged Material for the Delaware River	April 8, 2020	Initial Federal: \$80,780,000 Initial Non-Federal: \$43,500,000 Total: \$124,280,000 Renourishment Federal: \$82,140,000 Renourishment Non-Federal: \$82,140,000 Renourishment Total: \$164,280,000
3. NJ	Rahway River Basin, New Jersey Coastal Storm Risk Management	June 9, 2020	Federal: \$46,754,000 Non-Federal: \$25,175,000 Total: \$71,929,000
4. NY	East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, Atlantic Coast of New York	August 22, 2019	Initial Federal: \$604,203,000 Initial Non-Federal: \$0 Total: \$604,203,000 Renourishment Federal: \$189,763,000 Renourishment Non-Federal: \$189,763,000 Renourishment Total: \$379,526,000
5. NY	Hashamomuck Cove Coastal Storm Risk Management	December 9, 2019	Initial Federal: \$11,549,000 Initial Non-Federal: \$6,218,000 Total: \$17,767,000 Renourishment Federal: \$23,481,500 Renourishment Non-Federal: \$23,481,500 Renourishment Total: \$46,963,000
6. RI	Pawcatuck River Coastal Storm Risk Management Project	December 19, 2018	Federal: \$37,848,000 Non-Federal: \$20,379,000 Total: \$58,227,000
7. VA	Norfolk Coastal Storm Risk Management	February 5, 2019	Federal: \$909,040,000 Non-Federal: \$489,480,000 Total: \$1,398,520,000

## (4) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CO	South Platte River and Tributaries, Adams and Denver Counties	July 29, 2019	Federal: \$334,412,000 Non-Federal: \$200,406,000 Total: \$534,818,000
2. NY	Fire Island Inlet to Montauk Point, New York Reformulation	July 9, 2020	Initial Federal: \$1,541,981,000 Initial Non-Federal: \$0 Total: \$1,541,981,000 Renourishment Federal: \$742,926,500 Renourishment Non-Federal: \$742,926,500 Renourishment Total: \$1,485,853,000

## (5) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	Delta Islands and Levees	December 18, 2018	Federal: \$16,746,395 Non-Federal: \$9,016,736 Total: \$25,763,131
2. CA	Yuba River Ecosystem Restoration	June 20, 2019	Federal: \$65,014,326 Non-Federal: \$35,008,268 Total: \$100,022,594
3. FL	Comprehensive Everglades Restoration Plan, Loxahatchee River Watershed Restoration Project, Martin and Palm Beach Counties	April 8, 2020	Federal: \$372,232,000 Non-Federal: \$368,528,000 Total: \$740,760,000
4. IL	The Great Lakes and Mississippi River Interbasin Study - Brandon Road, Will County	May 23, 2019	Federal: \$690,643,200 Non-Federal: \$172,660,800 Total: \$863,304,000
5. IL	South Fork of the South Branch of the Chicago River, Bubbly Creek, Ecosystem Restoration	July 9, 2020	Federal: \$11,657,000 Non-Federal: \$6,277,000 Total: \$17,934,000
6. MD	Anacostia Watershed Restoration, Prince George's County	December 19, 2018	Federal: \$23,171,000 Non-Federal: \$12,476,000 Total: \$35,647,000
7. MO	St. Louis Riverfront-Meramec River Basin Ecosystem Restoration	November 1, 2019	Federal: \$60,124,000 Non-Federal: \$32,375,000 Total: \$92,499,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
8. NM	Rio Grande, Environmental Management Program, Sandia Pueblo to Isleta Pueblo, New Mexico Ecosystem Restoration	August 5, 2019	Federal: \$16,163,000 Non-Federal: \$8,703,000 Total: \$24,866,000
9. NY, NJ	Hudson-Raritan Estuary Ecosystem Restoration	May 26, 2020	Federal: \$265,320,000 Non-Federal: \$142,864,000 Total: \$408,184,000
10. TX	Jefferson County Ecosystem Restoration	September 12, 2019	Federal: \$37,615,000 Non-Federal: \$20,254,000 Total: \$57,869,000

## (6) WATER SUPPLY.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. OR	Willamette River Basin Review Reallocation,	December 18, 2019	Federal: \$0 Non-Federal: \$0 Total: \$0

## (7) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. KY	Kentucky Lock	June 9, 2020	Total: \$1,152,769,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund)
2. NC	Carolina Beach Integrated Beach Renourishment	June 16, 2020	Federal: \$24,205,000 Non-Federal: \$24,205,000 Total: \$48,410,000
3. NC	Wrightsville Beach	July 2, 2020	Federal: \$53,788,000 Non-Federal: \$22,329,000 Total: \$76,117,000 Renourishment Federal: \$14,553,000 Renourishment Non-Federal: \$14,553,000 Renourishment Total: \$29,106,000
4. TX	Corpus Christi Ship Channel, Deepening and Widening and Barge Shelves	May 4, 2020	Federal: \$403,000,000 Non-Federal: \$273,010,000 Total: \$676,010,000

**SEC. 402. SPECIAL RULES.**

(a) GREAT LAKES AND MISSISSIPPI RIVER INTERBASIN PROJECT, BRANDON ROAD, WILL COUNTY, ILLINOIS.—The Secretary shall carry out the project for ecosystem restoration, Great Lakes and Mississippi River Interbasin project, Brandon Road, Will County, Illinois, authorized by section 401 of this Act, substantially in accordance with the terms and conditions described in the Report of the Chief of Engineers, dated May 23, 2019, with the following modifications:

(1) The Federal share of the cost of construction shall be 80 percent.

(2) The Secretary may include the addition or substitution of technologies or measures not described in the report, as the Secretary determines to be advisable.

(b) WILLAMETTE RIVER BASIN REVIEW REALLOCATION STUDY.—The Secretary shall carry out the project for water supply, Willamette River Basin Review Reallocation, Oregon, authorized by section 401 of this Act, substantially in accordance with the terms and conditions described in the Report of the Chief of Engineers, dated December 18, 2019, with the following modifications:

(1) The Secretary shall meet the obligations of the Corps of Engineers under the Endangered Species Act of 1973 by complying with the June 2019 NMFS Willamette Basin Review Study Biological Opinion Reasonable and Prudent Alternative until such time, if any, as it is modified or replaced, in whole or in part, through the consultation process under section 7(a) of the Endangered Species Act of 1973.

(2) The Secretary may reallocate not more than 10 percent of overall storage in the joint conservation pool, as authorized by this Act and without further congressional action, if such reallocation is consistent with the ongoing consultation under section 7(a) of the Endangered Species Act of 1973 related to Willamette Valley System operations.

(3) The Secretary shall ensure that the revised reallocation is not reallocated from a single storage use, does not seriously affect authorized project purposes, and does not otherwise involve major operational changes to the project.

(c) CANO MARTIN PENA, SAN JUAN, PUERTO RICO.—Section 5127 of the Water Resources Development Act of 2007 (121 Stat. 1242) is amended by striking “\$150,000,000” and inserting “\$232,430,000”.

**SEC. 403. AUTHORIZATION OF PROJECTS BASED ON FEASIBILITY STUDIES PREPARED BY NON-FEDERAL INTERESTS.**

(a) IN GENERAL.—The Secretary is authorized to carry out the following projects for water resources development and conservation and other purposes, subject to subsection (b):

(1) FORT PIERCE, ST. LUCIE COUNTY, FLORIDA.—The project for hurricane and storm damage reduction, Fort Pierce, St. Lucie County, Florida, as described in the review assessment of the Secretary, titled “Review Assessment of St. Lucie County, Florida Fort Pierce Shore Protection Project Section 203 Integrated Feasibility Study and Environmental Assessment (June 2018)” and dated July 2018, at a total cost of \$33,107,639, and at an estimated total cost of \$97,958,972 for periodic nourishment over the 50-year life of the project.

(2) BAPTISTE COLLETTE BAYOU, LOUISIANA.—The project for navigation, Baptiste Collette Bayou, Louisiana, as described in the review assessment of the Secretary, titled “Review Assessment of Plaquemines Parish Government’s Section 203 Study Baptiste Collette Bayou Navigation Channel Deepening Project Integrated Feasibility Study and Environmental Assessment (January 2017, Amended April 2018)” and dated June 2018, at a total cost of \$44,920,000.

(3) HOUMA NAVIGATION CANAL, LOUISIANA.—The project for navigation, Houma Navigation Canal, Louisiana, as described in the review assessment of the Secretary, titled “Review Assessment of Houma Navigation Canal Deepening Project Section 203 Integrated Feasibility Report and DRAFT Environmental Impact Statement (June 2018)” and dated July 2018, at a total cost of \$253,458,000.

(4) CHACON CREEK, TEXAS.—The project for flood risk management, ecosystem restoration, and other purposes, Chacon Creek, Texas, as described in the review assessment of the Secretary, titled “Review Assessment of Chacon Creek, Texas Section 203 Integrated Feasibility Report and DRAFT Environmental Assessment (August 2018)” and dated September 2018, at a total cost of \$51,973,000.

(b) REQUIREMENTS.—The Secretary may only carry out a project authorized under subsection (a)—

(1) substantially in accordance with the applicable review assessment for the project submitted by the Secretary under section 203(c) of the Water Resources Development Act of 1986, as identified in subsection (a) of this section, and subject to such modifications or conditions as the Secretary considers appropriate and identifies in a final assessment that addresses the concerns, recommendations, and conditions identified by the Secretary in the applicable review assessment; and

(2) after the Secretary transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate such final assessment.

(c) TECHNICAL CORRECTION.—Section 203(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2231(c)(1)) is amended, in the matter preceding subparagraph (A), by striking “a report” and inserting “an assessment”.

#### PURPOSE OF LEGISLATION

The purpose of H.R. 7575, the *Water Resources Development Act of 2020*, as amended, is to authorize the United States Army Corps of Engineers (Corps) to carry out water resources development activities for the Nation, usually through cost-shared partnerships with non-Federal sponsors. Activities include projects or studies to address river and coastal navigation, the reduction of flood and hurricane storm damage risks, shoreline protection, water supply and conservation, the restoration and protection of ecosystems and the environment, and disaster response and recovery.

H.R. 7575, as amended, enhances the Corps’ responsibility to address the long-term resiliency of Corps projects, enables the Corps to address the deferred maintenance of our Nation’s ports and harbors, expands the Corps’ ability to identify and implement nature-based and natural infrastructure components, addresses the affordability of Corps projects for economically disadvantaged and rural communities, and modernizes aspects of the Corps’ decision-making structure.

#### BACKGROUND AND NEED FOR LEGISLATION

America enjoys an unparalleled network of natural harbors and rivers. The ports, channels, locks, dams, and other infrastructure that support our maritime and waterways transportation system and provide flood protection for our homes and businesses are vitally important to a healthy national economy, job growth, and global competitiveness. Ensuring a sound infrastructure network is a shared responsibility, with Federal and state roles recognized by our Founding Fathers.

The Water Resources Development Act (WRDA) of 2020 promotes the Federal commitment to our Nation’s competitiveness, prosperity, and economic growth by maintaining strong maritime transportation infrastructure, ensuring the efficient flow of domestic and international commerce, and protecting the lives and livelihoods of the American people in a sustainable manner.

Through WRDA, Congress authorizes the key missions of the Corps, including developing, maintaining, and supporting the Nation’s economically vital waterway infrastructure and supporting effective and targeted flood protection and environmental restoration needs. WRDA also provides Congress the opportunity to implement critical policy reforms and strengthen oversight.

Since 2014, the Committee has returned to regular consideration of Water Resources Development Acts once each Congress. WRDA 2020 continues the WRDA two-year cycle that provides appropriate oversight of, and policy direction to, the Administration and the Corps, including bipartisan changes to how the Corps carries out vital coastal and inland navigation projects and addresses both the resiliency and affordability of future water resources development projects.

*The Role of Harbors, Harbor Maintenance Needs, and the Inland Waterways System*

According to the Congressional Research Service (CRS), ocean-going vessels carry more merchandise trade (measured in tons) to and from the United States than all other modes combined (air, trucks, rail, and pipeline).<sup>1</sup> This accounts for 80 percent of the total merchandise trade volume for the country. The dependence of trade on ports and shipping channels makes the operation and maintenance of these facilities crucial to the U.S. economy.

Congress provided the Corps with authority to construct and maintain the Nation's approximately 1,067 Federal harbors and shipping channels. These ports and harbors are categorized as high use, moderate, and emerging, and defined by statute (section 210 of the Water Resources Development Act of 1986; 33 U.S.C. 2238) based on how much tonnage is transited through individual ports.

According to the Corps, navigation channels at our Nation's 59 "high use" ports are at their authorized depths less than 35 percent of the time. A "high use" port is a port that handles more than 10 million tons of freight per year. The conditions of midsize or "moderate" harbors (ports that handle between one million and ten million tons of cargo) and "emerging" harbors (ports that handle one million tons or less of cargo annually) are far worse. The dredging needs of our ports will only continue to grow unless more resources are devoted to maintenance dredging needs. The opening of the expanded Panama Canal in June 2016 has already increased demand for larger container ships to call on East and Gulf Coast ports.

In 2016, the Corps estimated the total cost to dredge and maintain authorized widths and depths of all Federal navigation projects is \$20.5 billion over the next decade. This estimate includes:

- \$11.5 billion—to achieve authorized dimensions in the next five years (\$2.3 billion annually); and
- \$9.0 billion—to maintain authorized dimensions for an additional five years (\$1.8 billion annually).

Moreover, total navigation needs are likely higher. The Corps' \$20.5 billion estimate includes additional expenses related to navigation (e.g., construction of dredged material placement facilities). However, this estimate does not likely include all necessary jetty and breakwater work,<sup>2</sup> or other needs identified by ports to maintain and expand harbor use nationwide.

*The Harbor Maintenance Tax and Trust Fund*

In 1986, Congress enacted the Harbor Maintenance Tax (HMT) to recover the operation and maintenance dredging costs for commercial ports from maritime shippers. The HMT is directly levied on importers and domestic shippers using coastal or inland ports as a 0.125 percent ad valorem tax on the value of imported cargo (i.e., \$1.25 per \$1,000 value)<sup>3</sup> and is typically passed along to U.S.

<sup>1</sup> See CRS Report R43222, "Harbor Maintenance Finance and Funding," John Frittelli, September 12, 2013.

<sup>2</sup> See Testimony of Kristin Meira, Executive Director, Pacific Northwest Waterways Association (PNWA) before the Committee on Transportation and Infrastructure, Hearing on "The Cost of Doing Nothing: Why Investing in our Nation's Infrastructure Cannot Wait," February 7, 2019.

<sup>3</sup> The Harbor Maintenance Tax initially applied to both imported and exported goods; however, in 1998, the U.S. Supreme Court unanimously held that imposition of the tax on exported goods



taxpayers on the purchase of imported goods or services. These revenues are deposited into the Harbor Maintenance Trust Fund (HMTF) within the U.S. Treasury, from which Congress currently appropriates funds to the Corps for harbor maintenance dredging.

As noted in Table 1, the HMTF has collected far more revenues from shippers than Congress has appropriated to the Corps to maintain our Nation's harbors. Approximately \$10 billion in already collected revenues sits unused for its intended purpose in the U.S. Treasury, and according to Congressional Budget Office estimates, based on current expenditure projections, the Trust Fund balance could almost double in the next decade. As a result, while shippers continue to pay into the HMTF for promised maintenance activities, the Federal government has not carried out many of them.

TABLE 1.—COLLECTIONS TO AND APPROPRIATIONS FROM HARBOR MAINTENANCE TRUST FUND (IN BILLIONS)—FISCAL YEARS 2016–2021<sup>4</sup>

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
HMT Collections <sup>5</sup> .....	\$1.38	\$1.47	\$1.65	\$1.76	\$1.82	\$1.91 (est.)
HMT Appropriations <sup>6</sup> .....	1.16	1.23	1.34	1.49	1.63	— —
Est. EOY Balance in the HMTF .....	8.78	9.10	9.33	9.30	10.10	— —

The funds sitting unused in the HMTF would be sufficient to meet the maintenance dredging needs of all Federally authorized ports. The *Water Resources Reform and Development Act of 2014* (WRRDA 14) (P.L. 113–121) created discretionary appropriations targets for expenditures from the Trust Fund, increasing each year, so that by fiscal year 2025 and beyond, 100 percent of the funds collected for harbor maintenance purposes would go towards required operation and maintenance activities. In recent fiscal years, appropriations from the Trust Fund have exceeded the discretionary targets outlined in WRRDA 14; however, Congress has not yet achieved the goal of full utilization of Trust Fund collections.

The Committee, on a bipartisan basis, has approved legislation to fully utilize HMT collections for their intended purpose of maintenance dredging four times<sup>7</sup>—the most recent of which (H.R. 2440, the *Full Utilization of the Harbor Maintenance Trust Fund Act*) was approved by the House under suspension of the rules by a vote of 296 to 109 (roll call 585) on October, 28, 2019. Similarly, on March 27, 2020, Congress approved H.R. 748, the *CARES Act* (Pub. L. 116–136), which included a provision (section 14003 of division B) that ensures that Federal appropriations from the Trust Fund

was a violation of the U.S. Constitution. See *United States v. U.S. Shoe Corp.*, 523 U.S. 360 (1998).

<sup>4</sup>Levels obtained from Budget Message of the President, Appendixes (fiscal years 2016–2021).  
<sup>5</sup>HMT Collections reflects the 0.125% HMT and the HMTF's earnings on investments.

<sup>6</sup>HMT Appropriations reflects the amounts appropriated for the operations and maintenance costs of U.S. commercial navigation harbors and the amounts appropriated for the operations and maintenance costs of the Saint Lawrence Seaway that are operated and maintained by the Saint Lawrence Seaway Corporation. The number does not include any HMT appropriations for activities on Mississippi Rivers and Tributaries projects or construction related activities currently eligible from the HMT (e.g. construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor).

<sup>7</sup>Section 108 of *H.R. 5303*, the Water Resources Development Act of 2016 (As Reported to the House, 114th Congress), Section 102 of *H.R. 8*, the Water Resources Development Act of 2018 (As Reported to the House, 115th Congress), H.R. 2440, the Full Utilization of the Harbor Maintenance Trust Fund Act (116th Congress), and Section 101 of H.R. 7575, the Water Resources Development Act of 2020 (116th Congress).

are not counted against the annual discretionary budget cap up to the level of the prior year's deposits to the Trust Fund. However, legislation to provide full access to the \$10 billion currently sitting idle in the Trust Fund has yet to be enacted into law. Enactment of such a provision honors our Nation's long-term commitment to U.S. shippers and taxpayers for harbor maintenance dredging, maintains and improves the competitiveness of U.S. businesses and industry, and creates and sustains thousands of additional construction jobs and jobs dependent on a vibrant and efficient marine transportation system.

#### *The Inland Waterways System*

Inland waterways are a significant component of the Nation's maritime transportation system. These waterways carry approximately one-sixth of the national volume of intercity cargo on 25,000 miles of navigable waters throughout the United States. Of these waters, approximately 12,000 miles make up the commercially active inland and intracoastal waterways which are Federally managed by the Corps.

The Federally managed inland waterway system is comprised of 237 lock chambers at 191 sites and is responsible for ports and waterways in 41 states. The inland waterway system handles approximately half of all inland waterway freight (and one-twelfth of all national freight). The Corps plans, develops, operates, and maintains the infrastructure of these commercial waterways (e.g., navigation channels, harbors, and locks and dams), and maintains and regulates the channel depths through dredging and water management.

Beyond enabling commercial transportation, the inland waterways system may aid in flood control, provide a stable water supply for nearby communities and industries, at some locations generate hydropower, offer water recreation, provide for regional economic development opportunities, and enhance national security capabilities. These waterways are often in ecologically significant areas and important to the survival of fish and wildlife, including several listed species.

#### *The Inland Waterways Trust Fund*

The inland waterway system is facing significant challenges due to aging infrastructure. Over half of the structures on the inland waterways are more than 50 years old and nearly 40 percent are more than 70 years old. Many of these projects are approaching the end of their design lives and are in need of modernization or major rehabilitation. Congress created the Inland Waterways Trust Fund (IWTF) as a funding mechanism to invest in the construction, operation, and maintenance of the inland system.

The IWTF was authorized by two separate acts of Congress. The original authorization was contained in the Inland Waterways Revenue Act of 1978 (Public Law 95-502) (the 1978 Revenue Act). Under the 1978 Revenue Act, Congress created the IWTF within the U.S. Treasury for the purpose of supporting the construction and rehabilitation of structures for navigation on the inland and coastal waterways of the United States. Congress funded the IWTF with a tax on fuel used in commercial transportation on inland waterways and statutorily defined 26 specific segments of the inland

and intracoastal waterways as being subject to the tax and being eligible for construction and rehabilitation expenditures from the IWTF.

The second piece of enabling legislation was the Water Resources Development Act of 1986 (Public Law 99–662) (WRDA 1986). This legislation reset the IWTF by a graduated increase in the inland waterways commercial fuel tax rates, that was statutorily capped at the current \$0.20 per gallon tax;<sup>8</sup> added the Tennessee-Tombigbee Waterway to the list of fuel-taxed inland and intracoastal waterways (now totaling 27 segments); implemented the current funding and cost-share allocations; and authorized the construction of eight new inland waterways system modernization projects. Previously authorized projects and uncompleted projects were allowed to continue at 100 percent Federal funding without drawing from the IWTF.

As noted in Table 2, appropriations from the IWTF have nearly matched estimated annual revenues into the IWTF since the increase in diesel tax in 2015. Additionally, as annual revenues deposited into the IWTF continue to increase, the Corps has begun to complete long-standing IWTF-supported projects, including Olmsted Locks and Dam on the Ohio River, and LaGrange Lock and Dam on the Illinois River.

TABLE 2.—COLLECTIONS TO AND APPROPRIATIONS FROM INLAND WATERWAYS TRUST FUND (IN MILLIONS)—FY 2016–2021<sup>9</sup>

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
IWTF Collections .....	\$111.1	\$114.4	\$116.8	\$121.2	\$114.0	\$112.0 (est.)
IWTF Appropriations .....	108.0	108.4	112.0	110.7	131.1	---
Est. Balance in the IWTF .....	57.4	63.4	40.4	33.3	55.0	---

In August 2019, the U.S. Department of Agriculture released a report titled “*Importance of Inland Waterways to U.S. Agriculture.*”<sup>10</sup> The report analyzed three investment scenarios for inland waterways infrastructure and found that significant additional investment in the Nation’s inland waterways system is critical to maintaining the Nation’s global agricultural competitiveness.<sup>11</sup> And while our inland waterway system moves many other bulk commodities and raw materials at relatively low cost, WRDA 2020 includes a cost-share change that is intended to aid the construction and rehabilitation of inland waterway projects.

*Water Resources Project Resiliency Planning and Investment, Improvements to Flood Risk Reduction, and Affordability Challenges*

Most of the Corps’ facilities and infrastructure were constructed in the early to mid-1900s. For example, approximately 95 percent of the dams managed by the Corps are more than 30 years old, and

<sup>8</sup>The initial \$0.20 per gallon diesel tax was increased to \$0.29 per gallon by Pub. L. 113–295, Division B, Title II, Section 205(a). However, unlike the ad valorem tax on imports that funds the Harbor Maintenance Trust Fund, the fuel tax that funds the Inland Waterways Trust Fund is not adjusted to reflect increases in inflation.

<sup>9</sup>Levels obtained from Inland Waterways Users Board Annual Reports and Budget Message of the President, Appendixes (fiscal years 2016–2021).

<sup>10</sup>U.S. Department of Agriculture, “Importance of Inland Waterways to U.S. Agriculture.” August 2019. <https://www.ams.usda.gov/sites/default/files/media/ImportanceofInlandWaterwaysUSAgricultureFullReport.pdf>

<sup>11</sup>*Id.*

half have reached or exceeded their 50-year project lives. As noted in witness testimonies before the Committee,<sup>12</sup> much of our water resources related infrastructure is reaching the end of its usable life and has not been maintained or updated to address the water resources challenges facing our communities today. Similarly, in many areas of the country, there is no comprehensive management of the inter-related systems of dams, levees, and other structures that protect residents and their economy within a watershed—complexity that can be compounded by observed changes in the frequency and severity of weather events, precipitation patterns, and drought.

The Corps' ability to manage its portfolio of aging infrastructure is coupled with the need to balance multiple authorized purposes and increased demands on the infrastructure. The Corps' infrastructure faces challenges in the frequency in which extreme weather events are occurring. As noted in witness testimony before the Subcommittee on Water Resources and Environment, "resiliency is not a rigid, monolithic set of standards that can be easily applied to every situation and every place."<sup>13</sup> How the Corps factors the frequency of extreme weather events and the role of resiliency in the planning, design, construction, and operation and maintenance of its facilities is crucial both to the long term sustainability of the infrastructure and the communities they protect, as well as the Corps' ongoing responsibility to meet the authorized purposes of Corps projects.

The Committee also received testimony in the challenges facing economically disadvantaged communities, rural communities, and tribal communities in addressing local water resources challenges. For example, the Subcommittee on Water Resources and Environment heard from a witness, who expressed concern that "[continuing] reliance primarily on economic justification of projects makes it difficult for those in rural and low-income areas to justify projects that would give them considerable social and conceivably health benefits."<sup>14</sup> In response to these identified concerns, WRDA 2020 includes several provisions aimed at addressing the resiliency, affordability, and process for evaluating future water resources development projects.

#### *Implementation of the Principles, Requirements and Guidelines*

Since 1983, Federal water resources agencies, including the Corps, have utilized a set of multi-agency guidelines that govern how Federal agencies plan for, evaluate, and select proposed water

<sup>12</sup> See e.g. Testimony of Gerald E. Galloway, PE, PhD, Acting Director, Center for Disaster Resilience, A. James Clark School of Engineering, University of Maryland; testimony of Ann C. Phillips, Rear Admiral, U.S. Navy (Retired), Special Assistant to the Governor of Virginia for Coastal Adaptation and Protection; and testimony of Melissa Samet, Senior Water Resources Counsel, National Wildlife Federation before the Committee on Transportation and Infrastructure, Hearing on "Concepts for the Next Water Resources Development Act: Promoting Resiliency of our Nation's Water Resources Infrastructure," November 19, 2019.

<sup>13</sup> See Testimony of Julie A. Ufner, President, National Waterways Conference, Inc. before the Committee on Transportation and Infrastructure, Hearing on "Concepts for the Next Water Resources Development Act: Promoting Resiliency of our Nation's Water Resources Infrastructure," November 19, 2019.

<sup>14</sup> See Testimony of Gerald E. Galloway, PE, PhD, Acting Director, Center for Disaster Resilience, A. James Clark School of Engineering, University of Maryland before the Committee on Transportation and Infrastructure, Hearing on "Concepts for the Next Water Resources Development Act: Promoting Resiliency of our Nation's Water Resources Infrastructure," November 19, 2019.

resources development projects, including projects related to navigation, storm resilience, wetland restoration, and flood prevention. However, the standards established and used since 1983 (Principles and Guidelines) use a narrow set of parameters to evaluate the benefits of water investments that limit the ability of Federal agencies to support a broader range of projects for communities.

The Water Resources Development Act of 2007 called for revisions to the 1983 Principles and Guidelines.<sup>15</sup> In 2013, the Council for Environmental Quality (CEQ) issued these revisions, now called the Principles, Requirements and Guidelines for Water and Land Related Resources Implementation Studies (PR&G). The PR&G revise and replace the 1983 Principles and Guidelines and were intended to apply to all Federal water resources agencies to establish new, comprehensive policy and guidance for Federal investments in water resources. However, while other Federal agencies have since adopted the PR&G, the Corps has not yet adopted these revisions.

WRDA 2020 includes language directing the Secretary to issue agency-specific procedures for adoption of the PR&G. The Corps' adoption and implementation of the PR&G will increase consistency and compatibility in water resources investment decision making. The PR&G updates how the Corps analyzes Federal investments that impact water resources and allows the Corps to more broadly consider the economic, environmental, and social impacts of a project. Adoption of the PR&G will also promote better investment of taxpayer dollars by directing the Corps to analyze a broader range of long-term costs and benefits, will give stakeholders a greater voice through enhanced collaboration, and will allow for utilization of resilient approaches to address local water resources challenges posed by observed changes in the frequency and severity of weather events, precipitation patterns, and drought.

#### *Affordability of Corps Studies and Projects*

During the formulation of WRDA 2020, the Subcommittee on Water Resources and Environment held several hearings and roundtables to hear from stakeholders on challenges facing the development and implementation of water resources development projects. A recurring theme during these hearings and roundtables was concern on the inequitable treatment of communities in addressing local water resources challenges based on their ability or economic capability to partner with the Corps. For example, in the Subcommittee's November 2019 hearing, a witness highlighted in his testimony the "inequitable treatment in providing flood risk reduction to low-income communities," which he described as "most obvious in low-income areas across the nation and results from the criteria we use to develop and approve projects and programs."<sup>16</sup>

In response, WRDA 2020 contains several provisions that aim at both increasing the ability of economically disadvantaged communities, rural communities, and minority and tribal communities to utilize the Corps in addressing local water resources development challenges, as well as to ensure that these communities are ac-

<sup>15</sup>Section 2031 of the Water Resources Development Act of 2007 (42 U.S.C. 1962-3).

<sup>16</sup>See Testimony of Gerald E. Galloway, PE, PhD, Acting Director, Center for Disaster Resilience, A. James Clark School of Engineering, University of Maryland before the Committee on Transportation and Infrastructure, Hearing on "Concepts for the Next Water Resources Development Act: Promoting Resiliency of our Nation's Water Resources Infrastructure," November 19, 2019.

tively included in discussions related to addressing water resources development projects and activities that affect them. In this regard, WRDA 2020 includes:

- A pilot program to evaluate opportunities to address the flood risk management and hurricane and storm damage risk reduction needs, including the needs of economically disadvantaged communities.
- Authority that allows the Corps to engage in pre-feasibility study discussions with non-Federal interests for projects benefiting an economically disadvantaged community.
- Prioritization of existing flood plain management services authorities under section 206 of the Flood Control Act of 1960 for economically disadvantaged communities.

#### *Improvements to Flood Risk Reduction*

During the formulation of WRDA 2020, the Subcommittee on Water Resources and Environment held several hearings and roundtables to hear from stakeholders on challenges facing the development and implementation of water resources development projects. Another recurring theme during these hearings and roundtables was concern on the repeated flooding impacts on communities and the inadequate maintenance of our Nation's flood risk management infrastructure. For example, in the Subcommittee's July 2019 hearing, a witness highlighted in his testimony the devastating impacts of the 2019 Missouri River Floods and reminded that flooding does not discriminate and touches every part of our Nation.<sup>17</sup>

To that end, WRDA 2020 includes important river basin-wide comprehensive flood risk reduction studies for the Lower Missouri River, Upper and Lower Mississippi River, the Great Lakes, and the Yolo River. Additionally, this Act provides new authority for permanent construction solutions for communities that experience repetitive loss as a result of flooding and allows inactive non-Federal interests in the P.L. 84-99 program an opportunity to become eligible for assistance post-disaster, under certain conditions.

#### *Other Policy Matters*

The transformative nature of the last three WRDA bills on the Corps Civil Works Program has provided the Corps and the non-Federal sponsors with a tremendous number of new opportunities for advancing projects more quickly. The Committee expects the Corps to continue to issue implementation guidance on the new provisions contained in this bill in an expeditious and transparent manner, and where appropriate, to solicit the view of, and consult with, a wide array of stakeholders in the formulation of implementation guidance.

However, the Committee remains concerned that the Corps has yet to complete implementation guidance on several provisions enacted in the last few WRDA bills. For example, the Committee has received requests related to delayed implementation guidance related to the following enacted provisions: section 1043(a) of WRRDA 14; section 3029(a)(1) of WRRDA 14; and section 1176 of

<sup>17</sup> See Testimony of Tom Waters, Chairman, Missouri Levee and Drainage District Association before the Committee on Transportation and Infrastructure, Hearing on "Water Resources Development Acts: Status of Implementation and Assessing Future Needs," July 10, 2019.

WRDA 2016. The Committee expects the Corps to complete implementation guidance for these and any other WRDA provision enacted by Congress within the next 90 days.

The Committee received several requests related to the potential modification of lock and dam structures on the inland waterways system to allow for remote operations. The Committee is aware of an ongoing study being carried out by the Corps examining the automation of lock and dam structures on the Ohio River Navigation System. This study will include all 55 locks within the Great Lakes and Ohio River Division of the Corps, including 19 locks on the Ohio River and 36 locks on its seven navigable tributaries. Once initiated, this study is authorized to be carried out at Federal expense, and the Corps expects the study to last approximately three years. In carrying out this study, the Committee would remind the Secretary of recent Congressional action to statutorily declare Corps lock and dam employees as inherently governmental, and directs the Secretary to examine any potential workforce impacts of automation and ensure that any recommendations in a completed study will not result in the loss of jobs for current lock and dam employees.

The Committee is aware that the Corps has approved and implemented a major deviation for Forecast Informed Reservoir Operations (FIRO) at Lake Mendocino in the Russian River Valley in northern California. Since 2014, the Corps has been involved in a robust interagency group to investigate how weather forecast information can inform and improve water management decisions at Corps reservoirs. The Committee understands that, based on the results of the major deviation and the ongoing work to improve and implement forecasting, the Corps has the intent of incorporating FIRO into water management by updating the Lake Mendocino water control manual. The Committee reminds the Corps that there is also an authorized feasibility study for raising the Coyote Valley Dam at Lake Mendocino (which section 202(a) of WRDA 2020 directs the Corps to expedite completion of) which could provide further benefits for water supply reliability and environmental conditions in the Russia River, while still ensuring flood management capacity of the reservoir, that could also be part of incorporating FIRO into the Lake Mendocino water control manual.

The Committee received several requests related to the Corps' use of its existing authority to perform advance maintenance of the Nation's Federally authorized navigation channels. These channels are essential to keeping the international supply chain open and operating efficiently during this period of economic recovery. The Corps is strongly urged to make optimum use of available authorities to ensure that these waterways are adequately maintained and able to accommodate global shipping needs and generate economic benefits during this critical time. The use of advance maintenance can be particularly impactful in channels with high shoaling areas. As these areas naturally silt in over time and are especially vulnerable to the advent of more intense storms, repeated advance maintenance efforts may be necessary to guard against depth reductions which can lead to draft restrictions for larger global vessels. The Corps is encouraged to fully and consistently maintain Federal channels at their approved advance maintenance depth.

The Committee recognizes the critical importance of water resources development projects to the national, regional, and local economies of this country. However, many times, finding up-to-date information about Corps projects and studies is difficult. The Corps is encouraged to generate annual reports on the status of projects and studies by Congressional district, and to make these reports available to the public and accessible online.

During the Subcommittee on Water Resources and Environment's March 2020 roundtable event in Baldwin Park, California, the Subcommittee had the opportunity to conduct a site visit of the dam safety modifications for the Whittier Narrows Dam. At that same roundtable, the Subcommittee heard testimony on how the Corps' dam safety construction activities would negatively impact certain recreational facilities located in the City of Pico Rivera, California. While timely completion of the dam safety activities at Whittier Narrows Dam must remain the Corps highest priority, the Corps is encouraged to work with the City of Pico Rivera to find ways to mitigate the project's impact on the recreational facilities utilized by the surrounding community.

The Committee has also received an update on efforts to restore the riverine ecosystem related to the Blackstone River, Rhode Island. The Committee is aware that restoration activities are being carried out both by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) and the Corps to address fish passage issue associated with the Main Street Dam, which has been identified as a potential aquatic ecosystem restoration project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330). The Committee encourages the Corps to corroborate its restoration activities on the Blackstone River with NRCS and the non-Federal interests to promote a comprehensive aquatic ecosystem restoration effort on the river.

The Committee has received information from the Corps on the approximately 2,000 employees of the Corps who wear a Corps' Park Ranger uniform and perform critical roles for the American public, including flood fighting, forestry management, fish and wildlife management, shoreline management, environmental compliance, protecting park boundaries and flowage easements, real estate activities, water safety, sign management, volunteer management, fee collection, and visitor center management. Generally speaking, the Committee does not support any effort to outsource existing positions carried out by Corps Federal employees, including the Corps' Park Rangers. The Committee is aware of three separate efforts (in 1984, in 1990, and in 2005) where the Executive branch as undertaken an A-76 review of Corps Park Rangers,<sup>18</sup> and in each instance, Corps leadership has recommended the exemption of Corps Park Rangers from potential outsourcing. In the last of these A-76 reviews (2003 through 2005), the former Chief of Engineers, LTG Robert B. Flowers, recommended that the Secretary reclassify the Park Ranger position as an inherently governmental function, based on the Park Rangers' arrest and regulatory authorities. The Committee strongly encourages the Secretary to complete this effort and administratively reclassify the Park Rang-

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<sup>18</sup>The A-76 review process is undertaken pursuant to the Office of Management and Budget (OMB) Circular No. A-76, which establishes Executive branch policy for the competition of commercial activities.



er position as an inherently governmental function, based on previous reviews of this issue.

Over the past few WRDAs, Congress has enacted several provisions to both encourage interagency partnerships in addressing local water resources challenges, as well as promoting efforts to, where appropriate, utilize natural, nature-based, or integrated efforts to address local stormwater challenges. WRDA 2020 builds on that effort by continuing to promote comprehensive measures to carry out multi-purpose projects that seek to produce multiple project benefits. The Committee believes that this comprehensive approach can also be integrated into Corps construction-related partnerships with other Federal agencies. The Committee is aware of a partnership among the Corps, the Federal Emergency Management Agency (FEMA), the U.S. Department of Housing and Urban Development, and the Federally-supported Dallas-Fort Worth Metropolitan Planning Organization, specifically the North Central Texas Council of Governments, to address local stormwater challenges associated with regional infrastructure initiatives. The Committee encourages the Corps to work with other Federal agencies and State partners in this effort that seeks to prevent adverse impacts to major precipitation events, rather than simply to respond to such events.

The Committee notes that construction of the project for control, Santa Barbara Streams, Lower Mission Creek, California (114 Stat. 2577; 121 Stat. 1114), was initiated by over \$18 million in non-Federal resources, which included funds from a voter approved benefit assessment measure; however, the project has not received Federal construction funding. The Committee encourages the Corps to initiate a reevaluation study of the project in order to account for population growth, property values, and any new disaster threats associated with the project area.

The Committee has heard concern related to the process by which the Corps procures dredging services on the West Coast, including questions on the Corps' utilization of small business set-asides for procuring dredging contracts. An amendment (#9), offered and withdrawn by Mr. Garamendi, would have directed the Corps to develop a report on the aggregate contract award amounts to small business concerns within each of the mission areas of the Corps (Civil Works). The Committee directs the Secretary to compile, and transmit to the Committee within 90 days, a report identifying, by dollar value for each mission area of the Corps' Civil Works responsibility, the total number of awards or contracts to small business concerns (as such term is defined in section 3(a) of the Small Business Act) for each Division of the Corps over the past five fiscal years.

The Committee is aware of significant shoreline sloughing and erosion associated with the Okatibbee Lake, Mississippi project, caused by severe storms and the resulting changing water levels, which have the potential to impact infrastructure, damage property, and put lives at risk. The Corps is reminded that addressing shoreline sloughing and erosion at a Corps project, including at locations leased by non-Federal entities, is an activity eligible to compete for additional operation and maintenance funding through the Corps' budget workplan.

The Success Reservoir Enlargement Project was authorized by section 101(b)(4) of the Water Resources Development Act of 1999 to improve both flood damage protection and water supply. The Committee encourages the Corps to continue to work expeditiously to advance this to completion.

The Committee encourages the Corps to expeditiously carry out its obligation to provide beach nourishment to the shoreline and affected beaches south of the New Buffalo Harbor, as authorized under section 101 of the Rivers and Harbors Act of 1962 (P.L. 87-874; 76 Stat. 1176).

The Committee encourages the Corps to consult with and gather comments from Missouri River Basin State Governors and other stakeholders before determining whether a change or update to the Missouri River Master Water Control Manual is administrative or substantial in nature.

The Committee is aware that there is disagreement about whether the Corps is meeting the Congressional intent of Section 1319 of WRDA 2016 (130 Stat. 1703) and commits to working towards finding a mutually-agreeable solution regarding the environmental mitigation features related to the Savannah Harbor Expansion Project at or below the New Savannah Bluff Lock and Dam. The Committee recognizes that the pool of water behind the Dam is currently utilized for municipal and industrial water supplies for Augusta, Georgia and North Augusta, South Carolina communities, as well as local recreational activities. The Committee also recognizes the local communities of the City of Augusta, Georgia, and the City of North Augusta, South Carolina, are willing to take over the New Savannah Bluff Lock and Dam and have passed resolutions in support of legislative language to turn over the New Savannah Bluff Lock and Dam to the local communities and accommodate downstream fish mitigation. The Committee further recognizes that an agreement is currently in place between the Corps, the Georgia Ports Authority, the South Carolina Department of Health and Environmental Control, the Savannah River Maritime Commission, and conservation organizations that requires the development of a fish passage strategy at New Savannah Bluff Lock and Dam. The Committee encourages all the parties involved to continue to work together to resolve the issues related to this project.

The Committee encourages the Corps to work with non-Federal interests to credit an equitable value of any real property necessary to support a project, regardless of how the property was acquired by the non-Federal interest, provided that such credit is permitted under current law.

The FY 2020 Corps Work Plan included a new start for a General Investigations study of the Lower Missouri River Basin for the purpose of flood risk reduction. Section 210 of this Act is intended to build off this existing authority to expeditiously review both a comprehensive plan and site-specific solutions to combat flooding in communities Basin-wide. While this Act specifically and preemptively waives 3x3x3 requirements, the Committee strongly encourages the Corps to complete its studies as expeditiously as possible.

The Committee renews its focus on the Caño Martín Peña Ecosystem Restoration Project planned for urban San Juan, Puerto Rico. The Committee continues to recognize the significance of this

project for the economic revitalization, public health, and incidental flood protection of the eight communities surrounding this historically important tidal channel as well as for the re-establishment of the natural tidal exchange between the San Jose Lagoon and the San Juan Bay, two bodies of water with ecologically significant habitat for native species and ecosystem function. The Committee further recognizes the substantial time and effort dedicated across the past three decades by the non-Federal sponsor to plan this project in coordination with the Corps, and the meaningful progress made in recent years to secure its authorization and prepare it for the construction phase. The Committee encourages the Corps to consider this important project in the formulation of future budget requests. The Corps is directed to report to the Committee no later than 30 days after enactment of this Act on the status of, and its future plans, for this project. The report should include identification of any circumstances that may be disadvantaging this project from selection as a new construction start.

The Committee received requests related to the ability of non-Federal interests to contribute funds to the Corps to assist in the maintenance of Federal navigation channels. The Committee notes that the Corps has existing authority to accept non-Federal contributions under section 210 of WRDA 1986, as amended (33 U.S.C. 2238) and section 2106 of WRRDA 14, as amended (33 U.S.C. 2238c), as well as separate work authority under 33 U.S.C. 701h, that allows the Corps to undertake work in connection with dredging of a Federal navigation project. The Committee encourages the Corps to utilize these authorities as requested by non-Federal interests.

The Committee received a request related to the legal obligation of the Corps to obtain easements related to coastal storm risk management projects that benefit privately-owned beaches and shorelines. Section 103(d) of WRDA 86 and the Act of June 28, 1956 (33 U.S.C. 426e(d)) condition Federal financial participation in coastal storm risk management projects that benefit privately-owned beaches and shorelines on public use of, and access to, the beach and shoreline. According to the Corps, since the 1990s, it has required non-Federal interests for coastal storm risk management projects involving nourishment of privately-owned beaches to acquire a standard perpetual easement that provides the right of access to construct, operate, maintain, periodically renourish, and restore the project, but also a right of use and access to the public. The Committee has heard concerns from communities on the difficulty in obtaining an easement from each and every private landowner associated with a coastal storm risk management project, especially in areas where multiple owners can own a share of the properties (e.g. apartment units or condominiums) which can require non-Federal sponsors to obtain the concurrence of every owner in the facility. The Committee is committed to the concepts of public use and access to beaches and shorelines that are financially-supported by U.S. taxpayers; however, the Committee also understands the challenges facing local governments in obtaining the necessary approvals for required easements. The Committee encourages the Corps to work with local governments on ways to address the legal requirements of obtaining necessary approvals,

while respecting some of the logistical challenges facing local governments.

#### HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—

(1) The following hearings were used to develop or consider H.R. 7575:

On April 10, 2019, the Subcommittee on Water Resources and Environment held a hearing entitled, “*The Cost of Doing Nothing: Why Full Utilization of the Harbor Maintenance Trust Fund and Investment in our Nation’s Waterways Matter.*” The Subcommittee received testimony from Rick Goche, Commissioner of the Port of Bandon; Eugene Seroka, Executive Director of the Port of Los Angeles; Bonnie Brady, Executive Director of the Long Island Commercial Fishing Association; Kevin Ross, the First Vice President of The National Corn Growers Association; Phyllis Harden, Legislative and Special Projects for Pine Bluff Sand and Gravel Co.; Peter H. Stephaich, Chairman of the Campbell Transportation Company; and Kirsten Wallace, the Executive Director of the Upper Mississippi River Basin Association. Testimony focused on the role that ports, harbors, and inland waterways play in our communities and their economies.

On July 10, 2019, the Subcommittee on Water Resources and Environment held a hearing entitled, “*Water Resources Development Acts: Status of Implementation and Assessing Future Needs.*” The Subcommittee received testimony from the Honorable R.D. James, Assistant Secretary of the Army (Civil Works); Major General Scott A. Spellmon, Deputy Commanding General for Civil and Emergency Operations; Rob Innis, Plant Manager for Sparrows Point Lafarge-Holcim; Chad Berginnis, Executive Director of the Association of State Floodplain Managers; Tom Waters, Chairman of the Missouri Levee and Drainage District Association; Julie Hill-Gabriel, Vice President for Water Conservation for The National Audubon Society; Derek Brockbank, Executive Director of the American Shore and Beach Preservation Association; Marty Ralph, PhD, Director of the Center for Western Weather and Water Extremes at the Scripps Institution of Oceanography at UC San Diego. Testimony focused on the Corps’ implementation of previous Water Resource Development Acts and their effect on impacted stakeholders, as well as potential areas of concern to be considered in future water resource development bills.

On November 19, 2019, the Subcommittee on Water Resources and Environment held a hearing entitled, “*Concepts for the Next Water Resources Development Act: Promoting Resiliency of our Nation’s Water Resources Infrastructure.*” The Subcommittee received testimony from Dr. Gerald Galloway, Glenn L. Martin Institute Professor of Engineering at the University of Maryland; Ann Phillips, Special Assistant to the Governor for Coastal Adaptation and Protection, Commonwealth of Virginia; Ricardo Pineda, Chair of the Association of State Floodplain Managers; Dr. Louis Gritzko, Vice President of FM Global Research Manager; Melissa Samet, Senior Water Resources Counsel at the National Wildlife Federation; and Julie Ufner, President of the National Waterways Conference. Testimony examined how concepts of resiliency are incor-

porated in the planning, design, construction, and operation of existing Corps projects; how existing infrastructure is maintained to simultaneously address their purposes and prepare for future extreme hydrologic conditions; and where the Corps could further implement resiliency strategies and conference into their Civil Works portfolio.

On January 9, 2020, the Subcommittee on Water Resources and Environment held a hearing entitled, “*Proposals for a Water Resources Development Act of 2020.*” The Subcommittee received testimony directly from the Corps on pending or potential project studies, authorizations, and modifications; as well as on policy initiatives that would benefit Corps projects and functions. The witnesses from the Corps were the Assistant Secretary of the Army for Civil Works, the Honorable R.D. James; and the Chief of Engineers and Commanding General for the Corps, Lieutenant General Todd Semonite.

On February 27, 2020, the Subcommittee on Water Resources and Environment held a hearing entitled, “*Proposals for a Water Resources Development Act of 2020: Members’ Day Hearing.*” This hearing featured testimony from Members of Congress on Corps studies and projects important to their districts and policies directly impacting their constituents. In total, 47 Members testified before the Subcommittee, with another 25 also submitting their testimony for the hearing record.

(2) The following related roundtables were held:

On October 19, 2019, the Subcommittee on Water Resources and Environment held a roundtable event in Islamorada, Florida entitled, “*America’s Water Resources Infrastructure: Concepts for the Next Water Resources Development Act.*” Topics of discussion included the unique challenges in navigation and ecosystem restoration that communities face in Florida, and the role that resilient planning and infrastructure could play in these communities.

On March 6, 2020, the Subcommittee held a roundtable event in Baldwin Park, California, entitled, “*America’s Water Resources Infrastructure: Concepts for the Next Water Resources Development Act.*” Topics of discussion included the unique water resources challenges in California related to flood control, water supply, and ecosystem restoration.

#### LEGISLATIVE HISTORY AND CONSIDERATION

On July 13, 2020, House Committee on Transportation and Infrastructure Chairman Peter A. DeFazio (D–OR), Ranking Member Sam Graves (R–MO), Subcommittee on Water Resources and Environment Chairwoman Grace F. Napolitano (D–CA), and Subcommittee Ranking Member Bruce Westerman (R–AR) introduced H.R. 7575, the Water Resources Development Act of 2020.

The bill was primarily referred to the Committee on Transportation and Infrastructure, and additionally referred to the Committee on the Budget. Within the Committee on Transportation and Infrastructure, H.R. 7575 was referred to the Subcommittee on Water Resources and Environment.

On July 15, 2020, the Chair discharged the Subcommittee on Water Resources and Environment from further consideration of H.R. 7575.

On July 15, 2020, the Committee on Transportation and Infrastructure met in open session to consider H.R. 7575 and ordered the measure to be reported to the House with favorable recommendation, as amended, by voice vote with a quorum present.

The following amendments were offered:

An amendment offered by Mr. DeFazio (#1); was AGREED TO by voice vote.

Page 17, beginning on line 4, strike “a project to which such section applies” and insert “any project for navigation on the inland waterways”.

Page 24, after line 10, insert a new paragraph entitled “(3) State.”

Page 26, strike lines 17 through 24 and insert the following:

(2) in paragraph (1)—

(A) by striking “nonstructural flood control measures” and inserting “a flood risk management or hurricane and storm damage risk reduction measure using a non-structural feature, or a natural feature or nature-based feature (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)),”; and

(B) by striking “cash during construction of the project” and inserting “cash during construction for a nonstructural feature if the costs of land, easements, rights-of-way, dredged material disposal areas, and relocations for such feature are estimated to exceed 35 percent”.

Page 32, line 17, insert “(or county-equivalent entity or entities)” after “counties”.

Page 32, line 22, insert “(or county-equivalent entity or entities)” after “counties”.

Page 33, line 3, insert “(or county-equivalent entity or entities)” after “counties”.

Page 35, after line 10, insert a new subsection entitled “(k) State Defined.”

Page 45, line 9, strike “; or” and insert a period.

Page 45, line 16, strike the period at the end and insert “; or”.

Page 45, after line 16, insert the following: “(3) that are no longer having project purposes adequately met by the Corps of Engineers, because of deferment of maintenance or other challenges, and the divestment of which to a non-Federal entity could better meet the local and regional needs for operation and maintenance.

Page 56, line 3, insert “the coastal and tidal waters of the State of Louisiana, the waterways of the counties that comprise the Sacramento-San Joaquin Delta, California,” after “New Jersey.”

Page 59, line 4, strike “Section” and insert the following: (a) In General.—Section Page 59, line 6, strike “by inserting ‘or contribute’” and insert “by inserting ‘, or provide contributions equal to,’”.

Page 59, after line 14, insert a new subsection entitled “(b) Continued Eligibility.”

Page 73, after line 17, insert the following new sections entitled “Sec. 139. Cost Sharing Provisions for Territories and Indian Tribes.”; and “Sec. 140. Flood Control and Other Purposes.”

Page 76, after line 3, insert a new paragraph entitled “(16) Boston, Massachusetts.”

Page 80, after line 14, insert the following: (7) Project for flood risk management, Lower Cache Creek, California.

Page 80, after line 17, insert the following: (8) Project for shoreline protection, Oceanside, California, authorized pursuant to section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636; 121 Stat. 1176).

Page 82, after line 4, insert the following:

(16) Project for flood control, Amite River and Tributaries east of the Mississippi River, Louisiana.

(17) Project for coastal storm risk management, Upper Barataria Basin, Louisiana.

(18) Project to replace the Bourne and Sagamore Bridges, Cape Cod, Massachusetts.

Page 82, after line 8, insert the following: (17) Project for flood risk management, Rahway River Basin, New Jersey.

Page 82, after line 22, insert the following: (21) Project to resolve increased silting and shoaling adjacent to the Federal channel, Port of Bandon, Coquille River, Oregon.

Page 84, after line 5, insert the following: (31) Project for hurricane and storm damage risk reduction and shoreline erosion protection, Bolongo Bay, St. Thomas, United States Virgin Islands.

Page 94, after line 25, insert a new section entitled “Sec. 207. Portsmouth Harbor and Piscataqua River and Rye Harbor, New Hampshire.”

Page 96, line 11, strike “The Secretary” and insert the following: (1) In General. The Secretary

Page 96, after line 18, insert a new paragraph entitled “(2) Focus Areas.”

Page 97, line 20, strike “paragraph (1)(D)” and insert “subsection (c)”.

Page 111, after line 8, insert the following: (5) an assessment of the annual funding level trends for moderate use harbor projects (as defined in section 210 of the Water Resources Development Act of 1986 on the day before the date of enactment of this Act) after the date of enactment of the Water Resources Development Act of 2014 (Public Law 113–121), excluding funds awarded to donor ports medium-sized donor ports, and energy transfer ports (as such terms are defined in section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201));

Page 116, after line 16, insert new sections entitled “Sec. 219. Report on Recreational Facilities.”; “Sec. 220. GAO Study on Administration of Environmental Banks.”; and “Sec. 221. Lake Okeechobee Regulation Schedule.”

Page 144, after line 14, insert a new paragraph entitled “(3) Madison And St. Clair Counties, Illinois.”

An amendment offered by Mr. Weber (#2) was WITHDRAWN.

At the end of title III of the bill, add a new section entitled "Sec. \_\_\_\_\_. Reservoir Management and Operational Plans for Lower Brazos River Basin."

An amendment offered by Mr. Pappas (#3) was WITHDRAWN.

Page 73, after line 17, insert a new section entitled "Sec. 139. Clean Water Act Effluent Standards, Pretreatment Standards, and Water Quality Criteria for PFAS."

An amendment offered by Mr. Fitzpatrick (#4); was WITHDRAWN.

Page 73, after line 17, insert a new section entitled "Sec. 139. Susquehanna, Delaware, and Potomac River Basin Commissions."

A point of order was reserved against the amendment by Mr. DeFazio, but subsequently fell when the amendment was withdrawn.

An amendment offered by Mr. Garamendi (#5) was NOT AGREED TO by voice vote.

At the end of title I, add a new section entitled "SEC. \_\_\_\_\_. Transfer of Excess Credit."

An amendment offered by Mr. Woodall (#6) was WITHDRAWN.

At the end of title I of the bill, add a new section entitled "Sec. \_\_\_\_\_. Studies of Constructed Projects."

An amendment offered by Mr. Garamendi (#7) was WITHDRAWN.

At the end of title I, add a new section entitled "Sec. \_\_\_\_\_. Repeal of Reprogramming Authority."

An amendment offered by Mr. Graves of Louisiana (#8) was WITHDRAWN.

Page 175, after line 19, insert a new section entitled "Sec. 331. Morganza to the Gulf of Mexico, Louisiana."

An amendment offered by Mr. Garamendi (#9) was WITHDRAWN. At the end of title I, add a new section entitled "Sec. \_\_\_\_\_. Implementation of Small Business Act."

An amendment offered by Mr. Graves of Louisiana (#10) was WITHDRAWN.

At the end of title III of the bill, add a new section entitled "Sec. \_\_\_\_\_. Establishment of National Foundation for Resilience."

An amendment offered by Mr. Garamendi (#11) was WITHDRAWN.

Page 184, after line 18, insert a new subsection entitled "(d) Yuba River Ecosystem Restoration Project, California."

An amendment offered by Mr. Mast (#12) was NOT AGREED TO by voice vote.

At the end of title III, add a new section entitled "Sec. \_\_\_\_\_. Management of the Central and Southern Florida System."

An amendment offered by Mr. Mast (#13) was WITHDRAWN.

At the end of title III, add a new section entitled "Sec. \_\_\_\_\_. Loxahatchee River Watershed Restoration Project, Florida."

An amendment offered by Mr. Lynch (#14) was WITHDRAWN.

At the end of title I of the bill, add a new section entitled "Sec. \_\_\_\_\_. Deferred Payments."

An amendment offered by Mr. Mast (#15) was WITHDRAWN.



At the end of title I, add a new section entitled "Sec. \_\_\_\_\_. Florida Estuaries."

An amendment offered by Ms. Craig (#16) was WITHDRAWN.

Page 175, after line 2, insert a new subsection entitled "(k) Upper Mississippi River."

An amendment offered by Mr. Graves of Louisiana (#17) was WITHDRAWN.

Strike section 137 of the bill and insert a new section entitled "Sec. 137. Non-Federal Implementation Program."

An amendment offered by Mr. Lynch (#18); was AGREED TO by voice vote.

At the end of title III, add a new section entitled "Sec. \_\_\_\_\_. Regional Sediment Management."

An amendment offered by Ms. Finkenauer (#19) was AGREED TO by voice vote.

Page 73, after line 17, insert a new section entitled "Sec. 139. Review of Contracting Policies."

An amendment offered by Mr. Perry (#20) was AGREED TO by unanimous consent.

At the end of title I, add a new section entitled "Sec. \_\_\_\_\_. Buy America."

An amendment offered by Mr. Perry (#21) was NOT AGREED TO by a recorded vote of 2 yeas and 62 nays (Roll Call Vote No. 38).

Strike section 101 and insert a new section 1010 entitled "Sec. 101. Budgetary treatment of Harbor Maintenance Trust Fund."

An amendment offered by Mr. Gibbs (#22) was WITHDRAWN.

At the end of title III, add a new section entitled "Sec. \_\_\_\_\_. Great Lakes Confined Disposal Facilities."

An amendment offered by Mr. Gibbs (#23) was WITHDRAWN.

Page 73, after line 17, insert a new section entitled "Sec. 139. National Coastal Mapping Program."

An amendment offered by Mr. Bost (#24) was WITHDRAWN.

Page 59, line 7, strike "and" at the end. Page 59, after line 7, insert the following (and redesignate the subsequent paragraph accordingly):

(2) in clause (i) by striking clause (II) and inserting the following:

"(II) the Secretary determines that the damage to the structure was not a result of negligent operation or maintenance."; and;

An amendment offered by Mr. Woodall (#25) was WITHDRAWN.

At the end of title II add a new section entitled "Sec. \_\_\_\_\_. Savannah River, South Carolina."

An amendment offered by Mr. Graves of Louisiana (#26) was WITHDRAWN.

At the end of title I of the bill, add a new section entitled "Sec. \_\_\_\_\_. Real Property Interests."

An amendment offered by Mr. Babin (#27) was AGREED TO by voice vote.

Page 78, strike lines 18 through 24 and insert a new paragraph entitled "(32) Sabine Pass to Galveston Bay, Texas."

Page 79, strike lines 10 through 18 and insert a new paragraph entitled “(b) Special Rule.”  
 An amendment offered by Mr. Graves of Louisiana (#28) was AGREED TO by voice vote.  
 Ad at the end of title III a new section entitled “Sec. \_\_\_\_\_. Calcasieu River and Pass, Louisiana.”  
 An amendment offered by Mr. Garcia of California (#29) was WITHDRAWN.  
 Add at the end of title I a new section entitled “Sec. \_\_\_\_\_. WIIN Act Amendments.”  
 An amendment offered by Mr. Graves of Louisiana (#30) was AGREED TO by voice vote.  
 At the end of title I, add a new section entitled “Sec. \_\_\_\_\_. Annual Report on Status of Feasibility Studies.”  
 An amendment offered by Mr. Graves of Louisiana (#31) was WITHDRAWN.  
 Page 186, line 12 insert a new paragraph entitled “(5) Port Fourchon, Louisiana.”  
 An amendment offered by Mr. Graves of Louisiana (#32) was NOT AGREED TO by voice vote.  
 Page 175, after line 19, insert a new section entitled “Section 332. Morganza to the Gulf of Mexico, Louisiana.”

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

The Committee on Transportation and Infrastructure considered H.R. 7575 on July 15, 2020, and took the following votes:

An Amendment offered by Mr. Perry (#21) was Not Agreed to: 2 yeas and 62 nays (Roll Call Vote No. 39). The vote was as follows:

ONE HUNDRED SIXTEENTH CONGRESS  
 ROLL CALL VOTE NO. 38

On agreeing to Amendment #21 offered by Mr. Perry  
 Not Agreed to: 2 yeas and 62 nays.

Representative	Yea	Nay	Representative	Yea	Nay
Mr. DeFazio, Chair .....		X	Mr. Graves of MO, Ranking Member.		X
Ms. Norton .....		X	Mr. Young .....		
Ms. Johnson of TX .....		X	Mr. Crawford .....		X
Mr. Larsen of WA .....		X	Mr. Gibbs .....		X
Mrs. Napolitano .....		X	Mr. Webster of FL .....		X
Mr. Lipinski .....		X	Mr. Massie .....	X	
Mr. Cohen .....		X	Mr. Perry .....	X	
Mr. Sires .....		X	Mr. Davis of IL .....		
Mr. Garamendi .....		X	Mr. Woodall .....		X
Mr. Johnson of GA .....		X	Mr. Katko .....		X
Mr. Carson of IN .....		X	Mr. Babin .....		X
Ms. Titus .....		X	Mr. Graves of LA .....		X
Mr. Maloney of NY .....		X	Mr. Rouzer .....		X
Mr. Huffman .....		X	Mr. Bost .....		X
Ms. Brownley of CA .....		X	Mr. Weber of TX .....		

Representative	Yea	Nay	Representative	Yea	Nay
Ms. Wilson of FL .....		X	Mr. LaMalfa .....		X
Mr. Payne .....		X	Mr. Westerman .....		X
Mr. Lowenthal .....		X	Mr. Smucker .....		X
Mr. DeSaulnier .....		X	Mr. Mitchell .....		X
Ms. Plaskett .....		X	Mr. Mast .....		X
Mr. Lynch .....		X	Mr. Gallagher .....		X
Mr. Carbajal .....		X	Mr. Palmer .....		X
Mr. Brown of MD .....		X	Mr. Fitzpatrick .....		X
Mr. Espaillat .....		X	Miss González-Colón of PR .....		X
Mr. Malinowski .....		X	Mr. Balderson .....		X
Mr. Stanton .....		X	Mr. Spano .....		X
Ms. Mucarsel-Powell .....		X	Mr. Stauber .....		X
Mrs. Fletcher .....		X	Mrs. Miller .....		X
Mr. Allred .....		X	Mr. Pence .....		X
Ms. Davids of KS .....		X	Mr. Garcia of CA .....		X
Ms. Finkenauer .....		X			
Mr. García of IL .....		X			
Mr. Delgado .....		X			
Mr. Pappas .....		X			
Ms. Craig .....		X			
Mr. Rouda .....		X			
Mr. Lamb .....		X			
<b>Vote Total:</b>				<b>2</b>	<b>62</b>

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

## PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide authorization for Corps studies and projects within the key missions of the Corps, including developing, maintaining, and supporting the Nation's water resources development infrastructure for navigation, flood protection, and environmental restoration needs. Additionally, the legislation is intended to increase the ability of the Nation's infrastructure, waterways, and localities to respond to and recover from extreme weather events and recurring flooding. Finally, H.R. 7575, as amended, will increase equities and eligibilities in the Corps' primary mission areas for economically disadvantaged communities, rural communities, and tribal or minority communities, for the purposes of equal protection and access, as well as environmental justice.

## DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 7575, as amended, establishes or reauthorizes a program of the Federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

## FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

## PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 7575, as amended, does not preempt any state, local, or tribal law.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Short title; Table of contents*

This section provides that this bill may be cited as the “Water Resources Development Act of 2020”; and includes a table of contents.

*Sec. 2. Secretary defined*

This section defines the term “Secretary” as the Secretary of the Army.

## TITLE I—GENERAL PROVISIONS

*Sec. 101. Budgetary treatment expansion and adjustment for the Harbor Maintenance Trust Fund*

This section provides authority to appropriate additional funds for harbor maintenance needs from the existing balance in the Harbor Maintenance Trust Fund (HMTF). The current estimate of the balance in the trust fund is approximately \$10 billion.

*Sec. 102. Funding for navigation*

This section establishes a new framework for annual allocation of operation and maintenance expenditures from the HMTF. This section establishes new targets for emerging harbors, donor ports, and Great Lakes Harbors. This section also allows for additional expanded uses for emerging harbors and donor ports.

*Sec. 103. Annual report to Congress on the Harbor Maintenance Trust Fund*

This section ensures that the annual report to Congress on the HMTF is submitted concurrently with the President’s annual budget request to Congress.

*Sec. 104. Additional measures at donor ports and energy transfer ports*

This section reauthorizes discretionary appropriations to provide payments to donor ports, medium-sized donor ports, and energy transfer ports. This authority is extended through fiscal year 2030. This section also allows for a rolling eligibility for donor ports, medium-sized donor ports, and energy transfer ports based on prior three years of cargo shipments.

*Sec. 105. Assumption of maintenance of a locally preferred plan*

This section authorizes the Corps to assume operation and maintenance responsibilities for navigation projects carried out by non-

Federal interests where project improvements deviate from the national economic development plan.

*Sec. 106. Coast Guard anchorages*

This section provides the Corps with the authority to maintain U.S. Coast Guard designated anchorages on the Columbia River.

*Sec. 107. State contribution of funds for certain operation and maintenance costs*

This section provides the Corps with the authority to accept and expend funds from a state within the Great Lakes Navigation System to cover the additional costs for operations and maintenance activities as a result of a state's implementation of any additional limitation on the disposal of dredged material in the state's open waters.

*Sec. 108. Inland waterways projects*

This section authorizes a modification to the cost share of construction or major rehabilitation of any inland waterways project to 65 percent from the general fund of the Treasury and 35 percent from the Inland Waterways Trust Fund through fiscal year 2027. Inland waterways projects that receive construction appropriations during this time carry the modified cost share through project completion. This section also directs the Secretary to prioritize inland waterways projects included in the most recent Inland and Intercoastal Twenty-Year Capital Investment Strategy.

*Sec. 109. Implementation of water resources principles and requirements*

This section directs the Corps to issue final agency procedures for the Principles, Requirements and Guidelines (PR&G), pursuant to section 2031 of the Water Resources Development Act of 2007. The PR&G serves as the basis for the Corps' evaluation of project benefits and costs. The Corps is required to solicit, engage, and consider public and expert comment prior to release of the PR&G, review the PR&Gs every five years, and inform stakeholders prior to any revisions for input and guidance.

*Sec. 110. Resiliency planning assistance*

This section amends the Corps' Floodplain Management Service program to allow the Corps to provide technical assistance to non-Federal interests and other Federal agencies for greater resiliency planning. Additionally, this section directs the Corps to prioritize technical assistance to economically disadvantaged communities.

*Sec. 111. Project consultation*

This section requires the Corps to complete previously authorized reports on community and tribal consultation, as well as update Corps policies on environmental justice considerations and community engagement and consultation. It also expands the Corps' consultation requirements with Tribal or indigenous groups when working on or adjacent to Tribal lands and areas.

*Sec. 112. Review of resiliency assessments*

This section requires the Corps to update existing planning guidance related to sea level rise based on the best available, peer-reviewed science, in coordination with Federal and state agencies. This section also reiterates the Corps' discretion to consider benefits accrued over time as a result of sea level rise, and when requested by the non-Federal interest, requires the Secretary to consider whether the need for the project is predicated upon or exacerbated by conditions related to sea level rise.

*Sec. 113. Small flood control projects*

This section allows for natural or nature-based infrastructure projects to be considered as part of the Section 205 continuing authorities program for small flood risk management projects.

*Sec. 114. Conforming amendment*

This section clarifies the cost share for natural and nature-based infrastructure is 65 percent Federal and 35 percent non-Federal, in line with the established cost share for non-structural project alternatives.

*Sec. 115. Feasibility studies; Review of natural and nature-based features*

This section directs the Corps to include in each flood reduction and hurricane and storm damage reduction project feasibility study a summary of any nature-based features that were considered. The Corps is directed to provide an explanation if nature-based features are not recommended.

*Sec. 116. Report on corrosion prevention activities*

This section directs the Corps to report to Congress on corrosion prevention activities at Corps projects.

*Sec. 117. Quantification of benefits for flood risk management projects in seismic zones*

This section requires the Corps to quantify the seismic hazard risk reduction benefits for flood risk management projects, when requested by the non-Federal sponsor.

*Sec. 118. Federal interest determination*

This section directs the Corps to complete a Federal interest determination for feasibility studies with economically disadvantaged communities, if requested by the non-Federal interest. Additionally, the Corps is directed to assist non-Federal interests in economically disadvantaged communities on how to rescope project requests to ensure that the project is economically justified.

*Sec. 119. Economically disadvantaged community flood protection and hurricane and storm damage reduction study pilot program*

This section directs the Corps to establish a pilot program to evaluate opportunities to address the flood risk reduction and hurricane and storm damage reduction needs for economically disadvantaged communities. The Corps is directed to select 10 studies

to be carried out at Federal expense, and the pilot program sunsets 10 years after enactment.

*Sec. 120. Permanent measures to reduce emergency flood fighting needs for communities subject to repetitive flooding*

This section provides new authority to study, design, and construct water resources projects for communities that have experienced repetitive flooding events and have received emergency flood fighting assistance under the Corps' P.L. 84-99 program. The maximum Federal share for a project is \$15 million and the Corps shall consider a community's ability to pay.

*Sec. 121. Emergency response to natural disasters*

This section provides non-Federal interests with an opportunity to recommend proposals to the Corps to increase the level of protection for projects that have received assistance through the P.L. 84-99 program. Additionally, this section allows inactive non-Federal interests in the P.L. 84-99 program to be eligible for assistance if the non-Federal interest agrees to pay, during performance of the repair or restoration work, all costs to address items of deferred or inadequate maintenance and all repair or restoration work necessary to address damage attributable to such deficiencies. An inactive non-Federal interest is only eligible to use this authority once, and this authority sunsets in five years.

*Sec. 122. Study of natural infrastructure at Corps of Engineers projects*

This section directs the Comptroller General of the United States to report to Congress on the Corps' consideration of natural and nature-based features during project planning.

*Sec. 123. Review of Corps of Engineers assets*

This section directs the Corps to develop an inventory of projects which are no longer needed to complete the missions of the Corps. Additionally, the Corps is directed to identify projects that could benefit from the addition of nature-based features or other modifications.

*Sec. 124. Sense of Congress on multi-purpose projects*

This section provides a Sense of Congress that the Corps should maximize the consideration and evaluation of projects with multiple benefits.

*Sec. 125. Beneficial reuse of dredged material; Dredged material management plans*

This section renews the Congressional commitment to beneficial reuse of dredged material obtained from Corps projects and increases the authorized number of demonstration projects to 30 projects. Additionally, this section expands the Corps' considerations when evaluating the placement of dredged materials and when calculating the economic benefits of dredged material. This section also ensures that the Corps considers small, rural, and economically disadvantaged communities when selecting its additional projects. Lastly, this section increases the coordination of beneficial



reuse projects by directing the Corps to develop five-year regional dredged material management plans.

In directing the Corps to maximize the beneficial use of suitable dredged materials, the Committee does not intend for the Corps to only consider beneficial reuse efforts within the context of the beneficial reuse pilot projects authorized by section 1122 of the Water Resources Development Act of 2016, but to explore opportunities for the beneficial reuse of suitable materials wherever they may present themselves. This section provides for enhanced directives to the Secretary to leverage the value of dredged material in the course of carrying out maintenance projects. The Committee further encourages the Secretary to consider the use of alternative dredging techniques and equipment that will assure compliance with new and existing five-year strategic management plans, be environmentally protective, promote economic activities, and enable increased beneficial use of dredged material. The Committee is aware of efforts related to the dredging of the Richmond Outer Harbor and Pinole Shoal, California, that, the Committee believes, would be a promising location for employing such activities.

The Committee is also aware that the Corps has selected only 10 of the authorized pilot projects under section 1122 of the Water Resources Development Act of 2016 to carry out beneficial use of dredged sediment, including the selection of the San Francisco Bay Pilot Project and development of the project management plan with the California State Coastal Conservancy. The Committee encourages the Corps to budget for the remaining beneficial reuse pilot projects authorized by the Water Resources Development Act of 2016 and this Act. The Committee is aware of several potential future beneficial reuse projects, including opportunities for beneficial use of dredged material from the San Joaquin River and the Port of Stockton for the Delta Islands and Levees Project, as authorized by Congress.

Subsection (d) of this section amends section 1111 of the Water Resources Development Act of 2018 related to a dredged material pilot project. This authority was enacted to promote cost-effective mobilization of Corps dredging assets by allowing the Corps to work with non-Federal interests in identifying multiple projects in a geographic region that might be carried out under a single set of contracts. The Committee is aware that dredging costs can be the primary cost associated with shoreline protection projects. As there is so much demand for dredging across the country, mobilizing dredging equipment to a region can be a significant cost before the actual dredging begins, and section 1111 of WRDA 2018 was enacted to help address this cost. The Committee is aware of two hurricane and storm damage risk reduction and shoreline protection projects (the San Clemente Project and the Encinitas-Solana Beach Project, California) that will potentially be in the construction phase simultaneously, and encourages the Corps to consider utilization of the section 1111 authority to allow for coordinated dredging of these projects to potentially reduce overall project costs. The Committee continues to encourage the Corps to find opportunities to coordinate planning for the deployment of Federal and non-Federal dredges. In sequencing dredging work to benefit multiple mission sets and providing consistent navigational certainty, especially in areas of high maritime traffic in our na-

tion's harbors and waterways, the Corps will benefit the American economy and restoration efforts alike. The Committee appreciates the creation of the Gulf Coast Regional Dredge Demonstration Program in P.L. 116-94 and requests that the Corps carry out these programs in conjunction with one another.

*Sec. 126. Aquatic ecosystem restoration for anadromous fish*

This section amends the section 206 continuing authorities program for aquatic ecosystem restoration to include projects that maximize benefits for anadromous fish. This section directs the Corps to give projects for anadromous fish habitat and passage equal priority for implementation as other projects pursued under section 206.

*Sec. 127. Annual Report to Congress*

This section requires that the Corps include in the main table of the Section 7001 Annual Report to Congress on Future Water Resources Development Projects proposed projects for municipal and agricultural water use.

*Sec. 128. Harmful algal bloom demonstration program*

This section directs the Corps to carry out a demonstration program for detecting, treating, preventing, and eliminating harmful algal blooms. Additionally, this section directs the Corps to consult with Federal and state agencies and to maximize the use of existing data and programs.

*Sec. 129. Update on Invasive Species Policy Guidance*

This section requires the Corps to update the Invasive Species Policy Guidance based on the most recent National Invasive Species Council Management Plan. The Corps may also include invasive species management efforts for Corps projects in Alpine Lakes and the Tennessee and Cumberland River Basins in its updated guidance.

*Sec. 130. Report on debris removal*

This section directs the Corps to report to Congress on activities related to debris removal in the prior 10 fiscal years, and the extent to which the Corps plans to start potential debris removal activities in the future.

*Sec. 131. Missouri River interception-rearing complex construction*

This section prohibits the Corps from constructing any additional interception-rearing complexes on the Missouri River until the Corps reports on their effects, conducts further research through the Engineer Research and Development Center, and develops a plan to repair certain structures affected by erosion. The Corps is directed to solicit public comments prior to constructing any additional interception-rearing complexes.

*Sec. 132. Cost and benefit feasibility assessment*

This section clarifies that a non-Federal sponsor may contribute work to an amount sufficient to make the costs equal to the estimated benefits of repair work done in the P.L. 84-99 program.

The Committee enacted targeted changes to the P.L. 84–99 authority in section 1161 of the Water Resources Development Act of 2018 to allow non-Federal interests the ability to make up the differential in cost-benefit analyses for flood control project repairs. However, the Committee is aware that other potential benefits of proposed repair projects can also benefit the cost-benefit analyses. The Corps has confirmed to the Committee that other benefits, such as navigation benefits, may already be considered in the economic analysis for a repair project under P.L. 84–99 (codified at 33 U.S.C. 701n) to the extent such benefits are incidental to flood risk management benefits. The Committee encourages the Corps to work with non-Federal interest, using existing authorities and the authorities provided by the Water Resources Development Act of 2020, in seeking to justify critical flood control project repairs.

*Sec. 133. Materials, services, and funds for repair, restoration, or rehabilitation of projects*

This section allows the Corps to reimburse a non-Federal interest or private party for contributed materials, funds, or services in the case of emergency or major disaster declarations, if the Corps determines that reimbursement is in the public interest. Any work contributed under this section must comply with all applicable Corps laws and regulations regarding acquired materials and services.

*Sec. 134. Levee safety*

This section directs the Corps to identify specific engineering and maintenance deficiencies for certain levees within the National Levee Database.

*Sec. 135. National dam safety program*

This section makes changes to FEMA’s High Hazard Potential Dam Rehabilitation Program, including making eligible for the program hydropower dams that generate less than 1.5 megawatts.

*Sec. 136. Rehabilitation of Corps of Engineers constructed pump stations*

This section allows the Corps to make repairs and improvements to Corps-constructed pump stations with identified major deficiencies and the failure of which would impair the function of flood risk management projects. This section also requires the Corps to undertake an inventory of Federally constructed pump stations.

*Sec. 137. Non-Federal Project Implementation Pilot Program*

This section extends the Non-Federal Project Implementation Pilot Program until 2026. The Secretary is required to issue implementation guidance 120 days after enactment of this Act.

*Sec. 138. Definition of economically disadvantaged community*

This section provides a definition of economically disadvantaged community for purposes of this Act.

*Sec. 139. Cost sharing provisions for territories and indian tribes*

This section amends section 1156 of the Water Resources Development Act of 1986 to permanently adjust the current cost share threshold for inflation.

*Sec. 140. Flood control and other purposes*

This section authorizes the Secretary and the non-Federal interest to enter into negotiations related to the terms of eligible deferred payment agreements.

The Committee acknowledges the deferred interest obligations of the State of Louisiana from the construction of the Hurricane Protection System in the wake of Hurricane Katrina. This section provides authority for the Corps and the State to seek to renegotiate the terms and conditions of deferred payment agreements made with the Secretary under Section 103(k) of WRDA 1986. The Committee is aware of the State's desire to renegotiate the terms of the West Bank and Vicinity, Lake Pontchartrain and Vicinity, and Southeast Louisiana Urban Flood Damage Reduction Projects. The Committee encourages the Corps to work with the State in the implementation of this section, which the State argues will allow the State to continue make new investments to support resiliency in both the State's water resources related infrastructure and ecosystem restoration projects.

*Sec. 141. Review of contracting policies*

This section directs the Secretary to review the policies, guidelines, and regulations of the Corps for the development of contractual agreements between the Secretary and non-Federal interests and utilities associated with the construction of water resources development projects, and to provide a best practices guide to non-Federal interests prior to the development of future contractual agreements.

*Sec. 142. Buy America*

This section requires that all Corps construction and rehabilitation contracts awarded after the date of enactment of this section ensure that the steel components furnished and delivered under such contracts be manufactured or fabricated in whole or substantial part in the United States.

*Sec. 143. Annual report on status of feasibility studies*

This section requires the Secretary to provide an accounting of all outstanding Corps feasibility studies being conducted by the Secretary concurrent with the annual report to Congress under section 7001 of the WRRDA 14.

## TITLE II—STUDIES AND REPORTS

*Sec. 201. Authorization of proposed feasibility studies*

This section authorizes the Corps to conduct feasibility studies for 35 projects for water resources development and conservation and other purposes. These feasibility studies were submitted in a Report to Congress on Future Water Resources Development pursuant to Section 7001 of the WRRDA 14 or were otherwise reviewed by Congress.

*Sec. 202. Expedited completions*

This section directs the Corps to expedite the completion of 33 feasibility studies currently underway. Upon completion of the study, if the Corps determines that the project is justified, the Corps may proceed directly to preconstruction planning, engineering, and design. This section also directs the Corps to expedite the completion of the following reviews currently underway: post-authorization change reports for five projects, watershed assessments for two projects, and a disposition study for one project.

Section 202(a) directs the Corps to expedite the completion of the study for the project for flood risk management, Lower Santa Cruz. In completing this study, the Corps is directed to consult with, and seek to address, any concerns of local communities and tribes in the vicinity of the project.

Section 202(a) also directs the Corps to expedite the completion of the study for flood risk management, Rahway River Basin, New Jersey. The Committee is aware that the North Atlantic Division of the Corps has suggested that further study of this project is not warranted—a position which is not shared by the non-Federal interest for this project nor the communities this project was authorized to protect. The Corps is directed to continue to work with the non-Federal interest and the surrounding communities in the formulation of an acceptable alternative to the project that would be in the Federal interest. The Secretary is directed to utilize the authorities included in this Act and the Corps' own discretion to develop this alternative, as expeditiously as possible, and expects the Corps to provide the Committee with regular updates on its progress.

The past three Water Resources Development Acts, in 2014, 2016, and 2018, included provisions similar to section 202 to encourage the Corps to expedite completion of ongoing studies related to water resources development projects. Several of the studies highlighted in those earlier Acts have resulted in completed Chief's Reports and other decision documents that have subsequently been acted on by Congress, including several Chief's Reports included in the Water Resources Development Act of 2020. However, other expedited studies remain incomplete, including the projects for flood risk management, for East Hartford and Hartford, Connecticut, listed in section 1203(a) of the Water Resources Development Act of 2016.<sup>19</sup> The Committee expects the Corps to expedite the completion of all feasibility studies specifically identified by Congress, as quickly as possible, and, in accordance with such authorities, if the Secretary determines that the project is justified in the completed report, to proceed directly to preconstruction planning, engineering, and design of the project.

*Sec. 203. Feasibility study modifications*

This section directs the Corps to make modifications to the scope or process of four feasibility studies currently underway.

<sup>19</sup> See Paragraphs 1203(a)(11) and (12) of the Water Resources Development Act of 2018 (132 Stat. 3803).

*Sec. 204. Selma, Alabama*

This section directs the Corps provide an update on the study for flood risk management and bank stabilization for Selma, Alabama, including efforts to assure the preservation of cultural and historic values associated with national historic landmarks within the study area.

*Sec. 205. Comprehensive Study of the Sacramento River, Yolo Bypass, California*

This section directs the Corps to conduct a comprehensive study of the Sacramento River in the vicinity of the Yolo Bypass System, California, and make recommendations for potential water resources development projects, modifications of existing water resources development projects, or other measures to respond to changing hydrologic and climatic conditions in the region.

*Sec. 206. Lake Okeechobee regulation schedule, Florida*

This section includes direction to the Corps on efforts to manage water within Lake Okeechobee, Florida.

*Sec. 207. Great Lakes coastal resiliency study*

This section directs the Corps to expand its comprehensive assessment of water resources needs for the Great Lakes System, and make recommendations for potential water resources development projects, modifications of existing water resources development projects, or other measures to respond to changing hydrologic and climatic conditions in the region.

*Sec. 208. Rathbun Lake, Chariton River, Iowa*

This section directs the Corps to submit a report to Congress that evaluates the existing water storage allocations at Rathbun Lake and analyze the affordability and costs of future municipal water supply allocations to users of the system.

*Sec. 209. Report on the status of restoration in the Louisiana Coastal area*

This section directs the Coastal Louisiana Ecosystem Protection and Restoration Task Force to submit a report to Congress that includes policies, strategies, plans, programs, projects, and activities undertaken for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem, as well as the financial participation by each agency represented on the Task Force.

*Sec. 210. Lower Mississippi River comprehensive study*

This section directs the Corps to submit a report to Congress that includes the results of a comprehensive study of the Lower Mississippi Basin and identifies actions the Corps can take for the comprehensive management of the Basin for the purposes of flood risk management, navigation, ecosystem restoration, water supply, hydropower, and recreation.

*Sec. 211. Upper Mississippi River comprehensive plan*

This section directs the Corps to conduct an assessment of the water resources needs of the Upper Mississippi River Basin.

*Sec. 212. Lower Missouri Basin flood risk and resiliency study, Iowa, Kansas, Nebraska, and Missouri*

This section directs the Corps to expand the scope of the Lower Missouri Basin study, or otherwise carry out additional studies to identify site specific flood risk reduction solutions. The section also requires additional consultation measures for any recommended actions and specifies that the study is not subject to the traditional Corps cost and duration limitations.

*Sec. 213. Portsmouth Harbor and Piscataqua River and Rye Harbor, New Hampshire*

This section directs the Secretary to issue a written status update to Congress on two authorized Federal navigation projects: the project for navigation, Rye Harbor, New Hampshire, and the project for navigation, Portsmouth Harbor and Piscataqua River, New Hampshire.

*Sec. 214. Cougar and Detroit Dams, Willamette River Basin, Oregon*

This section directs the Corps to submit a report to Congress on the initial analysis of deauthorizing hydropower as an authorized project purpose at Cougar and Detroit Dams. For the purposes of this section, the Detroit Dam project includes all facilities that operate in conjunction with the main Detroit Dam facility, including the Big Cliff re-regulating dam. In addition, both the Detroit Dam project and the Cougar Dam project include all related fish management facilities.

*Sec. 215. Port Orford, Oregon*

This section directs the Corps to submit a report to Congress regarding the configuration of a breakwater for the navigation project in Port Orford, Oregon in order to address shoaling issues.

*Sec. 216. Wilson Creek and Sloan Creek, Fairview, Texas*

This section directs the Corps to provide Congress with a status update on efforts to address flooding along Wilson Creek and Sloan Creek in the City of Fairview, Texas.

*Sec. 217. GAO study on mitigation for water resources development projects*

This section directs the Comptroller General to conduct a study on the mitigation of fish, wildlife, and environmental impacts resulting from the construction of water resources projects. This section further directs the Comptroller General to review the long-term effectiveness of the various types of mitigation; assess the backlog of mitigation projects; review how mitigation requirements might contribute to the resilience of water resources; assess compliance with mitigation requirements and mitigation plans; and provide recommendations to ensure compliance with and successful implementation of mitigation requirements for water resources development projects.

*Sec. 218. GAO study on application of harbor maintenance trust fund expenditures*

This section directs the Comptroller General to conduct a study on the operation and maintenance needs of Federally authorized harbor and inland harbor projects, including the primary uses of such harbor projects, and annual or deferred operation and maintenance needs.

*Sec. 219. GAO study on administration of environmental banks*

This section directs the Comptroller General to conduct a study on the administration of section 309 of the Coastal Wetlands Planning, Protection and Restoration Act to establish an environmental bank, as authorized by section 5014 of Pub. L. 114–322.

The Committee recognizes the extraordinary coastal wetlands loss in south Louisiana and the impact this has on the resiliency of communities and the ecosystem in this region. WRDA2016 authorized the establishment of Environmental Banks in the coastal zone of Louisiana for the purpose of demonstrating an alternative, but complementary method of restoration that advances the goals of authorized ecosystem restoration projects. The intent of the demonstration is to develop a model whereby environmental mitigation or remediation efforts can be aggregated to advance a greater environmental outcome.

*Sec. 220. Study on water supply and water conservation at water resources development projects*

This section directs the Corps to submit a report to Congress that analyzes the benefits and consequences of including municipal water supply and water conservation as a primary mission of the Corps when carrying out water resources development projects. Within the report, the Corps is directed to include an analysis of how adding municipal water supply and water conservation as a primary mission may impact the ability of the Corps to carry out future water resources development projects, and recommendations related to their inclusion as a primary mission of the Corps.

*Sec. 221. PFAS review and inventory at Corps facilities*

This section directs the Corps to complete an inventory of Civil Works facilities that are contaminated or could become contaminated by a perfluoroalkyl or polyfluoroalkyl substance (PFAS) and submit a report on the results to Congress.

*Sec. 222. Report on recreational facilities*

This section directs the Corps to prepare and submit to the Committees an inventory and report on the recreational facilities and infrastructure associated with water resources development projects, including an assessment of, and the consequence of, any deferred maintenance of such facilities and infrastructure.

TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS

*Sec. 301. Deauthorization of inactive projects*

This section establishes a process that will lead to the deauthorization of at least \$10 billion of old, inactive projects, which is the value of projects authorized in this Act.



*Sec. 302. Abandoned and Inactive Noncoal Mine Restoration*

This section increases the authorization amounts for the Abandoned and Inactive Noncoal Mine Restoration program.

*Sec. 303. Tribal Partnership Program*

This section increases the per-project authorization level for the Tribal Partnership Program.

*Sec. 304. Lakes Program*

This section provides additional eligibility for the Corps' Lakes Program.

*Sec. 305. Watercraft inspection stations*

This section directs the Corps to establish a watercraft inspection station for the Russian River Basin and makes a technical correction to WRDA 2018.

*Sec. 306. Chesapeake Bay Environmental Restoration and Protection Program*

This section increases the authorization amounts for the Chesapeake Bay Environmental Restoration and Protection Program. This section also directs the Corps to increase outreach and engagement with non-Federal sponsors on projects within the program.

*Sec. 307. Upper Mississippi River System Environmental Management Program*

This section increases the authorization amounts for the Upper Mississippi River System Environmental Management Program.

*Sec. 308. McClellan-Kerr Arkansas River Navigation System*

This section clarifies that any Federal funds used to carry out construction of McClellan-Kerr Arkansas River Navigation System are considered as initiating construction of the project.

*Sec. 309. Ouachita-Black River Navigation Project, Arkansas*

This section authorizes water supply as a project purpose for the Ouachita-Black project after the Corps completes its feasibility study and review.

*Sec. 310. Sacramento River, Glenn-Colusa, California*

This section deauthorizes a portion of the project for flood control in the Sacramento River, California, consisting of a riverbed gradient restoration facility at the Glenn-Colusa Irrigation District Intake.

*Sec. 311. Lake Isabella, California*

This section provides the Corps with the authority to acquire real property to support the Isabella Dam Safety Modification Project, and the ability to transfer this property to any Federal agency without reimbursement.

*Sec. 312. Lower San Joaquin River Flood Control Project*

This section aligns the project for flood risk management and the second phase of the feasibility study for flood risk management in the Lower San Joaquin River.

*Sec. 313. San Diego River and Mission Bay, San Diego County, California*

This section deauthorizes a portion of the project for flood control and navigation in San Diego River and Mission Bay, San Diego County, California.

*Sec. 314. San Francisco, California, Waterfront Area*

This section clarifies a declaration of non-navigability for the San Francisco Waterfront Area.

*Sec. 315. Western Pacific Interceptor Canal, Sacramento River, California*

This section deauthorizes a portion of levee in the Sacramento River Flood Control Project that is associated with the Western Pacific Interceptor Canal.

*Sec. 316. Rio Grande Environmental Management Program, Colorado, New Mexico and Texas*

This section reauthorizes the Rio Grande Environmental Management Program through 2029.

*Sec. 317. New London Harbor waterfront channel, Connecticut*

This section deauthorizes a portion of the project for navigation in New London Harbor, Connecticut.

*Sec. 318. Washington Harbor, District of Columbia*

This section deauthorizes a portion of the project for navigation in Washington Harbor, District of Columbia.

*Sec. 319. Central Everglades, Florida*

This section clarifies that the Corps is directed to carry out the Everglades Agricultural Area modification (authorized in WRDA 2018) as part of the ongoing Central Everglades Planning Project.

*Sec. 320. Miami River, Florida*

This section deauthorizes a portion of the project for navigation in Miami River, Florida.

*Sec. 321. Taylor Creek Reservoir and Levee L-73 (Section 1), Upper St. Johns River Basin, Florida*

This section deauthorizes a portion of the project for flood control and other purposes in the Upper St. Johns River Basin, Florida.

*Sec. 322. Calcasieu River and Pass, Louisiana*

This section directs the Secretary to issue a report to the Committees on the feasibility of a potential modification to the Calcasieu River and Pass Dredged Material Management Plan.

*Sec. 323. San Juan-Chama Project, Abiquiu Dam, New Mexico*

This section would remove the 200,000-acre-foot storage limitation at Abiquiu Reservoir and allow for additional storage of either San-Juan Chama or native water if the entity requesting the storage acquires the necessary property interests to accommodate the storage.

*Sec. 324. Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island And Connecticut*

This section deauthorizes a portion of the project for navigation in Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island and Connecticut.

*Sec. 325. Harris County, Texas*

This section repeals Section 575 of the Water Resources Development Act of 1996.

*Sec. 326. Cap Sante Waterway, Washington*

This section deauthorizes a portion of the project for navigation in Cap Sante Waterway and Navigation Channel, Skagit County, Washington.

*Sec. 327. Regional sediment management*

This section directs the Secretary to expedite regional sediment management activities related to the Federal navigation project in Portsmouth, New Hampshire, as a source of suitable sediment to reinforce the stone revetment at Nantasket Beach, Hull, Massachusetts.

*Sec. 328. Additional assistance for critical projects*

This section makes modifications to 14 projects for environmental infrastructure which were included in the Corps' Annual Report to Congress for 2019 and 2020. This section also includes a modification to the authority related to the Lowell Creek Tunnel, Alaska, authorized by section 5032(a) of the Water Resources Development Act of 2007.

*Sec. 329. Project modification authorizations*

This section modifies the water supply contracts for three projects at the request of the non-Federal interest. The section also makes modifications to two projects for flood risk management.

*Sec. 330. Application of credit*

This section allows Louisiana Coastal Area project credit to be applied against obligations by the State of Louisiana related to the Greater New Orleans Hurricane and Storm Damage Risk Reduction System Project.

*Sec. 331. Project reauthorizations*

This section directs the Corps to study and submit a report to Congress on the feasibility of reauthorizing four projects that were previously deauthorized.

*Sec. 332. Conveyances*

This section authorizes the Corps to convey real property owned by the Federal government in the following locations: Eufaula, Alabama; Montgomery, Alabama; Massac County, Illinois; Clinton, Missouri; Tri-Country Levee District, Missouri; Judge Joseph Barker, Jr., House, Ohio; Leaburg Fish Hatchery, Oregon; and Willamette Falls Locks, Oregon.

In carrying out the requirements of this section, including subsection 332(h) relating to the conveyance of the Judge Joseph Barker, Jr. House, Ohio, nothing in this section affects the application of section 120(h) of the Comprehensive Environmental Response, Cleanup, and Liability Act (42 U.S.C. 9620(h)) to such action.

*Sec. 333. Repeals*

This section repeals previous WRDA deauthorization provisions.

## TITLE IV—WATER RESOURCES INVESTMENTS

*Sec. 401. Project authorizations*

This section authorizes 34 water resources projects that have completed technical review by the Corps and are recommended by the Chief of Engineers. The projects are authorized to be carried out in accordance with the plan, and subject to the conditions, described in the Chief's Reports. Each of the projects has as its primary purpose, one of the following: navigation, hurricane and storm damage risk reduction, flood risk management, water supply, or ecosystem restoration. This section also authorizes four project modifications for previously authorized projects.

*Sec. 402. Special rules*

This section provides additional guidance for certain projects.

*Sec. 403. Authorization of projects based on feasibility studies prepared by non-federal interests*

This section authorizes four water resources development and conservation projects that were prepared by non-Federal interests and have undergone review assessments by the Chief of Engineers. These projects are authorized to be carried out in accordance with the plan, and subject to the modifications or conditions described in the review assessments.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**SECTION 14003 OF THE CARES ACT**

**[SEC. 14003.** Any discretionary appropriation for the Corps of Engineers derived from the Harbor Maintenance Trust Fund (not to exceed the total amount deposited in the Harbor Maintenance Trust Fund in the prior fiscal year) shall be subtracted from the

estimate of discretionary budget authority and outlays for any estimate of an appropriations Act under the Congressional Budget and Impoundment Control Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That the modifications described in this section shall not take effect until the earlier of January 1, 2021 or the date of enactment of legislation authorizing the development of water resources and shall remain in effect thereafter.】

SEC. 14003. Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

“(H) HARBOR MAINTENANCE ACTIVITIES.—*If, for any fiscal year, appropriations for the Construction, Mississippi River and Tributaries, and Operation and Maintenance accounts of the Corps of Engineers are enacted that are derived from the Harbor Maintenance Trust Fund established under section 9505(a) of the Internal Revenue Code of 1986 and that the Congress designates in statute as being for harbor operations and maintenance activities, then the adjustment for that fiscal year shall be the total of such appropriations that are derived from such Fund and designated as being for harbor operations and maintenance activities.*”

**WATER RESOURCES DEVELOPMENT ACT OF 1986**

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**TITLE I—COST SHARING**

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**SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.**

(a) FLOOD CONTROL.—

(1) GENERAL RULE.—The non-Federal interests for a project with costs assigned to flood control (other than a nonstructural project) shall—

(A) pay 5 percent of the cost of the project assigned to flood control during construction of the project;

(B) provide all lands, easements, rights-of-way, and dredged material disposal areas required only for flood control and perform all related necessary relocations; and

(C) provide that portion of the joint costs of lands, easements, rights-of-way, dredged material disposal areas, and relocations which is assigned to flood control.

(2) 35 PERCENT MINIMUM CONTRIBUTION.—If the value of the contributions required under paragraph (1) of this subsection is less than 35 percent of the cost of the project assigned to flood control, the non-Federal interest shall pay during construction of the project such additional amounts as are necessary so that the total contribution of the non-Federal interests under this subsection is equal to 35 percent of the cost of the project assigned to flood control.

(3) 50 PERCENT MAXIMUM.—The non-Federal share under paragraph (1) shall not exceed 50 percent of the cost of the project assigned to flood control. The preceding sentence does

not modify the requirement of paragraph (1)(A) of this subsection.

(4) DEFERRED PAYMENT OF AMOUNT EXCEEDING 30 PERCENT.— If the total amount of the contribution required under paragraph (1) of this subsection exceeds 30 percent of the cost of the project assigned to flood control, the non-Federal interests may pay the amount of the excess to the Secretary over a 15-year period (or such shorter period as many be agreed to by the Secretary and the non-Federal interests) beginning on the date construction of the project or separable element is completed, at an interest rate determined pursuant to section 106. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.

(b) **[NONSTRUCTURAL FLOOD CONTROL PROJECTS] PROJECTS USING NONSTRUCTURAL, NATURAL, OR NATURE-BASED FEATURES.**—

(1) IN GENERAL.—The non-Federal share of the cost of **[nonstructural flood control measures]** *a flood risk management or hurricane and storm damage risk reduction measure using a nonstructural feature, or a natural feature or nature-based feature (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))*, shall be 35 percent of the cost of such measures. The non-Federal interests for any such measures shall be required to provide all lands, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project, but shall not be required to contribute any amount in **[cash during construction of the project]** *cash during construction for a nonstructural feature if the costs of land, easements, rights-of-way, dredged material disposal areas, and relocations for such feature are estimated to exceed 35 percent.*

(2) NON-FEDERAL CONTRIBUTION IN EXCESS OF 35 PERCENT.— At any time during construction of a project, if the Secretary determines that the costs of land, easements, rights-of-way, dredged material disposal areas, and relocations for the project, in combination with other costs contributed by the non-Federal interests, will exceed 35 percent, any additional costs for the project (not to exceed 65 percent of the total costs of the project) shall be a Federal responsibility and shall be contributed during construction as part of the Federal share.

(c) OTHER PURPOSES.—The non-Federal share of the cost assigned to other project purposes shall be as follows:

(1) hydroelectric power: 100 percent, except that the marketing of such power and the recovery of costs of constructing, operating, maintaining, and rehabilitating such projects shall be in accordance with existing law: *Provided*, That after the date of enactment of this Act, the Secretary shall not submit to Congress any proposal for the authorization of any water resources project that has a hydroelectric power component unless such proposal contains the comments of the appropriate Power Marketing Administrator designated pursuant to section 302 of the Department of Energy Organization Act (Public Law 95–91) concerning the appropriate Power Marketing Administration’s ability to market the hydroelectric power expected to be generated and not required in the operation of the project under the applicable Federal power marketing law, so that,

100 percent of operation, maintenance and replacement costs, 100 percent of the capital investment allocated to the purpose of hydroelectric power (with interest at rates established pursuant to or prescribed by applicable law), and any other costs assigned in accordance with law for return from power revenues can be returned within the period set for the return of such costs by or pursuant to such applicable Federal power marketing law;

(2) municipal and industrial water supply: 100 percent;

(3) agricultural water supply: 35 percent;

(4) recreation, including recreational navigation: 50 percent of separable costs and, in the case of any harbor or inland harbor or channel project, 50 percent of joint and separable costs allocated to recreational navigation;

(5) hurricane and storm damage reduction: 35 percent;

(6) aquatic plant control: 50 percent of control operations; and

(7) environmental protection and restoration: 35 percent; except that nothing in this paragraph shall affect or limit the applicability of section 906.

(d) CERTAIN OTHER COSTS ASSIGNED TO PROJECT PURPOSES.—

(1) CONSTRUCTION.—Costs of constructing projects or measures for beach erosion control and water quality enhancement shall be assigned to appropriate project purposes listed in subsections (a), (b), and (c) and shall be shared in the same percentage as the purposes to which the costs are assigned, except that all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private lands shall be borne by non-Federal interests and all costs assigned to the protection of federally owned shores shall be borne by the United States.

(2) PERIODIC NOURISHMENT.—

(A) IN GENERAL.—In the case of a project authorized for construction after December 31, 1999, except for a project for which a District Engineer's Report is completed by that date, the non-Federal cost of the periodic nourishment of the project, or any measure for shore protection or beach erosion control for the project, that is carried out—

(i) after January 1, 2001, shall be 40 percent;

(ii) after January 1, 2002, shall be 45 percent; and

(iii) after January 1, 2003, shall be 50 percent.

(B) BENEFITS TO PRIVATELY OWNED SHORES.—All costs assigned to benefits of periodic nourishment projects or measures to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by the non-Federal interest.

(C) BENEFITS TO FEDERALLY OWNED SHORES.—All costs assigned to the protection of federally owned shores for periodic nourishment measures shall be borne by the United States.

(e) APPLICABILITY.—

(1) IN GENERAL.—This section applies to any project (including any small project which is not specifically authorized by Congress and for which the Secretary has not approved fund-

ing before the date of enactment of this Act), or separable element thereof, on which physical construction is initiated after April 30, 1986, as determined by the Secretary, except as provided in paragraph (2). For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.

(2) EXCEPTIONS.—This section shall not apply to the Yazoo Basin, Mississippi, Demonstration Erosion Control Program, authorized by Public Law 98–8, or to the Harlan, Kentucky, or Barbourville, Kentucky, elements of the project authorized by section 202 of Public Law 96–367.

(f) DEFINITION OF SEPARABLE ELEMENT.—For purposes of this Act, the term “separable element” means a portion of a project—

(1) which is physically separable from other portions of the project; and

(2) which—

(A) achieves hydrologic effects, or

(B) produces physical or economic benefits, which are separately identifiable from those produced by other portions of the project.

(g) DEFERRAL OF PAYMENT.—(1) With respect to the projects listed in paragraph (2), no amount of the non-Federal share required under this section shall be required to be paid during the three-year period beginning on the date of enactment of this Act.

(2) The projects referred to in paragraph (1) are the following:

(A) Boeuf and Tensas Rivers, Tensas Basin, Louisiana and Arkansas, authorized by the Flood Control Act of 1946;

(B) Eight Mile Creek, Arkansas, authorized by Public Law 99–88; and

(C) Rocky Bayou Area, Yazoo Blackwater Area, Yazoo Basin, Mississippi, authorized by the Flood Control Act approved August 18, 1941.

(h) ASSIGNED JOINT AND SEPARABLE COSTS.—The share of the costs specified under this section for each project purpose shall apply to the joint and separable costs of construction of each project assigned to that purpose, except as otherwise specified in this Act.

(i) LANDS, EASEMENTS, RIGHTS-OF-WAY, DREDGED MATERIAL DISPOSAL AREAS, AND RELOCATIONS.—Except as provided under section 906(c), the non-Federal interests for a project to which this section applies shall provide all lands, easements, rights-of-way, and dredged material disposal areas required for the project and perform all necessary relocations, except to the extent limited by any provision of this section. The value of any contribution under the preceding sentence shall be included in the non-Federal share of the project specified in this section.

(j) AGREEMENT.—

(1) REQUIREMENT FOR AGREEMENT.—Any project to which this section applies (other than a project for hydroelectric power) shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operations, maintenance, and replacement and rehabilitation costs of the project, to pay the non-Federal share of the costs of construction required by this section, and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except



for damages due to the fault or negligence of the United States or its contractors.

(2) ELEMENTS OF AGREEMENT.—The agreement required pursuant to paragraph (1) shall be in accordance with the requirements of section 221 of the Flood Control Act of 1970 (84 Stat. 1818) and shall provide for the rights and duties of the United States and the non-Federal interest with respect to the construction, operation, and maintenance of the project, including, but not limited to, provisions specifying that, in the event the non-Federal interest fails to provide the required non-Federal share of costs for such work, the Secretary—

(A) shall terminate or suspend work on the project unless the Secretary determines that continuation of the work is in the interest of the United States or is necessary in order to satisfy agreements with other non-Federal interests in connection with the project; and

(B) may terminate or adjust the rights and privileges of the non-Federal interest to project outputs under the terms of the agreement.

(k) PAYMENT OPTIONS.—**[Except as]**

(1) *IN GENERAL.*—*Except as* otherwise provided in this section, the Secretary may permit the full non-Federal contribution to be made without interest during construction of the project or separable element, or with interest at a rate determined pursuant to section 106 over a period of not more than thirty years from the date of completion of the project or separable element. Repayment contracts shall provide for recalculation of the interest rate at five-year intervals.

(2) *RENEGOTIATION OF TERMS.*—

(A) *IN GENERAL.*—*At the request of a non-Federal interest, the Secretary and the non-Federal interest may renegotiate the terms and conditions of an eligible deferred payment, including—*

(i) *permitting the non-Federal contribution to be made without interest, pursuant to paragraph (1);*

(ii) *recalculation of the interest rate;*

(iii) *full or partial forgiveness of interest accrued during the period of construction; and*

(iv) *a credit against construction interest for a non-Federal investment that benefits the completion or performance of the project or separable element.*

(B) *ELIGIBLE DEFERRED PAYMENT.*—*An eligible deferred payment agreement under subparagraph (A) is an agreement for which—*

(i) *the non-Federal contribution was made with interest;*

(ii) *the period of project construction exceeds 10 years from the execution of a project partnership agreement or appropriation of funds; and*

(iii) *the construction interest exceeds \$45,000,000.*

(C) *CREDIT FOR NON-FEDERAL CONTRIBUTION.*—

(i) *IN GENERAL.*—*The Secretary is authorized to credit any costs incurred by the non-Federal interest (including in-kind contributions) to remedy a design or construction deficiency of a covered project or separable*

*element toward the non-Federal share of the cost of the covered project, if the Secretary determines the remedy to be integral to the completion or performance of the covered project.*

*(ii) CREDIT OF COSTS.—If the non-Federal interest incurs costs or in-kind contributions for a project to remedy a design or construction deficiency of a project or separable element which has a 100 percent Federal cost share, and the Secretary determines the remedy to be integral to the completion or performance of the project, the Secretary is authorized to credit such costs to any interest accrued on a deferred non-Federal contribution.*

(1) DELAY OF INITIAL PAYMENT.—At the request of any non-Federal interest the Secretary may permit such non-Federal interest to delay the initial payment of any non-Federal contribution under this section or section 101 for up to one year after the date when construction is begun on the project for which such contribution is to be made. Any such delay in initial payment shall be subject to interest charges for up to six months at a rate determined pursuant to section 106.

(m) ABILITY TO PAY.—

(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, not later than December 31, 2007 to reflect the requirements of such paragraph (3).

(3) REVISION OF CRITERIA AND PROCEDURES.—In revising criteria and procedures pursuant to paragraph (2), the Secretary—

(A) shall consider—

(i) per capita income data for the county or counties in which the project is to be located; and

(ii) the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located; and

(B) may consider additional criteria relating to the non-Federal interest's financial ability to carry out its cost-sharing responsibilities, to the extent that the application of such criteria does not eliminate areas from eligibility for a reduction in the non-Federal share as determined under subparagraph (A).

(4) NON-FEDERAL SHARE.—Notwithstanding subsection (a), the Secretary may reduce the requirement that a non-Federal interest make a cash contribution for any project that is deter-

mined to be eligible for a reduction in the non-Federal share under criteria and procedures in effect under paragraphs (1), (2), and (3).

(n) NON-FEDERAL CONTRIBUTIONS.—

(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not—

(A) solicit contributions from non-Federal interests for costs of constructing authorized water resources projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c); or

(B) condition Federal participation in such projects or measures on the receipt of such contributions.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary’s authority under section 903(c).

\* \* \* \* \*

TITLE II—HARBOR DEVELOPMENT

\* \* \* \* \*

**SEC. 203. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

(a) SUBMISSION TO SECRETARY.—

(1) IN GENERAL.—A non-Federal interest may undertake a federally authorized feasibility study of a proposed water resources development project and submit the study to the Secretary.

(2) GUIDELINES.—To assist non-Federal interests, the Secretary, as soon as practicable, shall issue guidelines for feasibility studies of water resources development projects to provide sufficient information for the formulation of the studies.

(b) REVIEW BY SECRETARY.—The Secretary shall review each feasibility study received under subsection (a)(1) for the purpose of determining whether or not the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water resources development projects.

(c) SUBMISSION TO CONGRESS.—

(1) REVIEW AND SUBMISSION OF STUDIES TO CONGRESS.—Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives [a report] *an assessment* that describes—

(A) the results of the Secretary’s review of the study under subsection (b), including a determination of whether the project is feasible;

(B) any recommendations the Secretary may have concerning the plan or design of the project; and

(C) any conditions the Secretary may require for construction of the project.

(2) LIMITATION.—The completion of the review by the Secretary of a feasibility study that has been submitted under

subsection (a)(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration.

(d) CREDIT.—If a project for which a feasibility study has been submitted under subsection (a)(1) is authorized by a Federal law enacted after the date of the submission to Congress under subsection (c), the Secretary shall credit toward the non-Federal share of the cost of construction of the project an amount equal to the portion of the cost of developing the study that would have been the responsibility of the United States if the study had been developed by the Secretary.

(e) REVIEW AND TECHNICAL ASSISTANCE.—

(1) REVIEW.—The Secretary may accept and expend funds provided by non-Federal interests to undertake reviews, inspections, certifications, and other activities that are the responsibility of the Secretary in carrying out this section.

(2) TECHNICAL ASSISTANCE.—At the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.

(3) LIMITATION.—Funds provided by non-Federal interests under this subsection shall not be eligible for credit under subsection (d) or reimbursement.

(4) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the use of funds accepted from a non-Federal interest will not affect the impartial decisionmaking of the Secretary, either substantively or procedurally.

(5) SAVINGS PROVISION.—The provision of technical assistance by the Secretary under paragraph (2)—

(A) shall not be considered to be an approval or endorsement of the feasibility study; and

(B) shall not affect the responsibilities of the Secretary under subsections (b) and (c).

**SEC. 204. CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

(a) WATER RESOURCES DEVELOPMENT PROJECT DEFINED.—In this section, the term “water resources development project” means a project recommendation that results from—

(1) a feasibility report, as such term is defined in section 7001(f) of the Water Resources Reform and Development Act of 2014;

(2) a completed feasibility study developed under section 203;

or

(3) a final feasibility study for water resources development and conservation and other purposes that is specifically authorized by Congress to be carried out by the Secretary.

(b) AUTHORITY.—

(1) IN GENERAL.—A non-Federal interest may carry out a federally authorized water resources development project, or separable element thereof—

(A) in accordance with a plan approved by the Secretary for the project or separable element; and

(B) subject to any conditions that the Secretary may require, including any conditions specified under section 203(c)(3).

(2) CONDITIONS.—Before carrying out a water resources development project, or separable element thereof, under this section, a non-Federal interest shall—

(A) obtain any permit or approval required in connection with the project or separable element under Federal or State law, except as provided in paragraph (3); and

(B) ensure that a final environmental impact statement or environmental assessment, as appropriate, for the project or separable element has been filed.

(3) PERMIT EXCEPTION.—

(A) IN GENERAL.—For a project described in subsection (a)(1) or subsection (a)(3), or a separable element thereof, with respect to which a written agreement described in subparagraph (B) has been entered into, a non-Federal interest that carries out a project under this section shall not be required to obtain any Federal permits or approvals that would not be required if the Secretary carried out the project or separable element unless significant new circumstances or information relevant to environmental concerns or compliance have arisen since development of the project recommendation.

(B) WRITTEN AGREEMENT.—For purposes of this paragraph, a written agreement shall provide that the non-Federal interest shall comply with the same legal and technical requirements that would apply if the project or separable element were carried out by the Secretary, including all mitigation required to offset environmental impacts of the project or separable element as determined by the Secretary.

(C) CERTIFICATIONS.—Notwithstanding subparagraph (A), if a non-Federal interest carrying out a project under this section would, in the absence of a written agreement entered into under this paragraph, be required to obtain a certification from a State under Federal law to carry out the project, such certification shall still be required if a written agreement is entered into with respect to the project under this paragraph.

(4) DATA SHARING.—

(A) IN GENERAL.—If a non-Federal interest for a water resources development project begins to carry out that water resources development project under this section, the non-Federal interest may request that the Secretary transfer to the non-Federal interest all relevant data and documentation under the control of the Secretary with respect to that water resources development project.

(B) DEADLINE.—Except as provided in subparagraph (C), the Secretary shall transfer the data and documentation requested by a non-Federal interest under subparagraph (A) not later than the date that is 90 days after the date on which the non-Federal interest so requests such data and documentation.

(C) LIMITATION.—Nothing in this paragraph obligates the Secretary to share any data or documentation that the Secretary considers to be proprietary information.

(c) STUDIES AND ENGINEERING.—

(1) IN GENERAL.—When requested by an appropriate non-Federal interest, the Secretary shall undertake all necessary studies, engineering, and technical assistance on construction for any project to be undertaken under subsection (b), and provide technical assistance in obtaining all necessary permits for the construction, if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies, engineering, or technical assistance on construction in the period during which the studies, engineering, or technical assistance on construction are being conducted.

(2) NO WAIVER.—Nothing in this section may be construed to waive any requirement of section 3142 of title 40, United States Code.

(3) LIMITATION.—Funds provided by non-Federal interests under this subsection shall not be eligible for credit or reimbursement under subsection (d).

(4) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the use of funds accepted from a non-Federal interest will not affect the impartial decision-making of the Secretary, either substantively or procedurally.

(d) CREDIT OR REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to paragraph (3), a project or separable element of a project carried out by a non-Federal interest under this section shall be eligible for credit or reimbursement for the Federal share of work carried out on a project or separable element of a project if—

(A) before initiation of construction of the project or separable element—

(i) the Secretary approves the plans for construction of the project or separable element of the project by the non-Federal interest;

(ii) the Secretary determines, before approval of the plans, that the project or separable element of the project is feasible; and

(iii) the non-Federal interest enters into a written agreement with the Secretary under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), including an agreement to pay the non-Federal share, if any, of the cost of operation and maintenance of the project; and

(B) the Secretary determines that all Federal laws and regulations applicable to the construction of a water resources development project, and any conditions identified under subsection (b)(1)(B), were complied with by the non-Federal interest during construction of the project or separable element of the project.

(2) APPLICATION OF CREDIT.—The Secretary may apply credit toward—

(A) the non-Federal share of authorized separable elements of the same project; or

- (B) subject to the requirements of this section and section 1020 of the Water Resources Reform and Development Act of 2014, at the request of the non-Federal interest, the non-Federal share of a different water resources development project.
- (3) REQUIREMENTS.—The Secretary may only apply credit or provide reimbursement under paragraph (1) if—
- (A) Congress has authorized construction of the project or separable element of the project;
  - (B) the Secretary certifies that the project has been constructed in accordance with—
    - (i) all applicable permits or approvals; and
    - (ii) this section; and
  - (C) in the case of reimbursement, appropriations are provided by Congress for such purpose.
- (4) MONITORING.—The Secretary shall regularly monitor and audit any water resources development project, or separable element of a water resources development project, constructed by a non-Federal interest under this section to ensure that—
- (A) the construction is carried out in compliance with the requirements of this section; and
  - (B) the costs of the construction are reasonable.
- (5) DISCRETE SEGMENTS.—
- (A) IN GENERAL.—The Secretary may authorize credit or reimbursement under this subsection for carrying out a discrete segment of a federally authorized water resources development project, or separable element thereof, before final completion of the project or separable element if—
    - (i) except as provided in clause (ii), the Secretary determines that the discrete segment satisfies the requirements of paragraphs (1) through (4) in the same manner as the project or separable element; and
    - (ii) notwithstanding paragraph (1)(A)(ii), the Secretary determines, before the approval of the plans under paragraph (1)(A)(i), that the discrete segment is technically feasible and environmentally acceptable.
  - (B) DETERMINATION.—Credit or reimbursement may not be made available to a non-Federal interest pursuant to this paragraph until the Secretary determines that—
    - (i) the construction of the discrete segment for which credit or reimbursement is requested is complete; and
    - (ii) the construction is consistent with the authorization of the applicable water resources development project, or separable element thereof, and the plans approved under paragraph (1)(A)(i).
  - (C) WRITTEN AGREEMENT.—
    - (i) IN GENERAL.—As part of the written agreement required under paragraph (1)(A)(iii), a non-Federal interest to be eligible for credit or reimbursement under this paragraph shall—
      - (I) identify any discrete segment that the non-Federal interest may carry out; and
      - (II) agree to the completion of the water resources development project, or separable element thereof, with respect to which the discrete seg-

ment is a part and establish a timeframe for such completion.

(ii) REMITTANCE.—If a non-Federal interest fails to complete a water resources development project, or separable element thereof, that it agreed to complete under clause (i)(II), the non-Federal interest shall remit any reimbursements received under this paragraph for a discrete segment of such project or separable element.

(D) DISCRETE SEGMENT DEFINED.—In this paragraph, the term “discrete segment” means a physical portion of a water resources development project to be carried out, or separable element thereof—

(i) described by a non-Federal interest in a written agreement required under paragraph (1)(A)(iii); and

(ii) that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the water resources development project, or separable element thereof.

(e) NOTIFICATION OF COMMITTEES.—If a non-Federal interest notifies the Secretary that the non-Federal interest intends to carry out a project, or separable element thereof, under this section, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives concerning the intent of the non-Federal interest.

[(f) OPERATION AND MAINTENANCE.—Whenever a non-Federal interest carries out improvements to a federally authorized harbor or inland harbor, the Secretary shall be responsible for operation and maintenance in accordance with section 101(b) if—

[(1) before construction of the improvements—

[(A) the Secretary determines that the improvements are feasible and consistent with the purposes of this title; and

[(B) the Secretary and the non-Federal interest execute a written agreement relating to operation and maintenance of the improvements;

[(2) the Secretary certifies that the project or separable element of the project is constructed in accordance with applicable permits and appropriate engineering and design standards; and

[(3) the Secretary does not find that the project or separable element is no longer feasible.]

(f) OPERATION AND MAINTENANCE.—

(1) ASSUMPTION OF MAINTENANCE.—*Whenever a non-Federal interest carries out improvements to a federally authorized harbor or inland harbor, the Secretary shall be responsible for operation and maintenance in accordance with section 101(b) if—*

(A) *before construction of the improvements—*

*(i) the Secretary determines that the improvements are feasible and consistent with the purposes of this title; and*



(ii) *the Secretary and the non-Federal interest execute a written agreement relating to operation and maintenance of the improvements;*

(B) *the Secretary certifies that the project or separable element of the project is constructed in accordance with applicable permits and appropriate engineering and design standards; and*

(C) *the Secretary does not find that the project or separable element is no longer feasible.*

(2) *FEDERAL FINANCIAL PARTICIPATION IN THE COSTS OF A LOCALLY PREFERRED PLAN.—In the case of improvements determined by the Secretary pursuant to paragraph (1)(A)(i) to deviate from the national economic development plan, the Secretary shall be responsible for all operation and maintenance costs of such improvements, as described in section 101(b), including costs in excess of the costs of the national economic development plan, if the Secretary determines that the improvements satisfy the requirements of paragraph (1).*

\* \* \* \* \*

**SEC. 210. [AUTHORIZATION OF APPROPRIATIONS] FUNDING FOR NAVIGATION.**

(a) **TRUST FUND.**—There are authorized to be appropriated out of the Harbor Maintenance Trust Fund, established by section 9505 of the Internal Revenue Code of 1954, for each fiscal year such sums as may be necessary to pay—

(1) 100 percent of the eligible operations and maintenance costs of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation for such fiscal year; and

(2) up to 100 percent of the eligible operations and maintenance costs assigned to commercial navigation of all harbors and inland harbors within the United States.

(b) **GENERAL FUND.**—There are authorized to be appropriated out of the general fund of the Treasury of the United States for each fiscal year such sums as may be necessary to pay the balance of all eligible operations and maintenance costs not provided by payments from the Harbor Maintenance Trust Fund under this section.

(c) **OPERATION AND MAINTENANCE OF HARBOR PROJECTS.**—

**[(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), including expenditures of funds appropriated from the Harbor Maintenance Trust Fund, based on an equitable allocation of funds among all such harbors and inland harbors.]**

*(1) IN GENERAL.—For each fiscal year, of the funds made available under this section (including funds appropriated from the Harbor Maintenance Trust Fund), the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), using—*

*(A) not less than 20 percent of such funds for emerging harbor projects, to the extent there are identifiable oper-*

*ations and maintenance needs, including eligible break-water and jetty needs, at such harbor projects;*

*(B) not less than 12 percent of such funds for projects that are located within the Great Lakes Navigation System;*

*(C) 10 percent of such funds for expanded uses carried out at donor ports, as such term is defined in section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c); and*

*(D) any remaining funds for operation and maintenance costs of any harbor or inland harbor referred to in subsection (a)(2) based on an equitable allocation of such funds among such harbors and inland harbors.*

(2) CRITERIA.—

(A) IN GENERAL.—In determining an equitable allocation of funds under paragraph (1), the Secretary shall—

(i) consider the information obtained in the assessment conducted under subsection (e);

(ii) consider the national and regional significance of harbor operations and maintenance; and

(iii) as appropriate, consider national security and military readiness needs.

(B) LIMITATION.—The Secretary shall not allocate funds under paragraph (1) based solely on the tonnage transiting through a harbor.

[(3) EMERGING HARBOR PROJECTS.—Notwithstanding any other provision of this subsection, in making expenditures under paragraph (1) for each fiscal year, the Secretary shall allocate for operation and maintenance costs of emerging harbor projects an amount that is not less than 10 percent of the funds made available under this section for fiscal year 2012 to pay the costs described in subsection (a)(2).]

(3) ADDITIONAL USES AT EMERGING HARBORS.—

(A) IN GENERAL.—*In each fiscal year, the Secretary may use not more than \$5,000,000 of funds designated for emerging harbor projects under paragraph (1)(A) to pay for the costs of up to 10 projects for maintenance dredging of a marina or berthing area, in an emerging harbor, that includes an area that is located adjacent to, or is accessible by, a Federal navigation project, subject to subparagraphs (B) and (C) of this paragraph.*

(B) ELIGIBLE EMERGING HARBORS.—*The Secretary may use funds as authorized under subparagraph (A) at an emerging harbor that—*

*(i) supports commercial activities, including commercial fishing operations, commercial fish processing operations, recreational and sport fishing, and commercial boat yards; or*

*(ii) supports activities of the Secretary of the department in which the Coast Guard is operating.*

(C) COST-SHARING REQUIREMENTS.—*The Secretary shall require a non-Federal interest to contribute not less than 25 percent of the costs for maintenance dredging of that portion of a maintenance dredging project described in subparagraph (A) that is located outside of the Federal navigation project, which may be provided as an in-kind contribu-*

*tion, including through the use of dredge equipment owned by non-Federal interest to carry out such activities.*

(4) **MANAGEMENT OF GREAT LAKES NAVIGATION SYSTEM.**—To sustain effective and efficient operation and maintenance of the Great Lakes Navigation System, including any navigation feature in the Great Lakes that is a Federal responsibility with respect to operation and maintenance, the Secretary shall manage all of the individually authorized projects in the Great Lakes Navigation System as components of a single, comprehensive system, recognizing the interdependence of the projects.

(5) **EMERGENCY EXPENDITURES.**—*Nothing in this subsection prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if—*

(A) *the Secretary determines that the action is necessary to address the navigation needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and*

(B) *the Secretary provides within 90 days of the action notice and information on the need for the action to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.*

[(d) **PRIORITIZATION.**—

[(1) **PRIORITY.**—

[(A) **IN GENERAL.**—For each fiscal year, if priority funds are available, the Secretary shall use at least 10 percent of such funds for emerging harbor projects.

[(B) **ADDITIONAL CONSIDERATIONS.**—For each fiscal year, of the priority funds available, the Secretary shall use—

[(i) not less than 5 percent of such funds for underserved harbor projects; and

[(ii) not less than 10 percent of such funds for projects that are located within the Great Lakes Navigation System.

[(C) **UNDERSERVED HARBORS.**—In determining which underserved harbor projects shall receive funds under this paragraph, the Secretary shall consider—

[(i) the total quantity of commerce supported by the water body on which the project is located; and

[(ii) the minimum width and depth that—

[(I) would be necessary at the underserved harbor project to provide sufficient clearance for fully loaded commercial vessels using the underserved harbor project to maneuver safely; and

[(II) does not exceed the constructed width and depth of the authorized navigation project.

[(2) **EXPANDED USES.**—

[(A) **DEFINITION OF ELIGIBLE HARBOR OR INLAND HARBOR DEFINED.**—In this paragraph, the term “eligible harbor or inland harbor” means a harbor or inland harbor at which the total amount of harbor maintenance taxes collected in

the immediately preceding 3 fiscal years exceeds the value of the work carried out for the harbor or inland harbor using amounts from the Harbor Maintenance Trust Fund during those 3 fiscal years.

**[(B) USE OF EXPANDED USES FUNDS.—**

**[(i) FISCAL YEARS 2015 THROUGH 2024.—**For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use not less than 10 percent of such funds for expanded uses carried out at an eligible harbor or inland harbor.

**[(ii) SUBSEQUENT FISCAL YEARS.—**For fiscal year 2025 and each fiscal year thereafter, the Secretary shall use not less than 10 percent of the priority funds available for expanded uses carried out at an eligible harbor or inland harbor.

**[(C) PRIORITIZATION.—**In allocating funds under this paragraph, the Secretary shall give priority to projects at eligible harbors or inland harbors for which the difference, calculated in dollars, is greatest between—

**[(i)** the total amount of funding made available for projects at that eligible harbor or inland harbor from the Harbor Maintenance Trust Fund in the immediately preceding 3 fiscal years; and

**[(ii)** the total amount of harbor maintenance taxes collected at that harbor or inland harbor in the immediately preceding 3 fiscal years.

**[(3) REMAINING FUNDS.—**

**[(A) IN GENERAL.—**For each of fiscal years 2015 through 2024, if after fully funding all projects eligible for funding under paragraphs (1)(B) and (2)(B)(i), priority funds made available under those paragraphs remain unobligated, the Secretary shall use those remaining funds to pay for operation and maintenance costs of any harbor or inland harbor referred to in subsection (a)(2) based on an equitable allocation of those funds among the harbors and inland harbors.

**[(B) CRITERIA.—**In determining an equitable allocation of funds under subparagraph (A), the Secretary shall—

**[(i)** use the criteria specified in subsection (c)(2)(A); and

**[(ii)** make amounts available in accordance with the requirements of paragraph (1)(A).

**[(4) EMERGENCY EXPENDITURES.—**Nothing in this subsection prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if—

**[(A)** the Secretary determines that the action is necessary to address the navigation needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and

**[(B)** the Secretary provides within 90 days of the action notice and information on the need for the action to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Com-

committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.】

【(e)】 (d) ASSESSMENT OF HARBORS AND INLAND HARBORS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, and biennially thereafter, the Secretary shall assess, and issue a report to Congress on, the operation and maintenance needs and uses of the harbors and inland harbors referred to in subsection (a)(2).

(2) ASSESSMENT OF HARBOR NEEDS AND ACTIVITIES.—

(A) TOTAL OPERATION OF HARBORS AND MAINTENANCE NEEDS OF HARBORS.—In carrying out paragraph (1), the Secretary shall identify—

(i) the total future costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2); and

(ii) the total expected costs for 【expanded uses at eligible harbors or inland harbors referred to in subsection (d)(2)】 *uses described in paragraphs (1)(C) and (3) of subsection (c).*

(B) USES OF HARBORS AND INLAND HARBORS.—In carrying out paragraph (1), the Secretary shall identify current uses (and, to the extent practicable, assess the national, regional, and local benefits of such uses) of harbors and inland harbors referred to in subsection (a)(2), including the use of those harbors for—

(i) commercial navigation, including the movement of goods;

(ii) domestic trade;

(iii) international trade;

(iv) commercial fishing;

(v) subsistence, including use by Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for subsistence and ceremonial purposes;

(vi) use as a harbor of refuge;

(vii) transportation of persons;

(viii) purposes relating to domestic energy production, including the fabrication, servicing, or supply of domestic offshore energy production facilities;

(ix) activities of the Secretary of the department in which the Coast Guard is operating;

(x) activities of the Secretary of the Navy;

(xi) public health and safety related equipment for responding to coastal and inland emergencies;

(xii) recreation purposes; and

(xiii) other authorized purposes.

(C) OPPORTUNITIES FOR BENEFICIAL USE OF DREDGED MATERIALS.—In carrying out paragraph (1), the Secretary shall identify potential opportunities for the beneficial use of dredged materials obtained from harbors and inland harbors referred to in subsection (a)(2), including projects eligible under section 1122 of the Water Resources Development Act of 2016 (130 Stat. 1645; 33 U.S.C. 2326 note).

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—For fiscal year 2016, and biennially thereafter, in conjunction with the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that, with respect to harbors and inland harbors referred to in subsection (a)(2)—

(i) identifies the operation and maintenance costs associated with the harbors and inland harbors, including those costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors and the costs for expanded uses at eligible harbors and inland harbors, on a project-by-project basis;

(ii) identifies the amount of funding requested in the President’s budget for the operation and maintenance costs associated with the harbors and inland harbors, on a project-by-project basis;

(iii) identifies the unmet operation and maintenance needs associated with the harbors and inland harbors, on a project-by-project basis; and

(iv) identifies the harbors and inland harbors for which the President will allocate funding over the subsequent 5 fiscal years for operation and maintenance activities, on a project-by-project basis, including the amounts to be allocated for such purposes.

(B) ADDITIONAL REQUIREMENT.—In the first report submitted under subparagraph (A) following the date of enactment of the Water Resources Development Act of 2016, the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2), on a project-by-project basis.

(C) PUBLIC AVAILABILITY.—The Secretary shall make the report submitted under subparagraph (A) available to the public, including on the Internet.

[(f)] (e) DEFINITIONS.—In this section:

(1) CONSTRUCTED WIDTH AND DEPTH.—The term “constructed width and depth” means the width and depth to which a project has been constructed, which may not exceed the authorized width and depth of the project.

[(2) EMERGING HARBOR PROJECT.—The term “emerging harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually. ]

(2) EMERGING HARBOR.—*The term “emerging harbor” means a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually.*

(3) EMERGING HARBOR PROJECT.—*The term “emerging harbor project” means a project that is assigned to an emerging harbor.*

[(3)] (4) EXPANDED USES.—The term “expanded uses” means the following activities:

(A) The maintenance dredging of a berth in a harbor that is accessible to a Federal navigation project and that benefits commercial navigation at the harbor.

(B) The maintenance dredging and disposal of legacy-contaminated sediment, and sediment unsuitable for open water disposal, if—

(i) such dredging and disposal benefits commercial navigation at the harbor; and

(ii) such sediment is located in and affects the maintenance of a Federal navigation project or is located in a berth that is accessible to a Federal navigation project.

(C) *An in-water improvement, if the improvement—*

*(i) is for the seismic reinforcement of a wharf or other berthing structure, or the repair or replacement of a deteriorating wharf or other berthing structure, at a port facility;*

*(ii) benefits commercial navigation at the harbor; and*

*(iii) is located in, or adjacent to, a berth that is accessible to a Federal navigation project.*

(D) *An activity to maintain slope stability at a berth in a harbor that is accessible to a Federal navigation project if such activity benefits commercial navigation at the harbor.*

[(4)] (5) GREAT LAKES NAVIGATION SYSTEM.—The term “Great Lakes Navigation System” includes—

(A)(i) Lake Superior;

(ii) Lake Huron;

(iii) Lake Michigan;

(iv) Lake Erie; and

(v) Lake Ontario;

(B) all connecting waters between the lakes referred to in subparagraph (A) used for commercial navigation;

(C) any navigation features in the lakes referred to in subparagraph (A) or waters described in subparagraph (B) that are a Federal operation or maintenance responsibility; and

(D) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

[(5)] (6) HARBOR MAINTENANCE TAX.—The term “harbor maintenance tax” means the amounts collected under section 4461 of the Internal Revenue Code of 1986.

[(6)] (6) HIGH-USE HARBOR PROJECT.—The term “high-use harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits not less than 10,000,000 tons of cargo annually.

[(7)] (7) MODERATE-USE HARBOR PROJECT.—The term “moderate-use harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits annually—

[(A)] more than 1,000,000 tons of cargo; but

[(B) less than 10,000,000 tons of cargo.

[(8) PRIORITY FUNDS.—The term “priority funds” means the difference between—

[(A) the total funds that are made available under this section to pay the costs described in subsection (a)(2) for a fiscal year; and

[(B) the total funds made available under this section to pay the costs described in subsection (a)(2) in fiscal year 2012.

[(9) UNDERSERVED HARBOR PROJECT.—

[(A) IN GENERAL.—The term “underserved harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2)—

[(i) that is a moderate-use harbor project or an emerging harbor project;

[(ii) that has been maintained at less than the constructed width and depth of the project during each of the preceding 6 fiscal years; and

[(iii) for which State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years.

[(B) ADMINISTRATION.—For purposes of this paragraph, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).]

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TITLE VI—WATER RESOURCES CONSERVATION AND DEVELOPMENT

\* \* \* \* \*

SEC. 602. LAKES PROGRAM.

(a) Subject to section 903(a) of this Act, the Secretary shall carry out programs for the removal of silt, aquatic growth, and other material in the following lakes:

(1) Albert Lea Lake, Freeborn County, Minnesota, removal of silt and aquatic growth;

(2) Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, removal of silt, aquatic growth, and other material and construction of silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River;

(3) Greenwood Lake and Belcher Creek, New Jersey, removal of silt and stumps;

(4) Sauk Lake and its tributary streams in the vicinity of Sauk Centre, Stearns County, Minnesota, removal of silt and aquatic growth;

(5) Deal Lake, Monmouth County, New Jersey, removal of silt and stumps and the control of pollution from nonpoint sources;

(6) Lake Worth, Tarrant County, Texas, removal of silt and aquatic growth, including construction of silt traps and providing other devices or equipment to prevent and abate the



further deposit of sediment in Lake Worth; such project shall also provide for the use of dredged material from Lake Worth for the reclamation of despoiled land;

(7) Hamlet City Lake, Hamlet, North Carolina, removal of accumulated silt and debris including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Hamlet City Lake;

(8) Lake Herman, Lake County, South Dakota, removal of excess silt;

(9) Gorton's Pond, Warwick, Rhode Island, mitigation activities recommended in the 1982 Environmental Protection Agency diagnostic feasibility study, including the installation of retention basins, the dredging of inlets and outlets in recommended areas and the disposal of dredge material, and weed harvesting and nutrient inactivation;

(10) Wappingers Lake, New York, for removal of silt and aquatic growth;

(11) Lake George, New York, for removal of silt and aquatic growth, stump removal, and the control of pollution;

(12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;

(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;

(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth and nutrient monitoring;

(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit;

(16) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion;

(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and measures to address excessive sedimentation and high nutrient concentration;

(18) Flints Pond, Hollis, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation;

(19) Osgood Pond, Milford, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation;

(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

(21) McCarter Pond, Borough of Fairhaven, New Jersey, removal of silt and measures to address water quality;

(22) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;

(23) Greenwood Lake, New York and New Jersey, removal of silt and aquatic growth;

(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity;

(25) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

(26) Lake Luxembourg, Pennsylvania;

(27) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; **[and]**

(28) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation **[.]**;

(29) *Ellis Pond and Guild Pond, Norwood, Massachusetts;*  
and

(30) *Memorial Pond, Walpole, Massachusetts.*

(b) The non-Federal share of the cost of each project and activity carried out under this section shall be 25 percent.

(c) The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of the program under subsection (a) and activities under subsection (f), together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

(d) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(e) There is authorized to be appropriated \$40,000,000 for fiscal years beginning after September 30, 1986, to carry out this section. Not more than \$8,000,000 may be obligated for any project under subsection (a).

(f) CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.—

(1) IN GENERAL.—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and

(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.

(2) USE OF RESEARCH.—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

(3) BIOLOGICAL MONITORING STATION.—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

(4) CREDIT.—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to sums authorized by subsection (d), there is authorized to be appro-

priated to carry out this subsection \$3,000,000. Such sums shall remain available until expended.

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TITLE IX—GENERAL PROVISIONS

\* \* \* \* \*

**SEC. 905. FEASIBILITY REPORTS.**

(a) PREPARATION OF REPORTS.—

(1) IN GENERAL.—In the case of any water resources project-related study authorized to be undertaken by the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authorization by Congress in law or otherwise, the Secretary shall prepare a feasibility report, subject to section 105 of this Act.

(2) CONTENTS OF FEASIBILITY REPORTS.—A feasibility report shall describe, with reasonable certainty, the economic, environmental, and social benefits and detriments of the recommended plan and alternative plans considered by the Secretary and the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. A feasibility report shall also include the views of other Federal agencies and non-Federal agencies with regard to the recommended plan, a description of a nonstructural alternative to the recommended plan when such plan does not have significant nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. A feasibility report shall include a preliminary analysis of the Federal interest and the costs, benefits, and environmental impacts of the project.

(3) APPLICABILITY.—This subsection shall not apply to—

(A) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act;

(B) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b);

(C) any study for a project which does not require specific authorization by Congress in law or otherwise; and

(D) general studies not intended to lead to recommendation of a specific water resources project.

(4) FEASIBILITY REPORT DEFINED.—In this subsection, the term “feasibility report” means each feasibility report, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.

(b) FEDERAL INTEREST DETERMINATION.—

(1) IN GENERAL.—In preparing a feasibility report under subsection (a) for a study that will benefit an economically dis-

*advantaged community, upon request by the non-Federal interest for the study, the Secretary shall first determine the Federal interest in carrying out the study and the projects that may be proposed in the study.*

(2) *COST SHARE.—The costs of a determination under paragraph (1)—*

*(A) shall be at Federal expense; and*

*(B) shall not exceed \$200,000.*

(3) *DEADLINE.—A determination under paragraph (1) shall be completed by not later than 120 days after the date on which funds are made available to the Secretary to carry out the determination.*

(4) *TREATMENT.—*

*(A) TIMING.—The period during which a determination is being completed under paragraph (1) for a study shall not be included for purposes of the deadline to complete a final feasibility report under section 1001(a)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)(1)).*

*(B) COST.—The cost of a determination under paragraph (1) shall not be included for purposes of the maximum Federal cost under section 1001(a)(2) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)(2)).*

(5) *REPORT TO NON-FEDERAL INTEREST.—If, based on a determination under paragraph (1), the Secretary determines that a study or project is not in the Federal interest because the project will not result, or is unlikely to result, in a recommended plan that will produce national economic development benefits greater than cost, but may result in a technically sound and environmentally acceptable plan that is otherwise consistent with section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281), the Secretary shall issue a report to the non-Federal interest with recommendations on how the non-Federal interest might modify the proposal such that the project could be in the Federal interest and feasible.*

(c) *PROJECTS NOT SPECIFICALLY AUTHORIZED BY CONGRESS.—In the case of any water resources project-related study authorized to be undertaken by the Secretary without specific authorization by Congress in law or otherwise, the Secretary shall prepare a detailed project report.*

(d) *INDIAN TRIBES.—For purposes of studies undertaken pursuant to this section, the Secretary is authorized to consider benefits which may accrue to Indian tribes as a result of a project resulting from such a study.*

(e) *STANDARD AND UNIFORM PROCEDURES AND PRACTICES.—The Secretary shall undertake such measures as are necessary to ensure that standard and uniform procedures and practices are followed by each district office (and each division office for any area in which there is no district office) of the United States Army Corps of Engineers in the preparation of feasibility reports on water resources projects.*

(f) *ENHANCED PUBLIC PARTICIPATION.—*

(1) *IN GENERAL.—The Secretary shall establish procedures to enhance public participation in the development of each feasi-*

bility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

(2) MEMBERSHIP.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

(3) LIMITATION.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).

(g) DETAILED PROJECT SCHEDULE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine a set of milestones needed for the completion of a feasibility study under this subsection, including all major actions, report submissions and responses, reviews, and comment periods.

(2) DETAILED PROJECT SCHEDULE MILESTONES.—Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to feasibility studies in the District developed by the Secretary under paragraph (1).

(3) NON-FEDERAL INTEREST NOTIFICATION.—Each District Engineer shall submit by certified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—

(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this subsection, not later than 180 days after the establishment of milestones under paragraph (1); and

(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.

(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Beginning in the first full fiscal year after the date of enactment of this subsection, the Secretary shall—

(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) make publicly available, including on the Internet, a copy of the annual report described in subparagraph (A) not later than 14 days after date on which a report is submitted to Congress.

(5) FAILURE TO ACT.—If a District Engineer fails to meet any of the deadlines in the project schedule under paragraph (2), the District Engineer shall—

(A) not later than 30 days after each missed deadline, submit to the non-Federal interest a report detailing—

- (i) why the District Engineer failed to meet the deadline; and
  - (ii) a revised project schedule reflecting amended deadlines for the feasibility study; and
- (B) not later than 30 days after each missed deadline, make publicly available, including on the Internet, a copy of the amended project schedule described in subparagraph (A)(ii).

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#### TITLE X—PROJECT DEAUTHORIZATION

##### SEC. 1001. CORPS BUDGETING; PROJECT DEAUTHORIZATIONS; COMPREHENSIVE BACKLOG REPORT.

(a) Any project authorized for construction by this Act shall not be authorized after the last day of the 5-year period beginning on the date of enactment of this Act unless during such period funds have been obligated for construction, including planning and designing, of such project.

(b)(1) Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a list of unconstructed projects, or unconstructed separable elements of projects, which have been authorized, but have received no obligations during the 10 full fiscal years preceding the transmittal of such list. A project or separable element included in such list is not authorized after December 31, 1989, if the funds have not been obligated for construction of such project or element after the date of enactment of this Act and before December 31, 1989.

[(2) Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), every year after the transmittal of the list under paragraph (1), the Secretary shall transmit to Congress a list of projects or separable elements of projects which have been authorized, but have received no obligations during the 5 full fiscal years preceding the transmittal of such list. Upon submission of such list to Congress, the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, a project (including any part thereof) on such list would be located. A project or separable element included in such list is not authorized after the date which is the last date of the fiscal year following the fiscal year in which the list is so transmitted if funds have not been obligated for the planning, design, or construction of such project or element during such period.]

[(3) (2) COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND MAINTENANCE REPORT.—

(A) IN GENERAL.—The Secretary, once every 2 years, shall compile and publish—

(i) a complete list of all projects and separable elements of projects of the Corps of Engineers that are authorized for construction but have not been completed;

(ii) a complete list of all feasibility studies of the Corps of Engineers that Congress has authorized the Secretary to carry out for which a Report of the Chief of Engineers has not been issued;

(iii) a complete list of all environmental infrastructure projects authorized by Congress under section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835); and

(iv) a list of major Federal operation and maintenance needs of projects and properties under the control of the Corps of Engineers.

(B) REQUIRED INFORMATION.—The Secretary shall include on each list developed under clause (i), (ii), or (iii) of subparagraph (A) for each feasibility study, project, and separable element on that list—

(i) the date of authorization of the feasibility study, project, or separable element, including any subsequent modifications to the original authorization;

(ii) the original budget authority for the feasibility study, project, or separable element;

(iii) a brief description of the feasibility study, project, or separable element;

(iv) the estimated date of completion of the feasibility study, project, or separable element, assuming all capability is fully funded;

(v) the estimated total cost of completion of the feasibility study, project, or separable element;

(vi) the amount of funds spent on the feasibility study, project, or separable element, including Federal and non-Federal funds;

(vii) the amount of appropriations estimated to be required in each fiscal year during the period of construction to complete the project or separable element by the date specified under clause (iv);

(viii) the location of the feasibility study, project, or separable element;

(ix) a statement from the non-Federal interest for the project or separable element indicating the non-Federal interest's capability to provide the required local cooperation estimated to be required for the project or separable element in each fiscal year during the period of construction;

(x) the benefit-cost ratio of the project or separable element, calculated using the discount rate specified by the Office of Management and Budget for purposes of preparing the President's budget pursuant to chapter 11 of title 31, United States Code;

(xi) the benefit-cost ratio of the project or separable element, calculated using the discount rate utilized by the Corps of Engineers for water resources development project planning pursuant to section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-17); and

(xii) the last fiscal year in which the project or separable element incurred obligations.

(C) REQUIRED OPERATION AND MAINTENANCE INFORMATION.—The Secretary shall include on the list developed under subparagraph (A)(iv), for each project and property under the control of the Corps of Engineers on that list—

- (i) the authority under which the project was authorized or the property was acquired by the Corps of Engineers;
- (ii) a brief description of the project or property;
- (iii) an estimate of the Federal costs to meet the major operation and maintenance needs at the project or property; and
- (iv) an estimate of unmet or deferred operation and maintenance needs at the project or property.

(D) PUBLICATION.—

(i) IN GENERAL.—For fiscal year 2020, and once every 2 years thereafter, in conjunction with the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit a copy of the lists developed under subparagraph (A) to—

(I) the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives; and

(II) the Director of the Office of Management and Budget.

(ii) PUBLIC AVAILABILITY.—The Secretary shall make a copy of the lists available on a publicly accessible website site in a manner that is downloadable, searchable, and sortable.

[(c) The Secretary shall publish in the Federal Register a list of any projects or separable elements that are deauthorized under this section.]

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TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

\* \* \* \* \*

**SEC. 1103. UPPER MISSISSIPPI RIVER PLAN.**

(a)(1) This section may be cited as the “Upper Mississippi River Management Act of 1986”.

(2) To ensure the coordinated development and enhancement of the Upper Mississippi River system, it is hereby declared to be the intent of Congress to recognize that system as a nationally significant ecosystem and a nationally significant commercial navigation system. Congress further recognizes that the system provides a diversity of opportunities and experiences. The system shall be administered and regulated in recognition of its several purposes.

(b) For purposes of this section—

(1) the term “Upper Mississippi River system” and “system” mean those river reaches having commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskakia River, Illinois;

(2) the term “Master Plan” means the comprehensive master plan for the management of the Upper Mississippi River system, dated January 1, 1982, prepared by the Upper Mississippi



River Basin Commission and submitted to Congress pursuant to Public Law 95-502;

(3) the term "GREAT I, GREAT II, and GRRM studies" means the studies entitled "GREAT Environmental Action Team—GREAT I—A Study of the Upper Mississippi River", dated September 1980, "GREAT River Environmental Action Team—GREAT II—A Study of the Upper Mississippi River", dated December 1980, and "GREAT River Resource Management Study", dated September 1982; and

(4) the term "Upper Mississippi River Basin Association" means an association of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, formed for the purposes of cooperative effort and united assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River System.

(c)(1) Congress hereby approves the Master Plan as a guide for future water policy on the Upper Mississippi River system. Such approval shall not constitute authorization of any recommendation contained in the Master Plan.

(2) Section 101 of Public Law 95-502 is amended by striking out the last two sentences of subsection (b), striking out subsection (i), striking out the final sentence of subsection (j), and redesignating subsection "(j)" as subsection "(i)".

(d)(1) The consent of the Congress is hereby given to the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or any two or more of such States, to enter into negotiations for agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River system, and to establish such agencies, joint or otherwise, or designate an existing multi-State entity, as they may deem desirable for making effective such agreements. To the extent required by Article I, section 10 of the Constitution, such agreements shall become final only after ratification by an Act of Congress.

(2) The Secretary is authorized to enter into cooperative agreements with the Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection to promote and facilitate active State government participation in the river system management, development, and protection.

(3) For the purpose of ensuring the coordinated planning and implementation of programs authorized in subsections (e) and (h)(2) of this section, the Secretary shall enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of such programs.

(4) The Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection is hereby designated by Congress as the caretaker of the master plan. Any changes to the master plan recommended by the Secretary shall be submitted to such association or agency for review. Such association or agency may make such comments with respect to such recommendations and offer other recommended changes to the master plan as such association or agency deems appropriate and shall

transmit such comments and other recommended changes to the Secretary. The Secretary shall transmit such recommendations along with the comments and other recommended changes of such association or agency to the Congress for approval within 90 days of the receipt of such comments or recommended changes.

(e) PROGRAM AUTHORITY.—

(1) AUTHORITY.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may undertake, as identified in the master plan—

(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(ii) implementation of a long-term resource monitoring, computerized data inventory and analysis, and applied research program, including research on water quality issues affecting the Mississippi River (including elevated nutrient levels) and the development of remediation strategies.

(B) ADVISORY COMMITTEE.—In carrying out subparagraph (A)(i), the Secretary shall establish an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

(2) REPORTS.—Not later than December 31, 2004, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each of the programs;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(3) For purposes of carrying out paragraph (1)(A)(i) of this subsection, there is authorized to be appropriated to the Secretary ~~[\$22,750,000]~~ \$40,000,000 for fiscal year 1999 and each fiscal year thereafter.

(4) For purposes of carrying out paragraph (1)(A)(ii) of this subsection, there is authorized to be appropriated to the Secretary \$10,420,000 for fiscal year 1999 and each fiscal year thereafter.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(B) \$350,000 for each of fiscal years 1999 through 2009.

(6) TRANSFER OF AMOUNTS.—For fiscal year 1999 and each fiscal year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer not to exceed 20 percent of the amounts appropriated to carry out clause (i) or

(ii) of paragraph (1)(A) to the amounts appropriated to carry out the other of those clauses.

(7)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A)(i) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act; except that the costs of operation and maintenance of projects located on Federal lands or lands owned or operated by a State or local government shall be borne by the Federal, State, or local agency that is responsible for management activities for fish and wildlife on such lands and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent.

(B) Notwithstanding the provisions of subsection (a)(2) of this section, the cost of implementing the activities authorized by paragraph (1)(A)(ii) of this subsection shall be allocated in accordance with the provisions of section 906 of this Act, as if such activity was required to mitigate losses to fish and wildlife.

(8) None of the funds appropriated pursuant to any authorization contained in this subsection shall be considered to be chargeable to navigation.

(f)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, is authorized to implement a program of recreational projects for the system substantially in accordance with the recommendations of the GREAT I, GREAT II, and GRRM studies and the master plan reports. In addition, the Secretary, in consultation with any such agency, shall, at Federal expense, conduct an assessment of the economic benefits generated by recreational activities in the system. The cost of each such project shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with title I of this Act.

(2) For purposes of carrying out the program of recreational projects authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$500,000 per fiscal year for each of the first 15 fiscal years beginning after the effective date of this section.

(g) The Secretary shall, in his budget request, identify those measures developed by the Secretary, in consultation with the Secretary of Transportation and any agency established under subsection (d)(1) of this section, to be undertaken to increase the capacity of specific locks throughout the system by employing non-structural measures and making minor structural improvements.

(h)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall monitor traffic movements on the system for the purpose of verifying lock capacity, updating traffic projections, and refining the economic evaluation so as to verify the need for future capacity expansion of the system.

(2) DETERMINATION.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall determine the need for river rehabilitation and environmental enhancement and protection based on the condition of the en-

vironment, project developments, and projected environmental impacts from implementing any proposals resulting from recommendations made under subsection (g) and paragraph (1) of this subsection.

(B) REQUIREMENTS.—The Secretary shall—

(i) complete the ongoing habitat needs assessment conducted under this paragraph not later than September 30, 2000; and

(ii) include in each report under subsection (e)(2) the most recent habitat needs assessment conducted under this paragraph.

(3) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.

(i)(1) The Secretary shall, as he determines feasible, dispose of dredged material from the system pursuant to the recommendations of the GREAT I, GREAT II, and GRRM studies.

(2) The Secretary shall establish and request appropriate Federal funding for a program to facilitate productive uses of dredged material. The Secretary shall work with the States which have, within their boundaries, any part of the system to identify potential users of dredged material.

(j) The Secretary is authorized to provide for the engineering, design, and construction of a second lock at locks and dam 26, Mississippi River, Alton, Illinois and Missouri, at a total cost of \$220,000,000, with a first Federal cost of \$220,000,000. Such second lock shall be one hundred and ten feet by six hundred feet and shall be constructed at or in the vicinity of the location of the replacement lock authorized by section 102 of Public Law 95-502. Section 102 of this Act shall apply to the project authorized by this subsection.

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**SEC. 1156. COST SHARING PROVISIONS FOR THE TERRITORIES AND INDIAN TRIBES.**

(a) IN GENERAL.—The Secretary shall waive local cost-sharing requirements up to \$200,000 for all studies and projects—

(1) in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and the Trust Territory of the Pacific Islands; and

(2) for any Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(b) INFLATION ADJUSTMENT.—The Secretary shall adjust the dollar amount specified in subsection (a) for [inflation for the period beginning on November 17, 1986, and ending on the date of enactment of the Water Resources Development Act of 2018.] *on an annual basis for inflation.*

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**WATER RESOURCES DEVELOPMENT ACT OF 1992**

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## TITLE II—GENERALLY APPLICABLE PROVISIONS

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### SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.

(a) **IN GENERAL.**—The Secretary is authorized to provide assistance to non-Federal interests for carrying out water-related environmental infrastructure and resource protection and development projects described in subsection (c), including waste water treatment and related facilities and water supply, storage, treatment, and distribution facilities. Such assistance may be in the form of technical and planning and design assistance. If the Secretary is to provide any design or engineering assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

(1) the service would require the use of a new technology unavailable in the private sector; or

(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of projects for which assistance is provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(c) **PROJECT DESCRIPTIONS.**—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

(1) **WASHINGTON, D.C. AND MARYLAND.**—Measures to alleviate adverse water quality impacts resulting from storm water discharges from Federal facilities in the Anacostia River watershed, Washington, D.C. and Maryland.

(2) **ATLANTA, GEORGIA.**—A combined sewer overflow treatment facility for the city of Atlanta, Georgia.

(3) **HAZARD, KENTUCKY.**—A water system (including a 13,000,000 gallon per day water treatment plant), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for Hazard, Kentucky.

(4) **ROUGE RIVER, MICHIGAN.**—Completion of a comprehensive streamflow enhancement project for the Western Townships Utility Authority, Rouge River, Wayne County, Michigan.

(5) **JACKSON COUNTY, MISSISSIPPI.**—Provision of an alternative water supply and projects for the design, installation, enhancement, or repair of sewer systems for Jackson County, Mississippi.

(6) **EPPING, NEW HAMPSHIRE.**—Evaluation and assistance in addressing expanded and advanced wastewater treatment needs for Epping, New Hampshire.

(7) **MANCHESTER, NEW HAMPSHIRE.**—Elimination of combined sewer overflows in the city of Manchester, New Hampshire.

(8) **ROCHESTER, NEW HAMPSHIRE.**—Provision of advanced wastewater treatment for the city of Rochester, New Hampshire.

(9) PATERSON AND PASSAIC COUNTY, NEW JERSEY.—Drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph's Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey.

(10) STATE OF NEW JERSEY AND NEW JERSEY WASTEWATER TREATMENT TRUST.—The development of innovative beneficial uses of sewage sludge and conventional and innovative facilities to dispose of sewage sludge or to make reusable products from sewage sludge for local government units that ceased the discharge of sewage sludge in the Atlantic Ocean.

(11) ERIE COUNTY, NEW YORK.—A tunnel from North Buffalo, New York, to Amherst Quarry to relieve flooding and improve water quality.

(12) ERIE COUNTY, NEW YORK.—A sludge processing disposal facility to serve the Erie County Sewer District 5, New York.

(13) OTSEGO COUNTY, NEW YORK.—A water storage tank and an adequate water filtration system for the Village of Milford, Otsego County, New York.

(14) CHENANGO COUNTY, NEW YORK.—A primary source water well and improvement of a water distribution system for New Berlin, Chenango County, New York.

(15) GREENSBORO AND GLASSWORKS, PENNSYLVANIA.—A sewage treatment plant for the borough of Greensboro, Pennsylvania, and the unincorporated village of Glassworks, Pennsylvania.

(16) LYNCHBURG, VIRGINIA.—Alleviation of combined sewer overflows for Lynchburg, Virginia, in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(17) RICHMOND, VIRGINIA.—Alleviation of combined sewer overflows for Richmond, Virginia, in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(18) COLONIAS ALONG UNITED STATES-MEXICO BORDER.—Wastewater treatment facilities, water systems (including water treatment plants), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for colonias in the United States along the United States-Mexico border.

(19) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(20) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(21) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

(22) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(23) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(24) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(25) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

(26) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

(27) LOS OSOS, CALIFORNIA.—Wastewater infrastructure, Los Osos, California.

(28) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

(29) KEY BISCAIYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

(30) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

(31) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

(32) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

(33) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

(34) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

(35) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

(36) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

(37) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

(38) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

(39) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(40) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(41) WINCHESTER, KENTUCKY.—Wastewater infrastructure, Winchester, Kentucky.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section \$30,000,000. Such sums shall remain available until expended.

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under this section—

(1) ~~[\$32,500,000]~~ \$57,500,000 for the project described in subsection (c)(5);

(2) \$2,000,000 for the project described in subsection (c)(6);

(3) \$20,000,000 for the project described in subsection (c)(7);

(4) \$11,000,000 for the project described in subsection (c)(8);

(5) \$25,000,000 for the project described in subsection (c)(2);

(6) \$30,000,000 for the project described in subsection (c)(9);

(7) \$30,000,000 for the project described in subsection (c)(16);

(8) \$30,000,000 for the project described in subsection (c)(17);

(9) \$35,000,000 for the project described in subsection (c)(18);

(10) \$27,000,000 for the project described in subsection (c)(19);

- (11) \$20,000,000 for the project described in subsection (c)(20);
- (12) \$35,000,000 for the project described in subsection (c)(23);
- (13) \$20,000,000 for the project described in subsection (c)(25);
- (14) \$20,000,000 for the project described in subsection (c)(26);
- (15) \$35,000,000 for the project described in subsection (c)(27);
- (16) \$20,000,000 for the project described in subsection (c)(28); and
- (17) \$30,000,000 for the project described in subsection (c)(40).

(f) **ADDITIONAL ASSISTANCE.**—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

(1) **ATLANTA, GEORGIA.**—The project described in subsection (c)(2), modified to include watershed restoration and development in the regional Atlanta watershed, including Big Creek and Rock Creek.

(2) **PATERSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.**—The project described in subsection (c)(9), modified to include drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph's Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey, and innovative facilities to manage and treat additional flows in the Passaic Valley, Passaic River basin, New Jersey.

(3) **NASHUA, NEW HAMPSHIRE.**—\$20,000,000 for a project to eliminate or control combined sewer overflows in the city of Nashua, New Hampshire.

(4) **FALL RIVER AND NEW BEDFORD, MASSACHUSETTS.**—\$35,000,000 for a project to eliminate or control combined sewer overflows in the cities of Fall River and New Bedford, Massachusetts.

(5) **FINDLAY TOWNSHIP, PENNSYLVANIA.**—\$11,000,000 for water and wastewater infrastructure in Findlay Township, Allegheny County, Pennsylvania.

(6) **DILLSBURG BOROUGH AUTHORITY, PENNSYLVANIA.**—\$2,000,000 for water and wastewater infrastructure in Franklin Township, York County, Pennsylvania.

(7) **HAMPDEN TOWNSHIP, PENNSYLVANIA.**—\$3,000,000 for water, sewer, and storm sewer improvements in Hampden Township, Pennsylvania.

(8) **TOWAMENCIN TOWNSHIP, PENNSYLVANIA.**—\$1,500,000 for sanitary sewer and water and wastewater infrastructure in Towamencin Township, Pennsylvania.

(9) **DAUPHIN COUNTY, PENNSYLVANIA.**—\$2,000,000 for a project to eliminate or control combined sewer overflows and water system rehabilitation for the city of Harrisburg, Dauphin County, Pennsylvania.

(10) **EASTERN SHORE AND SOUTHWEST VIRGINIA.**—

(A) **IN GENERAL.**—\$20,000,000 for water supply, wastewater infrastructure, and environmental restoration projects in the counties of Accomac, Northampton, Lee,



Norton, Wise, Scott, Russell, Dickenson, Buchanan, and Tazewell, Virginia.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(11) NORTHEAST PENNSYLVANIA.—\$20,000,000 for water related infrastructure in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, Northumberland, Union, Snyder, Luzerne, and Monroe, Pennsylvania, including assistance for the Mountoursville Regional Sewer Authority, Lycoming County, Pennsylvania.

(12) CALUMET REGION, INDIANA.—

(A) IN GENERAL.—\$100,000,000 for water related infrastructure projects in the counties of Benton, Jasper, Lake, Newton, and Porter, Indiana.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(13) CLINTON COUNTY, PENNSYLVANIA.—\$2,000,000 for water related infrastructure in Clinton County, Pennsylvania.

(14) PATTON TOWNSHIP, PENNSYLVANIA.—\$1,400,000 for water related infrastructure in Patton Township, Pennsylvania.

(15) NORTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA.—\$500,000 for water related infrastructure in North Fayette Township, Allegheny County, Pennsylvania.

(16) SPRINGDALE BOROUGH, PENNSYLVANIA.—\$500,000 for water related infrastructure in Springdale Borough, Pennsylvania.

(17) ROBINSON TOWNSHIP, PENNSYLVANIA.—\$1,200,000 for water related infrastructure in Robinson Township, Pennsylvania.

(18) UPPER ALLEN TOWNSHIP, PENNSYLVANIA.—\$3,400,000 for water related infrastructure in Upper Allen Township, Pennsylvania.

(19) JEFFERSON TOWNSHIP, GREENE COUNTY, PENNSYLVANIA.—\$1,000,000 for water related infrastructure in Jefferson Township, Greene County, Pennsylvania.

(20) LUMBERTON, NORTH CAROLINA.—\$1,700,000 for water and wastewater infrastructure projects in Lumberton, North Carolina.

(21) BATON ROUGE, LOUISIANA.—\$35,000,000 for water related infrastructure for the parishes of East Baton Rouge, Ascension, and Livingston, Louisiana.

(22) EAST SAN JOAQUIN COUNTY, CALIFORNIA.—

(A) IN GENERAL.—\$25,000,000 for ground water recharge and conjunctive use projects in Stockton East Water District, California.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

[(23) SACRAMENTO AREA, CALIFORNIA.—\$35,000,000 for regional water conservation and recycling projects in Placer and El Dorado Counties and the San Juan Suburban Water District, California.]

(23) SACRAMENTO AREA, CALIFORNIA.—\$45,000,000 for regional water conservation, recycling, reliability, and resiliency projects in Placer, El Dorado, and Sacramento Counties and the San Juan Suburban Water District, California.

(24) CUMBERLAND COUNTY, TENNESSEE.—\$5,000,000 for water supply projects in Cumberland County, Tennessee.

(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—~~[\$89,550,000]~~ \$110,000,000 for wastewater treatment and water supply treatment and distribution projects in the counties of Berkeley, Calhoun, Clarendon, Colleton, Dorchester, and Orangeberg, South Carolina.

(26) BRIDGEPORT, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Bridgeport, Connecticut.

(27) HARTFORD, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Hartford, Connecticut.

(28) NEW HAVEN, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of New Haven, Connecticut.

(29) OAKLAND COUNTY, MICHIGAN.—\$20,000,000 for a project to eliminate or control combined sewer overflows in the cities of Berkley, Ferndale, Madison Heights, Royal Oak, Birmingham, Hazel Park, Oak Park, Southfield, Clawson, Huntington Woods, Pleasant Ridge, and Troy, and the village of Beverly Hills, and the Charter Township of Royal Oak, Michigan.

(30) DESOTO COUNTY, MISSISSIPPI.—~~[\$75,000,000]~~ \$130,000,000 for a wastewater infrastructure project in the county of DeSoto, Mississippi.

(31) KANSAS CITY, MISSOURI.—\$15,000,000 for a project to eliminate or control combined sewer overflows in the city of Kansas City, Missouri.

(32) ST. LOUIS, MISSOURI.—~~[\$35,000,000]~~ \$70,000,000 for projects to eliminate or control combined sewer overflows in the city of St. Louis and St. Louis County, Missouri.

(33) ELIZABETH, NEW JERSEY.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Elizabeth, New Jersey.

(34) NORTH HUDSON, NEW JERSEY.—\$20,000,000 for a project to eliminate or control combined sewer overflows for the North Hudson Sewerage Authority, New Jersey.

(35) INNER HARBOR PROJECT, NEW YORK, NEW YORK.—\$15,000,000 for a project to eliminate or control combined sewer overflows for the inner harbor project, New York, New York.

(36) OUTER HARBOR PROJECT, NEW YORK, NEW YORK.—\$15,000,000 for a project to eliminate or control combined sewer overflows for the outer harbor project, New York, New York.

(37) LEBANON, NEW HAMPSHIRE.—\$8,000,000 for a project to eliminate or control combined sewer overflows in the city of Lebanon, New Hampshire.

(38) ASTORIA, OREGON.—\$5,000,000 for a project to eliminate or control combined sewer overflows in the city of Astoria, Oregon.

(39) CACHE COUNTY, UTAH.—\$5,000,000 for a wastewater infrastructure project for Cache County, Utah.

(40) LAWTON, OKLAHOMA.—\$5,000,000 for a wastewater infrastructure project for the city of Lawton, Oklahoma.

(41) LANCASTER, CALIFORNIA.—\$1,500,000 for a project to provide water facilities for the Fox Field Industrial Corridor, Lancaster, California.

(42) SAN RAMON VALLEY, CALIFORNIA.—\$15,000,000 for a project for recycled water for San Ramon Valley, California.

(43) HARBOR/SOUTH BAY, CALIFORNIA.—\$70,000,000 for an industrial water reuse project for the Harbor/South Bay area, California.

(45) WASHINGTON, D.C., AND MARYLAND.—\$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.

(46) DUCK RIVER, CULLMAN, ALABAMA.—\$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

(47) UNION COUNTY, ARKANSAS.—\$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

(48) CAMBRIA, CALIFORNIA.—

(A) IN GENERAL.—\$10,300,000 for desalination infrastructure, Cambria, California.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project not to exceed \$3,000,000 for the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(49) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—\$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

(50) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—\$24,500,000 for water and wastewater infrastructure, North Valley Region, Lancaster, California.

(51) SAN DIEGO COUNTY, CALIFORNIA.—\$10,000,000 for water-related infrastructure, San Diego County, California.

(52) SOUTH PERRIS, CALIFORNIA.—~~[\$25,000,000]~~ \$50,000,000 for water supply desalination infrastructure, South Perris, California.

(53) AURORA, ILLINOIS.—\$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

(54) COOK COUNTY, ILLINOIS.—\$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

(55) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—~~[\$10,000,000]~~ \$45,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

(56) IBERIA PARISH, LOUISIANA.—\$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

(57) KENNER, LOUISIANA.—\$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

(58) BENTON HARBOR, MICHIGAN.—\$1,500,000 for water-related infrastructure, City of Benton Harbor, Michigan.

(59) GENESEE COUNTY, MICHIGAN.—\$6,700,000 for wastewater infrastructure assistance to reduce or eliminate sewer overflows, Genesee County, Michigan.

(60) NEGAUNEE, MICHIGAN.—\$10,000,000 for wastewater infrastructure assistance, City of Negaunee, Michigan.

(61) GARRISON, CROW WING COUNTY, MILLE LACS COUNTY, MILLE LACS INDIAN RESERVATION, AND KATHIO TOWNSHIP, MINNESOTA.—\$17,000,000 for a wastewater infrastructure project for the city of Garrison, Crow Wing County, Mille Lacs County, Mille Lacs Indian Reservation established by the treaty of February 22, 1855 (10 Stat. 1165), and Kathio Township, Minnesota. Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota, except for assistance provided directly to the Mille Lacs Band of Ojibwe at the discretion of the Secretary.

(62) NEWTON, NEW JERSEY.—\$7,000,000 for water filtration infrastructure, Newton, New Jersey.

(63) LIVERPOOL, NEW YORK.—\$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

(64) STANLY COUNTY, NORTH CAROLINA.—\$8,900,000 for water and wastewater infrastructure, Stanly County, North Carolina.

(65) YUKON, OKLAHOMA.—\$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

(66) ALLEGHENY COUNTY, PENNSYLVANIA.—

(A) IN GENERAL.—\$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(67) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—\$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

(68) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—\$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

(69) TITUSVILLE, PENNSYLVANIA.—\$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

(70) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—\$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.

(71) CORONADO, CALIFORNIA.—

(A) \$10,000,000 is authorized for wastewater infrastructure, Coronado, California.

(B) The Federal Share may be in the form of grants or reimbursements of project costs incurred by the non-Federal sponsor for work performed by the non-Federal sponsor before or after the execution of a project cooperation agreement, if the Secretary determines that such work is integral to the project.

(C) The Secretary is authorized to credit towards the non-Federal share of project costs the costs incurred by the non-Federal sponsor for work performed by the non-Federal sponsor before or after the execution of a project cooperation agreement, if the Secretary determines that such work is integral to the project.

(72) CHARLESTON, SOUTH CAROLINA.—\$10,000,000 for wastewater infrastructure, including wastewater collection systems, and stormwater system improvements, Charleston, South Carolina.

(73) PLACER AND EL DORADO COUNTIES, CALIFORNIA.—\$35,000,000 to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties, California, through water and wastewater projects, programs, and infrastructure.

(74) LASSEN, PLUMAS, BUTTE, SIERRA, AND NEVADA COUNTIES, CALIFORNIA.—\$25,000,000 to improve the efficiency and use of existing water supplies in the counties of Lassen, Plumas, Butte, Sierra, and Nevada, California, through water and waste water projects, programs, and infrastructure.

(75) INDIANAPOLIS, INDIANA.—\$6,430,000 for environmental infrastructure for Indianapolis, Indiana.

(76) ST. CROIX FALLS, WISCONSIN.—\$5,000,000 for waste water infrastructure, St. Croix Falls, Wisconsin.

(77) ALPINE, CALIFORNIA.—\$10,000,000 is authorized for a water transmission main, Alpine, CA.

(78) ST. CLAIR COUNTY, BLOUNT COUNTY, AND CULLMAN COUNTY, ALABAMA.—\$5,000,000 for water related infrastructure, St. Clair County, Blount County, and Cullman County, Alabama.

(79) CRAWFORD COUNTY, ARKANSAS.—\$35,000,000 for water supply infrastructure, Crawford County, Arkansas.

(80) ALAMEDA AND CONTRA COSTA COUNTIES, CALIFORNIA.—\$25,000,000 for recycled water treatment facilities within the

East Bay Municipal Utility District service area, Alameda and Contra Costa Counties, California.

(81) ALISO CREEK, ORANGE COUNTY, CALIFORNIA.—\$5,000,000 for water related infrastructure, Aliso Creek, Orange County, California.

(82) AMADOR COUNTY, CALIFORNIA.—\$3,000,000 for wastewater collection and treatment infrastructure, Amador County, California.

(83) ARCADIA, SIERRA MADRE, AND UPLAND, CALIFORNIA.—\$33,000,000 for water and wastewater infrastructure, Arcadia, Sierra Madre, and Upland, California, including \$13,000,000 for stormwater infrastructure for Upland, California.

(84) BIG BEAR AREA REGIONAL WASTEWATER AGENCY, CALIFORNIA.—\$15,000,000 for water reclamation and distribution infrastructure, Big Bear Area Regional Wastewater Agency, California.

(85) BRAWLEY COLONIA, IMPERIAL COUNTY, CALIFORNIA.—\$1,400,000 for water infrastructure to improve water quality in the Brawley Colonia Water District, Imperial County, California.

(86) CALAVERAS COUNTY, CALIFORNIA.—\$3,000,000 for water supply and wastewater infrastructure improvement projects in Calaveras County, California, including wastewater reclamation, recycling, and conjunctive use projects.

(87) CONTRA COSTA WATER DISTRICT, CALIFORNIA.—\$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.

(88) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—\$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

(89) EAST PALO ALTO, CALIFORNIA.—\$4,000,000 for a new pump station and stormwater management and drainage system, East Palo Alto, California.

(90) IMPERIAL COUNTY, CALIFORNIA.—\$10,000,000 for wastewater infrastructure, including a wastewater disinfection facility and polishing system, to improve water quality in the vicinity of Calexico, California, on the southern New River, Imperial County, California.

(91) LA HABRA, CALIFORNIA.—\$5,000,000 for wastewater and water related infrastructure, city of La Habra, California.

(92) LA MIRADA, CALIFORNIA.—\$4,000,000 for the planning, design, and construction of a stormwater program in La Mirada, California.

(93) LOS ANGELES COUNTY, CALIFORNIA.—\$3,000,000 for wastewater and water related infrastructure, Diamond Bar, La Habra Heights, and Rowland Heights, Los Angeles County, California.

(94) LOS ANGELES COUNTY, CALIFORNIA.—\$20,000,000 for the planning, design, and construction of water related infrastructure for Santa Monica Bay and the coastal zone of Los Angeles County, California.

(95) MALIBU, CALIFORNIA.—\$3,000,000 for municipal wastewater and recycled water infrastructure, Malibu Creek Watershed Protection Project, Malibu, California.

(96) MONTEBELLO, CALIFORNIA.—\$4,000,000 for water infrastructure improvements in south Montebello, California.

(97) NEW RIVER, CALIFORNIA.—\$10,000,000 for wastewater infrastructure to improve water quality in the New River, California.

(98) ORANGE COUNTY, CALIFORNIA.—\$10,000,000 for wastewater and water related infrastructure, Anaheim, Brea, Mission Viejo, Rancho Santa Margarita, and Yorba Linda, Orange County, California.

(99) PORT OF STOCKTON, STOCKTON, CALIFORNIA.—\$3,000,000 for water and wastewater infrastructure projects for Rough and Ready Island and vicinity, Stockton, California.

(100) PERRIS, CALIFORNIA.—\$3,000,000 for recycled water transmission infrastructure, Eastern Municipal Water District, Perris, California.

(101) SAN BERNARDINO COUNTY, CALIFORNIA.—\$9,000,000 for wastewater and water related infrastructure, Chino and Chino Hills, San Bernardino County, California.

(102) SANTA CLARA COUNTY, CALIFORNIA.—\$5,500,000 for an advanced recycling water treatment plant in Santa Clara County, California.

(103) SANTA MONICA, CALIFORNIA.—\$3,000,000 for improving water system reliability, Santa Monica, California.

(104) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—\$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

(105) STOCKTON, CALIFORNIA.—\$33,000,000 for water treatment and distribution infrastructure, Stockton, California.

(106) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—\$375,000 to improve water quality and remove non-native aquatic nuisance species from the Sweetwater Reservoir, San Diego County, California.

(107) WHITTIER, CALIFORNIA.—\$8,000,000 for water, wastewater, and water related infrastructure, Whittier, California.

(108) ARKANSAS VALLEY CONDUIT, COLORADO.—\$10,000,000 for the Arkansas Valley Conduit, Colorado.

(109) BOULDER COUNTY, COLORADO.—\$10,000,000 for water supply infrastructure, Boulder County, Colorado.

(110) MONTEZUMA AND LA PLATA COUNTIES, COLORADO.—\$1,000,000 for water and wastewater related infrastructure for the Ute Mountain project, Montezuma and La Plata Counties, Colorado.

(111) OTERO, BENT, CROWLEY, KIOWA, AND PROWERS COUNTIES, COLORADO.—\$35,000,000 for water transmission infrastructure, Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.

(112) PUEBLO AND OTERO COUNTIES, COLORADO.—\$34,000,000 for water transmission infrastructure, Pueblo and Otero Counties, Colorado.

(113) ENFIELD, CONNECTICUT.—\$1,000,000 for infiltration and inflow correction, Enfield, Connecticut.

(114) LEDYARD AND MONTVILLE, CONNECTICUT.—\$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

(115) NEW HAVEN, CONNECTICUT.—\$300,000 for stormwater system improvements, New Haven, Connecticut.

(116) NORWALK, CONNECTICUT.—\$3,000,000 for the Keeler Brook Storm Water Improvement Project, Norwalk, Connecticut.

(117) PLAINVILLE, CONNECTICUT.—\$6,280,000 for wastewater treatment, Plainville, Connecticut.

(118) SOUTHTON, CONNECTICUT.—\$9,420,000 for water supply infrastructure, Southington, Connecticut.

(119) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—\$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

(120) DISTRICT OF COLUMBIA.—\$35,000,000 for implementation of a combined sewer overflow long-term control plan in the District of Columbia.

(121) CHARLOTTE COUNTY, FLORIDA.—\$3,000,000 for water supply infrastructure, Charlotte County, Florida.

(122) CHARLOTTE, LEE, AND COLLIER COUNTIES, FLORIDA.—\$20,000,000 for water supply interconnectivity infrastructure, Charlotte, Lee, and Collier Counties, Florida.

(123) COLLIER COUNTY, FLORIDA.—\$5,000,000 for water infrastructure to improve water quality in the vicinity of the Gordon River, Collier County, Florida.

(124) HILLSBOROUGH COUNTY, FLORIDA.—\$6,250,000 for water infrastructure and supply enhancement, Hillsborough County, Florida.

(125) JACKSONVILLE, FLORIDA.—\$25,000,000 for wastewater related infrastructure, including septic tank replacements, Jacksonville, Florida.

(126) SARASOTA COUNTY, FLORIDA.—\$10,000,000 for water and wastewater infrastructure in Sarasota County, Florida.

(127) SOUTH SEMINOLE AND NORTH ORANGE COUNTY, FLORIDA.—\$30,000,000 for wastewater infrastructure for the South Seminole and North Orange Wastewater Transmission Authority, Florida.

(128) MIAMI-DADE COUNTY, FLORIDA.—\$6,250,000 for water reuse supply and a water transmission pipeline, Miami-Dade County, Florida.

(129) PALM BEACH COUNTY, FLORIDA.—\$7,500,000 for water infrastructure, Palm Beach County, Florida.

(130) ALBANY, GEORGIA.—\$4,000,000 for a storm drainage system, Albany, Georgia.

(131) BANKS COUNTY, GEORGIA.—\$5,000,000 for water infrastructure improvements, Banks County, Georgia.

(132) BERRIEN COUNTY, GEORGIA.—\$5,000,000 for water infrastructure improvements, Berrien County, Georgia.

(133) CHATTOOGA COUNTY, GEORGIA.—\$8,000,000 for wastewater and drinking water infrastructure improvement, Chattooga County, Georgia.

(134) CHATTOOGA, FLOYD, GORDON, WALKER, AND WHITFIELD COUNTIES, GEORGIA.—\$10,000,000 for water infrastructure improvements, Armuchee Valley, Chattooga, Floyd, Gordon, Walker, and Whitfield Counties, Georgia.



(135) DAHLONEGA, GEORGIA.—\$5,000,000 for water infrastructure improvements, Dahlonega, Georgia.

(136) EAST POINT, GEORGIA.—\$5,000,000 for water infrastructure improvements, city of East Point, Georgia.

(137) FAYETTEVILLE, GRANTVILLE, LAGRANGE, PINE MOUNTAIN (HARRIS COUNTY), DOUGLASVILLE, AND CARROLLTON, GEORGIA.—\$24,500,000 for water and wastewater infrastructure, Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.

(138) MERIWETHER AND SPALDING COUNTIES, GEORGIA.—\$7,000,000 for water and wastewater infrastructure, Meriwether and Spalding Counties, Georgia.

(139) MOULTRIE, GEORGIA.—\$5,000,000 for water supply infrastructure, Moultrie, Georgia.

(140) STEPHENS COUNTY/CITY OF TOCCOA, GEORGIA.—\$8,000,000 water infrastructure improvements, Stephens County/city of Toccoa, Georgia.

(141) NORTH VERNON AND BUTLERVILLE, INDIANA.—\$1,700,000 for wastewater infrastructure, North Vernon and Butlerville, Indiana.

(142) SALEM, WASHINGTON COUNTY, INDIANA.—\$3,200,000 for water supply infrastructure, Salem, Washington County, Indiana.

(143) ATCHISON, KANSAS.—\$20,000,000 to address combined sewer overflows, Atchison, Kansas.

(144) CENTRAL KENTUCKY.—\$10,000,000 for water related infrastructure and resource protection and development, Scott, Franklin, Woodford, Anderson, Fayette, Mercer, Jessamine, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Clark, Montgomery, and Bourbon Counties, Kentucky.

(145) LAFAYETTE, LOUISIANA.—\$1,200,000 for water and wastewater improvements, Lafayette, Louisiana.

(146) LAFOURCHE PARISH, LOUISIANA.—\$2,300,000 for measures to prevent the intrusion of saltwater into the freshwater system, Lafourche Parish, Louisiana.

(147) LAKE CHARLES, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Lake Charles, Louisiana.

(148) NORTHWEST LOUISIANA COUNCIL OF GOVERNMENTS, LOUISIANA.—\$2,000,000 for water and wastewater improvements, Northwest Louisiana Council of Governments, Louisiana.

(149) OUACHITA PARISH, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Ouachita Parish, Louisiana.

(150) PLAQUEMINE, LOUISIANA.—\$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

(151) RAPIDES AREA PLANNING COMMISSION, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Rapides, Louisiana.

(152) SHREVEPORT, LOUISIANA.—\$20,000,000 for water supply infrastructure in Shreveport, Louisiana.

(153) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—\$2,500,000 for water and wastewater improvements, South Central Planning and Development Commission, Louisiana.

(154) UNION-LINCOLN REGIONAL WATER SUPPLY PROJECT, LOUISIANA.—\$2,000,000 for the Union-Lincoln Regional Water Supply project, Louisiana.

(155) CHESAPEAKE BAY IMPROVEMENTS, MARYLAND, VIRGINIA, AND DISTRICT OF COLUMBIA.—\$30,000,000 for environmental infrastructure projects to benefit the Chesapeake Bay, including the nutrient removal project at the Blue Plains Wastewater Treatment facility in the District of Columbia.

(156) CHESAPEAKE BAY REGION, MARYLAND AND VIRGINIA.—\$40,000,000 for water pollution control, Chesapeake Bay Region, Maryland and Virginia.

(157) MICHIGAN COMBINED SEWER OVERFLOWS.—\$35,000,000 for correction of combined sewer overflows, Michigan.

(158) CENTRAL IRON RANGE SANITARY SEWER DISTRICT, MINNESOTA.—\$12,000,000 for wastewater infrastructure for the Central Iron Range Sanitary Sewer District to serve the cities of Hibbing, Chisholm, Buhl, and Kinney, and Balkan and Great Scott Townships, Minnesota.

(159) CENTRAL LAKE REGION SANITARY DISTRICT, MINNESOTA.—\$2,000,000 for sanitary sewer and wastewater infrastructure for the Central Lake Region Sanitary District, Minnesota, to serve Le Grande and Moe Townships, Minnesota.

(160) GOODVIEW, MINNESOTA.—\$3,000,000 for water quality infrastructure, Goodview, Minnesota.

(161) GRAND RAPIDS, MINNESOTA.—\$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

(162) WILLMAR, MINNESOTA.—\$15,000,000 for wastewater infrastructure, Willmar, Minnesota.

(163) BILOXI, MISSISSIPPI.—\$5,000,000 for water and wastewater related infrastructure, city of Biloxi, Mississippi.

(164) CORINTH, MISSISSIPPI.—\$7,500,000 for a surface water program, city of Corinth, Mississippi.

(165) GULFPORT, MISSISSIPPI.—\$5,000,000 for water and wastewater related infrastructure, city of Gulfport, Mississippi.

(166) HARRISON COUNTY, MISSISSIPPI.—\$5,000,000 for water and wastewater related infrastructure, Harrison County, Mississippi.

(167) JACKSON, MISSISSIPPI.—\$25,000,000 for water and wastewater infrastructure, Jackson, Mississippi.

(168) CLARK COUNTY, NEVADA.—\$30,000,000 for wastewater infrastructure, Clark County, Nevada.

(169) CLEAN WATER COALITION, NEVADA.—\$50,000,000 for the Systems Conveyance and Operations Program, Clark County, Henderson, Las Vegas, and North Las Vegas, Nevada.

(170) GLENDALE DAM DIVERSION STRUCTURE, NEVADA.—\$10,000,000 for water system improvements to the Glendale Dam Diversion Structure for the Truckee Meadows Water Authority, Nevada.

(171) HENDERSON, NEVADA.—\$13,000,000 for wastewater infrastructure, Henderson, Nevada.

(172) INDIAN SPRINGS, NEVADA.—\$12,000,000 for construction of wastewater system improvements for the Indian Springs community, Nevada.

(173) RENO, NEVADA.—\$13,000,000 for construction of a water conservation project for the Highland Canal, Mogul Bypass in Reno, Nevada.

(174) WASHOE COUNTY, NEVADA.—\$14,000,000 for construction of water infrastructure improvements to the Huffaker Hills Reservoir Conservation Project, Washoe County, Nevada.

(175) CRANFORD TOWNSHIP, NEW JERSEY.—\$6,000,000 for storm sewer improvements, Cranford Township, New Jersey.

(176) MIDDLETOWN TOWNSHIP, NEW JERSEY.—\$1,100,000 for storm sewer improvements, Middletown Township, New Jersey.

(177) PATERSON, NEW JERSEY.—\$35,000,000 for wastewater infrastructure, Paterson, New Jersey.

(178) RAHWAY VALLEY, NEW JERSEY.—\$25,000,000 for sanitary sewer and storm sewer improvements in the service area of the Rahway Valley Sewerage Authority, New Jersey.

(179) BABYLON, NEW YORK.—\$5,000,000 for wastewater infrastructure, Town of Babylon, New York.

(180) ELLICOTTVILLE, NEW YORK.—\$2,000,000 for water supply, water, and wastewater infrastructure in Ellicottville, New York.

(181) ELMIRA, NEW YORK.—\$5,000,000 for wastewater infrastructure, Elmira, New York.

(182) ESSEX HAMLET, NEW YORK.—\$5,000,000 for wastewater infrastructure, Essex Hamlet, New York.

(183) FLEMING, NEW YORK.—\$5,000,000 for drinking water infrastructure, Fleming, New York.

(184) KIRYAS JOEL, NEW YORK.—\$5,000,000 for drinking water infrastructure, village of Kiryas Joel, New York.

(185) NIAGARA FALLS, NEW YORK.—\$5,000,000 for wastewater infrastructure, Niagara Falls Water Board, New York.

(186) PATCHOGUE, NEW YORK.—\$5,000,000 for wastewater infrastructure, village of Patchogue, New York.

(187) SENNETT, NEW YORK.—\$1,500,000 for water infrastructure, town of Sennett, New York.

(188) SPRINGPORT AND FLEMING, NEW YORK.—\$10,000,000 for water related infrastructure, including water mains, pump stations, and water storage tanks, Springport and Fleming, New York.

(189) WELLSVILLE, NEW YORK.—\$2,000,000 for water supply, water, and wastewater infrastructure in Wellsville, New York.

(190) YATES COUNTY, NEW YORK.—\$5,000,000 for drinking water infrastructure, Yates County, New York.

(191) CABARRUS COUNTY, NORTH CAROLINA.—\$4,500,000 for water related infrastructure, Cabarrus County, North Carolina.

(192) CARY, WAKE COUNTY, NORTH CAROLINA.—\$4,000,000 for a water reclamation facility, Cary, Wake County, North Carolina.

(193) CHARLOTTE, NORTH CAROLINA.—\$14,000,000 for the Briar Creek Relief Sewer project, city of Charlotte, North Carolina.

(194) FAYETTEVILLE, CUMBERLAND COUNTY, NORTH CAROLINA.—\$6,000,000 for water and sewer upgrades, city of Fayetteville, Cumberland County, North Carolina.

(195) MOORESVILLE, NORTH CAROLINA.—\$4,000,000 for water and wastewater infrastructure improvements, town of Mooresville, North Carolina.

(196) NEUSE REGIONAL WATER AND SEWER AUTHORITY, NORTH CAROLINA.—\$4,000,000 for the Neuse regional drinking water facility, Kinston, North Carolina.

(197) RICHMOND COUNTY, NORTH CAROLINA.—\$13,500,000 for water related infrastructure, Richmond County, North Carolina.

(198) UNION COUNTY, NORTH CAROLINA.—\$6,000,000 for water related infrastructure, Union County, North Carolina.

(199) WASHINGTON COUNTY, NORTH CAROLINA.—\$1,000,000 for water and wastewater infrastructure, Washington County, North Carolina.

(200) WINSTON-SALEM, NORTH CAROLINA.—\$3,000,000 for stormwater upgrades, city of Winston-Salem, North Carolina.

(201) NORTH DAKOTA.—\$15,000,000 for water-related infrastructure, North Dakota.

(202) DEVILS LAKE, NORTH DAKOTA.—\$15,000,000 for water supply infrastructure, Devils Lake, North Dakota.

(203) SAIPAN, NORTHERN MARIANA ISLANDS.—\$20,000,000 for water related infrastructure, Saipan, Northern Mariana Islands.

(204) AKRON, OHIO.—\$5,000,000 for wastewater infrastructure, Akron, Ohio.

(205) BURR OAK REGIONAL WATER DISTRICT, OHIO.—\$4,000,000 for construction of a water line to extend from a well field near Chauncey, Ohio, to a water treatment plant near Millfield, Ohio.

(206) CINCINNATI, OHIO.—\$1,000,000 for wastewater infrastructure, Cincinnati, Ohio.

(207) CLEVELAND, OHIO.—\$2,500,000 for Flats East Bank water and wastewater infrastructure, city of Cleveland, Ohio.

(208) COLUMBUS, OHIO.—\$4,500,000 for wastewater infrastructure, Columbus, Ohio.

(209) DAYTON, OHIO.—\$1,000,000 for water and wastewater infrastructure, Dayton, Ohio.

(210) DEFIANCE COUNTY, OHIO.—\$1,000,000 for wastewater infrastructure, Defiance County, Ohio.

(211) FOSTORIA, OHIO.—\$2,000,000 for wastewater infrastructure, Fostoria, Ohio.

(212) FREMONT, OHIO.—\$2,000,000 for construction of off-stream water supply reservoir, Fremont, Ohio.

(213) LAKE COUNTY, OHIO.—\$1,500,000 for wastewater infrastructure, Lake County, Ohio.

(214) LAWRENCE COUNTY, OHIO.—\$5,000,000 for Union Rome wastewater infrastructure, Lawrence County, Ohio.

(215) MEIGS COUNTY, OHIO.—\$1,000,000 to extend the Tupper Plains Regional Water District water line to Meigs County, Ohio.

(216) MENTOR-ON-LAKE, OHIO.—\$625,000 for water and wastewater infrastructure, Mentor-on-Lake, Ohio.

(217) VINTON COUNTY, OHIO.—\$1,000,000 to construct water lines in Vinton and Brown Townships, Ohio.

(218) WILLOWICK, OHIO.—\$665,000 for water and wastewater infrastructure, Willowick, Ohio.

(219) ADA, OKLAHOMA.—\$1,700,000 for sewer improvements and other water infrastructure, city of Ada, Oklahoma.

(220) ALVA, OKLAHOMA.—\$250,000 for wastewater infrastructure improvements, city of Alva, Oklahoma.

(221) ARDMORE, OKLAHOMA.—\$1,900,000 for water and sewer infrastructure improvements, city of Ardmore, Oklahoma.

(222) BARTLESVILLE, OKLAHOMA.—\$2,500,000 for water supply infrastructure, city of Bartlesville, Oklahoma.

(223) BETHANY, OKLAHOMA.—\$1,500,000 for water improvements and water related infrastructure, city of Bethany, Oklahoma.

(224) CHICKASHA, OKLAHOMA.—\$650,000 for industrial park sewer infrastructure, city of Chickasha, Oklahoma.

(225) DISNEY AND LANGLEY, OKLAHOMA.—\$2,500,000 for water and sewer improvements and water related infrastructure, cities of Disney and Langley, Oklahoma.

(226) DURANT, OKLAHOMA.—\$3,300,000 for bayou restoration and water related infrastructure, city of Durant, Oklahoma.

(227) EASTERN OKLAHOMA STATE UNIVERSITY, WILBERTON, OKLAHOMA.—\$1,000,000 for sewer and utility upgrades and water related infrastructure, Eastern Oklahoma State University, Wilberton, Oklahoma.

(228) GUYMON, OKLAHOMA.—\$16,000,000 for water and wastewater related infrastructure, city of Guymon, Oklahoma.

(229) KONAWA, OKLAHOMA.—\$500,000 for water treatment infrastructure improvements, city of Konawa, Oklahoma.

(230) LUGERT-ALTUS IRRIGATION DISTRICT, ALTUS, OKLAHOMA.—\$5,000,000 for water related infrastructure improvements, Lugert-Altus Irrigation District, Altus, Oklahoma.

(231) MIDWEST CITY, OKLAHOMA.—~~[\$2,000,000]~~ \$5,000,000 for improvements to water related infrastructure, the City of Midwest City, Oklahoma.

(232) MUSTANG, OKLAHOMA.—\$3,325,000 for water improvements and water related infrastructure, city of Mustang, Oklahoma.

(233) NORMAN, OKLAHOMA.—\$10,000,000 for water related infrastructure, Norman, Oklahoma.

(234) OKLAHOMA PANHANDLE STATE UNIVERSITY, GUYMON, OKLAHOMA.—\$275,000 for water testing facility and water related infrastructure development, Oklahoma Panhandle State University, Guymon, Oklahoma.

(235) WEATHERFORD, OKLAHOMA.—\$500,000 for arsenic program and water related infrastructure, city of Weatherford, Oklahoma.

(236) WOODWARD, OKLAHOMA.—\$1,500,000 for water improvements and water related infrastructure, Woodward, Oklahoma.

(237) ALBANY, OREGON.—\$35,000,000 for wastewater infrastructure to improve habitat restoration, Albany, Oregon.

(238) BEAVER CREEK RESERVOIR, PENNSYLVANIA.—\$3,000,000 for projects for water supply and related activities, Beaver Creek Reservoir, Clarion County, Beaver and Salem Townships, Pennsylvania.

(239) HATFIELD BOROUGH, PENNSYLVANIA.—\$310,000 for wastewater related infrastructure for Hatfield Borough, Pennsylvania.

(240) LEHIGH COUNTY, PENNSYLVANIA.—\$5,000,000 for stormwater control measures and storm sewer improvements, Lehigh County, Pennsylvania.

(241) NORTH WALES BOROUGH, PENNSYLVANIA.—\$1,516,584 for wastewater related infrastructure for North Wales Borough, Pennsylvania.

(242) PEN ARGYL, PENNSYLVANIA.—\$5,250,000 for wastewater infrastructure, Pen Argyl, Pennsylvania.

(243) PHILADELPHIA, PENNSYLVANIA.—\$1,600,000 for wastewater related infrastructure for Philadelphia, Pennsylvania.

(244) STOCKERTON BOROUGH, TATAMY BOROUGH, AND PALMER TOWNSHIP, PENNSYLVANIA.—\$10,000,000 for stormwater control measures, particularly to address sinkholes, in the vicinity of Stockerton Borough, Tatamy Borough, and Palmer Township, Pennsylvania.

(245) VERA CRUZ, PENNSYLVANIA.—\$5,500,000 for wastewater infrastructure, Vera Cruz, Pennsylvania.

(246) COMMONWEALTH OF PUERTO RICO.—\$35,000,000 for water and wastewater infrastructure in the Commonwealth of Puerto Rico.

(247) CHARLESTON, SOUTH CAROLINA.—\$4,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

(248) CHARLESTON AND WEST ASHLEY, SOUTH CAROLINA.—\$6,000,000 for wastewater tunnel replacement, Charleston and West Ashley, South Carolina.

(249) CROOKED CREEK, MARLBORO COUNTY, SOUTH CAROLINA.—\$25,000,000 for a project for water storage and water supply infrastructure on Crooked Creek, Marlboro County, South Carolina.

(250) MYRTLE BEACH, SOUTH CAROLINA.—\$18,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

(251) NORTH MYRTLE BEACH, SOUTH CAROLINA.—\$11,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

(252) SURFSIDE, SOUTH CAROLINA.—\$11,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

(253) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—\$65,000,000 for water related infrastructure, Cheyenne River Sioux Reservation (Dewey and Ziebach counties) and Perkins and Meade Counties, South Dakota.

(254) ATHENS, TENNESSEE.—\$16,000,000 for wastewater infrastructure, Athens, Tennessee.

(255) BLAINE, TENNESSEE.—\$500,000 for water supply and wastewater infrastructure, Blaine, Tennessee.

(256) CLAIBORNE COUNTY, TENNESSEE.—\$1,250,000 for water supply and wastewater infrastructure, Claiborne County, Tennessee.

(257) GILES COUNTY, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure, county of Giles, Tennessee.

(258) GRAINGER COUNTY, TENNESSEE.—\$1,250,000 for water supply and wastewater infrastructure, Grainger County, Tennessee.

(259) HAMILTON COUNTY, TENNESSEE.—\$500,000 for water supply and wastewater infrastructure, Hamilton County, Tennessee.

(260) HARROGATE, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure, city of Harrogate, Tennessee.

(261) JOHNSON COUNTY, TENNESSEE.—\$600,000 for water supply and wastewater infrastructure, Johnson County, Tennessee.

(262) KNOXVILLE, TENNESSEE.—\$5,000,000 for water supply and wastewater infrastructure, city of Knoxville, Tennessee.

(263) NASHVILLE, TENNESSEE.—\$5,000,000 for water supply and wastewater infrastructure, Nashville, Tennessee.

(264) LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure, counties of Lewis, Lawrence, and Wayne, Tennessee.

(265) OAK RIDGE, TENNESSEE.—\$4,000,000 for water supply and wastewater infrastructure, city of Oak Ridge, Tennessee.

(266) PLATEAU UTILITY DISTRICT, MORGAN COUNTY, TENNESSEE.—\$1,000,000 for water supply and wastewater infrastructure, Morgan County, Tennessee.

(267) SHELBY COUNTY, TENNESSEE.—\$4,000,000 for water related environmental infrastructure, county of Shelby, Tennessee.

(268) CENTRAL TEXAS.—\$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burleson, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

(269) EL PASO COUNTY, TEXAS.—~~[\$25,000,000]~~ \$75,000,000 for water related infrastructure and resource protection, including stormwater management, and development, El Paso County, Texas.

(270) FT. BEND COUNTY, TEXAS.—\$20,000,000 for water and wastewater infrastructure, Ft. Bend County, Texas.

(271) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—\$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

(272) NORTHERN WEST VIRGINIA.—\$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie Counties, West Virginia.

(273) UNITED STATES VIRGIN ISLANDS.—\$25,000,000 for wastewater infrastructure for the St. Croix Anguilla wastewater treatment plant and the St. Thomas Charlotte Amalie wastewater treatment plant, United States Virgin Islands.

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## TITLE III—MISCELLANEOUS PROVISIONS

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**SEC. 313. SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in south central Pennsylvania. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in south central Pennsylvania, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) **CONSULTATION WITH SARCD COUNCIL.**—In carrying out this section, the Secretary shall consult the SARCD Council.

(d) **LOCAL COOPERATION AGREEMENTS.**—

(1) **IN GENERAL.**—Before providing assistance under this Act, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) **REQUIREMENTS.**—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with the SARCD Council and other appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) **COST-SHARING.**—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs but not to exceed 25 percent of total project costs. Operation and maintenance costs shall be 100 percent non-Federal.

(e) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(f) **REPORT.**—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommenda-



tions concerning whether or not such program should be implemented on a national basis.

(g) AUTHORIZATION AND ALLOCATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ~~【\$200,000,000】~~ \$400,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(2) ALLOCATION.—Funds appropriated to carry out this section for each of fiscal years 1993 through 1998 shall be expended as follows: 50 percent for providing assistance in the Chesapeake Bay watershed area of south central Pennsylvania and 50 percent for providing assistance in the Ohio River watershed area of south central Pennsylvania.

(3) TRANSFERS.—The Secretary may expend up to 20 percent of the amounts required to be expended under paragraph (2) for providing assistance in a watershed area for providing assistance in the other watershed area referred to in paragraph (2); except that the aggregate amount expended for providing assistance in the Chesapeake Bay watershed area for fiscal years 1993 through 1998 shall be 50 percent of the aggregate of the funds appropriated to carry out this section for such fiscal years.

(4) CORP OF ENGINEERS EXPENSES.—10 percent of the amounts appropriated to carry out this section for each of fiscal years 2000 through 2002 may be used by the Corps of Engineers district offices to administer and implement projects under this section at 100 percent Federal expense.

(h) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SARCD COUNCIL.—The term “SARCD Council” means the Southern Allegheny Resource Conservation and Development Council.

(2) SOUTH CENTRAL PENNSYLVANIA.—The term “south central Pennsylvania” means Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, *Beaver*, *Jefferson*, and Westmoreland Counties, Pennsylvania.

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**SEC. 330. HARBOR MAINTENANCE TRUST FUND DEPOSITS AND EXPENDITURES.**

(a) REPORT.—Not later than March 1, 1993, ~~【and annually thereafter,】~~ *and annually thereafter concurrent with the submission of the President’s annual budget request to Congress*, the President shall transmit to the Committee on ~~【Public Works and Transportation】~~ *Transportation and Infrastructure* of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on expenditures from and deposits into the Harbor Maintenance Trust Fund.

(b) CONTENTS.—

(1) IN GENERAL.—Each report to be transmitted under subsection (a) shall contain the following:

(A) A description of expenditures made from the trust fund in the previous fiscal year on a project-by-project basis.

(B) A description of deposits made into the trust fund in the previous fiscal year and the sources of such deposits.

(C) A 5-year projection of expenditures from and deposits into the trust fund.

(D) *A description of the expected expenditures from the trust fund to meet the needs of navigation for the fiscal year of the budget request.*

(2) PREVIOUS YEARS INFORMATION.—In addition to information required under paragraph (1), the initial report to be transmitted under subsection (a) shall contain the information described in subparagraphs (A) and (B) of paragraph (1) for fiscal years 1987 through 1992.

\* \* \* \* \*

**SEC. 340. SOUTHERN WEST VIRGINIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in southern West Virginia. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southern West Virginia, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, environmental restoration, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this Act, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) COST-SHARING.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs but not to exceed 25 percent of total project costs. Operation and maintenance costs shall be 100 percent non-Federal.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State

law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) SOUTHERN WEST VIRGINIA DEFINED.—For purposes of this section, the term “Southern West Virginia” means Raleigh, Wayne, Cabell, Fayette, Lincoln, Summers, Wyoming, Webster, Mingo, McDowell, Logan, Boone, Mercer, Pocahontas, Greenbrier, Nicholas, and Monroe Counties, West Virginia.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under this section ~~【\$40,000,000】~~ \$120,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(h) CORPS OF ENGINEERS.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

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

\* \* \* \* \*

**WATER RESOURCES REFORM AND DEVELOPMENT ACT OF 2014**

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

(a) SHORT TITLE.—This Act may be cited as the “Water Resources Reform and Development Act of 2014”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

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**TITLE VI—DEAUTHORIZATION AND BACKLOG PREVENTION**

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**【Sec. 6003. Backlog prevention.】**

\* \* \* \* \*

**TITLE I—PROGRAM REFORMS AND STREAMLINING**

\* \* \* \* \*

**SEC. 1043. NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.**

(a) NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to

carry out feasibility studies for flood risk management, hurricane and storm damage reduction, aquatic ecosystem restoration, and coastal harbor and channel and inland navigation.

(2) PURPOSES.—The purposes of the pilot program are—

(A) to identify project delivery and cost-saving alternatives to the existing feasibility study process;

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and

(C) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(3) ADMINISTRATION.—

(A) IN GENERAL.—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-Federal interest to provide full project management control of a feasibility study for a project for—

(i) flood risk management;

(ii) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;

(iii) coastal harbor and channel and inland navigation; and

(iv) aquatic ecosystem restoration.

(B) USE OF NON-FEDERAL FUNDS.—

(i) IN GENERAL.—A non-Federal interest that has entered into an agreement with the Secretary pursuant to subparagraph (A) may use non-Federal funds to carry out the feasibility study.

(ii) CREDIT.—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this subsection an amount equal to the portion of the cost of developing the study that would have been the responsibility of the Secretary, if the study were carried out by the Secretary, subject to the conditions that—

(I) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;

(II) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and

(III) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under subparagraph (A).

(C) TRANSFER OF FUNDS.—

(i) IN GENERAL.—After the date on which an agreement is executed pursuant to subparagraph (A), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—

(I) if applicable, the balance of any unobligated amounts appropriated for the study, except that

the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(II) additional amounts, as determined by the Secretary, from amounts made available under paragraph (8), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.

(ii) ADMINISTRATION.—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under subparagraph (A) to ensure that a non-Federal interest receiving Federal funds under this paragraph—

(I) has the necessary qualifications to administer those funds; and

(II) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.

(D) NOTIFICATION.—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.

(E) AUDITING.—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to ensure that the use of any funds transferred under subparagraph (C) are used in compliance with the agreement signed under subparagraph (A).

(F) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.

(G) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under subparagraph (A), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.

(4) COST SHARE.—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this subsection.

(5) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report detailing the results of the pilot program carried out under this section, including—

- (i) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to paragraph (3)(G); and
- (ii) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(B) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

(C) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(6) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this subsection.

(7) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this subsection terminates on the date that is 5 years after the date of enactment of this Act.

(8) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, \$25,000,000 for each of fiscal years 2015 through 2019.

(b) NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects.

(2) PURPOSES.—The purposes of the pilot program are—

(A) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and

(C) to evaluate alternatives for the decentralization of the project management, design, and construction for authorized Corps of Engineers water resources projects.

(3) ADMINISTRATION.—

(A) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(i) identify a total of not more than 20 projects for flood risk management, hurricane and storm damage reduction (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channels, inland navigation, and aquatic ecosystem restoration that have been authorized for construction, including—

(I) not more than 12 projects that have been authorized for construction prior to the date of enactment of this Act and that—

(aa)(AA) have received Federal funds prior to the date of enactment of this Act; or

(BB) for more than 2 consecutive fiscal years, have an unobligated funding balance for that project in the Corps of Engineers construction account; and

(bb) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers;

(II) not more than 3 projects that have been authorized for construction prior to the date of enactment of this Act and that have not received Federal funds in the period beginning on the date on which the project was authorized and ending on the date of enactment of this Act; and

(III) not more than 5 projects that have been authorized for construction, but did not receive the authorization prior to the date of enactment of this Act;

(ii) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;

(iii) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;

(iv) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(v) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—

(I) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any respon-

sibilities of the Corps of Engineers relating to the project and pilot program; and

(II) additional amounts, as determined by the Secretary, from amounts made available under paragraph (8), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and

(vi) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

(B) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under subparagraph (A)(iv), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on estimated funding levels, that lists all deadlines for each milestone in the construction of the project.

(C) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with and compensates the Secretary for the technical assistance relating to—

(i) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this subsection; and

(ii) expeditiously obtaining any permits necessary for the project.

(4) COST SHARE.—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this subsection.

(5) REPORT.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report detailing the results of the pilot program carried out under this subsection, including—

(i) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to paragraph (2)(B); and

(ii) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(B) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure



of the House of Representatives an update of the report described in subparagraph (A).

(C) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(6) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this subsection.

(7) TERMINATION OF AUTHORITY.—The authority to commence a project under this subsection terminates on [the date that is 5 years after the date of enactment of this Act] *September 30, 2026*.

(8) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, \$25,000,000 for each of fiscal years 2019 through [2023] 2026.

(9) IMPLEMENTATION GUIDANCE.—

(A) *IN GENERAL.*—*Not later than 120 days after the date of enactment of this paragraph, the Secretary shall issue guidance for the implementation of the pilot program that, to the extent practicable, identifies—*

*(i) the metrics for measuring the success of the pilot program;*

*(ii) a process for identifying future projects to participate in the pilot program;*

*(iii) measures to address the risks of a non-Federal interest constructing projects under the pilot program, including which entity bears the risk for projects that fail to meet the Corps of Engineers standards for design or quality;*

*(iv) the laws and regulations that a non-Federal interest must follow in carrying out a project under the pilot program; and*

*(v) which entity bears the risk in the event that a project carried out under the pilot program fails to be carried out in accordance with the project authorization or this subsection.*

(B) *NEW PROJECT PARTNERSHIP AGREEMENTS.*—*The Secretary may not enter into a project partnership agreement under this subsection during the period beginning on the date of enactment of this paragraph and ending on the date on which the Secretary issues the guidance under subparagraph (A).*

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## TITLE II—NAVIGATION

\* \* \* \* \*

### Subtitle B—Port and Harbor Maintenance

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#### SEC. 2106. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.

(a) DEFINITIONS.—In this section:

(1) CARGO CONTAINER.—The term “cargo container” means a cargo container that is 1 Twenty-foot Equivalent Unit.

(2) DISCRETIONARY CARGO.—The term “discretionary cargo” means maritime cargo for which the United States port of unloading is different than the United States port of entry.

(3) DONOR PORT.—

(A) IN GENERAL.—The term “donor port” means a port—

(i) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

[(ii) at which the total amount of harbor maintenance taxes collected comprise not less than \$15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986;]

*(ii) at which the total amount of harbor maintenance taxes collected (including the estimated taxes related to domestic cargo and cruise passengers) comprise not less than \$15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund in each of the previous 3 fiscal years;*

(iii) that received less than 25 percent of the total amount of harbor maintenance taxes collected *(including the estimated taxes related to domestic cargo and cruise passengers)* at that port in the previous 5 fiscal years; and

(iv) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded on to vessels in [fiscal year 2012] *each of the previous 3 fiscal years.*

(B) CALCULATION.—For the purpose of calculating the percentage described in subparagraph (A)(iii), payments described under subsection (c)(1) shall not be included.

(4) ENERGY COMMODITY.—The term “energy commodity” includes—

(A) petroleum products;

(B) natural gas;

(C) coal;

(D) wind and solar energy components; and

(E) biofuels.

(5) ENERGY TRANSFER PORT.—The term “energy transfer port” means a port—

(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or any successor regulation); and

(B)(i) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in **[fiscal year 2012]** *each of the previous 3 fiscal years*; and  
 (ii) through which more than 40,000,000 tons of cargo were transported in **[fiscal year 2012]** *each of the previous 3 fiscal years*.

(6) EXPANDED USES.—The term “expanded uses” has the meaning given the term in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f)).

(7) HARBOR MAINTENANCE TAX.—The term “harbor maintenance tax” has the meaning given the term in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f)).

(8) HARBOR MAINTENANCE TRUST FUND.—*The term “Harbor Maintenance Trust Fund” means the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.*

**[(8)]** (9) MEDIUM-SIZED DONOR PORT.—The term “medium-sized donor port” means a port—

(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

**[(B) at which the total amount of harbor maintenance taxes collected comprise annually more than \$5,000,000 but less than \$15,000,000 of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986;]**

*(B) at which the total amount of harbor maintenance taxes collected (including the estimated taxes related to domestic cargo and cruise passengers) comprise annually more than \$5,000,000 but less than \$15,000,000 of the total funding of the Harbor Maintenance Trust Fund in each of the previous 3 fiscal years;*

(C) that received less than 25 percent of the total amount of harbor maintenance taxes collected *(including the estimated taxes related to domestic cargo and cruise passengers)* at that port in the previous 5 fiscal years; and

(D) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded onto vessels in **[fiscal year 2012]** *each of the previous 3 fiscal years*.

(b) AUTHORITY.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may provide to donor ports, medium-sized donor ports, and energy transfer ports amounts in accordance with this section.

(2) LIMITATIONS.—Amounts provided under this section—

(A) for energy transfer ports shall be divided equally among all States with an energy transfer port;

(B) shall be made available to a port as either a donor port, medium-sized donor port, or an energy transfer port,

and no port may receive amounts from more than 1 designation; and

(C) for donor ports and medium-sized donor ports—

(i) 50 percent of the funds shall be equally divided between the eligible donor ports as authorized by this section; and

(ii) 50 percent of the funds shall be divided between the eligible donor ports and eligible medium-sized donor ports based on the percentage of the total harbor maintenance tax revenues generated at each eligible donor port and medium-sized donor port.

(c) USE OF FUNDS.—Amounts provided under this section may be used by a donor port, a medium-sized donor port, or an energy transfer port—

(1) to provide payments to importers entering cargo through that port, as calculated by the Secretary according to the value of discretionary cargo;

(2) for expanded uses; or

(3) for environmental remediation related to dredging berths and Federal navigation channels.

(d) ADMINISTRATION OF PAYMENTS.—

(1) IN GENERAL.—If a donor port, a medium-sized donor port, or an energy transfer port elects to provide payments to importers under subsection (c), the Secretary shall transfer to the Commissioner of U.S. Customs and Border Protection an amount equal to those payments that would otherwise be provided to the port under this section to provide the payments to the importers of the discretionary cargo that is—

(A) shipped through the port; and

(B) most at risk of diversion to seaports outside of the United States.

(2) REQUIREMENT.—The Secretary, in consultation with a port electing to provide payments under subsection (c), shall determine the top importers at the port, as ranked by the value of discretionary cargo, and payments shall be limited to those top importers.

[(e) REPORT TO CONGRESS.—

[(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall assess the impact of the authority provided by this section and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of that assessment, including any recommendations for amending or reauthorizing the authority.

[(2) FACTORS.—In carrying out the assessment under paragraph (1), the Secretary shall assess—

[(A) the impact of the amounts provided and used under this section on those ports that received funds under this section; and

[(B) any impact on domestic harbors and ports that did not receive funds under this section.]

[(f)] (e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2015 through ~~2020~~ 2030.

(2) DIVISION BETWEEN DONOR PORTS, MEDIUM-SIZED DONOR PORTS, AND ENERGY TRANSFER PORTS.—For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to—

- (A) donor ports and medium-sized donor ports; and
- (B) energy transfer ports.

(3) ADDITIONAL APPROPRIATIONS.—If the target total budget resources under subparagraphs (A) through (D) of section 2101(b)(1) are met for each of fiscal years 2016 through 2020, there is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2021 through 2025.]

~~(g)~~ (f) SAVINGS CLAUSE.—Nothing in this section waives any statutory requirement related to the transportation of merchandise as authorized under chapter 551 of title 46, United States Code.

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## TITLE VI—DEAUTHORIZATION AND BACKLOG PREVENTION

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### SEC. 6002. REVIEW OF CORPS OF ENGINEERS ASSETS.

(a) ASSESSMENT AND INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an assessment of all properties under the control of the Corps of Engineers and develop an inventory of the properties that are not needed for the missions of the Corps of Engineers.

(b) CRITERIA.—In conducting the assessment and developing the inventory under subsection (a), the Secretary shall use the following criteria:

(1) The extent to which the property aligns with the current missions of the Corps of Engineers.

(2) The economic impact of the property on existing communities in the vicinity of the property.

(3) The extent to which the utilization rate for the property is being maximized and is consistent with nongovernmental industry standards for the given function or operation.

(4) The extent to which the reduction or elimination of the property could reduce operation and maintenance costs of the Corps of Engineers.

(5) The extent to which the reduction or elimination of the property could reduce energy consumption by the Corps of Engineers.

(c) NOTIFICATION.—As soon as practicable following completion of the inventory of properties under subsection (a), the Secretary shall provide the inventory to the Administrator of General Services.

(d) REPORT TO CONGRESS.—Not later than 30 days after the date of the notification under subsection (c), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of

the House of Representatives and make publicly available a report containing the findings of the Secretary with respect to the assessment and inventory required under subsection (a).】

**SEC. 6002. REVIEW OF CORPS OF ENGINEERS ASSETS.**

(a) *ASSESSMENT.*—The Secretary shall conduct an assessment of projects constructed by the Secretary for which the Secretary continues to have financial or operational responsibility.

(b) *INVENTORY.*—Not later than 18 months after the date of enactment of the Water Resources Development Act of 2020, the Secretary shall, based on the assessment carried out under subsection (a), develop an inventory of projects or portions of projects—

(1) that are not needed for the missions of the Corps of Engineers;

(2) the modification of which, including though the use of natural features or nature-based features (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)), could improve the sustainable operations of the project, or reduce operation and maintenance costs for the project; or

(3) that are no longer having project purposes adequately met by the Corps of Engineers, because of deferment of maintenance or other challenges, and the divestment of which to a non-Federal entity could better meet the local and regional needs for operation and maintenance.

(c) *CRITERIA.*—In conducting the assessment under subsection (a) and developing the inventory under subsection (b), the Secretary shall use the following criteria:

(1) The extent to which the project aligns with the current missions of the Corps of Engineers.

(2) The economic and environmental impacts of the project on existing communities in the vicinity of the project.

(3) The extent to which the divestment or modification of the project could reduce operation and maintenance costs of the Corps of Engineers.

(4) The extent to which the divestment or modification of the project is in the public interest.

(5) The extent to which investment of additional Federal resources in the project proposed for divestment or modification, including investment needed to bring the project to a good state of repair, is in the public interest.

(6) The extent to which the authorized purpose of the project is no longer being met.

(d) *RECOMMENDATIONS OF NON-FEDERAL INTERESTS.*—A non-Federal interest for a project may recommend that the Secretary include such project in the assessment or inventory required under this section.

(e) *REPORT TO CONGRESS.*—

(1) *IN GENERAL.*—Upon completion of the inventory required by subsection (b), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make publicly available, a report containing the findings of the Secretary with respect to the assessment and inventory required under this section.

(2) *INCLUSION.*—The Secretary shall list in an appendix any recommendation of a non-Federal interest made with respect to a project under subsection (d) that the Secretary determines not to include in the inventory developed under subsection (b), based on the criteria in subsection (c), including information about the request and the reasons for the Secretary’s determination.

**[SEC. 6003. BACKLOG PREVENTION.**

**[(a) PROJECT DEAUTHORIZATION.—**

**[(1) IN GENERAL.—**A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 10-year period beginning on the date of enactment of this Act unless funds have been obligated for construction of such project during that period.

**[(2) IDENTIFICATION OF PROJECTS.—**Not later than 60 days after the expiration of the 10-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

**[(3) CALCULATION.—**In calculating the time period under paragraph (1), the Secretary shall not include any period of time during which the project is being reviewed and awaiting determination by the Secretary to implement a locally preferred plan for that project under section 1036(a).

**[(4) EXCEPTION.—**The Secretary shall not deauthorize any project during the period described in paragraph (3).

**[(b) REPORT TO CONGRESS.—**Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains—

**[(1)** a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;

**[(2)** a description of the reasons the projects were not completed;

**[(3)** a schedule for the completion of the projects based on expected levels of appropriations; and

**[(4)** a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.]

\* \* \* \* \*

**TITLE VII—WATER RESOURCES  
INFRASTRUCTURE**

**SEC. 7001. ANNUAL REPORT TO CONGRESS.**

(a) **IN GENERAL.—**Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Environ-

ment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report, to be entitled “Report to Congress on Future Water Resources Development”, that identifies the following:

(1) FEASIBILITY REPORTS.—Each feasibility report that meets the criteria established in subsection (c)(1)(A).

(2) PROPOSED FEASIBILITY STUDIES.—Any proposed feasibility study submitted to the Secretary by a non-Federal interest pursuant to subsection (b) that meets the criteria established in subsection (c)(1)(A).

(3) PROPOSED MODIFICATIONS.—Any proposed modification to an authorized water resources development project or feasibility study that meets the criteria established in subsection (c)(1)(A) that—

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) is identified by the Secretary for authorization.

(4) PROGRAMMATIC MODIFICATIONS.—Any programmatic modification for an environmental infrastructure assistance program.

(b) REQUESTS FOR PROPOSALS.—

(1) PUBLICATION.—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed feasibility studies, proposed modifications to authorized water resources development projects and feasibility studies, and proposed modifications for an environmental infrastructure program to be included in the annual report.

(2) DEADLINE FOR REQUESTS.—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(3) NOTIFICATION.—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of the publication to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) CONTENTS.—

(1) FEASIBILITY REPORTS, PROPOSED FEASIBILITY STUDIES, AND PROPOSED MODIFICATIONS.—

(A) CRITERIA FOR INCLUSION IN REPORT.—The Secretary shall include in the annual report only those feasibility reports, proposed feasibility studies, and proposed modifications to authorized water resources development projects and feasibility studies that—

(i) are related to the missions and authorities of the Corps of Engineers;

(ii) require specific congressional authorization, including by an Act of Congress;



- (iii) have not been congressionally authorized;
- (iv) have not been included in any previous annual report; and
- (v) if authorized, could be carried out by the Corps of Engineers.

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed feasibility study and proposed modification to an authorized water resources development project or feasibility study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification (including the water resources development project that is the subject of the proposed feasibility study or the proposed modification to an authorized feasibility study).

(ii) BENEFITS.—The benefits (or expected benefits, in the case of a proposed feasibility study) described in this clause are benefits to—

- (I) the protection of human life and property;
- (II) improvement to transportation;
- (III) the national economy;
- (IV) the environment; or
- (V) the national security interests of the United States.

(C) IDENTIFICATION OF OTHER FACTORS.—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each proposed feasibility study included in the annual report, the non-Federal interest that submitted the proposed feasibility study pursuant to subsection (b); and

(ii) for each proposed feasibility study and proposed modification to an authorized water resources development project or feasibility study included in the annual report, whether the non-Federal interest has demonstrated—

- (I) that local support exists for the proposed feasibility study or proposed modification to an authorized water resources development project or feasibility study (including the water resources development project that is the subject of the proposed feasibility study or the proposed modification to an authorized feasibility study); and
- (II) the financial ability to provide the required non-Federal cost share.

(2) TRANSPARENCY.—The Secretary shall include in the annual report, for each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project or feasibility study included under paragraph (1)(A)—

- (A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has con-

tributed, or is expected to contribute, a non-Federal share of the cost of—

- (i) the feasibility report;
- (ii) the proposed feasibility study;
- (iii) the authorized feasibility study for which the modification is proposed; or
- (iv) construction of—

- (I) the water resources development project that is the subject of—

- (aa) the feasibility report;
- (bb) the proposed feasibility study; or
- (cc) the authorized feasibility study for which a modification is proposed; or

- (II) the proposed modification to an authorized water resources development project;

(B) a letter or statement of support for the feasibility report, proposed feasibility study, or proposed modification to an authorized water resources development project or feasibility study from each associated non-Federal interest;

(C) the purpose of the feasibility report, proposed feasibility study, or proposed modification to an authorized water resources development project or feasibility study;

(D) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of—

- (i) the proposed modification to an authorized feasibility study; and
- (ii) construction of—

- (I) the water resources development project that is the subject of—

- (aa) the feasibility report; or
- (bb) the authorized feasibility study for which a modification is proposed, with respect to the change in costs resulting from such modification; or

- (II) the proposed modification to an authorized water resources development project; and

(E) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of—

- (i) the water resources development project that is the subject of—

- (I) the feasibility report; or
- (II) the authorized feasibility study for which a modification is proposed, with respect to the benefits of such modification; or

- (ii) the proposed modification to an authorized water resources development project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project or feasibility study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—

(A) IN GENERAL.—The Secretary shall include in the annual report an appendix listing the proposals submitted

under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(B) LIMITATION.—In carrying out the activities described in this section—

(i) the Secretary shall not include proposals in the appendix of the annual report that otherwise meet the criteria for inclusion in the annual report solely on the basis of the Secretary's determination that the proposal requires legislative changes to an authorized water resources development project, feasibility study, or environmental infrastructure program; **[and]**

*(ii) the Secretary shall not include proposals in the appendix of the annual report that otherwise meet the criteria for inclusion in the annual report solely on the basis that the proposals are for the purposes of navigation, flood risk management, ecosystem restoration, or municipal or agricultural water supply; and*

**[(ii)]** *(iii) the Secretary shall not include proposals in the appendix of the annual report that otherwise meet the criteria for inclusion in the annual report solely on the basis of a policy of the Secretary.*

(d) PROGRAMMATIC MODIFICATIONS IN ANNUAL REPORT.—The Secretary shall include in the annual report only proposed modifications for an environmental infrastructure assistance program that have not been included in any previous annual report. For each proposed modification, the Secretary shall include a letter or statement of support for the proposed modification from each associated non-Federal interest, description of assistance provided, and total Federal cost of assistance provided.

(e) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—Notwithstanding any other deadlines required by this section, the Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1); and

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(f) PUBLICATION.—Upon submission of an annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(g) DEFINITIONS.—In this section:

(1) ANNUAL REPORT.—The term “annual report” means a report required by subsection (a).

(2) FEASIBILITY REPORT.—

(A) IN GENERAL.—The term “feasibility report” means a final feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282).

(B) INCLUSIONS.—The term “feasibility report” includes—

(i) a report described in section 105(d)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)(2)); and

(ii) where applicable, any associated report of the Chief of Engineers.

(3) FEASIBILITY STUDY.—The term “feasibility study” has the meaning given that term in section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(4) NON-FEDERAL INTEREST.—The term “non-Federal interest” has the meaning given that term in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

(5) WATER RESOURCES DEVELOPMENT PROJECT.—The term “water resources development project” includes a project under an environmental infrastructure assistance program if authorized before the date of enactment of the Water Resources Development Act of 2016.

\* \* \* \* \*

**SECTION 206 OF THE FLOOD CONTROL ACT OF 1960**

SEC. 206. (a) In recognition of the increasing use and development of the flood plains of the rivers of the United States and of the need for information on flood hazards to serve as a guide to such development, and as a basis for avoiding future flood hazards by regulation of use by States and political subdivisions thereof, and to assure that Federal departments and agencies may take proper cognizance of flood hazards, the Secretary of the Army, through the Chief of Engineers, is hereby authorized to compile and disseminate information on floods and flood damages, including identification of areas subject to inundation by floods of various magnitudes and frequencies, and general criteria for guidance of Federal and non-Federal interests and agencies in the use of flood plain areas; and to provide advice to other Federal agencies and local interests for their use in planning to ameliorate the flood hazard, *to avoid repetitive flooding impacts, to anticipate, prepare, and adapt to changing climatic conditions and extreme weather events, and to withstand, respond to, and recover rapidly from disruption due to the flood hazards.* Surveys and guides will be made for States and political subdivisions thereof only upon the request of a State or a political subdivision thereof, and upon approval by the Chief of Engineers, and such information and advice provided them only upon such request and approval.

(b) FLOOD PREVENTION COORDINATION.—The Secretary shall coordinate with the Administrator of the Federal Emergency Management Agency and the heads of other Federal agencies to ensure that flood control projects and plans are complementary and integrated to the extent practicable and appropriate.

(c) FEES.—The Secretary of the Army is authorized to establish and collect fees from Federal agencies and private persons for the purpose of recovering the cost of providing services pursuant to this section. Funds collected pursuant to this section shall be deposited into the account of the Treasury of the United States entitled “Con-

tributions and Advances, Rivers and Harbor, Corps of Engineers (8862)” and shall be available until expended to carry out this section. No fees shall be collected from State, regional, or local governments or other non-Federal public agencies for services provided pursuant to this section, but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities.

(d) The Secretary of the Army is authorized to expend not to exceed \$50,000,000 per fiscal year for the compilation and dissemination of information under this section.

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**SECTION 205 OF THE FLOOD CONTROL ACT OF 1948**

SEC. 205. That the Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed \$68,750,000 for any one fiscal year, for the implementation of small structural and nonstructural projects, *and projects that use natural features or nature-based features (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))*, for flood control and related purposes not specifically authorized by Congress, which come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable. The amount allotted for a project shall be sufficient to complete Federal participation in the project. Not more than \$10,000,000 shall be allotted under this section for a project at any single locality. The provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, as amended, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports.

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**AMERICA’S WATER INFRASTRUCTURE ACT OF 2018**

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

(a) SHORT TITLE.—This Act may be cited as “America’s Water Infrastructure Act of 2018”.

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

Sec. 1. Short title; table of contents.

TITLE I—WATER RESOURCES DEVELOPMENT

\* \* \* \* \*

Subtitle C—Deauthorizations, Modifications, and Related Provisions

【Sec. 1301. Deauthorization of inactive projects.

【Sec. 1302. Backlog prevention.】

\* \* \* \* \*

## TITLE I—WATER RESOURCES DEVELOPMENT

### SEC. 101. SHORT TITLE.

This title may be cited as the “Water Resources Development Act of 2018”.

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### Subtitle A—General Provisions

\* \* \* \* \*

### SEC. 1111. DREDGE PILOT PROGRAM.

(a) **IN GENERAL.**—The Secretary is authorized to carry out a pilot program to award contracts with a duration of up to 5 years [for the operation and maintenance of harbors and inland harbors referred to in section 210(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(a)(2)).] *for the—*

(1) *harbors and inland harbors referred to in section 210(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(a)(2)); or*

(2) *inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).*

(b) **SCOPE.**—In carrying out the pilot program under subsection (a), the Secretary may award a contract described in such subsection, which may address one or more harbors [or inland harbors], *inland harbors, or inland or intracoastal waterways* in a geographical region, if the Secretary determines that the contract provides cost savings compared to the awarding of such work on an annual basis or on a project-by-project basis.

(c) **REPORT TO CONGRESS.**—Not later than 1 year after the date on which the first contract is awarded pursuant to the pilot program carried out under subsection (a), the Secretary shall submit to Congress a report evaluating, with respect to the pilot program and any contracts awarded under the pilot program—

- (1) cost effectiveness;
- (2) reliability and performance;
- (3) cost savings attributable to mobilization and demobilization of dredge equipment; and
- (4) response times to address navigational impediments.

(d) **SUNSET.**—The authority of the Secretary to enter into contracts pursuant to the pilot program carried out under subsection (a), shall expire on the date that is 10 years after the date of enactment of this Act.

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### SEC. 1149. INCLUSION OF ALTERNATIVE MEASURES FOR AQUATIC ECOSYSTEM RESTORATION.

(a) **INCLUSION OF ALTERNATIVE MEASURES FOR AQUATIC ECOSYSTEM RESTORATION.**—Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2230) is amended—

- (1) by redesignating subsection (e) as subsection (f); and
- (2) by inserting after subsection (d) the following:

“(e) USE OF NATURAL AND NATURE-BASED FEATURES.—In carrying out a project to restore and protect an aquatic ecosystem or estuary under subsection (a), the Secretary shall consider, and may include, with the consent of the non-Federal interest, a natural feature or nature-based feature, as such terms are defined in section 1184 of the Water Resources Development Act of 2016, if the Secretary determines that inclusion of such features is consistent with the requirements of subsection (a).”

(b) AMENDMENT TO DEFINITION.—Section 1184(a)(2) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)(2)) is amended by striking “in coastal areas”.

(c) NATURAL INFRASTRUCTURE.—In carrying out a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) for a project for flood risk management or hurricane and storm damage risk reduction, the Secretary shall consider the use of both traditional and [natural infrastructure alternatives] *natural feature or nature-based feature alternatives (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (32 U.S.C. 2289a))*, alone or in conjunction with each other, if those alternatives are practicable.

\* \* \* \* \*

**SEC. 1161. COST AND BENEFIT FEASIBILITY ASSESSMENT.**

(a) COST BENEFIT AND SPECIAL CONDITIONS.—Section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)), as amended by this Act, is further amended by striking paragraph (2) and inserting the following:

“(2) COST AND BENEFIT FEASIBILITY ASSESSMENT.—

“(A) CONSIDERATION OF BENEFITS.—In preparing a cost and benefit feasibility assessment for any emergency project described in paragraph (1), the Chief of Engineers shall consider the benefits to be gained by such project for the protection of—

“(i) residential establishments;

“(ii) commercial establishments, including the protection of inventory; and

“(iii) agricultural establishments, including the protection of crops.

“(B) SPECIAL CONDITIONS.—

“(i) AUTHORITY TO CARRY OUT WORK.—The Chief of Engineers may carry out repair or restoration work described in paragraph (1) that does not produce benefits greater than the cost if—

“(I) the non-Federal sponsor agrees to pay an amount sufficient to make the remaining costs of the project equal to the estimated value of the benefits of the repair or restoration work; and

“(II) the Secretary determines that—

“(aa) the damage to the structure was not a result of negligent operation or maintenance; and

“(bb) repair of the project could benefit another Corps project.

“(ii) TREATMENT OF PAYMENTS.—Non-Federal payments pursuant to clause (i) shall be in addition to

any non-Federal payments required by the Chief of Engineers that are applicable to the remaining costs of the repair or restoration work.”

(b) CONTINUED ELIGIBILITY.—Notwithstanding a non-Federal flood control work’s status in the Rehabilitation and Inspection Program carried out pursuant to section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), any unconstructed emergency project for the non-Federal flood control work that was formulated during the [three fiscal years preceding] *five fiscal years preceding* the fiscal year in which this Act was enacted but that was determined to not produce benefits greater than costs shall remain eligible for assistance under such section 5 until the [last day of the third fiscal year] *last day of the fifth fiscal year* following the fiscal year in which this Act was enacted if—

(1) the non-Federal sponsor agrees, in accordance with such section 5, as amended by this Act, to pay, *or provide contributions equal to*, an amount sufficient to make the remaining costs of the project equal to the estimated value of the benefits of the repair or restoration work; and

[(2) the Secretary determines that—

[(A) the damage to the structure was not as a result of negligent operation or maintenance; and

[(B) repair of the project could benefit another Corps project.]

(2) *the Secretary determines that the damage to the structure was not as a result of negligent operation or maintenance.*

\* \* \* \* \*

### Subtitle B—Studies and Reports

\* \* \* \* \*

#### ISEC. 1210. REPORT ON DEBRIS REMOVAL.

[Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress and make publicly available a report that describes—

[(1) the extent to which the Secretary has carried out section 3 of the Act of March 2, 1945 (33 U.S.C. 603a); and

[(2) how the Secretary has evaluated potential work to be carried out under that section.]

#### SEC. 1210. REPORT ON DEBRIS REMOVAL.

*Not later than 180 days after the date of enactment of the Water Resources Development Act of 2020, the Secretary shall submit to Congress and make publicly available a report that describes—*

*(1) the extent to which, during the 10 fiscal years prior to such date of enactment, the Secretary has carried out section 3 of the Act of March 2, 1945 (33 U.S.C. 603a);*

*(2) how the Secretary has evaluated potential work to be carried out under that section; and*

*(3) the extent to which the Secretary plans to start, continue, or complete debris removal activities in the 3 years following submission of the report.*

\* \* \* \* \*



## Subtitle C—Deauthorizations, Modifications, and Related Provisions

### SEC. 1301. DEAUTHORIZATION OF INACTIVE PROJECTS.

#### (a) PURPOSES.—The purposes of this section are—

[(1) to identify \$4,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—

[(A) a lack of local support;

[(B) a lack of available Federal or non-Federal resources; or

[(C) an authorizing purpose that is no longer relevant or feasible;

[(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and

[(3) to allow the continued authorization of water resources development projects that are viable for construction.

#### (b) INTERIM DEAUTHORIZATION LIST.—

[(1) IN GENERAL.—The Secretary shall develop an interim deauthorization list that identifies—

[(A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

[(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

[(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years;

[(B) each project or separable element of a project identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)); and

[(C) any project or separable element of a project for which the non-Federal sponsor of such project or separable element submits a request for inclusion on the list.

#### [(2) PUBLIC COMMENT AND CONSULTATION.—

[(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

[(B) COMMENT PERIOD.—The public comment period shall be 90 days.

[(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall—

[(A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

- [(B) publish the revised interim deauthorization list in the Federal Register.
- [(c) FINAL DEAUTHORIZATION LIST.—
- [(1) IN GENERAL.—The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).
- [(2) DEAUTHORIZATION AMOUNT.—
- [(A) PROPOSED FINAL LIST.—The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least \$4,000,000,000.
- [(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.
- [(3) IDENTIFICATION OF PROJECTS.—
- [(A) SEQUENCING OF PROJECTS.—
- [(i) IN GENERAL.—The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2)(A).
- [(ii) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.
- [(iii) CONSIDERATION OF PUBLIC COMMENTS.—In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(2).
- [(B) APPENDIX.—The Secretary shall include as part of the proposed final deauthorization list an appendix that—
- [(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and
- [(ii) describes the reasons why the project or separable element is not included on the proposed final list.
- [(4) PUBLIC COMMENT AND CONSULTATION.—
- [(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governor of each applicable State

on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).

[(B) COMMENT PERIOD.—The public comment period shall be 90 days.

[(5) SUBMISSION OF FINAL LIST TO CONGRESS; PUBLICATION.—Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall—

[(A) submit a final deauthorization list and an appendix to the final deauthorization list in a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

[(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

[(d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

[(1) IN GENERAL.—After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.

[(2) NON-FEDERAL CONTRIBUTIONS.—

[(A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

[(B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2)(A).

[(3) PROJECTS IDENTIFIED IN APPENDIX.—A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

[(e) SPECIAL RULE FOR PROJECTS RECEIVING FUNDS FOR POST-AUTHORIZATION STUDY.—A project or separable element of a project may not be identified on the interim deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

[(f) GENERAL PROVISIONS.—

[(1) DEFINITIONS.—In this section, the following definitions apply:

[(A) POST-AUTHORIZATION STUDY.—The term “post-authorization study” means—

[(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

[(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

[(iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

[(I) demonstrates a Federal interest; and

[(II) requires additional analysis for the project or separable element.

[(B) WATER RESOURCES DEVELOPMENT PROJECT.—The term “water resources development project” includes an environmental infrastructure assistance project or program of the Corps of Engineers.

[(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent modification.

**[SEC. 1302. BACKLOG PREVENTION.**

[(a) PROJECT DEAUTHORIZATION.—

[(1) IN GENERAL.—A water resources development project authorized for construction by this Act shall not be authorized after the last day of the 10-year period beginning on the date of enactment of this Act unless—

[(A) funds have been obligated for construction of, or a post-authorization study for, such project or such separable element during such period; or

[(B) a subsequent Act of Congress modifies the authorization contained in this Act.

[(2) IDENTIFICATION OF PROJECTS.—Not later than 60 days after the expiration of the 10-year period described in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

[(b) REPORT TO CONGRESS.—Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains—

[(1) a list of any water resources development projects authorized by this Act for which construction has not been completed;

[(2) a description of the reasons each project was not completed;

[(3) a schedule for the completion of the projects based on expected levels of appropriations;

[(4) a 5-year and 10-year projection of construction backlog; and

[(5) any recommendations to Congress regarding how to mitigate the backlog.]

\* \* \* \* \*

#### ACT OF AUGUST 18, 1941

SEC. 5. (a)(1) That there is authorized an emergency fund to be expended in preparation for emergency response to any natural disaster, in flood fighting and rescue operations, or in the repair or restoration of any flood control work threatened or destroyed by flood, including the strengthening, raising, extending, realigning, or other modification thereof as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work for flood control and subject to the condition that the Chief of Engineers may include modifications to the structure or project, or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor; in the emergency protection of federally authorized hurricane or shore protection being threatened when in the discretion of the Chief of Engineers such protection is warranted to protect against imminent and substantial loss to life and property; in the repair and restoration of any federally authorized hurricane or shore protective structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to either the pre-storm level or the design level of protection, whichever provides greater protection, when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor. The emergency fund may also be expended for emergency dredging for restoration of authorized project depths for Federal navigable channels and waterways made necessary by flood, drought, earthquake, or other natural disasters. In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief and Emergency Assistance Act, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services. The Chief of Engineers, in the exercise of his discretion, is further authorized to provide emergency supplies of clean water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality. The appropria-

tion of such moneys for the initial establishment of this fund and for its replenishment on an annual basis, is authorized: *Provided*, That pending the appropriation of sums to such emergency fund, the Secretary of the Army may allot, from existing flood-control appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made. The Chief of Engineers is authorized, in the prosecution of work in connection with rescue operations, or in conducting other flood emergency work, to acquire on a rental basis such motor vehicles, including passenger cars and buses, as in his discretion are deemed necessary.

(2) COST AND BENEFIT FEASIBILITY ASSESSMENT.—

(A) CONSIDERATION OF BENEFITS.—In preparing a cost and benefit feasibility assessment for any emergency project described in paragraph (1), the Chief of Engineers shall consider the benefits to be gained by such project for the protection of—

- (i) residential establishments;
- (ii) commercial establishments, including the protection of inventory; and
- (iii) agricultural establishments, including the protection of crops.

(B) SPECIAL CONDITIONS.—

(i) AUTHORITY TO CARRY OUT WORK.—The Chief of Engineers may carry out repair or restoration work described in paragraph (1) that does not produce benefits greater than the cost if—

(I) the non-Federal sponsor agrees to pay, or *provide contributions equal to*, an amount sufficient to make the remaining costs of the project equal to the estimated value of the benefits of the repair or restoration work; and

(II) the Secretary determines that—

(aa) the damage to the structure was not a result of negligent operation or maintenance; and

(bb) repair of the project could benefit another Corps project.

(ii) TREATMENT OF PAYMENTS AND CONTRIBUTIONS.—Non-Federal payments or *contributions* pursuant to clause (i) shall be in addition to any non-Federal payments or *contributions* required by the Chief of Engineers that are applicable to the remaining costs of the repair or restoration work.

(3) EXTENDED ASSISTANCE.—Upon request by a locality receiving assistance under the fourth sentence of paragraph (1), the Secretary shall, subject to the availability of appropriations, enter into an agreement with the locality to provide such assistance beyond the time period otherwise provided for by the Secretary under such sentence.

(4) NONSTRUCTURAL ALTERNATIVES DEFINED.—In this subsection, the term “nonstructural alternatives” includes efforts to restore or protect natural resources, including streams, riv-

ers, floodplains, wetlands, or coasts, if those efforts will reduce flood risk.

(5) *FEASIBILITY STUDY.*—

(A) *DETERMINATION.*—*Not later than 180 days after receiving, from a non-Federal sponsor of a project to repair or rehabilitate a flood control work described in paragraph (1), a request to initiate a feasibility study to further modify the relevant flood control work to provide for an increased level of protection, the Secretary shall provide to the non-Federal sponsor a written decision on whether the Secretary has the authority under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) to undertake the requested feasibility study.*

(B) *RECOMMENDATION.*—*If the Secretary determines under subparagraph (B) that the Secretary does not have the authority to undertake the requested feasibility study, the Secretary shall include the request for a feasibility study in the annual report submitted under section 7001 of the Water Resources Reform and Development Act of 2014.*

(b)(1) The Secretary, upon a written request for assistance under this paragraph made by any farmer, rancher, or political subdivision within a distressed area, and after a determination by the Secretary that (A) as a result of the drought such farmer, rancher, or political subdivision has an inadequate supply of water, (B) an adequate supply of water can be made available to such farmer, rancher, or political subdivision through the construction of a well, and (C) as a result of the drought such well could not be constructed by a private business, the Secretary, subject to paragraph (3) of this subsection, may enter into an agreement with such farmer, rancher, or political subdivision for the construction of such well.

(2) The Secretary, upon a written request for assistance under this paragraph made by any farmer, rancher, or political subdivision within a distressed area, and after a determination by the Secretary that as a result of the drought such farmer, rancher, or political subdivision has an inadequate supply of water and water cannot be obtained by such farmer, rancher, or political subdivision, the Secretary may transport water to such farmer, rancher, or political subdivision by methods which include, but are not limited to, small-diameter emergency water lines and tank trucks, until such time as the Secretary determines that an adequate supply of water is available to such farmer, rancher, or political subdivision.

(3)(A) Any agreement entered into by the Secretary pursuant to paragraph (1) of this subsection shall require the farmer, rancher, or political subdivision for whom the well is constructed to pay to the United States the reasonable cost of such construction, with interest, over such number of years, not to exceed thirty, as the Secretary deems appropriate. The rate of interest shall be that rate which the Secretary determines would apply if the amount to be repaid was a loan made pursuant to section 7(b)(2) of the Small Business Act.

(B) The Secretary shall not construct any well pursuant to this subsection unless the farmer, rancher, or political subdivision for whom the well is being constructed has obtained, prior to construction, all necessary State and local permits.

(4) The Federal share for the transportation of water pursuant to paragraph (2) of this subsection shall be 100 per centum.

(5) For purposes of this subsection—

(A) the term “construction” includes construction, reconstruction, or repair;

(B) the term “distressed area” means an area which the Secretary determines due to drought conditions has an inadequate water supply which is causing, or is likely to cause, a substantial threat to the health and welfare of the inhabitants of the area including threat of damage or loss of property;

(C) the term “political subdivision” means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over the water supply of such public body;

(D) the term “reasonable cost” means the lesser of (i) the cost to the Secretary of constructing a well pursuant to this subsection exclusive of the cost of transporting equipment used in the construction of wells, or (ii) the cost to a private business of constructing such well;

(E) the term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers; and

(F) the term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) **【LEVEE OWNERS MANUAL】 ELIGIBILITY.**—

(1) **【IN GENERAL】 LEVEE OWNER’S MANUAL.**—Not later than 1 year after the date of the enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary of the Army shall prepare a manual describing the maintenance and upkeep responsibilities that the Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

(2) **COMPLIANCE.**—

(A) **IN GENERAL.**—*Notwithstanding the status of compliance of a non-Federal interest with the requirements of a levee owner’s manual described in paragraph (1), or with any other eligibility requirement established by the Secretary related to the maintenance and upkeep responsibilities of the non-Federal interest, the Secretary shall consider the non-Federal interest to be eligible for repair and rehabilitation assistance under this section if the non-Federal interest—*

*(i) enters into a written agreement with the Secretary that identifies any items of deferred or inadequate maintenance and upkeep identified by the Secretary prior to the natural disaster; and*

*(ii) pays, during performance of the repair and rehabilitation work, all costs to address—*

*(I) any items of deferred or inadequate maintenance and upkeep identified by the Secretary; and*



(II) any repair or rehabilitation work necessary to address damage the Secretary attributes to such deferred or inadequate maintenance or upkeep.

(B) *ELIGIBILITY*.—The Secretary may only enter into one agreement under subparagraph (A) with any non-Federal interest.

(C) *SUNSET*.—The authority of the Secretary to enter into agreements under paragraph (2) shall terminate on the date that is 5 years after the date of enactment of this paragraph.

[(2)] (3) *AUTHORIZATION OF APPROPRIATIONS*.—There is authorized to be appropriated \$1,000,000 to carry out [this subsection] *paragraph (1)*.

[(3)] (4) *DEFINITIONS*.—In this subsection, the following definitions apply:

(A) *MAINTENANCE AND UPKEEP*.—The term “maintenance and upkeep” means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

(B) *REPAIR AND REHABILITATION*.—The term “repair and rehabilitation”—

(i) means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; but

(ii) does not include—

(I) any improvement to the structure; or

(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

(d) *INCREASED LEVEL OF PROTECTION*.—In conducting repair or restoration work under subsection (a), at the request of the non-Federal sponsor, the Chief of Engineers may increase the level of protection above the level to which the system was designed, or, if the repair or restoration includes repair or restoration of a pumping station, increase the capacity of a pump, if—

(1) the Chief of Engineers determines the improvements are in the public interest, including consideration of whether—

(A) the authority under this section has been used more than once at the same location;

(B) there is an opportunity to decrease significantly the risk of loss of life and property damage; or

(C) there is an opportunity to decrease total life cycle rehabilitation costs for the project; and

(2) the non-Federal sponsor agrees to pay the difference between the cost of repair or restoration to the original design level or original capacity and the cost of achieving the higher level of protection or capacity sought by the non-Federal sponsor.

(e) *NOTICE*.—The Secretary shall notify and consult with the non-Federal sponsor regarding the opportunity to request implementa-

tion of nonstructural alternatives to the repair or restoration of a flood control work under subsection (a).

\* \* \* \* \*

**WATER RESOURCES DEVELOPMENT ACT OF 2016**

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

(a) **SHORT TITLE.**—This Act may be cited as the “Water Infrastructure Improvements for the Nation Act” or the “WIIN Act”.

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

\* \* \* \* \*

**TITLE I—WATER RESOURCES DEVELOPMENT**

\* \* \* \* \*

**Subtitle C—Deauthorizations, Modifications, and Related Provisions**

[Sec. 1301. Deauthorization of inactive projects.

[Sec. 1302. Backlog prevention.]

\* \* \* \* \*

**TITLE I—WATER RESOURCES DEVELOPMENT**

\* \* \* \* \*

**Subtitle A—General Provisions**

\* \* \* \* \*

**SEC. 1122. BENEFICIAL USE OF DREDGED MATERIAL.**

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program to carry out projects for the beneficial use of dredged material, including projects for the purposes of—

- (1) reducing storm damage to property and infrastructure;
- (2) promoting public safety;
- (3) protecting, restoring, and creating aquatic ecosystem habitats;
- (4) stabilizing stream systems and enhancing shorelines;
- (5) promoting recreation;
- (6) supporting risk management adaptation strategies; and
- (7) reducing the costs of dredging and dredged material placement or disposal, such as projects that use dredged material for—
  - (A) construction or fill material;
  - (B) civic improvement objectives; and
  - (C) other innovative uses and placement alternatives that produce public economic or environmental benefits.

(b) **PROJECT SELECTION.**—In carrying out the pilot program, the Secretary shall—

- (1) identify for inclusion in the pilot program and carry out [20] 30 projects for the beneficial use of dredged material;

- (2) consult with relevant State agencies in selecting projects; and
  - (3) select projects solely on the basis of—
    - (A) the environmental, economic, and social benefits of the projects, including monetary and nonmonetary benefits; and
    - (B) the need for a diversity of project types and geographical project locations.
- (c) REGIONAL BENEFICIAL USE TEAMS.—
- (1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish regional beneficial use teams to identify and assist in the implementation of projects under the pilot program.
  - (2) COMPOSITION.—
    - (A) LEADERSHIP.—For each regional beneficial use team established under paragraph (1), the Secretary shall appoint the Commander of the relevant division of the Corps of Engineers to serve as the head of the team.
    - (B) MEMBERSHIP.—The membership of each regional beneficial use team shall include—
      - (i) representatives of relevant Corps of Engineers districts and divisions;
      - (ii) representatives of relevant State and local agencies; and
      - (iii) representatives of Federal agencies and such other entities as the Secretary determines appropriate, consistent with the purposes of this section.
- (d) CONSIDERATIONS.—The Secretary shall carry out the pilot program in a manner that—
- (1) maximizes the beneficial placement of dredged material from Federal and non-Federal navigation channels;
  - (2) incorporates, to the maximum extent practicable, 2 or more Federal navigation, flood control, storm damage reduction, or environmental restoration projects;
  - (3) coordinates the mobilization of dredges and related equipment, including through the use of such efficiencies in contracting and environmental permitting as can be implemented under existing laws and regulations;
  - (4) fosters Federal, State, and local collaboration;
  - (5) implements best practices to maximize the beneficial use of dredged sand and other sediments; and
  - (6) ensures that the use of dredged material is consistent with all applicable environmental laws.
- (e) COST SHARING.—
- (1) IN GENERAL.—Projects carried out under this section shall be subject to the cost-sharing requirements applicable to projects carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).
  - (2) ADDITIONAL COSTS.—Notwithstanding paragraph (1), if the cost of transporting and depositing dredged material for a project carried out under this section exceeds the cost of carrying out those activities pursuant to any other water resources project in accordance, if applicable, with the Federal standard (as defined in section 335.7 of title 33, Code of Fed-

eral Regulations), the Secretary may not require the non-Federal interest to bear the additional cost of such activities.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

- (1) a description of the projects selected to be carried out under the pilot program;
- (2) documentation supporting each of the projects selected;
- (3) the findings of regional beneficial use teams regarding project selection; and
- (4) any recommendations of the Secretary or regional beneficial use teams with respect to the pilot program.

(g) TERMINATION.—The pilot program shall terminate after completion of the **[20]** 30 projects carried out pursuant to subsection (b)(1).

(h) EXEMPTION FROM OTHER STANDARDS.—The projects carried out under this section shall be carried out notwithstanding the definition of the term “Federal standard” in section 335.7 of title 33, Code of Federal Regulations.

(i) REGIONAL SEDIMENT MANAGEMENT.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(1) in subsection (a)(1)—

(A) by striking “For sediment” and inserting the following:

“(A) SEDIMENT FROM FEDERAL WATER RESOURCES PROJECTS.—For sediment”; and

(B) by adding at the end the following:

“(B) SEDIMENT FROM OTHER FEDERAL SOURCES AND NON-FEDERAL SOURCES.—For purposes of projects carried out under this section, the Secretary may include sediment from other Federal sources and non-Federal sources, subject to the requirement that any sediment obtained from a non-Federal source shall not be obtained at Federal expense.”; and

(2) in subsection (d) by adding at the end the following:

“(3) SPECIAL RULE.—Disposal of dredged material under this subsection may include a single or periodic application of sediment for beneficial use and shall not require operation and maintenance.

“(4) DISPOSAL AT NON-FEDERAL COST.—The Secretary may accept funds from a non-Federal interest to dispose of dredged material as provided under section 103(d)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(1)).”.

(j) CLARIFICATION.—Section 156(e) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f(e)) is amended by striking “3” and inserting “6”.

\* \* \* \* \*

## Subtitle C—Deauthorizations, Modifications, and Related Provisions

### SEC. 1301. DEAUTHORIZATION OF INACTIVE PROJECTS.

#### (a) PURPOSES.—The purposes of this section are—

[(1) to identify \$10,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—

[(A) a lack of local support;

[(B) a lack of available Federal or non-Federal resources; or

[(C) an authorizing purpose that is no longer relevant or feasible;

[(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and

[(3) to allow the continued authorization of water resources development projects that are viable for construction.

#### (b) INTERIM DEAUTHORIZATION LIST.—

[(1) IN GENERAL.—The Secretary shall develop an interim deauthorization list that identifies—

[(A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

[(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

[(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years; and

[(B) each project or separable element identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

#### [(2) PUBLIC COMMENT AND CONSULTATION.—

[(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

[(B) COMMENT PERIOD.—The public comment period shall be 90 days.

[(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall—

[(A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

[(B) publish the revised interim deauthorization list in the Federal Register.

#### (c) FINAL DEAUTHORIZATION LIST.—

[(1) IN GENERAL.—The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).

[(2) DEAUTHORIZATION AMOUNT.—

[(A) PROPOSED FINAL LIST.—The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least \$10,000,000,000.

[(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

[(3) IDENTIFICATION OF PROJECTS.—

[(A) SEQUENCING OF PROJECTS.—

[(i) IN GENERAL.—The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2)(A).

[(ii) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

[(iii) CONSIDERATION OF PUBLIC COMMENTS.—In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(2).

[(B) APPENDIX.—The Secretary shall include as part of the proposed final deauthorization list an appendix that—

[(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and

[(ii) describes the reasons why the project or separable element is not included on the proposed final list.

[(4) PUBLIC COMMENT AND CONSULTATION.—

[(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governor of each applicable State on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).

[(B) COMMENT PERIOD.—The public comment period shall be 90 days.

[(5) SUBMISSION OF FINAL LIST TO CONGRESS; PUBLICATION.—Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall—

[(A) submit a final deauthorization list and an appendix to the final deauthorization list in a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

[(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

[(d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

[(1) IN GENERAL.—After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.

[(2) NON-FEDERAL CONTRIBUTIONS.—

[(A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

[(B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2)(A).

[(3) PROJECTS IDENTIFIED IN APPENDIX.—A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

[(e) SPECIAL RULE FOR PROJECTS RECEIVING FUNDS FOR POST-AUTHORIZATION STUDY.—A project or separable element of a project may not be identified on the interim deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

[(f) GENERAL PROVISIONS.—

[(1) DEFINITIONS.—In this section, the following definitions apply:

[(A) POST-AUTHORIZATION STUDY.—The term “post-authorization study” means—

[(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

[(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

[(iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

[(I) demonstrates a Federal interest; and

[(II) requires additional analysis for the project or separable element.

[(B) WATER RESOURCES DEVELOPMENT PROJECT.—The term “water resources development project” includes an environmental infrastructure assistance project or program of the Corps of Engineers.

[(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent modification.

[(g) REPEAL.—Subsection (a) and subsections (c) through (f) of section 6001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b) are repealed.

**[SEC. 1302. BACKLOG PREVENTION.**

[(a) PROJECT DEAUTHORIZATION.—

[(1) IN GENERAL.—A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 10-year period beginning on the date of enactment of this Act unless—

[(A) funds have been obligated for construction of, or a post-authorization study for, such project or separable element during that period; or

[(B) the authorization contained in this Act has been modified by a subsequent Act of Congress.

[(2) IDENTIFICATION OF PROJECTS.—Not later than 60 days after the expiration of the 10-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

[(b) REPORT TO CONGRESS.—Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains—

[(1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;

[(2) a description of the reasons the projects were not completed;

[(3) a schedule for the completion of the projects based on expected levels of appropriations; and



[(4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.]

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**WATER RESOURCES DEVELOPMENT ACT OF 1996**

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**TITLE II—GENERAL PROVISIONS**

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**SEC. 206. AQUATIC ECOSYSTEM RESTORATION.**

(a) **GENERAL AUTHORITY.—**

(1) **IN GENERAL.—**The Secretary may carry out a project to restore and protect an aquatic ecosystem or estuary if the Secretary determines that the project—

(A)(i) will improve the quality of the environment and is in the public interest; or

(ii) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902)); and

(B) is cost-effective.

(2) **DAM REMOVAL.—**A project under this section may include removal of a dam.

(3) **ANADROMOUS FISH HABITAT AND PASSAGE.—**

(A) **MEASURES.—**A project under this section may include measures to improve habitat or passage for anadromous fish, including—

(i) installing fish bypass structures on small water diversions;

(ii) modifying tide gates; and

(iii) restoring or reconnecting floodplains and wetlands that are important for anadromous fish habitat or passage.

(B) **BENEFITS.—**A project that includes measures under this paragraph shall be formulated to maximize benefits for the anadromous fish species benefitted by the project.

(b) **COST SHARING.—**

(1) **IN GENERAL.—**Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all lands, easements, rights-of-way, and necessary relocations.

(2) **FORM.—**Before October 1, 2003, the Federal share of the cost of a project under this section may be provided in the form of reimbursements of project costs.

(c) **AGREEMENTS.—**

(1) **IN GENERAL.—**Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and

replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

(d) COST LIMITATION.—Not more than \$10,000,000 in Federal funds may be allotted under this section for a project at any single locality.

(e) USE OF NATURAL AND NATURE-BASED FEATURES.—In carrying out a project to restore and protect an aquatic ecosystem or estuary under subsection (a), the Secretary shall consider, and may include, with the consent of the non-Federal interest, a natural feature or nature-based feature, as such terms are defined in section 1184 of the Water Resources Development Act of 2016, if the Secretary determines that inclusion of such features is consistent with the requirements of subsection (a).

(f) FUNDING.—There is authorized to be appropriated to carry out this section \$62,500,000 for each fiscal year.

(g) PRIORITIZATION.—*The Secretary shall give projects that include measures described in subsection (a)(3) equal priority for implementation as other projects under this section.*

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## TITLE V—MISCELLANEOUS PROVISIONS

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### SEC. 510. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the basin States described in subsection (f) and the District of Columbia in the Chesapeake Bay watershed.

(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chesapeake Bay estuary, based on the comprehensive plan under subsection (b), including projects for—

- (A) sediment and erosion control;
- (B) protection of eroding shorelines;
- (C) ecosystem restoration, including restoration of submerged aquatic vegetation;
- (D) protection of essential public works;
- (E) beneficial uses of dredged material; and
- (F) other related projects that may enhance the living resources of the estuary.

(b) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Reform and Development Act of 2014, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a

comprehensive Chesapeake Bay restoration plan to guide the implementation of projects under subsection (a)(2).

(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b).

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

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

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

(3) PROJECTS ON FEDERAL LAND.—A project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be carried out.

(4) NON-FEDERAL CONTRIBUTIONS.—A Federal agency carrying out a project described in paragraph (3) may accept contributions of funds from non-Federal entities to carry out that project.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of

- activities carried out under an agreement under this section shall be 100 percent.
- (e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—
- (1) the heads of appropriate Federal agencies, including—
    - (A) the Administrator of the Environmental Protection Agency;
    - (B) the Secretary of Commerce, acting through the Administrator of the National Oceanographic and Atmospheric Administration;
    - (C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and
    - (D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and
  - (2) agencies of a State or political subdivision of a State, including the Chesapeake Bay Commission.
- (f) PROJECTS.—The Secretary shall establish, to the maximum extent practicable, at least 1 project under this section in—
- (1) regions within the Chesapeake Bay watershed of each of the basin States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; and
  - (2) the District of Columbia.
- (g) PROTECTION OF RESOURCES.—A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.
- (h) PROJECT CAP.—*The total cost of a project carried out under this section may not exceed \$15,000,000.*
- [(h)] (i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[\$40,000,000]** **\$60,000,000.**

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**SEC. 531. SOUTHERN AND EASTERN KENTUCKY.**

- (a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal interests in southern and eastern Kentucky.
- (b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure, environmental restoration, and resource protection and development projects in southern and eastern Kentucky, including projects for wastewater treatment and related facilities, water supply and related facilities, surface water resource protection and development, and small stream flooding, local storm water drainage, and related problems.
- (c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.
- (d) PROJECT COOPERATION AGREEMENTS.—
- (1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance. Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under

this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.

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

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.— Total project costs under each agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest before entering into the agreement with the Secretary.

(C) CREDIT FOR CERTAIN FINANCING COSTS.—In the event of a delay in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for such non-Federal interest to provide the non-Federal share of the project's cost.

(D) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs (including costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed under an agreement entered into under this subsection shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) SOUTHERN AND EASTERN KENTUCKY DEFINED.—In this section, the term “southern and eastern Kentucky” means Morgan, Floyd, Pulaski, Wayne, Laurel, Knox, Pike, Menifee, Perry, Harlan, Breathitt, Martin, Jackson, Wolfe, Clay, Magoffin, Owsley, Johnson, Leslie, Lawrence, Knott, Bell, McCreary, Rockcastle, Whitley,

Lee, *Boyd, Carter, Elliott, Lincoln*, Bath, Rowan, and Letcher Counties, Kentucky.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **【\$40,000,000】** ~~§80,000,000.~~

(i) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

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**【SEC. 575. HARRIS COUNTY, TEXAS.**

**【(a) IN GENERAL.—**During any evaluation of economic benefits and costs for projects set forth in subsection (b) that occurs after the date of the enactment of this Act, the Secretary shall not consider flood control works constructed or nonstructural actions by non-Federal interests within the drainage area of such projects prior to the date of such evaluation in the determination of conditions existing prior to construction of the project or nonstructural actions.

**【(b) SPECIFIC PROJECTS.—**The projects to which subsection (a) apply are—

**【(1) the project for flood control, Buffalo Bayou Basin, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258);**

**【(2) the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a) of the Water Resources Development Act of 1990 (104 Stat. 4610);**

**【(3) the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014);**

**【(4) the project for flood control, Clear Creek, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742); and**

**【(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).】**

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**WATER RESOURCES DEVELOPMENT ACT OF 2007**

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**TITLE V—MISCELLANEOUS**

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**SEC. 5032. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

(a) LONG-TERM MAINTENANCE AND REPAIR.—

(1) MAINTENANCE AND REPAIR.—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek tunnel, Seward, Alaska.

(2) DURATION OF RESPONSIBILITIES.—The responsibility of the Secretary for long-term maintenance and repair of the tunnel

shall continue until an alternative method of flood diversion is constructed and operational under this section, or **[15]** 20 years after the date of enactment of this Act, whichever is earlier.

(b) **STUDY.**—The Secretary shall conduct a study to determine whether an alternative method of flood diversion in Lowell Canyon is feasible.

(c) **CONSTRUCTION.**—

(1) **ALTERNATIVE METHODS.**—If the Secretary determines under the study conducted under subsection (b) that an alternative method of flood diversion in Lowell Canyon is feasible, the Secretary shall carry out the alternative method.

(2) **FEDERAL SHARE.**—The Federal share of the cost of carrying out an alternative method under paragraph (1) shall be the same as the Federal share of the cost of the construction of the Lowell Creek tunnel.

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**[SEC. 5052. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.**

**[(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.**—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

**[(b) NORTHERN EMBARCADERO SOUTH OF BRYANT STREET.**—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northeasterly prolongation of that portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the southeasterly line of Townsend Street; thence northeasterly along said southeasterly line of Townsend Street, to its intersection with a line that is parallel and distant 10 feet southerly from the existing southern boundary of Pier 40 produced; thence easterly along said parallel line, to its point of intersection with the United States Government Pierhead line; thence northerly along said Pierhead line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32; thence westerly along last said parallel line to its intersection with the United States Government Pierhead line; thence northerly along said Pierhead line, to its intersection aforementioned northwesterly line of Bryant Street produced northeasterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

[(c) REQUIREMENT THAT AREA BE IMPROVED.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before the date of enactment of this Act, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

[(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (b) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.]

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**SEC. 5056. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.**

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) RIO GRANDE COMPACT.—The term “Rio Grande Compact” means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785), and ratified by the States.

(2) RIO GRANDE BASIN.—The term “Rio Grande Basin” means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term “States” means the States of Colorado, New Mexico, and Texas.

(b) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande Basin—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2014, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);



- (B) describes the accomplishments of each program;
- (C) provides updates of a systemic habitat needs assessment and an assessment of needs for other related purposes in the Rio Grande Basin, including flood damage reduction; and
- (D) identifies any needed adjustments in the authorization of the programs.

(c) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (b), the Secretary shall—

- (1) consult with the States, and other appropriate entities in the States, the rights and interests of which might be affected by specific program activities; and
- (2) enter into 1 or more interagency agreements with the Secretary of State and the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior or the U.S. Section of the International Boundary and Water Commission for the planning, design, implementation, and evaluation of those programs.

(d) OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(e) EFFECT ON OTHER LAW.—

- (1) WATER LAW.—Nothing in this section shall be construed to preempt any State water law.
- (2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$15,000,000 for each of fiscal years 2008 through [2019] 2029.

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**SEC. 5127. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, the Secretary may carry out the project at a total cost of ~~[\$150,000,000]~~ \$232,430,000.

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**TITLE VII—LOUISIANA COASTAL AREA**

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**SEC. 7007. NON-FEDERAL COST SHARE.**

(a) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of a study or project under this title the cost of work carried out in the coastal Louisiana ecosystem by the non-Federal interest for the project before, on, or after the date of the execution of the partnership agreement for the study or project. Notwithstanding section 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)(C)(i)), the Secretary may provide credit for work carried out during the period beginning on November 8, 2007, and ending on the date of enactment of the Water Resources Development Act of 2018 by the non-Federal interest for a project under this title if the Secretary determines that the work is integral to the project and was carried out in accordance with the requirements of subchapter 4 of chapter 31, and chapter 37, of title 40, United States Code.

(b) SOURCES OF FUNDS.—The non-Federal interest may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the study or project if the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project.

(c) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this title.

(d) TREATMENT OF CREDIT BETWEEN PROJECTS.—The value of any land, easements, rights-of-way, relocations, and dredged material disposal areas and the costs of planning, design, and construction work provided by the non-Federal interest that exceed the non-Federal cost share for a study or project under this title may be applied toward the non-Federal cost share for any other study or project carried out under this title, *or may be applied to reduce the amounts required to be paid by the non-Federal interest under the terms of the deferred payment agreements entered into between the Secretary and the non-Federal interest for the projects authorized by section 7012(a)(1).*

(e) PERIODIC MONITORING.—

(1) IN GENERAL.—To ensure that the contributions of the non-Federal interest equal the non-Federal share of the cost of a study or project under this title during each 5-year period beginning after the date of commencement of the first study or project under this title, the Secretary shall—

(A) monitor for each study or project under this title the non-Federal provision of cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas; and

(B) manage the requirement of the non-Federal interest to provide for each such study or project cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas.

(2) OTHER MONITORING.—The Secretary shall conduct monitoring separately for the study phase, construction phase, preconstruction engineering and design phase, and planning phase for each project authorized on or after the date of enact-

ment of this Act for all or any portion of the coastal Louisiana ecosystem.

(f) AUDITS.—Credit for land, easements, rights-of-way, relocations, and disposal areas (including land value and incidental costs) provided under this section, and the cost of work provided under this section, shall be subject to audit by the Secretary.

(g) DEFINITION OF STUDY OR PROJECT.—In this section, the term “study or project” includes any eligible activity that is—

(1) carried out pursuant to the coastal Louisiana ecosystem science and technology program authorized under section 7006(a); and

(2) in accordance with the restoration plan.

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## TITLE IX—NATIONAL LEVEE SAFETY PROGRAM

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### SEC. 9004. INVENTORY AND INSPECTION OF LEVEES.

(a) LEVEE DATABASE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall establish and maintain a database with an inventory of the Nation’s levees.

(2) CONTENTS.—The database shall include—

(A) location information of all Federal levees in the Nation (including global information system information) and updated levee information provided by States, regional districts, Indian tribes, Federal agencies, and other entities;

(B) utilizing such information as is available, the general condition of each levee; and

(C) an estimate of the number of structures and population at risk and protected by each levee that would be adversely impacted if the levee fails or water levels exceed the height of the levee.

(3) AVAILABILITY OF INFORMATION.—

(A) AVAILABILITY TO FEDERAL, STATE, REGIONAL, TRIBAL, AND LOCAL GOVERNMENTAL AGENCIES.—The Secretary shall make all of the information in the database available to appropriate Federal, State, regional, tribal, and local governmental agencies.

(B) AVAILABILITY TO THE PUBLIC.—The Secretary shall make the information in the database described in paragraph (2)(A), and such other information in the database as the Secretary determines appropriate, available to the public.

(b) INVENTORY AND INSPECTION OF LEVEES.—

(1) FEDERAL LEVEES.—The Secretary, at Federal expense, shall establish an inventory and conduct an inspection of all federally owned and operated levees.

(2) FEDERALLY CONSTRUCTED, NONFEDERALLY OPERATED AND MAINTAINED LEVEES.—The Secretary shall establish an inventory and conduct an inspection of all federally constructed,

non-federally operated and maintained levees, at the original cost share for the project.

(3) PARTICIPATING LEVEES.—For non-Federal levees the owners of which are participating in the emergency response to natural disasters program established under section 5 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved August 18, 1941 (33 U.S.C. 701n), the Secretary shall establish an inventory and conduct an inspection of each such levee if the owner of the levee requests such inspection. The Federal share of the cost of an inspection under this paragraph shall be 65 percent.

(c) LEVEE REVIEW.—

(1) IN GENERAL.—The Secretary shall carry out a one-time inventory and review of all levees identified in the national levee database.

(2) NO FEDERAL INTEREST.—The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance of any levee that is included in the inventory or inspected under this subsection.

(3) REVIEW CRITERIA.—In carrying out the inventory and review, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.

(4) STATE, REGIONAL, AND TRIBAL PARTICIPATION.—At the request of a State, regional district, or Indian tribe with respect to any levee subject to review under this subsection, the Secretary shall—

(A) allow an official of the State, regional district, or Indian tribe to participate in the review of the levee; and

(B) provide information to the State, regional district, or Indian tribe relating to the location, construction, operation, or maintenance of the levee.

(5) EXCEPTIONS.—In carrying out the inventory and review under this subsection, the Secretary shall not be required to review any levee that has been inspected by a State, regional district, or Indian tribe using the same methodology described in paragraph (3) during the 1-year period immediately preceding the date of enactment of this subsection if the Governor of the State or chief executive of the regional district or tribal government, as applicable, requests an exemption from the review.

(d) IDENTIFICATION OF DEFICIENCIES.—

(1) IN GENERAL.—For each levee included in an inventory established under subsection (b) or for which the Secretary has conducted a review under subsection (c), the Secretary shall—

(A) identify the specific engineering and maintenance deficiencies, if any; and

(B) describe the recommended remedies to correct each deficiency identified under subparagraph (A), and, if requested by owner of a non-Federal levee, the associated costs of those remedies.

(2) CONSULTATION.—In identifying deficiencies and describing remedies for a levee under paragraph (1), the Secretary shall consult with relevant non-Federal interests, including by

*providing an opportunity for comment by those non-Federal interests.*

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**NATIONAL DAM SAFETY PROGRAM ACT**

\* \* \* \* \*

**SEC. 2. DEFINITIONS.**

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) BOARD.—The term “Board” means a National Dam Safety Review Board established under section 8(f).

(3) DAM.—The term “dam”—

(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

(i) is 25 feet or more in height from—

(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

(B) does not include—

(i) a levee; or

(ii) a barrier described in subparagraph (A) that—

(I) is 6 feet or less in height regardless of storage capacity; or

(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Administrator).

(4) ELIGIBLE HIGH HAZARD POTENTIAL DAM.—

(A) IN GENERAL.—The term “eligible high hazard potential dam” means a non-Federal dam that—

(i) is located in a State with a State dam safety program;

(ii) is classified as “high hazard potential” by the State dam safety agency in the State in which the dam is located;

[(iii) has an emergency action plan approved by the relevant State dam safety agency; and

[(iv) the State in which the dam is located determines—

[(I) fails to meet minimum dam safety standards of the State; and

[(II) poses an unacceptable risk to the public.]

(iii) *has an emergency action plan that—*

(I) *is approved by the relevant State dam safety agency; or*

(II) *is in conformance with State law and pending approval by the relevant State dam safety agency;*

(iv) *fails to meet minimum dam safety standards of the State in which the dam is located, as determined by the State; and*

(v) *poses an unacceptable risk to the public, as determined by the Administrator, in consultation with the Board.*

(B) EXCLUSION.—The term “eligible high hazard potential dam” does not include—

(i) *a licensed hydroelectric dam under a hydropower project with an authorized installed capacity of greater than 1.5 megawatts; or*

(ii) *a dam built under the authority of the Secretary of Agriculture.*

(5) FEDERAL AGENCY.—The term “Federal agency” means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

(6) FEDERAL GUIDELINES FOR DAM SAFETY.—The term “Federal Guidelines for Dam Safety” means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

(7) FEMA.—The term “FEMA” means the Federal Emergency Management Agency.

(8) HAZARD REDUCTION.—The term “hazard reduction” means the reduction in the potential consequences to life and property of dam failure.

(9) ICODS.—The term “ICODS” means the Interagency Committee on Dam Safety established by section 7.

(10) [NON-FEDERAL SPONSOR] *ELIGIBLE SUBRECIPIENT*.—[The term “non-Federal sponsor”] *The term “eligible sub-recipient”, in the case of a project receiving assistance under section 8A, includes—*

(A) *a governmental organization; and*

(B) *a nonprofit organization.*

(11) PROGRAM.—The term “Program” means the national dam safety program established under section 8.

(12) REHABILITATION.—The term “rehabilitation” means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable State dam safety and security standards.

(13) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(14) STATE DAM SAFETY AGENCY.—The term “State dam safety agency” means a State agency that has regulatory authority over the safety of non-Federal dams.

(15) STATE DAM SAFETY PROGRAM.—The term “State dam safety program” means a State dam safety program approved and assisted under section 8(e).

(16) UNITED STATES.—The term “United States”, when used in a geographical sense, means all of the States.

\* \* \* \* \*

**SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.**

(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish, within FEMA, a program to provide technical, planning, design, and construction assistance in the form of grants **to non-Federal sponsors** *to States with dam safety programs* for rehabilitation of eligible high hazard potential dams.

(b) ELIGIBLE ACTIVITIES.—A grant awarded under this section **for a project may be used for** *to a State may be used by the State to award grants to eligible subrecipients for—*

- (1) repair;
- (2) removal; or
- (3) any other structural or nonstructural measures to rehabilitate an eligible high hazard potential dam.

(c) AWARD OF GRANTS.—

(1) APPLICATION.—

(A) IN GENERAL.—A **non-Federal sponsor** *State* interested in receiving a grant under this section may submit to the Administrator an application for the grant.

(B) REQUIREMENTS.—An application submitted to the Administrator under this section shall be submitted at such time, be in such form, and contain such information as the Administrator may prescribe by regulation.

(2) GRANT.—

(A) IN GENERAL.—The Administrator may make a grant in accordance with this section for rehabilitation of **an eligible high hazard potential dam to a non-Federal sponsor** *eligible high hazard potential dams to a State* that submits an application for the grant in accordance with the regulations prescribed by the Administrator.

(B) **PROJECT GRANT** GRANT AGREEMENT.—The Administrator shall enter into a **project grant agreement with the non-Federal sponsor** *grant agreement with the State* to establish the terms of the grant and the **project,** *projects for which the grant is awarded,* including the amount of the grant.

**[(C) GRANT ASSURANCE.—As part of a project grant agreement under subparagraph (B), the Administrator shall require the non-Federal sponsor to provide an assurance, with respect to the dam to be rehabilitated under the project, that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam.]**

*(C) GRANT ASSURANCE.—As part of a grant agreement under subparagraph (B), the Administrator shall require that each eligible subrecipient to which the State awards a grant under this section provides an assurance, with respect to the dam to be rehabilitated by the eligible subrecipient, that the dam owner will carry out a plan for*

*maintenance of the dam during the expected life of the dam.*

(D) LIMITATION.—~~【A grant provided under this section shall not exceed】~~ *A State may not award a grant to an eligible subrecipient under this section that exceeds, for any 1 dam, the lesser of—*

- (i) 12.5 percent of the total amount of funds made available to carry out this section; or
- (ii) \$7,500,000.

(d) REQUIREMENTS.—

(1) APPROVAL.—A grant awarded under this section *to an eligible subrecipient* for a project shall be approved by the relevant State dam safety agency.

(2) ~~【NON-FEDERAL SPONSOR】~~ *ELIGIBLE SUBRECIPIENT REQUIREMENTS.*—To receive a grant under this section, ~~【the non-Federal sponsor shall】~~ *an eligible subrecipient shall, with respect to the dam to be rehabilitated by the eligible subrecipient—*

(A) ~~【participate in, and comply with,】~~ *demonstrate that the community in which the dam is located participates in, and complies with, all applicable Federal flood insurance programs;*

(B) ~~【have】~~ *beginning not later than 2 years after the date on which the Administrator publishes criteria for hazard mitigation plans under paragraph (3), demonstrate that the Tribal or local government with jurisdiction over the area in which the dam is located has in place a hazard mitigation plan that—*

- (i) includes all dam risks; and
- (ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

(C) *commit to provide operation and maintenance of the project for the 【50-year period】 expected life of the dam following completion of rehabilitation;*

(D) *comply with such minimum eligibility requirements as the Administrator may establish to ensure that each owner and operator of a dam under a participating State dam safety program and that receives assistance under this section—*

- (i) acts in accordance with the State dam safety program; and
- (ii) carries out activities relating to the public in the area around the dam in accordance with the hazard mitigation plan described in subparagraph (B); and

(E) *comply with section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)) (as in effect on the date of enactment of this section) with respect to projects receiving assistance under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes.*

(3) *HAZARD MITIGATION PLAN CRITERIA.*—*Not later than 1 year after the date of enactment of this paragraph, the Adminis-*



*trator, in consultation with the Board, shall publish criteria for hazard mitigation plans required under paragraph (2)(B).*

(e) FLOODPLAIN MANAGEMENT PLANS.—

(1) IN GENERAL.—As a condition of receipt of assistance under this section, **the non-Federal sponsor** *an eligible sub-recipient* shall demonstrate that a floodplain management plan to reduce the impacts of future flood events in the area protected by the project—

(A) is in place; or

(B) will be—

(i) developed not later than **1 year** *2 years* after the date of execution of a project agreement for assistance under this section; and

(ii) implemented not later than **1 year** *2 years* after the date of completion of construction of the project.

(2) INCLUSIONS.—A plan under paragraph (1) shall address—

(A) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project;

(B) plans for flood fighting and evacuation; and

(C) public education and awareness of flood risks.

**[(3) TECHNICAL SUPPORT.—The Administrator may provide technical support for the development and implementation of floodplain management plans prepared under this subsection.]**

*(3) PLAN CRITERIA AND TECHNICAL SUPPORT.—The Administrator, in consultation with the Board, shall provide criteria, and may provide technical support, for the development and implementation of floodplain management plans prepared under this subsection.*

(f) PRIORITY SYSTEM.—The Administrator, in consultation with the Board, shall develop a risk-based priority system for use in identifying eligible high hazard potential dams for which grants may be made under this section.

(g) FUNDING.—

(1) COST SHARING.—

(A) IN GENERAL.—Any assistance provided under this section for a project shall be subject to a non-Federal cost-sharing requirement of not less than 35 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share under subparagraph (A) may be provided in the form of in-kind contributions.

(2) ALLOCATION OF FUNDS.—The total amount of funds made available to carry out this section for each fiscal year shall be distributed as follows:

(A) EQUAL DISTRIBUTION.— $\frac{1}{3}$  shall be distributed equally among the States in which the projects for which applications are submitted under subsection (c)(1) are located.

(B) NEED-BASED.— $\frac{2}{3}$  shall be distributed among the States in which the projects for which applications are submitted under subsection (c)(1) are located based on the proportion that—

(i) the number of eligible high hazard potential dams in the State; bears to

(ii) the number of eligible high hazard potential dams in all such States.

(h) USE OF FUNDS.—None of the funds provided in the form of a grant or otherwise made available under this section shall be used—

- (1) to rehabilitate a Federal dam;
- (2) to perform routine operation or maintenance of a dam;
- (3) to modify a dam to produce hydroelectric power;
- (4) to increase water supply storage capacity; or
- (5) to make any other modification to a dam that does not also improve the safety of the dam.

(i) CONTRACTUAL REQUIREMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), as a condition on the receipt of a grant under this section of an amount greater than \$1,000,000, [a non-Federal sponsor] *an eligible sub-recipient* that receives the grant shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under—

(A) chapter 11 of title 40, United States Code; or

(B) an equivalent qualifications-based requirement prescribed by the relevant State.

(2) NO PROPRIETARY INTEREST.—A contract awarded in accordance with paragraph (1) shall not be considered to confer a proprietary interest upon the United States.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- (1) \$10,000,000 for fiscal years 2017 and 2018;
- (2) \$25,000,000 for fiscal year 2019;
- (3) \$40,000,000 for fiscal year 2020; and
- (4) \$60,000,000 for each of fiscal years 2021 through 2026.

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## SECTION 142 OF THE WATER RESOURCES DEVELOPMENT ACT OF 1976

SEC. 142. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to investigate the flood and related problems to those lands lying below the plane of mean higher high water along the San Francisco Bay shoreline of San Mateo, Santa Clara, Alameda, Napa, San Francisco, Marin, Sonoma and Solano Counties to the confluence of the Sacramento and San Joaquin Rivers, *and along the ocean shoreline of San Mateo, San Francisco, and Marin Counties*, with a view toward determining the feasibility of and the Federal interest in providing protection against tidal and fluvial flooding *and, with respect to the bay and ocean shorelines of San Mateo, San Francisco, and Marin Counties, the feasibility of and the Federal interest in providing measures to adapt to rising sea levels*. The [investigation] *investigations* shall evaluate the effects of any proposed improvements

on wildlife preservation, agriculture, municipal and urban interests in coordination with Federal, State, regional, and local agencies with particular reference to preservation of existing marshland in the San Francisco Bay region *and, with respect to the bay and ocean shorelines and streams running to the bay and ocean shorelines of San Mateo, San Francisco, and Marin Counties, the effects of proposed measures or improvements on the local economy; habitat restoration, enhancement, or expansion efforts or opportunities; public infrastructure protection and improvement; stormwater runoff capacity and control measures, including those that may mitigate flooding; erosion of beaches and coasts; and any other measures or improvements relevant to adapting to rising sea levels.*

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**WATER RESOURCES DEVELOPMENT ACT OF 1999**

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**TITLE V—MISCELLANEOUS PROVISIONS**

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**SEC. 560. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.**

(a) **IN GENERAL.**—The Secretary may provide technical, planning, and design assistance to Federal and non-Federal interests for carrying out projects to address water quality problems caused by drainage and related activities from abandoned and inactive noncoal mines.

(b) **SPECIFIC MEASURES.**—Assistance provided under subsection (a) may be in support of projects for the purposes of—

(1) managing drainage from abandoned and inactive noncoal mines;

(2) restoring and protecting streams, rivers, wetlands, other waterbodies, and riparian areas degraded by drainage from abandoned and inactive noncoal mines; and

(3) demonstrating management practices and innovative and alternative treatment technologies to minimize or eliminate adverse environmental effects associated with drainage from abandoned and inactive noncoal mines.

(c) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of assistance under subsection (a) shall be 50 percent, except that the Federal share with respect to projects located on land owned by the United States shall be 100 percent.

(d) **EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.**—Nothing in this section affects the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

(e) **TECHNOLOGY DATABASE FOR RECLAMATION OF ABANDONED MINES.**—The Secretary may provide assistance to non-Federal and nonprofit entities to develop, manage, and maintain a database of conventional and innovative, cost-effective technologies for reclamation of abandoned and inactive noncoal mine sites. Such assistance shall be provided through the Rehabilitation of Abandoned Mine Sites Program managed by the Sacramento District Office of the Corps of Engineers.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ~~【\$20,000,000】~~ *\$30,000,000.*

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**SEC. 571. CENTRAL WEST VIRGINIA.**

(a) DEFINITION OF CENTRAL WEST VIRGINIA.—In this section, the term “central West Virginia” means the counties of Mason, Jackson, Putnam, Kanawha, Roane, Wirt, Calhoun, Clay, Braxton, Lewis, Upshur, Randolph, Pendleton, Hardy, Hampshire, Morgan, Berkeley, and Jefferson, West Virginia.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in central West Virginia.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in central West Virginia, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest in-

curred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including a recommendation concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ~~【\$20,000,000】~~ \$40,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

(i) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(j) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

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**SEC. 595. [IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.] WESTERN RURAL WATER.**

(a) DEFINITIONS.—In this section:

(1) RURAL NEVADA.—The term “rural Nevada” means (A) the counties of Lincoln, White Pine, Nye, Eureka, Elko, Humboldt, Pershing, Churchill, Storey, Lyon, Carson, Douglas, Mineral, Esmeralda, and Lander, Nevada;

(B) the portions of Washoe County, Nevada, that are located outside the cities of Reno and Sparks; and

(C) the portions of Clark County, Nevada, that are located outside the cities of Las Vegas, North Las Vegas, and Henderson and the unincorporated portion of the county in the Las Vegas Valley.

(2) RURAL UTAH.—The term “rural Utah” means—

(A) the counties of Box Elder, Cache, Rich, Tooele, Morgan, Summit, Daggett, Wasatch, Duchesne, Uintah, Juab,

Sanpete, Carbon, Millard, Sevier, Emery, Grand, Beaver, Piute, Wayne, Iron, Garfield, San Juan, and Kane, Utah; and

(B) the portions of Washington County, Utah, that are located outside the city of St. George, Utah.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal interests in rural *Arizona*, Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of—

(1) design and construction assistance for water-related environmental infrastructure and resource protection and development in *Arizona*, Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, including projects for—

(A) wastewater treatment and related facilities;

(B) water supply and related facilities;

(C) environmental restoration; and

(D) surface water resource protection and development; and

(2) technical assistance to small and rural communities for water planning and issues relating to access to water resources.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the

non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

(h) ELIGIBILITY.—

(1) IN GENERAL.—Assistance under this section shall be made available to all eligible States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities.

(2) SELECTION OF PROJECTS.—In selecting projects for assistance under this section, the Secretary shall give priority to a project located in an eligible State or local entity for which the project sponsor is prepared to—

(A) execute a new or amended project cooperation agreement; and

(B) commence promptly after the date of enactment of the Water Resources Development Act of 2016.

(3) RURAL PROJECTS.—The Secretary shall consider a project authorized under this section and an environmental infrastructure project authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835) for new starts on the same basis as any other similarly funded project.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **for the period beginning with fiscal year 2001, \$435,000,000, to remain available until expended.** *to remain available until expended—*

*(1) for the period beginning with fiscal year 2001, \$435,000,000 for Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming; and*

(2) \$150,000,000 for Arizona.

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**WATER RESOURCES DEVELOPMENT ACT OF 2000**

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**TITLE II—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 203. TRIBAL PARTNERSHIP PROGRAM.**

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may carry out water-related planning activities, or activities relating to the study, design, and construction of water resources development projects, that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or in proximity to Alaska Native villages.

(2) AUTHORIZED ACTIVITIES.—An activity conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources;

(B) watershed assessments and planning activities; and

(C) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(3) FEASIBILITY STUDY AND REPORTS.—

(A) IN GENERAL.—On the request of an Indian tribe, the Secretary shall conduct a study on, and provide to the Indian tribe a report describing, the feasibility of a water resources development project described in paragraph (1).

(B) RECOMMENDATION.—A report under subparagraph (A) may, but shall not be required to, contain a recommendation on a specific water resources development project.

(4) DESIGN AND CONSTRUCTION.—

(A) IN GENERAL.—The Secretary may carry out the design and construction of a water resources development project, or separable element of a project, described in paragraph (1) that the Secretary determines is feasible if



the Federal share of the cost of the project or separable element is not more than ~~【\$12,500,000】~~ *\$15,000,000*.

(B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of the project or separable element described in subparagraph (A) is more than ~~【\$12,500,000】~~ *\$15,000,000*, the Secretary may only carry out the project or separable element if Congress enacts a law authorizing the Secretary to carry out the project or separable element.

(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning an activity conducted under subsection (b).

(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning an activity conducted under subsection (b).

(d) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for an activity conducted under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—

(i) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(ii) DETERMINATION.—Not later than 180 days after the date of enactment of this clause, the Secretary shall issue guidance on the procedures described in clause (i).

(2) CREDIT.—The Secretary may credit toward the non-Federal share of the costs of an activity conducted under subsection (b) the cost of services, studies, supplies, or other in-kind contributions provided by the non-Federal interest.

(3) SOVEREIGN IMMUNITY.—The Secretary shall not require an Indian tribe to waive the sovereign immunity of the Indian tribe as a condition to entering into a cost-sharing agreement under this subsection.

(4) WATER RESOURCES DEVELOPMENT PROJECTS.—

(A) IN GENERAL.—The non-Federal share of costs for the study of a water resources development project described in subsection (b)(1) shall be 50 percent.

(B) OTHER COSTS.—The non-Federal share of costs of design and construction of a project described in subparagraph (A) shall be assigned to the appropriate project purposes described in sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2213)

and shared in the same percentages as the purposes to which the costs are assigned.

(5) WATER-RELATED PLANNING ACTIVITIES.—

(A) IN GENERAL.—The non-Federal share of costs of a watershed and river basin assessment conducted under subsection (b) shall be 25 percent.

(B) OTHER COSTS.—The non-Federal share of costs of other water-related planning activities described in subsection (b)(1) shall be 50 percent.

(e) RESTRICTIONS.—The Secretary is authorized to carry out activities under this section for fiscal years 2015 through 2024.

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**RIVER AND HARBOR ACT OF 1958**

**TITLE I—RIVERS AND HARBORS**

\* \* \* \* \*

SEC. 104. (a)

(1) IN GENERAL.—There is hereby authorized a comprehensive program to provide for prevention, control, and progressive eradication of noxious aquatic plant growths and aquatic invasive species from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and State agencies.

(2) LOCAL INTERESTS.—Local interests shall agree to hold and save the United States free from claims that may occur from control operations and to participate to the extent of 30 per centum of the cost of such operations.

(3) FEDERAL COSTS.—Costs for research and planning undertaken pursuant to the authorities of this section shall be borne fully by the Federal Government.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$110,000,000 for each fiscal year, of which—

(A) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(i);

(B) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(ii); and

(C) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(iii).

(2) CONTROL OPERATIONS.—Any funds made available under paragraph (1) to be used for control operations shall be allocated by the Chief of Engineers on a priority basis, based on the urgency and need of each area and the availability of local funds.

(c) SUPPORT.—In carrying out the program under this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

(d) WATERCRAFT INSPECTION STATIONS.—

(1) IN GENERAL.—

(A) WATERCRAFT INSPECTION STATIONS.—In carrying out this section, the Secretary shall establish (as applicable), operate, and maintain new or existing watercraft inspection stations—

- (i) to protect the Columbia River Basin;
- (ii) to protect the Upper Missouri River Basin~~]; and~~];
- (iii) to protect the Upper Colorado River Basin and the South Platte and ~~Arizona River Basins.]~~ *Arkansas River Basins; and*
- (iv) to protect the *Russian River Basin, California.*

(B) LOCATIONS.—The Secretary shall establish watercraft inspection stations under subparagraph (A) at locations with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary, as determined by the Secretary in consultation with States within the areas described in subparagraph (A).

(C) RAPID RESPONSE.—The Secretary shall assist States within the areas described in subparagraph (A) with rapid response to any aquatic invasive species, including quagga or zebra mussel, infestation.

(2) COST SHARE.—The non-Federal share of the cost of constructing, operating, and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be—

- (A) 50 percent; and
- (B) provided by the State or local governmental entity in which such inspection station is located.

(3) COORDINATION.—In carrying out this subsection, the Secretary shall consult and coordinate with—

- (A) the Governors of the States within the areas described in each of clauses (i) through (iii) of paragraph (1)(A), as applicable;
- (B) Indian tribes; and
- (C) other Federal agencies, including—
  - (i) the Department of Agriculture;
  - (ii) the Department of Energy;
  - (iii) the Department of Homeland Security;
  - (iv) the Department of Commerce; and
  - (v) the Department of the Interior.

(e) MONITORING AND CONTINGENCY PLANNING.—In carrying out this section, the Secretary may—

- (1) carry out risk assessments of water resources facilities;
- (2) monitor for aquatic invasive species;
- (3) assist States in early detection of aquatic invasive species, including quagga and zebra mussels; and

(4) monitor water quality, including sediment cores and fish tissue samples.

\* \* \* \* \*

#### SECTION 114 OF THE RIVER AND HARBOR ACT OF 1968

\* \* \* \* \*

【SEC. 114. That portion of the Northern Embarcadero area, beginning at the intersection of the northwesterly line of Bryant Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Authority; following thence westerly and northerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Van Ness Avenue produced northerly; thence northerly along said easterly line of Van Ness Avenue produced to its intersection with the United States Government pier-head line; thence following said pier-head line easterly and southerly to its intersection with the north-westerly line of Bryant Street produced northeasterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning, is hereby declared to be nonnavigable waters within the meaning of the laws of the United States, and the consent of Congress is hereby given for the filling in of all or any part of the of all or any part of the described area. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.】

#### SEC. 114. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

(a) *AREA TO BE DECLARED NONNAVIGABLE.*—*The following area is declared to be nonnavigable waters of the United States: All of that portion of the City and County of San Francisco, California, lying shoreward of a line beginning at the intersection of the southerly right of way line of Earl Street prolongation with the Pierhead United States Government Pierhead line, the Pierhead line as defined in the State of California Harbor and Navigation Code Section 1770, as amended in 1961; thence northerly along said Pierhead line to its intersection with a line parallel with and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32; thence westerly along last said parallel line to its intersection with said Pierhead line; thence northerly along said Pierhead line, to the intersection of the easterly right of way line of Van Ness Avenue, formerly Marlette Street, prolongation to the Pierhead line.*

(b) *REQUIREMENT THAT AREA BE IMPROVED.*—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (a) that are or will be bulkheaded, filled, or otherwise occupied or covered by permanent structures and does not affect the applicability of any Federal statute or regulation that relates to filling of navigable waters or to other regulated activities within the area described in subsection (a), including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401, 403), section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

(c) *INCLUSION OF EMBARCADERO HISTORIC DISTRICT.*—Congress finds and declares that the area described in subsection (a) contains the seawall, piers, and wharves that comprise the Embarcadero Historic District listed on the National Register of Historic Places on May 12, 2006.

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### PUBLIC LAW 97-140

AN ACT To authorize the Secretary of the Army to contract with the Tarrant County Water Control and Improvement District Numbered 1 and the city of Weatherford, Texas, for the use of water supply storage in Benbrook Lake, and for other purposes.

\* \* \* \* \*

SEC. 5. (a) The proviso of section 2 of public law 84-485 shall not be construed to prohibit the storage of San Juan-Chama project water acquired by contract with the secretary of the interior pursuant to public law 87-483 in any reservoir, including the storage of water for recreation and other beneficial purposes by any party contracting with the secretary for project water.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized to enter into agreements with entities which have contracted with the Secretary of the Interior for water from the San Juan-Chama project pursuant to Public Law 87-483 for storage of [a total of two hundred thousand acre-feet of] such water in Abiquiu Reservoir. The Secretary of the Interior is hereby authorized to release San Juan-Chama project water to contracting entities for such storage. The agreements to thus store San Juan-Chama project water shall not interfere with the authorized purposes of the Abiquiu Dam and Reservoir project and shall include a requirement that each user of storage space shall pay any increase in operation and maintenance costs attributable to the storage of that user's water.

(c) The Secretary of the Interior is authorized to enter into agreements with entities which have contracted with the Secretary of the interior for water from the San Juan-Chama project pursuant to Public Law 87-483 for storage of such water in Elephant Butte Reservoir. The Secretary of the Interior is hereby authorized to release San Juan-Chama project water to contracting entities for such storage. Any increase in operation and maintenance costs resulting from such storage not offset by increased power revenues resulting from that storage shall be paid proportionately by the entities for which the San Juan-Chama project water is stored.

(d) The amount of evaporation loss and spill chargeable to San Juan-Chama project water stored pursuant to subsections (b) and (c) of this section shall be accounted as required by the Rio Grande

compact and the procedures established by the Rio Grande Compact Commission.

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**SECTION 1 OF PUBLIC LAW 100-522**

AN ACT To authorize continued storage of water at Abiquiu Dam in New Mexico.

**SECTION 1. WATER STORAGE.**

Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to store **[200,000 acre-feet of]** Rio Grande system *and San Juan-Chama project* water at Abiquiu Dam, New Mexico**],** in lieu of the water storage authorized by section 5 of Public Law 97-140, to the extent that contracting entities under section 5 of Public Law 97-140 no longer require such storage**].** The Secretary is authorized further to acquire lands adjacent to Abiquiu Dam on which the Secretary holds easements as of the date of enactment of this Act if such acquisition is necessary to assure proper recreational access at Abiquiu Dam. The Secretary is further directed to report to Congress as soon as possible with recommendations on additional easements that may be required to assure implementation of this Act.

## ADDITIONAL VIEWS

The following are explanations of intent on two provisions that I wrote:

### *Sec. 206. Lake Okeechobee Regulation Schedule, Florida*

This section includes direction to the Army Corps on efforts to manage water within Lake Okeechobee, Florida.

Subsection (a)1 directs the Secretary to evaluate the implications of prohibiting the release of water from the Lake at two existing lock and dam structures, and separately, to seek to minimize unnecessary releases to coastal estuaries. Subsection (a)2 directs the Secretary to coordinate with ongoing efforts of Federal and state agencies responsible for monitoring, forecasting, and notification of cyanobacteria levels in Lake Okeechobee. In carrying out this section, the intent is that the Army Corps notify impacted water users when discharges may violate the Environmental Protection Agency's Recreational Water Quality Criteria and Swimming Advisories for Cyanotoxins, which sets recreational limits for the cyanotoxin microcystin at 8 micrograms per liter. Furthermore, it is the intent that this section encourages the Army Corps to work with the National Oceanic and Atmospheric Administration on algal bloom forecasting similar to the Lake Erie Harmful Algal Bloom Forecast.

Subsection (c) notes that the requirement to evaluate the implications of prohibiting the release of water through the two lock and dam structures in subsection (a)(1) shall not be construed to authorize any new purpose for management of Lake Okeechobee or provide any new authority, beyond existing authority the Army Corps already has, for the Secretary to affect other authorized purposes. This provision is intended to be narrowly construed to impact only the evaluation required by Subsection (a)1 in which the Corps is required to evaluate the implications of prohibiting the release of water through two existing lock and dam structures. Subsection (c) does not apply to any other portions of the Lake Okeechobee System Operating Manual or Lake Okeechobee's operations.

### *Sec. 319. Central Everglades, Florida*

This section clarifies that the project for ecosystem restoration, Central and Southern Florida, Everglades Agricultural Area, authorized by section 1308 of the Water Resources Development Act of 2018 (132 Stat. 3819) does not require a new start. The section further states that the Secretary shall carry out the project as so combined, which is at the total operating cost of \$4,362,091,000.

BRIAN MAST.

## ADDITIONAL VIEWS

I support this bill and applaud the Chairman and Ranking Member for their hard work in advancing this critical legislation to move our Nation's water infrastructure forward. One issue which became a point of contention in the drafting process was what to do, if anything, about Florida's most critical water infrastructure known as the Central & South Florida Water System "C&SF System" as well as the Comprehensive Everglades Restoration Plan (CERP). More specifically, the Lake Okeechobee component of that system. As a principal in these discussions and the coauthor of Section 221, I provide these additional views to further explain this provision and offer history and insight into these issues.

Foremost, I would like to state paragraph (c) makes clear that paragraph (a)(1) authorizes no new purpose for management of the lake, nor does it affect any exiting authorized purpose for management of the lake, including the Corps obligation to provide water supply for all authorized users. Stated more plainly, in carrying out paragraph (a)(1) the Corps may not manage the lake for an unauthorized purpose. Without inclusion of this paragraph and the agreement on its intent by all parties, this section would have not been included in the bill.

Having served as an elected official from Florida for 39 years, I have a deep understanding of the critical importance of the entire C&SF system to our state. For decades the Florida congressional delegation has worked on this critical issue together, alongside the state and the various entities that are impacted by the region's water infrastructure. We didn't always agree, but we have always worked in the open and with input from all to advance the goals of ecological restoration and to meet the needs of a growing region. Unfortunately, this year marked a departure from that approach with certain desires to advance the goals of a small component of the system at the expense of the rest of the region. Being an engineer, I particularly recognize how minor changes in one component of a system can have far reaching, and unintended consequences in another component of a system. This certainly holds true for the C&SF system and the management of Lake O.

Under federal law, the C&SF System is managed by the U.S. Army Corps of Engineers for the explicit purposes of flood control, water supply for authorized users including Everglades National Park, recreation and navigation, and fish and wildlife. Its waters serve as the literal sustenance for which 6–8 million people rely on for drinking, bathing, cooking and other purposes each and every day. These waters are the lifeblood of our most important ecological region—over 2 million acres that make up the national treasure that is the Everglades/South Florida Bay. They are the most vital component of the region's agricultural industry—those farmers and their employees that sow, tend and harvest the fruits, vegetables



and other crops that we all take for granted at our dinner tables. It is also the water source for the State's two tribal nations. One of the State's oldest and proudest indigenous peoples—the Miccosukee Tribe—who could not survive without them and the Seminole Tribe of Florida, whose compact with the State of Florida requires protection of their water supply.

Without enough water in the lake and adequate flows to these users, taps run dry in homes and offices from Palm Beach to Homestead. Fields go fallow, farms go belly up and their employees are out of work. The Everglades becomes susceptible to damaging wildfires or could starve along with the animals and plant life it supports. The Miccosukee are left with little to no water in violation of a promise made long ago. Saltwater inundates our coastal wellfields and natural areas such as the Caloosahatchee River, harming that ecologically sensitive estuary.

In recognition of these issues of critical importance this very committee, in WRDA 2000, made a significant commitment to restoration of the Everglades in authorizing the Comprehensive Everglades Restoration Plan (CERP) which consisted of many regional projects and has been expanded upon in subsequent legislation. This grand vision was made possible by a provision included in that bill that stated that all existing users of water and the level of flood control in place at the time of enactment would not be negatively impacted by the restoration projects—for all of the aforementioned reasons of critical importance—those users whom for it is a life or death matter.

In 2008, the Corps began repairing the Herbert Hoover dike around Lake Okeechobee at a cost of \$1.8 billion dollars. In order to repair the dike, the Corps had to lower the lake levels temporarily, diminishing the total amount of available water in the lake which was concerning, but working together, nearly everyone recognized this was necessary and understood the importance of the repairs to be paramount to most other concerns.

In WRDA 2018, this committee once again took strong action towards moving the CS&F and CERP projects forward by prioritizing the completion of the dike and directed the Corps to expedite the development of a new Lake schedule once the repairs were complete.

The Corps expects these repairs to be completed by 2022 and a new lake regulation schedule to accompany it. The expectation of all the Floridians who were around and engaged in these issues in 2008, was that once the repairs are completed the Corps would operate the Lake to restore the water allowing this water to be conserved in the Lake for users and the environment alike. Once the dike is repaired, the Corps will have the capacity to safely hold more water in the Lake and restore the water supply and flood protection performance that existed before the dike had to be repaired while simultaneously improving environmental conditions in the Lake, Everglades, and estuaries.

Over 50 Florida organizations as well as a bipartisan group of Members of Congress have expressed strong opposition to any efforts by the Corps to manage the lake at a lower level to attempt to control seasonal flows to the coastal estuaries to mitigate the im-

pacts that Harmful Algal Blooms have on those regions—now or in the future. I share these concerns in the strongest terms possible.

I too am concerned about Harmful Algal Blooms (HABs) and support work that can be done to mitigate the impact that they may have on my fellow Floridians. However, as made clear in the language contained in the bill and impacts outlined above, lowering targeted Lake O levels is not an acceptable means by which to achieve this end.

Working together, we can all guarantee that the original compromises that allowed CERP to be included in WRDA 2000 can be upheld, and seek to address HABs, while ensuring the multi-stakeholder, scientifically-driven approach is not undermined by only focusing on an issue that may subvert the purposes of CERP.

DANIEL WEBSTER.

