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AMERICA'S WATER INFRASTRUCTURE ACT OF 2020

NOVEMBER 9, 2020.—Ordered to be printed

Mr. BARRASSO, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 3591]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 3591) 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, to provide for water pollution control activities, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

America's Water Infrastructure Act of 2020 (AWIA 2020) primarily addresses the Civil Works program of the Army Corps of Engineers (Corps). The bill supports the nation's global economic competitiveness by authorizing the Corps to undertake projects, programs and initiatives in their Civil Works program relating to navigation, environment, flood risk management, hydropower, recreation, regulatory, emergency management, and water supply. AWIA 2020 also facilitates our nation's water infrastructure by creating and reauthorizing U.S. Environmental Protection Agency (EPA) water and wastewater programs under the Clean Water Act (CWA).

A Water Resources Development Act (WRDA), in this case AWIA 2020, is the authorizing legislation for the programs and projects of the Corps' Civil Works program. Ideally enacted every two years, such an act is the main vehicle for authorizing water projects to be

studied, planned, and developed by the Corps. WRDAs typically include water resources projects with completed reports, modifications to existing Corps projects, study authorizations for new projects, and miscellaneous projects consistent with the Corps' programs that also demonstrate a federal interest. Activities fall within one or more of the Corps' eight Civil Works business lines, which include navigation, environment, flood risk management, hydro-power, recreation, regulatory, emergency management, and water supply. In recent years, WRDAs have increasingly incorporated nature-based "green" infrastructure to solve problems, in addition to traditional hard infrastructure (also known as "gray" infrastructure).

The Committee's reported legislation for AWIA 2020 includes provisions that will strengthen the United States' economic and national security, cut bureaucratic red tape, enable faster implementation of projects, increase water supply reliability, quality and quantity, promote assistance to disadvantaged communities, reduce emissions, improve resiliency, address the growing impacts of extreme weather events, and upgrade our nation's water and wastewater infrastructure. The bill is broken down into three titles:

Title I of AWIA 2020 addresses water resources development projects within the Corps. Subtitle A includes a variety of sections pertaining to the Corps' Civil Works program, including among others, those to comprehensively study areas impacted by flooding in 2019, increase the ability of projects with traditionally low Benefit-to-Cost Ratios (BCR) to compete for funding, further regional sediment management activities, encourage the beneficial use of dredged material, and provide greater flexibility for third-party entities and non-federal sponsors relating to Corps projects.

Subtitle B authorizes critical feasibility studies and reports to be conducted by the Secretary of the Army, which has oversight over the Corps. The Secretary, among other things, is also authorized to expedite applicable decision documents for specified projects, complete the review of specified submissions for consideration in the upcoming 7001 Report for 2020, and provide technical assistance to a non-federal interest of described project proposals during the required Corps outreach under section 7001(b) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014).

Subtitle C deauthorizes projects, and parts of projects, that are no longer needed for a federal purpose, and prevents the deauthorization of an environmental infrastructure assistance project or program of the Corps until September 30, 2024.

Subtitle D authorizes thirty new projects and modifies existing projects based on reports submitted to Congress by the Secretary or the Chief of Engineers. These projects address all of the primary mission areas of the Corps, including: aquatic ecosystem restoration, flood risk management, hurricane and storm damage risk reduction, navigation and water supply. This subtitle also calls upon the Secretary of the Army to provide priority funding for and expedite the completion of specified projects.

Subtitle E authorizes the Corps to address both new water supply programs and modifications to existing water supply storage programs, and to improve the management of water storage and reduce or prohibit specified related fees.

Subtitle F helps the U.S. Fish and Wildlife Service (USFWS) and the Corps to address new and existing invasive species management through technical and financial assistance, research, innovation, and partnerships between the federal government and other entities.

Title II authorizes water and wastewater infrastructure programs under the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA). These programs focus on financial opportunities, construction, technical assistance, resiliency and efficiency. This title reauthorizes and streamlines the Water Infrastructure and Finance Innovation Act loan program (WIFIA), reauthorizes existing grant programs, and establishes new grant programs. Specifically, this title reauthorizes the Clean Water State Revolving Loan Fund (CWSRF) for the first time since 1987. In addition, this title creates a new discretionary grant program based on the CWSRF eligible projects. This title also contains several provisions that focus on the critical need of technical assistance, on-site specialists and utility workers to help water systems achieve and maintain compliance. This title contains grant programs to assist small, rural, tribal and disadvantaged communities, facilitate water access, promote water efficiency and improve water system resiliency. This title also authorizes programs for water reuse, water supply, and stormwater collection.

Title III contains several provisions regarding Tribes, regional restoration programs, studies and other miscellaneous items. This title includes reauthorizations and modifications to existing Tribal programs, such as reauthorizing the Indian Irrigation Fund and increasing the Tribal Partnership Program's authorization. This title also authorizes several regional restoration or recovery programs such as those at San Francisco Bay, the Great Lakes, Lake Tahoe and the Puget Sound. This title also includes grants to help ports reduce vessel emissions, and a requirement that EPA maintain and update an environmental justice mapping tool.

The Committee believes that it is important to account for changing climate conditions in planning for resilience in congressionally authorized Corps studies and projects. The Corps should continue to work with other federal agencies, such as United States Geological Survey and National Oceanic and Atmospheric Administration, to account for sea-level rise and climate-impacted considerations in plan formulation. Further, this Committee believes that efforts should continue to expedite the delivery of major infrastructure projects by reducing unnecessary and over-burdensome bureaucracy and redundancies, while still abiding by federal environmental protection laws. These projects are vital to public safety, as well as our nation's economic and national security.

Further, the Committee believes that the Corps of Engineers has subsisted on programs that have historically been underfunded for decades by the OMB. The Committee believes that OMB should prioritize adequate annual funding for the Corps to mitigate the need for supplemental funding and to further reduce the backlog of authorized but incomplete or not started projects needed to protect our country.

OBJECTIVES OF THE LEGISLATION

The objectives of S. 3591 are to meet the nation’s water infrastructure needs, including for navigation, flood risk management, and ecosystem restoration. It will help increase water supply and storage and fight invasive species, while also facilitating critical clean water and wastewater infrastructure.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title; table of contents

This section states that this Act may be cited as the “America’s Water Infrastructure Act of 2020” and contains the table of contents.

Sec. 2. Definition of Secretary

This section states that in this Act, the term “Secretary” means the Secretary of the Army.

TITLE I—WATER RESOURCES DEVELOPMENT

Subtitle A—General Provisions

Sec. 1001. Upper and Lower Missouri River comprehensive flood protection studies

This section requires that the Secretary conduct two comprehensive studies: one on the Upper and one on the Lower Missouri River. The Secretary must submit one comprehensive strategy and report encompassing both to Congress on flood risk in areas affected by the severe flooding that occurred along the Missouri River in 2019. The study shall include recommendations on management plans and actions to be carried out by the responsible federal agencies; address whether changes are necessary to the general comprehensive plan for flood control in the Missouri River Basin; and address whether there are opportunities for increased non-federal management in the Missouri River Basin. The study shall also include recommendations for non-federal and federal action where appropriate, as well as follow-up studies for problem areas for which data or current technology does not allow for immediate solutions.

This section authorizes \$50 million in appropriations to carry out this section, to remain available until expended.

Sec. 1002. Great Lakes comprehensive flood protection study

This section directs the Secretary to conduct a comprehensive study, and submit a report to Congress, on shoreline protection and resiliency in areas affected by flooding in 2019 due to high lake water levels along the Great Lakes.

This section requires that the Secretary address whether changes are necessary to the management plan for the Great Lakes, including plans for individual lakes of the Great Lakes; address whether there are opportunities for increased non-federal management in the Great Lakes; and include recommendations on management plans and actions to be carried out by the responsible federal agencies.

This section authorizes \$50 million in appropriations to carry out this section, to remain available until expended.

Sec. 1003. Additional studies under North Atlantic Coast Comprehensive Study

This section requires the Secretary to carry out a study to determine the feasibility of a hurricane and storm damage risk reduction project for any major metropolitan area geographically located within the study area identified in the North Atlantic Coast Comprehensive Study that was not included as a high-risk focus area identified in the initial study. This study is a continuation of the previously authorized comprehensive study.

Sec. 1004. Maintenance and construction of water resources development projects by non-Federal interests

This section makes a technical correction to section 204(c) of WRDA 1986 that was caused by enacting section 1153 of America's Water Infrastructure Act of 2018 (AWIA 2018) (Public Law 115–270). Section 1153 was meant to allow a non-federal sponsor to advance projects more expeditiously using a streamlined agreement with the Corps.

As written, the studies and engineering (i.e., technical assistance) portion of section 1153 of AWIA 2018 does not apply to any non-federal interest seeking federal assumption of maintenance under section 204(f) of WRDA 1986. The studies and engineering portion of section 1153 of AWIA 2018, as enacted, only applies to construction undertaken by a non-federal interest under subsection 204(b) of WRDA 1986. The intent of section 1153 of AWIA 2018 was to cover all non-federal interest work under section 204 of WRDA 1986, not just construction. This section makes that clarification.

Sec. 1005. Watercraft inspection stations

This section makes a technical correction to section 1170 of AWIA 2018. Section 1170 of AWIA 2018 directs the Secretary to establish, operate, and maintain new or existing watercraft inspection stations intended to prevent the spread of aquatic invasive species.

Section 1170 of AWIA 2018 mistakenly referenced the “Arizona” River Basin, instead of the “Arkansas” River Basin. This technical correction enacts the correct reference to the Arkansas River Basin.

Sec. 1006. Local government reservoir permit review

This section makes a technical correction to section 1119 of AWIA 2018. This section was meant to require that the Secretary expedite the review of any application from a local governmental entity to expand a reservoir to accommodate projected water supply needs of a city with a population of less than 80,000.

Section 1119 of AWIA 2018 inadvertently included language limiting the expedited review to permits at reservoirs “owned or operated by the Secretary [of the Army]”. This technical correction strikes that limitation so that local government permit applications at any reservoir are eligible for expediting.

Sec. 1007. Upper Mississippi River protection

This section makes a technical correction to section 1225 (“Upper Mississippi River protection”) of AWIA 2018. This section directs the Secretary to accept and expend funds to carry out the study that are contributed by a state or a political subdivision.

While the body of this text references contributed funds, the statutory reference under the Act of October 15, 1940 (33 U.S.C. 701h–1) is to “advance funds” authority. This technical correction will strike the reference to “the Act of October 15, 1940” and insert “section 5 of the Act of June 22, 1936” to ensure that the textual reference to contributed funds and the citation are consistent with one another.

Sec. 1008. Beneficial use of dredged material

This section makes a technical correction to section 1148 of AWIA 2018. That section incorrectly states that the Secretary may “grant” a temporary easement to facilitate the placement of sediment if the Secretary determines it is in the interest of the United States.

The Secretary does not “grant” easements for section 204 beneficial use projects. Instead, the Secretary may approve a non-federal sponsor’s plan to provide the necessary lands, easements, rights-of-way, relocations and disposal areas for a project. This technical correction strikes the reference to the Secretary “granting” a temporary easement for the placement of sediment. Instead, the amended legislative language will reference that the Secretary may “approve” the use of a temporary easement.

Sec. 1009. Klamath Basin Water Supply Enhancement Act of 2000 technical corrections

This section makes a technical correction to the Klamath Basin Water Supply Enhancement Act of 2000 (114 Stat. 2222; 132 Stat. 3887). Amending section 4(b) regarding water activities and drought response will facilitate agreements between the Bureau of Reclamation and water supply contractors for assistance under the Klamath Basin Water Supply Enhancement Act.

Sec. 1010. Project modifications for improvement of environment

This section extends the period for which the Secretary is to give priority to projects that restore degraded ecosystems through modification of existing flood risk management projects authorized under section 1135 of WRDA 1986 (33 U.S.C. 2309a) and located within the Upper Missouri River Basin until September 30, 2026.

Sec. 1011. Non-Federal implementation pilot program

This section amends section 1043 of WRRDA 2014 (33 U.S.C. 20 note; Public Law 113–121) to allow the Secretary to transfer funds to a non-federal entity to do work on feasibility studies and projects. It also extends the date of the ability to commence feasibility studies by non-federal interests from June 10, 2019, to December 31, 2026. It also extends the associated \$25 million authorization of appropriations per fiscal year for such feasibility studies through fiscal year 2026.

In addition, this section extends the date of the ability to commence project implementation under subsection (b) by non-federal

interests from June 10, 2019, to December 31, 2026. It also lengthens the associated \$25 million authorization of appropriations per fiscal year for such projects through fiscal year 2026.

Sec. 1012. Thin layer placement pilot program

This section amends section 1122 of the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN 2016) (33 U.S.C. 2326 note; Public Law 114–322). It increases the number of authorized projects under the beneficial use of dredged material pilot program from 20 to 40 projects, and requires that ten of those projects must use thin layer placement of dredged fine and coarse grain sediment for the maintenance and restoration of wetlands.

This section also revises the pilot program to terminate after 40 projects are completed.

Sec. 1013. Annual report to Congress on authorized studies and projects

This section requires the Secretary to develop an annual report that identifies each authorized study or authorized water resource development project submitted by non-federal interests for consideration through the annual Energy & Water Development appropriations bill. Criteria for inclusion in the report include: projects that have been authorized by Congress; authorized studies and non-operations and maintenance projects for which the non-federal interest has entered into an appropriate agreement with the Corps; and demonstration of the legal and financial capability to satisfy the requirements of local cooperation for the study or project.

The report must describe specified benefits for each authorized study and authorized water resources development project included in the annual report, as well as the name of the associated non-federal interest; the purpose of the authorized study or authorized water resources development project; an estimate, to the maximum extent practicable, of the federal, non-federal, and total costs of the authorized study or authorized water resources development project; and an estimate, to the maximum extent practicable, of the monetary and nonmonetary benefits of the authorized study or authorized water resources development project.

This section requires the Secretary to include in the annual report an appendix listing the proposals submitted that were not included in the annual report and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion. The Secretary shall also make the annual report to Congress publicly available on the internet.

The Committee remains concerned that other annual reports from the Corps and OMB continue to be delayed, hindering the authorization process. To address this concern, the Committee has emphasized the requirement for the Corps and the Office of Management and Budget (OMB) to provide this report annually, on time, and consistent with criteria outlined in the bill.

Sec. 1014. Annual report to Congress on water resources infrastructure

This section amends section 7001 of WRRDA 2014 (33 U.S.C. 2282d) by giving the Secretary the option to look at regional and local benefits, in addition to benefits to the national economy.

This section also eliminates the restriction on new environmental infrastructure assistance programs or projects from being included in the annual report.

The Committee remains concerned that annual reports from the Corps and OMB continue to be delayed, hindering the authorization process, and further delaying important water infrastructure work for the country. To address this concern, the Committee has emphasized the requirement for the Corps and OMB to provide this report annually, on time, and consistent with criteria outlined in law.

Sec. 1015. Operation and maintenance

This section amends section 204(f) of WRDA 1986 (33 U.S.C. 2232(f)) to require that for a federally authorized harbor or inland harbor to have federal assumption of operation and maintenance of improvements thereto, a non-federal sponsor shall submit to the Secretary a report on the improvements carried out by the non-federal sponsor. This section clarifies that the report must include an economic justification for the improvements; details of the project improvement plan and design; proposed arrangements for the work to be performed; documents relating to any applicable permits required for the project improvements; and that the Secretary must make a determination within 180 days after the date on which the Secretary receives the report on the improvements.

Sec. 1016. Transparency and accountability in cost sharing for water resources development projects

This section amends section 1120 of AWIA 2018 (33 U.S.C. 2315b). It requires the Secretary, in the case of a beach nourishment project for which funds in excess of the amount needed to complete the nourishment cycle in the current fiscal year have been contributed by a non-federal sponsor, to either transfer excess non-federal funds back to the non-federal sponsor upon its request; or to transfer the excess to pay the cost-share for other projects carried out by the Secretary for which the non-federal sponsor is the same.

Sec. 1017. Continuing authority programs

This section establishes a cost-share waiver for “small” or “disadvantaged” communities seeking to carry out a project under a continuing authority program (CAP) with the Corps.

The Secretary may apply the waiver to a maximum of 50 projects in small communities and 50 projects in disadvantaged communities. No more than three projects in each category within any one Corps District can qualify for the waiver. This section also increases authorized annual appropriations for all CAP programs, and allows for a 20 percent federal funding limit overage, per project, on a case-by-case basis.

Sec. 1018. Shore damage prevention or mitigation

This section amends section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) by giving discretion to the Director of the USFWS to allow a non-federal interest to satisfy all or part of its cost-share for a shore damage or mitigation project by using funds from the USFWS.

Sec. 1019. Sediment management plan

This section requires that within one year of enactment of this Act, the District Commander of each Corps District that carries out any dredging activity for navigation or other water resources development project purposes develop, at full federal expense, a five-year sediment management plan for submission to the Secretary. A District Commander must provide notice and an opportunity for public comment, as well as make the plans or revisions publicly available. The Secretary has to transmit the plan or revision to a plan, as applicable, to Congress.

Sec. 1020. Criteria for funding environmental infrastructure projects

This section requires that the Secretary develop written criteria to rank environmental infrastructure projects for purposes of prioritizing funding. Subsection (a) requires a minimum criteria for all environmental infrastructure programs. Subsection (b) of this section authorizes a separate criteria for the environmental infrastructure projects that are authorized under section 219 of WRDA 1992 (106 Stat. 4835; 113 Stat. 335).

Sec. 1021. Aging infrastructure

This section authorizes the Secretary to enter into contracts with federal agencies and non-federal entities that own, operate, and maintain a water resources, water storage, or irrigation project for enhanced inspections of aging infrastructure. A non-federal entity that enters into such a contract for such inspections cannot be required to complete any recommended actions resulting from the enhanced inspections unless the Secretary determines that failure to do so would constitute a public safety risk.

The Committee believes that aging infrastructure continues to be a problem in the United States. In 2019, a 102-year-old irrigation tunnel collapsed near Fort Laramie, Wyoming, causing a disruption of water supply to over 100,000 acres of land necessary for the livelihoods of both farmers and ranchers in eastern Wyoming and western Nebraska. This resulted in an estimated \$100 million in economic damages. This Committee believes that measures, such as enhanced inspections of aging infrastructure may help avoid similar future occurrences. Similarly, enhanced inspections at aging water infrastructure projects such as the Waterbury Dam, located in Waterbury, Vermont, may better detect and monitor seepage and settlement. Enhanced inspections are likely to be an important tool for safety inspections conducted by the Corps as part of its Inspection of Completed Works Program.

Sec. 1022. Expediting repairs and recovery from flooding

This section requires that, for the five-year period beginning with the enactment of this Act, the Secretary prioritize and expedite the processing of applications for permits under the Rivers and Harbors Act of 1899 (30 Stat. 1151, chapter 425; 33 U.S.C. 403), section 404 of the CWA (33 U.S.C. 1344), and permissions under section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408). This includes completions of repairs, reconstruction (including improvements), and upgrades to flood control infrastruc-

ture damaged by flooding events during calendar years 2017 through 2020, including damage caused by ice jams.

Sec. 1023. Upper Snake River levees

This section requires the Secretary to prioritize and expedite, in coordination with state, tribal and local authorities, the completion of maintenance and repair activities to levee systems that are both operated and maintained by the Secretary and are in the Upper Snake River Basin.

Sec. 1024. Uniformity of notification systems

This section requires that the Secretary conduct an inventory of all communication and notification systems used by the Corps with respect to projects, initiatives, and facilities of the Corps within 180 days of enactment of this Act. Further, within a year of enactment of this Act, the Secretary must develop a plan for making such communication and notification systems uniform. Within 18 months, the Secretary shall implement emergency management notifications. Within two years, the Secretary must have completed implementation of the communication and notification uniformity plans.

Nothing in this section authorizes the elimination of any existing communication or notification system used by the Corps.

Sec. 1025. Susquehanna, Delaware, and Potomac River Basin commissions

This section amends section 5019 of WRDA 2007 (121 Stat. 1201; 128 Stat. 1307) to reauthorize the Susquehanna, Delaware, and Potomac River Basin Commissions, and transfers them under the purview of EPA.

Sec. 1026. Wilmington Harbor South Disposal Area, Delaware

This section establishes the sediment fill height limit at the Wilmington Harbor South Disposal Area confined disposal facility, Delaware, at not more than 45 feet. Further, it specifies that when the sediment fill reaches 45 feet, the Secretary must convey non-usable land at the facility for fair market value to the State of Delaware. Until that conveyance, the facility may be used as a dredge disposal facility for the Port of Edgemoor and for other uses, as determined by the State of Delaware. The remaining capacity in the Wilmington South disposal area would be utilized for the Corps' maintenance of Wilmington Harbor, which is the site's current purpose.

Sec. 1027. Conveyance of Wilmington Harbor North Disposal Area, Delaware

This section requires the ongoing conveyance by the Secretary of the Wilmington Harbor North Disposal Area confined disposal facility, Delaware, to the State of Delaware to be completed as soon as practicable.

Sec. 1028. Coastal storm damage reduction contracts

This section requires the Secretary to seek input from the community or communities where a coastal storm damage reduction project is located to minimize, to the maximum extent practicable,

the impact to the local economy due to the timing of the project activities.

Sec. 1029. Corps flood policy within urban areas

This section requires the Secretary to expedite the completion of the report on Corps flood policy within urban areas pursuant to section 1211 of AWIA 2018 (132 Stat. 3808).

Sec. 1030. Reporting on over budget and behind schedule Corps projects

This section requires the Secretary to submit a report describing water resources projects that either exceed the total estimated project budget by more than \$100 million, or exceed the estimated project completion date by more than five years. The report must be completed within 180 days of enactment of this Act and submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Sec. 1031. Dam remediation for ecosystem restoration

This section amends section 542(b)(2) of WRDA 2000 (114 Stat. 2671; 121 Stat. 1150) to allow for dam remediation in the Lake Champlain Watershed if the purpose is to restore, protect and preserve the surrounding ecosystem. This section applies to dams that have been constructed, in whole or in part, by the Corps for flood control purposes, for which construction was completed before 1940, that are classified as having “high hazard potential” by the state dam safety agency of the state in which the dam is located, and that are operated by a non-federal entity as a critical restoration project.

Sec. 1032. Conveyance of certain Federal land to the city of Montgomery, Alabama

This section authorizes the Secretary to convey all right, title, and interest of the United States in and to 62.38 acres of land and water 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”).

Sec. 1033. Maintenance of high risk flood control projects

This section mandates that if the Secretary assumes responsibility for the maintenance of a project classified as class III or higher urgency under the Corps’ Dam Safety Action Classification after the date of enactment of this Act, then the Secretary will continue to be responsible for the maintenance of that project. The Secretary’s responsibility for maintenance remains until the earlier of (1) the date on which the project is modified to reduce that risk and the Secretary determines that the project is determined to be adequately safe or (2) 15 years after the date of enactment of this Act.

Sec. 1034. Projects to accommodate irregular dredging

This section requires that the Secretary, within two years after enactment of this Act and to the maximum extent practicable, implement at least one project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) to improve a harbor to accom-

modate a special event that is (1) hosted by a government entity, (2) open to the public, and (3) of significant educational and regional economic development benefit. This section also allows the Secretary to not require national economic development benefits to exceed costs for any such project carried out under specified circumstances that includes specific cost-share requirements typical of section 107 projects under CAP.

Sec. 1035. Chesapeake Bay environmental restoration and protection program

This section amends section 510 of WRDA 1996 (110 Stat. 3761; 121 Stat. 1202; 128 Stat. 1318) to set a per project total cost limit of \$15 million for the Chesapeake Bay environmental restoration program. It also increases authorized appropriations to \$90 million to carry out the program.

In addition, this section requires the Secretary to carry out public outreach and workshops for non-federal interests to provide information on the Chesapeake Bay environmental restoration and protection program under section 510 of WRDA 1996, including how to participate in the program.

This section authorizes \$2.5 million for this outreach for each fiscal year 2021 and 2022.

Sec. 1036. Implementation guidance; reports; and briefings

This section requires the Secretary to brief the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of implementation guidance and reports required under this Act. The briefing must occur within 150 days of enactment of this Act.

This section also requires that the Secretary provide the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with quarterly briefings on the status of the implementation of each provision of law under WRRDA 2014, WIIN 2016, and AWIA 2018, as well as this Act and any amendments made by this Act to these aforementioned laws. The obligation to provide such briefings terminates on the date that the Secretary completes the implementation of each provision of law under these specified pieces of legislation.

Sec. 1037. Interagency task force on low-head dams and fish passages

This section requires the Secretary to establish an interagency task force to study low-head dams and fish passages.

The Secretary must also submit a report to Congress by December 31, 2021, that includes recommendations for interagency cooperation; an analysis of the quality of existing data and need for additional surveys or other studies; and a national strategy for identifying, prioritizing and successfully removing or refurbishing low-head dams of concern by 2030.

Sec. 1038. Project completion

This section extends through fiscal year 2024 the authorization of appropriations to carry out projects or programs of assistance authorized under section 219 of WRDA 1992.

Sec. 1039. Levee accreditation process; levee certifications

This section includes a sense of Congress that the process developed by the Flood Protection Structure Accreditation Task Force established by Public Law 112–141 should not be limited to levee systems in the “inspection of completed works program” of the Corps. Instead, the process shall apply equally to federally owned levee systems operated by the Secretary, as well as federally owned levee systems operated by the Secretary as part of a reservoir project.

This section also amends section 3014(a) of WRRDA 2014 (42 U.S.C. 4131). This section requires that when a levee system is operated and maintained by the Corps, the agency must cooperate with local governments seeking a levee accreditation decision. The Corps must provide information necessary to support the accreditation decision in a timely manner. This section also allows non-federal entities to pay for the federal cost associated with accelerated levee system evaluations.

Sec. 1040. Rehabilitation of flood control pump stations affecting Corps of Engineers flood risk management projects

This section authorizes the Secretary to carry out rehabilitation of an eligible pump station if the Secretary deems the rehabilitation is feasible. This means addressing a major deficiency of the eligible pump station caused by long-term degradation of the foundation, construction materials, or engineering system or components. Prior to rehabilitation under this section, a non-federal interest must enter into a binding agreement with the Secretary to pay the non-federal share of the costs of rehabilitation and to pay 100 percent of the operation and maintenance costs of the rehabilitated eligible pump station.

This section authorizes \$75 million in appropriations, to remain available until expended.

Sec. 1041. Brandon Road study

This section amends section 3061(d)(2) of WRDA 2007 (121 Stat. 1121; 132 Stat. 3785). It sets the cost-share to 75 percent federal expense and 25 percent non-federal expense for any project authorized to be constructed as a result of the feasibility study regarding the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and the Mississippi River through the Chicago Sanitary and Ship Canal and other aquatic pathways.

Sec. 1042. Credit or reimbursement

This section amends section 1024 of WRRDA 2014 (33 U.S.C. 2325a) to allow an entity that contributes materials or services to repair, restore, replace or maintain a water resources project to be eligible for reimbursement for the value of the materials and services.

This section further states that prior to contributing materials or services under section 1024 of WRRDA 2014, the non-federal interest must enter into an agreement with the Secretary specifying the terms and conditions of the use of materials and services. Any such agreement requires the non-federal interest to hold the United States free from any and all damage arising from the use of any materials and services, unless due to the fault or negligence of a federal contractor.

This section also allows non-federal interests that contribute materials or services to be eligible for reimbursement up to an amount equal to the estimated federal cost for the performance of those materials or services. Reimbursement is contingent on the Secretary determining that the materials or services provided are integral to the project. This is subject to the availability of appropriations and the non-federal interest's compliance with all federal laws and regulations that would apply to the use of materials or services had the Secretary provided them.

This section permits the Secretary to use existing emergency authorities following a flood event to accept materials, services or funds under section 1024 of WRRDA 2014 if those materials, services or funds are being used for restoring an authorized navigation or flood risk management project up to authorized dimensions; repairing or reconstructing an authorized navigation or flood risk management project; or any other activities the Secretary determines are in the public interest as a result of the emergency.

This section also amends section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)). It allows the Secretary, regarding a written agreement for a water resources project, to determine the value of in-kind contributions made by a non-federal interest towards the non-federal interest's project cost-share. It also allows the Secretary to determine as part of the agreement, the value of materials and services contributed by the non-federal third parties, without charge, to the non-federal interest for post-cost-sharing agreement planning or certain construction. This section strikes the limitation that the amount of the credit authorized cannot exceed the actual and reasonable costs of the materials, services, or other things provided by the non-federal interest.

Sec. 1043. Emergency contracting

This section allows the Secretary to maximize use of "tradeoff procedures" in competitive acquisitions while carrying out work with states in an area under a disaster declaration pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170). Tradeoff procedures place roughly an equal weight or greater importance on schedule and other non-price factors compared to cost or price.

Sec. 1044. Project partnership agreement

This section amends section 103(j)(1) of WRDA 1986 (33 U.S.C. 2213(j)(1)). It requires that any agreement required for flood control and other purposes for which that section applies, to include a brief description of, and estimate costs for, anticipated operation, maintenance, repair, replacement, and rehabilitation obligations of the non-federal interest for the project.

Sec. 1045. Acceptance of funds for harbor dredging

This section allows the Secretary to accept and expend funds contributed by a state or other non-federal interest to dredge a non-federal harbor or channel or to provide technical assistance related to the planning and design of dredging activities in a non-federal harbor or channel.

Sec. 1046. Emergency flooding protection for lakes

This section requires the Secretary to submit a report to Congress on the extent to which the program authorized under section 5 of the Flood Control Act of 1941 (55 Stat. 650, chapter 377; 33 U.S.C. 701n), applies to lakes, including lakes with the flow of a slow-moving river, including, if applicable, recommendations for legislative changes to ensure that such lakes are eligible for the program.

Sec. 1047. Levee safety

This section amends section 9004 of WRDA 2007 (33 U.S.C. 3303) to require the Secretary to identify engineering and maintenance deficiencies, as well as describe recommended remedies and associated costs, for each levee identified in the national levee database. When identifying deficiencies and describing remedies, the Secretary is required to consult with relevant non-federal interests and provide them with an opportunity to comment.

Sec. 1048. Replacement capacity

This section amends section 217(a) of WRDA 1996 (33 U.S.C. 2326a(a)) and expands upon the authority to allow the Secretary to approve the use of federal dredge disposal facilities for non-federal construction of navigation improvements pursuant to section 204(f) of WRDA 1986 (33 U.S.C. 2232(f)). If the Secretary determines that replacement capacity is necessary for federal project purposes and can be constructed at an alternative dredge disposal facility, the non-federal interest shall be responsible for the costs to construct the replacement capacity, but not until the capacity is needed for federal project purposes. Additional costs or credits may be attributable to the non-federal interest depending on the proposed site for the replacement capacity of the dredge material. This section also stipulates that the Secretary may not reject a replacement capacity location unless it is determined that the site is environmentally unacceptable or technically unsound.

Sec. 1049. Implementation guidance for post-flood improvements

This section requires the Secretary to expedite the implementation guidance for the amendments made by section 1176 of WIIN 2016 (130 Stat. 1673).

Sec. 1050. Willamette Valley Project water reallocation

This section mandates that the Secretary assist the State of Oregon in the implementation of the reallocation of water within the Willamette Basin. This includes the development of instream flow targets and facilitation of the conversion of Willamette Valley Project stored water to instream water rights. This reallocation is to ensure fish and wildlife benefits, as required by the biological

opinion for the Willamette Basin Review issued by the National Marine Fisheries Service on June 28, 2019.

This section authorizes \$2 million to remain available until expended.

Sec. 1051. Central Appalachia water

This section establishes a program under the Corps to provide environmental assistance to non-federal interests in Central and North Central Appalachia. This assistance is to be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects. This includes projects for publicly owned wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

This section also requires that the Secretary enter into local cooperation agreements with non-federal interests and create a development plan with the appropriate federal and state officials.

This section sets the federal cost-share of a project carried out with the assistance under this section at 75 percent. However, the non-federal interests may 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, not to exceed 25 percent of the total cost of the project.

This section authorizes \$120 million, to remain available until expended.

Sec. 1052. Reviewing hydropower at Corps of Engineers facilities

This section amends section 1008 of WRRDA 2014 (33 U.S.C. 2321b). It requires the Secretary, at the written request of an eligible non-federal interest, to evaluate operational changes at the applicable project to facilitate production of non-federal hydropower, consistent with authorized project purposes. Within 180 days of such a request, the Secretary must provide a written response approving the request or specifying necessary additional information. The non-federal cost-share associated with an evaluation is 100 percent, including costs to prepare the report called for in this section.

This section also requires that an evaluation on the effects of the operational changes proposed by the non-federal interest be complete within one year of its commencement. The Secretary must submit 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 on the effects of the operational changes proposed by the non-federal interest. The Corps must examine the effect of the changes on the authorized purposes of the project, and describe any negative impacts of the proposed operational changes thereon.

Sec. 1053. Establishing permanent features from emergency response measures

This section requires the Secretary, at the request of an impacted community, to evaluate whether a temporary structure that was constructed by the Corps in response to a natural disaster should become a permanent feature. In making that determination, the Secretary shall consider the likelihood that a similar structure will

need to be constructed in that area in the future if not made permanent; the extent to which similar structures have been constructed in the area previously and have been removed; the economic, safety, and environmental benefits and impacts of establishing a permanent feature in the watershed of the impacted community; the extent of the modifications necessary to make the temporary structure a permanent feature; and the costs of the modifications.

Once this evaluation is completed, the planning, design and construction of permanent features may proceed if the total project cost is not expected to exceed \$17.5 million. If the total construction cost of a project is more, then the Secretary must submit to Congress a request to carry out the project in a manner similar to a Chief's Report and may not carry out the project until Congress authorizes the construction of the project.

This section establishes the maximum non-federal cost-share for carrying out a project under this section at 35 percent, except when carrying out a project with a small or disadvantaged community if it is determined that the life, safety, or economic viability of the community would be threatened without the project. If that is determined to be the case, the Secretary may reduce the cost-share of the applicable project from a minimum of ten percent, up to 100 percent of the non-federal share.

As is current law, the Committee directs the Secretary when implementing this section to consider the current and future impacts that any constructed feature might have on potential flooding upstream, on adjacent lands and interests, or on downstream areas.

Sec. 1054. Studies of water resources development projects by non-Federal interests

This section amends section 203 of WRDA 1986 (33 U.S.C. 2231) to permit a non-federal interest to undertake not just a federally authorized feasibility study of a proposed project, but also conduct a feasibility study on modifications or improvements to a project constructed by the Corps.

This section mandates that the Secretary issue guidelines for feasibility studies of water resources development projects conducted by non-federal interests to provide sufficient information for the formulation of the studies, including processes and procedures related to reviews and assistance. Any technical assistance provided by the Secretary under section 2231 of WRDA 1986 may include assistance that does not conflict with any other federal law, including regulations.

Sec. 1055. Subsurface drain systems research and development

This section mandates that the Secretary, acting through the Director of the Engineer Research and Development Center (ERDC), carry out research and development activities relating to the use of subsurface drain systems as a flood risk-reduction measure and a coastal storm risk-reduction measure.

This section authorizes \$5 million dollars, to remain available until expended.

Sec. 1056. Limitation on contract execution in the Arkansas River Basin

This section creates a limitation on contract execution for contracts between any local governmental entity and the Secretary for water supply storage in a federal or non-federal hydropower lake within the Arkansas River Basin. This section requires that for new contracts entered into during the period beginning on the date of enactment of this Act and ending on December 31, 2022, for a hydropower lake, a local governmental entity shall not pay more than 110 percent of the initial principal cost for the acre-feet being sought for the new covered contract for that hydropower lake.

Sec. 1057. Support for mitigation efforts for small dams in National Heritage Corridors

This section allows the Secretary to participate in ecosystem restoration efforts, including fish passage measures at a dam associated with a small hydroelectric power project, that are otherwise the legal obligation of the hydroelectric power project licensee or exemption holder to provide under the Federal Power Act (16 U.S.C. 791a *et seq.*), if the ecosystem restoration project is located in a National Heritage Area located within the boundaries of the North Atlantic Division of the Corps.

Sec. 1058. Report on barriers to infrastructure development at United States ports

This section requires the Secretary, within 180 days of enactment of this Act and in consultation with all relevant federal agencies, to submit a report on the barriers to infrastructure and capital improvement projects faced by ports and port authorities. The report must also examine the impact those barriers have on the strategic competitiveness of ports of the United States and provide recommendations to reduce those barriers.

Sec. 1059. Rye Harbor, New Hampshire, navigation improvement project

This section requires the Secretary to expedite authorized activities to address shoaling impacts at the Rye Harbor, New Hampshire, navigation project authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480).

Sec. 1060. Cape Arundel disposal site, Maine

This section allows the Secretary to extend the period of time that the Cape Arundel Disposal Site can be used as an alternative dredge material disposal site under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) until September 30, 2024.

Sec. 1061. Rio Grande environmental management program, Colorado, New Mexico, and Texas

This section extends the current level of authorized appropriations to carry out the Rio Grande Environmental Management Program, Colorado, New Mexico and Texas under section 5056(f) of WRDA 2007 (121 Stat. 1214; 128 Stat. 1315) until fiscal year 2024. The program is authorized at \$15 million per fiscal year.

Sec. 1062. Restoration of abandoned sites

This section amends section 560(f) of WRDA 1999 (33 U.S.C. 2336(f)) to allow the Secretary to carry out 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 non-coal mines.

The authorization is increased to \$30 million to remain available until expended.

Sec. 1063. Rural Western water

This section amends section 595(i) of WRDA 1999 (113 Stat. 383; 128 Stat. 1613; 130 Stat. 1681) to require that the Secretary appoint a Corps Headquarters employee as a program manager responsible for the environmental infrastructure program established under this statute. Additionally, this section increases the authorization of appropriations for the program by \$65 million in order to provide environmental infrastructure assistance to non-federal interests in rural Idaho, Montana, Nevada, New Mexico, Utah and Wyoming.

Sec. 1064. Thad Cochran Lock and Dam

This section designates the lock and dam located at mile 371 on the Tennessee-Tombigbee Waterway as the “Thad Cochran Lock and Dam”.

Sec. 1065. Report on Corps of Engineers facilities in Appalachia

This section requires the Secretary, in collaboration with the Appalachian Regional Commission (ARC), to 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 Corps facilities and projects located within a distressed county (as designated by the Appalachian Regional Commission pursuant to section 14526(a)(1)(A) of title 40, United States Code). Furthermore, the study is to identify where Corps facilities could be improved for purposes of economic development, recreation or other uses. The report must be submitted within 180 days of enactment of this Act.

Sec. 1066. Report on Corps of Engineers hydropower facilities in Appalachia

This section mandates that the Secretary conduct a study in collaboration with the ARC, the Secretary of Energy, and the Federal Energy Regulatory Commission (FERC) that examines the potential at Corps facilities located within ARC-identified distressed communities, or an at risk county, for testing, evaluating, piloting, demonstrating, or deploying hydropower or energy storage technologies and powering non-powered dams. The study is also to identify previously proposed dam sites in ARC-designated distressed counties that may be appropriate for such activities.

This section requires the study to be carried out in coordination with relevant National Laboratories and shall be issued within 180 days of enactment of this Act.

Sec. 1067. Harris County, Texas

This section repeals section 575 of WRDA 1996 (110 Stat. 3789; 113 Stat. 311; 121 Stat. 1253) that disadvantaged the benefit calculations for certain projects located in Harris County, Texas.

Sec. 1068. Identification of nonpowered dams for hydropower development

This section requires that the Secretary, pursuant to section 1206 of AWIA 2018 (132 Stat. 3806), expedite completion of a list of existing nonpowered dams owned and operated by the Corps that have the greatest potential for hydropower.

Sec. 1069. Inland Waterway Transportation

This section amends section 102 of WRDA 1986 (33 U.S.C. 2212) to adjust the contributions for the construction or major rehabilitation of a navigation project on inland waterways to 65 percent from the general fund of the Treasury and 35 percent from the Inland Waterways Trust Fund (IWTF). The change in contributions applies to projects authorized on or after the date of enactment of WRDA 1986 and for which the construction or major rehabilitation has not been initiated or completed by the date of enactment of this Act.

Sec. 1070. Federal interest determination

This section amends section 905 of WRDA 1986 (33 U.S.C. 2282) by requiring a federal interest determination prior to initiating an authorized water resources project-related study. The cost of the determination is at full federal expense and is limited to no more than \$100,000. Further, the federal interest determination must be completed within 120 days from the availability of full funding for the determination, and is not subject to the 3x3x3 requirements established under sections 1001(a)(1) and (2) of the WRRDA 2014 (33 U.S.C. 2282c(a)(1) and (2)).

Sec. 1071. Report on single levee standard

This section requires that the Secretary, in coordination with the Federal Emergency Management Agency (FEMA) Administrator, 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 on the differences between the levee standards of the Corps and levee standards of FEMA. The report should address whether any differences uncovered create uncertainty for levee management purposes. The report must be submitted within 180 days of enactment of this Act.

Sec. 1072. South Atlantic Coastal Study

This section amends section 1204 of WIIN 2016 (130 Stat. 1685) to require the Secretary to provide the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with an annual briefing and report on the South Atlantic Coastal Study. The purpose of the study is to identify the risks and vulnerabilities of coastal areas located within the South Atlantic Division of the Corps to increased hurricane and storm damage as a result of sea level rise. The report on the status of the study on a state-by-state

basis must be submitted annually, and not later than 180 days after the aforementioned annual briefing. The report will include detailed information on the engagement of the Corps with non-federal interests regarding the study.

Sec. 1073. Completion of reports

This section authorizes \$50 million in appropriations, to remain available until expended, for the completion of any report required under a provision of WRRDA 2014, WIIN 2016, AWIA 2018, this Act, or any amendments made by any of these aforementioned acts and for which appropriations were not or are not otherwise provided.

Sec. 1074. Delegation of work for Comprehensive Everglades Restoration Plan projects

This section amends section 601 of WRDA 2000 (114 Stat. 2684) to allow the Secretary to delegate work that needs to be completed on projects authorized under the Comprehensive Everglades Restoration Plan (CERP) to non-federal sponsors. This also includes modifications to the Central and Southern Florida Project, and the specified authorization of future projects.

If the Secretary determines that a non-federal sponsor is capable and willing to design and construct an authorized CERP project, or separable element, the Secretary may transfer funds to the non-federal sponsor up to the amount of the federal share to carry out the project. If Corps technical assistance is required, the transferred funds would be equal to the difference of: not greater than 100 percent of the federal share of the cost of carrying out the project, or separable element, and the cost of providing the non-federal sponsor with federal technical assistance required for compliance with statutory, regulatory, and program requirements.

Sec. 1075. Material breaches of contract

This section allows the Secretary to waive a non-federal interest's share of damages and attorney's fees in a case where the Armed Service Board of Contract Appeals, or another court of competent jurisdiction, renders a decision awarding damages to a contractor related to claims arising from the construction of general navigation features of any authorized project. This waiver is conditioned upon the court decision occurring between specified dates, and the contracting officer having been instructed by the Corps to modify the terms of the contract or terminate the contract. Additionally, the court must determine that the failure of the contracting officer to timely take action was a material breach of the contract that resulted in damages to the contractor.

Sec. 1076. Repair and restoration of embankments

This section authorizes the Secretary to repair and restore any portion of an embankment that is adjacent to the shoreline of a reservoir project operated by the Secretary for which damage to, or the failure of, the embankment has adversely affected a roadway that the Secretary has relocated for construction of the reservoir.

Sec. 1077. Non-Federal interest repayment obligations

This section amends section 103 of WRDA 1986 (33 U.S.C. 2213) to allow the Secretary and non-federal interest to renegotiate the payment terms and conditions of a covered project accrued during a project delay. Specifically, the parties may renegotiate the payment terms and conditions regarding the interest rate and forgiveness of construction interest accrued during a project delay; and a credit against construction interest for a non-federal investment that benefits the covered project. To qualify, a project must have been initiated on or after September 8, 2005, and must have had a delay of five or more years beyond the completion date established by the project partnership agreement.

In addition, the Secretary can credit any costs incurred by the non-federal interest to fix a design or construction deficiency of a covered project towards the non-federal share of the cost of the covered project. However, the Secretary must make a determination that the fix is integral to the completion of the covered project.

Sec. 1078. Great Lakes confined disposal facilities

This section requires the Secretary to the maximum extent practicable, to relocate access to a confined disposal facility owned or operated by a non-federal interest in the Great Lakes region in which material dredged by the Corps is placed, if the Administrator of the Federal Aviation Administration regulates access to the confined disposal facility. The cost to relocate access to a confined disposal facility under this section must be shared in accordance with the cost-share applicable to operation and maintenance of the federal navigation project from which material placed in the confined disposal facility is dredged. The authority under this section terminates on December 31, 2024.

Sec. 1079. Coastal mapping

This section amends section 516 of WRDA 1996 (33 U.S.C. 2326b) to require the Secretary to develop and carry out a plan for the mapping of coastlines that are experiencing rapid coastline changes on a reoccurring basis.

This section authorizes an additional \$10 million for these activities.

Sec. 1080. Disposal of dredged materials

This section requires the Secretary, within 180 days of enactment of this Act, to ensure that, when evaluating the placement of dredged material that the Corps considers the suitability of the material to be dredged for a full range of beneficial uses and the economic and environmental benefits, impacts, and feasibility, of using the material for those beneficial uses.

Sec. 1081. Upper Missouri River Basin mainstem dam fish loss research

This section requires the Secretary to carry out research relating to the management of fish losses through the mainstem dams of the Missouri River Basin during periods of high water flow. Within 18 months of enactment of this Act, a report must be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the

House of Representatives recommending a plan to address these losses.

Sec. 1082. Briefings on dissemination of information

This section amends section 1104(b) of AWIA 2018 (33 U.S.C. 2282d note) to require that the Secretary provide the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives annual briefings on the Secretary's education and awareness efforts regarding non-federal interests and the annual 7001 Report. It also requires that the Secretary issue guidance for the uniform implementation of the 7001 process by Corps districts and ensure annual compliance with that guidance.

The Committee remains concerned that the implementation of the 7001 Report process continues to be handled inconsistently by each Corps District, and the purpose of the 7001 Report process is not widely understood among individuals tasked with developing the report. As authorized, the 7001 Report is a communication to Congress that allows for the authorization or modification of studies, projects, and programs at the Corps. The Committee continues to hear complaints from stakeholders that the dissemination of information regarding the 7001 Report process is also inconsistent and needs to be improved. This section directs the Corps to improve implementation and public awareness of the 7001 Report process, so as not to disrupt the authorization process of Congress.

Sec. 1083. Corps of Engineers projects in underserved communities, economically distressed areas, or rural areas

This section allows the Secretary to recommend a project for funding without the need to demonstrate that the project is justified by national economic development benefits. This is contingent on the community that is served by the project being small, financially disadvantaged, or rural, as well as the long-term life, safety, economic viability, and environmental sustainability of the community being threatened without the project. The economic evaluation of such a project must include non-monetary benefits, as well as monetary benefits.

Sec. 1084. Interim risk reduction measures

This section requires the Secretary to reevaluate a final environmental assessment completed during the period beginning on March 18, 2019, and ending on the date of enactment of this Act, where an interim risk reduction measure for dam safety purposes was evaluated if the final environmental assessment did not consider in detail at least one operational water control plan change alternative, one action alternative other than an operational water control plan change, and the no action alternative.

Sec. 1085. Maintenance dredging permits

This section requires that the Secretary prioritize the reissuance of any regional general permit for maintenance dredging that expires prior to May 1, 2021, while also using best efforts to ensure the reissuance prior to expiration of said regional permit.

Sec. 1086. Technical correction

This section makes a technical correction to the authorization pursuant to section 112 of WRDA 1976 (90 Stat. 2923) regarding the Theodore Ship Channel, Mobile Harbor, Alabama.

Sec. 1087. Annual debris removal

This section requires the Secretary to submit 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 by December 31st each year that identifies activities the Secretary plans to start, continue, or complete during the upcoming year under section 3 of the Act of March 2, 1945 (59 Stat. 23, chapter 19; 33 U.S.C. 603a), or under another debris removal authority of the Secretary. This report has to include, among other information, the estimated total cost and completion dates for each activity.

Sec. 1088. Enhanced development demonstration program

This section directs the Secretary to review the master plan and shoreline management plan for any lake under section 3134 of WRDA 2007 (121 Stat. 1142; 130 Stat. 1671) for purposes of identifying areas suitable for enhanced development. Additionally, this section allows the Secretary to lease federal land for purposes of enhanced development for up to 100 years, and authorizes the Secretary to accept as in-kind consideration for lease payments the maintenance, protection, alteration, repair, improvement, or restoration of public recreation facilities under the control of the Secretary, and construction of new public recreation facilities.

Sec. 1089. Report on benefits calculation for flood control structures

This section requires the Secretary to submit a report, not later than 180 days after the date of enactment of this Act, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the extent to which flood insurance premium reductions are included in the benefit-to-cost calculation when justifying the implementation of a structural flood risk management project.

Sec. 1090. High water-low water preparedness

This section authorizes the Secretary, in consultation with the District Commanders responsible for maintaining any affected waterway, the Inland Waterways Users Board, and the U.S. Coast Guard, to make a determination that an “emergency condition” exists, or is anticipated to exist, on an inland navigable waterway or a bypass.

This section allows the Secretary, subject to appropriations and in accordance with federal permit requirements, to carry out emergency mitigation projects on an inland navigable waterway or bypass if an emergency condition is determined to exist, or is anticipated to exist. However, such a project must be initiated within 60 days after the Secretary makes an emergency condition determination, and it must be completed within one year of such a determination.

This section authorizes \$25 million for each fiscal year 2022 through 2024, to remain available until expended.

Sec. 1091. East Rockaway Inlet to Rockaway Inlet and Jamaica Bay Reformulation, New York

This section authorizes the Secretary to carry out the East Rockaway Inlet to Rockaway Inlet and Jamaica Bay Reformulation, Atlantic Coast of New York project, in accordance with the terms and conditions of the August 22, 2019, Chief's Report. It also describes the treatment and cost-share of the project.

Sec. 1092. Report on antecedent hydrologic conditions

This section requires the Secretary to submit a report within one year of enactment of this Act to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives relating to the Corps' use of data relating to antecedent hydrologic conditions in the Missouri River Basin since 2010 (e.g., soil moisture conditions, frost depths, snowpack and stream flow conditions). More specifically, the report is required to examine the use of this data in conducting Missouri River mainstem reservoir operations under the Missouri River Master Manual; developing related annual operating plans; and performing seasonal, monthly, and daily operations.

This section requires the Secretary to enter into an agreement with the National Academy of Sciences (NAS) or another independent scientific and technical advisory organization to conduct a peer review of the Corps' report. The Secretary shall submit the results of the peer review to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 180 days after receipt of the peer review.

The Committee is aware of an observable cycle of wet and dry years in the Missouri River Basin; a specific year's annual runoff does not exist independent of prior years. Among other factors, the section 1092 report requirement calls for the Corps of Engineers to assess existing and alternative algorithms. The Committee is encouraged by the prospect that this assessment could improve forecasting, particularly if alternative algorithms include consideration of runoff from sequential years. The Committee hopes that improvement in forecasting, and full implementation of the Missouri River Basin snowpack monitoring system, will result in more accurate water management decisions that benefits the entire basin.

This section authorizes \$5 million for the report, and an additional \$5 million for the peer review.

Sec. 1093. Harmful algal blooms demonstration program

This section authorizes the Secretary to conduct a demonstration program to determine the causes of, and how to effectively treat and eliminate, harmful algal blooms within the Great Lakes and Lake Okeechobee, Florida, and applicable tributaries. Related activities will be carried out at full federal expense. \$25 million is authorized to carry out this section, to remain available until expended.

Sec. 1094. Sense of Congress relating to annual maintenance dredging

This section expresses the sense of Congress that the Corps should maintain the annual maintenance dredging for Wilmington Harbor, Delaware.

Sec. 1095. Selection of dredged material disposal method for certain purposes

This section amends section 204 of WRDA 1992 (33 U.S.C. 2326) to allow the Secretary to evaluate the most beneficial use of dredged material from a project rather than disposing of it in the least cost option.

Sec. 1096. Increasing access for recreation at Corps of Engineers projects

This section requires the Secretary to develop recommendations, in consultation with relevant non-federal sponsors and local recreational organizations, to maximize public access and public use at Corps projects. The Secretary is required to submit 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 within 180 days of enactment of this Act, regarding the recommendations to increase public access for recreation at Corps owned and operated projects.

Sec. 1097. Extinguishment of flowage easements, Rough River Lake, Kentucky

This section requires the Secretary to extinguish, upon request of the landowner, flowage easements or any portion of a flowage easement on developed land that is held by the United States at Rough River Lake, Kentucky. These easements can be extinguished provided that the elevation is above 534 feet mean sea level and the easement is not required to address backwater effects. \$10 million is authorized to carry out this section, to remain available until expended.

Sec. 1098. Small flood control projects

This section amends section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) (as amended by section 1017(b)(6) of this Act) to include natural or nature based projects.

Sec. 1099. Comprehensive study of Mississippi River System from Old River Control Structure to Gulf of Mexico

This section requires the Secretary to submit a report to Congress on the lower Mississippi River. This study shall include the tributaries and distributaries of the Mississippi River, from the Old River Control Structure near Point Breeze, Louisiana, to the Gulf of Mexico. This section outlines specific details of the study and requires it to be conducted in collaboration with the heads of other relevant federal agencies.

This section authorizes \$25 million to carry out this comprehensive study, to remain available until expended.

Sec. 1100. Missouri River

This section requires the Secretary to submit 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 on impacts of interception rearing complexes (IRC) on flood control, navigation and other authorized purposes set forth in the Missouri River Master Manual, as well as population status and trend of the pallid sturgeon. The report must be submitted within one year of enactment of this Act, and biannually, for ten years thereafter.

Additionally, this section requires the Secretary to continue research on the design of IRCs; ensure comments are solicited from the public and Governors of states where any future IRC construction takes place; and take corrective action if any adverse impacts on an authorized purpose described in the Missouri River Master Manual are determined to be a result of an IRC.

Sec. 1101. Flexibility for projects

This section establishes a two-year goal for the completion of Corps feasibility studies.

Sec. 1102. Development of categorical exclusions

This section directs the Secretary to share a list of the Corps' categorical exclusions for environmental review with other federal agencies and directs those federal agencies to conduct a rulemaking process if they determine that it is appropriate to adopt similar categorical exclusions.

Sec. 1103. Publication of fee schedules

This section requires the Secretary to make available on Corps District office websites a schedule of administrative fees charged by the Corps for transactions associated with water resources development project lands.

Sec. 1104. Flood protection projects

This section amends section 73(a) of WRDA 1974 (33 U.S.C. 701b–11(a)) to allow for natural and nature based project alternatives to be considered in the non-structural category of projects.

Sec. 1105. Rehabilitation of high hazard potential dams

This section amends section 2 of the National Dam Safety Program Act (33 U.S.C. 467) with technical changes designed to improve the functioning of the FEMA grant program for non-federal dam safety projects enacted in WIIN 2016.

Sec. 1106. Backlog prevention

This section deauthorizes water resource development projects authorized for construction under AWIA 2020 ten years after enactment unless such a project has had funds obligated for construction of, or a post-authorization study for, the project or the separable element during that period, or a subsequent Act of Congress modifies the authorization contained in AWIA 2020.

Sec. 1107. Lease terms for commercial concession leases

This section amends section 4 of the Flood Control Act of 1944 (58 Stat. 889, chapter 665; 16 U.S.C. 460d) to require that a commercial concession lease under which the lessee has agreed to build structures or facilities on the land under the control of the Department of the Army that is subject to the lease, be for a period of at least twenty-five years, and not more than 50 years, unless agreed to otherwise.

Subtitle B—Studies and Reports

Sec. 1201. Authorization of proposed feasibility studies and modifications

This section authorizes the Secretary to conduct feasibility studies or initiate project modifications for the following 14 projects for water resources development that were submitted to Congress in an annual *Report to Congress on Future Water Resources Development* pursuant to section 7001 of WRRDA 2014 (33 U.S.C. 2282d), or otherwise reviewed by Congress:

1. The project for coastal storm risk management, Newbury and Newburyport, Massachusetts
2. The project for flood protection, Jones County, Mississippi
3. The project for ecosystem restoration, Lower Osage River Basin, Missouri
4. The project modification for Clarence Cannon Dam and Mark Twain Lake Project Salt River, Missouri
5. The project modification for Smithville Lake, Plattsburg, Missouri
6. The project modification for Smithville Lake, Smithville, Missouri
7. The project for navigation, Lower Missouri River, Missouri
8. The project for flood risk management, Port Arthur, Texas
9. The project for flood risk management, Chocolate Bayou, Texas
10. The project for navigation, Houston-Galveston, Texas
11. Reauthorization of the project for navigation, Christiansted Harbor, St. Croix, United States Virgin Islands
12. Modification of the project for water supply desalination, South Perris, California
13. Reauthorization of the project for navigation, Charlotte Amalie Harbor, St. Thomas, United States Virgin Islands
14. The project for flood protection, levee rehabilitation, Greater Williamsport, Pennsylvania

Sec. 1202. Expedited completion

This section requires the Secretary to expedite the completion, review, or validation of the following applicable decision documents:

1. Modification of the Tennessee-Tombigbee Waterway for improved access and navigation
2. The project for ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey
3. The project for navigation, St. George Harbor, Alaska
4. The project for navigation, Kentucky Lock and Dam, Tennessee River, Kentucky

5. The project for navigation, New Haven Harbor, Connecticut
6. The project for flood risk management, Fairfield and New Haven Counties, Connecticut
7. The project for navigation, Wilmington Harbor, North Carolina
8. The project for hurricane and storm damage risk reduction, Carolina Beach, North Carolina
9. The project for hurricane and storm damage risk reduction, Wrightsville Beach, North Carolina
10. The project for flood risk management, Raymondville Drain Project, Lower Rio Grande Basin, Texas
11. The project for flood risk management, Westminster and East Garden Grove, California
12. The project for flood risk management, Prado Basin, California
13. The project for ecosystem restoration, Malibu Creek watershed, California
14. The project for flood risk management, San Francisquito Creek, California
15. The project for navigation, Georgetown Harbor, South Carolina
16. The project for coastal storm risk management, Myrtle Beach, South Carolina
17. The project for flood risk management, Dorchester County, South Carolina
18. The project for navigation, Florence, Alabama
19. The project for navigation, North Landing Bridge, Atlantic Intracoastal Waterway, Virginia
20. The project for flood risk management, Upper Barataria, Louisiana
21. The project for navigation, Port Fourchon, Belle Pass, Louisiana
22. The project for ecosystem restoration, Lake Okeechobee, Florida
23. The project for ecosystem restoration, Western Everglades, Florida
24. The project for ecosystem restoration, Canal 111, South Dade, Florida
25. The project for ecosystem restoration, Caloosahatchee River C-43, West Basin Storage Reservoir, Florida
26. The project for flood risk management, Hanapepe River, Kaua'i, Hawaii
27. The project for flood risk management, Wailupe Stream, Oahu, Hawaii
28. The project for flood risk management, Lower Santa Cruz watershed, Arizona
29. The project for navigation, Upper St. Anthony Falls Lock and Dam, Minnesota
30. The project for flood risk management, Westchester County streams, New York
31. The project for hurricane and storm damage risk reduction, Fire Island to Montauk Point Reformulation, New York
32. The project for flood risk management, Savan Gut Phase II, St. Thomas, United States Virgin Islands
33. The project for flood risk management, Rio Culebrinas, Puerto Rico

34. The project for flood risk management, Turpentine Run, St. Thomas, United States Virgin Islands
35. The project for flood risk management, Rio Guayanilla, Puerto Rico
36. The project for hurricane and storm damage risk reduction, Highlands, New Jersey
37. The project for navigation, Seattle Harbor, Washington
38. The project for flood risk management, metropolitan Louisville, Kentucky
39. The feasibility study for the project for rehabilitation of Lock E-32, Erie Canal, Pittsford, New York
40. The project for ecosystem restoration, Hudson River Habitat Restoration, New York
41. The project for navigation, Lake Montauk Harbor, New York
42. Modifications to the project for navigation, Milwaukee Harbor, Wisconsin, pursuant to section 14 of the Act of March 3, 1899 (commonly known as the "Rivers and Harbors Act of 1899") (30 Stat. 1152, chapter 425; 33 U.S.C. 408)
43. An economic reevaluation report for the navigation and sustainability program under title VIII of WRDA 2007 (33 U.S.C. 652 note; Public Law 110-114)
44. The project for water supply, Willamette River Basin Review Reallocation, Oregon
45. The project for ecosystem restoration, South Fork of the South Branch of the Chicago River (Bubbly Creek), Illinois
46. The study for the restoration of the Chicago River, Illinois, pursuant to the resolution of the Committee on Environment and Public Works of the Senate (108th Congress, 2d Session) relating to the Chicago River System Restoration Management Plan, Illinois, and dated June 23, 2004

Sec. 1203. Inclusion of certain projects in annual report to Congress

This section requires that the Secretary complete the review of each of the following submissions for inclusion in the report submitted for 2020 under section 7001 of WRRDA 2014 (33 U.S.C. 2282d):

1. Modification of the authorization for the environmental infrastructure project, DeSoto County, Mississippi, under section 219(f)(30) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 122 Stat. 1623)
2. Modification of the types of activities authorized under the environmental infrastructure project, Jackson County, Mississippi, under section 331 of WRDA 1999 (113 Stat. 305; 121 Stat. 1134)
3. Modification of the environmental restoration infrastructure and resource protection development program, southern West Virginia, under section 340 of WRDA 1992
4. Modification of the environmental assistance program, central West Virginia, under section 571 of WRDA 1999
5. Modification of the authorized funding level for the project for water and wastewater assistance, Madison and St. Claire Counties, Illinois
6. A study on the reallocation of water storage at Lake Whitney, Texas, in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b)

7. Reallocation of water storage at Aquilla Lake, Texas, in accordance with the Aquilla Lake Reallocation Study of the Corps, dated February 2018, and section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b)

8. Expansion of the Abiquiu Reservoir, New Mexico, to allow more flexibility for concurrent storage of San Juan-Chama and Rio Grande system water, while changing the authorized water supply storage limit within the flood control space from a volume of 200,000 acre-feet to an elevation of 6,230 feet National Geodetic Vertical Datum, in order to increase the currently available space by approximately 30,000 acre-feet until the space diminishes over time due to sediment inflow

9. A watershed assessment to determine problems, needs, and opportunities within the Lower Rio Grande Valley watershed, Texas

Sec. 1204. Assistance to non-Federal sponsors

This section requires that the Secretary provide assistance to the applicable non-federal stakeholders associated with the studies or projects identified below, during the Corps outreach required under section 7001(b) of WRRDA 2014:

1. Development of a management plan for restoration of the Chicago River, Illinois, pursuant to the resolution of the Committee on Environment and Public Works of the Senate (108th Congress, 2d Session) relating to the Chicago River System Restoration Management Plan, Illinois, and dated June 23, 2004

2. Modification of the authorized funding level for the project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa, authorized by section 1001(21) of WRDA 2007 (121 Stat. 1053)

3. Modification of the project for navigation, Ouachita-Black Rivers, Arkansas and Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481) to include water supply as an authorized purpose

4. Modification of the project for navigation, McClellan-Kerr Arkansas River, to deepen the navigation channel to a minimum depth of 12 feet, as authorized under section 136 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1842)

5. Modification of the project for flood risk management and water supply, Tenkiller Ferry Lake, Arkansas River Basin, Oklahoma, authorized by section 4 of the Act of June 28, 1938 (52 Stat 1218, chapter 795) to modify water storage and provide for a sufficient quantity of water supply storage space in the inactive pool storage to support the fishery downstream from Tenkiller Reservoir

6. Reauthorization of the project for environmental restoration, Muddy River, Brookline and Boston, Massachusetts, authorized by section 522 of WRDA 2000 (114 Stat. 2656), and deauthorized pursuant to section 6001 of WRRDA 2014 (33 U.S.C. 579b) (as in effect on the day before the date of enactment of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1690))

7. Modification of the project for flood damage reduction, Muddy River, Brookline and Boston, Massachusetts, authorized by section 522 of WRDA 2000 (114 Stat. 2656), to provide that in the case of phase II of the project, the non-federal interest is not required to pay any cost of the project above the initial estimate

8. A feasibility study for a project for flood risk management, Hoosic River, Massachusetts
9. A feasibility study for a project for aquatic ecosystem restoration at the mouth of the Hood River, Oregon, at the confluence of that river with the Columbia River, Oregon
10. A feasibility study on resolving increased silting and shoaling adjacent to, but outside of, the federal channel, experienced at the Port of Bandon, Coquille River, Oregon
11. A feasibility study on increasing the frequency and depth of dredging assistance from the Corps at the Port of Astoria, located at the mouth of the Columbia River, Oregon
12. A feasibility study on modifying the project for navigation, Port of Gulfport, Mississippi, authorized by section 202(a) of WRDA 1986 (106 Stat. 4094), to deepen the navigation channel to 46 feet
13. A feasibility study to identify and evaluate opportunities to reduce the risk of flooding and restore lost habitat within the Escatawpa River Basin, Mississippi and Alabama
14. The project described in section 219(f)(231) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1266)
15. A feasibility study for a project to design and construct the Naugatuck River Greenway Trail, a multiuse trail on federal land between Torrington and Derby, Connecticut
16. A feasibility study for a project for coastal and flood risk management, Stratford, Connecticut
17. A feasibility study for projects for flood risk management, Woodbridge, Connecticut
18. Modification of the authorized funding level for the project to eliminate or control combined sewer overflows, St. Louis, Missouri, authorized by section 219(f)(32) of WRDA 1992 (106 Stat. 4835; 113 Stat. 337; 121 Stat. 1233)
19. A feasibility study for projects for ecosystem restoration, Bangert Island, St. Charles, Missouri, related to channels and aquatic habitats
20. Modification of the authorized funding level for the project to carry out water related infrastructure, El Paso, Texas, authorized by section 219(f)(269) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1268)
21. Modification of the authorized funding level for the South Central Pennsylvania environmental restoration infrastructure and resource protection development pilot program under section 313 of WRDA 1992 (106 Stat. 4845; 121 Stat. 1146)
22. A feasibility study for dam safety improvements, Oroville Dam, California
23. Modification of the authorized funding level for the project for water supply, Lakes Marion and Moultrie, South Carolina
24. An environmental infrastructure project to increase hydrologic variability, Sacramento Regional Water Bank, California
25. A study for a project for aquatic ecosystem restoration and allied purposes, Blue River Watershed, Missouri and Kansas
26. A project for aquatic and riparian restoration, Line Creek, Riverside, Kansas
27. Modification of the authorized funding level for the environmental infrastructure program, Central New Mexico, under section 593 of WRDA 1999 (113 Stat. 381; 119 Stat. 2255)

28. Modification of the authorized funding level for the environmental assistance program, Ohio and North Dakota, under section 594 of WRDA 1999 (113 Stat. 383; 121 Stat. 1140; 121 Stat. 1944)

29. A study for a fish passage for ecological restoration, Lower Alabama River, Alabama

30. Modification of the project for Atlantic Intracoastal Waterway Deep Creek bridge replacement, Virginia

31. Modification of projects for water supply, wastewater infrastructure, and environmental restoration, Virginia, authorized by section 219(f)(10) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1255)

32. Modification of the project for flood risk management, Red River below Denison Dam, Arkansas, Louisiana, and Texas, for Caddo Levee District, Louisiana, to incorporate the Cherokee Park Levee into the project

33. Modification of the Mississippi River and Tributaries Project authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569) to include the portion of the Ouachita River Levee System at and below Monroe, Louisiana, to Caldwell Parish, Louisiana

34. Modification of the project for navigation, Port of Iberia, Louisiana

35. A feasibility study for flood risk management and storm damage reduction in the Hoey's Basin area of the eastbank of Jefferson Parish, including a study of the "pump to the river" concept

36. A feasibility study for a project for flood risk management, Cataouatche Subbasin, which encompasses part of the westbank of Jefferson Parish, Louisiana

37. Modification of the project for beach erosion and hurricane protection, Grand Isle, Louisiana, to include periodic beach nourishment

38. A feasibility study, Arkansas River Basin, Oklahoma, to determine whether the purchase of additional flood easements, changes in lake level management, additional levee infrastructure, or implementation of other flood risk management or containment mechanisms along the Arkansas River Basin would benefit local communities by reducing flood risks around projects of the Secretary in a range of different flood scenarios

39. Modification of the authorized funding level for critical restoration projects, Lake Champlain watershed, Vermont and New York, authorized by section 542 of WRDA 2000 (114 Stat. 2671; 121 Stat. 1150)

40. Modification of the authorized funding level for wastewater infrastructure, Charlotte County, Florida, authorized by section 219(f)(121) of WRDA 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1261)

41. A project to extend dredging of the South Haven Harbor, Michigan, to include the former Turning Basin

42. Modification of the project for flood risk management, Upper Rouge River, Wayne County, Michigan

43. A feasibility study for the project for flood risk management, Tonto Creek, Arizona

44. A feasibility study for the project for flood risk management, Sikorsky Airport, Bridgeport, Connecticut

45. Modification of the authorized funding level for the environmental infrastructure project, Calaveras County, California, under section 219(f)(86) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1259)
46. Modification of the project for navigation, River Rouge, Michigan
47. A feasibility study for dredge disposal management activities, Port of Florence, Alabama
48. A feasibility study for the project for navigation, Port of Oswego, New York
49. A project for repairs to the West Pier and West Barrier Bar, Little Sodus Bay Harbor, Cayuga County, New York
50. A project for repair of sheet pile wall and east breakwater, Great Sodus Bay, New York
51. A study of the resiliency of the Allegheny Reservoir, in consultation with the Seneca Nation
52. A feasibility study for potential projects for the rehabilitation of the Glens Falls Feeder Canal, which begins at the Feeder Dam intersection with the Hudson River in Queensbury, New York, and runs to the confluence of the Old Champlain Canal in Kingsbury, New York
53. A feasibility study for the rehabilitation of the tainter gates and guard gate, Caughdenoy Dam, New York, including an evaluation of the rehabilitation work necessary to extend the service life of those structures
54. Modification of the Upper Mississippi River Restoration program authorized by section 1103 of WRDA 1986 (33 U.S.C. 652)
55. The project for flood protection, Bloomington, Indiana
56. The project for flood protection, Gary, Indiana
57. Modification of the environmental infrastructure project, Athens, Tennessee, authorized by section 219(f)(254) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)
58. Modification of the environmental infrastructure project, Blaine, Tennessee, authorized by section 219(f)(255) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)
59. Modification of the environmental infrastructure project, Claiborne County, Tennessee, authorized by section 219(f)(256) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)
60. Modification of the environmental infrastructure project, Giles County, Tennessee, authorized by section 219(f)(257) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)
61. Modification of the environmental infrastructure project, Grainger County, Tennessee, authorized by section 219(f)(258) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)
62. Modification of the environmental infrastructure project, Hamilton County, Tennessee, authorized by section 219(f)(259) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)
63. Modification of the environmental infrastructure project, Harrogate, Tennessee, authorized by section 219(f)(260) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)
64. Modification of the environmental infrastructure project, Johnson County, Tennessee, authorized by section 219(f)(261) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)

65. Modification of the environmental infrastructure project, Knoxville, Tennessee, authorized by section 219(f)(262) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)

66. Modification of the environmental infrastructure project, Nashville, Tennessee, authorized by section 219(f)(263) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)

67. Modification of the environmental infrastructure project, Lewis, Lawrence, and Wayne Counties, Tennessee, authorized by section 219(f)(264) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1268)

68. Modification of the environmental infrastructure project, Oak Ridge, Tennessee, authorized by section 219(f)(265) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1268)

69. Modification of the environmental infrastructure project, Plateau Utility District, Morgan County, Tennessee, authorized by section 219(f)(266) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1268)

70. Extension of existing authority to the City of Sheffield, Alabama, for the Nashville District of the Corps to replace a sewer pipe that floods when the Corps mitigates flooding upstream as authorized by section 219(f)(263) of WRDA 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267)

71. A research study to examine the causes of harmful algal blooms, such as agricultural runoff, sewer discharge and commercial or industrial flows, and possible mitigation strategies for algal blooms in the Allegheny Reservoir Watershed, New York

72. Modification of the environmental assistance project authorized by section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150), for sanitary sewer system upgrades in the Village of Whitehall, New York

Sec. 1205. Rahway flood risk management feasibility study, New Jersey

This section requires the Secretary to nullify the North Atlantic Division of the Corps determination decision on the feasibility study for flood risk management, Rahway, New Jersey. It directs the Corps to identify an acceptable alternative to the project that could receive federal and non-federal support. Additionally, the Secretary must expedite the completion of the feasibility study for the acceptable alternative.

Sec. 1206. Arctic deep draft port

This section includes a Sense of the Senate regarding the Arctic and requires the Secretary to expedite the completion of the applicable decision document for the Arctic Deep Draft Port, Nome, Alaska.

Sec. 1207. Nassau County Back Bays coastal storm risk management

This section exempts the Nassau County Back Bays Coastal Storm Risk Management feasibility study from the requirements under section 1001(a) of WRRDA 2014 (33 U.S.C. 2282c(a)).

Subtitle C—Deauthorizations, Modifications and Related Provisions

Sec. 1301. Deauthorization of Watch Hill Cove, Rhode Island and Connecticut

This section deauthorizes the portion of the project for navigation, Pawcatuck River, Rhode Island and Connecticut, authorized by section 2 of the River and Harbor Act of 1945 (59 Stat. 13) beginning on the date of enactment of this Act.

Sec. 1302. Rush River and Lower Rush River, North Dakota

This section deauthorizes a portion of the project for flood control and other purposes in the Red River of the North drainage basin, North Dakota, South Dakota, and Minnesota, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1177) and modified by section 204 of the Flood Control Act of 1950 (64 Stat. 176).

Sec. 1303. Willamette Falls Locks, Willamette River, Oregon

This section authorizes the Secretary to dispose of the project for navigation, Willamette Falls Locks, Willamette River, Oregon, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (referred to in this section as the “Willamette Falls Locks project”), subject to specified conditions and in accordance with the report of the Director of Civil Works entitled “Willamette Falls Locks, Willamette River, Oregon, section 216 Disposition Study with Integrated Environmental Assessment (Study)” and dated July 11, 2019.

Under this section, if an entity to be named by the Willamette Falls Locks Commission or the State of Oregon does not accept the conveyance under that subsection, the Secretary may dispose of the land and improvements in which the Federal Government has a property interest for the Willamette Falls Locks project under subchapter III of chapter 5 of title 40, United States Code.

Sec. 1304. Camden Harbor, Maine

This section deauthorizes specified portions of the project for navigation, Camden Harbor, Maine.

Sec. 1305. Deauthorization of flood control project for Taylor Creek Reservoir and Levee L-73, Upper St. Johns River Basin, Central and Southern Florida

This section deauthorizes 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 within the Upper St. Johns River Basin, Florida. This deauthorization is effective beginning on the date of enactment of this Act.

Sec. 1306. New London Harbor Waterfront Channel, Connecticut

This section deauthorizes, as of the date of enactment of this Act, the New London Harbor Waterfront Channel, Connecticut, authorized by the first section of the Act of June 13, 1902 (32 Stat. 333, chapter 1079).

Sec. 1307. No deauthorization of certain projects

This section mandates that an environmental infrastructure assistance project or program of the Corps shall not be deauthorized during the period between enactment of this Act and September 30, 2024.

Sec. 1308. Comprehensive Everglades Restoration Plan

This section mandates that a water resource project or separable element of a project under CERP (114 Stat. 2680) shall not be deauthorized prior to December 31, 2030.

Sec. 1309. Cape Porpoise Harbor, Maine, Anchorage Area designation

This section modifies the project for navigation, Cape Porpoise Harbor, Kennebunkport, Maine, to designate a portion of the project as a six-foot deep anchorage.

Sec. 1310. Sacramento River, Glenn–Colusa, California

This section deauthorizes a portion of the Sacramento River, California, flood control project consisting of a riverbed gradient restoration facility at the Glenn–Colusa Irrigation District Intake.

Subtitle D—Water Resources Infrastructure

Sec. 1401. Project authorizations

This section authorizes twenty-six Chief's or Director's Reports:

Ecosystem restoration—

1. Anacostia River, Prince George's County
2. Great Lakes and Mississippi River Interbasin Study—Brandon Road
3. South Platte River and Tributaries, Adams and Denver Counties
4. St. Louis Riverfront—Meramec River Basin
5. Delta Islands and Levees
6. Yuba River
7. Sandia Pueblo to Isleta Pueblo
8. Jefferson County
9. Loxahatchee River Watershed

Flood risk management—

1. Souris River Basin, Bottineau, McHenry, Renville, and Ward
2. Little Colorado River at Winslow, Navajo County
3. Middle Rio Grande floor protection, Bernalillo to Belen, New Mexico
4. Tulsa and West Tulsa Levee System
5. Peckman River Basin

Hurricane and storm damage risk reduction—

1. East Rockaway Inlet to Rockaway Inlet and Jamaica Bay Reformulation, Atlantic Coast
2. Pawcatuck River
3. Norfolk Coastal Storm Risk Management
4. Hashamomuck Cove
5. Delaware River Dredged Material Utilization

Navigation—

1. Unalaska Dutch Harbor Channels
2. Gulf Intracoastal Waterway, Brazos River Floodgates and Colorado River Locks
3. Matagorda Ship Channel Improvement Project
4. Houston Ship Channel Expansion Improvement Project
5. New York and New Jersey Harbor Anchorages

Coastal storm risk management—

1. New Jersey Dredged Material Utilization, Delaware River

Navigation and ecosystem restoration—

1. Corpus Christi Ship Channel

Sec. 1402. Expedited completion of certain projects

This section states that the Secretary shall provide priority funding for and expedite the completion of the following projects:

1. The project for ecosystem restoration, Cano Martin Pena, Puerto Rico
2. The project for navigation for Portsmouth Harbor and the Piscataqua River, Maine and New Hampshire
3. The project for flood risk management, Rio de Flag, Arizona
4. The project for flood risk management, East Hartford Levee System, Connecticut
5. The project for flood risk management, Hartford Levee System, Connecticut
6. The project for navigation, Guilford Harbor and Sluice Channel, Connecticut
7. Phase 5 of the Bluestone Dam Project Remediation, West Virginia
8. The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, authorized by section 101(b)(15) of WRDA 1999 (113 Stat. 281)
9. The project for ecosystem restoration, Puget Sound, Washington, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197)
10. The project for navigation, Tacoma Harbor, Washington
11. The project for water storage, Halligan Dam, Colorado
12. The project for construction of tribal housing authorized by title IV of Public Law 100–581 (102 Stat. 2944)
13. The replacement of the Bourne and Sagamore Bridges, Cape Cod, Massachusetts
14. The project for coastal storm damage reduction, San Diego County shoreline, California

Sec. 1403. Additional project authorizations

This section authorizes the following four projects to be carried out by the Secretary as recommended by reports that were prepared by non-federal interests under section 203 of WRDA 1986 (33 U.S.C. 2231):

Coastal storm risk management—

1. Fort Pierce Shore Protection

Navigation—

1. Houma Navigation Channel Deepening
2. Collette Bayou Navigation Channel Deepening

Flood risk management—

1. Chacon Creek

Sec. 1404. Treatment of project

This section allows the Tulsa and West Tulsa Levee System, Oklahoma project authorized in this Act to be financed over a thirty-year period starting on the date of completion of the project.

Subtitle E—Water Supply and Storage

Sec. 1501. Small water storage projects

This section requires the Secretary to carry out a program to study and construct new, or enlarge existing, small water storage projects in rural states. This is to be done in partnership with a non-federal interest. Qualifying projects must be located in a state with a population of less than one million; in the case of a new water storage project, have a water storage capacity of not less than 2,000 acre-feet and not more than 30,000 acre-feet; and in the case of an enlargement of an existing water storage project, be for an enlargement of not less than 1,000 acre-feet and not more than 30,000 acre-feet. Further, such projects must provide either flood risk management benefits or ecological benefits, and be economically justified, environmentally acceptable, and technically feasible.

For the ten-year period starting with the date of enactment of this Act, the Secretary must expedite projects under this section if applicable federal permitting requirements have been completed.

This section states that in conducting a study under this section, to the maximum extent practicable, the Secretary shall use any applicable hydrologic, economic or environmental data from state water plans or other state planning documents relating to water resources management.

The federal share of the study conducted pursuant to this section is 75 percent. The cost of operation, maintenance, repair, replacement and rehabilitation for a project constructed under this section is wholly the responsibility of the non-federal interest.

The maximum amount of authorized federal funds per projects is \$65 million. \$130 million is authorized to be appropriated to carry out this section for each fiscal year.

Sec. 1502. Missouri River reservoir sediment management

This section amends section 1179(a) of WIIN 2016 (130 Stat. 1675). It inserts language stating that in determining the economic justification of a sediment management plan, the Secretary must measure and include flooding erosion, and accretion damages both upstream and downstream of the reservoir that are likely to occur as a result of sediment management within the reservoir compared to the damages that are likely to occur if the sediment management plan is not implemented. The sediment management plan's economic justification must also include lifecycle costs and a 100-year period of analysis.

This section also authorizes the Secretary to carry out sediment removal activities at reservoirs owned and operated by the Secretary in the Upper Missouri River Basin, or at reservoirs for which the Secretary has flood control responsibilities under section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665; 33 U.S.C. 709) in the Upper Missouri River Basin, in accordance with section 602 of WRDA 1986 (100 Stat. 4148; 121 Stat. 1076), as part of such a sediment management plan.

Sec. 1503. Planning Assistance for States

This section mandates that the Secretary ensure that the planning assistance for states program under section 22 of WRDA 1974 (42 U.S.C. 1962d-16) provides equal priority for all authorized purposes, including water supply and water conservation, as required by law.

Sec. 1504. Forecast-informed reservoir operations

This section mandates that the Secretary, in conjunction with the Commissioner of Reclamation, establish a working group to advance the science to support forecast-informed reservoir operations (FIRO) in the Upper Missouri River Basin. It outlines the membership of the working group, as well as its duties.

This section states that on request of a non-federal interest, the Secretary, the Commissioner of Reclamation and the non-federal interest must jointly conduct a viability assessment on the use of FIRO at a reservoir located in the Upper Missouri River Basin for which the Secretary has flood control responsibilities under section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665; 33 U.S.C. 709). The viability assessment must be completed within one year after the date on which it begins, and the federal cost-share of the viability assessment is 100 percent.

This section also states that if a conducted viability assessment indicates that forecast-informed reservoir operations are viable at a reservoir described under this section, the Secretary and the Commissioner of Reclamation must develop and implement a pilot program to carry out FIRO at that reservoir.

Sec. 1505. Study on data for water allocation, supply, and demand

This section states that the Secretary must offer to enter into an agreement with NAS to conduct a study on the ability of federal agencies to coordinate with other federal agencies, state and local agencies, Indian tribes, communities, universities, consortiums, councils, and other relevant entities with expertise in water resources to facilitate and coordinate the sharing of water allocation, supply and demand data.

NAS must submit a report to Congress within one year of enactment of this Act. The report must include the results of the study, as well as any recommendations for ways to streamline and create cost-effective methods for federal agencies to coordinate interstate sharing of data; recommendations for the development of a publicly accessible, internet-based platform that can allow entities to communicate and coordinate ongoing data collection efforts relating to water allocation, supply, and demand; and share best practices re-

lating to those efforts. The report should also recommend an appropriate federal entity to serve as the lead coordinator for data relating to water allocation, supply, and demand, and to host and manage the internet-based platform.

This section authorizes \$3.9 million to carry out this section from unobligated funds made available for operations and maintenance activities of the Corps.

Sec. 1506. GAO report on certain Federal dams and reservoirs

This section requires the Comptroller General of the United States to submit a report to Congress within one year of enactment of this Act. It must address, with respect to each federal dam and reservoir in the United States located west of the 100th meridian, the water control manuals that were changed or updated by the Corps during the previous ten years. Further, it must identify any water storage reallocations approved by the Corps during the previous ten years.

The report must include a summary of the process and policies used by the Corps to establish and update flood control curves within those water control manuals at the federal dams and reservoirs, and make recommendations for changes to the process and policies used by the Corps to establish and update flood control curves within water control manuals at the federal dams and reservoirs.

Sec. 1507. Aquatic ecosystem restoration

This section amends section 206 of WRDA 1996 (33 U.S.C. 2330) regarding projects to restore and protect an aquatic ecosystem or estuary. It states that for fiscal years 2021 through 2024, the Secretary must prioritize a project that is located in the South Platte River Basin; is on a body of water that is identified by the applicable state under section 303(d) of the CWA (33 U.S.C. 1313(d)) as being impaired; has the potential to provide flood risk management and recreational benefits in addition to ecosystem restoration benefits; and is located in a city with a population of 80,000 or less.

Sec. 1508. Improving reviews for non-Federal hydropower at existing Corps of Engineers projects

This section requires FERC and the Secretary to develop and implement an environmental review process, as outlined in the section, for a licensing application to construct or operate hydropower facilities at dams, dikes, embankments or other barriers for which the construction was completed on or before the date of enactment of this Act, and that is operated, owned, or was constructed by the Corps.

Sec. 1509. Surplus water contracts and water storage agreements

This section makes permanent the current prohibition for the Corps to charge fees for surplus water under a contract entered into pursuant to section 6 of the Flood Control Act of 1944, if the contract is for surplus water stored in the Upper Missouri Mainstem Reservoirs.

Sec. 1510. Reduced pricing for certain water supply storage

This section amends section 322 of WRDA 1990 (33 U.S.C. 2324) regarding reduced pricing for certain water supply storage for low-income communities. It increases the maximum amount of water supply storage space that may be provided to a community under that section to an amount not to exceed storage space sufficient to yield three million gallons of water per day. In addition, it adds to the previous definition of “low-income community” that of a regional water system that serves populations below 100,000, for which the per capita income is less than the per capita income of not less than 50 percent of the United States’ counties.

Subtitle F—Invasive Species

Sec. 1601. Definition of invasive species

This section gives the term “invasive species”, the same meaning given to the term in section 1 of Executive Order 13112 (64 Fed. Reg. 6183; relating to invasive species (February 8, 1999)) (as amended by section 2 of Executive Order 13751 (81 Fed. Reg. 88609; relating to safeguarding the Nation from the impacts of invasive species (December 5, 2016))).

Sec. 1602. Invasive species in impaired waters

This section allows EPA to provide technical assistance to support the efforts of states, Indian tribes, and local governments in the early detection of and rapid response to aquatic invasive species, including eradication and control measures, in U.S. waterways. Priority is to be given to efforts that target invasive species in a waterway identified by an applicable state under subparagraph (A) or (B) of section 303(d)(1) of the CWA (33 U.S.C. 1313(d)(1)). The cost-share will be 100 percent federal, and \$10 million in appropriations is authorized to carry out this section, to remain available until expended.

Sec. 1603. Aquatic invasive species research

This section amends section 1108 of AWIA 2018 (33 U.S.C. 2263a). It requires ERDC to add “prevention” to its research, in addition to “management and eradication,” of aquatic invasive species. In addition, it specifies that the Secretary must work with the Corps District offices representing regions that could be impacted in the future by aquatic invasive species, in addition to those that are already impacted. This section also adds elodea and quagga mussels to the list of species the Secretary shall research, as well as adding the “Arctic” region as a region impacted by aquatic invasive species.

Sec. 1604. Invasive species mitigation and reduction

This section amends section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610).

This section expands the Secretary’s obligation to establish, operate and maintain new or existing watercraft inspection stations in specified basins to include decontamination stations. Additionally, it directs the Secretary to place watercraft inspection stations and decontamination stations within the specified basins at locations with the highest likelihood of preventing the spread of aquatic

invasive species into and out of waters of the United States, as determined by the Secretary in consultation with the Governors.

This section authorizes \$10 million in appropriations for fiscal years 2021 through 2024 to support watercraft inspection stations along the United States border with Canada.

This section also authorizes the Secretary to carry out a pilot program in coordination with the Aquatic Nuisance Species Task Force and in collaboration with states in the Upper Missouri River Basin. The purpose would be to develop voluntary aquatic invasive species management plans, or update or expand an existing plan, to mitigate the effects of invasive species on public infrastructure facilities located on reservoirs of the Corps reservoirs. This section authorizes \$10 million in appropriations for each fiscal year 2021 through 2024 to carry out this pilot program. This pilot program terminates on September 30, 2024.

This section also authorizes the Secretary to enter into partnerships with states and other federal agencies to carry out actions to prevent the introduction of, control, or eradicate, to the maximum extent possible, invasive species that adversely affect water quantity or water quality in the Platte River Basin, the Upper Colorado River Basin, the Upper Snake River Basin, and the Upper Missouri River Basin. The Secretary shall give priority to projects targeting Russian olive or salt cedar trees. \$50 million in appropriations is authorized for each fiscal year 2021 through 2024 to carry out these partnerships.

This section also directs the Secretary of the Interior, acting through the Director of the USFWS, to establish a pilot program to work with eligible entities to carry out activities to remove invasive plant species in riparian areas that contribute to drought conditions in the Lower Colorado River Basin, the Rio Grande River Basin, the Texas Gulf Coast Basin, and the Arkansas-White-Red Basin. The pilot program shall also include activities to replace invasive plants removed from those basins with suitable native plants, and will maintain and monitor these riparian areas. \$10 million in appropriations is authorized for fiscal years 2021 through 2024 to carry out the pilot program, which terminates on September 30, 2024.

Sec. 1605. Terrestrial noxious weed control pilot program

This section requires the Secretary to carry out a pilot program, in consultation with the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, to identify and develop new and improved strategies for terrestrial noxious weed control on federal land under the jurisdiction of the Secretary. It permits the utilization of partnerships with individuals and entities and cooperative agreements with county and state agencies for the implementation of the pilot program. It also requires the Secretary to submit 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 describing the new and improved strategies developed through the pilot program. This report must be submitted within two years after the date of enactment of this Act.

Sec. 1606. Invasive species risk assessment, prioritization, and management

This section amends section 528(f)(2) of WRDA 1996 (110 Stat. 3771). It authorizes the South Florida Ecosystem Restoration Task Force (Task Force) to develop a priority list of invasive species that impact the structure and function of the South Florida ecosystem and that have a strong potential to reduce key indicators used to measure Everglades restoration progress. The Task Force will use the priority list to guide technical assistance and scientific research, and to develop innovative technologies and approaches to identify, target, and eliminate particularly impactful invasive plants and animals in the South Florida ecosystem. The Task Force must also use the priority list to develop innovative strategies and tools to prevent future introduction of non-native species.

Sec. 1607. Asian carp prevention and control pilot program

This section requires the Secretary to create an Asian carp prevention and control pilot program to carry out projects to manage and prevent the spread of, reduce the population of, or eradicate Asian carp using innovative technologies, methods and measures.

This section mandates that the Secretary complete no more than 20 projects by September 30, 2024. Of the total number of projects, at least five projects must be carried out at Corps or Tennessee Valley Authority (TVA) reservoirs located in the Cumberland River or Tennessee River watersheds. The federal cost-share for construction of a pilot project will be 80 percent, as well as 100 percent for operation and maintenance, rehabilitation, repair, or removal of unsuccessful projects. The Secretary must submit reports to Congress regarding the results of the pilot program within two years after enactment of this Act, and every subsequent two years thereafter.

This section authorizes \$35 million to carry out the pilot program, to remain available until expended. It further states that the pilot program authority terminates on September 30, 2024. However, the authority for the Secretary to transfer projects at reservoirs to the TVA does not expire.

Sec. 1608. Aquatic invasive species prevention

This section amends section 1039(b) of WRRDA 2014 (16 U.S.C. 4701 note; Public Law 113–121) by expanding the program to slow the spread of Asian Carp beyond the Upper Mississippi and Ohio River Basins and tributaries to all six sub-basins of the Mississippi River.

Sec. 1609. Invasive species in alpine lakes pilot program

This section requires that the Secretary of the Interior, through the Director of the USFWS, establish a pilot program to develop and carry out effective measures to prevent, control, or eradicate aquatic invasive species in alpine lakes that are not located within the National Park System.

This section also authorizes \$25 million in appropriations to carry out the pilot program for fiscal years 2022 through 2024.

Sec. 1610. Invasive species in noncontiguous States and territories pilot program

This section requires the Director of the USFWS to establish a pilot program to prevent, control, or eradicate invasive species in culturally significant forested watersheds in noncontiguous states and territories of the United States in which the Secretary is carrying out flood risk reduction projects.

This section authorizes \$25 million to carry out the pilot program under this section for fiscal years 2022 through 2024.

TITLE II—CLEAN WATER

Sec. 2001. Clean water infrastructure resiliency and sustainability program

The section establishes the “Clean Water Infrastructure Resiliency and Sustainability Program,” modeled after a similar drinking water program established in AWIA 2018. An owner or operator of a publicly owned treatment works can use the grants to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project to increase the resiliency or adaptability of water systems to natural hazards. There is a non-federal cost-share of 25 percent, and a 10 percent non-federal cost-share for small or disadvantaged communities.

This section authorizes \$15 million to carry out this section for each fiscal year 2021 through 2024.

Sec. 2002. Increased funding for technical assistance

This section increases the authorization of appropriations under the CWA for technical assistance grants to nonprofit agencies assisting rural, small, and tribal municipalities. These activities include providing technical assistance and training on water quality; ways to achieve and maintain compliance with laws and regulations; assisting utilities with financing opportunities; and providing information regarding planning, design, construction, and operation of treatment works and decentralized wastewater systems.

This section extends the authorization to fiscal year 2024 and increases authorized appropriations to \$75 million for fiscal years 2021 through 2024.

Sec. 2003. Small and medium publicly owned treatment works circuit rider program

This section creates a circuit rider program that awards grants to provide additional on-site technical assistance to owners and operators of small and medium publicly owned treatment works. The program was created as a result of a decrease in technical assistance grants to local, on-site technical assistance providers. This section also requires the EPA to submit to Congress an annual report regarding grant recipients and activities covered by the grants.

This section authorizes appropriations for the program of \$10 million for each fiscal year 2021 through 2024.

Sec. 2004. Small publicly owned treatment works efficiency grant program

This section creates an EPA grant program to assist small publicly owned treatment works that serve less than 10,000 people, or a disadvantaged community, with replacing or repairing equipment to increase water efficiency or energy efficiency.

This section authorizes appropriations for the program of \$5 million for each fiscal year 2021 through 2024.

Sec. 2005. Wastewater efficiency grant pilot program

This section creates an EPA pilot program to assist with fifteen projects by publicly owned treatment works to create or improve waste-to-energy systems. Grants may be awarded for sludge collection systems, anaerobic digesters, methane capture or transfer, and other emerging technologies that transform waste to energy. It requires the EPA to submit to Congress an annual report regarding who received these grants, what activities these funds covered, and the impacts of these projects.

This section authorizes appropriations for the program of \$17.5 million for each fiscal year 2021 and 2022.

Sec. 2006. Pilot program for alternative water source projects

This section reauthorizes an existing grant program for alternative water source projects. The grants may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Alternative water source projects means a project that provides alternative sources of water through conserving, managing, reclaiming or reusing water, stormwater or wastewater.

The program is authorized for \$25 million for each fiscal year 2022 through 2024.

Sec. 2007. Sewer overflow and stormwater reuse municipal grants

This section reauthorizes the existing sewer overflow and stormwater reuse municipal grants program for the planning, construction and design of treatment works for municipal combined sewer overflows, sanitary sewer overflows, or stormwater, and any measures to manage, reduce, or recapture stormwater or subsurface drainage. This section adds notification systems as an allowable use for grants. In addition, the section creates a new rural needs set aside within the program of 15 percent.

The programs are reauthorized with increased funding from \$225 million to \$250 million for fiscal years 2021 and 2022.

Sec. 2008. Water infrastructure and workforce investment

This section reauthorizes an existing competitive grant program created in AWIA 2018 to promote workforce development in the water utility sector. The section modifies the program to make public works departments and agencies eligible for these grants in addition to schools.

This section extends the authorization years and increases funding from \$1 million to \$2 million for each fiscal year 2021 through 2024.

Sec. 2009. Water Resources Research Act amendments

This section builds on an existing grant program for research institutions for projects regarding water supply reliability and other water issues. This section strikes “water phenomena” as a potential field for research and replaces it with the more general term, “water resources.” This section sets the cost-share for funding to a 50 percent non-federal match. This section requires that every five years each institution that receives these grants be reevaluated on the relevancy, quality, and effectiveness of the work performed with this funding.

This section reauthorizes the grant program for \$8.25 million for each fiscal year 2021 through 2024. This section also provides additional authorization of appropriations of \$1.75 million for each fiscal year 2021 through 2024 for research focused on interstate water problems.

Sec. 2010. Grants for construction, refurbishing, and servicing of individual household decentralized wastewater systems for individuals with low or moderate income

This section creates a grant program that allows non-profit organizations to receive funds for the construction, refurbishing, and servicing of decentralized wastewater systems for low or moderate income households, or groups of such households. The program gives priority to households that do not have access to sanitary sewer disposal systems. This section requires that EPA, two years after the date of enactment of this Act, submit a report to Congress on the results of the program.

This section authorizes appropriations for the program of \$50 million for each fiscal year 2021 and 2022.

These grants are intended to be used by grantees to improve the general welfare of low and moderate income individuals without access to wastewater services. Therefore, the Committee believes that these funds should not be considered to be taxable income of the grantee or any low and moderate income individuals assisted by the program.

Sec. 2011. Connection to publicly owned treatment works

This section creates a grant program that allows the EPA to provide grants to publicly owned treatment works or nonprofit organizations to cover the costs incurred from connecting a household to a municipal or private wastewater system.

This section authorizes appropriations for the program of \$40 million for each fiscal year 2021 and 2022.

These grants are intended to be used to improve the general welfare of low and moderate income individuals without access to public treatment works. Therefore, the Committee believes these funds should not be considered to be taxable income of the grantee or any low and moderate income individuals assisted by the program.

Sec. 2012. Use of clean water State revolving loan funds

This section amends the CWA and codifies language carried in previous appropriations bills to require a minimum of ten percent of the state’s CWSRFs to be used for grants, negative interest loans, and loan forgiveness, or to buy, refinance or restructure debt.

This section also allows for up to two percent of a state's CWSRF to be used to provide technical assistance to small, rural and tribal publicly owned treatment works.

This Committee believes assistance with design and engineering of wastewater treatment systems is an eligible use of the CWSRFs.

Sec. 2013. Water data sharing pilot program

This section amends the CWA to require EPA to establish a pilot program for states to encourage intrastate and interstate information sharing.

The grant program funds information sharing among communities regarding water quality, water infrastructure needs, and water technology. A state that is eligible for funding has either a coastal watershed that has significant pollution levels, a water system with significant pollution levels, a substantive wastewater infrastructure deficit, or a regional consortia.

This section also authorizes funds to assist states in the creation of multi-state consortiums to exchange water data; share information regarding water practices, protocols, technologies, and procedures; and establish regional intended use plans.

This section authorizes appropriations for the grant program of \$15 million for each fiscal year 2022 through 2024.

Sec. 2014. Water infrastructure financing reauthorization

This section reauthorizes WIFIA through 2024 at the current funding level of \$50 million annually. This section also clarifies existing law that projects eligible for WIFIA assistance that are also eligible for scoring under the Federal Credit Reform Act (as defined in the 1990 law) are non-Federal and eligible for non-cash budgetary scoring.

This section mitigates widespread concern that the Committee has heard on potential new restrictions on WIFIA lending beyond what is required under the law.

Sec. 2015. Final rating opinion letters

This section changes the WIFIA requirement that mandates each WIFIA project applicant must provide two final agency rating opinion letters. Under this section, project applicants will only need to provide one final agency rating opinion letter, similar to other programs, prior to final acceptance and financing of the project.

Sec. 2016. Reauthorization of clean water State revolving funds

This section amends the CWA to reauthorize the CWSRF and increase the program's authorization to \$3 billion over three years. This increase is incremental: \$2 billion for fiscal year 2022; \$2.5 billion for fiscal year 2023; and \$3 billion for fiscal year 2024.

Sec. 2017. Wastewater infrastructure discretionary grant program

This section creates an EPA discretionary grant program for publicly owned treatment works. This new program will provide priority funding to systems that need assistance coming into compliance with federal regulations and laws, or that need additional assistance in completing work because of the inability to secure sufficient financing through the State Revolving Fund.

The Committee has heard concerns from communities of all sizes that loans, loan forgiveness, reverse loans and other mechanisms, such as the state revolving loan funds, are insufficient to address growing water infrastructure needs. This program is being established outside of the CWSRF to fulfill this unmet need.

This section authorizes appropriations for the program of \$50 million for each fiscal year 2022 through 2024.

Sec. 2018. Small and disadvantaged community analysis

This section requires EPA to do an analysis of the historical distribution of funds to low income, rural, and minority communities, as well as communities of indigenous peoples, under Safe Drinking Water Act and CWA programs. The EPA is also required to analyze new opportunities and methods to improve the distribution of funds under these programs to those same communities.

Sec. 2019. Stormwater infrastructure technology

This section creates a grant program to assist research institutions, non-profits, and institutions of higher education with research on new and emerging stormwater control technology. The goal of the program is to improve the effectiveness, cost efficiencies, and protections of public safety and water quality in their operations. The eligible research includes stormwater and sewer overflow reduction, project enhancement, and other infrastructure. The section authorizes appropriations of \$5 million for each fiscal year 2022 and 2023 to establish Centers of Excellence for stormwater control infrastructure and create a public website to share the results of the research. This section creates a grant program to fund the development of standards, create fee structures, and develop and deliver training and educational materials for stormwater control for each fiscal year.

This section authorizes appropriations for this additional grant program of \$10 million for each fiscal year 2022 and 2023 at a 20 percent non-federal cost share.

Sec. 2020. Grants to Alaska to improve sanitation in rural and native villages

This section reauthorizes a program that provides grants to the State of Alaska for the benefit of rural and Native villages in Alaska for development and construction of public water systems and wastewater systems to improve the health and sanitation conditions in the villages. This section reauthorizes appropriations for the program at current funding levels of \$40 million for each fiscal year 2021 and 2022.

Sec. 2021. Wastewater infrastructure grants

This section creates a program that will provide grants to support improvements in reducing and removing plastic waste and post-consumer materials, including microplastics and microfibers, from wastewater. This section authorizes appropriations for the program of \$10 million for each fiscal year 2021 through 2025.

Sec. 2022. Water reuse interagency working group

This section instructs the EPA to establish a Water Reuse Interagency Working Group to develop and coordinate actions, tools, and

resources to advance water reuse across the United States. This includes establishing a Water Reuse Action Plan that creates opportunities for water reuse in the mission areas of each of the federal agencies. Every two years, the Administrator shall publish a report on the activities and findings of this Working Group. This group shall sunset in six years, unless the Administrator chooses to extend the Working Group.

TITLE III—TRIBAL AND OTHER MATTERS

Sec. 3001. Tribal partnership program

This section amends section 203(b)(4) of WRDA 2000 (33 U.S.C. 2269(b)(4)) to increase the maximum federal share for a project, or separable element of a project, from \$12.5 million to \$22.5 million under the tribal partnership program. If the cost of the project or separable element exceeds \$22.5 million, the Secretary may only carry out the initiative if it is authorized by Congress in subsequent legislation.

Sec. 3002. Cost sharing provisions for territories and Indian tribes

This section further extends a provision in WRDA 1986 that allows the Corps to adjust for inflation the costs of a project for a territory or tribe.

Sec. 3003. Inclusion of Tribal interests in project consultations

This section requires the Secretary to complete a previously authorized study from WIIN 2016 on Corps policies, regulations, and guidance related to consulting with Indian tribes on water resource development projects that may impact tribes.

In addition, this section requires the Secretary to ensure all existing tribal consultation policies, regulations, and guidance 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.

Sec. 3004. Indian Irrigation Fund reauthorization

This section amends section 3212(a) of WIIN 2016 (130 Stat. 1750; 132 Stat. 3892) to extend deposits into, and expenditures from, the Indian Irrigation Fund through fiscal year 2030.

Sec. 3005. Reauthorization of repair, replacement, and maintenance of certain Indian irrigation projects

This section amends section 3221(b) of WIIN 2016 (130 Stat. 1751; 132 Stat. 3892) to extend the requirement that the Secretary transfer to the Bureau of Indian Affairs at least \$35 million from the Indian Irrigation Fund to carry out maintenance, repair, and replacement activities for one or more of the Indian irrigation projects eligible under section 3222 of WIIN 2016 through fiscal year 2030.

Sec. 3006. Grants to ports to reduce emissions from waterborne vessels

This section authorizes EPA to spend \$20 million for each fiscal year 2021 and 2022 for grants to reduce emissions from waterborne vessels docked at U.S. ports.

Sec. 3007. Mapping and screening tool

This section requires the EPA Administrator to continue to annually update, and make available to the public, the existing environmental justice mapping tool (known as EJScreen), or an equivalent environmental justice mapping and screening tool.

Sec. 3008. Assessment of coastal water infrastructure vulnerabilities

This section requires the EPA Administrator, within one year of enactment of this Act, to submit a report to Congress that assesses the vulnerability of coastal drinking water and wastewater infrastructure to sea level rise, storm surge, extreme weather, and other flood risks. The report must identify states and communities with the most immediate and severe risks, and make recommendations for investments and other improvements to water infrastructure, to ensure the infrastructure's long-term survivability.

Sec. 3009. Report on potential for blue energy at coastal wastewater treatment plants

This section requires a joint report by the EPA Administrator and the Secretary of Energy to evaluate the potential use of energy generation technologies based on harnessing the salinity differential between freshwater and saltwater at coastal wastewater treatment plants and other facilities.

Sec. 3010. Great Lakes Restoration Initiative

This section reauthorizes the Great Lakes Restoration Initiative, which provides funding for restoring and protecting the Great Lakes through water infrastructure projects, as well as ecosystem restoration and invasive species control.

This section extends the current authorization of appropriations through fiscal year 2022 and increases the funding authorization to \$375 million.

Sec. 3011. San Francisco Bay restoration

This section creates an estuary partnership for the San Francisco Bay Restoration Program, as well as a grant program to implement the San Francisco Bay Plan, which is a comprehensive conservation and management plan. Under this section, the EPA will establish a San Francisco Bay National Program Office and appoint a Director to oversee projects, activities, and studies necessary to implement the San Francisco Bay Plan.

This section authorizes appropriations for the program of \$25 million for each fiscal year 2022 and 2023.

Sec. 3012. Lake Tahoe restoration program

This section requires the EPA Administrator to establish a Lake Tahoe National Program Office near the geographical area. The EPA Administrator must appoint an EPA employee as Director, who has expertise related to the region, so that the development and implementation of necessary restoration projects at Lake Tahoe are executed. This section also establishes a grant program to provide funding through cooperative agreements, grants, or other means for activities, studies or projects identified in the Lake Tahoe Environmental Improvement Program.

This section authorizes appropriations for the program of \$6 million for each fiscal year 2021 through 2024.

Sec. 3013. Puget Sound coordinated recovery

This section establishes a Puget Sound Recovery National Program Office at EPA, to be located in the State of Washington. The Puget Sound Recovery National Program Office will coordinate activities related to the restoration and protection of Puget Sound across the EPA, while also promoting the efficient use of program resources. Additionally, this section directs the Director of OMB, in consultation with the Puget Sound Federal Task Force, to submit to Congress a financial report containing an interagency crosscut budget relating to Puget Sound restoration and protection activities.

This section authorizes appropriations for the program of \$50 million for each fiscal year 2021 through 2025.

Sec. 3014. Reauthorization of the Denali Commission

This section reauthorizes the Denali Commission through fiscal year 2024 at currently authorized levels.

Sec. 3015. Municipal ombudsman

This section expands the duties of the existing Office of Ombudsman under the CWA to include providing information to municipalities on local funding sources for projects, organizational analyses, grant application assistance, and innovative funding strategies and mechanisms.

Sec. 3016. National Estuary Program

This section reauthorizes the National Estuary Program as part of the CWA and includes new estuaries to EPA's candidate list to be considered as estuaries of national significance. It increases the authorization of the program to \$50 million for each fiscal year 2021 and 2022.

LEGISLATIVE HISTORY

During the period from April 22, 2020 to May 1, 2020, the Committee on Environment and Public Works conducted an information-gathering process entitled, "*An Information-Gathering Process on Draft Legislation entitled, America's Water Infrastructure Act of 2020 and The Drinking Water infrastructure Act of 2020: Stakeholder Comments.*" The full record of stakeholder comments was subsequently made a part of the official record of the May 6, 2020 business meeting by unanimous consent.

On May 4, 2020, Senator Barrasso, Chairman of the Committee on Environment and Public Works, introduced S. 3591, America's Water Infrastructure Act of 2020. Senators Carper, Capito, and Cardin were original cosponsors of the legislation. The bill was referred to the Committee on Environment and Public Works.

On May 6, 2020, the Committee on Environment and Public Works conducted a business meeting to consider S. 3591. The Committee ordered S. 3591 to be favorably reported with an amendment in the nature of a substitute by a unanimous rollcall vote of 21 to 0.

HEARINGS

Since the passage of AWIA 2018, the Committee on Environment and Public Works has held five hearings during the 116th Congress to conduct oversight regarding Corps activities, to consider implementation of prior WRDAs, and to hear from stakeholders regarding what priorities should be addressed in AWIA 2020.

April 17, 2019, Full Committee Field Hearing: *“Oversight Hearing on the U.S. Army Corps of Engineers’ Management of the 2019 Missouri River Basin Flooding.”*

May 8, 2019, Full Committee Field Hearing: *“Oversight Hearing of the U.S. Army Corps of Engineers’ Civil Works Program.”*

August 28, 2019, Subcommittee Hearing: *“Oversight of the U.S. Army Corps of Engineers’ Management of the Spring 2019 Missouri River Basin Flooding.”*

September 18, 2019, Full Committee Hearing: *“Improving American Economic Competitiveness through Water Resources Infrastructure.”*

October 23, 2019, Full Committee Hearing: *“Improving American Economic Competitiveness through Water Resources Infrastructure: Federal Panel.”*

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 3591 on May 6, 2020. The bill, with an amendment in the nature of a substitute, was ordered to be favorably reported by a rollcall vote of 21 to 0.

Amendments approved

The following amendment to the amendment in the nature of a substitute to S. 3591 was approved by voice vote:

Barrasso-Carper #1—An amendment that fixes typos and makes minor technical changes, additions, and clarifications to sections of the underlying substitute amendment; authorizes an additional Chief’s Report that was received from the Corps; calls upon the Corps to deauthorize a specific project, expedites an additional project, provides technical assistance for a project needing inclusion under section 7001(b) of WRRDA 2014; makes improvements to the Upper and Lower Missouri River comprehensive flood protection studies, as well as that for the Great Lakes comprehensive study; helps prevent further additions to the backlog of Corps projects through enactment of AWIA 2020; increases term flexibility for the financing of specified projects by non-federal sponsors; clarifies that the definition of “covered contracts” under section 1056 of AWIA 2020 includes those for water supply storage at both federal and non-federal hydropower lakes; requires the Secretary to offer leases of between twenty-five and fifty years for commercial leases under which a lessee has agreed to build structures or improve the land; and increases inclusion of tribes into specific provisions of AWIA 2020.

This amendment also includes a new non-federal cost-share in the section 2001 Resiliency and Sustainability grant program of 10 percent for disadvantaged communities or populations of under 10,000; adds language to section 2014, to clarify existing law, that projects eligible for WIFIA assistance as defined under the statute

that are also eligible for scoring under the Federal Credit Reform Act (as defined in the 1990 law) are non-federal and eligible for non-cash budgetary scoring, in order to preserve the existing practice of the scoring method used for WIFIA projects; adds language in the section 2017 Discretionary Grant Program that clarifies the provision does not increase states' bonding authority in order to prevent scoring issues; clarifies in section 2019 that the Centers of Excellence include the "goal of improving the effectiveness, cost efficiencies, and protection of public safety and water quality in their operations", directs the inclusion of stakeholder consultation, and allows stormwater infrastructure grants to be used not only for developing, but also delivering, educational and training materials; creates in section 2022 the Water Reuse Interagency Taskforce to allow the EPA to coordinate with other agencies and develop a plan for water reuse.

Amendments not approved

The following amendment to the amendment in the nature of a substitute to S. 3591 was not approved by voice vote:

Cramer #2—An amendment to not allow the Secretary to require a water supply contract as part of granting water users access to project reservoirs for the purpose of appropriating natural flow in States located wholly or partly west of the 98th meridian.

Final committee vote to report

An amendment in the nature of a substitute, as amended by Barrasso-Carper #1, was approved, and S. 3591, with the amendment in the nature of a substitute, was ordered to be favorably reported by a rollcall vote of 21 to 0 (Senators Booker, Boozman, Braun, Capito, Cardin, Carper, Cramer, Duckworth, Ernst, Gillibrand, Inhofe, Markey, Merkley, Rounds, Sanders, Shelby, Sullivan, Van Hollen, Whitehouse, Wicker, and Barrasso voted aye).

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee finds that S. 3591 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4), the Committee notes that the Congressional Budget Office found that S. 3591 contains no intergovernmental or private-sector mandates as defined in the UMRA and would impose no costs on state, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 4, 2020.

Hon. JOHN BARRASSO,
*Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3591, the America's Water Infrastructure Act of 2020.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Aurora Swanson.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

At a Glance			
S. 3591, America's Water Infrastructure Act of 2020			
As reported by the Senate Committee on Environment and Public Works on May 11, 2020			
By Fiscal Year, Millions of Dollars	2021	2021-2025	2021-2030
Direct Spending (Outlays)	65	426	1,228
Revenues	0	-63	-717
Increase or Decrease (-) in the Deficit	65	488	1,945
Spending Subject to Appropriation (Outlays)	292	10,076	16,261
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

The bill would

- Authorize appropriations for 18 grant programs of the Environmental Protection Agency (EPA) to fund clean-water infrastructure projects and programs
- Authorize appropriations for the Army Corps of Engineers to construct 29 new water infrastructure projects
- Authorize appropriations for the subsidy cost of loans made under EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program
- Authorize the Corps to renegotiate the terms of deferred-payment agreements with nonfederal sponsors of eligible Corps projects

Estimated budgetary effects would primarily stem from

- Spending of amounts authorized to be appropriated to federal agencies
- Losses of revenues from state and local governments' issuance of tax-exempt bonds
- Direct spending of estimated additional budget authority required for certain WIFIA loans

- Direct spending of estimated reduced payments to the Corps for amounts owed by nonfederal sponsors
- Areas of significant uncertainty include
- Projecting the number and size of WIFIA loans that would be awarded to nonfederal entities for federal projects
 - Determining whether nonfederal sponsors of Corps projects would successfully renegotiate deferred-payment agreements and the duration of those negotiations

Bill summary: S. 3591 would authorize the Army Corps of Engineers to construct projects to restore aquatic ecosystems, improve navigation and flood management, and mitigate storm and hurricane damage. The bill also would authorize the Corps to renegotiate the terms of deferred-payment agreements with nonfederal sponsors of eligible projects.¹ Finally, the bill would authorize appropriations for the Environmental Protection Agency (EPA) to provide grants and loans to state and local governments, public water systems, nonprofit organizations, and other entities to support various water infrastructure projects and programs to improve water quality.

Estimated Federal cost: The estimated budgetary effect of S. 3591 is shown in Table 1. The costs of the legislation fall within budget function 300 (natural resources and environment).

¹A nonfederal sponsor for a Corps project can be a state or other governmental entity, interstate agency, chartered quasi-public organization (port authority, flood control district, or conservation district), Indian tribe, or nonprofit organization. Project sponsors' responsibilities are outlined in legal agreements with the federal government.

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF S. 3591

	By fiscal year, millions of dollars—											
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2021–2025	2021–2030
	Increases in Direct Spending											
Estimated Budget Authority	138	208	208	167	167	167	167	167	167	167	889	1,725
Estimated Outlays	65	70	93	83	115	141	160	167	167	167	426	1,228
	Decreases in Revenues											
Estimated Revenues	0	-1	-4	-16	-42	-76	-111	-139	-159	-171	-63	-717
Net Increase in the Deficit From Changes in Direct Spending and Revenues	65	71	97	100	156	217	270	306	326	338	488	1,945
	Increases in Spending Subject to Appropriation											
Estimated Authorization	1,172	4,008	3,807	4,379	982	911	757	746	755	814	14,347	18,329
Estimated Outlays	292	1,154	2,133	3,085	3,412	2,387	1,445	922	727	703	10,076	16,261

Sources: Congressional Budget Office; staff of the Joint Committee on Taxation.
Components may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that S. 3591 will be enacted near the beginning of fiscal year 2021, that the authorized and estimated amounts will be appropriated for each fiscal year, and that spending will follow historical patterns for similar projects and programs.

Direct spending: Using information provided by the Corps and EPA, CBO estimates that enacting S. 3591 would increase direct spending by \$1.2 billion over the 2021–2030 period (see Table 2).

TABLE 2.—CHANGES IN DIRECT SPENDING UNDER S. 3591

	By fiscal year, millions of dollars—												
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2021–2025	2021–2030	
Increases in Direct Spending													
Water Infrastructure Finance and Innovation Act:													
Estimated Budget Authority	75	150	150	150	150	150	150	150	150	150	675	1,425	
Estimated Outlays	2	12	35	66	97	124	143	150	150	150	212	929	
Loss of Nonfederal Payments for Army Corps of Engineers Projects:													
Estimated Budget Authority	57	57	57	16	16	16	16	16	16	16	204	286	
Estimated Outlays	57	57	57	16	16	16	16	16	16	16	204	286	
Other Corps Provisions:													
Estimated Budget Authority	6	1	1	1	1	1	1	1	1	1	10	14	
Estimated Outlays	6	1	1	1	1	1	1	1	1	1	10	14	
Total:	138	208	208	167	167	167	167	167	167	167	889	1,725	
Estimated Budget Authority	65	70	93	83	115	141	160	167	167	167	426	1,228	
Estimated Outlays													

Components may not sum to totals because of rounding.

Water Infrastructure Finance and Innovation Act: S. 3591 would limit the criteria used to determine the budgetary treatment of the anticipated net cost or savings of loans or loan guarantees made under EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program. Under the bill, any budgetary impacts would be recorded on an accrual basis if the borrower is a nonfederal entity and would be repaying the obligation with nonfederal funds. This provision would allow the costs or savings for loans to federal projects that meet those two criteria to be recorded on an accrual basis. That budgetary treatment is not allowed for federal projects under current law.

General provisions of current law (often called the recording statute) require the federal budget to be presented on a cash basis—that is, the full cost of an activity is to be recorded at the time an obligation is made.² The Federal Credit Reform Act of 1990 (FCRA), however, generally requires the costs of direct loans and loan guarantees to nonfederal borrowers to be recorded on an accrual basis, and CBO estimates most such costs on the basis of the net present value of the cash flows from those loans or loan guarantees.

However, the status of a borrower as a nonfederal entity repaying a loan with nonfederal funds is not a sufficient basis for the loan or loan guarantee to receive FCRA treatment under current law.³ In directing this budgetary treatment under S. 3591, EPA could make loans and loan guarantees for federal projects or assets and record the costs on an accrual basis—which would be reflected in a subsidy cost—rather than on a cash basis, thus understating the initial funding required for those commitments.⁴

The subsidy costs of loans and loan guarantees for the WIFIA program are funded through annual appropriations. In directing a different budgetary treatment for certain WIFIA loans, the bill would cause future loans or loan guarantees to be recorded in the budget at a lower cost than is required under the recording statute, FCRA, and current practice. CBO believes that the difference between the costs on a cash basis and on an accrual basis should be recorded as an increase in direct spending.

Using information about projects whose sponsors have previously applied for WIFIA loans and the costs of current federal projects with nonfederal components, CBO estimates that implementing the provision would allow, on average, one federal project annually, with an average loan size of \$150 million, to receive a WIFIA loan, which would be recorded on an accrual rather than cash basis.⁵

²The principal difference between cash and accrual accounting concerns the time at which a commitment (or collection) of budgetary resources is recognized. Transactions in cash-based accounting are recorded at the time payments are made or receipts are collected. By contrast, accrual measures use a single number, the net present value, to express a flow of past and future income (or payments) in terms of an equivalent lump sum received (or paid) at a specific time. The present value depends on the rate of interest (the discount rate) that is used to translate future cash flows into current dollars. For a discussion, see Congressional Budget Office, *Cash and Accrual Measures in Federal Budgeting* (January 2018), www.cbo.gov/publication/53461.

³See Water Infrastructure Finance and Innovation Act Program (WIFIA) Criteria Pursuant to the Further Consolidated Appropriations Act, 2020, 85 Fed. Reg. 39189 (June 30, 2020), <https://go.usa.gov/xf6mn>.

⁴The subsidy cost is the estimated lifetime cost to the government, as measured by discounting all expected future cash flows associated with the loan or loan guarantee to a net present value.

⁵The Further Consolidated Appropriations Act, 2020, provided subsidy budget authority for the WIFIA loan program but required EPA to develop criteria to determine project eligibility and apply those criteria for projects selected in the 2020 cohort. CBO estimates that those cri-

CBO also estimates that balances available for the subsidy costs of WIFIA loans and loan guarantees that could be used for projects covered under S. 3591 would be recorded on an accrual basis as well, increasing the upfront costs of those commitments by \$75 million. In total, CBO estimates, enacting that provision would increase direct spending by \$929 million over the 2021–2030 period.

Loss of Nonfederal Payments for Army Corps of Engineers Projects: S. 3591 would authorize the Corps, at the request of a project's nonfederal sponsor, to renegotiate the terms of deferred-payment agreements that meet certain criteria. The bill would allow the nonfederal sponsor to discontinue payments at the time of the request until the sponsor and the Corps reach new terms; the bill provides no limit on the length of those negotiations.

Although the Corps generally requires nonfederal sponsors to pay their share of a project's costs while construction proceeds, the agency is authorized to enter into deferred-payment agreements that allow a nonfederal sponsor to defer payment for its share of the costs until the project is completed. Under such agreements, sponsors would pay the nonfederal share of the project's costs and any interest accrued during construction, with interest, over a term of up to 30 years. In such instances, the Corps uses appropriated funds to pay 100 percent of a project's costs as they are incurred. For example, after Hurricane Katrina, the Corps entered deferred-payment arrangements with nonfederal sponsors for projects to protect against storm surges and mitigate future risks of flooding.⁶

Under the bill, projects with deferred-payment agreements could be renegotiated if they started on or after September 8, 2005, and if construction was delayed by five years after the expected completion date established by agreement between the nonfederal sponsors and the Corps. At least three projects could be eligible for renegotiation in the next several years. Information from the Corps indicates that amounts outstanding for those projects total \$2 billion—\$1.4 billion for the nonfederal share of the projects' costs and \$0.6 billion in interest accrued during construction.

Under current law, annual payments for those projects total about \$114 million. For one possible outcome under the provision, CBO assumes that the Corps agrees to renegotiate, that the negotiations would take three years, and that the interest accrued during construction would be waived under the new agreements. The resulting annual payments under the new agreements for the principal balance alone would be \$82 million, CBO estimates, and would start in the fourth year after enactment. That outcome would reduce offsetting receipts, which are recorded in the budget as reductions in direct spending, by about \$570 million over 10 years. That total is derived from a reduction in offsetting receipts of \$342 million during the years of negotiations (\$114 million annu-

teria would effectively prohibit EPA from selecting projects for WIFIA loans that would receive accrual treatment under S. 3591 but cash treatment under current law. CBO expects those criteria to remain in place through fiscal year 2021. As a result, CBO estimates that the provision would have no effect on direct spending for funds provided in that fiscal year.

⁶Nearly 30 other Corps projects to mitigate similar damage in areas affected by hurricanes, including Sandy, Harvey, and Maria, are eligible for deferred-payment agreements under current law. Nonfederal sponsors of some of those projects could enter such agreements and could benefit from provisions under the bill. However, because those projects are expected to take many years to complete, and because the eligibility to renegotiate agreements under the bill requires a project to be delayed by at least five years, CBO expects that the budgetary effects of renegotiating those agreements would occur after 2030.

ally for three years) because payments would be suspended, and about \$32 million annually thereafter (the difference of \$114 million and the new payment of \$82 million).

A different outcome is possible under the deferred-payment provision, however, because explicit completion dates are not provided in the project partnership agreements. On that basis, the Corps could determine that no project would be eligible because a delay, as defined by the bill, could not be established and therefore the agency would not renegotiate any agreements and there would be no loss of receipts.

For this estimate, CBO assumes that those two outcomes are equally possible. After accounting for uncertainties about whether the negotiations would occur, how long they would take, and how much of the outstanding obligations would be waived, CBO estimates that enacting S. 3591 would decrease offsetting receipts, which are recorded as increases in direct spending, by \$286 million over the 2021–2030 period. That amount assumes that the two budgetary outcomes each have a probability of 50 percent: zero under an outcome in which no project would be eligible and \$570 million if all projects are eligible. After 2030, CBO estimates, additional decreases in offsetting receipts from those agreements would total about \$330 million.

Other Corps Provisions: CBO estimates that enacting other provisions of S. 3591 would decrease offsetting receipts by \$14 million (thus increasing direct spending) over the 2021–2030 period. The bill would direct the Corps of Engineers to limit charges for water storage at a hydropower lake in the Arkansas River Basin for contracts negotiated before the end of 2022; waive amounts owed by a nonfederal sponsor for a harbor project in False Pass, Arkansas; and reduce prices charged to low-income communities for water storage.

Revenues: The staff of the Joint Committee on Taxation (JCT) expects that some of the funds authorized to be appropriated under S. 3591 for grants to state revolving funds and for loans to eligible entities under the WIFIA program would be used by state and local governments to leverage additional funds. Those entities would issue tax-exempt bonds that JCT estimates would reduce federal revenues by \$717 million over the 2021–2030 period, as shown in Table 1.

Spending subject to appropriation: S. 3591 would authorize the appropriation of \$18.3 billion over the 2021–2030 period. Assuming appropriation of that amount, CBO estimates that the bill would cost \$16.3 billion over the same period (see Table 3).

TABLE 3.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 3591

	By fiscal year, millions of dollars—											
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2021–2025	2021–2030
Increases in Spending Subject to Appropriation												
EPA Programs:												
Estimated Authorization	602	3,179	2,837	3,323	65	4.	2	1	1	1	10,007	10,016
Estimated Outlays	87	746	1,581	2,401	2,661	1,607	694	202	22	6	7,476	10,008
Army Corps of Engineers Water Resources Infrastructure:												
Estimated Authorization	20	295	447	537	543	611	504	496	473	527	1,841	4,453
Estimated Outlays	4	64	167	280	363	435	466	467	451	449	878	3,146
Continuing Authorities and Other Programs:												
Estimated Authorization	338	372	393	397	291	266	220	224	220	224	1,792	2,945
Estimated Outlays	100	204	266	295	294	279	239	216	205	199	1,159	2,297
Other Projects and Studies:												
Estimated Authorization	212	161	130	122	82	29	30	25	61	62	706	914
Estimated Outlays	101	140	119	109	94	67	45	36	49	49	563	809
Total:												
Estimated Authorization	1,172	4,008	3,807	4,379	982	911	757	746	755	814	14,347	18,329
Estimated Outlays	292	1,154	2,133	3,085	3,412	2,387	1,445	922	727	703	10,076	16,261

Components may not sum to totals because of rounding; EPA = Environmental Protection Agency.

Environmental Protection Agency Programs: S. 3591 would specifically authorize the appropriation of about \$10 billion over the 2021–2025 period to fund grant programs and administrative activities at EPA. Assuming appropriation of that amount plus amounts needed for other required activities, CBO estimates that implementing the provisions would cost \$7.5 billion over the 2021–2025 period and about \$2.5 billion after 2025.

Grants. S. 3591 would authorize appropriations for 18 grant programs to fund a variety of clean-water infrastructure projects. The bill would extend or increase the authorizations for 6 existing grant programs and direct EPA to implement 12 new programs. In total, S. 3591 would authorize about \$9 billion in appropriations over the 2021–2025 period:

- \$7.5 billion for grants to states through the Clean Water State Revolving Fund program;
- \$1 billion for grants to states to support municipal stormwater projects, alternative water source projects, innovative stormwater control projects, and wastewater efficiency projects;
- \$455 million for grants to support research on preventing and reducing pollution; for nonprofit entities to provide technical assistance to publicly owned small, rural, or tribal water treatment works; for nonprofit entities and publicly owned treatment works to help connect certain households to publicly owned water treatment works; and for pilot programs in workforce training for the water treatment industry; and
- \$150 million for competitive grants for wastewater infrastructure projects.

Using information from EPA and historical information on spending for similar programs, CBO estimates that implementing those provisions would cost about \$6.6 billion over the 2021–2025 period and about \$2.4 billion after 2025.

Other Specified Authorizations. S. 3591 also would authorize appropriations for other EPA programs totaling \$948 million over the 2021–2025 period:

- \$625 million for programs to protect and restore the Great Lakes and Puget Sound;
- \$165 million for the subsidy costs of loans under EPA’s WIFIA program; and
- \$158 million for program offices at Lake Tahoe and San Francisco, EPA’s National Estuary Program, and to support responses to aquatic invasive species.

Using information from EPA and historical information on spending, CBO estimates that implementing those provisions would cost \$807 million over the 2021–2025 period and \$133 million after 2025.

Other Costs. In addition, EPA would incur administrative costs to establish and operate some of the programs authorized under S. 3591 because generally the agency is not authorized to cover those costs using grant funds. Using information from EPA about similar programs, CBO estimates that the agency would require about 20 additional employees, at a cost of \$180,000 each, to develop and administer the programs. CBO estimates that the total cost would be about \$16 million over the 2021–2025 period and \$6 million after 2025.

S. 3591 would require EPA to conduct various analyses and issue reports and to establish an interagency working group on water reuse. It also would expand the duties of EPA's municipal ombudsman. CBO estimates that implementing those provisions would cost \$5 million over the 2021–2025 period and \$4 million after 2025.

Army Corps of Engineers Water Resources Infrastructure: After accounting for anticipated inflation, CBO estimates that implementing provisions of the bill that would authorize the Corps to construct 29 new water infrastructure projects would cost about \$3.1 billion over the 2021–2030 period. Those provisions would authorize the Corps to construct projects aimed at restoring aquatic ecosystems, mitigating hurricane and storm damage, strengthening flood risk management, and improving the nation's navigation system.

Using information from the Corps, CBO estimates that the total cost to complete those projects would be \$7.9 billion; the federal share of those costs would total \$5.1 billion and nonfederal entities would be responsible for the remaining \$2.8 billion. About 60 percent of those amounts would be spent over the 2021–2030 period and the rest would be spent after 2030.

The estimated cost of four projects authorized by the bill total \$3.9 billion, which is 50 percent of the total for authorized projects:

- \$1.4 billion to mitigate flood risk in Norfolk, Virginia, by constructing storm surge barriers, oyster reefs, and other natural barriers to reduce beach erosion and provide protection from hurricanes;
- \$880 million to improve commercial navigation by widening and deepening portions of the Houston, Texas, ship channel;
- \$860 million to restore ecosystems in the Mississippi River Basin to control upstream transfer of Asian carp and other aquatic nuisance species into the Great Lakes and the Chicago Area Waterway System in Illinois; and
- \$740 million to restore freshwater ecosystems and wetlands within the Loxahatchee River Watershed in Florida to improve water supply and provide flood protection.

To estimate the pace of spending of funds authorized for those projects, CBO used information from the Corps about projects' starting dates and expected duration and the amounts necessary to complete projects within the anticipated schedules. CBO also analyzed the historical patterns of spending on similar projects. Because of their size and complexity, some large Corps projects can take several years to begin and more than a decade to complete. CBO estimates that the federal share of the projects authorized by this title would require appropriation of about \$4.5 billion over the 2021–2030 period; the remainder of the federal share would be needed after 2030.

Continuing Authorities and Other Programs: S. 3591 would authorize the appropriation of \$2.9 billion for the Corps to carry out continuing authorities and other programs. Under the Corps' continuing authorities, certain types of water resources projects can be implemented without explicit Congressional authorization if they are limited in cost, size, and scope. Some authorizations would be annual, some would be annual increases above existing authoriza-

tion amounts, and some would be onetime authorizations to be spent over several years. CBO estimates that implementing those authorities and programs would cost about \$2.3 billion in total over the 2021–2030 period:

- \$1.3 billion (\$130 million annually) to study, construct, or enlarge water storage projects in rural communities with populations of less than 1 million;
- \$576 million for continuing authorities to construct projects for flood control; to improve navigation; to protect aquatic habitats, wetlands, and property from storm damage; to mitigate environmental damage from Corps projects; and to control shoreline erosion and restore beaches;
- \$435 million for programs to operate watercraft inspection stations between the United States and Canada and to form partnerships with local stakeholders to develop plans and implement projects to control and eradicate aquatic invasive species;
- \$225 million for nonfederal partners to conduct feasibility studies and construct projects, to mitigate risks from flood and storm surges, improve harbor and inland navigation, and restore ecosystems;
- \$190 million to construct surface-water protection projects in rural areas, to plan and construct projects to rehabilitate fish and wildlife habitat in the Rio Grande Basin, to construct restoration projects in the Chesapeake Bay region, and to extinguish flowage easements held by the Corps at Rough River Lake, Kentucky;
- \$150 million to rehabilitate flood control pumping stations that operate in conjunction with Corps projects and to construct projects to mitigate the risk of impairment to a federal lock or dam from sediment, rock formation, or shallow water; and
- \$70 million to complete reports authorized by the Congress and to conduct inspections for aging water infrastructure projects owned or operated by a federal agency.

Other Projects and Studies: S. 3591 would authorize feasibility studies, research projects and reports. The legislation also would extend the authority for the Bureau of Indian Affairs to maintain Indian irrigation projects and authorize the Corps to implement other projects. CBO estimates that implementing this set of provisions would cost about \$809 million over the 2021–2030 period:

- \$171 million to complete modification reports for environmental infrastructure projects and assist nonfederal partners to construct projects including those in Desoto and Jackson Counties in Mississippi and Madison and St. Claire Counties in Illinois and in South Central Pennsylvania; Sacramento, California; and Lakes Marion and Moultrie, South Carolina;
- \$153 million for comprehensive studies on mitigating flood risks in the Upper and Lower Missouri River, mitigating risks from hurricanes and storms along the Mississippi River, assessing the effects on flooding and navigation of changing the form of the Lower Missouri River, and addressing shoreline protection and resiliency in the Great Lakes;

- \$135 million to repair an embankment in Waco, Texas; support water resources research; and maintain a high-risk dam on Lowell Creek in Seward, Alaska;
- \$133 million to develop strategies to control noxious weeds on federal land controlled by the Corps and to eliminate Asian carp in the Mississippi River; to construct projects in the Great Lakes and Lake Okeechobee, Florida; to eliminate harmful algal blooms; to provide technical assistance to improve water quality affected by abandoned mines; and to relocate access to a confined disposal facility in the Great Lakes region;
- \$121 million for more than 40 feasibility studies, reports, and evaluation of future projects and for plans to manage sediment, improve subsurface drainage systems, reallocate water supplies, and prevent the spread of aquatic invasive species;
- \$84 million to coordinate with the Appalachian Regional Commission on design and construction of projects for securing water supplies, treating wastewater, and developing surface water in central Appalachia;
- \$71 million to extend the authority of the Treasury to deposit \$35 million for each of the years 2029 and 2030 into the Indian Irrigation Fund and to authorize the appropriation of those amounts and interest credited to the fund for maintaining Indian irrigation projects owned and operated by the Bureau of Indian Affairs; and
- \$45 million to reauthorize the Denali Commission in Alaska to work with other federal agencies, Indian tribes, and state and local governments to support economic development and to maintain Alaska's infrastructure, such as energy, transportation, and health facilities.

Uncertainty: Although all of the estimated budgetary effects of this bill are subject to uncertainty, the estimates of two provisions are particularly uncertain.

Water Infrastructure Finance and Innovation Act: The number of loans and amount of those loans provided under WIFIA to support federal projects under S. 3591 could be higher or lower than CBO estimates. If no loans were awarded for such projects or if the loan amounts were lower than CBO estimates, the estimated costs to implement the provision would be lower or possibly zero. By contrast, if WIFIA loans were awarded for more federal projects or if the loan amounts were higher than CBO estimates, the costs of implementing the provision could be hundreds of millions of dollars above CBO's estimate.

Nonfederal Payments for Army Corps of Engineers Projects: Whether nonfederal sponsors would successfully renegotiate payment agreements under S. 3591, how much would be waived, and how long the negotiations would take is uncertain. If the Corps determines that no project agreements meet the eligibility criteria the estimated costs to implement the provision would be zero. If nonfederal sponsors successfully renegotiate those agreements, if the amount waived is higher or lower than assumed, or if it takes more or less than three years as assumed, the costs could be higher or lower than CBO's estimate.

Pay-As-You-Go Considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net

changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in Table 4.

TABLE 4.—CBO'S ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS OF S. 3591, THE AMERICA'S WATER INFRASTRUCTURE ACT OF 2020, AS REPORTED BY THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS ON MAY 11, 2020

	By fiscal year, millions of dollars—											
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2021-2025	2021-2030
	Net Increase in the Deficit											
Pay-As-You-Go Effect	65	71	97	100	156	217	270	306	326	338	488	1,945
Memorandum:												
Changes in Outlays	65	70	93	83	115	141	160	167	167	167	426	1,228
Changes in Revenues	0	-1	-4	-16	-42	-76	-111	-139	-159	-171	-63	-717

Components may not sum to totals because of rounding.

Increase in long-term deficits: CBO estimates that enacting S. 3591 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2031. Mandates: None.

Previous CBO estimates: Since October 2019, CBO has transmitted six cost estimates for legislation containing provisions that are similar to or identical to provisions in S. 3591. Other than the estimate for H.R. 7575, all were for bills reported by the House Committee on Transportation and Infrastructure. The dates and titles are as follows:

- On July 29, 2020, the statutory pay-as-you-go effects of H.R. 7575, the Water Resources Development Act of 2020, as posted on the website of the Clerk of the House on July 28, 2020;
- On May 12, 2020, H.R. 1497, the Water Quality Protection and Job Creation Act of 2019, as reported on October 29, 2019;
- On November 14, 2019, H.R. 1132, the San Francisco Bay Restoration Act, as ordered reported on September 19, 2019;
- On November 14, 2019, H.R. 2247, the PUGET SOS Act, as ordered reported on September 19, 2019;
- On October 2, 2019, H.R. 4031, the Great Lakes Restoration Initiative Act of 2019, as ordered reported on September 20, 2019; and
- On October 2, 2019, H.R. 4044, the Protect and Restore America’s Estuaries Act, as ordered reported on September 20, 2019.

The basis for those estimates and the estimates for S. 3591 are the same. Differences in estimated budgetary effects reflect differences among the bills’ provisions.

Estimate prepared by: Federal costs: Aurora Swanson (Water Resources), Stephen Rabent (Environmental Protection Agency); Federal Revenues: Staff of the Joint Committee on Taxation; Mandates: Lilia Ledezma.

Estimate reviewed by: Susan Willie, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis; Theresa Gullo, Director of Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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 *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

Water Resources Development Act of 1974

(33 U.S.C. 701b-11(a))

* * * * *

SEC. 22.

(a) **FEDERAL STATE COOPERATION.**—

(1) COMPREHENSIVE PLANS.— * * *

* * * * *

SEC. 701b-11. Flood protection projects

(a) GENERAL CONSIDERATIONS; NONSTRUCTURAL ALTERNATIVES.— In the survey, planning, or design by any Federal agency of any project involving flood protection, consideration shall be given to nonstructural alternatives to prevent or reduce flood damages [including, but not limited to, floodproofing of structures; flood plain regulation; acquisition of flood plain lands for recreational, fish and wildlife, and other public purposes; and relocation with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages.] *with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damage, including—*

- (1) *floodproofing of structures, including elevation;*
- (2) *floodplain regulation;*
- (3) *acquisition of floodplain land for recreational, fish and wildlife, and other public purposes;*
- (4) *relocation; and*
- (5) *the use of a feature described in section 1184(a) of the Water Infrastructure Improvements for the Nation Act (33 U.S.C. 2289a(a)).*

* * * * *

Water Resources Development Act of 1986

* * * * *

TITLE I—COST SHARING

SEC. 101. HARBORS.

(a) CONSTRUCTION.— * * *

* * * * *

SEC. 102. INLAND WATERWAY TRANSPORTATION.

[(a) CONSTRUCTION.—One-half of the costs of construction—

[(1) of each project authorized by title III of this Act,

[(2) of the project authorized by section 1103(j) of this Act, and

[(3) allocated to inland navigation for the project authorized by section 844 of this Act,

shall be paid only from amounts appropriated from the general fund of the Treasury. One-half of such costs shall be paid only from amounts appropriated from the Inland Waterways Trust Fund. For purposes of this subsection, the term “construction” shall include planning, designing, engineering, surveying, the acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, and relocations necessary for the project.]

(a) CONSTRUCTION.—

(1) DEFINITION OF CONSTRUCTION.—*In this subsection, the term ‘construction’ includes—*

- (A) *planning, design, engineering, and surveying;*

(B) the acquisition of all land, easements, and rights-of-way necessary for the project, including land for disposal of dredged material; and

(C) relocations necessary for the project.

(2) COST-SHARE.—*Except as provided in paragraph (3), with respect to the cost of construction or major rehabilitation of a project for navigation on an inland waterway—*

(A) 65 percent shall be paid from amounts appropriated from the general fund of the Treasury; and

(B) 35 percent shall be paid from amounts appropriated from the Inland Waterways Trust Fund.

(3) CERTAIN PROJECTS.—

(A) IN GENERAL.—With respect to the cost of construction or major rehabilitation of a project described in subparagraph (B)—

(i) 50 percent shall be paid from amounts appropriated from the general fund of the Treasury; and

(ii) 50 percent shall be paid from amounts appropriated from the Inland Waterways Trust Fund.

(B) PROJECTS DESCRIBED.—A project referred to in subparagraph (A) is—

(i) a project authorized by title III;

(ii) a project authorized by section 1103(j); and

(iii) a project authorized by section 844, with respect to the construction costs allocated to inland navigation.

(4) APPLICATION.—

(A) IN GENERAL.—This subsection shall apply to the construction or major rehabilitation of a project for navigation on an inland waterway—

(i) that was authorized on or after the date of enactment of this Act; and

(ii) for which the construction or major rehabilitation has not been initiated or completed by the date of enactment of the America’s Water Infrastructure Act of 2020.

(B) OTHER PROJECTS.—Construction or major rehabilitation of a project for navigation on the inland waterways that was authorized before the date of enactment of this Act, and for which construction was completed prior to the date of enactment of the America’s Water Infrastructure Act of 2020, shall be subject to this subsection as it was in effect on the day before the date of enactment of the America’s Water Infrastructure Act of 2020.

* * * * *

SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.

(a) FLOOD CONTROL.—

(1) GENERAL RULE.— * * *

* * * * *

(j) AGREEMENT.—

(1) REQUIREMENT FOR AGREEMENT.—**[Any project]**

(A) IN GENERAL.—Any project and 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 per-

cent 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.

(B) INCLUSION.—*An agreement under subparagraph (A) shall include a brief description of and estimated costs for anticipated operation, maintenance, repair, replacement, and rehabilitation obligations of the non-Federal interest for the project.*

* * * * *

(n) NON-FEDERAL CONTRIBUTIONS.—

(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.— * * *

* * * * *

(o) NON-FEDERAL INTEREST REPAYMENT OBLIGATIONS.—

(1) DEFINITION OF COVERED PROJECT.—*In this subsection, the term ‘covered project’ means any project of the Corps of Engineers—*

(A) *initiated on or after September 8, 2005; and*

(B) *for which there is a delay of 5 or more years beyond the completion date established in the project partnership agreement for the project.*

(2) INTEREST DURING CONSTRUCTION DELAYS.—

(A) IN GENERAL.—*Notwithstanding the second sentence of subsection (k), on request of the non-Federal interest for a covered project, the Secretary and the non-Federal interest may renegotiate the repayment terms and conditions, including—*

- (i) *recalculation of the interest rate;*
- (ii) *forgiveness of construction interest accrued during a project delay; and*
- (iii) *a credit against construction interest for a non-Federal investment that benefits the covered project.*

(B) TEMPORARY FREEZE.—*In the case of a non-Federal interest that makes a request under subparagraph (A) for a covered project, the Secretary shall not impose any payment for the covered project during the period—*

- (i) *beginning on the date on which the non-Federal interest makes the request; and*
- (ii) *ending on the date on which the terms and conditions for the repayment of construction interest are finalized.*

(3) CREDIT FOR NON-FEDERAL CONTRIBUTION.—*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 toward the non-Federal share of the cost of the covered project, if the Secretary determines the remedy to be integral to the completion of the covered project.*

* * * * *

TITLE II—HARBOR DEVELOPMENT

* * * * *

SEC. 203. [33 U.S.C. 2231] 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 or conduct a *feasibility study on modifications or improvements to a project constructed by the Corps of Engineers* 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.** *for feasibility studies of water resources development projects conducted by non-Federal interests to provide sufficient information for the formulation of the studies, including processes and procedures related to reviews and assistance under subsection (e).*

* * * * *

(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]**

(A) IN GENERAL.—*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.

(B) INCLUSION.—*Technical assistance under subparagraph (A) may include any assistance that does not conflict with any other Federal law (including regulations).*

* * * * *

SEC. 204. [33 U.S.C. 2232] 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) * * *

* * * * *

(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)] under this section,** 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.

* * * * *

(f) OPERATION AND MAINTENANCE.—**【Whenever】**

(1) **IN GENERAL.**—*Subject to paragraph (2), in any case in which 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)】

(A) before construction of the improvements—

【(A)】

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

【(B)】

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

【(2)】

(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

【(3)】

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

(2) **REPORT.**—

(A) **IN GENERAL.**—*To be eligible for assumption of operation and maintenance of improvements to a federally authorized harbor or inland harbor, a non-Federal interest shall submit to the Secretary a report on the improvements carried out by the non-Federal interest under paragraph (1).*

(B) **INCLUSIONS.**—*A report under subparagraph (A) shall include any information necessary for the Secretary to make a determination under paragraph (1), including—*

(i) economic justification for the improvements;

(ii) details of the project improvement plan and design;

(iii) proposed arrangements for the work to be performed; and

(iv) documents relating to any applicable permits required for the project improvements.

(3) **REQUIREMENTS.**—

(A) **PEER REVIEW WAIVER.**—*In the case of a project with a cost of less than \$200,000,000, the Secretary shall not be required to subject the project to independent peer review pursuant to section 2034 of the Water Resources Development Act of 2007 (33 U.S.C. 2343).*

(B) **CALCULATION OF COSTS.**—*In calculating the benefit-cost ratio for a project under paragraph (1), the Secretary shall not include non-Federal costs.*

(4) **DEADLINE.**—*The Secretary shall make a determination on whether the requirement under paragraph (1)(A)(i) has been*

met by not later than 180 days after the date on which the Secretary receives the report under paragraph (2).

* * * * *

TITLE IX—GENERAL PROVISIONS

SEC. 901. ANNUAL OBLIGATION CEILINGS.

Notwithstanding any other provision of law, the Secretary shall, from funds appropriated, obligate no sums in excess of the sums specified in this title for the combined purpose of the “Construction, General” account and the construction component of the “Flood Control, Mississippi River and Tributaries” account:

(1) * * *

* * * * *

SEC. 905. FEASIBILITY REPORTS.

(a) PREPARATION OF REPORTS.—

(1) IN GENERAL.— * * *

* * * * *

(b) FEDERAL INTEREST DETERMINATION.—

(1) IN GENERAL.—*Before initiating a study under subsection (a), the Secretary shall 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 full Federal expense; and

(B) shall not exceed \$100,000.

(3) DEADLINE.—

(A) IN GENERAL.—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 for the determination.

(B) TREATMENT.—

(i) TIMING.—The period during which the 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)).

(ii) 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)).

* * * * *

TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

* * * * *

SEC. 1103. [33 U.S.C. 652] UPPER MISSISSIPPI RIVER PLAN.

(a)(1) * * *

* * * * *

SEC. 1135. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.

(a) * * *

* * * * *

(d) NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.—**【The non-Federal share】**

(1) IN GENERAL.—*The non-Federal share* of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) shall be 25 percent. **【The non-Federal share】**

(2) IN-KIND CONTRIBUTIONS.—*The non-Federal share* may be provided in kind, including a facility, supply, or service that is necessary to carry out the modification or measure. **【Not more than】**

(3) PROJECT LIMIT.—

(A) IN GENERAL.—*Except as provided in subparagraph (B), not more than \$10,000,000* in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section.

(B) INCREASE.—*The Secretary may increase the maximum amount under subparagraph (A) by an amount equal to not more than 20 percent, if the Secretary determines the increase to be appropriate.*

* * * * *

【(h) There is authorized to be appropriated not to exceed \$50,000,000 annually to carry out this section.】

(h) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section—*

- (1) for fiscal year 2021, \$55,000,000;
- (2) for fiscal year 2022, \$55,500,000;
- (3) for fiscal year 2023, \$56,000,000;
- (4) for fiscal year 2024, \$56,500,000;
- (5) for fiscal year 2025, \$57,000,000;
- (6) for fiscal year 2026, \$57,500,000;
- (7) for fiscal year 2027, \$58,000,000;
- (8) for fiscal year 2028, \$58,500,000;
- (9) for fiscal year 2029, \$59,000,000; and
- (10) for fiscal year 2030 and each fiscal year thereafter, \$59,500,000.

* * * * *

SEC. 1156. [33 U.S.C. 2310] COST SHARING PROVISIONS FOR THE TERRITORIES AND INDIAN TRIBES.

(a) IN GENERAL.— * * *

* * * * *

(b) INFLATION ADJUSTMENT.—The Secretary shall adjust the dollar amount specified in subsection (a) for inflation *on an annual basis* for the period beginning on November 17, 1986, and ending on **【the date of enactment of the Water Resources Development Act of 2018】** *December 31, 2024.*

* * * * *

Water Resources Development Act of 1990

* * * * *

SEC. 322. REDUCED PRICING FOR CERTAIN WATER SUPPLY STORAGE.

(a) PROVISION OF STORAGE SPACE.— * * *

* * * * *

(b) MAXIMUM AMOUNT OF STORAGE SPACE.—The maximum amount of water supply storage space which may be provided to a community under this section may not exceed an amount of water supply storage space sufficient to yield **[2,000,000]** 3,000,000 gallons of water per day.

* * * * *

(g) LOW INCOME COMMUNITY DEFINED.—The term “low income community” **[means a community]** means—

(1) a community with a population of less than 20,000 which is located in a county with a per capita income less than the per capita income of two-thirds of the counties in the United States**[.]** ; or

(2) a regional water system that serves a population of less than 100,000, for which the per capita income is less than the per capita income of not less than 50 percent of the counties in the United States.

* * * * *

Water Resources Development Act of 1992

* * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.— * * *

* * * * *

TITLE II—GENERALLY APPLICABLE PROVISIONS

* * * * *

SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.— * * *

* * * * *

(c) DETERMINATION OF PROJECT COSTS.—

(1) COSTS OF CONSTRUCTION.—

(A) IN GENERAL.— * * *

* * * * *

(C) TOTAL COST.—**[The total]**

(i) IN GENERAL.—*Except as provided in clause (ii), the total Federal costs associated with construction of a project under this section may not exceed \$10,000,000.*

(ii) INCREASE.—*The Secretary may increase the maximum amount under clause (i) by an amount equal to*

not more than 20 percent, if the Secretary determines the increase to be appropriate.

* * * * *

(d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL RESTORATION OR STORM DAMAGE AND FLOOD REDUCTION.—

(1) IN GENERAL.—**【**In developing and carrying out a Federal water resources project involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest,**】** *At the request of the non-Federal interest for a project involving the disposal of dredged material, the Secretary, using funds appropriated for construction or operation and maintenance of the project, may select a disposal method that is not the least cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to—*

* * * * *

(B) the **【**flood and storm damage and flood reduction benefits**】** *hurricane and storm or flood risk reduction benefits, including shoreline protection, protection against loss of life, and damage to improved property.*

* * * * *

【(g) AUTHORIZATION OF APPROPRIATIONS.—**】**There is authorized to be appropriated to carry out this section \$62,500,000 per fiscal year, of which not more than \$5,000,000 per fiscal year may be used for the development of regional sediment management plans authorized by subsection (e) and of which not more than \$3,000,000 per fiscal year may be used for construction of projects to which subsection (c)(1)(B)(ii) applies. Such funds shall remain available until expended.**】**

(g) AUTHORIZATION OF APPROPRIATIONS.—
 (1) IN GENERAL.—**【**There are**】** *Except as provided in paragraph (3), there are* authorized to be appropriated to carry out this section—

- (A) for fiscal year 2021, \$69,000,000;
- (B) for fiscal year 2022, \$69,500,000;
- (C) for fiscal year 2023, \$70,000,000;
- (D) for fiscal year 2024, \$70,500,000;
- (E) for fiscal year 2025, \$71,000,000;
- (F) for fiscal year 2026, \$71,500,000;
- (G) for fiscal year 2027, \$72,000,000;
- (H) for fiscal year 2028, \$72,500,000;
- (I) for fiscal year 2029, \$73,000,000; and
- (J) for fiscal year 2030 and each fiscal year thereafter, \$73,500,000.

(2) SET-ASIDES.—*Of the amounts made available under paragraph (1) for each fiscal year—*

- (A) *not more than \$5,000,000 may be used for the development of regional sediment management plans under subsection (e); and*
- (B) *not more than \$3,000,000 may be used for construction of projects to which subsection (c)(1)(B)(ii) applies.*

(3) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR CERTAIN PURPOSES.—Activities carried out under subsection (d)—

(A) shall be carried out using amounts appropriated for construction or operation and maintenance of the project involving the disposal of the dredged material; and

(B) shall not be carried out using amounts made available under paragraph (1).

[(3)] (4) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

* * * * *

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) * * *

* * * * *

(f) ADDITIONAL ASSISTANCE.—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

(1) ATLANTA, GEORGIA.— * * *

* * * * *

(g) CRITERIA FOR RANKING PROJECTS.—

(1) IN GENERAL.—The Secretary shall develop written criteria for ranking projects authorized under this section for funding.

(2) REQUIREMENTS.—The written criteria under paragraph (1) shall include—

(A) the benefits of the project to the local economy;

(B) the extent to which the project will enhance local development;

(C) the number of jobs that will be directly created by the project; and

(D) any other criteria that the Secretary considers to be appropriate.

* * * * *

Water Resources Development Act of 1996

* * * * *

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) * * *

* * * * *

TITLE II—GENERAL PROVISIONS

* * * * *

SEC. 206. AQUATIC ECOSYSTEM RESTORATION.

(a) GENERAL AUTHORITY.— * * *

* * * * *

(d) COST LIMITATION.—**[Not more than]**

(1) *IN GENERAL.*—*Except as provided in paragraph (2), not more than \$10,000,000 in Federal funds may be allotted under this section for a project at any single locality.*

(2) INCREASE.—*The Secretary may increase the maximum amount under paragraph (1) by an amount equal to not more than 20 percent, if the Secretary determines the increase to be appropriate.*

(e) USE OF NATURAL AND NATURE-BASED FEATURES.— * * *

* * * * *

(f) PRIORITY.—*For the period of fiscal years 2021 through 2024, in carrying out this section, the Secretary shall give priority to a project that—*

(1) *is located in the South Platte River Basin;*

(2) *is on a body of water that is identified by the applicable State under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) as being impaired;*

(3) *has the potential to provide flood risk management and recreational benefits in addition to ecosystem restoration benefits; and*

(4) *is located in a city with a population of 80,000 or less.*

[(f) FUNDING.—There is authorized to be appropriated to carry out this section \$62,500,000 for each fiscal year.]

[(f)] (g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) *for fiscal year 2021, \$69,000,000;*

(2) *for fiscal year 2022, \$69,500,000;*

(3) *for fiscal year 2023, \$70,000,000;*

(4) *for fiscal year 2024, \$70,500,000;*

(5) *for fiscal year 2025, \$71,000,000;*

(6) *for fiscal year 2026, \$71,500,000;*

(7) *for fiscal year 2027, \$72,000,000;*

(8) *for fiscal year 2028, \$72,500,000;*

(9) *for fiscal year 2029, \$73,000,000; and*

(10) *for fiscal year 2030 and each fiscal year thereafter, \$73,500,000.*

* * * * *

SEC. 217. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.**(a) ADDITIONAL CAPACITY OR REPLACEMENT CAPACITY.—**

[(1) PROVIDED BY SECRETARY.—At the request of a non-Federal interest with respect to a project, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond the capacity that would be required for project purposes if the non-Federal interest agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.]

(1) PROVIDED BY SECRETARY.—

(A) IN GENERAL.—Subject to subparagraph (B), at the request of a non-Federal interest with respect to a project, the Secretary may—

(i) provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond the capacity that would be required for project purposes; or

(ii) permit the use of dredged material disposal facility capacity required for project purposes by the non-Federal interest if the Secretary determines that replacement capacity can be constructed at the facility or another facility or site before such capacity is needed for project purposes.

(B) AGREEMENT.—*Before the Secretary takes an action under subparagraph (A), the non-Federal interest shall agree to pay—*

(i) all costs associated with the construction of the additional capacity or replacement capacity in advance of construction of such capacity; and

(ii) in the case of use by a non-Federal interest of dredged material disposal capacity required for project purposes under subparagraph (A)(ii), any increase in the cost of operation and maintenance of the project that the Secretary determines results from the use of the project capacity by the non-Federal interest in advance of each cycle of dredging.

(C) CREDIT.—*In the event the Secretary determines that the cost to operate or maintain the project decreases as a result of use by the non-Federal interest of dredged material disposal capacity required for project purposes under subparagraph (A)(ii), the Secretary, at the request of the non-Federal interest, shall credit the amount of the decrease toward any cash contribution of the non-Federal interest required thereafter for construction, operation, or maintenance of the project, or of another navigation project.*

(2) COST RECOVERY AUTHORITY.—The non-Federal interest may recover the costs assigned to the additional capacity *under paragraph (1)(A)(i)* through fees assessed on third parties whose dredged material is deposited at the facility and who enter into agreements with the non-Federal interest for the use of the facility. The amount of such fees may be determined by the non-Federal interest.

* * * * *

(3) SPECIAL RULE FOR DESIGNATION OF REPLACEMENT CAPACITY FACILITY OR SITE.—

(A) IN GENERAL.—*Subject to such terms and conditions as the Secretary determines to be necessary or advisable, an agreement under paragraph (1)(B) for use permitted under paragraph (1)(A)(ii) shall reserve to the non-Federal interest—*

(i) the right to submit to the Secretary for approval at a later date an alternative to the facility or site designated in the agreement for construction of replacement capacity; and

(ii) the right to construct the replacement capacity at the alternative facility or site at the expense of the non-Federal interest.

(B) REQUIREMENT.—*The Secretary shall not reject a site for the construction of replacement capacity under paragraph (1)(A)(ii) that is submitted by the non-Federal interest for approval by the Secretary before the date of execution of the agreement under paragraph (1)(B), or thereafter, unless the Secretary—*

(i) determines that the site is environmentally unacceptable or technically unsound; and

(ii) provides a written basis for the determination under clause (i) to the non-Federal interest.

* * * * *

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. LAND CONVEYANCES.

(a) * * *

* * * * *

SEC. 510. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) * * *

* * * * *

(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.—*A project carried out under this section may not have a total cost of more than \$15,000,000.*

[(h)] (i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ~~[\$40,000,000]~~ \$90,000,000.

* * * * *

SEC. 516. SEDIMENT MANAGEMENT.

(a) IN GENERAL.— * * *

* * * * *

(f) GREAT LAKES STATES DEFINED.—In this section, the term “Great Lakes States” means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(g) COASTAL MAPPING.—*The Secretary shall develop and carry out a plan for the recurring mapping of coastlines that are experiencing rapid change, including, at a minimum, such coastlines in—*

- (1) *Alaska;*
- (2) *Hawaii; and*
- (3) *any territory or possession of the United States.*

[(g)] (h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—*There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 1998 through 2001.*

(2) GREAT LAKES TRIBUTARY MODEL.—*In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) \$5,000,000 for each of fiscal years 2002 through 2012.*

(3) COASTAL MAPPING.—*In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (g) with respect to Alaska, Hawaii, and the territories and possessions of the United States, \$10,000,000, to remain available until expended.*

* * * * *

SEC. 528. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.— * * *

* * * * *

(f) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.— * * *

* * * * *

(2) DUTIES OF TASK FORCE.—The Task Force—

(A) * * *

* * * * *

(H) shall provide assistance and support to agencies and entities represented on the Task Force in their restoration activities;

(I) shall, using existing amounts appropriated to the Task Force, develop and update, as appropriate, a priority list of invasive species that—

(i) reflects an assessment of ecological risk that the listed invasive species represent;

(ii) includes populations of invasive plants and animals that—

(I) are significantly impacting the structure and function of ecological communities, native species, or habitat within the South Florida ecosystem; or

(II) demonstrate a strong potential to reduce, obscure, or otherwise alter key indicators used to measure Everglades restoration progress; and

(iii) shall be used by the Task Force and agencies and entities represented on the Task Force to focus cooperative and collaborative efforts—

(I) to guide applied research;

(II) to develop innovative strategies and tools to facilitate improved management, control, or eradication of listed invasive species;

(III) to implement specific management, control, or eradication activities at the appropriate periodicity and intensity necessary to reduce or neutralize the impacts of listed invasive species, including the use of qualified skilled volunteers when appropriate; and

(IV) to develop innovative strategies and tools to prevent future introductions of nonnative species;

[(I)] (J) shall prepare an integrated financial plan and recommendations for coordinated budget requests for the funds proposed to be expended by agencies and entities represented on the Task Force for the restoration, preservation, and protection of the South Florida [ecosystem] ecosystem, including the activities described in subparagraph (I)

[(J)] (K) shall submit a biennial report to Congress that summarizes—

(i) the activities of the Task Force , including the priority list under subparagraph (I) and the activities described in that subparagraph

* * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1999

* * * * *

TITLE V—MISCELLANEOUS PROVISIONS

* * * * *

SEC. 560. [33 USC 2336] ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

(a) IN GENERAL.— * * *

* * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[\$20,000,000]** \$30,000,000, to remain available until expended.

* * * * *

SEC. 595. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.

(a) DEFINITIONS.—In this section:

(1) RURAL NEVADA.— * * *

* * * * *

(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]** \$500,000,000, to remain available until expended.

* * * * *

Water Resources Development Act of 2000

* * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.— * * *

* * * * *

TITLE II—GENERAL PROVISIONS

* * * * *

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) * * *

(b) PROGRAM.—

(1) IN GENERAL.— * * *

* * * * *

(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]** *\$22,500,000*.

(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]** *\$22,500,000*, 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.

* * * * *

TITLE V-MISCELLANEOUS PROVISIONS

SEC. 501. LAKES PROGRAM.

(1) * * *

* * * * *

SEC. 542. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) * * *

* * * * *

(b) CRITICAL RESTORATION PROJECTS.—

(1) * * *

* * * * *

(A) * * *

* * * * *

(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; **[or]**

(G) *measures to restore, protect, and preserve an ecosystem affected by a dam (which may include construction of a dam)—*

- (i) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;
 - (ii) for which construction was completed before 1940;
 - (iii) that is classified as 'high hazard potential' by the State dam safety agency of the State in which the dam is located; and
 - (iv) that is operated by a non-Federal entity; or
- [(G)] (H) any other activity determined by the Secretary to be appropriate

* * * * *

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.— * * *

* * * * *

(e) COST SHARING.—

(1) FEDERAL SHARE.— * * *

* * * * *

(5) CREDIT.—

(A) IN GENERAL.— * * *

* * * * *

(6) DELEGATION OF WORK; TRANSFER OF FUNDS.—

(A) IN GENERAL.—*On a determination by the Secretary that the non-Federal sponsor for a project authorized by subsection (b), (c), or (d) is capable of and willing to carry out the project, or a separable element of the project, the Secretary is authorized to enter into a project partnership agreement, or amendment to an agreement, with the non-Federal sponsor that provides for—*

(i) the non-Federal sponsor to construct, or design and construct, the project or separable element in accordance with the construction plans and specifications approved by the Division Commander; and

(ii) the Secretary to transfer to the non-Federal sponsor funds up to an amount equal to the Federal share under paragraph (1) of the cost of carrying out the project or separable element.

(B) TECHNICAL ASSISTANCE.—*The Secretary is authorized—*

(i) to provide to the non-Federal sponsor technical assistance, including any technical assistance necessary for the project to achieve compliance with statutory, regulatory, and program requirements; and

(ii) to fund the costs of providing the technical assistance described in clause (i) using amounts made available for the project or separable element, subject to the condition that the total amount authorized for transfer

to the non-Federal sponsor under subparagraph (A)(ii) is reduced by such amount.

(C) REQUIREMENT.—A non-Federal sponsor carrying out work under a partnership agreement described in subparagraph (A) shall comply with—

(i) all Federal environmental laws and regulations that would be applicable to the project or separable element if carried out by the Secretary;

(ii) subchapter IV of chapter 31 of title 40, United States Code;

(iii) chapter 37 of title 40, United States Code; and

(iv) any other terms and conditions that the Division Commander determines to be advisable, as determined in consultation with the non-Federal sponsor and in accordance with existing Federal regulations.

* * * * *

WATER RESOURCES DEVELOPMENT ACT OF 2007

* * * * *

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

* * * * *

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

* * * * *

SEC. 3061. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.— * * *

* * * * *

(d) FEASIBILITY STUDY.—

(1) IN GENERAL.— * * *

* * * * *

[(2) OPERATION AND MAINTENANCE.—Operation and maintenance of any project]

(2) COST SHARE.—

(A) CONSTRUCTION.—*The Federal share of the cost of construction of any project authorized to be carried out pursuant to the feasibility study identified in paragraph (1) shall be 75 percent.*

(B) OPERATION AND MAINTENANCE.—*Operation and maintenance of any project authorized to be carried out pursuant to the feasibility study identified in paragraph*

(1) shall be carried out at 80 percent Federal expense and 20 percent non-Federal expense.

* * * * *

SEC. 3085. CAMP ELLIS, SACO, MAINE.

[The maximum]

(a) IN GENERAL.—*Except as provided in subsection (b), the maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be \$26,900,000.*

(b) INCREASE.—*The Secretary may increase the maximum amount under subsection (a) by an amount equal to not more than 20 percent, if the Secretary determines the increase to be appropriate.*

* * * * *

TITLE V—MISCELLANEOUS

SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.— * * *

* * * * *

SEC. 5019. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—*Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18; 111 Stat. 176), section 2.2 of the Susquehanna River Basin Compact to which consent was given by Public Law 91–575 (84 Stat. 1512), and section 2.2 of the Delaware River Basin Compact to which consent was given by Public Law 87–328 (75 Stat. 691), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—*

(1) shall be—
(A) * * *

* * * * *

(3) may designate an alternate member , *who may be the Administrator of the Environmental Protection Agency (referred to in this section as the ‘Administrator’) (or a designee), in accordance with the terms of those compacts.*

(b) AUTHORIZATION TO ALLOCATE.—

(1) IN GENERAL.—**[The Secretary]** *Subject to the availability of appropriations, the Administrator shall allocate funds to the Susquehanna River Basin Commission, the Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin to fulfill the equitable funding requirements of the respective interstate compacts.*

(2) AMOUNTS.—**[For each fiscal year, the Secretary]** *Subject to the availability of appropriations, for each fiscal year, the Administrator shall allocate to each Commission described in paragraph (1) an amount equal to the amount determined by*

the Commission in accordance with the respective interstate compact approved by Congress.

(3) NOTIFICATION.—If the **Secretary** *Administrator* does not allocate funds for a given fiscal year in accordance with paragraph (2), the **Secretary** *Administrator*, in conjunction with the subsequent submission by the President of the budget to Congress under section 1105(a) of title 31, United States Code, 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 notice that describes—

(A) the reasons why the **Secretary** *Administrator* did not allocate funds in accordance with paragraph (2) for that fiscal year; and

* * * * *

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.— * * *

* * * * *

(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** 2024.

* * * * *

TITLE IX—NATIONAL LEVEE SAFETY PROGRAM

SEC. 9001. [33 U.S.C. 3301 note] SHORT TITLE; PURPOSES.

(a) SHORT TITLE.— * * *

* * * * *

SEC. 9004. [33 U.S.C. 3303] INVENTORY AND INSPECTION OF LEVEES.

(a) LEVEE DATABASE.—

(1) IN GENERAL.— * * *

* * * * *

(c) LEVEE REVIEW.—

(1) IN GENERAL.— * * *

* * * * *

(d) IDENTIFICATION OF DEFICIENCIES.—

(1) IN GENERAL.—*For each levee identified in the national levee database under subsection (a), the Secretary shall—*

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

(B) *describe the recommended remedies to correct each deficiency identified under subparagraph (A) and 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.

* * * * *

River and Harbor Act of 1958-(Section 104)

* * * * *

TITLE I—RIVERS AND HARBORS

* * * * *

SEC. 104. [33 U.S.C. 610] (a)

(1) **IN GENERAL.**— * * *

* * * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out **[this section \$110,000,000]** *this section (except for subsections (f) and (g)) \$120,000,000* 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) **[.]**; *and*

(D) *\$10,000,000 shall be made available to carry out subsection (d)(1)(A)(iv).*

(2) OTHER PROGRAMS.—

(A) **IN GENERAL.**—There are authorized to be appropriated—

(i) *\$10,000,000 for each of fiscal years 2021 through 2024 to carry out subsection (f); and*

(ii) *\$50,000,000 for each of fiscal years 2021 through 2024 to carry out subsection (g)(2).*

(B) **INVASIVE PLANT SPECIES PILOT PROGRAM.**—There is authorized to be appropriated to the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, \$10,000,000 to carry out subsection (g)(3).

[(2)] (3) CONTROL OPERATIONS.—Any funds made available under paragraph (1) *or* (2)(A) 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.

* * * * *

(d) WATERCRAFT INSPECTION and Decontamination Stations.—

(1) IN GENERAL.—

(A) **WATERCRAFT INSPECTION AND DECONTAMINATION stations.**—In carrying out this section, the Secretary shall establish (as applicable), operate, and maintain new or existing **[watercraft inspection stations]** *watercraft inspection and decontamination 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** *Arkansas River Basins* **;** and

(iv) to protect basins and watersheds that adjoin an international border between the United States and Canada.

[(B) LOCATIONS.—The Secretary shall establish **watercraft inspection stations** *watercraft inspection and decontamination 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).**]**

(B) LOCATIONS.—The Secretary shall place watercraft inspection and decontamination stations under subparagraph (A) at locations with the highest likelihood of preventing the spread of aquatic invasive species into and out of waters of the United States, as determined by the Secretary in consultation with the Governors and entities described in paragraph (3).

(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** *watercraft inspection and decontamination 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)]** *(iv)* of paragraph (1)(A), as applicable;

* * * * *

(e) MONITORING AND CONTINGENCY PLANNING.—In carrying out this section, the Secretary may— * * *

* * * * *

(f) INVASIVE SPECIES MANAGEMENT PILOT PROGRAM.—

(1) DEFINITION OF INVASIVE SPECIES.—*In this subsection, the term ‘invasive species’ has the meaning given the term in section 1 of Executive Order 13112 (64 Fed. Reg. 6183; relating to invasive species (February 8, 1999)) (as amended by section 2 of Executive Order 13751 (81 Fed. Reg. 88609; relating to safeguarding the Nation from the impacts of invasive species (December 5, 2016))).*

(2) DEVELOPMENT OF PLANS.—*The Secretary, in coordination with the Aquatic Nuisance Species Task Force, shall carry out a pilot program under which the Secretary shall collaborate with States in the Upper Missouri River Basin in developing*

voluntary aquatic invasive species management plans to mitigate the effects of invasive species on public infrastructure facilities located on reservoirs of the Corps of Engineers in those States.

(3) MANAGEMENT PLAN.—

(A) IN GENERAL.—*The Secretary, in consultation with the Governor of each State in the Upper Missouri River Basin that elects to participate in the pilot program, shall prepare a management plan, or update or expand an existing plan, for each participating State that identifies public infrastructure facilities located on reservoirs of the Corps of Engineers in those States that—*

(i) are affected by aquatic invasive species; and

(ii) need financial and technical assistance in order to maintain operations.

(B) USE OF EXISTING PLANS.—*In developing a management plan under subparagraph (A), the Secretary shall consider a management plan submitted by a participating State under section 1204(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4724(a)).*

(4) TERMINATION OF AUTHORITY.—*The authority provided under this subsection shall terminate on September 30, 2024.*

(g) INVASIVE SPECIES PREVENTION, CONTROL, AND ERADICATION.—

(1) DEFINITION OF INVASIVE SPECIES.—*In this subsection, the term ‘invasive species’ has the meaning given the term in section 1 of Executive Order 13112 (64 Fed. Reg. 6183; relating to invasive species (February 8, 1999)) (as amended by section 2 of Executive Order 13751 (81 Fed. Reg. 88609; relating to safeguarding the Nation from the impacts of invasive species (December 5, 2016))).*

(2) INVASIVE SPECIES PARTNERSHIPS.—

(A) IN GENERAL.—*The Secretary may enter into partnerships with applicable States and other Federal agencies to carry out actions to prevent the introduction of, control, or eradicate, to the maximum extent practicable, invasive species that adversely impact water quantity or water quality in the Platte River Basin, the Upper Colorado River Basin, the Upper Snake River Basin, and the Upper Missouri River Basin.*

(B) PRIORITIZATION.—*In selecting actions to carry out under a partnership under subparagraph (A), the Secretary shall give priority to projects that are intended to control or eradicate the Russian olive (*Elaeagnus angustifolia*) or saltcedar (of the genus *Tamarix*).*

(3) INVASIVE PLANT SPECIES PILOT PROGRAM.—

(A) DEFINITIONS.—*In this paragraph:*

(i) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a partnership between or among 2 or more entities that—

(I) includes—

(aa) at least 1 flood control district; and

(bb) at least 1 city, county, township, town, borough, parish, village, or other general pur-

pose political subdivision of a State or Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); and

(II) may include any other entity (such as a non-profit organization or institution of higher education), as determined by the Secretary.

(ii) INVASIVE PLANT SPECIES.—The term ‘invasive plant species’ means a plant that is nonnative to the ecosystem under consideration, the introduction of which causes or is likely to cause economic harm or harm to human health.

(iii) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(B) PILOT PROGRAM.—The Secretary shall establish a pilot program under which the Secretary shall work with eligible entities to carry out activities—

(i) to remove invasive plant species in riparian areas that contribute to drought conditions in—

- (I) the Lower Colorado River Basin;
- (II) the Rio Grande River Basin;
- (III) the Texas Gulf Coast Basin; and
- (IV) the Arkansas-White-Red Basin;

(ii) where appropriate, to replace the invasive plant species described in clause (i) with ecologically suitable native species; and

(iii) to maintain and monitor riparian areas in which activities are carried out under clauses (i) and (ii).

(C) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this subsection, 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 describing the implementation of the pilot program.

(D) TERMINATION OF AUTHORITY.—The authority provided under this paragraph shall terminate on September 30, 2024.

(4) COST-SHARE.—The Federal share of an action carried out under a partnership under paragraph (2) or the pilot program under paragraph (3) shall not exceed 80 percent of the the action.

* * * * *

THE RIVER AND HARBOR ACT OF 1960

* * * * *

Sec. 107. [33 USC 577] [(a) That the Secretary]

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of the Army is authorized to allot from any appropriations hereafter made for rivers and harbors not to exceed [\$62,500,000] the amount described in paragraph (2) for any one fiscal year for the construction of small river and harbor improvement projects not specifically

authorized by Congress which will result in substantial benefits to navigation and which can be operated consistently with appropriate and economic use of the waters of the Nation for other purposes, when in the opinion of the Chief of Engineers such work is advisable, if benefits are in excess of the cost.

(2) AMOUNTS DESCRIBED.—*The amount referred to in paragraph (1) is—*

- (A) for fiscal year 2021, \$69,000,000;
- (B) for fiscal year 2022, \$69,500,000;
- (C) for fiscal year 2023, \$70,000,000;
- (D) for fiscal year 2024, \$70,500,000;
- (E) for fiscal year 2025, \$71,000,000;
- (F) for fiscal year 2026, \$71,500,000;
- (G) for fiscal year 2027, \$72,000,000;
- (H) for fiscal year 2028, \$72,500,000;
- (I) for fiscal year 2029, \$73,000,000; and
- (J) for fiscal year 2030 and each fiscal year thereafter, \$73,500,000.

[(b) Not more than]

(b) LIMITATION.—

(1) IN GENERAL.—*Except as provided in paragraph (2), not more than; an \$10,000,000 shall be allotted for the construction of a project under this section at any single locality and the amount allotted shall be sufficient to complete the Federal participation in the project under this section.*

(2) INCREASE.—*The Secretary may increase the maximum amount under paragraph (1) by an amount equal to not more than 20 percent, if the Secretary determines the increase to be appropriate.*

* * * * *

River and Harbor Act of 1968

* * * * *

SEC. 111. [33 USC 426i] (a) IN GENERAL.— * * *

* * * * *

(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—[No such project shall be initiated]

(1) IN GENERAL.—*Except as provided in paragraph (2), a project under this section shall not be initiated without specific authorization by Congress if the Federal first cost exceeds \$12,500,000.*

(2) INCREASE.—*The Secretary may increase the maximum amount under paragraph (1) by an amount equal to not more than 20 percent, if the Secretary determines the increase to be appropriate.*

* * * * *

(e) REIMBURSEMENT FOR FEASIBILITY STUDIES.— * * *

* * * * *

(f) USE OF UNITED STATES FISH AND WILDLIFE SERVICE FUNDS.—*The Director of the United States Fish and Wildlife Service shall allow a non-Federal interest to use funds from the Service to satisfy*

all or a portion of the non-Federal share of the costs of a project under this section.

* * * * *

America’s Water Infrastructure Act of 2018

* * * * *

TITLE I—WATER RESOURCES DEVELOPMENT

Subtitle A—General Provisions

SEC. 1101. SENSE OF CONGRESS REGARDING WATER RESOURCES DEVELOPMENT BILLS.

* * * * *

SEC. 1104. [33 U.S.C. 2282d note] DISSEMINATION OF INFORMATION.

(a) FINDINGS.—Congress finds the following:

(1) * * *

* * * * *

(b) DISSEMINATION OF PROCESS INFORMATION.—**[The Secretary]**

(1) IN GENERAL.—*The Secretary* shall develop, support, and implement education and awareness efforts for non-Federal interests with respect to the annual Report to Congress on Future Water Resources Development required under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), including efforts to—

[(1)]

(A) develop and disseminate technical assistance materials, seminars, and guidance on the annual process as it relates to non-Federal interests;

[(2)]

(B) provide written notice to local elected officials and previous and potential non-Federal interests on the annual process and on opportunities to address local water resources challenges through the missions and authorities of the Corps of Engineers;

[(3)]

(C) issue guidance for non-Federal interests to assist such interests in developing proposals for water resources development projects that satisfy the requirements of such section 7001; and

[(4)]

(D) provide, at the request of a non-Federal interest, assistance with researching and identifying existing project authorizations and Corps of Engineers decision documents.

(2) BRIEFINGS.—*Not less frequently than annually, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the progress of the implementation of paragraph (1), including a description of each action the Secretary is taking to implement that paragraph.*

(3) GUIDANCE; COMPLIANCE.—*The Secretary shall—*

(A) *issue guidance on the uniform implementation of the process under section 7001 of the Water Resources Reform*

and Development Act of 2014 (33 U.S.C. 2282d) by each district of the Corps of Engineers; and (B) each year, ensure compliance with the guidance under subparagraph (A).

* * * * *

SEC. 1108. [33 U.S.C. 2263a] AQUATIC INVASIVE SPECIES RESEARCH.

(a) IN GENERAL.—As part of the ongoing activities of the Engineer Research and Development Center to address the spread and impacts of aquatic invasive species, the Secretary shall undertake research on the [management] *prevention, management,* and eradication of aquatic invasive species, including Asian carp , *elodea, quagga mussels,* and zebra mussels.

(b) LOCATIONS.—In carrying out subsection (a), the Secretary shall work with Corps of Engineers district offices representing diverse geographical regions of the continental United States that are impacted *or could be impacted in the future* by aquatic invasive species, such as the Atlantic, Pacific, *Arctic,* and Gulf coasts and the Great Lakes.

* * * * *

SEC. 1119. [33 U.S.C. 2347 note] LOCAL GOVERNMENT RESERVOIR PERMIT REVIEW.

(a) IN GENERAL.— * * *

* * * * *

(b) COVERED PERMIT DEFINED.—In this section, the term “covered permit” means a permit to be issued by the Secretary to modify a reservoir [owned or operated by the Secretary], with respect to which not less than 80 percent of the water rights are held for drinking water supplies, in order to accommodate projected water supply needs of an area with a population of less than 80,000.

* * * * *

SEC. 1120. [33 U.S.C. 2315b] TRANSPARENCY AND ACCOUNTABILITY IN COST SHARING FOR WATER RESOURCES DEVELOPMENT PROJECTS.

(a) DEFINITION OF BALANCE SHEET.— * * *

* * * * *

(c) UNDER-BUDGET PROJECTS.— * * *

* * * * *

(d) EXCESS FUNDS.—*In the case of a beach nourishment project carried out by the Secretary for which funds in excess of the funds needed to complete the nourishment cycle in the current fiscal year have been contributed by a non-Federal interest, on the request of the non-Federal interest, the Secretary shall, at the end of the fiscal year—*

(1) transfer the excess non-Federal funds to the non-Federal interest; or

(2) transfer the excess non-Federal funds to a separate account of the Secretary, in which the funds shall remain available until the non-Federal interest uses the funds to pay the cost-share for other projects carried out by the Secretary for which a non-Federal cost-share is required.

* * * * *

SEC. 1148. [33 U.S.C. 2326 note] BENEFICIAL USE OF DREDGED SEDIMENT.

(a) IN GENERAL.—In carrying out a project for the beneficial reuse of sediment to reduce storm damage to property under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) that involves only a single application of sediment, the Secretary may [grant] *approve* a temporary easement necessary to facilitate the placement of sediment, if the Secretary determines that [granting] *approving* a temporary easement is in the interest of the United States.

(b) LIMITATION.—If the Secretary [grants] *approves* a temporary easement under subsection (a) with respect to a project, that project shall no longer be eligible for future placement of sediment under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

* * * * *

Subtitle B—Studies and Reports

SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

* * * * *

SEC. 1203. EXPEDITED COMPLETION.

(a) FEASIBILITY REPORTS.—* * *

* * * * *

(g) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—[For fiscal years 2019 and 2020] *Until September 30, 2026*, the Secretary shall give priority to projects that restore degraded ecosystems through modification of existing flood risk management projects for projects—

* * * * *

SUBTITLE C—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS

SEC. 1301. [33 U.S.C. 579d-1] DEAUTHORIZATION OF INACTIVE PROJECTS.

(a) PURPOSES.—* * *

* * * * *

SEC. 1312. CAPE ARUNDEL DISPOSAL SITE, MAINE.

The Cape Arundel Disposal Site selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) shall remain available for use until [December 31, 2021] *September 30, 2024*.

* * * * *

Subtitle C—Miscellaneous

SEC. 4301. [33 U.S.C. 3909 note] AGREEMENT WITH COMMISSIONER OF RECLAMATION.

* * * * *

SEC. 4304. WATER INFRASTRUCTURE AND WORKFORCE INVESTMENT.

(a) DEFINITION OF PUBLIC WORKS DEPARTMENT OR AGENCY.—*In this section, the term ‘public works department or agency’ means a political subdivision of a local, county, or regional government that designs, builds, operates, and maintains water infrastructure, sewage and refuse disposal systems, and other public water systems and facilities.*

[(a)] (b) SENSE OF CONGRESS.— * * *

* * * * *

(3) to further the goal of ensuring a strong pipeline of skilled and diverse workers in the water and wastewater utilities sector, Congress urges—

(A) increased collaboration among Federal, State, and local governments; and

(B) institutions of higher education, apprentice programs, high schools, and other community-based organizations *and public works departments and agencies* to align workforce training programs and community resources with water and wastewater utilities to accelerate career pipelines and provide access to workforce opportunities.

[(b)] (c) INNOVATIVE WATER INFRASTRUCTURE WORKFORCE DEVELOPMENT PROGRAM.—

(1) GRANTS AUTHORIZED.— * * *

* * * * *

(2) SELECTION OF GRANT RECIPIENTS.—In awarding grants under paragraph (1), the Administrator shall, to the extent practicable, select nonprofit professional or service organizations, labor organizations, community colleges, institutions of higher education, or other training and educational [institutions—] *institutions, or public works departments and agencies—*

(A) that have qualifications and experience—

(i) in the development of training programs and curricula relevant to workforce needs of water utilities;

(ii) *for entities that are not public works departments and agencies*, working in cooperation with water utilities; or

* * * * *

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$[1,000,000 for each of fiscal years 2019 and 2020] *\$2,000,000 for each of fiscal years 2021 through 2024.*

* * * * *

Water Resources Reform and Development Act of 2014

* * * * *

TITLE I—PROGRAM REFORMS AND STREAMLINING

SEC. 1001. [33 U.S.C. 2282c] VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.

(a) IN GENERAL.— * * *

* * * * *

SEC. 1008. [33 U.S.C. 2321b] EXPEDITING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.

(a) POLICY.—Congress declares that it is the policy of the United States that—

(1) * * *

* * * * *

the Corps of Engineers, including authorized project purposes and habitat and environmental protection.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act and biennially 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 and make publicly available a report that, at a minimum, shall include—

(1) * * *

* * * * *

(c) REVIEWING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.—

(1) DEFINITION OF ELIGIBLE NON-FEDERAL INTEREST.—*In this subsection, the term ‘eligible non-Federal interest’ means a non-Federal interest that owns or operates an existing non-Federal hydropower facility at a Corps of Engineers project.*

(2) EVALUATION.—

(A) IN GENERAL.—*On the written request of an eligible non-Federal interest, the Secretary shall conduct an evaluation to consider operational changes at the applicable project to facilitate production of non-Federal hydropower, consistent with authorized project purposes.*

(B) DEADLINE.—*Not later than 180 days after the date on which the Secretary receives a written request under subparagraph (A), the Secretary shall provide to the non-Federal interest a written response to inform the non-Federal interest—*

(i) that the Secretary has approved the request to conduct an evaluation; or

(ii) of any additional information necessary for the Secretary to approve the request to conduct an evaluation.

(3) OPERATIONAL CHANGES.—*An operational change referred to in paragraph (2)(A) may include—*

(A) changes to seasonal pool levels;

(B) modifying releases from the project; and

(C) other changes included in the written request submitted under that paragraph that enhance the usage of the

project to facilitate production of non-Federal hydropower, consistent with authorized project purposes.

(4) **COST-SHARE.**—*The eligible non-Federal interest shall pay 100 percent of the costs associated with an evaluation under this subsection, including the costs to prepare the report under paragraph (6).*

(5) **DEADLINE.**—*The Secretary shall complete an evaluation under this subsection by the date that is not later than 1 year after the date on which the Secretary begins the evaluation.*

(6) **REPORT.**—*On completion of an evaluation under this subsection, 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 on the effects of the operational changes proposed by the non-Federal interest and examined in the evaluation on the authorized purposes of the project, including a description of any negative impacts of the proposed operational changes on the authorized purposes of the project.*

(7) **SAVINGS PROVISION.**—*Nothing in this subsection—*
(A) affects, modifies, or changes the authorized purposes of a Corps of Engineers project; or
(B) affects existing authorities of the Corps of Engineers, including authorities with respect to navigation, flood damage reduction, environmental protection and restoration, and other related purposes.

* * * * *

SEC. 1022. [33 U.S.C. 2225] CREDIT OR REIMBURSEMENT.

(a) **REQUESTS FOR CREDITS.**— * * *

* * * * *

(c) **APPLICATION OF REIMBURSEMENT.**— * * *

* * * * *

(d) **TIMELINESS.**—*The Secretary shall ensure that a reimbursement described in this section is provided in a timely manner.*

* * * * *

SEC. 1024. [33 U.S.C. 2325a] AUTHORITY TO ACCEPT AND USE MATERIALS AND SERVICES.

(a) **IN GENERAL.**—**[Subject to subsection (b), the]** *The Secretary is authorized to accept and use materials, services, or funds contributed by a non-Federal public entity, a nonprofit entity, or a private entity to repair, restore, replace, or maintain a water resources project in any case in which the District Commander determines that—*

* * * * *

[(b) LIMITATION.—*Any entity that contributes materials or services under subsection (a) shall not be eligible for credit or reimbursement for the value of such materials or services.]*

[(c)] (b) ADDITIONAL REQUIREMENTS.—

(1) **APPLICABLE LAWS AND REGULATIONS.**—*The Secretary may only use materials or services accepted under this section if such materials and services comply with all applicable laws and regulations that would apply if such materials and services were acquired by the Secretary.*

(2) SUPPLEMENTARY SERVICES.—The Secretary may only accept and use services under this section that provide supplementary services to existing Federal employees, and may only use such services to perform work that would not otherwise be accomplished as a result of funding or personnel limitations.

(3) INTEGRAL TO PROJECT.—*The Secretary may provide reimbursement under subsection (c) only if the Secretary determines that the materials or services provided are integral to the project.*

(4) TIMELINESS.—*The Secretary shall ensure that a reimbursement under subsection (c) is provided in a timely manner.*

(c) COST LIMITATIONS.—*Except as provided in this section and subject to subsection (g), a non-Federal interest that contributes materials or services under subsection (a) shall be eligible for reimbursement, not to exceed an amount that is equal to the estimated Federal cost for the performance of those materials or services.*

(d) AGREEMENT.—*Before contributing materials or services under subsection (a), a non-Federal interest shall enter into an agreement with the Secretary that specifies, with respect to the use of those materials and services, the terms and conditions that are acceptable to the non-Federal interest and the Secretary.*

(e) REQUIREMENT.—*As part of an agreement under subsection (a), a non-Federal interest shall hold and save the United States free from any and all damage that arises from the use of any materials or services of the non-Federal interest, except for damage due to the fault or negligence of a contractor of the Federal Government.*

(f) USE OF EMERGENCY AUTHORITIES.—*The Secretary may use existing emergency authorities of the Secretary following a flood or storm event to accept materials, services, or funds under this section if those materials, services, or funds are being used for the purpose of—*

(1) *restoring an authorized navigation or flood risk management project up to authorized dimensions;*

(2) *repairing or reconstructing any authorized navigation or flood risk management project, including other authorized associated features; or*

(3) *any other activities the Secretary determines to be in the public interest as a result of the emergency.*

(g) LIMITATIONS.—*A reimbursement under subsection (c) shall be—*

(1) *subject to the availability of appropriations; and*

(2) *subject to the compliance of the non-Federal interest with all Federal laws and regulations that would apply to the use of materials or services described in that subsection if provided by the Secretary.*

[(d)] (h) REPORT.—Not later than February 1 of each year after the first fiscal year in which materials, services, or funds are accepted under this section, 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 annual report that includes—

(1) a description of the activities undertaken, including the costs associated with the activities; and

(2) a comprehensive description of how the activities are necessary for maintaining a safe and reliable water resources project.

* * * * *

SEC. 1039. INVASIVE SPECIES.

(a) AQUATIC SPECIES REVIEW.—

(1) REVIEW OF AUTHORITIES.— * * *

* * * * *

(b) **[16 U.S.C. 4701 note]** AQUATIC INVASIVE SPECIES PREVENTION.— * * *

* * * * *

(1) MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE **[upper mississippi and ohio river basins and tributaries]** MISSISSIPPI RIVER AND TRIBUTARIES, INCLUDING SUBBASINS.—

(A) IN GENERAL.—The Director of the United States Fish and Wildlife Service, in coordination with the Secretary, the Director of the National Park Service, and the Director of the United States Geological Survey, shall lead a multiagency effort to slow the spread of Asian carp in the **[Upper Mississippi and Ohio River basins and tributaries]** *Mississippi River and tributaries, including the 6 sub-basins of the River*, by providing technical assistance, coordination, best practices, and support to State and local governments in carrying out activities designed to slow, and eventually eliminate, the threat posed by Asian carp.

(B) BEST PRACTICES.—To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those described in the document prepared by the Asian Carp Working Group entitled “Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States” and dated November 2007, **[and the document prepared by the Asian Carp Regional Coordinating Committee entitled “FY 2012 Asian Carp Control Strategy Framework” and dated February 2012]** *the Mississippi River Basin Asian Carp Control Strategy Frameworks, and the Asian Carp Regional Coordinating Committee’s Asian Carp Action Plan.*

(2) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than **[December 31 of each year]** *December 31, 2020, and biennially thereafter*, the Director of the United States Fish and Wildlife Service, in coordination with the Secretary, shall submit to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report describing the coordinated strategies established and progress made toward the goals of controlling and eliminating Asian carp in the **[Upper Mississippi and Ohio River basins and tributaries]** *Mississippi River and tributaries, including the 6 sub-basins of the River.*

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) any observed changes in the range of Asian carp in the [Upper Mississippi and Ohio River basins and tributaries] *Mississippi River and tributaries, including the 6 sub-basins of the River*, during the 2-year period preceding submission of the report;

(ii) a summary of Federal agency efforts, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the [Upper Mississippi and Ohio River basins and tributaries] *Mississippi River and tributaries, including the 6 sub-basins of the River*;

* * * * *

SEC. 1043. [33 U.S.C. 2201 note] NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.

(a) NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.—

(1) IN GENERAL.— * * *

* * * * *

(4) COST SHARE.—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of [this Act] *the America’s Water Infrastructure Act of 2020* to a feasibility study carried out 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.] *December 31, 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 2015 through [2019] *2026*.

(b) NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.—

(1) IN GENERAL.—

(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] *the America’s Water Infrastructure Act of 2020* and that—

(aa)(AA) have received Federal funds prior to the date of enactment of **[this Act]** *the America's Water Infrastructure Act of 2020*; 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]** *the America's Water Infrastructure Act of 2020* 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]** *the America's Water Infrastructure Act of 2020*; 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]** *the America's Water Infrastructure Act of 2020*;

(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 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 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.

(4) COST SHARE.—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of **[this Act]** *the America’s Water Infrastructure Act of 2020* to a project carried out 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.]** *December 31, 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.

* * * * *

SEC. 1046. [33 U.S.C. 2319 note] RESERVOIR OPERATIONS AND WATER SUPPLY.

(a) DAM OPTIMIZATION.—

(1) DEFINITION OF PROJECT.— * * *

* * * * *

(c) SURPLUS WATER STORAGE.—

(1) IN GENERAL.— * * *

* * * * *

[(3) LIMITATION.—The limitation provided under paragraph (1) shall expire on the date that is 12 years after the date of enactment of this Act.]

[(4)] (3) APPLICABILITY.—Nothing in this subsection—

(A) * * *

* * * * *

TITLE II—NAVIGATION

Subtitle A—Inland Waterways

SEC. 2001. [33 U.S.C. 2252 note] DEFINITIONS.

In this title:

(1) INLAND WATERWAYS TRUST FUND.— * * *

* * * * *

SEC. 2010. UPPER MISSISSIPPI RIVER PROTECTION.

(a) DEFINITION OF UPPER ST. ANTHONY FALLS LOCK AND DAM.—
* * *

* * * * *

(e) CONTRIBUTED FUNDS.—The Secretary shall accept and expend funds to carry out the study described in subsection (d) that are contributed by a State or a political subdivision of a State under **the Act of October 15, 1940 (33 U.S.C. 701h-1)** *section 5 of the Act of June 22, 1936 (commonly known as the Flood Control Act of 1936)* (49 Stat. 1572, chapter 688; 33 U.S.C. 701h).

* * * * *

**TITLE III—SAFETY IMPROVEMENTS
AND ADDRESSING EXTREME WEATHER
EVENTS**

Subtitle A—Dam Safety

SEC. 3001. DAM SAFETY.

(a) ADMINISTRATOR.—
(1) IN GENERAL.— * * *

* * * * *

SEC. 3014. [42 U.S.C. 4131] LEVEE CERTIFICATIONS.

(a) IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.—In carrying out section 100226 of Public Law 112-141 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—

(1) ensure that at least 1 program activity carried out **under the inspection of completed works program** *for levee systems under the levee safety and dam safety programs* of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); **and**

(2) to the maximum extent practicable, carry out **activities under the inspection of completed works program of the Corps of Engineers** *the activities referred to in paragraph (1)* in alignment with the schedule established for the national flood insurance program established under **chapter 1** *chapter I* of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.)**;** *and*

(3) *in the case of a levee system that is operated and maintained by the Corps of Engineers, to the maximum extent practicable, cooperate with local governments seeking a levee accreditation decision for the levee to provide information necessary to support the accreditation decision in a timely manner.*

(b) ACCELERATED LEVEE SYSTEM EVALUATIONS.—

(1) IN GENERAL.— * * *

* * * * *

(3) FUNDING.—

(A) IN GENERAL.— * * *

* * * * *

(C) CONTRIBUTED FUNDS.—*Notwithstanding subparagraph (B), a non-Federal interest may fund up to 100 percent of the cost of any activity carried out under this subsection.*

* * * * *

TITLE VII—WATER RESOURCES INFRASTRUCTURE

SEC. 7001. [33 U.S.C. 2282d] 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 Environment 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.—* * *

* * * * *

(c) CONTENTS.—

(1) FEASIBILITY REPORTS, PROPOSED FEASIBILITY STUDIES, AND PROPOSED MODIFICATIONS.—

(A) CRITERIA FOR INCLUSION IN REPORT.—

(i) * * *

* * * * *

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—* * *

* * * * *

(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, *regional*, or *local* economy;

* * * * *

(g) DEFINITIONS.—In this section:

(1) ANNUAL REPORT.—* * *

* * * * *

(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].

* * * * *

KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000

* * * * *

(b) WATER ACTIVITIES AND DROUGHT RESPONSE

(1) IN GENERAL.— [Pursuant to the reclamation laws and subject] *Subject* to appropriations and required environmental reviews, the Secretary [may] *is authorized to* carry out activities, including entering into a contract or making financial assistance available through cooperative agreements or other methods.

(A) to plan, implement, and administer programs , *including conservation and efficiency measures, land idling, and use of groundwater*, to align water supplies and demand for irrigation water users associated with the Klamath Project, with a primary emphasis on programs developed or endorsed by local entities comprised of representatives of those water users;

* * * * *

(3) REQUIREMENTS.— The Secretary shall ensure that the activities under this subsection—

(A) do not foster groundwater use that results in groundwater level declines that, based on existing data from the United States Geological Survey, are more than appropriate in a critically dry year, taking into consideration the long-term sustainability of aquifers; *and*

* * * * *

(4) CONVEYANCE OF NON-PROJECT WATER.—

(A) IN GENERAL.— * * *

* * * * *

[(4)] (5) EFFECT OF SUBSECTION.— Nothing in this subsection authorizes [the Secretary—

[(A) to develop] *the Secretary to develop* or construct new facilities for the Klamath Project without appropriate approval from Congress under section 9 of the Reclamation Projects Act of 1939 (43 U.S.C. 485h)[; or] .

[(B) to carry out activities that have not otherwise been authorized.]

* * * * *

Water Infrastructure Improvements for the Nation Act

* * * * *

TITLE I—WATER RESOURCES DEVELOPMENT

SEC. 1001. [33 U.S.C. 2201 note] SHORT TITLE.

This title may be cited as the “Water Resources Development Act of 2016”.

* * * * *

SEC. 1122. [33 U.S.C. 2326 note] BENEFICIAL USE OF DREDGED MATERIAL.

(a) IN GENERAL.— * * *

* * * * *

(b) PROJECT SELECTION.—In carrying out the pilot program, the Secretary shall—

(1) identify for inclusion in the pilot program and carry out **[20 projects for the beneficial use of dredged material]** *40 projects for the beneficial use of dredged material, 10 of which shall be projects using thin layer placement of dredged fine and coarse grain sediment for the maintenance and restoration of wetlands;*

* * * * *

(g) TERMINATION.—The pilot program shall terminate after completion of the **[20]** *40* projects carried out pursuant to subsection (b)(1).

* * * * *

SEC. 1157. PROJECT COMPLETION.

(a) COMPLETION OF PROJECTS AND PROGRAMS.—

(1) IN GENERAL.— * * *

* * * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$50,000,000 for fiscal years 2017 through **[2021]** *2024*.

* * * * *

SEC. 1179. MISSOURI RIVER.

(a) RESERVOIR SEDIMENT MANAGEMENT.—

(1) DEFINITION OF SEDIMENT MANAGEMENT PLAN.—In this subsection, the term “sediment management plan” means a plan for preventing sediment from reducing water storage capacity at a reservoir and increasing water storage capacity through sediment removal at a reservoir.

* * * * *

(3) PLAN ELEMENTS.—A sediment management plan under paragraph (2) shall—

(A) provide opportunities for project beneficiaries and other stakeholders to participate in sediment management decisions;

(B) evaluate the volume of sediment in a reservoir and impacts on *project purposes, including storage capacity;*

(C) identify **[preliminary]** sediment management options, including sediment dikes and dredging;

* * * * *

(4) JUSTIFICATION.—*In determining the economic justification of a sediment management plan under paragraph (2), the Secretary shall—*

(A) *measure and include flooding, erosion, and accretion damages both upstream and downstream of the reservoir that are likely to occur as a result of sediment management within the reservoir compared to the damages that are like-*

ly to occur if the sediment management plan is not implemented; and

(B) include lifecycle costs and a 100-year period of analysis.

(5) IMPLEMENTATION.—As part of a sediment management plan under paragraph (2), the Secretary may carry out sediment removal activities at reservoirs owned and operated by the Secretary in the Upper Missouri River Basin, or at reservoirs for which the Secretary has flood control responsibilities under section 7 of the Act of December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 890, chapter 665; 33 U.S.C. 709), in the Upper Missouri River Basin, in accordance with section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148; 121 Stat. 1076) as if those reservoirs were listed in subsection (a) of that section.

[(4)] (6) PRIORITIZATION OF SEDIMENT MANAGEMENT PLANS.—In carrying out the pilot project under this subsection, the Secretary shall give priority to developing and implementing sediment management plans that affect reservoirs that cross State lines.

[(5)] (7) COST SHARE.—The beneficiaries requesting a sediment management plan shall share in the cost of development and implementation of the plan and such cost shall be allocated among the beneficiaries in accordance with the benefits to be received.

[(6)] (8) CONTRIBUTED FUNDS.—The Secretary may accept funds from non-Federal interests and other Federal agencies to develop and implement a sediment management plan under this subsection.

[(7)] (9) GUIDANCE.—The Secretary shall use the knowledge gained through the development and implementation of sediment management plans under paragraph (2) to develop guidance for sediment management at other reservoirs.

[(8)] (10) PARTNERSHIP WITH SECRETARY OF THE INTERIOR.—
* * *

* * * * *

[(9) OTHER AUTHORITIES NOT AFFECTED.—Nothing in this subsection affects sediment management or the share of costs paid by Federal and non-Federal interests relating to sediment management under any other provision of law (including regulations).]

* * * * *

SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

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 on January 29, 2015, and January 29, 2016, respectively, 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) OUACHITA-BLACK RIVERS, ARKANSAS AND LOUISIANA.—
* * *

* * * * *

SEC. 1204. SOUTH ATLANTIC COASTAL STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study of the coastal areas located within the geographical boundaries of the South Atlantic Division of the Corps of Engineers to identify the risks and vulnerabilities of those areas to increased hurricane and storm damage as a result of sea level rise.

(b) REQUIREMENTS.—In carrying out the study under subsection (a), the Secretary shall—

(1) * * *

* * * * *

(c) ANNUAL BRIEFINGS.—*The Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual progress briefing on the status of the study under subsection (a), on a State-by-State basis, including information on the engagement of the Corps of Engineers with non-Federal interests, including detailed lists of all meetings and decision outcomes associated with those engagements.*

(d) ANNUAL REPORTS.—*Not less frequently than annually and not later than 180 days after the annual briefing 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 a report on the status of the study under subsection (a), on a State-by-State basis, including information on the engagement of the Corps of Engineers with non-Federal interests, including detailed lists of all meetings and decision outcomes associated with those engagements.*

[(c)] (e) *Final Report.*—Not later than 4 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 a report recommending specific and detailed actions to address the risks and vulnerabilities of the areas described in subsection (a) due to increased hurricane and storm damage as a result of sea level rise.

* * * * *

TITLE III—NATURAL RESOURCES

Subtitle A—Indian Dam Safety

SEC. 3101. [25 U.S.C. 3805] INDIAN DAM SAFETY.

(a) DEFINITIONS.—In this section:

(1) DAM.— * * *

* * * * *

SEC. 3212. DEPOSITS TO FUND.

(a) IN GENERAL.—For each of fiscal years 2017 through [2028] 2030, the Secretary of the Treasury shall deposit in the Fund \$35,000,000 from the general fund of the Treasury.

* * * * *

SEC. 3213. EXPENDITURES FROM FUND.

(a) IN GENERAL.—Subject to subsection (b), for each of fiscal years 2017 through [2028] 2030, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this subtitle, not more than the sum of—

* * * * *

SEC. 3216. TERMINATION.

On September 30, [2028] 2030—

- (1) the Fund shall terminate; and
- (2) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

SEC. 3221. REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS.

(a) IN GENERAL.— * * *

* * * * *

(b) FUNDING.—Consistent with section 3213, the Secretary shall use or transfer to the Bureau of Indian Affairs not less than \$35,000,000 of amounts in the Fund, plus accrued interest, for each of fiscal years 2017 through [2028] 2030 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian irrigation projects described in section 3222 (including any structures, facilities, equipment, personnel, or vehicles used in connection with the operation of those projects), subject to the condition that the funds expended under this part shall not be—

* * * * *

SEC. 3224. STUDY OF INDIAN IRRIGATION PROGRAM AND PROJECT MANAGEMENT.

(a) TRIBAL CONSULTATION AND USER INPUT.— * * *

* * * * *

(d) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter (until the end of fiscal year [2028] 2030), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes a description of—

* * * * *

SEC. 3226. ALLOCATION AMONG PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through [2028] 2030, each Indian irrigation project eligible for funding under section 3222 that has critical maintenance needs receives part of the funding under section 3221 to address critical maintenance needs.

(b) PRIORITY.—In allocating amounts under section 3221(b), in addition to considering the funding priorities described in section 3223, the Secretary shall give priority to eligible Indian irrigation projects serving more than 1 Indian tribe within an Indian reservation and to projects for which funding has not been made available during the 10-year period ending on [the day before the date of enactment of America’s Water Infrastructure Act of 2018] *the day before the date of enactment of the America’s Water Infrastructure Act of 2020* under any other Act of Congress that expressly identifies the Indian irrigation project or the Indian reservation of the project to address the deferred maintenance, repair, or replacement needs of the Indian irrigation project.

FLOOD CONTROL ACT OF 1944

SEC. 4. [16 U.S.C 460d] The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to construct, maintain, and operate public park and recreational facilities at water resource development projects under the control of the Department of the Army, to permit the construction of such facilities by local interests (particularly those to be operated and maintained by such interests), and to permit the maintenance and operation of such facilities by local interests. The Secretary of the Army is also authorized to grant leases of lands, including structures or facilities thereon, at water resource development projects for such periods, and upon such terms and for such purposes as he may deem reasonable in the public interest: [Provided,] *Provided, That a lease for commercial concession purposes, under which the lessee has agreed to build structures or facilities on, or to otherwise improve, the land that is subject to the lease, shall be for a period of not more than 50 years and, unless the Secretary of the Army and the lessee agree otherwise, not less than 25 years: Provided further, That leases to nonprofit organizations for park or recreational purposes may be granted at reduced or nominal considerations in recognition of the public service to be rendered in utilizing the leased premises: Provided further, That preference shall be given to federally recognized Indian tribes and Federal, State, or local governmental agencies, and licenses or leases where appropriate, may be granted without monetary considerations, to such Indian tribes or agencies for the use of all or any portion of a project area for any public purpose, when the Secretary of the Army determines such action to be in the public interest, and for such periods of time and upon such conditions as he may find advisable: And provided further, That in any such lease or license to a federally recognized Indian tribe Federal, State, or local governmental agency which involves lands to be utilized for the development and conservation of fish and wildlife, forests, and other natural resources, the licensee or lessee may be authorized to cut timber and harvest crops as may be necessary to further such beneficial uses and to collect and utilize the proceeds of any sales of timber and crops in the development, conservation, maintenance, and utilization of such lands. Any balance of proceeds not so utilized shall be paid to the United States at such time or times as the Secretary of the Army may determine appropriate. The water areas of all such projects shall be open to public use generally for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exist from such*

areas along the shores of such projects shall be maintained for general public use, when such use is determined by the Secretary of the Army not to be contrary to the public interest, all under such rules and regulations as the Secretary of the Army may deem necessary, including but not limited to prohibitions of dumping and unauthorized disposal in any manner of refuse, garbage, rubbish, trash, debris, or litter of any kind at such water resource development projects, either into the waters of such projects or onto any land federally owned and administered by the Chief of Engineers. Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both. Any persons charged with the violation of such rules and regulations may be tried and sentenced in accordance with the provisions of section 3401 of title 18 of the United States Code. All persons designated by the Chief of Engineers for that purpose shall have the authority to issue a citation for violation of the regulations adopted by the Secretary of the Army, requiring the appearance of any person charged with violation to appear before the United States magistrate, within whose jurisdiction the water resource development project is located, for trial; and upon sworn information of any competent person any United States magistrate judge in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process of any person taken in the act of violating said regulations. No use of any area to which this section applies shall be permitted which is inconsistent with the laws for the protection of fish and game of the State in which such area is situated. All moneys received by the United States for leases or privileges shall be deposited in the Treasury of the United States as miscellaneous receipts.

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FLOOD CONTROL ACT OF 1946

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SEC. 14. [33 U.S.C. 701r] That the Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed [\$25,000,000] *the amount described in subsection (b)*; per year, for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, and public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, [That not more] *That, except as provided in subsection (c), not more than \$5,000,000 shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year, and if such amount is not sufficient to cover the costs included in the Federal cost share for a project, as determined by [the Secretary]*

(a) IN GENERAL.—*The Secretary, the non-Federal interest shall be responsible for any such costs that exceed such amount.*

(b) AMOUNTS DESCRIBED.—*The amount referred to in subsection (a) is—*

(1) *for fiscal year 2021, \$28,000,000;*

- (2) for fiscal year 2022, \$28,500,000;
- (3) for fiscal year 2023, \$29,000,000;
- (4) for fiscal year 2024, \$29,500,000;
- (5) for fiscal year 2025, \$30,000,000;
- (6) for fiscal year 2026, \$30,500,000;
- (7) for fiscal year 2027, \$31,000,000;
- (8) for fiscal year 2028, \$31,500,000;
- (9) for fiscal year 2029, \$32,000,000; and
- (10) for fiscal year 2030 and each fiscal year thereafter, \$32,500,000.

(c) INCREASE.—*The Secretary may increase the maximum amount for a single project under the proviso in subsection (a) by an amount equal to not more than 20 percent, if the Secretary determines the increase to be appropriate.*

* * * * *

FLOOD CONTROL ACT OF 1948

* * * * *

SEC. 205. [33 USC 701s] [That the Secretary]

(a) AUTHORIZATION.—

(1) IN GENERAL.—*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] the amount described in paragraph (2) 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 Infrastructure Improvements for the Nation Act (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]*

(2) AMOUNTS DESCRIBED.—*The amount referred to in paragraph (1) is—*

- (A) for fiscal year 2021, \$76,000,000;
- (B) for fiscal year 2022, \$76,500,000;
- (C) for fiscal year 2023, \$77,000,000;
- (D) for fiscal year 2024, \$77,500,000;
- (E) for fiscal year 2025, \$78,000,000;
- (F) for fiscal year 2026, \$78,500,000;
- (G) for fiscal year 2027, \$79,000,000;
- (H) for fiscal year 2028, \$79,500,000;
- (I) for fiscal year 2029, \$80,000,000; and
- (J) for fiscal year 2030 and each fiscal year thereafter, \$80,500,000.

(b) FEDERAL PARTICIPATION.—*The amount allotted for a project shall be sufficient to complete Federal participation in the project. [Not more than]*

(c) PROJECT LIMIT.—

(1) IN GENERAL.—*Except as provided in paragraph (2), not more than \$10,000,000 shall be allotted under this section for a project at any single locality. [The provisions]*

(2) INCREASE.—*The Secretary may increase the maximum amount under paragraph (1) by an amount equal to not more than 20 percent, if the Secretary determines the increase to be appropriate.*

(d) LOCAL COOPERATION.—*The provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, as amended, shall apply. [The work]*

(e) NO ADDITIONAL IMPROVEMENTS.—*A project carried out under this section 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.*

* * * * *

FLOOD CONTROL ACT OF 1970

* * * * *

SEC. 221. [42 U.S.C. 1962d-5b] WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

(a) COOPERATION OF NON-FEDERAL INTEREST.—

(1) IN GENERAL.— * * *

* * * * *

(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

(A) IN GENERAL.—A partnership agreement described in paragraph (1) may provide with respect to a project that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented without specific authorization in law or a project under an environmental infrastructure assistance program, the value, *as determined by the Secretary*, of in-kind contributions made by the non-Federal interest, including—

(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project;

(ii) the value of materials or services provided before execution of the partnership agreement, including efforts on constructed elements incorporated into the project; **[and]**

(iii) the value of materials and services provided after execution of the partnership agreement**[.]**; and

(iv) *the value of materials and services contributed by non-Federal third parties, without charge, to the non-Federal interest for—*

(I) planning carried out after execution of a feasibility cost-sharing agreement; or

(II) construction carried out after execution of a partnership agreement or in accordance with subparagraph (C).

* * * * *

(D) LIMITATIONS.—Credit authorized under this paragraph for a project—

(i) shall not exceed the non-Federal share of the cost of the project;

(ii) shall not alter any requirement that a non-Federal interest pay a portion of the costs of construction of the project under sections 101(a)(2) and 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C. 2213(a)(1)(A)) of the Water Resources Development Act of 1986 (33 U.S.C. 2211; 33 U.S.C. 2213); and

(iii) shall not alter any requirement that a non-Federal interest pay a portion of the costs of construction of the project under sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211; 33 U.S.C. 2213); and

[(iv) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.]

* * * * *

(G) APPLICATION OF CREDIT.—

(i) IN GENERAL.— * * *

* * * * *

(H) TIMELINESS.—*The Secretary shall ensure that a credit under subparagraph (A) is provided in a timely manner.*

[(H)] (I) APPLICABILITY.—

(i) IN GENERAL.—This paragraph shall apply to water resources projects authorized after November 16, 1986, including projects initiated after November 16, 1986, without specific authorization in law, and to water resources projects authorized prior to the date of enactment of the Water Resources Development Act of 1986 (Public Law 99-662), if correction of design deficiencies is necessary.

(ii) AUTHORIZATION AS ADDITION TO OTHER AUTHORIZATIONS.—The authority of the Secretary to provide credit for in-kind contributions pursuant to this paragraph shall be in addition to any other authorization to provide credit for in-kind contributions and shall not be construed as a limitation on such other authorization. The Secretary shall apply the provisions of this paragraph, in lieu of provisions under other crediting authority, only if so requested by the non-Federal interest.

* * * * *

Act of August 28, 1937

* * * * *

[50 STAT. 877, CHAPTER 877; 33 U.S.C. 701G]

* * * * *

701g. Removal of obstructions; clearing channels

[(The Secretary of the Army is authorized to allot not to exceed \$7,500,000)]

(a) AUTHORIZATION.—

(1) IN GENERAL.—*The Secretary of the Army may allot not more than the amount described in paragraph (2);* from any appropriations heretofore or hereafter made for any one fiscal year for flood control, for removing accumulated snags and other debris, and clearing and straightening the channel in navigable streams and tributaries thereof, when in the opinion of the Chief of Engineers such work is advisable in the interest of **flood control: Provided, That not more than** flood control.

(2) AMOUNTS DESCRIBED.—*The amount referred to in paragraph (1) is—*

- (A) for fiscal year 2021, \$8,500,000;
- (B) for fiscal year 2022, \$9,000,000;
- (C) for fiscal year 2023, \$9,500,000;
- (D) for fiscal year 2024, \$10,000,000;
- (E) for fiscal year 2025, \$10,500,000;
- (F) for fiscal year 2026, \$11,000,000;
- (G) for fiscal year 2027, \$11,500,000;
- (H) for fiscal year 2028, \$12,000,000;
- (I) for fiscal year 2029, \$12,500,000; and
- (J) for fiscal year 2030 and each fiscal year thereafter, \$13,000,000.

(b) PROJECT LIMIT.—

(1) IN GENERAL.—*Except as provided in paragraph (2), not more than \$500,000 shall be expended for this purpose for any single tributary from the appropriations for any one fiscal year.*

(2) INCREASE.—*The Secretary may increase the maximum amount under paragraph (1) by an amount equal to not more than 20 percent, if the Secretary determines the increase to be appropriate.*

* * * * *

Act of August 13, 1946

* * * * *

SEC. 3. [33 U.S.C. 426g] STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

(1) IN GENERAL.— * * *

* * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—Subject to paragraph (2)]

(1) ANNUAL LIMIT.—

(A) IN GENERAL.—*Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than **[\$37,500,000]** the amount described in subparagraph (B) during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under this section.*

(B) AMOUNTS DESCRIBED.—*The amount referred to in subparagraph (A) is—*

- (i) for fiscal year 2021, \$41,500,000;
- (ii) for fiscal year 2022, \$42,000,000;
- (iii) for fiscal year 2023, \$42,500,000;
- (iv) for fiscal year 2024, \$43,000,000;
- (v) for fiscal year 2025, \$43,500,000;
- (vi) for fiscal year 2026, \$44,000,000;
- (vii) for fiscal year 2027, \$44,500,000;
- (viii) for fiscal year 2028, \$45,000,000;
- (ix) for fiscal year 2029, \$45,500,000; and
- (x) for fiscal year 2030 and each fiscal year thereafter, \$46,000,000.

(2) **LIMITATION.**—**[The total amount]**

(A) **IN GENERAL.**—*Except as provided in subparagraph (B), the total amount expended for a project under this section shall—*

[(A)]

(i) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

[(B)]

(ii) be not more than \$10,000,000.

(B) **INCREASE.**—*The Secretary may increase the maximum amount under subparagraph (A)(ii) by an amount equal to not more than 20 percent, if the Secretary determines the increase to be appropriate.*

* * * * *

NATIONAL DAM SAFETY PROGRAM ACT

* * * * *

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) **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)] (iii)(I) has an emergency action plan approved by the relevant State dam safety agency; **[and]** or

(II) if the dam is in a State that by law requires an emergency action plan to comply with FEMA guidelines and to be approved by an authorized State agency, the dam—

(aa) was identified as having an emergency action plan in the inventory of dams maintained under section 6 before the State required the emergency action plan to comply with FEMA guidelines

and to be approved by an authorized State agency; and

(bb) as of the date on which, for each fiscal year, funds for assistance under section 8A are distributed under subsection (g)(2) of that section, has an updated emergency action plan that—

(AA) is in conformance with State law; and

(BB) is pending approval by the authorized State 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, 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;] dam under a hydropower project with an authorized installed capacity of greater than 1.5 megawatts; or

* * * * *

[(10) NON-FEDERAL SPONSOR.—The term “non-Federal sponsor”, in the case of a project receiving assistance under section 8A, includes—

[(A) a governmental organization; and

[(B) a nonprofit organization.]

[(11)] (10) PROGRAM.—The term “Program” means the national dam safety program established under section 8.

* * * * *

(11) RECIPIENT.—The term ‘recipient’ means the entity applying for, receiving, and distributing to subrecipients the assistance under section 8A.

* * * * *

(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) SUBRECIPIENT.—The term ‘subrecipient’, with respect to a project at a dam for which the assistance under section 8A is sought, means an entity that—

(A) receives the assistance for the project from a recipient; and

(B)(i) if the owner of the dam is a governmental organization or a nonprofit organization, is the owner; or

(ii) if the owner of the dam is not a governmental organization or a nonprofit organization, is a governmental organization or nonprofit organization seeking the assistance on behalf of the owner.

[(16)] (17) 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] recipients for rehabilitation of eligible high hazard potential dams.

* * * * *

(c) AWARD OF GRANTS.—

(1) APPLICATION.—

(A) IN GENERAL.—A [non-Federal sponsor] recipient interested in receiving a grant under this section may submit to the Administrator an application for the grant.

* * * * *

(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] recipient 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] a grant agreement with the recipient to establish the terms of the grant and the project for which the grant is provided, 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 subrecipient for the applicable project provides an assurance that the subrecipient will carry out a plan for maintenance of the dam to be rehabilitated under the grant agreement during the expected life of the dam.

(D) LIMITATION.—[A grant provided under this section shall not exceed the lesser] A subrecipient that receives assistance from a grant provided under this section shall not receive, for any 1 dam, assistance that exceeds 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 for a project shall be approved by the relevant State dam safety agency.

(2) **[Non-federal sponsor]** SUBRECIPIENT requirements.— **[To receive a grant under this section, the non-Federal sponsor shall]** *To receive assistance, a subrecipient shall—*

(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]** *not later than 2 years after the development of criteria for such a plan by the Administrator, in consultation with the Board, under paragraph (3), demonstrate that the applicable local or Tribal government has in place a hazard mitigation plan that—*

* * * * *

(C) *commit to provide operation and maintenance of the project for the [50-year period] expected life of the dam following completion of rehabilitation;*

(3) HAZARD MITIGATION PLAN CRITERIA.—*The Administrator shall develop criteria for hazard mitigation plans under paragraph (2)(B).*

(4) RECOVERY OF FUNDS.—*In the event that a grant is awarded under this section for which required activities may be completed after the date on which the grant is awarded, the Administrator may seek to recoup the amounts awarded under the grant if those activities are not completed within the applicable time period.*

* * * * *

(e) FLOODPLAIN MANAGEMENT PLANS.—

(1) IN GENERAL.—As a condition of receipt of assistance under this section, the **[non-Federal sponsor]** *subrecipient* 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]** PLAN CRITERIA AND TECHNICAL support.—**[The Administrator may provide]** *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.

* * * * *

(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] *subrecipient* that receives the grant shall require that each contract and sub-contract 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—

* * * * *

Federal Water Pollution Control Act

* * * * *

TITLE I—RESEARCH AND RELATED PROGRAMS

DECLARATION OF GOALS AND POLICY

SEC. 101. (a) * * *

* * * * *

SEC. 104. (a) The Administrator shall establish national programs for the prevention, reduction, and elimination of pollution and as part of such programs shall—

(1) * * *

* * * * *

(u) There is authorized to be appropriated (1) not to exceed \$100,000,000 per fiscal year for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975, not to exceed \$14,039,000 for the fiscal year ending September 30, 1980, not to exceed \$20,697,000 for the fiscal year ending September 30, 1981, not to exceed \$22,770,000 for the fiscal year ending September 30, 1982, such sums as may be necessary for fiscal years 1983 through 1985, and not to exceed \$22,770,000 per fiscal year for each of the fiscal years 1986 through 1990, for carrying out the provisions of this section, other than subsections (g)(1) and (2), (p), (r), and (t), except that such authorizations are not for any research, development, or demonstration activity pursuant to such provisions; (2) not to exceed \$7,500,000 for fiscal years 1973, 1974, and 1975, \$2,000,000 for fiscal year 1977, \$3,000,000 for fiscal year 1978, \$3,000,000 for fiscal year 1979, \$3,000,000 for fiscal year 1980, \$3,000,000 for fiscal year 1981, \$3,000,000 for fiscal year 1982, such sums as may be necessary for fiscal years 1983 through 1985, and \$3,000,000 per fiscal year for each of the fiscal years 1986 through 1990, for carrying out the provisions of subsection (g)(1); (3) not to exceed \$2,500,000 for fiscal years 1973, 1974, and 1975, \$1,000,000 for fiscal year 1977, \$1,500,000 for fiscal year 1978, \$1,500,000 for fiscal year 1979, \$1,500,000 for fiscal year 1980, \$1,500,000 for fiscal year 1981,

\$1,500,000 for fiscal year 1982, such sums as may be necessary for fiscal years 1983 through 1985, and \$1,500,000 per fiscal year for each of the fiscal years 1986 through 1990, for carrying out the provisions of subsection (g)(2); (4) not to exceed \$10,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, for carrying out the provisions of subsection (p); (5) not to exceed \$15,000,000 per fiscal year for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, for carrying out the provisions of subsection (r); (6) not to exceed \$10,000,000 per fiscal year for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, for carrying out the provisions of subsection (t); **[and (7)]** (7) not to exceed \$25,000,000 for each of fiscal years 2019 through **[2023]** 2020 for carrying out subsections (b)(3), (b)(8), and (g)**[.]** ; and (8) not to exceed \$75,000,000 for each of fiscal years 2021 through 2024 for carrying out subsections (b)(3), (b)(8), and (g), of which not less than \$50,000,000 each year shall be used to carry out subsection (b)(8).

* * * * *

(w) **NONPROFIT ORGANIZATION.**—For purposes of subsection (b)(8), the term “nonprofit organization” means a nonprofit organization that the Administrator determines, after consultation with the States regarding what small publicly owned **[treatments works]** *treatment works* in the State find to be most beneficial and effective, is qualified and experienced in providing on-site training and technical assistance to small publicly owned treatment works.

* * * * *

SEC. 118. GREAT LAKES.

(a) **FINDINGS, PURPOSE, AND DEFINITIONS.**—

(1) **FINDINGS.**— * * *

* * * * *

(c) **GREAT LAKES MANAGEMENT.**— * * *

* * * * *

(1) **FUNCTIONS.**— The Program Office shall— * * *

* * * * *

(7) **GREAT LAKES RESTORATION INITIATIVE.**—

(A) **ESTABLISHMENT.**— * * *

* * * * *

(J) **FUNDING.**— * * *

* * * * *

(i) **IN GENERAL.**—**[There is]** *There are* authorized to be appropriated to carry out **[this paragraph \$300,000,000]** *this paragraph*—

(I) \$300,000,000; for each of fiscal years 2017 through 2021**[.]** ; and

(II) \$375,000,000 for fiscal year 2022.

* * * * *

SEC. 123. COLUMBIA RIVER BASIN RESTORATION.

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) COLUMBIA RIVER BASIN.— * * *

* * * * *

SEC. 124. SAN FRANCISCO BAY RESTORATION.

(a) DEFINITIONS.—*In this section:*

(1) ESTUARY PARTNERSHIP.—*The term ‘Estuary Partnership’ means the San Francisco Estuary Partnership, designated as the management conference for the San Francisco Bay under section 320.*

(2) SAN FRANCISCO BAY PLAN.—*The term ‘San Francisco Bay Plan’ means—*

(A) *until the date of the completion of the plan developed by the Director under subsection (d), the comprehensive conservation and management plan approved under section 320 for the San Francisco Bay estuary; and*

(B) *on and after the date of the completion of the plan developed by the Director under subsection (d), the plan developed by the Director under subsection (d).*

(b) PROGRAM OFFICE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—*Subject to the availability of appropriations, the Administrator shall establish in the Environmental Protection Agency a San Francisco Bay Program Office (referred to in this section as the ‘Office’).*

(B) LOCATION.—*The Office shall be located at the headquarters of Region 9 of the Environmental Protection Agency.*

(2) APPOINTMENT OF DIRECTOR.—*The Administrator shall appoint a Director of the Office (referred to in this section as the ‘Director’), who shall have management experience and technical expertise relating to the San Francisco Bay and be highly qualified to direct the development and implementation of projects, activities, and studies necessary to implement the San Francisco Bay Plan.*

(3) DELEGATION OF AUTHORITY; STAFFING.—*The Administrator shall delegate to the Director such authority and provide such staff as may be necessary to carry out this section.*

(c) ANNUAL PRIORITY LIST.—

(1) IN GENERAL.—*After providing public notice, the Director shall annually compile a priority list, consistent with the San Francisco Bay Plan, identifying and prioritizing the projects, activities, and studies to be carried out with amounts made available under subsection (e).*

(2) INCLUSIONS.—*The annual priority list compiled under paragraph (1) shall include the following:*

(A) *Projects, activities, and studies, including restoration projects and habitat improvement for fish, waterfowl, and wildlife, that advance the goals and objectives of the San Francisco Bay Plan, for—*

(i) *water quality improvement, including the reduction of marine litter;*

(ii) *wetland, riverine, and estuary restoration and protection;*

(iii) *nearshore and endangered species recovery; and*

(iv) *adaptation to extreme weather events.*

- (B) *Information on the projects, activities, and studies specified under subparagraph (A), including—*
- (i) *the identity of each entity receiving assistance pursuant to subsection (e); and*
 - (ii) *a description of the communities to be served.*
- (C) *The criteria and methods established by the Director for identification of projects, activities, and studies to be included on the annual priority list.*
- (3) **CONSULTATION.**—*In compiling the annual priority list under paragraph (1), the Director shall consult with, and consider the recommendations of—*
- (A) *the Estuary Partnership;*
 - (B) *the State of California and affected local governments in the San Francisco Bay estuary watershed;*
 - (C) *the San Francisco Bay Restoration Authority; and*
 - (D) *any other relevant stakeholder involved with the protection and restoration of the San Francisco Bay estuary that the Director determines to be appropriate.*
- (d) **SAN FRANCISCO BAY PLAN.**—
- (1) **IN GENERAL.**—*Not later than 5 years after the date of enactment of this section, the Director, in conjunction with the Estuary Partnership, shall review and revise the comprehensive conservation and management plan approved under section 320 for the San Francisco Bay estuary to develop a plan to guide the projects, activities, and studies of the Office to address the restoration and protection of the San Francisco Bay.*
 - (2) **REVISION OF SAN FRANCISCO BAY PLAN.**—*Not less often than once every 5 years after the date of the completion of the plan described in paragraph (1), the Director shall review, and revise as appropriate, the San Francisco Bay Plan.*
 - (3) **OUTREACH.**—*In carrying out this subsection, the Director shall consult with the Estuary Partnership and Indian tribes and solicit input from other non-Federal stakeholders.*
- (e) **GRANT PROGRAM.**—
- (1) **IN GENERAL.**—*The Director may provide funding through cooperative agreements, grants, or other means to State and local agencies, special districts, and public or nonprofit agencies, institutions, and organizations, including the Estuary Partnership, for projects, activities, and studies identified on the annual priority list compiled under subsection (c).*
 - (2) **MAXIMUM AMOUNT OF GRANTS; NON-FEDERAL SHARE.**—
 - (A) **MAXIMUM AMOUNT OF GRANTS.**—*Amounts provided to any entity under this section for a fiscal year shall not exceed an amount equal to 75 percent of the total cost of any projects, activities, and studies that are to be carried out using those amounts.*
 - (B) **NON-FEDERAL SHARE.**—*Not less than 25 percent of the cost of any project, activity, or study carried out using amounts provided under this section shall be provided from non-Federal sources.*
- (f) **FUNDING.**—
- (1) **AUTHORIZATION OF APPROPRIATIONS.**—*There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2022 and 2023.*

(2) ADMINISTRATIVE EXPENSES.—*Of the amount made available to carry out this section for a fiscal year, the Director may not use more than 5 percent to pay administrative expenses incurred in carrying out this section.*

(3) PROHIBITION.—*No amounts made available under this section may be used for the administration of a management conference under section 320.*

SEC. 125. LAKE TAHOE RESTORATION PROGRAM.

(a) DEFINITIONS.—*In this section:*

(1) DIRECTOR.—*The term 'Director' means the Director of the Office appointed under subsection (b)(2).*

(2) ENVIRONMENTAL IMPROVEMENT PROGRAM.—*The term 'Environmental Improvement Program' means the Environmental Improvement Program adopted by the Tahoe Regional Planning Agency, including any amendments to the Environmental Improvement Program.*

(3) OFFICE.—*The term 'Office' means the Lake Tahoe Program Office established under subsection (b)(1)(A).*

(b) LAKE TAHOE PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—*Subject to the availability of appropriations, the Administrator shall establish within the Environmental Protection Agency a Lake Tahoe Program Office.*

(B) LOCATION.—*The Office shall be located at—*

(i) the headquarters of region 9 of the Environmental Protection Agency; or

(ii) another location geographically suitable for the purposes of carrying out the grant program under subsection (c).

(2) DIRECTOR.—

(A) IN GENERAL.—*The Administrator shall appoint an employee of the Environmental Protection Agency who, by reason of management experience and technical expertise relating to Lake Tahoe, shall be highly qualified to support the development and implementation of projects, programs, and studies necessary to carry out the goals of the Environmental Improvement Program as Director of the Office.*

(B) DELEGATION OF AUTHORITY; STAFFING.—*The Administrator shall delegate to the Director such authority and provide such resources as may be necessary to carry out this section.*

(c) GRANT PROGRAM.—

(1) IN GENERAL.—*The Director may provide funding through cooperative agreements, contracts, interagency agreements, grants, or other means to Federal, State, and regional agencies, public and nonprofit agencies, institutions, and organizations for activities, studies, or projects identified in the Environmental Improvement Program.*

(2) FEDERAL SHARE.—

(A) IN GENERAL.—*The Federal share of the total cost of an eligible activity, study, or project carried out using amounts provided under this section shall be not greater than 75 percent.*

(B) SOURCE OF NON-FEDERAL SHARE.—*The non-Federal share of the total cost of an eligible activity, study, or project carried out under the program shall be provided from non-Federal sources.*

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to the Director to carry out this section \$6,000,000 for each of fiscal years 2021 through 2024.*

(2) ADMINISTRATIVE EXPENSES.—*Of the amounts made available to carry out this section for a fiscal year under paragraph (1), the Director may use not more than 5 percent to pay the administrative expenses incurred in carrying out this section.*

(3) RELATIONSHIP TO OTHER FUNDING.—*Nothing in this section limits the eligibility of projects identified in the Environmental Improvement Program to receive funding under section 319.*

(4) PROHIBITION.—*No amounts made available under paragraph (1) may be used for the administration of a management conference under section 320.*

SEC. 126. PUGET SOUND COORDINATED RECOVERY.

(a) DEFINITIONS.—*In this section:*

(1) DIRECTOR.—*The term ‘Director’ means the Director of the Program Office appointed under subsection (b)(2)(A).*

(2) FEDERAL ACTION PLAN.—*The term ‘Federal Action Plan’ means the interim draft report of the Puget Sound Federal Task Force entitled ‘The Puget Sound Federal Task Force Action Plan FY 2017-2021’ and accepted by the Puget Sound Federal Task Force on January 18, 2017.*

(3) INTERNATIONAL JOINT COMMISSION.—*The term ‘International Joint Commission’ means the International Joint Commission established by the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the ‘Boundary Waters Treaty of 1909’).*

(4) PACIFIC SALMON COMMISSION.—*The term ‘Pacific Salmon Commission’ means the Pacific Salmon Commission established by the United States and Canada under the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985 (TIAS 11091) (commonly known as the ‘Pacific Salmon Treaty’).*

(5) PROGRAM OFFICE.—*The term ‘Program Office’ means the Puget Sound Recovery National Program Office established by subsection (b)(1).*

(6) PUGET SOUND ACTION AGENDA; ACTION AGENDA.—*The terms ‘Puget Sound Action Agenda’ and ‘Action Agenda’ mean the most recent plan developed by the Puget Sound National Estuary Program Management Conference, in consultation with the Puget Sound Tribal Management Conference, and approved by the Administrator as the comprehensive conservation and management plan for Puget Sound under section 320 (including a plan developed after the date of enactment of this section).*

(7) PUGET SOUND FEDERAL TASK FORCE.—*The term ‘Puget Sound Federal Task Force’ means the Puget Sound Federal*

Task Force established in 2016 under a memorandum of understanding among 9 Federal agencies.

(8) PUGET SOUND NATIONAL ESTUARY PROGRAM MANAGEMENT CONFERENCE.—*The term ‘Puget Sound National Estuary Program Management Conference’ means the management conference for Puget Sound convened pursuant to section 320.*

(9) PUGET SOUND TRIBAL MANAGEMENT CONFERENCE.—*The term ‘Puget Sound Tribal Management Conference’ means the 20 treaty Indian tribes of western Washington and the Northwest Indian Fisheries Commission.*

(10) SALISH SEA.—*The term ‘Salish Sea’ means the network of coastal waterways on the west coast of North America that includes the Puget Sound, the Strait of Georgia, and the Strait of Juan de Fuca.*

(b) PUGET SOUND RECOVERY NATIONAL PROGRAM OFFICE.—

(1) ESTABLISHMENT.—*There is established in the Environmental Protection Agency an office, to be known as the ‘Puget Sound Recovery National Program Office’, which shall be located in the State of Washington.*

(2) DIRECTOR.—

(A) IN GENERAL.—*The Director of the Program Office shall be—*

(i) appointed by the Administrator; and

(ii) a career reserved position (as defined in section 3132(a) of title 5, United States Code).

(B) QUALIFICATIONS.—*The Director shall have leadership and project management experience and shall be highly qualified—*

(i) to direct the integration of multiple project planning efforts and programs from different agencies and jurisdictions; and

(ii) to align needs toward implementing a shared Action Agenda with visible and measurable outcomes.

(3) DELEGATION OF AUTHORITY; STAFFING.—*Using amounts made available under subsection (d), the Administrator shall delegate to the Director such authority and provide such staff as may be necessary to carry out this section.*

(4) DUTIES.—*The Director shall—*

(A) coordinate and manage the timely execution of the requirements of this section;

(B) coordinate activities related to the restoration and protection of Puget Sound across the Environmental Protection Agency;

(C) coordinate and align the activities of the Administrator with the Action Agenda and the Federal Action Plan;

(D) promote the efficient use of resources of the Environmental Protection Agency in pursuit of Puget Sound restoration and protection;

(E) serve on the Puget Sound Federal Task Force and collaborate with, help coordinate, and carry out activities with other Federal agencies that have responsibilities involving Puget Sound restoration and protection;

(F) provide or procure such other advice, technical assistance, research, assessments, monitoring, or other support as is determined by the Director to be necessary or prudent—

(i) to most efficiently and effectively fulfill the objectives and priorities of the Action Agenda and the Federal Action Plan, consistent with the best available science; and

(ii) to ensure the health of the Puget Sound ecosystem;

(G) track the progress of the Environmental Protection Agency towards meeting the specified objectives and priorities of the Environmental Protection Agency within the Action Agenda and the Federal Action Plan;

(H) carry out the recommendations of the Comptroller General of the United States, as set forth in the report entitled 'Puget Sound Restoration: Additional Actions Could Improve Assessments of Progress' and dated July 19, 2018;

(I) serve as liaison and coordinate activities for the restoration and protection of the Salish Sea with Canadian authorities, the Pacific Salmon Commission, and the International Joint Commission; and

(J) carry out such additional duties as the Administrator determines to be necessary and appropriate.

(c) CROSSCUT BUDGET REPORT.—

(1) FINANCIAL REPORT.—Not later than 1 year after the date of enactment of this section, and every 5 years thereafter, the Director of the Office of Management and Budget, in consultation with the Puget Sound Federal Task Force, shall, in conjunction with the annual budget submission of the President to Congress for the year under section 1105(a) of title 31, United States Code, submit to Congress and make available to the public, including on the internet, a financial report that is certified by the head of each agency represented on the Puget Sound Federal Task Force (referred to in this subsection as the 'report').

(2) CONTENTS.—The report shall contain an interagency crosscut budget relating to Puget Sound restoration and protection activities that includes—

(A) the proposed funding for any Federal restoration and protection activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration and protection activities;

(B) the estimated expenditures for Federal restoration and protection activities from the preceding 2 fiscal years, the current fiscal year, and the succeeding fiscal year; and

(C) the estimated expenditures for Federal environmental research and monitoring programs from the preceding 2 fiscal years, the current fiscal year, and the succeeding fiscal year.

(3) INCLUDED RECOVERY ACTIVITIES.—With respect to activities described in the report, the report shall only describe activities that have funding amounts of greater than \$100,000.

(4) SUBMISSION TO CONGRESS.—The Director of the Office of Management and Budget shall submit the report to—

(A) the Committee on Appropriations, the Committee on Natural Resources, the Committee on Energy and Commerce, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds authorized to be appropriated for activities related to Puget Sound, there is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2021 through 2025.

(e) PRESERVATION OF TREATY OBLIGATIONS AND EXISTING FEDERAL STATUS.—

(1) TRIBAL TREATY RIGHTS.—Nothing in this section affects, or is intended to affect, any right reserved by treaty between the United States and 1 or more Indian tribes.

(2) OTHER FEDERAL LAW.—Nothing in this section affects the requirements and procedures of other Federal law.

(f) CONSISTENCY.—Actions authorized or carried out under this section shall be consistent with other applicable Federal requirements.

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TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

SEC. 201. (a) * * *

* * * * *

SEC. 220. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

(a) POLICY.— * * *

* * * * *

[(i)] (b) DEFINITIONS.—In this section[, the following definitions apply]:

(1) ALTERNATIVE WATER SOURCE PROJECT.—The term “alternative water source project” means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing [water or wastewater or by treating wastewater] *water, wastewater, or stormwater or by treating wastewater or stormwater*. Such term does not include water treatment or distribution facilities.

* * * * *

[(b)] (c) [In General] ESTABLISHMENT.—The Administrator may establish a pilot program to make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

[(c)] (d) ELIGIBLE ENTITY.—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

[(d)] (e) SELECTION OF PROJECTS.—

(1) LIMITATION.—A project that has received funds under the reclamation and reuse program conducted under the Reclama-

tion Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

[(2) ADDITIONAL CONSIDERATION.—In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).]

[(3)] (2) GEOGRAPHICAL DISTRIBUTION.—Alternative water source projects selected by the Administrator under this section shall reflect a variety of geographical and environmental conditions.

[(e) COMMITTEE RESOLUTION PROCEDURE.—

[(1) IN GENERAL.—No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds \$3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

[(2) REQUIREMENTS FOR SECURING CONSIDERATION.—For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.]

* * * * *

[(j)] (i) AUTHORIZATION OF APPROPRIATIONS.—[There is]

(1) IN GENERAL.—*There is* authorized to be appropriated to carry out this section [a total of \$75,000,000 for fiscal years 2002 through 2004. Such sums shall] *\$25,000,000 for each of fiscal years 2022 through 2024, to remain available until expended.*

(2) LIMITATION ON USE OF FUNDS.—*Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.*

* * * * *

SEC. 221. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

(a) IN GENERAL.—

(1) GRANTS TO STATES.— * * *

* * * * *

(A) treatment works to intercept, transport, control, treat, or reuse municipal combined sewer overflows, sanitary sewer overflows, or stormwater; [and]

(B) notification systems to inform the public of combined sewer or sanitary overflows that result in sewage being released into rivers and other waters; and

~~[(B)]~~ (C) any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 603(c).

* * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—~~There is~~ *There are* authorized to be appropriated to carry out ~~[this section \$225,000,000]~~ *this section*—

(A) \$225,000,000 for each of fiscal years 2019 through 2020~~[,]~~; and

(B) \$250,000,000 for each of fiscal years 2021 and 2022.

(2) MINIMUM ALLOCATIONS.—~~To the extent~~

(A) GREEN INFRASTRUCTURE.—*To the extent* there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 20 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects to intercept, transport, control, treat, or reuse municipal combined sewer overflows, sanitary sewer overflows, or stormwater through the use of green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities.

(B) RURAL ALLOCATION.—

(i) DEFINITION OF RURAL AREA.—*In this subparagraph, the term ‘rural area’ means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.*

(ii) ALLOCATION.—*To the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 15 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects in rural areas for the purpose of planning, design, and construction of—*

(I) *treatment works to intercept, transport, control, treat, or reuse municipal sewer overflows, sanitary sewer overflows, or stormwater; or*

(II) *any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 603(c).*

* * * * *

SEC. 222. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.

(a) DEFINITIONS.—*In this section:*

(1) ELIGIBLE ENTITY.—*The term ‘eligible entity’ means—*

(A) *a municipality; or*

(B) *an intermunicipal, interstate, or State agency.*

(2) NATURAL HAZARD.—*The term ‘natural hazard’ means a hazard caused by natural forces, including extreme weather events, sea-level rise, and extreme drought conditions.*

(3) PROGRAM.—*The term ‘program’ means the clean water infrastructure resilience and sustainability program established under subsection (b).*

(b) **ESTABLISHMENT.**—*Subject to the availability of appropriations, the Administrator shall establish a clean water infrastructure resilience and sustainability program under which the Administrator shall award grants to eligible entities for the purpose of increasing the resilience of publicly owned treatment works to a natural hazard.*

(c) **USE OF FUNDS.**—*An eligible entity that receives a grant under the program shall use the grant funds for planning, designing, or constructing projects (on a system-wide or area-wide basis) that increase the resilience of a publicly owned treatment works to a natural hazard through—*

- (1) *the conservation of water;*
- (2) *the enhancement of water use efficiency;*
- (3) *the enhancement of wastewater and stormwater management by increasing watershed preservation and protection, including through the use of—*
 - (A) *natural and engineered green infrastructure; and*
 - (B) *reclamation and reuse of wastewater and stormwater, such as aquifer recharge zones;*
- (4) *the modification or relocation of an existing publicly owned treatment works that is at risk of being significantly impaired or damaged by a natural hazard;*
- (5) *the development and implementation of projects to increase the resilience of publicly owned treatment works to a natural hazard; or*
- (6) *the enhancement of energy efficiency or the use and generation of recovered or renewable energy in the management, treatment, or conveyance of wastewater or stormwater.*

(d) **APPLICATION.**—*To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—*

- (1) *a proposal of the project to be planned, designed, or constructed using funds under the program;*
- (2) *an identification of the natural hazard risk to be addressed by the proposed project;*
- (3) *documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk of the area where the proposed project is to be located;*
- (4) *a description of any recent natural hazard events that have affected the publicly owned treatment works;*
- (5) *a description of how the proposed project would improve the performance of the publicly owned treatment works under an anticipated natural hazard; and*
- (6) *an explanation of how the proposed project is expected to enhance the resilience of the publicly owned treatment works to an anticipated natural hazard.*

(e) **GRANT AMOUNT AND OTHER FEDERAL REQUIREMENTS.**—

(1) **COST SHARE.**—*Except as provided in paragraph (2), a grant under the program shall not exceed 75 percent of the total cost of the proposed project.*

(2) **EXCEPTION.**—

- (A) **IN GENERAL.**—*Except as provided in subparagraph (B), a grant under the program shall not exceed 90 percent*

of the total cost of the proposed project if the project serves a community that—

(i) has a population of fewer than 10,000 individuals; or

(ii) meets the affordability criteria established by the State in which the community is located under section 603(i)(2).

(B) WAIVER.—At the discretion of the Administrator, a grant for a project described in subparagraph (A) may cover 100 percent of the total cost of the proposed project.

(3) REQUIREMENTS.—The requirements of section 608 shall apply to a project funded with a grant under the program.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2021 through 2024.

(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.

SEC. 223. SMALL AND MEDIUM PUBLICLY OWNED TREATMENT WORKS CIRCUIT RIDER PROGRAM.

“(a) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this section, the Administrator shall establish a circuit rider program (referred to in this section as the ‘circuit rider program’) under which the Administrator shall award grants to qualified nonprofit entities, as determined by the Administrator, to provide assistance to owners and operators of small and medium publicly owned treatment works to carry out the activities described in section 602(b)(13).

(b) LIMITATION.—A grant provided under the circuit rider program shall be in an amount that is not more than \$75,000.

(c) REPORT.—Not later than 180 days after the date on which the Administrator establishes the circuit rider program, and every 180 days thereafter, the Administrator shall submit to Congress a report describing—

(1) each recipient of a grant under the circuit rider program; and

(2) a summary of the activities carried out under the circuit rider program.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000 for the period of fiscal years 2021 through 2024.

(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.

SEC. 224. SMALL PUBLICLY OWNED TREATMENT WORKS EFFICIENCY GRANT PROGRAM.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this section, the Administrator shall establish an efficiency grant program (referred to in this section as the ‘efficiency grant program’) under which the Administrator shall award grants to eligible entities for

the replacement or repair of equipment that improves water or energy efficiency of small publicly owned treatment works, as identified in an efficiency audit.

(b) **ELIGIBLE ENTITIES.**—*The Administrator may award a grant under the efficiency grant program to an owner or operator of a small publicly owned treatment works that serves—*

- (1) *a population of not more than 10,000 people; or*
- (2) *a disadvantaged community.*

(c) **REPORT.**—*Not later than 180 days after the date on which the Administrator establishes the efficiency grant program, and every 180 days thereafter, the Administrator shall submit to Congress a report describing—*

- (1) *each recipient of a grant under the efficiency grant program; and*
- (2) *a summary of the activities carried out under the efficiency grant program.*

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—*There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2021 through 2024, to remain available until expended.*

(2) **LIMITATION ON USE OF FUNDS.**—*Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.*

SEC. 225. GRANTS FOR CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

(a) **DEFINITION OF ELIGIBLE INDIVIDUAL.**—*In this section, the term ‘eligible individual’ means a member of a household, the members of which have a combined income (for the most recent 12-month period for which information is available) equal to not more than 50 percent of the median nonmetropolitan household income for the State or territory in which the household is located, according to the most recent decennial census.*

(b) **GRANT PROGRAM.**—

(1) **IN GENERAL.**—*Subject to the availability of appropriations, the Administrator shall establish a program under which the Administrator shall provide grants to private nonprofit organizations for the purpose of providing assistance to eligible individuals—*

(A) *for the construction, repair, or replacement of an individual household decentralized wastewater treatment system;*

(B) *if the eligible individual resides in a household that could be cost-effectively connected to an available publicly owned treatment works, for the connection of the household of the eligible individual to the publicly owned treatment works; or*

(C) *for the installation of a larger decentralized wastewater system designed to provide treatment for 2 or more households in which eligible individuals reside, if—*

(i) *site conditions at the households are unsuitable for the installation of an individually owned decentralized wastewater system;*

- (ii) multiple examples of unsuitable site conditions exist in close geographic proximity to each other; and
- (iii) a larger decentralized wastewater system could be cost-effectively installed.

(2) APPLICATION.—To be eligible to receive a grant under this subsection, a private nonprofit organization shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator determines to be appropriate.

(3) PRIORITY.—In awarding grants under this subsection, the Administrator shall give priority to applicants that have substantial expertise and experience in promoting the safe and effective use of individual household decentralized wastewater systems.

(4) ADMINISTRATIVE EXPENSES.—A private nonprofit organization may use amounts provided under this subsection to pay the administrative expenses associated with the provision of the services described in paragraph (1), as the Administrator determines to be appropriate.

(c) ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), a private nonprofit organization shall use a grant provided under subsection (b) for the services described in paragraph (1) of that subsection.

(2) APPLICATION.—To be eligible to receive the services described in subsection (b)(1), an eligible individual shall submit to the private nonprofit organization serving the area in which the individual household decentralized wastewater system of the eligible individuals is, or is proposed to be, located an application at such time, in such manner, and containing such information as the private nonprofit organization determines to be appropriate.

(3) PRIORITY.—In awarding assistance under this subsection, a private nonprofit organization shall give priority to any eligible individual who does not have access to a sanitary sewage disposal system.

(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator 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 describing the recipients of grants under the program under this section and the results of the program under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this section \$50,000,000 for each of fiscal years 2021 and 2022.

(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.

SEC. 226. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

(A) an owner or operator of a publicly owned treatment works that assists or is seeking to assist individuals with

connecting the household of the individual to the publicly owned treatment works; or

(B) a nonprofit entity that assists individuals with the costs associated with connecting the household of the individual to a publicly owned treatment works.

(2) PROGRAM.—The term ‘program’ means the competitive grant program established under subsection (b).

(3) QUALIFIED INDIVIDUAL.—The term ‘qualified individual’ has the meaning given the term ‘eligible individual’ in section 603(j).

(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant program under which the Administrator awards grants to eligible entities to provide funds to assist qualified individuals in covering the costs incurred by the qualified individual in connecting the household of the qualified individual to a publicly owned treatment works.

(c) APPLICATION.—

(1) IN GENERAL.—An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may by regulation require.

(2) REQUIREMENT.—Not later than 90 days after the date on which the Administrator receives an application from an eligible entity under paragraph (1), the Administrator shall notify the eligible entity of whether the Administrator will award a grant to the eligible entity under the program.

(d) SELECTION CRITERIA.—In selecting recipients of grants under the program, the Administrator shall use the following criteria:

(1) Whether the eligible entity seeking a grant provides services to, or works directly with, qualified individuals.

(2) Whether the eligible entity seeking a grant—

(A) has an existing program to assist in covering the costs incurred in connecting a household to a publicly owned treatment works; or

(B) seeks to create a program described in subparagraph (A).

(e) REQUIREMENTS.—

(1) VOLUNTARY CONNECTION.—Before providing funds to a qualified individual for the costs described in subsection (b), an eligible entity shall ensure that—

(A) the qualified individual has connected to the publicly owned treatment works voluntarily; and

(B) if the eligible entity is not the owner or operator of the publicly owned treatment works to which the qualified individual has connected, the publicly owned treatment works to which the qualified individual has connected has agreed to the connection.

(2) REIMBURSEMENTS FROM PUBLICLY OWNED TREATMENT WORKS.—An eligible entity that is an owner or operator of a publicly owned treatment works may reimburse a qualified individual that has already incurred the costs described in subsection (b) by—

(A) reducing the amount otherwise owed by the qualified individual to the owner or operator for wastewater or other services provided by the owner or operator; or

(B) providing a direct payment to the qualified individual.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out the program \$40,000,000 for each of fiscal years 2021 and 2022.

(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.

* * * * *

TITLE III—STANDARDS AND ENFORCEMENT

EFFLUENT LIMITATIONS

SEC. 301. (a) * * *

* * * * *

SEC. 320. NATIONAL ESTUARY PROGRAM.

(a) MANAGEMENT CONFERENCE.—

(1) NOMINATION OF ESTUARIES.— * * *

* * * * *

(2) CONVENING OF CONFERENCE.—

(A) IN GENERAL.— * * *

* * * * *

(B) PRIORITY CONSIDERATION.—The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Massachusetts Bay, Massachusetts (including Cape Cod Bay and Boston Harbor); get Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albermarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; Santa Monica Bay, California; Galveston Bay, Texas; Barataria-Terrebonne Bay estuary complex, Louisiana; Indian River Lagoon, Florida; Lake Pontchartrain Basin, Louisiana and Mississippi; [and Peconic Bay, New York] Peconic Bay, New York; Casco Bay, Maine; Tampa Bay, Florida; Coastal Bend, Texas; San Juan Bay, Puerto Rico; Tillamook Bay, Oregon; Piscataqua Region, New Hampshire; Barnegat Bay, New Jersey; Maryland Coastal Bays, Maryland; Charlotte Harbor, Florida; Mobile Bay, Alabama; Morro Bay, California; and Lower Columbia River, Oregon and Washington.

* * * * *

(b) PURPOSES OF CONFERENCE.— * * *

* * * * *

(4) develop a comprehensive conservation and [management plan that recommends] management plan that—

(A) *recommends* priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected;

(B) *addresses the effects of recurring extreme weather events on the estuary, including the identification and assessment of vulnerabilities in the estuary and the development and implementation of adaptation strategies; and*

(C) *increases public education and awareness of the ecological health and water quality conditions of the estuary;*

* * * * *

(c) MEMBERS OF CONFERENCE.— * * *

* * * * *

(5) affected industries, public and private educational institutions, *nonprofit organizations*, and the general public, as determined appropriate by the Administrator.

(g) GRANTS.—

(1) RECIPIENTS.— * * *

* * * * *

(4) COMPETITIVE AWARDS.— * * *

(A) IN GENERAL.—Using the amounts made available under **【subsection (i)(2)(B)】** *subsection (i)(3)(B)*, the Administrator shall make competitive awards under this paragraph.

* * * * *

(C) SELECTION OF RECIPIENTS.—In selecting award recipients under this paragraph, the Administrator shall select recipients that are best able to address urgent, *emerging*, and challenging issues that threaten the ecological and economic well-being of **【coastal areas】** *estuaries of national significance*. Such issues shall include—

* * * * *

(v) jellyfish proliferation limiting community access to water during peak tourism seasons;

(vi) stormwater runoff;

(vii) *accelerated land loss*;

(viii) *problems resulting from urbanization and population growth, including—*

(I) *increased demand for sewage treatment*;

(II) *loss of forests and natural soil*; and

(III) *increased amounts of impervious surfaces that affect water quality*;

【(vi)】 (ix) flooding that may be related to sea level rise, *extreme weather*, or wetland degradation or loss; and

【(vii)】 (x) low dissolved oxygen conditions in estuarine waters and related nutrient management.

* * * * *

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—~~There is authorized to be appropriated to the Administrator \$26,500,000 for each of fiscal years 2017 through 2021 for—~~ *There are authorized to be appropriated to the Administrator for the purposes described in paragraph (2)—*

(A) *\$26,500,000 for each of fiscal years 2017 through 2020; and*

(B) *\$50,000,000 for each of fiscal years 2021 and 2022.*

(2) PURPOSES DESCRIBED.—*The purposes referred to in paragraph (1) are—*

(A) *expenses relating to the administration of grants or awards by the Administrator under this section, including the award and oversight of grants and awards, except that such expenses may not exceed 5 percent of the amount appropriated under this subsection for a fiscal year; and*

(B) *making grants and awards under subsection (g).*

[(2)] (3) ALLOCATIONS.—

* * * * *

TITLE VI—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

SEC. 601. GRANTS TO STATES FOR ESTABLISHMENT OF REVOLVING FUNDS.

(a) GENERAL AUTHORITY.— * * *

* * * * *

SEC. 603. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) REQUIREMENTS FOR OBLIGATION OF GRANT FUNDS.— * * *

* * * * *

(d) TYPES OF ASSISTANCE.— Except as otherwise limited by State law *and provided in subsection (l)*, a water pollution control revolving fund of a State under this section may be used only—

(1) TO MAKE LOANS, ON THE CONDITION THAT.—

(A) *such loans are made at or below market interest rates, including interest free loans, at terms not to exceed the lesser of 30 years and the projected useful life (as determined by the State) of the project to be financed with the proceeds of the loan;*

* * * * *

(j) DEFINITION OF ELIGIBLE INDIVIDUAL.— In subsection (c)(12), the term “eligible individual” means a member of a household, the members of which have a combined income (for the most recent 12-month period for which information is available) equal to not more than 50 percent of the median nonmetropolitan household income for the State in which the household is located, according to the most recent decennial census.

(k) REQUIRED SUBSIDIES.—

(1) IN GENERAL.—*Notwithstanding any other provision of this title, to the extent that there are sufficient applications from eligible recipients, and subject to paragraph (3), a State shall use not less than 10 percent of a capitalization grant to the State under this title to provide the additional subsidies described in*

paragraph (2) to eligible recipients under subsection (d) if the additional subsidies described in that paragraph are used—

(A) as initial financing for the eligible recipient; or

(B) to buy, refinance, restructure, or forgive the debt obligations of the eligible recipient, if the debt obligation was incurred on or after the date of enactment of this subsection.

(2) ADDITIONAL SUBSIDIES DESCRIBED.—The additional subsidies referred to in paragraph (1) are—

(A) forgiveness of principal of loans owed to the State water pollution control revolving fund of the State;

(B) negative interest loans;

(C) grants; or

(D) a combination of the subsidies described in subparagraphs (A) through (C).

(3) APPLICABILITY.—The authority of a State to provide additional subsidization under this subsection shall apply to amounts received by the State in capitalization grants under this title for fiscal years beginning after September 30, 2020.

(l) ADDITIONAL USE OF FUNDS.—A State may use an additional 2 percent of the funds annually allotted to each State under this section for nonprofit organizations (as defined in section 104(w)) to provide technical assistance to rural, small, and tribal publicly owned treatment works (within the meaning of section 104(b)(8)(B)) in the State.

* * * * *

SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the purposes of this title the following sums:

[(1) \$1,200,000,000 per fiscal year for each of fiscal year 1989 and 1990;

[(2) \$2,400,000,000 for fiscal year 1991;

[(3) \$1,800,000,000 for fiscal year 1992;

[(4) \$1,200,000,000 for fiscal year 1993; and

[(5) \$600,000,000 for fiscal year 1994.]

(1) \$2,000,000,000 for fiscal year 2022;

(2) \$2,500,000,000 for fiscal year 2023; and

(3) \$3,000,000,000 for fiscal year 2024.

* * * * *

Water Resources Research Act Of 1984

[42 U.S.C. 10303(B)(1)]

* * * * *

SEC. 10303. Water resources research and technology institutes

(a) Establishment; designation of site by State legislature or Governor

(b) Scope of research; other activities; cooperation and coordination Each institute shall-

(1) * * *

* * * * *

(B) the exploration of new ideas that-

(i) address water problems; or

(ii) expand understanding of water and [water-related phenomena] *water resources*;

* * * * *

(D) the dissemination of research results to water managers and the public[.] ; *and*

* * * * *

[(c) Grants; matching funds

[From the sums appropriated pursuant to subsection (f) of this section, the Secretary shall make grants to each institute to be matched on a basis of no less than 2 non-Federal dollars for every 1 Federal dollar, such sums to be used only for the reimbursement of the direct cost expenditures incurred for the conduct of the water resources research program.]

(c) GRANTS.—

(1) IN GENERAL.—*From the sums appropriated pursuant to subsection (f) of this section, the Secretary shall make grants to each institute to be matched on a basis of no less than 1 non-Federal dollar for every 1 Federal dollar.*

(2) REPORT.—*Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.*

* * * * *

[(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

[The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 3 years to determine that the quality and relevance of its water resources research and its effectiveness at producing measured results and applied water supply research as an institution for planning, conducting, and arranging for research warrants its continued support under this section. If, as a result of any such evaluation, the Secretary determines that an institute does not qualify for further support under this section, then no further grants to the institute may be made until the institute's qualifications are reestablished to the satisfaction of the Secretary.]

(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

(1) IN GENERAL.—*The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine—*

(A) *the quality and relevance of the water resources research of the institute;*

(B) *the effectiveness of the institute at producing measured results and applied water supply research; and*

(C) *whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.*

(2) PROHIBITION ON FURTHER SUPPORT.—*If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this sec-*

tion, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.

(f) Authorization of appropriations in general.—

(1) There is authorized to be appropriated to carry out this section, to remain available until expended, ~~【\$12,000,000 for each of fiscal years 2007 through 2011】~~ *\$8,250,000 for each of fiscal years 2021 through 2024.*

(g) Additional appropriations where research focused on water problems of interstate nature

(1) There is further authorized to be appropriated to the Secretary of the Interior the sum of ~~【\$6,000,000 for each of fiscal years 2007 through 2011】~~ *\$1,750,000 for each of fiscal years 2021 through 2024* only for reimbursement of the direct cost expenses of additional research or synthesis of the results of research by institutes which focuses on water problems and issues of a regional or interstate nature beyond those of concern only to a single State and which relate to specific program priorities identified jointly by the Secretary and the institutes. Such funds when appropriated shall be matched on a not less than dollar-for-dollar basis by funds made available to institutes or groups of institutes, by States or other non-Federal sources. Funds made available under this subsection shall remain available until expended.

* * * * *

Water Infrastructure Finance and Innovation Act of 2014

* * * * *

Subtitle C—Innovative Financing Pilot Projects

SEC. 5021. [33 U.S.C. 3901 note] SHORT TITLE.

This subtitle may be cited as the “Water Infrastructure Finance and Innovation Act of 2014”.

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SEC. 5023. [33 U.S.C. 3902] AUTHORITY TO PROVIDE ASSISTANCE.

(a) IN GENERAL.— * * *

* * * * *

(b) RESPONSIBILITY.— * * *

* * * * *

(c) BUDGETARY TREATMENT.—*If the recipient of financial assistance under this subtitle is an eligible entity other than a Federal entity, agency, or instrumentality and the dedicated sources of repayment of that financial assistance are non-Federal revenue sources, the project or asset for which financial assistance is being provided shall, for purposes of budgetary treatment under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)—*

(1) be deemed to be non-Federal; and

(2) *be treated as a direct loan or loan guarantee.*

* * * * *

SEC. 5028. [33 U.S.C. 3907] DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(a) **ELIGIBILITY REQUIREMENTS.**—To be eligible to receive financial assistance under this subtitle, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:

(1) **CREDITWORTHINESS.**—

(A) **IN GENERAL.**— * * *

* * * * *

(D) **RATING OPINION LETTERS.**—

(i) **PRELIMINARY RATING OPINION LETTER.**— * * *

* * * * *

(ii) **FINAL RATING OPINION LETTERS.**—The Secretary or the Administrator, as applicable, shall require each project applicant to provide, prior to final acceptance and financing of the project, **[final rating opinion letters from at least 2 rating agencies]** *a final rating opinion letter from at least 1 rating agency* indicating that the senior obligations of the project have an investment-grade rating.

* * * * *

SEC. 5033. [33 U.S.C. 3912] FUNDING.

(a) **IN GENERAL.**—

(1) **FISCAL YEARS 2015 THROUGH 2019.**— * * *

* * * * *

(3) **FISCAL YEARS 2022 THROUGH 2024.**—There is authorized to be appropriated to the Administrator to carry out this subtitle \$50,000,000 for each of fiscal years 2022 through 2024, to remain available until expended.

(b) **ADMINISTRATIVE COSTS.**—

(1) **FISCAL YEARS 2015 THROUGH 2019.**— * * *

* * * * *

(2) **FISCAL YEARS [2020 and 2021] AFTER 2019.**—Of the funds made available to carry out this subtitle, the Administrator may use for the administration of this subtitle, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than \$5,000,000 for each of fiscal years **[2020 and 2021]** *2022 through 2024*.

* * * * *

(e) **ASSISTANCE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.**—

(1) **IN GENERAL.**—With respect to fiscal years **[2020 and 2021]** *2022 through 2024*, if the Administrator has available for obligation in a fiscal year at least \$50,000,000, there is authorized to be appropriated to the Administrator \$5,000,000 for that fiscal year to provide financial assistance for projects de-

scribed in section 5026(9) to State infrastructure financing authorities.

* * * * *

SAFE DRINKING WATER ACT AMENDMENTS OF 1996

* * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Safe Drinking Water Act Amendments of 1996”.

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SEC. 303. [33 U.S.C. 1263a] GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

(a) IN GENERAL.— * * *

* * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—**[There are]** *There is* authorized to be appropriated to carry out this section \$40,000,000 for each of **[fiscal years 2001 through 2005]** *fiscal years 2021 and 2022*.

* * * * *

Danali Commission Act Of 1998

* * * * *

SEC. 301. SHORT TITLE.“This title may be cited as the ‘Denali Commission Act of 1998’.

* * * * *

SEC. 312. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.— There are authorized to be appropriated to the Commission to carry out the duties of the Commission consistent with the purposes of this title and pursuant to the work plan approved under section 304, \$15,000,000 for each of fiscal years **[2017 through 2021]** *2021 through 2024*.

* * * * *

Water Infrastructure Improvement Act

* * * * *

SECTION 1. [33 U.S.C. 1251 note] SHORT TITLE.

This Act may be cited as the “Water Infrastructure Improvement Act”.

* * * * *

SEC. 4. MUNICIPAL OMBUDSMAN.

(a) ESTABLISHMENT.—There is established within the Office of the Administrator an Office of the Municipal Ombudsman, to be headed by a Municipal Ombudsman.

(b) GENERAL DUTIES.—The duties of the Municipal Ombudsman shall include the provision of—

(1) technical assistance to municipalities seeking to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

* * * * *

(c) ACTIONS REQUIRED.—The Municipal Ombudsman shall work with appropriate offices at the headquarters and regional offices of the Environmental Protection Agency to ensure that a municipality seeking assistance is provided information regarding—

(1) available Federal financial assistance for which the municipality is eligible;

(2) flexibility available under the Federal Water Pollution Control [Act; and] Act (33 U.S.C. 1251 et seq.);

(3) the opportunity to develop an integrated plan under section 402(s) of the Federal Water Pollution Control [Act.] Act (33 U.S.C. 1342(s)); and

(4) establishing local funding sources, organization analyses, and developing innovative funding strategies, fee structures, and funding mechanisms.

(d) INFORMATION SHARING.—The Municipal Ombudsman shall publish on the website of the Environmental Protection Agency—

(1) * * *

* * * * *

(D) any resources developed by the Administrator related to integrated plans under section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342(s)); and

* * * * *

