

1 **DIVISION H—WATER**
2 **RESOURCES**
3 **TITLE LXXXI—WATER RE-**
4 **SOURCES DEVELOPMENT ACT**
5 **OF 2022**

6 **SEC. 8001. SHORT TITLE; TABLE OF CONTENTS.**

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

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

Sec. 8001. Short title; table of contents.
Sec. 8002. Secretary defined.

Subtitle A—General Provisions

Sec. 8101. Federal breakwaters and jetties.
Sec. 8102. Emergency response to natural disasters.
Sec. 8103. Shoreline and riverbank protection and restoration mission.
Sec. 8104. Floodplain management services.
Sec. 8105. Public recreational amenities in ecosystem restoration projects.
Sec. 8106. Scope of feasibility studies.
Sec. 8107. Water supply conservation.
Sec. 8108. Managed aquifer recharge study and working group.
Sec. 8109. Updates to certain water control manuals.
Sec. 8110. National coastal mapping study.
Sec. 8111. Tribal partnership program.
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Sec. 8114. Cost sharing provisions for the territories and Indian Tribes.
Sec. 8115. Tribal and Economically Disadvantaged Communities Advisory
Committee.
Sec. 8116. Workforce planning.
Sec. 8117. Corps of Engineers support for underserved communities; outreach.
Sec. 8118. Pilot programs for certain communities.
Sec. 8119. Technical assistance.
Sec. 8120. Technical assistance for levee inspections.
Sec. 8121. Assessment of Corps of Engineers levees.
Sec. 8122. National low-head dam inventory.
Sec. 8123. Expediting hydropower at Corps of Engineers facilities.
Sec. 8124. Reserve component training at water resources development
projects.
Sec. 8125. Payment of pay and allowances of certain officers from appropria-
tion for improvements.

- Sec. 8126. Maintenance dredging permits.
- Sec. 8127. Environmental dredging.
- Sec. 8128. Assessment of regional confined aquatic disposal facilities.
- Sec. 8129. Studies for periodic nourishment.
- Sec. 8130. Beneficial use of dredged material; management plans.
- Sec. 8131. Criteria for funding operation and maintenance of small, remote, and subsistence harbors.
- Sec. 8132. Additional projects for underserved community harbors.
- Sec. 8133. Inland waterways regional dredge pilot program.
- Sec. 8134. NEPA reporting.
- Sec. 8135. Funding to process permits.
- Sec. 8136. Lease durations.
- Sec. 8137. Reforestation.
- Sec. 8138. Emergency streambank and shoreline protection.
- Sec. 8139. Lease deviations.
- Sec. 8140. Policy and technical standards.
- Sec. 8141. Corps records relating to harmful algal blooms in Lake Okeechobee, Florida.
- Sec. 8142. Forecasting models for the Great Lakes.
- Sec. 8143. Monitoring and assessment program for saline lakes in the Great Basin.
- Sec. 8144. Chattahoochee River program.
- Sec. 8145. Lower Mississippi River Basin demonstration program.
- Sec. 8146. Washington Aqueduct.
- Sec. 8147. Water infrastructure public-private partnership pilot program.
- Sec. 8148. Advance payment in lieu of reimbursement for certain Federal costs.
- Sec. 8149. Use of other Federal funds.
- Sec. 8150. Non-Federal Interest Advisory Committee.
- Sec. 8151. Materials, services, and funds for repair, restoration, or rehabilitation of certain public recreation facilities.
- Sec. 8152. Rehabilitation of pump stations.
- Sec. 8153. Report to Congress on Corps of Engineers reservoirs.
- Sec. 8154. Temporary relocation assistance pilot program.
- Sec. 8155. Continuation of construction.
- Sec. 8156. Federal interest determination.
- Sec. 8157. Inland waterway projects.
- Sec. 8158. Corps of Engineers Western Water Cooperative Committee.
- Sec. 8159. Support of Army civil works missions.
- Sec. 8160. Civil works research and development.
- Sec. 8161. Sense of Congress on operations and maintenance of recreation sites.
- Sec. 8162. Sense of Congress relating to post-disaster repairs.

Subtitle B—Studies and Reports

- Sec. 8201. Authorization of proposed feasibility studies.
- Sec. 8202. Expedited completion.
- Sec. 8203. Expedited modifications of existing feasibility studies.
- Sec. 8204. Corps of Engineers reservoir sedimentation assessment.
- Sec. 8205. Report and recommendations on dredge capacity.
- Sec. 8206. Assessment of impacts from changing operation and maintenance responsibilities.
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- Sec. 8208. Western infrastructure study.

- Sec. 8209. Recreation and economic development at Corps facilities in Appalachia.
- Sec. 8210. Ouachita River watershed, Arkansas and Louisiana.
- Sec. 8211. Report on Santa Barbara streams, Lower Mission Creek, California.
- Sec. 8212. Disposition study on Salinas Dam and Reservoir, California.
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- Sec. 8220. Disposition study on hydropower in the Willamette Valley, Oregon.
- Sec. 8221. Houston Ship Channel Expansion Channel Improvement Project, Texas.
- Sec. 8222. Sabine–Neches waterway navigation improvement project, Texas.
- Sec. 8223. Norfolk Harbor and Channels, Virginia.
- Sec. 8224. Coastal Virginia, Virginia.
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- Sec. 8230. Assessment of coastal flooding mitigation modeling and testing capacity.
- Sec. 8231. Report on socially and economically disadvantaged small business concerns.
- Sec. 8232. Report on solar energy opportunities.
- Sec. 8233. Report to Congress on economic valuation of preservation of open space, recreational areas, and habitat associated with project lands.
- Sec. 8234. Report on corrosion prevention activities.
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- Sec. 8236. GAO studies.
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- Sec. 8314. Unalaska (Dutch Harbor) Channels, Alaska.

- Sec. 8315. Storm damage prevention and reduction, coastal erosion, and ice and glacial damage, Alaska.
- Sec. 8316. St. Francis Lake Control Structure.
- Sec. 8317. South Platte River and Tributaries, Adams and Denver Counties, Colorado.
- Sec. 8318. Fruitvale Avenue Railroad Bridge, Alameda, California.
- Sec. 8319. Los Angeles County, California.
- Sec. 8320. Deauthorization of designated portions of the Los Angeles County Drainage Area, California.
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- Sec. 8322. Sacramento River Basin, California.
- Sec. 8323. San Diego River and Mission Bay, San Diego County, California.
- Sec. 8324. Additional assistance for Eastern Santa Clara Basin, California.
- Sec. 8325. San Francisco Bay, California.
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- Sec. 8329. Little Pass, Clearwater Bay, Florida.
- Sec. 8330. Comprehensive Everglades Restoration Plan, Florida.
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- Sec. 8333. South Florida Ecosystem Restoration Task Force.
- Sec. 8334. New Savannah Bluff Lock and Dam, Georgia and South Carolina.
- Sec. 8335. Little Wood River, Gooding, Idaho.
- Sec. 8336. Chicago shoreline protection.
- Sec. 8337. Great Lakes and Mississippi River Interbasin project, Brandon Road, Will County, Illinois.
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- Sec. 8341. Mississippi River Gulf Outlet, Louisiana.
- Sec. 8342. Camp Ellis, Saco, Maine.
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- Sec. 8346. Water level management on the Upper Mississippi River and Illinois Waterway.
- Sec. 8347. Mississippi Delta Headwaters, Mississippi.
- Sec. 8348. Sense of Congress relating to Okatibbee Lake, Mississippi.
- Sec. 8349. Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas.
- Sec. 8350. Lower Missouri River streambank erosion control evaluation and demonstration projects.
- Sec. 8351. Missouri River interception-rearing complexes.
- Sec. 8352. Missouri River mitigation project, Missouri, Kansas, Iowa, and Nebraska.
- Sec. 8353. Northern Missouri.
- Sec. 8354. Israel River, Lancaster, New Hampshire.
- Sec. 8355. Middle Rio Grande flood protection, Bernalillo to Belen, New Mexico.
- Sec. 8356. Ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey.
- Sec. 8357. Arkansas River corridor, Oklahoma.
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- Sec. 8359. Southwestern Oregon.
- Sec. 8360. Yaquina River, Oregon.
- Sec. 8361. Lower Blackstone River, Rhode Island.
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- Sec. 8378. Land transfer and trust land for Choctaw Nation of Oklahoma.
- Sec. 8379. John P. Murtha Locks and Dam.
- Sec. 8380. Treatment of certain benefits and costs.
- Sec. 8381. Debris removal.
- Sec. 8382. General reauthorizations.
- Sec. 8383. Transfer of excess credit.
- Sec. 8384. Treatment of credit between projects.
- Sec. 8385. Non-Federal payment flexibility.
- Sec. 8386. Coastal community flood control and other purposes.
- Sec. 8387. National levee safety program.
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- Sec. 8389. Water supply storage repair, rehabilitation, and replacement costs.
- Sec. 8390. Abandoned and inactive noncoal mine restoration.
- Sec. 8391. Asian carp prevention and control pilot program.
- Sec. 8392. Enhanced development program.
- Sec. 8393. Recreational opportunities at certain projects.
- Sec. 8394. Federal assistance.
- Sec. 8395. Mississippi River mat sinking unit.
- Sec. 8396. Sense of Congress on lease agreement.
- Sec. 8397. Expedited completion of projects and studies.

Subtitle D—Water Resources Infrastructure

- Sec. 8401. Project authorizations.
- Sec. 8402. Special rules.
- Sec. 8403. Facility investment.

1 SEC. 8002. SECRETARY DEFINED.

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

1 **Subtitle A—General Provisions**

2 **SEC. 8101. FEDERAL BREAKWATERS AND JETTIES.**

3 (a) **IN GENERAL.**—In carrying out repair or mainte-
4 nance activity of a Federal jetty or breakwater associated
5 with an authorized navigation project, the Secretary shall,
6 notwithstanding the authorized dimensions of the jetty or
7 breakwater, ensure that such repair or maintenance activ-
8 ity is sufficient to meet the authorized purpose of such
9 project, including ensuring that any harbor or inland har-
10 bor associated with the project is protected from projected
11 changes in wave action or height (including changes that
12 result from relative sea level change over the useful life
13 of the project).

14 (b) **CLASSIFICATION OF ACTIVITY.**—The Secretary
15 may not classify any repair or maintenance activity of a
16 Federal jetty or breakwater carried out under subsection
17 (a) as major rehabilitation of such jetty or breakwater—

18 (1) if the Secretary determines that—

19 (A) projected changes in wave action or
20 height, including changes that result from rel-
21 ative sea level change, will diminish the
22 functionality of the jetty or breakwater to meet
23 the authorized purpose of the project; and

24 (B) such repair or maintenance activity is
25 necessary to restore such functionality; or

1 (2) if—

2 (A) the Secretary has not carried out reg-
3 ular and routine Federal maintenance activity
4 at the jetty or breakwater; and

5 (B) the structural integrity of the jetty or
6 breakwater is degraded as a result of a lack of
7 such regular and routine Federal maintenance
8 activity.

9 **SEC. 8102. EMERGENCY RESPONSE TO NATURAL DISAS-**
10 **TERS.**

11 (a) IN GENERAL.—Section 5(a)(1) of the Act of Au-
12 gust 18, 1941 (33 U.S.C. 701n(a)(1)) is amended by
13 striking “in the repair and restoration of any federally au-
14 thorized hurricane or shore protective structure” and all
15 that follows through “non-Federal sponsor.” and inserting
16 “in the repair and restoration of any federally authorized
17 hurricane or shore protective structure or project damaged
18 or destroyed by wind, wave, or water action of other than
19 an ordinary nature to the pre-storm level of protection,
20 to the design level of protection, or, notwithstanding the
21 authorized dimensions of the structure or project, to a
22 level sufficient to meet the authorized purpose of such
23 structure or project, whichever provides greater protec-
24 tion, when, in the discretion of the Chief of Engineers,
25 such repair and restoration is warranted for the adequate

1 functioning of the structure or project for hurricane or
2 shore protection, including to ensure the structure or
3 project is functioning adequately to protect against pro-
4 jected changes in wave action or height or storm surge
5 (including changes that result from relative sea level
6 change over the useful life of the structure or project),
7 subject to the condition that the Chief of Engineers may,
8 if requested by the non-Federal sponsor, include modifica-
9 tions to the structure or project (including the addition
10 of new project features) to address major deficiencies, in-
11 crease resilience, increase benefits from the reduction of
12 damages from inundation, wave action, or erosion, or im-
13 plement nonstructural alternatives to the repair or res-
14 toration of the structure.”.

15 (b) GREAT LAKES ADVANCE MEASURES ASSIST-
16 ANCE.—

17 (1) IN GENERAL.—The Secretary shall not deny
18 a request from the Governor of a Great Lakes State
19 to provide advance measures assistance pursuant to
20 section 5(a) of the Act of August 18, 1941 (33
21 U.S.C. 701n(a)) to reduce the risk of damage from
22 rising water levels in the Great Lakes solely on the
23 basis that the damage is caused by erosion.

24 (2) FEDERAL SHARE.—Assistance provided by
25 the Secretary pursuant to a request described in

1 paragraph (1) shall be at Federal expense if the as-
2 sistance is for the construction of advance measures
3 to a temporary construction standard.

4 (3) GREAT LAKES STATE DEFINED.—In this
5 subsection, the term “Great Lakes State” means the
6 State of Illinois, Indiana, Michigan, Minnesota, New
7 York, Ohio, Pennsylvania, or Wisconsin.

8 **SEC. 8103. SHORELINE AND RIVERBANK PROTECTION AND**
9 **RESTORATION MISSION.**

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

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

17 (2) by striking subsection (a) and inserting the
18 following:

19 “(a) IN GENERAL.—The Secretary may carry out
20 studies and projects to—

21 “(1) reduce flood and hurricane and storm
22 damage hazards; or

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

1 (3) in subsection (b)—

2 (A) by striking paragraph (1) and insert-
3 ing the following:

4 “(1) AUTHORITY.—

5 “(A) STUDIES.—In carrying out subsection
6 (a), the Secretary may carry out studies to
7 identify appropriate measures for—

8 “(i) the reduction of flood and hurri-
9 cane and storm damage hazards, including
10 measures for erosion mitigation and bank
11 stabilization; or

12 “(ii) the conservation and restoration
13 of the natural functions and values of riv-
14 ers and shorelines.

15 “(B) PROJECTS.—Subject to subsection
16 (f)(2), in carrying out subsection (a), the Sec-
17 retary may design and implement projects de-
18 scribed in subsection (a).”;

19 (B) in paragraph (3), by striking “flood
20 damages” and inserting “flood and hurricane
21 and storm damages, including the use of nat-
22 ural features or nature-based features”; and

23 (C) in paragraph (4)—

24 (i) by inserting “and hurricane and
25 storm” after “flood”;

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

3 (iii) by inserting “and coastal bar-
4 riers” after “floodplains”;

5 (4) in subsection (c)—

6 (A) in paragraph (1), by inserting “, ex-
7 cept that the first \$200,000 of the costs of a
8 study conducted under this section shall be at
9 Federal expense” before the period;

10 (B) in paragraph (2)—

11 (i) in the paragraph heading, by strik-
12 ing “FLOOD CONTROL”; and

13 (ii) by striking subparagraph (A) and
14 inserting the following:

15 “(A) IN GENERAL.—Design and construc-
16 tion of a project under this section that includes
17 a nonstructural measure, a natural feature or
18 nature-based feature, or an environmental res-
19 toration measure, shall be subject to cost shar-
20 ing in accordance with section 103 of the Water
21 Resources Development Act of 1986 (33 U.S.C.
22 2213), except that the non-Federal share of the
23 cost to design and construct such a project ben-
24 efitting an economically disadvantaged commu-
25 nity (including economically disadvantaged com-

1 munities located in urban and rural areas) shall
2 be 10 percent.”; and

3 (C) in paragraph (3)—

4 (i) in the paragraph heading, by in-
5 sserting “OR HURRICANE AND STORM DAM-
6 AGE REDUCTION” after “FLOOD CON-
7 TROL”;

8 (ii) by inserting “or hurricane and
9 storm damage reduction” after “flood con-
10 trol” ; and

11 (iii) by striking “section 103(a) of the
12 Water Resources Development Act of 1986
13 (33 U.S.C. 2213(a))” and inserting “sec-
14 tion 103 of the Water Resources Develop-
15 ment Act of 1986 (33 U.S.C. 2213), ex-
16 cept that the non-Federal share of the cost
17 to design and construct such a project ben-
18 efitting an economically disadvantaged
19 community (including economically dis-
20 advantaged communities located in urban
21 and rural areas) shall be 10 percent”;

22 (5) by striking subsection (d) and inserting the
23 following:

24 “(d) PROJECT JUSTIFICATION.—Notwithstanding
25 any requirement for economic justification established

1 under section 209 of the Flood Control Act of 1970 (42
2 U.S.C. 1962–2), the Secretary may implement a project
3 under this section if the Secretary determines that the
4 project—

5 “(1) will significantly reduce potential flood,
6 hurricane and storm, or erosion damages;

7 “(2) will improve the quality of the environ-
8 ment; and

9 “(3) is justified considering all costs and bene-
10 ficial outputs of the project.”;

11 (6) in subsection (e)—

12 (A) in the subsection heading, by striking
13 “PRIORITY AREAS” and inserting “AREAS FOR
14 EXAMINATION”;

15 (B) by redesignating paragraphs (1)
16 through (33) as subparagraphs (A) through
17 (GG), respectively, and adjusting the margins
18 appropriately;

19 (C) by striking “In carrying out” and in-
20 serting the following:

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

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

23 “(2) PRIORITY PROJECTS.—In carrying out this
24 section, the Secretary shall prioritize projects for the
25 following locations:

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

3 “(B) Louisiana Coastal Area, Louisiana.

4 “(C) Great Lakes Shores and Watersheds.

5 “(D) Oregon Coastal Area and Willamette
6 River basin, Oregon.

7 “(E) Upper Missouri River Basin.

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

10 “(G) Chesapeake Bay watershed and
11 Maryland beaches, Maryland.

12 “(H) City of Southport, North Carolina.

13 “(I) Maumee River, Ohio.

14 “(J) Los Angeles and San Gabriel Rivers,
15 California.

16 “(K) Kentucky River and its tributaries
17 and watersheds.”;

18 (7) by striking subsections (f), (g), and (i);

19 (8) by redesignating subsection (h) as sub-
20 section (f);

21 (9) in subsection (f) (as so redesignated), by
22 striking paragraph (2) and inserting the following:

23 “(2) PROJECTS REQUIRING SPECIFIC AUTHOR-
24 IZATION.—If the Federal share of the cost to design
25 and construct a project under this section exceeds

1 \$15,000,000, the Secretary may only carry out the
2 project if Congress enacts a law authorizing the Sec-
3 retary to carry out the project.”; and

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

5 “(g) DEFINITIONS.—In this section:

6 “(1) ECONOMICALLY DISADVANTAGED COMMU-
7 NITY.—The term ‘economically disadvantaged com-
8 munity’ has the meaning given the term as defined
9 by the Secretary under section 160 of the Water Re-
10 sources Development Act of 2020 (33 U.S.C. 2201
11 note).

12 “(2) NATURAL FEATURE; NATURE-BASED FEA-
13 TURE.—The terms ‘natural feature’ and ‘nature-
14 based feature’ have the meanings given those terms
15 in section 1184(a) of the Water Resources Develop-
16 ment Act of 2016 (33 U.S.C. 2289a(a)).”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 contained in section 1(b) of the Water Resources Develop-
19 ment Act of 1999 (113 Stat. 269) is amended by striking
20 the item relating to section 212 and inserting the fol-
21 lowing:

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

22 **SEC. 8104. FLOODPLAIN MANAGEMENT SERVICES.**

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

1 (1) by striking “SEC. 206. (a) In recognition”
2 and inserting the following:

3 **“SEC. 206. INFORMATION ON FLOODS AND FLOOD DAMAGE.**

4 **“(a) COMPILATION AND DISSEMINATION.—**

5 **“(1) IN GENERAL.—In recognition”;**

6 **(2) in subsection (a)—**

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

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

12 **(B) in the first sentence, by inserting**
13 **“identification of areas subject to floods due to**
14 **accumulated snags and other debris,” after “in-**
15 **undation by floods of various magnitudes and**
16 **frequencies,”; and**

17 **(C) by adding at the end the following:**

18 **“(3) IDENTIFICATION OF ASSISTANCE.—**

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

1 **SEC. 8106. SCOPE OF FEASIBILITY STUDIES.**

2 (a) FLOOD RISK MANAGEMENT OR HURRICANE AND
3 STORM DAMAGE RISK REDUCTION.—In carrying out a
4 feasibility study for a project for flood risk management
5 or hurricane and storm damage risk reduction, the Sec-
6 retary, at the request of the non-Federal interest for the
7 study, shall formulate alternatives to maximize the net
8 benefits from the reduction of the comprehensive flood risk
9 within the geographic scope of the study from the isolated
10 and compound effects of—

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

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

15 (3) flooding associated with tidally influenced
16 portions of rivers, bays, and estuaries that are
17 hydrologically connected to the coastal water body;

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

20 (5) a tide of any magnitude or frequency;

21 (6) seasonal variation in water levels;

22 (7) groundwater emergence;

23 (8) sea level rise;

24 (9) subsidence; or

25 (10) any other driver of flood risk affecting the
26 area within the geographic scope of the study.

1 (b) WATER SUPPLY, WATER CONSERVATION, AND
2 DROUGHT RISK REDUCTION.—In carrying out a feasi-
3 bility study for any purpose, the Secretary, at the request
4 of the non-Federal interest for the study, shall formulate
5 alternatives—

6 (1) to maximize combined net benefits for the
7 primary purpose of the study and for the purposes
8 of water supply or water conservation (including the
9 use of water supply conservation measures described
10 in section 1116 of the Water Resources Development
11 Act of 2016 (130 Stat. 1639)); or

12 (2) to include 1 or more measures for the pur-
13 poses of water supply or water conservation if the
14 Secretary determines that such measures may re-
15 duce potential adverse impacts of extreme weather
16 events, including drought, on water resources within
17 the geographic scope of the study.

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

22 **SEC. 8107. WATER SUPPLY CONSERVATION.**

23 Section 1116 of the Water Resources Development
24 Act of 2016 (130 Stat. 1639) is amended—

1 (1) in subsection (a), in the matter preceding
2 paragraph (1), by striking “during the 1-year period
3 ending on the date of enactment of this Act” and in-
4 serting “for any portion of any 2 consecutive or non-
5 consecutive years during the 10-year period pre-
6 ceding a request from a non-Federal interest for as-
7 sistance under this section”; and

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

13 **SEC. 8108. MANAGED AQUIFER RECHARGE STUDY AND**
14 **WORKING GROUP.**

15 (a) ASSESSMENT.—

16 (1) IN GENERAL.—The Secretary shall, in con-
17 sultation with applicable non-Federal interests, con-
18 duct a national assessment of carrying out managed
19 aquifer recharge projects to address drought, water
20 resiliency, and aquifer depletion at authorized water
21 resources development projects.

22 (2) REQUIREMENTS.—In carrying out para-
23 graph (1), the Secretary shall—

24 (A) assess and identify opportunities to
25 support non-Federal interests, including Tribal

1 communities, in carrying out managed aquifer
2 recharge projects; and

3 (B) assess preliminarily local hydrogeologic
4 conditions relevant to carrying out managed aq-
5 uifer recharge projects.

6 (3) COORDINATION.—In carrying out para-
7 graph (1), the Secretary shall coordinate, as appro-
8 priate, with the heads of other Federal agencies,
9 States, regional governmental agencies, units of local
10 government, experts in managed aquifer recharge,
11 and Tribes.

12 (b) FEASIBILITY STUDIES.—

13 (1) AUTHORIZATION.—The Secretary is author-
14 ized to carry out feasibility studies, at the request of
15 a non-Federal interest, of managed aquifer recharge
16 projects in areas that are experiencing, or have re-
17 cently experienced, prolonged drought conditions, aq-
18 uifer depletion, or water supply scarcity.

19 (2) LIMITATION.—The Secretary may carry out
20 not more than 10 feasibility studies under this sub-
21 section.

22 (3) USE OF INFORMATION.—The Secretary
23 shall, to the maximum extent practicable, use infor-
24 mation gathered from the assessment conducted

1 under subsection (a) in identifying and selecting fea-
2 sibility studies to carry out under this subsection.

3 (4) COST SHARE.—The Federal share of the
4 cost of a feasibility study carried out under this sub-
5 section shall be 90 percent.

6 (e) WORKING GROUP.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this Act, the Sec-
9 retary shall establish a managed aquifer recharge
10 working group made up of subject matter experts
11 within the Corps of Engineers and relevant non-Fed-
12 eral stakeholders.

13 (2) COMPOSITION.—In establishing the working
14 group under paragraph (1), the Secretary shall en-
15 sure that members of the working group have exper-
16 tise working with—

17 (A) projects providing water supply storage
18 to meet regional water supply demand, particu-
19 larly in regions experiencing drought;

20 (B) the protection of groundwater supply,
21 including promoting infiltration and increased
22 recharge in groundwater basins, and ground-
23 water quality;

24 (C) aquifer storage, recharge, and recovery
25 wells;

1 (D) dams that provide recharge enhance-
2 ment benefits;

3 (E) groundwater hydrology;

4 (F) conjunctive use water systems; and

5 (G) agricultural water resources, including
6 the use of aquifers for irrigation purposes.

7 (3) DUTIES.—The working group established
8 under this subsection shall—

9 (A) advise the Secretary regarding the de-
10 velopment and execution of the assessment
11 under subsection (a) and any feasibility studies
12 under subsection (b);

13 (B) assist Corps of Engineers offices at
14 the headquarter, division, and district levels
15 with raising awareness of non-Federal interests
16 of the potential benefits of carrying out man-
17 aged aquifer recharge projects; and

18 (C) assist with the development of the re-
19 port required to be submitted under subsection
20 (d).

21 (d) REPORT TO CONGRESS.—Not later than 2 years
22 after the date of enactment of this Act, the Secretary shall
23 submit to the Committee on Transportation and Infra-
24 structure of the House of Representatives and the Com-

1 mittee on Environment and Public Works of the Senate
2 a report on managed aquifer recharge that includes—

3 (1) the results of the assessment conducted
4 under subsection (a) and any feasibility studies car-
5 ried out under subsection (b), including data col-
6 lected under such assessment and studies and any
7 recommendations on managed aquifer recharge op-
8 portunities for non-Federal interests, States, local
9 governments, and Tribes;

10 (2) a status update on the implementation of
11 the recommendations included in the report of the
12 U.S. Army Corps of Engineers Institute for Water
13 Resources entitled “Managed Aquifer Recharge and
14 the U.S. Army Corps of Engineers: Water Security
15 through Resilience”, published in April 2020 (2020–
16 WP–01); and

17 (3) an evaluation of the benefits of creating a
18 new or modifying an existing planning center of ex-
19 pertise for managed aquifer recharge, and identify
20 potential locations for such a center of expertise, if
21 feasible.

22 (e) SAVINGS PROVISION.—Nothing in this section af-
23 fects the non-Federal share of the cost of construction of
24 a managed aquifer recharge project under section 103 of

1 the Water Resources Development Act of 1986 (33 U.S.C.
2 2213) or any other provision of law.

3 (f) DEFINITIONS.—In this section:

4 (1) MANAGED AQUIFER RECHARGE.—The term
5 “managed aquifer recharge” means the intentional
6 banking and treatment of water in aquifers for stor-
7 age and future use.

8 (2) MANAGED AQUIFER RECHARGE PROJECT.—
9 The term “managed aquifer recharge project”
10 means a project to incorporate managed aquifer re-
11 charge features into a water resources development
12 project.

13 **SEC. 8109. UPDATES TO CERTAIN WATER CONTROL MANU-**
14 **ALS.**

15 On request of the Governor of a State for which the
16 Governor declared a statewide drought disaster in 2021,
17 the Secretary is authorized to update water control manu-
18 als for water resources development projects under the au-
19 thority of the Secretary in the State, with priority given
20 to those projects that include water supply or water con-
21 servation as an authorized purpose.

22 **SEC. 8110. NATIONAL COASTAL MAPPING STUDY.**

23 (a) IN GENERAL.—The Secretary, acting through the
24 Director of the Engineer Research and Development Cen-
25 ter, is authorized to carry out a study of coastal geo-

1 graphic land changes, with recurring national coastal
2 mapping technology, along the coastal zone of the United
3 States to support Corps of Engineers missions.

4 (b) STUDY.—In carrying out the study under sub-
5 section (a), the Secretary shall identify—

6 (1) new or advanced geospatial information and
7 remote sensing tools for coastal mapping;

8 (2) best practices for coastal change mapping;
9 and

10 (3) how to most effectively—

11 (A) collect and analyze such advanced
12 geospatial information;

13 (B) disseminate such geospatial informa-
14 tion to relevant offices of the Corps of Engi-
15 neers, other Federal agencies, States, Tribes,
16 and local governments; and

17 (C) make such geospatial information
18 available to other stakeholders.

19 (c) DEMONSTRATION PROJECT.—

20 (1) PROJECT AREA.—In carrying out the study
21 under subsection (a), the Secretary shall carry out
22 a demonstration project in the coastal region cov-
23 ering the North Carolina coastal waters, connected
24 bays, estuaries, rivers, streams, and creeks, to their
25 tidally influenced extent inland.

1 (2) SCOPE.—In carrying out the demonstration
2 project, the Secretary shall—

3 (A) identify and study potential hazards,
4 such as debris, sedimentation, dredging effects,
5 and flood areas;

6 (B) identify best practices described in
7 subsection (b)(2), including best practices relat-
8 ing to geographical coverage and frequency of
9 mapping;

10 (C) evaluate and demonstrate relevant
11 mapping technologies to identify which are the
12 most effective for regional mapping of the tran-
13 sitional areas between the open coast and in-
14 land waters; and

15 (D) demonstrate remote sensing tools for
16 coastal mapping.

17 (d) COORDINATION.—In carrying out this section, the
18 Secretary shall coordinate with other Federal and State
19 agencies that are responsible for authoritative data and
20 academic institutions and other entities with relevant ex-
21 pertise.

22 (e) PANEL.—

23 (1) ESTABLISHMENT.—In carrying out this sec-
24 tion, the Secretary shall establish a panel of senior
25 leaders from the Corps of Engineers and other Fed-

1 eral agencies that are stakeholders in the coastal
2 mapping program carried out through the Engineer
3 Research and Development Center.

4 (2) DUTIES.—The panel established under this
5 subsection shall—

6 (A) coordinate the collection of data under
7 the study carried out under this section;

8 (B) coordinate the use of geospatial infor-
9 mation and remote sensing tools, and the appli-
10 cation of the best practices identified under the
11 study, by Federal agencies; and

12 (C) identify technical topics and challenges
13 that require multiagency collaborative research
14 and development.

15 (f) USE OF EXISTING INFORMATION.—In carrying
16 out this section, the Secretary shall consider any relevant
17 information developed under section 516(g) of the Water
18 Resources Development Act of 1996 (33 U.S.C.
19 2326b(g)).

20 (g) REPORT.—Not later than 18 months after the
21 date of enactment of this Act, the Secretary shall submit
22 to the Committee on Transportation and Infrastructure
23 of the House of Representatives and the Committee on
24 Environment and Public Works of the Senate a report
25 that describes—

1 (1) the results of the study carried out under
2 this section; and

3 (2) any geographical areas recommended for
4 additional study.

5 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$25,000,000, to remain available until expended.

8 **SEC. 8111. TRIBAL PARTNERSHIP PROGRAM.**

9 Section 203 of the Water Resources Development Act
10 of 2000 (33 U.S.C. 2269) is amended—

11 (1) in subsection (a), by striking “(25 U.S.C.
12 450b)” and inserting “(25 U.S.C. 5304”;

13 (2) in subsection (b)—

14 (A) in paragraph (2)—

15 (i) in subparagraph (A)—

16 (I) by inserting “hurricane and
17 storm” after “flood”; and

18 (II) by inserting “including ero-
19 sion control,” after “reduction,”;

20 (ii) in subparagraph (B), by striking
21 “and” at the end;

22 (iii) by redesignating subparagraph
23 (C) as subparagraph (D); and

24 (iv) by inserting after subparagraph
25 (B) the following:

1 “(C) technical assistance to an Indian
2 tribe, including—

3 “(i) assistance for planning to amelio-
4 rate flood hazards, to avoid repetitive flood
5 impacts, to anticipate, prepare, and adapt
6 to changing hydrological and climatic con-
7 ditions and extreme weather events, and to
8 withstand, respond to, and recover rapidly
9 from disruption due to flood hazards; and

10 “(ii) the provision of, and integration
11 into planning of, hydrologic, economic, and
12 environmental data and analyses; and”;

13 (B) in paragraph (3), by adding at the end
14 the following:

15 “(C) INITIAL COSTS.—The first \$200,000
16 of the costs of a study under this section shall
17 be at Federal expense.”;

18 (C) in paragraph (4)—

19 (i) in subparagraph (A), by striking
20 “\$18,500,000” and inserting
21 “\$26,000,000”; and

22 (ii) in subparagraph (B), by striking
23 “\$18,500,000” and inserting
24 “\$26,000,000”; and

25 (D) by adding at the end the following:

1 “(5) PROJECT JUSTIFICATION.—Notwith-
2 standing any requirement for economic justification
3 established under section 209 of the Flood Control
4 Act of 1970 (42 U.S.C. 1962–2), the Secretary may
5 implement a project (other than a project for eco-
6 system restoration) under this section if the Sec-
7 retary determines that the project will—

8 “(A) significantly reduce potential flood or
9 hurricane and storm damage hazards (which
10 may be limited to hazards that may be ad-
11 dressed by measures for erosion mitigation or
12 bank stabilization);

13 “(B) improve the quality of the environ-
14 ment;

15 “(C) reduce risks to life safety associated
16 with the hazards described in subparagraph
17 (A); and

18 “(D) improve the long-term viability of the
19 community.”;

20 (3) in subsection (d)—

21 (A) in paragraph (5)(B)—

22 (i) by striking “non-Federal” and in-
23 serting “Federal”; and

24 (ii) by striking “50 percent” and in-
25 serting “100 percent”; and

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

2 “(6) TECHNICAL ASSISTANCE.—The Federal
3 share of the cost of activities described in subsection
4 (b)(2)(C) shall be 100 percent.”; and

5 (4) in subsection (e), by striking “2024” and
6 inserting “2033”.

7 **SEC. 8112. TRIBAL LIAISON.**

8 (a) IN GENERAL.—Beginning not later than 1 year
9 after the date of enactment of this Act, the District Com-
10 mander for each Corps of Engineers district that contains
11 a Tribal community shall have on staff a Tribal Liaison.

12 (b) DUTIES.—Each Tribal Liaison shall make rec-
13 ommendations to the applicable District Commander re-
14 garding, and be responsible for—

15 (1) removing barriers to access to, and partici-
16 pation in, Corps of Engineers programs for Tribal
17 communities, including by improving implementation
18 of section 103(m) of the Water Resources Develop-
19 ment Act of 1986 (33 U.S.C. 2213(m));

20 (2) improving outreach to, and engagement
21 with, Tribal communities about relevant Corps of
22 Engineers programs and services;

23 (3) identifying and engaging with Tribal com-
24 munities suffering from water resources challenges;

1 (4) improving, expanding, and facilitating gov-
2 ernment-to-government consultation between Tribal
3 communities and the Corps of Engineers;

4 (5) coordinating and implementing all relevant
5 Tribal consultation policies and associated guide-
6 lines, including the requirements of section 112 of
7 the Water Resources Development Act of 2020 (33
8 U.S.C. 2356);

9 (6) training and tools to facilitate the ability of
10 Corps of Engineers staff to effectively engage with
11 Tribal communities in a culturally competent man-
12 ner, especially in regards to lands of ancestral, his-
13 toric, or cultural significance to a Tribal community,
14 including burial sites; and

15 (7) such other issues identified by the Sec-
16 retary.

17 (c) UNIFORMITY.—Not later than 120 days after the
18 date of enactment of this Act, the Secretary shall finalize
19 guidelines for—

20 (1) a position description for Tribal Liaisons;
21 and

22 (2) required qualifications for Tribal Liaisons,
23 including experience and expertise relating to Tribal
24 communities and water resource issues.

1 (d) FUNDING.—Funding for the position of Tribal
2 Liaison shall be allocated from the budget line item pro-
3 vided for the expenses necessary for the supervision and
4 general administration of the civil works program, and fill-
5 ing the position shall not be dependent on any increase
6 in this budget line item.

7 (e) DEFINITIONS.—In this section:

8 (1) TRIBAL COMMUNITY.—The term “Tribal
9 community” means a community of people who are
10 recognized and defined under Federal law as indige-
11 nous people of the United States.

12 (2) TRIBAL LIAISON.—The term “Tribal Liai-
13 son” means a permanent employee of a Corps of En-
14 gineers district whose primary responsibilities are
15 to—

16 (A) serve as a direct line of communication
17 between the District Commander and the Tribal
18 communities within the boundaries of the Corps
19 of Engineers district; and

20 (B) ensure consistency in government-to-
21 government relations.

22 **SEC. 8113. TRIBAL ASSISTANCE.**

23 (a) CLARIFICATION OF EXISTING AUTHORITY.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 the Secretary, in consultation with the heads of rel-

1 evant Federal agencies, the Confederated Tribes of
2 the Warm Springs Reservation of Oregon, the Con-
3 federated Tribes and Bands of the Yakama Nation,
4 the Nez Perce Tribe, and the Confederated Tribes of
5 the Umatilla Indian Reservation, shall revise and
6 carry out the village development plan for The
7 Dalles Dam, Columbia River, Washington and Or-
8 egon, as authorized by section 204 of the Flood Con-
9 trol Act of 1950 (chapter 188, 64 Stat. 179), to
10 comprehensively address adverse impacts to Indian
11 villages, housing sites, and related structures as a
12 result of the construction of The Dalles Dam, Bon-
13 neville Dam, McNary Dam, and John Day Dam,
14 Washington and Oregon.

15 (2) EXAMINATION.—Before carrying out the re-
16 quirements of paragraph (1), the Secretary shall
17 conduct an examination and assessment of the ex-
18 tent to which Indian villages, housing sites, and re-
19 lated structures were displaced or destroyed by the
20 construction of the following projects:

21 (A) Bonneville Dam, Columbia River, Or-
22 egon, as authorized by the first section of the
23 Act of August 30, 1935 (chapter 831, 49 Stat.
24 1038) and the first section and section 2(a) of

1 the Act of August 20, 1937 (16 U.S.C. 832,
2 832a(a)).

3 (B) McNary Dam, Columbia River, Wash-
4 ington and Oregon, as authorized by section 2
5 of the Act of March 2, 1945 (chapter 19, 59
6 Stat. 22).

7 (C) John Day Dam, Columbia River,
8 Washington and Oregon, as authorized by sec-
9 tion 204 of the Flood Control Act of 1950
10 (chapter 188, 64 Stat. 179).

11 (3) REQUIREMENTS.—The village development
12 plan under paragraph (1) shall include, at a min-
13 imum—

14 (A) an evaluation of sites on both sides of
15 the Columbia River;

16 (B) an assessment of suitable Federal land
17 and land owned by the States of Washington
18 and Oregon; and

19 (C) an estimated cost and tentative sched-
20 ule for the construction of each housing devel-
21 opment.

22 (4) LOCATION OF ASSISTANCE.—The Secretary
23 may provide housing and related assistance under
24 this subsection at 1 or more village sites in the
25 States of Washington and Oregon.

1 (b) PROVISION OF ASSISTANCE ON FEDERAL
2 LAND.—The Secretary may construct housing or provide
3 related assistance on land owned by the United States in
4 carrying out the village development plan under subsection
5 (a)(1).

6 (c) ACQUISITION AND DISPOSAL OF LAND.—

7 (1) IN GENERAL.—Subject to subsection (d),
8 the Secretary may acquire land or interests in land
9 for the purpose of providing housing and related as-
10 sistance in carrying out the village development plan
11 under subsection (a)(1).

12 (2) ADVANCE ACQUISITION.—Acquisition of
13 land or interests in land under paragraph (1) may
14 be carried out in advance of completion of all re-
15 quired documentation and receipt of all required
16 clearances for the construction of housing or related
17 improvements on the land.

18 (3) DISPOSAL OF UNSUITABLE LAND.—If the
19 Secretary determines that any land or interest in
20 land acquired by the Secretary under paragraph (2)
21 is unsuitable for that housing or for those related
22 improvements, the Secretary may—

23 (A) dispose of the land or interest in land
24 by sale; and

1 (B) credit the proceeds to the appropria-
2 tion, fund, or account used to purchase the land
3 or interest in land.

4 (d) LIMITATION.—The Secretary shall only acquire
5 land from willing landowners in carrying out this section.

6 (e) COOPERATIVE AGREEMENTS.—The Secretary
7 may enter into a cooperative agreement with a Tribe de-
8 scribed in subsection (a)(1), or with a Tribal organization
9 of such a Tribe, to provide funds to the Tribe to construct
10 housing or provide related assistance in carrying out the
11 village development plan under such subsection.

12 (f) CONVEYANCE AUTHORIZED.—Upon completion of
13 construction at a village site under this section, the Sec-
14 retary may, without consideration, convey the village site
15 and the improvements located thereon to a Tribe described
16 in subsection (a)(1), or to a Tribal organization of such
17 a Tribe.

18 (g) CONFORMING AMENDMENT.—Section 1178(c) of
19 the Water Resources Development Act of 2016 (130 Stat.
20 1675; 132 Stat. 3781) is repealed.

21 **SEC. 8114. COST SHARING PROVISIONS FOR THE TERRI-**
22 **TORIES AND INDIAN TRIBES.**

23 Section 1156 of the Water Resources Development
24 Act of 1986 (33 U.S.C. 2310) is amended—

25 (1) in subsection (a)—

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

3 (B) in paragraph (2), by striking the pe-
4 riod at the end and inserting “; and” ; and

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

6 “(3) for any organization that—

7 “(A) is composed primarily of people who
8 are—

9 “(i) recognized and defined under
10 Federal law as indigenous people of the
11 United States; and

12 “(ii) from a specific community; and

13 “(B) assists in the social, cultural, and
14 educational development of such people in that
15 community.”; and

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

17 “(c) INCLUSION.—For purposes of this section, the
18 term ‘study’ includes a watershed assessment.

19 “(d) APPLICATION.—The Secretary shall apply the
20 waiver amount described in subsection (a) to reduce only
21 the non-Federal share of study and project costs.”.

22 **SEC. 8115. TRIBAL AND ECONOMICALLY DISADVANTAGED**
23 **COMMUNITIES ADVISORY COMMITTEE.**

24 (a) ESTABLISHMENT.—Not later than 90 days after
25 the date of enactment of this Act, the Secretary shall es-

1 establish a committee, to be known as the “Tribal and Eco-
2 nomically Disadvantaged Communities Advisory Com-
3 mittee”, to develop and make recommendations to the Sec-
4 retary and the Chief of Engineers on activities and actions
5 that should be undertaken by the Corps of Engineers to
6 ensure more effective delivery of water resources develop-
7 ment projects, programs, and other assistance to Indian
8 Tribes and economically disadvantaged communities, in-
9 cluding economically disadvantaged communities located
10 in urban and rural areas.

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

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

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

23 (c) DUTIES.—

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

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

3 (A) efficiently and effectively delivering so-
4 lutions to the needs and challenges of water re-
5 sources development projects for economically
6 disadvantaged communities and Indian Tribes;

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

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

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

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

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

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

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

7 (e) ADMINISTRATION.—

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

11 (2) TRAVEL EXPENSES.—The members of the
12 Committee shall receive travel expenses, including
13 per diem in lieu of subsistence, in accordance with
14 applicable provisions under subchapter I of chapter
15 57 of title 5, United States Code.

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

22 (f) DEFINITIONS.—In this section:

23 (1) COMMITTEE.—The term “Committee”
24 means the Tribal and Economically Disadvantaged

1 Communities Advisory Committee established under
2 subsection (a).

3 (2) ECONOMICALLY DISADVANTAGED COMMU-
4 NITY.—The term “economically disadvantaged com-
5 munity” has the meaning given the term as defined
6 by the Secretary under section 160 of the Water Re-
7 sources Development Act of 2020 (33 U.S.C. 2201
8 note).

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

13 **SEC. 8116. WORKFORCE PLANNING.**

14 (a) AUTHORIZATION.—The Secretary is authorized to
15 carry out activities, at Federal expense—

16 (1) to foster, enhance, and support science,
17 technology, engineering, and math education and
18 awareness; and

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

21 (b) PARTNERING ENTITIES.—In carrying out activi-
22 ties under this section, the Secretary may enter into part-
23 nerships with—

24 (1) public elementary and secondary schools, in-
25 cluding charter schools;

- 1 (2) community colleges;
- 2 (3) technical schools; and
- 3 (4) colleges and universities, including histori-
- 4 cally Black colleges and universities.

5 (e) **PRIORITIZATION.**—The Secretary shall, to the
6 maximum extent practicable, prioritize the recruitment of
7 individuals under this section that are from economically
8 disadvantaged communities (as defined by the Secretary
9 under section 160 of the Water Resources Development
10 Act of 2020 (33 U.S.C. 2201 note)), including economi-
11 cally disadvantaged communities located in urban and
12 rural areas.

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

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

21 **SEC. 8117. CORPS OF ENGINEERS SUPPORT FOR UNDER-**
22 **SERVED COMMUNITIES; OUTREACH.**

23 (a) **IN GENERAL.**—It is the policy of the United
24 States for the Corps of Engineers to strive to understand
25 and accommodate and, in coordination with non-Federal

1 interests, seek to address the water resources development
2 needs of all communities in the United States.

3 (b) OUTREACH AND ACCESS.—

4 (1) IN GENERAL.—The Secretary shall, at Fed-
5 eral expense, develop, support, and implement public
6 awareness, education, and regular outreach and en-
7 gagement efforts for potential non-Federal interests
8 with respect to the water resources development au-
9 thorities of the Secretary, with particular emphasis
10 on—

11 (A) technical service programs, including
12 the authorities under—

13 (i) section 206 of the Flood Control
14 Act of 1960 (33 U.S.C. 709a);

15 (ii) section 22 of the Water Resources
16 Development Act of 1974 (42 U.S.C.
17 1962d–16); and

18 (iii) section 203 of the Water Re-
19 sources Development Act of 2000 (33
20 U.S.C. 2269); and

21 (B) continuing authority programs, as
22 such term is defined in section 7001(e)(1)(D) of
23 the Water Resources Reform and Development
24 Act of 2014 (33 U.S.C. 2282d).

1 (2) IMPLEMENTATION.—In carrying out this
2 subsection, the Secretary shall—

3 (A) develop and make publicly available
4 (including on a publicly available website), tech-
5 nical assistance materials, guidance, and other
6 information with respect to the water resources
7 development authorities of the Secretary;

8 (B) establish and make publicly available
9 (including on a publicly available website), an
10 appropriate point of contact at each district and
11 division office of the Corps of Engineers for in-
12 quiries from potential non-Federal interests re-
13 lating to the water resources development au-
14 thorities of the Secretary;

15 (C) conduct regular outreach and engage-
16 ment, including through hosting seminars and
17 community information sessions, with local
18 elected officials, community organizations, and
19 previous and potential non-Federal interests, on
20 opportunities to address local water resources
21 challenges through the water resources develop-
22 ment authorities of the Secretary;

23 (D) issue guidance for, and provide tech-
24 nical assistance through technical service pro-
25 grams to, non-Federal interests to assist such

1 interests in pursuing technical services and de-
2 veloping proposals for water resources develop-
3 ment projects; and

4 (E) provide, at the request of a non-Fed-
5 eral interest, assistance with researching and
6 identifying existing project authorizations or
7 authorities to address local water resources
8 challenges.

9 (3) **PRIORITIZATION.**—In carrying out this sub-
10 section, the Secretary shall, to the maximum extent
11 practicable, prioritize awareness, education, and out-
12 reach and engagement to economically disadvan-
13 taged communities (as defined by the Secretary
14 under section 160 of the Water Resources Develop-
15 ment Act of 2020 (33 U.S.C. 2201 note)), including
16 economically disadvantaged communities located in
17 urban and rural areas.

18 (4) **AUTHORIZATION OF APPROPRIATIONS.**—
19 There is authorized to be appropriated to carry out
20 this section \$30,000,000 for each fiscal year.

21 **SEC. 8118. PILOT PROGRAMS FOR CERTAIN COMMUNITIES.**

22 (a) **PILOT PROGRAMS ON THE FORMULATION OF**
23 **CORPS OF ENGINEERS PROJECTS IN RURAL COMMU-**
24 **NITIES AND ECONOMICALLY DISADVANTAGED COMMU-**

1 NITIES.—Section 118 of the Water Resources Develop-
2 ment Act of 2020 (33 U.S.C. 2201 note) is amended—

3 (1) in subsection (b)(2)—

4 (A) in subparagraph (A), by striking “pub-
5 lish” and inserting “annually publish”; and

6 (B) in subparagraph (C), by striking “se-
7 lect” and inserting “, subject to the availability
8 of appropriations, annually select”; and

9 (2) in subsection (c)(2), in the matter preceding
10 subparagraph (A), by striking “projects” and insert-
11 ing “projects annually”.

12 (b) PILOT PROGRAM FOR CONTINUING AUTHORITY
13 PROJECTS IN SMALL OR DISADVANTAGED COMMU-
14 NITIES.—Section 165(a) of the Water Resources Develop-
15 ment Act of 2020 (33 U.S.C. 2201 note) is amended in
16 paragraph (2)(B), by striking “10” and inserting “20”.

17 **SEC. 8119. TECHNICAL ASSISTANCE.**

18 (a) PLANNING ASSISTANCE TO STATES.—Section 22
19 of the Water Resources Development Act of 1974 (42
20 U.S.C. 1962d–16) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) by inserting “local government,”
24 after “State or group of States,”; and

1 (ii) by inserting “local government,”
2 after “such State, interest,”;

3 (B) in paragraph (3), by striking “section
4 236 of title 10” and inserting “section 4141 of
5 title 10”; and

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

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

11 (2) in subsection (c)(2), by striking
12 “\$15,000,000” and inserting “\$30,000,000”; and

13 (3) in subsection (f)—

14 (A) by striking “The cost-share for assist-
15 ance” and inserting the following:

16 “(1) TRIBES AND TERRITORIES.—The cost-
17 share for assistance”; and

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

19 “(2) ECONOMICALLY DISADVANTAGED COMMU-
20 NITIES.—Notwithstanding subsection (b)(1) and the
21 limitation in section 1156 of the Water Resources
22 Development Act of 1986, as applicable pursuant to
23 paragraph (1) of this subsection, the Secretary is
24 authorized to waive the collection of fees for any
25 local government to which assistance is provided

1 under subsection (a) that the Secretary determines
2 is an economically disadvantaged community, as de-
3 fined by the Secretary under section 160 of the
4 Water Resources Development Act of 2020 (33
5 U.S.C. 2201 note) (including economically disadvan-
6 taged communities located in urban and rural
7 areas).”.

8 (b) WATERSHED PLANNING AND TECHNICAL ASSIST-
9 ANCE.—In providing assistance under section 22 of the
10 Water Resources Development Act of 1974 (42 U.S.C.
11 1962d–16) or pursuant to section 206 of the Flood Con-
12 trol Act of 1960 (33 U.S.C. 709a), the Secretary shall,
13 upon request, provide such assistance at a watershed
14 scale.

15 **SEC. 8120. TECHNICAL ASSISTANCE FOR LEVEE INSPEC-**
16 **TIONS.**

17 In any instance where the Secretary requires, as a
18 condition of eligibility for Federal assistance under section
19 5 of the Act of August 18, 1941 (33 U.S.C. 701n), that
20 a non-Federal sponsor of a flood control project undertake
21 an electronic inspection of the portion of such project that
22 is under normal circumstances submerged, the Secretary
23 shall provide to the non-Federal sponsor credit or reim-
24 bursement for the cost of carrying out such inspection

1 against the non-Federal share of the cost of repair or res-
2 toration of such project carried out under such section.

3 **SEC. 8121. ASSESSMENT OF CORPS OF ENGINEERS LEVEES.**

4 (a) IN GENERAL.—The Secretary shall periodically
5 conduct assessments of federally authorized levees under
6 the jurisdiction of the Corps of Engineers, to evaluate the
7 potential Federal interest in the modification (including
8 realignment or incorporation of natural features and na-
9 ture-based features, as such terms are defined in section
10 1184(a) of the Water Resources Development Act of 2016
11 (33 U.S.C. 2289a(a))) of levee systems to meet one or
12 more of the following objectives:

13 (1) Increasing the flood risk reduction benefits
14 of such systems.

15 (2) Achieving greater flood resiliency.

16 (3) Restoring hydrological and ecological con-
17 nections with adjacent floodplains that achieve
18 greater environmental benefits without undermining
19 flood risk reduction or flood resiliency for levee-pro-
20 tected communities.

21 (b) LEVEES OPERATED BY NON-FEDERAL INTER-
22 ESTS.—The Secretary shall carry out an assessment under
23 subsection (a) for a federally authorized levee system oper-
24 ated by a non-Federal interest only if the non-Federal in-
25 terest—

- 1 (1) requests the assessment; and
- 2 (2) agrees to provide 50 percent of the cost of
- 3 the assessment.

4 (e) ASSESSMENTS.—

- 5 (1) CONSIDERATIONS.—In conducting an as-
- 6 sessment under subsection (a), the Secretary shall
- 7 consider and identify, with respect to each levee sys-
- 8 tem—

- 9 (A) an estimate of the number of struc-
- 10 tures and population at risk and protected by
- 11 the levee system that would be adversely im-
- 12 pacted if the levee system fails or water levels
- 13 exceed the height of any levee segment within
- 14 the levee system (which may be the applicable
- 15 estimate included in the levee database estab-
- 16 lished under section 9004 of the Water Re-
- 17 sources Development Act of 2007 (33 U.S.C.
- 18 3303), if available);

- 19 (B) the number of times the non-Federal
- 20 interest has received emergency flood-fighting
- 21 or repair assistance under section 5 of the Act
- 22 of August 18, 1941 (33 U.S.C. 701n) for the
- 23 levee system, and the total expenditures on
- 24 postflood repairs over the life of the levee sys-
- 25 tem;

1 (C) the functionality of the levee system
2 with regard to higher precipitation levels, in-
3 cluding due to changing climatic conditions and
4 extreme weather events;

5 (D) the potential costs and benefits (in-
6 cluding environmental benefits and implications
7 for levee-protected communities) from modi-
8 fying the applicable levee system to restore con-
9 nections with adjacent floodplains; and

10 (E) available studies, information, lit-
11 erature, or data from relevant Federal, State,
12 or local entities.

13 (2) PRIORITIZATION.—In conducting an assess-
14 ment under subsection (a), the Secretary shall, to
15 the maximum extent practicable, prioritize levee sys-
16 tems—

17 (A) associated with an area that has been
18 subject to flooding in two or more events in any
19 10-year period; and

20 (B) for which the non-Federal interest has
21 received emergency flood-fighting or repair as-
22 sistance under section 5 of the Act of August
23 18, 1941 (33 U.S.C. 701n) with respect to such
24 flood events.

1 (3) SCOPE.—The Secretary shall ensure that an
2 assessment under subsection (a) shall be similar in
3 cost and scope to an initial assessment prepared by
4 the Secretary pursuant to section 216 of the Flood
5 Control Act of 1970 (33 U.S.C. 549a).

6 (d) FLOOD PLAIN MANAGEMENT SERVICES.—In con-
7 ducting an assessment under subsection (a), the Secretary
8 shall consider information on floods and flood damages
9 compiled under section 206 of the Flood Control Act of
10 1960 (33 U.S.C. 709a).

11 (e) REPORT TO CONGRESS.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the date of enactment of this section, and peri-
14 odically thereafter, the Secretary shall submit to the
15 Committee on Transportation and Infrastructure of
16 the House of Representatives and the Committee on
17 Environment and Public Works of the Senate a re-
18 port on the results of the assessments conducted
19 under subsection (a).

20 (2) INCLUSION.—The Secretary shall include in
21 each report submitted under paragraph (1)—

22 (A) identification of any levee system for
23 which the Secretary has conducted an assess-
24 ment under subsection (a);

1 (B) a description of any opportunities
2 identified under such subsection for the modi-
3 fication of a levee system, including the poten-
4 tial benefits of such modification for the pur-
5 poses identified under such subsection;

6 (C) information relating to the willingness
7 and ability of each applicable non-Federal inter-
8 est to participate in a modification to the rel-
9 evant levee system, including by obtaining any
10 real estate necessary for the modification; and

11 (D) a summary of the information consid-
12 ered and identified under subsection (c)(1).

13 (f) INCORPORATION OF INFORMATION.—The Sec-
14 retary shall include in the levee database established under
15 section 9004 of the Water Resources Development Act of
16 2007 (33 U.S.C. 3303) the information included in each
17 report submitted under subsection (e), and make such in-
18 formation publicly available (including on a publicly avail-
19 able website).

20 (g) LEVEE SYSTEM DEFINED.—In this section, the
21 term “levee system” has the meaning given that term in
22 section 9002(9) of the Water Resources Development Act
23 of 2007 (33 U.S.C. 3301).

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$10,000,000, to remain available until expended.

4 **SEC. 8122. NATIONAL LOW-HEAD DAM INVENTORY.**

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

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

9 “(a) DEFINITIONS.—In this section:

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

13 “(2) LOW-HEAD DAM.—The term ‘low-head
14 dam’ means a river-wide artificial barrier that gen-
15 erally spans a stream channel, blocking the water-
16 way and creating a backup of water behind the bar-
17 rier, with a drop off over the wall of not less than
18 6 inches and not more than 25 feet.

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

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

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

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

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

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

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

12 “(v) any other relevant information
13 concerning low-head dams; and

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

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

21 “(A) coordinate with Federal and State
22 agencies and other relevant entities; and

23 “(B) use data provided to the Secretary by
24 those agencies and entities.

1 “(3) PUBLIC AVAILABILITY.—The Secretary
2 shall make the inventory publicly available, including
3 on a publicly available website.

4 “(4) UPDATES.—The Secretary, in consultation
5 with the heads of appropriate Federal and State
6 agencies, shall maintain and periodically publish up-
7 dates to the inventory.

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

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

15 **SEC. 8123. EXPEDITING HYDROPOWER AT CORPS OF ENGI-**
16 **NEERS FACILITIES.**

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

19 (1) in subsection (b)(1), by inserting “and to
20 meet the requirements of subsection (b)” after
21 “projects”;

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

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

1 “(b) IMPLEMENTATION OF POLICY.—The Secretary
2 shall—

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

6 “(2) assess opportunities—

7 “(A) to increase the development of hydro-
8 electric power at existing water resources devel-
9 opment projects of the Corps of Engineers with
10 hydroelectric facilities; and

11 “(B) to develop new hydroelectric power at
12 existing nonpowered water resources develop-
13 ment projects of the Corps of Engineers.”.

14 **SEC. 8124. RESERVE COMPONENT TRAINING AT WATER RE-**
15 **SOURCES DEVELOPMENT PROJECTS.**

16 (a) IN GENERAL.—In carrying out military training
17 activities or otherwise fulfilling military training require-
18 ments, units or members of a reserve component of the
19 Armed Forces may perform services and furnish supplies
20 in support of a water resources development project or
21 program of the Corps of Engineers without reimburse-
22 ment.

23 (b) EXCEPTION.—This section shall not apply to any
24 member of a reserve component of the Armed Forces who
25 is employed by the Corps of Engineers on a full-time basis.

1 **SEC. 8125. PAYMENT OF PAY AND ALLOWANCES OF CER-**
2 **TAIN OFFICERS FROM APPROPRIATION FOR**
3 **IMPROVEMENTS.**

4 Section 36 of the Act of August 10, 1956 (33 U.S.C.
5 583a), is amended—

6 (1) by striking “Regular officers of the Corps
7 of Engineers of the Army, and reserve officers of the
8 Army who are assigned to the Corps of Engineers,”
9 and inserting the following:

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

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

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

15 “(1) Regular officers of the Corps of Engineers
16 of the Army.

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

19 “(A) Reserve component officers.

20 “(B) Warrant officers (whether regular or
21 reserve component).

22 “(C) Enlisted members (whether regular or
23 reserve component).”.

24 **SEC. 8126. MAINTENANCE DREDGING PERMITS.**

25 (a) IN GENERAL.—The Secretary shall, to the max-
26 imum extent practicable, prioritize the reissuance of any

1 regional general permit for maintenance dredging under
2 section 404 of the Federal Water Pollution Control Act
3 (33 U.S.C. 1344) that expired prior to May 1, 2021.

4 (b) SAVINGS PROVISION.—Nothing in this section af-
5 fects any obligation to comply with the provisions of any
6 Federal or State environmental law, including—

7 (1) the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.);

9 (2) the Federal Water Pollution Control Act
10 (33 U.S.C. 1251 et seq.); and

11 (3) the Endangered Species Act of 1973 (16
12 U.S.C. 1531 et seq.).

13 **SEC. 8127. ENVIRONMENTAL DREDGING.**

14 (a) IN GENERAL.—In carrying out the following
15 projects, the Secretary shall, to the maximum extent prac-
16 ticable, coordinate efforts with the applicable non-Federal
17 interest, the Administrator of the Environmental Protec-
18 tion Agency, and the heads of other Federal, State, and
19 regional agencies responsible for the remediation of con-
20 taminated sediments:

21 (1) The project for ecosystem restoration,
22 South Fork of the South Branch of the Chicago
23 River, Bubbly Creek, Illinois, authorized by section
24 401(5) of the Water Resources Development Act of
25 2020 (134 Stat. 2740).

1 (2) The project for navigation, Columbia and
2 Lower Willamette Rivers, Oregon and Washington,
3 authorized by section 101 of the River and Harbor
4 Act of 1962 (76 Stat. 1177), in the vicinity of the
5 Albina Turning Basin, River Mile 10, and the Post
6 Office Bar, Portland Harbor, River Mile 2.

7 (3) The project for aquatic ecosystem restora-
8 tion, Mahoning River, Ohio, being carried out under
9 section 206 of the Water Resources Development
10 Act of 1996 (33 U.S.C. 2330).

11 (4) The project for navigation, South Branch of
12 the Chicago River, Cook County, Illinois, in the vi-
13 cinity of Collateral Channel.

14 (5) The projects carried out under the Com-
15 prehensive Everglades Restoration Plan, as author-
16 ized by or pursuant to section 601 of the Water Re-
17 sources Development Act of 2000 (114 Stat. 2680;
18 132 Stat. 3786), in the vicinity of Lake Okeechobee.

19 (b) REPORT TO CONGRESS.—Not later than 180 days
20 after the date of enactment of this section, the Secretary
21 and the Administrator of the Environmental Protection
22 Agency shall jointly submit to the Committee on Trans-
23 portation and Infrastructure of the House of Representa-
24 tives and the Committee on Environment and Public
25 Works of the Senate a report on efforts to remove or reme-

1 diate contaminated sediments associated with the projects
2 identified in subsection (a), including, if applicable, any
3 specific recommendations for actions or agreements nec-
4 essary to undertake such work.

5 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
6 Nothing in this section shall be construed to affect the
7 rights and responsibilities of any person under the Com-
8 prehensive Environmental Response, Compensation, and
9 Liability Act of 1980 (42 U.S.C. 9601 et seq.).

10 **SEC. 8128. ASSESSMENT OF REGIONAL CONFINED AQUATIC**
11 **DISPOSAL FACILITIES.**

12 (a) AUTHORITY.—The Secretary is authorized to con-
13 duct assessments of the availability of confined aquatic
14 disposal facilities for the disposal of contaminated dredged
15 material.

16 (b) INFORMATION AND COMMENT.—In conducting an
17 assessment under this section, the Secretary shall—

18 (1) solicit information from stakeholders on po-
19 tential projects that may require disposal of con-
20 taminated sediments in a confined aquatic disposal
21 facility;

22 (2) solicit information from the applicable divi-
23 sion of the Corps of Engineers on the need for con-
24 fined aquatic disposal facilities; and

25 (3) provide an opportunity for public comment.

1 (c) NEW ENGLAND DISTRICT REGION ASSESS-
2 MENT.—In carrying out subsection (a), the Secretary shall
3 prioritize conducting an assessment of the availability of
4 confined aquatic disposal facilities in the New England
5 District region for the disposal of contaminated dredged
6 material in such region.

7 (d) REPORT TO CONGRESS.—Not later than 1 year
8 after the date of enactment of this Act, the Secretary shall
9 submit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Environment and Public Works of the Senate
12 a report on the results of any assessments conducted
13 under this section, including any recommendations of the
14 Secretary for the construction of new confined aquatic dis-
15 posal facilities or expanded capacity for confined aquatic
16 disposal facilities.

17 (e) DEFINITION.—In this section, the term “New
18 England District region” means the area located within
19 the boundaries of the New England District in the North
20 Atlantic Division of the Corps of Engineers.

21 **SEC. 8129. STUDIES FOR PERIODIC NOURISHMENT.**

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

25 (1) in subsection (b)—

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

3 (B) in paragraph (2), by striking “15”;
4 and

5 (2) in subsection (e)—

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

8 (B) by striking “6 years” and inserting
9 “12 years”.

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

11 For purposes of the project for hurricane-flood protection
12 and beach erosion control at Indian River Inlet, Delaware,
13 commonly known as the “Indian River Inlet Sand Bypass
14 Plant”, authorized by section 869 of the Water Resources
15 Development Act of 1986 (100 Stat. 4182), a study car-
16 ried out under section 156(b) of the Water Resources De-
17 velopment Act of 1976 (42 U.S.C. 1962d–5f(b)) shall con-
18 sider as an alternative for periodic nourishment continued
19 reimbursement of the Federal share of the cost to the non-
20 Federal interest for the project to operate and maintain
21 the sand bypass plant.

22 **SEC. 8130. BENEFICIAL USE OF DREDGED MATERIAL; MAN-**
23 **AGEMENT PLANS.**

24 (a) STRATEGIC PLAN ON BENEFICIAL USE OF
25 DREDGED MATERIAL.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this section, the Secretary
3 shall submit to the Committee on Transportation
4 and Infrastructure of the House of Representatives
5 and the Committee on Environment and Public
6 Works of the Senate a strategic plan that identifies
7 opportunities and challenges relating to furthering
8 the policy of the United States to maximize the ben-
9 eficial use of suitable dredged material obtained
10 from the construction or operation and maintenance
11 of water resources development projects, as de-
12 scribed in section 125(a)(1) of the Water Resources
13 Development Act of 2020 (33 U.S.C. 2326g).

14 (2) CONSULTATION.—In developing the stra-
15 tegic plan under paragraph (1), the Secretary
16 shall—

17 (A) consult with relevant Federal agencies
18 involved in the beneficial use of dredged mate-
19 rial;

20 (B) solicit and consider input from State
21 and local governments and Indian Tribes, while
22 seeking to ensure a geographic diversity of
23 input from the various Corps of Engineers divi-
24 sions; and

1 (C) consider input received from other
2 stakeholders involved in beneficial use of
3 dredged material.

4 (3) INCLUSION.—The Secretary shall include in
5 the strategic plan developed under paragraph (1)—

6 (A) identification of any specific barriers
7 and conflicts that the Secretary determines im-
8 pede the maximization of beneficial use of
9 dredged material at the Federal, State, and
10 local level, and any recommendations of the
11 Secretary to address such barriers and conflicts;

12 (B) identification of specific measures to
13 improve interagency and Federal, State, local,
14 and Tribal communications and coordination to
15 improve implementation of section 125(a) of the
16 Water Resources Development Act of 2020 (33
17 U.S.C. 2326g); and

18 (C) identification of methods to prioritize
19 the use of dredged material to benefit water re-
20 sources development projects in areas experi-
21 encing vulnerabilities to coastal land loss.

22 (b) DREDGED MATERIAL MANAGEMENT PLANS FOR
23 HARBORS IN THE STATE OF OHIO.—

24 (1) IN GENERAL.—

1 (A) FORMULATION OF PLAN.—In devel-
2 oping each dredged material management plan
3 for a federally authorized harbor in the State of
4 Ohio, including any such plan under develop-
5 ment on the date of enactment of this Act, each
6 District Commander shall include, as a con-
7 straint on the formulation of the base plan and
8 any alternatives, a prohibition consistent with
9 section 105 of the Energy and Water Develop-
10 ment and Related Agencies Appropriations Act,
11 2022 (Public Law 117–103; 136 Stat. 217) on
12 the use of funds for open-lake disposal of
13 dredged material.

14 (B) MAXIMIZATION OF BENEFICIAL USE.—
15 Each dredged material management plan for a
16 federally authorized harbor in the State of
17 Ohio, including any such dredged material man-
18 agement plan under development on the date of
19 enactment of this Act, shall maximize the bene-
20 ficial use of dredged material under the base
21 plan and under section 204(d) of the Water Re-
22 sources Development Act of 1992 (33 U.S.C.
23 2326(d)).

24 (2) SAVINGS PROVISION.—Nothing in this sub-
25 section prohibits the use of funds for open-lake dis-

1 posal of dredged material if such use is not other-
2 wise prohibited by law.

3 **SEC. 8131. CRITERIA FOR FUNDING OPERATION AND MAIN-**
4 **TENANCE OF SMALL, REMOTE, AND SUBSIST-**
5 **ENCE HARBORS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Secretary shall develop
8 specific criteria for the annual evaluation and ranking of
9 maintenance dredging requirements for small harbors and
10 remote and subsistence harbors, taking into account the
11 following:

12 (1) The contribution of a harbor to the local
13 and regional economy.

14 (2) The extent to which a harbor has deterio-
15 rated since the last cycle of maintenance dredging.

16 (3) Public safety concerns.

17 (b) INCLUSION IN GUIDANCE.—The Secretary shall
18 include the criteria developed under subsection (a) in the
19 annual Civil Works Direct Program Development Policy
20 Guidance of the Secretary.

21 (c) REPORT TO CONGRESS.—The Secretary shall in-
22 clude in each biennial report submitted under section
23 210(e)(3) of the Water Resources Development Act of
24 1986 (33 U.S.C. 2238(e)(3)) a ranking of projects in ac-

1 cordance with the criteria developed under subsection (a)
2 of this section.

3 (d) DEFINITIONS.—In this section:

4 (1) REMOTE AND SUBSISTENCE HARBOR.—The
5 term “remote and subsistence harbor” means a har-
6 bor with respect to which section 2006 of the Water
7 Resources Development Act of 2007 (33 U.S.C.
8 2242) applies, as determined by the Secretary.

9 (2) SMALL HARBOR.—The term “small harbor”
10 includes an emerging harbor, as such term is defined
11 in section 210 of the Water Resources Development
12 Act of 1986 (33 U.S.C. 2238).

13 **SEC. 8132. ADDITIONAL PROJECTS FOR UNDERSERVED**
14 **COMMUNITY HARBORS.**

15 (a) IN GENERAL.—Subject to the availability of ap-
16 propriations designated by statute as being for the pur-
17 pose of carrying out this section, the Secretary may carry
18 out projects for underserved community harbors for pur-
19 poses of sustaining water-dependent commercial and rec-
20 reational activities at such harbors.

21 (b) BENEFICIAL USE.—

22 (1) JUSTIFICATION.—The Secretary may carry
23 out a project under this section involving a disposal
24 option for the beneficial use of dredged material that
25 is not the least cost disposal option if the Secretary

1 determines that the incremental cost of the disposal
2 option is reasonable pursuant to the standard de-
3 scribed in section 204(d)(1) of the Water Resources
4 Development Act of 1992 (33 U.S.C. 2326(d)(1)).

5 (2) COST SHARE.—The non-Federal share of
6 the incremental cost of a project carried out under
7 this section involving a disposal option for the bene-
8 ficial use of dredged material that is not the least
9 cost disposal option shall be determined as provided
10 under subsections (a) through (d) of section 103 of
11 the Water Resources Development Act of 1986 (33
12 U.S.C. 2213).

13 (c) PRIORITIZATION.—The Secretary shall prioritize
14 carrying out projects using funds made available under
15 this section based on an assessment of—

16 (1) the local or regional economic benefits of
17 the project;

18 (2) the environmental benefits of the project,
19 including the benefits to the aquatic environment to
20 be derived from the creation of wetland and control
21 of shoreline erosion; and

22 (3) other social effects of the project, including
23 protection against loss of life and contributions to
24 local or regional cultural heritage.

1 (d) CLARIFICATION.—The Secretary shall not require
2 the non-Federal interest for a project carried out under
3 this section to perform additional operation and mainte-
4 nance activities at the beneficial use placement site or the
5 disposal site for such project as a condition of receiving
6 assistance under this section.

7 (e) FEDERAL PARTICIPATION LIMIT.—The Federal
8 share of the cost of a project under this section shall not
9 exceed \$10,000,000.

10 (f) STATUTORY CONSTRUCTION.—Projects carried
11 out under this section shall be in addition to operation
12 and maintenance activities otherwise carried out by the
13 Secretary for underserved community harbors using funds
14 appropriated pursuant to section 210 of the Water Re-
15 sources Development Act of 1986 (33 U.S.C. 2238) or sec-
16 tion 102(a) of the Water Resources Development Act of
17 2020 (33 U.S.C. 2238 note).

18 (g) DEFINITIONS.—In this section:

19 (1) PROJECT.—The term “project” means a
20 single cycle of maintenance dredging of an under-
21 served community harbor and any associated place-
22 ment of dredged material at a beneficial use place-
23 ment site or disposal site.

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

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

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

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

11 (h) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to carry out this section \$50,000,000
14 from the General Fund of the Treasury for each of
15 fiscal years 2023 through 2026, to be deposited into
16 the “CORPS OF ENGINEERS—CIVIL—OPERATION
17 AND MAINTENANCE” account.

18 (2) SPECIAL RULE.—Not less than 35 percent
19 of the amounts made available to carry out this sec-
20 tion for each fiscal year shall be used for projects in-
21 volving the beneficial use of dredged material.

22 **SEC. 8133. INLAND WATERWAYS REGIONAL DREDGE PILOT**
23 **PROGRAM.**

24 (a) IN GENERAL.—The Secretary is authorized to es-
25 tablish a pilot program (referred to in this section as the

1 “pilot program”) to conduct a multiyear demonstration
2 program to award contracts with a duration of up to 5
3 years for dredging projects on inland waterways of the
4 United States described in section 206 of the Inland Wa-
5 terways Revenue Act of 1978 (33 U.S.C. 1804).

6 (b) PURPOSES.—The purposes of the pilot program
7 shall be to—

8 (1) increase the reliability, availability, and effi-
9 ciency of federally owned and federally operated in-
10 land waterways projects;

11 (2) decrease operational risks across the inland
12 waterways system; and

13 (3) provide cost savings by combining work
14 across multiple projects across different accounts of
15 the Corps of Engineers.

16 (c) DEMONSTRATION.—

17 (1) IN GENERAL.—The Secretary shall, to the
18 maximum extent practicable, award contracts for
19 projects under subsection (a) that combine work for
20 construction and operation and maintenance.

21 (2) PROJECTS.—In awarding contracts under
22 paragraph (1), the Secretary shall consider projects
23 that—

24 (A) improve navigation reliability on inland
25 waterways that are accessible year-round;

1 (B) increase freight capacity on inland wa-
2 terways; and

3 (C) have the potential to enhance the avail-
4 ability of containerized cargo on inland water-
5 ways.

6 (d) SAVINGS CLAUSE.—Nothing in this section af-
7 fects the responsibility of the Secretary with respect to the
8 construction and operation and maintenance of projects
9 on the inland waterways system.

10 (e) REPORT TO CONGRESS.—Not later than 1 year
11 after the date on which the first contract is awarded pur-
12 suant to the pilot program, the Secretary shall submit to
13 the Committee on Environment and Public Works of the
14 Senate and the Committee on Transportation and Infra-
15 structure of the House of Representatives a report that
16 evaluates, with respect to the pilot program and any con-
17 tracts awarded under the pilot program—

18 (1) cost-effectiveness;

19 (2) reliability and performance;

20 (3) cost savings attributable to mobilization and
21 demobilization of dredge equipment; and

22 (4) response times to address navigational im-
23 pediments.

24 (f) SUNSET.—The authority of the Secretary to enter
25 into contracts pursuant to the pilot program shall expire

1 on the date that is 10 years after the date of enactment
2 of this Act.

3 **SEC. 8134. NEPA REPORTING.**

4 (a) DEFINITIONS.—In this section:

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

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

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

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

23 (5) PROJECT STUDY.—The term “project
24 study” means a feasibility study for a project carried
25 out pursuant to section 905 of the Water Resources

1 Development Act of 1986 (33 U.S.C. 2282) for
2 which a categorical exclusion may apply, or an envi-
3 ronmental assessment or an environmental impact
4 statement is required, pursuant to the National En-
5 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
6 seq.).

7 (b) REPORTS.—

8 (1) NEPA DATA.—

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

16 (B) INFORMATION DESCRIBED.—The in-
17 formation referred to in subparagraph (A) is,
18 with respect to the Corps of Engineers—

19 (i) the number of project studies for
20 which a categorical exclusion was used dur-
21 ing the reporting period;

22 (ii) the number of project studies for
23 which the decision to use a categorical ex-
24 clusion, to prepare an environmental as-
25 sessment, or to prepare an environmental

1 impact statement is pending on the date
2 on which the report is submitted;

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

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

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

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

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

23 (viii) the number of project studies
24 pending on the date on which the report is

1 submitted for which an environmental im-
2 pact statement is being drafted.

3 (2) PUBLIC ACCESS TO NEPA REPORTS.—The
4 Secretary shall make each annual report required
5 under paragraph (1) publicly available (including on
6 a publicly available website).

7 **SEC. 8135. FUNDING TO PROCESS PERMITS.**

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

10 (1) by striking “The Secretary” and inserting
11 the following:

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

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

14 “(B) MITIGATION BANK INSTRUMENT
15 PROCESSING.—An activity carried out by the
16 Secretary to expedite evaluation of a permit de-
17 scribed in subparagraph (A) may include the
18 evaluation of an instrument for a mitigation
19 bank if—

20 “(i) the non-Federal public entity,
21 public-utility company, natural gas com-
22 pany, or railroad carrier applying for the
23 permit described in that subparagraph is
24 the sponsor of the mitigation bank; and

1 “(ii) expediting evaluation of the in-
2 strument is necessary to expedite evalua-
3 tion of the permit described in that sub-
4 paragraph.”.

5 **SEC. 8136. LEASE DURATIONS.**

6 The Secretary shall issue guidance on the cir-
7 cumstances under which a lease under section 2667 of title
8 10, United States Code, or section 4 of the Act of Decem-
9 ber 22, 1944 (16 U.S.C. 460d), with a term in excess of
10 25 years is appropriate and in the public interest.

11 **SEC. 8137. REFORESTATION.**

12 The Secretary is encouraged to consider measures to
13 restore swamps and other wetland forests in carrying out
14 studies for water resources development projects for eco-
15 system restoration, flood risk management, and hurricane
16 and storm damage risk reduction.

17 **SEC. 8138. EMERGENCY STREAMBANK AND SHORELINE**
18 **PROTECTION.**

19 Section 14 of the Flood Control Act of 1946 (33
20 U.S.C. 701r) is amended—

21 (1) by inserting “lighthouses (including those
22 lighthouses with historical value),” after “bridge ap-
23 proaches,”; and

24 (2) by striking “\$5,000,000” and inserting
25 “\$10,000,000”.

1 **SEC. 8139. LEASE DEVIATIONS.**

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

5 **SEC. 8140. POLICY AND TECHNICAL STANDARDS.**

6 Every 5 years, the Secretary shall revise, rescind, or
7 certify as current, as applicable, each policy and technical
8 standards publication for the civil works programs of the
9 Corps of Engineers, including each engineer regulation,
10 engineer circular, engineer manual, engineer pamphlet, en-
11 gineer technical letter, planning guidance letter, policy
12 guidance letter, planning bulletin, and engineering and
13 construction bulletin.

14 **SEC. 8141. CORPS RECORDS RELATING TO HARMFUL**
15 **ALGAL BLOOMS IN LAKE OKEECHOBEE,**
16 **FLORIDA.**

17 (a) SERVICE RECORDS.—The Secretary shall indicate
18 in the service record of a member or employee of the Corps
19 of Engineers who performs covered duty that such mem-
20 ber or employee was exposed to microcystin in the line of
21 duty.

22 (b) COVERED DUTY DEFINED.—In this section, the
23 term “covered duty” means duty performed—

24 (1) during a period when the Florida Depart-
25 ment of Environmental Protection has determined
26 that there is a concentration of microcystin of great-

1 er than 8 parts per billion in the waters of Lake
2 Okeechobee resulting from a harmful algal bloom in
3 such lake; and

4 (2) at or near any of the following structures:

5 (A) S-77.

6 (B) S-78.

7 (C) S-79.

8 (D) S-80.

9 (E) S-308.

10 **SEC. 8142. FORECASTING MODELS FOR THE GREAT LAKES.**

11 (a) **AUTHORIZATION.**—There is authorized to be ap-
12 propriated to the Secretary \$10,000,000 to complete and
13 maintain a model suite to forecast water levels, account
14 for water level variability, and account for the impacts of
15 extreme weather events and other natural disasters in the
16 Great Lakes.

17 (b) **SAVINGS PROVISION.**—Nothing in this section
18 precludes the Secretary from using funds made available
19 pursuant to the Great Lakes Restoration Initiative estab-
20 lished by section 118(c)(7) of the Federal Water Pollution
21 Control Act (33 U.S.C. 1268(c)(7)) for activities described
22 in subsection (a) for the Great Lakes, in addition to car-
23 rying out activities under this section.

1 **SEC. 8143. MONITORING AND ASSESSMENT PROGRAM FOR**
2 **SALINE LAKES IN THE GREAT BASIN.**

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

10 (b) **COORDINATION.**—The Secretary shall coordinate
11 implementation of the program with relevant—

- 12 (1) Federal and State agencies;
- 13 (2) Indian Tribes;
- 14 (3) local governments; and
- 15 (4) nonprofit organizations.

16 (c) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—
17 The Secretary is authorized to use contracts, cooperative
18 agreements, or any other authorized means to work with
19 institutions of higher education and with entities described
20 in subsection (b) to implement the program.

21 (d) **UPDATE.**—Not later than 1 year after the date
22 of enactment of this Act, the Secretary shall submit to
23 Congress an update on the progress of the Secretary in
24 carrying out the program.

25 (e) **ADDITIONAL INFORMATION.**—In carrying out the
26 program, the Secretary may use available studies, infor-

1 mation, literature, or data on the Great Basin region pub-
2 lished by relevant Federal, State, Tribal, or local govern-
3 mental entities.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$10,000,000.

7 **SEC. 8144. CHATTAHOOCHEE RIVER PROGRAM.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—The Secretary shall establish
10 a program to provide environmental assistance to
11 non-Federal interests in the Chattahoochee River
12 Basin.

13 (2) FORM.—

14 (A) IN GENERAL.—The assistance provided
15 under paragraph (1) shall be in the form of de-
16 sign and construction assistance for water-re-
17 lated resource protection and restoration
18 projects affecting the Chattahoochee River
19 Basin, based on the comprehensive plan devel-
20 oped under subsection (b).

21 (B) ASSISTANCE.—Projects for which as-
22 sistance is provided under subparagraph (A)
23 may include—

24 (i) projects for—

25 (I) sediment and erosion control;

- 1 (II) protection of eroding shore-
2 lines;
- 3 (III) ecosystem restoration, in-
4 cluding restoration of submerged
5 aquatic vegetation;
- 6 (IV) protection of essential public
7 works;
- 8 (V) wastewater treatment, and
9 related facilities; and
- 10 (VI) beneficial uses of dredged
11 material; and
- 12 (ii) other related projects that may
13 enhance the living resources of the Chat-
14 tahoochee River Basin.

15 (b) COMPREHENSIVE PLAN.—

16 (1) IN GENERAL.—Not later than 2 years after
17 the date of enactment of this Act, the Secretary, in
18 cooperation with State and local governmental offi-
19 cials and affected stakeholders, shall develop a com-
20 prehensive Chattahoochee River Basin restoration
21 plan to guide the implementation of projects under
22 this section.

23 (2) COORDINATION.—The comprehensive plan
24 developed under paragraph (1) shall, to the max-
25 imum extent practicable, consider and avoid dupli-

1 tion of any ongoing or planned actions of other Fed-
2 eral, State, and local agencies and nongovernmental
3 organizations.

4 (3) PRIORITIZATION.—The comprehensive plan
5 developed under paragraph (1) shall give priority to
6 projects described in subsection (a)(2) that will im-
7 prove water quality or quantity or use a combination
8 of structural and nonstructural measures, including
9 alternatives that use natural features or nature-
10 based features (as such terms are defined in section
11 1184 of the Water Resources Development Act of
12 2016 (32 U.S.C. 2289a)).

13 (c) AGREEMENT.—

14 (1) IN GENERAL.—Before providing assistance
15 for a project under this section, the Secretary shall
16 enter into an agreement with a non-Federal interest
17 for the design and construction of the project.

18 (2) REQUIREMENTS.—Each agreement entered
19 into under this subsection shall provide for—

20 (A) the development by the Secretary, in
21 consultation with appropriate Federal, State,
22 and local officials, of a resource protection and
23 restoration plan, including appropriate engi-
24 neering plans and specifications and an esti-
25 mate of expected resource benefits; and

1 (B) the establishment of such legal and in-
2 stitutional structures as are necessary to ensure
3 the effective long-term operation and mainte-
4 nance of the project by the non-Federal inter-
5 est.

6 (d) COST SHARING.—

7 (1) FEDERAL SHARE.—The Federal share of
8 the cost to design and construct a project under
9 each agreement entered into under this section shall
10 be 75 percent.

11 (2) NON-FEDERAL SHARE.—

12 (A) VALUE OF LAND, EASEMENTS,
13 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-
14 mining the non-Federal contribution toward
15 carrying out an agreement entered into under
16 this section, the Secretary shall provide credit
17 to a non-Federal interest for the value of land,
18 easements, rights-of-way, and relocations pro-
19 vided by the non-Federal interest, except that
20 the amount of credit provided for a project
21 under this paragraph may not exceed 25 per-
22 cent of the total project costs.

23 (B) OPERATION AND MAINTENANCE
24 COSTS.—The non-Federal share of the costs of
25 operation and maintenance of a project carried

1 out under an agreement under this section shall
2 be 100 percent.

3 (e) PROJECTS ON FEDERAL LAND.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), a project carried out pursuant to the
6 comprehensive plan developed under subsection (b)
7 that is located on Federal land shall be carried out
8 at the expense of the Federal agency that owns the
9 land on which the project will be carried out.

10 (2) NON-FEDERAL CONTRIBUTION.—A Federal
11 agency carrying out a project described in paragraph
12 (1) may accept contributions of funds from non-Fed-
13 eral interests to carry out that project.

14 (f) COOPERATION.—In carrying out this section, the
15 Secretary shall cooperate with—

16 (1) the heads of appropriate Federal agencies,
17 including—

18 (A) the Administrator of the Environ-
19 mental Protection Agency;

20 (B) the Secretary of Commerce, acting
21 through the Administrator of the National Oce-
22 anic and Atmospheric Administration;

23 (C) the Secretary of the Interior, acting
24 through the Director of the United States Fish
25 and Wildlife Service; and

1 (D) the heads of such other Federal agen-
2 cies as the Secretary determines to be appro-
3 priate; and

4 (2) agencies of any relevant State or political
5 subdivision of a State.

6 (g) PROTECTION OF RESOURCES.—A project estab-
7 lished under this section shall be carried out using such
8 measures as are necessary to protect environmental, his-
9 toric, and cultural resources.

10 (h) PROJECTS REQUIRING SPECIFIC AUTHORIZA-
11 TION.—If the Federal share of the cost to design and con-
12 struct a project under this section exceeds \$15,000,000,
13 the Secretary may only carry out the project if Congress
14 enacts a law authorizing the Secretary to carry out the
15 project.

16 (i) SAVINGS PROVISION.—Nothing in this section—

17 (1) establishes any express or implied reserved
18 water right in the United States for any purpose;

19 (2) affects any water right in existence on the
20 date of enactment of this Act;

21 (3) preempts or affects any State water law or
22 interstate compact governing water; or

23 (4) affects any Federal or State law in exist-
24 ence on the date of enactment of this Act regarding
25 water quality or water quantity.

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

8 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$40,000,000.

11 **SEC. 8145. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.**
12

13 (a) ESTABLISHMENT.—

14 (1) IN GENERAL.—The Secretary shall establish
15 a program to provide environmental assistance to
16 non-Federal interests in the Lower Mississippi River
17 Basin.

18 (2) FORM.—

19 (A) IN GENERAL.—The assistance under
20 paragraph (1) shall be in the form of design
21 and construction assistance for flood or coastal
22 storm risk management or aquatic ecosystem
23 restoration projects in the Lower Mississippi
24 River Basin based on the comprehensive plan
25 developed under subsection (b).

1 (B) ASSISTANCE.—Projects for which as-
2 sistance is provided under subparagraph (A)
3 may include—

4 (i) projects for—

5 (I) sediment and erosion control;

6 (II) protection of eroding river-
7 banks and streambanks and shore-
8 lines;

9 (III) ecosystem restoration;

10 (IV) channel modifications; and

11 (V) beneficial uses of dredged
12 material; and

13 (ii) other related projects that may
14 enhance the living resources of the Lower
15 Mississippi River Basin.

16 (b) COMPREHENSIVE PLAN.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of enactment of this Act, the Secretary, in
19 cooperation with State and local governmental offi-
20 cials and affected stakeholders, shall develop a com-
21 prehensive Lower Mississippi River Basin restora-
22 tion plan to guide the implementation of projects
23 under this section.

24 (2) COORDINATION.—The comprehensive plan
25 developed under paragraph (1) shall, to the max-

1 imum extent practicable, consider and avoid duplica-
2 tion of any ongoing or planned actions of other Fed-
3 eral, State, and local agencies and nongovernmental
4 organizations.

5 (3) PRIORITIZATION.—The comprehensive plan
6 developed under paragraph (1) shall give priority to
7 projects described in subsection (a)(2) that will im-
8 prove water quality, reduce hypoxia in the Lower
9 Mississippi River or the Gulf of Mexico, or use a
10 combination of structural and nonstructural meas-
11 ures, including alternatives that use natural features
12 or nature-based features (as such terms are defined
13 in section 1184 of the Water Resources Development
14 Act of 2016 (32 U.S.C. 2289a)).

15 (c) AGREEMENT.—

16 (1) IN GENERAL.—Before providing assistance
17 for a project under this section, the Secretary shall
18 enter into an agreement with a non-Federal interest
19 for the design and construction of the project.

20 (2) REQUIREMENTS.—Each agreement entered
21 into under this subsection shall provide for—

22 (A) the development by the Secretary, in
23 consultation with appropriate Federal, State,
24 and local officials, of a resource protection and
25 restoration plan, including appropriate engi-

1 neering plans and specifications and an esti-
2 mate of expected resource benefits; and

3 (B) the establishment of such legal and in-
4 stitutional structures as are necessary to ensure
5 the effective long-term operation and mainte-
6 nance of the project by the non-Federal inter-
7 est.

8 (d) COST SHARING.—

9 (1) FEDERAL SHARE.—The Federal share of
10 the cost to design and construct a project under
11 each agreement entered into under this section shall
12 be 75 percent.

13 (2) NON-FEDERAL SHARE.—

14 (A) VALUE OF LAND, EASEMENTS,
15 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-
16 mining the non-Federal contribution toward
17 carrying out an agreement entered into under
18 this section, the Secretary shall provide credit
19 to a non-Federal interest for the value of land,
20 easements, rights-of-way, and relocations pro-
21 vided by the non-Federal interest, except that
22 the amount of credit provided for a project
23 under this paragraph may not exceed 25 per-
24 cent of the total project costs.

1 (B) OPERATION AND MAINTENANCE
2 COSTS.—The non-Federal share of the costs of
3 operation and maintenance of a project carried
4 out under an agreement under this section shall
5 be 100 percent.

6 (e) PROJECTS ON FEDERAL LAND.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), a project carried out pursuant to the
9 comprehensive plan developed under subsection (b)
10 that is located on Federal land shall be carried out
11 at the expense of the Federal agency that owns the
12 land on which the project will be carried out.

13 (2) NON-FEDERAL CONTRIBUTION.—A Federal
14 agency carrying out a project described in paragraph
15 (1) may accept contributions of funds from non-Fed-
16 eral interests to carry out that project.

17 (f) COOPERATION.—In carrying out this section, the
18 Secretary shall cooperate with—

19 (1) the heads of appropriate Federal agencies,
20 including—

21 (A) the Secretary of Agriculture;

22 (B) the Secretary of the Interior, acting
23 through the Director of the United States Fish
24 and Wildlife Service; and

1 (C) the heads of such other Federal agen-
2 cies as the Secretary determines to be appro-
3 priate; and

4 (2) agencies of any relevant State or political
5 subdivision of a State.

6 (g) PROTECTION OF RESOURCES.—A project estab-
7 lished under this section shall be carried out using such
8 measures as are necessary to protect environmental, his-
9 toric, and cultural resources.

10 (h) PROJECTS REQUIRING SPECIFIC AUTHORIZA-
11 TION.—If the Federal share of the cost to design and con-
12 struct a project under this section exceeds \$15,000,000,
13 the Secretary may only carry out the project if Congress
14 enacts a law authorizing the Secretary to carry out the
15 project.

16 (i) REPORT.—Not later than 3 years after the date
17 of enactment of this Act, the Secretary shall submit to
18 the Committee on Environment and Public Works of the
19 Senate and the Committee on Transportation and Infra-
20 structure of the House of Representatives a report that
21 describes the results of the program established under this
22 section.

23 (j) DEFINITION.—In this section, the term “Lower
24 Mississippi River Basin” means the portion of the Mis-
25 sissippi River that begins at the confluence of the Ohio

1 River and flows to the Gulf of Mexico, and its tributaries
2 and distributaries.

3 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$40,000,000.

6 **SEC. 8146. WASHINGTON AQUEDUCT.**

7 (a) CAPITAL IMPROVEMENT AUTHORITY.—The Sec-
8 retary may carry out capital improvements for the Wash-
9 ington Aqueduct that the Secretary determines necessary
10 for the safe, effective, and efficient operation of the Aque-
11 duct.

12 (b) BORROWING AUTHORITY.—

13 (1) IN GENERAL.—Subject to paragraphs (2)
14 through (4) and subsection (c), the Secretary is au-
15 thorized to borrow from the Treasury of the United
16 States such amounts as are sufficient to cover any
17 obligations that will be incurred by the Secretary in
18 carrying out capital improvements for the Wash-
19 ington Aqueduct under subsection (a).

20 (2) LIMITATION.—The amount borrowed by the
21 Secretary under paragraph (1) may not exceed
22 \$40,000,000 in any fiscal year.

23 (3) AGREEMENT.—Amounts borrowed under
24 paragraph (1) may only be used to carry out capital

1 improvements with respect to which the Secretary
2 has entered into an agreement with each customer.

3 (4) TERMS OF BORROWING.—

4 (A) IN GENERAL.—Subject to subsection
5 (c), the Secretary of the Treasury shall provide
6 amounts borrowed under paragraph (1) under
7 such terms and conditions as the Secretary of
8 Treasury determines to be necessary and in the
9 public interest.

10 (B) TERM.—The term of any loan made
11 under paragraph (1) shall be for a period of not
12 less than 20 years.

13 (C) PREPAYMENT.—There shall be no pen-
14 alty for the prepayment of any amounts bor-
15 rowed under paragraph (1).

16 (e) CONTRACTS WITH CUSTOMERS.—

17 (1) IN GENERAL.—The Secretary may not bor-
18 row any amounts under subsection (b) until such
19 time as the Secretary has entered into a contract
20 with each customer under which the customer com-
21 mits to pay a pro rata share (based on water pur-
22 chase) of the principal and interest owed to the Sec-
23 retary of the Treasury under subsection (b).

24 (2) PREPAYMENT.—Any customer may pay, in
25 advance, the pro rata share of the principal and in-

1 terest owed by the customer, or any portion thereof,
2 without penalty.

3 (3) RISK OF DEFAULT.—A customer that en-
4 ters into a contract under this subsection shall, as
5 a condition of the contract, commit to pay any addi-
6 tional amount necessary to fully offset the risk of
7 default on the contract.

8 (4) OBLIGATIONS.—Each contract entered into
9 under paragraph (1) shall include such terms and
10 conditions as the Secretary of the Treasury may re-
11 quire so that the total value to the Government of
12 all contracts entered into under paragraph (1) is es-
13 timated to be equal to the obligations of the Sec-
14 retary for carrying out capital improvements for the
15 Washington Aqueduct.

16 (5) OTHER CONDITIONS.—Each contract en-
17 tered into under paragraph (1) shall—

18 (A) include other conditions consistent
19 with this section that the Secretary and the
20 Secretary of the Treasury determine to be ap-
21 propriate; and

22 (B) provide the United States priority in
23 regard to income from fees assessed to operate
24 and maintain the Washington Aqueduct.

1 (d) CUSTOMER DEFINED.—In this section, the term
2 “customer” means—

- 3 (1) the District of Columbia;
- 4 (2) Arlington County, Virginia; and
- 5 (3) Fairfax County, Virginia.

6 **SEC. 8147. WATER INFRASTRUCTURE PUBLIC-PRIVATE**
7 **PARTNERSHIP PILOT PROGRAM.**

8 Section 5014 of the Water Resources Reform and De-
9 velopment Act of 2014 (33 U.S.C. 2201 note) is amend-
10 ed—

- 11 (1) in subsection (a), by striking “aquatic”; and
- 12 (2) in subsection (d)(1), by inserting “eco-
13 system restoration,” after “flood damage reduc-
14 tion,”.

15 **SEC. 8148. ADVANCE PAYMENT IN LIEU OF REIMBURSE-**
16 **MENT FOR CERTAIN FEDERAL COSTS.**

17 (a) IN GENERAL.—The Secretary is authorized to
18 provide in advance to a non-Federal interest the Federal
19 share of funds required for the acquisition of land, ease-
20 ments, and rights-of-way and the performance of reloca-
21 tions for a water resources development project or a sepa-
22 rable element of a water resources development project—

- 23 (1) that is authorized to be constructed at Fed-
24 eral expense;

1 (2) for which the Secretary has determined
2 under section 103(b)(2) of the Water Resources De-
3 velopment Act of 1986 (33 U.S.C. 2213(b)(2)) that
4 additional costs are a Federal responsibility; or

5 (3) that is listed in subsection (b), if at any
6 time the cost to acquire the land, easements, and
7 rights-of-way required for the project is projected to
8 exceed the non-Federal share of the cost of the
9 project.

10 (b) LISTED PROJECTS.—The projects referred to in
11 subsection (a)(3) are the following:

12 (1) Project for hurricane and storm damage
13 risk reduction, Delaware Beneficial Use of Dredged
14 Material for the Delaware River, Delaware, author-
15 ized by section 401(3) of the Water Resources De-
16 velopment Act of 2020 (134 Stat. 2736), as modi-
17 fied by this Act.

18 (2) Project for ecosystem restoration, Mis-
19 sissippi River Gulf Outlet, Louisiana, authorized by
20 section 7013(a)(4) of the Water Resources Develop-
21 ment Act of 2007 (121 Stat. 1281), as modified by
22 this Act.

23 (3) Project for ecosystem restoration, Great
24 Lakes and Mississippi River Interbasin project,
25 Brandon Road, Will County, Illinois, authorized by

1 title IV of the Water Resources Development Act of
2 2020 (134 Stat. 2740), as modified by this Act.

3 (4) Project for navigation, Port of Nome, Alas-
4 ka, authorized by section 401(1) of the Water Re-
5 sources Development Act of 2020 (134 Stat. 2733),
6 as modified by this Act.

7 (5) Project for storm damage reduction and
8 shoreline erosion protection, Lake Michigan, Illinois,
9 from Wilmette, Illinois, to the Illinois-Indiana State
10 line, authorized by section 101(a)(12) of the Water
11 Resources Development Act of 1996 (110 Stat.
12 3664), as modified by this Act.

13 (6) Project for flood control, Milton, West Vir-
14 ginia, authorized by section 580 of the Water Re-
15 sources Development Act of 1996 (110 Stat. 3790;
16 114 Stat. 2612; 121 Stat. 1154), as modified by this
17 Act.

18 (7) Project for coastal storm risk management,
19 South Shore of Staten Island, Fort Wadsworth to
20 Oakwood Beach, New York, as authorized by this
21 Act.

22 **SEC. 8149. USE OF OTHER FEDERAL FUNDS.**

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

1 (1) by striking “water resources study or
2 project” and inserting “water resources development
3 study or project, including a study or project under
4 a continuing authority program (as defined in sec-
5 tion 7001(c)(1)(D) of the Water Resources Reform
6 and Development Act of 2014 (33 U.S.C.
7 2282d(c)(1)(D))) and a study or project under an
8 environmental infrastructure assistance program,”;
9 and

10 (2) by striking “if the Federal agency that pro-
11 vides the funds determines that the funds are au-
12 thorized to be used to carry out the study or
13 project.” and inserting the following: “if—

14 “(1) the statutory authority for the funds pro-
15 vided by the Federal agency does not expressly pro-
16 hibit use of the funds for a study or project of the
17 Corps of Engineers; and

18 “(2) the Federal agency that provides the funds
19 determines that the study or project activities for
20 which the funds will be used are otherwise eligible
21 for funding under such statutory authority.”.

22 **SEC. 8150. NON-FEDERAL INTEREST ADVISORY COM-**
23 **MITTEE.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date of enactment of this Act, the Secretary shall establish

1 a committee, to be known as the “Non-Federal Interest
2 Advisory Committee” and referred to in this section as
3 the “Committee”, to develop and make recommendations
4 to the Secretary and the Chief of Engineers on activities
5 and actions that should be undertaken by the Corps of
6 Engineers to ensure more effective and efficient delivery
7 of water resources development projects, programs, and
8 other assistance.

9 (b) MEMBERSHIP.—

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

13 (A) be appointed by the Secretary; and

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

17 (2) REPRESENTATIVES.—The members of the
18 Committee shall include the following:

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

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

23 (ii) A non-Federal interest for a
24 project for navigation for a harbor.

1 (iii) A non-Federal interest for a
2 project for flood risk management.

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

5 (v) A non-Federal interest for a
6 project for aquatic ecosystem restoration.

7 (B) 1 representative of each of the fol-
8 lowing:

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

11 (ii) A non-Federal stakeholder with
12 respect to water supply.

13 (iii) A non-Federal stakeholder with
14 respect to recreation.

15 (iv) A non-Federal stakeholder with
16 respect to hydropower.

17 (v) A non-Federal stakeholder with re-
18 spect to emergency preparedness, including
19 coastal protection.

20 (C) 1 representative of each of the fol-
21 lowing:

22 (i) An organization with expertise in
23 conservation.

24 (ii) An organization with expertise in
25 environmental policy.

1 (iii) An organization with expertise in
2 rural water resources.

3 (e) DUTIES.—

4 (1) RECOMMENDATIONS.—The Committee shall
5 provide advice and make recommendations to the
6 Secretary and the Chief of Engineers to assist the
7 Corps of Engineers in—

8 (A) efficiently and effectively delivering
9 water resources development projects;

10 (B) improving the capability and capacity
11 of the workforce of the Corps of Engineers to
12 deliver such projects and other assistance;

13 (C) improving the capacity and effective-
14 ness of Corps of Engineers consultation and li-
15 aison roles in communicating water resources
16 needs and solutions, including regionally spe-
17 cific recommendations; and

18 (D) strengthening partnerships with non-
19 Federal interests to advance water resources so-
20 lutions.

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

24 (3) REPORT.—Recommendations made under
25 paragraph (1) shall be—

1 (A) included in a report submitted to the
2 Committee on Environment and Public Works
3 of the Senate and the Committee on Transpor-
4 tation and Infrastructure of the House of Rep-
5 resentatives; and

6 (B) made publicly available, including on a
7 publicly available website.

8 (d) INDEPENDENT JUDGMENT.—Any recommenda-
9 tion made by the Committee to the Secretary and the
10 Chief of Engineers under subsection (c)(1) shall reflect the
11 independent judgment of the Committee.

12 (e) ADMINISTRATION.—

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

16 (2) TRAVEL EXPENSES.—The members of the
17 Committee shall receive travel expenses, including
18 per diem in lieu of subsistence, in accordance with
19 applicable provisions under subchapter I of chapter
20 57 of title 5, United States Code.

21 (3) TREATMENT.—The members of the Com-
22 mittee shall not be considered to be Federal employ-
23 ees, and the meetings and reports of the Committee
24 shall not be considered a major Federal action under

1 the National Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq.).

3 **SEC. 8151. MATERIALS, SERVICES, AND FUNDS FOR REPAIR,**
4 **RESTORATION, OR REHABILITATION OF CER-**
5 **TAIN PUBLIC RECREATION FACILITIES.**

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

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

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

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

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

19 (2) comply with all applicable laws and regula-
20 tions that would apply if the materials and services
21 were acquired by the Secretary, including subchapter
22 IV of chapter 31 and chapter 37 of title 40, United
23 States Code, and section 8302 of title 41, United
24 States Code.

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

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

11 (2) requires that the non-Federal interest cer-
12 tify that the materials or services comply with the
13 applicable laws and regulations described in sub-
14 section (b)(2); and

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

17 (d) SUNSET.—The authority to enter into an agree-
18 ment under this section shall expire on the date that is
19 10 years after the date of enactment of this Act.

20 (e) DEFINITION OF ELIGIBLE PUBLIC RECREATION
21 FACILITY.—In this section, the term “eligible public recre-
22 ation facility” means a facility that—

23 (1) is located—

24 (A) at a reservoir operated by the Corps of
25 Engineers; and

1 (B) in the Upper Missouri River Basin;
2 (2) was constructed to enable public use of and
3 access to the reservoir; and
4 (3) requires repair, restoration, or rehabilitation
5 to function.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out subsection
8 (a)(2) \$20,000,000, to remain available until expended.

9 **SEC. 8152. REHABILITATION OF PUMP STATIONS.**

10 Section 133 of the Water Resources Development Act
11 of 2020 (33 U.S.C. 2327a) is amended—

12 (1) in subsection (a), by striking paragraph (1)
13 and inserting the following:

14 “(1) ELIGIBLE PUMP STATION.—The term ‘eli-
15 gible pump station’ means a pump station—

16 “(A) that is a feature of—

17 “(i) a federally authorized flood or
18 coastal storm risk management project; or

19 “(ii) an integrated flood risk reduction
20 system that includes a federally authorized
21 flood or coastal storm risk management
22 project; and

23 “(B) the failure of which the Secretary has
24 determined would demonstrably impact the

1 function of the federally authorized flood or
2 coastal storm risk management project.”;

3 (2) by striking subsection (b) and inserting the
4 following:

5 “(b) AUTHORIZATION.—The Secretary may carry out
6 rehabilitation of an eligible pump station, if the Secretary
7 determines that—

8 “(1) the eligible pump station has a major defi-
9 ciency; and

10 “(2) the rehabilitation is feasible.”; and

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

12 “(g) PRIORITIZATION.—To the maximum extent
13 practicable, the Secretary shall prioritize the rehabilitation
14 of eligible pump stations under this section that benefit
15 economically disadvantaged communities, as defined by
16 the Secretary under section 160 of the Water Resources
17 Development Act of 2020 (33 U.S.C. 2201 note), includ-
18 ing economically disadvantaged communities located in
19 urban and rural areas.”.

20 **SEC. 8153. REPORT TO CONGRESS ON CORPS OF ENGI-**
21 **NEERS RESERVOIRS.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary shall complete
24 the updated report required under section 1046(a)(2)(B)

1 of the Water Resources Reform and Development Act of
2 2014 (128 Stat. 1252).

3 (b) REPORT TO CONGRESS; PUBLIC AVAILABILITY.—

4 Upon completion of the report as required by subsection
5 (a), the Secretary shall—

6 (1) submit the report to Congress; and

7 (2) make the full report publicly available, in-
8 cluding on a publicly available website.

9 **SEC. 8154. TEMPORARY RELOCATION ASSISTANCE PILOT**
10 **PROGRAM.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of enactment of this Act, the Secretary shall establish
13 a pilot program to evaluate the extent to which the provi-
14 sion of temporary relocation assistance enhances the com-
15 pleteness, effectiveness, efficiency, acceptability, and equi-
16 table implementation of covered water resources develop-
17 ment projects.

18 (b) ASSISTANCE AUTHORIZED.—Subject to sub-
19 section (c)—

20 (1) the non-Federal interest for a covered water
21 resources development project included in the pilot
22 program established under this section may provide
23 temporary relocation assistance to a temporarily dis-
24 placed person; and

1 (2) the Secretary shall, pursuant to a project
2 partnership agreement—

3 (A) include the temporary relocation as-
4 sistance provided by the non-Federal interest
5 for a covered water resources development
6 project under paragraph (1) in the value of the
7 land, easements, and rights-of-way required for
8 the project; and

9 (B) credit the amount of the temporary re-
10 location assistance provided by the non-Federal
11 interest for the covered water resources develop-
12 ment project under paragraph (1) toward the
13 non-Federal share of the cost of the project.

14 (c) REQUIREMENTS.—

15 (1) REQUEST OF NON-FEDERAL INTEREST.—At
16 the request of the non-Federal interest for a covered
17 water resources development project, the Secretary
18 may include the project in the pilot program estab-
19 lished under this section.

20 (2) DUPLICATION OF BENEFITS.—The Sec-
21 retary and the non-Federal interest for a covered
22 water resources development project included in the
23 pilot program established under this section shall en-
24 sure that no temporarily displaced person receives
25 temporary relocation assistance under this section

1 for expenses for which the temporarily displaced per-
2 son has received financial assistance from any insur-
3 ance, other program, or any other governmental
4 source.

5 (3) EQUAL TREATMENT.—The non-Federal in-
6 terest for a covered water resources development
7 project included in the pilot program established
8 under this section shall provide temporary relocation
9 assistance to each temporarily displaced person on
10 equal terms.

11 (4) MAXIMUM AMOUNT OF CREDIT.—The Sec-
12 retary shall not include in the value of the land,
13 easements, and rights-of-way required for a covered
14 water resources development project, or credit to-
15 ward the non-Federal share of the cost of the
16 project, any amount paid to individuals of a single
17 household by the non-Federal interest for the project
18 under subsection (b) that exceeds \$20,000.

19 (d) REPORT TO CONGRESS.—Not later than 1 year
20 after the date of enactment of this Act, and biennially
21 thereafter, the Secretary shall submit to the Committee
22 on Environment and Public Works of the Senate and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report that includes findings
25 and recommendations of the Secretary with respect to the

1 provision of temporary relocation assistance for covered
2 water resources development projects included in the pilot
3 program established under this section.

4 (e) SUNSET.—The authority to enter into or amend
5 a project partnership agreement for a covered water re-
6 sources development project under the pilot program es-
7 tablished under this section shall expire on the date that
8 is 10 years after the date of enactment of this Act.

9 (f) SAVINGS PROVISION.—Nothing in this section af-
10 fects the eligibility for, or entitlement to, relocation assist-
11 ance under the Uniform Relocation Assistance and Real
12 Property Acquisition Policies Act of 1970 (42 U.S.C. 4601
13 et seq.) for any individual.

14 (g) DEFINITIONS.—In this section:

15 (1) COVERED WATER RESOURCES DEVELOP-
16 MENT PROJECT.—The term “covered water re-
17 sources development project” means the following
18 projects:

19 (A) Project for hurricane and storm dam-
20 age risk reduction, Charleston Peninsula,
21 Coastal Storm Risk Management, South Caro-
22 lina, authorized by this Act.

23 (B) Project for hurricane and storm dam-
24 age risk reduction, Fire Island Inlet to
25 Montauk Point, New York, authorized by sec-

1 tion 401(3) of the Water Resources Develop-
2 ment Act of 2020 (134 Stat. 2738).

3 (C) Project for hurricane and storm dam-
4 age risk reduction, Rahway River Basin, New
5 Jersey, authorized by section 401(3) of the
6 Water Resources Development Act of 2020
7 (134 Stat. 2737).

8 (D) Project for flood risk management,
9 Peckman River Basin, New Jersey, authorized
10 by section 401(2) of the Water Resources De-
11 velopment Act of 2020 (134 Stat. 2735).

12 (E) Project for hurricane and storm dam-
13 age reduction, New Jersey Back Bays, Cape
14 May, Ocean, Atlantic, Monmouth, and Bur-
15 lington Counties, authorized by resolutions of
16 the Committee on Public Works and Transpor-
17 tation of the House of Representatives and the
18 Committee on Environment and Public Works
19 of the Senate, approved in December 1987,
20 under study on the date of enactment of this
21 Act.

22 (2) DWELLING.—The term “dwelling” means—

23 (A) a single-family house;

24 (B) a single-family unit in a two-family,
25 multifamily, or multipurpose property;

1 (C) a unit of a condominium or cooperative
2 housing project;

3 (D) a mobile home; or

4 (E) any other residential unit.

5 (3) HOUSEHOLD.—The term “household”
6 means 1 or more individuals occupying a single
7 dwelling.

8 (4) TEMPORARILY DISPLACED PERSON.—The
9 term “temporarily displaced person” means an indi-
10 vidual who is—

11 (A) required to temporarily move from a
12 dwelling that is the primary residence of the in-
13 dividual as a direct result of the elevation or
14 modification of the dwelling by the Secretary or
15 a non-Federal interest as part of a covered
16 water resources development project; and

17 (B) not otherwise entitled to temporary re-
18 location assistance under the Uniform Reloca-
19 tion Assistance and Real Property Acquisition
20 Policies Act of 1970 (42 U.S.C. 4601 et seq.).

21 (5) TEMPORARY RELOCATION ASSISTANCE.—
22 The term “temporary relocation assistance” means
23 assistance that covers all or any portion of the docu-
24 mented reasonable living expenses, excluding food
25 and personal transportation, incurred by a tempo-

1 rarely displaced person during a period of displace-
2 ment.

3 **SEC. 8155. CONTINUATION OF CONSTRUCTION.**

4 (a) CONTINUATION OF CONSTRUCTION.—

5 (1) IN GENERAL.—Upon the transmittal of an
6 initial notification pursuant to subsection (b)(1) with
7 respect to a water resources development project, the
8 Secretary shall not, solely on the basis of the max-
9 imum cost requirements under section 902 of the
10 Water Resources Development Act of 1986 (33
11 U.S.C. 2280)—

12 (A) defer the initiation or continuation of
13 construction of the water resources development
14 project during the covered period; or

15 (B) terminate during or after the covered
16 period, a contract for design or construction of
17 the water resources development project that
18 was entered into prior to or during the covered
19 period.

20 (2) RESUMPTION OF CONSTRUCTION.—The
21 Secretary shall, upon the transmittal of an initial
22 notification pursuant to subsection (b)(1) with re-
23 spect to a water resources development project for
24 which construction was deferred, during the period
25 beginning on October 1, 2021, and ending on the

1 date of enactment of this Act, because the cost of
2 such project exceeded the maximum cost permitted
3 under section 902 of the Water Resources Develop-
4 ment Act of 1986 (33 U.S.C. 2280), resume con-
5 struction of the project.

6 (b) NOTIFICATION.—

7 (1) INITIAL NOTIFICATION.—Not later than 30
8 days after the Chief of Engineers makes a deter-
9 mination that a water resources development project
10 exceeds, or is expected to exceed, the maximum cost
11 of the project permitted under section 902 of the
12 Water Resources Development Act of 1986 (33
13 U.S.C. 2280), the Chief of Engineers shall transmit
14 a written notification concurrently to the Secretary
15 and to the Committee on Environment and Public
16 Works of the Senate and the Committee on Trans-
17 portation and Infrastructure of the House of Rep-
18 resentatives for each such determination.

19 (2) SUPPLEMENTAL NOTIFICATION.—Not later
20 than 60 days after the Chief of Engineers transmits
21 an initial notification required under paragraph (1),
22 the Chief shall transmit concurrently to the Sec-
23 retary and to the Committee on Environment and
24 Public Works of the Senate and the Committee on
25 Transportation and Infrastructure of the House of

1 Representatives a supplemental notification that in-
2 cludes, based on information available to the Corps
3 of Engineers on the date of the supplemental notifi-
4 cation—

5 (A) an estimate of the expected increase in
6 the cost of the project that is in excess of the
7 authorized maximum cost for the project;

8 (B) a description of the reason for the in-
9 creased cost of the project; and

10 (C) the expected timeline for submission of
11 a post-authorization change report for the
12 project in accordance with section 1132 of the
13 Water Resources Development Act of 2016 (33
14 U.S.C. 2282e).

15 (3) TRANSMITTAL.—The notifications described
16 in paragraphs (1) and (2) may not be delayed as a
17 result of consideration being given to changes in pol-
18 icy or priority with respect to project consideration.

19 (c) DEFERRAL OF CONSTRUCTION.—After expiration
20 of the covered period, the Secretary shall not enter into
21 any new contract, or exercise any option in a contract,
22 for construction of a water resources development project
23 if the project exceeds the maximum cost of the project per-
24 mitted under section 902 of the Water Resources Develop-
25 ment Act of 1986 (33 U.S.C. 2280), until the date on

1 which Congress authorizes an increase in the cost of the
2 project.

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

13 (e) **DEFINITION OF COVERED PERIOD.**—In this sec-
14 tion, the term “covered period” means the period begin-
15 ning on the date of enactment of this Act and ending on
16 December 31, 2024.

17 **SEC. 8156. FEDERAL INTEREST DETERMINATION.**

18 Section 905(b)(1) of the Water Resources Develop-
19 ment Act of 1986 (33 U.S.C. 2282(b)(1)) is amended by
20 amending subparagraph (B) to read as follows:

21 “(B) **OTHER COMMUNITIES.**—In preparing
22 a feasibility report under subsection (a) for a
23 study that will benefit a community other than
24 a community described in subparagraph (A),
25 upon request by the non-Federal interest for

1 the study, the Secretary may, with respect to
2 not more than 20 studies in each fiscal year,
3 first determine the Federal interest in carrying
4 out the study and the projects that may be pro-
5 posed in the study.”.

6 **SEC. 8157. INLAND WATERWAY PROJECTS.**

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

10 (1) in the matter preceding paragraph (1), by
11 striking “One-half of the costs” and inserting “65
12 percent of the costs”; and

13 (2) in the undesignated matter following para-
14 graph (3), in the second sentence, by striking “One-
15 half of such costs” and inserting “35 percent of
16 such costs”.

17 (b) APPLICATION.—The amendments made by sub-
18 section (a) shall apply beginning on October 1, 2022, to
19 any construction of a project for navigation on the inland
20 waterways that is new or ongoing on or after that date.

21 (c) CONFORMING AMENDMENT.—Section 109 of the
22 Water Resources Development Act of 2020 (33 U.S.C.
23 2212 note) is amended by striking “fiscal years 2021
24 through 2031” and inserting “fiscal years 2021 through
25 2022”.

1 **SEC. 8158. CORPS OF ENGINEERS WESTERN WATER COOP-**
2 **ERATIVE COMMITTEE.**

3 (a) **ESTABLISHMENT.**—

4 (1) **IN GENERAL.**—Not later than 90 days after
5 the date of enactment of this Act, the Secretary
6 shall establish a Western Water Cooperative Com-
7 mittee (referred to in this section as the “Coopera-
8 tive Committee”).

9 (2) **PURPOSE.**—The purpose of the Cooperative
10 Committee is to ensure that Corps of Engineers
11 flood control projects in Western States are operated
12 consistent with congressional directives by identi-
13 fying opportunities to avoid or minimize conflicts be-
14 tween the operation of Corps of Engineers projects
15 and water rights and water laws in such States.

16 (3) **MEMBERSHIP.**—The Cooperative Committee
17 shall be composed of—

18 (A) the Assistant Secretary of the Army
19 for Civil Works (or a designee);

20 (B) the Chief of Engineers (or a designee);

21 (C) 1 representative from each of the
22 Western States, who may serve on the Western
23 States Water Council, to be appointed by the
24 Governor of each State;

25 (D) 1 representative with legal experience
26 from each of the Western States, to be ap-

1 pointed by the attorney general of each State;
2 and

3 (E) 1 employee from each of the impacted
4 regional offices of the Bureau of Indian Affairs.

5 (4) MEETINGS.—

6 (A) IN GENERAL.—The Cooperative Com-
7 mittee shall meet not less than once each year
8 in one of the Western States.

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

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

16 (5) DUTIES.—

17 (A) IN GENERAL.—The Cooperative Com-
18 mittee shall develop and make recommendations
19 to avoid or minimize conflicts between the oper-
20 ation of Corps of Engineers projects and the
21 water rights and water laws of Western States.

22 (B) LIMITATION.—In carrying out sub-
23 paragraph (A), the Cooperative Committee
24 shall—

1 (i) make recommendations that only
2 apply to Western States; and

3 (ii) ensure that any recommended
4 changes or modifications to policy or regu-
5 lations for Corps of Engineers projects
6 would not adversely affect water resources
7 within the State of Missouri.

8 (6) STATUS UPDATES.—

9 (A) IN GENERAL.—On an annual basis,
10 the Secretary shall provide to the Committee on
11 Environment and Public Works of the Senate
12 and the Committee on Transportation and In-
13 frastructure of the House of Representatives a
14 written report that includes—

15 (i) a summary of the contents of
16 meetings of the Cooperative Committee;

17 (ii) any legislative proposal from a
18 Western State proposed to the Cooperative
19 Committee; and

20 (iii) a description of any recommenda-
21 tions made by the Cooperative Committee
22 under paragraph (5), including actions
23 taken by the Secretary in response to such
24 recommendations.

25 (B) COMMENT.—

1 (i) IN GENERAL.—Not later than 45
2 days following the conclusion of a meeting
3 of the Cooperative Committee, the Sec-
4 retary shall provide to members of the Co-
5 operative Committee an opportunity to
6 comment on the contents of the meeting
7 and any recommendations made under
8 paragraph (5).

9 (ii) INCLUSION.—Comments provided
10 under clause (i) shall be included in the re-
11 port provided under subparagraph (A).

12 (7) COMPENSATION.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), the members of the Coopera-
15 tive Committee shall serve without compensa-
16 tion.

17 (B) TRAVEL EXPENSES.—The members of
18 the Cooperative Committee shall receive travel
19 expenses, including per diem in lieu of subsist-
20 ence, in accordance with applicable provisions
21 under subchapter I of chapter 57 of title 5,
22 United States Code.

23 (8) MAINTENANCE OF RECORDS.—The Cooper-
24 ative Committee shall maintain records pertaining to

1 operating costs and records of the Cooperative Com-
2 mittee for a period of not less than 3 years.

3 (9) SAVINGS PROVISIONS.—

4 (A) NO ADDITIONAL AUTHORITY.—Noth-
5 ing in this section provides authority to the Co-
6 operative Committee to affect any Federal or
7 State water law or interstate compact governing
8 water.

9 (B) OTHER STATES.—Nothing in this sec-
10 tion may be interpreted, by negative implication
11 or otherwise, as suggesting that States not rep-
12 resented on the Cooperative Committee have
13 lesser interest or authority, in relation to West-
14 ern States, in managing the water within their
15 borders or in vindicating State water rights and
16 water laws.

17 (b) DEFINITION OF WESTERN STATES.—In this sec-
18 tion, the term “Western States” means the States of Alas-
19 ka, Arizona, California, Colorado, Idaho, Kansas, Mon-
20 tana, Nebraska, Nevada, New Mexico, North Dakota,
21 Oklahoma, Oregon, South Dakota, Texas, Utah, Wash-
22 ington, and Wyoming.

23 **SEC. 8159. SUPPORT OF ARMY CIVIL WORKS MISSIONS.**

24 The Secretary is authorized to use contracts, coopera-
25 tive agreements, or any other authorized means, in sup-

1 port of the Corps of Engineers civil works missions, to
2 work with—

3 (1) the University of Delaware to conduct aca-
4 demic research on water resource ecology, water
5 quality, aquatic ecosystem restoration (including
6 shellfish aquaculture), coastal restoration, and water
7 resource-related emergency management, in the
8 State of Delaware, the Delaware River Basin, and
9 the Chesapeake Bay watershed;

10 (2) the University of Missouri to conduct eco-
11 nomic analyses and other academic research to im-
12 prove water management, enhance flood resiliency,
13 and preserve water resources for the State of Mis-
14 souri, the Lower Missouri River Basin, and Upper
15 Mississippi River Basin;

16 (3) Oregon State University to conduct a study
17 and other academic research on the associated im-
18 pacts of wildfire on water resource ecology, water
19 supply, quality, and distribution in the Willamette
20 River Basin and to develop a water resource assess-
21 ment and management platform for the Willamette
22 River Basin; and

23 (4) West Virginia University to conduct aca-
24 demic research on flood risk management, water re-
25 source-related emergency management, aquatic eco-

1 system restoration, water quality, hydropower, and
2 water resource-related recreation in the State of
3 West Virginia.

4 **SEC. 8160. CIVIL WORKS RESEARCH AND DEVELOPMENT.**

5 (a) IN GENERAL.—Section 7 of the Water Resources
6 Development Act of 1988 (33 U.S.C. 2313) is amended
7 to read as follows:

8 **“SEC. 7. RESEARCH AND DEVELOPMENT.**

9 “(a) IN GENERAL.—The Secretary is authorized to
10 carry out basic, applied, and advanced research activities
11 as required to aid in the planning, design, construction,
12 operation, and maintenance of water resources develop-
13 ment projects and to support the missions and authorities
14 of the Corps of Engineers.

15 “(b) TESTING AND APPLICATION.—In carrying out
16 subsection (a), the Secretary is authorized to test and
17 apply technology, tools, techniques, and materials devel-
18 oped pursuant to such subsection, including the testing
19 and application of such technology, tools, techniques, and
20 materials at authorized water resources development
21 projects, in consultation with the non-Federal interests for
22 such projects.

23 “(c) OTHER TRANSACTIONAL AUTHORITY FOR PRO-
24 TOTYPE PROJECTS.—

1 “(1) IN GENERAL.—In carrying out subsection
2 (b), the Secretary is authorized to enter into trans-
3 actions (other than contracts, cooperative agree-
4 ments, or grants) to carry out prototype projects to
5 support basic, applied, and advanced research activi-
6 ties that are directly relevant to the civil works mis-
7 sions and authorities of the Corps of Engineers.

8 “(2) FOLLOW-ON PRODUCTION TRANS-
9 ACTIONS.—A transaction entered into under para-
10 graph (1) for a prototype project may provide for
11 the award of a follow-on production contract or
12 transaction to the participants in the transaction in
13 accordance with the requirements of section 4022 of
14 title 10, United States Code.

15 “(3) GUIDANCE.—Prior to entering into the
16 first transaction under this subsection, the Secretary
17 shall issue guidance for entering into transactions
18 under this subsection (including guidance for follow-
19 on production contracts or transactions under para-
20 graph (2)).

21 “(4) CONDITIONS.—In carrying out this sub-
22 section, the Secretary shall ensure that—

23 “(A) competitive procedures are used to
24 the maximum extent practicable to award each
25 transaction; and

1 “(B) at least one of the following condi-
2 tions is met with respect to each transaction:

3 “(i) The prototype project includes
4 significant participation by at least one
5 nonprofit research institution or nontradi-
6 tional defense contractor, as that term is
7 defined in section 3014 of title 10, United
8 States Code.

9 “(ii) All significant participants in the
10 transaction other than the Federal Govern-
11 ment are small business concerns, as that
12 term is used in section 3 of the Small
13 Business Act (15 U.S.C. 632) (including
14 such concerns participating in a program
15 described in section 9 of such Act (15
16 U.S.C. 638)).

17 “(iii) At least one-third of the total
18 cost of the prototype project is to be paid
19 out of funds provided by sources other
20 than the Federal Government.

21 “(iv) The Head of the Contracting
22 Activity for the Corps of Engineers sub-
23 mits to the Committee on Transportation
24 and Infrastructure of the House of Rep-
25 resentatives and the Committee on Envi-

1 ronment and Public Works of the Senate a
2 notification that exceptional circumstances
3 justify the use of a transaction that pro-
4 vides for innovative business arrangements
5 or structures that would not be feasible or
6 appropriate under a contract, cooperative
7 agreement, or grant.

8 “(5) NOTIFICATION.—Not later than 30 days
9 before the Secretary enters into a transaction under
10 paragraph (1), the Secretary shall notify the Com-
11 mittee on Transportation and Infrastructure of the
12 House of Representatives and the Committee on En-
13 vironment and Public Works of the Senate of—

14 “(A) the dollar amount of the transaction;

15 “(B) the entity carrying out the prototype
16 project that is the subject of the transaction;

17 “(C) the justification for the transaction;

18 and

19 “(D) as applicable, the water resources de-
20 velopment project where the prototype project
21 will be carried out.

22 “(6) REPORT.—Not later than 4 years after the
23 date of enactment of the Water Resources Develop-
24 ment Act of 2022, the Secretary shall submit to the
25 Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on
2 Environment and Public Works of the Senate a re-
3 port describing the use of the authority under this
4 subsection.

5 “(7) COMPTROLLER GENERAL ACCESS TO IN-
6 FORMATION.—

7 “(A) EXAMINATION OF RECORDS.—Each
8 transaction entered into under this subsection
9 shall provide for mandatory examination by the
10 Comptroller General of the United States of the
11 records of any party to the transaction or any
12 entity that participates in the performance of
13 the transaction.

14 “(B) LIMITATIONS.—

15 “(i) PARTIES AND ENTITIES.—Exam-
16 ination of records by the Comptroller Gen-
17 eral pursuant to subparagraph (A) shall be
18 limited as provided under clause (ii) in the
19 case of a party to the transaction, an enti-
20 ty that participates in the performance of
21 the transaction, or a subordinate element
22 of that party or entity if the only trans-
23 actions that the party, entity, or subordi-
24 nate element entered into with Government
25 entities in the year prior to the date of

1 that transaction were entered into under
2 paragraph (1) or under section 4021 or
3 4022 of title 10, United States Code.

4 “(ii) RECORDS.—The only records of
5 a party, other entity, or subordinate ele-
6 ment referred to in clause (i) that the
7 Comptroller General may examine pursu-
8 ant to subparagraph (A) are records of the
9 same type as the records that the Govern-
10 ment has had the right to examine under
11 the audit access clauses of the previous
12 transactions referred to in such clause that
13 were entered into by that particular party,
14 entity, or subordinate element.

15 “(C) WAIVER.—The Head of the Con-
16 tracting Activity for the Corps of Engineers
17 may waive the applicability of subparagraph (A)
18 to a transaction if the Head of the Contracting
19 Activity for the Corps of Engineers—

20 “(i) determines that it would not be in
21 the public interest to apply the require-
22 ment to the transaction; and

23 “(ii) transmits to the Committee on
24 Environment and Public Works of the Sen-
25 ate, the Committee on Transportation and

1 Infrastructure of the House of Representa-
2 tives, and the Comptroller General, before
3 the transaction is entered into, a notifica-
4 tion of the waiver, including the rationale
5 for the determination under clause (i).

6 “(D) TIMING.—The Comptroller General
7 may not examine records pursuant to subpara-
8 graph (A) more than 3 years after the final
9 payment is made by the United States under
10 the transaction.

11 “(E) REPORT.—Not later than 1 year
12 after the date of enactment of the Water Re-
13 sources Development Act of 2022, and annually
14 thereafter, the Comptroller General shall submit
15 to the Committee on Environment and Public
16 Works of the Senate and the Committee on
17 Transportation and Infrastructure of the House
18 of Representatives a report on the use of the
19 authority under this paragraph.

20 “(8) TERMINATION OF AUTHORITY.—The au-
21 thority to enter into a transaction under this sub-
22 section shall terminate on December 31, 2028.

23 “(d) COORDINATION AND CONSULTATION.—In car-
24 rying out this section, the Secretary may coordinate and
25 consult with Federal agencies, State and local agencies,

1 Indian Tribes, universities, consortiums, councils, and
2 other relevant entities that will aid in the planning, design,
3 construction, operation, and maintenance of water re-
4 sources development projects.

5 “(e) ANNUAL REPORT.—

6 “(1) IN GENERAL.—For fiscal year 2025, and
7 annually thereafter, in conjunction with the annual
8 budget submission of the President to Congress
9 under section 1105(a) of title 31, United States
10 Code, the Secretary shall submit to the Committee
11 on Environment and Public Works of the Senate
12 and the Committee on Transportation and Infra-
13 structure of the House of Representatives a report
14 on basic, applied, and advanced research activities
15 and prototype projects carried out under this sec-
16 tion.

17 “(2) CONTENTS.—Each report under para-
18 graph (1) shall include—

19 “(A) a description of each ongoing and
20 new activity or project, including—

21 “(i) the estimated total cost of the ac-
22 tivity or project;

23 “(ii) the amount of Federal expendi-
24 tures for the activity or project;

1 “(iii) the amounts provided by a non-
2 Federal party to a transaction described in
3 subsection (c), if applicable;

4 “(iv) the estimated timeline for com-
5 pletion of the activity or project;

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

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

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

12 “(f) SAVINGS CLAUSE.—Nothing in this section af-
13 fects the authority of the Secretary to carry out, through
14 the Engineer Research and Development Center, any ac-
15 tivity requested by a district of the Corps of Engineers
16 in support of a water resources development project or fea-
17 sibility study (as defined in section 105(d) of the Water
18 Resources Development Act of 1986 (33 U.S.C.
19 2215(d))).

20 “(g) ESTABLISHMENT OF ACCOUNT.—The Secretary,
21 in consultation with the Director of the Office of Manage-
22 ment and Budget, shall establish a separate appropria-
23 tions account for administering funds made available to
24 carry out this section.”.

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

5 **SEC. 8161. SENSE OF CONGRESS ON OPERATIONS AND**
6 **MAINTENANCE OF RECREATION SITES.**

7 It is the sense of Congress that the Secretary, in each
8 work plan submitted to Congress by the Secretary, should
9 distribute amounts provided for the operations and main-
10 tenance of recreation sites of the Corps of Engineers so
11 that each site receives an amount that is not less than
12 80 percent of the recreation fees generated by such site
13 in a given year.

14 **SEC. 8162. SENSE OF CONGRESS RELATING TO POST-DIS-**
15 **ASTER REPAIRS.**

16 It is the sense of Congress that in scoping and fund-
17 ing post-disaster repairs, the Secretary should, to the max-
18 imum extent practicable, repair assets—

- 19 (1) to project design levels; or
20 (2) if the original project design is outdated, to
21 a higher level than the project design level.

1 **Subtitle B—Studies and Reports**

2 **SEC. 8201. AUTHORIZATION OF PROPOSED FEASIBILITY**
3 **STUDIES.**

4 (a) NEW PROJECTS.—The Secretary is authorized to
5 conduct a feasibility study for the following projects for
6 water resources development and conservation and other
7 purposes, as identified in the reports titled “Report to
8 Congress on Future Water Resources Development” sub-
9 mitted to Congress pursuant to section 7001 of the Water
10 Resources Reform and Development Act of 2014 (33
11 U.S.C. 2282d) or otherwise reviewed by Congress:

12 (1) DUDLEYVILLE, ARIZONA.—Project for flood
13 risk management, Dudleyville, Arizona.

14 (2) MCMICKEN DAM, ARIZONA.—Project for
15 flood risk management, McMicken Dam, Arizona.

16 (3) CONN CREEK DAM, CALIFORNIA.—Project
17 for flood risk management, Conn Creek Dam, Cali-
18 fornia.

19 (4) CITY OF HUNTINGTON BEACH, CALI-
20 FORNIA.—Project for hurricane and storm damage
21 risk reduction, including sea level rise, and shoreline
22 stabilization, City of Huntington Beach, California.

23 (5) NAPA RIVER, CALIFORNIA.—Project for
24 navigation, Federal Channel of Napa River, Cali-
25 fornia.

1 (6) PETALUMA RIVER WETLANDS, CALI-
2 FORNIA.—Project for ecosystem restoration, City of
3 Petaluma, California.

4 (7) CITY OF RIALTO, CALIFORNIA.—Project for
5 ecosystem restoration and flood risk management,
6 City of Rialto and vicinity, California.

7 (8) NORTH RICHMOND, CALIFORNIA.—Project
8 for hurricane and storm damage risk reduction, in-
9 cluding sea level rise, and ecosystem restoration,
10 North Richmond, California.

11 (9) STRATFORD, CONNECTICUT.—Project for
12 hurricane and storm damage risk reduction and
13 flood risk management, Stratford, Connecticut.

14 (10) THATCHBED ISLAND, CONNECTICUT.—
15 Project for flood risk management and ecosystem
16 restoration, Thatchbed Island, Essex, Connecticut.

17 (11) WOODBRIDGE, CONNECTICUT.—Project for
18 flood risk management, Woodbridge, Connecticut.

19 (12) FEDERAL TRIANGLE AREA, WASHINGTON,
20 DISTRICT OF COLUMBIA.—Project for flood risk
21 management, Federal Triangle Area, Washington,
22 District of Columbia, including construction of im-
23 provements to interior drainage.

24 (13) POTOMAC AND ANACOSTIA RIVERS, WASH-
25 INGTON, DISTRICT OF COLUMBIA.—Project for rec-

1 reational access, including enclosed swimming areas,
2 Potomac and Anacostia Rivers, District of Columbia.

3 (14) WASHINGTON METROPOLITAN AREA,
4 WASHINGTON, DISTRICT OF COLUMBIA, MARYLAND,
5 AND VIRGINIA.—Project for water supply, including
6 the identification of a secondary water source and
7 additional water storage capability for the Wash-
8 ington Metropolitan Area, Washington, District of
9 Columbia, Maryland, and Virginia.

10 (15) TOWN OF LONGBOAT KEY, FLORIDA.—
11 Project for whole island hurricane and storm dam-
12 age risk reduction, Town of Longboat Key, Florida.

13 (16) LAKE RUNNYMEDE, FLORIDA.—Project for
14 ecosystem restoration, Lake Runnymede, Florida.

15 (17) TAMPA BACK BAY, FLORIDA.—Project for
16 flood risk management and hurricane and storm
17 damage risk reduction, including the use of natural
18 features and nature-based features for protection
19 and recreation, Tampa Back Bay, Florida.

20 (18) PORT TAMPA BAY AND MCKAY BAY, FLOR-
21 IDA.—Project for hurricane and storm damage risk
22 reduction, Port Tampa Bay, Florida, including
23 McKay Bay.

1 (19) LAKE TOHOPEKALIGA, FLORIDA.—Project
2 for ecosystem restoration and flood risk manage-
3 ment, Lake Tohopekaliga, Florida.

4 (20) CITY OF ALBANY, GEORGIA.—Project for
5 flood risk management, City of Albany, Georgia.

6 (21) CITY OF EAST POINT, GEORGIA.—Project
7 for flood risk management, City of East Point,
8 Georgia.

9 (22) CUMBERLAND ISLAND AND SEA ISLAND,
10 GEORGIA.—Project for ecosystem restoration and
11 coastal storm risk management, Cumberland Island
12 and Sea Island, Georgia.

13 (23) FLINT RIVER BASIN HEADWATERS, CLAY-
14 TON COUNTY, GEORGIA.—Project for flood risk man-
15 agement and ecosystem restoration, Flint River
16 Basin Headwaters, Clayton County, Georgia.

17 (24) COUNTY OF HAWAI‘I, HAWAII.—Project for
18 flood and coastal storm risk management, County of
19 Hawai‘i, Hawaii.

20 (25) MAUI, HAWAII.—Project for coastal storm
21 risk management, County of Maui, Hawaii.

22 (26) WAIKIKĪ, HAWAII.—Project for ecosystem
23 restoration and hurricane and storm damage risk re-
24 duction, Waikīkī, Hawaii.

1 (27) WAILUPE STREAM WATERSHED, HAWAII.—
2 Project for flood risk management, Wailupe Stream
3 watershed, Hawaii.

4 (28) COLUMBUS, KENTUCKY.—Project for flood
5 risk management, including riverbank stabilization,
6 Columbus, Kentucky.

7 (29) CUMBERLAND RIVER, KENTUCKY.—Project
8 for navigation, Cumberland River, Kentucky.

9 (30) JENKINS, KENTUCKY.—Project for flood
10 risk management and water supply, Jenkins, Ken-
11 tucky.

12 (31) KENTUCKY RIVER, KENTUCKY.—Project
13 for flood risk management on the Kentucky River
14 and its tributaries and watersheds in Breathitt,
15 Clay, Estill, Harlan, Lee, Leslie, Letcher, Owsley,
16 Perry, and Wolfe Counties, Kentucky.

17 (32) NEWPORT, KENTUCKY.—Project for eco-
18 system restoration, flood risk management, and
19 recreation, Newport, Kentucky.

20 (33) ELLICOTT CITY AND HOWARD COUNTY,
21 MARYLAND.—Project for flood risk management,
22 Ellicott City and Howard County, Maryland.

23 (34) ASSAWOMPSET POND COMPLEX, MASSA-
24 CHUSETTS.—Project for ecosystem restoration, flood

1 risk management, and water supply, Assawompset
2 Pond Complex, Massachusetts.

3 (35) CHARLES RIVER, MASSACHUSETTS.—
4 Project for flood risk management and ecosystem
5 restoration, Charles River, Massachusetts.

6 (36) CHELSEA CREEK AND MILL CREEK, MAS-
7 SACHUSETTS.—Project for flood risk management
8 and ecosystem restoration, including bank stabiliza-
9 tion, City of Chelsea, Massachusetts.

10 (37) CONNECTICUT RIVER STREAMBANK ERO-
11 SION, MASSACHUSETTS, VERMONT, AND NEW HAMP-
12 SHIRE.—Project for streambank erosion, Con-
13 necticut River, Massachusetts, Vermont, and New
14 Hampshire.

15 (38) DEERFIELD RIVER, MASSACHUSETTS.—
16 Project for flood risk management and ecosystem
17 restoration, Deerfield River, Massachusetts.

18 (39) TOWN OF NORTH ATTLEBOROUGH, MASSA-
19 CHUSETTS.—Project for ecosystem restoration and
20 flood risk management, Ten Mile River, North
21 Attleborough, Massachusetts.

22 (40) TOWN OF HULL, MASSACHUSETTS.—
23 Project for flood risk management and hurricane
24 and storm damage risk reduction, Hull, Massachu-
25 setts.

1 (41) CITY OF REVERE, MASSACHUSETTS.—
2 Project for flood risk management and marsh eco-
3 system restoration, City of Revere, Massachusetts.

4 (42) LOWER EAST SIDE, DETROIT, MICHIGAN.—
5 Project for flood risk management, Lower East Side,
6 Detroit, Michigan.

7 (43) ELLIJAH ROOT DAM, MICHIGAN.—Project
8 for dam removal, by carrying out a disposition study
9 under section 216 of the Flood Control Act of 1970
10 (33 U.S.C. 549a), Elijah Root Dam, Michigan.

11 (44) GROSSE POINTE SHORES AND GROSSE
12 POINTE FARMS, MICHIGAN.—Project for ecosystem
13 restoration and flood risk management, Grosse
14 Pointe Shores and Grosse Pointe Farms, Michigan.

15 (45) SOUTHEAST MICHIGAN, MICHIGAN.—
16 Project for flood risk management, Southeast Michi-
17 gan.

18 (46) TITTABAWASSEE RIVER, CHIPPEWA RIVER,
19 PINE RIVER, AND TOBACCO RIVER, MICHIGAN.—
20 Project for flood risk management and ecosystem
21 restoration, Tittabawassee River, Chippewa River,
22 Pine River, and Tobacco River, Michigan.

23 (47) SOUTHWEST MISSISSIPPI, MISSISSIPPI.—
24 Project for ecosystem restoration and flood risk
25 management, Wilkinson, Adams, Warren, Claiborne,

1 Franklin, Amite, and Jefferson Counties, Mis-
2 sissippi.

3 (48) BELLEVUE, NEBRASKA.—Project for flood
4 risk management, Bellevue, Nebraska, including the
5 placement of a pump station near Offutt Ditch.

6 (49) PAPILLION CREEK, NEBRASKA.—Project
7 for flood risk management, including levee improve-
8 ment, Papillion Creek, Nebraska.

9 (50) SARPY COUNTY, NEBRASKA.—Project for
10 flood risk management, Sarpy County, Nebraska.

11 (51) CAMDEN AND GLOUCESTER COUNTY, NEW
12 JERSEY.—Project for tidal and riverine flood risk
13 management, Camden and Gloucester Counties, New
14 Jersey.

15 (52) EDGEWATER, NEW JERSEY.—Project for
16 flood risk management, Edgewater, New Jersey.

17 (53) MAURICE RIVER, NEW JERSEY.—Project
18 for navigation and for beneficial use of dredged ma-
19 terials for hurricane and storm damage risk reduc-
20 tion and ecosystem restoration, Maurice River, New
21 Jersey.

22 (54) NORTHERN NEW JERSEY INLAND FLOOD-
23 ING, NEW JERSEY.—Project for inland flood risk
24 management in Hudson, Essex, Union, Bergen,

1 Hunterdon, Morris, Somerset, Warren, Passaic, and
2 Sussex Counties, New Jersey.

3 (55) RISER DITCH, NEW JERSEY.—Project for
4 flood risk management, including channel improve-
5 ments, and other related water resource needs re-
6 lated to Riser Ditch in the communities of South
7 Hackensack, Hasbrouck Heights, Little Ferry,
8 Teterboro, and Moonachie, New Jersey.

9 (56) ROCKAWAY RIVER, NEW JERSEY.—Project
10 for flood risk management and ecosystem restora-
11 tion, including bank stabilization, Rockaway River,
12 New Jersey.

13 (57) TENAKILL BROOK, NEW JERSEY.—Project
14 for flood risk management, Tenakill Brook, New
15 Jersey.

16 (58) VERONA, CEDAR GROVE, AND WEST
17 CALDWELL, NEW JERSEY.—Project for flood risk
18 management along the Peckman River Basin in the
19 townships of Verona (and surrounding area), Cedar
20 Grove, and West Caldwell, New Jersey.

21 (59) WHIPPANY RIVER WATERSHED, NEW JER-
22 SEY.—Project for flood risk management, Morris
23 County, New Jersey.

1 (60) LAKE FARMINGTON DAM, NEW MEXICO.—
2 Project for water supply, Lake Farmington Dam,
3 New Mexico.

4 (61) MCCLURE DAM, NEW MEXICO.—Project for
5 dam safety improvements and flood risk manage-
6 ment, McClure Dam, City of Santa Fe, New Mexico.

7 (62) BLIND BROOK, NEW YORK.—Project for
8 flood risk management, coastal storm risk manage-
9 ment, navigation, ecosystem restoration, and water
10 supply, Blind Brook, New York.

11 (63) BROOKLYN NAVY YARD, NEW YORK.—
12 Project for flood risk management and hurricane
13 and storm damage risk reduction, Brooklyn Navy
14 Yard, New York.

15 (64) CONNETQUOT RIVER AND GREEN CREEK,
16 NEW YORK.—Project for navigation, Connetquot
17 River and Green Creek, Suffolk County, New York.

18 (65) HUTCHINSON RIVER, NEW YORK.—Project
19 for flood risk management and ecosystem restora-
20 tion, Hutchinson River, New York.

21 (66) MOHAWK RIVER BASIN, NEW YORK.—
22 Project for flood risk management, navigation, and
23 environmental restoration, Mohawk River Basin,
24 New York.

1 (67) NEWTOWN CREEK, NEW YORK.—Project
2 for ecosystem restoration, Newtown Creek, New
3 York.

4 (68) JOHN J. BURNS PARK, OYSTER BAY, NEW
5 YORK.—Project for flood risk management and hur-
6 ricane and storm risk reduction, Oyster Bay, New
7 York, in the vicinity of John J. Burns Park,
8 Massapequa, New York, including the replacement
9 and reconstruction of the existing bulkhead system.

10 (69) JOSEPH J. SALADINO MEMORIAL MARINA,
11 OYSTER BAY, NEW YORK.—Project for flood risk
12 management and hurricane and storm risk reduc-
13 tion, Oyster Bay, New York, in the vicinity of the
14 Joseph J. Saladino Memorial Marina, Massapequa,
15 New York, including the replacement and recon-
16 struction of the existing bulkhead system.

17 (70) SAW MILL RIVER, NEW YORK.—Project for
18 flood risk management and ecosystem restoration to
19 address areas in the City of Yonkers and the Village
20 of Hastings-on-Hudson within the 100-year flood
21 zone, Saw Mill River, New York.

22 (71) SOUTH SHORE OF LONG ISLAND, NEW
23 YORK.—Project for flood and coastal storm risk
24 management, navigation, and ecosystem restoration,
25 South Shore of Long Island, New York.

1 (72) UPPER EAST RIVER AND FLUSHING BAY,
2 NEW YORK.—Project for ecosystem restoration,
3 Upper East River and Flushing Bay, New York.

4 (73) CAPE FEAR RIVER BASIN, NORTH CARO-
5 LINA.—Project for flood and coastal storm risk man-
6 agement, Cape Fear River Basin, North Carolina.

7 (74) OREGON INLET, NORTH CAROLINA.—
8 Project for navigation, Oregon Inlet, North Carolina.

9 (75) MINERAL RIDGE DAM, OHIO.—Project for
10 dam safety improvements and rehabilitation, Mineral
11 Ridge Dam, Ohio.

12 (76) MILL CREEK LEVEE AND WALLA WALLA
13 RIVER, OREGON.—Project for ecosystem restoration,
14 Mill Creek Levee and Walla Walla River, Oregon.

15 (77) BRODHEAD CREEK WATERSHED, PENN-
16 SYLVANIA.—Project for ecosystem restoration and
17 flood risk management, Brodhead Creek Watershed,
18 Pennsylvania.

19 (78) CHARTIERS CREEK WATERSHED, PENN-
20 SYLVANIA.—Project for flood risk management,
21 Chartiers Creek Watershed, Pennsylvania.

22 (79) COPLAY CREEK, PENNSYLVANIA.—Project
23 for flood risk management, Coplay Creek, Pennsyl-
24 vania.

1 (80) BERKELEY COUNTY, SOUTH CAROLINA.—
2 Project for ecosystem restoration and flood risk
3 management, Berkeley County, South Carolina.

4 (81) BIG SIOUX RIVER, SOUTH DAKOTA.—
5 Project for flood risk management, City of Water-
6 town and vicinity, South Dakota.

7 (82) EL PASO COUNTY, TEXAS.—Project for
8 flood risk management for economically disadvan-
9 tagged communities, as defined by the Secretary
10 under section 160 of the Water Resources Develop-
11 ment Act of 2020 (33 U.S.C. 2201 note), along the
12 United States-Mexico border, El Paso County,
13 Texas.

14 (83) GULF INTRACOASTAL WATERWAY-CHAN-
15 NEL TO PALACIOS, TEXAS.—Project for navigation,
16 Gulf Intracoastal Waterway-Channel to Palacios,
17 Texas.

18 (84) HIDALGO AND CAMERON COUNTIES,
19 TEXAS.—Project for flood risk management and eco-
20 system restoration, the Resacas, Hidalgo and Cam-
21 eron Counties, Texas.

22 (85) SIKES LAKE, TEXAS.—Project for eco-
23 system restoration and flood risk management, Sikes
24 Lake, Texas.

1 (86) SOUTHWEST BORDER REGION, TEXAS.—
2 Project for flood risk management for economically
3 disadvantaged communities, as defined by the Sec-
4 retary under section 160 of the Water Resources
5 Development Act of 2020 (33 U.S.C. 2201 note),
6 along the United States-Mexico border in Webb, Za-
7 pata, and Starr Counties, Texas.

8 (87) LOWER CLEAR CREEK AND DICKINSON
9 BAYOU, TEXAS.—Project for flood risk management,
10 Lower Clear Creek and Dickinson Bayou, Texas.

11 (88) GREAT SALT LAKE, UTAH.—Project for
12 ecosystem restoration and water supply, Great Salt
13 Lake, Utah.

14 (89) CEDAR ISLAND, VIRGINIA.—Project for
15 ecosystem restoration, hurricane and storm damage
16 risk reduction, and navigation, Cedar Island, Vir-
17 ginia.

18 (90) BALLINGER CREEK, WASHINGTON.—
19 Project for ecosystem restoration, City of Shoreline,
20 Washington.

21 (91) CITY OF NORTH BEND, WASHINGTON.—
22 Project for water supply, City of North Bend, Wash-
23 ington.

1 (92) TANEUM CREEK, WASHINGTON.—Project
2 for ecosystem restoration, Taneum Creek, Wash-
3 ington.

4 (93) CITY OF HUNTINGTON, WEST VIRGINIA.—
5 Project for flood risk management, Huntington,
6 West Virginia.

7 (94) FOX-WOLF BASIN, WISCONSIN.—Project
8 for flood risk management and water supply, Fox-
9 Wolf Basin, Wisconsin.

10 (b) PROJECT MODIFICATIONS.—The Secretary is au-
11 thorized to conduct a feasibility study for the following
12 project modifications:

13 (1) CRAIGHEAD, POINSETT, AND CROSS COUN-
14 TIES, ARKANSAS.—Modifications to the project for
15 flood protection and major drainage improvement in
16 the Saint Francis River Basin, Missouri and Arkan-
17 sas, authorized by section 204 of the Flood Control
18 Act of 1950 (64 Stat. 172), to provide flood risk
19 management for the tributaries and drainage of
20 Straight Slough, Craighead, Poinsett, and Cross
21 Counties, Arkansas.

22 (2) SHINGLE CREEK AND KISSIMMEE RIVER,
23 FLORIDA.—Modifications to the project for eco-
24 system restoration and water storage, Shingle Creek
25 and Kissimmee River, Florida, authorized by section

1 201(a)(5) of the Water Resources Development Act
2 of 2020 (134 Stat. 2670), for flood risk manage-
3 ment.

4 (3) JACKSONVILLE HARBOR, FLORIDA.—Modi-
5 fications to the project for navigation, Jacksonville
6 Harbor, Florida, authorized by section 7002 of the
7 Water Resources Reform and Development Act of
8 2014 (128 Stat. 1364), for outer channel improve-
9 ments.

10 (4) SAVANNAH HARBOR, GEORGIA.—Modifica-
11 tions to the project for navigation, Savannah Harbor
12 Expansion Project, Georgia, authorized by section
13 7002(1) of the Water Resources Reform and Devel-
14 opment Act of 2014 (128 Stat. 1364; 132 Stat.
15 3839), without evaluation of additional deepening.

16 (5) HONOLULU HARBOR, HAWAII.—Modifica-
17 tions to the project for navigation, Honolulu Harbor,
18 Hawaii, for navigation improvements and coastal
19 storm risk management, authorized by the first sec-
20 tion of the Act of March 3, 1905 (chapter 1482, 33
21 Stat. 1146).

22 (6) CEDAR RIVER, CEDAR RAPIDS, IOWA.—
23 Modifications to the project for flood risk manage-
24 ment, Cedar River, Cedar Rapids, Iowa, authorized
25 by section 7002(2) of the Water Resources Reform

1 and Development Act of 2014 (128 Stat. 1366),
2 consistent with the City of Cedar Rapids, Iowa,
3 Cedar River Flood Control System Master Plan.

4 (7) SOUTH HAVEN HARBOR, MICHIGAN.—Modi-
5 fications to the project for navigation, South Haven
6 Harbor, Michigan, for turning basin improvements,
7 authorized by the first section of the Act of August
8 11, 1888 (chapter 860, 25 Stat. 406).

9 (8) SALEM RIVER, SALEM COUNTY, NEW JER-
10 SEY.—Modifications to the project for navigation,
11 Salem River, Salem County, New Jersey, authorized
12 by section 1 of the Act of March 2, 1907 (chapter
13 2509, 34 Stat. 1080), to increase the authorized
14 depth.

15 (9) PORT OF OGDENSBURG, NEW YORK.—Modi-
16 fications to the project for navigation, Port of
17 Ogdensburg, New York, including deepening, au-
18 thorized by the first section of the Act of June 25,
19 1910 (chapter 382, 36 Stat. 635).

20 (10) ROLLINSON CHANNEL AND HATTERAS
21 INLET TO HATTERAS, NORTH CAROLINA.—Modifica-
22 tions to the project for navigation, Rollinson Chan-
23 nel and channel from Hatteras Inlet to Hatteras,
24 North Carolina, authorized by section 101 of the

1 River and Harbor Act of 1962 (76 Stat. 1174), to
2 incorporate the ocean bar.

3 (11) HIRAM M. CHITTENDEN LOCKS, LAKE
4 WASHINGTON SHIP CANAL, WASHINGTON.—Modifica-
5 tions to the Hiram M. Chittenden Locks (also
6 known as Ballard Locks), Lake Washington Ship
7 Canal, Washington, authorized by the Act of June
8 25, 1910 (chapter 382, 36 Stat. 666), for the con-
9 struction of fish ladder improvements, including ef-
10 forts to address elevated temperature and low dis-
11 solved oxygen levels in the Canal.

12 (12) HUNTINGTON, WEST VIRGINIA.—Modifica-
13 tions to the Huntington Local Protection Project,
14 Huntington, West Virginia.

15 (c) SPECIAL RULES.—

16 (1) WAILUPE STREAM WATERSHED, HAWAII.—
17 The study authorized by subsection (a)(27) shall be
18 considered a resumption and a continuation of the
19 general reevaluation initiated on December 30,
20 2003, pursuant to section 209 of the Flood Control
21 Act (76 Stat. 1197).

22 (2) BELLEVUE AND PAPILLION CREEK, NE-
23 BRASKA.—The studies authorized by paragraphs
24 (48) and (49) of subsection (a) shall be considered
25 a continuation of the study that resulted in the

1 Chief's Report for the project for Papillion Creek
2 and Tributaries Lakes, Nebraska, signed January
3 24, 2022.

4 (3) SOUTH SHORE OF LONG ISLAND, NEW
5 YORK.—In carrying out the study authorized by sub-
6 section (a)(71), the Secretary shall study the South
7 Shore of Long Island, New York, as a whole system,
8 including inlets that are Federal channels.

9 (4) PROJECT MODIFICATIONS.—Each study au-
10 thorized by subsection (b) shall be considered a new
11 phase investigation and afforded the same treatment
12 as a general reevaluation.

13 **SEC. 8202. EXPEDITED COMPLETION.**

14 (a) FEASIBILITY STUDIES.—The Secretary shall ex-
15 pedite the completion of a feasibility study for each of the
16 following projects, and if the Secretary determines that
17 the project is justified in a completed report, may proceed
18 directly to preconstruction planning, engineering, and de-
19 sign of the project:

20 (1) Modifications to the project for navigation,
21 Auke Bay, Alaska.

22 (2) Project for flood risk management, Cave
23 Buttes Dam, Arizona.

24 (3) Project for navigation, Branford Harbor
25 and Stony Creek Channel, Connecticut.

1 (4) Project for flood risk management, East
2 Hartford Levee System, Connecticut.

3 (5) Project for navigation, Guilford Harbor and
4 Sluice Channel, Connecticut.

5 (6) Project for ecosystem restoration, Lake
6 Okeechobee, Florida.

7 (7) Project for ecosystem restoration, Western
8 Everglades, Florida.

9 (8) Modifications to the project for navigation,
10 Hilo Harbor, Hawaii.

11 (9) Project for ecosystem restoration, Fox
12 River, Illinois, included in the comprehensive plan
13 under section 519 of the Water Resources Develop-
14 ment Act of 2000 (114 Stat. 2653).

15 (10) Project for ecosystem restoration, recre-
16 ation, and other purposes, Illinois River, Chicago
17 River, Calumet River, Grand Calumet River, Little
18 Calumet River, and other waterways in the vicinity
19 of Chicago, Illinois, authorized by section 201(a)(7)
20 of the Water Resources Development Act of 2020
21 (134 Stat. 2670).

22 (11) Project for hurricane and storm damage
23 risk reduction, Chicago Shoreline, Illinois, author-
24 ized by section 101(a)(12) of the Water Resources

1 Development Act of 1996 (110 Stat. 3664; 128
2 Stat. 1372).

3 (12) Project for coastal storm risk manage-
4 ment, St. Tammany Parish, Louisiana.

5 (13) Modifications to the project for navigation,
6 Baltimore Harbor and Channels–Seagirt Loop Deep-
7 ening, Maryland, including to a depth of 50 feet.

8 (14) Project for flood and coastal storm risk
9 management and ecosystem restoration, Boston
10 North Shore, Revere, Saugus, Lynn, Malden, and
11 Everett, Massachusetts.

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

16 (16) Project for ecosystem restoration, Herring
17 River Estuary, Barnstable County, Massachusetts,
18 authorized by a resolution of the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives, approved July 23, 1997.

21 (17) Modifications to the project for flood risk
22 management, North Adams, Massachusetts, author-
23 ized by section 5 of the Act of June 22, 1936 (chap-
24 ter 688, 49 Stat. 1572; 55 Stat. 639), for flood risk
25 management and ecosystem restoration.

1 (18) Project for coastal storm risk manage-
2 ment, ecosystem restoration, and navigation, Nauset
3 Barrier Beach and inlet system, Chatham, Massa-
4 chusetts, authorized by a study resolution of the
5 Committee on Public Works of the Senate dated
6 September 12, 1969.

7 (19) Project for flood risk management, DeSoto
8 County, Mississippi.

9 (20) Project for flood risk management, Rah-
10 way, New Jersey, authorized by section 336 of the
11 Water Resources Development Act of 2020 (134
12 Stat. 2712).

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

16 (22) Project for coastal storm risk manage-
17 ment, Sea Bright to Manasquan, New Jersey.

18 (23) Project for flood risk management, Rio
19 Grande de Loiza, Puerto Rico.

20 (24) Project for flood risk management, Rio
21 Nigua, Salinas, Puerto Rico.

22 (25) Project for flood risk management,
23 Kanawha River Basin, West Virginia, Virginia, and
24 North Carolina.

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

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

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

13 (c) WATERSHED AND RIVER BASIN ASSESSMENTS.—

14 (1) GREAT LAKES COASTAL RESILIENCY
15 STUDY.—The Secretary shall expedite the comple-
16 tion of the comprehensive assessment of water re-
17 sources needs for the Great Lakes System under
18 section 729 of the Water Resources Development
19 Act of 1986 (33 U.S.C. 2267a), as required by sec-
20 tion 1219 of the Water Resources Development Act
21 of 2018 (132 Stat. 3811; 134 Stat. 2683).

22 (2) COUNTY OF HAWAI‘I, HAWAII.—The Sec-
23 retary shall expedite the completion of a watershed
24 assessment for the County of Hawai‘i, Hawaii,

1 under section 729 of the Water Resources Develop-
2 ment Act of 1986 (33 U.S.C. 2267a).

3 (d) MAINTENANCE OF NAVIGATION CHANNELS.—

4 The Secretary shall expedite the completion of a deter-
5 mination of the feasibility of improvements proposed by
6 the non-Federal interest under section 204(f)(1)(A)(i) of
7 the Water Resources Development Act of 1986 (33 U.S.C.
8 2232(f)(1)(A)(i)), for the deepening and widening of the
9 navigation project for Coos Bay, Oregon, authorized by
10 the Act of March 3, 1879 (chapter 181, 20 Stat. 370).

11 **SEC. 8203. EXPEDITED MODIFICATIONS OF EXISTING FEASI-**
12 **BILITY STUDIES.**

13 The Secretary shall expedite the completion of the
14 following feasibility studies, as modified by this section,
15 and if the Secretary determines that a project that is the
16 subject of the feasibility study is justified in the completed
17 report, may proceed directly to preconstruction planning,
18 engineering, and design of the project:

19 (1) MARE ISLAND STRAIT, CALIFORNIA.—The
20 study for navigation, Mare Island Strait channel, au-
21 thorized by section 406 of the Water Resources De-
22 velopment Act of 1999 (113 Stat. 323), is modified
23 to authorize the Secretary to consider the economic
24 and national security benefits from recent proposals

1 for utilization of the channel for Department of De-
2 fense shipbuilding and vessel repair.

3 (2) LAKE PONTCHARTRAIN AND VICINITY, LOU-
4 ISIANA.—The study for flood risk management and
5 hurricane and storm damage risk reduction, Lake
6 Pontchartrain and Vicinity, Louisiana, authorized by
7 section 204 of the Flood Control Act of 1965 (79
8 Stat. 1077), is modified to authorize the Secretary
9 to investigate increasing the scope of the project to
10 provide protection against a 200-year storm event.

11 (3) BLACKSTONE RIVER VALLEY, RHODE IS-
12 LAND AND MASSACHUSETTS.—

13 (A) IN GENERAL.—The study for eco-
14 system restoration, Blackstone River Valley,
15 Rhode Island and Massachusetts, authorized by
16 section 569 of the Water Resources Develop-
17 ment Act of 1996 (110 Stat. 3788), is modified
18 to authorize the Secretary to conduct a study
19 for water supply, water flow, and wetland res-
20 toration and protection within the scope of the
21 study.

22 (B) INCORPORATION OF EXISTING DATA.—
23 In carrying out the study described in subpara-
24 graph (A), the Secretary shall use, to the extent
25 practicable, any existing data for the project

1 prepared under the authority of section 206 of
2 the Water Resources Development Act of 1996
3 (33 U.S.C. 2330).

4 (4) LOWER SADDLE RIVER, NEW JERSEY.—The
5 study for flood control, Lower Saddle River, New
6 Jersey, authorized by section 401(a) of the Water
7 Resources Development Act of 1986 (100 Stat.
8 4119), is modified to authorize the Secretary to re-
9 view the previously authorized study and take into
10 consideration changes in hydraulic and hydrologic
11 circumstances and local economic development since
12 the study was initially authorized.

13 (5) TRINITY RIVER AND TRIBUTARIES,
14 TEXAS.—The study for navigation, Liberty, Texas,
15 authorized by section 1201(7) of the Water Re-
16 sources Development Act of 2018 (132 Stat. 3802),
17 is modified to authorize the Secretary to include in
18 the study flood risk management and ecosystem res-
19 toration.

20 **SEC. 8204. CORPS OF ENGINEERS RESERVOIR SEDIMENTA-**
21 **TION ASSESSMENT.**

22 (a) IN GENERAL.—The Secretary, at Federal ex-
23 pense, shall conduct an assessment of sediment in res-
24 ervoirs owned and operated by the Secretary.

1 (b) CONTENTS.—For each reservoir for which the
2 Secretary carries out an assessment under subsection (a),
3 the Secretary shall include in the assessment—

4 (1) an estimation of the volume of sediment in
5 the reservoir;

6 (2) an evaluation of the effects of such sedi-
7 ment on reservoir storage capacity, including a
8 quantification of lost reservoir storage capacity due
9 to the sediment and an evaluation of how such lost
10 reservoir storage capacity affects the allocated stor-
11 age space for authorized purposes within the res-
12 ervoir (including, where applicable, allocations for
13 dead storage, inactive storage, active conservation,
14 joint use, and flood surcharge);

15 (3) the identification of any additional effects of
16 sediment on the operations of the reservoir or the
17 ability of the reservoir to meet its authorized pur-
18 poses;

19 (4) the identification of any potential effects of
20 the sediment over the 10-year period beginning on
21 the date of enactment of this Act on the areas im-
22 mediately upstream and downstream of the res-
23 ervoir;

1 (5) the identification of any existing sediment
2 monitoring and management plans associated with
3 the reservoir;

4 (6) for any reservoir that does not have a sedi-
5 ment monitoring and management plan—

6 (A) an identification of whether a sediment
7 management plan for the reservoir is under de-
8 velopment; or

9 (B) an assessment of whether a sediment
10 management plan for the reservoir would be
11 useful in the long-term operation and mainte-
12 nance of the reservoir for its authorized pur-
13 poses; and

14 (7) any opportunities for beneficial use of the
15 sediment in the vicinity of the reservoir.

16 (c) REPORT TO CONGRESS; PUBLIC AVAILABILITY.—
17 Not later than 2 years after the date of enactment of this
18 Act, the Secretary shall submit to the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives and the Committee on Environment and Pub-
21 lic Works of the Senate, and make publicly available (in-
22 cluding on a publicly available website), a report describ-
23 ing the results of the assessment carried out under sub-
24 section (a).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$10,000,000, to remain available until expended.

4 **SEC. 8205. REPORT AND RECOMMENDATIONS ON DREDGE**
5 **CAPACITY.**

6 (a) IN GENERAL.—Not later than 2 years after the
7 date of enactment of this Act, the Secretary shall submit
8 to the Committee on Transportation and Infrastructure
9 of the House of Representatives and the Committee on
10 Environment and Public Works of the Senate, and make
11 publicly available (including on a publicly available
12 website), a report that includes—

13 (1) a quantification of the expected hopper and
14 pipeline dredging needs of authorized water re-
15 sources development projects for the 10 years after
16 the date of enactment of this Act, including—

17 (A) the dredging needs to—

18 (i) construct deepenings or widenings
19 at authorized but not constructed projects
20 and the associated operations and mainte-
21 nance needs of such projects; and

22 (ii) operate and maintain existing
23 Federal navigation channels;

1 (B) the amount of dredging to be carried
2 out by the Corps of Engineers for other Federal
3 agencies;

4 (C) the dredging needs associated with au-
5 thorized hurricane and storm damage risk re-
6 duction projects (including periodic renourish-
7 ment); and

8 (D) the dredging needs associated with
9 projects for the beneficial use of dredged mate-
10 rial authorized by section 1122 of the Water
11 Resources Development Act of 2016 (33 U.S.C.
12 2326 note);

13 (2) an identification of the Federal appropria-
14 tions for dredging projects and expenditures from
15 the Harbor Maintenance Trust Fund for fiscal year
16 2015 and each fiscal year thereafter;

17 (3) an identification of the dredging capacity of
18 the domestic hopper and pipeline dredge fleet, in-
19 cluding publicly owned and privately owned vessels,
20 in each of the 10 years preceding the date of enact-
21 ment of this Act;

22 (4) an analysis of the ability of the domestic
23 hopper and pipeline dredge fleet to meet the ex-
24 pected dredging needs identified under paragraph

1 (1), including an analysis of such ability in each
2 of—

3 (A) the east coast region;

4 (B) the west coast region, including the
5 States of Alaska and Hawaii;

6 (C) the gulf coast region; and

7 (D) the Great Lakes region;

8 (5) an identification of the dredging capacity of
9 domestic hopper and pipeline dredge vessels that are
10 under contract for construction and intended to be
11 used at water resources development projects;

12 (6) an identification of any hopper or pipeline
13 dredge vessel expected to be retired or become un-
14 available during the 10-year period beginning on the
15 date of enactment of this section;

16 (7) an identification of the potential costs of
17 using either public or private dredging to carry out
18 authorized water resources development projects;
19 and

20 (8) any recommendations of the Secretary for
21 adding additional domestic hopper and pipeline
22 dredging capacity, including adding public and pri-
23 vate dredging vessels to the domestic hopper and
24 pipeline dredge fleet to efficiently service water re-
25 sources development projects.

1 (b) OPPORTUNITY FOR PARTICIPATION.—In carrying
2 out subsection (a), the Secretary shall provide interested
3 stakeholders, including representatives from the commer-
4 cial dredging industry, with an opportunity to submit com-
5 ments to the Secretary.

6 (c) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Corps of Engineers should add additional
8 dredging capacity if the addition of such capacity would—

9 (1) enable the Corps of Engineers to carry out
10 water resources development projects in an efficient
11 and cost-effective manner; and

12 (2) be in the best interests of the United
13 States.

14 **SEC. 8206. ASSESSMENT OF IMPACTS FROM CHANGING OP-**
15 **ERATION AND MAINTENANCE RESPONSIBIL-**
16 **ITIES.**

17 (a) IN GENERAL.—The Secretary shall carry out an
18 assessment of the consequences of amending section
19 101(b) of the Water Resources Development Act of 1986
20 (33 U.S.C. 2211(b)) to authorize the operation and main-
21 tenance of navigation projects for a harbor or inland har-
22 bor constructed by the Secretary at 100-percent Federal
23 cost to a depth of 55 feet.

24 (b) CONTENTS.—In carrying out the assessment
25 under subsection (a), the Secretary shall—

1 (1) describe all existing Federal navigation
2 projects that are authorized or constructed to a
3 depth of 55 feet or greater;

4 (2) describe any Federal navigation project that
5 is likely to seek authorization or modification to a
6 depth of 55 feet or greater during the 10-year period
7 beginning on the date of enactment of this section;

8 (3) estimate—

9 (A) the potential annual increase in Fed-
10 eral costs that would result from authorizing
11 operation and maintenance of a navigation
12 project to a depth of 55 feet at Federal ex-
13 pense; and

14 (B) the potential cumulative increase in
15 such Federal costs during the 10-year period
16 beginning on the date of enactment of this sec-
17 tion; and

18 (4) assess the potential effect of authorizing op-
19 eration and maintenance of a navigation project to
20 a depth of 55 feet at Federal expense on other Fed-
21 eral navigation operation and maintenance activities,
22 including the potential impact on activities at donor
23 ports, energy transfer ports, emerging harbor
24 projects, and projects carried out in the Great Lakes
25 Navigation System, as such terms are defined in sec-

1 tion 102(a)(2) of the Water Resources Development
2 Act of 2020 (33 U.S.C. 2238 note).

3 (c) REPORT.—Not later than 18 months after the
4 date of enactment of this section, the Secretary shall sub-
5 mit to the Committee on Transportation and Infrastruc-
6 ture of the House of Representatives and the Committee
7 on Environment and Public Works of the Senate, and
8 make publicly available (including on a publicly available
9 website), a report describing the results of the assessment
10 carried out under subsection (a).

11 **SEC. 8207. MAINTENANCE DREDGING DATA.**

12 Section 1133(b)(3) of the Water Resources Develop-
13 ment Act of 2016 (33 U.S.C. 2326f(b)(3)) is amended by
14 inserting “, including a separate line item for all Federal
15 costs associated with the disposal of dredged material” be-
16 fore the semicolon.

17 **SEC. 8208. WESTERN INFRASTRUCTURE STUDY.**

18 (a) COMPREHENSIVE STUDY.—The Secretary shall
19 conduct a comprehensive study to evaluate the effective-
20 ness of carrying out additional measures, including meas-
21 ures that use natural features or nature-based features,
22 at or upstream of covered reservoirs, for the purposes of—

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

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

4 (3) increasing water supply; or

5 (4) aquatic ecosystem restoration.

6 (b) STUDY FOCUS.—In conducting the study under
7 subsection (a), the Secretary shall include all covered res-
8 ervoirs located in the South Pacific Division of the Corps
9 of Engineers.

10 (c) CONSULTATION AND USE OF EXISTING DATA.—

11 (1) CONSULTATION.—In conducting the study
12 under subsection (a), the Secretary shall consult
13 with applicable—

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

15 (B) Indian Tribes;

16 (C) non-Federal interests; and

17 (D) stakeholders, as determined appro-
18 priate by the Secretary.

19 (2) USE OF EXISTING DATA AND PRIOR STUD-
20 IES.—In conducting the study under subsection (a),
21 the Secretary shall, to the maximum extent prac-
22 ticable and where appropriate—

23 (A) use existing data provided to the Sec-
24 retary by entities described in paragraph (1);
25 and

1 (B) incorporate—

2 (i) relevant information from prior
3 studies and projects carried out by the
4 Secretary; and

5 (ii) the relevant technical data and
6 scientific approaches with respect to
7 changing hydrological and climatic condi-
8 tions.

9 (d) REPORT.—Not later than 3 years after the date
10 of enactment of this Act, the Secretary shall submit to
11 the Committee on Transportation and Infrastructure of
12 the House of Representatives and the Committee on Envi-
13 ronment and Public Works of the Senate a report that
14 describes—

15 (1) the results of the study; and

16 (2) any recommendations for additional study
17 in specific geographic areas.

18 (e) SAVINGS PROVISION.—Nothing in this section
19 provides authority to the Secretary to change the author-
20 ized purposes of any covered reservoir.

21 (f) DEFINITIONS.—In this section:

22 (1) COVERED RESERVOIR.—The term “covered
23 reservoir” means a reservoir owned and operated by
24 the Secretary or for which the Secretary has flood

1 control responsibilities under section 7 of the Act of
2 December 22, 1944 (33 U.S.C. 709).

3 (2) NATURAL FEATURE AND NATURE-BASED
4 FEATURE.—The terms “natural feature” and “na-
5 ture-based feature” have the meanings given such
6 terms in section 1184(a) of the Water Resources
7 Development Act of 2016 (33 U.S.C. 2289a(a)).

8 **SEC. 8209. RECREATION AND ECONOMIC DEVELOPMENT AT**
9 **CORPS FACILITIES IN APPALACHIA.**

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

22 (b) CONSIDERATIONS.—In accordance with existing
23 guidance, in preparing the plan under subsection (a), the
24 Secretary shall consider options for Federal funding, part-
25 nerships, and outgrants to Federal, State, and local gov-

1 ernments, nonprofit organizations, and commercial busi-
2 nesses.

3 **SEC. 8210. OUACHITA RIVER WATERSHED, ARKANSAS AND**
4 **LOUISIANA.**

5 The Secretary shall conduct a review of projects in
6 the Ouachita River watershed, Arkansas and Louisiana,
7 under section 216 of the Flood Control Act of 1970 (33
8 U.S.C. 549a).

9 **SEC. 8211. REPORT ON SANTA BARBARA STREAMS, LOWER**
10 **MISSION CREEK, CALIFORNIA.**

11 Not later than 1 year after the date of enactment
12 of this section, the Secretary shall submit to the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives and the Committee on Environment
15 and Public Works of the Senate, and make publicly avail-
16 able (including on a publicly available website), a report
17 that provides an updated economic review of the remain-
18 ing portions of the project for flood damage reduction,
19 Santa Barbara streams, Lower Mission Creek, California,
20 authorized by section 101(b) of the Water Resources De-
21 velopment Act of 2000 (114 Stat. 2577), taking into con-
22 sideration work already completed by the non-Federal in-
23 terest.

1 **SEC. 8212. DISPOSITION STUDY ON SALINAS DAM AND RES-**
2 **ERVOIR, CALIFORNIA.**

3 In carrying out the disposition study for the project
4 for Salinas Dam (Santa Margarita Lake), California, pur-
5 suant to section 202(d) of the Water Resources Develop-
6 ment Act of 2020 (134 Stat. 2675), the Secretary shall—

7 (1) ensure that the County of San Luis Obispo
8 is provided right of first refusal for any potential
9 conveyance of the project; and

10 (2) ensure that the study identifies and de-
11 scribes any potential repairs or modifications to the
12 project necessary to meet Federal and State dam
13 safety requirements prior to transferring the project.

14 **SEC. 8213. EXCESS LANDS REPORT FOR WHITTIER NAR-**
15 **ROWS DAM, CALIFORNIA.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this section, the Secretary shall sub-
18 mit to the Committee on Transportation and Infrastruc-
19 ture of the House of Representatives and the Committee
20 on Environment and Public Works of the Senate a report
21 that identifies any real property associated with the Whit-
22 tier Narrows Dam element of the Los Angeles County
23 Drainage Area project that the Secretary determines—

24 (1) is not needed to carry out the authorized
25 purposes of the Whittier Narrows Dam element of
26 such project; and

1 (2) could be transferred to the City of Pico Ri-
2 vera, California, for the replacement of recreational
3 facilities located in such city that were adversely im-
4 pacted by dam safety construction activities associ-
5 ated with the Whittier Narrows Dam element of
6 such project.

7 (b) LOS ANGELES COUNTY DRAINAGE AREA
8 PROJECT DEFINED.—In this section, the term “Los An-
9 geles County Drainage Area project” means the project
10 for flood control, Los Angeles County Drainage Area,
11 California, authorized by section 101(b) of the Water Re-
12 sources Development Act of 1990 (104 Stat. 4611; 130
13 Stat. 1690).

14 **SEC. 8214. COMPREHENSIVE CENTRAL AND SOUTHERN**
15 **FLORIDA STUDY.**

16 (a) IN GENERAL.—The Secretary is authorized to
17 carry out a feasibility study for resiliency and comprehen-
18 sive improvements or modifications to existing water re-
19 sources development projects in the central and southern
20 Florida area, for the purposes of flood risk management,
21 water supply, ecosystem restoration (including preventing
22 saltwater intrusion), recreation, and related purposes.

23 (b) REQUIREMENTS.—In carrying out the feasibility
24 study under subsection (a), the Secretary—

25 (1) is authorized to—

1 (A) review the report of the Chief of Engi-
2 neers on central and southern Florida, pub-
3 lished as House Document 643, 80th Congress,
4 2d Session, and other related reports of the
5 Secretary; and

6 (B) recommend cost-effective structural
7 and nonstructural projects for implementation
8 that provide a systemwide approach for the pur-
9 poses described in subsection (a); and

10 (2) shall ensure the study and any projects rec-
11 ommended under paragraph (1)(B) will not interfere
12 with the efforts undertaken to carry out the Com-
13 prehensive Everglades Restoration Plan pursuant to
14 section 601 of the Water Resources Development
15 Act of 2000 (114 Stat. 2680; 132 Stat. 3786).

16 **SEC. 8215. NORTHERN ESTUARIES ECOSYSTEM RESTORA-**
17 **TION, FLORIDA.**

18 (a) DEFINITIONS.—In this section:

19 (1) CENTRAL AND SOUTHERN FLORIDA
20 PROJECT.—The term “Central and Southern Florida
21 Project” has the meaning given that term in section
22 601 of the Water Resources Development Act of
23 2000.

24 (2) NORTHERN ESTUARIES.—The term “north-
25 ern estuaries” means the Caloosahatchee Estuary,

1 Charlotte Harbor, Indian River Lagoon, Lake Worth
2 Lagoon, and St. Lucie River Estuary.

3 (3) SOUTH FLORIDA ECOSYSTEM.—

4 (A) IN GENERAL.—The term “South Flor-
5 ida ecosystem” means the area consisting of the
6 land and water within the boundary of the
7 South Florida Water Management District in
8 effect on July 1, 1999.

9 (B) INCLUSIONS.—The term “South Flor-
10 ida ecosystem” includes—

- 11 (i) the Everglades;
- 12 (ii) the Florida Keys;
- 13 (iii) the contiguous near-shore coastal
14 water of South Florida; and
- 15 (iv) Florida’s Coral Reef.

16 (4) STUDY AREA.—The term “study area”
17 means all lands and waters within—

- 18 (A) the northern estuaries;
- 19 (B) the South Florida ecosystem; and
- 20 (C) the study area boundaries of the In-
21 dian River Lagoon National Estuary Program
22 and the Coastal and Heartland Estuary Part-
23 nership, authorized pursuant to section 320 of
24 the Federal Water Pollution Control Act (33
25 U.S.C. 1330).

1 (b) PROPOSED COMPREHENSIVE PLAN.—

2 (1) DEVELOPMENT.—The Secretary shall de-
3 velop, in cooperation with the non-Federal sponsors
4 of the Central and Southern Florida project and any
5 relevant Federal, State, and Tribal agencies, a pro-
6 posed comprehensive plan for the purpose of restor-
7 ing, preserving, and protecting the northern estu-
8 aries.

9 (2) INCLUSIONS.—In carrying out paragraph
10 (1), the Secretary shall develop a proposed com-
11 prehensive plan that provides for ecosystem restora-
12 tion within the northern estuaries, including the
13 elimination of harmful discharges from Lake Okee-
14 chobee.

15 (3) SUBMISSION.—Not later than 3 years after
16 the date of enactment of this Act, the Secretary
17 shall submit to Congress for approval—

18 (A) the proposed comprehensive plan devel-
19 oped under this subsection; and

20 (B) recommendations for future feasibility
21 studies within the study area for the ecosystem
22 restoration of the northern estuaries.

23 (4) INTERIM REPORTS.—Not later than 1 year
24 after the date of enactment of this Act, and annually
25 thereafter until the submission of the proposed com-

1 prehensive plan under paragraph (3), the Secretary
2 shall submit to Congress an interim report on the
3 development of the proposed comprehensive plan.

4 (5) **ADDITIONAL STUDIES AND ANALYSES.**—
5 Notwithstanding the submission of the proposed
6 comprehensive plan under paragraph (3), the Sec-
7 retary shall continue to conduct such studies and
8 analyses after the date of such submission as are
9 necessary for the purpose of restoring, preserving,
10 and protecting the northern estuaries.

11 (c) **LIMITATION.**—Nothing in this section shall be
12 construed to require the alteration or amendment of the
13 schedule for completion of the Comprehensive Everglades
14 Restoration Plan.

15 **SEC. 8216. STUDY ON SHELLFISH HABITAT AND SEAGRASS,**
16 **FLORIDA CENTRAL GULF COAST.**

17 (a) **IN GENERAL.**—Not later than 24 months after
18 the date of enactment of this Act, the Secretary shall carry
19 out a study, and submit to the Committee on Transpor-
20 tation and Infrastructure of the House of Representatives
21 and the Committee on Environment and Public Works of
22 the Senate a report, on projects and activities carried out
23 through the Engineer Research and Development Center
24 to restore shellfish habitat and seagrass in coastal estu-
25 aries in the Florida Central Gulf Coast.

1 (b) REQUIREMENTS.—In conducting the study under
2 subsection (a), the Secretary shall—

3 (1) consult with independent expert scientists
4 and other regional stakeholders with relevant exper-
5 tise and experience; and

6 (2) coordinate with Federal, State, and local
7 agencies providing oversight for both short- and
8 long-term monitoring of the projects and activities
9 described in subsection (a).

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$2,000,000, to remain available until expended.

13 **SEC. 8217. REPORT ON SOUTH FLORIDA ECOSYSTEM RES-**
14 **TORATION PLAN IMPLEMENTATION.**

15 (a) REPORT.—Not later than 180 days after the date
16 of enactment of this Act, the Secretary shall submit to
17 the Committee on Transportation and Infrastructure of
18 the House of Representatives and the Committee on Envi-
19 ronment and Public Works of the Senate a report that
20 provides an update on—

21 (1) Comprehensive Everglades Restoration Plan
22 projects, as authorized by or pursuant to section 601
23 of the Water Resources Development Act of 2000
24 (114 Stat. 2680; 121 U.S.C. 1269; 132 U.S.C.
25 3786);

1 (2) the review of the Lake Okeechobee Regula-
2 tion Schedule pursuant to section 1106 of the Water
3 Resources Development Act of 2018 (132 Stat.
4 3773) and section 210 of the Water Resources De-
5 velopment Act of 2020 (134 U.S.C. 2682); and

6 (3) any additional water resources development
7 projects and studies included in the South Florida
8 Ecosystem Restoration Plan Integrated Delivery
9 Schedule prepared in accordance with part 385 of
10 title 33, Code of Federal Regulations.

11 (b) CONTENTS.—The Secretary shall include in the
12 report submitted under subsection (a) the status of each
13 authorized water resources development project or study
14 described in such subsection, including—

15 (1) an estimated implementation or completion
16 date of the project or study; and

17 (2) the estimated costs to complete implementa-
18 tion or construction, as applicable, of the project or
19 study.

20 **SEC. 8218. GREAT LAKES RECREATIONAL BOATING.**

21 Notwithstanding subsection (f) of section 455 of the
22 Water Resources Development Act of 1999 (42 U.S.C.
23 1962d–21), not later than 1 year after the date of enact-
24 ment of this Act, the Secretary shall prepare, at Federal
25 expense, and submit to the Committee on Environment

1 and Public Works of the Senate and the Committee on
2 Transportation and Infrastructure of the House of Rep-
3 resentatives a report updating the findings of the report
4 on the economic benefits of recreational boating in the
5 Great Lakes basin prepared under subsection (c) of such
6 section.

7 **SEC. 8219. HYDRAULIC EVALUATION OF UPPER MIS-**
8 **SISSIPPI RIVER AND ILLINOIS RIVER.**

9 (a) **STUDY.**—The Secretary, in coordination with rel-
10 evant Federal agencies, shall, at Federal expense, periodi-
11 cally carry out a study to—

12 (1) evaluate the flow frequency probabilities of
13 the Upper Mississippi River and the Illinois River;
14 and

15 (2) develop updated water surface profiles for
16 such rivers.

17 (b) **AREA OF EVALUATION.**—In carrying out sub-
18 section (a), the Secretary shall conduct analysis along the
19 mainstem of the Mississippi River from upstream of the
20 Minnesota River confluence near Anoka, Minnesota, to
21 just upstream of the Ohio River confluence near Cairo,
22 Illinois, and along the Illinois River from Dresden Island
23 Lock and Dam to the confluence with the Mississippi
24 River, near Grafton, Illinois.

1 (c) REPORTS.—Not later than 5 years after the date
2 of enactment of this Act, and not less frequently than
3 every 20 years thereafter, the Secretary shall submit to
4 the Committee on Transportation and Infrastructure of
5 the House of Representatives and the Committee on Envi-
6 ronment and Public Works of the Senate a report con-
7 taining the results of a study carried out under subsection
8 (a).

9 (d) PUBLIC AVAILABILITY.—Any information devel-
10 oped under subsection (a) shall be made publicly available,
11 including on a publicly available website.

12 **SEC. 8220. DISPOSITION STUDY ON HYDROPOWER IN THE**
13 **WILLAMETTE VALLEY, OREGON.**

14 (a) DISPOSITION STUDY.—

15 (1) IN GENERAL.—The Secretary shall carry
16 out a disposition study to determine the Federal in-
17 terest in, and identify the effects of, deauthorizing
18 hydropower as an authorized purpose, in whole or in
19 part, of the Willamette Valley hydropower project.

20 (2) CONTENTS.—In carrying out the disposition
21 study under paragraph (1), the Secretary shall re-
22 view the effects of deauthorizing hydropower on—

23 (A) Willamette Valley hydropower project
24 operations;

1 (B) other authorized purposes of such
2 project;

3 (C) cost apportionments;

4 (D) dam safety;

5 (E) compliance with the requirements of
6 the Endangered Species Act (16 U.S.C. 1531 et
7 seq.); and

8 (F) the operations of the remaining dams
9 within the Willamette Valley hydropower
10 project.

11 (3) RECOMMENDATIONS.—If the Secretary,
12 through the disposition study authorized by para-
13 graph (1), determines that hydropower should be re-
14 moved as an authorized purpose of any part of the
15 Willamette Valley hydropower project, the Secretary
16 shall also investigate and recommend any necessary
17 structural or operational changes at such project
18 that are necessary to achieve an appropriate balance
19 among the remaining authorized purposes of such
20 project or changes to such purposes.

21 (b) REPORT.—Not later than 18 months after the
22 date of enactment of this Act, the Secretary shall issue
23 a report to the Committee on Transportation and Infra-
24 structure of the House of Representatives and the Com-

1 mittee on Environment and Public Works of the Senate
2 that describes—

3 (1) the results of the disposition study on
4 deauthorizing hydropower as a purpose of the Wil-
5 lamette Valley hydropower project; and

6 (2) any recommendations required under sub-
7 section (a)(3).

8 (c) COSTS.—Until such time as the report required
9 under subsection (b) is issued, any new construction-re-
10 lated expenditures of the Secretary at the Willamette Val-
11 ley hydropower project that are assigned to hydropower
12 shall not be reimbursable.

13 (d) DEFINITION.—In this section, the term “Willam-
14 ette Valley hydropower project” means the system of dams
15 and reservoir projects authorized to generate hydropower
16 and the power features that operate in conjunction with
17 the main regulating dam facilities, including the Big Cliff,
18 Dexter, and Foster re-regulating dams in the Willamette
19 River Basin, Oregon, as authorized by section 4 of the
20 Flood Control Act of 1938 (chapter 795, 52 Stat. 1222;
21 62 Stat. 1178; 64 Stat. 177; 68 Stat. 1264; 74 Stat. 499;
22 100 Stat. 4144).

1 **SEC. 8221. HOUSTON SHIP CHANNEL EXPANSION CHANNEL**
2 **IMPROVEMENT PROJECT, TEXAS.**

3 The Secretary shall expedite the completion of a
4 study under section 216 of the Flood Control Act of 1970
5 (33 U.S.C. 549a) for modifications of the project for navi-
6 gation, Houston Ship Channel Expansion Channel Im-
7 provement Project, Harris, Chambers, and Galveston
8 Counties, Texas, authorized by section 401 of the Water
9 Resources Development Act of 2020 (134 Stat. 2734), to
10 incorporate into the project the construction of barge lanes
11 immediately adjacent to either side of the Houston Ship
12 Channel from Bolivar Roads to Morgan's Point.

13 **SEC. 8222. SABINE-NECHES WATERWAY NAVIGATION IM-**
14 **PROVEMENT PROJECT, TEXAS.**

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

20 **SEC. 8223. NORFOLK HARBOR AND CHANNELS, VIRGINIA.**

21 Not later than December 31, 2023, the Secretary
22 shall complete a post-authorization change report for the
23 Anchorage F modifications to the project for navigation,
24 Norfolk Harbor and Channels, Virginia, authorized by sec-
25 tion 201 of the Water Resources Development Act of 1986
26 (100 Stat. 4090; 132 Stat. 3840).

1 **SEC. 8224. COASTAL VIRGINIA, VIRGINIA.**

2 (a) IN GENERAL.—In carrying out the feasibility
3 study for the project for flood risk management, ecosystem
4 restoration, and navigation, Coastal Virginia, authorized
5 by section 1201(9) of the Water Resources Development
6 Act of 2018 (132 Stat. 3802), the Secretary is authorized
7 to enter into a written agreement with any Federal agency
8 that owns or operates property in the area of the project
9 to accept and expend funds from such Federal agency to
10 include in the study an analysis with respect to property
11 owned or operated by such Federal agency.

12 (b) INFORMATION.—The Secretary shall use any rel-
13 evant information obtained from a Federal agency de-
14 scribed in subsection (a) to carry out the feasibility study
15 described in such subsection.

16 **SEC. 8225. WEST VIRGINIA HYDROPOWER.**

17 (a) IN GENERAL.—For water resources development
18 projects described in subsection (b), the Secretary is au-
19 thorized to evaluate Federal and non-Federal modifica-
20 tions to such projects for the purposes of adding capacity
21 for hydropower generation or energy storage.

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

24 (1) Sutton Dam, Braxton County, West Vir-
25 ginia, authorized by section 5 of the Act of June 22,
26 1936 (chapter 688, 49 Stat. 1586).

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

5 (3) Bluestone Lake, Summers County, West
6 Virginia, authorized by section 5 of the Act of June
7 22, 1936 (chapter 688, 49 Stat. 1586).

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

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

14 (6) East Lynn Dam, Wayne County, West Vir-
15 ginia, authorized by section 5 of the Act of June 22,
16 1936 (chapter 688, 49 Stat. 1586).

17 (7) Burnsville Lake, Braxton County, West Vir-
18 ginia, authorized by section 5 of the Act of June 22,
19 1936 (chapter 688, 49 Stat. 1586).

20 (c) DEMONSTRATION PROJECTS.—In carrying out
21 subsection (a), the Secretary may carry out demonstration
22 projects for purposes of testing and evaluating technology
23 for adding capacity for hydropower generation or energy
24 storage to a project described in subsection (b).

1 **SEC. 8226. ELECTRONIC PREPARATION AND SUBMISSION**
2 **OF APPLICATIONS.**

3 Section 2040(f) of the Water Resources Development
4 Act of 2007 (33 U.S.C. 2345(f)) is amended—

5 (1) in paragraph (1), by striking “Water Re-
6 sources Development Act of 2016” and inserting
7 “Water Resources Development Act of 2022”; and

8 (2) by striking paragraph (2) and inserting the
9 following:

10 “(2) UPDATE ON ELECTRONIC SYSTEM IMPLI-
11 MENTATION.—The Secretary shall submit to the
12 Committee on Transportation and Infrastructure of
13 the House of Representatives and the Committee on
14 Environment and Public Works of the Senate a
15 quarterly update describing the status of the imple-
16 mentation of this section.”.

17 **SEC. 8227. INVESTMENTS FOR RECREATION AREAS.**

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

24 (b) REPORT.—Not later than 180 days after the date
25 of enactment of this Act, the Secretary shall submit to
26 the Committee on Environment and Public Works of the

1 Senate and the Committee on Transportation and Infra-
2 structure of the House of Representatives a report on in-
3 vestments needed to support recreational activities that
4 are part of authorized water resources development
5 projects under the administrative jurisdiction of the Corps
6 of Engineers.

7 (e) REQUIREMENTS.—The report under subsection
8 (b) shall include—

9 (1) a list of deferred maintenance projects, in-
10 cluding maintenance projects relating to recreational
11 facilities and sites and associated access roads;

12 (2) a plan to fund the projects described in
13 paragraph (1) during the 5-year period beginning on
14 the date of enactment of this Act;

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

19 (A) State and local governments; or

20 (B) private entities; and

21 (4) an assessment of whether the modification
22 of Federal contracting requirements could accelerate
23 the availability of funds for the projects described in
24 paragraph (1).

1 **SEC. 8228. AUTOMATED FEE MACHINES.**

2 For the purpose of mitigating adverse impacts to
3 public access to outdoor recreation, to the maximum ex-
4 tent practicable, the Secretary shall consider alternatives
5 to the use of automated fee machines for the collection
6 of fees for the use of developed recreation sites and facili-
7 ties in West Virginia.

8 **SEC. 8229. REVIEW OF RECREATIONAL HAZARDS.**

9 (a) IN GENERAL.—The Secretary shall—

10 (1) carry out a review of potential threats to
11 human life and safety from use of covered sites; and

12 (2) install such technologies and other meas-
13 ures, including sirens, strobe lights, and signage,
14 that the Secretary, based on the review carried out
15 under paragraph (1), determines necessary for alert-
16 ing the public of hazardous water conditions or to
17 otherwise minimize or eliminate any identified
18 threats to human life and safety.

19 (b) COVERED SITES DEFINED.—In this section, the
20 term “covered sites” means—

21 (1) designated recreational areas at the Buford
22 Dam, Lake Sidney Lanier, Georgia, authorized by
23 section 1 of the Act of July 24, 1946 (chapter 595,
24 60 Stat. 635);

25 (2) designated recreational areas at the banks
26 of the Mississippi River, Louisiana; and

1 (3) the project for navigation, Murderkill River,
2 Delaware, authorized by the first section of the Act
3 of July 13, 1892 (chapter 158, 27 Stat. 98).

4 **SEC. 8230. ASSESSMENT OF COASTAL FLOODING MITIGA-**
5 **TION MODELING AND TESTING CAPACITY.**

6 (a) **IN GENERAL.**—The Secretary, acting through the
7 Director of the Engineer Research and Development Cen-
8 ter, shall carry out an assessment of the current capacity
9 of the Corps of Engineers to model coastal flood mitiga-
10 tion systems and test the effectiveness of such systems in
11 preventing flood damage resulting from coastal storm
12 surges.

13 (b) **CONSIDERATIONS.**—In carrying out the assess-
14 ment under subsection (a), the Secretary shall—

15 (1) identify the capacity of the Corps of Engi-
16 neers to—

17 (A) carry out the testing of the perform-
18 ance and reliability of coastal flood mitigation
19 systems; or

20 (B) collaborate with private industries to
21 carry out such testing;

22 (2) identify any limitations or deficiencies at
23 Corps of Engineers facilities that are capable of test-
24 ing the performance and reliability of coastal flood
25 mitigation systems;

1 (3) assess any benefits that would result from
2 addressing the limitations or deficiencies identified
3 under paragraph (2); and

4 (4) provide recommendations for addressing
5 such limitations or deficiencies.

6 (e) **REPORT TO CONGRESS.**—Not later than 1 year
7 after the date of enactment of this section, the Secretary
8 shall submit to the Committee on Transportation and In-
9 frastructure of the House of Representatives and the Com-
10 mittee on Environment and Public Works of the Senate,
11 and make publicly available (including on a publicly avail-
12 able website), a report describing the results of the assess-
13 ment carried out under subsection (a).

14 **SEC. 8231. REPORT ON SOCIALLY AND ECONOMICALLY DIS-**
15 **ADVANTAGED SMALL BUSINESS CONCERNS.**

16 (a) **IN GENERAL.**—Not later than 1 year after the
17 date of enactment of this Act, the Secretary shall submit
18 to the Committee on Transportation and Infrastructure
19 of the House of Representatives and the Committee on
20 Environment and Public Works of the Senate, and make
21 publicly available (including on a publicly available
22 website), a report that describes and documents the use
23 of contracts and subcontracts with Small Disadvantaged
24 Businesses in carrying out the water resources develop-
25 ment authorities of the Secretary.

1 (b) INFORMATION.—The Secretary shall include in
2 the report under subsection (a) information on the dis-
3 tribution of funds to Small Disadvantaged Businesses on
4 a disaggregated basis.

5 (c) DEFINITION.—In this section, the term “Small
6 Disadvantaged Business” has the meaning given that
7 term in section 124.1001 of title 13, Code of Federal Reg-
8 ulations (or successor regulations).

9 **SEC. 8232. REPORT ON SOLAR ENERGY OPPORTUNITIES.**

10 (a) ASSESSMENT.—

11 (1) IN GENERAL.—The Secretary shall conduct
12 an assessment, in collaboration with relevant Fed-
13 eral agencies and after consultation with relevant
14 non-Federal interests, of opportunities to install and
15 maintain photovoltaic solar panels (including float-
16 ing solar panels) at covered projects.

17 (2) CONTENTS.—The assessment conducted
18 under paragraph (1) shall—

19 (A) include a description of the economic,
20 environmental, and technical viability of install-
21 ing and maintaining, or contracting with third
22 parties to install and maintain, photovoltaic
23 solar panels at covered projects;

24 (B) identify covered projects with a high
25 potential for the installation and maintenance

1 of photovoltaic solar panels and whether such
2 installation and maintenance would require ad-
3 ditional authorization;

4 (C) account for potential impacts of photo-
5 voltaic solar panels at covered projects and the
6 authorized purposes of such projects, including
7 potential impacts on flood risk reduction, navi-
8 gation, recreation, water supply, and fish and
9 wildlife; and

10 (D) account for the availability of electric
11 grid infrastructure close to covered projects, in-
12 cluding underutilized transmission infrastruc-
13 ture.

14 (b) REPORT TO CONGRESS.—Not later than 18
15 months after the date of enactment of this Act, the Sec-
16 retary shall submit to Congress, and make publicly avail-
17 able (including on a publicly available website), a report
18 containing the results of the assessment conducted under
19 subsection (a).

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Secretary
22 \$10,000,000 to carry out this section.

23 (d) DEFINITION.—In this section, the term “covered
24 project” means—

1 (1) any property under the control of the Corps
2 of Engineers; and

3 (2) any water resources development project
4 constructed by the Secretary or over which the Sec-
5 retary has financial or operational responsibility.

6 **SEC. 8233. REPORT TO CONGRESS ON ECONOMIC VALU-**
7 **ATION OF PRESERVATION OF OPEN SPACE,**
8 **RECREATIONAL AREAS, AND HABITAT ASSO-**
9 **CIATED WITH PROJECT LANDS.**

10 (a) IN GENERAL.—The Secretary shall conduct a re-
11 view of the existing statutory, regulatory, and policy re-
12 quirements related to the determination of the economic
13 value of lands that—

14 (1) may be provided by the non-Federal inter-
15 est, as necessary, for the construction of a project
16 for flood risk reduction or hurricane and storm risk
17 reduction in accordance with section 103(i) of the
18 Water Resources Development Act of 1986 (33
19 U.S.C. 2213(i));

20 (2) are being maintained for open space, rec-
21 reational areas, or preservation of fish and wildlife
22 habitat; and

23 (3) will continue to be so maintained as part of
24 the project.

1 (b) REPORT TO CONGRESS.—Not later than 1 year
2 after the date of enactment of this section, the Secretary
3 shall issue to the Committee on Transportation and Infra-
4 structure of the House of Representatives and the Com-
5 mittee on Environment and Public Works of the Senate
6 a report containing the results of the review conducted
7 under subsection (a), including—

8 (1) a summary of the existing statutory, regu-
9 latory, and policy requirements described in such
10 subsection;

11 (2) a description of the requirements and proc-
12 ess the Secretary uses to place an economic value on
13 the lands described in such subsection;

14 (3) an assessment of whether such require-
15 ments and process affect the ability of a non-Federal
16 interest to provide such lands for the construction of
17 a project described in such subsection;

18 (4) an assessment of whether such require-
19 ments and process directly or indirectly encourage
20 the selection of developed lands for the construction
21 of a project, or have the potential to affect the total
22 cost of a project; and

23 (5) the identification of alternative measures for
24 determining the economic value of such lands that
25 could provide incentives for the preservation of open

1 space, recreational areas, and habitat in association
2 with the construction of a project.

3 **SEC. 8234. REPORT ON CORROSION PREVENTION ACTIVI-**
4 **TIES.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Secretary shall submit to the Committee
7 on Transportation and Infrastructure of the House of
8 Representatives and the Committee on Environment and
9 Public Works of the Senate, and make publicly available
10 (including on a publicly available website), a report that
11 describes—

12 (1) the extent to which the Secretary has car-
13 ried out section 1033 of the Water Resources Re-
14 form and Development Act of 2014 (33 U.S.C.
15 2350);

16 (2) the extent to which the Secretary has incor-
17 porated corrosion prevention activities (as defined in
18 such section) at water resources development
19 projects constructed or maintained by the Secretary
20 since the date of enactment of such section; and

21 (3) in instances where the Secretary has not in-
22 corporated corrosion prevention activities at such
23 water resources development projects since such
24 date, an explanation of why such corrosion preven-
25 tion activities have not been incorporated.

1 **SEC. 8235. REPORT TO CONGRESS ON EASEMENTS RE-**
2 **LATED TO WATER RESOURCES DEVELOP-**
3 **MENT PROJECTS.**

4 (a) **IN GENERAL.**—The Secretary shall conduct a re-
5 view of the existing statutory, regulatory, and policy re-
6 quirements and procedures related to the use, in relation
7 to the construction of a project for flood risk management,
8 hurricane and storm damage risk reduction, or ecosystem
9 restoration, of covered easements that may be provided to
10 the Secretary by non-Federal interests.

11 (b) **REPORT TO CONGRESS.**—Not later than 1 year
12 after the date of enactment of this Act, the Secretary shall
13 submit to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Environment and Public Works of the Senate
16 a report containing the results of the review conducted
17 under subsection (a), including—

18 (1) the findings of the Secretary relating to—

19 (A) the minimum rights in property that
20 are necessary to construct, operate, or maintain
21 projects for flood risk management, hurricane
22 and storm damage risk reduction, or ecosystem
23 restoration;

24 (B) whether increased use of covered ease-
25 ments in relation to such projects could pro-
26 mote greater participation from cooperating

1 landowners in addressing local flooding or eco-
2 system restoration challenges; and

3 (C) whether such increased use could re-
4 sult in cost savings in the implementation of
5 the projects, without any reduction in project
6 benefits; and

7 (2) any recommendations of the Secretary relat-
8 ing to whether existing requirements or procedures
9 related to such use of covered easements should be
10 revised to reflect the results of the review.

11 (c) DEFINITION.—In this section, the term “covered
12 easement” means an easement or other similar interest
13 in real property that—

14 (1) reserves for the Secretary rights in the
15 property that are necessary to construct, operate, or
16 maintain a water resources development project;

17 (2) provides for appropriate public use of the
18 property, and retains the right of continued use of
19 the property by the owner of the property, to the ex-
20 tent such uses are consistent with purposes of the
21 covered easement;

22 (3) provides access to the property for oversight
23 and inspection by the Secretary;

24 (4) is permanently recorded; and

25 (5) is enforceable under Federal and State law.

1 **SEC. 8236. GAO STUDIES.**

2 (a) **STUDY ON PROJECT DISTRIBUTION.—**

3 (1) **IN GENERAL.—**Not later than 1 year after
4 the date of enactment of this Act, the Comptroller
5 General of the United States shall initiate an anal-
6 ysis of—

7 (A) the geographic distribution of annual
8 and supplemental funding for water resources
9 development projects carried out by the Sec-
10 retary over the immediately preceding 5 fiscal
11 years; and

12 (B) the factors contributing to such dis-
13 tribution.

14 (2) **REPORT.—**Upon completion of the analysis
15 required under paragraph (1), the Comptroller Gen-
16 eral shall submit to the Committee on Environment
17 and Public Works of the Senate and the Committee
18 on Transportation and Infrastructure of the House
19 of Representatives a report on the findings of such
20 analysis.

21 (b) **ASSESSMENT OF CONCESSIONAIRE PRACTICES.—**

22 (1) **IN GENERAL.—**Not later than 1 year after
23 the date of enactment of this Act, the Comptroller
24 General of the United States shall initiate an assess-
25 ment of the concessionaire lease practices of the
26 Corps of Engineers.

1 (2) SCOPE.—In conducting the assessment
2 under paragraph (1), the Comptroller General shall
3 assess—

4 (A) the extent to which the formula of the
5 Corps of Engineers for calculating conces-
6 sionaire rental rates allows concessionaires to
7 obtain a reasonable return on investment, tak-
8 ing into account operating margins for sales of
9 food and fuel; and

10 (B) the process and formula for assessing
11 administrative fees for concessionaire leases
12 that addresses—

13 (i) the statutory authority for such
14 fees; and

15 (ii) the extent to which the process
16 and formula for assessing such fees are
17 transparent and consistent across districts
18 of the Corps of Engineers.

19 (3) REPORT.—Upon completion of the assess-
20 ment required under paragraph (1), the Comptroller
21 General shall submit to the Committee on Environ-
22 ment and Public Works of the Senate and the Com-
23 mittee on Transportation and Infrastructure of the
24 House of Representatives a report on the findings of
25 such assessment.

1 (c) AUDIT OF PROJECTS OVER BUDGET OR BEHIND
2 SCHEDULE.—

3 (1) LIST REQUIRED.—Not later than 90 days
4 after the date of enactment of this Act, the Sec-
5 retary shall provide to the Comptroller General of
6 the United States a list of each covered ongoing
7 water resources development project.

8 (2) REVIEW.—Not later than 1 year after re-
9 ceiving the list under paragraph (1), the Comptroller
10 General shall initiate a review of the factors and
11 conditions resulting in the estimated project cost or
12 completion date exceedances for each covered ongo-
13 ing water resources development project.

14 (3) REPORT.—Upon completion of the review
15 conducted under paragraph (2), the Comptroller
16 General shall submit to the Committee on Environ-
17 ment and Public Works of the Senate and the Com-
18 mittee on Transportation and Infrastructure of the
19 House of Representatives a report on the findings of
20 such review.

21 (4) DEFINITION OF COVERED ONGOING WATER
22 RESOURCES DEVELOPMENT PROJECT.—In this sub-
23 section, the term “covered ongoing water resources
24 development project” means a water resources devel-

1 opment project being carried out by the Secretary
2 for which, as of the date of enactment of this Act—

3 (A) the estimated total project cost of the
4 project exceeds the authorized total project cost
5 of the project by not less than \$50,000,000; or

6 (B) the estimated completion date of the
7 project exceeds the original estimated comple-
8 tion date of the project by not less than 5
9 years.

10 (d) STUDIES ON MITIGATION.—

11 (1) STUDY ON MITIGATION FOR WATER RE-
12 SOURCES DEVELOPMENT PROJECTS.—

13 (A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this Act, the
15 Comptroller General of the United States shall
16 initiate a review of projects and activities to
17 mitigate fish and wildlife losses resulting from
18 the construction, or operation and maintenance,
19 of an authorized water resources development
20 project.

21 (B) REQUIREMENTS.—In conducting the
22 review under subparagraph (A), the Comp-
23 troller General shall—

24 (i) assess the extent to which—

1 (I) districts of the Corps of Engi-
2 neers consistently implement the final
3 rule of the Department of Defense
4 and the Environmental Protection
5 Agency titled “Compensatory Mitiga-
6 tion for Losses of Aquatic Resources”
7 and issued on April 10, 2008 (73
8 Fed. Reg. 19594);

9 (II) mitigation projects and ac-
10 tivities (including the acquisition of
11 lands or interests in lands) restore the
12 natural hydrologic conditions, restore
13 native vegetation, and otherwise sup-
14 port native fish and wildlife species,
15 as required under section 906 of the
16 Water Resources Development Act of
17 1986 (33 U.S.C. 2283);

18 (III) mitigation projects or activi-
19 ties (including the acquisition of lands
20 or interests in lands) are undertaken
21 before, or concurrent with, the con-
22 struction of the authorized water re-
23 sources development project for which
24 such mitigation is required;

1 (IV) mitigation projects or activi-
2 ties (including the acquisition of lands
3 or interests in lands) are completed;

4 (V) mitigation projects or activi-
5 ties are undertaken to mitigate fish
6 and wildlife losses resulting from the
7 operation and maintenance of an au-
8 thorized water resources development
9 project, including based on periodic
10 review and updating of such projects
11 or activities;

12 (VI) the Secretary includes miti-
13 gation plans, as required by section
14 906(d) of the Water Resources Devel-
15 opment Act of 1986 (33 U.S. 2283),
16 in any project study (as defined in
17 section 2034(l) of the Water Re-
18 sources Development Act of 2007 (33
19 U.S.C. 2343));

20 (VII) processing and approval of
21 mitigation projects and activities (in-
22 cluding the acquisition of lands or in-
23 terests in lands) affects the timeline
24 of completion of authorized water re-
25 sources development projects; and

1 (VIII) mitigation projects and ac-
2 tivities (including the acquisition of
3 lands or interests in lands) affect the
4 total cost of authorized water re-
5 sources development projects;

6 (ii) evaluate the performance of each
7 of the mitigation mechanisms included in
8 the final rule described in clause (i)(I);

9 (iii) evaluate the efficacy of the use of
10 alternative methods, such as a perform-
11 ance-based contract, to satisfy mitigation
12 requirements of authorized water resources
13 development projects;

14 (iv) review any reports submitted to
15 Congress in accordance with section
16 2036(b) of the Water Resources Develop-
17 ment Act of 2007 (121 Stat. 1094) on the
18 status of construction of authorized water
19 resources development projects that require
20 mitigation; and

21 (v) consult with independent sci-
22 entists, economists, and other stakeholders
23 with expertise and experience to conduct
24 such review.

1 (C) DEFINITION OF PERFORMANCE-BASED
2 CONTRACT.—In this paragraph, the term “per-
3 formance-based contract” means a procurement
4 mechanism by which the Corps of Engineers
5 contracts with a public or private non-Federal
6 entity for a specific mitigation outcome require-
7 ment, with payment to the entity linked to de-
8 livery of verifiable, sustainable, and functionally
9 equivalent mitigation performance.

10 (D) REPORT.—Upon completion of the re-
11 view conducted under this paragraph, the
12 Comptroller General shall submit to the Com-
13 mittee on Environment and Public Works of the
14 Senate and the Committee on Transportation
15 and Infrastructure of the House of Representa-
16 tives a report on the findings of such review.

17 (2) STUDY ON COMPENSATORY MITIGATION.—

18 (A) IN GENERAL.—Not later than 1 year
19 after the date of enactment of this Act, the
20 Comptroller General of the United States shall
21 initiate a review of the performance metrics for,
22 compliance with, and adequacy of potential
23 mechanisms for fulfilling compensatory mitiga-
24 tion obligations pursuant to the Federal Water
25 Pollution Control Act (33 U.S.C. 1251 et seq.).

1 (B) REQUIREMENTS.—The Comptroller
2 General shall include in the review conducted
3 under subparagraph (A) an analysis of—

4 (i) the primary mechanisms for ful-
5 filling compensatory mitigation obligations,
6 including—

7 (I) mitigation banks;

8 (II) in-lieu fee programs; and

9 (III) direct mitigation by permit-
10 tees;

11 (ii) the timeliness of initiation and
12 successful completion of compensatory
13 mitigation activities in relation to when a
14 permitted activity occurs;

15 (iii) the timeliness of processing and
16 approval of compensatory mitigation activi-
17 ties;

18 (iv) the costs of carrying out compen-
19 satory mitigation activities borne by the
20 Federal Government, a permittee, or any
21 other involved entity;

22 (v) Federal and State agency over-
23 sight and short- and long-term monitoring
24 of compensatory mitigation activities;

1 (vi) whether a compensatory mitiga-
2 tion activity successfully replaces any lost
3 or adversely affected habitat with a habitat
4 having similar functions of equal or greater
5 ecological value; and

6 (vii) the continued, long-term oper-
7 ation of the compensatory mitigation ac-
8 tivities over a 5-, 10-, 20-, and 50-year pe-
9 riod, including ecological performance and
10 the functioning of long-term funding mech-
11 anisms.

12 (C) UPDATE.—In conjunction with the re-
13 view required under subparagraph (A), the
14 Comptroller General shall review and update
15 the findings and recommendations contained in
16 the report of the Comptroller General titled
17 “Corps of Engineers Does Not Have an Effec-
18 tive Oversight Approach to Ensure That Com-
19 pensatory Mitigation Is Occurring” and dated
20 September 2005 (GAO–05–898), including a
21 review of Federal agency compliance with such
22 recommendations.

23 (D) REPORT.—Upon completion of the re-
24 view conducted under required subparagraph
25 (A), the Comptroller General shall submit to

1 the Committee on Environment and Public
2 Works of the Senate and the Committee on
3 Transportation and Infrastructure of the House
4 of Representatives a report on the findings of
5 such review.

6 (e) STUDY ON WATERBORNE COMMERCE STATIS-
7 TICS.—

8 (1) IN GENERAL.—Not later than 18 months
9 after the date of enactment of this Act, the Comp-
10 troller General of the United States shall initiate a
11 review of the Waterborne Commerce Statistics Cen-
12 ter of the Corps of Engineers that includes—

13 (A) an assessment of ways in which the
14 Waterborne Commerce Statistics Center can
15 improve the collection of information relating to
16 all commercial maritime activity within the ju-
17 risdiction of a port, including the collection and
18 reporting of records of fishery landings and
19 aquaculture harvest; and

20 (B) recommendations to improve the col-
21 lection of such information from non-Federal
22 entities, taking into consideration—

23 (i) the cost, efficiency, and accuracy
24 of collecting such information; and

1 (ii) the protection of proprietary infor-
2 mation.

3 (2) REPORT.—Upon completion of the review
4 conducted out under paragraph (1), the Comptroller
5 General shall submit to the Committee on Transpor-
6 tation and Infrastructure of the House of Represent-
7 atives and the Committee on Environment and Pub-
8 lic Works of the Senate a report containing the re-
9 sults of such review.

10 (f) STUDY ON THE INTEGRATION OF INFORMATION
11 INTO THE NATIONAL LEVEE DATABASE.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the date of enactment of this Act, the Comp-
14 troller General of the United States shall initiate a
15 review of the sharing of levee information, and the
16 integration of such information into the National
17 Levee Database, by the Corps of Engineers and the
18 Federal Emergency Management Agency in accord-
19 ance with section 9004 of the Water Resources De-
20 velopment Act of 2007 (33 U.S.C. 3303).

21 (2) REQUIREMENTS.—In conducting the review
22 under paragraph (1), the Comptroller General
23 shall—

24 (A) investigate the information-sharing
25 protocols and procedures between the Corps of

1 Engineers and the Federal Emergency Manage-
2 ment Agency regarding the construction of new
3 Federal flood protection projects;

4 (B) analyze the timeliness of the integra-
5 tion of information relating to newly con-
6 structed Federal flood protection projects into
7 the National Levee Database;

8 (C) identify any delays between the con-
9 struction of a new Federal flood protection
10 project and when a policyholder of the National
11 Flood Insurance Program would realize a pre-
12 mium discount due to the construction of a new
13 Federal flood protection project; and

14 (D) determine whether such information-
15 sharing protocols are adversely impacting the
16 ability of the Secretary to perform accurate
17 benefit-cost analyses for future flood risk man-
18 agement activities.

19 (3) REPORT.—Upon completion of the review
20 conducted under paragraph (1), the Comptroller
21 General shall submit to the Committee on Transpor-
22 tation and Infrastructure of the House of Represent-
23 atives and the Committee on Environment and Pub-
24 lic Works of the Senate a report containing the re-
25 sults of such review.

1 (g) AUDIT OF JOINT COSTS FOR OPERATION AND
2 MAINTENANCE.—

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

10 (2) REPORT.—Upon completion of the review
11 conducted under paragraph (1), the Comptroller
12 General shall submit to the Committee on Environ-
13 ment and Public Works of the Senate and the Com-
14 mittee on Transportation and Infrastructure of the
15 House of Representatives a report on the findings of
16 such review and any recommendations that result
17 from such review.

18 **SEC. 8237. ASSESSMENT OF FOREST, RANGELAND, AND WA-**
19 **TERSHERD RESTORATION SERVICES ON**
20 **LANDS OWNED BY THE CORPS OF ENGI-**
21 **NEERS.**

22 (a) IN GENERAL.—The Secretary shall carry out an
23 assessment of forest, rangeland, and watershed restoration
24 services on lands owned by the Corps of Engineers, includ-
25 ing an assessment of whether the provision of such serv-

1 ices on such lands by non-Federal interests through good
2 neighbor agreements would be in the best interests of the
3 United States.

4 (b) CONSIDERATIONS.—In carrying out the assess-
5 ment under subsection (a), the Secretary shall—

6 (1) describe the forest, rangeland, and water-
7 shed restoration services provided by the Secretary
8 on lands owned by the Corps of Engineers;

9 (2) assess whether such services, including ef-
10 forts to reduce hazardous fuels and to restore and
11 improve forest, rangeland, and watershed health (in-
12 cluding the health of fish and wildlife habitats)
13 would be enhanced by authorizing the Secretary to
14 enter into a good neighbor agreement with a non-
15 Federal interest;

16 (3) describe the process for ensuring that Fed-
17 eral requirements for land management plans for
18 forests on lands owned by the Corps of Engineers
19 remain in effect under good neighbor agreements;

20 (4) assess whether Congress should authorize
21 the Secretary to enter into a good neighbor agree-
22 ment with a non-Federal interest to provide forest,
23 rangeland, and watershed restoration services on
24 lands owned by the Corps of Engineers, including by

1 assessing any interest expressed by a non-Federal
2 interest to enter into such an agreement;

3 (5) consider whether implementation of a good
4 neighbor agreement on lands owned by the Corps of
5 Engineers would benefit State and local governments
6 and Indian Tribes that are located in the same geo-
7 graphic area as such lands; and

8 (6) consult with the heads of other Federal
9 agencies authorized to enter into good neighbor
10 agreements with non-Federal interests.

11 (c) REPORT TO CONGRESS.—Not later than 18
12 months after the date of enactment of this section, the
13 Secretary shall submit to the Committee on Transpor-
14 tation and Infrastructure of the House of Representatives
15 and the Committee on Environment and Public Works of
16 the Senate, and make publicly available (including on a
17 publicly available website), a report describing the results
18 of the assessment carried out under subsection (a).

19 (d) DEFINITIONS.—In this section:

20 (1) FOREST, RANGELAND, AND WATERSHED
21 RESTORATION SERVICES.—The term “forest, range-
22 land, and watershed restoration services” has the
23 meaning given such term in section 8206 of the Ag-
24 ricultural Act of 2014 (16 U.S.C. 2113a).

1 (2) GOOD NEIGHBOR AGREEMENT.—The term
2 “good neighbor agreement” means a cooperative
3 agreement or contract (including a sole source con-
4 tract) entered into between the Secretary and a non-
5 Federal interest to carry out forest, rangeland, and
6 watershed restoration services.

7 (3) LANDS OWNED BY THE CORPS OF ENGI-
8 NEERS.—The term “lands owned by the Corps of
9 Engineers” means any land owned by the Corps of
10 Engineers, but does not include—

11 (A) a component of the National Wilder-
12 ness Preservation System;

13 (B) land on which the removal of vegeta-
14 tion is prohibited or restricted by law or Presi-
15 dential proclamation;

16 (C) a wilderness study area; or

17 (D) any other land with respect to which
18 the Secretary determines that forest, rangeland,
19 and watershed restoration services should re-
20 main the responsibility of the Secretary.

21 **Subtitle C—Deauthorizations and** 22 **Modifications**

23 **SEC. 8301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

24 (a) PURPOSES; PROPOSED DEAUTHORIZATION LIST;
25 SUBMISSION OF FINAL LIST.—Section 301 of the Water

1 Resources Development Act of 2020 (33 U.S.C. 579d–2)
2 is amended by striking subsections (a) through (c) and
3 inserting the following:

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

5 “(1) to identify water resources development
6 projects, and separable elements of projects, author-
7 ized by Congress that are no longer viable for con-
8 struction due to—

9 “(A) a lack of local support;

10 “(B) a lack of available Federal or non-
11 Federal resources; or

12 “(C) an authorizing purpose that is no
13 longer relevant or feasible;

14 “(2) to create an expedited and definitive proc-
15 ess for Congress to deauthorize water resources de-
16 velopment projects and separable elements that are
17 no longer viable for construction; and

18 “(3) to allow the continued authorization of
19 water resources development projects and separable
20 elements that are viable for construction.

21 “(b) PROPOSED DEAUTHORIZATION LIST.—

22 “(1) PRELIMINARY LIST OF PROJECTS.—

23 “(A) IN GENERAL.—The Secretary shall
24 develop a preliminary list of each water re-
25 sources development project, or separable ele-

1 ment of a project, authorized for construction
2 before November 8, 2007, for which—

3 “(i) planning, design, or construction
4 was not initiated before the date of enact-
5 ment of this Act; or

6 “(ii) planning, design, or construction
7 was initiated before the date of enactment
8 of this Act, but for which no funds, Fed-
9 eral or non-Federal, were obligated for
10 planning, design, or construction of the
11 project or separable element of the project
12 during the current fiscal year or any of the
13 10 preceding fiscal years.

14 “(B) USE OF COMPREHENSIVE CONSTRUC-
15 TION BACKLOG AND OPERATION AND MAINTEN-
16 NANCE REPORT.—The Secretary may develop
17 the preliminary list from the comprehensive
18 construction backlog and operation and mainte-
19 nance reports developed pursuant to section
20 1001(b)(2) of the Water Resources Develop-
21 ment Act of 1986 (33 U.S.C. 579a).

22 “(2) PREPARATION OF PROPOSED DEAUTHOR-
23 IZATION LIST.—

1 “(A) PROPOSED LIST AND ESTIMATED DE-
2 AUTHORIZATION AMOUNT.—The Secretary
3 shall—

4 “(i) prepare a proposed list of projects
5 for deauthorization comprised of a subset
6 of projects and separable elements identi-
7 fied on the preliminary list developed
8 under paragraph (1) that are projects or
9 separable elements described in subsection
10 (a)(1), as determined by the Secretary;
11 and

12 “(ii) include with such proposed list
13 an estimate, in the aggregate, of the Fed-
14 eral cost to complete such projects.

15 “(B) DETERMINATION OF FEDERAL COST
16 TO COMPLETE.—For purposes of subparagraph
17 (A), the Federal cost to complete shall take into
18 account any allowances authorized by section
19 902 of the Water Resources Development Act
20 of 1986 (33 U.S.C. 2280), as applied to the
21 most recent project schedule and cost estimate.

22 “(3) PUBLIC COMMENT AND CONSULTATION.—

23 “(A) IN GENERAL.—The Secretary shall
24 solicit comments from the public and the Gov-
25 ernors of each applicable State on the proposed

1 deauthorization list prepared under paragraph
2 (2)(A).

3 “(B) COMMENT PERIOD.—The public com-
4 ment period shall be 90 days.

5 “(4) PREPARATION OF FINAL DEAUTHORIZA-
6 TION LIST.—

7 “(A) IN GENERAL.—The Secretary shall
8 prepare a final deauthorization list by—

9 “(i) considering any comments re-
10 ceived under paragraph (3); and

11 “(ii) revising the proposed deauthor-
12 ization list prepared under paragraph
13 (2)(A) as the Secretary determines nec-
14 essary to respond to such comments.

15 “(B) APPENDIX.—The Secretary shall in-
16 clude as part of the final deauthorization list an
17 appendix that—

18 “(i) identifies each project or sepa-
19 rable element on the proposed deauthoriza-
20 tion list that is not included on the final
21 deauthorization list; and

22 “(ii) describes the reasons why the
23 project or separable element is not in-
24 cluded on the final deauthorization list.

1 “(c) SUBMISSION OF FINAL DEAUTHORIZATION LIST
2 TO CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICA-
3 TION.—

4 “(1) IN GENERAL.—Not later than 90 days
5 after the date of the close of the comment period
6 under subsection (b)(3), the Secretary shall—

7 “(A) submit the final deauthorization list
8 and appendix prepared under subsection (b)(4)
9 to the Committee on Transportation and Infra-
10 structure of the House of Representatives and
11 the Committee on Environment and Public
12 Works of the Senate; and

13 “(B) publish the final deauthorization list
14 and appendix in the Federal Register.

15 “(2) EXCLUSIONS.—The Secretary shall not in-
16 clude in the final deauthorization list submitted
17 under paragraph (1) any project or separable ele-
18 ment with respect to which Federal funds for plan-
19 ning, design, or construction are obligated after the
20 development of the preliminary list under subsection
21 (b)(1)(A) but prior to the submission of the final de-
22 authorization list under paragraph (1)(A) of this
23 subsection.”.

1 (b) REPEAL.—Section 301(d) of the Water Resources
2 Development Act of 2020 (33 U.S.C. 579d–2(d)) is re-
3 pealed.

4 **SEC. 8302. WATERSHED AND RIVER BASIN ASSESSMENTS.**

5 Section 729 of the Water Resources Development Act
6 of 1986 (33 U.S.C. 2267a) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (5), by striking “and” at
9 the end;

10 (B) in paragraph (6), by striking the pe-
11 riod at the end and inserting a semicolon; and

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

13 “(7) sea level rise;

14 “(8) coastal storm damage reduction; and

15 “(9) streambank and shoreline protection.”;

16 and

17 (2) in subsection (d)—

18 (A) in paragraph (9), by striking “and” at
19 the end;

20 (B) in paragraph (10), by striking the pe-
21 riod at the end and inserting a semicolon; and

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

23 “(11) New York-New Jersey Watershed Basin,

24 which encompasses all the watersheds that flow into

25 the New York-New Jersey Harbor and their associ-

1 ated estuaries, including the Hudson, Mohawk, Rari-
2 tan, Passaic, Hackensack, and Bronx River Water-
3 sheds and the Hudson River Estuary;

4 “(12) Mississippi River Watershed; and

5 “(13) Chattahoochee River Basin, Alabama,
6 Florida, and Georgia.”.

7 **SEC. 8303. FORECAST-INFORMED RESERVOIR OPERATIONS.**

8 (a) **ADDITIONAL UTILIZATION OF FORECAST-IN-**
9 **FORMED RESERVOIR OPERATIONS.**—Section 1222(c) of
10 the Water Resources Development Act of 2018 (132 Stat.
11 3811; 134 Stat. 2661) is amended—

12 (1) in paragraph (1), by striking “the Upper
13 Missouri River Basin and the North Platte River
14 Basin” and inserting “the Upper Missouri River
15 Basin, the North Platte River Basin, and the Apa-
16 lachicola Chattahoochee Flint River Basin”; and

17 (2) in paragraph (2)—

18 (A) in subparagraph (A), by striking “the
19 Upper Missouri River Basin or the North
20 Platte River Basin” and inserting “the Upper
21 Missouri River Basin, the North Platte River
22 Basin, or the Apalachicola Chattahoochee Flint
23 River Basin”; and

24 (B) in subparagraph (B), by striking “the
25 Upper Missouri River Basin or the North

1 Platte River Basin” and inserting “the Upper
2 Missouri River Basin, the North Platte River
3 Basin, or the Apalachicola Chattahoochee Flint
4 River Basin”.

5 (b) COMPLETION OF REPORTS.—The Secretary shall
6 expedite completion of the reports authorized by section
7 1222 of the Water Resources Development Act of 2018
8 (132 Stat. 3811; 134 Stat. 2661).

9 (c) FORECAST-INFORMED RESERVOIR OPER-
10 ATIONS.—

11 (1) IN GENERAL.—The Secretary is authorized
12 to carry out a research study pilot program at 1 or
13 more dams owned and operated by the Secretary in
14 the North Atlantic Division of the Corps of Engi-
15 neers to assess the viability of forecast-informed res-
16 ervoir operations in the eastern United States.

17 (2) REPORT.—Not later than 1 year after com-
18 pletion of the research study pilot program under
19 paragraph (1), the Secretary shall submit to the
20 Committee on Transportation and Infrastructure of
21 the House of Representatives and the Committee on
22 Environment and Public Works of the Senate a re-
23 port on the results of the research study pilot pro-
24 gram.

1 SEC. 8304. LAKES PROGRAM.

2 Section 602(a) of the Water Resources Development
3 Act of 1986 (100 Stat. 4148; 104 Stat. 4646; 110 Stat.
4 3758; 113 Stat. 295; 121 Stat. 1076; 134 Stat. 2703)
5 is amended—

6 (1) in paragraph (29), by striking “and” at the
7 end;

8 (2) in paragraph (30), by striking the period at
9 the end and inserting a semicolon; and

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

11 “(31) Salisbury Pond, Worcester, Massachu-
12 setts;

13 “(32) Baisley Pond, New York;

14 “(33) Legacy Park, Decatur, Georgia; and

15 “(34) White Rock Lake, Dallas, Texas.”.

16 SEC. 8305. INVASIVE SPECIES.

17 (a) AQUATIC INVASIVE SPECIES RESEARCH.—Sec-
18 tion 1108(a) of the Water Resources Development Act of
19 2018 (33 U.S.C. 2263a(a)) is amended by inserting “,
20 hydrilla” after “elodea”.

21 (b) INVASIVE SPECIES MANAGEMENT.—Section 104
22 of the River and Harbor Act of 1958 (33 U.S.C. 610)
23 is amended—

24 (1) in subsection (b)(2)(A)(ii)—

25 (A) by striking “\$50,000,000” and insert-
26 ing “\$75,000,000”; and

1 (B) by striking “2024” and inserting
2 “2028”;

3 (2) in subsection (f)(4) by striking “2024” and
4 inserting “2028”; and

5 (3) in subsection (g)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) by striking “water quantity or
9 water quality” and inserting “water
10 quantity, water quality, or eco-
11 systems”; and

12 (II) by inserting “the Lake Erie
13 Basin, the Ohio River Basin,” after
14 “the Upper Snake River Basin,”; and

15 (ii) in subparagraph (B), by inserting
16 “, hydrilla (*Hydrilla verticillata*),” after
17 “(*Elaeagnus angustifolia*)”; and

18 (B) in paragraph (3)(D), by striking
19 “2024” and inserting “2028”.

20 (c) HARMFUL ALGAL BLOOM DEMONSTRATION PRO-
21 GRAM.—Section 128(c) of the Water Resources Develop-
22 ment Act of 2020 (33 U.S.C. 610 note) is amended to
23 read as follows:

24 “(c) FOCUS AREAS.—In carrying out the demonstra-
25 tion program under subsection (a), the Secretary shall un-

1 dertake program activities related to harmful algal blooms
2 in—
3 “(1) the Great Lakes;
4 “(2) the tidal and inland waters of the State of
5 New Jersey, including Lake Hopatcong, New Jersey;
6 “(3) the coastal and tidal waters of the State
7 of Louisiana;
8 “(4) the waterways of the counties that com-
9 prise the Sacramento-San Joaquin Delta, California;
10 “(5) the Allegheny Reservoir Watershed, New
11 York;
12 “(6) Lake Okeechobee, Florida;
13 “(7) the Caloosahatchee and St. Lucie Rivers,
14 Florida;
15 “(8) Lake Sidney Lanier, Georgia;
16 “(9) Rio Grande River Basin, Colorado, New
17 Mexico, and Texas;
18 “(10) lakes and reservoirs in the State of Ohio;
19 “(11) the Upper Mississippi River and tribu-
20 taries;
21 “(12) Detroit Lake, Oregon;
22 “(13) Ten Mile Lake, Oregon; and
23 “(14) the coastal waters of the United States
24 Virgin Islands.”.

1 (d) UPDATE ON INVASIVE SPECIES POLICY GUID-
2 ANCE.—Section 501(b) of the Water Resources Develop-
3 ment Act of 2020 (33 U.S.C. 610 note) is amended—

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

6 (2) in paragraph (2), by striking the period at
7 the end and inserting “; and”; and

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

9 “(3) the Sacramento-San Joaquin Delta, Cali-
10 fornia.”.

11 **SEC. 8306. MAINTENANCE OF NAVIGATION CHANNELS.**

12 Section 509(a) of the Water Resources Development
13 Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat.
14 2679) is amended by adding at the end the following:

15 “(18) Second harbor at New Madrid County
16 Harbor, Missouri.

17 “(19) Yabucoa Harbor, Puerto Rico.

18 “(20) Everett Harbor and Snohomish River,
19 Boat Launch Connector Channel, Washington.

20 “(21) Port Townsend, Boat Haven Marina
21 Breakwater, Washington.

22 “(22) Segment 1B of Houston Ship Channel,
23 Texas.”.

24 **SEC. 8307. PROJECT REAUTHORIZATIONS.**

25 (a) IN GENERAL.—

1 (1) NEW YORK HARBOR, NEW YORK AND NEW
2 JERSEY.—The New York Harbor collection and re-
3 moval of drift project authorized by section 2 of the
4 Act of March 4, 1915 (chapter 142, 38 Stat. 1051;
5 88 Stat. 39; 104 Stat. 4615), and deauthorized pur-
6 suant to section 6001 of the Water Resources Re-
7 form and Development Act of 2014 (128 Stat.
8 1345), is authorized to be carried out by the Sec-
9 retary.

10 (2) RIO NIGUA, SALINAS, PUERTO RICO.—The
11 project for flood control, Rio Nigua, Salinas, Puerto
12 Rico, authorized by section 101 of the Water Re-
13 sources Development Act of 1999 (113 Stat. 278),
14 and deauthorized pursuant to section 6001 of the
15 Water Resources Reform and Development Act of
16 2014 (128 Stat. 1345), is authorized to be carried
17 out by the Secretary.

18 (3) RIO GRANDE DE LOIZA, PUERTO RICO.—
19 The project for flood control, Rio Grande De Loiza,
20 Puerto Rico, authorized by section 101 of the Water
21 Resources Development Act of 1992 (106 Stat.
22 4803), and deauthorized pursuant to section 6001 of
23 the Water Resources Reform and Development Act
24 of 2014 (128 Stat. 1345), is authorized to be carried
25 out by the Secretary.

1 (b) FEASIBILITY STUDIES.—The Secretary shall
2 carry out, and submit to the Committee on Environment
3 and Public Works of the Senate and the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives a report on the results of, a feasibility study
6 for each of the projects described in subsection (a).

7 **SEC. 8308. SPECIAL RULE FOR CERTAIN BEACH NOURISH-**
8 **MENT PROJECTS.**

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

12 (1) fund, at Federal expense, any incremental
13 increase in cost to the project that results from a
14 legal requirement to use a borrow source determined
15 by the Secretary to be other than the least-cost op-
16 tion; and

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

19 (b) WATER RESOURCES DEVELOPMENT PROJECT
20 DESCRIBED.—A water resources development project re-
21 ferred to in subsection (a) is any of the following:

22 (1) The Townsends Inlet to Cape May Inlet,
23 New Jersey, hurricane storm damage reduction,
24 shore protection, and ecosystem restoration project,

1 authorized by section 101(a)(26) of the Water Re-
2 sources Development Act of 1999 (113 Stat. 278).

3 (2) The Folly Beach, South Carolina, shoreline
4 protection project, authorized by section 501(a) of
5 the Water Resources Development Act of 1986 (100
6 Stat. 4136; 105 Stat. 520).

7 (3) The Carolina Beach and Vicinity, North
8 Carolina, coastal storm risk management project,
9 authorized by section 203 of the Flood Control Act
10 of 1962 (76 Stat. 1182; 134 Stat. 2741).

11 (4) The Wrightsville Beach, North Carolina,
12 coastal storm risk management project, authorized
13 by section 203 of the Flood Control Act of 1962 (76
14 Stat. 1182; 134 Stat. 2741).

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

21 **SEC. 8309. COLUMBIA RIVER BASIN.**

22 (a) STUDY OF FLOOD RISK MANAGEMENT ACTIVI-
23 TIES.—

24 (1) IN GENERAL.—Using funds made available
25 to carry out this section, the Secretary is authorized,

1 at Federal expense, to carry out a study to deter-
2 mine the feasibility of a project for flood risk man-
3 agement and related purposes in the Columbia River
4 Basin and to report to the Committee on Transpor-
5 tation and Infrastructure of the House of Represent-
6 atives and the Committee on Environment and Pub-
7 lic Works of the Senate with recommendations
8 thereon, including recommendations for a project to
9 potentially reduce the reliance on Canada for flood
10 risk management in the basin.

11 (2) COORDINATION.—The Secretary shall carry
12 out the activities described in this subsection in co-
13 ordination with other Federal and State agencies
14 and Indian Tribes.

15 (b) FUNDS FOR COLUMBIA RIVER TREATY OBLIGA-
16 TIONS.—

17 (1) IN GENERAL.—The Secretary is authorized
18 to expend funds appropriated for the purpose of sat-
19 isfying United States obligations under the Colum-
20 bia River Treaty to compensate Canada for oper-
21 ating Canadian storage on behalf of the United
22 States under such treaty.

23 (2) NOTIFICATION.—If the U.S. entity calls
24 upon Canada to operate Canadian reservoir storage
25 for flood risk management on behalf of the United

1 States, which operation may incur an obligation to
2 compensate Canada under the Columbia River Trea-
3 ty—

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

13 (B) upon a determination by the United
14 States of the amount of compensation that shall
15 be paid to Canada, the Secretary shall submit
16 to the Committees on Transportation and In-
17 frastructure and Appropriations of the House
18 of Representatives and the Committees on En-
19 vironment and Public Works and Appropria-
20 tions of the Senate a written notice specifying
21 such amount and an explanation of how such
22 amount was derived, which notification shall
23 not delay or impede the flood risk management
24 mission of the U.S. entity; and

1 (C) the Secretary shall make no payment
2 to Canada for the call under the Columbia
3 River Treaty until such time as funds appro-
4 priated for the purpose of compensating Can-
5 ada under such treaty are available.

6 (3) DEFINITIONS.—In this section:

7 (A) COLUMBIA RIVER BASIN.—The term
8 “Columbia River Basin” means the entire
9 United States portion of the Columbia River
10 watershed.

11 (B) COLUMBIA RIVER TREATY.—The term
12 “Columbia River Treaty” means the treaty re-
13 lating to cooperative development of the water
14 resources of the Columbia River Basin, signed
15 at Washington January 17, 1961, and entered
16 into force September 16, 1964.

17 (C) U.S. ENTITY.—The term “U.S. entity”
18 means the entity designated by the United
19 States under Article XIV of the Columbia River
20 Treaty.

21 **SEC. 8310. EVALUATION OF HYDROLOGIC CHANGES IN**
22 **SOURIS RIVER BASIN.**

23 The Secretary is authorized to evaluate hydrologic
24 changes affecting the agreement entitled “Agreement Be-
25 tween the Government of Canada and the Government of

1 the United States of America for Water Supply and Flood
2 Control in the Souris River Basin”, signed and entered
3 into force on October 26, 1989.

4 **SEC. 8311. ACEQUIAS IRRIGATION SYSTEMS.**

5 Section 1113 of the Water Resources Development
6 Act of 1986 (100 Stat. 4232; 110 Stat. 3719) is amend-
7 ed—

8 (1) in subsection (b)—

9 (A) by striking “(b) Subject to section
10 903(a) of this Act, the Secretary is authorized
11 and directed to undertake” and inserting the
12 following:

13 “(b) AUTHORIZATION.—The Secretary shall carry
14 out”; and

15 (B) by striking “canals” and all that fol-
16 lows through “100 percent.” and inserting the
17 following: “channels attendant to the operations
18 of the community ditch and Acequia systems in
19 New Mexico that—

20 “(1) are declared to be a political subdivision of
21 the State; or

22 “(2) belong to an Indian Tribe (as defined in
23 section 4 of the Indian Self-Determination and Edu-
24 cation Assistance Act (25 U.S.C. 5304)).”;

1 (2) by redesignating subsection (c) as sub-
2 section (f);

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

5 “(c) INCLUSIONS.—The measures described in sub-
6 section (b) shall, to the maximum extent practicable—

7 “(1) ensure greater resiliency of diversion struc-
8 tures, including to flow variations, prolonged
9 drought conditions, invasive plant species, and
10 threats from changing hydrological and climatic con-
11 ditions; or

12 “(2) support research, development, and train-
13 ing for innovative management solutions, including
14 those for controlling invasive aquatic plants that af-
15 fect acequias.

16 “(d) COST SHARING.—The non-Federal share of the
17 cost of carrying out the measures described in subsection
18 (b), including study costs, shall be 25 percent, except that
19 in the case of a measure benefitting an economically dis-
20 advantaged community (as defined by the Secretary under
21 section 160 of the Water Resources Development Act of
22 2020 (33 U.S.C. 2201 note)), including economically dis-
23 advantaged communities located in urban and rural areas,
24 the Federal share of the cost of carrying out such measure
25 shall be 90 percent.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out the measures
3 described in subsection (b) \$80,000,000.”; and

4 (4) in subsection (f) (as so redesignated)—

5 (A) in the first sentence—

6 (i) by striking “(f) The Secretary is
7 further authorized and directed to” and in-
8 serting the following:

9 “(f) PUBLIC ENTITY STATUS.—

10 “(1) IN GENERAL.—The Secretary shall”; and

11 (ii) by inserting “or belong to an In-
12 dian Tribe within the State of New Mex-
13 ico” after “that State”; and

14 (B) in the second sentence, by striking
15 “This public entity status will allow the officials
16 of these Acequia systems” and inserting the fol-
17 lowing:

18 “(2) EFFECT.—The public entity status pro-
19 vided under paragraph (1) shall allow the officials of
20 the Acequia systems described in such paragraph”.

21 **SEC. 8312. PORT OF NOME, ALASKA.**

22 (a) IN GENERAL.—The Secretary shall carry out the
23 project for navigation, Port of Nome, Alaska, authorized
24 by section 401(1) of the Water Resources Development
25 Act of 2020 (134 Stat. 2733).

1 (b) COST SHARE.—

2 (1) IN GENERAL.—The non-Federal interest for
3 the project described in subsection (a) shall pay 10
4 percent of the costs associated with the general navi-
5 gation features of the project during the period of
6 construction.

7 (2) EXCEPTION.—Section 101(a)(2) of the
8 Water Resources Development Act of 1986 (33
9 U.S.C. 2211(a)(2)) shall not apply to the project de-
10 scribed in subsection (a).

11 **SEC. 8313. ST. GEORGE, ALASKA.**

12 Notwithstanding the terms of the local cooperation
13 agreement between the Department of the Army and the
14 City of St. George, Alaska, dated December 23, 1988, the
15 Secretary shall waive any and all payments due and owing
16 to the United States by the City of St. George on or after
17 the date of enactment this Act resulting from the judg-
18 ment filed on November 8, 1993, in the United States
19 Court of Federal Claims in *J.E. McAmis, Inc. v. United*
20 *States*, 90–315C, 91–1194C, and 91–1195C.

21 **SEC. 8314. UNALASKA (DUTCH HARBOR) CHANNELS, ALAS-**
22 **KA.**

23 Section 401(1) of the Water Resources Development
24 Act of 2020 (134 Stat. 2734) is amended, in row 3 (relat-
25 ing to the project for navigation, Unalaska (Dutch Har-

1 bor) Channels, Alaska), by striking “February 7, 2020”
2 and inserting “October 2, 2020”.

3 **SEC. 8315. STORM DAMAGE PREVENTION AND REDUCTION,**
4 **COASTAL EROSION, AND ICE AND GLACIAL**
5 **DAMAGE, ALASKA.**

6 (a) IN GENERAL.—The Secretary shall establish a
7 program to carry out structural and nonstructural
8 projects for storm damage prevention and reduction,
9 coastal erosion, and ice and glacial damage in the State
10 of Alaska, including—

- 11 (1) relocation of affected communities; and
- 12 (2) construction of replacement facilities.

13 (b) COST SHARE.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), the non-Federal share of the cost of a
16 project carried out under this section shall be in ac-
17 cordance with sections 103 and 105 of the Water
18 Resources Development Act of 1986 (33 U.S.C.
19 2213, 2215).

20 (2) EXCEPTION.—In the case of a project bene-
21 fitting an economically disadvantaged community (as
22 defined by the Secretary under section 160 of the
23 Water Resources Development Act of 2020 (33
24 U.S.C. 2201 note)), including economically disadvan-
25 taged communities located in urban and rural areas,

1 the non-Federal share of the cost of such project
2 shall be 10 percent.

3 (c) REPEAL.—Section 116 of the Energy and Water
4 Development and Related Agencies Appropriations Act,
5 2010 (123 Stat. 2851), is repealed.

6 (d) TREATMENT.—The program authorized by sub-
7 section (a) shall be considered a continuation of the pro-
8 gram authorized by section 116 of the Energy and Water
9 Development and Related Agencies Appropriations Act,
10 2010 (123 Stat. 2851) (as in effect on the day before the
11 date of enactment of this Act).

12 **SEC. 8316. ST. FRANCIS LAKE CONTROL STRUCTURE.**

13 (a) IN GENERAL.—The Secretary shall set the ordi-
14 nary high water mark for water impounded behind the St.
15 Francis Lake Control Structure, authorized by the Act of
16 May 15, 1928 (chapter 569, 45 Stat. 538; 79 Stat. 1077),
17 at 208 feet mean sea level.

18 (b) OPERATION BY PROJECT MANAGER.—In setting
19 the ordinary high water mark under subsection (a), the
20 Secretary shall ensure that the project manager for the
21 St. Francis Lake Control Structure may continue oper-
22 ating such structure in accordance with the instructions
23 set forth in the document titled “St. Francis Lake Control
24 Structure Standing Instructions to the Project Manager”

1 and published in January 1982 by the Corps of Engineers,
2 Memphis District.

3 **SEC. 8317. SOUTH PLATTE RIVER AND TRIBUTARIES,**
4 **ADAMS AND DENVER COUNTIES, COLORADO.**

5 (a) IN GENERAL.—The Secretary shall expedite the
6 completion of a written agreement under section 204(d)
7 of the Water Resources Development Act of 1986 (33
8 U.S.C. 2232(d)) with the non-Federal interest for the
9 project for ecosystem restoration and flood risk manage-
10 ment, South Platte River and Tributaries, Adams and
11 Denver Counties, Colorado, authorized by section 401(4)
12 of the Water Resources Development Act of 2020 (134
13 Stat. 2739).

14 (b) REIMBURSEMENT.—The written agreement de-
15 scribed in subsection (a) shall provide for reimbursement
16 of the non-Federal interest from funds in the allocation
17 for the project described in subsection (a) in the detailed
18 spend plan submitted for amounts appropriated under the
19 heading “**DEPARTMENT OF THE ARMY—CORPS OF**
20 **ENGINEERS—CIVIL—CONSTRUCTION**” in title III of
21 division J of the Infrastructure Investment and Jobs Act
22 (135 Stat. 1359) if the Secretary determines that funds
23 in an amount sufficient to reimburse the non-Federal in-
24 terest are available in such allocation.

1 **SEC. 8318. FRUITVALE AVENUE RAILROAD BRIDGE, ALA-**
2 **MEDA, CALIFORNIA.**

3 Section 4017(d) of the Water Resources Development
4 Act of 2007 (121 Stat. 1175) is repealed.

5 **SEC. 8319. LOS ANGELES COUNTY, CALIFORNIA.**

6 (a) **ESTABLISHMENT OF PROGRAM.**—The Secretary
7 may establish a program to provide environmental assist-
8 ance to non-Federal interests in Los Angeles County, Cali-
9 fornia.

10 (b) **FORM OF ASSISTANCE.**—Assistance provided
11 under this section may be in the form of design and con-
12 struction assistance for water-related environmental infra-
13 structure and resource protection and development
14 projects in Los Angeles County, California, including
15 projects for wastewater treatment and related facilities,
16 water supply and related facilities, environmental restora-
17 tion, and surface water resource protection and develop-
18 ment.

19 (c) **OWNERSHIP REQUIREMENT.**—The Secretary may
20 provide assistance for a project under this section only if
21 the project is publicly owned.

22 (d) **PARTNERSHIP AGREEMENTS.**—

23 (1) **IN GENERAL.**—Before providing assistance
24 under this section to a non-Federal interest, the Sec-
25 retary shall enter into a partnership agreement
26 under section 221 of the Flood Control Act of 1970

1 (42 U.S.C. 1962d–5b) with the non-Federal interest
2 with respect to the project to be carried out with
3 such assistance.

4 (2) REQUIREMENTS.—Each partnership agree-
5 ment for a project entered into under this subsection
6 shall provide for the following:

7 (A) Development by the Secretary, in con-
8 sultation with appropriate Federal and State of-
9 ficials, of a facilities or resource protection and
10 development plan, including appropriate engi-
11 neering plans and specifications.

12 (B) Establishment of such legal and insti-
13 tutional structures as are necessary to ensure
14 the effective long-term operation of the project
15 by the non-Federal interest.

16 (3) COST SHARING.—

17 (A) IN GENERAL.—The Federal share of
18 the cost of a project under this section—

19 (i) shall be 75 percent; and

20 (ii) may be provided in the form of
21 grants or reimbursements of project costs.

22 (B) CREDIT FOR INTEREST.—In case of a
23 delay in the funding of the Federal share of a
24 project that is the subject of an agreement
25 under this section, the non-Federal interest

1 shall receive credit for reasonable interest in-
2 curred in providing the non-Federal share of
3 the project cost.

4 (C) CREDIT FOR LAND, EASEMENTS, AND
5 RIGHTS-OF-WAY.—Notwithstanding section
6 221(a)(4)(G) of the Flood Control Act of 1970
7 (42 U.S.C. 1962d–5b(a)(4)(G)), the non-Fed-
8 eral interest shall receive credit for land, ease-
9 ments, rights-of-way, and relocations toward
10 the non-Federal share of project cost (including
11 all reasonable costs associated with obtaining
12 permits necessary for the construction, oper-
13 ation, and maintenance of the project on pub-
14 licly owned or controlled land), but the credit
15 may not exceed 25 percent of total project
16 costs.

17 (D) OPERATION AND MAINTENANCE.—The
18 non-Federal share of operation and mainte-
19 nance costs for projects constructed with assist-
20 ance provided under this section shall be 100
21 percent.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated \$50,000,000 to carry out this section.

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

6 **SEC. 8320. DEAUTHORIZATION OF DESIGNATED PORTIONS**
7 **OF THE LOS ANGELES COUNTY DRAINAGE**
8 **AREA, CALIFORNIA.**

9 (a) IN GENERAL.—The portion of the project for
10 flood risk management, Los Angeles County Drainage
11 Area, California, authorized by section 5 of the Act of
12 June 22, 1936 (chapter 688, 49 Stat. 1589; 50 Stat. 167;
13 52 Stat. 1215; 55 Stat. 647; 64 Stat. 177; 104 Stat.
14 4611), consisting of the debris basins described in sub-
15 section (b), is no longer authorized beginning on the date
16 that is 18 months after the date of enactment of this Act.

17 (b) DEBRIS BASINS DESCRIBED.—The debris basins
18 referred to in subsection (a) are the following debris basins
19 operated and maintained by the Los Angeles County Flood
20 Control District, as generally defined in Corps of Engi-
21 neers operations and maintenance manuals as may be fur-
22 ther described in an agreement entered into under sub-
23 section (c): Auburn Debris Basin, Bailey Debris Basin,
24 Big Dalton Debris Basin, Blanchard Canyon Debris
25 Basin, Blue Gum Canyon Debris Basin, Brand Canyon

1 Debris Basin, Carter Debris Basin, Childs Canyon Debris
2 Basin, Dunsmuir Canyon Debris Basin, Eagle Canyon
3 Debris Basin, Eaton Wash Debris Basin, Elmwood Can-
4 yon Debris Basin, Emerald East Debris Basin, Emerald
5 West Debris Retention Inlet, Hay Debris Basin, Hillcrest
6 Debris Basin, La Tuna Canyon Debris Basin, Little Dal-
7 ton Debris Basin, Live Oak Debris Retention Inlet, Lopez
8 Debris Retention Inlet, Lower Sunset Canyon Debris
9 Basin, Marshall Canyon Debris Retention Inlet, Santa
10 Anita Debris Basin, Sawpit Debris Basin, Schoolhouse
11 Canyon Debris Basin, Shields Canyon Debris Basin, Si-
12 erra Madre Villa Debris Basin, Snover Canyon Debris
13 Basin, Stough Canyon Debris Basin, Wilson Canyon De-
14 bris Basin, and Winery Canyon Debris Basin.

15 (c) AGREEMENT.—Not later than 90 days after the
16 date of enactment of this Act, the Secretary shall seek
17 to enter into an agreement with the Los Angeles County
18 Flood Control District to ensure that the Los Angeles
19 County Flood Control District—

20 (1) operates, maintains, repairs, and rehabili-
21 tates, and replaces as necessary, the debris basins
22 described in subsection (b)—

23 (A) in perpetuity at no cost to the United
24 States; and

1 (B) in a manner that ensures that the
2 quantity and concentration of stormwater
3 inflows from such debris basins does not reduce
4 the level of flood protection of the project de-
5 scribed in subsection (a);

6 (2) retains public ownership of, and compatible
7 uses for, all real property required for the continued
8 functioning of the debris basins described in sub-
9 section (b), consistent with authorized purposes of
10 the project described in subsection (a);

11 (3) allows the Corps of Engineers to continue
12 to operate, maintain, rehabilitate, repair, and replace
13 appurtenant structures, such as rain and stream
14 gages, located within the debris basins subject to de-
15 authorization under subsection (a) as necessary to
16 ensure the continued functioning of the project de-
17 scribed in subsection (a); and

18 (4) holds and saves the United States harmless
19 from damages due to overtopping, breach, failure,
20 operation, or maintenance of the debris basins de-
21 scribed in subsection (b).

22 (d) ADMINISTRATIVE COSTS.—The Secretary may
23 accept and expend funds voluntarily contributed by the
24 Los Angeles County Flood Control District to cover the
25 administrative costs incurred by the Secretary to—

- 1 (1) enter into an agreement under subsection
2 (c); and
3 (2) monitor compliance with such agreement.

4 **SEC. 8321. MURRIETA CREEK, CALIFORNIA.**

5 Section 103 of title I of appendix B of Public Law
6 106–377 (114 Stat. 1441A–65) (relating to the project
7 for flood control, environmental restoration, and recre-
8 ation, Murrieta Creek, California), is amended—

9 (1) by striking “\$89,850,000” and inserting
10 “\$277,194,000”;

11 (2) by striking “\$57,735,000” and inserting
12 “\$180,176,100”; and

13 (3) by striking “\$32,115,000” and inserting
14 “\$97,017,900”.

15 **SEC. 8322. SACRAMENTO RIVER BASIN, CALIFORNIA.**

16 The portion of the project for flood protection in the
17 Sacramento River Basin, authorized by section 2 of the
18 Act of March 1, 1917 (chapter 144, 39 Stat. 949; 68 Stat.
19 1264; 110 Stat. 3662; 113 Stat. 319), consisting of the
20 portion of the American River North Levee, upstream of
21 Arden Way, from G.P.S. coordinate 38.600948N
22 121.330599W to 38.592261N 121.334155W, is no longer
23 authorized beginning on the date of enactment of this Act.

1 **SEC. 8323. SAN DIEGO RIVER AND MISSION BAY, SAN DIEGO**
2 **COUNTY, CALIFORNIA.**

3 (a) **IN GENERAL.**—The project for flood control and
4 navigation, San Diego River and Mission Bay, San Diego
5 County, California, authorized by the Act of July 24, 1946
6 (chapter 595, 60 Stat. 636; 134 Stat. 2705), is modified
7 to change the authorized conveyance capacity of the
8 project to a level determined appropriate by the Secretary
9 based on the actual capacity of the project, which level
10 may be further modified by the Secretary as necessary to
11 account for sea level rise.

12 (b) **OPERATION AND MAINTENANCE MANUAL.**—

13 (1) **IN GENERAL.**—The non-Federal sponsor for
14 the project described in subsection (a) shall prepare
15 for review and approval by the Secretary a revised
16 operation and maintenance manual for the project to
17 implement the modification described in subsection
18 (a).

19 (2) **FUNDING.**—The non-Federal sponsor shall
20 provide to the Secretary funds sufficient to cover the
21 costs incurred by the Secretary to review and ap-
22 prove the manual described in paragraph (1), and
23 the Secretary may accept and expend such funds in
24 the performance of such review and approval.

25 (c) **EMERGENCY REPAIR AND RESTORATION ASSIST-**
26 **ANCE.**—Upon approval by the Secretary of the revised op-

1 eration and maintenance manual required under sub-
2 section (b), and subject to compliance by the non-Federal
3 sponsor with the requirements of such manual and with
4 any other eligibility requirement established by the Sec-
5 retary, the project described in subsection (a) shall be con-
6 sidered for assistance under section 5(a) of the Act of Au-
7 gust 18, 1941 (33 U.S.C. 701n(a)).

8 **SEC. 8324. ADDITIONAL ASSISTANCE FOR EASTERN SANTA**
9 **CLARA BASIN, CALIFORNIA.**

10 Section 111 of title I of division B of the Miscella-
11 neous Appropriations Act, 2001 (Public Law 106–554,
12 appendix D, 114 Stat. 2763A–224 (as enacted by section
13 1(a)(4) of the Consolidated Appropriations Act, 2001 (114
14 Stat. 2763)); 121 Stat. 1209), is amended—

15 (1) in subsection (a), by inserting “and volatile
16 organic compounds” after “perchlorates”; and

17 (2) in subsection (b)(3), by inserting “and vola-
18 tile organic compounds” after “perchlorates”.

19 **SEC. 8325. SAN FRANCISCO BAY, CALIFORNIA.**

20 (a) **TECHNICAL AMENDMENT.**—Section 203(a)(1)(A)
21 of the Water Resources Development Act of 2020 (134
22 Stat. 2675) is amended by striking “ocean shoreline” and
23 inserting “bay and ocean shorelines”.

24 (b) **IMPLEMENTATION.**—In carrying out a study
25 under section 142 of the Water Resources Development

1 Act of 1976 (90 Stat. 2930; 100 Stat. 4158), pursuant
2 to section 203(a)(1)(A) of the Water Resources Develop-
3 ment Act of 2020 (as amended by this section), the Sec-
4 retary shall not differentiate between damages related to
5 high tide flooding and coastal storm flooding for the pur-
6 poses of determining the Federal interest or cost share.

7 **SEC. 8326. SOUTH SAN FRANCISCO BAY SHORELINE, CALI-**
8 **FORNIA.**

9 (a) IN GENERAL.—Except for funds required for a
10 betterment or for a locally preferred plan, the Secretary
11 shall not require the non-Federal interest for the project
12 for flood risk management, ecosystem restoration, and
13 recreation, South San Francisco Bay Shoreline, Cali-
14 fornia, authorized by section 1401(6) of the Water Re-
15 sources Development Act of 2016 (130 Stat. 1714), to
16 contribute funds under an agreement entered into prior
17 to the date of enactment of this Act in excess of the total
18 cash contribution required from the non-Federal interest
19 for the project under section 103 of the Water Resources
20 Development Act of 1986 (33 U.S.C. 2213).

21 (b) REQUIREMENT.—The Secretary shall not, at any
22 time, defer, suspend, or terminate construction of the
23 project described in subsection (a) solely on the basis of
24 a determination by the Secretary that an additional appro-
25 priation is required to cover the Federal share of the cost

1 to complete construction of the project, if Federal funds,
2 in an amount determined by the Secretary to be sufficient
3 to continue construction of the project, remain available
4 in the allocation for the project under the Long-Term Dis-
5 aster Recovery Investment Plan for amounts appropriated
6 under the heading “CORPS OF ENGINEERS—CIVIL—DE-
7 PARTMENT OF THE ARMY—CONSTRUCTION” in title IV of
8 subdivision 1 of division B of the Bipartisan Budget Act
9 of 2018 (Public Law 115–123; 132 Stat. 76).

10 **SEC. 8327. DELAWARE SHORE PROTECTION AND RESTORA-**
11 **TION.**

12 (a) DELAWARE BENEFICIAL USE OF DREDGED MA-
13 TERIAL FOR THE DELAWARE RIVER, DELAWARE.—

14 (1) IN GENERAL.—At the request of the non-
15 Federal interest for the project for hurricane and
16 storm damage risk reduction, Delaware Beneficial
17 Use of Dredged Material for the Delaware River,
18 Delaware, authorized by section 401(3) of the Water
19 Resources Development Act of 2020 (134 Stat.
20 2736) (referred to in this subsection as the
21 “project”), the Secretary shall implement the project
22 using borrow sources that are alternatives to the
23 Delaware River, Philadelphia to the Sea, project,
24 Delaware, New Jersey, Pennsylvania, authorized by
25 the Act of June 25, 1910 (chapter 382, 36 Stat.

1 637; 46 Stat. 921; 52 Stat. 803; 59 Stat. 14; 68
2 Stat. 1249; 72 Stat. 297).

3 (2) INTERIM AUTHORITY.—Until the Secretary
4 implements the modification under paragraph (1),
5 the Secretary is authorized, at the request of a non-
6 Federal interest, to carry out initial construction or
7 periodic nourishments at any site included in the
8 project under—

9 (A) section 1122 of the Water Resources
10 Development Act of 2016 (33 U.S.C. 2326
11 note); or

12 (B) section 204(d) of the Water Resources
13 Development Act of 1992 (33 U.S.C. 2326(d)).

14 (3) COST SHARE.—The Federal share of the
15 cost to construct and periodically nourish the
16 project, including the cost of any modifications car-
17 ried out under paragraph (1) and the incremental
18 cost of any placements carried out under paragraph
19 (2)(B), shall be 90 percent.

20 (b) DELAWARE EMERGENCY SHORE RESTORA-
21 TION.—

22 (1) IN GENERAL.—The Secretary is authorized
23 to repair or restore a federally authorized hurricane
24 and storm damage reduction structure or project or
25 a public beach located in the State of Delaware pur-

1 suant to section 5(a) of the Act of August 18, 1941
2 (33 U.S.C. 701n(a)), if—

3 (A) the structure, project, or public beach
4 is damaged by wind, wave, or water action asso-
5 ciated with a Nor'easter; and

6 (B) the Secretary determines that the
7 damage prevents—

8 (i) in the case of a structure or
9 project, the adequate functioning of the
10 structure or project for the authorized pur-
11 poses of the structure or project; or

12 (ii) in the case of a public beach, the
13 adequate functioning of the beach as a
14 natural barrier to inundation, wave attack,
15 or erosion coinciding with hurricanes,
16 coastal storms, or Nor'easters.

17 (2) JUSTIFICATION.—The Secretary may carry
18 out a repair or restoration activity under paragraph
19 (1) without the need to demonstrate that the activity
20 is justified solely by national economic development
21 benefits if—

22 (A) the Secretary determines that—

23 (i) such activity is necessary to restore
24 the adequate functioning of the structure,
25 project, or public beach for the purposes

1 described in paragraph (1)(B), as applica-
2 ble; and

3 (ii) such activity is warranted to pro-
4 tect against loss to life or property of the
5 community protected by the structure,
6 project, or public beach; and

7 (B) in the case of a public beach, the non-
8 Federal interest agrees to participate in, and
9 comply with, applicable Federal floodplain man-
10 agement and flood insurance programs.

11 (3) PRIORITIZATION.—Repair or restoration ac-
12 tivities carried out by the Secretary under paragraph
13 (2) shall be given equal budgetary consideration and
14 priority as activities justified solely by national eco-
15 nomic development benefits.

16 (4) LIMITATIONS.—An activity carried out
17 under paragraph (1) for a public beach shall not—

18 (A) repair or restore the beach beyond its
19 natural profile; or

20 (B) be considered initial construction of
21 the hurricane and storm damage reduction
22 project.

23 (5) SAVINGS PROVISION.—The authority pro-
24 vided by this subsection shall be in addition to any
25 authority provided by section 5(a) of the Act of Au-

1 gust 18, 1941 (33 U.S.C. 701n(a)) to repair or re-
2 store federally authorized hurricane or shore protec-
3 tive structure or project located in the State of Dela-
4 ware damaged or destroyed by wind, wave, or water
5 action of other than an ordinary nature.

6 (6) SUNSET.—The authority of the Secretary to
7 carry out an activity under paragraph (1) for a pub-
8 lic beach shall expire on the date that is 10 years
9 after the date of enactment of this Act.

10 (7) DEFINITIONS.—In this subsection:

11 (A) NOR'EASTER.—The term “Nor'easter”
12 means a synoptic-scale, extratropical cyclone in
13 the western North Atlantic Ocean.

14 (B) PUBLIC BEACH.—The term “public
15 beach” means a beach within the geographic
16 boundary of an unconstructed federally author-
17 ized hurricane and storm damage reduction
18 project that is—

19 (i) a publicly owned beach; or

20 (ii) a privately owned beach that is
21 available for public use, including the avail-
22 ability of reasonable public access, in ac-
23 cordance with Engineer Regulation 1165–
24 2–130, published by the Corps of Engi-
25 neers, dated June 15, 1989.

1 (c) INDIAN RIVER INLET AND BAY, DELAWARE.—

2 (1) IN GENERAL.—In carrying out major main-
3 tenance of the project for navigation, Indian River
4 Inlet and Bay, Delaware, authorized by the first sec-
5 tion of the Act of August 26, 1937 (chapter 832, 50
6 Stat. 846; 59 Stat. 14), the Secretary shall repair,
7 restore, or relocate any non-Federal public recre-
8 ation facility that has been damaged, in whole or in
9 part, by the deterioration or failure of the project.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated to carry out
12 this subsection \$10,000,000.

13 (d) INDIAN RIVER INLET SAND BYPASS PLANT,
14 DELAWARE.—

15 (1) IN GENERAL.—The project for hurricane-
16 flood protection and beach erosion control at Indian
17 River Inlet, Delaware, commonly known as the “In-
18 dian River Inlet Sand Bypass Plant”, authorized by
19 section 869 of the Water Resources Development
20 Act of 1986 (100 Stat. 4182), is modified to author-
21 ize the Secretary, at the request of a non-Federal in-
22 terest, to provide periodic nourishment through dedi-
23 cated dredging or other means to maintain or re-
24 store the functioning of such project when—

25 (A) the sand bypass plant is inoperative; or

1 (B) operation of the sand bypass plant is
2 insufficient to maintain the functioning of the
3 project.

4 (2) COST SHARE.—The non-Federal share of
5 the cost of a cycle of periodic nourishment provided
6 pursuant to paragraph (1) shall be the same per-
7 centage as the non-Federal share of the cost to oper-
8 ate the sand bypass plant.

9 (e) REPROGRAMMING FOR COASTAL STORM RISK
10 MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

11 (1) IN GENERAL.—For each fiscal year, the
12 Secretary may reprogram amounts made available
13 for any coastal storm risk management project to
14 use such amounts for the project for hurricane-flood
15 protection and beach erosion control at Indian River
16 Inlet, Delaware, commonly known as the “Indian
17 River Inlet Sand Bypass Plant”, authorized by sec-
18 tion 869 of the Water Resources Development Act
19 of 1986 (100 Stat. 4182).

20 (2) LIMITATIONS.—

21 (A) IN GENERAL.—The Secretary may
22 carry out not more than 2 reprogramming ac-
23 tions under paragraph (1) for each fiscal year.

24 (B) AMOUNT.—For each fiscal year, the
25 Secretary may reprogram—

1 (i) not more than \$100,000 per re-
2 programming action; and

3 (ii) not more than \$200,000 for each
4 fiscal year.

5 **SEC. 8328. ST. JOHNS RIVER BASIN, CENTRAL AND SOUTH-**
6 **ERN FLORIDA.**

7 The portions of the project for flood control and other
8 purposes, Central and Southern Florida, authorized by
9 section 203 of the Flood Control Act of 1948 (62 Stat.
10 1176), consisting of the southernmost 3.5-mile reach of
11 the L-73 levee, Section 2, Osceola County Florida, are
12 no longer authorized beginning on the date of enactment
13 of this Act.

14 **SEC. 8329. LITTLE PASS, CLEARWATER BAY, FLORIDA.**

15 The portion of the project for navigation, Little Pass,
16 Clearwater Bay, Florida, authorized by section 101 of the
17 River and Harbor Act of 1960 (74 Stat. 481), beginning
18 with the most westerly 1,000 linear feet of the channel
19 encompassing all of Cut H, to include the turning basin,
20 is no longer authorized beginning on the date of enactment
21 of this Act.

1 **SEC. 8330. COMPREHENSIVE EVERGLADES RESTORATION**
2 **PLAN, FLORIDA.**

3 (a) IN GENERAL.—Section 601(e)(5) of the Water
4 Resources Development Act of 2000 (114 Stat. 2685; 121
5 Stat. 1269; 132 Stat. 3786) is amended—

6 (1) in subparagraph (D), by striking “subpara-
7 graph (D)” and inserting “subparagraph (E)”; and

8 (2) in subparagraph (E)—

9 (A) in clause (i), in the matter preceding
10 subclause (I), by striking “during each 5-year
11 period, beginning with commencement of design
12 of the Plan” and inserting “during each period
13 of 5 fiscal years, beginning on October 1,
14 2022”;

15 (B) in clause (ii), by inserting “for each
16 project in the Plan” before the period at the
17 end; and

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

19 “(iii) ACCOUNTING.—Not later than
20 90 days after the end of each fiscal year,
21 the Secretary shall provide to the non-Fed-
22 eral sponsor a financial accounting of non-
23 Federal contributions under clause (i)(I)
24 for such fiscal year.

25 “(iv) LIMITATION.—In the case of an
26 authorized project for which a project part-

1 nership agreement has not been executed
2 and for which there is an agreement under
3 subparagraph (B)(i)(III), the Secretary—

4 “(I) shall consider all expendi-
5 tures and obligations incurred by the
6 non-Federal sponsor for land and in-
7 kind services for the project in deter-
8 mining the amount of any cash con-
9 tribution required from the non-Fed-
10 eral sponsor to satisfy the cost-share
11 requirements of this subsection; and

12 “(II) may only require any such
13 cash contribution to be made at the
14 end of each period of 5 fiscal years
15 under clause (i).”.

16 (b) UPDATE.—The Secretary and the non-Federal in-
17 terest shall revise the Master Agreement for the Com-
18 prehensive Everglades Restoration Plan, executed in 2009
19 pursuant to section 601 of the Water Resources Develop-
20 ment Act of 2000 (114 Stat. 2680), to reflect the amend-
21 ment made by subsection (a).

22 **SEC. 8331. PALM BEACH HARBOR, FLORIDA.**

23 Beginning on the date of enactment of this Act, the
24 project for navigation, Palm Beach Harbor, Florida, for
25 which assumption of maintenance was authorized by sec-

1 tion 202 of the Water Resources Development Act of 1986
2 (100 Stat. 4093), is modified to deauthorize the portion
3 of the project, known as the Northern Turning Basin, con-
4 sisting of an approximate 209,218-square foot area (4.803
5 acres) of the Federal northern turning basin within Palm
6 Beach Harbor, starting at a point with coordinates
7 N887149.6299, E965813.7673; thence running
8 N46°05'59"E for 106.07 feet to a point with coordinates
9 N887223.1767, E965890.1929; thence running
10 S88°54'01"E for 393.00 feet to a point with coordinates
11 N887215.6342, E966283.1205; thence running
12 S32°48'37"E for 433.78 feet to a point with coordinates
13 N886851.0560, E966518.1668; thence running
14 N88°54'01"W for 710.00 feet to a point with coordinates
15 N886864.6824, E965808.2975; thence running
16 N01°05'59"E for 285.00 feet to the point of origin.

17 **SEC. 8332. PORT EVERGLADES, FLORIDA.**

18 Section 1401(1) of the Water Resources Development
19 Act of 2016 (130 Stat. 1709) is amended, in row 4 (relat-
20 ing to the project for navigation, Port Everglades, Flor-
21 ida)—

22 (1) by striking "\$229,770,000" and inserting
23 "\$529,700,000";

24 (2) by striking "\$107,233,000" and inserting
25 "\$247,209,000"; and

1 (3) by striking “\$337,003,000” and inserting
2 “\$776,909,000”.

3 **SEC. 8333. SOUTH FLORIDA ECOSYSTEM RESTORATION**
4 **TASK FORCE.**

5 Section 528(f)(1)(J) of the Water Resources Develop-
6 ment Act of 1996 (110 Stat. 3771) is amended by striking
7 “2 representatives of the State of Florida,” and inserting
8 “3 representatives of the State of Florida, including at
9 least 1 representative of the Florida Department of Envi-
10 ronmental Protection and 1 representative of the Florida
11 Fish and Wildlife Conservation Commission,”.

12 **SEC. 8334. NEW SAVANNAH BLUFF LOCK AND DAM, GEOR-**
13 **GIA AND SOUTH CAROLINA.**

14 Section 1319(c) of the Water Resources Development
15 Act of 2016 (130 Stat. 1704) is amended by striking para-
16 graph (2) and inserting the following:

17 “(2) COST SHARE.—

18 “(A) IN GENERAL.—The costs of construc-
19 tion of a Project feature constructed pursuant
20 to paragraph (1) shall be determined in accord-
21 ance with section 101(a)(1)(B) of the Water
22 Resources Development Act of 1986 (33 U.S.C.
23 2211(a)(1)(B)).

24 “(B) SAVINGS PROVISION.—Any increase
25 in costs for the Project due to the construction

1 of a Project feature constructed pursuant to
2 paragraph (1) shall not be included in the total
3 project cost for purposes of section 902 of the
4 Water Resources Development Act of 1986 (33
5 U.S.C. 2280).”.

6 **SEC. 8335. LITTLE WOOD RIVER, GOODING, IDAHO.**

7 Section 3057 of the Water Resources Development
8 Act of 2007 (121 Stat. 1120) is amended—

9 (1) in subsection (a)(2), by striking
10 “\$9,000,000” and inserting “\$40,000,000”; and

11 (2) in subsection (b)—

12 (A) by striking paragraph (1) and insert-
13 ing the following:

14 “(1) PLANNING, DESIGN, AND RECONSTRUC-
15 TION COSTS.—The Federal share of planning, de-
16 sign, and reconstruction costs for a project under
17 this section, including any work associated with
18 bridges, shall be 90 percent.”; and

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

20 “(3) IN-KIND CONTRIBUTIONS.—The non-Fed-
21 eral interest may provide and receive credit for in-
22 kind contributions for a project carried out under
23 this section, consistent with section 221(a)(4) of the
24 Flood Control Act of 1970 (42 U.S.C. 1962d-
25 5b(a)(4)).

1 “(4) CASH CONTRIBUTION NOT APPLICABLE.—
2 The requirement under section 103(a)(1)(A) of the
3 Water Resources Development Act of 1986 (33
4 U.S.C. 2213(a)(1)(A)) for a non-Federal interest to
5 provide 5 percent of the cost of a project carried out
6 under this section shall not apply with respect to the
7 project.

8 “(5) PAYMENT OPTIONS.—At the request of the
9 non-Federal interest for a project carried out under
10 this section and subject to available funding, the
11 non-Federal contribution for construction of the
12 project shall be financed in accordance with the pro-
13 visions of section 103(k) of the Water Resources De-
14 velopment Act of 1986 (33 U.S.C. 2213(k)) over a
15 period of thirty years from the date of completion of
16 the project.”.

17 **SEC. 8336. CHICAGO SHORELINE PROTECTION.**

18 The project for storm damage reduction and shore-
19 line erosion protection, Lake Michigan, Illinois, from
20 Wilmette, Illinois, to the Illinois-Indiana State line, au-
21 thorized by section 101(a)(12) of the Water Resources De-
22 velopment Act of 1996 (110 Stat. 3664), is modified to
23 authorize the Secretary to provide 65 percent of the cost
24 of the locally preferred plan, as described in the Report

1 of the Chief of Engineers, dated April 14, 1994, for the
2 construction of the following segments of the project:

3 (1) Shoreline revetment at Morgan Shoal.

4 (2) Shoreline revetment at Promontory Point.

5 **SEC. 8337. GREAT LAKES AND MISSISSIPPI RIVER**
6 **INTERBASIN PROJECT, BRANDON ROAD,**
7 **WILL COUNTY, ILLINOIS.**

8 (a) IN GENERAL.—Section 402(a)(1) of the Water
9 Resources Development Act of 2020 (134 Stat. 2742) is
10 amended by striking “80 percent” and inserting “90 per-
11 cent”.

12 (b) LOCAL COOPERATION REQUIREMENTS.—At the
13 request of the applicable non-Federal interests for the
14 project for ecosystem restoration, Great Lakes and Mis-
15 sissippi River Interbasin project, Brandon Road, Will
16 County, Illinois, authorized by section 401(a)(5) of the
17 Water Resources Development Act of 2020 (134 Stat.
18 2740), the Secretary shall not require such non-Federal
19 interests to be jointly and severally liable for all non-Fed-
20 eral obligations in the project partnership agreement for
21 the project.

22 **SEC. 8338. SOUTHEAST DES MOINES, SOUTHWEST PLEAS-**
23 **ANT HILL, IOWA.**

24 (a) PROJECT MODIFICATIONS.—The project for flood
25 control and other purposes, Red Rock Dam and Lake, Des

1 Moines River, Iowa (referred to in this section as the “Red
2 Rock Dam Project”), authorized by section 10 of the Act
3 of December 22, 1944 (chapter 665, 58 Stat. 896), and
4 the project for local flood protection, Des Moines Local
5 Flood Protection, Des Moines River, Iowa (referred to in
6 this section as “Flood Protection Project”), authorized by
7 such section, shall be modified as follows, subject to a new
8 or amended agreement between the Secretary and the non-
9 Federal interest for the Flood Protection Project, the City
10 of Des Moines, Iowa (referred to in this section as the
11 “City”), in accordance with section 221 of the Flood Con-
12 trol Act of 1970 (42 U.S.C. 1962d–5b):

13 (1) That portion of the Red Rock Dam Project
14 consisting of the segment of levee from Station
15 15+88.8W to Station 77+43.7W shall be trans-
16 ferred to the Flood Protection Project.

17 (2) The relocated levee improvement con-
18 structed by the City, from Station 77+43.7W to ap-
19 proximately Station 20+00, shall be included in the
20 Flood Protection Project.

21 (b) FEDERAL EASEMENT CONVEYANCES.—

22 (1) IN GENERAL.—The Secretary is authorized
23 to convey the following easements, acquired by the
24 Federal Government for the Red Rock Dam Project,

1 to the City to become part of the Flood Protection
2 Project in accordance with subsection (a):

3 (A) Easements identified as Tracts
4 3215E-1, 3235E, and 3227E.

5 (B) Easements identified as Partial Tracts
6 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

7 (2) ADDITIONAL CONVEYANCES AUTHORIZED.—

8 After execution of a new or amended agreement pur-
9 suant to subsection (a) and conveyance of the ease-
10 ments under paragraph (1), the Secretary is author-
11 ized to convey the following easements, by quitclaim
12 deed, without consideration, acquired by the Federal
13 Government for the Red Rock Dam project, to the
14 City or to the Des Moines Metropolitan Wastewater
15 Reclamation Authority and no longer required for
16 the Red Rock Dam Project or for the Des Moines
17 Local Flood Protection Project:

18 (A) Easements identified as Tracts 3200E,
19 3202E-1, 3202E-2, 3202E-4, 3203E-2,
20 3215E-3, 3216E-1, and 3216E-5.

21 (B) Easements identified as Partial Tracts
22 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

23 (3) EASEMENT DISPOSAL PROCESS AND
24 FEES.—All real property interests conveyed under
25 this subsection shall be subject to the standard re-

1 lease of easement disposal process. All administra-
2 tive fees associated with the transfer of the subject
3 easements to the City or to the Des Moines Metro-
4 politan Wastewater Reclamation Authority will be
5 borne by the transferee.

6 **SEC. 8339. CITY OF EL DORADO, KANSAS.**

7 (a) IN GENERAL.—The Secretary shall amend the
8 contract described in subsection (b) between the United
9 States and the City of El Dorado, Kansas, relating to stor-
10 age space for water supply, to change the method of cal-
11 culation of the interest charges that began accruing on
12 June 30, 1991, on the investment costs for the 72,087
13 acre-feet of future use storage space, from compounding
14 interest annually to charging simple interest annually on
15 the principal amount, until—

16 (1) the City of El Dorado informs the Secretary
17 of the desire to convert the future use storage space
18 to present use; and

19 (2) the principal amount plus the accumulated
20 interest becomes payable pursuant to the terms of
21 the contract.

22 (b) CONTRACT DESCRIBED.—The contract referred
23 to in subsection (a) is the contract between the United
24 States and the City of El Dorado, Kansas, for the use
25 by the City of El Dorado of storage space for water supply

1 in El Dorado Lake, Kansas, entered into on June 30,
2 1972, and titled Contract DACW56-72-C-0220.

3 **SEC. 8340. ALGIERS CANAL LEVEES, LOUISIANA.**

4 (a) IN GENERAL.—In accordance with section 328 of
5 the Water Resources Development Act of 1999 (113 Stat.
6 304; 121 Stat. 1129), the Secretary shall resume oper-
7 ation, maintenance, repair, rehabilitation, and replace-
8 ment of the Algiers Canal Levees, Louisiana, at full Fed-
9 eral expense.

10 (b) TECHNICAL AMENDMENT.—Section 328(c) of the
11 Water Resources Development Act of 1999 (113 Stat.
12 304; 121 Stat. 1129) is amended by inserting “described
13 in subsection (b)” after “the project”.

14 **SEC. 8341. MISSISSIPPI RIVER GULF OUTLET, LOUISIANA.**

15 The Federal share of the cost of the project for eco-
16 system restoration, Mississippi River Gulf Outlet, Lou-
17 isiana, authorized by section 7013(a)(4) of the Water Re-
18 sources Development Act of 2007 (121 Stat. 1281), shall
19 be 100 percent.

20 **SEC. 8342. CAMP ELLIS, SACO, MAINE.**

21 (a) IN GENERAL.—The project being carried out
22 under section 111 of the River and Harbor Act of 1968
23 (33 U.S.C. 426i) for the mitigation of shore damages at-
24 tributable to the project for navigation, Camp Ellis, Saco,
25 Maine, is modified as follows:

1 **SEC. 8344. UPPER MISSISSIPPI RIVER PROTECTION.**

2 Section 2010 of the Water Resources Reform and De-
3 velopment Act of 2014 (128 Stat. 1270; 132 Stat. 3812)
4 is amended by adding at the end the following:

5 “(f) **LIMITATION.**—The Secretary shall not rec-
6 ommend deauthorization of the Upper St. Anthony Falls
7 Lock and Dam pursuant to the disposition study carried
8 out under subsection (d) unless the Secretary identifies
9 a willing and capable non-Federal public entity to assume
10 ownership of the Upper St. Anthony Falls Lock and Dam.

11 “(g) **MODIFICATION.**—The Secretary is authorized to
12 investigate the feasibility of modifying, prior to
13 deauthorizing, the Upper St. Anthony Falls Lock and
14 Dam to add ecosystem restoration, including the preven-
15 tion and control of invasive species, water supply, and
16 recreation as authorized purposes.”.

17 **SEC. 8345. UPPER MISSISSIPPI RIVER RESTORATION PRO-**
18 **GRAM.**

19 Section 1103(e)(3) of the Water Resources Develop-
20 ment Act of 1986 (33 U.S.C. 652(e)(3)) is amended by
21 striking “\$40,000,000” and inserting “\$75,000,000”.

22 **SEC. 8346. WATER LEVEL MANAGEMENT ON THE UPPER**
23 **MISSISSIPPI RIVER AND ILLINOIS WATER-**
24 **WAY.**

25 (a) **IN GENERAL.**—As part of the operation and
26 maintenance of the navigation channel projects on the

1 Upper Mississippi River, including all projects authorized
2 for navigation of the Mississippi River from the mouth of
3 the Missouri River to Minneapolis, authorized by the first
4 section of the Act of July 3, 1930 (chapter 847, 46 Stat.
5 927; 49 Stat. 1034; 50 Stat. 848; 59 Stat. 19; 72 Stat.
6 298; 92 Stat. 1695; 95 Stat. 1634; 100 Stat. 4208; 100
7 Stat. 4213; 100 Stat. 4228; 102 Stat. 4027; 104 Stat.
8 4613; 106 Stat. 4806; 106 Stat. 4811; 110 Stat. 3716;
9 121 Stat. 1283; 128 Stat. 1270; 132 Stat. 3812; 134
10 Stat. 2704), and as part of the operation and maintenance
11 of the navigation channel projects on the Illinois River,
12 Illinois (also called the Illinois Waterway), authorized by
13 the first section of the Act of January 21, 1927 (chapter
14 47, 44 Stat. 1013; 46 Stat. 929; 49 Stat. 1035; 49 Stat.
15 1036; 52 Stat. 805; 59 Stat. 19; 60 Stat. 636; 72 Stat.
16 302; 82 Stat. 735; 100 Stat. 4208; 106 Stat. 4806; 121
17 Stat. 1283; 128 Stat. 1351), the Secretary is authorized
18 to and shall carry out water level management activities
19 to help redress the degrading influences of prolonged inun-
20 dation or sedimentation from such projects, and to im-
21 prove the quality and quantity of habitat available for fish
22 and wildlife.

23 (b) CONDITIONS ON DRAWDOWNS.—In carrying out
24 subsection (a), the Secretary shall carry out routine and
25 systemic water level drawdowns of the pools created by

1 the locks and dams of the projects described in subsection
2 (a), including drawdowns during the growing season,
3 when—

4 (1) hydrologic conditions allow the Secretary to
5 carry out a drawdown within applicable dam oper-
6 ating plans; or

7 (2) hydrologic conditions allow the Secretary to
8 carry out a drawdown and sufficient funds are avail-
9 able to the Secretary to carry out any additional ac-
10 tivities that may be required to ensure that the
11 drawdown does not adversely affect navigation.

12 (c) COORDINATION AND NOTIFICATION.—

13 (1) COORDINATION.—The Secretary shall use
14 existing coordination and consultation processes to
15 regularly coordinate and consult with other relevant
16 Federal agencies and States regarding the planning
17 and assessment of water level management actions
18 implemented under this section.

19 (2) NOTIFICATION AND OPPORTUNITY FOR
20 COMMENT.—Prior to carrying out any activity under
21 this section, the Secretary shall provide to the public
22 and to navigation interests and other interested
23 stakeholders notice and an opportunity for comment
24 on such activity.

1 (d) REPORT.—Not later than December 31, 2028,
2 the Secretary shall make publicly available (including on
3 a publicly available website) and submit to the Committee
4 on Transportation and Infrastructure of the House of
5 Representatives and the Committee on Environment and
6 Public Works of the Senate a report that describes any
7 activity carried out under this section and the effects of
8 such activity.

9 **SEC. 8347. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.**

10 As part of the authority of the Secretary to carry out
11 the project for flood damage reduction, bank stabilization,
12 and sediment and erosion control, Yazoo Basin, Mis-
13 sissippi Delta Headwaters, Mississippi, authorized pursu-
14 ant to the matter under the heading “ENHANCEMENT OF
15 WATER RESOURCE BENEFITS AND FOR EMERGENCY DIS-
16 ASTER WORK” in title I of Public Law 98–8 (97 Stat. 22),
17 the Secretary may carry out emergency maintenance ac-
18 tivities, as the Secretary determines to be necessary, for
19 features of the project completed before the date of enact-
20 ment of this Act.

21 **SEC. 8348. SENSE OF CONGRESS RELATING TO OKATIBBEE**
22 **LAKE, MISSISSIPPI.**

23 It is the sense of Congress that—

24 (1) there is significant shoreline sloughing and
25 erosion at the Okatibbee Lake portion of the project

1 for flood protection, Chunky Creek, Chickasawhay
2 and Pascagoula Rivers, Mississippi, authorized by
3 section 203 of the Flood Control Act of 1962 (76
4 Stat. 1183), which has the potential to impact infra-
5 structure, damage property, and put lives at risk;
6 and

7 (2) addressing shoreline sloughing and erosion
8 at a project of the Secretary, including at a location
9 leased by non-Federal entities such as Okatibbee
10 Lake, is an activity that is eligible to be carried out
11 by the Secretary as part of the operation and main-
12 tenance of such project.

13 **SEC. 8349. ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY**
14 **CREEK, AND NORTH KANSAS LEVEES UNITS,**
15 **MISSOURI RIVER AND TRIBUTARIES AT KAN-**
16 **SAS CITIES, MISSOURI AND KANSAS.**

17 (a) IN GENERAL.—The project for flood control,
18 Kansas Citys on Missouri and Kansas Rivers in Missouri
19 and Kansas, authorized by section 5 of the Act of June
20 22, 1936 Flood Control Act of 1936 (chapter 688, 49
21 Stat. 1588; 58 Stat. 897; 121 Stat. 1054) is modified to
22 direct the Secretary to—

23 (1) construct access manholes, or other fea-
24 tures, in the Fairfax portion of such project to allow

1 for regular inspection of project features if the Sec-
2 retary determines that such work is—

3 (A) not required as a result of improper
4 operation and maintenance of the project by the
5 nonFederal interest; and

6 (B) technically feasible and environ-
7 mentally acceptable; and

8 (2) plan, design, and carry out the construction
9 described in paragraph (1) as a continuation of the
10 construction of such project.

11 (b) COST SHARING.—The Federal share of the cost
12 of planning, design, and construction of access manholes
13 or other features under this section shall be 90 percent.

14 **SEC. 8350. LOWER MISSOURI RIVER STREAMBANK EROSION**
15 **CONTROL EVALUATION AND DEMONSTRA-**
16 **TION PROJECTS.**

17 (a) IN GENERAL.—The Secretary is authorized to
18 carry out streambank erosion control evaluation and dem-
19 onstration projects in the Lower Missouri River through
20 contracts with non-Federal interests, including projects
21 for streambank protection and stabilization.

22 (b) AREA.—The Secretary shall carry out demonstra-
23 tion projects under this section on the reach of the Mis-
24 souri River between Sioux City, Iowa, and the confluence
25 of the Missouri River and the Mississippi River.

1 (c) REQUIREMENTS.—In carrying out subsection (a),
2 the Secretary shall—

3 (1) conduct an evaluation of the extent of
4 streambank erosion on the Lower Missouri River;
5 and

6 (2) develop new methods and techniques for
7 streambank protection, research soil stability, and
8 identify the causes of erosion.

9 (d) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Secretary shall submit to
11 the Committee on Transportation and Infrastructure of
12 the House of Representatives and the Committee on Envi-
13 ronment and Public Works of the Senate a report describ-
14 ing the results of the demonstration projects carried out
15 under this section, including any recommendations for
16 methods to prevent and correct streambank erosion.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$15,000,000, to remain available until expended.

20 (f) SUNSET.—The authority of the Secretary to enter
21 into contracts under subsection (a) shall expire on the date
22 that is 5 years after the date of enactment of this Act.

1 **SEC. 8351. MISSOURI RIVER INTERCEPTION-REARING COM-**
2 **PLEXES.**

3 (a) IN GENERAL.—Notwithstanding section 129 of
4 the Water Resources Development Act of 2020 (134 Stat.
5 2643), and subject to subsection (b), the Secretary is au-
6 thorized to carry out the construction of an interception-
7 rearing complex at each of Plowboy Bend A (River Mile:
8 174.5 to 173.2) and Pelican Bend B (River Mile: 15.8
9 to 13.4) on the Missouri River.

10 (b) ANALYSIS AND MITIGATION OF RISK.—

11 (1) ANALYSIS.—Prior to construction of the
12 interception-rearing complexes under subsection (a),
13 the Secretary shall perform an analysis to identify
14 whether the interception-rearing complexes will—

15 (A) contribute to an increased risk of
16 flooding to adjacent lands and properties, in-
17 cluding local levees;

18 (B) affect the navigation channel, includ-
19 ing crossflows, velocity, channel depth, and
20 channel width;

21 (C) affect the harvesting of sand;

22 (D) affect ports and harbors; or

23 (E) contribute to bank erosion on adjacent
24 private lands.

25 (2) MITIGATION.—The Secretary may not con-
26 struct an interception-rearing complex under sub-

1 section (a) until the Secretary successfully mitigates
2 any effects described in paragraph (1) with respect
3 to such interception-rearing complex.

4 (e) REPORT.—Not later than 1 year after completion
5 of the construction of the interception-rearing complexes
6 under subsection (a), the Secretary shall submit to the
7 Committee on Transportation and Infrastructure of the
8 House of Representatives and the Committee on Environ-
9 ment and Public Works of the Senate a report describing
10 the extent to which the construction of such interception-
11 rearing complexes affected the population recovery of pal-
12 lid sturgeon in the Missouri River.

13 (d) CONFORMING AMENDMENT.—Section 129(b) of
14 the Water Resources Development Act of 2020 (134 Stat.
15 2643) is amended by redesignating paragraphs (2) and
16 (3) as paragraphs (3) and (4), respectively, and inserting
17 after paragraph (1) the following:

18 “(2) submits the report required by section
19 318(e) of the Water Resources Development Act of
20 2022;”.

21 **SEC. 8352. MISSOURI RIVER MITIGATION PROJECT, MIS-**
22 **SOURI, KANSAS, IOWA, AND NEBRASKA.**

23 (a) USE OF OTHER FUNDS.—

1 (1) IN GENERAL.—Section 334 of the Water
2 Resources Development Act of 1999 (113 Stat. 306)
3 is amended by adding at the end the following:

4 “(e) USE OF OTHER FUNDS.—

5 “(1) IN GENERAL.—The Secretary shall consult
6 with other Federal agencies to determine if lands or
7 interests in lands acquired by such other Federal
8 agencies—

9 “(A) meet the purposes of the Missouri
10 River Mitigation Project, Missouri, Kansas,
11 Iowa, and Nebraska, authorized by section
12 601(a) of the Water Resources Development
13 Act of 1986 (100 Stat. 4143; 113 Stat. 306;
14 121 Stat. 1155); and

15 “(B) whether such lands are restricted by
16 such other Federal agencies from being applied
17 toward the total number of acres required
18 under subsection (a).

19 “(2) APPLICATION OF LANDS.—Upon making a
20 determination under paragraph (1) that lands or in-
21 terests in lands acquired by a Federal agency meet
22 the purposes of the project described in paragraph
23 (1)(A) and that such lands are not otherwise re-
24 stricted, the Secretary shall apply the lands or inter-
25 ests in lands acquired toward the total number of

1 acres required under subsection (a), regardless of
2 the source of the Federal funds used to acquire such
3 lands or interests in lands.

4 “(3) SAVINGS PROVISION.—Nothing in this sub-
5 section authorizes any transfer of administrative ju-
6 risdiction over any lands or interests in lands ac-
7 quired by a Federal agency that are applied toward
8 the total number of acres required under subsection
9 (a) pursuant to this subsection.”.

10 (2) REPORT REQUIRED.—

11 (A) IN GENERAL.—Not later than 180
12 days after the enactment of this Act, the Sec-
13 retary shall submit to the Committee on Trans-
14 portation and Infrastructure of the House of
15 Representatives and the Committee on Environ-
16 ment and Public Works of the Senate a report
17 identifying the lands or interests in lands ac-
18 quired with Federal funds that the Secretary
19 determines, pursuant to section 344(c)(1) of the
20 Water Resources Development Act of 1999,
21 meet the purposes of the Missouri River Mitiga-
22 tion Project, Missouri, Kansas, Iowa, and Ne-
23 braska, authorized by section 601(a) of the
24 Water Resources Development Act of 1986

1 (100 Stat. 4143; 113 Stat. 306; 121 Stat.
2 1155).

3 (B) CONTENTS.—The Secretary shall in-
4 clude in the report submitted under subpara-
5 graph (A) a justification for any lands or inter-
6 ests in lands acquired with Federal funding
7 that the Secretary determines will not be ap-
8 plied toward the total number of acres required
9 under section 334(a) of the Water Resources
10 Development Act of 1999 (113 Stat. 306).

11 (b) FLOOD RISK MANAGEMENT BENEFITS.—The
12 project for mitigation of fish and wildlife losses, Missouri
13 River Bank Stabilization and Navigation Project, Mis-
14 souri, Kansas, Iowa, and Nebraska, authorized by section
15 601(a) of the Water Resources Development Act of 1986
16 (100 Stat. 4143; 113 Stat. 306; 121 Stat. 1155), is modi-
17 fied to authorize the Secretary to consider incidental flood
18 risk management benefits when acquiring land for the
19 project.

20 **SEC. 8353. NORTHERN MISSOURI.**

21 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
22 may establish a program to provide environmental assist-
23 ance to non-Federal interests in northern Missouri.

24 (b) FORM OF ASSISTANCE.—Assistance provided
25 under this section may be in the form of design and con-

1 struction assistance for water-related environmental infra-
2 structure and resource protection and development
3 projects in northern Missouri, including projects for
4 wastewater treatment and related facilities, water supply
5 and related facilities, environmental restoration, and sur-
6 face water resource protection and development.

7 (e) OWNERSHIP REQUIREMENT.—The Secretary may
8 provide assistance for a project under this section only if
9 the project is publicly owned.

10 (d) PARTNERSHIP AGREEMENTS.—

11 (1) IN GENERAL.—Before providing assistance
12 under this section to a non-Federal interest, the Sec-
13 retary shall enter into a partnership agreement
14 under section 221 of the Flood Control Act of 1970
15 (42 U.S.C. 1962d–5b) with the non-Federal interest
16 with respect to the project to be carried out with
17 such assistance.

18 (2) REQUIREMENTS.—Each partnership agree-
19 ment for a project entered into under this subsection
20 shall provide for the following:

21 (A) Development by the Secretary, in con-
22 sultation with appropriate Federal and State of-
23 ficials, of a facilities or resource protection and
24 development plan, including appropriate engi-
25 neering plans and specifications.

1 (B) Establishment of such legal and insti-
2 tutional structures as are necessary to ensure
3 the effective long-term operation of the project
4 by the non-Federal interest.

5 (3) COST SHARING.—

6 (A) IN GENERAL.—The Federal share of
7 the cost of a project carried out under this sec-
8 tion—

9 (i) shall be 75 percent; and

10 (ii) may be provided in the form of
11 grants or reimbursements of project costs.

12 (B) CREDIT FOR INTEREST.—In case of a
13 delay in the funding of the Federal share of a
14 project that is the subject of a partnership
15 agreement under this section, the non-Federal
16 interest shall receive credit for reasonable inter-
17 est incurred in providing the non-Federal share
18 of the project cost.

19 (C) CREDIT FOR LAND, EASEMENTS, AND
20 RIGHTS-OF-WAY.—Notwithstanding section
21 221(a)(4)(G) of the Flood Control Act of 1970
22 (42 U.S.C. 1962d–5b(a)(4)(G)), the non-Fed-
23 eral interest shall receive credit for land, ease-
24 ments, rights-of-way, and relocations toward
25 the non-Federal share of project cost (including

1 all reasonable costs associated with obtaining
2 permits necessary for the construction, oper-
3 ation, and maintenance of the project on pub-
4 licly owned or controlled land), but such credit
5 may not exceed 25 percent of total project
6 costs.

7 (D) OPERATION AND MAINTENANCE.—The
8 non-Federal share of operation and mainte-
9 nance costs for projects constructed with assist-
10 ance provided under this section shall be 100
11 percent.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be
14 appropriated \$50,000,000 to carry out this section.

15 (2) CORPS OF ENGINEERS EXPENSES.—Not
16 more than 10 percent of the amounts made available
17 to carry out this section may be used by the Corps
18 of Engineers district offices to administer projects
19 under this section at Federal expense.

20 (f) NORTHERN MISSOURI DEFINED.—In this section,
21 the term “northern Missouri” means the counties of
22 Buchanan, Marion, Platte, and Clay, Missouri.

23 **SEC. 8354. ISRAEL RIVER, LANCASTER, NEW HAMPSHIRE.**

24 The project for flood control, Israel River, Lancaster,
25 New Hampshire, carried out under section 205 of the

1 Flood Control Act of 1948 (33 U.S.C. 701s), is no longer
2 authorized beginning on the date of enactment of this Act.

3 **SEC. 8355. MIDDLE RIO GRANDE FLOOD PROTECTION,**
4 **BERNALILLO TO BELEN, NEW MEXICO.**

5 The non-Federal share of the cost of the project for
6 flood risk management, Middle Rio Grande, Bernalillo to
7 Belen, New Mexico, authorized by section 401(2) of the
8 Water Resources Development Act of 2020 (134 Stat.
9 2735), shall be 25 percent.

10 **SEC. 8356. ECOSYSTEM RESTORATION, HUDSON-RARITAN**
11 **ESTUARY, NEW YORK AND NEW JERSEY.**

12 (a) IN GENERAL.—The Secretary may carry out ad-
13 ditional feasibility studies for the project ecosystem res-
14 toration, Hudson–Raritan Estuary, New York and New
15 Jersey, authorized by section 401(5) of the Water Re-
16 sources Development Act of 2020 (134 Stat. 2739), in-
17 cluding an examination of measures and alternatives at
18 Baisley Pond Park and the Richmond Terrace Wetlands.

19 (b) TREATMENT.—A feasibility study carried out
20 under subsection (a) shall be considered a continuation of
21 the study that formulated the project for ecosystem res-
22 toration, Hudson–Raritan Estuary, New York and New
23 Jersey, authorized by section 401(5) of the Water Re-
24 sources Development Act of 2020 (134 Stat. 2740).

1 **SEC. 8357. ARKANSAS RIVER CORRIDOR, OKLAHOMA.**

2 Section 3132 of the Water Resources Development
3 Act of 2007 (121 Stat. 1141) is amended by striking sub-
4 section (b) and inserting the following:

5 “(b) **AUTHORIZED COST.**—The Secretary is author-
6 ized to carry out construction of projects under this sec-
7 tion at a total cost of \$128,400,000, with the cost shared
8 in accordance with section 103 of the Water Resources
9 Development Act of 1986 (33 U.S.C. 2213).

10 “(c) **ADDITIONAL FEASIBILITY STUDIES AUTHOR-**
11 **IZED.**—

12 “(1) **IN GENERAL.**—The Secretary is authorized
13 to carry out feasibility studies for purposes of rec-
14 ommending to the Committee on Environment and
15 Public Works of the Senate and the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives additional projects under this sec-
18 tion.

19 “(2) **TREATMENT.**—An additional feasibility
20 study carried out under this subsection shall be con-
21 sidered a continuation of the feasibility study that
22 formulated any project carried out under subsection
23 (a).”.

24 **SEC. 8358. COPAN LAKE, OKLAHOMA.**

25 (a) **IN GENERAL.**—The Secretary shall amend the
26 contract described in subsection (c) between the United

1 States and the Copan Public Works Authority, relating
2 to the use of storage space for water supply in Copan
3 Lake, Oklahoma, to—

4 (1) release to the United States all rights of the
5 Copan Public Works Authority to utilize 4,750 acre-
6 feet of future use water storage space; and

7 (2) relieve the Copan Public Works Authority
8 from all financial obligations, to include the initial
9 project investment costs and the accumulated inter-
10 est on unpaid project investment costs, for the vol-
11 ume of water storage space described in paragraph
12 (1).

13 (b) REQUIREMENT.—During the 2-year period begin-
14 ning on the effective date of the contract amendment
15 under subsection (a), the Secretary shall—

16 (1) provide the City of Bartlesville, Oklahoma,
17 with the right of first refusal to contract for the uti-
18 lization of storage space for water supply for any
19 portion of the storage space that was released by the
20 Authority under subsection (a); and

21 (2) ensure that the City of Bartlesville, Okla-
22 homa, shall not pay more than 110 percent of the
23 initial project investment cost per acre-foot of stor-
24 age for the acre-feet of storage space sought under
25 an agreement under paragraph (1).

1 (c) CONTRACT DESCRIBED.—The contract referred
2 to in subsection (a) is the contract between the United
3 States and the Copan Public Works Authority for the use
4 of storage space for water supply in Copan Lake, Okla-
5 homa, entered into on June 22, 1981, and titled Contract
6 DACW56–81–C–0114.

7 **SEC. 8359. SOUTHWESTERN OREGON.**

8 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
9 may establish a program to provide environmental assist-
10 ance to non-Federal interests in southwestern Oregon.

11 (b) FORM OF ASSISTANCE.—Assistance provided
12 under this section may be in the form of design and con-
13 struction assistance for water-related environmental infra-
14 structure and resource protection and development
15 projects in southwestern Oregon, including projects for
16 wastewater treatment and related facilities, water supply
17 and related facilities, environmental restoration, and sur-
18 face water resource protection and development.

19 (c) OWNERSHIP REQUIREMENT.—The Secretary may
20 provide assistance for a project under this section only if
21 the project is publicly owned.

22 (d) PARTNERSHIP AGREEMENTS.—

23 (1) IN GENERAL.—Before providing assistance
24 under this section to a non-Federal interest, the Sec-
25 retary shall enter into a partnership agreement

1 under section 221 of the Flood Control Act of 1970
2 (42 U.S.C. 1962d–5b) with the non-Federal interest
3 with respect to the project to be carried out with
4 such assistance.

5 (2) REQUIREMENTS.—Each partnership agree-
6 ment for a project entered into under this subsection
7 shall provide for the following:

8 (A) Development by the Secretary, in con-
9 sultation with appropriate Federal and State of-
10 ficials, of a facilities or resource protection and
11 development plan, including appropriate engi-
12 neering plans and specifications.

13 (B) Establishment of such legal and insti-
14 tutional structures as are necessary to ensure
15 the effective long-term operation of the project
16 by the non-Federal interest.

17 (3) COST SHARING.—

18 (A) IN GENERAL.—The Federal share of
19 the cost of a project carried out under this sec-
20 tion—

21 (i) shall be 75 percent; and

22 (ii) may be provided in the form of
23 grants or reimbursements of project costs.

24 (B) CREDIT FOR INTEREST.—In case of a
25 delay in the funding of the Federal share of a

1 project that is the subject of a partnership
2 agreement under this section, the non-Federal
3 interest shall receive credit for reasonable inter-
4 est incurred in providing the non-Federal share
5 of the project cost.

6 (C) CREDIT FOR LAND, EASEMENTS, AND
7 RIGHTS-OF-WAY.—Notwithstanding section
8 221(a)(4)(G) of the Flood Control Act of 1970
9 (42 U.S.C. 1962d–5b(a)(4)(G)), the non-Fed-
10 eral interest shall receive credit for land, ease-
11 ments, rights-of-way, and relocations toward
12 the non-Federal share of project cost (including
13 all reasonable costs associated with obtaining
14 permits necessary for the construction, oper-
15 ation, and maintenance of the project on pub-
16 licly owned or controlled land), but such credit
17 may not exceed 25 percent of total project
18 costs.

19 (D) OPERATION AND MAINTENANCE.—The
20 non-Federal share of operation and mainte-
21 nance costs for projects constructed with assist-
22 ance provided under this section shall be 100
23 percent.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated \$50,000,000 to carry out this section.

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

8 (f) SOUTHWESTERN OREGON DEFINED.—In this sec-
9 tion, the term “southwestern Oregon” means the counties
10 of Benton, Coos, Curry, Douglas, Lane, Linn, and Jose-
11 phine, Oregon.

12 **SEC. 8360. YAQUINA RIVER, OREGON.**

13 The Secretary shall not require the non-Federal in-
14 terest for the project for navigation, Yaquina River, Or-
15 egon, authorized by the first section of the Act of March
16 4, 1913 (chapter 144, 37 Stat. 819), to—

17 (1) provide a floating plant to the United
18 States for use in maintaining the project; or

19 (2) provide funds in an amount determined by
20 the Secretary to be equivalent to the value of the
21 floating plant as a non-Federal contribution to the
22 cost of maintaining the project.

23 **SEC. 8361. LOWER BLACKSTONE RIVER, RHODE ISLAND.**

24 The project being carried out under section 206 of
25 the Water Resources Development Act of 1996 (33 U.S.C.

1 2330) for ecosystem restoration, Lower Blackstone River,
2 Rhode Island, is modified as follows:

3 (1) The maximum amount of Federal funds
4 that may be expended for the project shall be
5 \$15,000,000.

6 (2) If the Secretary includes in the project a
7 measure on Federal land under the jurisdiction of
8 another Federal agency, the Secretary may enter
9 into an agreement with such agency that grants per-
10 mission for the Secretary to—

11 (A) construct the measure on the land
12 under the jurisdiction of such agency; and

13 (B) operate and maintain the measure
14 using funds provided to the Secretary by the
15 non-Federal interest for the project.

16 (3) If the Secretary includes in the project a
17 measure for fish passage at a dam licensed for hy-
18 dropower, the Secretary shall include in the project
19 costs all costs for such measure, except that those
20 costs that are in excess of the costs to provide fish
21 passage at the dam if hydropower improvements
22 were not in place shall be at 100 percent non-Fed-
23 eral expense.

1 **SEC. 8362. CHARLESTON HARBOR, SOUTH CAROLINA.**

2 The Secretary shall reimburse the non-Federal inter-
3 est for project for navigation, Charleston Harbor, South
4 Carolina, authorized by section 1401(1) of the Water Re-
5 sources Development Act of 2016 (130 Stat. 1708), for
6 advanced funds provided by the non-Federal interest for
7 construction of the project that exceed the non-Federal
8 share of the cost of construction of the project as soon
9 as practicable after the completion of each individual con-
10 tract for the project.

11 **SEC. 8363. COLLETON COUNTY, SOUTH CAROLINA.**

12 Notwithstanding subparagraph (C)(i) of section
13 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C.
14 1962d–5b(a)(4)), the non-Federal interest for the project
15 for hurricane and storm damage risk reduction, Colleton
16 County, South Carolina, authorized by section 1401(3) of
17 the Water Resources Development Act of 2016 (130 Stat.
18 1711), may receive credit under subparagraph (A) of such
19 section 221(a)(4) for the cost of construction carried out
20 before the date of enactment of this Act.

21 **SEC. 8364. ENSLEY LEVEE, TENNESSEE.**

22 (a) IN GENERAL.—Section 353(b)(1) of the Water
23 Resources Development Act of 2020 (134 Stat. 2721) is
24 amended by striking “and Nonconnah Creek” and insert-
25 ing “, Nonconnah Creek, and Ensley”.

1 (b) RESUMPTION OF MAINTENANCE.—The Secretary
2 shall resume operation and maintenance of Ensley levee
3 system portion of the project described in the modification
4 made by subsection (a) pursuant to the requirements of
5 section 353(b)(1) of the Water Resources Development
6 Act of 2020 (134 Stat. 2721).

7 **SEC. 8365. WOLF RIVER HARBOR, TENNESSEE.**

8 Beginning on the date of enactment of this Act, the
9 project for navigation, Wolf River Harbor, Tennessee, au-
10 thorized by section 202 of the National Industrial Recov-
11 ery Act (48 Stat. 201; 49 Stat. 1034; 72 Stat. 308), is
12 modified to reduce, in part, the authorized dimensions of
13 the project, such that the remaining authorized dimen-
14 sions are as follows:

15 (1) A 250-foot-wide, 9-foot-depth channel with
16 a center line beginning at an approximate point of
17 35.139634, -90.062343 and extending approximately
18 1,300 feet to an approximate point of 35.142077,
19 -90.059107.

20 (2) A 200-foot-wide, 9-foot-depth channel with
21 a center line beginning at an approximate point of
22 35.142077, -90.059107 and extending approximately
23 1,800 feet to an approximate point of 35.1467861,
24 -90.057003.

1 (3) A 250-foot-wide, 9-foot-depth channel with
2 a center line beginning at an approximate point of
3 35.1467861, -90.057003 and extending approxi-
4 mately 5,550 feet to an approximate point of
5 35.160848, -90.050566.

6 **SEC. 8366. ADDICKS AND BARKER RESERVOIRS, TEXAS.**

7 The Secretary is authorized to provide, pursuant to
8 section 206 of the Flood Control Act of 1960 (33 U.S.C.
9 709a), information and advice to non-Federal interests on
10 the removal of sediment obstructing inflow channels to the
11 Addicks and Barker Reservoirs, authorized pursuant to
12 the project for Buffalo Bayou and its tributaries, Texas,
13 under section 3a of the Act of August 11, 1939 (chapter
14 699, 53 Stat. 1414; 68 Stat. 1258).

15 **SEC. 8367. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
16 **TEXAS.**

17 The project for ecosystem restoration, North Padre
18 Island, Corpus Christi Bay, Texas, authorized under sec-
19 tion 556 of the Water Resources Development Act of 1999
20 (113 Stat. 353), shall not be eligible for repair and res-
21 toration assistance under section 5(a) of the Act of August
22 18, 1941 (33 U.S.C. 701n(a)).

23 **SEC. 8368. NUECES COUNTY, TEXAS.**

24 (a) IN GENERAL.—Upon receipt of a written request
25 from the owner of land subject to a covered easement, the