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WATER RESOURCES DEVELOPMENT ACT OF 2022

JUNE 22, 2022.—Ordered to be printed

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

R E P O R T

[To accompany S. 4136]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works reports an original bill (S. 4136) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The objective of S. 4136 is to authorize the U.S. Army Corps of Engineers (Corps) to assist in meeting the nation's water resources needs, including navigation, flood and coastal storm risk management, and ecosystem restoration. The legislation also provides the Corps with the authority to increase water supply and storage and fight invasive species, while facilitating critical environmental infrastructure.

GENERAL STATEMENT AND BACKGROUND

The Water Resources Development Act of 2022 (WRDA 2022) primarily addresses the Civil Works program of the Corps. The bill supports the nation's global economic competitiveness and environmental resilience by authorizing the Corps to undertake projects, programs, and initiatives in their Civil Works program relating to navigation, ecosystem restoration, flood and coastal storm risk management, hydropower, recreation, emergency management, and water supply.

A water resources development act (WRDA), in this case WRDA 2022, is the authorizing legislation for the programs and projects of the Corps' Civil Works program. Ideally enacted every two years, such an act is the main vehicle for authorizing water resources development projects to be studied, planned, and developed by the Corps. WRDAs typically include water resources development projects with completed reports, modifications to existing Corps projects, study authorizations for new projects, and miscellaneous projects consistent with the Corps' programs that also demonstrate a Federal interest. Activities fall within one or more of the Corps' Civil Works business lines, which include navigation, ecosystem restoration, flood and coastal storm risk management, hydropower, recreation, regulatory, emergency management, and water supply. In recent years, WRDAs have increasingly incorporated natural and nature-based "green" infrastructure to solve problems, in addition to traditional hard infrastructure (also known as "gray" infrastructure).

The Committee's reported legislation for WRDA 2022 includes provisions that will strengthen the United States' economic and national security, reduce the Corps' administrative burdens, enable faster implementation of projects, increase water supply reliability, quality and quantity, promote assistance to economically disadvantaged communities, address the impacts of changing hydrologic and climatic conditions and upgrade our nation's water and wastewater infrastructure. The bill is broken down into four titles:

Title I of WRDA 2022 addresses general policy changes to the Civil Works program authorities. These changes include, among others: increased support for coastal-related restoration and infrastructure; providing greater cost-sharing flexibility for non-Federal sponsors of Corps projects; requiring the Corps to update its technical standards, regulations, and manuals; establishing committees to ensure the efficient and effective delivery of water resources development projects, programs, and other assistance, including to tribes, economically disadvantaged communities, and western states with water supply concerns; and increased support for research and development, technical assistance, and planning assistance to states.

Title II authorizes critical feasibility studies and reports to be conducted by the Secretary of the Army, who has oversight over the Corps. The Secretary, among other things, is also authorized to expedite the completion of applicable decision documents for specified projects.

Title III deauthorizes projects, and parts of projects, that are no longer needed for a Federal purpose. This title also modifies existing projects and related provisions, including environmental infrastructure authorities.

Title IV authorizes 17 new projects and 4 project modifications based on reports submitted to Congress by the Secretary or the Chief of Engineers. These projects address various mission areas of the Corps, including ecosystem restoration, flood and coastal storm risk management, navigation, and water storage for water supply. This title also calls upon the Secretary to provide priority funding for and expedite the completion of specified projects.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title; table of contents

This section states that this Act may be cited as the “Water Resources Development Act of 2022” and contains the table of contents.

Sec. 2. Definition of Secretary

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

TITLE I—GENERAL PROVISIONS

Sec. 101. Scope of feasibility studies

This section directs the Corps, at the request of a non-Federal interest, to formulate alternatives that reduce comprehensive flood risk or address water supply, water supply conservation, or drought risk reduction.

Sec. 102. Shoreline and riverbank protection and restoration mission

This section declares that it is the policy of the United States to protect and restore the shorelines, riverbanks, and streambanks of the United States from the damaging impacts of extreme weather events and other factors contributing to the vulnerability of coastal and riverine communities and ecosystems. This section amends section 212 of the Water Resources Development Act of 1999 (WRDA 1999; 33 U.S.C. 2332) to allow the Corps to carry out projects for the protection and restoration of coastal shorelines and riverbanks and provides a reduced non-Federal cost-share of 10 percent for projects implemented under section 212 that benefit economically disadvantaged communities. This section also increases the per-project Federal cost limit for projects authorized under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

Sec. 103. Inland waterway projects

This section adjusts the share of costs derived from the Inland Waterways Trust Fund to construct an inland waterways project and makes such cost-share permanent.

Sec. 104. Protection and restoration of other Federal land along rivers and coasts

This section authorizes the Corps to carry out water resources development projects to benefit Federal land under the jurisdiction of another Federal agency.

Sec. 105. Policy and technical standards

This section directs the Corps to update publications for its Civil Works programs in accordance with the Administration’s five-year administrative publication cycle.

Sec. 106. Planning assistance to states

This section amends section 22 of the Water Resources Development Act of 1974 (WRDA 1974; 42 U.S.C. 1962d–16) to direct the Corps to prioritize life safety when providing technical and plan-

ning assistance under section 22 and authorizes the Corps to inform and educate States and other non-Federal interests about opportunities to partner with the Agency to address water resources development needs. This section also directs the Corps to prioritize assistance under section 22 to economically disadvantaged communities, where practicable.

Sec. 107. Floodplain management services

This section amends section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a) to authorize the Corps to identify areas that may be subject to flooding due to accumulated snags and other debris. This section also directs the Corps to perform outreach to States and non-Federal interests about opportunities to partner with the Corps to address flood hazards and allows the Corps to partner with institutions of higher education to carry out these activities.

Sec. 108. Workforce planning

This section authorizes the Corps to carry out activities to recruit individuals for careers at the Agency and to foster, enhance, and support science, technology, engineering, and math education and awareness at schools and institutions of learning at all levels. This section directs the Corps to prioritize recruitment of individuals located in economically disadvantaged communities, where practicable.

Sec. 109. Credit in lieu of reimbursement

This section authorizes the Corps, at the request of a non-Federal sponsor, to reduce a non-Federal cost-share of a project by applying a credit earned by the non-Federal sponsor on a different project. In addition, this section modifies section 7007(d) of the Water Resources Development Act of 2007 (WRDA 2007; 121 Stat. 1277; 128 Stat. 1226) to allow for similar treatment of relevant projects.

Sec. 110. Coastal cost calculations

This section clarifies that both inland flood risk management and coastal storm risk management projects in seismic hazard zones are subject to the special rule for calculation of the benefit-cost ratio established by section 152 of the Water Resources Development Act of 2020 (WRDA 2020; 33 U.S.C. 2213a).

Sec. 111. Advance payment in lieu of reimbursement for certain Federal costs

This section authorizes the Corps to provide in advance to the non-Federal interest the Federal share of funds required for the acquisition of land, easements, rights-of-way, and relocations for projects under certain circumstances.

Sec. 112. Use of emergency funds

This section amends Section 5(a) of the Act of August 18, 1941, to allow the Corps to increase the resilience or effectiveness of a federally authorized hurricane or shore protection project when performing emergency repair or restoration work. This section also provides the Corps with the discretion to authorize a non-Federal sponsor to undertake emergency repair and restoration activities,

with the Federal share of the costs advanced or reimbursed to the sponsor.

Sec. 113. Research and development

This section establishes a new Research and Development account for the Corps. This section also authorizes the Corps to enter into transactions other than contracts, cooperative, agreements, and grants, when carrying out research and development activities. Finally, this section authorizes funding to complete and maintain a model suite to forecast water levels of the Great Lakes.

Sec. 114. Tribal and economically disadvantaged communities advisory committee

This section requires the Corps to establish a Tribal and Disadvantaged Communities Advisory Committee, in accordance with the Federal Advisory Committee Act. This Committee is directed to provide the Corps with advice and recommendations to ensure the effective delivery of water resources development projects, programs, and other assistance to Indian Tribes and to economically disadvantaged communities.

Sec. 115. Non-Federal interest advisory committee

This section requires the Corps to establish a Non-Federal Interest Advisory Committee, in accordance with the Federal Advisory Committee Act. This Committee is directed to provide the Corps with advice and recommendations to ensure more effective and efficient delivery of water resources development projects, programs, and other assistance.

Sec. 116. Underserved community harbor projects

This section authorizes the Corps to carry out projects to dredge underserved community harbors for sustaining water-dependent commercial and recreational activities at such harbors. This section also specifies cost-share requirements for such projects and requires not less than 35 percent of annual funds be used for projects that include the beneficial use of dredged material.

Sec. 117. Corps of Engineers western water cooperative committee

This section requires the Corps to establish a Western Water Cooperative Committee. The Committee is directed to work with the Corps to ensure that water resources development projects in western states are operated in a manner consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of those projects and State water rights and water laws.

Sec. 118. Updates to certain water control manuals

This section authorizes the Corps to update water control manuals at the request of the Governor in a State where the Governor declared a statewide drought disaster in 2021.

Sec. 119. Retention of recreation fees

This section amends section 210(b) of the River and Harbor Act of 1968 (16 U.S.C. 460d-3(b)) to authorize the Corps to retain not less than 80 percent of the recreation user fees collected at a recre-

ation site under the jurisdiction of the Agency to be used for the operation and maintenance activities at that site. This section also authorizes collected fees that remain unobligated on the day before this Act's enactment to be used in the same manner.

Sec. 120. Relocation assistance

This section authorizes the Corps to include temporary relocation benefits in the cost of a water resources development project using nonstructural measures. These measures are for the elevation or modification of a dwelling that is a primary residence and the owner occupant is required to relocate temporarily from the dwelling during the period of construction.

Sec. 121. Reprogramming limits

This section adjusts the Corps' reprogramming limits for projects, studies, or activities within the Operations and Maintenance and Investigations accounts.

Sec. 122. Lease durations

This section requires the Corps to issue guidance regarding when a lease duration of more than 25 years is appropriate. This guidance applies when the Corps makes a leasing decision pursuant to section 2267 of title 10, United States Code, or section 4 of the Flood Control Act of 1944 (58 Stat. 889, chapter 665; 16 U.S.C. 460d).

Sec. 123. Sense of Congress relating to post-disaster repairs

This section includes a sense of Congress that the Corps should, in permitting and funding post-disaster repairs, repair assets to the project design levels or above project design levels if the original project design is outdated.

Sec. 124. Payment of pay and allowances of certain officers from appropriation for improvements

This section amends section 36 of the Act of August 10, 1956 (70A Stat. 634, chapter 1041; 33 U.S.C. 583a) to provide for the payment of pay and allowances for warrant officers and enlisted members.

Sec. 125. Reforestation

This section encourages the Corps to consider measures to restore swamps and other wetland forests in studies for water resources development projects for ecosystem restoration and flood and coastal storm risk management.

Sec. 126. Use of other Federal funds

This section amends section 2007 of WRDA 2007 (33 U.S.C. 2222). It will allow the non-Federal interest for a Corps study or project, including a study or project under the Continuing Authorities Program (CAP), to use funds provided by another Federal agency to satisfy the non-Federal share of the cost of the study or project. The funds from the other Federal agency must be appropriated for a purpose that is similar or complementary to the purpose of the study or project.

Sec. 127. National low-head dam inventory

This section amends the National Dam Safety Program Act (33 U.S.C. 467 et seq.) to require the Corps to develop an inventory of all low-head dams in the United States and to periodically update the inventory in consultation with relevant Federal and State agencies.

Sec. 128. Transfer of excess credit

This section amends section 1020 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014; 33 U.S.C. 2223) to allow a credit for a study or project with multiple non-Federal sponsors to be applied to the non-Federal share of the cost of a study or project of any of the sponsors. The amendments made by this section also allow for the conditional approval of excess credit under certain circumstances. Finally, the amendments made by this section make section 1020 a permanent authority.

Sec. 129. National levee restoration

This section modifies the definition of “rehabilitation” under the Levee Rehabilitation Assistance Program to include levee improvements to reduce flood risk or increase resiliency to extreme weather events. This section also directs the Corps to prioritize levee restoration in economically disadvantaged communities, where practicable.

Sec. 130. Inland waterways regional dredge pilot program

This section authorizes the Corps to establish a pilot program to award dredging contracts of up to 5 years for projects on inland waterways.

Sec. 131. Funding to process permits

This section amends section 214 of the Water Resources Development Act of 2000 (WRDA 2000; 33 U.S.C. 2352) to authorize the Corps to include the evaluation of a mitigation bank instrument in the expedited review of a qualifying permit under the section, if certain conditions are met.

Sec. 132. Non-Federal project implementation pilot program

This section amends section 1043(b) of WRRDA 2014 (33 U.S.C. 2201 note) to authorize a non-Federal sponsor to construct a discrete segment of a project under the Non-Federal Project Implementation Pilot Program.

Sec. 133. Cost sharing for territories and Indian Tribes

This section amends section 1156 of the Water Resources Development Act of 1986 (WRDA 1986; 33 U.S.C. 2310) to require the Corps to apply the cost-share waiver for territories and Indian Tribes to watershed assessments and to apply the waived amount to the non-Federal share of study costs, rather than to the total study cost.

Sec. 134. Water supply conservation

This section amends section 1116 of the Water Infrastructure Investments for the Nation (WIIN Act; 130 Stat. 1639) to make permanent the authority of the Corps to evaluate and approve water

supply conservation measures at water resources development projects in States that have experienced repeated droughts. This section also specifies that the Corps may evaluate a water supply conservation measure utilizing a natural feature or nature-based feature to reduce drought risk.

Sec. 135. Criteria for funding operations and maintenance of small, remote, and subsistence harbors

This section requires the Corps to develop criteria for the annual evaluation and ranking of maintenance dredging requirements for small, remote, and subsistence harbors and include such criteria in the annual Civil Works Direct Program Development Policy Guidance of the Corps. This section also requires a biennial report to Congress that identifies the ranking of projects based on the criteria developed.

Sec. 136. Protection of lighthouses

This section amends section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) to allow funds to be used for the protection of lighthouses, including lighthouses with historical value.

Sec. 137. Expediting hydropower at Corps of Engineers facilities

This section amends section 1008 of WRRDA 2014 (33 U.S.C. 2321b) to assess opportunities to increase the development of hydroelectric power at Corps water resources development projects.

Sec. 138. Materials, services, and funds for repair, restoration, or rehabilitation of certain public recreation facilities

This section authorizes the Corps to accept and use non-Federal materials, services, and funds to repair, restore, or rehabilitate public recreation facilities at Corps-operated reservoirs during periods of low water.

Sec. 139. Dredged material management plans

This section directs the Corps to prioritize preparation of 5-year dredged material management plans under section 125(c) of WRDA 2020 (33 U.S.C. 2326h) at federally-authorized harbors in Ohio.

Sec. 140. Lease deviations

This section directs the Corps to meet the requirements of section 153 of WRDA 2020 (134 Stat. 2658).

Sec. 141. Columbia River basin flood risk management

This section encourages the Corps to utilize all existing authorities to facilitate the renegotiation of the Treaty Relating to Cooperative Development of the Water Resources of the Columbia River Basin between Canada and the United States (15 UST 1555; TIAS 5638). This section also requires the Corps to periodically update Congress on the status of activities carried out by the Corps to facilitate renegotiation of the Treaty.

Sec. 142. Continuation of construction

This section provides the Corps with temporary authority to continue with the construction of certain projects.

TITLE II—STUDIES AND REPORTS

Sec. 201. Authorization of feasibility studies

This section authorizes feasibility studies for projects for flood risk management, coastal storm risk management, ecosystem restoration, navigation, water supply, and recreation, including studies for modifications to existing projects.

Sec. 202. Special rules

This section authorizes special rules for several studies authorized in section 201.

Sec. 203. Expedited completion of studies

This section directs the Corps to expedite the completion of certain feasibility reports, post-authorization change reports, and watershed and river basin assessments.

Sec. 204. Studies for periodic nourishment

This section amends section 156 of the Water Resources Development Act of 1976 (WRDA 1976; 42 U.S.C. 1962d–5f) to increase the maximum additional period of beach nourishment for a water resources development project as a result of a feasibility study from 15 additional years to 50 additional years. This section also extends eligibility for nourishment for projects meeting certain criteria.

Sec. 205. NEPA reporting

This section requires the Corps to track and provide an annual report to Congress on the timeframes for completing environmental reviews for water resources development projects, as required by the National Environmental Policy Act.

Sec. 206. GAO audit of projects over budget or behind schedule

This section requires the Comptroller General to generate a report examining the factors and conditions leading to ongoing water resources development projects that are over budget or behind schedule.

Sec. 207. GAO study on project distribution

This section requires the Comptroller General to generate a report analyzing the geographic distribution of annual and supplemental funding for water resources development projects carried out by the Corps over the previous 10 fiscal years and the factors contributing to that distribution.

Sec. 208. GAO audit of joint costs for operations and maintenance

This section requires the Comptroller General to generate a report regarding the practices of the Corps with respect to the determination of joint costs associated with the operations and maintenance of reservoirs owned and operated by the Agency.

Sec. 209. GAO review of Corps of Engineers mitigation practices

This section requires the Comptroller General to generate a report that reviews the water resources development project mitigation practices of the Corps.

Sec. 210. Sabine-Neches Waterway navigation improvement project, Texas

This section directs the Corps to expedite the review and coordination of the feasibility study for the project for navigation of the Sabine-Neches Waterway in Texas consistent with section 203(b) of WRDA 1986 (33 U.S.C. 2231(b)).

Sec. 211. Great Lakes recreational boating

This section requires the Corps to prepare and submit an updated report to Congress on the economic benefits of recreational boating in the Great Lakes basin previously authorized under section 455(c) of WRDA 1999 (42 U.S.C. 1962d–21(c)).

Sec. 212. Upper St. Johns River basin, central and southern Florida

This section requires the Corps to generate a report evaluating the effects of deauthorizing the southernmost 3.5-mile reach of the L-73 levee, Section 2, in Osceola County, Florida, on the functioning of the project and submit the report to Congress pursuant to section 7001 of WRRDA 2014 (33 U.S.C. 2282d).

Sec. 213. Investments for recreation areas

This section requires the Corps submit a report on investments needed to support recreational activities that are part of authorized water resources development projects.

Sec. 214. Western infrastructure study

This section requires the Corps to conduct a comprehensive study to evaluate the effectiveness of carrying out additional measures, including those that utilize natural features or nature-based features, at or upstream of reservoirs owned and operated by the Agency in the South Pacific Division.

Sec. 215. Upper Mississippi River and Illinois Waterway System

This section requires the Corps to submit a report to Congress on opportunities to expand the use of water level management on the Upper Mississippi River and Illinois Waterway System for ecosystem restoration.

Sec. 216. West Virginia hydropower

This section authorizes the Corps to evaluate the feasibility of modifying 7 projects in West Virginia to add Federal hydropower or energy storage development. This section also authorizes the Corps to grant approval for the use of such projects for non-Federal hydropower or energy storage development consistent with section 14 of the Rivers and Harbors Act of 1899 (30 Stat. 1152; 33 U.S.C. 408).

Sec. 217. Recreation and economic development at Corps facilities in Appalachia

This section requires the Corps to submit a plan to Congress to implement recreational and economic development opportunities identified in the report prepared under section 206 of WRDA 2020 (134 Stat. 2680).

Sec. 218. Automated fee machines

This section requires the Corps to consider, to the maximum extent practicable, alternatives to automated fee machines for the collection of fees for the public's use of developed recreation sites and facilities in West Virginia.

Sec. 219. Lake Champlain Canal, Vermont and New York

This section amends section 5146 of WRDA 2007 (121 Stat. 1255) to require the Corps to scope the phase II portion of the Lake Champlain Canal Aquatic Invasive Species Barrier study carried out under section 542 of WRDA 2000 (114 Stat. 2671; 121 Stat. 1150; 134 Stat. 2652) to satisfy the requirement in section 5146 for a feasibility determination.

Sec. 220. Report on concessionaire practices

This section requires the Corps to submit a report to Congress regarding concessionaire lease practices by the Agency.

TITLE III—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED
PROVISIONS

Sec. 301. Additional assistance for critical projects

This section authorizes new and modifies existing environmental infrastructure authorities of the Corps.

Sec. 302. Southern West Virginia

This section amends section 340 of the Water Resources Development Act of 1992 (WRDA 1992; 106 Stat. 4856) to realign the counties participating in the program.

Sec. 303. Northern West Virginia

This section amends section 571 of WRDA 1999 (113 Stat. 371; 121 Stat. 1257; 134 Stat. 2719) to realign the counties participating in the program.

Sec. 304. Local cooperation agreements, northern West Virginia

This section amends section 219(f)(272) of WRDA 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) by clarifying the local cooperative agreement structure that non-Federal interests in Northern West Virginia may use.

Sec. 305. Special rule for certain beach nourishment projects

This section directs the Corps, for specified projects, to fund the incremental increase in project cost that results from a legal requirement to use a sediment source that is not the least-cost option.

Sec. 306. Coastal community flood control and other purposes

This section permits the State of Louisiana to repay the remaining balance of the non-Federal share of costs for the Greater New Orleans Hurricane and Storm Damage Risk Reduction System it financed under section 103(k) of WRDA1986 (33 U.S.C. 2213(k)) through the provision of mitigation activities for water resources development projects in the coastal area.

Sec. 307. Modifications

This section modifies the cost sharing requirements for certain projects and studies.

Sec. 308. Port Fourchon, Louisiana, dredged material disposal plan

This section directs the Corps to use the dredged material disposal plan for the project for navigation, Port Fourchon Belle Pass Channel, Louisiana recommended by the non-Federal sponsor in the report developed by the non-Federal sponsor under section 203 of WRDA 1986 (33 U.S.C. 2231).

Sec. 309. Delaware shore protection and restoration

This section modifies the authority for the Delaware Dredged Material Utilization project, authorized by section 401(3) of WRDA 2020 (134 Stat. 2736), to require the Corps to implement the project using alternative borrow sources and, in the interim, to consider carrying out construction or periodic nourishment at any site included in the project under existing authorities. In addition, this section makes modifications to the Indian River Inlet Sand Bypass Plant coastal storm risk management project authorized by section 869 of WRDA 1986 (100 Stat. 4182).

Sec. 310. Great Lakes advance measures assistance

This section prohibits the Corps from denying advance measures assistance requested by a State to reduce the risk of damage from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

Sec. 311. Rehabilitation of existing levees

This section extends the authority provided by section 3017 of WRRDA 2014 (33 U.S.C. 3303a note; Public Law 113–121).

Sec. 312. Pilot program for certain communities

This section removes the 10-project cap for three programs created in sections 118 and 165 of WRDA 2020 (33 U.S.C. 2201 note; Public Law 116–260) for rural and economically disadvantaged communities.

Sec. 313. Rehabilitation of Corps of Engineers constructed pump stations

This section amends section 133 of WRDA 2020 (33 U.S.C. 2327a) to allow the Corps to rehabilitate non-Federal pump stations if they are integral to the operation of a broader Corps project for flood or coastal storm risk management.

Sec. 314. Chesapeake Bay environmental restoration and protection program

This section amends section 510(a)(2) of the Water Resources Development Act of 1996 (WRDA 1996; 110 Stat. 3759; 128 Stat. 1317) to include the protection of eroding streambanks, wastewater treatment, and stormwater and drainage systems as eligible projects.

Sec. 315. Evaluation of hydrologic changes in Souris River basin

This section authorizes the Corps to evaluate hydrologic changes affecting the 1989 “Agreement Between the Government of Canada and the United States of America for Water Supply and Flood Control in the Souris River Basin.”

Sec. 316. Memorandum of understanding relating to Baldhill Dam, North Dakota

This section authorizes the Corps to enter into a memorandum of understanding with a non-Federal interest for the Red River Valley Water Supply Project to accommodate flows for downstream users through Baldhill Dam, North Dakota.

Sec. 317. Upper Mississippi River restoration program

This section amends section 1103(e)(3) of WRDA 1986 (33 U.S.C. 652(e)(3)) by increasing the authorized level of funding available for ecosystem restoration activities in the Upper Mississippi River system.

Sec. 318. Harmful algal bloom demonstration program

This section amends section 128(c) of WRDA 2020 (33 U.S.C. 610 note) to include the Upper Mississippi River and its tributaries as a focus area within the Corps’ harmful algal bloom demonstration program.

Sec. 319. Colleton County, South Carolina

This section allows construction carried out by non-Federal interests before the date of enactment of this Act for the project for hurricane and storm damage risk reduction, Colleton County, South Carolina to be eligible for in-kind credit.

Sec. 320. Arkansas River corridor, Oklahoma

This section amends section 3132 of the WRDA 2007 (121 Stat. 1141) to increase the authorization level and authorize the Corps to carry out additional feasibility studies for certain components of the Arkansas River Corridor Master Plan.

Sec. 321. Abandoned and inactive noncoal mine restoration

This section amends section 560 of WRDA 1999 (33 U.S.C. 2336) to allow assistance carried out on land taken into trust on behalf of, and for the benefit of, an Indian Tribe be eligible under this authority at an adjusted cost-share. This section also increases the authorization of appropriations for the program.

Sec. 322. Asian carp prevention and control pilot program

This section amends section 509(a)(2) of WRDA 2020 (33 U.S.C. 610 note) to extend the Asian Carp Prevention and Control Pilot Program to the Tombigbee River Watershed.

Sec. 323. Forms of assistance

This section amends section 592(b) of WRDA 1999 (113 Stat. 379) to authorize the Corps to clarify eligible forms of environmental infrastructure assistance for non-Federal interests in Mississippi.

Sec. 324. Debris removal, New York Harbor, New York

This section reinstates section 91 of WRDA 1974 (88 Stat. 39) to authorize the Corps to carry out a project for New York Harbor collection and removal of drift.

Sec. 325. Invasive species management

This section amends section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) to increase authorized annual appropriations for invasive species partnerships between the Corps and applicable States and Federal agencies and adds the Lake Erie Basin and Ohio River Basin as eligible locations for these partnerships.

Sec. 326. Wolf River Harbor, Tennessee

This section modifies the Wolf River Harbor, Tennessee project for navigation to reduce the authorized dimensions of the project.

Sec. 327. Missouri River mitigation, Missouri, Kansas, Iowa, and Nebraska

This section amends section 601(a) of WRDA 1986 (100 Stat. 4143; 121 Stat. 1155; 113 Stat. 306) to authorize the Corps to consider incidental flood risk management benefits when acquiring mitigation lands for the Missouri River Bank Stabilization and Navigation Project.

Sec. 328. Invasive species management pilot program

This section amends section 104(f)(4) of the River Harbor Act of 1958 (33 U.S.C. 610(f)(4)) to extend the authorization of the program through 2026.

Sec. 329. Nueces County, Texas, conveyances

This section authorizes the Corps, upon written request of the Port of Corpus Christi, to review the land owned and easements held by the United States for purposes of navigation in Nueces County, Texas, and to convey lands and easements the Corps determines are no longer required for project purposes, to the Port of Corpus Christi, under certain circumstances.

Sec. 330. Mississippi delta headwaters, Mississippi

This section authorizes the Corps to carry out emergency maintenance activities on completed features of the project for flood damage reduction, bank stabilization, and sediment and erosion control, Yazoo Basin, Mississippi Delta Headwaters, Mississippi.

Sec. 331. Ecosystem restoration, Hudson-Raritan estuary, New York and New Jersey

This section modifies section 401(5) of WRDA 2020 (134 Stat. 2740) to authorize the Corps to conduct additional feasibility studies for ecosystem restoration in New York and New Jersey as part of the Hudson-Raritan Estuary project.

Sec. 332. Timely reimbursement

This section requires the Corps to reimburse non-Federal interests for advanced funds exceeding the non-Federal share of construction costs as soon as practicable after the completion of each

individual contract for a project for navigation authorized by section 1401(1) of the WIIN Act (130 Stat. 1708).

Sec. 333. New Savannah Bluff Lock and Dam, Georgia and South Carolina

This section changes the cost-share requirements for the Fish Passage at New Savannah Bluff Lock and Dam mitigation feature of the Savannah Harbor Expansion Project.

Sec. 334. Lake Tahoe basin restoration, Nevada and California

This section establishes a program and authorizes funding for environmental infrastructure assistance to non-Federal interests in the Lake Tahoe Basin.

Sec. 335. Additional assistance for eastern Santa Clara basin, California

This section amends section 111 of the Consolidated Appropriations Act of 2001 (114 Stat. 2763A–224) to clarify activities eligible for assistance in the Santa Clara Basin, California.

Sec. 336. Tribal partnership program

This section extends the Tribal Partnership Program through fiscal year 2033. This section also authorizes the first \$100,000 of study costs to be at full Federal expense and increases the Federal cost limit for continuing authority to design and construct projects.

Sec. 337. Surplus water contracts and water storage agreements

This section makes permanent the prohibition on the charging of fees for surplus water contracts in the Upper Missouri Mainstem Reservoirs enacted in section 1046(c) of WRRDA 2014 (128 Stat. 1254; 132 Stat. 3784; 134 Stat. 2715).

Sec. 338. Copan Lake, Oklahoma

This section directs the Corps to amend the contract for storage space for water supply between the United States and the Copan Public Works Authority in Copan Lake, Oklahoma.

Sec. 339. Enhanced development program

This section directs the Corps to fully implement section 3134 of WRDA 2007 (121 Stat. 1142; 130 Stat. 1671) and section 164 of WRDA 2020 (134 Stat. 2668).

Sec. 340. Ecosystem restoration coordination

This section directs the Corps to coordinate with Federal, regional, and state authorities on toxics remediation when carrying out the project for ecosystem restoration, South Fork of the South Branch of the Chicago River, Bubbly Creek, Illinois.

Sec. 341. Acequias irrigation systems

This section amends section 1113 of WRDA 1986 (100 Stat. 4232) to increase the authorization amount for the Acequia program in New Mexico and authorizes the Corps to protect and restore Acequias located on land belonging to a federally recognized Indian Tribe in New Mexico. The non-Federal cost-share is 10 percent when a project benefits an economically disadvantaged community.

Sec. 342. Rogers County, Oklahoma

This section authorizes the Corps to convey approximately 176 acres of Federal land to the City of Tulsa-Rogers County Port Authority.

Sec. 343. Water supply storage repair, rehabilitation, and replacement costs

This section amends section 301(b) of the Water Supply Act of 1958 (43 U.S.C. 390b(b)) to expand payment options for State or local interests to reimburse the Corps for repair, rehabilitation, and replacement costs for municipal and industrial water supply storage.

Sec. 344. Non-Federal payment flexibility

This section amends section 103(l) of WRDA 1986 (33 U.S.C. 2213(l)) to authorize the Corps, at the request of any non-Federal interest, to waive accrual of interest on any non-Federal cash contribution for up to one year for a water resources development project.

Sec. 345. North Padre Island, Corpus Christi Bay, Texas

This section clarifies that the project for ecosystem restoration, North Padre Island, Corpus Christi Bay, Texas, is not eligible for Corps emergency repair and restoration assistance under the Flood Control Act of 1941 (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)).

Sec. 346. Waiver of non-Federal share of damages related to certain contract claims

This section authorizes the Corps, under certain circumstances, to waive the payment of the non-Federal interest's share of damages awarded to a contractor for construction of a navigation project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

Sec. 347. Algiers Canal levees, Louisiana

This section directs the Corps to resume operation and maintenance of the Algiers Canal Levees in Louisiana.

Sec. 348. Israel River ice control project, Lancaster, New Hampshire

This section deauthorizes the project for flood control, Israel River, Lancaster, New Hampshire, which was formerly authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

Sec. 349. City of El Dorado, Kansas

This section amends a 1972 water supply storage contract between the United States and the City of El Dorado, Kansas to change the method of interest calculation.

Sec. 350. Upper Mississippi River protection

This section prohibits the Corps from recommending the deauthorization of the Upper St. Anthony Falls Lock and Dam unless a non-Federal public entity is identified to assume ownership. This section also authorizes the Corps to investigate the feasibility of modifying the Upper St. Anthony Falls Lock and Dam to add ecosystem restoration as an authorized purpose.

Sec. 351. Regional Corps of Engineers office, Corpus Christi, Texas

This section authorizes the Corps to convey two tracts of improved land to the Port of Corpus Christi Authority at fair market value.

Sec. 352. Pilot program for good neighbor authority on Corps of Engineers land

This section authorizes the Corps to carry out a pilot program to enter into good neighbor agreements with the Governor of Idaho to carry out forest, rangeland, and watershed restoration services on Federal land.

Sec. 353. Southeast Des Moines, southwest Pleasant Hill, Iowa

This section extends the Des Moines Local Flood Protection Project to incorporate a portion of the Southeast Des Moines Southwest Pleasant Hill Levee. The section authorizes the Corps to convey necessary Federal easements to the City of Des Moines and to dispose of those Federal easements when no longer necessary for Federal project purposes.

Sec. 354. Middle Rio Grande flood protection, Bernalillo to Belen, New Mexico

This section requires the non-Federal share for the project for flood risk management, Middle Rio Grande, Bernalillo to Belen, New Mexico to be 25 percent, consistent with the percentage in effect when the project was originally authorized.

Sec. 355. Comprehensive Everglades restoration plan, Florida

This section amends section 601(e)(5)(D) of WRDA 2000 (114 Stat. 2685) to clarify that the Corps shall only require a cash contribution from the non-Federal sponsor once every 5 years to satisfy cost share requirements.

Sec. 356. Maintenance dredging permits

This section encourages the Corps to prioritize the reissuance of any regional general permit for maintenance dredging that expired prior to May 1, 2021 in accordance with relevant environmental statutes.

Sec. 357. Puget Sound nearshore ecosystem restoration, Washington

This section requires the Corps to consider the removal and replacement of certain bridges and a causeway at the Duckabush River Estuary site in the Puget Sound Nearshore Restoration Project, as a primary project feature rather than a relocation, for the purposes of cost sharing.

Sec. 358. Tribal assistance

This section requires the Corps to revise and carry out the village development plan for Dalles Dam, Columbia River, Washington and Oregon to address the impacts to Indian villages and housing sites that resulted from construction of multiple dams by the Corps in the Columbia River Basin.

Sec. 359. Recreational opportunities at certain projects

This section includes a sense of Congress that two Corps projects in Vermont, Ball Mountain Lake and Townshend Lake, should be operated in such a manner as to protect and enhance recreation. This section authorizes the Corps to modify, or undertake temporary deviations from, the water control plans for these projects, in order to enhance recreation.

Sec. 360. Rehabilitation of Corps of Engineers constructed dams

This section amends section 1177 of the WIIN Act (33 U.S.C. 467f–2) by reducing the non-Federal share of costs for the Waterbury Dam rehabilitation project in Washington County, Vermont, from 35 percent to the cost-share assigned to the non-Federal interest for the initial construction of Waterbury Dam.

Sec. 361. South Florida ecosystem restoration task force

This section amends section 528(f)(1)(J) of WRDA 1996 (110 Stat. 3771) to change the membership requirements of the South Florida Ecosystem Restoration Task Force.

Sec. 362. New Madrid County Harbor, Missouri

This section amends section 509 of WRDA 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat. 2679) to authorize the Corps to maintain the navigation channel at the second harbor at the New Madrid County Harbor, Missouri if certain conditions are met.

Sec. 363. Trinity River and tributaries, Texas

This section amends section 1201(7) of the Water Resources Development Act of 2018 (WRDA 2018; 132 Stat. 3802) to modify the study authority for the Trinity River and Tributaries, Texas navigation project to add flood risk management and ecosystem restoration as authorized purposes.

Sec. 364. Rend Lake, Carlyle Lake, and Lake Shelbyville, Illinois

This section directs the Corps, upon request from the Governor of Illinois, to terminate specified water supply contracts with the State of Illinois at Rend Lake, Carlyle Lake and Lake Shelbyville.

Sec. 365. Federal assistance

This section extends the Corps' operations and maintenance assistance authority under section 1328 of the America's Water Infrastructure Act of 2018 (132 Stat. 3826).

Sec. 366. Land transfer and trust land for Choctaw Nation of Oklahoma

This section authorizes a transfer of land at Sardis Lake, Oklahoma to the Secretary of Interior to be held in trust for the benefit of the Choctaw Nation.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

Sec. 401. Project authorizations

This section authorizes construction for 21 projects for which a Chief of Engineers Report or other decision document has been submitted to Congress.

Sec. 402. Storm damage prevention and reduction, coastal erosion, and ice and glacial damage, Alaska

This section establishes a program for structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska.

Sec. 403. Expedited completion of projects

This section directs the Corps to expedite the completion of certain water resources development projects.

Sec. 404. Special rules

This section specifies additional conditions for implementation of certain projects expedited in section 403 of this Act.

Sec. 405. Chattahoochee River program

This section requires the Corps to establish a program to provide assistance to non-Federal interests in the Chattahoochee River Basin for water-related resource protection and restoration projects affecting the basin.

Sec. 406. Lower Mississippi River basin demonstration program

This section requires the Corps to establish a program to provide assistance to non-Federal interests in the Lower Mississippi River Basin for projects focused on flood or coastal storm risk management or aquatic ecosystem restoration.

Sec. 407. Forecast-informed reservoir operations

This section authorizes the Corps to conduct a pilot program at one or more dams owned and operated by the Agency within the footprint of the North Atlantic Division to assess the viability of forecast-informed reservoir operations and report to Congress on the results of the pilot program.

Sec. 408. Mississippi River mat sinking unit

This section directs the Corps to expedite the replacement of the Mississippi River Mat Sinking Unit.

Sec. 409. Sense of congress relating to Okatibbee Lake

This section includes a sense of Congress that addressing shoreline sloughing and erosion at a Corps project is eligible to be carried out by the Corps as part of the operation and maintenance of the project.

LEGISLATIVE HISTORY

On May 4, 2022, the Committee on Environment and Public Works, under the chairmanship of Senator Carper, conducted a business meeting to consider the original bill (S. 4136), WRDA 2022. The original bill was favorably reported out of Committee by a unanimous roll call vote of 20–0.

HEARINGS

Since the passage of WRDA 2020, the Committee on Environment and Public Works has held five hearings during the 117th Congress to conduct jurisdictional oversight of the Corps' activities,

as well as its implementation of prior WRDAs, and to hear from stakeholders regarding what priorities should be addressed in WRDA 2022.

June 24, 2021 Full Committee Hearing: *“The Role of Natural and Nature-Based Features in Water Resources Projects.”*

July 28, 2021 Full Committee Hearing: *“Examining the Benefits of Investing in United States Army Corps of Engineers Water Infrastructure Projects.”*

October 6, 2021 Full Committee Hearing: *“The United States Army Corps of Engineers Emergency Response to Hurricane Ida.”*

January 12, 2022 Full Committee Hearing: *“Water Resources Development Act Oversight: USACE Implementation of Water Infrastructure Projects, Programs and Priorities.”*

February 23, 2022 Full Committee Field Hearing: *“Examining Shoreline and Riverbank Restoration in the face of Climate Change.”*

COMMITTEE CONSIDERATION AND ROLLCALL VOTES

On May 4, 2022, the Committee on Environment and Public Works met and considered WRDA 2022. During the business meeting, the Committee approved by voice vote with a quorum present an amendment offered by Senator Inhofe to make a technical correction to section 342 of the legislative text under consideration.

The Committee on Environment and Public Works ordered the amended legislative text reported favorably as an original bill to the Senate by a roll call vote of 20–0 (yeas: Boozman, Capito, Cardin, Carper, Cramer, Duckworth, Ernst, Graham, Inhofe, Kelly, Lummis, Markey, Merkley, Padilla, Sanders, Shelby, Stabenow, Sullivan, Whitehouse, and Wicker) with a quorum present.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill.

The bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that S. 4136 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments.

The bill also contains no new private-sector mandates as defined in UMRA.

COST OF LEGISLATION

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 21, 2022.

Hon. THOMAS CARPER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 4136, the Water Resources Development Act of 2022.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

S. 4136 would authorize the Army Corps of Engineers to construct projects and conduct feasibility studies to improve navigation, mitigate storm and hurricane damage, and restore ecosystems.

ESTIMATED BUDGETARY EFFECTS OF S. 4136, THE WATER RESOURCES DEVELOPMENT ACT OF
2022, AS REPORTED BY THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS ON
MAY 4, 2022

	By fiscal year, millions of dollars—												
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2022– 2027	2022– 2032
Increases or Decreases (–) in Direct Spending													
Spending of Construction Funding Provided in IJJA: ^a													
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	0	15	40	75	110	135	145	150	150	150	150	375	1,120
Deferral of Payments From the State of Louisiana: ^b													
Estimated Budget Authority	0	324	0	0	0	0	0	0	0	0	0	324	324
Estimated Outlays	0	324	0	0	0	0	0	0	0	0	0	324	324
Spending of Recreation Fees: ^c													
Estimated Budget Authority	54	55	55	55	55	55	55	55	55	55	55	329	604
Estimated Outlays	*	76	71	55	55	55	55	55	55	55	55	312	587
Net Proceeds from Land Conveyances and Other Provisions: ^d													
Estimated Budget Authority	0	–1	–1	*	*	*	*	*	*	*	*	–1	1
Estimated Outlays	0	–1	–1	*	*	*	*	*	*	*	*	–1	1
Total Changes in Direct Spending:													
Estimated Budget Authority	54	378	54	55	55	55	55	55	55	55	55	653	930
Estimated Outlays	*	414	110	130	165	190	200	205	205	205	205	1,011	2,033

CBO expects that the bill will be enacted near the end of fiscal year 2022; components may not sum to totals because of rounding; IJJA = Infrastructure Investment and Jobs Act; * = between zero and \$500,000.

CBO estimates that enacting S. 4136 would increase direct spending by \$2 billion over the 2022–2032 period and would not affect revenues. CBO has not completed an estimate of the bill's effects on spending subject to appropriation.

S. 4136 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On June 8, 2022, CBO transmitted a cost estimate for H.R. 7776, the Water Resources Development Act of 2022, as posted on the website of the House Committee on Rules on June 6, 2022. The two pieces of legislation are different, and CBO's estimates of direct spending for the bills reflect those differences.

a. Because S. 4136 would authorize appropriations for purposes similar to purposes specified in the IIJA, CBO estimates that enacting S. 4136 would increase direct spending by \$1.1 billion. We project that about half of the \$11.6 billion appropriated in that law for construction projects would be spent by 2032; the remainder would spend after 2032. As a result, some of the funds provided in the IIJA would be available for the construction projects authorized under S. 4136. Using information from the Corps, CBO estimates that roughly 10 percent of the cost of those projects, about \$1.1 billion, would be spent from IIJA funds over the 2022–2032 period.

b. S. 4136 would delay from 2023 until 2032 repayment of one-third of the funds that the state of Louisiana owes the federal government under deferred-payment agreements. The bill would authorize the state to apply credits awarded for mitigation and other work performed on related projects against the amounts owed. Using information from the Corps, CBO estimates that the federal government would forgo \$324 million in payments in 2023: \$249 million for the one-third of the payment that would be delayed until 2032 and \$75 million for credits for work performed in excess of the nonfederal share of the cost of other projects. Further, CBO expects that Louisiana would not make the delayed \$249 million payment in 2032 because that payment would be satisfied by credits awarded for mitigation costs incurred by the state, as allowed under the bill.

c. Section 119 would authorize the Corps to spend, without further appropriation, fees charged at recreation sites and facilities under its jurisdiction. Under current law, there is a balance of \$54 million and the Corps collects about \$55 million each year in such fees. On that basis, CBO estimates that enacting the provision would increase direct spending by \$587 million over the 2022–2032 period.

d. Sections 342, 351, and 366 would authorize the Corps to convey federal land and facilities to specific entities in exchange for the fair-market value of the assets. Those transactions would increase offsetting receipts (which are recorded in the budget as decreases in direct spending) by \$3 million over the 2022–2032 period.

Sections 338, 349, and 346 would direct the Corps to amend water storage contracts in Copan Lake, Oklahoma, and the City of El Dorado, Kansas, and to waive amounts owed to the federal government by a nonfederal sponsor for damages awarded in a contract dispute. CBO estimates that enacting those provisions would increase direct spending by \$4 million over the 2022–2032 period.

On net, enacting those six provisions would increase direct spending by \$1 million over the 2022–2032 period.

COMMITTEE VIEWS

Last year, Congress made historic investments in the Nation’s core infrastructure priorities with the passage of the Infrastructure Investment and Jobs Act (IIJA). The Committee encourages the Corps of Engineers to work with other Federal agencies to utilize funding provided by the IIJA for the replacement or repair of Corps-owned bridges.

The Committee encourages the Corps to continue to explicate comprehensive documentation of benefits in project planning. As

the Secretary implements the Principles, Requirements, and Guidelines for Water and Related Land Resources Implementation Studies, the Committee expects these agency-specific procedures to foster a comprehensive, consistent, and clear assessment in project planning documents that allows for full participation by non-Federal sponsors.

Additionally, the Committee urges the Corps to continue to plan and construct more resilient projects. In this bill, the Committee empowers communities to partner with the Corps to address water supply conservation, drought risk reduction, and all drivers of flood and coastal storm risk in a comprehensive manner. The Committee expects the Secretary to continue to account for the effects of sea level rise, including an increase in the extent, magnitude, and frequency of tidal flooding, in the formulation of flood and coastal storm risk management and ecosystem restoration projects by fully implementing existing authorities such as section 113 of WRDA 2020.

Section 307 of the bill modifies the cost-share for several studies and projects carried out by the Corps. The Committee intends for the cost-share modification for the Port of Nome, Alaska, specified in section 307(a)(4), to apply to the total cost associated with general navigation features of the project, including any cash obligations under section 101(a)(2) of WRDA 1986 (33 U.S.C. 2211(a)(2)).

Section 309 of the bill clarifies that the shoreline reaches included remain eligible for dredged material placement under continuing authorities for beneficial use, pending reformulation of the project. The Committee intends for the cost-share specified in section 309 to apply to such placements of dredged material only to the extent that the applicable continuing authority otherwise requires a non-Federal sponsor to share in the costs. If requested by the non-Federal sponsor, reformulation of the project may proceed under section 212 of WRDA 1999 (33 U.S.C. 2332), as amended by section 102 of the bill.

Stakeholder interest in pursuing projects under CAP remains robust. This program allows the Corps to pursue projects without specific congressional authorization if the Federal share of project costs does not exceed a defined limit. While this bill does not increase the per-project Federal participation limits for CAP except in one instance, the Committee notes that section 127 of WRDA 2020 provides a process for authorizing increases in the Federal participation limit for individual projects. The Corps is directed to fully implement this provision and to make sure all Corps districts and non-Federal sponsors of CAP projects are aware of and fully understand the process.

The Committee also recognizes the significant benefits provided to communities by the Corps' environmental infrastructure (EI) programs. Accordingly, this bill modifies or authorizes 34 existing or new EI authorities. The Committee intends for the additional appropriations authorized under section 301(ee) for the EI authority authorized under section 594 of WRDA 1999 to be administered in a manner consistent with the previous funding authorized under section 594. Additionally, the Committee encourages the Secretary to engage with the Town of Cicero, Illinois and the Village of Dixmoor, Illinois to identify opportunities to assist in the replacement and upgrading of the communities' water distribution sys-

tems under the EI authority for Cook County, Illinois provided under section 219(f)(54) of WRDA 1992.

The Committee included a number of provisions in the bill to enhance non-Federal participation in the delivery of water resources development projects. In particular, section 112 provides the Secretary with the discretion to authorize a non-Federal sponsor to undertake emergency repair and restoration activities using Federal funds. Although the Committee expects the Corps' emergency repair and restoration program to continue to be implemented primarily through the provision of direct assistance, the authority provided by section 112 affords the Corps with the flexibility to authorize non-Federal sponsors on a case-by-case basis to perform activities using Federal funds when the Corps determines it to be in the overall best interest of the program. The Committee expects repair and restoration activities undertaken by non-Federal sponsors to be funded incrementally in phases, consistent with the Corps' funding of activities undertaken directly by the Corps under the program.

Further, the Committee seeks to expand communities' access to the Corps' planning expertise. Section 106 amends the Planning Assistance to States (PAS) program to authorize funding for the Corps to inform and educate non-Federal interests about the Corps' missions. In particular, the Committee encourages the Corps to utilize the PAS program to reach out to non-Federal interests in the Chesapeake Bay Region to foster the development of project proposals for consideration under the program established by section 510 of WRDA 1996. The Committee also encourages the Corps to utilize the PAS program to engage with coastal and inland communities and provide technical assistance in the identification of sites for the disposal of dredged material from underserved community harbors with local and regional economic significance.

The Committee provides the Secretary with the authority to fully fund a Federal interest determination as part of feasibility studies for projects under the Tribal Partnership Program and for projects for the protection and restoration of shoreline and riverbanks. In addition to encouraging the Secretary to implement these authorities upon enactment, the Committee directs the Corps to fully implement the existing authority to make Federal interest determinations at Federal expense for economically disadvantaged communities and other communities that Congress provided in section 117 of WRDA 2020.

Finally, the Committee believes the Corps must continue to improve its stakeholder engagement practices. In particular, the Committee reminds the Secretary that section 3014 of WRRDA 2014, as amended by section 142 of WRDA 2020, provides authority for the Corps to aid stakeholders seeking accreditation under the National Flood Insurance Program for federally-authorized levees. Additionally, the Committee encourages the Secretary to fully implement authorities to permit the alteration of federally-authorized water resources development projects. In addition to section 14 of the Rivers and Harbors Appropriations Act of 1899 (commonly known as "Section 408"), these authorities include section 1116 of the WIIN Act. Section 1116, as amended by section 134 of this bill, provides authority to modify projects for purposes of implementing water conservation measures in States that have experienced re-

peated drought. The Committee urges the Secretary to explore opportunities to implement section 1116 at federally-authorized water resources development projects, including the Big Dry Creek Reservoir and Dam in Fresno County, California.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

Water Resources Development Act of 1974

* * * * *

SEC. 22. (a) FEDERAL STATE COOPERATION.—

(1) COMPREHENSIVE PLANS.— * * *

* * * * *

(3) INSTITUTION OF HIGHER EDUCATION.—Notwithstanding [section 236 of title 10] *section 4141 of title 10*, United States Code, in carrying out this subsection, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.

(4) *Prioritization.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this subsection to address both inland and coastal life safety risks.*

(b) *Outreach.—*

(1) *In general.—The Secretary is authorized to carry out activities, at full Federal expense—*

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

(B) *to engage with States and other non-Federal interests to identify specific opportunities to partner with the Corps of Engineers to address water resources development needs.*

(2) *Staff.—The Secretary shall designate staff in each district office of the Corps of Engineers to provide assistance under this subsection.*

[(b)] (c) FEES.—

(1) ESTABLISHMENT AND COLLECTION.—For the purpose of recovering 50 percent of the total cost of providing assistance pursuant to subsection (a), the Secretary of the Army is authorized to establish appropriate fees, as determined by the Secretary, and to collect such fees from States and other non-Federal public bodies to whom assistance is provided under subsection (a).

(2) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal interest for assistance under this section.

(3) IN-KIND SERVICES.—The non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision of serv-

ices, materials, supplies, or other in-kind services necessary to prepare the plan.

(4) DEPOSIT AND USE.—Fees collected under this subsection shall be deposited into the account in the Treasury of the United States entitled, “Contributions and Advances, Rivers and Harbors, Corps of Engineers (8862)” and shall be available until expended to carry out this section.

[(c)] (d) AUTHORIZATION OF APPROPRIATIONS.—

(1) FEDERAL AND STATE COOPERATION.—There is authorized to be appropriated not to exceed \$30,000,000 annually to carry out subsection (a)(1), except that not more than \$5,000,000 in Federal funds shall be expended in any one year in any one State. The Secretary may allow 2 or more States to combine all or a portion of the funds that the Secretary makes available to the States in carrying out subsection (a)(1).

(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated \$15,000,000 annually to carry out subsection (a)(2), of which not more than \$2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.

(3) Outreach.—*There is authorized to be appropriated \$30,000,000 for each fiscal year to carry out subsection (b).*

(4) Prioritization.—*To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this section to economically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)).*

[(d)] (e) ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.—Concurrent with the President’s submission to Congress of the President’s request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.

[(e)] (f) For the purposes of this section, the term “State” means the several States of the United States, Indian tribes, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

[(f)] (g) SPECIAL RULE.—The cost-share for assistance under this section provided to Indian tribes, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands shall be as provided under section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310).

* * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1976

* * * * *

SEC. 142. * * *

* * * * *

SEC. 156. [42 U.S.C. 1962d–5f]

(a) IN GENERAL.— * * *

* * * * *

(b) REVIEW.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Secretary shall, at the request of the non-Federal interest, carry out a study to determine the feasibility of extending the period of nourishment described in subsection (a) for a period not to exceed **【15】** (50) additional years beyond the maximum period described in subsection (a).

(2) TIMING.—The **【15】** additional years provided under paragraph (1) shall begin on the date of initiation of construction of congressionally authorized nourishment.

* * * * *

(e) SPECIAL RULE.—Notwithstanding any other provision of this section, for any existing authorized water resources development project for which the maximum period for nourishment described in subsection (a) will expire within the **【10-year period】** 16-year period beginning on the date of enactment of the Water Resources Reform and Development Act of 2014, that project shall remain eligible for nourishment for an additional **【6 years】** 12 years after the expiration of such period.

(f) Treatment of Studies.—A study carried out under subsection (b) shall be considered a new phase investigation afforded the same treatment as a general reevaluation.

* * * * *

Water Resources Development Act of 1986

* * * * *

TITLE I—COST SHARING

SEC. 101. HARBORS.

(a) CONSTRUCTION.—

(1) PAYMENTS DURING CONSTRUCTION.— * * *

* * * * *

SEC. 102. INLAND WATERWAY TRANSPORTATION.

(a) CONSTRUCTION.—**【One-half of the costs】** 75 percent of the costs of construction—

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

* * * * *

shall be paid only from amounts appropriated from the general fund of the Treasury. **【One-half of such costs】** 25 percent of such costs shall be paid only from amounts appropriated from the Inland Waterways Trust Fund. For purposes of this subsection, the term “construction” shall include planning, designing, engineering, surveying, the acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, and relocations necessary for the project.

SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.

(a) FLOOD CONTROL.—

(1) GENERAL RULE.— * * *

* * * * *

(k) PAYMENT OPTIONS.—

(1) IN GENERAL.— * * *

* * * * *

(4) TREATMENT OF PRE-PAYMENT.—**[Notwithstanding]**

(A) *In general.*—*Notwithstanding* a deferred payment agreement with a non-Federal interest, the Secretary shall accept, without interest of any type, the repayment of a non-Federal contribution for any eligible deferred payment described in paragraph (2)(B) for which—

[(A)]

(i) the non-Federal interest makes a payment of at least **[\$200 million]** \$200,000,000 for that eligible deferred payment agreement on or before September 30, 2021; **[and]**

[(B)]

(ii) the non-Federal interest repays *an amount equal to 2/3 of the remaining principal* by September 30, 2023**[.]**; *and*

(iii) *the non-Federal interest repays the balance of remaining principal by June 1, 2032.*

(B) *Repayment options.*—*Repayment of a non-Federal contribution under subparagraph (A)(iii) may be satisfied through the provision by the non-Federal interest of fish and wildlife mitigation for one or more projects or separable elements, if the Secretary determines that—*

(i) *the non-Federal interest has incurred costs for the provision of mitigation that—*

(I) *equal or exceed the amount of the required repayment; and*

(II) *are in excess of any required non-Federal contribution for the project or separable element for which the mitigation is provided; and*

(ii) *the mitigation is integral to the project for which it is provided.*

* * * * *

[(1) DELAY OF INITIAL PAYMENT.—At the request of]

(l) *Delay of Payment.*—

(1) *Initial payment.*—*At the request of any non-Federal interest the Secretary may permit such non-Federal interest to delay the initial payment of any non-Federal contribution under this section or section 101 for up to one year after the date when construction is begun on the project for which such contribution is to be made. Any such delay in initial payment shall be subject to interest charges for up to six months at a rate determined pursuant to section 106.*

(2) *Interest.*—

(A) *In general.*—*At the request of any non-Federal interest, the Secretary may waive the accrual of interest on any non-Federal cash contribution under this section or section 101 for a project for a period of not more than 1 year if the Secretary determines that—*

(i) the waiver will contribute to the ability of the non-Federal interest to make future contributions; and
(ii) the non-Federal interest is in good standing under terms agreed to under subsection (k)(1).
(B) Limitations.—The Secretary may grant not more than 1 waiver under subparagraph (A) for the same project.

* * * * *

{PUBLIC LAW 99-662-NOV. 17, 1986 100 STAT.}

MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA

The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska: Report of the Chief of Engineers, dated April 24, 1984, at a total cost of \$51,900,000, with a first Federal cost of \$51,900,000. The Secretary shall study the need for additional measures for mitigation of losses of aquatic and terrestrial habitat caused by such project and shall report to Congress, within three years after the date of enactment of this Act, on the results of such study and any recommendations for additional measures needed for mitigation of such losses *When acquiring land to meet the requirements of fish and wildlife mitigation, the Secretary may consider incidental flood risk management benefits.*

* * * * *

TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

* * * * *

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

(a)(1) * * *

* * * * *

(e) PROGRAM AUTHORITY.—

(1) AUTHORITY.—

(A) IN GENERAL.— * * *

* * * * *

(3) For purposes of carrying out paragraph (1)(A)(i) of this subsection, there is authorized to be appropriated to the Secretary **[\$40,000,000]** \$75,000,000 for fiscal year 1999 and each fiscal year thereafter.

* * * * *

[Public Law 99-662, Enacted November 17, 1986, 100 Stat. 4232]

[As Amended Through P.L. 116-260, Enacted December 27, 2020]

(33 U.S.C. 2201)

* * * * *

SEC. 1113. ACEQUIAS IRRIGATION SYSTEM.

(a)(1) The Congress finds that the irrigation ditch systems in New Mexico, known as the Acequia systems, date from the eighteenth century, and that these early engineering works have signifi-

cance in the settlement and development of the western portion of the United States.

(2) The Congress, therefore, declares that the restoration and preservation of the Acequia systems has cultural and historic values to the region.

[(b) Subject to section 903(a) of this Act, the Secretary is authorized and directed to undertake]

(b) Authorization.—Subject to section 903(a), the Secretary shall carry out, without regard to economic analysis, such measures as are necessary to protect and restore the river diversion structures and associated [canals attendant to the operations of the community ditch and Acequia systems in New Mexico that are declared to be a political subdivision of the State of New Mexico, at a total cost of \$53,300,000, with an estimated first Federal cost of \$40,000,000 and an estimated first non-Federal cost of \$13,300,000. The non-Federal share of any work undertaken under this section shall be 25 percent.] channels attendant to the operations of the community ditch and Acequia systems in New Mexico that—

(1) are declared to be a political subdivision of the State; or
(2) belong to a federally recognized Indian Tribe.

(c) Inclusions.—The measures described in subsection (b) shall, to the maximum extent practicable—

(1) ensure greater resiliency of diversion structures, including to flow variations, prolonged drought conditions, invasive plant species, and threats from changing hydrological and climatic conditions; or

(2) support research, development, and training for innovative management solutions, including those for controlling invasive aquatic plants that affect Acequias.

(d) Costs.—

(1) Total cost.—The measures described in subsection (b) shall be carried out at a total cost of \$80,000,000.

(2) Cost sharing.—

(A) In general.—Except as provided in subparagraph (B), the non-Federal share of the cost of carrying out the measures described in subsection (b) shall be 25 percent.

(B) Special rule.—In the case of a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)), the Federal share of the cost of carrying out the measures described in subsection (b) shall be 90 percent.

[(c)] [(e) The Secretary is further authorized and directed to]

(e) Public Entity Status.—

(1) In general.—The Secretary shall consider the historic Acequia systems (community ditches) of the southwestern United States as public entities, if these systems are chartered by the respective State laws as political subdivisions of that State or belong to a federally recognized Indian Tribe within the State of New Mexico. [This public entity status will allow the officials of these Acequia systems]

(2) Effect.—The public entity status provided pursuant to paragraph (1) shall allow the officials of the Acequia systems

described in that paragraph to enter into agreements and serve as local sponsors of water-related projects of the Secretary.

* * * * *

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

(a) **IN GENERAL.**—The Secretary shall waive local cost-sharing requirements up to \$200,000 for all studies and projects—

(1) * * *

* * * * *

(c) **Application to Studies.**—

(1) **Inclusion.**—*For purposes of this section, the term ‘study’ includes watershed assessments.*

(2) **Application.**—*The Secretary shall apply the waiver amount described in subsection (a) to reduce only the non-Federal share of study costs.*

* * * * *

Water Resources Development Act of 1988

* * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 1988”.

(b) **TABLE OF CONTENTS.**—

Sec. 1. * * *

* * * * *

Sec. . 7. **[Collaborative research and development]** *Research and development*

* * * * *

SEC. 7. [COLLABORATIVE] RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—For the purpose of improving the state of engineering and construction in the United States and consistent with the mission **[of the Army Corps of Engineers, the Secretary is authorized to utilize Army]** *of the Corps of Engineers, the Secretary is authorized to engage in basic research, applied research, advanced research, and development projects, including such projects that are—*

(1) *authorized by Congress; or*

(2) *included in an Act making appropriations for the Corps of Engineers.*

(b) **Collaborative Research and Development.**—

(1) **In general.**—*In carrying out subsection (a), the Secretary is authorized to utilize Corps of Engineers laboratories and research centers to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local government, colleges and universities, and corporations, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any of the several States of the United States or the District of Columbia.*

[(b)]

(2) **ADMINISTRATIVE PROVISIONS.**—In carrying out this section, the Secretary may consider the recommendations of a non-Federal entity in identifying appropriate research or devel-

opment projects and may enter into a cooperative research and development agreement, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in such agreement, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this section. Not less than 5 percent of the non-Federal entity's share of the cost of any such project shall be paid in cash.

[(1)] IN GENERAL.—

(A) If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, until the earlier of the date the Secretary enters into such an agreement with respect to such technology or the last day of the 2-year period beginning on the date of such determination.

[(2)] TREATMENT.—

(B) Any technology covered by **[this section]** *this subsection* that becomes the subject of a cooperative research and development agreement shall be accorded the protection provided under section 12(c)(7)(B) of such Act (15 U.S.C. 3710a(c)(7)(B)) as if such technology had been developed under a cooperative research and development agreement.

[(c)]

(3) ADMINISTRATIVE PROVISIONS.— In carrying out **[this section]** *this subsection*, the Secretary may consider the recommendations of a non-Federal entity in identifying appropriate research or development projects and may enter into a cooperative research and development agreement, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in such agreement, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under **[this section]** *this subsection*. Not less than 5 percent of the non-Federal entity's share of the cost of any such project shall be paid in cash.

[(d)]

(4) APPLICABILITY OF OTHER LAWS.—The research, development, or utilization of any technology pursuant to an agreement under **[subsection (c)]** *paragraph (3)*, including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions

of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701-3714).

[(e) ADDITIONAL FUNDING.—Notwithstanding the third proviso under the heading “GENERAL INVESTIGATIONS” of title I of the Energy and Water Development Appropriations Act, 1989 (102 Stat. 857), an additional \$3,000,000 of the funds appropriated under such heading shall be available to the Secretary for obligation to carry out the purposes of this section in fiscal year 1989.]

[(f)]

(5) FUNDING FROM OTHER FEDERAL SOURCES.—The Secretary may accept and expend additional funds from other Federal programs, including other Department of Defense programs, to carry out [this section] *this subsection*.

(c) *Other Transactions*.—

(1) *Authority*.—*The Secretary may enter into transactions (other than contracts, cooperative agreements, and grants) in order to carry out this section.*

(2) *Education and training*.—*The Secretary shall—*

(A) *ensure that management, technical, and contracting personnel of the Corps of Engineers involved in the award or administration of transactions under this section or other innovative forms of contracting are afforded opportunities for adequate education and training; and*

(B) *establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and requirements for acquisition certification programs.*

(3) *Notification*.—*The Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives notice of a transaction under this subsection not less than 30 days before entering into the transaction.*

(4) *Report*.—*Not later than 3 years and not later than 7 years after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the use of the authority under paragraph (1).*

(d) *Report*.—

(1) *In general*.—*For fiscal year 2025, and annually thereafter, in conjunction with the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on projects carried out under subsection (a).*

(2) *Contents*.—*A report under paragraph (1) shall include—*

(A) *a description of each ongoing and new project, including—*

- (i) *the estimated total cost;*
- (ii) *the amount of Federal expenditures;*
- (iii) *the amount of expenditures by a non-Federal entity as described in subsection (b)(1), if applicable;*
- (iv) *the estimated timeline for completion;*

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

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

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

(e) Cost Sharing.—

(1) In general.—Except as provided in subsection (b)(3) and paragraph (2), a project carried out under this section shall be at full Federal expense.

(2) Treatment.—Nothing in this subsection waives applicable cost-share requirements for a water resources development project or feasibility study (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d))).

(f) Savings Clause.—Nothing in this section limits the ability of the Secretary to carry out a project requested by a district of the Corps of Engineers in support of a water resources development project or feasibility study (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d))).

(g) Research and Development Account.—

(1) In general.—There is established a Research and Development account of the Corps of Engineers for the purposes of carrying out this section.

(2) Authorization of appropriations.—There is authorized to be appropriated to the Research and Development account established by paragraph (1) \$85,000,000 for each of fiscal years 2023 through 2027.

* * * * *

Water Resources Development Act of 1992

* * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.— * * *

* * * * *

(b) TABLE OF CONTENTS.—

TITLE I-WATER RESOURCES PROJECTS

Sec. 2. 101. Project authorizations.

* * * * *

TITLE III-MISCELLANEOUS PROVISIONS

Sec. 2. 340. [Southern West Virginia environmental restoration infrastructure and resource prot- tion development pilot program.] *Southern West Virginia*

* * * * *

TITLE II—GENERALLY APPLICABLE PROVISIONS

* * * * *

SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.

(a) IN GENERAL.— * * *

* * * * *

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under this section—

(1) * * *

* * * * *

(5) **[\$25,000,000]** *\$75,000,000* for the project described in subsection (c)(2);

* * * * *

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

(1) ATLANTA, GEORGIA.— * * *

* * * * *

(10) EASTERN SHORE AND SOUTHWEST VIRGINIA.—

(A) IN GENERAL.—**[\$20,000,000]** *\$52,000,000* for water supply, wastewater infrastructure, and environmental restoration projects in the counties of **[Accomac]** *Accomack*, Northampton, Lee, Norton, Wise, Scott, Russell, Dickenson, Buchanan, and Tazewell, Virginia.

* * * * *

(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—**[\$110,000,000]** *\$151,500,000* for wastewater treatment and water supply treatment and distribution projects in the counties of Berkeley, Calhoun, Clarendon, Colleton, Dorchester, and Orangeberg, South Carolina.

* * * * *

(54) **[Cook county]** *Cook county and lake county*, illinois.—**[\$35,000,000]** *\$100,000,000* for water-related infrastructure and resource protection and development, Cook County, Illinois.

(55) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—**[\$45,000,000]** *\$100,000,000* for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

* * * * *

(86) CALAVERAS COUNTY, CALIFORNIA.—**[\$3,000,000]** *\$13,280,000* for water supply and wastewater infrastructure improvement projects in Calaveras County, California, including wastewater reclamation, recycling, and conjunctive use projects.

* * * * *

(93) LOS ANGELES COUNTY, CALIFORNIA.—\$3,000,000 for wastewater and water related infrastructure, Diamond Bar, La

Habra Heights, and Rowland Heights, Los Angeles County, California.】

(93) Los angeles county, california.—

(A) *In general.*—\$38,000,000 for wastewater and water related infrastructure, Los Angeles County, California.

(B) *Eligibility.*—The Water Replenishment District of Southern California may be eligible for assistance under this paragraph.

* * * * *

(157) MICHIGAN COMBINED SEWER OVERFLOWS.—
【\$35,000,000】

(A) *In general.*—\$85,000,000 for for correction of combined sewer overflows, Michigan.

(B) *Additional projects.*—Amounts made available under subparagraph (A) may be used for design and construction projects for water-related environmental infrastructure and resource protection and development projects in Michigan, including for projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

* * * * *

【(250) MYRTLE BEACH, SOUTH CAROLINA.—\$18,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.】

(250) *Myrtle beach and vicinity, south carolina.*—\$31,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach and vicinity, South Carolina.

【(251) NORTH MYRTLE BEACH, SOUTH CAROLINA.—\$11,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.】

(251) *North myrtle beach and vicinity, south carolina.*—\$74,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach and vicinity, South Carolina.

* * * * *

(272) NORTHERN WEST VIRGINIA.—【\$20,000,000 for water and wastewater】

(A) *In general.*—\$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie Counties, West Virginia.

(B) *Local cooperation agreements.*—Notwithstanding subsection (a), at the request of a non-Federal interest for a project or a separable element of a project that receives assistance under this paragraph, the Secretary may adopt a model agreement developed in accordance with section 571(e) of the Water Resources Development Act of 1999 (113 Stat. 371).

(273) UNITED STATES VIRGIN ISLANDS.—\$25,000,000 for wastewater infrastructure for the St. Croix Anguilla wastewater treatment plant and the St. Thomas Charlotte Amalie wastewater treatment plant, United States Virgin Islands.

(274) *Horry county, south carolina.—\$19,000,000 for environmental infrastructure, including ocean outfalls, Horry County, South Carolina.*

(275) *Lane county, oregon.—\$20,000,000 for environmental infrastructure, Lane County, Oregon.*

(276) *Placer county, california.—\$21,000,000 for environmental infrastructure, Placer County, California.*

(277) *Alameda county, california.—\$20,000,000 for environmental infrastructure, Alameda County, California.*

(278) *Temecula city, california.—\$18,000,000 for environmental infrastructure, Temecula City, California.*

(279) *Yolo county, california.—\$6,000,000 for environmental infrastructure, Yolo County, California.*

(280) *Clinton, mississippi.—\$13,600,000 for environmental infrastructure, Clinton, Mississippi.*

(281) *Oxford, mississippi.—\$10,000,000 for environmental infrastructure, Oxford, Mississippi.*

(282) *Madison county, mississippi.—\$10,000,000 for environmental infrastructure, Madison County, Mississippi.*

(283) *Rankin county, mississippi.—\$10,000,000 for environmental infrastructure, Rankin County, Mississippi.*

(284) *Meridian, mississippi.—\$10,000,000 for wastewater infrastructure, Meridian, Mississippi.*

(285) *Delaware.—\$50,000,000 for sewer, stormwater system improvements, storage treatment, environmental restoration, and related water infrastructure, Delaware.*

(286) *Queens, new york.—\$20,000,000 for the design and construction of stormwater management and improvements to combined sewer overflows to reduce the risk of flood impacts, Queens, New York.*

(287) *Georgia.—\$75,000,000 for environmental infrastructure, Baldwin County, Bartow County, Floyd County, Haralson County, Jones County, Gilmer County, Towns County, Warren County, Lamar County, Lowndes County, Troup County, Madison County, Toombs County, Dade County, Bulloch County, Gordon County, Walker County, Dooly County, Butts County, Clarke County, Crisp County, Newton County, Bibb County, Baker County, Barrow County, Oglethorpe County, Peach County, Brooks County, Carroll County, Worth County, Jenkins County, Wheeler County, Calhoun County, Randolph County, Wilcox County, Stewart County, Telfair County, Clinch County, Hancock County, Ben Hill County, Jeff Davis County, Chattooga County, Lanier County, Brantley County, Charlton County, Tattnall County, Emanuel County, Mitchell County, Turner County, Bacon County, Terrell County, Macon County, Ware County, Bleckley County, Colquitt County, Washington County, Berrien County, Coffee County, Pulaski County, Cook County, Atkinson County, Candler County, Taliaferro County, Evans County, Johnson County, Irwin County, Dodge County, Jefferson County, Appling County, Taylor County, Wayne County, Clayton County, Decatur County, Schley County, Sumter County, Early County, Webster County, Clay County, Upson County, Long County, Twiggs County, Dougherty County, Quitman County, Meriwether County, Stephens County, Wilkinson County, Murray County, Wilkes County, Elbert*

County, McDuffie County, Heard County, Marion County, Talbot County, Laurens County, Montgomery County, Echols County, Pierce County, Richmond County, Chattahoochee County, Screven County, Habersham County, Lincoln County, Burke County, Liberty County, Tift County, Polk County, Glascock County, Grady County, Jasper County, Banks County, Franklin County, Whitfield County, Treutlen County, Crawford County, Hart County, Georgia.

(288) Maryland.—\$100,000,000 for water, wastewater, and other environmental infrastructure, Maryland.

(289) Milwaukee metropolitan area, wisconsin.—\$4,500,000 for water-related infrastructure, resource protection and development, stormwater management, and reduction of combined sewer overflows, Milwaukee metropolitan area, Wisconsin.

(290) Hawaii.—\$75,000,000 for water-related infrastructure, resource protection and development, wastewater treatment, water supply, urban storm water conveyance, environmental restoration, and surface water protection and development, Hawaii.

(291) Alabama.—\$50,000,000 for water, wastewater, and other environmental infrastructure, Alabama.

* * * * *

SEC. 340. SOUTHERN WEST VIRGINIA [ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM].

(a) ESTABLISHMENT OF PROGRAM.— * * *

* * * * *

(e) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

[(f) SOUTHERN WEST VIRGINIA DEFINED.—For purposes of this section, the term “Southern West Virginia” means Raleigh, Wayne, Cabell, Fayette, Lincoln, Summers, Wyoming, Webster, Mingo, McDowell, Logan, Boone, Mercer, Pocahontas, Greenbrier, Nicholas, and Monroe Counties, West Virginia.]

(f) Definition of Southern West Virginia.—In this section, the term ‘southern West Virginia’ means the counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming, West Virginia.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. LAND CONVEYANCES.

(a)

* * * * *

Water Resources Development Act of 1996

* * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 1996”.

* * * * *

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) * * *

* * * * *

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. LAND CONVEYANCES.

(a) * * *

* * * * *

SEC. 509. MAINTENANCE OF NAVIGATION CHANNELS.

(a) **IN GENERAL.**—Upon request of the non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels constructed or improved by non-Federal interests if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) * * *

* * * * *

- (17) Morehead City Harbor, North Carolina.
- (18) *Second harbor at New Madrid County Harbor, Missouri.*

* * * * *

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

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**— * * *

* * * * *

(2) **FORM.**— * * *

* * * * *

- (A) sediment and erosion control;
- (B) protection of eroding shorelines *and streambanks*;

* * * * *

- (E) beneficial uses of dredged material; **[and]**
- (F) *wastewater treatment and related facilities*;
- (G) *stormwater and drainage systems*; and
- [(F)] (H)** other related projects that may enhance the living resources of the estuary.

* * * * *

SEC. 528. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section, the following definitions apply:
(1)* * *

* * * * *

(f) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

(A)* * *

* * * * *

(J) [2 representatives] 3 representatives of the State of Florida, at least 1 of which shall be a representative of the Florida Department of Environmental Protection and at least 1 of which shall be a representative of the Florida Fish and Wildlife Conservation Commission, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

* * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1999

* * * * *

SECTION 1. [33 U.S.C. 2201 note] SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Water Resources Development Act of 1999”.

* * * * *

(b) TABLE OF CONTENTS.-

Sec. 1. Short title and table of contents.

TITLE I--WATER RESOURCES PROJECTS

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—GENERAL PROVISIONS

Sec. 101. Scope of feasibility studies.

* * * * *

Sec. 101. Project authorizations.

* * * * *

TITLE II--GENERAL PROVISIONS

Sec. 201. Small flood control authority.

* * * * *

Sec. 212.[Flood mitigation and riverine restoration program.] *Shoreline and riverine protection and restoration*

* * * * *

TITLE V--MISCELLANEOUS PROVISIONS

* * * * *

Sec. 501. Corps assumption of NRCS projects.

* * * * *

Sec. . 571. **[Central West Virginia].** *Northern West Virginia*

* * * * *

SEC. 212. [33 USC 2332] [FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM] shoreline and riverine protection and restoration.

[(a) IN GENERAL.—The Secretary may undertake a program for the purpose of conducting projects to reduce flood hazards and restore the natural functions and values of rivers throughout the United States.**]**

(a) In General.—The Secretary may carry out projects—

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

(2) to restore the natural functions and values of rivers and shorelines throughout the United States.

(b) STUDIES AND PROJECTS.—

[(1) AUTHORITY.—In carrying out the program, the Secretary may conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement projects described in subsection (a).**]**

(1) Authority.—

(A) Studies.—The Secretary may carry out studies to identify appropriate measures for—

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

(ii) the restoration of the natural functions and values of rivers and shorelines.

(B) Projects.—Subject to subsection (f)(2), the Secretary may design and implement projects described in subsection (a).

* * * * *

(3) NONSTRUCTURAL APPROACHES.—The studies and projects shall emphasize, to the maximum extent practicable and appropriate, nonstructural approaches to preventing or reducing **[flood damages]** *flood and coastal storm damages, including the use of measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)).*

(4) PARTICIPATION.—The studies and projects shall be conducted, to the maximum extent practicable, in cooperation with State and local agencies and tribes to ensure the coordination of local flood *and coastal storm* damage reduction or riverine, *shoreline*, and wetland restoration studies with projects that conserve, restore, and manage hydrologic and hydraulic regimes and restore the natural functions and values of floodplains *and coastal barriers*.

(c) COST-SHARING REQUIREMENTS.—

[(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).**]**

(1) Studies.—

(A) In general.—Subject to subparagraph (B), the non-Federal share of the cost of a study under this section shall be—

(i) 50 percent; and

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

(B) Federal interest determination.—The first \$100,000 of the costs of a study under this section shall be at full Federal expense.

(2) ENVIRONMENTAL RESTORATION AND NONSTRUCTURAL flood control projects.—

[(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any environmental restoration or nonstructural flood control project carried out under this section.]

(A) In general.—Design and construction of a non-structural measure or project, a measure or project described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)), or for a measure or project for environmental restoration, shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)) shall be 10 percent.

* * * * *

(3) STRUCTURAL FLOOD control AND COASTAL STORM RISK MANAGEMENT projects.—Any structural flood control and coastal storm risk management projects carried out under this section shall be subject to cost sharing in accordance with [Ksection 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a))] section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)) shall be 10 percent;.

* * * * *

[(d) PROJECT JUSTIFICATION.—

[(1) IN GENERAL.—Notwithstanding]

(d) Project Justification.—Notwithstanding; any other provision of law or requirement for economic justification established under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2), the Secretary may implement a project under this section if the Secretary determines that the project—

- [(A)]
- [(B)]
- [(C)]

(1) will significantly reduce potential flood or coastal storm damages, including erosion or riverbank or streambank failures;

(2) will improve the quality of the environment; and

(3) is justified considering all costs and beneficial outputs of the project.

[(2) ESTABLISHMENT OF SELECTION AND RATING CRITERIA AND POLICIES.—

[(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in cooperation with State and local agencies and tribes, shall—

[(i) develop, and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, criteria for selecting and rating projects to be carried out under this section; and

[(ii) establish policies and procedures for carrying out the studies and projects undertaken under this section.

[(B) CRITERIA.—The criteria referred to in subparagraph (A)(i) shall include, as a priority, the extent to which the appropriate State government supports the project.]

(e) PRIORITY AREAS.—[In carrying out]

(1) In general.—In carrying out this section, the Secretary shall examine appropriate locations, including—

[(1)]

(A) Pima County, Arizona, at Paseo De Las Iglesias and Rillito River;

(2) PRIORITY PROJECTS.—In carrying out this section after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall prioritize projects for the following locations:

(A) Delaware beaches and watersheds, Delaware.

(B) Louisiana Coastal Area, Louisiana.

(C) Great Lakes Shores and Watersheds.

(D) Oregon Coastal Area, Oregon.

(E) Upper Missouri River Basin.

(F) Ohio River Tributaries and their watersheds, West Virginia.

(G) Chesapeake Bay watershed and Maryland beaches, Maryland.

[(2)]

(B) Coachella Valley, Riverside County, California;

[(3)]

(C) Los Angeles and San Gabriel Rivers, California;

[(4)]

(D) Murrieta Creek, California;

[(5)]

(E) Napa River Valley watershed, California, at Yountville, St. Helena, Calistoga, and American Canyon;

[(6)]

(F) Santa Clara basin, California, at Upper Guadalupe River and Tributaries, San Francisquito Creek, and Upper Penitencia Creek;

[(7)]

(G) Pond Creek, Kentucky;

[(8)]

- (H) Red River of the North, Minnesota, North Dakota, and South Dakota;
- [(9)] (I) Connecticut River, New Hampshire;
- [(10)] (J) Pine Mount Creek, New Jersey;
- [(11)] (K) Southwest Valley, Albuquerque, New Mexico;
- [(12)] (L) Upper Delaware River, New York;
- [(13)] (M) Briar Creek, North Carolina;
- [(14)] (N) Chagrin River, Ohio;
- [(15)] (O) Mill Creek, Cincinnati, Ohio;
- [(16)] (P) Tillamook County, Oregon;
- [(17)] (Q) Willamette River basin, Oregon;
- [(18)] (R) Blair County, Pennsylvania, at Altoona and Frankstown Township;
- [(19)] (S) Delaware River, Pennsylvania;
- [(20)] (T) Schuylkill River, Pennsylvania;
- [(21)] (U) Providence County, Rhode Island;
- [(22)] (V) Shenandoah River, Virginia;
- [(23)] (W) Lincoln Creek, Wisconsin;
- [(24)] (X) Perry Creek, Iowa;
- [(25)] (Y) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;
- [(26)] (Z) Lower Hudson River and tributaries, New York;
- [(27)] (AA) Susquehanna River watershed, Bradford County, Pennsylvania;
- [(28)] (BB) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas;
- [(29)] (CC) Ascension Parish, Louisiana;
- [(30)] (DD) East Baton Rouge Parish, Louisiana;
- [(31)] (EE) Iberville Parish, Louisiana;
- [(32)] (FF) Livingston Parish, Louisiana; and
- [(33)]

(GG) Pointe Coupee Parish, Louisiana.

[(f) PROGRAM REVIEW.—

[(1) IN GENERAL.—The program established under this section shall be subject to an independent review to evaluate the efficacy of the program in achieving the dual goals of flood hazard mitigation and riverine restoration.

[(2) REPORT.—Not later than April 15, 2003, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of the review conducted under this subsection with any recommendations concerning continuation of the program.

[(g) MAXIMUM FEDERAL COST PER PROJECT.—Not more than \$30,000,000 may be expended by the United States on any single project under this section.]

[(h)] (f) PROCEDURE.—

(1) ALL PROJECTS.—The Secretary shall not implement any project under this section until—

(A) the Secretary submits to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (d)(1); and

(B) 21 calendar days have elapsed after the date on which the notification was received by the committees.

[(2) PROJECTS EXCEEDING \$15,000,000.—

[(A) LIMITATION ON APPROPRIATIONS.—No appropriation shall be made to construct any project under this section the total Federal cost of construction of which exceeds \$15,000,000 if the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

[(B) REPORT.—For the purpose of securing consideration of approval under this paragraph, the Secretary shall submit a report on the proposed project, including all relevant data and information on all costs.]

(2) *Projects requiring specific authorization.—The Secretary shall not carry out a project until Congress enacts a law authorizing the Secretary to carry out the project, if the Federal share of the cost to design and construct the project exceeds—*

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

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

(i) is for purposes of environmental restoration; or

(ii) derives not less than 50 percent of the erosion, flood, or coastal storm risk reduction benefits from nonstructural measures or measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); or

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

* * * * *

[(i) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$20,000,000.

[(2) FULL FUNDING.—All studies and projects carried out under this section from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.]

* * * * *

TITLE V—MISCELLANEOUS PROVISIONS

* * * * *

SEC. 571. [CENTRAL] G2northern WEST VIRGINIA.

[(a) DEFINITION OF CENTRAL WEST VIRGINIA.—In this section, the term “central West Virginia” means the counties of Mason, Jackson, Putnam, Kanawha, Roane, Wirt, Calhoun, Clay, Braxton, Lewis, Upshur, Randolph, Pendleton, Hardy, Hampshire, Morgan, Berkeley, and Jefferson, West Virginia.]

(a) *Definition of Northern West Virginia.*—*In this section, the term ‘northern West Virginia’ means the counties of Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Morgan, Monongalia, Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, and Wood, West Virginia.*

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in [central] northern West Virginia.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in [central] northern West Virginia, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

* * * * *

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

(a) IN GENERAL.— * * *

* * * * *

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance under subsection (a) shall be 50 percent, except that the Federal share with respect to projects located on land owned by the United States or on land taken into trust by the Secretary of the Interior on behalf of, and for the benefit of, an Indian Tribe shall be 100 percent.

* * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ~~【\$30,000,000】~~ \$50,000,000.

* * * * *

SEC. 592. MISSISSIPPI.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in Mississippi.

* * * * *

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Mississippi, including projects for wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, environmental restoration, ~~【and surface water resource protection and development】~~ *surface water resource protection and development, stormwater management, drainage systems, and water quality enhancement.*

* * * * *

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ~~【\$200,000,000】~~ \$300,000,000, to remain available until expended.

SEC. 593. CENTRAL NEW MEXICO.

(a) DEFINITION OF CENTRAL NEW MEXICO.—In this section, the term “central New Mexico” means the counties of Bernalillo, Sandoval, and Valencia, New Mexico.

* * * * *

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ~~【\$50,000,000】~~ \$100,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

SEC. 594. OHIO AND NORTH DAKOTA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in Ohio and North Dakota.

* * * * *

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$240,000,000 for Ohio and \$100,000,000 for North Dakota.

(i) Authorization of Additional Appropriations.—In addition to amounts authorized under subsection (h), there is authorized to be appropriated to carry out this section \$100,000,000, to be divided between the States referred to in subsection (a).

SEC. 595. WESTERN RURAL WATER.

(a) DEFINITIONS.—In this section:

(1) RURAL NEVADA.— * * *

* * * * *

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, to remain available until expended—

- (1) for the period beginning with fiscal year 2001, ~~[\$435,000,000]~~ \$490,000,000 for Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming; and
- (2) ~~[\$150,000,000]~~ \$200,000,000 for Arizona.

Water Resources Development Act of 2000

* * * * *

TITLE II—GENERAL PROVISIONS

* * * * *

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act ~~[(25 U.S.C. 450b)]~~ (25 U.S.C. 5304).

(b) PROGRAM.—

(1) IN GENERAL.— * * *

* * * * *

(2) AUTHORIZED ACTIVITIES.—An activity conducted under paragraph (1) may address—

(A) projects for flood or coastal storm damage reduction, including erosion control, environmental restoration and protection, and preservation of cultural and natural resources;

(3) FEASIBILITY STUDY AND REPORTS.—

(A) IN GENERAL.—On the request of an Indian tribe, the Secretary shall conduct a study on, and provide to the Indian tribe a report describing, the feasibility of a water resources development project described in paragraph (1).

(B) RECOMMENDATION.— * * *

* * * * *

(C) Federal interest determination.— The first \$100,000 of the costs of a study under this section shall be at full Federal expense.

(4) DESIGN AND CONSTRUCTION.—

(A) IN GENERAL.—The Secretary may carry out the design and construction of a water resources development project, or separable element of a project, described in paragraph (1) that the Secretary determines is feasible if the Federal share of the cost of the project or separable element is not more than ~~[\$18,500,000]~~ \$26,000,000.

(B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of the project or separable element described in subparagraph (A) is more than ~~[\$18,500,000]~~ \$26,000,000, the Secretary may only carry out the project or separable element if Congress enacts a law authorizing the Secretary to carry out the project or separable element.

(5) Project justification.—Notwithstanding any other provision of law or requirement for economic justification established

under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) for a project (other than a project for ecosystem restoration), the Secretary may implement a project under this section if the Secretary determines that the project will—

- (A) significantly reduce potential flood or coastal storm damages, which may include or be limited to damages due to shoreline erosion or riverbank or streambank failures;
- (B) improve the quality of the environment;
- (C) reduce risks to life safety associated with the damages described in subparagraph (A); and
- (D) improve the long-term viability of the community.

* * * * *

(d) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.— * * *

* * * * *

(5) WATER-RELATED PLANNING ACTIVITIES.—

(A) IN GENERAL.— * * *

* * * * *

(B) OTHER COSTS.—The [non-Federal] Federal share of costs of other water-related planning activities described in subsection (b)(1) shall be [50 percent] 100 percent.

(e) RESTRICTIONS.—The Secretary is authorized to carry out activities under this section for fiscal years 2015 through [2024] 2033.

* * * * *

SEC. 214. FUNDING TO PROCESS PERMITS.

(a) FUNDING TO PROCESS PERMITS.—

(1) DEFINITIONS.—In this subsection:

(A) NATURAL GAS COMPANY.— * * *

* * * * *

(2) PERMIT PROCESSING.—[The Secretary]

(A) *In general.*—The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity or a public-utility company, natural gas company, or railroad carrier to expedite the evaluation of a permit of that entity, company, or carrier related to a project or activity for a public purpose under the jurisdiction of the Department of the Army.

(4) GAO STUDY.— * * *

* * * * *

(B) *Multi-user mitigation bank instrument processing.*—

(i) *In general.*—An activity carried out by the Secretary to expedite evaluation of a permit described in subparagraph (A) may include the evaluation of an instrument for a mitigation bank if—

(I) the non-Federal public entity, public-utility company, natural gas company, or railroad carrier applying for the permit described in that subparagraph is the sponsor of the mitigation bank; and

(II) expediting evaluation of the instrument is necessary to expedite evaluation of the permit described in that subparagraph.

(ii) Use of credits.—The use of credits generated by the mitigation bank established using expedited processing under clause (i) shall be limited to current and future projects and activities of the entity, company, or carrier described in subclause (I) of that clause for a public purpose, except that in the case of a non-Federal public entity, not more than 25 percent of the credits may be sold to other public and private entities.

* * * * *

TITLE V—MISCELLANEOUS PROVISIONS

* * * * *

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

(a) DEFINITIONS.— * * *

* * * * *

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.— * * *

* * * * *

(C) acceleration of whole community [planning] clean water infrastructure planning, design, and construction to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

* * * * *

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[\$32,000,000]** \$100,000,000, to remain available until expended.

* * * * *

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

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

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

* * * * *

(e) COST SHARING.—

(1) FEDERAL SHARE.— * * *

* * * * *

(5) CREDIT.—

(A) IN GENERAL.— * * *

* * * * *

[(E) PERIODIC MONITORING.—

[(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

[(I) monitor the non-Federal provision of cash, in-kind services, and land; and

[(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

[(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.]

(E) Periodic monitoring.—

(i) In general.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each period of 5 fiscal years, beginning on October 1, 2022, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) Other monitoring.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase for each project in the Plan.

(iii) Clarification.—Not later than 90 days after the end of each fiscal year, the Secretary shall provide to the non-Federal sponsor a financial accounting of non-Federal contributions under clause (i)(I) for such fiscal year.

(iv) Limitation.—As applicable, the Secretary shall only require a cash contribution from the non-Federal sponsor to satisfy the cost share requirements of this subsection on the last day of each period of 5 fiscal years under clause (i).

* * * * *

WATER RESOURCES DEVELOPMENT ACT OF 2007

* * * * *

SECTION 1. [33 U.S.C. 2201 note] SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.—**This Act may be cited as the “Water Resources Development Act of 2007”.

* * * * *

SEC. 2007. [33 U.S.C. 2222] USE OF OTHER FEDERAL FUNDS.

The non-Federal interest for a [water resources study or project] *water resources development study or project, including a study or project under a continuing authority program (as defined in section 7001(c)(1)(D) of the Water Resources Reform and Development Act*

of 2014 (33 U.S.C. 2282d(c)(1)(D))), may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the study or project if [the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project] *the funds appropriated to the Federal agency are for a purpose that is similar or complementary to the purpose of the study or project.*

* * * * *

SEC. 3132. ARKANSAS RIVER CORRIDOR, OKLAHOMA.

(a) IN GENERAL.— * * *

* * * * *

[(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$50,000,000 to carry out this section.]

(b) *Authorized Cost.*—*The Secretary is authorized to carry out construction of a project under this section at a total cost of \$128,400,000, with the cost shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).*

(c) *Additional Feasibility Studies Authorized.*—

(1) *In general.*—*The Secretary is authorized to carry out feasibility studies for purposes of recommending to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives additional projects under this section.*

(2) *Treatment.*—*An additional feasibility study carried out under this subsection shall be considered a continuation of the feasibility study that formulated the project carried out under subsection (b).*

* * * * *

SEC. 5138. TEXAS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of Texas.

(b) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment, and related facilities, water quality protection, wastewater treatment, and related facilities, environmental restoration, and surface water resource protection, and development [, as identified by the Texas Water Development Board].

(c) OWNERSHIP REQUIREMENT.— * * *

* * * * *

(e) COST SHARING.—

(1) IN GENERAL.— * * *

* * * * *

(3) CREDIT FOR WORK.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design work *and construction* carried out

by the non-Federal interest for the project before the date of the partnership agreement for the project.

* * * * *

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.— * * *

* * * * *

(g) *Nonprofit Entities.*—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) *Corps of Engineers Expenses.*—Not more than 10 percent of the amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

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

* * * * *

SEC. 5146. LAKE CHAMPLAIN CANAL, VERMONT AND NEW YORK.

(a) *DISPERSAL BARRIER PROJECT.*—The Secretary shall determine, at Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal, Vermont and New York, to prevent the spread of aquatic nuisance species.

(b) *CONSTRUCTION, MAINTENANCE, AND OPERATION.*— * * *

* * * * *

(c) *Clarifications.*—

(1) *In general.*—At the request of the non-Federal interest for the study of the Lake Champlain Canal Aquatic Invasive Species Barrier carried out under section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150; 134 Stat. 2652), the Secretary shall scope the phase II portion of that study to satisfy the feasibility determination under subsection (a).

(2) *Dispersal barrier.*—A dispersal barrier constructed, maintained, or operated under this section may include—

- (A) physical hydrologic separation;
- (B) nonstructural measures;
- (C) deployment of technologies;
- (D) buffer zones; or
- (E) any combination of the approaches described in subparagraphs (A) through (D).

* * * * *

SEC. 7006. CONSTRUCTION.

(a) *SCIENCE AND TECHNOLOGY.*—

(1) *IN GENERAL.*— * * *

* * * * *

SEC. 7007. NON-FEDERAL COST SHARE.

(a) *CREDIT.*— * * *

* * * * *

(d) *TREATMENT OF CREDIT BETWEEN PROJECTS.*—The value of any land, easements, rights-of-way, relocations, and dredged material disposal areas and the costs of planning, design, and construc-

tion work provided by the non-Federal interest that exceed the non-Federal cost share for a study or project under this title may be applied toward the non-Federal cost share for any other study or project carried out under this title , *or may be applied to reduce the amounts required to be paid by the non-Federal interest under the terms of the deferred payment agreements entered into between the Secretary and the non-Federal interest for the projects authorized by section 7012(a)(1).*

* * * * *

SEC. 8004. [33 U.S.C. 652 note] ECOSYSTEM RESTORATION AUTHORIZATION.

(a) OPERATION.— * * *

* * * * *

(g) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.— * * *

* * * * *

(2) *Report on water level management.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report on opportunities to expand the use of water level management on the Upper Mississippi River and Illinois Waterway System for the purpose of ecosystem restoration.*

[(2)] (3) ADVISORY PANEL.—

(A) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under paragraph (1).

* * * * *

SEC. 9002. [33 U.S.C. 3301] DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) CANAL STRUCTURE.— * * *

* * * * *

(13) REHABILITATION.—The term “rehabilitation” means the repair, replacement, reconstruction, removal , *or improvement* of a levee, or reconfiguration of a levee system, including a setback levee, that is carried out to reduce flood risk , *increase resiliency to extreme weather events*, or meet national levee safety guidelines.

* * * * *

SEC. 9005. [33 U.S.C. 3303a] LEVEE SAFETY INITIATIVE.

(a) ESTABLISHMENT.— * * *

* * * * *

(h) LEVEE REHABILITATION ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.— * * *

* * * * *

(7) PROJECT LIMIT.—The maximum amount of Federal assistance for a project under this subsection shall be ~~【\$10,000,000】~~ \$25,000,000.

* * * * *

(11) *Prioritization.*—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this subsection to economically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)).

* * * * *

Water Resources Reform and Development Act of 2014

* * * * *

TITLE I—PROGRAM REFORMS AND STREAMLINING

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) ~~【33 U.S.C. 2201 note】~~ SHORT TITLE.—This Act may be cited as the “Water Resources Reform and Development Act of 2014”.

(b) TABLE OF CONTENTS.—

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

TITLE I—PROGRAM REFORMS AND STREAMLINING

Sec. 1001. * * *

* * * * *

Sec. 1025. **【Water resources projects on Federal land.】**

* * * * *

SEC. 1001. ~~【33 U.S.C. 2282c】~~ VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.

(a) IN GENERAL.— * * *

* * * * *

SEC. 1008. ~~【33 U.S.C. 2321b】~~ EXPEDITING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.

(a) POLICY.— * * *

* * * * *

(b) *Implementation of Policy.*—The Secretary shall—

(1) *ensure that the policy described in subsection (a) is implemented nationwide in an efficient, consistent, and coordinated manner; and*

(2) *assess opportunities—*

(A) *to increase the development of hydroelectric power at existing hydroelectric water resources development projects of the Corps of Engineers; and*

(B) *to develop new hydroelectric power at nonpowered water resources development projects of the Corps of Engineers.*

【(b)】 (c) REPORT.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that, at a minimum, shall include—

(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers water resources development projects *and to meet the requirements of subsection (b)*;

* * * * *

[(c)] (d) REVIEWING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.—

(1) DEFINITION OF ELIGIBLE NON-FEDERAL INTEREST.— * * *

* * * * *

SEC. 1020. [33 U.S.C. 2223] TRANSFER OF EXCESS CREDIT.

(a) APPLICATION OF CREDIT.—

(1) IN GENERAL.—Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that are in excess of the required non-Federal cost share for a water resources development study or project toward the required non-Federal cost share for a different water resources development study or project.

(2) APPLICATION PRIOR TO COMPLETION OF PROJECT.—On request of a non-Federal interest, the credit described in paragraph (1) may be applied prior to completion of a study or project, if the credit amount is verified by the Secretary.

(3) *Studies and projects with multiple non-federal interests.—A credit described in paragraph (1) for a study or project with multiple non-Federal interests may be applied to the required non-Federal cost share for a study or project of any of those non-Federal interests, subject to the condition that each non-Federal interest for the study or project for which the credit described in paragraph (1) is provided concurs in writing.*

(b) RESTRICTIONS.—

(1) IN GENERAL.—Except for subsection (a)(4)(D)(i) of that section, the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) (as amended by section 1018(a)) shall apply to any credit under this section.

(2) CONDITIONS.—Credit in excess of the non-Federal share for a study or project may be approved under this section only if—

(A) * * *

* * * * *

(3) *Conditional approval of excess credit.—The Secretary may approve credit in excess of the non-Federal share for a study or project prior to the identification of each authorized study or project to which the excess credit will be applied, subject to the condition that the non-Federal interest agrees to submit for approval by the Secretary an amendment to the comprehensive plan prepared under paragraph (2) that identifies each authorized study or project in advance of execution of the feasibility cost sharing agreement or project partnership agreement for that authorized study or project.*

* * * * *

[(d)] TERMINATION OF AUTHORITY.—The authority provided in this section shall terminate 10 years after the date of enactment of this Act.]

[(e)] (d) REPORT.—

(1) DEADLINES.—
(A) IN GENERAL.— * * *

* * * * *

SEC. 1022. [33 U.S.C. 2225] CREDIT OR REIMBURSEMENT.

(a) REQUESTS FOR CREDITS.—With respect to an authorized flood damage reduction project, or separable element thereof, that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13), [or] an authorized coastal navigation project that has been constructed by the Corps of Engineers pursuant to section 11 of the Act of March 3, 1925, before the date of enactment of the Water Resources Development Act of 2018, or any other water resources development project for which the Secretary is authorized to reimburse the non-Federal interest for the Federal share of construction or operation and maintenance, the Secretary may provide to the non-Federal interest, at the request of the non-Federal interest, a credit in an amount equal to the estimated Federal share of the cost [of the project] to construct, periodically nourish, or operate and maintain the project; or separable element, in lieu of providing to the non-Federal interest a reimbursement in that amount or reimbursement of funds of an equivalent amount, subject to the availability of appropriations.

(b) APPLICATION OF CREDITS.—At the request of the non-Federal interest, the Secretary may apply all or a portion of such credit to the share of the cost of the non-Federal interest of carrying out other [flood damage reduction and coastal navigation] water resources development projects or studies.

(c) APPLICATION OF REIMBURSEMENT.—At the request of the non-Federal interest, the Secretary may apply such funds, subject to the availability of appropriations, equal to the share of the cost of the non-Federal interest of carrying out other [flood damage reduction and coastal navigation] water resources development projects or studies.

(d) Applicability.—With respect to a project constructed under section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232), the Secretary shall exercise the authority under this section to apply credits and reimbursements related to the project in a manner consistent with the requirements of subsection (d) of that section.

* * * * *

SEC. 1043. [33 U.S.C. 2201 note] NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.

(a) NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.—

(1) IN GENERAL.— * * *

* * * * *

(b) NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects.

(2) PURPOSES.—The purposes of the pilot program are—

(A) t * * *

* * * * *
(3) ADMINISTRATION.—

(A) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(i) identify a total of not more than 20 projects for flood risk management, hurricane and storm damage reduction (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channels, inland navigation, and aquatic ecosystem restoration that have been authorized for construction, including—

(I) * * *

* * * * *

(III) not more than 5 projects that have been authorized for construction, but did not receive the authorization prior to the date of enactment of this Act;

(ii) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;

(iii) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element or *discrete segment* of the project;

* * * * *

(iv) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element or *discrete segment* of the project, in accordance with plans approved by the Secretary;

(v) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element or *discrete segment* of the project—

* * * * *

(10) *Definition of discrete segment.*—In this subsection, the term ‘discrete segment’ means a physical portion of a project or separable element that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the water resources development project, or separable element thereof.

SEC. 1046. [33 U.S.C. 2319 note] RESERVOIR OPERATIONS AND WATER SUPPLY.

(a) DAM OPTIMIZATION.— * * *
* * * * *

(c) SURPLUS WATER STORAGE.—
(1) IN GENERAL.—The Secretary shall not—
(A) * * *
* * * * *
[(3) LIMITATION.—The limitation provided under paragraph (1) shall expire on the date that is 16 years after the date of enactment of this Act.]
[(4)] (3) APPLICABILITY.—Nothing in this subsection—
(A) * * *
* * * * *

TITLE II—NAVIGATION

Subtitle A—Inland Waterways

* * * * *

SEC. 2010. UPPER MISSISSIPPI RIVER PROTECTION.

(a) DEFINITION OF UPPER ST. ANTHONY FALLS LOCK AND DAM.—
* * *

* * * * *
(e) CONTRIBUTED FUNDS.— * * *
* * * * *

(f) *Limitation.—The Secretary shall not recommend deauthorization of the Upper St. Anthony Falls Lock and Dam unless the Secretary identifies a willing and capable non-Federal public entity to assume ownership of the lock and dam.*

(g) *Modification.—The Secretary is authorized to investigate the feasibility of modifying the Upper St. Anthony Falls Lock and Dam to add ecosystem restoration, including the prevention and control of invasive species, as an authorized purpose.*

* * * * *

TITLE III—SAFETY IMPROVEMENTS AND ADDRESSING EXTREME WEATHER EVENTS

SEC. 3014. [42 U.S.C. 4131] LEVEE CERTIFICATIONS.

(a) IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.— * * *

* * * * *

(b) ACCELERATED LEVEE SYSTEM EVALUATIONS.—
(1) IN GENERAL.— * * *

* * * * *

(3) FUNDING.—
(A) IN GENERAL.—The Secretary may use amounts made available under section 22 of the Water Resources Devel-

opment Act of 1974 (42 U.S.C. 1962d-16) to carry out this subsection.

(B) COST SHARE.—The Secretary shall apply the cost share under section [22(b) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(b))] ‘section 22(c) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(c)) to any activities carried out under this subsection.

* * * * *

SEC. 3017. [33 U.S.C. 3303a note] REHABILITATION OF EXISTING LEVEES.

(a) IN GENERAL.— * * *

* * * * *

(e) TERMINATION OF AUTHORITY.—The authority of the Secretary under [this subsection] *this section* terminates on the date that is [10 years] 20 years after the date of enactment of this Act.

* * * * *

**Water Infrastructure Improvements for the Nation Act
(WRDA 2016)**

* * * * *

**TITLE I—WATER RESOURCES
DEVELOPMENT**

SEC. 1001. [33 U.S.C. 2201 note] SHORT TITLE.

This title may be cited as the “Water Resources Development Act of 2016”.

* * * * *

SEC. 1116. WATER SUPPLY CONSERVATION.

(a) IN GENERAL.—In a State in which a drought emergency has been declared or was in effect [during the 1-year period ending on the date of enactment of this Act] *for at least 2 years during the 10-year period preceding a request from a non-Federal interest for assistance under this section*, the Secretary is authorized—

(b) ELIGIBILITY.—Water supply conservation measures evaluated under subsection (a) may include the following:

* * * * *

(4) Other conservation measures that enhance usage of a Corps of Engineers project for water supply , *including measures utilizing a natural feature or nature-based feature (as those terms are defined in section 1184(a)) to reduce drought risk.*

* * * * *

SEC. 1177. [33 U.S.C. 467f-2 note] REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.

(a) IN GENERAL.— * * *

* * * * *

(f) FUNDING.—There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years 2017 through 2026.

(g) *Special Rule.*—Notwithstanding subsection (c), the non-Federal share of the cost to rehabilitate Waterbury Dam, Washington County, Vermont, under this section, including the cost of any required study, shall be the same share assigned to the non-Federal interest for the cost of initial construction of Waterbury Dam.

* * * * *

SEC. 1319. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.

(a) DEFINITIONS.— * * *

* * * * *

(c) PROJECT MODIFICATIONS.—

(1) IN GENERAL.— * * *

* * * * *

[(2) NON-FEDERAL COST SHARE.—The Federal share of the cost of any Project feature constructed pursuant to paragraph (1) shall be not greater than the share as provided by section 7002(1) of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1364) for the most cost-effective fish passage structure.]

(2) *Cost-share.*—

(A) *In general.*—The costs of construction of a Project feature constructed pursuant to paragraph (1) shall be determined in accordance with section 101(a)(1)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)(B)).

(B) *Savings provision.*—Any increase in costs for the Project due to the construction of a Project feature described in subparagraph (A) shall not be included in the total project cost for purposes of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

America’s Water Infrastructure Act of 2018

* * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) [33 U.S.C. 2201 note] SHORT TITLE.— * * *

* * * * *

SEC. 1111. [33 U.S.C. 2326 note] DREDGE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to carry out a pilot program to award contracts with a duration of up to 5 years for the operation and maintenance of—

(1) * * *

* * * * *

(e) *Inland Waterways Regional Dredge Pilot Program.*—

(1) *In general.*—The Secretary is authorized to establish a pilot program (referred to in this subsection as the ‘pilot program’) to conduct a multiyear dredging demonstration program to award contracts with a duration of up to 5 years for projects on inland waterways.

(2) *Purposes.*—The purposes of the pilot program shall be—

- (A) to increase the reliability, availability, and efficiency of federally-owned and federally-operated inland waterways projects;
- (B) to decrease operational risks across the inland waterways system; and
- (C) to provide cost-savings by combining work across multiple projects across different accounts of the Corps of Engineers.

(3) Demonstration.—

(A) In general.—The Secretary shall, to the maximum extent practicable, award contracts for projects on inland waterways that combine work across the Construction and Operation and Maintenance accounts of the Corps of Engineers.

(B) Projects.— In awarding contracts under subparagraph (A), the Secretary shall consider projects that—

- (i) improve navigation reliability on inland waterways that are accessible year-round;
- (ii) increase freight capacity on inland waterways; and
- (iii) have the potential to enhance the availability of containerized cargo on inland waterways.

(4) Savings clause.—Nothing in this subsection affects the responsibility of the Secretary with respect to the construction and operations and maintenance of projects on the inland waterways system.

(5) Report to congress.—Not later than 1 year after the date on which the first contract is awarded pursuant to the pilot program, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates, with respect to the pilot program and any contracts awarded under the pilot program—

- (A) cost effectiveness;
- (B) reliability and performance;
- (C) cost savings attributable to mobilization and demobilization of dredge equipment; and
- (D) response times to address navigational impediments.

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

* * * * *

SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) CAVE BUTTES DAM, ARIZONA.— * * *

* * * * *

(7) TRINITY RIVER AND TRIBUTARIES, TEXAS.— Project for navigation, *flood risk management, and ecosystem restoration*, Liberty, Texas.

* * * * *

SEC. 1328. FEDERAL ASSISTANCE.

(a) IN GENERAL.— * * *

* * * * *

(c) TERMINATION.—The authority to provide assistance under this section terminates on the date that is **[4 years]** *8 years* after the date of enactment of this section.

WATER RESOURCES DEVELOPMENT ACT OF 2020

* * * * *

[Pub. L. 116-260, div. AA, title I, ¶118, Dec. 27, 2020, 134 Stat. 2629:]

(a) IN GENERAL.— * * *

* * * * *

(b) Economically Disadvantaged Community Flood Protection and Hurricane and Storm Damage Reduction Study Pilot Program.—

(1) In general.— * * *

* * * * *

(2) Participation in pilot program.—In carrying out paragraph (1), the Secretary shall—

(A) * * *

* * * * *

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

* * * * *

(c) PILOT PROGRAM FOR THE RECOMMENDATION OF FLOOD PROTECTION AND HURRICANE AND STORM DAMAGE REDUCTION PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—

(1) IN GENERAL.— * * *

* * * * *

(2) CONSIDERATIONS.—In carrying out this subsection, the Secretary may **[make a recommendation to Congress on up to 10 projects]** *recommend projects to Congress*, without demonstrating that the project is justified solely by national economic development benefits, if the Secretary determines that—

(5) *Recommendations.*—*In recommending projects under paragraph (2), the Secretary shall include such recommendations in the next annual report submitted to Congress under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) after the date of enactment of the Water Resources Development Act of 2022.*

* * * * *

[Pub. L. 116-260, div. AA, title I, §128, Dec. 27, 2020, 134 Stat. 2642]

(a) IN GENERAL.— * * *

* * * * *

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

* * * * *

[Pub. L. 116-260, div. AA, title I, §165, Dec. 27, 2020, 134 Stat. 2668:]

(a) PILOT PROGRAM FOR CONTINUING AUTHORITY PROJECTS IN SMALL OR DISADVANTAGED COMMUNITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Dec. 27, 2020], the Secretary [of the Army] shall implement a pilot program, in accordance with this subsection, for carrying out a project under a continuing authority program for an economically disadvantaged community.

(2) PARTICIPATION IN PILOT PROGRAM.—In carrying out paragraph (1), the Secretary shall—

(A) publish a notice in the Federal Register that requests non-Federal interest proposals for a project under a continuing authority program for an economically disadvantaged community; and

(B) review such proposals and select [a total of 10] projects, taking into consideration geographic diversity among the selected projects.

* * * * *

(3) COST SHARE.— * * *

* * * * *

(4) *Maximum federal amount.*—For a project carried out under this subsection, the maximum Federal amount, if applicable, shall be increased by the commensurate amount of the non-Federal share that would otherwise be required for the project under the applicable continuing authority program.

[(4)] (5) SUNSET.—The authority to commence pursuant to this subsection a project selected under paragraph (2) shall terminate on the date that is 10 years after the date of enactment of this Act.

[(5)] (6) CONTINUING AUTHORITY PROGRAM DEFINED.—In this subsection, the term 'continuing authority program' has the meaning given that term in section 7001(c)(1)(D) of [the] Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d[(c)(1)(D)]).

* * * * *

TITLE II--STUDIES AND REPORTS

[[Page 134 STAT. 2687]]

SEC. 213. LOWER MISSISSIPPI RIVER COMPREHENSIVE MANAGEMENT STUDY.

(a) COMPREHENSIVE STUDY.—

(1) Purpose.— * * *

(I) * * *

(j) Cost-share.—*The Federal share of the cost of the comprehensive study described in subsection (a), and any feasibility study described in subsection (e), shall be 90 percent.*

* * *

TITLE IV--WATER RESOURCES INFRASTRUCTURE

[[PAGE 134 STAT. 2742]]

SEC. 401. PROJECT AUTHORIZATIONS.

* * *

SEC. 402. SPECIAL RULES.

(a) GREAT LAKES AND MISSISSIPPI RIVER INTERBASIN PROJECT, BRANDON ROAD, WILL COUNTY, ILLINOIS.— The Secretary shall carry out the project for ecosystem restoration, Great Lakes and Mississippi River Interbasin project, Brandon Road, Will County, Illinois, authorized by section 401 of this Act, substantially in accordance with the terms and conditions described in the Report of the Chief of Engineers, dated May 23, 2019, with the following modifications:

(1) THE FEDERAL SHARE OF THE COST OF CONSTRUCTION SHALL BE **[80 percent]** *90 percent.*

* * *

[PUB. L. 116-260, DIV. AA, TITLE V, §509(A), DEC. 27, 2020, 134 STAT. 2750]

(a) CORPS OF ENGINEERS ASIAN CARP PREVENTION PILOT PROGRAM.—

(1) IN GENERAL.— * * *

* * *

(2) PROJECT SELECTION.—

(A) LOCATION.— Each project under the pilot program shall be carried out in a river system or reservoir in the Cumberland River Watershed **[or Tennessee River Watershed]** , *Tennessee River Watershed, or Tombigbee River Watershed* in which Asian carp populations are expanding or have been documented.

* * *

(C) LIMITATIONS.—

(i) Number of projects.—The Secretary may select not more than 10 projects to carry out under the pilot pro-

gram , of which not less than 1 shall be carried out on the Tennessee-Tombigbee Waterway.

* * * * *

[33 U.S.C. 2212; PUBLIC LAW 116-260—DEC. 27, 2020]

* * * * *

provided that: "Notwithstanding section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212), for a project for navigation on the inland waterways receiving a construction appropriation during any of [fiscal years 2021 through 2031] fiscal years 2021 through 2022, 35 percent of the costs of construction of the project shall be paid from amounts appropriated from the Inland Waterways Trust Fund until such construction of the project is complete."

* * * * *

(33 U.S.C. 2213a(a))

* * * * *

SEC.2213a. Treatment of certain benefits and costs

(a) IN GENERAL.—

In the case of a flood risk management or coastal storm risk management project that incidentally generates seismic safety benefits in regions of moderate or high seismic hazard, for the purpose of a benefit-cost analysis for the project, the Secretary shall not include in that analysis any additional design and construction costs resulting from addressing seismic concerns.

[33 USC 2327a: Rehabilitation of Corps of Engineers constructed pump stations]

* * * * *

SEC.2327a. Rehabilitation of Corps of Engineers constructed pump stations

(A) DEFINITIONS

In this section:

[(1) ELIGIBLE PUMP STATION—

[(The term "eligible pump station" means a pump station—]

(1) Eligible pump station.—The term 'eligible pump station' means a pump station that—

(A) is a feature of a federally authorized flood or coastal storm risk management project; or

(B) if inoperable, would impair drainage of water from areas interior to a federally authorized flood or coastal storm risk management project.

* * * * *

[(b) AUTHORIZATION

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

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

- (1) the pump station has a major deficiency; and
- (2) the rehabilitation is feasible.

* * * * *

[(f) AUTHORIZATION OF APPROPRIATIONS—

【There is authorized to be appropriated to carry out this section \$60,000,000, to remain available until expended.】

(f) PRIORITIZATION.—*To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this section to economically disadvantaged communities.*

* * * * *

FLOOD CONTROL ACT OF 1941

* * * * *

SEC. 5. [33 USC 701n] (a)(1) That there is authorized an emergency fund to be expended in preparation for emergency response to any natural disaster, in flood fighting and rescue operations, or in the repair or restoration of any flood control work threatened or destroyed by flood, including the strengthening, raising, extending, or other modification thereof as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work for flood control and subject to the condition that the Chief of Engineers may include modifications to the structure or project, or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor; in the emergency protection of federally authorized hurricane or shore protection being threatened when in the discretion of the Chief of Engineers such protection is warranted to protect against imminent and substantial loss to life and property; in the repair and restoration of any federally authorized hurricane or shore protective structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies, *increase resilience, increase effectiveness in preventing damages from inundation, wave attack, or erosion,* or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor. The emergency fund may also be expended for emergency dredging for restoration of authorized project depths for Federal navigable channels and waterways made necessary by flood, drought, earthquake, or other natural disasters. In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief and Emergency Assistance Act, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services. The Chief of Engineers, in the exercise of his discretion, is further authorized to provide emergency supplies of clean water, on such terms as he determines to

be advisable, to any locality which he finds is confronted with a source of contaminated water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality. The appropriation of such moneys for the initial establishment of this fund and for its replenishment on an annual basis, is authorized: *Provided*, That pending the appropriation of sums to such emergency fund, the Secretary of the Army may allot, from existing flood-control appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made. The Chief of Engineers is authorized, in the prosecution of work in connection with rescue operations, or in conducting other flood emergency work, to acquire on a rental basis such motor vehicles, including passenger cars and buses, as in his discretion are deemed necessary.

* * * * *
 (3) NONSTRUCTURAL ALTERNATIVES DEFINED.— * * *
 * * * * *

(6) *Work carried out by a non-federal sponsor.*—

(A) *General rule.*—*The Secretary may authorize a non-Federal sponsor to plan, design, or construct repair or restoration work described in paragraph (1).*

(B) REQUIREMENTS.—

(i) *In general.*—*To be eligible for a payment under subparagraph (C) for the Federal share of a planning, design, or construction activity for repair or restoration work described in paragraph (1), the non-Federal sponsor shall enter into a written agreement with the Secretary before carrying out the activity.*

(ii) *Compliance with other laws.*—*The non-Federal sponsor shall carry out all activities under this paragraph in compliance with all laws and regulations that would apply if the activities were carried out by the Secretary.*

(C) *Payment.*—

(i) *In general.*—*The Secretary is authorized to provide payment, in the form of an advance or a reimbursement, to the non-Federal sponsor for the Federal share of the cost of a planning design, or construction activity for the repair or restoration work described in paragraph (1).*

(ii) *Additional amounts.*—*If the Federal share of the cost of the activity under this paragraph exceeds the amount obligated by the Secretary under an agreement under subparagraph (B), the advance or reimbursement of such additional amounts shall be at the discretion of the Secretary.*

(D) *Annual limit on reimbursements not applicable.*—*Section 102 of the Energy and Water Development Appropriations Act, 2006 (33 U.S.C. 2221), shall not apply to an agreement under subparagraph (B).*

(7) SPECIAL RULE.—

(A) *In general.*—*The Secretary shall not deny a request from the Governor of a State to provide advance measures*

assistance under this subsection to reduce the risk of damage from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

(B) Federal share.—Assistance provided by the Secretary pursuant to a request under subparagraph (A) may be at full Federal expense if the assistance is to construct advanced measures to a temporary construction standard.

* * * * *

FLOOD CONTROL ACT OF 1946

* * * * *

SEC. 3. [33 U.S.C. 701p] That hereafter for authorized flood-protection projects which include alterations of railroad bridges the Chief of Engineers is authorized to include at Federal expense the necessary alterations of railroad bridges and approaches in connection therewith.

* * * * *

SEC. 14. [33 U.S.C. 701r] That the Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed \$25,000,000 per year, for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, and public works, churches, hospitals, schools, *lighthouses, including those lighthouses with historical value*, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, That not more than [~~\$5,000,000~~] *\$10,000,000* shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year, and if such amount is not sufficient to cover the costs included in the Federal cost share for a project, as determined by the Secretary, the non-Federal interest shall be responsible for any such costs that exceed such amount.

* * * * *

River and Harbor Act of 1958-(Section 104)

* * * * *

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

(1) IN GENERAL.—

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (except for subsections (f) and (g)) \$130,000,000 for each fiscal year, of which—

(A) * * *

* * * * *

(2) OTHER PROGRAMS.—

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

(i) * * *

* * * * *

(ii) ~~[\$50,000,000]~~ \$75,000,000 for each of fiscal years 2021 through ~~[2024]~~ 2028 to carry out subsection (g)(2).

* * * * *

(f) INVASIVE SPECIES MANAGEMENT PILOT PROGRAM.—

(1) DEFINITION OF INVASIVE SPECIES.— * * *

* * * * *

(4) TERMINATION OF AUTHORITY.—The authority provided under this subsection shall terminate on September 30, ~~[2024]~~ 2026.

* * * * *

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

(1) DEFINITION OF INVASIVE SPECIES.— * * *

* * * * *

(2) INVASIVE SPECIES PARTNERSHIPS.—

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

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

* * * * *

Making miscellaneous appropriations for the fiscal year ending September 30, 2001, and for other purposes.

(114 STAT. 2763; 114 STAT. 2763A–224; 121 STAT. 1209)

* * * * *

TITLE I DIVISION B

SEC. 101. * * *

* * * * *

SEC. 111. Perchlorate.

(a) IN GENERAL.—The Secretary of the Army, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates *and volatile organic compounds*.

(b) INVESTIGATIONS AND PROJECTS.—

(1) BOSQUE AND LEON RIVERS.— * * *

* * * * *

(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and volatile organic compounds and that are located in the city of Santa Clarita, California.

* * * * *

FLOOD CONTROL ACT OF 1960

* * * * *

SEC. 206. [33 U.S.C. 709a] (a) [In recognition]

(1) *In general.*—*In recognition* of the increasing use and development of the flood plains of the rivers of the United States and of the need for information on flood hazards to serve as a guide to such development, and as a basis for avoiding future flood hazards by regulation of use by States and political subdivisions thereof, and to assure that Federal departments and agencies may take proper cognizance of flood hazards, the Secretary of the Army, through the Chief of Engineers, is hereby authorized to compile and disseminate information on floods and flood damages, including identification of areas subject to inundation by floods of various magnitudes and frequencies, *identification of areas subject to floods due to accumulated snags and other debris*, and general criteria for guidance of Federal and non-Federal interests and agencies in the use of flood plain areas; and to provide advice to other Federal agencies and local interests for their use in planning to ameliorate the flood hazard, to avoid repetitive flooding impacts, to anticipate, prepare, and adapt to changing climatic conditions and extreme weather events, and to withstand, respond to, and recover rapidly from disruption due to the flood hazards. **[Surveys and guides]**

(2) *Surveys and guides.*—*Surveys and guides* will be made for States and political subdivisions thereof only upon the request of a State or a political subdivision thereof, and upon approval by the Chief of Engineers, and such information and advice provided them only upon such request and approval.

(3) *Identification of assistance.*—

(A) *In general.*—*To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall identify and communicate to States and non-Federal interests specific opportunities to partner with the Corps of Engineers to address flood hazards.*

(B) *Coordination.*—*The Secretary shall coordinate activities under this paragraph with activities described in subsection (b) of section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16).*

* * * * *

(c) FEES.—The Secretary of the Army is authorized to establish and collect fees from Federal agencies and private persons for the purpose of recovering the cost of providing services pursuant to this

section. Funds collected pursuant to this section shall be deposited into the account of the Treasury of the United States entitled "Contributions and Advances, Rivers and Harbor, Corps of Engineers (8862)" and shall be available until expended to carry out this section. No fees shall be collected from State, regional, or local governments or other non-Federal public agencies for services provided pursuant to this section, but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities.

(d) Institutions of Higher Education.—Notwithstanding section 4141 of title 10, United States Code, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.

[(d)] *(e) The Secretary of the Army is authorized to expend not to exceed \$50,000,000 per fiscal year for the compilation and dissemination of information under this section.*

* * * * *

[Act Aug. 8, 19567]

SEC. 583a. (33 U.S.C. 583a) Payment of pay and allowances of officers of Corps of Engineers from appropriation for improvements. [Regular officers of the Corps of Engineers of the Army, and reserve officers of the Army who are assigned to the Corps of Engineers.]

(a) In General.—The personnel described in subsection (b); who are employed primarily on duty connected with non-military public works prosecuted under the direction of the Chief of Engineers, including river and harbor improvements, flood control, and other such works, shall, while so employed, be paid their pay and allowances from the appropriation for the works upon which they are employed.

(b) Personnel Described.—The personnel referred to in subsection (a) are the following:

(1) Regular officers of the Corps of Engineers of the Army.

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

(A) Reserve component officers.

(B) Warrant officers (whether regular or reserve component).

(C) Enlisted members (whether regular or reserve component).

* * * * *

Flood Control Act of 1968

* * * * *

(PUBLIC LAW 104-303; 110 STAT. 3680; 16 U.S.C. 460D-3(B)) NOTE)

SEC. 210. [16 U.S.C. 460d-3] RECREATIONAL USER FEES.

(b) FEES FOR USE OF DEVELOPED RECREATION SITES AND FACILITIES.—

(1) ESTABLISHMENT AND COLLECTION.—Notwithstanding section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(b)), the Secretary of the Army is authorized, subject to paragraphs (2) and (3), to establish and collect fees

for the use of developed recreation sites and facilities, including campsites, swimming beaches, and boat launching ramps but excluding a site or facility which includes only a boat launch ramp and a courtesy dock.

(2) EXEMPTION OF CERTAIN FACILITIES.—The Secretary shall not establish or collect fees under this subsection for the use or provision of drinking water, wayside exhibits, roads, scenic drives, overlook sites, picnic tables, toilet facilities, surface water areas, undeveloped or lightly developed shoreland, or general visitor information.

(3) PER VEHICLE LIMIT.—The fee under this subsection for use of a site or facility (other than an overnight camping site or facility or any other site or facility at which a fee is charged for use of the site or facility as of the date of the enactment of this paragraph) for persons entering the site or facility by private, noncommercial vehicle transporting not more than 8 persons (including the driver) shall not exceed \$3 per day per vehicle. Such maximum amount may be adjusted annually by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

[(4) DEPOSIT INTO TREASURY ACCOUNT.—All fees collected under this subsection shall be deposited into the Treasury account for the Corps of Engineers established by section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(i)) and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of such Act at the water resources development project at which the fees were collected.]

(4) *Deposit into treasury account.—All fees collected under this subsection shall—*

- (A) be deposited in a special account in the Treasury; and*
- (B) be available for use, without further appropriation, for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary of the Army, subject to the condition that not less than 80 percent of fees collected at a specific recreation site are utilized at that site.*

(5) *Supplement, not supplant.—Fees collected under this subsection—*

- (A) shall be in addition to annual appropriated funding provided for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary of the Army; and*
- (B) shall not be used as a basis for reducing annual appropriated funding for those purposes.*

* * * * *

NATIONAL DAM SAFETY PROGRAM ACT

* * * * *

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Dam Safety Program Act”.

* * * * *

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL DAM SAFETY PROGRAM.—

(1) ANNUAL AMOUNTS.— * * *

* * * * *

SEC. 15. NATIONAL LOW-HEAD DAM INVENTORY.

(a) *Definitions.*—*In this section:*

(1) *Inventory.*—*The term ‘inventory’ means the national low-head dam inventory developed under subsection (b)(1).*

(2) *Low-head dam.*—*The term ‘low-head dam’ means a river-wide dam that generally spans a stream channel, blocking the waterway and creating a backup of water behind the dam, with a drop off over the wall of not less than 6 inches and not more than 25 feet.*

(3) *Secretary.*—*The term ‘Secretary’ means the Secretary of the Army.*

(b) *National Low-head Dam Inventory.*—

(1) *In general.*—*Not later than 18 months after the date of enactment of this section, the Secretary, in consultation with the heads of appropriate Federal and State agencies, shall—*

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

(i) *the location, ownership, description, current use, condition, height, and length of each low-head dam;*

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

(iii) *public safety information on the dangers of low-head dams;*

(iv) *a directory of financial and technical assistance resources available to reduce safety hazards and fish passage barriers at low-head dams; and*

(v) *any other relevant information concerning low-head dams; and*

(B) *submit the inventory to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.*

(2) *Data.*—*In carrying out this subsection, the Secretary shall—*

(A) *coordinate with Federal and State agencies and other relevant entities; and*

(B) *use data provided to the Secretary by those agencies.*

(3) *Updates.*—*The Secretary, in consultation with appropriate Federal and State agencies, shall maintain and periodically publish updates to the inventory.*

(c) *Authorization of Appropriations.*—*There is authorized to be appropriated to the Secretary to carry out this section \$30,000,000.*

(d) *Clarification.*—Nothing in this section provides authority to the Secretary to carry out an activity, with respect to a low-head dam, that is not explicitly authorized under this section.

* * * * *

WATER SUPPLY ACT OF 1958 (Sec 301)

* * * * *

[Public Law 85–500; enacted July 3, 1958]

[As Amended Through P.L. 114–322, Enacted December 16, 2016]

TITLE III—WATER SUPPLY

SEC. 301. [43 USC 390b] (a) It is hereby declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

(b) In carrying out the policy set forth in this section, it is provided that storage may be included in any reservoir project surveyed, planned, constructed or to be planned, surveyed and/or constructed by the Corps of Engineers or the Bureau of Reclamation to impound water for present or anticipated future demand or need for municipal or industrial water, and the reasonable value thereof may be taken into account in estimating the economic value of the entire project: *Provided*, That the cost of any construction or modification authorized under the provisions of this section shall be determined on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction, as determined by the Secretary of the Army or the Secretary of the Interior, as the case may be: *Provided further*, That before construction or modification of any project including water supply provisions for present demand is initiated, State or local interests shall agree to pay for the cost of such provisions in accordance with the provisions of this section: *And provided further*, That (1) for Corps of Engineers projects, not to exceed 30 percent of the total estimated cost of any project may be allocated to anticipated future demands, and, (2) for Bureau of Reclamation projects, not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is reasonable evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project: *And provided further*, That for Corps of Engineers projects, the Secretary of the Army may permit the full non-Federal contribution to be made, without interest, during construction of the project, or, with interest, over a period of not more than thirty years from the date of completion, with repayment contracts providing for recalculation of the interest rate at, five-year intervals, and for Bureau of Reclamation projects, the entire amount of the construction

costs, including interest during construction, allocated to water supply shall be repaid within the life of the project but in no event to exceed fifty years after the project is first used for the storage of water for water supply purposes, except that (1) no payment need be made with respect to storage for future water supply until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. [For Corps of Engineers projects, all annual operation, maintenance, and replacement costs for municipal and industrial water supply storage under the provisions of this section shall be reimbursed from State or local interests on an annual basis.] *For Corps of Engineers projects, all annual operation and maintenance costs for municipal and industrial water supply storage under this section shall be reimbursed from State or local interests on an annual basis, and all repair, rehabilitation, and replacement costs shall be reimbursed from State or local interests (1) without interest, during construction of the repair, rehabilitation, or replacement, (2) with interest, in lump sum on the completion of the repair, rehabilitation, or replacement, or (3) at the request of the State or local interest, with interest, over a period of not more than 25 years beginning on the date of completion of the repair, rehabilitation, or replacement, with repayment contracts providing for recalculation of the interest rate at 5-year intervals. At the request of the State or local interest, the Secretary of the Army shall amend a repayment contract entered into under this section on or before the date of enactment of this sentence for the purpose of incorporating the terms and conditions described in paragraph (3) of the preceding sentence.* For Corps of Engineers projects, any repayment by a State or local interest shall be made with interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period, during the month preceding the fiscal year in which costs for the construction of the project are first incurred (or, when a recalculation is made), plus a premium of one-eighth of one percentage point for transaction costs. For Bureau of Reclamation projects, the interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. The provisions of this subsection insofar as they relate to the Bureau of Reclamation and the Secretary of the Interior shall be alternative to and not a substitute for the provisions of the Reclamation Projects Act of 1939 (53 Stat. 1187) relating to the same subject.

* * * * *