

116TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “America’s Water Infrastructure Act of 2020”.

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

2

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES DEVELOPMENT

Subtitle A—General Provisions

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

Sec. 1002. Great Lakes comprehensive flood protection study.

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

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

Sec. 1005. Watercraft inspection stations.

Sec. 1006. Local government reservoir permit review.

Sec. 1007. Upper Mississippi River protection.

Sec. 1008. Beneficial use of dredged material.

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

Sec. 1010. Project modifications for improvement of environment.

Sec. 1011. Non-Federal implementation pilot program.

Sec. 1012. Thin layer placement pilot program.

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

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

Sec. 1015. Operation and maintenance.

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

Sec. 1017. Continuing authority programs.

Sec. 1018. Shore damage prevention or mitigation.

Sec. 1019. Sediment management plan.

Sec. 1020. Criteria for funding environmental infrastructure projects.

Sec. 1021. Aging infrastructure.

Sec. 1022. Expediting repairs and recovery from flooding.

Sec. 1023. Upper Snake River levees.

Sec. 1024. Uniformity of notification systems.

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

Sec. 1026. Wilmington Harbor South Disposal Area, Delaware.

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

Sec. 1028. Coastal storm damage reduction contracts.

Sec. 1029. Corps flood policy within urban areas.

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

Sec. 1031. Dam remediation for ecosystem restoration.

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

Sec. 1033. Maintenance of high risk flood control projects.

Sec. 1034. Projects to accommodate irregular dredging.

Sec. 1035. Chesapeake Bay environmental restoration and protection program.

Sec. 1036. Implementation guidance; reports; and briefings.

Sec. 1037. Interagency task force on small dams and fish passages.

Sec. 1038. Project completion.

Sec. 1039. Levee accreditation process; levee certifications.

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

Sec. 1041. Brandon Road study.

Sec. 1042. Credit or reimbursement.

- Sec. 1043. Emergency contracting.
- Sec. 1044. Project partnership agreement.
- Sec. 1045. Acceptance of funds for harbor dredging.
- Sec. 1046. Emergency flooding protection for lakes.
- Sec. 1047. Levee safety.
- Sec. 1048. Replacement capacity.
- Sec. 1049. Implementation guidance for post-flood improvements.
- Sec. 1050. Willamette Valley Project water reallocation.
- Sec. 1051. Central Appalachia water.
- Sec. 1052. Reviewing hydropower at Corps of Engineers facilities.
- Sec. 1053. Establishing permanent features from emergency response measures.
- Sec. 1054. Studies of water resources development projects by non-Federal interests.
- Sec. 1055. Subsurface drain systems research and development.
- Sec. 1056. Limitation on contract execution in the Arkansas River Basin.
- Sec. 1057. Support for mitigation efforts for small dams in National Heritage Corridors.
- Sec. 1058. Report on barriers to infrastructure development at United States ports.
- Sec. 1059. Rye Harbor, New Hampshire, navigation improvement project.
- Sec. 1060. Cape Arundel disposal site, Maine.
- Sec. 1061. Rio Grande environmental management program, Colorado, New Mexico, and Texas.
- Sec. 1062. Restoration of abandoned sites.
- Sec. 1063. Rural Western water.
- Sec. 1064. Thad Cochran Lock and Dam.
- Sec. 1065. Report on Corps of Engineers facilities in Appalachia.
- Sec. 1066. Report on Corps of Engineers hydropower facilities in Appalachia.
- Sec. 1067. Harris County, Texas.
- Sec. 1068. Identification of nonpowered dams for hydropower development.
- Sec. 1069. Inland Waterway Transportation.
- Sec. 1070. Federal interest determination.
- Sec. 1071. Report on single levee standard.
- Sec. 1072. South Atlantic Coastal Study.
- Sec. 1073. Completion of reports.
- Sec. 1074. Delegation of work for Comprehensive Everglades Restoration Plan projects.
- Sec. 1075. Material breaches of contract.
- Sec. 1076. Repair and restoration of embankments.
- Sec. 1077. Non-Federal interest repayment obligations.
- Sec. 1078. Great Lakes confined disposal facilities.
- Sec. 1079. Coastal mapping.
- Sec. 1080. Disposal of dredged materials.
- Sec. 1081. Upper Missouri River Basin mainstem dam fish loss research.
- Sec. 1082. Briefings on dissemination of information.
- Sec. 1083. Corps of Engineers projects in underserved communities, economically distressed areas, or rural areas.
- Sec. 1084. Interim risk reduction measures.
- Sec. 1085. Maintenance dredging permits.
- Sec. 1086. Technical correction.
- Sec. 1087. Annual debris removal.
- Sec. 1088. Enhanced development demonstration program.
- Sec. 1089. Report on benefits calculation for flood control structures.
- Sec. 1090. High water-low water preparedness.

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- Sec. 1091. East Rockaway Inlet to Rockaway Inlet and Jamaica Bay Reformulation, New York.
- Sec. 1092. Report on antecedent hydrologic conditions.
- Sec. 1093. Harmful algal blooms demonstration program.
- Sec. 1094. Sense of Congress relating to annual maintenance dredging.
- Sec. 1095. Selection of dredged material disposal method for certain purposes.
- Sec. 1096. Increasing access for recreation at Corps of Engineers projects.
- Sec. 1097. Extinguishment of flowage easements, Rough River Lake, Kentucky.
- Sec. 1098. Small flood control projects.
- Sec. 1099. Comprehensive study of Mississippi River System from Old River Control Structure to Gulf of Mexico.
- Sec. 1100. Missouri River.
- Sec. 1101. Flexibility for projects.
- Sec. 1102. Development of categorical exclusions.

Subtitle B—Studies and Reports

- Sec. 1201. Authorization of proposed feasibility studies and modifications.
- Sec. 1202. Expedited completion.
- Sec. 1203. Inclusion of certain projects in annual report to Congress.
- Sec. 1204. Assistance to non-Federal sponsors.
- Sec. 1205. Rahway flood risk management feasibility study, New Jersey.
- Sec. 1206. Arctic deep draft port.
- Sec. 1207. Nassau County Back Bays coastal storm risk management.

Subtitle C—Deauthorizations, Modifications, and Related Provisions

- Sec. 1301. Deauthorization of Watch Hill Cove, Rhode Island and Connecticut.
- Sec. 1302. Rush River and Lower Rush River, North Dakota.
- Sec. 1303. Willamette Falls Locks, Willamette River, Oregon.
- Sec. 1304. Camden Harbor, Maine.
- Sec. 1305. Deauthorization of flood control project for Taylor Creek Reservoir and Levee L-73, Upper St. Johns River Basin, Central and Southern Florida.
- Sec. 1306. New London Harbor Waterfront Channel, Connecticut.
- Sec. 1307. No deauthorization of certain projects.
- Sec. 1308. Comprehensive Everglades Restoration Plan.

Subtitle D—Water Resources Infrastructure

- Sec. 1401. Project authorizations.
- Sec. 1402. Expedited completion of certain projects.

Subtitle E—Water Supply and Storage

- Sec. 1501. Small water storage projects.
- Sec. 1502. Missouri River reservoir sediment management.
- Sec. 1503. Planning Assistance for States.
- Sec. 1504. Forecast-informed reservoir operations.
- Sec. 1505. Study on data for water allocation, supply, and demand.
- Sec. 1506. GAO study on Federal dams with reservoirs.
- Sec. 1507. GAO report on certain Federal dams and reservoirs.
- Sec. 1508. Aquatic ecosystem restoration.
- Sec. 1509. Improving reviews for non-Federal hydropower at existing Corps of Engineers projects.
- Sec. 1510. Surplus water contracts and water storage agreements.
- Sec. 1511. Reduced pricing for certain water supply storage.

Subtitle F—Invasive Species

- Sec. 1601. Definition of invasive species.
- Sec. 1602. Invasive species in impaired waters.
- Sec. 1603. Aquatic invasive species research.
- Sec. 1604. Invasive species mitigation and reduction.
- Sec. 1605. Terrestrial noxious weed control pilot program.
- Sec. 1606. Invasive species assessment, prioritization, and management.
- Sec. 1607. Asian carp prevention and control pilot program.
- Sec. 1608. Aquatic invasive species prevention.
- Sec. 1609. Invasive species in alpine lakes pilot program.

TITLE II—CLEAN WATER

- Sec. 2001. Clean water infrastructure resiliency and sustainability program.
- Sec. 2002. Increased funding for technical assistance.
- Sec. 2003. Small and medium publicly owned treatment works circuit rider program.
- Sec. 2004. Small publicly owned treatment works efficiency grant program.
- Sec. 2005. Wastewater efficiency grant pilot program.
- Sec. 2006. Pilot program for alternative water source projects.
- Sec. 2007. Sewer overflow and stormwater reuse municipal grants.
- Sec. 2008. Water infrastructure and workforce investment.
- Sec. 2009. Water Resources Research Act amendments.
- Sec. 2010. Grants for construction, refurbishing, and servicing of individual household decentralized wastewater systems for individuals with low or moderate income.
- Sec. 2011. Connection to publicly owned treatment works.
- Sec. 2012. Use of clean water State revolving loan funds.
- Sec. 2013. Water data sharing pilot program.
- Sec. 2014. Water infrastructure financing reauthorization.
- Sec. 2015. Reauthorization of clean water State revolving funds.
- Sec. 2016. Wastewater infrastructure discretionary grant program.
- Sec. 2017. Small and disadvantaged community analysis.
- Sec. 2018. Stormwater infrastructure technology.

TITLE III—TRIBAL AND OTHER MATTERS

- Sec. 3001. Tribal partnership program.
- Sec. 3002. Grants to ports to reduce emissions from waterborne vessels.
- Sec. 3003. Mapping and screening tool.
- Sec. 3004. Assessment of coastal water infrastructure vulnerabilities.
- Sec. 3005. Report on potential for blue energy at coastal wastewater treatment plants.
- Sec. 3006. Great Lakes Restoration Initiative.
- Sec. 3007. San Francisco Bay restoration grant program.
- Sec. 3008. Lake Tahoe restoration program.
- Sec. 3009. Puget Sound coordinated recovery.
- Sec. 3010. Final rating opinion letters.
- Sec. 3011. Reauthorization of the Denali Commission.
- Sec. 3012. Municipal ombudsman.
- Sec. 3013. Cost sharing provisions for territories and Indian tribes.
- Sec. 3014. Inclusion of Tribal interests in project consultations.
- Sec. 3015. Indian Irrigation Fund reauthorization.
- Sec. 3016. Reauthorization of repair, replacement, and maintenance of certain Indian irrigation projects.

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

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

4 **TITLE I—WATER RESOURCES**
5 **DEVELOPMENT**

6 **Subtitle A—General Provisions**

7 **[SEC. 1001. UPPER AND LOWER MISSOURI RIVER COM-**
8 **PREHENSIVE FLOOD PROTECTION STUDIES.**

9 **[(a) DEFINITION OF MISSOURI RIVER PROJECT.—**

10 In this section, the term “Missouri River project”
11 means—]

12 **[(1) a project constructed as part of—]**

13 **[(A) the Pick-Sloan Missouri River Basin**
14 **Program authorized by section 9(b) of the Act**
15 **of December 22, 1944 (commonly known as the**
16 **“Flood Control Act of 1944”) (58 Stat. 891,**
17 **chapter 665); or]**

18 **[(B) the Missouri River Bank Stabilization**
19 **and Navigation Project authorized by section 2**
20 **of the Act of March 2, 1945 (commonly known**
21 **as the “River and Harbor Act of 1945”) (59**
22 **Stat. 19, chapter 19); and]**

23 **[(2) a locally owned or operated levee system**
24 **located within the Upper or Lower Missouri River**
25 **basin.]**

1 **[(b) DEVELOPMENT.—**The Secretary, in collabora-
2 tion with the heads of other relevant Federal agencies,
3 shall conduct, and submit to Congress a comprehensive
4 strategy and report that describes the results of and aligns
5 the recommendations of, 2 comprehensive studies to ad-
6 dress flood risk in areas affected by severe flooding in
7 2019 along the Upper and Lower Missouri River, includ-
8 ing an examination of—**]**

9 **[(1) the use of structural and nonstructural**
10 flood control and floodplain management strategies,
11 including the consideration of natural features or
12 nature-based features (as those terms are defined in
13 section 1184(a) of the Water Infrastructure Im-
14 provements for the Nation Act (33 U.S.C.
15 2289a(a)));**]**

16 **[(2) continued operation and maintenance of**
17 the navigation project;**]**

18 **[(3) management of bank caving and erosion;**]****

19 **[(4) maintenance of water supply;**]****

20 **[(5) fish and wildlife habitat management;**]****

21 **[(6) recreation needs;**]****

22 **[(7) environmental restoration needs;**]****

23 **[(8) the division of responsibilities of the Fed-**
24 eral Government and non-Federal interests with re-
25 spect to Missouri River flooding;**]**

1 【(9) the roles and responsibilities of Federal
2 agencies with respect to Missouri River flooding;
3 and】

4 【(10) any other related matters, as determined
5 by the Secretary.】

6 【(c) CONTENTS.—The studies conducted under sub-
7 section (b) shall—】

8 【(1) include 1 study for the Upper Missouri
9 River and 1 study for the Lower Missouri River;】

10 【(2) include recommendations on management
11 plans and actions to be carried out by the respon-
12 sible Federal agencies to reduce flood risk and im-
13 prove resiliency that shall be used in recommending
14 projects for construction authorization;】

15 【(3) address whether changes are necessary to
16 the general comprehensive plan for flood control and
17 other purposes in the Missouri River Basin under
18 section 4 of the Act of June 28, 1938 (52 Stat.
19 1218, chapter 795) and modified by section 9(b) of
20 the Act of December 22, 1944 (commonly known as
21 the “Flood Control Act of 1944”) (58 Stat. 891,
22 chapter 665);】

23 【(4) address the potential for the transfer of
24 flood risk between and within the Upper and Lower

1 Missouri River Basin for any changes recommended
2 under paragraph (3);**】**

3 **【(5) address adverse impacts to navigation and**
4 **other authorized purposes of the applicable Missouri**
5 **River project for any changes recommended under**
6 **paragraph (3);**】****

7 **【(6) address whether there are opportunities**
8 **for increased non-Federal management in the Mis-**
9 **souri River Basin;**】****

10 **【(7) recognize the interest and rights of States**
11 **in—**】****

12 **【(A) determining the development of wa-**
13 **tersheds within the borders of the State; and**】****

14 **【(B) water utilization and control;**】****

15 **【(8) recognize the primary responsibilities of**
16 **States and local interests in developing water sup-**
17 **plies for domestic, municipal, industrial, and other**
18 **purposes; and**】****

19 **【(9) include recommendations for—**】****

20 **【(A) non-Federal and Federal action**
21 **where appropriate; and**】****

22 **【(B) follow-up studies for problem areas**
23 **for which data or current technology does not**
24 **allow immediate solutions.**】****

25 **【(d) FURTHER ANALYSIS.—**】****

1 **[(1) IN GENERAL.—**As part of the studies con-
2 ducted under subsection (b), the Secretary shall—**]**

3 **[(A)** identify institutional and other bar-
4 riers to providing protection to the areas evalu-
5 ated in the studies;**]**

6 **[(B)** carry out activities that warrant ad-
7 ditional analysis by the Corps of Engineers, in-
8 cluding feasibility studies; and**]**

9 **[(C)** provide recommendations for inclu-
10 sion of projects and feasibility studies in the re-
11 port under section 1013.**]**

12 **[(2) TREATMENT.—**A feasibility study carried
13 out under paragraph (1)(B) shall be considered to
14 be a continuation of the applicable study under sub-
15 section (b).**]**

16 **[(3) COST-SHARE.—**

17 **[(A) IN GENERAL.—**Except as provided in
18 subparagraph (B), the non-Federal share of the
19 cost of carrying out a feasibility study under
20 paragraph (1)(B) shall not be more than 35
21 percent.**]**

22 **[(B) WAIVER FOR SMALL OR DISADVAN-**
23 **TAGED COMMUNITIES.—**In carrying out a feasi-
24 bility study under paragraph (1)(B) in partner-
25 ship with a small community or a disadvan-

1 tagged community (as those terms are defined in
2 section 1017(a)(1)), if the Secretary determines
3 that the life safety or economic viability of the
4 community is at risk, the Secretary shall reduce
5 the non-Federal cost share applicable to the
6 study through a mutual agreement between the
7 Corps of Engineers and the non-Federal inter-
8 est, in an amount that is—】

9 【(i) not less than 10 percent of the
10 total project cost; and】

11 【(ii) up to 100 percent of the non-
12 Federal cost share applicable to the
13 study.】

14 【(4) TIMELINESS.—The Secretary shall carry
15 out feasibility studies under paragraph (1)(B) as ex-
16 peditiously as possible.】

17 【(5) DELEGATION OF APPROVAL.—The Sec-
18 retary shall delegate the approval authority for initi-
19 ating any feasibility study under paragraph (1)(B)
20 to the Commander of the Northwestern Division of
21 the Corps of Engineers.】

22 【(e) CONSULTATION; USE OF EXISTING DATA.—】

23 【(1) CONSULTATION.—In conducting the stud-
24 ies under subsection (b), the Secretary shall consult

1 with applicable Federal and State agencies, Indian
2 Tribes, and other stakeholders.】

3 【(2) USE OF DATA.—In conducting the studies
4 under subsection (b), the Secretary shall make maximum
5 use of data in existence on the date of enactment
6 of this Act and ongoing programs and efforts
7 of Federal agencies, States, Indian Tribes, and other
8 stakeholders.】

9 【(f) COST SHARING.—The studies conducted under
10 subsection (b) shall be at full Federal expense.】

11 【(g) APPLICATION OF CERTAIN REQUIREMENTS.—
12 Section 1001(a) of the Water Resources Reform and De-
13 velopment Act of 2014 (33 U.S.C. 2282c(a))—】

14 【(1) shall not apply to the studies conducted
15 under subsection (b); and】

16 【(2) shall apply to a feasibility study carried
17 out under subsection (d)(1)(B).】

18 【(h) REPORTS.—The Secretary shall submit to Con-
19 gress—】

20 【(1) an interim report on the results of the
21 studies under subsection (b) by not later than 1 year
22 after the date of enactment of this Act; and】

23 【(2) a final report on the results of the studies
24 under subsection (b) by not later than 3 years after
25 the date of enactment of this Act.】

1 【(i) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$50,000,000, to remain available until expended.】

4 **SEC. 1002. GREAT LAKES COMPREHENSIVE FLOOD PRO-**
5 **TECTION STUDY.**

6 (a) DEFINITION OF GREAT LAKES.—In this section,
7 the term “Great Lakes” has the meaning given the term
8 in section 118(a) of the Federal Water Pollution Control
9 Act (33 U.S.C. 1268(a)).

10 (b) DEVELOPMENT.—The Secretary, in collaboration
11 with the heads of other relevant Federal agencies, shall
12 conduct, and submit to Congress a report that describes
13 the results of, a comprehensive study to address shoreline
14 protection and resiliency in areas affected by flooding in
15 2019 due to high lake water levels along the Great Lakes,
16 including an examination of—

17 (1) structural and nonstructural coastal storm
18 and flood risk management measures and flood zone
19 management strategies, including the consideration
20 of natural features or nature-based features (as
21 those terms are defined in section 1184(a) of the
22 Water Infrastructure Improvements for the Nation
23 Act (33 U.S.C. 2289a(a)));

1 (2) continued operation and maintenance of
2 navigation projects within or along the Great Lakes
3 impacted by flooding related to high water levels;

4 (3) management of shoreline caving and ero-
5 sion;

6 (4) recreation needs;

7 (5) environmental restoration needs;

8 (6) the division of responsibilities of the Federal
9 Government and non-Federal interests with respect
10 to Great Lakes coastal storm and flood risk manage-
11 ment measures;

12 (7) the roles and responsibilities of Federal
13 agencies with respect to Great Lakes coastal storm
14 and flood risk management measures; and

15 (8) other related matters, as determined by the
16 Secretary.

17 (c) CONTENTS.—The study under subsection (b)
18 shall—

19 (1) include recommendations on management
20 plans and actions to be carried out by the respon-
21 sible Federal agencies, including the identification
22 of—

23 (A) additional work that can be carried out
24 by the Corps of Engineers under existing au-
25 thorities to further reduce flood risk; and

1 (B) additional studies that may be needed;

2 (2) address whether changes are necessary to—

3 (A) the management plan for the Great

4 Lakes; and

5 (B) the management plans for individual

6 lakes of the Great Lakes;

7 (3) address whether there are opportunities for

8 increased non-Federal management in the Great

9 Lakes; and

10 (4) include recommendations for—

11 (A) non-Federal and Federal action, where

12 appropriate; and

13 (B) follow-up studies for problem areas for

14 which data or current technology does not allow

15 immediate solutions.

16 (d) FURTHER ANALYSIS.—

17 (1) IN GENERAL.—As part of the study con-

18 ducted under subsection (b), the Secretary shall—

19 (A) identify institutional and other barriers

20 to providing protection to the areas evaluated in

21 the study; and

22 (B) carry out activities that warrant addi-

23 tional analysis by the Corps of Engineers, in-

24 cluding feasibility studies.

1 (2) TREATMENT.—A feasibility study carried
2 out under paragraph (1)(B) shall be considered to
3 be a continuation of the study under subsection (b).

4 (e) CONSULTATION; USE OF EXISTING DATA.—

5 (1) CONSULTATION.—In conducting the study
6 under subsection (b), the Secretary shall consult
7 with appropriate Federal and State agencies.

8 (2) USE OF DATA.—In conducting the study
9 under subsection (b), the Secretary shall make max-
10 imum use of data in existence on the date of enact-
11 ment of this Act and ongoing programs and efforts
12 of Federal agencies and States.

13 (f) COST SHARING.—The study conducted under sub-
14 section (b) shall be at full Federal expense.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out subsection (b)
17 \$25,000,000, to remain available until expended.

18 **SEC. 1003. ADDITIONAL STUDIES UNDER NORTH ATLANTIC**

19 **COAST COMPREHENSIVE STUDY.**

20 (a) IN GENERAL.—The Secretary shall carry out a
21 study to determine the feasibility of a project for hurricane
22 and storm damage risk reduction for any major metropoli-
23 tan area located in the study area for the comprehensive
24 study authorized under the heading “INVESTIGATIONS”
25 under the heading “CORPS OF ENGINEERS—CIVIL” under

1 the heading “DEPARTMENT OF THE ARMY” under
2 title X of division A of Public Law 113–2 (127 Stat. 23)
3 that was not included in a high-risk focus area identified
4 in the study.

5 (b) TREATMENT.—A study carried out under sub-
6 section (a) shall be considered to be a continuation of the
7 comprehensive study described in that subsection.

8 **SEC. 1004. MAINTENANCE AND CONSTRUCTION OF WATER**
9 **RESOURCES DEVELOPMENT PROJECTS BY**
10 **NON-FEDERAL INTERESTS.**

11 Section 204(c)(1) of the Water Resources Develop-
12 ment Act of 1986 (33 U.S.C. 2232(c)(1)) is amended by
13 striking “under subsection (b)” and inserting “under this
14 section”.

15 **SEC. 1005. WATERCRAFT INSPECTION STATIONS.**

16 Section 104(d)(1)(A)(iii) of the River and Harbor Act
17 of 1958 (33 U.S.C. 610(d)(1)(A)(iii)) is amended by strik-
18 ing “Arizona River” and inserting “Arkansas River”.

19 **SEC. 1006. LOCAL GOVERNMENT RESERVOIR PERMIT RE-**
20 **VIEW.**

21 Section 1119(b) of the America’s Water Infrastruc-
22 ture Act of 2018 (33 U.S.C. 2347 note; Public Law 115–
23 270) is amended by striking “owned or operated by the
24 Secretary”.

1 **SEC. 1007. UPPER MISSISSIPPI RIVER PROTECTION.**

2 Section 2010(e) of the Water Resources Reform and
3 Development Act of 2014 (128 Stat. 1270; 132 Stat.
4 3812) is amended by striking “the Act of October 15,
5 1940 (33 U.S.C. 701h–1)” and inserting “section 5 of the
6 Act of June 22, 1936 (commonly known as the ‘Flood
7 Control Act of 1936’) (49 Stat. 1572, chapter 688; 33
8 U.S.C. 701h)”.

9 **SEC. 1008. BENEFICIAL USE OF DREDGED MATERIAL.**

10 Section 1148 of the America’s Water Infrastructure
11 Act of 2018 (33 U.S.C. 2326 note; Public Law 115–270)
12 is amended—

13 (1) in subsection (a)—

14 (A) by striking “grant” and inserting “ap-
15 prove”; and

16 (B) by striking “granting” and inserting
17 “approving”; and

18 (2) in subsection (b), by striking “grants” and
19 inserting “approves”.

20 **SEC. 1009. KLAMATH BASIN WATER SUPPLY ENHANCEMENT**

21 **ACT OF 2000 TECHNICAL CORRECTIONS.**

22 Section 4(b) of the Klamath Basin Water Supply En-
23 hancement Act of 2000 (114 Stat. 2222; 132 Stat. 3887)
24 is amended—

25 (1) in paragraph (1)—

1 (A) in the matter preceding subparagraph

2 (A)—

3 (i) by striking “Pursuant to the rec-
4 lamation laws and subject” and inserting
5 “Subject”; and

6 (ii) by striking “may” and inserting
7 “is authorized to”; and

8 (B) in subparagraph (A), by inserting “,
9 including conservation and efficiency measures,
10 land idling, and use of groundwater,” after “ad-
11 minister programs”;

12 (2) in paragraph (3)(A), by inserting “and”
13 after the semicolon at the end;

14 (3) by redesignating the second paragraph (4)
15 (relating to the effect of the subsection) as para-
16 graph (5); and

17 (4) in paragraph (5) (as so redesignated)—

18 (A) by striking subparagraph (B);

19 (B) in subparagraph (A), by striking “;
20 or” and inserting a period; and

21 (C) by striking “the Secretary—” and all
22 that follows through “to develop” in subpara-
23 graph (A) and inserting “the Secretary to de-
24 velop”.

1 **SEC. 1010. PROJECT MODIFICATIONS FOR IMPROVEMENT**
2 **OF ENVIRONMENT.**

3 Section 1203(g) of the America’s Water Infrastruc-
4 ture Act of 2018 (132 Stat. 3805) is amended, in the mat-
5 ter preceding paragraph (1), by striking “For fiscal years
6 2019 and 2020” and inserting “Until September 30,
7 2026”.

8 **SEC. 1011. NON-FEDERAL IMPLEMENTATION PILOT PRO-**
9 **GRAM.**

10 Section 1043 of the Water Resources Reform and De-
11 velopment Act of 2014 (33 U.S.C. 2201 note; Public Law
12 113–121) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (4), by striking “this
15 Act” and inserting “the America’s Water Infra-
16 structure Act of 2020”;

17 (B) in paragraph (7), by striking “the date
18 that is” and all that follows through the period
19 at the end and inserting “December 31, 2026.”;
20 and

21 (C) in paragraph (8), by striking “2019”
22 and inserting “2026”; and

23 (2) in subsection (b)—

24 (A) in paragraph (3)(A), by striking “this
25 Act” each place it appears and inserting “the
26 America’s Water Infrastructure Act of 2020”;

1 (B) in paragraph (4), by striking “this
2 Act” and inserting “the America’s Water Infra-
3 structure Act of 2020”;

4 (C) in paragraph (7), by striking “the date
5 that is” and all that follows through the period
6 at the end and inserting “December 31, 2026.”;
7 and

8 (D) in paragraph (8), by striking “2023”
9 and inserting “2026”.

10 **SEC. 1012. THIN LAYER PLACEMENT PILOT PROGRAM.**

11 Section 1122 of the Water Infrastructure Improve-
12 ments for the Nation Act (33 U.S.C. 2326 note; Public
13 Law 114–322) is amended—

14 (1) in subsection (b)(1), by striking “20
15 projects for the beneficial use of dredged material”
16 and inserting “40 projects for the beneficial use of
17 dredged material, 10 of which shall be projects using
18 thin layer placement of dredged fine and coarse
19 grain sediment for the maintenance and restoration
20 of wetlands”; and

21 (2) in subsection (g), by striking “20” and in-
22 serting “40”.

1 **SEC. 1013. ANNUAL REPORT TO CONGRESS ON AUTHOR-**
2 **IZED STUDIES AND PROJECTS.**

3 (a) IN GENERAL.—Not later than February 1 of each
4 year, the Secretary shall develop and submit to the Com-
5 mittees on Appropriations and Environment and Public
6 Works of the Senate and the Committees on Appropria-
7 tions and Transportation and Infrastructure of the House
8 of Representatives an annual report, to be entitled “Re-
9 port to Congress on Water Resources Development
10 Projects and Studies Available for Appropriation”, that
11 identifies each authorized study or authorized water re-
12 sources development project that—

13 (1) is submitted to the Secretary by a non-Fed-
14 eral interest pursuant to subsection (b); and

15 (2) meets the criteria established under sub-
16 section (c)(1)(A).

17 (b) REQUESTS FOR PROPOSALS.—

18 (1) PUBLICATION.—Not later than May 1 of
19 each year, the Secretary shall publish in the Federal
20 Register a notice requesting proposals from non-
21 Federal interests for authorized studies and author-
22 ized water resources development projects to be in-
23 cluded in the annual report.

24 (2) DEADLINE FOR REQUESTS.—The Secretary
25 shall include in each notice under this subsection a
26 requirement that non-Federal interests submit to the

1 Secretary any proposals described in paragraph (1)
2 by not later than 120 days after the date of publica-
3 tion of the notice in the Federal Register in order
4 for the proposals to be considered for inclusion in
5 the annual report.

6 (3) NOTIFICATION.—On the date of publication
7 of each notice required by this subsection, the Sec-
8 retary shall—

9 (A) make the notice publicly available, in-
10 cluding on the Internet; and

11 (B) provide written notification of the pub-
12 lication to the Committees on Appropriations
13 and Environment and Public Works of the Sen-
14 ate and the Committees on Appropriations and
15 Transportation and Infrastructure of the House
16 of Representatives.

17 (c) CONTENTS.—

18 (1) INCLUSIONS.—

19 (A) CRITERIA.—The Secretary shall in-
20 clude in the annual report only an authorized
21 study or authorized water resources develop-
22 ment project—

23 (i) that has been authorized by Con-
24 gress and does not require any additional
25 authorization to be carried out;

1 (ii) for which funds may be appro-
2 priated under any of the Investigations,
3 Construction, Operation and Maintenance,
4 or Mississippi River and Tributaries appro-
5 priations accounts for the Corps of Engi-
6 neers; and

7 (iii) for which the non-Federal inter-
8 est—

9 (I) in the case of a study or a
10 project other than a project for which
11 funds may be appropriated for oper-
12 ation and maintenance, has entered
13 into, or is willing to enter into, a fea-
14 sibility cost-sharing agreement, design
15 agreement, or project partnership
16 agreement with the Corps of Engi-
17 neers; and

18 (II) demonstrates the legal and
19 financial capability to satisfy the re-
20 quirements of local cooperation for the
21 study or project.

22 (B) DESCRIPTION OF BENEFITS.—

23 (i) DESCRIPTION.—The Secretary
24 shall describe in the annual report, to the
25 extent applicable and practicable, for each

1 authorized study and authorized water re-
2 sources development project included in the
3 annual report, the benefits, as described in
4 clause (ii), of each authorized study or
5 project.

6 (ii) BENEFITS.—The benefits referred
7 to in clause (i) are benefits to—

8 (I) the protection of human life
9 and property;

10 (II) improvement to transpor-
11 tation;

12 (III) the national, regional, or
13 local economy;

14 (IV) the environment; or

15 (V) the national security inter-
16 ests of the United States.

17 (2) TRANSPARENCY.—The Secretary shall in-
18 clude in the annual report, for each authorized study
19 and authorized water resources development project
20 included under paragraph (1)(A)—

21 (A) the name of the associated non-Fed-
22 eral interest, including the name of any non-
23 Federal interest that has contributed, or is ex-
24 pected to contribute, a non-Federal share of the

1 cost of the authorized study or authorized water
2 resources development project;

3 (B) the purpose of the authorized study or
4 authorized water resources development project;

5 (C) an estimate, to the extent practicable,
6 of the Federal, non-Federal, and total costs of
7 the authorized study or authorized water re-
8 sources development project, including, to the
9 extent practicable, the fully funded capability of
10 the Corps of Engineers for—

11 (i) the 3 fiscal years following the fis-
12 cal year in which the report is submitted,
13 in the case of an authorized study; and

14 (ii) the 5 fiscal years following the fis-
15 cal year in which the report is submitted,
16 in the case of an authorized water re-
17 sources development project; and

18 (D) an estimate, to the extent practicable,
19 of the monetary and nonmonetary benefits of
20 the authorized study or authorized water re-
21 sources development project.

22 (3) CERTIFICATION.—The Secretary shall in-
23 clude in the annual report a certification stating
24 that each authorized study or authorized water re-
25 sources development project included in the annual

1 report meets the criteria established under para-
2 graph (1)(A).

3 (4) APPENDIX.—

4 (A) IN GENERAL.—The Secretary shall in-
5 clude in the annual report an appendix listing
6 the proposals submitted under subsection (b)
7 that were not included in the annual report
8 under paragraph (1)(A) and a description of
9 why the Secretary determined that those pro-
10 posals did not meet the criteria for inclusion
11 under that paragraph.

12 (B) LIMITATION.—In carrying out sub-
13 paragraph (A), the Secretary shall not include
14 proposals in the appendix of the annual report
15 that otherwise meet the criteria for inclusion in
16 the annual report solely on the basis of a policy
17 of the Secretary.

18 (d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—
19 Notwithstanding any other deadline under this section, the
20 Secretary shall—

21 (1) not later than 60 days after the date of en-
22 actment of this Act, publish in the Federal Register
23 a notice under subsection (b)(1); and

24 (2) include in the notice a requirement that
25 non-Federal interests submit to the Secretary any

1 proposals described in subsection (b)(1) by not later
2 than 120 days after the date of publication of the
3 notice in the Federal Register in order for the pro-
4 posals to be considered for inclusion in the first an-
5 nual report developed by the Secretary under this
6 section.

7 (e) PUBLICATION.—On submission of an annual re-
8 port to Congress, the Secretary shall make the annual re-
9 port publicly available, including through publication on
10 the Internet.

11 (f) FUNDING.—The Secretary shall develop the an-
12 nual report using funds available and not otherwise obli-
13 gated from the Expenses appropriations account for the
14 Corps of Engineers.

15 (g) DEFINITIONS.—In this section:

16 (1) ANNUAL REPORT.—The term “annual re-
17 port” means a report under subsection (a).

18 (2) AUTHORIZED STUDY.—The term “author-
19 ized study” means—

20 (A) a study authorized by Congress to be
21 carried out by the Corps of Engineers; or

22 (B) a feasibility study (as defined in sec-
23 tion 105 of the Water Resources Development
24 Act of 1986 (33 U.S.C. 2215)) that has been
25 authorized by Congress.

1 (3) AUTHORIZED WATER RESOURCES DEVELOP-
2 MENT PROJECT.—The term “authorized water re-
3 sources development project” includes any water re-
4 sources development project of the Corps of Engi-
5 neers, including a project under an environmental
6 infrastructure assistance program.

7 (4) NON-FEDERAL INTEREST.—The term “non-
8 Federal interest” has the meaning given the term in
9 section 221 of the Flood Control Act of 1970 (42
10 U.S.C. 1962d–5b).

11 **SEC. 1014. ANNUAL REPORT TO CONGRESS ON WATER RE-**
12 **SOURCES INFRASTRUCTURE.**

13 Section 7001 of the Water Resources Reform and De-
14 velopment Act of 2014 (33 U.S.C. 2282d) is amended—

15 (1) in subsection (c)(1)(B)(ii)(III), by inserting
16 “, regional, or local” after “national”; and

17 (2) in subsection (g)(5), by striking “if author-
18 ized” and all that follows through “2016”.

19 **SEC. 1015. OPERATION AND MAINTENANCE.**

20 Section 204(f) of the Water Resources Development
21 Act of 1986 (33 U.S.C. 2232(f)) is amended—

22 (1) in paragraph (1), by redesignating subpara-
23 graphs (A) and (B) as clauses (i) and (ii), respec-
24 tively, and indenting appropriately;

1 (2) by redesignating paragraphs (1) through
2 (3) as subparagraphs (A) through (C), respectively,
3 and indenting appropriately;

4 (3) in the matter preceding subparagraph (A)
5 (as so redesignated), by striking “Whenever” and in-
6 serting the following:

7 “(1) IN GENERAL.—Subject to paragraph (2),
8 in any case in which”; and

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

10 “(2) REPORT.—

11 “(A) IN GENERAL.—To be eligible for as-
12 sumption of operation and maintenance of im-
13 provements to a federally authorized harbor or
14 inland harbor, a non-Federal interest shall sub-
15 mit to the Secretary a report on the improve-
16 ments carried out by the non-Federal interest
17 under paragraph (1).

18 “(B) INCLUSIONS.—A report under sub-
19 paragraph (A) shall include any information
20 necessary for the Secretary to make a deter-
21 mination under paragraph (1), including—

22 “(i) economic justification for the im-
23 provements;

24 “(ii) details of the project improve-
25 ment plan and design;

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

3 “(iv) documents relating to any appli-
4 cable permits required for the project im-
5 provements.

6 “(3) REQUIREMENTS.—

7 “(A) PEER REVIEW WAIVER.—In the case
8 of a project with a cost of less than
9 \$200,000,000, the Secretary shall not be re-
10 quired to subject the project to independent
11 peer review pursuant to section 2034 of the
12 Water Resources Development Act of 2007 (33
13 U.S.C. 2343).

14 “(B) CALCULATION OF COSTS.—In calcu-
15 lating the benefit-cost ratio for a project under
16 paragraph (1), the Secretary shall not include
17 non-Federal costs.

18 “(4) DEADLINE.—The Secretary shall make a
19 determination on whether the requirement under
20 paragraph (1)(A)(i) has been met by not later than
21 180 days after the date on which the Secretary re-
22 ceives the report under paragraph (2).”.

1 **SEC. 1016. TRANSPARENCY AND ACCOUNTABILITY IN COST**
2 **SHARING FOR WATER RESOURCES DEVELOP-**
3 **MENT PROJECTS.**

4 Section 1120 of the America’s Water Infrastructure
5 Act of 2018 (33 U.S.C. 2315b) is amended by adding at
6 the end the following:

7 “(d) **EXCESS FUNDS.**—In the case of a beach nour-
8 ishment project carried out by the Secretary for which
9 funds in excess of the funds needed to complete the nour-
10 ishment cycle in the current fiscal year have been contrib-
11 uted by a non-Federal interest, on the request of the non-
12 Federal interest, the Secretary shall, at the end of the fis-
13 cal year—

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

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

22 **SEC. 1017. CONTINUING AUTHORITY PROGRAMS.**

23 (a) **SMALL OR DISADVANTAGED COMMUNITIES.**—

24 (1) **DEFINITIONS.**—In this subsection:

1 (A) CONTINUING AUTHORITY PROGRAM.—

2 The term “continuing authority program”
3 means any of—

4 (i) section 14 of the Flood Control
5 Act of 1946 (33 U.S.C. 701r);

6 (ii) section 3 of the Act of August 13,
7 1946 (60 Stat. 1056, chapter 960; 33
8 U.S.C. 426g);

9 (iii) section 107 of the River and Har-
10 bor Act of 1960 (33 U.S.C. 577);

11 (iv) section 111 of the River and Har-
12 bor Act of 1968 (33 U.S.C. 426i);

13 (v) section 204 of the Water Re-
14 sources Development Act of 1992 (33
15 U.S.C. 2326);

16 (vi) section 205 of the Flood Control
17 Act of 1948 (33 U.S.C. 701s);

18 (vii) section 206 of the Water Re-
19 sources Development Act of 1996 (33
20 U.S.C. 2330);

21 (viii) section 2 of the Act of August
22 28, 1937 (50 Stat. 877, chapter 877; 33
23 U.S.C. 701g); and

1 (ix) section 1135 of the Water Re-
2 sources Development Act of 1986 (33
3 U.S.C. 2309a).

4 (B) DISADVANTAGED COMMUNITY.—The
5 term “disadvantaged community” means a city,
6 town, or other incorporated or unincorporated
7 political subdivision of a State that—

8 (i) provides general local government
9 for a population of less than 20,000; and

10 (ii)(I) is an economically distressed
11 area (as defined in section 1083(a));

12 (II) is at risk from repeat flooding
13 events; or

14 (III) has a degraded ecosystem.

15 (C) SMALL COMMUNITY.—The term “small
16 community” means a city, town, or other incor-
17 porated or unincorporated political subdivision
18 of a State that provides general local govern-
19 ment for a population of less than 10,000.

20 (2) COST-SHARE FOR SMALL COMMUNITIES AND
21 DISADVANTAGED COMMUNITIES.—Subject to para-
22 graph (3), in carrying out a project under a con-
23 tinuing authority program in a small community or
24 a disadvantaged community, if the Secretary deter-
25 mines that the life safety, economic viability, or envi-

1 ronmental sustainability of the community would be
2 threatened without the project, the Secretary shall
3 reduce the non-Federal cost share applicable to the
4 project through a mutual agreement between the
5 Corps of Engineers and the non-Federal interest, in
6 an amount that is—

7 (A) not less than 10 percent of the total
8 project cost; and

9 (B) up to 100 percent of the non-Federal
10 cost share applicable to the project.

11 (3) LIMITATIONS.—In any fiscal year, the Sec-
12 retary may apply a waiver under paragraph (2) to—

13 (A) not more than 50 projects in small
14 communities;

15 (B) not more than 50 projects in disadvan-
16 taged communities;

17 (C) not more than 3 projects in small com-
18 munities within any 1 district of the Corps of
19 Engineers; and

20 (D) not more than 3 projects in disadvan-
21 taged communities within any 1 district of the
22 Corps of Engineers.

23 (b) AUTHORIZATIONS OF APPROPRIATIONS AND
24 PROJECT LIMITS.—

1 (1) EMERGENCY STREAMBANK AND SHORELINE
2 PROTECTION.—Section 14 of the Flood Control Act
3 of 1946 (33 U.S.C. 701r) is amended—

4 (A) by striking “\$25,000,000” and insert-
5 ing “the amount described in subsection (b)”;

6 (B) in the proviso, by striking “That not
7 more” and inserting “That, except as provided
8 in subsection (c), not more”;

9 (C) by striking “The Secretary” and in-
10 sserting the following:

11 “(a) IN GENERAL.—The Secretary”; and

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

13 “(b) AMOUNTS DESCRIBED.—The amount referred
14 to in subsection (a) is—

15 “(1) for fiscal year 2021, \$28,000,000;

16 “(2) for fiscal year 2022, \$28,500,000;

17 “(3) for fiscal year 2023, \$29,000,000;

18 “(4) for fiscal year 2024, \$29,500,000;

19 “(5) for fiscal year 2025, \$30,000,000;

20 “(6) for fiscal year 2026, \$30,500,000;

21 “(7) for fiscal year 2027, \$31,000,000;

22 “(8) for fiscal year 2028, \$31,500,000;

23 “(9) for fiscal year 2029, \$32,000,000; and

24 “(10) for fiscal year 2030 and each fiscal year
25 thereafter, \$32,500,000.

1 “(c) INCREASE.—The Secretary may increase the
2 maximum amount for a single project under the proviso
3 in subsection (a) by an amount equal to not more than
4 20 percent, if the Secretary determines the increase to be
5 appropriate.”.

6 (2) STORM AND HURRICANE RESTORATION AND
7 IMPACT MINIMIZATION PROGRAM.—Section 3(c) of
8 the Act of August 13, 1946 (33 U.S.C. 426g(c)) is
9 amended—

10 (A) in paragraph (1)—

11 (i) by striking “\$37,500,000” and in-
12 serting “the amount described in subpara-
13 graph (B)”;

14 (ii) by striking the paragraph designa-
15 tion and heading and all that follows
16 through “Subject to paragraph (2)” and
17 inserting the following:

18 “(1) ANNUAL LIMIT.—

19 “(A) IN GENERAL.—Subject to paragraph
20 (2)”;

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

23 “(B) AMOUNTS DESCRIBED.—The amount
24 referred to in subparagraph (A) is—

25 “(i) for fiscal year 2021, \$41,500,000;

1 “(ii) for fiscal year 2022,
2 \$42,000,000;
3 “(iii) for fiscal year 2023,
4 \$42,500,000;
5 “(iv) for fiscal year 2024,
6 \$43,000,000;
7 “(v) for fiscal year 2025,
8 \$43,500,000;
9 “(vi) for fiscal year 2026,
10 \$44,000,000;
11 “(vii) for fiscal year 2027,
12 \$44,500,000;
13 “(viii) for fiscal year 2028,
14 \$45,000,000;
15 “(ix) for fiscal year 2029,
16 \$45,500,000; and
17 “(x) for fiscal year 2030 and each fis-
18 cal year thereafter, \$46,000,000.”; and
19 (B) in paragraph (2)—
20 (i) by redesignating subparagraphs
21 (A) and (B) as clauses (i) and (ii), respec-
22 tively, and indenting appropriately;
23 (ii) in the matter preceding clause (i)
24 (as so redesignated), by striking “The total
25 amount” and inserting the following:

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the total amount”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) INCREASE.—The Secretary may in-
6 crease the maximum amount under subpara-
7 graph (A)(ii) by an amount equal to not more
8 than 20 percent, if the Secretary determines the
9 increase to be appropriate.”.

10 (3) SMALL RIVER AND HARBOR IMPROVEMENT
11 PROJECTS.—Section 107 of the River and Harbor
12 Act of 1960 (33 U.S.C. 577) is amended—

13 (A) in subsection (a)—

14 (i) by striking “\$62,500,000” and in-
15 serting “the amount described in para-
16 graph (2)”;

17 (ii) by striking the subsection designa-
18 tion and all that follows through “That the
19 Secretary” and inserting the following:

20 “(a) AUTHORIZATION.—

21 “(1) IN GENERAL.—The Secretary”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(2) AMOUNTS DESCRIBED.—The amount re-
25 ferred to in paragraph (1) is—

1 “(A) for fiscal year 2021, \$69,000,000;
2 “(B) for fiscal year 2022, \$69,500,000;
3 “(C) for fiscal year 2023, \$70,000,000;
4 “(D) for fiscal year 2024, \$70,500,000;
5 “(E) for fiscal year 2025, \$71,000,000;
6 “(F) for fiscal year 2026, \$71,500,000;
7 “(G) for fiscal year 2027, \$72,000,000;
8 “(H) for fiscal year 2028, \$72,500,000;
9 “(I) for fiscal year 2029, \$73,000,000; and
10 “(J) for fiscal year 2030 and each fiscal
11 year thereafter, \$73,500,000.”; and

12 (B) in subsection (b)—

13 (i) by striking the subsection designa-
14 tion and all that follows through “Not
15 more than” and inserting the following:

16 “(b) LIMITATION.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), not more than”; and

19 (ii) by adding at the end the fol-
20 lowing:

21 “(2) INCREASE.—The Secretary may increase
22 the maximum amount under paragraph (1) by an
23 amount equal to not more than 20 percent, if the
24 Secretary determines the increase to be appro-
25 priate.”.

1 (4) SHORE DAMAGE PREVENTION OR MITIGA-
2 TION.—

3 (A) IN GENERAL.—Section 111(c) of the
4 River and Harbor Act of 1968 (33 U.S.C.
5 426i(c)) is amended—

6 (i) by striking “No such project shall
7 be initiated” and inserting the following:

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), a project under this section shall not be
10 initiated”; and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(2) INCREASE.—The Secretary may increase
14 the maximum amount under paragraph (1) by an
15 amount equal to not more than 20 percent, if the
16 Secretary determines the increase to be appro-
17 priate.”.

18 (B) CERTAIN PROJECT.—Section 3085 of
19 the Water Resources Development Act of 2007
20 (121 Stat. 1129) is amended—

21 (i) by striking “The maximum” and
22 inserting the following:

23 “(a) IN GENERAL.—Except as provided in subsection
24 (b), the maximum”; and

1 (ii) by adding at the end the fol-
2 lowing:

3 “(b) INCREASE.—The Secretary may increase the
4 maximum amount under subsection (a) by an amount
5 equal to not more than 20 percent, if the Secretary deter-
6 mines the increase to be appropriate.”.

7 (5) REGIONAL SEDIMENT MANAGEMENT.—Sec-
8 tion 204 of the Water Resources Development Act
9 of 1992 (33 U.S.C. 2326) is amended—

10 (A) in subsection (c)(1)(C)—

11 (i) by striking “The total” and insert-
12 ing the following:

13 “(i) IN GENERAL.—Except as pro-
14 vided in clause (ii), the total”; and

15 (ii) by adding at the end the fol-
16 lowing:

17 “(ii) INCREASE.—The Secretary may
18 increase the maximum amount under
19 clause (i) by an amount equal to not more
20 than 20 percent, if the Secretary deter-
21 mines the increase to be appropriate.”; and

22 (B) by striking subsection (g) and insert-
23 ing the following:

24 “(g) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated to carry out this section—

3 “(A) for fiscal year 2021, \$69,000,000;

4 “(B) for fiscal year 2022, \$69,500,000;

5 “(C) for fiscal year 2023, \$70,000,000;

6 “(D) for fiscal year 2024, \$70,500,000;

7 “(E) for fiscal year 2025, \$71,000,000;

8 “(F) for fiscal year 2026, \$71,500,000;

9 “(G) for fiscal year 2027, \$72,000,000;

10 “(H) for fiscal year 2028, \$72,500,000;

11 “(I) for fiscal year 2029, \$73,000,000; and

12 “(J) for fiscal year 2030 and each fiscal
13 year thereafter, \$73,500,000.

14 “(2) SET-ASIDES.—Of the amounts made avail-
15 able under paragraph (1) for each fiscal year—

16 “(A) not more than \$5,000,000 may be
17 used for the development of regional sediment
18 management plans under subsection (e); and

19 “(B) not more than \$3,000,000 may be
20 used for construction of projects to which sub-
21 section (c)(1)(B)(ii) applies.

22 “(3) AVAILABILITY.—Amounts made available
23 under paragraph (1) shall remain available until ex-
24 pended.”.

1 (6) SMALL FLOOD CONTROL PROJECTS.—Sec-
2 tion 205 of the Flood Control Act of 1948 (33
3 U.S.C. 701s) is amended—

4 (A) in the fifth sentence, by striking “The
5 work” and inserting the following:

6 “(e) NO ADDITIONAL IMPROVEMENTS.—A project
7 carried out under this section”;

8 (B) in the fourth sentence, by striking
9 “The provisions” and inserting the following:

10 “(d) LOCAL COOPERATION.—The provisions”;

11 (C) in the third sentence—

12 (i) by striking “Not more than” and
13 inserting the following:

14 “(c) PROJECT LIMIT.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), not more than”; and

17 (ii) by adding at the end the fol-
18 lowing:

19 “(2) INCREASE.—The Secretary may increase
20 the maximum amount under paragraph (1) by an
21 amount equal to not more than 20 percent, if the
22 Secretary determines the increase to be appro-
23 priate.”;

24 (D) in the second sentence, by striking
25 “The amount” and inserting the following:

1 “(b) FEDERAL PARTICIPATION.—The amount”; and

2 (E) in the first sentence—

3 (i) by striking “\$68,750,000” and in-
4 sserting “the amount described in para-
5 graph (2)”;

6 (ii) by striking “That the Secretary”
7 and inserting the following:

8 “(a) AUTHORIZATION.—

9 “(1) IN GENERAL.—The Secretary”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(2) AMOUNTS DESCRIBED.—The amount re-
13 ferred to in paragraph (1) is—

14 “(A) for fiscal year 2021, \$76,000,000;

15 “(B) for fiscal year 2022, \$76,500,000;

16 “(C) for fiscal year 2023, \$77,000,000;

17 “(D) for fiscal year 2024, \$77,500,000;

18 “(E) for fiscal year 2025, \$78,000,000;

19 “(F) for fiscal year 2026, \$78,500,000;

20 “(G) for fiscal year 2027, \$79,000,000;

21 “(H) for fiscal year 2028, \$79,500,000;

22 “(I) for fiscal year 2029, \$80,000,000; and

23 “(J) for fiscal year 2030 and each fiscal
24 year thereafter, \$80,500,000.”.

1 (7) AQUATIC ECOSYSTEM RESTORATION.—Sec-
2 tion 206 of the Water Resources Development Act
3 of 1996 (33 U.S.C. 2330) is amended—

4 (A) in subsection (d)—

5 (i) by striking “Not more than” and
6 inserting the following:

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), not more than”; and

9 (ii) by adding at the end the fol-
10 lowing:

11 “(2) INCREASE.—The Secretary may increase
12 the maximum amount under paragraph (1) by an
13 amount equal to not more than 20 percent, if the
14 Secretary determines the increase to be appro-
15 priate.”; and

16 (B) by striking subsection (f) and inserting
17 the following:

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this sec-
20 tion—

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

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

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

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

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

1 “(6) for fiscal year 2026, \$71,500,000;
2 “(7) for fiscal year 2027, \$72,000,000;
3 “(8) for fiscal year 2028, \$72,500,000;
4 “(9) for fiscal year 2029, \$73,000,000; and
5 “(10) for fiscal year 2030 and each fiscal year
6 thereafter, \$73,500,000.”.

7 (8) REMOVAL OF OBSTRUCTIONS; CLEARING
8 CHANNELS.—Section 2 of the Act of August 28,
9 1937 (50 Stat. 877, chapter 877; 33 U.S.C. 701g)
10 is amended—

11 (A) by striking “flood control:” and all
12 that follows through “not more than” and in-
13 serting the following: “flood control.

14 “(b) PROJECT LIMIT.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), not more than”;

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

18 “(2) INCREASE.—The Secretary may increase
19 the maximum amount under paragraph (1) by an
20 amount equal to not more than 20 percent, if the
21 Secretary determines the increase to be appro-
22 priate.”;

23 (C) by striking “The Secretary of the
24 Army is authorized to allot not to exceed
25 \$7,500,000” and inserting the following:

1 “(a) AUTHORIZATION.—

2 “(1) IN GENERAL.—The Secretary of the Army
3 may allot not more than the amount described in
4 paragraph (2)”; and

5 (D) in subsection (a) (as so designated), by
6 adding at the end the following:

7 “(2) AMOUNTS DESCRIBED.—The amount re-
8 ferred to in paragraph (1) is—

9 “(A) for fiscal year 2021, \$8,500,000;

10 “(B) for fiscal year 2022, \$9,000,000;

11 “(C) for fiscal year 2023, \$9,500,000;

12 “(D) for fiscal year 2024, \$10,000,000;

13 “(E) for fiscal year 2025, \$10,500,000;

14 “(F) for fiscal year 2026, \$11,000,000;

15 “(G) for fiscal year 2027, \$11,500,000;

16 “(H) for fiscal year 2028, \$12,000,000;

17 “(I) for fiscal year 2029, \$12,500,000; and

18 “(J) for fiscal year 2030 and each fiscal
19 year thereafter, \$13,000,000.”.

20 (9) PROJECT MODIFICATIONS FOR IMPROVE-
21 MENT OF ENVIRONMENT.—Section 1135 of the
22 Water Resources Development Act of 1986 (33
23 U.S.C. 2309a) is amended—

24 (A) in subsection (d)—

25 (i) in the third sentence—

1 (I) by striking “Not more than”
2 and inserting the following:

3 “(3) PROJECT LIMIT.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), not more than”; and

6 (II) by adding at the end the fol-
7 lowing:

8 “(B) INCREASE.—The Secretary may in-
9 crease the maximum amount under subpara-
10 graph (A) by an amount equal to not more than
11 20 percent, if the Secretary determines the in-
12 crease to be appropriate.”;

13 (ii) in the second sentence, by striking
14 “The non-Federal share” and inserting the
15 following:

16 “(2) IN-KIND CONTRIBUTIONS.—The non-Fed-
17 eral share”; and

18 (iii) in the first sentence, by striking
19 “The non-Federal share” and inserting the
20 following:

21 “(1) IN GENERAL.—The non-Federal share”;

22 and

23 (B) by striking subsection (h) and insert-
24 ing the following:

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this sec-
3 tion—

4 “(1) for fiscal year 2021, \$55,000,000;

5 “(2) for fiscal year 2022, \$55,500,000;

6 “(3) for fiscal year 2023, \$56,000,000;

7 “(4) for fiscal year 2024, \$56,500,000;

8 “(5) for fiscal year 2025, \$57,000,000;

9 “(6) for fiscal year 2026, \$57,500,000;

10 “(7) for fiscal year 2027, \$58,000,000;

11 “(8) for fiscal year 2028, \$58,500,000;

12 “(9) for fiscal year 2029, \$59,000,000; and

13 “(10) for fiscal year 2030 and each fiscal year
14 thereafter, \$59,500,000.”.

15 **SEC. 1018. SHORE DAMAGE PREVENTION OR MITIGATION.**

16 Section 111 of the River and Harbor Act of 1968
17 (33 U.S.C. 426i) is amended by adding at the end the
18 following:

19 “(f) USE OF UNITED STATES FISH AND WILDLIFE
20 SERVICE FUNDS.—The Director of the United States Fish
21 and Wildlife Service shall allow a non-Federal interest to
22 use funds from the Service to satisfy all or a portion of
23 the non-Federal share of the costs of a project under this
24 section.”.

1 **SEC. 1019. SEDIMENT MANAGEMENT PLAN.**

2 (a) IN GENERAL.—

3 (1) INITIAL PLAN.—Not later than 1 year after
4 the date of enactment of this Act, the District Com-
5 mander of each district of the Corps of Engineers
6 that carries out any dredging activity for navigation
7 or other water resources development project pur-
8 poses shall develop, at full Federal expense, and sub-
9 mit to the Secretary a 5-year sediment management
10 plan.

11 (2) SCOPE.—Each plan developed under this
12 section shall include—

13 (A) a sediment budget for each watershed
14 or littoral system within the district;

15 (B) a description of the scheduled dredging
16 and other sediment removal activities;

17 (C) an estimate of the amount of sediment
18 anticipated to be dredged or removed as a re-
19 sult of each activity described under subpara-
20 graph (B); and

21 (D) an evaluation of—

22 (i) the suitability of the sediment an-
23 ticipated to be dredged or removed as a re-
24 sult of each activity described under sub-
25 paragraph (B) for a full range of beneficial
26 uses; and

1 (ii) the economic and environmental
2 benefits and impacts, and feasibility, of
3 using the material for such beneficial uses.

4 (3) REVISION.—On an annual basis, the Dis-
5 trict Commander of each district of the Corps of En-
6 gineers shall—

7 (A) revise the plan developed under para-
8 graph (1); and

9 (B) submit the revised plan to the Sec-
10 retary.

11 (b) PUBLIC COMMENT.—In developing or revising a
12 plan under subsection (a), a District Commander shall
13 provide notice and an opportunity for public comment.

14 (c) PUBLICATION.—A District Commander that de-
15 velops or revises a plan under subsection (a) shall make
16 the plan or revision to the plan, as applicable, publicly
17 available.

18 (d) TRANSMISSION TO CONGRESS.—As soon as prac-
19 ticable after receiving a plan or a revision to a plan under
20 subsection (a), the Secretary shall transmit the plan or
21 revision to the plan, as applicable, to Congress.

22 (e) REGIONAL SEDIMENT MANAGEMENT PLANS.—A
23 plan developed under this section—

24 (1) shall be in addition to regional sediment
25 management plans prepared under section 204(a) of

1 the Water Resources Development Act of 1992 (33
2 U.S.C. 2326(a)); and

3 (2) shall not be subject to section 204(g) of the
4 Water Resources Development Act of 1992 (33
5 U.S.C. 2326(g)).

6 **SEC. 1020. CRITERIA FOR FUNDING ENVIRONMENTAL IN-**
7 **FRASTRUCTURE PROJECTS.**

8 (a) CERTAIN ENVIRONMENTAL PROJECTS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (3), the Secretary shall develop written cri-
11 teria for the ranking of environmental infrastructure
12 projects of the Secretary for the purpose of
13 prioritizing funding, including, at a minimum—

14 (A) the extent of the local economic impact
15 of the project;

16 (B) whether the project is in a rural com-
17 munity;

18 (C) whether the project is in or would ben-
19 efit counties or communities with high poverty
20 rates; and

21 (D) whether the project is in a financially
22 distressed area.

23 (2) INCLUSION IN GUIDANCE.—The Secretary
24 shall include the criteria developed under paragraph

1 (1) in the annual Civil Works Direct Program Devel-
2 opment Policy Guidance of the Secretary.

3 (3) APPLICABILITY.—This subsection shall not
4 apply to any environmental infrastructure project
5 authorized under section 219 of the Water Re-
6 sources Development Act of 1992 (106 Stat. 4835).

7 (b) ENVIRONMENTAL INFRASTRUCTURE.—Section
8 219 of the Water Resources Development Act of 1992
9 (106 Stat. 4835; 113 Stat. 335) is amended by adding
10 at the end the following:

11 “(g) CRITERIA FOR RANKING PROJECTS.—

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

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

17 “(A) the benefits of the project to the local
18 economy;

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

21 “(C) the number of jobs that will be di-
22 rectly created by the project; and

23 “(D) any other criteria that the Secretary
24 considers to be appropriate.”.

1 **SEC. 1021. AGING INFRASTRUCTURE.**

2 (a) DEFINITIONS.—In this section:

3 (1) AGING INFRASTRUCTURE.—The term
4 “aging infrastructure” means a project of the Corps
5 of Engineers or any other water resources, water
6 storage, or irrigation project of another Federal
7 agency that is greater than 75 years old.

8 (2) ENHANCED INSPECTION.—The term “en-
9 hanced inspection” means an inspection that uses
10 current or innovative technology, including Light
11 Detection and Ranging (commonly known as
12 “LiDAR”), ground penetrating radar, subsurface
13 imaging, or subsurface geophysical techniques, to de-
14 tect whether the features of the aging infrastructure
15 are structurally sound and can operate as intended,
16 or are at risk of failure.

17 (b) CONTRACTS FOR ENHANCED INSPECTION.—

18 (1) IN GENERAL.—The Secretary is authorized
19 to enter into a contract with another Federal agency
20 or a non-Federal entity that owns, or operates and
21 maintains, a water resources, water storage, or irri-
22 gation project for carrying out enhanced inspections
23 of aging infrastructure.

24 (2) CERTAIN CIRCUMSTANCES.—Subject to the
25 availability of appropriations, the Secretary shall

1 enter into a contract described in paragraph (1),
2 if—

3 (A) another Federal agency or a non-Fed-
4 eral entity requests that the Secretary carry out
5 the inspections; and

6 (B) the inspection is at the full expense of
7 the other Federal agency or non-Federal entity
8 requesting the inspections.

9 (c) LIMITATION.—The Secretary shall not require a
10 non-Federal entity associated with a project under the ju-
11 risdiction of another Federal agency to carry out correc-
12 tive or remedial actions in response to an inspection under
13 this section.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$20,000,000, to remain available until expended.

17 **SEC. 1022. EXPEDITING REPAIRS AND RECOVERY FROM**
18 **FLOODING.**

19 (a) IN GENERAL.—During the 5-year period begin-
20 ning on the date of enactment of this Act, the Secretary
21 shall prioritize and expedite the processing of applications
22 for permits under section 10 of the Act of March 3, 1899
23 (commonly known as the “Rivers and Harbors Act of
24 1899”) (30 Stat. 1151, chapter 425; 33 U.S.C. 403), and
25 section 404 of the Federal Water Pollution Control Act

1 (33 U.S.C. 1344), and permissions under section 14 of
2 the Act of March 3, 1899 (commonly known as the “Riv-
3 ers and Harbors Act of 1899”) (30 Stat. 1152, chapter
4 425; 33 U.S.C. 408), to complete repairs, reconstruction
5 (including improvements), and upgrades to flood control
6 infrastructure damaged by flooding events during calendar
7 years 2017 through 2020, including flooding events
8 caused by ice jams.

9 (b) PUBLIC INTEREST.—An activity described in sub-
10 section (a) shall be considered to be in the public interest,
11 unless the activity would induce flooding in another loca-
12 tion.

13 (c) SAVINGS PROVISION.—Nothing in this section af-
14 fects, preempts, or interferes with any obligation to com-
15 ply with the provisions of any Federal environmental law,
16 including—

17 (1) the National Environmental Policy Act of
18 1969 (42 U.S.C. 4321 et seq.);

19 (2) the Federal Water Pollution Control Act
20 (33 U.S.C. 1251 et seq.); and

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

23 **SEC. 1023. UPPER SNAKE RIVER LEVEES.**

24 (a) IN GENERAL.—The Secretary shall prioritize and
25 expedite, in coordination with State and local authorities,

1 the completion of maintenance and repair activities to
2 levee systems that are—

3 (1) operated and maintained by the Secretary;

4 and

5 (2) in the Upper Snake River Basin.

6 (b) SAVINGS PROVISION.—Nothing in this section
7 modifies or waives the responsibility of the Secretary to
8 comply with any applicable Federal law in carrying out
9 this section.

10 **SEC. 1024. UNIFORMITY OF NOTIFICATION SYSTEMS.**

11 (a) INVENTORY.—Not later than 180 days after the
12 date of enactment of this Act, the Secretary shall complete
13 an inventory of all communication and notification sys-
14 tems used by the Corps of Engineers with respect to
15 projects, initiatives, and facilities of the Corps of Engi-
16 neers.

17 (b) UNIFORM PLAN.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Secretary
20 shall develop a plan for the uniformity of commu-
21 nication and notification systems for projects, initia-
22 tives, and facilities of the Corps of Engineers.

23 (2) INCLUSIONS.—The plan under paragraph
24 (1) shall—

1 (A) provide access to information in all
2 forms practicable, including email, text mes-
3 sages, news programs and websites, radio, and
4 other forms of notification;

5 (B) establish a notification system for any
6 projects, initiatives, or facilities of the Corps of
7 Engineers that do not have a notification sys-
8 tem;

9 (C) streamline existing communication and
10 notification systems to improve the strength
11 and uniformity of those systems; and

12 (D) emphasize the necessity of timeliness
13 in notification systems and ensure that the
14 methods of notification can transmit informa-
15 tion in a timely manner.

16 (3) IMPLEMENTATION.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), not later than 2 years after
19 the date of enactment of this Act, the Secretary
20 shall complete the implementation of the plan
21 under paragraph (1).

22 (B) EMERGENCY MANAGEMENT NOTIFICA-
23 TION.—Not later than 18 months after the date
24 of enactment of this Act, the Secretary shall

1 implement the provisions of the plan relating to
2 emergency management notifications.

3 (4) SAVINGS PROVISION.—Nothing in this sec-
4 tion authorizes the elimination of any existing com-
5 munication or notification system used by the Corps
6 of Engineers.

7 **SEC. 1025. SUSQUEHANNA, DELAWARE, AND POTOMAC**
8 **RIVER BASIN COMMISSIONS.**

9 Section 5019 of the Water Resources Development
10 Act of 2007 (121 Stat. 1201; 128 Stat. 1307) is amend-
11 ed—

12 (1) in subsection (a)(3), by inserting “, who
13 may be the Administrator of the Environmental Pro-
14 tection Agency (referred to in this section as the
15 ‘Administrator’) (or a designee),” after “member”;
16 and

17 (2) in subsection (b)—

18 (A) in paragraph (1), by striking “The
19 Secretary” and inserting “Subject to the avail-
20 ability of appropriations, the Administrator”;

21 (B) in paragraph (2), by striking “For
22 each fiscal year, the Secretary” and inserting
23 “Subject to the availability of appropriations,
24 for each fiscal year, the Administrator”; and

1 (C) in paragraph (3), by striking “Sec-
2 retary” each place it appears and inserting
3 “Administrator”.

4 **SEC. 1026. WILMINGTON HARBOR SOUTH DISPOSAL AREA,**
5 **DELAWARE.**

6 (a) **SEDIMENT FILL HEIGHT.**—Sediment fill in the
7 Wilmington Harbor South Disposal Area confined disposal
8 facility, Delaware, shall not be more than 45 feet.

9 (b) **USE.**—Until the conveyance under subsection (c)
10 is completed, the Wilmington Harbor South Disposal Area
11 confined disposal facility, Delaware, shall be used for the
12 purposes of—

13 (1) a dredge disposal facility for the Port of
14 Edgemoor; and

15 (2) other uses, as determined by the State of
16 Delaware.

17 (c) **CONVEYANCE.**—As soon as practicable after sedi-
18 ment fill in the Wilmington Harbor South Disposal Area
19 confined disposal facility, Delaware, reaches 45 feet, the
20 Secretary shall complete the conveyance of nonusable land
21 at the Wilmington Harbor South Disposal Area confined
22 disposal facility, Delaware, to the State of Delaware for
23 fair market value.

1 **SEC. 1027. CONVEYANCE OF WILMINGTON HARBOR NORTH**
2 **DISPOSAL AREA, DELAWARE.**

3 As soon as practicable, the Secretary shall complete
4 the conveyance of the Wilmington Harbor North Disposal
5 Area confined disposal facility, Delaware, to the State of
6 Delaware.

7 **SEC. 1028. COASTAL STORM DAMAGE REDUCTION CON-**
8 **TRACTS.**

9 For any project for coastal storm damage reduction,
10 the Secretary shall seek input from the community or com-
11 munities where the project is located that may be impacted
12 due to the timing of the coastal storm damage reduction
13 activities under the project to minimize, to the maximum
14 extent practicable, any negative impacts to the local econ-
15 omy due to the timing of those activities.

16 **SEC. 1029. CORPS FLOOD POLICY WITHIN URBAN AREAS.**

17 The Secretary shall expedite the completion of the re-
18 port required under section 1211 of the America's Water
19 Infrastructure Act of 2018 (132 Stat. 3808) relating to
20 flooding within urban floodplains and Federal policy con-
21 straints on the ability of the Corps of Engineers to address
22 urban flooding.

23 **SEC. 1030. REPORTING ON OVER BUDGET AND BEHIND**
24 **SCHEDULE CORPS PROJECTS.**

25 Not later than 180 days after the date of enactment
26 of this Act, the Secretary shall submit to the Committee

1 on Environment and Public Works of the Senate and the
2 Committee on Transportation and Infrastructure of the
3 House of Representatives a report that describes each
4 water resources project of the Secretary for which—

5 (1) the total budget of the project exceeds the
6 total estimated budget of the project by not less
7 than \$100,000,000; or

8 (2) the anticipated completion date of the
9 project exceeds the estimated completion date of the
10 project by not less than 5 years.

11 **SEC. 1031. DAM REMEDIATION FOR ECOSYSTEM RESTORA-**
12 **TION.**

13 Section 542(b)(2) of the Water Resources Develop-
14 ment Act of 2000 (114 Stat. 2671; 121 Stat. 1150) is
15 amended—

16 (1) in subparagraph (F), by striking “or” at
17 the end;

18 (2) by redesignating subparagraph (G) as sub-
19 paragraph (H); and

20 (3) by inserting after subparagraph (F) the fol-
21 lowing:

22 “(G) measures to restore, protect, and pre-
23 serve an ecosystem affected by a dam (which
24 may include construction of a dam)—

1 “(i) that has been constructed, in
2 whole or in part, by the Corps of Engi-
3 neers for flood control purposes;

4 “(ii) for which construction was com-
5 pleted before 1940;

6 “(iii) that is classified as ‘high hazard
7 potential’ by the State dam safety agency
8 of the State in which the dam is located;
9 and

10 “(iv) that is operated by a non-Fed-
11 eral entity; or”.

12 **SEC. 1032. CONVEYANCE OF CERTAIN FEDERAL LAND TO**
13 **THE CITY OF MONTGOMERY, ALABAMA.**

14 (a) DEFINITIONS.—In this section:

15 (1) CITY.—The term “City” means the city of
16 Montgomery, Alabama.

17 (2) FEDERAL LAND.—The term “Federal land”
18 means the 62.38 acres of land and water under the
19 primary jurisdiction of the Secretary in the R.E.
20 “Bob” Woodruff Project Area that is covered by
21 lease number DACW01-1-05-0037, including the
22 parcels and structure known as “Powder Magazine”,
23 which is a National Historic Site.

24 (b) CONVEYANCE AUTHORIZED.—To the extent prac-
25 ticable, not later than 180 days after the date of enact-

1 ment of this Act, the Secretary shall, on request of the
2 City, convey to the City all right, title, and interest of the
3 United States in and to the Federal land.

4 (c) CONVEYANCE OF FEDERAL LAND FOR USE AS
5 HISTORIC MONUMENT.—If the Secretary of the Interior
6 determines that any portion of the Federal land is suitable
7 and desirable for use as a historic monument, the Sec-
8 retary may convey such portion of the Federal land to the
9 City, without monetary consideration, in accordance with
10 section 550(h) of title 40, United States Code.

11 (d) CONVEYANCE OF FEDERAL LAND NOT SUITABLE
12 FOR USE AS HISTORIC MONUMENT.—The Secretary shall
13 convey any portion of the Federal land not conveyed under
14 subsection (c)—

15 (1) by quitclaim deed; and

16 (2) subject to terms and conditions that are
17 mutually satisfactory to the Secretary and the City,
18 including such additional terms and conditions as
19 the Secretary considers appropriate—

20 (A) to protect the interests of the United
21 States, such as any required easements;

22 (B) to protect and maintain the National
23 Historic Site described in subsection (a)(2), in
24 accordance with applicable law; and

1 (C) to preserve public access to the Fed-
2 eral land.

3 (e) CONSIDERATION REQUIRED.—As consideration
4 for a conveyance under subsection (d), the City shall pay
5 to the Secretary an amount that is not less than the fair
6 market value of the Federal land, as determined by the
7 Secretary.

8 (f) PAYMENT OF COSTS OF CONVEYANCE.—

9 (1) PAYMENT REQUIRED.—The Secretary shall
10 require the City to pay the costs incurred by the
11 Secretary after the date of enactment of this Act re-
12 lating to any conveyance of the Federal land under
13 this section, including—

14 (A) survey costs;

15 (B) costs relating to environmental docu-
16 mentation; and

17 (C) any other administrative costs relating
18 to the conveyance.

19 (2) REFUND OF EXCESS AMOUNTS.—If the Sec-
20 retary collects amounts from the City under para-
21 graph (1) before the costs are actually incurred and
22 those amounts exceed the costs actually incurred by
23 the Secretary in carrying out the conveyance, the
24 Secretary shall refund the excess amounts to the
25 City.

1 (3) TREATMENT OF AMOUNTS RECEIVED.—
2 Amounts received by the Secretary as reimburse-
3 ment under paragraph (1) shall be—

4 (A) credited to, and merged with amounts
5 in, the fund or account that was used to cover
6 the costs incurred by the Secretary; and

7 (B) available for the same purposes, and
8 subject to the same conditions and limitations,
9 as amounts in the fund or account to which the
10 amounts are credited under subparagraph (A).

11 (g) LIABILITY.—The City shall hold the United
12 States harmless from any liability with respect to activities
13 carried out on the Federal land on or after the date of
14 conveyance of the Federal land.

15 **SEC. 1033. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
16 **PROJECTS.**

17 In any case in which the Secretary has assumed, as
18 of the date of enactment of this Act, responsibility for the
19 maintenance of a project classified as class III or higher
20 urgency under the Dam Safety Action Classification of the
21 Corps of Engineers, the Secretary shall continue to be re-
22 sponsible for the maintenance of that project until the ear-
23 lier of—

1 (1) the date on which the project is modified to
2 reduce that risk and the Secretary determines that
3 the project is determined to be adequately safe; and

4 (2) the date that is 15 years after the date of
5 enactment of this Act.

6 **SEC. 1034. PROJECTS TO ACCOMMODATE IRREGULAR**
7 **DREDGING.**

8 (a) **IN GENERAL.**—Not later than 2 years after the
9 date of enactment of this Act, pursuant to the continuing
10 authority program under section 107 of the River and
11 Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall,
12 to the maximum extent practicable, carry out not less than
13 1 project to improve a harbor to accommodate an eligible
14 event described in subsection (b).

15 (b) **ELIGIBLE EVENT DESCRIBED.**—An eligible event
16 referred to in subsection (a) is a special event that—

17 (1) is hosted by a government entity;

18 (2) is open to the public; and

19 (3) would have significant educational and re-
20 gional economic development benefits.

21 (c) **JUSTIFICATION.**—The Secretary shall not require
22 national economic development benefits to exceed costs for
23 any project carried out under this section if—

1 (1) dredging or other harbor improvements are
2 necessary to accommodate 1 or more eligible events;
3 and

4 (2) the eligible event or events produce signifi-
5 cant regional economic development benefits.

6 (d) COST-SHARING REQUIREMENT.—

7 (1) IN GENERAL.—The Federal share of the
8 cost of initial construction and operation and main-
9 tenance of a project under this section—

10 (A) shall be not more than 50 percent; and

11 (B) may not exceed the limit under section
12 107(b) of the River and Harbor Act of 1960
13 (33 U.S.C. 577(b)).

14 (2) FORM OF NON-FEDERAL SHARE.—The non-
15 Federal share of the cost of activities carried out
16 under this section may be in the form of in-kind
17 contributions.

18 (3) OPERATION AND MAINTENANCE.—The non-
19 Federal interest shall be responsible for 100 percent
20 of the cost to operate and maintain a project under
21 this section after the limit under section 107(b) of
22 the River and Harbor Act of 1960 (33 U.S.C.
23 577(b)) has been met.

1 **SEC. 1035. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
2 **TION AND PROTECTION PROGRAM.**

3 (a) IN GENERAL.—Section 510 of the Water Re-
4 sources Development Act of 1996 (110 Stat. 3761; 121
5 Stat. 1202; 128 Stat. 1318) is amended—

6 (1) by redesignating subsection (h) as sub-
7 section (i);

8 (2) by inserting after subsection (g) the fol-
9 lowing:

10 “(h) PROJECT CAP.—A project carried out under this
11 section may not have a total cost of more than
12 \$15,000,000.”; and

13 (3) in subsection (i) (as so redesignated), by
14 striking “\$40,000,000” and inserting
15 “\$90,000,000”.

16 (b) OUTREACH AND TRAINING.—

17 (1) IN GENERAL.—The Secretary shall conduct
18 public outreach and workshops for non-Federal in-
19 terests to provide information on the Chesapeake
20 Bay environmental restoration and protection pro-
21 gram under section 510 of the Water Resources De-
22 velopment Act of 1996 (110 Stat. 3761; 121 Stat.
23 1202; 128 Stat. 1318), including how to participate
24 in the program.

25 (2) AUTHORIZATION OF APPROPRIATIONS.—

26 There is authorized to be appropriated to carry out

1 this subsection \$2,500,000 for each of fiscal years
2 2021 and 2022.

3 **SEC. 1036. IMPLEMENTATION GUIDANCE; REPORTS; AND**
4 **BRIEFINGS.**

5 (a) REPORT ON STATUS OF IMPLEMENTATION GUID-
6 ANCE AND REPORTS.—Not later than 150 days after the
7 date of enactment of this Act, the Secretary shall provide
8 to the Committee on Environment and Public Works of
9 the Senate and the Committee on Transportation and In-
10 frastructure of the House of Representatives a briefing on
11 the status of implementation guidance and reports re-
12 quired under this Act or an amendment made by this Act.

13 (b) USE OF EXISTING DATA.—To the maximum ex-
14 tent practicable, the Secretary shall use existing data in
15 completing any report required under—

16 (1) the Water Resources Reform and Develop-
17 ment Act of 2014 (Public Law 113–121; 128 Stat.
18 1193);

19 (2) the Water Infrastructure Improvements for
20 the Nation Act (Public Law 114–322; 130 Stat.
21 1628);

22 (3) the America’s Water Infrastructure Act of
23 2018 (Public Law 115–270; 132 Stat. 3765);

24 (4) this Act; and

1 (5) any amendments made by an Act described
2 in paragraphs (1) through (4).

3 (c) BRIEFINGS.—

4 (1) IN GENERAL.—Not less frequently than
5 quarterly, the Secretary shall provide to the Com-
6 mittee on Environment and Public Works of the
7 Senate and the Committee on Transportation and
8 Infrastructure of the House of Representatives a
9 briefing on the status of the implementation of each
10 provision of law under—

11 (A) the Water Resources Reform and De-
12 velopment Act of 2014 (Public Law 113–121;
13 128 Stat. 1193);

14 (B) the Water Infrastructure Improve-
15 ments for the Nation Act (Public Law 114–
16 322; 130 Stat. 1628);

17 (C) the America’s Water Infrastructure
18 Act of 2018 (Public Law 115–270; 132 Stat.
19 3765);

20 (D) this Act; and

21 (E) any amendments made by an Act de-
22 scribed in subparagraphs (A) through (D).

23 (2) TERMINATION.—This subsection shall ter-
24 minate on the date that the Secretary completes the

1 implementation of each provision of law referred to
2 in paragraph (1).

3 **SEC. 1037. INTERAGENCY TASK FORCE ON SMALL DAMS**
4 **AND FISH PASSAGES.**

5 (a) IN GENERAL.—The Secretary shall establish an
6 interagency task force (referred to in this section as the
7 “task force”) to study small dams and fish passages.

8 (b) MEMBERSHIP.—The task force shall be composed
9 of—

10 (1) the Assistant Secretary of the Army for
11 Civil Works;

12 (2) the Director of the United States Fish and
13 Wildlife Service;

14 (3) the Administrator of the Environmental
15 Protection Agency;

16 (4) the Administrator of the Federal Emer-
17 gency Management Agency;

18 (5) the Chief of the Natural Resources Con-
19 servation Service;

20 (6) the Chairman of the Federal Energy Regu-
21 latory Commission;

22 (7) the Commissioner of Reclamation;

23 (8) the Assistant Secretary for Indian Affairs;

24 and

1 (9) the Director of the United States Geological
2 Survey.

3 (c) MEETINGS.—The task force shall meet quarterly
4 and make available public summaries of the meetings.

5 (d) REPORT.—Not later than December 31, 2021,
6 the task force shall submit to Congress a report that in-
7 cludes—

8 (1) recommendations for interagency coopera-
9 tion, including shared grant programs or other co-
10 ordinated funding sources, to support monitoring,
11 tracking, and efforts to remove or refurbish small
12 dams to improve those structures and alleviate con-
13 cerns related to public safety, flood risk, fish pas-
14 sage, wildlife conservation, water quality, and eco-
15 system and environmental health;

16 (2) an analysis of the quality of existing data
17 and need for additional surveys or other studies, to
18 be conducted by Federal agencies in coordination
19 with States, to determine—

20 (A) the locations and conditions of small
21 dams in the United States;

22 (B) the risk, if any, posed by those dams
23 to public safety, flood risk, fish passage, wildlife
24 conservation, water quality, and ecosystem and
25 environmental health; and

1 (C) ownership and rights to access small
2 dams; and

3 (3) a national strategy for identifying,
4 prioritizing, and successfully removing or refur-
5 bishing small dams of concern by not later than
6 2030.

7 **SEC. 1038. PROJECT COMPLETION.**

8 Section 1157(a)(2) of the Water Infrastructure Im-
9 provements for the Nation Act (130 Stat. 1666) is amend-
10 ed by striking “2021” and inserting “2024”.

11 **SEC. 1039. LEVEE ACCREDITATION PROCESS; LEVEE CER-**
12 **TIFICATIONS.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the process developed by the Flood Protection
15 Structure Accreditation Task Force established under sec-
16 tion 100226 of Public Law 112–141 (42 U.S.C. 4101
17 note; 126 Stat. 942) should not be limited to levee systems
18 in the inspection of completed works program of the Corps
19 of Engineers, but should apply equally to federally owned
20 levee systems operated by the Secretary, including feder-
21 ally owned levee systems operated by the Secretary as part
22 of a reservoir project.

23 (b) LEVEE CERTIFICATIONS.—Section 3014 of the
24 Water Resources Reform and Development Act of 2014
25 (42 U.S.C. 4131) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1)—

3 (i) by striking “under the inspection
4 of completed works program” and insert-
5 ing “for levee systems under the levee safe-
6 ty and dam safety programs”; and

7 (ii) by striking “and” at the end;

8 (B) in paragraph (2)—

9 (i) by striking “activities under the in-
10 spection of completed works program of
11 the Corps of Engineers” and inserting
12 “the activities referred to in paragraph
13 (1)”;

14 (ii) by striking “chapter 1” and in-
15 serting “chapter I”; and

16 (iii) by striking the period at the end
17 and inserting “; and”; and

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

19 “(3) in the case of a levee system that is oper-
20 ated and maintained by the Corps of Engineers, to
21 the maximum extent practicable, cooperate with
22 local governments seeking a levee accreditation deci-
23 sion for the levee to provide information necessary to
24 support the accreditation decision in a timely man-
25 ner.”; and

1 (2) in paragraph (b)(3), by adding at the end
2 the following:

3 “(C) CONTRIBUTED FUNDS.—Notwith-
4 standing subparagraph (B), a non-Federal in-
5 terest may fund up to 100 percent of the cost
6 of any activity carried out under this sub-
7 section.”.

8 **SEC. 1040. REHABILITATION OF FLOOD CONTROL PUMP**
9 **STATIONS AFFECTING CORPS OF ENGINEERS**
10 **FLOOD RISK MANAGEMENT PROJECTS.**

11 (a) DEFINITIONS.—In this section:

12 (1) ELIGIBLE PUMP STATION.—The term “eli-
13 gible pump station” means a pump station—

14 (A) that—

15 (i) has been constructed, in whole or
16 in part, by the Corps of Engineers for
17 flood risk management purposes; or

18 (ii) that has been constructed by non-
19 Federal interests; and

20 (B) the failure of which would impair the
21 function of a flood risk management project
22 constructed by the Corps of Engineers.

23 (2) REHABILITATE.—

24 (A) IN GENERAL.—The term “rehabili-
25 tate”, with respect to an eligible pump station,

1 means to address a major deficiency of the eli-
2 gible pump station caused by long-term deg-
3 radation of the foundation, construction mate-
4 rials, or engineering systems or components of
5 the eligible pump station.

6 (B) INCLUSIONS.—The term “rehabili-
7 tate”, with respect to an eligible pump station,
8 includes—

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

- 11 (I) current design standards;
- 12 (II) efficiency improvements; and
- 13 (III) associated drainage; and

14 (ii) increasing the capacity of the eli-
15 gible pump station, subject to the condition
16 that the increase shall—

- 17 (I) significantly decrease the risk
18 of loss of life and property damage; or
- 19 (II) decrease total lifecycle reha-
20 bilitation costs for the eligible pump
21 station.

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

25 (c) COST SHARING.—

1 (1) FEDERAL PROJECTS.—The non-Federal
2 share of the cost of rehabilitation carried out pursu-
3 ant to this section at an eligible pump station con-
4 structed by the Corps of Engineers shall be the
5 equal to the non-Federal share that was applicable
6 to construction of the eligible pump station.

7 (2) NON-FEDERAL PROJECTS.—A non-Federal
8 interest shall provide—

9 (A) an amount equal to 35 percent of the
10 cost of any rehabilitation carried out pursuant
11 to this section for a locally constructed eligible
12 pump station; and

13 (B) all land, easements, rights-of-way, and
14 necessary relocations associated with the reha-
15 bilitation described in subparagraph (A), at no
16 cost to the Federal Government.

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

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

23 (2) to pay 100 percent of the operation and
24 maintenance costs of the rehabilitated eligible pump

1 station, in accordance with regulations promulgated
2 by the Secretary.

3 (e) TREATMENT.—The rehabilitation of an eligible
4 pump station pursuant to this section shall not be consid-
5 ered to be a separable element of the associated flood risk
6 management project constructed by the Corps of Engi-
7 neers.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$75,000,000, to remain available until expended.

11 **SEC. 1041. BRANDON ROAD STUDY.**

12 Section 3061(d)(2) of the Water Resources Develop-
13 ment Act of 2007 (121 Stat. 1121; 132 Stat. 3785) is
14 amended by striking the paragraph designation and head-
15 ing and all that follows through “any project” and insert-
16 ing the following:

17 “(2) COST SHARE.—

18 “(A) CONSTRUCTION.—The Federal share
19 of the cost of construction of any project au-
20 thorized to be carried out pursuant to the feasi-
21 bility study identified in paragraph (1) shall be
22 75 percent.

23 “(B) OPERATION AND MAINTENANCE.—
24 Operation and maintenance of any project”.

1 **SEC. 1042. CREDIT OR REIMBURSEMENT.**

2 (a) CREDIT OR REIMBURSEMENT FOR CONTRIBU-
3 TION OF MATERIALS OR SERVICES.—Section 1024 of the
4 Water Resources Reform and Development Act of 2014
5 (33 U.S.C. 2325a) is amended—

6 (1) in subsection (a), in the matter preceding
7 paragraph (1), by striking “Subject to subsection
8 (b), the” and inserting “The”;

9 (2) by striking subsection (b);

10 (3) by redesignating subsections (c) and (d) as
11 subsections (b) and (h), respectively;

12 (4) in subsection (b) (as so redesignated), by
13 adding at the end the following:

14 “(3) INTEGRAL TO PROJECT.—The Secretary
15 may provide reimbursement under subsection (c)
16 only if the Secretary determines that the materials
17 or services provided are integral to the project.

18 “(4) TIMELINESS.—The Secretary shall ensure
19 that a reimbursement under subsection (c) is pro-
20 vided in a timely manner.”; and

21 (5) by inserting after subsection (b) (as so re-
22 designated) the following:

23 “(c) COST LIMITATIONS.—Except as provided in this
24 section and subject to subsection (g), a non-Federal inter-
25 est that contributes materials or services under subsection
26 (a) shall be eligible for reimbursement, not to exceed an

1 amount that is equal to the estimated Federal cost for
2 the performance of those materials or services.

3 “(d) AGREEMENT.—Before contributing materials or
4 services under subsection (a), a non-Federal interest shall
5 enter into an agreement with the Secretary that specifies,
6 with respect to the use of those materials and services,
7 the terms and conditions that are acceptable to the non-
8 Federal interest and the Secretary.

9 “(e) REQUIREMENT.—As part of an agreement under
10 subsection (a), a non-Federal interest shall hold and save
11 the United States free from any and all damage that
12 arises from the use of any materials or services of the non-
13 Federal interest, except for damage due to the fault or
14 negligence of a contractor of the Federal Government.

15 “(f) USE OF EMERGENCY AUTHORITIES.—The Sec-
16 retary may use existing emergency authorities of the Sec-
17 retary following a flood or storm event to accept materials,
18 services, or funds under this section if those materials,
19 services, or funds are being used for the purpose of—

20 “(1) restoring an authorized navigation or flood
21 risk management project up to authorized dimen-
22 sions;

23 “(2) repairing or reconstructing any authorized
24 navigation or flood risk management project, includ-
25 ing other authorized associated features; or

1 “(3) any other activities the Secretary deter-
2 mines to be in the public interest as a result of the
3 emergency.

4 “(g) LIMITATIONS.—A reimbursement under sub-
5 section (c) shall be—

6 “(1) subject to the availability of appropria-
7 tions; and

8 “(2) subject to the compliance of the non-Fed-
9 eral interest with all Federal laws and regulations
10 that would apply to the use of materials or services
11 described in that subsection if provided by the Sec-
12 retary.”.

13 (b) DETERMINING THE VALUE OF IN-KIND CON-
14 TRIBUTIONS.—Section 221(a)(4) of the Flood Control Act
15 of 1970 (42 U.S.C. 1962d-5b(a)(4)) is amended—

16 (1) in subparagraph (A)—

17 (A) in the matter preceding clause (i), by
18 inserting “, as determined by the Secretary,”
19 after “value”;

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

22 (C) in clause (iii), by striking the period at
23 the end and inserting “; and”; and

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

1 “(iv) the value of materials and serv-
2 ices contributed by non-Federal third par-
3 ties, without charge, to the non-Federal in-
4 terest for—

5 “(I) planning carried out after
6 execution of a feasibility cost-sharing
7 agreement; or

8 “(II) construction carried out
9 after execution of a partnership agree-
10 ment or in accordance with subpara-
11 graph (C).”;

12 (2) in subparagraph (D)—

13 (A) in clause (ii), by inserting “and” after
14 the semicolon at the end;

15 (B) in clause (iii), by striking “; and” and
16 inserting a period; and

17 (C) by striking clause (iv);

18 (3) by redesignating subparagraph (H) as sub-
19 paragraph (I); and

20 (4) by inserting after subparagraph (G) the fol-
21 lowing:

22 “(H) TIMELINESS.—The Secretary shall
23 ensure that a credit under subparagraph (A) is
24 provided in a timely manner.”.

1 (c) TIMELINESS.—Section 1022 of the Water Re-
2 sources Reform and Development Act of 2014 (33 U.S.C.
3 2225) is amended by adding at the end the following:

4 “(d) TIMELINESS.—The Secretary shall ensure that
5 a reimbursement described in this section is provided in
6 a timely manner.”.

7 **SEC. 1043. EMERGENCY CONTRACTING.**

8 (a) IN GENERAL.—In carrying out emergency work
9 in an area with respect to which the President has de-
10 clared a major disaster under section 401 of the Robert
11 T. Stafford Disaster Relief and Emergency Assistance Act
12 (42 U.S.C. 5170), the Secretary shall, in competitive ac-
13 quisitions, maximize use of tradeoff procedures that place
14 approximately equal or greater importance on schedule
15 and other non-price factors relative to cost or price.

16 (b) SAVINGS PROVISION.—Nothing in this section
17 limits or otherwise affects authority provided to the Sec-
18 retary under any other statute or regulation to select pro-
19 cedures permitting other than full and open competition
20 when carrying out work described in subsection (a).

21 **SEC. 1044. PROJECT PARTNERSHIP AGREEMENT.**

22 Section 103(j)(1) of the Water Resources Develop-
23 ment Act of 1986 (33 U.S.C. 2213(j)(1)) is amended—

24 (1) by striking “Any project” and inserting the
25 following:

1 “(A) IN GENERAL.—Any project”; and

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

3 “(B) INCLUSION.—An agreement under
4 subparagraph (A) shall include a brief descrip-
5 tion of and estimated costs for anticipated oper-
6 ation, maintenance, repair, replacement, and re-
7 habilitation obligations of the non-Federal in-
8 terest for the project.”.

9 **SEC. 1045. ACCEPTANCE OF FUNDS FOR HARBOR DREDG-**
10 **ING.**

11 The Secretary may accept and expend funds contrib-
12 uted by a State or other non-Federal interest—

13 (1) to dredge a non-Federal harbor or channel;

14 or

15 (2) to provide technical assistance related to the
16 planning and design of dredging activities in a non-
17 Federal harbor or channel.

18 **SEC. 1046. EMERGENCY FLOODING PROTECTION FOR**
19 **LAKES.**

20 The Secretary shall submit to Congress a report on
21 the extent to which the program under section 5 of the
22 Act of August 18, 1941 (commonly known as the “Flood
23 Control Act of 1941”) (55 Stat. 650, chapter 377; 33
24 U.S.C. 701n), applies to lakes, including lakes with the
25 flow of a slow-moving river, including, if applicable, rec-

1 ommendations for legislative changes to ensure that such
2 lakes are eligible for the program.

3 **SEC. 1047. LEVEE SAFETY.**

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

7 “(d) IDENTIFICATION OF DEFICIENCIES.—

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

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

13 “(B) describe the recommended remedies
14 to correct each deficiency identified under sub-
15 paragraph (A) and the associated costs of those
16 remedies.

17 “(2) CONSULTATION.—In identifying defi-
18 ciencies and describing remedies for a levee under
19 paragraph (1), the Secretary shall consult with rel-
20 evant non-Federal interests, including by providing
21 an opportunity for comment by those non-Federal
22 interests.”.

23 **SEC. 1048. REPLACEMENT CAPACITY.**

24 Section 217(a) of the Water Resources Development
25 Act of 1996 (33 U.S.C. 2326a(a)) is amended—

1 (1) in the subsection heading, by inserting “OR
2 REPLACEMENT CAPACITY” after “ADDITIONAL CA-
3 CAPACITY”;

4 (2) by striking paragraph (1) and inserting the
5 following:

6 “(1) PROVIDED BY SECRETARY.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), at the request of a non-Federal in-
9 terest with respect to a project, the Secretary
10 may—

11 “(i) provide additional capacity at a
12 dredged material disposal facility con-
13 structed by the Secretary beyond the ca-
14 pacity that would be required for project
15 purposes; or

16 “(ii) permit the use of dredged mate-
17 rial disposal facility capacity required for
18 project purposes by the non-Federal inter-
19 est if the Secretary determines that re-
20 placement capacity can be constructed at
21 the facility or another facility or site before
22 such capacity is needed for project pur-
23 poses.

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

4 “(i) all costs associated with the con-
5 struction of the additional capacity or re-
6 placement capacity in advance of construc-
7 tion of such capacity; and

8 “(ii) in the case of use by a non-Fed-
9 eral interest of dredged material disposal
10 capacity required for project purposes
11 under subparagraph (A)(ii), any increase
12 in the cost of operation and maintenance
13 of the project that the Secretary deter-
14 mines results from the use of the project
15 capacity by the non-Federal interest in ad-
16 vance of each cycle of dredging.

17 “(C) CREDIT.—In the event the Secretary
18 determines that the cost to operate or maintain
19 the project decreases as a result of use by the
20 non-Federal interest of dredged material dis-
21 posal capacity required for project purposes
22 under subparagraph (A)(ii), the Secretary, at
23 the request of the non-Federal interest, shall
24 credit the amount of the decrease toward any
25 cash contribution of the non-Federal interest

1 required thereafter for construction, operation,
2 or maintenance of the project, or of another
3 navigation project.”;

4 (3) in paragraph (2), in the first sentence, by
5 inserting “under paragraph (1)(A)(i)” after “addi-
6 tional capacity”; and

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

8 “(3) SPECIAL RULE FOR DESIGNATION OF RE-
9 PLACEMENT CAPACITY FACILITY OR SITE.—

10 “(A) IN GENERAL.—Subject to such terms
11 and conditions as the Secretary determines to
12 be necessary or advisable, an agreement under
13 paragraph (1)(B) for use permitted under para-
14 graph (1)(A)(ii) shall reserve to the non-Fed-
15 eral interest—

16 “(i) the right to submit to the Sec-
17 retary for approval at a later date an alter-
18 native to the facility or site designated in
19 the agreement for construction of replace-
20 ment capacity; and

21 “(ii) the right to construct the re-
22 placement capacity at the alternative facil-
23 ity or site at the expense of the non-Fed-
24 eral interest.

1 “(B) REQUIREMENT.—The Secretary shall
2 not reject a site for the construction of replace-
3 ment capacity under paragraph (1)(A)(ii) that
4 is submitted by the non-Federal interest for ap-
5 proval by the Secretary before the date of exe-
6 cution of the agreement under paragraph
7 (1)(B), or thereafter, unless the Secretary—

8 “(i) determines that the site is envi-
9 ronmentally unacceptable or technically un-
10 sound; and

11 “(ii) provides a written basis for the
12 determination under clause (i) to the non-
13 Federal interest.”.

14 **SEC. 1049. IMPLEMENTATION GUIDANCE FOR POST-FLOOD**
15 **IMPROVEMENTS.**

16 The Secretary shall expedite completion of implemen-
17 tation guidance for the amendments made by section 1176
18 of the Water Infrastructure Improvements for the Nation
19 Act (130 Stat. 1673).

20 **SEC. 1050. WILLAMETTE VALLEY PROJECT WATER RE-**
21 **ALLOCATION.**

22 (a) IN GENERAL.—The Secretary shall assist the
23 State of Oregon in the implementation of the reallocation
24 of water within the Willamette Basin, including the devel-
25 opment of instream flow targets and facilitation of the

1 conversion of Willamette Valley Project stored water to
2 instream water rights to ensure fish and wildlife benefits,
3 as required by the biological opinion for the Willamette
4 Basin Review issued by the National Marine Fisheries
5 Service on June 28, 2019.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$2,000,000, to remain available until expended.

9 **SEC. 1051. CENTRAL APPALACHIA WATER.**

10 (a) IN GENERAL.—The Secretary shall establish a
11 program for providing environmental assistance to non-
12 Federal interests in Central and North Central Appalachia
13 (as defined by the Appalachian Regional Commission).

14 (b) FORM OF ASSISTANCE.—Assistance under this
15 section may be in the form of design and construction as-
16 sistance for water-related environmental infrastructure
17 and resource protection and development projects in Cen-
18 tral and North Central Appalachia (as defined by the Ap-
19 palachian Regional Commission), including projects for
20 wastewater treatment and related facilities, water supply
21 and related facilities, and surface water resource protec-
22 tion and development.

23 (c) PUBLIC OWNERSHIP.—The Secretary may pro-
24 vide assistance for a project under this section only if the
25 project is publicly owned.

1 (d) LOCAL COOPERATION AGREEMENTS.—

2 (1) IN GENERAL.—Before providing assistance
3 under this section, the Secretary shall enter into a
4 local cooperation agreement with the non-Federal in-
5 terest to provide for design and construction of the
6 project to be carried out with the assistance.

7 (2) REQUIREMENTS.—Each local cooperation
8 agreement entered into under this subsection shall
9 provide for the following:

10 (A) PLAN.—Development by the Secretary,
11 in consultation with appropriate Federal and
12 State officials, of a facilities or resource protec-
13 tion and development plan, including appro-
14 priate engineering plans and specifications.

15 (B) LEGAL AND INSTITUTIONAL STRUC-
16 TURES.—Establishment of any legal and insti-
17 tutional structures as are necessary to ensure
18 the effective long-term operation of the project
19 by the non-Federal interest.

20 (3) COST SHARING.—

21 (A) IN GENERAL.—The Federal share of
22 the cost of a project carried out with assistance
23 under this section shall be 75 percent.

24 (B) CREDIT FOR DESIGN WORK.—The
25 non-Federal interest shall receive credit toward

1 the non-Federal share for the reasonable costs
2 of design work completed by the non-Federal
3 interest before entering into a local cooperation
4 agreement with the Secretary for a project.

5 (C) CREDIT FOR INTEREST.—In case of a
6 delay in the funding of the non-Federal share
7 of a project carried out with assistance under
8 this section, the non-Federal interest shall re-
9 ceive credit for reasonable interest incurred in
10 providing the non-Federal share of the cost of
11 the project.

12 (D) LAND, EASEMENTS, AND RIGHTS-OF-
13 WAY CREDIT.—The non-Federal interest shall
14 receive credit toward the non-Federal share for
15 land, easements, rights-of-way, and relocations
16 (including all reasonable costs associated with
17 obtaining permits necessary for the construc-
18 tion, operation, and maintenance of the project
19 on publicly owned or controlled land), not to ex-
20 ceed 25 percent of the total cost of the project.

21 (E) OPERATION AND MAINTENANCE.—The
22 non-Federal share of operation and mainte-
23 nance costs for a project carried out with as-
24 sistance under this section shall be 100 percent.

1 (e) APPLICABILITY OF OTHER FEDERAL AND STATE
2 LAWS.—Nothing in this section waives, limits, or other-
3 wise affects the applicability of any provision of Federal
4 or State law that would otherwise apply to a project to
5 be carried out with assistance under this section.

6 (f) NONPROFIT ENTITIES.—For the purposes of this
7 section, a non-Federal interest may include a nonprofit en-
8 tity with the consent of the affected local government.

9 (g) ADMINISTRATIVE COSTS.—Not more than 10 per-
10 cent of the amounts made available to carry out this sec-
11 tion may be used by the district offices of the Corps of
12 Engineers for the administrative costs of carrying out this
13 section.

14 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$120,000,000, to remain available until expended.

17 **SEC. 1052. REVIEWING HYDROPOWER AT CORPS OF ENGI-**
18 **NEERS FACILITIES.**

19 Section 1008 of the Water Resources Reform and De-
20 velopment Act of 2014 (33 U.S.C. 2321b) is amended by
21 adding at the end the following:

22 “(c) REVIEWING HYDROPOWER AT CORPS OF ENGI-
23 NEERS FACILITIES.—

24 “(1) DEFINITION OF ELIGIBLE NON-FEDERAL
25 INTEREST.—In this subsection, the term ‘eligible

1 non-Federal interest’ means a non-Federal interest
2 that owns or operates an existing non-Federal hy-
3 dropower facility at a Corps of Engineers project.

4 “(2) EVALUATION.—

5 “(A) IN GENERAL.—On the written re-
6 quest of an eligible non-Federal interest, the
7 Secretary shall conduct an evaluation to con-
8 sider operational changes at the applicable
9 project to facilitate production of non-Federal
10 hydropower, consistent with authorized project
11 purposes.

12 “(B) DEADLINE.—Not later than 180 days
13 after the date on which the Secretary receives
14 a written request under subparagraph (A), the
15 Secretary shall provide to the non-Federal in-
16 terest a written response to inform the non-
17 Federal interest—

18 “(i) that the Secretary has approved
19 the request to conduct an evaluation; or

20 “(ii) of any additional information
21 necessary for the Secretary to approve the
22 request to conduct an evaluation.

23 “(3) OPERATIONAL CHANGES.—An operational
24 change referred to in paragraph (2)(A) may in-
25 clude—

1 “(A) changes to seasonal pool levels;
2 “(B) modifying releases from the project;
3 and
4 “(C) other changes included in the written
5 request submitted under that paragraph that
6 enhance the usage of the project to facilitate
7 production of non-Federal hydropower, con-
8 sistent with authorized project purposes.

9 “(4) COST-SHARE.—The eligible non-Federal
10 interest shall pay 100 percent of the costs associated
11 with an evaluation under this subsection, including
12 the costs to prepare the report under paragraph (6).

13 “(5) DEADLINE.—The Secretary shall complete
14 an evaluation under this subsection by the date that
15 is not later than 1 year after the date on which the
16 Secretary begins the evaluation.

17 “(6) REPORT.—On completion of an evaluation
18 under this subsection, the Secretary shall submit to
19 the Committee on Environment and Public Works of
20 the Senate and the Committee on Transportation
21 and Infrastructure of the House of Representatives
22 a report on the effects of the operational changes
23 proposed by the non-Federal interest and examined
24 in the evaluation on the authorized purposes of the
25 project, including a description of any negative im-

1 pacts of the proposed operational changes on the au-
2 thorized purposes of the project.

3 “(7) SAVINGS PROVISION.—Nothing in this sub-
4 section—

5 “(A) affects, modifies, or changes the au-
6 thorized purposes of a Corps of Engineers
7 project; or

8 “(B) affects existing authorities of the
9 Corps of Engineers, including authorities with
10 respect to navigation, flood damage reduction,
11 environmental protection and restoration, and
12 other related purposes.”.

13 **SEC. 1053. ESTABLISHING PERMANENT FEATURES FROM**
14 **EMERGENCY RESPONSE MEASURES.**

15 (a) DEFINITIONS.—In this section:

16 (1) IMPACTED COMMUNITY.—The term “im-
17 pacted community” means an entity that has re-
18 ceived emergency flood fighting assistance under sec-
19 tion 5 of the Act of August 18, 1941 (commonly
20 known as the “Flood Control Act of 1941”) (55
21 Stat. 650, chapter 377; 33 U.S.C. 701n), that in-
22 volved the construction of a temporary structure.

23 (2) PERMANENT FEATURE.—The term “perma-
24 nent feature” means a structural or nonstructural
25 measure typical in a flood control project.

1 (3) SMALL OR DISADVANTAGED COMMUNITY.—

2 The term “small or disadvantaged community”
3 means a community—

4 (A) with a population of less than 10,000;

5 or

6 (B) that is—

7 (i) an economically distressed area (as
8 defined in section 1083(a)); or

9 (ii) at risk from repeat flooding
10 events.

11 (b) EVALUATION OF TEMPORARY STRUCTURES.—On
12 request of an impacted community, the Secretary shall
13 evaluate whether the temporary structure warrants con-
14 sideration for a permanent feature, in accordance with
15 subsection (c).

16 (c) CONSIDERATIONS.—In evaluating a temporary
17 structure under subsection (b), the Secretary shall con-
18 sider—

19 (1) the likelihood that a similar structure will
20 need to be constructed in the area in the future if
21 the temporary structure, or a similar structure, is
22 not made permanent;

23 (2) the extent to which similar structures have
24 been constructed in the area previously and re-
25 moved;

1 (3) the economic, safety, and environmental
2 benefits and impacts of establishing a permanent
3 feature in the watershed of the impacted community;

4 (4) the extent of the modifications necessary to
5 make the temporary structure a permanent feature;
6 and

7 (5) the costs of the modifications described in
8 paragraph (4).

9 (d) CONVERSION OF TEMPORARY STRUCTURES.—

10 (1) IN GENERAL.—After the Secretary com-
11 pletes an evaluation under subsection (b), if the Sec-
12 retary determines that the temporary structure
13 should become a permanent feature, or that a per-
14 manent feature would prevent damage similar to
15 damage prevented by the temporary structure, and
16 subject to paragraph (2), the Secretary shall begin
17 the planning and design of the permanent feature in
18 accordance with all applicable design and construc-
19 tion standards and legal requirements of the Sec-
20 retary, including all applicable environmental laws.

21 (2) PROJECT COST.—

22 (A) IN GENERAL.—The Secretary may
23 carry out the planning, design, and construction
24 of a project described in paragraph (1) if the

1 total construction cost of the project is not ex-
2 pected to exceed \$17,500,000.

3 (B) LARGE PROJECTS.—If the total con-
4 struction cost of a project described in para-
5 graph (1) is expected to be greater than
6 \$17,500,000, the Secretary—

7 (i) shall submit to Congress a request
8 to carry out the project in a manner simi-
9 lar to a Chief’s Report; and

10 (ii) may not carry out the project
11 until Congress authorizes the construction
12 of the project.

13 (C) DEMOLITION.—Demolition of a tem-
14 porary structure under this section shall be sub-
15 ject to the cost-share requirement under para-
16 graph (3), but the costs of that demolition shall
17 not be included in the total construction cost of
18 the project under subparagraphs (A) and (B).

19 (3) COST-SHARE.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the non-Federal share of the
22 cost of carrying out a project under this section
23 shall be not more than 35 percent.

24 (B) WAIVER FOR SMALL OR DISADVAN-
25 TAGED COMMUNITIES.—In carrying out a

1 project under this section in partnership with a
2 small or disadvantaged community, if the Sec-
3 retary determines that the life safety or eco-
4 nomic viability of the community would be
5 threatened without the project, the Secretary
6 shall reduce the non-Federal cost share applica-
7 ble to the project through a mutual agreement
8 between the Corps of Engineers and the non-
9 Federal interest, in an amount that is—

10 (i) not less than 10 percent of the
11 total project cost; and

12 (ii) up to 100 percent of the non-Fed-
13 eral cost share applicable to the project.

14 **SEC. 1054. STUDIES OF WATER RESOURCES DEVELOPMENT**
15 **PROJECTS BY NON-FEDERAL INTERESTS.**

16 Section 203 of the Water Resources Development Act
17 of 1986 (33 U.S.C. 2231) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by inserting “or con-
20 duct a feasibility study on modifications or im-
21 provements to a project constructed by the
22 Corps of Engineers” after “water resources de-
23 velopment project”; and

24 (B) in paragraph (2), by striking “for fea-
25 sibility studies” and all that follows through the

1 period at the end and inserting “for feasibility
2 studies of water resources development projects
3 conducted by non-Federal interests to provide
4 sufficient information for the formulation of the
5 studies, including processes and procedures re-
6 lated to reviews and assistance under subsection
7 (e).”; and

8 (2) in subsection (e)(2)—

9 (A) by striking “At the request” and in-
10 sserting the following:

11 “(A) IN GENERAL.—At the request”; and

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

13 “(B) INCLUSION.—Technical assistance
14 under subparagraph (A) may include any as-
15 sistance that does not conflict with any other
16 Federal law (including regulations).”.

17 **SEC. 1055. SUBSURFACE DRAIN SYSTEMS RESEARCH AND**
18 **DEVELOPMENT.**

19 (a) IN GENERAL.—Subject to the availability of ap-
20 propriations, the Secretary, acting through the Director
21 of the Engineer Research and Development Center, shall
22 carry out research and development activities relating to
23 the use of subsurface drain systems as—

24 (1) a flood risk-reduction measure; or

25 (2) a coastal storm risk-reduction measure.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$5,000,000, to remain available until expended.

4 **SEC. 1056. LIMITATION ON CONTRACT EXECUTION IN THE**
5 **ARKANSAS RIVER BASIN.**

6 (a) DEFINITION OF COVERED CONTRACT.—In this
7 section, the term “covered contract” means a contract be-
8 tween any local governmental entity and the Secretary for
9 water supply storage in a hydropower lake within the Ar-
10 kansas River Basin.

11 (b) LIMITATION.—For any new covered contract for
12 a hydropower lake that is entered into during the period
13 beginning on the date of enactment of this Act and ending
14 on December 31, 2022, a local governmental entity shall
15 not pay more than 110 percent of the initial principal cost
16 for the acre-feet being sought for the new covered contract
17 for that hydropower lake.

18 **SEC. 1057. SUPPORT FOR MITIGATION EFFORTS FOR SMALL**
19 **DAMS IN NATIONAL HERITAGE CORRIDORS.**

20 In carrying out a project for ecosystem restoration,
21 the Secretary is authorized to formulate and carry out fish
22 passage measures at a dam associated with a small hydro-
23 electric power project that are otherwise the legal obliga-
24 tion of the hydroelectric power project licensee or exemp-
25 tion holder to provide under the Federal Power Act (16

1 U.S.C. 791a et seq.), if the ecosystem restoration project
2 is located in a National Heritage Area located within the
3 boundaries of the North Atlantic Division of the Corps of
4 Engineers.

5 **SEC. 1058. REPORT ON BARRIERS TO INFRASTRUCTURE DE-**
6 **VELOPMENT AT UNITED STATES PORTS.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Secretary, in consultation with the heads
9 of all relevant Federal agencies, shall submit to Congress
10 a report on—

11 (1) the barriers to infrastructure and capital
12 improvement projects faced by ports and port au-
13 thorities;

14 (2) the impact those barriers have on the stra-
15 tegic competitiveness of ports of the United States;
16 and

17 (3) recommendations to reduce those barriers.

18 **SEC. 1059. RYE HARBOR, NEW HAMPSHIRE, NAVIGATION IM-**
19 **PROVEMENT PROJECT.**

20 The Secretary shall expedite authorized activities to
21 address the impacts of shoaling affecting the project for
22 navigation, Rye Harbor, New Hampshire, authorized by
23 section 101 of the River and Harbor Act of 1960 (74 Stat.
24 480).

1 **SEC. 1060. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

2 Section 1312 of the America’s Water Infrastructure
3 Act of 2018 (132 Stat. 3821) is amended by striking “De-
4 cember 31, 2021” and inserting “September 30, 2024”.

5 **SEC. 1061. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
6 **PROGRAM, COLORADO, NEW MEXICO, AND**
7 **TEXAS.**

8 Section 5056(f) of the Water Resources Development
9 Act of 2007 (121 Stat. 1214; 128 Stat. 1315) is amended
10 by striking “2019” and inserting “2024”.

11 **SEC. 1062. RESTORATION OF ABANDONED SITES.**

12 Section 560(f) of the Water Resources Development
13 Act of 1999 (33 U.S.C. 2336(f)) is amended by striking
14 “\$20,000,000” and inserting “\$30,000,000, to remain
15 available until expended”.

16 **SEC. 1063. RURAL WESTERN WATER.**

17 (a) IN GENERAL.—Section 595(i) of the Water Re-
18 sources Development Act of 1999 (113 Stat. 383; 128
19 Stat. 1613; 130 Stat. 1681) is amended by striking
20 “\$435,000,000” and inserting “\$500,000,000”.

21 (b) PROGRAM MANAGER.—The Secretary shall ap-
22 point a headquarters employee of the Corps of Engineers
23 as a Program Manager, who shall be responsible for man-
24 aging the environmental infrastructure program under
25 section 595 of the Water Resources Development Act of
26 1999 (113 Stat. 383).

1 **SEC. 1064. THAD COCHRAN LOCK AND DAM.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that Thad Cochran, whose selfless determination
4 and tireless work, while serving as a congressman and
5 United States Senator from Mississippi for 45 years, con-
6 tributed greatly to the realization and success of the Ten-
7 nessee-Tombigbee Waterway.

8 (b) DESIGNATION.—The lock and dam located at
9 mile 371 on the Tennessee-Tombigbee Waterway, Mis-
10 sissippi, shall be known and designated as the “Thad
11 Cochran Lock and Dam”.

12 (c) REFERENCES.—Any reference in a law, map, reg-
13 ulation, document, paper, or other record of the United
14 States to the lock and dam referred to in subsection (b)
15 shall be deemed to be a reference to the “Thad Cochran
16 Lock and Dam”.

17 **SEC. 1065. REPORT ON CORPS OF ENGINEERS FACILITIES**
18 **IN APPALACHIA.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary, in collaboration with the Appa-
21 lachian Regional Commission established by section
22 14301(a) of title 40, United States Code, shall submit to
23 the Committee on Environment and Public Works of the
24 Senate and the Committee on Transportation and Infra-
25 structure of the House of Representatives a report that
26 identifies each Corps of Engineers facility that—

1 (1) is located within a distressed county (as
2 designated by the Appalachian Regional Commission
3 pursuant to section 14526(a)(1)(A) of title 40,
4 United States Code), with an emphasis on counties
5 that have experienced job loss in the mining, textiles,
6 or timber industry; and

7 (2) could be improved for purposes of economic
8 development, recreation, or other uses.

9 **SEC. 1066. REPORT ON CORPS OF ENGINEERS HYDRO-**
10 **POWER FACILITIES IN APPALACHIA.**

11 (a) IN GENERAL.—The Secretary, in collaboration
12 with the Appalachian Regional Commission established by
13 section 14301(a) of title 40, United States Code, the Sec-
14 retary of Energy, and the Federal Energy Regulatory
15 Commission, shall conduct a study—

16 (1) to determine the potential, at Corps of En-
17 gineers facilities that are located within a county
18 that is identified by the Appalachian Regional Com-
19 mission as a distressed county or an at-risk county
20 under subparagraph (A) or (B) of section
21 14526(a)(1) of title 40, United States Code, for—

22 (A) testing, evaluating, piloting, dem-
23 onstrating, or deploying hydropower or energy
24 storage technologies; and

25 (B) powering non-powered dams; and

1 (2) to identify previously proposed dam sites in
2 distressed counties (as designated by the Appa-
3 lachian Regional Commission pursuant to section
4 14526(a)(1)(A) of title 40, United States Code) that
5 may be suitable for activities described in subpara-
6 graphs (A) and (B) of paragraph (1).

7 (b) COORDINATION.—In carrying out the study under
8 subsection (a), the Secretary shall coordinate with any rel-
9 evant National Laboratories.

10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, the Secretary, in collaboration
12 with the Appalachian Regional Commission established by
13 section 14301(a) of title 40, United States Code, the Sec-
14 retary of Energy, and the Federal Energy Regulatory
15 Commission, shall submit a report on the results of the
16 study under subsection (a) to—

17 (1) the Committee on Environment and Public
18 Works of the Senate;

19 (2) the Committee on Transportation and In-
20 frastructure of the House of Representatives;

21 (3) the Committee on Energy and Natural Re-
22 sources of the Senate; and

23 (4) the Committee on Energy and Commerce of
24 the House of Representatives.

1 **SEC. 1067. HARRIS COUNTY, TEXAS.**

2 Section 575 of the Water Resources Development Act
3 of 1996 (110 Stat. 3789; 113 Stat. 311; 121 Stat. 1253)
4 is repealed.

5 **SEC. 1068. IDENTIFICATION OF NONPOWERED DAMS FOR**
6 **HYDROPOWER DEVELOPMENT.**

7 The Secretary shall expedite completion of the list re-
8 quired under section 1206 of the America's Water Infra-
9 structure Act of 2018 (132 Stat. 3806).

10 **SEC. 1069. INLAND WATERWAY TRANSPORTATION.**

11 Section 102 of the Water Resources Development Act
12 of 1986 (33 U.S.C. 2212) is amended by striking sub-
13 section (a) and inserting the following:

14 “(a) CONSTRUCTION.—

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

17 “(A) planning, design, engineering, and
18 surveying;

19 “(B) the acquisition of all land, easements,
20 and rights-of-way necessary for the project, in-
21 cluding land for disposal of dredged material;
22 and

23 “(C) relocations necessary for the project.

24 “(2) COST-SHARE.—Except as provided in
25 paragraph (3), with respect to the cost of construc-

1 tion or major rehabilitation of a project for naviga-
2 tion on an inland waterway—

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

6 “(B) 35 percent shall be paid from
7 amounts appropriated from the Inland Water-
8 ways Trust Fund.

9 “(3) CERTAIN PROJECTS.—

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

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

16 “(ii) 50 percent shall be paid from
17 amounts appropriated from the Inland Wa-
18 terways Trust Fund.

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

21 “(i) a project authorized by title III;

22 “(ii) a project authorized by section
23 652(j); and

1 “(iii) a project authorized by section
2 844, with respect to the construction costs
3 allocated to inland navigation.

4 “(4) APPLICATION.—

5 “(A) IN GENERAL.—This subsection shall
6 apply to the construction or major rehabilita-
7 tion of a project for navigation on an inland
8 waterway—

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

11 “(ii) for which the construction or
12 major rehabilitation has not been initiated
13 or completed by the date of enactment of
14 the America’s Water Infrastructure Act of
15 2020.

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

1 **SEC. 1070. FEDERAL INTEREST DETERMINATION.**

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

5 “(b) FEDERAL INTEREST DETERMINATION.—

6 “(1) IN GENERAL.—Before initiating a study
7 under subsection (a), the Secretary shall determine
8 the Federal interest in carrying out the study and
9 the projects that may be proposed in the study.

10 “(2) COST-SHARE.—The costs of a determina-
11 tion under paragraph (1)—

12 “(A) shall be at full Federal expense; and

13 “(B) shall not exceed \$100,000.

14 “(3) DEADLINE.—

15 “(A) IN GENERAL.—A determination
16 under paragraph (1) shall be completed by not
17 later than 120 days after the date on which
18 funds are made available to the Secretary for
19 the determination.

20 “(B) TREATMENT.—

21 “(i) TIMING.—The period during
22 which the determination is being completed
23 under paragraph (1) for a study shall not
24 be included for purposes of the deadline to
25 complete a final feasibility report under
26 section 1001(a)(1) of the Water Resources

1 Reform and Development Act of 2014 (33
2 U.S.C. 2282c(a)(1)).

3 “(ii) COST.—The cost of a determina-
4 tion under paragraph (1) shall not be in-
5 cluded for purposes of the maximum Fed-
6 eral cost under section 1001(a)(2) of the
7 Water Resources Reform and Development
8 Act of 2014 (33 U.S.C. 2282c(a)(2)).”.

9 **SEC. 1071. REPORT ON SINGLE LEVEE STANDARD.**

10 Not later than 180 days after the date of enactment
11 of this Act, the Secretary, in coordination with the Admin-
12 istrator of the Federal Emergency Management Agency,
13 shall submit to the Committee on Environment and Public
14 Works of the Senate and the Committee on Transpor-
15 tation and Infrastructure of the House of Representatives
16 a report on—

17 (1) the differences between the levee standards
18 of the Corps of Engineers and levee standards of the
19 Federal Emergency Management Agency; and

20 (2) whether those differences create uncertainty
21 for levee management purposes.

22 **SEC. 1072. SOUTH ATLANTIC COASTAL STUDY.**

23 Section 1204 of the Water Infrastructure Improve-
24 ments for the Nation Act (130 Stat. 1685) is amended—

1 (1) by redesignating subsection (c) as sub-
2 section (e);

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

5 “(c) ANNUAL BRIEFINGS.—The Secretary shall pro-
6 vide to the Committee on Environment and Public Works
7 of the Senate and the Committee on Transportation and
8 Infrastructure of the House of Representatives an annual
9 progress briefing on the status of the study under sub-
10 section (a), on a State-by-State basis, including informa-
11 tion on the engagement of the Corps of Engineers with
12 non-Federal interests, including detailed lists of all meet-
13 ings and decision outcomes associated with those engage-
14 ments.

15 “(d) ANNUAL REPORTS.—Not less frequently than
16 annually and not later than 180 days after the annual
17 briefing under subsection (c), the Secretary shall submit
18 to the Committee on Environment and Public Works of
19 the Senate and the Committee on Transportation and In-
20 frastructure of the House of Representatives a report on
21 the status of the study under subsection (a), on a State-
22 by-State basis, including information on the engagement
23 of the Corps of Engineers with non-Federal interests, in-
24 cluding detailed lists of all meetings and decision outcomes
25 associated with those engagements.”; and

1 (3) in subsection (e) (as so redesignated), in the
2 heading, by inserting “FINAL” before “REPORT”.

3 **SEC. 1073. COMPLETION OF REPORTS.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated to the Secretary \$50,000,000, to remain available
6 until expended, for the completion of any report—

7 (1) required under a provision described in sub-
8 section (b); and

9 (2) for which appropriations were not or are
10 not otherwise provided.

11 (b) PROVISIONS DESCRIBED.—A provision referred
12 to in subsection (a)(1) is any of the following:

13 (1) The Water Resources Reform and Develop-
14 ment Act of 2014 (Public Law 113–121; 128 Stat.
15 1193).

16 (2) The Water Infrastructure Improvements for
17 the Nation Act (Public Law 114–322; 130 Stat.
18 1628).

19 (3) The America’s Water Infrastructure Act of
20 2018 (Public Law 115–270; 132 Stat. 3765).

21 (4) This Act.

22 (5) Any amendments made by an Act described
23 in paragraphs (1) through (4).

1 **SEC. 1074. DELEGATION OF WORK FOR COMPREHENSIVE**
2 **EVERGLADES RESTORATION PLAN**
3 **PROJECTS.**

4 Section 601(e) of the Water Resources Development
5 Act of 2000 (114 Stat. 2684) is amended by adding at
6 the end the following:

7 “(6) DELEGATION OF WORK; TRANSFER OF
8 FUNDS.—

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

18 “(i) the non-Federal sponsor to con-
19 struct, or design and construct, the project
20 or separable element in accordance with
21 the construction plans and specifications
22 approved by the Division Commander; and

23 “(ii) the Secretary to transfer to the
24 non-Federal sponsor funds up to an
25 amount equal to the Federal share under

1 paragraph (1) of the cost of carrying out
2 the project or separable element.

3 “(B) TECHNICAL ASSISTANCE.—The Sec-
4 retary is authorized—

5 “(i) to provide to the non-Federal
6 sponsor technical assistance, including any
7 technical assistance necessary for the
8 project to achieve compliance with statu-
9 tory, regulatory, and program require-
10 ments; and

11 “(ii) to fund the costs of providing the
12 technical assistance described in clause (i)
13 using amounts made available for the
14 project or separable element, subject to the
15 condition that the total amount authorized
16 for transfer to the non-Federal sponsor
17 under subparagraph (A)(ii) is reduced by
18 such amount.

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

23 “(i) all Federal environmental laws
24 and regulations that would be applicable to

1 the project or separable element if carried
2 out by the Secretary;

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

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

7 “(iv) any other terms and conditions
8 that the Division Commander determines
9 to be advisable, as determined in consulta-
10 tion with the non-Federal sponsor and in
11 accordance with existing Federal regula-
12 tions.”.

13 **SEC. 1075. MATERIAL BREACHES OF CONTRACT.**

14 In a case in which the Armed Services Board of Con-
15 tract Appeals or other court of competent jurisdiction has
16 rendered a decision during the period beginning on De-
17 cember 1, 2017, and ending on December 31, 2022,
18 awarding damages to a contractor relating to the adju-
19 dication of claims arising from the construction of general
20 navigation features of an authorized project, notwith-
21 standing the terms of the Project Partnership Agreement,
22 the Secretary shall waive payment of the share of the non-
23 Federal interest of those damages, including attorney’s
24 fees, if—

1 (1) the contracting officer was instructed by the
2 Corps of Engineers to modify the terms of the con-
3 tract or terminate the contract; and

4 (2) the Armed Services Board of Contract Ap-
5 peals or a court of competent jurisdiction determined
6 that the failure of the contracting officer to timely
7 take the action described in paragraph (1) was a
8 material breach of the contract that resulted in dam-
9 ages to the contractor awarded by the Armed Serv-
10 ices Board of Contract Appeals or the court, as ap-
11 plicable.

12 **SEC. 1076. REPAIR AND RESTORATION OF EMBANKMENTS.**

13 The Secretary is authorized to repair and restore any
14 portion of an embankment that is adjacent to the shoreline
15 of a reservoir project operated by the Secretary for which
16 damage to, or the failure of, the embankment has ad-
17 versely affected a roadway that the Secretary has relo-
18 cated for construction of the reservoir, notwithstanding—

19 (1) the cause of the damage to, or the failure
20 of, the embankment;

21 (2) ownership of the embankment; or

22 (3) any obligation of a non-Federal interest to
23 operate and maintain the roadway under a reloca-
24 tion agreement with the Secretary.

1 **SEC. 1077. NON-FEDERAL INTEREST REPAYMENT OBLIGA-**
2 **TIONS.**

3 Section 103 of the Water Resources Development Act
4 of 1986 (33 U.S.C. 2213) is amended by adding at the
5 end the following:

6 “(o) NON-FEDERAL INTEREST REPAYMENT OBLIGA-
7 TIONS.—

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

11 “(A) initiated on or after September 8,
12 2005; and

13 “(B) for which there is a delay of 5 or
14 more years beyond the completion date estab-
15 lished in the project partnership agreement for
16 the project.

17 “(2) INTEREST DURING CONSTRUCTION
18 DELAYS.—

19 “(A) IN GENERAL.—Notwithstanding the
20 second sentence of subsection (k), on request of
21 the non-Federal interest for a covered project,
22 the Secretary and the non-Federal interest may
23 renegotiate the repayment terms and condi-
24 tions, including—

25 “(i) recalculation of the interest rate;

1 “(ii) forgiveness of construction inter-
2 est accrued during a project delay; and

3 “(iii) a credit against construction in-
4 terest for a non-Federal investment that
5 benefits the covered project.

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

11 “(i) beginning on the date on which
12 the non-Federal interest makes the re-
13 quest; and

14 “(ii) ending on the date on which the
15 terms and conditions for the repayment of
16 construction interest are finalized.

17 “(3) CREDIT FOR NON-FEDERAL CONTRIBU-
18 TION.—The Secretary is authorized to credit any
19 costs incurred by the non-Federal interest (including
20 in-kind contributions) to remedy a design or con-
21 struction deficiency of a covered project toward the
22 non-Federal share of the cost of the covered project,
23 if the Secretary determines the remedy to be integral
24 to the completion of the covered project.”.

1 **SEC. 1078. GREAT LAKES CONFINED DISPOSAL FACILITIES.**

2 (a) MITIGATION.—The Secretary shall, to the max-
3 imum extent practicable, relocate access to a confined dis-
4 posal facility owned or operated by a non-Federal interest
5 in the Great Lakes region in which material dredged by
6 the Corps of Engineers is placed, if the Administrator of
7 the Federal Aviation Administration regulates access to
8 the confined disposal facility under title 14, Code of Fed-
9 eral Regulations.

10 (b) COST-SHARE.—The cost to relocate access to a
11 confined disposal facility under subsection (a) shall be
12 shared in accordance with the cost-share applicable to op-
13 eration and maintenance of the Federal navigation project
14 from which material placed in the confined disposal facility
15 is dredged.

16 (c) TERMINATION.—The authority provided under
17 this section shall terminate on December 31, 2024.

18 **SEC. 1079. COASTAL MAPPING.**

19 Section 516 of the Water Resources Development Act
20 of 1996 (33 U.S.C. 2326b) is amended—

21 (1) by redesignating subsection (g) as sub-
22 section (h);

23 (2) by inserting after subsection (f) the fol-
24 lowing:

25 “(g) COASTAL MAPPING.—The Secretary shall de-
26 velop and carry out a plan for the recurring mapping of

1 coastlines that are experiencing rapid change, including,
2 at a minimum, such coastlines in—

3 “(1) Alaska;

4 “(2) Hawaii; and

5 “(3) any territory or possession of the United
6 States.”; and

7 (3) in subsection (h) (as so redesignated), by
8 adding at the end the following:

9 “(3) COASTAL MAPPING.—In addition to
10 amounts made available under paragraph (1), there
11 is authorized to be appropriated to carry out sub-
12 section (g) with respect to Alaska, Hawaii, and the
13 territories and possessions of the United States,
14 \$10,000,000, to remain available until expended.”.

15 **SEC. 1080. DISPOSAL OF DREDGED MATERIALS.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Secretary shall amend
18 parts 335 through 338 of title 33, Code of Federal Regu-
19 lations, to ensure that, when evaluating the placement of
20 dredged materials from operation and maintenance of
21 water resources development projects, the Corps of Engi-
22 neers shall consider—

23 (1) the suitability of the material to be dredged
24 for a full range of beneficial uses; and

1 (2) the economic and environmental benefits
2 and impacts, and feasibility, of using the material
3 for those beneficial uses.

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

8 (1) the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.);

10 (2) the Federal Water Pollution Control Act
11 (33 U.S.C. 1251 et seq.); and

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

14 **SEC. 1081. UPPER MISSOURI RIVER BASIN MAINSTEM DAM**
15 **FISH LOSS RESEARCH.**

16 (a) IN GENERAL.—As part of the program under sec-
17 tion 22 of the Water Resources Development Act of 1974
18 (42 U.S.C. 1962d–16), the Secretary shall conduct re-
19 search on the management of fish losses through the
20 mainstem dams of the Missouri River Basin during peri-
21 ods of high flow.

22 (b) CONTENTS.—The research under subsection (a)
23 shall include an examination of—

1 (1) the effects of high flow rates through Upper
2 Missouri River Basin mainstem dam outlet works on
3 fish passage;

4 (2) options used by other Corps of Engineers
5 district offices to mitigate fish losses through dams;
6 and

7 (3) the feasibility of implementing fish loss
8 mitigation options in the Upper Missouri River
9 Basin mainstem dams based on similar ongoing
10 studies.

11 (c) REPORT.—Not later than 18 months after the
12 date of enactment of this Act, the Secretary shall submit
13 to the Committee on Transportation and Infrastructure
14 of the House of Representatives and the Committee on
15 Environment and Public Works of the Senate a report rec-
16 ommending a plan to address fish losses through
17 mainstem dams in the Upper Missouri River Basin.

18 **SEC. 1082. BRIEFINGS ON DISSEMINATION OF INFORMA-**
19 **TION.**

20 Section 1104(b) of the America's Water Infrastruc-
21 ture Act of 2018 (33 U.S.C. 2282d note; Public Law 115–
22 270) is amended—

23 (1) by redesignating paragraphs (1) through
24 (4) as subparagraphs (A) through (D), respectively,
25 and indenting appropriately;

1 (2) in the matter preceding subparagraph (A)
2 (as so redesignated), by striking “The Secretary”
3 and inserting the following:

4 “(1) IN GENERAL.—The Secretary”; and
5 (3) by adding at the end the following:

6 “(2) BRIEFINGS.—Not less frequently than an-
7 nually, the Secretary shall provide to the Committee
8 on Environment and Public Works of the Senate
9 and the Committee on Transportation and Infra-
10 structure of the House of Representatives a briefing
11 on the progress of the implementation of paragraph
12 (1), including a description of each action the Sec-
13 retary is taking to implement that paragraph.

14 “(3) GUIDANCE; COMPLIANCE.—The Secretary
15 shall—

16 “(A) issue guidance on the uniform imple-
17 mentation of the process under section 7001 of
18 the Water Resources Reform and Development
19 Act of 2014 (33 U.S.C. 2282d) by each district
20 of the Corps of Engineers; and

21 “(B) each year, ensure compliance with the
22 guidance under subparagraph (A).”.

1 **SEC. 1083. CORPS OF ENGINEERS PROJECTS IN UNDER-**
2 **SERVED COMMUNITIES, ECONOMICALLY DIS-**
3 **TRESSED AREAS, OR RURAL AREAS.**

4 (a) DEFINITIONS.—In this section:

5 (1) ECONOMICALLY DISTRESSED AREA.—The
6 term “economically distressed area” means an area
7 that has—

8 (A) a per capita income of 80 percent or
9 less of the national per capita income; or

10 (B) an unemployment rate that is, for the
11 most recent 24-month period for which data is
12 available, at least 1 percent greater than the
13 national average unemployment rate.

14 (2) RURAL AREA.—The term “rural area”
15 means an area not included in an urbanized area or
16 urban cluster, as determined by the Director of the
17 Census Bureau.

18 (3) UNDERSERVED COMMUNITY.—The term
19 “underserved community” means a city, town, or
20 other incorporated or unincorporated political sub-
21 division of a State that provides general local gov-
22 ernment for a population of less than 100,000.

23 (b) RECOMMENDATION OF PROJECTS.—The Sec-
24 retary may recommend a project without the need to dem-
25 onstrate that the project is justified by national economic
26 development benefits if the Secretary determines that—

1 (1) the community to be served by the project
2 is an underserved community, is in an economically
3 distressed area, or is in a rural area;

4 (2) the long-term life safety, economic viability,
5 and environmental sustainability of the community
6 would be threatened without the project; and

7 (3) in the case of a project in an underserved
8 community, the benefits of the project are typically
9 more local or regional in nature.

10 (c) **ECONOMIC CONSIDERATION.**—The economic eval-
11 uation of a project under subsection (b) shall include—

12 (1) monetary benefits; and

13 (2) nonmonetary benefits.

14 (d) **PRIORITIZATION.**—A project recommended by the
15 Secretary under subsection (b) shall be given equivalent
16 budget consideration and priority as projects rec-
17 ommended by national economic development benefits.

18 (e) **LIMITATIONS.**—Nothing in this section affects,
19 preempts, or interferes with any obligation to comply with
20 the provisions of any Federal environmental law, includ-
21 ing—

22 (1) the National Environmental Policy Act of
23 1969 (42 U.S.C. 4321 et seq.);

24 (2) the Federal Water Pollution Control Act

25 (33 U.S.C. 1251 et seq.); and

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

3 **SEC. 1084. INTERIM RISK REDUCTION MEASURES.**

4 (a) IN GENERAL.—In the case of any interim risk
5 reduction measure for dam safety purposes that was eval-
6 uated in a final environmental assessment completed dur-
7 ing the period beginning on March 18, 2019, and ending
8 on the date of enactment of this Act, the Secretary shall
9 carry out a reevaluation of the measure in a timely man-
10 ner if the final environmental assessment did not consider
11 in detail at least—

12 (1) 1 operational water control plan change al-
13 ternative;

14 (2) 1 action alternative other than an oper-
15 ational water control plan change; and

16 (3) the no action alternative.

17 (b) COORDINATION.—The alternatives described in
18 subsection (a) shall be developed in coordination with Fed-
19 eral agencies, States, units of local government, and other
20 non-Federal interests that have existing water obligations
21 that would be directly affected by implementation of an
22 interim risk reduction measure referred to in that sub-
23 section.

24 (c) IMPLEMENTATION PRIOR TO REEVALUATION.—
25 Nothing in this section prohibits the Secretary from imple-

1 menting an interim risk reduction measure evaluated in
2 a final environmental assessment during the period begin-
3 ning on March 18, 2019, and ending on the date of enact-
4 ment of this Act prior to the completion of the reevalua-
5 tion under subsection (a).

6 **SEC. 1085. MAINTENANCE DREDGING PERMITS.**

7 (a) IN GENERAL.—The Secretary shall prioritize the
8 reissuance of any regional general permit for maintenance
9 dredging that expires prior to May 1, 2021, and shall use
10 best efforts to ensure the reissuance prior to expiration
11 of such a regional general permit for maintenance dredg-
12 ing.

13 (b) SAVINGS PROVISION.—Nothing in this section af-
14 fects, preempts, or interferes with any obligation to com-
15 ply with the provisions of any Federal or State environ-
16 mental law, including—

17 (1) the National Environmental Policy Act of
18 1969 (42 U.S.C. 4321 et seq.);

19 (2) the Federal Water Pollution Control Act
20 (33 U.S.C. 1251 et seq.); and

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

23 **SEC. 1086. TECHNICAL CORRECTION.**

24 The project for navigation, Theodore Ship Channel,
25 Mobile Harbor, Alabama, authorized by section 112 of the

1 Water Resources Development Act of 1976 (90 Stat.
2 2923) is revised to correct a technical error and to des-
3 ignate the 40 foot deep, 300 foot wide, and 1,200 foot
4 long anchorage basin located adjacent to the main ship
5 channel near the bay shoreline as a 40 foot deep, 1,320
6 foot wide, and approximately 1,468.5 foot long access
7 channel extending north from stations 257+25 and
8 273+25 from the Theodore Channel to serve the public
9 terminal as obligated under that Act.

10 **SEC. 1087. ANNUAL DEBRIS REMOVAL.**

11 (a) IN GENERAL.—Not later than December 31 of
12 each year, the Secretary shall submit to the Committee
13 on Environment and Public Works of the Senate and the
14 Committee on Transportation and Infrastructure of the
15 House of Representatives a report that identifies the ac-
16 tivities the Secretary plans to start, continue, or complete
17 during the upcoming year pursuant to authority provided
18 to the Secretary under section 3 of the Act of March 2,
19 1945 (59 Stat. 23, chapter 19; 33 U.S.C. 603a), or an-
20 other debris removal authority of the Secretary.

21 (b) INCLUSIONS.—The report under subsection (a)
22 shall include—

23 (1) a list of debris removal activities to be start-
24 ed, continued, or completed during the upcoming fis-

1 cal year within the boundaries of the North Atlantic
2 Division of the Corps of Engineers;

3 (2) the authority under which the debris re-
4 moval activity is to be carried out;

5 (3) estimated total costs and completion dates
6 for each activity; and

7 (4) the non-Federal partner for each activity.

8 **SEC. 1088. ENHANCED DEVELOPMENT DEMONSTRATION**
9 **PROGRAM.**

10 (a) IN GENERAL.—The Secretary is directed to re-
11 view the master plan and shoreline management plan for
12 any lake described in section 3134 of the Water Resources
13 Development Act of 2007 (121 Stat. 1142; 130 Stat.
14 1671) for the purpose of identifying areas suitable for en-
15 hanced development if—

16 (1) the master plan and shoreline management
17 plan of the lake have been updated since January 1,
18 2013; and

19 (2) the district office of the Corps of Engineers
20 has received a written request for such a review.

21 (b) DEFINITION OF ENHANCED DEVELOPMENT.—In
22 this section, the term “enhanced development” means
23 structures or other improvements used for non-water-de-
24 pendent commercial or hospitality industry purposes or for
25 residential or recreational purposes.

1 (c) LEASE AUTHORITY.—The Secretary is authorized
2 to lease Federal land under the jurisdiction of the Sec-
3 retary pursuant to this section for such terms as the Sec-
4 retary determines to be advisable to permit enhanced de-
5 velopment in areas approved for such uses under sub-
6 section (a).

7 (d) USE OF COMPETITIVE PROCEDURES.—The Sec-
8 retary shall require use of competitive procedures for
9 leases authorized under subsection (c).

10 (e) CONSIDERATIONS.—For leases authorized under
11 subsection (c), the Secretary shall—

12 (1) require payment of at least fair market
13 value, up to 50 percent of which amount may be
14 provided in-kind at the discretion of the Secretary;

15 (2) enter into a partnership agreement with a
16 private entity;

17 (3) consider lease durations of up to 100 years;
18 and

19 (4) consider regional economic impacts.

20 (f) TYPES OF IN-KIND CONSIDERATION.—The Sec-
21 retary is authorized to accept as in-kind consideration
22 under subsection (e)(1)—

23 (1) the maintenance, protection, alteration, re-
24 pair, improvement, or restoration of public recre-

1 ation facilities under the control of the Secretary;
2 and

3 (2) construction of new public recreation facili-
4 ties.

5 (g) DISPOSITION OF PROCEEDS.—Notwithstanding
6 section 7 of the Act of August 18, 1941 (55 Stat. 650,
7 chapter 377; 33 U.S.C. 701c–3), all proceeds received
8 from issuance of leases authorized under subsection (c)
9 shall be deposited in a special account in the Treasury
10 established for the Secretary and shall be available for the
11 following activities at the lake specified in a lease entered
12 into under this section:

13 (1) Natural resource and recreation manage-
14 ment.

15 (2) The investigation, planning, construction,
16 operation, and maintenance of public recreation fa-
17 cilities.

18 (h) PAYMENT OF ADMINISTRATIVE EXPENSES.—The
19 Secretary shall recover the administrative expenses associ-
20 ated with leases authorized under subsection (c) in accord-
21 ance with section 2695 of title 10, United States Code.

22 **SEC. 1089. REPORT ON BENEFITS CALCULATION FOR**
23 **FLOOD CONTROL STRUCTURES.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Secretary shall submit to the Committee

1 on Environment and Public Works of the Senate and the
2 Committee on Transportation and Infrastructure of the
3 House of Representatives a report on the extent to which
4 flood insurance premium reductions that result from im-
5 plementation of a structural flood risk management
6 project are included in the calculation of the benefits of
7 the project by the Corps of Engineers.

8 **SEC. 1090. HIGH WATER-LOW WATER PREPAREDNESS.**

9 (a) DEFINITION OF BYPASS.—In this section, the
10 term “bypass” means an alternate water route adjacent
11 to a lock and dam that can be used for commercial naviga-
12 tion during high water conditions.

13 (b) EMERGENCY DETERMINATION.—

14 (1) IN GENERAL.—The Secretary, in consulta-
15 tion with the District Commanders responsible for
16 maintaining any affected waterway, the Inland Wa-
17 terway Users Board, and the Coast Guard, may
18 make a determination that an emergency condition
19 described in paragraph (2) exists, or is anticipated
20 to exist, on an inland navigable waterway or a by-
21 pass.

22 (2) EMERGENCY CONDITIONS.—An emergency
23 condition includes not less than 1 of the following:

24 (A) Unsafe conditions on an inland navi-
25 gable waterway or a bypass that prevents the

1 operation of commercial vessels as a result of a
2 major change in water level or flows.

3 (B) An obstruction in an inland navigable
4 waterway or a bypass, including silt, sediment,
5 rock formation, or a shallow channel.

6 (C) An impaired or inoperable Federal lock
7 and dam.

8 (c) EMERGENCY MITIGATION PROJECT.—

9 (1) IN GENERAL.—Subject to paragraph (2)
10 and the availability of appropriations and in accord-
11 ance with all applicable Federal requirements, the
12 Secretary may carry out an emergency mitigation
13 project on an inland navigable waterway or a bypass
14 for which the Secretary has determined that an
15 emergency condition exists, or is anticipated to exist,
16 under subsection (b)(1) to remedy or prevent that
17 emergency condition.

18 (2) DEADLINE.—An emergency mitigation
19 project under paragraph (1) shall—

20 (A) be initiated by not later than 60 days
21 after the date on which the Secretary makes a
22 determination under subsection (b)(1) with re-
23 spect to the inland navigable waterway or by-
24 pass on which the project will be carried out;
25 and

1 (B) be completed by not later than 1 year
2 after the date on which the Secretary makes a
3 determination under subsection (b)(1) with re-
4 spect to the inland navigable waterway or by-
5 pass on which the project will be carried out.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Secretary to carry
8 out this section \$25,000,000 for each of fiscal years 2022
9 through 2024, to remain available until expended.

10 **SEC. 1091. EAST ROCKAWAY INLET TO ROCKAWAY INLET**
11 **AND JAMAICA BAY REFORMULATION, NEW**
12 **YORK.**

13 (a) IN GENERAL.—The Secretary is authorized to
14 carry out the project for hurricane and storm damage re-
15 duction, East Rockaway Inlet to Rockaway Inlet and Ja-
16 maica Bay Reformulation, Atlantic Coast of New York,
17 substantially in accordance with terms and conditions de-
18 scribed in the report of the Chief of Engineers, dated Au-
19 gust 22, 2019, and subsection (b).

20 (b) TREATMENT AND COST-SHARE.—For the project
21 described in subsection (a)—

22 (1) the project shall be considered to be a con-
23 tinuation of the interim response to the authoriza-
24 tion under House Report 105–90 of the 105th Con-
25 gress, and under the heading “CONSTRUCTION”

1 under the heading “CORPS OF ENGINEERS–CIVIL”
2 under chapter 4 of title X of the Disaster Relief Ap-
3 propriations Act, 2013 (127 Stat. 24); and

4 (2) for renourishment and adaptive manage-
5 ment activities for the project, the total estimated
6 periodic renourishment cost shall be \$379,526,000,
7 to be shared 50 percent Federal and 50 percent non-
8 Federal.

9 **SEC. 1092. REPORT ON ANTECEDENT HYDROLOGIC CONDI-**
10 **TIONS.**

11 (a) REPORT.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Secretary
14 shall submit to the Committee on Environment and
15 Public Works of the Senate and the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives a report on the use by the Corps of
18 Engineers since 2010 of data relating to antecedent
19 hydrologic conditions in the Missouri River Basin
20 (including soil moisture conditions, frost depths,
21 snowpack, and streamflow conditions) in—

22 (A) conducting Missouri River mainstem
23 reservoir operations under the Missouri River
24 Master Manual;

1 (B) developing related annual operating
2 plans; and

3 (C) performing seasonal, monthly, and
4 daily operations.

5 (2) INCLUSIONS.—The report under paragraph
6 (1) shall include—

7 (A) a review of—

8 (i) the approach of the Corps of Engi-
9 neers to forecasting basin runoff in devel-
10 oping annual operating plans of the Corps
11 of Engineers;

12 (ii) the assessment of existing and al-
13 ternative algorithms that could improve
14 forecasting;

15 (iii) the approach of the Corps of En-
16 gineers for reservoir releases in the winter,
17 spring, summer, and fall, based on runoff
18 forecasts;

19 (iv) the February 2017 technical re-
20 port of the Corps of Engineers on long-
21 range forecasting;

22 (v) the use by the Corps of Engineers
23 of data from Federal and State entities in
24 runoff forecasts; and

1 (vi) the use by the Corps of Engineers
2 of advanced data collection, including
3 through the use of unmanned aerial sys-
4 tems, forecasting, and modeling; and

5 (B) findings and recommendations on how
6 to best incorporate antecedent basin conditions
7 in annual operating plans and Missouri River
8 mainstem reservoir operations.

9 (b) PEER REVIEW.—

10 (1) IN GENERAL.—The Secretary shall seek to
11 enter into an agreement with the National Academy
12 of Sciences or a similar independent scientific and
13 technical advisory organization to establish a panel
14 of experts to conduct a peer review of the report
15 under subsection (a).

16 (2) REPORT.—Not later than 180 days after
17 the date on which the Secretary receives the results
18 of the peer review under paragraph (1), the Sec-
19 retary shall submit to the Committee on Environ-
20 ment and Public Works of the Senate and the Com-
21 mittee on Transportation and Infrastructure of the
22 House of Representatives the results of the peer re-
23 view under paragraph (1).

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Secretary—

1 (1) \$5,000,000 for the report under subsection
2 (a); and

3 (2) \$5,000,000 for the peer review under sub-
4 section (b).

5 **SEC. 1093. HARMFUL ALGAL BLOOMS DEMONSTRATION**
6 **PROGRAM.**

7 (a) **IN GENERAL.**—The Secretary is authorized to
8 carry out a demonstration program to determine the
9 causes of, and how to effectively treat and eliminate,
10 harmful algal blooms within the Great Lakes and Lake
11 Okeechobee, Florida, and applicable tributaries.

12 (b) **CONSULTATION; USE OF EXISTING DATA.**—

13 (1) **CONSULTATION.**—In carrying out the dem-
14 onstration program under subsection (a), the Sec-
15 retary shall consult with appropriate Federal and
16 State agencies.

17 (2) **USE OF DATA.**—In carrying out the dem-
18 onstration program under subsection (a), the Sec-
19 retary shall make maximum use of data in existence
20 on the date of enactment of this Act and ongoing
21 programs and efforts of Federal agencies and
22 States.

23 (c) **COST SHARING.**—An activity carried out under
24 the demonstration program under subsection (a) shall be
25 at full Federal expense.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$25,000,000, to remain available until expended.

4 **SEC. 1094. SENSE OF CONGRESS RELATING TO ANNUAL**
5 **MAINTENANCE DREDGING.**

6 It is the sense of Congress that the Corps of Engi-
7 neers should maintain the annual maintenance dredging
8 for Wilmington Harbor, Delaware.

9 **SEC. 1095. SELECTION OF DREDGED MATERIAL DISPOSAL**
10 **METHOD FOR CERTAIN PURPOSES.**

11 Section 204 of the Water Resources Development Act
12 of 1992 (33 U.S.C. 2326) is amended—

13 (1) in subsection (d)(1) —

14 (A) in the matter preceding subparagraph
15 (A), by striking “In developing” and all that
16 follows through “the non-Federal interest,” and
17 inserting “At the request of the non-Federal in-
18 terest for a project involving the disposal of
19 dredged material, the Secretary, using funds
20 appropriated for construction or operation and
21 maintenance of the project, may select”; and

22 (B) in subparagraph (B), by striking
23 “flood and storm damage and flood reduction
24 benefits” and inserting “hurricane and storm or
25 flood risk reduction benefits”; and

1 (2) in subsection (g) (as amended by section
2 1017(b)(5)(B))—

3 (A) in paragraph (1), in the matter pre-
4 ceeding subparagraph (A), by striking “There
5 are” and inserting “Except as provided in para-
6 graph (3), there are”;

7 (B) by redesignating paragraph (3) as
8 paragraph (4); and

9 (C) by inserting after paragraph (2) the
10 following:

11 “(3) SELECTION OF DREDGED MATERIAL DIS-
12 POSAL METHOD FOR CERTAIN PURPOSES.—Activities
13 carried out under subsection (d)—

14 “(A) shall be carried out using amounts
15 appropriated for construction or operation and
16 maintenance of the project involving the dis-
17 posal of the dredged material; and

18 “(B) shall not carried out using amounts
19 made available under paragraph (1).”.

20 **SEC. 1096. INCREASING ACCESS FOR RECREATION AT**
21 **CORPS OF ENGINEERS PROJECTS.**

22 (a) IN GENERAL.—The Secretary, in coordination
23 with relevant non-Federal sponsors and State and local
24 recreation organizations, shall develop recommendations

1 to maximize public access and public use of projects owned
2 or operated by the Corps of Engineers.

3 (b) INVENTORY AND PLAN.—Not later than 180 days
4 after the date of enactment of this Act, the Secretary shall
5 submit to the Committee on Environment and Public
6 Works of the Senate and the Committee on Transpor-
7 tation and Infrastructure of the House of Representatives
8 and make publicly available a report that includes—

9 (1) an inventory of projects owned or operated
10 by the Corps of Engineers that are publicly acces-
11 sible; and

12 (2) recommendations to increase access for
13 recreation as described in subsection (a).

14 **SEC. 1097. EXTINGUISHMENT OF FLOWAGE EASEMENTS,**
15 **ROUGH RIVER LAKE, KENTUCKY.**

16 (a) IN GENERAL.—Subject to the availability of ap-
17 propriations and on request of the landowner, the Sec-
18 retary shall extinguish any flowage easement or portion
19 of a flowage easement held by the United States on devel-
20 oped land of the landowner at Rough River Lake, Ken-
21 tucky—

22 (1) that is above 534 feet mean sea level; and

23 (2) for which the Secretary determines the flow-
24 age easement or portion of the flowage easement is
25 not required to address backwater effects.

1 (b) NO LIABILITY.—The United States shall not be
2 liable for any damages to property or injuries to persons
3 from flooding that may be attributable to the operation
4 and maintenance of Rough River Dam, Kentucky, on land
5 that was encumbered by a flowage easement extinguished
6 under subsection (a).

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$10,000,000, to remain available until expended.

10 **SEC. 1098. SMALL FLOOD CONTROL PROJECTS.**

11 Subsection (a)(1) of section 205 of the Flood Control
12 Act of 1948 (33 U.S.C. 701s) (as amended by section
13 1017(b)(6)) is amended by inserting “and projects that
14 use natural features or nature-based features (as those
15 terms are defined in section 1184(a) of the Water Infra-
16 structure Improvements for the Nation Act (33 U.S.C.
17 2289a(a))” after “nonstructural projects”.

18 **SEC. 1099. COMPREHENSIVE STUDY OF MISSISSIPPI RIVER**
19 **SYSTEM FROM OLD RIVER CONTROL STRUC-**
20 **TURE TO GULF OF MEXICO.**

21 (a) DEVELOPMENT.—The Secretary, in collaboration
22 with the heads of other relevant Federal agencies, shall
23 conduct, and submit to Congress a comprehensive study
24 of the lower Mississippi River, and the tributaries and
25 distributaries of the Mississippi River, from the Old River

1 Control Structure near Point Breeze, Louisiana, to the
2 Gulf of Mexico, including an examination of—

3 (1) hurricane and storm damage reduction,
4 flood risk management, structural and nonstructural
5 flood control, and floodplain management strategies,
6 including the consideration of natural features or
7 nature-based features (as those terms are defined in
8 section 1184(a) of the Water Infrastructure Im-
9 provements for the Nation Act (33 U.S.C.
10 2289a(a)));

11 (2) structural and operational modifications to
12 completed water resources development projects
13 within the study area;

14 (3) fish and wildlife habitat resources, including
15 in the Mississippi Sound Estuary, the Lake Pont-
16 chartrain Basin, the Breton Sound, the Barataria
17 Basin, the Terrebonne Basin, the Atchafalaya Basin,
18 the Vermilion–Teche Basin, and other outlets of the
19 Mississippi River and Tributaries Project;

20 (4) mitigation of adverse impacts from oper-
21 ations of flood control structures to the Mississippi
22 Sound Estuary, the Lake Pontchartrain Basin, the
23 Breton Sound, the Barataria Basin, the Atchafalaya
24 Basin, and other outlets of the Mississippi River and
25 Tributaries Project, including on water quality;

1 (5) recreation needs;

2 (6) navigation needs;

3 (7) ecosystem restoration needs;

4 (8) monitoring requirements, including as near-
5 real time monitoring as practicable, and adaptive
6 management measures to respond to changing condi-
7 tions over time;

8 (9) the division of responsibilities of the Federal
9 Government and non-Federal interests with respect
10 to flood risk management and hurricane and storm
11 damage reduction; and

12 (10) the roles and responsibilities of Federal
13 agencies with respect to flood risk management.

14 (b) CONTENTS.—The study under subsection (a)
15 shall—

16 (1) include recommendations on management
17 plans and actions to be carried out by responsible
18 Federal agencies;

19 (2) address whether changes are necessary to
20 the Mississippi River and Tributaries Project au-
21 thorized by the first section of the Act of May 15,
22 1928 (commonly known as the “Flood Control Act
23 of 1928”) (45 Stat. 534, chapter 569; 33 U.S.C.
24 702a) within the study area;

1 (3) recognize the interest and rights of States
2 in maximum effective river resource use and control;
3 and

4 (4) include recommendations for—

5 (A) Federal and non-Federal action, where
6 appropriate;

7 (B) construction of new water resource
8 projects to improve the maximum effective river
9 resource use and control within the study area;
10 and

11 (C) follow-up studies and data collection
12 and monitoring to be carried out by the rel-
13 evant Federal or State agency.

14 (c) FURTHER ANALYSIS.—

15 (1) IN GENERAL.—As part of the study under
16 subsection (a), the Secretary shall carry out activi-
17 ties that warrant additional analysis by the Corps of
18 Engineers, including feasibility studies.

19 (2) TREATMENT.—A feasibility study carried
20 out under paragraph (1) shall be considered to be a
21 continuation of the study under subsection (a).

22 (d) CONSULTATION; USE OF EXISTING DATA.—

23 (1) CONSULTATION.—In conducting the study
24 under subsection (a), the Secretary shall consult
25 with appropriate Federal and State agencies.

1 (2) USE OF DATA.—In conducting the study
2 under subsection (a), the Secretary shall make max-
3 imum use of data in existence on the date of enact-
4 ment of this Act and ongoing programs and efforts
5 of Federal agencies, States, universities, and non-
6 profit entities, including multi-State monitoring pro-
7 grams.

8 (e) COST SHARING.—The study conducted under
9 subsection (a) shall be at full Federal expense.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$25,000,000, to remain available until expended.

13 **SEC. 1100. MISSOURI RIVER.**

14 (a) REPORT.—Not later than 1 year after the date
15 of enactment of this Act and biannually thereafter for a
16 period of 10 years, the Secretary shall submit to the Com-
17 mittee on Transportation and Infrastructure of the House
18 of Representatives and the Committee on Environment
19 and Public Works of the Senate a report on the changes
20 to impacts of interception-rearing complex (referred to in
21 this section as “IRC”) on—

22 (1) flood control, navigation, and other author-
23 ized purposes set forth in the Missouri River Master
24 Manual; and

1 (2) the population status of the pallid sturgeon,
2 including population trends.

3 (b) FUTURE IRC CONSTRUCTION.—

4 (1) COMMENTS.—The Secretary shall solicit
5 comments from the public and the Governor of each
6 affected State on proposals to construct additional
7 IRCS.

8 (2) RESEARCH AND DEVELOPMENT.—The Sec-
9 retary shall conduct further research on IRC design,
10 including any impacts on existing flows and all au-
11 thorized purposes set forth in the Missouri River
12 Master Manual, to ensure that any construction of
13 IRCS incorporates the best available science.

14 (3) PERIOD.—The public comment period
15 under paragraph (1) shall be not less than 90 days
16 for each future IRC project.

17 (4) REPAIRS.—Subject to the availability of ap-
18 propriations, the Secretary shall use all existing au-
19 thorities—

20 (A) to repair dikes and revetments that are
21 impacting flood risk and bank erosion; and

22 (B) to repair or improve water control
23 structures at the headworks of constructed
24 shallow water habitat side channels.

25 (c) AUTHORIZED PURPOSES.—

1 (1) IN GENERAL.—If the Secretary determines
2 that IRCs have an adverse impact on an authorized
3 purpose set forth in the Missouri River Master Man-
4 ual, the Secretary shall take corrective action to ad-
5 dress any such adverse impacts.

6 (2) NO ADVERSE IMPACT ON TONNAGE.—To
7 the maximum extent practicable, the Secretary shall
8 ensure that IRCs do not have an adverse impact on
9 tonnage of materials transported on the Missouri
10 River.

11 **SEC. 1101. FLEXIBILITY FOR PROJECTS.**

12 (a) GOAL.—For each feasibility study initiated by the
13 Secretary on or after the date of enactment of this Act
14 under section 905(a) of the Water Resources Development
15 Act of 1986 (33 U.S.C. 2282(a)), the Secretary shall—

16 (1) establish a goal of completing the feasibility
17 study by not later than 2 years after the date of ini-
18 tiation; and

19 (2) to the maximum extent practicable, attempt
20 to comply with the goal under paragraph (1).

21 (b) AUTHORITY.—In carrying out a feasibility study
22 described in subsection (a), the Secretary shall—

23 (1) exercise all existing flexibilities under and
24 exceptions to any requirement administered by the
25 Secretary, in whole or in part; and

1 (2) otherwise provide additional flexibility or ex-
2 pedited processing with respect to the requirements
3 described in paragraph (1) to meet the goal de-
4 scribed in subsection (a)(1).

5 (c) MAINTAINING PROTECTIONS.—Nothing in this
6 section—

7 (1) supersedes, amends, or modifies—

8 (A) section 1001(a)(1) of the Water Re-
9 sources Reform and Development Act of 2014
10 (33 U.S.C. 2282c(a)(1)); or

11 (B) the National Environmental Policy Act
12 of 1969 (42 U.S.C. 4321 et seq.) or any other
13 Federal environmental law; or

14 (2) affects the responsibility of any Federal of-
15 ficer to comply with or enforce any law or require-
16 ment described in this subsection.

17 **SEC. 1102. DEVELOPMENT OF CATEGORICAL EXCLUSIONS.**

18 (a) IN GENERAL.—Not later than 60 days after the
19 date of enactment of this Act, the Secretary shall—

20 (1) in consultation with the agencies described
21 in subsection (b), identify the categorical exclusions
22 described in section 230.9 of title 33, Code of Fed-
23 eral Regulations (or successor regulations), that
24 would accelerate delivery of a project if those cat-
25 egorical exclusions were available to those agencies;

1 (2) collect existing documentation and substan-
2 tiating information on the categorical exclusions
3 identified under paragraph (1); and

4 (3) provide to each agency described in sub-
5 section (b)—

6 (A) a list of the categorical exclusions
7 identified under paragraph (1); and

8 (B) the documentation and substantiating
9 information collected under paragraph (2).

10 (b) AGENCIES DESCRIBED.—The agencies referred to
11 in subsection (a) are—

12 (1) the Department of the Interior;

13 (2) the Department of Transportation;

14 (3) the Department of Commerce;

15 (4) the Department of Agriculture;

16 (5) the Department of Energy;

17 (6) the Department of Defense; and

18 (7) any other Federal agency that has partici-
19 pated in an environmental review process for a
20 project, as determined by the Secretary.

21 (c) ADOPTION OF CATEGORICAL EXCLUSIONS.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date on which the Secretary provides the list re-
24 quired under subsection (a)(3)(A), an agency de-
25 scribed in subsection (b) shall publish a notice of

1 proposed rulemaking to propose any categorical ex-
2 clusions from the list applicable to the agency, sub-
3 ject to the condition that the categorical exclusion
4 identified under subsection (a)(1) meets the criteria
5 for a categorical exclusion under section 1508.4 of
6 title 40, Code of Federal Regulations (or successor
7 regulations).

8 (2) PUBLIC COMMENT.—In a notice of proposed
9 rulemaking under paragraph (1), the applicable
10 agency may solicit comments on whether any of the
11 proposed new categorical exclusions meet the criteria
12 for a categorical exclusion under section 1508.4 of
13 title 40, Code of Federal Regulations (or successor
14 regulations).

15 **Subtitle B—Studies and Reports**

16 **SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY** 17 **STUDIES AND MODIFICATIONS.**

18 The Secretary is authorized to conduct a feasibility
19 study or initiate project modifications for the following
20 projects for water resources development and conservation
21 and other purposes, as identified in the report entitled
22 “Report to Congress on Future Water Resources Develop-
23 ment” submitted to Congress on or after June 3, 2019,
24 pursuant to section 7001 of the Water Resources Reform

1 and Development Act of 2014 (33 U.S.C. 2282d) or other-
2 wise reviewed by Congress:

3 (1) The project for coastal storm risk manage-
4 ment, Newbury and Newburyport, Massachusetts.

5 (2) The project for flood protection, Jones
6 County, Mississippi.

7 (3) The project for ecosystem restoration,
8 Lower Osage River Basin, Missouri.

9 (4) The project modification for Clarence Can-
10 non Dam and Mark Twain Lake Project Salt River,
11 Missouri.

12 (5) The project modification for Smithville
13 Lake, Plattsburg, Missouri.

14 (6) The project modification for Smithville
15 Lake, Smithville, Missouri.

16 (7) The project for navigation, Lower Missouri
17 River, Missouri.

18 (8) The project for flood risk management,
19 Port Arthur, Texas.

20 (9) The project for flood risk management,
21 Chocolate Bayou, Texas.

22 (10) The project for navigation, Houston-Gal-
23 veston, Texas.

1 (11) Reauthorization of the project for naviga-
2 tion, Christiansted Harbor, St. Croix, United States
3 Virgin Islands.

4 (12) Modification of the project for water sup-
5 ply desalination, South Perris, California.

6 (13) Reauthorization of the project for naviga-
7 tion, Charlotte Amalie Harbor, St. Thomas, United
8 States Virgin Islands.

9 (14) The project for flood protection, levee re-
10 habilitation, Greater Williamsport, Pennsylvania.

11 **SEC. 1202. EXPEDITED COMPLETION.**

12 The Secretary shall expedite the completion, review,
13 or validation of the applicable decision document for the
14 following projects:

15 (1) Modification of the Tennessee-Tombigbee
16 Waterway for improved access and navigation.

17 (2) The project for ecosystem restoration, Hud-
18 son-Raritan Estuary, New York and New Jersey.

19 (3) The project for flood risk management,
20 Peckman River Basin, New Jersey.

21 (4) The project for navigation, New York and
22 New Jersey Harbor Anchorages.

23 (5) The project for navigation, St. George Har-
24 bor, Alaska.

1 (6) The project for navigation, Kentucky Lock
2 and Dam, Tennessee River, Kentucky.

3 (7) The project for navigation, New Haven
4 Harbor, Connecticut.

5 (8) The project for flood risk management,
6 Fairfield and New Haven Counties, Connecticut.

7 (9) The project for navigation, Wilmington
8 Harbor, North Carolina.

9 (10) The project for hurricane and storm dam-
10 age risk reduction, Carolina Beach, North Carolina.

11 (11) The project for hurricane and storm dam-
12 age risk reduction, Wrightsville Beach, North Caro-
13 lina.

14 (12) The project for flood risk management,
15 Raymondville Drain Project, Lower Rio Grande
16 Basin, Texas.

17 (13) The project for navigation, Port of Corpus
18 Christi, Texas.

19 (14) The project for navigation, Port of Hous-
20 ton Ship Channel, Texas.

21 (15) The project for flood risk management,
22 Westminster and East Garden Grove, California.

23 (16) The project for flood risk management,
24 Prado Basin, California.

1 (17) The project for ecosystem restoration,
2 Malibu Creek watershed, California.

3 (18) The project for flood risk management,
4 San Francisquito Creek, California.

5 (19) The project for navigation, Georgetown
6 Harbor, South Carolina.

7 (20) The project for coastal storm risk manage-
8 ment, Myrtle Beach, South Carolina.

9 (21) The project for flood risk management,
10 Dorchester County, South Carolina.

11 (22) The project for navigation, Florence, Ala-
12 bama.

13 (23) The project for navigation, North Landing
14 Bridge, Atlantic Intracoastal Waterway, Virginia.

15 (24) The project for flood risk management,
16 Upper Barataria, Louisiana.

17 (25) The project for navigation, Houma Navi-
18 gation Canal, Louisiana.

19 (26) The project for navigation, Port Fourchon,
20 Belle Pass, Louisiana.

21 (27) The project for flood risk management,
22 Tulsa-West Tulsa, Oklahoma.

23 (28) The project for ecosystem restoration,
24 Lake Okeechobee, Florida.

1 (29) The project for ecosystem restoration,
2 Western Everglades, Florida.

3 (30) The project for ecosystem restoration,
4 Canal 111, South Dade, Florida.

5 (31) The project for ecosystem restoration,
6 Caloosahatchee River C-43, West Basin Storage
7 Reservoir, Florida.

8 (32) The project for ecosystem restoration,
9 Seminole Big Cypress, Florida.

10 (33) The project for hurricane and storm dam-
11 age risk reduction, Fort Pierce Beach, Florida.

12 (34) The project for flood risk management,
13 Hanapepe River, Kaua'i, Hawaii.

14 (35) The project for flood risk management,
15 Wailupe Stream, Oahu, Hawaii.

16 (36) The project for flood risk management,
17 Lower Santa Cruz watershed, Arizona.

18 (37) The project for navigation, Upper St. An-
19 thony Falls Lock and Dam, Minnesota.

20 (38) The project for flood risk management,
21 Westchester County streams, New York.

22 (39) The project for hurricane and storm dam-
23 age risk reduction, Fire Island to Montauk Point
24 Reformulation, New York.

1 (40) The project for flood risk management,
2 Savan Gut Phase II, St. Thomas, United States Vir-
3 gin Islands.

4 (41) The project for flood risk management,
5 Rio Culebrinas, Puerto Rico.

6 (42) The project for flood risk management,
7 Turpentine Run, St. Thomas, United States Virgin
8 Islands.

9 (43) The project for flood risk management,
10 Rio Guayanilla, Puerto Rico.

11 (44) The project for hurricane and storm dam-
12 age risk reduction, Highlands, New Jersey.

13 (45) The project for navigation, Baptiste
14 Collette Bayou, Louisiana.

15 (46) The project for navigation, Seattle Harbor,
16 Washington.

17 (47) The project for flood risk management,
18 metropolitan Louisville, Kentucky.

19 (48) The feasibility study for the project for re-
20 habilitation of Lock E -32, Erie Canal, Pittsford,
21 New York.

22 (49) The project for ecosystem restoration,
23 Hudson River Habitat Restoration, New York.

24 (50) The project for navigation, Lake Montauk
25 Harbor, New York.

1 (51) Modifications to the project for navigation,
2 Menominee Harbor, Michigan and Wisconsin, pursu-
3 ant to section 14 of the Act of March 3, 1899 (com-
4 monly known as the “Rivers and Harbors Act of
5 1899”) (30 Stat. 1152, chapter 425; 33 U.S.C.
6 408).

7 (52) Modifications to the project for navigation,
8 Milwaukee Harbor, Wisconsin, pursuant to section
9 14 of the Act of March 3, 1899 (commonly known
10 as the “Rivers and Harbors Act of 1899”) (30 Stat.
11 1152, chapter 425; 33 U.S.C. 408).

12 (53) An economic reevaluation report for the
13 navigation and sustainability program under title
14 VIII of the Water Resources Development Act of
15 2007 (33 U.S.C. 652 note; Public Law 110–114).

16 (54) The project for water supply, Willamette
17 River Basin Review Reallocation, Oregon.

18 (55) The project for ecosystem restoration,
19 South Fork of the South Branch of the Chicago
20 River (Bubbly Creek), Illinois.

21 **SEC. 1203. INCLUSION OF CERTAIN PROJECTS IN ANNUAL**
22 **REPORT TO CONGRESS.**

23 The Secretary shall complete the review of each of
24 the following submissions for consideration for inclusion
25 in the report submitted under section 7001 of the Water

1 Resources Reform and Development Act of 2014 (33
2 U.S.C. 2282d):

3 (1) Modification of the authorization for the en-
4 vironmental infrastructure project, DeSoto County,
5 Mississippi, under section 219(f)(30) of the Water
6 Resources Development Act of 1992 (106 Stat.
7 4835; 113 Stat. 335; 122 Stat. 1623).

8 (2) Modification of the types of activities au-
9 thorized under the environmental infrastructure
10 project, Jackson County, Mississippi, under section
11 331 of the Water Resources Development Act of
12 1999 (113 Stat. 305; 121 Stat. 1134).

13 (3) Modification of the environmental restora-
14 tion infrastructure and resource protection develop-
15 ment program, southern West Virginia, under sec-
16 tion 340 of the Water Resources Development Act
17 of 1992 (106 Stat. 4856; 113 Stat. 320; 114 Stat.
18 2678; 121 Stat. 1257).

19 (4) Modification of the environmental assistance
20 program, central West Virginia, under section 571
21 of the Water Resources Development Act of 1999
22 (113 Stat. 371; 121 Stat. 1257).

23 (5) Modification of the authorized funding level
24 for the project for water and wastewater assistance,
25 Madison and St. Claire Counties, Illinois, authorized

1 by section 219(f)(55) of the Water Resources Devel-
2 opment Act of 1992 (106 Stat. 4835; 113 Stat. 335;
3 114 Stat. 2763A–221).

4 (6) A study on the reallocation of water storage
5 at Lake Whitney, Texas, in accordance with section
6 301 of the Water Supply Act of 1958 (43 U.S.C.
7 390b).

8 (7) Reallocation of water storage at Aquilla
9 Lake, Texas, in accordance with the Aquilla Lake
10 Reallocation Study of the Corps of Engineers, dated
11 February 2018, and section 301 of the Water Sup-
12 ply Act of 1958 (43 U.S.C. 390b).

13 (8) Expansion of the Abiquiu Reservoir, New
14 Mexico, to allow more flexibility for concurrent stor-
15 age of San Juan-Chama and Rio Grande system
16 water, while changing the authorized water supply
17 storage limit within the flood control space from a
18 volume of 200,000 acre-feet to an elevation of 6,230
19 feet National Geodetic Vertical Datum, in order to
20 increase the currently available space by approxi-
21 mately 30,000 acre-feet until the space diminishes
22 over time due to sediment inflow.

23 (9) A watershed assessment to determine prob-
24 lems, needs, and opportunities within the Lower Rio
25 Grande Valley watershed, Texas.

1 **SEC. 1204. ASSISTANCE TO NON-FEDERAL SPONSORS.**

2 (a) IN GENERAL.—The Corps of Engineers shall pro-
3 vide assistance to the non-Federal interest of a project
4 proposal described in subsection (b) during the Corps of
5 Engineers outreach required under section 7001(b) of the
6 Water Resources Reform and Development Act of 2014
7 (33 U.S.C. 2282d(b)).

8 (b) PROJECT PROPOSALS DESCRIBED.—A project
9 proposal referred to in subsection (a) is any of the fol-
10 lowing:

11 (1) Development of a management plan for res-
12 toration of the Chicago River, Illinois, pursuant to
13 the resolution of the Committee on Environment and
14 Public Works of the Senate (108th Congress, 2d
15 Session) relating to the Chicago River System Res-
16 toration Management Plan, Illinois, and dated June
17 23, 2004.

18 (2) Modification of the authorized funding level
19 for the project for flood damage reduction, Des
20 Moines and Raccoon Rivers, Des Moines, Iowa, au-
21 thORIZED by section 1001(21) of the Water Resources
22 Development Act of 2007 (121 Stat. 1053).

23 (3) Modification of the project for navigation,
24 Ouachita-Black Rivers, Arkansas and Louisiana, au-
25 thORIZED by section 101 of the River and Harbor Act

1 of 1960 (74 Stat. 481) to include water supply as
2 an authorized purpose.

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

9 (5) Modification of the project for flood risk
10 management and water supply, Tenkiller Ferry
11 Lake, Arkansas River Basin, Oklahoma, authorized
12 by section 4 of the Act of June 28, 1938 (52 Stat
13 1218, chapter 795) to modify water storage and pro-
14 vide for a sufficient quantity of water supply storage
15 space in the inactive pool storage to support the
16 fishery downstream from Tenkiller Reservoir.

17 (6) Reauthorization of the project for environ-
18 mental restoration, Muddy River, Brookline and
19 Boston, Massachusetts, authorized by section 522 of
20 the Water Resources Development Act of 2000 (114
21 Stat. 2656), and deauthorized pursuant to section
22 6001 of the Water Resources Reform and Develop-
23 ment Act of 2014 (33 U.S.C. 579b) (as in effect on
24 the day before the date of enactment of the Water

1 Infrastructure Improvements for the Nation Act
2 (130 Stat. 1690)).

3 (7) Modification of the project for flood damage
4 reduction, Muddy River, Brookline and Boston, Mas-
5 sachusetts, authorized by section 522 of the Water
6 Resources Development Act of 2000 (114 Stat.
7 2656), to provide that in the case of phase II of the
8 project, the non-Federal interest is not required to
9 pay any cost of the project above the initial esti-
10 mate.

11 (8) A feasibility study for a project for flood
12 risk management, Hoosic River, Massachusetts.

13 (9) A feasibility study for a project for aquatic
14 ecosystem restoration at the mouth of the Hood
15 River, Oregon, at the confluence of that river with
16 the Columbia River, Oregon.

17 (10) A feasibility study on resolving increased
18 silting and shoaling adjacent to, but outside of, the
19 Federal channel, experienced at the Port of Bandon,
20 Coquille River, Oregon.

21 (11) A feasibility study on increasing the fre-
22 quency and depth of dredging assistance from the
23 Corps of Engineers at the Port of Astoria, located
24 at the mouth of the Columbia River, Oregon.

1 (12) A feasibility study on modifying the
2 project for navigation, Port of Gulfport, Mississippi,
3 authorized by section 202(a) of the Water Resources
4 Development Act of 1986 (100 Stat. 4094), to deep-
5 en the navigation channel to 46 feet.

6 (13) A feasibility study to identify and evaluate
7 opportunities to reduce the risk of flooding and re-
8 store lost habitat within the Escatawpa River Basin,
9 Mississippi and Alabama.

10 (14) The project described in section
11 219(f)(231) of the Water Resources Development
12 Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121
13 Stat. 1266).

14 (15) A feasibility study for a project to design
15 and construct the Naugatuck River Greenway Trail,
16 a multiuse trail on Federal land between Torrington
17 and Derby, Connecticut.

18 (16) A feasibility study for a project for coastal
19 and flood risk management, Stratford, Connecticut.

20 (17) A feasibility study for projects for flood
21 risk management, Woodbridge, Connecticut.

22 (18) Modification of the authorized funding
23 level for the project to eliminate or control combined
24 sewer overflows, St. Louis, Missouri, authorized by
25 section 219(f)(32) of the Water Resources Develop-

1 ment Act of 1992 (106 Stat. 4835; 113 Stat. 337;
2 121 Stat. 1233).

3 (19) A feasibility study for projects for eco-
4 system restoration, Bangert Island, St. Charles, Mis-
5 souri, related to channels and aquatic habitats.

6 (20) Modification of the authorized funding
7 level for the project to carry out water related infra-
8 structure, El Paso, Texas, authorized by section
9 219(f)(269) of the Water Resources Development
10 Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121
11 Stat. 1268).

12 (21) Modification of the authorized funding
13 level for the South Central Pennsylvania environ-
14 mental restoration infrastructure and resource pro-
15 tection development pilot program under section 313
16 of the Water Resources Development Act of 1992
17 (106 Stat. 4845; 121 Stat. 1146).

18 (22) A feasibility study for dam safety improve-
19 ments, Oroville Dam, California.

20 (23) Modification of the authorized funding
21 level for the project for water supply, Lakes Marion
22 and Moultrie, South Carolina.

23 (24) An environmental infrastructure project to
24 increase hydrologic variability, Sacramento Regional
25 Water Bank, California.

1 (25) A study for a project for aquatic ecosystem
2 restoration and allied purposes, Blue River Water-
3 shed, Missouri and Kansas.

4 (26) A project for aquatic and riparian restora-
5 tion, Line Creek, Riverside, Kansas.

6 (27) Modification of the authorized funding
7 level for the environmental infrastructure program,
8 Central New Mexico, under section 593 of the Water
9 Resources Development Act of 1999 (113 Stat. 381;
10 119 Stat. 2255).

11 (28) Modification of the authorized funding
12 level for the environmental assistance program, Ohio
13 and North Dakota, under section 594 of the Water
14 Resources Development Act of 1999 (113 Stat. 383;
15 121 Stat. 1140; 121 Stat. 1944).

16 (29) A study for a fish passage for ecological
17 restoration, Lower Alabama River, Alabama.

18 (30) Modification of the project for Atlantic In-
19 tracoastal Waterway Deep Creek bridge replace-
20 ment, Virginia.

21 (31) Modification of projects for water supply,
22 wastewater infrastructure, and environmental res-
23 toration, Virginia, authorized by section 219(f)(10)
24 of the Water Resources Development Act of 1992
25 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1255).

1 (32) Modification of the project for flood risk
2 management, Red River below Denison Dam, Arkan-
3 sas, Louisiana, and Texas, for Caddo Levee District,
4 Louisiana, to incorporate the Cherokee Park Levee
5 into the project.

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

12 (34) Modification of the project for navigation,
13 Port of Iberia, Louisiana.

14 (35) A feasibility study for flood risk manage-
15 ment and storm damage reduction in the Hoey's
16 Basin area of the eastbank of Jefferson Parish, in-
17 cluding a study of the "pump to the river" concept.

18 (36) A feasibility study for a project for flood
19 risk management, Cataouatche Subbasin, which en-
20 compasses part of the westbank of Jefferson Parish,
21 Louisiana.

22 (37) Modification of the project for beach ero-
23 sion and hurricane protection, Grand Isle, Lou-
24 isiana, to include periodic beach nourishment.

1 (38) A feasibility study, Arkansas River Basin,
2 Oklahoma, to determine whether the purchase of ad-
3 ditional flood easements, changes in lake level man-
4 agement, additional levee infrastructure, or imple-
5 mentation of other flood risk management or con-
6 tainment mechanisms along the Arkansas River
7 Basin would benefit local communities by reducing
8 flood risks around projects of the Secretary in a
9 range of different flood scenarios.

10 (39) Modification of the authorized funding
11 level for critical restoration projects, Lake Cham-
12 plain watershed, Vermont and New York, authorized
13 by section 542 of the Water Resources Development
14 Act of 2000 (114 Stat. 2671; 121 Stat. 1150).

15 (40) Modification of the authorized funding
16 level for wastewater infrastructure, Charlotte Coun-
17 ty, Florida, authorized by section 219(f)(121) of the
18 Water Resources Development Act of 1992 (106
19 Stat. 4835; 113 Stat. 334; 121 Stat. 1261).

20 (41) A project to extend dredging of the South
21 Haven Harbor, Michigan, to include the former
22 Turning Basin.

23 (42) Modification of the project for flood risk
24 management, Upper Rouge River, Wayne County,
25 Michigan.

1 (43) A feasibility study for the project for flood
2 risk management, Tonto Creek, Arizona.

3 (44) A feasibility study for the project for flood
4 risk management, Sikorsky Airport, Bridgeport,
5 Connecticut.

6 (45) Modification of the authorized funding
7 level for the environmental infrastructure project,
8 Calaveras County, California, under section
9 219(f)(86) of the Water Resources Development Act
10 of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat.
11 1259).

12 (46) Modification of the project for navigation,
13 River Rouge, Michigan.

14 (47) A feasibility study for dredge disposal
15 management activities, Port of Florence, Alabama.

16 (48) A feasibility study for the project for navi-
17 gation, Port of Oswego, New York.

18 (49) A project for repairs to the West Pier and
19 West Barrier Bar, Little Sodus Bay Harbor, Cayuga
20 County, New York.

21 (50) A project for repair of sheet pile wall and
22 east breakwater, Great Sodus Bay, New York.

23 (51) A study of the resiliency of the Allegheny
24 Reservoir, in consultation with the Seneca Nation.

1 (52) A feasibility study for potential projects
2 for the rehabilitation of the Glenn Falls Feeder
3 Canal, which begins at the Feeder Dam intersection
4 with the Hudson River in Queensbury, New York,
5 and runs to the confluence of the Old Champlain
6 Canal in Kingsbury, New York.

7 (53) A feasibility study for the rehabilitation of
8 the tainter gates and guard gate, Caughdenoy Dam,
9 New York, including an evaluation of the rehabilita-
10 tion work necessary to extend the service life of
11 those structures, such as—

12 (A) improvements to the hydraulic effi-
13 ciency of the gate systems;

14 (B) improvements to the concrete founda-
15 tion and gate support structures; and

16 (C) any other improvements the Secretary
17 determines to be necessary.

18 (54) Modification of the Upper Mississippi
19 River Restoration program authorized by section
20 1103 of the Water Resources Development Act of
21 1986 (33 U.S.C. 652).

22 (55) The project for flood protection, Bloom-
23 ington, Indiana.

24 (56) The project for flood protection, Gary, In-
25 diana.

1 (57) Modification of the environmental infra-
2 structure project, Athens, Tennessee, authorized by
3 section 219(f)(254) of the Water Resources Develop-
4 ment Act of 1992 (106 Stat. 4835; 113 Stat. 335;
5 121 Stat. 1267).

6 (58) Modification of the environmental infra-
7 structure project, Blaine, Tennessee, authorized by
8 section 219(f)(255) of the Water Resources Develop-
9 ment Act of 1992 (106 Stat. 4835; 113 Stat. 335;
10 121 Stat. 1267).

11 (59) Modification of the environmental infra-
12 structure project, Claiborne County, Tennessee, au-
13 thorized by section 219(f)(256) of the Water Re-
14 sources Development Act of 1992 (106 Stat. 4835;
15 113 Stat. 335; 121 Stat. 1267).

16 (60) Modification of the environmental infra-
17 structure project, Giles County, Tennessee, author-
18 ized by section 219(f)(257) of the Water Resources
19 Development Act of 1992 (106 Stat. 4835; 113
20 Stat. 335; 121 Stat. 1267).

21 (61) Modification of the environmental infra-
22 structure project, Grainger County, Tennessee, au-
23 thorized by section 219(f)(258) of the Water Re-
24 sources Development Act of 1992 (106 Stat. 4835;
25 113 Stat. 335; 121 Stat. 1267).

1 (62) Modification of the environmental infra-
2 structure project, Hamilton County, Tennessee, au-
3 thorized by section 219(f)(259) of the Water Re-
4 sources Development Act of 1992 (106 Stat. 4835;
5 113 Stat. 335; 121 Stat. 1267).

6 (63) Modification of the environmental infra-
7 structure project, Harrogate, Tennessee, authorized
8 by section 219(f)(260) of the Water Resources De-
9 velopment Act of 1992 (106 Stat. 4835; 113 Stat.
10 335; 121 Stat. 1267).

11 (64) Modification of the environmental infra-
12 structure project, Johnson County, Tennessee, au-
13 thorized by section 219(f)(261) of the Water Re-
14 sources Development Act of 1992 (106 Stat. 4835;
15 113 Stat. 335; 121 Stat. 1267).

16 (65) Modification of the environmental infra-
17 structure project, Knoxville, Tennessee, authorized
18 by section 219(f)(262) of the Water Resources De-
19 velopment Act of 1992 (106 Stat. 4835; 113 Stat.
20 335; 121 Stat. 1267).

21 (66) Modification of the environmental infra-
22 structure project, Nashville, Tennessee, authorized
23 by section 219(f)(263) of the Water Resources De-
24 velopment Act of 1992 (106 Stat. 4835; 113 Stat.
25 335; 121 Stat. 1267).

1 (67) Modification of the environmental infra-
2 structure project, Lewis, Lawrence, and Wayne
3 Counties, Tennessee, authorized by section
4 219(f)(264) of the Water Resources Development
5 Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121
6 Stat. 1268).

7 (68) Modification of the environmental infra-
8 structure project, Oak Ridge, Tennessee, authorized
9 by section 219(f)(265) of the Water Resources De-
10 velopment Act of 1992 (106 Stat. 4835; 113 Stat.
11 335; 121 Stat. 1268).

12 (69) Modification of the environmental infra-
13 structure project, Plateau Utility District, Morgan
14 County, Tennessee, authorized by section
15 219(f)(266) of the Water Resources Development
16 Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121
17 Stat. 1268).

18 (70) Extension of existing authority to the City
19 of Sheffield, Alabama, for the Nashville District of
20 the Corps of Engineers to replace a sewer pipe that
21 floods when the Corps of Engineers mitigates flood-
22 ing upstream as authorized by section 219(f)(263)
23 of the Water Resources Development Act of 1992
24 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

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

6 **SEC. 1205. RAHWAY FLOOD RISK MANAGEMENT FEASI-**
7 **BILITY STUDY, NEW JERSEY.**

8 The Secretary shall—

9 (1) nullify the determination of the North At-
10 lantic Division of the Corps of Engineers that fur-
11 ther study of the feasibility study for flood risk man-
12 agement, Rahway, New Jersey, is not warranted;

13 (2) identify an acceptable alternative to the
14 project described in paragraph (1) that could receive
15 Federal support; and

16 (3) expedite the completion of a feasibility
17 study for the acceptable alternative identified under
18 paragraph (2).

19 **SEC. 1206. ARCTIC DEEP DRAFT PORT.**

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

21 (1) The strategic importance of the Arctic con-
22 tinues to increase as the United States and other
23 countries recognize the economic and military sig-
24 nificance of the sea lanes and choke points within

1 the region and understand the potential for power
2 projection from the Arctic into multiple regions.

3 (2) On January 19, 2018, Secretary of Defense
4 James Mattis released the “2018 National Defense
5 Strategy of the United States of America” in which
6 the Secretary outlined the reemergence of long-term,
7 strategic competition by countries such as China and
8 Russia.

9 (3) Russia and China have conducted military
10 exercises together in the Arctic, have agreed to con-
11 nect the Northern Sea Route, claimed by Russia,
12 with the Maritime Silk Road of China, and are
13 working together in developing natural gas resources
14 in the Arctic.

15 (4) The Government of the Russian Federation
16 has prioritized the development of Arctic capabilities
17 and has made significant investments in military in-
18 frastructure in the Arctic, including the creation of
19 a new Arctic Command and the construction or re-
20 furbishment of 16 deepwater ports and 14 airfields
21 in the region.

22 (5) The Government of the People’s Republic of
23 China—

1 (A) released, in January 2018, its new
2 Arctic Strategy, the Polar Silk Road, in which
3 it declares itself as a “near-Arctic state”; and

4 (B) has publicly stated that it seeks to ex-
5 pand its “Belt and Road Initiative” to the Ar-
6 tic region, including current investment in the
7 natural gas fields in the Yamal Peninsula in
8 Russia, rare-earth element mines in Greenland,
9 and the real estate, alternative energy, and fish-
10 eries in Iceland.

11 (6) The significance of the Arctic continues to
12 grow as countries around the globe begin to under-
13 stand the magnitude of the natural resources in the
14 Arctic, including, at a minimum, oil, natural gas,
15 rare earth minerals, gold, diamonds, and abundant
16 fisheries.

17 (7) The Bering Strait is experiencing signifi-
18 cant increases in international traffic from vessels
19 transiting the Northern Sea Route, increases that
20 are projected to continue if decreases in sea ice cov-
21 erage continue.

22 (8) Increases in human, maritime, and resource
23 development activity in the Arctic region create addi-
24 tional mission requirements for Federal agencies,
25 given—

1 (A) the strategic focus of the Government
2 of the Russian Federation and the Government
3 of the People’s Republic of China on the Arctic;

4 (B) overlapping territorial claims; and

5 (C) the potential for maritime accidents,
6 oil spills, and illegal fishing near the exclusive
7 economic zone of the United States.

8 (9) The increasing role of the United States in
9 the Arctic has been highlighted in each of the last
10 4 National Defense Authorization Acts.

11 (10) The United States Coast Guard Arctic
12 Strategic Outlook released in April 2019 states that
13 “[d]emonstrating commitment to operational pres-
14 ence, Canada, Denmark, and Norway have made
15 strategic investments in ice-capable patrol ships
16 charged with national or homeland security missions.
17 [The United States] is the only country with an Arc-
18 tic presence that has not made similar investments
19 in ice-capable surface maritime security assets. This
20 limits the ability of the Coast Guard, and the Na-
21 tion, to credibly uphold sovereignty or respond to
22 contingencies in the Arctic”.

23 (11) On December 6, 2018, Secretary of the
24 Navy Richard Spencer stated that “[w]e need to
25 have a strategic Arctic port up in Alaska”.

1 (12) Meanwhile, the 2 closest strategic sea-
2 ports, as designated by the Department of Defense,
3 to the Arctic Circle are the Port of Anchorage and
4 the Port of Tacoma, located approximately 1,500
5 nautical miles and 2,400 nautical miles away, re-
6 spectively, and approximately 1,900 nautical miles
7 and 2,800 nautical miles, respectively, from Barrow,
8 Alaska.

9 (b) DEFINITION OF ARCTIC.—In this section, the
10 term “Arctic” has the meaning given the term in section
11 112 of the Arctic Research and Policy Act of 1984 (15
12 U.S.C. 4111).

13 (c) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the Arctic is a region of strategic impor-
16 tance to the national security interests of the United
17 States;

18 (2) there is a compelling national, regional,
19 Alaska Native, and private sector need for perma-
20 nent maritime and other infrastructure development
21 and for a presence in the Arctic region by the
22 United States to support and facilitate search and
23 rescue, shipping safety, economic development, oil
24 spill prevention and response, protection of subsist-
25 ence and commercial fishing, port of refuge, Arctic

1 research, and maritime law enforcement on the Ber-
2 ing Sea, the Chukchi Sea, and the Arctic Ocean; and

3 (3) it is in the national interest to enhance ex-
4 isting and develop maritime and other infrastructure
5 in the Arctic that would allow the Coast Guard and
6 the Navy each to perform their respective statutory
7 duties and functions on a more permanent basis
8 with minimal mission interruption.

9 (d) UNITED STATES ARCTIC DEEP DRAFT PORT.—

10 The Secretary shall expedite the completion of the applica-
11 ble decision document for the project for navigation, Arctic
12 Deep Draft Port, Nome, Alaska.

13 **SEC. 1207. NASSAU COUNTY BACK BAYS COASTAL STORM**
14 **RISK MANAGEMENT.**

15 Section 1001(a) of the Water Resources Reform and
16 Development Act of 2014 (33 U.S.C. 2282c(a)) shall not
17 apply to the Nassau County Back Bays Coastal Storm Risk
18 Management feasibility study, authorized by the first sec-
19 tion of the Act of June 15, 1955 (69 Stat. 132, chapter
20 140).

1 **Subtitle C—Deauthorizations,**
2 **Modifications, and Related Pro-**
3 **visions**

4 **SEC. 1301. DEAUTHORIZATION OF WATCH HILL COVE,**
5 **RHODE ISLAND AND CONNECTICUT.**

6 The portion of the project for navigation, Pawcatuck
7 River, Rhode Island and Connecticut, authorized by sec-
8 tion 2 of the Act of March 2, 1945 (commonly known as
9 the “River and Harbor Act of 1945”) (59 Stat. 13), con-
10 sisting of a 10-foot deep, 16-acre anchorage area in Watch
11 Hill Cove is no longer authorized beginning on the date
12 of enactment of this Act.

13 **SEC. 1302. RUSH RIVER AND LOWER RUSH RIVER, NORTH**
14 **DAKOTA.**

15 (a) IN GENERAL.—The portion of the comprehensive
16 plan for flood control and other purposes in the Red River
17 of the North drainage basin, North Dakota, South Da-
18 kota, and Minnesota, authorized by section 203 of the
19 Flood Control Act of 1948 (62 Stat. 1177) and modified
20 by section 204 of the Flood Control Act of 1950 (64 Stat.
21 176), consisting of clearing and rectification of the chan-
22 nel from mile 28.3 near Amenia to the mouth of the Rush
23 River, known as Cass County Drain No. 12, is no longer
24 authorized beginning on the date of enactment of this Act.

1 (b) LOWER BRANCH RUSH RIVER.—The project for
2 flood control, Lower Branch Rush River, North Dakota,
3 carried out under section 205 of the Flood Control Act
4 of 1948 (33 U.S.C. 701s), known as Cass County Drain
5 No. 2, is no longer authorized beginning on the date of
6 enactment of this Act.

7 **SEC. 1303. WILLAMETTE FALLS LOCKS, WILLAMETTE**
8 **RIVER, OREGON.**

9 (a) IN GENERAL.—The Secretary is authorized to
10 dispose of the project for navigation, Willamette Falls
11 Locks, Willamette River, Oregon, authorized by the Act
12 of June 25, 1910 (36 Stat. 664, chapter 382) (referred
13 to in this section as the “Willamette Falls Locks project”),
14 subject to the conditions described in this section and in
15 accordance with the report of the Director of Civil Works
16 entitled “Willamette Falls Locks, Willamette River, Or-
17 egon, Section 216 Disposition Study with Integrated Envi-
18 ronmental Assessment (Study)” and dated July 11, 2019.

19 (b) REPAIRS.—Before the disposal under subsection
20 (a), the Secretary shall carry out repairs to address pri-
21 mary seismic and safety risks in accordance with the rec-
22 ommendations approved in the report referred to in that
23 subsection

24 (c) DEAUTHORIZATION.—On the completion of the
25 repairs under subsection (b) and the requirements under

1 subsection (d)(5), Willamette Falls Locks project shall no
2 longer be authorized as a Federal project.

3 (d) CONVEYANCE.—

4 (1) IN GENERAL.—Subject to the requirements
5 of this subsection, the Secretary is authorized to
6 convey to an entity to be named by the Willamette
7 Falls Locks Commission or the State of Oregon, all
8 right, title, and interest of the United States in and
9 to any land in which the Federal Government has a
10 property interest for the Willamette Falls Locks
11 project, together with any improvements on the land.

12 (2) QUITCLAIM DEED.—The Secretary shall
13 convey the property and improvements described in
14 paragraph (1) by quitclaim deed to the transferee
15 identified under that paragraph under such terms
16 and conditions as the Secretary determines to be ap-
17 propriate to protect the interests of the United
18 States, in accordance with applicable Federal and
19 State law.

20 (3) APPLICABILITY OF REAL PROPERTY
21 SCREENING REQUIREMENTS.—Section 2696 of title
22 10, United States Code, shall not apply to the con-
23 veyance under paragraph (1).

24 (4) SUBJECT TO EXISTING EASEMENTS AND
25 OTHER INTERESTS.—The conveyance of property

1 and improvements under paragraph (1) shall be sub-
2 ject to all existing deed reservations, easements,
3 rights-of-way, and leases that are in effect as of the
4 date of the conveyance.

5 (5) REQUIREMENTS BEFORE CONVEYANCE.—

6 (A) PERPETUAL ROAD EASEMENT.—Be-
7 fore a conveyance under paragraph (1), the
8 Secretary shall acquire a perpetual road ease-
9 ment from the adjacent property owner for use
10 of the access road.

11 (B) ENVIRONMENTAL COMPLIANCE.—Be-
12 fore a conveyance under paragraph (1)—

13 (i) in accordance with the real estate
14 report in Appendix A of the report referred
15 to in subsection (a), the Secretary shall
16 complete a Phase 1 Environmental Site
17 Assessment pursuant to the Comprehensive
18 Environmental Response, Compensation,
19 and Liability Act of 1980 (42 U.S.C. 9601
20 et seq.); and

21 (ii) the Secretary shall satisfy all con-
22 ditions set forth in the Phase 1 Site As-
23 sessment for the Willamette Falls Locks
24 project, including a Phase 2 Site Assess-
25 ment, and any needed property restoration.

1 (C) HISTORIC PRESERVATION.—Before a
2 conveyance under paragraph (1), the Secretary
3 shall comply with obligations of the Secretary
4 under the Memorandum of Agreement with the
5 Oregon State Historic Preservation Office and
6 the Advisory Council on Historic Preservation
7 and dated September 2016.

8 (e) SAVINGS CLAUSE.—If the transferee under sub-
9 section (d)(1) does not accept the conveyance under that
10 subsection, the Secretary may dispose of the land and im-
11 provements in which the Federal Government has a prop-
12 erty interest for the Willamette Falls Locks project under
13 subchapter III of chapter 5 of title 40, United States
14 Code.

15 **SEC. 1304. CAMDEN HARBOR, MAINE.**

16 (a) IN GENERAL.—The portions of the project for
17 navigation, Camden Harbor, Maine, described in sub-
18 section (b) are no longer authorized beginning on the date
19 of enactment of this Act.

20 (b) PORTIONS DESCRIBED.—The portions referred to
21 in subsection (a) are the following:

22 (1) The portion of the 10-foot deep inner har-
23 bor area, authorized by the first section of the Act
24 of March 3, 1873 (17 Stat. 565, chapter 233), and
25 the first section of the Act of August 11, 1888 (25

1 Stat. 400, chapter 860), approximately 50,621.75
2 square feet in area—

3 (A) starting at a point with coordinates
4 N197,640.07, E837,851.71;

5 (B) thence running S84°43' 23.94"W
6 about 381.51 feet to a point with coordinates
7 N197,604.98, E837,471.82;

8 (C) thence running N43°47'51.43"W about
9 270.26 feet to a point with coordinates
10 N197,800.05, E837,284.77;

11 (D) thence running S59°02' 26.62"E
12 about 219.18 feet to a point with coordinates
13 N197,687.30, E837,472.72;

14 (E) thence running S81°50' 09.76"E about
15 144.70 feet to a point with coordinates
16 N197,666.75, E837,615.96;

17 (F) thence running N57°27' 07.42"E
18 about 317.32 feet to a point with coordinates
19 N197,866.52, E837,928.96; and

20 (G) thence running S18°50' 04.48"W
21 about 239.27 feet to the point described in sub-
22 paragraph (A).

23 (2) The portion of the 14-foot deep outer har-
24 bor area, authorized by the first section of the Act
25 of August 11, 1888 (25 Stat. 400, chapter 860),

1 and the first section of the Act of June 13, 1902
2 (32 Stat. 331, chapter 1079), approximately
3 222,015.94 square feet in area—

4 (A) starting at a point with coordinates
5 N197,640.07, E837,851.71;

6 (B) thence running N18°50'04.48"E about
7 239.27 feet to a point with coordinates
8 N197,866.53, E837,928.96;

9 (C) thence running N58°28' 51.05"E
10 about 308.48 feet to a point with coordinates
11 N198,027.79, E838,191.93;

12 (D) thence running N84°20' 01.88"E
13 about 370.06 feet to a point with coordinates
14 N198,064.33, E838,560.18;

15 (E) thence running S05°32' 03.42"E about
16 357.31 feet to a point with coordinates
17 N197,708.68, E838,594.64; and

18 (F) thence running S84°43' 23.94"W
19 about 746.08 feet to the point described in sub-
20 paragraph (A).

1 **SEC. 1305. DEAUTHORIZATION OF FLOOD CONTROL**
2 **PROJECT FOR TAYLOR CREEK RESERVOIR**
3 **AND LEVEE L-73, UPPER ST. JOHNS RIVER**
4 **Basin, Central and Southern Florida.**

5 The portions of the project for flood control and other
6 purposes, Central and Southern Florida, authorized by
7 section 203 of the Flood Control Act of 1948 (62 Stat.
8 1176), consisting of the Taylor Creek Reservoir and Levee
9 L-73 within the Upper St. Johns River Basin, Florida,
10 are no longer authorized beginning on the date of enact-
11 ment of this Act.

12 **SEC. 1306. NEW LONDON HARBOR WATERFRONT CHANNEL,**
13 **CONNECTICUT.**

14 (a) IN GENERAL.—The portion of the project for
15 navigation, New London Harbor, Connecticut, 23-foot
16 Waterfront Channel, authorized by the first section of the
17 Act of June 13, 1902 (32 Stat. 333, chapter 1079), de-
18 scribed in subsection (b) is no longer authorized beginning
19 on the date of enactment of this Act.

20 (b) AREA DESCRIBED.—The area referred to in sub-
21 section (a) is generally the portion between and around
22 the 2 piers at State Pier New London, specifically the
23 area—

24 (1) beginning at a point N691263.78,
25 E1181259.26;

1 (2) running N 35°01'50.75" W about 955.59
2 feet to a point N692046.26, E1180710.74;

3 (3) running N 54°58'06.78" E about 100.00
4 feet to a point N692103.66, E1180792.62;

5 (4) running S 35°01'50.75" E about 989.8 feet
6 to a point N691293.17, E1181360.78; and

7 (5) running S 73°51'15.45" W about 105.69
8 feet to the point described in paragraph (1).

9 **SEC. 1307. NO DEAUTHORIZATION OF CERTAIN PROJECTS.**

10 Notwithstanding any other provision of law, during
11 the period ending on September 30, 2024, an environ-
12 mental infrastructure assistance project or program of the
13 Corps of Engineers shall not be deauthorized.

14 **SEC. 1308. COMPREHENSIVE EVERGLADES RESTORATION**
15 **PLAN.**

16 Notwithstanding any other provision of law, a project
17 or separable element of a project under the Comprehensive
18 Everglades Restoration Plan authorized by section 601 of
19 the Water Resources Development Act of 2000 (114 Stat.
20 2680) shall not be deauthorized prior to December 31,
21 2030.

1 **Subtitle D—Water Resources**
 2 **Infrastructure**

3 **SEC. 1401. PROJECT AUTHORIZATIONS.**

4 The following projects for water resources develop-
 5 ment and conservation and other purposes, as identified
 6 in the report entitled “Report to Congress on Future
 7 Water Resources Development” submitted to Congress on
 8 or after June 3, 2019, pursuant to section 7001 of the
 9 Water Resources Reform and Development Act of 2014
 10 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are
 11 authorized to be carried out by the Secretary substantially
 12 in accordance with the plans, and subject to the condi-
 13 tions, described in the respective reports designated in this
 14 section:

15 (1) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers or Direc- tor of Civil Works	D. Estimated Costs
1. MD	Anacostia River, Prince George’s County	December 19, 2018	Federal: \$23,171,000 Non-Federal: \$12,476,000 Total: \$35,647,000
2. IL	Great Lakes and Mississippi River Interbasin Study–Brandon Road, Will County	May 23, 2019	Federal: \$647,478,000 Non-Federal: \$215,826,000 Total: \$863,304,000

A. State	B. Name	C. Date of Report of Chief of Engineers or Direc- tor of Civil Works	D. Estimated Costs
3. CO	South Platte River and Tributaries, Adams and Denver Counties	July 29, 2019	Federal: \$334,412,000 Non-Federal: \$200,406,000 Total: \$534,818,000
4. MO	St. Louis Riverfront—Meramec River Basin	November 1, 2019	Federal: \$60,124,000 Non-Federal: \$32,375,000 Total: \$92,499,000
5. CA	Delta Islands and Levees	December 18, 2018	Federal: \$16,746,395 Non-Federal: \$9,016,736 Total: \$25,763,131
6. CA	Yuba River	June 20, 2019	Federal: \$65,014,326 Non-Federal: \$35,008,268 Total: \$100,022,594
7. NM	Sandia Pueblo to Isleta Pueblo	August 5, 2019	Federal: \$16,163,000 Non-Federal: \$8,703,000 Total: \$24,866,000
8. TX	Jefferson County	September 12, 2019	Federal: \$37,615,000 Non-Federal: \$20,254,000 Total: \$57,869,000
9. FL	Loxahatchee River Watershed	April 8, 2020	Federal: \$372,232,000 Non-Federal: \$368,528,000 Total: \$740,760,000

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(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. ND	Souris River Basin, Bottineau, McHenry, Renville, and Ward Counties	April 16, 2019	Federal: \$58,041,750 Non-Federal: \$31,253,250 Total: \$89,295,000
2. AZ	Little Colorado River at Winslow, Navajo County	December 14, 2018	Federal: \$52,462,000 Non-Federal: \$28,249,000 Total: \$80,711,000
3. NM	Middle Rio Grande floor protection, Bernalillo to Belen, New Mexico, at Albuquerque, New Mexico	March 13, 2020	Federal: \$190,538,000 Non-Federal: \$102,598,000 Total: \$293,136,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-
2 DUCATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. NY	East Rockaway Inlet to Rockaway Inlet and Jamaica Bay Reformulation, Atlantic Coast	August 22, 2019	Federal: \$793,966,000 Non-Federal: \$189,763,000 Total: \$983,729,000
2. RI	Pawcatuck River	December 19, 2018	Federal: \$37,848,000 Non-Federal: \$20,379,000 Total: \$58,227,000
3. VA	Norfolk Coastal Storm Risk Management	February 5, 2019	Federal: \$909,040,000 Non-Federal: \$489,480,000 Total: \$1,398,520,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
4. NY	Hashamomuck Cove	December 9, 2019	Initial Federal: \$11,549,000 Initial Non-Federal: \$6,218,000 Initial Total: \$17,767,000 Renourishment Federal: \$23,481,500 Renourishment Non-Federal: \$23,481,500 Renourishment Total: \$46,963,000
5. DE	Delaware River Dredged Material Utilization	March 6, 2020	Initial Federal: \$53,220,000 Initial Non-Federal: \$28,660,000 Initial Total: \$81,880,000 Renourishment Federal: \$116,380,000 Renourishment Non-Federal: \$116,380,000 Renourishment Total: \$232,760,000

1 (4) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AK	Unalaska, Dutch Harbor Channels	February 7, 2020	Federal: \$26,202,750 Non-Federal: \$8,734,000 Total: \$34,937,000
2. TX	Gulf Intracoastal Waterway, Brazos River Floodgates and Colorado River Locks	October 23, 2019	Total: \$409,777,000 (to be derived 65 percent from the general fund of the Treasury and 35 percent from the Inland Waterways Trust Fund)
3. TX	Matagorda Ship Channel Improvement Project, Port Lavaca	November 15, 2019	Federal: \$138,660,000 Non-Federal: \$79,664,000 Total: \$218,324,000

1 **SEC. 1402. EXPEDITED COMPLETION OF CERTAIN**
2 **PROJECTS.**

3 The Secretary shall provide priority funding for and
4 expedite the completion of the following projects:

5 (1) The project for ecosystem restoration, Caño
6 Martín Peña, Puerto Rico, as authorized by section
7 5127 of the Water Resources Development Act of
8 2007 (121 Stat. 1242).

9 (2) The project for navigation for Portsmouth
10 Harbor and the Piscataqua River, Maine and New
11 Hampshire, authorized by section 101 of the River
12 and Harbor Act of 1962 (76 Stat. 1173).

13 (3) The project for flood risk management, Rio
14 de Flag, Arizona.

15 (4) The project for flood risk management,
16 East Hartford Levee System, Connecticut.

17 (5) The project for flood risk management,
18 Hartford Levee System, Connecticut.

19 (6) The project for navigation, Guilford Harbor
20 and Sluice Channel, Connecticut.

21 (7) Phase 5 of the Bluestone Dam Project Re-
22 mediation, West Virginia.

23 (8) The project for water supply and ecosystem
24 restoration, Howard Hanson Dam, Washington, au-
25 thorized by section 101(b)(15) of the Water Re-
26 sources Development Act of 1999 (113 Stat. 281).

1 (9) The project for ecosystem restoration,
2 Puget Sound, Washington, authorized by section
3 209 of the Flood Control Act of 1962 (76 Stat.
4 1197).

5 (10) The project for navigation, Tacoma Har-
6 bor, Washington.

7 (11) The project for water storage, Halligan
8 Dam, Colorado.

9 (12) The project for construction of tribal hous-
10 ing authorized by title IV of Public Law 100–581
11 (102 Stat. 2944).

12 (13) The replacement of the Bourne and Saga-
13 more Bridges, Cape Cod, Massachusetts.

14 **Subtitle E—Water Supply and** 15 **Storage**

16 **SEC. 1501. SMALL WATER STORAGE PROJECTS.**

17 (a) IN GENERAL.—The Secretary shall carry out a
18 program to study and construct new, or enlarge existing,
19 small water storage projects in rural States, in partnership
20 with a non-Federal interest.

21 (b) REQUIREMENTS.—To be eligible to participate in
22 the program under this section, a water storage project
23 shall—

24 (1) be located in a State with a population of
25 less than 1,000,000;

1 (2)(A) in the case of a new water storage
2 project, have a water storage capacity of not less
3 than 2,000 acre-feet and not more than 30,000 acre-
4 feet; and

5 (B) in the case of an enlargement of an existing
6 water storage project, be for an enlargement of not
7 less than 1,000 acre-feet and not more than 30,000
8 acre-feet;

9 (3) provide—

10 (A) flood risk management benefits; or

11 (B) ecological benefits; and

12 (4) be economically justified, environmentally
13 acceptable, and technically feasible.

14 (c) EXPEDITED PROJECTS.—For the 10-year period
15 beginning on the date of enactment of this Act, the Sec-
16 retary shall expedite projects under this section for which
17 applicable Federal permitting requirements have been
18 completed.

19 (d) USE OF DATA.—

20 (1) IN GENERAL.—In conducting a study under
21 this section, to the maximum extent practicable, the
22 Secretary shall use any applicable hydrologic, eco-
23 nomic, or environmental data from State water plans
24 or other State planning documents relating to water
25 resources management.

1 (2) USE OF EXISTING MATERIALS.—

2 (A) STUDIES.—On the agreement of the
3 Secretary and the non-Federal interest, the Sec-
4 retary may use any applicable existing studies
5 of the non-Federal interest.

6 (B) FEDERAL PERMITTING.—The Sec-
7 retary may use Federal permitting that has
8 been completed by other Federal agencies for
9 the purpose of determining project eligibility
10 with respect to the requirements described in
11 subsection (b)(4).

12 (e) COST-SHARE.—

13 (1) STUDY.—The Federal share of the cost of
14 a study conducted under this section shall be 75 per-
15 cent.

16 (2) CONSTRUCTION.—The Federal share of the
17 cost of a project constructed under this section shall
18 be 80 percent.

19 (f) OMRRR RESPONSIBILITY.—The costs of oper-
20 ation, maintenance, repair, replacement, and rehabilita-
21 tion for a project constructed under this section shall be
22 the responsibility of the non-Federal interest.

23 (g) INDIVIDUAL PROJECT LIMIT.—Not more than
24 \$65,000,000 in Federal funds may be made available to
25 a project under this section.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$130,000,000 for each fiscal year.

4 **SEC. 1502. MISSOURI RIVER RESERVOIR SEDIMENT MAN-**
5 **AGEMENT.**

6 Section 1179(a) of the Water Infrastructure Im-
7 provements for the Nation Act (130 Stat. 1675; 132 Stat.
8 3782) is amended—

9 (1) in paragraph (3)—

10 (A) in subparagraph (B), by inserting
11 “project purposes, including” before “storage
12 capacity”; and

13 (B) in subparagraph (C), by striking “pre-
14 liminary”;

15 (2) by striking paragraph (9);

16 (3) by redesignating paragraphs (4) through
17 (8) as paragraphs (6) through (10), respectively;
18 and

19 (4) by inserting after paragraph (3) the fol-
20 lowing:

21 “(4) JUSTIFICATION.—In determining the eco-
22 nomic justification of a sediment management plan
23 under paragraph (2), the Secretary shall—

24 “(A) measure and include flooding, ero-
25 sion, and accretion damages both upstream and

1 downstream of the reservoir that are likely to
2 occur as a result of sediment management with-
3 in the reservoir compared to the damages that
4 are likely to occur if the sediment management
5 plan is not implemented; and

6 “(B) include lifecycle costs and a 100-year
7 period of analysis.

8 “(5) IMPLEMENTATION.—As part of a sediment
9 management plan under paragraph (2), the Sec-
10 retary may carry out sediment removal activities at
11 reservoirs owned and operated by the Secretary in
12 the Upper Missouri River Basin, or at reservoirs for
13 which the Secretary has flood control responsibilities
14 under section 7 of the Act of December 22, 1944
15 (commonly known as the ‘Flood Control Act of
16 1944’) (58 Stat. 890, chapter 665; 33 U.S.C. 709),
17 in the Upper Missouri River Basin, in accordance
18 with section 602 of the Water Resources Develop-
19 ment Act of 1986 (100 Stat. 4148; 121 Stat. 1076)
20 as if those reservoirs were listed in subsection (a) of
21 that section.”.

22 **SEC. 1503. PLANNING ASSISTANCE FOR STATES.**

23 The Secretary shall ensure that the planning assist-
24 ance for States program under section 22 of the Water
25 Resources Development Act of 1974 (42 U.S.C. 1962d–

1 16) provides equal priority for all authorized purposes, in-
2 cluding water supply and water conservation.

3 **SEC. 1504. FORECAST-INFORMED RESERVOIR OPERATIONS.**

4 (a) WORKING GROUP.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Sec-
7 retary, in conjunction with the Commissioner of Rec-
8 lamation, shall establish a working group to advance
9 the science to support forecast-informed reservoir
10 operations in the Upper Missouri River Basin.

11 (2) MEMBERS.—The working group established
12 under paragraph (1) shall be composed of—

13 (A) the Secretary;

14 (B) the Commissioner of Reclamation;

15 (C) the Director of the United States Geo-
16 logical Survey;

17 (D) the Administrator of the National Oce-
18 anic and Atmospheric Administration; and

19 (E) representatives of affected State and
20 local agencies.

21 (3) DUTIES.—The working group established
22 under paragraph (1) shall develop recommendations
23 to implement the use of forecast-informed reservoir
24 operations in the Upper Missouri River Basin and

1 submit to Congress a report on the findings and rec-
2 ommendations of the working group.

3 (b) VIABILITY ASSESSMENTS.—

4 (1) IN GENERAL.—On request of a non-Federal
5 interest, the Secretary, the Commissioner of Rec-
6 lamation, and the non-Federal interest shall jointly
7 conduct a viability assessment on the use of fore-
8 cast-informed reservoir operations at a reservoir—

9 (A) that is located within the Upper Mis-
10 souri River Basin; and

11 (B) for which the Secretary has flood con-
12 trol responsibilities under section 7 of the Act
13 of December 22, 1944 (commonly known as the
14 “Flood Control Act of 1944”) (58 Stat. 890,
15 chapter 665; 33 U.S.C. 709).

16 (2) COMPLETION DATE.—To the maximum ex-
17 tent practicable, a viability assessment under para-
18 graph (1) shall be completed by not later than 1
19 year after the date on which the viability assessment
20 begins.

21 (3) FEDERAL SHARE.—The Federal share of
22 the cost of a viability assessment under paragraph
23 (1) shall be 100 percent.

24 (c) PLAN FOR TEMPORARY DEVIATION.—If a viabil-
25 ity assessment conducted under subsection (b)(1) indi-

1 cates that forecast-informed reservoir operations are via-
2 ble at a reservoir described in that subsection, the Sec-
3 retary and the Commissioner of Reclamation shall develop
4 and implement a pilot program to carry out forecast-in-
5 formed reservoir operations at that reservoir.

6 **SEC. 1505. STUDY ON DATA FOR WATER ALLOCATION, SUP-**
7 **PLY, AND DEMAND.**

8 (a) IN GENERAL.—The Secretary shall offer to enter
9 into an agreement with the National Academy of Sciences
10 to conduct a study on the ability of Federal agencies to
11 coordinate with other Federal agencies, State and local
12 agencies, communities, universities, consortiums, councils,
13 and other relevant entities with expertise in water re-
14 sources to facilitate and coordinate the sharing of water
15 allocation, supply, and demand data, including—

16 (1) any catalogs of data;

17 (2) definitions of any commonly used terms re-
18 lating to water allocation, supply, and demand; and

19 (3) a description of any common standards
20 used by those entities.

21 (b) REPORT.—If the National Academy of Sciences
22 enters into the agreement under subsection (a), to the
23 maximum extent practicable, not later than 1 year after
24 the date of enactment of this Act, the National Academy

1 of Sciences shall submit to Congress a report that in-
2 cludes—

3 (1) the results of the study under subsection
4 (a);

5 (2) recommendations for ways to streamline
6 and make cost-effective methods for Federal agen-
7 cies to coordinate interstate sharing of data, includ-
8 ing recommendations for the development of a pub-
9 licly accessible, internet-based platform that can
10 allow entities described in subsection (a) to commu-
11 nicate and coordinate ongoing data collection efforts
12 relating to water allocation, supply, and demand,
13 and share best practices relating to those efforts;
14 and

15 (3) a recommendation as to an appropriate
16 Federal entity that should—

17 (A) serve as the lead coordinator for data
18 relating to water allocation, supply, and de-
19 mand; and

20 (B) host and manage the internet-based
21 platform described in paragraph (2).

22 (c) FUNDING.—Out of funds made available to the
23 Secretary for operations and maintenance activities of the
24 Corps of Engineers that are not otherwise obligated, the
25 Secretary may use to carry out this section \$3,900,000.

1 **SEC. 1506. GAO STUDY ON FEDERAL DAMS WITH RES-**
2 **ERVOIRS.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Comptroller General of the United States
5 shall—

6 (1) identify dams with reservoirs owned or op-
7 erated by the Federal Government that—

8 (A) no longer serve a Federal purpose; or

9 (B) have been considered for divestment,
10 breaching, or removal; and

11 (2) submit to Congress a report that includes a
12 list of the dams with reservoirs identified under
13 paragraph (1).

14 **SEC. 1507. GAO REPORT ON CERTAIN FEDERAL DAMS AND**
15 **RESERVOIRS.**

16 Not later than 1 year after the date of enactment
17 of this Act, the Comptroller General of the United States
18 shall submit to Congress a report that includes—

19 (1) with respect to each Federal dam and res-
20 ervoir in the United States located west of the 100th
21 meridian—

22 (A) an identification of the water control
23 manuals that were changed or updated by the
24 Corps of Engineers during the previous 10
25 years; and

1 (B) an identification of any water storage
2 reallocations approved by the Corps of Engi-
3 neers during the previous 10 years;

4 (2) a summary of the process and policies used
5 by the Corps of Engineers to establish and update
6 flood control curves within water control manuals at
7 the Federal dams and reservoirs described in para-
8 graph (1); and

9 (3) recommendations for changes to the process
10 and policies referred to in paragraph (2) to allow for
11 increased water storage at the Federal dams and
12 reservoirs described in paragraph (1).

13 **SEC. 1508. AQUATIC ECOSYSTEM RESTORATION.**

14 Section 206 of the Water Resources Development Act
15 of 1996 (33 U.S.C. 2330) is amended—

16 (1) by redesignating subsection (f) as sub-
17 section (g); and

18 (2) by inserting after subsection (e) the fol-
19 lowing:

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

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

24 “(2) is on a body of water that is identified by
25 the applicable State under section 303(d) of the

1 Federal Water Pollution Control Act (33 U.S.C.
2 1313(d)) as being impaired;

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

6 “(4) is located in a city with a population of
7 80,000 or less.”.

8 **SEC. 1509. IMPROVING REVIEWS FOR NON-FEDERAL HY-**
9 **DROPOWER AT EXISTING CORPS OF ENGI-**
10 **NEERS PROJECTS.**

11 (a) DEFINITIONS.—In this section:

12 (1) COMMISSION.—The term “Commission”
13 means the Federal Energy Regulatory Commission.

14 (2) ENVIRONMENTAL REVIEW PROCESS.—The
15 term “environmental review process” means the
16 process of preparing an environmental impact state-
17 ment or environmental assessment under the Na-
18 tional Environmental Policy Act of 1969 (42 U.S.C.
19 4321 et seq.).

20 (3) LICENSING APPLICATION.—

21 (A) IN GENERAL.—The term “licensing
22 application” means the process of seeking a li-
23 cense from the Commission to construct or op-
24 erate a hydropower facility at a qualifying facil-
25 ity.

1 (B) INCLUSION.—The term “licensing ap-
2 plication” includes any precicensing coordina-
3 tion conducted with the Commission prior to
4 submission of a formal application.

5 (4) MEMORANDUM OF UNDERSTANDING.—The
6 term “Memorandum of Understanding” means the
7 Memorandum of Understanding between the Corps
8 of Engineers and the Commission on Non-Federal
9 Hydropower Projects, signed in July 2016.

10 (5) QUALIFYING FACILITY.—The term “quali-
11 fying facility” means any dam, dike, embankment,
12 or other barrier—

13 (A) the construction of which was com-
14 pleted on or before the date of enactment of
15 this section; and

16 (B) that is operated, owned, or constructed
17 by the Corps of Engineers.

18 (b) APPLICABILITY.—This section shall apply to each
19 licensing application for a qualifying facility—

20 (1) for which precicensing coordination de-
21 scribed in subsection (a)(3)(B) is initiated on or
22 after the date of enactment of this section; or

23 (2) that is submitted on or after the date of en-
24 actment of this section.

25 (c) ENVIRONMENTAL REVIEW PROCESS.—

1 (1) IN GENERAL.—Except as provided under
2 paragraph (2) and consistent with the Memorandum
3 of Understanding, the Commission and the Sec-
4 retary shall develop and implement an environmental
5 review process for a licensing application at a quali-
6 fying facility, which shall include conducting the
7 Commission prelicensing process concurrently with
8 the process of preparing an environmental impact
9 statement or environmental assessment under the
10 jurisdiction of the Secretary that may be required to
11 construct or operate a hydropower facility at a quali-
12 fying facility.

13 (2) EXCEPTION.—The environmental review
14 process shall not include a licensing application in
15 which the proposed activity qualifies for a general
16 permit under section 10 of the Act of March 3, 1899
17 (commonly known as the “Rivers and Harbors Act
18 of 1899”) (30 Stat. 1151, chapter 425; 33 U.S.C.
19 403) or section 404 of the Federal Water Pollution
20 Control Act (33 U.S.C. 1344) or categorical permis-
21 sion under section 14 of the Act of March 3, 1899
22 (commonly known as the “Rivers and Harbors Act
23 of 1899”) (30 Stat. 1152, chapter 425; 33 U.S.C.
24 408).

1 (3) LENGTH OF PROCESS.—To the maximum
2 extent practicable, and without affecting the obliga-
3 tions or requirements of any Federal environmental
4 law, including the National Environmental Policy
5 Act of 1969 (42 U.S.C. 4321 et seq.), the Federal
6 Water Pollution Control Act (33 U.S.C. 1251 et
7 seq.), and the Endangered Species Act of 1973 (16
8 U.S.C. 1531 et seq.), the Commission and the Sec-
9 retary shall ensure that the environmental review
10 process described in paragraph (1) is completed in
11 a timely manner so that the Commission is able to
12 make a final decision on an application for a license
13 by not later than 2 years after the date on which the
14 Commission receives a completed licensing applica-
15 tion.

16 (4) PURPOSE AND NEED.—Notwithstanding the
17 authority of the Secretary in determining overall
18 project purposes under part 230 of title 33, Code of
19 Federal Regulations (or successor regulations), the
20 Secretary, consistent with the Memorandum of Un-
21 derstanding, shall coordinate with the Commission
22 to define the purpose and need for an environmental
23 impact statement or environmental assessment as
24 part of the environmental review process described
25 in paragraph (1).

1 (d) CERTIFICATION.—No hydropower facility planned
2 under this section shall be approved by the Commission
3 or the Secretary unless the Secretary certifies in writing
4 that the proposed hydropower facility will not adversely
5 affect or undermine—

6 (1) the structural integrity of the qualifying fa-
7 cility; and

8 (2) the ability of the qualifying facility—

9 (A) to achieve the congressionally author-
10 ized purposes of the facility; and

11 (B) to comply with applicable laws and
12 policies, including the national water resources
13 planning policy under section 2031(a) of the
14 Water Resources Development Act of 2007 (42
15 U.S.C. 1962–3(a)).

16 (e) SAVINGS CLAUSE.—Nothing in this section waives
17 or affects the obligations or requirements of any Federal
18 environmental laws, including—

19 (1) the National Environmental Policy Act of
20 1969 (42 U.S.C. 4321 et seq.);

21 (2) the Federal Water Pollution Control Act
22 (33 U.S.C. 1251 et seq.); and

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

1 **SEC. 1510. SURPLUS WATER CONTRACTS AND WATER STOR-**
2 **AGE AGREEMENTS.**

3 Section 1046(c) of the Water Resources Reform and
4 Development Act of 2014 (128 Stat. 1254; 132 Stat.
5 3784) is amended—

6 (1) by striking paragraph (3); and

7 (2) by redesignating paragraph (4) as para-
8 graph (3).

9 **SEC. 1511. REDUCED PRICING FOR CERTAIN WATER SUP-**
10 **PLY STORAGE.**

11 Section 322 of the Water Resources Development Act
12 of 1990 (33 U.S.C. 2324) is amended—

13 (1) in subsection (b), by striking “2,000,000”
14 and inserting “3,000,000”; and

15 (2) in subsection (g)—

16 (A) by striking the period at the end and
17 inserting “; or”;

18 (B) by striking “means a community” and
19 inserting the following: “means—

20 “(1) a community”; and

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

22 “(2) a regional water system that serves a pop-
23 ulation of less than 100,000, for which the per cap-
24 ita income is less than the per capita income of not
25 less than 50 percent of the counties in the United
26 States.”.

1 **Subtitle F—Invasive Species**

2 **SEC. 1601. DEFINITION OF INVASIVE SPECIES.**

3 In this subtitle, the term “invasive species” has the
4 meaning given the term in section 10(a) of the Fish and
5 Wildlife Coordination Act (16 U.S.C. 666e–1(a)).

6 **SEC. 1602. INVASIVE SPECIES IN IMPAIRED WATERS.**

7 (a) **IN GENERAL.**—The Administrator of the Envi-
8 ronmental Protection Agency (referred to in this section
9 as the “Administrator”) may provide technical assistance
10 to support efforts to eradicate invasive species from water-
11 ways of the United States to—

- 12 (1) States;
- 13 (2) Indian Tribes; and
- 14 (3) units of local government.

15 (b) **NO COST.**—The technical assistance under sub-
16 section (a) shall be provided at no cost to the entities de-
17 scribed in that subsection.

18 (c) **PRIORITIZATION.**—In selecting efforts to which to
19 provide technical assistance under subsection (a), the Ad-
20 ministrator shall give priority to those efforts that target
21 an invasive species in a waterway that is identified by the
22 applicable State under subparagraph (A) or (B) of section
23 303(d)(1) of the Federal Water Pollution Control Act (33
24 U.S.C. 1313(d)(1)).

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

4 **SEC. 1603. AQUATIC INVASIVE SPECIES RESEARCH.**

5 Section 1108 of the America’s Water Infrastructure
6 Act of 2018 (33 U.S.C. 2263a) is amended—

7 (1) in subsection (a)—

8 (A) by striking “management” and insert-
9 ing “prevention, management,”; and

10 (B) by inserting “, elodea, quagga mus-
11 sels,” after “Asian carp”; and

12 (2) in subsection (b)—

13 (A) by inserting “or threatened” after “im-
14 pacted”; and

15 (B) by inserting “Arctic,” after “Pacific.”

16 **SEC. 1604. INVASIVE SPECIES MITIGATION AND REDUC-**
17 **TION.**

18 Section 104 of the River and Harbor Act of 1958
19 (33 U.S.C. 610) is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) in the matter preceding subpara-
23 graph (A), by striking “this section
24 \$110,000,000” and inserting “this section

1 (except for subsections (f) and (g))
2 \$120,000,000”;

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

5 (iii) in subparagraph (C), by striking
6 the period at the end and inserting “;
7 and”; and

8 (iv) by adding at the end the fol-
9 lowing:

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

12 (B) by redesignating paragraph (2) as
13 paragraph (3);

14 (C) by inserting after paragraph (1) the
15 following:

16 “(2) OTHER PROGRAMS.—

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

19 “(i) **[\$10,000,000]** for each of fiscal
20 years 2021 through 2024 to carry out sub-
21 section (f); and

22 “(ii) \$50,000,000 for each of fiscal
23 years 2021 through 2024 to carry out sub-
24 section (g)(2).

1 “(B) INVASIVE PLANT SPECIES PILOT PRO-
2 GRAM.—There is authorized to be appropriated
3 to the Secretary of the Interior, acting through
4 the Director of the United States Fish and
5 Wildlife Service, \$10,000,000 to carry out sub-
6 section (g)(3).”; and

7 **[(D) in paragraph (3) (as so redesign-**
8 **ated), by inserting “or (2)(A)” after “para-**
9 **graph (1)”];**
10 (2) in subsection (d)—

11 (A) in the subsection heading, by inserting
12 “AND DECONTAMINATION” after “INSPEC-
13 TION”;

14 (B) in paragraph (1)—

15 (i) in subparagraph (A)—

16 (I) in the subparagraph heading,
17 by inserting “AND DECONTAMINA-
18 TION” after “INSPECTION”;

19 (II) in clause (ii), by striking
20 “and” at the end;

21 (III) in clause (iii), by striking
22 the period at the end and inserting “;
23 and”;

24 (IV) by adding at the end the fol-
25 lowing:

1 “(iv) to protect basins and watersheds
2 that adjoin an international border be-
3 tween the United States and Canada.”;
4 and

5 (ii) by striking subparagraph (B) and
6 inserting the following:

7 “(B) LOCATIONS.—The Secretary shall
8 place watercraft inspection and decontamination
9 stations under subparagraph (A) at locations
10 with the highest likelihood of preventing the
11 spread of aquatic invasive species into and out
12 of waters of the United States, as determined
13 by the Secretary in consultation with the Gov-
14 ernors and entities described in paragraph
15 (3).”;

16 (C) in paragraph (3)(A), by striking “(iii)”
17 and inserting “(iv)”; and

18 (D) by striking “watercraft inspection sta-
19 tions” each place it appears and inserting
20 “watercraft inspection and decontamination sta-
21 tions”; and

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

23 “(f) INVASIVE SPECIES MANAGEMENT PILOT PRO-
24 GRAM.—

1 “(1) DEFINITION OF INVASIVE SPECIES.—In
2 this subsection, the term ‘invasive species’ has the
3 meaning given the term in section 10(a) of the Fish
4 and Wildlife Coordination Act (16 U.S.C. 666c–
5 1(a)).

6 “(2) DEVELOPMENT OF PLANS.—The Secretary
7 shall carry out a pilot program under which the Sec-
8 retary shall collaborate with States in the Upper
9 Missouri River Basin in developing voluntary aquatic
10 invasive species management plans to mitigate the
11 effects of invasive species on public infrastructure
12 facilities located on reservoirs of the Corps of Engi-
13 neers in those States.

14 “(3) MANAGEMENT PLAN.—

15 “(A) IN GENERAL.—The Secretary, in con-
16 sultation with the Governor of each State in the
17 Upper Missouri River Basin that elects to par-
18 ticipate in the pilot program, shall prepare a
19 management plan for each participating State
20 that identifies public infrastructure facilities lo-
21 cated on reservoirs of the Corps of Engineers in
22 those States that—

23 “(i) are affected by aquatic invasive
24 species; and

1 “(ii) need financial and technical as-
2 sistance in order to maintain operations.

3 “(B) USE OF EXISTING PLANS.—In devel-
4 oping a management plan under subparagraph
5 (A), the Secretary shall consider a management
6 plan submitted by a participating State under
7 section 1204(a) of the Nonindigenous Aquatic
8 Nuisance Prevention and Control Act of 1990
9 (16 U.S.C. 4724(a)).

10 “(4) TERMINATION OF AUTHORITY.—The au-
11 thority provided under this subsection terminates on
12 September 30, 2024.

13 “(g) INVASIVE SPECIES PREVENTION AND REDUC-
14 TION.—

15 “(1) DEFINITION OF INVASIVE SPECIES.—In
16 this subsection, the term ‘invasive species’ has the
17 meaning given the term in section 10(a) of the Fish
18 and Wildlife Coordination Act (16 U.S.C. 666c-
19 1(a)).

20 “(2) INVASIVE SPECIES PARTNERSHIPS.—

21 “(A) IN GENERAL.—The Secretary may
22 enter into partnerships with applicable States
23 and other Federal agencies to carry out actions
24 to reduce, to the maximum extent practicable,
25 terrestrial invasive species that adversely impact

1 water quantity or water quality in the Platte
2 River Basin, the Upper Colorado River Basin,
3 the Upper Snake River Basin, and the Upper
4 Missouri River Basin.

5 “(B) PRIORITIZATION.—In selecting ac-
6 tions to carry out under a partnership under
7 subparagraph (A), the Secretary shall give pri-
8 ority to projects that are intended to control or
9 manage the Russian olive (*Elaeagnus*
10 *angustifolia*) or saltcedar (of the genus
11 *Tamarix*).

12 【“(3) INVASIVE PLANT SPECIES PILOT PRO-
13 GRAM.—】】

14 【“(A) DEFINITION OF INVASIVE PLANT
15 SPECIES.—In this paragraph, the term ‘invasive
16 plant species’ means an invasive species that is
17 a plant.】

18 【“(B) PILOT PROGRAM.—The Secretary of
19 the Interior, acting through the Director of the
20 United States Fish and Wildlife Service, shall
21 establish a pilot program under which the Sec-
22 retary of the Interior shall carry out activities—
23 】

1 【“(i) to remove invasive plant species
2 in riparian areas that contribute to
3 drought conditions in—】

4 【“(I) the Lower Colorado River
5 Basin;】

6 【“(II) the Rio Grande River
7 Basin;】

8 【“(III) the Texas Gulf Coast
9 Basin; and】

10 【“(IV) the Arkansas-White-Red
11 Basin;】

12 【“(ii) to replace the invasive plant
13 species described in clause (i) with eco-
14 logically suitable native species; and】

15 【“(iii) to maintain and monitor ripar-
16 ian areas in which activities are carried out
17 under clauses (i) and (ii).】

18 【“(C) TERMINATION OF AUTHORITY.—The
19 authority provided under this paragraph termi-
20 nates on September 30, 2024.】

21 “(4) COST-SHARE.—The Federal share of an
22 action carried out under a partnership under para-
23 graph (2) or the pilot program under paragraph (3)
24 shall not exceed 80 percent of the total cost of the
25 action.”.

1 **SEC. 1605. TERRESTRIAL NOXIOUS WEED CONTROL PILOT**
2 **PROGRAM.**

3 (a) IN GENERAL.—The Secretary shall carry out a
4 pilot program, in consultation with the Federal Inter-
5 agency Committee for the Management of Noxious and
6 Exotic Weeds, to identify and develop new and improved
7 strategies for terrestrial noxious weed control on Federal
8 land under the jurisdiction of the Secretary.

9 (b) PARTNERSHIPS.—In carrying out the pilot pro-
10 gram under subsection (a), the Secretary shall act in part-
11 nership with such other individuals and entities as the
12 Secretary determines to be appropriate.

13 (c) COOPERATIVE AGREEMENTS.—The Secretary
14 may utilize cooperative agreements with county and State
15 agencies for the implementation of the pilot program
16 under subsection (a).

17 (d) REPORT TO CONGRESS.—Not later than [18
18 months] after the date of enactment of this Act, the Sec-
19 retary shall provide to the Committee on Environment and
20 Public Works of the Senate and the Committee on Trans-
21 portation and Infrastructure of the House of Representa-
22 tives a report describing the new and improved strategies
23 developed through the pilot program under subsection (a).

1 **SEC. 1606. INVASIVE SPECIES ASSESSMENT,**
2 **PRIORITIZATION, AND MANAGEMENT.**

3 Section 528(f)(2) of the Water Resources Develop-
4 ment Act of 1996 (110 Stat. 3771) is amended—

5 (1) by redesignating subparagraphs (I) and (J)
6 as subparagraphs (J) and (K), respectively;

7 (2) by inserting after subparagraph (H) the fol-
8 lowing:

9 “(I) shall, using existing amounts appro-
10 priated to the Task Force, develop and update,
11 as appropriate, a priority list of invasive species
12 that—

13 “(i) reflects an assessment that the
14 listed species represent extant populations
15 of invasive plants and animals that—

16 “(I) are significantly impacting
17 the structure and function of ecologi-
18 cal communities or habitat within the
19 South Florida ecosystem; or

20 “(II) demonstrate a strong po-
21 tential to reduce, obscure, or other-
22 wise alter key indicators used to
23 measure Everglades restoration
24 progress; and

25 “(ii) shall be used by the Task Force
26 and agencies and entities represented on

1 the Task Force to focus cooperative and
2 collaborative efforts—

3 “(I) to guide applied research;

4 “(II) to develop innovative strate-
5 gies and tools to facilitate improved
6 management, control, or eradication
7 of listed species; and

8 “(III) to implement specific man-
9 agement, control, or eradication ac-
10 tivities at the appropriate periodicity
11 and intensity necessary to reduce or
12 neutralize the impacts of listed spe-
13 cies;”;

14 (3) in subparagraph (J) (as so redesignated),
15 by striking “ecosystem” and inserting “ecosystem,
16 including the activities described in subparagraph
17 (I)”; and

18 (4) in clause (i) of subparagraph (K) (as so re-
19 designated), by inserting “, including the priority list
20 under subparagraph (I) and the activities described
21 in that subparagraph” after “Task Force”.

22 **SEC. 1607. ASIAN CARP PREVENTION AND CONTROL PILOT**
23 **PROGRAM.**

24 (a) IN GENERAL.—The Secretary shall carry out an
25 Asian carp prevention and control pilot program (referred

1 to in this section as the “pilot program”) to carry out
2 projects to manage and prevent the spread of, reduce the
3 population of, or eradicate Asian carp using innovative
4 technologies, methods, and measures.

5 (b) PROJECT SELECTION.—

6 (1) LOCATION.—Each project under the pilot
7 program shall be carried out in a river system or
8 reservoir in which Asian carp have been found.

9 (2) LIMITATIONS.—

10 (A) IN GENERAL.—Not later than Sep-
11 tember 30, 2024, the Secretary shall carry out
12 and complete not more than 20 projects under
13 the pilot program.

14 (B) REQUIREMENT.—Not fewer than 5 of
15 the projects under subparagraph (A) shall be
16 carried out at reservoirs of the Corps of Engi-
17 neers or the Tennessee Valley Authority that
18 are located in—

19 (i) the Cumberland River watershed;

20 or

21 (ii) the Tennessee River watershed.

22 (3) CONSULTATION.—In selecting projects to
23 carry out under the pilot program, the Secretary
24 shall consult with—

1 (A) the Director of the U.S. Army Engi-
2 neer Research and Development Center;

3 (B) applicable Federal, State, and local
4 agencies;

5 (C) the Mississippi Interstate Cooperative
6 Resource Association;

7 (D) institutions of higher education; and

8 (E) relevant private organizations, includ-
9 ing nonprofit organizations.

10 (c) REMOVAL OF UNSUCCESSFUL PROJECTS.—If the
11 Secretary determines that a project under the pilot pro-
12 gram does not achieve the goals of the pilot program de-
13 scribed in subsection (a), the Secretary shall remove the
14 project.

15 (d) COST-SHARE.—

16 (1) IN GENERAL.—Subject to paragraphs (2)
17 and (3), the Federal share of the costs of a project
18 carried out under the pilot program shall be 80 per-
19 cent.

20 (2) OPERATION, MAINTENANCE, REHABILITA-
21 TION, AND REPAIR.—After the completion of a
22 project under the pilot program, the Federal share
23 of the costs for operation, maintenance, rehabilita-
24 tion, and repair of the project shall be 100 percent.

1 (3) REMOVAL OF UNSUCCESSFUL PROJECTS.—

2 The Federal share of the costs of the removal of a
3 project under subsection (c) shall be 100 percent.

4 (e) REPORT.—Not later than 2 years after the date
5 of enactment of this Act, and 2 years thereafter, the Sec-
6 retary shall submit to Congress a report describing the
7 results of the pilot program, including an analysis of the
8 effectiveness of the innovative technologies, methods, and
9 measures used in projects of the pilot program at pre-
10 venting the spread of, managing the spread of, reducing
11 the population of, or eradicating Asian carp.

12 (f) TRANSFER.—The Secretary may transfer projects
13 carried out under the pilot program at reservoirs of the
14 Tennessee Valley Authority to the Tennessee Valley Au-
15 thority.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out the pilot pro-
18 gram \$35,000,000, to remain available until expended.

19 (h) TERMINATION OF AUTHORITY.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the authority provided under the pilot
22 program terminates on September 30, 2024.

23 (2) EXCEPTION.—The authority under sub-
24 section (f) does not terminate on the date described
25 in paragraph (1).

1 **SEC. 1608. AQUATIC INVASIVE SPECIES PREVENTION.**

2 Section 1039(b) of the Water Resources Reform and
3 Development Act of 2014 (16 U.S.C. 4701 note; Public
4 Law 113–121) is amended—

5 (1) in paragraph (1)—

6 (A) in the paragraph heading, by striking
7 “UPPER MISSISSIPPI AND OHIO RIVER BASINS
8 AND TRIBUTARIES” and inserting “MISSISSIPPI
9 RIVER AND TRIBUTARIES, INCLUDING SUB-BA-
10 SINS”; and

11 (B) in subparagraph (A), by striking
12 “Upper Mississippi and Ohio River basins and
13 tributaries” and inserting “Mississippi River
14 and tributaries, including the 6 sub-basins of
15 the River,”; and

16 (2) in paragraph (2)—

17 (A) in subparagraph (A), by striking
18 “Upper Mississippi and Ohio River basins and
19 tributaries” and inserting “Mississippi River
20 and tributaries, including the 6 sub-basins of
21 the River”; and

22 (B) in subparagraph (B)—

23 (i) in clause (i), by striking “Upper
24 Mississippi and Ohio River basins and trib-
25 utaries” and inserting “Mississippi River

1 and tributaries, including the 6 sub-basins
2 of the River,”; and

3 (ii) in clause (ii), by striking “Upper
4 Mississippi and Ohio River basins and trib-
5 utaries” and inserting “Mississippi River
6 and tributaries, including the 6 sub-basins
7 of the River”.

8 **SEC. 1609. INVASIVE SPECIES IN ALPINE LAKES PILOT PRO-**
9 **GRAM.**

10 (a) ESTABLISHMENT.—The Secretary of the Interior,
11 acting through the Director of the United States Fish and
12 Wildlife Service, shall establish a pilot program (referred
13 to in this section as the “pilot program”) to carry out
14 measures necessary to prevent, reduce the number of, or
15 eradicate aquatic invasive species in alpine lakes in areas
16 in which the Secretary of the Interior is carrying out envi-
17 ronmental projects.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out the pilot pro-
20 gram \$25,000,000 for the period of fiscal years 2022
21 through 2024.

1 **TITLE II—CLEAN WATER**

2 **SEC. 2001. CLEAN WATER INFRASTRUCTURE RESILIENCY**
3 **AND SUSTAINABILITY PROGRAM.**

4 Title II of the Federal Water Pollution Control Act
5 (33 U.S.C. 1281 et seq.) is amended by adding at the end
6 the following:

7 **“SEC. 222. CLEAN WATER INFRASTRUCTURE RESILIENCY**
8 **AND SUSTAINABILITY PROGRAM.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a municipality; or

13 “(B) an intermunicipal, interstate, or State
14 agency.

15 “(2) NATURAL HAZARD.—The term ‘natural
16 hazard’ means a hazard caused by natural forces, in-
17 cluding extreme weather events, sea-level rise, and
18 extreme drought conditions.

19 “(3) PROGRAM.—The term ‘program’ means
20 the clean water infrastructure resilience and sustain-
21 ability program established under subsection (b).

22 “(b) ESTABLISHMENT.—The Administrator shall es-
23 tablish a clean water infrastructure resilience and sustain-
24 ability program under which the Administrator shall
25 award grants to eligible entities for the purpose of increas-

1 ing the resilience of publicly owned treatment works to a
2 natural hazard.

3 “(c) USE OF FUNDS.—An eligible entity that receives
4 a grant under the program shall use the grant funds for
5 planning, designing, or constructing projects (on a system-
6 wide or area-wide basis) that increase the resilience of a
7 publicly owned treatment works to a natural hazard
8 through—

9 “(1) the conservation of water;

10 “(2) the enhancement of water use efficiency;

11 “(3) the enhancement of wastewater and
12 stormwater management by increasing watershed
13 preservation and protection, including through the
14 use of—

15 “(A) natural and engineered green infra-
16 structure; and

17 “(B) reclamation and reuse of wastewater
18 and stormwater, such as aquifer recharge zones;

19 “(4) the modification or relocation of an exist-
20 ing publicly owned treatment works that is at risk
21 of being significantly impaired or damaged by a nat-
22 ural hazard;

23 “(5) the development and implementation of
24 projects to increase the resilience of publicly owned
25 treatment works to a natural hazard; or

1 “(6) the enhancement of energy efficiency or
2 the use and generation of recovered or renewable en-
3 ergy in the management, treatment, or conveyance
4 of wastewater or stormwater.

5 “(d) APPLICATION.—To be eligible to receive a grant
6 under the program, an eligible entity shall submit to the
7 Administrator an application at such time, in such man-
8 ner, and containing such information as the Administrator
9 may require, including—

10 “(1) a proposal of the project to be planned, de-
11 signed, or constructed using funds under the pro-
12 gram;

13 “(2) an identification of the natural hazard risk
14 to be addressed by the proposed project;

15 “(3) documentation prepared by a Federal,
16 State, regional, or local government agency of the
17 natural hazard risk of the area where the proposed
18 project is to be located;

19 “(4) a description of any recent natural hazard
20 events that have affected the publicly owned treat-
21 ment works;

22 “(5) a description of how the proposed project
23 would improve the performance of the publicly
24 owned treatment works under an anticipated natural
25 hazard; and

1 “(6) an explanation of how the proposed project
2 is expected to enhance the resilience of the publicly
3 owned treatment works to an anticipated natural
4 hazard.

5 “(e) GRANT AMOUNT AND OTHER FEDERAL RE-
6 QUIREMENTS.—

7 “(1) COST SHARE.—A grant under the program
8 shall not exceed 75 percent of the total cost of the
9 proposed project.

10 “(2) REQUIREMENTS.—The requirements of
11 section 608 shall apply to a project funded with a
12 grant under the program.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$5,000,000 for each of fiscal years 2021 through 2024.”.

16 **SEC. 2002. INCREASED FUNDING FOR TECHNICAL ASSIST-**
17 **ANCE.**

18 Section 104(u) of the Federal Water Pollution Con-
19 trol Act (33 U.S.C. 1254(u)) is amended—

20 (1) by striking “and (7)” and inserting “(7)”;
21 and

22 (2) in paragraph (7)—

23 (A) by striking “2023” and inserting
24 “2020”; and

1 (B) by striking the period at the end and
2 inserting “; and (8) not to exceed \$75,000,000
3 for each of fiscal years 2021 through 2024 for
4 carrying out subsections (b)(3), (b)(8), and (g),
5 of which not less than \$50,000,000 each year
6 shall be used to carry out subsection (b)(8).”.

7 **SEC. 2003. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**
8 **MENT WORKS CIRCUIT RIDER PROGRAM.**

9 Title II of the Federal Water Pollution Control Act
10 (33 U.S.C. 1281 et seq.) (as amended by section 2001)
11 is amended by adding at the end the following:

12 **“SEC. 223. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**
13 **MENT WORKS CIRCUIT RIDER PROGRAM.**

14 “(a) ESTABLISHMENT.—Not later than 180 days
15 after the date of enactment of this section, the Adminis-
16 trator shall establish a circuit rider program (referred to
17 in this section as the ‘circuit rider program’) under which
18 the Administrator shall award grants to qualified non-
19 profit entities, as determined by the Administrator, to pro-
20 vide assistance to owners and operators of small and me-
21 dium publicly owned treatment works to carry out the ac-
22 tivities described in section 602(b)(13).

23 “(b) LIMITATION.—A grant provided under the cir-
24 cuit rider program shall be in an amount that is not more
25 than \$50,000.

1 “(c) REPORT.—Not later than 180 days after the
2 date on which the Administrator establishes the circuit
3 rider program, and every 180 days thereafter, the Admin-
4 istrator shall submit to Congress a report describing—

5 “(1) each recipient of a grant under the circuit
6 rider program; and

7 “(2) a summary of the activities carried out
8 under the circuit rider program.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section
11 \$10,000,000 for the period of fiscal years 2021 through
12 2024.”.

13 **SEC. 2004. SMALL PUBLICLY OWNED TREATMENT WORKS**
14 **EFFICIENCY GRANT PROGRAM.**

15 Title II of the Federal Water Pollution Control Act
16 (33 U.S.C. 1281 et seq.) (as amended by section 2003)
17 is amended by adding at the end the following:

18 **“SEC. 224. SMALL PUBLICLY OWNED TREATMENT WORKS**
19 **EFFICIENCY GRANT PROGRAM.**

20 “(a) ESTABLISHMENT.—Not later than 180 days
21 after the date of enactment of this section, the Adminis-
22 trator shall establish an efficiency grant program (referred
23 to in this section as the ‘efficiency grant program’) under
24 which the Administrator shall award grants to eligible en-
25 tities for the replacement or repair of equipment that im-

1 proves water or energy efficiency of small publicly owned
2 treatment works, as identified in an efficiency audit.

3 “(b) ELIGIBLE ENTITIES.—The Administrator may
4 award a grant under the efficiency grant program to an
5 owner or operator of a small publicly owned treatment
6 works that serves—

7 “(1) a population of not more than 10,000 peo-
8 ple; or

9 “(2) a disadvantaged community.

10 “(c) LIMITATION.—A grant provided under the effi-
11 ciency grant program shall be in an amount that is not
12 more than \$20,000.

13 “(d) REPORT.—Not later than 180 days after the
14 date on which the Administrator establishes the efficiency
15 grant program, and every 180 days thereafter, the Admin-
16 istrator shall submit to Congress a report describing—

17 “(1) each recipient of a grant under the effi-
18 ciency grant program; and

19 “(2) a summary of the activities carried out
20 under the efficiency grant program.

21 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 \$5,000,000 for each of fiscal years 2021 through 2024,
24 to remain available until expended.”.

1 **SEC. 2005. WASTEWATER EFFICIENCY GRANT PILOT PRO-**
2 **GRAM.**

3 (a) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Environ-
6 mental Protection Agency.

7 (2) PILOT PROGRAM.—The term “pilot pro-
8 gram” means the wastewater efficiency grant pilot
9 program established under subsection (b).

10 (3) TREATMENT WORKS.—The term “treatment
11 works” has the meaning given the term in section
12 212 of the Federal Water Pollution Control Act (33
13 U.S.C. 1292).

14 (b) ESTABLISHMENT.—The Administrator shall es-
15 tablish a wastewater efficiency grant pilot program to
16 award grants to owners or operators of publicly owned
17 treatment works to carry out projects that create or im-
18 prove waste-to-energy systems.

19 (c) SELECTION.—

20 (1) APPLICATIONS.—To be eligible to receive a
21 grant under the pilot program, an owner or operator
22 of a treatment works shall submit to the Adminis-
23 trator an application at such time, in such manner,
24 and containing such information as the Adminis-
25 trator may require.

1 (2) NUMBER OF RECIPIENTS.—The Adminis-
2 trator shall select not more than 15 recipients of
3 grants under the pilot program from applications
4 submitted under paragraph (1).

5 (d) USE OF FUNDS.—

6 (1) IN GENERAL.—Subject to paragraph (2), a
7 recipient of a grant under the pilot program may use
8 grant funds for—

9 (A) sludge collection;

10 (B) installation of anaerobic digesters;

11 (C) methane capture;

12 (D) methane transfer;

13 (E) facility upgrades and retrofits nec-
14 essary to create or improve waste-to-energy sys-
15 tems; and

16 (F) other new and emerging, but proven,
17 technologies that transform waste to energy.

18 (2) LIMITATION.—A grant to a recipient under
19 the pilot program shall be not more than
20 \$4,000,000.

21 (e) REPORTS.—

22 (1) REPORT TO THE ADMINISTRATOR.—Not
23 later than 1 year after receiving a grant under the
24 pilot program and each year thereafter for which
25 amounts are made available for the pilot program

1 under subsection (f), the recipient of the grant shall
2 submit to the Administrator a report describing the
3 impact of that project on the communities within 3
4 miles of the treatment works.

5 (2) REPORT TO CONGRESS.—Not later than 1
6 year after first awarding grants under the pilot pro-
7 gram and each year thereafter for which amounts
8 are made available for the pilot program under sub-
9 section (f), the Administrator shall submit to Con-
10 gress a report describing—

11 (A) the applications received by the Ad-
12 ministrator for grants under the pilot program;
13 and

14 (B) the projects for which grants were
15 awarded under the pilot program.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out the pilot pro-
18 gram \$17,500,000 for each of fiscal years 2021 and 2022,
19 to remain available until expended.

20 **SEC. 2006. PILOT PROGRAM FOR ALTERNATIVE WATER**
21 **SOURCE PROJECTS.**

22 Section 220 of the Federal Water Pollution Control
23 Act (33 U.S.C. 1300) is amended—

1 (1) in subsection (b), in the heading, by strik-
2 ing “IN GENERAL” and inserting “ESTABLISH-
3 MENT”;

4 (2) in subsection (d)—

5 (A) by striking paragraph (2); and

6 (B) by redesignating paragraph (3) as
7 paragraph (2);

8 (3) by striking subsection (e);

9 (4) in subsection (i)—

10 (A) in the matter preceding paragraph (1),
11 by striking “, the following definitions apply”;
12 and

13 (B) in paragraph (1), in the first sentence,
14 by striking “water or wastewater or by treating
15 wastewater” and inserting “water, wastewater,
16 or stormwater or by treating wastewater or
17 stormwater”;

18 (5) in subsection (j), in the first sentence, by
19 striking “a total of \$75,000,000 for fiscal years
20 2002 through 2004” and inserting “\$25,000,000 for
21 each of fiscal years 2022 through 2024”; and

22 (6) by redesignating subsections (b), (c), (d),
23 (i), and (j) as subsections (c), (d), (e), (b), and (i),
24 respectively, and reordering those subsections so as
25 to appear in alphabetical order.

1 **SEC. 2007. SEWER OVERFLOW AND STORMWATER REUSE**
2 **MUNICIPAL GRANTS.**

3 Section 221 of the Federal Water Pollution Control
4 Act (33 U.S.C. 1301) is amended—

5 (1) in subsection (a)(1) —

6 (A) in subparagraph (A), by striking
7 “and” at the end;

8 (B) by redesignating subparagraph (B) as
9 subparagraph (C); and

10 (C) by inserting after subparagraph (A)
11 the following:

12 “(B) notification systems to inform the
13 public of combined sewer or sanitary overflows
14 that result in sewage being released into rivers
15 and other waters; and”; and

16 (2) in subsection (f)—

17 (A) in paragraph (1)—

18 (i) by striking “There is” and insert-
19 ing “There are”;

20 (ii) by striking the period at the end
21 and inserting “; and”;

22 (iii) by striking “this section
23 \$225,000,000” and inserting the following:

24 “this section—

25 “(A) \$225,000,000”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(B) \$250,000,000 for each of fiscal years
4 2021 and 2022.”; and

5 (B) in paragraph (2)—

6 (i) by striking “To the extent” and in-
7 serting the following:

8 “(A) GREEN INFRASTRUCTURE.—To the
9 extent”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(B) RURAL ALLOCATION.—To the extent
13 there are sufficient eligible project applications,
14 the Administrator shall ensure that a State
15 uses not less than 15 percent of the amount of
16 the grants made to the State under subsection
17 (a) in a fiscal year to carry out projects in rural
18 areas for the purpose of planning, design, and
19 construction of—

20 “(i) treatment works to intercept,
21 transport, control, treat, or reuse munic-
22 ipal sewer overflows, sanitary sewer over-
23 flows, or stormwater; or

24 “(ii) any other measures to manage,
25 reduce, treat, or recapture stormwater or

1 subsurface drainage water eligible for as-
2 sistance under section 603(e).”.

3 **SEC. 2008. WATER INFRASTRUCTURE AND WORKFORCE IN-**
4 **VESTMENT.**

5 Section 4304 of the America’s Water Infrastructure
6 Act of 2018 (42 U.S.C. 300j–19e) is amended—

7 (1) in subsection (a)(3)(B), by inserting “and
8 public works departments and agencies” after “orga-
9 nizations”;

10 (2) in subsection (b)—

11 (A) in paragraph (2)—

12 (i) in the matter preceding subpara-
13 graph (A), by striking “institutions—” and
14 inserting “institutions, or public works de-
15 partments and agencies—”; and

16 (ii) in subparagraph (A)(ii), by insert-
17 ing “for entities that are not public works
18 departments and agencies,” before “work-
19 ing”; and

20 (B) in paragraph (4), by striking
21 “\$1,000,000 for each of fiscal years 2019 and
22 2020” and inserting “\$2,000,000 for each of
23 fiscal years 2021 through 2024”;

24 (3) by redesignating subsections (a) and (b) as
25 subsections (b) and (c), respectively; and

1 (4) by inserting before subsection (b) (as so re-
2 designated) the following:

3 “(a) DEFINITION OF PUBLIC WORKS DEPARTMENT
4 OR AGENCY.—In this section, the term ‘public works de-
5 partment or agency’ means a political subdivision of a
6 local, county, or regional government that designs, builds,
7 operates, and maintains water infrastructure, sewage and
8 refuse disposal systems, and other public water systems
9 and facilities.”.

10 **SEC. 2009. WATER RESOURCES RESEARCH ACT AMEND-**
11 **MENTS.**

12 (a) CLARIFICATION OF RESEARCH ACTIVITIES.—Sec-
13 tion 104(b)(1) of the Water Resources Research Act of
14 1984 (42 U.S.C. 10303(b)(1)) is amended—

15 (1) in subparagraph (B)(ii), by striking “water-
16 related phenomena” and inserting “water re-
17 sources”; and

18 (2) in subparagraph (D), by striking the period
19 at the end and inserting “; and”.

20 (b) COMPLIANCE REPORT.—Section 104 of the
21 Water Resources Research Act of 1984 (42 U.S.C. 10303)
22 is amended by striking subsection (c) and inserting the
23 following:

24 “(c) GRANTS.—

1 “(1) IN GENERAL.—From the sums appro-
2 priated pursuant to subsection (f) of this section, the
3 Secretary shall make grants to each institute to be
4 matched on a basis of no less than 1 non-Federal
5 dollar for every 1 Federal dollar.

6 “(2) REPORT.—Not later than December 31 of
7 each fiscal year, the Secretary shall submit to the
8 Committee on Environment and Public Works of the
9 Senate, the Committee on the Budget of the Senate,
10 the Committee on Transportation and Infrastructure
11 of the House of Representatives, and the Committee
12 on the Budget of the House of Representatives a re-
13 port regarding the compliance of each funding re-
14 cipient with this subsection for the immediately pre-
15 ceding fiscal year.”.

16 (c) EVALUATION OF WATER RESOURCES RESEARCH
17 PROGRAM.—Section 104 of the Water Resources Research
18 Act of 1984 (42 U.S.C. 10303) is amended by striking
19 subsection (e) and inserting the following:

20 “(e) EVALUATION OF WATER RESOURCES RESEARCH
21 PROGRAM.—

22 “(1) IN GENERAL.—The Secretary shall con-
23 duct a careful and detailed evaluation of each insti-
24 tute at least once every 5 years to determine—

1 “(A) the quality and relevance of the water
2 resources research of the institute;

3 “(B) the effectiveness of the institute at
4 producing measured results and applied water
5 supply research; and

6 “(C) whether the effectiveness of the insti-
7 tute as an institution for planning, conducting,
8 and arranging for research warrants continued
9 support under this section.

10 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
11 as a result of an evaluation under paragraph (1), the
12 Secretary determines that an institute does not qual-
13 ify for further support under this section, no further
14 grants to the institute may be provided until the
15 qualifications of the institute are reestablished to the
16 satisfaction of the Secretary.”.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
18 104(f)(1) of the Water Resources Research Act of 1984
19 (42 U.S.C. 10303(f)(1)) is amended by striking
20 “\$12,000,000 for each of fiscal years 2007 through 2011”
21 and inserting “\$8,250,000 for each of fiscal years 2021
22 through 2024”.

23 (e) ADDITIONAL APPROPRIATIONS WHERE RE-
24 SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE
25 NATURE.—Section 104(g)(1) of the Water Resources Re-

1 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
2 in the first sentence by striking “\$6,000,000 for each of
3 fiscal years 2007 through 2011” and inserting
4 “\$1,750,000 for each of fiscal years 2021 through 2024”.

5 **SEC. 2010. GRANTS FOR CONSTRUCTION, REFURBISHING,**
6 **AND SERVICING OF INDIVIDUAL HOUSEHOLD**
7 **DECENTRALIZED WASTEWATER SYSTEMS**
8 **FOR INDIVIDUALS WITH LOW OR MODERATE**
9 **INCOME.**

10 Title II of the Federal Water Pollution Control Act
11 (33 U.S.C. 1281 et seq.) (as amended by section 2004)
12 is amended by adding at the end the following:

13 **“SEC. 225. GRANTS FOR CONSTRUCTION, REFURBISHING,**
14 **AND SERVICING OF INDIVIDUAL HOUSEHOLD**
15 **DECENTRALIZED WASTEWATER SYSTEMS**
16 **FOR INDIVIDUALS WITH LOW OR MODERATE**
17 **INCOME.**

18 “(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this
19 section, the term ‘eligible individual’ means a member of
20 a household, the members of which have a combined in-
21 come (for the most recent 12-month period for which in-
22 formation is available) equal to not more than 50 percent
23 of the median nonmetropolitan household income for the
24 State or territory in which the household is located, ac-
25 cording to the most recent decennial census.

1 “(b) GRANT PROGRAM.—

2 “(1) IN GENERAL.—The Administrator shall es-
3 tablish a program under which the Administrator
4 shall provide grants to private nonprofit organiza-
5 tions for the purpose of providing subgrants to eligi-
6 ble individuals who reside in the mid-Atlantic, the
7 southeast, and the Appalachian regions of the
8 United States, in accordance with subsection (c).

9 “(2) APPLICATION.—To be eligible to receive a
10 grant under this subsection, a private nonprofit or-
11 ganization shall submit to the Administrator an ap-
12 plication at such time, in such manner, and con-
13 taining such information as the Administrator deter-
14 mines to be appropriate.

15 “(3) PRIORITY.—In awarding grants under this
16 subsection, the Administrator shall give priority to
17 applicants that have substantial expertise and expe-
18 rience in promoting the safe and effective use of in-
19 dividual household decentralized wastewater systems.

20 “(4) ADMINISTRATIVE EXPENSES.—A private
21 nonprofit organization may use amounts provided
22 under this subsection to pay the administrative ex-
23 penses associated with the provision of subgrants
24 under subsection (c), as the Administrator deter-
25 mines to be appropriate.

1 “(c) SUBGRANTS.—

2 “(1) IN GENERAL.—Subject to paragraph (2), a
3 private nonprofit organization shall use a grant pro-
4 vided under subsection (b) to provide subgrants to
5 eligible individuals for the construction, refurbishing,
6 and servicing of individual household decentralized
7 wastewater systems.

8 “(2) PUBLIC UTILITY CONNECTION AVAIL-
9 ABLE.—

10 “(A) IN GENERAL.—In any case in which
11 an eligible individual who submits to a private
12 nonprofit organization an application for a
13 subgrant under this subsection resides in a
14 household that could be connected to an avail-
15 able public wastewater utility, the private non-
16 profit organization shall conduct a cost analysis
17 to determine whether establishing such a con-
18 nection would be a more cost-effective use of
19 subgrant funds, as compared to the eligible uses
20 described in paragraph (1).

21 “(B) USE OF FUNDS.—If a cost analysis
22 under subparagraph (A) demonstrates that the
23 connection of the applicable household to a pub-
24 lic wastewater utility is more cost-effective than
25 the eligible uses described in paragraph (1)

1 with respect to the household, the eligible indi-
2 vidual may use a subgrant provided under this
3 subsection to establish the connection.

4 “(3) APPLICATION.—To be eligible to receive a
5 subgrant under this subsection, an eligible individual
6 shall submit to the private nonprofit organization
7 serving the area in which the individual household
8 decentralized wastewater system of the eligible indi-
9 viduals is, or is proposed to be, located an applica-
10 tion at such time, in such manner, and containing
11 such information as the private nonprofit organiza-
12 tion determines to be appropriate.

13 “(4) PRIORITY.—In awarding subgrants under
14 this subsection, a private nonprofit organization
15 shall give priority to any eligible individual who does
16 not have access to a sanitary sewage disposal sys-
17 tem.

18 “(5) MAXIMUM AMOUNT.—The amount of a
19 subgrant provided under this subsection shall not ex-
20 ceed \$20,000.

21 “(d) REPORT.—Not later than 2 years after the date
22 of enactment of this section, the Administrator shall sub-
23 mit to the Committee on Environment and Public Works
24 of the Senate and the Committee on Transportation and
25 Infrastructure of the House of Representatives a report

1 describing the results of the program under this section
2 with respect to the prevalence throughout the United
3 States of low- and moderate-income households without
4 access to a sanitary sewage disposal system.

5 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to the Administrator to
7 carry out this section \$15,000,000 for each of fiscal years
8 2021 and 2022.”.

9 **SEC. 2011. CONNECTION TO PUBLICLY OWNED TREATMENT**
10 **WORKS.**

11 Title II of the Federal Water Pollution Control Act
12 (33 U.S.C. 1281 et seq.) (as amended by section 2010)
13 is amended by adding at the end the following:

14 **“SEC. 226. CONNECTION TO PUBLICLY OWNED TREATMENT**
15 **WORKS.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
18 tity’ means—

19 “(A) an owner or operator of a publicly
20 owned treatment works that assists or is seek-
21 ing to assist individuals with connecting the
22 household of the individual to the publicly
23 owned treatment works; or

24 “(B) a nonprofit entity that assists individ-
25 uals with the costs associated with connecting

1 the household of the individual to a publicly
2 owned treatment works.

3 “(2) PROGRAM.—The term ‘program’ means
4 the competitive grant program established under
5 subsection (b).

6 “(3) QUALIFIED INDIVIDUAL.—The term ‘quali-
7 fied individual’ has the meaning given the term ‘eli-
8 gible individual’ in section 603(j).

9 “(b) ESTABLISHMENT.—The Administrator shall es-
10 tablish a competitive grant program under which the Ad-
11 ministrator awards grants to eligible entities to provide
12 funds to assist qualified individuals in covering the costs
13 incurred by the qualified individual in connecting the
14 household of the qualified individual to a publicly owned
15 treatment works.

16 “(c) APPLICATION.—

17 “(1) IN GENERAL.—An eligible entity seeking a
18 grant under the program shall submit to the Admin-
19 istrator an application at such time, in such manner,
20 and containing such information as the Adminis-
21 trator may by regulation require.

22 “(2) REQUIREMENT.—Not later than 90 days
23 after the date on which the Administrator receives
24 an application from an eligible entity under para-
25 graph (1), the Administrator shall notify the eligible

1 entity of whether the Administrator will award a
2 grant to the eligible entity under the program.

3 “(d) SELECTION CRITERIA.—In selecting recipients
4 of grants under the program, the Administrator shall use
5 the following criteria:

6 “(1) Whether the eligible entity seeking a grant
7 provides services to, or works directly with, qualified
8 individuals.

9 “(2) Whether the eligible entity seeking a
10 grant—

11 “(A) has an existing program to assist in
12 covering the costs incurred in connecting a
13 household to a publicly owned treatment works;
14 or

15 “(B) seeks to create a program described
16 in subparagraph (A).

17 “(e) REQUIREMENTS.—

18 “(1) VOLUNTARY CONNECTION.—Before pro-
19 viding funds to a qualified individual for the costs
20 described in subsection (b), an eligible entity shall
21 ensure that—

22 “(A) the qualified individual has connected
23 to the publicly owned treatment works volun-
24 tarily; and

1 “(B) if the eligible entity is not the owner
2 or operator of the publicly owned treatment
3 works to which the qualified individual has con-
4 nected, the publicly owned treatment works to
5 which the qualified individual has connected has
6 agreed to the connection.

7 “(2) REIMBURSEMENTS FROM PUBLICLY
8 OWNED TREATMENT WORKS.—An eligible entity that
9 is an owner or operator of a publicly owned treat-
10 ment works may reimburse a qualified individual
11 that has already incurred the costs described in sub-
12 section (b) by—

13 “(A) reducing the amount otherwise owed
14 by the qualified individual to the owner or oper-
15 ator for wastewater or other services provided
16 by the owner or operator; or

17 “(B) providing a direct payment to the
18 qualified individual.

19 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out the program
21 \$20,000,000 for each of fiscal years 2021 and 2022.”.

22 **SEC. 2012. USE OF CLEAN WATER STATE REVOLVING LOAN**
23 **FUNDS.**

24 (a) IN GENERAL.—Section 603 of the Federal Water
25 Pollution Control Act (33 U.S.C. 1383) is amended—

1 (1) in subsection (c)—

2 (A) in paragraph (11)(B), by striking
3 “and” at the end;

4 (B) in paragraph (12)(B), by striking the
5 period at the end and inserting a semicolon;
6 and

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

8 “(13) for the additional subsidies described in
9 subsection (k); and

10 “(14) to any qualified entity, as determined by
11 the Administrator, to provide assistance in the de-
12 sign and engineering of any project described in this
13 subsection.”;

14 (2) in subsection (d), in the matter preceding
15 paragraph (1), by inserting “and provided in sub-
16 section (l)” after “State law”; and

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

18 “(k) REQUIRED ADDITIONAL SUBSIDIES.—

19 “(1) IN GENERAL.—Notwithstanding any other
20 provision of this title and to the extent that there
21 are sufficient applications from eligible recipients, a
22 State shall use not more than 10 percent of a cap-
23 italization grant to the State under this title and
24 section 205(m) to provide the additional subsidies
25 described in paragraph (2) to eligible recipients

1 under subsection (d) if the additional subsidies de-
2 scribed in that paragraph are used—

3 “(A) as initial financing for the eligible re-
4 cipient; or

5 “(B) to buy, refinance, restructure, or for-
6 give the debt obligations of the eligible recipi-
7 ent, if the debt obligation was incurred on or
8 after the date of enactment of this subsection.

9 “(2) ADDITIONAL SUBSIDIES DESCRIBED.—The
10 additional subsidies referred to in paragraph (1)
11 are—

12 “(A) forgiveness of principal of loans owed
13 to the State water pollution control revolving
14 fund of the State;

15 “(B) negative interest loans;

16 “(C) grants; or

17 “(D) a combination of the subsidies de-
18 scribed in subparagraphs (A) through (C).

19 “(1) ADDITIONAL USE OF FUNDS.—A State may use
20 an additional 2 percent of the funds annually allotted to
21 the State under this section for nonprofit organizations
22 (as defined in section 104(w)) to provide technical assist-
23 ance to rural, small, and tribal publicly owned treatment
24 works (within the meaning of section 104(b)(8)(B)) in the
25 State.”.

1 (b) TECHNICAL AMENDMENT.—Section 104(w) of
2 the Federal Water Pollution Control Act (33 U.S.C.
3 1254(w)) is amended by striking “treatments works” and
4 inserting “treatment works”.

5 **SEC. 2013. WATER DATA SHARING PILOT PROGRAM.**

6 (a) ESTABLISHMENT.—The Administrator of the En-
7 vironmental Protection Agency (referred to in this section
8 as the “Administrator”) shall establish a competitive
9 grant pilot program (referred to in this section as the
10 “pilot program”) under which the Administrator may
11 award grants to eligible entities under subsection (b) to
12 establish systems that improve the sharing of information
13 concerning water quality, water infrastructure needs, and
14 water technology between States or among counties and
15 other units of local government within a State, which may
16 include—

17 (1) establishing a website or data hub to ex-
18 change water data, including data on water quality
19 or water technology, including new and emerging,
20 but proven, water technology; and

21 (2) intercounty communications initiatives re-
22 lated to water data.

23 (b) ELIGIBLE ENTITIES.—An entity eligible for a
24 grant under the pilot program is—

1 (1) a State, county, or other unit of local gov-
2 ernment that—

3 (A) has a coastal watershed with signifi-
4 cant pollution levels;

5 (B) has a water system with significant
6 pollution levels; or

7 (C) has significant individual water infra-
8 structure deficits; or

9 (2) a regional consortium established under
10 subsection (d).

11 (c) APPLICATIONS.—To be eligible to receive a grant
12 under the pilot program, an eligible entity under sub-
13 section (b) shall submit to the Administrator an applica-
14 tion at such time, in such manner, and containing such
15 information as the Administrator may require.

16 (d) REGIONAL CONSORTIA.—

17 (1) ESTABLISHMENT.—States may establish re-
18 gional consortia in accordance with this subsection.

19 (2) REQUIREMENTS.—A regional consortium
20 established under paragraph (1) shall—

21 (A) include not fewer than 2 States that
22 have entered into a memorandum of under-
23 standing—

24 (i) to exchange water data, including
25 data on water quality; or

1 (ii) to share information, protocols,
2 and procedures with respect to projects
3 that evaluate, demonstrate, or install new
4 and emerging, but proven, water tech-
5 nology;

6 (B) carry out projects—

7 (i) to exchange water data, including
8 data on water quality; or

9 (ii) that evaluate, demonstrate, or in-
10 stall new and emerging, but proven, water
11 technology; and

12 (C) develop a regional intended use plan,
13 in accordance with paragraph (3), to identify
14 projects to carry out, including projects using
15 grants received under this section.

16 (3) REGIONAL INTENDED USE PLAN.—A re-
17 gional intended use plan of a regional consortium es-
18 tablished under paragraph (1)—

19 (A) shall identify projects that the regional
20 consortium intends to carry out, including
21 projects that meet the requirements of para-
22 graph (2)(B); and

23 (B) may include—

24 (i) projects included in an intended
25 use plan of a State prepared under section

1 606(c) of the Federal Water Pollution
2 Control Act (33 U.S.C. 1386(c)) within the
3 regional consortium; and

4 (ii) projects not included in an in-
5 tended use plan of a State prepared under
6 section 606(c) of the Federal Water Pollu-
7 tion Control Act (33 U.S.C. 1386(c)) with-
8 in the regional consortium.

9 (e) FUNDING.—

10 (1) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to carry out
12 the pilot program \$15,000,000 for each of fiscal
13 years 2022 through 2024, to remain available until
14 expended.

15 (2) REQUIREMENT.—Of the funds made avail-
16 able under paragraph (1), not more than 35 percent
17 may be used to provide grants to regional consortia
18 established under subsection (d).

19 **SEC. 2014. WATER INFRASTRUCTURE FINANCING REAU-**
20 **THORIZATION.**

21 Section 5033 of the Water Infrastructure Finance
22 and Innovation Act of 2014 (33 U.S.C. 3912) is amend-
23 ed—

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

1 “(3) FISCAL YEARS 2022 THROUGH 2024.—
2 There is authorized to be appropriated to the Ad-
3 ministrator to carry out this subtitle \$50,000,000
4 for each of fiscal years 2022 through 2024, to re-
5 main available until expended.”;

6 **[(2) in subsection (b)(2)—]**

7 **[(A) in the paragraph heading, by striking**
8 **“2020 AND 2021” and inserting “AFTER 2019”;**
9 **and]**

10 **[(B) by striking “2020 and 2021” and in-**
11 **serting “2022 through 2024”; and]**

12 **[(3) in subsection (e)(1), by striking “2020 and**
13 **2021” and inserting “2022 through 2024”.]**

14 **SEC. 2015. REAUTHORIZATION OF CLEAN WATER STATE RE-**
15 **VOLVING FUNDS.**

16 **[***The language that follows is contingent on scoring.*
17 *If it scores, and therefore requires offsets, adequate and*
18 *broadly supported offsets will have to be found in order to*
19 *retain the language.***]** Section 607 of the Federal Water
20 Pollution Control Act (33 U.S.C. 1387) is amended—

21 (1) in the matter preceding paragraph (1), by
22 striking “There is” and inserting “There are”; and

23 (2) by striking paragraphs (1) through (5) and
24 inserting the following:

25 “(1) \$2,000,000,000 for fiscal year 2022;

1 “(2) \$2,500,000,000 for fiscal year 2023; and
2 “(3) \$3,000,000,000 for fiscal year 2024.”.

3 **SEC. 2016. WASTEWATER INFRASTRUCTURE DISCRE-**
4 **TIONARY GRANT PROGRAM.**

5 (a) **ESTABLISHMENT.**—Not later than 1 year after
6 the date of enactment of this Act, the Administrator of
7 the Environmental Protection Agency (referred to in this
8 section as the “Administrator”) shall establish a waste-
9 water discretionary grant program (referred to in this sec-
10 tion as the “program”) to provide grants, on a competitive
11 basis, to eligible entities described in subsection (b) for
12 investments in wastewater infrastructure projects.

13 (b) **ELIGIBLE ENTITIES.**—An entity eligible to re-
14 ceive a grant under the program is—

15 (1) a Federal, State, interstate, intermunicipal,
16 or local governmental entity, agency, or instrumen-
17 tality;

18 (2) a Tribal government or consortium of Trib-
19 al governments;

20 (3) a State infrastructure financing authority;
21 and

22 (4) a publicly owned treatment works (as de-
23 fined in section 212 of the Federal Water Pollution
24 Control Act (33 U.S.C. 1292)).

25 (c) **ELIGIBLE PROJECTS.**—

1 (1) IN GENERAL.—A project eligible to be car-
2 ried out with funds under the program includes—

3 (A) 1 or more activities described in sec-
4 tion 603(e) of the Federal Water Pollution Con-
5 trol Act (33 U.S.C. 1383(e)); and

6 (B) any other wastewater infrastructure
7 project that the Administrator determines to
8 appropriate.

9 (2) OTHER FEDERAL FUNDS.—Notwithstanding
10 any other provision of law, a project otherwise eligi-
11 ble under paragraph (1) shall not be ineligible for
12 funding because the project also received assist-
13 ance—

14 (A) from a State drinking water treatment
15 revolving loan fund established under section
16 1452 of the Safe Drinking Water Act (42
17 U.S.C. 300j–12);

18 (B) from a State water pollution control
19 revolving fund established under title VI of the
20 Federal Water Pollution Control Act (33 U.S.C.
21 1381 et seq.); or

22 (C) under the Water Infrastructure Fi-
23 nance and Innovation Act of 2014 (33 U.S.C.
24 3901 et seq.).

25 (d) APPLICATION.—

1 (1) IN GENERAL.—To be eligible to receive a
2 grant under the program, an eligible entity shall
3 submit to the Administrator an application in such
4 manner and containing such information as the Ad-
5 ministrator may require.

6 (2) BUNDLING OF PROJECTS.—An eligible enti-
7 ty may include more than 1 project in a single appli-
8 cation.

9 (3) DEADLINE.—An application shall be sub-
10 mitted to the Administrator not later than 180 days
11 after the date on which the notice of funding oppor-
12 tunity and the selection criteria are issued under
13 subsection (e)(1)(B).

14 (e) SELECTION.—

15 (1) CRITERIA.—

16 (A) IN GENERAL.—The Administrator
17 shall establish criteria in accordance with this
18 subsection to use in selecting projects to receive
19 a grant under the program.

20 (B) PUBLICATION.—Not later than 90
21 days after the date on which funds are made
22 available to carry out the program for each fis-
23 cal year, the Administrator shall—

24 (i) issue a notice of funding oppor-
25 tunity for the program; and

1 (ii) include in the notice the selection
2 criteria established under subparagraph
3 (A).

4 (2) PRIORITY.—In selecting projects to receive
5 a grant under the program, the Administrator shall
6 give priority to projects—

7 (A) for which a Federal grant would assist
8 in completing an overall financing package for
9 the project; and

10 (B) that would help bring publicly owned
11 treatment works (as defined in section 212 of
12 the Federal Water Pollution Control Act (33
13 U.S.C. 1292)) into compliance with the Federal
14 Water Pollution Control Act (33 U.S.C. 1251 et
15 seq.).

16 (3) GEOGRAPHICAL DISTRIBUTION.—For each
17 fiscal year, in providing grants under the program,
18 the Administrator shall ensure that the funds are
19 distributed—

20 (A) on an equitable geographical basis; and

21 (B) in a manner that balances the needs of
22 urban, suburban, and rural communities.

23 (4) DEADLINE.—Not later than 18 months
24 after the date on which funds are made available to
25 carry out the program for each fiscal year, the Ad-

1 administrator shall select projects to receive grants
2 under the program.

3 (f) REQUIREMENTS.—

4 (1) TOTAL STATE LIMIT.—For each fiscal year,
5 the total amount provided under the program for
6 projects in a single State shall not exceed 20 percent
7 of the total amount made available to carry out the
8 program.

9 (2) FEDERAL SHARE.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), the Federal share of the cost of a
12 project carried out with a grant under the pro-
13 gram shall not exceed 90 percent.

14 (B) WAIVER.—The Administrator may
15 waive the requirement of subparagraph (A).

16 (g) REGULATIONS.—The Administrator may promul-
17 gate such regulations as may be necessary to carry out
18 this section.

19 (h) LABOR STANDARDS.—Notwithstanding any other
20 provision of law, the Administrator may not provide a
21 grant under the program for a project unless the project
22 meets the requirements described in section 513 of the
23 Federal Water Pollution Control Act (33 U.S.C. 1372).

24 (i) REPORTS.—Not later than 2 years after the date
25 of enactment of this Act, the Administrator shall submit

1 to Congress and make publicly available a report on the
2 implementation of the program.

3 (j) FUNDING.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated to carry out
6 this section \$50,000,000 for each of fiscal years
7 2022 through 2024.

8 (2) AVAILABILITY.—Funds made available to
9 carry out this section shall be available until ex-
10 pended.

11 (3) ADMINISTRATIVE COSTS.—Not more than 2
12 percent of the amount made available for a fiscal
13 year under paragraph (1) may be used by the Ad-
14 ministrator for the administrative costs of carrying
15 out the program.

16 **SEC. 2017. SMALL AND DISADVANTAGED COMMUNITY**
17 **ANALYSIS.**

18 (a) ANALYSIS.—Not later than 1 year after the date
19 of enactment of this Act, using environmental justice data
20 of the Environmental Protection Agency, including data
21 from the environmental justice mapping and screen tool
22 of the Environmental Protection Agency, the Adminis-
23 trator of the Environmental Protection Agency (referred
24 to in this section as the “Administrator”) shall carry out
25 an analysis under which the Administrator shall assess the

1 programs under title VI of the Federal Water Pollution
2 Control Act (33 U.S.C. 1381 et seq.) and section 1452
3 of the Safe Drinking Water Act (42 U.S.C. 300j–12) to
4 identify historical distributions of funds to small and dis-
5 advantaged communities and new opportunities and meth-
6 ods to improve on the distribution of funds under those
7 programs to low-income communities, rural communities,
8 minority communities, and communities of indigenous
9 peoples, in accordance with Executive Order 12898 (42
10 U.S.C. 4321 note; 60 Fed. Reg. 6381; relating to Federal
11 actions to address environmental justice in minority popu-
12 lations and low-income populations)).

13 (b) REPORT.—On completion of the analysis under
14 subsection (a), the Administrator shall submit to the Com-
15 mittee on Environment and Public Works of the Senate
16 and the Committees on Energy and Commerce and Trans-
17 portation and Infrastructure of the House of Representa-
18 tives a report describing—

19 (1) the results of the analysis; and

20 (2) the criteria the Administrator used in car-
21 rying out the analysis.

22 **SEC. 2018. STORMWATER INFRASTRUCTURE TECHNOLOGY.**

23 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) CENTER.—The term “center” means a cen-
5 ter of excellence for stormwater control infrastruc-
6 ture established under subsection (b)(1).

7 (3) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means—

9 (A) a State, Tribal, or local government; or

10 (B) a local, regional, or other public entity
11 that manages stormwater or wastewater re-
12 sources or other related water infrastructure.

13 (4) ELIGIBLE INSTITUTION.—The term “eligi-
14 ble institution” means an institution of higher edu-
15 cation or a research institution that has dem-
16 onstrated excellence in researching and developing
17 new and emerging stormwater control infrastructure.

18 (b) CENTERS OF EXCELLENCE FOR STORMWATER
19 CONTROL INFRASTRUCTURE.—

20 (1) ESTABLISHMENT OF CENTERS.—

21 (A) IN GENERAL.—The Administrator
22 shall provide grants, on a competitive basis, to
23 eligible institutions to establish and maintain
24 not less than 3, and not more than 5, centers
25 of excellence for new and emerging stormwater

1 control infrastructure, to be located in various
2 regions throughout the United States.

3 (B) GENERAL OPERATION.—Each center
4 shall—

5 (i) conduct research on new and
6 emerging stormwater control infrastructure
7 that is relevant to the geographical region
8 in which the center is located, including
9 stormwater and sewer overflow reduction,
10 other approaches to water resource en-
11 hancement, alternative funding approaches,
12 and other environmental, economic, and so-
13 cial benefits;

14 (ii) maintain a listing of—

15 (I) stormwater control infrastruc-
16 ture needs; and

17 (II) an analysis of new and
18 emerging stormwater control infra-
19 structure that is available;

20 (iii) analyze whether additional finan-
21 cial programs for the implementation of
22 new and emerging, but proven, stormwater
23 control infrastructure would be useful;

24 (iv) provide information regarding re-
25 search conducted under clause (i) to the

1 national electronic clearinghouse center for
2 publication on the Internet website estab-
3 lished under paragraph (3)(B)(i) to pro-
4 vide to the Federal Government and State,
5 Tribal, and local governments and the pri-
6 vate sector information regarding new and
7 emerging, but proven, stormwater control
8 infrastructure;

9 (v) provide technical assistance to
10 State, Tribal, and local governments to as-
11 sist with the construction, operation, and
12 maintenance of stormwater control infra-
13 structure projects;

14 (vi) collaborate with institutions of
15 higher education and private and public or-
16 ganizations, including community-based
17 public-private partnerships, in the geo-
18 graphical region in which the center is lo-
19 cated; and

20 (vii) coordinate with the other centers
21 to avoid duplication of efforts.

22 (2) APPLICATION.—To be eligible to receive a
23 grant under this subsection, an eligible institution
24 shall prepare and submit to the Administrator an
25 application at such time, in such form, and con-

1 taining such information as the Administrator may
2 require.

3 (3) NATIONAL ELECTRONIC CLEARINGHOUSE
4 CENTER.—Of the centers established under para-
5 graph (1)(A), 1 shall—

6 (A) be designated as the “national elec-
7 tronic clearinghouse center”; and

8 (B) in addition to the other functions of
9 that center—

10 (i) develop, operate, and maintain an
11 Internet website and a public database
12 that contains information relating to new
13 and emerging, but proven, stormwater con-
14 trol infrastructure; and

15 (ii) post to the website information
16 from all centers.

17 (4) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated to carry out
19 this subsection \$5,000,000 for each of fiscal years
20 2022 and 2023.

21 (c) STORMWATER CONTROL INFRASTRUCTURE
22 PROJECT GRANTS.—

23 (1) GRANT AUTHORITY.—The Administrator
24 shall provide grants, on a competitive basis, to eligi-
25 ble entities to carry out stormwater control infra-

1 structure projects that incorporate new and emerg-
2 ing, but proven, stormwater control technology in ac-
3 cordance with this subsection.

4 (2) STORMWATER CONTROL INFRASTRUCTURE
5 PROJECTS.—

6 (A) PLANNING AND DEVELOPMENT
7 GRANTS.—The Administrator may make plan-
8 ning and development grants under this sub-
9 section for the following projects:

10 (i) Planning and designing
11 stormwater control infrastructure projects
12 that incorporate new and emerging, but
13 proven, stormwater control technology, in-
14 cluding engineering surveys, landscape
15 plans, maps, and implementation plans.

16 (ii) Identifying and developing stand-
17 ards necessary to accommodate stormwater
18 control infrastructure projects, including
19 those projects that incorporate new and
20 emerging, but proven, stormwater control
21 technology.

22 (iii) Identifying and developing fee
23 structures to provide financial support for
24 design, installation, and operations and
25 maintenance of stormwater control infra-

1 structure, including new and emerging, but
2 proven, stormwater control infrastructure.

3 (iv) Developing approaches for com-
4 munity-based public-private partnerships
5 for the financing and construction of
6 stormwater control infrastructure, includ-
7 ing feasibility studies, stakeholder out-
8 reach, and needs assessments.

9 (v) Developing training and edu-
10 cational materials regarding new and
11 emerging, but proven, stormwater control
12 infrastructure for distribution to—

13 (I) individuals and entities with
14 applicable technical knowledge; and

15 (II) the public.

16 (B) IMPLEMENTATION GRANTS.—The Ad-
17 ministrator may make implementation grants
18 under this subsection for the following projects:

19 (i) Installing new and emerging, but
20 proven, stormwater control infrastructure.

21 (ii) Protecting or restoring inter-
22 connected networks of natural areas that
23 protect water quality.

24 (iii) Monitoring and evaluating the en-
25 vironmental, economic, or social benefits of

1 stormwater control infrastructure that in-
2 corporate new and emerging, but proven,
3 stormwater control technology.

4 (iv) Implementing a best practices
5 standard for stormwater control infrastruc-
6 ture programs.

7 (3) APPLICATION.—Except as otherwise pro-
8 vided in this section, to be eligible to receive a grant
9 under this subsection, an eligible entity shall prepare
10 and submit to the Administrator an application at
11 such time, in such form, and containing such infor-
12 mation as the Administrator may require, including,
13 as applicable—

14 (A) a description of the stormwater control
15 infrastructure project that incorporates new
16 and emerging, but proven, technology;

17 (B) a plan for monitoring the impacts of
18 the stormwater control infrastructure project on
19 the water quality and quantity;

20 (C) an evaluation of other environmental,
21 economic, and social benefits of the stormwater
22 control infrastructure project; and

23 (D) a plan for the long-term operation and
24 maintenance of the stormwater control infra-
25 structure project.

1 (4) PRIORITY.—In making grants under this
2 subsection, the Administrator shall give priority to
3 applications submitted on behalf of—

4 (A) a community that—

5 (i) has combined storm and sanitary
6 sewers in the collection system of the com-
7 munity; or

8 (ii) is a small, rural, or disadvantaged
9 community, as determined by the Adminis-
10 trator; or

11 (B) an eligible entity that will use not less
12 than 15 percent of the grant to provide service
13 to a small, rural, or disadvantaged community,
14 as determined by the Administrator.

15 (5) MAXIMUM AMOUNTS.—

16 (A) PLANNING AND DEVELOPMENT
17 GRANTS.—

18 (i) SINGLE GRANT.—The amount of a
19 single planning and development grant
20 provided under this subsection shall be not
21 more than \$200,000.

22 (ii) AGGREGATE AMOUNT.—The total
23 amount of all planning and development
24 grants provided under this subsection for a
25 fiscal year shall be not more than $\frac{1}{3}$ of the

1 total amount made available to carry out
2 this subsection.

3 (B) IMPLEMENTATION GRANTS.—

4 (i) SINGLE GRANT.—The amount of a
5 single implementation grant provided
6 under this subsection shall be not more
7 than \$2,000,000.

8 (ii) AGGREGATE AMOUNT.—The total
9 amount of all implementation grants pro-
10 vided under this subsection for a fiscal
11 year shall be not more than $\frac{2}{3}$ of the total
12 amount made available to carry out this
13 subsection.

14 (6) FEDERAL SHARE.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (C), the Federal share of a grant
17 provided under this subsection shall not exceed
18 65 percent of the total project cost.

19 (B) CREDIT FOR IMPLEMENTATION
20 GRANTS.—The Administrator shall credit to-
21 ward the non-Federal share of the cost of an
22 implementation project carried out under this
23 subsection the cost of planning, design, and
24 construction work completed for the project

1 using funds other than funds provided under
2 this section.

3 (C) EXCEPTION.—The Administrator may
4 waive the Federal share limitation under sub-
5 paragraph (A) for an eligible entity that has
6 adequately demonstrated financial need.

7 (d) REPORT TO CONGRESS.—Not later than 1 year
8 after the date on which the Administrator first awards a
9 grant under this section, the Administrator shall submit
10 to Congress a report that includes, with respect to the pe-
11 riod covered by the report—

12 (1) a description of all grants provided under
13 this section;

14 (2) a detailed description of—

15 (A) the projects supported by those grants;

16 and

17 (B) the outcomes of those projects;

18 (3) a description of the improvements in tech-
19 nology, environmental benefits, resources conserved,
20 efficiencies, and other benefits of the projects funded
21 under this section;

22 (4) recommendations for improvements to pro-
23 mote and support new and emerging, but proven,
24 stormwater control infrastructure, including research

1 into new and emerging technologies, for the centers,
2 grants, and activities under this section; and

3 (5) a description of existing challenges con-
4 cerning the use of new and emerging, but proven,
5 stormwater control infrastructure.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 (except for subsection (b)) \$10,000,000 for each of fiscal
9 years 2022 and 2023.

10 **TITLE III—TRIBAL AND OTHER** 11 **MATTERS**

12 **SEC. 3001. TRIBAL PARTNERSHIP PROGRAM.**

13 Section 203(b)(4) of the Water Resources Develop-
14 ment Act of 2000 (33 U.S.C. 2269(b)(4)) is amended by
15 striking “\$12,500,000” each place it appears and insert-
16 ing “\$22,500,000”.

17 **SEC. 3002. GRANTS TO PORTS TO REDUCE EMISSIONS** 18 **FROM WATERBORNE VESSELS.**

19 (a) IN GENERAL.—The Administrator of the Envi-
20 ronmental Protection Agency shall establish a grant pro-
21 gram under which the Administrator shall award grants
22 for the purpose of reducing emissions at ports that result
23 from waterborne vessels.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$20,000,000 for each of fiscal years 2021 and 2022.

4 **SEC. 3003. MAPPING AND SCREENING TOOL.**

5 The Administrator of the Environmental Protection
6 Agency shall continue to update, on an annual basis, and
7 make available to the public EJScreen or an equivalent
8 environmental justice mapping and screening tool.

9 **SEC. 3004. ASSESSMENT OF COASTAL WATER INFRASTRUC-**
10 **TURE VULNERABILITIES.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Administrator of the Environmental Pro-
13 tection Agency shall submit to Congress a report that in-
14 cludes—

15 (1) an assessment of coastal water infrastruc-
16 ture vulnerabilities to sea level rise, storm surge, ex-
17 treme weather, and other flood risks, including an
18 identification of States and communities with the
19 most immediate and severe risks; and

20 (2) recommendations for investments and other
21 improvements to that infrastructure to ensure long-
22 term survivability.

1 **SEC. 3005. REPORT ON POTENTIAL FOR BLUE ENERGY AT**
2 **COASTAL WASTEWATER TREATMENT PLANTS.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Administrator of the Environmental Pro-
5 tection Agency, in consultation with the Secretary of En-
6 ergy, shall submit to Congress a report that evaluates the
7 potential for using energy generation technologies based
8 on harnessing the salinity differential between freshwater
9 and saltwater at coastal wastewater treatment plants and
10 other facilities.

11 **SEC. 3006. GREAT LAKES RESTORATION INITIATIVE.**

12 Section 118(c)(7)(J)(i) of the Federal Water Pollu-
13 tion Control Act (33 U.S.C. 1268(c)(7)(J)(i)) is amend-
14 ed—

15 (1) by striking “There is” and inserting “There
16 are”;

17 (2) by striking the period at the end and insert-
18 ing “; and”;

19 (3) by striking “this paragraph \$300,000,000”
20 and inserting the following: “this paragraph—

21 “(I) \$300,000,000”; and

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

23 “(II) \$375,000,000 for fiscal
24 year 2022.”.

1 **SEC. 3007. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
2 **GRAM.**

3 Title I of the Federal Water Pollution Control Act
4 (33 U.S.C. 1251 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 124. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
7 **GRAM.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ESTUARY PARTNERSHIP.—The term ‘Es-
10 tuary Partnership’ means the San Francisco Estu-
11 ary Partnership, designated as the management con-
12 ference for the San Francisco Bay under section
13 320.

14 “(2) SAN FRANCISCO BAY PLAN.—The term
15 ‘San Francisco Bay Plan’ means—

16 “(A) until the date of the completion of the
17 plan developed by the Director under subsection
18 (d), the comprehensive conservation and man-
19 agement plan approved under section 320 for
20 the San Francisco Bay estuary; and

21 “(B) on and after the date of the comple-
22 tion of the plan developed by the Director under
23 subsection (d), the plan developed by the Direc-
24 tor under subsection (d).

25 “(b) PROGRAM OFFICE.—

26 “(1) ESTABLISHMENT.—

1 “(A) IN GENERAL.—The Administrator
2 shall establish in the Environmental Protection
3 Agency a San Francisco Bay Program Office
4 (referred to in this section as the ‘Office’).

5 “(B) LOCATION.—The Office shall be lo-
6 cated at the headquarters of Region 9 of the
7 Environmental Protection Agency.

8 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
9 ministrators shall appoint a Director of the Office
10 (referred to in this section as the ‘Director’), who
11 shall have management experience and technical ex-
12 pertise relating to the San Francisco Bay and be
13 highly qualified to direct the development and imple-
14 mentation of projects, activities, and studies nec-
15 essary to implement the San Francisco Bay Plan.

16 “(3) DELEGATION OF AUTHORITY; STAFFING.—
17 The Administrator shall delegate to the Director
18 such authority and provide such staff as may be nec-
19 essary to carry out this section.

20 “(c) ANNUAL PRIORITY LIST.—

21 “(1) IN GENERAL.—After providing public no-
22 tice, the Director shall annually compile a priority
23 list, consistent with the San Francisco Bay Plan,
24 identifying and prioritizing the projects, activities,

1 and studies to be carried out with amounts made
2 available under subsection (e).

3 “(2) INCLUSIONS.—The annual priority list
4 compiled under paragraph (1) shall include the fol-
5 lowing:

6 “(A) Projects, activities, and studies, in-
7 cluding restoration projects and habitat im-
8 provement for fish, waterfowl, and wildlife, that
9 advance the goals and objectives of the San
10 Francisco Bay Plan, for—

11 “(i) water quality improvement, in-
12 cluding the reduction of marine litter;

13 “(ii) wetland, riverine, and estuary
14 restoration and protection;

15 “(iii) nearshore and endangered spe-
16 cies recovery; and

17 “(iv) adaptation to extreme weather
18 events.

19 “(B) Information on the projects, activi-
20 ties, and studies specified under subparagraph
21 (A), including—

22 “(i) the identity of each entity receiv-
23 ing assistance pursuant to subsection (e);
24 and

1 “(ii) a description of the communities
2 to be served.

3 “(C) The criteria and methods established
4 by the Director for identification of projects, ac-
5 tivities, and studies to be included on the an-
6 nual priority list.

7 “(3) CONSULTATION.—In compiling the annual
8 priority list under paragraph (1), the Director shall
9 consult with, and consider the recommendations of—

10 “(A) the Estuary Partnership;

11 “(B) the State of California and affected
12 local governments in the San Francisco Bay es-
13 tuary watershed;

14 “(C) the San Francisco Bay Restoration
15 Authority; and

16 “(D) any other relevant stakeholder in-
17 volved with the protection and restoration of
18 the San Francisco Bay estuary that the Direc-
19 tor determines to be appropriate.

20 “(d) SAN FRANCISCO BAY PLAN.—

21 “(1) IN GENERAL.—Not later than 5 years
22 after the date of enactment of this section, the Di-
23 rector, in conjunction with the Estuary Partnership,
24 shall review and revise the comprehensive conserva-
25 tion and management plan approved under section

1 320 for the San Francisco Bay estuary to develop
2 a plan to guide the projects, activities, and studies
3 of the Office to address the restoration and protec-
4 tion of the San Francisco Bay.

5 “(2) REVISION OF SAN FRANCISCO BAY
6 PLAN.—Not less often than once every 5 years after
7 the date of the completion of the plan described in
8 paragraph (1), the Director shall review, and revise
9 as appropriate, the San Francisco Bay Plan.

10 “(3) OUTREACH.—In carrying out this sub-
11 section, the Director shall consult with the Estuary
12 Partnership and Indian tribes and solicit input from
13 other non-Federal stakeholders.

14 “(e) GRANT PROGRAM.—

15 “(1) IN GENERAL.—The Director may provide
16 funding through cooperative agreements, grants, or
17 other means to State and local agencies, special dis-
18 tricts, and public or nonprofit agencies, institutions,
19 and organizations, including the Estuary Partner-
20 ship, for projects, activities, and studies identified on
21 the annual priority list compiled under subsection
22 (c).

23 “(2) MAXIMUM AMOUNT OF GRANTS; NON-FED-
24 ERAL SHARE.—

1 “(A) MAXIMUM AMOUNT OF GRANTS.—
2 Amounts provided to any entity under this sec-
3 tion for a fiscal year shall not exceed an
4 amount equal to 75 percent of the total cost of
5 any projects, activities, and studies that are to
6 be carried out using those amounts.

7 “(B) NON-FEDERAL SHARE.—Not less
8 than 25 percent of the cost of any project, ac-
9 tivity, or study carried out using amounts pro-
10 vided under this section shall be provided from
11 non-Federal sources.

12 “(f) FUNDING.—

13 “(1) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this section \$25,000,000 for each of fiscal years
16 2022 and 2023.

17 “(2) ADMINISTRATIVE EXPENSES.—Of the
18 amount made available to carry out this section for
19 a fiscal year, the Director may not use more than
20 5 percent to pay administrative expenses incurred in
21 carrying out this section.

22 “(3) PROHIBITION.—No amounts made avail-
23 able under this section may be used for the adminis-
24 tration of a management conference under section
25 320.”.

1 **SEC. 3008. LAKE TAHOE RESTORATION PROGRAM.**

2 Title I of the Federal Water Pollution Control Act
3 (33 U.S.C. 1251 et seq.) (as amended by section 3007)
4 is amended by adding at the end the following:

5 **“SEC. 125. LAKE TAHOE RESTORATION PROGRAM.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) DIRECTOR.—The term ‘Director’ means
8 the Director of the Office appointed under sub-
9 section (b)(2).

10 “(2) ENVIRONMENTAL IMPROVEMENT PRO-
11 GRAM.—The term ‘Environmental Improvement Pro-
12 gram’ means the Environmental Improvement Pro-
13 gram adopted by the Tahoe Regional Planning
14 Agency, including any amendments to the Environ-
15 mental Improvement Program.

16 “(3) OFFICE.—The term ‘Office’ means the
17 Lake Tahoe Program Office established under sub-
18 section (b)(1)(A).

19 “(b) LAKE TAHOE PROGRAM.—

20 “(1) ESTABLISHMENT.—

21 “(A) IN GENERAL.—The Administrator
22 shall establish within the Environmental Protec-
23 tion Agency a Lake Tahoe Program Office.

24 “(B) LOCATION.—The Office shall be lo-
25 cated at—

1 “(i) the headquarters of region 9 of
2 the Environmental Protection Agency; or

3 “(ii) another location geographically
4 suitable for the purposes of carrying out
5 the grant program under subsection (c).

6 “(2) DIRECTOR.—

7 “(A) IN GENERAL.—The Administrator
8 shall appoint an employee of the Environmental
9 Protection Agency who, by reason of manage-
10 ment experience and technical expertise relating
11 to Lake Tahoe, shall be highly qualified to sup-
12 port the development and implementation of
13 projects, programs, and studies necessary to
14 carry out the goals of the Environmental Im-
15 provement Program as Director of the Office.

16 “(B) DELEGATION OF AUTHORITY; STAFF-
17 ING.—The Administrator shall delegate to the
18 Director such authority and provide such re-
19 sources as may be necessary to carry out this
20 section.

21 “(c) GRANT PROGRAM.—

22 “(1) IN GENERAL.—The Director may provide
23 funding through cooperative agreements, grants, or
24 other means to Federal, State, and regional agen-
25 cies, public and nonprofit agencies, institutions, and

1 organizations for activities, studies, or projects iden-
2 tified in the Environmental Improvement Program.

3 “(2) FEDERAL SHARE.—

4 “(A) IN GENERAL.—The Federal share of
5 the total cost of an eligible activity, study, or
6 project carried out using amounts provided
7 under this section shall be not greater than 75
8 percent.

9 “(B) SOURCE OF NON-FEDERAL SHARE.—

10 The non-Federal share of the total cost of an
11 eligible activity, study, or project carried out
12 under the program shall be provided from non-
13 Federal sources.

14 “(d) FUNDING.—

15 “(1) AUTHORIZATION OF APPROPRIATIONS.—

16 There is authorized to be appropriated to the Direc-
17 tor to carry out this section \$6,000,000 for each of
18 fiscal years 2021 through 2024.

19 “(2) ADMINISTRATIVE EXPENSES.—Of the
20 amounts made available to carry out this section for
21 a fiscal year under paragraph (1), the Director may
22 use not more than 5 percent to pay the administra-
23 tive expenses incurred in carrying out this section.

24 “(3) RELATIONSHIP TO OTHER FUNDING.—

25 Nothing in this section limits the eligibility of

1 projects identified in the Environmental Improve-
2 ment Program to receive funding under section 319.

3 “(4) PROHIBITION.—No amounts made avail-
4 able under paragraph (1) may be used for the ad-
5 ministration of a management conference under sec-
6 tion 320.”.

7 **SEC. 3009. PUGET SOUND COORDINATED RECOVERY.**

8 Title I of the Federal Water Pollution Control Act
9 (33 U.S.C. 1251 et seq.) (as amended by section 3008)
10 is amended by adding at the end the following:

11 **“SEC. 126. PUGET SOUND COORDINATED RECOVERY.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) DIRECTOR.—The term ‘Director’ means
14 the Director of the Program Office appointed under
15 subsection (b)(2)(A).

16 【“(2) FEDERAL ACTION PLAN.—The term
17 ‘Federal Action Plan’ means the interim draft report
18 of the Puget Sound Federal Task Force entitled
19 ‘The Puget Sound Federal Task Force Action Plan
20 FY 2017-2021’ and accepted by the Puget Sound
21 Federal Task Force on January 18, 2017.】

22 “(3) INTERNATIONAL JOINT COMMISSION.—The
23 term ‘International Joint Commission’ means the
24 International Joint Commission established by the
25 Treaty Relating to the Boundary Waters and Ques-

1 tions Arising Along the Boundary Between the
2 United States and Canada, signed at Washington
3 January 11, 1909 (36 Stat. 2448; TS 548) (com-
4 monly known as the ‘Boundary Waters Treaty of
5 1909’).

6 “(4) PACIFIC SALMON COMMISSION.—The term
7 ‘Pacific Salmon Commission’ means the Pacific
8 Salmon Commission established by the United
9 States and Canada under the Treaty between the
10 Government of the United States of America and
11 the Government of Canada Concerning Pacific Salm-
12 on, signed at Ottawa, January 28, 1985 (TIAS
13 11091) (commonly known as the ‘Pacific Salmon
14 Treaty’).

15 “(5) PROGRAM OFFICE.—The term ‘Program
16 Office’ means the Puget Sound Recovery National
17 Program Office established by subsection (b)(1).

18 “(6) PUGET SOUND ACTION AGENDA; ACTION
19 AGENDA.—The terms ‘Puget Sound Action Agenda’
20 and ‘Action Agenda’ mean the most recent plan de-
21 veloped by the Puget Sound National Estuary Pro-
22 gram Management Conference, in consultation with
23 the Puget Sound Tribal Management Conference,
24 and approved by the Administrator as the com-
25 prehensive conservation and management plan for

1 Puget Sound under section 320 (including a plan de-
2 veloped after the date of enactment of this section).

3 “(7) PUGET SOUND FEDERAL TASK FORCE.—
4 The term ‘Puget Sound Federal Task Force’ means
5 the Puget Sound Federal Task Force established in
6 2016 under a memorandum of understanding among
7 9 Federal agencies.

8 “(8) PUGET SOUND NATIONAL ESTUARY PRO-
9 GRAM MANAGEMENT CONFERENCE.—The term
10 ‘Puget Sound National Estuary Program Manage-
11 ment Conference’ means the management conference
12 for Puget Sound convened pursuant to section 320.

13 “(9) PUGET SOUND TRIBAL MANAGEMENT CON-
14 FERENCE.—The term ‘Puget Sound Tribal Manage-
15 ment Conference’ means the 20 treaty Indian tribes
16 of western Washington and the Northwest Indian
17 Fisheries Commission.

18 “(10) SALISH SEA.—The term ‘Salish Sea’
19 means the network of coastal waterways on the west
20 coast of North America that includes the Puget
21 Sound, the Strait of Georgia, and the Strait of Juan
22 de Fuca.

23 “(b) PUGET SOUND RECOVERY NATIONAL PROGRAM
24 OFFICE.—

1 “(1) ESTABLISHMENT.—There is established in
2 the Environmental Protection Agency an office, to
3 be known as the ‘Puget Sound Recovery National
4 Program Office’, which shall be located in the State
5 of Washington.

6 “(2) DIRECTOR.—

7 “(A) IN GENERAL.—The Director of the
8 Program Office shall be—

9 “(i) appointed by the Administrator;
10 and

11 “(ii) a career reserved position (as de-
12 fined in section 3132(a) of title 5, United
13 States Code).

14 “(B) QUALIFICATIONS.—The Director
15 shall have leadership and project management
16 experience and shall be highly qualified to—

17 “(i) direct the integration of multiple
18 project planning efforts and programs
19 from different agencies and jurisdictions;
20 and

21 “(ii) align needs toward implementing
22 a shared Action Agenda with visible and
23 measurable outcomes.

24 “(3) DELEGATION OF AUTHORITY; STAFFING.—

25 Using amounts made available under subsection (d),

1 the Administrator shall delegate to the Director such
2 authority and provide such staff as may be nec-
3 essary to carry out this section.

4 “(4) DUTIES.—The Director shall—

5 “(A) coordinate and manage the timely
6 execution of the requirements of this section;

7 “(B) coordinate activities related to the
8 restoration and protection of Puget Sound
9 across the Environmental Protection Agency;

10 “(C) coordinate and align the activities of
11 the Administrator with the Action Agenda and
12 the Federal Action Plan;

13 “(D) promote the efficient use of resources
14 of the Environmental Protection Agency in pur-
15 suit of Puget Sound restoration and protection;

16 “(E) serve on the Puget Sound Federal
17 Task Force and collaborate with, help coordi-
18 nate, and carry out activities with other Federal
19 agencies that have responsibilities involving
20 Puget Sound restoration and protection;

21 “(F) provide or procure such other advice,
22 technical assistance, research, assessments,
23 monitoring, or other support as is determined
24 by the Director to be necessary or prudent—

1 “(i) to most efficiently and effectively
2 fulfill the objectives and priorities of the
3 Action Agenda and the Federal Action
4 Plan, consistent with the best available
5 science; and

6 “(ii) to ensure the health of the Puget
7 Sound ecosystem;

8 “(G) track the progress of the Environ-
9 mental Protection Agency towards meeting the
10 specified objectives and priorities of the Envi-
11 ronmental Protection Agency within the Action
12 Agenda and the Federal Action Plan;

13 “(H) carry out the recommendations of the
14 Comptroller General of the United States, as
15 set forth in the report entitled ‘Puget Sound
16 Restoration: Additional Actions Could Improve
17 Assessments of Progress’ and dated July 19,
18 2018;

19 “(I) serve as liaison and coordinate activi-
20 ties for the restoration and protection of the
21 Salish Sea with Canadian authorities, the Pa-
22 cific Salmon Commission, and the International
23 Joint Commission; and

1 “(J) carry out such additional duties as
2 the Administrator determines to be necessary
3 and appropriate.

4 “(c) CROSSCUT BUDGET REPORT.—

5 “(1) FINANCIAL REPORT.—Not later than 1
6 year after the date of enactment of this section, and
7 every 5 years thereafter, the Director of the Office
8 of Management and Budget, in consultation with the
9 Puget Sound Federal Task Force, shall, in conjunc-
10 tion with the annual budget submission of the Presi-
11 dent to Congress for the year under section 1105(a)
12 of title 31, United States Code, submit to Congress
13 and make available to the public, including on the
14 internet, a financial report that is certified by the
15 head of each agency represented on the Puget Sound
16 Federal Task Force (referred to in this subsection
17 as the ‘report’).

18 “(2) CONTENTS.—The report shall contain an
19 interagency crosscut budget relating to Puget Sound
20 restoration and protection activities that includes—

21 “(A) the proposed funding for any Federal
22 restoration and protection activity to be carried
23 out in the succeeding fiscal year, including any
24 planned interagency or intra-agency transfer,

1 for each of the Federal agencies that carry out
2 restoration and protection activities;

3 “(B) the estimated expenditures for Fed-
4 eral restoration and protection activities from
5 the preceding 2 fiscal years, the current fiscal
6 year, and the succeeding fiscal year; and

7 “(C) the estimated expenditures for Fed-
8 eral environmental research and monitoring
9 programs from the preceding 2 fiscal years, the
10 current fiscal year, and the succeeding fiscal
11 year.

12 “(3) INCLUDED RECOVERY ACTIVITIES.—With
13 respect to activities described in the report, the re-
14 port shall only describe activities that have funding
15 amounts of greater than \$100,000.

16 “(4) SUBMISSION TO CONGRESS.—The Director
17 of the Office of Management and Budget shall sub-
18 mit the report to—

19 “(A) the Committee on Appropriations, the
20 Committee on Natural Resources, the Com-
21 mittee on Energy and Commerce, and the Com-
22 mittee on Transportation and Infrastructure of
23 the House of Representatives; and

24 “(B) the Committee on Appropriations, the
25 Committee on Environment and Public Works,

1 and the Committee on Commerce, Science, and
2 Transportation of the Senate.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—In ad-
4 dition to any other funds authorized to be appropriated
5 for activities related to Puget Sound, there is authorized
6 to be appropriated to carry out this section \$50,000,000
7 for each of fiscal years 2021 through 2025.

8 “(e) PRESERVATION OF TREATY OBLIGATIONS AND
9 EXISTING FEDERAL STATUS.—

10 “(1) TRIBAL TREATY RIGHTS.—Nothing in this
11 section affects, or is intended to affect, any right re-
12 served by treaty between the United States and 1 or
13 more Indian tribes.

14 “(2) OTHER FEDERAL LAW.—Nothing in this
15 section affects the requirements and procedures of
16 other Federal law.

17 “(f) CONSISTENCY.—Actions authorized or carried
18 out under this section shall be consistent with other appli-
19 cable Federal requirements.”.

20 **SEC. 3010. FINAL RATING OPINION LETTERS.**

21 Section 5028(a)(1)(D)(ii) of the Water Infrastruc-
22 ture Finance and Innovation Act of 2014 (33 U.S.C.
23 3907(a)(1)(D)(ii)) is amended by striking “final rating
24 opinion letters from at least 2 rating agencies” and insert-

1 ing “a final rating opinion letter from at least 1 rating
2 agency”.

3 **SEC. 3011. REAUTHORIZATION OF THE DENALI COMMIS-**
4 **SION.**

5 Section 312(a) of the Denali Commission Act of 1998
6 (42 U.S.C. 3121 note; Public Law 105–277) is amended
7 by striking “2017 through 2021” and inserting “2021
8 through 2024”.

9 **SEC. 3012. MUNICIPAL OMBUDSMAN.**

10 Section 4 of the Water Infrastructure Improvement
11 Act (42 U.S.C. 4370j) is amended—

12 (1) in subsection (b)(1), by inserting “(33
13 U.S.C. 1251 et seq.)” after “Control Act”;

14 (2) in subsection (c)—

15 (A) in paragraph (2), by striking “Act;
16 and” and inserting “Act (33 U.S.C. 1251 et
17 seq.);”

18 (B) in paragraph (3), by striking “Act.”
19 and inserting “Act (33 U.S.C. 1342(s)); and”;
20 and

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

22 “(4) establishing local funding sources, organi-
23 zation analyses, grant application assistance, and de-
24 veloping innovative funding strategies and mecha-
25 nisms.”; and

1 (3) in subsection (d)(1)(D), by inserting “(33
2 U.S.C. 1342(s))” after “Control Act”.

3 **SEC. 3013. COST SHARING PROVISIONS FOR TERRITORIES**
4 **AND INDIAN TRIBES.**

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

7 (1) by inserting “on an annual basis” after “in-
8 flation”; and

9 (2) by striking “the date of enactment of the
10 Water Resources Development Act of 2018” and in-
11 serting “December 31, 2024”.

12 **SEC. 3014. INCLUSION OF TRIBAL INTERESTS IN PROJECT**
13 **CONSULTATIONS.**

14 (a) REPORT REQUIRED.—Not later than 1 year after
15 the date of enactment of this Act, the Secretary shall sub-
16 mit the report required under section 1120(a)(3) of the
17 Water Resources Development Act of 2016 (130 Stat.
18 1643).

19 (b) CONSULTATION.—The Secretary shall ensure—

20 (1) that all existing Tribal consultation policies,
21 regulations, and guidance continue to be imple-
22 mented; and

23 (2) that consultations with Federal and State
24 agencies and Indian Tribes required for a water re-
25 sources development project are carried out.

1 **SEC. 3015. INDIAN IRRIGATION FUND REAUTHORIZATION.**

2 (a) DEPOSITS TO FUNDS.—Section 3212(a) of the
3 Water Infrastructure Improvements for the Nation Act
4 (130 Stat. 1750; 132 Stat. 3892) is amended by striking
5 “2028” and inserting “2030”.

6 (b) EXPENDITURES FROM FUND.—Section 3213(a)
7 of the Water Infrastructure Improvements for the Nation
8 Act (130 Stat. 1750; 132 Stat. 3892) is amended, in the
9 matter preceding paragraph (1), by striking “2028” and
10 inserting “2030”.

11 (c) TERMINATION.—Section 3216 of the Water Infra-
12 structure Improvements for the Nation Act (130 Stat.
13 1750; 132 Stat. 3892) is amended, in the matter pre-
14 ceding paragraph (1), by striking “2028” and inserting
15 “2030”.

16 **SEC. 3016. REAUTHORIZATION OF REPAIR, REPLACEMENT,**
17 **AND MAINTENANCE OF CERTAIN INDIAN IR-**
18 **RIGATION PROJECTS.**

19 (a) IN GENERAL.—Section 3221(b) of the Water In-
20 frastructure Improvements for the Nation Act (130 Stat.
21 1751; 132 Stat. 3892) is amended, in the matter pre-
22 ceding paragraph (1), by striking “2028” and inserting
23 “2030”.

24 (b) STATUS REPORT ON CERTAIN PROJECTS.—Sec-
25 tion 3224(d) of the Water Infrastructure Improvements
26 for the Nation Act (130 Stat. 1753; 132 Stat. 3892) is

1 amended, in the matter preceding paragraph (1), by strik-
2 ing “2028” and inserting “2030”.

3 (c) ALLOCATION AMONG PROJECTS.—Section 3226
4 of the Water Infrastructure Improvements for the Nation
5 Act (130 Stat. 1753; 132 Stat. 3892) is amended—

6 (1) in subsection (a), by striking “2028” and
7 inserting “2030”; and

8 (2) in subsection (b), by striking “the day be-
9 fore the date of enactment of America’s Water In-
10 frastructure Act of 2018” and inserting “the day be-
11 fore the date of enactment of the America’s Water
12 Infrastructure Act of 2020”.