

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. BARRASSO (for himself, Mr. CARPER, Mrs. CAPITO, and Mr. CARDIN)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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:

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.
- 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.

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- 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.
- Sec. 1103. Publication of fee schedules.
- Sec. 1104. Flood protection projects.
- Sec. 1105. Rehabilitation of high hazard potential dams.

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

Subtitle D—Water Resources Infrastructure

- Sec. 1401. Project authorizations.
- Sec. 1402. Expedited completion of certain projects.
- Sec. 1403. Additional project authorizations.

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 report on certain Federal dams and reservoirs.
- Sec. 1507. Aquatic ecosystem restoration.
- Sec. 1508. Improving reviews for non-Federal hydropower at existing Corps of Engineers projects.
- Sec. 1509. Surplus water contracts and water storage agreements.
- Sec. 1510. Reduced pricing for certain water supply storage.

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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 risk 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.
- Sec. 1610. Invasive species in noncontiguous States and territories 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. Final rating opinion letters.
- Sec. 2016. Reauthorization of clean water State revolving funds.
- Sec. 2017. Wastewater infrastructure discretionary grant program.
- Sec. 2018. Small and disadvantaged community analysis.
- Sec. 2019. Stormwater infrastructure technology.
- Sec. 2020. Grants to Alaska to improve sanitation in rural and native villages.
- Sec. 2021. Wastewater infrastructure grants.

TITLE III—TRIBAL AND OTHER MATTERS

- Sec. 3001. Tribal partnership program.
- Sec. 3002. Cost sharing provisions for territories and Indian tribes.
- Sec. 3003. Inclusion of Tribal interests in project consultations.
- Sec. 3004. Indian Irrigation Fund reauthorization.
- Sec. 3005. Reauthorization of repair, replacement, and maintenance of certain Indian irrigation projects.
- Sec. 3006. Grants to ports to reduce emissions from waterborne vessels.
- Sec. 3007. Mapping and screening tool.
- Sec. 3008. Assessment of coastal water infrastructure vulnerabilities.
- Sec. 3009. Report on potential for blue energy at coastal wastewater treatment plants.
- Sec. 3010. Great Lakes Restoration Initiative.
- Sec. 3011. San Francisco Bay restoration.

Sec. 3012. Lake Tahoe restoration program.
Sec. 3013. Puget Sound coordinated recovery.
Sec. 3014. Reauthorization of the Denali Commission.
Sec. 3015. Municipal ombudsman.
Sec. 3016. National Estuary Program.

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

11 (1) a project constructed as part of—

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

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

1 (2) a locally owned or operated levee system lo-
2 cated within the Upper or Lower Missouri River
3 basin.

4 (b) DEVELOPMENT.—The Secretary, in collaboration
5 with the heads of other relevant Federal agencies, shall
6 conduct, and submit to Congress a comprehensive strategy
7 and report that describes the results of and aligns the rec-
8 ommendations of, 2 comprehensive studies to address
9 flood risk in areas affected by severe flooding in 2019
10 along the Upper and Lower Missouri River, including an
11 examination of—

12 (1) the use of structural and nonstructural
13 flood control and floodplain management strategies,
14 including the consideration of natural features or
15 nature-based features (as those terms are defined in
16 section 1184(a) of the Water Infrastructure Im-
17 provements for the Nation Act (33 U.S.C.
18 2289a(a)));

19 (2) continued operation and maintenance of the
20 navigation project;

21 (3) management of bank caving and erosion;

22 (4) maintenance of water supply;

23 (5) fish and wildlife habitat management;

24 (6) recreation needs;

25 (7) environmental restoration needs;

1 (8) the division of responsibilities of the Federal
2 Government and non-Federal interests with respect
3 to Missouri River flooding;

4 (9) the roles and responsibilities of Federal
5 agencies with respect to Missouri River flooding; and

6 (10) any other related matters, as determined
7 by the Secretary.

8 (c) CONTENTS.—The studies conducted under sub-
9 section (b) shall—

10 (1) include 1 study for the Upper Missouri
11 River and 1 study for the Lower Missouri River;

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

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

1 (4) address the potential for the transfer of
2 flood risk between and within the Upper and Lower
3 Missouri River Basin for any changes recommended
4 under paragraph (3);

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

9 (6) address whether there are opportunities for
10 increased non-Federal management in the Missouri
11 River Basin;

12 (7) recognize the interest and rights of States
13 in—

14 (A) determining the development of water-
15 sheds within the borders of the State; and

16 (B) water utilization and control;

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

21 (9) include recommendations for—

22 (A) non-Federal and Federal action where
23 appropriate; and

1 (B) follow-up studies for problem areas for
2 which data or current technology does not allow
3 immediate solutions.

4 (d) FURTHER ANALYSIS.—

5 (1) IN GENERAL.—As part of the studies con-
6 ducted under subsection (b), the Secretary shall—

7 (A) identify institutional and other barriers
8 to providing protection to the areas evaluated in
9 the studies;

10 (B) carry out activities that warrant addi-
11 tional analysis by the Corps of Engineers, in-
12 cluding feasibility studies; and

13 (C) provide recommendations for inclusion
14 of projects and feasibility studies in the report
15 under section 1013.

16 (2) TREATMENT.—A feasibility study carried
17 out under paragraph (1)(B) shall be considered to
18 be a continuation of the applicable study under sub-
19 section (b).

20 (3) COST-SHARE.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), the non-Federal share of the
23 cost of carrying out a feasibility study under
24 paragraph (1)(B) shall not be more than 35
25 percent.

1 (B) WAIVER FOR SMALL OR DISADVAN-
2 TAGED COMMUNITIES.—In carrying out a feasi-
3 bility study under paragraph (1)(B) in partner-
4 ship with a small community or a disadvan-
5 taged community (as those terms are defined in
6 section 1017(a)(1)), if the Secretary determines
7 that the life safety or economic viability of the
8 community is at risk, the Secretary shall reduce
9 the non-Federal cost share applicable to the
10 study through a mutual agreement between the
11 Corps of Engineers and the non-Federal inter-
12 est, in an amount that is—

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

15 (ii) up to 100 percent of the non-Fed-
16 eral cost share applicable to the study.

17 (4) TIMELINESS.—The Secretary shall carry
18 out feasibility studies under paragraph (1)(B) as ex-
19 peditiously as possible.

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

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

1 (1) CONSULTATION.—In conducting the studies
2 under subsection (b), the Secretary shall consult
3 with applicable Federal and State agencies, Indian
4 Tribes, and other stakeholders.

5 (2) USE OF DATA.—In conducting the studies
6 under subsection (b), the Secretary shall make max-
7 imum use of data in existence on the date of enact-
8 ment of this Act and ongoing programs and efforts
9 of Federal agencies, States, Indian Tribes, and other
10 stakeholders.

11 (f) COST SHARING.—The studies conducted under
12 subsection (b) shall be at full Federal expense.

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

16 (1) shall not apply to the studies conducted
17 under subsection (b); and

18 (2) shall apply to a feasibility study carried out
19 under subsection (d)(1)(B).

20 (h) REPORTS.—The Secretary shall submit to Con-
21 gress—

22 (1) an interim report on the results of the stud-
23 ies under subsection (b) by not later than 1 year
24 after the date of enactment of this Act; and

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

4 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$50,000,000, to remain available until expended.

7 **SEC. 1002. GREAT LAKES COMPREHENSIVE FLOOD PRO-**
8 **TECTION STUDY.**

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

13 (b) DEVELOPMENT.—The Secretary, in collaboration
14 with the heads of other relevant Federal agencies, shall
15 conduct, and submit to Congress a report that describes
16 the results of, a comprehensive study to address shoreline
17 protection and resiliency in areas affected by flooding in
18 2019 due to high lake water levels along the Great Lakes,
19 including an examination of—

20 (1) structural and nonstructural coastal storm
21 and flood risk management measures and flood zone
22 management strategies, including the consideration
23 of natural features or nature-based features (as
24 those terms are defined in section 1184(a) of the

1 Water Infrastructure Improvements for the Nation
2 Act (33 U.S.C. 2289a(a));

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

6 (3) management of shoreline caving and ero-
7 sion;

8 (4) recreation needs;

9 (5) environmental restoration needs;

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

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

17 (8) other related matters, as determined by the
18 Secretary.

19 (c) CONTENTS.—The study under subsection (b)
20 shall—

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

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

4 (B) additional studies that may be needed;
5 (2) address whether changes are necessary to—

6 (A) the management plan for the Great
7 Lakes; and

8 (B) the management plans for individual
9 lakes of the Great Lakes;

10 (3) address whether there are opportunities for
11 increased non-Federal management in the Great
12 Lakes; and

13 (4) include recommendations for—

14 (A) non-Federal and Federal action, where
15 appropriate; and

16 (B) follow-up studies for problem areas for
17 which data or current technology does not allow
18 immediate solutions.

19 (d) FURTHER ANALYSIS.—

20 (1) IN GENERAL.—As part of the study con-
21 ducted under subsection (b), the Secretary shall—

22 (A) identify institutional and other barriers
23 to providing protection to the areas evaluated in
24 the study; and

1 (B) carry out activities that warrant addi-
2 tional analysis by the Corps of Engineers, in-
3 cluding feasibility studies.

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

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

8 (1) CONSULTATION.—In conducting the study
9 under subsection (b), the Secretary shall consult
10 with appropriate Federal and State agencies.

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

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

18 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out subsection (b)
20 \$25,000,000, to remain available until expended.

21 **SEC. 1003. ADDITIONAL STUDIES UNDER NORTH ATLANTIC**
22 **COAST COMPREHENSIVE STUDY.**

23 (a) IN GENERAL.—The Secretary shall carry out a
24 study to determine the feasibility of a project for hurricane
25 and storm damage risk reduction for any major metropoli-

1 tan area located in the study area for the comprehensive
2 study authorized under the heading “INVESTIGATIONS”
3 under the heading “CORPS OF ENGINEERS—CIVIL” under
4 the heading “DEPARTMENT OF THE ARMY” under
5 title X of division A of Public Law 113–2 (127 Stat. 23)
6 that was not included in a high-risk focus area identified
7 in the study.

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

11 **SEC. 1004. MAINTENANCE AND CONSTRUCTION OF WATER**
12 **RESOURCES DEVELOPMENT PROJECTS BY**
13 **NON-FEDERAL INTERESTS.**

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

18 **SEC. 1005. WATERCRAFT INSPECTION STATIONS.**

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

22 **SEC. 1006. LOCAL GOVERNMENT RESERVOIR PERMIT RE-**
23 **VIEW.**

24 Section 1119(b) of the America’s Water Infrastruc-
25 ture Act of 2018 (33 U.S.C. 2347 note; Public Law 115–

1 270) is amended by striking “owned or operated by the
2 Secretary”.

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

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

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

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

15 (1) in subsection (a)—

16 (A) by striking “grant” and inserting “ap-
17 prove”; and

18 (B) by striking “granting” and inserting
19 “approving”; and

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

1 **SEC. 1009. KLAMATH BASIN WATER SUPPLY ENHANCEMENT**
2 **ACT OF 2000 TECHNICAL CORRECTIONS.**

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

6 (1) in paragraph (1)—

7 (A) in the matter preceding subparagraph

8 (A)—

9 (i) by striking “Pursuant to the rec-
10 lamation laws and subject” and inserting
11 “Subject”; and

12 (ii) by striking “may” and inserting
13 “is authorized to”; and

14 (B) in subparagraph (A), by inserting “,
15 including conservation and efficiency measures,
16 land idling, and use of groundwater,” after “ad-
17 minister programs”;

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

20 (3) by redesignating the second paragraph (4)
21 (relating to the effect of the subsection) as para-
22 graph (5); and

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

24 (A) by striking subparagraph (B);

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

1 (C) by striking “the Secretary—” and all
2 that follows through “to develop” in subpara-
3 graph (A) and inserting “the Secretary to de-
4 velop”.

5 **SEC. 1010. PROJECT MODIFICATIONS FOR IMPROVEMENT**
6 **OF ENVIRONMENT.**

7 Section 1203(g) of the America’s Water Infrastruc-
8 ture Act of 2018 (132 Stat. 3805) is amended, in the mat-
9 ter preceding paragraph (1), by striking “For fiscal years
10 2019 and 2020” and inserting “Until September 30,
11 2026”.

12 **SEC. 1011. NON-FEDERAL IMPLEMENTATION PILOT PRO-**
13 **GRAM.**

14 Section 1043 of the Water Resources Reform and De-
15 velopment Act of 2014 (33 U.S.C. 2201 note; Public Law
16 113–121) is amended—

17 (1) in subsection (a)—

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

21 (B) in paragraph (7), by striking “the date
22 that is” and all that follows through the period
23 at the end and inserting “December 31, 2026.”;
24 and

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

3 (2) in subsection (b)—

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

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

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

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

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

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

20 (1) in subsection (b)(1), by striking “20
21 projects for the beneficial use of dredged material”
22 and inserting “40 projects for the beneficial use of
23 dredged material, 10 of which shall be projects using
24 thin layer placement of dredged fine and coarse

1 grain sediment for the maintenance and restoration
2 of wetlands”; and

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

5 **SEC. 1013. ANNUAL REPORT TO CONGRESS ON AUTHOR-**
6 **IZED STUDIES AND PROJECTS.**

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

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

19 (2) meets the criteria established under sub-
20 section (c)(1)(A).

21 (b) REQUESTS FOR PROPOSALS.—

22 (1) PUBLICATION.—Not later than May 1 of
23 each year, the Secretary shall publish in the Federal
24 Register a notice requesting proposals from non-
25 Federal interests for authorized studies and author-

1 ized water resources development projects to be in-
2 cluded in the annual report.

3 (2) DEADLINE FOR REQUESTS.—The Secretary
4 shall include in each notice under this subsection a
5 requirement that non-Federal interests submit to the
6 Secretary any proposals described in paragraph (1)
7 by not later than 120 days after the date of publica-
8 tion of the notice in the Federal Register in order
9 for the proposals to be considered for inclusion in
10 the annual report.

11 (3) NOTIFICATION.—On the date of publication
12 of each notice required by this subsection, the Sec-
13 retary shall—

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

16 (B) provide written notification of the pub-
17 lication to the Committees on Appropriations
18 and Environment and Public Works of the Sen-
19 ate and the Committees on Appropriations and
20 Transportation and Infrastructure of the House
21 of Representatives.

22 (c) CONTENTS.—

23 (1) INCLUSIONS.—

24 (A) CRITERIA.—The Secretary shall in-
25 clude in the annual report only an authorized

1 study or authorized water resources develop-
2 ment project—

3 (i) that has been authorized by Con-
4 gress and does not require any additional
5 authorization to be carried out;

6 (ii) for which funds may be appro-
7 priated under any of the Investigations,
8 Construction, Operation and Maintenance,
9 or Mississippi River and Tributaries appro-
10 priations accounts for the Corps of Engi-
11 neers; and

12 (iii) for which the non-Federal inter-
13 est—

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

23 (II) demonstrates the legal and
24 financial capability to satisfy the re-

1 requirements of local cooperation for the
2 study or project.

3 (B) DESCRIPTION OF BENEFITS.—

4 (i) DESCRIPTION.—The Secretary
5 shall describe in the annual report, to the
6 extent applicable and practicable, for each
7 authorized study and authorized water re-
8 sources development project included in the
9 annual report, the benefits, as described in
10 clause (ii), of each authorized study or
11 project.

12 (ii) BENEFITS.—The benefits referred
13 to in clause (i) are benefits to—

14 (I) the protection of human life
15 and property;

16 (II) improvement to transpor-
17 tation;

18 (III) the national, regional, or
19 local economy;

20 (IV) the environment; or

21 (V) the national security inter-
22 ests of the United States.

23 (2) TRANSPARENCY.—The Secretary shall in-
24 clude in the annual report, for each authorized study

1 and authorized water resources development project
2 included under paragraph (1)(A)—

3 (A) the name of the associated non-Fed-
4 eral interest, including the name of any non-
5 Federal interest that has contributed, or is ex-
6 pected to contribute, a non-Federal share of the
7 cost of the authorized study or authorized water
8 resources development project;

9 (B) the purpose of the authorized study or
10 authorized water resources development project;

11 (C) an estimate, to the extent practicable,
12 of the Federal, non-Federal, and total costs of
13 the authorized study or authorized water re-
14 sources development project, including, to the
15 extent practicable, the fully funded capability of
16 the Corps of Engineers for—

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

20 (ii) the 5 fiscal years following the fis-
21 cal year in which the report is submitted,
22 in the case of an authorized water re-
23 sources development project; and

24 (D) an estimate, to the extent practicable,
25 of the monetary and nonmonetary benefits of

1 the authorized study or authorized water re-
2 sources development project.

3 (3) CERTIFICATION.—The Secretary shall in-
4 clude in the annual report a certification stating
5 that each authorized study or authorized water re-
6 sources development project included in the annual
7 report meets the criteria established under para-
8 graph (1)(A).

9 (4) APPENDIX.—

10 (A) IN GENERAL.—The Secretary shall in-
11 clude in the annual report an appendix listing
12 the proposals submitted under subsection (b)
13 that were not included in the annual report
14 under paragraph (1)(A) and a description of
15 why the Secretary determined that those pro-
16 posals did not meet the criteria for inclusion
17 under that paragraph.

18 (B) LIMITATION.—In carrying out sub-
19 paragraph (A), the Secretary shall not include
20 proposals in the appendix of the annual report
21 that otherwise meet the criteria for inclusion in
22 the annual report solely on the basis of a policy
23 of the Secretary.

1 (d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—

2 Notwithstanding any other deadline under this section, the

3 Secretary shall—

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

7 (2) include in the notice a requirement that
8 non-Federal interests submit to the Secretary any
9 proposals described in subsection (b)(1) by not later
10 than 120 days after the date of publication of the
11 notice in the Federal Register in order for the pro-
12 posals to be considered for inclusion in the first an-
13 nual report developed by the Secretary under this
14 section.

15 (e) PUBLICATION.—On submission of an annual re-
16 port to Congress, the Secretary shall make the annual re-
17 port publicly available, including through publication on
18 the Internet.

19 (f) FUNDING.—The Secretary shall develop the an-
20 nual report using funds available and not otherwise obli-
21 gated from the Expenses appropriations account for the
22 Corps of Engineers.

23 (g) DEFINITIONS.—In this section:

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

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

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

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

9 (3) AUTHORIZED WATER RESOURCES DEVELOP-
10 MENT PROJECT.—The term “authorized water re-
11 sources development project” includes any water re-
12 sources development project of the Corps of Engi-
13 neers, including a project under an environmental
14 infrastructure assistance program.

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

19 **SEC. 1014. ANNUAL REPORT TO CONGRESS ON WATER RE-**
20 **SOURCES INFRASTRUCTURE.**

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

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

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

3 **SEC. 1015. OPERATION AND MAINTENANCE.**

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

6 (1) in paragraph (1), by redesignating subpara-
7 graphs (A) and (B) as clauses (i) and (ii), respec-
8 tively, and indenting appropriately;

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

12 (3) in the matter preceding subparagraph (A)
13 (as so redesignated), by striking “Whenever” and in-
14 serting the following:

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

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

18 “(2) REPORT.—

19 “(A) IN GENERAL.—To be eligible for as-
20 sumption of operation and maintenance of im-
21 provements to a federally authorized harbor or
22 inland harbor, a non-Federal interest shall sub-
23 mit to the Secretary a report on the improve-
24 ments carried out by the non-Federal interest
25 under paragraph (1).

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

5 “(i) economic justification for the im-
6 provements;

7 “(ii) details of the project improve-
8 ment plan and design;

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

11 “(iv) documents relating to any appli-
12 cable permits required for the project im-
13 provements.

14 “(3) REQUIREMENTS.—

15 “(A) PEER REVIEW WAIVER.—In the case
16 of a project with a cost of less than
17 \$200,000,000, the Secretary shall not be re-
18 quired to subject the project to independent
19 peer review pursuant to section 2034 of the
20 Water Resources Development Act of 2007 (33
21 U.S.C. 2343).

22 “(B) CALCULATION OF COSTS.—In calcu-
23 lating the benefit-cost ratio for a project under
24 paragraph (1), the Secretary shall not include
25 non-Federal costs.

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

6 **SEC. 1016. TRANSPARENCY AND ACCOUNTABILITY IN COST**
7 **SHARING FOR WATER RESOURCES DEVELOP-**
8 **MENT PROJECTS.**

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

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

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

21 “(2) transfer the excess non-Federal funds to a
22 separate account of the Secretary, in which the
23 funds shall remain available until the non-Federal
24 interest uses the funds to pay the cost-share for

1 other projects carried out by the Secretary for which
2 a non-Federal cost-share is required.”.

3 **SEC. 1017. CONTINUING AUTHORITY PROGRAMS.**

4 (a) SMALL OR DISADVANTAGED COMMUNITIES.—

5 (1) DEFINITIONS.—In this subsection:

6 (A) CONTINUING AUTHORITY PROGRAM.—

7 The term “continuing authority program”
8 means any of—

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

11 (ii) section 3 of the Act of August 13,
12 1946 (60 Stat. 1056, chapter 960; 33
13 U.S.C. 426g);

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

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

18 (v) section 204 of the Water Re-
19 sources Development Act of 1992 (33
20 U.S.C. 2326);

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

23 (vii) section 206 of the Water Re-
24 sources Development Act of 1996 (33
25 U.S.C. 2330);

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

4 (ix) section 1135 of the Water Re-
5 sources Development Act of 1986 (33
6 U.S.C. 2309a).

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

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

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

15 (II) is at risk from repeat flooding
16 events; or

17 (III) has a degraded ecosystem.

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

23 (2) COST-SHARE FOR SMALL COMMUNITIES AND
24 DISADVANTAGED COMMUNITIES.—Subject to para-
25 graph (3), in carrying out a project under a con-

1 tinuing authority program in a small community or
2 a disadvantaged community, if the Secretary deter-
3 mines that the life safety, economic viability, or envi-
4 ronmental sustainability of the community would be
5 threatened without the project, the Secretary shall
6 reduce the non-Federal cost share applicable to the
7 project through a mutual agreement between the
8 Corps of Engineers and the non-Federal interest, in
9 an amount that is—

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

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

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

16 (A) not more than 50 projects in small
17 communities;

18 (B) not more than 50 projects in disadvan-
19 taged communities;

20 (C) not more than 3 projects in small com-
21 munities within any 1 district of the Corps of
22 Engineers; and

23 (D) not more than 3 projects in disadvan-
24 taged communities within any 1 district of the
25 Corps of Engineers.

1 (b) AUTHORIZATIONS OF APPROPRIATIONS AND
2 PROJECT LIMITS.—

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

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

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

11 (C) by striking “The Secretary” and in-
12 serting the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(c) INCREASE.—The Secretary may increase the
4 maximum amount for a single project under the proviso
5 in subsection (a) by an amount equal to not more than
6 20 percent, if the Secretary determines the increase to be
7 appropriate.”.

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

12 (A) in paragraph (1)—

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

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

20 “(1) ANNUAL LIMIT.—

21 “(A) IN GENERAL.—Subject to paragraph
22 (2)”;

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

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

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

4 “(ii) for fiscal year 2022,
5 \$42,000,000;

6 “(iii) for fiscal year 2023,
7 \$42,500,000;

8 “(iv) for fiscal year 2024,
9 \$43,000,000;

10 “(v) for fiscal year 2025,
11 \$43,500,000;

12 “(vi) for fiscal year 2026,
13 \$44,000,000;

14 “(vii) for fiscal year 2027,
15 \$44,500,000;

16 “(viii) for fiscal year 2028,
17 \$45,000,000;

18 “(ix) for fiscal year 2029,
19 \$45,500,000; and

20 “(x) for fiscal year 2030 and each fis-
21 cal year thereafter, \$46,000,000.”; and

22 (B) in paragraph (2)—

23 (i) by redesignating subparagraphs
24 (A) and (B) as clauses (i) and (ii), respec-
25 tively, and indenting appropriately;

1 (ii) in the matter preceding clause (i)
2 (as so redesignated), by striking “The total
3 amount” and inserting the following:

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

6 (iii) 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)(ii) by an amount equal to not more
11 than 20 percent, if the Secretary determines the
12 increase to be appropriate.”.

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

16 (A) in subsection (a)—

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

20 (ii) by striking the subsection designa-
21 tion and all that follows through “That the
22 Secretary” and inserting the following:

23 “(a) AUTHORIZATION.—

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

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

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

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

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

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

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

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

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

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

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

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

14 “(J) for fiscal year 2030 and each fiscal
15 year thereafter, \$73,500,000.”; and

16 (B) in subsection (b)—

17 (i) by striking the subsection designa-
18 tion and all that follows through “Not
19 more than” and inserting the following:

20 “(b) LIMITATION.—

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

23 (ii) by adding at the end the fol-
24 lowing:

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

6 (4) SHORE DAMAGE PREVENTION OR MITIGA-
7 TION.—

8 (A) IN GENERAL.—Section 111(c) of the
9 River and Harbor Act of 1968 (33 U.S.C.
10 426i(c)) is amended—

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

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

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

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 (B) CERTAIN PROJECT.—Section 3085 of
24 the Water Resources Development Act of 2007
25 (121 Stat. 1129) is amended—

1 (i) by striking “The maximum” and
2 inserting the following:

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

5 (ii) by adding at the end the fol-
6 lowing:

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

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

14 (A) in subsection (c)(1)(C)—

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

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

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

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

1 (B) by striking subsection (g) and insert-
2 ing the following:

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (C) in the third sentence—

15 (i) by striking “Not more than” and
16 inserting the following:

17 “(c) PROJECT LIMIT.—

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

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

22 “(2) INCREASE.—The Secretary may increase
23 the maximum amount under paragraph (1) by an
24 amount equal to not more than 20 percent, if the

1 Secretary determines the increase to be appro-
2 priate.”;

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

5 “(b) FEDERAL PARTICIPATION.—The amount”; and
6 (E) in the first sentence—

7 (i) by striking “\$68,750,000” and in-
8 serting “the amount described in para-
9 graph (2)”;

10 (ii) by striking “That the Secretary”
11 and inserting the following:

12 “(a) AUTHORIZATION.—

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

14 (iii) by adding at the end the fol-
15 lowing:

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

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

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

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

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

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

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

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

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

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

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

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

7 (A) in subsection (d)—

8 (i) by striking “Not more than” and
9 inserting the following:

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

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

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

19 (B) by striking subsection (f) and inserting
20 the following:

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this sec-
23 tion—

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

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

1 “(3) for fiscal year 2023, \$70,000,000;
2 “(4) for fiscal year 2024, \$70,500,000;
3 “(5) for fiscal year 2025, \$71,000,000;
4 “(6) for fiscal year 2026, \$71,500,000;
5 “(7) for fiscal year 2027, \$72,000,000;
6 “(8) for fiscal year 2028, \$72,500,000;
7 “(9) for fiscal year 2029, \$73,000,000; and
8 “(10) for fiscal year 2030 and each fiscal year
9 thereafter, \$73,500,000.”.

10 (8) REMOVAL OF OBSTRUCTIONS; CLEARING
11 CHANNELS.—Section 2 of the Act of August 28,
12 1937 (50 Stat. 877, chapter 877; 33 U.S.C. 701g)
13 is amended—

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

17 “(b) PROJECT LIMIT.—

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

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

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 (C) by striking “The Secretary of the
2 Army is authorized to allot not to exceed
3 \$7,500,000” and inserting the following:

4 “(a) AUTHORIZATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (9) PROJECT MODIFICATIONS FOR IMPROVE-
24 MENT OF ENVIRONMENT.—Section 1135 of the

1 Water Resources Development Act of 1986 (33
2 U.S.C. 2309a) is amended—

3 (A) in subsection (d)—

4 (i) in the third sentence—

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

7 “(3) PROJECT LIMIT.—

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

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

12 “(B) INCREASE.—The Secretary may in-
13 crease the maximum amount under subpara-
14 graph (A) by an amount equal to not more than
15 20 percent, if the Secretary determines the in-
16 crease to be appropriate.”;

17 (ii) in the second sentence, by striking
18 “The non-Federal share” and inserting the
19 following:

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

22 (iii) in the first sentence, by striking
23 “The non-Federal share” and inserting the
24 following:

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

2 and

3 (B) by striking subsection (h) and insert-
4 ing the following:

5 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this sec-
7 tion—

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

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

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

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

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

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

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

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

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

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

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

20 Section 111 of the River and Harbor Act of 1968
21 (33 U.S.C. 426i) is amended by adding at the end the
22 following:

23 “(f) USE OF UNITED STATES FISH AND WILDLIFE
24 SERVICE FUNDS.—The Director of the United States Fish
25 and Wildlife Service shall allow a non-Federal interest to

1 use funds from the Service to satisfy all or a portion of
2 the non-Federal share of the costs of a project under this
3 section.”.

4 **SEC. 1019. SEDIMENT MANAGEMENT PLAN.**

5 (a) IN GENERAL.—

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

14 (2) SCOPE.—Each plan developed under this
15 section shall include—

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

18 (B) a description of the scheduled dredging
19 and other sediment removal activities;

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

24 (D) an evaluation of—

1 (i) the suitability of the sediment an-
2 ticipated to be dredged or removed as a re-
3 sult of each activity described under sub-
4 paragraph (B) for a full range of beneficial
5 uses; and

6 (ii) the economic and environmental
7 benefits and impacts, and feasibility, of
8 using the material for such beneficial uses.

9 (3) REVISION.—On an annual basis, the Dis-
10 trict Commander of each district of the Corps of En-
11 gineers shall—

12 (A) revise the plan developed under para-
13 graph (1); and

14 (B) submit the revised plan to the Sec-
15 retary.

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

19 (c) PUBLICATION.—A District Commander that de-
20 velops or revises a plan under subsection (a) shall make
21 the plan or revision to the plan, as applicable, publicly
22 available.

23 (d) TRANSMISSION TO CONGRESS.—As soon as prac-
24 ticable after receiving a plan or a revision to a plan under

1 subsection (a), the Secretary shall transmit the plan or
2 revision to the plan, as applicable, to Congress.

3 (e) REGIONAL SEDIMENT MANAGEMENT PLANS.—A
4 plan developed under this section—

5 (1) shall be in addition to regional sediment
6 management plans prepared under section 204(a) of
7 the Water Resources Development Act of 1992 (33
8 U.S.C. 2326(a)); and

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

12 **SEC. 1020. CRITERIA FOR FUNDING ENVIRONMENTAL IN-**
13 **FRASTRUCTURE PROJECTS.**

14 (a) CERTAIN ENVIRONMENTAL PROJECTS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (3), the Secretary shall develop written cri-
17 teria for the ranking of environmental infrastructure
18 projects of the Secretary for the purpose of
19 prioritizing funding, including, at a minimum—

20 (A) the extent of the local economic impact
21 of the project;

22 (B) whether the project is in a rural com-
23 munity;

1 (C) whether the project is in or would ben-
2 efit counties or communities with high poverty
3 rates; and

4 (D) whether the project is in a financially
5 distressed area.

6 (2) INCLUSION IN GUIDANCE.—The Secretary
7 shall include the criteria developed under paragraph
8 (1) in the annual Civil Works Direct Program Devel-
9 opment Policy Guidance of the Secretary.

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

14 (b) ENVIRONMENTAL INFRASTRUCTURE.—Section
15 219 of the Water Resources Development Act of 1992
16 (106 Stat. 4835; 113 Stat. 335) is amended by adding
17 at the end the following:

18 “(g) CRITERIA FOR RANKING PROJECTS.—

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

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

24 “(A) the benefits of the project to the local
25 economy;

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

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

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

7 **SEC. 1021. AGING INFRASTRUCTURE.**

8 (a) DEFINITIONS.—In this section:

9 (1) AGING INFRASTRUCTURE.—The term
10 “aging infrastructure” means a project of the Corps
11 of Engineers or any other water resources, water
12 storage, or irrigation project of another Federal
13 agency that is greater than 75 years old.

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

23 (b) CONTRACTS FOR ENHANCED INSPECTION.—

24 (1) IN GENERAL.—The Secretary is authorized
25 to enter into a contract with another Federal agency

1 or a non-Federal entity that owns, or operates and
2 maintains, a water resources, water storage, or irri-
3 gation project for carrying out enhanced inspections
4 of aging infrastructure.

5 (2) CERTAIN CIRCUMSTANCES.—Subject to the
6 availability of appropriations, the Secretary shall
7 enter into a contract described in paragraph (1),
8 if—

9 (A) another Federal agency or a non-Fed-
10 eral entity requests that the Secretary carry out
11 the inspections; and

12 (B) the inspection is at the full expense of
13 the other Federal agency or non-Federal entity
14 requesting the inspections.

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

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$20,000,000, to remain available until expended.

1 **SEC. 1022. EXPEDITING REPAIRS AND RECOVERY FROM**
2 **FLOODING.**

3 (a) IN GENERAL.—During the 5-year period begin-
4 ning on the date of enactment of this Act, the Secretary
5 shall prioritize and expedite the processing of applications
6 for permits under section 10 of the Act of March 3, 1899
7 (commonly known as the “Rivers and Harbors Act of
8 1899”) (30 Stat. 1151, chapter 425; 33 U.S.C. 403), and
9 section 404 of the Federal Water Pollution Control Act
10 (33 U.S.C. 1344), and permissions under section 14 of
11 the Act of March 3, 1899 (commonly known as the “Riv-
12 ers and Harbors Act of 1899”) (30 Stat. 1152, chapter
13 425; 33 U.S.C. 408), to complete repairs, reconstruction
14 (including improvements), and upgrades to flood control
15 infrastructure damaged by flooding events during calendar
16 years 2017 through 2020, including flooding events
17 caused by ice jams.

18 (b) PUBLIC INTEREST.—An activity described in sub-
19 section (a) shall be considered to be in the public interest,
20 unless the activity would induce flooding in another loca-
21 tion.

22 (c) SAVINGS PROVISION.—Nothing in this section af-
23 fects, preempts, or interferes with any obligation to com-
24 ply with the provisions of any Federal environmental law,
25 including—

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

3 (2) the Federal Water Pollution Control Act
4 (33 U.S.C. 1251 et seq.); and

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

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

8 (a) IN GENERAL.—The Secretary shall prioritize and
9 expedite, in coordination with State and local authorities,
10 the completion of maintenance and repair activities to
11 levee systems that are—

12 (1) operated and maintained by the Secretary;

13 and

14 (2) in the Upper Snake River Basin.

15 (b) SAVINGS PROVISION.—Nothing in this section
16 modifies or waives the responsibility of the Secretary to
17 comply with any applicable Federal law in carrying out
18 this section.

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

20 (a) INVENTORY.—Not later than 180 days after the
21 date of enactment of this Act, the Secretary shall complete
22 an inventory of all communication and notification sys-
23 tems used by the Corps of Engineers with respect to
24 projects, initiatives, and facilities of the Corps of Engi-
25 neers.

1 (b) UNIFORM PLAN.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of this Act, the Secretary
4 shall develop a plan for the uniformity of commu-
5 nication and notification systems for projects, initia-
6 tives, and facilities of the Corps of Engineers.

7 (2) INCLUSIONS.—The plan under paragraph
8 (1) shall—

9 (A) provide access to information in all
10 forms practicable, including email, text mes-
11 sages, news programs and websites, radio, and
12 other forms of notification;

13 (B) establish a notification system for any
14 projects, initiatives, or facilities of the Corps of
15 Engineers that do not have a notification sys-
16 tem;

17 (C) streamline existing communication and
18 notification systems to improve the strength
19 and uniformity of those systems; and

20 (D) emphasize the necessity of timeliness
21 in notification systems and ensure that the
22 methods of notification can transmit informa-
23 tion in a timely manner.

24 (3) IMPLEMENTATION.—

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

6 (B) EMERGENCY MANAGEMENT NOTIFICA-
7 TION.—Not later than 18 months after the date
8 of enactment of this Act, the Secretary shall
9 implement the provisions of the plan relating to
10 emergency management notifications.

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

15 **SEC. 1025. SUSQUEHANNA, DELAWARE, AND POTOMAC**
16 **RIVER BASIN COMMISSIONS.**

17 Section 5019 of the Water Resources Development
18 Act of 2007 (121 Stat. 1201; 128 Stat. 1307) is amend-
19 ed—

20 (1) in subsection (a)(3), by inserting “, who
21 may be the Administrator of the Environmental Pro-
22 tection Agency (referred to in this section as the
23 ‘Administrator’) (or a designee),” after “member”;
24 and

25 (2) in subsection (b)—

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

4 (B) in paragraph (2), by striking “For
5 each fiscal year, the Secretary” and inserting
6 “Subject to the availability of appropriations,
7 for each fiscal year, the Administrator”; and

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

11 **SEC. 1026. WILMINGTON HARBOR SOUTH DISPOSAL AREA,**
12 **DELAWARE.**

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

16 (b) **USE.**—Until the conveyance under subsection (c)
17 is completed, the Wilmington Harbor South Disposal Area
18 confined disposal facility, Delaware, shall be used for the
19 purposes of—

20 (1) a dredge disposal facility for the Port of
21 Edgemoor; and

22 (2) other uses, as determined by the State of
23 Delaware.

24 (c) **CONVEYANCE.**—As soon as practicable after sedi-
25 ment fill in the Wilmington Harbor South Disposal Area

1 confined disposal facility, Delaware, reaches 45 feet, the
2 Secretary shall complete the conveyance of nonusable land
3 at the Wilmington Harbor South Disposal Area confined
4 disposal facility, Delaware, to the State of Delaware for
5 fair market value.

6 **SEC. 1027. CONVEYANCE OF WILMINGTON HARBOR NORTH**
7 **DISPOSAL AREA, DELAWARE.**

8 As soon as practicable, the Secretary shall complete
9 the conveyance of the Wilmington Harbor North Disposal
10 Area confined disposal facility, Delaware, to the State of
11 Delaware.

12 **SEC. 1028. COASTAL STORM DAMAGE REDUCTION CON-**
13 **TRACTS.**

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

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

22 The Secretary shall expedite the completion of the re-
23 port required under section 1211 of the America's Water
24 Infrastructure Act of 2018 (132 Stat. 3808) relating to
25 flooding within urban floodplains and Federal policy con-

1 straits on the ability of the Corps of Engineers to address
2 urban flooding.

3 **SEC. 1030. REPORTING ON OVER BUDGET AND BEHIND**
4 **SCHEDULE CORPS PROJECTS.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Secretary shall submit to the Committee
7 on Environment and Public Works of the Senate and the
8 Committee on Transportation and Infrastructure of the
9 House of Representatives a report that describes each
10 water resources project of the Secretary for which—

11 (1) the total budget of the project exceeds the
12 total estimated budget of the project by not less
13 than \$100,000,000; or

14 (2) the anticipated completion date of the
15 project exceeds the estimated completion date of the
16 project by not less than 5 years.

17 **SEC. 1031. DAM REMEDIATION FOR ECOSYSTEM RESTORA-**
18 **TION.**

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

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

24 (2) by redesignating subparagraph (G) as sub-
25 paragraph (H); and

1 (3) by inserting after subparagraph (F) the fol-
2 lowing:

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

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

9 “(ii) for which construction was com-
10 pleted before 1940;

11 “(iii) that is classified as ‘high hazard
12 potential’ by the State dam safety agency
13 of the State in which the dam is located;
14 and

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

17 **SEC. 1032. CONVEYANCE OF CERTAIN FEDERAL LAND TO**
18 **THE CITY OF MONTGOMERY, ALABAMA.**

19 (a) DEFINITIONS.—In this section:

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

22 (2) FEDERAL LAND.—The term “Federal land”
23 means the 62.38 acres of land and water under the
24 primary jurisdiction of the Secretary in the R.E.
25 “Bob” Woodruff Project Area that is covered by

1 lease number DACW01-1-05-0037, including the
2 parcels and structure known as “Powder Magazine”,
3 which is a National Historic Site.

4 (b) CONVEYANCE AUTHORIZED.—To the extent prac-
5 ticable, not later than 180 days after the date of enact-
6 ment of this Act, the Secretary shall, on request of the
7 City, convey to the City all right, title, and interest of the
8 United States in and to the Federal land.

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

16 (d) CONVEYANCE OF FEDERAL LAND NOT SUITABLE
17 FOR USE AS HISTORIC MONUMENT.—The Secretary shall
18 convey any portion of the Federal land not conveyed under
19 subsection (c)—

20 (1) by quitclaim deed; and

21 (2) subject to terms and conditions that area
22 mutually satisfactory to the Secretary and the City,
23 including such additional terms and conditions as
24 the Secretary considers appropriate—

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

3 (B) to protect and maintain the National
4 Historic Site described in subsection (a)(2), in
5 accordance with applicable law; and

6 (C) to preserve public access to the Fed-
7 eral land.

8 (e) CONSIDERATION REQUIRED.—As consideration
9 for a conveyance under subsection (d), the City shall pay
10 to the Secretary an amount that is not less than the fair
11 market value of the Federal land, as determined by the
12 Secretary.

13 (f) PAYMENT OF COSTS OF CONVEYANCE.—

14 (1) PAYMENT REQUIRED.—The Secretary shall
15 require the City to pay the costs incurred by the
16 Secretary after the date of enactment of this Act re-
17 lating to any conveyance of the Federal land under
18 this section, including—

19 (A) survey costs;

20 (B) costs relating to environmental docu-
21 mentation; and

22 (C) any other administrative costs relating
23 to the conveyance.

24 (2) REFUND OF EXCESS AMOUNTS.—If the Sec-
25 retary collects amounts from the City under para-

1 graph (1) before the costs are actually incurred and
2 those amounts exceed the costs actually incurred by
3 the Secretary in carrying out the conveyance, the
4 Secretary shall refund the excess amounts to the
5 City.

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

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

12 (B) available for the same purposes, and
13 subject to the same conditions and limitations,
14 as amounts in the fund or account to which the
15 amounts are credited under subparagraph (A).

16 (g) LIABILITY.—The City shall hold the United
17 States harmless from any liability with respect to activities
18 carried out on the Federal land on or after the date of
19 conveyance of the Federal land.

20 **SEC. 1033. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
21 **PROJECTS.**

22 In any case in which the Secretary has assumed, as
23 of the date of enactment of this Act, responsibility for the
24 maintenance of a project classified as class III or higher
25 urgency under the Dam Safety Action Classification of the

1 Corps of Engineers, the Secretary shall continue to be re-
2 sponsible for the maintenance of that project until the ear-
3 lier of—

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

7 (2) the date that is 15 years after the date of
8 enactment of this Act.

9 **SEC. 1034. PROJECTS TO ACCOMMODATE IRREGULAR**
10 **DREDGING.**

11 (a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this Act, pursuant to the continuing
13 authority program under section 107 of the River and
14 Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall,
15 to the maximum extent practicable, carry out not less than
16 1 project to improve a harbor to accommodate an eligible
17 event described in subsection (b).

18 (b) ELIGIBLE EVENT DESCRIBED.—An eligible event
19 referred to in subsection (a) is a special event that—

20 (1) is hosted by a government entity;

21 (2) is open to the public; and

22 (3) would have significant educational and re-
23 gional economic development benefits.

1 (c) JUSTIFICATION.—The Secretary shall not require
2 national economic development benefits to exceed costs for
3 any project carried out under this section if—

4 (1) dredging or other harbor improvements are
5 necessary to accommodate 1 or more eligible events;
6 and

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

9 (d) COST-SHARING REQUIREMENT.—

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

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

14 (B) may not exceed the limit under section
15 107(b) of the River and Harbor Act of 1960
16 (33 U.S.C. 577(b)).

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

21 (3) OPERATION AND MAINTENANCE.—The non-
22 Federal interest shall be responsible for 100 percent
23 of the cost to operate and maintain a project under
24 this section after the limit under section 107(b) of

1 the River and Harbor Act of 1960 (33 U.S.C.
2 577(b)) has been met.

3 **SEC. 1035. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
4 **TION AND PROTECTION PROGRAM.**

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

8 (1) by redesignating subsection (h) as sub-
9 section (i);

10 (2) by inserting after subsection (g) the fol-
11 lowing:

12 “(h) PROJECT CAP.—A project carried out under this
13 section may not have a total cost of more than
14 \$15,000,000.”; and

15 (3) in subsection (i) (as so redesignated), by
16 striking “\$40,000,000” and inserting
17 “\$90,000,000”.

18 (b) OUTREACH AND TRAINING.—

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

1 1202; 128 Stat. 1318), including how to participate
2 in the program.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
5 this subsection \$2,500,000 for each of fiscal years
6 2021 and 2022.

7 **SEC. 1036. IMPLEMENTATION GUIDANCE; REPORTS; AND**
8 **BRIEFINGS.**

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

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

20 (1) the Water Resources Reform and Develop-
21 ment Act of 2014 (Public Law 113–121; 128 Stat.
22 1193);

23 (2) the Water Infrastructure Improvements for
24 the Nation Act (Public Law 114–322; 130 Stat.
25 1628);

1 (3) the America’s Water Infrastructure Act of
2 2018 (Public Law 115–270; 132 Stat. 3765);

3 (4) this Act; and

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

6 (c) BRIEFINGS.—

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

14 (A) the Water Resources Reform and De-
15 velopment Act of 2014 (Public Law 113–121;
16 128 Stat. 1193);

17 (B) the Water Infrastructure Improve-
18 ments for the Nation Act (Public Law 114–
19 322; 130 Stat. 1628);

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

23 (D) this Act; and

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

1 (2) TERMINATION.—This subsection shall ter-
2 minate on the date that the Secretary completes the
3 implementation of each provision of law referred to
4 in paragraph (1).

5 **SEC. 1037. INTERAGENCY TASK FORCE ON SMALL DAMS**
6 **AND FISH PASSAGES.**

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

10 (b) MEMBERSHIP.—The task force shall be composed
11 of—

12 (1) the Assistant Secretary of the Army for
13 Civil Works;

14 (2) the Director of the United States Fish and
15 Wildlife Service;

16 (3) the Administrator of the Environmental
17 Protection Agency;

18 (4) the Administrator of the Federal Emer-
19 gency Management Agency;

20 (5) the Chief of the Natural Resources Con-
21 servation Service;

22 (6) the Chairman of the Federal Energy Regu-
23 latory Commission;

24 (7) the Commissioner of Reclamation;

1 (8) the Assistant Secretary for Indian Affairs;
2 and

3 (9) the Director of the United States Geological
4 Survey.

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

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

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

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

22 (A) the locations and conditions of small
23 dams in the United States;

24 (B) the risk, if any, posed by those dams
25 to public safety, flood risk, fish passage, wildlife

1 conservation, water quality, and ecosystem and
2 environmental health; and

3 (C) ownership and rights to access small
4 dams; and

5 (3) a national strategy for identifying,
6 prioritizing, and successfully removing or refur-
7 bishing small dams of concern by not later than
8 2030.

9 **SEC. 1038. PROJECT COMPLETION.**

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

13 **SEC. 1039. LEVEE ACCREDITATION PROCESS; LEVEE CER-**
14 **TIFICATIONS.**

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

1 (b) LEVEE CERTIFICATIONS.—Section 3014 of the
2 Water Resources Reform and Development Act of 2014
3 (42 U.S.C. 4131) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

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

10 (ii) by striking “and” at the end;

11 (B) in paragraph (2)—

12 (i) by striking “activities under the in-
13 spection of completed works program of
14 the Corps of Engineers” and inserting
15 “the activities referred to in paragraph
16 (1)”;

17 (ii) by striking “chapter 1” and in-
18 serting “chapter I”; and

19 (iii) by striking the period at the end
20 and inserting “; and”; and

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

22 “(3) in the case of a levee system that is oper-
23 ated and maintained by the Corps of Engineers, to
24 the maximum extent practicable, cooperate with
25 local governments seeking a levee accreditation deci-

1 sion for the levee to provide information necessary to
2 support the accreditation decision in a timely man-
3 ner.”; and

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

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

11 **SEC. 1040. REHABILITATION OF FLOOD CONTROL PUMP**
12 **STATIONS AFFECTING CORPS OF ENGINEERS**
13 **FLOOD RISK MANAGEMENT PROJECTS.**

14 (a) DEFINITIONS.—In this section:

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

17 (A) that—

18 (i) has been constructed, in whole or
19 in part, by the Corps of Engineers for
20 flood risk management purposes; or

21 (ii) that has been constructed by non-
22 Federal interests; and

23 (B) the failure of which would impair the
24 function of a flood risk management project
25 constructed by the Corps of Engineers.

1 (2) REHABILITATE.—

2 (A) IN GENERAL.—The term “rehabili-
3 tate”, with respect to an eligible pump station,
4 means to address a major deficiency of the eli-
5 gible pump station caused by long-term deg-
6 radation of the foundation, construction mate-
7 rials, or engineering systems or components of
8 the eligible pump station.

9 (B) INCLUSIONS.—The term “rehabili-
10 tate”, with respect to an eligible pump station,
11 includes—

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

14 (I) current design standards;
15 (II) efficiency improvements; and
16 (III) associated drainage; and

17 (ii) increasing the capacity of the eli-
18 gible pump station, subject to the condition
19 that the increase shall—

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

22 (II) decrease total lifecycle reha-
23 bilitation costs for the eligible pump
24 station.

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

4 (c) COST SHARING.—

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

11 (2) NON-FEDERAL PROJECTS.—A non-Federal
12 interest shall provide—

13 (A) an amount equal to 35 percent of the
14 cost of any rehabilitation carried out pursuant
15 to this section for a locally constructed eligible
16 pump station; and

17 (B) all land, easements, rights-of-way, and
18 necessary relocations associated with the reha-
19 bilitation described in subparagraph (A), at no
20 cost to the Federal Government.

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

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

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

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

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$75,000,000, to remain available until expended.

15 **SEC. 1041. BRANDON ROAD STUDY.**

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

21 “(2) COST SHARE.—

22 “(A) CONSTRUCTION.—The Federal share
23 of the cost of construction of any project au-
24 thorized to be carried out pursuant to the feasi-

1 bility study identified in paragraph (1) shall be
2 75 percent.

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

5 **SEC. 1042. CREDIT OR REIMBURSEMENT.**

6 (a) CREDIT OR REIMBURSEMENT FOR CONTRIBU-
7 TION OF MATERIALS OR SERVICES.—Section 1024 of the
8 Water Resources Reform and Development Act of 2014
9 (33 U.S.C. 2325a) is amended—

10 (1) in subsection (a), in the matter preceding
11 paragraph (1), by striking “Subject to subsection
12 (b), the” and inserting “The”;

13 (2) by striking subsection (b);

14 (3) by redesignating subsections (c) and (d) as
15 subsections (b) and (h), respectively;

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

18 “(3) INTEGRAL TO PROJECT.—The Secretary
19 may provide reimbursement under subsection (c)
20 only if the Secretary determines that the materials
21 or services provided are integral to the project.

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

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

3 “(c) COST LIMITATIONS.—Except as provided in this
4 section and subject to subsection (g), a non-Federal inter-
5 est that contributes materials or services under subsection
6 (a) shall be eligible for reimbursement, not to exceed an
7 amount that is equal to the estimated Federal cost for
8 the performance of those materials or services.

9 “(d) AGREEMENT.—Before contributing materials or
10 services under subsection (a), a non-Federal interest shall
11 enter into an agreement with the Secretary that specifies,
12 with respect to the use of those materials and services,
13 the terms and conditions that are acceptable to the non-
14 Federal interest and the Secretary.

15 “(e) REQUIREMENT.—As part of an agreement under
16 subsection (a), a non-Federal interest shall hold and save
17 the United States free from any and all damage that
18 arises from the use of any materials or services of the non-
19 Federal interest, except for damage due to the fault or
20 negligence of a contractor of the Federal Government.

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

1 “(1) restoring an authorized navigation or flood
2 risk management project up to authorized dimen-
3 sions;

4 “(2) repairing or reconstructing any authorized
5 navigation or flood risk management project, includ-
6 ing other authorized associated features; or

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

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

12 “(1) subject to the availability of appropria-
13 tions; and

14 “(2) subject to the compliance of the non-Fed-
15 eral interest with all Federal laws and regulations
16 that would apply to the use of materials or services
17 described in that subsection if provided by the Sec-
18 retary.”.

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

22 (1) in subparagraph (A)—

23 (A) in the matter preceding clause (i), by
24 inserting “, as determined by the Secretary,”
25 after “value”;

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

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

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

6 “(iv) the value of materials and serv-
7 ices contributed by non-Federal third par-
8 ties, without charge, to the non-Federal in-
9 terest for—

10 “(I) planning carried out after
11 execution of a feasibility cost-sharing
12 agreement; or

13 “(II) construction carried out
14 after execution of a partnership agree-
15 ment or in accordance with subpara-
16 graph (C).”;

17 (2) in subparagraph (D)—

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

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

22 (C) by striking clause (iv);

23 (3) by redesignating subparagraph (H) as sub-
24 paragraph (I); and

1 (4) by inserting after subparagraph (G) the fol-
2 lowing:

3 “(H) TIMELINESS.—The Secretary shall
4 ensure that a credit under subparagraph (A) is
5 provided in a timely manner.”.

6 (c) TIMELINESS.—Section 1022 of the Water Re-
7 sources Reform and Development Act of 2014 (33 U.S.C.
8 2225) is amended by adding at the end the following:

9 “(d) TIMELINESS.—The Secretary shall ensure that
10 a reimbursement described in this section is provided in
11 a timely manner.”.

12 **SEC. 1043. EMERGENCY CONTRACTING.**

13 (a) IN GENERAL.—In carrying out emergency work
14 in an area with respect to which the President has de-
15 clared a major disaster under section 401 of the Robert
16 T. Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5170), the Secretary shall, in competitive ac-
18 quisitions, maximize use of tradeoff procedures that place
19 approximately equal or greater importance on schedule
20 and other non-price factors relative to cost or price.

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

1 **SEC. 1044. PROJECT PARTNERSHIP AGREEMENT.**

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

4 (1) by striking “Any project” and inserting the
5 following:

6 “(A) IN GENERAL.—Any project”; and

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

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

14 **SEC. 1045. ACCEPTANCE OF FUNDS FOR HARBOR DREDG-**
15 **ING.**

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

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

19 or

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

23 **SEC. 1046. EMERGENCY FLOODING PROTECTION FOR**
24 **LAKES.**

25 The Secretary shall submit to Congress a report on
26 the extent to which the program under section 5 of the

1 Act of August 18, 1941 (commonly known as the “Flood
2 Control Act of 1941”) (55 Stat. 650, chapter 377; 33
3 U.S.C. 701n), applies to lakes, including lakes with the
4 flow of a slow-moving river, including, if applicable, rec-
5 ommendations for legislative changes to ensure that such
6 lakes are eligible for the program.

7 **SEC. 1047. LEVEE SAFETY.**

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

11 “(d) IDENTIFICATION OF DEFICIENCIES.—

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

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

17 “(B) describe the recommended remedies
18 to correct each deficiency identified under sub-
19 paragraph (A) and the associated costs of those
20 remedies.

21 “(2) CONSULTATION.—In identifying defi-
22 ciencies and describing remedies for a levee under
23 paragraph (1), the Secretary shall consult with rel-
24 evant non-Federal interests, including by providing

1 an opportunity for comment by those non-Federal
2 interests.”.

3 **SEC. 1048. REPLACEMENT CAPACITY.**

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

6 (1) in the subsection heading, by inserting “OR
7 REPLACEMENT CAPACITY” after “ADDITIONAL CA-
8 PACITY”;

9 (2) by striking paragraph (1) and inserting the
10 following:

11 “(1) PROVIDED BY SECRETARY.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), at the request of a non-Federal in-
14 terest with respect to a project, the Secretary
15 may—

16 “(i) provide additional capacity at a
17 dredged material disposal facility con-
18 structed by the Secretary beyond the ca-
19 pacity that would be required for project
20 purposes; or

21 “(ii) permit the use of dredged mate-
22 rial disposal facility capacity required for
23 project purposes by the non-Federal inter-
24 est if the Secretary determines that re-
25 placement capacity can be constructed at

1 the facility or another facility or site before
2 such capacity is needed for project pur-
3 poses.

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

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

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

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

1 the request of the non-Federal interest, shall
2 credit the amount of the decrease toward any
3 cash contribution of the non-Federal interest
4 required thereafter for construction, operation,
5 or maintenance of the project, or of another
6 navigation project.”;

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

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

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

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

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

24 “(ii) the right to construct the re-
25 placement capacity at the alternative facil-

1 ity or site at the expense of the non-Fed-
2 eral interest.

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

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

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

16 **SEC. 1049. IMPLEMENTATION GUIDANCE FOR POST-FLOOD**
17 **IMPROVEMENTS.**

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

22 **SEC. 1050. WILLAMETTE VALLEY PROJECT WATER RE-**
23 **ALLOCATION.**

24 (a) IN GENERAL.—The Secretary shall assist the
25 State of Oregon in the implementation of the reallocation

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

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

11 **SEC. 1051. CENTRAL APPALACHIA WATER.**

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

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

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

4 (d) LOCAL COOPERATION AGREEMENTS.—

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

10 (2) REQUIREMENTS.—Each local cooperation
11 agreement entered into under this subsection shall
12 provide for the following:

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

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

23 (3) COST SHARING.—

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

4 (B) CREDIT FOR DESIGN WORK.—The
5 non-Federal interest shall receive credit toward
6 the non-Federal share for the reasonable costs
7 of design work completed by the non-Federal
8 interest before entering into a local cooperation
9 agreement with the Secretary for a project.

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

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

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

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

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

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

18 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$120,000,000, to remain available until expended.

21 **SEC. 1052. REVIEWING HYDROPOWER AT CORPS OF ENGI-**
22 **NEERS FACILITIES.**

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

1 “(ii) of any additional information
2 necessary for the Secretary to approve the
3 request to conduct an evaluation.

4 “(3) OPERATIONAL CHANGES.—An operational
5 change referred to in paragraph (2)(A) may in-
6 clude—

7 “(A) changes to seasonal pool levels;

8 “(B) modifying releases from the project;

9 and

10 “(C) other changes included in the written
11 request submitted under that paragraph that
12 enhance the usage of the project to facilitate
13 production of non-Federal hydropower, con-
14 sistent with authorized project purposes.

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

19 “(5) DEADLINE.—The Secretary shall complete
20 an evaluation under this subsection by the date that
21 is not later than 1 year after the date on which the
22 Secretary begins the evaluation.

23 “(6) REPORT.—On completion of an evaluation
24 under this subsection, the Secretary shall submit to
25 the Committee on Environment and Public Works of

1 the Senate and the Committee on Transportation
2 and Infrastructure of the House of Representatives
3 a report on the effects of the operational changes
4 proposed by the non-Federal interest and examined
5 in the evaluation on the authorized purposes of the
6 project, including a description of any negative im-
7 pacts of the proposed operational changes on the au-
8 thorized purposes of the project.

9 “(7) SAVINGS PROVISION.—Nothing in this sub-
10 section—

11 “(A) affects, modifies, or changes the au-
12 thorized purposes of a Corps of Engineers
13 project; or

14 “(B) affects existing authorities of the
15 Corps of Engineers, including authorities with
16 respect to navigation, flood damage reduction,
17 environmental protection and restoration, and
18 other related purposes.”.

19 **SEC. 1053. ESTABLISHING PERMANENT FEATURES FROM**
20 **EMERGENCY RESPONSE MEASURES.**

21 (a) DEFINITIONS.—In this section:

22 (1) IMPACTED COMMUNITY.—The term “im-
23 pacted community” means an entity that has re-
24 ceived emergency flood fighting assistance under sec-
25 tion 5 of the Act of August 18, 1941 (commonly

1 known as the “Flood Control Act of 1941”) (55
2 Stat. 650, chapter 377; 33 U.S.C. 701n), that in-
3 volved the construction of a temporary structure.

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

7 (3) SMALL OR DISADVANTAGED COMMUNITY.—
8 The term “small or disadvantaged community”
9 means a community—

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

11 or

12 (B) that is—

13 (i) an economically distressed area (as
14 defined in section 1083(a)); or

15 (ii) at risk from repeat flooding
16 events.

17 (b) EVALUATION OF TEMPORARY STRUCTURES.—On
18 request of an impacted community, the Secretary shall
19 evaluate whether the temporary structure warrants con-
20 sideration for a permanent feature, in accordance with
21 subsection (c).

22 (c) CONSIDERATIONS.—In evaluating a temporary
23 structure under subsection (b), the Secretary shall con-
24 sider—

1 (1) the likelihood that a similar structure will
2 need to be constructed in the area in the future if
3 the temporary structure, or a similar structure, is
4 not made permanent;

5 (2) the extent to which similar structures have
6 been constructed in the area previously and re-
7 moved;

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

11 (4) the extent of the modifications necessary to
12 make the temporary structure a permanent feature;
13 and

14 (5) the costs of the modifications described in
15 paragraph (4).

16 (d) CONVERSION OF TEMPORARY STRUCTURES.—

17 (1) IN GENERAL.—After the Secretary com-
18 pletes an evaluation under subsection (b), if the Sec-
19 retary determines that the temporary structure
20 should become a permanent feature, or that a per-
21 manent feature would prevent damage similar to
22 damage prevented by the temporary structure, and
23 subject to paragraph (2), the Secretary shall begin
24 the planning and design of the permanent feature in
25 accordance with all applicable design and construc-

1 tion standards and legal requirements of the Sec-
2 retary, including all applicable environmental laws.

3 (2) PROJECT COST.—

4 (A) IN GENERAL.—The Secretary may
5 carry out the planning, design, and construction
6 of a project described in paragraph (1) if the
7 total construction cost of the project is not ex-
8 pected to exceed \$17,500,000.

9 (B) LARGE PROJECTS.—If the total con-
10 struction cost of a project described in para-
11 graph (1) is expected to be greater than
12 \$17,500,000, the Secretary—

13 (i) shall submit to Congress a request
14 to carry out the project in a manner simi-
15 lar to a Chief's Report; and

16 (ii) may not carry out the project
17 until Congress authorizes the construction
18 of the project.

19 (C) DEMOLITION.—Demolition of a tem-
20 porary structure under this section shall be sub-
21 ject to the cost-share requirement under para-
22 graph (3), but the costs of that demolition shall
23 not be included in the total construction cost of
24 the project under subparagraphs (A) and (B).

25 (3) COST-SHARE.—

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

5 (B) WAIVER FOR SMALL OR DISADVAN-
6 TAGED COMMUNITIES.—In carrying out a
7 project under this section in partnership with a
8 small or disadvantaged community, if the Sec-
9 retary determines that the life safety or eco-
10 nomic viability of the community would be
11 threatened without the project, the Secretary
12 shall reduce the non-Federal cost share applica-
13 ble to the project through a mutual agreement
14 between the Corps of Engineers and the non-
15 Federal interest, in an amount that is—

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

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

20 **SEC. 1054. STUDIES OF WATER RESOURCES DEVELOPMENT**
21 **PROJECTS BY NON-FEDERAL INTERESTS.**

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

24 (1) in subsection (a)—

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

6 (B) in paragraph (2), by striking “for fea-
7 sibility studies” and all that follows through the
8 period at the end and inserting “for feasibility
9 studies of water resources development projects
10 conducted by non-Federal interests to provide
11 sufficient information for the formulation of the
12 studies, including processes and procedures re-
13 lated to reviews and assistance under subsection
14 (e).”; and

15 (2) in subsection (e)(2)—

16 (A) by striking “At the request” and in-
17 serting the following:

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

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

20 “(B) INCLUSION.—Technical assistance
21 under subparagraph (A) may include any as-
22 sistance that does not conflict with any other
23 Federal law (including regulations).”.

1 **SEC. 1055. SUBSURFACE DRAIN SYSTEMS RESEARCH AND**
2 **DEVELOPMENT.**

3 (a) IN GENERAL.—Subject to the availability of ap-
4 propriations, the Secretary, acting through the Director
5 of the Engineer Research and Development Center, shall
6 carry out research and development activities relating to
7 the use of subsurface drain systems as—

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

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

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$5,000,000, to remain available until expended.

13 **SEC. 1056. LIMITATION ON CONTRACT EXECUTION IN THE**
14 **ARKANSAS RIVER BASIN.**

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

20 (b) LIMITATION.—For any new covered contract for
21 a hydropower lake that is entered into during the period
22 beginning on the date of enactment of this Act and ending
23 on December 31, 2022, a local governmental entity shall
24 not pay more than 110 percent of the initial principal cost
25 for the acre-feet being sought for the new covered contract
26 for that hydropower lake.

1 **SEC. 1057. SUPPORT FOR MITIGATION EFFORTS FOR SMALL**
2 **DAMS IN NATIONAL HERITAGE CORRIDORS.**

3 In carrying out a project for ecosystem restoration,
4 the Secretary is authorized to formulate and carry out fish
5 passage measures at a dam associated with a small hydro-
6 electric power project that are otherwise the legal obliga-
7 tion of the hydroelectric power project licensee or exemp-
8 tion holder to provide under the Federal Power Act (16
9 U.S.C. 791a et seq.), if the ecosystem restoration project
10 is located in a National Heritage Area located within the
11 boundaries of the North Atlantic Division of the Corps of
12 Engineers.

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

15 Not later than 180 days after the date of enactment
16 of this Act, the Secretary, in consultation with the heads
17 of all relevant Federal agencies, shall submit to Congress
18 a report on—

19 (1) the barriers to infrastructure and capital
20 improvement projects faced by ports and port au-
21 thorities;

22 (2) the impact those barriers have on the stra-
23 tegic competitiveness of ports of the United States;
24 and

25 (3) recommendations to reduce those barriers.

1 **SEC. 1059. RYE HARBOR, NEW HAMPSHIRE, NAVIGATION IM-**
2 **PROVEMENT PROJECT.**

3 The Secretary shall expedite authorized activities to
4 address the impacts of shoaling affecting the project for
5 navigation, Rye Harbor, New Hampshire, authorized by
6 section 101 of the River and Harbor Act of 1960 (74 Stat.
7 480).

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

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

12 **SEC. 1061. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
13 **PROGRAM, COLORADO, NEW MEXICO, AND**
14 **TEXAS.**

15 Section 5056(f) of the Water Resources Development
16 Act of 2007 (121 Stat. 1214; 128 Stat. 1315) is amended
17 by striking “2019” and inserting “2024”.

18 **SEC. 1062. RESTORATION OF ABANDONED SITES.**

19 Section 560(f) of the Water Resources Development
20 Act of 1999 (33 U.S.C. 2336(f)) is amended by striking
21 “\$20,000,000” and inserting “\$30,000,000, to remain
22 available until expended”.

23 **SEC. 1063. RURAL WESTERN WATER.**

24 (a) IN GENERAL.—Section 595(i) of the Water Re-
25 sources Development Act of 1999 (113 Stat. 383; 128

1 Stat. 1613; 130 Stat. 1681) is amended by striking
2 “\$435,000,000” and inserting “\$500,000,000”.

3 (b) PROGRAM MANAGER.—The Secretary shall ap-
4 point a headquarters employee of the Corps of Engineers
5 as a Program Manager, who shall be responsible for man-
6 aging the environmental infrastructure program under
7 section 595 of the Water Resources Development Act of
8 1999 (113 Stat. 383).

9 **SEC. 1064. THAD COCHRAN LOCK AND DAM.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that Thad Cochran, whose selfless determination
12 and tireless work, while serving as a congressman and
13 United States Senator from Mississippi for 45 years, con-
14 tributed greatly to the realization and success of the Ten-
15 nessee-Tombigbee Waterway.

16 (b) DESIGNATION.—The lock and dam located at
17 mile 371 on the Tennessee-Tombigbee Waterway, Mis-
18 sissippi, shall be known and designated as the “Thad
19 Cochran Lock and Dam”.

20 (c) REFERENCES.—Any reference in a law, map, reg-
21 ulation, document, paper, or other record of the United
22 States to the lock and dam referred to in subsection (b)
23 shall be deemed to be a reference to the “Thad Cochran
24 Lock and Dam”.

1 **SEC. 1065. REPORT ON CORPS OF ENGINEERS FACILITIES**
2 **IN APPALACHIA.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Secretary, in collaboration with the Appa-
5 lachian Regional Commission established by section
6 14301(a) of title 40, United States Code, shall submit to
7 the Committee on Environment and Public Works of the
8 Senate and the Committee on Transportation and Infra-
9 structure of the House of Representatives a report that
10 identifies each Corps of Engineers facility that—

11 (1) is located within a distressed county (as
12 designated by the Appalachian Regional Commission
13 pursuant to section 14526(a)(1)(A) of title 40,
14 United States Code), with an emphasis on counties
15 that have experienced job loss in the mining, textiles,
16 or timber industry; and

17 (2) could be improved for purposes of economic
18 development, recreation, or other uses.

19 **SEC. 1066. REPORT ON CORPS OF ENGINEERS HYDRO-**
20 **POWER FACILITIES IN APPALACHIA.**

21 (a) IN GENERAL.—The Secretary, in collaboration
22 with the Appalachian Regional Commission established by
23 section 14301(a) of title 40, United States Code, the Sec-
24 retary of Energy, and the Federal Energy Regulatory
25 Commission, shall conduct a study—

1 (1) to determine the potential, at Corps of En-
2 gineers facilities that are located within a county
3 that is identified by the Appalachian Regional Com-
4 mission as a distressed county or an at-risk county
5 under subparagraph (A) or (B) of section
6 14526(a)(1) of title 40, United States Code, for—

7 (A) testing, evaluating, piloting, dem-
8 onstrating, or deploying hydropower or energy
9 storage technologies; and

10 (B) powering non-powered dams; and

11 (2) to identify previously proposed dam sites in
12 distressed counties (as designated by the Appa-
13 lachian Regional Commission pursuant to section
14 14526(a)(1)(A) of title 40, United States Code) that
15 may be suitable for activities described in subpara-
16 graphs (A) and (B) of paragraph (1).

17 (b) COORDINATION.—In carrying out the study under
18 subsection (a), the Secretary shall coordinate with any rel-
19 evant National Laboratories.

20 (c) REPORT.—Not later than 180 days after the date
21 of enactment of this Act, the Secretary, in collaboration
22 with the Appalachian Regional Commission established by
23 section 14301(a) of title 40, United States Code, the Sec-
24 retary of Energy, and the Federal Energy Regulatory

1 Commission, shall submit a report on the results of the
2 study under subsection (a) to—

3 (1) the Committee on Environment and Public
4 Works of the Senate;

5 (2) the Committee on Transportation and In-
6 frastructure of the House of Representatives;

7 (3) the Committee on Energy and Natural Re-
8 sources of the Senate; and

9 (4) the Committee on Energy and Commerce of
10 the House of Representatives.

11 **SEC. 1067. HARRIS COUNTY, TEXAS.**

12 Section 575 of the Water Resources Development Act
13 of 1996 (110 Stat. 3789; 113 Stat. 311; 121 Stat. 1253)
14 is repealed.

15 **SEC. 1068. IDENTIFICATION OF NONPOWERED DAMS FOR**
16 **HYDROPOWER DEVELOPMENT.**

17 The Secretary shall expedite completion of the list re-
18 quired under section 1206 of the America's Water Infra-
19 structure Act of 2018 (132 Stat. 3806).

20 **SEC. 1069. INLAND WATERWAY TRANSPORTATION.**

21 Section 102 of the Water Resources Development Act
22 of 1986 (33 U.S.C. 2212) is amended by striking sub-
23 section (a) and inserting the following:

24 “(a) CONSTRUCTION.—

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

3 “(A) planning, design, engineering, and
4 surveying;

5 “(B) the acquisition of all land, easements,
6 and rights-of-way necessary for the project, in-
7 cluding land for disposal of dredged material;
8 and

9 “(C) relocations necessary for the project.

10 “(2) COST-SHARE.—Except as provided in
11 paragraph (3), with respect to the cost of construc-
12 tion or major rehabilitation of a project for naviga-
13 tion on an inland waterway—

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

17 “(B) 35 percent shall be paid from
18 amounts appropriated from the Inland Water-
19 ways Trust Fund.

20 “(3) CERTAIN PROJECTS.—

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

1 the America’s Water Infrastructure Act of
2 2020.

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

13 **SEC. 1070. FEDERAL INTEREST DETERMINATION.**

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

17 “(b) FEDERAL INTEREST DETERMINATION.—

18 “(1) IN GENERAL.—Before initiating a study
19 under subsection (a), the Secretary shall determine
20 the Federal interest in carrying out the study and
21 the projects that may be proposed in the study.

22 “(2) COST-SHARE.—The costs of a determina-
23 tion under paragraph (1)—

24 “(A) shall be at full Federal expense; and

25 “(B) shall not exceed \$100,000.

1 “(3) DEADLINE.—

2 “(A) IN GENERAL.—A determination
3 under paragraph (1) shall be completed by not
4 later than 120 days after the date on which
5 funds are made available to the Secretary for
6 the determination.

7 “(B) TREATMENT.—

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

16 “(ii) COST.—The cost of a determina-
17 tion under paragraph (1) shall not be in-
18 cluded for purposes of the maximum Fed-
19 eral cost under section 1001(a)(2) of the
20 Water Resources Reform and Development
21 Act of 2014 (33 U.S.C. 2282c(a)(2)).”.

22 **SEC. 1071. REPORT ON SINGLE LEVEE STANDARD.**

23 Not later than 180 days after the date of enactment
24 of this Act, the Secretary, in coordination with the Admin-
25 istrator of the Federal Emergency Management Agency,

1 shall submit to the Committee on Environment and Public
2 Works of the Senate and the Committee on Transpor-
3 tation and Infrastructure of the House of Representatives
4 a report on—

5 (1) the differences between the levee standards
6 of the Corps of Engineers and levee standards of the
7 Federal Emergency Management Agency; and

8 (2) whether those differences create uncertainty
9 for levee management purposes.

10 **SEC. 1072. SOUTH ATLANTIC COASTAL STUDY.**

11 Section 1204 of the Water Infrastructure Improve-
12 ments for the Nation Act (130 Stat. 1685) is amended—

13 (1) by redesignating subsection (c) as sub-
14 section (e);

15 (2) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) ANNUAL BRIEFINGS.—The Secretary shall pro-
18 vide to the Committee on Environment and Public Works
19 of the Senate and the Committee on Transportation and
20 Infrastructure of the House of Representatives an annual
21 progress briefing on the status of the study under sub-
22 section (a), on a State-by-State basis, including informa-
23 tion on the engagement of the Corps of Engineers with
24 non-Federal interests, including detailed lists of all meet-

1 ings and decision outcomes associated with those engage-
2 ments.

3 “(d) ANNUAL REPORTS.—Not less frequently than
4 annually and not later than 180 days after the annual
5 briefing under subsection (c), the Secretary shall submit
6 to the Committee on Environment and Public Works of
7 the Senate and the Committee on Transportation and In-
8 frastructure of the House of Representatives a report on
9 the status of the study under subsection (a), on a State-
10 by-State basis, including information on the engagement
11 of the Corps of Engineers with non-Federal interests, in-
12 cluding detailed lists of all meetings and decision outcomes
13 associated with those engagements.”; and

14 (3) in subsection (e) (as so redesignated), in the
15 heading, by inserting “FINAL” before “REPORT”.

16 **SEC. 1073. COMPLETION OF REPORTS.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated to the Secretary \$50,000,000, to remain available
19 until expended, for the completion of any report—

20 (1) required under a provision described in sub-
21 section (b); and

22 (2) for which appropriations were not or are
23 not otherwise provided.

24 (b) PROVISIONS DESCRIBED.—A provision referred
25 to in subsection (a)(1) is any of the following:

1 (1) The Water Resources Reform and Develop-
2 ment Act of 2014 (Public Law 113–121; 128 Stat.
3 1193).

4 (2) The Water Infrastructure Improvements for
5 the Nation Act (Public Law 114–322; 130 Stat.
6 1628).

7 (3) The America’s Water Infrastructure Act of
8 2018 (Public Law 115–270; 132 Stat. 3765).

9 (4) This Act.

10 (5) Any amendments made by an Act described
11 in paragraphs (1) through (4).

12 **SEC. 1074. DELEGATION OF WORK FOR COMPREHENSIVE**
13 **EVERGLADES RESTORATION PLAN**
14 **PROJECTS.**

15 Section 601(e) of the Water Resources Development
16 Act of 2000 (114 Stat. 2684) is amended by adding at
17 the end the following:

18 “(6) DELEGATION OF WORK; TRANSFER OF
19 FUNDS.—

20 “(A) IN GENERAL.—On a determination
21 by the Secretary that the non-Federal sponsor
22 for a project authorized by subsection (b), (c),
23 or (d) is capable of and willing to carry out the
24 project, or a separable element of the project,
25 the Secretary is authorized to enter into a

1 project partnership agreement, or amendment
2 to an agreement, with the non-Federal sponsor
3 that provides for—

4 “(i) the non-Federal sponsor to con-
5 struct, or design and construct, the project
6 or separable element in accordance with
7 the construction plans and specifications
8 approved by the Division Commander; and

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

14 “(B) TECHNICAL ASSISTANCE.—The Sec-
15 retary is authorized—

16 “(i) to provide to the non-Federal
17 sponsor technical assistance, including any
18 technical assistance necessary for the
19 project to achieve compliance with statu-
20 tory, regulatory, and program require-
21 ments; and

22 “(ii) to fund the costs of providing the
23 technical assistance described in clause (i)
24 using amounts made available for the
25 project or separable element, subject to the

1 condition that the total amount authorized
2 for transfer to the non-Federal sponsor
3 under subparagraph (A)(ii) is reduced by
4 such amount.

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

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

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

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

17 “(iv) any other terms and conditions
18 that the Division Commander determines
19 to be advisable, as determined in consulta-
20 tion with the non-Federal sponsor and in
21 accordance with existing Federal regula-
22 tions.”.

23 **SEC. 1075. MATERIAL BREACHES OF CONTRACT.**

24 In a case in which the Armed Services Board of Con-
25 tract Appeals or other court of competent jurisdiction has

1 rendered a decision during the period beginning on De-
2 cember 1, 2017, and ending on December 31, 2022,
3 awarding damages to a contractor relating to the adju-
4 dication of claims arising from the construction of general
5 navigation features of an authorized project, notwith-
6 standing the terms of the Project Partnership Agreement,
7 the Secretary shall waive payment of the share of the non-
8 Federal interest of those damages, including attorney's
9 fees, if—

10 (1) the contracting officer was instructed by the
11 Corps of Engineers to modify the terms of the con-
12 tract or terminate the contract; and

13 (2) the Armed Services Board of Contract Ap-
14 peals or a court of competent jurisdiction determined
15 that the failure of the contracting officer to timely
16 take the action described in paragraph (1) was a
17 material breach of the contract that resulted in dam-
18 ages to the contractor awarded by the Armed Serv-
19 ices Board of Contract Appeals or the court, as ap-
20 plicable.

21 **SEC. 1076. REPAIR AND RESTORATION OF EMBANKMENTS.**

22 The Secretary is authorized to repair and restore any
23 portion of an embankment that is adjacent to the shoreline
24 of a reservoir project operated by the Secretary for which
25 damage to, or the failure of, the embankment has ad-

1 versely affected a roadway that the Secretary has relo-
2 cated for construction of the reservoir, notwithstanding—

3 (1) the cause of the damage to, or the failure
4 of, the embankment;

5 (2) ownership of the embankment; or

6 (3) any obligation of a non-Federal interest to
7 operate and maintain the roadway under a reloca-
8 tion agreement with the Secretary.

9 **SEC. 1077. NON-FEDERAL INTEREST REPAYMENT OBLIGA-**
10 **TIONS.**

11 Section 103 of the Water Resources Development Act
12 of 1986 (33 U.S.C. 2213) is amended by adding at the
13 end the following:

14 “(o) NON-FEDERAL INTEREST REPAYMENT OBLIGA-
15 TIONS.—

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

19 “(A) initiated on or after September 8,
20 2005; and

21 “(B) for which there is a delay of 5 or
22 more years beyond the completion date estab-
23 lished in the project partnership agreement for
24 the project.

1 “(2) INTEREST DURING CONSTRUCTION
2 DELAYS.—

3 “(A) IN GENERAL.—Notwithstanding the
4 second sentence of subsection (k), on request of
5 the non-Federal interest for a covered project,
6 the Secretary and the non-Federal interest may
7 renegotiate the repayment terms and condi-
8 tions, including—

9 “(i) recalculation of the interest rate;

10 “(ii) forgiveness of construction inter-
11 est accrued during a project delay; and

12 “(iii) a credit against construction in-
13 terest for a non-Federal investment that
14 benefits the covered project.

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

20 “(i) beginning on the date on which
21 the non-Federal interest makes the re-
22 quest; and

23 “(ii) ending on the date on which the
24 terms and conditions for the repayment of
25 construction interest are finalized.

1 “(3) CREDIT FOR NON-FEDERAL CONTRIBU-
2 TION.—The Secretary is authorized to credit any
3 costs incurred by the non-Federal interest (including
4 in-kind contributions) to remedy a design or con-
5 struction deficiency of a covered project toward the
6 non-Federal share of the cost of the covered project,
7 if the Secretary determines the remedy to be integral
8 to the completion of the covered project.”.

9 **SEC. 1078. GREAT LAKES CONFINED DISPOSAL FACILITIES.**

10 (a) MITIGATION.—The Secretary shall, to the max-
11 imum extent practicable, relocate access to a confined dis-
12 posal facility owned or operated by a non-Federal interest
13 in the Great Lakes region in which material dredged by
14 the Corps of Engineers is placed, if the Administrator of
15 the Federal Aviation Administration regulates access to
16 the confined disposal facility under title 14, Code of Fed-
17 eral Regulations.

18 (b) COST-SHARE.—The cost to relocate access to a
19 confined disposal facility under subsection (a) shall be
20 shared in accordance with the cost-share applicable to op-
21 eration and maintenance of the Federal navigation project
22 from which material placed in the confined disposal facility
23 is dredged.

24 (c) TERMINATION.—The authority provided under
25 this section shall terminate on December 31, 2024.

1 **SEC. 1079. COASTAL MAPPING.**

2 Section 516 of the Water Resources Development Act
3 of 1996 (33 U.S.C. 2326b) is amended—

4 (1) by redesignating subsection (g) as sub-
5 section (h);

6 (2) by inserting after subsection (f) the fol-
7 lowing:

8 “(g) COASTAL MAPPING.—The Secretary shall de-
9 velop and carry out a plan for the recurring mapping of
10 coastlines that are experiencing rapid change, including,
11 at a minimum, such coastlines in—

12 “(1) Alaska;

13 “(2) Hawaii; and

14 “(3) any territory or possession of the United
15 States.”; and

16 (3) in subsection (h) (as so redesignated), by
17 adding at the end the following:

18 “(3) COASTAL MAPPING.—In addition to
19 amounts made available under paragraph (1), there
20 is authorized to be appropriated to carry out sub-
21 section (g) with respect to Alaska, Hawaii, and the
22 territories and possessions of the United States,
23 \$10,000,000, to remain available until expended.”.

24 **SEC. 1080. DISPOSAL OF DREDGED MATERIALS.**

25 (a) IN GENERAL.—Not later than 180 days after the
26 date of enactment of this Act, the Secretary shall amend

1 parts 335 through 338 of title 33, Code of Federal Regu-
2 lations, to ensure that, when evaluating the placement of
3 dredged materials from operation and maintenance of
4 water resources development projects, the Corps of Engi-
5 neers shall consider—

6 (1) the suitability of the material to be dredged
7 for a full range of beneficial uses; and

8 (2) the economic and environmental benefits
9 and impacts, and feasibility, of using the material
10 for those beneficial uses.

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

15 (1) the National Environmental Policy Act of
16 1969 (42 U.S.C. 4321 et seq.);

17 (2) the Federal Water Pollution Control Act
18 (33 U.S.C. 1251 et seq.); and

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

21 **SEC. 1081. UPPER MISSOURI RIVER BASIN MAINSTEM DAM**
22 **FISH LOSS RESEARCH.**

23 (a) IN GENERAL.—As part of the program under sec-
24 tion 22 of the Water Resources Development Act of 1974
25 (42 U.S.C. 1962d–16), the Secretary shall conduct re-

1 search on the management of fish losses through the
2 mainstem dams of the Missouri River Basin during peri-
3 ods of high flow.

4 (b) CONTENTS.—The research under subsection (a)
5 shall include an examination of—

6 (1) the effects of high flow rates through Upper
7 Missouri River Basin mainstem dam outlet works on
8 fish passage;

9 (2) options used by other Corps of Engineers
10 district offices to mitigate fish losses through dams;
11 and

12 (3) the feasibility of implementing fish loss
13 mitigation options in the Upper Missouri River
14 Basin mainstem dams based on similar ongoing
15 studies.

16 (c) REPORT.—Not later than 18 months after the
17 date of enactment of this Act, the Secretary shall submit
18 to the Committee on Transportation and Infrastructure
19 of the House of Representatives and the Committee on
20 Environment and Public Works of the Senate a report rec-
21 ommending a plan to address fish losses through
22 mainstem dams in the Upper Missouri River Basin.

1 **SEC. 1082. BRIEFINGS ON DISSEMINATION OF INFORMA-**
2 **TION.**

3 Section 1104(b) of the America’s Water Infrastruc-
4 ture Act of 2018 (33 U.S.C. 2282d note; Public Law 115–
5 270) is amended—

6 (1) by redesignating paragraphs (1) through
7 (4) as subparagraphs (A) through (D), respectively,
8 and indenting appropriately;

9 (2) in the matter preceding subparagraph (A)
10 (as so redesignated), by striking “The Secretary”
11 and inserting the following:

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

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

14 “(2) BRIEFINGS.—Not less frequently than an-
15 nually, the Secretary shall provide to the Committee
16 on Environment and Public Works of the Senate
17 and the Committee on Transportation and Infra-
18 structure of the House of Representatives a briefing
19 on the progress of the implementation of paragraph
20 (1), including a description of each action the Sec-
21 retary is taking to implement that paragraph.

22 “(3) GUIDANCE; COMPLIANCE.—The Secretary
23 shall—

24 “(A) issue guidance on the uniform imple-
25 mentation of the process under section 7001 of
26 the Water Resources Reform and Development

1 Act of 2014 (33 U.S.C. 2282d) by each district
2 of the Corps of Engineers; and

3 “(B) each year, ensure compliance with the
4 guidance under subparagraph (A).”.

5 **SEC. 1083. CORPS OF ENGINEERS PROJECTS IN UNDER-**
6 **SERVED COMMUNITIES, ECONOMICALLY DIS-**
7 **TRESSED AREAS, OR RURAL AREAS.**

8 (a) DEFINITIONS.—In this section:

9 (1) ECONOMICALLY DISTRESSED AREA.—The
10 term “economically distressed area” means an area
11 that has—

12 (A) a per capita income of 80 percent or
13 less of the national per capita income; or

14 (B) an unemployment rate that is, for the
15 most recent 24-month period for which data is
16 available, at least 1 percent greater than the
17 national average unemployment rate.

18 (2) RURAL AREA.—The term “rural area”
19 means an area not included in an urbanized area or
20 urban cluster, as determined by the Director of the
21 Census Bureau.

22 (3) UNDERSERVED COMMUNITY.—The term
23 “underserved community” means a city, town, or
24 other incorporated or unincorporated political sub-

1 division of a State that provides general local gov-
2 ernment for a population of less than 100,000.

3 (b) RECOMMENDATION OF PROJECTS.—The Sec-
4 retary may recommend a project without the need to dem-
5 onstrate that the project is justified by national economic
6 development benefits if the Secretary determines that—

7 (1) the community to be served by the project
8 is an underserved community, is in an economically
9 distressed area, or is in a rural area;

10 (2) the long-term life safety, economic viability,
11 and environmental sustainability of the community
12 would be threatened without the project; and

13 (3) in the case of a project in an underserved
14 community, the benefits of the project are typically
15 more local or regional in nature.

16 (c) ECONOMIC CONSIDERATION.—The economic eval-
17 uation of a project under subsection (b) shall include—

18 (1) monetary benefits; and

19 (2) nonmonetary benefits.

20 (d) PRIORITIZATION.—A project recommended by the
21 Secretary under subsection (b) shall be given equivalent
22 budget consideration and priority as projects rec-
23 ommended by national economic development benefits.

24 (e) LIMITATIONS.—Nothing in this section affects,
25 preempts, or interferes with any obligation to comply with

1 the provisions of any Federal environmental law, includ-
2 ing—

3 (1) the National Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.);

5 (2) the Federal Water Pollution Control Act
6 (33 U.S.C. 1251 et seq.); and

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

9 **SEC. 1084. INTERIM RISK REDUCTION MEASURES.**

10 (a) IN GENERAL.—In the case of any interim risk
11 reduction measure for dam safety purposes that was eval-
12 uated in a final environmental assessment completed dur-
13 ing the period beginning on March 18, 2019, and ending
14 on the date of enactment of this Act, the Secretary shall
15 carry out a reevaluation of the measure in a timely man-
16 ner if the final environmental assessment did not consider
17 in detail at least—

18 (1) 1 operational water control plan change al-
19 ternative;

20 (2) 1 action alternative other than an oper-
21 ational water control plan change; and

22 (3) the no action alternative.

23 (b) COORDINATION.—The alternatives described in
24 subsection (a) shall be developed in coordination with Fed-
25 eral agencies, States, units of local government, and other

1 non-Federal interests that have existing water obligations
2 that would be directly affected by implementation of an
3 interim risk reduction measure referred to in that sub-
4 section.

5 (c) IMPLEMENTATION PRIOR TO REEVALUATION.—
6 Nothing in this section prohibits the Secretary from imple-
7 menting an interim risk reduction measure evaluated in
8 a final environmental assessment during the period begin-
9 ning on March 18, 2019, and ending on the date of enact-
10 ment of this Act prior to the completion of the reevalua-
11 tion under subsection (a).

12 **SEC. 1085. MAINTENANCE DREDGING PERMITS.**

13 (a) IN GENERAL.—The Secretary shall prioritize the
14 reissuance of any regional general permit for maintenance
15 dredging that expires prior to May 1, 2021, and shall use
16 best efforts to ensure the reissuance prior to expiration
17 of such a regional general permit for maintenance dredg-
18 ing.

19 (b) SAVINGS PROVISION.—Nothing in this section af-
20 fects, preempts, or interferes with any obligation to com-
21 ply with the provisions of any Federal or State environ-
22 mental law, including—

23 (1) the National Environmental Policy Act of
24 1969 (42 U.S.C. 4321 et seq.);

1 (2) the Federal Water Pollution Control Act
2 (33 U.S.C. 1251 et seq.); and
3 (3) the Endangered Species Act of 1973 (16
4 U.S.C. 1531 et seq.).

5 **SEC. 1086. TECHNICAL CORRECTION.**

6 The project for navigation, Theodore Ship Channel,
7 Mobile Harbor, Alabama, authorized by section 112 of the
8 Water Resources Development Act of 1976 (90 Stat.
9 2923) is revised to correct a technical error and to des-
10 ignate the 40 foot deep, 300 foot wide, and 1,200 foot
11 long anchorage basin located adjacent to the main ship
12 channel near the bay shoreline as a 40 foot deep, 1,320
13 foot wide, and approximately 1,468.5 foot long access
14 channel extending north from stations 257+25 and
15 273+25 from the Theodore Channel to serve the public
16 terminal as obligated under that Act.

17 **SEC. 1087. ANNUAL DEBRIS REMOVAL.**

18 (a) IN GENERAL.—Not later than December 31 of
19 each year, the Secretary shall submit to the Committee
20 on Environment and Public Works of the Senate and the
21 Committee on Transportation and Infrastructure of the
22 House of Representatives a report that identifies the ac-
23 tivities the Secretary plans to start, continue, or complete
24 during the upcoming year pursuant to authority provided
25 to the Secretary under section 3 of the Act of March 2,

1 1945 (59 Stat. 23, chapter 19; 33 U.S.C. 603a), or an-
2 other debris removal authority of the Secretary.

3 (b) INCLUSIONS.—The report under subsection (a)
4 shall include—

5 (1) a list of debris removal activities to be start-
6 ed, continued, or completed during the upcoming fis-
7 cal year within the boundaries of the North Atlantic
8 Division of the Corps of Engineers;

9 (2) the authority under which the debris re-
10 moval activity is to be carried out;

11 (3) estimated total costs and completion dates
12 for each activity; and

13 (4) the non-Federal partner for each activity.

14 **SEC. 1088. ENHANCED DEVELOPMENT DEMONSTRATION**
15 **PROGRAM.**

16 (a) IN GENERAL.—The Secretary is directed to re-
17 view the master plan and shoreline management plan for
18 any lake described in section 3134 of the Water Resources
19 Development Act of 2007 (121 Stat. 1142; 130 Stat.
20 1671) for the purpose of identifying areas suitable for en-
21 hanced development if—

22 (1) the master plan and shoreline management
23 plan of the lake have been updated since January 1,
24 2013; and

1 (2) the district office of the Corps of Engineers
2 has received a written request for such a review.

3 (b) DEFINITION OF ENHANCED DEVELOPMENT.—In
4 this section, the term “enhanced development” means
5 structures or other improvements used for non-water-de-
6 pendent commercial or hospitality industry purposes or for
7 residential or recreational purposes.

8 (c) LEASE AUTHORITY.—The Secretary is authorized
9 to lease Federal land under the jurisdiction of the Sec-
10 retary pursuant to this section for such terms as the Sec-
11 retary determines to be advisable to permit enhanced de-
12 velopment in areas approved for such uses under sub-
13 section (a).

14 (d) USE OF COMPETITIVE PROCEDURES.—The Sec-
15 retary shall require use of competitive procedures for
16 leases authorized under subsection (c).

17 (e) CONSIDERATIONS.—For leases authorized under
18 subsection (c), the Secretary shall—

19 (1) require payment of at least fair market
20 value, up to 50 percent of which amount may be
21 provided in-kind at the discretion of the Secretary;

22 (2) enter into a partnership agreement with a
23 private entity;

24 (3) consider lease durations of up to 100 years;

25 and

1 (4) consider regional economic impacts.

2 (f) TYPES OF IN-KIND CONSIDERATION.—The Sec-
3 retary is authorized to accept as in-kind consideration
4 under subsection (e)(1)—

5 (1) the maintenance, protection, alteration, re-
6 pair, improvement, or restoration of public recre-
7 ation facilities under the control of the Secretary;
8 and

9 (2) construction of new public recreation facili-
10 ties.

11 (g) DISPOSITION OF PROCEEDS.—Notwithstanding
12 section 7 of the Act of August 18, 1941 (55 Stat. 650,
13 chapter 377; 33 U.S.C. 701c-3), all proceeds received
14 from issuance of leases authorized under subsection (c)
15 shall be deposited in a special account in the Treasury
16 established for the Secretary and shall be available for the
17 following activities at the lake specified in a lease entered
18 into under this section:

19 (1) Natural resource and recreation manage-
20 ment.

21 (2) The investigation, planning, construction,
22 operation, and maintenance of public recreation fa-
23 cilities.

24 (h) PAYMENT OF ADMINISTRATIVE EXPENSES.—The
25 Secretary shall recover the administrative expenses associ-

1 ated with leases authorized under subsection (c) in accord-
2 ance with section 2695 of title 10, United States Code.

3 **SEC. 1089. REPORT ON BENEFITS CALCULATION FOR**
4 **FLOOD CONTROL STRUCTURES.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Secretary shall submit to the Committee
7 on Environment and Public Works of the Senate and the
8 Committee on Transportation and Infrastructure of the
9 House of Representatives a report on the extent to which
10 flood insurance premium reductions that result from im-
11 plementation of a structural flood risk management
12 project are included in the calculation of the benefits of
13 the project by the Corps of Engineers.

14 **SEC. 1090. HIGH WATER-LOW WATER PREPAREDNESS.**

15 (a) DEFINITION OF BYPASS.—In this section, the
16 term “bypass” means an alternate water route adjacent
17 to a lock and dam that can be used for commercial naviga-
18 tion during high water conditions.

19 (b) EMERGENCY DETERMINATION.—

20 (1) IN GENERAL.—The Secretary, in consulta-
21 tion with the District Commanders responsible for
22 maintaining any affected waterway, the Inland Wa-
23 terway Users Board, and the Coast Guard, may
24 make a determination that an emergency condition
25 described in paragraph (2) exists, or is anticipated

1 to exist, on an inland navigable waterway or a by-
2 pass.

3 (2) EMERGENCY CONDITIONS.—An emergency
4 condition includes not less than 1 of the following:

5 (A) Unsafe conditions on an inland navi-
6 gable waterway or a bypass that prevents the
7 operation of commercial vessels as a result of a
8 major change in water level or flows.

9 (B) An obstruction in an inland navigable
10 waterway or a bypass, including silt, sediment,
11 rock formation, or a shallow channel.

12 (C) An impaired or inoperable Federal lock
13 and dam.

14 (c) EMERGENCY MITIGATION PROJECT.—

15 (1) IN GENERAL.—Subject to paragraph (2)
16 and the availability of appropriations and in accord-
17 ance with all applicable Federal requirements, the
18 Secretary may carry out an emergency mitigation
19 project on an inland navigable waterway or a bypass
20 for which the Secretary has determined that an
21 emergency condition exists, or is anticipated to exist,
22 under subsection (b)(1) to remedy or prevent that
23 emergency condition.

24 (2) DEADLINE.—An emergency mitigation
25 project under paragraph (1) shall—

1 (A) be initiated by not later than 60 days
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 and

7 (B) be completed by not later than 1 year
8 after the date on which the Secretary makes a
9 determination under subsection (b)(1) with re-
10 spect to the inland navigable waterway or by-
11 pass on which the project will be carried out.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary to carry
14 out this section \$25,000,000 for each of fiscal years 2022
15 through 2024, to remain available until expended.

16 **SEC. 1091. EAST ROCKAWAY INLET TO ROCKAWAY INLET**
17 **AND JAMAICA BAY REFORMULATION, NEW**
18 **YORK.**

19 (a) IN GENERAL.—The Secretary is authorized to
20 carry out the project for hurricane and storm damage re-
21 duction, East Rockaway Inlet to Rockaway Inlet and Ja-
22 maica Bay Reformulation, Atlantic Coast of New York,
23 substantially in accordance with terms and conditions de-
24 scribed in the report of the Chief of Engineers, dated Au-
25 gust 22, 2019, and subsection (b).

1 (b) TREATMENT AND COST-SHARE.—For the project
2 described in subsection (a)—

3 (1) the project shall be considered to be a con-
4 tinuation of the interim response to the authoriza-
5 tion under House Report 105–90 of the 105th Con-
6 gress, and under the heading “CONSTRUCTION”
7 under the heading “CORPS OF ENGINEERS–CIVIL”
8 under chapter 4 of title X of the Disaster Relief Ap-
9 propriations Act, 2013 (127 Stat. 24); and

10 (2) for renourishment and adaptive manage-
11 ment activities for the project, the total estimated
12 periodic renourishment cost shall be \$379,526,000,
13 to be shared 50 percent Federal and 50 percent non-
14 Federal.

15 **SEC. 1092. REPORT ON ANTECEDENT HYDROLOGIC CONDI-**
16 **TIONS.**

17 (a) REPORT.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Secretary
20 shall submit to the Committee on Environment and
21 Public Works of the Senate and the Committee on
22 Transportation and Infrastructure of the House of
23 Representatives a report on the use by the Corps of
24 Engineers since 2010 of data relating to antecedent
25 hydrologic conditions in the Missouri River Basin

1 (including soil moisture conditions, frost depths,
2 snowpack, and streamflow conditions) in—

3 (A) conducting Missouri River mainstem
4 reservoir operations under the Missouri River
5 Master Manual;

6 (B) developing related annual operating
7 plans; and

8 (C) performing seasonal, monthly, and
9 daily operations.

10 (2) INCLUSIONS.—The report under paragraph
11 (1) shall include—

12 (A) a review of—

13 (i) the approach of the Corps of Engi-
14 neers to forecasting basin runoff in devel-
15 oping annual operating plans of the Corps
16 of Engineers;

17 (ii) the assessment of existing and al-
18 ternative algorithms that could improve
19 forecasting;

20 (iii) the approach of the Corps of En-
21 gineers for reservoir releases in the winter,
22 spring, summer, and fall, based on runoff
23 forecasts;

1 (iv) the February 2017 technical re-
2 port of the Corps of Engineers on long-
3 range forecasting;

4 (v) the use by the Corps of Engineers
5 of data from Federal and State entities in
6 runoff forecasts; and

7 (vi) the use by the Corps of Engineers
8 of advanced data collection, including
9 through the use of unmanned aerial sys-
10 tems, forecasting, and modeling; and

11 (B) findings and recommendations on how
12 to best incorporate antecedent basin conditions
13 in annual operating plans and Missouri River
14 mainstem reservoir operations.

15 (b) PEER REVIEW.—

16 (1) IN GENERAL.—The Secretary shall seek to
17 enter into an agreement with the National Academy
18 of Sciences or a similar independent scientific and
19 technical advisory organization to establish a panel
20 of experts to conduct a peer review of the report
21 under subsection (a).

22 (2) REPORT.—Not later than 180 days after
23 the date on which the Secretary receives the results
24 of the peer review under paragraph (1), the Sec-
25 retary shall submit to the Committee on Environ-

1 ment and Public Works of the Senate and the Com-
2 mittee on Transportation and Infrastructure of the
3 House of Representatives the results of the peer re-
4 view under paragraph (1).

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary—

7 (1) \$5,000,000 for the report under subsection
8 (a); and

9 (2) \$5,000,000 for the peer review under sub-
10 section (b).

11 **SEC. 1093. HARMFUL ALGAL BLOOMS DEMONSTRATION**
12 **PROGRAM.**

13 (a) IN GENERAL.—The Secretary is authorized to
14 carry out a demonstration program to determine the
15 causes of, and how to effectively treat and eliminate,
16 harmful algal blooms within the Great Lakes and Lake
17 Okeechobee, Florida, and applicable tributaries.

18 (b) CONSULTATION; USE OF EXISTING DATA.—

19 (1) CONSULTATION.—In carrying out the dem-
20 onstration program under subsection (a), the Sec-
21 retary shall consult with appropriate Federal and
22 State agencies.

23 (2) USE OF DATA.—In carrying out the dem-
24 onstration program under subsection (a), the Sec-
25 retary shall make maximum use of data in existence

1 on the date of enactment of this Act and ongoing
2 programs and efforts of Federal agencies and
3 States.

4 (c) COST SHARING.—An activity carried out under
5 the demonstration program under subsection (a) shall be
6 at full Federal expense.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$25,000,000, to remain available until expended.

10 **SEC. 1094. SENSE OF CONGRESS RELATING TO ANNUAL**
11 **MAINTENANCE DREDGING.**

12 It is the sense of Congress that the Corps of Engi-
13 neers should maintain the annual maintenance dredging
14 for Wilmington Harbor, Delaware.

15 **SEC. 1095. SELECTION OF DREDGED MATERIAL DISPOSAL**
16 **METHOD FOR CERTAIN PURPOSES.**

17 Section 204 of the Water Resources Development Act
18 of 1992 (33 U.S.C. 2326) is amended—

19 (1) in subsection (d)(1) —

20 (A) in the matter preceding subparagraph
21 (A), by striking “In developing” and all that
22 follows through “the non-Federal interest,” and
23 inserting “At the request of the non-Federal in-
24 terest for a project involving the disposal of
25 dredged material, the Secretary, using funds

1 appropriated for construction or operation and
2 maintenance of the project, may select”; and

3 (B) in subparagraph (B), by striking
4 “flood and storm damage and flood reduction
5 benefits” and inserting “hurricane and storm or
6 flood risk reduction benefits”; and

7 (2) in subsection (g) (as amended by section
8 1017(b)(5)(B))—

9 (A) in paragraph (1), in the matter pre-
10 ceeding subparagraph (A), by striking “There
11 are” and inserting “Except as provided in para-
12 graph (3), there are”;

13 (B) by redesignating paragraph (3) as
14 paragraph (4); and

15 (C) by inserting after paragraph (2) the
16 following:

17 “(3) SELECTION OF DREDGED MATERIAL DIS-
18 POSAL METHOD FOR CERTAIN PURPOSES.—Activities
19 carried out under subsection (d)—

20 “(A) shall be carried out using amounts
21 appropriated for construction or operation and
22 maintenance of the project involving the dis-
23 posal of the dredged material; and

24 “(B) shall not carried out using amounts
25 made available under paragraph (1).”.

1 **SEC. 1096. INCREASING ACCESS FOR RECREATION AT**
2 **CORPS OF ENGINEERS PROJECTS.**

3 (a) IN GENERAL.—The Secretary, in coordination
4 with relevant non-Federal sponsors and State and local
5 recreation organizations, shall develop recommendations
6 to maximize public access and public use of projects owned
7 or operated by the Corps of Engineers.

8 (b) INVENTORY AND PLAN.—Not later than 180 days
9 after the date of enactment of this Act, the Secretary shall
10 submit to the Committee on Environment and Public
11 Works of the Senate and the Committee on Transpor-
12 tation and Infrastructure of the House of Representatives
13 and make publicly available a report that includes—

14 (1) an inventory of projects owned or operated
15 by the Corps of Engineers that are publicly acces-
16 sible; and

17 (2) recommendations to increase access for
18 recreation as described in subsection (a).

19 **SEC. 1097. EXTINGUISHMENT OF FLOWAGE EASEMENTS,**
20 **ROUGH RIVER LAKE, KENTUCKY.**

21 (a) IN GENERAL.—Subject to the availability of ap-
22 propriations and on request of the landowner, the Sec-
23 retary shall extinguish any flowage easement or portion
24 of a flowage easement held by the United States on devel-
25 oped land of the landowner at Rough River Lake, Ken-
26 tucky—

1 (1) that is above 534 feet mean sea level; and

2 (2) for which the Secretary determines the flow-

3 age easement or portion of the flowage easement is

4 not required to address backwater effects.

5 (b) NO LIABILITY.—The United States shall not be

6 liable for any damages to property or injuries to persons

7 from flooding that may be attributable to the operation

8 and maintenance of Rough River Dam, Kentucky, on land

9 that was encumbered by a flowage easement extinguished

10 under subsection (a).

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There is

12 authorized to be appropriated to carry out this section

13 \$10,000,000, to remain available until expended.

14 **SEC. 1098. SMALL FLOOD CONTROL PROJECTS.**

15 Subsection (a)(1) of section 205 of the Flood Control

16 Act of 1948 (33 U.S.C. 701s) (as amended by section

17 1017(b)(6)) is amended by inserting “and projects that

18 use natural features or nature-based features (as those

19 terms are defined in section 1184(a) of the Water Infra-

20 structure Improvements for the Nation Act (33 U.S.C.

21 2289a(a))” after “nonstructural projects”.

1 **SEC. 1099. COMPREHENSIVE STUDY OF MISSISSIPPI RIVER**
2 **SYSTEM FROM OLD RIVER CONTROL STRUC-**
3 **TURE TO GULF OF MEXICO.**

4 (a) DEVELOPMENT.—The Secretary, in collaboration
5 with the heads of other relevant Federal agencies, shall
6 conduct, and submit to Congress a comprehensive study
7 of the lower Mississippi River, and the tributaries and
8 distributaries of the Mississippi River, from the Old River
9 Control Structure near Point Breeze, Louisiana, to the
10 Gulf of Mexico, including an examination of—

11 (1) hurricane and storm damage reduction,
12 flood risk management, structural and nonstructural
13 flood control, and floodplain management strategies,
14 including the consideration of natural features or
15 nature-based features (as those terms are defined in
16 section 1184(a) of the Water Infrastructure Im-
17 provements for the Nation Act (33 U.S.C.
18 2289a(a)));

19 (2) structural and operational modifications to
20 completed water resources development projects
21 within the study area;

22 (3) fish and wildlife habitat resources, including
23 in the Mississippi Sound Estuary, the Lake Pont-
24 chartrain Basin, the Breton Sound, the Barataria
25 Basin, the Terrebonne Basin, the Atchafalaya Basin,

1 the Vermilion–Teche Basin, and other outlets of the
2 Mississippi River and Tributaries Project;

3 (4) mitigation of adverse impacts from oper-
4 ations of flood control structures to the Mississippi
5 Sound Estuary, the Lake Pontchartrain Basin, the
6 Breton Sound, the Barataria Basin, the Atchafalaya
7 Basin, and other outlets of the Mississippi River and
8 Tributaries Project, including on water quality;

9 (5) recreation needs;

10 (6) navigation needs;

11 (7) ecosystem restoration needs;

12 (8) monitoring requirements, including as near-
13 real time monitoring as practicable, and adaptive
14 management measures to respond to changing condi-
15 tions over time;

16 (9) the division of responsibilities of the Federal
17 Government and non-Federal interests with respect
18 to flood risk management and hurricane and storm
19 damage reduction; and

20 (10) the roles and responsibilities of Federal
21 agencies with respect to flood risk management.

22 (b) CONTENTS.—The study under subsection (a)
23 shall—

1 (1) include recommendations on management
2 plans and actions to be carried out by responsible
3 Federal agencies;

4 (2) address whether changes are necessary to
5 the Mississippi River and Tributaries Project au-
6 thorized by the first section of the Act of May 15,
7 1928 (commonly known as the “Flood Control Act
8 of 1928”) (45 Stat. 534, chapter 569; 33 U.S.C.
9 702a) within the study area;

10 (3) recognize the interest and rights of States
11 in maximum effective river resource use and control;
12 and

13 (4) include recommendations for—

14 (A) Federal and non-Federal action, where
15 appropriate;

16 (B) construction of new water resource
17 projects to improve the maximum effective river
18 resource use and control within the study area;
19 and

20 (C) follow-up studies and data collection
21 and monitoring to be carried out by the rel-
22 evant Federal or State agency.

23 (c) FURTHER ANALYSIS.—

24 (1) IN GENERAL.—As part of the study under
25 subsection (a), the Secretary shall carry out activi-

1 ties that warrant additional analysis by the Corps of
2 Engineers, including feasibility studies.

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

6 (d) CONSULTATION; USE OF EXISTING DATA.—

7 (1) CONSULTATION.—In conducting the study
8 under subsection (a), the Secretary shall consult
9 with appropriate Federal and State agencies.

10 (2) USE OF DATA.—In conducting the study
11 under subsection (a), the Secretary shall make max-
12 imum use of data in existence on the date of enact-
13 ment of this Act and ongoing programs and efforts
14 of Federal agencies, States, universities, and non-
15 profit entities, including multi-State monitoring pro-
16 grams.

17 (e) COST SHARING.—The study conducted under
18 subsection (a) shall be at full Federal expense.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$25,000,000, to remain available until expended.

22 **SEC. 1100. MISSOURI RIVER.**

23 (a) REPORT.—Not later than 1 year after the date
24 of enactment of this Act and biannually thereafter for a
25 period of 10 years, the Secretary shall submit to the Com-

1 mittee on Transportation and Infrastructure of the House
2 of Representatives and the Committee on Environment
3 and Public Works of the Senate a report on the changes
4 to impacts of interception-rearing complex (referred to in
5 this section as “IRC”) on—

6 (1) flood control, navigation, and other author-
7 ized purposes set forth in the Missouri River Master
8 Manual; and

9 (2) the population status of the pallid sturgeon,
10 including population trends.

11 (b) FUTURE IRC CONSTRUCTION.—

12 (1) COMMENTS.—The Secretary shall solicit
13 comments from the public and the Governor of each
14 affected State on proposals to construct additional
15 IRCS.

16 (2) RESEARCH AND DEVELOPMENT.—The Sec-
17 retary shall conduct further research on IRC design,
18 including any impacts on existing flows and all au-
19 thorized purposes set forth in the Missouri River
20 Master Manual, to ensure that any construction of
21 IRCS incorporates the best available science.

22 (3) PERIOD.—The public comment period
23 under paragraph (1) shall be not less than 90 days
24 for each future IRC project.

1 (4) REPAIRS.—Subject to the availability of ap-
2 propriations, the Secretary shall use all existing au-
3 thorities—

4 (A) to repair dikes and revetments that are
5 impacting flood risk and bank erosion; and

6 (B) to repair or improve water control
7 structures at the headworks of constructed
8 shallow water habitat side channels.

9 (c) AUTHORIZED PURPOSES.—

10 (1) IN GENERAL.—If the Secretary determines
11 that IRCs have an adverse impact on an authorized
12 purpose set forth in the Missouri River Master Man-
13 ual, the Secretary shall take corrective action to ad-
14 dress any such adverse impacts.

15 (2) NO ADVERSE IMPACT ON TONNAGE.—To
16 the maximum extent practicable, the Secretary shall
17 ensure that IRCs do not have an adverse impact on
18 tonnage of materials transported on the Missouri
19 River.

20 **SEC. 1101. FLEXIBILITY FOR PROJECTS.**

21 (a) GOAL.—For each feasibility study initiated by the
22 Secretary on or after the date of enactment of this Act
23 under section 905(a) of the Water Resources Development
24 Act of 1986 (33 U.S.C. 2282(a)), the Secretary shall—

1 (1) establish a goal of completing the feasibility
2 study by not later than 2 years after the date of ini-
3 tiation; and

4 (2) to the maximum extent practicable, attempt
5 to comply with the goal under paragraph (1).

6 (b) **AUTHORITY.**—In carrying out a feasibility study
7 described in subsection (a), the Secretary shall—

8 (1) exercise all existing flexibilities under and
9 exceptions to any requirement administered by the
10 Secretary, in whole or in part; and

11 (2) otherwise provide additional flexibility or ex-
12 pedited processing with respect to the requirements
13 described in paragraph (1) to meet the goal de-
14 scribed in subsection (a)(1).

15 (c) **MAINTAINING PROTECTIONS.**—Nothing in this
16 section—

17 (1) supersedes, amends, or modifies—

18 (A) section 1001(a)(1) of the Water Re-
19 sources Reform and Development Act of 2014
20 (33 U.S.C. 2282c(a)(1)); or

21 (B) the National Environmental Policy Act
22 of 1969 (42 U.S.C. 4321 et seq.) or any other
23 Federal environmental law; or

1 (2) affects the responsibility of any Federal of-
2 ficer to comply with or enforce any law or require-
3 ment described in this subsection.

4 **SEC. 1102. DEVELOPMENT OF CATEGORICAL EXCLUSIONS.**

5 (a) IN GENERAL.—Not later than 60 days after the
6 date of enactment of this Act, the Secretary shall—

7 (1) in consultation with the agencies described
8 in subsection (b), identify the categorical exclusions
9 described in section 230.9 of title 33, Code of Fed-
10 eral Regulations (or successor regulations), that
11 would accelerate delivery of a project if those cat-
12 egorical exclusions were available to those agencies;

13 (2) collect existing documentation and substan-
14 tiating information on the categorical exclusions
15 identified under paragraph (1); and

16 (3) provide to each agency described in sub-
17 section (b)—

18 (A) a list of the categorical exclusions
19 identified under paragraph (1); and

20 (B) the documentation and substantiating
21 information collected under paragraph (2).

22 (b) AGENCIES DESCRIBED.—The agencies referred to
23 in subsection (a) are—

24 (1) the Department of the Interior;

25 (2) the Department of Transportation;

- 1 (3) the Department of Commerce;
- 2 (4) the Department of Agriculture;
- 3 (5) the Department of Energy;
- 4 (6) the Department of Defense; and
- 5 (7) any other Federal agency that has partici-
- 6 pated in an environmental review process for a
- 7 project, as determined by the Secretary.

8 (c) ADOPTION OF CATEGORICAL EXCLUSIONS.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date on which the Secretary provides the list re-
11 quired under subsection (a)(3)(A), an agency de-
12 scribed in subsection (b) shall publish a notice of
13 proposed rulemaking to propose any categorical ex-
14 clusions from the list applicable to the agency, sub-
15 ject to the condition that the categorical exclusion
16 identified under subsection (a)(1) meets the criteria
17 for a categorical exclusion under section 1508.4 of
18 title 40, Code of Federal Regulations (or successor
19 regulations).

20 (2) PUBLIC COMMENT.—In a notice of proposed
21 rulemaking under paragraph (1), the applicable
22 agency may solicit comments on whether any of the
23 proposed new categorical exclusions meet the criteria
24 for a categorical exclusion under section 1508.4 of

1 title 40, Code of Federal Regulations (or successor
2 regulations).

3 **SEC. 1103. PUBLICATION OF FEE SCHEDULES.**

4 The Secretary shall make available, at the request of
5 any person and on each public-facing website of a district
6 office of the Corps of Engineers, a schedule of administra-
7 tive fees charged by the Secretary for covered transactions
8 associated with water resources development project land.

9 **SEC. 1104. FLOOD PROTECTION PROJECTS.**

10 Section 73(a) of the Water Resources Development
11 Act of 1974 (33 U.S.C. 701b–11(a)) is amended by strik-
12 ing “including” and all that follows through the period
13 at the end and inserting the following: “, with a view to-
14 ward formulating the most economically, socially, and en-
15 vironmentally acceptable means of reducing or preventing
16 flood damage, including—

17 “(1) floodproofing of structures, including ele-
18 vation;

19 “(2) floodplain regulation;

20 “(3) acquisition of floodplain land for rec-
21 reational, fish and wildlife, and other public pur-
22 poses;

23 “(4) relocation; and

1 “(5) the use of a feature described in section
2 1184(a) of the Water Infrastructure Improvements
3 for the Nation Act (33 U.S.C. 2289a(a)).”.

4 **SEC. 1105. REHABILITATION OF HIGH HAZARD POTENTIAL**
5 **DAMS.**

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

8 (1) by striking paragraph (10);

9 (2) by redesignating paragraphs (11) and (16)
10 as paragraphs (10) and (17), respectively;

11 (3) in paragraph (4)—

12 (A) in subparagraph (A)—

13 (i) in clause (iii)—

14 (I) by striking “and” at the end
15 and inserting “or”;

16 (II) by striking the clause des-
17 ignation and inserting “(iii)(I)”; and

18 (III) by adding at the end the
19 following:

20 “(II) if the dam is in a State that by
21 law requires an emergency action plan to
22 comply with FEMA guidelines and to be
23 approved by an authorized State agency,
24 the dam—

1 power project with an authorized installed ca-
2 pacity of greater than 1.5 megawatts;”;

3 (4) by inserting after paragraph (10) (as so re-
4 designated) the following:

5 “(11) RECIPIENT.—The term ‘recipient’ means
6 the entity applying for, receiving, and distributing to
7 subrecipients the assistance under section 8A.”; and

8 (5) by inserting after paragraph (15) the fol-
9 lowing:

10 “(16) SUBRECIPIENT.—The term ‘subrecipient’,
11 with respect to a project at a dam for which the as-
12 sistance under section 8A is sought, means an entity
13 that—

14 “(A) receives the assistance for the project
15 from a recipient; and

16 “(B)(i) if the owner of the dam is a gov-
17 ernmental organization or a nonprofit organiza-
18 tion, is the owner; or

19 “(ii) if the owner of the dam is not a gov-
20 ernmental organization or a nonprofit organiza-
21 tion, is a governmental organization or non-
22 profit organization seeking the assistance on be-
23 half of the owner.”.

1 (b) REHABILITATION OF HIGH HAZARD POTENTIAL
2 DAMS.—Section 8A of the National Dam Safety Program
3 Act (33 U.S.C. 467f–2) is amended—

4 (1) in subsection (a), by striking “non-Federal
5 sponsors” and inserting “recipients”;

6 (2) in subsection (c)—

7 (A) in paragraph (1)(A), by striking “non-
8 Federal sponsor” and inserting “recipient”; and

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by striking
11 “non-Federal sponsor” and inserting “re-
12 cipient”;

13 (ii) in subparagraph (B)—

14 (I) in the subparagraph heading,
15 by striking “PROJECT GRANT” and in-
16 serting “GRANT”;

17 (II) by striking “a project grant
18 agreement with the non-Federal spon-
19 sor” and inserting “a grant agree-
20 ment with the recipient”; and

21 (III) by inserting “for which the
22 grant is provided” after “the project”;

23 (iii) by striking subparagraph (C) and
24 inserting the following:

1 “(C) GRANT ASSURANCE.—As part of a
2 grant agreement under subparagraph (B), the
3 Administrator shall require that each sub-
4 recipient for the applicable project provides an
5 assurance that the subrecipient will carry out a
6 plan for maintenance of the dam to be rehabili-
7 tated under the grant agreement during the ex-
8 pected life of the dam.”; and

9 (iv) in subparagraph (D), in the mat-
10 ter preceding clause (i), by striking “A
11 grant provided under this section shall not
12 exceed the lesser” and inserting “A sub-
13 recipient that receives assistance from a
14 grant provided under this section shall not
15 receive, for any 1 dam, assistance that ex-
16 ceeds the lesser”;

17 (3) in subsection (d)—

18 (A) in paragraph (2)—

19 (i) in the paragraph heading, by strik-
20 ing “NON-FEDERAL SPONSOR” and insert-
21 ing “SUBRECIPIENT”;

22 (ii) in the matter preceding subpara-
23 graph (A), by striking “To receive” and all
24 that follows through “shall” and inserting

1 “To receive assistance, a subrecipient
2 shall”;

3 (iii) in subparagraph (A), by striking
4 “participate in, and comply with,” and in-
5 sserting “demonstrate that the community
6 in which the dam is located participates in,
7 and complies with,”;

8 (iv) in subparagraph (B), in the mat-
9 ter preceding clause (i), by striking “have”
10 and inserting “not later than 2 years after
11 the development of criteria for such a plan
12 by the Administrator, in consultation with
13 the Board, under paragraph (3), dem-
14 onstrate that the applicable local or Tribal
15 government has”; and

16 (v) in subparagraph (C), by striking
17 “50-year period” and inserting “expected
18 life of the dam”; and

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

20 “(3) HAZARD MITIGATION PLAN CRITERIA.—

21 The Administrator shall develop criteria for hazard
22 mitigation plans under paragraph (2)(B).

23 “(4) RECOVERY OF FUNDS.—In the event that
24 a grant is awarded under this section for which re-
25 quired activities may be completed after the date on

1 which the grant is awarded, the Administrator may
2 seek to recoup the amounts awarded under the grant
3 if those activities are not completed within the appli-
4 cable time period.”;

5 (4) in subsection (e)—

6 (A) in paragraph (1)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “non-Federal spon-
9 sor” and inserting “subrecipient”; and

10 (ii) in subparagraph (B), by striking
11 “1 year” each place it appears and insert-
12 ing “2 years”; and

13 (B) in paragraph (3)—

14 (i) in the paragraph heading, by strik-
15 ing “TECHNICAL” and inserting “PLAN
16 CRITERIA AND TECHNICAL”; and

17 (ii) by striking “The Administrator
18 may provide” and inserting “The Adminis-
19 trator, in consultation with the Board,
20 shall provide criteria and may provide”;
21 and

22 (5) in subsection (i)(1), in the matter preceding
23 subparagraph (A), by striking “non-Federal spon-
24 sor” and inserting “subrecipient”.

1 **Subtitle B—Studies and Reports**

2 **SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY** 3 **STUDIES AND MODIFICATIONS.**

4 The Secretary is authorized to conduct a feasibility
5 study or initiate project modifications for the following
6 projects for water resources development and conservation
7 and other purposes, as identified in the report entitled
8 “Report to Congress on Future Water Resources Develop-
9 ment” submitted to Congress on or after June 3, 2019,
10 pursuant to section 7001 of the Water Resources Reform
11 and Development Act of 2014 (33 U.S.C. 2282d) or other-
12 wise reviewed by Congress:

13 (1) The project for coastal storm risk manage-
14 ment, Newbury and Newburyport, Massachusetts.

15 (2) The project for flood protection, Jones
16 County, Mississippi.

17 (3) The project for ecosystem restoration,
18 Lower Osage River Basin, Missouri.

19 (4) The project modification for Clarence Can-
20 non Dam and Mark Twain Lake Project Salt River,
21 Missouri.

22 (5) The project modification for Smithville
23 Lake, Plattsburg, Missouri.

24 (6) The project modification for Smithville
25 Lake, Smithville, Missouri.

1 (7) The project for navigation, Lower Missouri
2 River, Missouri.

3 (8) The project for flood risk management,
4 Port Arthur, Texas.

5 (9) The project for flood risk management,
6 Chocolate Bayou, Texas.

7 (10) The project for navigation, Houston-Gal-
8 veston, Texas.

9 (11) Reauthorization of the project for naviga-
10 tion, Christiansted Harbor, St. Croix, United States
11 Virgin Islands.

12 (12) Modification of the project for water sup-
13 ply desalination, South Perris, California.

14 (13) Reauthorization of the project for naviga-
15 tion, Charlotte Amalie Harbor, St. Thomas, United
16 States Virgin Islands.

17 (14) The project for flood protection, levee re-
18 habilitation, Greater Williamsport, Pennsylvania.

19 **SEC. 1202. EXPEDITED COMPLETION.**

20 The Secretary shall expedite the completion, review,
21 or validation of the applicable decision document for the
22 following projects and studies:

23 (1) Modification of the Tennessee-Tombigbee
24 Waterway for improved access and navigation.

1 (2) The project for ecosystem restoration, Hud-
2 son-Raritan Estuary, New York and New Jersey.

3 (3) The project for navigation, St. George Har-
4 bor, Alaska.

5 (4) The project for navigation, Kentucky Lock
6 and Dam, Tennessee River, Kentucky.

7 (5) The project for navigation, New Haven
8 Harbor, Connecticut.

9 (6) The project for flood risk management,
10 Fairfield and New Haven Counties, Connecticut.

11 (7) The project for navigation, Wilmington
12 Harbor, North Carolina.

13 (8) The project for hurricane and storm dam-
14 age risk reduction, Carolina Beach, North Carolina.

15 (9) The project for hurricane and storm dam-
16 age risk reduction, Wrightsville Beach, North Caro-
17 lina.

18 (10) The project for flood risk management,
19 Raymondville Drain Project, Lower Rio Grande
20 Basin, Texas.

21 (11) The project for navigation, Port of Corpus
22 Christi, Texas.

23 (12) The project for flood risk management,
24 Westminster and East Garden Grove, California.

1 (13) The project for flood risk management,
2 Prado Basin, California.

3 (14) The project for ecosystem restoration,
4 Malibu Creek watershed, California.

5 (15) The project for flood risk management,
6 San Francisquito Creek, California.

7 (16) The project for navigation, Georgetown
8 Harbor, South Carolina.

9 (17) The project for coastal storm risk manage-
10 ment, Myrtle Beach, South Carolina.

11 (18) The project for flood risk management,
12 Dorchester County, South Carolina.

13 (19) The project for navigation, Florence, Ala-
14 bama.

15 (20) The project for navigation, North Landing
16 Bridge, Atlantic Intracoastal Waterway, Virginia.

17 (21) The project for flood risk management,
18 Upper Barataria, Louisiana.

19 (22) The project for navigation, Port Fourchon,
20 Belle Pass, Louisiana.

21 (23) The project for ecosystem restoration,
22 Lake Okeechobee, Florida.

23 (24) The project for ecosystem restoration,
24 Western Everglades, Florida.

1 (25) The project for ecosystem restoration,
2 Canal 111, South Dade, Florida.

3 (26) The project for ecosystem restoration,
4 Caloosahatchee River C-43, West Basin Storage
5 Reservoir, Florida.

6 (27) The project for flood risk management,
7 Hanapepe River, Kaua'i, Hawaii.

8 (28) The project for flood risk management,
9 Wailupe Stream, Oahu, Hawaii.

10 (29) The project for flood risk management,
11 Lower Santa Cruz watershed, Arizona.

12 (30) The project for navigation, Upper St. An-
13 thony Falls Lock and Dam, Minnesota.

14 (31) The project for flood risk management,
15 Westchester County streams, New York.

16 (32) The project for hurricane and storm dam-
17 age risk reduction, Fire Island to Montauk Point
18 Reformulation, New York.

19 (33) The project for flood risk management,
20 Savan Gut Phase II, St. Thomas, United States Vir-
21 gin Islands.

22 (34) The project for flood risk management,
23 Rio Culebrinas, Puerto Rico.

1 (35) The project for flood risk management,
2 Turpentine Run, St. Thomas, United States Virgin
3 Islands.

4 (36) The project for flood risk management,
5 Rio Guayanilla, Puerto Rico.

6 (37) The project for hurricane and storm dam-
7 age risk reduction, Highlands, New Jersey.

8 (38) The project for navigation, Seattle Harbor,
9 Washington.

10 (39) The project for flood risk management,
11 metropolitan Louisville, Kentucky.

12 (40) The feasibility study for the project for re-
13 habilitation of Lock E -32, Erie Canal, Pittsford,
14 New York.

15 (41) The project for ecosystem restoration,
16 Hudson River Habitat Restoration, New York.

17 (42) The project for navigation, Lake Montauk
18 Harbor, New York.

19 (43) Modifications to the project for navigation,
20 Milwaukee Harbor, Wisconsin, pursuant to section
21 14 of the Act of March 3, 1899 (commonly known
22 as the "Rivers and Harbors Act of 1899") (30 Stat.
23 1152, chapter 425; 33 U.S.C. 408).

24 (44) An economic reevaluation report for the
25 navigation and sustainability program under title

1 VIII of the Water Resources Development Act of
2 2007 (33 U.S.C. 652 note; Public Law 110–114).

3 (45) The project for water supply, Willamette
4 River Basin Review Reallocation, Oregon.

5 (46) The project for ecosystem restoration,
6 South Fork of the South Branch of the Chicago
7 River (Bubbly Creek), Illinois.

8 (47) The study for the restoration of the Chi-
9 cago River, Illinois, pursuant to the resolution of the
10 Committee on Environment and Public Works of the
11 Senate (108th Congress, 2d Session) relating to the
12 Chicago River System Restoration Management
13 Plan, Illinois, and dated June 23, 2004.

14 **SEC. 1203. INCLUSION OF CERTAIN PROJECTS IN ANNUAL**
15 **REPORT TO CONGRESS.**

16 The Secretary shall complete the review of each of
17 the following submissions for consideration for inclusion
18 in the report submitted under section 7001 of the Water
19 Resources Reform and Development Act of 2014 (33
20 U.S.C. 2282d):

21 (1) Modification of the authorization for the en-
22 vironmental infrastructure project, DeSoto County,
23 Mississippi, under section 219(f)(30) of the Water
24 Resources Development Act of 1992 (106 Stat.
25 4835; 113 Stat. 335; 122 Stat. 1623).

1 (2) Modification of the types of activities au-
2 thorized under the environmental infrastructure
3 project, Jackson County, Mississippi, under section
4 331 of the Water Resources Development Act of
5 1999 (113 Stat. 305; 121 Stat. 1134).

6 (3) Modification of the environmental restora-
7 tion infrastructure and resource protection develop-
8 ment program, southern West Virginia, under sec-
9 tion 340 of the Water Resources Development Act
10 of 1992 (106 Stat. 4856; 113 Stat. 320; 114 Stat.
11 2678; 121 Stat. 1257).

12 (4) Modification of the environmental assistance
13 program, central West Virginia, under section 571
14 of the Water Resources Development Act of 1999
15 (113 Stat. 371; 121 Stat. 1257).

16 (5) Modification of the authorized funding level
17 for the project for water and wastewater assistance,
18 Madison and St. Claire Counties, Illinois, authorized
19 by section 219(f)(55) of the Water Resources Devel-
20 opment Act of 1992 (106 Stat. 4835; 113 Stat. 335;
21 114 Stat. 2763A–221).

22 (6) A study on the reallocation of water storage
23 at Lake Whitney, Texas, in accordance with section
24 301 of the Water Supply Act of 1958 (43 U.S.C.
25 390b).

1 (7) Reallocation of water storage at Aquilla
2 Lake, Texas, in accordance with the Aquilla Lake
3 Reallocation Study of the Corps of Engineers, dated
4 February 2018, and section 301 of the Water Sup-
5 ply Act of 1958 (43 U.S.C. 390b).

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

16 (9) A watershed assessment to determine prob-
17 lems, needs, and opportunities within the Lower Rio
18 Grande Valley watershed, Texas.

19 **SEC. 1204. ASSISTANCE TO NON-FEDERAL SPONSORS.**

20 (a) IN GENERAL.—The Corps of Engineers shall pro-
21 vide assistance to the non-Federal interest of a project
22 proposal described in subsection (b) during the Corps of
23 Engineers outreach required under section 7001(b) of the
24 Water Resources Reform and Development Act of 2014
25 (33 U.S.C. 2282d(b)).

1 (b) PROJECT PROPOSALS DESCRIBED.—A project
2 proposal referred to in subsection (a) is any of the fol-
3 lowing:

4 (1) Development of a management plan for res-
5 toration of the Chicago River, Illinois, pursuant to
6 the resolution of the Committee on Environment and
7 Public Works of the Senate (108th Congress, 2d
8 Session) relating to the Chicago River System Res-
9 toration Management Plan, Illinois, and dated June
10 23, 2004.

11 (2) Modification of the authorized funding level
12 for the project for flood damage reduction, Des
13 Moines and Raccoon Rivers, Des Moines, Iowa, au-
14 thORIZED by section 1001(21) of the Water Resources
15 Development Act of 2007 (121 Stat. 1053).

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

21 (4) Modification of the project for navigation,
22 McClellan-Kerr Arkansas River, to deepen the navi-
23 gation channel to a minimum depth of 12 feet, as
24 authorized under section 136 of the Energy and

1 Water Development Appropriations Act, 2004 (117
2 Stat. 1842).

3 (5) Modification of the project for flood risk
4 management and water supply, Tenkiller Ferry
5 Lake, Arkansas River Basin, Oklahoma, authorized
6 by section 4 of the Act of June 28, 1938 (52 Stat
7 1218, chapter 795) to modify water storage and pro-
8 vide for a sufficient quantity of water supply storage
9 space in the inactive pool storage to support the
10 fishery downstream from Tenkiller Reservoir.

11 (6) Reauthorization of the project for environ-
12 mental restoration, Muddy River, Brookline and
13 Boston, Massachusetts, authorized by section 522 of
14 the Water Resources Development Act of 2000 (114
15 Stat. 2656), and deauthorized pursuant to section
16 6001 of the Water Resources Reform and Develop-
17 ment Act of 2014 (33 U.S.C. 579b) (as in effect on
18 the day before the date of enactment of the Water
19 Infrastructure Improvements for the Nation Act
20 (130 Stat. 1690)).

21 (7) Modification of the project for flood damage
22 reduction, Muddy River, Brookline and Boston, Mas-
23 sachusetts, authorized by section 522 of the Water
24 Resources Development Act of 2000 (114 Stat.
25 2656), to provide that in the case of phase II of the

1 project, the non-Federal interest is not required to
2 pay any cost of the project above the initial esti-
3 mate.

4 (8) A feasibility study for a project for flood
5 risk management, Hoosic River, Massachusetts.

6 (9) A feasibility study for a project for aquatic
7 ecosystem restoration at the mouth of the Hood
8 River, Oregon, at the confluence of that river with
9 the Columbia River, Oregon.

10 (10) A feasibility study on resolving increased
11 silting and shoaling adjacent to, but outside of, the
12 Federal channel, experienced at the Port of Bandon,
13 Coquille River, Oregon.

14 (11) A feasibility study on increasing the fre-
15 quency and depth of dredging assistance from the
16 Corps of Engineers at the Port of Astoria, located
17 at the mouth of the Columbia River, Oregon.

18 (12) A feasibility study on modifying the
19 project for navigation, Port of Gulfport, Mississippi,
20 authorized by section 202(a) of the Water Resources
21 Development Act of 1986 (100 Stat. 4094), to deep-
22 en the navigation channel to 46 feet.

23 (13) A feasibility study to identify and evaluate
24 opportunities to reduce the risk of flooding and re-

1 store lost habitat within the Escatawpa River Basin,
2 Mississippi and Alabama.

3 (14) The project described in section
4 219(f)(231) of the Water Resources Development
5 Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121
6 Stat. 1266).

7 (15) A feasibility study for a project to design
8 and construct the Naugatuck River Greenway Trail,
9 a multiuse trail on Federal land between Torrington
10 and Derby, Connecticut.

11 (16) A feasibility study for a project for coastal
12 and flood risk management, Stratford, Connecticut.

13 (17) A feasibility study for projects for flood
14 risk management, Woodbridge, Connecticut.

15 (18) Modification of the authorized funding
16 level for the project to eliminate or control combined
17 sewer overflows, St. Louis, Missouri, authorized by
18 section 219(f)(32) of the Water Resources Develop-
19 ment Act of 1992 (106 Stat. 4835; 113 Stat. 337;
20 121 Stat. 1233).

21 (19) A feasibility study for projects for eco-
22 system restoration, Bangert Island, St. Charles, Mis-
23 souri, related to channels and aquatic habitats.

24 (20) Modification of the authorized funding
25 level for the project to carry out water related infra-

1 structure, El Paso, Texas, authorized by section
2 219(f)(269) of the Water Resources Development
3 Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121
4 Stat. 1268).

5 (21) Modification of the authorized funding
6 level for the South Central Pennsylvania environ-
7 mental restoration infrastructure and resource pro-
8 tection development pilot program under section 313
9 of the Water Resources Development Act of 1992
10 (106 Stat. 4845; 121 Stat. 1146).

11 (22) A feasibility study for dam safety improve-
12 ments, Oroville Dam, California.

13 (23) Modification of the authorized funding
14 level for the project for water supply, Lakes Marion
15 and Moultrie, South Carolina.

16 (24) An environmental infrastructure project to
17 increase hydrologic variability, Sacramento Regional
18 Water Bank, California.

19 (25) A study for a project for aquatic ecosystem
20 restoration and allied purposes, Blue River Water-
21 shed, Missouri and Kansas.

22 (26) A project for aquatic and riparian restora-
23 tion, Line Creek, Riverside, Kansas.

24 (27) Modification of the authorized funding
25 level for the environmental infrastructure program,

1 Central New Mexico, under section 593 of the Water
2 Resources Development Act of 1999 (113 Stat. 381;
3 119 Stat. 2255).

4 (28) Modification of the authorized funding
5 level for the environmental assistance program, Ohio
6 and North Dakota, under section 594 of the Water
7 Resources Development Act of 1999 (113 Stat. 383;
8 121 Stat. 1140; 121 Stat. 1944).

9 (29) A study for a fish passage for ecological
10 restoration, Lower Alabama River, Alabama.

11 (30) Modification of the project for Atlantic In-
12 tracoastal Waterway Deep Creek bridge replace-
13 ment, Virginia.

14 (31) Modification of projects for water supply,
15 wastewater infrastructure, and environmental res-
16 toration, Virginia, authorized by section 219(f)(10)
17 of the Water Resources Development Act of 1992
18 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1255).

19 (32) Modification of the project for flood risk
20 management, Red River below Denison Dam, Arkan-
21 sas, Louisiana, and Texas, for Caddo Levee District,
22 Louisiana, to incorporate the Cherokee Park Levee
23 into the project.

24 (33) Modification of the Mississippi River and
25 Tributaries Project authorized by the first section of

1 the Act of May 15, 1928 (45 Stat. 534, chapter
2 569) to include the portion of the Ouachita River
3 Levee System at and below Monroe, Louisiana, to
4 Caldwell Parish, Louisiana.

5 (34) Modification of the project for navigation,
6 Port of Iberia, Louisiana.

7 (35) A feasibility study for flood risk manage-
8 ment and storm damage reduction in the Hoey's
9 Basin area of the eastbank of Jefferson Parish, in-
10 cluding a study of the "pump to the river" concept.

11 (36) A feasibility study for a project for flood
12 risk management, Cataouatche Subbasin, which en-
13 compasses part of the westbank of Jefferson Parish,
14 Louisiana.

15 (37) Modification of the project for beach ero-
16 sion and hurricane protection, Grand Isle, Lou-
17 isiana, to include periodic beach nourishment.

18 (38) A feasibility study, Arkansas River Basin,
19 Oklahoma, to determine whether the purchase of ad-
20 ditional flood easements, changes in lake level man-
21 agement, additional levee infrastructure, or imple-
22 mentation of other flood risk management or con-
23 tainment mechanisms along the Arkansas River
24 Basin would benefit local communities by reducing

1 flood risks around projects of the Secretary in a
2 range of different flood scenarios.

3 (39) Modification of the authorized funding
4 level for critical restoration projects, Lake Cham-
5 plain watershed, Vermont and New York, authorized
6 by section 542 of the Water Resources Development
7 Act of 2000 (114 Stat. 2671; 121 Stat. 1150).

8 (40) Modification of the authorized funding
9 level for wastewater infrastructure, Charlotte Coun-
10 ty, Florida, authorized by section 219(f)(121) of the
11 Water Resources Development Act of 1992 (106
12 Stat. 4835; 113 Stat. 334; 121 Stat. 1261).

13 (41) A project to extend dredging of the South
14 Haven Harbor, Michigan, to include the former
15 Turning Basin.

16 (42) Modification of the project for flood risk
17 management, Upper Rouge River, Wayne County,
18 Michigan.

19 (43) A feasibility study for the project for flood
20 risk management, Tonto Creek, Arizona.

21 (44) A feasibility study for the project for flood
22 risk management, Sikorsky Airport, Bridgeport,
23 Connecticut.

24 (45) Modification of the authorized funding
25 level for the environmental infrastructure project,

1 Calaveras County, California, under section
2 219(f)(86) of the Water Resources Development Act
3 of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat.
4 1259).

5 (46) Modification of the project for navigation,
6 River Rouge, Michigan.

7 (47) A feasibility study for dredge disposal
8 management activities, Port of Florence, Alabama.

9 (48) A feasibility study for the project for navi-
10 gation, Port of Oswego, New York.

11 (49) A project for repairs to the West Pier and
12 West Barrier Bar, Little Sodus Bay Harbor, Cayuga
13 County, New York.

14 (50) A project for repair of sheet pile wall and
15 east breakwater, Great Sodus Bay, New York.

16 (51) A study of the resiliency of the Allegheny
17 Reservoir, in consultation with the Seneca Nation.

18 (52) A feasibility study for potential projects
19 for the rehabilitation of the Glenn Falls Feeder
20 Canal, which begins at the Feeder Dam intersection
21 with the Hudson River in Queensbury, New York,
22 and runs to the confluence of the Old Champlain
23 Canal in Kingsbury, New York.

24 (53) A feasibility study for the rehabilitation of
25 the tainter gates and guard gate, Caughdenoy Dam,

1 New York, including an evaluation of the rehabilita-
2 tion work necessary to extend the service life of
3 those structures, such as—

4 (A) improvements to the hydraulic effi-
5 ciency of the gate systems;

6 (B) improvements to the concrete founda-
7 tion and gate support structures; and

8 (C) any other improvements the Secretary
9 determines to be necessary.

10 (54) Modification of the Upper Mississippi
11 River Restoration program authorized by section
12 1103 of the Water Resources Development Act of
13 1986 (33 U.S.C. 652).

14 (55) The project for flood protection, Bloom-
15 ington, Indiana.

16 (56) The project for flood protection, Gary, In-
17 diana.

18 (57) Modification of the environmental infra-
19 structure project, Athens, Tennessee, authorized by
20 section 219(f)(254) of the Water Resources Develop-
21 ment Act of 1992 (106 Stat. 4835; 113 Stat. 335;
22 121 Stat. 1267).

23 (58) Modification of the environmental infra-
24 structure project, Blaine, Tennessee, authorized by
25 section 219(f)(255) of the Water Resources Develop-

1 ment Act of 1992 (106 Stat. 4835; 113 Stat. 335;
2 121 Stat. 1267).

3 (59) Modification of the environmental infra-
4 structure project, Claiborne County, Tennessee, au-
5 thorized by section 219(f)(256) of the Water Re-
6 sources Development Act of 1992 (106 Stat. 4835;
7 113 Stat. 335; 121 Stat. 1267).

8 (60) Modification of the environmental infra-
9 structure project, Giles County, Tennessee, author-
10 ized by section 219(f)(257) of the Water Resources
11 Development Act of 1992 (106 Stat. 4835; 113
12 Stat. 335; 121 Stat. 1267).

13 (61) Modification of the environmental infra-
14 structure project, Grainger County, Tennessee, au-
15 thorized by section 219(f)(258) of the Water Re-
16 sources Development Act of 1992 (106 Stat. 4835;
17 113 Stat. 335; 121 Stat. 1267).

18 (62) Modification of the environmental infra-
19 structure project, Hamilton County, Tennessee, au-
20 thorized by section 219(f)(259) of the Water Re-
21 sources Development Act of 1992 (106 Stat. 4835;
22 113 Stat. 335; 121 Stat. 1267).

23 (63) Modification of the environmental infra-
24 structure project, Harrogate, Tennessee, authorized
25 by section 219(f)(260) of the Water Resources De-

1 velopment Act of 1992 (106 Stat. 4835; 113 Stat.
2 335; 121 Stat. 1267).

3 (64) Modification of the environmental infra-
4 structure project, Johnson County, Tennessee, au-
5 thorized by section 219(f)(261) of the Water Re-
6 sources Development Act of 1992 (106 Stat. 4835;
7 113 Stat. 335; 121 Stat. 1267).

8 (65) Modification of the environmental infra-
9 structure project, Knoxville, Tennessee, authorized
10 by section 219(f)(262) of the Water Resources De-
11 velopment Act of 1992 (106 Stat. 4835; 113 Stat.
12 335; 121 Stat. 1267).

13 (66) Modification of the environmental infra-
14 structure project, Nashville, Tennessee, authorized
15 by section 219(f)(263) of the Water Resources De-
16 velopment Act of 1992 (106 Stat. 4835; 113 Stat.
17 335; 121 Stat. 1267).

18 (67) Modification of the environmental infra-
19 structure project, Lewis, Lawrence, and Wayne
20 Counties, Tennessee, authorized by section
21 219(f)(264) of the Water Resources Development
22 Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121
23 Stat. 1268).

24 (68) Modification of the environmental infra-
25 structure project, Oak Ridge, Tennessee, authorized

1 by section 219(f)(265) of the Water Resources De-
2 velopment Act of 1992 (106 Stat. 4835; 113 Stat.
3 335; 121 Stat. 1268).

4 (69) Modification of the environmental infra-
5 structure project, Plateau Utility District, Morgan
6 County, Tennessee, authorized by section
7 219(f)(266) of the Water Resources Development
8 Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121
9 Stat. 1268).

10 (70) Extension of existing authority to the City
11 of Sheffield, Alabama, for the Nashville District of
12 the Corps of Engineers to replace a sewer pipe that
13 floods when the Corps of Engineers mitigates flood-
14 ing upstream as authorized by section 219(f)(263)
15 of the Water Resources Development Act of 1992
16 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

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

22 **SEC. 1205. RAHWAY FLOOD RISK MANAGEMENT FEASI-**
23 **BILITY STUDY, NEW JERSEY.**

24 The Secretary shall—

1 (1) nullify the determination of the North At-
2 lantic Division of the Corps of Engineers that fur-
3 ther study of the feasibility study for flood risk man-
4 agement, Rahway, New Jersey, is not warranted;

5 (2) identify an acceptable alternative to the
6 project described in paragraph (1) that could receive
7 Federal support; and

8 (3) expedite the completion of a feasibility
9 study for the acceptable alternative identified under
10 paragraph (2).

11 **SEC. 1206. ARCTIC DEEP DRAFT PORT.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) The strategic importance of the Arctic con-
14 tinues to increase as the United States and other
15 countries recognize the economic and military sig-
16 nificance of the sea lanes and choke points within
17 the region and understand the potential for power
18 projection from the Arctic into multiple regions.

19 (2) On January 19, 2018, Secretary of Defense
20 James Mattis released the “2018 National Defense
21 Strategy of the United States of America” in which
22 the Secretary outlined the reemergence of long-term,
23 strategic competition by countries such as China and
24 Russia.

1 (3) Russia and China have conducted military
2 exercises together in the Arctic, have agreed to con-
3 nect the Northern Sea Route, claimed by Russia,
4 with the Maritime Silk Road of China, and are
5 working together in developing natural gas resources
6 in the Arctic.

7 (4) The Government of the Russian Federation
8 has prioritized the development of Arctic capabilities
9 and has made significant investments in military in-
10 frastructure in the Arctic, including the creation of
11 a new Arctic Command and the construction or re-
12 furbishment of 16 deepwater ports and 14 airfields
13 in the region.

14 (5) The Government of the People’s Republic of
15 China—

16 (A) released, in January 2018, its new
17 Arctic Strategy, the Polar Silk Road, in which
18 it declares itself as a “near-Arctic state”; and

19 (B) has publicly stated that it seeks to ex-
20 pand its “Belt and Road Initiative” to the Ar-
21 ctic region, including current investment in the
22 natural gas fields in the Yamal Peninsula in
23 Russia, rare-earth element mines in Greenland,
24 and the real estate, alternative energy, and fish-
25 eries in Iceland.

1 (6) The significance of the Arctic continues to
2 grow as countries around the globe begin to under-
3 stand the magnitude of the natural resources in the
4 Arctic, including, at a minimum, oil, natural gas,
5 rare earth minerals, gold, diamonds, and abundant
6 fisheries.

7 (7) The Bering Strait is experiencing signifi-
8 cant increases in international traffic from vessels
9 transiting the Northern Sea Route, increases that
10 are projected to continue if decreases in sea ice cov-
11 erage continue.

12 (8) Increases in human, maritime, and resource
13 development activity in the Arctic region create addi-
14 tional mission requirements for Federal agencies,
15 given—

16 (A) the strategic focus of the Government
17 of the Russian Federation and the Government
18 of the People's Republic of China on the Arctic;

19 (B) overlapping territorial claims; and

20 (C) the potential for maritime accidents,
21 oil spills, and illegal fishing near the exclusive
22 economic zone of the United States.

23 (9) The increasing role of the United States in
24 the Arctic has been highlighted in each of the last
25 4 National Defense Authorization Acts.

1 (10) The United States Coast Guard Arctic
2 Strategic Outlook released in April 2019 states that
3 “[d]emonstrating commitment to operational pres-
4 ence, Canada, Denmark, and Norway have made
5 strategic investments in ice-capable patrol ships
6 charged with national or homeland security missions.
7 [The United States] is the only country with an Arc-
8 tic presence that has not made similar investments
9 in ice-capable surface maritime security assets. This
10 limits the ability of the Coast Guard, and the Na-
11 tion, to credibly uphold sovereignty or respond to
12 contingencies in the Arctic”.

13 (11) On December 6, 2018, Secretary of the
14 Navy Richard Spencer stated that “[w]e need to
15 have a strategic Arctic port up in Alaska”.

16 (12) Meanwhile, the 2 closest strategic sea-
17 ports, as designated by the Department of Defense,
18 to the Arctic Circle are the Port of Anchorage and
19 the Port of Tacoma, located approximately 1,500
20 nautical miles and 2,400 nautical miles away, re-
21 spectively, and approximately 1,900 nautical miles
22 and 2,800 nautical miles, respectively, from Barrow,
23 Alaska.

24 (b) DEFINITION OF ARCTIC.—In this section, the
25 term “Arctic” has the meaning given the term in section

1 112 of the Arctic Research and Policy Act of 1984 (15
2 U.S.C. 4111).

3 (c) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the Arctic is a region of strategic impor-
6 tance to the national security interests of the United
7 States;

8 (2) there is a compelling national, regional,
9 Alaska Native, and private sector need for perma-
10 nent maritime and other infrastructure development
11 and for a presence in the Arctic region by the
12 United States to support and facilitate search and
13 rescue, shipping safety, economic development, oil
14 spill prevention and response, protection of subsist-
15 ence and commercial fishing, port of refuge, Arctic
16 research, and maritime law enforcement on the Ber-
17 ing Sea, the Chukchi Sea, and the Arctic Ocean; and

18 (3) it is in the national interest to enhance ex-
19 isting and develop maritime and other infrastructure
20 in the Arctic that would allow the Coast Guard and
21 the Navy each to perform their respective statutory
22 duties and functions on a more permanent basis
23 with minimal mission interruption.

24 (d) UNITED STATES ARCTIC DEEP DRAFT PORT.—
25 The Secretary shall expedite the completion of the applica-

1 ble decision document for the project for navigation, Arctic
2 Deep Draft Port, Nome, Alaska.

3 **SEC. 1207. NASSAU COUNTY BACK BAYS COASTAL STORM**
4 **RISK MANAGEMENT.**

5 Section 1001(a) of the Water Resources Reform and
6 Development Act of 2014 (33 U.S.C. 2282c(a)) shall not
7 apply to the Nassau County Back Bays Coastal Storm Risk
8 Management feasibility study, authorized by the first sec-
9 tion of the Act of June 15, 1955 (69 Stat. 132, chapter
10 140).

11 **Subtitle C—Deauthorizations,**
12 **Modifications, and Related Pro-**
13 **visions**

14 **SEC. 1301. DEAUTHORIZATION OF WATCH HILL COVE,**
15 **RHODE ISLAND AND CONNECTICUT.**

16 The portion of the project for navigation, Pawcatuck
17 River, Rhode Island and Connecticut, authorized by sec-
18 tion 2 of the Act of March 2, 1945 (commonly known as
19 the “River and Harbor Act of 1945”) (59 Stat. 13), con-
20 sisting of a 10-foot deep, 16-acre anchorage area in Watch
21 Hill Cove is no longer authorized beginning on the date
22 of enactment of this Act.

1 **SEC. 1302. RUSH RIVER AND LOWER RUSH RIVER, NORTH**
2 **DAKOTA.**

3 (a) IN GENERAL.—The portion of the comprehensive
4 plan for flood control and other purposes in the Red River
5 of the North drainage basin, North Dakota, South Da-
6 kota, and Minnesota, authorized by section 203 of the
7 Flood Control Act of 1948 (62 Stat. 1177) and modified
8 by section 204 of the Flood Control Act of 1950 (64 Stat.
9 176), consisting of clearing and rectification of the chan-
10 nel from mile 28.3 near Amenia to the mouth of the Rush
11 River, known as Cass County Drain No. 12, is no longer
12 authorized beginning on the date of enactment of this Act.

13 (b) LOWER BRANCH RUSH RIVER.—The project for
14 flood control, Lower Branch Rush River, North Dakota,
15 carried out under section 205 of the Flood Control Act
16 of 1948 (33 U.S.C. 701s), known as Cass County Drain
17 No. 2, is no longer authorized beginning on the date of
18 enactment of this Act.

19 **SEC. 1303. WILLAMETTE FALLS LOCKS, WILLAMETTE**
20 **RIVER, OREGON.**

21 (a) IN GENERAL.—The Secretary is authorized to
22 dispose of the project for navigation, Willamette Falls
23 Locks, Willamette River, Oregon, authorized by the Act
24 of June 25, 1910 (36 Stat. 664, chapter 382) (referred
25 to in this section as the “Willamette Falls Locks project”),
26 subject to the conditions described in this section and in

1 accordance with the report of the Director of Civil Works
2 entitled “Willamette Falls Locks, Willamette River, Or-
3 egon, Section 216 Disposition Study with Integrated Envi-
4 ronmental Assessment (Study)” and dated July 11, 2019.

5 (b) REPAIRS.—Before the disposal under subsection
6 (a), the Secretary shall carry out repairs to address pri-
7 mary seismic and safety risks in accordance with the rec-
8 ommendations approved in the report referred to in that
9 subsection

10 (c) DEAUTHORIZATION.—On the completion of the
11 repairs under subsection (b) and the requirements under
12 subsection (d)(5), Willamette Falls Locks project shall no
13 longer be authorized as a Federal project.

14 (d) CONVEYANCE.—

15 (1) IN GENERAL.—Subject to the requirements
16 of this subsection, the Secretary is authorized to
17 convey to an entity to be named by the Willamette
18 Falls Locks Commission or the State of Oregon, all
19 right, title, and interest of the United States in and
20 to any land in which the Federal Government has a
21 property interest for the Willamette Falls Locks
22 project, together with any improvements on the land.

23 (2) QUITCLAIM DEED.—The Secretary shall
24 convey the property and improvements described in
25 paragraph (1) by quitclaim deed to the transferee

1 identified under that paragraph under such terms
2 and conditions as the Secretary determines to be ap-
3 propriate to protect the interests of the United
4 States, in accordance with applicable Federal and
5 State law.

6 (3) APPLICABILITY OF REAL PROPERTY
7 SCREENING REQUIREMENTS.—Section 2696 of title
8 10, United States Code, shall not apply to the con-
9 veyance under paragraph (1).

10 (4) SUBJECT TO EXISTING EASEMENTS AND
11 OTHER INTERESTS.—The conveyance of property
12 and improvements under paragraph (1) shall be sub-
13 ject to all existing deed reservations, easements,
14 rights-of-way, and leases that are in effect as of the
15 date of the conveyance.

16 (5) REQUIREMENTS BEFORE CONVEYANCE.—

17 (A) PERPETUAL ROAD EASEMENT.—Be-
18 fore a conveyance under paragraph (1), the
19 Secretary shall acquire a perpetual road ease-
20 ment from the adjacent property owner for use
21 of the access road.

22 (B) ENVIRONMENTAL COMPLIANCE.—Be-
23 fore a conveyance under paragraph (1)—

24 (i) in accordance with the real estate
25 report in Appendix A of the report referred

1 to in subsection (a), the Secretary shall
2 complete a Phase 1 Environmental Site
3 Assessment pursuant to the Comprehensive
4 Environmental Response, Compensation,
5 and Liability Act of 1980 (42 U.S.C. 9601
6 et seq.); and

7 (ii) the Secretary shall satisfy all con-
8 ditions set forth in the Phase 1 Site As-
9 sessment for the Willamette Falls Locks
10 project, including a Phase 2 Site Assess-
11 ment, and any needed property restoration.

12 (C) HISTORIC PRESERVATION.—Before a
13 conveyance under paragraph (1), the Secretary
14 shall comply with obligations of the Secretary
15 under the Memorandum of Agreement with the
16 Oregon State Historic Preservation Office and
17 the Advisory Council on Historic Preservation
18 and dated September 2016.

19 (e) SAVINGS CLAUSE.—If the transferee under sub-
20 section (d)(1) does not accept the conveyance under that
21 subsection, the Secretary may dispose of the land and im-
22 provements in which the Federal Government has a prop-
23 erty interest for the Willamette Falls Locks project under
24 subchapter III of chapter 5 of title 40, United States
25 Code.

1 **SEC. 1304. CAMDEN HARBOR, MAINE.**

2 (a) IN GENERAL.—The portions of the project for
3 navigation, Camden Harbor, Maine, described in sub-
4 section (b) are no longer authorized beginning on the date
5 of enactment of this Act.

6 (b) PORTIONS DESCRIBED.—The portions referred to
7 in subsection (a) are the following:

8 (1) The portion of the 10-foot deep inner har-
9 bor area, authorized by the first section of the Act
10 of March 3, 1873 (17 Stat. 565, chapter 233), and
11 the first section of the Act of August 11, 1888 (25
12 Stat. 400, chapter 860), approximately 50,621.75
13 square feet in area—

14 (A) starting at a point with coordinates
15 N197,640.07, E837,851.71;

16 (B) thence running S84°43' 23.94"W
17 about 381.51 feet to a point with coordinates
18 N197,604.98, E837,471.82;

19 (C) thence running N43°47'51.43"W about
20 270.26 feet to a point with coordinates
21 N197,800.05, E837,284.77;

22 (D) thence running S59°02' 26.62"E
23 about 219.18 feet to a point with coordinates
24 N197,687.30, E837,472.72;

1 (E) thence running $S81^{\circ}50' 09.76''E$ about
2 144.70 feet to a point with coordinates
3 N197,666.75, E837,615.96;

4 (F) thence running $N57^{\circ}27' 07.42''E$
5 about 317.32 feet to a point with coordinates
6 N197,866.52, E837,928.96; and

7 (G) thence running $S18^{\circ}50' 04.48''W$
8 about 239.27 feet to the point described in sub-
9 paragraph (A).

10 (2) The portion of the 14-foot deep outer har-
11 bor area, authorized by the first section of the Act
12 of August 11, 1888 (25 Stat. 400, chapter 860),
13 and the first section of the Act of June 13, 1902
14 (32 Stat. 331, chapter 1079), approximately
15 222,015.94 square feet in area—

16 (A) starting at a point with coordinates
17 N197,640.07, E837,851.71;

18 (B) thence running $N18^{\circ}50'04.48''E$ about
19 239.27 feet to a point with coordinates
20 N197,866.53, E837,928.96;

21 (C) thence running $N58^{\circ}28' 51.05''E$
22 about 308.48 feet to a point with coordinates
23 N198,027.79, E838,191.93;

1 (D) thence running N84°20' 01.88"E
2 about 370.06 feet to a point with coordinates
3 N198,064.33, E838,560.18;

4 (E) thence running S05°32' 03.42"E about
5 357.31 feet to a point with coordinates
6 N197,708.68, E838,594.64; and

7 (F) thence running S84°43' 23.94"W
8 about 746.08 feet to the point described in sub-
9 paragraph (A).

10 **SEC. 1305. DEAUTHORIZATION OF FLOOD CONTROL**
11 **PROJECT FOR TAYLOR CREEK RESERVOIR**
12 **AND LEVEE L-73, UPPER ST. JOHNS RIVER**
13 **BASIN, CENTRAL AND SOUTHERN FLORIDA.**

14 The portions of the project for flood control and other
15 purposes, Central and Southern Florida, authorized by
16 section 203 of the Flood Control Act of 1948 (62 Stat.
17 1176), consisting of the Taylor Creek Reservoir and Levee
18 L-73 within the Upper St. Johns River Basin, Florida,
19 are no longer authorized beginning on the date of enact-
20 ment of this Act.

21 **SEC. 1306. NEW LONDON HARBOR WATERFRONT CHANNEL,**
22 **CONNECTICUT.**

23 (a) IN GENERAL.—The portion of the project for
24 navigation, New London Harbor, Connecticut, 23-foot
25 Waterfront Channel, authorized by the first section of the

1 Act of June 13, 1902 (32 Stat. 333, chapter 1079), de-
2 scribed in subsection (b) is no longer authorized beginning
3 on the date of enactment of this Act.

4 (b) AREA DESCRIBED.—The area referred to in sub-
5 section (a) is generally the portion between and around
6 the 2 piers at State Pier New London, specifically the
7 area—

8 (1) beginning at a point N691263.78,
9 E1181259.26;

10 (2) running N 35°01'50.75" W about 955.59
11 feet to a point N692046.26, E1180710.74;

12 (3) running N 54°58'06.78" E about 100.00
13 feet to a point N692103.66, E1180792.62;

14 (4) running S 35°01'50.75" E about 989.8 feet
15 to a point N691293.17, E1181360.78; and

16 (5) running S 73°51'15.45" W about 105.69
17 feet to the point described in paragraph (1).

18 **SEC. 1307. NO DEAUTHORIZATION OF CERTAIN PROJECTS.**

19 Notwithstanding any other provision of law, during
20 the period ending on September 30, 2024, an environ-
21 mental infrastructure assistance project or program of the
22 Corps of Engineers shall not be deauthorized.

1 **SEC. 1308. COMPREHENSIVE EVERGLADES RESTORATION**
2 **PLAN.**

3 Notwithstanding any other provision of law, a project
4 or separable element of a project under the Comprehensive
5 Everglades Restoration Plan authorized by section 601 of
6 the Water Resources Development Act of 2000 (114 Stat.
7 2680) shall not be deauthorized prior to December 31,
8 2030.

9 **SEC. 1309. CAPE PORPOISE HARBOR, MAINE, ANCHORAGE**
10 **AREA DESIGNATION.**

11 (a) IN GENERAL.—The project for navigation, Cape
12 Porpoise Harbor, Kennebunkport, Maine, authorized by
13 section 101 of the River and Harbor Act of 1948 (62 Stat.
14 1172, chapter 771), is modified to designate the portion
15 of the project described in subsection (b) as a 6-foot deep
16 anchorage.

17 (b) PORTION DESCRIBED.—The portion of the
18 project referred to in subsection (a) is the approximately
19 192,235.63 square foot area consisting of the 100-foot
20 wide and 6-foot deep channel located within the inner har-
21 bor—

22 (1) starting at a point with coordinates N
23 194,175.13, E 2,882,011.74;

24 (2) thence running N 33°46'08.14"W about
25 914.57 feet to a point with coordinates N
26 194,935.40, E 2,881,503.38;

1 (3) thence running N 12°41 '09. 78"W about
2 1,026.40 feet to a point with coordinates N
3 195,936.74, E 2,881,277.97;

4 (4) thence running N 77°18'50.22"E about
5 100.00 feet to a point with coordinates N
6 195,958.70, E 2,881,375.53;

7 (5) thence running S 12°41 '09. 78" E about
8 1,007.79 feet to a point with coordinates N
9 194,975.52, E 2,881,596.85;

10 (6) thence running S 33°46'08.14" E about
11 895.96 feet to a point with coordinates N
12 194,230.72, E 2,882,094.86;

13 (7) thence running S 56°13'51.86" W about
14 100.00 feet to the point described in paragraph (1).

15 **Subtitle D—Water Resources**

16 **Infrastructure**

17 **SEC. 1401. PROJECT AUTHORIZATIONS.**

18 The following projects for water resources develop-
19 ment and conservation and other purposes, as identified
20 in the report entitled "Report to Congress on Future
21 Water Resources Development" submitted to Congress on
22 or after June 3, 2019, pursuant to section 7001 of the
23 Water Resources Reform and Development Act of 2014
24 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are
25 authorized to be carried out by the Secretary substantially

1 in accordance with the plans, and subject to the condi-
 2 tions, described in the respective reports designated in this
 3 section:

4 (1) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers or Director 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
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

A. State	B. Name	C. Date of Report of Chief of Engineers or Director of Civil Works	D. Estimated Costs
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

1 (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
4. OK	Tulsa and West Tulsa Levee System	April 23, 2020	Federal: \$86,780,000 Non-Federal: \$46,728,000 Total: \$133,508,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
5. NJ	Peckman River Basin	April 29, 2020	Federal: \$95,022,000 Non-Federal: \$51,166,000 Total: \$146,188,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-
2 DUCTION.—

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
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

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
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
4. TX	Houston Ship Channel Expansion Improvement Project	April 23, 2020	Federal: \$462,803,000 Non-Federal: \$414,045,000 Total: \$876,848,000
5. NY, NJ	New York and New Jersey Harbor Anchorages	April 23, 2020	Federal: \$18,940,000 Non-Federal: \$6,310,000 Total: \$25,250,000

1 (5) COASTAL STORM RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. NJ, PA	New Jersey Dredged Mate- rial Utilization, Delaware River	April 8, 2020	Federal: \$162,920,000 Non-Federal: \$125,640,000 Total: \$288,560,000

2 **SEC. 1402. EXPEDITED COMPLETION OF CERTAIN**
3 **PROJECTS.**

4 The Secretary shall provide priority funding for and
5 expedite the completion of the following projects:

6 (1) The project for ecosystem restoration, Caño
7 Martín Peña, Puerto Rico, as authorized by section
8 5127 of the Water Resources Development Act of
9 2007 (121 Stat. 1242).

10 (2) The project for navigation for Portsmouth
11 Harbor and the Piscataqua River, Maine and New
12 Hampshire, authorized by section 101 of the River
13 and Harbor Act of 1962 (76 Stat. 1173).

14 (3) The project for flood risk management, Rio
15 de Flag, Arizona.

16 (4) The project for flood risk management,
17 East Hartford Levee System, Connecticut.

18 (5) The project for flood risk management,
19 Hartford Levee System, Connecticut.

1 (6) The project for navigation, Guilford Harbor
2 and Sluice Channel, Connecticut.

3 (7) Phase 5 of the Bluestone Dam Project Re-
4 mediation, West Virginia.

5 (8) The project for water supply and ecosystem
6 restoration, Howard Hanson Dam, Washington, au-
7 thorized by section 101(b)(15) of the Water Re-
8 sources Development Act of 1999 (113 Stat. 281).

9 (9) The project for ecosystem restoration,
10 Puget Sound, Washington, authorized by section
11 209 of the Flood Control Act of 1962 (76 Stat.
12 1197).

13 (10) The project for navigation, Tacoma Har-
14 bor, Washington.

15 (11) The project for water storage, Halligan
16 Dam, Colorado.

17 (12) The project for construction of tribal hous-
18 ing authorized by title IV of Public Law 100–581
19 (102 Stat. 2944).

20 (13) The replacement of the Bourne and Saga-
21 more Bridges, Cape Cod, Massachusetts.

22 **SEC. 1403. ADDITIONAL PROJECT AUTHORIZATIONS.**

23 The following projects for water resources develop-
24 ment and conservation and other purposes are authorized
25 to be carried out by the Secretary as recommended in the

1 respective reports, designated in this section, that were
 2 prepared by non-Federal interests under section 203 of
 3 the Water Resources Development Act of 1986 (33 U.S.C.
 4 2231), with such modifications as the Secretary deter-
 5 mines advisable, subject to preparation of a report by the
 6 Secretary to address the concerns, recommendations, and
 7 conditions, if any, identified by the Secretary in the review
 8 assessments designated in this section:

9 (1) COASTAL STORM RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report	D. Date of Review Assessment
1. FL	St. Lucie County, Fort Pierce Shore Protec- tion	June 2018	July 2018

10 (2) NAVIGATION.—

A. State	B. Name	C. Date of Report	D. Date of Review Assessment
1. LA	Houma Naviga- tion Canal Deepening	June 2018	July 2018
2. LA	Baptiste-Collette Bayou Naviga- tion Channel Deepening	January 2017, amended April 2018	June 2018

11 (3) FLOOD RISK MANAGEMENT.—

1 (B) ecological benefits; and

2 (4) be economically justified, environmentally
3 acceptable, and technically feasible.

4 (c) EXPEDITED PROJECTS.—For the 10-year period
5 beginning on the date of enactment of this Act, the Sec-
6 retary shall expedite projects under this section for which
7 applicable Federal permitting requirements have been
8 completed.

9 (d) USE OF DATA.—

10 (1) IN GENERAL.—In conducting a study under
11 this section, to the maximum extent practicable, the
12 Secretary shall use any applicable hydrologic, eco-
13 nomic, or environmental data from State water plans
14 or other State planning documents relating to water
15 resources management.

16 (2) USE OF EXISTING MATERIALS.—

17 (A) STUDIES.—On the agreement of the
18 Secretary and the non-Federal interest, the Sec-
19 retary may use any applicable existing studies
20 of the non-Federal interest.

21 (B) FEDERAL PERMITTING.—The Sec-
22 retary may use Federal permitting that has
23 been completed by other Federal agencies for
24 the purpose of determining project eligibility

1 with respect to the requirements described in
2 subsection (b)(4).

3 (e) COST-SHARE.—

4 (1) STUDY.—The Federal share of the cost of
5 a study conducted under this section shall be 75 per-
6 cent.

7 (2) CONSTRUCTION.—The Federal share of the
8 cost of a project constructed under this section shall
9 be 80 percent.

10 (f) OMRRR RESPONSIBILITY.—The costs of oper-
11 ation, maintenance, repair, replacement, and rehabilita-
12 tion for a project constructed under this section shall be
13 the responsibility of the non-Federal interest.

14 (g) INDIVIDUAL PROJECT LIMIT.—Not more than
15 \$65,000,000 in Federal funds may be made available to
16 a project under this section.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$130,000,000 for each fiscal year.

20 **SEC. 1502. MISSOURI RIVER RESERVOIR SEDIMENT MAN-**
21 **AGEMENT.**

22 Section 1179(a) of the Water Infrastructure Im-
23 provements for the Nation Act (130 Stat. 1675; 132 Stat.
24 3782) is amended—

25 (1) in paragraph (3)—

1 (A) in subparagraph (B), by inserting
2 “project purposes, including” before “storage
3 capacity”; and

4 (B) in subparagraph (C), by striking “pre-
5 liminary”;

6 (2) by striking paragraph (9);

7 (3) by redesignating paragraphs (4) through
8 (8) as paragraphs (6) through (10), respectively;
9 and

10 (4) by inserting after paragraph (3) the fol-
11 lowing:

12 “(4) JUSTIFICATION.—In determining the eco-
13 nomic justification of a sediment management plan
14 under paragraph (2), the Secretary shall—

15 “(A) measure and include flooding, ero-
16 sion, and accretion damages both upstream and
17 downstream of the reservoir that are likely to
18 occur as a result of sediment management with-
19 in the reservoir compared to the damages that
20 are likely to occur if the sediment management
21 plan is not implemented; and

22 “(B) include lifecycle costs and a 100-year
23 period of analysis.

24 “(5) IMPLEMENTATION.—As part of a sediment
25 management plan under paragraph (2), the Sec-

1 retary may carry out sediment removal activities at
2 reservoirs owned and operated by the Secretary in
3 the Upper Missouri River Basin, or at reservoirs for
4 which the Secretary has flood control responsibilities
5 under section 7 of the Act of December 22, 1944
6 (commonly known as the ‘Flood Control Act of
7 1944’) (58 Stat. 890, chapter 665; 33 U.S.C. 709),
8 in the Upper Missouri River Basin, in accordance
9 with section 602 of the Water Resources Develop-
10 ment Act of 1986 (100 Stat. 4148; 121 Stat. 1076)
11 as if those reservoirs were listed in subsection (a) of
12 that section.”.

13 **SEC. 1503. PLANNING ASSISTANCE FOR STATES.**

14 The Secretary shall ensure that the planning assist-
15 ance for States program under section 22 of the Water
16 Resources Development Act of 1974 (42 U.S.C. 1962d-
17 16) provides equal priority for all authorized purposes, in-
18 cluding water supply and water conservation.

19 **SEC. 1504. FORECAST-INFORMED RESERVOIR OPERATIONS.**

20 (a) WORKING GROUP.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Sec-
23 retary, in conjunction with the Commissioner of Rec-
24 lamation, shall establish a working group to advance

1 the science to support forecast-informed reservoir
2 operations in the Upper Missouri River Basin.

3 (2) MEMBERS.—The working group established
4 under paragraph (1) shall be composed of—

5 (A) the Secretary;

6 (B) the Commissioner of Reclamation;

7 (C) the Director of the United States Geo-
8 logical Survey;

9 (D) the Administrator of the National Oce-
10 anic and Atmospheric Administration; and

11 (E) representatives of affected State and
12 local agencies.

13 (3) DUTIES.—The working group established
14 under paragraph (1) shall develop recommendations
15 to implement the use of forecast-informed reservoir
16 operations in the Upper Missouri River Basin and
17 submit to Congress a report on the findings and rec-
18 ommendations of the working group.

19 (b) VIABILITY ASSESSMENTS.—

20 (1) IN GENERAL.—On request of a non-Federal
21 interest, the Secretary, the Commissioner of Rec-
22 lamation, and the non-Federal interest shall jointly
23 conduct a viability assessment on the use of fore-
24 cast-informed reservoir operations at a reservoir—

1 (A) that is located within the Upper Mis-
2 souri River Basin; and

3 (B) for which the Secretary has flood con-
4 trol responsibilities under section 7 of the Act
5 of December 22, 1944 (commonly known as the
6 “Flood Control Act of 1944”) (58 Stat. 890,
7 chapter 665; 33 U.S.C. 709).

8 (2) COMPLETION DATE.—To the maximum ex-
9 tent practicable, a viability assessment under para-
10 graph (1) shall be completed by not later than 1
11 year after the date on which the viability assessment
12 begins.

13 (3) FEDERAL SHARE.—The Federal share of
14 the cost of a viability assessment under paragraph
15 (1) shall be 100 percent.

16 (c) PLAN FOR TEMPORARY DEVIATION.—If a viabil-
17 ity assessment conducted under subsection (b)(1) indi-
18 cates that forecast-informed reservoir operations are via-
19 ble at a reservoir described in that subsection, the Sec-
20 retary and the Commissioner of Reclamation shall develop
21 and implement a pilot program to carry out forecast-in-
22 formed reservoir operations at that reservoir.

1 **SEC. 1505. STUDY ON DATA FOR WATER ALLOCATION, SUP-**
2 **PLY, AND DEMAND.**

3 (a) IN GENERAL.—The Secretary shall offer to enter
4 into an agreement with the National Academy of Sciences
5 to conduct a study on the ability of Federal agencies to
6 coordinate with other Federal agencies, State and local
7 agencies, communities, universities, consortiums, councils,
8 and other relevant entities with expertise in water re-
9 sources to facilitate and coordinate the sharing of water
10 allocation, supply, and demand data, including—

11 (1) any catalogs of data;

12 (2) definitions of any commonly used terms re-
13 lating to water allocation, supply, and demand; and

14 (3) a description of any common standards
15 used by those entities.

16 (b) REPORT.—If the National Academy of Sciences
17 enters into the agreement under subsection (a), to the
18 maximum extent practicable, not later than 1 year after
19 the date of enactment of this Act, the National Academy
20 of Sciences shall submit to Congress a report that in-
21 cludes—

22 (1) the results of the study under subsection
23 (a);

24 (2) recommendations for ways to streamline
25 and make cost-effective methods for Federal agen-
26 cies to coordinate interstate sharing of data, includ-

1 ing recommendations for the development of a pub-
2 licly accessible, internet-based platform that can
3 allow entities described in subsection (a) to commu-
4 nicate and coordinate ongoing data collection efforts
5 relating to water allocation, supply, and demand,
6 and share best practices relating to those efforts;
7 and

8 (3) a recommendation as to an appropriate
9 Federal entity that should—

10 (A) serve as the lead coordinator for data
11 relating to water allocation, supply, and de-
12 mand; and

13 (B) host and manage the internet-based
14 platform described in paragraph (2).

15 (c) FUNDING.—Out of funds made available to the
16 Secretary for operations and maintenance activities of the
17 Corps of Engineers that are not otherwise obligated, the
18 Secretary may use to carry out this section \$3,900,000.

19 **SEC. 1506. GAO REPORT ON CERTAIN FEDERAL DAMS AND**
20 **RESERVOIRS.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Comptroller General of the United States
23 shall submit to Congress a report that includes—

1 (1) with respect to each Federal dam and res-
2 ervoir in the United States located west of the 100th
3 meridian—

4 (A) an identification of the water control
5 manuals that were changed or updated by the
6 Corps of Engineers during the previous 10
7 years; and

8 (B) an identification of any water storage
9 reallocations approved by the Corps of Engi-
10 neers during the previous 10 years;

11 (2) a summary of the process and policies used
12 by the Corps of Engineers to establish and update
13 flood control curves within water control manuals at
14 the Federal dams and reservoirs described in para-
15 graph (1); and

16 (3) recommendations for changes to the process
17 and policies referred to in paragraph (2) to allow for
18 increased water storage at the Federal dams and
19 reservoirs described in paragraph (1).

20 **SEC. 1507. AQUATIC ECOSYSTEM RESTORATION.**

21 Section 206 of the Water Resources Development Act
22 of 1996 (33 U.S.C. 2330) is amended—

23 (1) by redesignating subsection (f) as sub-
24 section (g); and

1 (2) by inserting after subsection (e) the fol-
2 lowing:

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

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

7 “(2) is on a body of water that is identified by
8 the applicable State under section 303(d) of the
9 Federal Water Pollution Control Act (33 U.S.C.
10 1313(d)) as being impaired;

11 “(3) has the potential to provide flood risk
12 management and recreational benefits in addition to
13 ecosystem restoration benefits; and

14 “(4) is located in a city with a population of
15 80,000 or less.”.

16 **SEC. 1508. IMPROVING REVIEWS FOR NON-FEDERAL HY-**
17 **DROPOWER AT EXISTING CORPS OF ENGI-**
18 **NEERS PROJECTS.**

19 (a) DEFINITIONS.—In this section:

20 (1) COMMISSION.—The term “Commission”
21 means the Federal Energy Regulatory Commission.

22 (2) ENVIRONMENTAL REVIEW PROCESS.—The
23 term “environmental review process” means the
24 process of preparing an environmental impact state-
25 ment or environmental assessment under the Na-

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

3 (3) LICENSING APPLICATION.—

4 (A) IN GENERAL.—The term “licensing
5 application” means the process of seeking a li-
6 cense from the Commission to construct or op-
7 erate a hydropower facility at a qualifying facil-
8 ity.

9 (B) INCLUSION.—The term “licensing ap-
10 plication” includes any prelicensing coordina-
11 tion conducted with the Commission prior to
12 submission of a formal application.

13 (4) MEMORANDUM OF UNDERSTANDING.—The
14 term “Memorandum of Understanding” means the
15 Memorandum of Understanding between the Corps
16 of Engineers and the Commission on Non-Federal
17 Hydropower Projects, signed in July 2016.

18 (5) QUALIFYING FACILITY.—The term “quali-
19 fying facility” means any dam, dike, embankment,
20 or other barrier—

21 (A) the construction of which was com-
22 pleted on or before the date of enactment of
23 this section; and

24 (B) that is operated, owned, or constructed
25 by the Corps of Engineers.

1 (b) APPLICABILITY.—This section shall apply to each
2 licensing application for a qualifying facility—

3 (1) for which prelicensing coordination de-
4 scribed in subsection (a)(3)(B) is initiated on or
5 after the date of enactment of this section; or

6 (2) that is submitted on or after the date of en-
7 actment of this section.

8 (c) ENVIRONMENTAL REVIEW PROCESS.—

9 (1) IN GENERAL.—Except as provided under
10 paragraph (2) and consistent with the Memorandum
11 of Understanding, the Commission and the Sec-
12 retary shall develop and implement an environmental
13 review process for a licensing application at a quali-
14 fying facility, which shall include conducting the
15 Commission prelicensing process concurrently with
16 the process of preparing an environmental impact
17 statement or environmental assessment under the
18 jurisdiction of the Secretary that may be required to
19 construct or operate a hydropower facility at a quali-
20 fying facility.

21 (2) EXCEPTION.—The environmental review
22 process shall not include a licensing application in
23 which the proposed activity qualifies for a general
24 permit under section 10 of the Act of March 3, 1899
25 (commonly known as the “Rivers and Harbors Act

1 of 1899”) (30 Stat. 1151, chapter 425; 33 U.S.C.
2 403) or section 404 of the Federal Water Pollution
3 Control Act (33 U.S.C. 1344) or categorical permis-
4 sion under section 14 of the Act of March 3, 1899
5 (commonly known as the “Rivers and Harbors Act
6 of 1899”) (30 Stat. 1152, chapter 425; 33 U.S.C.
7 408).

8 (3) LENGTH OF PROCESS.—To the maximum
9 extent practicable, and without affecting the obliga-
10 tions or requirements of any Federal environmental
11 law, including the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4321 et seq.), the Federal
13 Water Pollution Control Act (33 U.S.C. 1251 et
14 seq.), and the Endangered Species Act of 1973 (16
15 U.S.C. 1531 et seq.), the Commission and the Sec-
16 retary shall ensure that the environmental review
17 process described in paragraph (1) is completed in
18 a timely manner so that the Commission is able to
19 make a final decision on an application for a license
20 by not later than 2 years after the date on which the
21 Commission receives a completed licensing applica-
22 tion.

23 (4) PURPOSE AND NEED.—Notwithstanding the
24 authority of the Secretary in determining overall
25 project purposes under part 230 of title 33, Code of

1 Federal Regulations (or successor regulations), the
2 Secretary, consistent with the Memorandum of Un-
3 derstanding, shall coordinate with the Commission
4 to define the purpose and need for an environmental
5 impact statement or environmental assessment as
6 part of the environmental review process described
7 in paragraph (1).

8 (d) CERTIFICATION.—No hydropower facility planned
9 under this section shall be approved by the Commission
10 or the Secretary unless the Secretary certifies in writing
11 that the proposed hydropower facility will not adversely
12 affect or undermine—

13 (1) the structural integrity of the qualifying fa-
14 cility; and

15 (2) the ability of the qualifying facility—

16 (A) to achieve the congressionally author-
17 ized purposes of the facility; and

18 (B) to comply with applicable laws and
19 policies, including the national water resources
20 planning policy under section 2031(a) of the
21 Water Resources Development Act of 2007 (42
22 U.S.C. 1962–3(a)).

23 (e) SAVINGS CLAUSE.—Nothing in this section waives
24 or affects the obligations or requirements of any Federal
25 environmental laws, including—

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

3 (2) the Federal Water Pollution Control Act
4 (33 U.S.C. 1251 et seq.); and

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

7 **SEC. 1509. SURPLUS WATER CONTRACTS AND WATER STOR-**
8 **AGE AGREEMENTS.**

9 Section 1046(c) of the Water Resources Reform and
10 Development Act of 2014 (128 Stat. 1254; 132 Stat.
11 3784) is amended—

12 (1) by striking paragraph (3); and

13 (2) by redesignating paragraph (4) as para-
14 graph (3).

15 **SEC. 1510. REDUCED PRICING FOR CERTAIN WATER SUP-**
16 **PLY STORAGE.**

17 Section 322 of the Water Resources Development Act
18 of 1990 (33 U.S.C. 2324) is amended—

19 (1) in subsection (b), by striking “2,000,000”
20 and inserting “3,000,000”; and

21 (2) in subsection (g)—

22 (A) by striking the period at the end and
23 inserting “; or”;

24 (B) by striking “means a community” and
25 inserting the following: “means—

1 “(1) a community”; and

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

3 “(2) a regional water system that serves a pop-
4 ulation of less than 100,000, for which the per cap-
5 ita income is less than the per capita income of not
6 less than 50 percent of the counties in the United
7 States.”.

8 **Subtitle F—Invasive Species**

9 **SEC. 1601. DEFINITION OF INVASIVE SPECIES.**

10 In this subtitle, the term “invasive species” has the
11 meaning given the term in section 1 of Executive Order
12 13112 (64 Fed. Reg. 6183; relating to invasive species
13 (February 8, 1999)) (as amended by section 2 of Execu-
14 tive Order 13751 (81 Fed. Reg. 88609; relating to safe-
15 guarding the Nation from the impacts of invasive species
16 (December 5, 2016))).

17 **SEC. 1602. INVASIVE SPECIES IN IMPAIRED WATERS.**

18 (a) IN GENERAL.—The Administrator of the Envi-
19 ronmental Protection Agency (referred to in this section
20 as the “Administrator”) may provide technical assistance
21 to support efforts to eradicate invasive species from water-
22 ways of the United States to—

23 (1) States;

24 (2) Indian Tribes; and

25 (3) units of local government.

1 (b) NO COST.—The technical assistance under sub-
2 section (a) shall be provided at no cost to the entities de-
3 scribed in that subsection.

4 (c) PRIORITIZATION.—In selecting efforts to which to
5 provide technical assistance under subsection (a), the Ad-
6 ministrator shall give priority to those efforts that target
7 an invasive species in a waterway that is identified by the
8 applicable State under subparagraph (A) or (B) of section
9 303(d)(1) of the Federal Water Pollution Control Act (33
10 U.S.C. 1313(d)(1)).

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$10,000,000, to remain available until expended.

14 **SEC. 1603. AQUATIC INVASIVE SPECIES RESEARCH.**

15 Section 1108 of the America’s Water Infrastructure
16 Act of 2018 (33 U.S.C. 2263a) is amended—

17 (1) in subsection (a)—

18 (A) by striking “management” and insert-
19 ing “prevention, management,”; and

20 (B) by inserting “, elodea, quagga mus-
21 sels,” after “Asian carp”; and

22 (2) in subsection (b)—

23 (A) by inserting “or could be impacted in
24 the future” after “impacted”; and

25 (B) by inserting “Arctic,” after “Pacific,”.

1 **SEC. 1604. INVASIVE SPECIES MITIGATION AND REDUC-**
2 **TION.**

3 Section 104 of the River and Harbor Act of 1958
4 (33 U.S.C. 610) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “this section
9 \$110,000,000” and inserting “this section
10 (except for subsections (f) and (g))
11 \$120,000,000”;

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

14 (iii) in subparagraph (C), by striking
15 the period at the end and inserting “;
16 and”; and

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

19 “(D) \$10,000,000 shall be made available
20 to carry out subsection (d)(1)(A)(iv).”;

21 (B) by redesignating paragraph (2) as
22 paragraph (3);

23 (C) by inserting after paragraph (1) the
24 following:

25 “(2) OTHER PROGRAMS.—

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

3 “(i) \$10,000,000 for each of fiscal
4 years 2021 through 2024 to carry out sub-
5 section (f); and

6 “(ii) \$50,000,000 for each of fiscal
7 years 2021 through 2024 to carry out sub-
8 section (g)(2).

9 “(B) INVASIVE PLANT SPECIES PILOT PRO-
10 GRAM.—There is authorized to be appropriated
11 to the Secretary of the Interior, acting through
12 the Director of the United States Fish and
13 Wildlife Service, \$10,000,000 to carry out sub-
14 section (g)(3).”; and

15 (D) in paragraph (3) (as so redesignated),
16 by inserting “or (2)(A)” after “paragraph (1)”;
17 (2) in subsection (d)—

18 (A) in the subsection heading, by inserting
19 “AND DECONTAMINATION” after “INSPEC-
20 TION”;

21 (B) in paragraph (1)—

22 (i) in subparagraph (A)—

23 (I) in the subparagraph heading,
24 by inserting “AND DECONTAMINA-
25 TION” after “INSPECTION”;

1 (II) in clause (ii), by striking
2 “and” at the end;

3 (III) in clause (iii), by striking
4 the period at the end and inserting “;
5 and”; and

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

8 “(iv) to protect basins and watersheds
9 that adjoin an international border be-
10 tween the United States and Canada.”;
11 and

12 (ii) by striking subparagraph (B) and
13 inserting the following:

14 “(B) LOCATIONS.—The Secretary shall
15 place watercraft inspection and decontamination
16 stations under subparagraph (A) at locations
17 with the highest likelihood of preventing the
18 spread of aquatic invasive species into and out
19 of waters of the United States, as determined
20 by the Secretary in consultation with the Gov-
21 ernors and entities described in paragraph
22 (3).”;

23 (C) in paragraph (3)(A), by striking “(iii)”
24 and inserting “(iv)”; and

1 (D) by striking “watercraft inspection sta-
2 tions” each place it appears and inserting
3 “watercraft inspection and decontamination sta-
4 tions”; and

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

6 “(f) INVASIVE SPECIES MANAGEMENT PILOT PRO-
7 GRAM.—

8 “(1) DEFINITION OF INVASIVE SPECIES.—In
9 this subsection, the term ‘invasive species’ has the
10 meaning given the term in section 1 of Executive
11 Order 13112 (64 Fed. Reg. 6183; relating to
12 invasive species (February 8, 1999)) (as amended by
13 section 2 of Executive Order 13751 (81 Fed. Reg.
14 88609; relating to safeguarding the Nation from the
15 impacts of invasive species (December 5, 2016))).

16 “(2) DEVELOPMENT OF PLANS.—The Secretary
17 shall carry out a pilot program under which the Sec-
18 retary shall collaborate with States in the Upper
19 Missouri River Basin in developing voluntary aquatic
20 invasive species management plans to mitigate the
21 effects of invasive species on public infrastructure
22 facilities located on reservoirs of the Corps of Engi-
23 neers in those States.

24 “(3) MANAGEMENT PLAN.—

1 “(A) IN GENERAL.—The Secretary, in con-
2 sultation with the Governor of each State in the
3 Upper Missouri River Basin that elects to par-
4 ticipate in the pilot program, shall prepare a
5 management plan for each participating State
6 that identifies public infrastructure facilities lo-
7 cated on reservoirs of the Corps of Engineers in
8 those States that—

9 “(i) are affected by aquatic invasive
10 species; and

11 “(ii) need financial and technical as-
12 sistance in order to maintain operations.

13 “(B) USE OF EXISTING PLANS.—In devel-
14 oping a management plan under subparagraph
15 (A), the Secretary shall consider a management
16 plan submitted by a participating State under
17 section 1204(a) of the Nonindigenous Aquatic
18 Nuisance Prevention and Control Act of 1990
19 (16 U.S.C. 4724(a)).

20 “(4) TERMINATION OF AUTHORITY.—The au-
21 thority provided under this subsection shall termi-
22 nate on September 30, 2024.

23 “(g) INVASIVE SPECIES PREVENTION AND REDUC-
24 TION.—

1 “(1) DEFINITION OF INVASIVE SPECIES.—In
2 this subsection, the term ‘invasive species’ has the
3 meaning given the term in section 1 of Executive
4 Order 13112 (64 Fed. Reg. 6183; relating to
5 invasive species (February 8, 1999)) (as amended by
6 section 2 of Executive Order 13751 (81 Fed. Reg.
7 88609; relating to safeguarding the Nation from the
8 impacts of invasive species (December 5, 2016))).

9 “(2) INVASIVE SPECIES PARTNERSHIPS.—

10 “(A) IN GENERAL.—The Secretary may
11 enter into partnerships with applicable States
12 and other Federal agencies to carry out actions
13 to reduce, to the maximum extent practicable,
14 invasive species that adversely impact water
15 quantity or water quality in the Platte River
16 Basin, the Upper Colorado River Basin, the
17 Upper Snake River Basin, and the Upper Mis-
18 souri River Basin.

19 “(B) PRIORITIZATION.—In selecting ac-
20 tions to carry out under a partnership under
21 subparagraph (A), the Secretary shall give pri-
22 ority to projects that are intended to control or
23 manage the Russian olive (*Elaeagnus*
24 *angustifolia*) or salteedar (of the genus
25 *Tamarix*).

1 causes or is likely to cause economic harm
2 or harm to human health.

3 “(iii) SECRETARY.—The term ‘Sec-
4 retary’ means the Secretary of the Interior,
5 acting through the Director of the United
6 States Fish and Wildlife Service.

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

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

14 “(I) the Lower Colorado River
15 Basin;

16 “(II) the Rio Grande River
17 Basin;

18 “(III) the Texas Gulf Coast
19 Basin; and

20 “(IV) the Arkansas-White-Red
21 Basin;

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

1 “(iii) to maintain and monitor ripar-
2 ian areas in which activities are carried out
3 under clauses (i) and (ii).

4 “(C) REPORT TO CONGRESS.—Not later
5 than 18 months after the date of enactment of
6 this subsection, the Secretary shall submit to
7 the Committee on Environment and Public
8 Works of the Senate and the Committee on
9 Transportation and Infrastructure of the House
10 of Representatives a report describing the im-
11 plementation of the pilot program.

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

15 “(4) COST-SHARE.—The Federal share of an
16 action carried out under a partnership under para-
17 graph (2) or the pilot program under paragraph (3)
18 shall not exceed 80 percent of the total cost of the
19 action.”.

20 **SEC. 1605. TERRESTRIAL NOXIOUS WEED CONTROL PILOT**
21 **PROGRAM.**

22 (a) IN GENERAL.—The Secretary shall carry out a
23 pilot program, in consultation with the Federal Inter-
24 agency Committee for the Management of Noxious and
25 Exotic Weeds, to identify and develop new and improved

1 strategies for terrestrial noxious weed control on Federal
2 land under the jurisdiction of the Secretary.

3 (b) PARTNERSHIPS.—In carrying out the pilot pro-
4 gram under subsection (a), the Secretary shall act in part-
5 nership with such other individuals and entities as the
6 Secretary determines to be appropriate.

7 (c) COOPERATIVE AGREEMENTS.—The Secretary
8 may utilize cooperative agreements with county and State
9 agencies for the implementation of the pilot program
10 under subsection (a).

11 (d) REPORT TO CONGRESS.—Not later than 2 years
12 after the date of enactment of this Act, the Secretary shall
13 provide 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 describing the new and improved strategies devel-
17 oped through the pilot program under subsection (a).

18 **SEC. 1606. INVASIVE SPECIES RISK ASSESSMENT,**
19 **PRIORITIZATION, AND MANAGEMENT.**

20 Section 528(f)(2) of the Water Resources Develop-
21 ment Act of 1996 (110 Stat. 3771) is amended—

22 (1) by redesignating subparagraphs (I) and (J)
23 as subparagraphs (J) and (K), respectively;

24 (2) by inserting after subparagraph (H) the fol-
25 lowing:

1 “(II) to develop innovative strate-
2 gies and tools to facilitate improved
3 management, control, or eradication
4 of listed invasive species;

5 “(III) to implement specific man-
6 agement, control, or eradication ac-
7 tivities at the appropriate periodicity
8 and intensity necessary to reduce or
9 neutralize the impacts of listed
10 invasive species, including the use of
11 qualified skilled volunteers when ap-
12 propriate; and

13 “(IV) to develop innovative strat-
14 egies and tools to prevent future in-
15 troductions of nonnative species;”;

16 (3) in subparagraph (J) (as so redesignated),
17 by striking “ecosystem” and inserting “ecosystem,
18 including the activities described in subparagraph
19 (I)”; and

20 (4) in clause (i) of subparagraph (K) (as so re-
21 designated), by inserting “, including the priority list
22 under subparagraph (I) and the activities described
23 in that subparagraph” after “Task Force”.

1 **SEC. 1607. ASIAN CARP PREVENTION AND CONTROL PILOT**
2 **PROGRAM.**

3 (a) IN GENERAL.—The Secretary shall carry out an
4 Asian carp prevention and control pilot program (referred
5 to in this section as the “pilot program”) to carry out
6 projects to manage and prevent the spread of, reduce the
7 population of, or eradicate Asian carp using innovative
8 technologies, methods, and measures.

9 (b) PROJECT SELECTION.—

10 (1) LOCATION.—Each project under the pilot
11 program shall be carried out in a river system or
12 reservoir in which Asian carp populations are ex-
13 panding or have been documented.

14 (2) LIMITATIONS.—

15 (A) IN GENERAL.—Not later than Sep-
16 tember 30, 2024, the Secretary shall carry out
17 and complete not more than 20 projects under
18 the pilot program.

19 (B) REQUIREMENT.—Not fewer than 5 of
20 the projects under subparagraph (A) shall be
21 carried out at reservoirs of the Corps of Engi-
22 neers or the Tennessee Valley Authority that
23 are located in—

24 (i) the Cumberland River watershed;

25 or

26 (ii) the Tennessee River watershed.

1 (3) CONSULTATION.—In selecting projects to
2 carry out under the pilot program, the Secretary
3 shall consult with—

4 (A) the Director of the U.S. Army Engi-
5 neer Research and Development Center;

6 (B) the Director of the United States Fish
7 and Wildlife Service;

8 (C) the Director of the United States Geo-
9 logical Survey;

10 (D) other applicable Federal, State, and
11 local agencies;

12 (E) the Mississippi Interstate Cooperative
13 Resource Association and associated sub-basin
14 partnerships of the Mississippi River;

15 (F) institutions of higher education; and

16 (G) relevant private organizations, includ-
17 ing nonprofit organizations.

18 (c) TREATMENT OF UNSUCCESSFUL PROJECTS.—If
19 the Secretary determines that a project carried out under
20 this section does not achieve the goals of the pilot program
21 described in subsection (a), the Secretary shall remove the
22 project.

23 (d) COST-SHARE.—

24 (1) IN GENERAL.—Subject to paragraphs (2)
25 and (3), the Federal share of the costs of a project

1 carried out under the pilot program shall be 80 per-
2 cent.

3 (2) OPERATION, MAINTENANCE, REHABILITA-
4 TION, AND REPAIR.—After the completion of a
5 project under the pilot program, the Federal share
6 of the costs for operation, maintenance, rehabilita-
7 tion, and repair of the project shall be 100 percent.

8 (3) FEDERAL RESPONSIBILITY.—The Federal
9 share of the costs of the removal of a project under
10 subsection (c) shall be 100 percent.

11 (e) REPORT.—Not later than 2 years after the date
12 of enactment of this Act, and 2 years thereafter, the Sec-
13 retary shall submit to Congress a report describing the
14 results of the pilot program, including an analysis of the
15 effectiveness of the innovative technologies, methods, and
16 measures used in projects of the pilot program at pre-
17 venting the spread of, managing the spread of, reducing
18 the population of, or eradicating Asian carp.

19 (f) TRANSFER.—The Secretary may transfer projects
20 carried out under the pilot program at reservoirs of the
21 Tennessee Valley Authority to the Tennessee Valley Au-
22 thority.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out the pilot pro-
25 gram \$35,000,000, to remain available until expended.

1 (h) TERMINATION OF AUTHORITY.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the authority provided under the pilot
4 program shall terminate on September 30, 2024.

5 (2) EXCEPTION.—The authority under sub-
6 section (f) does not terminate on the date described
7 in paragraph (1).

8 **SEC. 1608. AQUATIC INVASIVE SPECIES PREVENTION.**

9 Section 1039(b) of the Water Resources Reform and
10 Development Act of 2014 (16 U.S.C. 4701 note; Public
11 Law 113–121) is amended—

12 (1) in paragraph (1)—

13 (A) in the paragraph heading, by striking
14 “UPPER MISSISSIPPI AND OHIO RIVER BASINS
15 AND TRIBUTARIES” and inserting “MISSISSIPPI
16 RIVER AND TRIBUTARIES, INCLUDING SUB-BA-
17 SINS”;

18 (B) in subparagraph (A), by striking
19 “Upper Mississippi and Ohio River basins and
20 tributaries” and inserting “Mississippi River
21 and tributaries, including the 6 sub-basins of
22 the River,”; and

23 (C) in subparagraph (B), by striking “and
24 the document prepared” and all that follows
25 through “February 2012.” and inserting “the

1 Mississippi River Basin Asian Carp Control
2 Strategy Frameworks, and the Asian Carp Re-
3 gional Coordinating Committee’s Asian Carp
4 Action Plan.”; and

5 (2) in paragraph (2)—

6 (A) in subparagraph (A)—

7 (i) by striking “December 31 of each
8 year” and inserting “December 31, 2020,
9 and biennially thereafter”; and

10 (ii) by striking “Upper Mississippi
11 and Ohio River basins and tributaries”
12 and inserting “Mississippi River and tribu-
13 taries, including the 6 sub-basins of the
14 River”; and

15 (B) in subparagraph (B)—

16 (i) in clause (i), by striking “Upper
17 Mississippi and Ohio River basins and trib-
18 utaries” and inserting “Mississippi River
19 and tributaries, including the 6 sub-basins
20 of the River,”; and

21 (ii) in clause (ii), by striking “Upper
22 Mississippi and Ohio River basins and trib-
23 utaries” and inserting “Mississippi River
24 and tributaries, including the 6 sub-basins
25 of the River”.

1 **SEC. 1609. INVASIVE SPECIES IN ALPINE LAKES PILOT PRO-**
2 **GRAM.**

3 (a) ESTABLISHMENT.—The Secretary of the Interior,
4 acting through the Director of the United States Fish and
5 Wildlife Service, shall establish a pilot program (referred
6 to in this section as the “pilot program”) to carry out
7 measures necessary to prevent, reduce the number of, or
8 eradicate aquatic invasive species in alpine lakes in areas
9 in which the Secretary of the Interior is carrying out envi-
10 ronmental projects.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out the pilot pro-
13 gram \$25,000,000 for the period of fiscal years 2022
14 through 2024.

15 **SEC. 1610. INVASIVE SPECIES IN NONCONTIGUOUS STATES**
16 **AND TERRITORIES PILOT PROGRAM.**

17 (a) ESTABLISHMENT.—The Secretary of the Interior,
18 acting through the Director of the United States Fish and
19 Wildlife Service, shall establish a pilot program to carry
20 out measures necessary to prevent, reduce the number of,
21 or eradicate invasive species in culturally significant for-
22 ested watersheds in noncontiguous States and territories
23 of the United States in which the Secretary is carrying
24 out flood risk reduction projects.

25 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
26 authorized to be appropriated to carry out the pilot pro-

1 gram under subsection (a) \$25,000,000 for the period of
2 fiscal years 2022 through 2024.

3 **TITLE II—CLEAN WATER**

4 **SEC. 2001. CLEAN WATER INFRASTRUCTURE RESILIENCY**
5 **AND SUSTAINABILITY PROGRAM.**

6 Title II of the Federal Water Pollution Control Act
7 (33 U.S.C. 1281 et seq.) is amended by adding at the end
8 the following:

9 **“SEC. 222. CLEAN WATER INFRASTRUCTURE RESILIENCY**
10 **AND SUSTAINABILITY PROGRAM.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
13 tity’ means—

14 “(A) a municipality; or

15 “(B) an intermunicipal, interstate, or State
16 agency.

17 “(2) NATURAL HAZARD.—The term ‘natural
18 hazard’ means a hazard caused by natural forces, in-
19 cluding extreme weather events, sea-level rise, and
20 extreme drought conditions.

21 “(3) PROGRAM.—The term ‘program’ means
22 the clean water infrastructure resilience and sustain-
23 ability program established under subsection (b).

24 “(b) ESTABLISHMENT.—Subject to the availability of
25 appropriations, the Administrator shall establish a clean

1 water infrastructure resilience and sustainability program
2 under which the Administrator shall award grants to eligi-
3 ble entities for the purpose of increasing the resilience of
4 publicly owned treatment works to a natural hazard.

5 “(c) USE OF FUNDS.—An eligible entity that receives
6 a grant under the program shall use the grant funds for
7 planning, designing, or constructing projects (on a system-
8 wide or area-wide basis) that increase the resilience of a
9 publicly owned treatment works to a natural hazard
10 through—

11 “(1) the conservation of water;

12 “(2) the enhancement of water use efficiency;

13 “(3) the enhancement of wastewater and
14 stormwater management by increasing watershed
15 preservation and protection, including through the
16 use of—

17 “(A) natural and engineered green infra-
18 structure; and

19 “(B) reclamation and reuse of wastewater
20 and stormwater, such as aquifer recharge zones;

21 “(4) the modification or relocation of an exist-
22 ing publicly owned treatment works that is at risk
23 of being significantly impaired or damaged by a nat-
24 ural hazard;

1 “(5) the development and implementation of
2 projects to increase the resilience of publicly owned
3 treatment works to a natural hazard; or

4 “(6) the enhancement of energy efficiency or
5 the use and generation of recovered or renewable en-
6 ergy in the management, treatment, or conveyance
7 of wastewater or stormwater.

8 “(d) APPLICATION.—To be eligible to receive a grant
9 under the program, an eligible entity shall submit to the
10 Administrator an application at such time, in such man-
11 ner, and containing such information as the Administrator
12 may require, including—

13 “(1) a proposal of the project to be planned, de-
14 signed, or constructed using funds under the pro-
15 gram;

16 “(2) an identification of the natural hazard risk
17 to be addressed by the proposed project;

18 “(3) documentation prepared by a Federal,
19 State, regional, or local government agency of the
20 natural hazard risk of the area where the proposed
21 project is to be located;

22 “(4) a description of any recent natural hazard
23 events that have affected the publicly owned treat-
24 ment works;

1 “(5) a description of how the proposed project
2 would improve the performance of the publicly
3 owned treatment works under an anticipated natural
4 hazard; and

5 “(6) an explanation of how the proposed project
6 is expected to enhance the resilience of the publicly
7 owned treatment works to an anticipated natural
8 hazard.

9 “(e) GRANT AMOUNT AND OTHER FEDERAL RE-
10 QUIREMENTS.—

11 “(1) COST SHARE.—A grant under the program
12 shall not exceed 75 percent of the total cost of the
13 proposed project.

14 “(2) REQUIREMENTS.—The requirements of
15 section 608 shall apply to a project funded with a
16 grant under the program.

17 “(f) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There is authorized to be
19 appropriated to carry out this section \$15,000,000
20 for each of fiscal years 2021 through 2024.

21 “(2) LIMITATION ON USE OF FUNDS.—Of the
22 amounts made available for grants under paragraph
23 (1), not more than 2 percent may be used to pay the
24 administrative costs of the Administrator.”.

1 **SEC. 2002. INCREASED FUNDING FOR TECHNICAL ASSIST-**
2 **ANCE.**

3 Section 104(u) of the Federal Water Pollution Con-
4 trol Act (33 U.S.C. 1254(u)) is amended—

5 (1) by striking “and (7)” and inserting “(7)”;

6 and

7 (2) in paragraph (7)—

8 (A) by striking “2023” and inserting

9 “2020”; and

10 (B) by striking the period at the end and
11 inserting “; and (8) not to exceed \$75,000,000
12 for each of fiscal years 2021 through 2024 for
13 carrying out subsections (b)(3), (b)(8), and (g),
14 of which not less than \$50,000,000 each year
15 shall be used to carry out subsection (b)(8).”.

16 **SEC. 2003. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**
17 **MENT WORKS CIRCUIT RIDER PROGRAM.**

18 Title II of the Federal Water Pollution Control Act
19 (33 U.S.C. 1281 et seq.) (as amended by section 2001)
20 is amended by adding at the end the following:

21 **“SEC. 223. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**
22 **MENT WORKS CIRCUIT RIDER PROGRAM.**

23 “(a) ESTABLISHMENT.—Subject to the availability of
24 appropriations, not later than 180 days after the date of
25 enactment of this section, the Administrator shall estab-
26 lish a circuit rider program (referred to in this section as

1 the ‘circuit rider program’) under which the Administrator
2 shall award grants to qualified nonprofit entities, as deter-
3 mined by the Administrator, to provide assistance to own-
4 ers and operators of small and medium publicly owned
5 treatment works to carry out the activities described in
6 section 602(b)(13).

7 “(b) LIMITATION.—A grant provided under the cir-
8 cuit rider program shall be in an amount that is not more
9 than \$75,000.

10 “(c) REPORT.—Not later than 180 days after the
11 date on which the Administrator establishes the circuit
12 rider program, and every 180 days thereafter, the Admin-
13 istrator shall submit to Congress a report describing—

14 “(1) each recipient of a grant under the circuit
15 rider program; and

16 “(2) a summary of the activities carried out
17 under the circuit rider program.

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) IN GENERAL.—There is authorized to be
20 appropriated to carry out this section \$10,000,000
21 for the period of fiscal years 2021 through 2024.

22 “(2) LIMITATION ON USE OF FUNDS.—Of the
23 amounts made available for grants under paragraph
24 (1), not more than 2 percent may be used to pay the
25 administrative costs of the Administrator.”.

1 **SEC. 2004. SMALL PUBLICLY OWNED TREATMENT WORKS**
2 **EFFICIENCY GRANT PROGRAM.**

3 Title II of the Federal Water Pollution Control Act
4 (33 U.S.C. 1281 et seq.) (as amended by section 2003)
5 is amended by adding at the end the following:

6 **“SEC. 224. SMALL PUBLICLY OWNED TREATMENT WORKS**
7 **EFFICIENCY GRANT PROGRAM.**

8 “(a) ESTABLISHMENT.—Subject to the availability of
9 appropriations, not later than 180 days after the date of
10 enactment of this section, the Administrator shall estab-
11 lish an efficiency grant program (referred to in this section
12 as the ‘efficiency grant program’) under which the Admin-
13 istrator shall award grants to eligible entities for the re-
14 placement or repair of equipment that improves water or
15 energy efficiency of small publicly owned treatment works,
16 as identified in an efficiency audit.

17 “(b) ELIGIBLE ENTITIES.—The Administrator may
18 award a grant under the efficiency grant program to an
19 owner or operator of a small publicly owned treatment
20 works that serves—

21 “(1) a population of not more than 10,000 peo-
22 ple; or

23 “(2) a disadvantaged community.

24 “(c) REPORT.—Not later than 180 days after the
25 date on which the Administrator establishes the efficiency

1 grant program, and every 180 days thereafter, the Admin-
2 istrator shall submit to Congress a report describing—

3 “(1) each recipient of a grant under the effi-
4 ciency grant program; and

5 “(2) a summary of the activities carried out
6 under the efficiency grant program.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There is authorized to be
9 appropriated to carry out this section \$5,000,000 for
10 each of fiscal years 2021 through 2024, to remain
11 available until expended.

12 “(2) LIMITATION ON USE OF FUNDS.—Of the
13 amounts made available for grants under paragraph
14 (1), not more than 2 percent may be used to pay the
15 administrative costs of the Administrator.”.

16 **SEC. 2005. WASTEWATER EFFICIENCY GRANT PILOT PRO-**
17 **GRAM.**

18 (a) DEFINITIONS.—In this section:

19 (1) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of the Environ-
21 mental Protection Agency.

22 (2) PILOT PROGRAM.—The term “pilot pro-
23 gram” means the wastewater efficiency grant pilot
24 program established under subsection (b).

1 (3) TREATMENT WORKS.—The term “treatment
2 works” has the meaning given the term in section
3 212 of the Federal Water Pollution Control Act (33
4 U.S.C. 1292).

5 (b) ESTABLISHMENT.—Subject to the availability of
6 appropriations, the Administrator shall establish a waste-
7 water efficiency grant pilot program to award grants to
8 owners or operators of publicly owned treatment works to
9 carry out projects that create or improve waste-to-energy
10 systems.

11 (c) SELECTION.—

12 (1) APPLICATIONS.—To be eligible to receive a
13 grant under the pilot program, an owner or operator
14 of a treatment works shall submit to the Adminis-
15 trator an application at such time, in such manner,
16 and containing such information as the Adminis-
17 trator may require.

18 (2) NUMBER OF RECIPIENTS.—The Adminis-
19 trator shall select not more than 15 recipients of
20 grants under the pilot program from applications
21 submitted under paragraph (1).

22 (d) USE OF FUNDS.—

23 (1) IN GENERAL.—Subject to paragraph (2), a
24 recipient of a grant under the pilot program may use
25 grant funds for—

- 1 (A) sludge collection;
- 2 (B) installation of anaerobic digesters;
- 3 (C) methane capture;
- 4 (D) methane transfer;
- 5 (E) facility upgrades and retrofits nec-
- 6 essary to create or improve waste-to-energy sys-
- 7 tems; and
- 8 (F) other new and emerging, but proven,
- 9 technologies that transform waste to energy.

10 (2) LIMITATION.—A grant to a recipient under
11 the pilot program shall be not more than
12 \$4,000,000.

13 (e) REPORTS.—

14 (1) REPORT TO THE ADMINISTRATOR.—Not
15 later than 1 year after receiving a grant under the
16 pilot program and each year thereafter for which
17 amounts are made available for the pilot program
18 under subsection (f), the recipient of the grant shall
19 submit to the Administrator a report describing the
20 impact of that project on the communities within 3
21 miles of the treatment works.

22 (2) REPORT TO CONGRESS.—Not later than 1
23 year after first awarding grants under the pilot pro-
24 gram and each year thereafter for which amounts
25 are made available for the pilot program under sub-

1 section (f), the Administrator shall submit to Con-
2 gress a report describing—

3 (A) the applications received by the Ad-
4 ministrator for grants under the pilot program;
5 and

6 (B) the projects for which grants were
7 awarded under the pilot program.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated to carry out the pilot program
11 \$17,500,000 for each of fiscal years 2021 and 2022,
12 to remain available until expended.

13 (2) LIMITATION ON USE OF FUNDS.—Of the
14 amounts made available for grants under paragraph
15 (1), not more than 2 percent may be used to pay the
16 administrative costs of the Administrator.

17 **SEC. 2006. PILOT PROGRAM FOR ALTERNATIVE WATER**
18 **SOURCE PROJECTS.**

19 Section 220 of the Federal Water Pollution Control
20 Act (33 U.S.C. 1300) is amended—

21 (1) in subsection (b), in the heading, by strik-
22 ing “IN GENERAL” and inserting “ESTABLISH-
23 MENT”;

24 (2) in subsection (d)—

25 (A) by striking paragraph (2); and

1 (B) by redesignating paragraph (3) as
2 paragraph (2);

3 (3) by striking subsection (e);

4 (4) in subsection (i)—

5 (A) in the matter preceding paragraph (1),
6 by striking “, the following definitions apply”;
7 and

8 (B) in paragraph (1), in the first sentence,
9 by striking “water or wastewater or by treating
10 wastewater” and inserting “water, wastewater,
11 or stormwater or by treating wastewater or
12 stormwater”;

13 (5) in subsection (j)—

14 (A) in the first sentence, by striking
15 “There is” and inserting the following:

16 “(1) IN GENERAL.—There is”;

17 (B) in paragraph (1) (as so designated), by
18 striking “a total of \$75,000,000 for fiscal years
19 2002 through 2004. Such sums shall” and in-
20 serting “\$25,000,000 for each of fiscal years
21 2022 through 2024, to”; and

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

23 “(2) LIMITATION ON USE OF FUNDS.—Of the
24 amounts made available for grants under paragraph

1 (1), not more than 2 percent may be used to pay the
2 administrative costs of the Administrator.”; and

3 (6) by redesignating subsections (b), (c), (d),
4 (i), and (j) as subsections (c), (d), (e), (b), and (i),
5 respectively, and moving those subsections so as to
6 appear in alphabetical order.

7 **SEC. 2007. SEWER OVERFLOW AND STORMWATER REUSE**
8 **MUNICIPAL GRANTS.**

9 Section 221 of the Federal Water Pollution Control
10 Act (33 U.S.C. 1301) is amended—

11 (1) in subsection (a)(1) —

12 (A) in subparagraph (A), by striking
13 “and” at the end;

14 (B) by redesignating subparagraph (B) as
15 subparagraph (C); and

16 (C) by inserting after subparagraph (A)
17 the following:

18 “(B) notification systems to inform the
19 public of combined sewer or sanitary overflows
20 that result in sewage being released into rivers
21 and other waters; and”;

22 (2) in subsection (f)—

23 (A) in paragraph (1)—

24 (i) by striking “There is” and insert-
25 ing “There are”;

1 (ii) by striking the period at the end
2 and inserting “; and”;

3 (iii) by striking “this section
4 \$225,000,000” and inserting the following:
5 “this section—
6 “(A) \$225,000,000”; and

7 (iv) by adding at the end the fol-
8 lowing:

9 “(B) \$250,000,000 for each of fiscal years
10 2021 and 2022.”; and

11 (B) in paragraph (2)—

12 (i) by striking “To the extent” and in-
13 sserting the following:

14 “(A) GREEN INFRASTRUCTURE.—To the
15 extent”; and

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

18 “(B) RURAL ALLOCATION.—

19 “(i) DEFINITION OF RURAL AREA.—
20 In this subparagraph, the term ‘rural area’
21 means a city, town, or unincorporated area
22 that has a population of not more than
23 10,000 inhabitants.

24 “(ii) ALLOCATION.—To the extent
25 there are sufficient eligible project applica-

1 tions, the Administrator shall ensure that
2 a State uses not less than 15 percent of
3 the amount of the grants made to the
4 State under subsection (a) in a fiscal year
5 to carry out projects in rural areas for the
6 purpose of planning, design, and construc-
7 tion of—

8 “(I) treatment works to inter-
9 cept, transport, control, treat, or
10 reuse municipal sewer overflows, sani-
11 tary sewer overflows, or stormwater;
12 or

13 “(II) any other measures to man-
14 age, reduce, treat, or recapture
15 stormwater or subsurface drainage
16 water eligible for assistance under sec-
17 tion 603(c).”.

18 **SEC. 2008. WATER INFRASTRUCTURE AND WORKFORCE IN-**
19 **VESTMENT.**

20 Section 4304 of the America’s Water Infrastructure
21 Act of 2018 (42 U.S.C. 300j–19e) is amended—

22 (1) in subsection (a)(3)(B), by inserting “and
23 public works departments and agencies” after “orga-
24 nizations”;

25 (2) in subsection (b)—

1 (A) in paragraph (2)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “institutions—” and
4 inserting “institutions, or public works de-
5 partments and agencies—”; and

6 (ii) in subparagraph (A)(ii), by insert-
7 ing “for entities that are not public works
8 departments and agencies,” before “work-
9 ing”; and

10 (B) in paragraph (4), by striking
11 “\$1,000,000 for each of fiscal years 2019 and
12 2020” and inserting “\$2,000,000 for each of
13 fiscal years 2021 through 2024”;

14 (3) by redesignating subsections (a) and (b) as
15 subsections (b) and (c), respectively; and

16 (4) by inserting before subsection (b) (as so re-
17 designated) the following:

18 “(a) DEFINITION OF PUBLIC WORKS DEPARTMENT
19 OR AGENCY.—In this section, the term ‘public works de-
20 partment or agency’ means a political subdivision of a
21 local, county, or regional government that designs, builds,
22 operates, and maintains water infrastructure, sewage and
23 refuse disposal systems, and other public water systems
24 and facilities.”.

1 **SEC. 2009. WATER RESOURCES RESEARCH ACT AMEND-**
2 **MENTS.**

3 (a) CLARIFICATION OF RESEARCH ACTIVITIES.—Sec-
4 tion 104(b)(1) of the Water Resources Research Act of
5 1984 (42 U.S.C. 10303(b)(1)) is amended—

6 (1) in subparagraph (B)(ii), by striking “water-
7 related phenomena” and inserting “water re-
8 sources”; and

9 (2) in subparagraph (D), by striking the period
10 at the end and inserting “; and”.

11 (b) COMPLIANCE REPORT.—Section 104 of the
12 Water Resources Research Act of 1984 (42 U.S.C. 10303)
13 is amended by striking subsection (c) and inserting the
14 following:

15 “(c) GRANTS.—

16 “(1) IN GENERAL.—From the sums appro-
17 priated pursuant to subsection (f) of this section, the
18 Secretary shall make grants to each institute to be
19 matched on a basis of no less than 1 non-Federal
20 dollar for every 1 Federal dollar.

21 “(2) REPORT.—Not later than December 31 of
22 each fiscal year, the Secretary shall submit to the
23 Committee on Environment and Public Works of the
24 Senate, the Committee on the Budget of the Senate,
25 the Committee on Transportation and Infrastructure
26 of the House of Representatives, and the Committee

1 on the Budget of the House of Representatives a re-
2 port regarding the compliance of each funding re-
3 cipient with this subsection for the immediately pre-
4 ceding fiscal year.”.

5 (e) EVALUATION OF WATER RESOURCES RESEARCH
6 PROGRAM.—Section 104 of the Water Resources Research
7 Act of 1984 (42 U.S.C. 10303) is amended by striking
8 subsection (e) and inserting the following:

9 “(e) EVALUATION OF WATER RESOURCES RESEARCH
10 PROGRAM.—

11 “(1) IN GENERAL.—The Secretary shall con-
12 duct a careful and detailed evaluation of each insti-
13 tute at least once every 5 years to determine—

14 “(A) the quality and relevance of the water
15 resources research of the institute;

16 “(B) the effectiveness of the institute at
17 producing measured results and applied water
18 supply research; and

19 “(C) whether the effectiveness of the insti-
20 tute as an institution for planning, conducting,
21 and arranging for research warrants continued
22 support under this section.

23 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
24 as a result of an evaluation under paragraph (1), the
25 Secretary determines that an institute does not qual-

1 ify for further support under this section, no further
2 grants to the institute may be provided until the
3 qualifications of the institute are reestablished to the
4 satisfaction of the Secretary.”.

5 (d) **AUTHORIZATION OF APPROPRIATIONS.**—Section
6 104(f)(1) of the Water Resources Research Act of 1984
7 (42 U.S.C. 10303(f)(1)) is amended by striking
8 “\$12,000,000 for each of fiscal years 2007 through 2011”
9 and inserting “\$8,250,000 for each of fiscal years 2021
10 through 2024”.

11 (e) **ADDITIONAL APPROPRIATIONS WHERE RE-**
12 **SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE**
13 **NATURE.**—Section 104(g)(1) of the Water Resources Re-
14 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
15 in the first sentence by striking “\$6,000,000 for each of
16 fiscal years 2007 through 2011” and inserting
17 “\$1,750,000 for each of fiscal years 2021 through 2024”.

18 **SEC. 2010. GRANTS FOR CONSTRUCTION, REFURBISHING,**
19 **AND SERVICING OF INDIVIDUAL HOUSEHOLD**
20 **DECENTRALIZED WASTEWATER SYSTEMS**
21 **FOR INDIVIDUALS WITH LOW OR MODERATE**
22 **INCOME.**

23 Title II of the Federal Water Pollution Control Act
24 (33 U.S.C. 1281 et seq.) (as amended by section 2004)
25 is amended by adding at the end the following:

1 **“SEC. 225. GRANTS FOR CONSTRUCTION, REFURBISHING,**
2 **AND SERVICING OF INDIVIDUAL HOUSEHOLD**
3 **DECENTRALIZED WASTEWATER SYSTEMS**
4 **FOR INDIVIDUALS WITH LOW OR MODERATE**
5 **INCOME.**

6 “(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this
7 section, the term ‘eligible individual’ means a member of
8 a household, the members of which have a combined in-
9 come (for the most recent 12-month period for which in-
10 formation is available) equal to not more than 50 percent
11 of the median nonmetropolitan household income for the
12 State or territory in which the household is located, ac-
13 cording to the most recent decennial census.

14 “(b) GRANT PROGRAM.—

15 “(1) IN GENERAL.—Subject to the availability
16 of appropriations, the Administrator shall establish a
17 program under which the Administrator shall pro-
18 vide grants to private nonprofit organizations for the
19 purpose of providing assistance to eligible individ-
20 uals—

21 “(A) for the construction, repair, or re-
22 placement of an individual household decentral-
23 ized wastewater treatment system;

24 “(B) if the eligible individual resides in a
25 household that could be cost-effectively con-
26 nected to an available publicly owned treatment

1 works, for the connection of the household of
2 the eligible individual to the publicly owned
3 treatment works; or

4 “(C) for the installation of a larger decen-
5 tralized wastewater system designed to provide
6 treatment for 2 or more households in which el-
7 igible individuals reside, if—

8 “(i) site conditions at the households
9 are unsuitable for the installation of an in-
10 dividually owned decentralized wastewater
11 system;

12 “(ii) multiple examples of unsuitable
13 site conditions exist in close geographic
14 proximity to each other; and

15 “(iii) a larger decentralized waste-
16 water system could be cost-effectively in-
17 stalled.

18 “(2) APPLICATION.—To be eligible to receive a
19 grant under this subsection, a private nonprofit or-
20 ganization shall submit to the Administrator an ap-
21 plication at such time, in such manner, and con-
22 taining such information as the Administrator deter-
23 mines to be appropriate.

24 “(3) PRIORITY.—In awarding grants under this
25 subsection, the Administrator shall give priority to

1 applicants that have substantial expertise and expe-
2 rience in promoting the safe and effective use of in-
3 dividual household decentralized wastewater systems.

4 “(4) ADMINISTRATIVE EXPENSES.—A private
5 nonprofit organization may use amounts provided
6 under this subsection to pay the administrative ex-
7 penses associated with the provision of the services
8 described in paragraph (1), as the Administrator de-
9 termines to be appropriate.

10 “(c) ASSISTANCE.—

11 “(1) IN GENERAL.—Subject to paragraph (2), a
12 private nonprofit organization shall use a grant pro-
13 vided under subsection (b) for the services described
14 in paragraph (1) of that subsection.

15 “(2) APPLICATION.—To be eligible to receive
16 the services described in subsection (b)(1), an eligi-
17 ble individual shall submit to the private nonprofit
18 organization serving the area in which the individual
19 household decentralized wastewater system of the el-
20 igible individuals is, or is proposed to be, located an
21 application at such time, in such manner, and con-
22 taining such information as the private nonprofit or-
23 ganization determines to be appropriate.

24 “(3) PRIORITY.—In awarding assistance under
25 this subsection, a private nonprofit organization

1 shall give priority to any eligible individual who does
2 not have access to a sanitary sewage disposal sys-
3 tem.

4 “(d) REPORT.—Not later than 2 years after the date
5 of enactment of this section, the Administrator shall sub-
6 mit 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 a report
9 describing the recipients of grants under the program
10 under this section and the results of the program under
11 this section.

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—There is authorized to be
14 appropriated to the Administrator to carry out this
15 section \$50,000,000 for each of fiscal years 2021
16 and 2022.

17 “(2) LIMITATION ON USE OF FUNDS.—Of the
18 amounts made available for grants under paragraph
19 (1), not more than 2 percent may be used to pay the
20 administrative costs of the Administrator.”.

21 **SEC. 2011. CONNECTION TO PUBLICLY OWNED TREATMENT**
22 **WORKS.**

23 Title II of the Federal Water Pollution Control Act
24 (33 U.S.C. 1281 et seq.) (as amended by section 2010)
25 is amended by adding at the end the following:

1 **“SEC. 226. CONNECTION TO PUBLICLY OWNED TREATMENT**
2 **WORKS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means—

6 “(A) an owner or operator of a publicly
7 owned treatment works that assists or is seek-
8 ing to assist individuals with connecting the
9 household of the individual to the publicly
10 owned treatment works; or

11 “(B) a nonprofit entity that assists individ-
12 uals with the costs associated with connecting
13 the household of the individual to a publicly
14 owned treatment works.

15 “(2) PROGRAM.—The term ‘program’ means
16 the competitive grant program established under
17 subsection (b).

18 “(3) QUALIFIED INDIVIDUAL.—The term ‘quali-
19 fied individual’ has the meaning given the term ‘eli-
20 gible individual’ in section 603(j).

21 “(b) ESTABLISHMENT.—Subject to the availability of
22 appropriations, the Administrator shall establish a com-
23 petitive grant program under which the Administrator
24 awards grants to eligible entities to provide funds to assist
25 qualified individuals in covering the costs incurred by the

1 qualified individual in connecting the household of the
2 qualified individual to a publicly owned treatment works.

3 “(c) APPLICATION.—

4 “(1) IN GENERAL.—An eligible entity seeking a
5 grant under the program shall submit to the Admin-
6 istrator an application at such time, in such manner,
7 and containing such information as the Adminis-
8 trator may by regulation require.

9 “(2) REQUIREMENT.—Not later than 90 days
10 after the date on which the Administrator receives
11 an application from an eligible entity under para-
12 graph (1), the Administrator shall notify the eligible
13 entity of whether the Administrator will award a
14 grant to the eligible entity under the program.

15 “(d) SELECTION CRITERIA.—In selecting recipients
16 of grants under the program, the Administrator shall use
17 the following criteria:

18 “(1) Whether the eligible entity seeking a grant
19 provides services to, or works directly with, qualified
20 individuals.

21 “(2) Whether the eligible entity seeking a
22 grant—

23 “(A) has an existing program to assist in
24 covering the costs incurred in connecting a

1 household to a publicly owned treatment works;

2 or

3 “(B) seeks to create a program described

4 in subparagraph (A).

5 “(e) REQUIREMENTS.—

6 “(1) VOLUNTARY CONNECTION.—Before pro-

7 viding funds to a qualified individual for the costs

8 described in subsection (b), an eligible entity shall

9 ensure that—

10 “(A) the qualified individual has connected

11 to the publicly owned treatment works volun-

12 tarily; and

13 “(B) if the eligible entity is not the owner

14 or operator of the publicly owned treatment

15 works to which the qualified individual has con-

16 nected, the publicly owned treatment works to

17 which the qualified individual has connected has

18 agreed to the connection.

19 “(2) REIMBURSEMENTS FROM PUBLICLY

20 OWNED TREATMENT WORKS.—An eligible entity that

21 is an owner or operator of a publicly owned treat-

22 ment works may reimburse a qualified individual

23 that has already incurred the costs described in sub-

24 section (b) by—

1 “(A) reducing the amount otherwise owed
2 by the qualified individual to the owner or oper-
3 ator for wastewater or other services provided
4 by the owner or operator; or

5 “(B) providing a direct payment to the
6 qualified individual.

7 “(f) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There is authorized to be
9 appropriated to carry out the program \$40,000,000
10 for each of fiscal years 2021 and 2022.

11 “(2) LIMITATION ON USE OF FUNDS.—Of the
12 amounts made available for grants under paragraph
13 (1), not more than 2 percent may be used to pay the
14 administrative costs of the Administrator.”.

15 **SEC. 2012. USE OF CLEAN WATER STATE REVOLVING LOAN**
16 **FUNDS.**

17 (a) IN GENERAL.—Section 603 of the Federal Water
18 Pollution Control Act (33 U.S.C. 1383) is amended—

19 (1) in subsection (d), in the matter preceding
20 paragraph (1), by inserting “and provided in sub-
21 section (l)” after “State law”; and

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

23 “(k) REQUIRED SUBSIDIES.—

24 “(1) IN GENERAL.—Notwithstanding any other
25 provision of this title, to the extent that there are

1 sufficient applications from eligible recipients, and
2 subject to paragraph (3), a State shall use not less
3 than 10 percent of a capitalization grant to the
4 State under this title to provide the additional sub-
5 sidies described in paragraph (2) to eligible recipi-
6 ents under subsection (d) if the additional subsidies
7 described in that paragraph are used—

8 “(A) as initial financing for the eligible re-
9 cipient; or

10 “(B) to buy, refinance, restructure, or for-
11 give the debt obligations of the eligible recipi-
12 ent, if the debt obligation was incurred on or
13 after the date of enactment of this subsection.

14 “(2) ADDITIONAL SUBSIDIES DESCRIBED.—The
15 additional subsidies referred to in paragraph (1)
16 are—

17 “(A) forgiveness of principal of loans owed
18 to the State water pollution control revolving
19 fund of the State;

20 “(B) negative interest loans;

21 “(C) grants; or

22 “(D) a combination of the subsidies de-
23 scribed in subparagraphs (A) through (C).

24 “(3) APPLICABILITY.—The authority of a State
25 to provide additional subsidization under this sub-

1 section shall apply to amounts received by the State
2 in capitalization grants under this title for fiscal
3 years beginning after September 30, 2020.

4 “(l) **ADDITIONAL USE OF FUNDS.**—A State may use
5 an additional 2 percent of the funds annually allotted to
6 each State under this section for nonprofit organizations
7 (as defined in section 104(w)) to provide technical assist-
8 ance to rural, small, and tribal publicly owned treatment
9 works (within the meaning of section 104(b)(8)(B)) in the
10 State.”.

11 (b) **TECHNICAL AMENDMENT.**—Section 104(w) of
12 the Federal Water Pollution Control Act (33 U.S.C.
13 1254(w)) is amended by striking “treatments works” and
14 inserting “treatment works”.

15 **SEC. 2013. WATER DATA SHARING PILOT PROGRAM.**

16 (a) **ESTABLISHMENT.**—

17 (1) **IN GENERAL.**—Subject to the availability of
18 appropriations, the Administrator of the Environ-
19 mental Protection Agency (referred to in this section
20 as the “Administrator”) shall establish a competitive
21 grant pilot program (referred to in this section as
22 the “pilot program”) under which the Administrator
23 may award grants to eligible entities under sub-
24 section (b) to establish systems that improve the
25 sharing of information concerning water quality,

1 water infrastructure needs, and water technology be-
2 tween States or among counties and other units of
3 local government within a State, which may in-
4 clude—

5 (A) establishing a website or data hub to
6 exchange water data, including data on water
7 quality or water technology, including new and
8 emerging, but proven, water technology; and

9 (B) intercounty communications initiatives
10 related to water data.

11 (2) REQUIREMENTS.—

12 (A) DATA SHARING.—The Internet of
13 Water principles developed by the Nicholas In-
14 stitute for Environmental Policy Solutions shall,
15 to the extent practicable, guide any water data
16 sharing efforts under the pilot program.

17 (B) USE OF EXISTING DATA.—The recipi-
18 ent of a grant under the pilot program to estab-
19 lish a website or data hub described in para-
20 graph (1)(A) shall, to the extent practicable, le-
21 verage existing data sharing infrastructure.

22 (b) ELIGIBLE ENTITIES.—An entity eligible for a
23 grant under the pilot program is—

24 (1) a State, county, or other unit of local gov-
25 ernment that—

1 (A) has a coastal watershed with signifi-
2 cant pollution levels;

3 (B) has a water system with significant
4 pollution levels; or

5 (C) has significant individual water infra-
6 structure deficits; or

7 (2) a regional consortium established under
8 subsection (d).

9 (c) APPLICATIONS.—To be eligible to receive a grant
10 under the pilot program, an eligible entity under sub-
11 section (b) shall submit to the Administrator an applica-
12 tion at such time, in such manner, and containing such
13 information as the Administrator may require.

14 (d) REGIONAL CONSORTIA.—

15 (1) ESTABLISHMENT.—States may establish re-
16 gional consortia in accordance with this subsection.

17 (2) REQUIREMENTS.—A regional consortium
18 established under paragraph (1) shall—

19 (A) include not fewer than 2 States that
20 have entered into a memorandum of under-
21 standing—

22 (i) to exchange water data, including
23 data on water quality; or

24 (ii) to share information, protocols,
25 and procedures with respect to projects

1 that evaluate, demonstrate, or install new
2 and emerging, but proven, water tech-
3 nology;

4 (B) carry out projects—

5 (i) to exchange water data, including
6 data on water quality; or

7 (ii) that evaluate, demonstrate, or in-
8 stall new and emerging, but proven, water
9 technology; and

10 (C) develop a regional intended use plan,
11 in accordance with paragraph (3), to identify
12 projects to carry out, including projects using
13 grants received under this section.

14 (3) REGIONAL INTENDED USE PLAN.—A re-
15 gional intended use plan of a regional consortium es-
16 tablished under paragraph (1)—

17 (A) shall identify projects that the regional
18 consortium intends to carry out, including
19 projects that meet the requirements of para-
20 graph (2)(B); and

21 (B) may include—

22 (i) projects included in an intended
23 use plan of a State prepared under section
24 606(e) of the Federal Water Pollution

1 Control Act (33 U.S.C. 1386(c)) within the
2 regional consortium; and

3 (ii) projects not included in an in-
4 tended use plan of a State prepared under
5 section 606(c) of the Federal Water Pollu-
6 tion Control Act (33 U.S.C. 1386(c)) with-
7 in the regional consortium.

8 (e) FUNDING.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to carry out
11 the pilot program \$15,000,000 for each of fiscal
12 years 2022 through 2024, to remain available until
13 expended.

14 (2) REQUIREMENT.—Of the funds made avail-
15 able under paragraph (1), not more than 35 percent
16 may be used to provide grants to regional consortia
17 established under subsection (d).

18 **SEC. 2014. WATER INFRASTRUCTURE FINANCING REAU-**
19 **THORIZATION.**

20 Section 5033 of the Water Infrastructure Finance
21 and Innovation Act of 2014 (33 U.S.C. 3912) is amend-
22 ed—

23 (1) in subsection (a), by adding at the end the
24 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. FINAL RATING OPINION LETTERS.**

15 Section 5028(a)(1)(D)(ii) of the Water Infrastruc-
16 ture Finance and Innovation Act of 2014 (33 U.S.C.
17 3907(a)(1)(D)(ii)) is amended by striking “final rating
18 opinion letters from at least 2 rating agencies” and insert-
19 ing “a final rating opinion letter from at least 1 rating
20 agency”.

21 **SEC. 2016. REAUTHORIZATION OF CLEAN WATER STATE RE-**
22 **VOLVING FUNDS.**

23 Section 607 of the Federal Water Pollution Control
24 Act (33 U.S.C. 1387) is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “There is” and inserting “There are”; and

3 (2) by striking paragraphs (1) through (5) and
4 inserting the following:

5 “(1) \$2,000,000,000 for fiscal year 2022;

6 “(2) \$2,500,000,000 for fiscal year 2023; and

7 “(3) \$3,000,000,000 for fiscal year 2024.”.

8 **SEC. 2017. WASTEWATER INFRASTRUCTURE DISCRE-**
9 **TIONARY GRANT PROGRAM.**

10 (a) **ESTABLISHMENT.**—Subject to the availability of
11 appropriations, not later than 1 year after the date of en-
12 actment of this Act, the Administrator of the Environ-
13 mental Protection Agency (referred to in this section as
14 the “Administrator”) shall establish a wastewater discre-
15 tionary grant program (referred to in this section as the
16 “program”) to provide grants, on a competitive basis, to
17 eligible entities described in subsection (b) for investments
18 in wastewater infrastructure projects.

19 (b) **ELIGIBLE ENTITIES.**—An entity eligible to re-
20 ceive a grant under the program is—

21 (1) a Federal, State, interstate, intermunicipal,
22 or local governmental entity, agency, or instrumen-
23 tality;

24 (2) a Tribal government or consortium of Trib-
25 al governments;

1 (3) a State infrastructure financing authority;
2 and

3 (4) a publicly owned treatment works (as de-
4 fined in section 212 of the Federal Water Pollution
5 Control Act (33 U.S.C. 1292)).

6 (c) ELIGIBLE PROJECTS.—

7 (1) IN GENERAL.—A project eligible to be car-
8 ried out with funds under the program includes—

9 (A) 1 or more activities described in sec-
10 tion 603(e) of the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1383(e)); and

12 (B) any other wastewater infrastructure
13 project that the Administrator determines to
14 appropriate.

15 (2) OTHER FEDERAL FUNDS.—Notwithstanding
16 any other provision of law, a project otherwise eligi-
17 ble under paragraph (1) shall not be ineligible for
18 funding because the project also received assist-
19 ance—

20 (A) from a State drinking water treatment
21 revolving loan fund established under section
22 1452 of the Safe Drinking Water Act (42
23 U.S.C. 300j-12);

24 (B) from a State water pollution control
25 revolving fund established under title VI of the

1 Federal Water Pollution Control Act (33 U.S.C.
2 1381 et seq.); or

3 (C) under the Water Infrastructure Fi-
4 nance and Innovation Act of 2014 (33 U.S.C.
5 3901 et seq.).

6 (d) APPLICATION.—

7 (1) IN GENERAL.—To be eligible to receive a
8 grant under the program, an eligible entity shall
9 submit to the Administrator an application in such
10 manner and containing such information as the Ad-
11 ministrator may require.

12 (2) BUNDLING OF PROJECTS.—An eligible enti-
13 ty may include more than 1 project in a single appli-
14 cation.

15 (3) DEADLINE.—An application shall be sub-
16 mitted to the Administrator not later than 180 days
17 after the date on which the notice of funding oppor-
18 tunity and the selection criteria are issued under
19 subsection (e)(1)(B).

20 (e) SELECTION.—

21 (1) CRITERIA.—

22 (A) IN GENERAL.—The Administrator
23 shall establish criteria in accordance with this
24 subsection to use in selecting projects to receive
25 a grant under the program.

1 (B) PUBLICATION.—Not later than 90
2 days after the date on which funds are made
3 available to carry out the program for each fis-
4 cal year, the Administrator shall—

5 (i) issue a notice of funding oppor-
6 tunity for the program; and

7 (ii) include in the notice the selection
8 criteria established under subparagraph
9 (A).

10 (2) PRIORITY.—In selecting projects to receive
11 a grant under the program, the Administrator shall
12 give priority to projects—

13 (A) for which a Federal grant would assist
14 in completing an overall financing package for
15 the project; and

16 (B) that would help bring publicly owned
17 treatment works (as defined in section 212 of
18 the Federal Water Pollution Control Act (33
19 U.S.C. 1292)) into compliance with the Federal
20 Water Pollution Control Act (33 U.S.C. 1251 et
21 seq.).

22 (3) GEOGRAPHICAL DISTRIBUTION.—For each
23 fiscal year, in providing grants under the program,
24 the Administrator shall ensure that the funds are
25 distributed—

1 (A) on an equitable geographical basis; and

2 (B) in a manner that balances the needs of
3 urban, suburban, and rural communities.

4 (4) DEADLINE.—Not later than 18 months
5 after the date on which funds are made available to
6 carry out the program for each fiscal year, the Ad-
7 ministrator shall select projects to receive grants
8 under the program.

9 (f) REQUIREMENTS.—

10 (1) TOTAL STATE LIMIT.—For each fiscal year,
11 the total amount provided under the program for
12 projects in a single State shall not exceed 20 percent
13 of the total amount made available to carry out the
14 program.

15 (2) FEDERAL SHARE.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), the Federal share of the cost of a
18 project carried out with a grant under the pro-
19 gram shall not exceed 80 percent.

20 (B) WAIVER.—The Administrator may
21 waive the requirement of subparagraph (A).

22 (g) REGULATIONS.—The Administrator may promul-
23 gate such regulations as may be necessary to carry out
24 this section.

1 (h) LABOR STANDARDS.—Notwithstanding any other
2 provision of law, the Administrator may not provide a
3 grant under the program for a project unless the project
4 meets the requirements described in section 513 of the
5 Federal Water Pollution Control Act (33 U.S.C. 1372).

6 (i) REPORTS.—Not later than 2 years after the date
7 of enactment of this Act, the Administrator shall submit
8 to Congress and make publicly available a report on the
9 implementation of the program.

10 (j) FUNDING.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated to carry out
13 this section \$50,000,000 for each of fiscal years
14 2022 through 2024.

15 (2) AVAILABILITY.—Funds made available to
16 carry out this section shall be available until ex-
17 pended.

18 (3) ADMINISTRATIVE COSTS.—Not more than 2
19 percent of the amount made available for a fiscal
20 year under paragraph (1) may be used by the Ad-
21 ministrator for the administrative costs of carrying
22 out the program.

1 **SEC. 2018. SMALL AND DISADVANTAGED COMMUNITY**
2 **ANALYSIS.**

3 (a) ANALYSIS.—Not later than 1 year after the date
4 of enactment of this Act, using environmental justice data
5 of the Environmental Protection Agency, including data
6 from the environmental justice mapping and screen tool
7 of the Environmental Protection Agency, the Adminis-
8 trator of the Environmental Protection Agency (referred
9 to in this section as the “Administrator”) shall carry out
10 an analysis under which the Administrator shall assess the
11 programs under title VI of the Federal Water Pollution
12 Control Act (33 U.S.C. 1381 et seq.) and section 1452
13 of the Safe Drinking Water Act (42 U.S.C. 300j–12) to
14 identify historical distributions of funds to small and dis-
15 advantaged communities and new opportunities and meth-
16 ods to improve on the distribution of funds under those
17 programs to low-income communities, rural communities,
18 minority communities, and communities of indigenous
19 peoples, in accordance with Executive Order 12898 (42
20 U.S.C. 4321 note; 60 Fed. Reg. 6381; relating to Federal
21 actions to address environmental justice in minority popu-
22 lations and low-income populations)).

23 (b) REPORT.—On completion of the analysis under
24 subsection (a), the Administrator shall submit to the Com-
25 mittee on Environment and Public Works of the Senate
26 and the Committees on Energy and Commerce and Trans-

1 portation and Infrastructure of the House of Representa-
2 tives a report describing—

3 (1) the results of the analysis; and

4 (2) the criteria the Administrator used in car-
5 rying out the analysis.

6 **SEC. 2019. STORMWATER INFRASTRUCTURE TECHNOLOGY.**

7 (a) DEFINITIONS.—In this section:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) CENTER.—The term “center” means a cen-
12 ter of excellence for stormwater control infrastruc-
13 ture established under subsection (b)(1).

14 (3) ELIGIBLE ENTITY.—The term “eligible enti-
15 ty” means—

16 (A) a State, Tribal, or local government; or

17 (B) a local, regional, or other public entity

18 that manages stormwater or wastewater re-
19 sources or other related water infrastructure.

20 (4) ELIGIBLE INSTITUTION.—The term “eligi-
21 ble institution” means an institution of higher edu-
22 cation, a research institution, or a nonprofit organi-
23 zation that has demonstrated excellence in research-
24 ing and developing new and emerging stormwater
25 control infrastructure.

1 (b) CENTERS OF EXCELLENCE FOR STORMWATER
2 CONTROL INFRASTRUCTURE.—

3 (1) ESTABLISHMENT OF CENTERS.—

4 (A) IN GENERAL.—Subject to the avail-
5 ability of appropriations, the Administrator
6 shall provide grants, on a competitive basis, to
7 eligible institutions to establish and maintain
8 not less than 3, and not more than 5, centers
9 of excellence for new and emerging stormwater
10 control infrastructure, to be located in various
11 regions throughout the United States.

12 (B) GENERAL OPERATION.—Each center
13 shall—

14 (i) conduct research on new and
15 emerging stormwater control infrastructure
16 that is relevant to the geographical region
17 in which the center is located, including
18 stormwater and sewer overflow reduction,
19 other approaches to water resource en-
20 hancement, alternative funding approaches,
21 and other environmental, economic, and so-
22 cial benefits;

23 (ii) maintain a listing of—

24 (I) stormwater control infrastruc-
25 ture needs; and

1 (II) an analysis of new and
2 emerging stormwater control infra-
3 structure that is available;

4 (iii) analyze whether additional finan-
5 cial programs for the implementation of
6 new and emerging, but proven, stormwater
7 control infrastructure would be useful;

8 (iv) provide information regarding re-
9 search conducted under clause (i) to the
10 national electronic clearinghouse center for
11 publication on the Internet website estab-
12 lished under paragraph (3)(B)(i) to pro-
13 vide to the Federal Government and State,
14 Tribal, and local governments and the pri-
15 vate sector information regarding new and
16 emerging, but proven, stormwater control
17 infrastructure;

18 (v) provide technical assistance to
19 State, Tribal, and local governments to as-
20 sist with the construction, operation, and
21 maintenance of stormwater control infra-
22 structure projects;

23 (vi) collaborate with institutions of
24 higher education and private and public or-
25 ganizations, including community-based

1 public-private partnerships, in the geo-
2 graphical region in which the center is lo-
3 cated; and

4 (vii) coordinate with the other centers
5 to avoid duplication of efforts.

6 (2) APPLICATION.—To be eligible to receive a
7 grant under this subsection, an eligible institution
8 shall prepare and submit to the Administrator an
9 application at such time, in such form, and con-
10 taining such information as the Administrator may
11 require.

12 (3) NATIONAL ELECTRONIC CLEARINGHOUSE
13 CENTER.—Of the centers established under para-
14 graph (1)(A), 1 shall—

15 (A) be designated as the “national elec-
16 tronic clearinghouse center”; and

17 (B) in addition to the other functions of
18 that center—

19 (i) develop, operate, and maintain an
20 Internet website and a public database
21 that contains information relating to new
22 and emerging, but proven, stormwater con-
23 trol infrastructure; and

24 (ii) post to the website information
25 from all centers.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 (A) IN GENERAL.—There is authorized to
3 be appropriated to carry out this subsection
4 \$5,000,000 for each of fiscal years 2022 and
5 2023.

6 (B) LIMITATION ON USE OF FUNDS.—Of
7 the amounts made available for grants under
8 subparagraph (A), not more than 2 percent
9 may be used to pay the administrative costs of
10 the Administrator.

11 (c) STORMWATER CONTROL INFRASTRUCTURE
12 PROJECT GRANTS.—

13 (1) GRANT AUTHORITY.—Subject to the avail-
14 ability of appropriations, the Administrator shall
15 provide grants, on a competitive basis, to eligible en-
16 tities to carry out stormwater control infrastructure
17 projects that incorporate new and emerging, but
18 proven, stormwater control technology in accordance
19 with this subsection.

20 (2) STORMWATER CONTROL INFRASTRUCTURE
21 PROJECTS.—

22 (A) PLANNING AND DEVELOPMENT
23 GRANTS.—The Administrator may make plan-
24 ning and development grants under this sub-
25 section for the following projects:

1 (i) Planning and designing
2 stormwater control infrastructure projects
3 that incorporate new and emerging, but
4 proven, stormwater control technology, in-
5 cluding engineering surveys, landscape
6 plans, maps, and implementation plans.

7 (ii) Identifying and developing stand-
8 ards necessary to accommodate stormwater
9 control infrastructure projects, including
10 those projects that incorporate new and
11 emerging, but proven, stormwater control
12 technology.

13 (iii) Identifying and developing fee
14 structures to provide financial support for
15 design, installation, and operations and
16 maintenance of stormwater control infra-
17 structure, including new and emerging, but
18 proven, stormwater control infrastructure.

19 (iv) Developing approaches for com-
20 munity-based public-private partnerships
21 for the financing and construction of
22 stormwater control infrastructure, includ-
23 ing feasibility studies, stakeholder out-
24 reach, and needs assessments.

1 (v) Developing training and edu-
2 cational materials regarding new and
3 emerging, but proven, stormwater control
4 infrastructure for distribution to—

5 (I) individuals and entities with
6 applicable technical knowledge; and

7 (II) the public.

8 (B) IMPLEMENTATION GRANTS.—The Ad-
9 ministrator may make implementation grants
10 under this subsection for the following projects:

11 (i) Installing new and emerging, but
12 proven, stormwater control infrastructure.

13 (ii) Protecting or restoring inter-
14 connected networks of natural areas that
15 protect water quality.

16 (iii) Monitoring and evaluating the en-
17 vironmental, economic, or social benefits of
18 stormwater control infrastructure that in-
19 corporate new and emerging, but proven,
20 stormwater control technology.

21 (iv) Implementing a best practices
22 standard for stormwater control infrastruc-
23 ture programs.

24 (3) APPLICATION.—Except as otherwise pro-
25 vided in this section, to be eligible to receive a grant

1 under this subsection, an eligible entity shall prepare
2 and submit to the Administrator an application at
3 such time, in such form, and containing such infor-
4 mation as the Administrator may require, including,
5 as applicable—

6 (A) a description of the stormwater control
7 infrastructure project that incorporates new
8 and emerging, but proven, technology;

9 (B) a plan for monitoring the impacts of
10 the stormwater control infrastructure project on
11 the water quality and quantity;

12 (C) an evaluation of other environmental,
13 economic, and social benefits of the stormwater
14 control infrastructure project; and

15 (D) a plan for the long-term operation and
16 maintenance of the stormwater control infra-
17 structure project and a tracking system, such
18 as asset management practices.

19 (4) PRIORITY.—In making grants under this
20 subsection, the Administrator shall give priority to
21 applications submitted on behalf of—

22 (A) a community that—

23 (i) has combined storm and sanitary
24 sewers in the collection system of the com-
25 munity; or

1 (ii) is a small, rural, or disadvantaged
2 community, as determined by the Adminis-
3 trator; or

4 (B) an eligible entity that will use not less
5 than 15 percent of the grant to provide service
6 to a small, rural, or disadvantaged community,
7 as determined by the Administrator.

8 (5) MAXIMUM AMOUNTS.—

9 (A) PLANNING AND DEVELOPMENT
10 GRANTS.—

11 (i) SINGLE GRANT.—The amount of a
12 single planning and development grant
13 provided under this subsection shall be not
14 more than \$200,000.

15 (ii) AGGREGATE AMOUNT.—The total
16 amount of all planning and development
17 grants provided under this subsection for a
18 fiscal year shall be not more than $\frac{1}{3}$ of the
19 total amount made available to carry out
20 this subsection.

21 (B) IMPLEMENTATION GRANTS.—

22 (i) SINGLE GRANT.—The amount of a
23 single implementation grant provided
24 under this subsection shall be not more
25 than \$2,000,000.

1 (ii) AGGREGATE AMOUNT.—The total
2 amount of all implementation grants pro-
3 vided under this subsection for a fiscal
4 year shall be not more than $\frac{2}{3}$ of the total
5 amount made available to carry out this
6 subsection.

7 (6) FEDERAL SHARE.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (C), the Federal share of a grant
10 provided under this subsection shall not exceed
11 80 percent of the total project cost.

12 (B) CREDIT FOR IMPLEMENTATION
13 GRANTS.—The Administrator shall credit to-
14 ward the non-Federal share of the cost of an
15 implementation project carried out under this
16 subsection the cost of planning, design, and
17 construction work completed for the project
18 using funds other than funds provided under
19 this section.

20 (C) EXCEPTION.—The Administrator may
21 waive the Federal share limitation under sub-
22 paragraph (A) for an eligible entity that has
23 adequately demonstrated financial need.

24 (d) REPORT TO CONGRESS.—Not later than 1 year
25 after the date on which the Administrator first awards a

1 grant under this section, the Administrator shall submit
2 to Congress a report that includes, with respect to the pe-
3 riod covered by the report—

4 (1) a description of all grants provided under
5 this section;

6 (2) a detailed description of—

7 (A) the projects supported by those grants;

8 and

9 (B) the outcomes of those projects;

10 (3) a description of the improvements in tech-
11 nology, environmental benefits, resources conserved,
12 efficiencies, and other benefits of the projects funded
13 under this section;

14 (4) recommendations for improvements to pro-
15 mote and support new and emerging, but proven,
16 stormwater control infrastructure, including research
17 into new and emerging technologies, for the centers,
18 grants, and activities under this section; and

19 (5) a description of existing challenges con-
20 cerning the use of new and emerging, but proven,
21 stormwater control infrastructure.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated to carry out this section (except for

1 subsection (b)) \$10,000,000 for each of fiscal years
2 2022 and 2023.

3 (2) LIMITATION ON USE OF FUNDS.—Of the
4 amounts made available for grants under paragraph
5 (1), not more than 2 percent may be used to pay the
6 administrative costs of the Administrator.

7 **SEC. 2020. GRANTS TO ALASKA TO IMPROVE SANITATION IN**
8 **RURAL AND NATIVE VILLAGES.**

9 Section 303(e) of the Safe Drinking Water Act
10 Amendments of 1996 (33 U.S.C. 1263a(e)) is amended—

11 (1) by striking “There are” and inserting
12 “There is”; and

13 (2) by striking “fiscal years 2001 through
14 2005” and inserting “fiscal years 2021 and 2022”.

15 **SEC. 2021. WASTEWATER INFRASTRUCTURE GRANTS.**

16 (a) IN GENERAL.—The Administrator of the Envi-
17 ronmental Protection Agency may provide grants to units
18 of local government, including units of local government
19 that own treatment works (as defined in section 212 of
20 the Federal Water Pollution Control Act (33 U.S.C.
21 1292)), Indian tribes (as defined in section 4 of the Indian
22 Self-Determination and Education Assistance Act (25
23 U.S.C. 5304)), and public water systems (as defined in
24 section 1401 of the Safe Drinking Water Act (42 U.S.C.
25 300f)), as applicable, to support improvements in reducing

1 and removing plastic waste and post-consumer materials,
2 including microplastics and microfibers, from wastewater.

3 (b) APPLICATIONS.—To be eligible to receive a grant
4 under subsection (a), an applicant shall submit to the Ad-
5 ministrator of the Environmental Protection Agency an
6 application at such time, in such manner, and containing
7 such information as the Administrator of the Environ-
8 mental Protection Agency may require.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 there is authorized to be appropriated to carry out
12 this section \$10,000,000 for each of fiscal years
13 2021 through 2025.

14 (2) NO IMPACT ON OTHER FEDERAL FUNDS.—

15 (A) IN GENERAL.—No funds shall be made
16 available under paragraph (1) to carry out this
17 section in a fiscal year if the total amount made
18 available to carry out the programs described in
19 subparagraph (B) for that fiscal year is less
20 than the total amount made available to carry
21 out the programs described in subparagraph
22 (B) for fiscal year 2019.

23 (B) PROGRAMS DESCRIBED.—The pro-
24 grams referred to in subparagraph (A) are—

1 (i) State drinking water treatment re-
2 volving loan funds established under sec-
3 tion 1452 of the Safe Drinking Water Act
4 (42 U.S.C. 300j-12);

5 (ii) programs for assistance for small
6 and disadvantaged communities under sub-
7 sections (a) through (j) of section 1459A
8 of the Safe Drinking Water Act (42 U.S.C.
9 300j-19a); and

10 (iii) State water pollution control re-
11 volving funds established under title VI of
12 the Federal Water Pollution Control Act
13 (33 U.S.C. 1381 et seq.).

14 **TITLE III—TRIBAL AND OTHER**
15 **MATTERS**

16 **SEC. 3001. TRIBAL PARTNERSHIP PROGRAM.**

17 Section 203(b)(4) of the Water Resources Develop-
18 ment Act of 2000 (33 U.S.C. 2269(b)(4)) is amended by
19 striking “\$12,500,000” each place it appears and insert-
20 ing “\$22,500,000”.

21 **SEC. 3002. COST SHARING PROVISIONS FOR TERRITORIES**
22 **AND INDIAN TRIBES.**

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

1 (1) by inserting “on an annual basis” after “in-
2 flation”; and

3 (2) by striking “the date of enactment of the
4 Water Resources Development Act of 2018” and in-
5 serting “December 31, 2024”.

6 **SEC. 3003. INCLUSION OF TRIBAL INTERESTS IN PROJECT**
7 **CONSULTATIONS.**

8 (a) REPORT REQUIRED.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary shall sub-
10 mit the report required under section 1120(a)(3) of the
11 Water Resources Development Act of 2016 (130 Stat.
12 1643).

13 (b) CONSULTATION.—The Secretary shall ensure—

14 (1) that all existing Tribal consultation policies,
15 regulations, and guidance continue to be imple-
16 mented; and

17 (2) that consultations with Federal and State
18 agencies and Indian Tribes required for a water re-
19 sources development project are carried out.

20 **SEC. 3004. INDIAN IRRIGATION FUND REAUTHORIZATION.**

21 (a) DEPOSITS TO FUNDS.—Section 3212(a) of the
22 Water Infrastructure Improvements for the Nation Act
23 (130 Stat. 1750; 132 Stat. 3892) is amended by striking
24 “2028” and inserting “2030”.

1 (b) EXPENDITURES FROM FUND.—Section 3213(a)
2 of the Water Infrastructure Improvements for the Nation
3 Act (130 Stat. 1750; 132 Stat. 3892) is amended, in the
4 matter preceding paragraph (1), by striking “2028” and
5 inserting “2030”.

6 (c) TERMINATION.—Section 3216 of the Water Infra-
7 structure Improvements for the Nation Act (130 Stat.
8 1750; 132 Stat. 3892) is amended, in the matter pre-
9 ceding paragraph (1), by striking “2028” and inserting
10 “2030”.

11 **SEC. 3005. REAUTHORIZATION OF REPAIR, REPLACEMENT,**
12 **AND MAINTENANCE OF CERTAIN INDIAN IR-**
13 **RIGATION PROJECTS.**

14 (a) IN GENERAL.—Section 3221(b) of the Water In-
15 frastructure Improvements for the Nation Act (130 Stat.
16 1751; 132 Stat. 3892) is amended, in the matter pre-
17 ceding paragraph (1), by striking “2028” and inserting
18 “2030”.

19 (b) STATUS REPORT ON CERTAIN PROJECTS.—Sec-
20 tion 3224(d) of the Water Infrastructure Improvements
21 for the Nation Act (130 Stat. 1753; 132 Stat. 3892) is
22 amended, in the matter preceding paragraph (1), by strik-
23 ing “2028” and inserting “2030”.

1 (c) ALLOCATION AMONG PROJECTS.—Section 3226
2 of the Water Infrastructure Improvements for the Nation
3 Act (130 Stat. 1753; 132 Stat. 3892) is amended—

4 (1) in subsection (a), by striking “2028” and
5 inserting “2030”; and

6 (2) in subsection (b), by striking “the day be-
7 fore the date of enactment of America’s Water In-
8 frastructure Act of 2018” and inserting “the day be-
9 fore the date of enactment of the America’s Water
10 Infrastructure Act of 2020”.

11 **SEC. 3006. GRANTS TO PORTS TO REDUCE EMISSIONS**
12 **FROM WATERBORNE VESSELS.**

13 (a) IN GENERAL.—The Administrator of the Envi-
14 ronmental Protection Agency shall establish a grant pro-
15 gram under which the Administrator shall award grants
16 for the purpose of reducing emissions at ports that result
17 from waterborne vessels.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$20,000,000 for each of fiscal years 2021 and 2022.

21 **SEC. 3007. MAPPING AND SCREENING TOOL.**

22 The Administrator of the Environmental Protection
23 Agency shall continue to update, on an annual basis, and
24 make available to the public EJSCREEN or an equivalent
25 environmental justice mapping and screening tool.

1 **SEC. 3008. ASSESSMENT OF COASTAL WATER INFRASTRUC-**
2 **TURE VULNERABILITIES.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Administrator of the Environmental Pro-
5 tection Agency shall submit to Congress a report that in-
6 cludes—

7 (1) an assessment of coastal water infrastruc-
8 ture vulnerabilities to sea level rise, storm surge, ex-
9 treme weather, and other flood risks, including an
10 identification of States and communities with the
11 most immediate and severe risks; and

12 (2) recommendations for investments and other
13 improvements to that infrastructure to ensure long-
14 term survivability.

15 **SEC. 3009. REPORT ON POTENTIAL FOR BLUE ENERGY AT**
16 **COASTAL WASTEWATER TREATMENT PLANTS.**

17 Not later than 1 year after the date of enactment
18 of this Act, the Administrator of the Environmental Pro-
19 tection Agency, in consultation with the Secretary of En-
20 ergy, shall submit to Congress a report that evaluates the
21 potential for using energy generation technologies based
22 on harnessing the salinity differential between freshwater
23 and saltwater at coastal wastewater treatment plants and
24 other facilities.

1 **SEC. 3010. GREAT LAKES RESTORATION INITIATIVE.**

2 Section 118(c)(7)(J)(i) of the Federal Water Pollu-
3 tion Control Act (33 U.S.C. 1268(c)(7)(J)(i)) is amend-
4 ed—

5 (1) by striking “There is” and inserting “There
6 are”;

7 (2) by striking the period at the end and insert-
8 ing “; and”;

9 (3) by striking “this paragraph \$300,000,000”
10 and inserting the following: “this paragraph—

11 (I) \$300,000,000”; and

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

13 (II) \$375,000,000 for fiscal
14 year 2022.”.

15 **SEC. 3011. SAN FRANCISCO BAY RESTORATION.**

16 Title I of the Federal Water Pollution Control Act
17 (33 U.S.C. 1251 et seq.) is amended by adding at the end
18 the following:

19 **“SEC. 124. SAN FRANCISCO BAY RESTORATION.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) ESTUARY PARTNERSHIP.—The term ‘Es-
22 tuary Partnership’ means the San Francisco Estu-
23 ary Partnership, designated as the management con-
24 ference for the San Francisco Bay under section
25 320.

1 “(2) SAN FRANCISCO BAY PLAN.—The term
2 ‘San Francisco Bay Plan’ means—

3 “(A) until the date of the completion of the
4 plan developed by the Director under subsection
5 (d), the comprehensive conservation and man-
6 agement plan approved under section 320 for
7 the San Francisco Bay estuary; and

8 “(B) on and after the date of the comple-
9 tion of the plan developed by the Director under
10 subsection (d), the plan developed by the Direc-
11 tor under subsection (d).

12 “(b) PROGRAM OFFICE.—

13 “(1) ESTABLISHMENT.—

14 “(A) IN GENERAL.—Subject to the avail-
15 ability of appropriations, the Administrator
16 shall establish in the Environmental Protection
17 Agency a San Francisco Bay Program Office
18 (referred to in this section as the ‘Office’).

19 “(B) LOCATION.—The Office shall be lo-
20 cated at the headquarters of Region 9 of the
21 Environmental Protection Agency.

22 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
23 ministrator shall appoint a Director of the Office
24 (referred to in this section as the ‘Director’), who
25 shall have management experience and technical ex-

1 pertise relating to the San Francisco Bay and be
2 highly qualified to direct the development and imple-
3 mentation of projects, activities, and studies nec-
4 essary to implement the San Francisco Bay Plan.

5 “(3) DELEGATION OF AUTHORITY; STAFFING.—
6 The Administrator shall delegate to the Director
7 such authority and provide such staff as may be nec-
8 essary to carry out this section.

9 “(c) ANNUAL PRIORITY LIST.—

10 “(1) IN GENERAL.—After providing public no-
11 tice, the Director shall annually compile a priority
12 list, consistent with the San Francisco Bay Plan,
13 identifying and prioritizing the projects, activities,
14 and studies to be carried out with amounts made
15 available under subsection (e).

16 “(2) INCLUSIONS.—The annual priority list
17 compiled under paragraph (1) shall include the fol-
18 lowing:

19 “(A) Projects, activities, and studies, in-
20 cluding restoration projects and habitat im-
21 provement for fish, waterfowl, and wildlife, that
22 advance the goals and objectives of the San
23 Francisco Bay Plan, for—

24 “(i) water quality improvement, in-
25 cluding the reduction of marine litter;

1 “(ii) wetland, riverine, and estuary
2 restoration and protection;

3 “(iii) nearshore and endangered spe-
4 cies recovery; and

5 “(iv) adaptation to extreme weather
6 events.

7 “(B) Information on the projects, activi-
8 ties, and studies specified under subparagraph
9 (A), including—

10 “(i) the identity of each entity receiv-
11 ing assistance pursuant to subsection (e);
12 and

13 “(ii) a description of the communities
14 to be served.

15 “(C) The criteria and methods established
16 by the Director for identification of projects, ac-
17 tivities, and studies to be included on the an-
18 nual priority list.

19 “(3) CONSULTATION.—In compiling the annual
20 priority list under paragraph (1), the Director shall
21 consult with, and consider the recommendations of—

22 “(A) the Estuary Partnership;

23 “(B) the State of California and affected
24 local governments in the San Francisco Bay es-
25 tuary watershed;

1 “(C) the San Francisco Bay Restoration
2 Authority; and

3 “(D) any other relevant stakeholder in-
4 volved with the protection and restoration of
5 the San Francisco Bay estuary that the Direc-
6 tor determines to be appropriate.

7 “(d) SAN FRANCISCO BAY PLAN.—

8 “(1) IN GENERAL.—Not later than 5 years
9 after the date of enactment of this section, the Di-
10 rector, in conjunction with the Estuary Partnership,
11 shall review and revise the comprehensive conserva-
12 tion and management plan approved under section
13 320 for the San Francisco Bay estuary to develop
14 a plan to guide the projects, activities, and studies
15 of the Office to address the restoration and protec-
16 tion of the San Francisco Bay.

17 “(2) REVISION OF SAN FRANCISCO BAY
18 PLAN.—Not less often than once every 5 years after
19 the date of the completion of the plan described in
20 paragraph (1), the Director shall review, and revise
21 as appropriate, the San Francisco Bay Plan.

22 “(3) OUTREACH.—In carrying out this sub-
23 section, the Director shall consult with the Estuary
24 Partnership and Indian tribes and solicit input from
25 other non-Federal stakeholders.

1 “(e) GRANT PROGRAM.—

2 “(1) IN GENERAL.—The Director may provide
3 funding through cooperative agreements, grants, or
4 other means to State and local agencies, special dis-
5 tricts, and public or nonprofit agencies, institutions,
6 and organizations, including the Estuary Partner-
7 ship, for projects, activities, and studies identified on
8 the annual priority list compiled under subsection
9 (c).

10 “(2) MAXIMUM AMOUNT OF GRANTS; NON-FED-
11 ERAL SHARE.—

12 “(A) MAXIMUM AMOUNT OF GRANTS.—
13 Amounts provided to any entity under this sec-
14 tion for a fiscal year shall not exceed an
15 amount equal to 75 percent of the total cost of
16 any projects, activities, and studies that are to
17 be carried out using those amounts.

18 “(B) NON-FEDERAL SHARE.—Not less
19 than 25 percent of the cost of any project, ac-
20 tivity, or study carried out using amounts pro-
21 vided under this section shall be provided from
22 non-Federal sources.

23 “(f) FUNDING.—

24 “(1) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to carry out

1 this section \$25,000,000 for each of fiscal years
2 2022 and 2023.

3 “(2) ADMINISTRATIVE EXPENSES.—Of the
4 amount made available to carry out this section for
5 a fiscal year, the Director may not use more than
6 5 percent to pay administrative expenses incurred in
7 carrying out this section.

8 “(3) PROHIBITION.—No amounts made avail-
9 able under this section may be used for the adminis-
10 tration of a management conference under section
11 320.”.

12 **SEC. 3012. LAKE TAHOE RESTORATION PROGRAM.**

13 Title I of the Federal Water Pollution Control Act
14 (33 U.S.C. 1251 et seq.) (as amended by section 3011)
15 is amended by adding at the end the following:

16 **“SEC. 125. LAKE TAHOE RESTORATION PROGRAM.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) DIRECTOR.—The term ‘Director’ means
19 the Director of the Office appointed under sub-
20 section (b)(2).

21 “(2) ENVIRONMENTAL IMPROVEMENT PRO-
22 GRAM.—The term ‘Environmental Improvement Pro-
23 gram’ means the Environmental Improvement Pro-
24 gram adopted by the Tahoe Regional Planning

1 Agency, including any amendments to the Environ-
2 mental Improvement Program.

3 “(3) OFFICE.—The term ‘Office’ means the
4 Lake Tahoe Program Office established under sub-
5 section (b)(1)(A).

6 “(b) LAKE TAHOE PROGRAM.—

7 “(1) ESTABLISHMENT.—

8 “(A) IN GENERAL.—Subject to the avail-
9 ability of appropriations, the Administrator
10 shall establish within the Environmental Protec-
11 tion Agency a Lake Tahoe Program Office.

12 “(B) LOCATION.—The Office shall be lo-
13 cated at—

14 “(i) the headquarters of region 9 of
15 the Environmental Protection Agency; or

16 “(ii) another location geographically
17 suitable for the purposes of carrying out
18 the grant program under subsection (c).

19 “(2) DIRECTOR.—

20 “(A) IN GENERAL.—The Administrator
21 shall appoint an employee of the Environmental
22 Protection Agency who, by reason of manage-
23 ment experience and technical expertise relating
24 to Lake Tahoe, shall be highly qualified to sup-
25 port the development and implementation of

1 projects, programs, and studies necessary to
2 carry out the goals of the Environmental Im-
3 provement Program as Director of the Office.

4 “(B) DELEGATION OF AUTHORITY; STAFF-
5 ING.—The Administrator shall delegate to the
6 Director such authority and provide such re-
7 sources as may be necessary to carry out this
8 section.

9 “(c) GRANT PROGRAM.—

10 “(1) IN GENERAL.—The Director may provide
11 funding through cooperative agreements, contracts,
12 interagency agreements, grants, or other means to
13 Federal, State, and regional agencies, public and
14 nonprofit agencies, institutions, and organizations
15 for activities, studies, or projects identified in the
16 Environmental Improvement Program.

17 “(2) FEDERAL SHARE.—

18 “(A) IN GENERAL.—The Federal share of
19 the total cost of an eligible activity, study, or
20 project carried out using amounts provided
21 under this section shall be not greater than 75
22 percent.

23 “(B) SOURCE OF NON-FEDERAL SHARE.—
24 The non-Federal share of the total cost of an
25 eligible activity, study, or project carried out

1 under the program shall be provided from non-
2 Federal sources.

3 “(d) FUNDING.—

4 “(1) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated to the Direc-
6 tor to carry out this section \$6,000,000 for each of
7 fiscal years 2021 through 2024.

8 “(2) ADMINISTRATIVE EXPENSES.—Of the

9 amounts made available to carry out this section for
10 a fiscal year under paragraph (1), the Director may
11 use not more than 5 percent to pay the administra-
12 tive expenses incurred in carrying out this section.

13 “(3) RELATIONSHIP TO OTHER FUNDING.—

14 Nothing in this section limits the eligibility of
15 projects identified in the Environmental Improve-
16 ment Program to receive funding under section 319.

17 “(4) PROHIBITION.—No amounts made avail-

18 able under paragraph (1) may be used for the ad-
19 ministration of a management conference under sec-
20 tion 320.”.

21 **SEC. 3013. PUGET SOUND COORDINATED RECOVERY.**

22 Title I of the Federal Water Pollution Control Act
23 (33 U.S.C. 1251 et seq.) (as amended by section 3012)
24 is amended by adding at the end the following:

1 **“SEC. 126. PUGET SOUND COORDINATED RECOVERY.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) DIRECTOR.—The term ‘Director’ means
4 the Director of the Program Office appointed under
5 subsection (b)(2)(A).

6 “(2) FEDERAL ACTION PLAN.—The term ‘Fed-
7 eral Action Plan’ means the interim draft report of
8 the Puget Sound Federal Task Force entitled ‘The
9 Puget Sound Federal Task Force Action Plan FY
10 2017-2021’ and accepted by the Puget Sound Fed-
11 eral Task Force on January 18, 2017.

12 “(3) INTERNATIONAL JOINT COMMISSION.—The
13 term ‘International Joint Commission’ means the
14 International Joint Commission established by the
15 Treaty Relating to the Boundary Waters and Ques-
16 tions Arising Along the Boundary Between the
17 United States and Canada, signed at Washington
18 January 11, 1909 (36 Stat. 2448; TS 548) (com-
19 monly known as the ‘Boundary Waters Treaty of
20 1909’).

21 “(4) PACIFIC SALMON COMMISSION.—The term
22 ‘Pacific Salmon Commission’ means the Pacific
23 Salmon Commission established by the United
24 States and Canada under the Treaty between the
25 Government of the United States of America and
26 the Government of Canada Concerning Pacific Salm-

1 on, signed at Ottawa, January 28, 1985 (TIAS
2 11091) (commonly known as the ‘Pacific Salmon
3 Treaty’).

4 “(5) PROGRAM OFFICE.—The term ‘Program
5 Office’ means the Puget Sound Recovery National
6 Program Office established by subsection (b)(1).

7 “(6) PUGET SOUND ACTION AGENDA; ACTION
8 AGENDA.—The terms ‘Puget Sound Action Agenda’
9 and ‘Action Agenda’ mean the most recent plan de-
10 veloped by the Puget Sound National Estuary Pro-
11 gram Management Conference, in consultation with
12 the Puget Sound Tribal Management Conference,
13 and approved by the Administrator as the com-
14 prehensive conservation and management plan for
15 Puget Sound under section 320 (including a plan de-
16 veloped after the date of enactment of this section).

17 “(7) PUGET SOUND FEDERAL TASK FORCE.—
18 The term ‘Puget Sound Federal Task Force’ means
19 the Puget Sound Federal Task Force established in
20 2016 under a memorandum of understanding among
21 9 Federal agencies.

22 “(8) PUGET SOUND NATIONAL ESTUARY PRO-
23 GRAM MANAGEMENT CONFERENCE.—The term
24 ‘Puget Sound National Estuary Program Manage-

1 ment Conference’ means the management conference
2 for Puget Sound convened pursuant to section 320.

3 “(9) PUGET SOUND TRIBAL MANAGEMENT CON-
4 FERENCE.—The term ‘Puget Sound Tribal Manage-
5 ment Conference’ means the 20 treaty Indian tribes
6 of western Washington and the Northwest Indian
7 Fisheries Commission.

8 “(10) SALISH SEA.—The term ‘Salish Sea’
9 means the network of coastal waterways on the west
10 coast of North America that includes the Puget
11 Sound, the Strait of Georgia, and the Strait of Juan
12 de Fuca.

13 “(b) PUGET SOUND RECOVERY NATIONAL PROGRAM
14 OFFICE.—

15 “(1) ESTABLISHMENT.—There is established in
16 the Environmental Protection Agency an office, to
17 be known as the ‘Puget Sound Recovery National
18 Program Office’, which shall be located in the State
19 of Washington.

20 “(2) DIRECTOR.—

21 “(A) IN GENERAL.—The Director of the
22 Program Office shall be—

23 “(i) appointed by the Administrator;
24 and

1 “(ii) a career reserved position (as de-
2 fined in section 3132(a) of title 5, United
3 States Code).

4 “(B) QUALIFICATIONS.—The Director
5 shall have leadership and project management
6 experience and shall be highly qualified—

7 “(i) to direct the integration of mul-
8 tiple project planning efforts and programs
9 from different agencies and jurisdictions;
10 and

11 “(ii) to align needs toward imple-
12 menting a shared Action Agenda with visi-
13 ble and measurable outcomes.

14 “(3) DELEGATION OF AUTHORITY; STAFFING.—
15 Using amounts made available under subsection (d),
16 the Administrator shall delegate to the Director such
17 authority and provide such staff as may be nec-
18 essary to carry out this section.

19 “(4) DUTIES.—The Director shall—

20 “(A) coordinate and manage the timely
21 execution of the requirements of this section;

22 “(B) coordinate activities related to the
23 restoration and protection of Puget Sound
24 across the Environmental Protection Agency;

1 “(C) coordinate and align the activities of
2 the Administrator with the Action Agenda and
3 the Federal Action Plan;

4 “(D) promote the efficient use of resources
5 of the Environmental Protection Agency in pur-
6 suit of Puget Sound restoration and protection;

7 “(E) serve on the Puget Sound Federal
8 Task Force and collaborate with, help coordi-
9 nate, and carry out activities with other Federal
10 agencies that have responsibilities involving
11 Puget Sound restoration and protection;

12 “(F) provide or procure such other advice,
13 technical assistance, research, assessments,
14 monitoring, or other support as is determined
15 by the Director to be necessary or prudent—

16 “(i) to most efficiently and effectively
17 fulfill the objectives and priorities of the
18 Action Agenda and the Federal Action
19 Plan, consistent with the best available
20 science; and

21 “(ii) to ensure the health of the Puget
22 Sound ecosystem;

23 “(G) track the progress of the Environ-
24 mental Protection Agency towards meeting the
25 specified objectives and priorities of the Envi-

1 ronmental Protection Agency within the Action
2 Agenda and the Federal Action Plan;

3 “(H) carry out the recommendations of the
4 Comptroller General of the United States, as
5 set forth in the report entitled ‘Puget Sound
6 Restoration: Additional Actions Could Improve
7 Assessments of Progress’ and dated July 19,
8 2018;

9 “(I) serve as liaison and coordinate activi-
10 ties for the restoration and protection of the
11 Salish Sea with Canadian authorities, the Pa-
12 cific Salmon Commission, and the International
13 Joint Commission; and

14 “(J) carry out such additional duties as
15 the Administrator determines to be necessary
16 and appropriate.

17 “(c) CROSSCUT BUDGET REPORT.—

18 “(1) FINANCIAL REPORT.—Not later than 1
19 year after the date of enactment of this section, and
20 every 5 years thereafter, the Director of the Office
21 of Management and Budget, in consultation with the
22 Puget Sound Federal Task Force, shall, in conjunc-
23 tion with the annual budget submission of the Presi-
24 dent to Congress for the year under section 1105(a)
25 of title 31, United States Code, submit to Congress

1 and make available to the public, including on the
2 internet, a financial report that is certified by the
3 head of each agency represented on the Puget Sound
4 Federal Task Force (referred to in this subsection
5 as the ‘report’).

6 “(2) CONTENTS.—The report shall contain an
7 interagency crosscut budget relating to Puget Sound
8 restoration and protection activities that includes—

9 “(A) the proposed funding for any Federal
10 restoration and protection activity to be carried
11 out in the succeeding fiscal year, including any
12 planned interagency or intra-agency transfer,
13 for each of the Federal agencies that carry out
14 restoration and protection activities;

15 “(B) the estimated expenditures for Fed-
16 eral restoration and protection activities from
17 the preceding 2 fiscal years, the current fiscal
18 year, and the succeeding fiscal year; and

19 “(C) the estimated expenditures for Fed-
20 eral environmental research and monitoring
21 programs from the preceding 2 fiscal years, the
22 current fiscal year, and the succeeding fiscal
23 year.

24 “(3) INCLUDED RECOVERY ACTIVITIES.—With
25 respect to activities described in the report, the re-

1 port shall only describe activities that have funding
2 amounts of greater than \$100,000.

3 “(4) SUBMISSION TO CONGRESS.—The Director
4 of the Office of Management and Budget shall sub-
5 mit the report to—

6 “(A) the Committee on Appropriations, the
7 Committee on Natural Resources, the Com-
8 mittee on Energy and Commerce, and the Com-
9 mittee on Transportation and Infrastructure of
10 the House of Representatives; and

11 “(B) the Committee on Appropriations, the
12 Committee on Environment and Public Works,
13 and the Committee on Commerce, Science, and
14 Transportation of the Senate.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—In ad-
16 dition to any other funds authorized to be appropriated
17 for activities related to Puget Sound, there is authorized
18 to be appropriated to carry out this section \$50,000,000
19 for each of fiscal years 2021 through 2025.

20 “(e) PRESERVATION OF TREATY OBLIGATIONS AND
21 EXISTING FEDERAL STATUS.—

22 “(1) TRIBAL TREATY RIGHTS.—Nothing in this
23 section affects, or is intended to affect, any right re-
24 served by treaty between the United States and 1 or
25 more Indian tribes.

1 “(4) establishing local funding sources, organi-
2 zation analyses, grant application assistance, and de-
3 veloping innovative funding strategies and mecha-
4 nisms.”; and

5 (3) in subsection (d)(1)(D), by inserting “(33
6 U.S.C. 1342(s))” after “Control Act”.

7 **SEC. 3016. NATIONAL ESTUARY PROGRAM.**

8 Section 320 of the Federal Water Pollution Control
9 Act (33 U.S.C. 1330) is amended—

10 (1) in subsection (a)(2)(B), by striking “and
11 Peconic Bay, New York” and inserting “Peconic
12 Bay, New York; Casco Bay, Maine; Tampa Bay,
13 Florida; Coastal Bend, Texas; San Juan Bay, Puer-
14 to Rico; Tillamook Bay, Oregon; Piscataqua Region,
15 New Hampshire; Barnegat Bay, New Jersey; Mary-
16 land Coastal Bays, Maryland; Charlotte Harbor,
17 Florida; Mobile Bay, Alabama; Morro Bay, Cali-
18 fornia; and Lower Columbia River, Oregon and
19 Washington”;

20 (2) in subsection (b)(4)—

21 (A) by striking “management plan that
22 recommends” and inserting “management plan
23 that—

24 “(A) recommends”; and

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

1 (iii) by redesignating clauses (vi) and
2 (vii) as clauses (ix) and (x), respectively;
3 and

4 (iv) by inserting after clause (v) the
5 following:

6 “(vi) stormwater runoff;

7 “(vii) accelerated land loss;

8 “(viii) problems resulting from urban-
9 ization and population growth, including—

10 “(I) increased demand for sewage
11 treatment;

12 “(II) loss of forests and natural
13 soil; and

14 “(III) increased amounts of im-
15 pervious surfaces that affect water
16 quality;” and

17 (5) in subsection (i)—

18 (A) by redesignating paragraph (2) as
19 paragraph (3); and

20 (B) in paragraph (1), in the matter pre-
21 ceding subparagraph (A), by striking “There is
22 authorized to be appropriated to the Adminis-
23 trator \$26,500,000 for each of fiscal years
24 2017 through 2021 for—” and inserting the
25 following: “There are authorized to be appro-

1 pried to the Administrator for the purposes
2 described in paragraph (2)—

3 “(A) \$26,500,000 for each of fiscal years
4 2017 through 2020; and

5 “(B) \$50,000,000 for each of fiscal years
6 2021 and 2022.

7 “(2) PURPOSES DESCRIBED.—The purposes re-
8 ferred to in paragraph (1) are—”.