

116TH CONGRESS  
2D SESSION

# S. 3591

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

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## IN THE SENATE OF THE UNITED STATES

MAY 4, 2020

Mr. BARRASSO (for himself, Mr. CARPER, Mrs. CAPITO, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

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

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

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

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

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

- 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.
- Sec. 1094. Sense of Congress relating to annual maintenance dredging.
- Sec. 1095. Selection of dredged material disposal method for certain purposes.
- Sec. 1096. Increasing access for recreation at Corps of Engineers projects.
- Sec. 1097. Extinguishment of flowage easements, Rough River Lake, Kentucky.
- Sec. 1098. Small flood control projects.
- Sec. 1099. Comprehensive study of Mississippi River System from Old River Control Structure to Gulf of Mexico.
- Sec. 1100. Missouri River.
- Sec. 1101. Flexibility for projects.
- Sec. 1102. Development of categorical exclusions.

#### Subtitle B—Studies and Reports

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

#### Subtitle C—Deauthorizations, Modifications, and Related Provisions

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

#### Subtitle D—Water Resources Infrastructure

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

### 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.

### 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.

### 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.

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

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

25 (b) DEVELOPMENT.—The Secretary, in collaboration  
26 with the heads of other relevant Federal agencies, shall

1 conduct, and submit to Congress a comprehensive strategy  
2 and report that describes the results of and aligns the rec-  
3 ommendations of, 2 comprehensive studies to address  
4 flood risk in areas affected by severe flooding in 2019  
5 along the Upper and Lower Missouri River, including an  
6 examination of—

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

14 (2) continued operation and maintenance of the  
15 navigation project;

16 (3) management of bank caving and erosion;

17 (4) maintenance of water supply;

18 (5) fish and wildlife habitat management;

19 (6) recreation needs;

20 (7) environmental restoration needs;

21 (8) the division of responsibilities of the Federal  
22 Government and non-Federal interests with respect  
23 to Missouri River flooding;

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

1           (10) any other related matters, as determined  
2       by the Secretary.

3       (c) CONTENTS.—The studies conducted under sub-  
4 section (b) shall—

5           (1) include 1 study for the Upper Missouri  
6       River and 1 study for the Lower Missouri River;

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

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

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

24          (5) address adverse impacts to navigation and  
25      other authorized purposes of the applicable Missouri



1 River project for any changes recommended under  
2 paragraph (3);

3 (6) address whether there are opportunities for  
4 increased non-Federal management in the Missouri  
5 River Basin;

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

8 (A) determining the development of water-  
9 sheds within the borders of the State; and

10 (B) water utilization and control;

11 (8) recognize the primary responsibilities of  
12 States and local interests in developing water sup-  
13 plies for domestic, municipal, industrial, and other  
14 purposes; and

15 (9) include recommendations for—

16 (A) non-Federal and Federal action where  
17 appropriate; and

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

21 (d) FURTHER ANALYSIS.—

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

1 (A) identify institutional and other barriers  
2 to providing protection to the areas evaluated in  
3 the studies;

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

7 (C) provide recommendations for inclusion  
8 of projects and feasibility studies in the report  
9 under section 1013.

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

14 (3) COST-SHARE.—

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

20 (B) WAIVER FOR SMALL OR DISADVAN-  
21 TAGED COMMUNITIES.—In carrying out a feasi-  
22 bility study under paragraph (1)(B) in partner-  
23 ship with a small community or a disadvan-  
24 taged community (as those terms are defined in  
25 section 1017(a)(1)), if the Secretary determines

1           that the life safety or economic viability of the  
2           community is at risk, the Secretary shall reduce  
3           the non-Federal cost share applicable to the  
4           study through a mutual agreement between the  
5           Corps of Engineers and the non-Federal inter-  
6           est, in an amount that is—

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

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

11           (4) TIMELINESS.—The Secretary shall carry  
12           out feasibility studies under paragraph (1)(B) as ex-  
13           peditiously as possible.

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

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

20                       (1) CONSULTATION.—In conducting the studies  
21           under subsection (b), the Secretary shall consult  
22           with applicable Federal and State agencies, Indian  
23           Tribes, and other stakeholders.

24                       (2) USE OF DATA.—In conducting the studies  
25           under subsection (b), the Secretary shall make max-

1       imum use of data in existence on the date of enact-  
2       ment of this Act and ongoing programs and efforts  
3       of Federal agencies, States, Indian Tribes, and other  
4       stakeholders.

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

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

10           (1) shall not apply to the studies conducted  
11       under subsection (b); and

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

14       (h) REPORTS.—The Secretary shall submit to Con-  
15       gress—

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

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

22       (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
23       authorized to be appropriated to carry out this section  
24       \$50,000,000, to remain available until expended.

1 **SEC. 1002. GREAT LAKES COMPREHENSIVE FLOOD PRO-**  
2 **TECTION STUDY.**

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

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

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

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

24 (3) management of shoreline caving and ero-  
25 sion;

26 (4) recreation needs;

1 (5) environmental restoration needs;

2 (6) the division of responsibilities of the Federal  
3 Government and non-Federal interests with respect  
4 to Great Lakes coastal storm and flood risk manage-  
5 ment measures;

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

9 (8) other related matters, as determined by the  
10 Secretary.

11 (c) CONTENTS.—The study under subsection (b)  
12 shall—

13 (1) include recommendations on management  
14 plans and actions to be carried out by the respon-  
15 sible Federal agencies, including the identification  
16 of—

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

20 (B) additional studies that may be needed;

21 (2) address whether changes are necessary to—

22 (A) the management plan for the Great  
23 Lakes; and

24 (B) the management plans for individual  
25 lakes of the Great Lakes;

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

4           (4) include recommendations for—

5                (A) non-Federal and Federal action, where  
6       appropriate; and

7                (B) follow-up studies for problem areas for  
8       which data or current technology does not allow  
9       immediate solutions.

10       (d) FURTHER ANALYSIS.—

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

13                (A) identify institutional and other barriers  
14       to providing protection to the areas evaluated in  
15       the study; and

16                (B) carry out activities that warrant addi-  
17       tional analysis by the Corps of Engineers, in-  
18       cluding feasibility studies.

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

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

23           (1) CONSULTATION.—In conducting the study  
24       under subsection (b), the Secretary shall consult  
25       with appropriate Federal and State agencies.

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

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

8           (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
 9           authorized to be appropriated to carry out subsection (b)  
 10          \$25,000,000, to remain available until expended.

11   **SEC. 1003. ADDITIONAL STUDIES UNDER NORTH ATLANTIC**  
 12                           **COAST COMPREHENSIVE STUDY.**

13          (a) IN GENERAL.—The Secretary shall carry out a  
 14          study to determine the feasibility of a project for hurricane  
 15          and storm damage risk reduction for any major metropoli-  
 16          tan area located in the study area for the comprehensive  
 17          study authorized under the heading “INVESTIGATIONS”  
 18          under the heading “CORPS OF ENGINEERS—CIVIL” under  
 19          the heading “DEPARTMENT OF THE ARMY” under  
 20          title X of division A of Public Law 113–2 (127 Stat. 23)  
 21          that was not included in a high-risk focus area identified  
 22          in the study.

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



1 **SEC. 1004. MAINTENANCE AND CONSTRUCTION OF WATER**  
 2 **RESOURCES DEVELOPMENT PROJECTS BY**  
 3 **NON-FEDERAL INTERESTS.**

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

8 **SEC. 1005. WATERCRAFT INSPECTION STATIONS.**

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

12 **SEC. 1006. LOCAL GOVERNMENT RESERVOIR PERMIT RE-**  
 13 **VIEW.**

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

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

19 Section 2010(e) of the Water Resources Reform and  
 20 Development Act of 2014 (128 Stat. 1270; 132 Stat.  
 21 3812) is amended by striking “the Act of October 15,  
 22 1940 (33 U.S.C. 701h–1)” and inserting “section 5 of the  
 23 Act of June 22, 1936 (commonly known as the ‘Flood  
 24 Control Act of 1936’) (49 Stat. 1572, chapter 688; 33  
 25 U.S.C. 701h)”.

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

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

5 (1) in subsection (a)—

6 (A) by striking “grant” and inserting “ap-  
7 prove”; and

8 (B) by striking “granting” and inserting  
9 “approving”; and

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

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

13 **ACT OF 2000 TECHNICAL CORRECTIONS.**

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

17 (1) in paragraph (1)—

18 (A) in the matter preceding subparagraph

19 (A)—

20 (i) by striking “Pursuant to the rec-  
21 lamation laws and subject” and inserting  
22 “Subject”; and

23 (ii) by striking “may” and inserting  
24 “is authorized to”; and

25 (B) in subparagraph (A), by inserting “,  
26 including conservation and efficiency measures,

1 land idling, and use of groundwater,” after “ad-  
 2 minister programs”;

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

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

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

9 (A) by striking subparagraph (B);

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

12 (C) by striking “the Secretary—” and all  
 13 that follows through “to develop” in subpara-  
 14 graph (A) and inserting “the Secretary to de-  
 15 velop”.

16 **SEC. 1010. PROJECT MODIFICATIONS FOR IMPROVEMENT**  
 17 **OF ENVIRONMENT.**

18 Section 1203(g) of the America’s Water Infrastruc-  
 19 ture Act of 2018 (132 Stat. 3805) is amended, in the mat-  
 20 ter preceding paragraph (1), by striking “For fiscal years  
 21 2019 and 2020” and inserting “Until September 30,  
 22 2026”.

1 **SEC. 1011. NON-FEDERAL IMPLEMENTATION PILOT PRO-**  
2 **GRAM.**

3 Section 1043 of the Water Resources Reform and De-  
4 velopment Act of 2014 (33 U.S.C. 2201 note; Public Law  
5 113–121) is amended—

6 (1) in subsection (a)—

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

10 (B) 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 (C) in paragraph (8), by striking “2019”  
15 and inserting “2026”; and

16 (2) in subsection (b)—

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

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

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

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

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

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

7 (1) in subsection (b)(1), by striking “20  
8 projects for the beneficial use of dredged material”  
9 and inserting “40 projects for the beneficial use of  
10 dredged material, 10 of which shall be projects using  
11 thin layer placement of dredged fine and coarse  
12 grain sediment for the maintenance and restoration  
13 of wetlands”; and

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

16 **SEC. 1013. ANNUAL REPORT TO CONGRESS ON AUTHOR-**  
17 **IZED STUDIES AND PROJECTS.**

18 (a) IN GENERAL.—Not later than February 1 of each  
19 year, the Secretary shall develop and submit to the Com-  
20 mittees on Appropriations and Environment and Public  
21 Works of the Senate and the Committees on Appropria-  
22 tions and Transportation and Infrastructure of the House  
23 of Representatives an annual report, to be entitled “Re-  
24 port to Congress on Water Resources Development  
25 Projects and Studies Available for Appropriation”, that

1 identifies each authorized study or authorized water re-  
2 sources development project that—

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

5 (2) meets the criteria established under sub-  
6 section (c)(1)(A).

7 (b) REQUESTS FOR PROPOSALS.—

8 (1) PUBLICATION.—Not later than May 1 of  
9 each year, the Secretary shall publish in the Federal  
10 Register a notice requesting proposals from non-  
11 Federal interests for authorized studies and author-  
12 ized water resources development projects to be in-  
13 cluded in the annual report.

14 (2) DEADLINE FOR REQUESTS.—The Secretary  
15 shall include in each notice under this subsection a  
16 requirement that non-Federal interests submit to the  
17 Secretary any proposals described in paragraph (1)  
18 by not later than 120 days after the date of publica-  
19 tion of the notice in the Federal Register in order  
20 for the proposals to be considered for inclusion in  
21 the annual report.

22 (3) NOTIFICATION.—On the date of publication  
23 of each notice required by this subsection, the Sec-  
24 retary shall—

1 (A) make the notice publicly available, in-  
 2 cluding on the internet; and

3 (B) provide written notification of the pub-  
 4 lication to the Committees on Appropriations  
 5 and Environment and Public Works of the Sen-  
 6 ate and the Committees on Appropriations and  
 7 Transportation and Infrastructure of the House  
 8 of Representatives.

9 (c) CONTENTS.—

10 (1) INCLUSIONS.—

11 (A) CRITERIA.—The Secretary shall in-  
 12 clude in the annual report only an authorized  
 13 study or authorized water resources develop-  
 14 ment project—

15 (i) that has been authorized by Con-  
 16 gress and does not require any additional  
 17 authorization to be carried out;

18 (ii) for which funds may be appro-  
 19 priated under any of the Investigations,  
 20 Construction, Operation and Maintenance,  
 21 or Mississippi River and Tributaries appro-  
 22 priations accounts for the Corps of Engi-  
 23 neers; and

24 (iii) for which the non-Federal inter-  
 25 est—

1 (I) in the case of a study or a  
2 project other than a project for which  
3 funds may be appropriated for oper-  
4 ation and maintenance, has entered  
5 into, or is willing to enter into, a fea-  
6 sibility cost-sharing agreement, design  
7 agreement, or project partnership  
8 agreement with the Corps of Engi-  
9 neers; and

10 (II) demonstrates the legal and  
11 financial capability to satisfy the re-  
12 quirements of local cooperation for the  
13 study or project.

14 (B) DESCRIPTION OF BENEFITS.—

15 (i) DESCRIPTION.—The Secretary  
16 shall describe in the annual report, to the  
17 extent applicable and practicable, for each  
18 authorized study and authorized water re-  
19 sources development project included in the  
20 annual report, the benefits, as described in  
21 clause (ii), of each authorized study or  
22 project.

23 (ii) BENEFITS.—The benefits referred  
24 to in clause (i) are benefits to—



- 1 (I) the protection of human life  
2 and property;  
3 (II) improvement to transpor-  
4 tation;  
5 (III) the national, regional, or  
6 local economy;  
7 (IV) the environment; or  
8 (V) the national security inter-  
9 ests of the United States.

10 (2) TRANSPARENCY.—The Secretary shall in-  
11 clude in the annual report, for each authorized study  
12 and authorized water resources development project  
13 included under paragraph (1)(A)—

14 (A) the name of the associated non-Fed-  
15 eral interest, including the name of any non-  
16 Federal interest that has contributed, or is ex-  
17 pected to contribute, a non-Federal share of the  
18 cost of the authorized study or authorized water  
19 resources development project;

20 (B) the purpose of the authorized study or  
21 authorized water resources development project;

22 (C) an estimate, to the extent practicable,  
23 of the Federal, non-Federal, and total costs of  
24 the authorized study or authorized water re-  
25 sources development project, including, to the

1 extent practicable, the fully funded capability of  
2 the Corps of Engineers for—

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

6 (ii) the 5 fiscal years following the fis-  
7 cal year in which the report is submitted,  
8 in the case of an authorized water re-  
9 sources development project; and

10 (D) an estimate, to the extent practicable,  
11 of the monetary and nonmonetary benefits of  
12 the authorized study or authorized water re-  
13 sources development project.

14 (3) CERTIFICATION.—The Secretary shall in-  
15 clude in the annual report a certification stating  
16 that each authorized study or authorized water re-  
17 sources development project included in the annual  
18 report meets the criteria established under para-  
19 graph (1)(A).

20 (4) APPENDIX.—

21 (A) IN GENERAL.—The Secretary shall in-  
22 clude in the annual report an appendix listing  
23 the proposals submitted under subsection (b)  
24 that were not included in the annual report  
25 under paragraph (1)(A) and a description of

1           why the Secretary determined that those pro-  
2           posals did not meet the criteria for inclusion  
3           under that paragraph.

4                   (B) LIMITATION.—In carrying out sub-  
5           paragraph (A), the Secretary shall not include  
6           proposals in the appendix of the annual report  
7           that otherwise meet the criteria for inclusion in  
8           the annual report solely on the basis of a policy  
9           of the Secretary.

10          (d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—  
11   Notwithstanding any other deadline under this section, the  
12   Secretary shall—

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

16               (2) include in the notice a requirement that  
17   non-Federal interests submit to the Secretary any  
18   proposals described in subsection (b)(1) by not later  
19   than 120 days after the date of publication of the  
20   notice in the Federal Register in order for the pro-  
21   posals to be considered for inclusion in the first an-  
22   nual report developed by the Secretary under this  
23   section.

24          (e) PUBLICATION.—On submission of an annual re-  
25   port to Congress, the Secretary shall make the annual re-

1 port publicly available, including through publication on  
2 the internet.

3 (f) FUNDING.—The Secretary shall develop the an-  
4 nual report using funds available and not otherwise obli-  
5 gated from the Expenses appropriations account for the  
6 Corps of Engineers.

7 (g) DEFINITIONS.—In this section:

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

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

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

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

18 (3) AUTHORIZED WATER RESOURCES DEVELOP-  
19 MENT PROJECT.—The term “authorized water re-  
20 sources development project” includes any water re-  
21 sources development project of the Corps of Engi-  
22 neers, including a project under an environmental  
23 infrastructure assistance program.

24 (4) NON-FEDERAL INTEREST.—The term “non-  
25 Federal interest” has the meaning given the term in

1 section 221 of the Flood Control Act of 1970 (42  
2 U.S.C. 1962d–5b).

3 **SEC. 1014. ANNUAL REPORT TO CONGRESS ON WATER RE-**  
4 **SOURCES INFRASTRUCTURE.**

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

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

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

11 **SEC. 1015. OPERATION AND MAINTENANCE.**

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

14 (1) in paragraph (1), by redesignating subpara-  
15 graphs (A) and (B) as clauses (i) and (ii), respec-  
16 tively, and indenting appropriately;

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

20 (3) in the matter preceding subparagraph (A)  
21 (as so redesignated), by striking “Whenever” and in-  
22 serting the following:

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

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

1 “(2) REPORT.—

2 “(A) IN GENERAL.—To be eligible for as-  
3 sumption of operation and maintenance of im-  
4 provements to a federally authorized harbor or  
5 inland harbor, a non-Federal interest shall sub-  
6 mit to the Secretary a report on the improve-  
7 ments carried out by the non-Federal interest  
8 under paragraph (1).

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

13 “(i) economic justification for the im-  
14 provements;

15 “(ii) details of the project improve-  
16 ment plan and design;

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

19 “(iv) documents relating to any appli-  
20 cable permits required for the project im-  
21 provements.

22 “(3) REQUIREMENTS.—

23 “(A) PEER REVIEW WAIVER.—In the case  
24 of a project with a cost of less than  
25 \$200,000,000, the Secretary shall not be re-

1           quired to subject the project to independent  
 2           peer review pursuant to section 2034 of the  
 3           Water Resources Development Act of 2007 (33  
 4           U.S.C. 2343).

5           “(B) CALCULATION OF COSTS.—In calcu-  
 6           lating the benefit-cost ratio for a project under  
 7           paragraph (1), the Secretary shall not include  
 8           non-Federal costs.

9           “(4) DEADLINE.—The Secretary shall make a  
 10          determination on whether the requirement under  
 11          paragraph (1)(A)(i) has been met by not later than  
 12          180 days after the date on which the Secretary re-  
 13          ceives the report under paragraph (2).”.

14   **SEC. 1016. TRANSPARENCY AND ACCOUNTABILITY IN COST**  
 15                   **SHARING FOR WATER RESOURCES DEVELOP-**  
 16                   **MENT PROJECTS.**

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

20          “(d) EXCESS FUNDS.—In the case of a beach nour-  
 21   ishment project carried out by the Secretary for which  
 22   funds in excess of the funds needed to complete the nour-  
 23   ishment cycle in the current fiscal year have been contrib-  
 24   uted by a non-Federal interest, on the request of the non-

1 Federal interest, the Secretary shall, at the end of the fis-  
 2 cal year—

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

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

11 **SEC. 1017. CONTINUING AUTHORITY PROGRAMS.**

12 (a) SMALL OR DISADVANTAGED COMMUNITIES.—

13 (1) DEFINITIONS.—In this subsection:

14 (A) CONTINUING AUTHORITY PROGRAM.—

15 The term “continuing authority program”  
 16 means any of—

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

19 (ii) section 3 of the Act of August 13,  
 20 1946 (60 Stat. 1056, chapter 960; 33  
 21 U.S.C. 426g);

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

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



1 (v) section 204 of the Water Re-  
 2 sources Development Act of 1992 (33  
 3 U.S.C. 2326);

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

6 (vii) section 206 of the Water Re-  
 7 sources Development Act of 1996 (33  
 8 U.S.C. 2330);

9 (viii) section 2 of the Act of August  
 10 28, 1937 (50 Stat. 877, chapter 877; 33  
 11 U.S.C. 701g); and

12 (ix) section 1135 of the Water Re-  
 13 sources Development Act of 1986 (33  
 14 U.S.C. 2309a).

15 (B) DISADVANTAGED COMMUNITY.—The  
 16 term “disadvantaged community” means a city,  
 17 town, or other incorporated or unincorporated  
 18 political subdivision of a State that—

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

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

23 (II) is at risk from repeat flooding  
 24 events; or

25 (III) has a degraded ecosystem.

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

6 (2) COST-SHARE FOR SMALL COMMUNITIES AND  
 7 DISADVANTAGED COMMUNITIES.—Subject to para-  
 8 graph (3), in carrying out a project under a con-  
 9 tinuing authority program in a small community or  
 10 a disadvantaged community, if the Secretary deter-  
 11 mines that the life safety, economic viability, or envi-  
 12 ronmental sustainability of the community would be  
 13 threatened without the project, the Secretary shall  
 14 reduce the non-Federal cost share applicable to the  
 15 project through a mutual agreement between the  
 16 Corps of Engineers and the non-Federal interest, in  
 17 an amount that is—

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

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

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

24 (A) not more than 50 projects in small  
 25 communities;

1 (B) not more than 50 projects in disadvan-  
 2 tagged communities;

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

6 (D) not more than 3 projects in disadvan-  
 7 tagged communities within any 1 district of the  
 8 Corps of Engineers.

9 (b) AUTHORIZATIONS OF APPROPRIATIONS AND  
 10 PROJECT LIMITS.—

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

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

16 (B) in the proviso, by striking “That not  
 17 more” and inserting “That, except as provided  
 18 in subsection (c), not more”;

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

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

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

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

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

1 “(2) for fiscal year 2022, \$28,500,000;  
 2 “(3) for fiscal year 2023, \$29,000,000;  
 3 “(4) for fiscal year 2024, \$29,500,000;  
 4 “(5) for fiscal year 2025, \$30,000,000;  
 5 “(6) for fiscal year 2026, \$30,500,000;  
 6 “(7) for fiscal year 2027, \$31,000,000;  
 7 “(8) for fiscal year 2028, \$31,500,000;  
 8 “(9) for fiscal year 2029, \$32,000,000; and  
 9 “(10) for fiscal year 2030 and each fiscal year  
 10 thereafter, \$32,500,000.

11 “(c) INCREASE.—The Secretary may increase the  
 12 maximum amount for a single project under the proviso  
 13 in subsection (a) by an amount equal to not more than  
 14 20 percent, if the Secretary determines the increase to be  
 15 appropriate.”.

16 (2) STORM AND HURRICANE RESTORATION AND  
 17 IMPACT MINIMIZATION PROGRAM.—Section 3(c) of  
 18 the Act of August 13, 1946 (33 U.S.C. 426g(c)) is  
 19 amended—

20 (A) in paragraph (1)—

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

24 (ii) by striking the paragraph designa-  
 25 tion and heading and all that follows

1 through “Subject to paragraph (2)” and  
2 inserting the following:

3 “(1) ANNUAL LIMIT.—

4 “(A) IN GENERAL.—Subject to paragraph  
5 (2)”; and

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

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

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

11 “(ii) for fiscal year 2022,  
12 \$42,000,000;

13 “(iii) for fiscal year 2023,  
14 \$42,500,000;

15 “(iv) for fiscal year 2024,  
16 \$43,000,000;

17 “(v) for fiscal year 2025,  
18 \$43,500,000;

19 “(vi) for fiscal year 2026,  
20 \$44,000,000;

21 “(vii) for fiscal year 2027,  
22 \$44,500,000;

23 “(viii) for fiscal year 2028,  
24 \$45,000,000;

1 “(ix) for fiscal year 2029,  
2 \$45,500,000; and

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

5 (B) in paragraph (2)—

6 (i) by redesignating subparagraphs  
7 (A) and (B) as clauses (i) and (ii), respec-  
8 tively, and indenting appropriately;

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

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

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

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

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

24 (A) in subsection (a)—

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

4 (ii) by striking the subsection designa-  
 5 tion and all that follows through “That the  
 6 Secretary” and inserting the following:

7 “(a) AUTHORIZATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (B) in subsection (b)—

1 (i) by striking the subsection designa-  
 2 tion and all that follows through “Not  
 3 more than” and inserting the following:

4 “(b) LIMITATION.—

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

7 (ii) by adding at the end the fol-  
 8 lowing:

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

14 (4) SHORE DAMAGE PREVENTION OR MITIGA-  
 15 TION.—

16 (A) IN GENERAL.—Section 111(c) of the  
 17 River and Harbor Act of 1968 (33 U.S.C.  
 18 426i(c)) is amended—

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

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

24 (ii) by adding at the end the fol-  
 25 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                       (B) CERTAIN PROJECT.—Section 3085 of  
 7           the Water Resources Development Act of 2007  
 8           (121 Stat. 1129) is amended—

9                       (i) by striking “The maximum” and  
 10           inserting the following:

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

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

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

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

22                       (A) in subsection (c)(1)(C)—

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

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

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

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

10 (B) by striking subsection (g) and insert-  
 11 ing the following:

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22                   (C) in the third sentence—

23                           (i) by striking “Not more than” and  
24                   inserting the following:

25          “(c) PROJECT LIMIT.—

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

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

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

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

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

13 (E) in the first sentence—

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

17 (ii) by striking “That the Secretary”  
18 and inserting the following:

19 “(a) AUTHORIZATION.—

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

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

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

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

1 “(B) for fiscal year 2022, \$76,500,000;  
 2 “(C) for fiscal year 2023, \$77,000,000;  
 3 “(D) for fiscal year 2024, \$77,500,000;  
 4 “(E) for fiscal year 2025, \$78,000,000;  
 5 “(F) for fiscal year 2026, \$78,500,000;  
 6 “(G) for fiscal year 2027, \$79,000,000;  
 7 “(H) for fiscal year 2028, \$79,500,000;  
 8 “(I) for fiscal year 2029, \$80,000,000; and  
 9 “(J) for fiscal year 2030 and each fiscal  
 10 year thereafter, \$80,500,000.”.

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

14 (A) in subsection (d)—

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

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

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

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

1 (B) by striking subsection (f) and inserting  
 2 the following:

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
 4 are authorized to be appropriated to carry out this sec-  
 5 tion—

6 “(1) for fiscal year 2021, \$69,000,000;  
 7 “(2) for fiscal year 2022, \$69,500,000;  
 8 “(3) for fiscal year 2023, \$70,000,000;  
 9 “(4) for fiscal year 2024, \$70,500,000;  
 10 “(5) for fiscal year 2025, \$71,000,000;  
 11 “(6) for fiscal year 2026, \$71,500,000;  
 12 “(7) for fiscal year 2027, \$72,000,000;  
 13 “(8) for fiscal year 2028, \$72,500,000;  
 14 “(9) for fiscal year 2029, \$73,000,000; and  
 15 “(10) for fiscal year 2030 and each fiscal year  
 16 thereafter, \$73,500,000.”.

17 (8) REMOVAL OF OBSTRUCTIONS; CLEARING  
 18 CHANNELS.—Section 2 of the Act of August 28,  
 19 1937 (50 Stat. 877, chapter 877; 33 U.S.C. 701g)  
 20 is amended—

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

24 “(b) PROJECT LIMIT.—

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

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

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

9 (C) by striking “The Secretary of the  
10 Army is authorized to allot not to exceed  
11 \$7,500,000” and inserting the following:

12 “(a) AUTHORIZATION.—

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

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

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

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

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

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

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

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

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

1                   “(G) for fiscal year 2027, \$11,500,000;  
 2                   “(H) for fiscal year 2028, \$12,000,000;  
 3                   “(I) for fiscal year 2029, \$12,500,000; and  
 4                   “(J) for fiscal year 2030 and each fiscal  
 5                   year thereafter, \$13,000,000.”.

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

10                   (A) in subsection (d)—

11                   (i) in the third sentence—

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

14                   “(3) PROJECT LIMIT.—

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

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

19                   “(B) INCREASE.—The Secretary may in-  
 20                   crease the maximum amount under subpara-  
 21                   graph (A) by an amount equal to not more than  
 22                   20 percent, if the Secretary determines the in-  
 23                   crease to be appropriate.”;



1 (ii) in the second sentence, by striking  
 2 “The non-Federal share” and inserting the  
 3 following:

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

6 (iii) in the first sentence, by striking  
 7 “The non-Federal share” and inserting the  
 8 following:

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

11 (B) by striking subsection (h) and insert-  
 12 ing the following:

13 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
 14 are authorized to be appropriated to carry out this sec-  
 15 tion—

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

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

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

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

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

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

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

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

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

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

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

4 Section 111 of the River and Harbor Act of 1968  
5 (33 U.S.C. 426i) is amended by adding at the end the  
6 following:

7 “(f) USE OF UNITED STATES FISH AND WILDLIFE  
8 SERVICE FUNDS.—The Director of the United States Fish  
9 and Wildlife Service shall allow a non-Federal interest to  
10 use funds from the Service to satisfy all or a portion of  
11 the non-Federal share of the costs of a project under this  
12 section.”.

13 **SEC. 1019. SEDIMENT MANAGEMENT PLAN.**

14 (a) IN GENERAL.—

15 (1) INITIAL PLAN.—Not later than 1 year after  
16 the date of enactment of this Act, the District Com-  
17 mander of each district of the Corps of Engineers  
18 that carries out any dredging activity for navigation  
19 or other water resources development project pur-  
20 poses shall develop, at full Federal expense, and sub-  
21 mit to the Secretary a 5-year sediment management  
22 plan.

23 (2) SCOPE.—Each plan developed under this  
24 section shall include—

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

3 (B) a description of the scheduled dredging  
 4 and other sediment removal activities;

5 (C) an estimate of the amount of sediment  
 6 anticipated to be dredged or removed as a re-  
 7 sult of each activity described under subpara-  
 8 graph (B); and

9 (D) an evaluation of—

10 (i) the suitability of the sediment an-  
 11 ticipated to be dredged or removed as a re-  
 12 sult of each activity described under sub-  
 13 paragraph (B) for a full range of beneficial  
 14 uses; and

15 (ii) the economic and environmental  
 16 benefits and impacts, and feasibility, of  
 17 using the material for such beneficial uses.

18 (3) REVISION.—On an annual basis, the Dis-  
 19 trict Commander of each district of the Corps of En-  
 20 gineers shall—

21 (A) revise the plan developed under para-  
 22 graph (1); and

23 (B) submit the revised plan to the Sec-  
 24 retary.

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

4 (c) PUBLICATION.—A District Commander that de-  
 5 velops or revises a plan under subsection (a) shall make  
 6 the plan or revision to the plan, as applicable, publicly  
 7 available.

8 (d) TRANSMISSION TO CONGRESS.—As soon as prac-  
 9 ticable after receiving a plan or a revision to a plan under  
 10 subsection (a), the Secretary shall transmit the plan or  
 11 revision to the plan, as applicable, to Congress.

12 (e) REGIONAL SEDIMENT MANAGEMENT PLANS.—A  
 13 plan developed under this section—

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

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

21 **SEC. 1020. CRITERIA FOR FUNDING ENVIRONMENTAL IN-**  
 22 **FRASTRUCTURE PROJECTS.**

23 (a) CERTAIN ENVIRONMENTAL PROJECTS.—

24 (1) IN GENERAL.—Except as provided in para-  
 25 graph (3), the Secretary shall develop written cri-

1       teria for the ranking of environmental infrastructure  
 2       projects of the Secretary for the purpose of  
 3       prioritizing funding, including, at a minimum—

4               (A) the extent of the local economic impact  
 5       of the project;

6               (B) whether the project is in a rural com-  
 7       munity;

8               (C) whether the project is in or would ben-  
 9       efit counties or communities with high poverty  
 10      rates; and

11              (D) whether the project is in a financially  
 12      distressed area.

13              (2) INCLUSION IN GUIDANCE.—The Secretary  
 14      shall include the criteria developed under paragraph  
 15      (1) in the annual Civil Works Direct Program Devel-  
 16      opment Policy Guidance of the Secretary.

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

21              (b) ENVIRONMENTAL INFRASTRUCTURE.—Section  
 22      219 of the Water Resources Development Act of 1992  
 23      (106 Stat. 4835; 113 Stat. 335) is amended by adding  
 24      at the end the following:

25              “(g) CRITERIA FOR RANKING PROJECTS.—

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

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

6 “(A) the benefits of the project to the local  
 7 economy;

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

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

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

14 **SEC. 1021. AGING INFRASTRUCTURE.**

15 (a) DEFINITIONS.—In this section:

16 (1) AGING INFRASTRUCTURE.—The term  
 17 “aging infrastructure” means a project of the Corps  
 18 of Engineers or any other water resources, water  
 19 storage, or irrigation project of another Federal  
 20 agency that is greater than 75 years old.

21 (2) ENHANCED INSPECTION.—The term “en-  
 22 hanced inspection” means an inspection that uses  
 23 current or innovative technology, including Light  
 24 Detection and Ranging (commonly known as  
 25 “LiDAR”), ground penetrating radar, subsurface

1 imaging, or subsurface geophysical techniques, to de-  
2 tect whether the features of the aging infrastructure  
3 are structurally sound and can operate as intended,  
4 or are at risk of failure.

5 (b) CONTRACTS FOR ENHANCED INSPECTION.—

6 (1) IN GENERAL.—The Secretary is authorized  
7 to enter into a contract with another Federal agency  
8 or a non-Federal entity that owns, or operates and  
9 maintains, a water resources, water storage, or irri-  
10 gation project for carrying out enhanced inspections  
11 of aging infrastructure.

12 (2) CERTAIN CIRCUMSTANCES.—Subject to the  
13 availability of appropriations, the Secretary shall  
14 enter into a contract described in paragraph (1),  
15 if—

16 (A) another Federal agency or a non-Fed-  
17 eral entity requests that the Secretary carry out  
18 the inspections; and

19 (B) the inspection is at the full expense of  
20 the other Federal agency or non-Federal entity  
21 requesting the inspections.

22 (c) LIMITATION.—The Secretary shall not require a  
23 non-Federal entity associated with a project under the ju-  
24 risdiction of another Federal agency to carry out correc-

1 tive or remedial actions in response to an inspection under  
2 this section.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$20,000,000, to remain available until expended.

6 **SEC. 1022. EXPEDITING REPAIRS AND RECOVERY FROM**  
7 **FLOODING.**

8 (a) IN GENERAL.—During the 5-year period begin-  
9 ning on the date of enactment of this Act, the Secretary  
10 shall prioritize and expedite the processing of applications  
11 for permits under section 10 of the Act of March 3, 1899  
12 (commonly known as the “Rivers and Harbors Act of  
13 1899”) (30 Stat. 1151, chapter 425; 33 U.S.C. 403), and  
14 section 404 of the Federal Water Pollution Control Act  
15 (33 U.S.C. 1344), and permissions under section 14 of  
16 the Act of March 3, 1899 (commonly known as the “Riv-  
17 ers and Harbors Act of 1899”) (30 Stat. 1152, chapter  
18 425; 33 U.S.C. 408), to complete repairs, reconstruction  
19 (including improvements), and upgrades to flood control  
20 infrastructure damaged by flooding events during calendar  
21 years 2017 through 2020, including flooding events  
22 caused by ice jams.

23 (b) PUBLIC INTEREST.—An activity described in sub-  
24 section (a) shall be considered to be in the public interest,



1 unless the activity would induce flooding in another loca-  
2 tion.

3 (c) SAVINGS PROVISION.—Nothing in this section af-  
4 fects, preempts, or interferes with any obligation to com-  
5 ply with the provisions of any Federal environmental law,  
6 including—

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

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

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

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

14 (a) IN GENERAL.—The Secretary shall prioritize and  
15 expedite, in coordination with State and local authorities,  
16 the completion of maintenance and repair activities to  
17 levee systems that are—

18 (1) operated and maintained by the Secretary;

19 and

20 (2) in the Upper Snake River Basin.

21 (b) SAVINGS PROVISION.—Nothing in this section  
22 modifies or waives the responsibility of the Secretary to  
23 comply with any applicable Federal law in carrying out  
24 this section.

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

2 (a) INVENTORY.—Not later than 180 days after the  
3 date of enactment of this Act, the Secretary shall complete  
4 an inventory of all communication and notification sys-  
5 tems used by the Corps of Engineers with respect to  
6 projects, initiatives, and facilities of the Corps of Engi-  
7 neers.

8 (b) UNIFORM PLAN.—

9 (1) IN GENERAL.—Not later than 1 year after  
10 the date of enactment of this Act, the Secretary  
11 shall develop a plan for the uniformity of commu-  
12 nication and notification systems for projects, initia-  
13 tives, and facilities of the Corps of Engineers.

14 (2) INCLUSIONS.—The plan under paragraph  
15 (1) shall—

16 (A) provide access to information in all  
17 forms practicable, including email, text mes-  
18 sages, news programs and websites, radio, and  
19 other forms of notification;

20 (B) establish a notification system for any  
21 projects, initiatives, or facilities of the Corps of  
22 Engineers that do not have a notification sys-  
23 tem;

24 (C) streamline existing communication and  
25 notification systems to improve the strength  
26 and uniformity of those systems; and

1 (D) emphasize the necessity of timeliness  
 2 in notification systems and ensure that the  
 3 methods of notification can transmit informa-  
 4 tion in a timely manner.

5 (3) IMPLEMENTATION.—

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

11 (B) EMERGENCY MANAGEMENT NOTIFICA-  
 12 TION.—Not later than 18 months after the date  
 13 of enactment of this Act, the Secretary shall  
 14 implement the provisions of the plan relating to  
 15 emergency management notifications.

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

20 **SEC. 1025. SUSQUEHANNA, DELAWARE, AND POTOMAC**  
 21 **RIVER BASIN COMMISSIONS.**

22 Section 5019 of the Water Resources Development  
 23 Act of 2007 (121 Stat. 1201; 128 Stat. 1307) is amend-  
 24 ed—

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

6           (2) in subsection (b)—

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

10                (B) in paragraph (2), by striking “For  
 11                each fiscal year, the Secretary” and inserting  
 12                “Subject to the availability of appropriations,  
 13                for each fiscal year, the Administrator”; and

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

17 **SEC. 1026. WILMINGTON HARBOR SOUTH DISPOSAL AREA,**  
 18 **DELAWARE.**

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

22           (b) **USE.**—Until the conveyance under subsection (c)  
 23           is completed, the Wilmington Harbor South Disposal Area  
 24           confined disposal facility, Delaware, shall be used for the  
 25           purposes of—

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

3           (2) other uses, as determined by the State of  
4       Delaware.

5       (c) CONVEYANCE.—As soon as practicable after sedi-  
6       ment fill in the Wilmington Harbor South Disposal Area  
7       confined disposal facility, Delaware, reaches 45 feet, the  
8       Secretary shall complete the conveyance of nonusable land  
9       at the Wilmington Harbor South Disposal Area confined  
10      disposal facility, Delaware, to the State of Delaware for  
11      fair market value.

12   **SEC. 1027. CONVEYANCE OF WILMINGTON HARBOR NORTH**  
13                   **DISPOSAL AREA, DELAWARE.**

14       As soon as practicable, the Secretary shall complete  
15      the conveyance of the Wilmington Harbor North Disposal  
16      Area confined disposal facility, Delaware, to the State of  
17      Delaware.

18   **SEC. 1028. COASTAL STORM DAMAGE REDUCTION CON-**  
19                   **TRACTS.**

20       For any project for coastal storm damage reduction,  
21      the Secretary shall seek input from the community or com-  
22      munities where the project is located that may be impacted  
23      due to the timing of the coastal storm damage reduction  
24      activities under the project to minimize, to the maximum

1 extent practicable, any negative impacts to the local econ-  
 2 omy due to the timing of those activities.

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

4       The Secretary shall expedite the completion of the re-  
 5 port required under section 1211 of the America's Water  
 6 Infrastructure Act of 2018 (132 Stat. 3808) relating to  
 7 flooding within urban floodplains and Federal policy con-  
 8 straints on the ability of the Corps of Engineers to address  
 9 urban flooding.

10 **SEC. 1030. REPORTING ON OVER BUDGET AND BEHIND**  
 11 **SCHEDULE CORPS PROJECTS.**

12       Not later than 180 days after the date of enactment  
 13 of this Act, the Secretary shall submit to the Committee  
 14 on Environment and Public Works of the Senate and the  
 15 Committee on Transportation and Infrastructure of the  
 16 House of Representatives a report that describes each  
 17 water resources project of the Secretary for which—

18           (1) the total budget of the project exceeds the  
 19 total estimated budget of the project by not less  
 20 than \$100,000,000; or

21           (2) the anticipated completion date of the  
 22 project exceeds the estimated completion date of the  
 23 project by not less than 5 years.

1 **SEC. 1031. DAM REMEDIATION FOR ECOSYSTEM RESTORA-**  
2 **TION.**

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

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

8 (2) by redesignating subparagraph (G) as sub-  
9 paragraph (H); and

10 (3) by inserting after subparagraph (F) the fol-  
11 lowing:

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

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

18 “(ii) for which construction was com-  
19 pleted before 1940;

20 “(iii) that is classified as ‘high hazard  
21 potential’ by the State dam safety agency  
22 of the State in which the dam is located;  
23 and

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

1 **SEC. 1032. CONVEYANCE OF CERTAIN FEDERAL LAND TO**  
2 **THE CITY OF MONTGOMERY, ALABAMA.**

3 (a) DEFINITIONS.—In this section:

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

6 (2) FEDERAL LAND.—The term “Federal land”  
7 means the 62.38 acres of land and water under the  
8 primary jurisdiction of the Secretary in the R.E.  
9 “Bob” Woodruff Project Area that is covered by  
10 lease number DACW01–1–05–0037, including the  
11 parcels and structure known as “Powder Magazine”,  
12 which is a National Historic Site.

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

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

25 (d) CONVEYANCE OF FEDERAL LAND NOT SUITABLE  
26 FOR USE AS HISTORIC MONUMENT.—The Secretary shall



1 convey any portion of the Federal land not conveyed under  
2 subsection (c)—

3 (1) by quitclaim deed; and

4 (2) subject to terms and conditions that area  
5 mutually satisfactory to the Secretary and the City,  
6 including such additional terms and conditions as  
7 the Secretary considers appropriate—

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

10 (B) to protect and maintain the National  
11 Historic Site described in subsection (a)(2), in  
12 accordance with applicable law; and

13 (C) to preserve public access to the Fed-  
14 eral land.

15 (e) CONSIDERATION REQUIRED.—As consideration  
16 for a conveyance under subsection (d), the City shall pay  
17 to the Secretary an amount that is not less than the fair  
18 market value of the Federal land, as determined by the  
19 Secretary.

20 (f) PAYMENT OF COSTS OF CONVEYANCE.—

21 (1) PAYMENT REQUIRED.—The Secretary shall  
22 require the City to pay the costs incurred by the  
23 Secretary after the date of enactment of this Act re-  
24 lating to any conveyance of the Federal land under  
25 this section, including—

1 (A) survey costs;

2 (B) costs relating to environmental docu-  
3 mentation; and

4 (C) any other administrative costs relating  
5 to the conveyance.

6 (2) REFUND OF EXCESS AMOUNTS.—If the Sec-  
7 retary collects amounts from the City under para-  
8 graph (1) before the costs are actually incurred and  
9 those amounts exceed the costs actually incurred by  
10 the Secretary in carrying out the conveyance, the  
11 Secretary shall refund the excess amounts to the  
12 City.

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

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

19 (B) available for the same purposes, and  
20 subject to the same conditions and limitations,  
21 as amounts in the fund or account to which the  
22 amounts are credited under subparagraph (A).

23 (g) LIABILITY.—The City shall hold the United  
24 States harmless from any liability with respect to activities

1 carried out on the Federal land on or after the date of  
2 conveyance of the Federal land.

3 **SEC. 1033. MAINTENANCE OF HIGH-RISK FLOOD CONTROL**  
4 **PROJECTS.**

5 In any case in which the Secretary has assumed, as  
6 of the date of enactment of this Act, responsibility for the  
7 maintenance of a project classified as class III or higher  
8 urgency under the Dam Safety Action Classification of the  
9 Corps of Engineers, the Secretary shall continue to be re-  
10 sponsible for the maintenance of that project until the ear-  
11 lier of—

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

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

17 **SEC. 1034. PROJECTS TO ACCOMMODATE IRREGULAR**  
18 **DREDGING.**

19 (a) IN GENERAL.—Not later than 2 years after the  
20 date of enactment of this Act, pursuant to the continuing  
21 authority program under section 107 of the River and  
22 Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall,  
23 to the maximum extent practicable, carry out not less than  
24 1 project to improve a harbor to accommodate an eligible  
25 event described in subsection (b).

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

3 (1) is hosted by a government entity;

4 (2) is open to the public; and

5 (3) would have significant educational and re-  
6 gional economic development benefits.

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

10 (1) dredging or other harbor improvements are  
11 necessary to accommodate 1 or more eligible events;  
12 and

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

15 (d) COST-SHARING REQUIREMENT.—

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

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

20 (B) may not exceed the limit under section  
21 107(b) of the River and Harbor Act of 1960  
22 (33 U.S.C. 577(b)).

23 (2) FORM OF NON-FEDERAL SHARE.—The non-  
24 Federal share of the cost of activities carried out

1 under this section may be in the form of in-kind  
2 contributions.

3 (3) OPERATION AND MAINTENANCE.—The non-  
4 Federal interest shall be responsible for 100 percent  
5 of the cost to operate and maintain a project under  
6 this section after the limit under section 107(b) of  
7 the River and Harbor Act of 1960 (33 U.S.C.  
8 577(b)) has been met.

9 **SEC. 1035. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
10 **TION AND PROTECTION PROGRAM.**

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

14 (1) by redesignating subsection (h) as sub-  
15 section (i);

16 (2) by inserting after subsection (g) the fol-  
17 lowing:

18 “(h) PROJECT CAP.—A project carried out under this  
19 section may not have a total cost of more than  
20 \$15,000,000.”; and

21 (3) in subsection (i) (as so redesignated), by  
22 striking “\$40,000,000” and inserting  
23 “\$90,000,000”.

24 (b) OUTREACH AND TRAINING.—

1           (1) IN GENERAL.—The Secretary shall conduct  
2       public outreach and workshops for non-Federal in-  
3       terests to provide information on the Chesapeake  
4       Bay environmental restoration and protection pro-  
5       gram under section 510 of the Water Resources De-  
6       velopment Act of 1996 (110 Stat. 3761; 121 Stat.  
7       1202; 128 Stat. 1318), including how to participate  
8       in the program.

9           (2) AUTHORIZATION OF APPROPRIATIONS.—  
10      There is authorized to be appropriated to carry out  
11      this subsection \$2,500,000 for each of fiscal years  
12      2021 and 2022.

13 **SEC. 1036. IMPLEMENTATION GUIDANCE, REPORTS, AND**  
14 **BRIEFINGS.**

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

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

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; and

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

12          (c) BRIEFINGS.—

13           (1) IN GENERAL.—Not less frequently than  
14           quarterly, the Secretary shall provide to the Com-  
15           mittee on Environment and Public Works of the  
16           Senate and the Committee on Transportation and  
17           Infrastructure of the House of Representatives a  
18           briefing on the status of the implementation of each  
19           provision of law under—

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

23           (B) the Water Infrastructure Improve-  
24           ments for the Nation Act (Public Law 114–  
25           322; 130 Stat. 1628);

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

4 (D) this Act; and

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

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

11 **SEC. 1037. INTERAGENCY TASK FORCE ON SMALL DAMS**  
12 **AND FISH PASSAGES.**

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

16 (b) MEMBERSHIP.—The task force shall be composed  
17 of—

18 (1) the Assistant Secretary of the Army for  
19 Civil Works;

20 (2) the Director of the United States Fish and  
21 Wildlife Service;

22 (3) the Administrator of the Environmental  
23 Protection Agency;

24 (4) the Administrator of the Federal Emer-  
25 gency Management Agency;



1           (5) the Chief of the Natural Resources Con-  
2           servation Service;

3           (6) the Chairman of the Federal Energy Regu-  
4           latory Commission;

5           (7) the Commissioner of Reclamation;

6           (8) the Assistant Secretary for Indian Affairs;

7           and

8           (9) the Director of the United States Geological  
9           Survey.

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

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

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

23               (2) an analysis of the quality of existing data  
24               and need for additional surveys or other studies, to

1 be conducted by Federal agencies in coordination  
2 with States, to determine—

3 (A) the locations and conditions of small  
4 dams in the United States;

5 (B) the risk, if any, posed by those dams  
6 to public safety, flood risk, fish passage, wildlife  
7 conservation, water quality, and ecosystem and  
8 environmental health; and

9 (C) ownership and rights to access small  
10 dams; and

11 (3) a national strategy for identifying,  
12 prioritizing, and successfully removing or refur-  
13 bishing small dams of concern by not later than  
14 2030.

15 **SEC. 1038. PROJECT COMPLETION.**

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

19 **SEC. 1039. LEVEE ACCREDITATION PROCESS; LEVEE CER-**  
20 **TIFICATIONS.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-  
22 gress that the process developed by the Flood Protection  
23 Structure Accreditation Task Force established under sec-  
24 tion 100226 of Public Law 112–141 (42 U.S.C. 4101  
25 note; 126 Stat. 942) should not be limited to levee systems

1 in the inspection of completed works program of the Corps  
 2 of Engineers, but should apply equally to federally owned  
 3 levee systems operated by the Secretary, including feder-  
 4 ally owned levee systems operated by the Secretary as part  
 5 of a reservoir project.

6 (b) LEVEE CERTIFICATIONS.—Section 3014 of the  
 7 Water Resources Reform and Development Act of 2014  
 8 (42 U.S.C. 4131) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) by striking “under the inspection  
 12 of completed works program” and insert-  
 13 ing “for levee systems under the levee safe-  
 14 ty and dam safety programs”; and

15 (ii) by striking “and” at the end;

16 (B) in paragraph (2)—

17 (i) by striking “activities under the in-  
 18 spection of completed works program of  
 19 the Corps of Engineers” and inserting  
 20 “the activities referred to in paragraph  
 21 (1)”;

22 (ii) by striking “chapter 1” and in-  
 23 serting “chapter I”; and

24 (iii) by striking the period at the end  
 25 and inserting “; and”; and

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

2 “(3) in the case of a levee system that is oper-  
 3 ated and maintained by the Corps of Engineers, to  
 4 the maximum extent practicable, cooperate with  
 5 local governments seeking a levee accreditation deci-  
 6 sion for the levee to provide information necessary to  
 7 support the accreditation decision in a timely man-  
 8 ner.”; and

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

11 “(C) CONTRIBUTED FUNDS.—Notwith-  
 12 standing subparagraph (B), a non-Federal in-  
 13 terest may fund up to 100 percent of the cost  
 14 of any activity carried out under this sub-  
 15 section.”.

16 **SEC. 1040. REHABILITATION OF FLOOD CONTROL PUMP**  
 17 **STATIONS AFFECTING CORPS OF ENGINEERS**  
 18 **FLOOD RISK MANAGEMENT PROJECTS.**

19 (a) DEFINITIONS.—In this section:

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

22 (A) that—

23 (i) has been constructed, in whole or  
 24 in part, by the Corps of Engineers for  
 25 flood risk management purposes; or

1 (ii) that has been constructed by non-  
 2 Federal interests; and

3 (B) the failure of which would impair the  
 4 function of a flood risk management project  
 5 constructed by the Corps of Engineers.

6 (2) REHABILITATE.—

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

14 (B) INCLUSIONS.—The term “rehabili-  
 15 tate”, with respect to an eligible pump station,  
 16 includes—

17 (i) the incorporation into the eligible  
 18 pump station of—

19 (I) current design standards;  
 20 (II) efficiency improvements; and  
 21 (III) associated drainage; and

22 (ii) increasing the capacity of the eli-  
 23 gible pump station, subject to the condition  
 24 that the increase shall—

- 1 (I) significantly decrease the risk  
 2 of loss of life and property damage; or  
 3 (II) decrease total lifecycle reha-  
 4 bilitation costs for the eligible pump  
 5 station.

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

9 (c) COST SHARING.—

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

16 (2) NON-FEDERAL PROJECTS.—A non-Federal  
 17 interest shall provide—

18 (A) an amount equal to 35 percent of the  
 19 cost of any rehabilitation carried out pursuant  
 20 to this section for a locally constructed eligible  
 21 pump station; and

22 (B) all land, easements, rights-of-way, and  
 23 necessary relocations associated with the reha-  
 24 bilitation described in subparagraph (A), at no  
 25 cost to the Federal Government.

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

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

7 (2) to pay 100 percent of the operation and  
 8 maintenance costs of the rehabilitated eligible pump  
 9 station, in accordance with regulations promulgated  
 10 by the Secretary.

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

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
 17 authorized to be appropriated to carry out this section  
 18 \$75,000,000, to remain available until expended.

19 **SEC. 1041. BRANDON ROAD STUDY.**

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

25 “(2) COST SHARE.—

1           “(A) CONSTRUCTION.—The Federal share  
 2           of the cost of construction of any project au-  
 3           thorized to be carried out pursuant to the feasi-  
 4           bility study identified in paragraph (1) shall be  
 5           75 percent.

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

8 **SEC. 1042. CREDIT OR REIMBURSEMENT.**

9           (a) CREDIT OR REIMBURSEMENT FOR CONTRIBU-  
 10          TION OF MATERIALS OR SERVICES.—Section 1024 of the  
 11          Water Resources Reform and Development Act of 2014  
 12          (33 U.S.C. 2325a) is amended—

13               (1) in subsection (a), in the matter preceding  
 14          paragraph (1), by striking “Subject to subsection  
 15          (b), the” and inserting “The”;

16               (2) by striking subsection (b);

17               (3) by redesignating subsections (c) and (d) as  
 18          subsections (b) and (h), respectively;

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

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



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

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

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

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

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

24          “(f) USE OF EMERGENCY AUTHORITIES.—The Sec-  
25          retary may use existing emergency authorities of the Sec-

1 retary following a flood or storm event to accept materials,  
 2 services, or funds under this section if those materials,  
 3 services, or funds are being used for the purpose of—

4 “(1) restoring an authorized navigation or flood  
 5 risk management project up to authorized dimen-  
 6 sions;

7 “(2) repairing or reconstructing any authorized  
 8 navigation or flood risk management project, includ-  
 9 ing other authorized associated features; or

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

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

15 “(1) subject to the availability of appropria-  
 16 tions; and

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

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

25 (1) in subparagraph (A)—

1 (A) in the matter preceding clause (i), by  
 2 inserting “, as determined by the Secretary,”  
 3 after “value”;

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

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

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

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

13 “(I) planning carried out after  
 14 execution of a feasibility cost-sharing  
 15 agreement; or

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

20 (2) in subparagraph (D)—

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

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

25 (C) by striking clause (iv);

1           (3) by redesignating subparagraph (H) as sub-  
2       paragraph (I); and

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

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

8       (c) TIMELINESS.—Section 1022 of the Water Re-  
9       sources Reform and Development Act of 2014 (33 U.S.C.  
10      2225) is amended by adding at the end the following:

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

14      **SEC. 1043. EMERGENCY CONTRACTING.**

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

23       (b) SAVINGS PROVISION.—Nothing in this section  
24      limits or otherwise affects authority provided to the Sec-  
25      retary under any other statute or regulation to select pro-

cedures permitting other than full and open competition  
when carrying out work described in subsection (a).

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

Section 103(j)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(j)(1)) is amended—

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

“(A) IN GENERAL.—Any project”; and

(2) by adding at the end the following:

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

**SEC. 1045. ACCEPTANCE OF FUNDS FOR HARBOR DREDGING.**

The Secretary may accept and expend funds contributed by a State or other non-Federal interest—

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

or

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

1 **SEC. 1046. EMERGENCY FLOODING PROTECTION FOR**  
 2 **LAKES.**

3 The Secretary shall submit to Congress a report on  
 4 the extent to which the program under section 5 of the  
 5 Act of August 18, 1941 (commonly known as the “Flood  
 6 Control Act of 1941”) (55 Stat. 650, chapter 377; 33  
 7 U.S.C. 701n), applies to lakes, including lakes with the  
 8 flow of a slow-moving river, including, if applicable, rec-  
 9 ommendations for legislative changes to ensure that such  
 10 lakes are eligible for the program.

11 **SEC. 1047. LEVEE SAFETY.**

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

15 “(d) IDENTIFICATION OF DEFICIENCIES.—

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

19 “(A) identify the specific engineering and  
 20 maintenance deficiencies, if any; and

21 “(B) describe the recommended remedies  
 22 to correct each deficiency identified under sub-  
 23 paragraph (A) and the associated costs of those  
 24 remedies.

25 “(2) CONSULTATION.—In identifying defi-  
 26 ciencies and describing remedies for a levee under

1 paragraph (1), the Secretary shall consult with rel-  
 2 evant non-Federal interests, including by providing  
 3 an opportunity for comment by those non-Federal  
 4 interests.”.

5 **SEC. 1048. REPLACEMENT CAPACITY.**

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

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

11 (2) by striking paragraph (1) and inserting the  
 12 following:

13 “(1) PROVIDED BY SECRETARY.—

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

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

23 “(ii) permit the use of dredged mate-  
 24 rial disposal facility capacity required for  
 25 project purposes by the non-Federal inter-

1 est if the Secretary determines that re-  
2 placement capacity can be constructed at  
3 the facility or another facility or site before  
4 such capacity is needed for project pur-  
5 poses.

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

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

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

22 “(C) CREDIT.—In the event the Secretary  
23 determines that the cost to operate or maintain  
24 the project decreases as a result of use by the  
25 non-Federal interest of dredged material dis-



posal capacity required for project purposes under subparagraph (A)(ii), the Secretary, at the request of the non-Federal interest, shall credit the amount of the decrease toward any cash contribution of the non-Federal interest required thereafter for construction, operation, or maintenance of the project, or of another navigation project.”;

(3) in paragraph (2), in the first sentence, by inserting “under paragraph (1)(A)(i)” after “additional capacity”; and

(4) by adding at the end the following:

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

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

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

1 “(ii) the right to construct the re-  
 2 placement capacity at the alternative facil-  
 3 ity or site at the expense of the non-Fed-  
 4 eral interest.

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

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

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

18 **SEC. 1049. IMPLEMENTATION GUIDANCE FOR POST-FLOOD**  
 19 **IMPROVEMENTS.**

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

1 **SEC. 1050. WILLAMETTE VALLEY PROJECT WATER RE-**  
2 **ALLOCATION.**

3 (a) IN GENERAL.—The Secretary shall assist the  
4 State of Oregon in the implementation of the reallocation  
5 of water within the Willamette Basin, including the devel-  
6 opment of instream flow targets and facilitation of the  
7 conversion of Willamette Valley Project stored water to  
8 instream water rights to ensure fish and wildlife benefits,  
9 as required by the biological opinion for the Willamette  
10 Basin Review issued by the National Marine Fisheries  
11 Service on June 28, 2019.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$2,000,000, to remain available until expended.

15 **SEC. 1051. CENTRAL APPALACHIA WATER.**

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

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

1 and related facilities, and surface water resource protec-  
 2 tion and development.

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

6 (d) LOCAL COOPERATION AGREEMENTS.—

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

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

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

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

25 (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       “(c) REVIEWING HYDROPOWER AT CORPS OF ENGI-  
2 NEERS FACILITIES.—

3               “(1) DEFINITION OF ELIGIBLE NON-FEDERAL  
4 INTEREST.—In this subsection, the term ‘eligible  
5 non-Federal interest’ means a non-Federal interest  
6 that owns or operates an existing non-Federal hy-  
7 dropower facility at a Corps of Engineers project.

8               “(2) EVALUATION.—

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

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

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

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



the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the effects of the operational changes proposed by the non-Federal interest and examined in the evaluation on the authorized purposes of the project, including a description of any negative impacts of the proposed operational changes on the authorized purposes of the project.

“(7) SAVINGS PROVISION.—Nothing in this subsection—

“(A) affects, modifies, or changes the authorized purposes of a Corps of Engineers project; or

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

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

(a) DEFINITIONS.—In this section:

(1) IMPACTED COMMUNITY.—The term “impacted community” means an entity that has received emergency flood fighting assistance under section 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)—

(A) in paragraph (1), by inserting “or conduct a feasibility study on modifications or improvements to a project constructed by the Corps of Engineers” after “water resources development project”; and

(B) in paragraph (2), by striking “for feasibility studies” and all that follows through the period at the end and inserting “for feasibility studies of water resources development projects conducted by non-Federal interests to provide sufficient information for the formulation of the studies, including processes and procedures related to reviews and assistance under subsection (e).”; and

(2) in subsection (e)(2)—

(A) by striking “At the request” and inserting the following:

“(A) IN GENERAL.—At the request”; and

(B) by adding at the end the following:

“(B) INCLUSION.—Technical assistance under subparagraph (A) may include any assistance that does not conflict with any other 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 “(i) 50 percent shall be paid from  
2 amounts appropriated from the general  
3 fund of the Treasury; and

4 “(ii) 50 percent shall be paid from  
5 amounts appropriated from the Inland Wa-  
6 terways Trust Fund.

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

9 “(i) a project authorized by title III;

10 “(ii) a project authorized by section  
11 652(j); and

12 “(iii) a project authorized by section  
13 844, with respect to the construction costs  
14 allocated to inland navigation.

15 “(4) APPLICATION.—

16 “(A) IN GENERAL.—This subsection shall  
17 apply to the construction or major rehabilita-  
18 tion of a project for navigation on an inland  
19 waterway—

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

22 “(ii) for which the construction or  
23 major rehabilitation has not been initiated  
24 or completed by the date of enactment of

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 ceding 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 **Subtitle B—Studies and Reports**

#### 4 **SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY** 5 **STUDIES AND MODIFICATIONS.**

6 The Secretary is authorized to conduct a feasibility  
7 study or initiate project modifications for the following  
8 projects for water resources development and conservation  
9 and other purposes, as identified in the report entitled  
10 “Report to Congress on Future Water Resources Develop-  
11 ment” submitted to Congress on or after June 3, 2019,  
12 pursuant to section 7001 of the Water Resources Reform  
13 and Development Act of 2014 (33 U.S.C. 2282d) or other-  
14 wise reviewed by Congress:

15 (1) The project for coastal storm risk manage-  
16 ment, Newbury and Newburyport, Massachusetts.

17 (2) The project for flood protection, Jones  
18 County, Mississippi.

19 (3) The project for ecosystem restoration,  
20 Lower Osage River Basin, Missouri.

21 (4) The project modification for Clarence Can-  
22 non Dam and Mark Twain Lake Project Salt River,  
23 Missouri.

24 (5) The project modification for Smithville  
25 Lake, Plattsburg, Missouri.

1           (6) The project modification for Smithville  
2       Lake, Smithville, Missouri.

3           (7) The project for navigation, Lower Missouri  
4       River, Missouri.

5           (8) The project for flood risk management,  
6       Port Arthur, Texas.

7           (9) The project for flood risk management,  
8       Chocolate Bayou, Texas.

9           (10) The project for navigation, Houston-Gal-  
10      veston, Texas.

11          (11) Reauthorization of the project for naviga-  
12      tion, Christiansted Harbor, St. Croix, United States  
13      Virgin Islands.

14          (12) Modification of the project for water sup-  
15      ply desalination, South Perris, California.

16          (13) Reauthorization of the project for naviga-  
17      tion, Charlotte Amalie Harbor, St. Thomas, United  
18      States Virgin Islands.

19          (14) The project for flood protection, levee re-  
20      habilitation, Greater Williamsport, Pennsylvania.

21   **SEC. 1202. EXPEDITED COMPLETION.**

22       The Secretary shall expedite the completion, review,  
23   or validation of the applicable decision document for the  
24   following projects:

- 1           (1) Modification of the Tennessee-Tombigbee  
2       Waterway for improved access and navigation.
- 3           (2) The project for ecosystem restoration, Hud-  
4       son-Raritan Estuary, New York and New Jersey.
- 5           (3) The project for flood risk management,  
6       Peckman River Basin, New Jersey.
- 7           (4) The project for navigation, St. George Har-  
8       bor, Alaska.
- 9           (5) The project for navigation, Kentucky Lock  
10      and Dam, Tennessee River, Kentucky.
- 11          (6) The project for navigation, New Haven  
12      Harbor, Connecticut.
- 13          (7) The project for flood risk management,  
14      Fairfield and New Haven Counties, Connecticut.
- 15          (8) The project for navigation, Wilmington  
16      Harbor, North Carolina.
- 17          (9) The project for hurricane and storm dam-  
18      age risk reduction, Carolina Beach, North Carolina.
- 19          (10) The project for hurricane and storm dam-  
20      age risk reduction, Wrightsville Beach, North Caro-  
21      lina.
- 22          (11) The project for flood risk management,  
23      Raymondville Drain Project, Lower Rio Grande  
24      Basin, Texas.

1           (12) The project for navigation, Port of Corpus  
2 Christi, Texas.

3           (13) The project for flood risk management,  
4 Westminster and East Garden Grove, California.

5           (14) The project for flood risk management,  
6 Prado Basin, California.

7           (15) The project for ecosystem restoration,  
8 Malibu Creek watershed, California.

9           (16) The project for flood risk management,  
10 San Francisquito Creek, California.

11           (17) The project for navigation, Georgetown  
12 Harbor, South Carolina.

13           (18) The project for coastal storm risk manage-  
14 ment, Myrtle Beach, South Carolina.

15           (19) The project for flood risk management,  
16 Dorchester County, South Carolina.

17           (20) The project for navigation, Florence, Ala-  
18 bama.

19           (21) The project for navigation, North Landing  
20 Bridge, Atlantic Intracoastal Waterway, Virginia.

21           (22) The project for flood risk management,  
22 Upper Barataria, Louisiana.

23           (23) The project for navigation, Port Fourchon,  
24 Belle Pass, Louisiana.

1           (24) The project for ecosystem restoration,  
2       Lake Okeechobee, Florida.

3           (25) The project for ecosystem restoration,  
4       Western Everglades, Florida.

5           (26) The project for ecosystem restoration,  
6       Canal 111, South Dade, Florida.

7           (27) The project for ecosystem restoration,  
8       Caloosahatchee River C-43, West Basin Storage  
9       Reservoir, Florida.

10          (28) The project for flood risk management,  
11       Hanapepe River, Kaua'i, Hawaii.

12          (29) The project for flood risk management,  
13       Wailupe Stream, Oahu, Hawaii.

14          (30) The project for flood risk management,  
15       Lower Santa Cruz watershed, Arizona.

16          (31) The project for navigation, Upper St. An-  
17       thony Falls Lock and Dam, Minnesota.

18          (32) The project for flood risk management,  
19       Westchester County streams, New York.

20          (33) The project for hurricane and storm dam-  
21       age risk reduction, Fire Island to Montauk Point  
22       Reformulation, New York.

23          (34) The project for flood risk management,  
24       Savan Gut Phase II, St. Thomas, United States Vir-  
25       gin Islands.

1           (35) The project for flood risk management,  
2       Rio Culebrinas, Puerto Rico.

3           (36) The project for flood risk management,  
4       Turpentine Run, St. Thomas, United States Virgin  
5       Islands.

6           (37) The project for flood risk management,  
7       Rio Guayanilla, Puerto Rico.

8           (38) The project for hurricane and storm dam-  
9       age risk reduction, Highlands, New Jersey.

10          (39) The project for navigation, Seattle Harbor,  
11       Washington.

12          (40) The project for flood risk management,  
13       metropolitan Louisville, Kentucky.

14          (41) The feasibility study for the project for re-  
15       habilitation of Lock E-32, Erie Canal, Pittsford,  
16       New York.

17          (42) The project for ecosystem restoration,  
18       Hudson River Habitat Restoration, New York.

19          (43) The project for navigation, Lake Montauk  
20       Harbor, New York.

21          (44) Modifications to the project for navigation,  
22       Milwaukee Harbor, Wisconsin, pursuant to section  
23       14 of the Act of March 3, 1899 (commonly known  
24       as the “Rivers and Harbors Act of 1899”) (30 Stat.  
25       1152, chapter 425; 33 U.S.C. 408).



1           (45) An economic reevaluation report for the  
2           navigation and sustainability program under title  
3           VIII of the Water Resources Development Act of  
4           2007 (33 U.S.C. 652 note; Public Law 110–114).

5           (46) The project for water supply, Willamette  
6           River Basin Review Reallocation, Oregon.

7           (47) The project for ecosystem restoration,  
8           South Fork of the South Branch of the Chicago  
9           River (Bubbly Creek), Illinois.

10 **SEC. 1203. INCLUSION OF CERTAIN PROJECTS IN ANNUAL**  
11 **REPORT TO CONGRESS.**

12       The Secretary shall complete the review of each of  
13 the following submissions for consideration for inclusion  
14 in the report submitted under section 7001 of the Water  
15 Resources Reform and Development Act of 2014 (33  
16 U.S.C. 2282d):

17           (1) Modification of the authorization for the en-  
18           vironmental infrastructure project, DeSoto County,  
19           Mississippi, under section 219(f)(30) of the Water  
20           Resources Development Act of 1992 (106 Stat.  
21           4835; 113 Stat. 335; 122 Stat. 1623).

22           (2) Modification of the types of activities au-  
23           thorized under the environmental infrastructure  
24           project, Jackson County, Mississippi, under section

1       331 of the Water Resources Development Act of  
2       1999 (113 Stat. 305; 121 Stat. 1134).

3           (3) Modification of the environmental restora-  
4       tion infrastructure and resource protection develop-  
5       ment program, southern West Virginia, under sec-  
6       tion 340 of the Water Resources Development Act  
7       of 1992 (106 Stat. 4856; 113 Stat. 320; 114 Stat.  
8       2678; 121 Stat. 1257).

9           (4) Modification of the environmental assistance  
10      program, central West Virginia, under section 571  
11      of the Water Resources Development Act of 1999  
12      (113 Stat. 371; 121 Stat. 1257).

13          (5) Modification of the authorized funding level  
14      for the project for water and wastewater assistance,  
15      Madison and St. Claire Counties, Illinois, authorized  
16      by section 219(f)(55) of the Water Resources Devel-  
17      opment Act of 1992 (106 Stat. 4835; 113 Stat. 335;  
18      114 Stat. 2763A–221).

19          (6) A study on the reallocation of water storage  
20      at Lake Whitney, Texas, in accordance with section  
21      301 of the Water Supply Act of 1958 (43 U.S.C.  
22      390b).

23          (7) Reallocation of water storage at Aquilla  
24      Lake, Texas, in accordance with the Aquilla Lake  
25      Reallocation Study of the Corps of Engineers, dated

1 February 2018, and section 301 of the Water Sup-  
2 ply Act of 1958 (43 U.S.C. 390b).

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

13 (9) A watershed assessment to determine prob-  
14 lems, needs, and opportunities within the Lower Rio  
15 Grande Valley watershed, Texas.

16 **SEC. 1204. ASSISTANCE TO NON-FEDERAL SPONSORS.**

17 (a) IN GENERAL.—The Corps of Engineers shall pro-  
18 vide assistance to the non-Federal interest of a project  
19 proposal described in subsection (b) during the Corps of  
20 Engineers outreach required under section 7001(b) of the  
21 Water Resources Reform and Development Act of 2014  
22 (33 U.S.C. 2282d(b)).

23 (b) PROJECT PROPOSALS DESCRIBED.—A project  
24 proposal referred to in subsection (a) is any of the fol-  
25 lowing:

1           (1) Development of a management plan for res-  
2           toration of the Chicago River, Illinois, pursuant to  
3           the resolution of the Committee on Environment and  
4           Public Works of the Senate (108th Congress, 2d  
5           Session) relating to the Chicago River System Res-  
6           toration Management Plan, Illinois, and dated June  
7           23, 2004.

8           (2) Modification of the authorized funding level  
9           for the project for flood damage reduction, Des  
10          Moines and Raccoon Rivers, Des Moines, Iowa, au-  
11          thorized by section 1001(21) of the Water Resources  
12          Development Act of 2007 (121 Stat. 1053).

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

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

24          (5) Modification of the project for flood risk  
25          management and water supply, Tenkiller Ferry

1 Lake, Arkansas River Basin, Oklahoma, authorized  
2 by section 4 of the Act of June 28, 1938 (52 Stat  
3 1218, chapter 795) to modify water storage and pro-  
4 vide for a sufficient quantity of water supply storage  
5 space in the inactive pool storage to support the  
6 fishery downstream from Tenkiller Reservoir.

7 (6) Reauthorization of the project for environ-  
8 mental restoration, Muddy River, Brookline and  
9 Boston, Massachusetts, authorized by section 522 of  
10 the Water Resources Development Act of 2000 (114  
11 Stat. 2656), and deauthorized pursuant to section  
12 6001 of the Water Resources Reform and Develop-  
13 ment Act of 2014 (33 U.S.C. 579b) (as in effect on  
14 the day before the date of enactment of the Water  
15 Infrastructure Improvements for the Nation Act  
16 (130 Stat. 1690)).

17 (7) Modification of the project for flood damage  
18 reduction, Muddy River, Brookline and Boston, Mas-  
19 sachusetts, authorized by section 522 of the Water  
20 Resources Development Act of 2000 (114 Stat.  
21 2656), to provide that in the case of phase II of the  
22 project, the non-Federal interest is not required to  
23 pay any cost of the project above the initial esti-  
24 mate.

1           (8) A feasibility study for a project for flood  
2 risk management, Hoosic River, Massachusetts.

3           (9) A feasibility study for a project for aquatic  
4 ecosystem restoration at the mouth of the Hood  
5 River, Oregon, at the confluence of that river with  
6 the Columbia River, Oregon.

7           (10) A feasibility study on resolving increased  
8 silting and shoaling adjacent to, but outside of, the  
9 Federal channel, experienced at the Port of Bandon,  
10 Coquille River, Oregon.

11           (11) A feasibility study on increasing the fre-  
12 quency and depth of dredging assistance from the  
13 Corps of Engineers at the Port of Astoria, located  
14 at the mouth of the Columbia River, Oregon.

15           (12) A feasibility study on modifying the  
16 project for navigation, Port of Gulfport, Mississippi,  
17 authorized by section 202(a) of the Water Resources  
18 Development Act of 1986 (100 Stat. 4094), to deep-  
19 en the navigation channel to 46 feet.

20           (13) A feasibility study to identify and evaluate  
21 opportunities to reduce the risk of flooding and re-  
22 store lost habitat within the Escatawpa River Basin,  
23 Mississippi and Alabama.

24           (14) The project described in section  
25 219(f)(231) of the Water Resources Development

1 Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121  
2 Stat. 1266).

3 (15) A feasibility study for a project to design  
4 and construct the Naugatuck River Greenway Trail,  
5 a multiuse trail on Federal land between Torrington  
6 and Derby, Connecticut.

7 (16) A feasibility study for a project for coastal  
8 and flood risk management, Stratford, Connecticut.

9 (17) A feasibility study for projects for flood  
10 risk management, Woodbridge, Connecticut.

11 (18) Modification of the authorized funding  
12 level for the project to eliminate or control combined  
13 sewer overflows, St. Louis, Missouri, authorized by  
14 section 219(f)(32) of the Water Resources Develop-  
15 ment Act of 1992 (106 Stat. 4835; 113 Stat. 337;  
16 121 Stat. 1233).

17 (19) A feasibility study for projects for eco-  
18 system restoration, Bangert Island, St. Charles, Mis-  
19 souri, related to channels and aquatic habitats.

20 (20) Modification of the authorized funding  
21 level for the project to carry out water related infra-  
22 structure, El Paso, Texas, authorized by section  
23 219(f)(269) of the Water Resources Development  
24 Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121  
25 Stat. 1268).

1           (21) Modification of the authorized funding  
2           level for the South Central Pennsylvania environ-  
3           mental restoration infrastructure and resource pro-  
4           tection development pilot program under section 313  
5           of the Water Resources Development Act of 1992  
6           (106 Stat. 4845; 121 Stat. 1146).

7           (22) A feasibility study for dam safety improve-  
8           ments, Oroville Dam, California.

9           (23) Modification of the authorized funding  
10          level for the project for water supply, Lakes Marion  
11          and Moultrie, South Carolina.

12          (24) An environmental infrastructure project to  
13          increase hydrologic variability, Sacramento Regional  
14          Water Bank, California.

15          (25) A study for a project for aquatic ecosystem  
16          restoration and allied purposes, Blue River Water-  
17          shed, Missouri and Kansas.

18          (26) A project for aquatic and riparian restora-  
19          tion, Line Creek, Riverside, Kansas.

20          (27) Modification of the authorized funding  
21          level for the environmental infrastructure program,  
22          Central New Mexico, under section 593 of the Water  
23          Resources Development Act of 1999 (113 Stat. 381;  
24          119 Stat. 2255).



1           (28) Modification of the authorized funding  
2           level for the environmental assistance program, Ohio  
3           and North Dakota, under section 594 of the Water  
4           Resources Development Act of 1999 (113 Stat. 383;  
5           121 Stat. 1140; 121 Stat. 1944).

6           (29) A study for a fish passage for ecological  
7           restoration, Lower Alabama River, Alabama.

8           (30) Modification of the project for Atlantic In-  
9           tracoastal Waterway Deep Creek bridge replace-  
10          ment, Virginia.

11          (31) Modification of projects for water supply,  
12          wastewater infrastructure, and environmental res-  
13          toration, Virginia, authorized by section 219(f)(10)  
14          of the Water Resources Development Act of 1992  
15          (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1255).

16          (32) Modification of the project for flood risk  
17          management, Red River below Denison Dam, Arkan-  
18          sas, Louisiana, and Texas, for Caddo Levee District,  
19          Louisiana, to incorporate the Cherokee Park Levee  
20          into the project.

21          (33) Modification of the Mississippi River and  
22          Tributaries Project authorized by the first section of  
23          the Act of May 15, 1928 (45 Stat. 534, chapter  
24          569) to include the portion of the Ouachita River

1       Levee System at and below Monroe, Louisiana, to  
2       Caldwell Parish, Louisiana.

3           (34) Modification of the project for navigation,  
4       Port of Iberia, Louisiana.

5           (35) A feasibility study for flood risk manage-  
6       ment and storm damage reduction in the Hoey's  
7       Basin area of the eastbank of Jefferson Parish, in-  
8       cluding a study of the "pump to the river" concept.

9           (36) A feasibility study for a project for flood  
10      risk management, Cataouatche Subbasin, which en-  
11      compasses part of the westbank of Jefferson Parish,  
12      Louisiana.

13          (37) Modification of the project for beach ero-  
14      sion and hurricane protection, Grand Isle, Lou-  
15      isiana, to include periodic beach nourishment.

16          (38) A feasibility study, Arkansas River Basin,  
17      Oklahoma, to determine whether the purchase of ad-  
18      ditional flood easements, changes in lake level man-  
19      agement, additional levee infrastructure, or imple-  
20      mentation of other flood risk management or con-  
21      tainment mechanisms along the Arkansas River  
22      Basin would benefit local communities by reducing  
23      flood risks around projects of the Secretary in a  
24      range of different flood scenarios.

1           (39) Modification of the authorized funding  
2           level for critical restoration projects, Lake Cham-  
3           plain watershed, Vermont and New York, authorized  
4           by section 542 of the Water Resources Development  
5           Act of 2000 (114 Stat. 2671; 121 Stat. 1150).

6           (40) Modification of the authorized funding  
7           level for wastewater infrastructure, Charlotte Coun-  
8           ty, Florida, authorized by section 219(f)(121) of the  
9           Water Resources Development Act of 1992 (106  
10          Stat. 4835; 113 Stat. 334; 121 Stat. 1261).

11          (41) A project to extend dredging of the South  
12          Haven Harbor, Michigan, to include the former  
13          Turning Basin.

14          (42) Modification of the project for flood risk  
15          management, Upper Rouge River, Wayne County,  
16          Michigan.

17          (43) A feasibility study for the project for flood  
18          risk management, Tonto Creek, Arizona.

19          (44) A feasibility study for the project for flood  
20          risk management, Sikorsky Airport, Bridgeport,  
21          Connecticut.

22          (45) Modification of the authorized funding  
23          level for the environmental infrastructure project,  
24          Calaveras County, California, under section  
25          219(f)(86) of the Water Resources Development Act

1 of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat.  
2 1259).

3 (46) Modification of the project for navigation,  
4 River Rouge, Michigan.

5 (47) A feasibility study for dredge disposal  
6 management activities, Port of Florence, Alabama.

7 (48) A feasibility study for the project for navi-  
8 gation, Port of Oswego, New York.

9 (49) A project for repairs to the West Pier and  
10 West Barrier Bar, Little Sodus Bay Harbor, Cayuga  
11 County, New York.

12 (50) A project for repair of sheet pile wall and  
13 east breakwater, Great Sodus Bay, New York.

14 (51) A study of the resiliency of the Allegheny  
15 Reservoir, in consultation with the Seneca Nation.

16 (52) A feasibility study for potential projects  
17 for the rehabilitation of the Glenn Falls Feeder  
18 Canal, which begins at the Feeder Dam intersection  
19 with the Hudson River in Queensbury, New York,  
20 and runs to the confluence of the Old Champlain  
21 Canal in Kingsbury, New York.

22 (53) A feasibility study for the rehabilitation of  
23 the tainter gates and guard gate, Caughdenoy Dam,  
24 New York, including an evaluation of the rehabilita-

1       tion work necessary to extend the service life of  
2       those structures, such as—

3               (A) improvements to the hydraulic effi-  
4               ciency of the gate systems;

5               (B) improvements to the concrete founda-  
6               tion and gate support structures; and

7               (C) any other improvements the Secretary  
8               determines to be necessary.

9               (54) Modification of the Upper Mississippi  
10       River Restoration program authorized by section  
11       1103 of the Water Resources Development Act of  
12       1986 (33 U.S.C. 652).

13              (55) The project for flood protection, Bloom-  
14       ington, Indiana.

15              (56) The project for flood protection, Gary, In-  
16       diana.

17              (57) Modification of the environmental infra-  
18       structure project, Athens, Tennessee, authorized by  
19       section 219(f)(254) of the Water Resources Develop-  
20       ment Act of 1992 (106 Stat. 4835; 113 Stat. 335;  
21       121 Stat. 1267).

22              (58) Modification of the environmental infra-  
23       structure project, Blaine, Tennessee, authorized by  
24       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 Arc-  
21      tic 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 Costal 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 **Subtitle D—Water Resources**  
10 **Infrastructure**

11 **SEC. 1401. PROJECT AUTHORIZATIONS.**

12 The following projects for water resources develop-  
13 ment and conservation and other purposes, as identified  
14 in the report entitled “Report to Congress on Future  
15 Water Resources Development” submitted to Congress on  
16 or after June 3, 2019, pursuant to section 7001 of the  
17 Water Resources Reform and Development Act of 2014  
18 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are  
19 authorized to be carried out by the Secretary substantially  
20 in accordance with the plans, and subject to the condi-  
21 tions, described in the respective reports designated in this  
22 section:

23 (1) ECOSYSTEM RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers or Director of Civil Works</b>	<b>D. Estimated Costs</b>
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
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



<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
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 Wins- low, 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 Al- buquerque, 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

1 (3) HURRICANE AND STORM DAMAGE RISK RE-  
2 DUCATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. NY	East Rockaway Inlet to Rock- away 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

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
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
5. DE	Delaware River Dredged Mate- rial 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.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. AK	Unalaska, Dutch Harbor Chan- nels	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 Water- ways Trust Fund)

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
3. TX	Matagorda Ship Channel Im- provement Project, Port Lavaca	November 15, 2019	Federal: \$138,660,000 Non-Federal: \$79,664,000 Total: \$218,324,000
4. TX	Houston Ship Channel Expan- sion Improve- ment 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 Anchor- ages	April 23, 2020	Federal: \$18,940,000 Non-Federal: \$6,310,000 Total: \$25,250,000

1 (5) COASTAL STORM RISK MANAGEMENT.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
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).

1           (2) The project for navigation for Portsmouth  
2 Harbor and the Piscataqua River, Maine and New  
3 Hampshire, authorized by section 101 of the River  
4 and Harbor Act of 1962 (76 Stat. 1173).

5           (3) The project for flood risk management, Rio  
6 de Flag, Arizona.

7           (4) The project for flood risk management,  
8 East Hartford Levee System, Connecticut.

9           (5) The project for flood risk management,  
10 Hartford Levee System, Connecticut.

11           (6) The project for navigation, Guilford Harbor  
12 and Sluice Channel, Connecticut.

13           (7) Phase 5 of the Bluestone Dam Project Re-  
14 mediation, West Virginia.

15           (8) The project for water supply and ecosystem  
16 restoration, Howard Hanson Dam, Washington, au-  
17 thorized by section 101(b)(15) of the Water Re-  
18 sources Development Act of 1999 (113 Stat. 281).

19           (9) The project for ecosystem restoration,  
20 Puget Sound, Washington, authorized by section  
21 209 of the Flood Control Act of 1962 (76 Stat.  
22 1197).

23           (10) The project for navigation, Tacoma Har-  
24 bor, Washington.

1           (11) The project for water storage, Halligan  
2       Dam, Colorado.

3           (12) The project for construction of tribal hous-  
4       ing authorized by title IV of Public Law 100–581  
5       (102 Stat. 2944).

6           (13) The replacement of the Bourne and Saga-  
7       more Bridges, Cape Cod, Massachusetts.

8       **SEC. 1403. ADDITIONAL PROJECT AUTHORIZATIONS.**

9       The following projects for water resources develop-  
10   ment and conservation and other purposes are authorized  
11   to be carried out by the Secretary as recommended in the  
12   respective reports, designated in this section, that were  
13   prepared by non-Federal interests under section 203 of  
14   the Water Resources Development Act of 1986 (33 U.S.C.  
15   2231), with such modifications as the Secretary deter-  
16   mines advisable, subject to preparation of a report by the  
17   Secretary to address the concerns, recommendations, and  
18   conditions, if any, identified by the Secretary in the review  
19   assessments designated in this section:

20           (1) COASTAL STORM RISK MANAGEMENT.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report</b>	<b>D. Date of Review As- sessment</b>
1. FL	St. Lucie County, Fort Pierce Shore Protec- tion	June 2018	July 2018

21           (2) NAVIGATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report</b>	<b>D. Date of Review As- sessment</b>
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

1 (3) FLOOD RISK MANAGEMENT.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report</b>	<b>D. Date of Review As- sessment</b>
1. TX	Chacon Creek	August 2018	September 2018

2 **Subtitle E—Water Supply and**  
3 **Storage**

4 **SEC. 1501. SMALL WATER STORAGE PROJECTS.**

5 (a) IN GENERAL.—The Secretary shall carry out a  
6 program to study and construct new, or enlarge existing,  
7 small water storage projects in rural States, in partnership  
8 with a non-Federal interest.

9 (b) REQUIREMENTS.—To be eligible to participate in  
10 the program under this section, a water storage project  
11 shall—

12 (1) be located in a State with a population of  
13 less than 1,000,000;

14 (2)(A) in the case of a new water storage  
15 project, have a water storage capacity of not less

1       than 2,000 acre-feet and not more than 30,000 acre-  
2       feet; and

3               (B) in the case of an enlargement of an existing  
4       water storage project, be for an enlargement of not  
5       less than 1,000 acre-feet and not more than 30,000  
6       acre-feet;

7               (3) provide—

8                       (A) flood risk management benefits; or

9                       (B) ecological benefits; and

10              (4) be economically justified, environmentally  
11       acceptable, and technically feasible.

12       (c) EXPEDITED PROJECTS.—For the 10-year period  
13       beginning on the date of enactment of this Act, the Sec-  
14       retary shall expedite projects under this section for which  
15       applicable Federal permitting requirements have been  
16       completed.

17       (d) USE OF DATA.—

18              (1) IN GENERAL.—In conducting a study under  
19       this section, to the maximum extent practicable, the  
20       Secretary shall use any applicable hydrologic, eco-  
21       nomic, or environmental data from State water plans  
22       or other State planning documents relating to water  
23       resources management.

24              (2) USE OF EXISTING MATERIALS.—

1 (A) STUDIES.—On the agreement of the  
2 Secretary and the non-Federal interest, the Sec-  
3 retary may use any applicable existing studies  
4 of the non-Federal interest.

5 (B) FEDERAL PERMITTING.—The Sec-  
6 retary may use Federal permitting that has  
7 been completed by other Federal agencies for  
8 the purpose of determining project eligibility  
9 with respect to the requirements described in  
10 subsection (b)(4).

11 (e) COST-SHARE.—

12 (1) STUDY.—The Federal share of the cost of  
13 a study conducted under this section shall be 75 per-  
14 cent.

15 (2) CONSTRUCTION.—The Federal share of the  
16 cost of a project constructed under this section shall  
17 be 80 percent.

18 (f) OMRRR RESPONSIBILITY.—The costs of oper-  
19 ation, maintenance, repair, replacement, and rehabilita-  
20 tion for a project constructed under this section shall be  
21 the responsibility of the non-Federal interest.

22 (g) INDIVIDUAL PROJECT LIMIT.—Not more than  
23 \$65,000,000 in Federal funds may be made available to  
24 a project under this section.



1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
 2 authorized to be appropriated to carry out this section  
 3 \$130,000,000 for each fiscal year.

4 **SEC. 1502. MISSOURI RIVER RESERVOIR SEDIMENT MAN-**  
 5 **AGEMENT.**

6 Section 1179(a) of the Water Infrastructure Im-  
 7 provements for the Nation Act (130 Stat. 1675; 132 Stat.  
 8 3782) is amended—

9 (1) in paragraph (3)—

10 (A) in subparagraph (B), by inserting  
 11 “project purposes, including” before “storage  
 12 capacity”; and

13 (B) in subparagraph (C), by striking “pre-  
 14 liminary”;

15 (2) by striking paragraph (9);

16 (3) by redesignating paragraphs (4) through  
 17 (8) as paragraphs (6) through (10), respectively;  
 18 and

19 (4) by inserting after paragraph (3) the fol-  
 20 lowing:

21 “(4) JUSTIFICATION.—In determining the eco-  
 22 nomic justification of a sediment management plan  
 23 under paragraph (2), the Secretary shall—

24 “(A) measure and include flooding, ero-  
 25 sion, and accretion damages both upstream and

1 downstream of the reservoir that are likely to  
2 occur as a result of sediment management with-  
3 in the reservoir compared to the damages that  
4 are likely to occur if the sediment management  
5 plan is not implemented; and

6 “(B) include lifecycle costs and a 100-year  
7 period of analysis.

8 “(5) IMPLEMENTATION.—As part of a sediment  
9 management plan under paragraph (2), the Sec-  
10 retary may carry out sediment removal activities at  
11 reservoirs owned and operated by the Secretary in  
12 the Upper Missouri River Basin, or at reservoirs for  
13 which the Secretary has flood control responsibilities  
14 under section 7 of the Act of December 22, 1944  
15 (commonly known as the ‘Flood Control Act of  
16 1944’) (58 Stat. 890, chapter 665; 33 U.S.C. 709),  
17 in the Upper Missouri River Basin, in accordance  
18 with section 602 of the Water Resources Develop-  
19 ment Act of 1986 (100 Stat. 4148; 121 Stat. 1076)  
20 as if those reservoirs were listed in subsection (a) of  
21 that section.”.

22 **SEC. 1503. PLANNING ASSISTANCE FOR STATES.**

23 The Secretary shall ensure that the planning assist-  
24 ance for States program under section 22 of the Water  
25 Resources Development Act of 1974 (42 U.S.C. 1962d–

1 16) provides equal priority for all authorized purposes, in-  
2 cluding water supply and water conservation.

3 **SEC. 1504. FORECAST-INFORMED RESERVOIR OPERATIONS.**

4 (a) WORKING GROUP.—

5 (1) IN GENERAL.—Not later than 180 days  
6 after the date of enactment of this Act, the Sec-  
7 retary, in conjunction with the Commissioner of Rec-  
8 lamation, shall establish a working group to advance  
9 the science to support forecast-informed reservoir  
10 operations in the Upper Missouri River Basin.

11 (2) MEMBERS.—The working group established  
12 under paragraph (1) shall be composed of—

13 (A) the Secretary;

14 (B) the Commissioner of Reclamation;

15 (C) the Director of the United States Geo-  
16 logical Survey;

17 (D) the Administrator of the National Oce-  
18 anic and Atmospheric Administration; and

19 (E) representatives of affected State and  
20 local agencies.

21 (3) DUTIES.—The working group established  
22 under paragraph (1) shall develop recommendations  
23 to implement the use of forecast-informed reservoir  
24 operations in the Upper Missouri River Basin and

1 submit to Congress a report on the findings and rec-  
 2 ommendations of the working group.

3 (b) VIABILITY ASSESSMENTS.—

4 (1) IN GENERAL.—On request of a non-Federal  
 5 interest, the Secretary, the Commissioner of Rec-  
 6 lamation, and the non-Federal interest shall jointly  
 7 conduct a viability assessment on the use of fore-  
 8 cast-informed reservoir operations at a reservoir—

9 (A) that is located within the Upper Mis-  
 10 souri River Basin; and

11 (B) for which the Secretary has flood con-  
 12 trol responsibilities under section 7 of the Act  
 13 of December 22, 1944 (commonly known as the  
 14 “Flood Control Act of 1944”) (58 Stat. 890,  
 15 chapter 665; 33 U.S.C. 709).

16 (2) COMPLETION DATE.—To the maximum ex-  
 17 tent practicable, a viability assessment under para-  
 18 graph (1) shall be completed by not later than 1  
 19 year after the date on which the viability assessment  
 20 begins.

21 (3) FEDERAL SHARE.—The Federal share of  
 22 the cost of a viability assessment under paragraph  
 23 (1) shall be 100 percent.

24 (c) PLAN FOR TEMPORARY DEVIATION.—If a viabil-  
 25 ity assessment conducted under subsection (b)(1) indi-

1 cates that forecast-informed reservoir operations are via-  
 2 ble at a reservoir described in that subsection, the Sec-  
 3 retary and the Commissioner of Reclamation shall develop  
 4 and implement a pilot program to carry out forecast-in-  
 5 formed reservoir operations at that reservoir.

6 **SEC. 1505. STUDY ON DATA FOR WATER ALLOCATION, SUP-**  
 7 **PLY, AND DEMAND.**

8 (a) IN GENERAL.—The Secretary shall offer to enter  
 9 into an agreement with the National Academy of Sciences  
 10 to conduct a study on the ability of Federal agencies to  
 11 coordinate with other Federal agencies, State and local  
 12 agencies, communities, universities, consortiums, councils,  
 13 and other relevant entities with expertise in water re-  
 14 sources to facilitate and coordinate the sharing of water  
 15 allocation, supply, and demand data, including—

- 16 (1) any catalogs of data;
- 17 (2) definitions of any commonly used terms re-
- 18 lating to water allocation, supply, and demand; and
- 19 (3) a description of any common standards
- 20 used by those entities.

21 (b) REPORT.—If the National Academy of Sciences  
 22 enters into the agreement under subsection (a), to the  
 23 maximum extent practicable, not later than 1 year after  
 24 the date of enactment of this Act, the National Academy

1 of Sciences shall submit to Congress a report that in-  
2 cludes—

3 (1) the results of the study under subsection  
4 (a);

5 (2) recommendations for ways to streamline  
6 and make cost-effective methods for Federal agen-  
7 cies to coordinate interstate sharing of data, includ-  
8 ing recommendations for the development of a pub-  
9 licly accessible, internet-based platform that can  
10 allow entities described in subsection (a) to commu-  
11 nicate and coordinate ongoing data collection efforts  
12 relating to water allocation, supply, and demand,  
13 and share best practices relating to those efforts;  
14 and

15 (3) a recommendation as to an appropriate  
16 Federal entity that should—

17 (A) serve as the lead coordinator for data  
18 relating to water allocation, supply, and de-  
19 mand; and

20 (B) host and manage the internet-based  
21 platform described in paragraph (2).

22 (c) FUNDING.—Out of funds made available to the  
23 Secretary for operations and maintenance activities of the  
24 Corps of Engineers that are not otherwise obligated, the  
25 Secretary may use to carry out this section \$3,900,000.

1 **SEC. 1506. GAO REPORT ON CERTAIN FEDERAL DAMS AND**  
2 **RESERVOIRS.**

3 Not later than 1 year after the date of enactment  
4 of this Act, the Comptroller General of the United States  
5 shall submit to Congress a report that includes—

6 (1) with respect to each Federal dam and res-  
7 ervoir in the United States located west of the 100th  
8 meridian—

9 (A) an identification of the water control  
10 manuals that were changed or updated by the  
11 Corps of Engineers during the previous 10  
12 years; and

13 (B) an identification of any water storage  
14 reallocations approved by the Corps of Engi-  
15 neers during the previous 10 years;

16 (2) a summary of the process and policies used  
17 by the Corps of Engineers to establish and update  
18 flood control curves within water control manuals at  
19 the Federal dams and reservoirs described in para-  
20 graph (1); and

21 (3) recommendations for changes to the process  
22 and policies referred to in paragraph (2) to allow for  
23 increased water storage at the Federal dams and  
24 reservoirs described in paragraph (1).

1 **SEC. 1507. AQUATIC ECOSYSTEM RESTORATION.**

2 Section 206 of the Water Resources Development Act  
3 of 1996 (33 U.S.C. 2330) is amended—

4 (1) by redesignating subsection (f) as sub-  
5 section (g); and

6 (2) by inserting after subsection (e) the fol-  
7 lowing:

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

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

12 “(2) is on a body of water that is identified by  
13 the applicable State under section 303(d) of the  
14 Federal Water Pollution Control Act (33 U.S.C.  
15 1313(d)) as being impaired;

16 “(3) has the potential to provide flood risk  
17 management and recreational benefits in addition to  
18 ecosystem restoration benefits; and

19 “(4) is located in a city with a population of  
20 80,000 or less.”.

21 **SEC. 1508. IMPROVING REVIEWS FOR NON-FEDERAL HY-**  
22 **DROPOWER AT EXISTING CORPS OF ENGI-**  
23 **NEERS PROJECTS.**

24 (a) DEFINITIONS.—In this section:

25 (1) COMMISSION.—The term “Commission”  
26 means the Federal Energy Regulatory Commission.



1           (2) ENVIRONMENTAL REVIEW PROCESS.—The  
2       term “environmental review process” means the  
3       process of preparing an environmental impact state-  
4       ment or environmental assessment under the Na-  
5       tional Environmental Policy Act of 1969 (42 U.S.C.  
6       4321 et seq.).

7           (3) LICENSING APPLICATION.—

8           (A) IN GENERAL.—The term “licensing  
9       application” means the process of seeking a li-  
10      cense from the Commission to construct or op-  
11      erate a hydropower facility at a qualifying facil-  
12      ity.

13          (B) INCLUSION.—The term “licensing ap-  
14      plication” includes any prelicensing coordina-  
15      tion conducted with the Commission prior to  
16      submission of a formal application.

17          (4) MEMORANDUM OF UNDERSTANDING.—The  
18      term “Memorandum of Understanding” means the  
19      Memorandum of Understanding between the Corps  
20      of Engineers and the Commission on Non-Federal  
21      Hydropower Projects, signed in July 2016.

22          (5) QUALIFYING FACILITY.—The term “quali-  
23      fying facility” means any dam, dike, embankment,  
24      or other barrier—

1 (A) the construction of which was com-  
2 pleted on or before the date of enactment of  
3 this section; and

4 (B) that is operated, owned, or constructed  
5 by the Corps of Engineers.

6 (b) APPLICABILITY.—This section shall apply to each  
7 licensing application for a qualifying facility—

8 (1) for which prelicensing coordination de-  
9 scribed in subsection (a)(3)(B) is initiated on or  
10 after the date of enactment of this section; or

11 (2) that is submitted on or after the date of en-  
12 actment of this section.

13 (c) ENVIRONMENTAL REVIEW PROCESS.—

14 (1) IN GENERAL.—Except as provided under  
15 paragraph (2) and consistent with the Memorandum  
16 of Understanding, the Commission and the Sec-  
17 retary shall develop and implement an environmental  
18 review process for a licensing application at a quali-  
19 fying facility, which shall include conducting the  
20 Commission prelicensing process concurrently with  
21 the process of preparing an environmental impact  
22 statement or environmental assessment under the  
23 jurisdiction of the Secretary that may be required to  
24 construct or operate a hydropower facility at a quali-  
25 fying facility.

1           (2) EXCEPTION.—The environmental review  
2       process shall not include a licensing application in  
3       which the proposed activity qualifies for a general  
4       permit under section 10 of the Act of March 3, 1899  
5       (commonly known as the “Rivers and Harbors Act  
6       of 1899”) (30 Stat. 1151, chapter 425; 33 U.S.C.  
7       403) or section 404 of the Federal Water Pollution  
8       Control Act (33 U.S.C. 1344) or categorical permis-  
9       sion under section 14 of the Act of March 3, 1899  
10      (commonly known as the “Rivers and Harbors Act  
11      of 1899”) (30 Stat. 1152, chapter 425; 33 U.S.C.  
12      408).

13          (3) LENGTH OF PROCESS.—To the maximum  
14      extent practicable, and without affecting the obliga-  
15      tions or requirements of any Federal environmental  
16      law, including the National Environmental Policy  
17      Act of 1969 (42 U.S.C. 4321 et seq.), the Federal  
18      Water Pollution Control Act (33 U.S.C. 1251 et  
19      seq.), and the Endangered Species Act of 1973 (16  
20      U.S.C. 1531 et seq.), the Commission and the Sec-  
21      retary shall ensure that the environmental review  
22      process described in paragraph (1) is completed in  
23      a timely manner so that the Commission is able to  
24      make a final decision on an application for a license  
25      by not later than 2 years after the date on which the

1 Commission receives a completed licensing applica-  
2 tion.

3 (4) PURPOSE AND NEED.—Notwithstanding the  
4 authority of the Secretary in determining overall  
5 project purposes under part 230 of title 33, Code of  
6 Federal Regulations (or successor regulations), the  
7 Secretary, consistent with the Memorandum of Un-  
8 derstanding, shall coordinate with the Commission  
9 to define the purpose and need for an environmental  
10 impact statement or environmental assessment as  
11 part of the environmental review process described  
12 in paragraph (1).

13 (d) CERTIFICATION.—No hydropower facility planned  
14 under this section shall be approved by the Commission  
15 or the Secretary unless the Secretary certifies in writing  
16 that the proposed hydropower facility will not adversely  
17 affect or undermine—

18 (1) the structural integrity of the qualifying fa-  
19 cility; and

20 (2) the ability of the qualifying facility—

21 (A) to achieve the congressionally author-  
22 ized purposes of the facility; and

23 (B) to comply with applicable laws and  
24 policies, including the national water resources  
25 planning policy under section 2031(a) of the

1           Water Resources Development Act of 2007 (42  
2           U.S.C. 1962–3(a)).

3           (e) SAVINGS CLAUSE.—Nothing in this section waives  
4 or affects the obligations or requirements of any Federal  
5 environmental laws, including—

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

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

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

12 **SEC. 1509. SURPLUS WATER CONTRACTS AND WATER STOR-**  
13 **AGE AGREEMENTS.**

14          Section 1046(c) of the Water Resources Reform and  
15 Development Act of 2014 (128 Stat. 1254; 132 Stat.  
16 3784) is amended—

17           (1) by striking paragraph (3); and

18           (2) by redesignating paragraph (4) as para-  
19          graph (3).

20 **SEC. 1510. REDUCED PRICING FOR CERTAIN WATER SUP-**  
21 **PLY STORAGE.**

22          Section 322 of the Water Resources Development Act  
23 of 1990 (33 U.S.C. 2324) is amended—

24           (1) in subsection (b), by striking “2,000,000”  
25          and inserting “3,000,000”; and

1 (2) in subsection (g)—

2 (A) by striking the period at the end and  
3 inserting “; or”;

4 (B) by striking “means a community” and  
5 inserting the following: “means—  
6 “(1) a community”; and

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

8 “(2) a regional water system that serves a pop-  
9 ulation of less than 100,000, for which the per cap-  
10 ita income is less than the per capita income of not  
11 less than 50 percent of the counties in the United  
12 States.”.

## 13 **Subtitle F—Invasive Species**

### 14 **SEC. 1601. DEFINITION OF INVASIVE SPECIES.**

15 In this subtitle, the term “invasive species” has the  
16 meaning given the term in section 1 of Executive Order  
17 13112 (64 Fed. Reg. 6183; relating to invasive species  
18 (February 8, 1999)) (as amended by section 2 of Execu-  
19 tive Order 13751 (81 Fed. Reg. 88609; relating to safe-  
20 guarding the Nation from the impacts of invasive species  
21 (December 5, 2016))).

### 22 **SEC. 1602. INVASIVE SPECIES IN IMPAIRED WATERS.**

23 (a) IN GENERAL.—The Administrator of the Envi-  
24 ronmental Protection Agency (referred to in this section  
25 as the “Administrator”) may provide technical assistance

1 to support efforts to eradicate invasive species from water-  
2 ways of the United States to—

- 3 (1) States;
- 4 (2) Indian Tribes; and
- 5 (3) units of local government.

6 (b) No COST.—The technical assistance under sub-  
7 section (a) shall be provided at no cost to the entities de-  
8 scribed in that subsection.

9 (c) PRIORITIZATION.—In selecting efforts to which to  
10 provide technical assistance under subsection (a), the Ad-  
11 ministrator shall give priority to those efforts that target  
12 an invasive species in a waterway that is identified by the  
13 applicable State under subparagraph (A) or (B) of section  
14 303(d)(1) of the Federal Water Pollution Control Act (33  
15 U.S.C. 1313(d)(1)).

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated to carry out this section  
18 \$10,000,000, to remain available until expended.

19 **SEC. 1603. AQUATIC INVASIVE SPECIES RESEARCH.**

20 Section 1108 of the America’s Water Infrastructure  
21 Act of 2018 (33 U.S.C. 2263a) is amended—

- 22 (1) in subsection (a)—
  - 23 (A) by striking “management” and insert-
  - 24 ing “prevention, management,”; and

1 (B) by inserting “, elodea, quagga mus-  
2 sels,” after “Asian carp”; and

3 (2) in subsection (b)—

4 (A) by inserting “or could be impacted in  
5 the future” after “impacted”; and

6 (B) by inserting “Arctic,” after “Pacific,”.

7 **SEC. 1604. INVASIVE SPECIES MITIGATION AND REDUC-**  
8 **TION.**

9 Section 104 of the River and Harbor Act of 1958  
10 (33 U.S.C. 610) is amended—

11 (1) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) in the matter preceding subpara-  
14 graph (A), by striking “this section  
15 \$110,000,000” and inserting “this section  
16 (except for subsections (f) and (g))  
17 \$120,000,000”;

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

20 (iii) in subparagraph (C), by striking  
21 the period at the end and inserting “;  
22 and”; and

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



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

3           (B) by redesignating paragraph (2) as  
4           paragraph (3);

5           (C) by inserting after paragraph (1) the  
6           following:

7           “(2) OTHER PROGRAMS.—

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

10           “(i) \$10,000,000 for each of fiscal  
11           years 2021 through 2024 to carry out sub-  
12           section (f); and

13           “(ii) \$50,000,000 for each of fiscal  
14           years 2021 through 2024 to carry out sub-  
15           section (g)(2).

16           “(B) INVASIVE PLANT SPECIES PILOT PRO-  
17           GRAM.—There is authorized to be appropriated  
18           to the Secretary of the Interior, acting through  
19           the Director of the United States Fish and  
20           Wildlife Service, \$10,000,000 to carry out sub-  
21           section (g)(3).”; and

22           (D) in paragraph (3) (as so redesignated),  
23           by inserting “or (2)(A)” after “paragraph (1)”;  
24           (2) in subsection (d)—

1 (A) in the subsection heading, by inserting  
 2 “AND DECONTAMINATION” after “INSPEC-  
 3 TION”;

4 (B) in paragraph (1)—

5 (i) in subparagraph (A)—

6 (I) in the subparagraph heading,  
 7 by inserting “AND DECONTAMINA-  
 8 TION” after “INSPECTION”;

9 (II) in clause (ii), by striking  
 10 “and” at the end;

11 (III) in clause (iii), by striking  
 12 the period at the end and inserting “;  
 13 and”;

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

16 “(iv) to protect basins and watersheds  
 17 that adjoin an international border be-  
 18 tween the United States and Canada.”;  
 19 and

20 (ii) by striking subparagraph (B) and  
 21 inserting the following:

22 “(B) LOCATIONS.—The Secretary shall  
 23 place watercraft inspection and decontamination  
 24 stations under subparagraph (A) at locations  
 25 with the highest likelihood of preventing the

1 spread of aquatic invasive species into and out  
 2 of waters of the United States, as determined  
 3 by the Secretary in consultation with the Gov-  
 4 ernors and entities described in paragraph  
 5 (3).”;

6 (C) in paragraph (3)(A), by striking “(iii)”  
 7 and inserting “(iv)”;

8 (D) by striking “watercraft inspection sta-  
 9 tions” each place it appears and inserting  
 10 “watercraft inspection and decontamination sta-  
 11 tions”;

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

13 “(f) INVASIVE SPECIES MANAGEMENT PILOT PRO-  
 14 GRAM.—

15 “(1) DEFINITION OF INVASIVE SPECIES.—In  
 16 this subsection, the term ‘invasive species’ has the  
 17 meaning given the term in section 1 of Executive  
 18 Order 13112 (64 Fed. Reg. 6183; relating to  
 19 invasive species (February 8, 1999)) (as amended by  
 20 section 2 of Executive Order 13751 (81 Fed. Reg.  
 21 88609; relating to safeguarding the Nation from the  
 22 impacts of invasive species (December 5, 2016))).

23 “(2) DEVELOPMENT OF PLANS.—The Secretary  
 24 shall carry out a pilot program under which the Sec-  
 25 retary shall collaborate with States in the Upper

1 Missouri River Basin in developing voluntary aquatic  
2 invasive species management plans to mitigate the  
3 effects of invasive species on public infrastructure  
4 facilities located on reservoirs of the Corps of Engi-  
5 neers in those States.

6 “(3) MANAGEMENT PLAN.—

7 “(A) IN GENERAL.—The Secretary, in con-  
8 sultation with the Governor of each State in the  
9 Upper Missouri River Basin that elects to par-  
10 ticipate in the pilot program, shall prepare a  
11 management plan for each participating State  
12 that identifies public infrastructure facilities lo-  
13 cated on reservoirs of the Corps of Engineers in  
14 those States that—

15 “(i) are affected by aquatic invasive  
16 species; and

17 “(ii) need financial and technical as-  
18 sistance in order to maintain operations.

19 “(B) USE OF EXISTING PLANS.—In devel-  
20 oping a management plan under subparagraph  
21 (A), the Secretary shall consider a management  
22 plan submitted by a participating State under  
23 section 1204(a) of the Nonindigenous Aquatic  
24 Nuisance Prevention and Control Act of 1990  
25 (16 U.S.C. 4724(a)).

1           “(4) TERMINATION OF AUTHORITY.—The au-  
2           thority provided under this subsection shall termi-  
3           nate on September 30, 2024.

4           “(g) INVASIVE SPECIES PREVENTION AND REDUC-  
5           TION.—

6           “(1) DEFINITION OF INVASIVE SPECIES.—In  
7           this subsection, the term ‘invasive species’ has the  
8           meaning given the term in section 1 of Executive  
9           Order 13112 (64 Fed. Reg. 6183; relating to  
10          invasive species (February 8, 1999)) (as amended by  
11          section 2 of Executive Order 13751 (81 Fed. Reg.  
12          88609; relating to safeguarding the Nation from the  
13          impacts of invasive species (December 5, 2016))).

14          “(2) INVASIVE SPECIES PARTNERSHIPS.—

15               “(A) IN GENERAL.—The Secretary may  
16               enter into partnerships with applicable States  
17               and other Federal agencies to carry out actions  
18               to reduce, to the maximum extent practicable,  
19               invasive species that adversely impact water  
20               quantity or water quality in the Platte River  
21               Basin, the Upper Colorado River Basin, the  
22               Upper Snake River Basin, and the Upper Mis-  
23               souri River Basin.

24               “(B) PRIORITIZATION.—In selecting ac-  
25               tions to carry out under a partnership under

subparagraph (A), the Secretary shall give priority to projects that are intended to control or manage the Russian olive (*Elaeagnus angustifolia*) or saltcedar (of the genus *Tamarix*).

“(3) INVASIVE PLANT SPECIES PILOT PROGRAM.—

“(A) DEFINITIONS.—In this paragraph:

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

“(I) includes—

“(aa) at least 1 flood control district; and

“(bb) at least 1 city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State or Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); and

“(II) may include any other entity (such as a nonprofit organization

1 or institution of higher education), as  
2 determined by the Secretary.

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

9 “(iii) SECRETARY.—The term ‘Sec-  
10 retary’ means the Secretary of the Interior,  
11 acting through the Director of the United  
12 States Fish and Wildlife Service.

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

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

20 “(I) the Lower Colorado River  
21 Basin;

22 “(II) the Rio Grande River  
23 Basin;

24 “(III) the Texas Gulf Coast  
25 Basin; and

1                   “(IV) the Arkansas-White-Red  
2                   Basin;

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

7                   “(iii) to maintain and monitor ripar-  
8                   ian areas in which activities are carried out  
9                   under clauses (i) and (ii).

10                  “(C) REPORT TO CONGRESS.—Not later  
11                  than 18 months after the date of enactment of  
12                  this subsection, the Secretary shall submit to  
13                  the Committee on Environment and Public  
14                  Works of the Senate and the Committee on  
15                  Transportation and Infrastructure of the House  
16                  of Representatives a report describing the im-  
17                  plementation of the pilot program.

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

21                  “(4) COST-SHARE.—The Federal share of an  
22                  action carried out under a partnership under para-  
23                  graph (2) or the pilot program under paragraph (3)  
24                  shall not exceed 80 percent of the total cost of the  
25                  action.”.



1 **SEC. 1605. TERRESTRIAL NOXIOUS WEED CONTROL PILOT**  
2 **PROGRAM.**

3 (a) IN GENERAL.—The Secretary shall carry out a  
4 pilot program, in consultation with the Federal Inter-  
5 agency Committee for the Management of Noxious and  
6 Exotic Weeds, to identify and develop new and improved  
7 strategies for terrestrial noxious weed control on Federal  
8 land under the jurisdiction of the Secretary.

9 (b) PARTNERSHIPS.—In carrying out the pilot pro-  
10 gram under subsection (a), the Secretary shall act in part-  
11 nership with such other individuals and entities as the  
12 Secretary determines to be appropriate.

13 (c) COOPERATIVE AGREEMENTS.—The Secretary  
14 may utilize cooperative agreements with county and State  
15 agencies for the implementation of the pilot program  
16 under subsection (a).

17 (d) REPORT TO CONGRESS.—Not later than 2 years  
18 after the date of enactment of this Act, the Secretary shall  
19 provide to the Committee on Environment and Public  
20 Works of the Senate and the Committee on Transpor-  
21 tation and Infrastructure of the House of Representatives  
22 a report describing the new and improved strategies devel-  
23 oped through the pilot program under subsection (a).

1 **SEC. 1606. INVASIVE SPECIES RISK ASSESSMENT,**  
2 **PRIORITIZATION, AND MANAGEMENT.**

3 Section 528(f)(2) of the Water Resources Develop-  
4 ment Act of 1996 (110 Stat. 3771) is amended—

5 (1) by redesignating subparagraphs (I) and (J)  
6 as subparagraphs (J) and (K), respectively;

7 (2) by inserting after subparagraph (H) the fol-  
8 lowing:

9 “(I) shall, using existing amounts appro-  
10 priated to the Task Force, develop and update,  
11 as appropriate, a priority list of invasive species  
12 that—

13 “(i) reflects an assessment of ecologi-  
14 cal risk that the listed invasive species rep-  
15 resent;

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

18 “(I) are significantly impacting  
19 the structure and function of ecologi-  
20 cal communities, native species, or  
21 habitat within the South Florida eco-  
22 system; or

23 “(II) demonstrate a strong po-  
24 tential to reduce, obscure, or other-  
25 wise alter key indicators used to

1                   measure     Everglades     restoration  
2                   progress; and

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

7                             “(I) to guide applied research;

8                             “(II) to develop innovative strate-  
9                             gies and tools to facilitate improved  
10                            management, control, or eradication  
11                            of listed invasive species;

12                           “(III) to implement specific man-  
13                           agement, control, or eradication ac-  
14                           tivities at the appropriate periodicity  
15                           and intensity necessary to reduce or  
16                           neutralize the impacts of listed  
17                           invasive species, including the use of  
18                           qualified skilled volunteers when ap-  
19                           propriate; and

20                           “(IV) to develop innovative strat-  
21                           egies and tools to prevent future in-  
22                           troductions of nonnative species;”;

23                   (3) in subparagraph (J) (as so redesignated),  
24                   by striking “ecosystem” and inserting “ecosystem,

1 including the activities described in subparagraph  
2 (I)”; and

3 (4) in clause (i) of subparagraph (K) (as so re-  
4 designated), by inserting “, including the priority list  
5 under subparagraph (I) and the activities described  
6 in that subparagraph” after “Task Force”.

7 **SEC. 1607. ASIAN CARP PREVENTION AND CONTROL PILOT**  
8 **PROGRAM.**

9 (a) IN GENERAL.—The Secretary shall carry out an  
10 Asian carp prevention and control pilot program (referred  
11 to in this section as the “pilot program”) to carry out  
12 projects to manage and prevent the spread of, reduce the  
13 population of, or eradicate Asian carp using innovative  
14 technologies, methods, and measures.

15 (b) PROJECT SELECTION.—

16 (1) LOCATION.—Each project under the pilot  
17 program shall be carried out in a river system or  
18 reservoir in which Asian carp populations are ex-  
19 panding or have been documented.

20 (2) LIMITATIONS.—

21 (A) IN GENERAL.—Not later than Sep-  
22 tember 30, 2024, the Secretary shall carry out  
23 and complete not more than 20 projects under  
24 the pilot program.

1           (B) REQUIREMENT.—Not fewer than 5 of  
2           the projects under subparagraph (A) shall be  
3           carried out at reservoirs of the Corps of Engi-  
4           neers or the Tennessee Valley Authority that  
5           are located in—

6                     (i) the Cumberland River watershed;

7                     or

8                     (ii) the Tennessee River watershed.

9           (3) CONSULTATION.—In selecting projects to  
10          carry out under the pilot program, the Secretary  
11          shall consult with—

12                    (A) the Director of the U.S. Army Engi-  
13                    neer Research and Development Center;

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

16                    (C) the Director of the United States Geo-  
17                    logical Survey;

18                    (D) other applicable Federal, State, and  
19                    local agencies;

20                    (E) the Mississippi Interstate Cooperative  
21                    Resource Association and associated sub-basin  
22                    partnerships of the Mississippi River;

23                    (F) institutions of higher education; and

24                    (G) relevant private organizations, includ-  
25                    ing nonprofit organizations.

1       (c) TREATMENT OF UNSUCCESSFUL PROJECTS.—If  
2 the Secretary determines that a project carried out under  
3 this section does not achieve the goals of the pilot program  
4 described in subsection (a), the Secretary shall remove the  
5 project.

6       (d) COST-SHARE.—

7           (1) IN GENERAL.—Subject to paragraphs (2)  
8 and (3), the Federal share of the costs of a project  
9 carried out under the pilot program shall be 80 per-  
10 cent.

11          (2) OPERATION, MAINTENANCE, REHABILITA-  
12 TION, AND REPAIR.—After the completion of a  
13 project under the pilot program, the Federal share  
14 of the costs for operation, maintenance, rehabilita-  
15 tion, and repair of the project shall be 100 percent.

16          (3) FEDERAL RESPONSIBILITY.—The Federal  
17 share of the costs of the removal of a project under  
18 subsection (c) shall be 100 percent.

19       (e) REPORT.—Not later than 2 years after the date  
20 of enactment of this Act, and 2 years thereafter, the Sec-  
21 retary shall submit to Congress a report describing the  
22 results of the pilot program, including an analysis of the  
23 effectiveness of the innovative technologies, methods, and  
24 measures used in projects of the pilot program at pre-

1 venting the spread of, managing the spread of, reducing  
 2 the population of, or eradicating Asian carp.

3 (f) TRANSFER.—The Secretary may transfer projects  
 4 carried out under the pilot program at reservoirs of the  
 5 Tennessee Valley Authority to the Tennessee Valley Au-  
 6 thority.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
 8 authorized to be appropriated to carry out the pilot pro-  
 9 gram \$35,000,000, to remain available until expended.

10 (h) TERMINATION OF AUTHORITY.—

11 (1) IN GENERAL.—Except as provided in para-  
 12 graph (2), the authority provided under the pilot  
 13 program shall terminate on September 30, 2024.

14 (2) EXCEPTION.—The authority under sub-  
 15 section (f) does not terminate on the date described  
 16 in paragraph (1).

17 **SEC. 1608. AQUATIC INVASIVE SPECIES PREVENTION.**

18 Section 1039(b) of the Water Resources Reform and  
 19 Development Act of 2014 (16 U.S.C. 4701 note; Public  
 20 Law 113–121) is amended—

21 (1) in paragraph (1)—

22 (A) in the paragraph heading, by striking  
 23 “UPPER MISSISSIPPI AND OHIO RIVER BASINS  
 24 AND TRIBUTARIES” and inserting “MISSISSIPPI

1 RIVER AND TRIBUTARIES, INCLUDING SUB-BA-  
2 SINS”;

3 (B) in subparagraph (A), by striking  
4 “Upper Mississippi and Ohio River basins and  
5 tributaries” and inserting “Mississippi River  
6 and tributaries, including the 6 sub-basins of  
7 the River,”; and

8 (C) in subparagraph (B), by striking “and  
9 the document prepared” and all that follows  
10 through “February 2012.” and inserting “the  
11 Mississippi River Basin Asian Carp Control  
12 Strategy Frameworks, and the Asian Carp Re-  
13 gional Coordinating Committee’s Asian Carp  
14 Action Plan.”; and

15 (2) in paragraph (2)—

16 (A) in subparagraph (A)—

17 (i) by striking “December 31 of each  
18 year” and inserting “December 31, 2020,  
19 and biennially thereafter”; and

20 (ii) by striking “Upper Mississippi  
21 and Ohio River basins and tributaries”  
22 and inserting “Mississippi River and tribu-  
23 taries, including the 6 sub-basins of the  
24 River”; and

25 (B) in subparagraph (B)—



1 (i) in clause (i), by striking “Upper  
2 Mississippi and Ohio River basins and trib-  
3 utaries” and inserting “Mississippi River  
4 and tributaries, including the 6 sub-basins  
5 of the River,”; and

6 (ii) in clause (ii), by striking “Upper  
7 Mississippi and Ohio River basins and trib-  
8 utaries” and inserting “Mississippi River  
9 and tributaries, including the 6 sub-basins  
10 of the River”.

11 **SEC. 1609. INVASIVE SPECIES IN ALPINE LAKES PILOT PRO-**  
12 **GRAM.**

13 (a) ESTABLISHMENT.—The Secretary of the Interior,  
14 acting through the Director of the United States Fish and  
15 Wildlife Service, shall establish a pilot program (referred  
16 to in this section as the “pilot program”) to carry out  
17 measures necessary to prevent, reduce the number of, or  
18 eradicate aquatic invasive species in alpine lakes in areas  
19 in which the Secretary of the Interior is carrying out envi-  
20 ronmental projects.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out the pilot pro-  
23 gram \$25,000,000 for the period of fiscal years 2022  
24 through 2024.

## **TITLE II—CLEAN WATER**

### **SEC. 2001. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.**

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

### **“SEC. 222. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.**

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a municipality; or

“(B) an intermunicipal, interstate, or State agency.

“(2) NATURAL HAZARD.—The term ‘natural hazard’ means a hazard caused by natural forces, including extreme weather events, sea-level rise, and extreme drought conditions.

“(3) PROGRAM.—The term ‘program’ means the clean water infrastructure resilience and sustainability program established under subsection (b).

“(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a clean water infrastructure resilience and sustainability program under which the Administrator shall award grants to eligi-

1 ble entities for the purpose of increasing the resilience of  
2 publicly owned treatment works to a natural hazard.

3 “(c) USE OF FUNDS.—An eligible entity that receives  
4 a grant under the program shall use the grant funds for  
5 planning, designing, or constructing projects (on a system-  
6 wide or area-wide basis) that increase the resilience of a  
7 publicly owned treatment works to a natural hazard  
8 through—

9 “(1) the conservation of water;

10 “(2) the enhancement of water use efficiency;

11 “(3) the enhancement of wastewater and  
12 stormwater management by increasing watershed  
13 preservation and protection, including through the  
14 use of—

15 “(A) natural and engineered green infra-  
16 structure; and

17 “(B) reclamation and reuse of wastewater  
18 and stormwater, such as aquifer recharge zones;

19 “(4) the modification or relocation of an exist-  
20 ing publicly owned treatment works that is at risk  
21 of being significantly impaired or damaged by a nat-  
22 ural hazard;

23 “(5) the development and implementation of  
24 projects to increase the resilience of publicly owned  
25 treatment works to a natural hazard; or

1           “(6) the enhancement of energy efficiency or  
2           the use and generation of recovered or renewable en-  
3           ergy in the management, treatment, or conveyance  
4           of wastewater or stormwater.

5           “(d) APPLICATION.—To be eligible to receive a grant  
6           under the program, an eligible entity shall submit to the  
7           Administrator an application at such time, in such man-  
8           ner, and containing such information as the Administrator  
9           may require, including—

10           “(1) a proposal of the project to be planned, de-  
11           signed, or constructed using funds under the pro-  
12           gram;

13           “(2) an identification of the natural hazard risk  
14           to be addressed by the proposed project;

15           “(3) documentation prepared by a Federal,  
16           State, regional, or local government agency of the  
17           natural hazard risk of the area where the proposed  
18           project is to be located;

19           “(4) a description of any recent natural hazard  
20           events that have affected the publicly owned treat-  
21           ment works;

22           “(5) a description of how the proposed project  
23           would improve the performance of the publicly  
24           owned treatment works under an anticipated natural  
25           hazard; and

1           “(6) an explanation of how the proposed project  
2           is expected to enhance the resilience of the publicly  
3           owned treatment works to an anticipated natural  
4           hazard.

5           “(e) GRANT AMOUNT AND OTHER FEDERAL RE-  
6           QUIREMENTS.—

7           “(1) COST SHARE.—A grant under the program  
8           shall not exceed 75 percent of the total cost of the  
9           proposed project.

10          “(2) REQUIREMENTS.—The requirements of  
11          section 608 shall apply to a project funded with a  
12          grant under the program.

13          “(f) AUTHORIZATION OF APPROPRIATIONS.—

14          “(1) IN GENERAL.—There is authorized to be  
15          appropriated to carry out this section \$5,000,000 for  
16          each of fiscal years 2021 through 2024.

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. 2002. INCREASED FUNDING FOR TECHNICAL ASSIST-**  
22       **ANCE.**

23          Section 104(u) of the Federal Water Pollution Con-  
24       trol Act (33 U.S.C. 1254(u)) is amended—

1 (1) by striking “and (7)” and inserting “(7)”;

2 and

3 (2) in paragraph (7)—

4 (A) by striking “2023” and inserting  
5 “2020”; and

6 (B) by striking the period at the end and  
7 inserting “; and (8) not to exceed \$75,000,000  
8 for each of fiscal years 2021 through 2024 for  
9 carrying out subsections (b)(3), (b)(8), and (g),  
10 of which not less than \$50,000,000 each year  
11 shall be used to carry out subsection (b)(8).”.

12 **SEC. 2003. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**  
13 **MENT WORKS CIRCUIT RIDER PROGRAM.**

14 Title II of the Federal Water Pollution Control Act  
15 (33 U.S.C. 1281 et seq.) (as amended by section 2001)  
16 is amended by adding at the end the following:

17 **“SEC. 223. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**  
18 **MENT WORKS CIRCUIT RIDER PROGRAM.**

19 “(a) ESTABLISHMENT.—Subject to the availability of  
20 appropriations, not later than 180 days after the date of  
21 enactment of this section, the Administrator shall estab-  
22 lish a circuit rider program (referred to in this section as  
23 the ‘circuit rider program’) under which the Administrator  
24 shall award grants to qualified nonprofit entities, as deter-  
25 mined by the Administrator, to provide assistance to own-

1 ers and operators of small and medium publicly owned  
2 treatment works to carry out the activities described in  
3 section 602(b)(13).

4 “(b) LIMITATION.—A grant provided under the cir-  
5 cuit rider program shall be in an amount that is not more  
6 than \$75,000.

7 “(c) REPORT.—Not later than 180 days after the  
8 date on which the Administrator establishes the circuit  
9 rider program, and every 180 days thereafter, the Admin-  
10 istrator shall submit to Congress a report describing—

11 “(1) each recipient of a grant under the circuit  
12 rider program; and

13 “(2) a summary of the activities carried out  
14 under the circuit rider program.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—

16 “(1) IN GENERAL.—There is authorized to be  
17 appropriated to carry out this section \$10,000,000  
18 for the period of fiscal years 2021 through 2024.

19 “(2) LIMITATION ON USE OF FUNDS.—Of the  
20 amounts made available for grants under paragraph  
21 (1), not more than 2 percent may be used to pay the  
22 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”; 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 serting 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-

tions, the Administrator shall ensure that a State uses not less than 15 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects in rural areas for the purpose of planning, design, and construction of—

“(I) treatment works to intercept, transport, control, treat, or reuse municipal sewer overflows, sanitary sewer overflows, or stormwater; or

“(II) any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 603(c).”.

**SEC. 2008. WATER INFRASTRUCTURE AND WORKFORCE INVESTMENT.**

Section 4304 of the America’s Water Infrastructure Act of 2018 (42 U.S.C. 300j–19e) is amended—

(1) in subsection (a)(3)(B), by inserting “and public works departments and agencies” after “organizations”;

(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 (c) 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.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking “\$12,000,000 for each of fiscal years 2007 through 2011” and inserting “\$8,250,000 for each of fiscal years 2021 through 2024”.

(e) ADDITIONAL APPROPRIATIONS WHERE RE-  
SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE  
NATURE.—Section 104(g)(1) of the Water Resources Re-  
search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended  
in the first sentence by striking “\$6,000,000 for each of  
fiscal years 2007 through 2011” and inserting  
“\$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 individuals  
20 who reside in the mid-Atlantic, the southeast, and  
21 the Appalachian regions of the United States, in ac-  
22 cordance with subsection (c).

23 “(2) APPLICATION.—To be eligible to receive a  
24 grant under this subsection, a private nonprofit or-  
25 ganization shall submit to the Administrator an ap-  
26 plication at such time, in such manner, and con-

1       taining such information as the Administrator deter-  
 2       mines to be appropriate.

3           “(3) PRIORITY.—In awarding grants under this  
 4       subsection, the Administrator shall give priority to  
 5       applicants that have substantial expertise and expe-  
 6       rience in promoting the safe and effective use of in-  
 7       dividual household decentralized wastewater systems.

8           “(4) ADMINISTRATIVE EXPENSES.—A private  
 9       nonprofit organization may use amounts provided  
 10      under this subsection to pay the administrative ex-  
 11      penses associated with the provision of the services  
 12      described in subsection (c)(1), as the Administrator  
 13      determines to be appropriate.

14      “(c) ASSISTANCE.—

15           “(1) IN GENERAL.—Subject to paragraph (2), a  
 16      private nonprofit organization shall use a grant pro-  
 17      vided under subsection (b) for the construction, re-  
 18      furbishing, and servicing of individual household de-  
 19      centralized waste systems for eligible individuals.

20           “(2) PUBLIC UTILITY CONNECTION AVAIL-  
 21      ABLE.—

22           “(A) IN GENERAL.—In any case in which  
 23      an eligible individual who submits to a private  
 24      nonprofit organization an application for the  
 25      services described in paragraph (1) resides in a

1 household that could be connected to an avail-  
2 able public wastewater utility, the private non-  
3 profit organization shall conduct a cost analysis  
4 to determine whether establishing such a con-  
5 nection would be a more cost-effective use of  
6 funds, as compared to the services described in  
7 paragraph (1).

8 “(B) USE OF FUNDS.—If a cost analysis  
9 under subparagraph (A) demonstrates that the  
10 connection of the applicable household to a pub-  
11 lic wastewater utility is more cost-effective than  
12 the services described in paragraph (1) with re-  
13 spect to the household, the eligible individual  
14 may use amounts received from the private non-  
15 profit organization to establish the connection.

16 “(3) APPLICATION.—To be eligible to receive  
17 the services described in paragraph (1), an eligible  
18 individual shall submit to the private nonprofit orga-  
19 nization serving the area in which the individual  
20 household decentralized wastewater system of the el-  
21 igible individuals is, or is proposed to be, located an  
22 application at such time, in such manner, and con-  
23 taining such information as the private nonprofit or-  
24 ganization determines to be appropriate.

1           “(4) PRIORITY.—In awarding subgrants under  
2       this subsection, a private nonprofit organization  
3       shall give priority to any eligible individual who does  
4       not have access to a sanitary sewage disposal sys-  
5       tem.

6           “(d) REPORT.—Not later than 2 years after the date  
7       of enactment of this section, the Administrator shall sub-  
8       mit to the Committee on Environment and Public Works  
9       of the Senate and the Committee on Transportation and  
10      Infrastructure of the House of Representatives a report  
11      describing the recipients of grants under the program  
12      under this section and the results of the program under  
13      this section.

14          “(e) AUTHORIZATION OF APPROPRIATIONS.—

15               “(1) IN GENERAL.—There is authorized to be  
16       appropriated to the Administrator to carry out this  
17       section \$15,000,000 for each of fiscal years 2021  
18       and 2022.

19               “(2) LIMITATION ON USE OF FUNDS.—Of the  
20       amounts made available for grants under paragraph  
21       (1), not more than 2 percent may be used to pay the  
22       administrative costs of the Administrator.”.



1 **SEC. 2011. CONNECTION TO PUBLICLY OWNED TREATMENT**  
 2 **WORKS.**

3 Title II of the Federal Water Pollution Control Act  
 4 (33 U.S.C. 1281 et seq.) (as amended by section 2010)  
 5 is amended by adding at the end the following:

6 **“SEC. 226. CONNECTION TO PUBLICLY OWNED TREATMENT**  
 7 **WORKS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
 10 tity’ means—

11 “(A) an owner or operator of a publicly  
 12 owned treatment works that assists or is seek-  
 13 ing to assist individuals with connecting the  
 14 household of the individual to the publicly  
 15 owned treatment works; or

16 “(B) a nonprofit entity that assists individ-  
 17 uals with the costs associated with connecting  
 18 the household of the individual to a publicly  
 19 owned treatment works.

20 “(2) PROGRAM.—The term ‘program’ means  
 21 the competitive grant program established under  
 22 subsection (b).

23 “(3) QUALIFIED INDIVIDUAL.—The term ‘quali-  
 24 fied individual’ has the meaning given the term ‘eli-  
 25 gible individual’ in section 603(j).

1       “(b) ESTABLISHMENT.—Subject to the availability of  
2 appropriations, the Administrator shall establish a com-  
3 petitive grant program under which the Administrator  
4 awards grants to eligible entities to provide funds to assist  
5 qualified individuals in covering the costs incurred by the  
6 qualified individual in connecting the household of the  
7 qualified individual to a publicly owned treatment works.

8       “(c) APPLICATION.—

9               “(1) IN GENERAL.—An eligible entity seeking a  
10 grant under the program shall submit to the Admin-  
11 istrator an application at such time, in such manner,  
12 and containing such information as the Adminis-  
13 trator may by regulation require.

14              “(2) REQUIREMENT.—Not later than 90 days  
15 after the date on which the Administrator receives  
16 an application from an eligible entity under para-  
17 graph (1), the Administrator shall notify the eligible  
18 entity of whether the Administrator will award a  
19 grant to the eligible entity under the program.

20       “(d) SELECTION CRITERIA.—In selecting recipients  
21 of grants under the program, the Administrator shall use  
22 the following criteria:

23              “(1) Whether the eligible entity seeking a grant  
24 provides services to, or works directly with, qualified  
25 individuals.

1           “(2) Whether the eligible entity seeking a  
2       grant—

3           “(A) has an existing program to assist in  
4       covering the costs incurred in connecting a  
5       household to a publicly owned treatment works;  
6       or

7           “(B) seeks to create a program described  
8       in subparagraph (A).

9       “(e) REQUIREMENTS.—

10           “(1) VOLUNTARY CONNECTION.—Before pro-  
11       viding funds to a qualified individual for the costs  
12       described in subsection (b), an eligible entity shall  
13       ensure that—

14           “(A) the qualified individual has connected  
15       to the publicly owned treatment works volun-  
16       tarily; and

17           “(B) if the eligible entity is not the owner  
18       or operator of the publicly owned treatment  
19       works to which the qualified individual has con-  
20       nected, the publicly owned treatment works to  
21       which the qualified individual has connected has  
22       agreed to the connection.

23           “(2) REIMBURSEMENTS FROM PUBLICLY  
24       OWNED TREATMENT WORKS.—An eligible entity that  
25       is an owner or operator of a publicly owned treat-

1       ment works may reimburse a qualified individual  
 2       that has already incurred the costs described in sub-  
 3       section (b) by—

4               “(A) reducing the amount otherwise owed  
 5               by the qualified individual to the owner or oper-  
 6               ator for wastewater or other services provided  
 7               by the owner or operator; or

8               “(B) providing a direct payment to the  
 9               qualified individual.

10       “(f) AUTHORIZATION OF APPROPRIATIONS.—

11               “(1) IN GENERAL.—There is authorized to be  
 12       appropriated to carry out the program \$20,000,000  
 13       for each of fiscal years 2021 and 2022.

14               “(2) LIMITATION ON USE OF FUNDS.—Of the  
 15       amounts made available for grants under paragraph  
 16       (1), not more than 2 percent may be used to pay the  
 17       administrative costs of the Administrator.”.

18       **SEC. 2012. USE OF CLEAN WATER STATE REVOLVING LOAN**  
 19               **FUNDS.**

20       (a) IN GENERAL.—Section 603 of the Federal Water  
 21       Pollution Control Act (33 U.S.C. 1383) is amended—

22               (1) in subsection (d), in the matter preceding  
 23       paragraph (1), by inserting “and provided in sub-  
 24       section (l)” after “State law”; and

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

1 “(k) REQUIRED SUBSIDIES.—

2 “(1) IN GENERAL.—Notwithstanding any other  
3 provision of this title, to the extent that there are  
4 sufficient applications from eligible recipients, and  
5 subject to paragraph (3), a State shall use not less  
6 than 10 percent of a capitalization grant to the  
7 State under this title to provide the additional sub-  
8 sidies described in paragraph (2) to eligible recipi-  
9 ents under subsection (d) if the additional subsidies  
10 described in that paragraph are used—

11 “(A) as initial financing for the eligible re-  
12 cipient; or

13 “(B) to buy, refinance, restructure, or for-  
14 give the debt obligations of the eligible recipi-  
15 ent, if the debt obligation was incurred on or  
16 after the date of enactment of this subsection.

17 “(2) ADDITIONAL SUBSIDIES DESCRIBED.—The  
18 additional subsidies referred to in paragraph (1)  
19 are—

20 “(A) forgiveness of principal of loans owed  
21 to the State water pollution control revolving  
22 fund of the State;

23 “(B) negative interest loans;

24 “(C) grants; or

1           “(D) a combination of the subsidies de-  
2           scribed in subparagraphs (A) through (C).

3           “(3) APPLICABILITY.—The authority of a State  
4           to provide additional subsidization under this sub-  
5           section shall apply to amounts received by the State  
6           in capitalization grants under this title for fiscal  
7           years beginning after September 30, 2020.

8           “(l) ADDITIONAL USE OF FUNDS.—A State may use  
9           an additional 2 percent of the funds annually allotted to  
10          each State under this section for nonprofit organizations  
11          (as defined in section 104(w)) to provide technical assist-  
12          ance to rural, small, and tribal publicly owned treatment  
13          works (within the meaning of section 104(b)(8)(B)) in the  
14          State.”.

15          (b) TECHNICAL AMENDMENT.—Section 104(w) of  
16          the Federal Water Pollution Control Act (33 U.S.C.  
17          1254(w)) is amended by striking “treatments works” and  
18          inserting “treatment works”.

19   **SEC. 2013. WATER DATA SHARING PILOT PROGRAM.**

20          (a) ESTABLISHMENT.—

21               (1) IN GENERAL.—Subject to the availability of  
22          appropriations, the Administrator of the Environ-  
23          mental Protection Agency (referred to in this section  
24          as the “Administrator”) shall establish a competitive  
25          grant pilot program (referred to in this section as

the “pilot program”) under which the Administrator may award grants to eligible entities under subsection (b) to establish systems that improve the sharing of information concerning water quality, water infrastructure needs, and water technology between States or among counties and other units of local government within a State, which may include—

(A) establishing a website or data hub to exchange water data, including data on water quality or water technology, including new and emerging, but proven, water technology; and

(B) intercounty communications initiatives related to water data.

(2) REQUIREMENTS.—

(A) DATA SHARING.—The Internet of Water principles developed by the Nicholas Institute for Environmental Policy Solutions shall, to the extent practicable, guide any water data sharing efforts under the pilot program.

(B) USE OF EXISTING DATA.—The recipient of a grant under the pilot program to establish a website or data hub described in paragraph (1)(A) shall, to the extent practicable, leverage existing data sharing infrastructure.

1 (b) ELIGIBLE ENTITIES.—An entity eligible for a  
2 grant under the pilot program is—

3 (1) a State, county, or other unit of local gov-  
4 ernment that—

5 (A) has a coastal watershed with signifi-  
6 cant pollution levels;

7 (B) has a water system with significant  
8 pollution levels; or

9 (C) has significant individual water infra-  
10 structure deficits; or

11 (2) a regional consortium established under  
12 subsection (d).

13 (c) APPLICATIONS.—To be eligible to receive a grant  
14 under the pilot program, an eligible entity under sub-  
15 section (b) shall submit to the Administrator an applica-  
16 tion at such time, in such manner, and containing such  
17 information as the Administrator may require.

18 (d) REGIONAL CONSORTIA.—

19 (1) ESTABLISHMENT.—States may establish re-  
20 gional consortia in accordance with this subsection.

21 (2) REQUIREMENTS.—A regional consortium  
22 established under paragraph (1) shall—

23 (A) include not fewer than 2 States that  
24 have entered into a memorandum of under-  
25 standing—



1 (i) to exchange water data, including  
2 data on water quality; or

3 (ii) to share information, protocols,  
4 and procedures with respect to projects  
5 that evaluate, demonstrate, or install new  
6 and emerging, but proven, water tech-  
7 nology;

8 (B) carry out projects—

9 (i) to exchange water data, including  
10 data on water quality; or

11 (ii) that evaluate, demonstrate, or in-  
12 stall new and emerging, but proven, water  
13 technology; and

14 (C) develop a regional intended use plan,  
15 in accordance with paragraph (3), to identify  
16 projects to carry out, including projects using  
17 grants received under this section.

18 (3) REGIONAL INTENDED USE PLAN.—A re-  
19 gional intended use plan of a regional consortium es-  
20 tablished under paragraph (1)—

21 (A) shall identify projects that the regional  
22 consortium intends to carry out, including  
23 projects that meet the requirements of para-  
24 graph (2)(B); and

25 (B) may include—

1 (i) projects included in an intended  
 2 use plan of a State prepared under section  
 3 606(c) of the Federal Water Pollution  
 4 Control Act (33 U.S.C. 1386(c)) within the  
 5 regional consortium; and

6 (ii) projects not included in an in-  
 7 tended use plan of a State prepared under  
 8 section 606(c) of the Federal Water Pollu-  
 9 tion Control Act (33 U.S.C. 1386(c)) with-  
 10 in the regional consortium.

11 (e) FUNDING.—

12 (1) AUTHORIZATION OF APPROPRIATIONS.—

13 There is authorized to be appropriated to carry out  
 14 the pilot program \$15,000,000 for each of fiscal  
 15 years 2022 through 2024, to remain available until  
 16 expended.

17 (2) REQUIREMENT.—Of the funds made avail-  
 18 able under paragraph (1), not more than 35 percent  
 19 may be used to provide grants to regional consortia  
 20 established under subsection (d).

21 **SEC. 2014. WATER INFRASTRUCTURE FINANCING REAU-**  
 22 **THORIZATION.**

23 Section 5033 of the Water Infrastructure Finance  
 24 and Innovation Act of 2014 (33 U.S.C. 3912) is amend-  
 25 ed—

1 (1) in subsection (a), by adding at the end the  
2 following:

3 “(3) FISCAL YEARS 2022 THROUGH 2024.—  
4 There is authorized to be appropriated to the Ad-  
5 ministrator to carry out this subtitle \$50,000,000  
6 for each of fiscal years 2022 through 2024, to re-  
7 main available until expended.”;

8 (2) in subsection (b)(2)—

9 (A) in the paragraph heading, by striking  
10 “2020 AND 2021” and inserting “AFTER 2019”;  
11 and

12 (B) by striking “2020 and 2021” and in-  
13 serting “2022 through 2024”; and

14 (3) in subsection (e)(1), by striking “2020 and  
15 2021” and inserting “2022 through 2024”.

16 **SEC. 2015. FINAL RATING OPINION LETTERS.**

17 Section 5028(a)(1)(D)(ii) of the Water Infrastruc-  
18 ture Finance and Innovation Act of 2014 (33 U.S.C.  
19 3907(a)(1)(D)(ii)) is amended by striking “final rating  
20 opinion letters from at least 2 rating agencies” and insert-  
21 ing “a final rating opinion letter from at least 1 rating  
22 agency”.

1 **SEC. 2016. REAUTHORIZATION OF CLEAN WATER STATE RE-**  
2 **VOLVING FUNDS.**

3 Section 607 of the Federal Water Pollution Control  
4 Act (33 U.S.C. 1387) is amended—

5 (1) in the matter preceding paragraph (1), by  
6 striking “There is” and inserting “There are”; and

7 (2) by striking paragraphs (1) through (5) and  
8 inserting the following:

9 “(1) \$2,000,000,000 for fiscal year 2022;

10 “(2) \$2,500,000,000 for fiscal year 2023; and

11 “(3) \$3,000,000,000 for fiscal year 2024.”.

12 **SEC. 2017. WASTEWATER INFRASTRUCTURE DISCRE-**  
13 **TIONARY GRANT PROGRAM.**

14 (a) ESTABLISHMENT.—Subject to the availability of  
15 appropriations, not later than 1 year after the date of en-  
16 actment of this Act, the Administrator of the Environ-  
17 mental Protection Agency (referred to in this section as  
18 the “Administrator”) shall establish a wastewater discre-  
19 tionary grant program (referred to in this section as the  
20 “program”) to provide grants, on a competitive basis, to  
21 eligible entities described in subsection (b) for investments  
22 in wastewater infrastructure projects.

23 (b) ELIGIBLE ENTITIES.—An entity eligible to re-  
24 ceive a grant under the program is—

1           (1) a Federal, State, interstate, intermunicipal,  
2           or local governmental entity, agency, or instrumen-  
3           tality;

4           (2) a Tribal government or consortium of Trib-  
5           al governments;

6           (3) a State infrastructure financing authority;  
7           and

8           (4) a publicly owned treatment works (as de-  
9           fined in section 212 of the Federal Water Pollution  
10          Control Act (33 U.S.C. 1292)).

11       (c) ELIGIBLE PROJECTS.—

12           (1) IN GENERAL.—A project eligible to be car-  
13          ried out with funds under the program includes—

14                (A) 1 or more activities described in sec-  
15                tion 603(c) of the Federal Water Pollution Con-  
16                trol Act (33 U.S.C. 1383(c)); and

17                (B) any other wastewater infrastructure  
18                project that the Administrator determines to  
19                appropriate.

20           (2) OTHER FEDERAL FUNDS.—Notwithstanding  
21          any other provision of law, a project otherwise eligi-  
22          ble under paragraph (1) shall not be ineligible for  
23          funding because the project also received assist-  
24          ance—

1 (A) from a State drinking water treatment  
2 revolving loan fund established under section  
3 1452 of the Safe Drinking Water Act (42  
4 U.S.C. 300j–12);

5 (B) from a State water pollution control  
6 revolving fund established under title VI of the  
7 Federal Water Pollution Control Act (33 U.S.C.  
8 1381 et seq.); or

9 (C) under the Water Infrastructure Fi-  
10 nance and Innovation Act of 2014 (33 U.S.C.  
11 3901 et seq.).

12 (d) APPLICATION.—

13 (1) IN GENERAL.—To be eligible to receive a  
14 grant under the program, an eligible entity shall  
15 submit to the Administrator an application in such  
16 manner and containing such information as the Ad-  
17 ministrator may require.

18 (2) BUNDLING OF PROJECTS.—An eligible enti-  
19 ty may include more than 1 project in a single appli-  
20 cation.

21 (3) DEADLINE.—An application shall be sub-  
22 mitted to the Administrator not later than 180 days  
23 after the date on which the notice of funding oppor-  
24 tunity and the selection criteria are issued under  
25 subsection (e)(1)(B).

1 (e) SELECTION.—

2 (1) CRITERIA.—

3 (A) IN GENERAL.—The Administrator  
4 shall establish criteria in accordance with this  
5 subsection to use in selecting projects to receive  
6 a grant under the program.

7 (B) PUBLICATION.—Not later than 90  
8 days after the date on which funds are made  
9 available to carry out the program for each fis-  
10 cal year, the Administrator shall—

11 (i) issue a notice of funding oppor-  
12 tunity for the program; and

13 (ii) include in the notice the selection  
14 criteria established under subparagraph

15 (A).

16 (2) PRIORITY.—In selecting projects to receive  
17 a grant under the program, the Administrator shall  
18 give priority to projects—

19 (A) for which a Federal grant would assist  
20 in completing an overall financing package for  
21 the project; and

22 (B) that would help bring publicly owned  
23 treatment works (as defined in section 212 of  
24 the Federal Water Pollution Control Act (33  
25 U.S.C. 1292)) into compliance with the Federal

1           Water Pollution Control Act (33 U.S.C. 1251 et  
2           seq.).

3           (3) GEOGRAPHICAL DISTRIBUTION.—For each  
4           fiscal year, in providing grants under the program,  
5           the Administrator shall ensure that the funds are  
6           distributed—

7                     (A) on an equitable geographical basis; and

8                     (B) in a manner that balances the needs of  
9           urban, suburban, and rural communities.

10          (4) DEADLINE.—Not later than 18 months  
11          after the date on which funds are made available to  
12          carry out the program for each fiscal year, the Ad-  
13          ministrator shall select projects to receive grants  
14          under the program.

15          (f) REQUIREMENTS.—

16                 (1) TOTAL STATE LIMIT.—For each fiscal year,  
17                 the total amount provided under the program for  
18                 projects in a single State shall not exceed 20 percent  
19                 of the total amount made available to carry out the  
20                 program.

21                 (2) FEDERAL SHARE.—

22                     (A) IN GENERAL.—Subject to subpara-  
23                     graph (B), the Federal share of the cost of a  
24                     project carried out with a grant under the pro-  
25                     gram shall not exceed 80 percent.



1 (B) WAIVER.—The Administrator may  
2 waive the requirement of subparagraph (A).

3 (g) REGULATIONS.—The Administrator may promul-  
4 gate such regulations as may be necessary to carry out  
5 this section.

6 (h) LABOR STANDARDS.—Notwithstanding any other  
7 provision of law, the Administrator may not provide a  
8 grant under the program for a project unless the project  
9 meets the requirements described in section 513 of the  
10 Federal Water Pollution Control Act (33 U.S.C. 1372).

11 (i) REPORTS.—Not later than 2 years after the date  
12 of enactment of this Act, the Administrator shall submit  
13 to Congress and make publicly available a report on the  
14 implementation of the program.

15 (j) FUNDING.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—  
17 There is authorized to be appropriated to carry out  
18 this section \$50,000,000 for each of fiscal years  
19 2022 through 2024.

20 (2) AVAILABILITY.—Funds made available to  
21 carry out this section shall be available until ex-  
22 pended.

23 (3) ADMINISTRATIVE COSTS.—Not more than 2  
24 percent of the amount made available for a fiscal  
25 year under paragraph (1) may be used by the Ad-

1        administrator for the administrative costs of carrying  
2        out the program.

3    **SEC. 2018. SMALL AND DISADVANTAGED COMMUNITY**  
4                                    **ANALYSIS.**

5        (a) ANALYSIS.—Not later than 1 year after the date  
6        of enactment of this Act, using environmental justice data  
7        of the Environmental Protection Agency, including data  
8        from the environmental justice mapping and screen tool  
9        of the Environmental Protection Agency, the Adminis-  
10       trator of the Environmental Protection Agency (referred  
11       to in this section as the “Administrator”) shall carry out  
12       an analysis under which the Administrator shall assess the  
13       programs under title VI of the Federal Water Pollution  
14       Control Act (33 U.S.C. 1381 et seq.) and section 1452  
15       of the Safe Drinking Water Act (42 U.S.C. 300j–12) to  
16       identify historical distributions of funds to small and dis-  
17       advantaged communities and new opportunities and meth-  
18       ods to improve on the distribution of funds under those  
19       programs to low-income communities, rural communities,  
20       minority communities, and communities of indigenous  
21       peoples, in accordance with Executive Order 12898 (42  
22       U.S.C. 4321 note; 60 Fed. Reg. 6381; relating to Federal  
23       actions to address environmental justice in minority popu-  
24       lations and low-income populations).

(b) REPORT.—On completion of the analysis under subsection (a), the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives a report describing—

(1) the results of the analysis; and

(2) the criteria the Administrator used in carrying out the analysis.

**SEC. 2019. STORMWATER INFRASTRUCTURE TECHNOLOGY.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) CENTER.—The term “center” means a center of excellence for stormwater control infrastructure established under subsection (b)(1).

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State, Tribal, or local government; or

(B) a local, regional, or other public entity that manages stormwater or wastewater resources or other related water infrastructure.

(4) ELIGIBLE INSTITUTION.—The term “eligible institution” means an institution of higher edu-

1 cation, a research institution, or a nonprofit organi-  
2 zation that has demonstrated excellence in research-  
3 ing and developing new and emerging stormwater  
4 control infrastructure.

5 (b) CENTERS OF EXCELLENCE FOR STORMWATER  
6 CONTROL INFRASTRUCTURE.—

7 (1) ESTABLISHMENT OF CENTERS.—

8 (A) IN GENERAL.—Subject to the avail-  
9 ability of appropriations, the Administrator  
10 shall provide grants, on a competitive basis, to  
11 eligible institutions to establish and maintain  
12 not less than 3, and not more than 5, centers  
13 of excellence for new and emerging stormwater  
14 control infrastructure, to be located in various  
15 regions throughout the United States.

16 (B) GENERAL OPERATION.—Each center  
17 shall—

18 (i) conduct research on new and  
19 emerging stormwater control infrastructure  
20 that is relevant to the geographical region  
21 in which the center is located, including  
22 stormwater and sewer overflow reduction,  
23 other approaches to water resource en-  
24 hancement, alternative funding approaches,

1 and other environmental, economic, and so-  
2 cial benefits;

3 (ii) maintain a listing of—

4 (I) stormwater control infrastruc-  
5 ture needs; and

6 (II) an analysis of new and  
7 emerging stormwater control infra-  
8 structure that is available;

9 (iii) analyze whether additional finan-  
10 cial programs for the implementation of  
11 new and emerging, but proven, stormwater  
12 control infrastructure would be useful;

13 (iv) provide information regarding re-  
14 search conducted under clause (i) to the  
15 national electronic clearinghouse center for  
16 publication on the internet website estab-  
17 lished under paragraph (3)(B)(i) to pro-  
18 vide to the Federal Government and State,  
19 Tribal, and local governments and the pri-  
20 vate sector information regarding new and  
21 emerging, but proven, stormwater control  
22 infrastructure;

23 (v) provide technical assistance to  
24 State, Tribal, and local governments to as-  
25 sist with the construction, operation, and

1 maintenance of stormwater control infra-  
2 structure projects;

3 (vi) collaborate with institutions of  
4 higher education and private and public or-  
5 ganizations, including community-based  
6 public-private partnerships, in the geo-  
7 graphical region in which the center is lo-  
8 cated; and

9 (vii) coordinate with the other centers  
10 to avoid duplication of efforts.

11 (2) APPLICATION.—To be eligible to receive a  
12 grant under this subsection, an eligible institution  
13 shall prepare and submit to the Administrator an  
14 application at such time, in such form, and con-  
15 taining such information as the Administrator may  
16 require.

17 (3) NATIONAL ELECTRONIC CLEARINGHOUSE  
18 CENTER.—Of the centers established under para-  
19 graph (1)(A), 1 shall—

20 (A) be designated as the “national elec-  
21 tronic clearinghouse center”; and

22 (B) in addition to the other functions of  
23 that center—

24 (i) develop, operate, and maintain an  
25 internet website and a public database that

1 contains information relating to new and  
2 emerging, but proven, stormwater control  
3 infrastructure; and

4 (ii) post to the website information  
5 from all centers.

6 (4) AUTHORIZATION OF APPROPRIATIONS.—

7 (A) IN GENERAL.—There is authorized to  
8 be appropriated to carry out this subsection  
9 \$5,000,000 for each of fiscal years 2022 and  
10 2023.

11 (B) LIMITATION ON USE OF FUNDS.—Of  
12 the amounts made available for grants under  
13 subparagraph (A), not more than 2 percent  
14 may be used to pay the administrative costs of  
15 the Administrator.

16 (c) STORMWATER CONTROL INFRASTRUCTURE  
17 PROJECT GRANTS.—

18 (1) GRANT AUTHORITY.—Subject to the avail-  
19 ability of appropriations, the Administrator shall  
20 provide grants, on a competitive basis, to eligible en-  
21 tities to carry out stormwater control infrastructure  
22 projects that incorporate new and emerging, but  
23 proven, stormwater control technology in accordance  
24 with this subsection.

1           (2) STORMWATER CONTROL INFRASTRUCTURE  
2 PROJECTS.—

3           (A) PLANNING AND DEVELOPMENT  
4 GRANTS.—The Administrator may make plan-  
5 ning and development grants under this sub-  
6 section for the following projects:

7                   (i) Planning and designing  
8 stormwater control infrastructure projects  
9 that incorporate new and emerging, but  
10 proven, stormwater control technology, in-  
11 cluding engineering surveys, landscape  
12 plans, maps, and implementation plans.

13                   (ii) Identifying and developing stand-  
14 ards necessary to accommodate stormwater  
15 control infrastructure projects, including  
16 those projects that incorporate new and  
17 emerging, but proven, stormwater control  
18 technology.

19                   (iii) Identifying and developing fee  
20 structures to provide financial support for  
21 design, installation, and operations and  
22 maintenance of stormwater control infra-  
23 structure, including new and emerging, but  
24 proven, stormwater control infrastructure.



(iv) Developing approaches for community-based public-private partnerships for the financing and construction of stormwater control infrastructure, including feasibility studies, stakeholder outreach, and needs assessments.

(v) Developing training and educational materials regarding new and emerging, but proven, stormwater control infrastructure for distribution to—

(I) individuals and entities with

applicable technical knowledge; and

(II) the public.

(B) IMPLEMENTATION GRANTS.—The Administrator may make implementation grants under this subsection for the following projects:

(i) Installing new and emerging, but proven, stormwater control infrastructure.

(ii) Protecting or restoring interconnected networks of natural areas that protect water quality.

(iii) Monitoring and evaluating the environmental, economic, or social benefits of stormwater control infrastructure that in-

1 corporate new and emerging, but proven,  
2 stormwater control technology.

3 (iv) Implementing a best practices  
4 standard for stormwater control infrastruc-  
5 ture programs.

6 (3) APPLICATION.—Except as otherwise pro-  
7 vided in this section, to be eligible to receive a grant  
8 under this subsection, an eligible entity shall prepare  
9 and submit to the Administrator an application at  
10 such time, in such form, and containing such infor-  
11 mation as the Administrator may require, including,  
12 as applicable—

13 (A) a description of the stormwater control  
14 infrastructure project that incorporates new  
15 and emerging, but proven, technology;

16 (B) a plan for monitoring the impacts of  
17 the stormwater control infrastructure project on  
18 the water quality and quantity;

19 (C) an evaluation of other environmental,  
20 economic, and social benefits of the stormwater  
21 control infrastructure project; and

22 (D) a plan for the long-term operation and  
23 maintenance of the stormwater control infra-  
24 structure project and a tracking system, such  
25 as asset management practices.

(4) PRIORITY.—In making grants under this subsection, the Administrator shall give priority to applications submitted on behalf of—

(A) a community that—

(i) has combined storm and sanitary sewers in the collection system of the community; or

(ii) is a small, rural, or disadvantaged community, as determined by the Administrator; or

(B) an eligible entity that will use not less than 15 percent of the grant to provide service to a small, rural, or disadvantaged community, as determined by the Administrator.

(5) MAXIMUM AMOUNTS.—

(A) PLANNING AND DEVELOPMENT GRANTS.—

(i) SINGLE GRANT.—The amount of a single planning and development grant provided under this subsection shall be not more than \$200,000.

(ii) AGGREGATE AMOUNT.—The total amount of all planning and development grants provided under this subsection for a fiscal year shall be not more than  $\frac{1}{3}$  of the

1 total amount made available to carry out  
2 this subsection.

3 (B) IMPLEMENTATION GRANTS.—

4 (i) SINGLE GRANT.—The amount of a  
5 single implementation grant provided  
6 under this subsection shall be not more  
7 than \$2,000,000.

8 (ii) AGGREGATE AMOUNT.—The total  
9 amount of all implementation grants pro-  
10 vided under this subsection for a fiscal  
11 year shall be not more than  $\frac{2}{3}$  of the total  
12 amount made available to carry out this  
13 subsection.

14 (6) FEDERAL SHARE.—

15 (A) IN GENERAL.—Except as provided in  
16 subparagraph (C), the Federal share of a grant  
17 provided under this subsection shall not exceed  
18 65 percent of the total project cost.

19 (B) CREDIT FOR IMPLEMENTATION  
20 GRANTS.—The Administrator shall credit to-  
21 ward the non-Federal share of the cost of an  
22 implementation project carried out under this  
23 subsection the cost of planning, design, and  
24 construction work completed for the project

1           using funds other than funds provided under  
2           this section.

3                   (C) EXCEPTION.—The Administrator may  
4           waive the Federal share limitation under sub-  
5           paragraph (A) for an eligible entity that has  
6           adequately demonstrated financial need.

7           (d) REPORT TO CONGRESS.—Not later than 1 year  
8   after the date on which the Administrator first awards a  
9   grant under this section, the Administrator shall submit  
10 to Congress a report that includes, with respect to the pe-  
11 riod covered by the report—

12                   (1) a description of all grants provided under  
13   this section;

14                   (2) a detailed description of—

15                           (A) the projects supported by those grants;

16                           and

17                           (B) the outcomes of those projects;

18                   (3) a description of the improvements in tech-  
19   nology, environmental benefits, resources conserved,  
20   efficiencies, and other benefits of the projects funded  
21   under this section;

22                   (4) recommendations for improvements to pro-  
23   mote and support new and emerging, but proven,  
24   stormwater control infrastructure, including research

1 into new and emerging technologies, for the centers,  
 2 grants, and activities under this section; and

3 (5) a description of existing challenges con-  
 4 cerning the use of new and emerging, but proven,  
 5 stormwater control infrastructure.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be  
 8 appropriated to carry out this section (except for  
 9 subsection (b)) \$10,000,000 for each of fiscal years  
 10 2022 and 2023.

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 **TITLE III—TRIBAL AND OTHER** 16 **MATTERS**

### 17 **SEC. 3001. TRIBAL PARTNERSHIP PROGRAM.**

18 Section 203(b)(4) of the Water Resources Develop-  
 19 ment Act of 2000 (33 U.S.C. 2269(b)(4)) is amended by  
 20 striking “\$12,500,000” each place it appears and insert-  
 21 ing “\$22,500,000”.

### 22 **SEC. 3002. COST SHARING PROVISIONS FOR TERRITORIES** 23 **AND INDIAN TRIBES.**

24 Section 1156(b) of the Water Resources Development  
 25 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-

ronmental Protection Agency within the Action  
Agenda and the Federal Action Plan;

“(H) carry out the recommendations of the  
Comptroller General of the United States, as  
set forth in the report entitled ‘Puget Sound  
Restoration: Additional Actions Could Improve  
Assessments of Progress’ and dated July 19,  
2018;

“(I) serve as liaison and coordinate activi-  
ties for the restoration and protection of the  
Salish Sea with Canadian authorities, the Pa-  
cific Salmon Commission, and the International  
Joint Commission; and

“(J) carry out such additional duties as  
the Administrator determines to be necessary  
and appropriate.

“(c) CROSSCUT BUDGET REPORT.—

“(1) FINANCIAL REPORT.—Not later than 1  
year after the date of enactment of this section, and  
every 5 years thereafter, the Director of the Office  
of Management and Budget, in consultation with the  
Puget Sound Federal Task Force, shall, in conjunc-  
tion with the annual budget submission of the Presi-  
dent to Congress for the year under section 1105(a)  
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           “(2) OTHER FEDERAL LAW.—Nothing in this  
2           section affects the requirements and procedures of  
3           other Federal law.

4           “(f) CONSISTENCY.—Actions authorized or carried  
5           out under this section shall be consistent with other appli-  
6           cable Federal requirements.”.

7   **SEC. 3014. REAUTHORIZATION OF THE DENALI COMMIS-**  
8                           **SION.**

9           Section 312(a) of the Denali Commission Act of 1998  
10          (42 U.S.C. 3121 note; Public Law 105–277) is amended  
11          by striking “2017 through 2021” and inserting “2021  
12          through 2024”.

13   **SEC. 3015. MUNICIPAL OMBUDSMAN.**

14          Section 4 of the Water Infrastructure Improvement  
15          Act (42 U.S.C. 4370j) is amended—

16                 (1) in subsection (b)(1), by inserting “(33  
17                 U.S.C. 1251 et seq.)” after “Control Act”;

18                 (2) in subsection (c)—

19                         (A) in paragraph (2), by striking “Act;  
20                         and” and inserting “Act (33 U.S.C. 1251 et  
21                         seq.);”

22                         (B) in paragraph (3), by striking “Act.”  
23                         and inserting “Act (33 U.S.C. 1342(s)); and”;  
24                         and

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

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”.

○