

Whereas individuals with disabilities living in institutional and long-term care settings have endured disproportionate rates of infection and death during the COVID-19 pandemic;

Whereas individuals of color with disabilities have been disparately affected by the COVID-19 pandemic;

Whereas individuals of color with disabilities experience disproportionately greater barriers to high quality and accessible healthcare, education, and employment opportunities, infringing on their right to fully participate in their communities under the Americans with Disabilities Act of 1990; and

Whereas 32 years after the date of the enactment of the Americans with Disabilities Act of 1990—

(1) women with disabilities continue to regularly face barriers to reproductive healthcare, including inaccessible and inequitable services;

(2) individuals with disabilities continue to face higher rates of unemployment and barriers to accessible workplaces and lack equitable access to competitive integrated employment opportunities;

(3) nearly a quarter of the population of individuals with disabilities live below the poverty line;

(4) some telecommunication, electronic, and information technologies continue to be developed without the goal of making those technologies fully accessible for all people of the United States; and

(5) many businesses, public and private organizations, transportation systems, and services remain inaccessible to many individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of independent living for individuals with disabilities made possible by the enactment of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(2) encourages the people of the United States to celebrate the advancement of inclusion and equality of opportunity made possible by the enactment of the Americans with Disabilities Act of 1990;

(3) pledges to continue to work on a bipartisan basis to identify and address the remaining barriers that undermine the national goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for individuals with disabilities, including by focusing on individuals with disabilities that remain segregated in institutions;

(4) pledges to work with States to improve access to home and community based services for individuals with disabilities;

(5) calls on the Department of Labor to develop policies and practices and provide technical assistance that enable individuals with disabilities to become economically self-sufficient;

(6) calls on the Department of Health and Human Services to provide information, resources, and technical assistance related to home and community based services and to enable individuals with disabilities to live independently;

(7) calls on the Department of Housing and Urban Development to provide accessible and inclusive homes and communities that increase the options available for accessible, inclusive, and equitable housing for individuals with disabilities; and

(8) calls on the Department of Transportation to create accessible transit and airports and increase the hiring, promotion, and retention of individuals with disabilities in the transportation workforce.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5139. Mr. PORTMAN (for himself, Mr. YOUNG, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table.

SA 5140. Mr. CARPER (for himself, Mrs. CAPITO, Mr. CARDIN, and Mr. CRAMER) submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table.

SA 5141. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table.

SA 5142. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, supra; which was ordered to lie on the table.

SA 5143. Mr. SCHUMER (for Mr. JOHNSON) proposed an amendment to the resolution S. Res. 694, expressing support for the designation of July 2022 as “National Sarcoma Awareness Month”.

TEXT OF AMENDMENTS

SA 5139. Mr. PORTMAN (for himself, Mr. YOUNG, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —SAFEGUARDING AMERICAN INNOVATION

SEC. ____ SHORT TITLE.

This title may be cited as the “Safeguarding American Innovation Act”.

SEC. ____ DEFINITIONS.

In this title:

(1) **FEDERAL SCIENCE AGENCY.**—The term “Federal science agency” means any Federal department or agency to which more than \$100,000,000 in basic and applied research and development funds were appropriated for the previous fiscal year.

(2) **RESEARCH AND DEVELOPMENT.**—

(A) **IN GENERAL.**—The term “research and development” means all research activities, both basic and applied, and all development activities.

(B) **DEVELOPMENT.**—The term “development” means experimental development.

(C) **EXPERIMENTAL DEVELOPMENT.**—The term “experimental development” means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(D) **RESEARCH.**—The term “research”—

(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

SEC. ____ FEDERAL RESEARCH SECURITY COUNCIL.

(a) **IN GENERAL.**—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

“CHAPTER 79—FEDERAL RESEARCH SECURITY COUNCIL

“Sec.

“7901. Definitions.

“7902. Federal Research Security Council establishment and membership.

“7903. Functions and authorities.

“7904. Strategic plan.

“7905. Annual report.

“7906. Requirements for Executive agencies.

“§ 7901. Definitions

“In this chapter:

“(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Commerce, Science, and Transportation of the Senate;

“(C) the Select Committee on Intelligence of the Senate;

“(D) the Committee on Foreign Relations of the Senate;

“(E) the Committee on Armed Services of the Senate;

“(F) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(G) the Committee on Oversight and Reform of the House of Representatives;

“(H) the Committee on Homeland Security of the House of Representatives;

“(I) the Committee on Energy and Commerce of the House of Representatives;

“(J) the Permanent Select Committee on Intelligence of the House of Representatives;

“(K) the Committee on Foreign Affairs of the House of Representatives;

“(L) the Committee on Armed Services of the House of Representatives;

“(M) the Committee on Science, Space, and Technology of the House of Representatives; and

“(N) the Committee on Education and Labor of the House of Representatives.

“(2) **COUNCIL.**—The term ‘Council’ means the Federal Research Security Council established under section 7902(a).

“(3) **EXECUTIVE AGENCY.**—The term ‘Executive agency’ has the meaning given that term in section 105 of title 5.

“(4) **FEDERAL RESEARCH SECURITY RISK.**—The term ‘Federal research security risk’ means the risk posed by malign state actors and other persons to the security and integrity of research and development conducted using research and development funds awarded by Executive agencies.

“(5) **INSIDER.**—The term ‘insider’ means any person with authorized access to any United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.

“(6) **INSIDER THREAT.**—The term ‘insider threat’ means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security of the United States or negatively affect the integrity of a Federal agency’s normal processes, including damaging the United States through espionage, sabotage, terrorism, unauthorized disclosure of national security information or nonpublic information, a destructive act (which may include physical harm to another in the

workplace), or through the loss or degradation of departmental resources, capabilities, and functions.

“(7) RESEARCH AND DEVELOPMENT.—

“(A) IN GENERAL.—The term ‘research and development’ means all research activities, both basic and applied, and all development activities.

“(B) DEVELOPMENT.—The term ‘development’ means experimental development.

“(C) EXPERIMENTAL DEVELOPMENT.—The term ‘experimental development’ means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

“(i) is directed toward the production of new products or processes or improving existing products or processes; and

“(ii) like research, will result in gaining additional knowledge.

“(D) RESEARCH.—The term ‘research’—

“(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

“(ii) includes activities involving the training of individuals in research techniques if such activities—

“(I) utilize the same facilities as other research and development activities; and

“(II) are not included in the instruction function.

“(8) UNITED STATES RESEARCH COMMUNITY.—The term ‘United States research community’ means—

“(A) research and development centers of Executive agencies;

“(B) private research and development centers in the United States, including for profit and nonprofit research institutes;

“(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

“(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

“(E) government-owned, contractor-operated United States Government research and development centers; and

“(F) any person conducting federally funded research or receiving Federal research grant funding.

“§ 7902. Federal Research Security Council establishment and membership

“(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The following agencies shall be represented on the Council:

“(A) The Office of Management and Budget.

“(B) The Office of Science and Technology Policy.

“(C) The Department of Defense.

“(D) The Department of Homeland Security.

“(E) The Office of the Director of National Intelligence.

“(F) The Department of Justice.

“(G) The Department of Energy.

“(H) The Department of Commerce.

“(I) The Department of Health and Human Services.

“(J) The Department of State.

“(K) The Department of Transportation.

“(L) The National Aeronautics and Space Administration.

“(M) The National Science Foundation.

“(N) The Department of Education.

“(O) The Small Business Administration.

“(P) The Council of Inspectors General on Integrity and Efficiency.

“(Q) Other Executive agencies, as determined by the Chairperson of the Council.

“(2) LEAD REPRESENTATIVES.—

“(A) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

“(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

“(c) CHAIRPERSON.—

“(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Management and Budget shall designate a senior level official from the Office of Management and Budget to serve as the Chairperson of the Council.

“(2) FUNCTIONS.—The Chairperson shall perform functions that include—

“(A) subject to subsection (d), developing a schedule for meetings of the Council;

“(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

“(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

“(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

“(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead science advisor to the Council for purposes of this chapter.

“(4) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall designate a senior level official from the National Counterintelligence and Security Center to be the lead security advisor to the Council for purposes of this chapter.

“(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

“§ 7903. Functions and authorities

“(a) DEFINITIONS.—In this section:

“(1) IMPLEMENTING.—The term ‘implementing’ means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place and enforce the measures described in this section.

“(2) UNIFORM APPLICATION PROCESS.—The term ‘uniform application process’ means a process employed by Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

“(b) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

“(1) Developing and implementing, across all Executive agencies that award research and development grants, awards, and contracts, a uniform application process for grants in accordance with subsection (c).

“(2) Developing and implementing policies and providing guidance to prevent malign foreign interference from unduly influencing the peer review process for federally funded research and development.

“(3) Identifying or developing criteria for sharing among Executive agencies and with

law enforcement and other agencies, as appropriate, information regarding individuals who violate disclosure policies and other policies related to research security.

“(4) Identifying an appropriate Executive agency—

“(A) to accept and protect information submitted by Executive agencies and non-Federal entities based on the process established pursuant to paragraph (1); and

“(B) to facilitate the sharing of information received under subparagraph (A) to support, consistent with Federal law—

“(i) the oversight of federally funded research and development;

“(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

“(iii) counterintelligence investigations.

“(5) Identifying, as appropriate, Executive agencies to provide—

“(A) shared services, such as support for conducting Federal research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

“(B) common contract solutions to support the verification of the identities of persons participating in federally funded research and development.

“(6) Identifying and issuing guidance, in accordance with subsection (e) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for expanding the scope of Executive agency insider threat programs, including the safeguarding of research and development from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each such agency.

“(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (c)(1). Such programs shall include an assessment of—

“(A) a grantee’s support from foreign sources and affiliations, appointments, or participation in talent programs with foreign funding institutions or laboratories; and

“(B) the impact of such support and affiliations, appointments, or participation in talent programs on United States national security and economic interests.

“(8) Providing guidance to Executive agencies regarding appropriate application of consequences for violations of disclosure requirements.

“(9) Developing and implementing a cross-agency policy and providing guidance related to the use of digital persistent identifiers for individual researchers supported by, or working on, any Federal research grant with the goal to enhance transparency and security, while reducing administrative burden for researchers and research institutions.

“(10) Engaging with the United States research community in conjunction with the National Science and Technology Council and the National Academies Science, Technology and Security Roundtable created under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 42 U.S.C. 6601 note) in performing the functions described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal research security risks.

“(11) Carrying out such other functions, consistent with Federal law, that are necessary to reduce Federal research security risks.

“(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (b)(1), the Council shall—

“(1) ensure that the process—

“(A) requires principal investigators, co-principal investigators, and key personnel associated with the proposed Federal research or development grant project—

“(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments, or foreign laboratories, and all support received from foreign sources; and

“(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

“(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants;

“(2) design the process—

“(A) to reduce the administrative burden on persons applying for Federal research and development funding; and

“(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

“(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

“(d) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information with respect to Federal research security risks under subsection (b)(3), the Council shall ensure that such criteria address, at a minimum—

“(1) the information to be shared;

“(2) the circumstances under which sharing is mandated or voluntary;

“(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

“(4) the procedures for protecting intellectual capital that may be present in such information; and

“(5) appropriate privacy protections for persons involved in Federal research and development.

“(e) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (b)(6), the Council shall ensure that such guidance provides for, at a minimum—

“(1) such programs—

“(A) to deter, detect, and mitigate insider threats; and

“(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

“(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats, including through—

“(A) monitoring user activity on computer networks controlled by Executive agencies;

“(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

“(C) gathering information for a centralized analysis, reporting, and response capability; and

“(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

“(3) the development and implementation of policies and procedures under which the insider threat program of an Executive agen-

cy accesses, shares, and integrates information and data derived from offices within the agency and shares insider threat information with the executive agency research sponsors;

“(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

“(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

“(f) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

“(1) IN GENERAL.—The Council, in conjunction with the lead security advisor designated under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

“(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

“(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

“(i) to exploit, interfere, or undermine research and development by the United States research community; or

“(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

“(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

“(i) the science and technology of that foreign country; or

“(ii) federally funded research and development; and

“(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

“(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy that detail—

“(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments;

“(2) Federal agencies' performance and compliance with interagency suspensions and debarments;

“(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

“(4) proposals for developing a unified Federal policy on suspensions and debarments; and

“(5) other current suspension and debarment related issues.

“(h) SAVINGS PROVISION.—Nothing in this section may be construed—

“(1) to alter or diminish the authority of any Federal agency; or

“(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

“§ 7904. Annual report

“Not later than November 15 of each year, the Chairperson of the Council shall submit

a report to the appropriate congressional committees that describes the activities of the Council during the preceding fiscal year.

“§ 7905. Requirements for Executive agencies

“(a) IN GENERAL.—The head of each Executive agency on the Council shall be responsible for—

“(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

“(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b);

“(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States;

“(4) ensuring that initiatives impacting Federally funded research grant making policy and management to protect the national and economic security interests of the United States are integrated with the activities of the Council; and

“(5) ensuring the initiatives developed pursuant to this section comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

“(b) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

“(1) developing an overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

“(2) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

“(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

“(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 31, United States Code, is amended by inserting after the item relating to chapter 77 the following:

“79. Federal Research Security Council 7901.”.

SEC. . FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1041. Federal grant application fraud

“(a) DEFINITIONS.—In this section:

“(1) FEDERAL AGENCY.—The term ‘Federal agency’ has the meaning given the term ‘agency’ in section 551 of title 5, United States Code.

“(2) FEDERAL GRANT.—The term ‘Federal grant’—

“(A) means a grant awarded by a Federal agency;

“(B) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

“(C) does not include—

“(i) direct United States Government cash assistance to an individual;

“(ii) a subsidy;

“(iii) a loan;

“(iv) a loan guarantee; or

“(v) insurance.

“(3) FEDERAL GRANT APPLICATION.—The term ‘Federal grant application’ means an application for a Federal grant.

“(4) FOREIGN COMPENSATION.—The term ‘foreign compensation’ means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

“(A) a foreign government;

“(B) a foreign government institution; or

“(C) a foreign public enterprise.

“(5) FOREIGN GOVERNMENT.—The term ‘foreign government’ includes a person acting or purporting to act on behalf of—

“(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

“(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

“(6) FOREIGN GOVERNMENT INSTITUTION.—The term ‘foreign government institution’ means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

“(7) FOREIGN PUBLIC ENTERPRISE.—The term ‘foreign public enterprise’ means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

“(8) LAW ENFORCEMENT AGENCY.—The term ‘law enforcement agency’—

“(A) means a Federal, State, local, or Tribal law enforcement agency; and

“(B) includes—

“(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

“(ii) the Office of Inspector General, or similar office, of a State or unit of local government.

“(9) OUTSIDE COMPENSATION.—The term ‘outside compensation’ means any compensation, resource, or support (regardless of monetary value) made available to the applicant in support of, or related to, any research endeavor, including a title, research grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including materials, travel compensation, or work incentives.

“(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

“(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual, the value of which is \$1,000 or more;

“(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

“(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

“(A) contains a material false statement;

“(B) contains a material misrepresentation; or

“(C) fails to disclose a material fact.

“(c) EXCEPTION.—Subsection (b) does not apply to an activity—

“(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

“(A) a law enforcement agency; or

“(B) a Federal intelligence agency; or

“(2) authorized under chapter 224.

“(d) PENALTY.—Any individual who violates subsection (b)—

“(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both, in accordance with the level of severity of that individual’s violation of subsection (b); and

“(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is im-

posed on the individual under paragraph (1).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1041. Federal grant application fraud.”.

SEC. ____ RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

(a) GROUNDS OF VISA SANCTIONS.—The Secretary of State may impose the sanctions described in subsection (c) if the Secretary determines an alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government’s security or strategic capabilities.

(b) RELEVANT FACTORS.—To determine if an alien is inadmissible under subsection (a), the Secretary of State shall—

(1) take account of information and analyses relevant to implementing subsection (a) from the Office of the Director of National Intelligence, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Commerce, and other appropriate Federal agencies;

(2) take account of the continual expert assessments of evolving sensitive or emerging technologies that foreign adversaries are targeting;

(3) take account of relevant information concerning the foreign person’s employment or collaboration, to the extent known, with—

(A) foreign military and security related organizations that are adversarial to the United States;

(B) foreign institutions involved in the theft of United States research;

(C) entities involved in export control violations or the theft of intellectual property;

(D) a government that seeks to undermine the integrity and security of the United States research community; or

(E) other associations or collaborations that pose a national security threat based on intelligence assessments; and

(4) weigh the proportionality of risks and the factors listed in paragraphs (1) through (3).

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—An alien described in subsection (a) may be—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—An alien described in subsection (a) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(B) IMMEDIATE EFFECT.—A revocation under subparagraph (A) shall take effect immediately, and automatically cancel any other valid visa or entry documentation that is in the alien’s possession, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)).

(3) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—The sanctions described in this subsection shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to

comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(d) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and semi-annually thereafter until the sunset date set forth in subsection (f), the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that identifies—

(1) any criteria, if relevant, used to determine whether an alien is subject to sanctions under subsection (a);

(2) the number of individuals determined to be subject to sanctions under subsection (a), including the nationality of each such individual and the reasons for each sanctions determination; and

(3) the number of days from the date of the consular interview until a final decision is issued for each application for a visa considered under this section, listed by applicants’ country of citizenship and relevant consulate.

(e) CLASSIFICATION OF REPORT.—Each report required under subsection (d) shall be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a classified annex.

(f) SUNSET.—This section shall cease to be effective on the date that is 2 years after the date of the enactment of this Act.

SEC. ____ MACHINE READABLE VISA DOCUMENTS.

(a) MACHINE-READABLE DOCUMENTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall—

(1) use a machine-readable visa application form; and

(2) make available documents submitted in support of a visa application in a machine readable format to assist in—

(A) identifying fraud;

(B) conducting lawful law enforcement activities; and

(C) determining the eligibility of applicants for a visa under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) WAIVER.—The Secretary of State may waive the requirement under subsection (a) by providing to Congress, not later than 30 days before such waiver takes effect—

(1) a detailed explanation for why the waiver is being issued; and

(2) a timeframe for the implementation of the requirement under subsection (a).

(c) REPORT.—Not later than 45 days after date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Relations of the Senate; the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the

Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

(1) describes how supplementary documents provided by a visa applicant in support of a visa application are stored and shared by the Department of State with authorized Federal agencies;

(2) identifies the sections of a visa application that are machine-readable and the sections that are not machine-readable;

(3) provides cost estimates, including personnel costs and a cost-benefit analysis for adopting different technologies, including optical character recognition, for—

(A) making every element of a visa application, and documents submitted in support of a visa application, machine-readable; and

(B) ensuring that such system—

(i) protects personally-identifiable information; and

(ii) permits the sharing of visa information with Federal agencies in accordance with existing law; and

(4) includes an estimated timeline for completing the implementation of subsection (a).

SEC. ____ . CERTIFICATIONS REGARDING ACCESS TO EXPORT CONTROLLED TECHNOLOGY IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

Section 102(b)(5) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)) is amended to read as follows:

“(5) promoting and supporting medical, scientific, cultural, and educational research and development by developing exchange programs for foreign researchers and scientists, while protecting technologies regulated by export control laws important to the national security and economic interests of the United States, by requiring—

“(A) the sponsor to certify to the Department of State that the sponsor, after reviewing all regulations related to the Export Controls Act of 2018 (50 U.S.C. 4811 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.), has determined that—

“(i) a license is not required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; or

“(ii) (I) a license is required from the Department of Commerce or the Department of State to release such technology or technical data to the exchange visitor; and

“(II) the sponsor will prevent access to the controlled technology or technical data by the exchange visitor until the sponsor—

“(aa) has received the required license or other authorization to release it to the visitor; and

“(bb) has provided a copy of such license or authorization to the Department of State; and

“(B) if the sponsor maintains export controlled technology or technical data, the sponsor to submit to the Department of State the sponsor's plan to prevent unauthorized export or transfer of any controlled items, materials, information, or technology at the sponsor organization or entities associated with a sponsor's administration of the exchange visitor program.”.

SEC. ____ . PRIVACY AND CONFIDENTIALITY.

Nothing in this title may be construed as affecting the rights and requirements provided in section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”) or subchapter III of chapter 35 of title 44, United States Code (commonly known as the “Confidential Information Protection and Statistical Efficiency Act of 2018”).

SA 5140. Mr. CARPER (for himself, Mrs. CAPITO, Mr. CARDIN, and Mr.

CRAMER) submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—GENERAL PROVISIONS

Sec. 101. Scope of feasibility studies.

Sec. 102. Shoreline and riverbank protection and restoration mission.

Sec. 103. Inland waterway projects.

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

Sec. 105. Policy and technical standards.

Sec. 106. Planning assistance to States.

Sec. 107. Floodplain management services.

Sec. 108. Workforce planning.

Sec. 109. Credit in lieu of reimbursement.

Sec. 110. Coastal cost calculations.

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

Sec. 112. Use of emergency funds.

Sec. 113. Research and development.

Sec. 114. Tribal and Economically Disadvantaged Communities Advisory Committee.

Sec. 115. Non-Federal Interest Advisory Committee.

Sec. 116. Underserved community harbor projects.

Sec. 117. Corps of Engineers Western Water Cooperative Committee.

Sec. 118. Updates to certain water control manuals.

Sec. 119. Sense of Congress on operations and maintenance of recreation sites.

Sec. 120. Relocation assistance.

Sec. 121. Reprogramming limits.

Sec. 122. Lease durations.

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

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

Sec. 125. Reforestation.

Sec. 126. Use of other Federal funds.

Sec. 127. National low-head dam inventory.

Sec. 128. Transfer of excess credit.

Sec. 129. National levee restoration.

Sec. 130. Inland waterways regional dredge pilot program.

Sec. 131. Funding to process permits.

Sec. 132. Non-Federal project implementation pilot program.

Sec. 133. Cost sharing for territories and Indian Tribes.

Sec. 134. Water supply conservation.

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

Sec. 136. Protection of lighthouses.

Sec. 137. Expediting hydropower at Corps of Engineers facilities.

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

Sec. 139. Dredged material management plans.

Sec. 140. Lease deviations.

Sec. 141. Columbia River Basin.

Sec. 142. Continuation of construction.

TITLE II—STUDIES AND REPORTS

Sec. 201. Authorization of feasibility studies.

Sec. 202. Special rules.

Sec. 203. Expedited completion of studies.

Sec. 204. Studies for periodic nourishment.

Sec. 205. NEPA reporting.

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

Sec. 207. GAO study on project distribution.

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

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

Sec. 210. Sabine-Neches Waterway Navigation Improvement project, Texas.

Sec. 211. Great Lakes recreational boating.

Sec. 212. Central and Southern Florida.

Sec. 213. Investments for recreation areas.

Sec. 214. Western infrastructure study.

Sec. 215. Upper Mississippi River and Illinois Waterway System.

Sec. 216. West Virginia hydropower.

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

Sec. 218. Automated fee machines.

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

Sec. 220. Report on concessionaire practices.

TITLE III—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS

Sec. 301. Additional assistance for critical projects.

Sec. 302. Southern West Virginia.

Sec. 303. Northern West Virginia.

Sec. 304. Local cooperation agreements, northern West Virginia.

Sec. 305. Special rule for certain beach nourishment projects.

Sec. 306. Coastal community flood control and other purposes.

Sec. 307. Modifications.

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

Sec. 309. Delaware shore protection and restoration.

Sec. 310. Great Lakes advance measures assistance.

Sec. 311. Rehabilitation of existing levees.

Sec. 312. Pilot program for certain communities.

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

Sec. 314. Chesapeake Bay environmental restoration and protection program.

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

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

Sec. 317. Upper Mississippi River restoration program.

Sec. 318. Harmful algal bloom demonstration program.

Sec. 319. Colleton County, South Carolina.

Sec. 320. Arkansas River corridor, Oklahoma.

Sec. 321. Abandoned and inactive noncoal mine restoration.

Sec. 322. Asian carp prevention and control pilot program.

Sec. 323. Forms of assistance.

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

Sec. 325. Invasive species management.

Sec. 326. Wolf River Harbor, Tennessee.

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

Sec. 328. Invasive species management pilot program.

- Sec. 329. Nueces County, Texas, conveyances.
- Sec. 330. Mississippi Delta Headwaters, Mississippi.
- Sec. 331. Ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey.
- Sec. 332. Timely reimbursement.
- Sec. 333. New Savannah Bluff Lock and Dam, Georgia and South Carolina.
- Sec. 334. Lake Tahoe Basin restoration, Nevada and California.
- Sec. 335. Additional assistance for Eastern Santa Clara Basin, California.
- Sec. 336. Tribal partnership program.
- Sec. 337. Surplus water contracts and water storage agreements.
- Sec. 338. Copan Lake, Oklahoma.
- Sec. 339. Enhanced development program.
- Sec. 340. Ecosystem restoration coordination.
- Sec. 341. Acequias irrigation systems.
- Sec. 342. Rogers County, Oklahoma.
- Sec. 343. Water supply storage repair, rehabilitation, and replacement costs.
- Sec. 344. Non-Federal payment flexibility.
- Sec. 345. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 346. Waiver of non-Federal share of damages related to certain contract claims.
- Sec. 347. Algiers Canal Levees, Louisiana.
- Sec. 348. Israel River ice control project, Lancaster, New Hampshire.
- Sec. 349. City of El Dorado, Kansas.
- Sec. 350. Upper Mississippi River protection.
- Sec. 351. Regional Corps of Engineers Office, Corpus Christi, Texas.
- Sec. 352. Pilot program for good neighbor authority on Corps of Engineers land.
- Sec. 353. Southeast Des Moines, Southwest Pleasant Hill, Iowa.
- Sec. 354. Middle Rio Grande flood protection, Bernalillo to Belen, New Mexico.
- Sec. 355. Comprehensive Everglades Restoration Plan, Florida.
- Sec. 356. Maintenance dredging permits.
- Sec. 357. Puget Sound nearshore ecosystem restoration, Washington.
- Sec. 358. Tribal assistance.
- Sec. 359. Recreational opportunities at certain projects.
- Sec. 360. Rehabilitation of Corps of Engineers constructed dams.
- Sec. 361. South Florida Ecosystem Restoration Task Force.
- Sec. 362. New Madrid County Harbor, Missouri.
- Sec. 363. Trinity River and tributaries, Texas.
- Sec. 364. Rend Lake, Carlyle Lake, and Lake Shelbyville, Illinois.
- Sec. 365. Federal assistance.
- Sec. 366. Land transfer and trust land for Choctaw Nation of Oklahoma.
- Sec. 367. Lake Barkley, Kentucky, land conveyance.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Project authorizations.
- Sec. 402. Storm damage prevention and reduction, coastal erosion, and ice and glacial damage, Alaska.
- Sec. 403. Expedited completion of projects.
- Sec. 404. Special rules.
- Sec. 405. Chattahoochee River program.
- Sec. 406. Lower Mississippi River Basin demonstration program.
- Sec. 407. Forecast-informed reservoir operations.
- Sec. 408. Mississippi River mat sinking unit.
- Sec. 409. Sense of Congress relating to Okatibbee Lake.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Army.

TITLE I—GENERAL PROVISIONS

SEC. 101. SCOPE OF FEASIBILITY STUDIES.

(a) FLOOD AND COASTAL STORM RISK MANAGEMENT.—In carrying out a feasibility study for a project for flood or coastal storm risk management, the Secretary, at the request of the non-Federal interest for the study, shall formulate alternatives to maximize net benefits from the reduction of the comprehensive flood risk that is identified through a holistic evaluation of the isolated and compound effects of—

- (1) a riverine discharge of any magnitude or frequency;
- (2) inundation, wave attack, and erosion coinciding with a hurricane or coastal storm;
- (3) a tide of any magnitude or frequency;
- (4) a rainfall event of any magnitude or frequency;
- (5) seasonal variation in water levels;
- (6) groundwater emergence;
- (7) sea level rise;
- (8) subsidence; or
- (9) any other driver of flood risk affecting the study area.

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

- (1) to maximize combined net benefits for the primary purpose of the study and for water supply, water supply conservation, and drought risk reduction; or
- (2) to include 1 or more measures for the purpose of water supply, water supply conservation, or drought risk reduction.

(c) COST SHARING.—All costs to carry out a feasibility study in accordance with this section shall be shared in accordance with the cost share requirements otherwise applicable to the study.

SEC. 102. SHORELINE AND RIVERBANK PROTECTION AND RESTORATION MISSION.

(a) DECLARATION OF POLICY.—Congress declares that—

- (1) consistent with the civil works mission of the Corps of Engineers, it is the policy of the United States to protect and restore the shorelines, riverbanks, and streambanks of the United States from the damaging impacts of extreme weather events and other factors contributing to the vulnerability of coastal and riverine communities and ecosystems;

(2) the Chief of Engineers shall give priority consideration to the protection and restoration of shorelines, riverbanks, and streambanks from erosion and other damaging impacts of extreme weather events in carrying out the civil works mission of the Corps of Engineers;

(3) to the maximum extent practicable, projects and measures for the protection and restoration of shorelines, riverbanks, and streambanks shall be formulated to increase the resilience of such shores and banks from the damaging impacts of extreme weather events and other factors contributing to the vulnerability of coastal and riverine communities and ecosystems using measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); and

(4) to the maximum extent practicable, periodic nourishment shall be provided, in accordance with subsection (c) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426(c)), and subject to section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f), for projects and measures carried out for the purpose of restoring and increasing the resili-

ence of ecosystems to the same extent as periodic nourishment is provided for projects and measures carried out for the purpose of coastal storm risk management.

(b) SHORELINE AND RIVERINE PROTECTION AND RESTORATION.—

(1) IN GENERAL.—Section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(A) in the section heading, by striking “FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM” and inserting “SHORELINE AND RIVERINE PROTECTION AND RESTORATION”;

(B) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary may carry out projects—

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

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

(C) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(1) AUTHORITY.—

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

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

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

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

(ii) in paragraph (3), by striking “flood damages” and inserting “flood and coastal storm damages, including the use of measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))”; and

(iii) in paragraph (4)—

(I) by inserting “and coastal storm” after “flood”;

(II) by inserting “, shoreline,” after “riverine”; and

(III) by inserting “and coastal barriers” after “floodplains”;

(D) in subsection (c)—

(i) by striking paragraph (1) and inserting the following:

“(1) STUDIES.—

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

“(i) 50 percent; and

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

“(B) FEDERAL INTEREST DETERMINATION.—The first \$100,000 of the costs of a study under this section shall be at full Federal expense.”;

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking “FLOOD CONTROL”; and

(II) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—Design and construction of a nonstructural measure or project, a measure or project described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)), or for a measure or project for environmental restoration, shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33

U.S.C. 2201 note; Public Law 116-260)) shall be 10 percent.”; and

(iii) in paragraph (3)—

(I) in the paragraph heading, by striking “CONTROL” and inserting “AND COASTAL STORM RISK MANAGEMENT”;

(II) by striking “control” and inserting “and coastal storm risk management”; and

(III) by striking “section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a))” and inserting “section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)) shall be 10 percent”;

(E) in subsection (d)—

(i) by striking paragraph (2);

(ii) by striking the subsection designation and heading and all that follows through “Notwithstanding” in paragraph (1) in the matter preceding subparagraph (A) and inserting the following:

“(d) PROJECT JUSTIFICATION.—Notwithstanding”;

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

(iv) in paragraph (1) (as so redesignated)—

(I) by inserting “or coastal storm” after “flood”; and

(II) by inserting “, including erosion or riverbank or streambank failures” after “damages”;

(F) in subsection (e)—

(i) by redesignating paragraphs (1) through (33) as subparagraphs (A) through (GG), respectively, and indenting appropriately;

(ii) in the matter preceding subparagraph (A) (as so redesignated), by striking “In carrying out” and inserting the following:

“(1) IN GENERAL.—In carrying out”;

(iii) by adding at the end the following:

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

“(A) Delaware beaches and watersheds, Delaware.

“(B) Louisiana Coastal Area, Louisiana.

“(C) Great Lakes Shores and Watersheds.

“(D) Oregon Coastal Area, Oregon.

“(E) Upper Missouri River Basin.

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

“(G) Chesapeake Bay watershed and Maryland beaches, Maryland.”;

(G) by striking subsections (f), (g), and (i);

(H) by redesignating subsection (h) as subsection (f); and

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

“(2) PROJECTS REQUIRING SPECIFIC AUTHORIZATION.—The Secretary shall not carry out a project until Congress enacts a law authorizing the Secretary to carry out the project, if the Federal share of the cost to design and construct the project exceeds—

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

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

“(i) is for purposes of environmental restoration; or

“(ii) derives not less than 50 percent of the erosion, flood, or coastal storm risk reduction benefits from nonstructural measures or

measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); or

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

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 1999 (113 Stat. 269) is amended by striking the item relating to section 212 and inserting the following:

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

(c) EMERGENCY STREAMBANK AND SHORELINE PROTECTION.—Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking “\$5,000,000” and inserting “\$10,000,000”.

SEC. 103. INLAND WATERWAY PROJECTS.

(a) IN GENERAL.—Section 102(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2212(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “One-half of the costs” and inserting “75 percent of the costs”; and

(2) in the undesignated matter following paragraph (3), in the second sentence, by striking “One-half of such costs” and inserting “25 percent of such costs”.

(b) APPLICATION.—The amendments made by subsection (a) shall apply to new and ongoing projects beginning on October 1, 2022.

(c) CONFORMING AMENDMENT.—Section 109 of the Water Resources Development Act of 2020 (33 U.S.C. 2212 note; Public Law 116-260) is amended by striking “fiscal years 2021 through 2031” and inserting “fiscal years 2021 through 2022”.

SEC. 104. PROTECTION AND RESTORATION OF OTHER FEDERAL LAND ALONG RIVERS AND COASTS.

(a) IN GENERAL.—The Secretary is authorized to use funds made available to the Secretary for water resources development purposes to construct, at full Federal expense, a measure benefitting Federal land under the administrative jurisdiction of another Federal agency, if the measure—

(1) is included in a report of the Chief of Engineers or other decision document for a water resources development project that is specifically authorized by Congress;

(2) is included in a detailed project report (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(3) utilizes dredged material from a water resources development project beneficially.

(b) APPLICABILITY.—This section shall apply to a measure for which construction is initiated after the date of enactment of this Act.

(c) EXCLUSION.—In this section, the term “Federal land” does not include a military installation.

(d) SAVINGS PROVISIONS.—Nothing in this section precludes—

(1) a Federal agency with administrative jurisdiction over Federal land from contributing funds for any portion of the cost of a measure described in subsection (a) that benefits that land; or

(2) the Secretary, at the request of the non-Federal interest for a study for a project for flood or coastal storm risk management, from using funds made available to the Secretary for water resources development investigations to formulate measures to reduce risk to a military installation, if the non-Federal interest shares in the cost to formulate those measures to the same extent that the non-Federal interest is required to share in the cost of the study.

(e) REPEAL.—

(1) IN GENERAL.—Section 1025 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2226) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1193) is amended by striking the item relating to section 1025.

SEC. 105. POLICY AND TECHNICAL STANDARDS.

Consistent with the 5-year administrative publication life cycle of the Department of the Army, the Secretary shall revise, rescind, or certify as current, as applicable, each publication for the civil works programs of the Corps of Engineers.

SEC. 106. PLANNING ASSISTANCE TO STATES.

(a) IN GENERAL.—Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) in subsection (a)—

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

(B) by adding at the end the following:

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

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

“(b) OUTREACH.—

“(1) IN GENERAL.—The Secretary is authorized to carry out activities, at full Federal expense—

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

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

“(2) STAFF.—The Secretary shall designate staff in each district office of the Corps of Engineers to provide assistance under this subsection.”; and

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

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

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

(b) CONFORMING AMENDMENT.—Section 3014(b)(3)(B) of the Water Resources Reform and Development Act of 2014 (42 U.S.C. 4131(b)(3)(B)) is amended by striking section “22(b) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(b))” and inserting “section 22(c) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(c))”.

SEC. 107. FLOODPLAIN MANAGEMENT SERVICES.

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

(1) in subsection (a)—

(A) in the second sentence, by striking “Surveys and guides” and inserting the following:

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

(B) in the first sentence—

(i) by inserting “identification of areas subject to floods due to accumulated snags and other debris,” after “inundation by floods of various magnitudes and frequencies.”; and

(ii) by striking “In recognition” and inserting the following:

“(1) IN GENERAL.—In recognition”; and

(C) by adding at the end the following:

“(3) IDENTIFICATION OF ASSISTANCE.—

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

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

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding section 4141 of title 10, United States Code, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.”.

SEC. 108. WORKFORCE PLANNING.

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

(b) AUTHORIZATION.—The Secretary is authorized to carry out activities, at full Federal expense—

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

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

(c) PARTNERING ENTITIES.—In carrying out activities under this section, the Secretary may enter into partnerships with—

(1) public and nonprofit elementary and secondary schools;

(2) community colleges;

(3) technical schools;

(4) colleges and universities, including historically Black colleges and universities; and

(5) other institutions of learning.

(d) PRIORITIZATION.—The Secretary shall, to the maximum extent practicable, prioritize the recruitment of individuals under this section that are located in economically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)).

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

SEC. 109. CREDIT IN LIEU OF REIMBURSEMENT.

(a) IN GENERAL.—Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended—

(1) in subsection (a)—

(A) by striking “or” before “an authorized coastal navigation project”;

(B) by inserting “or any other water resources development project for which the Secretary is authorized to reimburse the non-Federal interest for the Federal share of construction or operation and maintenance,” before “the Secretary”; and

(C) by striking “of the project” and inserting “to construct, periodically nourish, or operate and maintain the project”;

(2) in each of subsections (b) and (c), by striking “flood damage reduction and coastal navigation” each place it appears and inserting “water resources development”; and

(3) by adding at the end the following:

“(d) APPLICABILITY.—With respect to a project constructed under section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232), the Secretary shall exercise the authority under this section to apply credits

and reimbursements related to the project in a manner consistent with the requirements of subsection (d) of that section.”.

(b) TREATMENT OF CREDIT BETWEEN PROJECTS.—Section 7007(d) of the Water Resources Development Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended by inserting “, or may be applied to reduce the amounts required to be paid by the non-Federal interest under the terms of the deferred payment agreements entered into between the Secretary and the non-Federal interest for the projects authorized by section 7012(a)(1)” before the period at the end.

SEC. 110. COASTAL COST CALCULATIONS.

Section 152(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2213a(a)) is amended by inserting “or coastal storm risk management” after “flood risk management”.

SEC. 111. ADVANCE PAYMENT IN LIEU OF REIMBURSEMENT FOR CERTAIN FEDERAL COSTS.

The Secretary is authorized to provide in advance to the non-Federal interest the Federal share of funds required for the acquisition of land, easements, and rights-of-way and the performance of relocations for a project or separable element—

(1) authorized to be constructed at full Federal expense;

(2) described in section 103(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(b)(2)); or

(3) described in, or modified by an amendment made by, section 307(a) or 309(a), if at any time the cost to acquire the land, easements, and rights-of-way required for the project is projected to exceed the non-Federal share of the cost of the project.

SEC. 112. USE OF EMERGENCY FUNDS.

Section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), is amended—

(1) in paragraph (1), in the first sentence, by inserting “, increase resilience, increase effectiveness in preventing damages from inundation, wave attack, or erosion,” after “address major deficiencies”; and

(2) by adding at the end the following:

“(6) WORK CARRIED OUT BY A NON-FEDERAL SPONSOR.—

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

“(B) REQUIREMENTS.—

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

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

“(C) PAYMENT.—

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

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

“(D) ANNUAL LIMIT ON REIMBURSEMENTS NOT APPLICABLE.—Section 102 of the Energy and Water Development Appropriations Act, 2006 (33 U.S.C. 2221), shall not apply to an agreement under subparagraph (B).”.

SEC. 113. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended—

(1) in the section heading, by striking “COLLABORATIVE”;

(2) in subsection (b), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) by striking subsection (e);

(4) by redesignating subsections (b), (c), (d), and (f) as paragraphs (2), (3), (4), and (5), respectively, and indenting appropriately;

(5) in subsection (a), by striking “of the Army Corps of Engineers, the Secretary is authorized to utilize Army” and inserting the following: “of the Corps of Engineers, the Secretary is authorized to engage in basic research, applied research, advanced research, and development projects, including such projects that are—

“(1) authorized by Congress; or

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

“(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—In carrying out subsection (a), the Secretary is authorized to utilize”;

(6) in subsection (b) (as so redesignated)—

(A) in paragraph (2)(B) (as so redesignated), by striking “this section” and inserting “this subsection”;

(B) in paragraph (3) (as so redesignated), in the first sentence, by striking “this section” each place it appears and inserting “this subsection”;

(C) in paragraph (4) (as so redesignated), by striking “subsection (c)” and inserting “paragraph (3)”;

(D) in paragraph (5) (as so redesignated), by striking “this section” and inserting “this subsection”;

(7) by adding at the end the following:

“(c) OTHER TRANSACTIONS.—

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

“(2) EDUCATION AND TRAINING.—The Secretary shall—

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

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

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

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

“(d) REPORT.—

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

“(2) CONTENTS.—A report under paragraph (1) shall include—

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

“(i) the estimated total cost;

“(ii) the amount of Federal expenditures;

“(iii) the amount of expenditures by a non-Federal entity as described in subsection (b)(1), if applicable;

“(iv) the estimated timeline for completion;

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

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

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

“(e) COST SHARING.—

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

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

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

“(g) RESEARCH AND DEVELOPMENT ACCOUNT.—

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

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

(b) FORECASTING MODELS FOR THE GREAT LAKES.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Secretary \$10,000,000 to complete and maintain a model suite to forecast water levels, account for water level variability, and account for the impacts of extreme weather events and other natural disasters in the Great Lakes.

(2) SAVINGS PROVISION.—Nothing in this subsection precludes the Secretary from using funds made available under the Great Lakes Restoration Initiative established by section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)) for activities described in paragraph (1) for the Great Lakes, if funds are not appropriated for such activities.

(c) MONITORING AND ASSESSMENT PROGRAM FOR SALINE LAKES IN THE GREAT BASIN.—

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

(2) COORDINATION.—The Secretary shall coordinate implementation of the program with relevant—

(A) Federal and State agencies;

(B) Indian Tribes;

(C) local governments; and

(D) nonprofit organizations.

(3) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into contracts, grant agreements, and cooperative agreements with institutions of higher education and with entities described in paragraph (2) to implement the program.

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

(5) ADDITIONAL INFORMATION.—In carrying out the program, the Secretary may use available studies, information, literature, or data on the Great Basin region published by relevant Federal, State, or local entities.

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

(d) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1988 (102 Stat. 4012) is amended by striking the item relating to section 7 and inserting the following:

“Sec. 7. Research and development.”.

SEC. 114. TRIBAL AND ECONOMICALLY DISADVANTAGED COMMUNITIES ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term “Committee” means the Tribal and Economically Disadvantaged Communities Advisory Committee established under subsection (b).

(2) ECONOMICALLY DISADVANTAGED COMMUNITY.—The term “economically disadvantaged community” has the meaning given the term pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260).

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

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the “Tribal and Economically Disadvantaged Communities Advisory Committee”, to develop and make recommendations to the Secretary and the Chief of Engineers on activities and actions that should be undertaken by the Corps of Engineers to ensure more effective delivery of water resources development projects, programs, and other assistance to economically disadvantaged communities and Indian Tribes.

(c) MEMBERSHIP.—The Committee shall be composed of members, appointed by the Secretary, who have the requisite experiential or technical knowledge needed to address issues related to the water resources needs and challenges of economically disadvantaged communities and Indian Tribes, including—

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

(2) 5 individuals, each representing a non-Federal interest for a Corps of Engineers project.

(d) DUTIES.—

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

(A) efficiently and effectively delivering solutions to water resources development

projects needs and challenges for economically disadvantaged communities and Indian Tribes;

(B) integrating consideration of economically disadvantaged communities and Indian Tribes, where applicable, in the development of water resources development projects and programs of the Corps of Engineers; and

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

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

(3) REPORT.—Recommendations provided under paragraph (1) shall be—

(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

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

(e) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (d)(1) shall reflect the independent judgment of the Committee.

(f) ADMINISTRATION.—

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

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(3) TREATMENT.—The members of the Committee shall not be considered to be Federal employees, and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

SEC. 115. NON-FEDERAL INTEREST ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the “Non-Federal Interest Advisory Committee” (referred to in this section as the “Committee”), to develop and make recommendations to the Secretary and the Chief of Engineers on activities and actions that should be undertaken by the Corps of Engineers to ensure more effective and efficient delivery of water resources development projects, programs, and other assistance.

(b) MEMBERSHIP.—

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

(A) be appointed by the Secretary; and

(B) have the requisite experiential or technical knowledge needed to address issues related to water resources needs and challenges.

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

(A) A representative of each of the following:

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

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

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

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

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

(B) A representative of each of the following:

(i) A non-Federal stakeholder with respect to inland waterborne transportation.

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

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

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

(v) A non-Federal stakeholder with respect to emergency preparedness, including coastal protection.

(C) A representative of each of the following:

(i) An organization with expertise in conservation.

(ii) An organization with expertise in environmental policy.

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

(c) DUTIES.—

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

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

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

(C) improving the capacity and effectiveness of Corps of Engineers consultation and liaison roles in communicating water resources needs and solutions, including regionally-specific recommendations; and

(D) strengthening partnerships with non-Federal interests to advance water resources solutions.

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

(3) REPORT.—Recommendations provided under paragraph (1) shall be—

(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

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

(d) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (c)(1) shall reflect the independent judgment of the Committee.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

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

(3) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(4) TREATMENT.—The members of the Committee shall not be considered to be Federal employees and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 116. UNDERSERVED COMMUNITY HARBOR PROJECTS.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term “project” means a single cycle of dredging of an underserved community harbor and the associated placement of dredged material at a beneficial use placement site or disposal site.

(2) UNDERSERVED COMMUNITY HARBOR.—The term “underserved community harbor” means an emerging harbor (as defined in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f))) for which—

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

(B) State and local investments in infrastructure have been made during the preceding 4 fiscal years.

(b) IN GENERAL.—The Secretary may carry out projects to dredge underserved community harbors for purposes of sustaining water-dependent commercial and recreational activities at such harbors.

(c) JUSTIFICATION.—The Secretary may carry out a project under this section if the Secretary determines that the cost of the project is reasonable in relation to the sum of—

(1) the local or regional economic benefits; and

(2)(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetland and control of shoreline erosion; or

(B) other social effects, including protection against loss of life and contributions to local or regional cultural heritage.

(d) COST SHARE.—The non-Federal share of the cost of a project carried out under this section shall be determined in accordance with—

(1) subsection (a), (b), (c), or (d), as applicable, of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for any portion of the cost of the project allocated to flood or coastal storm risk management, ecosystem restoration, or recreation; and

(2) section 101(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)(1)), for the portion of the cost of the project other than a portion described in paragraph (1).

(e) CLARIFICATION.—The Secretary shall not require the non-Federal interest for a project carried out under this section to perform additional operation and maintenance activities at the beneficial use placement site or the disposal site for such project.

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

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2023 through 2026.

(2) SPECIAL RULE.—Not less than 35 percent of the amounts made available to carry out this section for each fiscal year shall be used for projects that include the beneficial use of dredged material.

(h) SAVINGS PROVISION.—Carrying out a project under this section shall not affect the eligibility of an underserved community harbor for Federal operation and maintenance funding otherwise authorized for the underserved community harbor.

SEC. 117. CORPS OF ENGINEERS WESTERN WATER COOPERATIVE COMMITTEE.

(a) FINDINGS.—Congress finds that—

(1) a bipartisan coalition of 19 Western Senators wrote to the Office of Management and Budget on September 17, 2019, in opposition to the proposed rulemaking entitled “Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply” (81 Fed. Reg. 91556 (December 16, 2016)), describing the rule as counter to existing law and court precedent;

(2) on January 21, 2020, the proposed rulemaking described in paragraph (1) was withdrawn; and

(3) the Corps of Engineers should consult with Western States to ensure, to the max-

imum extent practicable, that operation of flood control projects in prior appropriation States is consistent with the principles of the first section of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887, chapter 665; 33 U.S.C. 701-1) and section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a Western Water Cooperative Committee (referred to in this section as the “Cooperative Committee”).

(2) PURPOSE.—The purpose of the Cooperative Committee is to ensure that Corps of Engineers flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between operation of Corps of Engineers projects and State water rights and water laws.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Cooperative Committee shall be composed of—

(i) the Assistant Secretary of the Army for Civil Works (or a designee);

(ii) the Chief of Engineers (or a designee);

(iii) 1 representative from each of the States of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, who may serve on the Western States Water Council, to be appointed by the Governor of each State;

(iv) 1 representative with legal experience from each of the States of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, to be appointed by the Attorney General of each State; and

(v) 1 employee from each of the impacted regional offices of the Bureau of Indian Affairs.

(4) MEETINGS.—

(A) IN GENERAL.—The Cooperative Committee shall meet not less than once each year in a State represented on the Cooperative Committee.

(B) AVAILABLE TO PUBLIC.—Each meeting of the Cooperative Committee shall be open and accessible to the public.

(C) NOTIFICATION.—The Cooperative Committee shall publish in the Federal Register adequate advance notice of a meeting of the Cooperative Committee.

(5) DUTIES.—The Cooperative Committee shall develop and make recommendations to avoid or minimize conflicts between the operation of Corps of Engineers projects and State water rights and water laws, which may include recommendations for legislation or the promulgation of policy or regulations.

(6) STATUS UPDATES.—

(A) IN GENERAL.—On an annual basis, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written report that includes—

(i) a summary of the contents of meetings of the Cooperative Committee; and

(ii) a description of any recommendations made by the Cooperative Committee under paragraph (5), including actions taken by the Secretary in response to such recommendations.

(B) COMMENT.—

(i) IN GENERAL.—Not later than 45 days following the conclusion of a meeting of the Cooperative Committee, the Secretary shall provide to members of the Cooperative Committee an opportunity to comment on the

contents of the meeting and any recommendations.

(ii) **INCLUSION.**—Comments provided under clause (i) shall be included in the report provided under subparagraph (A).

(7) **COMPENSATION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the members of the Cooperative Committee shall serve without compensation.

(B) **TRAVEL EXPENSES.**—The members of the Cooperative Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Cooperative Committee.

(8) **MAINTENANCE OF RECORDS.**—The Cooperative Committee shall maintain records pertaining to operating costs and records of the Cooperative Committee for a period of not less than 3 years.

SEC. 118. UPDATES TO CERTAIN WATER CONTROL MANUALS.

On request of the Governor of State in which the Governor declared a statewide drought disaster in 2021, the Secretary is authorized to update water control manuals for waters in the State, with priority given to those waters that accommodate a water supply project.

SEC. 119. SENSE OF CONGRESS ON OPERATIONS AND MAINTENANCE OF RECREATION SITES.

It is the sense of Congress that the Secretary, as part of the annual work plan, should distribute amounts provided for the operations and maintenance of recreation sites of the Corps of Engineers so that each site receives an amount that is not less than 80 percent of the recreation fees generated by such site in a given year.

SEC. 120. RELOCATION ASSISTANCE.

In the case of a water resources development project using nonstructural measures for the elevation or modification of a dwelling that is the primary residence of an owner-occupant and that requires the owner-occupant to relocate temporarily from the dwelling during the period of construction, the Secretary may include in the value of the land, easements, and rights-of-way required for the project or measure the documented reasonable living expenses, excluding food and personal transportation, incurred by the owner-occupant during the period of relocation.

SEC. 121. REPROGRAMMING LIMITS.

(a) **OPERATIONS AND MAINTENANCE.**—In reprogramming funds made available to the Secretary for operations and maintenance—

(1) the Secretary may not reprogram more than 25 percent of the base amount up to a limit of—

(A) \$8,500,000 for a project, study, or activity with a base level over \$1,000,000; and

(B) \$250,000 for a project, study, or activity with a base level of \$1,000,000 or less; and

(2) \$250,000 may be reprogrammed for any continuing study or activity of the Secretary that did not receive an appropriation.

(b) **INVESTIGATIONS.**—In reprogramming funds made available to the Secretary for investigations—

(1) the Secretary may not reprogram more than \$150,000 for a project, study, or activity with a base level over \$100,000; and

(2) \$150,000 may be reprogrammed for any continuing study or activity of the Secretary that did not receive an appropriation for existing obligations and concomitant administrative expenses.

SEC. 122. LEASE DURATIONS.

The Secretary shall issue guidance on, in the case of a leasing decision pursuant to

section 2667 of title 10, United States Code, or section 4 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 889, chapter 665; 16 U.S.C. 460d), instances in which a lease duration in excess of 25 years is appropriate.

SEC. 123. SENSE OF CONGRESS RELATING TO POST-DISASTER REPAIRS.

It is the sense of Congress that in permitting and funding post-disaster repairs, the Secretary should, to the maximum extent practicable, repair assets—

(1) to project design levels; or

(2) if the original project design is outdated, to above project design levels.

SEC. 124. PAYMENT OF PAY AND ALLOWANCES OF CERTAIN OFFICERS FROM APPROPRIATION FOR IMPROVEMENTS.

Section 36 of the Act of August 10, 1956 (70A Stat. 634, chapter 1041; 33 U.S.C. 583a), is amended—

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

“(a) **IN GENERAL.**—The personnel described in subsection (b)”;

(2) by adding at the end the following:

“(b) **PERSONNEL DESCRIBED.**—The personnel referred to in subsection (a) are the following:

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

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

“(A) Reserve component officers.

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

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

SEC. 125. REFORESTATION.

The Secretary is encouraged to consider measures to restore swamps and other wetland forests in studies for water resources development projects for ecosystem restoration and flood and coastal storm risk management.

SEC. 126. USE OF OTHER FEDERAL FUNDS.

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

(1) by striking “water resources study or project” and inserting “water resources development study or project, including a study or project under a continuing authority program (as defined in section 7001(c)(1)(D) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(c)(1)(D)))”;

(2) by striking “the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project” and inserting “the funds appropriated to the Federal agency are for a purpose that is similar or complementary to the purpose of the study or project”.

SEC. 127. NATIONAL LOW-HEAD DAM INVENTORY.

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by adding at the end the following:

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

“(a) **DEFINITIONS.**—In this section:

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

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

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

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

“(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this section,

the Secretary, in consultation with the heads of appropriate Federal and State agencies, shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 128. TRANSFER OF EXCESS CREDIT.

Section 1020 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2223) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) **STUDIES AND PROJECTS WITH MULTIPLE NON-FEDERAL INTERESTS.**—A credit described in paragraph (1) for a study or project with multiple non-Federal interests may be applied to the required non-Federal cost share for a study or project of any of those non-Federal interests, subject to the condition that each non-Federal interest for the study or project for which the credit described in paragraph (1) is provided concurs in writing.”;

(2) in subsection (b), by adding at the end the following:

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

(3) by striking subsection (d); and

(4) by redesignating subsection (e) as subsection (d).

SEC. 129. NATIONAL LEVEE RESTORATION.

(a) **DEFINITION OF REHABILITATION.**—Section 9002(13) of the Water Resources Development Act of 2007 (33 U.S.C. 3301(13)) is amended—

(1) by inserting “, or improvement” after “removal”; and

(2) by inserting “, increase resiliency to extreme weather events,” after “flood risk”.

(b) LEVEE REHABILITATION ASSISTANCE PROGRAM.—Section 9005(h) of the Water Resources Development Act of 2007 (33 U.S.C. 3303a(h)) is amended—

(1) in paragraph (7), by striking “\$10,000,000” and inserting “\$25,000,000”; and

(2) by adding at the end the following:

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

SEC. 130. INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.

Section 1111 of the America's Water Infrastructure Act of 2018 (33 U.S.C. 2326 note; Public Law 115-270) is amended by adding at the end the following:

“(e) INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.—

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

“(2) PURPOSES.—The purposes of the pilot program shall be—

“(A) to increase the reliability, availability, and efficiency of federally-owned and federally-operated inland waterways projects;

“(B) to decrease operational risks across the inland waterways system; and

“(C) to provide cost-savings by combining work across multiple projects across different accounts of the Corps of Engineers.

“(3) DEMONSTRATION.—

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

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

“(i) improve navigation reliability on inland waterways that are accessible year-round;

“(ii) increase freight capacity on inland waterways; and

“(iii) have the potential to enhance the availability of containerized cargo on inland waterways.

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

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

“(A) cost effectiveness;

“(B) reliability and performance;

“(C) cost savings attributable to mobilization and demobilization of dredge equipment; and

“(D) response times to address navigational impediments.

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

SEC. 131. FUNDING TO PROCESS PERMITS.

Section 214(a)(2) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)(2)) is amended—

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

“(A) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(B) MULTI-USER MITIGATION BANK INSTRUMENT PROCESSING.—

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

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

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

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

SEC. 132. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.

Section 1043(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note; Public Law 113-121) is amended—

(1) in paragraph (3), by inserting “or discrete segment” after “separable element” each place it appears; and

(2) by adding at the end the following:

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

SEC. 133. COST SHARING FOR TERRITORIES AND INDIAN TRIBES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended by adding at the end the following:

“(c) APPLICATION TO STUDIES.—

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

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

SEC. 134. WATER SUPPLY CONSERVATION.

Section 1116 of the WIIN Act (130 Stat. 1639) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “during the 1-year period ending on the date of enactment of this Act” and inserting “for at least 2 years during the 10-year period preceding a request from a non-Federal interest for assistance under this section”; and

(2) in subsection (b)(4), by inserting “, including measures utilizing a natural feature or nature-based feature (as those terms are defined in section 1184(a)) to reduce drought risk” after “water supply”.

SEC. 135. CRITERIA FOR FUNDING OPERATION AND MAINTENANCE OF SMALL, REMOTE, AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop specific criteria for the annual evaluation and ranking of main-

tenance dredging requirements for small, remote, and subsistence harbors, taking into account the criteria provided in the joint explanatory statement of managers accompanying division D of the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1352).

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

(c) REPORT TO CONGRESS.—For fiscal year 2024, and biennially thereafter, in conjunction with the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives a report that identifies the ranking of projects in accordance with the criteria developed under subsection (a).

SEC. 136. PROTECTION OF LIGHTHOUSES.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by inserting “lighthouses, including those lighthouses with historical value,” after “schools.”

SEC. 137. EXPEDITING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.

Section 1008 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2321b) is amended—

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

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

(3) by inserting after subsection (a) the following:

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

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

“(2) assess opportunities—

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

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

SEC. 138. MATERIALS, SERVICES, AND FUNDS FOR REPAIR, RESTORATION, OR REHABILITATION OF CERTAIN PUBLIC RECREATION FACILITIES.

(a) DEFINITION OF ELIGIBLE PUBLIC RECREATION FACILITY.—In this section, the term “eligible public recreation facility” means a facility at a reservoir operated by the Corps of Engineers that—

(1) was constructed to enable public use of and access to the reservoir; and

(2) requires repair, restoration, or rehabilitation to function.

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

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

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

(c) REQUIREMENT.—The Secretary may not reimburse a non-Federal interest for the use of materials or services accepted under this section unless the materials or services—

(1) meet the specifications of the Secretary; and

(2) comply with all applicable laws and regulations that would apply if the materials and services were acquired by the Secretary,

including subchapter IV of chapter 31 and chapter 37 of title 40, United States Code, section 8302 of title 41, United States Code, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) AGREEMENT.—Before the acceptance of materials, services, or funds under this section, the Secretary and the non-Federal interest shall enter into an agreement that—

(1) specifies that the non-Federal interest shall hold and save the United States free from any and all damages that arise from use of materials or services of the non-Federal interest, except for damages due to the fault or negligence of the United States or its contractors;

(2) requires that the non-Federal interest shall certify that the materials or services comply with all applicable laws and regulations under subsection (c); and

(3) includes any other term or condition required by the Secretary.

SEC. 139. DREDGED MATERIAL MANAGEMENT PLANS.

(a) IN GENERAL.—The Secretary shall prioritize implementation of section 125(c) of the Water Resources Development Act of 2020 (33 U.S.C. 2326h) at federally authorized harbors in the State of Ohio.

(b) REQUIREMENTS.—Each dredged material management plan prepared by the Secretary under section 125(c) of the Water Resources Development Act of 2020 (33 U.S.C. 2326h) for a federally authorized harbor in the State of Ohio shall—

(1) include, in the baseline conditions, a prohibition on use of funding for open-lake disposal of dredged material consistent with section 105 of the Energy and Water Development and Related Agencies Appropriations Act, 2022 (Public Law 117–103; 136 Stat. 217); and

(2) maximize beneficial use of dredged material under the base plan and under section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)).

(c) SAVINGS PROVISION.—This section does not—

(1) impose a prohibition on use of funding for open-lake disposal of dredged material; or

(2) require the development or implementation of a dredged material management plan in accordance with subsection (b) if use of funding for open-lake disposal is not otherwise prohibited by law.

SEC. 140. LEASE DEVIATIONS.

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

SEC. 141. COLUMBIA RIVER BASIN.

(a) STUDY OF FLOOD RISK MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—Using funds made available to carry out this section, the Secretary is authorized, at Federal expense, to carry out a study to determine the feasibility of a project for flood risk management and related purposes in the Columbia River basin and to report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate with recommendations thereon, including recommendations for a project to potentially reduce the reliance on Canada for flood risk management in the basin.

(2) COORDINATION.—The Secretary shall carry out the activities described in this subsection in coordination with other Federal and State agencies and Indian Tribes.

(b) FUNDS FOR COLUMBIA RIVER TREATY OBLIGATIONS.—

(1) IN GENERAL.—The Secretary is authorized to expend funds appropriated for the purpose of satisfying United States obliga-

tions under the Columbia River Treaty to compensate Canada for operating Canadian storage on behalf of the United States under such Treaty.

(2) NOTIFICATION.—If the U.S. entity calls upon Canada to operate Canadian reservoir storage for flood risk management on behalf of the United States, which operation may incur an obligation to compensate Canada under the Columbia River Treaty—

(A) the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate, by not later than 30 days after the initiation of the call, a written notice of the action and a justification, including a description of the circumstances necessitating the call;

(B) upon a determination by the United States of the amount of compensation that shall be paid to Canada, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a written notice specifying such amount and an explanation of how such amount was derived, which notification shall not delay or impede the flood risk management mission of the U.S. entity; and

(C) the Secretary shall make no payment to Canada for the call under the Columbia River Treaty until such time as funds appropriated for the purpose of compensating Canada under such Treaty are available.

(c) DEFINITIONS.—In this section:

(1) COLUMBIA RIVER BASIN.—The term “Columbia River basin” means the entire United States portion of the Columbia River watershed.

(2) COLUMBIA RIVER TREATY.—The term “Columbia River Treaty” means the Treaty relating to cooperative development of the water resources of the Columbia River Basin, signed at Washington January 17, 1961, and entered into force September 16, 1964.

(3) U.S. ENTITY.—The term “U.S. entity” means the entity designated by the United States under Article XIV of the Columbia River Treaty.

SEC. 142. CONTINUATION OF CONSTRUCTION.

(a) IN GENERAL.—The Secretary shall not include the amount of Federal obligations incurred and non-Federal contributions provided for an authorized water resources development project during the period beginning on the date of enactment of this Act and ending on September 30, 2025, for purposes of determining if the cost of the project exceeds the maximum cost of the project under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(b) CONTINUATION OF CONSTRUCTION.—

(1) IN GENERAL.—The Secretary shall not, solely on the basis of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—

(A) defer the initiation or continuation of construction of a water resources development project during the period described in subsection (a); or

(B) terminate a contract for design or construction of a water resources development project entered into during the period described in subsection (a) after expiration of that period.

(2) RESUMPTION OF CONSTRUCTION.—The Secretary shall resume construction of any water resources development project for which construction was deferred on the basis of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) during the period beginning on October 1, 2021, and ending on the date of enactment of this Act.

(c) STATUTORY CONSTRUCTION.—Nothing in this section waives the obligation of the Secretary to submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a post-authorization change report recommending an increase in the authorized cost of a project if the project otherwise would exceed the maximum cost of the project under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

TITLE II—STUDIES AND REPORTS

SEC. 201. AUTHORIZATION OF FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary is authorized to investigate the feasibility of the following projects:

(1) Project for ecosystem restoration, Mill Creek Levee and Walla Walla River, Oregon.

(2) Project for flood risk management and ecosystem restoration, Tittabawassee River, Chippewa River, Pine River, and Tobacco River, Michigan.

(3) Project for flood risk management, Southeast Michigan.

(4) Project for flood risk management, McMicken Dam, Arizona.

(5) Project for flood risk management, Ellicott City and Howard County, Maryland.

(6) Project for flood risk management, Ten Mile River, North Attleboro, Massachusetts.

(7) Project for flood risk management and water supply, Fox-Wolf Basin, Wisconsin.

(8) Project for flood risk management and ecosystem restoration, Thatchbed Island, Essex, Connecticut.

(9) Project for flood and coastal storm risk management, Cape Fear River Basin, North Carolina.

(10) Project for flood risk management, Lower Clear Creek and Dickinson Bayou, Texas.

(11) Project for flood risk management and ecosystem restoration, the Resacas, Hidalgo and Cameron Counties, Texas.

(12) Project for flood risk management, including levee improvement, Papillion Creek, Nebraska.

(13) Project for flood risk management, Offutt Ditch Pump Station, Nebraska.

(14) Project for flood risk management, navigation, and ecosystem restoration, Mohawk River Basin, New York.

(15) Project for coastal storm risk management, Waikiki Beach, Hawaii.

(16) Project for ecosystem restoration and coastal storm risk management, Cumberland and Sea Islands, Georgia.

(17) Project for flood risk management, Wailupe Stream watershed, Hawaii.

(18) Project for flood and coastal storm risk management, Hawaii County, Hawaii.

(19) Project for coastal storm risk management, Maui County, Hawaii.

(20) Project for flood risk management, Sarpy County, Nebraska.

(21) Project for aquatic ecosystem restoration, including habitat for endangered salmon, Columbia River Basin.

(22) Project for ecosystem restoration, flood risk management, and recreation, Newport, Kentucky.

(23) Project for flood risk management and water supply, Jenkins, Kentucky.

(24) Project for flood risk management, including riverbank stabilization, Columbus, Kentucky.

(25) Project for flood and coastal storm risk management, navigation, and ecosystem restoration, South Shore, Long Island, New York.

(26) Project for flood risk management, coastal storm risk management, navigation, ecosystem restoration, and water supply, Blind Brook, New York.

(27) Project for navigation, Cumberland River, Kentucky.

(28) Project for ecosystem restoration and water supply, Great Salt Lake, Utah.

(b) **PROJECT MODIFICATIONS.**—The Secretary is authorized to investigate the feasibility of the following modifications to the following projects:

(1) Modifications to the project for navigation, South Haven Harbor, Michigan, for turning basin improvements.

(2) Modifications to the project for navigation, Rollinson Channel and channel from Hatteras Inlet to Hatteras, North Carolina, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), to incorporate the ocean bar.

(3) Modifications to the project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172, chapter 188), to provide flood risk management for the tributaries and drainage of Straight Slough, Craighead, Poinsett, and Cross Counties, Arkansas.

(4) Modifications to the project for flood risk management, Cedar River, Cedar Rapids, Iowa, authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366), consistent with the City of Cedar Rapids, Iowa, Cedar River Flood Control System Master Plan.

(5) Modifications to the project for navigation, Savannah Harbor, Georgia, without evaluation of additional deepening.

(6) Modifications to the project for navigation, Honolulu Harbor, Hawaii, for navigation improvements and coastal storm risk management.

(7) Modifications to the project for navigation, Port of Ogdensburg, New York, including deepening.

(8) Modifications to the Huntington Local Protection Project, Huntington, West Virginia.

SEC. 202. SPECIAL RULES.

(a) The studies authorized by paragraphs (12) and (13) of section 201(a) shall be considered a continuation of the study that resulted in the Chief's Report for the project for Papillion Creek and Tributaries Lakes, Nebraska, signed January 24, 2022.

(b) The study authorized by section 201(a)(17) shall be considered a resumption and a continuation of the general reevaluation initiated on December 30, 2003.

(c) In carrying out the study authorized by section 201(a)(21), the Secretary shall only formulate measures and alternatives to be consistent with the authorized purposes of existing Federal projects while also maintaining the benefits of such projects.

(d) In carrying out the study authorized by section 201(a)(25), the Secretary shall study the South Shore of Long Island, New York, as a whole system, including inlets that are Federal channels.

(e) The studies authorized by section 201(b) shall be considered new phase investigations afforded the same treatment as a general reevaluation.

SEC. 203. EXPEDITED COMPLETION OF STUDIES.

(a) **FEASIBILITY REPORTS.**—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

(1) Modifications to the project for flood risk management, North Adams, Massachusetts, authorized by section 5 of the Act of June 22, 1936 (commonly known as the "Flood Control Act of 1936") (49 Stat. 1572, chapter 688; 33 U.S.C. 701h), and section 3 of the Act of August 18, 1941 (commonly known as the "Flood Control Act of 1941") (55 Stat. 639, chapter 377), for flood risk management and ecosystem restoration.

(2) Project for coastal storm risk management, Charleston Peninsula, South Carolina.

(3) Project for flood and coastal storm risk management and ecosystem restoration, Boston North Shore, Revere, Saugus, Lynn, Malden, and Everett, Massachusetts.

(4) Project for flood risk management, De Soto County, Mississippi.

(5) Project for coastal storm risk management, Chicago shoreline, Illinois.

(6) Project for flood risk management, Cave Buttes Dam, Arizona.

(7) Project for flood and coastal storm risk management, Chelsea, Massachusetts, authorized by a study resolution of the Committee on Public Works of the Senate dated September 12, 1969.

(8) Project for ecosystem restoration, Herring River Estuary, Barnstable County, Massachusetts, authorized by a study resolution of the Committee on Transportation and Infrastructure of the House of Representatives dated July 23, 1997.

(9) Project for coastal storm risk management, ecosystem restoration, and navigation, Nauset Barrier Beach and inlet system, Chatham, Massachusetts, authorized by a study resolution of the Committee on Public Works of the Senate dated September 12, 1969.

(10) Project for flood risk management, East Hartford Levee System, Connecticut.

(11) Project for flood risk management, Rahway, New Jersey, authorized by section 336 of the Water Resources Development Act of 2020 (134 Stat. 2712).

(12) Project for coastal storm risk management, Sea Bright to Manasquan, New Jersey.

(13) Project for coastal storm risk management, Raritan Bay and Sandy Hook Bay, New Jersey.

(14) Project for coastal storm risk management, St. Tammany Parish, Louisiana.

(15) Project for ecosystem restoration, Fox River, Illinois, authorized by section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653).

(16) Project for ecosystem restoration, Chicago River, Illinois.

(17) Project for ecosystem restoration, Lake Okeechobee, Florida.

(18) Project for ecosystem restoration, Western Everglades, Florida.

(19) Modifications to the project for navigation, Hilo Harbor, Hawaii.

(20) Project for flood risk management, Kanawha River Basin, West Virginia, Virginia, North Carolina.

(21) Modifications to the project for navigation, Auke Bay, Alaska.

(b) **POST-AUTHORIZATION CHANGE REPORTS.**—The Secretary shall expedite completion of a post-authorization change report for the following projects:

(1) Project for ecosystem restoration, Tres Rios, Arizona, authorized by section 101(b)(4) of the Water Resources Development Act of 2000 (114 Stat. 2577).

(2) Project for coastal storm risk management, Surf City and North Topsail Beach, North Carolina, authorized by section 7002(3) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1367).

(3) Anchorage F modifications to the project for navigation, Norfolk Harbor and Channels, Virginia, authorized by section 201 of the Water Resources Development Act of 1986 (100 Stat. 4090) and modified by section 1403(a) of the Water Resources Development Act of 2018 (132 Stat. 3840).

(4) Project for navigation, Port Everglades, Florida, authorized by section 1401(1) of the Water Resources Development Act of 2016 (130 Stat. 1709).

(c) **WATERSHED AND RIVER BASIN ASSESSMENTS.**—The Secretary shall expedite the completion of the following assessments

under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a):

(1) Great Lakes Coastal Resiliency Study, Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(2) Ouachita-Black Rivers, Arkansas and Louisiana.

(3) Project for watershed assessment, Hawaii County, Hawaii.

(d) **DISPOSITION STUDY.**—The Secretary shall expedite the completion of the disposition study for the Los Angeles County Drainage Area under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

(e) **ADDITIONAL DIRECTION.**—The post-authorization change report for the project described in subsection (b)(3) shall be completed not later than December 31, 2023.

SEC. 204. STUDIES FOR PERIODIC NOURISHMENT.

(a) **IN GENERAL.**—Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "15" and inserting "50"; and

(B) in paragraph (2), by striking "15";

(2) in subsection (e)—

(A) by striking "10-year period" and inserting "16-year period"; and

(B) by striking "6 years" and inserting "12 years"; and

(3) by adding at the end the following:

"(f) **TREATMENT OF STUDIES.**—A study carried out under subsection (b) shall be considered a new phase investigation afforded the same treatment as a general reevaluation."

(b) **INDIAN RIVER INLET SAND BYPASS PLANT.**—For purposes of the project for coastal storm risk management, Delaware Coast Protection, Delaware (commonly known as the "Indian River Inlet Sand Bypass Plant"), authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182), a study carried out under section 156(b) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f(b)) shall consider as an alternative for periodic nourishment continued reimbursement of the Federal share of the cost to the non-Federal interest for the project to operate and maintain a sand bypass plant.

SEC. 205. NEPA REPORTING.

(a) **DEFINITIONS.**—In this section:

(1) **CATEGORICAL EXCLUSION.**—The term "categorical exclusion" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(2) **ENVIRONMENTAL ASSESSMENT.**—The term "environmental assessment" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(3) **ENVIRONMENTAL IMPACT STATEMENT.**—The term "environmental impact statement" means a detailed written statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) **FINDING OF NO SIGNIFICANT IMPACT.**—The term "finding of no significant impact" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(5) **NEPA PROCESS.**—

(A) **IN GENERAL.**—The term "NEPA process" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(B) **PERIOD.**—For purposes of subparagraph (A), the NEPA process—

(i) begins on the date on which the Secretary initiates a project study; and

(ii) ends on the date on which the Secretary issues, with respect to the project study—

(I) a record of decision, including, if necessary, a revised record of decision;

(II) a finding of no significant impact; or
(III) a categorical exclusion under title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

(6) **PROJECT STUDY.**—The term “project study” means a feasibility study for a project carried out pursuant to section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) for which a categorical exclusion, an environmental assessment, or an environmental impact statement is required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **REPORTS.**—

(1) **NEPA DATA.**—

(A) **IN GENERAL.**—The Secretary shall carry out a process to track, and annually submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing, the information described in subparagraph (B).

(B) **INFORMATION DESCRIBED.**—The information referred to in subparagraph (A) is, with respect to the Corps of Engineers—

(i) the number of project studies for which a categorical exclusion was used during the reporting period;

(ii) the number of project studies for which the decision to use a categorical exclusion, to prepare an environmental assessment, or to prepare an environmental impact statement is pending on the date on which the report is submitted;

(iii) the number of project studies for which an environmental assessment was issued during the reporting period, broken down by whether a finding of no significant impact, if applicable, was based on mitigation;

(iv) the length of time the Corps of Engineers took to complete each environmental assessment described in clause (iii);

(v) the number of project studies pending on the date on which the report is submitted for which an environmental assessment is being drafted;

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

(vii) the length of time the Corps of Engineers took to complete each environmental impact statement described in clause (vi); and

(viii) the number of project studies pending on the date on which the report is submitted for which an environmental impact statement is being drafted.

(2) **PUBLIC ACCESS TO NEPA REPORTS.**—The Secretary shall make publicly available each annual report required under paragraph (1).

SEC. 206. GAO AUDIT OF PROJECTS OVER BUDGET OR BEHIND SCHEDULE.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of the factors and conditions for each ongoing water resources development project carried out by the Secretary for which—

(1) the current estimated total project cost of the project exceeds the original estimated total project cost of the project by not less than \$50,000,000; or

(2) the current estimated completion date of the project exceeds the original estimated completion date of the project by not less than 5 years.

(b) **REPORT.**—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a).

SEC. 207. GAO STUDY ON PROJECT DISTRIBUTION.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct an analysis of the geographic distribution of annual and supplemental funding for water resources development projects carried out by the Secretary over the previous 10 fiscal years and the factors that have led to that distribution.

(b) **REPORT.**—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the analysis under subsection (a).

SEC. 208. GAO AUDIT OF JOINT COSTS FOR OPERATIONS AND MAINTENANCE.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of the practices of the Corps of Engineers with respect to the determination of joint costs associated with operations and maintenance of reservoirs owned and operated by the Secretary.

(b) **REPORT.**—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a) and any recommendations that result from the review.

SEC. 209. GAO REVIEW OF CORPS OF ENGINEERS MITIGATION PRACTICES.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall carry out a review of the water resources development project mitigation practices of the Corps of Engineers.

(b) **CONTENT.**—The review under subsection (a) shall include an evaluation of—

(1) the implementation by the Corps of Engineers of the final rule issued on April 10, 2008, entitled “Compensatory Mitigation for Losses of Aquatic Resources” (73 Fed. Reg. 19594), including, at a minimum—

(A) the extent to which the final rule is consistently implemented by the districts of the Corps of Engineers; and

(B) the performance of each of the mitigation mechanisms included in the final rule; and

(2) opportunities to utilize alternative methods to satisfy mitigation requirements of water resources development projects, including, at a minimum, performance-based contracts.

(c) **REPORT.**—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a) and any recommendations that result from the review.

(d) **DEFINITION OF PERFORMANCE-BASED CONTRACT.**—In this section, the term “performance-based contract” means a procurement mechanism by which the Corps of Engineers contracts with a public or private non-Federal entity for a specific mitigation outcome requirement, with payment to the entity linked to delivery of verifiable and successful mitigation performance.

SEC. 210. SABINE-NECHES WATERWAY NAVIGATION IMPROVEMENT PROJECT, TEXAS.

The Secretary shall expedite the review and coordination of the feasibility study for the project for navigation, Sabine-Neches Waterway, Texas, under section 203(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2231(b)).

SEC. 211. GREAT LAKES RECREATIONAL BOATING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare, at full Federal expense, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report updating the findings of the report on the economic benefits of recreational boating in the Great Lakes basin prepared under section 455(c) of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21(c)).

SEC. 212. CENTRAL AND SOUTHERN FLORIDA.

(a) **EVALUATION AND REPORT.**—

(1) **EVALUATION.**—On request and at the expense of the St. Johns River Water Management District, the Secretary shall evaluate the effects of deauthorizing the southernmost 3.5-mile reach of the L-73 levee, Section 2, Osceola County, Florida, on the functioning of the project for flood control and other purposes, Upper St. Johns River Basin, Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(2) **REPORT.**—In carrying out the evaluation under paragraph (1), the Secretary shall—

(A) prepare a report that includes the results of the evaluation, including—

(i) the advisability of deauthorizing the levee described in that paragraph; and

(ii) any recommendations for conditions that should be placed on a deauthorization to protect the interests of the United States and the public; and

(B) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the report under subparagraph (A) as part of the annual report submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(b) **COMPREHENSIVE CENTRAL AND SOUTHERN FLORIDA STUDY.**—

(1) **IN GENERAL.**—The Secretary is authorized to carry out a feasibility study for resiliency and comprehensive improvements or modifications to existing water resources development projects in central and southern Florida, for the purposes of flood risk management, water supply, ecosystem restoration (including preventing saltwater intrusion), recreation, and related purposes.

(2) **REQUIREMENTS.**—In carrying out the feasibility study under paragraph (1), the Secretary—

(A) is authorized—

(i) to review the report of the Chief of Engineers for central and southern Florida (House Document 643, 80th Congress, 2d Session), and other related reports of the Secretary; and

(ii) to recommend cost-effective structural and nonstructural projects for implementation that provide a systemwide approach for the purposes described in that paragraph; and

(B) shall ensure the study and any projects recommended under subparagraph (A)(ii) will not interfere with the efforts undertaken to carry out the Comprehensive Everglades Restoration Plan pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680; 121 Stat. 1268; 132 Stat. 3786).

SEC. 213. INVESTMENTS FOR RECREATION AREAS.

(a) **FINDINGS.**—Congress finds the following:

(1) The Corps of Engineers operates more recreation areas than any other Federal or State agency, apart from the Department of the Interior.

(2) Nationally, visitors to nearly 600 dams and lakes, managed by the Corps of Engineers, spend an estimated \$12,000,000,000 per year and support 500,000 jobs.

(3) Lakes managed by the Corps of Engineers are economic drivers that support rural communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Corps of Engineers should use all available authorities to promote and enhance development and recreational opportunities at lakes that are part of authorized civil works projects under the administrative jurisdiction of the Corps of Engineers.

(c) REPORT.—Not later than 180 days after the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on investments needed to support recreational activities that are part of authorized water resources development projects under the administrative jurisdiction of the Corps of Engineers.

(d) REQUIREMENTS.—The report under subsection (c) shall include—

(1) a list of deferred maintenance projects, including maintenance projects relating to recreational facilities, sites, and associated access roads;

(2) a plan to fund the projects described in paragraph (1) over the 5-year period following the date of enactment of this Act;

(3) a description of efforts made by the Corps of Engineers to coordinate investments in recreational facilities, sites, and associated access roads with—

(A) State and local governments; or

(B) private entities; and

(4) an assessment of whether the modification of Federal contracting requirements could accelerate the availability of funds for the projects described in paragraph (1).

SEC. 214. WESTERN INFRASTRUCTURE STUDY.

(a) DEFINITIONS OF NATURAL FEATURE AND NATURE-BASED FEATURE.—In this section, the terms “natural feature” and “nature-based feature” have the meanings given those terms in section 1184(a) of the WIIN Act (33 U.S.C. 2289a(a)).

(b) COMPREHENSIVE STUDY.—The Secretary shall conduct a comprehensive study (referred to in this section as the “study”) to evaluate the effectiveness of carrying out additional measures, including measures that utilize natural features or nature-based features at or upstream of reservoirs for the purposes of—

(1) sustaining operations in response to changing hydrological and climatic conditions;

(2) mitigating the risk of drought or floods, including the loss of storage capacity due to sediment accumulation;

(3) increasing water supply; or

(4) aquatic ecosystem restoration.

(c) STUDY FOCUS.—In conducting the study, the Secretary shall include all reservoirs owned and operated by the Secretary and reservoirs for which the Secretary has flood control responsibilities under section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665; 33 U.S.C. 709), in the South Pacific Division of the Corps of Engineers.

(d) CONSULTATION AND USE OF EXISTING DATA.—

(1) CONSULTATION.—In conducting the study, the Secretary shall consult with applicable—

(A) Federal, State, and local agencies;

(B) Indian Tribes;

(C) non-Federal interests; and

(D) other stakeholders, as determined appropriate by the Secretary.

(2) USE OF EXISTING DATA AND PRIOR STUDIES.—To the maximum extent practicable and where appropriate, the Secretary may—

(A) use existing data provided to the Secretary by entities described in paragraph (1); and

(B) incorporate—

(i) relevant information from prior studies and projects carried out by the Secretary; and

(ii) the latest technical data and scientific approaches with respect to changing hydrological and climatic conditions.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any recommendations on site-specific areas where additional study is recommended by the Secretary.

(f) SAVINGS PROVISION.—Nothing in this section provides authority to the Secretary to change the authorized purposes at any of the reservoirs described in subsection (c).

SEC. 215. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

Section 8004(g) of the Water Resources Development Act of 2007 (33 U.S.C. 652 note; Public Law 110–114) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

“(2) REPORT ON WATER LEVEL MANAGEMENT.—Not later than 1 year after the date of completion of the comprehensive plan for Mississippi River water level management under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report on opportunities identified in the comprehensive plan to expand the use of water level management on the Upper Mississippi River and Illinois Waterway System for the purpose of ecosystem restoration.”

SEC. 216. WEST VIRGINIA HYDROPOWER.

(a) IN GENERAL.—For water resources development projects described in subsection (b), the Secretary is authorized—

(1) to evaluate the feasibility of modifications to such projects for the purposes of adding Federal hydropower or energy storage development; and

(2) to grant approval for the use of such projects for non-Federal hydropower or energy storage development in accordance with section 14 of the Act of March 3, 1899 (commonly known as the “Rivers and Harbors Act of 1899”) (30 Stat. 1152, chapter 425; 33 U.S.C. 408).

(b) PROJECTS DESCRIBED.—The projects referred to in subsection (a) are the following:

(1) Sutton Dam, Braxton County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(2) Hildebrand Lock and Dam, Monongahela County, West Virginia, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166, chapter 188).

(3) Bluestone Lake, Summers County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(4) R.D. Bailey Dam, Wyoming County, West Virginia, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188).

(5) Stonewall Jackson Dam, Lewis County, West Virginia, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1421).

(6) East Lynn Dam, Wayne County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(7) Burnsville Lake, Braxton County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(c) DEMONSTRATION PROJECTS.—The authority for facility modifications under subsection (a) includes demonstration projects.

SEC. 217. RECREATION AND ECONOMIC DEVELOPMENT AT CORPS FACILITIES IN APPALACHIA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to implement the recreational and economic development opportunities identified by the Secretary in the report prepared under section 206 of the Water Resources Development Act of 2020 (134 Stat. 2680) at Corps of Engineers facilities located within a distressed or at-risk county (as described in subsection (a)(1) of that section) in Appalachia.

(b) CONSIDERATIONS.—In preparing the plan under subsection (a), the Secretary shall consider options for Federal funding, partnerships, and outgrants to Federal, State, and local governments, nonprofit organizations, and commercial businesses.

SEC. 218. AUTOMATED FEE MACHINES.

For the purpose of mitigating adverse impacts to public access to outdoor recreation, to the maximum extent practicable, the Secretary shall consider alternatives to the use of automated fee machines for the collection of fees for the use of developed recreation sites and facilities in West Virginia.

SEC. 219. LAKE CHAMPLAIN CANAL, VERMONT AND NEW YORK.

Section 5146 of the Water Resources Development Act of 2007 (121 Stat. 1255) is amended by adding at the end the following:

“(c) CLARIFICATIONS.—

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

“(2) DISPERSAL BARRIER.—A dispersal barrier constructed, maintained, or operated under this section may include—

“(A) physical hydrologic separation;

“(B) nonstructural measures;

“(C) deployment of technologies;

“(D) buffer zones; or

“(E) any combination of the approaches described in subparagraphs (A) through (D).”

SEC. 220. REPORT ON CONCESSIONAIRE PRACTICES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on concessionaire lease practices by the Corps of Engineers.

(b) INCLUSIONS.—The report under subsection (a) shall include, at a minimum—

(1) an assessment of the reasonableness of the formula of the Corps of Engineers for calculating concessionaire rental rates, taking into account the operating margins for sales of food and fuel; and

(2) the process for assessing administrative fees to concessionaires across districts of the Corps of Engineers.

TITLE III—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS
SEC. 301. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

(a) ATLANTA, GEORGIA.—Section 219(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended by striking “\$25,000,000” and inserting “\$75,000,000”.

(b) EASTERN SHORE AND SOUTHWEST VIRGINIA.—Section 219(f)(10)(A) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1255) is amended—

(1) by striking “\$20,000,000” and inserting “\$52,000,000”; and

(2) by striking “Accomack” and inserting “Accomack”.

(c) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—Section 219(f)(25) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 130 Stat. 1677; 134 Stat. 2719) is amended by striking “\$110,000,000” and inserting “\$151,500,000”.

(d) LAKE COUNTY, ILLINOIS.—Section 219(f)(54) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A–221) is amended—

(1) in the paragraph heading, by striking “COOK COUNTY” and inserting “COOK COUNTY AND LAKE COUNTY”; and

(2) by striking “\$35,000,000” and inserting “\$100,000,000”.

(e) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—Section 219(f)(55) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A–221; 134 Stat. 2718) is amended by striking “\$45,000,000” and inserting “\$100,000,000”.

(f) CALAVERAS COUNTY, CALIFORNIA.—Section 219(f)(86) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259) is amended by striking “\$3,000,000” and inserting “\$13,280,000”.

(g) LOS ANGELES COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259) is amended by striking paragraph (93) and inserting the following:

“(93) LOS ANGELES COUNTY, CALIFORNIA.—“(A) IN GENERAL.—\$38,000,000 for wastewater and water related infrastructure, Los Angeles County, California.

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

(h) MICHIGAN.—Section 219(f)(157) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1262) is amended—

(1) by striking “\$35,000,000 for” and inserting the following:

“(A) IN GENERAL.—\$85,000,000 for”; and

(2) by adding at the end the following:

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

(i) MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1267) is amended by striking paragraph (250) and inserting the following:

“(250) MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—\$31,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach and vicinity, South Carolina.”.

(j) NORTH MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—Section 219(f) of the Water

Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1267) is amended by striking paragraph (251) and inserting the following:

“(251) NORTH MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—\$74,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach and vicinity, South Carolina.”.

(k) HORRY COUNTY, SOUTH CAROLINA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) is amended by adding at the end the following:

“(274) HORRY COUNTY, SOUTH CAROLINA.—\$19,000,000 for environmental infrastructure, including ocean outfalls, Horry County, South Carolina.”.

(l) LANE COUNTY, OREGON.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (k)) is amended by adding at the end the following:

“(275) LANE COUNTY, OREGON.—\$20,000,000 for environmental infrastructure, Lane County, Oregon.”.

(m) PLACER COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (l)) is amended by adding at the end the following:

“(276) PLACER COUNTY, CALIFORNIA.—\$21,000,000 for environmental infrastructure, Placer County, California.”.

(n) ALAMEDA COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (m)) is amended by adding at the end the following:

“(277) ALAMEDA COUNTY, CALIFORNIA.—\$20,000,000 for environmental infrastructure, Alameda County, California.”.

(o) TEMECULA CITY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (n)) is amended by adding at the end the following:

“(278) TEMECULA CITY, CALIFORNIA.—\$18,000,000 for environmental infrastructure, Temecula City, California.”.

(p) YOLO COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (o)) is amended by adding at the end the following:

“(279) YOLO COUNTY, CALIFORNIA.—\$6,000,000 for environmental infrastructure, Yolo County, California.”.

(q) CLINTON, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (p)) is amended by adding at the end the following:

“(280) CLINTON, MISSISSIPPI.—\$13,600,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Clinton, Mississippi.”.

(r) OXFORD, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (q)) is amended by adding at the end the following:

“(281) OXFORD, MISSISSIPPI.—\$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Oxford, Mississippi.”.

(s) MADISON COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (r)) is amended by adding at the end the following:

“(282) MADISON COUNTY, MISSISSIPPI.—\$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Madison County, Mississippi.”.

(t) RANKIN COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (s)) is amended by adding at the end the following:

“(283) RANKIN COUNTY, MISSISSIPPI.—\$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Rankin County, Mississippi.”.

(u) MERIDIAN, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (t)) is amended by adding at the end the following:

“(284) MERIDIAN, MISSISSIPPI.—\$10,000,000 for wastewater infrastructure, including stormwater management, drainage systems, and water quality enhancement, Meridian, Mississippi.”.

(v) DELAWARE.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (u)) is amended by adding at the end the following:

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

(w) QUEENS, NEW YORK.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (v)) is amended by adding at the end the following:

“(286) QUEENS, NEW YORK.—\$20,000,000 for the design and construction of stormwater management and improvements to combined sewer overflows to reduce the risk of flood impacts, Queens, New York.”.

(x) GEORGIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (w)) is amended by adding at the end the following:

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

Banks County, Franklin County, Whitfield County, Treutlen County, Crawford County, Hart County, Georgia.”

(y) MARYLAND.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (x)) is amended by adding at the end the following:

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

(z) MILWAUKEE METROPOLITAN AREA, WISCONSIN.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (y)) is amended by adding at the end the following:

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

(aa) HAWAII.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (z)) is amended by adding at the end the following:

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

(bb) ALABAMA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (aa)) is amended by adding at the end the following:

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

(cc) MISSISSIPPI.—Section 592(g) of the Water Resources Development Act of 1999 (113 Stat. 380; 123 Stat. 2851) is amended by striking “\$200,000,000” and inserting “\$300,000,000”.

(dd) CENTRAL NEW MEXICO.—Section 593(h) of the Water Resources Development Act of 1999 (113 Stat. 381; 119 Stat. 2255) is amended by striking “\$50,000,000” and inserting “\$100,000,000”.

(ee) NORTH DAKOTA AND OHIO.—Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381; 121 Stat. 1140; 121 Stat. 1944) is amended by adding at the end the following:

“(i) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts authorized under subsection (h), there is authorized to be appropriated to carry out this section \$100,000,000, to be divided between the States referred to in subsection (a).”

(ff) WESTERN RURAL WATER.—Section 595(i) of the Water Resources Development Act of 1999 (113 Stat. 383; 134 Stat. 2719) is amended—

(1) in paragraph (1), by striking “\$435,000,000” and inserting “\$490,000,000”; and

(2) in paragraph (2), by striking “\$150,000,000” and inserting “\$200,000,000”.

(gg) LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.—Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150) is amended—

(1) in subsection (b)(2)(C), by striking “planning” and inserting “clean water infrastructure planning, design, and construction”; and

(2) in subsection (g), by striking “\$32,000,000” and inserting “\$100,000,000”.

(hh) TEXAS.—Section 5138 of the Water Resources Development Act of 2007 (121 Stat. 1250) is amended—

(1) in subsection (b), by striking “, as identified by the Texas Water Development Board”;

(2) in subsection (e)(3), by inserting “and construction” after “design work”;

(3) by redesignating subsection (g) as subsection (i); and

(4) by inserting after subsection (f) the following:

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

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

SEC. 302. SOUTHERN WEST VIRGINIA.

(a) IN GENERAL.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended—

(1) in the section heading, by striking “ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM”; and

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

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

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1992 (106 Stat. 4799) is amended by striking the item relating to section 340 and inserting the following:

“Sec. 340. Southern West Virginia.”

SEC. 303. NORTHERN WEST VIRGINIA.

(a) IN GENERAL.—Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371; 121 Stat. 1257; 134 Stat. 2719) is amended—

(1) in the section heading, by striking “CENTRAL” and inserting “NORTHERN”; and

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

“(a) DEFINITION OF NORTHERN WEST VIRGINIA.—In this section, the term ‘northern West Virginia’ means the counties of Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Morgan, Monongalia, Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzell, and Wood, West Virginia.”

(3) in subsection (b), by striking “central” and inserting “northern”; and

(4) in subsection (c), by striking “central” and inserting “northern”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 1999 (113 Stat. 269) is amended by striking the item relating to section 571 and inserting the following:

“Sec. 571. Northern West Virginia.”

SEC. 304. LOCAL COOPERATION AGREEMENTS, NORTHERN WEST VIRGINIA.

Section 219(f)(272) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) is amended—

(1) by striking “\$20,000,000 for water and wastewater” and inserting the following:

“(A) IN GENERAL.—\$20,000,000 for water and wastewater”; and

(2) by adding at the end the following:

“(B) LOCAL COOPERATION AGREEMENTS.—Notwithstanding subsection (a), at the request of a non-Federal interest for a project

or a separable element of a project that receives assistance under this paragraph, the Secretary may adopt a model agreement developed in accordance with section 571(e) of the Water Resources Development Act of 1999 (113 Stat. 371).”

SEC. 305. SPECIAL RULE FOR CERTAIN BEACH NOURISHMENT PROJECTS.

(a) IN GENERAL.—In the case of a water resources development project described in subsection (b), the Secretary shall—

(1) fund, at full Federal expense, any incremental increase in cost to the project that results from a legal requirement to use a borrow source determined by the Secretary to be other than the least-cost option; and

(2) exclude the cost described in paragraph (1) from the cost-benefit analysis for the project.

(b) AUTHORIZED WATER RESOURCES DEVELOPMENT PROJECTS DESCRIBED.—An authorized water resources development project referred to in subsection (a) is any of the following:

(1) The Townsends Inlet to Cape May Inlet, New Jersey, coastal storm risk management project, authorized by section 101(a)(26) of the Water Resources Development Act of 1999 (113 Stat. 278).

(2) The Folly Beach, South Carolina, coastal storm risk management project, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136) and modified by section 108 of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 520).

(3) The Carolina Beach and Vicinity, North Carolina, coastal storm risk management project, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182) and modified by section 401(7) of the Water Resources Development Act of 2020 (134 Stat. 2741).

(4) The Wrightsville Beach, North Carolina, coastal storm risk management project, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182) and modified by section 401(7) of the Water Resources Development Act of 2020 (134 Stat. 2741).

(5) A project for coastal storm risk management for any shore included in a project described in this subsection that is specifically authorized by Congress on or after the date of enactment of this Act.

(6) Emergency repair and restoration of any project described in this subsection under section 5 of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n).

(c) SAVINGS PROVISION.—Nothing in this section limits the eligibility for, or availability of, Federal expenditures or financial assistance for any water resources development project, including any beach nourishment or renourishment project, under any other provision of Federal law.

SEC. 306. COASTAL COMMUNITY FLOOD CONTROL AND OTHER PURPOSES.

Section 103(k)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) in the matter preceding clause (i) (as so redesignated), by striking “Notwithstanding” and inserting the following:

“(A) IN GENERAL.—Notwithstanding”;

(3) in subparagraph (A) (as so redesignated)—

(A) in clause (i) (as so redesignated)—

(i) by striking “\$200 million” and inserting “\$200,000,000”; and

(ii) by striking “and” at the end;

(B) in clause (ii) (as so redesignated)—

(i) by inserting “an amount equal to % of” after “repays”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) the non-Federal interest repays the balance of remaining principal by June 1, 2032.”; and

(4) by adding at the end the following:

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

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

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

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

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

SEC. 307. MODIFICATIONS.

(a) IN GENERAL.—The following modifications to studies and projects are authorized:

(1) MISSISSIPPI RIVER GULF OUTLET, LOUISIANA.—The Federal share of the cost of the project for ecosystem restoration, Mississippi River Gulf Outlet, Louisiana, authorized by section 7013(a)(4) of the Water Resources Development Act of 2007 (121 Stat. 1281), shall be 90 percent.

(2) GREAT LAKES AND MISSISSIPPI RIVER INTERBASIN PROJECT, BRANDON ROAD, WILL COUNTY, ILLINOIS.—Section 402(a)(1) of the Water Resources Development Act of 2020 (134 Stat. 2742) is amended by striking “80 percent” and inserting “90 percent”.

(3) LOWER MISSISSIPPI RIVER COMPREHENSIVE MANAGEMENT STUDY.—Section 213 of the Water Resources Development Act of 2020 (134 Stat. 2687) is amended by adding at the end the following:

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

(4) PORT OF NOME, ALASKA.—

(A) IN GENERAL.—The Secretary shall carry out the project for navigation, Port of Nome, Alaska, authorized by section 401(1) of the Water Resources Development Act of 2020 (134 Stat. 2733).

(B) COST-SHARE.—The Federal share of the cost of the project described in subparagraph (A) shall be 90 percent.

(5) CHICAGO SHORELINE PROTECTION.—The project for storm damage reduction and shore protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to authorize the Secretary to provide 65 percent of the cost of the locally preferred plan, as described in the Report of the Chief of Engineers dated April 14, 1994, for the construction of the following segments of the project:

(A) Shoreline revetment at Morgan Shoal.

(B) Shoreline revetment at Promontory Point.

(6) LOWER MUD RIVER, MILTON, WEST VIRGINIA.—

(A) IN GENERAL.—Notwithstanding section 3170 of the Water Resources Development Act of 2007 (121 Stat. 1154), the Federal share of the cost of the project for flood control, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), and modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612) and section 3170 of the Water Resources Development Act of 2007 (121 Stat. 1154), shall be 90 percent.

(B) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—For the project described in subparagraph (A), the Secretary shall include in the cost of the project, and credit toward the non-Federal share of that cost, the value of land, easements, and rights-of-way provided by the non-Federal interest for the project, including the value of land, easements, and rights-of-way required for the project that are owned or held by the non-Federal interest or other non-Federal public body.

(C) ADDITIONAL ELIGIBILITY.—Unless otherwise directed in an Act making annual appropriations for the Corps of Engineers for a fiscal year in which the Secretary has determined an additional appropriation is required to continue or complete construction of the project described in subparagraph (A), the project shall be eligible for additional funding appropriated by that Act in the Construction account of the Corps of Engineers—

(i) without a new investment decision; and

(ii) on the same terms as a project that is not the project described in subparagraph (A).

(7) SOUTH SHORE STATEN ISLAND, NEW YORK.—The Federal share of any portion of the cost to design and construct the project for coastal storm risk management, South Shore Staten Island, New York, authorized by section 401(3), that exceeds the estimated total project cost specified in the project partnership agreement for the project, signed by the Secretary on February 15, 2019, shall be 90 percent.

(b) AGREEMENTS.—

(1) STUDIES AND PROJECTS WITH MULTIPLE NON-FEDERAL INTERESTS.—At the request of the applicable non-Federal interests for the project described in section 402(a) of the Water Resources Development Act of 2020 (134 Stat. 2742) and for the studies described in subsection (j) of section 213 of that Act (134 Stat. 2687), the Secretary shall not require those non-Federal interests to be jointly and severally liable for all non-Federal obligations in the project partnership agreement for the project or in the feasibility cost share agreements for the studies.

(2) SOUTH SAN FRANCISCO BAY SHORELINE, CALIFORNIA.—

(A) IN GENERAL.—Except for funds required for a betterment or for a locally preferred plan, the Secretary shall not require the non-Federal interest for the project for flood risk management, ecosystem restoration, and recreation, South San Francisco Bay Shoreline, California, authorized by section 1401(6) of the Water Resources Development Act of 2016 (130 Stat. 1714), to contribute funds under an agreement entered into prior to the date of enactment of this Act in excess of the total cash contribution required from the non-Federal interest for the project under section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(B) REQUIREMENT.—The Secretary shall not, at any time, defer, suspend, or terminate construction of the project described in subparagraph (A) solely on the basis of a determination by the Secretary that an additional appropriation is required to cover the Federal share of the cost to complete construction of the project, if Federal funds in an amount determined by the Secretary to be sufficient to continue construction of the project remain available in the allocation for the project under the Long-Term Disaster Recovery Investment Plan for amounts appropriated under the heading “CONSTRUCTION” under the heading “CORPS OF ENGINEERS—CIVIL—DEPARTMENT OF THE ARMY” in title IV of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115-123; 132 Stat. 76).

SEC. 308. PORT FOURCHON, LOUISIANA, DREDGED MATERIAL DISPOSAL PLAN.

The Secretary shall determine that the dredged material disposal plan recommended in the document entitled “Port Fourchon Belle Pass Channel Deepening Project Section 203 Feasibility Study (January 2019, revised January 2020)” is the least cost, environmentally acceptable dredged material disposal plan for the project for navigation, Port Fourchon Belle Pass Channel, Louisiana, authorized by section 403(a)(4) of the Water Resources Development Act of 2020 (134 Stat. 2743).

SEC. 309. DELAWARE SHORE PROTECTION AND RESTORATION.

(a) DELAWARE BENEFICIAL USE OF DREDGED MATERIAL FOR THE DELAWARE RIVER, DELAWARE.—

(1) IN GENERAL.—The project for coastal storm risk management, Delaware Beneficial Use of Dredged Material for the Delaware River, Delaware, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2736) (referred to in this subsection as the “project”), is modified—

(A) to direct the Secretary to implement the project using alternative borrow sources to the Delaware River, Philadelphia to the Sea, project, Delaware, New Jersey, Pennsylvania, authorized by the Act of June 25, 1910 (chapter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat. 803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297); and

(B) until the Secretary implements the modification under subparagraph (A), to authorize the Secretary, at the request of a non-Federal interest, to carry out initial construction or periodic nourishments at any site included in the project under—

(i) section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note; Public Law 114-322); or

(ii) section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)).

(2) TREATMENT.—If the Secretary determines that a study is required to carry out paragraph (1)(A), the study shall be considered to be a continuation of the study that formulated the project.

(3) COST-SHARE.—The Federal share of the cost of the project, including the cost of any modifications carried out under subsection (a)(1), shall be 90 percent.

(b) INDIAN RIVER INLET SAND BYPASS PLANT, DELAWARE.—

(1) IN GENERAL.—The Indian River Inlet Sand Bypass Plant, Delaware, coastal storm risk management project (referred to in this subsection as the “project”), authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182), is modified to authorize the Secretary, at the request of a non-Federal interest, to provide periodic nourishment through dedicated dredging or other means to maintain or restore the functioning of the project when—

(A) the sand bypass plant is inoperative; or

(B) operation of the sand bypass plant is insufficient to maintain the functioning of the project.

(2) REQUIREMENTS.—A cycle of periodic nourishment provided pursuant to paragraph (1) shall be subject to the following requirements:

(A) COST-SHARE.—The non-Federal share of the cost of a cycle shall be the same percentage as the non-Federal share of the cost to operate the sand bypass plant.

(B) DECISION DOCUMENT.—If the Secretary determines that a decision document is required to support a request for funding for the Federal share of a cycle, the decision document may be prepared using funds made available to the Secretary for construction or for investigations.

(C) TREATMENT.—

(i) DECISION DOCUMENT.—A decision document prepared under subparagraph (B) shall

not be subject to a new investment determination.

(ii) CYCLES.—A cycle shall be considered continuing construction.

(c) DELAWARE EMERGENCY SHORE RESTORATION.—

(1) IN GENERAL.—The Secretary is authorized to repair or restore any beach or any federally authorized hurricane or shore protective structure or project located in the State of Delaware pursuant to section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), if—

(A) the structure, project, or beach is damaged by wind, wave, or water action associated with a storm of any magnitude; and

(B) the damage prevents the adequate functioning of the structure, project, or beach.

(2) BENEFIT-COST ANALYSIS.—The Secretary shall determine that the benefits attributable to the objectives set forth in section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) and section 904(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2281(a)) exceed the cost for work carried out under this subsection.

(3) SAVINGS PROVISION.—The authority provided by this subsection shall be in addition to any authority provided by section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) to repair or restore a beach or federally authorized hurricane or shore protection structure or project located in the State of Delaware damaged or destroyed by wind, wave, or water action of other than an ordinary nature.

(d) INDIAN RIVER INLET AND BAY, DELAWARE.—In carrying out major maintenance of the project for navigation, Indian River Inlet and Bay, Delaware, authorized by the Act of August 26, 1937 (50 Stat. 846, chapter 832), and section 2 of the Act of March 2, 1945 (59 Stat. 14, chapter 19), the Secretary shall repair, restore, or relocate any non-Federal facility or other infrastructure, that has been damaged, in whole or in part, by the deterioration or failure of the project.

(e) REPROGRAMMING FOR COASTAL STORM RISK MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for each fiscal year, the Secretary may reprogram amounts made available for a coastal storm risk management project to use such amounts for the project for coastal storm risk management, Indian River Inlet Sand Bypass Plant, Delaware, authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182).

(2) LIMITATIONS.—

(A) IN GENERAL.—The Secretary may carry out not more than 2 reprogramming actions under paragraph (1) for each fiscal year.

(B) AMOUNT.—For each fiscal year, the Secretary may reprogram—

(i) not more than \$100,000 per reprogramming action; and

(ii) not more than \$200,000 for each fiscal year.

SEC. 310. GREAT LAKES ADVANCE MEASURES ASSISTANCE.

Section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) (as amended by section 112(2)), is amended by adding at the end the following:

“(7) SPECIAL RULE.—

“(A) IN GENERAL.—The Secretary shall not deny a request from the Governor of a State to provide advance measures assistance under this subsection to reduce the risk of damage from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

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

SEC. 311. REHABILITATION OF EXISTING LEVEES.

Section 3017(e) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3303a note; Public Law 113-121) is amended—

(1) by striking “this subsection” and inserting “this section”; and

(2) by striking “10 years” and inserting “20 years”.

SEC. 312. PILOT PROGRAM FOR CERTAIN COMMUNITIES.

(a) PILOT PROGRAMS ON THE FORMULATION OF CORPS OF ENGINEERS PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—Section 118 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260) is amended—

(1) in subsection (b)(2)(C), by striking “10”; and

(2) in subsection (c)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking “make a recommendation to Congress on up to 10 projects” and inserting “recommend projects to Congress”; and

(B) by adding at the end the following:

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

(b) PILOT PROGRAM FOR CAPS IN SMALL OR DISADVANTAGED COMMUNITIES.—Section 165(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260) is amended—

(1) in paragraph (2)(B), by striking “a total of 10”; and

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

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

SEC. 313. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED PUMP STATIONS.

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

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

“(1) ELIGIBLE PUMP STATION.—The term ‘eligible pump station’ means a pump station that—

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

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

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

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

“(1) the pump station has a major deficiency; and

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

(3) by striking subsection (f) and inserting the following:

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

SEC. 314. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

Section 510(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3759; 128 Stat. 1317) is amended—

(1) in subparagraph (B), by inserting “and streambanks” after “shorelines”; and

(2) in subparagraph (E), by striking “and” at the end;

(3) by redesignating subparagraph (F) as subparagraph (H); and

(4) by inserting after subparagraph (E) the following:

“(F) wastewater treatment and related facilities;

“(G) stormwater and drainage systems; and”.

SEC. 315. EVALUATION OF HYDROLOGIC CHANGES IN SOURIS RIVER BASIN.

The Secretary is authorized to evaluate hydrologic changes affecting the agreement entitled “Agreement Between the Government of Canada and the United States of America for Water Supply and Flood Control in The Souris River Basin”, signed in 1989.

SEC. 316. MEMORANDUM OF UNDERSTANDING RELATING TO BALDHILL DAM, NORTH DAKOTA.

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

SEC. 317. UPPER MISSISSIPPI RIVER RESTORATION PROGRAM.

Section 1103(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(3)) is amended by striking “\$40,000,000” and inserting “\$75,000,000”.

SEC. 318. HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM.

Section 128(c) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116-260) is amended by inserting “the Upper Mississippi River and its tributaries,” after “New York.”.

SEC. 319. COLLETON COUNTY, SOUTH CAROLINA.

Section 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(C)(i)) shall not apply to construction carried out by the non-Federal interest before the date of enactment of this Act for the project for hurricane and storm damage risk reduction, Colleton County, South Carolina, authorized by section 1401(3) of the Water Resources Development Act of 2016 (130 Stat. 1711).

SEC. 320. ARKANSAS RIVER CORRIDOR, OKLAHOMA.

Section 3132 of the Water Resources Development Act of 2007 (121 Stat. 1141) is amended by striking subsection (b) and inserting the following:

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

“(c) ADDITIONAL FEASIBILITY STUDIES AUTHORIZED.—

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

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

SEC. 321. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336) is amended—

(1) in subsection (c), by inserting “or on land taken into trust by the Secretary of the Interior on behalf of, and for the benefit of, an Indian Tribe” after “land owned by the United States”; and

(2) in subsection (f), by striking “\$30,000,000” and inserting “\$50,000,000”.

SEC. 322. ASIAN CARP PREVENTION AND CONTROL PILOT PROGRAM.

Section 509(a)(2) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116-260) is amended—

(1) in subparagraph (A), by striking “or Tennessee River Watershed” and inserting “, Tennessee River Watershed, or Tombigbee River Watershed”; and

(2) in subparagraph (C)(i), by inserting “, of which not less than 1 shall be carried out on the Tennessee-Tombigbee Waterway” before the period at the end.

SEC. 323. FORMS OF ASSISTANCE.

Section 592(b) of the Water Resources Development Act of 1999 (113 Stat. 379) is amended by striking “and surface water resource protection and development” and inserting “surface water resource protection and development, stormwater management, drainage systems, and water quality enhancement”.

SEC. 324. DEBRIS REMOVAL, NEW YORK HARBOR, NEW YORK.

(a) IN GENERAL.—Beginning on the date of enactment of this Act, the project for New York Harbor collection and removal of drift, authorized by section 91 of the Water Resources Development Act of 1974 (88 Stat. 39), and deauthorized pursuant to section 6001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b) (as in effect on the day before the date of enactment of the WIIN Act (130 Stat. 1628)), is authorized to be carried out by the Secretary.

(b) FEASIBILITY STUDY.—The Secretary shall carry out, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of, a feasibility study for the project described in subsection (a).

SEC. 325. INVASIVE SPECIES MANAGEMENT.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (b)(2)(A)(i)—

(A) by striking “\$50,000,000” and inserting “\$75,000,000”; and

(B) by striking “2024” and inserting “2028”; and

(2) in subsection (g)(2)—

(A) in subparagraph (A)—

(i) by striking “water quantity or water quality” and inserting “water quantity, water quality, or ecosystems”; and

(ii) by inserting “the Lake Erie Basin, the Ohio River Basin,” after “the Upper Snake River Basin,”; and

(B) in subparagraph (B), by inserting “, hydrilla (*Hydrilla verticillata*),” after “*angustifolia*”.

SEC. 326. WOLF RIVER HARBOR, TENNESSEE.

Beginning on the date of enactment of this Act, the project for navigation, Wolf River Harbor, Tennessee, authorized by title II of the Act of June 16, 1933 (48 Stat. 200, chapter 90) (commonly known as the “National Industrial Recovery Act”), and modified by section 203 of the Flood Control Act of 1958 (72 Stat. 308), is modified to reduce the authorized dimensions of the project, such that the remaining authorized dimensions are a 250-foot-wide, 9-foot-depth channel with a center line beginning at a point 35.139634,

-90.062343 and extending approximately 8,500 feet to a point 35.160848, -90.050566.

SEC. 327. MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA.

The matter under the heading “MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA” in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143; 121 Stat. 1155), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: “When acquiring land to meet the requirements of fish and wildlife mitigation, the Secretary may consider incidental flood risk management benefits.”.

SEC. 328. INVASIVE SPECIES MANAGEMENT PILOT PROGRAM.

Section 104(f)(4) of the River and Harbor Act of 1958 (33 U.S.C. 610(f)(4)) is amended by striking “2024” and inserting “2026”.

SEC. 329. NUECES COUNTY, TEXAS, CONVEYANCES.

(a) IN GENERAL.—On receipt of a written request of the Port of Corpus Christi, the Secretary shall—

(1) review the land owned and easements held by the United States for purposes of navigation in Nueces County, Texas; and

(2) convey to the Port of Corpus Christi or, in the case of an easement, release to the owner of the fee title to the land subject to such easement, without consideration, all such land and easements described in paragraph (1) that the Secretary determines are no longer required for project purposes.

(b) CONDITIONS.—

(1) QUITCLAIM DEED.—Any conveyance of land under this section shall be by quitclaim deed.

(2) TERMS AND CONDITIONS.—The Secretary may subject any conveyance or release of easement under this section to such terms and conditions as the Secretary determines necessary and advisable to protect the United States.

(c) ADMINISTRATIVE COSTS.—In accordance with section 2695 of title 10, United States Code, the Port of Corpus Christi shall be responsible for the costs incurred by the Secretary to convey land or release easements under this section.

(d) WAIVER OF REAL PROPERTY SCREENING REQUIREMENTS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance of land or release of easements under this section.

SEC. 330. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.

As part of the authority of the Secretary to carry out the project for flood damage reduction, bank stabilization, and sediment and erosion control, Yazoo Basin, Mississippi Delta Headwaters, Mississippi, authorized by the matter under the heading “ENHANCEMENT OF WATER RESOURCE BENEFITS AND FOR EMERGENCY DISASTER WORK” in title I of Public Law 98-8 (97 Stat. 22), the Secretary may carry out emergency maintenance activities, as the Secretary determines to be necessary, for features of the project completed before the date of enactment of this Act.

SEC. 331. ECOSYSTEM RESTORATION, HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.

(a) IN GENERAL.—The Secretary may carry out additional feasibility studies for ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey, including an examination of measures and alternatives at Baisley Pond Park and the Richmond Terrace Wetlands.

(b) TREATMENT.—A feasibility study carried out under subsection (a) shall be considered a continuation of the study that formulated the project for ecosystem restoration,

Hudson-Raritan Estuary, New York and New Jersey, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2740).

SEC. 332. TIMELY REIMBURSEMENT.

(a) DEFINITION OF COVERED PROJECT.—In this section, the term “covered project” means a project for navigation authorized by section 1401(1) of the WIIN Act (130 Stat. 1708).

(b) REIMBURSEMENT REQUIRED.—In the case of a covered project for which the non-Federal interest has advanced funds for construction of the project, the Secretary shall reimburse the non-Federal interest for advanced funds that exceed the non-Federal share of the cost of construction of the project as soon as practicable after the completion of each individual contract for the project.

SEC. 333. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.

Section 1319(c) of the WIIN Act (130 Stat. 1704) is amended by striking paragraph (2) and inserting the following:

“(2) COST-SHARE.—

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

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

SEC. 334. LAKE TAHOE BASIN RESTORATION, NEVADA AND CALIFORNIA.

(a) DEFINITION.—In this section, the term “Lake Tahoe Basin” means the entire watershed drainage of Lake Tahoe including that portion of the Truckee River 1,000 feet downstream from the United States Bureau of Reclamation dam in Tahoe City, California.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal interests in Lake Tahoe Basin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Lake Tahoe Basin—

(1) urban stormwater conveyance, treatment and related facilities;

(2) watershed planning, science and research;

(3) environmental restoration; and

(4) surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.—

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

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

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State and Regional officials, of appropriate environmental documentation, engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of planning and design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2005, \$50,000,000, to remain available until expended.

(h) REPEAL.—Section 108 of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2942), is repealed.

(i) TREATMENT.—The program authorized by this section shall be considered a continuation of the program authorized by section 108 of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2942) (as in effect on the day before the date of enactment of this Act).

SEC. 335. ADDITIONAL ASSISTANCE FOR EASTERN SANTA CLARA BASIN, CALIFORNIA.

Section 111 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (114 Stat. 2763; 114 Stat. 2763A–224; 121 Stat. 1209)), is amended—

(1) in subsection (a), by inserting “and volatile organic compounds” after “perchlorates”; and

(2) in subsection (b)(3), by inserting “and volatile organic compounds” after “perchlorates”.

SEC. 336. TRIBAL PARTNERSHIP PROGRAM.

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

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

(2) in subsection (b)—

(A) in paragraph (2)(A)—

(i) by inserting “or coastal storm” after “flood”; and

(ii) by inserting “including erosion control,” after “reduction.”;

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

“(C) FEDERAL INTEREST DETERMINATION.—The first \$100,000 of the costs of a study under this section shall be at full Federal expense.”;

(C) in paragraph (4)—

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

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

(D) by adding at the end the following:

“(5) PROJECT JUSTIFICATION.—Notwithstanding any other provision of law or requirement for economic justification established under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) for a project (other than a project for ecosystem restoration), the Secretary may implement a project under this section if the Secretary determines that the project will—

“(A) significantly reduce potential flood or coastal storm damages, which may include or be limited to damages due to shoreline erosion or riverbank or streambank failures;

“(B) improve the quality of the environment;

“(C) reduce risks to life safety associated with the damages described in subparagraph (A); and

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

(3) in subsection (d)(5)(B)—

(A) by striking “non-Federal” and inserting “Federal”; and

(B) by striking “50 percent” and inserting “100 percent”; and

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

SEC. 337. SURPLUS WATER CONTRACTS AND WATER STORAGE AGREEMENTS.

Section 1046(c) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1254; 132 Stat. 3784; 134 Stat. 2715) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

SEC. 338. COPAN LAKE, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall amend Contract DACW56-81-C-0114 between the United States and the Copan Public Works Authority (referred to in this section as the “Authority”), entered into on June 22, 1981, for the utilization by the Authority of storage space for water supply in Copan Lake, Oklahoma (referred to in this section as the “project”)—

(1) to release to the United States all rights of the Authority to utilize 4,750 acre-feet of future use water storage space; and

(2) to relieve the Authority from all financial obligations, to include the initial project investment costs and the accumulated interest on unpaid project investment costs, for the volume of water storage space described in paragraph (1).

(b) REQUIREMENT.—During the 2-year period beginning on the effective date of execution of the contract amendment under subsection (a), the Secretary shall—

(1) provide the City of Bartlesville, Oklahoma, with the right of first refusal to contract for the utilization of storage space for water supply for any portion of the storage space that was released by the Authority under subsection (a); and

(2) ensure that the City of Bartlesville, Oklahoma, shall not pay more than 110 percent of the initial project investment cost per acre-foot of storage for the acre-feet of storage space sought under an agreement under paragraph (1).

SEC. 339. ENHANCED DEVELOPMENT PROGRAM.

The Secretary shall fully implement opportunities for enhanced development at Oklahoma Lakes under the authorities provided in section 3134 of the Water Resources Development Act of 2007 (121 Stat. 1142; 130 Stat. 1671) and section 164 of the Water Resources Development Act of 2020 (134 Stat. 2668).

SEC. 340. ECOSYSTEM RESTORATION COORDINATION.

(a) IN GENERAL.—In carrying out the project for ecosystem restoration, South Fork of the South Branch of the Chicago River, Bubbly Creek, Illinois, authorized by

section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2740), the Secretary shall coordinate to the maximum extent practicable with the Administrator of the Environmental Protection Agency, State environmental agencies, and regional coordinating bodies responsible for the remediation of toxics.

(b) SAVINGS PROVISION.—Nothing in this section extends liability to the Secretary for any remediation of toxics present at the project site referred to in subsection (a) prior to the date of authorization of that project.

SEC. 341. ACEQUIAS IRRIGATION SYSTEMS.

Section 1113 of the Water Resources Development Act of 1986 (100 Stat. 4232) is amended—

(1) in subsection (b)—

(A) by striking “(b) Subject to section 903(a) of this Act, the Secretary is authorized and directed to undertake” and inserting the following:

“(b) AUTHORIZATION.—Subject to section 903(a), the Secretary shall carry out”; and

(B) by striking “canals” and all that follows through “25 percent.” and inserting the following: “channels attendant to the operations of the community ditch and Acequia systems in New Mexico that—

“(1) are declared to be a political subdivision of the State; or

“(2) belong to a federally recognized Indian Tribe.”;

(2) by redesignating subsection (c) as subsection (e);

(3) by inserting after subsection (b) the following:

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

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

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

“(d) COSTS.—

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

“(2) COST SHARING.—

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

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

(4) in subsection (e) (as so redesignated)—

(A) in the first sentence—

(i) by striking “(e) The Secretary is further authorized and directed to” and inserting the following:

“(e) PUBLIC ENTITY STATUS.—

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

(ii) by inserting “or belong to a federally recognized Indian Tribe within the State of New Mexico” after “that State”; and

(B) in the second sentence, by striking “This public entity status will allow the officials of these Acequia systems” and inserting the following:

“(2) EFFECT.—The public entity status provided pursuant to paragraph (1) shall allow the officials of the Acequia systems described in that paragraph”.

SEC. 342. ROGERS COUNTY, OKLAHOMA.

(a) CONVEYANCE.—The Secretary is authorized to convey to the City of Tulsa-Rogers County Port Authority (referred to in this section as the “Port Authority”), for fair market value, all right, title, and interest of the United States in and to the Federal land described in subsection (b).

(b) FEDERAL LAND DESCRIBED.—

(1) IN GENERAL.—The Federal land to be conveyed under this section is the approximately 176 acres of Federal land located on the following 3 parcels in Rogers County, Oklahoma:

(A) Parcel 1 includes U.S. tract 119 (partial), U.S. tract 123, U.S. tract 120, U.S. tract 125, and U.S. tract 118 (partial).

(B) Parcel 2 includes U.S. tract 124 (partial) and U.S. tract 128 (partial).

(C) Parcel 3 includes U.S. tract 128 (partial).

(2) DETERMINATION REQUIRED.—

(A) IN GENERAL.—Subject to paragraph (1) and subparagraphs (B), (C), and (D), the Secretary shall determine the exact property description and acreage of the Federal land to be conveyed under this section.

(B) REQUIREMENT.—In making the determination under subparagraph (A), the Secretary shall reserve from conveyance such easements, rights-of-way, and other interests as the Secretary determines to be necessary and appropriate to ensure the continued operation of the McClellan-Kerr Arkansas River navigation project, including New Graham Lock and Dam 18 as a part of that project, as authorized under the comprehensive plan for the Arkansas River Basin by section 3 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and section 10 of the Flood Control Act of 1946 (60 Stat. 647, chapter 596) and where applicable the provisions of the River and Harbor Act of 1946 (60 Stat. 634, chapter 595) and modified by section 108 of the Energy and Water Development Appropriation Act, 1988 (Public Law 100-202; 101 Stat. 1329-112), and section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1842).

(C) OBSTRUCTIONS TO NAVIGABLE CAPACITY.—A conveyance under this section shall not affect the jurisdiction of the Secretary under section 10 of the Act of March 3, 1899 (commonly known as the “Rivers and Harbors Act of 1899”) (30 Stat. 1151, chapter 425; 33 U.S.C. 403) with respect to the Federal land conveyed.

(D) SURVEY REQUIRED.—The exact acreage and the legal description of any Federal land conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(c) APPLICABILITY.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(d) COSTS.—The Port Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(e) HOLD HARMLESS.—

(1) IN GENERAL.—The Port Authority shall hold the United States harmless from any liability with respect to activities carried out on or after the date of the conveyance under this section on the Federal land conveyed.

(2) LIMITATION.—The United States shall remain responsible for any liability incurred with respect to activities carried out before the date of the conveyance under this section on the Federal land conveyed.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

SEC. 343. WATER SUPPLY STORAGE REPAIR, REHABILITATION, AND REPLACEMENT COSTS.

Section 301(b) of the Water Supply Act of 1958 (43 U.S.C. 390b(b)) is amended, in the fourth proviso, by striking the second sentence and inserting the following: “For Corps of Engineers projects, all annual operation and maintenance costs for municipal and industrial water supply storage under this section shall be reimbursed from State or local interests on an annual basis, and all repair, rehabilitation, and replacement costs shall be reimbursed from State or local interests (1) without interest, during construction of the repair, rehabilitation, or replacement, (2) with interest, in lump sum on the completion of the repair, rehabilitation, or replacement, or (3) at the request of the State or local interest, with interest, over a period of not more than 25 years beginning on the date of completion of the repair, rehabilitation, or replacement, with repayment contracts providing for recalculation of the interest rate at 5-year intervals. At the request of the State or local interest, the Secretary of the Army shall amend a repayment contract entered into under this section on or before the date of enactment of this sentence for the purpose of incorporating the terms and conditions described in paragraph (3) of the preceding sentence.”

SEC. 344. NON-FEDERAL PAYMENT FLEXIBILITY.

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

(1) by striking the subsection designation and heading and all that follows through “At the request of” in the first sentence and inserting the following:

“(1) DELAY OF PAYMENT.—

“(1) INITIAL PAYMENT.—At the request of”; and

(2) by adding at the end the following:

“(2) INTEREST.—

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

“(i) the waiver will contribute to the ability of the non-Federal interest to make future contributions; and

“(ii) the non-Federal interest is in good standing under terms agreed to under subsection (k)(1).

“(B) LIMITATIONS.—The Secretary may grant not more than 1 waiver under subparagraph (A) for the same project.”

SEC. 345. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration, North Padre Island, Corpus Christi Bay, Texas, constructed by the Secretary prior to the date of enactment of this Act under section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), shall not be eligible for repair and restoration assistance under section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)).

SEC. 346. WAIVER OF NON-FEDERAL SHARE OF DAMAGES RELATED TO CERTAIN CONTRACT CLAIMS.

In a case in which the Armed Services Board of Contract Appeals or a court of competent jurisdiction rendered a decision on a date that was at least 20 years before the date of enactment of this Act awarding damages to a contractor relating to the adjudication of claims arising from the construction of general navigation features of a project carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), notwithstanding the terms of the Project Part-

nership Agreement, the Secretary shall waive payment of the share of the non-Federal interest of such damages, including attorney’s fees, if the Secretary—

(1) terminated construction of the project prior to completion of all features; and

(2) has not collected payment from the non-Federal interest before the date of enactment of this Act.

SEC. 347. ALGIERS CANAL LEVEES, LOUISIANA.

In accordance with section 328 of the Water Resources Development Act of 1999 (113 Stat. 304; 121 Stat. 1129), the Secretary shall resume operation, maintenance, repair, rehabilitation, and replacement of the Algiers Canal Levees, Louisiana, at full Federal expense.

SEC. 348. ISRAEL RIVER ICE CONTROL PROJECT, LANCASTER, NEW HAMPSHIRE.

Beginning on the date of enactment of this Act, the project for flood control, Israel River, Lancaster, New Hampshire, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is no longer authorized.

SEC. 349. CITY OF EL DORADO, KANSAS.

The Secretary shall amend Contract DACW56-72-C-0220, between the United States and the City of El Dorado, Kansas, entered into on June 30, 1972, for the utilization by the City of storage space for water supply in El Dorado Lake, Kansas, to change the method of calculation of the interest charges that began accruing on June 30, 1991, on the investment costs for the 72,087 acre-feet of future use storage space, from compounding interest annually to charging simple interest annually on the principal amount, until—

(1) the City desires to convert the future use storage space to present use; and

(2) the principal amount plus the accumulated interest becomes payable pursuant to the terms of the Contract.

SEC. 350. UPPER MISSISSIPPI RIVER PROTECTION.

Section 2010 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270; 132 Stat. 3812) is amended by adding at the end the following:

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

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

SEC. 351. REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.

(a) IN GENERAL.—At such time as new facilities are available to the Corps of Engineers, and subject to this section, the Secretary shall convey to the Port of Corpus Christi Authority, by deed and without warranty, all right, title, and interest of the United States in and to the property described in subsection (c).

(b) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be determined by an appraisal, satisfactory to the Secretary, of the market value of the property conveyed.

(c) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the land known as “Tract 100” and “Tract 101”, including improvements on that land, in Corpus Christi, Texas, and described as follows:

(1) TRACT 100.—The 1.89 acres, more or less, as conveyed by the Nueces County Navigation District No. 1 of Nueces County, Texas, to the United States by instrument dated October 16, 1928, and recorded at Volume 193, pages 1 and 2, in the Deed Records of Nueces County, Texas.

(2) TRACT 101.—The 0.53 acres as conveyed by the City of Corpus Christi, Nueces County, Texas, to the United States by instrument dated September 24, 1971, and recorded at Volume 318, pages 523 and 524, in the Deed Records of Nueces County, Texas.

(3) IMPROVEMENTS.—

(A) Main Building (RPUID AO-C-3516), constructed January 9, 1974.

(B) Garage, vehicle with 5 bays (RPUID AO-C-3517), constructed January 9, 1985.

(C) Bulkhead, Upper (RPUID AO-C-2658), constructed January 1, 1941.

(D) Bulkhead, Lower (RPUID AO-C-3520), constructed January 1, 1933.

(E) Bulkhead Fence (RPUID AO-C-3521), constructed January 9, 1985.

(F) Bulkhead Fence (RPUID AO-C-3522), constructed January 9, 1985.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Before conveying the land described in subsection (c) to the Port of Corpus Christi Authority, the Secretary shall ensure that the conditions of buildings and facilities meet applicable requirements under Federal law, as determined by the Secretary.

(2) IMPROVEMENTS.—Improvements to conditions of buildings and facilities on the land described in subsection (c), if any, shall be incorporated into the consideration required under subsection (b).

(3) COSTS OF CONVEYANCE.—In addition to the fair market value for property rights conveyed, the Port of Corpus Christi Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance under subsection (a).

SEC. 352. PILOT PROGRAM FOR GOOD NEIGHBOR AUTHORITY ON CORPS OF ENGINEERS LAND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED RESTORATION SERVICES.—The term “authorized restoration services” means similar and complementary forest, rangeland, and watershed restoration services carried out—

(A) on Federal land; and

(B) by the Secretary or Governor pursuant to a good neighbor agreement.

(2) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means land within the State that is administered by the Corps of Engineers.

(B) EXCLUSIONS.—The term “Federal land” does not include—

(i) a component of the National Wilderness Preservation System;

(ii) Federal land on which the removal of vegetation is prohibited or restricted by an Act of Congress or a Presidential proclamation (including the applicable implementation plan); or

(iii) a wilderness study area.

(3) FOREST, RANGELAND, AND WATERSHED SERVICES.—

(A) IN GENERAL.—The term “forest, rangeland, and watershed restoration services” means—

(i) activities to treat insect-infected and disease-infected trees;

(ii) activities to reduce hazardous fuels; and

(iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(B) EXCLUSIONS.—The term “forest, rangeland, and watershed restoration services” does not include—

(i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas, other than the reconstruction, repair, or restoration of a road that is necessary to carry out authorized restoration services pursuant to a good neighbor agreement; and

(ii) construction, alteration, repair or replacement of public buildings or public works.

(4) GOOD NEIGHBOR AGREEMENT.—The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and Governor under subsection (b)(1)(A) to carry out authorized restoration services under this section.

(5) GOVERNOR.—The term “Governor” means the Governor or any other appropriate executive official of the State.

(6) ROAD.—The term “road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on February 7, 2014).

(7) STATE.—The term “State” means the State of Idaho.

(b) GOOD NEIGHBOR AGREEMENTS.—

(1) GOOD NEIGHBOR AGREEMENTS.—

(A) IN GENERAL.—The Secretary may carry out a pilot program to enter into good neighbor agreements with the Governor to carry out authorized restoration services in the State in accordance with this section.

(B) PUBLIC AVAILABILITY.—The Secretary shall make each good neighbor agreement available to the public.

(C) ADMINISTRATIVE COSTS.—The Governor shall provide, and the Secretary may accept and expend, funds to cover the costs of the Secretary to enter into and administer a good neighbor agreement.

(D) TERMINATION.—The pilot program under subparagraph (A) shall terminate on October 1, 2028.

(2) TIMBER SALES.—

(A) APPROVAL OF SILVICULTURE PRESCRIPTIONS AND MARKING GUIDES.—The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

(B) TREATMENT OF REVENUE.—Except as provided in subparagraph (C), funds received from the sale of timber by the Governor under a good neighbor agreement shall be retained and used by the Governor to carry out authorized restoration services under the good neighbor agreement.

(C) EXCESS REVENUE.—

(i) IN GENERAL.—Any funds remaining after carrying out subparagraph (B) that are in excess of the amount provided by the Governor to the Secretary under paragraph (1)(C) shall be returned to the Secretary.

(ii) APPLICABILITY OF CERTAIN PROVISIONS.—Funds returned to the Secretary under clause (i) shall be subject to the first part of section 5 of the Act of June 13, 1902 (commonly known as the “Rivers and Harbors Appropriations Act of 1902”) (32 Stat. 373, chapter 1079; 33 U.S.C. 558).

(3) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized restoration services to be provided under this section on Federal land shall not be delegated to the Governor.

SEC. 353. SOUTHEAST DES MOINES, SOUTHWEST PLEASANT HILL, IOWA.

(a) PROJECT MODIFICATIONS.—The project for flood risk management and other purposes, Red Rock Dam and Lake, Des Moines River, Iowa (referred to in this section as the “Red Rock Dam Project”), authorized by section 10 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 896, chapter 665), and the project for flood risk management, Des Moines Local Flood Protection, Des Moines River, Iowa (referred to in this section as “Flood Protection Project”), authorized by section 10 of that Act (58 Stat. 896, chapter 665), shall be modified as follows, subject to a new or amended agreement between the

Secretary and the non-Federal interest for the Flood Protection Project, the City of Des Moines, Iowa (referred to in this section as the “City”), in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b):

(1) That portion of the Red Rock Dam Project consisting of the segment of levee from Station 15+88.8W to Station 77+43.7W shall be transferred to the Flood Protection Project.

(2) The relocated levee improvement constructed by the City, from Station 77+43.7W to approximately Station 20+00, shall be included in the Flood Protection Project.

(b) FEDERAL EASEMENT CONVEYANCES.—

(1) The Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam Project, to the City to become part of the Flood Protection Project in accordance with subsection (a):

(A) Easements identified as Tracts 3215E-1, 3235E, and 3227E.

(B) Easements identified as Partial Tracts 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

(2) On counter-execution of the new or amended agreement pursuant to the Federal easement conveyances under paragraph (1), the Secretary is authorized to convey the following easements, by quitclaim deed, without consideration, acquired by the Federal Government for the Red Rock Dam project, to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority and no longer required for the Red Rock Dam Project or for the Des Moines Local Flood Protection Project:

(A) Easements identified as Tracts 3200E, 3202E-1, 3202E-2, 3202E-4, 3203E-2, 3215E-3, 3216E-1, and 3216E-5.

(B) Easements identified as Partial Tracts 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

(3) All real property interests conveyed under this subsection shall be subject to the standard release of easement disposal process. All administrative fees associated with the transfer of the subject easements to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority will be borne by the transferee.

SEC. 354. MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NEW MEXICO.

In the case of the project for flood risk management, Middle Rio Grande, Bernalillo to Belen, New Mexico, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735), the non-Federal share of the cost of the project shall be the percentage described in section 103(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(2)) (as in effect on the day before the date of enactment of the Water Resources Development Act of 1996 (110 Stat. 3658)).

SEC. 355. COMPREHENSIVE EVERGLADES RESTORATION PLAN, FLORIDA.

(a) IN GENERAL.—Section 601(e)(5) of the Water Resources Development Act of 2000 (114 Stat. 2685; 132 Stat. 3786) is amended by striking subparagraph (E) and inserting the following:

“(E) PERIODIC MONITORING.—

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

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

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

“(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i)

separately for the preconstruction engineering and design phase and the construction phase for each project in the Plan.

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

“(iv) LIMITATION.—As applicable, and after including consideration of all expenditures and obligations incurred by the non-Federal sponsor for land and in-kind services for an authorized project for which a project partnership agreement has not been executed, the Secretary shall only require a cash contribution from the non-Federal sponsor to satisfy the cost share requirements of this subsection on the last day of each period of 5 fiscal years under clause (i).”

(b) UPDATE.—The Secretary and the South Florida Water Management District shall revise the Master Agreement for the Comprehensive Everglades Restoration Plan, executed in 2009 pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680), to reflect the amendment made by subsection (a).

SEC. 356. MAINTENANCE DREDGING PERMITS.

(a) IN GENERAL.—The Secretary shall, to the maximum extent practicable and appropriate, prioritize the reissuance of any regional general permit for maintenance dredging that expired prior to May 1, 2021.

(b) SAVINGS PROVISION.—Nothing in this section affects, preempts, or interferes with any obligation to comply with the provisions of any Federal or State environmental law, including—

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

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

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

SEC. 357. PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION, WASHINGTON.

In carrying out the project for ecosystem restoration, Puget Sound, Washington, authorized by section 1401(4) of the Water Resources Development Act of 2016 (130 Stat. 1713), the Secretary shall consider the removal and replacement of the Highway 101 causeway and bridges at the Duckabush River Estuary site to be a project feature the costs of which are shared as construction.

SEC. 358. TRIBAL ASSISTANCE.

(a) CLARIFICATION OF EXISTING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in consultation with the heads of relevant Federal agencies, the Confederated Tribes of the Warm Springs Indian Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation, shall revise and carry out the village development plan for Dalles Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179, chapter 188) to address adverse impacts to Indian villages, housing sites, and related structures as a result of the construction of Bonneville Dam, McNary Dam, and John Day Dam, Washington and Oregon.

(2) EXAMINATION.—Before carrying out the requirements of paragraph (1), the Secretary shall conduct an examination and assessment of the extent to which Indian villages, housing sites, and related structures were displaced or destroyed by the construction of the following projects:

(A) Bonneville Dam, Oregon, as authorized by the first section of the Act of August 30, 1935 (49 Stat. 1038, chapter 831) and the first

section and section 2(a) of the Act of August 20, 1937 (50 Stat. 731, chapter 720; 16 U.S.C. 832, 832a(a)).

(B) McNary Dam, Washington and Oregon, as authorized by section 2 of the Act of March 2, 1945 (commonly known as the “River and Harbor Act of 1945”) (59 Stat. 22, chapter 19).

(C) John Day Dam, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179, chapter 188).

(3) REQUIREMENTS.—The village development plan under paragraph (1) shall include, at a minimum—

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

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

(C) an estimated cost and tentative schedule for the construction of each housing development.

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

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

(c) ACQUISITION AND DISPOSAL OF LAND.—

(1) IN GENERAL.—Subject to subsection (d), the Secretary may acquire land or interests in land for the purpose of providing housing and related assistance under the village development plan under subsection (a)(1).

(2) ADVANCE ACQUISITION.—Acquisition of land or interests in land under paragraph (1) may be carried out in advance of completion of all required documentation and clearances for the construction of housing or related improvements on the land or on the interests in land.

(3) DISPOSAL OF UNSUITABLE LAND.—If the Secretary determines that any land or interest in land acquired by the Secretary under this section in advance of completion of all required documentation for the construction of housing or related improvements is unsuitable for that housing or for those related improvements, the Secretary may—

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

(B) credit the proceeds to the appropriation, fund, or account used to purchase the land or interest in land.

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

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

SEC. 359. RECREATIONAL OPPORTUNITIES AT CERTAIN PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term “covered project” means any of the following projects of the Corps of Engineers:

(A) Ball Mountain Lake, Vermont.

(B) Townshend Lake, Vermont.

(2) RECREATION.—The term “recreation” includes downstream whitewater recreation that is dependent on operations, recreational fishing, and boating at a covered project.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should—

(1) ensure that, to the extent compatible with other project purposes, each covered project is operated in such a manner as to protect and enhance recreation associated with the covered project; and

(2) manage land at each covered project to improve opportunities for recreation at the covered project.

(c) MODIFICATION OF WATER CONTROL PLANS.—The Secretary may modify, or undertake temporary deviations from, the water control plan for a covered project in order to enhance recreation, if the Secretary determines the modifications or deviations—

(1) will not adversely affect other authorized purposes of the covered project; and

(2) will not result in significant adverse impacts to the environment.

SEC. 360. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.

Section 1177 of the Water Resources Development Act of 2016 (33 U.S.C. 467f-2 note; Public Law 114-322) is amended by adding at the end the following:

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

SEC. 361. SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.

Section 528(f)(1)(J) of the Water Resources Development Act of 1996 (110 Stat. 3771) is amended—

(1) by striking “2 representatives” and inserting “3 representatives”; and

(2) by inserting “at least 1 of which shall be a representative of the Florida Department of Environmental Protection and at least 1 of which shall be a representative of the Florida Fish and Wildlife Conservation Commission,” after “Florida.”

SEC. 362. NEW MADRID COUNTY HARBOR, MISSOURI.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat. 2679) is amended by adding at the end the following:

“(18) Second harbor at New Madrid County Harbor, Missouri.”

SEC. 363. TRINITY RIVER AND TRIBUTARIES, TEXAS.

Section 1201(7) of the Water Resources Development Act of 2018 (132 Stat. 3802) is amended by inserting “flood risk management, and ecosystem restoration,” after “navigation.”

SEC. 364. REND LAKE, CARLYLE LAKE, AND LAKE SHELBYVILLE, ILLINOIS.

(a) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a request from the Governor of Illinois to terminate a contract described in subsection (c), the Secretary shall amend the contract to release to the United States all rights of the State of Illinois to utilize water storage space in the reservoir project to which the contract applies.

(b) RELIEF OF CERTAIN OBLIGATIONS.—On execution of an amendment described in subsection (a), the State of Illinois shall be relieved of the obligation to pay the percentage of the annual operation and maintenance expense, the percentage of major replacement cost, and the percentage of major rehabilitation cost allocated to the water supply storage specified in the contract for the reservoir project to which the contract applies.

(c) CONTRACTS.—Subsection (a) applies to the following contracts between the United States and the State of Illinois:

(1) Contract DACW43-88-C-0088, entered into on September 23, 1988, for utilization of storage space for water supply in Rend Lake, Illinois.

(2) Contract DA-23-065-CIVENG-65-493, entered into on April 28, 1965, for utilization of storage space for water supply in Rend Lake, Illinois.

(3) Contract DACW43-83-C-0008, entered into on July 6, 1983, for utilization of storage space in Carlyle Lake, Illinois.

(4) Contract DACW43-83-C-0009, entered into on July 6, 1983, for utilization of storage space in Lake Shelbyville, Illinois.

SEC. 365. FEDERAL ASSISTANCE.

Section 1328(c) of the America’s Water Infrastructure Act of 2018 (132 Stat. 3826) is amended by striking “4 years” and inserting “8 years”.

SEC. 366. LAND TRANSFER AND TRUST LAND FOR CHOCTAW NATION OF OKLAHOMA.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Choctaw Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the operation by the Corps of Engineers of the Sardis Lake Project or any other authorized civil works project; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Sardis Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Choctaw Nation under this subsection as necessary to carry out an authorized purpose of the Sardis Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred pursuant to subsection (a) is the approxi-

mately 247 acres of land located in Sections 18 and 19 of T2N R18E, and Sections 5 and 8 of T2N R19E, Pushmataha County, Oklahoma, generally depicted as “USACE” on the map entitled “Sardis Lake – Choctaw Nation Proposal” and dated February 22, 2022.

(2) SURVEY.—The exact acreage and legal descriptions of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Choctaw Nation shall pay—

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of—

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

SEC. 367. LAKE BARKLEY, KENTUCKY, LAND CONVEYANCE.

(a) IN GENERAL.—The Secretary is authorized to convey to the Eddyville Riverport Authority (referred to in this section as the “Authority”), for fair market value, all right, title, and interest of the United States in and to approximately 2.2 acres of land adjacent to the southwestern boundary of the port facilities of the Authority at the Barkley Dam and Lake Barkley, Kentucky, project, authorized by the River and Harbor Act of 1946 (60 Stat. 636, Public Law 79-525).

(b) CONDITIONS.—

(1) QUITCLAIM DEED.—Any conveyance of land under this section shall be by quitclaim deed.

(2) RESERVATION OF RIGHTS.—The Secretary shall reserve from a conveyance of land under this section such easements, rights-of-way, or other interests as the Secretary determines to be necessary and appropriate to the ensure the continued operation of the project described in subsection (a).

(3) TERMS AND CONDITIONS.—The Secretary may subject any conveyance under this section to such terms and conditions as the Secretary determines necessary and advisable to protect the United States.

(c) ADMINISTRATIVE COSTS.—The Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with a conveyance under this section.

(d) WAIVER OF REAL PROPERTY SCREENING REQUIREMENTS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance of land under this section.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

SEC. 401. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. AK	Elim Subsistence Harbor	March 12, 2021	Federal: \$74,905,000 Non-Federal: \$1,896,000 Total: \$76,801,000
2. CA	Port of Long Beach Deep Draft Navigation, Los Angeles	October 14, 2021; May 31, 2022	Federal: \$73,533,500 Non-Federal: \$74,995,500 Total: \$148,529,000
3. WA	Tacoma Harbor Navigation Improvement	May 26, 2022	Federal: \$120,701,000 Non-Federal: \$174,627,000 Total: \$295,328,000
4. NY, NJ	New Jersey Harbor Deepening Channel Improvement	June 3, 2022	Federal: \$2,124,561,500 Non-Federal: \$3,439,337,500 Total: \$5,563,899,000

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. AL	Selma	October 7, 2021	Federal: \$15,533,100 Non-Federal: \$8,363,900 Total: \$23,897,000
2. CA	Lower Cache Creek, Yolo County, Woodland, and Vicinity	June 21, 2021	Federal: \$215,152,000 Non-Federal: \$115,851,000 Total: \$331,003,000
3. OR	Portland Metro Levee System	August 20, 2021	Federal: \$77,111,100 Non-Federal: \$41,521,300 Total: \$118,632,400
4. NE	Papillion Creek and Tributaries Lakes	January 24, 2022	Federal: \$91,491,400 Non-Federal: \$52,156,300 Total: \$143,647,700
5. AL	Valley Creek, Bessemer and Birmingham	October 29, 2021	Federal: \$17,725,000 Non-Federal: \$9,586,000 Total: \$27,311,000
6. PR	Rio Guanajibo	May 24, 2022	Federal: \$110,974,500 Non-Federal: \$59,755,500 Total: \$170,730,000

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. CT	Fairfield and New Haven Counties	January 19, 2021	Federal: \$92,937,000 Non-Federal: \$50,043,000 Total: \$142,980,000
2. PR	San Juan Metro	September 16, 2021	Federal: \$245,418,000 Non-Federal: \$131,333,000 Total: \$376,751,000
3. FL	Florida Keys, Monroe County	September 24, 2021	Federal: \$1,513,531,000 Non-Federal: \$814,978,000 Total: \$2,328,509,000
4. FL	Okaloosa County	October 7, 2021	Initial Federal: \$19,822,000 Initial Non-Federal: \$11,535,000 Initial Total: \$31,357,000 Renourishment Federal: \$71,045,000 Renourishment Non-Federal: \$73,787,000 Renourishment Total: \$144,832,000

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
5. SC	Folly Beach	October 26, 2021	Initial Federal: \$45,490,000 Initial Non-Federal: \$5,054,000 Initial Total: \$50,544,000 Renourishment Federal: \$164,424,000 Renourishment Non-Federal: \$26,767,000 Renourishment Total: \$191,191,000
6. FL	Pinellas County	October 29, 2021	Initial Federal: \$8,627,000 Initial Non-Federal: \$5,332,000 Initial Total: \$13,959,000 Renourishment Federal: \$92,000,000 Renourishment Non-Federal: \$101,690,000 Renourishment Total: \$193,690,000
7. NY	South Shore of Staten Island, Fort Wadsworth to Oakwood Beach	October 27, 2016	Federal: \$371,310,000 Non-Federal: \$199,940,000 Total: \$571,250,000
8. LA	Upper Barataria Basin	January 28, 2022	Federal: \$1,005,001,000 Non-Federal: \$541,155,000 Total: \$1,546,156,000
9. LA	South Central Coast, St. Martin, St. Mary, and Iberia Parishes	June 23, 2022	Federal: \$594,600,000 Non-Federal: \$320,169,000 Total: \$914,769,000

(4) HURRICANE AND STORM DAMAGE REDUCTION AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. TX	Coastal Texas Protection and Restoration Feasibility Study	September 16, 2021	Federal: \$19,237,894,000 Non-Federal: \$11,668,393,000 Total: \$30,906,287,000

(5) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. CA	Prado Basin Ecosystem Restoration, San Bernardino, Riverside and Orange Counties	April 22, 2021	Federal: \$33,976,000 Non-Federal: \$18,294,000 Total: \$52,270,000
2. KY	Three Forks of Beargrass Creek	May 24, 2022	Federal: \$72,138,000 Non-Federal: \$48,998,000 Total: \$121,135,000

(6) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. LA	Lake Pontchartrain and Vicinity	December 16, 2021	Federal: \$807,000,000 Non-Federal: \$434,000,000 Total: \$1,241,000,000
2. LA	West Bank and Vicinity	December 17, 2021	Federal: \$431,000,000 Non-Federal: \$232,000,000 Total: \$663,000,000
3. GA	Brunswick Harbor, Glynn County	March 11, 2022	Federal: \$10,774,500 Non-Federal: \$3,594,500 Total: \$14,369,000
4. DC	Washington, DC and Vicinity	July 22, 2021	Federal: \$17,740,000 Non-Federal: \$0 Total: \$17,740,000
5. MI	Soo Locks, Sault Ste. Marie	June 6, 2022	Federal: \$2,932,116,000 Non-Federal: \$0 Total: \$2,932,116,000
6. WA	Howard A. Hanson Dam Additional Water Storage	May 19, 2022	Federal: \$815,207,000 Non-Federal: \$39,979,000 Total: \$855,185,000
7. MO	Critical Infrastructure Cyber Security – Mandatory Center of Expertise Lab and Office Facility	January 13, 2020	Federal: \$5,956,404 Non-Federal: \$0 Total: \$5,956,404
8. FL	Central and Southern Florida, Indian River Lagoon	May 31, 2022	Federal: \$2,500,686,000 Non-Federal: \$2,500,686,000 Total: \$5,001,372,000

SEC. 402. STORM DAMAGE PREVENTION AND REDUCTION, COASTAL EROSION, AND ICE AND GLACIAL DAMAGE, ALASKA.

(a) IN GENERAL.—The Secretary shall establish a program to carry out structural and nonstructural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in the State of Alaska, including—

- (1) relocation of affected communities; and
- (2) construction of replacement facilities.

(b) COST SHARE.—The non-Federal interest shall share in the cost to study, design, and construct a project carried out under this section in accordance with sections 103 and 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2213, 2215), except that, in the case of a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)), the non-Federal share shall be 10 percent.

(c) REPEAL.—Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2851), is repealed.

(d) TREATMENT.—The program authorized by subsection (a) shall be considered a continuation of the program authorized by section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2851) (as in effect on the

day before the date of enactment of this Act).

SEC. 403. EXPEDITED COMPLETION OF PROJECTS.

The Secretary shall expedite completion of the following projects:

(1) Project for flood risk management, Cumberland, Maryland, restoration and rewatering of the Chesapeake and Ohio Canal, authorized by section 580 of the Water Resources Development Act of 1999 (113 Stat. 375).

(2) Project for flood risk management, Tulsa and West-Tulsa Levee System, Tulsa County, Oklahoma, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(3) Project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(4) Project for flood risk management, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576).

(5) Project for flood risk management, Rose and Palm Garden Washes, Arizona, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(6) Project for ecosystem restoration, El Corazon, Arizona, authorized by section 206

of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(7) Projects for ecosystem restoration, Chesapeake Bay Comprehensive Water Resources and Restoration Plan, Chesapeake Bay Environmental Restoration and Protection Program, authorized by section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759).

(8) Projects authorized under section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 121 Stat. 1258).

(9) Projects authorized under section 8004 of the Water Resources Development Act of 2007 (33 U.S.C. 652 note; Public Law 110-114).

(10) Projects authorized under section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653).

(11) Project for flood risk management, Lower Santa Cruz River, Arizona, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(12) Project for flood risk management, McCormick Wash, Arizona, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(13) Project for navigation, including maintenance and channel deepening, McClellan-Kerr Arkansas River Navigation System.

(14) Project for dam safety modifications, Bluestone Dam, West Virginia.

(15) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Branford Harbor and Branford River, Branford, Connecticut, authorized by the first section of the Act of June 13, 1902 (32 Stat. 333, chapter 1079).

(16) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Guilford Harbor and Sluice Channel, Connecticut.

(17) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Milford Harbor, Connecticut.

(18) Assistance for ecosystem restoration, Lower Yellowstone Intake Diversion Dam, Montana, authorized by section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(19) Project for mitigation of shore damage from navigation works, Camp Ellis Beach, Saco, Maine, pursuant to section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(20) Project for ecosystem restoration, Lower Blackstone River, Rhode Island, pursuant to section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(21) Project for navigation, Kentucky Lock Addition, Kentucky.

(22) Maintenance dredging of the Federal channel for the project for navigation, Columbia, Snake, and Clearwater Rivers, Oregon, Washington, and Idaho, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 21, chapter 19), at the Port of Clarkston, Washington, and the Port of Lewiston, Idaho.

(23) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Portsmouth Back Channels and Sagamore Creek, Portsmouth, New Castle, and Rye, New Hampshire, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(24) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Portsmouth Harbor and Piscataqua River, Portsmouth, New Castle, and Newington, New Hampshire, and Kittery and Elliot, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173).

SEC. 404. SPECIAL RULES.

(a) The following conditions apply to the project described in section 403(19):

(1) The project is authorized to be carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) at a Federal cost of \$45,000,000.

(2) The project may include Federal participation in periodic nourishment.

(3) For purposes of subsection (b) of section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), the Secretary shall determine that the navigation works to which the shore damages are attributable were constructed at full Federal expense.

(b) The following conditions apply to the project described in section 403(20):

(1) The project is authorized to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) at a Federal cost of \$15,000,000.

(2) If the Secretary includes in the project a measure on Federal land under the jurisdiction of another Federal agency, the Secretary may enter into an agreement with the Federal agency that provides for the Secretary—

(A) to construct the measure; and

(B) to operate and maintain the measure using funds provided to the Secretary by the non-Federal interest for the project.

(3) If the Secretary includes in the project a measure for fish passage at a dam licensed

for hydropower, the Secretary shall include in the project costs all costs for the measure, except that those costs that are in excess of the costs to provide fish passage at the dam if hydropower improvements were not in place shall be a 100 percent non-Federal expense.

SEC. 405. CHATTAHOOCHEE RIVER PROGRAM.

(a) ESTABLISHMENT.—

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

(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chattahoochee River Basin, based on the comprehensive plan under subsection (b), including projects for—

(A) sediment and erosion control;

(B) protection of eroding shorelines;

(C) ecosystem restoration, including restoration of submerged aquatic vegetation;

(D) protection of essential public works;

(E) beneficial uses of dredged material; and

(F) other related projects that may enhance the living resources of the Chattahoochee River Basin.

(b) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chattahoochee River Basin restoration plan to guide the implementation of projects under subsection (a)(2).

(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.

(c) AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the comprehensive Chattahoochee River Basin restoration plan described in subsection (b).

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

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a resource protection and restoration plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out an agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of land, easements, rights-of-way, and relocations

provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of activities carried out under an agreement under this section shall be 100 percent.

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

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

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

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

(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

(2) agencies of a State or political subdivision of a State.

(f) PROTECTION OF RESOURCES.—A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) PROJECT CAP.—The total cost of a project carried out under this section may not exceed \$15,000,000.

(h) SAVINGS PROVISION.—Nothing in this section—

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

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

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

(4) affects any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$90,000,000.

SEC. 406. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.

(a) DEFINITION.—In this section, the term “Lower Mississippi River Basin” means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico, and its tributaries and distributaries.

(b) ESTABLISHMENT.—

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

(2) FORM.—

(A) IN GENERAL.—The assistance under paragraph (1) shall be in the form of design and construction assistance for flood or coastal storm risk management or aquatic ecosystem restoration projects in the Lower Mississippi River Basin, based on the comprehensive plan under subsection (c).

(B) ASSISTANCE.—Projects under subparagraph (A) may include measures for—

(i) sediment control;

(ii) protection of eroding riverbanks and streambanks and shorelines;

(iii) channel modifications;

(iv) beneficial uses of dredged material; or

(v) other related projects that may enhance the living resources of the Lower Mississippi River Basin.

(c) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Lower Mississippi River Basin plan to guide the implementation of projects under subsection (b)(2).

(2) **COORDINATION.**—The plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and non-governmental organizations.

(3) **PRIORITIZATION.**—To the maximum extent practicable, the plan described in paragraph (1) shall give priority to projects eligible under subsection (b)(2) that will also improve water quality, reduce hypoxia in the Lower Mississippi River or Gulf of Mexico, or use a combination of structural and non-structural measures.

(d) **AGREEMENT.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the comprehensive Lower Mississippi River Basin plan described in subsection (c).

(2) **REQUIREMENTS.**—Each agreement entered into under this subsection shall provide for the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(e) **COST SHARING.**—

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

(2) **NON-FEDERAL SHARE.**—

(A) **VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.**—In determining the non-Federal contribution toward carrying out an agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of land, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the cost to design and construct the project.

(B) **OPERATION AND MAINTENANCE COSTS.**—The non-Federal share of the costs of operation and maintenance of activities carried out under an agreement under this section shall be 100 percent.

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

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

(A) the Secretary of Agriculture;

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

(C) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

(2) agencies of a State or political subdivision of a State.

(g) **PROJECT CAP.**—The total cost of a project carried out under this section may not exceed \$15,000,000.

(h) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the program under this section, including a recommendation on whether the program should be reauthorized.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$90,000,000.

SEC. 407. FORECAST-INFORMED RESERVOIR OPERATIONS.

(a) **IN GENERAL.**—The Secretary is authorized to carry out a research study pilot program at 1 or more dams owned and operated by the Secretary in the North Atlantic Division of the Corps of Engineers to assess the

viability of forecast-informed reservoir operations in the eastern United States.

(b) **REPORT.**—Not later than 1 year after completion of the research study pilot program under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study pilot program.

SEC. 408. MISSISSIPPI RIVER MAT SINKING UNIT.

The Secretary shall expedite the replacement of the Mississippi River mat sinking unit.

SEC. 409. SENSE OF CONGRESS RELATING TO OKATIBBEE LAKE.

It is the sense of Congress that—

(1) there is significant shoreline sloughing and erosion at the Okatibbee Lake portion of the project for flood protection, Chunky Creek, Chickasawhay and Pascagoula Rivers, Mississippi, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), which has the potential to impact infrastructure, damage property, and put lives at risk; and

(2) addressing shoreline sloughing and erosion at a project of the Secretary, including at a location leased by non-Federal entities such as Okatibbee Lake, is an activity that is eligible to be carried out by the Secretary as part of the operation and maintenance of the project.

SA 5141. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 41, strike line 19 and all that follows through line 7 on page 47, and insert the following:

“(C) **REQUIRED AGREEMENT.**—

“(i) **IN GENERAL.**—On or before the date on which the Secretary awards Federal financial assistance to a covered entity under this section, the covered entity shall enter into an agreement with the Secretary specifying that, beginning on the date of the award and continuing in perpetuity, the covered entity—

“(I) may not engage in any transaction involving any expansion of semiconductor manufacturing capacity in the People’s Republic of China or any other foreign country of concern;

“(II) may not cooperate with the government of the People’s Republic of China; and

“(III) will immediately withdraw all operations in the People’s Republic of China in the event of an invasion of Taiwan by the People’s Republic of China.

“(ii) **STUDY.**—Before the date on which the Secretary awards Federal financial assistance to a covered entity under this section, the Secretary shall—

“(I) conduct an ROI analysis of the proposed assistance that shows that the assistance will result in a net positive financial return for taxpayers, such that the forecasted revenue collections by the Treasury generated as a direct result of the assistance exceeded the amount of the proposed assistance by the date that is 10 years after the date of the award of the assistance;

“(II) certify to Congress that the analysis required under subclause (I) has been conducted;

“(III) certify to Congress that the Secretary has determined that the covered entity will be able to repay any Federal financial

assistance in the event that the covered entity breaches the required agreement with the Secretary under clause (i) and the Secretary recovers the Federal financial assistance under subparagraph (E)(iii); and

“(IV) make the analysis required under subclause (I) publicly available.

“(iii) **AFFILIATED GROUP.**—For the purpose of applying the requirements in an agreement required under clause (i), a covered entity shall include the covered entity receiving financial assistance under this section, as well as any member of the covered entity’s affiliated group under section 1504(a) of the Internal Revenue Code of 1986, without regard to section 1504(b)(3) of such Code.

“(iv) **ANALYSIS.**—

“(I) **IN GENERAL.**—On the date that is 10 years after the date on which the Secretary awards Federal financial assistance under this section to a covered entity, the Secretary shall conduct an analysis to determine whether the revenue collections by the Treasury generated as a direct result of the Federal financial assistance exceeded the amount of the Federal financial assistance.

“(II) **RECOVERY.**—If the Secretary makes a negative determination under subclause (I), the Secretary shall recover from the covered entity the difference between the amount of the Federal financial assistance granted to the covered entity under this section and the revenue collections by the Treasury generated as a direct result of the Federal financial assistance.

“(D) **NOTIFICATION REQUIREMENTS.**—During the applicable term of the agreement of a covered entity required under subparagraph (C)(i), the covered entity shall notify the Secretary of any planned transaction of the covered entity involving any expansion of semiconductor manufacturing capacity in the People’s Republic of China or any other foreign country of concern.

“(E) **VIOLATION OF AGREEMENT.**—

“(i) **NOTIFICATION TO COVERED ENTITIES.**—Not later than 90 days after the date of receipt of a notification described in subparagraph (D) from a covered entity, the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, shall—

“(I) determine whether the transaction described in the notification would be a violation of the agreement of the covered entity required under subparagraph (C)(i); and

“(II) notify the covered entity of the Secretary’s decision under subclause (I).

“(ii) **OPPORTUNITY TO REMEDY.**—Upon a notification under clause (i)(II) that a planned transaction of a covered entity is a violation of the agreement of the covered entity required under subparagraph (C)(i), the Secretary shall—

“(I) immediately request from the covered entity tangible proof that the planned transaction has ceased or been abandoned; and

“(II) provide the covered entity 45 days to produce and provide to the Secretary the tangible proof described in subclause (I).

“(iii) **FAILURE BY THE COVERED ENTITY TO CEASE OR REMEDY THE ACTIVITY.**—Subject to clause (iv), if a covered entity fails to remedy a violation as set forth under clause (ii), the Secretary shall recover the full amount of the Federal financial assistance provided to the covered entity under this section.

“(F) **SUBMISSION OF RECORDS.**—

“(i) **IN GENERAL.**—The Secretary may request from a covered entity records and other necessary information to review the compliance of the covered entity with the agreement required under subparagraph (C)(i).

“(ii) **ELIGIBILITY.**—In order to be eligible for Federal financial assistance under this

section, a covered entity shall agree to provide records and other necessary information requested by the Secretary under clause (i).

“(G) PUBLIC AVAILABILITY OF AGREEMENTS.—The Secretary shall make publicly available any agreement entered into between a covered entity and the Secretary under subparagraph (C)(i).”

SA 5142. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

On page 821, between lines 19 and 20, insert the following:

SEC. 10638. PROHIBITION ON PROCUREMENT OF SEMICONDUCTORS FROM CHINA.

Effective on the date that is 5 years after the date of enactment of this Act, the Federal Government may not procure any semiconductor manufactured in China.

SA 5143. Mr. SCHUMER (for Mr. JOHNSON) proposed an amendment to the resolution S. Res. 694, expressing support for the designation of July 2022 as “National Sarcoma Awareness Month”; as follows:

In paragraph (2) of the second whereas clause of the preamble, strike “7,000” and insert “7,200”.

In paragraph (3) of the second whereas clause of the preamble, strike “any 1 time” and insert “any given time”.

In the third whereas clause of the preamble, strike “20” and insert “15”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. DURBIN. Mr. President, I have nine requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, July 20, 2022, at 10 a.m., to conduct a hearing on a nomination.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet

during the session of the Senate on Wednesday, July 20, 2022, at 11 a.m., to conduct a business meeting.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, July 20, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, July 20, 2022, at 10 a.m., to conduct a business meeting.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, July 20, 2022, to conduct a hearing.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, July 20, 2022, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, July 20, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON VETERANS’ AFFAIRS

The Committee on Veterans’ Affairs is authorized to meet during the session of the Senate on Wednesday, July 20, 2022, at 3 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, July 20, 2022, at 2:30 p.m., to conduct a closed business meeting immediately followed by a closed briefing.

PRIVILEGES OF THE FLOOR

Mr. CASSIDY. Mr. President, I ask unanimous consent that Caroline Watson, in my office, be granted floor privileges until July 21, 2022.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the privileges of the floor be granted to my second-session summer interns for the month of July through August 5; that is, Jonathon Ford, Matthew Agron, Isabella Kershaw, Jocelyn Cannon, Devin Moorehead, Nicole Makar, Matthew Park, and Harold Monroe.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 21, 2022

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, July 21; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the House message to accompany H.R. 4346; further, that at 11:30 a.m., the Senate execute the previous order with respect to the Brigety nomination and the Senate vote on confirmation of that nomination; finally, that if any nominations are confirmed during Thursday’s session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. For the information of the Senate, the first vote of the day, tomorrow, will be at 11:30 a.m., and Senators should expect additional votes.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate tonight, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:47 p.m., adjourned until Thursday, July 21, 2022, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 20, 2022:

DEPARTMENT OF STATE

BERNADETTE M. MEEHAN, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

THE JUDICIARY

GREGORY BRIAN WILLIAMS, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE.

DEPARTMENT OF THE INTERIOR

CARMEN G. CANTOR, OF PUERTO RICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.