

117TH CONGRESS  
2D SESSION

# S. 3624

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2022

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

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## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Shoreline Health Oversight, Restoration, Resilience, and  
6 Enhancement Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.
- Sec. 3. Shoreline and riverbank protection and restoration mission.
- Sec. 4. Project authorizations.
- Sec. 5. Modifications.
- Sec. 6. Reauthorization of certain beach nourishment projects.
- Sec. 7. Special rule for certain beach nourishment projects.
- Sec. 8. Protection and restoration of other Federal land along rivers and coasts.
- Sec. 9. Flood and coastal storm risk management feasibility studies.
- Sec. 10. Credit in lieu of reimbursement.
- Sec. 11. Coastal cost calculations.
- Sec. 12. Advance payment in lieu of reimbursement for certain Federal costs.
- Sec. 13. Cost sharing for nonstructural projects.
- Sec. 14. Coastal community flood control and other purposes.
- Sec. 15. Port Fourchon, Louisiana, dredged material disposal plan.
- Sec. 16. Delaware shore protection and restoration.
- Sec. 17. Great Lakes advance measures assistance.
- Sec. 18. Forecasting models for the Great Lakes.
- Sec. 19. Chattahoochee River program.
- Sec. 20. Mississippi River mat sinking unit.
- Sec. 21. Rehabilitation of existing levees.

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

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

4 **SEC. 3. SHORELINE AND RIVERBANK PROTECTION AND**  
5 **RESTORATION MISSION.**

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

8           (1) it is the policy of the United States to pro-  
9 tect and restore the shorelines of the United States,  
10 which include each beach and shore of the Atlantic  
11 and Pacific Oceans, the Gulf of Mexico, the Great  
12 Lakes, and lakes, estuaries, and bays directly con-  
13 nected to those bodies of water, from the damaging  
14 impacts of climate change and other factors contrib-

1       uting to the vulnerability of coastal communities and  
2       ecosystems;

3           (2) the protection and restoration of shores,  
4       and of the banks of rivers and streams, from erosion  
5       and other damaging forces exacerbated by climate  
6       change shall be restored to a primary mission of the  
7       Corps of Engineers in carrying out water resources  
8       development projects;

9           (3) projects and measures for the protection  
10      and restoration of shores, and of the banks of rivers  
11      and streams, shall be formulated to increase the re-  
12      silience of such shores, and of such banks, from the  
13      damaging impacts of climate change and other fac-  
14      tors contributing to the vulnerability of coastal and  
15      riverine communities and ecosystems using measures  
16      described in section 1184(a) of the Water Resources  
17      Development Act of 2016 (33 U.S.C. 2289a(a)) to  
18      the maximum extent practicable; and

19           (4) periodic nourishment shall be provided, in  
20      accordance with subsection (c) of the first section of  
21      the Act of August 13, 1946 (60 Stat. 1056, chapter  
22      960; 33 U.S.C. 426e(c)), and subject to section 156  
23      of the Water Resources Development Act of 1976  
24      (42 U.S.C. 1962d–5f), for projects and measures  
25      carried out for the purpose of restoring and increas-

1 ing the resilience of ecosystems to the same extent  
 2 as periodic nourishment is provided for projects and  
 3 measures carried out for the purpose of coastal  
 4 storm risk management.

5 (b) SHORELINE AND RIVERINE PROTECTION AND  
 6 RESTORATION.—

7 (1) IN GENERAL.—Section 212 of the Water  
 8 Resources Development Act of 1999 (33 U.S.C.  
 9 2332) is amended—

10 (A) in the section heading, by striking  
 11 **“FLOOD MITIGATION AND RIVERINE RES-**  
 12 **TORATION PROGRAM”** and inserting  
 13 **“SHORELINE AND RIVERINE PROTECTION**  
 14 **AND RESTORATION”**;

15 (B) in subsection (a)—

16 (i) by striking “undertake a program  
 17 for the purpose of conducting” and insert-  
 18 ing “carry out”;

19 (ii) by striking “to reduce flood haz-  
 20 ards” and inserting “to reduce erosion and  
 21 flood and coastal storm hazards”; and

22 (iii) by inserting “and shorelines”  
 23 after “rivers”;

24 (C) in subsection (b)—

25 (i) in paragraph (1)—

1 (I) by striking “In carrying out  
2 the program, the” and inserting  
3 “The”;

4 (II) by inserting “and coastal  
5 storm” after “flood”; and

6 (III) by inserting “erosion miti-  
7 gation,” after “reduction,”;

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

14 (iii) in paragraph (4)—

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

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

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

21 (D) in subsection (c)—

22 (i) by striking paragraph (1) and in-  
23 serting the following:

24 “(1) STUDIES.—The non-Federal share of the  
25 cost of a study under this section shall be—

1           “(A) 20 percent; and

2           “(B) 10 percent, in the case of a study  
3           benefitting an economically disadvantaged com-  
4           munity (as defined pursuant to section 160 of  
5           the Water Resources Development Act of 2020  
6           (33 U.S.C. 2201 note; Public Law 116–260)).”;  
7           and

8                       (ii) in paragraph (2)—

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

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

13                       “(A) IN GENERAL.—Design and construc-  
14                       tion of a nonstructural measure or project, a  
15                       measure or project described in section 1184(a)  
16                       of the Water Resources Development Act of  
17                       2016 (33 U.S.C. 2289a(a)), or for a measure or  
18                       project for environmental restoration, shall be  
19                       subject to cost sharing in accordance with sec-  
20                       tion 103(b) of the Water Resources Develop-  
21                       ment Act of 1986 (33 U.S.C. 2213(b)).”; and

22                       (iii) in paragraph (3)—

23                               (I) in the paragraph heading, by  
24                               inserting “OR HURRICANE AND STORM

1 DAMAGE REDUCTION” after “FLOOD  
2 CONTROL”;

3 (II) by inserting “or hurricane  
4 and storm damage reduction” after  
5 “flood control”; and

6 (III) by striking “section 103(a)  
7 of the Water Resources Development  
8 Act of 1986 (33 U.S.C. 2213(a))”  
9 and inserting “section 103 of the  
10 Water Resources Development Act of  
11 1986 (33 U.S.C. 2213), except that  
12 the non-Federal share of the cost to  
13 design and construct a project benefit-  
14 ting an economically disadvantaged  
15 community (as defined pursuant to  
16 section 160 of the Water Resources  
17 Development Act of 2020 (33 U.S.C.  
18 2201 note; Public Law 116–260))  
19 shall be 10 percent”;

20 (E) in subsection (d)—

21 (i) by striking paragraph (2);

22 (ii) by striking the subsection designa-  
23 tion and heading and all that follows  
24 through “Notwithstanding” in paragraph

1 (1) in the matter preceding subparagraph  
2 (A) and inserting the following:

3 “(d) PROJECT JUSTIFICATION.—Notwithstanding”;

4 (iii) by redesignating subparagraphs  
5 (A) through (C) as paragraphs (1) through  
6 (3), respectively, and indenting appro-  
7 priately; and

8 (iv) in paragraph (1) (as so redesign-  
9 ated), by striking “flood damages” and  
10 inserting “flood, coastal storm, or erosion  
11 damages”;

12 (F) in subsection (e)—

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

17 (ii) in the matter preceding subpara-  
18 graph (A) (as so redesignated), by striking  
19 “In carrying out” and inserting the fol-  
20 lowing:

21 “(1) IN GENERAL.—In carrying out”; and

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

24 “(2) PRIORITY PROJECTS.—In carrying out this  
25 section after the date of enactment of the Shoreline



1 Health Oversight, Restoration, Resilience, and En-  
2 hancement Act, the Secretary shall prioritize  
3 projects for the following locations:

4 “(A) Delaware Bay Beaches, Delaware.

5 “(B) Louisiana Coastal Area, Louisiana.

6 “(C) Great Lakes Shores and Watersheds.

7 “(D) Oregon Coastal Area, Oregon.

8 “(E) Upper Missouri River Basin.

9 “(F) Kanawha River Basin, West Virginia.

10 “(G) Any additional locations, as deter-  
11 mined annually by the Secretary.”;

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

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

15 (I) in subsection (f) (as so redesignated),  
16 by striking paragraph (2) and inserting the fol-  
17 lowing:

18 “(2) PROJECTS REQUIRING SPECIFIC AUTHOR-  
19 IZATION.—The Secretary shall not carry out a  
20 project until Congress enacts a law authorizing the  
21 Secretary to carry out the project, if the Federal  
22 share of the cost to design and construct the project  
23 exceeds—

24 “(A) \$26,000,000, in the case of a project  
25 benefitting an economically disadvantaged com-

1 munity (as defined pursuant to section 160 of  
 2 the Water Resources Development Act of 2020  
 3 (33 U.S.C. 2201 note; Public Law 116–260));

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

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

10 “(ii) derives not less than 50 percent  
 11 of the erosion, flood, or coastal storm risk  
 12 reduction benefits from nonstructural  
 13 measures or measures described in section  
 14 1184(a) of the Water Resources Develop-  
 15 ment Act of 2016 (33 U.S.C. 2289a(a)); or

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

19 (2) CLERICAL AMENDMENT.—The table of con-  
 20 tents in section 1(b) of the Water Resources Devel-  
 21 opment Act of 1999 (113 Stat. 269) is amended by  
 22 striking the item relating to section 212 and insert-  
 23 ing the following:

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

1 **SEC. 4. PROJECT AUTHORIZATIONS.**

2 (a) IN GENERAL.—The following projects for water  
 3 resources development and conservation and other pur-  
 4 poses, as identified in the reports titled “Report to Con-  
 5 gress on Future Water Resources Development” sub-  
 6 mitted to Congress pursuant to section 7001 of the Water  
 7 Resources Reform and Development Act of 2014 (33  
 8 U.S.C. 2282d) or otherwise reviewed by Congress, are au-  
 9 thorized to be carried out by the Secretary substantially  
 10 in accordance with the plans, and subject to the condi-  
 11 tions, described in the respective reports or decision docu-  
 12 ments designated in this section:

13 (1) COASTAL STORM RISK MANAGEMENT.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. CT	Fairfield and New Haven Counties	January 19, 2021	Federal: \$86,542,000 Non-Federal: \$46,599,000 Total: \$133,141,000
2. PR	San Juan Metro	September 16, 2021	Federal: \$237,885,000 Non-Federal: \$127,306,000 Total: \$365,190,000
3. FL	Florida Keys, Monroe County	September 24, 2021	Federal: \$1,367,250,000 Non-Federal: \$736,212,000 Total: \$2,103,462,000
4. FL	Okaloosa County	October 7, 2021	Federal: \$19,822,000 Non-Federal: \$11,535,000 Total: \$31,357,000
5. SC	Folly Beach	October 26, 2021	Federal: \$45,490,000 Non-Federal: \$5,054,000 Total: \$50,544,000

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
6. FL	Pinellas County	October 29, 2021	Federal: \$8,627,000 Non-Federal: \$5,332,000 Total: \$13,959,000
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: \$1,005,000,750 Non-Federal: \$541,154,250 Total: \$1,546,155,000

1 (2) ECOSYSTEM RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. CA	Prado Basin Ecosystem Restoration, San Bernardino, Riverside and Orange Counties	April 22, 2021	Federal: \$29,838,000 Non-Federal: \$16,066,000 Total: \$45,904,000

2 (3) COASTAL STORM RISK MANAGEMENT AND  
3 ECOSYSTEM RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. TX	Coastal Texas Protection and Restoration Feasibility Study	September 16, 2021	Federal: \$17,978,202,000 Non-Federal: \$10,894,929,000 Total: \$28,873,131,000

## 1 (4) MODIFICATIONS AND OTHER PROJECTS.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report or Decision Document</b>	<b>D. Estimated Costs</b>
1. LA	Lake Pontchartrain and Vicinity	December 16, 2021	Federal: \$807,000,000 Non-Federal: \$434,000,000 Total: \$1,240,000,000
2. LA	West Bank and Vicinity	December 17, 2021	Federal: \$431,000,000 Non-Federal: \$232,000,000 Total: \$663,000,000

2 **SEC. 5. MODIFICATIONS.**

## 3 (a) MISSISSIPPI RIVER GULF OUTLET, LOUISIANA.—

4 The Secretary shall carry out the project for ecosystem  
5 restoration, Mississippi River Gulf Outlet, Louisiana, au-  
6 thorized by section 7013(a)(4) of the Water Resources De-  
7 velopment Act of 2007 (121 Stat. 1281), at full Federal  
8 expense.

9 (b) GREAT LAKES AND MISSISSIPPI RIVER  
10 INTERBASIN PROJECT, BRANDON ROAD, WILL COUNTY,  
11 ILLINOIS.—Section 402(a)(1) of the Water Resources De-  
12 velopment Act of 2020 (134 Stat. 2742) is amended by  
13 striking “80 percent” and inserting “100 percent”.

14 (c) LOWER MISSISSIPPI RIVER COMPREHENSIVE  
15 MANAGEMENT STUDY.—Section 213 of the Water Re-  
16 sources Development Act of 2020 (134 Stat. 2687) is  
17 amended by adding at the end the following:

1       “(j) COST SHARE.—The Secretary shall carry out the  
2 comprehensive study described in subsection (a), and any  
3 feasibility study described in subsection (e), at full Federal  
4 expense.”.

5 **SEC. 6. REAUTHORIZATION OF CERTAIN BEACH NOURISH-**  
6 **MENT PROJECTS.**

7       (a) IN GENERAL.—The Secretary is authorized to  
8 continue periodic nourishment for the following projects  
9 for coastal storm risk management for an additional pe-  
10 riod of 50 years:

11           (1) Delaware Coast Protection, Delaware (com-  
12 monly known as the “Indian River Inlet Sand By-  
13 pass Plant”), authorized by section 869 of the  
14 Water Resources Development Act of 1986 (100  
15 Stat. 4182).

16           (2) Segment II, Broward County, Florida, au-  
17 thorized by section 301 of the River and Harbor Act  
18 of 1965 (79 Stat. 1090).

19           (3) Segment III, Broward County, Florida, au-  
20 thorized by section 301 of the River and Harbor Act  
21 of 1965 (79 Stat. 1090).

22           (4) Dade County, Florida, authorized by section  
23 203 of the Flood Control Act of 1968 (82 Stat.  
24 740).

1           (5) Duval County, Florida, authorized by sec-  
2           tion 203 of the Flood Control Act of 1968 (82 Stat.  
3           740).

4           (6) Tybee Island, Georgia, authorized by section  
5           201 of the Flood Control Act of 1965 (42 U.S.C.  
6           1962d-5).

7           (7) Delray Beach segment, Palm Beach Coun-  
8           ty, Florida, authorized by section 101 of the River  
9           and Harbor Act of 1962 (76 Stat. 1177).

10          (b) **TIMING.**—The additional 50 years provided for  
11 a project under subsection (a) shall begin on the date of  
12 expiration of the final period of periodic nourishment for  
13 the project authorized prior to the date of enactment of  
14 this Act.

15          (c) **SPECIAL RULE.**—For purposes of the project de-  
16 scribed in subsection (a)(1), periodic nourishment shall in-  
17 clude reimbursement of the Federal share of the cost to  
18 the non-Federal interest for the project to operate and  
19 maintain a sand bypass plant.

20 **SEC. 7. SPECIAL RULE FOR CERTAIN BEACH NOURISH-**  
21 **MENT PROJECTS.**

22          (a) **IN GENERAL.**—In the case of a water resources  
23 development project described in subsection (b), the Sec-  
24 retary shall—

1           (1) fund, at full Federal expense, any incre-  
2           mental increase in cost to the project that results  
3           from a legal requirement to use a borrow source de-  
4           termined by the Secretary to be other than the least-  
5           cost option; and

6           (2) exclude the cost described in paragraph (1)  
7           from the cost-benefit analysis for the project.

8           (b) AUTHORIZED WATER RESOURCES DEVELOP-  
9           MENT PROJECTS DESCRIBED.—An authorized water re-  
10          sources development project referred to in subsection (a)  
11          is any of the following:

12           (1) The Townsends Inlet to Cape May Inlet,  
13          New Jersey, coastal storm risk management project,  
14          authorized by section 101(a)(26) of the Water Re-  
15          sources Development Act of 1999 (113 Stat. 278).

16           (2) The Folly Beach, South Carolina, coastal  
17          storm risk management project, authorized by sec-  
18          tion 501(a) of the Water Resources Development  
19          Act of 1986 (100 Stat. 4136) and modified by sec-  
20          tion 108 of the Energy and Water Development Ap-  
21          propriations Act, 1992 (105 Stat. 520).

22           (3) The Carolina Beach and Vicinity, North  
23          Carolina, coastal storm risk management project,  
24          authorized by section 203 of the Flood Control Act  
25          of 1962 (76 Stat. 1182) and modified by section



1 401(7) of the Water Resources Development Act of  
2 2020 (134 Stat. 2741).

3 (4) The Wrightsville Beach, North Carolina,  
4 coastal storm risk management project, authorized  
5 by section 203 of the Flood Control Act of 1962 (76  
6 Stat. 1182) and modified by section 401(7) of the  
7 Water Resources Development Act of 2020 (134  
8 Stat. 2741).

9 (5) A project for coastal storm risk manage-  
10 ment for any shore included in a project described  
11 in this subsection that is specifically authorized by  
12 Congress on or after the date of enactment of this  
13 Act.

14 (6) Emergency repair and restoration of any  
15 project described in this subsection under section 5  
16 of the Act of August 18, 1941 (commonly known as  
17 the “Flood Control Act of 1941”) (55 Stat. 650,  
18 chapter 377; 33 U.S.C. 701n).

19 **SEC. 8. PROTECTION AND RESTORATION OF OTHER FED-**  
20 **ERAL LAND ALONG RIVERS AND COASTS.**

21 (a) IN GENERAL.—The Secretary is authorized to use  
22 funds made available to the Secretary for water resources  
23 development purposes to carry out, at full Federal ex-  
24 pense, a measure located on, or benefitting, Federal land

1 under the administrative jurisdiction of another Federal  
2 agency, if the measure—

3 (1)(A) is for purposes of ecosystem restoration  
4 or the protection and restoration of shores; and

5 (B)(i) utilizes dredged material from a water  
6 resources development project beneficially; or

7 (ii) is included in a report of the Chief of Engi-  
8 neers or other decision document for a water re-  
9 sources development project that is specifically au-  
10 thorized by Congress;

11 (2) is for purposes of mitigation of damages to  
12 Federal land caused by a water resources develop-  
13 ment project operated and maintained by the Sec-  
14 retary; or

15 (3) is for purposes of mitigating damages to  
16 fish and wildlife resources resulting from a water re-  
17 sources development project.

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

21 (c) SAVINGS PROVISION.—Nothing in this section  
22 precludes a Federal agency with administrative jurisdic-  
23 tion over Federal land from contributing funds for any  
24 portion of the cost of a measure described in subsection  
25 (a) that is located on, or benefitting, that land.

1 (d) REPEAL.—

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

5 (2) CONFORMING AMENDMENT.—The table of  
6 contents in section 1(b) of the Water Resources Re-  
7 form and Development Act of 2014 (128 Stat.  
8 1193) is amended by striking the item relating to  
9 section 1025.

10 **SEC. 9. FLOOD AND COASTAL STORM RISK MANAGEMENT**  
11 **FEASIBILITY STUDIES.**

12 In carrying out a feasibility study for flood or coastal  
13 storm risk management, the Secretary, at the request of  
14 the non-Federal interest for the study, shall formulate al-  
15 ternatives to maximize net benefits from the reduction of  
16 the comprehensive flood risk that results from the isolated  
17 and compound effects of—

18 (1) a riverine discharge of any magnitude or  
19 frequency;

20 (2) inundation, wave attack, and erosion coin-  
21 ciding with a hurricane or coastal storm;

22 (3) a tide of any magnitude or frequency;

23 (4) a rainfall event of any magnitude or fre-  
24 quency;

25 (5) seasonal variation in water levels;

- 1           (6) groundwater emergence;  
2           (7) sea level rise;  
3           (8) subsidence; and  
4           (9) any other driver of flood risk affecting the  
5 study area.

6 **SEC. 10. CREDIT IN LIEU OF REIMBURSEMENT.**

7           (a) IN GENERAL.—Section 1022 of the Water Re-  
8 sources Reform and Development Act of 2014 (33 U.S.C.  
9 2225) is amended—

10           (1) in subsection (a)—

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

13                   (B) by inserting “or any other water re-  
14 sources development project for which the Sec-  
15 retary is authorized to reimburse the non-Fed-  
16 eral interest for the Federal share of construc-  
17 tion or operation and maintenance,” before  
18 “the Secretary”; and

19                   (C) by striking “of the project” and insert-  
20 ing “to construct, periodically nourish, or oper-  
21 ate and maintain the project”;

22           (2) in each of subsections (b) and (c), by strik-  
23 ing “flood damage reduction and coastal navigation”  
24 each place it appears and inserting “water resources  
25 development”; and

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

2 “(d) APPLICABILITY.—With respect to a project con-  
3 structed under section 204 of the Water Resources Devel-  
4 opment Act of 1986 (33 U.S.C. 2232), the Secretary shall  
5 exercise the authority under this section to apply credits  
6 and reimbursements related to the project in a manner  
7 consistent with the requirements of subsection (d) of that  
8 section.”.

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

18 **SEC. 11. COASTAL COST CALCULATIONS.**

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

1 **SEC. 12. ADVANCE PAYMENT IN LIEU OF REIMBURSEMENT**  
 2 **FOR CERTAIN FEDERAL COSTS.**

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

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

10 (2) described in section 103(b)(2) of the Water  
 11 Resources Development Act of 1986 (33 U.S.C.  
 12 2213(b)(2)).

13 **SEC. 13. COST SHARING FOR NONSTRUCTURAL PROJECTS.**

14 (a) IN GENERAL.—Section 103(b) of the Water Re-  
 15 sources Development Act of 1986 (33 U.S.C. 2213(b)) is  
 16 amended—

17 (1) in paragraph (1)—

18 (A) in the first sentence, by striking “The”  
 19 and inserting “Except as provided in paragraph  
 20 (3), the”; and

21 (B) by striking “35 percent” each place it  
 22 appears and inserting “20 percent”;

23 (2) in paragraph (2)—

24 (A) in the paragraph heading, by striking  
 25 “35 PERCENT” and inserting “REQUIRED NON-  
 26 FEDERAL SHARE”;

1 (B) by striking “At any time” and insert-  
2 ing “Except as provided in paragraph (3), at  
3 any time”;

4 (C) by striking “35 percent” and inserting  
5 “20 percent (or 10 percent, in the case of a  
6 measure described in paragraph (3))”; and

7 (D) by striking “65 percent” and inserting  
8 “80 percent (or 90 percent, in the case of a  
9 measure described in paragraph (3))”; and  
10 (3) by adding at the end the following:

11 “(3) CERTAIN PROJECTS.—The non-Federal  
12 share of the cost of a measure described in para-  
13 graph (1) that benefits an economically disadvan-  
14 taged community (as defined pursuant to section  
15 160 of the Water Resources Development Act of  
16 2020 (33 U.S.C. 2201 note; Public Law 116–260))  
17 shall be 10 percent.”.

18 (b) APPLICATION.—The amendments made by sub-  
19 section (a) shall apply to—

20 (1) any project that is authorized on or after  
21 the date of enactment of this Act; and

22 (2) any project that is not specifically author-  
23 ized by Congress, for which—

24 (A) a Detailed Project Report is approved  
25 after the date of enactment of this Act; or

1 (B) in the case of a project for which no  
 2 Detailed Project Report is prepared, construc-  
 3 tion is initiated after the date of enactment of  
 4 this Act.

5 **SEC. 14. COASTAL COMMUNITY FLOOD CONTROL AND**  
 6 **OTHER PURPOSES.**

7 Section 103(k)(4) of the Water Resources Develop-  
 8 ment Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

9 (1) by redesignating subparagraphs (A) and  
 10 (B) as clauses (i) and (ii), respectively, and indent-  
 11 ing appropriately;

12 (2) in the matter preceding clause (i) (as so re-  
 13 designated), by striking “Notwithstanding” and in-  
 14 serting the following:

15 “(A) IN GENERAL.—Notwithstanding”;

16 (3) in subparagraph (A) (as so redesignated)—

17 (A) in clause (i) (as so redesignated)—

18 (i) by striking “\$200 million” and in-  
 19 serting “\$200,000,000”; and

20 (ii) by striking “and” at the end;

21 (B) in clause (ii) (as so redesignated)—

22 (i) by inserting “an amount equal to  
 23  $\frac{2}{3}$  of” after “repays”; and

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



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

2 “(iii) the non-Federal interest repays  
3 the balance of remaining principal by June  
4 1, 2032.”; and

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

6 “(B) REPAYMENT OPTIONS.—Repayment  
7 of a non-Federal contribution under subpara-  
8 graph (A)(iii) may be satisfied through the pro-  
9 vision by the non-Federal interest of fish and  
10 wildlife mitigation for one or more projects or  
11 separable elements, if the Secretary determines  
12 that—

13 “(i) the non-Federal interest has in-  
14 curred costs for the provision of mitigation  
15 that—

16 “(I) equal or exceed the amount  
17 of the required repayment; and

18 “(II) are in excess of any re-  
19 quired non-Federal contribution for  
20 the project or separable element for  
21 which the mitigation is provided; and

22 “(ii) the mitigation is integral to the  
23 project for which it is provided.”.

1 **SEC. 15. PORT FOURCHON, LOUISIANA, DREDGED MATE-**  
 2 **RIAL DISPOSAL PLAN.**

3 The Secretary shall determine that the dredged mate-  
 4 rial disposal plan recommended in the document entitled  
 5 “Port Fourchon Belle Pass Channel Deepening Project  
 6 Section 203 Feasibility Study (January 2019, revised  
 7 January 2020)” is the least cost, environmentally accept-  
 8 able dredged material disposal plan for the project for  
 9 navigation, Port Fourchon Belle Passe Channel, Lou-  
 10 isiana, authorized by section 403(a)(4) of the Water Re-  
 11 sources Development Act of 2020 (134 Stat. 2743).

12 **SEC. 16. DELAWARE SHORE PROTECTION AND RESTORA-**  
 13 **TION.**

14 (a) DELAWARE BENEFICIAL USE OF DREDGED MA-  
 15 TERIAL FOR THE DELAWARE RIVER, DELAWARE.—

16 (1) IN GENERAL.—The project for coastal  
 17 storm risk management, Delaware Beneficial Use of  
 18 Dredged Material for the Delaware River, Delaware,  
 19 authorized by section 401(3) of the Water Resources  
 20 Development Act of 2020 (134 Stat. 2736) (referred  
 21 to in this subsection as the “project”), is modified—

22 (A) to direct the Secretary to implement  
 23 the project using alternative borrow sources to  
 24 the Delaware River, Philadelphia to the Sea,  
 25 project, Delaware, New Jersey, Pennsylvania,  
 26 authorized by the Act of June 25, 1910 (chap-

1           ter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat.  
2           803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297);  
3           and

4           (B) until the Secretary implements the  
5           modification under subparagraph (A), to au-  
6           thorize the Secretary, at the request of a non-  
7           Federal interest, to carry out initial construc-  
8           tion or periodic nourishments at any site in-  
9           cluded in the project under—

10           (i) section 1122 of the Water Re-  
11           sources Development Act of 2016 (33  
12           U.S.C. 2326 note; Public Law 114–322);  
13           or

14           (ii) section 204(d) of the Water Re-  
15           sources Development Act of 1992 (33  
16           U.S.C. 2326(d)).

17           (2) TREATMENT.—If the Secretary determines  
18           that a study is required to carry out paragraph  
19           (1)(A), the study shall be considered to be a con-  
20           tinuation of the study that formulated the project.

21           (b) INDIAN RIVER INLET SAND BYPASS PLANT,  
22           DELAWARE.—

23           (1) IN GENERAL.—The Indian River Inlet Sand  
24           Bypass Plant, Delaware, coastal storm risk manage-  
25           ment project (referred to in this subsection as the

1 “project”), authorized by section 869 of the Water  
2 Resources Development Act of 1986 (100 Stat.  
3 4182), is modified to authorize the Secretary, at the  
4 request of a non-Federal interest, to provide periodic  
5 nourishment through dedicated dredging or other  
6 means to maintain or restore the functioning of the  
7 project when—

8 (A) the sand bypass plant is inoperative; or

9 (B) operation of the sand bypass plant is  
10 insufficient to maintain the functioning of the  
11 project.

12 (2) REQUIREMENTS.—A cycle of periodic nour-  
13 ishment provided pursuant to paragraph (1) shall be  
14 subject to the following requirements:

15 (A) COST SHARE.—The non-Federal share  
16 of the cost of a cycle shall be the same percent-  
17 age as the non-Federal share of the cost to op-  
18 erate the sand bypass plant.

19 (B) DECISION DOCUMENT.—If the Sec-  
20 retary determines that a decision document is  
21 required to support a request for funding for  
22 the Federal share of a cycle, the decision docu-  
23 ment may be prepared using funds made avail-  
24 able to the Secretary for construction or for in-  
25 vestigations.

1 (C) TREATMENT.—

2 (i) DECISION DOCUMENT.—A decision  
3 document prepared under subparagraph  
4 (B) shall not be subject to a new invest-  
5 ment determination.

6 (ii) CYCLES.—A cycle shall be consid-  
7 ered continuing construction.

8 (c) DELAWARE EMERGENCY SHORE RESTORA-  
9 TION.—

10 (1) IN GENERAL.—The Secretary is authorized  
11 to construct, repair, or restore a federally authorized  
12 hurricane or shore protective structure or project lo-  
13 cated in the State of Delaware pursuant to section  
14 5(a) of the Act of August 18, 1941 (commonly  
15 known as the “Flood Control Act of 1941”) (55  
16 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), if—

17 (A) the structure, project, or shore is dam-  
18 aged by wind, wave, or water action associated  
19 with a storm of any magnitude; and

20 (B) the damage prevents the adequate  
21 functioning of the structure, project, or shore.

22 (2) BENEFIT-COST ANALYSIS.—The Secretary  
23 shall determine that the benefits attributable to the  
24 objectives set forth in section 209 of the Flood Con-  
25 trol Act of 1970 (42 U.S.C. 1962–2) and section

1 904(a) of the Water Resources Development Act of  
2 1986 (33 U.S.C. 2281(a)) exceed the cost for work  
3 carried out under this subsection.

4 (3) SAVINGS PROVISION.—The authority pro-  
5 vided by this subsection shall be in addition to any  
6 authority provided by section 5(a) of the Act of Au-  
7 gust 18, 1941 (commonly known as the “Flood Con-  
8 trol Act of 1941”) (55 Stat. 650, chapter 377; 33  
9 U.S.C. 701n(a)) to repair or restore a federally au-  
10 thorized hurricane or shore protection structure or  
11 project located in the State of Delaware damaged or  
12 destroyed by wind, wave, or water action of other  
13 than an ordinary nature.

14 (d) INDIAN RIVER INLET AND BAY, DELAWARE.—  
15 In carrying out major maintenance of the project for navi-  
16 gation, Indian River Inlet and Bay, Delaware, authorized  
17 by the Act of August 26, 1937 (50 Stat. 846, chapter  
18 832), and section 2 of the Act of March 2, 1945 (59 Stat.  
19 14, chapter 19), the Secretary shall repair, restore, or re-  
20 locate any non-Federal facility or other infrastructure,  
21 that has been damaged, in whole or in part, by the deterio-  
22 ration or failure of the project.

23 (e) REPROGRAMMING FOR COASTAL STORM RISK  
24 MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

1           (1) IN GENERAL.—Notwithstanding any other  
2 provision of law, for each fiscal year, the Secretary  
3 may reprogram amounts made available for a coastal  
4 storm risk management project to use such amounts  
5 for the project for coastal storm risk management,  
6 Indian River Inlet Sand Bypass Plant, Delaware,  
7 authorized by section 869 of the Water Resources  
8 Development Act of 1986 (100 Stat. 4182).

9           (2) LIMITATIONS.—

10           (A) IN GENERAL.—The Secretary may  
11 carry out not more than 2 reprogramming ac-  
12 tions under paragraph (1) for each fiscal year.

13           (B) AMOUNT.—For each fiscal year, the  
14 Secretary may reprogram—

15                   (i) not more than \$100,000 per re-  
16 programming action; and

17                   (ii) not more than \$200,000 for each  
18 fiscal year.

19 **SEC. 17. GREAT LAKES ADVANCE MEASURES ASSISTANCE.**

20           The following requirements shall apply to the provi-  
21 sion of advance measures assistance under section 5(a) of  
22 the Act of August 18, 1941 (commonly known as the  
23 “Flood Control Act of 1941”) (55 Stat. 650, chapter 377;  
24 33 U.S.C. 701n(a)), in the Great Lakes Region:

1           (1) The Secretary shall not deny a request from  
2           the Governor of a State to provide advance measures  
3           assistance to reduce the risk of damage from rising  
4           water levels in the Great Lakes solely on the basis  
5           that the damage is caused by erosion.

6           (2) Advance measures assistance provided by  
7           the Secretary to reduce the risk of damage from ris-  
8           ing water levels in the Great Lakes shall be provided  
9           at full Federal expense.

10 **SEC. 18. FORECASTING MODELS FOR THE GREAT LAKES.**

11           (a) AUTHORIZATION OF APPROPRIATIONS.—There  
12           are authorized to be appropriated to the Secretary for the  
13           Engineer Research and Development Center to complete  
14           and maintain a model suite to forecast water levels, ac-  
15           count for lake level variability, and account for the impacts  
16           of climate change in the Great Lakes—

17           (1) \$10,000,000 to complete the model suite;  
18           and

19           (2) \$250,000 for each fiscal year following the  
20           fiscal year during which the model suite is com-  
21           pleted, for maintenance of the model suite.

22           (b) SAVINGS PROVISION.—Nothing in this section  
23           precludes the Secretary from using funds made available  
24           under the Great Lakes Restoration Initiative established  
25           by section 118(c)(7) of the Federal Water Pollution Con-



1 trol Act (33 U.S.C. 1268(c)(7)) for activities described in  
2 subsection (a), if funds are not appropriated for those ac-  
3 tivities pursuant to subsection (a).

4 **SEC. 19. CHATTAHOOCHEE RIVER PROGRAM.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—The Secretary shall establish  
7 a program to provide environmental assistance to  
8 non-Federal interests in the Chattahoochee River  
9 Basin.

10 (2) FORM.—The assistance under paragraph  
11 (1) shall be in the form of design and construction  
12 assistance for water-related resource protection and  
13 restoration projects affecting the Chattahoochee  
14 River Basin, based on the comprehensive plan under  
15 subsection (b), including projects for—

- 16 (A) sediment and erosion control;
- 17 (B) protection of eroding shorelines;
- 18 (C) ecosystem restoration, including res-  
19 toration of submerged aquatic vegetation;
- 20 (D) protection of essential public works;
- 21 (E) beneficial uses of dredged material;
- 22 and
- 23 (F) other related projects that may en-  
24 hance the living resources of the Chattahoochee  
25 River Basin.

1 (b) COMPREHENSIVE PLAN.—

2 (1) IN GENERAL.—Not later than 2 years after  
3 the date of enactment of this Act, the Secretary, in  
4 cooperation with State and local governmental offi-  
5 cials and affected stakeholders, shall develop a com-  
6 prehensive Chattahoochee River Basin restoration  
7 plan to guide the implementation of projects under  
8 subsection (a)(2).

9 (2) COORDINATION.—The restoration plan de-  
10 scribed in paragraph (1) shall, to the maximum ex-  
11 tent practicable, consider and avoid duplication of  
12 any ongoing or planned actions of other Federal,  
13 State, and local agencies and nongovernmental orga-  
14 nizations.

15 (3) PRIORITIZATION.—The restoration plan de-  
16 scribed in paragraph (1) shall give priority to  
17 projects eligible under subsection (a)(2) that will  
18 also improve water quality or quantity or use nat-  
19 ural hydrological features and systems.

20 (c) AGREEMENT.—

21 (1) IN GENERAL.—Before providing assistance  
22 under this section, the Secretary shall enter into an  
23 agreement with a non-Federal interest for the design  
24 and construction of a project carried out pursuant to

1 the comprehensive Chattahoochee River Basin res-  
2 toration plan described in subsection (b).

3 (2) REQUIREMENTS.—Each agreement entered  
4 into under this subsection shall provide for—

5 (A) the development by the Secretary, in  
6 consultation with appropriate Federal, State,  
7 and local officials, of a resource protection and  
8 restoration plan, including appropriate engi-  
9 neering plans and specifications and an esti-  
10 mate of expected resource benefits; and

11 (B) the establishment of such legal and in-  
12 stitutional structures as are necessary to ensure  
13 the effective long-term operation and mainte-  
14 nance of the project by the non-Federal inter-  
15 est.

16 (d) COST SHARING.—

17 (1) FEDERAL SHARE.—Except as provided in  
18 paragraph (2)(B), the Federal share of the total  
19 project costs of each agreement entered into under  
20 this section shall be 80 percent.

21 (2) NON-FEDERAL SHARE.—

22 (A) VALUE OF LAND, EASEMENTS,  
23 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-  
24 mining the non-Federal contribution toward  
25 carrying out an agreement entered into under

1 this section, the Secretary shall provide credit  
2 to a non-Federal interest for the value of land,  
3 easements, rights-of-way, and relocations pro-  
4 vided by the non-Federal interest, except that  
5 the amount of credit provided for a project  
6 under this paragraph may not exceed 20 per-  
7 cent of the total project costs.

8 (B) OPERATION AND MAINTENANCE  
9 COSTS.—The non-Federal share of the costs of  
10 operation and maintenance of activities carried  
11 out under an agreement under this section shall  
12 be 100 percent.

13 (e) COOPERATION.—In carrying out this section, the  
14 Secretary shall cooperate with—

15 (1) the heads of appropriate Federal agencies,  
16 including—

17 (A) the Administrator of the Environ-  
18 mental Protection Agency;

19 (B) the Secretary of Commerce, acting  
20 through the Administrator of the National Oce-  
21 anic and Atmospheric Administration;

22 (C) the Secretary of the Interior, acting  
23 through the Director of the United States Fish  
24 and Wildlife Service; and

1 (D) the heads of such other Federal agen-  
2 cies as the Secretary determines to be appro-  
3 priate; and

4 (2) agencies of a State or political subdivision  
5 of a State.

6 (f) PROTECTION OF RESOURCES.—A project estab-  
7 lished under this section shall be carried out using such  
8 measures as are necessary to protect environmental, his-  
9 toric, and cultural resources.

10 (g) PROJECT CAP.—The total cost of a project car-  
11 ried out under this section may not exceed \$15,000,000.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$90,000,000.

15 **SEC. 20. MISSISSIPPI RIVER MAT SINKING UNIT.**

16 The Secretary shall expedite the replacement of the  
17 Mississippi River mat sinking unit.

18 **SEC. 21. REHABILITATION OF EXISTING LEVEES.**

19 Section 3017 of the Water Resources Reform and De-  
20 velopment Act of 2014 (33 U.S.C. 3303a note; Public Law  
21 113–121) is amended by striking subsection (e).

○