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.

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

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.

SEC. 2. DEFINITION OF SECRETARY.

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

SEC. 3. SHORELINE AND RIVERBANK PROTECTION AND RESTORATION MISSION.

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

(1) it is the policy of the United States to protect and restore the shorelines of the United States, which include each beach and shore of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and lakes, estuaries, and bays directly connected to those bodies of water, from the damaging impacts of climate change and other factors contrib-
uting to the vulnerability of coastal communities and ecosystems;

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

(3) projects and measures for the protection and restoration of shores, and of the banks of rivers and streams, shall be formulated to increase the resilience of such shores, and of such banks, from the damaging impacts of climate change 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)) to the maximum extent practicable; and

(4) 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. 426e(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 increas-
ing the resilience 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) in subsection (a)—

(i) by striking “undertake a program for the purpose of conducting” and inserting “carry out”;  

(ii) by striking “to reduce flood hazards” and inserting “to reduce erosion and flood and coastal storm hazards”; and  

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

(C) in subsection (b)—

(i) in paragraph (1)—
5

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

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

(III) by inserting “erosion mitigation,” after “reduction,”;

(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.—The non-Federal share of the cost of a study under this section shall be—
“(A) 20 percent; and

“(B) 10 percent, in the case of a study 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)).”;

and

(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(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(b)).”; and

(iii) in paragraph (3)—

(I) in the paragraph heading, by inserting “OR HURRICANE AND STORM
DAMAGE REDUCTION” after “FLOOD
CONTROL”;

(II) by inserting “or hurricane
and storm damage reduction” after
“flood control”; 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 benefit-
ting 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 designa-
tion 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), by striking “flood damages” and inserting “flood, coastal storm, or erosion 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”; and

(iii) by adding at the end the following:

“(2) PRIORITY PROJECTS.—In carrying out this section after the date of enactment of the Shoreline
Health Oversight, Restoration, Resilience, and Enhancement Act, the Secretary shall prioritize projects for the following locations:

“(A) Delaware Bay Beaches, Delaware.
“(B) Louisiana Coastal Area, Louisiana.
“(C) Great Lakes Shores and Watersheds.
“(D) Oregon Coastal Area, Oregon.
“(E) Upper Missouri River Basin.
“(F) Kanawha River Basin, West Virginia.
“(G) Any additional locations, as determined annually by the Secretary.”;

(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 com-
munity (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.”.
SEC. 4. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—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) COASTAL STORM RISK MANAGEMENT.—

<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
</table>
| 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 |
<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
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</thead>
<tbody>
<tr>
<td>FL</td>
<td>Pinellas County</td>
<td>October 29, 2021</td>
<td>Federal: $8,627,000</td>
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<td></td>
<td></td>
<td>Non-Federal: $5,332,000</td>
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<td>Total: $13,959,000</td>
</tr>
<tr>
<td>NY</td>
<td>South Shore of Staten Island, Fort Wadsworth to Oakwood Beach</td>
<td>October 27, 2016</td>
<td>Federal: $371,310,000</td>
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<td></td>
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<td>Non-Federal: $199,940,000</td>
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<td></td>
<td></td>
<td></td>
<td>Total: $571,250,000</td>
</tr>
<tr>
<td>LA</td>
<td>Upper Barataria Basin</td>
<td>January 28, 2022</td>
<td>Federal: $1,005,000,750</td>
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<td></td>
<td></td>
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<td>Non-Federal: $541,154,250</td>
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<td>Total: $1,546,155,000</td>
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</table>

(2) ECOSYSTEM RESTORATION.—

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

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

<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>TX</td>
<td>Coastal Texas Protection and Restoration Feasibility Study</td>
<td>September 16, 2021</td>
<td>Federal: $17,978,202,000</td>
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<tr>
<td></td>
<td></td>
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<td>Non-Federal: $10,894,929,000</td>
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<td>Total: $28,873,131,000</td>
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</table>
(4) Modifications and other projects.—

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

2 SEC. 5. MODIFICATIONS.

(a) Mississippi River Gulf Outlet, Louisiana.—

The Secretary shall carry out 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), at full Federal expense.

(b) 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 “100 percent”.

(c) 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 Secretary shall carry out the comprehensive study described in subsection (a), and any feasibility study described in subsection (e), at full Federal expense.”.

SEC. 6. REAUTHORIZATION OF CERTAIN BEACH NOURISHMENT PROJECTS.

(a) In General.—The Secretary is authorized to continue periodic nourishment for the following projects for coastal storm risk management for an additional period of 50 years:

(1) 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).


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

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

(c) Special Rule.—For purposes of the project described in subsection (a)(1), periodic nourishment shall include 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. 7. 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:


(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
• 3624 IS


(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.


SEC. 8. 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 carry out, at full Federal expense, a measure located on, or benefitting, Federal land
under the administrative jurisdiction of another Federal agency, if the measure—

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

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

(ii) 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 for purposes of mitigation of damages to Federal land caused by a water resources development project operated and maintained by the Secretary; or

(3) is for purposes of mitigating damages to fish and wildlife resources resulting from a water resources development project.

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

(c) SAVINGS PROVISION.—Nothing in this section precludes 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 is located on, or benefitting, that land.
(d) 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. 9. FLOOD AND COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDIES.

In carrying out a feasibility study 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 results from 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; and
(9) any other driver of flood risk affecting the study area.

SEC. 10. 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”; and
(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. 11. 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. 12. 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; or

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

SEC. 13. COST SHARING FOR NONSTRUCTURAL PROJECTS.

(a) IN GENERAL.—Section 103(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(b)) is amended—

(1) in paragraph (1)—

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

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

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “35 PERCENT” and inserting “REQUIRED NON-FEDERAL SHARE”;
(B) by striking “At any time” and inserting “Except as provided in paragraph (3), at any time”;

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

(D) by striking “65 percent” and inserting “80 percent (or 90 percent, in the case of a measure described in paragraph (3))”; and

(3) by adding at the end the following:

“(3) CERTAIN PROJECTS.—The non-Federal share of the cost of a measure described in paragraph (1) that benefits 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.”.

(b) APPLICATION.—The amendments made by subsection (a) shall apply to—

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

(2) any project that is not specifically authorized by Congress, for which—

(A) a Detailed Project Report is approved after the date of enactment of this Act; or
(B) in the case of a project for which no
Detailed Project Report is prepared, construc-
tion is initiated after the date of enactment of
this Act.

SEC. 14. COASTAL COMMUNITY FLOOD CONTROL AND
OTHER PURPOSES.

Section 103(k)(4) of the Water Resources Develop-
ment 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 indent-
ing appropriately;

(2) in the matter preceding clause (i) (as so re-
designated), by striking “Notwithstanding” and in-
serting 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 in-
serting “$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
\(\frac{2}{3}\) 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. 15. 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 Passe Channel, Louisiana, authorized by section 403(a)(4) of the Water Resources Development Act of 2020 (134 Stat. 2743).

SEC. 16. 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 (chap-
(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.

(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 nour-
ishment 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 percent-
age as the non-Federal share of the cost to op-
erate the sand bypass plant.

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

(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 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. 17. GREAT LAKES ADVANCE MEASURES ASSISTANCE.

The following requirements shall apply to the provision of advance measures 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)), in the Great Lakes Region:
(1) The Secretary shall not deny a request from
the Governor of a State to provide advance measures
assistance 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.

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

SEC. 18. FORECASTING MODELS FOR THE GREAT LAKES.

(a) Authorization of Appropriations.—There
are authorized to be appropriated to the Secretary for the
Engineer Research and Development Center to complete
and maintain a model suite to forecast water levels, ac-
count for lake level variability, and account for the impacts
of climate change in the Great Lakes—

(1) $10,000,000 to complete the model suite;

and

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

(b) Savings Provision.—Nothing in this section
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 Con-
trol Act (33 U.S.C. 1268(c)(7)) for activities described in subsection (a), if funds are not appropriated for those activities pursuant to subsection (a).

SEC. 19. 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 80 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 pro-
vided by the non-Federal interest, except that
the amount of credit provided for a project
under this paragraph may not exceed 20 per-
cent 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 Environ-
mental Protection Agency;

(B) the Secretary of Commerce, acting
through the Administrator of the National Oce-
anic 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) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $90,000,000.

SEC. 20. MISSISSIPPI RIVER MAT SINKING UNIT.

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

SEC. 21. REHABILITATION OF EXISTING LEVEES.

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