AMENDMENT TO H.R. 7575
OFFERED BY MR. DEFazio OF OREGON

Page 17, beginning on line 4, strike “a project to which such section applies” and insert “any project for navigation on the inland waterways”.

Page 24, after line 10, insert the following:

(3) STATE.—The term “State” means each of the several States, the District of Columbia, and each of the commonwealths, territories, and possessions of the United States.

Page 26, strike lines 17 through 24 and insert the following:

(2) in paragraph (1)—

(A) by striking “nonstructural flood control measures” and inserting “a flood risk management or hurricane and storm damage risk reduction measure using a nonstructural feature, or a natural feature or nature-based feature (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)),”; and
(B) by striking “cash during construction of the project” and inserting “cash during construction for a nonstructural feature if the costs of land, easements, rights-of-way, dredged material disposal areas, and relocations for such feature are estimated to exceed 35 percent”.

Page 32, line 17, insert “(or county-equivalent entity or entities)” after “counties”.

Page 32, line 22, insert “(or county-equivalent entity or entities)” after “counties”.

Page 33, line 3, insert “(or county-equivalent entity or entities)” after “counties”.

Page 35, after line 10, insert the following:

(k) STATE DEFINED.—In this section, the term “State” means each of the several States, the District of Columbia, and each of the commonwealths, territories, and possessions of the United States.

Page 45, line 9, strike “; or” and insert a period.

Page 45, line 16, strike the period at the end and insert “; or”.

Page 45, after line 16, insert the following:
“(3) that are no longer having project purposes adequately met by the Corps of Engineers, because of deferment of maintenance or other challenges, and the divestment of which to a non-Federal entity could better meet the local and regional needs for operation and maintenance.

Page 56, line 3, insert “the coastal and tidal waters of the State of Louisiana, the waterways of the counties that comprise the Sacramento-San Joaquin Delta, California,” after “New Jersey,”.

Page 59, line 4, strike “Section” and insert the following:

(a) IN GENERAL.—Section

Page 59, line 6, strike “by inserting ‘or contribute’” and insert “by inserting ‘, or provide contributions equal to,’”.

Page 59, after line 14, insert the following:

(b) CONTINUED ELIGIBILITY.—Section 1161(b) of the Water Resources Development Act of 2018 (33 U.S.C. 701n note) is amended—

(1) in the matter preceding paragraph (1)—
(A) by striking “the three fiscal years pre-
ceding” and inserting “the five fiscal years pre-
ceding”; and

(B) by striking “last day of the third fiscal
year” and inserting “last day of the fifth fiscal
year”;  

(2) in paragraph (1), by inserting “, or provide
ccontributions equal to,” before “an amount suffi-
cient”; and

(3) by striking paragraph (2) and inserting the
following:

“(2) the Secretary determines that the damage
to the structure was not as a result of negligent op-
eration or maintenance.”.

Page 73, after line 17, insert the following:

SEC. 139. COST SHARING PROVISIONS FOR TERRITORIES

AND INDIAN TRIBES.

Section 1156(b) of the Water Resources Development
Act of 1986 (33 U.S.C. 2310(b)) is amended by striking
“inflation” and all that follows through the period at the
end and inserting “on an annual basis for inflation.”.

SEC. 140. FLOOD CONTROL AND OTHER PURPOSES.

Section 103(k) of the Water Resources Development
Act of 1986 (33 U.S.C. 2213) is amended—
(1) by striking “Except as” and inserting the following:

“(1) IN GENERAL.—Except as”; and

(2) by adding at the end the following:

“(2) RENEGOTIATION OF TERMS.—

“(A) IN GENERAL.—At the request of a non-Federal interest, the Secretary and the non-Federal interest may renegotiate the terms and conditions of an eligible deferred payment, including—

“(i) permitting the non-Federal contribution to be made without interest, pursuant to paragraph (1);

“(ii) recalculation of the interest rate;

“(iii) full or partial forgiveness of interest accrued during the period of construction; and

“(iv) a credit against construction interest for a non-Federal investment that benefits the completion or performance of the project or separable element.

“(B) ELIGIBLE DEFERRED PAYMENT.—An eligible deferred payment agreement under subparagraph (A) is an agreement for which—
“(i) the non-Federal contribution was made with interest;

“(ii) the period of project construction exceeds 10 years from the execution of a project partnership agreement or appropriation of funds; and

“(iii) the construction interest exceeds $45,000,000.

“(C) CREDIT FOR NON-FEDERAL CONTRIBUTION.—

“(i) IN GENERAL.—The Secretary is authorized to credit any costs incurred by the non-Federal interest (including in-kind contributions) to remedy a design or construction deficiency of a covered project or separable element toward the non-Federal share of the cost of the covered project, if the Secretary determines the remedy to be integral to the completion or performance of the covered project.

“(ii) CREDIT OF COSTS.—If the non-Federal interest incurs costs or in-kind contributions for a project to remedy a design or construction deficiency of a project or separable element which has a 100 per-
cent Federal cost share, and the Secretary
determines the remedy to be integral to the
completion or performance of the project,
the Secretary is authorized to credit such
costs to any interest accrued on a deferred
non-Federal contribution.”.

Page 76, after line 3, insert the following:

(16) BOSTON, MASSACHUSETTS.—Project for hurricane and storm damage risk reduction, Boston, Massachusetts, pursuant to the comprehensive study authorized under the Disaster Relief Appropriations Act, 2013 (Public Law 113–2).

Page 80, after line 14, insert the following:

(7) Project for flood risk management, Lower Cache Creek, California.

Page 80, after line 17, insert the following:


Page 82, after line 4, insert the following:
(16) Project for flood control, Amite River and Tributaries east of the Mississippi River, Louisiana.

(17) Project for coastal storm risk management, Upper Barataria Basin, Louisiana.

(18) Project to replace the Bourne and Sagamore Bridges, Cape Cod, Massachusetts.

Page 82, after line 8, insert the following:

(17) Project for flood risk management, Rahway River Basin, New Jersey.

Page 82, after line 22, insert the following:

(21) Project to resolve increased silting and shoaling adjacent to the Federal channel, Port of Bandon, Coquille River, Oregon.

Page 84, after line 5, insert the following:

(31) Project for hurricane and storm damage risk reduction and shoreline erosion protection, Bolongo Bay, St. Thomas, United States Virgin Islands.

Page 94, after line 25, insert the following:
SEC. 207. PORTSMOUTH HARBOR AND PISCATAQUA RIVER
AND RYE HARBOR, NEW HAMPSHIRE.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a written status update regarding—

(1) efforts to address the impacts of shoaling affecting the project for navigation, Rye Harbor, New Hampshire, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480); and

(2) the project for navigation, Portsmouth Harbor and Piscataqua River, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), as required to be expedited under section 1317 of the Water Resources Development Act of 2018 (Public Law 115–270).

Page 96, line 11, strike “The Secretary” and insert the following:

(1) IN GENERAL.—The Secretary

Page 96, after line 18, insert the following:

(2) FOCUS AREAS.—In conducting the comprehensive study under paragraph (1), the Secretary shall investigate projects, including—

(A) projects proposed in the comprehensive coastal protection master plan entitled “Lou-
(A) features of the Louisiana Comprehensive Master Plan for a Sustainable Coast” prepared by the State of Louisiana and accepted by the Louisiana Coastal Protection and Restoration Authority (including any subsequent amendments or revisions), including—

(i) Ama sediment diversion;

(ii) Union freshwater diversion;

(iii) increase Atchafalaya flow to Terrebonne; and

(iv) Manchac Landbridge diversion;

and

(B) natural features and nature-based features, including levee setbacks and instream and floodplain restoration.

Page 97, line 20, strike “paragraph (1)(D)” and insert “subsection (c)”.

Page 111, after line 8, insert the following:

(5) an assessment of the annual funding level trends for moderate-use harbor projects (as defined in section 210 of the Water Resources Development Act of 1986 on the day before the date of enactment of this Act) after the date of enactment of the Water Resources Development Act of 2014 (Public Law
113–121), excluding funds awarded to donor ports, medium-sized donor ports, and energy transfer ports (as such terms are defined in section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201));

Page 116, after line 16, insert the following:

SEC. 219. REPORT ON RECREATIONAL FACILITIES.

No later than 18 months after the date of enactment of this Act, 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 that contains—

(1) an inventory of all recreational infrastructure and facilities associated with water resources development projects;

(2) an assessment of the annual operation and maintenance needs associated with such infrastructure and facilities;

(3) an assessment of deferred operation and maintenance needs for such infrastructure and facilities to operate safely at full capacity; and

(4) an assessment of the economic benefits of recreation to local and regional economies and benefits of sustaining and improving public access at recreational infrastructure and facilities.
SEC. 220. GAO STUDY ON ADMINISTRATION OF ENVIRONMENTAL BANKS.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the appropriate committees of Congress a report that analyzes the administration of section 309 of the Coastal Wetlands Planning, Protection and Restoration Act to establish an environmental bank (as defined in such section), such that the Secretary—

(1) achieves the objectives of the report of the Chief of Engineers for ecosystem restoration in the Louisiana Coastal Area or the objectives of the comprehensive coastal protection master plan entitled “Louisiana Comprehensive Master Plan for a Sustainable Coast” prepared by the State of Louisiana and accepted by the Louisiana Coastal Protection and Restoration Authority (including any subsequent amendments or revisions);

(2) promotes ridge restoration, barrier island restoration, marsh creation, non-structural risk management, or any other projects authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, pursuant to such comprehensive coastal protection master plan;
(3) allows for proactive investment in projects by a public or private entity seeking to generate credits to satisfy responsibilities associated with environmental compliance;

(4) allows for leveraging additional State, Parish, or Federal funds; and

(5) recommends methods for awarding additional credit for high-priority projects listed in the report and plan described in paragraph (1).

(b) Consultation With Stakeholders.—In carrying out subsection (a), the Comptroller of the Unites States shall consult with the Secretary, the Louisiana Coastal Wetlands Conservation and Restoration Task Force, the Governor of Louisiana (or an appointee), and other stakeholders, to the extent practicable.

SEC. 221. LAKE OKEECHOBEE REGULATION SCHEDULE.

(a) In General.—In carrying out the review of the Lake Okeechobee regulation schedule pursuant to section 1106 of the Water Resources Development Act of 2018 (132 Stat. 3773), the Secretary shall—

(1) evaluate the implications of prohibiting releases from Lake Okeechobee through the S-308 and S-80 lock and dam structures on the operation of the lake in accordance with authorized purposes and
seek to minimize unnecessary releases to coastal estuaries; and

(2) to the maximum extent practicable, coordinate with the ongoing efforts of Federal and State agencies responsible for monitoring, forecasting, and notification of cyanobacteria levels in Lake Okeechobee.

(b) MONTHLY REPORT.—Each month, the Secretary shall make public a report, which may be based on the Water Management Daily Operational Reports, disclosing the volumes of water deliveries to or discharges from Lake Okeechobee & Vicinity, Water Conservation Area I, Water Conservation Area II, Water Conservation Area III, East Coast Canals, and the South Dade Conveyance. Such report shall be aggregated and reported in a format designed for the general public, using maps or other widely understood communication tools.

(c) EFFECT.—In carrying out the evaluation under subsection (a)(1), nothing shall be construed to authorize any new purpose for the management of Lake Okeechobee or authorize the Secretary to affect any existing authorized purpose, including flood protection and management of Lake Okeechobee to provide water supply for all authorized users.

Page 144, after line 14, insert the following:
(3) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—Section 219(f)(55) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 114 Stat. 2763A-221) is amended by striking “$10,000,000” and inserting “$45,000,000".