

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:

1 (3) STATE.—The term “State” means each of
2 the several States, the District of Columbia, and
3 each of the commonwealths, territories, and posses-
4 sions of the United States.

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

5 (2) in paragraph (1)—
6 (A) by striking “nonstructural flood con-
7 trol measures” and inserting “a flood risk man-
8 agement or hurricane and storm damage risk
9 reduction measure using a nonstructural fea-
10 ture, or a natural feature or nature-based fea-
11 ture (as those terms are defined in section
12 1184(a) of the Water Resources Development
13 Act of 2016 (33 U.S.C. 2289a(a)),”; and

1 (B) by striking “cash during construction
2 of the project” and inserting “cash during con-
3 struction for a nonstructural feature if the costs
4 of land, easements, rights-of-way, dredged ma-
5 terial disposal areas, and relocations for such
6 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:

7 (k) STATE DEFINED.—In this section, the term
8 “State” means each of the several States, the District of
9 Columbia, and each of the commonwealths, territories, and
10 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:

1 “(3) that are no longer having project purposes
2 adequately met by the Corps of Engineers, because
3 of deferment of maintenance or other challenges,
4 and the divestment of which to a non-Federal entity
5 could better meet the local and regional needs for
6 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:

7 (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:

8 (b) CONTINUED ELIGIBILITY.—Section 1161(b) of
9 the Water Resources Development Act of 2018 (33 U.S.C.
10 701n note) is amended—
11 (1) in the matter preceding paragraph (1)—

1 (A) by striking “the three fiscal years pre-
2 ceding” and inserting “the five fiscal years pre-
3 ceding”; and

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

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

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

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

Page 73, after line 17, insert the following:

15 **SEC. 139. COST SHARING PROVISIONS FOR TERRITORIES**
16 **AND INDIAN TRIBES.**

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

21 **SEC. 140. FLOOD CONTROL AND OTHER PURPOSES.**

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

1 (1) by striking “Except as” and inserting the
2 following:

3 “(1) IN GENERAL.—Except as”; and

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

5 “(2) RENEGOTIATION OF TERMS.—

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

11 “(i) permitting the non-Federal con-
12 tribution to be made without interest, pur-
13 suant to paragraph (1);

14 “(ii) recalculation of the interest rate;

15 “(iii) full or partial forgiveness of in-
16 terest accrued during the period of con-
17 struction; and

18 “(iv) a credit against construction in-
19 terest for a non-Federal investment that
20 benefits the completion or performance of
21 the project or separable element.

22 “(B) ELIGIBLE DEFERRED PAYMENT.—An
23 eligible deferred payment agreement under sub-
24 paragraph (A) is an agreement for which—

1 “(i) the non-Federal contribution was
2 made with interest;

3 “(ii) the period of project construction
4 exceeds 10 years from the execution of a
5 project partnership agreement or appro-
6 priation of funds; and

7 “(iii) the construction interest exceeds
8 \$45,000,000.

9 “(C) CREDIT FOR NON-FEDERAL CON-
10 TRIBUTION.—

11 “(i) IN GENERAL.—The Secretary is
12 authorized to credit any costs incurred by
13 the non-Federal interest (including in-kind
14 contributions) to remedy a design or con-
15 struction deficiency of a covered project or
16 separable element toward the non-Federal
17 share of the cost of the covered project, if
18 the Secretary determines the remedy to be
19 integral to the completion or performance
20 of the covered project.

21 “(ii) CREDIT OF COSTS.—If the non-
22 Federal interest incurs costs or in-kind
23 contributions for a project to remedy a de-
24 sign or construction deficiency of a project
25 or separable element which has a 100 per-

1 cent Federal cost share, and the Secretary
2 determines the remedy to be integral to the
3 completion or performance of the project,
4 the Secretary is authorized to credit such
5 costs to any interest accrued on a deferred
6 non-Federal contribution.”.

Page 76, after line 3, insert the following:

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

Page 80, after line 14, insert the following:

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

Page 80, after line 17, insert the following:

14 (8) Project for shoreline protection, Oceanside,
15 California, authorized pursuant to section 414 of the
16 Water Resources Development Act of 2000 (114
17 Stat. 2636; 121 Stat. 1176).

Page 82, after line 4, insert the following:

1 (16) Project for flood control, Amite River and
2 Tributaries east of the Mississippi River, Louisiana.

3 (17) Project for coastal storm risk manage-
4 ment, Upper Barataria Basin, Louisiana.

5 (18) Project to replace the Bourne and Saga-
6 more Bridges, Cape Cod, Massachusetts.

Page 82, after line 8, insert the following:

7 (17) Project for flood risk management, Rah-
8 way River Basin, New Jersey.

Page 82, after line 22, insert the following:

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

Page 84, after line 5, insert the following:

12 (31) Project for hurricane and storm damage
13 risk reduction and shoreline erosion protection,
14 Bolongo Bay, St. Thomas, United States Virgin Is-
15 lands.

Page 94, after line 25, insert the following:

1 **SEC. 207. PORTSMOUTH HARBOR AND PISCATAQUA RIVER**
2 **AND RYE HARBOR, NEW HAMPSHIRE.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Secretary shall submit to Congress a writ-
5 ten status update regarding—

- 6 (1) efforts to address the impacts of shoaling
7 affecting the project for navigation, Rye Harbor,
8 New Hampshire, authorized by section 101 of the
9 River and Harbor Act of 1960 (74 Stat. 480); and
10 (2) the project for navigation, Portsmouth Har-
11 bor and Piscataqua River, authorized by section 101
12 of the River and Harbor Act of 1962 (76 Stat.
13 1173), as required to be expedited under section
14 1317 of the Water Resources Development Act of
15 2018 (Public Law 115–270).

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

- 16 (1) IN GENERAL.—The Secretary

Page 96, after line 18, insert the following:

- 17 (2) FOCUS AREAS.—In conducting the com-
18 prehensive study under paragraph (1), the Secretary
19 shall investigate projects, including—

- 20 (A) projects proposed in the comprehensive
21 coastal protection master plan entitled “Lou-

1 Louisiana Comprehensive Master Plan for a Sus-
2 tainable Coast” prepared by the State of Lou-
3 isiana and accepted by the Louisiana Coastal
4 Protection and Restoration Authority (including
5 any subsequent amendments or revisions), in-
6 cluding—
7 (i) Ama sediment diversion;
8 (ii) Union freshwater diversion;
9 (iii) increase Atchafalaya flow to
10 Terrebonne; and
11 (iv) Manchac Landbridge diversion;
12 and
13 (B) natural features and nature-based fea-
14 tures, including levee setbacks and instream
15 and floodplain restoration.

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

Page 111, after line 8, insert the following:

16 (5) an assessment of the annual funding level
17 trends for moderate-use harbor projects (as defined
18 in section 210 of the Water Resources Development
19 Act of 1986 on the day before the date of enactment
20 of this Act) after the date of enactment of the Water
21 Resources Development Act of 2014 (Public Law

1 113–121), excluding funds awarded to donor ports,
2 medium-sized donor ports, and energy transfer ports
3 (as such terms are defined in section 2106 of the
4 Water Resources Reform and Development Act of
5 2014 (33 U.S.C. 2201));

Page 116, after line 16, insert the following:

6 **SEC. 219. REPORT ON RECREATIONAL FACILITIES.**

7 No later than 18 months after the date of enactment
8 of this Act, the Secretary shall submit to the Committee
9 on Transportation and Infrastructure of the House of
10 Representatives and the Committee on Environment and
11 Public Works of the Senate a report that contains—

12 (1) an inventory of all recreational infrastruc-
13 ture and facilities associated with water resources
14 development projects;

15 (2) an assessment of the annual operation and
16 maintenance needs associated with such infrastruc-
17 ture and facilities;

18 (3) an assessment of deferred operation and
19 maintenance needs for such infrastructure and facili-
20 ties to operate safely at full capacity; and

21 (4) an assessment of the economic benefits of
22 recreation to local and regional economies and bene-
23 fits of sustaining and improving public access at rec-
24 reational infrastructure and facilities.

1 **SEC. 220. GAO STUDY ON ADMINISTRATION OF ENVIRON-**
2 **MENTAL BANKS.**

3 (a) IN GENERAL.—Not later than one year after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall conduct a study and submit to
6 the appropriate committees of Congress a report that ana-
7 lyzes the administration of section 309 of the Coastal Wet-
8 lands Planning, Protection and Restoration Act to estab-
9 lish an environmental bank (as defined in such section),
10 such that the Secretary—

11 (1) achieves the objectives of the report of the
12 Chief of Engineers for ecosystem restoration in the
13 Louisiana Coastal Area or the objectives of the com-
14 prehensive coastal protection master plan entitled
15 “Louisiana Comprehensive Master Plan for a Sus-
16 tainable Coast” prepared by the State of Louisiana
17 and accepted by the Louisiana Coastal Protection
18 and Restoration Authority (including any subsequent
19 amendments or revisions);

20 (2) promotes ridge restoration, barrier island
21 restoration, marsh creation, non-structural risk man-
22 agement, or any other projects authorized, funded,
23 or undertaken, or proposed to be authorized, funded,
24 or undertaken, pursuant to such comprehensive
25 coastal protection master plan;

1 (3) allows for proactive investment in projects
2 by a public or private entity seeking to generate
3 credits to satisfy responsibilities associated with en-
4 vironmental compliance;

5 (4) allows for leveraging additional State, Par-
6 ish, or Federal funds; and

7 (5) recommends methods for awarding addi-
8 tional credit for high-priority projects listed in the
9 report and plan described in paragraph (1).

10 (b) **CONSULTATION WITH STAKEHOLDERS.**—In car-
11 rying out subsection (a), the Comptroller of the Unites
12 States shall consult with the Secretary, the Louisiana
13 Coastal Wetlands Conservation and Restoration Task
14 Force, the Governor of Louisiana (or an appointee), and
15 other stakeholders, to the extent practicable.

16 **SEC. 221. LAKE OKEECHOBEE REGULATION SCHEDULE.**

17 (a) **IN GENERAL.**—In carrying out the review of the
18 Lake Okeechobee regulation schedule pursuant to section
19 1106 of the Water Resources Development Act of 2018
20 (132 Stat. 3773), the Secretary shall—

21 (1) evaluate the implications of prohibiting re-
22 leases from Lake Okeechobee through the S-308 and
23 S-80 lock and dam structures on the operation of
24 the lake in accordance with authorized purposes and

1 seek to minimize unnecessary releases to coastal es-
2 tuaries; and

3 (2) to the maximum extent practicable, coordi-
4 nate with the ongoing efforts of Federal and State
5 agencies responsible for monitoring, forecasting, and
6 notification of cyanobacteria levels in Lake Okee-
7 chobee.

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

18 (c) EFFECT.—In carrying out the evaluation under
19 subsection (a)(1), nothing shall be construed to authorize
20 any new purpose for the management of Lake Okeechobee
21 or authorize the Secretary to affect any existing author-
22 ized purpose, including flood protection and management
23 of Lake Okeechobee to provide water supply for all author-
24 ized users.

Page 144, after line 14, insert the following:

1 (3) MADISON AND ST. CLAIR COUNTIES, ILLI-
2 NOIS.—Section 219(f)(55) of the Water Resources
3 Development Act of 1992 (106 Stat. 4835; 113
4 Stat. 335; 114 Stat. 2763A-221) is amended by
5 striking “\$10,000,000” and inserting
6 “\$45,000,000”.

