

WATER RESOURCES DEVELOPMENT ACT OF 2020

SECTION-BY-SECTION SUMMARY

Sec. 1. Short Title; Table of Contents.

Sec. 2. Definition of Secretary.

TITLE I – GENERAL PROVISIONS

Sec. 101. Budgetary Treatment Expansion and Adjustment for The Harbor Maintenance Trust Fund.

This section provides authority to appropriate additional funds for harbor maintenance needs from the existing balance in the Harbor Maintenance Trust Fund (HMTF). The current estimate of the balance in the trust fund is approximately \$10 billion. The intent of this section is consistent with H.R. 2440, which passed the House of Representatives on October 28, 2019.

Sec. 102. Funding for Navigation.

This section establishes a new framework for annual allocation of operation and maintenance expenditures from the HMTF. This section establishes new targets for emerging harbors, donor ports, and Great Lakes Harbors. This section also allows for additional expanded uses for emerging harbors and donor ports.

Sec. 103. Annual Report to Congress on the Harbor Maintenance Trust Fund.

This section ensures that the annual report to Congress on the HMTF is submitted concurrently with the President's annual budget request to Congress.

Sec. 104. Additional Measures at Donor Ports and Energy Transfer Ports.

This section reauthorizes discretionary appropriations to provide payments to donor ports, medium-sized donor ports, and energy transfer ports. This authority is extended through fiscal year 2030. This section also allows for a rolling eligibility for donor ports, medium-sized donor ports, and energy transfer ports based on prior three years of cargo shipments.

Sec. 105. Assumption of Maintenance of a Locally Preferred Plan.

This section authorizes the Corps to assume operation and maintenance responsibilities for navigation projects carried out by non-Federal interests where project improvements deviate from the national economic development plan.

Sec. 106. Coast Guard Anchorages.

This section provides the Corps with the authority to maintain U.S. Coast Guard designated anchorages on the Columbia River.

Sec. 107. State Contribution of Funds for Certain Operation and Maintenance Costs.

This section provides the Corps with the authority to accept and expend funds from a state within the Great Lakes Navigation System to cover the additional costs for operations and maintenance activities as a result of a state's implementation of any additional limitation on the disposal of dredged material in the state's open waters.

Sec. 108. Inland Waterways Projects.

This section authorizes a modification to the cost share of construction or major rehabilitation of inland waterways projects to 65 percent from the general fund of the Treasury and 35 percent from the Inland Waterways Trust Fund until fiscal year 2027. Inland waterways projects that initiate construction during this time carry the modified cost share through project completion. This section also directs the Secretary to prioritize inland waterways projects included in the most recent Inland and Intercoastal Twenty-Year Capital Investment Strategy.

Sec. 109. Implementation of Water Resources Principles and Requirements.

This section directs the Corps to issue final agency procedures for the Principles, Requirements, and Guidelines (PR&G), pursuant to section 2031 of the Water Resources Development Act of 2007. The PR&G serves as the basis for the Corps' evaluation of project benefits and costs. The Corps is required to solicit, engage, and consider public and expert comment prior to release of the PR&G, review the PR&Gs every five years, and inform stakeholders prior to any revisions for input and guidance.

Sec. 110. Resiliency Planning Assistance.

This section amends the Corps' Floodplain Management Service program to allow the Corps to provide technical assistance to non-Federal interests and other Federal agencies for greater resiliency planning. Additionally, this section directs the Corps to prioritize technical assistance to economically disadvantaged communities.

Sec. 111. Project Consultation.

This section requires the Corps to complete previously authorized reports on community and tribal consultation, as well as update Corps policies on environmental justice considerations and community engagement and consultation. It also expands the Corps' consultation requirements with Tribal or indigenous groups when working on or adjacent to Tribal lands and areas.

Sec. 112. Review of Resiliency Assessments.

This section requires the Corps to update existing planning guidance related to sea level rise based on the best available, peer-reviewed science, in coordination with Federal and state agencies. This section also reiterates the Corps' discretion to consider benefits accrued over time as a result of sea level rise, and when requested by the non-Federal interest, requires the Secretary to consider whether the need for the project is predicated upon or exacerbated by conditions related to sea level rise.

Sec. 113. Small Flood Control Projects.

This section allows for natural or nature-based infrastructure projects to be considered as part of the Section 205 continuing authorities program for small flood risk management projects.

Sec. 114. Conforming Amendment.

This section clarifies the cost share for natural and nature-based infrastructure is 65 percent Federal and 35 percent non-Federal in line with the established cost share for non-structural project alternatives.

Sec. 115. Feasibility Studies; Review of Natural and Nature-Based Features.

This section directs the Corps to include in each flood reduction and hurricane and storm damage reduction project feasibility study a summary of any nature-based features that were considered. The Corps is directed to provide an explanation if nature-based features are not recommended.

Sec. 116. Report on Corrosion Prevention Activities.

This section directs the Corps to report to Congress on corrosion prevention activities at Corps projects.

Sec. 117. Quantification of Benefits for Flood Risk Management Projects in Seismic Zones.

This section requires the Corps to quantify the seismic hazard risk reduction benefits for flood risk management projects, when requested by the non-Federal sponsor.

Sec. 118. Federal Interest Determination.

This section directs the Corps to complete a federal interest determination for feasibility studies with economically disadvantaged communities, if requested by the non-Federal interest. Additionally, the Corps is directed to assist non-Federal interests in economically disadvantaged communities on how to rescope project requests to ensure that the project is economically justified.

Sec. 119. Economically Disadvantaged Community Flood Protection and Hurricane and Storm Damage Reduction Study Pilot Program.

This section directs the Corps to establish a pilot program to evaluate opportunities to address the flood risk reduction and hurricane and storm damage reduction needs for economically disadvantaged communities. The Corps is directed to select 10 studies to be carried out at Federal expense, and the pilot program sunsets 10 years after enactment.

Sec. 120. Permanent Measures to Reduce Emergency Flood Fighting Needs for Communities Subject to Repetitive Flooding.

This section provides new authority to study, design, and construct water resources projects for communities that have experienced repetitive flooding events and have received emergency flood fighting assistance under the Corps' P.L. 84-99 program. The maximum Federal share for a project is \$15 million and the Corps shall consider a community's ability to pay.

Sec. 121. Emergency Response to Natural Disasters.

This section provides non-Federal interests with an opportunity to recommend proposals to the Corps to increase the level of protection for projects that have received assistance through the P.L. 84-99 program. Additionally, this section allows inactive non-Federal interests in the P.L. 84-99 program to be eligible for assistance if the non-Federal interest agrees to pay, during performance of the repair or restoration work, all costs to address items of deferred or inadequate maintenance and all repair or restoration work necessary to address damage attributable to such deficiencies. An inactive non-Federal interest is only eligible to use this authority once, and this authority sunsets in five years.

Sec. 122. Study of Natural Infrastructure at Corps of Engineers Projects.

This section directs the Comptroller General of the United States to report to Congress on the Corps' consideration of natural and nature-based features during project planning.

Sec. 123. Review of Corps of Engineers Assets.

This section directs the Corps to develop an inventory of projects which are no longer needed to complete the missions of the Corps. Additionally, the Corps is directed to identify projects that could benefit from the addition of nature-based features or other modifications.

Sec. 124. Sense of Congress on Multi-Purpose Projects.

This section provides a Sense of Congress that the Corps should maximize the consideration and evaluation of projects with multiple benefits.

Sec. 125. Beneficial Reuse of Dredged Material; Dredged Material Management Plans.

This section renews the Congressional commitment to beneficial reuse of dredged material obtained from Corps projects and increases the authorized number of demonstration projects to 30 projects. Additionally, this section expands the Corps' considerations when evaluating the placement of dredged materials and when calculating the economic benefits of dredged material. This section also ensures that the Corps considers small, rural, and economically disadvantaged communities when selecting its additional projects. Lastly, this section increases the coordination of beneficial reuse projects by directing the Corps to develop five-year regional dredged material management plans.

Sec. 126. Aquatic Ecosystem Restoration for Anadromous Fish.

This section amends the section 206 continuing authorities program for aquatic ecosystem restoration to include projects that maximize benefits for anadromous fish. This section directs the Corps to give projects for anadromous fish habitat and passage equal priority for implementation as other projects pursued under section 206.

Sec. 127. Annual Report to Congress.

This section requires that the Corps include in the main table of the Section 7001 Annual Report to Congress on Future Water Resources Development Projects proposed projects for municipal and agricultural water use.

Sec. 128. Harmful Algal Bloom Demonstration Program.

This section directs the Corps to carry out a demonstration program for detecting, treating, preventing, and eliminating harmful algal blooms. Additionally, this section directs the Corps to consult with Federal and state agencies and to maximize the use of existing data and programs.

Sec. 129. Update on Invasive Species Policy Guidance.

This section requires the Corps to update the Invasive Species Policy Guidance based on the most recent National Invasive Species Council Management Plan. The Corps may also include invasive species management efforts for Corps projects in Alpine Lakes and the Tennessee and Cumberland River Basins in its updated guidance.

Sec. 130. Report on Debris Removal.

This section directs the Corps to report to Congress on activities related to debris removal in the prior 10 fiscal years, and the extent to which the Corps plans to start potential debris removal activities in the future.

Sec. 131. Missouri River Interception-Rearing Complex Construction.

This section prohibits the Corps from constructing any additional interception-rearing complexes on the Missouri River until the Corps reports on their effects, conducts further research through the Engineer Research and Development Center, and develops a plan to repair certain structures affected by erosion. The Corps is directed to solicit public comments prior to constructing any additional interception-rearing complexes.

Sec. 132. Cost and Benefit Feasibility Assessment.

This section clarifies that a non-Federal sponsor may contribute work to an amount sufficient to make the costs equal to the estimated benefits of repair work done in the P.L. 84-99 program.

Sec. 133. Materials, Services, And Funds for Repair, Restoration, Or Rehabilitation of Projects.

This section allows the Corps to reimburse a non-Federal interest or private party for contributed materials, funds, or services in the case of emergency or major disaster declarations, if the Corps determines that reimbursement is in the public interest. Any work contributed under this section must comply with all applicable Corps laws and regulations regarding acquired materials and services.

Sec. 134. Levee Safety.

This section directs the Corps to identify specific engineering and maintenance deficiencies for certain levees within the National Levee Database.

Sec. 135. National Dam Safety Program.

This section makes changes to the Federal Emergency Management Agency's High Hazard Potential Dam Rehabilitation Program, including making eligible hydropower dams that generate less than 1.5 megawatts.

Sec. 136. Rehabilitation of Corps of Engineers Constructed Pump Stations.

This section allows the Corps to make repairs and improvements to Corps-constructed pump stations with identified major deficiencies and the failure of which would impair the function of flood risk management projects. This section also requires the Corps to undertake an inventory of Federally constructed pump stations.

Sec. 137. Non-Federal Project Implementation Pilot Program.

This section extends the Non-Federal Project Implementation Pilot Program until 2026. The Secretary is required to issue implementation guidance 120 days after enactment of this Act.

Sec. 138. Definition of Economically Disadvantaged Community.

This section provides a definition of economically disadvantaged community for purposes of this Act.

TITLE II—STUDIES AND REPORTS

Sec. 201. Authorization of Proposed Feasibility Studies.

This section authorizes the Corps to conduct feasibility studies for 35 projects for water resources development and conservation and other purposes. These feasibility studies were submitted in a Report to Congress on Future Water Resources Development pursuant to Section 7001 of the Water Resources Reform and Development Act of 2014, or were otherwise reviewed by Congress.

Sec. 202. Expedited Completions.

This section directs the Corps to expedite the completion of 33 feasibility studies currently underway. Upon completion of the study, if the Corps determines that the project is justified, the Corps may proceed directly to preconstruction planning, engineering, and design. This section also directs the Corps to expedite the completion of the following reviews currently underway: post-authorization change reports for five projects, watershed assessments for two projects, and a disposition study for one project.

Sec. 203. Feasibility Study Modifications.

This section directs the Corps to make modifications to the scope or process of four feasibility studies currently underway.

Sec. 204. Selma, Alabama.

This section directs the Corps provide an update on the study for flood risk management and bank stabilization for Selma, Alabama.

Sec. 205. Comprehensive Study of the Sacramento River, Yolo Bypass, California.

This section directs the Corps to conduct a comprehensive study of the Sacramento River in the vicinity of the Yolo Bypass System, California, and make recommendations for potential water resources development projects, modifications of existing water resources development projects, or other measures to respond to changing hydrologic and climatic conditions in the region.

Sec. 206. Great Lakes Coastal Resiliency Study.

This section directs the Corps to expand its comprehensive assessment of water resources needs for the Great Lakes System, and make recommendations for potential water resources development projects, modifications of existing water resources development projects, or other measures to respond to changing hydrologic and climatic conditions in the region.

Sec. 207. Rathbun Lake, Chariton River, Iowa.

This section directs the Corps to submit a report to Congress that evaluates the existing water storage allocations at Rathbun Lake and analyze the affordability and costs of future municipal water supply allocations to users of the system.

Sec. 208. Report on the Status of Restoration in the Louisiana Coastal Area.

This section directs the Coastal Louisiana Ecosystem Protection and Restoration Task Force to submit a report to Congress that includes policies, strategies, plans, programs, projects, and activities undertaken for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem, as well as the financial participation by each agency represented on the Task Force.

Sec. 209. Lower Mississippi River Comprehensive Study.

This section directs the Corps to submit a report to Congress that includes the results of a comprehensive study of the Lower Mississippi Basin and identifies actions the Corps can take for the comprehensive management of the Basin for the purposes of flood risk management, navigation, ecosystem restoration, water supply, hydropower, and recreation.

Sec. 210. Upper Mississippi River Comprehensive Plan.

This section directs the Corps to conduct an assessment of the water resources needs of the Upper Mississippi River Basin.

Sec. 211. Lower Missouri Basin Flood Risk and Resiliency Study, Iowa, Kansas, Nebraska, And Missouri.

This section directs the Corps to expand the scope of the Lower Missouri Basin study, or otherwise carry out additional studies to identify site specific flood risk reduction solutions. The section also requires additional consultation measures for any recommended actions and specifies that the study is not subject to the traditional Corps cost and duration limitations.

Sec. 212. Cougar and Detroit Dams, Willamette River Basin, Oregon.

This section directs the Corps to submit a report to Congress on the initial analysis of deauthorizing hydropower as an authorized project purpose at Cougar and Detroit Dams.

Sec. 213. Port Orford, Oregon.

This section directs the Corps to submit a report to Congress regarding the configuration of a breakwater for the navigation project in Port Orford, Oregon in order to address shoaling issues.

Sec. 214. Wilson Creek and Sloan Creek, Fairview, Texas.

This section directs the Corps to provide Congress with a status update on efforts to address flooding along Wilson Creek and Sloan Creek in the City of Fairview, Texas.

Sec. 215. GAO Study on Mitigation for Water Resources Development Projects.

This section directs the Comptroller General to conduct a study on the mitigation of fish, wildlife, and environmental impacts resulting from the construction of water resources projects. This section further directs the Comptroller General to review the long-term effectiveness of the various types of mitigation; assess the backlog of mitigation projects; review how mitigation requirements might contribute to the resilience of water resources; assess compliance with mitigation requirements and mitigation plans; and provide recommendations to ensure compliance with and successful implementation of mitigation requirements for water resources development projects.

Sec. 216. GAO Study on Application of Harbor Maintenance Trust Fund Expenditures.

This section directs the Comptroller General to conduct a study on the operation and maintenance needs of Federally authorized harbor and inland harbor projects, including the primary uses of such harbor projects, and annual or deferred operation and maintenance needs.

Sec. 217. Study on Water Supply and Water Conservation at Water Resources Development Projects.

This section directs the Corps to submit a report to Congress that analyzes the benefits and consequences of including municipal water supply and water conservation as a primary mission of the Corps when carrying out water resources development projects. Within the report, the Corps is directed to include an analysis of how adding municipal water supply and water conservation as a primary mission may impact the ability of the Corps to carry out future water resources development projects, and recommendations related to their inclusion as a primary mission of the Corps.

Sec. 218. PFAS Review and Inventory at Corps Facilities.

This section directs the Corps to complete an inventory of Civil Works facilities that are contaminated or could become contaminated by a perfluoroalkyl or polyfluoroalkyl substance (PFAS) and submit a report on the results to Congress.

TITLE III – DEAUTHORIZATIONS AND MODIFICATIONS

Sec. 301. Deauthorization of Inactive Projects.

This section establishes a process that will lead to the deauthorization of at least \$10 billion of old, inactive projects, which is the value of projects authorized in this Act.

Sec. 302. Abandoned and Inactive Noncoal Mine Restoration.

This section increases the authorization amounts for the Abandoned and Inactive Noncoal Mine Restoration program.

Sec. 303. Tribal Partnership Program.

This section increases the per-project authorization level for the Tribal Partnership Program.

Sec. 304. Lakes Program.

This section provides additional eligibility for the Corps' Lakes Program.

Sec. 305. Watercraft Inspection Stations.

This section directs the Corps to establish a watercraft inspection station for the Russian River Basin and makes a technical correction to WRDA 2018.

Sec. 306. Chesapeake Bay Environmental Restoration and Protection Program.

This section increases the authorization amounts for the Chesapeake Bay Environmental Restoration and Protection Program. This section also directs the Corps to increase outreach and engagement with non-Federal sponsors on projects within the program.

Sec. 307. Upper Mississippi River System Environmental Management Program.

This section increases the authorization amounts for the Upper Mississippi River System Environmental Management Program.

Sec. 308. McClellan-Kerr Arkansas River Navigation System.

This section clarifies that any Federal funds used to carry out construction of McClellan-Kerr Arkansas River Navigation System are considered as initiating construction of the project.

Sec. 309. Ouachita-Black River Navigation Project, Arkansas.

This section authorizes water supply as a project purpose for the Ouachita-Black project after the Corps completes its feasibility study and review.

Sec. 310. Sacramento River, Glenn-Colusa, California.

This section deauthorizes a portion of the project for flood control in the Sacramento River, California, consisting of a riverbed gradient restoration facility at the Glenn-Colusa Irrigation District Intake.

Sec. 311. Lake Isabella, California.

This section provides the Corps with the authority to acquire real property to support the Isabella Dam Safety Modification Project, and the ability to transfer this property to any Federal agency without reimbursement.

Sec. 312. Lower San Joaquin River Flood Control Project.

This section aligns the project for flood risk management and the second phase of the feasibility study for flood risk management in the Lower San Joaquin River.

Sec. 313. San Diego River and Mission Bay, San Diego County, California.

This section deauthorizes a portion of the project for flood control and navigation in San Diego River and Mission Bay, San Diego County, California.

Sec. 314. San Francisco, California, Waterfront Area.

This section clarifies a declaration of non-navigability for the San Francisco Waterfront Area.

Sec. 315. Western Pacific Interceptor Canal, Sacramento River, California.

This section deauthorizes a portion of levee in the Sacramento River Flood Control Project that is associated with the Western Pacific Interceptor Canal.

Sec. 316. Rio Grande Environmental Management Program, Colorado, New Mexico, And Texas.

This section reauthorizes the Rio Grande Environmental Management Program through 2029.

Sec. 317. New London Harbor Waterfront Channel, Connecticut.

This section deauthorizes a portion of the project for navigation in New London Harbor, Connecticut.

Sec. 318. Washington Harbor, District of Columbia.

This section deauthorizes a portion of the project for navigation in Washington Harbor, District of Columbia.

Sec. 319. Central Everglades, Florida.

This section clarifies that the Corps is directed to carry out the Everglades Agricultural Area modification (authorized in WRDA 2018) as part of the ongoing Central Everglades Planning Project.

Sec. 320. Miami River, Florida.

This section deauthorizes a portion of the project for navigation in Miami River, Florida.

Sec. 321. Taylor Creek Reservoir and Levee L-73 (Section 1), Upper St. Johns River Basin, Florida.

This section deauthorizes a portion of the project for flood control and other purposes in the Upper St. Johns River Basin, Florida.

Sec. 322. San Juan-Chama Project, Abiquiu Dam, New Mexico.

This section would remove the 200,000-acre-foot storage limitation at Abiquiu Reservoir and allow for additional storage of either San-Juan Chama or native water if the entity requesting the storage acquires the necessary property interests to accommodate the storage.

Sec. 323. Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island And Connecticut.

This section deauthorizes a portion of the project for navigation in Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island and Connecticut.

Sec. 324. Harris County, Texas.

This section repeals Section 575 of the Water Resources Development Act of 1996.

Sec. 325. Cap Sante Waterway, Washington.

This section deauthorizes a portion of the project for navigation in Cap Sante Waterway and Navigation Channel, Skagit County, Washington.

Sec. 326. Additional Assistance for Critical Projects.

This section makes modifications to 13 projects for environmental infrastructure which were included in the Corps' Annual Report to Congress for 2019 and 2020.

Sec. 327. Project Modification Authorizations.

This section modifies the water supply contracts for three projects at the request of the non-Federal interest. The section also makes modifications to two projects for flood risk management.

Sec. 328. Application of Credit.

This section allows Louisiana Coastal Area project credit to be applied against obligations by the State of Louisiana related to the Greater New Orleans Hurricane and Storm Damage Risk Reduction System Project.

Sec. 329. Project Reauthorizations

This section directs the Corps to study and submit a report to Congress on the feasibility of reauthorizing four projects that were previously deauthorized.

Sec. 330. Conveyances.

This section authorizes the Corps to convey real property owned by the Federal government in the following locations: Eufaula, Alabama; Montgomery, Alabama; Massac County, Illinois; Clinton, Missouri; Tri-Country Levee District, Missouri; Judge Joseph Barker, Jr., House, Ohio; Leaburg Fish Hatchery, Oregon; and Willamette Falls Locks, Oregon.

Sec. 331. Repeals.

This section repeals previous WRDA deauthorization provisions.

TITLE IV—AUTHORIZATIONS

Sec. 401. Project Authorizations.

This section authorizes 34 water resources projects that have completed technical review by the Corps and are recommended by the Chief of Engineers. The projects are authorized to be carried out in accordance with the plan, and subject to the conditions, described in the Chief's Reports. Each of the projects has as its primary purpose, one of the following: navigation, hurricane and storm damage risk reduction, flood risk management, water supply, or ecosystem restoration. This section also authorizes four project modifications for previously authorized projects.

Sec. 402. Special Rules.

This section provides additional guidance for certain projects.

Sec. 403. Authorization of Projects Based on Feasibility Studies Prepared by Non-Federal Interests.

This section authorizes four water resources development and conservation projects that were prepared by non-Federal interests and have undergone review assessments by the Chief of Engineers. These projects are authorized to be carried out in accordance with the plan, and subject to the modifications or conditions described in the review assessments.