A BILL

To amend Title 33, Chapter 15, of the United States Code to provide protection and restoration of estuaries of the Northern Gulf of America, to enlarge the membership and expand the authority of the Mississippi River Commission, to revise the purposes and management of the Mississippi River & Tributaries Project, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE. – This Act may be cited as the Northern Gulf Estuary Protection Act.

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

Sec. 1 Short title; table of contents.
Sec. 2 Findings.
Sec. 3 Definitions
Sec. 4 Protection of the Northern Gulf Estuary and each constituent estuary therein.
Sec. 5 Interim Protection of the Northern Gulf Estuary and each constituent estuary therein.
Sec. 6 Environmental Impact Statement; Long-term Operation of Bonnet Carré Spillway and Morganza Spillway.
Sec. 7 Creation of Mississippi River Commission.
Sec. 8 Appointment of Commissioners; Vacancies; Chairman; Tenure of Office.
Sec. 9 Extension of Jurisdiction of Mississippi River Commission.
Sec. 10 Declaration of Policy of 1936 Act.
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Sec. 12 "Flood Control" Defined; Jurisdiction of Federal Investigations.
Sec. 13 Amendment to 1927 Project and Jadwin Report; Execution; Creation of Board; Scope of Authority; Appropriation.
Sec. 14 Modification of Project of 1927; Adoption.
Sec. 15 Further Modification of Project of 1927; Adoption; Appropriation.
Sec. 16 Further Modification; Adoption.
Sec. 17 Morganza Floodway; Eudora Floodway; Bonnet Carré Spillway.
Sec. 18 Bonnet Carré Spillway and Floodway; Rights-of-way, etc., Over Lands
Sec. 19 Prosecution of Project by Mississippi River Commission; President of Commission; Salaries.
Sec. 20 Mississippi River and Tributaries Project.
Sec. 21 Authorization of Appropriations.

SEC 2. FINDINGS.

Congress finds the following:

(1) The Mississippi River Basin is the 4th largest watershed in the world and the

largest watershed in the nation, draining all or part of the watersheds of 31 States and two Canadian provinces. The watershed measures approximately 1,200,000 square miles and covers 41% of the continental United States.

(2) The waters of the Northern Gulf Estuary and its constituent estuaries defined in this Act do not drain into the watershed of the Mississippi River Basin, but Mississippi River water distributed and released into the Northern Gulf Estuary and its constituent estuaries does affect the ecosystems of those estuaries. Therefore, for all purposes of this Act and any other laws pertaining to the Mississippi River Basin, the areas of the Northern Gulf Estuary and each of its constituent estuaries are considered part of the Mississippi River Basin and within the purposes and management of the Mississippi River and Tributaries Project.

(3) Manufactured goods, land-based food, and seafood produced within the 31 states of the Mississippi River Basin are essential elements of the annual gross domestic product and economic well-being of the United States. Feasible marketing of these products in interstate commerce and international trade depends upon maintaining the River's navigability for riverine, intercoastal, and international vessels.

(4) The Mississippi River Basin and its tributaries and distributaries, as well as the estuaries affected by release and dispersal of Mississippi River water during ordinary flow and floods through the River's natural distributaries, crevasses during floods, and man-made spillways, diversions, floodways, and structures, taken as a whole, comprise one of the largest and most valuable ecosystems in the world.

(5) The Mississippi River Basin and the estuaries it influences support economically, environmentally, and culturally significant subsistence, commercial, and recreational fisheries that in the interest of the United States as essential sources of seafood for United States food security.

(6) The Bonnet Carré Spillway is a central component of the Mississippi River and Tributaries Project -- the series of spillways, floodways, levees, and other measures established by the 1928 Flood Control Act and intended to safely pass a major flood on Mississippi River.

(7) The Bonnet Carré Spillway is located approximately 20 miles above New Orleans and diverts Mississippi River water into Lake Pontchartrain according to an operational plan administered by the US Army Corps of Engineers. The Bonnet Carré Spillway thus prevents downstream flooding and protects New Orleans from flood waters. Unfortunately, the spillway's aide to New Orleans comes at a cost to the environment in eastern Louisiana and the Mississippi Sound. And even when closed, the Bonnet Carré Spillway leaks polluted water into eastern Louisiana and the Mississippi.

(8) Mississippi River water is "fresh" only in the sense that it lacks significant amounts of salt, upon which most marine life depends. When the River water is released into the brackish estuaries of the northern Gulf, the estuaries' natural salt levels are diluted to a point deadly to marine life. For instance, when there is less than five parts of salt per thousand of water for approximately 29 days, the natural oyster beds die, which the 2019 openings of the Bonnet Carré actually caused in the estuaries of Lake Borge and the Mississippi Sound.

(9) Mississippi River water released through spillways, floodways, crevasses, natural distributaries, man-made diversions, and the mouth of the River contain inordinate amounts of phosphates, nitrates, antibiotics, plastics, and other matters harmful to human life, freshwater wildlife, marine life, and the economies and human culture that depend on them.

(10) For many decades this polluted River water has caused hypoxic zones ("Dead Zones") in the near-shore northern Gulf both east and west of the mouth of the River, making it virtually impossible for most marine life to survive in those zones. Despite efforts by the Mississippi River/Gulf of America Hypoxia Task Force, these hypoxic zones are a growing threat to life-sustaining amounts of oxygen in the Northern Gulf Estuary.

(11) The release of polluted Mississippi River fresh water through the Bonnet Carré Spillway into Lake Pontchartrain, Lake Borgne, the Mississippi Sound, and Mobile Bay takes a toll on a host of environmental and economic interests, causing disruptions and mortality to oysters, sea turtles, bottlenose dolphins, shrimp, blue crabs and other commercially and recreationally valuable species of marine life, as well as causing toxic algae blooms, seafood warnings, and beach closures affecting the quality of life for citizens and the tourism economy.

(12) The impacts of opening the Bonnet Carré Spillway include death and injury to bottlenose dolphins, one of the most iconic marine mammals of the Gulf. The Mississippi Sound-Lake Borgne population of bottlenose dolphins is 1 of 31 relatively discrete populations in the Gulf. Prolonged exposure to diverted fresh water harms this population of dolphins.

(13) In addition, scientists have discovered fentanyl and human medications, including opioids, muscle relaxants, and sedatives, in the blubber of live, free-swimming, common bottlenose dolphins in the Mississippi Sound and other areas of the northern Gulf.

(14) As apex predators in the northern Gulf, these dolphins are like canaries in a coal mine, warning us of the presence of such chemicals in stormwater runoff and even treated wastewater flowing into the Mississippi River and other watersheds and ultimately into northern Gulf estuaries and open Gulf waters, which are a growing threat to the food security of the United States.

(15) The harmful effects of diverting Mississippi River water through the Bonnet Carre Spillway are exacerbated by changing Mississippi River conditions that are causing a marked and unexpected increase in the frequency with which the Spillway is used in flood fights.. Analysis by scientists at Louisiana State University projects a notable increase in river flow as a result of riverbed aggradation, sandbar growth, rising global temperatures, and intensified hydrologic circles cycles. These changing conditions make the Army Corps of Engineers' reliance on the Bonnet Carré Spillway for current methods of flood control an increasingly common fact of life.

(16) In 2019, the Bonnet Carré spillway opened twice, for a period of approximately 5 months, causing virtually total mortality for the natural oyster beds in Lake Borgne and Mississippi Sound and devasting jobs and businesses in Mississippi's seafood and tourism industries.

(17) The unnatural amount of nutrients in the Mississippi River water released from the Bonnet Carré Spillway in the warmer months of 2019 caused a

freshwater algae bloom of cyanobacteria into Lake Pontchartrain, Lake Borgne, Mississippi Sound, and Mobile Bay. This was the first freshwater algae bloom in modern history of the northern Gulf estuaries, causing the Mississippi Department of Environmental Quality to close recreational use of the Mississippi Sound—in effect closing the beaches of the three Mississippi Coast counties and further devastating Mississippi's coastal tourism industry.

(18) All openings of the Bonnet Carré Spillway prior to 2019 caused harmful impacts similar, except for the freshwater algal bloom, to the 2019 impacts on the ecosystem of the Northern Gulf Estuary and especially on Lake Ponchartrain, Lake Borgne, Biloxi Marsh, Mississippi Sound and Mobile Bay. It is likely that future openings of the Bonnet Carré Spillway, under current laws and management policies, will have increasingly worse impacts on the ecosystems of these estuaries with cascading effects that will cause irreparable harm to the ecosystems, economies, and way of life of the communities of marine and human life that depend on these estuaries.

(19) The past and likely future negative effects described in this section resulting from openings and leakage of the Bonnet Carré Spillway, as well openings of other elements of the Mississippi River and Tributaries Project in past flood fights, have caused, and in future openings will likely cause, harm and damages to the ecosystems, economies, and way of life of the communities of marine and human life that depend on the Northern Gulf Estuary. Such effects, harm, and damages are analogous to, and constitute, common law nuisances for which remedies are actionable in state and federal

courts.

(20) Recognizing the economic, ecologic, and cultural value of the diverse interjurisdictional fishery resources in the estuaries of the northern Gulf and the complexity and severity of issues facing resource management agencies and flood control by the Mississippi River Commission and the United States Army Corps of Engineers, Congress acknowledges the need for amendment to the membership and authority of the Mississippi River Commission and related policies United States Army Corps of Engineers of for management of the Mississippi River and Tributaries Project , collaboration in the establishment of shared management objectives, and collaborative planning, evaluation and implementation of actions with affected state and local governments to provide for long-term biologic, economic, and cultural sustainability of interjurisdictional fishery resources in the northern Gulf as well sustainability of the seafood and tourism economies and businesses dependent upon a healthy Gulf.

(21) It is in the long-term interests of the United States economy and United States food security that the Mississippi River Commission and the United States Army Corps of Engineers manage flood control of the Mississippi River not just to protect human life and property from flood waters, but also, and simultaneously, to avoid when possible and minimize when necessary any harm to the Northern Gulf Estuary caused by Mississippi River water.

(22) For the dual purposes of (1) protection of human life and property from flood waters while keeping the Mississippi River navigable for interstate and international commerce and (2) protection of marine and human life and

property from negative effects of Mississippi River water on the Northern Gulf Estuary, as provided in this Act for management of the Mississippi River, the Mississippi River Commission and the United States Army Corps of Engineers should replace the Bonnet Carré and Morganza Spillways with new, modern structures based on the best engineering and scientific data available, to allow the new structures to be opened and closed in tandem and more cost-effectively, precisely, and quickly in flood fights and to prevent them from leaking.

SEC. 3. DEFINITIONS

(a) The term "Northern Gulf Estuary" means the large estuary composed of the aggregate of the interconnected, smaller estuaries that constitute all of the partially enclosed, coastal water bodies east of the Mississippi River and west of the east bank of Mobile Bay, where freshwater from rivers and streams mixes with salt water from the Gulf, including the marshes, water, and water bottoms that are subject to the ebb and flow of the tide in Louisiana, Mississippi, and Alabama in all of areas that are constituent estuaries within the Northern Gulf Estuary—i.e., the waters of, and tidally affected areas within and bordering the following areas and extending in each area northward to the high tide line and extending to the main channel of the Mississippi River:

(1) Lake Pontchartrain;

(2) Lake Maurepas;

(3) Lake Borgne and Biloxi Marsh;

(4) Breton Sound, Breton Sound Basin, Chandeleur Sound;

(5) Mississippi Sound;

(6) Mobile Bay; and

(7) All affected land and waters in Louisiana west of the Mississippi River.

For purposes of the provisions for protection and restoration of estuaries in this Act, all provisions of this Act that refer to the term, "Northern Gulf Estuary", shall apply to the whole territory described in this sub-section and shall also apply to each and every constituent estuary named and described in this sub-section, as if each constituent estuary were self-contained and not connected to the others.

(b) The term, "constituent estuaries" means the estuaries described in sub-paragraphs (1) through (7) of paragraph (a) of this section. Each of the estuaries is a "constituent estuary."

(c) The term "Affected Local Governments" means the Presidents and Parish Councils of Orleans, St. Tammany, St. Bernard, and Plaquemines Parishes in Louisiana; Boards of Supervisors of Hancock, Harrison, and Jackson Counties in Mississippi; Boards of Supervisors of Mobile and Baldwin Counties in Alabama; the Mayors and City Councils of the incorporated municipalities within the parishes and counties described in this sub-section; the Louisiana Department of Environmental Quality, Louisiana Department of Wildlife and Fisheries, Louisiana Coastal Protection and Restoration Authority; Mississippi Department of Marine Resources, Mississippi Department of Environmental Quality; Alabama Department of Conservation and Natural Resources, Alabama Department of Environmental Management.

(d) The term, "Gulf", means the Gulf of America (nee Gulf of Mexico).

SEC. 4. PROTECTION OF THE NOTHERN GULF ESTUARY AND EACH CONSTITUENT ESTUARY THEREIN.

(a) IN GENERAL. The Mississippi River Commission and the U.S. Army Corps of Engineers shall, to the maximum extent consistent with safely passing the Project Design Flood, operate the Bonnet Carré Spillway, the Morganza Spillway, and all other Mississippi River spillways, river-water diversions, backwater areas, and floodways to

prevent adverse impacts, mitigate any unavoidable adverse impacts, and improve the natural and economic values of the Northern Gulf Estuary and each of its constituent estuaries.

(b) COMPLIANCE WITH EXISTING LAW. The Mississippi River Commission and the U.S. Army Corps of Engineers shall implement this Act in a manner fully consistent with and subject to the National Environmental Policy Act, Coastal Zone Management Act, Endangered Species Act, Marine Mammal Protection Act, and Magnuson-Stevens Fishery Conservation and Management Act.

(c) RULE OF CONSTRUCTION. The provisions of this Act supersede, take precedence over, and preempt any conflicting provisions in any other laws and existing permits under or exceptions to such laws in conflict with the provisions of this Act.

SEC. 5. INTERIM PROTECTION OF THE NORTHERN GULF ESTUARY AND EACH CONSTITUENT ESTUARY THEREIN.

(a) INTERIM OPERATIONS. Pending compliance by the Mississippi River Commission and the U.S. Army Corps of Engineers with Section 6 of this Act, the Mississippi River Commission and the U.S. Army Corps of Engineers shall, on an interim basis, continue to operate the Bonnet Carré Spillway, the Morganza Spillway, and all other elements of the Mississippi River and Tributaries Project utilizing the best and most recent scientific and engineering data available.

(b) CONSULTATION. During the period of interim operations, the Mississippi River Commission and the U.S. Army Corps of Engineers shall consult the States of Louisiana and Mississippi and the Affected Local Governments regarding avoiding and mitigating adverse impacts to the Northern Gulf Estuary and each of its constituent estuaries from operations of the Mississippi River and Tributaries Project.

(c) REQUIRED ELEMENTS OF CONSULTATION. The consultation required under

Section 5(b) shall include written notice of any changes to operational criteria of the Mississippi River and Tributaries Project potentially affecting the Northern Gulf Estuary and any of its constituent estuaries, and a minimum of two in-person meetings annually to discuss efforts and means to avoid and mitigate adverse impacts to the Northern Gulf Estuary and each if its constituent estuaries. If requested, the Mississippi River Commission and U.S. Army Corps of Engineers shall provide separate meetings with the Affected Local Governments. At least one such meeting with each Affected Local Government shall be open to the public.

SEC. 6. ENVIRONMENTAL IMPACT STATEMENT; LONG-TERM OPERATION OF BONNET CARRÉ SPILLWAY AND MORGANZA SPILLWAY.

(a) FINAL ENVIRONMENTAL IMPACT STATEMENT. Not later than 2 years after the date of enactment of this Act, the U.S. Army Corps of Engineers, based on the findings and recommendations of the Final Report of the Lower Mississippi River Comprehensive Management Study authorized by Section 213 of the Water Resources Development Act of 2020 (134 Stat. 2684), shall complete a final environmental impact statement, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.). The environmental impact statement shall include consideration of alternative means of flood control and management on the Mississippi River which could avoid, lessen, or mitigate adverse impacts to the Northern Gulf Estuary and each constituent estuary from operation of the Bonnet Carré Spillway and other structures and elements of the Mississippi River and Tributaries Project, existing or recommended to be built or modified according to the findings of the Final Report.

(b) ADOPTION OF CRITERIA AND PLANS. Based on the findings, conclusions, and recommendations made in the Final Report of the Lower Mississippi River

Comprehensive Management Study authorized by Section 213 of the Water Resources Development Act of 2020 (134 Stat. 2684) and the final environmental impact statement prepared pursuant to subsection 8(a) of this Act, provided that the findings, conclusions, and recommendations comply with existing law and this Act, the Mississippi River Commission and the U.S. Army Corps of Engineers shall:

(A) Within eighteen months of the issuance of the final environmental impact statement adopt criteria and operating plans for all elements of the Mississippi River and Tributaries Project that implement the requirements of Section 4 of this Act ; and

(B) Immediately exercise other authorities under existing law, so as to ensure that the Bonnet Carré Spillway, the Morganza Spillway, and other structures and elements of the Mississippi River and Tributaries Project are operated in a manner that implement the requirements of Section 4 of this Act; and

(C) On or before January 31 of each year following issuance of the final environmental impact statement transmit to the Congress, the Governors of Louisiana, Mississippi and Alabama, and the Affected Local Governments a report on the activities and operations of the preceding year and the projected year operations undertaken pursuant to this Act.

(D) In preparing the criteria and operating plans described in this subsection 6(b) of this Act, the Mississippi River Commission and the U.S. Army Corps of Engineers shall consult with the Governors of Louisiana, Mississippi, and Alabama and each of the Affected Local Governments. If requested, the Mississippi River Commission and the U.S. Army Corps of Engineers shall consult separately with the Affected Local Governments.

(c) REPORT TO CONGRESS. Upon implementation of long-term operations under subsection 6 (b) of this Act, the U.S. Army Corps of Engineers and the Mississippi River Commission shall submit to the Congress the environmental impact statement described in subsection (a) and a report describing the long-term operations and other reasonable measures taken to protect, mitigate adverse impacts to, and improve the condition of the natural, recreational, economic, and cultural resources of the Northern Gulf Estuary and its constituent estuaries.

(d) DETERMINATION OF COSTS. The Secretary of Defense, in consultation with the Secretary of the Interior, shall determine the effect of all the provisions of this Act and submit a report to the appropriate House and Senate committees by January 31 of each fiscal year, and such report shall contain for that fiscal year a detailed accounting of expenditures incurred pursuant to this Act.

SEC. 7. CREATION OF MISSISSIPPI RIVER COMMISSION

33 U.S.C. § 641is amended to provide as follows:

> A commission is created to be called "The Mississippi River Commission", to consist of eleven members. The commission shall be an agency of the United States Government. All of the commission's decisions entered into its minutes regarding the Mississippi River and Tributaries Project and all of the commission's reports to Congress shall be considered final agency action for purposes of the Administrative Procedure Act, including 5 U.S.C. §704, and all of the provisions of the Administrative Procedure Act shall apply to the commission, as well as to the U.S. Army Corps of Engineers, independently and separately.

SEC. 8. APPOINTMENT OF COMMISSIONERS; VACANCIES; CHAIRMAN; TENURE OF OFFICE

33 U.S.C. § 642 is amended to provide as follows:

The President of the United States shall appoint eleven commissioners, four of whom shall be selected from the Engineer Corps of the Army, one from the National Marine Fisheries Service, and six from civil life. . Of the members from the Engineer Corps of the Army, one shall be the Chief of Engineers, one shall be from the Mobile District of the Engineer Corps, one shall be from the Vicksburg District, and one shall be from the New Orleans District. Of the members from civil life, at least three shall be a residents of Louisiana nominated by the Governor of the State of Louisiana, at least two shall be residents of Mississippi nominated by the Governor of the State of Mississippi, and one of shall be a marine biologist who is a resident of any state other than Louisiana and Mississippi, provided that at least one of the commissioners nominated by each governor shall be a resident of a county or parish within the Affected Local Governments of their respective states, as defined in Section 3 of the Northern Gulf Estuary Protection Act of 2025 (____Stat. ____). And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission. The commissioners appointed under sections 641 to 644, 646, and 647 of this title, except those appointed from civil life, shall remain in office subject to removal by the President of the United States. Each commissioner appointed from civil life after November 7, 1966, shall be appointed for a term of five years.

SEC. 9. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION

33 U.S.C. § 653a is amended to provide as follows:

The jurisdiction of the Mississippi River Commission, established by section 641 of this title, is extended to include--

(1) all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico;

(2) Alexander County, Illinois;

(3) the area in the State of Illinois from the confluence of the Mississippi and Ohio Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River: and

(4) all of the area of the Northern Gulf Estuary and each of its constituent estuaries as defined in Section 3 of the Northern Gulf Estuary Protection Act of 2025 (____Stat.____).

SEC. 10. DECLARATION OF POLICY OF 1936 ACT

33 U.S.C. § 701a is amended to provide as follows:

It is recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including loss of seafood and other marine life and littoral property value, the erosion of lands, and impairing and obstructing

navigation, highways, railroads, and other channels of commerce between the States, constitute a menace to national welfare and national food security; that it is the sense of Congress that flood control on navigable waters or their tributaries is a proper activity of the Federal Government in cooperation with States, their political subdivisions, and localities thereof; that investigations and improvements of rivers and other waterways, including watersheds thereof, for flood-control purposes and protection of the ecosystems and estuaries affected by rivers, other waterways and watersheds thereof are in the interest of the general welfare; that the Federal Government should improve or participate in the improvement of navigable waters or their tributaries, including watersheds thereof, for purposes of flood-control, protection of the ecosystems and estuaries affected by rivers, other waterways and watersheds thereof, and restoration of seafood and other marine life, if the lives and social security of people are otherwise adversely affected.

SEC. 11. DECLARATION OF POLICY OF 1944 ACT

33 U.S.C. § 701-1 is amended to provide as follows:

In connection with the exercise of jurisdiction over the rivers of the Nation through the construction of works of improvement, for navigation or flood control, as herein authorized, it is declared to be the policy of the Congress to recognize the interests and rights of the States and Affected Local Governments defined in Section 3 of the Northern Gulf Estuary Protection Act of 2025 (____Stat._____) in determining the development of the watersheds within their borders and likewise

their interests and rights in water utilization and control, as herein authorized to preserve and protect to the fullest possible extent established and potential uses, for all purposes, of the waters of the Nation's rivers and the Northern Gulf Estuary; to facilitate the consideration of projects on a basis of comprehensive and coordinated development; and to limit the authorization and construction of navigation works to those in which a substantial benefit to navigation will be realized therefrom and which can be operated consistently with appropriate and economic use of the waters of such rivers by other users. In conformity with this policy:

(a) Plans, proposals, or reports of the Mississippi River Commission and Chief of Engineers, Department of the Army, for any works of improvement for navigation or flood control not heretofore or herein authorized, shall be submitted to the Congress only upon compliance with the provisions of this paragraph (a). Investigations which form the basis of any such plans, proposals, or reports shall be conducted in such a manner as to give to the affected State or States and Affected Local Governments, during the course of the investigations, information developed by the investigations and also opportunity for consultation regarding plans and proposals, and, to the extent deemed practicable by the Mississippi River Commission or the Chief of Engineers, opportunity to cooperate in the investigations. If such investigations in whole or part are concerned with the use or control of waters arising west of the ninety-seventh meridian, the Chief of Engineers shall give

to the Secretary of the Interior, during the course of the investigations, information developed by the investigations and also opportunity for consultation regarding plans and proposals, and to the extent deemed practicable by the Chief of Engineers, opportunity to cooperate in the investigations. The relations of the Mississippi River Commission and the Chief of Engineers with any State under this paragraph (a) shall be with the Governor of the State or such official or agency of the State as the Governor may designate; the relations of the Mississippi River Commission and the Chief of Engineers with the Affected Local Governments shall be with the chief executive officer of each of the Affected Local Governments The terms "affected State or States" and "Affected Local Governments" shall include those in which the works or any part thereof are proposed to be located; those which in whole or part are both within the drainage basin involved and situated in a State lying wholly or in part west of the ninety-eighth meridian; and such of those which are east of the ninety-eighth meridian as will be substantially affected. Such plans, proposals, or reports and related investigations shall be made to the end, among other things, of facilitating the coordination of plans for the construction and operation of the proposed works with other plans involving the waters and the Northern Gulf Estuary which would be used or controlled by such proposed works. Each report submitting any such plans or proposals to the Congress shall set out therein, among other things, the relationship between the plans for construction and operation of the proposed works

and the plans, if any, submitted by the affected States, Affected Local Governments, and by the Secretary of the Interior. The Chief of Engineers shall transmit a copy of his proposed report to each affected State and Affected Local Government, and, in case the plans or proposals covered by the report are concerned with the use or control of waters which rise in whole or in part west of the ninety-seventh meridian, to the Secretary of the Interior. Within 30 days from the date of receipt of said proposed report, the written views and recommendations of each affected State and of the Secretary of the Interior may be submitted to the Chief of Engineers. The Secretary of the Army shall transmit to the Congress, with such comments and recommendations as he deems appropriate, the proposed report together with the submitted views and recommendations of affected States, Affected Local Governments, and of the Secretary of the Interior. The Secretary of the Army may prepare and make said transmittal any time following said 30-day period. The letter of transmittal and its attachments shall be printed as a House or Senate document and shall be made publicly available.

(b) The use for navigation, in connection with the operation and maintenance of such works herein authorized for construction, of waters arising in States lying wholly or partly west of the ninety-eighth meridian shall be only such use as does not conflict with any beneficial consumptive use, present or future, in States lying wholly or partly west of the ninety-eighth meridian, of such waters for domestic, municipal,

stock water, irrigation, mining, or industrial purposes.

(c) The Secretary of the Interior, in making investigations of and reports on works for irrigation and purposes incidental thereto shall, in relation to an affected State or States or Affected Local Government (as defined herein), and to the Secretary of the Army, be subject to the same provisions regarding investigations, plans, proposals, and reports as prescribed in paragraph (a) of this section for the Mississippi River Commission, Chief of Engineers, and the Secretary of the Army. In the event a submission of views and recommendations, made by an affected State or by the Secretary of the Army pursuant to said provisions, sets forth objections to the plans or proposals covered by the report of the Secretary of the Interior, the proposed works shall not be deemed authorized except upon approval by an Act of Congress; and section 485h(a) of title 43 and section 590z-1(a) of title 16 are amended accordingly.

SEC. 12. "FLOOD CONTROL" DEFINED; JURISDICTION OF FEDERAL INVESTIGATIONS

33 U.S.C. § 701a-1 is amended to provide as follows:

The words "flood control" as used in section 701a of this title, shall be construed to include channel improvements, major drainage improvements, flood prevention improvements for protection from groundwater-induced damages, and improvements for the protection of the Northern Gulf Estuary and each of its constituent estuaries as required by the Northern Gulf Estuary Protection Act of 2025

(____Stat.____), and Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of the Mississippi River Commission and shall be prosecuted by the Department of the Army under the direction of the Mississippi River Commission and Secretary of the Army and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and water-flow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress.

SEC. 13. AMENDMENT TO 1927 PROJECT AND JADWIN REPORT; EXECUTION; CREATION OF BOARD; SCOPE OF AUTHORITY; APPROPRIATION

33 U.S.C. § 702a is amended to provide as follows:

The project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Missouri, in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of the Army dated December 1, 1927, and printed in House Document Numbered 90, Seventieth Congress, first session, is hereby amended and authorized to be prosecuted under the direction of the Mississippi River Commission to the Secretary of the Army and the supervision of the Chief of Engineers according to the provisions of the

Northern Gulf Estuary Protection Act of 2025 (___Stat.___): *Provided,* That a board to consist of the Chief of Engineers, the president of the Mississippi River Commission, and a marine biologist chosen from civil life to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is created; and such board is authorized and directed to execute the \ changes to the project and the plans recommended by the Mississippi River Commission as required by the Northern Gulf Estuary Protection Act of 2025 (____Stat.____), and after such study and such further surveys as may be necessary, to recommend to the President such action as it may deem necessary to be taken in respect to the provisions of the Northern Gulf Estuary Protection Act of 2025, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect to such project except as herein provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 702h of this title. Such surveys shall be made as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief and protection of the Northern Gulf Estuary and its constituent estuaries, in addition to levees, before any flood-control works other than levees, revetments, and other structures are undertaken on of the river: *Provided,* That all diversion works and outlets

constructed under the provisions of sections 702a, 702b to 702d, 702e to 702g, 702h, 702i, 702j, 702k, 702*l*, 702m and 704 of this title shall be built in a manner and of a character which will fully and amply protect the adjacent lands and estuaries: *Provided further,* That pending completion of any floodway, spillway, floodway, or diversion channel, the areas within the same shall be given no less than the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said floodway, but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of that part of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river. The sum of $325,000,000 is authorized to be appropriated for this purpose.

All unexpended balances of appropriations prior to May 15, 1928, made for prosecuting work of flood control on the Mississippi River in accordance with the provisions of section 702 of this title, are made available for expenditure under the provisions of sections 702a, 702b to 702d, 702e to 702g, 702h, 702i, 702j, 702k, 702*l*, and 702m of this title.

SEC. 14. MODIFICATION OF PROJECT OF 1927; ADOPTION

33 U.S.C. § 702a-1 is amended to provide as follows:

The project for the control of floods of the Mississippi River and its tributaries, adopted by section 702a of this title, is modified in accordance with the recommendations of section 43 of the report submitted by the Chief of Engineers to the Chairman of the Committee on Flood Control, dated February 12, 1935, and printed in

House Committee on Flood Control Document Numbered 1, Seventy-fourth Congress, first session, as, in sections 642a, 702a-2 to 702a-12, 702g-1, 702j-1, 702j-2, 702k-1, and 702k-2 of this title and in the provisions of the Northern Gulf Estuary Protection Act of 2025 (____Stat.____) further modified and amended; and as so modified is adopted and authorized and directed to be prosecuted under the direction of the Mississippi River Commission and the Secretary of the Army and the supervision of the Chief of Engineers.

SEC. 15. FURTHER MODIFICATION OF PROJECT OF 1927; ADOPTION; APPROPRIATION

33 U.S.C. § 702a-1a is amended to provide as follows:

In accordance with the recommendations of the Chief of Engineers, as set forth in his report of April 6, 1937, and published as Flood Control Committee Document Numbered 1, Seventy-fifth Congress, first session, paragraph 38(b), except subparagraph (1), the project for flood control of the Lower Mississippi River adopted by sections 642a, 702a, 702a-1, 702a-2 to 702d, 702e to 702h, 702i to 702m, and 704 of this title, and by adoption of the Northern Gulf Estuary Protection Act of 2025 (___Stat. ____), is modified and, as modified, is adopted, and there is authorized to be appropriated in addition to the sums previously authorized $40,000,000 to be applied for the purposes set forth in said modifications covering the said recommendations, , subject to the provisions made in section 702a-11

of this title.

SEC. 16. FURTHER MODIFICATION; ADOPTION

33 U.S.C. § 702a-1b is amended to provide as follows:

The project for flood control of the Lower Mississippi River adopted by sections 642a, 702a to 702a-1a, 702a-2 to 702d, and 702e to 702h, 702i to 702m, and 704 of this title and by adoption of the Northern Gulf Estuary Protection Act of 2025 (____Stat.____) is modified and, as modified, is authorized and adopted.

SEC. 17. MORGANZA FLOODWAY; EUDORA FLOODWAY; BONNET CARRÉ SPILLWAY

33 U.S.C. § 702a-11 is amended to provide as follows:

The United States may, within the discretion of the Chief of Engineers, irrespective of other provisions of law, proceed to acquire all easements needed and of the character considered advisable in the Morganza floodway and to construct said Morganza floodway. Said Morganza floodway may, within the discretion of the Chief of Engineers, be modified as to its design and inflow.

The said Morganza floodway may be initiated and constructed without delay; and the United States may, within the discretion of the Chief of Engineers, irrespective of other provisions of law, proceed to the acquisition of flowage rights and flowage easements in the Eudora floodway, and to its construction as authorized by existing law: *Provided,* That the intakes of such Eudora floodway shall include an

automatic masonry weir with its sill at such an elevation that it will not be overtopped by stages other than those capable of producing a stage of fifty-one feet or over on the Vicksburg gage: *Provided further,* That a fuseplug levee loop may be constructed behind said sill to prevent flow into the floodway until the predicted flood exceeds the safe capacity of the main river leveed channel, with a free-board of at least three feet, but said fuseplug levee may be artificially breached when in the opinion of the Chief of Engineers such breaching is advisable to insure the safety of the main river controlling levee line: *Provided further,* That the authority to acquire lands, flowage rights, and easements for floodways shall be confined to the floodways proper and to the northward extension of Eudora: *Provided further,* That within the discretion of the Chief of Engineers, the guide line levees of the Eudora floodway may be extended south toward Old River: *Provided further,* That the Chief of Engineers is authorized to construct the said Eudora floodway at such location as he may determine, in the vicinity of Eudora. The United States may, within the discretion of the Chief of Engineers irrespective of other provisions of law, proceed to acquire flowage rights and flowage easements in the northward extension of the Eudora floodway, as authorized by existing law, provided that pending the completion of such northward extension all the Riverside fuseplug levee extending south from the vicinity of Yancopin to the

vicinity of Vau Cluse, Arkansas, and so as to connect with the existing levee of 1928 grade and section, shall be reconstructed to the 1914 grade and 1928 section: *Provided further,* That if the back protection levee is constructed prior to the construction of Eudora floodway, it shall be connected with the main Mississippi River levee and subsequently connected with the Eudora floodway when constructed: *Provided further,* That the Chief of Engineers is authorized, in his discretion, to negotiate options, make agreements and offers with respect to lands, flowage rights, easements, and rights-of-way involved, as provided by law, at prices deemed reasonable by him.

The United States, irrespective of other provisions of law, may, within the discretion of the Chief of Engineers, acquire flowage easements over all lands not subject to frequent overflow in the Atchafalaya Basin below the latitude of Krotz Springs.

Said Morganza floodway shall not be operated until the Wax Lake outlet has been put into operative condition.

The fuseplug levees at the head of the Atchafalaya Basin on the east side of the Atchafalaya River shall be reconstructed to the 1928 grade and section.

The United States may, in the discretion of the Chief of Engineers, acquire all flowage rights, flowage easements, rights-of-way for levee foundations, and titles in fee simple as herein provided, either by

voluntary acquisition or in accordance with the condemnation proceedings by the Secretary of the Army as provided for in section 702d of this title.

In the event the United States acquires or owns title to any lands in fee simple under the provisions of sections 702a, 702b to 702d, 702e to 702g, 702h, 702i, 702j, 702k, 702*l,* 702m, and 704 of this title, as amended and supplemented, the United States may retain the ownership thereof, or any part thereof instead of turning over such lands to the ownership of States or local interests as provided in section 702d of this title, and may lease such lands: *Provided,* That 25 per centum of all moneys received and deposited in the Treasury of the United States during any fiscal year on account of such leases shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such property is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such property is situated: *Provided further,* That when such property is situated in more than one State or county the distributive share to each from the proceeds of such property shall be proportional to its area therein: *Provided further,* That no part of the appropriations herein or heretofore authorized for said Morganza and Eudora floodways and extension shall be used for any purposes other than the purposes

provided in this section, the other sections of the United States Code referenced in this section, and the provisions of the Northern Gulf Estuary Protection Act of 2025 (____Stat.____);

Provided further, No later than January 2, 2027, the Mississippi River Commission and the United States Army Corps of Engineers shall present to the Secretary of the Army and the Congress engineering plans, specifications, and cost estimate to replace the Morganza Spillway based on recent scientific and engineering data and concepts to operate the Morganza Spillway more efficiently and more rapidly to facilitate opening and closing more quickly than in the past in order to protect and avoid or at least minimize negative impacts on the ecosystems and estuaries of the Northern Gulf Estuary, and the plans shall include opening and closing the Morganza Spillway in concert with other spillways, floodways, and elements of the Mississippi River and Tributaries Project to comply with the duty to protect the Northern Gulf Estuary and its constituent estuaries as provided in the Northern Gulf Estuary Protection Act of 2025 (____Stat._____); *Provided further*, The Morganza Floodway and other spillways, floodways, and elements of the Mississippi River and Tributaries Project shall be operated in conjunction with the Bonnet Carré Spillway and all other spillways, floodways, and elements of the Mississippi River and Tributaries Project to avoid loss of life and property and

simultaneously to avoid when reasonably possible or, when avoidance is not reasonably possible, to minimize and mitigate harm to seafood, marine life, and littoral property values in all of the areas within the jurisdiction of the Mississippi River Commission described in 33 U.S.C. §§ 653 and 653a, as amended by the Northern Gulf Estuary Protection Act of 2025 (____Stat.____)

SEC. 18. BONNET CARRÉ SPILLWAY AND FLOODWAY; RIGHTS-OF-WAY, ETC., OVER LANDS

33 U.S.C. § 702d-1 is amended to provide as follows:

The proviso in section 702d of this title "That any land acquired under the provisions of this section shall be turned over without cost to the ownership of States or local interests," shall not apply to the lands heretofore acquired or that may be hereafter acquired in connection with the construction, maintenance, or operation of the Bonnet Carré Spillway and Floodway. The Secretary of the Army is authorized to grant to any citizen, association, railroad, or other corporation, State or public agency thereof, rights-of-way, easements, and permits, over, across, in, and upon said lands for railway, highway, telephone, telegraph, and pipe-line crossings, and other purposes. The grants issued in pursuance of this authority shall be under such terms and conditions as the Secretary of the Army may deem advisable for the protection of the public interests and may be perpetual or temporary in his discretion.

Provided further, No later than January 2, 2027, the Mississippi River

Commission and the United States Army Corps of Engineers shall present to the Secretary of the Army and the Congress engineering plans, specifications, and cost estimate to replace the Bonnet Carré Spillway based on recent scientific and engineering data and concepts to operate the Bonnet Carré Spillway more efficiently and more rapidly to facilitate opening and closing more quickly than in the past, and the plans shall include opening and closing the Bonnet Carré Spillway in concert with other spillways, floodways, and elements of the Mississippi River and Tributaries Project to comply with the duty to protect the Northern Gulf Estuary and its constituent estuaries as provided in the Northern Gulf Estuary Protection Act of 2025 (____Stat._____);

Provided further, The Bonnet Carré Spillway and Floodway and other spillways, floodways, and elements of the Mississippi River and Tributaries Project shall be operated in conjunction with the Morganza Spillway and all other spillways, floodways, and elements of the Mississippi River and Tributaries Project to avoid loss of life and property and simultaneously to avoid, when reasonably possible or, when avoidance is not reasonably possible, to minimize and mitigate harm to seafood, marine life, and littoral property values in all of the areas within the jurisdiction of the Mississippi River Commission described in 33 U.S.C. §§ 653 and 653a, as amended by the Northern

Gulf Estuary Protection Act of 2025 (____Stat.____)

SEC. 19. PROSECUTION OF PROJECT BY MISSISSIPPI RIVER COMMISSION; PRESIDENT OF COMMISSION; SALARIES

33 U.S.C. § 702h is amended to provide as follows:

The project herein authorized shall be prosecuted by, and under the direction of, the Mississippi River Commission by and through the Secretary of the Army and supervision of the Chief of Engineers and subject to the provisions of sections 702a, 702a-11 702b to 702d, 702d-1, 702e to 702g, 702h, 702i, 702j, 702k, 702*l*, 702m, and 704 of this title, as amended from time to time. The Mississippi River Commission shall perform such functions and through such agencies as the Mississippi River Commission shall designate after consultation and discussion with the Secretary of the Army and Chief of Engineers. For all other purposes the existing laws governing the constitution and activities of the commission shall remain unchanged. The commission shall make inspection trips of such frequency and duration as will enable it to acquire first-hand information as to conditions and problems germane to the matter of flood control and protection of human life and property, seafood, wildlife, marine life, and littoral property values within the area of its jurisdiction; and on such trips of inspection ample opportunity for hearings and suggestions shall be afforded persons the Affected Local Governments defined in the Northern Gulf Estuary Protection Act of 2025 (___Stat.___) and all other persons affected by or interested in such problems. The president of the commission shall be the executive officer thereof and shall have the qualifications prescribed by law on May 15,

1928, for the Assistant Chief of Engineers, shall have the title brigadier general, Corps of Engineers, and shall have the rank, pay, and allowances of a brigadier general while actually assigned to such duty: *Provided,* That the incumbent of the office on May 15, 1928, may be appointed a brigadier general of the Army, retired, and shall be eligible for the position of president of the commission if recalled to active service by the President under the provisions of existing law.

The official salary of any officer of the United States Army or other branch of the Government appointed or employed under sections 702a, 702b to 702d, 702e to 702g, 702h, 702i, 702j, 702k, 702*l*, 702m, and 704 of this title shall be deducted from the amount of salary or compensation provided by, or which shall be fixed under, the terms of such sections.

SEC. 20. MISSISSIPPI RIVER AND TRIBUTARIES PROJECT

33 U.S.C. § 702o is amended to provide as follows:

(a) In general

After any flood event requiring operation or activation of any floodway, spillway, backwater feature, or other elements within the Mississippi River and Tributaries Project through natural overtopping of a Federal levee or artificial crevassing of a Federal levee to relieve pressure on the levees elsewhere in the system, the Secretary shall expeditiously reset and restore the damaged floodway's levees, spillways, backwater features, and other elements of the Mississippi River and Tributaries Project.

(b) Consultation

In carrying out subsection (a), the Secretary shall provide an opportunity for consultation with any and all affected communities and the Affected Local Governments defined in Section 3 of the Northern Gulf Estuary Protection Act of 2025 (____Stat.____).

(c) Mississippi River and Tributaries Project

The term "Mississippi River and Tributaries Project" means the Mississippi River and Tributaries project authorized by the Act of May 15, 1928 (Chap. 569; 45 Stat. 534), as amended by the Northern Gulf Estuary Protection Act of 2025 (____Stat.____).

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated --

(1) $5,000,000 for each of fiscal years 2026 and 2027 to carry out the reorganization of the Mississippi River Commission and perform the environmental impact statement required under this Act; and

(2) to replace the Morganza and Bonnet Carré Spillways, $50,000,000 for each of fiscal years 2026 through 2032, to remain available until expended.