

Union Calendar No. 174

113TH CONGRESS
1ST SESSION

H. R. 3080

[Report No. 113–246, Part I]

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2013

Mr. SHUSTER (for himself, Mr. RAHALL, Mr. GIBBS, and Mr. BISHOP of New York) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 21, 2013

Additional sponsors: Mr. PETRI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COBLE, Mr. LIPINSKI, Mr. DUNCAN of Tennessee, Mr. GARAMENDI, Mr. MICA, Mr. NOLAN, Mr. LOBIONDO, Ms. ESTY, Mrs. CAPITO, Mrs. MILLER of Michigan, Mr. HUNTER, Mr. BARLETTA, Mr. FARENTHOLD, Mr. BUCSHON, Mr. MEEHAN, Mr. HANNA, Mr. WEBSTER of Florida, Mr. DENHAM, Mr. RIBBLE, Mr. RICE of South Carolina, Mr. MULLIN, Mr. WILLIAMS, Mr. RADEL, Mr. RODNEY DAVIS of Illinois, Mr. CRAMER, Mr. CRAWFORD, Mr. DEFazio, Mr. MASSIE, Mr. CUMMINGS, Mr. MEADOWS, Mr. MICHAUD, Mr. PERRY, Mr. BERA of California, Mr. BRADY of Pennsylvania, Mr. GRIMM, Mr. KINGSTON, Ms. MATSUI, Mr. MCKINLEY, Mrs. NEGRETE MCLEOD, Mr. ROTHFUS, Mr. WEBER of Texas, and Mr. WHITFIELD

OCTOBER 21, 2013

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 21, 2013

The Committees on the Budget, Ways and Means, and Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on September 11, 2013]

A BILL

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Water Resources Reform and Development Act of 2013”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—PROGRAM REFORMS AND STREAMLINING

Sec. 101. Vertical integration and acceleration of studies.

Sec. 102. Expediting the evaluation and processing of permits.

Sec. 103. Environmental streamlining.

Sec. 104. Consolidation of studies.

Sec. 105. Removal of duplicative analyses.

*Sec. 106. Expediting approval of modifications and alterations of projects by
 non-Federal interests.*

Sec. 107. Construction of projects by non-Federal interests.

Sec. 108. Contributions by non-Federal interests.

*Sec. 109. Contributions by non-Federal interests for management of Corps of En-
 gineers inland navigation facilities.*

Sec. 110. Additional contributions by non-Federal interests.

Sec. 111. Clarification of impacts to other Federal facilities.

Sec. 112. Clarification of previously authorized work.

Sec. 113. Tribal partnership program.

Sec. 114. Technical corrections.

Sec. 115. Water infrastructure public-private partnership pilot program.

Sec. 116. Annual report to Congress.

*Sec. 117. Actions to be taken in conjunction with the President’s annual budget
 submission to Congress.*

Sec. 118. Hurricane and storm damage reduction study.

Sec. 119. Non-Federal plans to provide additional flood risk reduction.

Sec. 120. Review of emergency response authorities.

Sec. 121. Emergency communication of risk.

Sec. 122. Improvements to the National Dam Safety Program Act.

Sec. 123. Restricted areas at Corps of Engineers dams.

Sec. 124. Levee safety.

Sec. 125. Vegetation on levees.

Sec. 126. Reduction of Federal costs.

Sec. 127. Advanced modeling technologies.

Sec. 128. Enhanced use of electronic commerce in Federal procurement.

Sec. 129. Corrosion prevention.

Sec. 130. Resilient construction and use of innovative materials.

Sec. 131. Assessment of water supply in arid regions.

Sec. 132. River basin commissions.

- Sec. 133. Sense of Congress regarding water resources development bills.*
Sec. 134. Donald G. Waldon Lock and Dam.
Sec. 135. Aquatic invasive species.
Sec. 136. Recreational access.
Sec. 137. Territories of the United States.
Sec. 138. Sense of Congress regarding interstate water agreements and compacts.

TITLE II—NAVIGATION IMPROVEMENTS

Subtitle A—Ports

- Sec. 201. Expanded use of Harbor Maintenance Trust Fund.*
Sec. 202. Assessment and prioritization of operation and maintenance.
Sec. 203. Preserving United States harbors.
Sec. 204. Consolidation of deep draft navigation expertise.
Sec. 205. Disposal sites.

Subtitle B—Inland Waterways

- Sec. 211. Definitions.*
Sec. 212. Project delivery process reforms.
Sec. 213. Efficiency of revenue collection.
Sec. 214. Inland waterways revenue studies.
Sec. 215. Inland waterways stakeholder roundtable.
Sec. 216. Preserving the Inland Waterway Trust Fund.
Sec. 217. Public comment on lock operations.
Sec. 218. Assessment of operation and maintenance needs of the Atlantic Intra-coastal Waterway and the Gulf Intracoastal Waterway.
Sec. 219. Upper Mississippi River protection.
Sec. 220. Corps of Engineers lock and dam energy development.

TITLE III—DEAUTHORIZATIONS AND BACKLOG PREVENTION

- Sec. 301. Deauthorization of inactive projects.*
Sec. 302. Review of Corps of Engineers assets.
Sec. 303. Backlog prevention.
Sec. 304. Deauthorizations.
Sec. 305. Land conveyances.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Authorization of final feasibility studies.*
Sec. 402. Project modifications.

1 SEC. 2. DEFINITION OF SECRETARY.

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

1 **TITLE I—PROGRAM REFORMS**
2 **AND STREAMLINING**

3 **SEC. 101. VERTICAL INTEGRATION AND ACCELERATION OF**
4 **STUDIES.**

5 (a) *IN GENERAL.*—*To the extent practicable, a feasi-*
6 *bility study initiated by the Secretary, after the date of en-*
7 *actment of this Act, under section 905(a) of the Water Re-*
8 *sources Development Act of 1986 (33 U.S.C. 2282(a))*
9 *shall—*

10 (1) *result in the completion of a final feasibility*
11 *report not later than 3 years after the date of initi-*
12 *ation;*

13 (2) *have a maximum Federal cost of \$3,000,000;*
14 *and*

15 (3) *ensure that personnel from the district, divi-*
16 *sion, and headquarters levels of the Corps of Engi-*
17 *neers concurrently conduct the review required under*
18 *that section.*

19 (b) *EXCEPTION.*—*If the Secretary determines that a*
20 *feasibility study described in subsection (a) will not be con-*
21 *ducted in accordance with subsection (a), the Secretary, not*
22 *later than 30 days after the date of making the determina-*
23 *tion, shall—*

24 (1) *prepare an updated feasibility study schedule*
25 *and cost estimate;*

1 (2) *notify the non-Federal feasibility cost shar-*
2 *ing partner that the feasibility study has been de-*
3 *layed; and*

4 (3) *provide written notice to the Committee on*
5 *Transportation and Infrastructure of the House of*
6 *Representatives and the Committee on Environment*
7 *and Public Works of the Senate as to the reasons the*
8 *requirements of subsection (a) are not attainable.*

9 (c) *TERMINATION OF AUTHORIZATION.—A feasibility*
10 *study for which the Secretary has issued a determination*
11 *under subsection (b) is not authorized after the last day*
12 *of the 1-year period beginning on the date of the determina-*
13 *tion if the Secretary has not completed the study on or be-*
14 *fore such last day.*

15 (d) *REPORT.—Not later than 4 years after the date*
16 *of enactment of this Act, the Secretary shall submit to the*
17 *Committee on Transportation and Infrastructure of the*
18 *House of Representatives and the Committee on Environ-*
19 *ment and Public Works of the Senate a report that de-*
20 *scribes—*

21 (1) *the status of the implementation of this sec-*
22 *tion, including a description of each feasibility study*
23 *subject to the requirements of this section;*

24 (2) *the amount of time taken to complete each*
25 *such feasibility study; and*

1 (3) *any recommendations for additional author-*
2 *ity necessary to support efforts to expedite the feasi-*
3 *bility study process, including an analysis of whether*
4 *the limitation established by subsection (a)(2) needs*
5 *to be adjusted to address the impacts of inflation.*

6 (e) *REVIEWS.*—*Not later than 90 days after the date*
7 *of the initiation of a study described in subsection (a) for*
8 *a project, the Secretary shall—*

9 (1) *take all steps necessary to initiate the feder-*
10 *ally mandated reviews that the Secretary is required*
11 *to complete as part of the study, including environ-*
12 *mental reviews;*

13 (2) *convene a meeting of all Federal, tribal, and*
14 *State agencies identified under section 2045(d) of the*
15 *Water Resources Development Act of 2007 (33 U.S.C.*
16 *2348(d)), as amended by this Act, and that may be*
17 *required by law to conduct or issue a review, anal-*
18 *ysis, or opinion on or to make a determination con-*
19 *cerning a permit or license for the study;*

20 (3) *provide the agencies referred to in paragraph*
21 *(2) with all relevant information related to the scope*
22 *and potential impacts of the project, including envi-*
23 *ronmental impacts; and*

24 (4) *take all steps necessary to provide informa-*
25 *tion that will enable required reviews and analyses*

1 *related to the project to be conducted by other agencies*
2 *in a thorough and timely manner.*

3 **SEC. 102. EXPEDITING THE EVALUATION AND PROCESSING**
4 **OF PERMITS.**

5 *Section 214 of the Water Resources Development Act*
6 *of 2000 (33 U.S.C. 2201 note) is amended—*

7 (1) *in subsection (a)—*

8 (A) *by inserting “or public-utility company*
9 *(as defined in section 1262 of the Public Utility*
10 *Holding Company Act of 2005 (42 U.S.C.*
11 *16451))” after “non-Federal public entity”;*

12 (B) *by inserting “or company” after “that*
13 *entity”;* and

14 (C) *by adding at the end the following: “To*
15 *the maximum extent practicable, the Secretary*
16 *shall ensure that expediting the evaluation of a*
17 *permit through the use of funds accepted and ex-*
18 *pended under this section does not adversely af-*
19 *fect the timeline for evaluation (in the Corps dis-*
20 *trict in which the project or activity is located)*
21 *of permits under the jurisdiction of the Depart-*
22 *ment of the Army of other entities that have not*
23 *contributed funds under this section.”;* and

24 (2) *by striking subsection (e).*

1 **SEC. 103. ENVIRONMENTAL STREAMLINING.**

2 (a) *DECLARATION OF POLICY.*—

3 (1) *IN GENERAL.*—Congress declares that—

4 (A) *the benefits of water resources projects*
5 *are important to the Nation’s economy and envi-*
6 *ronment;*

7 (B) *it is in the national interest to expedite*
8 *the delivery of water resources projects;*

9 (C) *it is in the national interest for Federal*
10 *and State agencies, local governments, Indian*
11 *tribes, and other entities involved in water re-*
12 *sources projects—*

13 (i) *to accelerate study completion and*
14 *project delivery and to reduce costs; and*

15 (ii) *to ensure that the planning, de-*
16 *sign, engineering, construction, and funding*
17 *of water resources projects is done in an ef-*
18 *ficent and effective manner, promoting ac-*
19 *countability for public investments and en-*
20 *couraging greater local and private sector*
21 *involvement in project financing and deliv-*
22 *ery while addressing public safety and pro-*
23 *tecting the environment; and*

24 (D) *delay in the delivery of water resources*
25 *studies and projects—*

1 (i) increases project costs, flood risks,
2 and local and Federal expenditures for
3 emergency management and recovery;

4 (ii) harms the economy of the United
5 States; and

6 (iii) impedes the shipment of goods for
7 the conduct of commerce.

8 (2) *POLICY.*—Given the declarations set forth in
9 paragraph (1), it is the policy of the United States
10 that—

11 (A) recommendations to Congress regarding
12 such projects should be accelerated by coordi-
13 nated and efficient environmental reviews and
14 cooperative efforts to quickly resolve disputes
15 during the development of water resources
16 projects;

17 (B) the Secretary shall have the lead role
18 among Federal agencies in facilitating the envi-
19 ronmental review process for water resources
20 projects;

21 (C) each Federal agency shall cooperate
22 with the Secretary to expedite the environmental
23 review process for water resources projects;

24 (D) programmatic approaches shall be used
25 if applicable to reduce the need for project-by-

1 *project reviews and decisions by Federal agen-*
2 *cies;*

3 *(E) the Secretary shall identify opportuni-*
4 *ties for non-Federal sponsors to assume respon-*
5 *sibilities of the Secretary if such responsibilities*
6 *can be assumed in a manner that protects public*
7 *health and safety, the environment, and public*
8 *participation; and*

9 *(F) the Assistant Secretary of the Army for*
10 *Civil Works shall identify and promote the de-*
11 *ployment of innovations aimed at reducing the*
12 *time and money required to deliver water re-*
13 *sources projects while protecting the environ-*
14 *ment.*

15 ***(b) STREAMLINED PROJECT DELIVERY.—***

16 ***(1) IN GENERAL.—****Section 2045 of the Water Re-*
17 *sources Development Act of 2007 (33 U.S.C. 2348) is*
18 *amended to read as follows:*

19 ***“SEC. 2045. STREAMLINED PROJECT DELIVERY.***

20 ***“(a) DEFINITIONS.—****In this section, the following defi-*
21 *nitions apply:*

22 ***“(1) ENVIRONMENTAL IMPACT STATEMENT.—****The*
23 *term ‘environmental impact statement’ means the de-*
24 *tailed statement of environmental impacts required to*

1 *be prepared pursuant to the National Environmental*
2 *Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

3 “(2) *ENVIRONMENTAL REVIEW PROCESS.*—

4 “(A) *IN GENERAL.*—*The term ‘environ-*
5 *mental review process’ means the process of pre-*
6 *paring an environmental impact statement, en-*
7 *vironmental assessment, categorical exclusion, or*
8 *other document under the National Environ-*
9 *mental Policy Act of 1969 (42 U.S.C. 4321 et*
10 *seq.) for a project study.*

11 “(B) *INCLUSIONS.*—*The term ‘environ-*
12 *mental review process’ includes the process for*
13 *and completion of any environmental permit,*
14 *approval, review, or study required for a project*
15 *study under any Federal law other than the Na-*
16 *tional Environmental Policy Act of 1969 (42*
17 *U.S.C. 4321 et seq.).*

18 “(3) *FEDERAL JURISDICTIONAL AGENCY.*—*The*
19 *term ‘Federal jurisdictional agency’ means a Federal*
20 *agency with jurisdiction over a review, analysis,*
21 *opinion, statement, permit, license, or other approval*
22 *or decision required for a project study under appli-*
23 *cable Federal laws, including regulations.*

24 “(4) *PROJECT.*—*The term ‘project’ means a*
25 *Corps of Engineers water resources project.*

1 “(5) *PROJECT SPONSOR*.—*The term ‘project*
2 *sponsor’ means the non-Federal interest as defined in*
3 *section 221(b) of the Flood Control Act of 1970 (42*
4 *U.S.C. 1962d–5b).*

5 “(6) *PROJECT STUDY*.—*The term ‘project study’*
6 *means a feasibility study for a project carried out*
7 *pursuant to section 905 of the Water Resources Devel-*
8 *opment Act of 1986 (33 U.S.C. 2282).*

9 “(b) *APPLICABILITY*.—*The procedures in this section*
10 *are applicable to all project studies initiated after the date*
11 *of enactment of the Water Resources Reform and Develop-*
12 *ment Act of 2013 and for which an environmental impact*
13 *statement is prepared under the National Environmental*
14 *Policy Act of 1969 (42 U.S.C. 4321 et seq.) and may be*
15 *applied, to the extent determined appropriate by the Sec-*
16 *retary, to other project studies initiated after such date of*
17 *enactment and for which an environmental review process*
18 *document is prepared under such Act.*

19 “(c) *LEAD AGENCIES*.—

20 “(1) *FEDERAL LEAD AGENCY*.—*The Corps of En-*
21 *gineers shall be the Federal lead agency in the envi-*
22 *ronmental review process for a project study.*

23 “(2) *NON-FEDERAL PROJECT SPONSOR AS JOINT*
24 *LEAD AGENCY*.—*At the discretion of the Secretary and*
25 *subject to the requirements of the National Environ-*

1 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),*
2 *a non-Federal project sponsor that is an agency de-*
3 *fined in subsection (a)—*

4 *“(A) may serve as a joint lead agency with*
5 *the Corps of Engineers for purposes of preparing*
6 *any environmental review process document*
7 *under the National Environmental Policy Act of*
8 *1969 (42 U.S.C. 4321 et seq.); and*

9 *“(B) may assist in the preparation of any*
10 *such environmental review process document re-*
11 *quired under the National Environmental Policy*
12 *Act of 1969 if the Secretary provides guidance in*
13 *the preparation process, participates in pre-*
14 *paring the document, independently evaluates*
15 *that document, and approves and adopts the doc-*
16 *ument before the Secretary takes any subsequent*
17 *action or makes any approval based on that doc-*
18 *ument.*

19 *“(3) ADOPTION AND USE OF DOCUMENTS.—Any*
20 *environmental review process document prepared in*
21 *accordance with this subsection shall be adopted and*
22 *used by any Federal agency in making any approval*
23 *of a project subject to this section as the document re-*
24 *quired to be completed under the National Environ-*
25 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to*

1 *the same extent that the Federal agency may adopt*
2 *or use a document prepared by another Federal agen-*
3 *cy under the National Environmental Policy Act of*
4 *1969 (42 U.S.C. 4321 et seq.).*

5 “(4) *ROLES AND RESPONSIBILITY OF FEDERAL*
6 *LEAD AGENCY.—With respect to the environmental re-*
7 *view process for any project, the Federal lead agency*
8 *shall have authority and responsibility—*

9 “(A) *to take such actions as are necessary*
10 *and proper, within the authority of the Federal*
11 *lead agency, to facilitate the expeditious resolu-*
12 *tion of the environmental review process for the*
13 *project study; and*

14 “(B) *to prepare or ensure that any required*
15 *environmental impact statement or other docu-*
16 *ment for a project study required to be completed*
17 *under the National Environmental Policy Act of*
18 *1969 (42 U.S.C. 4321 et seq.) is completed in ac-*
19 *cordance with this section and applicable Fed-*
20 *eral law.*

21 “(d) *PARTICIPATING AND COOPERATING AGENCIES.—*

22 “(1) *IDENTIFICATION.—The Federal lead agency*
23 *shall identify, as early as practicable in the environ-*
24 *mental review process for a project study, any Fed-*

1 *eral or State agency, local government, or Indian*
2 *tribe that may—*

3 *“(A) have jurisdiction over the project;*

4 *“(B) be required by law to conduct or issue*
5 *a review, analysis, opinion, or statement for the*
6 *project study; or*

7 *“(C) be required to make a determination*
8 *on issuing a permit, license, or other approval or*
9 *decision for the project study.*

10 *“(2) INVITATION.—*

11 *“(A) IN GENERAL.—The Federal lead agen-*
12 *cy shall invite any such agency identified under*
13 *paragraph (1) to become a participating or co-*
14 *operating agency in the environmental review*
15 *process for the project study.*

16 *“(B) DEADLINE.—An invitation to partici-*
17 *cate issued under subparagraph (A) shall estab-*
18 *lish a deadline by which a response to the invita-*
19 *tion shall be submitted, which may be extended*
20 *by the Federal lead agency for good cause.*

21 *“(3) FEDERAL COOPERATING AGENCY.—Any*
22 *Federal agency that is invited by the Federal lead*
23 *agency to participate in the environmental review*
24 *process for a project study shall be designated as a co-*
25 *operating agency by the Federal lead agency unless*

1 *the invited agency informs the Federal lead agency,*
2 *in writing, by the deadline specified in the invitation*
3 *that the invited agency—*

4 *“(A) has no jurisdiction or authority with*
5 *respect to the project;*

6 *“(B) has no expertise or information rel-*
7 *evant to the project study; and*

8 *“(C) does not intend to submit comments on*
9 *the project study.*

10 *“(4) EFFECT OF DESIGNATION.—*

11 *“(A) REQUIREMENT.—A participating or*
12 *cooperating agency shall comply with the re-*
13 *quirements of this section and any schedule es-*
14 *tablished under this section.*

15 *“(B) IMPLICATION.—Designation under this*
16 *subsection shall not imply that the participating*
17 *or cooperating agency—*

18 *“(i) supports a proposed project; or*

19 *“(ii) has any jurisdiction over, or spe-*
20 *cial expertise with respect to evaluation of,*
21 *the project.*

22 *“(5) CONCURRENT REVIEWS.—Each partici-*
23 *pating or cooperating agency shall—*

24 *“(A) carry out the obligations of that agen-*
25 *cy under other applicable law concurrently and*

1 *in conjunction with the required environmental*
2 *review process unless doing so would prevent*
3 *such agency from conducting needed analysis or*
4 *otherwise carrying out their obligations under*
5 *those other laws; and*

6 *“(B) formulate and implement administra-*
7 *tive, policy, and procedural mechanisms to en-*
8 *able the agency to ensure completion of the envi-*
9 *ronmental review process in a timely, coordi-*
10 *nated, and environmentally responsible manner.*

11 *“(e) PROGRAMMATIC COMPLIANCE.—*

12 *“(1) IN GENERAL.—The Secretary shall issue*
13 *guidance regarding the use of programmatic ap-*
14 *proaches to carry out the environmental review proc-*
15 *ess that—*

16 *“(A) eliminates repetitive discussions of the*
17 *same issues;*

18 *“(B) focuses on the actual issues ripe for*
19 *analyses at each level of review;*

20 *“(C) establishes a formal process for coordi-*
21 *nating with participating and cooperating agen-*
22 *cies, including the creation of a list of all data*
23 *that is needed to carry out the environmental re-*
24 *view process; and*

25 *“(D) complies with—*

1 “(i) *the National Environmental Pol-*
2 *icy Act of 1969 (42 U.S.C. 4321 et seq.);*
3 *and*

4 “(ii) *all other applicable laws.*

5 “(2) *REQUIREMENTS.—In carrying out para-*
6 *graph (1), the Secretary shall—*

7 “(A) *as the first step in drafting guidance*
8 *under that paragraph, consult with relevant Fed-*
9 *eral and State agencies, local governments, In-*
10 *Indian tribes, and the public on the use and scope*
11 *of the programmatic approaches;*

12 “(B) *emphasize the importance of collabora-*
13 *tion among relevant Federal agencies, State*
14 *agencies, local governments, and Indian tribes in*
15 *undertaking programmatic reviews, especially*
16 *with respect to reviews with a broad geo-*
17 *graphical scope;*

18 “(C) *ensure that the programmatic re-*
19 *views—*

20 “(i) *promote transparency, including*
21 *of the analyses and data used in the envi-*
22 *ronmental review process, the treatment of*
23 *any deferred issues raised by a Federal or*
24 *State agency, local government, Indian*
25 *tribe, or the public, and the temporal and*

1 *special scales to be used to analyze those*
2 *issues;*

3 “(ii) *use accurate and timely informa-*
4 *tion in the environmental review process,*
5 *including—*

6 “(I) *criteria for determining the*
7 *general duration of the usefulness of*
8 *the review; and*

9 “(II) *the timeline for updating*
10 *any out-of-date review;*

11 “(iii) *describe—*

12 “(I) *the relationship between pro-*
13 *grammatic analysis and future tiered*
14 *analysis; and*

15 “(II) *the role of the public in the*
16 *creation of future tiered analysis; and*

17 “(iv) *are available to other relevant*
18 *Federal and State agencies, local govern-*
19 *ments, Indian tribes, and the public;*

20 “(D) *allow not less than 60 days of public*
21 *notice and comment on any proposed guidance;*
22 *and*

23 “(E) *address any comments received under*
24 *subparagraph (D).*

25 “(f) *COORDINATED REVIEWS.—*

1 “(1) *COORDINATION PLAN.*—

2 “(A) *ESTABLISHMENT.*—*The Federal lead*
3 *agency, after consultation with each partici-*
4 *parting and cooperating agency and the non-Fed-*
5 *eral project sponsor or joint lead agency, as ap-*
6 *plicable, shall establish a plan for coordinating*
7 *public and agency participation in and com-*
8 *ment on the environmental review process for a*
9 *project study.*

10 “(B) *INCORPORATION.*—*In developing the*
11 *plan established under subparagraph (A), the*
12 *Federal lead agency shall take under consider-*
13 *ation the scheduling requirements under section*
14 *101 of the Water Resources Reform and Develop-*
15 *ment Act of 2013.*

16 “(2) *SCHEDULE.*—

17 “(A) *IN GENERAL.*—*The Federal lead agen-*
18 *cy, after consultation with each participating*
19 *and cooperating agency and the non-Federal*
20 *project sponsor or joint lead agency, as applica-*
21 *ble, shall establish, as part of the coordination*
22 *plan established in paragraph (1)(A), a schedule*
23 *for completion of the environmental review proc-*
24 *ess for the project study. In developing the sched-*
25 *ule, the Federal lead agency shall take under*

1 *consideration the scheduling requirements under*
2 *section 101 of the Water Resources Reform and*
3 *Development Act of 2013.*

4 “(B) *FACTORS FOR CONSIDERATION.*—*In es-*
5 *tablishing the schedule, the Federal lead agency*
6 *shall consider factors such as—*

7 “(i) *the responsibilities of partici-*
8 *parting and cooperating agencies under ap-*
9 *plicable laws;*

10 “(ii) *the resources available to the par-*
11 *ticipating and cooperating agencies and the*
12 *non-Federal project sponsor or joint lead*
13 *agency, as applicable;*

14 “(iii) *the overall size and complexity of*
15 *the project;*

16 “(iv) *the overall schedule for and cost*
17 *of the project; and*

18 “(v) *the sensitivity of the natural and*
19 *historic resources that may be affected by*
20 *the project.*

21 “(C) *CONSISTENCY WITH OTHER TIME PERI-*
22 *ODS.*—*A schedule under subparagraph (A) shall*
23 *be consistent with any other relevant time peri-*
24 *ods established under Federal law.*

1 “(D) *MODIFICATION.*—*The Federal lead*
2 *agency may—*

3 “(i) *lengthen a schedule established*
4 *under subparagraph (A) for good cause; or*

5 “(ii) *shorten a schedule only with the*
6 *concurrence of the affected participating*
7 *and cooperating agencies and the non-Fed-*
8 *eral project sponsor or joint lead agency, as*
9 *applicable.*

10 “(E) *DISSEMINATION.*—*A copy of a sched-*
11 *ule established under subparagraph (A) shall*
12 *be—*

13 “(i) *provided to each participating*
14 *and cooperating agency and the non-Fed-*
15 *eral project sponsor or joint lead agency, as*
16 *applicable; and*

17 “(ii) *made available to the public.*

18 “(3) *COMMENT DEADLINES.*—*The Federal lead*
19 *agency shall establish the following deadlines for com-*
20 *ment during the environmental review process for a*
21 *project study:*

22 “(A) *DRAFT ENVIRONMENTAL IMPACT*
23 *STATEMENTS.*—*For comments by agencies and*
24 *the public on a draft environmental impact*
25 *statement, a period of not more than 60 days*

1 *after such document is made publicly available,*
2 *unless—*

3 *“(i) a different deadline is established*
4 *by agreement of the Federal lead agency, all*
5 *participating and cooperating agencies, and*
6 *the non-Federal project sponsor or joint lead*
7 *agency, as applicable; or*

8 *“(ii) the deadline is extended by the*
9 *Federal lead agency for good cause.*

10 *“(B) OTHER COMMENT PERIODS.—For all*
11 *other comment periods established by the Federal*
12 *lead agency for agency or public comments in*
13 *the environmental review process, a period of not*
14 *more than 30 days after the date on which the*
15 *materials for which comment is requested are*
16 *made available, unless—*

17 *“(i) a different deadline is established*
18 *by agreement of the Federal lead agency, all*
19 *participating and cooperating agencies, and*
20 *the non-Federal project sponsor or joint lead*
21 *agency, as applicable; or*

22 *“(ii) the deadline is extended by the*
23 *Federal lead agency for good cause.*

24 *“(4) DEADLINES FOR DECISIONS UNDER OTHER*
25 *LAWS.—*

1 “(A) *PRIOR APPROVAL DEADLINE.*—If a
2 *participating or cooperating agency is required*
3 *to make a determination regarding or otherwise*
4 *approve or disapprove the project study prior to*
5 *the record of decision or finding of no significant*
6 *impact, such participating or cooperating agen-*
7 *cy shall make such determination or approval*
8 *not later than 30 days after the Federal lead*
9 *agency publishes notice of the availability of a*
10 *final environmental impact statement or other*
11 *final environmental document, or not later than*
12 *such other date that is otherwise required by law,*
13 *whichever occurs first.*

14 “(B) *OTHER DEADLINES.*—With regard to
15 *any determination or approval of a partici-*
16 *pating or cooperating agency that is not subject*
17 *to subparagraph (A), each participating or co-*
18 *operating agency shall make any required deter-*
19 *mination or otherwise approve or disapprove the*
20 *project study not later than 90 days after the*
21 *date that the Federal lead agency approves the*
22 *record of decision or finding of no significant*
23 *impact for the project study, or not later than*
24 *such other date that is otherwise required by law,*
25 *whichever occurs first.*

1 “(C) *RECORD CLOSED.*—*In the event that*
2 *any participating or cooperating agency fails to*
3 *make a determination or approve or disapprove*
4 *the project study within the applicable deadline*
5 *described in subparagraph (A), the Federal lead*
6 *agency may close the record and find the record*
7 *sufficient for the project study as it relates to*
8 *such agency determination or approval.*

9 “(g) *ISSUE IDENTIFICATION AND RESOLUTION.*—

10 “(1) *COOPERATION.*—*The Federal lead agency*
11 *and participating and cooperating agencies shall*
12 *work cooperatively in accordance with this section to*
13 *identify and resolve issues that may delay completion*
14 *of the environmental review process or result in the*
15 *denial of any approval required for the project study*
16 *under applicable laws.*

17 “(2) *FEDERAL LEAD AGENCY RESPONSIBIL-*
18 *ITIES.*—

19 “(A) *IN GENERAL.*—*The Federal lead agen-*
20 *cy shall make information available to the par-*
21 *ticipating and cooperating agencies as early as*
22 *practicable in the environmental review process*
23 *regarding the environmental and socioeconomic*
24 *resources located within the project area and the*

1 *general locations of the alternatives under con-*
2 *sideration.*

3 “(B) *DATA SOURCES.*—*Such information*
4 *under subparagraph (A) may be based on exist-*
5 *ing data sources, including geographic informa-*
6 *tion systems mapping.*

7 “(3) *PARTICIPATING AND COOPERATING AGENCY*
8 *RESPONSIBILITIES.*—*Based on information received*
9 *from the Federal lead agency, participating and co-*
10 *operating agencies shall identify, as early as prac-*
11 *ticable, any issues of concern regarding the potential*
12 *environmental or socioeconomic impacts of the*
13 *project, including any issues that may substantially*
14 *delay or prevent an agency from granting a permit*
15 *or other approval that is needed for the project study.*

16 “(4) *ACCELERATED ISSUE RESOLUTION AND*
17 *ELEVATION.*—

18 “(A) *IN GENERAL.*—*Upon the request of a*
19 *participating or cooperating agency or non-Fed-*
20 *eral project sponsor, the Secretary shall convene*
21 *an issue resolution meeting with the relevant*
22 *participating and cooperating agencies and the*
23 *non-Federal project sponsor or joint lead agency,*
24 *as applicable, to resolve issues that may—*

1 “(i) delay completion of the environ-
2 mental review process; or

3 “(ii) result in denial of any approval
4 required for the project study under appli-
5 cable laws.

6 “(B) MEETING DATE.—A meeting requested
7 under this paragraph shall be held not later than
8 21 days after the date on which the Secretary re-
9 ceives the request for the meeting, unless the Sec-
10 retary determines that there is good cause to ex-
11 tend that deadline.

12 “(C) NOTIFICATION.—Upon receipt of a re-
13 quest for a meeting under this paragraph, the
14 Secretary shall notify all relevant participating
15 and cooperating agencies of the request, includ-
16 ing the issue to be resolved and the date for the
17 meeting.

18 “(D) ELEVATION OF ISSUE RESOLUTION.—
19 If a resolution cannot be achieved within 30
20 days after a meeting under this paragraph and
21 a determination is made by the Secretary that
22 all information necessary to resolve the issue has
23 been obtained, the Secretary shall forward the
24 dispute to the heads of the relevant agencies for
25 resolution.

1 “(E) *CONVENTION BY SECRETARY.*—*The*
2 *Secretary may convene an issue resolution meet-*
3 *ing under this subsection at any time, at the dis-*
4 *cretion of the Secretary, regardless of whether a*
5 *meeting is requested under subparagraph (A).*

6 “(h) *STREAMLINED DOCUMENTATION AND DECISION-*
7 *MAKING.*—

8 “(1) *IN GENERAL.*—*The Federal lead agency in*
9 *the environmental review process for a project study,*
10 *in order to reduce paperwork and expedite decision-*
11 *making, shall prepare a condensed final environ-*
12 *mental impact statement under the National Envi-*
13 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et*
14 *seq.).*

15 “(2) *CONDENSED FORMAT.*—*A condensed final*
16 *environmental impact statement for a project study*
17 *in the environmental review process shall consist only*
18 *of—*

19 “(A) *an incorporation by reference of the*
20 *draft environmental impact statement;*

21 “(B) *any updates to specific pages or sec-*
22 *tions of the draft environmental impact state-*
23 *ment as appropriate; and*

1 “(C) responses to comments on the draft en-
2 vironmental impact statement and copies of the
3 comments.

4 “(3) *TIMING OF DECISION.*—Notwithstanding
5 any other provision of law, in conducting the envi-
6 ronmental review process for a project study, the Fed-
7 eral lead agency shall combine a final environmental
8 impact statement and a record of decision for the
9 project study into a single document if—

10 “(A) the alternative approved in the record
11 of decision is either a preferred alternative iden-
12 tified in the draft environmental impact state-
13 ment or is a modification of such preferred alter-
14 native developed in response to comments on the
15 draft environmental impact statement; and

16 “(B) the Federal lead agency has a written
17 commitment from parties responsible for imple-
18 mentation of the measures applicable to the ap-
19 proved alternative that are identified in the final
20 environmental impact statement that they will
21 implement those measures.

22 “(i) *LIMITATIONS.*—Nothing in this section shall pre-
23 empt or interfere with—

24 “(1) any practice of seeking, considering, or re-
25 sponding to public comment; or

1 “(2) *any power, jurisdiction, responsibility, or*
2 *authority that a Federal or State agency, local gov-*
3 *ernment, Indian tribe, or non-Federal project sponsor*
4 *has with respect to carrying out a project study or*
5 *any other provision of law applicable to a project.*

6 “(j) *TIMING OF CLAIMS.—*

7 “(1) *IN GENERAL.—Notwithstanding any other*
8 *provision of law, a claim arising under Federal law*
9 *seeking judicial review of a permit, license, or other*
10 *approval issued by a Federal agency for a project*
11 *study shall be barred unless it is filed not later than*
12 *150 days after publication of a notice in the Federal*
13 *Register announcing that the permit, license, or other*
14 *approval is final pursuant to the law under which the*
15 *agency action is taken, unless a shorter time is speci-*
16 *fied in the Federal law which allows judicial review.*
17 *Nothing in this subsection shall create a right to judi-*
18 *cial review or place any limit on filing a claim that*
19 *a person has violated the terms of a permit, license,*
20 *or other approval.*

21 “(2) *NEW INFORMATION.—The Secretary shall*
22 *consider new information received after the close of a*
23 *comment period if the information satisfies the re-*
24 *quirements for a supplemental environmental impact*
25 *statement under title 40, Code of Federal Regulations.*

1 *The preparation of a supplemental environmental im-*
2 *port statement or other environmental document*
3 *when required by this section shall be considered a*
4 *separate final agency action and the deadline for fil-*
5 *ing a claim for judicial review of such action shall*
6 *be 150 days after the date of publication of a notice*
7 *in the Federal Register announcing such action.*

8 “(k) *CATEGORICAL EXCLUSIONS.*—

9 “(1) *IN GENERAL.*—*Not later than 180 days*
10 *after the date of enactment of this subsection, the Sec-*
11 *retary shall—*

12 “(A) *survey the use by the Corps of Engi-*
13 *neers of categorical exclusions in projects;*

14 “(B) *publish a review of the survey that in-*
15 *cludes a description of—*

16 “(i) *the types of actions that were cat-*
17 *egorically excluded or may be the basis for*
18 *developing a new categorical exclusion; and*

19 “(ii) *any requests previously received*
20 *by the Secretary for new categorical exclu-*
21 *sions; and*

22 “(C) *solicit requests from other Federal*
23 *agencies and non-Federal project sponsors for*
24 *new categorical exclusions.*

1 “(2) *NEW CATEGORICAL EXCLUSIONS.*—Not later
2 than 1 year after the date of enactment of this sub-
3 section, if the Secretary identifies, based on the review
4 under paragraph (1), a category of activities that
5 merit establishing a categorical exclusion not in exist-
6 ence on the day before the date of enactment of this
7 subsection, the Secretary shall publish a notice of pro-
8 posed rulemaking to propose that new categorical ex-
9 clusion, to the extent that the categorical exclusion
10 meets the criteria for a categorical exclusion under
11 section 1508.4 of title 40, Code of Federal Regulations
12 (or successor regulation).

13 “(1) *IMPLEMENTATION GUIDANCE.*—The Secretary
14 shall prepare guidance documents that describe the proc-
15 esses that the Secretary will use to implement this section.”.

16 (2) *CLERICAL AMENDMENT.*—The table of con-
17 tents contained in section 1(b) of the Water Resources
18 Development Act of 2007 is amended by striking the
19 item relating to section 2045 and inserting the fol-
20 lowing:

“Sec. 2045. Streamlined project delivery.”.

21 (c) *CATEGORICAL EXCLUSION IN EMERGENCIES.*—For
22 the repair, reconstruction, or rehabilitation of a water re-
23 sources project that is in operation or under construction
24 when damaged by an event or incident that results in a
25 declaration by the President of a major disaster or emer-

1 *gency pursuant to the Robert T. Stafford Disaster Relief*
2 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the*
3 *Secretary shall treat such repair, reconstruction, or reha-*
4 *bilitation activity as a class of action categorically excluded*
5 *from the requirements relating to environmental assess-*
6 *ments or environmental impact statements under section*
7 *1508.4 of title 40, Code of Federal Regulations, if such re-*
8 *pair or reconstruction activity is in the same location with*
9 *the same capacity, dimensions, and design as the original*
10 *water resources project as before the declaration described*
11 *in this section.*

12 **SEC. 104. CONSOLIDATION OF STUDIES.**

13 (a) *IN GENERAL.*—

14 (1) *REPEAL.*—*Section 905(b) of the Water Re-*
15 *sources Development Act of 1986 (33 U.S.C. 2282(b))*
16 *is repealed.*

17 (2) *CONFORMING AMENDMENT.*—*Section*
18 *905(a)(1) of such Act (33 U.S.C. 2282(a)(1)) is*
19 *amended by striking “perform a reconnaissance study*
20 *and”.*

21 (b) *CONTENTS OF FEASIBILITY REPORTS.*—*Section*
22 *905(a)(2) of such Act (33 U.S.C. 2282(a)(2)) is amended*
23 *by adding at the end the following: “A feasibility report*
24 *shall include a preliminary analysis of the Federal interest*

1 *and the costs, benefits, and environmental impacts of the*
2 *project.”.*

3 (c) *APPLICABILITY.—The Secretary shall continue to*
4 *carry out a study for which a reconnaissance level inves-*
5 *tigation has been initiated before the date of enactment of*
6 *this Act as if this section, including the amendments made*
7 *by this section, had not been enacted.*

8 **SEC. 105. REMOVAL OF DUPLICATIVE ANALYSES.**

9 *Section 911 of the Water Resources Development Act*
10 *of 1986 (33 U.S.C. 2288) is repealed.*

11 **SEC. 106. EXPEDITING APPROVAL OF MODIFICATIONS AND**
12 **ALTERATIONS OF PROJECTS BY NON-FED-**
13 **ERAL INTERESTS.**

14 (a) *IN GENERAL.—Not later than 1 year after the date*
15 *of enactment of this Act, the Secretary, after providing no-*
16 *tice and an opportunity for comment, shall establish a proc-*
17 *ess for the review of section 14 applications in a timely*
18 *and consistent manner.*

19 (b) *SECTION 14 APPLICATION DEFINED.—In this sec-*
20 *tion, the term “section 14 application” means an applica-*
21 *tion submitted by an applicant to the Secretary requesting*
22 *permission for the temporary occupation or use of a public*
23 *work, or the alteration or permanent occupation or use of*
24 *a public work, under section 14 of the Act entitled “An Act*
25 *making appropriations for the construction, repair, and*

1 *preservation of certain public works on rivers and harbors,*
2 *and for other purposes”, approved March 3, 1899 (com-*
3 *monly known as the “Rivers and Harbors Appropriation*
4 *Act of 1899”) (33 U.S.C. 408).*

5 *(c) BENCHMARK GOALS.—*

6 *(1) ESTABLISHMENT OF BENCHMARK GOALS.—*

7 *In carrying out subsection (a), the Secretary shall—*

8 *(A) establish benchmark goals for deter-*
9 *mining the amount of time it should take the*
10 *Secretary to determine whether a section 14 ap-*
11 *plication is complete;*

12 *(B) establish benchmark goals for deter-*
13 *mining the amount of time it should take the*
14 *Secretary to approve or disapprove a section 14*
15 *application; and*

16 *(C) to the extent practicable, use such*
17 *benchmark goals to make a decision on section*
18 *14 applications in a timely and consistent man-*
19 *ner.*

20 *(2) BENCHMARK GOALS.—*

21 *(A) BENCHMARK GOALS FOR DETERMINING*
22 *WHETHER SECTION 14 APPLICATIONS ARE COM-*
23 *plete.—To the extent practicable, the bench-*
24 *mark goals established under paragraph (1) shall*
25 *provide that—*

1 (i) the Secretary reach a decision on
2 whether a section 14 application is complete
3 not later than 15 days after the date of re-
4 ceipt of the application; and

5 (ii) if the Secretary determines that a
6 section 14 application is not complete, the
7 Secretary promptly notify the applicant of
8 the specific information that is missing or
9 the analysis that is needed to complete the
10 application.

11 (B) *BENCHMARK GOALS FOR REVIEWING*
12 *COMPLETED APPLICATIONS.—To the extent prac-*
13 *ticable, the benchmark goals established under*
14 *paragraph (1) shall provide that—*

15 (i) the Secretary generally approve or
16 disapprove a completed section 14 applica-
17 tion not later than 45 days after the date
18 of receipt of the completed application; and

19 (ii) in a case in which the Secretary
20 determines that additional time is needed to
21 review a completed section 14 application
22 due to the type, size, cost, complexity, or
23 impacts of the actions proposed in the ap-
24 plication, the Secretary approve or dis-
25 approve the application not later than 180

1 days after the date of receipt of the com-
2 pleted application.

3 (3) *NOTICE.*—*In any case in which the Sec-*
4 *retary determines that it will take the Secretary more*
5 *than 45 days to review a completed section 14 appli-*
6 *cation, the Secretary shall—*

7 (A) *provide written notification to the ap-*
8 *plicant; and*

9 (B) *include in the written notice a best esti-*
10 *mate of the Secretary as to the amount of time*
11 *required for completion of the review.*

12 (d) *FAILURE TO ACHIEVE BENCHMARK GOALS.*—*In*
13 *any case in which the Secretary fails make a decision on*
14 *a section 14 application in accordance with the process es-*
15 *tablished under this section, the Secretary shall provide*
16 *written notice to the applicant, including a detailed de-*
17 *scription of—*

18 (1) *why the Secretary failed to make a decision*
19 *in accordance with such process;*

20 (2) *the additional actions required before the*
21 *Secretary will issue a decision; and*

22 (3) *the amount of time the Secretary will require*
23 *to issue a decision.*

24 (e) *NOTIFICATION.*—

1 (1) *SUBMISSION TO CONGRESS.*—*The Secretary*
 2 *shall provide a copy of any written notice provided*
 3 *under subsection (d) to the Committee on Transpor-*
 4 *tation and Infrastructure of the House of Representa-*
 5 *tives and the Committee on Environment and Public*
 6 *Works of the Senate.*

7 (2) *PUBLIC AVAILABILITY.*—*The Secretary shall*
 8 *maintain a publicly available database, including on*
 9 *the Internet, on—*

10 (A) *all section 14 applications received by*
 11 *the Secretary; and*

12 (B) *the current status of such applications.*

13 **SEC. 107. CONSTRUCTION OF PROJECTS BY NON-FEDERAL**
 14 **INTERESTS.**

15 (a) *CONSTRUCTION OF WATER RESOURCES DEVELOP-*
 16 *MENT PROJECTS.*—*Section 211 of the Water Resources De-*
 17 *velopment Act of 1996 (33 U.S.C. 701b–13) is amended—*

18 (1) *in the section heading by striking “**FLOOD***
 19 ***CONTROL**” and inserting “**WATER RESOURCES***
 20 ***DEVELOPMENT**”;* and

21 (2) *by striking “flood control” each place it ap-*
 22 *pears and inserting “water resources development”.*

23 (b) *COMPLETION OF STUDIES AND DESIGN ACTIVI-*
 24 *TIES.*—*Section 211(c) of such Act (33 U.S.C. 701b–13(c))*
 25 *is amended by striking “date of the enactment of this Act”*

1 *and inserting “date of enactment of the Water Resources*
2 *Reform and Development Act of 2013”.*

3 *(c) AUTHORITY TO CARRY OUT IMPROVEMENTS.—Sec-*
4 *tion 211(d)(1) of such Act (33 U.S.C. 701b–13(d)(1)) is*
5 *amended—*

6 *(1) by striking subparagraph (A)(i) and insert-*
7 *ing the following:*

8 *“(i) IN GENERAL.—A non-Federal in-*
9 *terest may carry out construction for which*
10 *studies and design documents are prepared*
11 *under subsection (b) only if—*

12 *“(I) the Secretary approves the*
13 *project for construction; and*

14 *“(II) the project is specifically au-*
15 *thorized by Congress.”; and*

16 *(2) by striking subparagraph (B) and inserting*
17 *the following:*

18 *“(B) STUDIES AND DESIGN ACTIVITIES*
19 *UNDER SUBSECTION (c).—Any non-Federal in-*
20 *terest that has received from the Secretary under*
21 *subsection (c) a favorable recommendation to*
22 *carry out a water resources development project,*
23 *or separable element thereof, based on the results*
24 *of completed studies and design documents for*

1 *the project or element may carry out the project*
 2 *or element if—*

3 “(i) a final environmental impact
 4 statement under the National Environ-
 5 mental Policy Act of 1969 (42 U.S.C. 4321
 6 et seq.) has been filed for the project or ele-
 7 ment; and

8 “(ii) the project is specifically author-
 9 ized by Congress.”.

10 (d) *REIMBURSEMENT.*—Section 211(e) of such Act (33
 11 *U.S.C. 701b–13(e)*) is amended—

12 (1) *in paragraph (1)—*

13 (A) *in subparagraph (B) by striking “and”*
 14 *at the end;*

15 (B) *in subparagraph (C) by striking the pe-*
 16 *riod at the end and inserting “; and”; and*

17 (C) *by adding at the end the following:*

18 “(D) *if the project is specifically authorized*
 19 *by Congress.”; and*

20 (2) *in paragraph (6)—*

21 (A) *by striking subparagraph (B) and re-*
 22 *designating subparagraphs (C) and (D) as sub-*
 23 *paragraphs (B) and (C), respectively; and*

24 (B) *in subparagraph (B) (as so redesign-*
 25 *ated)—*

1 (i) by striking “At the request” and in-
2 serting “In accordance with section 221 of
3 the Flood Control Act of 1970 (42 U.S.C.
4 1962d–5b), at the request”; and

5 (ii) by inserting before the period at
6 the end the following: “, or toward the non-
7 Federal share of any other authorized water
8 resources development study or project of
9 such non-Federal interest”.

10 (e) *OTHER MATTERS.*—Section 211 of such Act (33
11 *U.S.C. 701b–13*) is amended by adding at the end the fol-
12 *lowing:*

13 “(h) *OPERATION AND MAINTENANCE OF NAVIGATION*
14 *PROJECTS.*—Whenever a non-Federal interest constructs
15 *improvements to a harbor or inland harbor, the Secretary*
16 *shall be responsible for maintenance in accordance with sec-*
17 *tion 101(b) of the Water Resources Development Act of 1986*
18 *(33 U.S.C. 2211(b)) if—*

19 “(1) *the Secretary determines, before construc-*
20 *tion, that the improvements, or separable elements*
21 *thereof, are economically justified and environ-*
22 *mentally acceptable;*

23 “(2) *the Secretary certifies that the project is*
24 *constructed in accordance with applicable permits*

1 *and the appropriate engineering and design stand-*
2 *ards;*

3 “(3) *the Secretary does not find that the project,*
4 *or separable element thereof, is no longer economically*
5 *justified or environmentally acceptable; and*

6 “(4) *the project is specifically authorized by Con-*
7 *gress.*

8 “(i) *IMPLEMENTATION.—All laws and regulations that*
9 *would apply to the Secretary if the Secretary were carrying*
10 *out a project shall apply to the non-Federal interest car-*
11 *rying out a project under this section.*

12 “(j) *NOTIFICATION OF COMMITTEES.—The Secretary*
13 *shall notify in writing the Committee on Transportation*
14 *and Infrastructure of the House of Representatives and the*
15 *Committee on Environment and Public Works of the Senate*
16 *prior to initiation of negotiations with a non-Federal inter-*
17 *est regarding the utilization of the authorities under this*
18 *section.”.*

19 “(f) *REPEALS.—The following provisions are repealed:*

20 “(1) *Section 204 of the Water Resources Develop-*
21 *ment Act of 1986 (33 U.S.C. 2232).*

22 “(2) *Section 206 of the Water Resources Develop-*
23 *ment Act of 1992 (33 U.S.C. 426i–1) and the item re-*
24 *lating to that section in the table of contents con-*
25 *tained in section 1(b) of that Act.*

1 (3) *Section 404 of the Water Resources Develop-*
2 *ment Act of 1990 (33 U.S.C. 2232 note; 104 Stat.*
3 *4646) and the item relating to that section in the*
4 *table of contents contained in section 1(b) of that Act.*

5 **SEC. 108. CONTRIBUTIONS BY NON-FEDERAL INTERESTS.**

6 (a) *IN GENERAL.*—Section 5 of the Act entitled “An
7 *Act authorizing the construction of certain public works on*
8 *rivers and harbors for flood control, and for other pur-*
9 *poses”, approved June 22, 1936 (33 U.S.C. 701h), is*
10 *amended—*

11 (1) *by striking “from States and political sub-*
12 *divisions thereof,” and inserting “from a non-Federal*
13 *interest (as defined in section 221 of the Flood Con-*
14 *trol Act of 1970 (42 U.S.C. 1962d–5b))”;*

15 (2) *by striking “, which includes planning and*
16 *design”;*

17 (3) *by inserting “, including a project for navi-*
18 *gation on the inland waterways,” after “study or*
19 *project”;*

20 (4) *by striking “by States and political subdivi-*
21 *sions thereof,” and inserting “by a non-Federal inter-*
22 *est”;*

23 (5) *by striking “: Provided further, That the*
24 *term ‘States’ means the several States, the District of*
25 *Columbia, the commonwealths, territories, and posses-*

1 sions of the United States, and Federally recognized
2 Indian tribes”; and

3 (6) by inserting “: And provided further, That
4 the term ‘work’ means the planning, design, or con-
5 struction of an authorized water resources develop-
6 ment study or project, or the repair, restoration, or
7 replacement of an authorized water resources develop-
8 ment project that has been damaged by an event or
9 incident that results in a declaration by the President
10 of a major disaster or emergency pursuant to the Rob-
11 ert T. Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5121 et seq.)” after “contributing
13 interests”.

14 (b) NOTIFICATION FOR CONTRIBUTED FUNDS.—Prior
15 to the initiation of negotiations for accepting contributed
16 funds under section 5 of the Act entitled “An Act author-
17 izing the construction of certain public works on rivers and
18 harbors for flood control, and for other purposes”, approved
19 June 22, 1936 (33 U.S.C. 701h), the Secretary shall provide
20 written notice to the Committee on Transportation and In-
21 frastructure and the Committee on Appropriations of the
22 House of Representatives and the Committee on Environ-
23 ment and Public Works and the Committee on Appropria-
24 tions of the Senate.

1 (c) *TECHNICAL AMENDMENTS.*—*The following provi-*
 2 *sions are repealed:*

3 (1) *Section 111(b) of the Energy and Water De-*
 4 *velopment and Related Agencies Appropriations Act,*
 5 *2012 (125 Stat. 858).*

6 (2) *Section 4 of the Act entitled “An Act making*
 7 *appropriations for the construction, repair, and pres-*
 8 *ervation of certain public works on rivers and har-*
 9 *bors, and for other purposes”, approved March 4,*
 10 *1915 (33 U.S.C. 560).*

11 **SEC. 109. CONTRIBUTIONS BY NON-FEDERAL INTERESTS**
 12 **FOR MANAGEMENT OF CORPS OF ENGINEERS**
 13 **INLAND NAVIGATION FACILITIES.**

14 (a) *IN GENERAL.*—*Section 225 of the Water Resources*
 15 *Development Act of 1992 (33 U.S.C. 2328) is amended—*

16 (1) *by striking the section designation and head-*
 17 *ing and inserting the following:*

18 **“SEC. 225. CONTRIBUTIONS BY NON-FEDERAL INTERESTS**
 19 **FOR MANAGEMENT OF CORPS OF ENGINEERS**
 20 **FACILITIES.”;**

21 (2) *in subsection (a) by striking “managing*
 22 *recreation facilities” and inserting “operating, main-*
 23 *taining, and managing inland navigational facilities,*
 24 *recreational facilities,”; and*

1 (3) *in subsection (b) by striking “and manage-*
 2 *ment of recreation facilities” and inserting “, mainte-*
 3 *nance, and management of inland navigation facili-*
 4 *ties, recreational facilities,”.*

5 (b) *CLERICAL AMENDMENT.—The table of contents*
 6 *contained in section 1(b) of the Water Resources Develop-*
 7 *ment Act of 1992 is amended by striking the item relating*
 8 *to section 225 and inserting the following:*

*“225. Contributions by non-Federal interests for management of Corps of Engi-
 neers facilities.”.*

9 **SEC. 110. ADDITIONAL CONTRIBUTIONS BY NON-FEDERAL**
 10 **INTERESTS.**

11 *Section 902 of the Water Resources Development Act*
 12 *of 1986 (33 U.S.C. 2280) is amended—*

13 (1) *by striking “In order to insure” and insert-*
 14 *ing “(a) IN GENERAL.—In order to insure”; and*

15 (2) *by adding at the end the following:*

16 “(b) *CONTRIBUTIONS BY NON-FEDERAL INTERESTS.—*
 17 *Notwithstanding subsection (a), in accordance with section*
 18 *5 of the Act entitled ‘An Act authorizing the construction*
 19 *of certain public works on rivers and harbors for flood con-*
 20 *trol, and for other purposes’, approved June 22, 1936 (33*
 21 *U.S.C. 701h), the Secretary may accept funds from a non-*
 22 *Federal interest for any authorized water resources develop-*
 23 *ment project that has exceeded its maximum cost under sub-*
 24 *section (a), and use such funds to carry out such project,*

1 *if the use of such funds does not increase the Federal share*
2 *of the cost of such project.”.*

3 **SEC. 111. CLARIFICATION OF IMPACTS TO OTHER FEDERAL**
4 **FACILITIES.**

5 *In any case where the modification or construction of*
6 *a water resources development project carried out by the*
7 *Secretary adversely impacts other Federal facilities, the*
8 *Secretary may accept from other Federal agencies such*
9 *funds as may be necessary to address the adverse impact,*
10 *including by removing, relocating, or reconstructing such*
11 *facilities.*

12 **SEC. 112. CLARIFICATION OF PREVIOUSLY AUTHORIZED**
13 **WORK.**

14 *(a) IN GENERAL.—The Secretary may carry out meas-*
15 *ures to improve fish species habitat within the boundaries*
16 *and downstream of a water resources project constructed by*
17 *the Secretary that includes a fish hatchery if the Sec-*
18 *retary—*

19 *(1) has been explicitly authorized to compensate*
20 *for fish losses associated with the project; and*

21 *(2) determines that the measures are—*

22 *(A) feasible;*

23 *(B) consistent with authorized project pur-*
24 *poses and the fish hatchery; and*

25 *(C) in the public interest.*

1 **(b) COST SHARING.**—

2 **(1) IN GENERAL.**—*Subject to paragraph (2), the*
3 *non-Federal interest shall contribute 35 percent of the*
4 *total cost of carrying out activities under this section,*
5 *including the costs relating to the provision or acqui-*
6 *sition of required land, easements, rights-of-way,*
7 *dredged material disposal areas, and relocations.*

8 **(2) OPERATION AND MAINTENANCE.**—*The non-*
9 *Federal interest shall contribute 100 percent of the*
10 *costs of operation, maintenance, replacement, repair,*
11 *and rehabilitation of the measures carried out under*
12 *this section.*

13 **SEC. 113. TRIBAL PARTNERSHIP PROGRAM.**

14 **(a) IN GENERAL.**—*Section 203 of the Water Resources*
15 *Development Act of 2000 (33 U.S.C. 2269) is amended—*

16 **(1) in subsection (d)(1)(B)—**

17 **(A) by striking “The ability” and inserting**
18 **the following:**

19 **“(i) IN GENERAL.—The ability”;** and

20 **(B) by adding at the end the following:**

21 **“(ii) DETERMINATION.—Not later than**
22 **180 days after the date of enactment of the**
23 **Water Resources Reform and Development**
24 **Act of 2013, the Secretary shall issue guid-**

1 *ance on the procedures described in clause*
2 *(i).”; and*

3 *(2) by striking subsection (e) and inserting the*
4 *following:*

5 *“(e) RESTRICTIONS.—The Secretary is authorized to*
6 *carry out activities under this section in fiscal years 2014*
7 *through 2023.”.*

8 *(b) COOPERATIVE AGREEMENTS WITH INDIAN*
9 *TRIBES.—The Secretary may enter into a cooperative*
10 *agreement with an Indian tribe (or a designated representa-*
11 *tive of an Indian tribe) to carry out authorized activities*
12 *of the Corps of Engineers to protect fish, wildlife, water*
13 *quality, and cultural resources.*

14 **SEC. 114. TECHNICAL CORRECTIONS.**

15 *(a) LIMITATION; STATUTORY CONSTRUCTION.—Sec-*
16 *tion 221(a)(4)(E) of the Flood Control Act of 1970 (42*
17 *U.S.C. 1962d–5b(a)(4)(E)) is amended by striking clause*
18 *(ii) and inserting the following:*

19 *“(ii) LIMITATION.—In any case in*
20 *which a specific provision of law provides*
21 *for a non-Federal interest to receive credit*
22 *toward the non-Federal share of the cost of*
23 *a study for, or construction or operation*
24 *and maintenance of, a water resources*
25 *project, the Secretary shall apply—*

1 “(I) the specific provision of law
2 instead of this paragraph; or

3 “(II) at the request of the non-
4 Federal interest, the specific provision
5 of law and such provisions of this
6 paragraph as the non-Federal interest
7 may request.

8 “(iii) *STATUTORY CONSTRUCTION.*—
9 Nothing in this subparagraph may be con-
10 strued to affect the applicability of subpara-
11 graph (C).”.

12 (b) *WATER RESOURCES PROJECT DEFINED.*—Section
13 221(b) of such Act (42 U.S.C. 1962d–5b(b)) is amended—

14 (1) by moving paragraphs (1) and (2) and the
15 matter following paragraph (2) 2 ems to the right;

16 (2) by redesignating paragraphs (1) and (2) as
17 subparagraphs (A) and (B), respectively;

18 (3) by striking “(b) *DEFINITION*” and all that
19 follows through “The term” and inserting the fol-
20 lowing:

21 “(b) *DEFINITIONS.*—

22 “(1) *NON-FEDERAL INTEREST.*—The term”; and
23 (4) by adding at the end the following:

24 “(2) *WATER RESOURCES PROJECT.*—The term
25 ‘water resources project’ includes projects studied, re-

1 *viewed, designed, constructed, operated and main-*
2 *tained, or otherwise subject to Federal participation*
3 *under the authority of the civil works program of the*
4 *Secretary of the Army for the purposes of navigation,*
5 *flood damage reduction, ecosystem restoration, hurri-*
6 *cane and storm damage reduction, water supply,*
7 *recreation, hydroelectric power, fish and wildlife con-*
8 *servation, water quality, environmental infrastruc-*
9 *ture, resource protection and development, and related*
10 *purposes.”.*

11 *(c) CORRECTION.—Section 221(c) of such Act (42*
12 *U.S.C. 1962d–5b(c)) is amended by striking “enforcible”*
13 *and inserting “enforceable”.*

14 *(d) FEDERAL ALLOCATION.—Section 2008(a) of the*
15 *Water Resources Development Act of 2007 (33 U.S.C.*
16 *2340(a)) is amended by adding at the end the following:*
17 *“This subsection shall apply without regard to whether the*
18 *original partnership agreement was entered into before, on,*
19 *or after the date of enactment of this subsection.”.*

20 *(e) IN-KIND CREDIT.—Section 221(a)(4)(C) of the*
21 *Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)(C))*
22 *is amended by striking “In any case” and all that follows*
23 *through the period at the end and inserting the following:*

24 *“(i) CONSTRUCTION.—*

1 “(I) *IN GENERAL.*—*In any case*
2 *in which the non-Federal interest is to*
3 *receive credit under subparagraph (A)*
4 *for the cost of construction carried out*
5 *by the non-Federal interest before exe-*
6 *cution of a partnership agreement and*
7 *that construction has not been carried*
8 *out as of the date of enactment of this*
9 *clause, the Secretary and the non-Fed-*
10 *eral interest shall enter into an agree-*
11 *ment under which the non-Federal in-*
12 *terest shall carry out such work and*
13 *shall do so prior to the non-Federal in-*
14 *terest initiating construction or issuing*
15 *a written notice to proceed for the con-*
16 *struction.*

17 “(II) *ELIGIBILITY.*—*Construction*
18 *that is carried out after the execution*
19 *of an agreement under subclause (I)*
20 *and any design activities that are re-*
21 *quired for that construction, even if the*
22 *design activity is carried out prior to*
23 *the execution of the agreement, shall be*
24 *eligible for credit.*

25 “(ii) *PLANNING.*—

1 “(I) *IN GENERAL.*—*In any case*
2 *in which the non-Federal interest is to*
3 *receive credit under subparagraph (A)*
4 *for the cost of planning carried out by*
5 *the non-Federal interest before execu-*
6 *tion of a feasibility cost sharing agree-*
7 *ment, the Secretary and the non-Fed-*
8 *eral interest shall enter into an agree-*
9 *ment under which the non-Federal in-*
10 *terest shall carry out such planning*
11 *and shall do so prior to the non-Fed-*
12 *eral interest initiating that planning.*

13 “(II) *ELIGIBILITY.*—*Planning*
14 *that is carried out by the non-Federal*
15 *interest after the execution of an agree-*
16 *ment under subclause (I) shall be eligi-*
17 *ble for credit.”.*

18 **SEC. 115. WATER INFRASTRUCTURE PUBLIC-PRIVATE PART-**
19 **nership Pilot Program.**

20 “(a) *IN GENERAL.*—*The Secretary shall establish a*
21 *pilot program to evaluate the cost effectiveness and project*
22 *delivery efficiency of allowing non-Federal interests to*
23 *carry out authorized water resources development projects*
24 *for coastal harbor improvement, channel improvement, in-*

1 *land navigation, flood damage reduction, aquatic ecosystem*
2 *restoration, and hurricane and storm damage reduction.*

3 (b) *PURPOSES.*—*The purposes of the pilot program es-*
4 *tablished under subsection (a) are—*

5 (1) *to identify cost-saving project delivery alter-*
6 *natives that reduce the backlog of authorized Corps of*
7 *Engineers projects; and*

8 (2) *to evaluate the technical, financial, and orga-*
9 *nizational benefits of allowing a non-Federal interest*
10 *to carry out and manage the design or construction*
11 *(or both) of 1 or more of such projects.*

12 (c) *SUBSEQUENT APPROPRIATIONS.*—*Any activity un-*
13 *dertaken under this section is authorized only to the extent*
14 *specifically provided for in subsequent appropriations Acts.*

15 (d) *ADMINISTRATION.*—*In carrying out the pilot pro-*
16 *gram established under subsection (a), the Secretary shall—*

17 (1) *identify for inclusion in the program at least*
18 *15 projects that are authorized for construction for*
19 *coastal harbor improvement, channel improvement,*
20 *inland navigation, flood damage reduction, or hurri-*
21 *cane and storm damage reduction;*

22 (2) *notify in writing the Committee on Trans-*
23 *portation and Infrastructure of the House of Rep-*
24 *resentatives and the Committee on Environment and*

1 *Public Works of the Senate of each project identified*
2 *under paragraph (1);*

3 *(3) in consultation with the non-Federal interest*
4 *associated with each project identified under para-*
5 *graph (1), develop a detailed project management*
6 *plan for the project that outlines the scope, financing,*
7 *budget, design, and construction resource require-*
8 *ments necessary for the non-Federal interest to execute*
9 *the project, or a separable element of the project;*

10 *(4) at the request of the non-Federal interest as-*
11 *sociated with each project identified under paragraph*
12 *(1), enter into a project partnership agreement with*
13 *the non-Federal interest under which the non-Federal*
14 *interest is provided full project management control*
15 *for the financing, design, or construction (or any*
16 *combination thereof) of the project, or a separable ele-*
17 *ment of the project, in accordance with plans ap-*
18 *proved by the Secretary;*

19 *(5) following execution of a project partnership*
20 *agreement under paragraph (4) and completion of all*
21 *work under the agreement, issue payment, in accord-*
22 *ance with subsection (g), to the relevant non-Federal*
23 *interest for that work; and*

24 *(6) regularly monitor and audit each project*
25 *carried out under the program to ensure that all ac-*

1 *tivities related to the project are carried out in com-*
2 *pliance with plans approved by the Secretary and*
3 *that construction costs are reasonable.*

4 *(e) SELECTION CRITERIA.—In identifying projects*
5 *under subsection (d)(1), the Secretary shall consider the ex-*
6 *tent to which the project—*

7 *(1) is significant to the economy of the United*
8 *States;*

9 *(2) leverages Federal investment by encouraging*
10 *non-Federal contributions to the project;*

11 *(3) employs innovative project delivery and cost-*
12 *saving methods;*

13 *(4) received Federal funds in the past and expe-*
14 *rienced delays or missed scheduled deadlines;*

15 *(5) has unobligated Corps of Engineers funding*
16 *balances; and*

17 *(6) has not received Federal funding for recap-*
18 *italization and modernization since the project was*
19 *authorized.*

20 *(f) DETAILED PROJECT SCHEDULE.—Not later than*
21 *180 days after entering into a project partnership agree-*
22 *ment under subsection (d)(4), a non-Federal interest, to the*
23 *maximum extent practicable, shall submit to the Secretary*
24 *a detailed project schedule for the relevant project, based*

1 *on estimated funding levels, that specifies deadlines for each*
2 *milestone with respect to the project.*

3 (g) *PAYMENT.*—*Payment to the non-Federal interest*
4 *for work completed pursuant to a project partnership agree-*
5 *ment under subsection (d)(4) may be made from—*

6 (1) *if applicable, the balance of the unobligated*
7 *amounts appropriated for the project;*

8 (2) *other amounts appropriated to the Corps of*
9 *Engineers, except that the total amount transferred to*
10 *the non-Federal interest may not exceed the estimate*
11 *of the Federal share of the cost of construction, includ-*
12 *ing any required design; and*

13 (3) *revenue generated by the project.*

14 (h) *TECHNICAL ASSISTANCE.*—*At the request of a non-*
15 *Federal interest participating in the pilot program estab-*
16 *lished under subsection (a), the Secretary may provide to*
17 *the non-Federal interest, if the non-Federal interest con-*
18 *tracts with and compensates the Secretary, technical assist-*
19 *ance with respect to—*

20 (1) *a study, engineering activity, or design ac-*
21 *tivity related to a project carried out by the non-Fed-*
22 *eral interest under the program; and*

23 (2) *obtaining permits necessary for such a*
24 *project.*

25 (i) *IDENTIFICATION OF IMPEDIMENTS.*—

1 (1) *IN GENERAL.*—*The Secretary shall—*

2 (A) *except as provided in paragraph (2),*
3 *identify any procedural requirements under the*
4 *authority of the Secretary that impede greater*
5 *use of public-private partnerships and private*
6 *investment in water resources development*
7 *projects;*

8 (B) *develop and implement, on a project-by-*
9 *project basis, procedures and approaches that—*

10 (i) *address such impediments; and*

11 (ii) *protect the public interest and any*
12 *public investment in water resources devel-*
13 *opment projects that involve public-private*
14 *partnerships or private investment in water*
15 *resources development projects; and*

16 (C) *not later than 1 year after the date of*
17 *enactment of this section, issue rules to carry out*
18 *the procedures and approaches developed under*
19 *subparagraph (B).*

20 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
21 *section may be construed to allow the Secretary to*
22 *wave any requirement under—*

23 (A) *sections 3141 through 3148 and sections*
24 *3701 through 3708 of title 40, United States*
25 *Code;*

1 (B) *the National Environmental Policy Act*
2 *of 1969 (42 U.S.C. 4321 et seq.); or*

3 (C) *any other provision of Federal law.*

4 (j) *PUBLIC BENEFIT STUDIES.—*

5 (1) *IN GENERAL.—Before entering into a project*
6 *partnership agreement under subsection (d)(4), the*
7 *Secretary shall conduct an assessment of whether, and*
8 *provide justification in writing to the Committee on*
9 *Transportation and Infrastructure of the House of*
10 *Representatives and the Committee on Environment*
11 *and Public Works of the Senate that, the proposed*
12 *agreement provides better public and financial bene-*
13 *fits than a similar transaction using public funding*
14 *or financing.*

15 (2) *REQUIREMENTS.—An assessment under*
16 *paragraph (1) shall—*

17 (A) *be completed in a period of not more*
18 *than 90 days;*

19 (B) *take into consideration any supporting*
20 *materials and data submitted by the relevant*
21 *non-Federal interest and other stakeholders; and*

22 (C) *determine whether the proposed project*
23 *partnership agreement is in the public interest*
24 *by determining whether the agreement will pro-*
25 *vide public and financial benefits, including ex-*

1 *pedited project delivery and savings for tax-*
2 *payers.*

3 *(k) NON-FEDERAL FUNDING.—A project carried out*
4 *under the pilot program established under subsection (a)*
5 *may consist of the non-Federal interest financing the non-*
6 *Federal share of the project.*

7 *(l) APPLICABILITY OF FEDERAL LAW.—Any provision*
8 *of Federal law that would apply to the Secretary if the Sec-*
9 *retary were carrying out a project shall apply to a non-*
10 *Federal interest carrying out a project under this section.*

11 *(m) COST SHARE.—Nothing in this section affects a*
12 *cost-sharing requirement under Federal law that is applica-*
13 *ble to a project carried out under the pilot program estab-*
14 *lished under subsection (a).*

15 *(n) REPORT.—Not later than 3 years after the date*
16 *of enactment of this Act, the Secretary shall submit to the*
17 *Committee on Transportation and Infrastructure of the*
18 *House of Representatives and the Committee on Environ-*
19 *ment and Public Works of the Senate a report describing*
20 *the results of the pilot program established under subsection*
21 *(a), including any recommendations of the Secretary con-*
22 *cerning whether the program or any component of the pro-*
23 *gram should be implemented on a national basis.*

1 (o) *NON-FEDERAL INTEREST DEFINED.*—*In this sec-*
2 *tion, the term “non-Federal interest” includes non-Federal*
3 *government entities and private entities.*

4 **SEC. 116. ANNUAL REPORT TO CONGRESS.**

5 (a) *IN GENERAL.*—*Not later than February 1 of each*
6 *year, the Secretary shall develop and submit to the Com-*
7 *mittee on Transportation and Infrastructure of the House*
8 *of Representatives and the Committee on Environment and*
9 *Public Works of the Senate an annual report, to be entitled*
10 *“Report to Congress on Future Water Resources Develop-*
11 *ment”, that identifies the following:*

12 (1) *FEASIBILITY REPORTS.*—*Each feasibility re-*
13 *port that meets the criteria established in subsection*
14 *(c)(1)(A).*

15 (2) *PROPOSED FEASIBILITY STUDIES.*—*Any pro-*
16 *posed feasibility study submitted to the Secretary by*
17 *a non-Federal interest pursuant to subsection (b) that*
18 *meets the criteria established in subsection (c)(1)(A).*

19 (3) *PROPOSED MODIFICATIONS.*—*Any proposed*
20 *modification to an authorized water resources devel-*
21 *opment project or feasibility study that meets the cri-*
22 *teria established in subsection (c)(1)(A) that—*

23 (A) *is submitted to the Secretary by a non-*
24 *Federal interest pursuant to subsection (b); or*

1 (B) is identified by the Secretary for au-
2 thorization.

3 (b) *REQUESTS FOR PROPOSALS.*—

4 (1) *PUBLICATION.*—Not later than May 1 of each
5 year, the Secretary shall publish in the Federal Reg-
6 ister a notice requesting proposals from non-Federal
7 interests for proposed feasibility studies and proposed
8 modifications to authorized water resources develop-
9 ment projects and feasibility studies to be included in
10 the annual report.

11 (2) *DEADLINE FOR REQUESTS.*—The Secretary
12 shall include in each notice required by this sub-
13 section a requirement that non-Federal interests sub-
14 mit to the Secretary any proposals described in para-
15 graph (1) by not later than 120 days after the date
16 of publication of the notice in the Federal Register in
17 order for such proposals to be considered for inclusion
18 in the annual report.

19 (3) *NOTIFICATION.*—On the date of publication
20 of each notice required by this subsection, the Sec-
21 retary shall—

22 (A) make the notice publicly available, in-
23 cluding on the Internet; and

24 (B) provide written notification of such
25 publication to the Committee on Transportation

1 *and Infrastructure of the House of Representa-*
2 *tives and the Committee on Environment and*
3 *Public Works of the Senate.*

4 *(c) CONTENTS.—*

5 *(1) FEASIBILITY REPORTS, PROPOSED FEASI-*
6 *BILITY STUDIES, AND PROPOSED MODIFICATIONS.—*

7 *(A) CRITERIA FOR INCLUSION IN REPORT.—*

8 *The Secretary shall include in the annual report*
9 *only those feasibility reports, proposed feasibility*
10 *studies, and proposed modifications to author-*
11 *ized water resources development projects and*
12 *feasibility studies that—*

13 *(i) are related to the missions and au-*
14 *thorities of the Corps of Engineers;*

15 *(ii) require specific authorization by*
16 *Congress in law or otherwise;*

17 *(iii) are not authorized by Congress;*

18 *(iv) have not been included in any pre-*
19 *vious annual report; and*

20 *(v) if authorized, could be carried out*
21 *by the Corps of Engineers.*

22 *(B) DESCRIPTION OF BENEFITS.—For each*
23 *proposed feasibility study and proposed modi-*
24 *fication to an authorized water resources devel-*
25 *opment project or feasibility study included in*

1 *the annual report, the Secretary shall describe*
2 *the potential benefit of the proposed feasibility*
3 *study or modification, including, to the extent*
4 *applicable, whether the water resources develop-*
5 *ment project that is the subject of the proposed*
6 *feasibility study, or the proposed modification,*
7 *will—*

8 *(i) reduce risks to human life or public*
9 *safety or property;*

10 *(ii) benefit the national economy;*

11 *(iii) stimulate the creation of jobs;*

12 *(iv) reduce the need for future disaster*
13 *relief;*

14 *(v) promote the development and deliv-*
15 *ery of domestic energy resources;*

16 *(vi) improve the competitiveness of*
17 *United States exports;*

18 *(vii) improve water-related transpor-*
19 *tation for interstate or international com-*
20 *merce;*

21 *(viii) restore or protect, or mitigate the*
22 *impacts of a water resources development*
23 *project on, the environment; or*

1 *(ix) promote the use of cost-effective*
2 *and sustainable solutions to water resources*
3 *challenges.*

4 (2) *TRANSPARENCY.—The Secretary shall in-*
5 *clude in the annual report, for each feasibility report,*
6 *proposed feasibility study, and proposed modification*
7 *to an authorized water resources development project*
8 *or feasibility study included under paragraph*
9 *(1)(A)—*

10 (A) *the name of the associated non-Federal*
11 *interest, including the name of any non-Federal*
12 *interest that has contributed, or is expected to*
13 *contribute, a non-Federal share of the cost of—*

14 (i) *the feasibility report;*

15 (ii) *the proposed feasibility study;*

16 (iii) *the authorized feasibility study for*
17 *which the modification is proposed; or*

18 (iv) *construction of—*

19 (I) *the water resources develop-*
20 *ment project that is the subject of—*

21 (aa) *the feasibility report;*

22 (bb) *the proposed feasibility*
23 *study; or*

1 (cc) the authorized feasibility
2 study for which a modification is
3 proposed; or

4 (II) the proposed modification to
5 an authorized water resources develop-
6 ment project;

7 (B) a letter or statement of support for the
8 feasibility report, proposed feasibility study, or
9 proposed modification to an authorized water re-
10 sources development project or feasibility study
11 from each associated non-Federal interest;

12 (C) the purpose of the feasibility report,
13 proposed feasibility study, or proposed modifica-
14 tion to an authorized water resources develop-
15 ment project or feasibility study;

16 (D) an estimate of the Federal, non-Federal,
17 and total costs of—

18 (i) the proposed feasibility study, or
19 proposed modification to an authorized fea-
20 sibility study; and

21 (ii) construction of—

22 (I) the water resources develop-
23 ment project that is the subject of—

24 (aa) the feasibility report; or

1 *(bb) the authorized feasibility*
2 *study for which a modification is*
3 *proposed, with respect to the*
4 *change in costs resulting from*
5 *such modification; or*

6 *(II) the proposed modification to*
7 *an authorized water resources develop-*
8 *ment project; and*

9 *(E) an estimate, to the extent practicable, of*
10 *the monetary and nonmonetary benefits of—*

11 *(i) the water resources development*
12 *project that is the subject of—*

13 *(I) the feasibility report;*

14 *(II) the proposed feasibility study;*

15 *or*

16 *(III) the authorized feasibility*
17 *study for which a modification is pro-*
18 *posed, with respect to the benefits of*
19 *such modification; or*

20 *(ii) the proposed modification to an*
21 *authorized water resources development*
22 *project.*

23 *(3) CERTIFICATION.—The Secretary shall include*
24 *in the annual report a certification stating that each*
25 *feasibility report, proposed feasibility study, and pro-*

1 *posed modification to an authorized water resources*
2 *development project or feasibility study included in*
3 *the annual report meets the criteria in paragraph*
4 *(1)(A).*

5 *(4) APPENDIX.—The Secretary shall include in*
6 *the annual report an appendix listing the proposals*
7 *submitted under subsection (b) that were not included*
8 *in the annual report under paragraph (1)(A) and a*
9 *description of why the Secretary determined that*
10 *those proposals did not meet the criteria for inclusion*
11 *under such paragraph.*

12 *(d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—*
13 *Notwithstanding any other deadlines required by this sec-*
14 *tion, the Secretary shall—*

15 *(1) not later than 30 days after the date of en-*
16 *actment of this Act, publish in the Federal Register*
17 *a notice required by subsection (b)(1);*

18 *(2) include in such notice a requirement that*
19 *non-Federal interests submit to the Secretary any*
20 *proposals described in subsection (b)(1) by not later*
21 *than 90 days after the date of publication of such no-*
22 *tice in the Federal Register in order for such pro-*
23 *posals to be considered for inclusion in the first an-*
24 *annual report developed by the Secretary under this sec-*
25 *tion; and*

1 (3) *not later than 180 days after the date of en-*
2 *actment of this Act, submit an annual report to the*
3 *Committee on Transportation and Infrastructure of*
4 *the House of Representatives and the Committee on*
5 *Environment and Public Works of the Senate.*

6 (e) *PUBLICATION.*—*Upon submission of the annual re-*
7 *port to Congress, the Secretary shall make the annual report*
8 *publicly available, including through publication on the*
9 *Internet.*

10 (f) *DEFINITIONS.*—*In this section, the following defini-*
11 *tions apply:*

12 (1) *ANNUAL REPORT.*—*The term “annual re-*
13 *port” means the report required by subsection (a).*

14 (2) *FEASIBILITY REPORT.*—*The term “feasibility*
15 *report” means a final feasibility report developed*
16 *under section 905 of the Water Resources Development*
17 *Act of 1986 (33 U.S.C. 2282), and includes—*

18 (A) *a report described in section 105(d)(2)*
19 *of such Act (33 U.S.C. 2215(d)(2)); and*

20 (B) *where applicable, any associated report*
21 *of the Chief of Engineers.*

22 (3) *FEASIBILITY STUDY.*—*The term “feasibility*
23 *study” has the meaning given that term in section*
24 *105 of the Water Resources Development Act of 1986*
25 *(33 U.S.C. 2215).*

1 (4) *NON-FEDERAL INTEREST.*—*The term “non-*
2 *Federal interest” has the meaning given that term in*
3 *section 221 of the Flood Control Act of 1970 (42*
4 *U.S.C. 1962d–5b).*

5 **SEC. 117. ACTIONS TO BE TAKEN IN CONJUNCTION WITH**
6 **THE PRESIDENT’S ANNUAL BUDGET SUBMIS-**
7 **SION TO CONGRESS.**

8 (a) *RECOMMENDATIONS FOR CORPS OF ENGINEERS*
9 *CONSTRUCTION PROJECTS IN PRESIDENT’S BUDGET.*—

10 (1) *IN GENERAL.*—*For each fiscal year, as part*
11 *of the President’s annual budget submission to Con-*
12 *gress under section 1105(a) of title 31, United States*
13 *Code, the President shall—*

14 (A) *identify and recommend Corps of Engi-*
15 *neers construction projects for which Congress*
16 *should provide funding at the full level author-*
17 *ized for the project; and*

18 (B) *provide an explanation of the process*
19 *used by the President in making the rec-*
20 *ommendations.*

21 (2) *COVERED PERIOD.*—*The President shall*
22 *make recommendations under paragraph (1) for the*
23 *fiscal year for which the budget submission is pre-*
24 *pared and each of the succeeding 4 fiscal years.*

1 (3) *BASIS FOR MAKING RECOMMENDATIONS.*—
2 *The President shall base recommendations under*
3 *paragraph (1) on the assumption that \$2,000,000,000*
4 *will be appropriated for Corps of Engineers construc-*
5 *tion projects for each fiscal year.*

6 (b) *MISSOURI RIVER BASIN.*—*To assist in the*
7 *prioritization of Federal activities carried out related to the*
8 *project for mitigation of fish and wildlife losses, Missouri*
9 *River Bank Stabilization and Navigation Project, Missouri,*
10 *Kansas, Iowa, and Nebraska, authorized by section 601(a)*
11 *of the Water Resources Development Act of 1986 (100 Stat.*
12 *4143), and in conjunction with the President's submission*
13 *to Congress of a budget under section 1105(a) of title 31,*
14 *United States Code, the Secretary shall submit to Congress*
15 *a report that provides—*

16 (1) *an inventory of all Federal actions taken and*
17 *a prioritization of all Federal actions planned in fur-*
18 *therance of the project, including an inventory of*
19 *lands owned, acquired, or directly controlled by the*
20 *Federal Government, and lands enrolled in federally*
21 *assisted conservation programs;*

22 (2) *a description of the specific Federal actions*
23 *proposed for the upcoming fiscal year in furtherance*
24 *of the project;*

1 (3) *an assessment of the progress made in fur-*
2 *therance of the project, including a description of how*
3 *each of the actions identified under paragraph (1)*
4 *have impacted such progress; and*

5 (4) *an assessment of additional actions necessary*
6 *to achieve the results of the project.*

7 **SEC. 118. HURRICANE AND STORM DAMAGE REDUCTION**
8 **STUDY.**

9 *As part of the study for flood and storm damage reduc-*
10 *tion related to natural disasters to be carried out by the*
11 *Secretary under title II of division A of the Disaster Relief*
12 *Appropriations Act, 2013, under the heading “Department*
13 *of the Army—Corps of Engineers—Civil—Investigations”*
14 *(127 Stat. 5), the Secretary shall make specific project rec-*
15 *ommendations. The Secretary may include those rec-*
16 *ommendations in the report entitled “Report to Congress*
17 *on Future Water Resources Development”, developed in ac-*
18 *cordance with this Act.*

19 **SEC. 119. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL**
20 **FLOOD RISK REDUCTION.**

21 (a) *IN GENERAL.*—*If requested by a non-Federal inter-*
22 *est, the Secretary shall carry out a locally preferred plan*
23 *that provides a higher level of protection than a flood risk*
24 *management project authorized under this Act if the Sec-*
25 *retary determines that—*

1 (1) *the plan is technically feasible and environ-*
2 *mentally acceptable; and*

3 (2) *the benefits of the plan exceed the costs of the*
4 *plan.*

5 (b) *NON-FEDERAL COSTS.*—*If the Secretary carries*
6 *out a locally preferred plan under subsection (a), the cost*
7 *attributable to the higher level of protection provided under*
8 *the plan shall be paid by the non-Federal interest.*

9 **SEC. 120. REVIEW OF EMERGENCY RESPONSE AUTHORI-**
10 **TIES.**

11 (a) *IN GENERAL.*—*The Secretary shall undertake a re-*
12 *view of implementation of section 5 of the Act entitled “An*
13 *Act authorizing the construction of certain public works on*
14 *rivers and harbors for flood control, and for other pur-*
15 *poses”, approved August 18, 1941 (33 U.S.C. 701n), to*
16 *evaluate the alternatives available to the Secretary to en-*
17 *sure—*

18 (1) *the safety of affected communities to future*
19 *flooding and storm events;*

20 (2) *the resiliency of water resources development*
21 *projects to future flooding and storm events;*

22 (3) *the long-term cost effectiveness of water re-*
23 *sources development projects that provide flood control*
24 *and hurricane and storm damage reduction benefits;*
25 *and*

1 (4) *the policy goals and objectives that have been*
2 *outlined by the President as a response to recent ex-*
3 *treme weather events, including Hurricane Sandy,*
4 *that relate to preparing for future floods are met.*

5 (b) *SCOPE OF REVIEW.—In carrying out the review,*
6 *the Secretary shall—*

7 (1) *review the historical precedents and imple-*
8 *mentation of section 5 of such Act, including those ac-*
9 *tions undertaken by the Secretary, over time, under*
10 *that section—*

11 (A) *to repair or restore a project; and*

12 (B) *to increase the level of protection for a*
13 *damaged project to address future conditions;*

14 (2) *evaluate the difference between adopting, as*
15 *an appropriate standard under section 5 of such Act,*
16 *the repair or restoration of a project to pre-flood or*
17 *pre-storm levels and the repair or restoration of a*
18 *project to a design level of protection, including an*
19 *assessment for each standard of—*

20 (A) *the implications on populations at risk*
21 *of flooding or damage;*

22 (B) *the implications on probability of loss*
23 *of life;*

24 (C) *the implications on property values at*
25 *risk of flooding or damage;*

1 (D) the implications on probability of in-
2 creased property damage and associated costs;

3 (E) the implications on local and regional
4 economies; and

5 (F) the estimated total cost and estimated
6 cost savings;

7 (3) incorporate the science on expected rates of
8 sea-level rise and extreme weather events; and

9 (4) incorporate the work completed by the Hurri-
10 cane Sandy Rebuilding Task Force, established by
11 Executive Order 13632 (December 7, 2012).

12 (c) *REPORT TO CONGRESS.*—Not later than 1 year
13 after the date of enactment of this section, the Secretary
14 shall submit to the Committee on Transportation and In-
15 frastructure of the House of Representatives and the Com-
16 mittee on Environment and Public Works of the Senate a
17 report on the results of the review.

18 **SEC. 121. EMERGENCY COMMUNICATION OF RISK.**

19 (a) *IN GENERAL.*—In any river basin where the Sec-
20 retary carries out flood risk management activities subject
21 to an annual operating plan, the Secretary shall establish
22 procedures for providing the public and affected govern-
23 ments, including Indian tribes, in the river basin with—

24 (1) timely information regarding expected water
25 levels;

1 (2) *advice regarding appropriate preparedness*
2 *actions;*

3 (3) *technical assistance; and*

4 (4) *any other information or assistance deter-*
5 *mined appropriate by the Secretary.*

6 (b) *PROCEDURES.—The Secretary shall utilize the pro-*
7 *cedures only when precipitation or runoff exceeds those cal-*
8 *culations considered as the lowest risk to life and property*
9 *contemplated by the annual operating plan.*

10 (c) *DEFINITIONS.—In this section, the following defi-*
11 *initions apply:*

12 (1) *AFFECTED GOVERNMENT.—The term “af-*
13 *fected government” means a State, local, or tribal*
14 *government with jurisdiction over an area that will*
15 *be affected by a flood.*

16 (2) *ANNUAL OPERATING PLAN.—The term “an-*
17 *annual operating plan” means a plan prepared by the*
18 *Secretary that describes potential water condition sce-*
19 *narios for a river basin for a year.*

20 **SEC. 122. IMPROVEMENTS TO THE NATIONAL DAM SAFETY**
21 **PROGRAM ACT.**

22 (a) *ADMINISTRATOR.—*

23 (1) *IN GENERAL.—The National Dam Safety*
24 *Program Act (33 U.S.C. 467 et seq.) is amended by*

1 *striking “Director” each place it appears and insert-*
2 *ing “Administrator”.*

3 (2) *CONFORMING AMENDMENT.—Section 2(3) of*
4 *such Act (33 U.S.C. 467(3)) is amended in the para-*
5 *graph heading by striking “DIRECTOR” and inserting*
6 *“ADMINISTRATOR”.*

7 (b) *INSPECTION OF DAMS.—Section 3(b)(1) of such Act*
8 *(33 U.S.C. 467a(b)(1)) is amended by striking “or mainte-*
9 *nance” and inserting “maintenance, condition, or provision*
10 *for emergency operations”.*

11 (c) *NATIONAL DAM SAFETY PROGRAM.—*

12 (1) *OBJECTIVES.—Section 8(c)(4) of such Act*
13 *(33 U.S.C. 467f(c)(4)) is amended to read as follows:*

14 *“(4) develop and implement a comprehensive*
15 *dam safety hazard education and public awareness*
16 *initiative to assist the public in mitigating against,*
17 *preparing for, responding to, and recovering from*
18 *dam incidents;”.*

19 (2) *BOARD.—Section 8(f)(4) of such Act (33*
20 *U.S.C. 467f(f)(4)) is amended by inserting “, rep-*
21 *resentatives from nongovernmental organizations,”*
22 *after “State agencies”.*

1 **SEC. 123. RESTRICTED AREAS AT CORPS OF ENGINEERS**

2 **DAMS.**

3 *Section 2 of the Freedom to Fish Act (Public Law 113-*
4 *13; 127 Stat. 449) is amended—*

5 *(1) in subsection (b)(1) by striking “until the*
6 *date that is 2 years after the date of enactment of this*
7 *Act”;*

8 *(2) in the heading of subsection (c) by inserting*
9 *“OR MODIFIED” after “NEW”; and*

10 *(3) in subsection (c)—*

11 *(A) in matter preceding paragraph (1) by*
12 *inserting “new or modified” after “establishes*
13 *any”; and*

14 *(B) in paragraph (3) by striking “until the*
15 *date that is 2 years after the date of enactment*
16 *of this Act” and inserting “until the Secretary*
17 *has complied with the provisions of this sub-*
18 *section”.*

19 **SEC. 124. LEVEE SAFETY.**

20 *Section 22 of the Water Resources Development Act of*
21 *1974 (42 U.S.C. 1962d-16) is amended by redesignating*
22 *subsection (e) as subsection (f) and inserting after sub-*
23 *section (d) the following:*

24 *“(e) LEVEE SAFETY.—*

25 *“(1) IN GENERAL.—At the request of a State or*
26 *political subdivision thereof, and in consultation with*

1 *that State and appropriate non-Federal interests, the*
2 *Secretary may provide technical assistance to a State*
3 *to—*

4 “(A) *encourage effective State or local pro-*
5 *grams intended to ensure levee safety to protect*
6 *human life and property;*

7 “(B) *assist the State or political subdivision*
8 *in establishing and carrying out a levee safety*
9 *program; or*

10 “(C) *improve an existing State or local*
11 *levee safety program.*

12 “(2) *PURPOSES.—The purposes of technical as-*
13 *sistance provided under this subsection shall be—*

14 “(A) *to ensure that human lives and prop-*
15 *erty that are protected by new and existing lev-*
16 *ees are safe;*

17 “(B) *to encourage the use of appropriate en-*
18 *gineering policies and procedures for levee site*
19 *investigation, design, construction, operation*
20 *and maintenance, and emergency preparedness;*

21 “(C) *to encourage effective levee safety pro-*
22 *grams in a State;*

23 “(D) *to develop and support public edu-*
24 *cation and awareness projects to increase public*
25 *acceptance and support of levee safety programs;*

1 “(E) to build public awareness of the resid-
2 ual risks associated with living in levee protected
3 areas; and

4 “(F) to develop technical assistance mate-
5 rials, seminars, and guidelines to improve the se-
6 curity of levees in the United States.

7 “(3) FEDERAL GUIDELINES.—

8 “(A) IN GENERAL.—In carrying out this
9 subsection, the Secretary, in consultation with
10 States and non-Federal interests, shall establish
11 Federal guidelines relating to levee safety.

12 “(B) INCORPORATION OF FEDERAL ACTIVI-
13 TIES.—The guidelines established under subpara-
14 graph (A) shall encompass, to the maximum ex-
15 tent practicable, activities and practices carried
16 out by appropriate Federal agencies.

17 “(C) INCORPORATION OF STATE AND LOCAL
18 ACTIVITIES.—The guidelines established under
19 subparagraph (A) shall encompass, to the max-
20 imum extent practicable—

21 “(i) the activities and practices carried
22 out by States, local governments, and the
23 private sector to safely build, regulate, oper-
24 ate, and maintain levees; and

1 “(ii) *Federal activities that facilitate*
2 *State efforts to develop and implement effec-*
3 *tive State programs for the safety of levees,*
4 *including levee inspection, levee rehabilita-*
5 *tion, locally developed flood plain manage-*
6 *ment, and public education and training*
7 *programs.*

8 “(D) *REVIEW.—The Secretary shall allow*
9 *States and non-Federal interests, including ap-*
10 *propriate stakeholders, to review and comment*
11 *on the guidelines established under subparagraph*
12 *(A) before the guidelines are made final.*

13 “(4) *ASSISTANCE FOR STATE LEVEE SAFETY*
14 *PROGRAMS.—*

15 “(A) *ELIGIBILITY.—To be eligible for tech-*
16 *nical assistance under this subsection, a State*
17 *shall—*

18 “(i) *be in the process of establishing or*
19 *have in effect a State levee safety program*
20 *under which a State levee safety agency, in*
21 *accordance with State law, carries out the*
22 *guidelines established under paragraph (3);*
23 *and*

1 “(i) allocate sufficient funds in the
2 budget of that State to carry out such State
3 levee safety program.

4 “(B) WORK PLANS.—The Secretary shall
5 enter into an agreement with each State receiv-
6 ing technical assistance under this subsection to
7 develop a work plan necessary for the State levee
8 safety program of that State to reach a level of
9 program performance that meets the guidelines
10 established under paragraph (3).

11 “(C) INSPECTION PROGRAMS.—The Sec-
12 retary shall work with States receiving technical
13 assistance under this subsection to develop State
14 technical guidelines for levee inspection pro-
15 grams that—

16 “(i) address hazard classifications and
17 technically based frameworks for levee as-
18 sessment; and

19 “(ii) are incorporated into State levee
20 safety programs.

21 “(D) MAINTENANCE OF EFFORT.—Technical
22 assistance may not be provided to a State under
23 this subsection during a fiscal year unless the
24 State enters into an agreement with the Sec-
25 retary to ensure that the State will maintain

1 *during that fiscal year aggregate expenditures*
2 *for programs to ensure levee safety that are at or*
3 *above the average annual level of such expendi-*
4 *tures for the State for the 2 fiscal years pre-*
5 *ceding that fiscal year.”.*

6 **SEC. 125. VEGETATION ON LEVEES.**

7 *(a) REVIEW.—The Secretary of the Army, in accord-*
8 *ance with subsection (c), shall undertake a comprehensive*
9 *review of the Corps of Engineers policy guidelines on vege-*
10 *tation management for levees (in this section referred to as*
11 *the “guidelines”). The Secretary shall commence the review*
12 *upon the date of enactment of this Act.*

13 *(b) FACTORS.—*

14 *(1) IN GENERAL.—In conducting the review, the*
15 *Secretary shall examine the guidelines in view of—*

16 *(A) the varied interests and responsibilities*
17 *in managing flood risks, including the need to*
18 *provide the greatest levee safety benefit with lim-*
19 *ited resources;*

20 *(B) preserving, protecting, and enhancing*
21 *natural resources, including the potential benefit*
22 *that vegetation on levees can have in providing*
23 *habitat for species of concern;*

24 *(C) protecting the rights of Indian tribes*
25 *pursuant to treaties and statutes;*

1 (D) determining how vegetation impacts the
2 performance of a levee or levee system during a
3 storm or flood event; and

4 (E) such other factors as the Secretary con-
5 siders appropriate.

6 (2) *REGIONAL AND WATERSHED CONSIDER-*
7 *ATIONS.—In conducting the review, the Secretary*
8 *shall specifically consider factors that promote and*
9 *allow for consideration of potential variances from*
10 *national guidelines on a regional or watershed basis.*
11 *Such factors may include regional or watershed soil*
12 *conditions, hydrologic factors, vegetation patterns and*
13 *characteristics, environmental resources, levee per-*
14 *formance history, institutional considerations, and*
15 *other relevant factors. The scope of a variance ap-*
16 *proved by the Secretary may include an exemption to*
17 *national guidelines where appropriate.*

18 (c) *COOPERATION AND RECOMMENDATIONS.—*

19 (1) *IN GENERAL.—The review shall be under-*
20 *taken in cooperation with interested Federal agencies*
21 *and in consultation with interested representatives of*
22 *State and local governments, Indian tribes, appro-*
23 *priate nongovernmental organizations, and the pub-*
24 *lic.*

1 (2) *RECOMMENDATIONS.*—*Corps of Engineers*
2 *Regional Integration Teams, representing districts,*
3 *divisions, and headquarters, in consultation with*
4 *State and Federal resources agencies, and with par-*
5 *ticipation by local agencies, shall recommend to the*
6 *Secretary vegetation management policies for levees*
7 *that conform with State and Federal laws and other*
8 *applicable requirements.*

9 (d) *REVISION OF GUIDELINES.*—

10 (1) *IN GENERAL.*—*During the 1-year period be-*
11 *ginning on the date of enactment of this Act, the Sec-*
12 *retary shall—*

13 (A) *provide the public 30 days to review*
14 *and comment on the guidelines;*

15 (B) *revise the guidelines based on consider-*
16 *ation of the results of the public review; and*

17 (C) *submit to Congress a report that con-*
18 *tains a summary of the activities of the Sec-*
19 *retary and a description of the findings of the*
20 *Secretary under this section.*

21 (2) *CONTENT; INCORPORATION INTO MANUAL.*—

22 *The revised guidelines shall—*

23 (A) *provide a practical process for approv-*
24 *ing regional or watershed variances from the na-*
25 *tional guidelines, reflecting due consideration of*

1 *measures to maximize public safety benefits with*
2 *limited resources, levee performance, regional cli-*
3 *matic and hydrologic variations, environmental*
4 *quality, implementation challenges, and alloca-*
5 *tion of responsibilities; and*

6 *(B) be incorporated into the manual pro-*
7 *posed under section 5(c) of the Act entitled “An*
8 *Act authorizing the construction of certain pub-*
9 *lic works on rivers and harbors for flood control,*
10 *and for other purposes”, approved August 18,*
11 *1941 (33 U.S.C. 701n(c)).*

12 *(e) CONTINUATION OF WORK.—Concurrent with com-*
13 *pletion of the requirements of this section, the Secretary*
14 *shall proceed without interruption or delay with those ongo-*
15 *ing or programmed projects and studies, or elements of*
16 *projects or studies, that are not directly related to vegetation*
17 *variance policy.*

18 **SEC. 126. REDUCTION OF FEDERAL COSTS.**

19 *Section 204(a) of the Water Resources Development*
20 *Act of 1992 (33 U.S.C. 2326(a)) is amended by adding at*
21 *the end the following:*

22 “(4) *REDUCING COSTS.—To reduce or avoid Fed-*
23 *eral costs, the Secretary shall consider the beneficial*
24 *use of dredged material in a manner that contributes*

1 *to the maintenance of sediment resources in the near-*
2 *by coastal system.”.*

3 **SEC. 127. ADVANCED MODELING TECHNOLOGIES.**

4 (a) *IN GENERAL.*—*To the greatest extent practicable,*
5 *the Secretary shall encourage and incorporate advanced*
6 *modeling technologies, including 3-dimensional digital*
7 *modeling, for activities related to water resources develop-*
8 *ment projects and studies.*

9 (b) *ACTIVITIES.*—*In carrying out subsection (a), the*
10 *Secretary, to the greatest extent practicable, shall—*

11 (1) *compile information related to advanced*
12 *modeling technologies, including industry best prac-*
13 *tices with respect to the use of the technologies;*

14 (2) *disseminate to non-Federal interests the in-*
15 *formation described in paragraph (1); and*

16 (3) *promote the use of advanced modeling tech-*
17 *nologies.*

18 (c) *ADVANCED MODELING TECHNOLOGY DEFINED.*—
19 *In this section, the term “advanced modeling technology”*
20 *means an available or developing technology, including 3-*
21 *dimensional digital modeling, that can expedite project de-*
22 *livery for or improve the evaluation of water resources de-*
23 *velopment projects that receive Federal funding by—*

24 (1) *accelerating and improving the environ-*
25 *mental review process;*

- 1 (2) *increasing effective public participation;*
- 2 (3) *enhancing the detail and accuracy of project*
3 *designs;*
- 4 (4) *increasing safety;*
- 5 (5) *accelerating construction and reducing con-*
6 *struction costs; or*
- 7 (6) *otherwise achieving such purposes.*

8 **SEC. 128. ENHANCED USE OF ELECTRONIC COMMERCE IN**
9 **FEDERAL PROCUREMENT.**

10 (a) *REPORT.*—*Not later than 180 days after the date*
11 *of enactment of this Act, the Secretary shall submit to the*
12 *Committee on Transportation and Infrastructure of the*
13 *House of Representatives and the Committee on Environ-*
14 *ment and Public Works of the Senate a report describing*
15 *the Secretary's actions to carry out section 2301 of title 41,*
16 *United States Code, regarding the use of electronic com-*
17 *merce in Federal procurement.*

18 (b) *CONTENTS.*—*The report submitted under sub-*
19 *section (a) shall include, with respect to the 2 fiscal years*
20 *most recently ended before the fiscal year in which the re-*
21 *port is submitted—*

22 (1) *an identification of the number, type, and*
23 *dollar value of procurement solicitations with respect*
24 *to which the public was permitted to respond to the*
25 *solicitation electronically, which shall differentiate be-*

1 *tween solicitations that allowed full or partial elec-*
2 *tronic submission;*

3 *(2) an analysis of the information provided*
4 *under paragraph (1) and actions that could be taken*
5 *by the Secretary to refine and improve the use of elec-*
6 *tronic submission for procurement solicitation re-*
7 *sponses;*

8 *(3) an analysis of the potential benefits of and*
9 *obstacles to implementing fuller use of electronic sub-*
10 *mission for procurement solicitation responses, in-*
11 *cluding with respect to cost savings, error reduction,*
12 *paperwork reduction, increased bidder participation,*
13 *and competition, and expanded use of electronic bid*
14 *data collection for cost-effective contract management*
15 *and timely reporting; and*

16 *(4) an analysis of the options and technologies*
17 *available to facilitate expanded implementation of*
18 *electronic submission for procurement solicitation re-*
19 *sponses and the suitability of each option and tech-*
20 *nology for contracts of various types and sizes.*

21 **SEC. 129. CORROSION PREVENTION.**

22 *(a) IN GENERAL.—To the greatest extent practicable,*
23 *the Secretary shall encourage and incorporate corrosion*
24 *prevention activities at water resources development*
25 *projects.*

1 (b) *ACTIVITIES.*—*In carrying out subsection (a), the*
2 *Secretary, to the greatest extent practicable, shall ensure*
3 *that contractors performing work for water resources devel-*
4 *opment projects—*

5 (1) *use best practices to carry out corrosion pre-*
6 *vention activities in the field;*

7 (2) *use industry recognized standards and corro-*
8 *sion mitigation and prevention methods when—*

9 (A) *determining protective coatings;*

10 (B) *selecting materials; and*

11 (C) *determining methods of cathodic protec-*
12 *tion, design, and engineering for corrosion pre-*
13 *vention;*

14 (3) *use certified coating application specialists*
15 *and cathodic protection technicians and engineers;*

16 (4) *use best practices in environmental protec-*
17 *tion to prevent environmental degradation, and to en-*
18 *sure careful handling of all hazardous materials;*

19 (5) *demonstrate a history of employing industry-*
20 *certified inspectors to ensure adherence to best prac-*
21 *tices and standards; and*

22 (6) *demonstrate a history of compliance with ap-*
23 *plicable requirements of the Occupational Safety and*
24 *Health Administration.*

1 (c) *CORROSION PREVENTION ACTIVITIES DEFINED.*—

2 *In this section, the term “corrosion prevention activities”*

3 *means—*

4 (1) *the application and inspection of protective*
5 *coatings for complex work involving steel and cemen-*
6 *titious structures, including structures that will be ex-*
7 *posed in immersion;*

8 (2) *the installation, testing, and inspection of ca-*
9 *thodic protection systems; and*

10 (3) *any other activities related to corrosion pre-*
11 *vention the Secretary determines appropriate.*

12 **SEC. 130. RESILIENT CONSTRUCTION AND USE OF INNOVA-**
13 **TIVE MATERIALS.**

14 *The Secretary, to the extent practicable, shall encour-*
15 *age the use of durable, resilient, and sustainable materials*
16 *and practices, including the use of geosynthetic materials,*
17 *advanced composites, and innovative technologies, in car-*
18 *rying out the activities of the Corps of Engineers.*

19 **SEC. 131. ASSESSMENT OF WATER SUPPLY IN ARID RE-**
20 **GIONS.**

21 (a) *IN GENERAL.*—*The Secretary shall conduct an as-*
22 *essment of the management practices, priorities, and au-*
23 *thorized purposes at Corps of Engineers reservoirs in arid*
24 *regions to determine the effects of such practices, priorities,*
25 *and purposes on water supply during periods of drought.*

1 **(b) REPORT.**—Not later than 1 year after the date of
2 enactment of this Act, the Secretary shall submit to the
3 Committee on Transportation and Infrastructure of the
4 House of Representatives and the Committee on Environ-
5 ment and Public Works of the Senate a report on the results
6 of the assessment.

7 **SEC. 132. RIVER BASIN COMMISSIONS.**

8 Section 5019 of the Water Resources Development Act
9 of 2007 (121 Stat. 1201) is amended by adding at the end
10 the following:

11 “(f) **REPORT.**—After each fiscal year, if the Secretary
12 did not allocate funds in accordance with subsection (b),
13 the Secretary, in conjunction with the President’s next sub-
14 mission to Congress of a budget under section 1105(a) of
15 title 31, United States Code, shall submit to Congress a re-
16 port that describes—

17 “(1) the reasons why the Secretary did not allo-
18 cate funds in accordance with subsection (b) during
19 that fiscal year; and

20 “(2) the impact, on the jurisdiction of each Com-
21 mission specified in subsection (b), of not allocating
22 the funds, including with respect to—

23 “(A) water supply allocation;

24 “(B) water quality protection;

25 “(C) regulatory review and permitting;

- 1 “(D) water conservation;
 2 “(E) watershed planning;
 3 “(F) drought management;
 4 “(G) flood loss reduction;
 5 “(H) recreation; and
 6 “(I) energy development.”.

7 **SEC. 133. SENSE OF CONGRESS REGARDING WATER RE-**
 8 **SOURCES DEVELOPMENT BILLS.**

9 (a) *FINDINGS.*—Congress finds the following:

10 (1) *Between 1986 and 2000, a water resources*
 11 *development bill was typically enacted every 2 years.*

12 (2) *Since 2000, only 1 water resources develop-*
 13 *ment bill has been enacted.*

14 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 15 *that, because the missions of the Corps of Engineers are*
 16 *unique and benefit all individuals in the United States and*
 17 *because water resources development projects are critical to*
 18 *maintaining economic prosperity, national security, and*
 19 *environmental protection, Congress should consider a water*
 20 *resources development bill not less than once every Congress.*

21 **SEC. 134. DONALD G. WALDON LOCK AND DAM.**

22 *It is the sense of Congress that, at an appropriate time*
 23 *and in accordance with the rules of the House of Represent-*
 24 *atives and the Senate, to recognize the contributions of Don-*
 25 *ald G. Waldon, whose selfless determination and tireless*

1 *work, while serving as administrator of the Tennessee-*
2 *Tombigbee Waterway for 21 years, contributed greatly to*
3 *the realization and success of the Tennessee-Tombigbee Wa-*
4 *terway Development Compact, that the lock and dam lo-*
5 *cated at mile 357.5 on the Tennessee-Tombigbee Waterway*
6 *should be known and designated as the “Donald G. Waldon*
7 *Lock and Dam”.*

8 **SEC. 135. AQUATIC INVASIVE SPECIES.**

9 *Section 104(a) of the River and Harbor Act of 1958*
10 *(33 U.S.C. 610(a)) is amended by inserting “and aquatic*
11 *invasive species” after “noxious aquatic plant growths”.*

12 **SEC. 136. RECREATIONAL ACCESS.**

13 *(a) IN GENERAL.—The Secretary may not prohibit the*
14 *use of a floating cabin on waters under the jurisdiction of*
15 *the Secretary if—*

16 *(1) the floating cabin is in compliance regula-*
17 *tions for recreational vessels issued under chapter 43*
18 *of title 46, United States Code, and section 312 of the*
19 *Federal Water Pollution Control Act (33 U.S.C.*
20 *1322); and*

21 *(2) the Secretary has authorized the use of rec-*
22 *reational vessels on such waters.*

23 *(b) FLOATING CABIN DEFINED.—In this section, the*
24 *term “floating cabin” means a vessel, as defined in section*

1 *3 of title 1, United States Code, with overnight accommoda-*
2 *tions.*

3 **SEC. 137. TERRITORIES OF THE UNITED STATES.**

4 *Section 1156 of the Water Resources Development Act*
5 *of 1986 (33 U.S.C. 2310) is amended—*

6 *(1) by striking “The Secretary shall waive” and*
7 *inserting “(a) IN GENERAL.—The Secretary shall*
8 *waive”; and*

9 *(2) by adding at the end the following:*

10 *“(b) INFLATION ADJUSTMENT.—The Secretary shall*
11 *adjust the dollar amount specified in subsection (a) for in-*
12 *flation for the period beginning on November 17, 1986, and*
13 *ending on the date of enactment of this subsection.”.*

14 **SEC. 138. SENSE OF CONGRESS REGARDING INTERSTATE**
15 **WATER AGREEMENTS AND COMPACTS.**

16 *(a) FINDINGS.—Congress finds the following:*

17 *(1) States and local interests have primary re-*
18 *sponsibility for developing water supplies for domes-*
19 *tic, municipal, industrial, and other purposes.*

20 *(2) The Federal Government cooperates with*
21 *States and local interests in developing water supplies*
22 *through the construction, maintenance, and operation*
23 *of Federal water resources development projects.*

24 *(3) Interstate water disputes are most properly*
25 *addressed through interstate water agreements or*

1 *compacts that take into consideration the concerns of*
 2 *all affected States.*

3 **(b) SENSE OF CONGRESS.**—*It is the sense of Congress*
 4 *that—*

5 (1) *Congress and the Secretary should urge*
 6 *States to reach agreement on interstate water agree-*
 7 *ments and compacts;*

8 (2) *at the request of the Governor of a State, the*
 9 *Secretary should facilitate and assist in the develop-*
 10 *ment of an interstate water agreement or compact;*

11 (3) *Congress should provide prompt consider-*
 12 *ation of interstate water agreements and compacts;*
 13 *and*

14 (4) *the Secretary should adopt policies and im-*
 15 *plement procedures for the operation of reservoirs of*
 16 *the Corps of Engineers that are consistent with inter-*
 17 *state water agreements and compacts.*

18 **TITLE II—NAVIGATION**

19 **IMPROVEMENTS**

20 **Subtitle A—Ports**

21 **SEC. 201. EXPANDED USE OF HARBOR MAINTENANCE**

22 **TRUST FUND.**

23 **(a) IN GENERAL.**—*For any fiscal year in which target*
 24 *appropriations described in subsection (b) are met, the Sec-*
 25 *retary may use up to 5 percent of the total amount made*

1 *available to the Secretary from the Harbor Maintenance*
2 *Trust Fund for the eligible operations and maintenance*
3 *costs described in section 210(a)(2) of the Water Resources*
4 *Development Act of 1986 (33 U.S.C. 2238(a)(2)) for that*
5 *fiscal year for expanded uses of the Harbor Maintenance*
6 *Trust Fund.*

7 **(b) TARGET APPROPRIATIONS.**—*For purposes of this*
8 *section, target appropriations are met for a fiscal year if*
9 *the total amount made available to the Secretary from the*
10 *Harbor Maintenance Trust Fund for that fiscal year equals*
11 *or exceeds, as determined by the Secretary, the following:*

12 **(1)** *For fiscal year 2014, 65 percent of the total*
13 *amount of harbor maintenance taxes received in fiscal*
14 *year 2013.*

15 **(2)** *For fiscal year 2015, 67 percent of the total*
16 *amount of harbor maintenance taxes received in fiscal*
17 *year 2014.*

18 **(3)** *For fiscal year 2016, 69 percent of the total*
19 *amount of harbor maintenance taxes received in fiscal*
20 *year 2015.*

21 **(4)** *For fiscal year 2017, 71 percent of the total*
22 *amount of harbor maintenance taxes received in fiscal*
23 *year 2016.*

1 (5) *For fiscal year 2018, 73 percent of the total*
2 *amount of harbor maintenance taxes received in fiscal*
3 *year 2017.*

4 (6) *For fiscal year 2019, 75 percent of the total*
5 *amount of harbor maintenance taxes received in fiscal*
6 *year 2018.*

7 (7) *For fiscal year 2020, and each fiscal year*
8 *thereafter, 80 percent of total amount of harbor main-*
9 *tenance taxes received in the previous fiscal year.*

10 (c) *DEFINITIONS.—In this section, the following defi-*
11 *initions apply:*

12 (1) *ELIGIBLE HARBORS AND INLAND HARBORS*
13 *DEFINED.—The term “eligible harbor or inland har-*
14 *bor” means a harbor or inland harbor that, histori-*
15 *cally, as determined by the Secretary—*

16 (A) *generates an amount of harbor mainte-*
17 *nance taxes; that exceeds*

18 (B) *the value of work carried out for the*
19 *harbor or inland harbor using amounts from the*
20 *Harbor Maintenance Trust Fund.*

21 (2) *EXPANDED USES.—The term “expanded*
22 *uses” means the following activities performed for an*
23 *eligible harbor or inland harbor:*

24 (A) *The maintenance dredging of a berth in*
25 *a harbor that is accessible to a Federal naviga-*

1 *tion project and that benefits commercial navi-*
2 *gation at the harbor.*

3 *(B) The maintenance dredging and disposal*
4 *of legacy-contaminated sediment, and sediment*
5 *unsuitable for open water disposal, if—*

6 *(i) such dredging and disposal benefits*
7 *commercial navigation at the harbor; and*

8 *(ii) such sediment—*

9 *(I) is located in and affects the*
10 *maintenance of a Federal navigation*
11 *project; or*

12 *(II) is located in a berth that is*
13 *accessible to a Federal navigation*
14 *project.*

15 *(3) TOTAL AMOUNT OF HARBOR MAINTENANCE*
16 *TAXES RECEIVED.—The term “total amount of harbor*
17 *maintenance taxes received” means, with respect to a*
18 *fiscal year, the aggregate of amounts appropriated,*
19 *transferred, or credited to the Harbor Maintenance*
20 *Trust Fund under section 9505(a) of the Internal*
21 *Revenue Code of 1986 for that fiscal year as set forth*
22 *in the current year estimate provided in the Presi-*
23 *dent’s budget request for the subsequent fiscal year,*
24 *submitted pursuant to section 1105 of title 31, United*
25 *States Code.*

1 (d) *CONFORMING AMENDMENT.*—Section 9505(c)(1) of
2 *the Internal Revenue Code of 1986 is amended by striking*
3 *“(as in effect on the date of the enactment of the Water Re-*
4 *sources Development Act of 1996)”*.

5 (e) *SENSE OF CONGRESS.*—*It is the sense of Congress*
6 *that any increase in harbor maintenance programs de-*
7 *scribed in this section shall result from an overall increase*
8 *in appropriations for the civil works program of the Corps*
9 *of Engineers and not from similar reductions in the appro-*
10 *priations for other programs, projects, and activities car-*
11 *ried out by the Corps of Engineers for other authorized pur-*
12 *poses.*

13 **SEC. 202. ASSESSMENT AND PRIORITIZATION OF OPER-**
14 **ATION AND MAINTENANCE.**

15 (a) *ASSESSMENT.*—Section 210 of the *Water Resources*
16 *Development Act of 1986 (33 U.S.C. 2238) is amended by*
17 *adding at the end the following:*

18 “(c) *ASSESSMENT OF OPERATION AND MAINTENANCE*
19 *NEEDS.*—

20 “(1) *IN GENERAL.*—*Not later than 90 days after*
21 *the date of enactment of this subsection, and bienni-*
22 *ally thereafter, the Secretary shall assess the operation*
23 *and maintenance needs of the harbors referred to in*
24 *subsection (a)(2).*”

1 “(2) *TYPES OF HARBORS.*—*In carrying out*
2 *paragraph (1), the Secretary shall assess the oper-*
3 *ation and maintenance needs of the harbors used*
4 *for—*

5 “(A) *commercial navigation;*

6 “(B) *commercial fishing;*

7 “(C) *subsistence, including utilization by*
8 *Indian tribes (as such term is defined in section*
9 *4 of the Indian Self-Determination and Edu-*
10 *cation Assistance Act (25 U.S.C. 450b)) for sub-*
11 *sistence and ceremonial purposes;*

12 “(D) *use as a harbor of refuge;*

13 “(E) *transportation of persons;*

14 “(F) *purposes relating to domestic energy*
15 *production, including the fabrication, servicing,*
16 *or supply of domestic offshore energy production*
17 *facilities;*

18 “(G) *activities of the Secretary of the de-*
19 *partment in which the Coast Guard is operating;*

20 “(H) *public health and safety related equip-*
21 *ment for responding to coastal and inland emer-*
22 *gencies;*

23 “(I) *recreation purposes; and*

24 “(J) *any other authorized purpose.*

1 “(3) *REPORT TO CONGRESS.*—For fiscal year
2 2015, and biennially thereafter, in conjunction with
3 the President’s annual budget submission to Congress
4 under section 1105(a) of title 31, United States Code,
5 the Secretary shall submit to the Committee on
6 Transportation and Infrastructure of the House of
7 Representatives and the Committee on Environment
8 and Public Works of the Senate a report that, with
9 respect to harbors referred to in subsection (a)(2)—

10 “(A) identifies the operation and mainte-
11 nance costs associated with the harbors, includ-
12 ing those costs required to achieve and maintain
13 the authorized length, width, and depth for the
14 harbors, on a project-by-project basis;

15 “(B) identifies the amount of funding re-
16 quested in the President’s budget for the oper-
17 ation and maintenance costs associated with the
18 harbors, on a project-by-project basis;

19 “(C) identifies the unmet operation and
20 maintenance needs associated with the harbors,
21 on a project-by-project basis; and

22 “(D) identifies the harbors for which the
23 President will allocate funding over the next 5
24 fiscal years for operation and maintenance ac-

1 *tivities, on a project-by-project basis, including*
2 *the amounts to be allocated for such purposes.”.*

3 *(b) OPERATION AND MAINTENANCE OF EMERGING*
4 *HARBOR PROJECTS.—Section 210 of such Act (33 U.S.C.*
5 *2238) is further amended by adding at the end the fol-*
6 *lowing:*

7 *“(d) OPERATION AND MAINTENANCE OF EMERGING*
8 *HARBOR PROJECTS.—*

9 *“(1) IN GENERAL.—To the maximum extent*
10 *practicable, the Secretary shall make expenditures to*
11 *pay for operation and maintenance costs of the har-*
12 *bors referred to in subsection (a)(2), including ex-*
13 *penditures of funds appropriated from the Harbor*
14 *Maintenance Trust Fund, based on an equitable allo-*
15 *cation of funds among all such harbors, regardless of*
16 *the size or tonnage throughput of the harbor.*

17 *“(2) CRITERIA.—In determining the equitable*
18 *allocation of funds under paragraph (1), the Sec-*
19 *retary shall—*

20 *“(A) utilize the information obtained in the*
21 *assessment conducted under subsection (c);*

22 *“(B) consider the national and regional sig-*
23 *nificance of harbor operation and maintenance;*
24 *and*

1 “(C) *not make such allocation based solely*
2 *on the tonnage transiting through a harbor.*

3 “(3) *EMERGING HARBORS.—*

4 “(A) *IN GENERAL.—Notwithstanding para-*
5 *graph (1), in making expenditures described in*
6 *paragraph (1) for each of fiscal years 2015 and*
7 *2016, the Secretary shall allocate not less than*
8 *10 percent of the total amount of the expendi-*
9 *tures to pay for operation and maintenance costs*
10 *of emerging harbors.*

11 “(B) *EMERGING HARBOR DEFINED.—In*
12 *this paragraph, the term ‘emerging harbor’*
13 *means a harbor referred to in subsection (a)(2)*
14 *that transits less than 1,000,000 tons of com-*
15 *merce annually.*

16 “(4) *EMERGENCY EXPENDITURES.—Nothing in*
17 *this subsection may be construed to prohibit the Sec-*
18 *retary from making an expenditure to pay for the op-*
19 *eration and maintenance costs of a specific harbor,*
20 *including the transfer of funding from the operation*
21 *and maintenance of a separate project, if—*

22 “(A) *the Secretary determines that the ac-*
23 *tion is necessary to address the navigation needs*
24 *of a harbor where safe navigation has been se-*
25 *verely restricted due to an unforeseen event; and*

1 “(B) the Secretary provides advance notice
2 and information on the need for the action to the
3 Committee on Transportation and Infrastructure
4 and the Committee on Appropriations of the
5 House of Representatives and the Committee on
6 Environment and Public Works and the Com-
7 mittee on Appropriations of the Senate.

8 “(5) *MANAGEMENT OF GREAT LAKES NAVIGATION*
9 *SYSTEM.—To sustain effective and efficient operation*
10 *and maintenance of the Great Lakes Navigation Sys-*
11 *tem, including any navigation feature in the Great*
12 *Lakes that is a Federal responsibility with respect to*
13 *operation and maintenance, the Secretary shall man-*
14 *age and allocate funding for all of the individually*
15 *authorized projects in the Great Lakes Navigation*
16 *System as components of a single, comprehensive sys-*
17 *tem, recognizing the interdependence of the projects.”.*

18 **SEC. 203. PRESERVING UNITED STATES HARBORS.**

19 (a) *IN GENERAL.—The Secretary may enter into an*
20 *agreement with a non-Federal interest, at the request of the*
21 *non-Federal interest, under which the Secretary agrees to*
22 *maintain a navigation project for a harbor or inland har-*
23 *bor (in this section referred to as a “federally authorized*
24 *harbor”)* in accordance with section 101(b) of the Water Re-
25 sources Development Act of 1986 (33 U.S.C. 2211(b)).

1 **(b) REPORT BY NON-FEDERAL INTEREST.**—

2 **(1) IN GENERAL.**—*To be eligible to enter into an*
3 *agreement under subsection (a) with respect to a fed-*
4 *erally authorized harbor, a non-Federal interest shall*
5 *submit to the Secretary a report justifying economic*
6 *investment in maintenance of the harbor.*

7 **(2) JUSTIFICATION OF INVESTMENT.**—*A report*
8 *submitted under paragraph (1) may justify economic*
9 *investment in the maintenance of a federally author-*
10 *ized harbor based on—*

11 **(A)** *projected economic benefits, including*
12 *transportation savings and job creation; and*

13 **(B)** *other factors, including navigation safe-*
14 *ty, national security, and sustainability of sub-*
15 *sistence harbors.*

16 **(3) TERMINATION OF CERTAIN AGREEMENTS.**—
17 *An agreement entered into under subsection (a) with*
18 *respect to a federally authorized harbor shall contain*
19 *terms to allow the Secretary to terminate the agree-*
20 *ment if the Secretary determines that Federal eco-*
21 *nomics investment in maintaining the harbor is no*
22 *longer justified.*

23 **(c) LIMITATION ON STATUTORY CONSTRUCTION.**—
24 *Nothing in this section may be construed to preclude the*
25 *operation and maintenance of a federally authorized harbor*

1 *under section 101(b) of the Water Resources Development*
2 *Act of 1986 (33 U.S.C. 2211(b)).*

3 **SEC. 204. CONSOLIDATION OF DEEP DRAFT NAVIGATION**

4 **EXPERTISE.**

5 *Section 2033(e) of the Water Resources Development*
6 *Act of 2007 (33 U.S.C. 2282a(e)) is amended by adding*
7 *at the end the following:*

8 *“(3) DEEP DRAFT NAVIGATION PLANNING CEN-*
9 *TER OF EXPERTISE.—*

10 *“(A) IN GENERAL.—The Secretary shall*
11 *consolidate deep draft navigation expertise with-*
12 *in the Corps of Engineers into a deep draft navi-*
13 *gation planning center of expertise.*

14 *“(B) LIST.—Not later than 60 days after*
15 *the date of the consolidation required under sub-*
16 *paragraph (A), the Secretary shall submit to the*
17 *Committee on Transportation and Infrastructure*
18 *of the House of Representatives and the Com-*
19 *mittee on Environment and Public Works of the*
20 *Senate a list of personnel, including the grade*
21 *levels and expertise of the personnel, assigned to*
22 *the center described in subparagraph (A).”.*

23 **SEC. 205. DISPOSAL SITES.**

24 *(a) IN GENERAL.—The Secretary, in accordance with*
25 *subsections (b) and (c) and with the concurrence of the Ad-*

1 *ministrator of the Environmental Protection Agency, is au-*
2 *thorized to reopen the Cape Arundel Disposal Site (in this*
3 *section referred to as the “Site”) as an alternative dredged*
4 *material disposal site under section 103(b) of the Marine*
5 *Protection, Research, and Sanctuaries Act of 1972 (33*
6 *U.S.C. 1413(b)).*

7 *(b) DEADLINE.—The Site may remain open under*
8 *subsection (a) until the earlier of—*

9 *(1) the date on which the Site does not have any*
10 *remaining disposal capacity;*

11 *(2) the date on which an environmental impact*
12 *statement designating an alternative dredged material*
13 *disposal site for southern Maine has been completed;*
14 *or*

15 *(3) the date that is 5 years after the date of en-*
16 *actment of this Act.*

17 *(c) LIMITATIONS.—The use of the Site as a dredged*
18 *material disposal site under subsection (a) shall be subject*
19 *to the conditions that—*

20 *(1) conditions at the Site remain suitable for the*
21 *continued use of the Site as a dredged material dis-*
22 *posal site; and*

23 *(2) the Site not be used for the disposal of more*
24 *than 80,000 cubic yards from any single dredging*
25 *project.*

1 **Subtitle B—Inland Waterways**

2 **SEC. 211. DEFINITIONS.**

3 *In this subtitle, the following definitions apply:*

4 (1) *INLAND WATERWAYS TRUST FUND.*—*The*
5 *term “Inland Waterways Trust Fund” means the In-*
6 *land Waterways Trust Fund established by section*
7 *9506(a) of the Internal Revenue Code of 1986.*

8 (2) *QUALIFYING PROJECT.*—*The term “quali-*
9 *fying project” means any construction or major reha-*
10 *bilitation project for navigation infrastructure of the*
11 *inland and intracoastal waterways that is—*

12 (A) *authorized before, on, or after the date*
13 *of enactment of this Act;*

14 (B) *not completed on the date of enactment*
15 *of this Act; and*

16 (C) *funded at least in part from the Inland*
17 *Waterways Trust Fund.*

18 **SEC. 212. PROJECT DELIVERY PROCESS REFORMS.**

19 (a) *REQUIREMENTS FOR QUALIFYING PROJECTS.*—
20 *With respect to each qualifying project, the Secretary shall*
21 *require—*

22 (1) *for each project manager, that—*

23 (A) *the project manager have formal project*
24 *management training and certification; and*

1 (B) the project manager be assigned from
2 among personnel certified by the Chief of Engi-
3 neers; and

4 (2) for an applicable cost estimation, that—

5 (A) the Secretary utilize a risk-based cost
6 estimate with a confidence level of at least 80
7 percent; and

8 (B) the cost estimate be implemented—

9 (i) for a qualifying project that re-
10 quires an increase in the authorized amount
11 in accordance with section 902 of the Water
12 Resources Development Act of 1986 (33
13 U.S.C. 2280), during the preparation of a
14 post-authorization change report or other
15 similar decision document;

16 (ii) for a qualifying project for which
17 the first construction contract has not been
18 awarded, prior to the award of the first
19 construction contract;

20 (iii) for a qualifying project without a
21 completed feasibility report in accordance
22 with section 905 of the Water Resources De-
23 velopment Act of 1986 (33 U.S.C. 2282),
24 prior to the completion of such a report;
25 and

1 (iv) for a qualifying project with a
2 completed feasibility report in accordance
3 with section 905 of the Water Resources De-
4 velopment Act of 1986 (33 U.S.C. 2282)
5 that has not yet been authorized, during de-
6 sign for the qualifying project.

7 (b) *ADDITIONAL PROJECT DELIVERY PROCESS RE-*
8 *FORMS.*—Not later than 18 months after the date of enact-
9 *ment of this Act, the Secretary shall—*

10 (1) *establish a system to identify and apply on*
11 *a continuing basis best management practices from*
12 *prior or ongoing qualifying projects to improve the*
13 *likelihood of on-time and on-budget completion of*
14 *qualifying projects;*

15 (2) *evaluate early contractor involvement acqui-*
16 *sition procedures to improve on-time and on-budget*
17 *project delivery performance; and*

18 (3) *implement any additional measures that the*
19 *Secretary determines will achieve the purposes of this*
20 *subtitle, including—*

21 (A) *the implementation of applicable prac-*
22 *tices and procedures developed pursuant to man-*
23 *agement by the Secretary of an applicable mili-*
24 *tary construction program;*

1 (B) the development and use of a portfolio
2 of standard designs for inland navigation locks;

3 (C) the use of full-funding contracts or for-
4 mulation of a revised continuing contracts
5 clause; and

6 (D) the establishment of procedures for rec-
7 ommending new project construction starts using
8 a capital projects business model.

9 (c) *PILOT PROJECTS.*—

10 (1) *IN GENERAL.*—Subject to paragraph (2), the
11 Secretary may carry out pilot projects to evaluate
12 processes and procedures for the study, design, and
13 construction of qualifying projects.

14 (2) *INCLUSIONS.*—At a minimum, the Secretary
15 shall carry out pilot projects under this subsection to
16 evaluate—

17 (A) early contractor involvement in the de-
18 velopment of features and components;

19 (B) an appropriate use of continuing con-
20 tracts for the construction of features and compo-
21 nents; and

22 (C) applicable principles, procedures, and
23 processes used for military construction projects.

1 (d) *INLAND WATERWAYS USER BOARD.*—Section 302
2 *of the Water Resources Development Act of 1986 (33 U.S.C.*
3 *2251) is amended—*

4 (1) *by striking subsection (b) and inserting the*
5 *following:*

6 “(b) *DUTIES OF USERS BOARD.*—

7 “(1) *IN GENERAL.*—*The Users Board shall meet*
8 *not less frequently than semiannually to develop and*
9 *make recommendations to the Secretary and Congress*
10 *regarding the inland waterways and inland harbors*
11 *of the United States.*

12 “(2) *ADVICE AND RECOMMENDATIONS.*—*For*
13 *commercial navigation features and components of*
14 *the inland waterways and inland harbors of the*
15 *United States, the Users Board shall provide—*

16 “(A) *prior to the development of the budget*
17 *proposal of the President for a given fiscal year,*
18 *advice and recommendations to the Secretary re-*
19 *garding construction and rehabilitation prior-*
20 *ities and spending levels;*

21 “(B) *advice and recommendations to Con-*
22 *gress regarding any completed feasibility report*
23 *in accordance with section 905 of the Water Re-*
24 *sources Development Act of 1986 (33 U.S.C.*
25 *2282) relating to those features and components;*

1 “(C) *advice and recommendations to Con-*
2 *gress regarding an increase in the authorized*
3 *cost of those features and components;*

4 “(D) *not later than 60 days after the date*
5 *of the submission of the budget proposal of the*
6 *President to Congress, advice and recommenda-*
7 *tions to Congress regarding construction and re-*
8 *habilitation priorities and spending levels; and*

9 “(E) *advice and recommendations on the*
10 *development of a long-term capital investment*
11 *program in accordance with subsection (d).*

12 “(3) *PROJECT DEVELOPMENT TEAMS.—The*
13 *chairperson of the Users Board shall appoint a rep-*
14 *resentative of the Users Board to serve as an informal*
15 *advisor to the project development team for a quali-*
16 *fying project or the study or design of a commercial*
17 *navigation feature or component of the inland water-*
18 *ways and inland harbors of the United States.*

19 “(4) *INDEPENDENT JUDGMENT.—Any advice or*
20 *recommendation made by the Users Board to the Sec-*
21 *retary shall reflect the independent judgment of the*
22 *Users Board.”;*

23 (2) *by striking subsection (c) and inserting the*
24 *following:*

25 “(c) *DUTIES OF SECRETARY.—The Secretary shall—*

1 “(1) *communicate not less than once each quar-*
2 *ter to the Users Board the status of the study, design,*
3 *or construction of all commercial navigation features*
4 *or components of the inland waterways or inland*
5 *harbors of the United States; and*

6 “(2) *submit to the Users Board a courtesy copy*
7 *of all completed feasibility reports relating to a com-*
8 *mercial navigation feature or component of the in-*
9 *land waterways or inland harbors of the United*
10 *States.*

11 “(d) *CAPITAL INVESTMENT PROGRAM.—*

12 “(1) *IN GENERAL.—Not later than 1 year after*
13 *the date of enactment of this subsection, the Secretary,*
14 *in coordination with the Users Board, shall develop*
15 *and submit to Congress a report describing a 20-year*
16 *program for making capital investments on the in-*
17 *land and intracoastal waterways based on the appli-*
18 *cation of objective, national project selection*
19 *prioritization criteria.*

20 “(2) *CONSIDERATION.—In developing the pro-*
21 *gram under paragraph (1), the Secretary shall take*
22 *into consideration the 20-year capital investment*
23 *strategy contained in the Inland Marine Transpor-*
24 *tation System (IMTS) Capital Projects Business*

1 *Model, Final Report published on April 13, 2010, as*
2 *approved by the Users Board.*

3 “(3) *CRITERIA.—In developing the plan and*
4 *prioritization criteria under paragraph (1), the Sec-*
5 *retary shall ensure, to the maximum extent prac-*
6 *ticable, that investments made under the 20-year pro-*
7 *gram described in paragraph (1)—*

8 “(A) *are made in all geographical areas of*
9 *the inland waterways system; and*

10 “(B) *ensure efficient funding of inland wa-*
11 *terways projects.*

12 “(4) *STRATEGIC REVIEW AND UPDATE.—Not*
13 *later than 5 years after the date of enactment of this*
14 *subsection, and not less frequently than once every 5*
15 *years thereafter, the Secretary, in coordination with*
16 *the Users Board, shall—*

17 “(A) *submit to Congress a strategic review*
18 *of the 20-year program in effect under this sub-*
19 *section, which shall identify and explain any*
20 *changes to the project-specific recommendations*
21 *contained in the previous 20-year program (in-*
22 *cluding any changes to the prioritization criteria*
23 *used to develop the updated recommendations);*
24 *and*

1 “(B) make revisions to the program, as ap-
2 propriate.

3 “(e) *PROJECT MANAGEMENT PLANS.*—*The chairperson*
4 *of the Users Board and the project development team mem-*
5 *ber appointed by the chairperson under subsection (b)(3)*
6 *may sign the project management plan for the qualifying*
7 *project or the study or design of a commercial navigation*
8 *feature or component of the inland waterways and inland*
9 *harbors of the United States.*

10 “(f) *ADMINISTRATION.*—*The Users Board shall be sub-*
11 *ject to the Federal Advisory Committee Act, other than sec-*
12 *tion 14, and, with the consent of the appropriate agency*
13 *head, the Users Board may use the facilities and services*
14 *of any Federal agency. For the purposes of complying with*
15 *such Act, the members of the Users Board shall not be con-*
16 *sidered special Government employees (as defined in section*
17 *202 of title 18, United States Code). Non-Federal members*
18 *of the Users Board while engaged in the performance of*
19 *their duties away from their homes or regular places of*
20 *business, may be allowed travel expenses, including per*
21 *diem in lieu of subsistence, as authorized by section 5703*
22 *of title 5, United States Code.”.*

23 **SEC. 213. EFFICIENCY OF REVENUE COLLECTION.**

24 *Not later than 2 years after the date of enactment of*
25 *this Act, the Comptroller General of the United States shall*

1 *prepare a report on the efficiency of collecting the fuel tax*
2 *for the Inland Waterways Trust Fund, which shall in-*
3 *clude—*

4 (1) *an evaluation of whether current methods of*
5 *collection of the fuel tax result in full compliance with*
6 *requirements of the law;*

7 (2) *whether alternative methods of collection*
8 *would result in increased revenues into the Inland*
9 *Waterways Trust Fund; and*

10 (3) *an evaluation of alternative collection op-*
11 *tions.*

12 **SEC. 214. INLAND WATERWAYS REVENUE STUDIES.**

13 (a) *INLAND WATERWAYS CONSTRUCTION BONDS*
14 *STUDY.—*

15 (1) *STUDY.—The Secretary, in coordination*
16 *with the Secretary of the Treasury, shall conduct a*
17 *study on the feasibility of authorizing the issuance of*
18 *federally tax-exempt bonds secured against the avail-*
19 *able proceeds, including projected annual receipts, in*
20 *the Inland Waterways Trust Fund established by sec-*
21 *tion 9506(a) of the Internal Revenue Code of 1986.*

22 (2) *CONTENTS.—In carrying out the study, the*
23 *Secretary and the Secretary of the Treasury shall ex-*
24 *amine the implications of issuing such bonds, includ-*
25 *ing the potential revenues that could be generated and*

1 *the projected net cost to the Treasury, including loss*
2 *of potential revenue.*

3 (3) *CONSULTATION.—In carrying out the study,*
4 *the Secretary and the Secretary of the Treasury, at*
5 *a minimum, shall consult with—*

6 (A) *representatives of the Inland Waterway*
7 *Users Board established by section 302 of the*
8 *Water Resources Development Act of 1986 (33*
9 *U.S.C. 2251);*

10 (B) *representatives of the commodities and*
11 *bulk cargos that are currently shipped for com-*
12 *mercial purposes on the segments of the inland*
13 *and intracoastal waterways listed in section 206*
14 *of the Inland Waterways Revenue Act of 1978*
15 *(33 U.S.C. 1804);*

16 (C) *representatives of other users of locks*
17 *and dams on the inland and intracoastal water-*
18 *ways, including persons owning, operating,*
19 *using, or otherwise benefitting from—*

20 (i) *hydropower generation facilities;*

21 (ii) *electric utilities that rely on the*
22 *waterways for cooling of existing electricity*
23 *generation facilities;*

24 (iii) *municipal and industrial water*
25 *supply;*

1 (iv) recreation;

2 (v) irrigation water supply; or

3 (vi) flood damage reduction;

4 (D) other stakeholders associated with the
5 inland and intracoastal waterways, as identified
6 by the Secretary or the Secretary of the Treas-
7 ury; and

8 (E) the heads of other appropriate Federal
9 agencies, including the Secretary of Transpor-
10 tation, the Secretary of the Interior, and the Ad-
11 ministrator of the Environmental Protection
12 Agency.

13 (4) REPORT TO CONGRESS.—Not later than 1
14 year after the date of enactment of this Act, the Sec-
15 retary and the Secretary of the Treasury shall submit
16 a joint report on the results of the study to—

17 (A) the Committee on Transportation and
18 Infrastructure, the Committee on Ways and
19 Means, and the Committee on the Budget of the
20 House of Representatives; and

21 (B) the Committee on Environment and
22 Public Works, the Committee on Finance, and
23 the Committee on the Budget of the Senate.

1 **(b) POTENTIAL FEES FOR BENEFICIARIES AND USERS**
2 **OF INLAND AND INTRACOASTAL WATERWAYS INFRASTRUC-**
3 **TURE.—**

4 **(1) IN GENERAL.—***The Secretary shall conduct a*
5 *study and submit to Congress a report on potential*
6 *user fees and revenues from other sources that could*
7 *be collected to generate additional revenues for the In-*
8 *land Waterways Trust Fund established by section*
9 *9506(a) of the Internal Revenue Code of 1986.*

10 **(2) SCOPE OF STUDY.—**

11 **(A) IN GENERAL.—***In carrying out the*
12 *study, the Secretary shall evaluate an array of*
13 *potential user fees and other revenues options*
14 *that, when combined with funds generated by*
15 *section 4042 of the Internal Revenue Code of*
16 *1986, are sufficient to support one-half of annual*
17 *construction expenditure levels of \$380,000,000*
18 *for the authorized purposes of the Inland Water-*
19 *ways Trust Fund.*

20 **(B) POTENTIAL REVENUE OPTIONS FOR**
21 **STUDY.—***In carrying out the study, the Sec-*
22 *retary, at a minimum, shall evaluate potential*
23 *user fees and other revenue options identified*
24 *in—*

1 (i) the report of the Congressional
2 Budget Office entitled “Paying for High-
3 ways, Airways, and Waterways: How Can
4 Users Be Charged?”, dated May 1, 1992;

5 (ii) the draft bill submitted by the As-
6 sistant Secretary of the Army (Civil Works)
7 to Congress entitled the “Lock User Fee Act
8 of 2008”, dated April 4, 2008;

9 (iii) the Inland Marine Transportation
10 System (IMTS) Capital Projects Business
11 Model, Final Report, published on April 12,
12 2010, as approved by the Inland Waterways
13 Users Board established by section 302 of
14 the Water Resources Development Act of
15 1986 (33 U.S.C. 2251); and

16 (iv) the draft bill submitted by the
17 President to Congress entitled the “Inland
18 Waterways Capital Investment Act of
19 2011”, dated September 2011.

20 (3) CONDUCT OF STUDY.—In carrying out the
21 study, the Secretary shall—

22 (A) take into consideration whether the po-
23 tential user fees and revenues from other
24 sources—

- 1 *(i) are equitably associated with the*
2 *construction, operation, and maintenance of*
3 *inland and intracoastal waterway infra-*
4 *structure, including locks, dams, and navi-*
5 *gation channels; and*
- 6 *(ii) can be efficiently collected;*
- 7 *(B) consult with, at a minimum—*
- 8 *(i) representatives of the Inland Water-*
9 *ways Users Board; and*
- 10 *(ii) representatives of other nonnaviga-*
11 *tion beneficiaries of inland and intracoastal*
12 *waterway infrastructure, including persons*
13 *benefitting from—*
- 14 *(I) municipal water supply;*
15 *(II) hydropower;*
16 *(III) recreation;*
17 *(IV) industrial water supply;*
18 *(V) flood damage reduction;*
19 *(VI) agricultural water supply;*
20 *(VII) environmental restoration;*
21 *(VIII) local and regional eco-*
22 *nomie development; or*
- 23 *(IX) local real estate interests;*
24 *and*

1 (iii) representatives of other interests,
2 as identified by the Secretary; and

3 (C) provide the opportunity for public hear-
4 ings in each of the geographic regions that con-
5 tain segments of the inland and intracoastal wa-
6 terways listed in section 206 of the Inland Wa-
7 terways Revenue Act of 1978 (33 U.S.C. 1804).

8 (4) *REPORT TO CONGRESS.*—Not later than 1
9 year after the date of enactment of this Act, the Sec-
10 retary shall submit a report on the results of the
11 study to—

12 (A) the Committee on Transportation and
13 Infrastructure, the Committee on Ways and
14 Means, and the Committee on the Budget of the
15 House of Representatives; and

16 (B) the Committee on Environment and
17 Public Works, the Committee on Finance, and
18 the Committee on the Budget of the Senate.

19 **SEC. 215. INLAND WATERWAYS STAKEHOLDER ROUND-**
20 **TABLE.**

21 (a) *IN GENERAL.*—The Secretary shall conduct an in-
22 land waterways stakeholder roundtable to provide for a re-
23 view and evaluation of alternative approaches—

24 (1) to address the financial needs of the Inland
25 Waterways Trust Fund; and

1 (2) *to support the water infrastructure needs of*
2 *the Inland Waterways System.*

3 **(b) SELECTION OF PARTICIPANTS.—**

4 (1) *IN GENERAL.—Not later than 45 days after*
5 *the date on which the Secretary submits to Congress*
6 *the report required by section 214(b), the Secretary*
7 *shall select individuals to be invited to participate in*
8 *the stakeholder roundtable.*

9 (2) *COMPOSITION.—The individuals selected*
10 *under paragraph (1) shall include—*

11 (A) *representatives of affected shippers and*
12 *suppliers;*

13 (B) *representatives of State and Federal*
14 *water managers; and*

15 (C) *other interested persons with direct*
16 *knowledge of the Inland Waterways System.*

17 **(c) FRAMEWORK AND AGENDA.—The Secretary shall**
18 *work with a group of the individuals selected under sub-*
19 *section (b) to develop the framework and agenda for the*
20 *stakeholder roundtable.*

21 **(d) CONDUCT OF STAKEHOLDER ROUNDTABLE.—**

22 (1) *IN GENERAL.—Not later than 120 days after*
23 *the date on which the Secretary submits to Congress*
24 *the report required by section 214(b), the Secretary*
25 *shall conduct the stakeholder roundtable.*

1 (2) *ISSUES TO BE DISCUSSED.*—*The stakeholder*
2 *roundtable shall provide for the review and evaluation*
3 *described in subsection (a) and shall include the fol-*
4 *lowing:*

5 (A) *An evaluation of alternatives that have*
6 *been developed to address funding options for the*
7 *Inland Waterways System.*

8 (B) *An evaluation of the funding status of*
9 *the Inland Waterways Trust Fund.*

10 (C) *Prioritization of the ongoing and pro-*
11 *jected water infrastructure needs of the Inland*
12 *Waterways System.*

13 (D) *Identification of a process forward for*
14 *meeting such needs, with timeline for addressing*
15 *the funding challenges for the inland waterways*
16 *trust system.*

17 (e) *REPORT TO CONGRESS.*—*Not later than 180 days*
18 *after the date on which the Secretary submits to Congress*
19 *the report required by section 214(b), the Secretary shall*
20 *submit to Congress a report that contains—*

21 (1) *a summary the stakeholder roundtable, in-*
22 *cluding areas of concurrence on funding approaches*
23 *and areas or disagreement in meeting funding needs;*
24 *and*

1 (2) *recommendations developed by the Secretary*
2 *for logical next steps to address the issues discussed*
3 *at the stakeholder roundtable.*

4 **SEC. 216. PRESERVING THE INLAND WATERWAY TRUST**
5 **FUND.**

6 (a) *OLMSTED PROJECT REFORM.—*

7 (1) *IN GENERAL.—Notwithstanding section*
8 *102(a) of the Water Resources Development Act of*
9 *1986 (33 U.S.C. 2212(a)), for each fiscal year begin-*
10 *ning after the date of enactment of this Act, 25 per-*
11 *cent of the cost of construction for the Olmsted Project*
12 *shall be paid from amounts appropriated from the In-*
13 *land Waterways Trust Fund.*

14 (2) *DEFINITION.—In this subsection the term*
15 *“Olmsted Project” means the project for navigation,*
16 *Lower Ohio River, Locks 52 and 53, Illinois and*
17 *Kentucky, authorized by section 3(a)(6) of the Water*
18 *Resources Development Act of 1988 (102 Stat. 4013).*

19 (3) *SENSE OF CONGRESS.—It is the sense of*
20 *Congress that the appropriation for the Olmsted*
21 *project should be not less than \$150,000,000 for each*
22 *fiscal year until construction of the project is com-*
23 *pleted.*

24 (4) *REPORT.—Not later than 1 year after the*
25 *date of enactment of this Act, the Secretary shall sub-*

1 *mit a report to the Committee on Transportation and*
2 *Infrastructure of the House of Representatives and the*
3 *Committee on Environment and Public Works of the*
4 *Senate regarding the lessons learned from the experi-*
5 *ence of planning and constructing the Olmsted Project*
6 *and how such lessons might apply to future inland*
7 *waterway studies and projects.*

8 *(b) ANNUAL REPORT ON PROGRESS AND COSTS.—For*
9 *any inland waterways project that the Secretary carries out*
10 *that has an estimated total cost of \$500,000,000 or more,*
11 *the Secretary shall submit to the congressional committees*
12 *referred to in subsection (a)(4) an annual financial plan*
13 *for the project. The plan shall be based on detailed annual*
14 *estimates of the cost to complete the remaining elements of*
15 *the project and on reasonable assumptions, as determined*
16 *by the Secretary, of any future increases of the cost to com-*
17 *plete the project.*

18 **SEC. 217. PUBLIC COMMENT ON LOCK OPERATIONS.**

19 *At least 90 days before carrying out a proposed modi-*
20 *fication to the operation of a lock at a project for navigation*
21 *on the inland waterways, the Secretary shall—*

22 *(1) provide notice of the proposed modification*
23 *in the Federal Register; and*

24 *(2) accept public comments on the proposed*
25 *modification.*

1 **SEC. 218. ASSESSMENT OF OPERATION AND MAINTENANCE**
2 **NEEDS OF THE ATLANTIC INTRACOASTAL WA-**
3 **TERWAY AND THE GULF INTRACOASTAL WA-**
4 **TERWAY.**

5 (a) *IN GENERAL.*—Not later than 90 days after the
6 date of enactment of this Act, the Secretary shall assess the
7 operation and maintenance needs of the Atlantic Intra-
8 coastal Waterway and the Gulf Intracoastal Waterway.

9 (b) *TYPES OF ACTIVITIES.*—In carrying out subsection
10 (a), the Secretary shall assess the operation and mainte-
11 nance needs of the Atlantic Intracoastal Waterway and the
12 Gulf Intracoastal Waterway as used for the following pur-
13 poses:

14 (1) *Commercial navigation.*

15 (2) *Commercial fishing.*

16 (3) *Subsistence, including utilization by Indian*
17 *tribes (as such term is defined by section 4 of the In-*
18 *Indian Self-Determination and Education Assistance*
19 *Act (25 U.S.C. 450b)) for subsistence and ceremonial*
20 *purposes.*

21 (4) *Use as ingress and egress to harbors of ref-*
22 *uge.*

23 (5) *Transportation of persons.*

24 (6) *Purposes relating to domestic energy produc-*
25 *tion, including fabrication, servicing, and supply of*
26 *domestic offshore energy production facilities.*

1 (7) *Activities of the Secretary of the department*
2 *in which the Coast Guard is operating.*

3 (8) *Public health and safety related equipment*
4 *for responding to coastal and inland emergencies.*

5 (9) *Recreation purposes.*

6 (10) *Any other authorized purpose.*

7 (c) *REPORT TO CONGRESS.—For fiscal year 2015, and*
8 *biennially thereafter, in conjunction with the President’s*
9 *annual budget submission to Congress under section*
10 *1105(a) of title 31, United States Code, the Secretary shall*
11 *submit to the Committee on Transportation and Infrastruc-*
12 *ture of the House of Representatives and the Committee on*
13 *Environment and Public Works of the Senate a report that,*
14 *with respect to the Atlantic Intracoastal Waterway and the*
15 *Gulf Intracoastal Waterway—*

16 (1) *identifies the operation and maintenance*
17 *costs required to achieve the authorized length, width,*
18 *and depth;*

19 (2) *identifies the amount of funding requested in*
20 *the President’s budget for operation and maintenance*
21 *costs; and*

22 (3) *identifies the unmet operation and mainte-*
23 *nance needs of the Atlantic Intracoastal Waterway*
24 *and the Gulf Intracoastal Waterway.*

1 **SEC. 219. UPPER MISSISSIPPI RIVER PROTECTION.**

2 (a) *ECONOMIC IMPACT STUDY.*—Not later than 180
3 days after the date of enactment of this Act, the Secretary
4 shall conduct a study and submit to Congress a report on
5 the impact of closing the Upper St. Anthony Falls Lock
6 and Dam on the economy and the environment, including
7 an assessment of the annual average tonnage moving
8 through the Upper St. Anthony Falls Lock and Dam during
9 the preceding 5 years.

10 (b) *MANDATORY CLOSURE.*—Not later than 1 year
11 after the date of enactment of this Act, the Secretary shall
12 close the Upper St. Anthony Falls Lock and Dam if the
13 Secretary determines pursuant to the study conducted
14 under subsection (a), or based on other appropriate infor-
15 mation made available to the Secretary, that the annual
16 average tonnage moving through the Upper St. Anthony
17 Falls Lock and Dam during the preceding 5 years was not
18 more than 1,500,000 tons.

19 (c) *EMERGENCY OPERATIONS.*—Nothing in this sec-
20 tion may be construed to prevent the Secretary from car-
21 rying out emergency lock operations necessary to mitigate
22 flood damage.

23 (d) *UPPER ST. ANTHONY FALLS LOCK AND DAM DE-*
24 *FINED.*—In this section, the term “Upper St. Anthony Falls
25 Lock and Dam” means the lock and dam located on Mis-
26 sissippi River Mile 853.9 in Minneapolis, Minnesota.

1 **SEC. 220. CORPS OF ENGINEERS LOCK AND DAM ENERGY**
2 **DEVELOPMENT.**

3 *Section 1117 of the Water Resources Development Act*
4 *of 1986 (100 Stat. 4236) is amended to read as follows:*

5 **“SEC. 1117. W.D. MAYO LOCK AND DAM.**

6 *“(a) IN GENERAL.—The Cherokee Nation of Oklahoma*
7 *may—*

8 *“(1) design and construct one or more hydro-*
9 *electric generating facilities at the W.D. Mayo Lock*
10 *and Dam on the Arkansas River, Oklahoma; and*

11 *“(2) market the electricity generated from any*
12 *such facility.*

13 **“(b) PRECONSTRUCTION REQUIREMENTS.—**

14 *“(1) PERMITS.—Before the date on which con-*
15 *struction of a hydroelectric generating facility begins*
16 *under subsection (a), the Cherokee Nation shall obtain*
17 *any permit required under Federal or State law, ex-*
18 *cept that the Cherokee Nation shall be exempt from li-*
19 *censing requirements that may otherwise apply to*
20 *construction, operation, or maintenance of the facility*
21 *under the Federal Power Act (16 U.S.C. 791a et seq.).*

22 **“(2) REVIEW OF PLANS AND SPECIFICATIONS.—**
23 *The Cherokee Nation may initiate the design or con-*
24 *struction of a hydroelectric generating facility under*
25 *subsection (a) only after the Secretary reviews and*

1 *approves the plans and specifications for the design*
2 *and construction.*

3 “(c) *PAYMENT OF DESIGN AND CONSTRUCTION*
4 *COSTS.—*

5 “(1) *IN GENERAL.—The Secretary may accept*
6 *funds offered by the Cherokee Nation and use such*
7 *funds to carry out the design and construction of a*
8 *hydroelectric generating facility under subsection (a).*

9 “(2) *ALLOCATION OF COSTS.—The Cherokee Na-*
10 *tion shall—*

11 “(A) *bear all costs associated with the de-*
12 *sign and construction of a hydroelectric gener-*
13 *ating facility under subsection (a); and*

14 “(B) *provide any funds necessary for the*
15 *design and construction to the Secretary prior to*
16 *the Secretary initiating any activities related to*
17 *the design and construction.*

18 “(d) *ASSUMPTION OF LIABILITY.—The Cherokee Na-*
19 *tion shall—*

20 “(1) *hold all title to a hydroelectric generating*
21 *facility constructed under subsection (a) and may,*
22 *subject to the approval of the Secretary, assign such*
23 *title to a third party;*

24 “(2) *be solely responsible for—*

1 “(A) the operation, maintenance, repair, re-
2 placement, and rehabilitation of the facility; and

3 “(B) the marketing of the electricity gen-
4 erated by the facility; and

5 “(3) release and indemnify the United States
6 from any claims, causes of action, or liabilities that
7 may arise out of any activity undertaken to carry out
8 this section.

9 “(e) ASSISTANCE AVAILABLE.—The Secretary may
10 provide technical and construction management assistance
11 requested by the Cherokee Nation relating to the design and
12 construction of a hydroelectric generating facility under
13 subsection (a).

14 “(f) THIRD PARTY AGREEMENTS.—The Cherokee Na-
15 tion may enter into agreements with the Secretary or a
16 third party that the Cherokee Nation or the Secretary deter-
17 mines are necessary to carry out this section.”.

18 **TITLE III—DEAUTHORIZATIONS**

19 **AND BACKLOG PREVENTION**

20 **SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

21 (a) PURPOSES.—The purposes of this section are—

22 (1) to identify \$12,000,000,000 in water re-
23 sources development projects authorized by Congress
24 that are no longer viable for construction due to—

25 (A) a lack of local support;

1 (B) a lack of available Federal or non-Fed-
2 eral resources; or

3 (C) an authorizing purpose that is no
4 longer relevant or feasible;

5 (2) to create an expedited and definitive process
6 to deauthorize water resources development projects
7 that are no longer viable for construction; and

8 (3) to allow the continued authorization of water
9 resources development projects that are viable for con-
10 struction.

11 (b) *DEAUTHORIZATION OF PROJECTS AUTHORIZED*
12 *BEFORE WRDA 2007.*—

13 (1) *IN GENERAL.*—Not later than 90 days after
14 the date of enactment of this Act, the Secretary shall
15 submit to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the
17 Committee on Environment and Public Works of the
18 Senate, and shall publish in the Federal Register, a
19 report that lists each authorized water resources devel-
20 opment project, or separable element of a project, au-
21 thorized for construction before November 8, 2007—

22 (A) for which—

23 (i) construction was not initiated be-
24 fore the date of enactment of this Act; or

1 (ii) construction was initiated before
2 the date of enactment of this Act, but for
3 which no funds, Federal or non-Federal,
4 were obligated for construction of the project
5 or separable element during the 5-year pe-
6 riod ending on July 1, 2013; and

7 (B) that is identified in accordance with
8 paragraph (3).

9 (2) *SPECIAL RULE FOR ONGOING CONSTRU-*
10 *CTION.—A project or separable element shall not be*
11 *listed pursuant to paragraph (1)(A)(ii) if the project*
12 *or separable element is being constructed as of the*
13 *date of enactment of this Act.*

14 (3) *IDENTIFICATION OF PROJECTS.—*

15 (A) *IN GENERAL.—The Secretary shall*
16 *identify in the report submitted under para-*
17 *graph (1) projects and separable elements that—*

18 (i) *meet the requirements described in*
19 *subparagraph (A) of that paragraph; and*

20 (ii) *in the aggregate have an estimated*
21 *Federal cost to complete (as of the date of*
22 *the report) that is at least \$12,000,000,000.*

23 (B) *SEQUENCING OF PROJECTS.—In identi-*
24 *fying projects and separable elements under sub-*
25 *paragraph (A), the Secretary shall identify*

1 *projects and separable elements according to the*
2 *order in which the projects and separable ele-*
3 *ments were authorized, beginning with the ear-*
4 *liest authorized projects and separable elements*
5 *and ending upon the aggregate estimated Federal*
6 *cost to complete for the projects and separable*
7 *elements identified satisfying the requirement*
8 *under subparagraph (A)(ii).*

9 (4) CONGRESSIONAL REVIEW PERIOD; DE-
10 *AUTHORIZATION.—After the expiration of the 180-day*
11 *period beginning on the date of the submission of the*
12 *report under this subsection, any project or separable*
13 *element identified in that report is hereby deauthor-*
14 *ized, unless during such period the non-Federal inter-*
15 *est for the project or separable element provides,*
16 *under Federal law, all funds necessary to complete the*
17 *project or separable element.*

18 (c) TREATMENT OF PROJECT MODIFICATIONS.—*For*
19 *purposes of this section, if an authorized water resources*
20 *development project or separable element has been modified*
21 *in an Act of Congress, the date of the authorization of the*
22 *project or separable element shall be deemed to be the date*
23 *of the most recent such modification.*

1 **SEC. 302. REVIEW OF CORPS OF ENGINEERS ASSETS.**

2 (a) *ASSESSMENT AND INVENTORY.*—Not later than 1
3 year after the date of enactment of this Act, the Secretary
4 shall conduct an assessment of all properties under the con-
5 trol of the Corps of Engineers and develop an inventory
6 of the properties that are not needed for the missions of the
7 Corps of Engineers.

8 (b) *CRITERIA.*—In conducting the assessment and de-
9 veloping the inventory under subsection (a), the Secretary
10 shall use the following criteria:

11 (1) *The extent to which the property aligns with*
12 *the current missions of the Corps of Engineers.*

13 (2) *The economic impact of the property on ex-*
14 *isting communities in the vicinity of the property.*

15 (3) *The extent to which the utilization rate for*
16 *the property is being maximized and is consistent*
17 *with nongovernmental industry standards for the*
18 *given function or operation.*

19 (4) *The extent to which the reduction or elimi-*
20 *nation of the property could reduce operation and*
21 *maintenance costs of the Corps of Engineers.*

22 (5) *The extent to which the reduction or elimi-*
23 *nation of the property could reduce energy consump-*
24 *tion by the Corps of Engineers.*

25 (c) *NOTIFICATION.*—As soon as practicable following
26 completion of the inventory of properties under subsection

1 (a), the Secretary shall provide the inventory to the Admin-
2 istrator of General Services.

3 (d) *REPORT TO CONGRESS.*—Not later than 30 days
4 after the date of the notification under subsection (c), the
5 Secretary shall submit to the Committee on Transportation
6 and Infrastructure of the House of Representatives and the
7 Committee on Environment and Public Works of the Senate
8 a report containing the findings of the Secretary with re-
9 spect to the assessment and inventory required under sub-
10 section (a).

11 **SEC. 303. BACKLOG PREVENTION.**

12 (a) *PROJECT DEAUTHORIZATION.*—

13 (1) *IN GENERAL.*—A water resources develop-
14 ment project, or separable element of such a project,
15 authorized for construction by this Act shall not be
16 authorized after the last day of the 7-year period be-
17 ginning on the date of enactment of this Act unless
18 during that period funds have been obligated for con-
19 struction of such project.

20 (2) *IDENTIFICATION OF PROJECTS.*—Not later
21 than 60 days after the expiration of the 7-year period
22 referred to in paragraph (1), the Secretary shall sub-
23 mit to the Committee on Transportation and Infra-
24 structure of the House of Representatives and the
25 Committee on Environment and Public Works of the

1 *Senate a report that identifies the projects deauthor-*
2 *ized under paragraph (1).*

3 **(b) REPORT TO CONGRESS.**—*Not later than 60 days*
4 *after the expiration of the 12-year period beginning on the*
5 *date of enactment of this Act, the Secretary shall submit*
6 *to the Committee on Transportation and Infrastructure of*
7 *the House of Representatives and the Committee on Envi-*
8 *ronment and Public Works of the Senate a report that con-*
9 *tains—*

10 *(1) a list of any water resources development*
11 *projects authorized by this Act for which construction*
12 *has not been completed during that period;*

13 *(2) a description of the reasons the projects were*
14 *not completed; and*

15 *(3) a schedule for the completion of the projects*
16 *based on expected levels of appropriations.*

17 **SEC. 304. DEAUTHORIZATIONS.**

18 **(a) IN GENERAL.**—*The following projects are not au-*
19 *thorized after the date of enactment of this Act:*

20 **(1) WALNUT CREEK (PACHECO CREEK), CALI-**
21 **FORNIA.**—*The portions of the project for flood protec-*
22 *tion on Walnut Creek, California, constructed under*
23 *section 203 of the Flood Control Act of 1960 (Public*
24 *Law 86-645; 74 Stat. 488), consisting of the Walnut*
25 *Creek project from Sta 0+00 to Sta 142+00 and the*

1 *upstream extent of the Walnut Creek project along*
2 *Pacheco Creek from Sta 0+00 to Sta 73+50.*

3 (2) *WALNUT CREEK (SAN RAMON CREEK), CALI-*
4 *FORNIA.—The portion of the project for flood protec-*
5 *tion on Walnut Creek, California, constructed under*
6 *section 203 of the Flood Control Act of 1960 (Public*
7 *Law 86-645; 74 Stat. 488), consisting of the culvert*
8 *constructed by the Department of the Army on San*
9 *Ramon Creek from Sta 4+27 to Sta 14+27.*

10 (3) *HILLSBOROUGH (HILLSBORO) BAY AND*
11 *RIVER, FLORIDA.—Those portions of the project for*
12 *navigation, Hillsborough (Hillsboro) Bay and River,*
13 *Florida, authorized by the Act of March 3, 1899 (30*
14 *Stat. 1126; chapter 425), that extend on either side of*
15 *the Hillsborough River from the Kennedy Boulevard*
16 *bridge to the mouth of the river that cause the exist-*
17 *ing channel to exceed 100 feet in width.*

18 (4) *KAHULUI WASTEWATER RECLAMATION FACIL-*
19 *ITY, MAUI, HAWAII.—The project carried out pursuant*
20 *to the authority provided by section 14 of the Flood*
21 *Control Act of 1946 (33 U.S.C. 701r) to provide*
22 *shoreline protection for the Kahului Wastewater Rec-*
23 *lamation Facility, located on the Island of Maui in*
24 *the State of Hawaii.*

1 (5) *CHICAGO HARBOR, ILLINOIS.*—*The portion of*
2 *the project for navigation, Chicago Harbor, Illinois,*
3 *authorized by the first section of the Act of March 3,*
4 *1899 (30 Stat. 1129; chapter 425), and the first sec-*
5 *tion of the Act of March 2, 1919 (40 Stat. 1283; chap-*
6 *ter 95), and described as follows:*

7 (A) *Beginning at the southwest corner of*
8 *Metropolitan Sanitary District of Greater Chi-*
9 *cago sluice gate that abuts the north wall of the*
10 *Chicago River Lock.*

11 (B) *Thence running north for approxi-*
12 *mately 290 feet.*

13 (C) *Thence running east approximately*
14 *1,000 feet.*

15 (D) *Thence running south approximately*
16 *290 feet.*

17 (E) *Thence running west approximately*
18 *1,000 feet to the point of origin.*

19 (6) *LUCAS-BERG PIT, ILLINOIS WATERWAY AND*
20 *GRANT CALUMET RIVER, ILLINOIS.*—*The portion of the*
21 *project for navigation, Illinois Waterway and Grand*
22 *Calumet River, Illinois, authorized by the first section*
23 *of the Act entitled “An Act authorizing the construc-*
24 *tion of certain public works on rivers and harbors for*
25 *flood control, and for other purposes”, approved July*

1 24, 1946 (60 Stat. 636; chapter 596), that consists of
2 the Lucas-Berg Pit confined disposal facility, Illinois.

3 (7) ROCKLAND HARBOR, MAINE.—The portion of
4 the project for navigation, Rockland Harbor, Maine,
5 authorized by the Act entitled “An Act making appro-
6 priations for the construction, repair, and preserva-
7 tion of certain public works on rivers and harbors,
8 and for other purposes”, approved June 3, 1896 (29
9 Stat. 202), and described as follows:

10 (A) Beginning at the point in the 14-foot
11 turning basin limit with coordinates
12 N162,927.61, E826,210.16.

13 (B) Thence running north 45 degrees 45
14 minutes 15.6 seconds east 287.45 feet to a point
15 N163,128.18, E826,416.08.

16 (C) Thence running south 13 degrees 17
17 minutes 53.3 seconds east 129.11 feet to a point
18 N163,002.53, E826,445.77.

19 (D) Thence running south 45 degrees 45
20 minutes 18.4 seconds west 221.05 feet to a point
21 N162,848.30, E826,287.42.

22 (E) Thence running north 44 degrees 14
23 minutes 59.5 seconds west 110.73 feet to the
24 point of origin.

1 (8) *CORSICA RIVER, QUEEN ANNE’S COUNTY,*
2 *MARYLAND.—The portion of the project for improving*
3 *the Corsica River, Maryland, authorized by the first*
4 *section of the Act entitled “An Act making appropria-*
5 *tions for the construction, repair, and preservation of*
6 *certain public works on rivers and harbors, and for*
7 *other purposes”, approved July 25, 1912 (37 Stat.*
8 *205), and described as follows: Approximately 2,000*
9 *feet of the eastern section of the project channel ex-*
10 *tending from—*

11 (A) *centerline station 0+000 (coordinates*
12 *N506350.60, E1575013.60); to*

13 (B) *station 2+000 (coordinates*
14 *N508012.39, E1574720.18).*

15 (9) *GLOUCESTER HARBOR AND ANNISQUAM*
16 *RIVER, MASSACHUSETTS.—The portions of the project*
17 *for navigation, Gloucester Harbor and Annisquam*
18 *River, Massachusetts, authorized by section 2 of the*
19 *Act entitled “An Act authorizing the construction, re-*
20 *pair, and preservation of certain public works on riv-*
21 *ers and harbors, and for other purposes”, approved of*
22 *March 2, 1945 (59 Stat. 12; chapter 19), consisting*
23 *of an 8-foot anchorage area in Lobster Cove, and de-*
24 *scribed as follows:*

1 (A) Beginning at a bend along the easterly
2 limit of the existing project, N3063230.31,
3 E878283.77, thence running northwesterly about
4 339 feet to a point, N3063478.86, E878053.83,
5 thence running northwesterly about 281 feet to a
6 bend on the easterly limit of the existing project,
7 N3063731.88, E877932.54, thence running south-
8 easterly about 612 feet along the easterly limit of
9 the existing project to the point of origin.

10 (B) Beginning at a bend along the easterly
11 limit of the existing project, N3064065.80,
12 E878031.45, thence running northwesterly about
13 621 feet to a point, N3064687.05, E878031.13,
14 thence running southwestly about 122 feet to a
15 point, N3064686.98, E877908.85, thence running
16 southeasterly about 624 feet to a point,
17 N3064063.31, E877909.17, thence running south-
18 westerly about 512 feet to a point, N3063684.73,
19 E877564.56, thence running about 741 feet to a
20 point along the westerly limit of the existing
21 project, N3063273.98, E876947.77, thence run-
22 ning northeasterly about 533 feet to a bend along
23 the westerly limit of the existing project,
24 N3063585.62, E877380.63, thence running about
25 147 feet northeasterly to a bend along the west-

1 *erly limit of the project, N3063671.29,*
2 *E877499.63, thence running northeasterly about*
3 *233 feet to a bend along the westerly limit of the*
4 *existing project, N3063840.60, E877660.29,*
5 *thence running about 339 feet northeasterly to a*
6 *bend along the westerly limit of the existing*
7 *project, N3064120.34, E877852.55, thence run-*
8 *ning about 573 feet to a bend along the westerly*
9 *limit of the existing project, N3064692.98,*
10 *E877865.04, thence running about 113 feet to a*
11 *bend along the northerly limit of the existing*
12 *project, N3064739.51, E877968.31, thence run-*
13 *ning 145 feet southeasterly to a bend along the*
14 *northerly limit of the existing project,*
15 *N3064711.19, E878110.69, thence running about*
16 *650 feet along the easterly limit of the existing*
17 *project to the point of origin.*

18 (10) *IPSWICH RIVER, MASSACHUSETTS.—The*
19 *portion of the project for navigation, Ipswich River,*
20 *Massachusetts, authorized by the first section of the*
21 *Act of August 5, 1886 (24 Stat. 317, chapter 929)*
22 *consisting of a 4-foot channel located at the entrance*
23 *to the inner harbor at Ipswich Harbor, and described*
24 *as follows:*

1 (A) *Lying northwesterly of a line com-*
2 *mencing at N3,074,938.09, E837,154.87.*

3 (B) *Thence running easterly approximately*
4 *60 feet to a point with coordinates*
5 *N3,074,972.62, E837,203.93.*

6 (11) *EAST FORK OF TRINITY RIVER, TEXAS.—*
7 *The portion of the project for flood protection on the*
8 *East Fork of the Trinity River, Texas, authorized by*
9 *section 203 of the Flood Control Act of 1962 (76 Stat.*
10 *1185), that consists of the 2 levees identified as Kauf-*
11 *man County Levees K5E and K5W.*

12 (12) *BURNHAM CANAL, WISCONSIN.—The portion*
13 *of the project for navigation, Milwaukee Harbor*
14 *Project, Milwaukee, Wisconsin, known as the*
15 *Burnham Canal, authorized by the first section of the*
16 *Act entitled “An Act for the protection of commerce*
17 *on Lake Michigan”, approved March 3, 1843 (5 Stat.*
18 *619; chapter 85), and described as follows:*

19 (A) *Beginning at channel point #415a*
20 *N381768.648, E2524554.836, a distance of about*
21 *170.58 feet.*

22 (B) *Thence running south 53 degrees 43*
23 *minutes 41 seconds west to channel point #417*
24 *N381667.728, E2524417.311, a distance of about*
25 *35.01 feet.*

1 (C) Thence running south 34 degrees 10
2 minutes 40 seconds west to channel point #501
3 N381638.761, E2524397.639, a distance of about
4 139.25 feet.

5 (D) Thence running south 34 degrees 10
6 minutes 48 seconds west to channel point #503
7 N381523.557, E2524319.406, a distance of about
8 235.98 feet.

9 (E) Thence running south 32 degrees 59
10 minutes 13 seconds west to channel point #505
11 N381325.615, E2524190.925, a distance of about
12 431.29 feet.

13 (F) Thence running south 32 degrees 36
14 minutes 05 seconds west to channel point #509
15 N380962.276, E2523958.547, a distance of about
16 614.52 feet.

17 (G) Thence running south 89 degrees 05
18 minutes 00 seconds west to channel point #511
19 N380952.445, E2523344.107, a distance of about
20 74.68 feet.

21 (H) Thence running north 89 degrees 04
22 minutes 59 seconds west to channel point #512
23 N381027.13, E2523342.91, a distance of about
24 533.84 feet.

1 (I) Thence running north 89 degrees 05
2 minutes 00 seconds east to channel point #510
3 N381035.67, E2523876.69, a distance of about
4 47.86 feet.

5 (J) Thence running north 61 degrees 02
6 minutes 07 seconds east to channel point #508
7 N381058.84, E2523918.56, a distance of about
8 308.55 feet.

9 (K) Thence running north 36 degrees 15
10 minutes 29 seconds east to channel point #506
11 N381307.65, E2524101.05, a distance of about
12 199.98 feet.

13 (L) Thence running north 32 degrees 59
14 minutes 12 seconds east to channel point #504
15 N381475.40, E2524209.93, a distance of about
16 195.14 feet.

17 (M) Thence running north 26 degrees 17
18 minutes 22 seconds east to channel point #502
19 N381650.36, E2524296.36, a distance of about
20 81.82 feet.

21 (N) Thence running north 88 degrees 51
22 minutes 05 seconds west to channel point #419
23 N381732.17, E2524294.72, a distance of about
24 262.65 feet.

1 (O) *Thence running north 82 degrees 01*
2 *minutes 02 seconds east to channel point #415a,*
3 *the point of origin.*

4 (13) *MANITOWOC HARBOR, WISCONSIN.—The*
5 *portion of the project for navigation, Manitowoc*
6 *River, Manitowoc, Wisconsin, authorized by the Act*
7 *of August 30, 1852 (10 Stat. 58; chapter 104), and*
8 *described as follows: The triangular area bound by—*

9 (A) *44.09893383N and 087.66854912W;*

10 (B) *44.09900535N and 087.66864372W;*

11 *and*

12 (C) *44.09857884N and 087.66913123W.*

13 (b) *SEWARD WATERFRONT, SEWARD, ALASKA.—*

14 (1) *IN GENERAL.—Subject to paragraph (2), the*
15 *portion of the project for navigation, Seward Harbor,*
16 *Alaska, identified as Tract H, Seward Original*
17 *Townsite, Waterfront Park Replat, Plat No 2012–4,*
18 *Seward Recording District, shall not be subject to*
19 *navigation servitude beginning on the date of enact-*
20 *ment of this Act.*

21 (2) *ENTRY BY FEDERAL GOVERNMENT.—The*
22 *Federal Government may enter upon the property re-*
23 *ferred to in paragraph (1) to carry out any required*
24 *operation and maintenance of the general navigation*
25 *features of the project referred to in paragraph (1).*

1 (c) *PORT OF HOOD RIVER, OREGON.*—

2 (1) *EXTINGUISHMENT OF PORTIONS OF EXISTING*
3 *FLOWAGE EASEMENT.*—*With respect to the properties*
4 *described in paragraph (2), beginning on the date of*
5 *enactment of this Act, the flowage easement identified*
6 *as Tract 1200E-6 on the Easement Deed recorded as*
7 *Instrument No. 740320 is extinguished above ele-*
8 *vation 79.39 feet (NGVD 29), the ordinary high water*
9 *line.*

10 (2) *AFFECTED PROPERTIES.*—*The properties de-*
11 *scribed in this paragraph, as recorded in Hood River*
12 *County, Oregon, are as follows:*

13 (A) *Instrument Number 2010-1235.*

14 (B) *Instrument Number 2010-02366.*

15 (C) *Instrument Number 2010-02367.*

16 (D) *Parcel 2 of Partition Plat 2011-12P.*

17 (E) *Parcel 1 of Partition Plat 2005-26P.*

18 (3) *EXTINGUISHMENT OF FLOWAGE EASE-*
19 *MENT.*—*With respect to the properties described in*
20 *paragraph (2), the flowage easement is extinguished if*
21 *the elevation of the property is above the standard*
22 *project flood elevation.*

23 (4) *FEDERAL LIABILITIES.*—*The United States*
24 *shall not be liable for any injury caused by the extin-*
25 *guishment of the easement under this subsection.*

1 (5) *NO EFFECT ON OTHER RIGHTS.*—*Nothing in*
2 *this subsection affects the remaining rights and inter-*
3 *ests of the Corps of Engineers for authorized project*
4 *purposes.*

5 **SEC. 305. LAND CONVEYANCES.**

6 (a) *TULSA PORT OF CATOOSA, ROGERS COUNTY,*
7 *OKLAHOMA LAND EXCHANGE.*—

8 (1) *LAND EXCHANGE.*—*On conveyance by the*
9 *Tulsa Port of Catoosa to the United States of all*
10 *right, title, and interest in and to the non-Federal*
11 *land, the Secretary shall convey to the Tulsa Port of*
12 *Catoosa all right, title, and interest of the United*
13 *States in and to the Federal land.*

14 (2) *DEFINITIONS.*—*In this subsection, the fol-*
15 *lowing definitions apply:*

16 (A) *FEDERAL LAND.*—*The term “Federal*
17 *land” means the approximately 87 acres of land*
18 *situated in Rogers County, Oklahoma, contained*
19 *within United States Tracts 413 and 427 and*
20 *acquired for the McClellan-Kerr Arkansas Navi-*
21 *gation System.*

22 (B) *NON-FEDERAL LAND.*—*The term “non-*
23 *Federal land” means the approximately 34 acres*
24 *of land situated in Rogers County, Oklahoma,*

1 *and owned by the Tulsa Port of Catoosa that lie*
2 *immediately south and east of the Federal land.*

3 (3) *SPECIFIC CONDITIONS.—*

4 (A) *DEEDS.—*

5 (i) *DEED TO NON-FEDERAL LAND.—*

6 *The Secretary may only accept conveyance*
7 *of the non-Federal land by warranty deed,*
8 *as determined acceptable by the Secretary.*

9 (ii) *DEED TO FEDERAL LAND.—The*

10 *Secretary shall convey the Federal land to*
11 *the Tulsa Port of Catoosa by quitclaim deed*
12 *and subject to any reservations, terms, and*
13 *conditions the Secretary determines nec-*
14 *essary to—*

15 (I) *allow the United States to op-*

16 *erate and maintain the McClellan-Kerr*
17 *Arkansas River Navigation System;*
18 *and*

19 (II) *protect the interests of the*

20 *United States.*

21 (iii) *CASH PAYMENT.—If the appraised*

22 *fair market value of the Federal land, as de-*
23 *termined by the Secretary, exceeds the ap-*
24 *praised fair market value of the non-Fed-*
25 *eral land, as determined by the Secretary,*

1 *the Tulsa Port of Catoosa shall make a cash*
2 *payment to the United States reflecting the*
3 *difference in the appraised fair market val-*
4 *ues.*

5 **(b) CITY OF ASOTIN, WASHINGTON.—**

6 **(1) IN GENERAL.—***The Secretary shall convey to*
7 *the city of Asotin, Asotin County, Washington, with-*
8 *out monetary consideration, all right, title, and inter-*
9 *est of the United States in and to the land described*
10 *in paragraph (3).*

11 **(2) REVERSION.—***If the land transferred under*
12 *this subsection ceases at any time to be used for a*
13 *public purpose, the land shall revert to the United*
14 *States.*

15 **(3) DESCRIPTION.—***The land to be conveyed to*
16 *the city of Asotin, Washington, under this subsection*
17 *are—*

18 **(A)** *the public ball fields designated as*
19 *Tracts 1503, 1605, 1607, 1609, 1611, 1613,*
20 *1615, 1620, 1623, 1624, 1625, 1626, and 1631;*
21 *and*

22 **(B)** *other leased areas designated as Tracts*
23 *1506, 1522, 1523, 1524, 1525, 1526, 1527, 1529,*
24 *1530, 1531, and 1563.*

25 **(c) GENERALLY APPLICABLE PROVISIONS.—**

1 (1) *SURVEY TO OBTAIN LEGAL DESCRIPTION.*—
2 *The exact acreage and the legal description of any*
3 *real property to be conveyed under this section shall*
4 *be determined by a survey that is satisfactory to the*
5 *Secretary.*

6 (2) *APPLICABILITY OF PROPERTY SCREENING*
7 *PROVISIONS.*—*Section 2696 of title 10, United States*
8 *Code, shall not apply to any conveyance under this*
9 *section.*

10 (3) *ADDITIONAL TERMS AND CONDITIONS.*—*The*
11 *Secretary may require that any conveyance under*
12 *this section be subject to such additional terms and*
13 *conditions as the Secretary considers necessary and*
14 *appropriate to protect the interests of the United*
15 *States.*

16 (4) *COSTS OF CONVEYANCE.*—*An entity to which*
17 *a conveyance is made under this section shall be re-*
18 *sponsible for all reasonable and necessary costs, in-*
19 *cluding real estate transaction and environmental*
20 *documentation costs, associated with the conveyance.*

21 (5) *LIABILITY.*—*An entity to which a conveyance*
22 *is made under this section shall hold the United*
23 *States harmless from any liability with respect to ac-*
24 *tivities carried out, on or after the date of the convey-*
25 *ance, on the real property conveyed. The United*

1 *States shall remain responsible for any liability with*
 2 *respect to activities carried out, before such date, on*
 3 *the real property conveyed.*

4 **TITLE IV—WATER RESOURCES**
 5 **INFRASTRUCTURE**

6 **SEC. 401. AUTHORIZATION OF FINAL FEASIBILITY STUDIES.**

7 *The following final feasibility studies for water re-*
 8 *sources development and conservation and other purposes*
 9 *are authorized to be carried out by the Secretary substan-*
 10 *tially in accordance with the plan, and subject to the condi-*
 11 *tions, described in the respective reports designated in this*
 12 *section:*

13 (1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of En- gineers	D. Estimated Federal Cost	E. Estimated Non-Fed- eral Cost
1. TX, LA	<i>Sabine Neches Waterway, Southeast Texas and Southwest Louisiana</i>	<i>July 22, 2011</i>	\$779,399,000	\$359,227,000
2. FL	<i>Jacksonville Harbor- Milepoint</i>	<i>April 30, 2012</i>	\$27,804,000	\$9,122,000
3. GA	<i>Savannah Harbor Ex- pansion Project</i>	<i>Aug. 17, 2012</i>	\$461,000,000	\$201,000,000
4. TX	<i>Freeport Har- bor</i>	<i>Jan. 7, 2013</i>	\$121,132,000	\$116,342,000

A. State	B. Name	C. Date of Report of Chief of En- gineers	D. Estimated Federal Cost	E. Estimated Non-Fed- eral Cost
5. FL	Canaveral Harbor (Sect 203 Sponsor Re- port)	Feb. 25, 2013	\$28,652,000	\$11,588,000

1 (2) *FLOOD RISK MANAGEMENT.*—

A. State	B. Name	C. Date of Report of Chief of En- gineers	D. Estimated Federal Cost	E. Estimated Non-Fed- eral Cost
1. KS	Topeka	Aug. 24, 2009	\$15,494,000	\$8,343,000
2. CA	American River Wa- tershed, Common Features Project, Natomas Basin	Dec. 30, 2010	\$943,300,000	\$479,500,000
3. IA	Cedar River, Cedar Rap- ids	Jan. 27, 2011	\$67,216,000	\$36,194,000
4. MN, ND	Fargo-Moor- head Metro	Dec. 19, 2011	\$801,542,000	\$979,806,000
5. KY	Ohio River Shoreline, Paducah	May 16, 2012	\$12,893,000	\$6,943,000

2 (3) *HURRICANE AND STORM DAMAGE RISK RE-*
3 *DUCTION.*—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Federal Cost and Estimated Total Federal Cost for Life of Project	E. Estimated Initial Non-Fed- eral Cost and Estimated Total Non-Fed- eral Cost for Life of Project
1. NC	West Onslow Beach and New River Inlet (Top- sail Beach)	Sept. 28, 2009	Initial Cost: \$30,557,000 Total Cost: \$132,372,000	Initial Cost: \$17,315,000 Total Cost: \$132,372,000
2. NC	Surf City and North Top- sail Beach	Dec. 30, 2010	Initial Cost: \$81,484,000 Total Cost: \$106,182,000	Initial Cost: \$43,900,000 Total Cost: \$106,182,000
3. CA	San Clemente Shoreline	April 5, 2012	Initial Cost: \$7,500,000 Total Cost: \$43,400,000	Initial Cost: \$4,000,000 Total Cost: \$43,400,000

1 (4) HURRICANE AND STORM DAMAGE RISK RE-
2 DUCTION AND ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of En- gineers	D. Estimated Federal Cost	E. Estimated Non-Fed- eral Cost
1. MS	Mississippi Coastal Im- provement Program (MSCIP) Hancock, Harrison, and Jackson Counties	Sept. 15, 2009	\$815,090,000	\$438,890,000

3 (5) ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of En- gineers	D. Estimated Federal Cost	E. Estimated Non-Fed- eral Cost
1. MD	Mid-Chesa- peake Bay Island	Aug. 24, 2009	\$1,221,721,000	\$657,849,000
2. FL	Central and Southern Florida Project, Comprehen- sive Ever- glades Res- toration Plan, Caloosahate- hee River (C-43) West Basin Stor- age Project, Hendry County	March 11, 2010	\$297,189,000	\$297,189,000
3. LA	Louisiana Coastal Area	Dec. 30, 2010	\$954,452,000	\$513,936,000
4. MN	Marsh Lake	Dec. 30, 2011	\$6,403,000	\$3,564,000
5. FL	Central and Southern Florida Project, Comprehen- sive Ever- glades Res- toration Plan, C-111 Spreader Canal West- ern Project	Jan. 30, 2012	\$88,992,000	\$88,992,000
6. FL	CERP Bis- cayne Bay Coastal Wet- land, Flor- ida	May 2, 2012	\$96,209,000	\$96,209,000

A. State	B. Name	C. Date of Report of Chief of En- gineers	D. Estimated Federal Cost	E. Estimated Non-Fed- eral Cost
7. FL	<i>Central and Southern Florida Project, Broward County Water Pre- serve Area</i>	<i>May 21, 2012</i>	\$433,353,500	\$433,353,500
8. LA	<i>Louisiana Coastal Area- Barataria Basin Bar- rier</i>	<i>June 22, 2012</i>	\$283,567,000	\$152,690,000
9. NC	<i>Neuse River Basin</i>	<i>April 23, 2013</i>	\$23,253,100	\$12,520,900

1 **SEC. 402. PROJECT MODIFICATIONS.**

2 (a) *MIAMI HARBOR, MIAMI-DADE COUNTY, FLOR-*
3 *IDA.—*

4 (1) *IN GENERAL.—The project for navigation,*
5 *Miami Harbor, Miami-Dade County, Florida, author-*
6 *ized by section 1001(17) of the Water Resources De-*
7 *velopment Act of 2007 (121 Stat. 1052), is modified*
8 *to authorize the Secretary to construct the project at*
9 *a total cost of \$152,510,000, with an estimated Fed-*
10 *eral cost of \$92,007,000 and a non-Federal cost of*
11 *\$60,503,000.*

12 (2) *APPLICABILITY.—Paragraph (1) shall take*
13 *effect on November 8, 2007.*

1 (b) *LOWER OHIO RIVER, ILLINOIS AND KENTUCKY.*—
2 *The project for navigation, Lower Ohio River, Locks and*
3 *Dams 52 and 53, Illinois and Kentucky, authorized by sec-*
4 *tion 3(a)(6) of the Water Resources Development Act of*
5 *1988 (102 Stat. 4013), is modified to authorize the Sec-*
6 *retary to construct the project at a total cost of*
7 *\$2,300,000,000, with a first Federal cost of \$2,300,000,000.*

8 (c) *LITTLE CALUMET RIVER BASIN (CADY MARSH*
9 *DITCH), INDIANA.*—*The project for flood control, Little Cal-*
10 *umet River Basin (Cady Marsh Ditch), Indiana, authorized*
11 *by section 401(a) of the Water Resources Development Act*
12 *of 1986 (100 Stat. 4115), and modified by section 127 of*
13 *Public Law 109–103 (119 Stat. 2259), is further modified*
14 *to authorize the Secretary to construct the project at a total*
15 *cost of \$269,988,000, with an estimated Federal cost of*
16 *\$202,800,000 and a non-Federal cost of \$67,188,000.*

Union Calendar No. 174

113TH CONGRESS
1ST Session

H. R. 3080

[Report No. 113-246, Part I]

A BILL

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

OCTOBER 21, 2013

Reported from the Committee on Transportation and
Infrastructure with an amendment

OCTOBER 21, 2013

The Committees on the Budget, Ways and Means, and Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed