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113TH CONGRESS
1ST SESSION

S. 601

[Report No. 113–13]

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2013

Mrs. BOXER (for herself and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

APRIL 22, 2013

Reported by Mrs. BOXER, with an amendment

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

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Water Resources Development Act of 2013”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
 5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCE PROJECTS

Sec. 1001. Purposes.

Sec. 1002. Project authorizations.

Sec. 1003. Project review.

TITLE II—WATER RESOURCES POLICY REFORMS

Sec. 2001. Purposes.

Sec. 2002. Safety assurance review.

Sec. 2003. Continuing authority programs.

Sec. 2004. Continuing authority program prioritization.

Sec. 2005. Fish and wildlife mitigation.

Sec. 2006. Mitigation status report.

Sec. 2007. Independent peer review.

Sec. 2008. Operation and maintenance of navigation and hydroelectric facilities.

Sec. 2009. Hydropower at Corps of Engineers facilities.

Sec. 2010. Clarification of work-in-kind credit authority.

Sec. 2011. Transfer of excess work-in-kind credit.

Sec. 2012. Credit for in-kind contributions.

Sec. 2013. Credit in lieu of reimbursement.

Sec. 2014. Dam optimization.

Sec. 2015. Water supply.

Sec. 2016. Report on water storage pricing formulas.

Sec. 2017. Clarification of previously authorized work.

Sec. 2018. Consideration of Federal land in feasibility studies.

Sec. 2019. Planning assistance to States.

Sec. 2020. Vegetation management policy.

Sec. 2021. Levee certifications.

Sec. 2022. Restoration of flood and hurricane storm damage reduction projects.

Sec. 2023. Operation and maintenance of certain projects.

Sec. 2024. Dredging study.

Sec. 2025. Non-Federal project implementation pilot program.

Sec. 2026. Non-Federal implementation of feasibility studies.

Sec. 2027. Tribal partnership program.

Sec. 2028. Cooperative agreements with Columbia River Basin Indian tribes.

Sec. 2029. Military munitions response actions at civil works shoreline protection projects.

Sec. 2030. Beach nourishment.

Sec. 2031. Regional sediment management.

Sec. 2032. Study acceleration.

Sec. 2033. Project acceleration.

Sec. 2034. Feasibility studies.

Sec. 2035. Accounting and administrative expenses.

Sec. 2036. Determination of project completion.

Sec. 2037. Project partnership agreements.

Sec. 2038. Interagency and international support authority.

Sec. 2039. Acceptance of contributed funds to increase lock operations.

Sec. 2040. Emergency response to natural disasters.

Sec. 2041. Systemwide improvement frameworks.

Sec. 2042. Funding to process permits.

Sec. 2043. National riverbank stabilization and erosion prevention study and pilot program.

Sec. 2044. Hurricane and storm damage risk reduction prioritization.

Sec. 2045. Prioritization of ecosystem restoration efforts.

Sec. 2046. Special use permits.

Sec. 2047. Operations and maintenance on fuel taxed inland waterways.

Sec. 2048. Corrosion prevention.

Sec. 2049. Project deauthorizations.

Sec. 2050. Reports to Congress.

TITLE III—PROJECT MODIFICATIONS

Sec. 3001. Purpose.

Sec. 3002. Chatfield Reservoir, Colorado.

Sec. 3003. Missouri River Recovery Implementation Committee expenses reimbursement.

Sec. 3004. Hurricane and storm damage reduction study.

Sec. 3005. Lower Yellowstone Project, Montana.

Sec. 3006. Project deauthorizations.

Sec. 3007. Raritan River Basin, Green Brook Sub-basin, New Jersey.

Sec. 3008. Red River Basin, Oklahoma, Texas, Arkansas, Louisiana.

TITLE IV—WATER RESOURCE STUDIES

Sec. 4001. Purpose.

Sec. 4002. Initiation of new water resources studies.

Sec. 4003. Applicability.

TITLE V—REGIONAL AND NONPROJECT PROVISIONS

Sec. 5001. Purpose.

Sec. 5002. Northeast Coastal Region ecosystem restoration.

Sec. 5003. Chesapeake Bay Environmental Restoration and Protection Program.

Sec. 5004. Rio Grande environmental management program, Colorado, New Mexico, Texas.

Sec. 5005. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.

Sec. 5006. Arkansas River, Arkansas and Oklahoma.

Sec. 5007. Aquatic invasive species prevention and management, Columbia River Basin.

Sec. 5008. Upper Missouri Basin flood and drought monitoring.

Sec. 5009. Northern Rockies headwaters extreme weather mitigation.

TITLE VI—LEVEE SAFETY

Sec. 6001. Short title.

Sec. 6002. Findings; purposes.

Sec. 6003. Definitions.
 Sec. 6004. National levee safety program.
 Sec. 6005. National levee safety advisory board.
 Sec. 6006. Inventory and inspection of levees.
 Sec. 6007. Reports.
 Sec. 6008. Effect of title.
 Sec. 6009. Authorization of appropriations.

TITLE VII—INLAND WATERWAYS

Sec. 7001. Purposes.
 Sec. 7002. Definitions.
 Sec. 7003. Project delivery process reforms.
 Sec. 7004. Major rehabilitation standards.
 Sec. 7005. Inland waterways system revenues.
 Sec. 7006. Efficiency of revenue collection.

TITLE VIII—HARBOR MAINTENANCE

Sec. 8001. Short title.
 Sec. 8002. Purposes.
 Sec. 8003. Funding for harbor maintenance programs.
 Sec. 8004. Harbor Maintenance Trust Fund prioritization.
 Sec. 8005. Civil works program of the Corps of Engineers.

TITLE IX—DAM SAFETY

Sec. 9001. Short title.
 Sec. 9002. Purpose.
 Sec. 9003. Administrator.
 Sec. 9004. Inspection of dams.
 Sec. 9005. National Dam Safety Program.
 Sec. 9006. Public awareness and outreach for dam safety.
 Sec. 9007. Authorization of appropriations.

TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

Sec. 10001. Short title.
 Sec. 10002. Purposes.
 Sec. 10003. Definitions.
 Sec. 10004. Authority to provide assistance.
 Sec. 10005. Applications.
 Sec. 10006. Eligible entities.
 Sec. 10007. Projects eligible for assistance.
 Sec. 10008. Activities eligible for assistance.
 Sec. 10009. Determination of eligibility and project selection.
 Sec. 10010. Secured loans.
 Sec. 10011. Program administration.
 Sec. 10012. State and local permits.
 Sec. 10013. Regulations.
 Sec. 10014. Funding.
 Sec. 10015. Report to Congress.

TITLE XI—EXTREME WEATHER

Sec. 11001. Improving management of flood and drought.

See: H1002: GAO study on management of flood and drought.
 See: H1003: Post-disaster watershed assessments.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
 3 retary of the Army.

4 **TITLE I—WATER RESOURCE**
 5 **PROJECTS**

6 **SEC. 1001. PURPOSES.**

7 The purposes of this title are—

8 (1) to authorize projects that—

9 (A) are the subject of a completed report
 10 of the Chief of Engineers containing a deter-
 11 mination that the relevant project—

12 (i) is in the Federal interest;

13 (ii) results in benefits that exceed the
 14 costs of the project;

15 (iii) is environmentally acceptable; and

16 (iv) is technically feasible; and

17 (B) have been recommended to Congress
 18 for authorization by the Assistant Secretary of
 19 the Army for Civil Works; and

20 (2) to authorize the Secretary—

21 (A) to review projects that require in-
 22 creased authorization; and

23 (B) to request an increase of those author-
 24 izations after—

- 1 (i) certifying that the increases are
 2 necessary; and
 3 (ii) submitting to Congress reports on
 4 the proposed increases.

5 **SEC. 1002. PROJECT AUTHORIZATIONS.**

6 The Secretary is authorized to carry out projects for
 7 water resources development, conservation, and other pur-
 8 poses, subject to the conditions that—

9 (1) each project is carried out—

10 (A) substantially in accordance with the
 11 plan for the project; and

12 (B) subject to any conditions described in
 13 the report for the project; and

14 (2) a Report of the Chief of Engineers has been
 15 completed and a referral by the Assistant Secretary
 16 of the Army for Civil Works has been made to Con-
 17 gress as of the date of enactment of this Act for the
 18 project.

19 **SEC. 1003. PROJECT REVIEW.**

20 (a) IN GENERAL.—For a project that is authorized
 21 by Federal law as of the date of enactment of this Act,
 22 the Secretary may modify the authorized project cost set
 23 under section 902 of the Water Resources Development
 24 Act of 1986 (33 U.S.C. 2280)—

(1) by submitting the required certification and additional information to Congress in accordance with subsection (b); and

(2) after receiving an appropriation of funds in accordance with subsection (c).

~~(b) REQUIREMENTS FOR SUBMISSION.—~~

~~(1) CERTIFICATION.—The certification to Congress under subsection (a) shall include a certification by the Secretary that—~~

~~(A) expenditures above the authorized cost of the project are necessary to protect life and safety, maintain critical navigation routes, or restore ecosystems;~~

~~(B) the project continues to provide benefits identified in the report of the Chief of Engineers for the project; and~~

~~(C) for projects under construction—~~

~~(i) a temporary stop or delay resulting from a failure to increase the authorized cost of the project will increase costs to the Federal Government; and~~

~~(ii) the amount requested for the project in the budget of the President or included in a work plan for the expenditure of funds for the fiscal year during which~~

1 the certification is submitted will exceed
2 the authorized cost of the project.

3 ~~(2) ADDITIONAL INFORMATION.—~~The informa-
4 tion provided to Congress about the project under
5 subsection (a) shall include, at a minimum—

6 ~~(A)~~ a comprehensive review of the project
7 costs and reasons for exceeding the authorized
8 limits set under section 902 of the Water Re-
9 sources Development Act of 1986 ~~(33 U.S.C.~~
10 ~~2280)~~;

11 ~~(B)~~ an expedited analysis of the updated
12 benefits and costs of the project; and

13 ~~(C)~~ the new funding level needed to com-
14 plete the project.

15 ~~(3) APPROVAL OF CONGRESS.—~~The Secretary
16 may not change the authorized project costs under
17 subsection (a) unless—

18 ~~(A)~~ a certification and required informa-
19 tion is submitted to Congress under subsection
20 ~~(b)~~; and

21 ~~(B)~~ after such submission, amounts are
22 appropriated to initiate or continue construction
23 of the project in an appropriations or other Act.

24 ~~(c) TERMINATION OF EFFECTIVENESS.—~~The author-
25 ity of the Secretary under this section terminates on the

1 date that is 3 years after the date of enactment of this
 2 Act.

3 **TITLE II—WATER RESOURCES** 4 **POLICY REFORMS**

5 **SEC. 2001. PURPOSES.**

6 The purposes of this title are—

7 (1) to reform the implementation of water re-
 8 sources projects by the Corps of Engineers;

9 (2) to make other technical changes to the
 10 water resources policy of the Corps of Engineers;
 11 and

12 (3) to implement reforms, including—

13 (A) enhancing the ability of local sponsors
 14 to partner with the Corps of Engineers by en-
 15 suring the eligibility of the local sponsors to re-
 16 ceive and apply credit for work carried out by
 17 the sponsors and increasing the role of sponsors
 18 in carrying out Corps of Engineers projects;

19 (B) ensuring continuing authority pro-
 20 grams can continue to meet important needs;

21 (C) encouraging the continuation of efforts
 22 to modernize feasibility studies and establish
 23 targets for expedited completion of feasibility
 24 studies;

(D) seeking efficiencies in the management of dams and related infrastructure to reduce environmental impacts while maximizing other benefits and project purposes, such as flood control, navigation, water supply, and hydro-power;

(E) clarifying mitigation requirements for Corps of Engineers projects and ensuring transparency in the independent external review of those projects; and

(F) establishing an efficient and transparent process for deauthorizing projects that have failed to receive a minimum level of investment to ensure active projects can move forward while reducing the backlog of authorized projects.

SEC. 2002. SAFETY ASSURANCE REVIEW.

Section 2035 of the Water Resources Development Act of 2007 (33 U.S.C. 2344) is amended by adding at the end the following:

“(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.”.

1 **SEC. 2003. CONTINUING AUTHORITY PROGRAMS.**

2 (a) ~~SMALL RIVER AND HARBOR IMPROVEMENT~~
 3 ~~PROJECTS.~~—Section 107 of the River and Harbor Act of
 4 1960 (~~33~~ U.S.C. 577) is amended—

5 (1) in subsection (a), by striking
 6 “~~\$25,000,000~~” and inserting “\$50,000,000”; and

7 (2) in subsection (b), by striking “\$7,000,000”
 8 and inserting “\$10,000,000”.

9 (b) ~~SHORE DAMAGE PREVENTION OR MITIGATION.~~—
 10 Section 111(e) of the River and Harbor Act of 1968 (~~33~~
 11 U.S.C. 426i(e)) is amended by striking “\$5,000,000” and
 12 inserting “\$10,000,000”.

13 (c) ~~REGIONAL SEDIMENT MANAGEMENT.~~—

14 (1) ~~IN GENERAL.~~—Section 204 of the Water
 15 Resources Development Act of 1992 (~~33~~ U.S.C.
 16 2326) is amended—

17 (A) in subsection (c)(1)(C), by striking
 18 “\$5,000,000” and inserting “\$10,000,000”;
 19 and

20 (B) in subsection (g), by striking
 21 “\$30,000,000” and inserting “\$50,000,000”.

22 (2) ~~APPLICABILITY.~~—Section 2037 of the
 23 Water Resources Development Act of 2007 (~~121~~
 24 Stat. 1094) is amended by added at the end the fol-
 25 lowing:

1 “(c) APPLICABILITY.—The amendment made by sub-
 2 section (a) shall not apply to any project authorized under
 3 this Act if a report of the Chief of Engineers for the
 4 project was completed prior to the date of enactment of
 5 this Act.”.

6 (d) SMALL FLOOD CONTROL PROJECTS.—Section
 7 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)
 8 is amended in the third sentence by striking “\$7,000,000”
 9 and inserting “\$10,000,000”.

10 (e) PROJECT MODIFICATIONS FOR IMPROVEMENT OF
 11 ENVIRONMENT.—Section 1135(d) of the Water Resources
 12 Development Act of 1986 (33 U.S.C. 2309a(d)) is amend-
 13 ed—

14 (1) in the second sentence, by striking “Not
 15 more than 80 percent of the non-Federal may be”
 16 and inserting “The non-Federal share may be pro-
 17 vided”; and

18 (2) in the third sentence, by striking
 19 “\$5,000,000” and inserting “\$10,000,000”.

20 (f) AQUATIC ECOSYSTEM RESTORATION.—Section
 21 206(d) of the Water Resources Development Act of 1996
 22 (33 U.S.C. 2330(d)) is amended by striking “\$5,000,000”
 23 and inserting “\$10,000,000”.

24 (g) FLOODPLAIN MANAGEMENT SERVICES.—Section
 25 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a)

1 is amended by striking “\$15,000,000” and inserting
 2 “\$50,000,000”.

3 **SEC. 2004. CONTINUING AUTHORITY PROGRAM**
 4 **PRIORITIZATION.**

5 (a) DEFINITION OF CONTINUING AUTHORITY PRO-
 6 GRAM PROJECT.—In this section, the term “continuing
 7 authority program” means 1 of the following authorities:

8 (1) Section 205 of the Flood Control Act of
 9 1948 (33 U.S.C. 701s).

10 (2) Section 111 of the River and Harbor Act of
 11 1968 (33 U.S.C. 426i).

12 (3) Section 206 of the Water Resources Devel-
 13 opment Act of 1996 (33 U.S.C. 2330).

14 (4) Section 1135 of the Water Resources Devel-
 15 opment Act of 1986 (33 U.S.C. 2309a).

16 (5) Section 107 of the River and Harbor Act of
 17 1960 (33 U.S.C. 577).

18 (6) Section 3 of the Act of August 13, 1946
 19 (33 U.S.C. 426g).

20 (b) PRIORITIZATION.—Not later than 1 year after the
 21 date of enactment of this Act, the Secretary shall publish
 22 in the Federal Register and on a publicly available website,
 23 the criteria the Secretary uses for prioritizing annual
 24 funding for continuing authority program projects.

1 (c) **ANNUAL REPORT.**—Not later than 1 year after
 2 the date of enactment of this Act and each year thereafter,
 3 the Secretary shall publish in the Federal Register and
 4 on a publicly available website, a report on the status of
 5 each continuing authority program, which, at a minimum,
 6 shall include—

7 (1) the name and a short description of each
 8 active continuing authority program project;

9 (2) the cost estimate to complete each active
 10 project; and

11 (3) the funding available in that fiscal year for
 12 each continuing authority program.

13 (d) **CONGRESSIONAL NOTIFICATION.**—On publication
 14 in the Federal Register under subsections (b) and (c), the
 15 Secretary shall submit to the Committee on Environment
 16 and Public Works of the Senate and the Committee on
 17 Transportation and Infrastructure of the House of Rep-
 18 resentatives a copy of all information published under
 19 those subsections.

20 **SEC. 2005. FISH AND WILDLIFE MITIGATION.**

21 (a) **IN GENERAL.**—Section 906 of the Water Re-
 22 sources Development Act of 1986 (33 U.S.C. 2283) is
 23 amended—

24 (1) in subsection (d)—

25 (A) in paragraph (1)—

1 (i) in the first sentence—

2 (I) by inserting “for damages to
3 ecological resources, including terres-
4 trial and aquatic resources, and” after
5 “mitigate”;

6 (II) by inserting “ecological re-
7 sources and” after “impact on”; and

8 (III) by inserting “without the
9 implementation of mitigation meas-
10 ures” before the period; and

11 (ii) by inserting before the last sen-
12 tence the following: “If the Secretary de-
13 termines that mitigation to in-kind condi-
14 tions is not possible, the Secretary shall
15 identify in the report the basis for that de-
16 termination.”; and

17 (B) in paragraph (3)—

18 (i) in subparagraph (A), by inserting
19 “, at a minimum,” after “complies with”;
20 and

21 (ii) in subparagraph (B)—

22 (I) by striking clause (iii);

23 (II) by redesignating clauses (iv)
24 and (v) as clauses (v) and (vi), respec-
25 tively; and

1 (III) by inserting after clause (ii)
2 the following:

3 “(iii) for projects where mitigation
4 will be carried out by the Secretary—

5 “(I) a description of the land and
6 interest in land to be acquired for the
7 mitigation plan;

8 “(II) the basis for a determina-
9 tion that the land and interests are
10 available for acquisition; and

11 “(III) a determination that the
12 proposed interest sought does not ex-
13 ceed the minimum interest in land
14 necessary to meet the mitigation re-
15 quirements for the project;

16 “(iv) for projects where mitigation will
17 be carried out through a third party miti-
18 gation arrangement in accordance with
19 subsection (i)—

20 “(I) a description of the third
21 party mitigation instrument to be
22 used; and

23 “(II) the basis for a determina-
24 tion that the mitigation instrument

1 can meet the mitigation requirements
2 for the project;” and

3 ~~(2) by adding at the end the following:~~

4 ~~“(h) PROGRAMMATIC MITIGATION PLANS.—~~

5 ~~“(1) IN GENERAL.—The Secretary may develop~~
6 ~~1 or more programmatic mitigation plans to address~~
7 ~~the potential impacts to ecological resources, fish,~~
8 ~~and wildlife associated with existing or future water~~
9 ~~resources development projects.~~

10 ~~“(2) USE OF MITIGATION PLANS.—The Sec-~~
11 ~~retary shall, to the maximum extent practicable, use~~
12 ~~programmatic mitigation plans developed in accord-~~
13 ~~ance with this subsection to guide the development~~
14 ~~of a mitigation plan under subsection (d).~~

15 ~~“(3) NON-FEDERAL PLANS.—The Secretary~~
16 ~~shall, to the maximum extent practicable and subject~~
17 ~~to all conditions of this subsection, use pro-~~
18 ~~grammatic environmental plans developed by a~~
19 ~~State, a body politic of the State, which derives its~~
20 ~~powers from a State constitution, a government enti-~~
21 ~~ty created by State legislation, or a local govern-~~
22 ~~ment, that meet the requirements of this subsection~~
23 ~~to address the potential environmental impacts of~~
24 ~~existing or future water resources development~~
25 ~~projects.~~

1 “(4) SCOPE.—A programmatic mitigation plan
2 developed by the Secretary or an entity described in
3 paragraph (3) to address potential impacts of exist-
4 ing or future water resources development projects
5 may—

6 “(A) be developed on a regional, eco-
7 system, watershed, or statewide scale;

8 “(B) encompass multiple environmental re-
9 sources within a defined geographical area or
10 focus on a specific resource, such as aquatic re-
11 sources or wildlife habitat; and

12 “(C) address impacts from all projects in
13 a defined geographical area or focus on a spe-
14 cific type of project.

15 “(5) CONSULTATION.—The scope of the plan
16 shall be determined by the Secretary or an entity de-
17 scribed in paragraph (3), as appropriate, in con-
18 sultation with the agency with jurisdiction over the
19 resources being addressed in the environmental miti-
20 gation plan.

21 “(6) CONTENTS.—A programmatic environ-
22 mental mitigation plan may include—

23 “(A) an assessment of the condition of en-
24 vironmental resources in the geographical area
25 covered by the plan, including an assessment of

1 recent trends and any potential threats to those
2 resources;

3 “(B) an assessment of potential opportuni-
4 ties to improve the overall quality of environ-
5 mental resources in the geographical area cov-
6 ered by the plan through strategic mitigation
7 for impacts of water resources development
8 projects;

9 “(C) standard measures for mitigating cer-
10 tain types of impacts;

11 “(D) parameters for determining appro-
12 priate mitigation for certain types of impacts,
13 such as mitigation ratios or criteria for deter-
14 mining appropriate mitigation sites;

15 “(E) adaptive management procedures,
16 such as protocols that involve monitoring pre-
17 dicted impacts over time and adjusting mitiga-
18 tion measures in response to information gath-
19 ered through the monitoring;

20 “(F) acknowledgment of specific statutory
21 or regulatory requirements that must be satis-
22 fied when determining appropriate mitigation
23 for certain types of resources; and

1 ~~“(G) any offsetting benefits of self-mitigating projects, such as ecosystem or resource restoration and protection.~~

2 ~~“(7) PROCESS.—Before adopting a programmatic environmental mitigation plan for use under this subsection, the Secretary shall—~~

3 ~~“(A) for a plan developed by the Secretary—~~

4 ~~“(i) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public; and~~

5 ~~“(ii) consider any comments received from those agencies and the public on the draft plan; and~~

6 ~~“(B) for a plan developed under paragraph (3), determine, not later than 180 days after receiving the plan, whether the plan meets the requirements of paragraphs (4) through (6) and was made available for public comment.~~

7 ~~“(8) INTEGRATION WITH OTHER PLANS.—A programmatic environmental mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.~~

1 “(9) CONSIDERATION IN PROJECT DEVELOP-
 2 MENT AND PERMITTING.—If a programmatic envi-
 3 ronmental mitigation plan has been developed under
 4 this subsection, any Federal agency responsible for
 5 environmental reviews, permits, or approvals for a
 6 water resources development project may use the
 7 recommendations in that programmatic environ-
 8 mental mitigation plan when carrying out the re-
 9 sponsibilities of the agency under the National Envi-
 10 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
 11 seq.).

12 “(10) PRESERVATION OF EXISTING AUTHORI-
 13 TIES.—Nothing in this subsection limits the use of
 14 programmatic approaches to reviews under the Na-
 15 tional Environmental Policy Act of 1969 (42 U.S.C.
 16 4321 et seq.).

17 “(i) THIRD-PARTY MITIGATION ARRANGEMENTS.—

18 “(1) ELIGIBLE ACTIVITIES.—In accordance
 19 with all applicable Federal laws (including regula-
 20 tions), mitigation efforts carried out under this sec-
 21 tion may include—

22 “(A) participation in mitigation banking or
 23 other third-party mitigation arrangements, such
 24 as—

1 “(i) the purchase of credits from com-
 2 mercial or State, regional, or local agency-
 3 sponsored mitigation banks; and

4 “(ii) the purchase of credits from in-
 5 lieu fee mitigation programs; and

6 “(B) contributions to statewide and re-
 7 gional efforts to conserve, restore, enhance, and
 8 create natural habitats and wetlands.

9 “(2) INCLUSION OF OTHER ACTIVITIES.—The
 10 banks, programs, and efforts described in paragraph
 11 (1) include any banks, programs, and efforts devel-
 12 oped in accordance with applicable law (including
 13 regulations).

14 “(3) TERMS AND CONDITIONS.—In carrying out
 15 natural habitat and wetlands mitigation efforts
 16 under this section, contributions to the mitigation ef-
 17 fort may—

18 “(A) take place concurrent with, or in ad-
 19 vance of, the commitment of funding to a
 20 project; and

21 “(B) occur in advance of project construc-
 22 tion only if the efforts are consistent with all
 23 applicable requirements of Federal law (includ-
 24 ing regulations) and water resources develop-
 25 ment planning processes.

1 “(4) PREFERENCE.—At the request of the non-
 2 Federal project sponsor, preference may be given, to
 3 the maximum extent practicable, to mitigating an
 4 environmental impact through the use of a mitiga-
 5 tion bank, in-lieu fee, or other third-party mitigation
 6 arrangement, if the use of credits from the mitiga-
 7 tion bank or in-lieu fee, or the other third-party
 8 mitigation arrangement for the project has been ap-
 9 proved by the applicable Federal agency.

10 “(j) USE OF FUNDS.—The Secretary may use funds
 11 made available for preconstruction engineering and design
 12 prior to authorization of project construction to acquire
 13 interests in land necessary for meeting the mitigation re-
 14 quirements of this section.”.

15 (b) APPLICATION.—The amendments made by sub-
 16 section (a) shall not apply to a project for which a mitiga-
 17 tion plan has been completed as of the date of enactment
 18 of this Act.

19 (c) TECHNICAL ASSISTANCE.—

20 (1) IN GENERAL.—The Secretary may provide
 21 technical assistance to States and local governments
 22 to establish third-party mitigation instruments, in-
 23 cluding mitigation banks and in-lieu fee programs,
 24 that will help to target mitigation payments to high-
 25 priority ecosystem restoration actions.

1 (2) REQUIREMENTS.—In providing technical as-
 2 sistance under this subsection, the Secretary shall
 3 give priority to States and local governments that
 4 have developed State, regional, or watershed-based
 5 plans identifying priority restoration actions.

6 (3) MITIGATION INSTRUMENTS.—The Secretary
 7 shall seek to ensure any technical assistance pro-
 8 vided under this subsection will support the estab-
 9 lishment of mitigation instruments that will result in
 10 restoration of high-priority areas identified in the
 11 plans under paragraph (2).

12 **SEC. 2006. MITIGATION STATUS REPORT.**

13 Section 2036(b) of the Water Resources Development
 14 Act of 2007 (33 U.S.C. 2283a) is amended—

15 (1) by redesignating paragraph (3) as para-
 16 graph (4); and

17 (2) by inserting after paragraph (2) the fol-
 18 lowing:

19 “(3) INFORMATION INCLUDED.—In reporting
 20 the status of all projects included in the report, the
 21 Secretary shall—

22 “(A) use a uniform methodology for deter-
 23 mining the status of all projects included in the
 24 report;

1 “(B) use a methodology that describes
2 both a qualitative and quantitative status for all
3 projects in the report; and

4 “(C) provide specific dates for and partici-
5 pants in the consultations required under sec-
6 tion 906(d)(4)(B) of the Water Resources De-
7 velopment Act of 1986 (33 U.S.C.
8 2283(d)(4)(B)).”.

9 **SEC. 2007. INDEPENDENT PEER REVIEW.**

10 (a) **TIMING OF PEER REVIEW.**—Section 2034(b) of
11 the Water Resources Development Act of 2007 (33 U.S.C.
12 2343(b)) is amended—

13 (1) by redesignating paragraph (3) as para-
14 graph (4); and

15 (2) by inserting after paragraph (2) the fol-
16 lowing:

17 “(3) **REASONS FOR TIMING.**—If the Chief of
18 Engineers does not initiate a peer review for a
19 project study at a time described in paragraph (2),
20 the Chief shall—

21 “(A) not later than 7 days after the date
22 on which the Chief of Engineers determines not
23 to initiate a peer review—

24 “(i) notify the Committee on Environ-
25 ment and Public Works of the Senate and

the Committee on Transportation and Infrastructure of the House of Representatives of that decision; and

“(ii) make publicly available, including on the Internet the reasons for not conducting the review; and

“(B) include the reasons for not conducting the review in the decision document for the project study.”.

(b) ESTABLISHMENT OF PANELS.—Section 2034(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(c)) is amended by striking paragraph (4) and inserting the following:

“(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Following the identification of a project study for peer review under this section, but prior to initiation of the review by the panel of experts, the Chief of Engineers shall, not later than 7 days after the date on which the Chief of Engineers determines to conduct a review—

“(A) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review; and

1 “(B) make publicly available, including on
2 the Internet, information on—

3 “(i) the dates scheduled for beginning
4 and ending the review;

5 “(ii) the entity that has the contract
6 for the review; and

7 “(iii) the names and qualifications of
8 the panel of experts.”.

9 (c) ~~RECOMMENDATIONS OF PANEL.~~—Section 2034(f)
10 of the Water Resources Development Act of 2007 (33
11 U.S.C. 2343(f)) is amended by striking paragraph (2) and
12 inserting the following:

13 “(2) ~~PUBLIC AVAILABILITY AND SUBMISSION~~
14 ~~TO CONGRESS.~~—After receiving a report on a project
15 study from a panel of experts under this section, the
16 Chief of Engineers shall make available to the pub-
17 lic, including on the Internet, and submit to the
18 Committee on Environment and Public Works of the
19 Senate and the Committee on Transportation and
20 Infrastructure of the House of Representatives—

21 “(A) a copy of the report not later than 7
22 days after the date on which the report is deliv-
23 ered to the Chief of Engineers; and

24 “(B) a copy of any written response of the
25 Chief of Engineers on recommendations con-

1 tained in the report not later than 3 days after
 2 the date on which the response is delivered to
 3 the Chief of Engineers.

4 “(3) INCLUSION IN PROJECT STUDY.—A report
 5 on a project study from a panel of experts under
 6 this section and the written response of the Chief of
 7 Engineers shall be included in the final decision doc-
 8 ument for the project study.”.

9 (d) APPLICABILITY.—Section 2034(h)(2) of the
 10 Water Resources Development Act of 2007 (33 U.S.C.
 11 2343(h)(2)) is amended by striking “7 years” and insert-
 12 ing “12 years”.

13 **SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION**
 14 **AND HYDROELECTRIC FACILITIES.**

15 (a) IN GENERAL.—Section 314 of the Water Re-
 16 sources Development Act of 1990 (33 U.S.C. 2321) is
 17 amended—

18 (1) by striking the heading and inserting the
 19 following:

20 **“SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION**
 21 **AND HYDROELECTRIC FACILITIES.”;**

22 (2) in the first sentence, by striking “Activities
 23 currently performed” and inserting the following:

24 “(a) IN GENERAL.—Activities currently performed”;

1 (3) in the second sentence, by striking “This
2 section” and inserting the following:

3 “~~(b) MAJOR MAINTENANCE CONTRACTS AL-~~
4 LOWED.—This section”;

5 (4) in subsection (a) (as designated by para-
6 graph (2)), by inserting “navigation or” before “hy-
7 droelectric”; and

8 (5) by adding at the end the following:

9 “~~(c) EXCLUSION.—This section shall not—~~

10 “(1) apply to those navigation facilities that
11 have been or are currently under contract with a
12 non-Federal interest to perform operations and
13 maintenance as of the date of enactment of the
14 Water Resources Development Act of 2013; and

15 “(2) prohibit the Secretary from contracting
16 out future commercial activities at those navigation
17 facilities.”.

18 ~~(b) CLERICAL AMENDMENT.—The table of contents~~
19 contained in section 1(b) of the Water Resources Develop-
20 ment Act of 1990 (104 Stat. 4604) is amended by striking
21 the item relating to section 314 and inserting the fol-
22 lowing:

“Sec. 314. Operation and maintenance of navigation and hydroelectric facili-
ties.”.

1 **SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILI-**
 2 **TIES.**

3 (a) FINDINGS.—Congress finds that—

4 (1) in April 2012, the Oak Ridge National Lab-
 5 oratory of the Department of Energy (referred to in
 6 this section as the “Oak Ridge Lab”) released a re-
 7 port finding that adding hydroelectric power to the
 8 non-powered dams of the United States has the po-
 9 tential to add more than 12 gigawatts of new gener-
 10 ating capacity;

11 (2) the top 10 non-powered dams identified by
 12 the Oak Ridge Lab as having the highest hydro-
 13 electric power potential could alone supply 3
 14 gigawatts of generating capacity;

15 (3) of the 50 non-powered dams identified by
 16 the Oak Ridge Lab as having the highest hydro-
 17 electric power potential, 48 are Corps of Engineers
 18 civil works projects;

19 (4) promoting non-Federal hydroelectric power
 20 at Corps of Engineers civil works projects increases
 21 the taxpayer benefit of those projects;

22 (5) the development of non-Federal hydro-
 23 electric power at Corps of Engineers civil works
 24 projects—

25 (A) can be accomplished in a manner that
 26 is consistent with authorized project purposes

1 and the responsibilities of the Corps of Engi-
 2 neers to protect the environment; and

3 ~~(B) in many instances, may have addi-~~
 4 ~~tional environmental benefits; and~~

5 ~~(6) the development of non-Federal hydro-~~
 6 ~~electric power at Corps of Engineers civil works~~
 7 ~~projects could be promoted through—~~

8 ~~(A) clear and consistent lines of responsi-~~
 9 ~~bility and authority within and across Corps of~~
 10 ~~Engineers districts and divisions on hydro-~~
 11 ~~electric power development activities;~~

12 ~~(B) consistent and corresponding processes~~
 13 ~~for reviewing and approving hydroelectric power~~
 14 ~~development; and~~

15 ~~(C) developing a means by which non-Fed-~~
 16 ~~eral hydroelectric power developers and stake-~~
 17 ~~holders can resolve disputes with the Corps of~~
 18 ~~Engineers concerning hydroelectric power devel-~~
 19 ~~opment activities at Corps of Engineers civil~~
 20 ~~works projects.~~

21 ~~(b) POLICY.—Congress declares that it is the policy~~
 22 ~~of the United States that—~~

23 ~~(1) the development of non-Federal hydro-~~
 24 ~~electric power at Corps of Engineers civil works~~

1 projects, including locks and dams, shall be given
2 priority;

3 ~~(2) Corps of Engineers approval of non-Federal~~
4 ~~hydroelectric power at Corps of Engineers civil~~
5 ~~works projects, including permitting required under~~
6 ~~section 14 of the Act of March 3, 1899 (33 U.S.C.~~
7 ~~408), shall be completed by the Corps of Engineers~~
8 ~~in a timely and consistent manner; and~~

9 ~~(3) approval of hydropower at Corps of Engi-~~
10 ~~neers civil works projects shall in no way diminish~~
11 ~~the other priorities and missions of the Corps of En-~~
12 ~~gineers, including authorized project purposes and~~
13 ~~habitat and environmental protection.~~

14 ~~(c) REPORT.—Not later than 1 year after the date~~
15 ~~of enactment of this Act and each year thereafter, the Sec-~~
16 ~~retary shall submit to the Committee on Environment and~~
17 ~~Public Works of the Senate and the Committee on Trans-~~
18 ~~portation and Infrastructure of the House of Representa-~~
19 ~~tives a report that, at a minimum, shall include—~~

20 ~~(1) a description of initiatives carried out by~~
21 ~~the Secretary to encourage the development of hy-~~
22 ~~droelectric power by non-Federal entities at Corps of~~
23 ~~Engineers civil works projects;~~

24 ~~(2) a list of all new hydroelectric power activi-~~
25 ~~ties by non-Federal entities approved at Corps of~~

1 Engineers civil works projects in that fiscal year, in-
 2 cluding the length of time the Secretary needed to
 3 approve those activities;

4 (3) a description of the status of each pending
 5 application from non-Federal entities for approval to
 6 develop hydroelectric power at Corps of Engineers
 7 civil works projects;

8 (4) a description of any benefits or impacts to
 9 the environment, recreation, or other uses associated
 10 with Corps of Engineers civil works projects at
 11 which non-Federal entities have developed hydro-
 12 electric power in the previous fiscal year; and

13 (5) the total annual amount of payments or
 14 other services provided to the Corps of Engineers,
 15 the Treasury, and any other Federal agency as a re-
 16 sult of approved non-Federal hydropower projects at
 17 Corps of Engineers civil works projects.

18 **SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AU-**
 19 **THORITY.**

20 (a) NON-FEDERAL COST SHARE.—Section 7007 of
 21 the Water Resources Development Act of 2007 (121 Stat.
 22 1277) is amended—

23 (1) in subsection (a)—

24 (A) by inserting “, on, or after” after “be-
 25 fore”; and

1 (B) by inserting “, program,” after
2 “study” each place it appears;

3 (2) in subsections (b) and (c), by inserting “,
4 program,” after “study” each place it appears; and
5 (3) by striking subsection (d) and inserting the
6 following:

7 “(d) TREATMENT OF CREDIT BETWEEN
8 PROJECTS.—The value of any land, easements, rights-of-
9 way, relocations, and dredged material disposal areas and
10 the costs of planning, design, and construction work pro-
11 vided by the non-Federal interest that exceed the non-Fed-
12 eral cost share for a study, program, or project under this
13 title may be applied toward the non-Federal cost share
14 for any other study, program, or project carried out under
15 this title.”.

16 (b) IMPLEMENTATION.—Not later than 90 days after
17 the date of enactment of this Act, the Secretary, in coordi-
18 nation with any relevant agencies of the State of Lou-
19 isiana, shall establish a process by which to carry out the
20 amendments made by subsection (a)(3).

21 (c) EFFECTIVE DATE.—The amendments made by
22 subsection (a) take effect on November 8, 2007.

23 **SEC. 2011. TRANSFER OF EXCESS WORK-IN-KIND CREDIT.**

24 (a) IN GENERAL.—Subject to subsection (b), the Sec-
25 retary may apply credit for in-kind contributions provided

1 by a non-Federal interest that is in excess of the required
 2 non-Federal cost-share for a water resources study or
 3 project toward the required non-Federal cost-share for a
 4 different water resources study or project.

5 (b) RESTRICTIONS.—

6 (1) IN GENERAL.—Except for subsection
 7 (a)(4)(D)(i) of that section, the requirements of sec-
 8 tion 221 of the Flood Control Act of 1970 (42
 9 U.S.C. 1962d–5b) (as amended by section 2012 of
 10 this Act) shall not apply to any credit under this
 11 section.

12 (2) CONDITIONS.—Credit in excess of the non-
 13 Federal cost-share for a study or project may be ap-
 14 proved under this section only if—

15 (A) the non-Federal interest submits a
 16 comprehensive plan to the Secretary that identi-
 17 fies—

18 (i) the studies and projects for which
 19 the non-Federal interest intends to provide
 20 in-kind contributions for credit that is in
 21 excess of the non-Federal cost share for
 22 the study or project; and

23 (ii) the studies and projects to which
 24 that excess credit would be applied;

1 (B) the Secretary approves the comprehen-
2 sive plan; and

3 (C) the total amount of credit does not ex-
4 ceed the total non-Federal cost-share for the
5 studies and projects in the approved com-
6 prehensive plan.

7 (e) ~~ADDITIONAL CRITERIA.~~—In evaluating a request
8 to apply credit in excess of the non-Federal cost-share for
9 a study or project toward a different study or project, the
10 Secretary shall consider whether applying that credit
11 will—

12 (1) help to expedite the completion of a project
13 or group of projects;

14 (2) reduce costs to the Federal Government;
15 and

16 (3) aid the completion of a project that provides
17 significant flood risk reduction or environmental
18 benefits.

19 (d) ~~TERMINATION OF AUTHORITY.~~—The authority
20 provided in this section shall terminate 10 years after the
21 date of enactment of this Act.

22 (e) ~~REPORT.~~—

23 (1) ~~DEADLINES.~~—

24 (A) ~~IN GENERAL.~~—Not later than 2 years
25 after the date of enactment of this Act, the Sec-

retary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the use of the authority under this section.

(B) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the use of the authority under this section.

(2) INCLUSIONS.—The reports described in paragraph (1) shall include—

(A) a description of the use of the authority under this section during the reporting period;

(B) an assessment of the impact of the authority under this section on the time required to complete projects; and

(C) an assessment of the impact of the authority under this section on other water resources projects.

1 **SEC. 2012. CREDIT FOR IN-KIND CONTRIBUTIONS.**

2 (a) ~~IN GENERAL.~~—Section 221(a)(4) of the Flood
3 Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is
4 amended—

5 (1) in subparagraph (A), in the matter pre-
6 ceeding clause (i) by inserting “or a project under an
7 environmental infrastructure assistance program”
8 after “law”;

9 (2) in subparagraph (C), by striking “In any
10 case” and all that follows through the period at the
11 end and inserting the following:

12 “(i) ~~CONSTRUCTION.~~—

13 “(I) ~~IN GENERAL.~~—In any case
14 in which the non-Federal interest is to
15 receive credit under subparagraph (A)
16 for the cost of construction carried
17 out by the non-Federal interest before
18 execution of a partnership agreement
19 and that construction has not been
20 carried out as of the date of enact-
21 ment of this subparagraph, the Sec-
22 retary and the non-Federal interest
23 shall enter into an agreement under
24 which the non-Federal interest shall
25 carry out such work prior to the non-
26 Federal interest initiating construc-

tion or issuing a written notice to proceed for the construction.

“(H) ~~ELIGIBILITY.~~—Construction that is carried out after the execution of an agreement to carry out work described in subclause (I) and any design activities that are required for that construction, even if the design activity is carried out prior to the execution of the agreement to carry out work, shall be eligible for credit.

“(ii) ~~PLANNING.~~—

“(I) ~~IN GENERAL.~~—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of planning carried out by the non-Federal interest before execution of a feasibility cost sharing agreement, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating that planning.

1 “(H) ELIGIBILITY.—Planning
 2 that is carried out by the non-Federal
 3 interest after the execution of an
 4 agreement to carry out work described
 5 in subelause (I) shall be eligible for
 6 credit.”;

7 (3) in subparagraph (D)(iii), by striking “sec-
 8 tions 101 and 103” and inserting “sections
 9 101(a)(2) and 103(a)(1)(A) of the Water Resources
 10 Development Act of 1986 (33 U.S.C. 2211(a)(2); 33
 11 U.S.C. 2213(a)(1)(A))”;

12 (4) by redesignating subparagraph (E) as sub-
 13 paragraph (H);

14 (5) by inserting after subparagraph (D) the fol-
 15 lowing:

16 “(E) ANALYSIS OF COSTS AND BENE-
 17 FITS.—In the evaluation of the costs and bene-
 18 fits of a project, the Secretary shall not con-
 19 sider construction carried out by a non-Federal
 20 interest under this subsection as part of the fu-
 21 ture without project condition.

22 “(F) TRANSFER OF CREDIT BETWEEN
 23 SEPARABLE ELEMENTS OF A PROJECT.—Credit
 24 for in-kind contributions provided by a non-
 25 Federal interest that are in excess of the non-

1 Federal cost share for an authorized separable
 2 element of a project may be applied toward the
 3 non-Federal cost share for a different author-
 4 ized separable element of the same project.

5 “(G) APPLICATION OF CREDIT.—To the
 6 extent that credit for in-kind contributions, as
 7 limited by subparagraph (D), and credit for re-
 8 quired land, easements, rights-of-way, dredged
 9 material disposal areas, and relocations pro-
 10 vided by the non-Federal interest exceed the
 11 non-Federal share of the cost of construction of
 12 a project other than a navigation project, the
 13 Secretary shall reimburse the difference to the
 14 non-Federal interest, subject to the availability
 15 of funds.”; and

16 (6) in subparagraph (H) (as redesignated by
 17 paragraph (4))—

18 (A) in clause (i), by inserting “, and to
 19 water resources projects authorized prior to the
 20 date of enactment of the Water Resources De-
 21 velopment Act of 1986 (Public Law 99–662), if
 22 correction of design deficiencies is necessary”
 23 before the period at the end; and

24 (B) by striking clause (ii) and inserting the
 25 following:

1 “(ii) AUTHORIZATION IN AD-
 2 DITION TO SPECIFIC CREDIT
 3 PROVISION.—In any case in
 4 which a specific provision of law
 5 authorizes credit for in-kind con-
 6 tributions provided by a non-Fed-
 7 eral interest before the date of
 8 execution of a partnership agree-
 9 ment, the Secretary may apply
 10 the authority provided in this
 11 paragraph to allow credit for in-
 12 kind contributions provided by
 13 the non-Federal interest on or
 14 after the date of execution of the
 15 partnership agreement.”.

16 (b) APPLICABILITY.—Section 2003(c) of the Water
 17 Resources Development Act of 2007 (42 U.S.C. 1962d-
 18 5b note) is amended by inserting “; or construction of de-
 19 sign deficiency corrections on the project,” after “con-
 20 struction on the project”.

21 (c) EFFECTIVE DATE.—The amendments made by
 22 subsections (a) and (b) take effect on November 8, 2007.

23 (d) GUIDELINES.—

24 (1) IN GENERAL.—Not later than 1 year after
 25 the date of enactment of this Act, the Secretary

1 shall update any guidance or regulations for ear-
 2 rying out section 221(a)(4) of the Flood Control Act
 3 of 1970 (~~42 U.S.C. 1962d-5b(a)(4)~~) (as amended by
 4 subsection (a)) that are in existence on the date of
 5 enactment of this Act or issue new guidelines, as de-
 6 termined to be appropriate by the Secretary.

7 (2) INCLUSIONS.—Any guidance, regulations, or
 8 guidelines updated or issued under paragraph (1)
 9 shall include, at a minimum—

10 (A) the milestone for executing an in-kind
 11 memorandum of understanding for construction
 12 by a non-Federal interest;

13 (B) criteria and procedures for evaluating
 14 a request to execute an in-kind memorandum of
 15 understanding for construction by a non-Fed-
 16 eral interest that is earlier than the milestone
 17 under subparagraph (A) for that execution; and

18 (C) criteria and procedures for determining
 19 whether work carried out by a non-Federal in-
 20 terest is integral to a project.

21 (3) PUBLIC AND STAKEHOLDER PARTICIPA-
 22 TION.—Before issuing any new or revised guidance,
 23 regulations, or guidelines or any subsequent updates
 24 to those documents, the Secretary shall—

1 (A) consult with affected non-Federal in-
2 terests;

3 (B) publish the proposed guidelines devel-
4 oped under this subsection in the Federal Reg-
5 ister; and

6 (C) provide the public with an opportunity
7 to comment on the proposed guidelines.

8 (e) OTHER CREDIT.—Nothing in section 221(a)(4) of
9 the Flood Control Act of 1970 (42 U.S.C. 1962d-
10 5b(a)(4)) (as amended by subsection (a)) affects any eligi-
11 bility for credit under section 104 of the Water Resources
12 Development of 1986 (33 U.S.C. 2214) that was approved
13 by the Secretary prior to the date of enactment of this
14 Act.

15 **SEC. 2013. CREDIT IN LIEU OF REIMBURSEMENT.**

16 Section 211(e)(2) of the Water Resources Develop-
17 ment Act of 1996 (33 U.S.C. 701b-13(e)(2)) is amended
18 by adding at the end the following:

19 “(C) STUDIES OR OTHER PROJECTS.—On
20 the request of a non-Federal interest, in lieu of
21 reimbursing a non-Federal interest the amount
22 equal to the estimated Federal share of the cost
23 of an authorized flood damage reduction project
24 or a separable element of an authorized flood
25 damage reduction project under this subsection

that has been constructed by the non-Federal interest under this section as of the date of enactment of this Act, the Secretary may provide the non-Federal interest with a credit in that amount, which the non-Federal interest may apply to the share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies.”.

SEC. 2014. DAM OPTIMIZATION.

(a) DEFINITIONS.—In this section:

(1) OTHER RELATED PROJECT BENEFITS.—

The term “other related project benefits” includes—

(A) environmental protection and restoration, including restoration of water quality and water flows, improving movement of fish and other aquatic species, and restoration of floodplains, wetlands, and estuaries;

(B) increased water supply storage;

(C) increased hydropower generation;

(D) reduced flood risk;

(E) additional navigation; and

(F) improved recreation.

(2) WATER CONTROL PLAN.—The term “water control plan” means—

1 (A) a plan for coordinated regulation
2 schedules for project or system regulation; and

3 (B) such additional provisions as may be
4 required to collect, analyze, and disseminate
5 basic data, prepare detailed operating instruc-
6 tions, ensure project safety, and carry out regu-
7 lation of projects in an appropriate manner.

8 (b) PROGRAM.—

9 (1) IN GENERAL.—The Secretary may carry out
10 activities—

11 (A) to improve the efficiency of the oper-
12 ations and maintenance of dams and related in-
13 frastructure operated by the Corps of Engi-
14 neers; and

15 (B) to maximize, to the extent prac-
16 ticable—

17 (i) authorized project purposes; and

18 (ii) other related project benefits.

19 (2) ELIGIBLE ACTIVITIES.—An eligible activity
20 under this section is any activity that the Secretary
21 would otherwise be authorized to carry out that is
22 designed to provide other related project benefits in
23 a manner that does not adversely impact the author-
24 ized purposes of the project, including—

1 (A) the review of project operations on a
2 regular and timely basis to determine the po-
3 tential for operational changes;

4 (B) carrying out any investigation or study
5 the Secretary determines to be necessary; and

6 (C) the revision or updating of a water
7 control plan or other modification of the oper-
8 ation of a water resource project.

9 ~~(3) IMPACT ON AUTHORIZED PURPOSES.—An~~
10 activity carried out under this section shall not ad-
11 versely impact any of the authorized purposes of the
12 project.

13 ~~(4) EFFECT ON EXISTING AGREEMENTS.—~~
14 Nothing in this section supersedes or modifies any
15 written agreement between the Federal Government
16 and a non-Federal interest that is in effect on the
17 date of enactment of this Act.

18 ~~(5) OTHER LAWS.—~~

19 (A) IN GENERAL.—An activity carried out
20 under this section shall comply with all other
21 applicable laws (including regulations).

22 (B) WATER SUPPLY.—Any activity carried
23 out under this section that results in any modi-
24 fication to water supply storage allocations at a
25 reservoir operated by the Secretary shall comply

1 with section 301 of the Water Supply Act of
2 1958 (43 U.S.C. 390b).

3 ~~(c) POLICIES, REGULATIONS, AND GUIDANCE.—The~~
4 Secretary shall carry out a review of, and as necessary
5 modify, the policies, regulations, and guidance of the Sec-
6 retary to carry out the activities described in subsection
7 ~~(b).~~

8 ~~(d) COORDINATION.—~~

9 ~~(1) IN GENERAL.—The Secretary shall coordi-~~
10 nate all planning and activities carried out under
11 this section with appropriate Federal, State, and
12 local agencies and those public and private entities
13 that the Secretary determines may be affected by
14 those plans or activities.

15 ~~(2) NON-FEDERAL INTERESTS.—Prior to ear-~~
16 rying out an activity under this section, the Sec-
17 retary shall consult with any applicable non-Federal
18 interest of the affected dam or related infrastruc-
19 ture.

20 ~~(e) REPORTS.—~~

21 ~~(1) IN GENERAL.—Not later than 2 years after~~
22 the date of enactment of this Act and every 2 years
23 thereafter, the Secretary shall submit to Congress a
24 report describing the actions carried out under this
25 section.

1 ~~(2) INCLUSIONS.—~~Each report under para-
 2 graph ~~(1)~~ shall include—

3 ~~(A)~~ a schedule for reviewing the operations
 4 of individual projects; and

5 ~~(B)~~ any recommendations of the Secretary
 6 on changes that the Secretary determines to be
 7 necessary—

8 ~~(i)~~ to carry out existing projection au-
 9 thorizations, including the deauthorization
 10 of any water resource project that the Sec-
 11 retary determines could more effectively be
 12 achieved through other means;

13 ~~(ii)~~ to improve the efficiency of water
 14 resource project operations; and

15 ~~(iii)~~ to maximize authorized project
 16 purposes and other related project benefits.

17 ~~(3) UPDATED REPORT.—~~

18 ~~(A) IN GENERAL.—~~Not later than 2 years
 19 after the date of enactment of this Act, the Sec-
 20 retary shall update the report entitled “Author-
 21 ized and Operating Purposes of Corps of Engi-
 22 neers Reservoirs” and dated July 1992, which
 23 was produced pursuant to section 311 of the
 24 Water Resources Development Act of 1990
 25 ~~(104 Stat. 4639).~~

1 ~~(B) INCLUSIONS.—~~The updated report de-
 2 scribed in subparagraph (A) shall include—

3 ~~(i)~~ the date on which the most recent
 4 review of project operations was conducted
 5 and any recommendations of the Secretary
 6 relating to that review the Secretary deter-
 7 mines to be significant; and

8 ~~(ii)~~ the dates on which the rec-
 9 ommendations described in clause ~~(i)~~ were
 10 carried out.

11 ~~(f) FUNDING.—~~

12 ~~(1) IN GENERAL.—~~The Secretary may use to
 13 carry out this section amounts made available to the
 14 Secretary from—

15 ~~(A)~~ the general purposes and expenses ac-
 16 count;

17 ~~(B)~~ the operations and maintenance ac-
 18 count; and

19 ~~(C)~~ any other amounts that are appro-
 20 priated to carry out this section.

21 ~~(2) FUNDING FROM OTHER SOURCES.—~~The
 22 Secretary may accept and expend amounts from
 23 non-Federal entities and other Federal agencies to
 24 carry out this section.

1 (g) COOPERATIVE AGREEMENTS.—The Secretary
 2 may enter into cooperative agreements with other Federal
 3 agencies and non-Federal entities to carry out this section.

4 **SEC. 2015. WATER SUPPLY.**

5 Section 301 of the Water Supply Act of 1958 (43
 6 U.S.C. 390b) is amended by striking subsection (d) and
 7 inserting the following:

8 “(d) CONGRESSIONAL APPROVAL OF MODIFICATIONS
 9 OF RESERVOIR PROJECTS.—Congressional approval shall
 10 be required for any modification of a reservoir project that
 11 has been authorized, surveyed, planned, or constructed to
 12 include storage for municipal or industrial water supply
 13 if, when considered cumulatively with all previous modi-
 14 fications of the project, the modification would—

15 “(1) seriously affect the purposes for which the
 16 project was authorized, surveyed, planned, or con-
 17 structed;

18 “(2) involve major structural or operational
 19 changes; or

20 “(3) involve an allocation or reallocation of
 21 storage that is equal to or exceeds 5 percent of the
 22 conservation storage pool of the project.”.

23 **SEC. 2016. REPORT ON WATER STORAGE PRICING FOR-**
 24 **MULAS.**

25 (a) FINDINGS.—Congress finds that—

1 (1) due to the ongoing drought in many parts
 2 of the United States, communities are looking for
 3 ways to enhance their water storage on Corps of En-
 4 gineer reservoirs so as to maintain a reliable supply
 5 of water into the foreseeable future;

6 (2) water storage pricing formulas should be
 7 equitable and not create disparities between users;
 8 and

9 (3) water pricing formulas should not be cost-
 10 prohibitive for communities.

11 (b) ASSESSMENT.—

12 (1) IN GENERAL.—Not later than 180 days
 13 after the date of enactment of this Act, the Comp-
 14 troller General of the United States shall initiate an
 15 assessment of the water storage pricing formulas of
 16 the Corps of Engineers, which shall include an as-
 17 sessment of—

18 (A) existing water storage pricing formulas
 19 of the Corps of Engineers, in particular wheth-
 20 er those formulas produce water storage costs
 21 for some beneficiaries that are greatly disparate
 22 from the costs of other beneficiaries; and

23 (B) whether equitable water storage prie-
 24 ing formulas could lessen the disparate impact

1 and produce more affordable water storage for
2 potential beneficiaries.

3 ~~(2) REPORT.~~—The Comptroller General of the
4 United States shall submit to Congress a report on
5 the assessment carried out under paragraph (1).

6 **SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED**
7 **WORK.**

8 (a) IN GENERAL.—The Secretary may carry out
9 measures to improve fish species habitat within the foot-
10 print and downstream of a water resources project con-
11 structed by the Secretary that includes a fish hatchery if
12 the Secretary—

13 (1) has been explicitly authorized to compensate
14 for fish losses associated with the project; and

15 ~~(2) determines that the measures are—~~

16 (A) feasible;

17 (B) consistent with authorized project pur-
18 poses and the fish hatchery; and

19 (C) in the public interest.

20 (b) COST SHARING.—

21 ~~(1) IN GENERAL.~~—Subject to paragraph (2),
22 the non-Federal interest shall contribute 35 percent
23 of the total cost of carrying out activities under this
24 section, including the costs relating to the provision
25 or acquisition of required land, easements, rights-of-

1 way, dredged material disposal areas, and reloca-
 2 tions.

3 ~~(2) OPERATION AND MAINTENANCE.—The non-~~
 4 Federal interest shall contribute 100 percent of the
 5 costs of operation, maintenance, replacement, repair,
 6 and rehabilitation of a project constructed under
 7 this section.

8 ~~(c) AUTHORIZATION OF APPROPRIATIONS.—For each~~
 9 fiscal year, there is authorized to be appropriated to carry
 10 out this section \$30,000,000.

11 **SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASI-**
 12 **BILITY STUDIES.**

13 At the request of the non-Federal interest, the Sec-
 14 retary shall include as part of a regional or watershed
 15 study any Federal land that is located within the geo-
 16 graphic scope of that study.

17 **SEC. 2019. PLANNING ASSISTANCE TO STATES.**

18 Section 22 of the Water Resources Development Act
 19 of 1974 (42 U.S.C. 1962d–16) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by inserting “or other stakeholder
 23 working with a State” after “cooperate
 24 with any State”; and

1 (ii) by inserting “, including plans to
2 comprehensively address water resources
3 challenges,” after “of such State”; and

4 (B) in paragraph (2)(A), by striking “, at
5 Federal expense,”;

6 (2) in subsection (b)—

7 (A) in paragraph (1), by striking “sub-
8 section (a)(1)” each place it appears and insert-
9 ing “subsection (a)”;

10 (B) by redesignating paragraphs (2) and
11 (3) as paragraphs (3) and (4), respectively; and

12 (C) by inserting after paragraph (1) the
13 following:

14 “(2) CONTRIBUTED FUNDS.—The Secretary
15 may accept and expend funds in excess of the fees
16 established under paragraph (1) that are provided
17 by a State or other non-Federal public body for as-
18 sistance under this section.” ; and

19 (3) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) by striking “\$10,000,000” and in-
22 serting “\$30,000,000”; and

23 (ii) by striking “\$2,000,000” and in-
24 serting “\$5,000,000 in Federal funds”;

25 and

1 (B) in paragraph (2), by striking
2 “\$5,000,000” and inserting “\$15,000,000”.

3 **SEC. 2020. VEGETATION MANAGEMENT POLICY.**

4 (a) **DEFINITION OF NATIONAL GUIDELINES.**—In this
5 section, the term “national guidelines” means the Corps
6 of Engineers policy guidelines for management of vegeta-
7 tion on levees, including—

8 (1) Engineering Technical Letter 1110-2-571
9 entitled “Guidelines for Landscape Planting and
10 Vegetation Management at Levees, Floodwalls, Em-
11 bankment Dams, and Appurtenant Structures” and
12 adopted April 10, 2009; and

13 (2) the draft policy guidance letter entitled
14 “Process for Requesting a Variance from Vegetation
15 Standards for Levees and Floodwalls” (77 Fed. Reg.
16 9637 (Feb. 17, 2012)).

17 (b) **REVIEW.**—Not later than 180 days after the date
18 of enactment of this Act, the Secretary shall carry out a
19 comprehensive review of the national guidelines in order
20 to determine whether current Federal policy relating to
21 levee vegetation is appropriate for all regions of the United
22 States.

23 (c) **FACTORS.**—

24 (1) **IN GENERAL.**—In carrying out the review,
25 the Secretary shall consider—

- 1 ~~(A)~~ the varied interests and responsibilities
2 in managing flood risks, including the need—
3 ~~(i)~~ to provide for levee safety with lim-
4 ited resources; and
5 ~~(ii)~~ to ensure that levee safety invest-
6 ments minimize environmental impacts and
7 provide corresponding public safety bene-
8 fits;
9 ~~(B)~~ the levee safety benefits that can be
10 provided by woody vegetation;
11 ~~(C)~~ the preservation, protection, and en-
12 hancement of natural resources, including—
13 ~~(i)~~ the benefit of vegetation on levees
14 in providing habitat for endangered,
15 threatened, and candidate species; and
16 ~~(ii)~~ the impact of removing levee vege-
17 tation on compliance with other regulatory
18 requirements;
19 ~~(D)~~ protecting the rights of Indian tribes
20 pursuant to treaties and statutes;
21 ~~(E)~~ the available science and the historical
22 record regarding the link between vegetation on
23 levees and flood risk;

1 (F) the avoidance of actions requiring sig-
 2 nificant economic costs and environmental im-
 3 pacts; and

4 (G) other factors relating to the factors de-
 5 scribed in subparagraphs (A) through (F) iden-
 6 tified in public comments that the Secretary de-
 7 termines to be appropriate.

8 (2) VARIANCE CONSIDERATIONS.—

9 (A) IN GENERAL.—In carrying out the re-
 10 view, the Secretary shall specifically consider
 11 whether the national guidelines can be amended
 12 to promote and allow for consideration of
 13 variances from national guidelines on a State-
 14 wide, tribal, regional, or watershed basis, in-
 15 cluding variances based on—

16 (i) soil conditions;

17 (ii) hydrologic factors;

18 (iii) vegetation patterns and charac-
 19 teristics;

20 (iv) environmental resources, includ-
 21 ing endangered, threatened, or candidate
 22 species and related regulatory require-
 23 ments;

24 (v) levee performance history, includ-
 25 ing historical information on original con-

struction and subsequent operation and
maintenance activities;

(vi) any effects on water supply;

(vii) any scientific evidence on the link
between levee vegetation and levee safety;

(viii) institutional considerations, in-
cluding implementation challenges;

(ix) the availability of limited funds
for levee construction and rehabilitation;

(x) the economic and environmental
costs of removing woody vegetation on lev-
ees; and

(xi) other relevant factors identified in
public comments that the Secretary deter-
mines to be appropriate.

(B) SCOPE.—The scope of a variance ap-
proved by the Secretary may include a complete
exemption to national guidelines, as the Sec-
retary determines to be necessary.

(d) COOPERATION AND CONSULTATION; REC-
COMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall carry
out the review under this section in consultation
with other applicable Federal agencies; representa-
tives of State, regional, local, and tribal govern-

ments, appropriate nongovernmental organizations,
and the public.

(2) RECOMMENDATIONS.—The Chief of Engineers and any State, tribal, regional, or local entity may submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal and State laws, including recommendations relating to the review of national guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

(c) PEER REVIEW.—

(1) IN GENERAL.—As part of the review, the Secretary shall solicit and consider the views of the National Academy of Engineering and the National Academy of Sciences on the engineering, environmental, and institutional considerations underlying the national guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).

(2) AVAILABILITY OF VIEWS.—The views of the National Academy of Engineering and the National Academy of Sciences obtained under paragraph (1) shall be—

(A) made available to the public; and

1 ~~(B)~~ included in supporting materials issued
 2 in connection with the revised national guide-
 3 lines required under subsection ~~(f)~~.

4 ~~(f)~~ REVISION OF NATIONAL GUIDELINES.—

5 ~~(1)~~ IN GENERAL.—Not later than 2 years after
 6 the date of enactment of this Act, the Secretary
 7 shall—

8 ~~(A)~~ revise the national guidelines based on
 9 the results of the review, including—

10 ~~(i)~~ recommendations received as part
 11 of the consultation described in subsection
 12 ~~(d)(1)~~; and

13 ~~(ii)~~ the results of the peer review con-
 14 ducted under subsection ~~(e)~~; and

15 ~~(B)~~ submit to Congress a report that con-
 16 tains a summary of the activities of the Sec-
 17 retary and a description of the findings of the
 18 Secretary under this section.

19 ~~(2)~~ CONTENT; INCORPORATION INTO MAN-
 20 UAL.—The revised national guidelines shall—

21 ~~(A)~~ provide a practical, flexible process for
 22 approving Statewide, tribal, regional, or water-
 23 shed variances from the national guidelines
 24 that—

1 (i) reflect due consideration of the fac-
 2 tors described in subsection (c); and

3 (ii) incorporate State, tribal, and re-
 4 gional vegetation management guidelines
 5 for specific areas that have been adopted
 6 through a formal public process; and

7 (B) be incorporated into the manual pro-
 8 posed under section 5(c) of the Act entitled “An
 9 Act authorizing the construction of certain pub-
 10 lic works on rivers and harbors for flood con-
 11 trol, and for other purposes”, approved August
 12 18, 1941 (33 U.S.C. 701n(c)).

13 (3) FAILURE TO MEET DEADLINES.—If the
 14 Secretary fails to submit a report by the required
 15 deadline under this subsection, the Secretary shall
 16 submit to the Committee on Environment and Pub-
 17 lic Works of the Senate and the Committee on
 18 Transportation and Infrastructure of the House of
 19 Representatives a detailed explanation of—

20 (A) why the deadline was missed;

21 (B) solutions needed to meet the deadline;

22 and

23 (C) a projected date for submission of the
 24 report.

1 (g) CONTINUATION OF WORK.—Concurrent with the
 2 completion of the requirements of this section, the Sec-
 3 retary shall proceed without interruption or delay with
 4 those ongoing or programmed projects and studies, or ele-
 5 ments of projects or studies, that are not directly related
 6 to vegetation variance policy.

7 (h) INTERIM ACTIONS.—

8 (1) IN GENERAL.—Until the date on which revi-
 9 sions to the national guidelines are adopted in ac-
 10 cordance with subsection (f), the Secretary shall not
 11 require the removal of existing vegetation as a condi-
 12 tion or requirement for any approval or funding of
 13 a project, or any other action, unless the specific
 14 vegetation has been demonstrated to present an un-
 15 acceptable safety risk.

16 (2) REVISIONS.—Beginning on the date on
 17 which the revisions to the national guidelines are
 18 adopted in accordance with subsection (f), the Sec-
 19 retary shall consider, on request of an affected enti-
 20 ty, any previous action of the Corps of Engineers in
 21 which the outcome was affected by the former na-
 22 tional guidelines.

23 **SEC. 2021. LEVEE CERTIFICATIONS.**

24 (a) IMPLEMENTATION OF FLOOD PROTECTION
 25 STRUCTURE ACCREDITATION TASK FORCE.—In carrying

1 out section 100226 of the Biggert-Waters Flood Insurance
 2 Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat.
 3 942); the Secretary shall—

4 (1) ensure that at least 1 program activity car-
 5 ried out under the inspection of completed works
 6 program of the Corps of Engineers provides ade-
 7 quate information to the Secretary to reach a levee
 8 accreditation decision for each requirement under
 9 section 65.10 of title 44, Code of Federal Regula-
 10 tions (or successor regulation); and

11 (2) to the maximum extent practicable, carry
 12 out activities under the inspection of completed
 13 works program of the Corps of Engineers in align-
 14 ment with the schedule established for the national
 15 flood insurance program established under chapter 1
 16 of the National Flood Insurance Act of 1968 (42
 17 U.S.C. 4011 et seq.).

18 (b) ACCELERATED LEVEE SYSTEM EVALUATIONS
 19 AND CERTIFICATIONS.—

20 (1) IN GENERAL.—On receipt of a request from
 21 a non-Federal interest, the Secretary may carry out
 22 a levee system evaluation and certification of a fed-
 23 erally authorized levee for purposes of the national
 24 flood insurance program established under chapter 1
 25 of the National Flood Insurance Act of 1968 (42

U.S.C. 4011 et seq.) if the evaluation and certification will be carried out earlier than such an evaluation and certification would be carried out under subsection (a).

(2) REQUIREMENTS.—A levee system evaluation and certification under paragraph (1) shall—

(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Director of the Federal Emergency Management Agency, may establish.

(3) COST SHARING.—

(A) NON-FEDERAL SHARE.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection shall be 35 percent.

(B) ADJUSTMENT.—The Secretary shall adjust the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection in accordance with

1 section 103(m) of the Water Resources Devel-
2 opment Act of 1986 (33 U.S.C. 2213(m)).

3 (4) APPLICATION.—Nothing in this subsection
4 affects the requirement under section 100226(b)(2)
5 of the Biggert-Waters Flood Insurance Reform Act
6 of 2012 (42 U.S.C. 4101 note; 126 Stat. 942).

7 **SEC. 2022. RESTORATION OF FLOOD AND HURRICANE**
8 **STORM DAMAGE REDUCTION PROJECTS.**

9 (a) IN GENERAL.—The Secretary shall carry out any
10 measures necessary to restore components of federally au-
11 thorized and federally constructed flood and hurricane
12 storm damage reduction projects to authorized levels of
13 protection for reasons including settlement, subsidence,
14 sea level rise, and new datum, if the Secretary determines
15 the necessary work is feasible.

16 (b) COST SHARE.—The non-Federal share of the cost
17 of construction of a project carried out under this section
18 shall be determined as provided in subsections (a) through
19 (d) of section 103 of the Water Resources Development
20 Act of 1986 (33 U.S.C. 2213).

21 (c) OPERATIONS AND MAINTENANCE.—The non-Fed-
22 eral share of the cost of operations, maintenance, repair,
23 replacement, and rehabilitation for a project carried out
24 under this section shall be 100 percent.

1 (d) ~~ELIGIBILITY OF PROJECTS TRANSFERRED TO~~
 2 ~~NON-FEDERAL INTEREST.~~—The Secretary may carry out
 3 measures described in subsection (a) on a water resources
 4 project, separable element of a project, or functional com-
 5 ponent of a project that has been transferred to the non-
 6 Federal interest.

7 (e) ~~REPORT TO CONGRESS.~~—Not later than 8 years
 8 after the date of enactment of this Act, the Secretary shall
 9 submit to the Committee on Environment and Public
 10 Works of the Senate and the Committee on Transpor-
 11 tation and Infrastructure of the House of Representatives
 12 a report on the implementation of this section, including—

13 (1) any recommendations relating to the contin-
 14 ued need for the authority provided in this section;

15 (2) a description of the measures carried out
 16 under this section;

17 (3) any lessons learned relating to the measures
 18 implemented under this section; and

19 (4) best practices for carrying out measures to
 20 restore flood damage reduction projects.

21 (f) ~~TERMINATION OF AUTHORITY.~~—The authority to
 22 carry out a measure under this section terminates on the
 23 date that is 10 years after the date of enactment of this
 24 Act.

1 ~~(g) AUTHORIZATION OF APPROPRIATIONS.—~~There is
 2 authorized to be appropriated to the Secretary to carry
 3 out this section ~~\$250,000,000.~~

4 **SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN**
 5 **PROJECTS.**

6 The Secretary may assume operation and mainte-
 7 nance activities for a navigation channel that is deepened
 8 by a non-Federal interest prior to December 31, 2012,
 9 if—

10 ~~(1)~~ the Secretary determines that the require-
 11 ments under paragraphs ~~(2)~~ and ~~(3)~~ of section
 12 204(f) of the Water Resources Development Act of
 13 1986 ~~(33 U.S.C. 2232(f))~~ are met;

14 ~~(2)~~ the Secretary determines that the activities
 15 carried out by the non-Federal interest in deepening
 16 the navigation channel are economically justified and
 17 environmentally acceptable; and

18 ~~(3)~~ the deepening activities have been carried
 19 out on a Federal navigation channel that—

20 ~~(A)~~ exists as of the date of enactment of
 21 this Act; and

22 ~~(B)~~ has been authorized by Congress.

1 **SEC. 2024. DREDGING STUDY.**

2 (a) IN GENERAL.—The Secretary, in conjunction
3 with other relevant Federal agencies and applicable non-
4 Federal interests, shall carry out a study—

5 (1) to compare domestic and international
6 dredging markets, including costs, technologies, and
7 management approaches used in each respective
8 market, and determine the impacts of those markets
9 on dredging needs and practices in the United
10 States;

11 (2) to analyze past and existing practices, tech-
12 nologies, and management approaches used in
13 dredging in the United States; and

14 (3) to develop recommendations relating to the
15 best techniques, practices, and management ap-
16 proaches for dredging in the United States.

17 (b) PURPOSES.—The purposes of the study under
18 this section are—

19 (1) the identification of the best techniques,
20 methods, and technologies for dredging, including
21 the evaluation of the feasibility, cost, and benefits
22 of—

23 (A) new dredging technologies; and

24 (B) improved dredging practices and tech-
25 niques;

1 (2) the appraisal of the needs of the United
2 States for dredging, including the need to increase
3 the size of private and Corps of Engineers dredging
4 fleets to meet demands for additional construction or
5 maintenance dredging needed as of the date of en-
6 actment of this Act and in the subsequent 20 years;

7 (3) the identification of any impediments to
8 dredging, including any recommendations of appro-
9 priate alternatives for responding to those impedi-
10 ments;

11 (4) the assessment, including any recommenda-
12 tions of appropriate alternatives, of the adequacy
13 and effectiveness of—

14 (A) the economic, engineering, and envi-
15 ronmental methods, models, and analyses used
16 by the Chief of Engineers and private dredging
17 operations for dredging; and

18 (B) the current cost structure of construc-
19 tion contracts entered into by the Chief of En-
20 gineers;

21 (5) the evaluation of the efficiency and effec-
22 tiveness of past, current, and alternative dredging
23 practices and alternatives to dredging, including agi-
24 tation dredging; and

1 (6) the identification of innovative techniques
 2 and cost-effective methods to expand regional sedi-
 3 ment management efforts, including the placement
 4 of dredged sediment within river diversions to accel-
 5 erate the creation of wetlands.

6 (c) STUDY TEAM.—

7 (1) IN GENERAL.—The Secretary shall establish
 8 a study team to assist the Secretary in planning,
 9 carrying out, and reporting on the results of the
 10 study under this section.

11 (2) STUDY TEAM.—The study team established
 12 pursuant to paragraph (1) shall—

13 (A) be appointed by the Secretary; and

14 (B) represent a broad spectrum of experts
 15 in the field of dredging and representatives of
 16 relevant State agencies and relevant non-Fed-
 17 eral interests.

18 (d) PUBLIC COMMENT PERIOD.—The Secretary
 19 shall—

20 (1) make available to the public, including on
 21 the Internet, all draft and final study findings under
 22 this section; and

23 (2) allow for a public comment period of not
 24 less than 30 days on any draft study findings prior
 25 to issuing final study findings.

1 (e) **REPORT TO CONGRESS.**—Not later than 2 years
 2 after the date of enactment of this Act, and subject to
 3 available appropriations, the Secretary, in consultation
 4 with the study team established under subsection (c), shall
 5 submit a detailed report on the results of the study to the
 6 Committee on Environment and Public Works of the Sen-
 7 ate and the Committee on Transportation and Infrastruc-
 8 ture of the House of Representatives.

9 (f) **FAILURE TO MEET DEADLINES.**—If the Sec-
 10 retary does not complete the study under this section and
 11 submit a report to Congress under subsection (e) on or
 12 before the deadline described in that subsection, the Sec-
 13 retary shall notify Congress and describe why the study
 14 was not completed.

15 **SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION**
 16 **PILOT PROGRAM.**

17 (a) **IN GENERAL.**—Not later than 180 days after the
 18 date of enactment of this Act, the Secretary shall establish
 19 and implement a pilot program to evaluate the cost-effec-
 20 tiveness and project delivery efficiency of allowing non-
 21 Federal interests to carry out flood risk management, hur-
 22 ricane and storm damage reduction, and coastal harbor
 23 and channel and inland harbor navigation projects.

24 (b) **PURPOSES.**—The purposes of the pilot program
 25 are—

(1) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and

(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

~~(c) ADMINISTRATION.—~~

~~(1) IN GENERAL.—~~In carrying out the pilot program, the Secretary shall—

~~(A) identify a total of not more than 12 projects for flood risk management, hurricane and storm damage reduction, including levees, floodwalls, flood control channels, water control structures, and coastal harbor and channel and inland harbor navigation, that have been authorized for construction prior to the date of enactment of this Act that—~~

~~(i)(I) have received Federal funds prior to the date of enactment of this Act; or~~

1 (H) for more than 2 consecutive fiscal
2 years, have an unobligated funding balance
3 for that project in the Corps of Engineers
4 construction account; and

5 (ii) to the maximum extent prac-
6 ticable, are located in each of the divisions
7 of the Corps of Engineers;

8 (B) notify the Committee on Environment
9 and Public Works of the Senate and the Com-
10 mittee on Transportation and Infrastructure of
11 the House of Representatives on the identifica-
12 tion of each project under the pilot program;

13 (C) in collaboration with the non-Federal
14 interest, develop a detailed project management
15 plan for each identified project that outlines the
16 scope, budget, design, and construction resource
17 requirements necessary for the non-Federal in-
18 terest to execute the project, or a separable ele-
19 ment of the project;

20 (D) on the request of the non-Federal in-
21 terest, enter into a project partnership agree-
22 ment with the non-Federal interest for the non-
23 Federal interest to provide full project manage-
24 ment control for construction of the project, or

1 a separable element of the project, in accord-
2 ance with plans approved by the Secretary;

3 ~~(E)~~ following execution of the project part-
4 nership agreement, transfer to the non-Federal
5 interest to carry out construction of the project,
6 or a separable element of the project—

7 (i) if applicable, the balance of the un-
8 obligated amounts appropriated for the
9 project, except that the Secretary shall re-
10 tain sufficient amounts for the Corps of
11 Engineers to carry out any responsibilities
12 of the Corps of Engineers relating to the
13 project and pilot program; and

14 (ii) additional amounts, as determined
15 by the Secretary, from amounts made
16 available under subsection (h), except that
17 the total amount transferred to the non-
18 Federal interest shall not exceed the up-
19 dated estimate of the Federal share of the
20 cost of construction, including any required
21 design; and

22 ~~(F)~~ regularly monitor and audit each
23 project being constructed by a non-Federal in-
24 terest under this section to ensure that the con-
25 struction activities are carried out in compli-

1 ance with the plans approved by the Secretary
2 and that the construction costs are reasonable.

3 ~~(2) DETAILED PROJECT SCHEDULE.~~—Not later
4 than 180 days after entering into an agreement
5 under paragraph (1)(D), each non-Federal interest,
6 to the maximum extent practicable, shall submit to
7 the Secretary a detailed project schedule, based on
8 full funding capability, that lists all deadlines for
9 each milestone in the construction of the project.

10 ~~(3) TECHNICAL ASSISTANCE.~~—On the request
11 of a non-Federal interest, the Secretary may provide
12 technical assistance to the non-Federal interest, if
13 the non-Federal interest contracts with the Sec-
14 retary for the technical assistance and compensates
15 the Secretary for the technical assistance, relating
16 to—

17 (A) any study, engineering activity, and
18 design activity for construction carried out by
19 the non-Federal interest under this section; and

20 (B) expeditiously obtaining any permits
21 necessary for the project.

22 ~~(d) COST-SHARE.~~—Nothing in this section affects the
23 cost-sharing requirement applicable on the day before the
24 date of enactment of this Act to a project carried out
25 under this section.

1 (e) REPORT.—

2 (1) IN GENERAL.—Not later than 2 years after
3 the date of enactment of this Act, the Secretary
4 shall submit to the Committee on Environment and
5 Public Works of the Senate and the Committee on
6 Transportation and Infrastructure of the House of
7 Representatives a report detailing the results of the
8 pilot program carried out under this section, includ-
9 ing—

10 (A) a description of the progress of non-
11 Federal interests in meeting milestones in de-
12 tailed project schedules developed pursuant to
13 subsection (c)(2); and

14 (B) any recommendations of the Secretary
15 concerning whether the program or any compo-
16 nent of the program should be implemented on
17 a national basis.

18 (2) UPDATE.—Not later than 5 years after the
19 date of enactment of this Act, the Secretary shall
20 submit to the Committee on Environment and Pub-
21 lic Works of the Senate and the Committee on
22 Transportation and Infrastructure of the House of
23 Representatives an update of the report described in
24 paragraph (1).

1 (3) FAILURE TO MEET DEADLINE.—If the Sec-
 2 retary fails to submit a report by the required dead-
 3 line under this subsection, the Secretary shall sub-
 4 mit to the Committee on Environment and Public
 5 Works of the Senate and the Committee on Trans-
 6 portation Infrastructure of the House of Representa-
 7 tives a detailed explanation of why the deadline was
 8 missed and a projected date for submission of the
 9 report.

10 (f) ADMINISTRATION.—All laws and regulations that
 11 would apply to the Secretary if the Secretary were ear-
 12 rying out the project shall apply to a non-Federal interest
 13 carrying out a project under this section.

14 (g) TERMINATION OF AUTHORITY.—The authority to
 15 commence a project under this section terminates on the
 16 date that is 5 years after the date of enactment of this
 17 Act.

18 (h) AUTHORIZATION OF APPROPRIATIONS.—In addi-
 19 tion to any amounts appropriated for a specific project,
 20 there is authorized to be appropriated to the Secretary to
 21 carry out the pilot program under this section, including
 22 the costs of administration of the Secretary, \$25,000,000
 23 for each of fiscal years 2014 through 2018.

1 **SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASI-**
2 **BILITY STUDIES.**

3 (a) **IN GENERAL.**—Not later than 180 days after the
4 date of enactment of this Act, the Secretary shall establish
5 and implement a pilot program to evaluate the cost-effec-
6 tiveness and project delivery efficiency of allowing non-
7 Federal interests to carry out feasibility studies for flood
8 risk management, hurricane and storm damage reduction,
9 ecosystem restoration, and coastal harbor and channel and
10 inland harbor navigation.

11 (b) **PURPOSES.**—The purposes of the pilot program
12 are—

13 (1) to identify project delivery and cost-saving
14 alternatives to the existing feasibility study process;

15 (2) to evaluate the technical, financial, and or-
16 ganizational efficiencies of a non-Federal interest
17 carrying out a feasibility study of 1 or more
18 projects; and

19 (3) to evaluate alternatives for the decentraliza-
20 tion of the project planning, management, and oper-
21 ational decisionmaking process of the Corps of Engi-
22 neers.

23 (c) **ADMINISTRATION.**—

24 (1) **IN GENERAL.**—On the request of a non-
25 Federal interest, the Secretary may enter into an
26 agreement with the non-Federal interest for the non-

1 Federal interest to provide full project management
 2 control of a feasibility study for a project for—

3 (A) flood risk management;

4 (B) hurricane and storm damage reduc-
 5 tion, including levees, floodwalls, flood control
 6 channels, and water control structures;

7 (C) coastal harbor and channel and inland
 8 harbor navigation; and

9 (D) ecosystem restoration.

10 (2) ~~USE OF NON-FEDERAL FUNDS.—~~

11 (A) ~~IN GENERAL.—~~A non-Federal interest
 12 that has entered into an agreement with the
 13 Secretary pursuant to paragraph (1) may use
 14 non-Federal funds to carry out the feasibility
 15 study.

16 (B) ~~CREDIT.—~~The Secretary shall credit
 17 towards the non-Federal share of the cost of
 18 construction of a project for which a feasibility
 19 study is carried out under this section an
 20 amount equal to the portion of the cost of de-
 21 veloping the study that would have been the re-
 22 sponsibility of the Secretary, if the study were
 23 carried out by the Secretary, subject to the con-
 24 ditions that—

1 (i) non-Federal funds were used to
2 carry out the activities that would have
3 been the responsibility of the Secretary;

4 (ii) the Secretary determines that the
5 feasibility study complies with all applica-
6 ble Federal laws and regulations; and

7 (iii) the project is authorized by any
8 provision of Federal law enacted after the
9 date on which an agreement is entered into
10 under paragraph (1).

11 ~~(3)~~ TRANSFER OF FUNDS.—

12 ~~(A) IN GENERAL.~~—After the date on which
13 an agreement is executed pursuant to para-
14 graph (1), the Secretary may transfer to the
15 non-Federal interest to carry out the feasibility
16 study—

17 (i) if applicable, the balance of any
18 unobligated amounts appropriated for the
19 study, except that the Secretary shall re-
20 tain sufficient amounts for the Corps of
21 Engineers to carry out any responsibilities
22 of the Corps of Engineers relating to the
23 project and pilot program; and

24 (ii) additional amounts, as determined
25 by the Secretary, from amounts made

1 available under subsection (h), except that
 2 the total amount transferred to the non-
 3 Federal interest shall not exceed the up-
 4 dated estimate of the Federal share of the
 5 cost of the feasibility study.

6 ~~(B)~~ ADMINISTRATION.—The Secretary
 7 shall include such provisions as the Secretary
 8 determines to be necessary in an agreement
 9 under paragraph (1) to ensure that a non-Fed-
 10 eral interest receiving Federal funds under this
 11 paragraph—

12 (i) has the necessary qualifications to
 13 administer those funds; and

14 (ii) will comply with all applicable
 15 Federal laws (including regulations) relat-
 16 ing to the use of those funds.

17 (4) NOTIFICATION.—The Secretary shall notify
 18 the Committee on Environment and Public Works of
 19 the Senate and the Committee on Transportation
 20 and Infrastructure of the House of Representatives
 21 on the initiation of each feasibility study under the
 22 pilot program.

23 (5) AUDITING.—The Secretary shall regularly
 24 monitor and audit each feasibility study carried out
 25 by a non-Federal interest under this section to en-

1 sure that the use of any funds transferred under
 2 paragraph (3) are used in compliance with the
 3 agreement signed under paragraph (1).

4 (6) TECHNICAL ASSISTANCE.—On the request
 5 of a non-Federal interest, the Secretary may provide
 6 technical assistance to the non-Federal interest re-
 7 lating to any aspect of the feasibility study, if the
 8 non-Federal interest contracts with the Secretary for
 9 the technical assistance and compensates the Sec-
 10 retary for the technical assistance.

11 (7) DETAILED PROJECT SCHEDULE.—Not later
 12 than 180 days after entering into an agreement
 13 under paragraph (1), each non-Federal interest, to
 14 the maximum extent practicable, shall submit to the
 15 Secretary a detailed project schedule, based on full
 16 funding capability, that lists all deadlines for mile-
 17 stones relating to the feasibility study.

18 (d) COST-SHARE.—Nothing in this section affects the
 19 cost-sharing requirement applicable on the day before the
 20 date of enactment of this Act to a feasibility study carried
 21 out under this section.

22 (e) REPORT.—

23 (1) IN GENERAL.—Not later than 2 years after
 24 the date of enactment of this Act, the Secretary
 25 shall submit to the Committee on Environment and

1 Public Works of the Senate and the Committee on
2 Transportation and Infrastructure of the House of
3 Representatives a report detailing the results of the
4 pilot program carried out under this section, includ-
5 ing—

6 (A) a description of the progress of the
7 non-Federal interests in meeting milestones in
8 detailed project schedules developed pursuant to
9 subsection (c)(7); and

10 (B) any recommendations of the Secretary
11 concerning whether the program or any compo-
12 nent of the program should be implemented on
13 a national basis.

14 (2) UPDATE.—Not later than 5 years after the
15 date of enactment of this Act, the Secretary shall
16 submit to the Committee on Environment and Pub-
17 lie Works of the Senate and the Committee on
18 Transportation and Infrastructure of the House of
19 Representatives an update of the report described in
20 paragraph (1).

21 (3) FAILURE TO MEET DEADLINE.—If the Sec-
22 retary fails to submit a report by the required dead-
23 line under this subsection, the Secretary shall sub-
24 mit to the Committee on Environment and Public
25 Works of the Senate and the Committee on Trans-

1 portation Infrastructure of the House of Representa-
 2 tives a detailed explanation of why the deadline was
 3 missed and a projected date for submission of the
 4 report.

5 (f) ADMINISTRATION.—All laws and regulations that
 6 would apply to the Secretary if the Secretary were ear-
 7 rying out the feasibility study shall apply to a non-Federal
 8 interest carrying out a feasibility study under this section.

9 (g) TERMINATION OF AUTHORITY.—The authority to
 10 commence a feasibility study under this section terminates
 11 on the date that is 5 years after the date of enactment
 12 of this Act.

13 (h) AUTHORIZATION OF APPROPRIATIONS.—In addi-
 14 tion to any amounts appropriated for a specific project,
 15 there is authorized to be appropriated to the Secretary to
 16 carry out the pilot program under this section, including
 17 the costs of administration of the Secretary, \$25,000,000
 18 for each of fiscal years 2014 through 2018.

19 **SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.**

20 Section 203 of the Water Resources Development Act
 21 of 2000 (33 U.S.C. 2269) is amended—

22 (1) in subsection (d)(1)(B)—

23 (A) by striking “The ability” and inserting
 24 the following:

25 “(i) IN GENERAL.—The ability”; and

1 (B) by adding at the end the following:

2 “(ii) DETERMINATION.—Not later
3 than 180 days after the date of enactment
4 of the Water Resources Development Act
5 of 2013, the Secretary shall issue guidance
6 on the procedures described in clause (i).”;
7 and

8 (2) in subsection (e), by striking “2012” and
9 inserting “2023”.

10 **SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA**
11 **RIVER BASIN INDIAN TRIBES.**

12 The Secretary may enter into a cooperative agree-
13 ment with 1 or more federally recognized Indian tribes (or
14 a designated representative of the Indian tribes) that are
15 located, in whole or in part, within the boundaries of the
16 Columbia River Basin to carry out authorized activities
17 within the Columbia River Basin to protect fish, wildlife,
18 water quality, and cultural resources.

19 **SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT**
20 **CIVIL WORKS SHORELINE PROTECTION**
21 **PROJECTS.**

22 (a) IN GENERAL.—The Secretary may implement
23 any response action the Secretary determines to be nec-
24 essary at a site where—

1 (1) the Secretary has carried out a project
 2 under civil works authority of the Secretary that in-
 3 cludes placing sand on a beach;

4 (2) as a result of the project described in para-
 5 graph (1), military munitions that were originally re-
 6 leased as a result of Department of Defense activi-
 7 ties are deposited on the beach, posing a threat to
 8 human health or the environment.

9 (b) **RESPONSE ACTION FUNDING.**—A response action
 10 described in subsection (a) shall be funded from amounts
 11 made available to the agency within the Department of
 12 Defense responsible for the original release of the muni-
 13 tions.

14 **SEC. 2030. BEACH NOURISHMENT.**

15 Section 156 of the Water Resources Development Act
 16 of 1976 (42 U.S.C. 1962d–5f) is amended to read as fol-
 17 lows:

18 **“SEC. 156. BEACH NOURISHMENT.**

19 “(a) **IN GENERAL.**—The Secretary of the Army, act-
 20 ing through the Chief of Engineers, may provide periodic
 21 beach nourishment for each water resources development
 22 project for which that nourishment has been authorized
 23 for an additional period of time, as determined by the Sec-
 24 retary, subject to the condition that the additional period
 25 shall not exceed the later of—

1 “(1) 50 years after the date on which the con-
2 struction of the project is initiated; or

3 “(2) the date on which the last estimated peri-
4 odic nourishment for the project is to be carried out;
5 as recommended in the applicable report of the Chief
6 of Engineers.

7 “(b) EXTENSION.—Before the end of the 50-year pe-
8 riod referred to in subsection (a)(1), the Secretary of the
9 Army, acting through the Chief of Engineers—

10 “(1) may, at the request of the non-Federal in-
11 terest and subject to the availability of appropria-
12 tions, carry out a review of a nourishment project
13 carried out under subsection (a) to evaluate the fea-
14 sibility of continuing Federal participation in the
15 project for a period not to exceed 15 years; and

16 “(2) shall submit to Congress any recommenda-
17 tions of the Secretary relating to the review.”.

18 **SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.**

19 Section 204 of the Water Resources Development Act
20 of 1992 (33 U.S.C. 2326) (as amended by section
21 2003(c)) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), by inserting “or used
24 in” after “obtained through”; and

(B) in paragraph (3)(C), by inserting “for the purposes of improving environmental conditions in marsh and littoral systems; stabilizing stream channels; enhancing shorelines; and supporting State and local risk management adaptation strategies” before the period at the end; (2) in subsection (c)(1)(B)—

(A) in clause (i), by striking “clause (ii)” and inserting “clauses (ii) and (iii)”; and

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

“(ii) REDUCTION IN NON-FEDERAL SHARE.—The Secretary may reduce the non-Federal share of the costs of construction of a project if the Secretary determines that, through the beneficial use of sediment at another Federal project, there will be an associated reduction or avoidance of Federal costs.”;

(3) in subsection (d)—

(A) by striking the subsection designation and heading and inserting the following:

1 “(d) SELECTION OF DREDGED MATERIAL DISPOSAL
 2 METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL
 3 RESTORATION OR STORM DAMAGE AND FLOOD REDUC-
 4 TION.—”; and

5 (B) in paragraph (1), by striking “in rela-
 6 tion to” and all that follows through the period
 7 at the end and inserting “in relation to—

8 “(A) the environmental benefits, including
 9 the benefits to the aquatic environment to be
 10 derived from the creation of wetlands and con-
 11 trol of shoreline erosion; or

12 “(B) the flood and storm damage and
 13 flood reduction benefits, including shoreline pro-
 14 tection, protection against loss of life, and dam-
 15 age to improved property.”; and

16 (4) in subsection (c), by striking paragraph (1)
 17 and inserting the following:

18 “(1) cooperate with any State or group of
 19 States in the preparation of a comprehensive State
 20 or regional sediment management plan within the
 21 boundaries of the State or among States;”.

22 **SEC. 2032. STUDY ACCELERATION.**

23 (a) FINDINGS.—Congress finds that—

24 (1) delays in the completion of feasibility stud-
 25 ies—

1 (A) increase costs for the Federal Govern-
 2 ment as well as State and local governments;
 3 and

4 (B) delay the implementation of water re-
 5 sources projects that provide critical benefits,
 6 including reducing flood risk, maintaining com-
 7 mercially important flood risk, and restoring
 8 vital ecosystems; and

9 (2) the efforts undertaken by the Corps of En-
 10 gineers through the establishment of the “3-3-3”
 11 planning process should be continued.

12 (b) ACCELERATION OF STUDIES.—

13 (1) IN GENERAL.—Subject to paragraphs (2)
 14 and (3), a feasibility study initiated after the date
 15 of enactment of this Act shall—

16 (A) be completed not later than 3 years
 17 after the date of initiation of the study; and

18 (B) have a maximum Federal cost share of
 19 \$3,000,000.

20 (2) ABILITY TO COMPLY.—On initiating a feasi-
 21 bility study under paragraph (1), the Secretary
 22 shall—

23 (A) certify that the study will comply with
 24 the requirements of paragraph (1);

1 ~~(B)~~ for projects the Secretary determines
 2 to be too complex to comply with the require-
 3 ments of paragraph ~~(1)~~—

4 ~~(i)~~ not less than 30 days after making
 5 a determination; notify the non-Federal in-
 6 terest regarding the inability to comply;
 7 and

8 ~~(ii)~~ provide a new projected timeline
 9 and cost; and

10 ~~(C)~~ if the study conditions have changed
 11 such that scheduled timelines or study costs will
 12 not be met—

13 ~~(i)~~ not later than 30 days after the
 14 study conditions change; notify the non-
 15 Federal interest of those changed condi-
 16 tions; and

17 ~~(ii)~~ present the non-Federal interest
 18 with a new timeline for completion and
 19 new projected study costs.

20 ~~(3)~~ APPROPRIATIONS.—

21 ~~(A)~~ IN GENERAL.—All timeline and cost
 22 conditions under this section shall be subject to
 23 the Secretary receiving adequate appropriations
 24 for meeting study timeline and cost require-
 25 ments.

1 (B) NOTIFICATION.—Not later than 60
 2 days after receiving appropriations, the Sec-
 3 retary shall notify the non-Federal interest of
 4 any changes to timelines or costs due to inad-
 5 equately appropriations.

6 (c) REPORT.—Not later than 18 months after the
 7 date of enactment of this Act and each year thereafter,
 8 the Secretary shall submit to the Committee on Environ-
 9 ment and Public Works of the Senate and the Committee
 10 on Transportation and Infrastructure of the House of
 11 Representatives a report that describes—

12 (1) the status of the implementation of the “3-
 13 3-3” planning process, including the number of par-
 14 ticipating projects;

15 (2) the amount of time taken to complete all
 16 studies participating in the “3-3-3” planning pro-
 17 cess; and

18 (3) any recommendations for additional author-
 19 ity necessary to support efforts to expedite the feasi-
 20 bility study process for water resource projects.

21 **SEC. 2033. PROJECT ACCELERATION.**

22 Section 2045 of the Water Resources Development
 23 Act of 2007 (33 U.S.C. 2348) is amended to read as fol-
 24 lows:

1 **~~“SEC. 2045. PROJECT ACCELERATION.~~**

2 ~~“(a) DEFINITIONS.—In this section:~~

3 ~~“(1) ENVIRONMENTAL IMPACT STATEMENT.—~~

4 The term ‘environmental impact statement’ means
5 the detailed statement of environmental impacts of
6 water resources projects required to be prepared
7 pursuant to the National Environmental Policy Act
8 of 1969 (42 U.S.C. 4321 et seq.).

9 ~~“(2) ENVIRONMENTAL REVIEW PROCESS.—~~

10 ~~“(A) IN GENERAL.—The term ‘environ-~~
11 ~~mental review process’ means the process of~~
12 ~~preparing an environmental impact statement,~~
13 ~~environmental assessment, categorical exclusion,~~
14 ~~or other document under the National Environ-~~
15 ~~mental Policy Act of 1969 (42 U.S.C. 4321 et~~
16 ~~seq.) for a water resources project.~~

17 ~~“(B) INCLUSIONS.—The term ‘environ-~~
18 ~~mental review process’ includes the process for~~
19 ~~and completion of any environmental permit,~~
20 ~~approval, review, or study required for a water~~
21 ~~resources project under any Federal law other~~
22 ~~than the National Environmental Policy Act of~~
23 ~~1969 (42 U.S.C. 4321 et seq.).~~

24 ~~“(3) LEAD AGENCY.—The term ‘lead agency’~~
25 ~~means the Corps of Engineers and, if applicable, any~~

1 State, local, or tribal governmental entity serving as
 2 a joint lead agency pursuant to this section.

3 ~~“(b) POLICY.—~~The benefits of water resources
 4 projects are important to the economy and environment
 5 of the United States, and recommendations to Congress
 6 regarding those projects should be accelerated by coordi-
 7 nated and efficient review and cooperative efforts to pre-
 8 vent or quickly resolve disputes during the development
 9 and implementation of those water resources projects.

10 ~~“(c) APPLICABILITY.—~~

11 ~~“(1) IN GENERAL.—~~The project development
 12 procedures under this section apply to the develop-
 13 ment of projects initiated after the date of enact-
 14 ment of the Water Resources Development Act of
 15 2013 and for which the Secretary determines that—

16 ~~“(A) an environmental impact statement is~~
 17 ~~required; or~~

18 ~~“(B) at the discretion of the Secretary,~~
 19 ~~other water resources projects for which an en-~~
 20 ~~vironmental review process document is re-~~
 21 ~~quired to be prepared.~~

22 ~~“(2) FLEXIBILITY.—~~Any authorities granted in
 23 this section may be exercised, and any requirements
 24 established under this section may be satisfied, for

1 the development of a water resources project, a class
 2 of those projects, or a program of those projects.

3 “(3) LIST OF WATER RESOURCES DEVELOP-
 4 MENT PROJECTS.—

5 “(A) IN GENERAL.—The Secretary shall
 6 annually prepare, and make publicly available, a
 7 separate list of each study that the Secretary
 8 has determined—

9 “(i) meets the standards described in
 10 paragraph (1); and

11 “(ii) does not have adequate funding
 12 to make substantial progress toward the
 13 completion of the planning activities for
 14 the water resources project.

15 “(B) INCLUSIONS.—The Secretary shall
 16 include for each study on the list under sub-
 17 paragraph (A) a description of the estimated
 18 amounts necessary to make substantial progress
 19 on the study.

20 “(4) IMPLEMENTATION GUIDANCE.—The Sec-
 21 retary shall prepare, in consultation with the Council
 22 on Environmental Quality and other Federal agen-
 23 cies with jurisdiction over actions or resources that
 24 may be impacted by a water resources project, guid-
 25 ance documents that describe the processes that the

1 Secretary will use to implement this section, in ac-
 2 cordance with the civil works program of the Corps
 3 of Engineers and all applicable law.

4 “(d) WATER RESOURCES PROJECT REVIEW PROC-
 5 ESS.—The Secretary shall develop and implement a co-
 6 ordinated review process for the development of water re-
 7 sources projects.

8 “(e) IDENTIFICATION OF JURISDICTIONAL AGEN-
 9 CIES.—With respect to the development of each water re-
 10 sources project, the Secretary shall identify, as soon as
 11 practicable, all Federal, State, and local government agen-
 12 cies and Indian tribes that may—

13 “(1) have jurisdiction over the project;

14 “(2) be required by law to conduct or issue a
 15 review, analysis, or opinion for the project; or

16 “(3) be required to make a determination on
 17 issuing a permit, license, or approval for the project.

18 “(f) STATE AUTHORITY.—If the coordinated review
 19 process is being implemented under this section by the
 20 Secretary with respect to the development of a water re-
 21 sources project described in subsection (e) within the
 22 boundaries of a State, the State, consistent with State law,
 23 may choose to participate in the process and to make sub-
 24 ject to the process all State agencies that—

25 “(1) have jurisdiction over the project;

1 ~~“(2)~~ are required to conduct or issue a review,
2 analysis, or opinion for the project; or

3 ~~“(3)~~ are required to make a determination on
4 issuing a permit, license, or approval for the project.

5 ~~“(g)~~ LEAD AGENCIES.—

6 ~~“(1)~~ FEDERAL LEAD AGENCY.—Subject to
7 paragraph (2), the Corps of Engineers shall be the
8 lead Federal agency in the environmental review
9 process for a water resources project.

10 ~~“(2)~~ JOINT LEAD AGENCIES.—

11 ~~“(A)~~ IN GENERAL.—At the discretion of
12 the Secretary and subject to any applicable reg-
13 ulations under the National Environmental Pol-
14 icy Act of 1969 (42 U.S.C. 4321 et seq.), an
15 agency other than the Corps of Engineers may
16 serve as the joint lead agency.

17 ~~“(B)~~ NON-FEDERAL INTEREST AS JOINT
18 LEAD AGENCY.—A non-Federal interest that is
19 a State or local governmental entity—

20 ~~“(i)~~ may serve as a joint lead agency
21 with the Corps of Engineers for purposes
22 of preparing any environmental document
23 under the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.); and

1 “(ii) may prepare any environmental
2 review process document required in sup-
3 port of any action or approval by the Sec-
4 retary if—

5 “(I) the Corps of Engineers pro-
6 vides guidance in the preparation
7 process and independently evaluates
8 that document; and

9 “(H) the Secretary approves and
10 adopts the document before the Sec-
11 retary takes any subsequent action or
12 makes any approval based on that
13 document, regardless of whether the
14 action or approval of the Secretary re-
15 sults in Federal funding.

16 “(3) DUTIES.—The Secretary shall ensure
17 that—

18 “(A) the non-Federal interest complies
19 with all design and mitigation commitments
20 made jointly by the Secretary and the non-Fed-
21 eral interest in any environmental document
22 prepared by the non-Federal interest in accord-
23 ance with this subsection; and

24 “(B) any environmental document pre-
25 pared by the non-Federal interest is appro-

1 priately supplemented if changes to the water
2 resources project become necessary.

3 ~~“(4) ADOPTION AND USE OF DOCUMENTS.—~~

4 Any environmental document prepared in accordance
5 with this subsection may be adopted or used by any
6 Federal agency making any approval to the same ex-
7 tent that the Federal agency could adopt or use a
8 document prepared by another Federal agency.

9 ~~“(5) ROLES AND RESPONSIBILITY OF LEAD~~

10 ~~AGENCY.—~~With respect to the environmental review
11 process for any water resources project, the lead
12 agency shall have authority and responsibility—

13 ~~“(A) to take such actions as are necessary~~
14 and proper and within the authority and re-
15 sponsibility of the lead agency to facilitate the
16 expeditious resolution of the environmental re-
17 view process for the water resources project;
18 and

19 ~~“(B) to prepare or ensure that any re-~~
20 quired environmental impact statement or other
21 environmental review document for a water re-
22 sources project required to be completed under
23 the National Environmental Policy Act of 1969
24 ~~(42 U.S.C. 4321 et seq.)~~ is completed in ac-

1 cordance with this section and applicable Fed-
 2 eral law.

3 ~~“(h) PARTICIPATING AGENCIES.—~~

4 ~~“(1) INVITATION.—~~

5 ~~“(A) IN GENERAL.—~~The lead agency shall
 6 identify, as early as practicable in the environ-
 7 mental review process for a water resources
 8 project, any other Federal or non-Federal agen-
 9 cies that may have an interest in that project
 10 and invite those agencies to become partici-
 11 pating agencies in the environmental review
 12 process for the water resources project.

13 ~~“(B) DEADLINE.—~~An invitation to partici-
 14 pate issued under subparagraph (A) shall set a
 15 deadline by which a response to the invitation
 16 shall be submitted, which may be extended by
 17 the lead agency for good cause.

18 ~~“(2) FEDERAL PARTICIPATING AGENCIES.—~~Any
 19 Federal agency that is invited by the lead agency to
 20 participate in the environmental review process for a
 21 water resources project shall be designated as a par-
 22 ticipating agency by the lead agency unless the in-
 23 vited agency informs the lead agency, in writing, by
 24 the deadline specified in the invitation that the in-
 25 vited agency—

1 “(A) has no jurisdiction or authority with
2 respect to the water resources project;

3 “(B) has no expertise or information rel-
4 evant to the water resources project;

5 “(C) does not intend to submit comments
6 on the water resources project; and

7 “(D) does not have adequate funds to par-
8 ticipate in the water resources project.

9 “(3) EFFECT OF DESIGNATION.—Designation
10 as a participating agency under this subsection shall
11 not imply that the participating agency—

12 “(A) supports a proposed water resources
13 project; or

14 “(B) has any jurisdiction over, or special
15 expertise with respect to evaluation of, the
16 water resources project.

17 “(4) CONCURRENT REVIEWS.—Each partici-
18 pating agency shall—

19 “(A) carry out the obligations of that
20 agency under other applicable law concurrently
21 and in conjunction with the required environ-
22 mental review process; unless doing so would
23 impair the ability of the Federal agency to con-
24 duct needed analysis or otherwise carry out
25 those obligations; and

1 “(B) formulate and implement administra-
 2 tive, policy, and procedural mechanisms to en-
 3 able the agency to ensure completion of the en-
 4 vironmental review process in a timely, coordi-
 5 nated, and environmentally responsible manner.

6 “(i) PROGRAMMATIC COMPLIANCE.—

7 “(1) IN GENERAL.—The Secretary shall issue
 8 guidance to allow for the use of programmatic ap-
 9 proaches to carry out the environmental review proc-
 10 ess that—

11 “(A) eliminates repetitive discussions of
 12 the same issues;

13 “(B) focuses on the actual issues ripe for
 14 analyses at each level of review;

15 “(C) establishes a formal process for co-
 16 ordinating with participating agencies, including
 17 the creation of a list of all data that is needed
 18 to carry out an environmental review process;
 19 and

20 “(D) is consistent with—

21 “(i) the National Environmental Pol-
 22 icy Act of 1969 (42 U.S.C. 4321 et seq.);
 23 and

24 “(ii) other applicable laws.

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

3 “(A) as the first step in drafting guidance
4 under that paragraph, consult with relevant
5 Federal and State agencies, Indian tribes, and
6 the public on the appropriate use and scope of
7 the programmatic approaches;

8 “(B) emphasize the importance of collabo-
9 ration among relevant Federal agencies, State
10 agencies, and Indian tribes in undertaking pro-
11 grammatic reviews, especially with respect to
12 including reviews with a broad geographical
13 scope;

14 “(C) ensure that the programmatic re-
15 views—

16 “(i) promote transparency, including
17 of the analyses and data used in the envi-
18 ronmental review process; the treatment of
19 any deferred issues raised by Federal,
20 State, or tribal agencies, or the public, and
21 the temporal and special scales to be used
22 to analyze those issues;

23 “(ii) use accurate and timely informa-
24 tion in the environmental review process;
25 including—

1 “(I) criteria for determining the
2 general duration of the usefulness of
3 the review; and

4 “(II) the timeline for updating
5 any out-of-date review;

6 “(iii) describe—

7 “(I) the relationship between pro-
8 grammatic analysis and future tiered
9 analysis; and

10 “(II) the role of the public in the
11 creation of future tiered analysis; and

12 “(iv) are available to other relevant
13 Federal and State agencies, Indian tribes,
14 and the public;

15 “(D) allow not fewer than 60 days of pub-
16 lic notice and comment on any proposed guid-
17 ance; and

18 “(E) address any comments received under
19 subparagraph (D).

20 “(j) COORDINATED REVIEWS.—

21 “(1) COORDINATION PLAN.—

22 “(A) ESTABLISHMENT.—

23 “(i) IN GENERAL.—The lead agency
24 shall establish a plan for coordinating pub-
25 lic and agency participation in, and com-

ment on, the environmental review process for a water resources project or a category of water resources projects.

“(ii) INCORPORATION.—The plan established under clause (i) shall be incorporated into the project schedule milestones set under section 905(g)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(g)(2)).

“(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

“(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and States agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

“(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, as applicable, and all participating agencies; or

1 “(ii) the deadline is extended by the
2 lead agency for good cause.

3 “(B) OTHER ENVIRONMENTAL REVIEW
4 PROCESSES.—For all comment periods estab-
5 lished by the lead agency for agency or public
6 comments in the environmental review process
7 other than for a draft environmental impact
8 statement, a period of not more than 30 days
9 after the date on which the materials on which
10 comment is requested are made available, un-
11 less—

12 “(i) a different deadline is established
13 by agreement of the lead agency, the non-
14 Federal interest, and all participating
15 agencies; or

16 “(ii) the deadline is extended by the
17 lead agency for good cause.

18 “(3) DEADLINES FOR DECISIONS UNDER
19 OTHER LAWS.—In any case in which a decision
20 under any Federal law relating to a project, includ-
21 ing the issuance or denial of a permit or license, is
22 required to be made by the date described in sub-
23 section (k)(6)(B)(ii), the Secretary shall submit to
24 the Committee on Environment and Public Works of
25 the Senate and the Committee on Transportation

1 and Infrastructure of the House of Representa-
 2 tives—

3 “(A) as soon as practicable after the 180-
 4 day period; an initial notice of the failure of the
 5 Federal agency to make the decision; and

6 “(B) every 60 days thereafter until such
 7 date as all decisions of the Federal agency re-
 8 lating to the project have been made by the
 9 Federal agency; an additional notice that de-
 10 scribes the number of decisions of the Federal
 11 agency that remain outstanding as of the date
 12 of the additional notice.

13 “(4) INVOLVEMENT OF THE PUBLIC.—Nothing
 14 in this subsection shall reduce any time period pro-
 15 vided for public comment in the environmental re-
 16 view process under existing Federal law (including
 17 regulations).

18 “(k) ISSUE IDENTIFICATION AND RESOLUTION.—

19 “(1) COOPERATION.—The lead agency and the
 20 participating agencies shall work cooperatively in ac-
 21 cordance with this section to identify and resolve
 22 issues that could delay completion of the environ-
 23 mental review process or result in the denial of any
 24 approval required for the project under applicable
 25 laws.

1 ~~“(2) LEAD AGENCY RESPONSIBILITIES.—~~

2 ~~“(A) IN GENERAL.—The lead agency shall~~
 3 ~~make information available to the participating~~
 4 ~~agencies as early as practicable in the environ-~~
 5 ~~mental review process regarding the environ-~~
 6 ~~mental and socioeconomic resources located~~
 7 ~~within the project area and the general loca-~~
 8 ~~tions of the alternatives under consideration.~~

9 ~~“(B) DATA SOURCES.—The information~~
 10 ~~under subparagraph (A) may be based on exist-~~
 11 ~~ing data sources, including geographic informa-~~
 12 ~~tion systems mapping.~~

13 ~~“(3) PARTICIPATING AGENCY RESPONSIBIL-~~
 14 ~~ITIES.—Based on information received from the lead~~
 15 ~~agency, participating agencies shall identify, as early~~
 16 ~~as practicable, any issues of concern regarding the~~
 17 ~~potential environmental or socioeconomic impacts of~~
 18 ~~the project, including any issues that could substan-~~
 19 ~~tially delay or prevent an agency from granting a~~
 20 ~~permit or other approval that is needed for the~~
 21 ~~project.~~

22 ~~“(4) INTERIM DECISION ON ACHIEVING ACCEL-~~
 23 ~~ERATED DECISIONMAKING.—~~

24 ~~“(A) IN GENERAL.—Not later than 30~~
 25 ~~days after the close of the public comment pe-~~

1 riod on a draft environmental impact statement;
 2 the Secretary may convene a meeting with the
 3 ~~non-Federal interest or joint lead agency~~, as ap-
 4 plicable, relevant resource agencies, and rel-
 5 evant Federal and State agencies to establish a
 6 schedule of deadlines to complete decisions re-
 7 garding the project.

8 “(B) DEADLINES.—

9 “(i) IN GENERAL.—The deadlines re-
 10 ferred to in subparagraph (A) shall be
 11 those established by the Secretary, in con-
 12 sultation with the ~~non-Federal interest or~~
 13 joint lead agency, as applicable, and other
 14 relevant Federal and State agencies.

15 “(ii) FACTORS FOR CONSIDER-
 16 ATION.—In establishing a schedule, the
 17 Secretary shall consider factors such as—

18 “(I) the responsibilities of par-
 19 ticipating agencies under applicable
 20 laws;

21 “(II) the resources available to
 22 the ~~non-Federal interest~~, joint lead
 23 agency, and other relevant Federal
 24 and State agencies, as applicable;

1 ~~“(III) the overall size and com-~~
2 ~~plexity of the project;~~

3 ~~“(IV) the overall schedule for~~
4 ~~and cost of the project; and~~

5 ~~“(V) the sensitivity of the natural~~
6 ~~and historical resources that could be~~
7 ~~affected by the project.~~

8 ~~“(iii) MODIFICATIONS.—The Sec-~~
9 ~~retary may—~~

10 ~~“(I) lengthen a schedule under~~
11 ~~clause (i) for good cause; and~~

12 ~~“(II) shorten a schedule only~~
13 ~~with concurrence of the affected non-~~
14 ~~Federal interest, joint agency, or rel-~~
15 ~~evant Federal and State agencies; as~~
16 ~~applicable.~~

17 ~~“(C) FAILURE TO MEET DEADLINE.—If~~
18 ~~the agencies described in subparagraph (A) can-~~
19 ~~not provide reasonable assurances that the~~
20 ~~deadlines described in subparagraph (B) will be~~
21 ~~met, the Secretary may initiate the issue resolu-~~
22 ~~tion and referral process described under para-~~
23 ~~graph (5) before the completion of the record of~~
24 ~~decision.~~

1 ~~“(5) ACCELERATED ISSUE RESOLUTION AND~~
2 ~~REFERRAL.—~~

3 ~~“(A) AGENCY ISSUE RESOLUTION MEET-~~
4 ~~ING.—~~

5 ~~“(i) IN GENERAL.—A participating~~
6 ~~agency or non-Federal interest may re-~~
7 ~~quest an issue resolution meeting to be~~
8 ~~conducted by the Secretary.~~

9 ~~“(ii) ACTION BY SECRETARY.—The~~
10 ~~Secretary shall convene an issue resolution~~
11 ~~meeting under clause (i) with the relevant~~
12 ~~participating agencies and the non-Federal~~
13 ~~interest, as applicable, to resolve issues~~
14 ~~that could—~~

15 ~~“(I) delay completion of the envi-~~
16 ~~ronmental review process; or~~

17 ~~“(II) result in denial of any ap-~~
18 ~~provals required for the project under~~
19 ~~applicable laws.~~

20 ~~“(iii) DATE.—A meeting requested~~
21 ~~under this subparagraph shall be held not~~
22 ~~later than 21 days after the date on which~~
23 ~~the Secretary receives the request for the~~
24 ~~meeting, unless the Secretary determines~~

1 that there is good cause to extend that
2 deadline.

3 “(iv) NOTIFICATION.—On receipt of a
4 request for a meeting under this subpara-
5 graph, the Secretary shall notify all rel-
6 evant participating agencies of the request,
7 including the issue to be resolved and the
8 date for the meeting.

9 “(v) DISPUTES.—If a relevant partici-
10 pating agency with jurisdiction over an ap-
11 proval required for a project under applica-
12 ble law determines that the relevant infor-
13 mation necessary to resolve the issue has
14 not been obtained and could not have been
15 obtained within a reasonable time, but the
16 Secretary disagrees, the resolution of the
17 dispute shall be forwarded to the heads of
18 the relevant agencies for resolution.

19 “(vi) CONVENTION BY LEAD AGEN-
20 CY.—The Secretary may convene an issue
21 resolution meeting under this subsection at
22 any time, at the discretion of the Sec-
23 retary, regardless of whether a meeting is
24 requested under clause (i).

25 “(vii) EXCEPTION.—

1 “(I) IN GENERAL.—The issue
2 resolution and referral process under
3 this subparagraph shall not be initi-
4 ated if the applicable agency—

5 “(aa) certifies that—

6 “(AA) the agency has
7 not received necessary infor-
8 mation or approvals from
9 another entity in a manner
10 that affects the ability of the
11 agency to meet any require-
12 ments under Federal, State,
13 or local law;

14 “(BB) significant new
15 information or cir-
16 cumstances, including a
17 major modification to an as-
18 pect of the project, requires
19 additional analysis for the
20 agency to make a decision
21 on the project application; or

22 “(CC) the agency lacks
23 the financial resources to
24 complete the review under
25 the scheduled timeframe; in-

1 including a description of the
 2 number of full-time employ-
 3 ees required to complete the
 4 review, the amount of fund-
 5 ing required to complete the
 6 review, and a justification as
 7 to why there is not enough
 8 funding available to com-
 9 plete the review by the dead-
 10 line; and

11 “(bb) establishes a new
 12 deadline for completion of the re-
 13 view.

14 “(II) INSPECTOR GENERAL.—If
 15 the applicable agency makes a certifi-
 16 cation under subclause (I)(aa)(CC),
 17 the Inspector General of the applica-
 18 ble agency shall conduct a financial
 19 audit to review that certification and
 20 submit a report on that certification
 21 within 90 days to the Committee on
 22 Environment and Public Works of the
 23 Senate and the Committee on Trans-
 24 portation and Infrastructure of the
 25 House of Representatives.

1 “(B) ELEVATION OF ISSUE RESOLU-
2 TION.—

3 “(i) IN GENERAL.—If issue resolution
4 is not achieved by not later than 30 days
5 after the date on which a relevant meeting
6 is held under subparagraph (A), the Sec-
7 retary shall notify the heads of the relevant
8 participating agencies and the non-Federal
9 interest that an issue resolution meeting
10 will be convened.

11 “(ii) REQUIREMENTS.—The Secretary
12 shall identify the issues to be addressed at
13 the meeting and convene the meeting not
14 later than 30 days after the date on which
15 the notice is issued.

16 “(C) REFERRAL OF ISSUE RESOLUTION.—

17 “(i) REFERRAL TO COUNCIL ON ENVI-
18 RONMENTAL QUALITY.—

19 “(I) IN GENERAL.—If a resolu-
20 tion is not achieved by not later than
21 30 days after the date on which an
22 issue resolution meeting is held under
23 subparagraph (B), the Secretary shall
24 refer the matter to the Council on En-
25 vironmental Quality.

1 “(H) MEETING.—Not later than
 2 30 days after the date on which the
 3 Council on Environmental Quality re-
 4 ceives a referral from the Secretary
 5 under subclause (I), the Council on
 6 Environmental Quality shall hold an
 7 issue resolution meeting with the lead
 8 agency, the heads of relevant partici-
 9 pating agencies and the non-Federal
 10 interest.

11 “(ii) REFERRAL TO THE PRESI-
 12 DENT.—If a resolution of the issue is not
 13 achieved by not later than 30 days after
 14 the date on which an issue resolution meet-
 15 ing is convened by the Council on Environ-
 16 mental Quality under clause (i)(H), the
 17 Secretary shall refer the matter directly to
 18 the President.

19 “(6) FINANCIAL PENALTY PROVISIONS.—

20 “(A) IN GENERAL.—A Federal agency with
 21 jurisdiction over an approval required for a
 22 project under applicable Federal laws (including
 23 regulations) shall complete any required ap-
 24 proval on an expeditious basis using the short-
 25 est existing applicable process.

1 “(B) FAILURE TO DECIDE.—

2 “(i) IN GENERAL.—If an agency de-
 3 scribed in subparagraph (A) fails to render
 4 a decision under any Federal law relating
 5 to a project that requires the preparation
 6 of an environmental impact statement or
 7 environmental assessment, including the
 8 issuance or denial of a permit, license, or
 9 other approval by the date described in
 10 clause (ii), an amount of funding equal to
 11 the amounts specified in subclause (I) or
 12 (II) shall be transferred from the applica-
 13 ble office of the head of the agency, or
 14 equivalent office to which the authority for
 15 rendering the decision has been delegated
 16 by law to the agency or division charged
 17 with rendering a decision regarding the ap-
 18 plication by not later than 1 day after the
 19 applicable date under clause (ii), and once
 20 each week thereafter until a final decision
 21 is rendered, subject to subparagraph (C)—

22 “(I) \$20,000 for any project re-
 23 quiring the preparation of an environ-
 24 mental assessment or environmental
 25 impact statement; or

1 “(H) \$10,000 for any project re-
 2 quiring any type of review under the
 3 National Environmental Policy Act of
 4 1969 (42 U.S.C. 4321 et seq.) other
 5 than an environmental assessment or
 6 environmental impact statement.

7 “(ii) DESCRIPTION OF DATE.—The
 8 date referred to in clause (i) is the later
 9 of—

10 “(I) the date that is 180 days
 11 after the date on which an application
 12 for the permit, license, or approval is
 13 complete; and

14 “(II) the date that is 180 days
 15 after the date on which the Federal
 16 lead agency issues a decision on the
 17 project under the National Environ-
 18 mental Policy Act of 1969 (42 U.S.C.
 19 4321 et seq.).

20 “(C) LIMITATIONS.—

21 “(i) IN GENERAL.—No transfer of
 22 funds under subparagraph (B) relating to
 23 an individual project shall exceed, in any
 24 fiscal year, an amount equal to 1 percent

1 of the funds made available for the appli-
 2 cable agency office.

3 ~~“(ii) FAILURE TO DECIDE.—~~The total
 4 amount transferred in a fiscal year as a re-
 5 sult of a failure by an agency to make a
 6 decision by an applicable deadline shall not
 7 exceed an amount equal to 5 percent of the
 8 funds made available for the applicable
 9 agency office for that fiscal year.

10 ~~“(D) NO FAULT OF AGENCY.—~~A transfer
 11 of funds under this paragraph shall not be
 12 made if—

13 ~~“(i) the applicable agency described in~~
 14 ~~subparagraph (A) certifies that—~~

15 ~~“(I) the agency has not received~~
 16 ~~necessary information or approvals~~
 17 ~~from another entity in a manner that~~
 18 ~~affects the ability of the agency to~~
 19 ~~meet any requirements under Federal,~~
 20 ~~State, or local law; or~~

21 ~~“(II) significant new information~~
 22 ~~or circumstances, including a major~~
 23 ~~modification to an aspect of the~~
 24 ~~project, requires additional analysis~~

1 for the agency to make a decision on
2 the project application; or

3 “(III) the agency lacks the finan-
4 cial resources to complete the review
5 under the scheduled timeframe, in-
6 cluding a description of the number of
7 full-time employees required to com-
8 plete the review, the amount of fund-
9 ing required to complete the review,
10 and a justification as to why there is
11 not enough funding available to com-
12 plete the review by the deadline; and

13 “(ii) if the applicable agency makes a
14 certification under clause (i)(III), the In-
15 spector General of the applicable agency
16 shall conduct a financial audit to review
17 that certification and submit a report on
18 that certification within 90 days to the
19 Committee on Environment and Public
20 Works of the Senate and the Committee on
21 Transportation and Infrastructure of the
22 House of Representatives.

23 “(E) LIMITATION.—The Federal agency
24 from which funds are transferred pursuant to
25 this paragraph shall not reprogram funds to the

1 office of the head of the agency, or equivalent
 2 office, to reimburse that office for the loss of
 3 the funds.

4 “(F) AUDITS.—In any fiscal year in which
 5 any funds are transferred from a Federal agen-
 6 cy pursuant to this paragraph, the Inspector
 7 General of that agency shall—

8 “(i) conduct an audit to assess com-
 9 pliance with the requirements of this para-
 10 graph; and

11 “(ii) not later than 120 days after the
 12 end of the fiscal year in which the transfer
 13 occurred, submit to the Committee on En-
 14 vironment and Public Works of the Senate
 15 and the Committee on Transportation and
 16 Infrastructure of the House of Representa-
 17 tives a report describing the reasons why
 18 the transfers were levied, including alloca-
 19 tions of resources.

20 “(G) EFFECT OF PARAGRAPH.—Nothing
 21 in this paragraph affects or limits the applica-
 22 tion of, or obligation to comply with, any Fed-
 23 eral, State, local, or tribal law.

24 “(I) PERFORMANCE MEASUREMENT.—The Secretary
 25 shall establish a program to measure and report on

1 progress made toward improving and expediting the plan-
 2 ning and environmental review process.

3 ~~“(m) MEMORANDUM OF AGREEMENTS FOR EARLY~~
 4 ~~COORDINATION.—~~

5 ~~“(1) SENSE OF CONGRESS.—It is the sense of~~
 6 ~~Congress that—~~

7 ~~“(A) the Secretary and other Federal~~
 8 ~~agencies with relevant jurisdiction in the envi-~~
 9 ~~ronmental review process should cooperate with~~
 10 ~~each other; State agencies; and Indian tribes on~~
 11 ~~environmental review and water resources~~
 12 ~~project delivery activities at the earliest prac-~~
 13 ~~ticable time to avoid delays and duplication of~~
 14 ~~effort later in the process; prevent potential~~
 15 ~~conflicts; and ensure that planning and water~~
 16 ~~resources project development decisions reflect~~
 17 ~~environmental values; and~~

18 ~~“(B) the cooperation referred to in sub-~~
 19 ~~paragraph (A) should include the development~~
 20 ~~of policies and the designation of staff that ad-~~
 21 ~~vis planning agencies and non-Federal inter-~~
 22 ~~ests of studies or other information foreseeably~~
 23 ~~required for later Federal action and early con-~~
 24 ~~sultation with appropriate State and local agen-~~
 25 ~~cies and Indian tribes.~~

1 “(2) TECHNICAL ASSISTANCE.—If requested at
 2 any time by a State or non-Federal interest, the
 3 Secretary and other Federal agencies with relevant
 4 jurisdiction in the environmental review process;
 5 shall, to the maximum extent practicable and appro-
 6 priate, as determined by the agencies, provide tech-
 7 nical assistance to the State or non-Federal interest
 8 in carrying out early coordination activities.

9 “(3) MEMORANDUM OF AGENCY AGREEMENT.—
 10 If requested at any time by a State or non-Federal
 11 interest, the lead agency, in consultation with other
 12 Federal agencies with relevant jurisdiction in the en-
 13 vironmental review process, may establish memo-
 14 randa of agreement with the non-Federal interest,
 15 State and local governments, and other appropriate
 16 entities to carry out the early coordination activities,
 17 including providing technical assistance in identi-
 18 fying potential impacts and mitigation issues in an
 19 integrated fashion.

20 “(n) LIMITATIONS.—Nothing in this section pre-
 21 empts, supersedes, amends, modifies, or interferes with—

22 “(1) any statutory requirement for seeking pub-
 23 lic comment;

24 “(2) any power, jurisdiction, or authority that
 25 a Federal, State, or local government agency, Indian

1 tribe, or non-Federal interest has with respect to
2 carrying out a water resources project;

3 “(3) any obligation to comply with the provi-
4 sions of the National Environmental Policy Act of
5 1969 (42 U.S.C. 4321 et seq.) and the regulations
6 issued by the Council on Environmental Quality to
7 carry out that Act or any other Federal environ-
8 mental law;

9 “(4) the reviewability of any final Federal agen-
10 cy action in a court of the United States or in the
11 court of any State;

12 “(5) any practice of seeking, considering, or re-
13 sponding to public comment; or

14 “(6) any power, jurisdiction, responsibility, or
15 authority that a Federal, State, or local govern-
16 mental agency, Indian tribe, or non-Federal interest
17 has with respect to carrying out a water resources
18 project or any other provision of law applicable to
19 water resources development projects.

20 “(o) CATEGORICAL EXCLUSIONS.—

21 “(1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this subsection, the
23 Secretary shall—

1 “(A) survey the use by the Corps of Engi-
 2 neers of categorical exclusions in water re-
 3 sources projects since 2005;

4 “(B) publish a review of the survey that
 5 includes a description of—

6 “(i) the types of actions categorically
 7 excluded; and

8 “(ii) any requests previously received
 9 by the Secretary for new categorical exclu-
 10 sions; and

11 “(C) solicit requests from other Federal
 12 agencies and non-Federal interests for new cat-
 13 egorical exclusions.

14 “(2) NEW CATEGORICAL EXCLUSIONS.—Not
 15 later than 1 year after the date of enactment of this
 16 subsection, if the Secretary has identified a categor-
 17 ical exclusion that did not exist on the day before
 18 the date of enactment of this subsection based on
 19 the review under paragraph (1), the Secretary shall
 20 publish a notice of proposed rulemaking to propose
 21 that new categorical exclusion, to the extent that the
 22 categorical exclusion meets the criteria for a categor-
 23 ical exclusion under section 1508.4 of title 40, Code
 24 of Federal Regulations (or successor regulation).

1 “(p) REVIEW OF WATER RESOURCES PROJECT AC-
2 CELERATION REFORMS.—

3 “(1) IN GENERAL.—The Comptroller General of
4 the United States shall—

5 “(A) assess the reforms carried out under
6 this section; and

7 “(B) not later than 5 years after the date
8 of enactment of this subsection, submit to the
9 Committee on Transportation and Infrastruc-
10 ture of the House of Representatives and the
11 Committee on Environment and Public Works
12 of the Senate a report that describes the results
13 of the assessment.

14 “(2) INSPECTOR GENERAL REPORT.—The In-
15 specter General of the Corps of Engineers shall—

16 “(A) assess the reforms carried out under
17 this section; and

18 “(B) submit to the Committee on Trans-
19 portation and Infrastructure of the House of
20 Representatives and the Committee on Environ-
21 ment and Public Works of the Senate—

22 “(i) not later than 2 years after the
23 date of enactment of this subsection, an
24 initial report of the findings of the Inspec-
25 tor General; and

1 “(ii) not later than 4 years after the
2 date of enactment of this subsection, a
3 final report of the findings.”.

4 **SEC. 2034. FEASIBILITY STUDIES.**

5 Section 905 of the Water Resources Development Act
6 of 1986 (33 U.S.C. 2282) is amended by adding at the
7 end the following:

8 “(g) DETAILED PROJECT SCHEDULE.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this subsection, the
11 Secretary shall determine a set of milestones needed
12 for the completion of a feasibility study under this
13 subsection, including all major actions, report sub-
14 missions and responses, reviews, and comment peri-
15 ods.

16 “(2) DETAILED PROJECT SCHEDULE MILE-
17 STONES.—Each District Engineer shall, to the max-
18 imum extent practicable, establish a detailed project
19 schedule, based on full funding capability, that lists
20 all deadlines for milestones relating to feasibility
21 studies in the District developed by the Secretary
22 under paragraph (1).

23 “(3) NON-FEDERAL INTEREST NOTIFICA-
24 TION.—Each District Engineer shall submit by cer-

1 tified mail the detailed project schedule under para-
 2 graph (2) to each relevant non-Federal interest—

3 “(A) for projects that have received fund-
 4 ing from the General Investigations Account of
 5 the Corps of Engineers in the period beginning
 6 on October 1, 2009, and ending on the date of
 7 enactment of this section, not later than 180
 8 days after the establishment of milestones
 9 under paragraph (1); and

10 “(B) for projects for which a feasibility
 11 cost-sharing agreement is executed after the es-
 12 tablishment of milestones under paragraph (1),
 13 not later than 90 days after the date on which
 14 the agreement is executed.

15 “(4) CONGRESSIONAL AND PUBLIC NOTIFICA-
 16 TION.—Beginning in the first full fiscal year after
 17 the date of enactment of this Act, the Secretary
 18 shall—

19 “(A) submit an annual report that lists all
 20 detailed project schedules under paragraph (2)
 21 and an explanation of any missed deadlines to
 22 the Committee on Environment and Public
 23 Works of the Senate and the Committee on
 24 Transportation and Infrastructure of the House
 25 of Representatives; and

1 “(B) make publicly available, including on
 2 the Internet, a copy of the annual report de-
 3 scribed in subparagraph (A) not later than 14
 4 days after date on which a report is submitted
 5 to Congress.

6 “(5) FAILURE TO ACT.—If a District Engineer
 7 fails to meet any of the deadlines in the project
 8 schedule under paragraph (2), the District Engineer
 9 shall—

10 “(A) not later than 30 days after each
 11 missed deadline, submit to the non-Federal in-
 12 terest a report detailing—

13 “(i) why the District Engineer failed
 14 to meet the deadline; and

15 “(ii) a revised project schedule reflect-
 16 ing amended deadlines for the feasibility
 17 study; and

18 “(B) not later than 30 days after each
 19 missed deadline, make publicly available, includ-
 20 ing on the Internet, a copy of the amended
 21 project schedule described in subparagraph
 22 (A)(ii).”.

23 **SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.**

24 (a) IN GENERAL.—On the request of a non-Federal
 25 interest, the Secretary shall provide to the non-Federal in-

1 terest a detailed accounting of the Federal expenses asso-
 2 ciated with a water resources project.

3 (b) STUDY.—

4 (1) IN GENERAL.—The Secretary shall contract
 5 with the National Academy of Public Administration
 6 to carry out a study on the efficiency of the Corps
 7 Engineers current staff salaries and administrative
 8 expense procedures as compared to using a separate
 9 administrative expense account.

10 (2) CONTENTS.—The study under paragraph
 11 (1) shall include any recommendations of the Na-
 12 tional Academy of Public Administration for im-
 13 provements to the budgeting and administrative
 14 processes that will increase the efficiency of the
 15 Corps of Engineers project delivery.

16 **SEC. 2036. DETERMINATION OF PROJECT COMPLETION.**

17 (a) IN GENERAL.—The Secretary shall transfer to
 18 the non-Federal interest the responsibility for the oper-
 19 ation and maintenance of any water resources project for
 20 which operation and maintenance is required of the non-
 21 Federal interest or separable element or functional portion
 22 of that water resources project on such date that the Sec-
 23 retary determines that the project is complete.

24 (b) NON-FEDERAL INTEREST APPEAL OF DETER-
 25 MINATION.—

1 (1) IN GENERAL.—Not later than 7 days after
 2 receiving a notification under subparagraph (a), the
 3 non-Federal interest may appeal the completion de-
 4 termination of the Secretary in writing.

5 (2) INDEPENDENT REVIEW.—

6 (A) IN GENERAL.—On notification that a
 7 non-Federal interest has submitted an appeal
 8 under paragraph (1), the Secretary shall con-
 9 tract with 1 or more independent, non-Federal
 10 experts to determine whether the applicable
 11 water resources project or separable element or
 12 functional portion of the water resources project
 13 is complete.

14 (B) TIMELINE.—An independent review
 15 carried out under subparagraph (A) shall be
 16 completed not later than 180 days after the
 17 date on which the Secretary receives an appeal
 18 from a non-Federal interest under paragraph
 19 (1).

20 **SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.**

21 (a) IN GENERAL.—The Secretary shall contract with
 22 the National Academy of Public Administration to carry
 23 out a comprehensive review of the process for preparing,
 24 negotiating, and approving Project Partnership Agree-

1 ments and the Project Partnership Agreement template,
2 which shall include—

3 (1) a review of the process for preparing, nego-
4 tiating, and approving Project Partnership Agree-
5 ments, as in effect on the day before the date of en-
6 actment of this Act;

7 (2) an evaluation of how the concerns of a non-
8 Federal interest relating to the Project Partnership
9 Agreement and suggestions for modifications to the
10 Project Partnership Agreement made by a non-Fed-
11 eral interest are accommodated;

12 (3) recommendations for how the concerns and
13 modifications described in paragraph (2) can be bet-
14 ter accommodated;

15 (4) recommendations for how the Project Part-
16 nership Agreement template can be made more effi-
17 cient; and

18 (5) recommendations for how to make the proe-
19 ess for preparing, negotiating, and approving Project
20 Partnership Agreements more efficient.

21 (b) REPORT.—The Secretary shall submit a report
22 describing the findings of the National Academy of Public
23 Administration to the Committee on Environment and
24 Public Works of the Senate and the Committee on Trans-

1 portation and Infrastructure of the House of Representa-
 2 tives.

3 **SEC. 2038. INTERAGENCY AND INTERNATIONAL SUPPORT**
 4 **AUTHORITY.**

5 Section 234 of the Water Resources Development Act
 6 of 1996 (33 U.S.C. 2323a) is amended—

7 (1) in subsection (a), by striking “other Federal
 8 agencies,” and inserting “Federal departments or
 9 agencies, nongovernmental organizations,”;

10 (2) in subsection (b), by inserting “or foreign
 11 governments” after “organizations”;

12 (3) in subsection (c), by inserting “and restora-
 13 tion” after “protection”; and

14 (4) in subsection (d)—

15 (A) in the first sentence—

16 (i) by striking “There is” and insert-
 17 ing “(1) IN GENERAL.—There is”; and

18 (ii) by striking “2008” and inserting
 19 “2014”; and

20 (B) in the second sentence—

21 (i) by striking “The Secretary” and
 22 inserting “(2) ACCEPTANCE OF FUNDS.—
 23 The Secretary”; and

24 (ii) by striking “other Federal agen-
 25 cies” and inserting “Federal departments

1 or agencies; nongovernmental organiza-
2 tions”.

3 **SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO IN-**
4 **CREASE LOCK OPERATIONS.**

5 (a) IN GENERAL.—The Secretary, after providing
6 public notice, shall establish a pilot program for the ac-
7 ceptance and expenditure of funds contributed by non-
8 Federal interests to increase the hours of operation of
9 locks at water resources development projects.

10 (b) APPLICABILITY.—The establishment of the pilot
11 program under this section shall not affect the periodic
12 review and adjustment of hours of operation of locks based
13 on increases in commercial traffic carried out by the Sec-
14 retary.

15 (c) PUBLIC COMMENT.—Not later than 180 days be-
16 fore a proposed modification to the operation of a lock
17 at a water resources development project will be carried
18 out, the Secretary shall—

19 (1) publish the proposed modification in the
20 Federal Register; and

21 (2) accept public comment on the proposed
22 modification.

23 (d) REPORTS.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of this Act, the Secretary

1 shall submit to the Committee on Transportation
 2 and Infrastructure of the House of Representatives
 3 and the Committee on Environment and Public
 4 Works of the Senate a report that evaluates the
 5 cost-savings resulting from reduced lock hours and
 6 any economic impacts of modifying lock operations.

7 (2) REVIEW OF PILOT PROGRAM.—Not later
 8 than September 30, 2017 and each year thereafter,
 9 the Secretary shall submit to the Committee on
 10 Transportation and Infrastructure of the House of
 11 Representatives and the Committee on Environment
 12 and Public Works of the Senate a report that de-
 13 scribes the effectiveness of the pilot program under
 14 this section.

15 (c) ANNUAL REVIEW.—The Secretary shall carry out
 16 an annual review of the commercial use of locks and make
 17 any necessary adjustments to lock operations based on
 18 that review.

19 (f) TERMINATION.—The authority to accept funds
 20 under this section shall terminate 5 years after the date
 21 of enactment of this Act.

22 **SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISAS-**
 23 **TERS.**

24 (a) IN GENERAL.—Section 5(a)(1) of the Act entitled
 25 “An Act authorizing the construction of certain public

1 works on rivers and harbors for flood control, and for
 2 other purposes”, approved August 18, 1941 (33 U.S.C.
 3 701n(a)(1)), is amended in the first sentence by striking
 4 “structure damaged or destroyed by wind, wave, or water
 5 action of other than an ordinary nature when in the dis-
 6 cretion of the Chief of Engineers such repair and restora-
 7 tion is warranted for the adequate functioning of the
 8 structure for hurricane or shore protection” and inserting
 9 “structure or project damaged or destroyed by wind, wave,
 10 or water action of other than an ordinary nature to the
 11 design level of protection when, in the discretion of the
 12 Chief of Engineers, such repair and restoration is war-
 13 ranted for the adequate functioning of the structure or
 14 project for hurricane or shore protection, subject to the
 15 condition that the Chief of Engineers may include modi-
 16 fications to the structure or project to address major defi-
 17 ciencies”.

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than 1 year after
 20 the date of enactment of this Act and every 2 years
 21 thereafter, the Secretary shall submit to the Com-
 22 mittee on Environment and Public Works of the
 23 Senate and the Committee on Transportation and
 24 Infrastructure of the House of Representatives a re-
 25 port detailing the amounts expended in the previous

1 5 fiscal years to carry out Corps of Engineers
 2 projects under section 5 of the Act entitled “An Act
 3 authorizing the construction of certain public works
 4 on rivers and harbors for flood control, and for other
 5 purposes”, approved August 18, 1941 (33 U.S.C.
 6 701n).

7 (2) INCLUSIONS.—A report under paragraph
 8 (1) shall, at a minimum, include a description of—

9 (A) each project for which amounts are ex-
 10 pended, including the type of project and cost
 11 of the project; and

12 (B) how the Secretary has restored or in-
 13 tends to restore the project to the design level
 14 of protection for the project.

15 **SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.**

16 A levee system shall remain eligible for rehabilitation
 17 assistance under the authority provided by section 5 of
 18 the Act entitled “An Act authorizing the construction of
 19 certain public works on rivers and harbors for flood con-
 20 trol, and for other purposes” (33 U.S.C. 701n) as long
 21 as the levee system sponsor continues to make satisfactory
 22 progress, as determined by the Secretary, on an approved
 23 systemwide improvement framework or letter of intent.

1 **SEC. 2042. FUNDING TO PROCESS PERMITS.**

2 Section 214 of the Water Resources Development Act
3 of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is
4 amended by striking subsections (d) and (e) and inserting
5 the following:

6 “(d) **PUBLIC AVAILABILITY.**—

7 “(1) **IN GENERAL.**—The Secretary shall ensure
8 that all final permit decisions carried out using
9 funds authorized under this section are made avail-
10 able to the public in a common format, including on
11 the Internet, and in a manner that distinguishes
12 final permit decisions under this section from other
13 final actions of the Secretary.

14 “(2) **DECISION DOCUMENT.**—The Secretary
15 shall—

16 “(A) use a standard decision document for
17 evaluating all permits using funds accepted
18 under this section; and

19 “(B) make the standard decision docu-
20 ment, along with all final permit decisions,
21 available to the public, including on the Inter-
22 net.

23 “(3) **AGREEMENTS.**—The Secretary shall make
24 all active agreements to accept funds under this sec-
25 tion available on a single public Internet site.

26 “(e) **REPORTING.**—

1 “(1) IN GENERAL.—The Secretary shall pre-
 2 pare an annual report on the implementation of this
 3 section, which, at a minimum, shall include for each
 4 district of the Corps of Engineers that accepts funds
 5 under this section—

6 “(A) a comprehensive list of any funds ac-
 7 cepted under this section during the previous
 8 fiscal year;

9 “(B) a comprehensive list of the permits
 10 reviewed and approved using funds accepted
 11 under this section during the previous fiscal
 12 year, including a description of the size and
 13 type of resources impacted and the mitigation
 14 required for each permit; and

15 “(C) a description of the training offered
 16 in the previous fiscal year for employees that is
 17 funded in whole or in part with funds accepted
 18 under this section.

19 “(2) SUBMISSION.—Not later than 90 days
 20 after the end of each fiscal year, the Secretary
 21 shall—

22 “(A) submit to the Committee on Environ-
 23 ment and Public Works of the Senate and the
 24 Committee on Transportation and Infrastruc-

ture of the House of Representatives the annual report described in paragraph (1); and

“(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.”.

SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND EROSION PREVENTION STUDY AND PILOT PROGRAM.

(a) **DEFINITION OF INLAND AND INTRACOASTAL WATERWAY.**—In this section, the term “inland and intracoastal waterway” means the inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) **PILOT PROGRAM.**—The Secretary—

(1) is authorized to study issues relating to riverbank stabilization and erosion prevention along inland and intracoastal waterways; and

(2) shall establish and carry out for a period of 5 fiscal years a national riverbank stabilization and erosion prevention pilot program to address riverbank erosion along inland and intracoastal waterways.

(c) **STUDY.**—

1 (1) IN GENERAL.—The Secretary, in consulta-
2 tion with appropriate Federal, State, local, and non-
3 governmental entities, shall carry out a study of the
4 options and technologies available to prevent the ero-
5 sion and degradation of riverbanks along inland and
6 intracoastal waterways.

7 (2) CONTENTS.—The study shall—

8 (A) evaluate the nature and extent of the
9 damages resulting from riverbank erosion along
10 inland and intracoastal waterways throughout
11 the United States;

12 (B) identify specific inland and intra-
13 coastal waterways and affected wetland areas
14 with the most urgent need for restoration;

15 (C) analyze any legal requirements with re-
16 gard to maintenance of bank lines of inland and
17 intracoastal waterways, including a comparison
18 of Federal, State, and private obligations and
19 practices;

20 (D) assess and compare policies and man-
21 agement practices to protect surface areas adja-
22 cent to inland and intracoastal waterways ap-
23 plied by various Districts of the Corps of Engi-
24 neers; and

1 ~~(E)~~ make any recommendations the Sec-
 2 retary determines to be appropriate.

3 ~~(d) RIVERBANK STABILIZATION AND EROSION PRE-~~
 4 ~~VENTION PILOT PROGRAM.—~~

5 ~~(1) IN GENERAL.—~~The Secretary shall develop
 6 a pilot program for the construction of riverbank
 7 stabilization and erosion prevention projects on pub-
 8 lic land along inland and intracoastal waterways if
 9 the Secretary determines that the projects are fea-
 10 sible and lower maintenance costs of those inland
 11 and intracoastal waterways.

12 ~~(2) PILOT PROGRAM GOALS.—~~A project under
 13 the pilot program shall, to the maximum extent
 14 practicable—

15 ~~(A)~~ develop or demonstrate innovative
 16 technologies;

17 ~~(B)~~ implement efficient designs to prevent
 18 erosion at a riverbank site, taking into account
 19 the lifecycle cost of the design, including clean-
 20 up, maintenance, and amortization;

21 ~~(C)~~ prioritize natural designs, including
 22 the use of native and naturalized vegetation or
 23 temporary structures that minimize permanent
 24 structural alterations to the riverbank;

1 (D) avoid negative impacts to adjacent
2 communities;

3 (E) identify the potential for long-term
4 protection afforded by the innovative tech-
5 nology; and

6 (F) provide additional benefits, including
7 reduction of flood risk.

8 (3) PROJECT SELECTIONS.—The Secretary
9 shall develop criteria for the selection of projects
10 under the pilot program, including criteria based
11 on—

12 (A) the extent of damage and land loss re-
13 sulting from riverbank erosion;

14 (B) the rate of erosion;

15 (C) the significant threat of future flood
16 risk to public or private property, public infra-
17 structure, or public safety;

18 (D) the destruction of natural resources or
19 habitats; and

20 (E) the potential cost-savings for mainte-
21 nance of the channel.

22 (4) CONSULTATION.—The Secretary shall carry
23 out the pilot program in consultation with—

24 (A) Federal, State, and local governments;

25 (B) nongovernmental organizations; and

1 (C) applicable university research facilities.

2 (5) REPORT.—Not later than 1 year after the
3 first fiscal year for which amounts to carry out this
4 section are appropriated, and every year thereafter,
5 the Secretary shall prepare and submit to the Com-
6 mittee on Environment and Public Works of the
7 Senate and the Committee on Transportation and
8 Infrastructure of the House of Representatives a re-
9 port describing—

10 (A) the activities carried out and accom-
11 plishments made under the pilot program since
12 the previous report under this paragraph; and

13 (B) any recommendations of the Secretary
14 relating to the program.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$25,000,000 for each of fiscal years 2014 through 2019.

18 **SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUC-**
19 **TION PRIORITIZATION.**

20 (a) PURPOSES.—The purposes of this section are—

21 (1) to provide adequate levels of protection to
22 communities impacted by natural disasters, includ-
23 ing hurricanes, tropical storms, and other related ex-
24 treme weather events; and

1 (2) to expedite critical water resources projects
2 in communities that have historically been and con-
3 tinue to remain susceptible to extreme weather
4 events.

5 (b) PRIORITY.—For authorized projects and ongoing
6 feasibility studies with a primary purpose of hurricane and
7 storm damage risk reduction, the Secretary shall give
8 funding priority to projects and ongoing studies that—

9 (1) address an imminent threat to life and
10 property;

11 (2) prevent storm surge from inundating popu-
12 lated areas;

13 (3) prevent the loss of coastal wetlands that
14 help reduce the impact of storm surge;

15 (4) protect emergency hurricane evacuation
16 routes or shelters;

17 (5) prevent adverse impacts to publicly owned
18 or funded infrastructure and assets;

19 (6) minimize disaster relief costs to the Federal
20 Government; and

21 (7) address hurricane and storm damage risk
22 reduction in an area for which the President de-
23 clared a major disaster in accordance with section
24 401 of the Robert T. Stafford Disaster Relief and
25 Emergency Assistance Act (42 U.S.C. 5170).

1 ~~(c) EXPEDITED CONSIDERATION OF CURRENTLY AU-~~
2 ~~THORIZED PROJECTS.—~~Not later than 180 days after the
3 date of enactment of this Act, the Secretary shall—

4 ~~(1) submit to the Committee on Environment~~
5 ~~and Public Works of the Senate and the Committee~~
6 ~~on Transportation and Infrastructure of the House~~
7 ~~of Representatives a list of all—~~

8 ~~(A) ongoing hurricane and storm damage~~
9 ~~reduction feasibility studies that have signed~~
10 ~~feasibility cost share agreements and have re-~~
11 ~~ceived Federal funds since 2009; and~~

12 ~~(B) authorized hurricane and storm dam-~~
13 ~~age reduction projects that—~~

14 ~~(i) have been authorized for more~~
15 ~~than 20 years but are less than 75 percent~~
16 ~~complete; or~~

17 ~~(ii) are undergoing a post-authoriza-~~
18 ~~tion change report, general reevaluation re-~~
19 ~~port, or limited reevaluation report;~~

20 ~~(2) identify those projects on the list required~~
21 ~~under paragraph (1) that meet the criteria described~~
22 ~~in subsection (b); and~~

23 ~~(3) provide a plan for expeditiously completing~~
24 ~~the projects identified under paragraph (2); subject~~
25 ~~to available funding.~~

1 (d) **PRIORITIZATION OF NEW STUDIES FOR HURRI-**
 2 **CANE AND STORM DAMAGE RISK REDUCTION.**—In select-
 3 ing new studies for hurricane and storm damage reduction
 4 to propose to Congress under section 4002, the Secretary
 5 shall give priority to studies—

6 (1) that—

7 (A) have been recommended in a com-
 8 prehensive hurricane protection study carried
 9 out by the Corps of Engineers; or

10 (B) are included in a State plan or pro-
 11 gram for hurricane, storm damage reduction,
 12 flood control, coastal protection, conservation,
 13 or restoration, that is created in consultation
 14 with the Corps of Engineers or other relevant
 15 Federal agencies; and

16 (2) for areas for which the President declared
 17 a major disaster in accordance with section 401 of
 18 the Robert T. Stafford Disaster Relief and Emer-
 19 gency Assistance Act (42 U.S.C. 5170).

20 **SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION**
 21 **EFFORTS.**

22 For authorized projects with a primary purpose of
 23 ecosystem restoration, the Secretary shall give funding
 24 priority to projects—

25 (1) that—

1 (A) address an identified threat to public
2 health, safety, or welfare;

3 (B) preserve, establish, or restore habitats
4 of national significance; and

5 (C) preserve habitats of importance for
6 federally protected species, including migratory
7 birds; and

8 (2) for which the restoration activities will con-
9 tribute to other ongoing or planned Federal, State,
10 or local restoration initiatives.

11 **SEC. 2046. SPECIAL USE PERMITS.**

12 (a) SPECIAL USE PERMITS.—

13 (1) IN GENERAL.—The Secretary may issue
14 special permits for uses such as group activities,
15 recreation events, motorized recreation vehicles, and
16 such other specialized recreation uses as the Sec-
17 retary determines to be appropriate, subject to such
18 terms and conditions as the Secretary determines to
19 be in the best interest of the Federal Government.

20 (2) FEES.—

21 (A) IN GENERAL.—In carrying out this
22 subsection, the Secretary may—

23 (i) establish and collect fees associated
24 with the issuance of the permits described
25 in paragraph (1); or

1 (ii) accept in-kind services in lieu of
2 those fees.

3 ~~(B) OUTDOOR RECREATION EQUIPMENT.—~~

4 The Secretary may establish and collect fees for
5 the provision of outdoor recreation equipment
6 and services at public recreation areas located
7 at lakes and reservoirs operated by the Corps of
8 Engineers.

9 ~~(C) USE OF FEES.—~~Any fees generated
10 pursuant to this subsection shall be—

11 (i) retained at the site collected; and

12 (ii) available for use, without further
13 appropriation, solely for administering the
14 special permits under this subsection and
15 carrying out related operation and mainte-
16 nance activities at the site at which the
17 fees are collected.

18 ~~(b) COOPERATIVE MANAGEMENT.—~~

19 ~~(1) PROGRAM.—~~

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), the Secretary may enter into an
22 agreement with a State or local government to
23 provide for the cooperative management of a
24 public recreation area if—

1 (i) the public recreation area is lo-
2 cated—

3 ~~(I) at a lake or reservoir operated~~
4 ~~by the Corps of Engineers; and~~

5 ~~(II) adjacent to or near a State~~
6 ~~or local park or recreation area; and~~

7 (ii) the Secretary determines that co-
8 operative management between the Corps
9 of Engineers and a State or local govern-
10 ment agency of a portion of the Corps of
11 Engineers recreation area or State or local
12 park or recreation area will allow for more
13 effective and efficient management of those
14 areas.

15 ~~(B) RESTRICTION.—~~The Secretary may
16 not transfer administration responsibilities for
17 any public recreation area operated by the
18 Corps of Engineers.

19 ~~(2) ACQUISITION OF GOODS AND SERVICES.—~~

20 The Secretary may acquire from or provide to a
21 State or local government with which the Secretary
22 has entered into a cooperative agreement under
23 paragraph (1) goods and services to be used by the
24 Secretary and the State or local government in the

1 cooperative management of the areas covered by the
2 agreement.

3 ~~(3)~~ ADMINISTRATION.—The Secretary may
4 enter into 1 or more cooperative management agree-
5 ments or such other arrangements as the Secretary
6 determines to be appropriate, including leases or li-
7 censes, with non-Federal interests to share the costs
8 of operation, maintenance, and management of
9 recreation facilities and natural resources at recre-
10 ation areas that are jointly managed and funded
11 under this subsection.

12 ~~(c)~~ FUNDING TRANSFER AUTHORITY.—

13 ~~(1)~~ IN GENERAL.—If the Secretary determines
14 that it is in the public interest for purposes of en-
15 hancing recreation opportunities at Corps of Engi-
16 neers water resources development projects, the Sec-
17 retary may transfer funds appropriated for resource
18 protection, research, interpretation, and maintenance
19 activities related to resource protection in the areas
20 at which outdoor recreation is available at those
21 Corps of Engineers water resource development
22 projects to State, local, and tribal governments and
23 such other public or private nonprofit entities as the
24 Secretary determines to be appropriate.

1 (2) COOPERATIVE AGREEMENTS.—Any transfer
 2 of funds pursuant to this subsection shall be carried
 3 out through the execution of a cooperative agree-
 4 ment, which shall contain such terms and conditions
 5 as the Secretary determines to be necessary in the
 6 public interest.

7 (d) SERVICES OF VOLUNTEERS.—Chapter IV of title
 8 I of Public Law 98-63 (33 U.S.C. 569e) is amended—

9 (1) in the first sentence, by inserting “, includ-
 10 ing expenses relating to uniforms, transportation,
 11 lodging, and the subsistence of those volunteers,
 12 without regard to the place of residence of the volun-
 13 teers,” after “incidental expenses”; and

14 (2) by inserting after the first sentence the fol-
 15 lowing: “The Chief of Engineers may also provide
 16 awards of up to \$100 in value to volunteers in rec-
 17 ognition of the services of the volunteers.”

18 (e) TRAINING AND EDUCATIONAL ACTIVITIES.—Sec-
 19 tion 213(a) of the Water Resources Development Act of
 20 2000 (33 U.S.C. 2339) is amended by striking “at” and
 21 inserting “about”.

22 **SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL**
 23 **TAXED INLAND WATERWAYS.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
 25 sion of law, the Secretary shall have responsibility for 65

1 percent of the costs of the operation, maintenance, repair,
 2 rehabilitation, and replacement of any flood gate, as well
 3 as any pumping station constructed within the channel as
 4 a single unit with that flood gate, that—

5 (1) was constructed as of the date of enactment
 6 of this Act as a feature of an authorized hurricane
 7 and storm damage reduction project; and

8 (2) crosses an inland or intracoastal waterway
 9 described in section 206 of the Inland Waterways
 10 Revenue Act of 1978 (33 U.S.C. 1804).

11 (b) PAYMENT OPTIONS.—For rehabilitation or re-
 12 placement of any structure under this section, the Sec-
 13 retary may apply to the full non-Federal contribution the
 14 payment option provisions under section 103(k) of the
 15 Water Resources Development Act of 1986 (33 U.S.C.
 16 2213(k)).

17 **SEC. 2048. CORROSION PREVENTION.**

18 (a) GUIDANCE AND PROCEDURES.—The Secretary
 19 shall develop guidance and procedures for the certification
 20 of qualified contractors for—

21 (1) the application of protective coatings; and

22 (2) the removal of hazardous protective coat-
 23 ings.

1 (b) REQUIREMENTS.—Except as provided in sub-
 2 section (c), the Secretary shall use certified contractors
 3 for—

4 (1) the application of protective coatings for
 5 complex work involving steel and cementitious struc-
 6 tures, including structures that will be exposed in
 7 immersion;

8 (2) the removal of hazardous coatings or other
 9 hazardous materials that are present in sufficient
 10 concentrations to create an occupational or environ-
 11 mental hazard; and

12 (3) any other activities the Secretary deter-
 13 mines to be appropriate.

14 (c) EXCEPTION.—The Secretary may approve excep-
 15 tions to the use of certified contractors under subsection
 16 (b) only after public notice, with the opportunity for com-
 17 ment, of any such proposal.

18 **SEC. 2049. PROJECT DEAUTHORIZATIONS.**

19 Section 1001(b) of the Water Resources Development
 20 Act of 1986 (33 U.S.C. 579a(b)) is amended—

21 (1) by striking paragraph (2) and inserting the
 22 following:

23 “(2) LIST OF PROJECTS.—

24 “(A) IN GENERAL.—Notwithstanding sec-
 25 tion 3003 of Public Law 104–66 (31 U.S.C.

1 ~~1113~~ note; ~~109 Stat. 734~~), each year, after the
 2 submission of the list under paragraph (1), the
 3 Secretary shall submit to Congress a list of
 4 projects or separable elements of projects that
 5 have been authorized but that have received no
 6 obligations during the ~~5~~ full fiscal years pre-
 7 ceding the submission of that list.

8 “(B) ADDITIONAL NOTIFICATION.—On
 9 submission of the list under subparagraph (A)
 10 to Congress, the Secretary shall notify—

11 “(i) each Senator in whose State and
 12 each Member of the House of Representa-
 13 tives in whose district a project (including
 14 any part of a project) on that list would be
 15 located; and

16 “(ii) each applicable non-Federal in-
 17 terest associated with a project (including
 18 any part of a project) on that list.

19 “(C) DEAUTHORIZATION.—A project or
 20 separable element included in the list under
 21 subparagraph (A) is not authorized after the
 22 last date of the fiscal year following the fiscal
 23 year in which the list is submitted to Congress,
 24 if funding has not been obligated for the plan-

1 ning, design, or construction of the project or
 2 element of the project during that period.”; and
 3 ~~(2)~~ by adding at the end the following:

4 ~~“(3)~~ MINIMUM FUNDING LIST.—At the end of
 5 each fiscal year, the Secretary shall submit to Con-
 6 gress a list of—

7 ~~“(A)~~ projects or separable elements of
 8 projects authorized for construction for which
 9 funding has been obligated in the ~~5~~ previous
 10 fiscal years;

11 ~~“(B)~~ the amount of funding obligated per
 12 fiscal year;

13 ~~“(C)~~ the current phase of each project or
 14 separable element of a project; and

15 ~~“(D)~~ the amount required to complete
 16 those phases.

17 ~~“(4)~~ REPORT.—

18 ~~“(A)~~ IN GENERAL.—Not later than 180
 19 days after the date of enactment of the Water
 20 Resources Development Act of 2013, the Sec-
 21 retary shall compile and publish a complete list
 22 of all uncompleted, authorized projects of the
 23 Corps of Engineers, including for each project
 24 on that list—

1 “(i) the original budget authority for
2 the project;

3 “(ii) the status of the project;

4 “(iii) the estimated date of completion
5 of the project;

6 “(iv) the estimated cost of completion
7 of the project; and

8 “(v) any amounts for the project that
9 remain unobligated.

10 “(B) PUBLICATION.—

11 “(i) IN GENERAL.—The Secretary
12 shall submit a copy of the list under sub-
13 paragraph (A) to—

14 “(I) the appropriate committees
15 of Congress; and

16 “(II) the Director of the Office of
17 Management and Budget.

18 “(ii) PUBLIC AVAILABILITY.—Not
19 later than 30 days after providing the re-
20 port to Congress under clause (i), the Sec-
21 retary shall make a copy of the list avail-
22 able on a publicly accessible Internet site,
23 in a manner that is downloadable, search-
24 able, and sortable.”.

1 **SEC. 2050. REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—Subject to the availability of ap-
 3 propriations, the Secretary shall complete and submit to
 4 Congress by the applicable date required the reports that
 5 address public safety and enhanced local participation in
 6 project delivery described in subsection (b).

7 (b) REPORTS.—The reports referred to in subsection
 8 (a) are the reports required under—

- 9 (1) section 2020;
- 10 (2) section 2022;
- 11 (3) section 2025;
- 12 (4) section 2026;
- 13 (5) section 2039;
- 14 (6) section 2040;
- 15 (7) section 6007; and
- 16 (8) section 10015.

17 (c) FAILURE TO PROVIDE A COMPLETED REPORT.—

18 (1) IN GENERAL.—Subject to subsection (d), if
 19 the Secretary fails to provide a report listed under
 20 subsection (b) by the date that is 180 days after the
 21 applicable date required for that report, \$5,000 shall
 22 be reprogrammed from the Office of the Assistant
 23 Secretary of the Army for Civil Works into the ac-
 24 count of the division of the Secretary of the Army
 25 with responsibility for completing that report.

1 (2) ~~SUBSEQUENT REPROGRAMMING.~~—Subject
 2 to subsection (d), for each additional week after the
 3 date described in paragraph (1) in which a report
 4 described in that paragraph remains uncompleted
 5 and unsubmitted to Congress, \$5,000 shall be repro-
 6 grammed from the Office of the Assistant Secretary
 7 of the Army for Civil Works into the account of the
 8 division of the Secretary of the Army with responsi-
 9 bility for completing that report.

10 (d) ~~LIMITATIONS.~~—

11 (1) ~~IN GENERAL.~~—For each report, the total
 12 amounts reprogrammed under subsection (c) shall
 13 not exceed, in any fiscal year, \$50,000.

14 (2) ~~AGGREGATE LIMITATION.~~—The total
 15 amount reprogrammed under subsection (c) in a fis-
 16 cal year shall not exceed \$200,000.

17 (c) ~~NO FAULT OF THE SECRETARY.~~—Amounts shall
 18 not be reprogrammed under subsection (c) if the Secretary
 19 certifies in a letter to the applicable committees of Con-
 20 gress that—

21 (1) a major modification has been made to the
 22 content of the report that requires additional anal-
 23 ysis for the Secretary to make a final decision on the
 24 report;

1 (2) amounts have not been appropriated to the
2 agency under this Act or any other Act to carry out
3 the report; or

4 (3) additional information is required from an
5 entity other than the Corps of Engineers and is not
6 available in a timely manner to complete the report
7 by the deadline.

8 (f) LIMITATION.—The Secretary shall not reprogram
9 funds to reimburse the Office of the Assistant Secretary
10 of the Army for Civil Works for the loss of the funds.

11 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$10,000,000.

14 **TITLE III—PROJECT** 15 **MODIFICATIONS**

16 **SEC. 3001. PURPOSE.**

17 The purpose of this title is to modify existing water
18 resource project authorizations, subject to the condition
19 that the modifications do not affect authorized costs.

20 **SEC. 3002. CHATFIELD RESERVOIR, COLORADO.**

21 Section 116 of the Energy and Water Development
22 and Related Agencies Appropriations Act, 2009 (123 Stat.
23 608), is amended in the matter preceding the proviso by
24 inserting “(or a designee of the Department)” after “Colo-
25 rado Department of Natural Resources”.

1 **SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION**
2 **COMMITTEE EXPENSES REIMBURSEMENT.**

3 Section 5018(b)(5) of the Water Resources Develop-
4 ment Act of 2007 (121 Stat. 1200) is amended by striking
5 subparagraph (B) and inserting the following:

6 “(B) TRAVEL EXPENSES.—Subject to the
7 availability of funds, the Secretary may reim-
8 burse a member of the Committee for travel ex-
9 penses, including per diem in lieu of subsist-
10 ence, at rates authorized for an employee of a
11 Federal agency under subchapter I of chapter
12 57 of title 5, United States Code, while away
13 from the home or regular place of business of
14 the member in performance of services for the
15 Committee.”.

16 **SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION**
17 **STUDY.**

18 With respect to the study for flood and storm damage
19 reduction related to natural disasters to be carried out by
20 the Secretary and authorized under the heading “INVES-
21 TIGATIONS” under title II of division A of Public Law
22 113–2, the Secretary shall include, to the maximum extent
23 practicable, specific project recommendations in the report
24 developed for that study.

1 **SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.**

2 Section 3109 of the Water Resources Development
3 Act of 2007 (121 Stat. 1135) is amended—

4 (1) by striking “The Secretary may” and in-
5 serting the following:

6 “(a) IN GENERAL.—The Secretary may”; and

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

8 “(b) LOCAL PARTICIPATION.—In carrying out sub-
9 section (a), the Secretary shall consult with, and consider
10 the activities being carried out by—

11 “(1) other Federal agencies;

12 “(2) conservation districts;

13 “(3) the Yellowstone River Conservation Dis-
14 trict Council; and

15 “(4) the State of Montana.”

16 **SEC. 3006. PROJECT DEAUTHORIZATIONS.**

17 (a) GOOSE CREEK, SOMERSET COUNTY, MARY-
18 LAND.—The project for navigation, Goose Creek, Som-
19 erset County, Maryland, carried out pursuant to section
20 107 of the Rivers and Harbor Act of 1960 (33 U.S.C.
21 577), is realigned as follows: Beginning at Goose Creek
22 Channel Geometry Centerline of the 60-foot-wide main
23 navigational ship channel, Centerline Station No. 0+00,
24 coordinates North 157851.80, East 1636954.70, as stated
25 and depicted on the Condition Survey Goose Creek, Sheet
26 1 of 1, prepared by the United States Army Corps of En-

1 gineers, Baltimore District, July 2003; thence departing
 2 the aforementioned centerline traveling the following
 3 courses and distances: S. 64 degrees 49 minutes 06 sec-
 4 onds E., 1583.82 feet to a point, on the outline of said
 5 60-foot-wide channel thence binding on said out-line the
 6 following four courses and distances: S. 63 degrees 26
 7 minutes 06 seconds E., 1460.05 feet to a point, thence;
 8 N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to
 9 a point, thence; N. 26 degrees 13 minutes 09 seconds W.,
 10 240.39 feet to a point on the Left Toe of the 60-foot-
 11 wide main navigational channel at computed Centerline
 12 Station No. 42+57.54, coordinates North 157357.84,
 13 East 1640340.23. Geometry Left Toe of the 60-foot-wide
 14 main navigational ship channel, Left Toe Station No.
 15 0+00, coordinates North 157879.00, East 1636967.40,
 16 as stated and depicted on the Condition Survey Goose
 17 Creek, Sheet 1 of 1, prepared by the United States Army
 18 Corps of Engineers, Baltimore District, August 2010;
 19 thence departing the aforementioned centerline traveling
 20 the following courses and distances: S. 64 degrees 49 min-
 21 utes 12 seconds E., 1583.91 feet to a point, on the outline
 22 of said 60-foot-wide channel thence binding on said out-
 23 line the following eight courses and distances: S. 63 de-
 24 grees 25 minutes 38 seconds E., 1366.25 feet to a point,
 25 thence; N. 83 degrees 36 minutes 24 seconds E., 125.85

1 feet to a point, thence; N. 50 degrees 38 minutes 26 sec-
 2 onds E., 805.19 feet to a point, thence; N. 12 degrees
 3 12 minutes 29 seconds E., 78.33 feet to a point thence;
 4 N. 26 degrees 13 minutes 28 seconds W., 46.66 feet to
 5 a point thence; S. 63 degrees 45 minutes 41 seconds W.,
 6 54.96 feet to a point thence; N. 26 degrees 13 minutes
 7 24 seconds W., 119.94 feet to a point on the Left Toe
 8 of the 60-foot-wide main navigational channel at computed
 9 Centerline Station No. 41+81.10, coordinates North
 10 157320.30, East 1640264.00. Geometry Right Toe of the
 11 60-foot-wide main navigational ship channel, Right Toe
 12 Station No. 0+00, coordinates North 157824.70, East
 13 1636941.90, as stated and depicted on the Condition Sur-
 14 vey Goose Creek, Sheet 1 of 1, prepared by the United
 15 States Army Corps of Engineers, Baltimore District, Au-
 16 gust 2010; thence departing the aforementioned centerline
 17 traveling the following courses and distances: S. 64 de-
 18 grees 49 minutes 06 seconds E., 1583.82 feet to a point,
 19 on the outline of said 60-foot-wide channel thence binding
 20 on said out-line the following six courses and distances:
 21 S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to
 22 a point, thence; N. 50 degrees 38 minutes 26 seconds E.,
 23 1016.69 feet to a point, thence; N. 26 degrees 14 minutes
 24 49 seconds W., 144.26 feet to a point, thence; N. 63 de-
 25 grees 54 minutes 03 seconds E., 55.01 feet to a point

1 thence; N. 26 degrees 12 minutes 08 seconds W., 120.03
 2 feet to a point a point on the Right Toe of the 60-foot-
 3 wide main navigational channel at computed Centerline
 4 Station No. 43+98.61, coordinates North 157395.40,
 5 East 1640416.50.

6 (b) LOWER THOROUGHFARE, DEAL ISLAND, MARY-
 7 LAND.—Beginning on the date of enactment of this Act,
 8 the Secretary is no longer authorized to carry out the por-
 9 tion of the project for navigation, Lower Thoroughfare,
 10 Maryland, authorized by the Act of June 25, 1910 (36
 11 Stat. 630, chapter 382) (commonly known as the “River
 12 and Harbor Act of 1910”), that begins at Lower Thor-
 13 oughfare Channel Geometry Centerline of the 60-foot-wide
 14 main navigational ship channel, Centerline Station No.
 15 44+88, coordinates North 170435.62, East 1614588.93,
 16 as stated and depicted on the Condition Survey Lower
 17 Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the
 18 United States Army Corps of Engineers, Baltimore Dis-
 19 trict, August 2010; thence departing the aforementioned
 20 centerline traveling the following courses and distances: S.
 21 42 degrees 20 minutes 44 seconds W., 30.00 feet to a
 22 point, on the outline of said 60-foot-wide channel thence
 23 binding on said out-line the following four courses and dis-
 24 tances: N. 64 degrees 08 minutes 55 seconds W., 53.85
 25 feet to a point, thence; N. 42 degrees 20 minutes 43 sec-

1 onds W., 250.08 feet to a point, thence; N. 47 degrees
 2 39 minutes 03 seconds E., 20.00 feet to a point, thence;
 3 S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to
 4 a point binding on the Left Toe of the 60-foot-wide main
 5 navigational channel at computed Centerline Station No.
 6 43+92.67, coordinates North 170415.41, 1614566.76;
 7 thence; continuing with the aforementioned centerline the
 8 following courses and distances: S. 42 degrees 20 minutes
 9 42 seconds W., 30.00 feet to a point, on the outline of
 10 said 60-foot-wide channel thence binding on said out-line
 11 the following four courses and distances: N. 20 degrees
 12 32 minutes 06 seconds W., 53.85 feet to a point, thence;
 13 N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to
 14 a point, thence; S. 47 degrees 39 minutes 03 seconds W.,
 15 20.00 feet to a point, thence; S. 42 degrees 20 minutes
 16 46 seconds E., 300.08 feet to a point binding on the Left
 17 Toe of the 60-foot-wide main navigational channel at com-
 18 puted Centerline Station No. 43+92.67, coordinates
 19 North 170415.41, 1614566.76.

20 (c) THOMASTON HARBOR, GEORGES RIVER,
 21 MAINE.—Beginning on the date of enactment of this Act,
 22 the Secretary is no longer authorized to carry out the por-
 23 tion of the project for navigation, Georges River, Maine
 24 (Thomaston Harbor), authorized by the first section of the
 25 Act of June 3, 1896 (29 Stat. 215, chapter 314), and

1 modified by section 317 of the Water Resources Develop-
 2 ment Act of 2000 (Public Law 106-541; 114 Stat. 2604),
 3 that lies northwesterly of a line commencing at point
 4 N87,220.51, E321,065.80 thence running northeasterly
 5 about 125 feet to a point N87,338.71, E321,106.46.

6 (d) WARWICK COVE, RHODE ISLAND.—Beginning on
 7 the date of enactment of this Act, the Secretary is no
 8 longer authorized to carry out the portion of the project
 9 for navigation, Warwick Cove, Rhode Island, authorized
 10 by section 107 of the River and Harbor Act of 1960 (33
 11 U.S.C. 577) that is located within the 5 acre anchorage
 12 area east of the channel and lying east of the line begin-
 13 ning at a point with coordinates N220,349.79,
 14 E357,664.90 thence running north 9 degrees 10 minutes
 15 21.5 seconds west 170.38 feet to a point N220,517.99,
 16 E357,637.74 thence running north 17 degrees 44 minutes
 17 30.4 seconds west 165.98 feet to a point N220,676.08,
 18 E357,587.16 thence running north 0 degrees 46 minutes
 19 0.9 seconds east 138.96 feet to a point N220,815.03,
 20 E357,589.02 thence running north 8 degrees 36 minutes
 21 22.9 seconds east 101.57 feet to a point N220,915.46,
 22 E357,604.22 thence running north 18 degrees 18 minutes
 23 27.3 seconds east 168.20 feet to a point N221,075.14,
 24 E357,657.05 thence running north 34 degrees 42 minutes
 25 7.2 seconds east 106.4 feet to a point N221,162.62,

1 ~~E357,717.63~~ thence running south 29 degrees 14 minutes
 2 17.4 seconds east 26.79 feet to a point N221,139.24,
 3 ~~E357,730.71~~ thence running south 30 degrees 45 minutes
 4 30.5 seconds west 230.46 feet to a point N220,941.20,
 5 ~~E357,612.85~~ thence running south 10 degrees 49 minutes
 6 12.0 seconds west 95.46 feet to a point N220,847.44,
 7 ~~E357,594.93~~ thence running south 9 degrees 13 minutes
 8 44.5 seconds east 491.68 feet to a point N220,362.12,
 9 ~~E357,673.79~~ thence running south 35 degrees 47 minutes
 10 19.4 seconds west 15.20 feet to the point of origin.

11 **SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-**
 12 **BASIN, NEW JERSEY.**

13 Title I of the Energy and Water Development Appro-
 14 priations Act, 1998 (Public Law 105–62; 111 Stat. 1327)
 15 is amended by striking section 102.

16 **SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKAN-**
 17 **SAS, LOUISIANA.**

18 (a) ~~IN GENERAL.~~—The Secretary is authorized to re-
 19 assign unused irrigation storage within a reservoir on the
 20 Red River Basin to municipal and industrial water supply
 21 for use by a non-Federal interest if that non-Federal inter-
 22 est has already contracted for a share of municipal and
 23 industrial water supply on the same reservoir.

24 (b) ~~NON-FEDERAL INTEREST.~~—A reassignment of
 25 storage under subsection (a) shall be contingent upon the

1 execution of an agreement between the Secretary and the
 2 applicable non-Federal interest.

3 **TITLE IV—WATER RESOURCE** 4 **STUDIES**

5 **SEC. 4001. PURPOSE.**

6 The purpose of this title is to direct the Corps of En-
 7 gineers to study and recommend solutions for water re-
 8 source issues relating to flood risk and storm damage re-
 9 duction, navigation, and ecosystem restoration.

10 **SEC. 4002. INITIATION OF NEW WATER RESOURCES STUD-** 11 **IES.**

12 (a) IN GENERAL.—Subject to subsections (b), (c),
 13 and (d), the Secretary may initiate a study—

14 (1) to determine the feasibility of carrying out
 15 1 or more projects for flood risk management, storm
 16 damage reduction, ecosystem restoration, navigation,
 17 hydropower, or related purposes; or

18 (2) to carry out watershed and river basin as-
 19 sessments in accordance with section 729 of the
 20 Water Resources Development Act of 1986 (33
 21 U.S.C. 2267a).

22 (b) CRITERIA.—The Secretary may only initiate a
 23 study under subsection (a) if—

24 (1) the study—

1 (A) has been requested by an eligible non-
2 Federal interest;

3 (B) is for an area that is likely to include
4 a project with a Federal interest; and

5 (C) addresses a high-priority water re-
6 source issue necessary for the protection of
7 human life and property, the environment, or
8 the national security interests of the United
9 States; and

10 (2) the non-Federal interest has dem-
11 onstrated—

12 (A) that local support exists for addressing
13 the water resource issue; and

14 (B) the financial ability to provide the re-
15 quired non-Federal cost-share.

16 (c) CONGRESSIONAL APPROVAL.—

17 (1) SUBMISSION TO CONGRESS.—Prior to initi-
18 ating a study under subsection (a), the Secretary
19 shall submit to the Committees on Environment and
20 Public Works and Appropriations of the Senate and
21 the Committees on Transportation and Infrastruc-
22 ture and Appropriations of the House—

23 (A) a description of the study, including
24 the geographical area addressed by the study;

1 ~~(B)~~ a description of how the study meets
 2 each of the requirements of subsection ~~(b)~~; and

3 ~~(C)~~ a certification that the proposed study
 4 can be completed within ~~3~~ years and for a Fed-
 5 eral cost of not more than \$~~3,000,000~~.

6 ~~(2)~~ EXPENDITURE OF FUNDS.—No funds may
 7 be spent on a study initiated under subsection ~~(a)~~
 8 unless—

9 ~~(A)~~ the required information is submitted
 10 to Congress under paragraph ~~(1)~~; and

11 ~~(B)~~ after such submission, amounts are
 12 appropriated to continue construction of the
 13 project in an appropriations or other Act to ini-
 14 tiate the study.

15 ~~(3)~~ ADDITIONAL NOTIFICATION.—The Sec-
 16 retary shall notify each Senator or Member of Con-
 17 gress with a State or congressional district in the
 18 study area described in paragraph ~~(1)~~~~(A)~~.

19 ~~(d)~~ LIMITATIONS.—

20 ~~(1)~~ IN GENERAL.—Subsection ~~(a)~~ shall not
 21 apply to a project for which a study has been au-
 22 thorized prior to the date of enactment of this Act.

23 ~~(2)~~ NEW STUDIES AND PROJECTS.—In each fis-
 24 cal year, the Secretary may initiate not more than—

1 (A) 3 new studies in each of the primary
2 areas of responsibility of the Corps of Engi-
3 neers; and

4 (B) 3 projects from any 1 division of the
5 Corps of Engineers.

6 (c) TERMINATION.—The authority under subsection
7 (a) expires on the date that is 3 years after the date of
8 enactment of this Act.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Secretary to carry
11 out this section \$25,000,000 for each of fiscal years 2014
12 through 2017.

13 **SEC. 4003. APPLICABILITY.**

14 (a) IN GENERAL.—Nothing in this title authorizes
15 the construction of a water resources project.

16 (b) NEW AUTHORIZATION REQUIRED.—New author-
17 ization from Congress is required before any project evalu-
18 ated in a study under this title is constructed.

19 **TITLE V—REGIONAL AND**
20 **NONPROJECT PROVISIONS**

21 **SEC. 5001. PURPOSE.**

22 The purpose of this title is to authorize regional,
23 multistate authorities to address water resource needs and
24 other non-project provisions.

1 **SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RES-**
2 **TORATION.**

3 (a) IN GENERAL.—The Secretary shall plan, design,
4 and construct projects for aquatic ecosystem restoration
5 within the coastal waters of the Northeastern United
6 States from the State of Virginia to the State of Maine,
7 including associated bays, estuaries, and critical riverine
8 areas.

9 (b) GENERAL COASTAL MANAGEMENT PLAN.—

10 (1) ASSESSMENT.—The Secretary, in coordina-
11 tion with the Administrator of the Environmental
12 Protection Agency, the heads of other appropriate
13 Federal agencies, the Governors of the coastal
14 States from Virginia to Maine, nonprofit organiza-
15 tions, and other interested parties, shall assess the
16 needs regarding, and opportunities for, aquatic eco-
17 system restoration within the coastal waters of the
18 Northeastern United States.

19 (2) PLAN.—The Secretary shall develop a gen-
20 eral coastal management plan based on the assess-
21 ment carried out under paragraph (1), maximizing
22 the use of existing plans and investigation, which
23 plan shall include—

24 (A) an inventory and evaluation of coastal
25 habitats;

1 ~~(B)~~ identification of aquatic resources in
2 need of improvement;

3 ~~(C)~~ identification and prioritization of po-
4 tential aquatic habitat restoration projects; and

5 ~~(D)~~ identification of geographical and eco-
6 logical areas of concern, including—

7 (i) finfish habitats;

8 (ii) diadromous fisheries migratory
9 corridors;

10 (iii) shellfish habitats;

11 (iv) submerged aquatic vegetation;

12 (v) wetland; and

13 (vi) beach dune complexes and other
14 similar habitats.

15 ~~(c)~~ ELIGIBLE PROJECTS.—The Secretary may carry
16 out an aquatic ecosystem restoration project under this
17 section if the project—

18 ~~(1)~~ is consistent with the management plan de-
19 veloped under subsection (b); and

20 ~~(2)~~ provides for—

21 ~~(A)~~ the restoration of degraded aquatic
22 habitat (including coastal, saltmarsh, benthic,
23 and riverine habitat);

1 (B) the restoration of geographical or eco-
 2 logical areas of concern, including the restora-
 3 tion of natural river and stream characteristics;
 4 (C) the improvement of water quality; or
 5 (D) other projects or activities determined
 6 to be appropriate by the Secretary.

7 (d) COST SHARING.—

8 (1) MANAGEMENT PLAN.—The management
 9 plan developed under subsection (b) shall be com-
 10 pleted at Federal expense.

11 (2) RESTORATION PROJECTS.—The non-Fed-
 12 eral share of the cost of a project carried out under
 13 this section shall be 35 percent.

14 (e) COST LIMITATION.—Not more than \$10,000,000
 15 in Federal funds may be allocated under this section for
 16 an eligible project.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 18 authorized to be appropriated to carry out this section (in-
 19 cluding funds for the completion of the management plan)
 20 \$25,000,000 for each of fiscal years 2014 through 2018.

21 **SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
 22 **TION AND PROTECTION PROGRAM.**

23 Section 510 of the Water Resources Development Act
 24 of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat.
 25 1202) is amended—

1 ~~(1)~~ in subsection (a)—

2 ~~(A)~~ in paragraph ~~(1)~~—

3 ~~(i)~~ by striking “pilot program” and
4 inserting “program”; and

5 ~~(ii)~~ by inserting “in the basin States
6 described in subsection (f) and the District
7 of Columbia” after “interests”; and

8 ~~(B)~~ by striking paragraph ~~(2)~~ and insert-
9 ing the following:

10 ~~“(2) FORM.—~~The assistance under paragraph
11 ~~(1)~~ shall be in the form of design and construction
12 assistance for water-related resource protection and
13 restoration projects affecting the Chesapeake Bay
14 estuary, based on the comprehensive plan under sub-
15 section ~~(b)~~, including projects for—

16 ~~“(A)~~ sediment and erosion control;

17 ~~“(B)~~ protection of eroding shorelines;

18 ~~“(C)~~ ecosystem restoration, including res-
19 toration of submerged aquatic vegetation;

20 ~~“(D)~~ protection of essential public works;

21 ~~“(E)~~ beneficial uses of dredged material;

22 and

23 ~~“(F)~~ other related projects that may en-
24 hance the living resources of the estuary.”;

1 (2) by striking subsection (b) and inserting the
2 following:

3 ~~“(b) COMPREHENSIVE PLAN.—~~

4 ~~“(1) IN GENERAL.—Not later than 2 years~~
5 ~~after the date of enactment of the Water Resources~~
6 ~~Development Act of 2013, the Secretary, in coopera-~~
7 ~~tion with State and local governmental officials and~~
8 ~~affected stakeholders, shall develop a comprehensive~~
9 ~~Chesapeake Bay restoration plan to guide the imple-~~
10 ~~mentation of projects under subsection (a)(2).~~

11 ~~“(2) COORDINATION.—The restoration plan de-~~
12 ~~scribed in paragraph (1) shall, to the maximum ex-~~
13 ~~tent practicable, consider and avoid duplication of~~
14 ~~any ongoing or planned actions of other Federal,~~
15 ~~State, and local agencies and nongovernmental orga-~~
16 ~~nizations.~~

17 ~~“(3) PRIORITIZATION.—The restoration plan~~
18 ~~described in paragraph (1) shall give priority to~~
19 ~~projects eligible under subsection (a)(2) that will~~
20 ~~also improve water quality or quantity or use nat-~~
21 ~~ural hydrological features and systems.~~

22 ~~“(4) ADMINISTRATION.—The Federal share of~~
23 ~~the costs of carrying out paragraph (1) shall be 75~~
24 ~~percent.”;~~

25 ~~(3) in subsection (c)—~~

(A) in paragraph (1), by striking “to provide” and all that follows through the period at the end and inserting “for the design and construction of a project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b).”;

(B) in paragraph (2)(A), by striking “facilities or resource protection and development plan” and inserting “resource protection and restoration plan”; and

(C) by adding at the end the following:

“(3) PROJECTS ON FEDERAL LAND.—A project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be carried out.

“(4) NON-FEDERAL CONTRIBUTIONS.—A Federal agency carrying out a project described in paragraph (3) may accept contributions of funds from non-Federal entities to carry out that project.”;

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

“(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

1 “(1) the heads of appropriate Federal agencies;
2 including—

3 “(A) the Administrator of the Environ-
4 mental Protection Agency;

5 “(B) the Secretary of Commerce, acting
6 through the Administrator of the National
7 Oceanographic and Atmospheric Administra-
8 tion;

9 “(C) the Secretary of the Interior, acting
10 through the Director of the United States Fish
11 and Wildlife Service; and

12 “(D) the heads of such other Federal
13 agencies as the Secretary determines to be ap-
14 propriate; and

15 “(2) agencies of a State or political subdivision
16 of a State, including the Chesapeake Bay Commis-
17 sion.”;

18 (5) by striking subsection (f) and inserting the
19 following:

20 “(f) PROJECTS.—The Secretary shall establish, to
21 the maximum extent practicable, at least 1 project under
22 this section in—

23 “(1) regions within the Chesapeake Bay water-
24 shed of each of the basin States of Delaware, Mary-

1 land, New York, Pennsylvania, Virginia, and West
 2 Virginia; and

3 “(2) the District of Columbia.”;

4 (6) by striking subsection (h); and

5 (7) by redesignating subsection (i) as subsection
 6 (h).

7 **SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
 8 **PROGRAM, COLORADO, NEW MEXICO, TEXAS.**

9 Section 5056 of the Water Resources Development
 10 Act of 2007 (121 Stat. 1213) is amended—

11 (1) in subsection (b)(2)—

12 (A) in the matter preceding subparagraph
 13 (A), by striking “2008” and inserting “2014”;
 14 and

15 (B) in subparagraph (C), by inserting
 16 “and an assessment of needs for other related
 17 purposes in the Rio Grande Basin, including
 18 flood damage reduction” after “assessment”;

19 (2) in subsection (c)(2)—

20 (A) by striking “an interagency agreement
 21 with” and inserting “1 or more interagency
 22 agreements with the Secretary of State and”;
 23 and

24 (B) by inserting “or the U.S. Section of
 25 the International Boundary and Water Com-

1 mission” after “the Department of the Inte-
 2 rior”; and

3 ~~(3)~~ in subsection ~~(f)~~, by striking “2011” and
 4 inserting “2024”.

5 **SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY**
 6 **ECOSYSTEM RESTORATION, OREGON AND**
 7 **WASHINGTON.**

8 Section 536(g) of the Water Resources Development
 9 Act of 2000 (114 Stat. 2661) is amended by striking
 10 “\$30,000,000” and inserting “\$75,000,000”.

11 **SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.**

12 ~~(a) PROJECT GOAL.~~—The goal for operation of the
 13 McClellan-Kerr Arkansas River navigation system, Arkan-
 14 sas and Oklahoma, shall be to maximize the use of the
 15 system in a balanced approach that incorporates advice
 16 from representatives from all project purposes to ensure
 17 that the full value of the system is realized by the United
 18 States.

19 ~~(b) McCLELLAN-KERR ARKANSAS RIVER NAVIGA-~~
 20 ~~TION SYSTEM ADVISORY COMMITTEE.~~—

21 ~~(1) IN GENERAL.~~—In accordance with the Fed-
 22 eral Advisory Committee Act (5 U.S.C. App.), the
 23 Secretary shall establish an advisory committee for
 24 the McClellan-Kerr Arkansas River navigation sys-
 25 tem, Arkansas and Oklahoma, project authorized by

1 the Act of July 24, 1946 (60 Stat. 635, chapter
2 595).

3 ~~(2) DUTIES.~~—The advisory committee shall—

4 ~~(A) serve in an advisory capacity only; and~~

5 ~~(B) provide information and recommenda-~~
6 ~~tions to the Corps of Engineers relating to the~~
7 ~~efficiency, reliability, and availability of the op-~~
8 ~~erations of the McClellan-Kerr Arkansas River~~
9 ~~navigation system.~~

10 ~~(3) SELECTION AND COMPOSITION.~~—The advi-
11 sory committee shall be—

12 ~~(A) selected jointly by the Little Rock dis-~~
13 ~~trict engineer and the Tulsa district engineer;~~
14 ~~and~~

15 ~~(B) composed of members that equally rep-~~
16 ~~resent the McClellan-Kerr Arkansas River navi-~~
17 ~~gation system project purposes.~~

18 ~~(4) AGENCY RESOURCES.~~—The Little Rock dis-
19 trict and the Tulsa district of the Corps of Engi-
20 neers, under the supervision of the southwestern di-
21 vision, shall jointly provide the advisory committee
22 with adequate staff assistance, facilities, and re-
23 sources.

24 ~~(5) TERMINATION.~~—

(A) IN GENERAL.—Subject to subparagraph (B), the advisory committee shall terminate on the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability, and availability of the McClellan-Kerr Arkansas River navigation system.

(B) RESTRICTION.—The advisory committee shall terminate not less than 2 calendar years after the date on which the advisory committee is established.

**SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND
MANAGEMENT; COLUMBIA RIVER BASIN.**

(a) IN GENERAL.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington.

(b) WATERCRAFT INSPECTION STATIONS.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread

1 of aquatic invasive species into reservoirs operated
2 and maintained by the Secretary.

3 ~~(2) INCLUSIONS.—~~Locations identified under
4 paragraph (1) may include—

5 (A) State border crossings;

6 ~~(B) international border crossings; and~~

7 ~~(C) highway entry points that are used by~~
8 ~~owners of watercraft to access boat launch fa-~~
9 ~~cilities owned or managed by the Secretary.~~

10 ~~(3) COST-SHARE.—~~The non-Federal share of
11 the cost of operating and maintaining watercraft in-
12 spection stations described in paragraph (1) (includ-
13 ing personnel costs) shall be 50 percent.

14 ~~(4) OTHER INSPECTION SITES.—~~The Secretary
15 may establish watercraft inspection stations using
16 amounts made available to carry out this section in
17 States other than those described in paragraph (1)
18 at or near boat launch facilities that the Secretary
19 determines are regularly used by watercraft to enter
20 the States described in paragraph (1).

21 ~~(c) MONITORING AND CONTINGENCY PLANNING.—~~

22 The Secretary shall—

23 (1) carry out risk assessments of each major
24 public and private water resources facility in the Co-
25 lumbia River Basin;

1 ~~(2) establish an aquatic invasive species moni-~~
 2 ~~toring program in the Columbia River Basin;~~

3 ~~(3) establish a Columbia River Basin water-~~
 4 ~~shed-wide plan for expedited response to an infesta-~~
 5 ~~tion of aquatic invasive species; and~~

6 ~~(4) monitor water quality, including sediment~~
 7 ~~cores and fish tissue samples, at facilities owned or~~
 8 ~~managed by the Secretary in the Columbia River~~
 9 ~~Basin.~~

10 ~~(d) COORDINATION.—In carrying out this section, the~~
 11 ~~Secretary shall consult and coordinate with—~~

12 ~~(1) the States described in subsection (a);~~

13 ~~(2) Indian tribes; and~~

14 ~~(3) other Federal agencies, including—~~

15 ~~(A) the Department of Agriculture;~~

16 ~~(B) the Department of Energy;~~

17 ~~(C) the Department of Homeland Security;~~

18 ~~(D) the Department of Commerce; and~~

19 ~~(E) the Department of the Interior.~~

20 ~~(e) AUTHORIZATION OF APPROPRIATIONS.—There is~~
 21 ~~authorized to be appropriated to the Secretary to carry~~
 22 ~~out this section \$30,000,000, of which \$5,000,000 may~~
 23 ~~be used to carry out subsection (c).~~

1 **SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT**
2 **MONITORING.**

3 (a) ~~IN GENERAL.~~—The Secretary, in coordination
4 with the Administrator of the National Oceanic and At-
5 mospheric Administration, the Chief of the Natural Re-
6 sources Conservation Service, the Director of the United
7 States Geological Survey, and the Commissioner of the
8 Bureau of Reclamation, shall establish a program to pro-
9 vide for—

10 (1) soil moisture and snowpack monitoring in
11 the Upper Missouri River Basin to reduce flood risk
12 and improve river and water resource management
13 in the Upper Missouri River Basin, as outlined in
14 the February 2013 report entitled “Upper Missouri
15 Basin Monitoring Committee—Snow Sampling and
16 Instrumentation Recommendations”;

17 (2) restoring and maintaining existing mid- and
18 high-elevation snowpack monitoring sites operated
19 under the SNOTEL program of the Natural Re-
20 sources Conservation Service; and

21 (3) operating streamflow gages and related in-
22 terpretive studies in the Upper Missouri River Basin
23 under the cooperative water program and the na-
24 tional streamflow information program of the United
25 States Geological Service.

1 (b) ~~AUTHORIZATION OF APPROPRIATIONS.—~~There is
 2 authorized to be appropriated to the Secretary to carry
 3 out this section ~~\$11,250,000.~~

4 (c) ~~USE OF FUNDS.—~~Amounts made available to the
 5 Secretary under this section shall be used to complement
 6 other related activities of Federal agencies that are carried
 7 out within the Missouri River Basin.

8 (d) ~~REPORT.—~~Not later than 1 year after the date
 9 of enactment of this Act, the Comptroller General of the
 10 United States, in consultation with the Secretary, shall
 11 submit to the Committee on Environment and Public
 12 Works of the Senate and the Committee on Transpor-
 13 tation and Infrastructure of the House of Representatives
 14 a report that—

15 (1) identifies progress made by the Secretary
 16 and other Federal agencies to implement the rec-
 17 ommendations contained in the report described in
 18 subsection (a)(1) with respect to enhancing soil
 19 moisture and snowpack monitoring in the Upper
 20 Missouri Basin; and

21 (2) includes recommendations to enhance soil
 22 moisture and snowpack monitoring in the Upper
 23 Missouri Basin.

1 **SEC. 5009. NORTHERN ROCKIES HEADWATERS EXTREME**
2 **WEATHER MITIGATION.**

3 (a) **IN GENERAL.**—Subject to subsection (b), the Sec-
4 retary shall establish a program to mitigate the impacts
5 of extreme weather events, such as floods and droughts,
6 on communities, water users, and fish and wildlife located
7 in and along the headwaters of the Columbia, Missouri,
8 and Yellowstone Rivers (including the tributaries of those
9 rivers) in the States of Idaho and Montana by carrying
10 out river, stream, and floodplain protection and restora-
11 tion projects, including—

- 12 (1) floodplain restoration and reconnection;
13 (2) floodplain and riparian area protection
14 through the use of conservation easements;
15 (3) instream flow restoration projects;
16 (4) fish passage improvements;
17 (5) channel migration zone mapping; and
18 (6) invasive weed management.

19 (b) **RESTRICTION.**—All projects carried out using
20 amounts made available to carry out this section shall em-
21 phasize the protection and enhancement of natural
22 riverine processes.

23 (c) **NON-FEDERAL COST SHARE.**—The non-Federal
24 share of the costs of carrying out a project under this sec-
25 tion shall not exceed 35 percent of the total cost of the
26 project.

1 (d) ~~COORDINATION.~~—In carrying out this section, the
2 Secretary—

3 (1) shall consult and coordinate with the appro-
4 priate State natural resource agency in each State;
5 and

6 (2) may—

7 (A) delegate any authority or responsibility
8 of the Secretary under this section to those
9 State natural resource agencies; and

10 (B) provide amounts made available to the
11 Secretary to carry out this section to those
12 State natural resource agencies.

13 (e) ~~LIMITATIONS.~~—Nothing in this section invali-
14 dates, preempts, or creates any exception to State water
15 law, State water rights, or Federal or State permitted ac-
16 tivities or agreements in the States of Idaho and Montana
17 or any State containing tributaries to rivers in those
18 States.

19 (f) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There is
20 authorized to be appropriated to the Secretary to carry
21 out this section \$30,000,000.

22 **TITLE VI—LEVEE SAFETY**

23 **SEC. 6001. SHORT TITLE.**

24 This title may be cited as the “National Levee Safety
25 Program Act”.

1 **SEC. 6002. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) there is a need to establish a national levee
4 safety program to provide national leadership and
5 encourage the establishment of State and tribal levee
6 safety programs;

7 (2) according to the National Committee on
8 Levee Safety, “the level of protection and robustness
9 of design and construction of levees vary consider-
10 ably across the country”;

11 (3) knowing the location, condition, and owner-
12 ship of levees, as well as understanding the popu-
13 lation and infrastructure at risk in leveed areas, is
14 necessary for identification and prioritization of ac-
15 tivities associated with levees;

16 (4) levees are an important tool for reducing
17 flood risk and should be considered in the context of
18 broader flood risk management efforts;

19 (5) States and Indian tribes—

20 (A) are uniquely positioned to oversee, co-
21 ordinate, and regulate local and regional levee
22 systems; and

23 (B) should be encouraged to participate in
24 a national levee safety program by establishing
25 individual levee safety programs; and

1 (6) States, Indian tribes, and local governments
 2 that do not invest in protecting the individuals and
 3 property located behind levees place those individuals
 4 and property at risk.

5 (b) PURPOSES.—The purposes of this title are—

6 (1) to promote sound technical practices in
 7 levee design, construction, operation, inspection, as-
 8 sessment, security, and maintenance;

9 (2) to ensure effective public education and
 10 awareness of risks involving levees;

11 (3) to establish and maintain a national levee
 12 safety program that emphasizes the protection of
 13 human life and property; and

14 (4) to implement solutions and incentives that
 15 encourage the establishment of effective State and
 16 tribal levee safety programs.

17 **SEC. 6003. DEFINITIONS.**

18 In this title:

19 (1) BOARD.—The term “Board” means the Na-
 20 tional Levee Safety Advisory Board established
 21 under section 6005.

22 (2) CANAL STRUCTURE.—

23 (A) IN GENERAL.—The term “canal struc-
 24 ture” means an embankment, wall, or structure
 25 along a canal or manmade watercourse that—

- 1 (i) constrains water flows;
- 2 (ii) is subject to frequent water load-
- 3 ing; and
- 4 (iii) is an integral part of a flood risk
- 5 reduction system that protects the leveed
- 6 area from flood waters associated with
- 7 hurricanes, precipitation events, seasonal
- 8 high water, and other weather-related
- 9 events.

10 (B) EXCLUSION.—The term “canal struc-

11 ture” does not include a barrier across a water-

12 course.

13 (3) FEDERAL AGENCY.—The term “Federal

14 agency” means a Federal agency that designs, fi-

15 nances, constructs, owns, operates, maintains, or

16 regulates the construction, operation, or mainte-

17 nance of a levee.

18 (4) FLOOD DAMAGE REDUCTION SYSTEM.—The

19 term “flood damage reduction system” means a sys-

20 tem designed and constructed to have appreciable

21 and dependable effects in reducing damage by flood-

22 waters.

23 (5) FLOOD MITIGATION.—The term “flood miti-

24 gation” means any structural or nonstructural meas-

25 ure that reduces risks of flood damage by reducing

1 the probability of flooding, the consequences of
 2 flooding, or both.

3 (6) FLOODPLAIN MANAGEMENT.—The term
 4 “floodplain management” means the operation of a
 5 community program of corrective and preventative
 6 measures for reducing flood damage.

7 (7) INDIAN TRIBE.—The term “Indian tribe”
 8 has the meaning given the term in section 4 of the
 9 Indian Self-Determination and Education Assistance
 10 Act (25 U.S.C. 450b).

11 (8) LEVEE.—

12 (A) IN GENERAL.—The term “levee”
 13 means a manmade barrier (such as an embank-
 14 ment, floodwall, or other structure)—

15 (i) the primary purpose of which is to
 16 provide hurricane, storm, or flood protec-
 17 tion relating to seasonal high water, storm
 18 surges, precipitation, or other weather
 19 events; and

20 (ii) that is normally subject to water
 21 loading for only a few days or weeks dur-
 22 ing a calendar year.

23 (B) INCLUSIONS.—The term “levee” in-
 24 cludes a levee system, including—

25 (i) levees and canal structures that—

1 (I) constrain water flows;

2 (II) are subject to more frequent
3 water loading; and

4 (III) do not constitute a barrier
5 across a watercourse; and

6 (ii) roadway and railroad embank-
7 ments, but only to the extent that the em-
8 bankments are integral to the performance
9 of a flood damage reduction system.

10 (C) ~~EXCLUSIONS.~~—The term “levee” does
11 not include—

12 (i) a roadway or railroad embankment
13 that is not integral to the performance of
14 a flood damage reduction system;

15 (ii) a canal constructed completely
16 within natural ground without any man-
17 made structure (such as an embankment
18 or retaining wall to retain water or a case
19 in which water is retained only by natural
20 ground);

21 (iii) a canal regulated by a Federal or
22 State agency in a manner that ensures
23 that applicable Federal safety criteria are
24 met;

25 (iv) a levee or canal structure—

1 (I) that is not a part of a Fed-
2 eral flood damage reduction system;

3 (H) that is not recognized under
4 the National Flood Insurance Pro-
5 gram as providing protection from the
6 1-percent-annual-chance or greater
7 flood;

8 (III) that is not greater than 3
9 feet high;

10 (IV) the population in the leveed
11 area of which is less than 50 individ-
12 uals; and

13 (V) the leveed area of which is
14 less than 1,000 acres; or

15 (v) any shoreline protection or river
16 bank protection system (such as revet-
17 ments or barrier islands).

18 (9) ~~LEVEE FEATURE.~~—The term “levee fea-
19 ture” means a structure that is critical to the func-
20 tioning of a levee, including—

21 (A) an embankment section;

22 (B) a floodwall section;

23 (C) a closure structure;

24 (D) a pumping station;

25 (E) an interior drainage work; and

1 ~~(F)~~ a flood damage reduction channel.

2 ~~(10)~~ LEVEE SAFETY GUIDELINES.—The term
3 “levee safety guidelines” means the guidelines estab-
4 lished by the Secretary under section 6004(c)(1).

5 ~~(11)~~ LEVEE SEGMENT.—The term “levee seg-
6 ment” means a discrete portion of a levee system
7 that is owned, operated, and maintained by a single
8 entity or discrete set of entities.

9 ~~(12)~~ LEVEE SYSTEM.—The term “levee sys-
10 tem” means 1 or more levee segments, including all
11 levee features that are interconnected and necessary
12 to ensure protection of the associated leveed areas—

13 ~~(A)~~ that collectively provide flood damage
14 reduction to a defined area; and

15 ~~(B)~~ the failure of 1 of which may result in
16 the failure of the entire system.

17 ~~(13)~~ LEVEED AREA.—The term “leveed area”
18 means the land from which flood water in the adja-
19 cent watercourse is excluded by the levee system.

20 ~~(14)~~ NATIONAL LEVEE DATABASE.—The term
21 “national levee database” means the levee database
22 established under section 9004 of the Water Re-
23 sources Development Act of 2007 (33 U.S.C. 3303).

24 ~~(15)~~ PARTICIPATING PROGRAM.—The term
25 “participating program” means a levee safety pro-

1 gram developed by a State or Indian tribe that in-
 2 cludes the minimum components necessary for rec-
 3 ognition by the Secretary.

4 (16) REHABILITATION.—The term “rehabilita-
 5 tion” means the repair, replacement, reconstruction,
 6 or removal of a levee that is carried out to meet na-
 7 tional levee safety guidelines.

8 (17) RISK.—The term “risk” means a measure
 9 of the probability and severity of undesirable con-
 10 sequences.

11 (18) SECRETARY.—The term “Secretary”
 12 means the Secretary of the Army, acting through
 13 the Chief of Engineers.

14 (19) STATE.—The term “State” means—

15 (A) each of the several States of the
 16 United States;

17 (B) the District of Columbia;

18 (C) the Commonwealth of Puerto Rico;

19 (D) Guam;

20 (E) American Samoa;

21 (F) the Commonwealth of the Northern
 22 Mariana Islands;

23 (G) the Federated States of Micronesia;

24 (H) the Republic of the Marshall Islands;

25 (I) the Republic of Palau; and

1 ~~(J)~~ the United States Virgin Islands.

2 **SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.**

3 ~~(a)~~ ESTABLISHMENT.—The Secretary, in consulta-
 4 tion with the Administrator of the Federal Emergency
 5 Management Agency, shall establish a national levee safe-
 6 ty program to provide national leadership and consistent
 7 approaches to levee safety, including—

8 ~~(1)~~ a national levee database;

9 ~~(2)~~ an inventory and inspection of Federal and
 10 non-Federal levees;

11 ~~(3)~~ national levee safety guidelines;

12 ~~(4)~~ a hazard potential classification system for
 13 Federal and non-Federal levees;

14 ~~(5)~~ research and development;

15 ~~(6)~~ a national public education and awareness
 16 program, with an emphasis on communication re-
 17 garding the residual risk to communities protected
 18 by levees and levee systems;

19 ~~(7)~~ coordination of levee safety, floodplain man-
 20 agement, and environmental protection activities;

21 ~~(8)~~ development of State and tribal levee safety
 22 programs; and

23 ~~(9)~~ the provision of technical assistance and
 24 materials to States and Indian tribes relating to—

25 ~~(A)~~ developing levee safety programs;

(B) identifying and reducing flood risks associated with residual risk to communities protected by levees and levee systems;

(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and

(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

(b) MANAGEMENT.—

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

(A) an administrator of the national levee safety program; and

(B) such staff as is necessary to implement the program.

(2) ADMINISTRATOR.—The sole duty of the administrator appointed under paragraph (1)(A) shall be the management of the national levee safety program.

(c) LEVEE SAFETY GUIDELINES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with State and local governments and organizations with expertise in levee safe-

ty, shall establish a set of voluntary, comprehensive,
national levee safety guidelines that—

(A) are available for common, uniform use
by all Federal, State, tribal, and local agencies;

(B) incorporate policies, procedures, stand-
ards, and criteria for a range of levee types,
canal structures, and related facilities and fea-
tures; and

(C) provide for adaptation to local, re-
gional, or watershed conditions.

(2) REQUIREMENT.—The policies, procedures,
standards, and criteria under paragraph (1)(B) shall
be developed taking into consideration the levee haz-
ard potential classification system established under
subsection (d).

(3) ADOPTION BY FEDERAL AGENCIES.—All
Federal agencies shall consider the levee safety
guidelines in activities relating to the management
of levees.

(4) PUBLIC COMMENT.—Prior to finalizing the
guidelines under this subsection, the Secretary
shall—

(A) issue draft guidelines for public com-
ment; and

1 (B) consider any comments received in the
2 development of final guidelines.

3 (d) ~~HAZARD POTENTIAL CLASSIFICATION SYSTEM.—~~

4 (1) ~~ESTABLISHMENT.—~~The Secretary shall es-
5 tablish a hazard potential classification system for
6 use under the national levee safety program and
7 participating programs.

8 (2) ~~REVISION.—~~The Secretary shall review and,
9 as necessary, revise the hazard potential classifica-
10 tion system not less frequently than once every 5
11 years.

12 (3) ~~CONSISTENCY.—~~The hazard potential clas-
13 sification system established pursuant to this sub-
14 section shall be consistent with and incorporated
15 into the levee safety action classification tool devel-
16 oped by the Corps of Engineers.

17 (e) ~~TECHNICAL ASSISTANCE AND MATERIALS.—~~

18 (1) ~~ESTABLISHMENT.—~~The Secretary, in co-
19 ordination with the Board, shall establish a national
20 levee safety technical assistance and training pro-
21 gram to develop and deliver technical support and
22 technical assistance materials, curricula, and train-
23 ing in order to promote levee safety and assist
24 States, communities, and levee owners in—

25 (A) developing levee safety programs;

1 ~~(B) identifying and reducing flood risks as-~~
 2 ~~sociated with levees;~~

3 ~~(C) identifying local actions that may be~~
 4 ~~carried out to reduce flood risks in leveed areas;~~
 5 ~~and~~

6 ~~(D) rehabilitating, improving, replacing,~~
 7 ~~reconfiguring, modifying, and removing levees~~
 8 ~~and levee systems.~~

9 ~~(2) USE OF SERVICES.—In establishing the na-~~
 10 ~~tional levee safety training program under para-~~
 11 ~~graph (1), the Secretary may use the services of—~~

12 ~~(A) the Corps of Engineers;~~

13 ~~(B) the Federal Emergency Management~~
 14 ~~Agency;~~

15 ~~(C) the Bureau of Reclamation; and~~

16 ~~(D) other appropriate Federal agencies, as~~
 17 ~~determined by the Secretary.~~

18 ~~(f) COMPREHENSIVE NATIONAL PUBLIC EDUCATION~~
 19 ~~AND AWARENESS CAMPAIGN.—~~

20 ~~(1) ESTABLISHMENT.—The Secretary, in co-~~
 21 ~~ordination with the Administrator of the Federal~~
 22 ~~Emergency Management Agency and the Board,~~
 23 ~~shall establish a national public education and~~
 24 ~~awareness campaign relating to the national levee~~
 25 ~~safety program.~~

1 (2) PURPOSES.—The purposes of the campaign
2 under paragraph (1) are—

3 (A) to educate individuals living in leveed
4 areas regarding the risks of living in those
5 areas;

6 (B) to promote consistency in the trans-
7 mission of information regarding levees among
8 government agencies; and

9 (C) to provide national leadership regard-
10 ing risk communication for implementation at
11 the State and local levels.

12 (g) COORDINATION OF LEVEE SAFETY, FLOODPLAIN
13 MANAGEMENT, AND ENVIRONMENTAL CONCERNS.—The
14 Secretary, in coordination with the Board, shall evaluate
15 opportunities to coordinate—

16 (1) public safety, floodplain management, and
17 environmental protection activities relating to levees;
18 and

19 (2) environmental permitting processes for op-
20 eration and maintenance activities at existing levee
21 projects in compliance with all applicable laws.

22 (h) LEVEE INSPECTION.—

23 (1) IN GENERAL.—The Secretary shall carry
24 out a one-time inventory and inspection of all levees
25 identified in the national levee database.

1 ~~(2) NO FEDERAL INTEREST.~~—The inventory
 2 and inspection under paragraph (1) does not create
 3 a Federal interest in the construction, operation, or
 4 maintenance any levee that is included in the inven-
 5 tory or inspected under this subsection.

6 ~~(3) INSPECTION CRITERIA.~~—In carrying out the
 7 inventory and inspection, the Secretary shall use the
 8 levee safety action classification criteria to determine
 9 whether a levee should be classified in the inventory
 10 as requiring a more comprehensive inspection.

11 ~~(4) STATE AND TRIBAL PARTICIPATION.~~—At
 12 the request of a State or Indian tribe with respect
 13 to any levee subject to inspection under this sub-
 14 section, the Secretary shall—

15 ~~(A)~~ allow an official of the State or Indian
 16 tribe to participate in the inspection of the
 17 levee; and

18 ~~(B)~~ provide information to the State or In-
 19 dian tribe relating to the location, construction,
 20 operation, or maintenance of the levee.

21 ~~(5) EXCEPTIONS.~~—In carrying out the inven-
 22 tory and inspection under this subsection, the Sec-
 23 retary shall not be required to inspect any levee that
 24 has been inspected by a State or Indian tribe using
 25 the same methodology described in paragraph ~~(3)~~

during the 1-year period immediately preceding the date of enactment of this Act if the Governor of the State or tribal government, as applicable, requests an exemption from the inspection.

(i) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—

(1) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in coordination with the Board, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State or tribal levee safety program as a participating program.

(B) GUIDELINE CONTENTS.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating State and Indian tribe to certify to the Secretary that the State or Indian tribe, as applicable—

(i) has the authority to participate in the national levee safety program;

(ii) can receive funds under this title;

(iii) has adopted any national levee safety guidelines developed under this title;

(iv) will carry out levee inspections;

(v) will carry out, consistent with applicable requirements, flood risk management and any emergency action planning procedures the Secretary determines to be necessary relating to levees;

(vi) will carry out public education and awareness activities consistent with the national public education and awareness campaign established under subsection (f); and

(vii) will collect and share information regarding the location and condition of levees.

(C) PUBLIC COMMENT.—Prior to finalizing the guidelines under this paragraph, the Secretary shall—

(i) issue draft guidelines for public comment; and

(ii) consider any comments received in the development of final guidelines.

(2) GRANT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide grants to assist States and Indian tribes in establishing participating pro-

1 grams, conducting levee inventories, and ear-
2 rying out this title.

3 (B) REQUIREMENTS.—To be eligible to re-
4 ceive grants under this section, a State or In-
5 dian tribe shall—

6 (i) meet the requirements of a partici-
7 pating program established by the guide-
8 lines issued under paragraph (1);

9 (ii) use not less than 25 percent of
10 any amounts received to identify and as-
11 sess non-Federal levees within the State or
12 on land of the Indian tribe;

13 (iii) submit to the Secretary any infor-
14 mation collected by the State or Indian
15 tribe in carrying out this subsection for in-
16 clusion in the national levee safety data-
17 base; and

18 (iv) identify actions to address hazard
19 mitigation activities associated with levees
20 and leveed areas identified in the hazard
21 mitigation plan of the State approved by
22 the Administrator of the Federal Emer-
23 gency Management Agency under the Rob-
24 ert T. Stafford Disaster Relief and Emer-

1 gency Assistance Act (42 U.S.C. 5121 et
2 seq.).

3 (j) LEVEE REHABILITATION ASSISTANCE PRO-
4 GRAM.—

5 (1) ESTABLISHMENT.—The Secretary shall es-
6 tablish a program under which the Secretary shall
7 provide assistance to States, Indian tribes, and local
8 governments in addressing flood mitigation activities
9 that result in an overall reduction in flood risk.

10 (2) REQUIREMENTS.—To be eligible to receive
11 assistance under this subsection, a State, Indian
12 tribe, or local government shall—

13 (A) participate in, and comply with, all ap-
14 plicable Federal floodplain management and
15 flood insurance programs;

16 (B) have in place a hazard mitigation plan
17 that—

18 (i) includes all levee risks; and

19 (ii) complies with the Disaster Mitiga-
20 tion Act of 2000 (Public Law 106–390;
21 114 Stat. 1552);

22 (C) submit to the Secretary an application
23 at such time, in such manner, and containing
24 such information as the Secretary may require;
25 and

1 ~~(D)~~ comply with such minimum eligibility
 2 requirements as the Secretary, in consultation
 3 with the Board, may establish to ensure that
 4 each owner and operator of a levee under a par-
 5 ticipating State or tribal levee safety program—

6 (i) acts in accordance with the guide-
 7 lines developed in subsection (c); and

8 (ii) carries out activities relating to
 9 the public in the leveed area in accordance
 10 with the hazard mitigation plan described
 11 in subparagraph (B).

12 ~~(3) FLOODPLAIN MANAGEMENT PLANS.—~~

13 ~~(A) IN GENERAL.—~~Not later than 1 year
 14 after the date of execution of a project agree-
 15 ment for assistance under this subsection, a
 16 State, Indian tribe, or local government shall
 17 prepare a floodplain management plan in ac-
 18 cordance with the guidelines under subpara-
 19 graph ~~(D)~~ to reduce the impacts of future flood
 20 events in each applicable leveed area.

21 ~~(B) INCLUSIONS.—~~A plan under subpara-
 22 graph ~~(A)~~ shall address potential measures,
 23 practices, and policies to reduce loss of life, in-
 24 juries, damage to property and facilities, public

1 expenditures, and other adverse impacts of
2 flooding in each applicable leveed area.

3 (C) IMPLEMENTATION.—Not later than 1
4 year after the date of completion of construc-
5 tion of the applicable project, a floodplain man-
6 agement plan prepared under subparagraph (A)
7 shall be implemented.

8 (D) GUIDELINES.—Not later than 180
9 days after the date of enactment of this Act,
10 the Secretary shall develop such guidelines for
11 the preparation of floodplain management plans
12 prepared under this paragraph as the Secretary
13 determines to be appropriate.

14 (E) TECHNICAL SUPPORT.—The Secretary
15 may provide technical support for the develop-
16 ment and implementation of floodplain manage-
17 ment plans prepared under this paragraph.

18 (4) USE OF FUNDS.—

19 (A) IN GENERAL.—Assistance provided
20 under this subsection may be used—

21 (i) for any rehabilitation activity to
22 maximize overall risk reduction associated
23 with a levee under a participating State or
24 tribal levee safety program; and

1 (ii) only for a levee that is not feder-
2 ally operated and maintained.

3 (B) PROHIBITION.—Assistance provided
4 under this subsection shall not be used—

5 (i) to perform routine operation or
6 maintenance for a levee; or

7 (ii) to make any modification to a
8 levee that does not result in an improve-
9 ment to public safety.

10 (5) NO PROPRIETARY INTEREST.—A contract
11 for assistance provided under this subsection shall
12 not be considered to confer any proprietary interest
13 on the United States.

14 (6) COST-SHARE.—The maximum Federal
15 share of the cost of any assistance provided under
16 this subsection shall be 65 percent.

17 (7) PROJECT LIMIT.—The maximum amount of
18 Federal assistance for a project under this sub-
19 section shall be \$10,000,000.

20 (8) OTHER LAWS.—Assistance provided under
21 this subsection shall be subject to all applicable laws
22 (including regulations) that apply to the construc-
23 tion of a civil works project of the Corps of Engi-
24 neers.

1 (k) EFFECT OF SECTION.—Nothing in this section
2 confers any regulatory authority on—

3 (1) the Secretary; or

4 (2) the Director of the Federal Emergency
5 Management Agency.

6 **SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.**

7 (a) ESTABLISHMENT.—The Secretary, in coordina-
8 tion with the Administrator of the Federal Emergency
9 Management Agency, shall establish a board, to be known
10 as the “National Levee Safety Advisory Board”—

11 (1) to advise the Secretary and Congress re-
12 garding consistent approaches to levee safety;

13 (2) to monitor the safety of levees in the United
14 States;

15 (3) to assess the effectiveness of the national
16 levee safety program; and

17 (4) to ensure that the national levee safety pro-
18 gram is carried out in a manner that is consistent
19 with other Federal flood risk management efforts.

20 (b) MEMBERSHIP.—

21 (1) VOTING MEMBERS.—The Board shall be
22 composed of the following 14 voting members, each
23 of whom shall be appointed by the Secretary, with
24 priority consideration given to representatives from

1 those States that have the most Corps of Engineers
2 levees in the State, based on mileage:

3 (A) 8 representatives of State levee safety
4 programs; 1 from each of the civil works divi-
5 sions of the Corps of Engineers:

6 (B) 2 representatives of the private sector
7 who have expertise in levee safety:

8 (C) 2 representatives of local and regional
9 governmental agencies who have expertise in
10 levee safety:

11 (D) 2 representatives of Indian tribes who
12 have expertise in levee safety:

13 (2) NONVOTING MEMBERS.—The Secretary (or
14 a designee of the Secretary), the Administrator of
15 the Federal Emergency Management Agency (or a
16 designee of the Administrator), and the adminis-
17 trator of the national levee safety program appointed
18 under section 6004(b)(1)(A) shall serve as nonvoting
19 members of the Board:

20 (3) CHAIRPERSON.—The voting members of the
21 Board shall appoint a chairperson from among the
22 voting members of the Board, to serve a term of not
23 more than 2 years:

24 (c) QUALIFICATIONS.—

1 ~~(1) INDIVIDUALS.—~~Each voting member of the
 2 Board shall be knowledgeable in the field of levee
 3 safety, including water resources and flood risk man-
 4 agement.

5 ~~(2) AS A WHOLE.—~~The membership of the
 6 Board, considered as a whole, shall represent the di-
 7 versity of skills required to advise the Secretary re-
 8 garding levee issues relating to—

9 ~~(A) engineering;~~

10 ~~(B) public communications;~~

11 ~~(C) program development and oversight;~~

12 ~~(D) with respect to levees, flood risk man-~~
 13 agement and hazard mitigation; and

14 ~~(E) public safety and the environment.~~

15 ~~(d) TERMS OF SERVICE.—~~

16 ~~(1) IN GENERAL.—~~A voting member of the
 17 Board shall be appointed for a term of 3 years, ex-
 18 cept that, of the members first appointed—

19 ~~(A) 5 shall be appointed for a term of 1~~
 20 year;

21 ~~(B) 5 shall be appointed for a term of 2~~
 22 years; and

23 ~~(C) 4 shall be appointed for a term of 3~~
 24 years.

1 ~~(2) REAPPOINTMENT.~~—A voting member of the
 2 Board may be reappointed to the Board, as the Sec-
 3 retary determines to be appropriate.

4 ~~(3) VACANCIES.~~—A vacancy on the Board shall
 5 be filled in the same manner as the original appoint-
 6 ment was made.

7 ~~(c) STANDING COMMITTEES.~~—

8 ~~(1) IN GENERAL.~~—The Board shall be sup-
 9 ported by Standing Committees, which shall be com-
 10 prised of volunteers from all levels of government
 11 and the private sector, to advise the Board regard-
 12 ing the national levee safety program.

13 ~~(2) ESTABLISHMENT.~~—The Standing Commit-
 14 tees of the Board shall include—

15 ~~(A) the Standing Committee on Partici-~~
 16 pating Programs, which shall advise the Board
 17 regarding—

18 ~~(i) the development and implementa-~~
 19 tion of State and tribal levee safety pro-
 20 grams; and

21 ~~(ii) appropriate incentives (including~~
 22 financial assistance) to be provided to
 23 States, Indian tribes, and local and re-
 24 gional entities;

1 (B) the Standing Committee on Technical
2 Issues, which shall advise the Board regard-
3 ing—

4 (i) the management of the national
5 levee database;

6 (ii) the development and maintenance
7 of levee safety guidelines;

8 (iii) processes and materials for devel-
9 oping levee-related technical assistance and
10 training; and

11 (iv) research and development activi-
12 ties relating to levee safety;

13 (C) the Standing Committee on Public
14 Education and Awareness, which shall advise
15 the Board regarding the development, imple-
16 mentation, and evaluation of targeted public
17 outreach programs—

18 (i) to gather public input;

19 (ii) to educate and raise awareness in
20 leveed areas of levee risks;

21 (iii) to communicate information re-
22 garding participating programs; and

23 (iv) to track the effectiveness of public
24 education efforts relating to levee risks;

1 ~~(D)~~ the Standing Committee on Safety and
 2 Environment, which shall advise the Board re-
 3 garding—

4 (i) operation and maintenance activi-
 5 ties for existing levee projects;

6 (ii) opportunities to coordinate public
 7 safety, floodplain management, and envi-
 8 ronmental protection activities relating to
 9 levees;

10 (iii) opportunities to coordinate envi-
 11 ronmental permitting processes for oper-
 12 ation and maintenance activities at existing
 13 levee projects in compliance with all appli-
 14 cable laws; and

15 (iv) opportunities for collaboration by
 16 environmental protection and public safety
 17 interests in leveed areas and adjacent
 18 areas; and

19 ~~(E)~~ such other standing committees as the
 20 Secretary, in consultation with the Board, de-
 21 termines to be necessary.

22 ~~(3)~~ MEMBERSHIP.—

23 (A) IN GENERAL.—The Board shall rec-
 24 ommend to the Secretary for approval individ-

uals for membership on the Standing Committees.

~~(B)~~ QUALIFICATIONS.—

(i) INDIVIDUALS.—Each member of a Standing Committee shall be knowledgeable in the issue areas for which the Committee is charged with advising the Board.

(ii) AS A WHOLE.—The membership of each Standing Committee, considered as a whole, shall represent, to the maximum extent practicable, broad geographical diversity.

~~(C)~~ LIMITATION.—Each Standing Committee shall be comprised of not more than 10 members.

~~(f)~~ DUTIES AND POWERS.—The Board—

(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the national levee safety program in accordance with section 6007; and

~~(2)~~ may secure from other Federal agencies such services; and enter into such contracts, as the Board determines to be necessary to carry out this subsection.

1 (g) TASK FORCE COORDINATION.—The Board shall,
 2 to the maximum extent practicable, coordinate the activi-
 3 ties of the Board with the Federal Interagency Floodplain
 4 Management Task Force.

5 (h) COMPENSATION.—

6 (1) FEDERAL EMPLOYEES.—Each member of
 7 the Board who is an officer or employee of the
 8 United States shall serve without compensation in
 9 addition to compensation received for the services of
 10 the member as an officer or employee of the United
 11 States, but shall be allowed a per diem allowance for
 12 travel expenses, at rates authorized for an employee
 13 of an agency under subchapter I of chapter 57 of
 14 title 5, United States Code, while away from the
 15 home or regular place of business of the member in
 16 the performance of the duties of the Board.

17 (2) NON-FEDERAL EMPLOYEES.—To the extent
 18 amounts are made available to carry out this section
 19 in appropriations Acts, the Secretary shall provide to
 20 each member of the Board who is not an officer or
 21 employee of the United States a stipend and a per
 22 diem allowance for travel expenses, at rates author-
 23 ized for an employee of an agency under subchapter
 24 I of chapter 57 of title 5, United States Code, while
 25 away from the home or regular place of business of

1 the member in performance of services for the
2 Board.

3 ~~(3) STANDING COMMITTEE MEMBERS.—~~Each
4 member of a Standing Committee shall—

5 (A) serve in a voluntary capacity; but

6 ~~(B) receive a per diem allowance for travel~~
7 ~~expenses, at rates authorized for an employee of~~
8 ~~an agency under subchapter I of chapter 57 of~~
9 ~~title 5, United States Code, while away from~~
10 ~~the home or regular place of business of the~~
11 ~~member in performance of services for the~~
12 ~~Board.~~

13 (i) NONAPPLICABILITY OF FACA.—The Federal Advi-
14 sory Committee Act (5 U.S.C. App.) shall not apply to
15 the Board or the Standing Committees.

16 **SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.**

17 Section 9004(a)(2)(A) of the Water Resources Devel-
18 opment Act of 2007 (~~33 U.S.C. 3303(a)(2)(A)~~) is amend-
19 ed by striking “and, for non-Federal levees, such informa-
20 tion on levee location as is provided to the Secretary by
21 State and local governmental agencies” and inserting
22 “and updated levee information provided by States, Indian
23 tribes, Federal agencies, and other entities”.

24 **SEC. 6007. REPORTS.**

25 (a) STATE OF LEVEES.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, and biennially
3 thereafter, the Secretary in coordination with the
4 Board, shall submit to Congress a report describing
5 the state of levees in the United States and the ef-
6 fectiveness of the national levee safety program, in-
7 cluding—

8 (A) progress achieved in implementing the
9 national levee safety program;

10 (B) State and tribal participation in the
11 national levee safety program;

12 (C) recommendations to improve coordina-
13 tion of levee safety, floodplain management, and
14 environmental protection concerns, including—

15 (i) identifying and evaluating opportu-
16 nities to coordinate public safety, flood-
17 plain management, and environmental pro-
18 tection activities relating to levees; and

19 (ii) evaluating opportunities to coordi-
20 nate environmental permitting processes
21 for operation and maintenance activities at
22 existing levee projects in compliance with
23 all applicable laws; and

1 (D) any recommendations for legislation
 2 and other congressional actions necessary to en-
 3 sure national levee safety.

4 (2) INCLUSION.—Each report under paragraph
 5 (1) shall include a report of the Board that describes
 6 the independent recommendations of the Board for
 7 the implementation of the national levee safety pro-
 8 gram.

9 (b) NATIONAL DAM AND LEVEE SAFETY PRO-
 10 GRAM.—Not later than 3 years after the date of enactment
 11 of this Act, to the maximum extent practicable, the Sec-
 12 retary, in coordination with the Board, shall submit to
 13 Congress a report that includes recommendations regard-
 14 ing the advisability and feasibility of, and potential ap-
 15 proaches for, establishing a joint national dam and levee
 16 safety program.

17 (c) ALIGNMENT OF FEDERAL PROGRAMS RELATING
 18 TO LEVEES.—Not later than 2 years after the date of en-
 19 actment of this Act, the Comptroller General shall submit
 20 to Congress a report on opportunities for alignment of
 21 Federal programs to provide incentives to State, tribal,
 22 and local governments and individuals and entities—

23 (1) to promote shared responsibility for levee
 24 safety;

1 (2) to encourage the development of strong
2 State and tribal levee safety programs;

3 ~~(3)~~ to better align the national levee safety pro-
4 gram with other Federal flood risk management pro-
5 grams; and

6 (4) to promote increased levee safety through
7 other Federal programs providing assistance to
8 State and local governments.

9 ~~(d) LIABILITY FOR CERTAIN LEVEE ENGINEERING~~
10 PROJECTS.—Not later than 1 year after the date of enact-
11 ment of this Act, the Secretary shall submit to Congress
12 a report that includes recommendations that identify and
13 address any legal liability associated with levee engineer-
14 ing projects that prevent—

15 ~~(1)~~ levee owners from obtaining needed levee
16 engineering services; or

17 ~~(2)~~ development and implementation of a State
18 or tribal levee safety program.

19 **SEC. 6008. EFFECT OF TITLE.**

20 Nothing in this title—

21 ~~(1)~~ establishes any liability of the United States
22 or any officer or employee of the United States (in-
23 cluding the Board and the Standing Committees of
24 the Board) for any damages caused by any action or
25 failure to act; or

1 ~~(2) relieves an owner or operator of a levee of~~
 2 ~~any legal duty, obligation, or liability incident to the~~
 3 ~~ownership or operation of the levee.~~

4 **SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to the Sec-
 6 retary to carry out this title—

7 ~~(1) for funding the administration and staff of~~
 8 ~~the national levee safety program, the Board, the~~
 9 ~~Standing Committees of the Board, and partici-~~
 10 ~~pating programs, \$5,000,000 for each of fiscal years~~
 11 ~~2014 through 2023;~~

12 ~~(2) for technical programs, including the devel-~~
 13 ~~opment of levee safety guidelines, publications, train-~~
 14 ~~ing, and technical assistance—~~

15 ~~(A) \$5,000,000 for each of fiscal years~~
 16 ~~2014 through 2018;~~

17 ~~(B) \$7,500,000 for each of fiscal years~~
 18 ~~2019 and 2020; and~~

19 ~~(C) \$10,000,000 for each of fiscal years~~
 20 ~~2021 through 2023;~~

21 ~~(3) for public involvement and education pro-~~
 22 ~~grams, \$3,000,000 for each of fiscal years 2014~~
 23 ~~through 2023;~~

24 ~~(4) to carry out the levee inventory and inspec-~~
 25 ~~tions under section 9004 of the Water Resources~~

1 Development Act of 2007 (33 U.S.C. 3303),
 2 \$30,000,000 for each of fiscal years 2014 through
 3 2018;

4 (5) for grants to State and tribal levee safety
 5 programs, \$300,000,000 for fiscal years 2014
 6 through 2023; and

7 (6) for levee rehabilitation assistance grants,
 8 \$300,000,000 for fiscal years 2014 through 2023.

9 **TITLE VII—INLAND WATERWAYS**

10 **SEC. 7001. PURPOSES.**

11 The purposes of this title are—

12 (1) to improve program and project manage-
 13 ment relating to the construction and major rehabili-
 14 tation of navigation projects on inland waterways;

15 (2) to optimize inland waterways navigation
 16 system reliability;

17 (3) to minimize the size and scope of inland wa-
 18 terways navigation project completion schedules;

19 (4) to eliminate preventable delays in inland
 20 waterways navigation project completion schedules;
 21 and

22 (5) to make inland waterways navigation capital
 23 investments through the use of prioritization criteria
 24 that seek to maximize systemwide benefits and mini-
 25 mize overall system risk.

1 **SEC. 7002. DEFINITIONS.**

2 In this title:

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

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

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

13 (B) not completed on the date of enact-
14 ment of this Act; and

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

17 (3) ~~SECRETARY.~~—The term “Secretary” means
18 the Secretary of the Army, acting through the Chief
19 of Engineers.

20 **SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.**

21 (a) ~~REQUIREMENTS FOR QUALIFYING PROJECTS.~~—
22 With respect to each qualifying project, the Secretary shall
23 require—

24 (1) formal project management training and
25 certification for each project manager;

1 (2) assignment as project manager only of per-
 2 sonnel fully certified by the Chief of Engineers; and

3 ~~(3)~~ for an applicable cost estimation; that—

4 (A) the estimation—

5 (i) is risk-based; and

6 (ii) has a confidence level of at least
 7 80 percent; and

8 (B) a risk-based cost estimate shall be im-
 9 plemented—

10 (i) for a qualified project that requires
 11 an increase in the authorized amount in
 12 accordance with section 902 of the Water
 13 Resources Development Act of 1986 (Pub-
 14 lic Law 99-662; 100 Stat. 4183), during
 15 the preparation of a post-authorization
 16 change report or other similar decision
 17 document;

18 (ii) for a qualified project for which
 19 the first construction contract has not been
 20 awarded, prior to the award of the first
 21 construction contract;

22 (iii) for a qualified project without a
 23 completed Chief of Engineers report, prior
 24 to the completion of such a report; and

1 (iv) for a qualified project with a com-
2 pleted Chief of Engineers report that has
3 not yet been authorized, during design for
4 the qualified project.

5 (b) ~~ADDITIONAL PROJECT DELIVERY PROCESS RE-~~
6 ~~FORMS.~~—Not later than 18 months after the date of en-
7 actment of this Act, the Secretary shall—

8 (1) establish a system to identify and apply on
9 a continuing basis lessons learned from prior or on-
10 going qualifying projects to improve the likelihood of
11 on-time and on-budget completion of qualifying
12 projects;

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

16 (3) implement any additional measures that the
17 Secretary determines will achieve the purposes of
18 this title and the amendments made by this title, in-
19 cluding, as the Secretary determines to be appro-
20 priate—

21 (A) the implementation of applicable prac-
22 tices and procedures developed pursuant to
23 management by the Secretary of an applicable
24 military construction program;

1 ~~(B)~~ the establishment of ~~1~~ or more centers
 2 of expertise for the design and review of quali-
 3 fying projects;

4 ~~(C)~~ the development and use of a portfolio
 5 of standard designs for inland navigation locks;

6 ~~(D)~~ the use of full-funding contracts or
 7 formulation of a revised continuing contracts
 8 clause; and

9 ~~(E)~~ the establishment of procedures for
 10 recommending new project construction starts
 11 using a capital projects business model.

12 ~~(c) PILOT PROJECTS.—~~

13 ~~(1) IN GENERAL.—~~Subject to paragraph ~~(2)~~,
 14 the Secretary may carry out ~~1~~ or more pilot projects
 15 to evaluate processes or procedures for the study,
 16 design, or construction of qualifying projects.

17 ~~(2) INCLUSIONS.—~~At a minimum, the Secretary
 18 shall carry out pilot projects under this subsection to
 19 evaluate—

20 ~~(A)~~ early contractor involvement in the de-
 21 velopment of features and components;

22 ~~(B)~~ an appropriate use of continuing con-
 23 tracts for the construction of features and com-
 24 ponents; and

1 (C) applicable principles, procedures, and
 2 processes used for military construction
 3 projects.

4 (d) INLAND WATERWAYS USER BOARD.—Section
 5 302 of the Water Resources Development Act of 1986 (33
 6 U.S.C. 2251) is amended—

7 (1) by striking subsection (b) and inserting the
 8 following:

9 “(b) DUTIES OF USERS BOARD.—

10 “(1) IN GENERAL.—The Users Board shall
 11 meet not less frequently than semiannually to de-
 12 velop and make recommendations to the Secretary
 13 and Congress regarding the inland waterways and
 14 inland harbors of the United States.

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

19 “(A) prior to the development of the budg-
 20 et proposal of the President for a given fiscal
 21 year, advice and recommendations to the Sec-
 22 retary regarding construction and rehabilitation
 23 priorities and spending levels;

24 “(B) advice and recommendations to Con-
 25 gress regarding any report of the Chief of Engi-

1 neers relating to those features and compo-
2 nents;

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

6 ~~“(D) not later than 60 days after the date~~
7 ~~of the submission of the budget proposal of the~~
8 ~~President to Congress, advice and recommenda-~~
9 ~~tions to Congress regarding construction and~~
10 ~~rehabilitation priorities and spending levels; and~~

11 ~~“(E) a long-term capital investment pro-~~
12 ~~gram in accordance with subsection (d).~~

13 ~~“(3) PROJECT DEVELOPMENT TEAMS.—The~~
14 ~~chairperson of the Users Board shall appoint a rep-~~
15 ~~resentative of the Users Board to serve on the~~
16 ~~project development team for a qualifying project or~~
17 ~~the study or design of a commercial navigation fea-~~
18 ~~ture or component of the inland waterways and in-~~
19 ~~land harbors of the United States.~~

20 ~~“(4) INDEPENDENT JUDGMENT.—Any advice or~~
21 ~~recommendation made by the Users Board to the~~
22 ~~Secretary shall reflect the independent judgment of~~
23 ~~the Users Board.”;~~

24 ~~(2) by redesignating subsection (e) as sub-~~
25 ~~section (f); and~~

1 ~~(3)~~ by inserting after subsection (b) the fol-
 2 lowing:

3 ~~“(c) DUTIES OF SECRETARY.—The Secretary shall—~~

4 ~~“(1) communicate not less than once each quar-~~
 5 ~~ter to the Users Board the status of the study, de-~~
 6 ~~sign, or construction of all commercial navigation~~
 7 ~~features or components of the inland waterways or~~
 8 ~~inland harbors of the United States; and~~

9 ~~“(2) submit to the Users Board a courtesy copy~~
 10 ~~of all reports of the Chief of Engineers relating to~~
 11 ~~a commercial navigation feature or component of the~~
 12 ~~inland waterways or inland harbors of the United~~
 13 ~~States.~~

14 ~~“(d) CAPITAL INVESTMENT PROGRAM.—~~

15 ~~“(1) IN GENERAL.—Not later than 1 year after~~
 16 ~~the date of enactment of this subsection, the Sec-~~
 17 ~~retary, in coordination with the Users Board, shall~~
 18 ~~develop, and submit to Congress a report describing,~~
 19 ~~a 20-year program for making capital investments~~
 20 ~~on the inland and intracoastal waterways, based on~~
 21 ~~the application of objective, national project selection~~
 22 ~~prioritization criteria.~~

23 ~~“(2) CONSIDERATION.—In developing the pro-~~
 24 ~~gram under paragraph (1), the Secretary shall take~~
 25 ~~into consideration the 20-year capital investment~~

1 strategy contained in the Inland Marine Transpor-
 2 tation System (IMTS) Capital Projects Business
 3 Model, Final Report published on April 13, 2010, as
 4 approved by the Users Board.

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

10 “(A) are made in all geographical areas of
 11 the inland waterways system; and

12 “(B) ensure efficient funding of inland wa-
 13 terways projects.

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

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

1 teria used to develop the updated recommenda-
2 tions); and

3 “(B) make such revisions to the program
4 as the Secretary and Users Board jointly con-
5 sider to be appropriate.

6 “(e) PROJECT MANAGEMENT PLANS.—The chair-
7 person of the Users Board and the project development
8 team member appointed by the chairperson under sub-
9 section (b)(3) shall sign the project management plan for
10 the qualifying project or the study or design of a commer-
11 cial navigation feature or component of the inland water-
12 ways and inland harbors of the United States.”.

13 **SEC. 7004. MAJOR REHABILITATION STANDARDS.**

14 (a) IN GENERAL.—The Secretary shall develop a
15 methodology for applying standard accounting principles
16 when classifying activities as major rehabilitation projects.

17 (b) EVALUATIONS.—The Secretary shall evaluate the
18 effect of applying the methodology developed under sub-
19 section (a) to not less than 3 qualifying projects.

20 (c) REPORT.—The Secretary shall submit to Con-
21 gress a report on the evaluation under subsection (b).

22 **SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.**

23 (a) FINDINGS.—Congress finds that—

24 (1) there are approximately 12,000 miles of
25 Federal waterways, known as the inland waterways

1 system, that are supported by user fees and man-
2 aged by the Corps of Engineers;

3 (2) the inland waterways system spans 38
4 States and handles approximately one-half of all in-
5 land waterway freight;

6 (3) according to the final report of the Inland
7 Marine Transportation System Capital Projects
8 Business Model, freight traffic on the Federal fuel-
9 taxed inland waterways system accounts for
10 546,000,000 tons of freight each year;

11 (4) expenditures for construction and major re-
12 habilitation projects on the inland waterways system
13 are equally cost-shared between the Federal Govern-
14 ment and the Inland Waterways Trust Fund;

15 (5) the Inland Waterways Trust Fund is fi-
16 nanced through a fee of \$0.20 per gallon on fuel
17 used by commercial barges;

18 (6) the balance of the Inland Waterways Trust
19 Fund has declined significantly in recent years;

20 (7) according to the final report of the Inland
21 Marine Transportation System Capital Projects
22 Business Model, the estimated financial need for
23 construction and major rehabilitation projects on the
24 inland waterways system for fiscal years 2011

1 through 2030 is approximately \$18,000,000,000;
 2 and

3 (8) users of the inland waterways system are
 4 supportive of an increase in the existing revenue
 5 sources for inland waterways system construction
 6 and major rehabilitation activities to expedite the
 7 most critical of those construction and major reha-
 8 bilitation projects.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
 10 gress that—

11 (1) the existing revenue sources for inland wa-
 12 terways system construction and rehabilitation ac-
 13 tivities are insufficient to cover the costs of non-Fed-
 14 eral interests of construction and major rehabilita-
 15 tion projects on the inland waterways system; and

16 (2) the issue described in paragraph (1) should
 17 be addressed.

18 **SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.**

19 Not later than 2 years after the date of enactment
 20 of this Act, the Comptroller General shall prepare a report
 21 on the efficiency of collecting the fuel tax for the Inland
 22 Waterways Trust Fund, which shall include—

23 (1) an evaluation of whether current methods of
 24 collection of the fuel tax result in full compliance
 25 with requirements of the law;

1 (2) whether alternative methods of collection
2 would result in increased revenues into the Inland
3 Waterways Trust Fund; and

4 (3) an evaluation of alternative collection op-
5 tions.

6 **TITLE VII—HARBOR** 7 **MAINTENANCE**

8 **SEC. 8001. SHORT TITLE.**

9 This title may be cited as the “Harbor Maintenance
10 Trust Fund Act of 2013”.

11 **SEC. 8002. PURPOSES.**

12 The purposes of this title are—

13 (1) to ensure that revenues collected into the
14 Harbor Maintenance Trust Fund are used for the
15 intended purposes of those revenues;

16 (2) to increase investment in the operation and
17 maintenance of United States ports, which are crit-
18 ical for the economic competitiveness of the United
19 States;

20 (3) to promote equity among ports nationwide;
21 and

22 (4) to ensure United States ports are prepared
23 to meet modern shipping needs, including the capa-
24 bility to receive large ships that require deeper
25 drafts.

1 **SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PRO-**
 2 **GRAMS.**

3 (a) HARBOR MAINTENANCE TRUST FUND GUAR-
 4 ANTEE.—

5 (1) IN GENERAL.—The total budget resources
 6 made available from the Harbor Maintenance Trust
 7 Fund each fiscal year pursuant to section 9505(e) of
 8 the Internal Revenue Code of 1986 (relating to ex-
 9 penditures from the Harbor Maintenance Trust
 10 Fund) shall be equal to the level of receipts plus in-
 11 terest credited to the Harbor Maintenance Trust
 12 Fund for that fiscal year. Such amounts may be
 13 used only for harbor maintenance programs de-
 14 scribed in section 9505(e) of such Code.

15 (2) GUARANTEE.—No funds may be appro-
 16 priated for harbor maintenance programs described
 17 in such section unless the amount described in para-
 18 graph (1) has been provided.

19 (b) DEFINITIONS.—In this section, the following defi-
 20 nitions apply:

21 (1) TOTAL BUDGET RESOURCES.—The term
 22 “total budget resources” means the total amount
 23 made available by appropriations Acts from the Har-
 24 bor Maintenance Trust Fund for a fiscal year for
 25 making expenditures under section 9505(e) of the
 26 Internal Revenue Code of 1986.

1 (2) **LEVEL OF RECEIPTS PLUS INTEREST.**—The
 2 term “level of receipts plus interest” means the level
 3 of taxes and interest credited to the Harbor Mainte-
 4 nance Trust Fund under section 9505 of the Inter-
 5 nal Revenue Code of 1986 for a fiscal year as set
 6 forth in the President’s budget baseline projection as
 7 defined in section 257 of the Balanced Budget and
 8 Emergency Deficit Control Act of 1985 (Public Law
 9 99–177; 99 Stat. 1092) for that fiscal year sub-
 10 mitted pursuant to section 1105 of title 31, United
 11 States Code.

12 (c) **ENFORCEMENT OF GUARANTEES.**—It shall not be
 13 in order in the House of Representatives or the Senate
 14 to consider any bill, joint resolution, amendment, motion,
 15 or conference report that would cause total budget re-
 16 sources in a fiscal year for harbor maintenance programs
 17 described in subsection (b)(1) for such fiscal year to be
 18 less than the amount required by subsection (a)(1) for
 19 such fiscal year.

20 **SEC. 8004. HARBOR MAINTENANCE TRUST FUND**
 21 **PRIORITIZATION.**

22 (a) **IN GENERAL.**—Section 210 of the Water Re-
 23 sources Development Act of 1986 (33 U.S.C. 2238) is
 24 amended by adding at the end the following:

25 “(c) **PRIORITIZATION.**—

1 “(1) IN GENERAL.—Of the amounts made
2 available under this section to carry out projects de-
3 scribed in subsection (a)(2), the Secretary of the
4 Army, acting through the Chief of Engineers, shall
5 give priority to those projects in the following order:

6 “(A) In any fiscal year in which all
7 projects subject to the harbor maintenance fee
8 under section 24.24 of title 19, Code of Federal
9 Regulations (or successor regulation) are not
10 maintained to their authorized width and depth,
11 the Secretary shall prioritize amounts made
12 available under this section for those projects—

13 “(i) that are high-use deep draft; and

14 “(ii) for which construction is com-
15 pleted.

16 “(B) In any fiscal year in which the
17 projects described in subparagraph (A) are
18 maintained to their authorized width and depth,
19 the Secretary shall prioritize not more than 20
20 percent of remaining amounts made available
21 under this section for projects—

22 “(i) that have been maintained below
23 their authorized width and depth during
24 the preceding 5 fiscal years; and

1 “(ii) for which significant Federal,
2 State, and local investments in infrastruc-
3 ture have been made at those projects.

4 ~~“(2) ADMINISTRATION.—~~For purposes of this
5 subsection, State and local investments in infrastruc-
6 ture shall include infrastructure investments made
7 using amounts made available for activities under
8 section ~~105(a)(9)~~ of the Housing and Community
9 Development Act of 1974 ~~(42 U.S.C. 5305(a)(9)).”.~~

10 (b) OPERATION AND MAINTENANCE.—Section
11 101(b) of the Water Resources Development Act of 1986
12 ~~(33 U.S.C. 2211(b))~~ is amended—

13 (1) in paragraph (1), by striking “45 feet” and
14 inserting “50 feet”; and

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

16 ~~“(3) OPERATION AND MAINTENANCE ACTIVI-~~
17 ~~TIES DEFINED.—~~

18 ~~“(A) SCOPE OF OPERATION AND MAINTE-~~
19 ~~NANCE ACTIVITIES.—~~Notwithstanding any
20 other provision of law (including regulations
21 and guidelines) and subject to subparagraph
22 ~~(B)~~, for purposes of this subsection, operation
23 and maintenance activities that are eligible for
24 the Federal cost share under paragraph (1)
25 shall include—

1 “(i) the dredging of berths in a har-
 2 bor that is accessible to a Federal channel,
 3 if the Federal channel has been con-
 4 structed to a depth equal to the authorized
 5 depth of the channel; and

6 “(ii) the dredging and disposal of leg-
 7 acy-contaminated sediments and sediments
 8 unsuitable for ocean disposal that—

9 “(I) are located in or affect the
 10 maintenance of Federal navigation
 11 channels; or

12 “(H) are located in berths that
 13 are accessible to Federal channels.

14 “(B) LIMITATIONS.—

15 “(i) IN GENERAL.—For each fiscal
 16 year, subparagraph (A) shall only apply if
 17 all operation and maintenance activities
 18 that are eligible for the Federal cost share
 19 under paragraph (1) in a State described
 20 in clause (ii) have been funded.

21 “(ii) STATE LIMITATION.—For each
 22 fiscal year, the operation and maintenance
 23 activities described in subparagraph (A)
 24 may only be carried out in a State that—

1 “(I) contributes not less than 2.5
 2 percent annually of the total funding
 3 of the Harbor Maintenance Trust
 4 Fund established under section 9505
 5 of the Internal Revenue Code of 1986;
 6 and

7 “(H) received less than 50 per-
 8 cent of the total amounts collected in
 9 the State pursuant to section 9505 of
 10 the Internal Revenue Code of 1986 in
 11 the previous 3 fiscal years.

12 “(iii) PRIORITIZATION.—In allocating
 13 amounts made available under this para-
 14 graph, the Secretary shall give priority to
 15 projects that have received the lowest rate
 16 of funding from the Harbor Maintenance
 17 Trust fund in previous fiscal years.”.

18 (c) CONFORMING AMENDMENT.—Section 9505(c)(1)
 19 of the Internal Revenue Code of 1986 is amended by strik-
 20 ing “as in effect on the date of the enactment of the Water
 21 Resources Development Act of 1996” and inserting “as
 22 in effect on the date of the enactment of the Harbor Main-
 23 tenance Trust Fund Act of 2013”.

1 **SEC. 8005. CIVIL WORKS PROGRAM OF THE CORPS OF ENGI-**
2 **NEERS.**

3 **(a) POINT OF ORDER.—**

4 **(1) IN GENERAL.**—Subject to subsections (b)
5 and (c), it shall not be in order in the House of Rep-
6 resentatives or the Senate to consider any bill, joint
7 resolution, amendment, motion, or conference report
8 that would result in making the amounts made
9 available for a given fiscal year to carry out all pro-
10 grams, projects, and activities of the civil works pro-
11 gram of the Corps of Engineers other than the har-
12 bor maintenance programs to be less than the
13 amounts made available for those purposes in the
14 previous fiscal year.

15 **(2) CALCULATION OF AMOUNTS.**—For each fis-
16 cal year, the amounts made available to carry out all
17 programs, projects, and activities of the civil works
18 program of the Corps of Engineers shall not include
19 any amounts that are designated by Congress—

20 (A) as being for emergency requirements
21 pursuant to section 251(b)(2)(A)(i) of the Bal-
22 anced Budget and Emergency Deficit Control
23 Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or

24 (B) as being for disaster relief pursuant to
25 section 251(b)(2)(D) of the Balanced Budget

1 and Emergency Deficit Control Act of 1985 (2
2 U.S.C. 901(b)(2)(D)).

3 ~~(b) EXCEPTIONS.—~~Subsection ~~(a)~~ shall not apply if
4 amounts made available for the civil works program of the
5 Corps of Engineers for a fiscal year is less than the
6 amounts made available for the civil works program in the
7 previous fiscal year if the reduction in amounts made
8 available—

9 ~~(1)~~ applies to all discretionary funds and pro-
10 grams of the Federal Government; and

11 ~~(2)~~ is applied to the civil works program in the
12 same percentage and manner as other discretionary
13 funds and programs.

14 ~~(c) WAIVER AND APPEAL.—~~

15 ~~(1) SENATE.—~~

16 ~~(A) IN GENERAL.—~~Subsection ~~(a)~~ may be
17 waived or suspended in the Senate only by an
18 affirmative vote of $\frac{3}{5}$ of the Members of the
19 Senate, duly chosen and sworn.

20 ~~(B) APPEAL.—~~An affirmative vote of $\frac{3}{5}$
21 of the Members of the Senate, duly chosen and
22 sworn, shall be required to sustain an appeal of
23 the ruling of the Chair on a point of order
24 raised under subsection ~~(a)~~.

1 (2) ~~HOUSE OF REPRESENTATIVES.—~~The Com-
 2 mittee on Rules of the House of Representatives
 3 may not report a rule or order that would waive a
 4 point of order to a bill or joint resolution from being
 5 made under subsection (a).

6 **TITLE IX—DAM SAFETY**

7 **SEC. 9001. SHORT TITLE.**

8 This title may be cited as the “Dam Safety Act of
 9 2013”.

10 **SEC. 9002. PURPOSE.**

11 The purpose of this title and the amendments made
 12 by this title is to reduce the risks to life and property from
 13 dam failure in the United States through the reauthoriza-
 14 tion of an effective national dam safety program that
 15 brings together the expertise and resources of the Federal
 16 Government and non-Federal interests in achieving na-
 17 tional dam safety hazard reduction.

18 **SEC. 9003. ADMINISTRATOR.**

19 (a) ~~IN GENERAL.—~~The National Dam Safety Pro-
 20 gram Act (33 U.S.C. 467 et seq.) is amended by striking
 21 “Director” each place it appears and inserting “Adminis-
 22 trator”.

23 (b) ~~CONFORMING AMENDMENT.—~~Section 2 of the
 24 National Dam Safety Program Act (33 U.S.C. 467) is
 25 amended—

1 (1) by striking paragraph (3);

2 (2) by redesignating paragraphs (1) and (2) as
3 paragraphs (2) and (3), respectively; and

4 (3) by inserting before paragraph (2) (as rededesignated by paragraph (2)) the following:

6 “(1) ADMINISTRATOR.—The term ‘Adminis-
7 trator’ means the Administrator of the Federal
8 Emergency Management Agency.”.

9 **SEC. 9004. INSPECTION OF DAMS.**

10 Section 3(b)(1) of the National Dam Safety Program
11 Act (33 U.S.C. 467a(b)(1)) is amended by striking “or
12 maintenance” and inserting “maintenance, condition, or
13 provisions for emergency operations”.

14 **SEC. 9005. NATIONAL DAM SAFETY PROGRAM.**

15 (1) OBJECTIVES.—Section 8(e) of the National
16 Dam Safety Program Act (33 U.S.C. 467f(e)) is
17 amended by striking paragraph (4) and inserting the
18 following:

19 “(4) develop and implement a comprehensive
20 dam safety hazard education and public awareness
21 program to assist the public in preparing for, miti-
22 gating, responding to, and recovering from dam inci-
23 dents;”.

24 (2) BOARD.—Section 8(f)(4) of the National
25 Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is

1 amended by inserting “, representatives from non-
 2 governmental organizations,” after “State agencies”.

3 **SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM**
 4 **SAFETY.**

5 The National Dam Safety Program Act (33 U.S.C.
 6 467 et seq.) is amended—

7 (1) by redesignating sections 11, 12, and 13 as
 8 sections 12, 13, and 14, respectively; and

9 (2) by inserting after section 10 (33 U.S.C.
 10 467g-1) the following:

11 **“SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM**
 12 **SAFETY.**

13 “The Administrator, in consultation with other Fed-
 14 eral agencies, State and local governments, dam owners,
 15 the emergency management community, the private sec-
 16 tor, nongovernmental organizations and associations, in-
 17 stitutions of higher education, and any other appropriate
 18 entities shall carry out a nationwide public awareness and
 19 outreach program to assist the public in preparing for,
 20 mitigating, responding to, and recovering from dam inci-
 21 dents.”.

22 **SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.**

23 (1) NATIONAL DAM SAFETY PROGRAM.—

24 (A) ANNUAL AMOUNTS.—Section 14(a)(1)
 25 of the National Dam Safety Program Act (33

1 U.S.C. 467j(a)(1)) (as so redesignated) is
 2 amended by striking “\$6,500,000” and all that
 3 follows through “2011” and inserting
 4 “\$9,200,000 for each of fiscal years 2014
 5 through 2018”.

6 (B) MAXIMUM AMOUNT OF ALLOCATION.—

7 Section 14(a)(2)(B) of the National Dam Safe-
 8 ty Program Act (33 U.S.C. 467j(a)(2)(B)) (as
 9 so redesignated) is amended—

10 (i) by striking “The amount” and in-
 11 serting the following:

12 “(i) IN GENERAL.—The amount”; and

13 (ii) by adding at the end the fol-
 14 lowing:

15 “(ii) FISCAL YEAR 2014 AND SUBSE-
 16 QUENT FISCAL YEARS.—For fiscal year
 17 2014 and each subsequent fiscal year, the
 18 amount of funds allocated to a State under
 19 this paragraph may not exceed the amount
 20 of funds committed by the State to imple-
 21 ment dam safety activities.”.

22 (2) NATIONAL DAM INVENTORY.—Section 14(b)
 23 of the National Dam Safety Program Act (33
 24 U.S.C. 467j(b)) (as so redesignated) is amended by
 25 striking “\$650,000” and all that follows through

1 “2011” and inserting “\$500,000 for each of fiscal
2 years 2014 through 2018”.

3 ~~(3)~~ PUBLIC AWARENESS.—Section 14 of the
4 National Dam Safety Program Act ~~(33 U.S.C. 467j)~~
5 (as so redesignated) is amended—

6 (A) by redesignating subsections (e)
7 through (f) as subsections (d) through (g), re-
8 spectively; and

9 (B) by inserting after subsection (b) the
10 following:

11 “(e) PUBLIC AWARENESS.—There is authorized to be
12 appropriated to carry out section 11 \$1,000,000 for each
13 of fiscal years 2014 through 2018.”.

14 (4) RESEARCH.—Section 14(d) of the National
15 Dam Safety Program Act (as so redesignated) is
16 amended by striking “\$1,600,000” and all that fol-
17 lows through “2011” and inserting “\$1,450,000 for
18 each of fiscal years 2014 through 2018”.

19 (5) DAM SAFETY TRAINING.—Section 14(e) of
20 the National Dam Safety Program Act (as so redес-
21 ignated) is amended by striking “\$550,000” and all
22 that follows through “2011” and inserting
23 “\$750,000 for each of fiscal years 2014 through
24 2018”.

1 (6) STAFF.—Section 14(f) of the National Dam
 2 Safety Program Act (as so redesignated) is amended
 3 by striking “\$700,000” and all that follows through
 4 “2011” and inserting “\$1,000,000 for each of fiscal
 5 years 2014 through 2018”.

6 **TITLE X—INNOVATIVE**
 7 **FINANCING PILOT PROJECTS**

8 ~~SEC. 10001. SHORT TITLE.~~

9 This title may be cited as the “Water Infrastructure
 10 Finance and Innovation Act of 2013”.

11 ~~SEC. 10002. PURPOSES.~~

12 The purpose of this title is to establish a pilot pro-
 13 gram to assess the ability of innovative financing tools
 14 to—

15 (1) promote increased development of critical
 16 water resources infrastructure by establishing addi-
 17 tional opportunities for financing water resources
 18 projects that complement but do not replace or re-
 19 duce existing Federal infrastructure financing tools
 20 such as the State water pollution control revolving
 21 loan funds established under title VI of the Federal
 22 Water Pollution Control Act (33 U.S.C. 1381 et
 23 seq.) and the State drinking water treatment revolv-
 24 ing loan funds established under section 1452 of the
 25 Safe Drinking Water Act (42 U.S.C. 300j–12);

1 (2) attract new investment capital to infrastruc-
 2 ture projects that are capable of generating revenue
 3 streams through user fees or other dedicated fund-
 4 ing sources;

5 (3) complement existing Federal funding
 6 sources and address budgetary constraints on the
 7 Corps of Engineers civil works program and existing
 8 wastewater and drinking water infrastructure fi-
 9 nancing programs;

10 (4) leverage private investment in water re-
 11 sources infrastructure;

12 (5) align investments in water resources infra-
 13 structure to achieve multiple benefits; and

14 (6) assist communities facing significant water
 15 quality, drinking water, or flood risk challenges with
 16 the development of water infrastructure projects.

17 **SEC. 10003. DEFINITIONS.**

18 In this title:

19 (1) **ADMINISTRATOR.**—The term “Adminis-
 20 trator” means the Administrator of the Environ-
 21 mental Protection Agency.

22 (2) **COMMUNITY WATER SYSTEM.**—The term
 23 “community water system” has the meaning given
 24 the term in section 1401 of the Safe Drinking Water
 25 Act (42 U.S.C. 300f).

1 ~~(3) FEDERAL CREDIT INSTRUMENT.~~—The term
 2 “Federal credit instrument” means a secured loan
 3 or loan guarantee authorized to be made available
 4 under this title with respect to a project.

5 ~~(4) INVESTMENT-GRADE RATING.~~—The term
 6 “investment-grade rating” means a rating of BBB
 7 minus, Baa~~3~~, bbb minus, BBB (low), or higher as-
 8 signed by a rating agency to project obligations.

9 ~~(5) LENDER.~~—

10 ~~(A) IN GENERAL.~~—The term “lender”
 11 means any non-Federal qualified institutional
 12 buyer (as defined in section 230.144A(a) of
 13 title 17, Code of Federal Regulations (or a suc-
 14 cessor regulation), known as Rule 144A(a) of
 15 the Securities and Exchange Commission and
 16 issued under the Securities Act of 1933 (15
 17 U.S.C. 77a et seq.)).

18 ~~(B) INCLUSIONS.~~—The term “lender” in-
 19 cludes—

20 (i) a qualified retirement plan (as de-
 21 fined in section 4974(e) of the Internal
 22 Revenue Code of 1986) that is a qualified
 23 institutional buyer; and

24 (ii) a governmental plan (as defined in
 25 section 414(d) of the Internal Revenue

1 Code of 1986) that is a qualified institu-
 2 tional buyer.

3 ~~(6) LOAN GUARANTEE.~~—The term “loan guar-
 4 antee” means any guarantee or other pledge by the
 5 Secretary or the Administrator to pay all or part of
 6 the principal of, and interest on, a loan or other debt
 7 obligation issued by an obligor and funded by a lend-
 8 er.

9 ~~(7) OBLIGOR.~~—The term “obligor” means an
 10 eligible entity that is primarily liable for payment of
 11 the principal of, or interest on, a Federal credit in-
 12 strument.

13 ~~(8) PROJECT OBLIGATION.~~—

14 ~~(A) IN GENERAL.~~—The term “project obli-
 15 gation” means any note, bond, debenture, or
 16 other debt obligation issued by an obligor in
 17 connection with the financing of a project.

18 ~~(B) EXCLUSION.~~—The term “project obli-
 19 gation” does not include a Federal credit in-
 20 strument.

21 ~~(9) RATING AGENCY.~~—The term “rating agen-
 22 cy” means a credit rating agency registered with the
 23 Securities and Exchange Commission as a nationally
 24 recognized statistical rating organization (as defined

1 in section 3(a) of the Securities Exchange Act of
 2 1934 (15 U.S.C. 78c(a))).

3 ~~(10) SECURED LOAN.~~—The term “secured
 4 loan” means a direct loan or other debt obligation
 5 issued by an obligor and funded by the Secretary in
 6 connection with the financing of a project under sec-
 7 tion 10010.

8 ~~(11) STATE.~~—The term “State” means—

9 ~~(A) a State;~~

10 ~~(B) the District of Columbia;~~

11 ~~(C) the Commonwealth of Puerto Rico;~~

12 and

13 ~~(D) any other territory or possession of the~~
 14 United States.

15 ~~(12) STATE INFRASTRUCTURE FINANCING AU-~~
 16 ~~THORITY.~~—The term “State infrastructure financing
 17 authority” means the State entity established or des-
 18 ignated by the Governor of a State to receive a cap-
 19 italization grant provided by, or otherwise carry out
 20 the requirements of, title VI of the Federal Water
 21 Pollution Control Act (33 U.S.C. 1381 et. seq.) or
 22 section 1452 of the Safe Drinking Water Act (42
 23 U.S.C. 300j-12).

24 ~~(13) SUBSIDY AMOUNT.~~—The term “subsidy
 25 amount” means the amount of budget authority suf-

1 ficient to cover the estimated long-term cost to the
 2 Federal Government of a Federal credit instrument,
 3 as calculated on a net present value basis, excluding
 4 administrative costs and any incidental effects on
 5 governmental receipts or outlays in accordance with
 6 the Federal Credit Reform Act of 1990 (2 U.S.C.
 7 661 et seq.).

8 (14) SUBSTANTIAL COMPLETION.—The term
 9 “substantial completion”, with respect to a project,
 10 means the earliest date on which a project is consid-
 11 ered to perform the functions for which the project
 12 is designed.

13 (15) TREATMENT WORKS.—The term “treat-
 14 ment works” has the meaning given the term in sec-
 15 tion 212 of the Federal Water Pollution Control Act
 16 (33 U.S.C. 1292).

17 **SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.**

18 (a) IN GENERAL.—The Secretary and the Adminis-
 19 trator may provide financial assistance under this title to
 20 carry out pilot projects, which shall be selected to ensure
 21 a diversity of project types and geographical locations.

22 (b) RESPONSIBILITY.—

23 (1) SECRETARY.—The Secretary shall carry out
 24 all pilot projects under this title that are eligible
 25 projects under section 10007(1).

1 ~~(2) ADMINISTRATOR.—~~The Administrator shall
 2 carry out all pilot projects under this title that are
 3 eligible projects under paragraphs ~~(2)~~, ~~(3)~~, ~~(4)~~, ~~(5)~~,
 4 ~~(6)~~, and ~~(8)~~ of section 10007.

5 ~~(3) OTHER PROJECTS.—~~The Secretary or the
 6 Administrator, as applicable, may carry out eligible
 7 projects under paragraph ~~(7)~~ or ~~(9)~~ of section
 8 10007.

9 **SEC. 10005. APPLICATIONS.**

10 ~~(a) IN GENERAL.—~~To receive assistance under this
 11 title, an eligible entity shall submit to the Secretary or
 12 the Administrator, as applicable, an application at such
 13 time, in such manner, and containing such information as
 14 the Secretary or the Administrator may require.

15 ~~(b) COMBINED PROJECTS.—~~In the case of an eligible
 16 project described in paragraph ~~(8)~~ or ~~(9)~~ of section 10007,
 17 the Secretary or the Administrator, as applicable, shall re-
 18 quire the eligible entity to submit a single application for
 19 the combined group of projects.

20 **SEC. 10006. ELIGIBLE ENTITIES.**

21 The following entities are eligible to receive assistance
 22 under this title:

- 23 ~~(1) A corporation.~~
- 24 ~~(2) A partnership.~~
- 25 ~~(3) A joint venture.~~

1 (4) A trust.

2 (5) A Federal, State, or local governmental en-
3 tity, agency, or instrumentality.

4 (6) A tribal government or consortium of tribal
5 governments.

6 (7) A State infrastructure financing authority.

7 **SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.**

8 The following projects may be carried out with
9 amounts made available under this title:

10 (1) A project for flood control or hurricane and
11 storm damage reduction that the Secretary has de-
12 termined is technically sound, economically justified,
13 and environmentally acceptable, including—

14 (A) a structural or nonstructural measure
15 to reduce flood risk, enhance stream flow, or
16 protect natural resources; and

17 (B) a levee, dam, tunnel, aqueduct, res-
18 ervoir, or other related water infrastructure.

19 (2) 1 or more activities that are eligible for as-
20 sistance under section 603(e) of the Federal Water
21 Pollution Control Act (33 U.S.C. 1383(e)), notwith-
22 standing the public ownership requirement under
23 paragraph (1) of that subsection.

1 ~~(3) 1 or more activities described in section~~
 2 ~~1452(a)(2) of the Safe Drinking Water Act (42~~
 3 ~~U.S.C. 300j-12(a)(2)).~~

4 (4) A project for enhanced energy efficiency in
 5 the operation of a public water system.

6 (5) A project for repair, rehabilitation, or re-
 7 placement of a treatment works, community water
 8 system, or aging water distribution facility.

9 (6) A brackish or sea water desalination
 10 project, a managed aquifer recharge project, or a
 11 water recycling project.

12 (7) Acquisition of real property or an interest
 13 in real property—

14 (A) if the acquisition is integral to a
 15 project described in paragraphs (1) through (6);
 16 or

17 (B) pursuant to an existing plan that, in
 18 the judgment of the Administrator or the Sec-
 19 retary, as applicable, would mitigate the envi-
 20 ronmental impacts of water resources infra-
 21 structure projects otherwise eligible for assist-
 22 ance under this section.

23 (8) A combination of projects, each of which is
 24 eligible under paragraph (2) or (3), for which a

1 State infrastructure financing authority submits to
2 the Administrator a single application.

3 ~~(9) A combination of projects secured by a com-~~
4 ~~mon security pledge, each of which is eligible under~~
5 ~~paragraph (1), (2), (3), (4), (5), (6), or (7), for~~
6 ~~which an eligible entity, or a combination of eligible~~
7 ~~entities, submits a single application.~~

8 **SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.**

9 For purposes of this title, an eligible activity with re-
10 spect to an eligible project includes the cost of—

11 (1) development-phase activities, including plan-
12 ning, feasibility analysis (including any related anal-
13 ysis necessary to carry out an eligible project), rev-
14 enue forecasting, environmental review, permitting,
15 preliminary engineering and design work, and other
16 preconstruction activities;

17 (2) construction, reconstruction, rehabilitation,
18 and replacement activities;

19 (3) the acquisition of real property or an inter-
20 est in real property (including water rights, land re-
21 lating to the project, and improvements to land); en-
22 vironmental mitigation (including acquisitions pursu-
23 ant to section 10007(7)); construction contingencies,
24 and acquisition of equipment;

1 (4) capitalized interest necessary to meet mar-
 2 ket requirements, reasonably required reserve funds,
 3 capital issuance expenses, and other carrying costs
 4 during construction; and

5 (5) refinancing interim construction funding,
 6 long-term project obligations, or a secured loan or
 7 loan guarantee made under this title.

8 **SEC. 10009. DETERMINATION OF ELIGIBILITY AND**
 9 **PROJECT SELECTION.**

10 (a) **ELIGIBILITY REQUIREMENTS.**—To be eligible to
 11 receive financial assistance under this title, a project shall
 12 meet the following criteria, as determined by the Secretary
 13 or Administrator, as applicable:

14 (1) **CREDITWORTHINESS.**—

15 (A) **IN GENERAL.**—Subject to subpara-
 16 graph (B), the project shall be creditworthy,
 17 which shall be determined by the Secretary or
 18 the Administrator, as applicable, who shall en-
 19 sure that any financing for the project has ap-
 20 propriate security features, such as a rate cov-
 21 enant, to ensure repayment.

22 (B) **PRELIMINARY RATING OPINION LET-**
 23 **TER.**—The Secretary or the Administrator, as
 24 applicable, shall require each project applicant
 25 to provide a preliminary rating opinion letter

1 from at least 1 rating agency indicating that
 2 the senior obligations of the project (which may
 3 be the Federal credit instrument) have the po-
 4 tential to achieve an investment-grade rating.

5 (C) SPECIAL RULE FOR CERTAIN COM-
 6 BINED PROJECTS.—The Administrator shall de-
 7 velop a credit evaluation process for a Federal
 8 credit instrument provided to a State infra-
 9 structure financing authority for a project
 10 under section 10007(8) or an entity for a
 11 project under section 10007(9), which may in-
 12 clude requiring the provision of a preliminary
 13 rating opinion letter from at least 1 rating
 14 agency.

15 (2) ELIGIBLE PROJECT COSTS.—The eligible
 16 project costs of a project shall be reasonably antici-
 17 pated to be not less than \$20,000,000.

18 (3) DEDICATED REVENUE SOURCES.—The Fed-
 19 eral credit instrument for the project shall be repay-
 20 able, in whole or in part, from dedicated revenue
 21 sources that also secure the project obligations.

22 (4) PUBLIC SPONSORSHIP OF PRIVATE ENTI-
 23 TIES.—In the case of a project carried out by an en-
 24 tity that is not a State or local government or an

1 agency or instrumentality of a State or local govern-
 2 ment, the project shall be publicly sponsored.

3 ~~(b) SELECTION CRITERIA.—~~

4 ~~(1) ESTABLISHMENT.—~~The Secretary or the
 5 Administrator, as applicable, shall establish criteria
 6 for the selection of projects that meet the eligibility
 7 requirements of subsection (a), in accordance with
 8 paragraph (2).

9 ~~(2) CRITERIA.—~~The selection criteria shall in-
 10 clude the following:

11 ~~(A)~~ The extent to which the project is na-
 12 tionally or regionally significant, with respect to
 13 the generation of economic and public benefits,
 14 such as—

15 ~~(i)~~ the reduction of flood risk;

16 ~~(ii)~~ the improvement of water quality;

17 ~~(iii)~~ the protection of drinking water;

18 and

19 ~~(iv)~~ the support of international com-
 20 merce.

21 ~~(B)~~ The extent to which the project financ-
 22 ing plan includes public or private financing in
 23 addition to assistance under this title.

24 ~~(C)~~ The likelihood that assistance under
 25 this title would enable the project to proceed at

1 an earlier date than the project would otherwise
2 be able to proceed.

3 ~~(D) The extent to which the project uses~~
4 ~~new or innovative approaches.~~

5 ~~(E) The amount of budget authority re-~~
6 ~~quired to fund the Federal credit instrument~~
7 ~~made available under this title.~~

8 ~~(F) The extent to which the project—~~

9 ~~(i) protects against extreme weather~~
10 ~~events, such as floods or hurricanes; or~~

11 ~~(ii) helps maintain or protect the envi-~~
12 ~~ronment.~~

13 ~~(G) The extent to which a project serves~~
14 ~~regions with significant energy exploration, de-~~
15 ~~velopment, or production areas.~~

16 ~~(H) The extent to which a project serves~~
17 ~~regions with significant water resource chal-~~
18 ~~lenges, including the need to address—~~

19 ~~(i) water quality concerns in areas of~~
20 ~~regional, national, or international signifi-~~
21 ~~cance;~~

22 ~~(ii) water quantity concerns related to~~
23 ~~groundwater, surface water, or other water~~
24 ~~sources;~~

25 ~~(iii) significant flood risk;~~

1 (iv) water resource challenges identi-
 2 fied in existing regional, State, or
 3 multistate agreements; or

4 (v) water resources with exceptional
 5 recreational value or ecological importance.

6 (I) The extent to which assistance under
 7 this title reduces the contribution of Federal as-
 8 sistance to the project.

9 (3) SPECIAL RULE FOR CERTAIN COMBINED
 10 PROJECTS.—For a project described in section
 11 10007(8), the Administrator shall only consider the
 12 criteria described in subparagraphs (B) through (I)
 13 of paragraph (2).

14 (c) FEDERAL REQUIREMENTS.—Nothing in this sec-
 15 tion supersedes the applicability of other requirements of
 16 Federal law (including regulations).

17 **SEC. 10010. SECURED LOANS.**

18 (a) AGREEMENTS.—

19 (1) IN GENERAL.—Subject to paragraphs (2)
 20 through (4), the Secretary or the Administrator, as
 21 applicable, may enter into agreements with 1 or
 22 more obligors to make secured loans, the proceeds of
 23 which shall be used—

24 (A) to finance eligible project costs of any
 25 project selected under section 10009;

1 ~~(B)~~ to refinance interim construction fi-
 2 nancing of eligible project costs of any project
 3 selected under section 10009; or

4 ~~(C)~~ to refinance long-term project obliga-
 5 tions or Federal credit instruments, if that refi-
 6 nancing provides additional funding capacity for
 7 the completion, enhancement, or expansion of
 8 any project that—

9 (i) is selected under section 10009; or

10 (ii) otherwise meets the requirements
 11 of section 10009.

12 ~~(2) LIMITATION ON REFINANCING OF INTERIM~~
 13 ~~CONSTRUCTION FINANCING.~~—A secured loan under
 14 paragraph (1) shall not be used to refinance interim
 15 construction financing under paragraph (1)(B) later
 16 than 1 year after the date of substantial completion
 17 of the applicable project.

18 ~~(3) FINANCIAL RISK ASSESSMENT.~~—Before en-
 19 tering into an agreement under this subsection for
 20 a secured loan, the Secretary or the Administrator,
 21 as applicable, in consultation with the Director of
 22 the Office of Management and Budget and each rat-
 23 ing agency providing a preliminary rating opinion
 24 letter under section 10009(a)(1)(B), shall determine
 25 an appropriate capital reserve subsidy amount for

the secured loan, taking into account each such preliminary rating opinion letter.

~~(4) INVESTMENT-GRADE RATING REQUIREMENT.—~~The execution of a secured loan under this section shall be contingent on receipt by the senior obligations of the project of an investment-grade rating.

~~(b) TERMS AND LIMITATIONS.—~~

~~(1) IN GENERAL.—~~A secured loan provided for a project under this section shall be subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits), as the Secretary or the Administrator, as applicable, determines to be appropriate.

~~(2) MAXIMUM AMOUNT.—~~The amount of a secured loan under this section shall not exceed the lesser of—

~~(A)~~ an amount equal to 49 percent of the reasonably anticipated eligible project costs; and

~~(B)~~ if the secured loan does not receive an investment-grade rating, the amount of the senior project obligations of the project.

~~(3) PAYMENT.—~~A secured loan under this section—

1 (A) shall be payable, in whole or in part,
 2 from State or local taxes, user fees, or other
 3 dedicated revenue sources that also secure the
 4 senior project obligations of the relevant
 5 project;

6 (B) shall include a rate covenant, coverage
 7 requirement, or similar security feature sup-
 8 porting the project obligations; and

9 (C) may have a lien on revenues described
 10 in subparagraph (A), subject to any lien secur-
 11 ing project obligations.

12 (4) INTEREST RATE.—The interest rate on a
 13 secured loan under this section shall be not less than
 14 the yield on United States Treasury securities of a
 15 similar maturity to the maturity of the secured loan
 16 on the date of execution of the loan agreement.

17 (5) MATURITY DATE.—

18 (A) IN GENERAL.—The final maturity date
 19 of a secured loan under this section shall be not
 20 later than 35 years after the date of substantial
 21 completion of the relevant project.

22 (B) SPECIAL RULE FOR STATE INFRA-
 23 STRUCTURE FINANCING AUTHORITIES.—The
 24 final maturity date of a secured loan to a State
 25 infrastructure financing authority under this

1 section shall be not later than 35 years after
2 the date on which amounts are first disbursed.

3 ~~(6) NONSUBORDINATION.~~—A secured loan
4 under this section shall not be subordinated to the
5 claims of any holder of project obligations in the
6 event of bankruptcy, insolvency, or liquidation of the
7 obligor of the project.

8 ~~(7) FEES.~~—The Secretary or the Adminis-
9 trator, as applicable, may establish fees at a level
10 sufficient to cover all or a portion of the costs to the
11 Federal Government of making a secured loan under
12 this section.

13 ~~(8) NON-FEDERAL SHARE.~~—The proceeds of a
14 secured loan under this section may be used to pay
15 any non-Federal share of project costs required if
16 the loan is repayable from non-Federal funds.

17 ~~(9) MAXIMUM FEDERAL INVOLVEMENT.~~—

18 ~~(A) IN GENERAL.~~—Except as provided in
19 subparagraph (B), for each project for which
20 assistance is provided under this title, the total
21 amount of Federal assistance shall not exceed
22 80 percent of the total project cost.

23 ~~(B) EXCEPTION.~~—Subparagraph (A) shall
24 not apply to any rural water project—

- 1 (i) that is authorized to be carried out
- 2 by the Secretary of the Interior;
- 3 (ii) that includes among its bene-
- 4 ficiaries a federally recognized Indian tribe;
- 5 and
- 6 (iii) for which the authorized Federal
- 7 share of the total project costs is greater
- 8 than the amount described in subpara-
- 9 graph (A).

10 ~~(c) REPAYMENT.—~~

11 ~~(1) SCHEDULE.—~~The Secretary or the Admin-
 12 istrator, as applicable, shall establish a repayment
 13 schedule for each secured loan provided under this
 14 section, based on the projected cash flow from
 15 project revenues and other repayment sources.

16 ~~(2) COMMENCEMENT.—~~

17 ~~(A) IN GENERAL.—~~Scheduled loan repay-
 18 ments of principal or interest on a secured loan
 19 under this section shall commence not later
 20 than 5 years after the date of substantial com-
 21 pletion of the project.

22 ~~(B) SPECIAL RULE FOR STATE INFRA-~~
 23 ~~STRUCTURE FINANCING AUTHORITIES.—~~Sched-
 24 uled loan repayments of principal or interest on
 25 a secured loan to a State infrastructure financ-

ing authority under this title shall commence not later than 5 years after the date on which amounts are first disbursed.

~~(3)~~ DEFERRED PAYMENTS.—

(A) AUTHORIZATION.—If, at any time after the date of substantial completion of a project for which a secured loan is provided under this section, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary or the Administrator, as applicable, subject to subparagraph (C), may allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the secured loan.

~~(C)~~ CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be con-

1 tingent on the project meeting such cri-
 2 teria as the Secretary or the Adminis-
 3 trator, as applicable, may establish.

4 (ii) REPAYMENT STANDARDS.—The
 5 criteria established under clause (i) shall
 6 include standards for reasonable assurance
 7 of repayment.

8 (4) PREPAYMENT.—

9 (A) USE OF EXCESS REVENUES.—Any ex-
 10 cess revenues that remain after satisfying
 11 scheduled debt service requirements on the
 12 project obligations and secured loan and all de-
 13 posit requirements under the terms of any trust
 14 agreement, bond resolution, or similar agree-
 15 ment securing project obligations may be ap-
 16 plied annually to prepay a secured loan under
 17 this section without penalty.

18 (B) USE OF PROCEEDS OF REFI-
 19 NANCING.—A secured loan under this section
 20 may be prepaid at any time without penalty
 21 from the proceeds of refinancing from non-Fed-
 22 eral funding sources.

23 (d) SALE OF SECURED LOANS.—

24 (1) IN GENERAL.—Subject to paragraph (2), as
 25 soon as practicable after the date of substantial

1 completion of a project and after providing a notice
2 to the obligor, the Secretary or the Administrator, as
3 applicable, may sell to another entity or reoffer into
4 the capital markets a secured loan for a project
5 under this section, if the Secretary or the Adminis-
6 trator, as applicable, determines that the sale or re-
7 offering can be made on favorable terms.

8 (2) CONSENT OF OBLIGOR.—In making a sale
9 or reoffering under paragraph (1), the Secretary or
10 the Administrator, as applicable, may not change the
11 original terms and conditions of the secured loan
12 without the written consent of the obligor.

13 (c) LOAN GUARANTEES.—

14 (1) IN GENERAL.—The Secretary or the Admin-
15 istrator, as applicable, may provide a loan guarantee
16 to a lender in lieu of making a secured loan under
17 this section, if the Secretary or the Administrator,
18 as applicable, determines that the budgetary cost of
19 the loan guarantee is substantially the same as that
20 of a secured loan.

21 (2) TERMS.—The terms of a loan guarantee
22 provided under this subsection shall be consistent
23 with the terms established in this section for a se-
24 cured loan, except that the rate on the guaranteed
25 loan and any prepayment features shall be nego-

1 tiated between the obligor and the lender, with the
 2 consent of the Secretary or the Administrator, as
 3 applicable.

4 **SEC. 10011. PROGRAM ADMINISTRATION.**

5 (a) **REQUIREMENT.**—The Secretary or the Adminis-
 6 trator, as applicable, shall establish a uniform system to
 7 service the Federal credit instruments made available
 8 under this title.

9 (b) **FEES.**—

10 (1) **IN GENERAL.**—The Secretary or the Admin-
 11 istrator, as applicable, may collect and spend fees,
 12 contingent on authority being provided in appropri-
 13 ations Acts, at a level that is sufficient to cover—

14 (A) the costs of services of expert firms re-
 15 tained pursuant to subsection (d); and

16 (B) all or a portion of the costs to the
 17 Federal Government of servicing the Federal
 18 credit instruments provided under this title.

19 (c) **SERVICER.**—

20 (1) **IN GENERAL.**—The Secretary or the Admin-
 21 istrator, as applicable, may appoint a financial entity
 22 to assist the Secretary or the Administrator in serv-
 23 icing the Federal credit instruments provided under
 24 this title.

1 (2) DUTIES.—A servicer appointed under para-
 2 graph (1) shall act as the agent for the Secretary or
 3 the Administrator, as applicable.

4 (3) FEE.—A servicer appointed under para-
 5 graph (1) shall receive a servicing fee, subject to ap-
 6 proval by the Secretary or the Administrator, as ap-
 7 plicable.

8 (d) ASSISTANCE FROM EXPERTS.—The Secretary or
 9 the Administrator, as applicable, may retain the services,
 10 including counsel, of organizations and entities with exper-
 11 tise in the field of municipal and project finance to assist
 12 in the underwriting and servicing of Federal credit instru-
 13 ments provided under this title.

14 (e) APPLICABILITY OF OTHER LAWS.—Section 513
 15 of the Federal Water Pollution Control Act (33 U.S.C.
 16 1372) applies to the construction of a project carried out,
 17 in whole or in part, with assistance made available through
 18 a Federal credit instrument under this title in the same
 19 manner that section applies to a treatment works for
 20 which a grant is made available under that Act.

21 **SEC. 10012. STATE AND LOCAL PERMITS.**

22 The provision of financial assistance for project under
 23 this title shall not—

1 (1) relieve any recipient of the assistance of any
2 obligation to obtain any required State or local per-
3 mit or approval with respect to the project;

4 (2) limit the right of any unit of State or local
5 government to approve or regulate any rate of re-
6 turn on private equity invested in the project; or

7 (3) otherwise supersede any State or local law
8 (including any regulation) applicable to the construc-
9 tion or operation of the project.

10 **SEC. 10013. REGULATIONS.**

11 The Secretary or the Administrator, as applicable,
12 may promulgate such regulations as the Secretary or Ad-
13 ministrator determines to be appropriate to carry out this
14 title.

15 **SEC. 10014. FUNDING.**

16 (a) **IN GENERAL.**—There is authorized to be appro-
17 priated to each of the Secretary and the Administrator
18 to carry out this title \$50,000,000 for each of fiscal years
19 2014 through 2018, to remain available until expended.

20 (b) **ADMINISTRATIVE COSTS.**—Of the funds made
21 available to carry out this title, the Secretary or the Ad-
22 ministrator, as applicable, may use for the administration
23 of this title, including for the provision of technical assist-
24 ance to aid project sponsors in obtaining the necessary ap-

1 provals for the project, not more than \$2,200,000 for each
 2 of fiscal years 2014 through 2018.

3 **SEC. 10015. REPORT TO CONGRESS.**

4 Not later than 2 years after the date of enactment
 5 of this Act, and every 2 years thereafter, the Secretary
 6 or the Administrator, as applicable, shall submit to the
 7 Committee on Environment and Public Works of the Sen-
 8 ate and the Committee on Transportation and Infrastruc-
 9 ture of the House of Representatives a report summa-
 10 rizing for the projects that are receiving, or have received,
 11 assistance under this title—

12 (1) the financial performance of those projects,
 13 including a recommendation as to whether the objec-
 14 tives of this title are being met; and

15 (2) the public benefit provided by those
 16 projects, including, as applicable, water quality im-
 17 provement, the protection of drinking water, and the
 18 reduction of flood risk.

19 **TITLE XI—EXTREME WEATHER**

20 **SEC. 11001. IMPROVING MANAGEMENT OF FLOOD AND**
 21 **DROUGHT.**

22 (a) IN GENERAL.—Not later than 18 months after
 23 the date of enactment of this Act, the Secretary shall enter
 24 into an arrangement with the National Academy of
 25 Sciences to carry out a study and make recommendations

1 relating to options for reducing risk to human life and
2 property from extreme weather events, such as hurricanes,
3 coastal storms, and inland flooding.

4 (b) CONSIDERATIONS.—The study under subsection
5 (a) shall include—

6 (1) an analysis of strategies and projects, in-
7 cluding authorized water resources projects that
8 have not yet been constructed, implemented in the
9 United States and worldwide to respond to risk asso-
10 ciated with extreme weather events;

11 (2) an analysis of historical extreme weather
12 events and the ability of existing infrastructure to
13 mitigate risks associated with those events;

14 (3) an estimation of the funding necessary to
15 improve infrastructure in the United States to re-
16 duce risk associated with extreme weather events;

17 (4) an analysis of the adequacy of current fund-
18 ing sources and the identification of potential new
19 funding sources to finance the necessary infrastruc-
20 ture improvements referred to in paragraph (3); and

21 (5) an analysis of the Federal, State, and local
22 costs of natural disasters and the potential cost-sav-
23 ings associated with implementing mitigation meas-
24 ures.

1 (e) COORDINATION.—The National Academy of
 2 Sciences may cooperate with the National Academy of
 3 Public Administration to carry out 1 or more aspects of
 4 the study under subsection (a).

5 (d) PUBLICATION.—Not later than 30 days after
 6 completion of the study under subsection (a), the National
 7 Academy of Sciences shall—

8 (1) submit a copy of the study to the Com-
 9 mittee on Environment and Public Works of the
 10 Senate and the Committee on Transportation and
 11 Infrastructure of the House of Representatives; and

12 (2) make a copy of the study available on a
 13 publicly accessible Internet site.

14 **SEC. 11002. GAO STUDY ON MANAGEMENT OF FLOOD AND**
 15 **DROUGHT.**

16 (a) IN GENERAL.—Not later than 1 year after the
 17 date of enactment of this Act, the Comptroller General
 18 shall submit to the Committee on Environment and Public
 19 Works of the Senate and the Committee on Transpor-
 20 tation and Infrastructure of the House of Representatives
 21 a study of the strategies used by the Corps of Engineers
 22 for the comprehensive management of water resources in
 23 response to floods, storms, and droughts, including an his-
 24 torical review of the ability of the Corps of Engineers to

1 manage and respond to historical drought, storm, and
2 flood events.

3 (b) ~~CONSIDERATIONS.~~—The study under subsection
4 (a) shall address—

5 (1) the extent to which existing water manage-
6 ment activities of the Corps of Engineers can better
7 address and mitigate flood, storm damage, and
8 drought impacts on a national basis;

9 (2) whether existing water resources projects
10 built or maintained by the Corps of Engineers, in-
11 cluding dams, levees, floodwalls, flood gates, and
12 other appurtenant infrastructure were designed to
13 adequately address flood, storm, and drought im-
14 pacts and the extent to which the water resources
15 projects have been successful at addressing those im-
16 pacts;

17 (3) whether a reevaluation of existing manage-
18 ment approaches of the Corps of Engineers could re-
19 sult in greater efficiencies in water management and
20 project delivery that would enable the Corps of Engi-
21 neers to better prepare for, contain, and respond to
22 flood, storm, and drought conditions;

23 (4) any recommendations for improving the
24 planning processes of the Corps of Engineers to pro-
25 vide opportunities for comprehensive management of

1 water resources that increases efficiency and im-
 2 proves response to flood, storm, and drought condi-
 3 tions; and

4 (5) any recommendations for improving ap-
 5 proaches to rebuilding or restoring infrastructure
 6 and natural resources that contribute to risk reduc-
 7 tion, such as coastal wetlands, to prepare for flood
 8 and drought.

9 **SEC. 11003. POST-DISASTER WATERSHED ASSESSMENTS.**

10 (a) **WATERSHED ASSESSMENTS.**—

11 (1) **IN GENERAL.**—In an area that the Presi-
 12 dent has declared a major disaster in accordance
 13 with section 401 of the Robert T. Stafford Disaster
 14 Relief and Emergency Assistance Act (42 U.S.C.
 15 5170), the Secretary may carry out a watershed as-
 16 sessment to identify, to the maximum extent prac-
 17 ticable, specific flood risk reduction, hurricane and
 18 storm damage reduction, or ecosystem restoration
 19 project recommendations that will help to rehabili-
 20 tate damaged infrastructure and reduce risks to
 21 human life and property from future natural disas-
 22 ters.

23 (2) **EXISTING PROJECTS.**—A watershed assess-
 24 ment carried out paragraph (1) may identify existing

1 projects being carried out under 1 or more of the
 2 authorities referred to in subsection (b) (1).

3 ~~(3) DUPLICATE WATERSHED ASSESSMENTS.—~~

4 In carrying out a watershed assessment under para-
 5 graph (1), the Secretary shall use all existing water-
 6 shed assessments and related information developed
 7 by the Secretary or other Federal, State, or local en-
 8 tities.

9 ~~(b) PROJECTS.—~~

10 ~~(1) IN GENERAL.—~~The Secretary may carry out
 11 1 or more small projects identified in a watershed
 12 assessment under subsection (a) that the Secretary
 13 would otherwise be authorized to carry out under—

14 ~~(A) section 205 of the Flood Control Act~~
 15 ~~of 1948 (33 U.S.C. 701s);~~

16 ~~(B) section 111 of the River and Harbor~~
 17 ~~Act of 1968 (33 U.S.C. 426i);~~

18 ~~(C) section 206 of the Water Resources~~
 19 ~~Development Act of 1996 (33 U.S.C. 2330);~~

20 ~~(D) section 1135 of the Water Resources~~
 21 ~~Development Act of 1986 (33 U.S.C. 2309a);~~

22 ~~(E) section 107 of the River and Harbor~~
 23 ~~Act of 1960 (33 U.S.C. 577); or~~

24 ~~(F) section 3 of the Act of August 13,~~
 25 ~~1946 (33 U.S.C. 426g).~~

1 (2) ~~EXISTING PROJECTS.~~—In carrying out a
2 project under paragraph (1), the Secretary shall—

3 ~~(A) to the maximum extent practicable;~~
4 ~~use all existing information and studies avail-~~
5 ~~able for the project; and~~

6 ~~(B) not require any element of a study~~
7 ~~completed for the project prior to the disaster~~
8 ~~to be repeated.~~

9 ~~(c) REQUIREMENTS.~~—All requirements applicable to
10 a project under the Acts described in subsection (b) shall
11 apply to the project.

12 ~~(d) LIMITATIONS ON ASSESSMENTS.—~~

13 ~~(1) IN GENERAL.~~—A watershed assessment
14 under subsection (a) shall be initiated not later than
15 2 years after the date on which the major disaster
16 declaration is issued.

17 ~~(2) FEDERAL SHARE.~~—The Federal share of
18 the cost of carrying out a watershed assessment
19 under subsection (a) shall not exceed \$1,000,000.

20 ~~(e) AUTHORIZATION OF APPROPRIATIONS.~~—There is
21 authorized to be appropriated to carry out this section
22 \$25,000,000 for each of fiscal years 2014 through 2018.

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

24 ~~(a) SHORT TITLE.~~—*This Act may be cited as the*
25 *“Water Resources Development Act of 2013”.*

- 1 *(b) TABLE OF CONTENTS.—The table of contents of this*
 2 *Act is as follows:*

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCE PROJECTS

Sec. 1001. Purposes.
Sec. 1002. Project authorizations.
Sec. 1003. Project review.

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- Sec. 2041. Systemwide improvement frameworks.*
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- Sec. 2047. Operations and maintenance on fuel taxed inland waterways.*
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- Sec. 3001. Purpose.*
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TITLE IV—WATER RESOURCE STUDIES

- Sec. 4001. Purpose.*
- Sec. 4002. Initiation of new water resources studies.*
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TITLE V—REGIONAL AND NONPROJECT PROVISIONS

- Sec. 5001. Purpose.*
- Sec. 5002. Northeast Coastal Region ecosystem restoration.*
- Sec. 5003. Chesapeake Bay Environmental Restoration and Protection Program.*
- Sec. 5004. Rio Grande environmental management program, Colorado, New Mexico, Texas.*
- Sec. 5005. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.*
- Sec. 5006. Arkansas River, Arkansas and Oklahoma.*
- Sec. 5007. Aquatic invasive species prevention and management; Columbia River Basin.*
- Sec. 5008. Upper Missouri Basin flood and drought monitoring.*
- Sec. 5009. Northern Rockies headwaters extreme weather mitigation.*
- Sec. 5010. Aquatic nuisance species prevention, Great Lakes and Mississippi River Basin.*

TITLE VI—LEVEE SAFETY

- Sec. 6001. Short title.*
- Sec. 6002. Findings; purposes.*

- Sec. 6003. Definitions.*
- Sec. 6004. National levee safety program.*
- Sec. 6005. National levee safety advisory board.*
- Sec. 6006. Inventory and inspection of levees.*
- Sec. 6007. Reports.*
- Sec. 6008. Effect of title.*
- Sec. 6009. Authorization of appropriations.*

TITLE VII—INLAND WATERWAYS

- Sec. 7001. Purposes.*
- Sec. 7002. Definitions.*
- Sec. 7003. Project delivery process reforms.*
- Sec. 7004. Major rehabilitation standards.*
- Sec. 7005. Inland waterways system revenues.*
- Sec. 7006. Efficiency of revenue collection.*

TITLE VIII—HARBOR MAINTENANCE

- Sec. 8001. Short title.*
- Sec. 8002. Purposes.*
- Sec. 8003. Funding for harbor maintenance programs.*
- Sec. 8004. Harbor Maintenance Trust Fund prioritization.*
- Sec. 8005. Civil works program of the Corps of Engineers.*

TITLE IX—DAM SAFETY

- Sec. 9001. Short title.*
- Sec. 9002. Purpose.*
- Sec. 9003. Administrator.*
- Sec. 9004. Inspection of dams.*
- Sec. 9005. National Dam Safety Program.*
- Sec. 9006. Public awareness and outreach for dam safety.*
- Sec. 9007. Authorization of appropriations.*

TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

- Sec. 10001. Short title.*
- Sec. 10002. Purposes.*
- Sec. 10003. Definitions.*
- Sec. 10004. Authority to provide assistance.*
- Sec. 10005. Applications.*
- Sec. 10006. Eligible entities.*
- Sec. 10007. Projects eligible for assistance.*
- Sec. 10008. Activities eligible for assistance.*
- Sec. 10009. Determination of eligibility and project selection.*
- Sec. 10010. Secured loans.*
- Sec. 10011. Program administration.*
- Sec. 10012. State and local permits.*
- Sec. 10013. Regulations.*
- Sec. 10014. Funding.*
- Sec. 10015. Report to Congress.*

TITLE XI—EXTREME WEATHER

- Sec. 11001. Study on risk reduction.*

Sec. 11002. GAO study on management of flood, drought, and storm damage.
Sec. 11003. Post-disaster watershed assessments.

1 **SEC. 2. DEFINITION OF SECRETARY.**

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

4 **TITLE I—WATER RESOURCE**
 5 **PROJECTS**

6 **SEC. 1001. PURPOSES.**

7 *The purposes of this title are—*

8 *(1) to authorize projects that—*

9 *(A) are the subject of a completed report of*
 10 *the Chief of Engineers containing a determina-*
 11 *tion that the relevant project—*

12 *(i) is in the Federal interest;*

13 *(ii) results in benefits that exceed the*
 14 *costs of the project;*

15 *(iii) is environmentally acceptable;*

16 *and*

17 *(iv) is technically feasible; and*

18 *(B) have been recommended to Congress for*
 19 *authorization by the Assistant Secretary of the*
 20 *Army for Civil Works; and*

21 *(2) to authorize the Secretary—*

22 *(A) to review projects that require increased*
 23 *authorization; and*

1 (B) to request an increase of those author-
2 izations after—

3 (i) certifying that the increases are
4 necessary; and

5 (ii) submitting to Congress reports on
6 the proposed increases.

7 **SEC. 1002. PROJECT AUTHORIZATIONS.**

8 The Secretary is authorized to carry out projects for
9 water resources development, conservation, and other pur-
10 poses, subject to the conditions that—

11 (1) each project is carried out—

12 (A) substantially in accordance with the
13 plan for the project; and

14 (B) subject to any conditions described in
15 the report for the project; and

16 (2) a Report of the Chief of Engineers has been
17 completed and a referral by the Assistant Secretary of
18 the Army for Civil Works has been made to Congress
19 as of the date of enactment of this Act for the project.

20 **SEC. 1003. PROJECT REVIEW.**

21 (a) *IN GENERAL.*—For a project that is authorized by
22 Federal law as of the date of enactment of this Act, the Sec-
23 retary may modify the authorized project cost set under sec-
24 tion 902 of the Water Resources Development Act of 1986
25 (33 U.S.C. 2280)—

1 (1) *by submitting the required certification and*
 2 *additional information to Congress in accordance*
 3 *with subsection (b); and*

4 (2) *after receiving an appropriation of funds in*
 5 *accordance with subsection (b)(3)(B).*

6 **(b) REQUIREMENTS FOR SUBMISSION.—**

7 (1) **CERTIFICATION.**—*The certification to Con-*
 8 *gress under subsection (a) shall include a certification*
 9 *by the Secretary that—*

10 (A) *expenditures above the authorized cost*
 11 *of the project are necessary to protect life and*
 12 *safety, maintain critical navigation routes, or*
 13 *restore ecosystems;*

14 (B) *the project continues to provide benefits*
 15 *identified in the report of the Chief of Engineers*
 16 *for the project; and*

17 (C) *for projects under construction—*

18 (i) *a temporary stop or delay resulting*
 19 *from a failure to increase the authorized*
 20 *cost of the project will increase costs to the*
 21 *Federal Government; and*

22 (ii) *the amount requested for the*
 23 *project in the budget of the President or in-*
 24 *cluded in a work plan for the expenditure*
 25 *of funds for the fiscal year during which the*

1 *certification is submitted will exceed the au-*
2 *thorized cost of the project.*

3 (2) *ADDITIONAL INFORMATION.—The informa-*
4 *tion provided to Congress about the project under sub-*
5 *section (a) shall include, at a minimum—*

6 (A) *a comprehensive review of the project*
7 *costs and reasons for exceeding the authorized*
8 *limits set under section 902 of the Water Re-*
9 *sources Development Act of 1986 (33 U.S.C.*
10 *2280);*

11 (B) *an expedited analysis of the updated*
12 *benefits and costs of the project; and*

13 (C) *the new funding level needed to com-*
14 *plete the project.*

15 (3) *APPROVAL OF CONGRESS.—The Secretary*
16 *may not change the authorized project costs under*
17 *subsection (a) unless—*

18 (A) *a certification and required informa-*
19 *tion is submitted to Congress under subsection*
20 *(b); and*

21 (B) *after such submission, amounts are ap-*
22 *propriated to initiate or continue construction of*
23 *the project in an appropriations or other Act.*

1 (c) *TERMINATION OF EFFECTIVENESS.*—*The authority*
 2 *of the Secretary under this section terminates on the date*
 3 *that is 3 years after the date of enactment of this Act.*

4 ***TITLE II—WATER RESOURCES***
 5 ***POLICY REFORMS***

6 ***SEC. 2001. PURPOSES.***

7 *The purposes of this title are—*

- 8 (1) *to reform the implementation of water re-*
 9 *sources projects by the Corps of Engineers;*
- 10 (2) *to make other technical changes to the water*
 11 *resources policy of the Corps of Engineers; and*
- 12 (3) *to implement reforms, including—*
- 13 (A) *enhancing the ability of local sponsors*
 14 *to partner with the Corps of Engineers by ensur-*
 15 *ing the eligibility of the local sponsors to receive*
 16 *and apply credit for work carried out by the*
 17 *sponsors and increasing the role of sponsors in*
 18 *carrying out Corps of Engineers projects;*
- 19 (B) *ensuring continuing authority pro-*
 20 *grams can continue to meet important needs;*
- 21 (C) *encouraging the continuation of efforts*
 22 *to modernize feasibility studies and establish tar-*
 23 *gets for expedited completion of feasibility stud-*
 24 *ies;*

1 (D) seeking efficiencies in the management
 2 of dams and related infrastructure to reduce en-
 3 vironmental impacts while maximizing other
 4 benefits and project purposes, such as flood con-
 5 trol, navigation, water supply, and hydropower;

6 (E) clarifying mitigation requirements for
 7 Corps of Engineers projects and ensuring trans-
 8 parency in the independent external review of
 9 those projects; and

10 (F) establishing an efficient and trans-
 11 parent process for deauthorizing projects that
 12 have failed to receive a minimum level of invest-
 13 ment to ensure active projects can move forward
 14 while reducing the backlog of authorized projects.

15 **SEC. 2002. SAFETY ASSURANCE REVIEW.**

16 Section 2035 of the Water Resources Development Act
 17 of 2007 (33 U.S.C. 2344) is amended by adding at the end
 18 the following:

19 “(g) NONAPPLICABILITY OF FACA.—The Federal Ad-
 20 visory Committee Act (5 U.S.C. App.) shall not apply to
 21 a safety assurance review conducted under this section.”.

22 **SEC. 2003. CONTINUING AUTHORITY PROGRAMS.**

23 (a) SMALL RIVER AND HARBOR IMPROVEMENT
 24 PROJECTS.—Section 107 of the River and Harbor Act of
 25 1960 (33 U.S.C. 577) is amended—

1 (1) in subsection (a), by striking “\$35,000,000”
2 and inserting “\$50,000,000”; and

3 (2) in subsection (b), by striking “\$7,000,000”
4 and inserting “\$10,000,000”.

5 (b) *SHORE DAMAGE PREVENTION OR MITIGATION.*—
6 Section 111(c) of the River and Harbor Act of 1968 (33
7 U.S.C. 426i(c)) is amended by striking “\$5,000,000” and
8 inserting “\$10,000,000”.

9 (c) *REGIONAL SEDIMENT MANAGEMENT.*—

10 (1) *IN GENERAL.*—Section 204 of the Water Re-
11 sources Development Act of 1992 (33 U.S.C. 2326) is
12 amended—

13 (A) in subsection (c)(1)(C), by striking
14 “\$5,000,000” and inserting “\$10,000,000”; and

15 (B) in subsection (g), by striking
16 “\$30,000,000” and inserting “\$50,000,000”.

17 (2) *APPLICABILITY.*—Section 2037 of the Water
18 Resources Development Act of 2007 (121 Stat. 1094)
19 is amended by added at the end the following:

20 “(c) *APPLICABILITY.*—The amendment made by sub-
21 section (a) shall not apply to any project authorized under
22 this Act if a report of the Chief of Engineers for the project
23 was completed prior to the date of enactment of this Act.”.

24 (d) *SMALL FLOOD CONTROL PROJECTS.*—Section 205
25 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amend-

1 *ed in the third sentence by striking “\$7,000,000” and in-*
 2 *serting “\$10,000,000”.*

3 *(e) PROJECT MODIFICATIONS FOR IMPROVEMENT OF*
 4 *ENVIRONMENT.—Section 1135(d) of the Water Resources*
 5 *Development Act of 1986 (33 U.S.C. 2309a(d)) is amend-*
 6 *ed—*

7 *(1) in the second sentence, by striking “Not more*
 8 *than 80 percent of the non-Federal may be” and in-*
 9 *serting “The non-Federal share may be provided”;*
 10 *and*

11 *(2) in the third sentence, by striking*
 12 *“\$5,000,000” and inserting “\$10,000,000”.*

13 *(f) AQUATIC ECOSYSTEM RESTORATION.—Section*
 14 *206(d) of the Water Resources Development Act of 1996 (33*
 15 *U.S.C. 2330(d)) is amended by striking “\$5,000,000” and*
 16 *inserting “\$10,000,000”.*

17 *(g) FLOODPLAIN MANAGEMENT SERVICES.—Section*
 18 *206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a)*
 19 *is amended by striking “\$15,000,000” and inserting*
 20 *“\$50,000,000”.*

21 **SEC. 2004. CONTINUING AUTHORITY PROGRAM**
 22 **PRIORITIZATION.**

23 *(a) DEFINITION OF CONTINUING AUTHORITY PRO-*
 24 *GRAM PROJECT.—In this section, the term “continuing au-*
 25 *thority program” means 1 of the following authorities:*

1 (1) *Section 205 of the Flood Control Act of 1948*
 2 *(33 U.S.C. 701s).*

3 (2) *Section 111 of the River and Harbor Act of*
 4 *1968 (33 U.S.C. 426i).*

5 (3) *Section 206 of the Water Resources Develop-*
 6 *ment Act of 1996 (33 U.S.C. 2330).*

7 (4) *Section 1135 of the Water Resources Develop-*
 8 *ment Act of 1986 (33 U.S.C. 2309a).*

9 (5) *Section 107 of the River and Harbor Act of*
 10 *1960 (33 U.S.C. 577).*

11 (6) *Section 3 of the Act of August 13, 1946 (33*
 12 *U.S.C. 426g).*

13 (b) *PRIORITIZATION.*—*Not later than 1 year after the*
 14 *date of enactment of this Act, the Secretary shall publish*
 15 *in the Federal Register and on a publicly available website,*
 16 *the criteria the Secretary uses for prioritizing annual fund-*
 17 *ing for continuing authority program projects.*

18 (c) *ANNUAL REPORT.*—*Not later than 1 year after the*
 19 *date of enactment of this Act and each year thereafter, the*
 20 *Secretary shall publish in the Federal Register and on a*
 21 *publicly available website, a report on the status of each*
 22 *continuing authority program, which, at a minimum, shall*
 23 *include—*

24 (1) *the name and a short description of each ac-*
 25 *tive continuing authority program project;*

1 (2) *the cost estimate to complete each active*
 2 *project; and*

3 (3) *the funding available in that fiscal year for*
 4 *each continuing authority program.*

5 (d) *CONGRESSIONAL NOTIFICATION.*—On publication
 6 *in the Federal Register under subsections (b) and (c), the*
 7 *Secretary shall submit to the Committee on Environment*
 8 *and Public Works of the Senate and the Committee on*
 9 *Transportation and Infrastructure of the House of Rep-*
 10 *resentatives a copy of all information published under those*
 11 *subsections.*

12 **SEC. 2005. FISH AND WILDLIFE MITIGATION.**

13 (a) *IN GENERAL.*—Section 906 of the Water Resources
 14 *Development Act of 1986 (33 U.S.C. 2283) is amended—*

15 (1) *in subsection (d)—*

16 (A) *in paragraph (1)—*

17 (i) *in the first sentence—*

18 (I) *by inserting “for damages to*
 19 *ecological resources, including terres-*
 20 *trial and aquatic resources, and” after*
 21 *“mitigate”;*

22 (II) *by inserting “ecological re-*
 23 *sources and” after “impact on”; and*

1 (III) by inserting “without the
2 implementation of mitigation meas-
3 ures” before the period; and

4 (ii) by inserting before the last sentence
5 the following: “If the Secretary determines
6 that mitigation to in-kind conditions is not
7 possible, the Secretary shall identify in the
8 report the basis for that determination.”;
9 and

10 (B) in paragraph (3)—

11 (i) in subparagraph (A), by inserting
12 “, at a minimum,” after “complies with”;
13 and

14 (ii) in subparagraph (B)—

15 (I) by striking clause (iii);

16 (II) by redesignating clauses (iv)
17 and (v) as clauses (v) and (vi), respec-
18 tively; and

19 (III) by inserting after clause (ii)
20 the following:

21 “(iii) for projects where mitigation
22 will be carried out by the Secretary—

23 “(I) a description of the land and
24 interest in land to be acquired for the
25 mitigation plan;

1 “(II) the basis for a determina-
 2 tion that the land and interests are
 3 available for acquisition; and

4 “(III) a determination that the
 5 proposed interest sought does not ex-
 6 ceed the minimum interest in land
 7 necessary to meet the mitigation re-
 8 quirements for the project;

9 “(iv) for projects where mitigation will
 10 be carried out through a third party miti-
 11 gation arrangement in accordance with sub-
 12 section (i)—

13 “(I) a description of the third
 14 party mitigation instrument to be
 15 used; and

16 “(II) the basis for a determina-
 17 tion that the mitigation instrument
 18 can meet the mitigation requirements
 19 for the project;” and

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

21 “(h) PROGRAMMATIC MITIGATION PLANS.—

22 “(1) IN GENERAL.—The Secretary may develop 1
 23 or more programmatic mitigation plans to address
 24 the potential impacts to ecological resources, fish, and

1 *wildlife associated with existing or future water re-*
 2 *sources development projects.*

3 “(2) *USE OF MITIGATION PLANS.*—*The Secretary*
 4 *shall, to the maximum extent practicable, use pro-*
 5 *grammatic mitigation plans developed in accordance*
 6 *with this subsection to guide the development of a*
 7 *mitigation plan under subsection (d).*

8 “(3) *NON-FEDERAL PLANS.*—*The Secretary shall,*
 9 *to the maximum extent practicable and subject to all*
 10 *conditions of this subsection, use programmatic envi-*
 11 *ronmental plans developed by a State, a body politic*
 12 *of the State, which derives its powers from a State*
 13 *constitution, a government entity created by State*
 14 *legislation, or a local government, that meet the re-*
 15 *quirements of this subsection to address the potential*
 16 *environmental impacts of existing or future water re-*
 17 *sources development projects.*

18 “(4) *SCOPE.*—*A programmatic mitigation plan*
 19 *developed by the Secretary or an entity described in*
 20 *paragraph (3) to address potential impacts of existing*
 21 *or future water resources development projects may—*

22 “(A) *be developed on a regional, ecosystem,*
 23 *watershed, or statewide scale;*

24 “(B) *encompass multiple environmental re-*
 25 *sources within a defined geographical area or*

1 *focus on a specific resource, such as aquatic re-*
2 *sources or wildlife habitat; and*

3 *“(C) address impacts from all projects in a*
4 *defined geographical area or focus on a specific*
5 *type of project.*

6 *“(5) CONSULTATION.—The scope of the plan*
7 *shall be determined by the Secretary or an entity de-*
8 *scribed in paragraph (3), as appropriate, in consulta-*
9 *tion with the agency with jurisdiction over the re-*
10 *sources being addressed in the environmental mitiga-*
11 *tion plan.*

12 *“(6) CONTENTS.—A programmatic environ-*
13 *mental mitigation plan may include—*

14 *“(A) an assessment of the condition of envi-*
15 *ronmental resources in the geographical area*
16 *covered by the plan, including an assessment of*
17 *recent trends and any potential threats to those*
18 *resources;*

19 *“(B) an assessment of potential opportuni-*
20 *ties to improve the overall quality of environ-*
21 *mental resources in the geographical area covered*
22 *by the plan through strategic mitigation for im-*
23 *pacts of water resources development projects;*

24 *“(C) standard measures for mitigating cer-*
25 *tain types of impacts;*

1 “(D) parameters for determining appro-
 2 priate mitigation for certain types of impacts,
 3 such as mitigation ratios or criteria for deter-
 4 mining appropriate mitigation sites;

5 “(E) adaptive management procedures, such
 6 as protocols that involve monitoring predicted
 7 impacts over time and adjusting mitigation
 8 measures in response to information gathered
 9 through the monitoring;

10 “(F) acknowledgment of specific statutory
 11 or regulatory requirements that must be satisfied
 12 when determining appropriate mitigation for
 13 certain types of resources; and

14 “(G) any offsetting benefits of self-miti-
 15 gating projects, such as ecosystem or resource
 16 restoration and protection.

17 “(7) *PROCESS.*—Before adopting a pro-
 18 grammatic environmental mitigation plan for use
 19 under this subsection, the Secretary shall—

20 “(A) for a plan developed by the Sec-
 21 retary—

22 “(i) make a draft of the plan available
 23 for review and comment by applicable envi-
 24 ronmental resource agencies and the public;
 25 and

1 “(ii) consider any comments received
 2 from those agencies and the public on the
 3 draft plan; and

4 “(B) for a plan developed under paragraph
 5 (3), determine, not later than 180 days after re-
 6 ceiving the plan, whether the plan meets the re-
 7 quirements of paragraphs (4) through (6) and
 8 was made available for public comment.

9 “(8) *INTEGRATION WITH OTHER PLANS.*—A pro-
 10 grammatic environmental mitigation plan may be
 11 integrated with other plans, including watershed
 12 plans, ecosystem plans, species recovery plans, growth
 13 management plans, and land use plans.

14 “(9) *CONSIDERATION IN PROJECT DEVELOPMENT*
 15 *AND PERMITTING.*—If a programmatic environmental
 16 mitigation plan has been developed under this sub-
 17 section, any Federal agency responsible for environ-
 18 mental reviews, permits, or approvals for a water re-
 19 sources development project may use the recommenda-
 20 tions in that programmatic environmental mitigation
 21 plan when carrying out the responsibilities of the
 22 agency under the National Environmental Policy Act
 23 of 1969 (42 U.S.C. 4321 et seq.).

24 “(10) *PRESERVATION OF EXISTING AUTHORI-*
 25 *TIES.*—Nothing in this subsection limits the use of

1 *programmatic approaches to reviews under the Na-*
 2 *tional Environmental Policy Act of 1969 (42 U.S.C.*
 3 *4321 et seq.).*

4 “(i) *THIRD-PARTY MITIGATION ARRANGEMENTS.—*

5 “(1) *ELIGIBLE ACTIVITIES.—In accordance with*
 6 *all applicable Federal laws (including regulations),*
 7 *mitigation efforts carried out under this section may*
 8 *include—*

9 “(A) *participation in mitigation banking*
 10 *or other third-party mitigation arrangements,*
 11 *such as—*

12 “(i) *the purchase of credits from com-*
 13 *mercial or State, regional, or local agency-*
 14 *sponsored mitigation banks; and*

15 “(ii) *the purchase of credits from in-*
 16 *lieu fee mitigation programs; and*

17 “(B) *contributions to statewide and re-*
 18 *gional efforts to conserve, restore, enhance, and*
 19 *create natural habitats and wetlands.*

20 “(2) *INCLUSION OF OTHER ACTIVITIES.—The*
 21 *banks, programs, and efforts described in paragraph*
 22 *(1) include any banks, programs, and efforts devel-*
 23 *oped in accordance with applicable law (including*
 24 *regulations).*

1 “(3) *TERMS AND CONDITIONS.*—*In carrying out*
 2 *natural habitat and wetlands mitigation efforts under*
 3 *this section, contributions to the mitigation effort*
 4 *may—*

5 “(A) *take place concurrent with, or in ad-*
 6 *vance of, the commitment of funding to a project;*
 7 *and*

8 “(B) *occur in advance of project construc-*
 9 *tion only if the efforts are consistent with all ap-*
 10 *plicable requirements of Federal law (including*
 11 *regulations) and water resources development*
 12 *planning processes.*

13 “(4) *PREFERENCE.*—*At the request of the non-*
 14 *Federal project sponsor, preference may be given, to*
 15 *the maximum extent practicable, to mitigating an en-*
 16 *vironmental impact through the use of a mitigation*
 17 *bank, in-lieu fee, or other third-party mitigation ar-*
 18 *rangement, if the use of credits from the mitigation*
 19 *bank or in-lieu fee, or the other third-party mitiga-*
 20 *tion arrangement for the project has been approved by*
 21 *the applicable Federal agency.*

22 “(j) *USE OF FUNDS.*—*The Secretary may use funds*
 23 *made available for preconstruction engineering and design*
 24 *prior to authorization of project construction to acquire in-*

1 *terests in land necessary for meeting the mitigation require-*
 2 *ments of this section.”.*

3 (b) *APPLICATION.*—*The amendments made by sub-*
 4 *section (a) shall not apply to a project for which a mitiga-*
 5 *tion plan has been completed as of the date of enactment*
 6 *of this Act.*

7 (c) *TECHNICAL ASSISTANCE.*—

8 (1) *IN GENERAL.*—*The Secretary may provide*
 9 *technical assistance to States and local governments*
 10 *to establish third-party mitigation instruments, in-*
 11 *cluding mitigation banks and in-lieu fee programs,*
 12 *that will help to target mitigation payments to high-*
 13 *priority ecosystem restoration actions.*

14 (2) *REQUIREMENTS.*—*In providing technical as-*
 15 *sistance under this subsection, the Secretary shall give*
 16 *priority to States and local governments that have de-*
 17 *veloped State, regional, or watershed-based plans*
 18 *identifying priority restoration actions.*

19 (3) *MITIGATION INSTRUMENTS.*—*The Secretary*
 20 *shall seek to ensure any technical assistance provided*
 21 *under this subsection will support the establishment of*
 22 *mitigation instruments that will result in restoration*
 23 *of high-priority areas identified in the plans under*
 24 *paragraph (2).*

1 **SEC. 2006. MITIGATION STATUS REPORT.**

2 *Section 2036(b) of the Water Resources Development*
 3 *Act of 2007 (33 U.S.C. 2283a) is amended—*

4 *(1) by redesignating paragraph (3) as para-*
 5 *graph (4); and*

6 *(2) by inserting after paragraph (2) the fol-*
 7 *lowing:*

8 *“(3) INFORMATION INCLUDED.—In reporting the*
 9 *status of all projects included in the report, the Sec-*
 10 *retary shall—*

11 *“(A) use a uniform methodology for deter-*
 12 *mining the status of all projects included in the*
 13 *report;*

14 *“(B) use a methodology that describes both*
 15 *a qualitative and quantitative status for all*
 16 *projects in the report; and*

17 *“(C) provide specific dates for and partici-*
 18 *pants in the consultations required under section*
 19 *906(d)(4)(B) of the Water Resources Develop-*
 20 *ment Act of 1986 (33 U.S.C. 2283(d)(4)(B)).”.*

21 **SEC. 2007. INDEPENDENT PEER REVIEW.**

22 *(a) TIMING OF PEER REVIEW.—Section 2034(b) of the*
 23 *Water Resources Development Act of 2007 (33 U.S.C.*
 24 *2343(b)) is amended—*

25 *(1) by redesignating paragraph (3) as para-*
 26 *graph (4); and*

1 (2) *by inserting after paragraph (2) the fol-*
 2 *lowing:*

3 “(3) *REASONS FOR TIMING.—If the Chief of En-*
 4 *gineers does not initiate a peer review for a project*
 5 *study at a time described in paragraph (2), the Chief*
 6 *shall—*

7 “(A) *not later than 7 days after the date on*
 8 *which the Chief of Engineers determines not to*
 9 *initiate a peer review—*

10 “(i) *notify the Committee on Environ-*
 11 *ment and Public Works of the Senate and*
 12 *the Committee on Transportation and In-*
 13 *frastructure of the House of Representatives*
 14 *of that decision; and*

15 “(ii) *make publicly available, includ-*
 16 *ing on the Internet the reasons for not con-*
 17 *ducting the review; and*

18 “(B) *include the reasons for not conducting*
 19 *the review in the decision document for the*
 20 *project study.”.*

21 (b) *ESTABLISHMENT OF PANELS.—Section 2034(c) of*
 22 *the Water Resources Development Act of 2007 (33 U.S.C.*
 23 *2343(c)) is amended by striking paragraph (4) and insert-*
 24 *ing the following:*

1 “(4) CONGRESSIONAL AND PUBLIC NOTIFICA-
 2 TION.—Following the identification of a project study
 3 for peer review under this section, but prior to initi-
 4 ation of the review by the panel of experts, the Chief
 5 of Engineers shall, not later than 7 days after the
 6 date on which the Chief of Engineers determines to
 7 conduct a review—

8 “(A) notify the Committee on Environment
 9 and Public Works of the Senate and the Com-
 10 mittee on Transportation and Infrastructure of
 11 the House of Representatives of the review; and

12 “(B) make publicly available, including on
 13 the Internet, information on—

14 “(i) the dates scheduled for beginning
 15 and ending the review;

16 “(ii) the entity that has the contract
 17 for the review; and

18 “(iii) the names and qualifications of
 19 the panel of experts.”.

20 (c) RECOMMENDATIONS OF PANEL.—Section 2034(f) of
 21 the Water Resources Development Act of 2007 (33 U.S.C.
 22 2343(f)) is amended by striking paragraph (2) and insert-
 23 ing the following:

24 “(2) PUBLIC AVAILABILITY AND SUBMISSION TO
 25 CONGRESS.—After receiving a report on a project

1 *study from a panel of experts under this section, the*
 2 *Chief of Engineers shall make available to the public,*
 3 *including on the Internet, and submit to the Com-*
 4 *mittee on Environment and Public Works of the Sen-*
 5 *ate and the Committee on Transportation and Infra-*
 6 *structure of the House of Representatives—*

7 *“(A) a copy of the report not later than 7*
 8 *days after the date on which the report is deliv-*
 9 *ered to the Chief of Engineers; and*

10 *“(B) a copy of any written response of the*
 11 *Chief of Engineers on recommendations con-*
 12 *tained in the report not later than 3 days after*
 13 *the date on which the response is delivered to the*
 14 *Chief of Engineers.*

15 *“(3) INCLUSION IN PROJECT STUDY.—A report*
 16 *on a project study from a panel of experts under this*
 17 *section and the written response of the Chief of Engi-*
 18 *neers shall be included in the final decision document*
 19 *for the project study.”.*

20 *(d) APPLICABILITY.—Section 2034(h)(2) of the Water*
 21 *Resources Development Act of 2007 (33 U.S.C. 2343(h)(2))*
 22 *is amended by striking “7 years” and inserting “12 years”.*

1 **SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION**
 2 **AND HYDROELECTRIC FACILITIES.**

3 (a) *IN GENERAL.*—Section 314 of the Water Resources
 4 Development Act of 1990 (33 U.S.C. 2321) is amended—

5 (1) by striking the heading and inserting the fol-
 6 lowing:

7 **“SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION**
 8 **AND HYDROELECTRIC FACILITIES.”;**

9 (2) in the first sentence, by striking “Activities
 10 currently performed” and inserting the following:

11 “(a) *IN GENERAL.*—Activities currently performed”;

12 (3) in the second sentence, by striking “This sec-
 13 tion” and inserting the following:

14 “(b) *MAJOR MAINTENANCE CONTRACTS ALLOWED.*—
 15 This section”;

16 (4) in subsection (a) (as designated by para-
 17 graph (2)), by inserting “navigation or” before “hy-
 18 droelectric”; and

19 (5) by adding at the end the following:

20 “(c) *EXCLUSION.*—This section shall not—

21 “(1) apply to those navigation facilities that
 22 have been or are currently under contract with a non-
 23 Federal interest to perform operations and mainte-
 24 nance as of the date of enactment of the Water Re-
 25 sources Development Act of 2013; and

(b) *CLERICAL AMENDMENT.*—The table of contents contained in section 1(b) of the Water Resources Development Act of 1990 (104 Stat. 4604) is amended by striking the item relating to section 314 and inserting the following:

8 *SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILI-*
9 *TIES.*

10 (a) *FINDINGS.*—Congress finds that—

(1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the “Oak Ridge Lab”) released a report finding that adding hydroelectric power to the non-powered dams of the United States has the potential to add more than 12 gigawatts of new generating capacity;

(2) the top 10 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential could alone supply 3 gigawatts of generating capacity;

(3) of the 50 non-powered dams identified by the
Oak Ridge Lab as having the highest hydroelectric

1 *power potential, 48 are Corps of Engineers civil*
2 *works projects;*

3 *(4) promoting non-Federal hydroelectric power*
4 *at Corps of Engineers civil works projects increases*
5 *the taxpayer benefit of those projects;*

6 *(5) the development of non-Federal hydroelectric*
7 *power at Corps of Engineers civil works projects—*

8 *(A) can be accomplished in a manner that*
9 *is consistent with authorized project purposes*
10 *and the responsibilities of the Corps of Engineers*
11 *to protect the environment; and*

12 *(B) in many instances, may have addi-*
13 *tional environmental benefits; and*

14 *(6) the development of non-Federal hydroelectric*
15 *power at Corps of Engineers civil works projects could*
16 *be promoted through—*

17 *(A) clear and consistent lines of responsi-*
18 *bility and authority within and across Corps of*
19 *Engineers districts and divisions on hydro-*
20 *electric power development activities;*

21 *(B) consistent and corresponding processes*
22 *for reviewing and approving hydroelectric power*
23 *development; and*

24 *(C) developing a means by which non-Fed-*
25 *eral hydroelectric power developers and stake-*

1 *holders can resolve disputes with the Corps of*
2 *Engineers concerning hydroelectric power devel-*
3 *opment activities at Corps of Engineers civil*
4 *works projects.*

5 **(b) POLICY.**—*Congress declares that it is the policy of*
6 *the United States that—*

7 *(1) the development of non-Federal hydroelectric*
8 *power at Corps of Engineers civil works projects, in-*
9 *cluding locks and dams, shall be given priority;*

10 *(2) Corps of Engineers approval of non-Federal*
11 *hydroelectric power at Corps of Engineers civil works*
12 *projects, including permitting required under section*
13 *14 of the Act of March 3, 1899 (33 U.S.C. 408), shall*
14 *be completed by the Corps of Engineers in a timely*
15 *and consistent manner; and*

16 *(3) approval of hydropower at Corps of Engi-*
17 *neers civil works projects shall in no way diminish*
18 *the other priorities and missions of the Corps of Engi-*
19 *neers, including authorized project purposes and habi-*
20 *tat and environmental protection.*

21 **(c) REPORT.**—*Not later than 1 year after the date of*
22 *enactment of this Act and each year thereafter, the Sec-*
23 *retary shall submit to the Committee on Environment and*
24 *Public Works of the Senate and the Committee on Transpor-*

1 *tation and Infrastructure of the House of Representatives*
2 *a report that, at a minimum, shall include—*

3 *(1) a description of initiatives carried out by the*
4 *Secretary to encourage the development of hydro-*
5 *electric power by non-Federal entities at Corps of En-*
6 *gineers civil works projects;*

7 *(2) a list of all new hydroelectric power activi-*
8 *ties by non-Federal entities approved at Corps of En-*
9 *gineers civil works projects in that fiscal year, includ-*
10 *ing the length of time the Secretary needed to approve*
11 *those activities;*

12 *(3) a description of the status of each pending*
13 *application from non-Federal entities for approval to*
14 *develop hydroelectric power at Corps of Engineers*
15 *civil works projects;*

16 *(4) a description of any benefits or impacts to*
17 *the environment, recreation, or other uses associated*
18 *with Corps of Engineers civil works projects at which*
19 *non-Federal entities have developed hydroelectric*
20 *power in the previous fiscal year; and*

21 *(5) the total annual amount of payments or*
22 *other services provided to the Corps of Engineers, the*
23 *Treasury, and any other Federal agency as a result*
24 *of approved non-Federal hydropower projects at Corps*
25 *of Engineers civil works projects.*

1 **SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AU-**
 2 **THORITY.**

3 (a) *NON-FEDERAL COST SHARE.*—Section 7007 of the
 4 *Water Resources Development Act of 2007* (121 Stat. 1277)
 5 is amended—

6 (1) in subsection (a)—

7 (A) by inserting “, on, or after” after “be-
 8 fore”; and

9 (B) by inserting “, program,” after “study”
 10 each place it appears;

11 (2) in subsections (b) and (e)(1), by inserting “,
 12 program,” after “study” each place it appears; and

13 (3) by striking subsection (d) and inserting the
 14 following:

15 “(d) *TREATMENT OF CREDIT BETWEEN PROJECTS.*—
 16 *The value of any land, easements, rights-of-way, relocations,*
 17 *and dredged material disposal areas and the costs of plan-*
 18 *ning, design, and construction work provided by the non-*
 19 *Federal interest that exceed the non-Federal cost share for*
 20 *a study, program, or project under this title may be applied*
 21 *toward the non-Federal cost share for any other study, pro-*
 22 *gram, or project carried out under this title.”.*

23 (b) *IMPLEMENTATION.*—Not later than 90 days after
 24 the date of enactment of this Act, the Secretary, in coordina-
 25 tion with any relevant agencies of the State of Louisiana,

1 *shall establish a process by which to carry out the amend-*
 2 *ments made by subsection (a)(3).*

3 *(c) EFFECTIVE DATE.—The amendments made by sub-*
 4 *section (a) take effect on November 8, 2007.*

5 **SEC. 2011. TRANSFER OF EXCESS WORK-IN-KIND CREDIT.**

6 *(a) IN GENERAL.—Subject to subsection (b), the Sec-*
 7 *retary may apply credit for in-kind contributions provided*
 8 *by a non-Federal interest that is in excess of the required*
 9 *non-Federal cost-share for a water resources study or project*
 10 *toward the required non-Federal cost-share for a different*
 11 *water resources study or project.*

12 *(b) RESTRICTIONS.—*

13 *(1) IN GENERAL.—Except for subsection*
 14 *(a)(4)(D)(i) of that section, the requirements of sec-*
 15 *tion 221 of the Flood Control Act of 1970 (42 U.S.C.*
 16 *1962d–5b) (as amended by section 2012 of this Act)*
 17 *shall apply to any credit under this section.*

18 *(2) CONDITIONS.—Credit in excess of the non-*
 19 *Federal cost-share for a study or project may be ap-*
 20 *proved under this section only if—*

21 *(A) the non-Federal interest submits a com-*
 22 *prehensive plan to the Secretary that identifies—*

23 *(i) the studies and projects for which*
 24 *the non-Federal interest intends to provide*
 25 *in-kind contributions for credit that is in*

1 *excess of the non-Federal cost share for the*
 2 *study or project; and*

3 (ii) *the studies and projects to which*
 4 *that excess credit would be applied;*

5 (B) *the Secretary approves the comprehen-*
 6 *sive plan; and*

7 (C) *the total amount of credit does not ex-*
 8 *ceed the total non-Federal cost-share for the stud-*
 9 *ies and projects in the approved comprehensive*
 10 *plan.*

11 (c) *ADDITIONAL CRITERIA.—In evaluating a request*
 12 *to apply credit in excess of the non-Federal cost-share for*
 13 *a study or project toward a different study or project, the*
 14 *Secretary shall consider whether applying that credit*
 15 *will—*

16 (1) *help to expedite the completion of a project*
 17 *or group of projects;*

18 (2) *reduce costs to the Federal Government; and*

19 (3) *aid the completion of a project that provides*
 20 *significant flood risk reduction or environmental ben-*
 21 *efits.*

22 (d) *TERMINATION OF AUTHORITY.—The authority*
 23 *provided in this section shall terminate 10 years after the*
 24 *date of enactment of this Act.*

25 (e) *REPORT.—*

1 (1) *DEADLINES.*—

2 (A) *IN GENERAL.*—Not later than 2 years
3 after the date of enactment of this Act, the Sec-
4 retary shall submit to the Committee on Envi-
5 ronment and Public Works of the Senate and the
6 Committee on Transportation and Infrastructure
7 of the House of Representatives an interim re-
8 port on the use of the authority under this sec-
9 tion.

10 (B) *FINAL REPORT.*—Not later than 5 years
11 after the date of enactment of this Act, the Sec-
12 retary shall submit to the Committee on Envi-
13 ronment and Public Works of the Senate and the
14 Committee on Transportation and Infrastructure
15 of the House of Representatives a final report on
16 the use of the authority under this section.

17 (2) *INCLUSIONS.*—The reports described in para-
18 graph (1) shall include—

19 (A) a description of the use of the authority
20 under this section during the reporting period;

21 (B) an assessment of the impact of the au-
22 thority under this section on the time required to
23 complete projects; and

1 (C) an assessment of the impact of the au-
 2 thority under this section on other water re-
 3 sources projects.

4 **SEC. 2012. CREDIT FOR IN-KIND CONTRIBUTIONS.**

5 (a) *IN GENERAL.*—Section 221(a)(4) of the Flood Con-
 6 trol Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is amended—

7 (1) in subparagraph (A), in the matter preceding
 8 clause (i) by inserting “or a project under an envi-
 9 ronmental infrastructure assistance program” after
 10 “law”;

11 (2) in subparagraph (C), by striking “In any
 12 case” and all that follows through the period at the
 13 end and inserting the following:

14 “(i) *CONSTRUCTION.*—

15 “(I) *IN GENERAL.*—In any case
 16 in which the non-Federal interest is to
 17 receive credit under subparagraph (A)
 18 for the cost of construction carried out
 19 by the non-Federal interest before exe-
 20 cution of a partnership agreement and
 21 that construction has not been carried
 22 out as of the date of enactment of this
 23 subparagraph, the Secretary and the
 24 non-Federal interest shall enter into an
 25 agreement under which the non-Fed-

1 *eral interest shall carry out such work*
 2 *prior to the non-Federal interest initi-*
 3 *ating construction or issuing a written*
 4 *notice to proceed for the construction.*

5 “(II) *ELIGIBILITY.*—Construction
 6 *that is carried out after the execution*
 7 *of an agreement to carry out work de-*
 8 *scribed in subclause (I) and any design*
 9 *activities that are required for that*
 10 *construction, even if the design activity*
 11 *is carried out prior to the execution of*
 12 *the agreement to carry out work, shall*
 13 *be eligible for credit.*

14 “(ii) *PLANNING.*—

15 “(I) *IN GENERAL.*—In any case
 16 *in which the non-Federal interest is to*
 17 *receive credit under subparagraph (A)*
 18 *for the cost of planning carried out by*
 19 *the non-Federal interest before execu-*
 20 *tion of a feasibility cost sharing agree-*
 21 *ment, the Secretary and the non-Fed-*
 22 *eral interest shall enter into an agree-*
 23 *ment under which the non-Federal in-*
 24 *terest shall carry out such work prior*

1 to the non-Federal interest initiating
2 that planning.

3 “(II) *ELIGIBILITY.—Planning*
4 *that is carried out by the non-Federal*
5 *interest after the execution of an agree-*
6 *ment to carry out work described in*
7 *subclause (I) shall be eligible for cred-*
8 *it.”;*

9 (3) in subparagraph (D)(iii), by striking “sec-
10 tions 101 and 103” and inserting “sections 101(a)(2)
11 and 103(a)(1)(A) of the Water Resources Development
12 Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C.
13 2213(a)(1)(A))”;

14 (4) by redesignating subparagraph (E) as sub-
15 paragraph (H);

16 (5) by inserting after subparagraph (D) the fol-
17 lowing:

18 “(E) *ANALYSIS OF COSTS AND BENEFITS.—*
19 *In the evaluation of the costs and benefits of a*
20 *project, the Secretary shall not consider construc-*
21 *tion carried out by a non-Federal interest under*
22 *this subsection as part of the future without*
23 *project condition.*

24 “(F) *TRANSFER OF CREDIT BETWEEN SEPA-*
25 *RABLE ELEMENTS OF A PROJECT.—Credit for in-*

1 *kind contributions provided by a non-Federal in-*
 2 *terest that are in excess of the non-Federal cost*
 3 *share for an authorized separable element of a*
 4 *project may be applied toward the non-Federal*
 5 *cost share for a different authorized separable*
 6 *element of the same project.*

7 *“(G) APPLICATION OF CREDIT.—To the ex-*
 8 *tent that credit for in-kind contributions, as lim-*
 9 *ited by subparagraph (D), and credit for re-*
 10 *quired land, easements, rights-of-way, dredged*
 11 *material disposal areas, and relocations provided*
 12 *by the non-Federal interest exceed the non-Fed-*
 13 *eral share of the cost of construction of a project*
 14 *other than a navigation project, the Secretary*
 15 *shall reimburse the difference to the non-Federal*
 16 *interest, subject to the availability of funds.”;*
 17 *and*

18 *(6) in subparagraph (H) (as redesignated by*
 19 *paragraph (4))—*

20 *(A) in clause (i), by inserting “, and to*
 21 *water resources projects authorized prior to the*
 22 *date of enactment of the Water Resources Devel-*
 23 *opment Act of 1986 (Public Law 99–662), if cor-*
 24 *rection of design deficiencies is necessary” before*
 25 *the period at the end; and*

1 (B) by striking clause (ii) and inserting the
2 following:

3 “(ii) *AUTHORIZATION IN AD-*
4 *DITION TO SPECIFIC CREDIT PRO-*
5 *VISION.—In any case in which a*
6 *specific provision of law author-*
7 *izes credit for in-kind contribu-*
8 *tions provided by a non-Federal*
9 *interest before the date of execu-*
10 *tion of a partnership agreement,*
11 *the Secretary may apply the au-*
12 *thority provided in this para-*
13 *graph to allow credit for in-kind*
14 *contributions provided by the*
15 *non-Federal interest on or after*
16 *the date of execution of the part-*
17 *nership agreement.”.*

18 (b) *APPLICABILITY.—Section 2003(e) of the Water Re-*
19 *sources Development Act of 2007 (42 U.S.C. 1962d-5b note)*
20 *is amended by inserting “, or construction of design defi-*
21 *ciency corrections on the project,” after “construction on*
22 *the project”.*

23 (c) *EFFECTIVE DATE.—The amendments made by sub-*
24 *sections (a) and (b) take effect on November 8, 2007.*

25 (d) *GUIDELINES.—*

1 (1) *IN GENERAL.*—Not later than 1 year after
 2 the date of enactment of this Act, the Secretary shall
 3 update any guidance or regulations for carrying out
 4 section 221(a)(4) of the Flood Control Act of 1970 (42
 5 U.S.C. 1962d-5b(a)(4)) (as amended by subsection
 6 (a)) that are in existence on the date of enactment of
 7 this Act or issue new guidelines, as determined to be
 8 appropriate by the Secretary.

9 (2) *INCLUSIONS.*—Any guidance, regulations, or
 10 guidelines updated or issued under paragraph (1)
 11 shall include, at a minimum—

12 (A) the milestone for executing an in-kind
 13 memorandum of understanding for construction
 14 by a non-Federal interest;

15 (B) criteria and procedures for evaluating a
 16 request to execute an in-kind memorandum of
 17 understanding for construction by a non-Federal
 18 interest that is earlier than the milestone under
 19 subparagraph (A) for that execution; and

20 (C) criteria and procedures for determining
 21 whether work carried out by a non-Federal inter-
 22 est is integral to a project.

23 (3) *PUBLIC AND STAKEHOLDER PARTICIPA-*
 24 *TION.*—Before issuing any new or revised guidance,

1 *regulations, or guidelines or any subsequent updates*
 2 *to those documents, the Secretary shall—*

3 *(A) consult with affected non-Federal inter-*
 4 *ests;*

5 *(B) publish the proposed guidelines devel-*
 6 *oped under this subsection in the Federal Reg-*
 7 *ister; and*

8 *(C) provide the public with an opportunity*
 9 *to comment on the proposed guidelines.*

10 *(e) OTHER CREDIT.—Nothing in section 221(a)(4) of*
 11 *the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4))*
 12 *(as amended by subsection (a)) affects any eligibility for*
 13 *credit under section 104 of the Water Resources Develop-*
 14 *ment of 1986 (33 U.S.C. 2214) that was approved by the*
 15 *Secretary prior to the date of enactment of this Act.*

16 **SEC. 2013. CREDIT IN LIEU OF REIMBURSEMENT.**

17 *Section 211(e)(2) of the Water Resources Development*
 18 *Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended by add-*
 19 *ing at the end the following:*

20 *“(C) STUDIES OR OTHER PROJECTS.—On*
 21 *the request of a non-Federal interest, in lieu of*
 22 *reimbursing a non-Federal interest the amount*
 23 *equal to the estimated Federal share of the cost*
 24 *of an authorized flood damage reduction project*
 25 *or a separable element of an authorized flood*

1 *damage reduction project under this subsection*
 2 *that has been constructed by the non-Federal in-*
 3 *terest under this section as of the date of enact-*
 4 *ment of this Act, the Secretary may provide the*
 5 *non-Federal interest with a credit in that*
 6 *amount, which the non-Federal interest may*
 7 *apply to the share of the cost of the non-Federal*
 8 *interest of carrying out other flood damage re-*
 9 *duction projects or studies.”.*

10 **SEC. 2014. DAM OPTIMIZATION.**

11 (a) *DEFINITIONS.—In this section:*

12 (1) *OTHER RELATED PROJECT BENEFITS.—The*
 13 *term “other related project benefits” includes—*

14 (A) *environmental protection and restora-*
 15 *tion, including restoration of water quality and*
 16 *water flows, improving movement of fish and*
 17 *other aquatic species, and restoration of*
 18 *floodplains, wetlands, and estuaries;*

19 (B) *increased water supply storage;*

20 (C) *increased hydropower generation;*

21 (D) *reduced flood risk;*

22 (E) *additional navigation; and*

23 (F) *improved recreation.*

24 (2) *WATER CONTROL PLAN.—The term “water*
 25 *control plan” means—*

1 (A) a plan for coordinated regulation sched-
2 ules for project or system regulation; and

3 (B) such additional provisions as may be
4 required to collect, analyze, and disseminate
5 basic data, prepare detailed operating instruc-
6 tions, ensure project safety, and carry out regu-
7 lation of projects in an appropriate manner.

8 (b) PROGRAM.—

9 (1) IN GENERAL.—The Secretary may carry out
10 activities—

11 (A) to improve the efficiency of the oper-
12 ations and maintenance of dams and related in-
13 frastructure operated by the Corps of Engineers;
14 and

15 (B) to maximize, to the extent practicable—

16 (i) authorized project purposes; and

17 (ii) other related project benefits.

18 (2) ELIGIBLE ACTIVITIES.—An eligible activity
19 under this section is any activity that the Secretary
20 would otherwise be authorized to carry out that is de-
21 signed to provide other related project benefits in a
22 manner that does not adversely impact the authorized
23 purposes of the project, including—

1 (A) *the review of project operations on a*
2 *regular and timely basis to determine the poten-*
3 *tial for operational changes;*

4 (B) *carrying out any investigation or study*
5 *the Secretary determines to be necessary; and*

6 (C) *the revision or updating of a water con-*
7 *trol plan or other modification of the operation*
8 *of a water resource project.*

9 (3) *IMPACT ON AUTHORIZED PURPOSES.—An ac-*
10 *tivity carried out under this section shall not ad-*
11 *versely impact any of the authorized purposes of the*
12 *project.*

13 (4) *EFFECT ON EXISTING AGREEMENTS.—Noth-*
14 *ing in this section supersedes or modifies any written*
15 *agreement between the Federal Government and a*
16 *non-Federal interest that is in effect on the date of en-*
17 *actment of this Act.*

18 (5) *OTHER LAWS.—*

19 (A) *IN GENERAL.—An activity carried out*
20 *under this section shall comply with all other*
21 *applicable laws (including regulations).*

22 (B) *WATER SUPPLY.—Any activity carried*
23 *out under this section that results in any modi-*
24 *fication to water supply storage allocations at a*
25 *reservoir operated by the Secretary shall comply*

1 *with section 301 of the Water Supply Act of*
2 *1958 (43 U.S.C. 390b).*

3 (c) *POLICIES, REGULATIONS, AND GUIDANCE.—The*
4 *Secretary shall carry out a review of, and as necessary mod-*
5 *ify, the policies, regulations, and guidance of the Secretary*
6 *to carry out the activities described in subsection (b).*

7 (d) *COORDINATION.—*

8 (1) *IN GENERAL.—The Secretary shall coordi-*
9 *nate all planning and activities carried out under*
10 *this section with appropriate Federal, State, and*
11 *local agencies and those public and private entities*
12 *that the Secretary determines may be affected by those*
13 *plans or activities.*

14 (2) *NON-FEDERAL INTERESTS.—Prior to car-*
15 *rying out an activity under this section, the Secretary*
16 *shall consult with any applicable non-Federal interest*
17 *of the affected dam or related infrastructure.*

18 (e) *REPORTS.—*

19 (1) *IN GENERAL.—Not later than 2 years after*
20 *the date of enactment of this Act and every 2 years*
21 *thereafter, the Secretary shall submit to Congress a*
22 *report describing the actions carried out under this*
23 *section.*

24 (2) *INCLUSIONS.—Each report under paragraph*
25 (1) *shall include—*

1 (A) a schedule for reviewing the operations
2 of individual projects; and

3 (B) any recommendations of the Secretary
4 on changes that the Secretary determines to be
5 necessary—

6 (i) to carry out existing project author-
7 izations, including the deauthorization of
8 any water resource project that the Sec-
9 retary determines could more effectively be
10 achieved through other means;

11 (ii) to improve the efficiency of water
12 resource project operations; and

13 (iii) to maximize authorized project
14 purposes and other related project benefits.

15 (3) *UPDATED REPORT.*—

16 (A) *IN GENERAL.*—Not later than 2 years
17 after the date of enactment of this Act, the Sec-
18 retary shall update the report entitled “Author-
19 ized and Operating Purposes of Corps of Engi-
20 neers Reservoirs” and dated July 1992, which
21 was produced pursuant to section 311 of the
22 Water Resources Development Act of 1990 (104
23 Stat. 4639).

24 (B) *INCLUSIONS.*—The updated report de-
25 scribed in subparagraph (A) shall include—

1 (i) *the date on which the most recent*
 2 *review of project operations was conducted*
 3 *and any recommendations of the Secretary*
 4 *relating to that review the Secretary deter-*
 5 *mines to be significant; and*

6 (ii) *the dates on which the rec-*
 7 *ommendations described in clause (i) were*
 8 *carried out.*

9 (f) *FUNDING.—*

10 (1) *IN GENERAL.—The Secretary may use to*
 11 *carry out this section amounts made available to the*
 12 *Secretary from—*

13 (A) *the general purposes and expenses ac-*
 14 *count;*

15 (B) *the operations and maintenance ac-*
 16 *count; and*

17 (C) *any other amounts that are appro-*
 18 *priated to carry out this section.*

19 (2) *FUNDING FROM OTHER SOURCES.—The Sec-*
 20 *retary may accept and expend amounts from non-*
 21 *Federal entities and other Federal agencies to carry*
 22 *out this section.*

23 (g) *COOPERATIVE AGREEMENTS.—The Secretary may*
 24 *enter into cooperative agreements with other Federal agen-*
 25 *cies and non-Federal entities to carry out this section.*

1 **SEC. 2015. WATER SUPPLY.**

2 Section 301 of the Water Supply Act of 1958 (43
3 U.S.C. 390b) is amended by striking subsection (d) and in-
4 serting the following:

5 “(d) CONGRESSIONAL APPROVAL OF MODIFICATIONS
6 OF RESERVOIR PROJECTS.—Congressional approval shall
7 be required for any modification that provides storage for
8 municipal or industrial water supply at a reservoir project
9 that has been authorized, surveyed, planned, or constructed
10 if, when considered cumulatively with all previous modi-
11 fications of the project, the modification would—

12 “(1) seriously affect the purposes for which the
13 project was authorized, surveyed, planned, or con-
14 structed;

15 “(2) involve major structural or operational
16 changes; or

17 “(3) involve an allocation or reallocation of stor-
18 age that is equal to or exceeds 5 percent of the con-
19 servation storage pool of the project.”.

20 **SEC. 2016. REPORT ON WATER STORAGE PRICING FOR-**
21 **MULAS.**

22 (a) FINDINGS.—Congress finds that—

23 (1) due to the ongoing drought in many parts of
24 the United States, communities are looking for ways
25 to enhance their water storage on Corps of Engineer

1 *reservoirs so as to maintain a reliable supply of*
 2 *water into the foreseeable future;*

3 *(2) water storage pricing formulas should be eq-*
 4 *uitable and not create disparities between users; and*

5 *(3) water pricing formulas should not be cost-*
 6 *prohibitive for communities.*

7 *(b) ASSESSMENT.—*

8 *(1) IN GENERAL.—Not later than 180 days after*
 9 *the date of enactment of this Act, the Comptroller*
 10 *General of the United States shall initiate an assess-*
 11 *ment of the water storage pricing formulas of the*
 12 *Corps of Engineers, which shall include an assessment*
 13 *of—*

14 *(A) existing water storage pricing formulas*
 15 *of the Corps of Engineers, in particular whether*
 16 *those formulas produce water storage costs for*
 17 *some beneficiaries that are greatly disparate*
 18 *from the costs of other beneficiaries; and*

19 *(B) whether equitable water storage pricing*
 20 *formulas could lessen the disparate impact and*
 21 *produce more affordable water storage for poten-*
 22 *tial beneficiaries.*

23 *(2) REPORT.—The Comptroller General of the*
 24 *United States shall submit to Congress a report on*
 25 *the assessment carried out under paragraph (1).*

1 **SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED**
2 **WORK.**

3 (a) *IN GENERAL.*—*The Secretary may carry out meas-*
4 *ures to improve fish species habitat within the footprint and*
5 *downstream of a water resources project constructed by the*
6 *Secretary that includes a fish hatchery if the Secretary—*

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

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

10 (A) *feasible;*

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

13 (C) *in the public interest.*

14 (b) *COST SHARING.*—

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

21 (2) *OPERATION AND MAINTENANCE.*—*The non-*
22 *Federal interest shall contribute 100 percent of the*
23 *costs of operation, maintenance, replacement, repair,*
24 *and rehabilitation of a project constructed under this*
25 *section.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*For each*
 2 *fiscal year, there is authorized to be appropriated to carry*
 3 *out this section \$30,000,000.*

4 **SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASI-**
 5 **BILITY STUDIES.**

6 *At the request of the non-Federal interest, the Secretary*
 7 *shall include as part of a regional or watershed study any*
 8 *Federal land that is located within the geographic scope of*
 9 *that study.*

10 **SEC. 2019. PLANNING ASSISTANCE TO STATES.**

11 *Section 22 of the Water Resources Development Act of*
 12 *1974 (42 U.S.C. 1962d–16) is amended—*

13 (1) *in subsection (a)—*

14 (A) *in paragraph (1)—*

15 (i) *by inserting “or other stakeholder*
 16 *working with a State” after “cooperate with*
 17 *any State”; and*

18 (ii) *by inserting “, including plans to*
 19 *comprehensively address water resources*
 20 *challenges,” after “of such State”; and*

21 (B) *in paragraph (2)(A), by striking “, at*
 22 *Federal expense,”;*

23 (2) *in subsection (b)—*

(A) in paragraph (1), by striking “subsection (a)(1)” each place it appears and inserting “subsection (a)”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

“(2) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal public body for assistance under this section.” ; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “\$10,000,000” and inserting “\$30,000,000”; and

(ii) by striking “\$2,000,000” and inserting “\$5,000,000 in Federal funds”; and

(B) in paragraph (2), by striking “\$5,000,000” and inserting “\$15,000,000”.

SEC. 2020. VEGETATION MANAGEMENT POLICY.

(a) DEFINITION OF NATIONAL GUIDELINES.—In this section, the term “national guidelines” means the Corps of Engineers policy guidelines for management of vegetation on levees, including—

1 (1) *Engineering Technical Letter 1110-2-571 en-*
 2 *titled “Guidelines for Landscape Planting and Vege-*
 3 *tation Management at Levees, Floodwalls, Embank-*
 4 *ment Dams, and Appurtenant Structures” and adopt-*
 5 *ed April 10, 2009; and*

6 (2) *the draft policy guidance letter entitled*
 7 *“Process for Requesting a Variance from Vegetation*
 8 *Standards for Levees and Floodwalls” (77 Fed. Reg.*
 9 *9637 (Feb. 17, 2012)).*

10 (b) *REVIEW.*—*Not later than 180 days after the date*
 11 *of enactment of this Act, the Secretary shall carry out a*
 12 *comprehensive review of the national guidelines in order to*
 13 *determine whether current Federal policy relating to levee*
 14 *vegetation is appropriate for all regions of the United*
 15 *States.*

16 (c) *FACTORS.*—

17 (1) *IN GENERAL.*—*In carrying out the review,*
 18 *the Secretary shall consider—*

19 (A) *the varied interests and responsibilities*
 20 *in managing flood risks, including the need—*

21 (i) *to provide for levee safety with lim-*
 22 *ited resources; and*

23 (ii) *to ensure that levee safety invest-*
 24 *ments minimize environmental impacts and*
 25 *provide corresponding public safety benefits;*

1 (B) the levee safety benefits that can be pro-
2 vided by woody vegetation;

3 (C) the preservation, protection, and en-
4 hancement of natural resources, including—

5 (i) the benefit of vegetation on levees in
6 providing habitat for endangered, threat-
7 ened, and candidate species; and

8 (ii) the impact of removing levee vege-
9 tation on compliance with other regulatory
10 requirements;

11 (D) protecting the rights of Indian tribes
12 pursuant to treaties and statutes;

13 (E) the available science and the historical
14 record regarding the link between vegetation on
15 levees and flood risk;

16 (F) the avoidance of actions requiring sig-
17 nificant economic costs and environmental im-
18 pacts; and

19 (G) other factors relating to the factors de-
20 scribed in subparagraphs (A) through (F) identi-
21 fied in public comments that the Secretary deter-
22 mines to be appropriate.

23 (2) VARIANCE CONSIDERATIONS.—

24 (A) IN GENERAL.—In carrying out the re-
25 view, the Secretary shall specifically consider

1 *whether the national guidelines can be amended*
2 *to promote and allow for consideration of*
3 *variances from national guidelines on a State-*
4 *wide, tribal, regional, or watershed basis, includ-*
5 *ing variances based on—*

6 *(i) soil conditions;*

7 *(ii) hydrologic factors;*

8 *(iii) vegetation patterns and character-*
9 *istics;*

10 *(iv) environmental resources, including*
11 *endangered, threatened, or candidate species*
12 *and related regulatory requirements;*

13 *(v) levee performance history, includ-*
14 *ing historical information on original con-*
15 *struction and subsequent operation and*
16 *maintenance activities;*

17 *(vi) any effects on water supply;*

18 *(vii) any scientific evidence on the link*
19 *between levee vegetation and levee safety;*

20 *(viii) institutional considerations, in-*
21 *cluding implementation challenges;*

22 *(ix) the availability of limited funds*
23 *for levee construction and rehabilitation;*

1 (x) *the economic and environmental*
 2 *costs of removing woody vegetation on lev-*
 3 *ees; and*

4 (xi) *other relevant factors identified in*
 5 *public comments that the Secretary deter-*
 6 *mines to be appropriate.*

7 (B) *SCOPE.*—*The scope of a variance ap-*
 8 *proved by the Secretary may include a complete*
 9 *exemption to national guidelines, as the Sec-*
 10 *retary determines to be necessary.*

11 (d) *COOPERATION AND CONSULTATION; RECOMMENDA-*
 12 *TIONS.*—

13 (1) *IN GENERAL.*—*The Secretary shall carry out*
 14 *the review under this section in consultation with*
 15 *other applicable Federal agencies, representatives of*
 16 *State, regional, local, and tribal governments, appro-*
 17 *priate nongovernmental organizations, and the pub-*
 18 *lic.*

19 (2) *RECOMMENDATIONS.*—*The Chief of Engineers*
 20 *and any State, tribal, regional, or local entity may*
 21 *submit to the Secretary any recommendations for*
 22 *vegetation management policies for levees that con-*
 23 *form with Federal and State laws, including rec-*
 24 *ommendations relating to the review of national*

1 *guidelines under subsection (b) and the consideration*
 2 *of variances under subsection (c)(2).*

3 *(e) PEER REVIEW.—*

4 *(1) IN GENERAL.—As part of the review, the Sec-*
 5 *retary shall solicit and consider the views of the Na-*
 6 *tional Academy of Engineering and the National*
 7 *Academy of Sciences on the engineering, environ-*
 8 *mental, and institutional considerations underlying*
 9 *the national guidelines, including the factors de-*
 10 *scribed in subsection (c) and any information ob-*
 11 *tained by the Secretary under subsection (d).*

12 *(2) AVAILABILITY OF VIEWS.—The views of the*
 13 *National Academy of Engineering and the National*
 14 *Academy of Sciences obtained under paragraph (1)*
 15 *shall be—*

16 *(A) made available to the public; and*

17 *(B) included in supporting materials issued*
 18 *in connection with the revised national guide-*
 19 *lines required under subsection (f).*

20 *(f) REVISION OF NATIONAL GUIDELINES.—*

21 *(1) IN GENERAL.—Not later than 2 years after*
 22 *the date of enactment of this Act, the Secretary*
 23 *shall—*

24 *(A) revise the national guidelines based on*
 25 *the results of the review, including—*

1 (i) recommendations received as part
 2 of the consultation described in subsection
 3 (d)(1); and

4 (ii) the results of the peer review con-
 5 ducted under subsection (e); and

6 (B) submit to Congress a report that con-
 7 tains a summary of the activities of the Sec-
 8 retary and a description of the findings of the
 9 Secretary under this section.

10 (2) CONTENT; INCORPORATION INTO MANUAL.—

11 *The revised national guidelines shall—*

12 (A) provide a practical, flexible process for
 13 approving Statewide, tribal, regional, or water-
 14 shed variances from the national guidelines
 15 that—

16 (i) reflect due consideration of the fac-
 17 tors described in subsection (c); and

18 (ii) incorporate State, tribal, and re-
 19 gional vegetation management guidelines
 20 for specific areas that have been adopted
 21 through a formal public process; and

22 (B) be incorporated into the manual pro-
 23 posed under section 5(c) of the Act entitled “An
 24 Act authorizing the construction of certain pub-
 25 lic works on rivers and harbors for flood control,

1 *and for other purposes”, approved August 18,*
 2 *1941 (33 U.S.C. 701n(c)).*

3 (3) *FAILURE TO MEET DEADLINES.*—*If the Sec-*
 4 *retary fails to submit a report by the required dead-*
 5 *line under this subsection, the Secretary shall submit*
 6 *to the Committee on Environment and Public Works*
 7 *of the Senate and the Committee on Transportation*
 8 *and Infrastructure of the House of Representatives a*
 9 *detailed explanation of—*

10 (A) *why the deadline was missed;*

11 (B) *solutions needed to meet the deadline;*

12 *and*

13 (C) *a projected date for submission of the*
 14 *report.*

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

21 (h) *INTERIM ACTIONS.*—

22 (1) *IN GENERAL.*—*Until the date on which revi-*
 23 *sions to the national guidelines are adopted in ac-*
 24 *cordance with subsection (f), the Secretary shall not*
 25 *require the removal of existing vegetation as a condi-*

1 *tion or requirement for any approval or funding of*
 2 *a project, or any other action, unless the specific vege-*
 3 *tation has been demonstrated to present an unaccept-*
 4 *able safety risk.*

5 (2) *REVISIONS.*—*Beginning on the date on which*
 6 *the revisions to the national guidelines are adopted in*
 7 *accordance with subsection (f), the Secretary shall*
 8 *consider, on request of an affected entity, any pre-*
 9 *vious action of the Corps of Engineers in which the*
 10 *outcome was affected by the former national guide-*
 11 *lines.*

12 **SEC. 2021. LEVEE CERTIFICATIONS.**

13 (a) *IMPLEMENTATION OF FLOOD PROTECTION STRUC-*
 14 *TURE ACCREDITATION TASK FORCE.*—*In carrying out sec-*
 15 *tion 100226 of the Biggert-Waters Flood Insurance Reform*
 16 *Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942), the Sec-*
 17 *retary shall—*

18 (1) *ensure that at least 1 program activity car-*
 19 *ried out under the inspection of completed works pro-*
 20 *gram of the Corps of Engineers provides adequate in-*
 21 *formation to the Secretary to reach a levee accredita-*
 22 *tion decision for each requirement under section 65.10*
 23 *of title 44, Code of Federal Regulations (or successor*
 24 *regulation); and*

1 (2) *to the maximum extent practicable, carry out*
 2 *activities under the inspection of completed works*
 3 *program of the Corps of Engineers in alignment with*
 4 *the schedule established for the national flood insur-*
 5 *ance program established under chapter 1 of the Na-*
 6 *tional Flood Insurance Act of 1968 (42 U.S.C. 4011*
 7 *et seq.).*

8 (b) *ACCELERATED LEVEE SYSTEM EVALUATIONS AND*
 9 *CERTIFICATIONS.—*

10 (1) *IN GENERAL.—On receipt of a request from*
 11 *a non-Federal interest, the Secretary may carry out*
 12 *a levee system evaluation and certification of a feder-*
 13 *ally authorized levee for purposes of the national flood*
 14 *insurance program established under chapter 1 of the*
 15 *National Flood Insurance Act of 1968 (42 U.S.C.*
 16 *4011 et seq.) if the evaluation and certification will*
 17 *be carried out earlier than such an evaluation and*
 18 *certification would be carried out under subsection*
 19 *(a).*

20 (2) *REQUIREMENTS.—A levee system evaluation*
 21 *and certification under paragraph (1) shall—*

22 (A) *at a minimum, comply with section*
 23 *65.10 of title 44, Code of Federal Regulations (as*
 24 *in effect on the date of enactment of this Act);*
 25 *and*

1 *(B) be carried out in accordance with such*
 2 *procedures as the Secretary, in consultation with*
 3 *the Director of the Federal Emergency Manage-*
 4 *ment Agency, may establish.*

5 *(3) COST SHARING.—*

6 *(A) NON-FEDERAL SHARE.—Subject to sub-*
 7 *paragraph (B), the non-Federal share of the cost*
 8 *of carrying out a levee system evaluation and*
 9 *certification under this subsection shall be 35*
 10 *percent.*

11 *(B) ADJUSTMENT.—The Secretary shall ad-*
 12 *just the non-Federal share of the cost of carrying*
 13 *out a levee system evaluation and certification*
 14 *under this subsection in accordance with section*
 15 *103(m) of the Water Resources Development Act*
 16 *of 1986 (33 U.S.C. 2213(m)).*

17 *(4) APPLICATION.—Nothing in this subsection af-*
 18 *fects the requirement under section 100226(b)(2) of*
 19 *the Biggert-Waters Flood Insurance Reform Act of*
 20 *2012 (42 U.S.C. 4101 note; 126 Stat. 942).*

21 **SEC. 2022. RESTORATION OF FLOOD AND HURRICANE**
 22 **STORM DAMAGE REDUCTION PROJECTS.**

23 *(a) IN GENERAL.—The Secretary shall carry out any*
 24 *measures necessary to restore components of federally au-*
 25 *thorized and federally constructed flood and hurricane*

1 *storm damage reduction projects to authorized levels of pro-*
 2 *tection for reasons including settlement, subsidence, sea level*
 3 *rise, and new datum, if the Secretary determines the nec-*
 4 *essary work is feasible.*

5 (b) *COST SHARE.*—*The non-Federal share of the cost*
 6 *of construction of a project carried out under this section*
 7 *shall be determined as provided in subsections (a) through*
 8 *(d) of section 103 of the Water Resources Development Act*
 9 *of 1986 (33 U.S.C. 2213).*

10 (c) *OPERATIONS AND MAINTENANCE.*—*The non-Fed-*
 11 *eral share of the cost of operations, maintenance, repair,*
 12 *replacement, and rehabilitation for a project carried out*
 13 *under this section shall be 100 percent.*

14 (d) *ELIGIBILITY OF PROJECTS TRANSFERRED TO NON-*
 15 *FEDERAL INTEREST.*—*The Secretary may carry out meas-*
 16 *ures described in subsection (a) on a water resources project,*
 17 *separable element of a project, or functional component of*
 18 *a project that has been transferred to the non-Federal inter-*
 19 *est.*

20 (e) *REPORT TO CONGRESS.*—*Not later than 8 years*
 21 *after the date of enactment of this Act, the Secretary shall*
 22 *submit to the Committee on Environment and Public Works*
 23 *of the Senate and the Committee on Transportation and*
 24 *Infrastructure of the House of Representatives a report on*
 25 *the implementation of this section, including—*

(2) a description of the measures carried out under this section;

5 (3) any lessons learned relating to the measures
6 implemented under this section; and

(4) *best practices for carrying out measures to restore flood damage reduction projects.*

9 (f) *TERMINATION OF AUTHORITY.*—The authority to
10 carry out a measure under this section terminates on the
11 date that is 10 years after the date of enactment of this
12 Act.

13 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary to carry out
15 this section \$250,000,000.

16 *SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN*
17 *PROJECTS.*

18 *The Secretary may assume operation and mainte-*
19 *nance activities for a navigation channel that is deepened*
20 *by a non-Federal interest prior to December 31, 2012, if—*

21 (1) the Secretary determines that the require-
22 ments under paragraphs (2) and (3) of section 204(f)
23 of the Water Resources Development Act of 1986 (33
24 U.S.C. 2232(f)) are met;

1 (2) *the Secretary determines that the activities*
2 *carried out by the non-Federal interest in deepening*
3 *the navigation channel are economically justified and*
4 *environmentally acceptable; and*

5 (3) *the deepening activities have been carried out*
6 *on a Federal navigation channel that—*

7 (A) *exists as of the date of enactment of this*
8 *Act; and*

9 (B) *has been authorized by Congress.*

10 **SEC. 2024. DREDGING STUDY.**

11 (a) *IN GENERAL.—The Secretary, in conjunction with*
12 *other relevant Federal agencies and applicable non-Federal*
13 *interests, shall carry out a study—*

14 (1) *to compare domestic and international*
15 *dredging markets, including costs, technologies, and*
16 *management approaches used in each respective mar-*
17 *ket, and determine the impacts of those markets on*
18 *dredging needs and practices in the United States;*

19 (2) *to analyze past and existing practices, tech-*
20 *nologies, and management approaches used in dredg-*
21 *ing in the United States; and*

22 (3) *to develop recommendations relating to the*
23 *best techniques, practices, and management ap-*
24 *proaches for dredging in the United States.*

1 (b) *PURPOSES.*—*The purposes of the study under this*
2 *section are—*

3 (1) *the identification of the best techniques,*
4 *methods, and technologies for dredging, including the*
5 *evaluation of the feasibility, cost, and benefits of—*

6 (A) *new dredging technologies; and*

7 (B) *improved dredging practices and tech-*
8 *niques;*

9 (2) *the appraisal of the needs of the United*
10 *States for dredging, including the need to increase the*
11 *size of private and Corps of Engineers dredging fleets*
12 *to meet demands for additional construction or main-*
13 *tenance dredging needed as of the date of enactment*
14 *of this Act and in the subsequent 20 years;*

15 (3) *the identification of any impediments to*
16 *dredging, including any recommendations of appro-*
17 *priate alternatives for responding to those impedi-*
18 *ments;*

19 (4) *the assessment, including any recommenda-*
20 *tions of appropriate alternatives, of the adequacy and*
21 *effectiveness of—*

22 (A) *the economic, engineering, and environ-*
23 *mental methods, models, and analyses used by*
24 *the Chief of Engineers and private dredging op-*
25 *erations for dredging; and*

1 (B) the current cost structure of construc-
 2 tion contracts entered into by the Chief of Engi-
 3 neers;

4 (5) the evaluation of the efficiency and effective-
 5 ness of past, current, and alternative dredging prac-
 6 tices and alternatives to dredging, including agitation
 7 dredging; and

8 (6) the identification of innovative techniques
 9 and cost-effective methods to expand regional sedi-
 10 ment management efforts, including the placement of
 11 dredged sediment within river diversions to accelerate
 12 the creation of wetlands.

13 (c) *STUDY TEAM*.—

14 (1) *IN GENERAL*.—The Secretary shall establish
 15 a study team to assist the Secretary in planning, car-
 16 rying out, and reporting on the results of the study
 17 under this section.

18 (2) *STUDY TEAM*.—The study team established
 19 pursuant to paragraph (1) shall—

20 (A) be appointed by the Secretary; and

21 (B) represent a broad spectrum of experts
 22 in the field of dredging and representatives of
 23 relevant State agencies and relevant non-Federal
 24 interests.

1 (d) *PUBLIC COMMENT PERIOD.*—*The Secretary*
2 *shall—*

3 (1) *make available to the public, including on*
4 *the Internet, all draft and final study findings under*
5 *this section; and*

6 (2) *allow for a public comment period of not less*
7 *than 30 days on any draft study findings prior to*
8 *issuing final study findings.*

9 (e) *REPORT TO CONGRESS.*—*Not later than 2 years*
10 *after the date of enactment of this Act, and subject to avail-*
11 *able appropriations, the Secretary, in consultation with the*
12 *study team established under subsection (c), shall submit*
13 *a detailed report on the results of the study to the Com-*
14 *mittee on Environment and Public Works of the Senate and*
15 *the Committee on Transportation and Infrastructure of the*
16 *House of Representatives.*

17 (f) *FAILURE TO MEET DEADLINES.*—*If the Secretary*
18 *does not complete the study under this section and submit*
19 *a report to Congress under subsection (e) on or before the*
20 *deadline described in that subsection, the Secretary shall*
21 *notify Congress and describe why the study was not com-*
22 *pleted.*

1 **SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION**
2 **PILOT PROGRAM.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of enactment of this Act, the Secretary shall establish
5 and implement a pilot program to evaluate the cost-effec-
6 tiveness and project delivery efficiency of allowing non-Fed-
7 eral interests to carry out flood risk management, hurricane
8 and storm damage reduction, and coastal harbor and chan-
9 nel and inland harbor navigation projects.

10 (b) *PURPOSES.*—The purposes of the pilot program
11 are—

12 (1) *to identify project delivery and cost-saving*
13 *alternatives that reduce the backlog of authorized*
14 *Corps of Engineers projects;*

15 (2) *to evaluate the technical, financial, and orga-*
16 *nizational efficiencies of a non-Federal interest car-*
17 *rying out the design, execution, management, and*
18 *construction of 1 or more projects; and*

19 (3) *to evaluate alternatives for the decentraliza-*
20 *tion of the project planning, management, and oper-*
21 *ational decisionmaking process of the Corps of Engi-*
22 *neers.*

23 (c) *ADMINISTRATION.*—

24 (1) *IN GENERAL.*—In carrying out the pilot pro-
25 gram, the Secretary shall—

1 (A) identify a total of not more than 12
2 projects for flood risk management, hurricane
3 and storm damage reduction, including levees,
4 floodwalls, flood control channels, water control
5 structures, and coastal harbor and channel and
6 inland harbor navigation, that have been author-
7 ized for construction prior to the date of enact-
8 ment of this Act that—

9 (i)(I) have received Federal funds prior
10 to the date of enactment of this Act; or

11 (II) for more than 2 consecutive fiscal
12 years, have an unobligated funding balance
13 for that project in the Corps of Engineers
14 construction account; and

15 (ii) to the maximum extent prac-
16 ticable, are located in each of the divisions
17 of the Corps of Engineers;

18 (B) notify the Committee on Environment
19 and Public Works of the Senate and the Com-
20 mittee on Transportation and Infrastructure of
21 the House of Representatives on the identifica-
22 tion of each project under the pilot program;

23 (C) in collaboration with the non-Federal
24 interest, develop a detailed project management
25 plan for each identified project that outlines the

1 *scope, budget, design, and construction resource*
2 *requirements necessary for the non-Federal inter-*
3 *est to execute the project, or a separable element*
4 *of the project;*

5 *(D) on the request of the non-Federal inter-*
6 *est, enter into a project partnership agreement*
7 *with the non-Federal interest for the non-Federal*
8 *interest to provide full project management con-*
9 *trol for construction of the project, or a separable*
10 *element of the project, in accordance with plans*
11 *approved by the Secretary;*

12 *(E) following execution of the project part-*
13 *nership agreement, transfer to the non-Federal*
14 *interest to carry out construction of the project,*
15 *or a separable element of the project—*

16 *(i) if applicable, the balance of the un-*
17 *obligated amounts appropriated for the*
18 *project, except that the Secretary shall re-*
19 *tain sufficient amounts for the Corps of En-*
20 *gineers to carry out any responsibilities of*
21 *the Corps of Engineers relating to the*
22 *project and pilot program; and*

23 *(ii) additional amounts, as determined*
24 *by the Secretary, from amounts made avail-*
25 *able under subsection (h), except that the*

1 total amount transferred to the non-Federal
 2 interest shall not exceed the updated esti-
 3 mate of the Federal share of the cost of con-
 4 struction, including any required design;
 5 and

6 (F) regularly monitor and audit each
 7 project being constructed by a non-Federal inter-
 8 est under this section to ensure that the construc-
 9 tion activities are carried out in compliance
 10 with the plans approved by the Secretary and
 11 that the construction costs are reasonable.

12 (2) *DETAILED PROJECT SCHEDULE.*—Not later
 13 than 180 days after entering into an agreement under
 14 paragraph (1)(D), each non-Federal interest, to the
 15 maximum extent practicable, shall submit to the Sec-
 16 retary a detailed project schedule, based on full fund-
 17 ing capability, that lists all deadlines for each mile-
 18 stone in the construction of the project.

19 (3) *TECHNICAL ASSISTANCE.*—On the request of
 20 a non-Federal interest, the Secretary may provide
 21 technical assistance to the non-Federal interest, if the
 22 non-Federal interest contracts with the Secretary for
 23 the technical assistance and compensates the Sec-
 24 retary for the technical assistance, relating to—

1 (A) any study, engineering activity, and de-
 2 sign activity for construction carried out by the
 3 non-Federal interest under this section; and

4 (B) expeditiously obtaining any permits
 5 necessary for the project.

6 (d) *COST-SHARE*.—Nothing in this section affects the
 7 cost-sharing requirement applicable on the day before the
 8 date of enactment of this Act to a project carried out under
 9 this section.

10 (e) *REPORT*.—

11 (1) *IN GENERAL*.—Not later than 2 years after
 12 the date of enactment of this Act, the Secretary shall
 13 submit to the Committee on Environment and Public
 14 Works of the Senate and the Committee on Transpor-
 15 tation and Infrastructure of the House of Representa-
 16 tives a report detailing the results of the pilot pro-
 17 gram carried out under this section, including—

18 (A) a description of the progress of non-Fed-
 19 eral interests in meeting milestones in detailed
 20 project schedules developed pursuant to sub-
 21 section (c)(2); and

22 (B) any recommendations of the Secretary
 23 concerning whether the program or any compo-
 24 nent of the program should be implemented on a
 25 national basis.

1 (2) *UPDATE.*—Not later than 5 years after the
2 date of enactment of this Act, the Secretary shall sub-
3 mit to the Committee on Environment and Public
4 Works of the Senate and the Committee on Transpor-
5 tation and Infrastructure of the House of Representa-
6 tives an update of the report described in paragraph
7 (1).

8 (3) *FAILURE TO MEET DEADLINE.*—If the Sec-
9 retary fails to submit a report by the required dead-
10 line under this subsection, the Secretary shall submit
11 to the Committee on Environment and Public Works
12 of the Senate and the Committee on Transportation
13 Infrastructure of the House of Representatives a de-
14 tailed explanation of why the deadline was missed
15 and a projected date for submission of the report.

16 (f) *ADMINISTRATION.*—All laws and regulations that
17 would apply to the Secretary if the Secretary were carrying
18 out the project shall apply to a non-Federal interest car-
19 rying out a project under this section.

20 (g) *TERMINATION OF AUTHORITY.*—The authority to
21 commence a project under this section terminates on the
22 date that is 5 years after the date of enactment of this Act.

23 (h) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-
24 tion to any amounts appropriated for a specific project,
25 there is authorized to be appropriated to the Secretary to

1 *carry out the pilot program under this section, including*
 2 *the costs of administration of the Secretary, \$25,000,000 for*
 3 *each of fiscal years 2014 through 2018.*

4 **SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASI-**
 5 **BILITY STUDIES.**

6 *(a) IN GENERAL.—Not later than 180 days after the*
 7 *date of enactment of this Act, the Secretary shall establish*
 8 *and implement a pilot program to evaluate the cost-effec-*
 9 *tiveness and project delivery efficiency of allowing non-Fed-*
 10 *eral interests to carry out feasibility studies for flood risk*
 11 *management, hurricane and storm damage reduction, eco-*
 12 *system restoration, and coastal harbor and channel and in-*
 13 *land harbor navigation.*

14 *(b) PURPOSES.—The purposes of the pilot program*
 15 *are—*

16 *(1) to identify project delivery and cost-saving*
 17 *alternatives to the existing feasibility study process;*

18 *(2) to evaluate the technical, financial, and orga-*
 19 *nizational efficiencies of a non-Federal interest car-*
 20 *rying out a feasibility study of 1 or more projects;*
 21 *and*

22 *(3) to evaluate alternatives for the decentraliza-*
 23 *tion of the project planning, management, and oper-*
 24 *ational decisionmaking process of the Corps of Engi-*
 25 *neers.*

1 (c) *ADMINISTRATION.*—

2 (1) *IN GENERAL.*—*On the request of a non-Fed-*
 3 *eral interest, the Secretary may enter into an agree-*
 4 *ment with the non-Federal interest for the non-Fed-*
 5 *eral interest to provide full project management con-*
 6 *trol of a feasibility study for a project for—*

7 (A) *flood risk management;*

8 (B) *hurricane and storm damage reduction,*
 9 *including levees, floodwalls, flood control chan-*
 10 *nels, and water control structures;*

11 (C) *coastal harbor and channel and inland*
 12 *harbor navigation; and*

13 (D) *ecosystem restoration.*

14 (2) *USE OF NON-FEDERAL-FUNDS.*—

15 (A) *IN GENERAL.*—*A non-Federal interest*
 16 *that has entered into an agreement with the Sec-*
 17 *retary pursuant to paragraph (1) may use non-*
 18 *Federal funds to carry out the feasibility study.*

19 (B) *CREDIT.*—*The Secretary shall credit to-*
 20 *wards the non-Federal share of the cost of con-*
 21 *struction of a project for which a feasibility*
 22 *study is carried out under this section an*
 23 *amount equal to the portion of the cost of devel-*
 24 *oping the study that would have been the respon-*
 25 *sibility of the Secretary, if the study were car-*

ried out by the Secretary, subject to the conditions that—

(i) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;

(ii) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and

(iii) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under paragraph (1).

(3) *TRANSFER OF FUNDS.*—

(A) *IN GENERAL.*—After the date on which an agreement is executed pursuant to paragraph (1), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—

(i) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

1 (ii) additional amounts, as determined
2 by the Secretary, from amounts made avail-
3 able under subsection (h), except that the
4 total amount transferred to the non-Federal
5 interest shall not exceed the updated esti-
6 mate of the Federal share of the cost of the
7 feasibility study.

8 (B) ADMINISTRATION.—The Secretary shall
9 include such provisions as the Secretary deter-
10 mines to be necessary in an agreement under
11 paragraph (1) to ensure that a non-Federal in-
12 terest receiving Federal funds under this para-
13 graph—

14 (i) has the necessary qualifications to
15 administer those funds; and

16 (ii) will comply with all applicable
17 Federal laws (including regulations) relat-
18 ing to the use of those funds.

19 (4) NOTIFICATION.—The Secretary shall notify
20 the Committee on Environment and Public Works of
21 the Senate and the Committee on Transportation and
22 Infrastructure of the House of Representatives on the
23 initiation of each feasibility study under the pilot
24 program.

1 (5) *AUDITING.*—*The Secretary shall regularly*
 2 *monitor and audit each feasibility study carried out*
 3 *by a non-Federal interest under this section to ensure*
 4 *that the use of any funds transferred under para-*
 5 *graph (3) are used in compliance with the agreement*
 6 *signed under paragraph (1).*

7 (6) *TECHNICAL ASSISTANCE.*—*On the request of*
 8 *a non-Federal interest, the Secretary may provide*
 9 *technical assistance to the non-Federal interest relat-*
 10 *ing to any aspect of the feasibility study, if the non-*
 11 *Federal interest contracts with the Secretary for the*
 12 *technical assistance and compensates the Secretary for*
 13 *the technical assistance.*

14 (7) *DETAILED PROJECT SCHEDULE.*—*Not later*
 15 *than 180 days after entering into an agreement under*
 16 *paragraph (1), each non-Federal interest, to the max-*
 17 *imum extent practicable, shall submit to the Sec-*
 18 *retary a detailed project schedule, based on full fund-*
 19 *ing capability, that lists all deadlines for milestones*
 20 *relating to the feasibility study.*

21 (d) *COST-SHARE.*—*Nothing in this section affects the*
 22 *cost-sharing requirement applicable on the day before the*
 23 *date of enactment of this Act to a feasibility study carried*
 24 *out under this section.*

25 (e) *REPORT.*—

1 (1) *IN GENERAL.*—Not later than 2 years after
2 the date of enactment of this Act, the Secretary shall
3 submit to the Committee on Environment and Public
4 Works of the Senate and the Committee on Transpor-
5 tation and Infrastructure of the House of Representa-
6 tives a report detailing the results of the pilot pro-
7 gram carried out under this section, including—

8 (A) a description of the progress of the non-
9 Federal interests in meeting milestones in de-
10 tailed project schedules developed pursuant to
11 subsection (c)(7); and

12 (B) any recommendations of the Secretary
13 concerning whether the program or any compo-
14 nent of the program should be implemented on a
15 national basis.

16 (2) *UPDATE.*—Not later than 5 years after the
17 date of enactment of this Act, the Secretary shall sub-
18 mit to the Committee on Environment and Public
19 Works of the Senate and the Committee on Transpor-
20 tation and Infrastructure of the House of Representa-
21 tives an update of the report described in paragraph
22 (1).

23 (3) *FAILURE TO MEET DEADLINE.*—If the Sec-
24 retary fails to submit a report by the required dead-
25 line under this subsection, the Secretary shall submit

1 to the Committee on Environment and Public Works
 2 of the Senate and the Committee on Transportation
 3 Infrastructure of the House of Representatives a de-
 4 tailed explanation of why the deadline was missed
 5 and a projected date for submission of the report.

6 (f) *ADMINISTRATION.*—All laws and regulations that
 7 would apply to the Secretary if the Secretary were carrying
 8 out the feasibility study shall apply to a non-Federal inter-
 9 est carrying out a feasibility study under this section.

10 (g) *TERMINATION OF AUTHORITY.*—The authority to
 11 commence a feasibility study under this section terminates
 12 on the date that is 5 years after the date of enactment of
 13 this Act.

14 (h) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-
 15 tion to any amounts appropriated for a specific project,
 16 there is authorized to be appropriated to the Secretary to
 17 carry out the pilot program under this section, including
 18 the costs of administration of the Secretary, \$25,000,000 for
 19 each of fiscal years 2014 through 2018.

20 **SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.**

21 Section 203 of the Water Resources Development Act
 22 of 2000 (33 U.S.C. 2269) is amended—

23 (1) in subsection (d)(1)(B)—

24 (A) by striking “The ability” and inserting
 25 the following:

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

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

3 “(ii) *DETERMINATION.*—*Not later than*

4 *180 days after the date of enactment of the*

5 *Water Resources Development Act of 2013,*

6 *the Secretary shall issue guidance on the*

7 *procedures described in clause (i).*”; and

8 (2) *in subsection (e), by striking “2012” and in-*

9 *serting “2023”.*

10 **SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA**

11 **RIVER BASIN INDIAN TRIBES.**

12 *The Secretary may enter into a cooperative agreement*

13 *with 1 or more federally recognized Indian tribes (or a des-*

14 *ignated representative of the Indian tribes) that are located,*

15 *in whole or in part, within the boundaries of the Columbia*

16 *River Basin to carry out authorized activities within the*

17 *Columbia River Basin to protect fish, wildlife, water qual-*

18 *ity, and cultural resources.*

19 **SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT**

20 **CIVIL WORKS SHORELINE PROTECTION**

21 **PROJECTS.**

22 (a) *IN GENERAL.*—*The Secretary may implement any*

23 *response action the Secretary determines to be necessary at*

24 *a site where—*

1 (1) *the Secretary has carried out a project under*
 2 *civil works authority of the Secretary that includes*
 3 *placing sand on a beach;*

4 (2) *as a result of the project described in para-*
 5 *graph (1), military munitions that were originally*
 6 *released as a result of Department of Defense activi-*
 7 *ties are deposited on the beach, posing a threat to*
 8 *human health or the environment.*

9 (b) *RESPONSE ACTION FUNDING.—A response action*
 10 *described in subsection (a) shall be funded from amounts*
 11 *made available to the agency within the Department of De-*
 12 *fense responsible for the original release of the munitions.*

13 **SEC. 2030. BEACH NOURISHMENT.**

14 *Section 156 of the Water Resources Development Act*
 15 *of 1976 (42 U.S.C. 1962d–5f) is amended to read as follows:*

16 **“SEC. 156. BEACH NOURISHMENT.**

17 **“(a) IN GENERAL.—***The Secretary of the Army, acting*
 18 *through the Chief of Engineers, may provide periodic beach*
 19 *nourishment for each water resources development project*
 20 *for which that nourishment has been authorized for an ad-*
 21 *ditional period of time, as determined by the Secretary, sub-*
 22 *ject to the condition that the additional period shall not*
 23 *exceed the later of—*

24 **“(1)** *50 years after the date on which the con-*
 25 *struction of the project is initiated; or*

1 “(2) the date on which the last estimated peri-
 2 odic nourishment for the project is to be carried out,
 3 as recommended in the applicable report of the Chief
 4 of Engineers.

5 “(b) *EXTENSION*.—Before the end of the 50-year period
 6 referred to in subsection (a)(1), the Secretary of the Army,
 7 acting through the Chief of Engineers—

8 “(1) may, at the request of the non-Federal in-
 9 terest and subject to the availability of appropria-
 10 tions, carry out a review of a nourishment project
 11 carried out under subsection (a) to evaluate the feasi-
 12 bility of continuing Federal participation in the
 13 project for a period not to exceed 15 years; and

14 “(2) shall submit to Congress any recommenda-
 15 tions of the Secretary relating to the review.”.

16 **SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.**

17 Section 204 of the Water Resources Development Act
 18 of 1992 (33 U.S.C. 2326) (as amended by section 2003(c))
 19 is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1), by inserting “or used
 22 in” after “obtained through”; and

23 (B) in paragraph (3)(C), by inserting “for
 24 the purposes of improving environmental condi-
 25 tions in marsh and littoral systems, stabilizing

1 *stream channels, enhancing shorelines, and sup-*
 2 *porting State and local risk management adap-*
 3 *tation strategies” before the period at the end;*

4 *(2) in subsection (c)(1)(B)—*

5 *(A) in clause (i), by striking “clause (ii)”*
 6 *and inserting “clauses (ii) and (iii)”;*

7 *(B) by redesignating clause (ii) as clause*
 8 *(iii); and*

9 *(C) by inserting after clause (i) the fol-*
 10 *lowing:*

11 *“(ii) REDUCTION IN NON-FEDERAL*
 12 *SHARE.—The Secretary may reduce the*
 13 *non-Federal share of the costs of construc-*
 14 *tion of a project if the Secretary determines*
 15 *that, through the beneficial use of sediment*
 16 *at another Federal project, there will be an*
 17 *associated reduction or avoidance of Federal*
 18 *costs.”;*

19 *(3) in subsection (d)—*

20 *(A) by striking the subsection designation*
 21 *and heading and inserting the following:*

22 *“(d) SELECTION OF DREDGED MATERIAL DISPOSAL*
 23 *METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL*
 24 *RESTORATION OR STORM DAMAGE AND FLOOD REDUC-*
 25 *TION.—”; and*

1 (B) in paragraph (1), by striking “in rela-
 2 tion to” and all that follows through the period
 3 at the end and inserting “in relation to—

4 “(A) the environmental benefits, including
 5 the benefits to the aquatic environment to be de-
 6 rived from the creation of wetlands and control
 7 of shoreline erosion; or

8 “(B) the flood and storm damage and flood
 9 reduction benefits, including shoreline protection,
 10 protection against loss of life, and damage to im-
 11 proved property.”; and

12 (4) in subsection (e), by striking paragraph (1)
 13 and inserting the following:

14 “(1) cooperate with any State or group of States
 15 in the preparation of a comprehensive State or re-
 16 gional sediment management plan within the bound-
 17 aries of the State or among States;”.

18 **SEC. 2032. STUDY ACCELERATION.**

19 (a) *FINDINGS.*—Congress finds that—

20 (1) delays in the completion of feasibility stud-
 21 ies—

22 (A) increase costs for the Federal Govern-
 23 ment as well as State and local governments;
 24 and

1 (B) delay the implementation of water re-
 2 sources projects that provide critical benefits, in-
 3 cluding reducing flood risk, maintaining com-
 4 mercially important flood risk, and restoring
 5 vital ecosystems; and

6 (2) the efforts undertaken by the Corps of Engi-
 7 neers through the establishment of the “3-3-3” plan-
 8 ning process should be continued.

9 (b) ACCELERATION OF STUDIES.—

10 (1) IN GENERAL.—Subject to paragraphs (2) and
 11 (3), a feasibility study initiated after the date of en-
 12 actment of this Act shall—

13 (A) be completed not later than 3 years
 14 after the date of initiation of the study; and

15 (B) have a maximum Federal cost share of
 16 \$3,000,000.

17 (2) ABILITY TO COMPLY.—On initiating a feasi-
 18 bility study under paragraph (1), the Secretary
 19 shall—

20 (A) certify that the study will comply with
 21 the requirements of paragraph (1);

22 (B) for projects the Secretary determines to
 23 be too complex to comply with the requirements
 24 of paragraph (1)—

1 (i) not less than 30 days after making
 2 a determination, notify the non-Federal in-
 3 terest regarding the inability to comply;
 4 and

5 (ii) provide a new projected timeline
 6 and cost; and

7 (C) if the study conditions have changed
 8 such that scheduled timelines or study costs will
 9 not be met—

10 (i) not later than 30 days after the
 11 study conditions change, notify the non-
 12 Federal interest of those changed conditions;
 13 and

14 (ii) present the non-Federal interest
 15 with a new timeline for completion and new
 16 projected study costs.

17 (3) APPROPRIATIONS.—

18 (A) IN GENERAL.—All timeline and cost
 19 conditions under this section shall be subject to
 20 the Secretary receiving adequate appropriations
 21 for meeting study timeline and cost require-
 22 ments.

23 (B) NOTIFICATION.—Not later than 60 days
 24 after receiving appropriations, the Secretary
 25 shall notify the non-Federal interest of any

1 *changes to timelines or costs due to inadequate*
 2 *appropriations.*

3 (c) *REPORT.*—*Not later than 18 months after the date*
 4 *of enactment of this Act and each year thereafter, the Sec-*
 5 *retary shall submit to the Committee on Environment and*
 6 *Public Works of the Senate and the Committee on Transpor-*
 7 *tation and Infrastructure of the House of Representatives*
 8 *a report that describes—*

9 (1) *the status of the implementation of the “3-*
 10 *3-3” planning process, including the number of par-*
 11 *ticipating projects;*

12 (2) *the amount of time taken to complete all*
 13 *studies participating in the “3-3-3” planning process;*
 14 *and*

15 (3) *any recommendations for additional author-*
 16 *ity necessary to support efforts to expedite the feasi-*
 17 *bility study process for water resource projects.*

18 **SEC. 2033. PROJECT ACCELERATION.**

19 *Section 2045 of the Water Resources Development Act*
 20 *of 2007 (33 U.S.C. 2348) is amended to read as follows:*

21 **“SEC. 2045. PROJECT ACCELERATION.**

22 “(a) *DEFINITIONS.*—*In this section:*

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

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

“(2) ENVIRONMENTAL REVIEW PROCESS.—

“(A) IN GENERAL.—The term ‘environmental review process’ means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) for a water resources project.

“(B) INCLUSIONS.—The term ‘environmental review process’ includes the process for and completion of any environmental permit, approval, review, or study required for a water resources project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

“(3) LEAD AGENCY.—The term ‘lead agency’ means the Corps of Engineers and, if applicable, any State, local, or tribal governmental entity serving as a joint lead agency pursuant to this section.

“(b) POLICY.—The benefits of water resources projects are important to the economy and environment of the United States, and recommendations to Congress regarding

1 *those projects should be accelerated by coordinated and effi-*
 2 *cient review and cooperative efforts to prevent or quickly*
 3 *resolve disputes during the development and implementa-*
 4 *tion of those water resources projects.*

5 “(c) *APPLICABILITY.*—

6 “(1) *IN GENERAL.*—*The project development pro-*
 7 *cedures under this section apply to the development of*
 8 *projects initiated after the date of enactment of the*
 9 *Water Resources Development Act of 2013 and for*
 10 *which the Secretary determines that—*

11 “(A) *an environmental impact statement is*
 12 *required; or*

13 “(B) *at the discretion of the Secretary, other*
 14 *water resources projects for which an environ-*
 15 *mental review process document is required to be*
 16 *prepared.*

17 “(2) *FLEXIBILITY.*—*Any authorities granted in*
 18 *this section may be exercised, and any requirements*
 19 *established under this section may be satisfied, for the*
 20 *development of a water resources project, a class of*
 21 *those projects, or a program of those projects.*

22 “(3) *LIST OF WATER RESOURCES DEVELOPMENT*
 23 *PROJECTS.*—

24 “(A) *IN GENERAL.*—*The Secretary shall an-*
 25 *nually prepare, and make publicly available, a*

1 *separate list of each study that the Secretary has*
2 *determined—*

3 *“(i) meets the standards described in*
4 *paragraph (1); and*

5 *“(ii) does not have adequate funding to*
6 *make substantial progress toward the com-*
7 *pletion of the planning activities for the*
8 *water resources project.*

9 *“(B) INCLUSIONS.—The Secretary shall in-*
10 *clude for each study on the list under subpara-*
11 *graph (A) a description of the estimated amounts*
12 *necessary to make substantial progress on the*
13 *study.*

14 *“(4) IMPLEMENTATION GUIDANCE.—The Sec-*
15 *retary shall prepare, in consultation with the Council*
16 *on Environmental Quality and other Federal agencies*
17 *with jurisdiction over actions or resources that may*
18 *be impacted by a water resources project, guidance*
19 *documents that describe the processes that the Sec-*
20 *retary will use to implement this section, in accord-*
21 *ance with the civil works program of the Corps of En-*
22 *gineers and all applicable law.*

23 *“(d) WATER RESOURCES PROJECT REVIEW PROC-*
24 *ESS.—The Secretary shall develop and implement a coordi-*

1 *nated review process for the development of water resources*
 2 *projects.*

3 “(e) *IDENTIFICATION OF JURISDICTIONAL AGEN-*
 4 *CIES.—With respect to the development of each water re-*
 5 *sources project, the Secretary shall identify, as soon as prac-*
 6 *ticable, all Federal, State, and local government agencies*
 7 *and Indian tribes that may—*

8 “(1) *have jurisdiction over the project;*

9 “(2) *be required by law to conduct or issue a re-*
 10 *view, analysis, or opinion for the project; or*

11 “(3) *be required to make a determination on*
 12 *issuing a permit, license, or approval for the project.*

13 “(f) *STATE AUTHORITY.—If the coordinated review*
 14 *process is being implemented under this section by the Sec-*
 15 *retary with respect to the development of a water resources*
 16 *project described in subsection (c) within the boundaries of*
 17 *a State, the State, consistent with State law, may choose*
 18 *to participate in the process and to make subject to the proc-*
 19 *ess all State agencies that—*

20 “(1) *have jurisdiction over the project;*

21 “(2) *are required to conduct or issue a review,*
 22 *analysis, or opinion for the project; or*

23 “(3) *are required to make a determination on*
 24 *issuing a permit, license, or approval for the project.*

25 “(g) *LEAD AGENCIES.—*

1 “(1) *FEDERAL LEAD AGENCY.*—Subject to para-
 2 graph (2), the Corps of Engineers shall be the lead
 3 Federal agency in the environmental review process
 4 for a water resources project.

5 “(2) *JOINT LEAD AGENCIES.*—

6 “(A) *IN GENERAL.*—At the discretion of the
 7 Secretary and subject to any applicable regula-
 8 tions under the National Environmental Policy
 9 Act of 1969 (42 U.S.C. 4321 et seq.), an agency
 10 other than the Corps of Engineers may serve as
 11 the joint lead agency.

12 “(B) *NON-FEDERAL INTEREST AS JOINT*
 13 *LEAD AGENCY.*—A non-Federal interest that is a
 14 State or local governmental entity—

15 “(i) may serve as a joint lead agency
 16 with the Corps of Engineers for purposes of
 17 preparing any environmental document
 18 under the National Environmental Policy
 19 Act of 1969 (42 U.S.C. 4321 et seq.); and

20 “(ii) may prepare any environmental
 21 review process document required in sup-
 22 port of any action or approval by the Sec-
 23 retary if—

24 “(I) the Corps of Engineers pro-
 25 vides guidance in the preparation

1 *process and independently evaluates*
2 *that document; and*

3 *“(II) the Secretary approves and*
4 *adopts the document before the Sec-*
5 *retary takes any subsequent action or*
6 *makes any approval based on that doc-*
7 *ument, regardless of whether the action*
8 *or approval of the Secretary results in*
9 *Federal funding.*

10 *“(3) DUTIES.—The Secretary shall ensure that—*

11 *“(A) the non-Federal interest complies with*
12 *all design and mitigation commitments made*
13 *jointly by the Secretary and the non-Federal in-*
14 *terest in any environmental document prepared*
15 *by the non-Federal interest in accordance with*
16 *this subsection; and*

17 *“(B) any environmental document prepared*
18 *by the non-Federal interest is appropriately sup-*
19 *plemented if changes to the water resources*
20 *project become necessary.*

21 *“(4) ADOPTION AND USE OF DOCUMENTS.—Any*
22 *environmental document prepared in accordance with*
23 *this subsection may be adopted or used by any Fed-*
24 *eral agency making any approval to the same extent*

1 *that the Federal agency could adopt or use a docu-*
 2 *ment prepared by another Federal agency.*

3 “(5) *ROLES AND RESPONSIBILITY OF LEAD*
 4 *AGENCY.—With respect to the environmental review*
 5 *process for any water resources project, the lead agen-*
 6 *cy shall have authority and responsibility—*

7 “(A) *to take such actions as are necessary*
 8 *and proper and within the authority and re-*
 9 *sponsibility of the lead agency to facilitate the*
 10 *expeditious resolution of the environmental re-*
 11 *view process for the water resources project; and*

12 “(B) *to prepare or ensure that any required*
 13 *environmental impact statement or other envi-*
 14 *ronmental review document for a water resources*
 15 *project required to be completed under the Na-*
 16 *tional Environmental Policy Act of 1969 (42*
 17 *U.S.C. 4321 et seq.) is completed in accordance*
 18 *with this section and applicable Federal law.*

19 “(h) *PARTICIPATING AGENCIES.—*

20 “(1) *INVITATION.—*

21 “(A) *IN GENERAL.—The lead agency shall*
 22 *identify, as early as practicable in the environ-*
 23 *mental review process for a water resources*
 24 *project, any other Federal or non-Federal agen-*
 25 *cies that may have an interest in that project*

1 *and invite those agencies to become participating*
 2 *agencies in the environmental review process for*
 3 *the water resources project.*

4 “(B) *DEADLINE.*—*An invitation to partici-*
 5 *pate issued under subparagraph (A) shall set a*
 6 *deadline by which a response to the invitation*
 7 *shall be submitted, which may be extended by the*
 8 *lead agency for good cause.*

9 “(2) *FEDERAL PARTICIPATING AGENCIES.*—*Any*
 10 *Federal agency that is invited by the lead agency to*
 11 *participate in the environmental review process for a*
 12 *water resources project shall be designated as a par-*
 13 *ticipating agency by the lead agency unless the in-*
 14 *vited agency informs the lead agency, in writing, by*
 15 *the deadline specified in the invitation that the in-*
 16 *vited agency—*

17 “(A) *has no jurisdiction or authority with*
 18 *respect to the water resources project;*

19 “(B) *has no expertise or information rel-*
 20 *evant to the water resources project;*

21 “(C) *does not intend to submit comments on*
 22 *the water resources project; and*

23 “(D) *does not have adequate funds to par-*
 24 *ticipate in the water resources project.*

1 “(3) *EFFECT OF DESIGNATION.*—*Designation as*
2 *a participating agency under this subsection shall not*
3 *imply that the participating agency—*

4 “(A) *supports a proposed water resources*
5 *project; or*

6 “(B) *has any jurisdiction over, or special*
7 *expertise with respect to evaluation of, the water*
8 *resources project.*

9 “(4) *CONCURRENT REVIEWS.*—*Each partici-*
10 *pating agency shall—*

11 “(A) *carry out the obligations of that agen-*
12 *cy under other applicable law concurrently and*
13 *in conjunction with the required environmental*
14 *review process, unless doing so would impair the*
15 *ability of the Federal agency to conduct needed*
16 *analysis or otherwise carry out those obligations;*
17 *and*

18 “(B) *formulate and implement administra-*
19 *tive, policy, and procedural mechanisms to en-*
20 *able the agency to ensure completion of the envi-*
21 *ronmental review process in a timely, coordi-*
22 *nated, and environmentally responsible manner.*

23 “(i) *PROGRAMMATIC COMPLIANCE.*—

24 “(1) *IN GENERAL.*—*The Secretary shall issue*
25 *guidance to allow for the use of programmatic ap-*

1 *proaches to carry out the environmental review proc-*
 2 *ess that—*

3 *“(A) eliminates repetitive discussions of the*
 4 *same issues;*

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

7 *“(C) establishes a formal process for coordi-*
 8 *nating with participating agencies, including*
 9 *the creation of a list of all data that is needed*
 10 *to carry out an environmental review process;*
 11 *and*

12 *“(D) is consistent with—*

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

16 *“(ii) other applicable laws.*

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

19 *“(A) as the first step in drafting guidance*
 20 *under that paragraph, consult with relevant Fed-*
 21 *eral and State agencies, Indian tribes, and the*
 22 *public on the appropriate use and scope of the*
 23 *programmatic approaches;*

24 *“(B) emphasize the importance of collabora-*
 25 *tion among relevant Federal agencies, State*

1 *agencies, and Indian tribes in undertaking pro-*
 2 *grammatic reviews, especially with respect to in-*
 3 *cluding reviews with a broad geographical scope;*

4 *“(C) ensure that the programmatic re-*
 5 *views—*

6 *“(i) promote transparency, including*
 7 *of the analyses and data used in the envi-*
 8 *ronmental review process, the treatment of*
 9 *any deferred issues raised by Federal, State,*
 10 *or tribal agencies, or the public, and the*
 11 *temporal and special scales to be used to*
 12 *analyze those issues;*

13 *“(ii) use accurate and timely informa-*
 14 *tion in the environmental review process,*
 15 *including—*

16 *“(I) criteria for determining the*
 17 *general duration of the usefulness of*
 18 *the review; and*

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

21 *“(iii) describe—*

22 *“(I) the relationship between pro-*
 23 *grammatic analysis and future tiered*
 24 *analysis; and*

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

3 “(iv) *are available to other relevant*
4 *Federal and State agencies, Indian tribes,*
5 *and the public;*

6 “(D) *allow not fewer than 60 days of public*
7 *notice and comment on any proposed guidance;*
8 *and*

9 “(E) *address any comments received under*
10 *subparagraph (D).*

11 “(j) *COORDINATED REVIEWS.—*

12 “(1) *COORDINATION PLAN.—*

13 “(A) *ESTABLISHMENT.—*

14 “(i) *IN GENERAL.—The lead agency*
15 *shall establish a plan for coordinating pub-*
16 *lic and agency participation in, and com-*
17 *ment on, the environmental review process*
18 *for a water resources project or a category*
19 *of water resources projects.*

20 “(ii) *INCORPORATION.—The plan es-*
21 *tablished under clause (i) shall be incor-*
22 *porated into the project schedule milestones*
23 *set under section 905(g)(2) of the Water Re-*
24 *sources Development Act of 1986 (33 U.S.C.*
25 *2282(g)(2)).*

1 “(2) *COMMENT DEADLINES.*—*The lead agency*
 2 *shall establish the following deadlines for comment*
 3 *during the environmental review process for a project:*

4 “(A) *DRAFT ENVIRONMENTAL IMPACT*
 5 *STATEMENTS.*—*For comments by Federal and*
 6 *States agencies and the public on a draft envi-*
 7 *ronmental impact statement, a period of not*
 8 *more than 60 days after publication in the Fed-*
 9 *eral Register of notice of the date of public avail-*
 10 *ability of the draft environmental impact state-*
 11 *ment, unless—*

12 “(i) *a different deadline is established*
 13 *by agreement of the lead agency, the non-*
 14 *Federal interest, as applicable, and all par-*
 15 *ticipating agencies; or*

16 “(ii) *the deadline is extended by the*
 17 *lead agency for good cause.*

18 “(B) *OTHER ENVIRONMENTAL REVIEW*
 19 *PROCESSES.*—*For all comment periods estab-*
 20 *lished by the lead agency for agency or public*
 21 *comments in the environmental review process*
 22 *other than for a draft environmental impact*
 23 *statement, a period of not more than 30 days*
 24 *after the date on which the materials on which*

1 *comment is requested are made available, un-*
 2 *less—*

3 *“(i) a different deadline is established*
 4 *by agreement of the lead agency, the non-*
 5 *Federal interest, and all participating*
 6 *agencies; or*

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

9 *“(3) DEADLINES FOR DECISIONS UNDER OTHER*
 10 *LAWS.—In any case in which a decision under any*
 11 *Federal law relating to a project, including the*
 12 *issuance or denial of a permit or license, is required*
 13 *to be made by the date described in subsection*
 14 *(k)(6)(B)(ii), the Secretary shall submit to the Com-*
 15 *mittee on Environment and Public Works of the Sen-*
 16 *ate and the Committee on Transportation and Infra-*
 17 *structure of the House of Representatives—*

18 *“(A) as soon as practicable after the 180-*
 19 *day period, an initial notice of the failure of the*
 20 *Federal agency to make the decision; and*

21 *“(B) every 60 days thereafter until such*
 22 *date as all decisions of the Federal agency relat-*
 23 *ing to the project have been made by the Federal*
 24 *agency, an additional notice that describes the*
 25 *number of decisions of the Federal agency that*

1 *remain outstanding as of the date of the addi-*
2 *tional notice.*

3 “(4) *INVOLVEMENT OF THE PUBLIC.*—*Nothing in*
4 *this subsection shall reduce any time period provided*
5 *for public comment in the environmental review proc-*
6 *ess under existing Federal law (including regula-*
7 *tions).*

8 “(k) *ISSUE IDENTIFICATION AND RESOLUTION.*—

9 “(1) *COOPERATION.*—*The lead agency and the*
10 *participating agencies shall work cooperatively in ac-*
11 *cordance with this section to identify and resolve*
12 *issues that could delay completion of the environ-*
13 *mental review process or result in the denial of any*
14 *approval required for the project under applicable*
15 *laws.*

16 “(2) *LEAD AGENCY RESPONSIBILITIES.*—

17 “(A) *IN GENERAL.*—*The lead agency shall*
18 *make information available to the participating*
19 *agencies as early as practicable in the environ-*
20 *mental review process regarding the environ-*
21 *mental and socioeconomic resources located with-*
22 *in the project area and the general locations of*
23 *the alternatives under consideration.*

24 “(B) *DATA SOURCES.*—*The information*
25 *under subparagraph (A) may be based on exist-*

1 *ing data sources, including geographic informa-*
 2 *tion systems mapping.*

3 “(3) *PARTICIPATING AGENCY RESPONSIBIL-*
 4 *ITIES.—Based on information received from the lead*
 5 *agency, participating agencies shall identify, as early*
 6 *as practicable, any issues of concern regarding the po-*
 7 *tential environmental or socioeconomic impacts of the*
 8 *project, including any issues that could substantially*
 9 *delay or prevent an agency from granting a permit*
 10 *or other approval that is needed for the project.*

11 “(4) *INTERIM DECISION ON ACHIEVING ACCELER-*
 12 *ATED DECISIONMAKING.—*

13 “(A) *IN GENERAL.—Not later than 30 days*
 14 *after the close of the public comment period on*
 15 *a draft environmental impact statement, the Sec-*
 16 *retary may convene a meeting with the non-Fed-*
 17 *eral interest or joint lead agency, as applicable,*
 18 *relevant resource agencies, and relevant Federal*
 19 *and State agencies to establish a schedule of*
 20 *deadlines to complete decisions regarding the*
 21 *project.*

22 “(B) *DEADLINES.—*

23 “(i) *IN GENERAL.—The deadlines re-*
 24 *ferred to in subparagraph (A) shall be those*
 25 *established by the Secretary, in consultation*

1 *with the non-Federal interest or joint lead*
 2 *agency, as applicable, and other relevant*
 3 *Federal and State agencies.*

4 “(ii) *FACTORS FOR CONSIDERATION.—*
 5 *In establishing a schedule, the Secretary*
 6 *shall consider factors such as—*

7 “(I) *the responsibilities of partici-*
 8 *pating agencies under applicable laws;*

9 “(II) *the resources available to the*
 10 *non-Federal interest, joint lead agency,*
 11 *and other relevant Federal and State*
 12 *agencies, as applicable;*

13 “(III) *the overall size and com-*
 14 *plexity of the project;*

15 “(IV) *the overall schedule for and*
 16 *cost of the project; and*

17 “(V) *the sensitivity of the natural*
 18 *and historical resources that could be*
 19 *affected by the project.*

20 “(iii) *MODIFICATIONS.—The Secretary*
 21 *may—*

22 “(I) *lengthen a schedule under*
 23 *clause (i) for good cause; and*

24 “(II) *shorten a schedule only with*
 25 *concurrence of the affected non-Federal*

1 *interest, joint lead agency, or relevant*
 2 *Federal and State agencies, as applica-*
 3 *ble.*

4 “(C) *FAILURE TO MEET DEADLINE.*—*If the*
 5 *agencies described in subparagraph (A) cannot*
 6 *provide reasonable assurances that the deadlines*
 7 *described in subparagraph (B) will be met, the*
 8 *Secretary may initiate the issue resolution and*
 9 *referral process described under paragraph (5)*
 10 *before the completion of the record of decision.*

11 “(5) *ACCELERATED ISSUE RESOLUTION AND RE-*
 12 *FERRAL.*—

13 “(A) *AGENCY ISSUE RESOLUTION MEET-*
 14 *ING.*—

15 “(i) *IN GENERAL.*—*A participating*
 16 *agency or non-Federal interest may request*
 17 *an issue resolution meeting to be conducted*
 18 *by the Secretary.*

19 “(ii) *ACTION BY SECRETARY.*—*The*
 20 *Secretary shall convene an issue resolution*
 21 *meeting under clause (i) with the relevant*
 22 *participating agencies and the non-Federal*
 23 *interest, as applicable, to resolve issues that*
 24 *could—*

1 “(I) delay completion of the envi-
2 ronmental review process; or

3 “(II) result in denial of any ap-
4 provals required for the project under
5 applicable laws.

6 “(iii) *DATE*.—A meeting requested
7 under this subparagraph shall be held not
8 later than 21 days after the date on which
9 the Secretary receives the request for the
10 meeting, unless the Secretary determines
11 that there is good cause to extend that dead-
12 line.

13 “(iv) *NOTIFICATION*.—On receipt of a
14 request for a meeting under this subpara-
15 graph, the Secretary shall notify all rel-
16 evant participating agencies of the request,
17 including the issue to be resolved and the
18 date for the meeting.

19 “(v) *DISPUTES*.—If a relevant partici-
20 pating agency with jurisdiction over an ap-
21 proval required for a project under applica-
22 ble law determines that the relevant infor-
23 mation necessary to resolve the issue has not
24 been obtained and could not have been ob-
25 tained within a reasonable time, but the

1 *Secretary disagrees, the resolution of the*
 2 *dispute shall be forwarded to the heads of*
 3 *the relevant agencies for resolution.*

4 “(vi) *CONVENTION BY LEAD AGENCY.—*
 5 *The Secretary may convene an issue resolu-*
 6 *tion meeting under this subsection at any*
 7 *time, at the discretion of the Secretary, re-*
 8 *gardless of whether a meeting is requested*
 9 *under clause (i).*

10 “(vii) *EXCEPTION.—*

11 “(I) *IN GENERAL.—The issue reso-*
 12 *lution and referral process under this*
 13 *subparagraph shall not be initiated if*
 14 *the applicable agency—*

15 “(aa) *certifies that—*

16 “(AA) *the agency has*
 17 *not received necessary infor-*
 18 *mation or approvals from*
 19 *another entity in a manner*
 20 *that affects the ability of the*
 21 *agency to meet any require-*
 22 *ments under Federal, State,*
 23 *or local law;*

24 “(BB) *significant new*
 25 *information or cir-*

1 *cumstances, including a*
 2 *major modification to an as-*
 3 *pect of the project, requires*
 4 *additional analysis for the*
 5 *agency to make a decision on*
 6 *the project application; or*

7 *“(CC) the agency lacks*
 8 *the financial resources to*
 9 *complete the review under the*
 10 *scheduled timeframe, includ-*
 11 *ing a description of the num-*
 12 *ber of full-time employees re-*
 13 *quired to complete the re-*
 14 *view, the amount of funding*
 15 *required to complete the re-*
 16 *view, and a justification as*
 17 *to why there is not enough*
 18 *funding available to complete*
 19 *the review by the deadline;*
 20 *and*

21 *“(bb) establishes a new dead-*
 22 *line for completion of the review.*

23 *“(II) INSPECTOR GENERAL.—If*
 24 *the applicable agency makes a certifi-*
 25 *cation under subclause (I)(aa)(CC), the*

Inspector General of the applicable agency shall conduct a financial audit to review that certification and submit a report on that certification within 90 days to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(B) *ELEVATION OF ISSUE RESOLUTION.*—

“(i) *IN GENERAL.*—If issue resolution is not achieved by not later than 30 days after the date on which a relevant meeting is held under subparagraph (A), the Secretary shall notify the heads of the relevant participating agencies and the non-Federal interest that an issue resolution meeting will be convened.

“(ii) *REQUIREMENTS.*—The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date on which the notice is issued.

“(C) *REFERRAL OF ISSUE RESOLUTION.*—

1 “(i) *REFERRAL TO COUNCIL ON ENVI-*
2 *RONMENTAL QUALITY.*—

3 “(I) *IN GENERAL.*—*If a resolution*
4 *is not achieved by not later than 30*
5 *days after the date on which an issue*
6 *resolution meeting is held under sub-*
7 *paragraph (B), the Secretary shall*
8 *refer the matter to the Council on En-*
9 *vironmental Quality.*

10 “(II) *MEETING.*—*Not later than*
11 *30 days after the date on which the*
12 *Council on Environmental Quality re-*
13 *ceives a referral from the Secretary*
14 *under subclause (I), the Council on*
15 *Environmental Quality shall hold an*
16 *issue resolution meeting with the lead*
17 *agency, the heads of relevant partici-*
18 *parting agencies and the non-Federal*
19 *interest.*

20 “(ii) *REFERRAL TO THE PRESIDENT.*—
21 *If a resolution of the issue is not achieved*
22 *by not later than 30 days after the date on*
23 *which an issue resolution meeting is con-*
24 *vened by the Council on Environmental*
25 *Quality under clause (i)(II), the Secretary*

1 *shall refer the matter directly to the Presi-*
 2 *dent.*

3 “(6) *FINANCIAL PENALTY PROVISIONS.*—

4 “(A) *IN GENERAL.*—A Federal agency with
 5 *jurisdiction over an approval required for a*
 6 *project under applicable Federal laws (including*
 7 *regulations) shall complete any required ap-*
 8 *proval on an expeditious basis using the shortest*
 9 *existing applicable process.*

10 “(B) *FAILURE TO DECIDE.*—

11 “(i) *IN GENERAL.*—If an agency de-
 12 scribed in subparagraph (A) fails to render
 13 a decision under any Federal law relating
 14 to a project that requires the preparation of
 15 an environmental impact statement or envi-
 16 ronmental assessment, including the
 17 issuance or denial of a permit, license, or
 18 other approval by the date described in
 19 clause (ii), an amount of funding equal to
 20 the amounts specified in subclause (I) or
 21 (II) shall be transferred from the applicable
 22 office of the head of the agency, or equiva-
 23 lent office to which the authority for ren-
 24 dering the decision has been delegated by
 25 law to the agency or division charged with

1 *rendering a decision regarding the applica-*
 2 *tion by not later than 1 day after the appli-*
 3 *cable date under clause (ii), and once each*
 4 *week thereafter until a final decision is ren-*
 5 *dered, subject to subparagraph (C)—*

6 *“(I) \$20,000 for any project re-*
 7 *quiring the preparation of an environ-*
 8 *mental assessment or environmental*
 9 *impact statement; or*

10 *“(II) \$10,000 for any project re-*
 11 *quiring any type of review under the*
 12 *National Environmental Policy Act of*
 13 *1969 (42 U.S.C. 4321 et seq.) other*
 14 *than an environmental assessment or*
 15 *environmental impact statement.*

16 *“(ii) DESCRIPTION OF DATE.—The*
 17 *date referred to in clause (i) is the later*
 18 *of—*

19 *“(I) the date that is 180 days*
 20 *after the date on which an application*
 21 *for the permit, license, or approval is*
 22 *complete; and*

23 *“(II) the date that is 180 days*
 24 *after the date on which the Federal*
 25 *lead agency issues a decision on the*

1 *project under the National Environ-*
 2 *mental Policy Act of 1969 (42 U.S.C.*
 3 *4321 et seq.).*

4 “(C) *LIMITATIONS.*—

5 “(i) *IN GENERAL.*—No transfer of
 6 *funds under subparagraph (B) relating to*
 7 *an individual project shall exceed, in any*
 8 *fiscal year, an amount equal to 1 percent of*
 9 *the funds made available for the applicable*
 10 *agency office.*

11 “(ii) *FAILURE TO DECIDE.*—The total
 12 *amount transferred in a fiscal year as a re-*
 13 *sult of a failure by an agency to make a de-*
 14 *cision by an applicable deadline shall not*
 15 *exceed an amount equal to 5 percent of the*
 16 *funds made available for the applicable*
 17 *agency office for that fiscal year.*

18 “(D) *NO FAULT OF AGENCY.*—A transfer of
 19 *funds under this paragraph shall not be made*
 20 *if—*

21 “(i) *the applicable agency described in*
 22 *subparagraph (A) certifies that—*

23 “(I) *the agency has not received*
 24 *necessary information or approvals*
 25 *from another entity in a manner that*

1 *affects the ability of the agency to meet*
2 *any requirements under Federal, State,*
3 *or local law; or*

4 *“(II) significant new information*
5 *or circumstances, including a major*
6 *modification to an aspect of the*
7 *project, requires additional analysis*
8 *for the agency to make a decision on*
9 *the project application; or*

10 *“(III) the agency lacks the finan-*
11 *cial resources to complete the review*
12 *under the scheduled timeframe, includ-*
13 *ing a description of the number of full-*
14 *time employees required to complete*
15 *the review, the amount of funding re-*
16 *quired to complete the review, and a*
17 *justification as to why there is not*
18 *enough funding available to complete*
19 *the review by the deadline; and*

20 *“(ii) if the applicable agency makes a*
21 *certification under clause (i)(III), the In-*
22 *spector General of the applicable agency*
23 *shall conduct a financial audit to review*
24 *that certification and submit a report on*
25 *that certification within 90 days to the*

1 *Committee on Environment and Public*
2 *Works of the Senate and the Committee on*
3 *Transportation and Infrastructure of the*
4 *House of Representatives.*

5 “(E) *LIMITATION.*—*The Federal agency*
6 *from which funds are transferred pursuant to*
7 *this paragraph shall not reprogram funds to the*
8 *office of the head of the agency, or equivalent of-*
9 *fice, to reimburse that office for the loss of the*
10 *funds.*

11 “(F) *AUDITS.*—*In any fiscal year in which*
12 *any funds are transferred from a Federal agency*
13 *pursuant to this paragraph, the Inspector Gen-*
14 *eral of that agency shall—*

15 “(i) *conduct an audit to assess compli-*
16 *ance with the requirements of this para-*
17 *graph; and*

18 “(ii) *not later than 120 days after the*
19 *end of the fiscal year in which the transfer*
20 *occurred, submit to the Committee on Envi-*
21 *ronment and Public Works of the Senate*
22 *and the Committee on Transportation and*
23 *Infrastructure of the House of Representa-*
24 *tives a report describing the reasons why the*

1 *transfers were levied, including allocations*
 2 *of resources.*

3 “(G) *EFFECT OF PARAGRAPH.*—*Nothing in*
 4 *this paragraph affects or limits the application*
 5 *of, or obligation to comply with, any Federal,*
 6 *State, local, or tribal law.*

7 “(l) *PERFORMANCE MEASUREMENT.*—*The Secretary*
 8 *shall establish a program to measure and report on progress*
 9 *made toward improving and expediting the planning and*
 10 *environmental review process.*

11 “(m) *MEMORANDUM OF AGREEMENTS FOR EARLY CO-*
 12 *ORDINATION.*—

13 “(1) *SENSE OF CONGRESS.*—*It is the sense of*
 14 *Congress that—*

15 “(A) *the Secretary and other Federal agen-*
 16 *cies with relevant jurisdiction in the environ-*
 17 *mental review process should cooperate with each*
 18 *other, State agencies, and Indian tribes on envi-*
 19 *ronmental review and water resources project de-*
 20 *livery activities at the earliest practicable time*
 21 *to avoid delays and duplication of effort later in*
 22 *the process, prevent potential conflicts, and en-*
 23 *sure that planning and water resources project*
 24 *development decisions reflect environmental val-*
 25 *ues; and*

1 “(B) the cooperation referred to in subpara-
 2 graph (A) should include the development of
 3 policies and the designation of staff that advise
 4 planning agencies and non-Federal interests of
 5 studies or other information foreseeably required
 6 for later Federal action and early consultation
 7 with appropriate State and local agencies and
 8 Indian tribes.

9 “(2) TECHNICAL ASSISTANCE.—If requested at
 10 any time by a State or non-Federal interest, the Sec-
 11 retary and other Federal agencies with relevant juris-
 12 diction in the environmental review process, shall, to
 13 the maximum extent practicable and appropriate, as
 14 determined by the agencies, provide technical assist-
 15 ance to the State or non-Federal interest in carrying
 16 out early coordination activities.

17 “(3) MEMORANDUM OF AGENCY AGREEMENT.—If
 18 requested at any time by a State or non-Federal in-
 19 terest, the lead agency, in consultation with other
 20 Federal agencies with relevant jurisdiction in the en-
 21 vironmental review process, may establish memo-
 22 randa of agreement with the non-Federal interest,
 23 State and local governments, and other appropriate
 24 entities to carry out the early coordination activities,
 25 including providing technical assistance in identi-

1 *fying potential impacts and mitigation issues in an*
 2 *integrated fashion.*

3 “(n) *LIMITATIONS.*—*Nothing in this section preempts,*
 4 *supersedes, amends, modifies, or interferes with—*

5 “(1) *any statutory requirement for seeking pub-*
 6 *lic comment;*

7 “(2) *any power, jurisdiction, or authority that a*
 8 *Federal, State, or local government agency, Indian*
 9 *tribe, or non-Federal interest has with respect to car-*
 10 *rying out a water resources project;*

11 “(3) *any obligation to comply with the provi-*
 12 *sions of the National Environmental Policy Act of*
 13 *1969 (42 U.S.C. 4321 et seq.) and the regulations*
 14 *issued by the Council on Environmental Quality to*
 15 *carry out that Act or any other Federal environ-*
 16 *mental law;*

17 “(4) *the reviewability of any final Federal agen-*
 18 *cy action in a court of the United States or in the*
 19 *court of any State;*

20 “(5) *any practice of seeking, considering, or re-*
 21 *sponding to public comment; or*

22 “(6) *any power, jurisdiction, responsibility, or*
 23 *authority that a Federal, State, or local governmental*
 24 *agency, Indian tribe, or non-Federal interest has with*
 25 *respect to carrying out a water resources project or*

1 *any other provision of law applicable to water re-*
 2 *sources development projects.*

3 “(o) *CATEGORICAL EXCLUSIONS.*—

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

7 “(A) *survey the use by the Corps of Engi-*
 8 *neers of categorical exclusions in water resources*
 9 *projects since 2005;*

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

12 “(i) *the types of actions categorically*
 13 *excluded; and*

14 “(ii) *any requests previously received*
 15 *by the Secretary for new categorical exclu-*
 16 *sions; and*

17 “(C) *solicit requests from other Federal*
 18 *agencies and non-Federal interests for new cat-*
 19 *egorical exclusions.*

20 “(2) *NEW CATEGORICAL EXCLUSIONS.*—Not later
 21 *than 1 year after the date of enactment of this sub-*
 22 *section, if the Secretary has identified a categorical*
 23 *exclusion that did not exist on the day before the date*
 24 *of enactment of this subsection based on the review*
 25 *under paragraph (1), the Secretary shall publish a*

1 *notice of proposed rulemaking to propose that new*
 2 *categorical exclusion, to the extent that the categorical*
 3 *exclusion meets the criteria for a categorical exclusion*
 4 *under section 1508.4 of title 40, Code of Federal Reg-*
 5 *ulations (or successor regulation).*

6 “(p) *REVIEW OF WATER RESOURCES PROJECT ACCEL-*
 7 *ERATION REFORMS.*—

8 “(1) *IN GENERAL.*—*The Comptroller General of*
 9 *the United States shall—*

10 “(A) *assess the reforms carried out under*
 11 *this section; and*

12 “(B) *not later than 5 years after the date*
 13 *of enactment of this subsection, submit to the*
 14 *Committee on Transportation and Infrastructure*
 15 *of the House of Representatives and the Com-*
 16 *mittee on Environment and Public Works of the*
 17 *Senate a report that describes the results of the*
 18 *assessment.*

19 “(2) *INSPECTOR GENERAL REPORT.*—*The Inspec-*
 20 *tor General of the Corps of Engineers shall—*

21 “(A) *assess the reforms carried out under*
 22 *this section; and*

23 “(B) *submit to the Committee on Transpor-*
 24 *tation and Infrastructure of the House of Rep-*

representatives and the Committee on Environment
and Public Works of the Senate—

“(i) not later than 2 years after the
date of enactment of this subsection, an ini-
tial report of the findings of the Inspector
General; and

“(ii) not later than 4 years after the
date of enactment of this subsection, a final
report of the findings.”.

SEC. 2034. FEASIBILITY STUDIES.

Section 905 of the Water Resources Development Act
of 1986 (33 U.S.C. 2282) is amended by adding at the end
the following:

“(g) **DETAILED PROJECT SCHEDULE.**—

“(1) **IN GENERAL.**—Not later than 180 days
after the date of enactment of this subsection, the Sec-
retary shall determine a set of milestones needed for
the completion of a feasibility study under this sub-
section, including all major actions, report submis-
sions and responses, reviews, and comment periods.

“(2) **DETAILED PROJECT SCHEDULE MILE-
STONES.**—Each District Engineer shall, to the max-
imum extent practicable, establish a detailed project
schedule, based on full funding capability, that lists
all deadlines for milestones relating to feasibility

1 *studies in the District developed by the Secretary*
 2 *under paragraph (1).*

3 “(3) *NON-FEDERAL INTEREST NOTIFICATION.*—
 4 *Each District Engineer shall submit by certified mail*
 5 *the detailed project schedule under paragraph (2) to*
 6 *each relevant non-Federal interest—*

7 “(A) *for projects that have received funding*
 8 *from the General Investigations Account of the*
 9 *Corps of Engineers in the period beginning on*
 10 *October 1, 2009, and ending on the date of enact-*
 11 *ment of this section, not later than 180 days*
 12 *after the establishment of milestones under para-*
 13 *graph (1); and*

14 “(B) *for projects for which a feasibility cost-*
 15 *sharing agreement is executed after the establish-*
 16 *ment of milestones under paragraph (1), not*
 17 *later than 90 days after the date on which the*
 18 *agreement is executed.*

19 “(4) *CONGRESSIONAL AND PUBLIC NOTIFICA-*
 20 *TION.*—*Beginning in the first full fiscal year after the*
 21 *date of enactment of this Act, the Secretary shall—*

22 “(A) *submit an annual report that lists all*
 23 *detailed project schedules under paragraph (2)*
 24 *and an explanation of any missed deadlines to*
 25 *the Committee on Environment and Public*

1 *Works of the Senate and the Committee on*
 2 *Transportation and Infrastructure of the House*
 3 *of Representatives; and*

4 “(B) make publicly available, including on
 5 *the Internet, a copy of the annual report de-*
 6 *scribed in subparagraph (A) not later than 14*
 7 *days after date on which a report is submitted*
 8 *to Congress.*

9 “(5) *FAILURE TO ACT.—If a District Engineer*
 10 *fails to meet any of the deadlines in the project sched-*
 11 *ule under paragraph (2), the District Engineer*
 12 *shall—*

13 “(A) not later than 30 days after each
 14 *missed deadline, submit to the non-Federal inter-*
 15 *est a report detailing—*

16 “(i) *why the District Engineer failed*
 17 *to meet the deadline; and*

18 “(ii) *a revised project schedule reflect-*
 19 *ing amended deadlines for the feasibility*
 20 *study; and*

21 “(B) not later than 30 days after each
 22 *missed deadline, make publicly available, includ-*
 23 *ing on the Internet, a copy of the amended*
 24 *project schedule described in subparagraph*
 25 *(A)(i).”.*

1 **SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.**

2 (a) *IN GENERAL.*—*On the request of a non-Federal in-*
3 *terest, the Secretary shall provide to the non-Federal inter-*
4 *est a detailed accounting of the Federal expenses associated*
5 *with a water resources project.*

6 (b) *STUDY.*—

7 (1) *IN GENERAL.*—*The Secretary shall contract*
8 *with the National Academy of Public Administration*
9 *to carry out a study on the efficiency of the Corps*
10 *Engineers current staff salaries and administrative*
11 *expense procedures as compared to using a separate*
12 *administrative expense account.*

13 (2) *CONTENTS.*—*The study under paragraph (1)*
14 *shall include any recommendations of the National*
15 *Academy of Public Administration for improvements*
16 *to the budgeting and administrative processes that*
17 *will increase the efficiency of the Corps of Engineers*
18 *project delivery.*

19 **SEC. 2036. DETERMINATION OF PROJECT COMPLETION.**

20 (a) *IN GENERAL.*—*The Secretary shall transfer to the*
21 *non-Federal interest the responsibility for the operation and*
22 *maintenance of any water resources project for which oper-*
23 *ation and maintenance is required of the non-Federal inter-*
24 *est or separable element or functional portion of that water*
25 *resources project on such date that the Secretary determines*
26 *that the project is complete.*

1 (b) *NON-FEDERAL INTEREST APPEAL OF DETERMINA-*
 2 *TION.—*

3 (1) *IN GENERAL.—Not later than 7 days after*
 4 *receiving a notification under subparagraph (a), the*
 5 *non-Federal interest may appeal the completion deter-*
 6 *mination of the Secretary in writing.*

7 (2) *INDEPENDENT REVIEW.—*

8 (A) *IN GENERAL.—On notification that a*
 9 *non-Federal interest has submitted an appeal*
 10 *under paragraph (1), the Secretary shall con-*
 11 *tract with 1 or more independent, non-Federal*
 12 *experts to determine whether the applicable*
 13 *water resources project or separable element or*
 14 *functional portion of the water resources project*
 15 *is complete.*

16 (B) *TIMELINE.—An independent review*
 17 *carried out under subparagraph (A) shall be*
 18 *completed not later than 180 days after the date*
 19 *on which the Secretary receives an appeal from*
 20 *a non-Federal interest under paragraph (1).*

21 **SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.**

22 (a) *IN GENERAL.—The Secretary shall contract with*
 23 *the National Academy of Public Administration to carry*
 24 *out a comprehensive review of the process for preparing,*
 25 *negotiating, and approving Project Partnership Agreements*

1 *and the Project Partnership Agreement template, which*
2 *shall include—*

3 (1) *a review of the process for preparing, negoti-*
4 *ating, and approving Project Partnership Agree-*
5 *ments, as in effect on the day before the date of enact-*
6 *ment of this Act;*

7 (2) *an evaluation of how the concerns of a non-*
8 *Federal interest relating to the Project Partnership*
9 *Agreement and suggestions for modifications to the*
10 *Project Partnership Agreement made by a non-Fed-*
11 *eral interest are accommodated;*

12 (3) *recommendations for how the concerns and*
13 *modifications described in paragraph (2) can be bet-*
14 *ter accommodated;*

15 (4) *recommendations for how the Project Part-*
16 *nership Agreement template can be made more effi-*
17 *cient; and*

18 (5) *recommendations for how to make the process*
19 *for preparing, negotiating, and approving Project*
20 *Partnership Agreements more efficient.*

21 (b) *REPORT.—The Secretary shall submit a report de-*
22 *scribing the findings of the National Academy of Public Ad-*
23 *ministration to the Committee on Environment and Public*
24 *Works of the Senate and the Committee on Transportation*
25 *and Infrastructure of the House of Representatives.*

1 **SEC. 2038. INTERAGENCY AND INTERNATIONAL SUPPORT**

2 **AUTHORITY.**

3 *Section 234 of the Water Resources Development Act*
4 *of 1996 (33 U.S.C. 2323a) is amended—*

5 *(1) in subsection (a), by striking “other Federal*
6 *agencies,” and inserting “Federal departments or*
7 *agencies, nongovernmental organizations,”;*

8 *(2) in subsection (b), by inserting “or foreign*
9 *governments” after “organizations”;*

10 *(3) in subsection (c), by inserting “and restora-*
11 *tion” after “protection”; and*

12 *(4) in subsection (d)—*

13 *(A) in the first sentence—*

14 *(i) by striking “There is” and insert-*
15 *ing “(1) IN GENERAL.—There is”; and*

16 *(ii) by striking “2008” and inserting*
17 *“2014”; and*

18 *(B) in the second sentence—*

19 *(i) by striking “The Secretary” and*
20 *inserting “(2) ACCEPTANCE OF FUNDS.—*
21 *The Secretary”; and*

22 *(ii) by striking “other Federal agen-*
23 *cies” and inserting “Federal departments or*
24 *agencies, nongovernmental organizations”.*

1 **SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO IN-**
2 **CREASE LOCK OPERATIONS.**

3 (a) *IN GENERAL.*—The Secretary, after providing pub-
4 lic notice, shall establish a pilot program for the acceptance
5 and expenditure of funds contributed by non-Federal inter-
6 ests to increase the hours of operation of locks at water re-
7 sources development projects.

8 (b) *APPLICABILITY.*—The establishment of the pilot
9 program under this section shall not affect the periodic re-
10 view and adjustment of hours of operation of locks based
11 on increases in commercial traffic carried out by the Sec-
12 retary.

13 (c) *PUBLIC COMMENT.*—Not later than 180 days before
14 a proposed modification to the operation of a lock at a
15 water resources development project will be carried out, the
16 Secretary shall—

17 (1) publish the proposed modification in the Fed-
18 eral Register; and

19 (2) accept public comment on the proposed modi-
20 fication.

21 (d) *REPORTS.*—

22 (1) *IN GENERAL.*—Not later than 1 year after
23 the date of enactment of this Act, the Secretary shall
24 submit to the Committee on Transportation and In-
25 frastructure of the House of Representatives and the
26 Committee on Environment and Public Works of the

1 *Senate a report that evaluates the cost-savings result-*
 2 *ing from reduced lock hours and any economic im-*
 3 *pacts of modifying lock operations.*

4 (2) *REVIEW OF PILOT PROGRAM.*—*Not later than*
 5 *September 30, 2017 and each year thereafter, the Sec-*
 6 *retary shall submit to the Committee on Transpor-*
 7 *tation and Infrastructure of the House of Representa-*
 8 *tives and the Committee on Environment and Public*
 9 *Works of the Senate a report that describes the effec-*
 10 *tiveness of the pilot program under this section.*

11 (e) *ANNUAL REVIEW.*—*The Secretary shall carry out*
 12 *an annual review of the commercial use of locks and make*
 13 *any necessary adjustments to lock operations based on that*
 14 *review.*

15 (f) *TERMINATION.*—*The authority to accept funds*
 16 *under this section shall terminate 5 years after the date of*
 17 *enactment of this Act.*

18 **SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISAS-**
 19 **TERS.**

20 (a) *IN GENERAL.*—*Section 5(a)(1) of the Act entitled*
 21 *“An Act authorizing the construction of certain public*
 22 *works on rivers and harbors for flood control, and for other*
 23 *purposes”, approved August 18, 1941 (33 U.S.C.*
 24 *701n(a)(1)), is amended in the first sentence by striking*
 25 *“structure damaged or destroyed by wind, wave, or water*

1 *action of other than an ordinary nature when in the discre-*
 2 *tion of the Chief of Engineers such repair and restoration*
 3 *is warranted for the adequate functioning of the structure*
 4 *for hurricane or shore protection” and inserting “structure*
 5 *or project damaged or destroyed by wind, wave, or water*
 6 *action of other than an ordinary nature to the design level*
 7 *of protection when, in the discretion of the Chief of Engi-*
 8 *neers, such repair and restoration is warranted for the ade-*
 9 *quate functioning of the structure or project for hurricane*
 10 *or shore protection, subject to the condition that the Chief*
 11 *of Engineers may include modifications to the structure or*
 12 *project to address major deficiencies”.*

13 *(b) REPORT.—*

14 *(1) IN GENERAL.—Not later than 1 year after*
 15 *the date of enactment of this Act and every 2 years*
 16 *thereafter, the Secretary shall submit to the Com-*
 17 *mittee on Environment and Public Works of the Sen-*
 18 *ate and the Committee on Transportation and Infra-*
 19 *structure of the House of Representatives a report de-*
 20 *tailing the amounts expended in the previous 5 fiscal*
 21 *years to carry out Corps of Engineers projects under*
 22 *section 5 of the Act entitled “An Act authorizing the*
 23 *construction of certain public works on rivers and*
 24 *harbors for flood control, and for other purposes”, ap-*
 25 *proved August 18, 1941 (33 U.S.C. 701n).*

1 (2) *INCLUSIONS.*—A report under paragraph (1)
2 shall, at a minimum, include a description of—

3 (A) each project for which amounts are ex-
4 pended, including the type of project and cost of
5 the project; and

6 (B) how the Secretary has restored or in-
7 tends to restore the project to the design level of
8 protection for the project.

9 **SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.**

10 A levee system shall remain eligible for rehabilitation
11 assistance under the authority provided by section 5 of the
12 Act entitled “An Act authorizing the construction of certain
13 public works on rivers and harbors for flood control, and
14 for other purposes” (33 U.S.C. 701n) as long as the levee
15 system sponsor continues to make satisfactory progress, as
16 determined by the Secretary, on an approved systemwide
17 improvement framework or letter of intent.

18 **SEC. 2042. FUNDING TO PROCESS PERMITS.**

19 Section 214 of the Water Resources Development Act
20 of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is
21 amended by striking subsections (d) and (e) and inserting
22 the following:

23 “(d) *PUBLIC AVAILABILITY.*—

24 “(1) *IN GENERAL.*—The Secretary shall ensure
25 that all final permit decisions carried out using funds

1 *authorized under this section are made available to*
 2 *the public in a common format, including on the*
 3 *Internet, and in a manner that distinguishes final*
 4 *permit decisions under this section from other final*
 5 *actions of the Secretary.*

6 “(2) *DECISION DOCUMENT.*—*The Secretary*
 7 *shall—*

8 “(A) *use a standard decision document for*
 9 *evaluating all permits using funds accepted*
 10 *under this section; and*

11 “(B) *make the standard decision document,*
 12 *along with all final permit decisions, available*
 13 *to the public, including on the Internet.*

14 “(3) *AGREEMENTS.*—*The Secretary shall make*
 15 *all active agreements to accept funds under this sec-*
 16 *tion available on a single public Internet site.*

17 “(e) *REPORTING.*—

18 “(1) *IN GENERAL.*—*The Secretary shall prepare*
 19 *an annual report on the implementation of this sec-*
 20 *tion, which, at a minimum, shall include for each*
 21 *district of the Corps of Engineers that accepts funds*
 22 *under this section—*

23 “(A) *a comprehensive list of any funds ac-*
 24 *cepted under this section during the previous fis-*
 25 *cal year;*

1 “(B) a comprehensive list of the permits re-
 2 viewed and approved using funds accepted under
 3 this section during the previous fiscal year, in-
 4 cluding a description of the size and type of re-
 5 sources impacted and the mitigation required for
 6 each permit; and

7 “(C) a description of the training offered in
 8 the previous fiscal year for employees that is
 9 funded in whole or in part with funds accepted
 10 under this section.

11 “(2) *SUBMISSION*.—Not later than 90 days after
 12 the end of each fiscal year, the Secretary shall—

13 “(A) submit to the Committee on Environ-
 14 ment and Public Works of the Senate and the
 15 Committee on Transportation and Infrastructure
 16 of the House of Representatives the annual re-
 17 port described in paragraph (1); and

18 “(B) make each report received under sub-
 19 paragraph (A) available on a single publicly ac-
 20 cessible Internet site.”.

21 **SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND ERO-**
 22 **SION PREVENTION STUDY AND PILOT PRO-**
 23 **GRAM.**

24 (a) *DEFINITION OF INLAND AND INTRACOASTAL WA-*
 25 *TERWAY*.—In this section, the term “inland and intra-

1 *coastal waterway” means the inland and intracoastal wa-*
 2 *terways of the United States described in section 206 of the*
 3 *Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).*

4 *(b) PILOT PROGRAM.—The Secretary—*

5 *(1) is authorized to study issues relating to riv-*
 6 *erbank stabilization and erosion prevention along in-*
 7 *land and intracoastal waterways; and*

8 *(2) shall establish and carry out for a period of*
 9 *5 fiscal years a national riverbank stabilization and*
 10 *erosion prevention pilot program to address riverbank*
 11 *erosion along inland and intracoastal waterways.*

12 *(c) STUDY.—*

13 *(1) IN GENERAL.—The Secretary, in consultation*
 14 *with appropriate Federal, State, local, and non-*
 15 *governmental entities, shall carry out a study of the*
 16 *options and technologies available to prevent the ero-*
 17 *sion and degradation of riverbanks along inland and*
 18 *intracoastal waterways.*

19 *(2) CONTENTS.—The study shall—*

20 *(A) evaluate the nature and extent of the*
 21 *damages resulting from riverbank erosion along*
 22 *inland and intracoastal waterways throughout*
 23 *the United States;*

1 (B) identify specific inland and intra-
 2 coastal waterways and affected wetland areas
 3 with the most urgent need for restoration;

4 (C) analyze any legal requirements with re-
 5 gard to maintenance of bank lines of inland and
 6 intracoastal waterways, including a comparison
 7 of Federal, State, and private obligations and
 8 practices;

9 (D) assess and compare policies and man-
 10 agement practices to protect surface areas adja-
 11 cent to inland and intracoastal waterways ap-
 12 plied by various Districts of the Corps of Engi-
 13 neers; and

14 (E) make any recommendations the Sec-
 15 retary determines to be appropriate.

16 (d) *RIVERBANK STABILIZATION AND EROSION PRE-*
 17 *VENTION PILOT PROGRAM.*—

18 (1) *IN GENERAL.*—*The Secretary shall develop a*
 19 *pilot program for the construction of riverbank sta-*
 20 *bilization and erosion prevention projects on public*
 21 *land along inland and intracoastal waterways if the*
 22 *Secretary determines that the projects are feasible and*
 23 *lower maintenance costs of those inland and intra-*
 24 *coastal waterways.*

1 (2) *PILOT PROGRAM GOALS.*—A project under
 2 the pilot program shall, to the maximum extent prac-
 3 ticable—

4 (A) *develop or demonstrate innovative tech-*
 5 *nologies;*

6 (B) *implement efficient designs to prevent*
 7 *erosion at a riverbank site, taking into account*
 8 *the lifecycle cost of the design, including cleanup,*
 9 *maintenance, and amortization;*

10 (C) *prioritize natural designs, including the*
 11 *use of native and naturalized vegetation or tem-*
 12 *porary structures that minimize permanent*
 13 *structural alterations to the riverbank;*

14 (D) *avoid negative impacts to adjacent*
 15 *communities;*

16 (E) *identify the potential for long-term pro-*
 17 *tection afforded by the innovative technology;*
 18 *and*

19 (F) *provide additional benefits, including*
 20 *reduction of flood risk.*

21 (3) *PROJECT SELECTIONS.*—The Secretary shall
 22 develop criteria for the selection of projects under the
 23 pilot program, including criteria based on—

24 (A) *the extent of damage and land loss re-*
 25 *sulting from riverbank erosion;*

1 (B) the rate of erosion;

2 (C) the significant threat of future flood risk
3 to public or private property, public infrastruc-
4 ture, or public safety;

5 (D) the destruction of natural resources or
6 habitats; and

7 (E) the potential cost-savings for mainte-
8 nance of the channel.

9 (4) CONSULTATION.—The Secretary shall carry
10 out the pilot program in consultation with—

11 (A) Federal, State, and local governments;

12 (B) nongovernmental organizations; and

13 (C) applicable university research facilities.

14 (5) REPORT.—Not later than 1 year after the
15 first fiscal year for which amounts to carry out this
16 section are appropriated, and every year thereafter,
17 the Secretary shall prepare and submit to the Com-
18 mittee on Environment and Public Works of the Sen-
19 ate and the Committee on Transportation and Infra-
20 structure of the House of Representatives a report de-
21 scribing—

22 (A) the activities carried out and accom-
23 plishments made under the pilot program since
24 the previous report under this paragraph; and

1 (B) any recommendations of the Secretary
2 relating to the program.

3 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
4 authorized to be appropriated to carry out this section
5 \$25,000,000 for each of fiscal years 2014 through 2019.

6 **SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUC-**
7 **TION PRIORITIZATION.**

8 (a) *PURPOSES.*—The purposes of this section are—

9 (1) to provide adequate levels of protection to
10 communities impacted by natural disasters, including
11 hurricanes, tropical storms, and other related extreme
12 weather events; and

13 (2) to expedite critical water resources projects
14 in communities that have historically been and con-
15 tinue to remain susceptible to extreme weather events.

16 (b) *PRIORITY.*—For authorized projects and ongoing
17 feasibility studies with a primary purpose of hurricane and
18 storm damage risk reduction, the Secretary shall give fund-
19 ing priority to projects and ongoing studies that—

20 (1) address an imminent threat to life and prop-
21 erty;

22 (2) prevent storm surge from inundating popu-
23 lated areas;

24 (3) prevent the loss of coastal wetlands that help
25 reduce the impact of storm surge;

1 (4) *protect emergency hurricane evacuation*
 2 *routes or shelters;*

3 (5) *prevent adverse impacts to publicly owned or*
 4 *funded infrastructure and assets;*

5 (6) *minimize disaster relief costs to the Federal*
 6 *Government; and*

7 (7) *address hurricane and storm damage risk re-*
 8 *duction in an area for which the President declared*
 9 *a major disaster in accordance with section 401 of the*
 10 *Robert T. Stafford Disaster Relief and Emergency As-*
 11 *sistance Act (42 U.S.C. 5170).*

12 (c) *EXPEDITED CONSIDERATION OF CURRENTLY AU-*
 13 *THORIZED PROJECTS.—Not later than 180 days after the*
 14 *date of enactment of this Act, the Secretary shall—*

15 (1) *submit to the Committee on Environment*
 16 *and Public Works of the Senate and the Committee on*
 17 *Transportation and Infrastructure of the House of*
 18 *Representatives a list of all—*

19 (A) *ongoing hurricane and storm damage*
 20 *reduction feasibility studies that have signed fea-*
 21 *sibility cost share agreements and have received*
 22 *Federal funds since 2009; and*

23 (B) *authorized hurricane and storm damage*
 24 *reduction projects that—*

1 (i) have been authorized for more than
 2 20 years but are less than 75 percent com-
 3 plete; or

4 (ii) are undergoing a post-authoriza-
 5 tion change report, general reevaluation re-
 6 port, or limited reevaluation report;

7 (2) identify those projects on the list required
 8 under paragraph (1) that meet the criteria described
 9 in subsection (b); and

10 (3) provide a plan for expeditiously completing
 11 the projects identified under paragraph (2), subject to
 12 available funding.

13 (d) *PRIORITIZATION OF NEW STUDIES FOR HURRI-*
 14 *CANE AND STORM DAMAGE RISK REDUCTION.*—In selecting
 15 new studies for hurricane and storm damage reduction to
 16 propose to Congress under section 4002, the Secretary shall
 17 give priority to studies—

18 (1) that—

19 (A) have been recommended in a com-
 20 prehensive hurricane protection study carried
 21 out by the Corps of Engineers; or

22 (B) are included in a State plan or pro-
 23 gram for hurricane, storm damage reduction,
 24 flood control, coastal protection, conservation, or
 25 restoration, that is created in consultation with

1 *the Corps of Engineers or other relevant Federal*
 2 *agencies; and*

3 *(2) for areas for which the President declared a*
 4 *major disaster in accordance with section 401 of the*
 5 *Robert T. Stafford Disaster Relief and Emergency As-*
 6 *sistance Act (42 U.S.C. 5170).*

7 **SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION**
 8 **EFFORTS.**

9 *For authorized projects with a primary purpose of eco-*
 10 *system restoration, the Secretary shall give funding priority*
 11 *to projects—*

12 *(1) that—*

13 *(A) address an identified threat to public*
 14 *health, safety, or welfare;*

15 *(B) preserve, establish, or restore habitats of*
 16 *national significance; or*

17 *(C) preserve habitats of importance for fed-*
 18 *erally protected species, including migratory*
 19 *birds; and*

20 *(2) for which the restoration activities will con-*
 21 *tribute to other ongoing or planned Federal, State, or*
 22 *local restoration initiatives.*

23 **SEC. 2046. SPECIAL USE PERMITS.**

24 *(a) SPECIAL USE PERMITS.—*

1 (1) *IN GENERAL.*—*The Secretary may issue spe-*
2 *cial permits for uses such as group activities, recre-*
3 *ation events, motorized recreation vehicles, and such*
4 *other specialized recreation uses as the Secretary de-*
5 *termines to be appropriate, subject to such terms and*
6 *conditions as the Secretary determines to be in the*
7 *best interest of the Federal Government.*

8 (2) *FEES.*—

9 (A) *IN GENERAL.*—*In carrying out this sub-*
10 *section, the Secretary may—*

11 (i) *establish and collect fees associated*
12 *with the issuance of the permits described in*
13 *paragraph (1); or*

14 (ii) *accept in-kind services in lieu of*
15 *those fees.*

16 (B) *OUTDOOR RECREATION EQUIPMENT.*—
17 *The Secretary may establish and collect fees for*
18 *the provision of outdoor recreation equipment*
19 *and services at public recreation areas located at*
20 *lakes and reservoirs operated by the Corps of En-*
21 *gineers.*

22 (C) *USE OF FEES.*—*Any fees generated pur-*
23 *suant to this subsection shall be—*

24 (i) *retained at the site collected; and*

(ii) *available for use, without further appropriation, solely for administering the special permits under this subsection and carrying out related operation and maintenance activities at the site at which the fees are collected.*

(b) *COOPERATIVE MANAGEMENT.—*

(1) *PROGRAM.—*

(A) *IN GENERAL.—*Subject to subparagraph (B), the Secretary may enter into an agreement with a State or local government to provide for the cooperative management of a public recreation area if—

(i) *the public recreation area is located—*

(I) *at a lake or reservoir operated by the Corps of Engineers; and*

(II) *adjacent to or near a State or local park or recreation area; and*

(ii) *the Secretary determines that cooperative management between the Corps of Engineers and a State or local government agency of a portion of the Corps of Engineers recreation area or State or local park or recreation area will allow for more effec-*

1 *tive and efficient management of those*
 2 *areas.*

3 *(B) RESTRICTION.—The Secretary may not*
 4 *transfer administration responsibilities for any*
 5 *public recreation area operated by the Corps of*
 6 *Engineers.*

7 *(2) ACQUISITION OF GOODS AND SERVICES.—The*
 8 *Secretary may acquire from or provide to a State or*
 9 *local government with which the Secretary has en-*
 10 *tered into a cooperative agreement under paragraph*
 11 *(1) goods and services to be used by the Secretary and*
 12 *the State or local government in the cooperative man-*
 13 *agement of the areas covered by the agreement.*

14 *(3) ADMINISTRATION.—The Secretary may enter*
 15 *into 1 or more cooperative management agreements or*
 16 *such other arrangements as the Secretary determines*
 17 *to be appropriate, including leases or licenses, with*
 18 *non-Federal interests to share the costs of operation,*
 19 *maintenance, and management of recreation facilities*
 20 *and natural resources at recreation areas that are*
 21 *jointly managed and funded under this subsection.*

22 *(c) FUNDING TRANSFER AUTHORITY.—*

23 *(1) IN GENERAL.—If the Secretary determines*
 24 *that it is in the public interest for purposes of en-*
 25 *hancing recreation opportunities at Corps of Engi-*

1 *neers water resources development projects, the Sec-*
 2 *retary may transfer funds appropriated for resource*
 3 *protection, research, interpretation, and maintenance*
 4 *activities related to resource protection in the areas at*
 5 *which outdoor recreation is available at those Corps*
 6 *of Engineers water resource development projects to*
 7 *State, local, and tribal governments and such other*
 8 *public or private nonprofit entities as the Secretary*
 9 *determines to be appropriate.*

10 (2) *COOPERATIVE AGREEMENTS.*—*Any transfer*
 11 *of funds pursuant to this subsection shall be carried*
 12 *out through the execution of a cooperative agreement,*
 13 *which shall contain such terms and conditions as the*
 14 *Secretary determines to be necessary in the public in-*
 15 *terest.*

16 (d) *SERVICES OF VOLUNTEERS.*—*Chapter IV of title*
 17 *I of Public Law 98–63 (33 U.S.C. 569c) is amended—*

18 (1) *in the first sentence, by inserting “, includ-*
 19 *ing expenses relating to uniforms, transportation,*
 20 *lodging, and the subsistence of those volunteers, with-*
 21 *out regard to the place of residence of the volunteers,”*
 22 *after “incidental expenses”; and*

23 (2) *by inserting after the first sentence the fol-*
 24 *lowing: “The Chief of Engineers may also provide*

(e) *TRAINING AND EDUCATIONAL ACTIVITIES*.—Section 213(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by striking “at” and inserting “about”.

7 SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL
8 TAXED INLAND WATERWAYS.

9 (a) *IN GENERAL*.—Notwithstanding any other provi-
10 sion of law, the Secretary shall have responsibility for 65
11 percent of the costs of the operation, maintenance, repair,
12 rehabilitation, and replacement of any flood gate, as well
13 as any pumping station constructed within the channel as
14 a single unit with that flood gate, that—

15 (1) was constructed as of the date of enactment
16 of this Act as a feature of an authorized hurricane
17 and storm damage reduction project; and

(2) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) *PAYMENT OPTIONS.*—For rehabilitation or replacement of any structure under this section, the Secretary may apply to the full non-Federal contribution the payment option provisions under section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

1 **SEC. 2048. CORROSION PREVENTION.**

2 (a) *GUIDANCE AND PROCEDURES.*—*The Secretary*
3 *shall develop guidance and procedures for the certification*
4 *of qualified contractors for—*

5 (1) *the application of protective coatings; and*

6 (2) *the removal of hazardous protective coatings.*

7 (b) *REQUIREMENTS.*—*Except as provided in sub-*
8 *section (c), the Secretary shall use certified contractors*
9 *for—*

10 (1) *the application of protective coatings for*
11 *complex work involving steel and cementitious struc-*
12 *tures, including structures that will be exposed in im-*
13 *mersion;*

14 (2) *the removal of hazardous coatings or other*
15 *hazardous materials that are present in sufficient*
16 *concentrations to create an occupational or environ-*
17 *mental hazard; and*

18 (3) *any other activities the Secretary determines*
19 *to be appropriate.*

20 (c) *EXCEPTION.*—*The Secretary may approve excep-*
21 *tions to the use of certified contractors under subsection (b)*
22 *only after public notice, with the opportunity for comment,*
23 *of any such proposal.*

1 **SEC. 2049. PROJECT DEAUTHORIZATIONS.**

2 (a) *IN GENERAL.*—Section 1001(b) of the Water Re-
3 sources Development Act of 1986 (33 U.S.C. 579a(b)) is
4 amended—

5 (1) *by striking paragraph (2) and inserting the*
6 *following:*

7 “(2) *LIST OF PROJECTS.*—

8 “(A) *IN GENERAL.*—Notwithstanding sec-
9 tion 3003 of Public Law 104–66 (31 U.S.C. 1113
10 note; 109 Stat. 734), each year, after the submis-
11 sion of the list under paragraph (1), the Sec-
12 retary shall submit to Congress a list of projects
13 or separable elements of projects that have been
14 authorized but that have received no obligations
15 during the 5 full fiscal years preceding the sub-
16 mission of that list.

17 “(B) *ADDITIONAL NOTIFICATION.*—On sub-
18 mission of the list under subparagraph (A) to
19 Congress, the Secretary shall notify—

20 “(i) *each Senator in whose State and*
21 *each Member of the House of Representa-*
22 *tives in whose district a project (including*
23 *any part of a project) on that list would be*
24 *located; and*

1 “(ii) each applicable non-Federal in-
 2 terest associated with a project (including
 3 any part of a project) on that list.

4 “(C) *DEAUTHORIZATION*.—A project or sep-
 5 arable element included in the list under sub-
 6 paragraph (A) is not authorized after the last
 7 date of the fiscal year following the fiscal year
 8 in which the list is submitted to Congress, if
 9 funding has not been obligated for the planning,
 10 design, or construction of the project or element
 11 of the project during that period.”; and
 12 (2) by adding at the end the following:

13 “(3) *MINIMUM FUNDING LIST*.—At the end of
 14 each fiscal year, the Secretary shall submit to Con-
 15 gress a list of—

16 “(A) projects or separable elements of
 17 projects authorized for construction for which
 18 funding has been obligated in the 5 previous fis-
 19 cal years;

20 “(B) the amount of funding obligated per
 21 fiscal year;

22 “(C) the current phase of each project or
 23 separable element of a project; and

24 “(D) the amount required to complete those
 25 phases.

1 “(4) *REPORT.*—

2 “(A) *IN GENERAL.*—Not later than 180
3 days after the date of enactment of the Water Re-
4 sources Development Act of 2013, the Secretary
5 shall compile and publish a complete list of all
6 uncompleted, authorized projects of the Corps of
7 Engineers, including for each project on that
8 list—

9 “(i) *the original budget authority for*
10 *the project;*

11 “(ii) *the status of the project;*

12 “(iii) *the estimated date of completion*
13 *of the project;*

14 “(iv) *the estimated cost of completion*
15 *of the project; and*

16 “(v) *any amounts for the project that*
17 *remain unobligated.*

18 “(B) *PUBLICATION.*—

19 “(i) *IN GENERAL.*—The Secretary shall
20 submit a copy of the list under subpara-
21 graph (A) to—

22 “(I) *the appropriate committees of*
23 *Congress; and*

24 “(II) *the Director of the Office of*
25 *Management and Budget.*

1 “(ii) *PUBLIC AVAILABILITY.*—Not later
 2 than 30 days after providing the report to
 3 Congress under clause (i), the Secretary
 4 shall make a copy of the list available on a
 5 publicly accessible Internet site, in a man-
 6 ner that is downloadable, searchable, and
 7 sortable.”.

8 (b) *INFRASTRUCTURE DEAUTHORIZATION COMMIS-*
 9 *SION.*—

10 (1) *PURPOSES.*—The purposes of this subsection
 11 are—

12 (A) to establish a process for identifying au-
 13 thorized Corps of Engineers water resources
 14 projects that are no longer in the Federal interest
 15 and no longer feasible;

16 (B) to create a commission—

17 (i) to review suggested
 18 deauthorizations, including consideration of
 19 recommendations of the States and the Sec-
 20 retary for the deauthorization of water re-
 21 sources projects; and

22 (ii) to make recommendations to Con-
 23 gress;

24 (C) to ensure public participation and com-
 25 ment; and

1 (D) to provide oversight on any rec-
 2 ommendations made to Congress by the Commis-
 3 sion.

4 (2) *INFRASTRUCTURE DEAUTHORIZATION COM-*
 5 *MISSION.*—

6 (A) *ESTABLISHMENT.*—*There is established*
 7 *an independent commission to be known as the*
 8 *“Infrastructure Deauthorization Commission”*
 9 *(referred to in this paragraph as the “Commis-*
 10 *sion”).*

11 (B) *DUTIES.*—*The Commission shall carry*
 12 *out the review and recommendation duties de-*
 13 *scribed in paragraph (5).*

14 (C) *MEMBERSHIP.*—

15 (i) *IN GENERAL.*—*The Commission*
 16 *shall be composed of 8 members, who shall*
 17 *be appointed by the President, by and with*
 18 *the advice and consent of the Senate accord-*
 19 *ing to the expedited procedures described in*
 20 *clause (ii).*

21 (ii) *EXPEDITED NOMINATION PROCE-*
 22 *DURES.*—

23 (I) *PRIVILEGED NOMINATIONS; IN-*
 24 *FORMATION REQUESTED.*—*On receipt*

1 *by the Senate of a nomination under*
 2 *clause (i), the nomination shall—*

3 *(aa) be placed on the Execu-*
 4 *tive Calendar under the heading*
 5 *“Privileged Nominations—Infor-*
 6 *mation Requested”; and*

7 *(bb) remain on the Executive*
 8 *Calendar under that heading*
 9 *until the Executive Clerk receives*
 10 *a written certification from the*
 11 *Chairman of the committee of ju-*
 12 *risdiction under subclause (II).*

13 *(II) QUESTIONNAIRES.—The*
 14 *Chairman of the Committee on Envi-*
 15 *ronment and Public Works of the Sen-*
 16 *ate shall notify the Executive Clerk in*
 17 *writing when the appropriate bio-*
 18 *graphical and financial questionnaires*
 19 *have been received from an individual*
 20 *nominated for a position under clause*
 21 *(i).*

22 *(III) PRIVILEGED NOMINATIONS;*
 23 *INFORMATION RECEIVED.—On receipt*
 24 *of the certification under subclause*
 25 *(II), the nomination shall—*

(aa) be placed on the *Executive Calendar* under the heading “*Privileged Nomination—Information Received*” and remain on the *Executive Calendar* under that heading for 10 session days; and

(bb) after the expiration of the period referred to in item (aa), be placed on the “*Nominations*” section of the *Executive Calendar*.

(IV) *REFERRAL TO COMMITTEE OF JURISDICTION*.—During the period when a nomination under clause (i) is listed under the “*Privileged Nomination—Information Requested*” section of the *Executive Calendar* described in subclause (I)(aa) or the “*Privileged Nomination—Information Received*” section of the *Executive Calendar* described in subclause (III)(aa)—

(aa) any Senator may request on his or her own behalf, or on the behalf of any identified Senator that the nomination be

1 referred to the appropriate com-
2 mittee of jurisdiction; and

3 (bb) if a Senator makes a re-
4 quest described in paragraph item
5 (aa), the nomination shall be re-
6 ferred to the appropriate com-
7 mittee of jurisdiction.

8 (V) *EXECUTIVE CALENDAR.*—The
9 Secretary of the Senate shall create the
10 appropriate sections on the Executive
11 Calendar to reflect and effectuate the
12 requirements of this clause.

13 (VI) *COMMITTEE JUSTIFICATION*
14 *FOR NEW EXECUTIVE POSITIONS.*—The
15 report accompanying each bill or joint
16 resolution of a public character re-
17 ported by any committee shall contain
18 an evaluation and justification made
19 by that committee for the establishment
20 in the measure being reported of any
21 new position appointed by the Presi-
22 dent within an existing or new Federal
23 entity.

1 (iii) *QUALIFICATIONS.*—*Members of the*
 2 *Commission shall be knowledgeable about*
 3 *Corps of Engineers water resources projects.*

4 (iv) *GEOGRAPHICAL DIVERSITY.*—*To*
 5 *the maximum extent practicable, the mem-*
 6 *bers of the Commission shall be geographi-*
 7 *cally diverse.*

8 (D) *COMPENSATION OF MEMBERS.*—

9 (i) *IN GENERAL.*—*Each member of the*
 10 *Commission who is not an officer or em-*
 11 *ployee of the Federal Government shall be*
 12 *compensated at a rate equal to the daily*
 13 *equivalent of the annual rate of basic pay*
 14 *prescribed for level IV of the Executive*
 15 *Schedule under section 5315 of title 5,*
 16 *United States Code, for each day (including*
 17 *travel time) during which the member is en-*
 18 *gaged in the performance of the duties of the*
 19 *Commission.*

20 (ii) *FEDERAL EMPLOYEES.*—*All mem-*
 21 *bers of the Commission who are officers or*
 22 *employees of the United States shall serve*
 23 *without compensation in addition to that*
 24 *received for their services as officers or em-*
 25 *ployees of the United States.*

1 (iii) *TRAVEL EXPENSES.*—*The mem-*
 2 *bers of the Commission shall be allowed*
 3 *travel expenses, including per diem in lieu*
 4 *of subsistence, at rates authorized for em-*
 5 *ployees of agencies under subchapter I of*
 6 *chapter 57 of title 5, United States Code,*
 7 *while away from their homes or regular*
 8 *places of business in the performance of*
 9 *service for the Commission.*

10 (3) *STATE WATER RESOURCES INFRASTRUCTURE*
 11 *PLAN.*—*Not later than 2 years after the date of enact-*
 12 *ment of this Act, each State, in consultation with*
 13 *local interests, may develop and submit to the Com-*
 14 *mission, the Committee on Environment and Public*
 15 *Works of the Senate, and the Committee on Transpor-*
 16 *tation and Infrastructure of the House of Representa-*
 17 *tives, a detailed statewide water resources plan that*
 18 *includes a list of each water resources project that the*
 19 *State recommends for deauthorization.*

20 (4) *CORPS OF ENGINEERS INFRASTRUCTURE*
 21 *PLAN.*—*Not later than 2 years after the date of enact-*
 22 *ment of this Act, the Secretary shall submit to the*
 23 *Commission, the Committee on Environment and*
 24 *Public Works of the Senate, and the Committee on*

1 *Transportation and Infrastructure of the House of*
 2 *Representatives a detailed plan that—*

3 *(A) contains a detailed list of each water re-*
 4 *sources project that the Corps of Engineers rec-*
 5 *ommends for deauthorization; and*

6 *(B) is based on assessment by the Secretary*
 7 *of the needs of the United States for water re-*
 8 *sources infrastructure, taking into account public*
 9 *safety, the economy, and the environment.*

10 (5) *REVIEW AND RECOMMENDATION COMMIS-*
 11 *SION.—*

12 *(A) IN GENERAL.—On the appointment and*
 13 *confirmation of all members of the Commission,*
 14 *the Commission shall solicit public comment on*
 15 *water resources infrastructure issues and prior-*
 16 *ities and recommendations for deauthorization,*
 17 *including by—*

18 *(i) holding public hearings throughout*
 19 *the United States; and*

20 *(ii) receiving written comments.*

21 (B) *RECOMMENDATIONS.—*

22 *(i) IN GENERAL.—Not later than 4*
 23 *years after the date of enactment of this Act,*
 24 *the Commission shall submit to Congress a*

1 *list of water resources projects of the Corps*
 2 *of Engineers for deauthorization.*

3 (ii) *CONSIDERATIONS.—In carrying*
 4 *out this paragraph, the Commission shall*
 5 *establish criteria for evaluating projects for*
 6 *deauthorization, which shall include consid-*
 7 *eration of—*

8 (I) *the infrastructure plans sub-*
 9 *mitted by the States and the Secretary*
 10 *under paragraphs (3) and (4);*

11 (II) *any public comment received*
 12 *during the period described in sub-*
 13 *paragraph (A);*

14 (III) *public safety and security;*

15 (IV) *the environment; and*

16 (V) *the economy.*

17 (C) *NON-ELIGIBLE PROJECTS.—The fol-*
 18 *lowing types of projects shall not be eligible for*
 19 *review for deauthorization by the Commission:*

20 (i) *Any project authorized after the*
 21 *date of enactment of the Water Resources*
 22 *Development Act of 1996 (Public Law 104–*
 23 *303; 110 Stat. 3658), including any project*
 24 *that has been reauthorized after that date.*

1 (ii) Any project that, as of the date of
2 enactment of this Act, is undergoing a re-
3 view by the Corps of Engineers.

4 (iii) Any project that has received ap-
5 propriations in the 10-year period ending
6 on the date of enactment of this Act.

7 (iv) Any project that, on the date of
8 enactment of this Act, is more than 50 per-
9 cent complete.

10 (v) Any project that has a viable non-
11 Federal sponsor.

12 (D) CONGRESSIONAL DISAPPROVAL.—Any
13 water resources project recommended for de-
14 authorization on the list submitted to Congress
15 under subparagraph (B) shall be deemed to be
16 deauthorized unless Congress passes a joint reso-
17 lution disapproving of the entire list of deauthor-
18 ized water resources projects prior to the date
19 that is 180 days after the date on which the
20 Commission submits the list to Congress.

21 **SEC. 2050. REPORTS TO CONGRESS.**

22 (a) IN GENERAL.—Subject to the availability of appro-
23 priations, the Secretary shall complete and submit to Con-
24 gress by the applicable date required the reports that ad-

1 *dress public safety and enhanced local participation in*
 2 *project delivery described in subsection (b).*

3 *(b) REPORTS.—The reports referred to in subsection*
 4 *(a) are the reports required under—*

5 *(1) section 2020;*

6 *(2) section 2022;*

7 *(3) section 2025;*

8 *(4) section 2026;*

9 *(5) section 2039;*

10 *(6) section 2040;*

11 *(7) section 6007; and*

12 *(8) section 10015.*

13 *(c) FAILURE TO PROVIDE A COMPLETED REPORT.—*

14 *(1) IN GENERAL.—Subject to subsection (d), if*
 15 *the Secretary fails to provide a report listed under*
 16 *subsection (b) by the date that is 180 days after the*
 17 *applicable date required for that report, \$5,000 shall*
 18 *be reprogrammed from the General Expenses account*
 19 *of the civil works program of the Army Corps of En-*
 20 *gineers into the account of the division of the Army*
 21 *Corps of Engineers with responsibility for completing*
 22 *that report.*

23 *(2) SUBSEQUENT REPROGRAMMING.—Subject to*
 24 *subsection (d), for each additional week after the date*
 25 *described in paragraph (1) in which a report de-*

1 scribed in that paragraph remains uncompleted and
2 unsubmitted to Congress, \$5,000 shall be repro-
3 grammed from the Office of the Assistant Secretary of
4 the Army for Civil Works into the account of the divi-
5 sion of the Secretary of the Army with responsibility
6 for completing that report.

7 (d) *LIMITATIONS.*—

8 (1) *IN GENERAL.*—For each report, the total
9 amounts reprogrammed under subsection (c) shall not
10 exceed, in any fiscal year, \$50,000.

11 (2) *AGGREGATE LIMITATION.*—The total amount
12 reprogrammed under subsection (c) in a fiscal year
13 shall not exceed \$200,000.

14 (e) *NO FAULT OF THE SECRETARY.*—Amounts shall
15 not be reprogrammed under subsection (c) if the Secretary
16 certifies in a letter to the applicable committees of Congress
17 that—

18 (1) a major modification has been made to the
19 content of the report that requires additional analysis
20 for the Secretary to make a final decision on the re-
21 port;

22 (2) amounts have not been appropriated to the
23 agency under this Act or any other Act to carry out
24 the report; or

1 (3) *additional information is required from an*
 2 *entity other than the Corps of Engineers and is not*
 3 *available in a timely manner to complete the report*
 4 *by the deadline.*

5 (f) *LIMITATION.—The Secretary shall not reprogram*
 6 *funds to reimburse the Office of the Assistant Secretary of*
 7 *the Army for Civil Works for the loss of the funds.*

8 (g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 9 *authorized to be appropriated to carry out this section*
 10 *\$10,000,000.*

11 **SEC. 2051. INDIAN SELF-DETERMINATION AND EDUCATION**
 12 **ASSISTANCE ACT CONFORMING AMENDMENT.**

13 *Section 106(k) of the Indian Self-Determination and*
 14 *Education Assistance Act (25 U.S.C. 450j-1(k)) is amended*
 15 *by adding at the end the following:*

16 “(13) *Interest payments, the retirement of prin-*
 17 *cipal, the costs of issuance, and the costs of insurance*
 18 *or a similar credit support for a debt financing in-*
 19 *strument, the proceeds of which are used to support*
 20 *a contracted construction project.”.*

21 **SEC. 2052. INVASIVE SPECIES REVIEW.**

22 *The Secretary, in consultation with the Director of the*
 23 *United States Fish and Wildlife Service, the Chairman of*
 24 *the Tennessee Valley Authority, and other applicable heads*
 25 *of Federal agencies, shall—*

1 (1) *carry out a review of existing Federal au-*
2 *thorities relating to responding to invasive species,*
3 *including aquatic weeds, aquatic snails, and other*
4 *aquatic invasive species, that have an impact on*
5 *water resources; and*

6 (2) *based on the review under paragraph (1),*
7 *make any recommendations to Congress and applica-*
8 *ble State agencies for improving Federal and State*
9 *laws to more effectively respond to the threats posed*
10 *by those invasive species.*

11 **SEC. 2053. WETLANDS CONSERVATION STUDY.**

12 (a) *IN GENERAL.*—*The Comptroller General of the*
13 *United States shall carry out a study to identify all Federal*
14 *programs relating to wetlands conservation.*

15 (b) *REPORT.*—*The Comptroller General of the United*
16 *States shall submit to Congress a report based on the study*
17 *under subsection (a) describing options for maximizing wet-*
18 *lands conservation benefits while reducing redundancy, in-*
19 *creasing efficiencies, and reducing costs.*

20 **SEC. 2054. DAM REPAIR STUDY.**

21 (a) *IN GENERAL.*—*The Comptroller General of the*
22 *United States shall carry out a study to evaluate repairs*
23 *made at dams on the Cumberland River as compared to*
24 *similar repairs made by the Corps of Engineers at other*
25 *dams.*

1 (b) *CONTENTS.*—*The study under subsection (a) shall*
 2 *compare—*

3 (1) *how the repairs were classified at each dam;*
 4 *and*

5 (2) *the Federal and non-Federal cost-sharing re-*
 6 *quirements for each dam.*

7 (c) *REPORT.*—*Not later than 1 year after the date of*
 8 *enactment of this Act, the Comptroller General of the United*
 9 *States shall submit to Congress a report based on the study*
 10 *under subsection (a) with the recommendations of the*
 11 *Comptroller General on whether the repairs carried out at*
 12 *dams on the Cumberland River should have been classified*
 13 *as repairs carried out under the National Dam Safety Pro-*
 14 *gram Act (33 U.S.C. 467 et seq.).*

15 **TITLE III—PROJECT** 16 **MODIFICATIONS**

17 **SEC. 3001. PURPOSE.**

18 *The purpose of this title is to modify existing water*
 19 *resource project authorizations, subject to the condition that*
 20 *the modifications do not affect authorized costs.*

21 **SEC. 3002. CHATFIELD RESERVOIR, COLORADO.**

22 *Section 116 of the Energy and Water Development and*
 23 *Related Agencies Appropriations Act, 2009 (123 Stat. 608),*
 24 *is amended in the matter preceding the proviso by inserting*

1 “(or a designee of the Department)” after “Colorado De-
 2 partment of Natural Resources”.

3 **SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION**
 4 **COMMITTEE EXPENSES REIMBURSEMENT.**

5 *Section 5018(b)(5) of the Water Resources Develop-*
 6 *ment Act of 2007 (121 Stat. 1200) is amended by striking*
 7 *subparagraph (B) and inserting the following:*

8 “(B) *TRAVEL EXPENSES.*—Subject to the
 9 availability of funds, the Secretary may reim-
 10 burse a member of the Committee for travel ex-
 11 penses, including per diem in lieu of subsistence,
 12 at rates authorized for an employee of a Federal
 13 agency under subchapter I of chapter 57 of title
 14 5, United States Code, while away from the
 15 home or regular place of business of the member
 16 in performance of services for the Committee.”.

17 **SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION**
 18 **STUDY.**

19 *With respect to the study for flood and storm damage*
 20 *reduction related to natural disasters to be carried out by*
 21 *the Secretary and authorized under the heading “INVESTIGATIONS”*
 22 *under title II of division A of Public Law 113–*
 23 *2, the Secretary shall include, to the maximum extent prac-*
 24 *ticable, specific project recommendations in the report de-*
 25 *veloped for that study.*

1 **SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.**

2 *Section 3109 of the Water Resources Development Act*
 3 *of 2007 (121 Stat. 1135) is amended—*

4 *(1) by striking “The Secretary may” and insert-*
 5 *ing the following:*

6 *“(a) IN GENERAL.—The Secretary may”; and*

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

8 *“(b) LOCAL PARTICIPATION.—In carrying out sub-*
 9 *section (a), the Secretary shall consult with, and consider*
 10 *the activities being carried out by—*

11 *“(1) other Federal agencies;*

12 *“(2) conservation districts;*

13 *“(3) the Yellowstone River Conservation District*
 14 *Council; and*

15 *“(4) the State of Montana.”.*

16 **SEC. 3006. PROJECT DEAUTHORIZATIONS.**

17 *(a) GOOSE CREEK, SOMERSET COUNTY, MARYLAND.—*

18 *The project for navigation, Goose Creek, Somerset County,*
 19 *Maryland, carried out pursuant to section 107 of the Rivers*
 20 *and Harbor Act of 1960 (33 U.S.C. 577), is realigned as*
 21 *follows: Beginning at Goose Creek Channel Geometry Cen-*
 22 *terline of the 60-foot-wide main navigational ship channel,*
 23 *Centerline Station No. 0+00, coordinates North 157851.80,*
 24 *East 1636954.70, as stated and depicted on the Condition*
 25 *Survey Goose Creek, Sheet 1 of 1, prepared by the United*
 26 *States Army Corps of Engineers, Baltimore District, July*

1 2003; thence departing the aforementioned centerline trav-
 2 eling the following courses and distances: S. 64 degrees 49
 3 minutes 06 seconds E., 1583.82 feet to a point, on the out-
 4 line of said 60-foot-wide channel thence binding on said
 5 out-line the following four courses and distances: S. 63 de-
 6 grees 26 minutes 06 seconds E., 1460.05 feet to a point,
 7 thence; N. 50 degrees 38 minutes 26 seconds E., 973.28 feet
 8 to a point, thence; N. 26 degrees 13 minutes 09 seconds W.,
 9 240.39 feet to a point on the Left Toe of the 60-foot-wide
 10 main navigational channel at computed Centerline Station
 11 No. 42+57.54, coordinates North 157357.84, East
 12 1640340.23. Geometry Left Toe of the 60-foot-wide main
 13 navigational ship channel, Left Toe Station No. 0+00, co-
 14 ordinates North 157879.00, East 1636967.40, as stated and
 15 depicted on the Condition Survey Goose Creek, Sheet 1 of
 16 1, prepared by the United States Army Corps of Engineers,
 17 Baltimore District, August 2010; thence departing the
 18 aforementioned centerline traveling the following courses
 19 and distances: S. 64 degrees 49 minutes 12 seconds E.,
 20 1583.91 feet to a point, on the outline of said 60-foot-wide
 21 channel thence binding on said out-line the following eight
 22 courses and distances: S. 63 degrees 25 minutes 38 seconds
 23 E., 1366.25 feet to a point, thence; N. 83 degrees 36 minutes
 24 24 seconds E., 125.85 feet to a point, thence; N. 50 degrees
 25 38 minutes 26 seconds E., 805.19 feet to a point, thence;

1 N. 12 degrees 12 minutes 29 seconds E., 78.33 feet to a
 2 point thence; N. 26 degrees 13 minutes 28 seconds W., 46.66
 3 feet to a point thence; S. 63 degrees 45 minutes 41 seconds
 4 W., 54.96 feet to a point thence; N. 26 degrees 13 minutes
 5 24 seconds W., 119.94 feet to a point on the Left Toe of
 6 the 60-foot-wide main navigational channel at computed
 7 Centerline Station No. 41+81.10, coordinates North
 8 157320.30, East 1640264.00. Geometry Right Toe of the 60-
 9 foot-wide main navigational ship channel, Right Toe Sta-
 10 tion No. 0+00, coordinates North 157824.70, East
 11 1636941.90, as stated and depicted on the Condition Survey
 12 Goose Creek, Sheet 1 of 1, prepared by the United States
 13 Army Corps of Engineers, Baltimore District, August 2010;
 14 thence departing the aforementioned centerline traveling the
 15 following courses and distances: S. 64 degrees 49 minutes
 16 06 seconds E., 1583.82 feet to a point, on the outline of
 17 said 60-foot-wide channel thence binding on said out-line
 18 the following six courses and distances: S. 63 degrees 25
 19 minutes 47 seconds E., 1478.79 feet to a point, thence; N.
 20 50 degrees 38 minutes 26 seconds E., 1016.69 feet to a
 21 point, thence; N. 26 degrees 14 minutes 49 seconds W.,
 22 144.26 feet to a point, thence; N. 63 degrees 54 minutes
 23 03 seconds E., 55.01 feet to a point thence; N. 26 degrees
 24 12 minutes 08 seconds W., 120.03 feet to a point a point
 25 on the Right Toe of the 60-foot-wide main navigational

1 *channel at computed Centerline Station No. 43+98.61, co-*
 2 *ordinates North 157395.40, East 1640416.50.*

3 (b) *LOWER THOROUGHFARE, DEAL ISLAND, MARY-*
 4 *LAND.—Beginning on the date of enactment of this Act, the*
 5 *Secretary is no longer authorized to carry out the portion*
 6 *of the project for navigation, Lower Thoroughfare, Mary-*
 7 *land, authorized by the Act of June 25, 1910 (36 Stat. 630,*
 8 *chapter 382) (commonly known as the “River and Harbor*
 9 *Act of 1910”), that begins at Lower Thoroughfare Channel*
 10 *Geometry Centerline of the 60-foot-wide main navigational*
 11 *ship channel, Centerline Station No. 44+88, coordinates*
 12 *North 170435.62, East 1614588.93, as stated and depicted*
 13 *on the Condition Survey Lower Thoroughfare, Deal Island,*
 14 *Sheet 1 of 3, prepared by the United States Army Corps*
 15 *of Engineers, Baltimore District, August 2010; thence de-*
 16 *parting the aforementioned centerline traveling the fol-*
 17 *lowing courses and distances: S. 42 degrees 20 minutes 44*
 18 *seconds W., 30.00 feet to a point, on the outline of said*
 19 *60-foot-wide channel thence binding on said out-line the fol-*
 20 *lowing four courses and distances: N. 64 degrees 08 minutes*
 21 *55 seconds W., 53.85 feet to a point, thence; N. 42 degrees*
 22 *20 minutes 43 seconds W., 250.08 feet to a point, thence;*
 23 *N. 47 degrees 39 minutes 03 seconds E., 20.00 feet to a*
 24 *point, thence; S. 42 degrees 20 minutes 44 seconds E.,*
 25 *300.07 feet to a point binding on the Left Toe of the 60-*

1 *foot-wide main navigational channel at computed Center-*
 2 *line Station No. 43+92.67, coordinates North 170415.41,*
 3 *1614566.76; thence; continuing with the aforementioned*
 4 *centerline the following courses and distances: S. 42 degrees*
 5 *20 minutes 42 seconds W., 30.00 feet to a point, on the out-*
 6 *line of said 60-foot-wide channel thence binding on said*
 7 *out-line the following four courses and distances: N. 20 de-*
 8 *grees 32 minutes 06 seconds W., 53.85 feet to a point,*
 9 *thence; N. 42 degrees 20 minutes 49 seconds W., 250.08 feet*
 10 *to a point, thence; S. 47 degrees 39 minutes 03 seconds W.,*
 11 *20.00 feet to a point, thence; S. 42 degrees 20 minutes 46*
 12 *seconds E., 300.08 feet to a point binding on the Left Toe*
 13 *of the 60-foot-wide main navigational channel at computed*
 14 *Centerline Station No. 43+92.67, coordinates North*
 15 *170415.41, 1614566.76.*

16 (c) THOMASTON HARBOR, GEORGES RIVER, MAINE.—
 17 *Beginning on the date of enactment of this Act, the Sec-*
 18 *retary is no longer authorized to carry out the portion of*
 19 *the project for navigation, Georges River, Maine*
 20 *(Thomaston Harbor), authorized by the first section of the*
 21 *Act of June 3, 1896 (29 Stat. 215, chapter 314), and modi-*
 22 *fied by section 317 of the Water Resources Development Act*
 23 *of 2000 (Public Law 106–541; 114 Stat. 2604), that lies*
 24 *northwesterly of a line commencing at point N87,220.51,*

1 *E321,065.80 thence running northeasterly about 125 feet to*
 2 *a point N87,338.71, E321,106.46.*

3 (d) *WARWICK COVE, RHODE ISLAND.—Beginning on*
 4 *the date of enactment of this Act, the Secretary is no longer*
 5 *authorized to carry out the portion of the project for naviga-*
 6 *tion, Warwick Cove, Rhode Island, authorized by section*
 7 *107 of the River and Harbor Act of 1960 (33 U.S.C. 577)*
 8 *that is located within the 5 acre anchorage area east of the*
 9 *channel and lying east of the line beginning at a point with*
 10 *coordinates N220,349.79, E357,664.90 thence running*
 11 *north 9 degrees 10 minutes 21.5 seconds west 170.38 feet*
 12 *to a point N220,517.99, E357,637.74 thence running north*
 13 *17 degrees 44 minutes 30.4 seconds west 165.98 feet to a*
 14 *point N220,676.08, E357,587.16 thence running north 0 de-*
 15 *grees 46 minutes 0.9 seconds east 138.96 feet to a point*
 16 *N220,815.03, E357,589.02 thence running north 8 degrees*
 17 *36 minutes 22.9 seconds east 101.57 feet to a point*
 18 *N220,915.46, E357,604.22 thence running north 18 degrees*
 19 *18 minutes 27.3 seconds east 168.20 feet to a point*
 20 *N221,075.14, E357,657.05 thence running north 34 degrees*
 21 *42 minutes 7.2 seconds east 106.4 feet to a point*
 22 *N221,162.62, E357,717.63 thence running south 29 degrees*
 23 *14 minutes 17.4 seconds east 26.79 feet to a point*
 24 *N221,139.24, E357,730.71 thence running south 30 degrees*
 25 *45 minutes 30.5 seconds west 230.46 feet to a point*

1 N220,941.20, E357,612.85 thence running south 10 degrees
 2 49 minutes 12.0 seconds west 95.46 feet to a point
 3 N220,847.44, E357,594.93 thence running south 9 degrees
 4 13 minutes 44.5 seconds east 491.68 feet to a point
 5 N220,362.12, E357,673.79 thence running south 35 degrees
 6 47 minutes 19.4 seconds west 15.20 feet to the point of ori-
 7 gin.

8 (e) CLATSOP COUNTY DIKING DISTRICT NO. 10,
 9 KARLSON ISLAND, OREGON.—Beginning on the date of en-
 10 actment of this Act, the Secretary is no longer authorized
 11 to carry out the Diking District No. 10, Karlson Island por-
 12 tion of the project for raising and improving existing levees
 13 in Clatsop County, Oregon, authorized by section 5 of the
 14 Act of June 22, 1936 (as amended) (33 U.S.C. 701h).

15 (f) NUMBERG DIKE NO. 34 LEVEED AREA, CLATSOP
 16 COUNTY DIKING DISTRICT NO. 13, CLATSOP COUNTY, OR-
 17 EGON (WALLUSKI-YOUNGS).—Beginning on the date of en-
 18 actment of this Act, the Secretary is no longer authorized
 19 to carry out the Numberg Dike No. 34 leveed area, Clatsop
 20 County Diking District, No. 13, Walluski River and Youngs
 21 River dikes, portion of the project for raising and improv-
 22 ing existing levees in Clatsop County, Oregon, authorized
 23 by section 5 of the Act of June 22, 1936 (as amended) (33
 24 U.S.C. 701h).

25 (g) PORT OF HOOD RIVER, OREGON.—

1 (1) *EXTINGUISHMENT OF PORTIONS OF EXISTING*
 2 *FLOWAGE EASEMENT.*—*With respect to the properties*
 3 *described in paragraph (2), beginning on the date of*
 4 *enactment of this Act, the flowage easement identified*
 5 *as Tract 1200E–6 on the Easement Deed recorded as*
 6 *Instrument No. 740320 is extinguished above ele-*
 7 *vation 79.39 feet (NGVD 29) the Ordinary High*
 8 *Water Line.*

9 (2) *AFFECTED PROPERTIES.*—*The properties re-*
 10 *ferred to in paragraph (1), as recorded in Hood River*
 11 *County, Oregon, are as follows:*

12 (A) *Instrument Number 2010–1235*

13 (B) *Instrument Number 2010–02366.*

14 (C) *Instrument Number 2010–02367.*

15 (D) *Parcel 2 of Partition Plat #2011–12P.*

16 (E) *Parcel 1 of Partition Plat 2005–26P.*

17 (3) *FEDERAL LIABILITIES; CULTURAL, ENVIRON-*
 18 *MENTAL, AND OTHER REGULATORY REVIEWS.*—

19 (A) *FEDERAL LIABILITY.*—*The United*
 20 *States shall not be liable for any injury caused*
 21 *by the extinguishment of the easement under this*
 22 *subsection.*

23 (B) *CULTURAL AND ENVIRONMENTAL REGU-*
 24 *LATORY ACTIONS.*—*Nothing in this subsection es-*
 25 *tablishes any cultural or environmental regula-*

1 tion relating to the properties described in para-
2 graph (2).

3 (4) *EFFECT ON OTHER RIGHTS.*—Nothing in this
4 subsection affects any remaining right or interest of
5 the Corps of Engineers in the properties described in
6 paragraph (2).

7 **SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-**
8 **BASIN, NEW JERSEY.**

9 *Title I of the Energy and Water Development Appro-*
10 *priations Act, 1998 (Public Law 105–62; 111 Stat. 1327)*
11 *is amended by striking section 102.*

12 **SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKAN-**
13 **SAS, LOUISIANA.**

14 (a) *IN GENERAL.*—The Secretary is authorized to reas-
15 sign unused irrigation storage within a reservoir on the Red
16 River Basin to municipal and industrial water supply for
17 use by a non-Federal interest if that non-Federal interest
18 has already contracted for a share of municipal and indus-
19 trial water supply on the same reservoir.

20 (b) *NON-FEDERAL INTEREST.*—A reassignment of
21 storage under subsection (a) shall be contingent upon the
22 execution of an agreement between the Secretary and the
23 applicable non-Federal interest.

1 **SEC. 3009. POINT JUDITH HARBOR OF REFUGE, RHODE IS-**
 2 **LAND.**

3 *The project for the Harbor of Refuge at Point Judith,*
 4 *Narragansett, Rhode Island, adopted by the Act of Sep-*
 5 *tember 19, 1890 (commonly known as the “River and Har-*
 6 *bor Act of 1890”)* (26 Stat. 426, chapter 907), *House Docu-*
 7 *ment numbered 66, 51st Congress, 1st Session, and modified*
 8 *to include the west shore arm breakwater under the first*
 9 *section of the Act of June 25, 1910 (commonly known as*
 10 *the “River and Harbor Act of 1910”)* (36 Stat. 632, chapter
 11 382), *is further modified to include shore protection and*
 12 *erosion control as project purposes.*

13 **TITLE IV—WATER RESOURCE**
 14 **STUDIES**

15 **SEC. 4001. PURPOSE.**

16 *The purpose of this title is to direct the Corps of Engi-*
 17 *neers to study and recommend solutions for water resource*
 18 *issues relating to flood risk and storm damage reduction,*
 19 *navigation, and ecosystem restoration.*

20 **SEC. 4002. INITIATION OF NEW WATER RESOURCES STUD-**
 21 **IES.**

22 *(a) IN GENERAL.—Subject to subsections (b), (c), and*
 23 *(d), the Secretary may initiate a study—*

24 *(1) to determine the feasibility of carrying out 1*
 25 *or more projects for flood risk management, storm*

1 *damage reduction, ecosystem restoration, navigation,*
 2 *hydropower, or related purposes; or*

3 *(2) to carry out watershed and river basin as-*
 4 *sessments in accordance with section 729 of the Water*
 5 *Resources Development Act of 1986 (33 U.S.C.*
 6 *2267a).*

7 *(b) CRITERIA.—The Secretary may only initiate a*
 8 *study under subsection (a) if—*

9 *(1) the study—*

10 *(A) has been requested by an eligible non-*
 11 *Federal interest;*

12 *(B) is for an area that is likely to include*
 13 *a project with a Federal interest; and*

14 *(C) addresses a high-priority water resource*
 15 *issue necessary for the protection of human life*
 16 *and property, the environment, or the national*
 17 *security interests of the United States; and*

18 *(2) the non-Federal interest has demonstrated—*

19 *(A) that local support exists for addressing*
 20 *the water resource issue; and*

21 *(B) the financial ability to provide the re-*
 22 *quired non-Federal cost-share.*

23 *(c) CONGRESSIONAL APPROVAL.—*

24 *(1) SUBMISSION TO CONGRESS.—Prior to initi-*
 25 *ating a study under subsection (a), the Secretary*

1 *shall submit to the Committees on Environment and*
2 *Public Works and Appropriations of the Senate and*
3 *the Committees on Transportation and Infrastructure*
4 *and Appropriations of the House—*

5 *(A) a description of the study, including the*
6 *geographical area addressed by the study;*

7 *(B) a description of how the study meets*
8 *each of the requirements of subsection (b); and*

9 *(C) a certification that the proposed study*
10 *can be completed within 3 years and for a Fed-*
11 *eral cost of not more than \$3,000,000.*

12 *(2) EXPENDITURE OF FUNDS.—No funds may be*
13 *spent on a study initiated under subsection (a) un-*
14 *less—*

15 *(A) the required information is submitted to*
16 *Congress under paragraph (1); and*

17 *(B) after such submission, amounts are ap-*
18 *propriated to initiate the study in an appropria-*
19 *tions or other Act.*

20 *(3) ADDITIONAL NOTIFICATION.—The Secretary*
21 *shall notify each Senator or Member of Congress with*
22 *a State or congressional district in the study area de-*
23 *scribed in paragraph (1)(A).*

24 *(d) LIMITATIONS.—*

1 (1) *IN GENERAL.*—Subsection (a) shall not apply
 2 to a project for which a study has been authorized
 3 prior to the date of enactment of this Act.

4 (2) *NEW STUDIES.*—In each fiscal year, the Sec-
 5 retary may initiate not more than—

6 (A) 3 new studies in each of the primary
 7 areas of responsibility of the Corps of Engineers;
 8 and

9 (B) 3 new studies from any 1 division of
 10 the Corps of Engineers.

11 (e) *TERMINATION.*—The authority under subsection
 12 (a) expires on the date that is 3 years after the date of en-
 13 actment of this Act.

14 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 15 authorized to be appropriated to the Secretary to carry out
 16 this section \$25,000,000 for each of fiscal years 2014
 17 through 2017.

18 **SEC. 4003. APPLICABILITY.**

19 (a) *IN GENERAL.*—Nothing in this title authorizes the
 20 construction of a water resources project.

21 (b) *NEW AUTHORIZATION REQUIRED.*—New author-
 22 ization from Congress is required before any project evalu-
 23 ated in a study under this title is constructed.

TITLE V—REGIONAL AND NONPROJECT PROVISIONS

SEC. 5001. PURPOSE.

The purpose of this title is to authorize regional, multistate authorities to address water resource needs and other non-project provisions.

SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects for aquatic ecosystem restoration within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.

(b) GENERAL COASTAL MANAGEMENT PLAN.—

(1) ASSESSMENT.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, the Governors of the coastal States from Virginia to Maine, nonprofit organizations, and other interested parties, shall assess the needs regarding, and opportunities for, aquatic ecosystem restoration within the coastal waters of the Northeastern United States.

(2) PLAN.—The Secretary shall develop a general coastal management plan based on the assessment

1 *carried out under paragraph (1), maximizing the use*
 2 *of existing plans and investigation, which plan shall*
 3 *include—*

4 *(A) an inventory and evaluation of coastal*
 5 *habitats;*

6 *(B) identification of aquatic resources in*
 7 *need of improvement;*

8 *(C) identification and prioritization of po-*
 9 *tential aquatic habitat restoration projects; and*

10 *(D) identification of geographical and eco-*
 11 *logical areas of concern, including—*

12 *(i) finfish habitats;*

13 *(ii) diadromous fisheries migratory*
 14 *corridors;*

15 *(iii) shellfish habitats;*

16 *(iv) submerged aquatic vegetation;*

17 *(v) wetland; and*

18 *(vi) beach dune complexes and other*
 19 *similar habitats.*

20 *(c) ELIGIBLE PROJECTS.—The Secretary may carry*
 21 *out an aquatic ecosystem restoration project under this sec-*
 22 *tion if the project—*

23 *(1) is consistent with the management plan de-*
 24 *veloped under subsection (b); and*

25 *(2) provides for—*

1 (A) the restoration of degraded aquatic
2 habitat (including coastal, saltmarsh, benthic,
3 and riverine habitat);

4 (B) the restoration of geographical or eco-
5 logical areas of concern, including the restora-
6 tion of natural river and stream characteristics;

7 (C) the improvement of water quality; or

8 (D) other projects or activities determined
9 to be appropriate by the Secretary.

10 (d) *COST SHARING.*—

11 (1) *MANAGEMENT PLAN.*—The management plan
12 developed under subsection (b) shall be completed at
13 Federal expense.

14 (2) *RESTORATION PROJECTS.*—The non-Federal
15 share of the cost of a project carried out under this
16 section shall be 35 percent.

17 (e) *COST LIMITATION.*—Not more than \$10,000,000 in
18 Federal funds may be allocated under this section for an
19 eligible project.

20 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
21 authorized to be appropriated to carry out this section (in-
22 cluding funds for the completion of the management plan)
23 \$25,000,000 for each of fiscal years 2014 through 2018.

1 **SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
 2 **TION AND PROTECTION PROGRAM.**

3 *Section 510 of the Water Resources Development Act*
 4 *of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat.*
 5 *1202) is amended—*

6 *(1) in subsection (a)—*

7 *(A) in paragraph (1)—*

8 *(i) by striking “pilot program” and*
 9 *inserting “program”; and*

10 *(ii) by inserting “in the basin States*
 11 *described in subsection (f) and the District*
 12 *of Columbia” after “interests”; and*

13 *(B) by striking paragraph (2) and inserting*
 14 *the following:*

15 *“(2) FORM.—The assistance under paragraph*
 16 *(1) shall be in the form of design and construction as-*
 17 *sistance for water-related resource protection and res-*
 18 *toration projects affecting the Chesapeake Bay estu-*
 19 *ary, based on the comprehensive plan under sub-*
 20 *section (b), including projects for—*

21 *“(A) sediment and erosion control;*

22 *“(B) protection of eroding shorelines;*

23 *“(C) ecosystem restoration, including res-*
 24 *toration of submerged aquatic vegetation;*

25 *“(D) protection of essential public works;*

1 “(E) beneficial uses of dredged material;
2 and

3 “(F) other related projects that may en-
4 hance the living resources of the estuary.”;

5 (2) by striking subsection (b) and inserting the
6 following:

7 “(b) COMPREHENSIVE PLAN.—

8 “(1) IN GENERAL.—Not later than 2 years after
9 the date of enactment of the Water Resources Develop-
10 ment Act of 2013, the Secretary, in cooperation with
11 State and local governmental officials and affected
12 stakeholders, shall develop a comprehensive Chesa-
13 peake Bay restoration plan to guide the implementa-
14 tion of projects under subsection (a)(2).

15 “(2) COORDINATION.—The restoration plan de-
16 scribed in paragraph (1) shall, to the maximum ex-
17 tent practicable, consider and avoid duplication of
18 any ongoing or planned actions of other Federal,
19 State, and local agencies and nongovernmental orga-
20 nizations.

21 “(3) PRIORITIZATION.—The restoration plan de-
22 scribed in paragraph (1) shall give priority to
23 projects eligible under subsection (a)(2) that will also
24 improve water quality or quantity or use natural
25 hydrological features and systems.

1 “(4) *ADMINISTRATION.*—*The Federal share of the*
 2 *costs of carrying out paragraph (1) shall be 75 per-*
 3 *cent.*”;

4 (3) *in subsection (c)*—

5 (A) *in paragraph (1), by striking “to pro-*
 6 *vide” and all that follows through the period at*
 7 *the end and inserting “for the design and con-*
 8 *struction of a project carried out pursuant to the*
 9 *comprehensive Chesapeake Bay restoration plan*
 10 *described in subsection (b).*”;

11 (B) *in paragraph (2)(A), by striking “fa-*
 12 *cilities or resource protection and development*
 13 *plan” and inserting “resource protection and*
 14 *restoration plan”;* and

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

16 “(3) *PROJECTS ON FEDERAL LAND.*—*A project*
 17 *carried out pursuant to the comprehensive Chesapeake*
 18 *Bay restoration plan described in subsection (b) that*
 19 *is located on Federal land shall be carried out at the*
 20 *expense of the Federal agency that owns the land on*
 21 *which the project will be a carried out.*

22 “(4) *NON-FEDERAL CONTRIBUTIONS.*—*A Federal*
 23 *agency carrying out a project described in paragraph*
 24 *(3) may accept contributions of funds from non-Fed-*
 25 *eral entities to carry out that project.*”;

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

3 “(e) *COOPERATION.—In carrying out this section, the*
4 *Secretary shall cooperate with—*

5 “(1) *the heads of appropriate Federal agencies,*
6 *including—*

7 “(A) *the Administrator of the Environ-*
8 *mental Protection Agency;*

9 “(B) *the Secretary of Commerce, acting*
10 *through the Administrator of the National*
11 *Oceanographic and Atmospheric Administration;*

12 “(C) *the Secretary of the Interior, acting*
13 *through the Director of the United States Fish*
14 *and Wildlife Service; and*

15 “(D) *the heads of such other Federal agen-*
16 *cies as the Secretary determines to be appro-*
17 *priate; and*

18 “(2) *agencies of a State or political subdivision*
19 *of a State, including the Chesapeake Bay Commis-*
20 *sion.”;*

21 (5) *by striking subsection (f) and inserting the*
22 *following:*

23 “(f) *PROJECTS.—The Secretary shall establish, to the*
24 *maximum extent practicable, at least 1 project under this*
25 *section in—*

1 “(1) regions within the Chesapeake Bay water-
 2 shed of each of the basin States of Delaware, Mary-
 3 land, New York, Pennsylvania, Virginia, and West
 4 Virginia; and

5 “(2) the District of Columbia.”;

6 (6) by striking subsection (h); and

7 (7) by redesignating subsection (i) as subsection
 8 (h).

9 **SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
 10 **PROGRAM, COLORADO, NEW MEXICO, TEXAS.**

11 Section 5056 of the Water Resources Development Act
 12 of 2007 (121 Stat. 1213) is amended—

13 (1) in subsection (b)(2)—

14 (A) in the matter preceding subparagraph
 15 (A), by striking “2008” and inserting “2014”;
 16 and

17 (B) in subparagraph (C), by inserting “and
 18 an assessment of needs for other related purposes
 19 in the Rio Grande Basin, including flood dam-
 20 age reduction” after “assessment”;

21 (2) in subsection (c)(2)—

22 (A) by striking “an interagency agreement
 23 with” and inserting “1 or more interagency
 24 agreements with the Secretary of State and”;
 25 and

1 (B) by inserting “or the U.S. Section of the
 2 International Boundary and Water Commis-
 3 sion” after “the Department of the Interior”;
 4 and
 5 (3) in subsection (f), by striking “2011” and in-
 6 serting “2024”.

7 **SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY**
 8 **ECOSYSTEM RESTORATION, OREGON AND**
 9 **WASHINGTON.**

10 Section 536(g) of the Water Resources Development Act
 11 of 2000 (114 Stat. 2661) is amended by striking
 12 “\$30,000,000” and inserting “\$75,000,000”.

13 **SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.**

14 (a) *PROJECT GOAL.*—The goal for operation of the
 15 McClellan-Kerr Arkansas River navigation system, Arkan-
 16 sas and Oklahoma, shall be to maximize the use of the sys-
 17 tem in a balanced approach that incorporates advice from
 18 representatives from all project purposes to ensure that the
 19 full value of the system is realized by the United States.

20 (b) *MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION*
 21 *SYSTEM ADVISORY COMMITTEE.*—

22 (1) *IN GENERAL.*—In accordance with the Fed-
 23 eral Advisory Committee Act (5 U.S.C. App.), the
 24 Secretary shall establish an advisory committee for
 25 the McClellan-Kerr Arkansas River navigation sys-

tem, Arkansas and Oklahoma, project authorized by
the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(2) *DUTIES.*—*The advisory committee shall—*

(A) *serve in an advisory capacity only; and*

(B) *provide information and recommendations to the Corps of Engineers relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.*

(3) *SELECTION AND COMPOSITION.*—*The advisory committee shall be—*

(A) *selected jointly by the Little Rock district engineer and the Tulsa district engineer; and*

(B) *composed of members that equally represent the McClellan-Kerr Arkansas River navigation system project purposes.*

(4) *AGENCY RESOURCES.*—*The Little Rock district and the Tulsa district of the Corps of Engineers, under the supervision of the southwestern division, shall jointly provide the advisory committee with adequate staff assistance, facilities, and resources.*

(5) *TERMINATION.*—

(A) *IN GENERAL.*—*Subject to subparagraph*

(B), *the advisory committee shall terminate on*

1 *the date on which the Secretary submits a report*
 2 *to Congress demonstrating increases in the effi-*
 3 *ciency, reliability, and availability of the*
 4 *McClellan-Kerr Arkansas River navigation sys-*
 5 *tem.*

6 *(B) RESTRICTION.—The advisory committee*
 7 *shall terminate not less than 2 calendar years*
 8 *after the date on which the advisory committee*
 9 *is established.*

10 **SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND**
 11 **MANAGEMENT; COLUMBIA RIVER BASIN.**

12 *(a) IN GENERAL.—The Secretary may establish a pro-*
 13 *gram to prevent and manage aquatic invasive species in*
 14 *the Columbia River Basin in the States of Idaho, Montana,*
 15 *Oregon, and Washington.*

16 *(b) WATERCRAFT INSPECTION STATIONS.—*

17 *(1) IN GENERAL.—In carrying out this section,*
 18 *the Secretary shall establish watercraft inspection sta-*
 19 *tions in the Columbia River Basin to be located in*
 20 *the States of Idaho, Montana, Oregon, and Wash-*
 21 *ington at locations, as determined by the Secretary,*
 22 *with the highest likelihood of preventing the spread of*
 23 *aquatic invasive species into reservoirs operated and*
 24 *maintained by the Secretary.*

1 (2) *INCLUSIONS.—Locations identified under*
 2 *paragraph (1) may include—*

3 (A) *State border crossings;*

4 (B) *international border crossings; and*

5 (C) *highway entry points that are used by*
 6 *owners of watercraft to access boat launch facili-*
 7 *ties owned or managed by the Secretary.*

8 (3) *COST-SHARE.—The non-Federal share of the*
 9 *cost of operating and maintaining watercraft inspec-*
 10 *tion stations described in paragraph (1) (including*
 11 *personnel costs) shall be 50 percent.*

12 (4) *OTHER INSPECTION SITES.—The Secretary*
 13 *may establish watercraft inspection stations using*
 14 *amounts made available to carry out this section in*
 15 *States other than those described in paragraph (1) at*
 16 *or near boat launch facilities that the Secretary deter-*
 17 *mines are regularly used by watercraft to enter the*
 18 *States described in paragraph (1).*

19 (c) *MONITORING AND CONTINGENCY PLANNING.—The*
 20 *Secretary shall—*

21 (1) *carry out risk assessments of each major pub-*
 22 *lic and private water resources facility in the Colum-*
 23 *bia River Basin;*

24 (2) *establish an aquatic invasive species moni-*
 25 *toring program in the Columbia River Basin;*

1 (3) *establish a Columbia River Basin watershed-*
 2 *wide plan for expedited response to an infestation of*
 3 *aquatic invasive species; and*

4 (4) *monitor water quality, including sediment*
 5 *cores and fish tissue samples, at facilities owned or*
 6 *managed by the Secretary in the Columbia River*
 7 *Basin.*

8 (d) *COORDINATION.—In carrying out this section, the*
 9 *Secretary shall consult and coordinate with—*

10 (1) *the States described in subsection (a);*

11 (2) *Indian tribes; and*

12 (3) *other Federal agencies, including—*

13 (A) *the Department of Agriculture;*

14 (B) *the Department of Energy;*

15 (C) *the Department of Homeland Security;*

16 (D) *the Department of Commerce; and*

17 (E) *the Department of the Interior.*

18 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 19 *authorized to be appropriated to the Secretary to carry out*
 20 *this section \$30,000,000, of which \$5,000,000 may be used*
 21 *to carry out subsection (c).*

22 **SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT**
 23 **MONITORING.**

24 (a) *IN GENERAL.—The Secretary, in coordination*
 25 *with the Administrator of the National Oceanic and Atmos-*

1 *pheric Administration, the Chief of the Natural Resources*
2 *Conservation Service, the Director of the United States Geo-*
3 *logical Survey, and the Commissioner of the Bureau of Rec-*
4 *lamation, shall establish a program to provide for—*

5 *(1) soil moisture and snowpack monitoring in*
6 *the Upper Missouri River Basin to reduce flood risk*
7 *and improve river and water resource management in*
8 *the Upper Missouri River Basin, as outlined in the*
9 *February 2013 report entitled “Upper Missouri Basin*
10 *Monitoring Committee—Snow Sampling and Instru-*
11 *mentation Recommendations”;*

12 *(2) restoring and maintaining existing mid- and*
13 *high-elevation snowpack monitoring sites operated*
14 *under the SNOTEL program of the Natural Resources*
15 *Conservation Service; and*

16 *(3) operating streamflow gages and related inter-*
17 *pretive studies in the Upper Missouri River Basin*
18 *under the cooperative water program and the na-*
19 *tional streamflow information program of the United*
20 *States Geological Service.*

21 ***(b) AUTHORIZATION OF APPROPRIATIONS.—****There is*
22 *authorized to be appropriated to the Secretary to carry out*
23 *this section \$11,250,000.*

24 ***(c) USE OF FUNDS.—****Amounts made available to the*
25 *Secretary under this section shall be used to complement*

1 *other related activities of Federal agencies that are carried*
 2 *out within the Missouri River Basin.*

3 *(d) REPORT.—Not later than 1 year after the date of*
 4 *enactment of this Act, the Comptroller General of the United*
 5 *States, in consultation with the Secretary, shall submit to*
 6 *the Committee on Environment and Public Works of the*
 7 *Senate and the Committee on Transportation and Infra-*
 8 *structure of the House of Representatives a report that—*

9 *(1) identifies progress made by the Secretary and*
 10 *other Federal agencies to implement the recommenda-*
 11 *tions contained in the report described in subsection*
 12 *(a)(1) with respect to enhancing soil moisture and*
 13 *snowpack monitoring in the Upper Missouri Basin;*
 14 *and*

15 *(2) includes recommendations to enhance soil*
 16 *moisture and snowpack monitoring in the Upper Mis-*
 17 *souri Basin.*

18 **SEC. 5009. NORTHERN ROCKIES HEADWATERS EXTREME**
 19 **WEATHER MITIGATION.**

20 *(a) IN GENERAL.—Subject to subsection (b), the Sec-*
 21 *retary shall establish a program to mitigate the impacts*
 22 *of extreme weather events, such as floods and droughts, on*
 23 *communities, water users, and fish and wildlife located in*
 24 *and along the headwaters of the Columbia, Missouri, and*
 25 *Yellowstone Rivers (including the tributaries of those rivers)*

1 *in the States of Idaho and Montana by carrying out river,*
2 *stream, and floodplain protection and restoration projects,*
3 *including—*

4 *(1) floodplain restoration and reconnection;*

5 *(2) floodplain and riparian area protection*
6 *through the use of conservation easements;*

7 *(3) instream flow restoration projects;*

8 *(4) fish passage improvements;*

9 *(5) channel migration zone mapping; and*

10 *(6) invasive weed management.*

11 *(b) RESTRICTION.—All projects carried out using*
12 *amounts made available to carry out this section shall em-*
13 *phasize the protection and enhancement of natural riverine*
14 *processes.*

15 *(c) NON-FEDERAL COST SHARE.—The non-Federal*
16 *share of the costs of carrying out a project under this section*
17 *shall not exceed 35 percent of the total cost of the project.*

18 *(d) COORDINATION.—In carrying out this section, the*
19 *Secretary—*

20 *(1) shall consult and coordinate with the appro-*
21 *priate State natural resource agency in each State;*

22 *and*

23 *(2) may—*

1 (A) *delegate any authority or responsibility*
 2 *of the Secretary under this section to those State*
 3 *natural resource agencies; and*

4 (B) *provide amounts made available to the*
 5 *Secretary to carry out this section to those State*
 6 *natural resource agencies.*

7 (e) *LIMITATIONS.—Nothing in this section invalidates,*
 8 *preempts, or creates any exception to State water law, State*
 9 *water rights, or Federal or State permitted activities or*
 10 *agreements in the States of Idaho and Montana or any*
 11 *State containing tributaries to rivers in those States.*

12 (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 13 *authorized to be appropriated to the Secretary to carry out*
 14 *this section \$30,000,000.*

15 **SEC. 5010. AQUATIC NUISANCE SPECIES PREVENTION,**
 16 **GREAT LAKES AND MISSISSIPPI RIVER BASIN.**

17 (a) *IN GENERAL.—The Secretary is authorized to im-*
 18 *plement measures recommended in the efficacy study au-*
 19 *thorized under section 3061 of the Water Resources Develop-*
 20 *ment Act of 2007 (121 Stat. 1121) or in interim reports,*
 21 *with any modifications or any emergency measures that the*
 22 *Secretary determines to be appropriate to prevent aquatic*
 23 *nuisance species from dispersing into the Great Lakes by*
 24 *way of any hydrologic connection between the Great Lakes*
 25 *and the Mississippi River Basin.*

1 (b) *REPORTS.*—*The Secretary shall report to the Com-*
 2 *mittees on Environment and Public Works and Appropria-*
 3 *tions of the Senate and the Committees on Transportation*
 4 *and Infrastructure and Appropriations of the House of*
 5 *Representatives any emergency actions taken pursuant to*
 6 *this section.*

7 ***TITLE VI—LEVEE SAFETY***

8 ***SEC. 6001. SHORT TITLE.***

9 *This title may be cited as the “National Levee Safety*
 10 *Program Act”.*

11 ***SEC. 6002. FINDINGS; PURPOSES.***

12 (a) *FINDINGS.*—*Congress finds that—*

13 (1) *there is a need to establish a national levee*
 14 *safety program to provide national leadership and en-*
 15 *courage the establishment of State and tribal levee*
 16 *safety programs;*

17 (2) *according to the National Committee on*
 18 *Levee Safety, “the level of protection and robustness*
 19 *of design and construction of levees vary considerably*
 20 *across the country”;*

21 (3) *knowing the location, condition, and owner-*
 22 *ship of levees, as well as understanding the popu-*
 23 *lation and infrastructure at risk in leveed areas, is*
 24 *necessary for identification and prioritization of ac-*
 25 *tivities associated with levees;*

1 (4) levees are an important tool for reducing
 2 flood risk and should be considered in the context of
 3 broader flood risk management efforts;

4 (5) States and Indian tribes—

5 (A) are uniquely positioned to oversee, co-
 6 ordinate, and regulate local and regional levee
 7 systems; and

8 (B) should be encouraged to participate in
 9 a national levee safety program by establishing
 10 individual levee safety programs; and

11 (6) States, Indian tribes, and local governments
 12 that do not invest in protecting the individuals and
 13 property located behind levees place those individuals
 14 and property at risk.

15 (b) *PURPOSES.*—The purposes of this title are—

16 (1) to promote sound technical practices in levee
 17 design, construction, operation, inspection, assess-
 18 ment, security, and maintenance;

19 (2) to ensure effective public education and
 20 awareness of risks involving levees;

21 (3) to establish and maintain a national levee
 22 safety program that emphasizes the protection of
 23 human life and property; and

1 (4) *to implement solutions and incentives that*
 2 *encourage the establishment of effective State and*
 3 *tribal levee safety programs.*

4 **SEC. 6003. DEFINITIONS.**

5 *In this title:*

6 (1) *BOARD.*—*The term “Board” means the Na-*
 7 *tional Levee Safety Advisory Board established under*
 8 *section 6005.*

9 (2) *CANAL STRUCTURE.*—

10 (A) *IN GENERAL.*—*The term “canal struc-*
 11 *ture” means an embankment, wall, or structure*
 12 *along a canal or manmade watercourse that—*

13 (i) *constrains water flows;*

14 (ii) *is subject to frequent water load-*
 15 *ing; and*

16 (iii) *is an integral part of a flood risk*
 17 *reduction system that protects the leveed*
 18 *area from flood waters associated with hur-*
 19 *ricanes, precipitation events, seasonal high*
 20 *water, and other weather-related events.*

21 (B) *EXCLUSION.*—*The term “canal struc-*
 22 *ture” does not include a barrier across a water-*
 23 *course.*

24 (3) *FEDERAL AGENCY.*—*The term “Federal agen-*
 25 *cy” means a Federal agency that designs, finances,*

1 *constructs, owns, operates, maintains, or regulates the*
 2 *construction, operation, or maintenance of a levee.*

3 (4) *FLOOD DAMAGE REDUCTION SYSTEM.*—*The*
 4 *term “flood damage reduction system” means a sys-*
 5 *tem designed and constructed to have appreciable and*
 6 *dependable effects in reducing damage by floodwaters.*

7 (5) *FLOOD MITIGATION.*—*The term “flood miti-*
 8 *gation” means any structural or nonstructural meas-*
 9 *ure that reduces risks of flood damage by reducing the*
 10 *probability of flooding, the consequences of flooding,*
 11 *or both.*

12 (6) *FLOODPLAIN MANAGEMENT.*—*The term*
 13 *“floodplain management” means the operation of a*
 14 *community program of corrective and preventative*
 15 *measures for reducing flood damage.*

16 (7) *INDIAN TRIBE.*—*The term “Indian tribe” has*
 17 *the meaning given the term in section 4 of the Indian*
 18 *Self-Determination and Education Assistance Act (25*
 19 *U.S.C. 450b).*

20 (8) *LEVEE.*—

21 (A) *IN GENERAL.*—*The term “levee” means*
 22 *a manmade barrier (such as an embankment,*
 23 *floodwall, or other structure)—*

24 (i) *the primary purpose of which is to*
 25 *provide hurricane, storm, or flood protection*

1 *relating to seasonal high water, storm*
 2 *surges, precipitation, or other weather*
 3 *events; and*

4 *(ii) that is normally subject to water*
 5 *loading for only a few days or weeks during*
 6 *a calendar year.*

7 *(B) INCLUSIONS.—The term “levee” in-*
 8 *cludes a levee system, including—*

9 *(i) levees and canal structures that—*

10 *(I) constrain water flows;*

11 *(II) are subject to more frequent*
 12 *water loading; and*

13 *(III) do not constitute a barrier*
 14 *across a watercourse; and*

15 *(ii) roadway and railroad embank-*
 16 *ments, but only to the extent that the em-*
 17 *bankments are integral to the performance*
 18 *of a flood damage reduction system.*

19 *(C) EXCLUSIONS.—The term “levee” does*
 20 *not include—*

21 *(i) a roadway or railroad embankment*
 22 *that is not integral to the performance of a*
 23 *flood damage reduction system;*

24 *(ii) a canal constructed completely*
 25 *within natural ground without any man-*

1 *made structure (such as an embankment or*
2 *retaining wall to retain water or a case in*
3 *which water is retained only by natural*
4 *ground);*

5 *(iii) a canal regulated by a Federal or*
6 *State agency in a manner that ensures that*
7 *applicable Federal safety criteria are met;*

8 *(iv) a levee or canal structure—*

9 *(I) that is not a part of a Federal*
10 *flood damage reduction system;*

11 *(II) that is not recognized under*
12 *the National Flood Insurance Program*
13 *as providing protection from the 1-per-*
14 *cent-annual-chance or greater flood;*

15 *(III) that is not greater than 3*
16 *feet high;*

17 *(IV) the population in the leveed*
18 *area of which is less than 50 individ-*
19 *uals; and*

20 *(V) the leveed area of which is less*
21 *than 1,000 acres; or*

22 *(v) any shoreline protection or river*
23 *bank protection system (such as revetments*
24 *or barrier islands).*

1 (9) *LEVEE FEATURE.*—*The term “levee feature”*
 2 *means a structure that is critical to the functioning*
 3 *of a levee, including—*

- 4 (A) *an embankment section;*
- 5 (B) *a floodwall section;*
- 6 (C) *a closure structure;*
- 7 (D) *a pumping station;*
- 8 (E) *an interior drainage work; and*
- 9 (F) *a flood damage reduction channel.*

10 (10) *LEVEE SAFETY GUIDELINES.*—*The term*
 11 *“levee safety guidelines” means the guidelines estab-*
 12 *lished by the Secretary under section 6004(c)(1).*

13 (11) *LEVEE SEGMENT.*—*The term “levee seg-*
 14 *ment” means a discrete portion of a levee system that*
 15 *is owned, operated, and maintained by a single entity*
 16 *or discrete set of entities.*

17 (12) *LEVEE SYSTEM.*—*The term “levee system”*
 18 *means 1 or more levee segments, including all levee*
 19 *features that are interconnected and necessary to en-*
 20 *sure protection of the associated leveed areas—*

- 21 (A) *that collectively provide flood damage*
 22 *reduction to a defined area; and*
- 23 (B) *the failure of 1 of which may result in*
 24 *the failure of the entire system.*

1 (13) *LEVEED AREA*.—The term “leveed area”
 2 means the land from which flood water in the adja-
 3 cent watercourse is excluded by the levee system.

4 (14) *NATIONAL LEVEE DATABASE*.—The term
 5 “national levee database” means the levee database es-
 6 tablished under section 9004 of the Water Resources
 7 Development Act of 2007 (33 U.S.C. 3303).

8 (15) *PARTICIPATING PROGRAM*.—The term “par-
 9 ticipating program” means a levee safety program de-
 10 veloped by a State or Indian tribe that includes the
 11 minimum components necessary for recognition by
 12 the Secretary.

13 (16) *REHABILITATION*.—The term “rehabilita-
 14 tion” means the repair, replacement, reconstruction,
 15 or removal of a levee that is carried out to meet na-
 16 tional levee safety guidelines.

17 (17) *RISK*.—The term “risk” means a measure
 18 of the probability and severity of undesirable con-
 19 sequences.

20 (18) *SECRETARY*.—The term “Secretary” means
 21 the Secretary of the Army, acting through the Chief
 22 of Engineers.

23 (19) *STATE*.—The term “State” means—

24 (A) each of the several States of the United
 25 States;

- 1 (B) *the District of Columbia;*
- 2 (C) *the Commonwealth of Puerto Rico;*
- 3 (D) *Guam;*
- 4 (E) *American Samoa;*
- 5 (F) *the Commonwealth of the Northern*
- 6 *Mariana Islands;*
- 7 (G) *the Federated States of Micronesia;*
- 8 (H) *the Republic of the Marshall Islands;*
- 9 (I) *the Republic of Palau; and*
- 10 (J) *the United States Virgin Islands.*

11 **SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.**

12 (a) *ESTABLISHMENT.*—*The Secretary, in consultation*
 13 *with the Administrator of the Federal Emergency Manage-*
 14 *ment Agency, shall establish a national levee safety pro-*
 15 *gram to provide national leadership and consistent ap-*
 16 *proaches to levee safety, including—*

- 17 (1) *a national levee database;*
- 18 (2) *an inventory and inspection of Federal and*
- 19 *non-Federal levees;*
- 20 (3) *national levee safety guidelines;*
- 21 (4) *a hazard potential classification system for*
- 22 *Federal and non-Federal levees;*
- 23 (5) *research and development;*
- 24 (6) *a national public education and awareness*
- 25 *program, with an emphasis on communication re-*

1 *garding the residual risk to communities protected by*
 2 *levees and levee systems;*

3 *(7) coordination of levee safety, floodplain man-*
 4 *agement, and environmental protection activities;*

5 *(8) development of State and tribal levee safety*
 6 *programs; and*

7 *(9) the provision of technical assistance and ma-*
 8 *terials to States and Indian tribes relating to—*

9 *(A) developing levee safety programs;*

10 *(B) identifying and reducing flood risks as-*
 11 *sociated with residual risk to communities pro-*
 12 *ected by levees and levee systems;*

13 *(C) identifying local actions that may be*
 14 *carried out to reduce flood risks in leveed areas;*
 15 *and*

16 *(D) rehabilitating, improving, replacing, re-*
 17 *configuring, modifying, and removing levees and*
 18 *levee systems.*

19 *(b) MANAGEMENT.—*

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

21 *(A) an administrator of the national levee*
 22 *safety program; and*

23 *(B) such staff as is necessary to implement*
 24 *the program.*

1 (2) *ADMINISTRATOR.*—*The sole duty of the ad-*
 2 *ministrator appointed under paragraph (1)(A) shall*
 3 *be the management of the national levee safety pro-*
 4 *gram.*

5 (c) *LEVEE SAFETY GUIDELINES.*—

6 (1) *ESTABLISHMENT.*—*Not later than 1 year*
 7 *after the date of enactment of this Act, the Secretary,*
 8 *in coordination with State and local governments and*
 9 *organizations with expertise in levee safety, shall es-*
 10 *tablish a set of voluntary, comprehensive, national*
 11 *levee safety guidelines that—*

12 (A) *are available for common, uniform use*
 13 *by all Federal, State, tribal, and local agencies;*

14 (B) *incorporate policies, procedures, stand-*
 15 *ards, and criteria for a range of levee types,*
 16 *canal structures, and related facilities and fea-*
 17 *tures; and*

18 (C) *provide for adaptation to local, re-*
 19 *gional, or watershed conditions.*

20 (2) *REQUIREMENT.*—*The policies, procedures,*
 21 *standards, and criteria under paragraph (1)(B) shall*
 22 *be developed taking into consideration the levee haz-*
 23 *ard potential classification system established under*
 24 *subsection (d).*

1 (3) *ADOPTION BY FEDERAL AGENCIES.*—*All Fed-*
 2 *eral agencies shall consider the levee safety guidelines*
 3 *in activities relating to the management of levees.*

4 (4) *PUBLIC COMMENT.*—*Prior to finalizing the*
 5 *guidelines under this subsection, the Secretary shall—*

6 (A) *issue draft guidelines for public com-*
 7 *ment; and*

8 (B) *consider any comments received in the*
 9 *development of final guidelines.*

10 (d) *HAZARD POTENTIAL CLASSIFICATION SYSTEM.*—

11 (1) *ESTABLISHMENT.*—*The Secretary shall estab-*
 12 *lish a hazard potential classification system for use*
 13 *under the national levee safety program and partici-*
 14 *pating programs.*

15 (2) *REVISION.*—*The Secretary shall review and,*
 16 *as necessary, revise the hazard potential classification*
 17 *system not less frequently than once every 5 years.*

18 (3) *CONSISTENCY.*—*The hazard potential classi-*
 19 *fication system established pursuant to this subsection*
 20 *shall be consistent with and incorporated into the*
 21 *levee safety action classification tool developed by the*
 22 *Corps of Engineers.*

23 (e) *TECHNICAL ASSISTANCE AND MATERIALS.*—

24 (1) *ESTABLISHMENT.*—*The Secretary, in coordi-*
 25 *nation with the Board, shall establish a national levee*

1 *safety technical assistance and training program to*
 2 *develop and deliver technical support and technical*
 3 *assistance materials, curricula, and training in order*
 4 *to promote levee safety and assist States, commu-*
 5 *nities, and levee owners in—*

6 *(A) developing levee safety programs;*

7 *(B) identifying and reducing flood risks as-*
 8 *sociated with levees;*

9 *(C) identifying local actions that may be*
 10 *carried out to reduce flood risks in leveed areas;*
 11 *and*

12 *(D) rehabilitating, improving, replacing, re-*
 13 *configuring, modifying, and removing levees and*
 14 *levee systems.*

15 *(2) USE OF SERVICES.—In establishing the na-*
 16 *tional levee safety training program under paragraph*
 17 *(1), the Secretary may use the services of—*

18 *(A) the Corps of Engineers;*

19 *(B) the Federal Emergency Management*
 20 *Agency;*

21 *(C) the Bureau of Reclamation; and*

22 *(D) other appropriate Federal agencies, as*
 23 *determined by the Secretary.*

24 *(f) COMPREHENSIVE NATIONAL PUBLIC EDUCATION*
 25 *AND AWARENESS CAMPAIGN.—*

1 (1) *ESTABLISHMENT.*—*The Secretary, in coordi-*
 2 *nation with the Administrator of the Federal Emer-*
 3 *gency Management Agency and the Board, shall es-*
 4 *tablish a national public education and awareness*
 5 *campaign relating to the national levee safety pro-*
 6 *gram.*

7 (2) *PURPOSES.*—*The purposes of the campaign*
 8 *under paragraph (1) are—*

9 (A) *to educate individuals living in leveed*
 10 *areas regarding the risks of living in those areas;*

11 (B) *to promote consistency in the trans-*
 12 *mission of information regarding levees among*
 13 *government agencies; and*

14 (C) *to provide national leadership regard-*
 15 *ing risk communication for implementation at*
 16 *the State and local levels.*

17 (g) *COORDINATION OF LEVEE SAFETY, FLOODPLAIN*
 18 *MANAGEMENT, AND ENVIRONMENTAL CONCERNS.*—*The*
 19 *Secretary, in coordination with the Board, shall evaluate*
 20 *opportunities to coordinate—*

21 (1) *public safety, floodplain management, and*
 22 *environmental protection activities relating to levees;*
 23 *and*

1 (2) *environmental permitting processes for oper-*
2 *ation and maintenance activities at existing levee*
3 *projects in compliance with all applicable laws.*

4 (h) *LEVEE INSPECTION.*—

5 (1) *IN GENERAL.*—*The Secretary shall carry out*
6 *a one-time inventory and inspection of all levees iden-*
7 *tified in the national levee database.*

8 (2) *NO FEDERAL INTEREST.*—*The inventory and*
9 *inspection under paragraph (1) does not create a*
10 *Federal interest in the construction, operation, or*
11 *maintenance any levee that is included in the inven-*
12 *tory or inspected under this subsection.*

13 (3) *INSPECTION CRITERIA.*—*In carrying out the*
14 *inventory and inspection, the Secretary shall use the*
15 *levee safety action classification criteria to determine*
16 *whether a levee should be classified in the inventory*
17 *as requiring a more comprehensive inspection.*

18 (4) *STATE AND TRIBAL PARTICIPATION.*—*At the*
19 *request of a State or Indian tribe with respect to any*
20 *levee subject to inspection under this subsection, the*
21 *Secretary shall—*

22 (A) *allow an official of the State or Indian*
23 *tribe to participate in the inspection of the levee;*
24 *and*

1 (B) provide information to the State or In-
 2 dian tribe relating to the location, construction,
 3 operation, or maintenance of the levee.

4 (5) *EXCEPTIONS.*—In carrying out the inventory
 5 and inspection under this subsection, the Secretary
 6 shall not be required to inspect any levee that has
 7 been inspected by a State or Indian tribe using the
 8 same methodology described in paragraph (3) during
 9 the 1-year period immediately preceding the date of
 10 enactment of this Act if the Governor of the State or
 11 tribal government, as applicable, requests an exemp-
 12 tion from the inspection.

13 (i) *STATE AND TRIBAL LEVEE SAFETY PROGRAM.*—

14 (1) *GUIDELINES.*—

15 (A) *IN GENERAL.*—Not later than 1 year
 16 after the date of enactment of this Act, in coordi-
 17 nation with the Board, the Secretary shall issue
 18 guidelines that establish the minimum compo-
 19 nents necessary for recognition of a State or trib-
 20 al levee safety program as a participating pro-
 21 gram.

22 (B) *GUIDELINE CONTENTS.*—The guidelines
 23 under subparagraph (A) shall include provisions
 24 and procedures requiring each participating

1 *State and Indian tribe to certify to the Secretary*
2 *that the State or Indian tribe, as applicable—*

3 *(i) has the authority to participate in*
4 *the national levee safety program;*

5 *(ii) can receive funds under this title;*

6 *(iii) has adopted any national levee*
7 *safety guidelines developed under this title;*

8 *(iv) will carry out levee inspections;*

9 *(v) will carry out, consistent with ap-*
10 *plicable requirements, flood risk manage-*
11 *ment and any emergency action planning*
12 *procedures the Secretary determines to be*
13 *necessary relating to levees;*

14 *(vi) will carry out public education*
15 *and awareness activities consistent with the*
16 *national public education and awareness*
17 *campaign established under subsection (f);*
18 *and*

19 *(vii) will collect and share information*
20 *regarding the location and condition of lev-*
21 *ees.*

22 *(C) PUBLIC COMMENT.—Prior to finalizing*
23 *the guidelines under this paragraph, the Sec-*
24 *retary shall—*

1 (i) issue draft guidelines for public
2 comment; and

3 (ii) consider any comments received in
4 the development of final guidelines.

5 (2) GRANT PROGRAM.—

6 (A) ESTABLISHMENT.—The Secretary shall
7 establish a program under which the Secretary
8 shall provide grants to assist States and Indian
9 tribes in establishing participating programs,
10 conducting levee inventories, and carrying out
11 this title.

12 (B) REQUIREMENTS.—To be eligible to re-
13 ceive grants under this section, a State or Indian
14 tribe shall—

15 (i) meet the requirements of a partici-
16 pating program established by the guide-
17 lines issued under paragraph (1);

18 (ii) use not less than 25 percent of any
19 amounts received to identify and assess
20 non-Federal levees within the State or on
21 land of the Indian tribe;

22 (iii) submit to the Secretary any infor-
23 mation collected by the State or Indian
24 tribe in carrying out this subsection for in-

1 *clusion in the national levee safety data-*
 2 *base; and*

3 *(iv) identify actions to address hazard*
 4 *mitigation activities associated with levees*
 5 *and leveed areas identified in the hazard*
 6 *mitigation plan of the State approved by*
 7 *the Administrator of the Federal Emergency*
 8 *Management Agency under the Robert T.*
 9 *Stafford Disaster Relief and Emergency As-*
 10 *sistance Act (42 U.S.C. 5121 et seq.).*

11 *(j) LEVEE REHABILITATION ASSISTANCE PROGRAM.—*

12 *(1) ESTABLISHMENT.—The Secretary shall estab-*
 13 *lish a program under which the Secretary shall pro-*
 14 *vide assistance to States, Indian tribes, and local gov-*
 15 *ernments in addressing flood mitigation activities*
 16 *that result in an overall reduction in flood risk.*

17 *(2) REQUIREMENTS.—To be eligible to receive*
 18 *assistance under this subsection, a State, Indian*
 19 *tribe, or local government shall—*

20 *(A) participate in, and comply with, all*
 21 *applicable Federal floodplain management and*
 22 *flood insurance programs;*

23 *(B) have in place a hazard mitigation plan*
 24 *that—*

25 *(i) includes all levee risks; and*

1 (ii) complies with the Disaster Mitiga-
 2 tion Act of 2000 (Public Law 106–390; 114
 3 Stat. 1552);

4 (C) submit to the Secretary an application
 5 at such time, in such manner, and containing
 6 such information as the Secretary may require;
 7 and

8 (D) comply with such minimum eligibility
 9 requirements as the Secretary, in consultation
 10 with the Board, may establish to ensure that
 11 each owner and operator of a levee under a par-
 12 ticipating State or tribal levee safety program—

13 (i) acts in accordance with the guide-
 14 lines developed in subsection (c); and

15 (ii) carries out activities relating to
 16 the public in the leveed area in accordance
 17 with the hazard mitigation plan described
 18 in subparagraph (B).

19 (3) *FLOODPLAIN MANAGEMENT PLANS.*—

20 (A) *IN GENERAL.*—Not later than 1 year
 21 after the date of execution of a project agreement
 22 for assistance under this subsection, a State, In-
 23 dian tribe, or local government shall prepare a
 24 floodplain management plan in accordance with
 25 the guidelines under subparagraph (D) to reduce

1 *the impacts of future flood events in each appli-*
2 *cable leveed area.*

3 (B) *INCLUSIONS.*—*A plan under subpara-*
4 *graph (A) shall address potential measures,*
5 *practices, and policies to reduce loss of life, inju-*
6 *ries, damage to property and facilities, public*
7 *expenditures, and other adverse impacts of flood-*
8 *ing in each applicable leveed area.*

9 (C) *IMPLEMENTATION.*—*Not later than 1*
10 *year after the date of completion of construction*
11 *of the applicable project, a floodplain manage-*
12 *ment plan prepared under subparagraph (A)*
13 *shall be implemented.*

14 (D) *GUIDELINES.*—*Not later than 180 days*
15 *after the date of enactment of this Act, the Sec-*
16 *retary shall develop such guidelines for the prep-*
17 *aration of floodplain management plans pre-*
18 *pared under this paragraph as the Secretary de-*
19 *termines to be appropriate.*

20 (E) *TECHNICAL SUPPORT.*—*The Secretary*
21 *may provide technical support for the develop-*
22 *ment and implementation of floodplain manage-*
23 *ment plans prepared under this paragraph.*

24 (4) *USE OF FUNDS.*—

1 (A) *IN GENERAL.*—Assistance provided
2 under this subsection may be used—

3 (i) for any rehabilitation activity to
4 maximize overall risk reduction associated
5 with a levee under a participating State or
6 tribal levee safety program; and

7 (ii) only for a levee that is not feder-
8 ally operated and maintained.

9 (B) *PROHIBITION.*—Assistance provided
10 under this subsection shall not be used—

11 (i) to perform routine operation or
12 maintenance for a levee; or

13 (ii) to make any modification to a
14 levee that does not result in an improve-
15 ment to public safety.

16 (5) *NO PROPRIETARY INTEREST.*—A contract for
17 assistance provided under this subsection shall not be
18 considered to confer any proprietary interest on the
19 United States.

20 (6) *COST-SHARE.*—The maximum Federal share
21 of the cost of any assistance provided under this sub-
22 section shall be 65 percent.

23 (7) *PROJECT LIMIT.*—The maximum amount of
24 Federal assistance for a project under this subsection
25 shall be \$10,000,000.

1 (8) *OTHER LAWS.*—Assistance provided under
 2 this subsection shall be subject to all applicable laws
 3 (including regulations) that apply to the construction
 4 of a civil works project of the Corps of Engineers.

5 (k) *EFFECT OF SECTION.*—Nothing in this section—

6 (1) affects the requirement under section
 7 100226(b)(2) of the Biggert-Waters Flood Insurance
 8 Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat.
 9 942); or

10 (2) confers any regulatory authority on—

11 (A) the Secretary; or

12 (B) the Director of the Federal Emergency
 13 Management Agency, including for the purpose
 14 of setting premium rates under the national
 15 flood insurance program established under chap-
 16 ter 1 of the National Flood Insurance Act of
 17 1968 (42 U.S.C. 4011 et seq.).

18 **SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.**

19 (a) *ESTABLISHMENT.*—The Secretary, in coordination
 20 with the Administrator of the Federal Emergency Manage-
 21 ment Agency, shall establish a board, to be known as the
 22 “National Levee Safety Advisory Board”—

23 (1) to advise the Secretary and Congress regard-
 24 ing consistent approaches to levee safety;

1 (2) *to monitor the safety of levees in the United*
 2 *States;*

3 (3) *to assess the effectiveness of the national levee*
 4 *safety program; and*

5 (4) *to ensure that the national levee safety pro-*
 6 *gram is carried out in a manner that is consistent*
 7 *with other Federal flood risk management efforts.*

8 (b) *MEMBERSHIP.—*

9 (1) *VOTING MEMBERS.—The Board shall be com-*
 10 *posed of the following 14 voting members, each of*
 11 *whom shall be appointed by the Secretary, with pri-*
 12 *ority consideration given to representatives from those*
 13 *States that have the most Corps of Engineers levees in*
 14 *the State, based on mileage:*

15 (A) *8 representatives of State levee safety*
 16 *programs, 1 from each of the civil works divi-*
 17 *sions of the Corps of Engineers.*

18 (B) *2 representatives of the private sector*
 19 *who have expertise in levee safety.*

20 (C) *2 representatives of local and regional*
 21 *governmental agencies who have expertise in*
 22 *levee safety.*

23 (D) *2 representatives of Indian tribes who*
 24 *have expertise in levee safety.*

1 (2) *NONVOTING MEMBERS.*—*The Secretary (or a*
 2 *designee of the Secretary), the Administrator of the*
 3 *Federal Emergency Management Agency (or a des-*
 4 *ignee of the Administrator), and the administrator of*
 5 *the national levee safety program appointed under*
 6 *section 6004(b)(1)(A) shall serve as nonvoting mem-*
 7 *bers of the Board.*

8 (3) *CHAIRPERSON.*—*The voting members of the*
 9 *Board shall appoint a chairperson from among the*
 10 *voting members of the Board, to serve a term of not*
 11 *more than 2 years.*

12 (c) *QUALIFICATIONS.*—

13 (1) *INDIVIDUALS.*—*Each voting member of the*
 14 *Board shall be knowledgeable in the field of levee safe-*
 15 *ty, including water resources and flood risk manage-*
 16 *ment.*

17 (2) *AS A WHOLE.*—*The membership of the*
 18 *Board, considered as a whole, shall represent the di-*
 19 *versity of skills required to advise the Secretary re-*
 20 *garding levee issues relating to—*

21 (A) *engineering;*

22 (B) *public communications;*

23 (C) *program development and oversight;*

24 (D) *with respect to levees, flood risk man-*
 25 *agement and hazard mitigation; and*

1 (E) *public safety and the environment.*

2 (d) *TERMS OF SERVICE.—*

3 (1) *IN GENERAL.—A voting member of the Board*
 4 *shall be appointed for a term of 3 years, except that,*
 5 *of the members first appointed—*

6 (A) *5 shall be appointed for a term of 1*
 7 *year;*

8 (B) *5 shall be appointed for a term of 2*
 9 *years; and*

10 (C) *4 shall be appointed for a term of 3*
 11 *years.*

12 (2) *REAPPOINTMENT.—A voting member of the*
 13 *Board may be reappointed to the Board, as the Sec-*
 14 *retary determines to be appropriate.*

15 (3) *VACANCIES.—A vacancy on the Board shall*
 16 *be filled in the same manner as the original appoint-*
 17 *ment was made.*

18 (e) *STANDING COMMITTEES.—*

19 (1) *IN GENERAL.—The Board shall be supported*
 20 *by Standing Committees, which shall be comprised of*
 21 *volunteers from all levels of government and the pri-*
 22 *rate sector, to advise the Board regarding the na-*
 23 *tional levee safety program.*

24 (2) *ESTABLISHMENT.—The Standing Commit-*
 25 *tees of the Board shall include—*

1 (A) *the Standing Committee on Partici-*
2 *pating Programs, which shall advise the Board*
3 *regarding—*

4 (i) *the development and implementa-*
5 *tion of State and tribal levee safety pro-*
6 *grams; and*

7 (ii) *appropriate incentives (including*
8 *financial assistance) to be provided to*
9 *States, Indian tribes, and local and re-*
10 *gional entities;*

11 (B) *the Standing Committee on Technical*
12 *Issues, which shall advise the Board regarding—*

13 (i) *the management of the national*
14 *levee database;*

15 (ii) *the development and maintenance*
16 *of levee safety guidelines;*

17 (iii) *processes and materials for devel-*
18 *oping levee-related technical assistance and*
19 *training; and*

20 (iv) *research and development activi-*
21 *ties relating to levee safety;*

22 (C) *the Standing Committee on Public Edu-*
23 *cation and Awareness, which shall advise the*
24 *Board regarding the development, implementa-*

tion, and evaluation of targeted public outreach programs—

(i) to gather public input;

(ii) to educate and raise awareness in leveed areas of levee risks;

(iii) to communicate information regarding participating programs; and

(iv) to track the effectiveness of public education efforts relating to levee risks;

(D) the Standing Committee on Safety and Environment, which shall advise the Board regarding—

(i) operation and maintenance activities for existing levee projects;

(ii) opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees;

(iii) opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and

(iv) opportunities for collaboration by environmental protection and public safety

1 *interests in leveed areas and adjacent areas;*
 2 *and*

3 *(E) such other standing committees as the*
 4 *Secretary, in consultation with the Board, deter-*
 5 *mines to be necessary.*

6 *(3) MEMBERSHIP.—*

7 *(A) IN GENERAL.—The Board shall rec-*
 8 *ommend to the Secretary for approval individ-*
 9 *uals for membership on the Standing Commit-*
 10 *tees.*

11 *(B) QUALIFICATIONS.—*

12 *(i) INDIVIDUALS.—Each member of a*
 13 *Standing Committee shall be knowledgeable*
 14 *in the issue areas for which the Committee*
 15 *is charged with advising the Board.*

16 *(ii) AS A WHOLE.—The membership of*
 17 *each Standing Committee, considered as a*
 18 *whole, shall represent, to the maximum ex-*
 19 *tent practicable, broad geographical diver-*
 20 *sity.*

21 *(C) LIMITATION.—Each Standing Com-*
 22 *mittee shall be comprised of not more than 10*
 23 *members.*

24 *(f) DUTIES AND POWERS.—The Board—*

1 (1) *shall submit to the Secretary and Congress*
2 *an annual report regarding the effectiveness of the na-*
3 *tional levee safety program in accordance with section*
4 *6007; and*

5 (2) *may secure from other Federal agencies such*
6 *services, and enter into such contracts, as the Board*
7 *determines to be necessary to carry out this sub-*
8 *section.*

9 (g) *TASK FORCE COORDINATION.*—*The Board shall, to*
10 *the maximum extent practicable, coordinate the activities*
11 *of the Board with the Federal Interagency Floodplain Man-*
12 *agement Task Force.*

13 (h) *COMPENSATION.*—

14 (1) *FEDERAL EMPLOYEES.*—*Each member of the*
15 *Board who is an officer or employee of the United*
16 *States shall serve without compensation in addition*
17 *to compensation received for the services of the mem-*
18 *ber as an officer or employee of the United States, but*
19 *shall be allowed a per diem allowance for travel ex-*
20 *penses, at rates authorized for an employee of an*
21 *agency under subchapter I of chapter 57 of title 5,*
22 *United States Code, while away from the home or reg-*
23 *ular place of business of the member in the perform-*
24 *ance of the duties of the Board.*

1 (2) *NON-FEDERAL EMPLOYEES.*—*To the extent*
 2 *amounts are made available to carry out this section*
 3 *in appropriations Acts, the Secretary shall provide to*
 4 *each member of the Board who is not an officer or*
 5 *employee of the United States a stipend and a per*
 6 *diem allowance for travel expenses, at rates author-*
 7 *ized for an employee of an agency under subchapter*
 8 *I of chapter 57 of title 5, United States Code, while*
 9 *away from the home or regular place of business of*
 10 *the member in performance of services for the Board.*

11 (3) *STANDING COMMITTEE MEMBERS.*—*Each*
 12 *member of a Standing Committee shall—*

13 (A) *serve in a voluntary capacity; but*

14 (B) *receive a per diem allowance for travel*
 15 *expenses, at rates authorized for an employee of*
 16 *an agency under subchapter I of chapter 57 of*
 17 *title 5, United States Code, while away from the*
 18 *home or regular place of business of the member*
 19 *in performance of services for the Board.*

20 (i) *NONAPPLICABILITY OF FACA.*—*The Federal Advi-*
 21 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
 22 *Board or the Standing Committees.*

23 **SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.**

24 *Section 9004(a)(2)(A) of the Water Resources Develop-*
 25 *ment Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amended*

1 *by striking “and, for non-Federal levees, such information*
 2 *on levee location as is provided to the Secretary by State*
 3 *and local governmental agencies” and inserting “and up-*
 4 *dated levee information provided by States, Indian tribes,*
 5 *Federal agencies, and other entities”.*

6 **SEC. 6007. REPORTS.**

7 *(a) STATE OF LEVEES.—*

8 *(1) IN GENERAL.—Not later than 1 year after*
 9 *the date of enactment of this Act, and biennially*
 10 *thereafter, the Secretary in coordination with the*
 11 *Board, shall submit to Congress a report describing*
 12 *the state of levees in the United States and the effec-*
 13 *tiveness of the national levee safety program, includ-*
 14 *ing—*

15 *(A) progress achieved in implementing the*
 16 *national levee safety program;*

17 *(B) State and tribal participation in the*
 18 *national levee safety program;*

19 *(C) recommendations to improve coordina-*
 20 *tion of levee safety, floodplain management, and*
 21 *environmental protection concerns, including—*

22 *(i) identifying and evaluating opportu-*
 23 *nities to coordinate public safety, floodplain*
 24 *management, and environmental protection*
 25 *activities relating to levees; and*

1 (ii) evaluating opportunities to coordi-
 2 nate environmental permitting processes for
 3 operation and maintenance activities at ex-
 4 isting levee projects in compliance with all
 5 applicable laws; and

6 (D) any recommendations for legislation
 7 and other congressional actions necessary to en-
 8 sure national levee safety.

9 (2) *INCLUSION.*—Each report under paragraph
 10 (1) shall include a report of the Board that describes
 11 the independent recommendations of the Board for the
 12 implementation of the national levee safety program.

13 (b) *NATIONAL DAM AND LEVEE SAFETY PROGRAM.*—
 14 Not later than 3 years after the date of enactment of this
 15 Act, to the maximum extent practicable, the Secretary, in
 16 coordination with the Board, shall submit to Congress a
 17 report that includes recommendations regarding the advis-
 18 ability and feasibility of, and potential approaches for, es-
 19 tablishing a joint national dam and levee safety program.

20 (c) *ALIGNMENT OF FEDERAL PROGRAMS RELATING TO*
 21 *LEVEES.*—Not later than 2 years after the date of enact-
 22 ment of this Act, the Comptroller General shall submit to
 23 Congress a report on opportunities for alignment of Federal
 24 programs to provide incentives to State, tribal, and local
 25 governments and individuals and entities—

1 (1) to promote shared responsibility for levee
2 safety;

3 (2) to encourage the development of strong State
4 and tribal levee safety programs;

5 (3) to better align the national levee safety pro-
6 gram with other Federal flood risk management pro-
7 grams; and

8 (4) to promote increased levee safety through
9 other Federal programs providing assistance to State
10 and local governments.

11 (d) *LIABILITY FOR CERTAIN LEVEE ENGINEERING*
12 *PROJECTS.*—Not later than 1 year after the date of enact-
13 ment of this Act, the Secretary shall submit to Congress a
14 report that includes recommendations that identify and ad-
15 dress any legal liability associated with levee engineering
16 projects that prevent—

17 (1) levee owners from obtaining needed levee en-
18 gineering services; or

19 (2) development and implementation of a State
20 or tribal levee safety program.

21 **SEC. 6008. EFFECT OF TITLE.**

22 *Nothing in this title—*

23 (1) establishes any liability of the United States
24 or any officer or employee of the United States (in-
25 cluding the Board and the Standing Committees of

1 *the Board) for any damages caused by any action or*
 2 *failure to act; or*

3 *(2) relieves an owner or operator of a levee of*
 4 *any legal duty, obligation, or liability incident to the*
 5 *ownership or operation of the levee.*

6 **SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.**

7 *There are authorized to be appropriated to the Sec-*
 8 *retary to carry out this title—*

9 *(1) for funding the administration and staff of*
 10 *the national levee safety program, the Board, the*
 11 *Standing Committees of the Board, and participating*
 12 *programs, \$5,000,000 for each of fiscal years 2014*
 13 *through 2023;*

14 *(2) for technical programs, including the devel-*
 15 *opment of levee safety guidelines, publications, train-*
 16 *ing, and technical assistance—*

17 *(A) \$5,000,000 for each of fiscal years 2014*
 18 *through 2018;*

19 *(B) \$7,500,000 for each of fiscal years 2019*
 20 *and 2020; and*

21 *(C) \$10,000,000 for each of fiscal years*
 22 *2021 through 2023;*

23 *(3) for public involvement and education pro-*
 24 *grams, \$3,000,000 for each of fiscal years 2014*
 25 *through 2023;*

(4) *to carry out the levee inventory and inspections under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303), \$30,000,000 for each of fiscal years 2014 through 2018;*

(5) *for grants to State and tribal levee safety programs, \$300,000,000 for fiscal years 2014 through 2023; and*

(6) *for levee rehabilitation assistance grants, \$300,000,000 for fiscal years 2014 through 2023.*

TITLE VII—INLAND WATERWAYS

SEC. 7001. PURPOSES.

The purposes of this title are—

(1) *to improve program and project management relating to the construction and major rehabilitation of navigation projects on inland waterways;*

(2) *to optimize inland waterways navigation system reliability;*

(3) *to minimize the size and scope of inland waterways navigation project completion schedules;*

(4) *to eliminate preventable delays in inland waterways navigation project completion schedules; and*

(5) *to make inland waterways navigation capital investments through the use of prioritization cri-*

1 *teria that seek to maximize systemwide benefits and*
 2 *minimize overall system risk.*

3 **SEC. 7002. DEFINITIONS.**

4 *In this title:*

5 (1) *INLAND WATERWAYS TRUST FUND.*—*The*
 6 *term “Inland Waterways Trust Fund” means the In-*
 7 *land Waterways Trust Fund established by section*
 8 *9506(a) of the Internal Revenue Code of 1986.*

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

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

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

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

19 (3) *SECRETARY.*—*The term “Secretary” means*
 20 *the Secretary of the Army, acting through the Chief*
 21 *of Engineers.*

22 **SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.**

23 (a) *REQUIREMENTS FOR QUALIFYING PROJECTS.*—
 24 *With respect to each qualifying project, the Secretary shall*
 25 *require—*

1 (1) *formal project management training and cer-*
2 *tification for each project manager;*

3 (2) *assignment as project manager only of per-*
4 *sonnel fully certified by the Chief of Engineers; and*

5 (3) *for an applicable cost estimation, that—*

6 (A) *the estimation—*

7 (i) *is risk-based; and*

8 (ii) *has a confidence level of at least 80*
9 *percent; and*

10 (B) *a risk-based cost estimate shall be im-*
11 *plemented—*

12 (i) *for a qualified project that requires*
13 *an increase in the authorized amount in ac-*
14 *cordance with section 902 of the Water Re-*
15 *sources Development Act of 1986 (Public*
16 *Law 99–662; 100 Stat. 4183), during the*
17 *preparation of a post-authorization change*
18 *report or other similar decision document;*

19 (ii) *for a qualified project for which*
20 *the first construction contract has not been*
21 *awarded, prior to the award of the first*
22 *construction contract;*

23 (iii) *for a qualified project without a*
24 *completed Chief of Engineers report, prior*
25 *to the completion of such a report; and*

1 (iv) for a qualified project with a com-
2 pleted Chief of Engineers report that has
3 not yet been authorized, during design for
4 the qualified project.

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

8 (1) *establish a system to identify and apply on*
9 *a continuing basis lessons learned from prior or ongo-*
10 *ing qualifying projects to improve the likelihood of*
11 *on-time and on-budget completion of qualifying*
12 *projects;*

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

16 (3) *implement any additional measures that the*
17 *Secretary determines will achieve the purposes of this*
18 *title and the amendments made by this title, includ-*
19 *ing, as the Secretary determines to be appropriate—*

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

1 (B) the establishment of 1 or more centers
 2 of expertise for the design and review of quali-
 3 fying projects;

4 (C) the development and use of a portfolio
 5 of standard designs for inland navigation locks;

6 (D) the use of full-funding contracts or for-
 7 mulation of a revised continuing contracts
 8 clause; and

9 (E) the establishment of procedures for rec-
 10 ommending new project construction starts using
 11 a capital projects business model.

12 (c) *PILOT PROJECTS.*—

13 (1) *IN GENERAL.*—Subject to paragraph (2), the
 14 Secretary may carry out 1 or more pilot projects to
 15 evaluate processes or procedures for the study, design,
 16 or construction of qualifying projects.

17 (2) *INCLUSIONS.*—At a minimum, the Secretary
 18 shall carry out pilot projects under this subsection to
 19 evaluate—

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

22 (B) an appropriate use of continuing con-
 23 tracts for the construction of features and compo-
 24 nents; and

1 (C) applicable principles, procedures, and
 2 processes used for military construction projects.

3 (d) *INLAND WATERWAYS USER BOARD.*—Section 302
 4 of the Water Resources Development Act of 1986 (33 U.S.C.
 5 2251) is amended—

6 (1) by striking subsection (b) and inserting the
 7 following:

8 “(b) *DUTIES OF USERS BOARD.*—

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

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

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

23 “(B) advice and recommendations to Con-
 24 gress regarding any report of the Chief of Engi-
 25 neers 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) a long-term capital investment pro-
 10 gram in accordance with subsection (d).

11 “(3) *PROJECT DEVELOPMENT TEAMS.*—The
 12 chairperson of the Users Board shall appoint a rep-
 13 resentative of the Users Board to serve on the project
 14 development team for a qualifying project or the
 15 study or design of a commercial navigation feature or
 16 component of the inland waterways and inland har-
 17 bors of the United States.

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

22 (2) by redesignating subsection (c) as subsection
 23 (f); and

24 (3) by inserting after subsection (b) the fol-
 25 lowing:

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

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

7 “(2) *submit to the Users Board a courtesy copy*
 8 *of all reports of the Chief of Engineers relating to a*
 9 *commercial navigation feature or component of the*
 10 *inland waterways or inland harbors of the United*
 11 *States.*

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

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

21 “(2) *CONSIDERATION.*—*In developing the pro-*
 22 *gram under paragraph (1), the Secretary shall take*
 23 *into consideration the 20-year capital investment*
 24 *strategy contained in the Inland Marine Transpor-*
 25 *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 conjunction 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 such revisions to the program as
 2 the Secretary and Users Board jointly consider
 3 to be appropriate.

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

11 **SEC. 7004. MAJOR REHABILITATION STANDARDS.**

12 (a) *IN GENERAL.*—The Secretary shall develop a meth-
 13 odology for applying standard accounting principles when
 14 classifying activities as major rehabilitation projects.

15 (b) *EVALUATIONS.*—The Secretary shall evaluate the
 16 effect of applying the methodology developed under sub-
 17 section (a) to not less than 3 qualifying projects.

18 (c) *REPORT.*—The Secretary shall submit to Congress
 19 a report on the evaluation under subsection (b).

20 **SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.**

21 (a) *FINDINGS.*—Congress finds that—

22 (1) there are approximately 12,000 miles of Fed-
 23 eral waterways, known as the inland waterways sys-
 24 tem, that are supported by user fees and managed by
 25 the Corps of Engineers;

1 (2) *the inland waterways system spans 38 States*
2 *and handles approximately one-half of all inland wa-*
3 *terway freight;*

4 (3) *according to the final report of the Inland*
5 *Marine Transportation System Capital Projects Busi-*
6 *ness Model, freight traffic on the Federal fuel-taxed*
7 *inland waterways system accounts for 546,000,000*
8 *tons of freight each year;*

9 (4) *expenditures for construction and major re-*
10 *habilitation projects on the inland waterways system*
11 *are equally cost-shared between the Federal Govern-*
12 *ment and the Inland Waterways Trust Fund;*

13 (5) *the Inland Waterways Trust Fund is fi-*
14 *nanced through a fee of \$0.20 per gallon on fuel used*
15 *by commercial barges;*

16 (6) *the balance of the Inland Waterways Trust*
17 *Fund has declined significantly in recent years;*

18 (7) *according to the final report of the Inland*
19 *Marine Transportation System Capital Projects Busi-*
20 *ness Model, the estimated financial need for construc-*
21 *tion and major rehabilitation projects on the inland*
22 *waterways system for fiscal years 2011 through 2030*
23 *is approximately \$18,000,000,000; and*

24 (8) *users of the inland waterways system are*
25 *supportive of an increase in the existing revenue*

1 *sources for inland waterways system construction and*
 2 *major rehabilitation activities to expedite the most*
 3 *critical of those construction and major rehabilitation*
 4 *projects.*

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

7 *(1) the existing revenue sources for inland water-*
 8 *ways system construction and rehabilitation activities*
 9 *are insufficient to cover the costs of non-Federal inter-*
 10 *ests of construction and major rehabilitation projects*
 11 *on the inland waterways system; and*

12 *(2) the issue described in paragraph (1) should*
 13 *be addressed.*

14 **SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.**

15 *Not later than 2 years after the date of enactment of*
 16 *this Act, the Comptroller General shall prepare a report on*
 17 *the efficiency of collecting the fuel tax for the Inland Water-*
 18 *ways Trust Fund, which shall include—*

19 *(1) an evaluation of whether current methods of*
 20 *collection of the fuel tax result in full compliance with*
 21 *requirements of the law;*

22 *(2) whether alternative methods of collection*
 23 *would result in increased revenues into the Inland*
 24 *Waterways Trust Fund; and*

1 (3) *an evaluation of alternative collection op-*
 2 *tions.*

3 **TITLE VIII—HARBOR** 4 **MAINTENANCE**

5 **SEC. 8001. SHORT TITLE.**

6 *This title may be cited as the “Harbor Maintenance*
 7 *Trust Fund Act of 2013”.*

8 **SEC. 8002. PURPOSES.**

9 *The purposes of this title are—*

10 (1) *to ensure that revenues collected into the*
 11 *Harbor Maintenance Trust Fund are used for the in-*
 12 *tended purposes of those revenues;*

13 (2) *to increase investment in the operation and*
 14 *maintenance of United States ports, which are crit-*
 15 *ical for the economic competitiveness of the United*
 16 *States;*

17 (3) *to promote equity among ports nationwide;*
 18 *and*

19 (4) *to ensure United States ports are prepared to*
 20 *meet modern shipping needs, including the capability*
 21 *to receive large ships that require deeper drafts.*

22 **SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PRO-** 23 **GRAMS.**

24 (a) *HARBOR MAINTENANCE TRUST FUND GUAR-*
 25 *ANTEE.—*

1 (1) *IN GENERAL.*—*The total budget resources*
 2 *made available from the Harbor Maintenance Trust*
 3 *Fund each fiscal year pursuant to section 9505(c) of*
 4 *the Internal Revenue Code of 1986 (relating to ex-*
 5 *penditures from the Harbor Maintenance Trust*
 6 *Fund) shall be equal to the level of receipts plus inter-*
 7 *est credited to the Harbor Maintenance Trust Fund*
 8 *for that fiscal year. Such amounts may be used only*
 9 *for harbor maintenance programs described in section*
 10 *9505(c) of such Code.*

11 (2) *GUARANTEE.*—*No funds may be appro-*
 12 *priated for harbor maintenance programs described*
 13 *in such section unless the amount described in para-*
 14 *graph (1) has been provided.*

15 (b) *DEFINITIONS.*—*In this section, the following defi-*
 16 *nitions apply:*

17 (1) *TOTAL BUDGET RESOURCES.*—*The term*
 18 *“total budget resources” means the total amount made*
 19 *available by appropriations Acts from the Harbor*
 20 *Maintenance Trust Fund for a fiscal year for making*
 21 *expenditures under section 9505(c) of the Internal*
 22 *Revenue Code of 1986.*

23 (2) *LEVEL OF RECEIPTS PLUS INTEREST.*—*The*
 24 *term “level of receipts plus interest” means the level*
 25 *of taxes and interest credited to the Harbor Mainte-*

1 *nance Trust Fund under section 9505 of the Internal*
 2 *Revenue Code of 1986 for a fiscal year as set forth in*
 3 *the President’s budget baseline projection as defined*
 4 *in section 257 of the Balanced Budget and Emergency*
 5 *Deficit Control Act of 1985 (Public Law 99–177; 99*
 6 *Stat. 1092) for that fiscal year submitted pursuant to*
 7 *section 1105 of title 31, United States Code.*

8 *(c) ENFORCEMENT OF GUARANTEES.—It shall not be*
 9 *in order in the House of Representatives or the Senate to*
 10 *consider any bill, joint resolution, amendment, motion, or*
 11 *conference report that would cause total budget resources*
 12 *in a fiscal year for harbor maintenance programs described*
 13 *in subsection (b)(1) for such fiscal year to be less than the*
 14 *amount required by subsection (a)(1) for such fiscal year.*

15 **SEC. 8004. HARBOR MAINTENANCE TRUST FUND**
 16 **PRIORITIZATION.**

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

20 *“(c) PRIORITIZATION.—*

21 *“(1) IN GENERAL.—Of the amounts made avail-*
 22 *able under this section to carry out projects described*
 23 *in subsection (a)(2), the Secretary of the Army, acting*
 24 *through the Chief of Engineers, shall give priority to*
 25 *those projects in the following order:*

1 “(A) In any fiscal year in which all
2 projects subject to the harbor maintenance fee
3 under section 24.24 of title 19, Code of Federal
4 Regulations (or successor regulation) are not
5 maintained to their authorized width and depth,
6 the Secretary shall prioritize amounts made
7 available under this section for those projects
8 that are high-use deep draft.

9 “(B) In any fiscal year in which the
10 projects described in subparagraph (A) are
11 maintained to their constructed width and depth
12 as of the date of enactment of the Water Re-
13 sources Development Act of 2013, the Secretary
14 shall prioritize not more than 20 percent of re-
15 maining amounts made available under this sec-
16 tion for projects—

17 “(i) that have been maintained at less
18 than their authorized width and depth dur-
19 ing the preceding 5 fiscal years; and

20 “(ii) for which significant State and
21 local investments in infrastructure have
22 been made at those projects.

23 “(2) ADMINISTRATION.—For purposes of this
24 subsection, State and local investments in infrastruc-
25 ture shall include infrastructure investments made

1 *using amounts made available for activities under*
 2 *section 105(a)(9) of the Housing and Community De-*
 3 *velopment Act of 1974 (42 U.S.C. 5305(a)(9)).*

4 “(3) *APPLICATION.*—*The prioritization criteria*
 5 *under paragraph (1) shall not be implemented in any*
 6 *fiscal year in which the guarantee in section 8003 of*
 7 *the Water Resources Development Act of 2013 is not*
 8 *fully enforced.”.*

9 (b) *OPERATION AND MAINTENANCE.*—*Section 101(b) of*
 10 *the Water Resources Development Act of 1986 (33 U.S.C.*
 11 *2211(b)) is amended—*

12 (1) *in paragraph (1), by striking “45 feet” and*
 13 *inserting “50 feet”; and*

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

15 “(3) *OPERATION AND MAINTENANCE ACTIVITIES*
 16 *DEFINED.*—

17 “(A) *SCOPE OF OPERATION AND MAINTENANCE ACTIVITIES.*—*Notwithstanding any other*
 18 *provision of law (including regulations and*
 19 *guidelines) and subject to subparagraph (B), for*
 20 *purposes of this subsection, operation and main-*
 21 *tenance activities that are eligible for the Federal*
 22 *cost share under paragraph (1) shall include—*

23 “(i) *the dredging of berths in a harbor*
 24 *that is accessible to a Federal channel, if the*
 25

1 *Federal channel has been constructed to a*
 2 *depth equal to the authorized depth of the*
 3 *channel; and*

4 “(ii) *the dredging and disposal of leg-*
 5 *acy-contaminated sediments and sediments*
 6 *unsuitable for ocean disposal that—*

7 “(I) *are located in or affect the*
 8 *maintenance of Federal navigation*
 9 *channels; or*

10 “(II) *are located in berths that*
 11 *are accessible to Federal channels.*

12 “(B) *LIMITATIONS.—*

13 “(i) *IN GENERAL.—For each fiscal*
 14 *year, subparagraph (A) shall only apply if*
 15 *all operation and maintenance activities*
 16 *that are eligible for the Federal cost share*
 17 *under paragraph (1) in a State described in*
 18 *clause (ii) have been funded.*

19 “(ii) *STATE LIMITATION.—For each*
 20 *fiscal year, the operation and maintenance*
 21 *activities described in subparagraph (A)*
 22 *may only be carried out in a State—*

23 “(I) *in which the total amounts*
 24 *collected pursuant to section 4461 of*
 25 *the Internal Revenue Code of 1986*

1 comprise not less than 2.5 percent an-
 2 nually of the total funding of the Har-
 3 bor Maintenance Trust Fund estab-
 4 lished under section 9505 of the Inter-
 5 nal Revenue Code of 1986; and

6 “(II) that received less than 50
 7 percent of the total amounts collected
 8 in that State pursuant to section 4461
 9 of the Internal Revenue Code of 1986
 10 in the previous 3 fiscal years.

11 “(iii) *PRIORITIZATION.*—In allocating
 12 amounts made available under this para-
 13 graph, the Secretary shall give priority to
 14 projects that have received the lowest rate of
 15 funding from the Harbor Maintenance
 16 Trust fund in the previous 3 fiscal years.”.

17 (c) *CONFORMING AMENDMENT.*—Section 9505(c)(1) of
 18 the Internal Revenue Code of 1986 is amended by striking
 19 “as in effect on the date of the enactment of the Water Re-
 20 sources Development Act of 1996” and inserting “as in ef-
 21 fect on the date of the enactment of the Harbor Maintenance
 22 Trust Fund Act of 2013”.

23 **SEC. 8005. CIVIL WORKS PROGRAM OF THE CORPS OF ENGI-**
 24 **NEERS.**

25 (a) *POINT OF ORDER.*—

1 (1) *IN GENERAL.*—Subject to subsections (b) and
2 (c), it shall not be in order in the House of Represent-
3 atives or the Senate to consider any bill, joint resolu-
4 tion, amendment, motion, or conference report that
5 would result in making the amounts made available
6 for a given fiscal year to carry out all programs,
7 projects, and activities of the civil works program of
8 the Corps of Engineers other than the harbor mainte-
9 nance programs to be less than the amounts made
10 available for those purposes in the previous fiscal
11 year.

12 (2) *CALCULATION OF AMOUNTS.*—For each fiscal
13 year, the amounts made available to carry out all
14 programs, projects, and activities of the civil works
15 program of the Corps of Engineers shall not include
16 any amounts that are designated by Congress—

17 (A) as being for emergency requirements
18 pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control
20 Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or

21 (B) as being for disaster relief pursuant to
22 section 251(b)(2)(D) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985 (2 U.S.C.
24 901(b)(2)(D)).

1 (b) *EXCEPTIONS.*—Subsection (a) shall not apply if
 2 amounts made available for the civil works program of the
 3 Corps of Engineers for a fiscal year is less than the amounts
 4 made available for the civil works program in the previous
 5 fiscal year if the reduction in amounts made available—

6 (1) applies to all discretionary funds and pro-
 7 grams of the Federal Government; and

8 (2) is applied to the civil works program in the
 9 same percentage and manner as other discretionary
 10 funds and programs.

11 (c) *WAIVER AND APPEAL.*—

12 (1) *SENATE.*—

13 (A) *IN GENERAL.*—Subsection (a) may be
 14 waived or suspended in the Senate only by an
 15 affirmative vote of 3/5 of the Members of the Sen-
 16 ate, duly chosen and sworn.

17 (B) *APPEAL.*—An affirmative vote of 3/5 of
 18 the Members of the Senate, duly chosen and
 19 sworn, shall be required to sustain an appeal of
 20 the ruling of the Chair on a point of order raised
 21 under subsection (a).

22 (2) *HOUSE OF REPRESENTATIVES.*—The Com-
 23 mittee on Rules of the House of Representatives may
 24 not report a rule or order that would waive a point

1 of order to a bill or joint resolution from being made
2 under subsection (a).

3 ***TITLE IX—DAM SAFETY***

4 ***SEC. 9001. SHORT TITLE.***

5 *This title may be cited as the “Dam Safety Act of*
6 *2013”.*

7 ***SEC. 9002. PURPOSE.***

8 *The purpose of this title and the amendments made*
9 *by this title is to reduce the risks to life and property from*
10 *dam failure in the United States through the reauthoriza-*
11 *tion of an effective national dam safety program that brings*
12 *together the expertise and resources of the Federal Govern-*
13 *ment and non-Federal interests in achieving national dam*
14 *safety hazard reduction.*

15 ***SEC. 9003. ADMINISTRATOR.***

16 *(a) IN GENERAL.—The National Dam Safety Program*
17 *Act (33 U.S.C. 467 et seq.) is amended by striking “Direc-*
18 *tor” each place it appears and inserting “Administrator”.*

19 *(b) CONFORMING AMENDMENT.—Section 2 of the Na-*
20 *tional Dam Safety Program Act (33 U.S.C. 467) is amend-*
21 *ed—*

22 *(1) by striking paragraph (3);*

23 *(2) by redesignating paragraphs (1) and (2) as*
24 *paragraphs (2) and (3), respectively; and*

1 (3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

3 “(1) *ADMINISTRATOR.*—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.”.

6 **SEC. 9004. INSPECTION OF DAMS.**

7 Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking “or
9 maintenance” and inserting “maintenance, condition, or
10 provisions for emergency operations”.

11 **SEC. 9005. NATIONAL DAM SAFETY PROGRAM.**

12 (a) *OBJECTIVES.*—Section 8(c) of the National Dam
13 Safety Program Act (33 U.S.C. 467f(c)) is amended by
14 striking paragraph (4) and inserting the following:

15 “(4) develop and implement a comprehensive
16 dam safety hazard education and public awareness
17 program to assist the public in preparing for, miti-
18 gating, responding to, and recovering from dam inci-
19 dents;”.

20 (b) *BOARD.*—Section 8(f)(4) of the National Dam
21 Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by
22 inserting “, representatives from nongovernmental organi-
23 zations,” after “State agencies”.

1 **SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM**
 2 **SAFETY.**

3 *The National Dam Safety Program Act (33 U.S.C. 467*
 4 *et seq.) is amended—*

5 *(1) by redesignating sections 11, 12, and 13 as*
 6 *sections 12, 13, and 14, respectively; and*

7 *(2) by inserting after section 10 (33 U.S.C.*
 8 *467g–1) the following:*

9 **“SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM**
 10 **SAFETY.**

11 *“The Administrator, in consultation with other Fed-*
 12 *eral agencies, State and local governments, dam owners, the*
 13 *emergency management community, the private sector, non-*
 14 *governmental organizations and associations, institutions*
 15 *of higher education, and any other appropriate entities*
 16 *shall carry out a nationwide public awareness and outreach*
 17 *program to assist the public in preparing for, mitigating,*
 18 *responding to, and recovering from dam incidents.”.*

19 **SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.**

20 *(a) NATIONAL DAM SAFETY PROGRAM.—*

21 *(1) ANNUAL AMOUNTS.—Section 14(a)(1) of the*
 22 *National Dam Safety Program Act (33 U.S.C.*
 23 *467j(a)(1)) (as so redesignated) is amended by strik-*
 24 *ing “\$6,500,000” and all that follows through “2011”*
 25 *and inserting “\$9,200,000 for each of fiscal years*
 26 *2014 through 2018”.*

1 (2) *MAXIMUM AMOUNT OF ALLOCATION.*—Section
 2 14(a)(2)(B) of the National Dam Safety Program Act
 3 (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is
 4 amended—

5 (A) by striking “The amount” and inserting
 6 the following:

7 “(i) *IN GENERAL.*—The amount”; and
 8 (B) by adding at the end the following:

9 “(ii) *FISCAL YEAR 2014 AND SUBSE-*
 10 *QUENT FISCAL YEARS.*—For fiscal year
 11 2014 and each subsequent fiscal year, the
 12 amount of funds allocated to a State under
 13 this paragraph may not exceed the amount
 14 of funds committed by the State to imple-
 15 ment dam safety activities.”.

16 (b) *NATIONAL DAM INVENTORY.*—Section 14(b) of the
 17 National Dam Safety Program Act (33 U.S.C. 467j(b)) (as
 18 so redesignated) is amended by striking “\$650,000” and all
 19 that follows through “2011” and inserting “\$500,000 for
 20 each of fiscal years 2014 through 2018”.

21 (c) *PUBLIC AWARENESS.*—Section 14 of the National
 22 Dam Safety Program Act (33 U.S.C. 467j) (as so redesign-
 23 ated) is amended—

24 (1) by redesignating subsections (c) through (f)
 25 as subsections (d) through (g), respectively; and

1 (2) *by inserting after subsection (b) the fol-*
 2 *lowing:*

3 “(c) *PUBLIC AWARENESS.—There is authorized to be*
 4 *appropriated to carry out section 11 \$1,000,000 for each*
 5 *of fiscal years 2014 through 2018.”.*

6 (d) *RESEARCH.—Section 14(d) of the National Dam*
 7 *Safety Program Act (as so redesignated) is amended by*
 8 *striking “\$1,600,000” and all that follows through “2011”*
 9 *and inserting “\$1,450,000 for each of fiscal years 2014*
 10 *through 2018”.*

11 (e) *DAM SAFETY TRAINING.—Section 14(e) of the Na-*
 12 *tional Dam Safety Program Act (as so redesignated) is*
 13 *amended by striking “\$550,000” and all that follows*
 14 *through “2011” and inserting “\$750,000 for each of fiscal*
 15 *years 2014 through 2018”.*

16 (f) *STAFF.—Section 14(f) of the National Dam Safety*
 17 *Program Act (as so redesignated) is amended by striking*
 18 *“\$700,000” and all that follows through “2011” and insert-*
 19 *ing “\$1,000,000 for each of fiscal years 2014 through 2018”.*

20 ***TITLE X—INNOVATIVE***
 21 ***FINANCING PILOT PROJECTS***

22 ***SEC. 10001. SHORT TITLE.***

23 *This title may be cited as the “Water Infrastructure*
 24 *Finance and Innovation Act of 2013”.*

1 **SEC. 10002. PURPOSES.**

2 *The purpose of this title is to establish a pilot program*
3 *to assess the ability of innovative financing tools to—*

4 (1) *promote increased development of critical*
5 *water resources infrastructure by establishing addi-*
6 *tional opportunities for financing water resources*
7 *projects that complement but do not replace or reduce*
8 *existing Federal infrastructure financing tools such as*
9 *the State water pollution control revolving loan funds*
10 *established under title VI of the Federal Water Pollu-*
11 *tion Control Act (33 U.S.C. 1381 et seq.) and the*
12 *State drinking water treatment revolving loan funds*
13 *established under section 1452 of the Safe Drinking*
14 *Water Act (42 U.S.C. 300j–12);*

15 (2) *attract new investment capital to infrastruc-*
16 *ture projects that are capable of generating revenue*
17 *streams through user fees or other dedicated funding*
18 *sources;*

19 (3) *complement existing Federal funding sources*
20 *and address budgetary constraints on the Corps of*
21 *Engineers civil works program and existing waste-*
22 *water and drinking water infrastructure financing*
23 *programs;*

24 (4) *leverage private investment in water re-*
25 *sources infrastructure;*

1 (5) *align investments in water resources infra-*
 2 *structure to achieve multiple benefits; and*

3 (6) *assist communities facing significant water*
 4 *quality, drinking water, or flood risk challenges with*
 5 *the development of water infrastructure projects.*

6 **SEC. 10003. DEFINITIONS.**

7 *In this title:*

8 (1) *ADMINISTRATOR.*—*The term “Adminis-*
 9 *trator” means the Administrator of the Environ-*
 10 *mental Protection Agency.*

11 (2) *COMMUNITY WATER SYSTEM.*—*The term*
 12 *“community water system” has the meaning given the*
 13 *term in section 1401 of the Safe Drinking Water Act*
 14 *(42 U.S.C. 300f).*

15 (3) *FEDERAL CREDIT INSTRUMENT.*—*The term*
 16 *“Federal credit instrument” means a secured loan or*
 17 *loan guarantee authorized to be made available under*
 18 *this title with respect to a project.*

19 (4) *INVESTMENT-GRADE RATING.*—*The term “in-*
 20 *vestment-grade rating” means a rating of BBB*
 21 *minus, Baa3, bbb minus, BBB (low), or higher as-*
 22 *signed by a rating agency to project obligations.*

23 (5) *LENDER.*—

24 (A) *IN GENERAL.*—*The term “lender”*
 25 *means any non-Federal qualified institutional*

1 *buyer (as defined in section 230.144A(a) of title*
 2 *17, Code of Federal Regulations (or a successor*
 3 *regulation), known as Rule 144A(a) of the Secu-*
 4 *rities and Exchange Commission and issued*
 5 *under the Securities Act of 1933 (15 U.S.C. 77a*
 6 *et seq.)).*

7 (B) *INCLUSIONS.—The term “lender” in-*
 8 *cludes—*

9 (i) *a qualified retirement plan (as de-*
 10 *finied in section 4974(c) of the Internal Rev-*
 11 *enue Code of 1986) that is a qualified insti-*
 12 *tutional buyer; and*

13 (ii) *a governmental plan (as defined in*
 14 *section 414(d) of the Internal Revenue Code*
 15 *of 1986) that is a qualified institutional*
 16 *buyer.*

17 (6) *LOAN GUARANTEE.—The term “loan guar-*
 18 *antee” means any guarantee or other pledge by the*
 19 *Secretary or the Administrator to pay all or part of*
 20 *the principal of, and interest on, a loan or other debt*
 21 *obligation issued by an obligor and funded by a lend-*
 22 *er.*

23 (7) *OBLIGOR.—The term “obligor” means an eli-*
 24 *gible entity that is primarily liable for payment of*

1 *the principal of, or interest on, a Federal credit in-*
 2 *strument.*

3 (8) *PROJECT OBLIGATION.*—

4 (A) *IN GENERAL.*—*The term “project obli-*
 5 *gation” means any note, bond, debenture, or*
 6 *other debt obligation issued by an obligor in con-*
 7 *nection with the financing of a project.*

8 (B) *EXCLUSION.*—*The term “project obliga-*
 9 *tion” does not include a Federal credit instru-*
 10 *ment.*

11 (9) *RATING AGENCY.*—*The term “rating agency”*
 12 *means a credit rating agency registered with the Se-*
 13 *curities and Exchange Commission as a nationally*
 14 *recognized statistical rating organization (as defined*
 15 *in section 3(a) of the Securities Exchange Act of 1934*
 16 *(15 U.S.C. 78c(a))).*

17 (10) *SECURED LOAN.*—*The term “secured loan”*
 18 *means a direct loan or other debt obligation issued by*
 19 *an obligor and funded by the Secretary in connection*
 20 *with the financing of a project under section 10010.*

21 (11) *STATE.*—*The term “State” means—*

22 (A) *a State;*

23 (B) *the District of Columbia;*

24 (C) *the Commonwealth of Puerto Rico; and*

1 (D) any other territory or possession of the
2 United States.

3 (12) *STATE INFRASTRUCTURE FINANCING AU-*
4 *THORITY.*—The term “State infrastructure financing
5 authority” means the State entity established or des-
6 ignated by the Governor of a State to receive a cap-
7 italization grant provided by, or otherwise carry out
8 the requirements of, title VI of the Federal Water Pol-
9 lution Control Act (33 U.S.C. 1381 *et. seq.*) or section
10 1452 of the Safe Drinking Water Act (42 U.S.C.
11 300j–12).

12 (13) *SUBSIDY AMOUNT.*—The term “subsidy
13 amount” means the amount of budget authority suffi-
14 cient to cover the estimated long-term cost to the Fed-
15 eral Government of a Federal credit instrument, as
16 calculated on a net present value basis, excluding ad-
17 ministrative costs and any incidental effects on gov-
18 ernmental receipts or outlays in accordance with the
19 Federal Credit Reform Act of 1990 (2 U.S.C. 661 *et*
20 *seq.*).

21 (14) *SUBSTANTIAL COMPLETION.*—The term
22 “substantial completion”, with respect to a project,
23 means the earliest date on which a project is consid-
24 ered to perform the functions for which the project is
25 designed.

1 (15) *TREATMENT WORKS.*—*The term “treatment*
 2 *works” has the meaning given the term in section 212*
 3 *of the Federal Water Pollution Control Act (33 U.S.C.*
 4 *1292).*

5 **SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.**

6 (a) *IN GENERAL.*—*The Secretary and the Adminis-*
 7 *trator may provide financial assistance under this title to*
 8 *carry out pilot projects, which shall be selected to ensure*
 9 *a diversity of project types and geographical locations.*

10 (b) *RESPONSIBILITY.*—

11 (1) *SECRETARY.*—*The Secretary shall carry out*
 12 *all pilot projects under this title that are eligible*
 13 *projects under section 10007(1).*

14 (2) *ADMINISTRATOR.*—*The Administrator shall*
 15 *carry out all pilot projects under this title that are*
 16 *eligible projects under paragraphs (2), (3), (4), (5),*
 17 *(6), and (8) of section 10007.*

18 (3) *OTHER PROJECTS.*—*The Secretary or the Ad-*
 19 *ministrator, as applicable, may carry out eligible*
 20 *projects under paragraph (7) or (9) of section 10007.*

21 **SEC. 10005. APPLICATIONS.**

22 (a) *IN GENERAL.*—*To receive assistance under this*
 23 *title, an eligible entity shall submit to the Secretary or the*
 24 *Administrator, as applicable, an application at such time,*

1 *in such manner, and containing such information as the*
 2 *Secretary or the Administrator may require.*

3 (b) *COMBINED PROJECTS.*—*In the case of an eligible*
 4 *project described in paragraph (8) or (9) of section 10007,*
 5 *the Secretary or the Administrator, as applicable, shall re-*
 6 *quire the eligible entity to submit a single application for*
 7 *the combined group of projects.*

8 **SEC. 10006. ELIGIBLE ENTITIES.**

9 *The following entities are eligible to receive assistance*
 10 *under this title:*

11 (1) *A corporation.*

12 (2) *A partnership.*

13 (3) *A joint venture.*

14 (4) *A trust.*

15 (5) *A Federal, State, or local governmental enti-*
 16 *ty, agency, or instrumentality.*

17 (6) *A tribal government or consortium of tribal*
 18 *governments.*

19 (7) *A State infrastructure financing authority.*

20 **SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.**

21 *The following projects may be carried out with*
 22 *amounts made available under this title:*

23 (1) *A project for flood control or hurricane and*
 24 *storm damage reduction that the Secretary has deter-*

1 *mined is technically sound, economically justified,*
2 *and environmentally acceptable, including—*

3 *(A) a structural or nonstructural measure*
4 *to reduce flood risk, enhance stream flow, or pro-*
5 *tect natural resources; and*

6 *(B) a levee, dam, tunnel, aqueduct, res-*
7 *ervoir, or other related water infrastructure.*

8 *(2) 1 or more activities that are eligible for as-*
9 *sistance under section 603(c) of the Federal Water*
10 *Pollution Control Act (33 U.S.C. 1383(c)), notwith-*
11 *standing the public ownership requirement under*
12 *paragraph (1) of that subsection.*

13 *(3) 1 or more activities described in section*
14 *1452(a)(2) of the Safe Drinking Water Act (42 U.S.C.*
15 *300j-12(a)(2)).*

16 *(4) A project for enhanced energy efficiency in*
17 *the operation of a public water system or a publicly*
18 *owned treatment works.*

19 *(5) A project for repair, rehabilitation, or re-*
20 *placement of a treatment works, community water*
21 *system, or aging water distribution or waste collec-*
22 *tion facility.*

23 *(6) A brackish or sea water desalination project,*
24 *a managed aquifer recharge project, or a water recy-*
25 *cling project.*

1 (7) *Acquisition of real property or an interest in*
 2 *real property—*

3 (A) *if the acquisition is integral to a project*
 4 *described in paragraphs (1) through (6); or*

5 (B) *pursuant to an existing plan that, in*
 6 *the judgment of the Administrator or the Sec-*
 7 *retary, as applicable, would mitigate the envi-*
 8 *ronmental impacts of water resources infrastruc-*
 9 *ture projects otherwise eligible for assistance*
 10 *under this section.*

11 (8) *A combination of projects, each of which is*
 12 *eligible under paragraph (2) or (3), for which a State*
 13 *infrastructure financing authority submits to the Ad-*
 14 *ministrator a single application.*

15 (9) *A combination of projects secured by a com-*
 16 *mon security pledge, each of which is eligible under*
 17 *paragraph (1), (2), (3), (4), (5), (6), or (7), for which*
 18 *an eligible entity, or a combination of eligible enti-*
 19 *ties, submits a single application.*

20 **SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.**

21 *For purposes of this title, an eligible activity with re-*
 22 *spect to an eligible project includes the cost of—*

23 (1) *development-phase activities, including plan-*
 24 *ning, feasibility analysis (including any related anal-*
 25 *ysis necessary to carry out an eligible project), rev-*

1 *venue forecasting, environmental review, permitting,*
 2 *preliminary engineering and design work, and other*
 3 *preconstruction activities;*

4 (2) *construction, reconstruction, rehabilitation,*
 5 *and replacement activities;*

6 (3) *the acquisition of real property or an interest*
 7 *in real property (including water rights, land relat-*
 8 *ing to the project, and improvements to land), envi-*
 9 *ronmental mitigation (including acquisitions pursu-*
 10 *ant to section 10007(7)), construction contingencies,*
 11 *and acquisition of equipment;*

12 (4) *capitalized interest necessary to meet market*
 13 *requirements, reasonably required reserve funds, cap-*
 14 *ital issuance expenses, and other carrying costs dur-*
 15 *ing construction; and*

16 (5) *refinancing interim construction funding,*
 17 *long-term project obligations, or a secured loan or*
 18 *loan guarantee made under this title.*

19 **SEC. 10009. DETERMINATION OF ELIGIBILITY AND PROJECT**
 20 **SELECTION.**

21 (a) *ELIGIBILITY REQUIREMENTS.—To be eligible to re-*
 22 *ceive financial assistance under this title, a project shall*
 23 *meet the following criteria, as determined by the Secretary*
 24 *or Administrator, as applicable:*

25 (1) *CREDITWORTHINESS.—*

1 (A) *IN GENERAL.*—Subject to subparagraph
2 (B), the project shall be creditworthy, which shall
3 be determined by the Secretary or the Adminis-
4 trator, as applicable, who shall ensure that any
5 financing for the project has appropriate secu-
6 rity features, such as a rate covenant, to ensure
7 repayment.

8 (B) *PRELIMINARY RATING OPINION LET-*
9 *TER.*—The Secretary or the Administrator, as
10 applicable, shall require each project applicant
11 to provide a preliminary rating opinion letter
12 from at least 1 rating agency indicating that the
13 senior obligations of the project (which may be
14 the Federal credit instrument) have the potential
15 to achieve an investment-grade rating.

16 (C) *SPECIAL RULE FOR CERTAIN COMBINED*
17 *PROJECTS.*—The Administrator shall develop a
18 credit evaluation process for a Federal credit in-
19 strument provided to a State infrastructure fi-
20 nancing authority for a project under section
21 10007(8) or an entity for a project under section
22 10007(9), which may include requiring the pro-
23 vision of a preliminary rating opinion letter
24 from at least 1 rating agency.

1 (2) *ELIGIBLE PROJECT COSTS.*—*The eligible*
 2 *project costs of a project shall be reasonably antici-*
 3 *pated to be not less than \$20,000,000.*

4 (3) *DEDICATED REVENUE SOURCES.*—*The Fed-*
 5 *eral credit instrument for the project shall be repay-*
 6 *able, in whole or in part, from dedicated revenue*
 7 *sources that also secure the project obligations.*

8 (4) *PUBLIC SPONSORSHIP OF PRIVATE ENTI-*
 9 *TIES.*—*In the case of a project carried out by an enti-*
 10 *ty that is not a State or local government or an agen-*
 11 *cy or instrumentality of a State or local government,*
 12 *the project shall be publicly sponsored.*

13 (5) *LIMITATION.*—*No project receiving Federal*
 14 *credit assistance under this title may be financed or*
 15 *refinanced (directly or indirectly), in whole or in*
 16 *part, with proceeds of any obligation—*

17 (A) *the interest on which is exempt from the*
 18 *tax imposed under chapter 1 of the Internal Rev-*
 19 *enue Code of 1986; or*

20 (B) *with respect to which credit is allowable*
 21 *under subpart I or J of part IV of subchapter A*
 22 *of chapter 1 of such Code.*

23 (b) *SELECTION CRITERIA.*—

24 (1) *ESTABLISHMENT.*—*The Secretary or the Ad-*
 25 *ministrator, as applicable, shall establish criteria for*

1 the selection of projects that meet the eligibility re-
2 quirements of subsection (a), in accordance with
3 paragraph (2).

4 (2) *CRITERIA.*—The selection criteria shall in-
5 clude the following:

6 (A) *The extent to which the project is na-*
7 tionally or regionally significant, with respect to
8 the generation of economic and public benefits,
9 such as—

10 (i) *the reduction of flood risk;*

11 (ii) *the improvement of water quality*
12 *and quantity, including aquifer recharge;*

13 (iii) *the protection of drinking water;*
14 *and*

15 (iv) *the support of international com-*
16 *merce.*

17 (B) *The extent to which the project financ-*
18 *ing plan includes public or private financing in*
19 *addition to assistance under this title.*

20 (C) *The likelihood that assistance under this*
21 *title would enable the project to proceed at an*
22 *earlier date than the project would otherwise be*
23 *able to proceed.*

24 (D) *The extent to which the project uses new*
25 *or innovative approaches.*

1 (E) *The amount of budget authority re-*
2 *quired to fund the Federal credit instrument*
3 *made available under this title.*

4 (F) *The extent to which the project—*

5 (i) *protects against extreme weather*
6 *events, such as floods or hurricanes; or*

7 (ii) *helps maintain or protect the envi-*
8 *ronment.*

9 (G) *The extent to which a project serves re-*
10 *gions with significant energy exploration, devel-*
11 *opment, or production areas.*

12 (H) *The extent to which a project serves re-*
13 *gions with significant water resource challenges,*
14 *including the need to address—*

15 (i) *water quality concerns in areas of*
16 *regional, national, or international signifi-*
17 *cance;*

18 (ii) *water quantity concerns related to*
19 *groundwater, surface water, or other water*
20 *sources;*

21 (iii) *significant flood risk;*

22 (iv) *water resource challenges identi-*
23 *fied in existing regional, State, or*
24 *multistate agreements; or*

1 (v) *water resources with exceptional*
 2 *recreational value or ecological importance.*

3 (I) *The extent to which assistance under*
 4 *this title reduces the contribution of Federal as-*
 5 *sistance to the project.*

6 (3) *SPECIAL RULE FOR CERTAIN COMBINED*
 7 *PROJECTS.—For a project described in section*
 8 *10007(8), the Administrator shall only consider the*
 9 *criteria described in subparagraphs (B) through (I) of*
 10 *paragraph (2).*

11 (c) *FEDERAL REQUIREMENTS.—Nothing in this sec-*
 12 *tion supersedes the applicability of other requirements of*
 13 *Federal law (including regulations).*

14 **SEC. 10010. SECURED LOANS.**

15 (a) *AGREEMENTS.—*

16 (1) *IN GENERAL.—Subject to paragraphs (2)*
 17 *through (4), the Secretary or the Administrator, as*
 18 *applicable, may enter into agreements with 1 or more*
 19 *obligors to make secured loans, the proceeds of which*
 20 *shall be used—*

21 (A) *to finance eligible project costs of any*
 22 *project selected under section 10009;*

23 (B) *to refinance interim construction fi-*
 24 *nancing of eligible project costs of any project se-*
 25 *lected under section 10009; or*

1 (C) to refinance long-term project obliga-
2 tions or Federal credit instruments, if that refi-
3 nancing provides additional funding capacity
4 for the completion, enhancement, or expansion of
5 any project that—

6 (i) is selected under section 10009; or

7 (ii) otherwise meets the requirements of
8 section 10009.

9 (2) *LIMITATION ON REFINANCING OF INTERIM*
10 *CONSTRUCTION FINANCING.*—A secured loan under
11 paragraph (1) shall not be used to refinance interim
12 construction financing under paragraph (1)(B) later
13 than 1 year after the date of substantial completion
14 of the applicable project.

15 (3) *FINANCIAL RISK ASSESSMENT.*—Before enter-
16 ing into an agreement under this subsection for a se-
17 cured loan, the Secretary or the Administrator, as ap-
18 plicable, in consultation with the Director of the Of-
19 fice of Management and Budget and each rating
20 agency providing a preliminary rating opinion letter
21 under section 10009(a)(1)(B), shall determine an ap-
22 propriate capital reserve subsidy amount for the se-
23 cured loan, taking into account each such prelimi-
24 nary rating opinion letter.

1 (4) *INVESTMENT-GRADE RATING REQUIRE-*
 2 *MENT.—The execution of a secured loan under this*
 3 *section shall be contingent on receipt by the senior ob-*
 4 *ligations of the project of an investment-grade rating.*
 5 (b) *TERMS AND LIMITATIONS.—*

6 (1) *IN GENERAL.—A secured loan provided for a*
 7 *project under this section shall be subject to such*
 8 *terms and conditions, and contain such covenants,*
 9 *representations, warranties, and requirements (in-*
 10 *cluding requirements for audits), as the Secretary or*
 11 *the Administrator, as applicable, determines to be ap-*
 12 *propriate.*

13 (2) *MAXIMUM AMOUNT.—The amount of a se-*
 14 *cured loan under this section shall not exceed the less-*
 15 *er of—*

16 (A) *an amount equal to 49 percent of the*
 17 *reasonably anticipated eligible project costs; and*

18 (B) *if the secured loan does not receive an*
 19 *investment-grade rating, the amount of the sen-*
 20 *ior project obligations of the project.*

21 (3) *PAYMENT.—A secured loan under this sec-*
 22 *tion—*

23 (A) *shall be payable, in whole or in part,*
 24 *from State or local taxes, user fees, or other dedi-*

1 *cated revenue sources that also secure the senior*
 2 *project obligations of the relevant project;*

3 *(B) shall include a rate covenant, coverage*
 4 *requirement, or similar security feature sup-*
 5 *porting the project obligations; and*

6 *(C) may have a lien on revenues described*
 7 *in subparagraph (A), subject to any lien secur-*
 8 *ing project obligations.*

9 *(4) INTEREST RATE.—The interest rate on a se-*
 10 *cured loan under this section shall be not less than the*
 11 *yield on United States Treasury securities of a simi-*
 12 *lar maturity to the maturity of the secured loan on*
 13 *the date of execution of the loan agreement.*

14 *(5) MATURITY DATE.—*

15 *(A) IN GENERAL.—The final maturity date*
 16 *of a secured loan under this section shall be not*
 17 *later than 35 years after the date of substantial*
 18 *completion of the relevant project.*

19 *(B) SPECIAL RULE FOR STATE INFRASTRUC-*
 20 *TURE FINANCING AUTHORITIES.—The final ma-*
 21 *turity date of a secured loan to a State infra-*
 22 *structure financing authority under this section*
 23 *shall be not later than 35 years after the date on*
 24 *which amounts are first disbursed.*

1 (6) *NONSUBORDINATION.*—*A secured loan under*
 2 *this section shall not be subordinated to the claims of*
 3 *any holder of project obligations in the event of bank-*
 4 *ruptcy, insolvency, or liquidation of the obligor of the*
 5 *project.*

6 (7) *FEEES.*—*The Secretary or the Administrator,*
 7 *as applicable, may establish fees at a level sufficient*
 8 *to cover all or a portion of the costs to the Federal*
 9 *Government of making a secured loan under this sec-*
 10 *tion.*

11 (8) *NON-FEDERAL SHARE.*—*The proceeds of a se-*
 12 *cured loan under this section may be used to pay any*
 13 *non-Federal share of project costs required if the loan*
 14 *is repayable from non-Federal funds.*

15 (9) *MAXIMUM FEDERAL INVOLVEMENT.*—

16 (A) *IN GENERAL.*—*Except as provided in*
 17 *subparagraph (B), for each project for which as-*
 18 *sistance is provided under this title, the total*
 19 *amount of Federal assistance shall not exceed 80*
 20 *percent of the total project cost.*

21 (B) *EXCEPTION.*—*Subparagraph (A) shall*
 22 *not apply to any rural water project—*

23 (i) *that is authorized to be carried out*
 24 *by the Secretary of the Interior;*

1 (ii) that includes among its bene-
 2 ficiaries a federally recognized Indian tribe;
 3 and

4 (iii) for which the authorized Federal
 5 share of the total project costs is greater
 6 than the amount described in subparagraph
 7 (A).

8 (c) *REPAYMENT.*—

9 (1) *SCHEDULE.*—The Secretary or the Adminis-
 10 trator, as applicable, shall establish a repayment
 11 schedule for each secured loan provided under this sec-
 12 tion, based on the projected cash flow from project
 13 revenues and other repayment sources.

14 (2) *COMMENCEMENT.*—

15 (A) *IN GENERAL.*—Scheduled loan repay-
 16 ments of principal or interest on a secured loan
 17 under this section shall commence not later than
 18 5 years after the date of substantial completion
 19 of the project.

20 (B) *SPECIAL RULE FOR STATE INFRASTRUC-*
 21 *TURE FINANCING AUTHORITIES.*—Scheduled loan
 22 repayments of principal or interest on a secured
 23 loan to a State infrastructure financing author-
 24 ity under this title shall commence not later

1 *than 5 years after the date on which amounts*
 2 *are first disbursed.*

3 (3) *DEFERRED PAYMENTS.*—

4 (A) *AUTHORIZATION.*—*If, at any time after*
 5 *the date of substantial completion of a project for*
 6 *which a secured loan is provided under this sec-*
 7 *tion, the project is unable to generate sufficient*
 8 *revenues to pay the scheduled loan repayments of*
 9 *principal and interest on the secured loan, the*
 10 *Secretary or the Administrator, as applicable,*
 11 *subject to subparagraph (C), may allow the obli-*
 12 *gor to add unpaid principal and interest to the*
 13 *outstanding balance of the secured loan.*

14 (B) *INTEREST.*—*Any payment deferred*
 15 *under subparagraph (A) shall—*

16 (i) *continue to accrue interest in ac-*
 17 *cordance with subsection (b)(4) until fully*
 18 *repaid; and*

19 (ii) *be scheduled to be amortized over*
 20 *the remaining term of the secured loan.*

21 (C) *CRITERIA.*—

22 (i) *IN GENERAL.*—*Any payment defer-*
 23 *ral under subparagraph (A) shall be contin-*
 24 *gent on the project meeting such criteria as*

1 *the Secretary or the Administrator, as ap-*
 2 *plicable, may establish.*

3 (ii) *REPAYMENT STANDARDS.—The*
 4 *criteria established under clause (i) shall*
 5 *include standards for reasonable assurance*
 6 *of repayment.*

7 (4) *PREPAYMENT.—*

8 (A) *USE OF EXCESS REVENUES.—Any ex-*
 9 *cess revenues that remain after satisfying sched-*
 10 *uled debt service requirements on the project obli-*
 11 *gations and secured loan and all deposit require-*
 12 *ments under the terms of any trust agreement,*
 13 *bond resolution, or similar agreement securing*
 14 *project obligations may be applied annually to*
 15 *prepay a secured loan under this section without*
 16 *penalty.*

17 (B) *USE OF PROCEEDS OF REFINANCING.—*
 18 *A secured loan under this section may be pre-*
 19 *paid at any time without penalty from the pro-*
 20 *ceeds of refinancing from non-Federal funding*
 21 *sources.*

22 (d) *SALE OF SECURED LOANS.—*

23 (1) *IN GENERAL.—Subject to paragraph (2), as*
 24 *soon as practicable after the date of substantial com-*
 25 *pletion of a project and after providing a notice to the*

1 obligor, the Secretary or the Administrator, as appli-
2 cable, may sell to another entity or reoffer into the
3 capital markets a secured loan for a project under
4 this section, if the Secretary or the Administrator, as
5 applicable, determines that the sale or reoffering can
6 be made on favorable terms.

7 (2) *CONSENT OF OBLIGOR.*—In making a sale or
8 reoffering under paragraph (1), the Secretary or the
9 Administrator, as applicable, may not change the
10 original terms and conditions of the secured loan
11 without the written consent of the obligor.

12 (e) *LOAN GUARANTEES.*—

13 (1) *IN GENERAL.*—The Secretary or the Admin-
14 istrator, as applicable, may provide a loan guarantee
15 to a lender in lieu of making a secured loan under
16 this section, if the Secretary or the Administrator, as
17 applicable, determines that the budgetary cost of the
18 loan guarantee is substantially the same as that of a
19 secured loan.

20 (2) *TERMS.*—The terms of a loan guarantee pro-
21 vided under this subsection shall be consistent with
22 the terms established in this section for a secured
23 loan, except that the rate on the guaranteed loan and
24 any prepayment features shall be negotiated between

1 *the obligor and the lender, with the consent of the Sec-*
 2 *retary or the Administrator, as applicable.*

3 **SEC. 10011. PROGRAM ADMINISTRATION.**

4 (a) *REQUIREMENT.*—*The Secretary or the Adminis-*
 5 *trator, as applicable, shall establish a uniform system to*
 6 *service the Federal credit instruments made available under*
 7 *this title.*

8 (b) *FEEES.*—

9 (1) *IN GENERAL.*—*The Secretary or the Admin-*
 10 *istrator, as applicable, may collect and spend fees,*
 11 *contingent on authority being provided in appropria-*
 12 *tions Acts, at a level that is sufficient to cover—*

13 (A) *the costs of services of expert firms re-*
 14 *tained pursuant to subsection (d); and*

15 (B) *all or a portion of the costs to the Fed-*
 16 *eral Government of servicing the Federal credit*
 17 *instruments provided under this title.*

18 (c) *SERVICER.*—

19 (1) *IN GENERAL.*—*The Secretary or the Admin-*
 20 *istrator, as applicable, may appoint a financial enti-*
 21 *ty to assist the Secretary or the Administrator in*
 22 *servicing the Federal credit instruments provided*
 23 *under this title.*

1 (2) *DUTIES.*—A servicer appointed under para-
 2 graph (1) shall act as the agent for the Secretary or
 3 the Administrator, as applicable.

4 (3) *FEE.*—A servicer appointed under para-
 5 graph (1) shall receive a servicing fee, subject to ap-
 6 proval by the Secretary or the Administrator, as ap-
 7 plicable.

8 (d) *ASSISTANCE FROM EXPERTS.*—The Secretary or
 9 the Administrator, as applicable, may retain the services,
 10 including counsel, of organizations and entities with exper-
 11 tise in the field of municipal and project finance to assist
 12 in the underwriting and servicing of Federal credit instru-
 13 ments provided under this title.

14 (e) *APPLICABILITY OF OTHER LAWS.*—Section 513 of
 15 the Federal Water Pollution Control Act (33 U.S.C. 1372)
 16 applies to the construction of a project carried out, in whole
 17 or in part, with assistance made available through a Fed-
 18 eral credit instrument under this title in the same manner
 19 that section applies to a treatment works for which a grant
 20 is made available under that Act.

21 **SEC. 10012. STATE, TRIBAL, AND LOCAL PERMITS.**

22 The provision of financial assistance for project under
 23 this title shall not—

1 (1) *relieve any recipient of the assistance of any*
 2 *obligation to obtain any required State, local, or trib-*
 3 *al permit or approval with respect to the project;*

4 (2) *limit the right of any unit of State, local, or*
 5 *tribal government to approve or regulate any rate of*
 6 *return on private equity invested in the project; or*

7 (3) *otherwise supersede any State, local, or tribal*
 8 *law (including any regulation) applicable to the con-*
 9 *struction or operation of the project.*

10 **SEC. 10013. REGULATIONS.**

11 *The Secretary or the Administrator, as applicable,*
 12 *may promulgate such regulations as the Secretary or Ad-*
 13 *ministrator determines to be appropriate to carry out this*
 14 *title.*

15 **SEC. 10014. FUNDING.**

16 (a) *IN GENERAL.*—*There is authorized to be appro-*
 17 *priated to each of the Secretary and the Administrator to*
 18 *carry out this title \$50,000,000 for each of fiscal years 2014*
 19 *through 2018, to remain available until expended.*

20 (b) *ADMINISTRATIVE COSTS.*—*Of the funds made*
 21 *available to carry out this title, the Secretary or the Admin-*
 22 *istrator, as applicable, may use for the administration of*
 23 *this title, including for the provision of technical assistance*
 24 *to aid project sponsors in obtaining the necessary approvals*

1 *for the project, not more than \$2,200,000 for each of fiscal*
 2 *years 2014 through 2018.*

3 **SEC. 10015. REPORT TO CONGRESS.**

4 *Not later than 2 years after the date of enactment of*
 5 *this Act, and every 2 years thereafter, the Secretary or the*
 6 *Administrator, as applicable, shall submit to the Committee*
 7 *on Environment and Public Works of the Senate and the*
 8 *Committee on Transportation and Infrastructure of the*
 9 *House of Representatives a report summarizing for the*
 10 *projects that are receiving, or have received, assistance*
 11 *under this title—*

12 *(1) the financial performance of those projects,*
 13 *including a recommendation as to whether the objec-*
 14 *tives of this title are being met; and*

15 *(2) the public benefit provided by those projects,*
 16 *including, as applicable, water quality and water*
 17 *quantity improvement, the protection of drinking*
 18 *water, and the reduction of flood risk.*

19 **TITLE XI—EXTREME WEATHER**

20 **SEC. 11001. STUDY ON RISK REDUCTION.**

21 *(a) IN GENERAL.—Not later than 18 months after the*
 22 *date of enactment of this Act, the Secretary, in coordination*
 23 *with the Secretary of the Interior and the Secretary of Com-*
 24 *merce, shall enter into an arrangement with the National*
 25 *Academy of Sciences to carry out a study and make rec-*

1 *ommendations relating to infrastructure and coastal res-*
2 *toration options for reducing risk to human life and prop-*
3 *erty from extreme weather events, such as hurricanes, coast-*
4 *al storms, and inland flooding.*

5 **(b) CONSIDERATIONS.**—*The study under subsection (a)*
6 *shall include—*

7 *(1) an analysis of strategies and water resources*
8 *projects, including authorized water resources projects*
9 *that have not yet been constructed, and other projects*
10 *implemented in the United States and worldwide to*
11 *respond to risk associated with extreme weather*
12 *events;*

13 *(2) an analysis of historical extreme weather*
14 *events and the ability of existing infrastructure to*
15 *mitigate risks associated with those events;*

16 *(3) identification of proven, science-based ap-*
17 *proaches and mechanisms for ecosystem protection*
18 *and identification of natural resources likely to have*
19 *the greatest need for protection, restoration, and con-*
20 *servation so that the infrastructure and restoration*
21 *projects can continue safeguarding the communities*
22 *in, and sustaining the economy of, the United States;*

23 *(4) an estimation of the funding necessary to im-*
24 *prove infrastructure in the United States to reduce*
25 *risk associated with extreme weather events;*

1 (5) *an analysis of the adequacy of current fund-*
 2 *ing sources and the identification of potential new*
 3 *funding sources to finance the necessary infrastruc-*
 4 *ture improvements referred to in paragraph (3); and*

5 (6) *an analysis of the Federal, State, and local*
 6 *costs of natural disasters and the potential cost-sav-*
 7 *ings associated with implementing mitigation meas-*
 8 *ures.*

9 (c) *COORDINATION.*—*The National Academy of*
 10 *Sciences may cooperate with the National Academy of Pub-*
 11 *lic Administration to carry out 1 or more aspects of the*
 12 *study under subsection (a).*

13 (d) *PUBLICATION.*—*Not later than 30 days after com-*
 14 *pletion of the study under subsection (a), the National*
 15 *Academy of Sciences shall—*

16 (1) *submit a copy of the study to the Committee*
 17 *on Environment and Public Works of the Senate and*
 18 *the Committee on Transportation and Infrastructure*
 19 *of the House of Representatives; and*

20 (2) *make a copy of the study available on a pub-*
 21 *licly accessible Internet site.*

22 **SEC. 11002. GAO STUDY ON MANAGEMENT OF FLOOD,**
 23 **DROUGHT, AND STORM DAMAGE.**

24 (a) *IN GENERAL.*—*Not later than 1 year after the date*
 25 *of enactment of this Act, the Comptroller General shall sub-*

1 *mit to the Committee on Environment and Public Works*
2 *of the Senate and the Committee on Transportation and*
3 *Infrastructure of the House of Representatives a study of*
4 *the strategies used by the Corps of Engineers for the com-*
5 *prehensive management of water resources in response to*
6 *floods, storms, and droughts, including an historical review*
7 *of the ability of the Corps of Engineers to manage and re-*
8 *spond to historical drought, storm, and flood events.*

9 **(b) CONSIDERATIONS.**—*The study under subsection (a)*
10 *shall address—*

11 **(1)** *the extent to which existing water manage-*
12 *ment activities of the Corps of Engineers can better*
13 *meet the goal of addressing future flooding, drought,*
14 *and storm damage risks, which shall include analysis*
15 *of all historical extreme weather events that have been*
16 *recorded during the previous 5 centuries as well as in*
17 *the geological record;*

18 **(2)** *whether existing water resources projects*
19 *built or maintained by the Corps of Engineers, in-*
20 *cluding dams, levees, floodwalls, flood gates, and other*
21 *appurtenant infrastructure were designed to ade-*
22 *quately address flood, storm, and drought impacts*
23 *and the extent to which the water resources projects*
24 *have been successful at addressing those impacts;*

1 (3) *any recommendations for approaches for re-*
 2 *pairing, rebuilding, or restoring infrastructure, land,*
 3 *and natural resources that consider the risks and*
 4 *vulnerabilities associated with past and future ex-*
 5 *treme weather events;*

6 (4) *whether a reevaluation of existing manage-*
 7 *ment approaches of the Corps of Engineers could re-*
 8 *sult in greater efficiencies in water management and*
 9 *project delivery that would enable the Corps of Engi-*
 10 *neers to better prepare for, contain, and respond to*
 11 *flood, storm, and drought conditions;*

12 (5) *any recommendations for improving the*
 13 *planning processes of the Corps of Engineers to pro-*
 14 *vide opportunities for comprehensive management of*
 15 *water resources that increases efficiency and improves*
 16 *response to flood, storm, and drought conditions; and*

17 (6) *any recommendations for improving ap-*
 18 *proaches to rebuilding or restoring infrastructure and*
 19 *natural resources that contribute to risk reduction,*
 20 *such as coastal wetlands, to prepare for flood and*
 21 *drought.*

22 **SEC. 11003. POST-DISASTER WATERSHED ASSESSMENTS.**

23 (a) **WATERSHED ASSESSMENTS.**—

24 (1) **IN GENERAL.**—*In an area that the President*
 25 *has declared a major disaster in accordance with sec-*

tion 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, or ecosystem restoration project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.

(2) *EXISTING PROJECTS.*—A watershed assessment carried out paragraph (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b) (1).

(3) *DUPLICATE WATERSHED ASSESSMENTS.*—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.

(b) *PROJECTS.*—

(1) *IN GENERAL.*—The Secretary may carry out 1 or more small projects identified in a watershed assessment under subsection (a) that the Secretary would otherwise be authorized to carry out under—

1 (A) *section 205 of the Flood Control Act of*
 2 1948 (33 U.S.C. 701s);

3 (B) *section 111 of the River and Harbor*
 4 *Act of 1968 (33 U.S.C. 426i);*

5 (C) *section 206 of the Water Resources De-*
 6 *velopment Act of 1996 (33 U.S.C. 2330);*

7 (D) *section 1135 of the Water Resources De-*
 8 *velopment Act of 1986 (33 U.S.C. 2309a);*

9 (E) *section 107 of the River and Harbor*
 10 *Act of 1960 (33 U.S.C. 577); or*

11 (F) *section 3 of the Act of August 13, 1946*
 12 *(33 U.S.C. 426g).*

13 (2) *EXISTING PROJECTS.—In carrying out a*
 14 *project under paragraph (1), the Secretary shall—*

15 (A) *to the maximum extent practicable, use*
 16 *all existing information and studies available for*
 17 *the project; and*

18 (B) *not require any element of a study com-*
 19 *pleted for the project prior to the disaster to be*
 20 *repeated.*

21 (c) *REQUIREMENTS.—All requirements applicable to a*
 22 *project under the Acts described in subsection (b) shall*
 23 *apply to the project.*

24 (d) *LIMITATIONS ON ASSESSMENTS.—*

1 (1) *IN GENERAL.*—*A watershed assessment under*
2 *subsection (a) shall be initiated not later than 2 years*
3 *after the date on which the major disaster declaration*
4 *is issued.*

5 (2) *FEDERAL SHARE.*—*The Federal share of the*
6 *cost of carrying out a watershed assessment under*
7 *subsection (a) shall not exceed \$1,000,000.*

8 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
9 *authorized to be appropriated to carry out this section*
10 *\$25,000,000 for each of fiscal years 2014 through 2018.*

Calendar No. 44

113TH CONGRESS
1ST Session

S. 601

[Report No. 113-13]

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

APRIL 22, 2013

Reported with an amendment