

MAY 25, 2018

**RULES COMMITTEE PRINT 115–72**  
**TEXT OF H.R. 8, WATER RESOURCES**  
**DEVELOPMENT ACT OF 2018**

**[Showing the text of H.R. 8 as ordered reported by the Committee on Transportation and Infrastructure, with modifications.]**

**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 2018”.

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

Sec. 1. Short title; table of contents.  
Sec. 2. Secretary defined.

**TITLE I—GENERAL PROVISIONS**

Sec. 101. Sense of Congress regarding water resources development bills.  
Sec. 102. Assessment of harbors and inland harbors.  
Sec. 103. Levee safety initiative reauthorization.  
Sec. 104. Dam safety.  
Sec. 105. Rehabilitation of Corps of Engineers constructed dams.  
Sec. 106. Forecast-informed reservoir operations.  
Sec. 107. Identification of nonpowered dams for hydropower development.  
Sec. 108. Emergency response to natural disasters.  
Sec. 109. Integrated water resources planning.  
Sec. 110. Mitigation banks.  
Sec. 111. Indian Tribes.  
Sec. 112. Columbia River.  
Sec. 113. Dissemination of information.  
Sec. 114. Non-Federal engagement and review.  
Sec. 115. Comprehensive backlog report.  
Sec. 116. Structures and facilities constructed by Secretary.  
Sec. 117. Transparency in administrative expenses.  
Sec. 118. Study of the future of the United States Army Corps of Engineers.  
Sec. 119. Acknowledgment of credit.  
Sec. 120. Non-Federal implementation pilot program.  
Sec. 121. Study of water resources development projects by non-Federal interests.

- Sec. 122. Construction of water resources development projects by non-Federal interests.
- Sec. 123. Advanced funds for water resources development studies and projects.
- Sec. 124. Funding to process permits.
- Sec. 125. Study on economic and budgetary analyses.
- Sec. 126. Study of corrosion management at Corps of Engineers projects.
- Sec. 127. Costs in excess of Federal participation limit.
- Sec. 128. Report on innovative materials.
- Sec. 129. Study on Corps of Engineers.
- Sec. 130. GAO study.
- Sec. 131. GAO report on Alaska Native village relocation efforts due to flooding and erosion threats.
- Sec. 132. Study and report on expediting certain waiver processes.
- Sec. 133. Corps of Engineers continuing authorities program.
- Sec. 134. Credit in lieu of reimbursement.
- Sec. 135. Lake Okeechobee regulation schedule review.
- Sec. 136. Missouri River.
- Sec. 137. Access to real estate data.
- Sec. 138. Aquatic invasive species research.
- Sec. 139. Harmful algal bloom technology demonstration.
- Sec. 140. Bubbly Creek, Chicago ecosystem restoration.
- Sec. 141. Operation and maintenance of navigation and hydroelectric facilities.
- Sec. 142. Hurricane and storm damage reduction.
- Sec. 143. Post-disaster watershed assessments in the territories of the United States.

#### TITLE II—STUDIES

- Sec. 201. Authorization of proposed feasibility studies.
- Sec. 202. Additional studies.
- Sec. 203. Expedited completion of reports for certain projects.

#### TITLE III—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS

- Sec. 301. Deauthorization of inactive projects.
- Sec. 302. Backlog prevention.
- Sec. 303. Project modifications.
- Sec. 304. Milwaukee Harbor, Milwaukee, Wisconsin.
- Sec. 305. Bridgeport Harbor, Connecticut.
- Sec. 306. Conveyances.
- Sec. 307. Clatsop County, Oregon.
- Sec. 308. Kissimmee River Restoration, Central and Southern Florida.
- Sec. 309. Lytle and Cajon Creeks, California.
- Sec. 310. Yuba River Basin, California.

#### TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Project authorizations.

### 1 **SEC. 2. SECRETARY DEFINED.**

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

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 101. SENSE OF CONGRESS REGARDING WATER RE-**  
3 **SOURCES DEVELOPMENT BILLS.**

4 It is the sense of Congress that, because the missions  
5 of the Corps of Engineers for navigation, flood control,  
6 beach erosion control and shoreline protection, hydro-  
7 electric power, recreation, water supply, environmental  
8 protection, restoration, and enhancement, and fish and  
9 wildlife mitigation benefit all Americans, and because  
10 water resources development projects are critical to main-  
11 taining the country's economic prosperity, national secu-  
12 rity, and environmental protection, Congress should con-  
13 sider a water resources development bill not less often  
14 than once every Congress.

15 **SEC. 102. ASSESSMENT OF HARBORS AND INLAND HAR-**  
16 **BORS.**

17 Section 210(e) of the Water Resources Development  
18 Act of 1986 (33 U.S.C. 2238) is amended—

19 (1) in paragraph (1), by striking “shall assess  
20 the” and inserting “shall assess, and issue a report  
21 to Congress on, the”; and

22 (2) in paragraph (2), by adding at the end the  
23 following:

24 “(C) OPPORTUNITIES FOR BENEFICIAL  
25 USE OF DREDGED MATERIALS.—In carrying out

1 paragraph (1), the Secretary shall identify po-  
2 tential opportunities for the beneficial use of  
3 dredged materials obtained from harbors and  
4 inland harbors referred to in subsection (a)(2),  
5 including projects eligible under section 1122 of  
6 the Water Resources Development Act of 2016  
7 (130 Stat. 1645; 33 U.S.C. 2326 note).”.

8 **SEC. 103. LEVEE SAFETY INITIATIVE REAUTHORIZATION.**

9 Title IX of the Water Resources Development Act of  
10 2007 (33 U.S.C. 3301 et seq.) is amended—

11 (1) in section 9005(g)(2)(E)(i), by striking  
12 “2015 through 2019” and inserting “2019 through  
13 2023”; and

14 (2) in section 9008, by striking “2015 through  
15 2019” each place it appears and inserting “2019  
16 through 2023”.

17 **SEC. 104. DAM SAFETY.**

18 Section 14 of the National Dam Safety Program Act  
19 (33 U.S.C. 467j) is amended by striking “2015 through  
20 2019” each place it appears and inserting “2019 through  
21 2023”.

22 **SEC. 105. REHABILITATION OF CORPS OF ENGINEERS CON-**  
23 **STRUCTED DAMS.**

24 Section 1177 of the Water Resources Development  
25 Act of 2016 (33 U.S.C. 467f–2 note) is amended—

1 (1) in subsection (e), by striking “\$10,000,000”  
2 and inserting “\$40,000,000”; and

3 (2) in subsection (f), by striking “\$10,000,000”  
4 and inserting “\$40,000,000”.

5 **SEC. 106. FORECAST-INFORMED RESERVOIR OPERATIONS.**

6 (a) REPORT ON FORECAST-INFORMED RESERVOIR  
7 OPERATIONS.—Not later than one year after the date of  
8 completion of the forecast-informed reservoir operations  
9 research study pilot program at Coyote Valley Dam, Rus-  
10 sian River Basin, California (authorized by the River and  
11 Harbor Act of 1950 (64 Stat. 177)), the Secretary shall  
12 issue a report to the Committee on Transportation and  
13 Infrastructure of the House of Representatives and the  
14 Committee on Environment and Public Works of the Sen-  
15 ate on the results of the study pilot program.

16 (b) CONTENTS OF REPORT.—The Secretary shall in-  
17 clude in the report issued under subsection (a)—

18 (1) an analysis of the use of forecast-informed  
19 reservoir operations at Coyote Valley Dam, Cali-  
20 fornia;

21 (2) an assessment of the viability of using fore-  
22 cast-informed reservoir operations at other dams  
23 owned or operated by the Secretary;

24 (3) an identification of other dams owned or op-  
25 erated by the Secretary where forecast-informed res-

1       ervoir operations may assist the Secretary in the op-  
2       timization of future reservoir operations; and

3               (4) any additional areas for future study of  
4       forecast-informed reservoir operations.

5       **SEC. 107. IDENTIFICATION OF NONPOWERED DAMS FOR**  
6                       **HYDROPOWER DEVELOPMENT.**

7       (a) IN GENERAL.—Not later than 18 months after  
8       the date of enactment of this section, the Secretary shall  
9       develop a list of existing nonpowered dams owned and op-  
10      erated by the Corps of Engineers that have the greatest  
11      potential for hydropower development.

12      (b) CONSIDERATIONS.—In developing the list under  
13      subsection (a), the Secretary may consider the following:

14               (1) The compatibility of hydropower generation  
15      with existing purposes of the dam.

16               (2) The proximity of the dam to existing trans-  
17      mission resources.

18               (3) The existence of studies to characterize en-  
19      vironmental, cultural, and historic resources relating  
20      to the dam.

21               (4) Whether hydropower is an authorized pur-  
22      pose of the dam.

23      (c) AVAILABILITY.—The Secretary shall provide the  
24      list developed under subsection (a) to the Committee on  
25      Transportation and Infrastructure of the House of Rep-

1 representatives and the Committee on Environment and Pub-  
2 lic Works of the Senate, and make such list available to  
3 the public.

4 **SEC. 108. EMERGENCY RESPONSE TO NATURAL DISASTERS.**

5 (a) IN GENERAL.—Section 5(a)(1) of the Act of Au-  
6 gust 18, 1941 (33 U.S.C. 701n(a)(1)) is amended in the  
7 first sentence—

8 (1) by striking “strengthening, raising, extend-  
9 ing, or other modification thereof” and inserting  
10 “strengthening, raising, extending, realigning, or  
11 other modification thereof”; and

12 (2) by striking “structure or project damaged  
13 or destroyed by wind, wave, or water action of other  
14 than an ordinary nature to the design level of pro-  
15 tection when, in the discretion of the Chief of Engi-  
16 neers,” and inserting “structure or project damaged  
17 or destroyed by wind, wave, or water action of other  
18 than an ordinary nature to either the pre-storm level  
19 or the design level of protection, whichever provides  
20 greater protection, when, in the discretion of the  
21 Chief of Engineers,”.

22 (b) DURATION.—Section 156(e) of the Water Re-  
23 sources Development Act of 1976 (42 U.S.C. 1962d-  
24 5f(e)) is amended by striking “6 years” and inserting “9  
25 years”.

1 **SEC. 109. INTEGRATED WATER RESOURCES PLANNING.**

2 In carrying out a water resources development feasi-  
3 bility study, the Secretary shall consult with local govern-  
4 ments in the watershed covered by such study to deter-  
5 mine if local water management plans exist, or are under  
6 development, for the purposes of stormwater management,  
7 water quality improvement, aquifer recharge, or water  
8 reuse.

9 **SEC. 110. MITIGATION BANKS.**

10 (a) **DEFINITION OF MITIGATION BANK.**—In this sec-  
11 tion, the term “mitigation bank” has the meaning given  
12 that term in section 332.2 of title 33, Code of Federal  
13 Regulations.

14 (b) **GUIDANCE.**—The Secretary shall issue guidance  
15 on the use of mitigation banks to meet requirements for  
16 water resources development projects in order to update  
17 mitigation bank credit release schedules to—

18 (1) support the goal of achieving efficient per-  
19 mitting and maintaining appropriate environmental  
20 protections; and

21 (2) promote increased transparency in the use  
22 of mitigation banks.

23 (c) **REQUIREMENTS.**—The guidance issued under  
24 subsection (b) shall—

25 (1) be consistent with—



1 (A) part 230 of title 40, Code of Federal  
2 Regulations;

3 (B) section 906 of the Water Resources  
4 Development Act of 1986 (33 U.S.C. 2283);

5 (C) part 332 of title 33, Code of Federal  
6 Regulations; and

7 (D) section 314(b) of the National Defense  
8 Authorization Act for Fiscal Year 2004 (Public  
9 Law 108–136; 33 U.S.C. 1344 note); and  
10 (2) provide for—

11 (A) the mitigation bank sponsor to provide  
12 sufficient financial assurances to ensure a high  
13 level of confidence that the compensatory miti-  
14 gation project will be successfully completed, in  
15 accordance with applicable performance stand-  
16 ards, under section 332.3(n) of title 33, Code of  
17 Federal Regulations;

18 (B) the mitigation bank sponsor to reserve  
19 the share of mitigation bank credits required to  
20 ensure ecological performance of the mitigation  
21 bank, in accordance with section 332.8(o) of  
22 title 33, Code of Federal Regulations; and

23 (C) all credits except for the share reserved  
24 under subparagraph (B) to be available upon

1 completion of the construction of the mitigation  
2 bank.

3 **SEC. 111. INDIAN TRIBES.**

4 (a) COST SHARING PROVISIONS FOR THE TERRI-  
5 TORIES AND INDIAN TRIBES.—Section 1156(a)(2) of the  
6 Water Resources Development Act of 1986 (33 U.S.C.  
7 2310(a)(2)) is amended by striking “section 102 of the  
8 Federally Recognized Indian Tribe List Act of 1994 (25  
9 U.S.C. 5130)” and inserting “section 4(e) of the Indian  
10 Self-Determination and Education Assistance Act (25  
11 U.S.C. 5304(e))”.

12 (b) WRITTEN AGREEMENT REQUIREMENT FOR  
13 WATER RESOURCES PROJECTS.—Section 221(b)(1) of the  
14 Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1))  
15 is amended by striking “a federally recognized Indian tribe  
16 and, as defined in section 3 of the Alaska Native Claims  
17 Settlement Act (43 U.S.C. 1602), a Native village, Re-  
18 gional Corporation, and Village Corporation” and insert-  
19 ing “an Indian tribe, as defined in section 4(e) of the In-  
20 dian Self-Determination and Education Assistance Act  
21 (25 U.S.C. 5304(e))”.

22 **SEC. 112. COLUMBIA RIVER.**

23 (a) BONNEVILLE DAM, OREGON.—Section  
24 1178(c)(1)(A) of the Water Resources Development Act  
25 of 2016 (130 Stat. 1675) is amended by striking “may

1 provide assistance” and inserting “may provide assistance,  
2 which may include housing and related improvements,”.

3 (b) JOHN DAY DAM, WASHINGTON AND OREGON.—

4 (1) IN GENERAL.—The Secretary shall, not  
5 later than 180 days after the date of enactment of  
6 this Act, and in consultation with the Secretary of  
7 the Interior, conduct a study to determine the extent  
8 to which Indian Tribes have been displaced as a re-  
9 sult of the construction of the John Day Dam, Co-  
10 lumbia River, Washington and Oregon, as author-  
11 ized by section 204 of the Flood Control Act of 1950  
12 (64 Stat. 179), including an assessment of effects  
13 related to housing and related improvements.

14 (2) ADDITIONAL ACTIONS.—If the Secretary de-  
15 termines, based on the study under paragraph (1),  
16 that assistance is required, the Secretary may use all  
17 existing authorities of the Secretary to provide as-  
18 sistance, which may include housing and related im-  
19 provements, to Indian Tribes displaced as a result of  
20 the construction of the John Day Dam, Columbia  
21 River, Washington and Oregon.

22 (3) REPEAL.—Section 1178(c)(2) of the Water  
23 Resources Development Act of 2016 (130 Stat.  
24 1675) is repealed.

1 (c) THE DALLES DAM, WASHINGTON AND OR-  
2 EGON.—The Secretary, in consultation with the Secretary  
3 of the Interior, shall complete a village development plan  
4 for any Indian Tribe displaced as a result of the construc-  
5 tion of the Dalles Dam, Columbia River, Washington and  
6 Oregon, as authorized by section 204 of the Flood Control  
7 Act of 1950 (64 Stat. 179).

8 **SEC. 113. DISSEMINATION OF INFORMATION.**

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

10 (1) Congress plays a central role in identifying,  
11 prioritizing, and authorizing vital water resources in-  
12 frastructure activities throughout the United States.

13 (2) The Water Resources Reform and Develop-  
14 ment Act of 2014 (Public Law 113–121) established  
15 a new and transparent process to review and  
16 prioritize the water resources development activities  
17 of the Corps of Engineers with strong congressional  
18 oversight.

19 (3) Section 7001 of the Water Resources Re-  
20 form and Development Act of 2014 (33 U.S.C.  
21 2282d) requires the Secretary to develop and submit  
22 to Congress each year a Report to Congress on Fu-  
23 ture Water Resources Development and, as part of  
24 the annual report process, to—

1 (A) publish a notice in the Federal Reg-  
2 ister that requests from non-Federal interests  
3 proposed feasibility studies and proposed modi-  
4 fications to authorized water resources develop-  
5 ment projects and feasibility studies for inclu-  
6 sion in the report; and

7 (B) review the proposals submitted and in-  
8 clude in the report those proposed feasibility  
9 studies and proposed modifications that meet  
10 the criteria for inclusion established under such  
11 section 7001.

12 (4) Congress will use the information provided  
13 in the annual Report to Congress on Future Water  
14 Resources Development to determine authorization  
15 needs and priorities for purposes of water resources  
16 development legislation.

17 (5) To ensure that Congress can gain a thor-  
18 ough understanding of the water resources develop-  
19 ment needs and priorities of the United States, it is  
20 important that the Secretary take sufficient steps to  
21 ensure that non-Federal interests are made aware of  
22 the new annual report process, including the need  
23 for non-Federal interests to submit proposals during  
24 the Secretary's annual request for proposals in order

1 for such proposals to be eligible for consideration by  
2 Congress.

3 (b) DISSEMINATION OF PROCESS INFORMATION.—

4 The Secretary shall develop, support, and implement edu-  
5 cation and awareness efforts for non-Federal interests  
6 with respect to the annual Report to Congress on Future  
7 Water Resources Development required under section  
8 7001 of the Water Resources Reform and Development  
9 Act of 2014 (33 U.S.C. 2282d), including efforts to—

10 (1) develop and disseminate technical assistance  
11 materials, seminars, and guidance on the annual  
12 process as it relates to non-Federal interests;

13 (2) provide written notice to local elected offi-  
14 cials and previous and potential non-Federal inter-  
15 ests on the annual process and on opportunities to  
16 address local water resources challenges through the  
17 missions and authorities of the Corps of Engineers;

18 (3) issue guidance for non-Federal interests to  
19 assist such interests in developing proposals for  
20 water resources development projects that satisfy the  
21 requirements of such section 7001; and

22 (4) provide, at the request of a non-Federal in-  
23 terest, assistance with researching and identifying  
24 existing project authorizations and Corps of Engi-  
25 neers decision documents.

1 **SEC. 114. NON-FEDERAL ENGAGEMENT AND REVIEW.**

2 (a) PUBLIC NOTICE.—

3 (1) IN GENERAL.—Prior to developing and  
4 issuing any new or revised implementation guidance  
5 for a covered water resources development law, the  
6 Secretary shall issue a public notice that—

7 (A) informs potentially interested non-Fed-  
8 eral stakeholders of the Secretary's intent to  
9 develop and issue such guidance; and

10 (B) provides an opportunity for interested  
11 non-Federal stakeholders to engage with, and  
12 provide input and recommendations to, the Sec-  
13 retary on the development and issuance of such  
14 guidance.

15 (2) ISSUANCE OF NOTICE.—The Secretary shall  
16 issue the notice under paragraph (1) through a post-  
17 ing on a publicly accessible website dedicated to pro-  
18 viding notice on the development and issuance of im-  
19 plementation guidance for a covered water resources  
20 development law.

21 (b) STAKEHOLDER ENGAGEMENT.—

22 (1) INPUT.—The Secretary shall allow a min-  
23 imum of 60 days after issuance of the public notice  
24 under subsection (a) for non-Federal stakeholders to  
25 provide input and recommendations to the Secretary,

1 prior to finalizing implementation guidance for a  
2 covered water resources development law.

3 (2) OUTREACH.—The Secretary may, as appro-  
4 priate (as determined by the Secretary), reach out to  
5 non-Federal stakeholders and circulate drafts of im-  
6 plementation guidance for a covered water resources  
7 development law for informal feedback and rec-  
8 ommendations.

9 (c) DEVELOPMENT OF GUIDANCE.—When developing  
10 implementation guidance for a covered water resources de-  
11 velopment law, the Secretary shall take into consideration  
12 the input and recommendations received from non-Federal  
13 stakeholders, and make the final guidance available to the  
14 public on-line on a publicly accessible website.

15 (d) COVERED WATER RESOURCES DEVELOPMENT  
16 LAW.—In this section, the term “covered water resources  
17 development law” means—

18 (1) the Water Resources Reform and Develop-  
19 ment Act of 2014;

20 (2) the Water Resources Development Act of  
21 2016;

22 (3) this Act; and

23 (4) any Federal water resources development  
24 law enacted after the date of enactment of this Act.



1 **SEC. 115. COMPREHENSIVE BACKLOG REPORT.**

2 Section 1001(b)(4) of the Water Resources Develop-  
3 ment Act of 1986 (33 U.S.C. 579a(b)(4)) is amended—

4 (1) in the header, by inserting “AND OPER-  
5 ATION AND MAINTENANCE” after “BACKLOG”;

6 (2) by amending subparagraph (A) to read as  
7 follows:

8 “(A) IN GENERAL.—The Secretary shall  
9 compile and publish—

10 “(i) a complete list of all projects and  
11 separable elements of projects of the Corps  
12 of Engineers that are authorized for con-  
13 struction but have not been completed; and

14 “(ii) a list of major Federal operation  
15 and maintenance needs of projects and  
16 properties under the control of the Corps  
17 of Engineers.”;

18 (3) in subparagraph (B)—

19 (A) in the heading, by inserting “BACK-  
20 LOG” before “INFORMATION”; and

21 (B) in the matter preceding clause (i), by  
22 striking “subparagraph (A)” and inserting  
23 “subparagraph (A)(i)”;

24 (4) by redesignating subparagraph (C) as sub-  
25 paragraph (D) and inserting after subparagraph (B)  
26 the following:

1           “(C) REQUIRED OPERATION AND MAINTENANCE INFORMATION.—The Secretary shall include on the list developed under subparagraph (A)(ii), for each project and property under the control of the Corps of Engineers on that list—

2                           “(i) the authority under which the project was authorized or the property was acquired by the Corps of Engineers;

3                           “(ii) a brief description of the project or property;

4                           “(iii) an estimate of the Federal costs to meet the major operation and maintenance needs at the project or property; and

5                           “(iv) an estimate of unmet or deferred operation and maintenance needs at the project or property.”; and

6           (5) in subparagraph (D), as so redesignated—

7                           (A) in clause (i), in the matter preceding subclause (I), by striking “Not later than 1 year after the date of enactment of this paragraph, the Secretary shall submit a copy of the list” and inserting “For fiscal year 2019, and biennially thereafter, in conjunction with the President’s annual budget submission to Congress under section 1105(a) of title 31, United

1 States Code, the Secretary shall submit a copy  
2 of the lists”; and

3 (B) in clause (ii), by striking “list” and in-  
4 serting “lists”.

5 **SEC. 116. STRUCTURES AND FACILITIES CONSTRUCTED BY**  
6 **SECRETARY.**

7 Section 14 of the Act of March 3, 1899 (33 U.S.C.  
8 408) is amended by adding at the end the following:

9 “(d) WORK DEFINED.—For the purposes of this sec-  
10 tion, the term ‘work’ shall not include unimproved real es-  
11 tate owned or operated by the Secretary as part of a water  
12 resources development project if the Secretary determines  
13 that modification of such real estate would not affect the  
14 function and usefulness of the project.”.

15 **SEC. 117. TRANSPARENCY IN ADMINISTRATIVE EXPENSES.**

16 Section 1012(b)(1) of the Water Resources Reform  
17 and Development Act of 2014 (33 U.S.C. 2315a(b)(1))  
18 is amended by striking “The Secretary” and inserting  
19 “Not later than 1 year after the date of enactment of the  
20 Water Resources Development Act of 2018, the Sec-  
21 retary”.

22 **SEC. 118. STUDY OF THE FUTURE OF THE UNITED STATES**  
23 **ARMY CORPS OF ENGINEERS.**

24 (a) IN GENERAL.—The Secretary shall enter into an  
25 agreement with the National Academy of Sciences to con-

1 vene a committee of experts to carry out a comprehensive  
2 study on—

3           (1) the ability of the Corps of Engineers to  
4 carry out its statutory missions and responsibilities,  
5 and the potential effects of transferring the func-  
6 tions (including regulatory obligations), personnel,  
7 assets, and civilian staff responsibilities of the Sec-  
8 retary relating to civil works from the Department  
9 of Defense to a new or existing agency or subagency  
10 of the Federal Government, including how such a  
11 transfer might affect the Federal Government’s abil-  
12 ity to meet the current statutory missions and re-  
13 sponsibilities of the Corps of Engineers; and

14           (2) improving the Corps of Engineers’ project  
15 delivery processes, including recommendations for  
16 such improvements, taking into account factors in-  
17 cluding—

18                   (A) the effect of the annual appropriations  
19 process on the ability of the Corps of Engineers  
20 to efficiently secure and carry out contracts for  
21 water resources projects and perform regulatory  
22 obligations;

23                   (B) the effect that the current Corps of  
24 Engineers leadership and geographic structure  
25 at the division and district levels has on its abil-

1           ity to carry out its missions in a cost-effective  
2           manner; and

3                   (C) the effect of the frequency of rotations  
4           of senior leaders of the Corps of Engineers and  
5           how such frequency affects the function of the  
6           district.

7           (b) CONSIDERATIONS.—The study carried out under  
8           subsection (a) shall include consideration of—

9                   (1) effects on the national security of the  
10          United States;

11                   (2) the ability of the Corps of Engineers to  
12          maintain sufficient engineering capability and capac-  
13          ity to assist ongoing and future operations of the  
14          United States armed services; and

15                   (3) emergency and natural disaster response  
16          obligations of the Federal Government that are car-  
17          ried out by the Corps of Engineers.

18           (c) CONSULTATION.—The agreement entered into  
19          under subsection (a) shall require the National Academy  
20          to, in carrying out the study, consult with—

21                   (1) the Department of Defense, including the  
22          Secretary of the Army and the Assistant Secretary  
23          of the Army for Civil Works;

24                   (2) the Department of Transportation;

25                   (3) the Environmental Protection Agency;

- 1 (4) the Department of Homeland Security;
- 2 (5) the Office of Management and Budget;
- 3 (6) other appropriate Federal agencies;
- 4 (7) professional and nongovernmental organiza-
- 5 tions; and
- 6 (8) the Committee on Transportation and In-
- 7 frastructure of the House of Representatives and the
- 8 Committee on Environment and Public Works of the
- 9 Senate.

10 (d) SUBMISSION TO CONGRESS.—The Secretary shall  
11 submit the final report of the National Academy con-  
12 taining the findings of the study carried out under sub-  
13 section (a) to the Committee on Transportation and Infra-  
14 structure of the House of Representatives and the Com-  
15 mittee on Environment and Public Works of the Senate  
16 not later than 2 years after the date of enactment of this  
17 Act.

18 **SEC. 119. ACKNOWLEDGMENT OF CREDIT.**

19 Section 7007(a) of the Water Resources Development  
20 Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended  
21 by adding at the end the following: “Notwithstanding sec-  
22 tion 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42  
23 U.S.C. 1962d–5b(a)(4)(C)(i)), the Secretary may provide  
24 credit for work carried out during the period beginning  
25 on November 8, 2007, and ending on the date of enact-

1 ment of the Water Resources Development Act of 2018  
2 by the non-Federal interest for a project under this title  
3 if the Secretary determines that the work is integral to  
4 the project and was carried out in accordance with the  
5 laws specified in section 5014(i)(2)(A) of the Water Re-  
6 sources Reform and Development Act of 2014 (128 Stat.  
7 1331) and all other applicable Federal laws.”.

8 **SEC. 120. NON-FEDERAL IMPLEMENTATION PILOT PRO-**  
9 **GRAM.**

10 Section 1043(b)(8) of the Water Resources Reform  
11 and Development Act of 2014 (33 U.S.C. 2201  
12 note(b)(8)) is amended by striking “2015 through 2019”  
13 and inserting “2019 through 2023”.

14 **SEC. 121. STUDY OF WATER RESOURCES DEVELOPMENT**  
15 **PROJECTS BY NON-FEDERAL INTERESTS.**

16 Section 203 of the Water Resources Development Act  
17 of 1986 (33 U.S.C. 2231) is amended—

18 (1) in subsection (a)(1), by inserting “federally  
19 authorized” before “feasibility study”;

20 (2) by amending subsection (c) to read as fol-  
21 lows:

22 “(c) SUBMISSION TO CONGRESS.—

23 “(1) REVIEW AND SUBMISSION OF STUDIES TO  
24 CONGRESS.—Not later than 180 days after the date  
25 of receipt of a feasibility study of a project under

1 subsection (a)(1), the Secretary shall submit to the  
2 Committee on Environment and Public Works of the  
3 Senate and the Committee on Transportation and  
4 Infrastructure of the House of Representatives a re-  
5 port that describes—

6 “(A) the results of the Secretary’s review  
7 of the study under subsection (b), including a  
8 determination of whether the project is feasible;

9 “(B) any recommendations the Secretary  
10 may have concerning the plan or design of the  
11 project; and

12 “(C) any conditions the Secretary may re-  
13 quire for construction of the project.

14 “(2) LIMITATION.—The completion of the re-  
15 view by the Secretary of a feasibility study that has  
16 been submitted under subsection (a)(1) may not be  
17 delayed as a result of consideration being given to  
18 changes in policy or priority with respect to project  
19 consideration.”; and

20 (3) by amending subsection (e) to read as fol-  
21 lows:

22 “(e) REVIEW AND TECHNICAL ASSISTANCE.—

23 “(1) REVIEW.—The Secretary may accept and  
24 expend funds provided by non-Federal interests to  
25 undertake reviews, inspections, certifications, and



1 other activities that are the responsibility of the Sec-  
2 retary in carrying out this section.

3 “(2) TECHNICAL ASSISTANCE.—At the request  
4 of a non-Federal interest, the Secretary shall provide  
5 to the non-Federal interest technical assistance re-  
6 lating to any aspect of a feasibility study if the non-  
7 Federal interest contracts with the Secretary to pay  
8 all costs of providing such technical assistance.

9 “(3) LIMITATION.—Funds provided by non-  
10 Federal interests under this subsection shall not be  
11 eligible for credit under subsection (d) or reimburse-  
12 ment.

13 “(4) IMPARTIAL DECISIONMAKING.—In carrying  
14 out this section, the Secretary shall ensure that the  
15 use of funds accepted from a non-Federal interest  
16 will not affect the impartial decisionmaking of the  
17 Secretary, either substantively or procedurally.”

18 **SEC. 122. CONSTRUCTION OF WATER RESOURCES DEVEL-**  
19 **OPMENT PROJECTS BY NON-FEDERAL INTER-**  
20 **ESTS.**

21 Section 204 of the Water Resources Development Act  
22 of 1986 (33 U.S.C. 2232) is amended—

23 (1) in subsection (b)—

24 (A) in paragraph (1), in the matter pre-  
25 ceding subparagraph (A), by inserting “feder-

1           ally authorized” before “water resources devel-  
2           opment project”;

3                   (B) in paragraph (2)(A), by inserting “,  
4           except as provided in paragraph (3)” before the  
5           semicolon; and

6                   (C) by adding at the end the following:

7           “(3) PERMIT EXCEPTION.—

8                   “(A) IN GENERAL.—For a project de-  
9           scribed in subsection (a)(1) or subsection  
10          (a)(3), or a separable element thereof, with re-  
11          spect to which a written agreement described in  
12          subparagraph (B) has been entered into, a non-  
13          Federal interest that carries out a project under  
14          this section shall not be required to obtain any  
15          Federal permits or approvals that would not be  
16          required if the Secretary carried out the project  
17          or separable element unless significant new cir-  
18          cumstances or information relevant to environ-  
19          mental concerns or compliance have arisen since  
20          development of the project recommendation.

21                   “(B) WRITTEN AGREEMENT.—For pur-  
22          poses of this paragraph, a written agreement  
23          shall provide that the non-Federal interest shall  
24          comply with the same legal and technical re-  
25          quirements that would apply if the project or

1           separable element were carried out by the Sec-  
2           retary, including all mitigation required to off-  
3           set environmental impacts of the project or sep-  
4           arable element as determined by the Secretary.

5           “(C) CERTIFICATIONS.—Notwithstanding  
6           subparagraph (A), if a non-Federal interest car-  
7           rying out a project under this section would, in  
8           the absence of a written agreement entered into  
9           under this paragraph, be required to obtain a  
10          certification from a State under Federal law to  
11          carry out the project, such certification shall  
12          still be required if a written agreement is en-  
13          tered into with respect to the project under this  
14          paragraph.”; and

15          (2) in subsection (d)—

16                (A) in paragraph (3)—

17                   (i) in subparagraph (A), by striking “;  
18                   and” and inserting a semicolon;

19                   (ii) in subparagraph (B)(ii), by strik-  
20                   ing the period at the end and inserting “;  
21                   and”; and

22                   (iii) by adding at the end the fol-  
23                   lowing:

1           “(C) in the case of reimbursement, appro-  
2           priations are provided by Congress for such  
3           purpose.”; and

4           (B) in paragraph (5)—

5           (i) by striking “flood damage reduc-  
6           tion” each place it appears and inserting  
7           “water resources development”;

8           (ii) in subparagraph (A), by striking  
9           “for a discrete segment of a” and inserting  
10          “for carrying out a discrete segment of a  
11          federally authorized”; and

12          (iii) in subparagraph (D), in the mat-  
13          ter preceding clause (i), by inserting “to be  
14          carried out” after “project”.

15 **SEC. 123. ADVANCED FUNDS FOR WATER RESOURCES DE-**  
16 **VELOPMENT STUDIES AND PROJECTS.**

17          (a) CONTRIBUTIONS BY STATES AND POLITICAL  
18          SUBDIVISIONS FOR IMMEDIATE USE ON AUTHORIZED  
19          FLOOD-CONTROL WORK; REPAYMENT.—The Act of Octo-  
20          ber 15, 1940 (54 Stat. 1176; 33 U.S.C. 701h–1) is  
21          amended—

22          (1) by striking “a flood-control project duly  
23          adopted and authorized by law” and inserting “a  
24          federally authorized water resources development  
25          project,”;

1           (2) by striking “such work” and inserting  
2           “such project”;

3           (3) by striking “from appropriations which may  
4           be provided by Congress for flood-control work” and  
5           inserting “if appropriations are provided by Con-  
6           gress for such purpose”; and

7           (4) by adding at the end the following: “For  
8           purposes of this Act, the term ‘State’ means the sev-  
9           eral States, the District of Columbia, the common-  
10          wealths, territories, and possessions of the United  
11          States, and Indian tribes (as defined in section 4(e)  
12          of the Indian Self-Determination and Education As-  
13          sistance Act (25 U.S.C. 5304(e)).”.

14          (b) NO ADVERSE EFFECT ON PROCESSES.—In im-  
15          plementing any provision of law that authorizes a non-  
16          Federal interest to provide, advance, or contribute funds  
17          to the Secretary for the development or implementation  
18          of a water resources development project (including sec-  
19          tions 203 and 204 of the Water Resources Development  
20          Act of 1986 (33 U.S.C. 2231, 2232), section 5 of the Act  
21          of June 22, 1936 (33 U.S.C. 701h), and the Act of Octo-  
22          ber 15, 1940 (33 U.S.C. 701h–1)), the Secretary shall en-  
23          sure, to the maximum extent practicable, that the use by  
24          a non-Federal interest of such authorities does not ad-  
25          versely affect—

1           (1) the process or timeline for development and  
2           implementation of other water resources develop-  
3           ment projects by other non-Federal entities that do  
4           not use such authorities; or

5           (2) the process for including such projects in  
6           the President’s annual budget submission to Con-  
7           gress under section 1105(a) of title 31, United  
8           States Code.

9           (c) **ADVANCES BY PRIVATE PARTIES; REPAYMENT.**—  
10          Section 11 of the Act of March 3, 1925 (Chapter 467;  
11          33 U.S.C. 561) is repealed.

12          **SEC. 124. FUNDING TO PROCESS PERMITS.**

13          Section 214(a) of the Water Resources Development  
14          Act of 2000 (33 U.S.C. 2352(a)) is amended—

15                 (1) in paragraph (3), by striking “10 years”  
16                 and inserting “12 years”; and

17                 (2) in paragraph (5)—

18                         (A) by striking “4 years after the date of  
19                         enactment of this paragraph” and inserting  
20                         “December 31, 2022”; and

21                         (B) by striking “carry out a study” and in-  
22                         serting “carry out a followup study”.

1 **SEC. 125. STUDY ON ECONOMIC AND BUDGETARY ANAL-**  
2 **YSES.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of enactment of this Act, the Secretary shall enter  
5 into an agreement with the National Academy of Sciences  
6 to—

7 (1) carry out a study on the economic principles  
8 and analytical methodologies currently used by or  
9 applied to the Corps of Engineers to formulate,  
10 evaluate, and budget for water resources develop-  
11 ment projects; and

12 (2) make recommendations to Congress on po-  
13 tential changes to such principles and methodologies  
14 to improve transparency, return on Federal invest-  
15 ment, cost savings, and prioritization, in the formu-  
16 lation, evaluation, and budgeting of such projects.

17 (b) CONSIDERATIONS.—The study under subsection  
18 (a) shall include—

19 (1) an analysis of the current economic prin-  
20 ciples and analytical methodologies used by or ap-  
21 plied to the Corps of Engineers in determining the  
22 total benefits and total costs during the formulation  
23 of, and plan selection for, a water resources develop-  
24 ment project;

25 (2) an analysis of improvements or alternatives  
26 to how the Corps of Engineers utilizes the National

1 Economic Development, Regional Economic Develop-  
2 ment, Environmental Quality, and Other Social Ef-  
3 fects accounts developed by the Institute for Water  
4 Resources of the Corps of Engineers in the formula-  
5 tion of, and plan selection for, such projects;

6 (3) an analysis of whether such principles and  
7 methodologies fully account for all of the potential  
8 benefits of project alternatives, including any reason-  
9 ably associated benefits of such alternatives that are  
10 not contrary to law, Federal policy, or sound water  
11 resources management;

12 (4) an analysis of whether such principles and  
13 methodologies fully account for all of the costs of  
14 project alternatives, including potential societal  
15 costs, such as lost ecosystem services, and full  
16 lifecycle costs for such alternatives; and

17 (5) an analysis of the methodologies utilized by  
18 the Federal Government in setting and applying dis-  
19 count rates for benefit-cost analyses used in the for-  
20 mulation, evaluation, and budgeting of Corps of En-  
21 gineers water resources development projects.

22 (c) PUBLICATION.—The agreement entered into  
23 under subsection (a) shall require the National Academy  
24 of Sciences to, not later than 30 days after the completion  
25 of the study—



1           (1) submit a report containing the results of  
2           the study and the recommendations to the Com-  
3           mittee on Environment and Public Works of the  
4           Senate and the Committee on Transportation and  
5           Infrastructure of the House of Representatives; and

6           (2) make a copy of such report available on a  
7           publicly accessible website.

8           (d) SENSE OF CONGRESS ON BUDGETARY EVALUA-  
9           TION METRICS AND TRANSPARENCY.—It is the sense of  
10          Congress that the President, in the formulation of the an-  
11          nual budget request for the U.S. Army Corps of Engineers  
12          (Civil Works), should submit to Congress a budget that—

13           (1) aligns the assessment of the potential ben-  
14           efit-cost ratio for budgeting water resources develop-  
15           ment projects with that used by the Corps of Engi-  
16           neers during project plan formulation and evaluation  
17           pursuant to section 80 of the Water Resources De-  
18           velopment Act of 1974 (42 U.S.C. 1962d–17); and

19           (2) demonstrates the transparent criteria and  
20           metrics utilized by the President in the evaluation  
21           and selection of water resources development  
22           projects included in the budget request.

1 **SEC. 126. STUDY OF CORROSION MANAGEMENT AT CORPS**  
2 **OF ENGINEERS PROJECTS.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the Comptroller General  
5 of the United States shall submit to the Committee on  
6 Transportation and Infrastructure of the House of Rep-  
7 resentatives and the Committee on Environment and Pub-  
8 lic Works of the Senate a study of corrosion management  
9 efforts at projects and properties under the control of the  
10 Corps of Engineers.

11 (b) REQUIREMENTS.—The study under subsection  
12 (a) shall include—

13 (1) an analysis of—

14 (A) asset management protocols that are  
15 utilized by the Corps of Engineers, including  
16 protocols that examine both asset integrity and  
17 the integration of corrosion management efforts  
18 within the asset lifecycle, which includes the  
19 stages of design, manufacturing and construc-  
20 tion, operation and maintenance, and decom-  
21 missioning;

22 (B) available corrosion prevention tech-  
23 nologies that may be used at projects and prop-  
24 erties under the control of the Corps of Engi-  
25 neers;

1 (C) corrosion-related asset failures and the  
2 management protocols of the Corps of Engi-  
3 neers to incorporate lessons learned from such  
4 failures into work and management practices;

5 (D) training of Corps of Engineers employ-  
6 ees with respect to, and best practices for, iden-  
7 tifying and preventing corrosion at projects and  
8 properties under the control of the Corps of En-  
9 gineers; and

10 (E) the estimated costs and anticipated  
11 benefits, including safety benefits, associated  
12 with the integration of corrosion management  
13 efforts within the asset lifecycle; and

14 (2) a description of Corps of Engineers, stake-  
15 holder, and expert perspectives on the effectiveness  
16 of corrosion management efforts to reduce the inci-  
17 dence of corrosion at projects and properties under  
18 the control of the Corps of Engineers.

19 **SEC. 127. COSTS IN EXCESS OF FEDERAL PARTICIPATION**  
20 **LIMIT.**

21 Section 14 of the Flood Control Act of 1946 (33  
22 U.S.C. 701r) is amended by inserting “, and if such  
23 amount is not sufficient to cover the costs included in the  
24 Federal cost share for a project, as determined by the Sec-  
25 retary, the non-Federal interest shall be responsible for

1 any such costs that exceed such amount” before the period  
2 at the end.

3 **SEC. 128. REPORT ON INNOVATIVE MATERIALS.**

4 Not later than 1 year after the date of enactment  
5 of this Act, the Secretary shall submit to Congress a re-  
6 port that describes activities conducted by the Corps of  
7 Engineers at centers of expertise, technology centers, tech-  
8 nical centers, research and development centers, and simi-  
9 lar facilities and organizations relating to the testing, re-  
10 search, development, identification, and recommended  
11 uses for innovative materials in water resources develop-  
12 ment projects.

13 **SEC. 129. STUDY ON CORPS OF ENGINEERS.**

14 Not later than 180 days after the date of enactment  
15 of this Act, the Comptroller General of the United States  
16 shall submit to Congress a report that—

17 (1) describes the capacity and preparedness of  
18 the Corps of Engineers workforce, including chal-  
19 lenges related to diversity, recruitment, retention, re-  
20 tirements, credentialing, professional development,  
21 on-the-job training, and other readiness-related gaps  
22 in ensuring a fully prepared 21st century Corps of  
23 Engineers workforce; and

24 (2) contains an assessment of the existing tech-  
25 nology used by the Corps of Engineers, the effects

1 of inefficiencies in the Corps' current technology  
2 usage, and recommendations for improved tech-  
3 nology or tools to accomplish its missions and re-  
4 sponsibilities.

5 **SEC. 130. GAO STUDY.**

6 (a) IN GENERAL.—Not later than 2 years after the  
7 date of enactment of this Act, the Comptroller General  
8 of the United States shall submit to the Committee on  
9 Environment and Public Works of the Senate and the  
10 Committee on Transportation and Infrastructure of the  
11 House of Representatives a study of the consideration by  
12 the Corps of Engineers of natural features and nature-  
13 based features in the study of the feasibility of projects  
14 for flood risk management, hurricane and storm damage  
15 reduction, and ecosystem restoration.

16 (b) CONSIDERATIONS.—The study under subsection  
17 (a) shall include—

18 (1) a description of guidance or instructions  
19 issued, and other measures taken, by the Secretary  
20 and the Chief of Engineers to consider natural fea-  
21 tures and nature-based features in project feasibility  
22 studies;

23 (2) an assessment of the costs, benefits, im-  
24 pacts, and trade-offs associated with natural fea-  
25 tures and nature-based features recommended by the

1 Secretary for flood risk reduction, hurricane and  
2 storm damage reduction, and ecosystem restoration  
3 projects, and the effectiveness of those natural fea-  
4 tures and nature-based features;

5 (3) a description of any statutory, fiscal, regu-  
6 latory, or other policy barriers to the appropriate  
7 consideration and use of a full array of natural fea-  
8 tures and nature-based features; and

9 (4) any recommendations for changes to statu-  
10 tory, fiscal, regulatory, or other policies to improve  
11 the use of natural features and nature-based fea-  
12 tures by the Corps of Engineers.

13 (c) DEFINITIONS.—In this section, the terms “nat-  
14 ural feature” and “nature-based feature” have the mean-  
15 ings given such terms in section 1184 of the Water Re-  
16 sources Development Act of 2016 (33 U.S.C. 2289a).

17 **SEC. 131. GAO REPORT ON ALASKA NATIVE VILLAGE RELO-**  
18 **CATION EFFORTS DUE TO FLOODING AND**  
19 **EROSION THREATS.**

20 (a) DEFINITION OF ALASKA NATIVE VILLAGE.—In  
21 this section, the term “Alaska Native village” means a Na-  
22 tive village that has a Village Corporation (as those terms  
23 are defined in section 3 of the Alaska Native Claims Set-  
24 tlement Act (43 U.S.C. 1602)).

1 (b) REPORT.—The Comptroller General of the  
2 United States shall submit to Congress a report on efforts  
3 to relocate Alaska Native villages due to flooding and ero-  
4 sion threats that updates the report of the Comptroller  
5 General entitled “Alaska Native Villages: Limited  
6 Progress Has Been Made on Relocating Villages Threat-  
7 ened by Flooding and Erosion”, dated June 2009.

8 (c) INCLUSIONS.—The report under subsection (b)  
9 shall include—

10 (1) a summary of flooding and erosion threats  
11 to Alaska Native villages throughout the State of  
12 Alaska, based on information from—

13 (A) the Corps of Engineers;

14 (B) the Denali Commission; and

15 (C) any other relevant sources of informa-  
16 tion as the Comptroller General determines to  
17 be appropriate;

18 (2) the status of efforts to relocate Alaska Na-  
19 tive villages due to flooding and erosion threats; and

20 (3) any other issues relating to flooding and  
21 erosion threats to, or relocation of, Alaska Native  
22 villages, as the Comptroller General determines to be  
23 appropriate.

1 **SEC. 132. STUDY AND REPORT ON EXPEDITING CERTAIN**  
2 **WAIVER PROCESSES.**

3 Not later than 1 year after the date of enactment  
4 of this Act, the Secretary shall complete and submit to  
5 the Committee on Environment and Public Works of the  
6 Senate and the Committee on Transportation and Infra-  
7 structure of the House of Representatives a report based  
8 on the results of a study on the best options available to  
9 the Secretary to implement the waiver process for the non-  
10 Federal cost share under section 116 of the Energy and  
11 Water Development and Related Agencies Appropriations  
12 Act, 2010 (Public Law 111–85; 123 Stat. 2851).

13 **SEC. 133. CORPS OF ENGINEERS CONTINUING AUTHORI-**  
14 **TIES PROGRAM.**

15 Section 107 of the River and Harbor Act of 1960  
16 (33 U.S.C. 577) is amended—

17 (1) in subsection (a), by striking  
18 “\$50,000,000” and inserting “\$62,500,000”; and

19 (2) in subsection (b), by striking  
20 “\$10,000,000” and inserting “\$12,500,000”.

21 **SEC. 134. CREDIT IN LIEU OF REIMBURSEMENT.**

22 Section 1022 of the Water Resources Reform and De-  
23 velopment Act of 2014 (33 U.S.C. 2225) is amended to  
24 read as follows:



1 **“SEC. 1022. CREDIT IN LIEU OF REIMBURSEMENT.**

2 “(a) REQUESTS FOR CREDITS.—With respect to an  
3 authorized flood damage reduction project, or separable  
4 element thereof, that has been constructed by a non-Fed-  
5 eral interest under section 211 of the Water Resources  
6 Development Act of 1996 (33 U.S.C. 701b–13), or an au-  
7 thorized coastal navigation project that has been con-  
8 structed by the Corps of Engineers pursuant to section  
9 11 of the Act of March 3, 1925, before the date of enact-  
10 ment of the Water Resources Development Act of 2018,  
11 the Secretary may provide to the non-Federal interest, at  
12 the request of the non-Federal interest, a credit in an  
13 amount equal to the estimated Federal share of the cost  
14 of the project or separable element, in lieu of providing  
15 to the non-Federal interest a reimbursement in that  
16 amount.

17 “(b) APPLICATION OF CREDITS.—At the request of  
18 the non-Federal interest, the Secretary may apply such  
19 credit to the share of the cost of the non-Federal interest  
20 of carrying out other flood damage reduction and coastal  
21 navigation projects or studies.”.

22 **SEC. 135. LAKE OKEECHOBEE REGULATION SCHEDULE RE-**  
23 **VIEW.**

24 The Secretary, acting through the Chief of Engi-  
25 neers, shall expedite completion of the Lake Okeechobee  
26 regulation schedule to coincide with the completion of the

1 Herbert Hoover Dike project, and may consider all rel-  
2 evant aspects of the Comprehensive Everglades Restora-  
3 tion Plan described in section 601 of the Water Resources  
4 Development Act of 2000 (114 Stat. 2680).

5 **SEC. 136. MISSOURI RIVER.**

6 (a) IRC REPORT.—Not later than 18 months after  
7 the date of enactment of this Act, the Secretary shall sub-  
8 mit to the Committee on Transportation and Infrastruc-  
9 ture of the House of Representatives and the Committee  
10 on Environment and Public Works of the Senate a report  
11 regarding the impacts of interception-rearing complex con-  
12 struction on the navigation, flood control, and other au-  
13 thorized purposes set forth in the Missouri River Master  
14 Manual, and on the population recovery of the pallid stur-  
15 geon.

16 (b) NO ADDITIONAL IRC CONSTRUCTION.—Until the  
17 report under subsection (a) is submitted, no additional  
18 interception-rearing complex construction is authorized.

19 **SEC. 137. ACCESS TO REAL ESTATE DATA.**

20 (a) IN GENERAL.—As soon as is practicable, using  
21 available funds, the Secretary shall make publicly avail-  
22 able, including on a publicly accessible website, informa-  
23 tion relating to all real property with respect to which the  
24 Corps of Engineers holds an interest. The information

1 shall include standardized real estate plat descriptions and  
2 geospatial information.

3 (b) LIMITATION.—Nothing in this section may be  
4 construed to compel or authorize the disclosure of data  
5 or other information determined by the Secretary to be  
6 confidential, privileged, national security, or personal in-  
7 formation, or information the disclosure of which is other-  
8 wise prohibited by law.

9 **SEC. 138. AQUATIC INVASIVE SPECIES RESEARCH.**

10 (a) IN GENERAL.—As part of the ongoing activities  
11 of the Engineer Research and Development Center to ad-  
12 dress the spread and impacts of aquatic invasive species,  
13 the Secretary shall undertake research on the manage-  
14 ment and eradication of aquatic invasive species, including  
15 Asian carp and zebra mussels.

16 (b) LOCATIONS.—In carrying out subsection (a), the  
17 Secretary shall work with Corps of Engineers district of-  
18 fices representing diverse geographical regions of the con-  
19 tinental United States that are impacted by aquatic  
20 invasive species, such as the Atlantic, Pacific, and Gulf  
21 coasts and the Great Lakes.

22 (c) REPORT.—Not later than 180 days after the date  
23 of enactment of this section, the Secretary shall submit  
24 to the Committee on Transportation and Infrastructure  
25 of the House of Representatives and the Committee on

1 Environment and Public Works of the Senate a report rec-  
2 ommending a plan to address the spread and impacts of  
3 aquatic invasive species.

4 **SEC. 139. HARMFUL ALGAL BLOOM TECHNOLOGY DEM-**  
5 **ONSTRATION.**

6 (a) IN GENERAL.—The Secretary, acting through the  
7 Engineer Research and Development Center of the Chief  
8 of Engineers, shall implement a 5-year harmful algal  
9 bloom technology development demonstration under the  
10 Aquatic Nuisance Research Program. To the extent prac-  
11 ticable, the Corps of Engineers shall support research that  
12 will identify and develop improved strategies for early de-  
13 tection, prevention, and management techniques and pro-  
14 cedures to reduce the occurrence and effects of harmful  
15 algal blooms in the Nation’s water resources.

16 (b) SCALABILITY REQUIREMENT.—The Secretary  
17 shall ensure that technologies identified, tested, and de-  
18 ployed under the harmful algal bloom program technology  
19 development demonstration have the ability to scale up to  
20 meet the needs of harmful-algal-bloom-related events.

21 **SEC. 140. BUBBLY CREEK, CHICAGO ECOSYSTEM RESTORA-**  
22 **TION.**

23 The Secretary shall enter into a memorandum of un-  
24 derstanding with the Administrator of the Environmental  
25 Protection Agency to facilitate ecosystem restoration ac-

1 tivities at the South Fork of the South Branch of the Chi-  
2 cago River (commonly known as Bubbly Creek).

3 **SEC. 141. OPERATION AND MAINTENANCE OF NAVIGATION**  
4 **AND HYDROELECTRIC FACILITIES.**

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

8 (1) in the heading by inserting “**NAVIGATION**  
9 **AND**” before “**HYDROELECTRIC FACILITIES**”;

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

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

13 (3) in subsection (a) (as designated by para-  
14 graph (2)), by inserting “navigation or” before “hy-  
15 droelectric”;

16 (4) in the second sentence, by striking “This  
17 section” and inserting the following:

18 “(b) MAJOR MAINTENANCE CONTRACTS AL-  
19 LOWED.—This section”; and

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

21 “(c) EXCLUSION.—This section does not—

22 “(1) apply to a navigation facility that was  
23 under contract on or before the date of enactment  
24 of this subsection with a non-Federal interest to per-  
25 form operations or maintenance; and

1           “(2) prohibit the Secretary from contracting  
2           out commercial activities after the date of enactment  
3           of this subsection at a navigation facility.”.

4           (b) CLERICAL AMENDMENT.—The table of contents  
5           contained in section 1(b) of the Water Resources Develop-  
6           ment Act of 1990 (104 Stat. 4604) is amended by striking  
7           the item relating to section 314 and inserting the fol-  
8           lowing:

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

9   **SEC. 142. HURRICANE AND STORM DAMAGE REDUCTION.**

10          Section 156 of the Water Resources Development Act  
11          of 1976 (42 U.S.C. 1962d–5f) is amended in subsection  
12          (b)—

13                 (1) by striking “Notwithstanding” and insert-  
14                 ing the following:

15                         “(1) IN GENERAL.—Notwithstanding”; and

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

17                         “(2) TIMING.—The 15 additional years under  
18                         paragraph (1) shall begin on the date of initiation  
19                         of construction of congressionally authorized nour-  
20                         ishment.”.

1 **SEC. 143. POST-DISASTER WATERSHED ASSESSMENTS IN**  
2 **THE TERRITORIES OF THE UNITED STATES.**

3 Section 3025 of the Water Resources Reform and De-  
4 velopment Act of 2014 (33 U.S.C. 2267b) is amended by  
5 adding at the end the following:

6 “(e) ASSESSMENTS IN THE TERRITORIES OF THE  
7 UNITED STATES.—

8 “(1) IN GENERAL.—For any major disaster de-  
9 clared in the territories of the United States before  
10 the date of enactment of this subsection, all activi-  
11 ties in the territory carried out or undertaken pursu-  
12 ant to the authorities described under this section  
13 shall be conducted at full Federal expense unless the  
14 President determines that the territory has the abil-  
15 ity to pay the cost share for an assessment under  
16 this section without the use of non-Federal funds or  
17 loans.

18 “(2) TERRITORIES DEFINED.—In this sub-  
19 section, the term ‘territories of the United States’  
20 means those insular areas specified in section  
21 1156(a)(1) of the Water Resources Development Act  
22 of 1986 (33 U.S.C. 2310(a)(1)).”.

1                   **TITLE II—STUDIES**  
2   **SEC. 201. AUTHORIZATION OF PROPOSED FEASIBILITY**  
3                   **STUDIES.**

4           The Secretary is authorized to conduct a feasibility  
5 study for the following projects for water resources devel-  
6 opment and conservation and other purposes, as identified  
7 in the reports titled “Report to Congress on Future Water  
8 Resources Development” submitted to Congress on March  
9 17, 2017, and February 5, 2018, respectively, pursuant  
10 to section 7001 of the Water Resources Reform and Devel-  
11 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-  
12 viewed by Congress:

13                   (1) CAVE BUTTES DAM, ARIZONA.—Project for  
14 flood risk management, Phoenix, Arizona.

15                   (2) SAN DIEGO RIVER, CALIFORNIA.—Project  
16 for flood risk management, navigation, and eco-  
17 system restoration, San Diego, California.

18                   (3) J. BENNETT JOHNSTON WATERWAY, LOU-  
19 ISIANA.—Project for navigation, J. Bennett John-  
20 ston Waterway, Louisiana.

21                   (4) NORTHSHORE, LOUISIANA.—Project for  
22 flood risk management, St. Tammany Parish, Lou-  
23 isiana.

24                   (5) OUACHITA-BLACK RIVERS, LOUISIANA.—  
25 Project for navigation, Little River, Louisiana.



1           (6) CHAUTAUQUA LAKE, NEW YORK.—Project  
2           for ecosystem restoration and flood risk manage-  
3           ment, Chautauqua, New York.

4           (7) TRINITY RIVER AND TRIBUTARIES,  
5           TEXAS.—Project for navigation, Liberty, Texas.

6           (8) WEST CELL LEVEE, TEXAS.—Project for  
7           flood risk management, Irving, Texas.

8           (9) COASTAL VIRGINIA, VIRGINIA.—Project for  
9           flood risk management, ecosystem restoration, and  
10          navigation, Coastal Virginia.

11          (10) TANGIER ISLAND, VIRGINIA.—Project for  
12          flood risk management and ecosystem restoration,  
13          Tangier Island, Virginia.

14 **SEC. 202. ADDITIONAL STUDIES.**

15          (a) LOWER MISSISSIPPI RIVER; MISSOURI, KEN-  
16          TUCKY, TENNESSEE, ARKANSAS, MISSISSIPPI, AND LOU-  
17          ISIANA.—

18           (1) IN GENERAL.—The Secretary is authorized  
19           to carry out studies to determine the feasibility of  
20           habitat restoration for each of the eight reaches  
21           identified as priorities in the report prepared by the  
22           Secretary pursuant to section 402 of the Water Re-  
23           sources Development Act of 2000, titled “Lower  
24           Mississippi River Resource Assessment; Final As-

1        sessment In Response to Section 402 of WRDA  
2        2000” and dated July 2015.

3            (2) CONSULTATION.—The Secretary shall con-  
4        sult with the Lower Mississippi River Conservation  
5        Committee during each feasibility study carried out  
6        under paragraph (1).

7        (b) ST. LOUIS RIVERFRONT, MERAMEC RIVER  
8        BASIN, MISSOURI AND ILLINOIS.—

9            (1) IN GENERAL.—The Secretary is authorized  
10       to carry out studies to determine the feasibility of a  
11       project for ecosystem restoration and flood risk man-  
12       agement in Madison, St. Clair, and Monroe Coun-  
13       ties, Illinois, St. Louis City, and St. Louis, Jeffer-  
14       son, Franklin, Gasconade, Maries, Phelps, Crawford,  
15       Dent, Washington, Iron, St. Francois, St. Genevieve,  
16       Osage, Reynolds, and Texas Counties, Missouri.

17            (2) CONTINUATION OF EXISTING STUDY.—Any  
18       study carried out under paragraph (1) shall be con-  
19       sidered a continuation of the study being carried out  
20       under Committee Resolution 2642 of the Committee  
21       on Transportation and Infrastructure of the House  
22       of Representatives, adopted June 21, 2000.

1 **SEC. 203. EXPEDITED COMPLETION OF REPORTS FOR CER-**  
2 **TAIN PROJECTS.**

3 (a) FEASIBILITY REPORTS.—The Secretary shall ex-  
4 pedite the completion of a feasibility study for each of the  
5 following projects, and if the Secretary determines that  
6 the project is justified in a completed report, may proceed  
7 directly to preconstruction planning, engineering, and de-  
8 sign of the project:

9 (1) Project for riverbank stabilization, Selma,  
10 Alabama.

11 (2) Project for ecosystem restoration, Three  
12 Mile Creek, Alabama.

13 (3) Project for navigation, Nome, Alaska.

14 (4) Project for flood diversion, Seward, Alaska.

15 (5) Project for navigation, Three Rivers, Arkan-  
16 sas.

17 (6) Project for flood control, water conserva-  
18 tion, and related purposes, Coyote Valley Dam, Cali-  
19 fornia.

20 (7) Project for flood risk management, Lower  
21 Cache Creek, California.

22 (8) Project for flood risk management, Lower  
23 San Joaquin River, California, as described in sec-  
24 tion 1322(b)(2)(F) of the Water Resources Develop-  
25 ment Act of 2016 (130 Stat. 1707) (second phase  
26 of feasibility study).

1           (9) Project for flood risk management, South  
2 San Francisco, California.

3           (10) Project for flood risk management and  
4 ecosystem restoration, Tijuana River, California.

5           (11) Project for flood risk management in East  
6 Hartford, Connecticut.

7           (12) Project for flood risk management in  
8 Hartford, Connecticut.

9           (13) Projects under the Comprehensive Flood  
10 Mitigation Study for the Delaware River Basin.

11           (14) Project for ecosystem restoration, Lake  
12 Apopka, Florida.

13           (15) Project for ecosystem restoration, Kansas  
14 River Weir, Kansas.

15           (16) Project for water resource improvements,  
16 Willamette River Basin, Fern Ridge, Oregon.

17           (17) Project for ecosystem restoration, Resacas  
18 at Brownsville, Texas.

19           (18) Project for navigation, Norfolk Harbor,  
20 Virginia.

21           (19) Project for coastal storm risk manage-  
22 ment, Norfolk, Virginia.

23           (20) Project for navigation, Tacoma Harbor,  
24 Washington.

1 (b) LOWER SAN JOAQUIN RIVER, CALIFORNIA.—In  
2 expediting completion of the second phase of the Lower  
3 San Joaquin River feasibility study under subsection  
4 (a)(8), the Secretary shall review and give priority to any  
5 plans and designs requested by non-Federal interests and  
6 incorporate such plans and designs into the Federal study  
7 if the Secretary determines that such plans and designs  
8 are consistent with Federal standards.

9 (c) POST-AUTHORIZATION CHANGE REPORTS.—The  
10 Secretary shall expedite completion of a post-authorization  
11 change report for the following projects:

12 (1) Project for flood risk management, San  
13 Luis Rey River Flood Control Protection Project,  
14 California.

15 (2) Project for flood risk management, Success  
16 Reservoir Enlargement Project, California.

17 (3) Everglades Agricultural Area Reservoir,  
18 Central Everglades Planning Project, Florida.

19 (4) Project for navigation, Sault Sainte Marie,  
20 Michigan.

21 (d) UPPER MISSISSIPPI RIVER PROTECTION.—Sec-  
22 tion 2010 of the Water Resources Reform and Develop-  
23 ment Act of 2014 (128 Stat. 1270) is amended by adding  
24 at the end the following:

1       “(d) CONSIDERATIONS.—In carrying out a disposi-  
2 tion study with respect to the Upper St. Anthony Falls  
3 Lock and Dam, including a disposition study under sec-  
4 tion 216 of the Flood Control Act of 1970 (33 U.S.C.  
5 549a), the Secretary may not complete such study until  
6 the Secretary considers, and issues a report to the Com-  
7 mittee on Transportation and Infrastructure of the House  
8 of Representatives and the Committee on Environment  
9 and Public Works of the Senate on—

10           “(1) the feasibility of carrying out modifications  
11 to the Upper St. Anthony Falls Lock and Dam to—

12                   “(A) preserve and enhance recreational op-  
13 portunities and the health of the ecosystem; and

14                   “(B) maintain the benefits to the natural  
15 ecosystem and human environment; and

16           “(2) the preservation of any portion of the  
17 Upper St. Anthony Falls Lock and Dam necessary  
18 to maintain flood control.”.

19 **TITLE III—DEAUTHORIZATIONS,**  
20 **MODIFICATIONS, AND RE-**  
21 **LATED PROVISIONS**

22 **SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

23       (a) PURPOSES.—The purposes of this section are—

1           (1) to identify \$3,000,000,000 in water re-  
2           sources development projects authorized by Congress  
3           that are no longer viable for construction due to—

4                   (A) a lack of local support;

5                   (B) a lack of available Federal or non-Fed-  
6           eral resources; or

7                   (C) an authorizing purpose that is no  
8           longer relevant or feasible;

9           (2) to create an expedited and definitive process  
10          for Congress to deauthorize water resources develop-  
11          ment projects that are no longer viable for construc-  
12          tion; and

13          (3) to allow the continued authorization of  
14          water resources development projects that are viable  
15          for construction.

16          (b) INTERIM DEAUTHORIZATION LIST.—

17               (1) IN GENERAL.—The Secretary shall develop  
18          an interim deauthorization list that identifies—

19                   (A) each water resources development  
20          project, or separable element of a project, au-  
21          thorized for construction before November 8,  
22          2007, for which—

23                           (i) planning, design, or construction  
24          was not initiated before the date of enact-  
25          ment of this Act; or

1 (ii) planning, design, or construction  
2 was initiated before the date of enactment  
3 of this Act, but for which no funds, Fed-  
4 eral or non-Federal, were obligated for  
5 planning, design, or construction of the  
6 project or separable element of the project  
7 during the current fiscal year or any of the  
8 6 preceding fiscal years;

9 (B) each project or separable element iden-  
10 tified and included on a list to Congress for de-  
11 authorization pursuant to section 1001(b)(2) of  
12 the Water Resources Development Act of 1986  
13 (33 U.S.C. 579a(b)(2)); and

14 (C) any project or separable element for  
15 which the non-Federal sponsor of such project  
16 or separable element submits a request for in-  
17 clusion on the list.

18 (2) PUBLIC COMMENT AND CONSULTATION.—

19 (A) IN GENERAL.—The Secretary shall so-  
20 licit comments from the public and the Gov-  
21 ernors of each applicable State on the interim  
22 deauthorization list developed under paragraph  
23 (1).

24 (B) COMMENT PERIOD.—The public com-  
25 ment period shall be 90 days.



1           (3) SUBMISSION TO CONGRESS; PUBLICA-  
2           TION.—Not later than 90 days after the date of the  
3           close of the comment period under paragraph (2),  
4           the Secretary shall—

5                   (A) submit a revised interim deauthoriza-  
6                   tion list to the Committee on Environment and  
7                   Public Works of the Senate and the Committee  
8                   on Transportation and Infrastructure of the  
9                   House of Representatives; and

10                   (B) publish the revised interim deauthor-  
11                   ization list in the Federal Register.

12           (c) FINAL DEAUTHORIZATION LIST.—

13                   (1) IN GENERAL.—The Secretary shall develop  
14                   a final deauthorization list of water resources devel-  
15                   opment projects, or separable elements of projects,  
16                   from the revised interim deauthorization list de-  
17                   scribed in subsection (b)(3).

18                   (2) DEAUTHORIZATION AMOUNT.—

19                           (A) PROPOSED FINAL LIST.—The Sec-  
20                           retary shall prepare a proposed final deauthor-  
21                           ization list of projects and separable elements of  
22                           projects that have, in the aggregate, an esti-  
23                           mated Federal cost to complete that is at least  
24                           \$3,000,000,000.

1 (B) DETERMINATION OF FEDERAL COST  
2 TO COMPLETE.—For purposes of subparagraph  
3 (A), the Federal cost to complete shall take into  
4 account any allowances authorized by section  
5 902 of the Water Resources Development Act  
6 of 1986 (33 U.S.C. 2280), as applied to the  
7 most recent project schedule and cost estimate.

8 (3) IDENTIFICATION OF PROJECTS.—

9 (A) SEQUENCING OF PROJECTS.—

10 (i) IN GENERAL.—The Secretary shall  
11 identify projects and separable elements of  
12 projects for inclusion on the proposed final  
13 deauthorization list according to the order  
14 in which the projects and separable ele-  
15 ments of the projects were authorized, be-  
16 ginning with the earliest authorized  
17 projects and separable elements of projects  
18 and ending with the latest project or sepa-  
19 rable element of a project necessary to  
20 meet the aggregate amount under para-  
21 graph (2)(A).

22 (ii) FACTORS TO CONSIDER.—The  
23 Secretary may identify projects and sepa-  
24 rable elements of projects in an order other  
25 than that established by clause (i) if the

1 Secretary determines, on a case-by-case  
2 basis, that a project or separable element  
3 of a project is critical for interests of the  
4 United States, based on the possible im-  
5 pact of the project or separable element of  
6 the project on public health and safety, the  
7 national economy, or the environment.

8 (iii) CONSIDERATION OF PUBLIC COM-  
9 MENTS.—In making determinations under  
10 clause (ii), the Secretary shall consider any  
11 comments received under subsection (b)(2).

12 (B) APPENDIX.—The Secretary shall in-  
13 clude as part of the proposed final deauthoriza-  
14 tion list an appendix that—

15 (i) identifies each project or separable  
16 element of a project on the interim de-  
17 authorization list developed under sub-  
18 section (b) that is not included on the pro-  
19 posed final deauthorization list; and

20 (ii) describes the reasons why the  
21 project or separable element is not in-  
22 cluded on the proposed final list.

23 (4) PUBLIC COMMENT AND CONSULTATION.—

24 (A) IN GENERAL.—The Secretary shall so-  
25 licit comments from the public and the Gov-

1 error of each applicable State on the proposed  
2 final deauthorization list and appendix devel-  
3 oped under paragraphs (2) and (3).

4 (B) COMMENT PERIOD.—The public com-  
5 ment period shall be 90 days.

6 (5) SUBMISSION OF FINAL LIST TO CONGRESS;  
7 PUBLICATION.—Not later than 120 days after the  
8 date of the close of the comment period under para-  
9 graph (4), the Secretary shall—

10 (A) submit a final deauthorization list and  
11 an appendix to the final deauthorization list in  
12 a report to the Committee on Environment and  
13 Public Works of the Senate and the Committee  
14 on Transportation and Infrastructure of the  
15 House of Representatives; and

16 (B) publish the final deauthorization list  
17 and the appendix to the final deauthorization  
18 list in the Federal Register.

19 (d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

20 (1) IN GENERAL.—After the expiration of the  
21 180-day period beginning on the date of submission  
22 of the final deauthorization list and appendix under  
23 subsection (c), a project or separable element of a  
24 project identified in the final deauthorization list is  
25 hereby deauthorized, unless Congress passes a joint

1 resolution disapproving the final deauthorization list  
2 prior to the end of such period.

3 (2) NON-FEDERAL CONTRIBUTIONS.—

4 (A) IN GENERAL.—A project or separable  
5 element of a project identified in the final de-  
6 authorization list under subsection (c) shall not  
7 be deauthorized under this subsection if, before  
8 the expiration of the 180-day period referred to  
9 in paragraph (1), the non-Federal interest for  
10 the project or separable element of the project  
11 provides sufficient funds to complete the project  
12 or separable element of the project.

13 (B) TREATMENT OF PROJECTS.—Notwith-  
14 standing subparagraph (A), each project and  
15 separable element of a project identified in the  
16 final deauthorization list shall be treated as de-  
17 authorized for purposes of the aggregate de-  
18 authorization amount specified in subsection  
19 (c)(2)(A).

20 (3) PROJECTS IDENTIFIED IN APPENDIX.—A  
21 project or separable element of a project identified  
22 in the appendix to the final deauthorization list shall  
23 remain subject to future deauthorization by Con-  
24 gress.

1           (e) SPECIAL RULE FOR PROJECTS RECEIVING  
2 FUNDS FOR POST-AUTHORIZATION STUDY.—A project or  
3 separable element of a project may not be identified on  
4 the interim deauthorization list developed under sub-  
5 section (b), or the final deauthorization list developed  
6 under subsection (c), if the project or separable element  
7 received funding for a post-authorization study during the  
8 current fiscal year or any of the 6 preceding fiscal years.

9           (f) GENERAL PROVISIONS.—

10           (1) DEFINITIONS.—In this section, the fol-  
11 lowing definitions apply:

12           (A) POST-AUTHORIZATION STUDY.—The  
13 term “post-authorization study” means—

14           (i) a feasibility report developed under  
15 section 905 of the Water Resources Devel-  
16 opment Act of 1986 (33 U.S.C. 2282);

17           (ii) a feasibility study, as defined in  
18 section 105(d) of the Water Resources De-  
19 velopment Act of 1986 (33 U.S.C.  
20 2215(d)); or

21           (iii) a review conducted under section  
22 216 of the Flood Control Act of 1970 (33  
23 U.S.C. 549a), including an initial appraisal  
24 that—

1 (I) demonstrates a Federal inter-  
2 est; and

3 (II) requires additional analysis  
4 for the project or separable element.

5 (B) WATER RESOURCES DEVELOPMENT  
6 PROJECT.—The term “water resources develop-  
7 ment project” includes an environmental infra-  
8 structure assistance project or program of the  
9 Corps of Engineers.

10 (2) TREATMENT OF PROJECT MODIFICA-  
11 TIONS.—For purposes of this section, if an author-  
12 ized water resources development project or sepa-  
13 rable element of the project has been modified by an  
14 Act of Congress, the date of the authorization of the  
15 project or separable element shall be deemed to be  
16 the date of the most recent modification.

17 **SEC. 302. BACKLOG PREVENTION.**

18 (a) PROJECT DEAUTHORIZATION.—

19 (1) IN GENERAL.—A water resources develop-  
20 ment project, or separable element of such a project,  
21 authorized for construction by this Act shall not be  
22 authorized after the last day of the 10-year period  
23 beginning on the date of enactment of this Act un-  
24 less—

1 (A) funds have been obligated for construc-  
2 tion of, or a post-authorization study for, such  
3 project or separable element during that period;  
4 or

5 (B) the authorization contained in this Act  
6 has been modified by a subsequent Act of Con-  
7 gress.

8 (2) IDENTIFICATION OF PROJECTS.—Not later  
9 than 60 days after the expiration of the 10-year pe-  
10 riod referred to in paragraph (1), the Secretary shall  
11 submit to the Committee on Environment and Pub-  
12 lic Works of the Senate and the Committee on  
13 Transportation and Infrastructure of the House of  
14 Representatives a report that identifies the projects  
15 deauthorized under paragraph (1).

16 (b) REPORT TO CONGRESS.—Not later than 60 days  
17 after the expiration of the 12-year period beginning on the  
18 date of enactment of this Act, the Secretary shall submit  
19 to the Committee on Environment and Public Works of  
20 the Senate and the Committee on Transportation and In-  
21 frastructure of the House of Representatives, and make  
22 available to the public, a report that contains—

23 (1) a list of any water resources development  
24 projects authorized by this Act for which construc-  
25 tion has not been completed during that period;



1           (2) a description of the reasons the projects  
2           were not completed;

3           (3) a schedule for the completion of the projects  
4           based on expected levels of appropriations; and

5           (4) a 5-year and 10-year projection of construc-  
6           tion backlog and any recommendations to Congress  
7           regarding how to mitigate current problems and the  
8           backlog.

9           (c) CLARIFICATION.—Section 6003(a) of the Water  
10          Resources Reform and Development Act of 2014 (33  
11          U.S.C. 579e(a)) is amended by striking “7-year” each  
12          place it appears and inserting “10-year”.

13         **SEC. 303. PROJECT MODIFICATIONS.**

14          (a) CONSISTENCY WITH REPORTS.—Congress finds  
15          that the project modifications described in this section are  
16          in accordance with the reports submitted to Congress by  
17          the Secretary under section 7001 of the Water Resources  
18          Reform and Development Act of 2014 (33 U.S.C. 2282d),  
19          titled “Report to Congress on Future Water Resources  
20          Development”, or have otherwise been reviewed by Con-  
21          gress.

22          (b) MODIFICATIONS.—

23                 (1) HARBOR/SOUTH BAY, CALIFORNIA.—Sec-  
24                 tion 219(f)(43) of the Water Resources Development  
25                 Act of 1992 (113 Stat. 337; 114 Stat. 2763A–220)

1 is amended by striking “\$35,000,000” and inserting  
2 “\$70,000,000”.

3 (2) LAKES MARION AND MOULTRIE, SOUTH  
4 CAROLINA.—Section 219(f)(25) of the Water Re-  
5 sources Development Act of 1992 (113 Stat. 336;  
6 114 Stat. 2763A–220; 117 Stat. 1838; 130 Stat.  
7 1677) is amended by striking “\$60,000,000” and in-  
8 serting “\$89,550,000”.

9 **SEC. 304. MILWAUKEE HARBOR, MILWAUKEE, WISCONSIN.**

10 The portion of the project for navigation, Milwaukee  
11 Harbor, Milwaukee, Wisconsin, authorized by the first sec-  
12 tion of the Act of March 3, 1843 (5 Stat. 619; chapter  
13 85), consisting of the navigation channel within the  
14 Menomonee River that extends from the 16th Street  
15 Bridge upstream to the upper limit of the authorized navi-  
16 gation channel and described as follows is no longer au-  
17 thorized beginning on the date of enactment of this Act:

18 (1) Beginning at a point in the channel just  
19 downstream of the 16th Street Bridge,  
20 N383219.703, E2521152.527.

21 (2) Thence running westerly along the channel  
22 about 2,530.2 feet to a point, N383161.314,  
23 E2518620.712.

24 (3) Thence running westerly by southwesterly  
25 along the channel about 591.7 feet to a point at the

1 upstream limit of the existing project, N383080.126,  
2 E2518036.371.

3 (4) Thence running northerly along the up-  
4 stream limit of the existing project about 80.5 feet  
5 to a point, N383159.359, E2518025.363.

6 (5) Thence running easterly by northeasterly  
7 along the channel about 551.2 feet to a point,  
8 N383235.185, E2518571.108.

9 (6) Thence running easterly along the channel  
10 about 2,578.9 feet to a point, N383294.677,  
11 E2521150.798.

12 (7) Thence running southerly across the chan-  
13 nel about 74.3 feet to the point of origin.

14 **SEC. 305. BRIDGEPORT HARBOR, CONNECTICUT.**

15 That portion of the project for navigation, Bridgeport  
16 Harbor, Connecticut, authorized by the Act of June 18,  
17 1878 (20 Stat. 158), and modified by the Act of August  
18 11, 1888 (25 Stat. 401), the Act of March 3, 1899 (30  
19 Stat. 1122), the Act of June 25, 1910 (36 Stat. 633),  
20 and the Act of July 3, 1930 (46 Stat. 919), and lying  
21 upstream of a line commencing at point N627942.09,  
22 E879709.18 thence running southwesterly about 125 feet  
23 to a point N627832.03, E879649.91 is no longer author-  
24 ized beginning on the date of enactment of this Act.

1 **SEC. 306. CONVEYANCES.**

2 (a) CHEATHAM COUNTY, TENNESSEE.—

3 (1) CONVEYANCE AUTHORIZED.—The Secretary  
4 may convey to Cheatham County, Tennessee (in this  
5 subsection referred to as the “Grantee”), all right,  
6 title, and interest of the United States in and to the  
7 real property in Cheatham County, Tennessee, con-  
8 sisting of approximately 9.19 acres, identified as  
9 portions of tracts E-514-1, E-514-2, E-518-1, E-  
10 518-2, E-519-1, E-537-1, and E-538, all being  
11 part of the Cheatham Lock and Dam project at  
12 CRM 158.5, including any improvements thereon.

13 (2) DEED.—The conveyance of property under  
14 this subsection shall be accomplished using a quit-  
15 claim deed and upon such terms and conditions as  
16 the Secretary determines appropriate to protect the  
17 interests of the United States, to include retaining  
18 the right to inundate with water any land trans-  
19 ferred under this subsection.

20 (3) CONSIDERATION.—The Grantee shall pay to  
21 the Secretary an amount that is not less than the  
22 fair market value of the land conveyed under this  
23 subsection, as determined by the Secretary.

24 (4) SUBJECT TO EXISTING EASEMENTS AND  
25 OTHER INTERESTS.—The conveyance of property  
26 under this section shall be subject to all existing

1 easements, rights-of-way, and leases that are in ef-  
2 fect as of the date of the conveyance.

3 (b) NASHVILLE, TENNESSEE.—

4 (1) CONVEYANCE AUTHORIZED.—The Secretary  
5 may convey, without consideration, to the City of  
6 Nashville, Tennessee (in this subsection referred to  
7 as the “City”), all right, title, and interest of the  
8 United States in and to the real property covered by  
9 Lease No. DACW62–1–84–149, including any im-  
10 provements thereon, at the Riverfront Park Rec-  
11 reational Development, consisting of approximately 5  
12 acres, subject to the right of the Secretary to retain  
13 any required easements in the property.

14 (2) CONVEYANCE AGREEMENT.—A quit claim  
15 deed shall be used to convey real property under this  
16 subsection upon the terms and conditions mutually  
17 satisfactory to the Secretary and the City. The deed  
18 shall provide that in the event the City, its succes-  
19 sors, or assigns cease to maintain improvements for  
20 recreation included in the conveyance or otherwise  
21 utilize the real property conveyed for purposes other  
22 than recreation and compatible flood risk manage-  
23 ment, the City, its successor, or assign shall repay  
24 to the United States the Federal share of the cost  
25 of constructing the improvements for recreation

1 under the agreement between the United States and  
2 the City dated December 8, 1981, increased as nec-  
3 essary to account for inflation.

4 (c) GENERALLY APPLICABLE PROVISIONS.—

5 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

6 The exact acreage and the legal description of any  
7 real property to be conveyed under this section shall  
8 be determined by a survey that is satisfactory to the  
9 Secretary.

10 (2) APPLICABILITY OF PROPERTY SCREENING

11 PROVISIONS.—Section 2696 of title 10, United  
12 States Code, shall not apply to any conveyance  
13 under this section.

14 (3) ADDITIONAL TERMS AND CONDITIONS.—

15 The Secretary may require that any conveyance  
16 under this section be subject to such additional  
17 terms and conditions as the Secretary considers nec-  
18 essary and appropriate to protect the interests of the  
19 United States.

20 (4) COSTS OF CONVEYANCE.—An entity to

21 which a conveyance is made under this section shall  
22 be responsible for all reasonable and necessary costs,  
23 including real estate transaction and environmental  
24 documentation costs, associated with the conveyance.

1           (5) LIABILITY.—An entity to which a convey-  
2           ance is made under this section shall hold the  
3           United States harmless from any liability with re-  
4           spect to activities carried out, on or after the date  
5           of the conveyance, on real property conveyed. The  
6           United States shall remain responsible for any liabil-  
7           ity with respect to activities carried out, before such  
8           date, on the real property conveyed.

9   **SEC. 307. CLATSOP COUNTY, OREGON.**

10          The portions of the project for raising and improving  
11          existing levees of Clatsop County Diking District No. 13,  
12          in Clatsop County, Oregon, authorized by section 5 of the  
13          Act of June 22, 1936 (49 Stat. 1590), that are referred  
14          to as Christensen No. 1 Dike No. 42 and Christensen No.  
15          2 Levee No. 43 are no longer authorized beginning on the  
16          date of enactment of this Act.

17   **SEC. 308. KISSIMMEE RIVER RESTORATION, CENTRAL AND**  
18                                   **SOUTHERN FLORIDA.**

19          Subject to a determination by the Secretary that the  
20          costs are reasonable and allowable and that the work for  
21          which credit is requested was carried out in accordance  
22          with the laws specified in section 5014(i)(2)(A) of the  
23          Water Resources Reform and Development Act of 2014  
24          (128 Stat. 1331) and all other applicable Federal laws,  
25          the Secretary may credit toward the non-Federal share of

1 the cost of the Kissimmee River project, authorized in sec-  
2 tion 101(8) of the Water Resources Development Act of  
3 1992 (106 Stat. 4802), the value of in-kind contributions  
4 made by the non-Federal interest with respect to the six  
5 following actions, as described in the final report of the  
6 Director of Civil Works on the Central and Southern Flor-  
7 ida Project, Kissimmee River Restoration Project, dated  
8 April 27, 2018:

- 9 (1) Shady Oaks Fish Camp land preparation.
- 10 (2) Rocks Fish Camp land preparation.
- 11 (3) Levee breaching of Sparks Candler and  
12 Bronson Levees.
- 13 (4) Packingham Slough construction related to  
14 land acquisition.
- 15 (5) Engineering analysis of River Acres engi-  
16 neering solution.
- 17 (6) Small local levee modifications.

18 **SEC. 309. LYTLE AND CAJON CREEKS, CALIFORNIA.**

19 That portion of the channel improvement project,  
20 Lytle and Cajon Creeks, California, authorized to be car-  
21 ried out as a part of the project for the Santa Ana River  
22 Basin, California, by the Act of December 22, 1944  
23 (Chapter 665; 58 Stat. 900) that consists of five earth-  
24 filled groins commonly referred to as “the Riverside Ave-



1 nue groins” is no longer authorized as a Federal project  
2 beginning on the date of enactment of this Act.

3 **SEC. 310. YUBA RIVER BASIN, CALIFORNIA.**

4 (a) IN GENERAL.—The project for flood damage re-  
5 duction, Yuba River Basin, California, authorized by sec-  
6 tion 101(a)(10) of the Water Resources Development Act  
7 of 1999 (113 Stat. 275) is modified to allow a non-Federal  
8 interest to construct a new levee to connect the existing  
9 levee with high ground.

10 (b) PROJECT DESCRIPTION.—The levee to be con-  
11 structed shall tie into the existing levee at a point  
12 Northing 2186189.2438, Easting 6703908.8657, thence  
13 running east and south along a path to be determined to  
14 a point Northing 2187849.4328, Easting 6719262.0164.

15 (c) COOPERATION AGREEMENT.—The Secretary shall  
16 execute a conforming amendment to the Memorandum of  
17 Understanding Respecting the Sacramento River Flood  
18 Control Project with the State of California dated Novem-  
19 ber 30, 1953, that is limited to changing the description  
20 of the project to reflect the modification.

21 (d) NO FEDERAL COST.—

22 (1) REVIEW COSTS.—Before construction of the  
23 levee described in subsection (b), the Secretary may  
24 accept and expend funds received from a non-Fed-  
25 eral interest to review the planning, engineering, and

1 design of the levee described in subsection (b) to en-  
2 sure that such planning, engineering, and design  
3 complies with Federal standards.

4 (2) NON-FEDERAL SHARE.—The non-Federal  
5 share of the cost of constructing the levee shall be  
6 100 percent.

## 7 **TITLE IV—WATER RESOURCES** 8 **INFRASTRUCTURE**

### 9 **SEC. 401. PROJECT AUTHORIZATIONS.**

10 The following projects for water resources develop-  
11 ment and conservation and other purposes, as identified  
12 in the reports titled “Report to Congress on Future Water  
13 Resources Development” submitted to Congress on March  
14 17, 2017, and February 5, 2018, respectively, pursuant  
15 to section 7001 of the Water Resources Reform and Devel-  
16 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-  
17 viewed by Congress are authorized to be carried out by  
18 the Secretary substantially in accordance with the plans,  
19 and subject to the conditions, described in the respective  
20 reports or decision documents designated in this section:

21 (1) NAVIGATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. TX	Galveston Harbor Channel Extension Project, Houston-Galveston Navigation Channels	Aug. 8, 2017	Federal: \$10,046,000 Non-Federal: \$3,349,000 Total: \$13,395,000

1 (2) FLOOD RISK MANAGEMENT.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. NY	Mamaroneck-Sheldrake Rivers	Dec. 14, 2017	Federal: \$53,500,000 Non-Federal: \$28,750,000 Total: \$82,250,000
2. HI	Ala Wai Canal	Dec. 21, 2017	Federal: \$198,962,000; Non-Federal: \$107,133,000 Total: \$306,095,000

2 (3) HURRICANE AND STORM DAMAGE RISK RE-  
3 DUCTION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Initial Costs and Estimated Renourishment Costs</b>
1. FL	St. Johns County	Aug. 8, 2017	Initial Federal: \$5,712,000 Initial Non-Federal: \$19,122,000 Initial Total: \$24,834,000 Renourishment Federal: \$9,484,000 Renourishment Non-Federal: \$44,099,000 Renourishment Total: \$53,583,000

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Initial Costs and Estimated Renourishment Costs</b>
2. TX	Sabine Pass to Galveston Bay	Dec. 7, 2017	Initial Federal: \$2,157,202,000 Initial Non-Federal: \$1,161,570,000 Initial Total: \$3,318,772,000
3. FL	St. Lucie County	Dec. 15, 2017	Initial Federal: \$7,097,000 Initial Non-Federal: \$13,179,000 Initial Total: \$20,276,000 Renourishment Federal: \$8,915,000 Renourishment Non-Federal: \$24,105,000 Renourishment Total: \$33,020,000

1 (4) FLOOD RISK MANAGEMENT AND ECO-  
2 SYSTEM RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. NM	Española Valley, Rio Grande	May 11, 2018	Federal: \$40,117,000 Non-Federal: \$21,601,000 Total: \$61,718,000

3 (5) MODIFICATIONS AND OTHER PROJECTS.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Decision Document</b>	<b>D. Estimated Costs</b>
1. GA	Savannah Harbor Expansion Project	Dec. 5, 2016	Federal: \$677,613,600 Non-Federal: \$295,829,400 Total: \$973,443,000

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Decision Document</b>	<b>D. Estimated Costs</b>
2. KY	Kentucky River Locks and Dams - 1, 2, 3, and 4	April 20, 2018	Federal: \$0 Non-Federal: \$0 Total: \$0

