

WATER RESOURCES DEVELOPMENT ACT OF 2018

JUNE 1, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 8]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 8) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 2018”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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. Use of Harbor Maintenance Trust Fund to support navigation.  
Sec. 103. Assessment of harbors and inland harbors.  
Sec. 104. Levee safety initiative reauthorization.  
Sec. 105. Dam safety.  
Sec. 106. Rehabilitation of Corps of Engineers constructed dams.  
Sec. 107. Forecast-informed reservoir operations.  
Sec. 108. Identification of nonpowered dams for hydropower development.  
Sec. 109. Emergency response to natural disasters.  
Sec. 110. Integrated water resources planning.  
Sec. 111. Mitigation banks.  
Sec. 112. Indian Tribes.  
Sec. 113. Columbia River.  
Sec. 114. Dissemination of information.  
Sec. 115. Non-Federal engagement and review.  
Sec. 116. Comprehensive backlog report.  
Sec. 117. Structures and facilities constructed by Secretary.  
Sec. 118. Transparency in administrative expenses.  
Sec. 119. Study of the future of the United States Army Corps of Engineers.  
Sec. 120. Acknowledgment of credit.  
Sec. 121. Non-Federal implementation pilot program.  
Sec. 122. Study of water resources development projects by non-Federal interests.  
Sec. 123. Construction of water resources development projects by non-Federal interests.  
Sec. 124. Advanced funds for water resources development studies and projects.  
Sec. 125. Funding to process permits.  
Sec. 126. Study on economic and budgetary analyses.  
Sec. 127. Study of corrosion management at Corps of Engineers projects.  
Sec. 128. Costs in excess of Federal participation limit.  
Sec. 129. Report on innovative materials.  
Sec. 130. Study on Corps of Engineers.  
Sec. 131. GAO study.  
Sec. 132. GAO report on Alaska Native village relocation efforts due to flooding and erosion threats.  
Sec. 133. Study and report on expediting certain waiver processes.  
Sec. 134. Corps of Engineers continuing authorities program.  
Sec. 135. Credit in lieu of reimbursement.  
Sec. 136. Lake Okeechobee regulation schedule review.  
Sec. 137. Missouri River.  
Sec. 138. Access to real estate data.  
Sec. 139. Aquatic invasive species research.  
Sec. 140. Harmful algal bloom technology demonstration.  
Sec. 141. Bubbly Creek, Chicago ecosystem restoration.  
Sec. 142. Operation and maintenance of navigation and hydroelectric facilities.  
Sec. 143. Hurricane and storm damage reduction.  
Sec. 144. 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.

**SEC. 2. SECRETARY DEFINED.**

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

**TITLE I—GENERAL PROVISIONS****SEC. 101. SENSE OF CONGRESS REGARDING WATER RESOURCES DEVELOPMENT BILLS.**

It is the sense of Congress that, because the missions of the Corps of Engineers for navigation, flood control, beach erosion control and shoreline protection, hydroelectric power, recreation, water supply, environmental protection, restoration, and enhancement, and fish and wildlife mitigation benefit all Americans, and because

water resources development projects are critical to maintaining the country's economic prosperity, national security, and environmental protection, Congress should consider a water resources development bill not less often than once every Congress.

**SEC. 102. USE OF HARBOR MAINTENANCE TRUST FUND TO SUPPORT NAVIGATION.**

(a) AVAILABILITY OF AMOUNTS.—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended—

(1) in the section heading by striking “AUTHORIZATION OF APPROPRIATIONS” and inserting “FUNDING FOR HARBOR NAVIGATION”;

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively; and

(3) by inserting after subsection (b) the following:

“(c) USE OF COLLECTED FUNDS IN FISCAL YEAR 2029 AND THEREAFTER.—

“(1) USE OF FUNDS.—In addition to amounts appropriated under subsections (a) and (b), there shall be available to the Secretary, out of the Harbor Maintenance Trust Fund, without further appropriation, for fiscal year 2029 and each fiscal year thereafter, such sums as may be necessary to carry out the purposes of subsection (a)(2).

“(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this subsection shall remain available until expended.”

(b) CONFORMING AMENDMENTS.—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is further amended—

(1) in subsection (d)(2)(A)(i) (as redesignated by subsection (a)(2) of this section) by striking “subsection (e)” and inserting “subsection (f)”;

(2) in subsection (e)(3)(B)(i) (as redesignated by subsection (a)(2) of this section) by striking “subsection (c)(2)(A)” and inserting “subsection (d)(2)(A)”;

(3) in subsection (f)(2)(A)(ii) (as redesignated by subsection (a)(2) of this section) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”.

**SEC. 103. ASSESSMENT OF HARBORS AND INLAND HARBORS.**

Subsection (f) of section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238), as redesignated by section 102, is amended—

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

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

“(C) OPPORTUNITIES FOR BENEFICIAL USE OF DREDGED MATERIALS.—In carrying out paragraph (1), the Secretary shall identify potential opportunities for the beneficial use of dredged materials obtained from harbors and inland harbors referred to in subsection (a)(2), including projects eligible under section 1122 of the Water Resources Development Act of 2016 (130 Stat. 1645; 33 U.S.C. 2326 note).”

**SEC. 104. LEVEE SAFETY INITIATIVE REAUTHORIZATION.**

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

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

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

**SEC. 105. DAM SAFETY.**

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

**SEC. 106. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.**

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

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

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

**SEC. 107. FORECAST-INFORMED RESERVOIR OPERATIONS.**

(a) REPORT ON FORECAST-INFORMED RESERVOIR OPERATIONS.—Not later than one year after the date of completion of the forecast-informed reservoir operations research study pilot program at Coyote Valley Dam, Russian River Basin, California (authorized by the River and Harbor Act of 1950 (64 Stat. 177)), the Secretary shall issue a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of the study pilot program.

(b) CONTENTS OF REPORT.—The Secretary shall include in the report issued under subsection (a)—

- (1) an analysis of the use of forecast-informed reservoir operations at Coyote Valley Dam, California;
- (2) an assessment of the viability of using forecast-informed reservoir operations at other dams owned or operated by the Secretary;
- (3) an identification of other dams owned or operated by the Secretary where forecast-informed reservoir operations may assist the Secretary in the optimization of future reservoir operations; and
- (4) any additional areas for future study of forecast-informed reservoir operations.

**SEC. 108. IDENTIFICATION OF NONPOWERED DAMS FOR HYDROPOWER DEVELOPMENT.**

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

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

- (1) The compatibility of hydropower generation with existing purposes of the dam.
- (2) The proximity of the dam to existing transmission resources.
- (3) The existence of studies to characterize environmental, cultural, and historic resources relating to the dam.
- (4) Whether hydropower is an authorized purpose of the dam.

(c) AVAILABILITY.—The Secretary shall provide the list developed under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make such list available to the public.

**SEC. 109. EMERGENCY RESPONSE TO NATURAL DISASTERS.**

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

(1) by striking “strengthening, raising, extending, or other modification thereof” and inserting “strengthening, raising, extending, realigning, or other modification thereof”; and

(2) by striking “structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers,” and inserting “structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to either the pre-storm level or the design level of protection, whichever provides greater protection, when, in the discretion of the Chief of Engineers,”.

(b) DURATION.—Section 156(e) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by striking “6 years” and inserting “9 years”.

**SEC. 110. INTEGRATED WATER RESOURCES PLANNING.**

In carrying out a water resources development feasibility study, the Secretary shall consult with local governments in the watershed covered by such study to determine if local water management plans exist, or are under development, for the purposes of stormwater management, water quality improvement, aquifer recharge, or water reuse.

**SEC. 111. MITIGATION BANKS.**

(a) DEFINITION OF MITIGATION BANK.—In this section, the term “mitigation bank” has the meaning given that term in section 332.2 of title 33, Code of Federal Regulations.

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

- (1) support the goal of achieving efficient permitting and maintaining appropriate environmental protections; and
- (2) promote increased transparency in the use of mitigation banks.

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

- (1) be consistent with—
  - (A) part 230 of title 40, Code of Federal Regulations;
  - (B) section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283);
  - (C) part 332 of title 33, Code of Federal Regulations; and
  - (D) section 314(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 33 U.S.C. 1344 note); and

(2) provide for—

(A) the mitigation bank sponsor to provide sufficient financial assurances to ensure a high level of confidence that the compensatory mitigation project will be successfully completed, in accordance with applicable performance standards, under section 332.3(n) of title 33, Code of Federal Regulations;

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

(C) all credits except for the share reserved under subparagraph (B) to be available upon completion of the construction of the mitigation bank.

**SEC. 112. INDIAN TRIBES.**

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

(b) **WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.**—Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1)) is amended by striking “a federally recognized Indian tribe and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation, and Village Corporation” and inserting “an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))”.

**SEC. 113. COLUMBIA RIVER.**

(a) **BONNEVILLE DAM, OREGON.**—Section 1178(c)(1)(A) of the Water Resources Development Act of 2016 (130 Stat. 1675) is amended by striking “may provide assistance” and inserting “may provide assistance, which may include housing and related improvements,”.

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

(1) **IN GENERAL.**—The Secretary shall, not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of the Interior, conduct a study to determine the extent to which Indian Tribes have been displaced as a result of the construction of the John Day Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179), including an assessment of effects related to housing and related improvements.

(2) **ADDITIONAL ACTIONS.**—If the Secretary determines, based on the study under paragraph (1), that assistance is required, the Secretary may use all existing authorities of the Secretary to provide assistance, which may include housing and related improvements, to Indian Tribes displaced as a result of the construction of the John Day Dam, Columbia River, Washington and Oregon.

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

(c) **THE DALLES DAM, WASHINGTON AND OREGON.**—The Secretary, in consultation with the Secretary of the Interior, shall complete a village development plan for any Indian Tribe displaced as a result of the construction of the Dalles Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179).

**SEC. 114. DISSEMINATION OF INFORMATION.**

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

(1) Congress plays a central role in identifying, prioritizing, and authorizing vital water resources infrastructure activities throughout the United States.

(2) The Water Resources Reform and Development Act of 2014 (Public Law 113–121) established a new and transparent process to review and prioritize the water resources development activities of the Corps of Engineers with strong congressional oversight.

(3) Section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) requires the Secretary to develop and submit to Congress each year a Report to Congress on Future Water Resources Development and, as part of the annual report process, to—

(A) publish a notice in the Federal Register that requests from non-Federal interests proposed feasibility studies and proposed modifications to authorized water resources development projects and feasibility studies for inclusion in the report; and

(B) review the proposals submitted and include in the report those proposed feasibility studies and proposed modifications that meet the criteria for inclusion established under such section 7001.

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

(5) To ensure that Congress can gain a thorough understanding of the water resources development needs and priorities of the United States, it is important that the Secretary take sufficient steps to ensure that non-Federal interests are made aware of the new annual report process, including the need for non-Federal interests to submit proposals during the Secretary's annual request for proposals in order for such proposals to be eligible for consideration by Congress.

(b) **DISSEMINATION OF PROCESS INFORMATION.**—The Secretary shall develop, support, and implement education and awareness efforts for non-Federal interests with respect to the annual Report to Congress on Future Water Resources Development required under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), including efforts to—

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

(2) provide written notice to local elected officials and previous and potential non-Federal interests on the annual process and on opportunities to address local water resources challenges through the missions and authorities of the Corps of Engineers;

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

(4) provide, at the request of a non-Federal interest, assistance with researching and identifying existing project authorizations and Corps of Engineers decision documents.

**SEC. 115. NON-FEDERAL ENGAGEMENT AND REVIEW.**

(a) **PUBLIC NOTICE.**—

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

(A) informs potentially interested non-Federal stakeholders of the Secretary's intent to develop and issue such guidance; and

(B) provides an opportunity for interested non-Federal stakeholders to engage with, and provide input and recommendations to, the Secretary on the development and issuance of such guidance.

(2) **ISSUANCE OF NOTICE.**—The Secretary shall issue the notice under paragraph (1) through a posting on a publicly accessible website dedicated to providing notice on the development and issuance of implementation guidance for a covered water resources development law.

(b) **STAKEHOLDER ENGAGEMENT.**—

(1) **INPUT.**—The Secretary shall allow a minimum of 60 days after issuance of the public notice under subsection (a) for non-Federal stakeholders to provide input and recommendations to the Secretary, prior to finalizing implementation guidance for a covered water resources development law.

(2) **OUTREACH.**—The Secretary may, as appropriate (as determined by the Secretary), reach out to non-Federal stakeholders and circulate drafts of implementation guidance for a covered water resources development law for informal feedback and recommendations.

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

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

(1) the Water Resources Reform and Development Act of 2014;

(2) the Water Resources Development Act of 2016;

(3) this Act; and

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

**SEC. 116. COMPREHENSIVE BACKLOG REPORT.**

Section 1001(b)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(4)) is amended—

- (1) in the header, by inserting “AND OPERATION AND MAINTENANCE” after “BACKLOG”;
- (2) by amending subparagraph (A) to read as follows:  
 “(A) IN GENERAL.—The Secretary shall compile and publish—  
 “(i) a complete list of all projects and separable elements of projects of the Corps of Engineers that are authorized for construction but have not been completed; and  
 “(ii) a list of major Federal operation and maintenance needs of projects and properties under the control of the Corps of Engineers.”;
- (3) in subparagraph (B)—  
 (A) in the heading, by inserting “BACKLOG” before “INFORMATION”; and  
 (B) in the matter preceding clause (i), by striking “subparagraph (A)” and inserting “subparagraph (A)(i)”;
- (4) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:  
 “(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—  
 “(i) the authority under which the project was authorized or the property was acquired by the Corps of Engineers;  
 “(ii) a brief description of the project or property;  
 “(iii) an estimate of the Federal costs to meet the major operation and maintenance needs at the project or property; and  
 “(iv) an estimate of unmet or deferred operation and maintenance needs at the project or property.”; and
- (5) in subparagraph (D), as so redesignated—  
 (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 States Code, the Secretary shall submit a copy of the lists”; and  
 (B) in clause (ii), by striking “list” and inserting “lists”.

**SEC. 117. STRUCTURES AND FACILITIES CONSTRUCTED BY SECRETARY.**

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

“(d) WORK DEFINED.—For the purposes of this section, the term ‘work’ shall not include unimproved real estate owned or operated by the Secretary as part of a water resources development project if the Secretary determines that modification of such real estate would not affect the function and usefulness of the project.”.

**SEC. 118. TRANSPARENCY IN ADMINISTRATIVE EXPENSES.**

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

**SEC. 119. STUDY OF THE FUTURE OF THE UNITED STATES ARMY CORPS OF ENGINEERS.**

(a) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences to convene a committee of experts to carry out a comprehensive study on—

- (1) the ability of the Corps of Engineers to carry out its statutory missions and responsibilities, and the potential effects of transferring the functions (including regulatory obligations), personnel, assets, and civilian staff responsibilities of the Secretary relating to civil works from the Department of Defense to a new or existing agency or subagency of the Federal Government, including how such a transfer might affect the Federal Government’s ability to meet the current statutory missions and responsibilities of the Corps of Engineers; and
- (2) improving the Corps of Engineers’ project delivery processes, including recommendations for such improvements, taking into account factors including—  
 (A) the effect of the annual appropriations process on the ability of the Corps of Engineers to efficiently secure and carry out contracts for water resources projects and perform regulatory obligations;  
 (B) the effect that the current Corps of Engineers leadership and geographic structure at the division and district levels has on its ability to carry out its missions in a cost-effective manner; and  
 (C) the effect of the frequency of rotations of senior leaders of the Corps of Engineers and how such frequency affects the function of the district.

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

- (1) effects on the national security of the United States;
- (2) the ability of the Corps of Engineers to maintain sufficient engineering capability and capacity to assist ongoing and future operations of the United States armed services; and
- (3) emergency and natural disaster response obligations of the Federal Government that are carried out by the Corps of Engineers.

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

- (1) the Department of Defense, including the Secretary of the Army and the Assistant Secretary of the Army for Civil Works;
- (2) the Department of Transportation;
- (3) the Environmental Protection Agency;
- (4) the Department of Homeland Security;
- (5) the Office of Management and Budget;
- (6) other appropriate Federal agencies;
- (7) professional and nongovernmental organizations; and
- (8) the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(d) SUBMISSION TO CONGRESS.—The Secretary shall submit the final report of the National Academy containing the findings of the study carried out under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate not later than 2 years after the date of enactment of this Act.

**SEC. 120. ACKNOWLEDGMENT OF CREDIT.**

Section 7007(a) of the Water Resources Development Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended by adding at the end the following: “Notwithstanding section 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)(C)(i)), the Secretary may provide credit for work carried out during the period beginning on November 8, 2007, and ending on the date of enactment of the Water Resources Development Act of 2018 by the non-Federal interest for a project under this title if the Secretary determines that the work is integral to the project and was carried out in accordance with the laws specified in section 5014(i)(2)(A) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1331) and all other applicable Federal laws.”

**SEC. 121. NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.**

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

**SEC. 122. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

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

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

- (2) by amending subsection (c) to read as follows:

“(c) SUBMISSION TO CONGRESS.—

“(1) REVIEW AND SUBMISSION OF STUDIES TO CONGRESS.—Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

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

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

- “(C) any conditions the Secretary may require for construction of the project.

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

- (3) by amending subsection (e) to read as follows:

“(e) REVIEW AND TECHNICAL ASSISTANCE.—



“(1) REVIEW.—The Secretary may accept and expend funds provided by non-Federal interests to undertake reviews, inspections, certifications, and other activities that are the responsibility of the Secretary in carrying out this section.

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

“(3) LIMITATION.—Funds provided by non-Federal interests under this subsection shall not be eligible for credit under subsection (d) or reimbursement.

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

**SEC. 123. CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

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

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “federally authorized” before “water resources development project”;

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

(C) by adding at the end the following:

“(3) PERMIT EXCEPTION.—

“(A) IN GENERAL.—For a project described in subsection (a)(1) or subsection (a)(3), or a separable element thereof, with respect to which a written agreement described in subparagraph (B) has been entered into, a non-Federal interest that carries out a project under this section shall not be required to obtain any Federal permits or approvals that would not be required if the Secretary carried out the project or separable element unless significant new circumstances or information relevant to environmental concerns or compliance have arisen since development of the project recommendation.

“(B) WRITTEN AGREEMENT.—For purposes of this paragraph, a written agreement shall provide that the non-Federal interest shall comply with the same legal and technical requirements that would apply if the project or separable element were carried out by the Secretary, including all mitigation required to offset environmental impacts of the project or separable element as determined by the Secretary.

“(C) CERTIFICATIONS.—Notwithstanding subparagraph (A), if a non-Federal interest carrying out a project under this section would, in the absence of a written agreement entered into under this paragraph, be required to obtain a certification from a State under Federal law to carry out the project, such certification shall still be required if a written agreement is entered into with respect to the project under this paragraph.”; and

(2) in subsection (d)—

(A) in paragraph (3)—

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

(ii) in subparagraph (B)(ii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(C) in the case of reimbursement, appropriations are provided by Congress for such purpose.”; and

(B) in paragraph (5)—

(i) by striking “flood damage reduction” each place it appears and inserting “water resources development”;

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

(iii) in subparagraph (D), in the matter preceding clause (i), by inserting “to be carried out” after “project”.

**SEC. 124. ADVANCED FUNDS FOR WATER RESOURCES DEVELOPMENT STUDIES AND PROJECTS.**

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

(1) by striking “a flood-control project duly adopted and authorized by law” and inserting “a federally authorized water resources development project.”;

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

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

(4) by adding at the end the following: “For purposes of this Act, the term ‘State’ means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))).”

(b) **NO ADVERSE EFFECT ON PROCESSES.**—In implementing any provision of law that authorizes a non-Federal interest to provide, advance, or contribute funds to the Secretary for the development or implementation of a water resources development project (including sections 203 and 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232), section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), and the Act of October 15, 1940 (33 U.S.C. 701h–1)), the Secretary shall ensure, to the maximum extent practicable, that the use by a non-Federal interest of such authorities does not adversely affect—

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

(2) the process for including such projects in the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code.

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

**SEC. 125. FUNDING TO PROCESS PERMITS.**

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

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

(2) in paragraph (5)—

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

(B) by striking “carry out a study” and inserting “carry out a followup study”.

**SEC. 126. STUDY ON ECONOMIC AND BUDGETARY ANALYSES.**

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

(1) carry out a study on the economic principles and analytical methodologies currently used by or applied to the Corps of Engineers to formulate, evaluate, and budget for water resources development projects; and

(2) make recommendations to Congress on potential changes to such principles and methodologies to improve transparency, return on Federal investment, cost savings, and prioritization, in the formulation, evaluation, and budgeting of such projects.

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

(1) an analysis of the current economic principles and analytical methodologies used by or applied to the Corps of Engineers in determining the total benefits and total costs during the formulation of, and plan selection for, a water resources development project;

(2) an analysis of improvements or alternatives to how the Corps of Engineers utilizes the National Economic Development, Regional Economic Development, Environmental Quality, and Other Social Effects accounts developed by the Institute for Water Resources of the Corps of Engineers in the formulation of, and plan selection for, such projects;

(3) an analysis of whether such principles and methodologies fully account for all of the potential benefits of project alternatives, including any reasonably associated benefits of such alternatives that are not contrary to law, Federal policy, or sound water resources management;

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

(5) an analysis of the methodologies utilized by the Federal Government in setting and applying discount rates for benefit-cost analyses used in the formulation, evaluation, and budgeting of Corps of Engineers water resources development projects.

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

(1) submit a report containing the results of the study and the recommendations to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

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

(d) **SENSE OF CONGRESS ON BUDGETARY EVALUATION METRICS AND TRANSPARENCY.**—It is the sense of Congress that the President, in the formulation of the annual budget request for the U.S. Army Corps of Engineers (Civil Works), should submit to Congress a budget that—

(1) aligns the assessment of the potential benefit-cost ratio for budgeting water resources development projects with that used by the Corps of Engineers during project plan formulation and evaluation pursuant to section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17); and

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

**SEC. 127. STUDY OF CORROSION MANAGEMENT AT CORPS OF ENGINEERS PROJECTS.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a study of corrosion management efforts at projects and properties under the control of the Corps of Engineers.

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

(1) an analysis of—

(A) asset management protocols that are utilized by the Corps of Engineers, including protocols that examine both asset integrity and the integration of corrosion management efforts within the asset lifecycle, which includes the stages of design, manufacturing and construction, operation and maintenance, and decommissioning;

(B) available corrosion prevention technologies that may be used at projects and properties under the control of the Corps of Engineers;

(C) corrosion-related asset failures and the management protocols of the Corps of Engineers to incorporate lessons learned from such failures into work and management practices;

(D) training of Corps of Engineers employees with respect to, and best practices for, identifying and preventing corrosion at projects and properties under the control of the Corps of Engineers; and

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

(2) a description of Corps of Engineers, stakeholder, and expert perspectives on the effectiveness of corrosion management efforts to reduce the incidence of corrosion at projects and properties under the control of the Corps of Engineers.

**SEC. 128. COSTS IN EXCESS OF FEDERAL PARTICIPATION LIMIT.**

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by inserting “, and if such amount is not sufficient to cover the costs included in the Federal cost share for a project, as determined by the Secretary, the non-Federal interest shall be responsible for any such costs that exceed such amount” before the period at the end.

**SEC. 129. REPORT ON INNOVATIVE MATERIALS.**

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes activities conducted by the Corps of Engineers at centers of expertise, technology centers, technical centers, research and development centers, and similar facilities and organizations relating to the testing, research, development, identification, and recommended uses for innovative materials in water resources development projects.

**SEC. 130. STUDY ON CORPS OF ENGINEERS.**

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

(1) describes the capacity and preparedness of the Corps of Engineers workforce, including challenges related to diversity, recruitment, retention, retirements, credentialing, professional development, on-the-job training, and other readiness-related gaps in ensuring a fully prepared 21st century Corps of Engineers workforce; and

(2) contains an assessment of the existing technology used by the Corps of Engineers, the effects of inefficiencies in the Corps’ current technology usage, and

recommendations for improved technology or tools to accomplish its missions and responsibilities.

**SEC. 131. GAO STUDY.**

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

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

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

(2) an assessment of the costs, benefits, impacts, and trade-offs associated with natural features and nature-based features recommended by the Secretary for flood risk reduction, hurricane and storm damage reduction, and ecosystem restoration projects, and the effectiveness of those natural features and nature-based features;

(3) a description of any statutory, fiscal, regulatory, or other policy barriers to the appropriate consideration and use of a full array of natural features and nature-based features; and

(4) any recommendations for changes to statutory, fiscal, regulatory, or other policies to improve the use of natural features and nature-based features by the Corps of Engineers.

(c) **DEFINITIONS.**—In this section, the terms “natural feature” and “nature-based feature” have the meanings given such terms in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a).

**SEC. 132. GAO REPORT ON ALASKA NATIVE VILLAGE RELOCATION EFFORTS DUE TO FLOODING AND EROSION THREATS.**

(a) **DEFINITION OF ALASKA NATIVE VILLAGE.**—In this section, the term “Alaska Native village” means a Native village that has a Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(b) **REPORT.**—The Comptroller General of the United States shall submit to Congress a report on efforts to relocate Alaska Native villages due to flooding and erosion threats that updates the report of the Comptroller General entitled “Alaska Native Villages: Limited Progress Has Been Made on Relocating Villages Threatened by Flooding and Erosion”, dated June 2009.

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

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

(A) the Corps of Engineers;

(B) the Denali Commission; and

(C) any other relevant sources of information as the Comptroller General determines to be appropriate;

(2) the status of efforts to relocate Alaska Native villages due to flooding and erosion threats; and

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

**SEC. 133. STUDY AND REPORT ON EXPEDITING CERTAIN WAIVER PROCESSES.**

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

**SEC. 134. CORPS OF ENGINEERS CONTINUING AUTHORITIES PROGRAM.**

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

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

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

**SEC. 135. CREDIT IN LIEU OF REIMBURSEMENT.**

Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended to read as follows:

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

“(a) **REQUESTS FOR CREDITS.**—With respect to an authorized flood damage reduction project, or separable element thereof, that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13), or an authorized coastal navigation project that has been constructed by the Corps of Engineers pursuant to section 11 of the Act of March 3, 1925, before the date of enactment of the Water Resources Development Act of 2018, the Secretary may provide to the non-Federal interest, at the request of the non-Federal interest, a credit in an amount equal to the estimated Federal share of the cost of the project or separable element, in lieu of providing to the non-Federal interest a reimbursement in that amount.

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

**SEC. 136. LAKE OKEECHOBEE REGULATION SCHEDULE REVIEW.**

The Secretary, acting through the Chief of Engineers, shall expedite completion of the Lake Okeechobee regulation schedule to coincide with the completion of the Herbert Hoover Dike project, and may consider all relevant aspects of the Comprehensive Everglades Restoration Plan described in section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

**SEC. 137. MISSOURI RIVER.**

(a) **IRC REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the impacts of interception-rearing complex construction on the navigation, flood control, and other authorized purposes set forth in the Missouri River Master Manual, and on the population recovery of the pallid sturgeon.

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

**SEC. 138. ACCESS TO REAL ESTATE DATA.**

(a) **IN GENERAL.**—As soon as is practicable, using available funds, the Secretary shall make publicly available, including on a publicly accessible website, information relating to all real property with respect to which the Corps of Engineers holds an interest. The information shall include standardized real estate plat descriptions and geospatial information.

(b) **LIMITATION.**—Nothing in this section may be construed to compel or authorize the disclosure of data or other information determined by the Secretary to be confidential, privileged, national security, or personal information, or information the disclosure of which is otherwise prohibited by law.

**SEC. 139. AQUATIC INVASIVE SPECIES RESEARCH.**

(a) **IN GENERAL.**—As part of the ongoing activities of the Engineer Research and Development Center to address the spread and impacts of aquatic invasive species, the Secretary shall undertake research on the management and eradication of aquatic invasive species, including Asian carp and zebra mussels.

(b) **LOCATIONS.**—In carrying out subsection (a), the Secretary shall work with Corps of Engineers district offices representing diverse geographical regions of the continental United States that are impacted by aquatic invasive species, such as the Atlantic, Pacific, and Gulf coasts and the Great Lakes.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report recommending a plan to address the spread and impacts of aquatic invasive species.

**SEC. 140. HARMFUL ALGAL BLOOM TECHNOLOGY DEMONSTRATION.**

(a) **IN GENERAL.**—The Secretary, acting through the Engineer Research and Development Center of the Chief of Engineers, shall implement a 5-year harmful algal bloom technology development demonstration under the Aquatic Nuisance Research Program. To the extent practicable, the Corps of Engineers shall support research that will identify and develop improved strategies for early detection, prevention,

and management techniques and procedures to reduce the occurrence and effects of harmful algal blooms in the Nation's water resources.

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

**SEC. 141. BUBBLY CREEK, CHICAGO ECOSYSTEM RESTORATION.**

The Secretary shall enter into a memorandum of understanding with the Administrator of the Environmental Protection Agency to facilitate ecosystem restoration activities at the South Fork of the South Branch of the Chicago River (commonly known as Bubbly Creek).

**SEC. 142. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.**

(a) **IN GENERAL.**—Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended—

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

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

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

(3) in subsection (a) (as designated by paragraph (2)), by inserting “navigation or” before “hydroelectric”;

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

“(b) **MAJOR MAINTENANCE CONTRACTS ALLOWED.**—This section”; and

(5) by adding at the end the following:

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

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

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

(b) **CLERICAL AMENDMENT.**—The table of contents contained in section 1(b) of the Water Resources Development Act of 1990 (104 Stat. 4604) is amended by striking the item relating to section 314 and inserting the following:

“Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.”.

**SEC. 143. HURRICANE AND STORM DAMAGE REDUCTION.**

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

(1) by striking “Notwithstanding” and inserting the following:

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

(2) by adding at the end the following:

“(2) **TIMING.**—The 15 additional years under paragraph (1) shall begin on the date of initiation of construction of congressionally authorized nourishment.”.

**SEC. 144. POST-DISASTER WATERSHED ASSESSMENTS IN THE TERRITORIES OF THE UNITED STATES.**

Section 3025 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2267b) is amended by adding at the end the following:

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

“(1) **IN GENERAL.**—For any major disaster declared in the territories of the United States before the date of enactment of this subsection, all activities in the territory carried out or undertaken pursuant to the authorities described under this section shall be conducted at full Federal expense unless the President determines that the territory has the ability to pay the cost share for an assessment under this section without the use of non-Federal funds or loans.

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

## TITLE II—STUDIES

**SEC. 201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.**

The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pur-

suant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

- (1) CAVE BUTTES DAM, ARIZONA.—Project for flood risk management, Phoenix, Arizona.
- (2) SAN DIEGO RIVER, CALIFORNIA.—Project for flood risk management, navigation, and ecosystem restoration, San Diego, California.
- (3) J. BENNETT JOHNSTON WATERWAY, LOUISIANA.—Project for navigation, J. Bennett Johnston Waterway, Louisiana.
- (4) NORTHSHORE, LOUISIANA.—Project for flood risk management, St. Tammany Parish, Louisiana.
- (5) OUACHITA-BLACK RIVERS, LOUISIANA.—Project for navigation, Little River, Louisiana.
- (6) CHAUTAUQUA LAKE, NEW YORK.—Project for ecosystem restoration and flood risk management, Chautauqua, New York.
- (7) TRINITY RIVER AND TRIBUTARIES, TEXAS.—Project for navigation, Liberty, Texas.
- (8) WEST CELL LEVEE, TEXAS.—Project for flood risk management, Irving, Texas.
- (9) COASTAL VIRGINIA, VIRGINIA.—Project for flood risk management, ecosystem restoration, and navigation, Coastal Virginia.
- (10) TANGIER ISLAND, VIRGINIA.—Project for flood risk management and ecosystem restoration, Tangier Island, Virginia.

**SEC. 202. ADDITIONAL STUDIES.**

(a) LOWER MISSISSIPPI RIVER; MISSOURI, KENTUCKY, TENNESSEE, ARKANSAS, MISSISSIPPI, AND LOUISIANA.—

(1) IN GENERAL.—The Secretary is authorized to carry out studies to determine the feasibility of habitat restoration for each of the eight reaches identified as priorities in the report prepared by the Secretary pursuant to section 402 of the Water Resources Development Act of 2000, titled “Lower Mississippi River Resource Assessment; Final Assessment In Response to Section 402 of WRDA 2000” and dated July 2015.

(2) CONSULTATION.—The Secretary shall consult with the Lower Mississippi River Conservation Committee during each feasibility study carried out under paragraph (1).

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

(1) IN GENERAL.—The Secretary is authorized to carry out studies to determine the feasibility of a project for ecosystem restoration and flood risk management in Madison, St. Clair, and Monroe Counties, Illinois, St. Louis City, and St. Louis, Jefferson, Franklin, Gasconade, Maries, Phelps, Crawford, Dent, Washington, Iron, St. Francois, St. Genevieve, Osage, Reynolds, and Texas Counties, Missouri.

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

**SEC. 203. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.**

(a) FEASIBILITY REPORTS.—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

- (1) Project for riverbank stabilization, Selma, Alabama.
- (2) Project for ecosystem restoration, Three Mile Creek, Alabama.
- (3) Project for navigation, Nome, Alaska.
- (4) Project for flood diversion, Seward, Alaska.
- (5) Project for navigation, Three Rivers, Arkansas.
- (6) Project for flood control, water conservation, and related purposes, Coyote Valley Dam, California.
- (7) Project for flood risk management, Lower Cache Creek, California.
- (8) Project for flood risk management, Lower San Joaquin River, California, as described in section 1322(b)(2)(F) of the Water Resources Development Act of 2016 (130 Stat. 1707) (second phase of feasibility study).
- (9) Project for flood risk management, South San Francisco, California.
- (10) Project for flood risk management and ecosystem restoration, Tijuana River, California.
- (11) Project for flood risk management in East Hartford, Connecticut.
- (12) Project for flood risk management in Hartford, Connecticut.
- (13) Projects under the Comprehensive Flood Mitigation Study for the Delaware River Basin.

- (14) Project for ecosystem restoration, Lake Apopka, Florida.
  - (15) Project for ecosystem restoration, Kansas River Weir, Kansas.
  - (16) Project for water resource improvements, Willamette River Basin, Fern Ridge, Oregon.
  - (17) Project for ecosystem restoration, Resacas at Brownsville, Texas.
  - (18) Project for navigation, Norfolk Harbor, Virginia.
  - (19) Project for coastal storm risk management, Norfolk, Virginia.
  - (20) Project for navigation, Tacoma Harbor, Washington.
- (b) LOWER SAN JOAQUIN RIVER, CALIFORNIA.—In expediting completion of the second phase of the Lower San Joaquin River feasibility study under subsection (a)(8), the Secretary shall review and give priority to any plans and designs requested by non-Federal interests and incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.
- (c) POST-AUTHORIZATION CHANGE REPORTS.—The Secretary shall expedite completion of a post-authorization change report for the following projects:
- (1) Project for flood risk management, San Luis Rey River Flood Control Protection Project, California.
  - (2) Project for flood risk management, Success Reservoir Enlargement Project, California.
  - (3) Everglades Agricultural Area Reservoir, Central Everglades Planning Project, Florida.
  - (4) Project for navigation, Sault Sainte Marie, Michigan.
- (d) UPPER MISSISSIPPI RIVER PROTECTION.—Section 2010 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270) is amended by adding at the end the following:
- “(d) CONSIDERATIONS.—In carrying out a disposition study with respect to the Upper St. Anthony Falls Lock and Dam, including a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), the Secretary may not complete such study until the Secretary considers, and issues a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on—
- “(1) the feasibility of carrying out modifications to the Upper St. Anthony Falls Lock and Dam to—
    - “(A) preserve and enhance recreational opportunities and the health of the ecosystem; and
    - “(B) maintain the benefits to the natural ecosystem and human environment; and
  - “(2) the preservation of any portion of the Upper St. Anthony Falls Lock and Dam necessary to maintain flood control.”.

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

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

- (a) PURPOSES.—The purposes of this section are—
- (1) to identify \$3,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—
    - (A) a lack of local support;
    - (B) a lack of available Federal or non-Federal resources; or
    - (C) an authorizing purpose that is no longer relevant or feasible;
  - (2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and
  - (3) to allow the continued authorization of water resources development projects that are viable for construction.
- (b) INTERIM DEAUTHORIZATION LIST.—
- (1) IN GENERAL.—The Secretary shall develop an interim deauthorization list that identifies—
    - (A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—
      - (i) planning, design, or construction was not initiated before the date of enactment of this Act; or
      - (ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or



- separable element of the project during the current fiscal year or any of the 6 preceding fiscal years;
- (B) each project or separable element identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)); and
- (C) any project or separable element for which the non-Federal sponsor of such project or separable element submits a request for inclusion on the list.
- (2) PUBLIC COMMENT AND CONSULTATION.—
- (A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).
- (B) COMMENT PERIOD.—The public comment period shall be 90 days.
- (3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall—
- (A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and
- (B) publish the revised interim deauthorization list in the Federal Register.
- (c) FINAL DEAUTHORIZATION LIST.—
- (1) IN GENERAL.—The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).
- (2) DEAUTHORIZATION AMOUNT.—
- (A) PROPOSED FINAL LIST.—The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least \$3,000,000,000.
- (B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.
- (3) IDENTIFICATION OF PROJECTS.—
- (A) SEQUENCING OF PROJECTS.—
- (i) IN GENERAL.—The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2)(A).
- (ii) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.
- (iii) CONSIDERATION OF PUBLIC COMMENTS.—In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(2).
- (B) APPENDIX.—The Secretary shall include as part of the proposed final deauthorization list an appendix that—
- (i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and
- (ii) describes the reasons why the project or separable element is not included on the proposed final list.
- (4) PUBLIC COMMENT AND CONSULTATION.—
- (A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governor of each applicable State on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).
- (B) COMMENT PERIOD.—The public comment period shall be 90 days.
- (5) SUBMISSION OF FINAL LIST TO CONGRESS; PUBLICATION.—Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall—

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

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

(d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

(1) IN GENERAL.—After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.

(2) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2)(A).

(3) PROJECTS IDENTIFIED IN APPENDIX.—A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

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

(f) GENERAL PROVISIONS.—

(1) DEFINITIONS.—In this section, the following definitions apply:

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

(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

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

(I) demonstrates a Federal interest; and

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

(B) WATER RESOURCES DEVELOPMENT PROJECT.—The term “water resources development project” includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent modification.

**SEC. 302. BACKLOG PREVENTION.**

(a) PROJECT DEAUTHORIZATION.—

(1) IN GENERAL.—A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 10-year period beginning on the date of enactment of this Act unless—

(A) funds have been obligated for construction of, or a post-authorization study for, such project or separable element during that period; or

(B) the authorization contained in this Act has been modified by a subsequent Act of Congress.

(2) IDENTIFICATION OF PROJECTS.—Not later than 60 days after the expiration of the 10-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

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

- (1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;
- (2) a description of the reasons the projects were not completed;
- (3) a schedule for the completion of the projects based on expected levels of appropriations; and
- (4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.

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

**SEC. 303. PROJECT MODIFICATIONS.**

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

(b) **MODIFICATIONS.**—

(1) **HARBOR/SOUTH BAY, CALIFORNIA.**—Section 219(f)(43) of the Water Resources Development Act of 1992 (113 Stat. 337; 114 Stat. 2763A–220) is amended by striking “\$35,000,000” and inserting “\$70,000,000”.

(2) **LAKES MARION AND MOULTRIE, SOUTH CAROLINA.**—Section 219(f)(25) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220; 117 Stat. 1838; 130 Stat. 1677) is amended by striking “\$60,000,000” and inserting “\$89,550,000”.

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

The portion of the project for navigation, Milwaukee Harbor, Milwaukee, Wisconsin, authorized by the first section of the Act of March 3, 1843 (5 Stat. 619; chapter 85), consisting of the navigation channel within the Menomonee River that extends from the 16th Street Bridge upstream to the upper limit of the authorized navigation channel and described as follows is no longer authorized beginning on the date of enactment of this Act:

- (1) Beginning at a point in the channel just downstream of the 16th Street Bridge, N383219.703, E2521152.527.
- (2) Thence running westerly along the channel about 2,530.2 feet to a point, N383161.314, E2518620.712.
- (3) Thence running westerly by southwesterly along the channel about 591.7 feet to a point at the upstream limit of the existing project, N383080.126, E2518036.371.
- (4) Thence running northerly along the upstream limit of the existing project about 80.5 feet to a point, N383159.359, E2518025.363.
- (5) Thence running easterly by northeasterly along the channel about 551.2 feet to a point, N383235.185, E2518571.108.
- (6) Thence running easterly along the channel about 2,578.9 feet to a point, N383294.677, E2521150.798.
- (7) Thence running southerly across the channel about 74.3 feet to the point of origin.

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

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

**SEC. 306. CONVEYANCES.**

(a) **CHEATHAM COUNTY, TENNESSEE.**—

(1) **CONVEYANCE AUTHORIZED.**—The Secretary may convey to Cheatham County, Tennessee (in this subsection referred to as the “Grantee”), all right, title, and interest of the United States in and to the real property in Cheatham County, Tennessee, consisting of approximately 9.19 acres, identified as portions of tracts E–514–1, E–514–2, E–518–1, E–518–2, E–519–1, E–537–1, and E–538,

all being part of the Cheatham Lock and Dam project at CRM 158.5, including any improvements thereon.

(2) DEED.—The conveyance of property under this subsection shall be accomplished using a quitclaim deed and upon such terms and conditions as the Secretary determines appropriate to protect the interests of the United States, to include retaining the right to inundate with water any land transferred under this subsection.

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

(4) SUBJECT TO EXISTING EASEMENTS AND OTHER INTERESTS.—The conveyance of property under this section shall be subject to all existing easements, rights-of-way, and leases that are in effect as of the date of the conveyance.

(b) NASHVILLE, TENNESSEE.—

(1) CONVEYANCE AUTHORIZED.—The Secretary may convey, without consideration, to the City of Nashville, Tennessee (in this subsection referred to as the “City”), all right, title, and interest of the United States in and to the real property covered by Lease No. DACW62–1–84–149, including any improvements thereon, at the Riverfront Park Recreational Development, consisting of approximately 5 acres, subject to the right of the Secretary to retain any required easements in the property.

(2) CONVEYANCE AGREEMENT.—A quit claim deed shall be used to convey real property under this subsection upon the terms and conditions mutually satisfactory to the Secretary and the City. The deed shall provide that in the event the City, its successors, or assigns cease to maintain improvements for recreation included in the conveyance or otherwise utilize the real property conveyed for purposes other than recreation and compatible flood risk management, the City, its successor, or assign shall repay to the United States the Federal share of the cost of constructing the improvements for recreation under the agreement between the United States and the City dated December 8, 1981, increased as necessary to account for inflation.

(c) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(4) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

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

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

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

Subject to a determination by the Secretary that the costs are reasonable and allowable and that the work for which credit is requested was carried out in accordance with the laws specified in section 5014(i)(2)(A) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1331) and all other applicable Federal laws, the Secretary may credit toward the non-Federal share of the cost of the Kissimmee River project, authorized in section 101(8) of the Water Resources Development Act of 1992 (106 Stat. 4802), the value of in-kind contributions made by the non-Federal interest with respect to the six following actions, as described in the final report of the Director of Civil Works on the Central and Southern Florida Project, Kissimmee River Restoration Project, dated April 27, 2018:

- (1) Shady Oaks Fish Camp land preparation.

- (2) Rocks Fish Camp land preparation.
- (3) Levee breaching of Sparks Candler and Bronson Levees.
- (4) Packingham Slough construction related to land acquisition.
- (5) Engineering analysis of River Acres engineering solution.
- (6) Small local levee modifications.

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

That portion of the channel improvement project, Lytle and Cajon Creeks, California, authorized to be carried out as a part of the project for the Santa Ana River Basin, California, by the Act of December 22, 1944 (Chapter 665; 58 Stat. 900) that consists of five earth-filled groins commonly referred to as “the Riverside Avenue groins” is no longer authorized as a Federal project beginning on the date of enactment of this Act.

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

(a) **IN GENERAL.**—The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275) is modified to allow a non-Federal interest to construct a new levee to connect the existing levee with high ground.

(b) **PROJECT DESCRIPTION.**—The levee to be constructed shall tie into the existing levee at a point Northing 2186189.2438, Easting 6703908.8657, thence running east and south along a path to be determined to a point Northing 2187849.4328, Easting 6719262.0164.

(c) **COOPERATION AGREEMENT.**—The Secretary shall execute a conforming amendment to the Memorandum of Understanding Respecting the Sacramento River Flood Control Project with the State of California dated November 30, 1953, that is limited to changing the description of the project to reflect the modification.

(d) **NO FEDERAL COST.**—

(1) **REVIEW COSTS.**—Before construction of the levee described in subsection (b), the Secretary may accept and expend funds received from a non-Federal interest to review the planning, engineering, and design of the levee described in subsection (b) to ensure that such planning, engineering, and design complies with Federal standards.

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

## TITLE IV—WATER RESOURCES INFRASTRUCTURE

**SEC. 401. PROJECT AUTHORIZATIONS.**

The following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) **NAVIGATION.**—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
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

(2) **FLOOD RISK MANAGEMENT.**—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
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

## (3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
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
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

## (4) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

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

## (5) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. GA	Savannah Harbor Expansion Project	Dec. 5, 2016	Federal: \$677,613,600 Non-Federal: \$295,829,400 Total: \$973,443,000
2. KY	Kentucky River Locks and Dams - 1, 2, 3, and 4	April 20, 2018	Federal: \$0 Non-Federal: \$0 Total: \$0

#### PURPOSE OF LEGISLATION

H.R. 8 authorizes the United States Army Corps of Engineers (Corps) to carry out water resources development activities for the Nation, usually through cost-sharing partnerships with non-federal sponsors. Activities include navigation, flood damage reduction, shoreline protection, hydropower, dam safety, water supply, recreation, environmental restoration and protection, and disaster response and recovery. H.R. 8 also reforms the Corps planning process, promotes timely project delivery, empowers non-Federal project sponsors, and strengthens congressional oversight.

#### BACKGROUND AND NEED FOR LEGISLATION

America enjoys an unparalleled network of natural harbors and rivers. The ports, channels, locks, dams, and other infrastructure that support our maritime and waterways transportation system and provide flood protection for our homes and businesses are vitally important to a healthy national economy and job growth. Ensuring a sound infrastructure network is a shared responsibility, with Federal and state roles recognized by our Founding Fathers. The Water Resources Development Act (WRDA) of 2018 promotes the Federal commitment to our Nation's competitiveness, prosperity, and economic growth by maintaining a strong transportation infrastructure, ensuring the efficient flow of domestic and international commerce, and protecting the lives and livelihoods of the American people in a sustainable manner. Through WRDA, Congress authorizes the key missions of the Corps, including developing, maintaining, and supporting the Nation's economically vital waterway infrastructure and supporting effective and targeted flood protection and environmental restoration needs. WRDA also provides Congress the opportunity to make much needed policy reforms, strengthen oversight, promote efficient, effective, and transparent project development and implementation, and open the door to innovation and stronger partnerships that will improve infrastructure development. Water resources legislation should be enacted every two years to provide oversight of and policy direction to the Administration and the Corps.

Since 2014, the Committee has resumed the regular consideration of Water Resources Development Acts no less than once a Congress. The Water Resources Development Act of 2018 continues the WRDA 2-year cycle that provides appropriate oversight of and policy direction to the Administration and the Corps.

The transformative nature of the last two WRDA bills has provided the Corps and the non-Federal sponsors with a tremendous number of new opportunities for advancing projects more quickly. The Committee has been concerned with the pace that the Corps has issued implementation guidance, and expects that now that the Corps has had time to work through the new authorities and processes set up in WRDA 2014 and WRDA 2016, project delivery can begin to speed up. The Corps estimates that the current backlog of authorized projects studies is over \$96 billion. The Committee expects that the provisions put forward in this bill, as well as the last two WRDA bills, will help reverse the trend seen over the years of the Corps and OMB finding new and creative ways to reject, disqualify, or otherwise stifle investment in worthwhile and beneficial

water resources development projects, and instead, permit, encourage, and enable these projects to move forward.

One of the creative ways to reject investment in beneficial water resources projects is the use of unrealistic benefit-cost analyses (BCAs) in the formulation, evaluation, and budgeting of water resources development projects. The Committee continues to be approached by members and non-Federal projects sponsors who have projects that are authorized but are being told no because the way the Administration has decided to calculate the BCA leaves them in the dark. Congress is clear, if a project is authorized, Congress believes it is worthy of funding.

Because of the increasing frustration with BCAs across all Corps project areas, this bill contains a provision that requires the Corps to contract with the National Academy of Sciences to carry out a study on the Corps' use and application of their current BCAs and to recommend changes to improve transparency, cost savings, and the return on Federal investment. Corps water resources development projects have long time horizons reflective of their critical importance to maintaining the Nation's economic prosperity, national security, and environmental protection. This report should provide a more realistic look at what benefits should be included in BCA calculations to help inform a more reality-based process. The Committee encourages the Corps to proactively work with non-Federal sponsors to transparently discuss the principles and analytical methodologies used in developing BCAs on these projects.

In 1986, Congress enacted the Harbor Maintenance Tax to recover the operation and maintenance dredging costs for commercial ports from maritime shippers. The Harbor Maintenance Tax is directly levied on importers and domestic shippers using coastal or inland ports as a 0.125 percent ad valorem tax on the value of imported cargo (e.g., \$1.25 per \$1,000 value) and is typically passed along in the purchase of imported goods or services. These revenues are deposited into a HMTF within the U.S. Treasury from which Congress currently appropriates funds to the Corps for harbor maintenance dredging.

The HMTF has historically collected far more revenues from shippers than Congress has appropriated to the Corps to maintain our harbors, with approximately \$9 billion in already-collected revenues sitting idle in the U.S. Treasury. As a result, shippers continue to honor their commitment to pay for promised maintenance activities, but the dredging needs of our Nation's ports go unmet. According to the Corps, full navigation channels at our Nation's busiest 59 ports are available less than 35 percent of the time—and the conditions of our midsize and emerging harbors are far worse. To be clear, there are sufficient funds in the Trust Fund to meet the maintenance dredging needs of all Federally authorized ports.

This Committee took the initial steps to ensure that Harbor Maintenance taxes are fully utilized through enactment of discretionary appropriations targets from the Trust Fund in the Water Resources Reform and Development Act of 2014 (WRRDA). This provision established annually increasing targets for appropriations from the Trust Fund to be used for the operations and maintenance of our authorized commercial harbors. This provision also established the first mandatory set-aside for the nation's small (emerg-



ing) commercial harbors. The Committee is pleased these discretionary targets have been successfully reached in the initial years after enactment of WRRDA 2014, including 95% of HMTF revenues being spent in fiscal year 2018, but recognizes the challenge of reaching full allocation of annual HMTF collections while not also negatively affecting the other missions and responsibilities of the Corps.

At the same time, even under the status quo of WRRDA 2014, there is an ever-growing balance in the Trust Fund that is not being used for its intended purpose. According to the Congressional Budget Office (CBO), the HMTF will collect \$18.5 billion in new revenues over the next decade—in addition to the approximately \$9 billion in previously collected but unspent revenues in the HMTF. Yet, according to CBO, Federal appropriations from the HMTF over the next decade are only expected to total \$14.3 billion, and would result in the balance of the HMTF doubling—reaching \$17.2 billion in fiscal year 2026. Under this scenario, the maintenance needs of commercial ports will continue to go unmet, while the funding to fix them remains idle.

Section 102 is intended to work in tandem with the existing discretionary appropriations targets of WRRDA 2014 by allowing, in fiscal year 2029, the Secretary to utilize the existing balances in the Trust Fund to meet the operation and maintenance needs of authorized commercial harbors. By specifically authorizing the commercial harbors where these funds could be used, as well as the authorized purposes of these funds, Congress has already established clear, statutory limits on expenditures from the Trust Fund. This authority simply provides a separate avenue for allowing the expenditure of these funds for their intended purposes, rather than the status quo, which allows these funds to be used to mask other expenditures of the Federal government and the true size of the Federal deficit.

The Committee is cautiously positive about the new implementation of Section 14 of the Rivers and Harbors Act of 1899 (commonly called a ‘408 permission’, since this law is codified in 33 U.S.C. Sec. 408). Non-Federal entities seeking to modify Federal water resources projects are often required to obtain a 408 permission from the Corps prior to initiating the modification; however, the Committee has previously addressed the issues with the way the Corps is implementing this provision. The changes the Corps has finally implemented in WRRDA 2014, and WRDA 2016, along with issuing a new engineering circular, should make the process of obtaining 408 permissions faster. The Corps should ensure that necessary permissions under this authority are carried out in an expeditious and transparent manner, consistent with Federal law, and that Corps regulatory personnel are provided with sufficient Federal resources to carry out this authority.

This bill contains several provisions related to crediting of work done by non-Federal sponsors. The Committee encourages the Corps to work proactively with non-Federal sponsors to educate them about the different crediting and reimbursement options available. Additionally, non-Federal sponsors are encouraged to fully understand what crediting options are available and to ensure they are complying with all requirements necessary to receive credit for work done. The Committee is concerned with the number of

requests for credit from non-Federal sponsors for work performed that has not been performed in the same way the Corps would have executed the project.

The Committee reemphasizes the need to engage with non-Federal project sponsors and their associated representatives to coordinate and consult on implementation guidance. This bill directs the Corps to adopt an open process to gather input and initiate a dialogue with those non-Federal sponsors who have a stake in how programs and activities are carried out. Hosting one-way communications through Webinars and other non-participatory forums jeopardizes the necessary modifications and adjustments to the Corps programs and activities that are authorized in WRDAs. The Corps should work to ensure all non-Federal project sponsor and relevant stakeholders voices are heard and incorporate those considerations and Congressional intent into final implementation guidance.

The Committee would encourage the Corps and the non-Federal sponsors to work together to utilize best and latest practices in the area of digital monitoring technology, when designing and building environmental infrastructure projects. Utilization of such technology for analysis, management and implementation of projects can result in the greatest cost effectiveness and savings of Federal dollars in the short run and cost savings over the long run for the grantee.

The Committee has authorized a harmful algal bloom technology development demonstration at the Engineer Research and Development Center. The Committee expects that the Secretary will work with other Federal agencies who are conducting HABs research and ensure that they are not duplicating work being done by others. Additionally, the Committee hopes that the research for technology can look at technology that can be scaled to have the capability to remove harmful algal blooms on a large scale basis.

The Committee encourages the Corps to expedite completion of a post-authorization change report for the Everglades Agricultural Area Reservoir component of the Central Everglades Planning Project, Florida. The Committee recognizes the importance of the Central Everglades Planning Project report for environmental restoration and flood control to the restoration of the Florida Everglades, and hopes to complete its final review of this project for Congressional authorization, at dollar amounts directed by the Secretary, once a favorable report of the Chief is completed.

The Committee understands that WRDA 2000 established a review process for the programmatic regulations initially promulgated to guide the implementation of the Comprehensive Everglades Restoration Plan. The Committee is concerned that a review of these regulations has not been conducted since 2009, and directs the Secretary to undertake such a review.

In WRDA 2016, the Committee instructed the Secretary to provide assistance to displaced tribes along the Columbia River as a result of the construction of the lower Columbia River Dams. The Committee is concerned that OMB is not taking seriously the treaty obligations to provide assistance and would encourage the government to work towards a solution for these tribes in an expeditious manner. As much as is possible, if the determination is made that additional housing is warranted, the purchase of private land

shall be avoided, and housing shall be provided using current Federal or tribal reservation land.

Included in this legislation is authorization of the Lower San Joaquin River flood damage reduction project and expediting the second phase of the study to determine the feasibility of constructing a project to protect the Cities of Lathrop, Manteca and Stockton, and unincorporated San Joaquin County, also known as “Reclamation District 17” (RD17). The Committee is aware of discussions between the non-Federal project sponsors and the Corps regarding the application of Executive Order 11988 for this second phase study. As RD17 is not in the 100-year floodplain, EO 11988 should not apply, and should not be a barrier to evaluating Federal interest in the basin. The Committee has the expectation that priority will be provided to analyze alternatives proposed by the non-Federal project sponsor.

#### HEARINGS AND ROUNDTABLES

On October 27, 2017, the Subcommittee on Water Resources and Environment held a roundtable on “America’s Water Resources Infrastructure: Concepts for the Next Water Resources Development Act”, in Miami, Florida.

On January 18, 2018, the Subcommittee on Water Resources and Environment held a hearing on “America’s Water Resources Infrastructure: Approaches to Enhanced Project Delivery.”

On March 15, 2018, the Subcommittee on Water Resources and Environment held a hearing on “Building a 21st Century Infrastructure for America: Water Resources Projects and Policy.”

On April 20, 2018, the Subcommittee on Water Resources and Environment held a roundtable on “America’s Water Resources Infrastructure: Concepts for the Next Water Resources Development Act, Part II”, in Coos Bay, Oregon.

#### LEGISLATIVE HISTORY AND CONSIDERATION

On May 18, 2018, House Committee on Transportation and Infrastructure Chairman Bill Shuster (R-PA) and Ranking Member Peter DeFazio (D-OR) with Subcommittee on Water Resources and Environment Chairman Garret Graves (R-LA) and Ranking Member Grace F. Napolitano (D-CA) introduced H.R. 8, the Water Resources Development Act of 2018. The bill was referred solely to the Committee on Transportation and Infrastructure.

On May 23, 2018, the Committee on Transportation and Infrastructure met in open session and ordered the bill, as amended, reported favorably to the House by voice vote with a quorum present.

A Manager’s Amendment was offered in Committee by Chairman Shuster, which was adopted by voice vote, making several technical and conforming changes to the bill.

An amendment (Young 138) was offered in Committee by Congressman Don Young (R-AK) and withdrawn. The amendment would have amended a cost share change that applied retroactively.

An amendment (Nolan 97) was offered in Committee by Congressman Richard M. Nolan (D-MN) and defeated by a record vote. The amendment would have created a grant program for wastewater treatment.

An amendment (Bost 42) was offered in Committee by Congressman Mike Bost (R-IL) and withdrawn. This amendment would have permitted a non-Federal sponsor to pay an amount sufficient to achieve a positive benefit cost ratio on a rehabilitation project.

An amendment (Titus 46) was offered in Committee by Congresswoman Dina Titus (D-NV) and defeated by voice vote. The amendment would have amended the authorization of the Lake Tahoe program.

An amendment (Mitchell 43) was offered in Committee by Congressman Paul Mitchell (R-MI) and withdrawn. The amendment would have added to the list of feasibility studies for the Secretary to expedite.

A revised amendment (Mast 67) was offered in Committee by Congressman Brian J. Mast (R-FL) and approved by voice vote. The amendment authorized a harmful algal bloom technology development demonstration at the Engineer Research and Development Center.

An amendment (Frankel 42) was offered in Committee by Congresswoman Lois Frankel (D-FL) and withdrawn. The amendment would have removed a legal prohibition against use of foreign sand.

An amendment (Bustos 45) was offered in Committee by Congresswoman Cheri Bustos (D-IL) and approved by voice vote. The amendment clarified that operations and maintenance activities at Corps owned locks and dams are inherently governmental functions.

An en bloc amendment was offered in Committee by Chairman Shuster, and was approved by voice vote. The en bloc amendment consisted of the following amendments:

- a revised amendment (Esty 65) offered by Congresswoman Elizabeth Esty (D-CT) to require the Secretary to report on the use of innovative materials;

- a revised amendment (Esty 68) offered by Congresswoman Elizabeth Esty (D-CT) to require the National Academy of Sciences to review the effects of Corps leadership rotations;

- a revised amendment (Graves 37) offered by Congressman Sam Graves (R-MO) prevents the construction of interception rearing complexes until the Corps reports to Congress;

- a revised amendment (Lawrence 77) offered by Congresswoman Brenda L. Lawrence (D-MI) to require the study of workforce capacity and technology use at the Corps;

- an amendment (Lipinski 100) offered by Congressman Daniel Lipinski (D-IL) to require the Corps to furnish publically available list of real-estate assets;

- an amendment (Lipinski 102) offered by Congressman Daniel Lipinski (D-IL), to direct the Corps to enter a memorandum of understanding with the Environmental Protection Agency for the remediation of the Bubbly Creek ecosystem restoration project, Illinois;

- a revised amendment (Mast 63) offered by Congressman Brian J. Mast (R-FL) to allow non-Federal sponsors to recommend their own projects to the Corps for inclusion on a potential project deauthorization list submitted to Congress;

- a revised amendment (Mast 64) offered by Congressman Brian J. Mast (R-FL) to direct the corps to provide technical

assistance to feasibility studies paid for by non-Federal sponsors;

a revised amendment (Mast 66) offered by Congressman Brian J. Mast (R-FL) to expedite the review of the Lake Okechobee Regulation Schedule;

a revised amendment (Nolan 99) offered by Congressman Richard M. Nolan (D-MN) to direct the Engineer Research and Development Center to research aquatic invasive species and report back to Congress;

a revised amendment (Plaskett 70) offered by Congresswoman Stacey E. Plaskett (D-VI) to allow for the discretionary waiver of the cost share for post disaster watershed assessments in the U.S. Territories;

an amendment (Rouzer 17) offered by Congressman David Rouzer (R-NC) to clarify the effect of hurricane and storm damage reduction extensions granted by the Corps;

a revised amendment (Sanford 84) offered by Congressman Mark Sanford (R-SC) to direct a study of the use of nature based infrastructure;

an amendment (Wilson 50) offered by Congresswoman Frederica S. Wilson (D-FL) to clarify the issuance of credit to non-Federal sponsors upon request;

an amendment (Young 140) offered by Congressman Don Young (R-AK) to amend the small river and harbor projects program;

an amendment (Young 141) offered by Congressman Don Young (R-AK) to direct a study on the efforts to relocate Alaska Native Villages due to flooding and erosion threats;

and a revised amendment (Young 142) offered by Congressman Don Young (R-AK) to direct a study on improving the Corps waiver processes.

An amendment (Frankel 43) was offered in Committee by Congressman Lois Frankel (D-FL) and withdrawn. The amendment would have allowed the Corps to carry out discrete segments of authorized projects using advanced funds.

A revised amendment (Faso 55) was offered in Committee by Congressman John J. Faso (R-NY) and withdrawn. The amendment would have allowed the Secretary to consider natural infrastructure alternatives in flood risk management and storm damage reduction studies.

A revised amendment (Plaskett 69) was offered in Committee by Congresswoman Stacey E. Plaskett (D-VI) and withdrawn. The amendment would have made Territories of the United States eligible for inclusion in the tribal partnership program.

A revised amendment (Davis 73) was offered in Committee by Congressman Rodney Davis (R-IL) and withdrawn. The amendment would have set a cost share for the operations and maintenance of a project authorized under the Great Lakes and Mississippi River Interbasin Study, and required consultation with the Governor of the State where the project is located.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report

and on any amendment offered to the measure or matter, and the names of those members voting for and against. One recorded vote was taken during consideration of H.R. 8, on the amendment offered by Congressman Richard M. Nolan (D-MN), designated 97. The amendment was not agreed to by a vote of 22-34. A motion to order H.R. 8, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.



## COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES AND  
CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the Congressional Record upon its receipt by the Committee.

## PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to authorize the key missions of the Corps, including developing, maintaining, and supporting the Nation's economically vital waterway infrastructure and supporting effective and targeted flood protection and environmental restoration needs. Additionally, H.R. 8 is intended to accelerate the project delivery process, promote fiscal responsibility, and strengthen our water transportation networks to promote competitiveness, prosperity, and economic growth. Finally, WRDA will increase transparency, accountability, and Congressional oversight in reviewing and prioritizing future water resources development activities.

## ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

## DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(g) of H. Res. 5, 114th Cong. (2015), the Committee finds that no provision of H.R. 8, as amended, establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a



program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULEMAKINGS

Pursuant to section 3(i) of H. Res. 5, 114th Cong. (2015), the Committee estimates that enacting H.R. 8, as amended, does not specifically direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

#### FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4) was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 8, as reported, does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

#### SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Sec. 1. Short title  
Sec. 2. Definition of Secretary

#### TITLE I—GENERAL PROVISIONS

##### *Section 101. Sense of Congress regarding Water Resources Development Bills*

This Sense of Congress emphasizes the unique missions of the Corps and re-affirms that Water Resources Development Acts should be considered by Congress every two years.

##### *Section 102. Use of Harbor Maintenance Trust Fund to support navigation*

This section allows the Corps to use the funds available in the Harbor Maintenance Trust Fund (HMTF) to carry out eligible operations and maintenance costs assigned to commercial navigation of

harbors and inland harbors within the United States, beginning in fiscal year 2029.

*Section 103. Assessment of harbors and inland harbors*

This section directs the Corps to include opportunities for the potential beneficial use of dredged materials in its assessment of the operation and maintenance needs at the Nation's harbors and inland harbors.

*Section 104. Levee Safety Initiative reauthorization*

This section reauthorizes programs within National Levee Safety Initiative through fiscal year 2023 to continue promoting improved levee safety practices at the local, state, and Federal levels.

*Section 105. Dam safety*

This section reauthorizes programs within the National Dam Safety Program Act through fiscal year 2023 to continue the Corps' role in reducing the risks to life and property from dam failure in the United States.

*Section 106. Rehabilitation of Corps of Engineers constructed dams*

This section amends a program for the Corps to carry out projects for the rehabilitation of high hazard potential dams constructed before 1940.

*Section 107. Forecast-informed reservoir operations*

This section directs the Corps to report to Congress on the use of forecast-informed reservoir operations at the Lake Mendocino project in California and the viability of using forecast-informed reservoir operations at other dams owned and operated by the Corps.

*Section 108. Identification of nonpowered dams for hydropower development*

This section directs the Corps to create a list of existing nonpowered dams, which are owned and operated by the Corps, that have the greatest potential for non-Federal hydropower development.

*Section 109. Emergency response to natural disasters*

This section clarifies that hurricane and storm damage risk reduction projects damaged or destroyed by natural disasters, shall be rebuilt to either pre-storm levels or its design level of protection, whichever is greater.

*Section 110. Integrated water resources planning*

This section directs the Corps to work with communities covered by a proposed water resources development project to coordinate the feasibility study with any existing local or regional water management plan.

*Section 111. Mitigation banks*

This section directs the Corps to develop guidance on mitigation bank credit releases to maximize opportunities for mitigation and increase transparency in the use of mitigation banks.

*Section 112. Indian tribes*

This section provides a more comprehensive definition of federally recognized Indian tribes that may work in partnership with the Corps on water resources development projects.

*Section 113. Columbia River*

This section clarifies the Corps' obligations to provide assistance to Indian tribes displaced as a result of the construction of the Bonneville, John Day, and Dalles dams, in Oregon and Washington.

*Section 114. Dissemination of information*

This section directs the Corps to develop and support education and awareness efforts to ensure that potential non-Federal interests and locally elected officials are informed of the annual Report to Congress on Future Water Resources Development process established under Section 7001 of the Water Resources Reform and Development Act of 2014.

*Section 115. Non-Federal engagement and review*

This section directs the Corps to engage with non-Federal stakeholders when finalizing implementation guidance for water resources development laws.

*Section 116. Comprehensive backlog report*

This section directs the Corps to furnish a report to Congress on a complete list of projects, and separable elements of projects, that are authorized for construction but not completed. Additionally, the Corps shall submit a report to Congress on all deferred operation and maintenance needs at projects and properties under their control.

*Section 117. Structures and facilities constructed by Secretary*

This section clarifies that the scope of reviews for permissions under section 14 of the Act of March 3, 1899 (commonly referred to as section 408) shall not include unimproved real estate of the Corps, provided that a modification of the real estate does not affect the function or usefulness of the project.

*Section 118. Transparency in administrative expenses*

This section directs the Corps to contract with the National Academy of Public Administration to study the efficiency of the Corps' current staff salaries and administrative expense procedures, within one year of enactment.

*Section 119. Study of the future of the United States Army Corps of Engineers*

This section directs the Corps to contract with the National Academy of Sciences to evaluate and provide recommendations to Congress on the efficacy of the current organizational structure of the civil works functions of the Corps and identify potential impediments to efficient project delivery.

*Section 120. Acknowledgement of credit*

This section clarifies that certain projects carried out by non-Federal interests pursuant to section 7007 of WRDA 2007 are eligible for credit.

*Section 121. Non-Federal implementation pilot program*

This section reauthorizes a pilot program that allows the Corps to provide a non-Federal interest full project management control over a water resources development project.

*Section 122. Study of Water Resources Development Projects by non-Federal Interests*

This section expedites projects by directing the Corps to furnish section 203 reviews to Congress upon completion, instead of after Administration review. Additionally, this section allows the Secretary of the Army-Civil Works to accept and expend funds provided by a non-Federal interest to conduct activities that are inherently governmental functions. Currently, when carrying out a study under section 203 authority, the Assistant Secretary of the Army may not have the opportunity to review or participate in a proposed study until late in the process.

*Section 123. Construction of water resources development projects by non-Federal interests*

This section accelerates project delivery by allowing credit or reimbursement for certain segments of water resources development projects. Additionally, this section amends section 204 of WRDA 1986 to allow a non-Federal interest to advance projects more expeditiously through the use of a written agreement with the Corps. The Committee intends that any action taken by the non-Federal interest shall be carried out pursuant to all applicable requirements existing in law.

*Section 124. Advanced funds for water resources development studies and projects*

This section helps move projects into construction by expanding the Corps' authority to accept advanced funds from non-Federal interests for water resources development projects. Subsection (b) provides that the use of any statutory provision that allows a non-Federal interest to provide, advance, or contribute funds to the Secretary for the development or implementation of a water resources development project does not adversely affect the timeline or budgeting processes for other projects that do not use such authorities. Accordingly, the Corps should treat projects that proceed through regular appropriations and statutory cost-share the same as projects that may utilize advanced or contributed funds.

*Section 125. Funding to process permits*

This section amends Section 214 of the Water Resources Development Act of 2000 to extend through 2026 the authority for public-utility companies, natural gas companies, or railroad carriers to contribute funds to the Corps to expedite the evaluation of a permit, under the jurisdiction of the Department of the Army, related to a project or activity for public purpose.

*Section 126. Study on economic and budgetary analyses*

This section directs the Corps to contract with the National Academy of Sciences to review and make recommendations on improving the Corps' economic principles and analytical methodologies when evaluating the budgeting for water resources development projects.

*Section 127. Study of corrosion management at Corps of Engineers projects*

This section directs the Comptroller General to study the corrosion management efforts at projects and properties under the control of the Corps.

*Section 128. Costs in excess of Federal participation limit*

This section clarifies that a non-Federal interest shall be responsible for all costs above the Federal participation limit for projects relating to emergency streambank and shoreline protection.

*Section 129. Report on innovative materials*

This section directs the Corps to report to Congress on activities relating to the use of innovative materials in water resources development projects.

*Section 130. Study on Corps of engineers*

This section directs the Comptroller General to study the capacity and preparedness of the Corps workforce, and the technologies used by the Corps to accomplish its missions and responsibilities.

*Section 131. GAO study*

This section directs the Comptroller General to study the Corps' use of natural features and nature-based features in the study of feasibility projects for flood risk management, hurricane and storm damage reduction, and ecosystem restoration.

*Section 132. GAO reports on Alaska Native village relocation efforts due to flooding and erosion threats.*

This section directs the Comptroller to study and update previous reports related to efforts to relocate Alaska Native villages due to flooding and erosion threats.

*Section 133. Study and report on expediting certain waiver processes*

This section directs the Corps to furnish a report to Congress on how to improve and implement the waiver process for non-Federal cost shares for certain storm damage prevention and reduction projects.

*Section 134. Corps of Engineers continuing authorities program*

This section increases the authorization for small continuing authority projects associated with navigation improvements.

*Section 135. Credit in lieu of reimbursement*

This section clarifies that the Secretary may provide a non-Federal interest of an authorized coastal navigation project credit in

lieu of reimbursement owed to the non-Federal interest for work carried out prior to the date of enactment.

*Section 136. Lake Okeechobee regulation schedule*

This section directs the Corps to expedite the review of the Lake Okeechobee regulation schedule to coincide with the completion of the Herbert Hoover Dike project and to consider relevant aspects of the Comprehensive Everglades Restoration Plan.

*Section 137. Missouri river*

This section prevents the Secretary from constructing any additional interception-rearing complexes on the Missouri River until the Corps submits a report to Congress regarding its impacts on navigation, flood control, and other authorized purposes set forth in the Missouri River Master Manual.

*Section 138. Access to real data*

This section directs the Corps to create a publically available centralized database of Corps real estate assets.

*Section 139. Aquatic invasive species research*

This section directs the Engineer Research and Development Center to undertake research on the management and eradication of aquatic invasive species and report to Congress with recommendations to address the spread and impacts of aquatic invasive species.

*Section 140. Harmful algal bloom technology demonstration*

This section authorizes a multi-year technology demonstration for the Engineer Research and Development Center to develop solutions to reduce the occurrence of harmful algal blooms.

*Section 141. Bubbly Creek, Chicago ecosystem restoration*

This section directs the Corps to enter into a memorandum of understanding with the Environmental Protection Agency to facilitate ecosystem restoration activities at the Bubbly Creek project, Illinois.

*Section 142. Operation and maintenance of navigation and hydroelectric facilities*

This section clarifies that operations and maintenance activities at Corps navigation facilities are inherently governmental functions.

*Section 143. Hurricane and storm damage risk reduction*

This section clarifies that extended periods of nourishment shall begin on the date of construction of the congressionally authorized nourishment.

*Section 144. Post-disaster watershed assessments*

This section clarifies that post-disaster watershed assessments, carried out pursuant to Section 3024 of WRRRA 2014, shall be conducted at full Federal expense unless the President determines that the territory has the ability to pay the cost share for an assessment without the use of non-Federal funds or loans.

## TITLE II—STUDIES

*Section 201. Authorization of proposed feasibility studies*

This section authorizes the Corps to conduct feasibility studies for 10 projects for water resources development and conservation and other purposes. These feasibility studies were submitted in a Report to Congress on Future Water Resources Development pursuant to Section 7001 of the Water Resources Reform and Development Act of 2014, or were otherwise reviewed by Congress. Each of the projects has as its primary purpose, one of the following: navigation, hurricane and storm damage reduction, flood damage reduction, or ecosystem restoration.

*Section 202. Additional studies*

This section directs the Corps to conduct a study along the Lower Mississippi River Basin and modify a study along the St. Louis Riverfront. These studies were submitted in a Report to Congress on Future Water Resources Development pursuant to Section 7001 of the Water Resources Reform and Development Act of 2014, or were otherwise reviewed by Congress.

*Section 203. Expedited completion of reports for certain projects*

This section directs the Corps to expedite the completion of 20 feasibility studies currently underway. Upon completion of the study, if the Corps determines that the project is justified, the Corps may proceed directly to preconstruction planning, engineering, and design. This section also directs the Corps to expedite the completion of post-authorization change reports for four projects that are currently underway. Additionally, this section directs the Secretary to report to Congress on the feasibility of certain modifications in carrying out the disposition of the Upper St. Anthony Falls Lock and Dam.

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

*Section 301. Deauthorization of inactive projects*

This section establishes a process that will lead to the deauthorization of \$3 billion in previously authorized, yet inactive, Corps projects. This section requires the Corps to submit a list of inactive projects to Congress that were authorized for construction prior to November 8, 2007, have not begun planning, design, or construction, or, if projects have begun planning, design, or construction, they have not received any funds, Federal or non-Federal, in the past six years. After a 180-day period of congressional review, the projects on the list are automatically deauthorized.

*Section 302. Backlog prevention*

This section terminates the authorization for any project or separable element of a project authorized for construction by this Act after 10 years unless construction has been initiated, a post-authorization study has been issued, or the authorization has been modified by an Act of Congress. Additionally, this section amends the backlog prevention provision in Section 6003 of WRRDA 2014 to align with this section.

*Section 303. Project modifications*

This section modifies the Harbor/South Bay, California and the Lakes Marion and Moultrie, South Carolina projects in accordance with the Report to Congress on Future Water Resources Development pursuant to Section 7001 of the Water Resources Reform and Development Act of 2014, or otherwise reviewed by Congress.

*Section 304. Milwaukee Harbor, Milwaukee, Wisconsin*

This section deauthorizes a portion of the project for navigation in Milwaukee Harbor, Milwaukee, Wisconsin.

*Section 305. Bridgeport Harbor, Connecticut*

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

*Section 306. Conveyances*

This section authorizes the Corps to convey real property owned by the Federal government in Nashville, Tennessee and Cheatham County, Tennessee.

*Section 307. Clatsop County, Oregon*

This section deauthorizes a portion of the project for raising and improving existing levees in Clatsop County, Oregon.

*Section 308. Kissimmee River restoration, Central and Southern Florida*

This section authorizes the Corps to credit work performed by a non-Federal interest in support of the Central and Southern Florida, Kissimmee River Restoration project.

*Section 309. Lytle and Cajon Creeks, California*

This section deauthorizes a portion of the channel improvement project in Lytle and Cajon Creeks, California.

*Section 310. Yuba River Basin, California*

This section authorizes a non-federal interest to construct new levees in cooperating with the Secretary and at full non-Federal expense in the Yuba River Basin, California.

## TITLE IV—WATER RESOURCES INFRASTRUCTURE

*Section 401. Project authorizations*

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

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,



as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**WATER RESOURCES DEVELOPMENT ACT OF 1986**

\* \* \* \* \*

**TITLE II—HARBOR DEVELOPMENT**

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**SEC. 203. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

(a) **SUBMISSION TO SECRETARY.—**

(1) **IN GENERAL.**—A non-Federal interest may undertake a *federally authorized* feasibility study of a proposed water resources development project and submit the study to the Secretary.

(2) **GUIDELINES.**—To assist non-Federal interests, the Secretary, as soon as practicable, shall issue guidelines for feasibility studies of water resources development projects to provide sufficient information for the formulation of the studies.

(b) **REVIEW BY SECRETARY.**—The Secretary shall review each feasibility study received under subsection (a)(1) for the purpose of determining whether or not the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water resources development projects.

[(c) **SUBMISSION TO CONGRESS.**—Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

[(1) the results of the Secretary's review of the study under subsection (b), including a determination of whether the project is feasible;

[(2) any recommendations the Secretary may have concerning the plan or design of the project; and

[(3) any conditions the Secretary may require for construction of the project.]

(c) **SUBMISSION TO CONGRESS.—**

(1) **REVIEW AND SUBMISSION OF STUDIES TO CONGRESS.**—*Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—*

*(A) the results of the Secretary's review of the study under subsection (b), including a determination of whether the project is feasible;*

*(B) any recommendations the Secretary may have concerning the plan or design of the project; and*

(C) any conditions the Secretary may require for construction of the project.

(2) *LIMITATION.*—The completion of the review by the Secretary of a feasibility study that has been submitted under subsection (a)(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration.

(d) *CREDIT.*—If a project for which a feasibility study has been submitted under subsection (a)(1) is authorized by a Federal law enacted after the date of the submission to Congress under subsection (c), the Secretary shall credit toward the non-Federal share of the cost of construction of the project an amount equal to the portion of the cost of developing the study that would have been the responsibility of the United States if the study had been developed by the Secretary.

[(e) *TECHNICAL ASSISTANCE.*—At the request of a non-Federal interest, the Secretary may provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.]

(e) *REVIEW AND TECHNICAL ASSISTANCE.*—

(1) *REVIEW.*—The Secretary may accept and expend funds provided by non-Federal interests to undertake reviews, inspections, certifications, and other activities that are the responsibility of the Secretary in carrying out this section.

(2) *TECHNICAL ASSISTANCE.*—At the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.

(3) *LIMITATION.*—Funds provided by non-Federal interests under this subsection shall not be eligible for credit under subsection (d) or reimbursement.

(4) *IMPARTIAL DECISIONMAKING.*—In carrying out this section, the Secretary shall ensure that the use of funds accepted from a non-Federal interest will not affect the impartial decision-making of the Secretary, either substantively or procedurally.

**SEC. 204. CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

(a) *WATER RESOURCES DEVELOPMENT PROJECT DEFINED.*—In this section, the term “water resources development project” means a project recommendation that results from—

(1) a feasibility report, as such term is defined in section 7001(f) of the Water Resources Reform and Development Act of 2014;

(2) a completed feasibility study developed under section 203; or

(3) a final feasibility study for water resources development and conservation and other purposes that is specifically authorized by Congress to be carried out by the Secretary.

(b) *AUTHORITY.*—

(1) *IN GENERAL.*—A non-Federal interest may carry out a *federally authorized* water resources development project, or separable element thereof—

(A) in accordance with a plan approved by the Secretary for the project or separable element; and

(B) subject to any conditions that the Secretary may require, including any conditions specified under section 203(c)(3).

(2) CONDITIONS.—Before carrying out a water resources development project, or separable element thereof, under this section, a non-Federal interest shall—

(A) obtain any permit or approval required in connection with the project or separable element under Federal or State law, *except as provided in paragraph (3)*; and

(B) ensure that a final environmental impact statement or environmental assessment, as appropriate, for the project or separable element has been filed.

(3) PERMIT EXCEPTION.—

(A) *IN GENERAL.*—*For a project described in subsection (a)(1) or subsection (a)(3), or a separable element thereof, with respect to which a written agreement described in subparagraph (B) has been entered into, a non-Federal interest that carries out a project under this section shall not be required to obtain any Federal permits or approvals that would not be required if the Secretary carried out the project or separable element unless significant new circumstances or information relevant to environmental concerns or compliance have arisen since development of the project recommendation.*

(B) *WRITTEN AGREEMENT.*—*For purposes of this paragraph, a written agreement shall provide that the non-Federal interest shall comply with the same legal and technical requirements that would apply if the project or separable element were carried out by the Secretary, including all mitigation required to offset environmental impacts of the project or separable element as determined by the Secretary.*

(C) *CERTIFICATIONS.*—*Notwithstanding subparagraph (A), if a non-Federal interest carrying out a project under this section would, in the absence of a written agreement entered into under this paragraph, be required to obtain a certification from a State under Federal law to carry out the project, such certification shall still be required if a written agreement is entered into with respect to the project under this paragraph.*

(c) STUDIES AND ENGINEERING.—When requested by an appropriate non-Federal interest, the Secretary may undertake all necessary studies and engineering for any construction to be undertaken under subsection (b), and provide technical assistance in obtaining all necessary permits for the construction, if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies, engineering, or technical assistance in the period during which the studies and engineering are being conducted.

(d) CREDIT OR REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to paragraph (3), a project or separable element of a project carried out by a non-Federal interest under this section shall be eligible for credit or reim-

bursement for the Federal share of work carried out on a project or separable element of a project if—

- (A) before initiation of construction of the project or separable element—
    - (i) the Secretary approves the plans for construction of the project or separable element of the project by the non-Federal interest;
    - (ii) the Secretary determines, before approval of the plans, that the project or separable element of the project is feasible; and
    - (iii) the non-Federal interest enters into a written agreement with the Secretary under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), including an agreement to pay the non-Federal share, if any, of the cost of operation and maintenance of the project; and
  - (B) the Secretary determines that all Federal laws and regulations applicable to the construction of a water resources development project, and any conditions identified under subsection (b)(1)(B), were complied with by the non-Federal interest during construction of the project or separable element of the project.
- (2) APPLICATION OF CREDIT.—The Secretary may apply credit toward—
- (A) the non-Federal share of authorized separable elements of the same project; or
  - (B) subject to the requirements of this section and section 1020 of the Water Resources Reform and Development Act of 2014, at the request of the non-Federal interest, the non-Federal share of a different water resources development project.
- (3) REQUIREMENTS.—The Secretary may only apply credit or provide reimbursement under paragraph (1) if—
- (A) Congress has authorized construction of the project or separable element of the project【; and】;
  - (B) the Secretary certifies that the project has been constructed in accordance with—
    - (i) all applicable permits or approvals; and
    - (ii) this section【.】; and
  - (C) *in the case of reimbursement, appropriations are provided by Congress for such purpose.*
- (4) MONITORING.—The Secretary shall regularly monitor and audit any water resources development project, or separable element of a water resources development project, constructed by a non-Federal interest under this section to ensure that—
- (A) the construction is carried out in compliance with the requirements of this section; and
  - (B) the costs of the construction are reasonable.
- (5) DISCRETE SEGMENTS.—
- (A) IN GENERAL.—The Secretary may authorize credit or reimbursement under this subsection 【for a discrete segment of a】 *for carrying out a discrete segment of a federally authorized 【flood damage reduction】 water resources development project, or separable element thereof, before final completion of the project or separable element if—*

(i) except as provided in clause (ii), the Secretary determines that the discrete segment satisfies the requirements of paragraphs (1) through (4) in the same manner as the project or separable element; and

(ii) notwithstanding paragraph (1)(A)(ii), the Secretary determines, before the approval of the plans under paragraph (1)(A)(i), that the discrete segment is technically feasible and environmentally acceptable.

(B) DETERMINATION.—Credit or reimbursement may not be made available to a non-Federal interest pursuant to this paragraph until the Secretary determines that—

(i) the construction of the discrete segment for which credit or reimbursement is requested is complete; and

(ii) the construction is consistent with the authorization of the applicable **[flood damage reduction]** *water resources development* project, or separable element thereof, and the plans approved under paragraph (1)(A)(i).

(C) WRITTEN AGREEMENT.—

(i) IN GENERAL.—As part of the written agreement required under paragraph (1)(A)(iii), a non-Federal interest to be eligible for credit or reimbursement under this paragraph shall—

(I) identify any discrete segment that the non-Federal interest may carry out; and

(II) agree to the completion of the **[flood damage reduction]** *water resources development* project, or separable element thereof, with respect to which the discrete segment is a part and establish a timeframe for such completion.

(ii) REMITTANCE.—If a non-Federal interest fails to complete a **[flood damage reduction]** *water resources development* project, or separable element thereof, that it agreed to complete under clause (i)(II), the non-Federal interest shall remit any reimbursements received under this paragraph for a discrete segment of such project or separable element.

(D) DISCRETE SEGMENT DEFINED.—In this paragraph, the term “discrete segment” means a physical portion of a **[flood damage reduction]** *water resources development* project *to be carried out*, or separable element thereof—

(i) described by a non-Federal interest in a written agreement required under paragraph (1)(A)(iii); and

(ii) that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the **[flood damage reduction]** *water resources development* project, or separable element thereof.

(e) NOTIFICATION OF COMMITTEES.—If a non-Federal interest notifies the Secretary that the non-Federal interest intends to carry out a project, or separable element thereof, under this section, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives concerning the intent of the non-Federal interest.

(f) OPERATION AND MAINTENANCE.—Whenever a non-Federal interest carries out improvements to a federally authorized harbor or inland harbor, the Secretary shall be responsible for operation and maintenance in accordance with section 101(b) if—

(1) before construction of the improvements—

(A) the Secretary determines that the improvements are feasible and consistent with the purposes of this title; and

(B) the Secretary and the non-Federal interest execute a written agreement relating to operation and maintenance of the improvements;

(2) the Secretary certifies that the project or separable element of the project is constructed in accordance with applicable permits and appropriate engineering and design standards; and

(3) the Secretary does not find that the project or separable element is no longer feasible.

\* \* \* \* \*

**SEC. 210. [AUTHORIZATION OF APPROPRIATIONS] FUNDING FOR HARBOR NAVIGATION.**

(a) TRUST FUND.—There are authorized to be appropriated out of the Harbor Maintenance Trust Fund, established by section 9505 of the Internal Revenue Code of 1954, for each fiscal year such sums as may be necessary to pay—

(1) 100 percent of the eligible operations and maintenance costs of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation for such fiscal year; and

(2) up to 100 percent of the eligible operations and maintenance costs assigned to commercial navigation of all harbors and inland harbors within the United States.

(b) GENERAL FUND.—There are authorized to be appropriated out of the general fund of the Treasury of the United States for each fiscal year such sums as may be necessary to pay the balance of all eligible operations and maintenance costs not provided by payments from the Harbor Maintenance Trust Fund under this section.

(c) USE OF COLLECTED FUNDS IN FISCAL YEAR 2029 AND THEREAFTER.—

(1) USE OF FUNDS.—*In addition to amounts appropriated under subsections (a) and (b), there shall be available to the Secretary, out of the Harbor Maintenance Trust Fund, without further appropriation, for fiscal year 2029 and each fiscal year thereafter, such sums as may be necessary to carry out the purposes of subsection (a)(2).*

(2) AVAILABILITY OF AMOUNTS.—*Amounts made available under this subsection shall remain available until expended.*

**[(c)] (d) OPERATION AND MAINTENANCE OF HARBOR PROJECTS.—**

(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), including expenditures of funds appropriated from the Harbor Maintenance Trust Fund, based on an equitable allocation of funds among all such harbors and inland harbors.

## (2) CRITERIA.—

(A) IN GENERAL.—In determining an equitable allocation of funds under paragraph (1), the Secretary shall—

- (i) consider the information obtained in the assessment conducted under ~~subsection (e)~~ *subsection (f)*;
- (ii) consider the national and regional significance of harbor operations and maintenance; and
- (iii) as appropriate, consider national security and military readiness needs.

(B) LIMITATION.—The Secretary shall not allocate funds under paragraph (1) based solely on the tonnage transiting through a harbor.

(3) EMERGING HARBOR PROJECTS.—Notwithstanding any other provision of this subsection, in making expenditures under paragraph (1) for each fiscal year, the Secretary shall allocate for operation and maintenance costs of emerging harbor projects an amount that is not less than 10 percent of the funds made available under this section for fiscal year 2012 to pay the costs described in subsection (a)(2).

(4) MANAGEMENT OF GREAT LAKES NAVIGATION SYSTEM.—To sustain effective and efficient operation and maintenance of the Great Lakes Navigation System, including any navigation feature in the Great Lakes that is a Federal responsibility with respect to operation and maintenance, the Secretary shall manage all of the individually authorized projects in the Great Lakes Navigation System as components of a single, comprehensive system, recognizing the interdependence of the projects.

~~[(d)]~~ (e) PRIORITIZATION.—

## (1) PRIORITY.—

(A) IN GENERAL.—For each fiscal year, if priority funds are available, the Secretary shall use at least 10 percent of such funds for emerging harbor projects.

(B) ADDITIONAL CONSIDERATIONS.—For each fiscal year, of the priority funds available, the Secretary shall use—

- (i) not less than 5 percent of such funds for underserved harbor projects; and
- (ii) not less than 10 percent of such funds for projects that are located within the Great Lakes Navigation System.

(C) UNDERSERVED HARBORS.—In determining which underserved harbor projects shall receive funds under this paragraph, the Secretary shall consider—

- (i) the total quantity of commerce supported by the water body on which the project is located; and
- (ii) the minimum width and depth that—
  - (I) would be necessary at the underserved harbor project to provide sufficient clearance for fully loaded commercial vessels using the underserved harbor project to maneuver safely; and
  - (II) does not exceed the constructed width and depth of the authorized navigation project.

## (2) EXPANDED USES.—

(A) DEFINITION OF ELIGIBLE HARBOR OR INLAND HARBOR DEFINED.—In this paragraph, the term “eligible harbor or

inland harbor” means a harbor or inland harbor at which the total amount of harbor maintenance taxes collected in the immediately preceding 3 fiscal years exceeds the value of the work carried out for the harbor or inland harbor using amounts from the Harbor Maintenance Trust Fund during those 3 fiscal years.

(B) USE OF EXPANDED USES FUNDS.—

(i) FISCAL YEARS 2015 THROUGH 2024.—For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use not less than 10 percent of such funds for expanded uses carried out at an eligible harbor or inland harbor.

(ii) SUBSEQUENT FISCAL YEARS.—For fiscal year 2025 and each fiscal year thereafter, the Secretary shall use not less than 10 percent of the priority funds available for expanded uses carried out at an eligible harbor or inland harbor.

(C) PRIORITIZATION.—In allocating funds under this paragraph, the Secretary shall give priority to projects at eligible harbors or inland harbors for which the difference, calculated in dollars, is greatest between—

(i) the total amount of funding made available for projects at that eligible harbor or inland harbor from the Harbor Maintenance Trust Fund in the immediately preceding 3 fiscal years; and

(ii) the total amount of harbor maintenance taxes collected at that harbor or inland harbor in the immediately preceding 3 fiscal years.

(3) REMAINING FUNDS.—

(A) IN GENERAL.—For each of fiscal years 2015 through 2024, if after fully funding all projects eligible for funding under paragraphs (1)(B) and (2)(B)(i), priority funds made available under those paragraphs remain unobligated, the Secretary shall use those remaining funds to pay for operation and maintenance costs of any harbor or inland harbor referred to in subsection (a)(2) based on an equitable allocation of those funds among the harbors and inland harbors.

(B) CRITERIA.—In determining an equitable allocation of funds under subparagraph (A), the Secretary shall—

(i) use the criteria specified in **subsection (c)(2)(A) subsection (d)(2)(A)**; and

(ii) make amounts available in accordance with the requirements of paragraph (1)(A).

(4) EMERGENCY EXPENDITURES.—Nothing in this subsection prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if—

(A) the Secretary determines that the action is necessary to address the navigation needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and

(B) the Secretary provides within 90 days of the action notice and information on the need for the action to the



Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

**[(e)] (f) ASSESSMENT OF HARBORS AND INLAND HARBORS.—**

(1) **IN GENERAL.**—Not later than 270 days after the date of enactment of this subsection, and biennially thereafter, the Secretary **[shall assess the]** *shall assess, and issue a report to Congress on, the operation and maintenance needs and uses of the harbors and inland harbors referred to in subsection (a)(2).*

**(2) ASSESSMENT OF HARBOR NEEDS AND ACTIVITIES.—**

**(A) TOTAL OPERATION AND MAINTENANCE NEEDS OF HARBORS.**—In carrying out paragraph (1), the Secretary shall identify—

(i) the total future costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2); and

(ii) the total expected costs for expanded uses at eligible harbors or inland harbors referred to in **[subsection (d)(2)]** *subsection (e)(2).*

**(B) USES OF HARBORS AND INLAND HARBORS.**—In carrying out paragraph (1), the Secretary shall identify current uses (and, to the extent practicable, assess the national, regional, and local benefits of such uses) of harbors and inland harbors referred to in subsection (a)(2), including the use of those harbors for—

(i) commercial navigation, including the movement of goods;

(ii) domestic trade;

(iii) international trade;

(iv) commercial fishing;

(v) subsistence, including use by Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for subsistence and ceremonial purposes;

(vi) use as a harbor of refuge;

(vii) transportation of persons;

(viii) purposes relating to domestic energy production, including the fabrication, servicing, or supply of domestic offshore energy production facilities;

(ix) activities of the Secretary of the department in which the Coast Guard is operating;

(x) activities of the Secretary of the Navy;

(xi) public health and safety related equipment for responding to coastal and inland emergencies;

(xii) recreation purposes; and

(xiii) other authorized purposes.

**(C) OPPORTUNITIES FOR BENEFICIAL USE OF DREDGED MATERIALS.**—*In carrying out paragraph (1), the Secretary shall identify potential opportunities for the beneficial use of dredged materials obtained from harbors and inland harbors referred to in subsection (a)(2), including projects eligible under section 1122 of the Water Resources Development Act of 2016 (130 Stat. 1645; 33 U.S.C. 2326 note).*

## (3) REPORT TO CONGRESS.—

(A) IN GENERAL.—For fiscal year 2016, and biennially thereafter, in conjunction with the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that, with respect to harbors and inland harbors referred to in subsection (a)(2)—

(i) identifies the operation and maintenance costs associated with the harbors and inland harbors, including those costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors and the costs for expanded uses at eligible harbors and inland harbors, on a project-by-project basis;

(ii) identifies the amount of funding requested in the President’s budget for the operation and maintenance costs associated with the harbors and inland harbors, on a project-by-project basis;

(iii) identifies the unmet operation and maintenance needs associated with the harbors and inland harbors, on a project-by-project basis; and

(iv) identifies the harbors and inland harbors for which the President will allocate funding over the subsequent 5 fiscal years for operation and maintenance activities, on a project-by-project basis, including the amounts to be allocated for such purposes.

(B) ADDITIONAL REQUIREMENT.—In the first report submitted under subparagraph (A) following the date of enactment of the Water Resources Development Act of 2016, the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2), on a project-by-project basis.

(C) PUBLIC AVAILABILITY.—The Secretary shall make the report submitted under subparagraph (A) available to the public, including on the Internet.

**[(f)] (g) DEFINITIONS.**—In this section:

(1) CONSTRUCTED WIDTH AND DEPTH.—The term “constructed width and depth” means the width and depth to which a project has been constructed, which may not exceed the authorized width and depth of the project.

(2) EMERGING HARBOR PROJECT.—The term “emerging harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually.

(3) EXPANDED USES.—The term “expanded uses” means the following activities:

(A) The maintenance dredging of a berth in a harbor that is accessible to a Federal navigation project and that benefits commercial navigation at the harbor.

- (B) The maintenance dredging and disposal of legacy-contaminated sediment, and sediment unsuitable for open water disposal, if—
- (i) such dredging and disposal benefits commercial navigation at the harbor; and
  - (ii) such sediment is located in and affects the maintenance of a Federal navigation project or is located in a berth that is accessible to a Federal navigation project.
- (4) GREAT LAKES NAVIGATION SYSTEM.—The term “Great Lakes Navigation System” includes—
- (A)(i) Lake Superior;
  - (ii) Lake Huron;
  - (iii) Lake Michigan;
  - (iv) Lake Erie; and
  - (v) Lake Ontario;
  - (B) all connecting waters between the lakes referred to in subparagraph (A) used for commercial navigation;
  - (C) any navigation features in the lakes referred to in subparagraph (A) or waters described in subparagraph (B) that are a Federal operation or maintenance responsibility; and
  - (D) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.
- (5) HARBOR MAINTENANCE TAX.—The term “harbor maintenance tax” means the amounts collected under section 4461 of the Internal Revenue Code of 1986.
- (6) HIGH-USE HARBOR PROJECT.—The term “high-use harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits not less than 10,000,000 tons of cargo annually.
- (7) MODERATE-USE HARBOR PROJECT.—The term “moderate-use harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits annually—
- (A) more than 1,000,000 tons of cargo; but
  - (B) less than 10,000,000 tons of cargo.
- (8) PRIORITY FUNDS.—The term “priority funds” means the difference between—
- (A) the total funds that are made available under this section to pay the costs described in subsection (a)(2) for a fiscal year; and
  - (B) the total funds made available under this section to pay the costs described in subsection (a)(2) in fiscal year 2012.
- (9) UNDERSERVED HARBOR PROJECT.—
- (A) IN GENERAL.—The term “underserved harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2)—
    - (i) that is a moderate-use harbor project or an emerging harbor project;
    - (ii) that has been maintained at less than the constructed width and depth of the project during each of the preceding 6 fiscal years; and

(iii) for which State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years.

(B) ADMINISTRATION.—For purposes of this paragraph, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).

\* \* \* \* \*

#### TITLE X—PROJECT DEAUTHORIZATION

SEC. 1001. (a) Any project authorized for construction by this Act shall not be authorized after the last day of the 5-year period beginning on the date of enactment of this Act unless during such period funds have been obligated for construction, including planning and designing, of such project.

(b)(1) Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a list of unconstructed projects, or unconstructed separable elements of projects, which have been authorized, but have received no obligations during the 10 full fiscal years preceding the transmittal of such list. A project or separable element included in such list is not authorized after December 31, 1989, if the funds have not been obligated for construction of such project or element after the date of enactment of this Act and before December 31, 1989.

(2) Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), every year after the transmittal of the list under paragraph (1), the Secretary shall transmit to Congress a list of projects or separable elements of projects which have been authorized, but have received no obligations during the 5 full fiscal years preceding the transmittal of such list. Upon submission of such list to Congress, the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, a project (including any part thereof) on such list would be located. A project or separable element included in such list is not authorized after the date which is the last date of the fiscal year following the fiscal year in which the list is so transmitted if funds have not been obligated for the planning, design, or construction of such project or element during such period.

(3) MINIMUM FUNDING LIST.—At the end of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available on a publicly accessible Internet site in a manner that is downloadable, searchable, and sortable, a list of—

(A) projects or separable elements of projects authorized for construction for which funding has been obligated during the current fiscal year or any of the 6 preceding fiscal years;

(B) the amount of funding obligated for each such project or separable element per fiscal year;

(C) the current phase of each such project or separable element of a project; and

(D) the amount required to complete the current phase of each such project or separable element.

(4) COMPREHENSIVE BACKLOG AND OPERATION AND MAINTENANCE REPORT.—

[(A) IN GENERAL.—The Secretary shall compile and publish a complete list of all projects and separable elements of projects of the Corps of Engineers that are authorized for construction but have not been completed.]

(A) *IN GENERAL.—The Secretary shall compile and publish—*

*(i) a complete list of all projects and separable elements of projects of the Corps of Engineers that are authorized for construction but have not been completed; and*

*(ii) a list of major Federal operation and maintenance needs of projects and properties under the control of the Corps of Engineers.*

(B) REQUIRED BACKLOG INFORMATION.—The Secretary shall include on the list developed under [subparagraph (A)] *subparagraph (A)(i)* for each project and separable element on that list—

(i) the date of authorization of the project or separable element, including any subsequent modifications to the original authorization;

(ii) the original budget authority for the project or separable element;

(iii) a brief description of the project or separable element;

(iv) the estimated date of completion of the project or separable element;

(v) the estimated cost of completion of the project or separable element; and

(vi) any amounts appropriated for the project or separable element that remain unobligated.

(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—*

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

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

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

*(iv) an estimate of unmet or deferred operation and maintenance needs at the project or property.*

[(C)] (D) PUBLICATION.—

(i) IN GENERAL.—[Not later than 1 year after the date of enactment of this paragraph, the Secretary shall submit a copy of the list] *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 States Code, the Secretary shall submit a copy of the lists developed under subparagraph (A) to—

(I) the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(II) the Director of the Office of Management and Budget.

(ii) PUBLIC AVAILABILITY.—Beginning on the date the Secretary submits the report to Congress under clause (i), the Secretary shall make a copy of the [list] lists available on a publicly accessible Internet site in a manner that is downloadable, searchable, and sortable.

(c) The Secretary shall publish in the Federal Register a list of any projects or separable elements that are deauthorized under this section.

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**TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS**

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**SEC. 1156. COST SHARING PROVISIONS FOR THE TERRITORIES AND INDIAN TRIBES.**

(a) IN GENERAL.—The Secretary shall waive local cost-sharing requirements up to \$200,000 for all studies and projects—

(1) in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and the Trust Territory of the Pacific Islands; and

(2) for any Indian tribe (as defined in [section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130)] section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))).

(b) INFLATION ADJUSTMENT.—The Secretary shall adjust the dollar amount specified in subsection (a) for inflation for the period beginning on November 17, 1986, and ending on the date of enactment of this subsection.

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**WATER RESOURCES DEVELOPMENT ACT OF 2007**

\* \* \* \* \*

**TITLE VII—LOUISIANA COASTAL AREA**

\* \* \* \* \*

**SEC. 7007. NON-FEDERAL COST SHARE.**

(a) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of a study or project under this title the cost of work carried out in the coastal Louisiana ecosystem by the non-Federal interest for the project before, on, or

after the date of the execution of the partnership agreement for the study or project. *Notwithstanding section 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)(C)(i)), the Secretary may provide credit for work carried out during the period beginning on November 8, 2007, and ending on the date of enactment of the Water Resources Development Act of 2018 by the non-Federal interest for a project under this title if the Secretary determines that the work is integral to the project and was carried out in accordance with the laws specified in section 5014(i)(2)(A) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1331) and all other applicable Federal laws.*

(b) SOURCES OF FUNDS.—The non-Federal interest may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the study or project if the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project.

(c) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this title.

(d) TREATMENT OF CREDIT BETWEEN PROJECTS.—The value of any land, easements, rights-of-way, relocations, and dredged material disposal areas and the costs of planning, design, and construction work provided by the non-Federal interest that exceed the non-Federal cost share for a study or project under this title may be applied toward the non-Federal cost share for any other study or project carried out under this title.

(e) PERIODIC MONITORING.—

(1) IN GENERAL.—To ensure that the contributions of the non-Federal interest equal the non-Federal share of the cost of a study or project under this title during each 5-year period beginning after the date of commencement of the first study or project under this title, the Secretary shall—

(A) monitor for each study or project under this title the non-Federal provision of cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas; and

(B) manage the requirement of the non-Federal interest to provide for each such study or project cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas.

(2) OTHER MONITORING.—The Secretary shall conduct monitoring separately for the study phase, construction phase, preconstruction engineering and design phase, and planning phase for each project authorized on or after the date of enactment of this Act for all or any portion of the coastal Louisiana ecosystem.

(f) AUDITS.—Credit for land, easements, rights-of-way, relocations, and disposal areas (including land value and incidental costs) provided under this section, and the cost of work provided under this section, shall be subject to audit by the Secretary.

(g) DEFINITION OF STUDY OR PROJECT.—In this section, the term “study or project” includes any eligible activity that is—

- (1) carried out pursuant to the coastal Louisiana ecosystem science and technology program authorized under section 7006(a); and
- (2) in accordance with the restoration plan.

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## TITLE IX—NATIONAL LEVEE SAFETY PROGRAM

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### SEC. 9005. LEVEE SAFETY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall carry out a levee safety initiative.

(b) MANAGEMENT.—The Secretary shall appoint—

- (1) an administrator of the levee safety initiative; and
- (2) such staff as are necessary to implement the initiative.

(c) LEVEE SAFETY GUIDELINES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, the Secretary, in consultation with the Administrator and in coordination with State, regional, local, and tribal governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—

(A) are available for common, uniform use by all Federal, State, regional, local, and tribal agencies;

(B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and

(C) provide for adaptation to local, regional, or watershed conditions.

(2) REQUIREMENT.—The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).

(3) INCORPORATION.—The guidelines shall address, to the maximum extent practicable—

(A) the activities and practices carried out by State, regional, local, and tribal governments and the private sector to safely build, regulate, operate, and maintain levees; and

(B) Federal activities that facilitate State, regional, or tribal efforts to develop and implement effective State, regional, or tribal programs for the safety of levees, including levee inspection, levee rehabilitation, locally developed floodplain management, and public education and training programs.

(4) CONSIDERATION BY FEDERAL AGENCIES.—To the maximum extent practicable, all Federal agencies shall consider the levee safety guidelines in carrying out activities relating to the management of levees.

(5) PUBLIC COMMENT.—Prior to finalizing the guidelines under this subsection, the Secretary shall—



- (A) issue draft guidelines for public comment, including comment by States, regional districts, Indian tribes, non-Federal interests, and other appropriate stakeholders; and
  - (B) consider any comments received in the development of final guidelines.
- (d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—
- (1) ESTABLISHMENT.—The Secretary shall establish a hazard potential classification system for use under the levee safety initiative and participating programs.
  - (2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.
  - (3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.
- (e) TECHNICAL ASSISTANCE AND MATERIALS.—
- (1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall provide technical assistance and training to promote levee safety and assist States, regional districts, Indian tribes, communities, and levee owners in—
    - (A) developing levee safety programs;
    - (B) identifying and reducing flood risks associated with levees;
    - (C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and
    - (D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.
  - (2) ELIGIBILITY.—To be eligible to receive technical assistance under this subsection, a State shall—
    - (A) be in the process of establishing or have in effect a State levee safety program under which a State levee safety agency, in accordance with State law, carries out the guidelines established under subsection (c)(1); and
    - (B) allocate sufficient funds in the budget of that State to carry out that State levee safety program.
  - (3) WORK PLANS.—The Secretary shall enter into an agreement with each State receiving technical assistance under this subsection to develop a work plan necessary for the State levee safety program of that State to reach a level of program performance that meets the guidelines established under subsection (c)(1).
- (f) PUBLIC EDUCATION AND AWARENESS.—
- (1) IN GENERAL.—The Secretary, in coordination with the Administrator, shall carry out public education and awareness efforts relating to the levee safety initiative.
  - (2) CONTENTS.—In carrying out the efforts under paragraph (1), the Secretary and the Administrator shall—
    - (A) educate individuals living in leveed areas regarding the risks of living in those areas; and
    - (B) promote consistency in the transmission of information regarding levees among Federal agencies and regarding risk communication at the State and local levels.
- (g) STATE, REGIONAL, AND TRIBAL LEVEE SAFETY PROGRAM.—
- (1) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, in consultation with the Administrator, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State, regional, or tribal levee safety program as a participating program.

(B) GUIDELINE CONTENTS.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating State, regional district, and Indian tribe to certify to the Secretary that the State, regional district, or Indian tribe, as applicable—

(i) has the authority to participate in the levee safety initiative;

(ii) can receive funds under this title;

(iii) has adopted any levee safety guidelines developed under this title;

(iv) will carry out levee inspections;

(v) will carry out, consistent with applicable requirements, flood risk management and any emergency action planning procedures the Secretary determines to be necessary relating to levees;

(vi) will carry out public education and awareness activities consistent with the efforts carried out under subsection (f); and

(vii) will collect and share information regarding the location and condition of levees, including for inclusion in the national levee database.

(C) PUBLIC COMMENT.—Prior to finalizing the guidelines under this paragraph, the Secretary shall—

(i) issue draft guidelines for public comment; and

(ii) consider any comments received in the development of final guidelines.

(2) ASSISTANCE TO STATES, REGIONAL DISTRICTS, AND INDIAN TRIBES.—

(A) ESTABLISHMENT.—The Administrator may provide assistance, subject to the availability of funding specified in appropriations Acts for Federal Emergency Management Agency activities pursuant to this title and subject to amounts available under subparagraph (E), to States, regional districts, and Indian tribes in establishing participating programs, conducting levee inventories, and improving levee safety programs in accordance with subparagraph (B).

(B) REQUIREMENTS.—To be eligible to receive assistance under this section, a State, regional district, or Indian tribe shall—

(i) meet the requirements of a participating program established by the guidelines issued under paragraph (1);

(ii) use not less than 25 percent of any amounts received to identify and assess non-Federal levees within the State or regional district or on land of the Indian tribe;

(iii) submit to the Secretary and Administrator any information collected by the State, regional district, or

Indian tribe in carrying out this subsection for inclusion in the national levee safety database; and

(iv) identify actions to address hazard mitigation activities associated with levees and leveed areas identified in the hazard mitigation plan of the State approved by the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(C) MEASURES TO ASSESS EFFECTIVENESS.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall implement quantifiable performance measures and metrics to assess the effectiveness of the assistance provided in accordance with subparagraph (A).

(ii) CONSIDERATIONS.—In assessing the effectiveness of assistance under clause (i), the Administrator shall consider the degree to which the State, regional, or tribal program—

(I) ensures that human lives and property that are protected by new and existing levees are safe;

(II) encourages the use of appropriate engineering policies, procedures, and technical practices for levee site investigation, design, construction, operation and maintenance, inspection, assessment, and emergency preparedness;

(III) develops and supports public education and awareness projects to increase public acceptance and support of levee safety programs and provide information;

(IV) builds public awareness of the residual risks associated with living in levee protected areas; and

(V) develops technical assistance materials, seminars, and guidelines to improve the security of levees of the United States.

(D) MAINTENANCE OF EFFORT.—Technical assistance or grants may not be provided to a State under this subsection during a fiscal year unless the State enters into an agreement with the Administrator to ensure that the State will maintain during that fiscal year aggregate expenditures for programs to ensure levee safety that equal or exceed the average annual level of such expenditures for the State for the 2 fiscal years preceding that fiscal year.

(E) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this subsection \$25,000,000 for each of fiscal years **[2015 through 2019]** *2019 through 2023*.

(ii) ALLOCATION.—For each fiscal year, amounts made available under this subparagraph shall be allocated among the States, regional districts, and Indian tribes as follows:

(I)  $\frac{1}{3}$  among States, regional districts, and Indian tribes that qualify for assistance under this subsection.

(II)  $\frac{2}{3}$  among States, regional districts, and Indian tribes that qualify for assistance under this subsection, to each such State, regional district, or Indian tribe in the proportion that—

(aa) the miles of levees in the State or regional district or on the land of the Indian tribe that are listed on the inventory of levees; bears to

(bb) the miles of levees in all States and regional districts and on the land of all Indian tribes that are in the national levee database.

(iii) MAXIMUM AMOUNT OF ALLOCATION.—The amounts allocated to a State, regional district, or Indian tribe under this subparagraph shall not exceed 50 percent of the reasonable cost of implementing the State, regional, or tribal levee safety program.

(F) PROHIBITION.—No amounts made available to the Administrator under this title shall be used for levee construction, rehabilitation, repair, operations, or maintenance.

(h) LEVEE REHABILITATION ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall provide assistance to States, regional districts, Indian tribes, and local governments relating to addressing flood mitigation activities that result in an overall reduction in flood risk.

(2) REQUIREMENTS.—To be eligible to receive assistance under this subsection, a State, regional district, Indian tribe, or local government shall—

(A) participate in, and comply with, all applicable Federal floodplain management and flood insurance programs;

(B) have in place a hazard mitigation plan that—

(i) includes all levee risks; and

(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

(C) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(D) commit to provide normal operation and maintenance of the project for the 50 year-period following completion of rehabilitation; and

(E) comply with such minimum eligibility requirements as the Secretary, in consultation with the committee, may establish to ensure that each owner and operator of a levee under a participating State, regional, or tribal levee safety program—

(i) acts in accordance with the guidelines developed under subsection (c); and

(ii) carries out activities relating to the public in the leveed area in accordance with the hazard mitigation plan described in subparagraph (B).

(3) FLOODPLAIN MANAGEMENT PLANS.—

(A) IN GENERAL.—Not later than 1 year after the date of execution of a project agreement for assistance under this subsection, a State, regional district, Indian tribe, or local government shall prepare a floodplain management plan in accordance with the guidelines under subparagraph (D) to reduce the impacts of future flood events in each applicable leveed area.

(B) INCLUSIONS.—A plan under subparagraph (A) shall address—

- (i) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in each applicable leveed area;
- (ii) plans for flood fighting and evacuation; and
- (iii) public education and awareness of flood risks.

(C) IMPLEMENTATION.—Not later than 1 year after the date of completion of construction of the applicable project, a floodplain management plan prepared under subparagraph (A) shall be implemented.

(D) GUIDELINES.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary, in consultation with the Administrator, shall develop such guidelines for the preparation of floodplain management plans prepared under this paragraph as the Secretary determines to be appropriate.

(E) TECHNICAL SUPPORT.—The Secretary may provide technical support for the development and implementation of floodplain management plans prepared under this paragraph.

(4) USE OF FUNDS.—

(A) IN GENERAL.—Assistance provided under this subsection may be used—

- (i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State, regional, or tribal levee safety program; and
- (ii) only for a levee that is not federally operated and maintained.

(B) PROHIBITION.—Assistance provided under this subsection shall not be used—

- (i) to perform routine operation or maintenance for a levee; or
- (ii) to make any modification to a levee that does not result in an improvement to public safety.

(5) NO PROPRIETARY INTEREST.—A contract for assistance provided under this subsection shall not be considered to confer any proprietary interest on the United States.

(6) COST SHARE.—The maximum Federal share of the cost of any assistance provided under this subsection shall be 65 percent.

(7) PROJECT LIMIT.—The maximum amount of Federal assistance for a project under this subsection shall be \$10,000,000.

(8) LIMITATION.—A project shall not receive Federal assistance under this subsection more than 1 time.

(9) **FEDERAL INTEREST.**—For a project that is not a project eligible for rehabilitation assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), the Secretary shall determine that the proposed rehabilitation is in the Federal interest prior to providing assistance for such rehabilitation.

(10) **OTHER LAWS.**—Assistance provided under this subsection shall be subject to all applicable laws (including regulations) that apply to the construction of a civil works project of the Corps of Engineers.

(i) **EFFECT OF SECTION.**—Nothing in this section—

(1) affects the requirement under section 100226(b)(2) of Public Law 112–141 (42 U.S.C. 4101 note; 126 Stat. 942); or

(2) confers any regulatory authority on—

(A) the Secretary; or

(B) the Administrator, including for the purpose of setting premium rates under the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

\* \* \* \* \*

#### **SEC. 9008. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the Secretary—

(1) to carry out sections 9003, 9005(c), 9005(d), 9005(e), and 9005(f), \$4,000,000 for each of fiscal years **[2015 through 2019]** *2019 through 2023*;

(2) to carry out section 9004, \$20,000,000 for each of fiscal years **[2015 through 2019]** *2019 through 2023*; and

(3) to carry out section 9005(h), \$30,000,000 for each of fiscal years **[2015 through 2019]** *2019 through 2023*.

### **NATIONAL DAM SAFETY PROGRAM ACT**

\* \* \* \* \*

#### **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

(a) **NATIONAL DAM SAFETY PROGRAM.**—

(1) **ANNUAL AMOUNTS.**—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 12 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under subsections (b) through (e)), \$9,200,000 for each of fiscal years **[2015 through 2019]** *2019 through 2023*, to remain available until expended.

(2) **ALLOCATION.**—

(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), for each fiscal year, amounts made available under this subsection to carry out section 8 shall be allocated among the States as follows:

(i) One-third among States that qualify for assistance under section 8(e).

(ii) Two-thirds among States that qualify for assistance under section 8(e), to each such State in proportion to—

(I) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; as compared to

(II) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

(B) MAXIMUM AMOUNT OF ALLOCATION.—

(i) IN GENERAL.—The amount of funds allocated to a State under this paragraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

(ii) FISCAL YEAR 2015 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2015 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.

(C) DETERMINATION.—The Administrator and the Board shall determine the amount allocated to States.

(b) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 \$500,000 for each of fiscal years [2015 through 2019] 2019 through 2023.

(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 \$1,000,000 for each of fiscal years [2015 through 2019] 2019 through 2023.

(d) RESEARCH.—There is authorized to be appropriated to carry out section 9 \$1,450,000 for each of fiscal years [2015 through 2019] 2019 through 2023, to remain until expended.

(e) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 10 \$750,000 for each of fiscal years [2015 through 2019] 2019 through 2023.

(f) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 8 through 10 \$1,000,000 for each of fiscal years [2015 through 2019] 2019 through 2023.

(g) LIMITATION ON USE OF AMOUNTS.—Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.

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**WATER RESOURCES DEVELOPMENT ACT OF 2016**

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**TITLE I—WATER RESOURCES DEVELOPMENT**

\* \* \* \* \*

**Subtitle A—General Provisions**

\* \* \* \* \*

**SEC. 1177. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.**

(a) **IN GENERAL.**—If the Secretary determines that the project is feasible, the Secretary may carry out a project for the rehabilitation of a dam described in subsection (b).

(b) **ELIGIBLE DAMS.**—A dam eligible for assistance under this section is a dam—

(1) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;

(2) for which construction was completed before 1940;

(3) that is classified as “high hazard potential” by the State dam safety agency of the State in which the dam is located; and

(4) that is operated by a non-Federal entity.

(c) **COST SHARING.**—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(d) **AGREEMENTS.**—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—

(1) to pay the non-Federal share of the costs of construction under subsection (c); and

(2) to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(e) **COST LIMITATION.**—The Secretary shall not expend more than ~~【\$10,000,000】~~ \$40,000,000 for a project at any single dam under this section.

(f) **FUNDING.**—There is authorized to be appropriated to carry out this section ~~【\$10,000,000】~~ \$40,000,000 for each of fiscal years 2017 through 2026.

**SEC. 1178. COLUMBIA RIVER.**

(a) **ECOSYSTEM RESTORATION.**—Section 536(g) of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2662; 128 Stat. 1314) is amended by striking “\$50,000,000” and inserting “\$75,000,000”.

(b) **WATERCRAFT INSPECTION STATIONS.**—Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—In carrying out this section, the Secretary may establish, operate, and maintain new or existing watercraft inspection stations to protect the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary in consultation with such States, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary. The Secretary shall also assist the States referred to in this paragraph with rapid response to any aquatic invasive species, including quagga or zebra mussel, infestation.”; and

(B) in paragraph (3)(A) by inserting “Governors of the” before “States”; and



(2) in subsection (e) by striking paragraph (3) and inserting the following:

“(3) assist States in early detection of aquatic invasive species, including quagga and zebra mussels; and”.

(c) TRIBAL ASSISTANCE.—

(1) ASSISTANCE AUTHORIZED.—

(A) IN GENERAL.—Upon the request of the Secretary of the Interior, the Secretary **may provide assistance** *may provide assistance, which may include housing and related improvements*, on land transferred by the Department of the Army to the Department of the Interior pursuant to title IV of Public Law 100-581 (102 Stat. 2944; 110 Stat. 766; 110 Stat. 3762; 114 Stat. 2679; 118 Stat. 544) to Indian tribes displaced as a result of the construction of the Bonneville Dam, Oregon.

(B) CLARIFICATION.—

(i) IN GENERAL.—The Secretary is authorized to provide the assistance described in subparagraph (A) based on information known or studies undertaken by the Secretary prior to the date of enactment of this subsection.

(ii) ADDITIONAL STUDIES.—To the extent that the Secretary determines necessary, the Secretary is authorized to undertake additional studies to further examine any impacts to Indian tribes identified in subparagraph (A) beyond any information or studies identified under clause (i), except that the Secretary is authorized to provide the assistance described in subparagraph (A) based solely on information known or studies undertaken by the Secretary prior to the date of enactment of this subsection.

**[(2) STUDY OF IMPACTS OF JOHN DAY DAM, OREGON.—The Secretary shall—**

**[(A) conduct a study to determine the number of Indian tribes displaced by the construction of the John Day Dam, Oregon; and**

**[(B) recommend to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a plan to provide assistance to Indian tribes displaced as a result of the construction of the John Day Dam, Oregon.]**

\* \* \* \* \*

## SECTION 5 OF THE ACT OF AUGUST 18, 1941

SEC. 5. (a)(1) That there is authorized an emergency fund to be expended in preparation for emergency response to any natural disaster, in flood fighting and rescue operations, or in the repair or restoration of any flood control work threatened or destroyed by flood, including the **strengthening, raising, extending, or other modification thereof** *strengthening, raising, extending, realigning, or other modification thereof* as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work

for flood control and subject to the condition that the Chief of Engineers may include modifications to the structure or project, or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor; in the emergency protection of federally authorized hurricane or shore protection being threatened when in the discretion of the Chief of Engineers such protection is warranted to protect against imminent and substantial loss to life and property; in the repair and restoration of any federally authorized hurricane or shore protective [structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers,] *structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to either the pre-storm level or the design level of protection, whichever provides greater protection, when, in the discretion of the Chief of Engineers,* such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor. The emergency fund may also be expended for emergency dredging for restoration of authorized project depths for Federal navigable channels and waterways made necessary by flood, drought, earthquake, or other natural disasters. In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief and Emergency Assistance Act, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services. The Chief of Engineers, in the exercise of his discretion, is further authorized to provide emergency supplies of clean water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality. The appropriation of such moneys for the initial establishment of this fund and for its replenishment on an annual basis, is authorized: *Provided,* That pending the appropriation of sums to such emergency fund, the Secretary of the Army may allot, from existing flood-control appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made. The Chief of Engineers is authorized, in the prosecution of work in connection with rescue operations, or in conducting other flood emergency work, to acquire on a rental basis such motor vehi-

cles, including passenger cars and buses, as in his discretion are deemed necessary.

(2) In preparing a cost and benefit feasibility assessment for any emergency project described in paragraph (1), the Chief of Engineers shall consider the benefits to be gained by such project for the protection of—

(A) residential establishments;

(B) commercial establishments, including the protection of inventory; and

(C) agricultural establishments, including the protection of crops.

(3) NONSTRUCTURAL ALTERNATIVES DEFINED.—In this subsection, the term “nonstructural alternatives” includes efforts to restore or protect natural resources, including streams, rivers, floodplains, wetlands, or coasts, if those efforts will reduce flood risk.

(b)(1) The Secretary, upon a written request for assistance under this paragraph made by any farmer, rancher, or political subdivision within a distressed area, and after a determination by the Secretary that (A) as a result of the drought such farmer, rancher, or political subdivision has an inadequate supply of water, (B) an adequate supply of water can be made available to such farmer, rancher, or political subdivision through the construction of a well, and (C) as a result of the drought such well could not be constructed by a private business, the Secretary, subject to paragraph (3) of this subsection, may enter into an agreement with such farmer, rancher, or political subdivision for the construction of such well.

(2) The Secretary, upon a written request for assistance under this paragraph made by any farmer, rancher, or political subdivision within a distressed area, and after a determination by the Secretary that as a result of the drought such farmer, rancher, or political subdivision has an inadequate supply of water and water cannot be obtained by such farmer, rancher, or political subdivision, the Secretary may transport water to such farmer, rancher, or political subdivision by methods which include, but are not limited to, small-diameter emergency water lines and tank trucks, until such time as the Secretary determines that an adequate supply of water is available to such farmer, rancher, or political subdivision.

(3)(A) Any agreement entered into by the Secretary pursuant to paragraph (1) of this subsection shall require the farmer, rancher, or political subdivision for whom the well is constructed to pay to the United States the reasonable cost of such construction, with interest, over such number of years, not to exceed thirty, as the Secretary deems appropriate. The rate of interest shall be that rate which the Secretary determines would apply if the amount to be repaid was a loan made pursuant to section 7(b)(2) of the Small Business Act.

(B) The Secretary shall not construct any well pursuant to this subsection unless the farmer, rancher, or political subdivision for whom the well is being constructed has obtained, prior to construction, all necessary State and local permits.

(4) The Federal share for the transportation of water pursuant to paragraph (2) of this subsection shall be 100 per centum.

(5) For purposes of this subsection—

(A) the term “construction” includes construction, reconstruction, or repair;

(B) the term “distressed area” means an area which the Secretary determines due to drought conditions has an inadequate water supply which is causing, or is likely to cause, a substantial threat to the health and welfare of the inhabitants of the area including threat of damage or loss of property;

(C) the term “political subdivision” means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over the water supply of such public body;

(D) the term “reasonable cost” means the lesser of (i) the cost to the Secretary of constructing a well pursuant to this subsection exclusive of the cost of transporting equipment used in the construction of wells, or (ii) the cost to a private business of constructing such well;

(E) the term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers; and

(F) the term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) **LEVEE OWNERS MANUAL.—**

(1) **IN GENERAL.—**Not later than 1 year after the date of the enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary of the Army shall prepare a manual describing the maintenance and upkeep responsibilities that the Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

(2) **AUTHORIZATION OF APPROPRIATIONS.—**There is authorized to be appropriated \$1,000,000 to carry out this subsection.

(3) **DEFINITIONS.—**In this subsection, the following definitions apply:

(A) **MAINTENANCE AND UPKEEP.—**The term “maintenance and upkeep” means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

(B) **REPAIR AND REHABILITATION.—**The term “repair and rehabilitation”—

(i) means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; but

(ii) does not include—

(I) any improvement to the structure; or

(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

(d) INCREASED LEVEL OF PROTECTION.—In conducting repair or restoration work under subsection (a), at the request of the non-Federal sponsor, the Chief of Engineers may increase the level of protection above the level to which the system was designed, or, if the repair or restoration includes repair or restoration of a pumping station, increase the capacity of a pump, if—

(1) the Chief of Engineers determines the improvements are in the public interest, including consideration of whether—

(A) the authority under this section has been used more than once at the same location;

(B) there is an opportunity to decrease significantly the risk of loss of life and property damage; or

(C) there is an opportunity to decrease total life cycle rehabilitation costs for the project; and

(2) the non-Federal sponsor agrees to pay the difference between the cost of repair or restoration to the original design level or original capacity and the cost of achieving the higher level of protection or capacity sought by the non-Federal sponsor.

(e) NOTICE.—The Secretary shall notify and consult with the non-Federal sponsor regarding the opportunity to request implementation of nonstructural alternatives to the repair or restoration of a flood control work under subsection (a).

## WATER RESOURCES DEVELOPMENT ACT OF 1976

### SEC. 156.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, is authorized to provide periodic beach nourishment in the case of each water resources development project where such nourishment has been authorized for a limited period for such additional period as he determines necessary but in no event shall such additional period extend beyond the fiftieth year which begins after the date of initiation of construction of such project.

(b) REVIEW.—**[Notwithstanding]**

(1) *IN GENERAL.*—*Notwithstanding* subsection (a), the Secretary shall, at the request of the non-Federal interest, carry out a study to determine the feasibility of extending the period of nourishment described in subsection (a) for a period not to exceed 15 additional years beyond the maximum period described in subsection (a).

(2) *TIMING.*—*The 15 additional years under paragraph (1) shall begin on the date of initiation of construction of congressionally authorized nourishment.*

(c) PLAN FOR REDUCING RISK TO PEOPLE AND PROPERTY.—

(1) IN GENERAL.—As part of the review described in subsection (b), the non-Federal interest shall submit to the Secretary a plan for reducing risk to people and property during the life of the project.

(2) INCLUSION OF PLAN IN RECOMMENDATION TO CONGRESS.—The Secretary shall include the plan described in subsection (a) in the recommendations to Congress described in subsection (d).

(d) REPORT TO CONGRESS.—Upon completion of the review described in subsection (b), the Secretary shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives any recommendations of the Secretary related to the review; and

(2) include in the subsequent annual report to Congress required under section 7001 of the Water Resources Reform and Development Act of 2014, any recommendations that require specific congressional authorization.

(e) SPECIAL RULE.—Notwithstanding any other provision of this section, for any existing authorized water resources development project for which the maximum period for nourishment described in subsection (a) will expire within the 5 year-period beginning on the date of enactment of the Water Resources Reform and Development Act of 2014, that project shall remain eligible for nourishment for an additional ~~6 years~~ 9 years after the expiration of such period.

## SECTION 221 OF THE FLOOD CONTROL ACT OF 1970

### SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

(a) COOPERATION OF NON-FEDERAL INTEREST.—

(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the Secretary (or, where appropriate, the district engineer for the district in which the project will be carried out) under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than \$25,000.

(2) LIQUIDATED DAMAGES.—A partnership agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of one or more parties to perform.

(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any partnership agreement described in paragraph (1) and entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

(A) IN GENERAL.—A partnership agreement described in paragraph (1) may provide with respect to a project that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented without specific authorization in law or a project under an environmental infrastructure assistance program, the value of in-kind contributions made by the non-Federal interest, including—

(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project;

(ii) the value of materials or services provided before execution of the partnership agreement, including efforts on constructed elements incorporated into the project; and

(iii) the value of materials and services provided after execution of the partnership agreement.

(B) CONDITION.—The Secretary may credit an in-kind contribution under subparagraph (A) only if the Secretary determines that the material or service provided as an in-kind contribution is integral to the project.

(C) WORK PERFORMED BEFORE PARTNERSHIP AGREEMENT.—

(i) CONSTRUCTION.—

(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before execution of a partnership agreement and that construction has not been carried out as of November 8, 2007, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work and shall do so prior to the non-Federal interest initiating construction or issuing a written notice to proceed for the construction.

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

(ii) PLANNING.—

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

(II) ELIGIBILITY.—Planning that is carried out by the non-Federal interest after the execution of an agreement to carry out work described in subclause (I) shall be eligible for credit.

(D) LIMITATIONS.—Credit authorized under this paragraph for a project—

(i) shall not exceed the non-Federal share of the cost of the project;

(ii) shall not alter any requirement that a non-Federal interest pay a portion of the costs of construction of the project under sections 101(a)(2) and 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C. 2213(a)(1)(A)) of the Water Resources Development Act of 1986 (33 U.S.C. 2211; 33 U.S.C. 2213); and

(iii) shall not alter any requirement that a non-Federal interest pay a portion of the costs of construction of the project under sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211; 33 U.S.C. 2213); and

(iv) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.

(E) ANALYSIS OF COSTS AND BENEFITS.—In the evaluation of the costs and benefits of a project, the Secretary shall not consider construction carried out by a non-Federal interest under this subsection as part of the future without project condition.

(F) TRANSFER OF CREDIT BETWEEN SEPARABLE ELEMENTS OF A PROJECT.—Credit for in-kind contributions provided by a non-Federal interest that are in excess of the non-Federal cost share for an authorized separable element of a project may be applied toward the non-Federal cost share for a different authorized separable element of the same project.

(G) APPLICATION OF CREDIT.—

(i) IN GENERAL.—To the extent that credit for in-kind contributions, as limited by subparagraph (D), and credit for required land, easements, rights-of-way, dredged material disposal areas, and relocations provided by the non-Federal interest exceed the non-Federal share of the cost of construction of a project other than a navigation project, the Secretary, subject to the availability of funds, shall enter into a reimbursement agreement with the non-Federal interest, which shall be in addition to a partnership agreement under subparagraph (A), to reimburse the difference to the non-Federal interest.

(ii) PRIORITY.—If appropriated funds are insufficient to cover the full cost of all requested reimbursement agreements under clause (i), the Secretary shall enter into reimbursement agreements in the order in which requests for such agreements are received.

(H) APPLICABILITY.—



(i) IN GENERAL.—This paragraph shall apply to water resources projects authorized after November 16, 1986, including projects initiated after November 16, 1986, without specific authorization in law, and to water resources projects authorized prior to the date of enactment of the Water Resources Development Act of 1986 (Public Law 99–662), if correction of design deficiencies is necessary.

(ii) AUTHORIZATION AS ADDITION TO OTHER AUTHORIZATIONS.—The authority of the Secretary to provide credit for in-kind contributions pursuant to this paragraph shall be in addition to any other authorization to provide credit for in-kind contributions and shall not be construed as a limitation on such other authorization. The Secretary shall apply the provisions of this paragraph, in lieu of provisions under other crediting authority, only if so requested by the non-Federal interest.

(b) DEFINITION OF NON-FEDERAL INTEREST.—The term “non-Federal interest” means—

(1) a legally constituted public body (including [a federally recognized Indian tribe and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation, and Village Corporation] *an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))*); or

(2) a nonprofit entity with the consent of the affected local government,

that has full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.

(c) Every agreement entered into pursuant to this section shall be enforceable in the appropriate district court of the United States.

(d) After commencement of construction of a project, the Chief of Engineers may undertake performance of those items of cooperation necessary to the functioning of the project for its purposes, if he has first notified the non-Federal interest of its failure to perform the terms of its agreement and has given such interest a reasonable time after such notification to so perform.

(e) DELEGATION OF AUTHORITY.—Not later than June 30, 2008, the Secretary shall issue policies and guidelines for partnership agreements that delegate to the district engineers, at a minimum—

(1) the authority to approve any policy in a partnership agreement that has appeared in an agreement previously approved by the Secretary;

(2) the authority to approve any policy in a partnership agreement the specific terms of which are dictated by law or by a final feasibility study, final environmental impact statement, or other final decision document for a water resources project;

(3) the authority to approve any partnership agreement that complies with the policies and guidelines issued by the Secretary; and

(4) the authority to sign any partnership agreement for any water resources project unless, within 30 days of the date of authorization of the project, the Secretary notifies the district engineer in which the project will be carried out that the Secretary wishes to retain the prerogative to sign the partnership agreement for that project.

(f) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, and every year thereafter, the Secretary shall submit to Congress a report detailing the following:

(1) The number of partnership agreements signed by district engineers and the number of partnership agreements signed by the Secretary.

(2) For any partnership agreement signed by the Secretary, an explanation of why delegation to the district engineer was not appropriate.

(g) PUBLIC AVAILABILITY.—Not later than 120 days after the date of enactment of this subsection, the Chief of Engineers shall—

(1) ensure that each district engineer has made available to the public, including on the Internet, all partnership agreements entered into under this section within the preceding 10 years and all partnership agreements for water resources projects currently being carried out in that district; and

(2) make each partnership agreement entered into after such date of enactment available to the public, including on the Internet, not later than 7 days after the date on which such agreement is entered into.

(h) This section shall not apply to any project the construction of which was commenced before January 1, 1972.

### ACT OF MARCH 3, 1899

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#### SEC. 14.

(a) PROHIBITIONS AND PERMISSIONS.—It shall not be lawful for any person or persons to take possession of or makes use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works: *Provided*, That the Secretary of War may, on the recommendation of the Chief of Engineers, grant permission for the temporary occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest: *Provided further*, That the Secretary may, on the recommendation of the Chief of Engineers, grant permission for the alteration or permanent occupation or use of any of the aforementioned public works when in the judgment of the Secretary such occupation or use will not be injurious to the public interest and will not impair the usefulness of such work.

## (b) CONCURRENT REVIEW.—

## (1) NEPA REVIEW.—

(A) IN GENERAL.—In any case in which an activity subject to this section requires a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), review and approval of the activity under this section shall, to the maximum extent practicable, occur concurrently with any review and decisions made under that Act.

(B) CORPS OF ENGINEERS AS A COOPERATING AGENCY.—If the Corps of Engineers is not the lead Federal agency for an environmental review described in subparagraph (A), the Corps of Engineers shall, to the maximum extent practicable and consistent with Federal laws—

(i) participate in the review as a cooperating agency (unless the Corps of Engineers does not intend to submit comments on the project); and

(ii) adopt and use any environmental document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the lead agency to the same extent that a Federal agency could adopt or use a document prepared by another Federal agency under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(2) REVIEWS BY SECRETARY.—In any case in which the Secretary must approve an action under this section and under another authority, including sections 9 and 10 of this Act, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413), the Secretary shall—

(A) coordinate applicable reviews and, to the maximum extent practicable, carry out the reviews concurrently; and

(B) adopt and use any document prepared by the Corps of Engineers for the purpose of complying with the same law and that addresses the same types of impacts in the same geographic area if such document, as determined by the Secretary, is current and applicable.

(3) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds received from non-Federal public or private entities to evaluate under this section an alteration or permanent occupation or use of a work built by the United States.

## (c) TIMELY REVIEW.—

(1) COMPLETE APPLICATION.—On or before the date that is 30 days after the date on which the Secretary receives an application for permission to take action affecting public projects pursuant to subsection (a), the Secretary shall inform the applicant whether the application is complete and, if it is not, what items are needed for the application to be complete.

(2) DECISION.—On or before the date that is 90 days after the date on which the Secretary receives a complete application for permission under subsection (a), the Secretary shall—

(A) make a decision on the application; or

(B) provide a schedule to the applicant identifying when the Secretary will make a decision on the application.

(3) NOTIFICATION TO CONGRESS.—In any case in which a schedule provided under paragraph (2)(B) extends beyond 120 days from the date of receipt of a complete application, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an explanation justifying the extended timeframe for review.

(d) WORK DEFINED.—For the purposes of this section, the term “work” shall not include unimproved real estate owned or operated by the Secretary as part of a water resources development project if the Secretary determines that modification of such real estate would not affect the function and usefulness of the project.

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**WATER RESOURCES REFORM AND DEVELOPMENT ACT OF 2014**

\* \* \* \* \*

**TITLE I—PROGRAM REFORMS AND STREAMLINING**

\* \* \* \* \*

**SEC. 1012. TRANSPARENCY IN ACCOUNTING AND ADMINISTRATIVE EXPENSES.**

(a) IN GENERAL.—On the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest a detailed accounting of the Federal expenses associated with a water resources project.

(b) STUDY.—

(1) IN GENERAL.—**[The Secretary]** *Not later than 1 year after the date of enactment of the Water Resources Development Act of 2018, the Secretary* shall contract with the National Academy of Public Administration to carry out a study on the efficiency of the Corps Engineers current staff salaries and administrative expense procedures as compared to using a separate administrative expense account.

(2) CONTENTS.—The study under paragraph (1) shall include any recommendations of the National Academy of Public Administration for improvements to the budgeting and administrative processes that will increase the efficiency of the Corps of Engineers project delivery.

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**[SEC. 1022. CREDIT IN LIEU OF REIMBURSEMENT.**

**[(a) REQUESTS FOR CREDITS.—**With respect to an authorized flood damage reduction project, or separable element thereof, for which a written agreement with the Corps of Engineers for construction was finalized on or before December 31, 2014, under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as it existed before the repeal made by

section 1014(c)(3)), the Secretary may provide to the non-Federal interest, at the request of the non-Federal interest, a credit in an amount equal to the estimated Federal share of the cost of the project or separable element, in lieu of providing to the non-Federal interest a reimbursement in that amount.

[(b) APPLICATION OF CREDITS.—At the request of the non-Federal interest, the Secretary may apply such credit to the non-Federal share of the cost of carrying out other water resources development projects or studies of the non-Federal interest.]

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

(a) *REQUESTS FOR CREDITS.*—With respect to an authorized flood damage reduction project, or separable element thereof, that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13), or an authorized coastal navigation project that has been constructed by the Corps of Engineers pursuant to section 11 of the Act of March 3, 1925, before the date of enactment of the Water Resources Development Act of 2018, the Secretary may provide to the non-Federal interest, at the request of the non-Federal interest, a credit in an amount equal to the estimated Federal share of the cost of the project or separable element, in lieu of providing to the non-Federal interest a reimbursement in that amount.

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

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**SEC. 1043. NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.**

(a) **NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.**—

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

(2) **PURPOSES.**—The purposes of the pilot program are—

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

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and

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

(3) **ADMINISTRATION.**—

(A) **IN GENERAL.**—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-Federal interest to provide full project management control of a feasibility study for a project for—

(i) flood risk management;

(ii) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;

(iii) coastal harbor and channel and inland navigation; and

(iv) aquatic ecosystem restoration.

(B) USE OF NON-FEDERAL FUNDS.—

(i) IN GENERAL.—A non-Federal interest that has entered into an agreement with the Secretary pursuant to subparagraph (A) may use non-Federal funds to carry out the feasibility study.

(ii) CREDIT.—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this subsection an amount equal to the portion of the cost of developing the study that would have been the responsibility of the Secretary, if the study were carried out by the Secretary, subject to the conditions that—

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

(II) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and

(III) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under subparagraph (A).

(C) TRANSFER OF FUNDS.—

(i) IN GENERAL.—After the date on which an agreement is executed pursuant to subparagraph (A), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—

(I) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(II) additional amounts, as determined by the Secretary, from amounts made available under paragraph (8), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.

(ii) ADMINISTRATION.—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under subparagraph (A) to ensure that a non-Federal interest receiving Federal funds under this paragraph—

(I) has the necessary qualifications to administer those funds; and

(II) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.

(D) NOTIFICATION.—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.

(E) AUDITING.—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to ensure that the use of any funds transferred under subparagraph (C) are used in compliance with the agreement signed under subparagraph (A).

(F) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.

(G) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under subparagraph (A), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.

(4) COST SHARE.—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this subsection.

(5) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report detailing the results of the pilot program carried out under this section, including—

- (i) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to paragraph (3)(G); and
- (ii) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(B) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

(C) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the

House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(6) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this subsection.

(7) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this subsection terminates on the date that is 5 years after the date of enactment of this Act.

(8) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, \$25,000,000 for each of fiscal years 2015 through 2019.

(b) NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects.

(2) PURPOSES.—The purposes of the pilot program are—

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

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

(C) to evaluate alternatives for the decentralization of the project management, design, and construction for authorized Corps of Engineers water resources projects.

(3) ADMINISTRATION.—

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

(i) identify a total of not more than 15 projects for flood risk management, hurricane and storm damage reduction (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channels, inland navigation, and aquatic ecosystem restoration that have been authorized for construction prior to the date of enactment of this Act, including—

(I) not more than 12 projects that—

(aa)(AA) have received Federal funds prior to the date of enactment of this Act; or

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



(bb) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers; and

(II) not more than 3 projects that have not received Federal funds in the period beginning on the date on which the project was authorized and ending on the date of enactment of this Act;

(ii) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;

(iii) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;

(iv) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(v) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—

(I) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(II) additional amounts, as determined by the Secretary, from amounts made available under paragraph (8), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and

(vi) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

(B) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under subparagraph (A)(iv), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on estimated funding levels, that lists all deadlines for each milestone in the construction of the project.

(C) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with and compensates the Secretary for the technical assistance relating to—

(i) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this subsection; and

(ii) expeditiously obtaining any permits necessary for the project.

(4) COST SHARE.—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this subsection.

(5) REPORT.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report detailing the results of the pilot program carried out under this subsection, including—

(i) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to paragraph (2)(B); and

(ii) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(B) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

(C) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(6) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this subsection.

(7) TERMINATION OF AUTHORITY.—The authority to commence a project under this subsection terminates on the date that is 5 years after the date of enactment of this Act.

(8) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administra-

tion of the Secretary, \$25,000,000 for each of fiscal years [2015 through 2019] 2019 through 2023.

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**TITLE II—NAVIGATION**

**Subtitle A—Inland Waterways**

\* \* \* \* \*

**SEC. 2010. UPPER MISSISSIPPI RIVER PROTECTION.**

(a) DEFINITION OF UPPER ST. ANTHONY FALLS LOCK AND DAM.—In this section, the term “Upper St. Anthony Falls Lock and Dam” means the lock and dam located on Mississippi River Mile 853.9 in Minneapolis, Minnesota.

(b) MANDATORY CLOSURE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall close the Upper St. Anthony Falls Lock and Dam.

(c) EMERGENCY OPERATIONS.—Nothing in this section prevents the Secretary from carrying out emergency lock operations necessary to mitigate flood damage.

(d) CONSIDERATIONS.—*In carrying out a disposition study with respect to the Upper St. Anthony Falls Lock and Dam, including a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), the Secretary may not complete such study until the Secretary considers, and issues a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on—*

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

*(A) preserve and enhance recreational opportunities and the health of the ecosystem; and*

*(B) maintain the benefits to the natural ecosystem and human environment; and*

*(2) the preservation of any portion of the Upper St. Anthony Falls Lock and Dam necessary to maintain flood control.*

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**TITLE III—SAFETY IMPROVEMENTS AND ADDRESSING EXTREME WEATHER EVENTS**

\* \* \* \* \*

**Subtitle C—Additional Safety Improvements and Risk Reduction Measures**

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**SEC. 3025. POST-DISASTER WATERSHED ASSESSMENTS.**

(a) WATERSHED ASSESSMENTS.—

(1) **IN GENERAL.**—In an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, ecosystem restoration, or navigation project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.

(2) **EXISTING PROJECTS.**—A watershed assessment carried out under paragraph (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b)(1).

(3) **DUPLICATE WATERSHED ASSESSMENTS.**—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.

(b) **PROJECTS.**—

(1) **IN GENERAL.**—The Secretary may carry out projects identified under a watershed assessment under subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

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

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

(C) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(D) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

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

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

(2) **ANNUAL PLAN.**—For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

(3) **EXISTING PROJECTS.**—In carrying out a project under paragraph (1), the Secretary shall—

(A) to the maximum extent practicable, use all existing information and studies available for the project; and

(B) not require any element of a study completed for the project prior to the disaster to be repeated.

(c) **REQUIREMENTS.**—All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.

(d) **LIMITATIONS ON ASSESSMENTS.**—A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.

(e) **ASSESSMENTS IN THE TERRITORIES OF THE UNITED STATES.**—

(1) *IN GENERAL.*—For any major disaster declared in the territories of the United States before the date of enactment of this subsection, all activities in the territory carried out or undertaken pursuant to the authorities described under this section shall be conducted at full Federal expense unless the President determines that the territory has the ability to pay the cost share for an assessment under this section without the use of non-Federal funds or loans.

(2) *TERRITORIES DEFINED.*—In this subsection, the term “territories of the United States” means those insular areas specified in section 1156(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2310(a)(1)).

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## TITLE VI—DEAUTHORIZATION AND BACKLOG PREVENTION

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### SEC. 6003. BACKLOG PREVENTION.

#### (a) PROJECT DEAUTHORIZATION.—

(1) *IN GENERAL.*—A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the [7-year] 10-year period beginning on the date of enactment of this Act unless funds have been obligated for construction of such project during that period.

(2) *IDENTIFICATION OF PROJECTS.*—Not later than 60 days after the expiration of the [7-year] 10-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

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

(1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;

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

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

(4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.

\* \* \* \* \*



**ACT OF OCTOBER 15, 1940**

AN ACT To authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any State or political subdivision thereof shall offer to advance funds for [a flood-control project duly adopted and authorized by law] a federally authorized water resources development project, the Secretary of the Army may in his discretion, receive such funds and expend the same in the immediate prosecution of [such work] such project. The Secretary of the Army is authorized and directed to repay without interest, [from appropriations which may be provided by Congress for flood-control work] if appropriations are provided by Congress for such purpose, the moneys so contributed and expended: Provided, however, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, or under the authority of section 5 of the Flood Control Act approved, June 22, 1936, as amended, shall be made. For purposes of this Act, the term "State" means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))).*

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**SECTION 11 OF THE ACT OF MARCH 3, 1925**

AN ACT authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

\* \* \* \* \*

**[SEC. 11.** That whenever local interests shall offer to advance funds for the prosecution of a work of river and harbor improvement duly adopted and authorized by law the Secretary of the War may, in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of the War is hereby authorized and directed to repay without interest, from appropriations which may be provided by Congress for river and harbor improvements, the moneys so contributed and expended: *Provided*, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, nor under the authority of section 4 of the River and Harbor Act, approved March 4, 1915, shall be made.]

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**WATER RESOURCES DEVELOPMENT ACT OF 2000**

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## TITLE II—GENERAL PROVISIONS

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### SEC. 214. FUNDING TO PROCESS PERMITS.

(a) FUNDING TO PROCESS PERMITS.—

(1) DEFINITIONS.—In this subsection:

(A) NATURAL GAS COMPANY.—The term “natural gas company” has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451), except that the term also includes a person engaged in the transportation of natural gas in intrastate commerce.

(B) PUBLIC-UTILITY COMPANY.—The term “public-utility company” has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451).

(C) RAILROAD CARRIER.—The term “railroad carrier” has the meaning given the term in section 20102 of title 49, United States Code.

(2) PERMIT PROCESSING.—The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity or a public-utility company, natural gas company, or railroad carrier to expedite the evaluation of a permit of that entity, company, or carrier related to a project or activity for a public purpose under the jurisdiction of the Department of the Army.

(3) LIMITATION FOR PUBLIC-UTILITY AND NATURAL GAS COMPANIES.—The authority provided under paragraph (2) to a public-utility company, natural gas company, or railroad carrier shall expire on the date that is **10 years** *12 years* after the date of enactment of this paragraph.

(4) EFFECT ON OTHER ENTITIES.—To the maximum extent practicable, the Secretary shall ensure that expediting the evaluation of a permit through the use of funds accepted and expended under this section does not adversely affect the timeline for evaluation (in the Corps district in which the project or activity is located) of permits under the jurisdiction of the Department of the Army of other entities that have not contributed funds under this section.

(5) GAO STUDY.—Not later than **4 years** after the date of enactment of this paragraph *December 31, 2022*, the Comptroller General of the United States shall **carry out a study** *carry out a followup study* of the implementation by the Secretary of the authority provided under paragraph (2) to public-utility companies, natural gas companies, and railroad carriers, including an evaluation of the compliance with the requirements of this section and, with respect to a permit for those entities, the requirements of applicable Federal laws.

(b) EFFECT ON PERMITTING.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

(2) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by—

(i) the District Commander, or the Commander's designee, of the Corps District in which the project or activity is located; or

(ii) the Commander of the Corps Division in which the District is located if the evaluation of the permit is initially conducted by the District Commander; and

(B) utilize the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(c) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

(d) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public in a common format, including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.

(2) DECISION DOCUMENT.—The Secretary shall—

(A) use a standard decision document for evaluating all permits using funds accepted under this section; and

(B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.

(3) AGREEMENTS.—The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.

(e) REPORTING.—

(1) IN GENERAL.—The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section—

(A) a comprehensive list of any funds accepted under this section during the previous fiscal year;

(B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and

(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.

(2) SUBMISSION.—Not later than 90 days after the end of each fiscal year, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and



(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.

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### FLOOD CONTROL ACT OF 1946

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SEC. 14. That the Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed \$20,000,000 per year, for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, and public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, That not more than \$5,000,000 shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year, *and if such amount is not sufficient to cover the costs included in the Federal cost share for a project, as determined by the Secretary, the non-Federal interest shall be responsible for any such costs that exceed such amount.*

### RIVER AND HARBOR ACT OF 1960

SEC. 107. (a) That the Secretary of the Army is authorized to allot from any appropriations hereafter made for rivers and harbors not to exceed ~~【\$50,000,000】~~ \$62,500,000 for any one fiscal year for the construction of small river and harbor improvement projects not specifically authorized by Congress which will result in substantial benefits to navigation and which can be operated consistently with appropriate and economic use of the waters of the Nation for other purposes, when in the opinion of the Chief of Engineers such work is advisable, if benefits are in excess of the cost.

(b) Not more than ~~【\$10,000,000】~~ \$12,500,000 shall be allotted for the construction of a project under this section at any single locality and the amount allotted shall be sufficient to complete the Federal participation in the project under this section.

(c) Local interests shall provide without cost to the United States all necessary lands, easements and rights-of-way for all projects to be constructed under the authority of this section. In addition, local interests may be required to hold and save the United States free from damages that may result from the construction and maintenance of the project and may be required to provide such additional local cooperation as the Chief of Engineers deems appropriate. A State, county, municipality or other responsible local entity shall give assurance satisfactory to the Chief of Engineers that such conditions of cooperation as are required will be accomplished.

(d) Non-Federal interests may be required to share in the cost of the project to the extent that the Chief of Engineers deems that such cost should not be borne by the Federal Government in view of the recreational or otherwise special or local nature of the project benefits.

(e) Each project for which money is allotted under this section shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, other

than routine maintenance, and except as may result from the normal procedure applying to projects authorized after submission of survey reports, and projects constructed under the authority of this section shall be considered as authorized projects.

(f) This section shall apply to, but not be limited to, the provision of low water access navigation channels from the existing channel of the Mississippi River to harbor areas heretofore or now established and located along the Mississippi River.

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**WATER RESOURCES DEVELOPMENT ACT OF 1990**

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

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 1990”.

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

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**TITLE III—GENERALLY APPLICABLE PROVISIONS**

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**[Sec. 314. Operation and maintenance of hydroelectric facilities]**

*Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.*

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**SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.**

**[Activities currently performed]** (a) *IN GENERAL.*—Activities currently performed by personnel under the direction of the Secretary in connection with the operation and maintenance of navigation or hydroelectric power generating facilities at Corps of Engineers water resources projects are to be considered as inherently governmental functions and not commercial activities. **[This section]**

(b) *MAJOR MAINTENANCE CONTRACTS ALLOWED.*—This section does not prohibit contracting out major maintenance or other functions which are currently contracted out or studying services not directly connected with project maintenance and operations.

(c) *EXCLUSION.*—This section does not—

(1) apply to a navigation facility that was under contract on or before the date of enactment of this subsection with a non-Federal interest to perform operations or maintenance; and

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

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**WATER RESOURCES DEVELOPMENT ACT OF 1992**

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**TITLE II—GENERALLY APPLICABLE PROVISIONS**

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**SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.**

(a) **IN GENERAL.**—The Secretary is authorized to provide assistance to non-Federal interests for carrying out water-related environmental infrastructure and resource protection and development projects described in subsection (c), including waste water treatment and related facilities and water supply, storage, treatment, and distribution facilities. Such assistance may be in the form of technical and planning and design assistance. If the Secretary is to provide any design or engineering assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

- (1) the service would require the use of a new technology unavailable in the private sector; or
- (2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of projects for which assistance is provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(c) **PROJECT DESCRIPTIONS.**—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

- (1) **WASHINGTON, D.C. AND MARYLAND.**—Measures to alleviate adverse water quality impacts resulting from storm water discharges from Federal facilities in the Anacostia River watershed, Washington, D.C. and Maryland.
- (2) **ATLANTA, GEORGIA.**—A combined sewer overflow treatment facility for the city of Atlanta, Georgia.
- (3) **HAZARD, KENTUCKY.**—A water system (including a 13,000,000 gallon per day water treatment plant), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for Hazard, Kentucky.
- (4) **ROUGE RIVER, MICHIGAN.**—Completion of a comprehensive streamflow enhancement project for the Western Townships Utility Authority, Rouge River, Wayne County, Michigan.
- (5) **JACKSON COUNTY, MISSISSIPPI.**—Provision of an alternative water supply and projects for the design, installation, enhancement, or repair of sewer systems for Jackson County, Mississippi.
- (6) **EPPING, NEW HAMPSHIRE.**—Evaluation and assistance in addressing expanded and advanced wastewater treatment needs for Epping, New Hampshire.
- (7) **MANCHESTER, NEW HAMPSHIRE.**—Elimination of combined sewer overflows in the city of Manchester, New Hampshire.
- (8) **ROCHESTER, NEW HAMPSHIRE.**—Provision of advanced wastewater treatment for the city of Rochester, New Hampshire.
- (9) **PATERSON AND PASSAIC COUNTY, NEW JERSEY.**—Drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph's Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey.

(10) STATE OF NEW JERSEY AND NEW JERSEY WASTEWATER TREATMENT TRUST.—The development of innovative beneficial uses of sewage sludge and conventional and innovative facilities to dispose of sewage sludge or to make reusable products from sewage sludge for local government units that ceased the discharge of sewage sludge in the Atlantic Ocean.

(11) ERIE COUNTY, NEW YORK.—A tunnel from North Buffalo, New York, to Amherst Quarry to relieve flooding and improve water quality.

(12) ERIE COUNTY, NEW YORK.—A sludge processing disposal facility to serve the Erie County Sewer District 5, New York.

(13) OTSEGO COUNTY, NEW YORK.—A water storage tank and an adequate water filtration system for the Village of Milford, Otsego County, New York.

(14) CHENANGO COUNTY, NEW YORK.—A primary source water well and improvement of a water distribution system for New Berlin, Chenango County, New York.

(15) GREENSBORO AND GLASSWORKS, PENNSYLVANIA.—A sewage treatment plant for the borough of Greensboro, Pennsylvania, and the unincorporated village of Glassworks, Pennsylvania.

(16) LYNCHBURG, VIRGINIA.—Alleviation of combined sewer overflows for Lynchburg, Virginia, in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(17) RICHMOND, VIRGINIA.—Alleviation of combined sewer overflows for Richmond, Virginia, in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(18) COLONIAS ALONG UNITED STATES-MEXICO BORDER.—Wastewater treatment facilities, water systems (including water treatment plants), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for colonias in the United States along the United States-Mexico border.

(19) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(20) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(21) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

(22) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(23) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(24) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(25) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

(26) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

(27) LOS OSOS, CALIFORNIA.—Wastewater infrastructure, Los Osos, California.

(28) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

(29) KEY BISCAZYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

(30) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

(31) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

(32) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

(33) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

(34) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

(35) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

(36) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

(37) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

(38) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

(39) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(40) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(41) WINCHESTER, KENTUCKY.—Wastewater infrastructure, Winchester, Kentucky.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section \$30,000,000. Such sums shall remain available until expended.

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under this section—

(1) \$32,500,000 for the project described in subsection (c)(5);

(2) \$2,000,000 for the project described in subsection (c)(6);

(3) \$20,000,000 for the project described in subsection (c)(7);

(4) \$11,000,000 for the project described in subsection (c)(8);

(5) \$25,000,000 for the project described in subsection (c)(2);

(6) \$30,000,000 for the project described in subsection (c)(9);

(7) \$30,000,000 for the project described in subsection (c)(16);

(8) \$30,000,000 for the project described in subsection (c)(17);

(9) \$35,000,000 for the project described in subsection (c)(18);

(10) \$27,000,000 for the project described in subsection

(c)(19);

(11) \$20,000,000 for the project described in subsection

(c)(20);

(12) \$35,000,000 for the project described in subsection

(c)(23);

(13) \$20,000,000 for the project described in subsection

(c)(25);

- (14) \$20,000,000 for the project described in subsection (c)(26);
- (15) \$35,000,000 for the project described in subsection (c)(27);
- (16) \$20,000,000 for the project described in subsection (c)(28); and
- (17) \$30,000,000 for the project described in subsection (c)(40).

(f) **ADDITIONAL ASSISTANCE.**—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

(1) **ATLANTA, GEORGIA.**—The project described in subsection (c)(2), modified to include watershed restoration and development in the regional Atlanta watershed, including Big Creek and Rock Creek.

(2) **PATERSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.**—The project described in subsection (c)(9), modified to include drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph's Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey, and innovative facilities to manage and treat additional flows in the Passaic Valley, Passaic River basin, New Jersey.

(3) **NASHUA, NEW HAMPSHIRE.**—\$20,000,000 for a project to eliminate or control combined sewer overflows in the city of Nashua, New Hampshire.

(4) **FALL RIVER AND NEW BEDFORD, MASSACHUSETTS.**—\$35,000,000 for a project to eliminate or control combined sewer overflows in the cities of Fall River and New Bedford, Massachusetts.

(5) **FINDLAY TOWNSHIP, PENNSYLVANIA.**—\$11,000,000 for water and wastewater infrastructure in Findlay Township, Allegheny County, Pennsylvania.

(6) **DILLSBURG BOROUGH AUTHORITY, PENNSYLVANIA.**—\$2,000,000 for water and wastewater infrastructure in Franklin Township, York County, Pennsylvania.

(7) **HAMPDEN TOWNSHIP, PENNSYLVANIA.**—\$3,000,000 for water, sewer, and storm sewer improvements in Hampden Township, Pennsylvania.

(8) **TOWAMENCIN TOWNSHIP, PENNSYLVANIA.**—\$1,500,000 for sanitary sewer and water and wastewater infrastructure in Towamencin Township, Pennsylvania.

(9) **DAUPHIN COUNTY, PENNSYLVANIA.**—\$2,000,000 for a project to eliminate or control combined sewer overflows and water system rehabilitation for the city of Harrisburg, Dauphin County, Pennsylvania.

(10) **EASTERN SHORE AND SOUTHWEST VIRGINIA.**—

(A) **IN GENERAL.**—\$20,000,000 for water supply, wastewater infrastructure, and environmental restoration projects in the counties of Accomac, Northampton, Lee, Norton, Wise, Scott, Russell, Dickenson, Buchanan, and Tazewell, Virginia.

(B) **CREDIT.**—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Fed-

eral interest for the project before the date of the partnership agreement for the project.

(11) NORTHEAST PENNSYLVANIA.—\$20,000,000 for water related infrastructure in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, Northumberland, Union, Snyder, Luzerne, and Monroe, Pennsylvania, including assistance for the Mountoursville Regional Sewer Authority, Lycoming County, Pennsylvania.

(12) CALUMET REGION, INDIANA.—

(A) IN GENERAL.—\$100,000,000 for water related infrastructure projects in the counties of Benton, Jasper, Lake, Newton, and Porter, Indiana.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(13) CLINTON COUNTY, PENNSYLVANIA.—\$2,000,000 for water related infrastructure in Clinton County, Pennsylvania.

(14) PATTON TOWNSHIP, PENNSYLVANIA.—\$1,400,000 for water related infrastructure in Patton Township, Pennsylvania.

(15) NORTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA.—\$500,000 for water related infrastructure in North Fayette Township, Allegheny County, Pennsylvania.

(16) SPRINGDALE BOROUGH, PENNSYLVANIA.—\$500,000 for water related infrastructure in Springdale Borough, Pennsylvania.

(17) ROBINSON TOWNSHIP, PENNSYLVANIA.—\$1,200,000 for water related infrastructure in Robinson Township, Pennsylvania.

(18) UPPER ALLEN TOWNSHIP, PENNSYLVANIA.—\$3,400,000 for water related infrastructure in Upper Allen Township, Pennsylvania.

(19) JEFFERSON TOWNSHIP, GREENE COUNTY, PENNSYLVANIA.—\$1,000,000 for water related infrastructure in Jefferson Township, Greene County, Pennsylvania.

(20) LUMBERTON, NORTH CAROLINA.—\$1,700,000 for water and wastewater infrastructure projects in Lumberton, North Carolina.

(21) BATON ROUGE, LOUISIANA.—\$35,000,000 for water related infrastructure for the parishes of East Baton Rouge, Ascension, and Livingston, Louisiana.

(22) EAST SAN JOAQUIN COUNTY, CALIFORNIA.—

(A) IN GENERAL.—\$25,000,000 for ground water recharge and conjunctive use projects in Stockton East Water District, California.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

(23) SACRAMENTO AREA, CALIFORNIA.—\$35,000,000 for regional water conservation and recycling projects in Placer and El Dorado Counties and the San Juan Suburban Water District, California.

(24) CUMBERLAND COUNTY, TENNESSEE.—\$5,000,000 for water supply projects in Cumberland County, Tennessee.

(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—~~[\$60,000,000]~~ \$89,550,000 for wastewater treatment and water supply treatment and distribution projects in the counties of Berkeley, Calhoun, Clarendon, Colleton, Dorchester, and Orangeberg, South Carolina.

(26) BRIDGEPORT, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Bridgeport, Connecticut.

(27) HARTFORD, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Hartford, Connecticut.

(28) NEW HAVEN, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of New Haven, Connecticut.

(29) OAKLAND COUNTY, MICHIGAN.—\$20,000,000 for a project to eliminate or control combined sewer overflows in the cities of Berkley, Ferndale, Madison Heights, Royal Oak, Birmingham, Hazel Park, Oak Park, Southfield, Clawson, Huntington Woods, Pleasant Ridge, and Troy, and the village of Beverly Hills, and the Charter Township of Royal Oak, Michigan.

(30) DESOTO COUNTY, MISSISSIPPI.—\$75,000,000 for a wastewater infrastructure project in the county of DeSoto, Mississippi.

(31) KANSAS CITY, MISSOURI.—\$15,000,000 for a project to eliminate or control combined sewer overflows in the city of Kansas City, Missouri.

(32) ST. LOUIS, MISSOURI.—\$35,000,000 for projects to eliminate or control combined sewer overflows in the city of St. Louis and St. Louis County, Missouri.

(33) ELIZABETH, NEW JERSEY.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Elizabeth, New Jersey.

(34) NORTH HUDSON, NEW JERSEY.—\$20,000,000 for a project to eliminate or control combined sewer overflows for the North Hudson Sewerage Authority, New Jersey.

(35) INNER HARBOR PROJECT, NEW YORK, NEW YORK.—\$15,000,000 for a project to eliminate or control combined sewer overflows for the inner harbor project, New York, New York.

(36) OUTER HARBOR PROJECT, NEW YORK, NEW YORK.—\$15,000,000 for a project to eliminate or control combined sewer overflows for the outer harbor project, New York, New York.



(37) LEBANON, NEW HAMPSHIRE.—\$8,000,000 for a project to eliminate or control combined sewer overflows in the city of Lebanon, New Hampshire.

(38) ASTORIA, OREGON.—\$5,000,000 for a project to eliminate or control combined sewer overflows in the city of Astoria, Oregon.

(39) CACHE COUNTY, UTAH.—\$5,000,000 for a wastewater infrastructure project for Cache County, Utah.

(40) LAWTON, OKLAHOMA.—\$5,000,000 for a wastewater infrastructure project for the city of Lawton, Oklahoma.

(41) LANCASTER, CALIFORNIA.—\$1,500,000 for a project to provide water facilities for the Fox Field Industrial Corridor, Lancaster, California.

(42) SAN RAMON VALLEY, CALIFORNIA.—\$15,000,000 for a project for recycled water for San Ramon Valley, California.

(43) HARBOR/SOUTH BAY, CALIFORNIA.—~~【\$35,000,000】~~ \$70,000,000 for an industrial water reuse project for the Harbor/South Bay area, California.

(45) WASHINGTON, D.C., AND MARYLAND.—\$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.

(46) DUCK RIVER, CULLMAN, ALABAMA.—\$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

(47) UNION COUNTY, ARKANSAS.—\$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

(48) CAMBRIA, CALIFORNIA.—

(A) IN GENERAL.—\$10,300,000 for desalination infrastructure, Cambria, California.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project not to exceed \$3,000,000 for the cost of planning and design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(49) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—\$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

(50) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—\$24,500,000 for water and wastewater infrastructure, North Valley Region, Lancaster, California.

(51) SAN DIEGO COUNTY, CALIFORNIA.—\$10,000,000 for water-related infrastructure, San Diego County, California.

(52) SOUTH PERRIS, CALIFORNIA.—\$25,000,000 for water supply desalination infrastructure, South Perris, California.

(53) AURORA, ILLINOIS.—\$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

(54) COOK COUNTY, ILLINOIS.—\$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

(55) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—\$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

(56) IBERIA PARISH, LOUISIANA.—\$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

(57) KENNER, LOUISIANA.—\$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

(58) BENTON HARBOR, MICHIGAN.—\$1,500,000 for water-related infrastructure, City of Benton Harbor, Michigan.

(59) GENESEE COUNTY, MICHIGAN.—\$6,700,000 for wastewater infrastructure assistance to reduce or eliminate sewer overflows, Genesee County, Michigan.

(60) NEGAUNEE, MICHIGAN.—\$10,000,000 for wastewater infrastructure assistance, City of Negaunee, Michigan.

(61) GARRISON, CROW WING COUNTY, MILLE LACS COUNTY, MILLE LACS INDIAN RESERVATION, AND KATHIO TOWNSHIP, MINNESOTA.—\$17,000,000 for a wastewater infrastructure project for the city of Garrison, Crow Wing County, Mille Lacs County, Mille Lacs Indian Reservation established by the treaty of February 22, 1855 (10 Stat. 1165), and Kathio Township, Minnesota. Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota, except for assistance provided directly to the Mille Lacs Band of Ojibwe at the discretion of the Secretary.

(62) NEWTON, NEW JERSEY.—\$7,000,000 for water filtration infrastructure, Newton, New Jersey.

(63) LIVERPOOL, NEW YORK.—\$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

(64) STANLY COUNTY, NORTH CAROLINA.—\$8,900,000 for water and wastewater infrastructure, Stanly County, North Carolina.

(65) YUKON, OKLAHOMA.—\$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

(66) ALLEGHENY COUNTY, PENNSYLVANIA.—

(A) IN GENERAL.—\$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(B) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(67) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—\$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

(68) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—\$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

(69) TITUSVILLE, PENNSYLVANIA.—\$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

(70) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—\$8,000,000 for water and waste-

water infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.

(71) CORONADO, CALIFORNIA.—

(A) \$10,000,000 is authorized for wastewater infrastructure, Coronado, California.

(B) The Federal Share may be in the form of grants or reimbursements of project costs incurred by the non-Federal sponsor for work performed by the non-Federal sponsor before or after the execution of a project cooperation agreement, if the Secretary determines that such work is integral to the project.

(C) The Secretary is authorized to credit towards the non-Federal share of project costs the costs incurred by the non-Federal sponsor for work performed by the non-Federal sponsor before or after the execution of a project cooperation agreement, if the Secretary determines that such work is integral to the project.

(72) CHARLESTON, SOUTH CAROLINA.—\$10,000,000 for wastewater infrastructure, including wastewater collection systems, and stormwater system improvements, Charleston, South Carolina.

(73) PLACER AND EL DORADO COUNTIES, CALIFORNIA.—\$35,000,000 to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties, California, through water and wastewater projects, programs, and infrastructure.

(74) LASSEN, PLUMAS, BUTTE, SIERRA, AND NEVADA COUNTIES, CALIFORNIA.—\$25,000,000 to improve the efficiency and use of existing water supplies in the counties of Lassen, Plumas, Butte, Sierra, and Nevada, California, through water and waste water projects, programs, and infrastructure.

(75) INDIANAPOLIS, INDIANA.—\$6,430,000 for environmental infrastructure for Indianapolis, Indiana.

(76) ST. CROIX FALLS, WISCONSIN.—\$5,000,000 for waste water infrastructure, St. Croix Falls, Wisconsin.

(77) ALPINE, CALIFORNIA.—\$10,000,000 is authorized for a water transmission main, Alpine, CA.

(78) ST. CLAIR COUNTY, BLOUNT COUNTY, AND CULLMAN COUNTY, ALABAMA.—\$5,000,000 for water related infrastructure, St. Clair County, Blount County, and Cullman County, Alabama.

(79) CRAWFORD COUNTY, ARKANSAS.—\$35,000,000 for water supply infrastructure, Crawford County, Arkansas.

(80) ALAMEDA AND CONTRA COSTA COUNTIES, CALIFORNIA.—\$25,000,000 for recycled water treatment facilities within the East Bay Municipal Utility District service area, Alameda and Contra Costa Counties, California.

(81) ALISO CREEK, ORANGE COUNTY, CALIFORNIA.—\$5,000,000 for water related infrastructure, Aliso Creek, Orange County, California.

(82) AMADOR COUNTY, CALIFORNIA.—\$3,000,000 for wastewater collection and treatment infrastructure, Amador County, California.

(83) ARCADIA, SIERRA MADRE, AND UPLAND, CALIFORNIA.—\$33,000,000 for water and wastewater infrastructure, Arcadia, Sierra Madre, and Upland, California, including \$13,000,000 for stormwater infrastructure for Upland, California.

(84) BIG BEAR AREA REGIONAL WASTEWATER AGENCY, CALIFORNIA.—\$15,000,000 for water reclamation and distribution infrastructure, Big Bear Area Regional Wastewater Agency, California.

(85) BRAWLEY COLONIA, IMPERIAL COUNTY, CALIFORNIA.—\$1,400,000 for water infrastructure to improve water quality in the Brawley Colonia Water District, Imperial County, California.

(86) CALAVERAS COUNTY, CALIFORNIA.—\$3,000,000 for water supply and wastewater infrastructure improvement projects in Calaveras County, California, including wastewater reclamation, recycling, and conjunctive use projects.

(87) CONTRA COSTA WATER DISTRICT, CALIFORNIA.—\$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.

(88) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—\$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

(89) EAST PALO ALTO, CALIFORNIA.—\$4,000,000 for a new pump station and stormwater management and drainage system, East Palo Alto, California.

(90) IMPERIAL COUNTY, CALIFORNIA.—\$10,000,000 for wastewater infrastructure, including a wastewater disinfection facility and polishing system, to improve water quality in the vicinity of Calexico, California, on the southern New River, Imperial County, California.

(91) LA HABRA, CALIFORNIA.—\$5,000,000 for wastewater and water related infrastructure, city of La Habra, California.

(92) LA MIRADA, CALIFORNIA.—\$4,000,000 for the planning, design, and construction of a stormwater program in La Mirada, California.

(93) LOS ANGELES COUNTY, CALIFORNIA.—\$3,000,000 for wastewater and water related infrastructure, Diamond Bar, La Habra Heights, and Rowland Heights, Los Angeles County, California.

(94) LOS ANGELES COUNTY, CALIFORNIA.—\$20,000,000 for the planning, design, and construction of water related infrastructure for Santa Monica Bay and the coastal zone of Los Angeles County, California.

(95) MALIBU, CALIFORNIA.—\$3,000,000 for municipal wastewater and recycled water infrastructure, Malibu Creek Watershed Protection Project, Malibu, California.

(96) MONTEBELLO, CALIFORNIA.—\$4,000,000 for water infrastructure improvements in south Montebello, California.

(97) NEW RIVER, CALIFORNIA.—\$10,000,000 for wastewater infrastructure to improve water quality in the New River, California.

(98) ORANGE COUNTY, CALIFORNIA.—\$10,000,000 for wastewater and water related infrastructure, Anaheim, Brea, Mission Viejo, Rancho Santa Margarita, and Yorba Linda, Orange County, California.

(99) PORT OF STOCKTON, STOCKTON, CALIFORNIA.—\$3,000,000 for water and wastewater infrastructure projects for Rough and Ready Island and vicinity, Stockton, California.

(100) PERRIS, CALIFORNIA.—\$3,000,000 for recycled water transmission infrastructure, Eastern Municipal Water District, Perris, California.

(101) SAN BERNARDINO COUNTY, CALIFORNIA.—\$9,000,000 for wastewater and water related infrastructure, Chino and Chino Hills, San Bernardino County, California.

(102) SANTA CLARA COUNTY, CALIFORNIA.—\$5,500,000 for an advanced recycling water treatment plant in Santa Clara County, California.

(103) SANTA MONICA, CALIFORNIA.—\$3,000,000 for improving water system reliability, Santa Monica, California.

(104) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—\$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

(105) STOCKTON, CALIFORNIA.—\$33,000,000 for water treatment and distribution infrastructure, Stockton, California.

(106) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—\$375,000 to improve water quality and remove non-native aquatic nuisance species from the Sweetwater Reservoir, San Diego County, California.

(107) WHITTIER, CALIFORNIA.—\$8,000,000 for water, wastewater, and water related infrastructure, Whittier, California.

(108) ARKANSAS VALLEY CONDUIT, COLORADO.—\$10,000,000 for the Arkansas Valley Conduit, Colorado.

(109) BOULDER COUNTY, COLORADO.—\$10,000,000 for water supply infrastructure, Boulder County, Colorado.

(110) MONTEZUMA AND LA PLATA COUNTIES, COLORADO.—\$1,000,000 for water and wastewater related infrastructure for the Ute Mountain project, Montezuma and La Plata Counties, Colorado.

(111) OTERO, BENT, CROWLEY, KIOWA, AND PROWERS COUNTIES, COLORADO.—\$35,000,000 for water transmission infrastructure, Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.

(112) PUEBLO AND OTERO COUNTIES, COLORADO.—\$34,000,000 for water transmission infrastructure, Pueblo and Otero Counties, Colorado.

(113) ENFIELD, CONNECTICUT.—\$1,000,000 for infiltration and inflow correction, Enfield, Connecticut.

(114) LEDYARD AND MONTVILLE, CONNECTICUT.—\$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

(115) NEW HAVEN, CONNECTICUT.—\$300,000 for stormwater system improvements, New Haven, Connecticut.

(116) NORWALK, CONNECTICUT.—\$3,000,000 for the Keeler Brook Storm Water Improvement Project, Norwalk, Connecticut.

(117) PLAINVILLE, CONNECTICUT.—\$6,280,000 for wastewater treatment, Plainville, Connecticut.

(118) SOUTHLINGTON, CONNECTICUT.—\$9,420,000 for water supply infrastructure, Southington, Connecticut.

(119) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—\$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality

and living resources in the Anacostia River watershed, District of Columbia and Maryland.

(120) DISTRICT OF COLUMBIA.—\$35,000,000 for implementation of a combined sewer overflow long-term control plan in the District of Columbia.

(121) CHARLOTTE COUNTY, FLORIDA.—\$3,000,000 for water supply infrastructure, Charlotte County, Florida.

(122) CHARLOTTE, LEE, AND COLLIER COUNTIES, FLORIDA.—\$20,000,000 for water supply interconnectivity infrastructure, Charlotte, Lee, and Collier Counties, Florida.

(123) COLLIER COUNTY, FLORIDA.—\$5,000,000 for water infrastructure to improve water quality in the vicinity of the Gordon River, Collier County, Florida.

(124) HILLSBOROUGH COUNTY, FLORIDA.—\$6,250,000 for water infrastructure and supply enhancement, Hillsborough County, Florida.

(125) JACKSONVILLE, FLORIDA.—\$25,000,000 for wastewater related infrastructure, including septic tank replacements, Jacksonville, Florida.

(126) SARASOTA COUNTY, FLORIDA.—\$10,000,000 for water and wastewater infrastructure in Sarasota County, Florida.

(127) SOUTH SEMINOLE AND NORTH ORANGE COUNTY, FLORIDA.—\$30,000,000 for wastewater infrastructure for the South Seminole and North Orange Wastewater Transmission Authority, Florida.

(128) MIAMI-DADE COUNTY, FLORIDA.—\$6,250,000 for water reuse supply and a water transmission pipeline, Miami-Dade County, Florida.

(129) PALM BEACH COUNTY, FLORIDA.—\$7,500,000 for water infrastructure, Palm Beach County, Florida.

(130) ALBANY, GEORGIA.—\$4,000,000 for a storm drainage system, Albany, Georgia.

(131) BANKS COUNTY, GEORGIA.—\$5,000,000 for water infrastructure improvements, Banks County, Georgia.

(132) BERRIEN COUNTY, GEORGIA.—\$5,000,000 for water infrastructure improvements, Berrien County, Georgia.

(133) CHATTOOGA COUNTY, GEORGIA.—\$8,000,000 for wastewater and drinking water infrastructure improvement, Chattooga County, Georgia.

(134) CHATTOOGA, FLOYD, GORDON, WALKER, AND WHITFIELD COUNTIES, GEORGIA.—\$10,000,000 for water infrastructure improvements, Armuchee Valley, Chattooga, Floyd, Gordon, Walker, and Whitfield Counties, Georgia.

(135) DAHLONEGA, GEORGIA.—\$5,000,000 for water infrastructure improvements, Dahlonega, Georgia.

(136) EAST POINT, GEORGIA.—\$5,000,000 for water infrastructure improvements, city of East Point, Georgia.

(137) FAYETTEVILLE, GRANTVILLE, LAGRANGE, PINE MOUNTAIN (HARRIS COUNTY), DOUGLASVILLE, AND CARROLLTON, GEORGIA.—\$24,500,000 for water and wastewater infrastructure, Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.

(138) MERIWETHER AND SPALDING COUNTIES, GEORGIA.—\$7,000,000 for water and wastewater infrastructure, Meriwether and Spalding Counties, Georgia.

(139) MOULTRIE, GEORGIA.—\$5,000,000 for water supply infrastructure, Moultrie, Georgia.

(140) STEPHENS COUNTY/CITY OF TOCCOA, GEORGIA.—\$8,000,000 water infrastructure improvements, Stephens County/city of Toccoa, Georgia.

(141) NORTH VERNON AND BUTLERVILLE, INDIANA.—\$1,700,000 for wastewater infrastructure, North Vernon and Butlerville, Indiana.

(142) SALEM, WASHINGTON COUNTY, INDIANA.—\$3,200,000 for water supply infrastructure, Salem, Washington County, Indiana.

(143) ATCHISON, KANSAS.—\$20,000,000 to address combined sewer overflows, Atchison, Kansas.

(144) CENTRAL KENTUCKY.—\$10,000,000 for water related infrastructure and resource protection and development, Scott, Franklin, Woodford, Anderson, Fayette, Mercer, Jessamine, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Clark, Montgomery, and Bourbon Counties, Kentucky.

(145) LAFAYETTE, LOUISIANA.—\$1,200,000 for water and wastewater improvements, Lafayette, Louisiana.

(146) LAFOURCHE PARISH, LOUISIANA.—\$2,300,000 for measures to prevent the intrusion of saltwater into the freshwater system, Lafourche Parish, Louisiana.

(147) LAKE CHARLES, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Lake Charles, Louisiana.

(148) NORTHWEST LOUISIANA COUNCIL OF GOVERNMENTS, LOUISIANA.—\$2,000,000 for water and wastewater improvements, Northwest Louisiana Council of Governments, Louisiana.

(149) OUACHITA PARISH, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Ouachita Parish, Louisiana.

(150) PLAQUEMINE, LOUISIANA.—\$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

(151) RAPIDES AREA PLANNING COMMISSION, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Rapides, Louisiana.

(152) SHREVEPORT, LOUISIANA.—\$20,000,000 for water supply infrastructure in Shreveport, Louisiana.

(153) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—\$2,500,000 for water and wastewater improvements, South Central Planning and Development Commission, Louisiana.

(154) UNION-LINCOLN REGIONAL WATER SUPPLY PROJECT, LOUISIANA.—\$2,000,000 for the Union-Lincoln Regional Water Supply project, Louisiana.

(155) CHESAPEAKE BAY IMPROVEMENTS, MARYLAND, VIRGINIA, AND DISTRICT OF COLUMBIA.—\$30,000,000 for environmental infrastructure projects to benefit the Chesapeake Bay, including the nutrient removal project at the Blue Plains Wastewater Treatment facility in the District of Columbia.

(156) CHESAPEAKE BAY REGION, MARYLAND AND VIRGINIA.—\$40,000,000 for water pollution control, Chesapeake Bay Region, Maryland and Virginia.

(157) MICHIGAN COMBINED SEWER OVERFLOWS.—\$35,000,000 for correction of combined sewer overflows, Michigan.

(158) CENTRAL IRON RANGE SANITARY SEWER DISTRICT, MINNESOTA.—\$12,000,000 for wastewater infrastructure for the Central Iron Range Sanitary Sewer District to serve the cities of Hibbing, Chisholm, Buhl, and Kinney, and Balkan and Great Scott Townships, Minnesota.

(159) CENTRAL LAKE REGION SANITARY DISTRICT, MINNESOTA.—\$2,000,000 for sanitary sewer and wastewater infrastructure for the Central Lake Region Sanitary District, Minnesota, to serve Le Grande and Moe Townships, Minnesota.

(160) GOODVIEW, MINNESOTA.—\$3,000,000 for water quality infrastructure, Goodview, Minnesota.

(161) GRAND RAPIDS, MINNESOTA.—\$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

(162) WILLMAR, MINNESOTA.—\$15,000,000 for wastewater infrastructure, Willmar, Minnesota.

(163) BILOXI, MISSISSIPPI.—\$5,000,000 for water and wastewater related infrastructure, city of Biloxi, Mississippi.

(164) CORINTH, MISSISSIPPI.—\$7,500,000 for a surface water program, city of Corinth, Mississippi.

(165) GULFPORT, MISSISSIPPI.—\$5,000,000 for water and wastewater related infrastructure, city of Gulfport, Mississippi.

(166) HARRISON COUNTY, MISSISSIPPI.—\$5,000,000 for water and wastewater related infrastructure, Harrison County, Mississippi.

(167) JACKSON, MISSISSIPPI.—\$25,000,000 for water and wastewater infrastructure, Jackson, Mississippi.

(168) CLARK COUNTY, NEVADA.—\$30,000,000 for wastewater infrastructure, Clark County, Nevada.

(169) CLEAN WATER COALITION, NEVADA.—\$50,000,000 for the Systems Conveyance and Operations Program, Clark County, Henderson, Las Vegas, and North Las Vegas, Nevada.

(170) GLENDALE DAM DIVERSION STRUCTURE, NEVADA.—\$10,000,000 for water system improvements to the Glendale Dam Diversion Structure for the Truckee Meadows Water Authority, Nevada.

(171) HENDERSON, NEVADA.—\$13,000,000 for wastewater infrastructure, Henderson, Nevada.

(172) INDIAN SPRINGS, NEVADA.—\$12,000,000 for construction of wastewater system improvements for the Indian Springs community, Nevada.

(173) RENO, NEVADA.—\$13,000,000 for construction of a water conservation project for the Highland Canal, Mogul Bypass in Reno, Nevada.

(174) WASHOE COUNTY, NEVADA.—\$14,000,000 for construction of water infrastructure improvements to the Huffaker Hills Reservoir Conservation Project, Washoe County, Nevada.

(175) CRANFORD TOWNSHIP, NEW JERSEY.—\$6,000,000 for storm sewer improvements, Cranford Township, New Jersey.

(176) MIDDLETOWN TOWNSHIP, NEW JERSEY.—\$1,100,000 for storm sewer improvements, Middletown Township, New Jersey.

(177) PATERSON, NEW JERSEY.—\$35,000,000 for wastewater infrastructure, Paterson, New Jersey.



(178) RAHWAY VALLEY, NEW JERSEY.—\$25,000,000 for sanitary sewer and storm sewer improvements in the service area of the Rahway Valley Sewerage Authority, New Jersey.

(179) BABYLON, NEW YORK.—\$5,000,000 for wastewater infrastructure, Town of Babylon, New York.

(180) ELLICOTTVILLE, NEW YORK.—\$2,000,000 for water supply, water, and wastewater infrastructure in Ellicottville, New York.

(181) ELMIRA, NEW YORK.—\$5,000,000 for wastewater infrastructure, Elmira, New York.

(182) ESSEX HAMLET, NEW YORK.—\$5,000,000 for wastewater infrastructure, Essex Hamlet, New York.

(183) FLEMING, NEW YORK.—\$5,000,000 for drinking water infrastructure, Fleming, New York.

(184) KIRYAS JOEL, NEW YORK.—\$5,000,000 for drinking water infrastructure, village of Kiryas Joel, New York.

(185) NIAGARA FALLS, NEW YORK.—\$5,000,000 for wastewater infrastructure, Niagara Falls Water Board, New York.

(186) PATCHOGUE, NEW YORK.—\$5,000,000 for wastewater infrastructure, village of Patchogue, New York.

(187) SENNETT, NEW YORK.—\$1,500,000 for water infrastructure, town of Sennett, New York.

(188) SPRINGPORT AND FLEMING, NEW YORK.—\$10,000,000 for water related infrastructure, including water mains, pump stations, and water storage tanks, Springport and Fleming, New York.

(189) WELLSVILLE, NEW YORK.—\$2,000,000 for water supply, water, and wastewater infrastructure in Wellsville, New York.

(190) YATES COUNTY, NEW YORK.—\$5,000,000 for drinking water infrastructure, Yates County, New York.

(191) CABARRUS COUNTY, NORTH CAROLINA.—\$4,500,000 for water related infrastructure, Cabarrus County, North Carolina.

(192) CARY, WAKE COUNTY, NORTH CAROLINA.—\$4,000,000 for a water reclamation facility, Cary, Wake County, North Carolina.

(193) CHARLOTTE, NORTH CAROLINA.—\$14,000,000 for the Briar Creek Relief Sewer project, city of Charlotte, North Carolina.

(194) FAYETTEVILLE, CUMBERLAND COUNTY, NORTH CAROLINA.—\$6,000,000 for water and sewer upgrades, city of Fayetteville, Cumberland County, North Carolina.

(195) MOORESVILLE, NORTH CAROLINA.—\$4,000,000 for water and wastewater infrastructure improvements, town of Mooresville, North Carolina.

(196) NEUSE REGIONAL WATER AND SEWER AUTHORITY, NORTH CAROLINA.—\$4,000,000 for the Neuse regional drinking water facility, Kinston, North Carolina.

(197) RICHMOND COUNTY, NORTH CAROLINA.—\$13,500,000 for water related infrastructure, Richmond County, North Carolina.

(198) UNION COUNTY, NORTH CAROLINA.—\$6,000,000 for water related infrastructure, Union County, North Carolina.

(199) WASHINGTON COUNTY, NORTH CAROLINA.—\$1,000,000 for water and wastewater infrastructure, Washington County, North Carolina.

(200) WINSTON-SALEM, NORTH CAROLINA.—\$3,000,000 for stormwater upgrades, city of Winston-Salem, North Carolina.

(201) NORTH DAKOTA.—\$15,000,000 for water-related infrastructure, North Dakota.

(202) DEVILS LAKE, NORTH DAKOTA.—\$15,000,000 for water supply infrastructure, Devils Lake, North Dakota.

(203) SAIPAN, NORTHERN MARIANA ISLANDS.—\$20,000,000 for water related infrastructure, Saipan, Northern Mariana Islands.

(204) AKRON, OHIO.—\$5,000,000 for wastewater infrastructure, Akron, Ohio.

(205) BURR OAK REGIONAL WATER DISTRICT, OHIO.—\$4,000,000 for construction of a water line to extend from a well field near Chauncey, Ohio, to a water treatment plant near Millfield, Ohio.

(206) CINCINNATI, OHIO.—\$1,000,000 for wastewater infrastructure, Cincinnati, Ohio.

(207) CLEVELAND, OHIO.—\$2,500,000 for Flats East Bank water and wastewater infrastructure, city of Cleveland, Ohio.

(208) COLUMBUS, OHIO.—\$4,500,000 for wastewater infrastructure, Columbus, Ohio.

(209) DAYTON, OHIO.—\$1,000,000 for water and wastewater infrastructure, Dayton, Ohio.

(210) DEFIANCE COUNTY, OHIO.—\$1,000,000 for wastewater infrastructure, Defiance County, Ohio.

(211) FOSTORIA, OHIO.—\$2,000,000 for wastewater infrastructure, Fostoria, Ohio.

(212) FREMONT, OHIO.—\$2,000,000 for construction of off-stream water supply reservoir, Fremont, Ohio.

(213) LAKE COUNTY, OHIO.—\$1,500,000 for wastewater infrastructure, Lake County, Ohio.

(214) LAWRENCE COUNTY, OHIO.—\$5,000,000 for Union Rome wastewater infrastructure, Lawrence County, Ohio.

(215) MEIGS COUNTY, OHIO.—\$1,000,000 to extend the Tupper Plains Regional Water District water line to Meigs County, Ohio.

(216) MENTOR-ON-LAKE, OHIO.—\$625,000 for water and wastewater infrastructure, Mentor-on-Lake, Ohio.

(217) VINTON COUNTY, OHIO.—\$1,000,000 to construct water lines in Vinton and Brown Townships, Ohio.

(218) WILLOWICK, OHIO.—\$665,000 for water and wastewater infrastructure, Willowick, Ohio.

(219) ADA, OKLAHOMA.—\$1,700,000 for sewer improvements and other water infrastructure, city of Ada, Oklahoma.

(220) ALVA, OKLAHOMA.—\$250,000 for wastewater infrastructure improvements, city of Alva, Oklahoma.

(221) ARDMORE, OKLAHOMA.—\$1,900,000 for water and sewer infrastructure improvements, city of Ardmore, Oklahoma.

(222) BARTLESVILLE, OKLAHOMA.—\$2,500,000 for water supply infrastructure, city of Bartlesville, Oklahoma.

(223) BETHANY, OKLAHOMA.—\$1,500,000 for water improvements and water related infrastructure, city of Bethany, Oklahoma.

(224) CHICKASHA, OKLAHOMA.—\$650,000 for industrial park sewer infrastructure, city of Chickasha, Oklahoma.

(225) DISNEY AND LANGLEY, OKLAHOMA.—\$2,500,000 for water and sewer improvements and water related infrastructure, cities of Disney and Langley, Oklahoma.

(226) DURANT, OKLAHOMA.—\$3,300,000 for bayou restoration and water related infrastructure, city of Durant, Oklahoma.

(227) EASTERN OKLAHOMA STATE UNIVERSITY, WILBERTON, OKLAHOMA.—\$1,000,000 for sewer and utility upgrades and water related infrastructure, Eastern Oklahoma State University, Wilberton, Oklahoma.

(228) GUYMON, OKLAHOMA.—\$16,000,000 for water and wastewater related infrastructure, city of Guymon, Oklahoma.

(229) KONAWA, OKLAHOMA.—\$500,000 for water treatment infrastructure improvements, city of Konawa, Oklahoma.

(230) LUGERT-ALTUS IRRIGATION DISTRICT, ALTUS, OKLAHOMA.—\$5,000,000 for water related infrastructure improvements, Lugert-Altus Irrigation District, Altus, Oklahoma.

(231) MIDWEST CITY, OKLAHOMA.—\$2,000,000 for improvements to water related infrastructure, the City of Midwest City, Oklahoma.

(232) MUSTANG, OKLAHOMA.—\$3,325,000 for water improvements and water related infrastructure, city of Mustang, Oklahoma.

(233) NORMAN, OKLAHOMA.—\$10,000,000 for water related infrastructure, Norman, Oklahoma.

(234) OKLAHOMA PANHANDLE STATE UNIVERSITY, GUYMON, OKLAHOMA.—\$275,000 for water testing facility and water related infrastructure development, Oklahoma Panhandle State University, Guymon, Oklahoma.

(235) WEATHERFORD, OKLAHOMA.—\$500,000 for arsenic program and water related infrastructure, city of Weatherford, Oklahoma.

(236) WOODWARD, OKLAHOMA.—\$1,500,000 for water improvements and water related infrastructure, Woodward, Oklahoma.

(237) ALBANY, OREGON.—\$35,000,000 for wastewater infrastructure to improve habitat restoration, Albany, Oregon.

(238) BEAVER CREEK RESERVOIR, PENNSYLVANIA.—\$3,000,000 for projects for water supply and related activities, Beaver Creek Reservoir, Clarion County, Beaver and Salem Townships, Pennsylvania.

(239) HATFIELD BOROUGH, PENNSYLVANIA.—\$310,000 for wastewater related infrastructure for Hatfield Borough, Pennsylvania.

(240) LEHIGH COUNTY, PENNSYLVANIA.—\$5,000,000 for stormwater control measures and storm sewer improvements, Lehigh County, Pennsylvania.

(241) NORTH WALES BOROUGH, PENNSYLVANIA.—\$1,516,584 for wastewater related infrastructure for North Wales Borough, Pennsylvania.

(242) PEN ARGYL, PENNSYLVANIA.—\$5,250,000 for wastewater infrastructure, Pen Argyl, Pennsylvania.

(243) PHILADELPHIA, PENNSYLVANIA.—\$1,600,000 for wastewater related infrastructure for Philadelphia, Pennsylvania.

(244) STOCKERTON BOROUGH, TATAMY BOROUGH, AND PALMER TOWNSHIP, PENNSYLVANIA.—\$10,000,000 for stormwater control measures, particularly to address sinkholes, in the vicinity of Stockerton Borough, Tatamy Borough, and Palmer Township, Pennsylvania.

(245) VERA CRUZ, PENNSYLVANIA.—\$5,500,000 for wastewater infrastructure, Vera Cruz, Pennsylvania.

(246) COMMONWEALTH OF PUERTO RICO.—\$35,000,000 for water and wastewater infrastructure in the Commonwealth of Puerto Rico.

(247) CHARLESTON, SOUTH CAROLINA.—\$4,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

(248) CHARLESTON AND WEST ASHLEY, SOUTH CAROLINA.—\$6,000,000 for wastewater tunnel replacement, Charleston and West Ashley, South Carolina.

(249) CROOKED CREEK, MARLBORO COUNTY, SOUTH CAROLINA.—\$25,000,000 for a project for water storage and water supply infrastructure on Crooked Creek, Marlboro County, South Carolina.

(250) MYRTLE BEACH, SOUTH CAROLINA.—\$18,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

(251) NORTH MYRTLE BEACH, SOUTH CAROLINA.—\$11,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

(252) SURFSIDE, SOUTH CAROLINA.—\$11,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

(253) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—\$65,000,000 for water related infrastructure, Cheyenne River Sioux Reservation (Dewey and Ziebach counties) and Perkins and Meade Counties, South Dakota.

(254) ATHENS, TENNESSEE.—\$16,000,000 for wastewater infrastructure, Athens, Tennessee.

(255) BLAINE, TENNESSEE.—\$500,000 for water supply and wastewater infrastructure, Blaine, Tennessee.

(256) CLAIBORNE COUNTY, TENNESSEE.—\$1,250,000 for water supply and wastewater infrastructure, Claiborne County, Tennessee.

(257) GILES COUNTY, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure, county of Giles, Tennessee.

(258) GRAINGER COUNTY, TENNESSEE.—\$1,250,000 for water supply and wastewater infrastructure, Grainger County, Tennessee.

(259) HAMILTON COUNTY, TENNESSEE.—\$500,000 for water supply and wastewater infrastructure, Hamilton County, Tennessee.

(260) HARROGATE, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure, city of Harrogate, Tennessee.

(261) JOHNSON COUNTY, TENNESSEE.—\$600,000 for water supply and wastewater infrastructure, Johnson County, Tennessee.

(262) KNOXVILLE, TENNESSEE.—\$5,000,000 for water supply and wastewater infrastructure, city of Knoxville, Tennessee.

(263) NASHVILLE, TENNESSEE.—\$5,000,000 for water supply and wastewater infrastructure, Nashville, Tennessee.

(264) LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure, counties of Lewis, Lawrence, and Wayne, Tennessee.

(265) OAK RIDGE, TENNESSEE.—\$4,000,000 for water supply and wastewater infrastructure, city of Oak Ridge, Tennessee.

(266) PLATEAU UTILITY DISTRICT, MORGAN COUNTY, TENNESSEE.—\$1,000,000 for water supply and wastewater infrastructure, Morgan County, Tennessee.

(267) SHELBY COUNTY, TENNESSEE.—\$4,000,000 for water related environmental infrastructure, county of Shelby, Tennessee.

(268) CENTRAL TEXAS.—\$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burleson, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

(269) EL PASO COUNTY, TEXAS.—\$25,000,000 for water related infrastructure and resource protection, including stormwater management, and development, El Paso County, Texas.

(270) FT. BEND COUNTY, TEXAS.—\$20,000,000 for water and wastewater infrastructure, Ft. Bend County, Texas.

(271) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—\$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

(272) NORTHERN WEST VIRGINIA.—\$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie Counties, West Virginia.

(273) UNITED STATES VIRGIN ISLANDS.—\$25,000,000 for wastewater infrastructure for the St. Croix Anguilla wastewater treatment plant and the St. Thomas Charlotte Amalie wastewater treatment plant, United States Virgin Islands.

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