

WILDFIRE RESPONSE IMPROVEMENT ACT

DECEMBER 19, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 7070]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 7070) to direct the Administrator of the Federal Emergency Management Agency to conduct a review of the criteria for evaluating the cost-effectiveness of certain mitigation projects, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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.

This Act may be cited as the “Wildfire Response Improvement Act”.

SEC. 2. FIRE MANAGEMENT ASSISTANCE PROGRAM POLICY.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall recommend such regulations or guidance as are necessary to make eligible assessments and emergency stabilization to protect public safety, including for the fire management assistance program under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), irrespective of the incident period for a declared fire.

SEC. 3. CHANGES TO PUBLIC ASSISTANCE POLICY GUIDE.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall amend the Public Assistance Program and Policy Guide of the Federal Emergency Management Agency to include guidance on wildfire-specific recovery challenges, including debris removal, emergency protective measures, and the resulting toxicity of drinking water resources.

SEC. 4. MITIGATION COST-EFFECTIVENESS.

(a) **IN GENERAL.**—The Administrator of the Federal Emergency Management Agency shall conduct a review of the criteria for evaluating the cost-effectiveness of projects intended to mitigate the impacts of wildfire under sections 203 and 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133; 5170c), including—

- (1) the establishment of pre-calculated benefits criterion for common defensible space mitigation projects for wildfire mitigation;
- (2) the use of nature-based infrastructure in wildfire mitigation;
- (3) considerations for vegetation management for wildfire mitigation;
- (4) reducing the negative effects of wildfire smoke on public health; and
- (5) lessening the impact of wildfires on water infrastructure.

(b) **UPDATED CRITERIA.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue such guidance as is necessary to—

- (1) update criteria for evaluating the cost-effectiveness of mitigation projects under sections 203 and 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133; 5170c) based on the results of the review conducted under subsection (a); and
- (2) prioritize projects under such sections based on the criteria updated under paragraph (1).

SEC. 5. WAIVER OF DUPLICATE BENEFITS.

Section 1210(a) of the FAA Reauthorization Act of 2018 (Public Law 115–254) is amended—

- (1) in paragraph (3) by striking “between January 1, 2016, and December 31, 2021” and inserting “during the period beginning on January 1, 2016, and ending on the date on which the provision contained in such amendment is struck pursuant to paragraph (4)”;
- (2) in paragraph (4) by striking “5” and inserting “10”;
- (3) by redesignating paragraph (5) as paragraph (6); and
- (4) by inserting after paragraph (4) the following:

“(5) **PROHIBITION ON INCOME THRESHOLD.**—In carrying out the amendment made by paragraph (1), no income threshold may be applied to limit the eligibility of a recipient from qualifying for a waiver under the amendment made by such paragraph.”.

PURPOSE OF LEGISLATION

The purpose of H.R. 7070, as amended, is to direct the Administrator of the Federal Emergency Management Agency to conduct a review of the criteria for evaluating the cost-effectiveness of certain mitigation projects, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 7070, the *Wildfire Response Improvement Act*, as amended, requires the Administrator of the Federal Emergency Management Agency (FEMA) to take certain actions to improve the management of and mitigation against wildfires. The bill directs FEMA to issue recommendations on regulations and guidance to make post-fire as-

assessments and emergency stabilization to protect safety and eligible uses of the Fire Management Assistance Grant program. The bill also amends FEMA’s Public Assistance Program and Policy Guide to include guidance on wildfire-specific recovery challenges.

The legislation also directs FEMA to review and update the criteria for evaluating the cost-effectiveness of projects intended to mitigate the impacts of wildfire under FEMA’s mitigation programs, including FEMA’s predisaster mitigation program known as Building Resilient Infrastructure and Communities (BRIC) authorized pursuant to section 203 of the *Robert T. Stafford Relief and Emergency Assistance Act* (*Stafford Act*, P.L. 100–707, as amended) and FEMA’s Hazard Mitigation Grant Program (HMGP) authorized pursuant to section 404 of the *Stafford Act*.¹

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress, the following hearing was used to develop or consider H.R. 7070:

On September 19, 2023, the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure held a hearing entitled, “*FEMA: The Current State of Disaster Readiness, Response, and Recovery*.”² The Subcommittee received testimony from the Honorable Deanne Criswell, Administrator, FEMA.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 7070, the *Wildfire Response Improvement Act*, was introduced in the United States House of Representatives on January 22, 2024, by Mr. Stanton of Arizona, with Mr. LaMalfa of California as an original cosponsor, and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 7070 was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management. The Subcommittee on Economic Development, Public Buildings, and Emergency Management was discharged from further consideration of H.R. 7070 on January 31, 2024.

The Committee considered H.R. 7070 on January 31, 2024, and ordered the measure to be reported to the House with a favorable recommendation, with amendment, by voice vote.

The following amendments were offered:

An amendment to H.R. 7070 offered by Mr. Graves of Louisiana (093); At the end of the bill, add the following: SEC. 5. WAIVER OF DUPLICATE BENEFITS. Section 1210(a) of the FAA Reauthorization Act of 2018 (Public Law 115–254) is amended—(1) in paragraph (3) by striking “between January 1, 2016, and December 31, 2021” and inserting “during the period beginning on January 1, 2016, and ending on the date on which the provision contained in such amendment is struck pursuant to paragraph (4)”; (2) in paragraph (4) by striking “5” and inserting “10”; (3) by redesignating paragraph (5) as paragraph (6); and (4) by inserting after

¹ 42 U.S.C. §§ 5133, 5170c.

² *FEMA: The Current State of Disaster Readiness, Response, and Recovery: Hearing Before the H. Comm. On Transp. And Infrastructure*, 118th Cong. (Sept. 19, 2023).

paragraph (4) the following: “(5) PROHIBITION ON INCOME THRESHOLD.—In carrying out the amendment made by paragraph (1), no income threshold may be applied to limit the eligibility of a recipient from qualifying for a waiver under the amendment made by such paragraph.”; was AGREED TO by voice vote.

An Amendment to H.R. 7070 offered by Mr. Garamendi (166); At the end of the bill, add the following: SEC. 5. FIRE MANAGEMENT ASSISTANCE COST SHARE. (a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5187) is amended—(1) by redesignating subsection (e) as subsection (f); and (2) by inserting after subsection (d) the following: “(e) FEDERAL SHARE.—The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.”. (b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to amounts appropriated on or after the date of enactment of this Act. (c) RULE-MAKING.—Not later than years after the date of enactment of this Act, the President, acting through the Administrator of the Federal Emergency Management Agency, shall conduct and complete a rulemaking to provide criteria for the circumstances under which the Administrator may recommend the President increase the Federal cost share for section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5187). Such criteria shall include a threshold metric that assesses the financial impact to a State or local government from responding to a fire for which fire management assistance is being provided; was WITHDRAWN.

An Amendment to H.R. 7070 offered by Mr. Garamendi (168); At the end of the bill, add the following: SEC. 5. RIGHT OF APPEAL OF ASSISTANCE DECISIONS. Section 423(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5189a(a)) is amended—(1) by striking “title” and inserting “title, including a declaration made by the President under section 401,”; (2) by inserting “a period that is not less than” before “60 days”; and (3) by adding at the end the following: “The Administrator may extend the period to appeal such decision upon the request of a State, local, or Indian tribal government.”; was WITHDRAWN.

An Amendment to H.R. 7070 offered by Mr. Perry (403 Revision 1); At the end of the bill, add the following: SEC. 5. PROHIBITION ON USE OF FUNDS. (a) PREDISASTER HAZARD MITIGATION.—Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5133) is amended by adding at the end the following: “(m) PROHIBITION.—The President may not provide assistance under this section to a State that has not completed a wildfire management program that incorporates, as appropriate, the principles of active management to facilitate wildfire prevention, suppression, and recovery planning measures.”. (b) HAZARD MITIGATION.—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5170c) is amended by adding at the end the following: “(h) PROHIBITION.—The President may not provide assistance under this section to a State that has not completed a wildfire management program that incorporates, as appropriate, the principles of active management to facilitate wildfire prevention, suppression, and recovery planning measures.”. (c) FIRE MANAGEMENT ASSIST-

ANCE.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5187) is further amended by adding at the end the following: “(g) PROHIBITION.—The President may not provide assistance under this section to a State that has not completed a wildfire management program that incorporates, as appropriate, the principles of active management to facilitate wildfire prevention, suppression, and recovery planning measures.”; was WITHDRAWN.

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.

No recorded votes were requested during the consideration of H.R. 7070, as amended.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974* has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement 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 received the enclosed cost estimate for H.R. 7070, as amended, from the Director of the Congressional Budget Office:

H.R. 7070, Wildfire Response Improvement Act				
As ordered reported by the House Committee on Transportation and Infrastructure on January 31, 2024				
By Fiscal Year, Millions of Dollars		2024	2024-2029	2024-2034
Direct Spending (Outlays)		*	*	0
Revenues		0	0	0
Increase or Decrease (-) in the Deficit		*	*	0
Spending Subject to Appropriation (Outlays)		*	3	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?		Yes
		Mandate Effects		
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?		No
		Contains private-sector mandate?		No
* = between -\$500,000 and \$500,000.				

H.R. 7070 would require the Federal Emergency Management Agency (FEMA) to update administrative policies for grants and technical assistance that it provides to state, local, and tribal governments to control and mitigate the effects of wildfires. Specifically, within one year of enactment, H.R. 7070 would require FEMA to update:

- Regulations and guidance for making assessments of eligibility under the Fire Management Assistance Grant Program;
- Policy guidance under the Public Assistance Program to include wildfire-specific information about debris removal, emergency protective measures, and the toxic effects on drinking water resources; and
- The criteria used to evaluate the cost-effectiveness of federally funded projects that mitigate the effects of wildfires.

In addition, H.R. 7070 would extend through October 5, 2028, the authority of local governments that administer federal funds under the Community Development Block Grant Disaster Recovery (CDBG-DR) program to provide cash assistance to households to repay disaster loans provided by the Small Business Administration. That authority expired in October 2023.

Using information from FEMA about the cost of similar activities, CBO expects that the agency would require additional staff to conduct outreach, gather and analyze data, and update guidance. In total, CBO estimates that implementing the bill would cost \$3 million over the 2024–2029 period. Any spending would be subject to the availability of appropriated funds.

In addition, CBO estimates that extending the authority of local governments to use existing CDBG-DR funds to provide cash assistance for repayment of disaster loans would increase direct spending in the short term and reduce it in later years. In the absence of that extension, those funds likely would be spent on other forms of assistance, such as housing or infrastructure construction, that CBO expects would take longer to spend than providing cash assistance. CBO estimates that enacting the provision would have no effect on net direct spending over the 2024–2034 period.

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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 direct the Administrator of FEMA to conduct a review of the criteria for evaluating the cost-effectiveness of certain mitigation projects.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 7070, 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.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the 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).

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 finds that H.R. 7070, as amended, 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* were created by this legislation.

APPLICABILITY TO 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 THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “Wildfire Response Improvement Act”.

Section 2. Fire management assistance program policy

This section directs the Administrator of FEMA not later than one year after the date of enactment of this Act to recommend regulations or guidance as are necessary to make eligible assessments and emergency stabilization to protect public safety, including for the fire management assistance program under section 420 of the *Stafford Act*.

Section 3. Changes to Public Assistance Policy Guide

This section directs the Administrator of FEMA not later than one year after the date of enactment of this Act to amend FEMA’s Public Assistance Program and Policy Guide to include guidance on wildfire-specific recovery challenges, including debris removal, emergency protective measures, and the resulting toxicity of drinking water resources.

Section 4. Mitigation cost-effectiveness

This section directs the Administrator of FEMA to conduct a review of the criteria for evaluating the cost-effectiveness of projects intended to mitigate the impacts of wildfire under sections 203 and 404 of the *Stafford Act*, and directs the Administrator not later than one year after the date of enactment of this Act to issue guidance that updates such criteria for evaluating the cost-effectiveness of such mitigation projects.

Section 5. Waiver of duplicate benefits

This section amends section 1210(a) of the *FAA Reauthorization Act of 2018* (P.L. 115–254) to extend the applicability of certain waivers pursuant to section 312 of the *Stafford Act* and prohibits the imposition of an income threshold in the qualifications for such waivers.

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, existing law in which no change is proposed is shown in roman):

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 italics,

and existing law in which no change is proposed is shown in roman):

FAA REAUTHORIZATION ACT OF 2018

* * * * *

DIVISION D—DISASTER RECOVERY REFORM

* * * * *

SEC. 1210. DUPLICATION OF BENEFITS.

(a) IN GENERAL.—

(1) AUTHORITY.—Section 312(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155(b)) is amended by adding at the end the following:

“(4) WAIVER OF GENERAL PROHIBITION.—

“(A) IN GENERAL.—The President may waive the general prohibition provided in subsection (a) upon request of a Governor on behalf of the State or on behalf of a person, business concern, or any other entity suffering losses as a result of a major disaster or emergency, if the President finds such waiver is in the public interest and will not result in waste, fraud, or abuse. In making this decision, the President may consider the following:

“(i) The recommendations of the Administrator of the Federal Emergency Management Agency made in consultation with the Federal agency or agencies administering the duplicative program.

“(ii) If a waiver is granted, the assistance to be funded is cost effective.

“(iii) Equity and good conscience.

“(iv) Other matters of public policy considered appropriate by the President.

“(B) GRANT OR DENIAL OF WAIVER.—A request under subparagraph (A) shall be granted or denied not later than 45 days after submission of such request.

“(C) PROHIBITION ON DETERMINATION THAT LOAN IS A DUPLICATION.—Notwithstanding subsection (c), in carrying out subparagraph (A), the President may not determine that a loan is a duplication of assistance, provided that all Federal assistance is used toward a loss suffered as a result of the major disaster or emergency.”.

(2) LIMITATION.—This subsection, including the amendment made by paragraph (1), shall not be construed to apply to section 406 or 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172, 5174).

(3) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) [between January 1, 2016, and December 31, 2021] *during the period beginning on January 1, 2016, and*

ending on the date on which the provision contained in such amendment is struck pursuant to paragraph (4).

(4) SUNSET.—On the date that is **5** 10 years after the date of enactment of this Act, section 312(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155(b)) is amended by striking paragraph (4), as added by subsection (a)(1) of this section.

(5) PROHIBITION ON INCOME THRESHOLD.—*In carrying out the amendment made by paragraph (1), no income threshold may be applied to limit the eligibility of a recipient from qualifying for a waiver under the amendment made by such paragraph.*

5 (6) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in coordination with other relevant Federal agencies, shall submit to the congressional committees of jurisdiction a report conducted by all relevant Federal agencies to improve the comprehensive delivery of disaster assistance to individuals following a major disaster or emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(B) CONTENTS.—The report required under subparagraph (A) shall include both administrative actions taken, or planned to be taken, by the agencies as well as legislative proposals, where appropriate, of the following:

(i) Efforts to improve coordination between the Agency and other relevant Federal agencies when delivering disaster assistance to individuals.

(ii) Clarify the sequence of delivery of disaster assistance to individuals from the Agency, and other relevant Federal agencies.

(iii) Clarify the interpretation and implementation of section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) when providing disaster assistance to individuals, including providing a common interpretation across the Agency, and other relevant Federal agencies, of the definitions and requirements under such section 312.

(iv) Increase the effectiveness of communication to applicants for assistance programs for individuals after a disaster declaration, including the breadth of programs available and the potential impacts of utilizing one program versus another.

(C) REPORT UPDATE.—Not later than 4 years after the date of enactment of this subsection, the Administrator, in coordination with other relevant Federal agencies, shall submit to the congressional committees of jurisdiction an update to the report required under subparagraph (A).

(b) FUNDING OF A FEDERALLY AUTHORIZED WATER RESOURCES DEVELOPMENT PROJECT.—

(1) ELIGIBLE ACTIVITIES.—Notwithstanding section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) and its implementing regulations, assistance provided pursuant to section 404 of such Act may be used to fund activities authorized for construction within the scope

of a federally authorized water resources development project of the Army Corps of Engineers if such activities are also eligible activities under such section.

(2) FEDERAL FUNDING.—All Federal funding provided under section 404 pursuant to this section shall be applied toward the Federal share of such project.

(3) NON-FEDERAL MATCH.—All non-Federal matching funds required under section 404 pursuant to this section shall be applied toward the non-Federal share of such project.

(4) TOTAL FEDERAL SHARE.—Funding provided under section 404 pursuant to this section may not exceed the total Federal share for such project.

(5) NO EFFECT.—Nothing in this section shall—

(A) affect the cost-share requirement of a hazard mitigation measure under section 404;

(B) affect the eligibility criteria for a hazard mitigation measure under section 404;

(C) affect the cost share requirements of a federally authorized water resources development project; and

(D) affect the responsibilities of a non-Federal interest with respect to the project, including those related to the provision of lands, easements, rights-of-way, dredge material disposal areas, and necessary relocations.

(6) LIMITATION.—If a federally authorized water resources development project of the Army Corps of Engineers is constructed with funding provided under section 404 pursuant to this subsection, no further Federal funding shall be provided for construction of such project.

* * * * *