

109TH CONGRESS
2D SESSION

S. 2288

To modernize water resources planning, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2006

Mr. FEINGOLD (for himself and Mr. MCCAIN) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

A BILL

To modernize water resources planning, and for other
purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water Resources Plan-
5 ning and Modernization Act of 2006”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COUNCIL.—The term “Council” means the
9 Water Resources Council established under section

1 101 of the Water Resources Planning Act (42
2 U.S.C. 1962a).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Army.

5 **SEC. 3. NATIONAL WATER RESOURCES PLANNING AND**
6 **MODERNIZATION POLICY.**

7 It is the policy of the United States that all water
8 resources projects carried out by the Corps of Engineers
9 shall—

10 (1) reflect national priorities for flood damage
11 reduction, navigation, and ecosystem restoration;
12 and

13 (2) seek to avoid the unwise use of floodplains,
14 minimize vulnerabilities in any case in which a flood-
15 plain must be used, protect and restore the extent
16 and functions of natural systems, and mitigate any
17 unavoidable damage to natural systems.

18 **SEC. 4. MEETING THE NATION’S WATER RESOURCE PRIOR-**
19 **ITIES.**

20 (a) REPORT ON THE NATION’S FLOOD RISKS.—Not
21 later than 18 months after the date of enactment of this
22 Act, the Council shall submit to the President and Con-
23 gress a report describing the vulnerability of the United
24 States to damage from flooding and related storm dam-
25 age, including the risk to human life, the risk to property,

1 and the comparative risks faced by different regions of the
2 country. The report shall assess the extent to which the
3 Nation's programs relating to flooding are addressing
4 flood risk reduction priorities and the extent to which
5 those programs may unintentionally be encouraging devel-
6 opment and economic activity in floodprone areas, and
7 shall provide recommendations for improving those pro-
8 grams in reducing and responding to flood risks. Not later
9 than 90 days after the report required by this subsection
10 is published in the Federal Register, the Administration
11 shall submit to Congress a report that responds to the
12 recommendations of the Council and includes proposals to
13 implement recommendations of the Council.

14 (b) PRIORITIZATION OF WATER RESOURCES
15 PROJECTS.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, the Council shall
18 submit to Congress an initial report containing a
19 prioritized list of each water resources project of the
20 Corps of Engineers that is not being carried out
21 under a continuing authorities program, categorized
22 by project type and recommendations with respect to
23 a process to compare all water resources projects
24 across project type. The Council shall submit to
25 Congress a prioritized list of water resources

1 projects of the Corps of Engineers every 2 years fol-
 2 lowing submission of the initial report. In preparing
 3 the prioritization of projects, the Council shall en-
 4 deavor to balance stability in the rankings from year
 5 to year with recognizing newly authorized projects.
 6 Each report prepared under this paragraph shall
 7 provide documentation and description of any cri-
 8 teria used in addition to those set forth in paragraph
 9 (2) for comparing water resources projects and the
 10 assumptions upon which those criteria are based.

11 (2) PROJECT PRIORITIZATION CRITERIA.—In
 12 preparing a report under paragraph (1), the Council
 13 shall prioritize each water resource project of the
 14 Corps of Engineers based on the extent to which the
 15 project meets at least the following criteria:

16 (A) For flood damage reduction projects,
 17 the extent to which such a project—

18 (i) addresses the most critical flood
 19 damage reduction needs of the United
 20 States as identified by the Council;

21 (ii) does not encourage new develop-
 22 ment or intensified economic activity in
 23 flood prone areas and avoids adverse envi-
 24 ronmental impacts; and

1 (iii) provides significantly increased
2 benefits to the United States through the
3 protection of human life, property, eco-
4 nomic activity, or ecosystem services.

5 (B) For navigation projects, the extent to
6 which such a project—

7 (i) produces a net economic benefit to
8 the United States based on a high level of
9 certainty that any projected trends upon
10 which the project is based will be realized;

11 (ii) addresses priority navigation
12 needs of the United States identified
13 through comprehensive, regional port plan-
14 ning; and

15 (iii) minimizes adverse environmental
16 impacts.

17 (C) For environmental restoration projects,
18 the extent to which such a project—

19 (i) restores the natural hydrologic
20 processes and spatial extent of an aquatic
21 habitat;

22 (ii) is self-sustaining; and

23 (iii) is cost-effective or produces eco-
24 nomic benefits.

1 (3) SENSE OF CONGRESS.—It is the sense of
 2 Congress that to promote effective prioritization of
 3 water resources projects, no project should be au-
 4 thorized for construction unless a final Chief's re-
 5 port recommending construction has been submitted
 6 to Congress, and annual appropriations for the
 7 Corps of Engineers' Continuing Authorities Pro-
 8 grams should be distributed by the Corps of Engi-
 9 neers to those projects with the highest degree of de-
 10 sign merit and the greatest degree of need, con-
 11 sistent with the applicable criteria established under
 12 paragraph (2).

13 (c) MODERNIZING WATER RESOURCES PLANNING
 14 GUIDELINES.—

15 (1) IN GENERAL.—Not later than 2 years after
 16 the date of enactment of this Act, and every 5 years
 17 thereafter, the Council, in coordination with the Na-
 18 tional Academy of Sciences, shall propose revisions
 19 to the planning principles and guidelines, regula-
 20 tions, and circulars of the Corps of Engineers to im-
 21 prove the process by which the Corps of Engineers
 22 analyzes and evaluates water projects.

23 (2) PUBLIC PARTICIPATION.—The Council shall
 24 solicit public and expert comment and testimony re-

1 garding proposed revisions and shall subject pro-
2 posed revisions to public notice and comment.

3 (3) REVISIONS.—Revisions proposed by the
4 Council shall improve water resources project plan-
5 ning through, among other things—

6 (A) focusing Federal dollars on the highest
7 water resources priorities of the United States;

8 (B) requiring the use of modern economic
9 principles and analytical techniques, credible
10 schedules for project construction, and current
11 discount rates as used by all other Federal
12 agencies;

13 (C) discouraging any project that induces
14 new development or intensified economic activ-
15 ity in flood prone areas, and eliminating biases
16 and disincentives to providing projects to low-
17 income communities, including fully accounting
18 for the prevention of loss of life as required by
19 section 904 of the Water Resources Develop-
20 ment Act of 1986 (33 U.S.C. 2281);

21 (D) eliminating biases and disincentives
22 that discourage the use of nonstructural ap-
23 proaches to water resources development and
24 management, and fully accounting for the flood

1 protection and other values of healthy natural
2 systems;

3 (E) utilizing a comprehensive, regional ap-
4 proach to port planning;

5 (F) promoting environmental restoration
6 projects that reestablish natural processes;

7 (G) analyzing and incorporating lessons
8 learned from recent studies of Corps of Engi-
9 neers programs and recent disasters such as
10 Hurricane Katrina and the Great Midwest
11 Flood of 1993; and

12 (H) ensuring the effective implementation
13 of the National Water Resources Planning and
14 Modernization Policy established by this Act.

15 (d) REVISION OF PLANNING GUIDELINES.—Not later
16 than 180 days after submission of the proposed revisions
17 required by subsection (b), the Secretary shall implement
18 the recommendations of the Council by incorporating the
19 proposed revisions into the planning principles and guide-
20 lines, regulations, and circulars of the Corps of Engineers.
21 These revisions shall be subject to public notice and com-
22 ment pursuant to subchapter II of chapter 5, and chapter
23 7, of title 5, United States Code (commonly known as the
24 “Administrative Procedure Act”). Effective beginning on
25 the date on which the Secretary carries out the first revi-

1 sion under this paragraph, the Corps of Engineers shall
2 not be subject to—

3 (1) subsections (a) and (b) of section 80 of the
4 Water Resources Development Act of 1974 (42
5 U.S.C. 1962d–17); and

6 (2) any provision of the guidelines entitled
7 “Economic and Environmental Principles and
8 Guidelines for Water and Related Land Resources
9 Implementation Studies” and dated 1983, to the ex-
10 tent that such a provision conflicts with a guideline
11 revised by the Secretary.

12 (e) AVAILABILITY.—Each report prepared under this
13 section shall be published in the Federal Register and sub-
14 mitted to the Committees on Environment and Public
15 Works and Appropriations of the Senate and the Commit-
16 tees on Transportation and Infrastructure and Appropria-
17 tions of the House of Representatives.

18 (f) WATER RESOURCES COUNCIL.—Section 101 of
19 the Water Resources Planning Act (42 U.S.C. 1962a) is
20 amended in the first sentence by inserting “the Secretary
21 of Homeland Security, the Chairperson of the Council on
22 Environmental Quality,” after “Secretary of Transpor-
23 tation,”.

1 (g) FUNDING.—In carrying out this section, the
 2 Council shall use funds made available for the general op-
 3 erating expenses of the Corps of Engineers.

4 **SEC. 5. EFFECTIVE PROJECT PLANNING.**

5 (a) DEFINITIONS.—In this section:

6 (1) AFFECTED STATE.—The term “affected
 7 State” means a State that is located, in whole or in
 8 part, within the drainage basin in which a water re-
 9 sources project is carried out and that would be eco-
 10 nomically or environmentally affected as a result of
 11 the project.

12 (2) DIRECTOR.—The term “Director” means
 13 the Director of Independent Review appointed under
 14 subsection (c).

15 (3) STUDY.—The term “study” means a feasi-
 16 bility report, general reevaluation report, or environ-
 17 mental impact statement prepared by the Corps of
 18 Engineers.

19 (b) PROJECTS SUBJECT TO INDEPENDENT RE-
 20 VIEW.—

21 (1) IN GENERAL.—The Secretary shall ensure
 22 that each study for each water resources project de-
 23 scribed in paragraph (2) is subject to review by an
 24 independent panel of experts established under this
 25 section.

1 (2) PROJECTS SUBJECT TO REVIEW.—A water
2 resources project shall be subject to review under
3 this section if—

4 (A) the project has an estimated total cost
5 of more than \$25,000,000, including mitigation
6 costs;

7 (B) the Governor of an affected State re-
8 quests in writing to the Secretary the establish-
9 ment of an independent panel of experts for the
10 project;

11 (C) the head of a Federal agency charged
12 with reviewing the project determines that the
13 project is likely to have a significant adverse
14 impact on cultural, environmental, or other re-
15 sources under the jurisdiction of the agency,
16 and requests in writing to the Secretary the es-
17 tablishment of an independent panel of experts
18 for the project; or

19 (D) the Secretary determines that the
20 project is controversial based upon a finding
21 that—

22 (i) there is a significant dispute re-
23 garding the size, nature, or effects of the
24 project;

1 (ii) there is a significant dispute re-
 2 garding the economic or environmental
 3 costs or benefits of the project; or

4 (iii) there is a significant dispute re-
 5 garding the potential benefits to commu-
 6 nities affected by the project of a project
 7 alternative that was not fully considered in
 8 the study.

9 (3) WRITTEN REQUESTS.—Not later than 30
 10 days after the date on which the Secretary receives
 11 a written request of any party, or on the initiative
 12 of the Secretary, the Secretary shall determine
 13 whether a project is controversial.

14 (c) DIRECTOR OF INDEPENDENT REVIEW.—

15 (1) IN GENERAL.—The Inspector General of
 16 the Army shall appoint in the Office of the Inspector
 17 General of the Army a Director of Independent Re-
 18 view. The term of a Director appointed under this
 19 subsection shall be 6 years, and an individual may
 20 serve as the Director for not more than 2 non-
 21 consecutive terms.

22 (2) QUALIFICATIONS.—The Inspector General
 23 of the Army shall select the Director from among in-
 24 dividuals who are distinguished experts in engineer-
 25 ing, hydrology, biology, economics, or another dis-

1 cipline relating to water resources management. The
2 Inspector General of the Army shall not appoint an
3 individual to serve as the Director if the individual
4 has a financial interest in or close professional asso-
5 ciation with any entity with a financial interest in a
6 water resources project that, on the date of appoint-
7 ment of the Director, is under construction, in the
8 preconstruction engineering and design phase, or
9 under feasibility or reconnaissance study by the
10 Corps of Engineers. The Inspector General of the
11 Army may establish additional criteria if necessary
12 to avoid a conflict of interest between the individual
13 appointed as Director and the projects subject to re-
14 view.

15 (3) DUTIES.—The Director shall establish a
16 panel of experts to review each water resources
17 project that is subject to review under subsection
18 (b).

19 (d) ESTABLISHMENT OF PANELS.—

20 (1) IN GENERAL.—Not later than 90 days be-
21 fore the release of a draft study subject to review
22 under subsection (b)(2)(A), and not later than 30
23 days after a determination that a review is necessary
24 under subparagraph (B), (C), or (D) of subsection
25 (b)(2), the Director shall establish a panel of experts

1 to review the draft study. Panels may be convened
2 earlier on the request of the Chief of Engineers.

3 (2) MEMBERSHIP.—A panel of experts estab-
4 lished by the Director for a project shall be com-
5 posed of not less than 5 nor more than 9 inde-
6 pendent experts (including 1 or more engineers, hy-
7 drologists, biologists, and economists) who represent
8 a range of areas of expertise.

9 (3) LIMITATION ON APPOINTMENTS.—The Di-
10 rector shall apply the National Academy of Science's
11 policy for selecting committee members to ensure
12 that members of a review panel have no conflict with
13 the project being reviewed.

14 (4) CONSULTATION.—The Director shall con-
15 sult with the National Academy of Sciences in devel-
16 oping lists of individuals to serve on panels of ex-
17 perts under this section.

18 (5) NOTIFICATION.—To ensure that the Direc-
19 tor is able to effectively carry out the duties of the
20 Director under this section, the Secretary shall no-
21 tify the Director in writing not later than 120 days
22 before the release of a draft study for a project cost-
23 ing more than \$25,000,000 or for which a prelimi-
24 nary assessment suggests that a panel of experts
25 may be required.

1 (6) COMPENSATION.—An individual serving on
2 a panel of experts under this section shall be com-
3 pensated at a rate of pay to be determined by the
4 Inspector General of the Army.

5 (7) TRAVEL EXPENSES.—A member of a panel
6 of experts under this section shall be allowed travel
7 expenses, including per diem in lieu of subsistence,
8 at rates authorized for an employee of an agency
9 under subchapter I of chapter 57 of title 5, United
10 States Code, while away from the home or regular
11 place of business of the member in the performance
12 of the duties of the panel.

13 (e) DUTIES OF PANELS.—A panel of experts estab-
14 lished for a water resources project under this section
15 shall—

16 (1) review each draft study prepared for the
17 project;

18 (2) assess the adequacy of the economic, sci-
19 entific, and environmental models used by the Sec-
20 retary in reviewing the project and assess whether
21 the best available economic and scientific data and
22 methods of analysis have been used;

23 (3) assess the extent to which the study com-
24 plies with the National Water Resources Planning
25 and Modernization Policy established by this Act;

1 (4) evaluate the engineering assumptions and
2 plans for any flood control structure whose failure
3 could result in significant flooding;

4 (5) receive from the public written and oral
5 comments concerning the project;

6 (6) submit an Independent Review Report to
7 the Secretary that addresses the economic, engineer-
8 ing, and environmental analyses of the project, in-
9 cluding the conclusions of the panel, with particular
10 emphasis on areas of public controversy, with re-
11 spect to the study; and

12 (7) submit a Final Assessment Report to the
13 Secretary that briefly provides the views of the panel
14 on the extent to which the final study prepared by
15 the Corps adequately addresses issues or concerns
16 raised by the panel in the Independent Review Re-
17 port.

18 (f) DEADLINES FOR PANEL REPORTS.—A panel shall
19 submit its Independent Review Report under subsection
20 (e)(6) to the Secretary not later than 90 days after the
21 close of the public comment period or not later than 180
22 days after the panel is convened, whichever is later. A
23 panel shall submit its Final Assessment Report under sub-
24 section (e)(7) to the Secretary not later than 30 days after

1 release of the final study. The Director may extend these
2 deadlines for good cause shown.

3 (g) RECOMMENDATIONS OF PANEL.—

4 (1) CONSIDERATION BY SECRETARY.—If the
5 Secretary receives an Independent Review Report on
6 a water resources project from a panel of experts
7 under subsection (e)(6), the Secretary shall, at least
8 30 days before releasing a final study for the
9 project, take into consideration any recommenda-
10 tions contained in the report, prepare a written ex-
11 planation for any recommendations not adopted, and
12 make such written explanations available to the pub-
13 lic, including through posting on the Internet.

14 (2) INCONSISTENT RECOMMENDATIONS AND
15 FINDINGS.—Recommendations and findings of the
16 Secretary that are inconsistent with the rec-
17 ommendations and findings of a panel of experts
18 under this section shall not be entitled to deference
19 in a judicial proceeding.

20 (3) SUBMISSION TO CONGRESS AND PUBLIC
21 AVAILABILITY.—After receiving an Independent Re-
22 view Report under subsection (e)(6) or a Final As-
23 sessment Report under subsection (e)(7), the Sec-
24 retary shall immediately make a copy of the report
25 available to the public. The Secretary also shall im-

1 immediately make available to the public any written
2 response by the Secretary prepared pursuant to
3 paragraph (1). Copies of all independent review
4 panel reports and all written responses by the Sec-
5 retary also shall be included in any report submitted
6 to Congress concerning the project.

7 (h) RECORD OF DECISION.—The Secretary shall not
8 issue a record of decision or a report of the Chief of Engi-
9 neers for a water resources project subject to review under
10 this section until, at the earliest, 14 days after the dead-
11 line for submission of the Final Assessment Report re-
12 quired under subsection (e)(7).

13 (i) PUBLIC ACCESS TO INFORMATION.—The Sec-
14 retary shall ensure that information relating to the anal-
15 ysis of any water resources project by the Corps of Engi-
16 neers, including all supporting data, analytical documents,
17 and information that the Corps of Engineers has consid-
18 ered in the justification for and analysis of the project,
19 is made available to the public on the Internet and to an
20 independent review panel, if a panel is established for the
21 project. The Secretary shall not make information avail-
22 able under this paragraph if the Secretary determines that
23 the information is a trade secret of any person that pro-
24 vided the information to the Corps of Engineers.

25 (j) COSTS OF REVIEW.—

1 (1) IN GENERAL.—The cost of conducting a re-
 2 view of a water resources project under this section
 3 shall not exceed—

4 (A) \$250,000 for a project, if the total cost
 5 of the project in current year dollars is less
 6 than \$50,000,000; and

7 (B) 0.5 percent of the total cost of the
 8 project in current year dollars, if the total cost
 9 is \$50,000,000 or more.

10 (2) WAIVER.—The Secretary may waive these
 11 cost limitations if the Secretary determines that the
 12 waiver is appropriate.

13 (k) APPLICABILITY OF FEDERAL ADVISORY COM-
 14 MITTEE ACT.—The Federal Advisory Committee Act (5
 15 U.S.C. App.) shall apply to a panel of experts established
 16 under this section.

17 **SEC. 6. MITIGATION.**

18 (a) MITIGATION.—Section 906(d) of the Water Re-
 19 sources Development Act of 1986 (33 U.S.C. 2283(d)) is
 20 amended—

21 (1) in paragraph (1), by striking “to the Con-
 22 gress” and inserting “to Congress, and shall not
 23 choose a project alternative in any final record of de-
 24 cision, environmental impact statement, or environ-
 25 mental assessment,” and by inserting in the second

1 sentence “and other habitat types” after “bottom-
2 land hardwood forests”; and

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

4 “(3) MITIGATION REQUIREMENTS.—

5 “(A) MITIGATION.—To mitigate losses to
6 flood damage reduction capabilities and fish
7 and wildlife resulting from a water resources
8 project, the Secretary shall ensure that mitiga-
9 tion for each water resources project complies
10 fully with the mitigation standards and policies
11 established by each State in which the project
12 is located. Under no circumstances shall the
13 mitigation required for a water resources
14 project be less than would be required of a pri-
15 vate party or other entity under section 404 of
16 the Federal Water Pollution Control Act (33
17 U.S.C. 1344).

18 “(B) MITIGATION PLAN.—The specific
19 mitigation plan for a water resources project re-
20 quired under paragraph (1) shall include, at a
21 minimum—

22 “(i) a detailed plan to monitor mitiga-
23 tion implementation and ecological success,
24 including the designation of the entities
25 that will be responsible for monitoring;

1 “(ii) specific ecological success criteria
2 by which the mitigation will be evaluated
3 and determined to be successful, prepared
4 in consultation with the Director of the
5 United States Fish and Wildlife Service or
6 the Director of the National Marine Fish-
7 eries Service, as appropriate, and each
8 State in which the project is located;

9 “(iii) a detailed description of the land
10 and interests in land to be acquired for
11 mitigation, and the basis for a determina-
12 tion that land and interests are available
13 for acquisition;

14 “(iv) sufficient detail regarding the
15 chosen mitigation sites, and types and
16 amount of restoration activities to be con-
17 ducted, to permit a thorough evaluation of
18 the likelihood of the ecological success and
19 aquatic and terrestrial resource functions
20 and habitat values that will result from the
21 plan; and

22 “(v) a contingency plan for taking
23 corrective actions if monitoring dem-
24 onstrates that mitigation efforts are not

1 achieving ecological success as described in
2 the ecological success criteria.

3 “(4) DETERMINATION OF MITIGATION SUC-
4 CESS.—

5 “(A) IN GENERAL.—Mitigation under this
6 subsection shall be considered to be successful
7 at the time at which monitoring demonstrates
8 that the mitigation has met the ecological suc-
9 cess criteria established in the mitigation plan.

10 “(B) EVALUATION AND REPORTING.—The
11 Secretary shall consult annually with the Direc-
12 tor of the United States Fish and Wildlife Serv-
13 ice and the Director of the National Marine
14 Fisheries Service, as appropriate, and each
15 State in which the project is located, on each
16 water resources project requiring mitigation to
17 determine whether mitigation monitoring for
18 that project demonstrates that the project is
19 achieving, or has achieved, ecological success.
20 Not later than 60 days after the date of com-
21 pletion of the annual consultation, the Director
22 of the United States Fish and Wildlife Service
23 or the Director of the National Marine Fish-
24 eries Service, as appropriate, shall, and each

1 State in which the project is located may, sub-
2 mit to the Secretary a report that describes—

3 “(i) the ecological success of the miti-
4 gation as of the date of the report;

5 “(ii) the likelihood that the mitigation
6 will achieve ecological success, as defined
7 in the mitigation plan;

8 “(iii) the projected timeline for achiev-
9 ing that success; and

10 “(iv) any recommendations for im-
11 proving the likelihood of success.

12 The Secretary shall respond in writing to the
13 substance and recommendations contained in
14 such reports not later than 30 days after the
15 date of receipt. Mitigation monitoring shall con-
16 tinue until it has been demonstrated that the
17 mitigation has met the ecological success cri-
18 teria.”.

19 (b) MITIGATION TRACKING SYSTEM.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this Act, the Sec-
22 retary shall establish a recordkeeping system to
23 track, for each water resources project constructed,
24 operated, or maintained by the Secretary and for

1 each permit issued under section 404 of the Federal
2 Water Pollution Control Act (33 U.S.C. 1344)—

3 (A) the quantity and type of wetland and
4 other habitat types affected by the project,
5 project operation, or permitted activity;

6 (B) the quantity and type of mitigation re-
7 quired for the project, project operation, or per-
8 mitted activity;

9 (C) the quantity and type of mitigation
10 that has been completed for the project, project
11 operation, or permitted activity; and

12 (D) the status of monitoring for the miti-
13 gation carried out for the project, project oper-
14 ation, or permitted activity.

15 (2) REQUIRED INFORMATION AND ORGANIZA-
16 TION.—The recordkeeping system shall—

17 (A) include information on impacts and
18 mitigation described in paragraph (1) that
19 occur after December 31, 1969; and

20 (B) be organized by watershed, project,
21 permit application, and zip code.

22 (3) AVAILABILITY OF INFORMATION.—The Sec-
23 retary shall make information contained in the rec-
24 ordkeeping system available to the public on the
25 Internet.

1 **SEC. 7. PROJECT ADMINISTRATION.**

2 (a) CHIEF'S REPORTS.—The Chief of Engineers shall
3 not submit a Chief's report to Congress recommending
4 construction of a water resources project until that Chief's
5 report has been reviewed and approved by the Secretary
6 of the Army.

7 (b) PROJECT TRACKING.—The Secretary shall assign
8 a unique tracking number to each water resources project,
9 to be used by each Federal agency throughout the life of
10 the project.

11 (c) REPORT REPOSITORY.—The Secretary shall
12 maintain at the Library of Congress a copy of each final
13 feasibility study, final environmental impact statement,
14 final reevaluation report, record of decision, and report to
15 Congress prepared by the Corps of Engineers. These docu-
16 ments shall be made available to the public for review, and
17 electronic copies of those documents shall be permanently
18 available, through the Internet website of the Corps of En-
19 gineers.

