

The SPEAKER pro tempore (Mr. PALMER). All time for debate has expired.

Pursuant to House Resolution 918, the previous question is ordered.

The question is on the motion by the gentleman from Virginia (Mr. GOODLATTE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

WATER RESOURCES DEVELOPMENT ACT OF 2018

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 8.

The SPEAKER pro tempore (Mr. ROUZER). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 918 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 8.

The Chair appoints the gentleman from Alabama (Mr. PALMER) to preside over the Committee of the Whole.

□ 1437

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of 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, with Mr. PALMER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring to the floor today the Water Resources Development Act of 2018. This marks the third Congress in a row that the Transportation and Infrastructure Committee of the House will consider a water resources bill, so we are back to regular order when it comes to WRDA.

I hope we bring it to the floor today, and I hope we pass a WRDA bill. That is good news for the American people and the American economy, because WRDA works. WRDA works because it ensures that Congress carries out its clear Federal role in addressing infrastructure that is critical to our commerce and competitiveness, and to protecting communities throughout the country.

WRDA authorizes targeted investments in America's harbors, ports, locks, dams, inland waterways, flood protection, environmental restoration, and other water resources infrastructure.

This infrastructure, maintained by the U.S. Army Corps of Engineers, is vital to every part of the country and every American benefits from it. You don't have to live near a port or a major waterway to experience these benefits. The health of this infrastructure directly impacts how efficiently the things we buy get onto our store shelves, and how quickly the goods that we produce get to markets around the world.

WRDA improvements originate at the local level. They grow our local, regional, and national economies, and they create good-paying jobs. Restoring WRDA legislation to a 2-year congressional cycle was one of the first goals when I became chairman in 2013. By working together, we passed WRDA into law in 2014 and 2016.

Both of these measures attracted broad bipartisan support, and this bill is no different, passing out of our committee unanimously 2 weeks ago. I want to thank Ranking Member DEFAZIO, Water Resources Environment Subcommittee Chairman GARRET GRAVES, and Subcommittee Ranking Member GRACE NAPOLITANO for working with me to introduce this bill.

Our bipartisan legislation follows the fiscally responsible, transparent process for considering Corps activities that Congress established in 2014. It maintains strong congressional oversight and the constitutional authority of the Legislative Branch. It deauthorizes old projects to fully offset new authorizations, and sunsets new authorizations to prevent future backlogs.

WRDA also builds on past reforms of the Corps and explores new ways to deliver projects more efficiently. In keeping with traditional WRDAs, my co-sponsors and I agreed to narrowly focus our bill on the civil works program of the Corps. Preserving the civil works focus of this bill increases the likelihood of final passage.

If we don't enact a bill into law this year, we will delay necessary water infrastructure improvements and increase project costs. Let's approve this vital bill today. Let's build our water infrastructure. Let's grow our economy, and let's create jobs. Let's pass WRDA, because WRDA does work, and

let's ensure that WRDA continues to work for the American people.

Mr. Chairman, I look forward to a good debate today and to moving this bill to the Senate, so I urge all of my colleagues to support the bill.

Mr. Chair, I include in the RECORD a cost estimate from the Congressional Budget Office for H.R. 8.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 4, 2018.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and
Infrastructure, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 8, the Water Resources Development Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 8—WATER RESOURCES DEVELOPMENT ACT OF 2018

As reported by the House Committee on
Transportation and Infrastructure on June
1, 2018

SUMMARY

H.R. 8 would authorize the U.S. Army Corps of Engineers (Corps) to construct projects to improve navigation and flood management, to mitigate storm and hurricane damage and to provide assistance for water recycling and water treatment projects. The bill also would authorize the Federal Emergency Management Agency (FEMA) to assist states and local governments in mitigating flood risks from aging dams and levees. CBO estimates that implementing H.R. 8 would cost about \$1.1 billion over the next five years and \$2.5 billion over the 2019–2028 period, assuming appropriation of authorized and necessary amounts.

Enacting H.R. 8 also would increase direct spending by \$5 million over the 2019–2028 period; therefore, pay-as-you-go procedures apply. The bill would authorize the Corps to convey nine acres of federal land to the city of Nashville, Tennessee, in exchange for the fair market value of the property, which CBO estimates would total about \$1 million. The bill also would authorize the Corps to credit the nonfederal sponsor of the Kismimmee River Restoration Project for certain in-kind contributions totaling \$6 million. Enacting the bill would not affect revenues.

H.R. 8 would significantly increase direct spending by more than \$2.5 billion and on-budget deficits by more than \$5 billion in at least one of the four consecutive 10-year periods beginning in 2029, by authorizing the Corps to spend amounts in the Harbor Maintenance Trust Fund without further appropriation.

H.R. 8 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary effect of H.R. 8 is shown in the following table. The costs of the legislation fall within budget function 300 (natural resources and environment).

By Fiscal Year, in Millions of Dollars—

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019– 2023	2019– 2028
INCREASES OR DECREASES (–) IN DIRECT SPENDING												
Estimated Budget Authority	0	–1	0	0	0	0	6	0	0	0	–1	5
Estimated Outlays	0	–1	0	0	0	0	6	0	0	0	–1	5
INCREASES IN SPENDING SUBJECT TO APPROPRIATION												
Water Resources Infrastructure:												
Estimated Authorization Level	13	157	152	226	231	224	226	171	161	165	778	1,726
Estimated Outlays	5	67	110	161	198	208	215	193	172	163	541	1,491
Dam and Levee Safety:												
Authorization Level	30	123	123	123	123	30	30	30	0	0	522	612
Estimated Outlays	12	57	89	108	116	83	56	40	20	9	382	590
Navigation and Nonfederal Construction Programs:												
Authorization Level	13	38	38	38	38	13	13	13	13	13	163	225
Estimated Outlays	5	19	28	33	36	26	18	14	12	12	121	203
Studies and Other Provisions:												
Estimated Authorization Level	26	29	27	24	16	12	12	12	13	13	122	184
Estimated Outlays	36	23	25	24	19	14	12	12	12	12	104	167
Total:												
Estimated Authorization Level	82	346	339	410	408	278	281	225	187	190	1,584	2,747
Estimated Outlays	36	165	252	326	369	330	302	260	216	195	1,148	2,451

BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 8 will be enacted near the end of 2018 and that the authorized and necessary amounts will be appropriated for each fiscal year. Estimates of amounts necessary to implement the bill are based on information from the Corps and FEMA; estimated outlays are based on historical spending patterns for similar projects and programs. Major components of the estimated costs are described below.

SPENDING SUBJECT TO APPROPRIATION

CBO estimates that H.R. 8 would authorize appropriations totaling about \$2.7 billion over the 2019–2028 period for water infrastructure projects and studies administered by the Corps and FEMA. We estimate that implementing those provisions would cost \$2.5 billion over the 2018–2028 period.

WATER RESOURCES INFRASTRUCTURE

CBO estimates that implementing provisions of the bill that would authorize the Corps to construct and modify water infrastructure projects would cost about \$1.5 billion over the 2019–2028 period, assuming appropriation of the specified amounts and accounting for anticipated inflation. Those provisions would authorize the Corps to construct seven new projects and would modify the existing authorization of three projects aimed at mitigating hurricane and storm damage, strengthening flood-risk management, improving the nation's navigation system, restoring the environment, and providing assistance for water recycling and water treatment projects. Using information from the Corps, CBO estimates that the total cost to complete those projects would be \$4.2 billion. H.R. 8 would authorize the appropriation of \$2.7 billion to cover the federal share of those costs—of that \$1.7 billion would need to be appropriated over the 2019–2028 period (assuming historical rates of spending for similar projects)—and nonfederal entities would be responsible for the remaining costs, totaling an estimated \$1.5 billion.

The estimated cost of the largest project authorized by H.R. 8 totals \$3.3 billion; the federal share would total about \$2.2 billion. That project aims to address erosion along the coast in Galveston, Texas, and restore ecosystems including wetlands and marshes to enhance protection from storm surge in the area that was damaged by Hurricane Harvey. The estimated cost for the other projects authorized by the bill total \$0.9 billion; the federal share of those projects totals about \$0.6 billion.

Assuming appropriation of the necessary amounts, CBO estimates that spending on the project to restore the Texas coast in Galveston would total about \$940 million over the 2019–2028 period. CBO estimates that construction spending for the other six projects and three modifications would total about \$550 million over the next 10 years.

To estimate how funds appropriated for those projects would be spent, CBO used information from the Corps about when construction for each project could begin, how long it would take to complete, and what funding would be necessary to complete it over the anticipated construction period. Construction schedules and the pattern of spending for such projects is uncertain and plans are subject to change because of delays in obtaining funding and other unforeseen circumstances. For this estimate, CBO assumed that those projects with greater costs to benefits ratios would be prioritized for funding. Information on cost benefit ratios was provided to CBO by the Corps. CBO also analyzed the historical spending patterns of similar projects. Because of their size and complexity some large Corps projects can take several years to commence and more than ten years to complete. CBO estimates that the federal share of the projects and modifications authorized by this title would require the appropriation of about \$1.7 billion over the 2019–2028 period; the remainder of the federal share to complete the projects would be needed after 2028.

Finally, the bill would withdraw the authorization for five projects originally authorized more than 70 years ago. Information from the Corps indicates that these projects are complete and no additional construction is planned; therefore CBO expects that deauthorizing them would have no budgetary effect.

DAM AND LEVEE SAFETY

Using information provided by the Corps and FEMA, CBO estimates that implementing provisions addressing dam and levee safety would cost \$590 million over the 2019–2028 period, assuming appropriation of authorized amounts.

H.R. 8 would reauthorize the national dam and levee safety programs operated by FEMA Corps. Those programs provide grants to local and state governments to assist with levee safety and rehabilitation, maintaining databases for the nation's dams and levees, and implementing a public awareness and education program for managing dam and levee safety. Under those programs the Corps also would provide technical assistance to local and state governments to rehabilitate high risk levees. H.R. 8 would authorize the appropriation of \$372 million for FEMA and the Corps to implement those programs. Using information on historical spending patterns for similar projects, CBO estimates that implementing those provisions would cost \$365 million over the 2019–2028 period.

The bill also would increase amounts authorized to be appropriated each year for the Corps to rehabilitate dams considered to be highly hazardous until the authorization for program expires in 2026. Dams eligible for funding would include those constructed by

the Corps before 1940 that have been classified as a high hazard by the state where the dam is located and that are operated by a nonfederal entity. Using information on historical spending patterns for this program, CBO estimates that implementing that provision would cost \$225 million over the 2019–2028 period.

NAVIGATION AND NONFEDERAL CONSTRUCTION PROGRAMS

CBO estimates that implementing provisions of the bill related to navigation and nonfederal construction programs would cost \$203 million over the 2019–2028 period, assuming appropriation of the specified amounts.

H.R. 8 would increase the amounts authorized to be appropriated each year by \$12.5 million for the Corps to construct small harbor projects to improve navigation. Using information from the Corps, CBO estimates that implementing that provision would cost \$108 million over the 2019–2028 period.

The bill also would reauthorize a pilot program for the Corps to contract with nonfederal partners to construct projects to manage risk from floods, reduce damage from storms and improve navigation of the nation's harbors. The program aims to identify opportunities for reducing the costs and the time required to complete construction projects. The provision would authorize the appropriation of \$25 million for each year from 2020 through 2023. Using information from the Corps, CBO estimates that implementing that provision would cost \$95 million over the 2019–2028 period.

STUDIES AND OTHER PROVISIONS

Using information provided by the Corps, CBO estimates that implementing the provisions described below would cost \$167 million over the 2019–2028 period, assuming appropriation of the necessary amounts. Those provisions would:

Authorize the Corps to credit non-federal partners for work carried out on projects to protect, preserve, and restore the Louisiana coastal ecosystems;

Authorize the Corps to conduct about 20 feasibility studies for projects to reduce risks stemming from floods, to restore ecosystems, and to improve navigation; and

Direct the Corps to prepare a report on aquatic invasive species and other management reports, fund a demonstration project aimed at harmful algal bloom, and provide housing support to Indian tribes displaced by the construction of John Day Dam on the Columbia River in Washington and Oregon.

CBO's cost estimate for H.R. 8 excludes the costs of implementing section 108, which would authorize the Corps to restore infrastructure for shore protection damaged by natural disasters to pre-storm levels because the number of eligible projects is not available.

CHANGES IN DIRECT SPENDING

Using information provided by the Corps, CBO estimates that implementing the provisions described below would increase direct spending by about \$5 million. The construction phase of the Kissimmee River Restoration Project in Florida is nearly complete and the Corps anticipates that the final accounting for the federal and nonfederal shares of the project's cost will occur in about 5 years. The Corps has previously determined that certain in-kind contributions provided by the local sponsor of the project were ineligible as a qualifying credit toward the portion of the local cost share. H.R. 8 would reverse that decision by the Corps and reduce any cash settlement that would be required by the local sponsor to reconcile the nonfederal account. The Corps would be required to credit the nonfederal sponsor for the Kissimmee River Restoration Project for those in-kind contributions, which total \$6 million.

The bill also would authorize the Corps to convey 9 acres of federal land to the city of Nashville, Tennessee, in exchange for payment of the fair market value of the property. Using information provided by the Corps, CBO estimates the city would pay the federal government about \$600,000 in 2020 when the property is transferred.

PAY-AS-YOU-GO CONSIDERATIONS

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlay that are subject to those pay-as-you-go procedures are an increase in direct spending of \$5 million.

Enacting the bill would not affect revenues over the 2019–2028 period.

INCREASE IN LONG-TERM DIRECT SPENDING AND DEFICITS

CBO estimates that enacting H.R. 8 would increase net direct spending and on-budget deficits by more than \$2.5 billion and on-budget deficits by more than \$5 billion in at least one of the four consecutive 10-year periods beginning in 2029.

Under the bill, balances in the Harbor Maintenance Trust Fund (HMTF) would become available to the Corps, without further appropriation, beginning in fiscal year 2029. The Corps would expend those funds on non-routine maintenance costs and deferred repairs at eligible projects. CBO estimates that the balance in the HMTF would total about \$15 billion in 2029. In recent years the annual appropriation from the HMTF has been about \$1 billion. CBO estimates that direct spending from the HMTF in 2029 and later years would exceed \$1 billion per year. CBO cannot predict whether annual discretionary appropriations from the HMTF would continue at any level after 2028.

MANDATES

H.R. 8 contains no intergovernmental or private-sector mandates as defined in UMRA.

ESTIMATE PREPARED BY

Federal Costs: Aurora Swanson; Mandates: Jon Sperl.

ESTIMATE REVIEWED BY

Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit.
Theresa Gullo, Assistant Director for Budget Analysis.

Mr. SHUSTER. Mr. Chair, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chair, I rise in support of H.R. 8, the Water Resources Development Act of 2018. This is the product of many months of hard work by members of

the committee and staff, and I particularly want to congratulate the chairman. This will be his last WRDA bill, but until his leadership, water resources bills had languished for, I believe, a decade. So this has been a tremendous achievement.

This is a good bill. However, it could be better. In the last Congress, I offered an amendment in committee to take the harbor maintenance trust fund off budget, allow the Corps to spend the proceeds in the trust fund every year, and draw down the surplus that deals with a backlog on all of our ports.

Ports affect the entire Nation, any time you have an import or an export, which covers virtually all of the States of the union. These red dots are harbors that are critical to our infrastructure. On a daily basis, our major ports are at about 35 percent of their authorized depth. 35 percent. Why is that? Well, because we don't have the money to fix them. And the jetties are falling apart. We don't have the money to fix them.

Well, actually, we do have the money to fix them, but some very short-sighted people around here want to play games. They want to collect a tax from the American people—a minuscule tax, 0.0125 cents on the value of every imported good that comes through a harbor. That is, if you buy a \$30,000 car, you are going to spend about \$37.50 that, starting with Ronald Reagan, was dedicated to maintaining our harbors at proper depths and maintaining the jetties for these harbors, not limiting the funds just to the commercial harbors, but to small and emerging ports, which are also critical to the Nation: the fishing industry, recreation, and others.

However—and this has been a bipartisan problem, starting even when Democrats have been in charge—this has been underspent on an annual basis. Today, there is \$10.5 billion of taxes collected from the American people sitting idle or having been spent somewhere else. It has got a theoretical trust fund.

Now, that is going to grow every year as we underspend this tax. It could grow to \$20 billion within a decade. So we don't have the money to dredge the ports and we don't have the money to fix the jetties, because Congress is diverting the money. I actually worked on this with the chairman's father quite some time ago, and the chairman has been supportive of my efforts.

Unfortunately, it was stripped out of that bill by the Rules Committee 2 years ago. And this year, again, the Rules Committee found that they would not allow this to go forward. So we offered it in a different form to get around their technical objections about budget caps and discretionary spending.

□ 1445

So we offered—well, there actually is a way around that. They didn't like

that either. They want to continue to steal money from the American people and divert it to be spent who knows where—somewhere else, but not on our harbors and our ports.

Now, the administration actually sent to what is called their statement down to us with an SAP—and it really is a SAP; they are SAPs—a Statement of Administration Policy is what it stands for. They sent down a provision where they said: This is great that you are not allowing the Congress to spend the tax collected from the American people on the stated purpose.

What? Really? Yes. That is their position. They say that the ports should have greater flexibility to spend local money on the ports.

Well, they have all the flexibility in the world to spend local money on local ports. They can partner with the Corps and fund Corps activities. I did that a number of years ago in Oregon. They don't have the money, and we are depriving them of the money.

But this is the Trump administration's solution. The big infrastructure package? This is going to be counted. We are going to add \$3 billion to the pile of unfunded Corps projects.

We have got today \$96 billion of Corps projects that have been authorized by Congress that aren't funded in the foreseeable future. At the end of this debate there will be \$99 billion—almost \$100 billion—quite an achievement, and the administration is applauding this. They think this is just great because it gives the local ports the capability of raising money they can't raise to spend on the improvements they can't make.

Meanwhile, we are stealing money from the American people. It is a very sad day. So with that said, I will move on. There are other issues in this bill that are critical.

We have \$3 billion to new Chief's Reports which will go on the shelf for the indefinite future, maybe 100 years or longer. But people can go home and say: Well, I got that project, all we need to do now is get the money.

Maybe a future Congress—maybe next year—we will decide to start spending the harbor maintenance tax on harbor maintenance. Who knows? It might depend upon who is in charge around here.

There are other provisions in here that are critical, authorizing the national levee safety initiative, the national dam safety program—those are pretty important things—promoting improved safety measures, and reducing the risk to life and property.

There are a couple of provisions that benefit or would go for Corps projects in my district, one related to Fern Ridge Dam, and a collapsing road near the dam. A number of years ago, we had to expedite funds to fix a collapsing dam, now we have a collapsing road by the collapsing dam, and hopefully, the Corps can get to that before we have a major problem; and then delivering on a very long-ago promise to

Indian tribes that were displaced by dams that were built three-quarters of a century ago. Their villages were flooded and displaced, and this would authorize the Corps to provide housing assistance to those tribes.

There are other meritorious things in this bill. Again, I want to congratulate the chairman on what will be the third conservative 2-year authorization of the Water Resources Development Act. We just need to find the will and the money to fund the necessary projects.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. GRAVES), who is the chairman of the Subcommittee on Water Resources and Environment.

Mr. GRAVES of Louisiana. Mr. Chairman, I want to thank the gentleman from Pennsylvania for all of his leadership on this important legislation. I want to thank my friend from Oregon and my friend from California for working with us on this, as there is a bipartisan agreement to move this bill forward.

Mr. Chairman, why are we doing this bill? People at home who are watching this, people who are living in their communities, why are we doing this bill?

We are doing this bill because we need to ensure that people live in places that are safe—safe from flooding and safe from hurricanes. We just saw last year the 2017 hurricanes, Hurricanes Harvey, Irma, Maria, and Nate, where we spent well over \$150 billion so far—I believe we are near \$180 billion—responding to those disasters. People need to live in safe, resilient communities.

We need to ensure that we can build navigation channels that stay compatible with trends in shipping. We built the Panama Canal. The United States built the Canal, yet the Panamanians have stepped in and deepened and widened the canal and the lock system in a shorter period of time than we have been able to even deepen ports here in the United States.

Then, of course, there are environmental issues, the environmental consequences of many of these projects, including in my home State of Louisiana, where we have lost 2,000 square miles of our coast, and the Corps of Engineers has not stepped in and done a single thing to actually restore the environmental consequences of their actions—2,000 square miles of coastal wetlands. If you or I did that, we would be in jail today.

So the reason we are doing this bill is because as the ranking member, Mr. DEFAZIO, mentioned a few minutes ago, we have a nearly \$100 billion backlog in projects. We are putting forward somewhere around \$2 billion a year in construction funds. You can do the math. I am a math whiz, and I can tell you that you will finish those projects approximately never, because \$2 billion a year on \$100 billion, you can't even

keep up with inflation. We must reform the process, and this bill moves in that direction.

There are important reforms in this bill like allowing the non-Federal sponsors, the States, the parishes, the counties, the water boards, and the ports, to grab components of these projects and move them forward on their own working in collaboration with the Corps of Engineers to ensure that we are moving these projects forward efficiently.

We need to make sure that we are moving redundancies in the process and allowing these non-Federal entities to use the same permitting process that the Corps of Engineers just went through and spent millions of dollars complying with. We are still being respectful to the environment, but we are not forcing them to carry out redundant measures, paying twice for the same actions because that doesn't make sense.

Let me go back and talk about, again, what these outcomes actually yield. We are talking about projects to prevent communities from flooding, to prevent hurricane damages, to restore the environment, and to ensure that our ports and waterways can facilitate the ships that are growing in width and in depth across the globe to where we can have more cost-effective shipping in the United States and our port systems and we can facilitate the trade that comes around the globe and into our country.

Mr. Chairman, they have projects that have been in the study phase, not for months or years, but for decades. We have projects that have been waiting on full implementation of construction for decades. Once again, in my home State of Louisiana, we have the Comite project that has been around for 32 years, \$100 million nearly has been spent, and nothing has been done to actually provide flood relief—\$100 million.

We have another project in southeast Louisiana in Terrebonne and Lafourche Parishes, where the Corps of Engineers has spent nearly \$80 million and hasn't put a shovel in the ground yet.

How do you do that when you look at the fact that we have a \$20 trillion deficit and we are spending those sorts of dollars on actions that aren't benefiting taxpayers? Who is that representing? Because it is not the people who sent us here.

So I will say it again: this bill moves forward in transparency, it moves forward in efficiency while respecting the environment, it allows projects to be expedited, and it gives more flexibility for the Corps and their non-Federal partners to work together to deliver these projects.

One thing that is in here that I know the chairman is a big fan of and we pushed as well with our friends across the aisle, is taking a look to study whether or not the Corps of Engineers should remain within the Department of Defense.

Is this a mission that is truly compatible with our Department of De-

fense? I want Secretary Mattis focused on Syria and focused on Iran, North Korea, China, Russia, and other threats to our country. I don't want him or her also worried about what is happening with a coastal wetlands permit. I want him focused on the national defense of our country, so looking at where this mission perhaps could be better housed, better compatibility, and ultimately to deliver better outcomes to taxpayers across the country.

Mrs. NAPOLITANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I associate the remarks of my ranking member, the chairman of the committee, and the chairman of the subcommittee, Mr. GRAVES. I rise in strong support of the bipartisan bill, H.R. 8, the Water Resources Development Act of 2018.

I very strongly thank Chairman SHUSTER, Ranking Member DEFAZIO, and Chairman GRAVES for their work on this legislation. It is encouraging to see that the Transportation and Infrastructure Committee continue in a bipartisan fashion on this legislation every 2 years.

This bill authorizes Army Corps of Engineers' feasibility studies, Chief's Reports, and section 7001 water resource projects across the country for a diverse array of purposes, including flood damage reduction, ecosystem restoration, hurricane and storm damage reduction, water supply—very important to me—and navigation.

It also includes an important water recycling project for Los Angeles County in California, with the West Basin Municipal Water District's Harbor/South Bay project. This project provides a \$35 million increase for an existing, successful authorization to improve microfiltration of wastewater and delivery to residents and businesses. This will create long-term water supply reliability in our drought-prone region.

I want to thank my good friends, Directors Carol Kwan and Gloria Gray, for their commitment to this cost-effective and innovative water supply option for all their constituents.

I also am pleased to see the inclusion of several provisions that will continue the work we have done in recent WRDAs to assist communities experiencing drought with additional water supply options.

These provisions include section 109 that will require the Corps to work with local governments on integrated water resources planning to incorporate in Corps projects locally developed plans for stormwater management, water quality improvements, and—my baby—water recycling.

Section 107 provides for forecast-informed reservoir operations in water control manuals to ensure that dams are being used effectively to maximize local water supply.

Section 115 provides a comprehensive report on the operation and maintenance backlog of Corps projects so that

Congress has a full accounting of the unmet needs of authorized water resource projects.

We have such a backlog, and there is that fund that goes nowhere, the billions of dollars that should be going to the ports that do not benefit, and we have a tremendous backlog.

I am concerned that the bill does not include a bipartisan provision supported by the Transportation and Infrastructure Committee that would fully fund the harbor maintenance trust fund. Congress needs to remedy this inequity in the harbor maintenance trust fund once and for all, so that the taxes paid into the system are benefiting the projects they were intended for. I support the efforts of port stakeholders, including the American Association of Port Authorities, which includes all ports in the United States which recently approved, for the first time, a national agreement with all ports to create fairness in the harbor maintenance trust fund. It is very unfortunate that the House leadership is using procedural tactics to prevent the House from addressing this critical issue.

I am confident that this bill, when and if enacted, will provide drought-prone regions like mine and other very necessary areas with the tools necessary to increase water supply and water conservation measures and be prepared for future storm events to capture and reuse the water that would have otherwise been lost.

I want to thank my constituent water agencies for their input throughout this process, including the Upper San Gabriel Valley Municipal Water District, the Three Valleys Municipal Water District, the San Gabriel Valley Municipal Water District, the San Gabriel WaterMaster, the Los Angeles County Department of Public Works, and my local Corps leadership, General Helmlinger, Colonel Gibbs, and David Van Dorpe.

Mr. Chairman, I urge passage of this bill, and I ask Members to support H.R. 8.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. GRAVES). The other Mr. GRAVES from the Transportation and Infrastructure Committee is the chairman of the Subcommittee on Highways and Transit.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today in support of H.R. 8.

I want to say, too, the chairman's commitment to passing bipartisan WRDA bills every 2 years has been very impactful on better managing the bureaucracy of the Corps of Engineers.

I think we can all agree that the Corps needs regular examination of projects and policy to hold them accountable, and this is good government and a policy I would like to see the committee remain committed to in the future.

In my district, Mr. Chairman, this bill is extremely important to the agri-

culture economy and to everyone who relies on the Missouri and Mississippi Rivers.

□ 1500

My district alone is bordered by 400 miles of Missouri and Mississippi River frontage. So we in northern Missouri are directly affected by the Corps' actions.

I am glad that the committee unanimously adopted my amendment to bring some common sense to the management of the endangered species—specifically, the pallid sturgeon—that live along the Missouri River.

Past efforts to help the pallid sturgeon have led to multiple years of flooding and millions of dollars' worth of damage to my constituents. What is worse is the fact that the Corps has spent money year after year on population recovery, and it has not helped the pallid sturgeon one bit. This is absolutely unacceptable.

Before the Army Corps builds any new, unproven structures along the Missouri and spends millions of taxpayer dollars, they are now required to prove that it actually works. Furthermore, the Army Corps must prove that these structures, called IRCs, do not negatively impact the other management priorities on the Missouri River that the Corps is responsible for, most importantly, which is flood control and navigation.

Mr. Chairman, the Corps shouldn't be focused on constructing environmental habitats. They should be protecting people and businesses from flooding and helping facilitate navigation on the river. We have been down this road before with unproven methods to help fish over people.

In closing, this is a good bill. It is necessary to advance important flood control projects and ensure our inland waterways remain a reliable and efficient option for transporting goods up and down the rivers. I urge all my colleagues to vote for H.R. 8.

Mrs. NAPOLITANO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Mrs. LAWRENCE), my colleague on the Transportation and Infrastructure Committee.

Mrs. LAWRENCE. Mr. Chairman, as a member of the Water Resources and Environment Subcommittee and a cosponsor of this bill, I rise in support of H.R. 8.

Our water infrastructure is important to the health of our economy and job growth, including infrastructure job opportunity in the skilled trades.

Supporting our water infrastructure is essential to the goal of ensuring environmental justice. Communities in poverty and women and children are especially vulnerable to the harsh consequences of failing and faulty water infrastructure. Let us not forget Flint, Michigan. This bill continues this important bipartisan process.

As a Representative from Michigan, this bill continues to protect the Great Lakes region. The Davis amendment on

the floor today affirms the commitment to fighting invasive species. Completion of the long-awaited Brandon Road Study is needed to combat environmental threats to our region.

The Great Lakes waterways create thousands of jobs and create billions in revenue, annually. We must continue to support the Army Corps' operations that operate these critical waterways.

As Members know, our Nation's infrastructure is in desperate need of repair, and we cannot kick the can down the road anymore. I urge my colleagues to support this bipartisan bill.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS), a member of the committee.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I thank Chairman SHUSTER and GRAVES, Ranking Member DEFAZIO, and also my other good friend, the ranking member on the subcommittee, Mrs. NAPOLITANO. I am proud to join them to support this bill and to say that WRDA works.

In 2014, during my first term in Congress, we passed the first Water Resource Development Act in 7 years. This bill made critical reforms to add efficiencies to the Corps' process of studying and recommending projects for authorization, and, importantly, it set us up to get WRDA back on a 2-year cycle of authorizations. This bill represents the continuation of that process.

Our bill authorizes a total of eight Army Corps of Engineers Chief's Reports received since the last WRDA passed by us in 2016. All of these Chief's Reports have been fully vetted by the committee at hearings during this Congress and in an open and transparent process.

Now, I haven't shied away from my criticism of the Corps in the past. I think that the Corps is good at building things, but actually getting to construction is typically the most difficult part of the process.

One particular provision in this bill directs the National Academy of Sciences to analyze the Corps' civil works functions and the potential impacts of transferring those functions to another Federal agency. They will be required to provide recommendations to us in Congress.

Mr. Chairman, it is truly clear that WRDA works. The authorizing committee has diligently worked over the past three Congresses to get us back on this 2-year cycle to ensure that we continue to improve processes.

I would also be remiss, Mr. Chairman, if I didn't mention those projects of national significance that have been authorized for many years and yet have seen very little progress, including the Navigation and Ecosystem Sustainability Program, or NESP. Authorized by Congress in 2007, this critical project would expand seven locks on the Upper Mississippi and Illinois Rivers to meet the demand for barges to transport agricultural and other commodities to the global marketplace.

Unfortunately, because of incongruent priorities at the Corps in the past and a reluctance from the Appropriations Committee, we have yet to see this move forward.

The Acting CHAIR (Mr. HARPER). The time of the gentleman has expired.

Mr. SHUSTER. Mr. Chairman, I yield the gentleman an additional 30 seconds.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, we can and must do better to align our priorities with the Corps to ensure critical projects of national significance don't languish after an initial authorization, which is why, related to my earlier comments, I believe it is important for Congress to understand the implications and potential efficiencies of moving the Corps' mission to another Federal agency.

Mrs. NAPOLITANO. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentlewoman for yielding, and I thank the committee Democrats and Republicans for bringing this bipartisan bill to the floor.

One of the most important pieces of infrastructure in my particular district in the State of Michigan is the Saginaw River. This Federal port allows for raw material from around the world to be brought into our communities to be used in manufacturing and agriculture and is really the lifeblood of the economy there.

The depth of the river, however, currently limits the size of the ships that can use this very important port. Our dock owners on the Saginaw River have joined with the local government and businesses to propose deepening the Saginaw River to increase business opportunities and grow jobs in our region.

The Army Corps process to authorize deepening of the river, however, can sometimes be rather time-consuming. While millions have been spent by dock owners, under current law, the Army Corps construction plan for considering construction projects does not allow those investments that have already been made.

So I am supporting this legislation, in part, because of the reforms in the bill. It changes the way the Army Corps does their cost-benefit analysis on a project. It will greatly benefit many projects, including the Saginaw River's deepening project.

This will grow jobs in my district, in our State, and in our country. It is a step in the right direction. I encourage the Corps to work with those local members and that local coalition on the deepening of this river using the reforms in this bill. This is really important for my district.

I really appreciate the work of the committee in coming together and delivering these reforms and delivering a good bill to the floor in a bipartisan fashion. I encourage my colleagues to support it.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I rise as a conservative in support of this measure.

As conservatives, we want less government; but the government that we have, we want to work better. I think that WRDA does that.

I think one of the things we look at is how do we become more competitive as a society relative to all the other places around the globe in the way that we deliver goods, whether by land, by air, or by sea. Again, this bill does that.

I stand in support of this measure and thank the chairman for his work on it. I want to particularly single him out for what he has done with the WRDA process.

As has already been mentioned, there was a 7-year skip between WRDA bills. But there was a bill in 2014; there was a bill in 2016; there was a bill in 2018. That kind of predictability is absolutely necessary if you are going to see marine and other investments as we have seen, for instance, in a place like Charleston.

Two, I want to thank him for what he is doing with regard to non-Federal sponsors. This idea of adding new flexibility in the way that we originate programs, I think, makes a lot of sense. One authorization means a bottleneck. What this bill does is frees up bottlenecks in the way that things get funded.

Third, I want to single out GARRET GRAVES and, again, the chairman, for this study on whether or not civil works can be done by nonmilitary actors. I think that this is vital in moving the backlog through that now exists on the WRDA front.

Finally, I want to say thanks for what he is doing on cost-benefit analysis. A place like Charleston has been heavily hampered as a consequence of their throwing in local money. What we want to reward at the Federal level is more in the way of State and local money as we leverage Federal investment.

Again, I thank the chairman for what he has done on this measure, and I rise in support of H.R. 8.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Ms. GABBARD).

Ms. GABBARD. Mr. Chairman, this legislation is a bright light of bipartisanship that is sorely needed by communities like mine in Hawaii and those in Florida as well.

There is nothing more necessary and basic to life than water. Strengthening and upgrading our water infrastructure is critical to protecting the health, safety, and welfare of communities all across the country. Those like mine, who are surrounded by water, and those in our coastal communities are acutely aware of the dire need for investment.

For example, for us in Hawaii, we rely on our ports for the vast majority of the basic needs and supplies that we have to ship in for our residents. We

have also experienced historic floods in Hawaii recently, like other States, exposing the urgent need for investment in water infrastructure.

Just one example, risk experts in Hawaii have warned that the Ala Wai watershed's high vulnerability to devastating flooding could result in financial devastation to the tune of over \$1.1 billion, damaging more than 3,000 structures, and speaks to the fact that the area is home to over 150,000 residents and over 80,000 visitors every day.

This bipartisan legislation will secure critical funding for flood risk management both on the Ala Wai Canal, other places in Hawaii, and across the country, helping to provide that necessary safety and security for our residents.

This is a critical piece of bipartisan legislation that deserves the support of Congress. Let's take this opportunity to better the lives of our constituents and residents across the country by strengthening our national infrastructure and ensuring clean and safe drinking water for all.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. ROUZER).

Mr. ROUZER. Mr. Chairman, North Carolina's Seventh Congressional District is fortunate to have some of the most beautiful beaches and waterways in the United States, which are major contributors to our State's vibrant tourism industry, attracting more than 50 million visitors a year and generating more than \$22.9 billion in revenue. This Water Resources and Development Act is critical to strengthening our country's infrastructure projects, all of which are so critical to the Nation's economy.

In the district I represent, Carolina Beach's Coastal Storm Damage Reduction project reached the end of its 50-year authorization in 2014. While the Army Corps of Engineers works to complete their study to determine future authorization of this project, this bill provides for continued authorization in the interim and long-term certainty of nourishment should the Corps study be favorable and funding available.

Our ports, beaches, inlets, and waterways are the lifeline of economic activity and job growth for our coastal communities, and they are incredibly important for the Nation as a whole.

I thank Chairman SHUSTER, Ranking Member DEFAZIO and the rest of my colleagues on the Transportation and Infrastructure Committee for putting forth a strong bill that addresses the unique coastal needs of North Carolina's Seventh District and makes great improvements to current law enabling critical projects to move forward while saving taxpayer dollars in multiple ways. A job well done.

I urge everyone's support.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Chairman, when I first got to the U.S. House, a WRDA bill hadn't passed in 6 years. Since then, Chairman SHUSTER has led a renaissance in the committee, putting us back on the 2-year cycle, which I applaud him and all of our colleagues on the committee for spearheading these efforts. What we are looking for is predictability and stability in this process. Just a few weeks ago, that process continued, as the Water Resources Development Act of 2018 passed through the committee in a unanimous and bipartisan fashion.

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Now, WRDA stands before the House ready for final passage. This legislation will institute, importantly, a review process of the Army Corps of Engineers' backlog that can save, in the near term, \$3 billion. Now, with \$100 billion worth of work identified, and maybe \$2 billion per year allocated, when will we ever get caught up on this unless there is a review and new process put in place?

We will also implement a study to improve Army Corps' administration and procedures, and greatly increase the role of local shareholders in carrying out water development projects like we have seen in Sutter and Butte Counties in northern California. Indeed, the public will be much better served in safety when working on these levee projects and getting them done timely and for lower costs.

This whole WRDA legislation will be key for important flood control work and levee work, in addition to the many other things that have been talked about today. This bill is an important next step in moving this process forward, and I urge my colleagues to support it.

Mr. DEFAZIO. Mr. Chair, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chair, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I rise today in support of H.R. 8—the Water Resources Development Act (WRDA) of 2018. As the most senior Texan on the House Transportation & Infrastructure Committee and former chair of the Water Resources and Environment Subcommittee, I am pleased to support this bill which represents a bipartisan effort to authorize critical water infrastructure projects and develop our nation's future water resources.

Our ports, inland waterways, locks, dams, flood protection, and other water infrastructure are vital to our nation and its global competitiveness. Water infrastructure forms a critical backbone in support of our overall infrastructure needs and H.R. 8 will ensure that the United States can provide not only basic water resources for its people, but also promote commerce along our nation's waterways.

One element of the WRDA bill that I wish had been addressed is the full use of the Harbor Maintenance Trust Fund

(HMTF). The HMTF was established to cover the operation and maintenance (O&M) expenses of our waterways and harbors. As Harbor Maintenance Taxes (HMTs) are collected, it is the responsibility of Congress to appropriate its spending for dredging and other O&M activities. A sufficient amount of HMT revenue is collected each year to meet our nation's annual authorized harbor maintenance needs. It is critical that we remain open to the idea of fully utilizing the HMTF for harbor maintenance purposes.

Mr. Chair, I look forward to working with Congress to continue authorizing these important projects and sticking to a two-year authorization cycle. Doing so will ensure that we are able to advance water resources development projects in a timely manner and provide the predictability and support that is so desperately needed.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today in support of H.R. 8, the Water Resources Development Act of 2018. Our district, centered in Eastside and Northside Houston and eastern Harris County, was one of the most highly impacted by Hurricane Harvey. While we have passed emergency supplemental funding the Port of Houston and the Army Corps of Engineers have drastic needs for mitigating the damage done by Harvey.

The Port of Houston is the second busiest in the U.S. in terms of overall tonnage and the busiest in the U.S. in terms of foreign tonnage. Silt, from the bayous has drastically limited maneuverability and depth. The port had recently completed dredging to 45 feet. Many of the ships can no longer get through the channel due to hurricane damage. The disaster funding has not reached our ports.

The port currently estimates that first phase of recovery from the storm will cost an estimated \$457 million dollars. The ship channel is the lifeblood of Houston. The energy renaissance that we have experienced in this country is also driven by industry that relies on the Port and the ship channel. It's absolutely essential to our district that we adequately fund corps projects that get the port back at their normal capacity.

Decades ago Congress created the Harbor Maintenance Fund, a tax on goods to keep our ports and harbors in good working order, and every year appropriators do not appropriate the needed funds. It is past time that we start putting all the money collected from port economic activity back into maintaining our ports.

Army Corps of Engineer projects go hand in hand with the health of our ports as well. Houston is a city of Bayous. When our Bayou's are damaged in a storm like Harvey the silt flows downstream into the ship channel. The turning basis, which was hit hard in the Tax Day Floods of 2016 has seen draft restrictions for over 1,300 days now.

These Army Corps projects don't just save money though, they create jobs. These improvements in this bill aren't theoretical, they're shovel ready projects the Corps has read to go.

The Army Corps of Engineers recently announced that it was allocating around \$360 million to address high-priority needs for hurricane ravaged regions but unfortunately while many projects have been submitted to the Of-

fice of Management and Budget, no action has been taken to clear these projects.

I call on Director Mulvaney to take immediate action on these needs so OMB won't stand as a roadblock to protecting my constituents as we enter a new hurricane season. I'd like to thank my colleagues on the Transportation and Infrastructure committee for crafting a Water Resources Development Act that addresses these pressing issues and urge my colleagues to support the bill.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-72, shall be considered as adopted, and shall be considered as an original bill for purpose of further amendment under the 5-minute rule. The bill, as amended, shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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. Assessment of harbors and inland harbors.

Sec. 103. Levee safety initiative reauthorization.

Sec. 104. Dam safety.

Sec. 105. Rehabilitation of Corps of Engineers constructed dams.

Sec. 106. Forecast-informed reservoir operations.

Sec. 107. Identification of nonpowered dams for hydropower development.

Sec. 108. Emergency response to natural disasters.

Sec. 109. Integrated water resources planning.

Sec. 110. Mitigation banks.

Sec. 111. Indian Tribes.

Sec. 112. Columbia River.

Sec. 113. Dissemination of information.

Sec. 114. Non-Federal engagement and review.

Sec. 115. Comprehensive backlog report.

Sec. 116. Structures and facilities constructed by Secretary.

Sec. 117. Transparency in administrative expenses.

Sec. 118. Study of the future of the United States Army Corps of Engineers.

Sec. 119. Acknowledgment of credit.

Sec. 120. Non-Federal implementation pilot program.

Sec. 121. Study of water resources development projects by non-Federal interests.

Sec. 122. Construction of water resources development projects by non-Federal interests.

Sec. 123. Advanced funds for water resources development studies and projects.

Sec. 124. Funding to process permits.

Sec. 125. Study on economic and budgetary analyses.

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

TITLE II—STUDIES

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

TITLE III—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS

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

TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Project authorizations.

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. ASSESSMENT OF HARBORS AND INLAND HARBORS.

Section 210(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2238) 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 para-

graph (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. 103. 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. 104. 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. 105. 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. 106. 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. 107. 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 non-powered 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. 108. 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–5(f)) is amended by striking “6 years” and inserting “9 years”.

SEC. 109. 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. 110. 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; and

(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. 111. 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. 112. 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. 113. 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 au-

thorization 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. 114. 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. 115. 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. 116. 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. 117. 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. 118. 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. 119. 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. 120. 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. 121. 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 decision-making of the Secretary, either substantively or procedurally.”.

SEC. 122. 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 per-

mits 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”; and

(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. 123. 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”; and

(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. 124. 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. 125. 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. 126. 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. 127. 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. 128. 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. 129. 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. 130. 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. 131. 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. 132. 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. 133. 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. 134. 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. 135. 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. 136. 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. 137. 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 in-

formation the disclosure of which is otherwise prohibited by law.

SEC. 138. 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. 139. 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. 140. 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. 141. 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”;

(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 Re-

sources 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. 142. 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. 143. 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, pursuant 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) NORTSHORE, 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 incor-

porate 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 sepa-

table 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 speci-

fied 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

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

The Acting CHAIR. No further amendment to the bill, as amended, is in order except those printed in part A of House Report 115–711. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 115–711.

Mr. SHUSTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 12, strike “note(b)(8))” and insert “note)”.

At the end of title I, add the following:

SEC. 144. OLD RIVER CONTROL STRUCTURE, LOUISIANA.

(a)IN GENERAL.—Not later than 180 days 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 on the structure and operations plan for the Old River control structure authorized by the Flood Control Act of

1954 (68 Stat. 1258) based on the best available science, improved monitoring capabilities, and other factors as determined by the Secretary, including consideration of—

- (1) flood control;
- (2) navigational conditions;
- (3) water supply; and
- (4) ecosystem restoration and ecological productivity.

(b)PUBLIC PARTICIPATION.—In developing the report required by subsection (a), the Secretary shall provide opportunity for public input and stakeholder engagement, including public meetings.

SEC. 145. DREDGE PILOT PROGRAM.

(a)IN GENERAL.—The Secretary is authorized to carry out a pilot program to award contracts with a duration of up to five years for the operation and maintenance of harbors and inland harbors referred to in section 210(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(a)(2)).

(b)SCOPE.—In carrying out the pilot program under subsection (a), the Secretary may award a contract described in such subsection, which may address one or more harbors or inland harbors in a geographical region, if the Secretary determines that the contract provides cost savings compared to the awarding of such work on an annual basis.

(c)REPORT TO CONGRESS.—Not later than one year after the date on which the first contract is awarded pursuant to the pilot program carried out under subsection (a), the Secretary shall submit to Congress a report evaluating, with respect to the pilot program and any contracts awarded under the pilot program—

- (1) cost effectiveness;
- (2) reliability and performance;

(3) cost savings attributable to mobilization and demobilization of dredge equipment; and

(4) response times to address navigational impediments.

(d)SUNSET.—The authority of the Secretary to enter into contracts pursuant to the pilot program carried out under subsection (a) shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 146. DISPOSITION OF PROJECTS.

(a)IN GENERAL.—In carrying out a disposition study for a project of the Corps of Engineers, or a separable element of such a project, including a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), the Secretary shall consider modifications that would improve the overall quality of the environment in the public interest, including removal of the project or separable element of a project.

(b)DISPOSITION STUDY TRANSPARENCY.—The Secretary shall carry out disposition studies described in subsection (a) in a transparent manner, including by—

- (1) providing opportunities for public input; and
- (2) publishing the final disposition studies.

(c)REMOVAL OF INFRASTRUCTURE.—For disposition studies described in subsection (a) in which the Secretary determines that a Federal interest no longer exists, and makes a recommendation of removal of the project or separable element of a project, the Secretary is authorized to pursue removal of the project or separable element of a project using—

- (1) existing authorities, as considered appropriate by the Secretary; or

(2) partnerships with other Federal agencies and non-Federal entities with appropriate capabilities to undertake infrastructure removal.

Page 52, after line 24, insert the following:

(21) Project for flood damage reduction, Westminster-East Garden Grove, California.

(22) Project for hurricane and storm damage risk reduction and ecosystem restoration, Southwest Coastal Louisiana, Louisiana, authorized by section 1401(8) of the Water Resources Development Act of 2016 (130 Stat.1715).

(23) Project for navigation and channel deepening, Baptiste Collette Bayou, Louisiana, under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231).

(24) Project for navigation and channel deepening, Houma Navigation Canal, Louisiana, under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231).

(25) Project for navigation and channel deepening, Bayou Lafourche, Louisiana, under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231).

Strike section 308 and insert the following:

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

Not later than 30 days 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 on the total estimated value of in-kind contributions made by the non-Federal interest with respect to the following six 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.

At the end of title III, add the following:

SEC. 311. BOSTON HARBOR RESERVED CHANNEL DEAUTHORIZATIONS.

(a)40-FOOT RESERVED CHANNEL.—

(1)IN GENERAL.—The portions of the project for navigation, Boston Harbor, Massachusetts, authorized by the first section of the Act of October 17, 1940 (54 Stat. 1198, chapter 895) and modified by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), section 101(a)(13) of the Water Resources Development Act of 1990 (104 Stat. 4607), and section 7002(1) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1365) described in paragraph (2) are no longer authorized beginning on the date of enactment of this Act.

(2)AREAS DESCRIBED.—

(A)FIRST AREA.—The first areas described in this paragraph are—

(i) beginning at a point N. 2950154.45, E. 785995.64;

(ii) running southwesterly about 1451.63 feet to a point N. 2950113.83, E. 784544.58;

(iii) running southeasterly about 54.00 feet to a point N. 2950059.85, E. 784546.09;

(iv) running southwesterly about 1335.82 feet to a point N. 2950022.48, E. 783210.79;

(v) running northwesterly about 83.00 feet to a point N. 2950105.44, E. 783208.47;

(vi) running northeasterly about 2787.45 feet to a point N. 2950183.44, E. 785994.83; and

(vii) running southeasterly about 29.00 feet to the point described in clause (i).

(B)SECOND AREA.—The second areas described in this paragraph are—

(i) beginning at a point N. 2950502.86, E. 785540.84;

(ii) running northeasterly about 46.11 feet to a point N. 2950504.16, E. 785586.94;

(iii) running southwesterly about 25.67 feet to a point N. 2950480.84, E. 785576.18;

(iv) running southwesterly to a point N. 2950414.32, E. 783199.83;

(v) running northwesterly about 8.00 feet to a point N. 2950422.32, E. 783199.60;

(vi) running northeasterly about 2342.58 feet to a point N. 2950487.87, E. 785541.26; and

(vii) running northwesterly about 15.00 feet to the point described in clause (i).

(b)35-FOOT RESERVED CHANNEL.—

(1)IN GENERAL.—The portions of the project for navigation, Boston Harbor, Massachusetts, authorized by the first section of the Act of October 17, 1940 (54 Stat. 1198, chapter 895) and modified by section 101 of the River and Harbor Act of 1958 (72 Stat. 297) described in paragraph (2) are no longer authorized beginning on the date of enactment of this Act.

(2)AREAS DESCRIBED.—

(A)FIRST AREA.—The first areas described in this paragraph are—

(i) beginning at a point N. 2950143.44, E. 787532.14;

(ii) running southeasterly about 22.21 feet to a point N. 2950128.91, E. 787548.93;

(iii) running southwesterly about 4,339.42 feet to a point N. 2950007.48, E. 783211.21;

(iv) running northwesterly about 15.00 feet to a point N. 2950022.48, E. 783210.79; and

(v) running northeasterly about 4,323.05 feet to the point described in clause (i).

(B)SECOND AREA.—The second areas described in this paragraph are—

(i) beginning at a point N. 2950502.86, E. 785540.84;

(ii) running southeasterly about 15.00 feet to a point N. 2950487.87, E. 785541.26;

(iii) running southwesterly about 2342.58 feet to a point N. 2950422.32, E. 783199.60;

(iv) running southeasterly about 8.00 feet to a point N. 2950414.32, E. 783199.83;

(v) running southwesterly about 1339.12 feet to a point N. 2950376.85, E. 781861.23;

(vi) running northwesterly about 23.00 feet to a point N. 2950399.84, E. 781860.59; and

(vii) running northeasterly about 3681.70 feet to the point described in clause (i).

SEC. 312. CONTINUED AUTHORIZATION OF CERTAIN PROJECTS.

Notwithstanding the third sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), projects and separable elements of projects identified in the fiscal year 2017 report prepared in accordance with such section and submitted to Congress on December 15, 2016, shall not be deauthorized unless such projects and separable elements meet the requirements of section 1301(b)(1)(A) of the Water Resources Development Act of 2016 (130 Stat. 1687).

The Acting CHAIR. Pursuant to House Resolution 918, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chair, I yield myself such time as I may consume.

The manager's amendment we are offering makes technical and conforming changes to the Rules Committee Print and adds important provisions that we worked out with the minority. This amendment includes a provision that establishes a regional long-term contract pilot program in order to drive ef-

ficiency and cost savings for our Nation's dredging responsibilities.

It also contains a provision that the Secretary deliver a report to Congress on the current status of the Old River control structure on the Mississippi River.

This amendment corrects a provision that would have created direct spending authority for certain Everglades projects. It expedites five project studies for critical water resource projects. Lastly, this amendment de-authorizes a project in Boston Harbor.

Mr. Chair, I urge all Members to support this amendment, and I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chair, I claim the time in opposition to the amendment, although I support the amendment.

The Acting CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chair, I yield myself such time as I may consume.

I support the amendment, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Chair, I ask all Members to support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 115-711.

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Chair, parliamentary inquiry.

The Acting CHAIR. The gentleman from Oregon will state his parliamentary inquiry.

Mr. DEFAZIO. Mr. Chair, wouldn't it be in order just to move along? If people aren't responsible enough to be here, they don't get to offer the amendment.

The Acting CHAIR. It is now in order to consider amendment No. 2.

It is now in order to consider amendment No. 3 printed in part A of House Report 115-711.

Mr. DEFAZIO. The gentleman did not respond to my previous inquiry.

There were 53 amendments offered. The Rules Committee didn't give us en bloc authority. We need to expedite this. If people aren't here, we need to move along.

The Acting CHAIR. It is now in order to consider amendment No. 3.

The Chair will query for the next amendment.

It is now in order to consider amendment No. 4 printed in part A of House Report 115-711.

It is now in order to consider amendment No. 5 printed in part A of House Report 115-711.

AMENDMENT NO. 6 OFFERED BY MR. SHUSTER

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 115-711.

Mr. SHUSTER. Mr. Chair, as the designee of the gentleman from Florida, I offer amendment No. 6.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, line 14, strike "and".

Page 27, after line 14, insert the following (and redesignate the subsequent paragraph accordingly):

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

"(c) STUDIES AND ENGINEERING.—

"(1) IN GENERAL.—When requested by an appropriate non-Federal interest, the Secretary shall undertake all necessary studies, engineering, and technical assistance on construction for any project 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 on construction in the period during which the studies, engineering, or technical assistance on construction are being conducted.

"(2) NO WAIVER.—Nothing in this section may be construed to waive any requirement of section 3142 of title 40, United States Code.

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

"(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."; and

The Acting CHAIR. Pursuant to House Resolution 918, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chair, this amendment should help projects be executed more quickly, and I appreciate my colleagues who worked on this: Mr. POSEY, Mr. MAST, Mr. HASTINGS, and Ms. WILSON.

I ask all my colleagues to support this. I think it is a good amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 115-711.

It is now in order to consider amendment No. 8 printed in part A of House Report 115-711.

Mr. SHUSTER. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRAVES of Louisiana) having assumed the chair, Mr. HARPER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration 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, had come to no resolution thereon.

PERMISSION TO CONSIDER AMENDMENTS OUT OF SEQUENCE DURING FURTHER CONSIDERATION OF H.R. 8

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 8 in the Committee of the Whole pursuant to House Resolution 918, the following amendments printed in part A of House Report 115-711 may be considered out of sequence:

Amendments numbered 2, 3, 4, 5, 7, and 8.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WATER RESOURCES DEVELOPMENT ACT OF 2018

The SPEAKER pro tempore. Pursuant to House Resolution 918 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 8.

Will the gentleman from Mississippi (Mr. HARPER) kindly resume the chair.

□ 1530

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of 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, with Mr. HARPER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose earlier today, amendment No. 6 printed in House Report 115-711 offered by the gentleman from Pennsylvania (Mr. SHUSTER) had been disposed of.

AMENDMENT NO. 3 OFFERED BY MR. GIBBS

The Acting CHAIR. Pursuant to the order of the House of today, it is now in order to consider amendment No. 3 printed in part A of House Report 115-711.

Mr. GIBBS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 17, insert " , if determined necessary after taking into account all relevant factors (including past successful project completion)" before the semicolon.

The Acting CHAIR. Pursuant to House Resolution 918, the gentleman from Ohio (Mr. GIBBS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. GIBBS. Mr. Chairman, I rise to introduce my amendment to H.R. 8, the Water Resources Development Act, to provide the Army Corps of Engineers greater flexibility and the ability to use a variety of factors in determining financial assurances with respect to section 404 permitted projects.

The Army Corps currently has considerable discretion at the district level on whether to require financial assurance or a bond of unauthorized projects. This includes a firm source of funding from a project or its history of successful completion of projects. The exclusion of this relevant data in determining a financial assurance requirement has led to uneven application of the Corps discretion at the district levels.

As a result, regulatory and financial requirements can be uncertain for even one private entity from Corps district to Corps district. My amendment will give a more uniform framework with a wider scope of factors used in determining the financial mitigation requirements for a 404 project.

I urge my colleagues to support this amendment for regulatory certainty, and I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chair, I claim time in opposition.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chair, I yield to my colleague from Louisiana, GARRET GRAVES.

Mr. GRAVES of Louisiana. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this amendment is an important amendment in that it tries to ensure that mitigation banks and other types of mitigation mechanisms are viable options to be able to build projects.

In some cases, you have unavoidable impacts. We need to be able to have options to mitigate for those impacts so we can truly build projects.

I commend the gentleman from Ohio for raising this issue, for bringing this up. I do think that we need to continue working on refining the text a little bit and working together in a bipartisan manner with our friends on the other side of the aisle to get this to a place where everyone can agree.

Again, I think it is an important issue for us to address to ensure that mitigation credits are actually accessible, and I want to see if the gentleman will be willing to withdraw the amendment with the understanding that we are going to work with him to ensure that we can address this issue moving forward through the legislative process.

Mr. DEFAZIO. Mr. Chairman, I yield back the balance of my time.

Mr. GIBBS. Mr. Chairman, I think, with the comments from the subcommittee chairman and the chairman's willingness to work through this as we go through the process, I yield back the balance of my time.

Mr. Chair, I ask unanimous consent to withdraw my amendment.