

113TH CONGRESS
1ST SESSION

H. R. 3080

AN ACT

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.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Water Resources Reform and Development Act of 2013”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—PROGRAM REFORMS AND STREAMLINING

Sec. 101. Vertical integration and acceleration of studies.

Sec. 102. Expediting the evaluation and processing of permits.

Sec. 103. Environmental streamlining.

Sec. 104. Consolidation of studies.

Sec. 105. Expedited completion of reports.

Sec. 106. Removal of duplicative analyses.

Sec. 107. Expediting approval of modifications and alterations of projects by
non-Federal interests.

Sec. 108. Construction of projects by non-Federal interests.

Sec. 109. Contributions by non-Federal interests.

Sec. 110. Contributions by non-Federal interests for management of Corps of
Engineers inland navigation facilities.

Sec. 111. Additional contributions by non-Federal interests.

Sec. 112. Contributions by non-Federal interests prior to authorization of final
feasibility reports.

Sec. 113. Clarification of impacts to other Federal facilities.

Sec. 114. Clarification of previously authorized work.

Sec. 115. Tribal partnership program.

Sec. 116. Technical corrections.

Sec. 117. Water infrastructure public-private partnership pilot program.

Sec. 118. Annual report to Congress.

Sec. 119. Actions to be taken in conjunction with the President’s annual budget
submission to Congress.

Sec. 120. Hurricane and storm damage reduction study.

Sec. 121. Non-Federal plans to provide additional flood risk reduction.

Sec. 122. Review of emergency response authorities.

Sec. 123. Emergency communication of risk.

Sec. 124. Improvements to the National Dam Safety Program Act.

Sec. 125. Restricted areas at Corps of Engineers dams.

Sec. 126. Levee safety.

Sec. 127. Vegetation on levees.

Sec. 128. Reduction of Federal costs.

Sec. 129. Advanced modeling technologies.

Sec. 130. Enhanced use of electronic commerce in Federal procurement.

Sec. 131. Corrosion prevention.

Sec. 132. Resilient construction and use of innovative materials.

Sec. 133. Assessment of water supply in arid regions.

Sec. 134. River basin commissions.

Sec. 135. Sense of Congress regarding water resources development bills.

Sec. 136. Donald G. Waldon Lock and Dam.

- Sec. 137. Aquatic invasive species.
- Sec. 138. Recreational access.
- Sec. 139. Territories of the United States.
- Sec. 140. Sense of Congress regarding interstate water agreements and compacts.
- Sec. 141. Report on surface elevations at drought effected lakes.
- Sec. 142. Future water supply.
- Sec. 143. Congressional consent for new project purposes.
- Sec. 144. Multiagency effort to slow the spread of asian carp in the upper mississippi river and ohio river basins and tributaries.
- Sec. 145. Aquatic invasive species prevention and control.
- Sec. 146. National Ocean Policy implementation.
- Sec. 147. Calculation of benefits and costs for flood damage reduction and hurricane and storm damage reduction projects.

TITLE II—NAVIGATION IMPROVEMENTS

Subtitle A—Ports

- Sec. 201. Expanded use of Harbor Maintenance Trust Fund.
- Sec. 202. Assessment and prioritization of operation and maintenance.
- Sec. 203. Preserving United States harbors.
- Sec. 204. Consolidation of deep draft navigation expertise.
- Sec. 205. Disposal sites.
- Sec. 206. Harbor Maintenance Trust Fund study.

Subtitle B—Inland Waterways

- Sec. 211. Definitions.
- Sec. 212. Project delivery process reforms.
- Sec. 213. Efficiency of revenue collection.
- Sec. 214. Inland waterways revenue studies.
- Sec. 215. Inland waterways stakeholder roundtable.
- Sec. 216. Preserving the Inland Waterway Trust Fund.
- Sec. 217. Public comment on lock operations.
- Sec. 218. Assessment of operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.
- Sec. 219. Upper Mississippi River protection.
- Sec. 220. Corps of Engineers lock and dam energy development.

TITLE III—DEAUTHORIZATIONS AND BACKLOG PREVENTION

- Sec. 301. Deauthorization of inactive projects.
- Sec. 302. Review of Corps of Engineers assets.
- Sec. 303. Backlog prevention.
- Sec. 304. Deauthorizations.
- Sec. 305. Land conveyances.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Authorization of final feasibility studies.
- Sec. 402. Project modifications.

1 **SEC. 2. DEFINITION OF SECRETARY.**

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

4 **TITLE I—PROGRAM REFORMS**
5 **AND STREAMLINING**

6 **SEC. 101. VERTICAL INTEGRATION AND ACCELERATION OF**
7 **STUDIES.**

8 (a) IN GENERAL.—To the extent practicable, a feasi-
9 bility study initiated by the Secretary, after the date of
10 enactment of this Act, under section 905(a) of the Water
11 Resources Development Act of 1986 (33 U.S.C. 2282(a))
12 shall—

13 (1) result in the completion of a final feasibility
14 report not later than 3 years after the date of initi-
15 ation;

16 (2) have a maximum Federal cost of
17 \$3,000,000; and

18 (3) ensure that personnel from the district, divi-
19 sion, and headquarters levels of the Corps of Engi-
20 neers concurrently conduct the review required
21 under that section.

22 (b) EXCEPTION.—If the Secretary determines that a
23 feasibility study described in subsection (a) will not be
24 conducted in accordance with subsection (a), the Sec-
25 retary, not later than 30 days after the date of making
26 the determination, shall—

1 (1) prepare an updated feasibility study sched-
2 ule and cost estimate;

3 (2) notify the non-Federal feasibility cost shar-
4 ing partner that the feasibility study has been de-
5 layed; and

6 (3) provide written notice to the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives and the Committee on Environment
9 and Public Works of the Senate as to the reasons
10 the requirements of subsection (a) are not attain-
11 able.

12 (c) TERMINATION OF AUTHORIZATION.—A feasibility
13 study for which the Secretary has issued a determination
14 under subsection (b) is not authorized after the last day
15 of the 1-year period beginning on the date of the deter-
16 mination if the Secretary has not completed the study on
17 or before such last day.

18 (d) REPORT.—Not later than 4 years after the date
19 of enactment of this Act, the Secretary shall submit to
20 the Committee on Transportation and Infrastructure of
21 the House of Representatives and the Committee on Envi-
22 ronment and Public Works of the Senate a report that
23 describes—

1 (1) the status of the implementation of this sec-
2 tion, including a description of each feasibility study
3 subject to the requirements of this section;

4 (2) the amount of time taken to complete each
5 such feasibility study; and

6 (3) any recommendations for additional author-
7 ity necessary to support efforts to expedite the feasi-
8 bility study process, including an analysis of whether
9 the limitation established by subsection (a)(2) needs
10 to be adjusted to address the impacts of inflation.

11 (e) **REVIEWS.**—Not later than 90 days after the date
12 of the initiation of a study described in subsection (a) for
13 a project, the Secretary shall—

14 (1) take all steps necessary to initiate the feder-
15 ally mandated reviews that the Secretary is required
16 to complete as part of the study, including environ-
17 mental reviews;

18 (2) convene a meeting of all Federal, tribal, and
19 State agencies identified under section 2045(d) of
20 the Water Resources Development Act of 2007 (33
21 U.S.C. 2348(d)), as amended by this Act, and that
22 may be required by law to conduct or issue a review,
23 analysis, or opinion on or to make a determination
24 concerning a permit or license for the study;

1 (3) provide the agencies referred to in para-
2 graph (2) with all relevant information related to the
3 scope and potential impacts of the project, including
4 environmental impacts; and

5 (4) take all steps necessary to provide informa-
6 tion that will enable required reviews and analyses
7 related to the project to be conducted by other agen-
8 cies in a thorough and timely manner.

9 **SEC. 102. EXPEDITING THE EVALUATION AND PROCESSING**
10 **OF PERMITS.**

11 Section 214 of the Water Resources Development Act
12 of 2000 (33 U.S.C. 2201 note) is amended—

13 (1) in subsection (a)—

14 (A) by inserting “or public-utility company
15 or natural gas company (as defined in section
16 1262 of the Public Utility Holding Company
17 Act of 2005 (42 U.S.C. 16451))” after “non-
18 Federal public entity”;

19 (B) by inserting “or company” after “that
20 entity”; and

21 (C) by adding at the end the following:
22 “To the maximum extent practicable, the Sec-
23 retary shall ensure that expediting the evalua-
24 tion of a permit through the use of funds ac-
25 cepted and expended under this section does not

1 adversely affect the timeline for evaluation (in
2 the Corps district in which the project or activ-
3 ity is located) of permits under the jurisdiction
4 of the Department of the Army of other entities
5 that have not contributed funds under this sec-
6 tion.”; and

7 (2) by striking subsection (e).

8 **SEC. 103. ENVIRONMENTAL STREAMLINING.**

9 (a) **DECLARATION OF POLICY.—**

10 (1) **IN GENERAL.—**Congress declares that—

11 (A) the benefits of water resources projects
12 are important to the Nation’s economy and en-
13 vironment;

14 (B) it is in the national interest to expedite
15 the delivery of water resources projects;

16 (C) it is in the national interest for Fed-
17 eral and State agencies, local governments, In-
18 dian tribes, and other entities involved in water
19 resources projects—

20 (i) to accelerate study completion and
21 project delivery and to reduce costs; and

22 (ii) to ensure that the planning, de-
23 sign, engineering, construction, and fund-
24 ing of water resources projects is done in
25 an efficient and effective manner, pro-

1 moting accountability for public invest-
2 ments and encouraging greater local and
3 private sector involvement in project fi-
4 nancing and delivery while addressing pub-
5 lic safety and protecting the environment;
6 and

7 (D) delay in the delivery of water resources
8 studies and projects—

9 (i) increases project costs, flood risks,
10 and local and Federal expenditures for
11 emergency management and recovery;

12 (ii) harms the economy of the United
13 States; and

14 (iii) impedes the shipment of goods
15 for the conduct of commerce.

16 (2) POLICY.—Given the declarations set forth
17 in paragraph (1), it is the policy of the United
18 States that—

19 (A) recommendations to Congress regard-
20 ing such projects should be accelerated by co-
21 ordinated and efficient environmental reviews
22 and cooperative efforts to quickly resolve dis-
23 putes during the development of water re-
24 sources projects;

1 (B) the Secretary shall have the lead role
2 among Federal agencies in facilitating the envi-
3 ronmental review process for water resources
4 projects;

5 (C) each Federal agency shall cooperate
6 with the Secretary to expedite the environ-
7 mental review process for water resources
8 projects;

9 (D) programmatic approaches shall be
10 used if applicable to reduce the need for
11 project-by-project reviews and decisions by Fed-
12 eral agencies;

13 (E) the Secretary shall identify opportuni-
14 ties for non-Federal sponsors to assume respon-
15 sibilities of the Secretary if such responsibilities
16 can be assumed in a manner that protects pub-
17 lic health and safety, the environment, and pub-
18 lic participation; and

19 (F) the Assistant Secretary of the Army
20 for Civil Works shall identify and promote the
21 deployment of innovations aimed at reducing
22 the time and money required to deliver water
23 resources projects while protecting the environ-
24 ment.

25 (b) STREAMLINED PROJECT DELIVERY.—

1 (1) IN GENERAL.—Section 2045 of the Water
2 Resources Development Act of 2007 (33 U.S.C.
3 2348) is amended to read as follows:

4 **“SEC. 2045. STREAMLINED PROJECT DELIVERY.**

5 “(a) DEFINITIONS.—In this section, the following
6 definitions apply:

7 “(1) ENVIRONMENTAL IMPACT STATEMENT.—
8 The term ‘environmental impact statement’ means
9 the detailed statement of environmental impacts re-
10 quired to be prepared pursuant to the National En-
11 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
12 seq.).

13 “(2) ENVIRONMENTAL REVIEW PROCESS.—

14 “(A) IN GENERAL.—The term ‘environ-
15 mental review process’ means the process of
16 preparing an environmental impact statement,
17 environmental assessment, categorical exclusion,
18 or other document under the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4321 et
20 seq.) for a project study.

21 “(B) INCLUSIONS.—The term ‘environ-
22 mental review process’ includes the process for
23 and completion of any environmental permit,
24 approval, review, or study required for a project
25 study under any Federal law other than the

1 National Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq.).

3 “(3) FEDERAL JURISDICTIONAL AGENCY.—The
4 term ‘Federal jurisdictional agency’ means a Federal
5 agency with jurisdiction over a review, analysis,
6 opinion, statement, permit, license, or other approval
7 or decision required for a project study under appli-
8 cable Federal laws, including regulations.

9 “(4) PROJECT.—The term ‘project’ means a
10 Corps of Engineers water resources project.

11 “(5) PROJECT SPONSOR.—The term ‘project
12 sponsor’ means the non-Federal interest as defined
13 in section 221(b) of the Flood Control Act of 1970
14 (42 U.S.C. 1962d–5b).

15 “(6) PROJECT STUDY.—The term ‘project
16 study’ means a feasibility study for a project carried
17 out pursuant to section 905 of the Water Resources
18 Development Act of 1986 (33 U.S.C. 2282).

19 “(b) APPLICABILITY.—The procedures in this section
20 are applicable to all project studies initiated after the date
21 of enactment of the Water Resources Reform and Devel-
22 opment Act of 2013 and for which an environmental im-
23 pact statement is prepared under the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
25 may be applied, to the extent determined appropriate by

1 the Secretary, to other project studies initiated after such
2 date of enactment and for which an environmental review
3 process document is prepared under such Act.

4 “(c) LEAD AGENCIES.—

5 “(1) FEDERAL LEAD AGENCY.—The Corps of
6 Engineers shall be the Federal lead agency in the
7 environmental review process for a project study.

8 “(2) NON-FEDERAL PROJECT SPONSOR AS
9 JOINT LEAD AGENCY.—At the discretion of the Sec-
10 retary and subject to the requirements of the Na-
11 tional Environmental Policy Act of 1969 (42 U.S.C.
12 4321 et seq.), a non-Federal project sponsor that is
13 an agency defined in subsection (a)—

14 “(A) may serve as a joint lead agency with
15 the Corps of Engineers for purposes of pre-
16 paring any environmental review process docu-
17 ment under the National Environmental Policy
18 Act of 1969 (42 U.S.C. 4321 et seq.); and

19 “(B) may assist in the preparation of any
20 such environmental review process document re-
21 quired under the National Environmental Pol-
22 icy Act of 1969 if the Secretary provides guid-
23 ance in the preparation process, participates in
24 preparing the document, independently evalu-
25 ates that document, and approves and adopts

1 the document before the Secretary takes any
2 subsequent action or makes any approval based
3 on that document.

4 “(3) ADOPTION AND USE OF DOCUMENTS.—
5 Any environmental review process document pre-
6 pared in accordance with this subsection shall be
7 adopted and used by any Federal agency in making
8 any approval of a project subject to this section as
9 the document required to be completed under the
10 National Environmental Policy Act of 1969 (42
11 U.S.C. 4321 et seq.) to the same extent that the
12 Federal agency may adopt or use a document pre-
13 pared by another Federal agency under the National
14 Environmental Policy Act of 1969 (42 U.S.C. 4321
15 et seq.).

16 “(4) ROLES AND RESPONSIBILITY OF FEDERAL
17 LEAD AGENCY.—With respect to the environmental
18 review process for any project, the Federal lead
19 agency shall have authority and responsibility—

20 “(A) to take such actions as are necessary
21 and proper, within the authority of the Federal
22 lead agency, to facilitate the expeditious resolu-
23 tion of the environmental review process for the
24 project study; and

1 “(B) to prepare or ensure that any re-
2 quired environmental impact statement or other
3 document for a project study required to be
4 completed under the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4321 et seq.) is
6 completed in accordance with this section and
7 applicable Federal law.

8 “(d) PARTICIPATING AND COOPERATING AGEN-
9 CIES.—

10 “(1) IDENTIFICATION.—The Federal lead agen-
11 cy shall identify, as early as practicable in the envi-
12 ronmental review process for a project study, any
13 Federal or State agency, local government, or Indian
14 tribe that may—

15 “(A) have jurisdiction over the project;

16 “(B) be required by law to conduct or
17 issue a review, analysis, opinion, or statement
18 for the project study; or

19 “(C) be required to make a determination
20 on issuing a permit, license, or other approval
21 or decision for the project study.

22 “(2) INVITATION.—

23 “(A) IN GENERAL.—The Federal lead
24 agency shall invite any such agency identified
25 under paragraph (1) to become a participating

1 or cooperating agency in the environmental re-
2 view process for the project study.

3 “(B) DEADLINE.—An invitation to partici-
4 pate issued under subparagraph (A) shall estab-
5 lish a deadline by which a response to the invi-
6 tation shall be submitted, which may be ex-
7 tended by the Federal lead agency for good
8 cause.

9 “(3) FEDERAL COOPERATING AGENCY.—Any
10 Federal agency that is invited by the Federal lead
11 agency to participate in the environmental review
12 process for a project study shall be designated as a
13 cooperating agency by the Federal lead agency un-
14 less the invited agency informs the Federal lead
15 agency, in writing, by the deadline specified in the
16 invitation that the invited agency—

17 “(A) has no jurisdiction or authority with
18 respect to the project;

19 “(B) has no expertise or information rel-
20 evant to the project study; and

21 “(C) does not intend to submit comments
22 on the project study.

23 “(4) EFFECT OF DESIGNATION.—

24 “(A) REQUIREMENT.—A participating or
25 cooperating agency shall comply with the re-

1 requirements of this section and any schedule es-
2 tablished under this section.

3 “(B) IMPLICATION.—Designation under
4 this subsection shall not imply that the partici-
5 pating or cooperating agency—

6 “(i) supports a proposed project; or

7 “(ii) has any jurisdiction over, or spe-
8 cial expertise with respect to evaluation of,
9 the project.

10 “(5) CONCURRENT REVIEWS.—Each partici-
11 pating or cooperating agency shall—

12 “(A) carry out the obligations of that
13 agency under other applicable law concurrently
14 and in conjunction with the required environ-
15 mental review process unless doing so would
16 prevent such agency from conducting needed
17 analysis or otherwise carrying out their obliga-
18 tions under those other laws; and

19 “(B) formulate and implement administra-
20 tive, policy, and procedural mechanisms to en-
21 able the agency to ensure completion of the en-
22 vironmental review process in a timely, coordi-
23 nated, and environmentally responsible manner.

24 “(e) PROGRAMMATIC COMPLIANCE.—

1 “(1) IN GENERAL.—The Secretary shall issue
2 guidance regarding the use of programmatic ap-
3 proaches to carry out the environmental review proc-
4 ess that—

5 “(A) eliminates repetitive discussions of
6 the same issues;

7 “(B) focuses on the actual issues ripe for
8 analyses at each level of review;

9 “(C) establishes a formal process for co-
10 ordinating with participating and cooperating
11 agencies, including the creation of a list of all
12 data that is needed to carry out the environ-
13 mental review process; and

14 “(D) complies with—

15 “(i) the National Environmental Pol-
16 icy Act of 1969 (42 U.S.C. 4321 et seq.);
17 and

18 “(ii) all other applicable laws.

19 “(2) REQUIREMENTS.—In carrying out para-
20 graph (1), the Secretary shall—

21 “(A) as the first step in drafting guidance
22 under that paragraph, consult with relevant
23 Federal and State agencies, local governments,
24 Indian tribes, and the public on the use and
25 scope of the programmatic approaches;

1 “(B) emphasize the importance of collabo-
2 ration among relevant Federal agencies, State
3 agencies, local governments, and Indian tribes
4 in undertaking programmatic reviews, especially
5 with respect to reviews with a broad geo-
6 graphical scope;

7 “(C) ensure that the programmatic re-
8 views—

9 “(i) promote transparency, including
10 of the analyses and data used in the envi-
11 ronmental review process, the treatment of
12 any deferred issues raised by a Federal or
13 State agency, local government, Indian
14 tribe, or the public, and the temporal and
15 special scales to be used to analyze those
16 issues;

17 “(ii) use accurate and timely informa-
18 tion in the environmental review process,
19 including—

20 “(I) criteria for determining the
21 general duration of the usefulness of
22 the review; and

23 “(II) the timeline for updating
24 any out-of-date review;

25 “(iii) describe—

1 “(I) the relationship between pro-
2 grammatic analysis and future tiered
3 analysis; and

4 “(II) the role of the public in the
5 creation of future tiered analysis; and

6 “(iv) are available to other relevant
7 Federal and State agencies, local govern-
8 ments, Indian tribes, and the public;

9 “(D) allow not less than 60 days of public
10 notice and comment on any proposed guidance;
11 and

12 “(E) address any comments received under
13 subparagraph (D).

14 “(f) COORDINATED REVIEWS.—

15 “(1) COORDINATION PLAN.—

16 “(A) ESTABLISHMENT.—The Federal lead
17 agency, after consultation with each partici-
18 pating and cooperating agency and the non-
19 Federal project sponsor or joint lead agency, as
20 applicable, shall establish a plan for coordi-
21 nating public and agency participation in and
22 comment on the environmental review process
23 for a project study.

24 “(B) INCORPORATION.—In developing the
25 plan established under subparagraph (A), the

1 Federal lead agency shall take under consider-
2 ation the scheduling requirements under section
3 101 of the Water Resources Reform and Devel-
4 opment Act of 2013.

5 “(2) SCHEDULE.—

6 “(A) IN GENERAL.—The Federal lead
7 agency, after consultation with each partici-
8 pating and cooperating agency and the non-
9 Federal project sponsor or joint lead agency, as
10 applicable, shall establish, as part of the coordi-
11 nation plan established in paragraph (1)(A), a
12 schedule for completion of the environmental re-
13 view process for the project study. In developing
14 the schedule, the Federal lead agency shall take
15 under consideration the scheduling require-
16 ments under section 101 of the Water Re-
17 sources Reform and Development Act of 2013.

18 “(B) FACTORS FOR CONSIDERATION.—In
19 establishing the schedule, the Federal lead
20 agency shall consider factors such as—

21 “(i) the responsibilities of partici-
22 pating and cooperating agencies under ap-
23 plicable laws;

24 “(ii) the resources available to the
25 participating and cooperating agencies and

1 the non-Federal project sponsor or joint
2 lead agency, as applicable;

3 “(iii) the overall size and complexity
4 of the project;

5 “(iv) the overall schedule for and cost
6 of the project; and

7 “(v) the sensitivity of the natural and
8 historic resources that may be affected by
9 the project.

10 “(C) CONSISTENCY WITH OTHER TIME PE-
11 RIODS.—A schedule under subparagraph (A)
12 shall be consistent with any other relevant time
13 periods established under Federal law.

14 “(D) MODIFICATION.—The Federal lead
15 agency may—

16 “(i) lengthen a schedule established
17 under subparagraph (A) for good cause; or

18 “(ii) shorten a schedule only with the
19 concurrence of the affected participating
20 and cooperating agencies and the non-Fed-
21 eral project sponsor or joint lead agency,
22 as applicable.

23 “(E) DISSEMINATION.—A copy of a sched-
24 ule established under subparagraph (A) shall
25 be—

1 “(i) provided to each participating
2 and cooperating agency and the non-Fed-
3 eral project sponsor or joint lead agency,
4 as applicable; and

5 “(ii) made available to the public.

6 “(3) COMMENT DEADLINES.—The Federal lead
7 agency shall establish the following deadlines for
8 comment during the environmental review process
9 for a project study:

10 “(A) DRAFT ENVIRONMENTAL IMPACT
11 STATEMENTS.—For comments by agencies and
12 the public on a draft environmental impact
13 statement, a period of not more than 60 days
14 after such document is made publicly available,
15 unless—

16 “(i) a different deadline is established
17 by agreement of the Federal lead agency,
18 all participating and cooperating agencies,
19 and the non-Federal project sponsor or
20 joint lead agency, as applicable; or

21 “(ii) the deadline is extended by the
22 Federal lead agency for good cause.

23 “(B) OTHER COMMENT PERIODS.—For all
24 other comment periods established by the Fed-
25 eral lead agency for agency or public comments

1 in the environmental review process, a period of
2 not more than 30 days after the date on which
3 the materials for which comment is requested
4 are made available, unless—

5 “(i) a different deadline is established
6 by agreement of the Federal lead agency,
7 all participating and cooperating agencies,
8 and the non-Federal project sponsor or
9 joint lead agency, as applicable; or

10 “(ii) the deadline is extended by the
11 Federal lead agency for good cause.

12 “(4) DEADLINES FOR DECISIONS UNDER
13 OTHER LAWS.—

14 “(A) PRIOR APPROVAL DEADLINE.—If a
15 participating or cooperating agency is required
16 to make a determination regarding or otherwise
17 approve or disapprove the project study prior to
18 the record of decision or finding of no signifi-
19 cant impact, such participating or cooperating
20 agency shall make such determination or ap-
21 proval not later than 30 days after the Federal
22 lead agency publishes notice of the availability
23 of a final environmental impact statement or
24 other final environmental document, or not

1 later than such other date that is otherwise re-
2 quired by law, whichever occurs first.

3 “(B) OTHER DEADLINES.—With regard to
4 any determination or approval of a partici-
5 pating or cooperating agency that is not subject
6 to subparagraph (A), each participating or co-
7 operating agency shall make any required deter-
8 mination or otherwise approve or disapprove the
9 project study not later than 90 days after the
10 date that the Federal lead agency approves the
11 record of decision or finding of no significant
12 impact for the project study, or not later than
13 such other date that is otherwise required by
14 law, whichever occurs first.

15 “(C) RECORD CLOSED.—In the event that
16 any participating or cooperating agency fails to
17 make a determination or approve or disapprove
18 the project study within the applicable deadline
19 described in subparagraph (A), the Federal lead
20 agency may close the record and find the record
21 sufficient for the project study as it relates to
22 such agency determination or approval.

23 “(g) ISSUE IDENTIFICATION AND RESOLUTION.—

24 “(1) COOPERATION.—The Federal lead agency
25 and participating and cooperating agencies shall

1 work cooperatively in accordance with this section to
2 identify and resolve issues that may delay comple-
3 tion of the environmental review process or result in
4 the denial of any approval required for the project
5 study under applicable laws.

6 “(2) FEDERAL LEAD AGENCY RESPONSIBIL-
7 ITIES.—

8 “(A) IN GENERAL.—The Federal lead
9 agency shall make information available to the
10 participating and cooperating agencies as early
11 as practicable in the environmental review proc-
12 ess regarding the environmental and socio-
13 economic resources located within the project
14 area and the general locations of the alter-
15 natives under consideration.

16 “(B) DATA SOURCES.—Such information
17 under subparagraph (A) may be based on exist-
18 ing data sources, including geographic informa-
19 tion systems mapping.

20 “(3) PARTICIPATING AND COOPERATING AGEN-
21 CY RESPONSIBILITIES.—Based on information re-
22 ceived from the Federal lead agency, participating
23 and cooperating agencies shall identify, as early as
24 practicable, any issues of concern regarding the po-
25 tential environmental or socioeconomic impacts of

1 the project, including any issues that may substan-
2 tially delay or prevent an agency from granting a
3 permit or other approval that is needed for the
4 project study.

5 “(4) ACCELERATED ISSUE RESOLUTION AND
6 ELEVATION.—

7 “(A) IN GENERAL.—Upon the request of a
8 participating or cooperating agency or non-Fed-
9 eral project sponsor, the Secretary shall convene
10 an issue resolution meeting with the relevant
11 participating and cooperating agencies and the
12 non-Federal project sponsor or joint lead agen-
13 cy, as applicable, to resolve issues that may—

14 “(i) delay completion of the environ-
15 mental review process; or

16 “(ii) result in denial of any approval
17 required for the project study under appli-
18 cable laws.

19 “(B) MEETING DATE.—A meeting re-
20 quested under this paragraph shall be held not
21 later than 21 days after the date on which the
22 Secretary receives the request for the meeting,
23 unless the Secretary determines that there is
24 good cause to extend that deadline.

1 “(C) NOTIFICATION.—Upon receipt of a
2 request for a meeting under this paragraph, the
3 Secretary shall notify all relevant participating
4 and cooperating agencies of the request, includ-
5 ing the issue to be resolved and the date for the
6 meeting.

7 “(D) ELEVATION OF ISSUE RESOLU-
8 TION.—If a resolution cannot be achieved with-
9 in 30 days after a meeting under this para-
10 graph and a determination is made by the Sec-
11 retary that all information necessary to resolve
12 the issue has been obtained, the Secretary shall
13 forward the dispute to the heads of the relevant
14 agencies for resolution.

15 “(E) CONVENTION BY SECRETARY.—The
16 Secretary may convene an issue resolution
17 meeting under this subsection at any time, at
18 the discretion of the Secretary, regardless of
19 whether a meeting is requested under subpara-
20 graph (A).

21 “(h) STREAMLINED DOCUMENTATION AND DECISIONMAKING.—

22 “(1) IN GENERAL.—The Federal lead agency in
23 the environmental review process for a project study,
24 in order to reduce paperwork and expedite decision-
25

1 making, shall prepare a condensed final environ-
2 mental impact statement under the National Envi-
3 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
4 seq.).

5 “(2) CONDENSED FORMAT.—A condensed final
6 environmental impact statement for a project study
7 in the environmental review process shall consist
8 only of—

9 “(A) an incorporation by reference of the
10 draft environmental impact statement;

11 “(B) any updates to specific pages or sec-
12 tions of the draft environmental impact state-
13 ment as appropriate; and

14 “(C) responses to comments on the draft
15 environmental impact statement and copies of
16 the comments.

17 “(3) TIMING OF DECISION.—Notwithstanding
18 any other provision of law, in conducting the envi-
19 ronmental review process for a project study, the
20 Federal lead agency shall combine a final environ-
21 mental impact statement and a record of decision
22 for the project study into a single document if—

23 “(A) the alternative approved in the record
24 of decision is either a preferred alternative iden-
25 tified in the draft environmental impact state-

1 ment or is a modification of such preferred al-
2 ternative developed in response to comments on
3 the draft environmental impact statement; and

4 “(B) the Federal lead agency has a written
5 commitment from parties responsible for imple-
6 mentation of the measures applicable to the ap-
7 proved alternative that are identified in the
8 final environmental impact statement that they
9 will implement those measures.

10 “(i) LIMITATIONS.—Nothing in this section shall pre-
11 empt or interfere with—

12 “(1) any practice of seeking, considering, or re-
13 sponding to public comment; or

14 “(2) any power, jurisdiction, responsibility, or
15 authority that a Federal or State agency, local gov-
16 ernment, Indian tribe, or non-Federal project spon-
17 sor has with respect to carrying out a project study
18 or any other provision of law applicable to a project.

19 “(j) TIMING OF CLAIMS.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of law, a claim arising under Federal law
22 seeking judicial review of a permit, license, or other
23 approval issued by a Federal agency for a project
24 study shall be barred unless it is filed not later than
25 150 days after publication of a notice in the Federal

1 Register announcing that the permit, license, or
2 other approval is final pursuant to the law under
3 which the agency action is taken, unless a shorter
4 time is specified in the Federal law which allows ju-
5 dicial review. Nothing in this subsection shall create
6 a right to judicial review or place any limit on filing
7 a claim that a person has violated the terms of a
8 permit, license, or other approval.

9 “(2) NEW INFORMATION.—The Secretary shall
10 consider new information received after the close of
11 a comment period if the information satisfies the re-
12 quirements for a supplemental environmental impact
13 statement under title 40, Code of Federal Regula-
14 tions. The preparation of a supplemental environ-
15 mental impact statement or other environmental
16 document when required by this section shall be con-
17 sidered a separate final agency action and the dead-
18 line for filing a claim for judicial review of such ac-
19 tion shall be 150 days after the date of publication
20 of a notice in the Federal Register announcing such
21 action.

22 “(k) CATEGORICAL EXCLUSIONS.—

23 “(1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this subsection, the
25 Secretary shall—

1 “(A) survey the use by the Corps of Engi-
2 neers of categorical exclusions in projects;

3 “(B) publish a review of the survey that
4 includes a description of—

5 “(i) the types of actions that were cat-
6 egorically excluded or may be the basis for
7 developing a new categorical exclusion; and

8 “(ii) any requests previously received
9 by the Secretary for new categorical exclu-
10 sions; and

11 “(C) solicit requests from other Federal
12 agencies and non-Federal project sponsors for
13 new categorical exclusions.

14 “(2) NEW CATEGORICAL EXCLUSIONS.—Not
15 later than 1 year after the date of enactment of this
16 subsection, if the Secretary identifies, based on the
17 review under paragraph (1), a category of activities
18 that merit establishing a categorical exclusion not in
19 existence on the day before the date of enactment of
20 this subsection, the Secretary shall publish a notice
21 of proposed rulemaking to propose that new categor-
22 ical exclusion, to the extent that the categorical ex-
23 clusion meets the criteria for a categorical exclusion
24 under section 1508.4 of title 40, Code of Federal
25 Regulations (or successor regulation).

1 “(1) IMPLEMENTATION GUIDANCE.—The Secretary
2 shall prepare guidance documents that describe the proc-
3 esses that the Secretary will use to implement this sec-
4 tion.”.

5 (2) CLERICAL AMENDMENT.—The table of con-
6 tents contained in section 1(b) of the Water Re-
7 sources Development Act of 2007 is amended by
8 striking the item relating to section 2045 and insert-
9 ing the following:

“Sec. 2045. Streamlined project delivery.”.

10 (c) CATEGORICAL EXCLUSION IN EMERGENCIES.—
11 For the repair, reconstruction, or rehabilitation of a water
12 resources project that is in operation or under construc-
13 tion when damaged by an event or incident that results
14 in a declaration by the President of a major disaster or
15 emergency pursuant to the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
17 seq.), the Secretary shall treat such repair, reconstruction,
18 or rehabilitation activity as a class of action categorically
19 excluded from the requirements relating to environmental
20 assessments or environmental impact statements under
21 section 1508.4 of title 40, Code of Federal Regulations,
22 if such repair or reconstruction activity is in the same lo-
23 cation with the same capacity, dimensions, and design as
24 the original water resources project as before the declara-
25 tion described in this section.

1 **SEC. 104. CONSOLIDATION OF STUDIES.**

2 (a) IN GENERAL.—

3 (1) REPEAL.—Section 905(b) of the Water Re-
4 sources Development Act of 1986 (33 U.S.C.
5 2282(b)) is repealed.

6 (2) CONFORMING AMENDMENT.—Section
7 905(a)(1) of such Act (33 U.S.C. 2282(a)(1)) is
8 amended by striking “perform a reconnaissance
9 study and”.

10 (b) CONTENTS OF FEASIBILITY REPORTS.—Section
11 905(a)(2) of such Act (33 U.S.C. 2282(a)(2)) is amended
12 by adding at the end the following: “A feasibility report
13 shall include a preliminary analysis of the Federal interest
14 and the costs, benefits, and environmental impacts of the
15 project.”.

16 (c) APPLICABILITY.—The Secretary shall continue to
17 carry out a study for which a reconnaissance level inves-
18 tigation has been initiated before the date of enactment
19 of this Act as if this section, including the amendments
20 made by this section, had not been enacted.

21 **SEC. 105. EXPEDITED COMPLETION OF REPORTS.**

22 The Secretary shall—

23 (1) expedite the completion of any on-going fea-
24 sibility study for a project initiated before the date
25 of enactment of this Act; and

1 (2) if the Secretary determines that the project
2 is justified in a completed report, proceed directly to
3 preconstruction planning, engineering, and design of
4 the project in accordance with section 910 of the
5 Water Resources Development Act of 1986 (100
6 Stat. 4189).

7 **SEC. 106. REMOVAL OF DUPLICATIVE ANALYSES.**

8 Section 911 of the Water Resources Development Act
9 of 1986 (33 U.S.C. 2288) is repealed.

10 **SEC. 107. EXPEDITING APPROVAL OF MODIFICATIONS AND**
11 **ALTERATIONS OF PROJECTS BY NON-FED-**
12 **ERAL INTERESTS.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Secretary, after pro-
15 viding notice and an opportunity for comment, shall estab-
16 lish a process for the review of section 14 applications in
17 a timely and consistent manner.

18 (b) SECTION 14 APPLICATION DEFINED.—In this
19 section, the term “section 14 application” means an appli-
20 cation submitted by an applicant to the Secretary request-
21 ing permission for the temporary occupation or use of a
22 public work, or the alteration or permanent occupation or
23 use of a public work, under section 14 of the Act entitled
24 “An Act making appropriations for the construction, re-
25 pair, and preservation of certain public works on rivers

1 and harbors, and for other purposes”, approved March 3,
2 1899 (commonly known as the “Rivers and Harbors Ap-
3 propriation Act of 1899”) (33 U.S.C. 408).

4 (c) BENCHMARK GOALS.—

5 (1) ESTABLISHMENT OF BENCHMARK GOALS.—

6 In carrying out subsection (a), the Secretary shall—

7 (A) establish benchmark goals for deter-
8 mining the amount of time it should take the
9 Secretary to determine whether a section 14 ap-
10 plication is complete;

11 (B) establish benchmark goals for deter-
12 mining the amount of time it should take the
13 Secretary to approve or disapprove a section 14
14 application; and

15 (C) to the extent practicable, use such
16 benchmark goals to make a decision on section
17 14 applications in a timely and consistent man-
18 ner.

19 (2) BENCHMARK GOALS.—

20 (A) BENCHMARK GOALS FOR DETER-
21 MINING WHETHER SECTION 14 APPLICATIONS
22 ARE COMPLETE.—To the extent practicable, the
23 benchmark goals established under paragraph
24 (1) shall provide that—

1 (i) the Secretary reach a decision on
2 whether a section 14 application is com-
3 plete not later than 15 days after the date
4 of receipt of the application; and

5 (ii) if the Secretary determines that a
6 section 14 application is not complete, the
7 Secretary promptly notify the applicant of
8 the specific information that is missing or
9 the analysis that is needed to complete the
10 application.

11 (B) BENCHMARK GOALS FOR REVIEWING
12 COMPLETED APPLICATIONS.—To the extent
13 practicable, the benchmark goals established
14 under paragraph (1) shall provide that—

15 (i) the Secretary generally approve or
16 disapprove a completed section 14 applica-
17 tion not later than 45 days after the date
18 of receipt of the completed application; and

19 (ii) in a case in which the Secretary
20 determines that additional time is needed
21 to review a completed section 14 applica-
22 tion due to the type, size, cost, complexity,
23 or impacts of the actions proposed in the
24 application, the Secretary approve or dis-
25 approve the application not later than 180

1 days after the date of receipt of the com-
2 pleted application.

3 (3) NOTICE.—In any case in which the Sec-
4 retary determines that it will take the Secretary
5 more than 45 days to review a completed section 14
6 application, the Secretary shall—

7 (A) provide written notification to the ap-
8 plicant; and

9 (B) include in the written notice a best es-
10 timate of the Secretary as to the amount of
11 time required for completion of the review.

12 (d) FAILURE TO ACHIEVE BENCHMARK GOALS.—In
13 any case in which the Secretary fails make a decision on
14 a section 14 application in accordance with the process
15 established under this section, the Secretary shall provide
16 written notice to the applicant, including a detailed de-
17 scription of—

18 (1) why the Secretary failed to make a decision
19 in accordance with such process;

20 (2) the additional actions required before the
21 Secretary will issue a decision; and

22 (3) the amount of time the Secretary will re-
23 quire to issue a decision.

24 (e) NOTIFICATION.—

1 (1) SUBMISSION TO CONGRESS.—The Secretary
2 shall provide a copy of any written notice provided
3 under subsection (d) to the Committee on Transpor-
4 tation and Infrastructure of the House of Represent-
5 atives and the Committee on Environment and Pub-
6 lic Works of the Senate.

7 (2) PUBLIC AVAILABILITY.—The Secretary
8 shall maintain a publicly available database, includ-
9 ing on the Internet, on—

10 (A) all section 14 applications received by
11 the Secretary; and

12 (B) the current status of such applications.

13 **SEC. 108. CONSTRUCTION OF PROJECTS BY NON-FEDERAL**
14 **INTERESTS.**

15 (a) CONSTRUCTION OF WATER RESOURCES DEVEL-
16 OPMENT PROJECTS.—Section 211 of the Water Resources
17 Development Act of 1996 (33 U.S.C. 701b–13) is amend-
18 ed—

19 (1) in the section heading by striking “**FLOOD**
20 **CONTROL**” and inserting “**WATER RESOURCES**
21 **DEVELOPMENT**”; and

22 (2) by striking “flood control” each place it ap-
23 pears and inserting “water resources development”.

24 (b) COMPLETION OF STUDIES AND DESIGN ACTIVI-
25 TIES.—Section 211(e) of such Act (33 U.S.C. 701b–13(e))

1 is amended by striking “date of the enactment of this Act”
2 and inserting “date of enactment of the Water Resources
3 Reform and Development Act of 2013”.

4 (c) AUTHORITY TO CARRY OUT IMPROVEMENTS.—
5 Section 211(d)(1) of such Act (33 U.S.C. 701b–13(d)(1))
6 is amended—

7 (1) by striking subparagraph (A)(i) and insert-
8 ing the following:

9 “(i) IN GENERAL.—A non-Federal in-
10 terest may carry out construction for
11 which studies and design documents are
12 prepared under subsection (b) only if—

13 “(I) the Secretary approves the
14 project for construction; and

15 “(II) the project is specifically
16 authorized by Congress.”; and

17 (2) by striking subparagraph (B) and inserting
18 the following:

19 “(B) STUDIES AND DESIGN ACTIVITIES
20 UNDER SUBSECTION (c).—Any non-Federal in-
21 terest that has received from the Secretary
22 under subsection (c) a favorable recommenda-
23 tion to carry out a water resources development
24 project, or separable element thereof, based on
25 the results of completed studies and design doc-

1 uments for the project or element may carry
2 out the project or element if—

3 “(i) a final environmental impact
4 statement under the National Environ-
5 mental Policy Act of 1969 (42 U.S.C.
6 4321 et seq.) has been filed for the project
7 or element; and

8 “(ii) the project is specifically author-
9 ized by Congress.”.

10 (d) REIMBURSEMENT.—Section 211(e) of such Act
11 (33 U.S.C. 701b–13(e)) is amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (B) by striking “and”
14 at the end;

15 (B) in subparagraph (C) by striking the
16 period at the end and inserting “; and”; and

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

18 “(D) if the project is specifically author-
19 ized by Congress.”; and

20 (2) in paragraph (6)—

21 (A) by striking subparagraph (B) and re-
22 designating subparagraphs (C) and (D) as sub-
23 paragraphs (B) and (C), respectively; and

24 (B) in subparagraph (B) (as so redesign-
25 nated)—

1 (i) by striking “At the request” and
2 inserting “In accordance with section 221
3 of the Flood Control Act of 1970 (42
4 U.S.C. 1962d–5b), at the request”; and

5 (ii) by inserting before the period at
6 the end the following: “, or toward the
7 non-Federal share of any other authorized
8 water resources development study or
9 project of such non-Federal interest”.

10 (e) OTHER MATTERS.—Section 211 of such Act (33
11 U.S.C. 701b–13) is amended by adding at the end the fol-
12 lowing:

13 “(h) OPERATION AND MAINTENANCE OF NAVIGA-
14 TION PROJECTS.—Whenever a non-Federal interest con-
15 structs improvements to a harbor or inland harbor, the
16 Secretary shall be responsible for maintenance in accord-
17 ance with section 101(b) of the Water Resources Develop-
18 ment Act of 1986 (33 U.S.C. 2211(b)) if—

19 “(1) the Secretary determines, before construc-
20 tion, that the improvements, or separable elements
21 thereof, are economically justified and environ-
22 mentally acceptable;

23 “(2) the Secretary certifies that the project is
24 constructed in accordance with applicable permits

1 and the appropriate engineering and design stand-
2 ards;

3 “(3) the Secretary does not find that the
4 project, or separable element thereof, is no longer
5 economically justified or environmentally acceptable;
6 and

7 “(4) the project is specifically authorized by
8 Congress.

9 “(i) IMPLEMENTATION.—All laws and regulations
10 that would apply to the Secretary if the Secretary were
11 carrying out a project shall apply to the non-Federal inter-
12 est carrying out a project under this section.

13 “(j) NOTIFICATION OF COMMITTEES.—The Secretary
14 shall notify in writing the Committee on Transportation
15 and Infrastructure of the House of Representatives and
16 the Committee on Environment and Public Works of the
17 Senate prior to initiation of negotiations with a non-Fed-
18 eral interest regarding the utilization of the authorities
19 under this section.”.

20 (f) REPEALS.—The following provisions are repealed:

21 (1) Section 204 of the Water Resources Devel-
22 opment Act of 1986 (33 U.S.C. 2232).

23 (2) Section 206 of the Water Resources Devel-
24 opment Act of 1992 (33 U.S.C. 426i–1) and the

1 item relating to that section in the table of contents
2 contained in section 1(b) of that Act.

3 (3) Section 404 of the Water Resources Devel-
4 opment Act of 1990 (33 U.S.C. 2232 note; 104
5 Stat. 4646) and the item relating to that section in
6 the table of contents contained in section 1(b) of
7 that Act.

8 (g) SAVING PROVISION.—Nothing in this section may
9 be construed to affect any agreement entered into under
10 section 204(f) of the Water Resources Development Act
11 of 1986 (33 U.S.C. 2232(f)) before the date of enactment
12 of this Act.

13 **SEC. 109. CONTRIBUTIONS BY NON-FEDERAL INTERESTS.**

14 (a) IN GENERAL.—Section 5 of the Act entitled “An
15 Act authorizing the construction of certain public works
16 on rivers and harbors for flood control, and for other pur-
17 poses”, approved June 22, 1936 (33 U.S.C. 701h), is
18 amended—

19 (1) by striking “from States and political sub-
20 divisions thereof,” and inserting “from a non-Fed-
21 eral interest (as defined in section 221 of the Flood
22 Control Act of 1970 (42 U.S.C. 1962d–5b))”;

23 (2) by striking “, which includes planning and
24 design”;

1 (3) by inserting “, including a project for navi-
2 gation on the inland waterways,” after “study or
3 project”;

4 (4) by striking “by States and political subdivi-
5 sions thereof,” and inserting “by a non-Federal in-
6 terest”;

7 (5) by striking “: *Provided further*, That the
8 term ‘States’ means the several States, the District
9 of Columbia, the commonwealths, territories, and
10 possessions of the United States, and Federally rec-
11 ognized Indian tribes”; and

12 (6) by inserting “: *And provided further*, That
13 the term ‘work’ means the planning, design, or con-
14 struction of an authorized water resources develop-
15 ment study or project, or the repair, restoration, or
16 replacement of an authorized water resources devel-
17 opment project that has been damaged by an event
18 or incident that results in a declaration by the Presi-
19 dent of a major disaster or emergency pursuant to
20 the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5121 et seq.)”
22 after “contributing interests”.

23 (b) NOTIFICATION FOR CONTRIBUTED FUNDS.—
24 Prior to the initiation of negotiations for accepting con-
25 tributed funds under section 5 of the Act entitled “An Act

1 authorizing the construction of certain public works on
2 rivers and harbors for flood control, and for other pur-
3 poses”, approved June 22, 1936 (33 U.S.C. 701h), the
4 Secretary shall provide written notice to the Committee
5 on Transportation and Infrastructure and the Committee
6 on Appropriations of the House of Representatives and the
7 Committee on Environment and Public Works and the
8 Committee on Appropriations of the Senate.

9 (c) TECHNICAL AMENDMENTS.—The following provi-
10 sions are repealed:

11 (1) Section 111(b) of the Energy and Water
12 Development and Related Agencies Appropriations
13 Act, 2012 (125 Stat. 858).

14 (2) Section 4 of the Act entitled “An Act mak-
15 ing appropriations for the construction, repair, and
16 preservation of certain public works on rivers and
17 harbors, and for other purposes”, approved March 4,
18 1915 (33 U.S.C. 560).

19 **SEC. 110. CONTRIBUTIONS BY NON-FEDERAL INTERESTS**
20 **FOR MANAGEMENT OF CORPS OF ENGINEERS**
21 **INLAND NAVIGATION FACILITIES.**

22 (a) IN GENERAL.—Section 225 of the Water Re-
23 sources Development Act of 1992 (33 U.S.C. 2328) is
24 amended—

1 (1) by striking the section designation and
2 heading and inserting the following:

3 **“SEC. 225. CONTRIBUTIONS BY NON-FEDERAL INTERESTS**
4 **FOR MANAGEMENT OF CORPS OF ENGINEERS**
5 **FACILITIES.”;**

6 (2) in subsection (a) by striking “managing
7 recreation facilities” and inserting “operating, main-
8 taining, and managing inland navigational facilities,
9 recreational facilities,”; and

10 (3) in subsection (b) by striking “and manage-
11 ment of recreation facilities” and inserting “, main-
12 tenance, and management of inland navigation facili-
13 ties, recreational facilities,”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 contained in section 1(b) of the Water Resources Develop-
16 ment Act of 1992 is amended by striking the item relating
17 to section 225 and inserting the following:

“225. Contributions by non-Federal interests for management of Corps of Engi-
neers facilities.”.

18 **SEC. 111. ADDITIONAL CONTRIBUTIONS BY NON-FEDERAL**
19 **INTERESTS.**

20 Section 902 of the Water Resources Development Act
21 of 1986 (33 U.S.C. 2280) is amended—

22 (1) by striking “In order to insure” and insert-
23 ing “(a) IN GENERAL.—In order to insure”; and

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

1 “(b) CONTRIBUTIONS BY NON-FEDERAL INTER-
2 ESTS.—Notwithstanding subsection (a), in accordance
3 with section 5 of the Act entitled ‘An Act authorizing the
4 construction of certain public works on rivers and harbors
5 for flood control, and for other purposes’, approved June
6 22, 1936 (33 U.S.C. 701h), the Secretary may accept
7 funds from a non-Federal interest for any authorized
8 water resources development project that has exceeded its
9 maximum cost under subsection (a), and use such funds
10 to carry out such project, if the use of such funds does
11 not increase the Federal share of the cost of such
12 project.”.

13 **SEC. 112. CONTRIBUTIONS BY NON-FEDERAL INTERESTS**
14 **PRIOR TO AUTHORIZATION OF FINAL FEASI-**
15 **BILITY REPORTS.**

16 (a) IN GENERAL.—Subject to subsection (b), a non-
17 Federal interest may carry out a project for which—

18 (1) a final feasibility report has been completed;

19 and

20 (2) authority for the Secretary to carry out
21 such project has not specifically been authorized by

22 Congress.

23 (b) CONDITIONS.—The non-Federal interest—

1 (1) shall, before carrying out the project, obtain
2 any permit, approval, or authorization required pur-
3 suant to Federal or State law; and

4 (2) shall carry out the project in accordance
5 with the plan, and subject to the conditions, de-
6 scribed in the final feasibility report.

7 (c) CREDIT, REIMBURSEMENT, AND FUTURE MAIN-
8 TENANCE.—

9 (1) ELIGIBILITY FOR CREDIT OR REIMBURSE-
10 MENT.—Subject to paragraph (4), and in accordance
11 with section 221 of the Flood Control Act of 1970
12 (42 U.S.C. 1962d–5b), a non-Federal interest may
13 be eligible for credit or reimbursement for the Fed-
14 eral share of any work carried out by the non-Fed-
15 eral interest under this section.

16 (2) ELIGIBILITY FOR MAINTENANCE OF NAVI-
17 GATION PROJECTS.—Subject to paragraph (4), and
18 in accordance with section 211(h) of the Water Re-
19 sources Development of Act of 1996 (33 U.S.C.
20 701b–13(h), whenever a non-Federal interest con-
21 structs improvements to a harbor or inland harbor
22 under this section, the Secretary shall be responsible
23 for maintenance of such harbor.

24 (3) LIMITATION.—Any activities carried out
25 under this section are authorized only to the extent

1 specifically provided for in subsequent appropria-
2 tions Acts.

3 (4) IMPLEMENTATION.—Paragraphs (1), (2),
4 and (3) shall not apply unless—

5 (A) all laws and regulations that would
6 apply to the Secretary if the Secretary were
7 carrying out the project were applied by the
8 non-Federal interest during construction of the
9 project; and

10 (B) the project is subsequently specifically
11 authorized by Congress.

12 (5) IN-KIND CONTRIBUTIONS.—Absent a spe-
13 cific subsequent authorization by Congress, the non-
14 Federal interest shall not be reimbursed or receive
15 credit for in-kind contributions.

16 **SEC. 113. CLARIFICATION OF IMPACTS TO OTHER FEDERAL**
17 **FACILITIES.**

18 In any case where the modification or construction
19 of a water resources development project carried out by
20 the Secretary adversely impacts other Federal facilities,
21 the Secretary may accept from other Federal agencies
22 such funds as may be necessary to address the adverse
23 impact, including by removing, relocating, or recon-
24 structing such facilities.

1 **SEC. 114. CLARIFICATION OF PREVIOUSLY AUTHORIZED**
2 **WORK.**

3 (a) IN GENERAL.—The Secretary may carry out
4 measures to improve fish species habitat within the bound-
5 aries and downstream of a water resources project con-
6 structed by the Secretary that includes a fish hatchery if
7 the Secretary—

8 (1) has been explicitly authorized to compensate
9 for fish losses associated with the project; and

10 (2) determines that the measures are—

11 (A) feasible;

12 (B) consistent with authorized project pur-
13 poses and the fish hatchery; and

14 (C) in the public interest.

15 (b) COST SHARING.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 the non-Federal interest shall contribute 35 percent
18 of the total cost of carrying out activities under this
19 section, including the costs relating to the provision
20 or acquisition of required land, easements, rights-of-
21 way, dredged material disposal areas, and reloca-
22 tions.

23 (2) OPERATION AND MAINTENANCE.—The non-
24 Federal interest shall contribute 100 percent of the
25 costs of operation, maintenance, replacement, repair,

1 and rehabilitation of the measures carried out under
2 this section.

3 **SEC. 115. TRIBAL PARTNERSHIP PROGRAM.**

4 (a) IN GENERAL.—Section 203 of the Water Re-
5 sources Development Act of 2000 (33 U.S.C. 2269) is
6 amended—

7 (1) in subsection (d)(1)(B)—

8 (A) by striking “The ability” and inserting
9 the following:

10 “(i) IN GENERAL.—The ability”; and

11 (B) by adding at the end the following:

12 “(ii) DETERMINATION.—Not later
13 than 180 days after the date of enactment
14 of the Water Resources Reform and Devel-
15 opment Act of 2013, the Secretary shall
16 issue guidance on the procedures described
17 in clause (i).”; and

18 (2) by striking subsection (e) and inserting the
19 following:

20 “(e) RESTRICTIONS.—The Secretary is authorized to
21 carry out activities under this section in fiscal years 2014
22 through 2023.”.

23 (b) COOPERATIVE AGREEMENTS WITH INDIAN
24 TRIBES.—The Secretary may enter into a cooperative
25 agreement with an Indian tribe (or a designated represent-

1 ative of an Indian tribe) to carry out authorized activities
2 of the Corps of Engineers to protect fish, wildlife, water
3 quality, and cultural resources.

4 **SEC. 116. TECHNICAL CORRECTIONS.**

5 (a) LIMITATION; STATUTORY CONSTRUCTION.—Sec-
6 tion 221(a)(4)(E) of the Flood Control Act of 1970 (42
7 U.S.C. 1962d–5b(a)(4)(E)) is amended by striking clause
8 (ii) and inserting the following:

9 “(ii) LIMITATION.—In any case in
10 which a specific provision of law provides
11 for a non-Federal interest to receive credit
12 toward the non-Federal share of the cost
13 of a study for, or construction or operation
14 and maintenance of, a water resources
15 project, the Secretary shall apply—

16 “(I) the specific provision of law
17 instead of this paragraph; or

18 “(II) at the request of the non-
19 Federal interest, the specific provision
20 of law and such provisions of this
21 paragraph as the non-Federal interest
22 may request.

23 “(iii) STATUTORY CONSTRUCTION.—
24 Nothing in this subparagraph may be con-

1 strued to affect the applicability of sub-
2 paragraph (C).”.

3 (b) WATER RESOURCES PROJECT DEFINED.—Sec-
4 tion 221(b) of such Act (42 U.S.C. 1962d–5b(b)) is
5 amended—

6 (1) by moving paragraphs (1) and (2) and the
7 matter following paragraph (2) 2 ems to the right;

8 (2) by redesignating paragraphs (1) and (2) as
9 subparagraphs (A) and (B), respectively;

10 (3) by striking “(b) DEFINITION” and all that
11 follows through “The term” and inserting the fol-
12 lowing:

13 “(b) DEFINITIONS.—

14 “(1) NON-FEDERAL INTEREST.—The term”;
15 and

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

17 “(2) WATER RESOURCES PROJECT.—The term
18 ‘water resources project’ includes projects studied,
19 reviewed, designed, constructed, operated and main-
20 tained, or otherwise subject to Federal participation
21 under the authority of the civil works program of
22 the Secretary of the Army for the purposes of navi-
23 gation, flood damage reduction, ecosystem restora-
24 tion, hurricane and storm damage reduction, water
25 supply, recreation, hydroelectric power, fish and

1 wildlife conservation, water quality, environmental
2 infrastructure, resource protection and development,
3 and related purposes.”.

4 (c) CORRECTION.—Section 221(c) of such Act (42
5 U.S.C. 1962d–5b(c)) is amended by striking “enforceable”
6 and inserting “enforceable”.

7 (d) FEDERAL ALLOCATION.—Section 2008(a) of the
8 Water Resources Development Act of 2007 (33 U.S.C.
9 2340(a)) is amended by adding at the end the following:
10 “This subsection shall apply without regard to whether the
11 original partnership agreement was entered into before,
12 on, or after the date of enactment of this subsection.”.

13 (e) IN-KIND CREDIT.—Section 221(a)(4)(C) of the
14 Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)(C))
15 is amended by striking “In any case” and all that follows
16 through the period at the end and inserting the following:

17 “(i) CONSTRUCTION.—

18 “(I) IN GENERAL.—In any case
19 in which the non-Federal interest is to
20 receive credit under subparagraph (A)
21 for the cost of construction carried
22 out by the non-Federal interest before
23 execution of a partnership agreement
24 and that construction has not been
25 carried out as of the date of enact-

1 ment of this clause, the Secretary and
2 the non-Federal interest shall enter
3 into an agreement under which the
4 non-Federal interest shall carry out
5 such work and shall do so prior to the
6 non-Federal interest initiating con-
7 struction or issuing a written notice to
8 proceed for the construction.

9 “(II) ELIGIBILITY.—Construc-
10 tion that is carried out after the exe-
11 cution of an agreement under sub-
12 clause (I) and any design activities
13 that are required for that construc-
14 tion, even if the design activity is car-
15 ried out prior to the execution of the
16 agreement, shall be eligible for credit.

17 “(ii) PLANNING.—

18 “(I) IN GENERAL.—In any case
19 in which the non-Federal interest is to
20 receive credit under subparagraph (A)
21 for the cost of planning carried out by
22 the non-Federal interest before execu-
23 tion of a feasibility cost sharing agree-
24 ment, the Secretary and the non-Fed-
25 eral interest shall enter into an agree-

1 ment under which the non-Federal in-
2 terest shall carry out such planning
3 and shall do so prior to the non-Fed-
4 eral interest initiating that planning.

5 “(II) ELIGIBILITY.—Planning
6 that is carried out by the non-Federal
7 interest after the execution of an
8 agreement under subclause (I) shall
9 be eligible for credit.”.

10 **SEC. 117. WATER INFRASTRUCTURE PUBLIC-PRIVATE**
11 **PARTNERSHIP PILOT PROGRAM.**

12 (a) IN GENERAL.—The Secretary shall establish a
13 pilot program to evaluate the cost effectiveness and project
14 delivery efficiency of allowing non-Federal interests to
15 carry out authorized water resources development projects
16 for coastal harbor improvement, channel improvement, in-
17 land navigation, flood damage reduction, aquatic eco-
18 system restoration, and hurricane and storm damage re-
19 duction.

20 (b) PURPOSES.—The purposes of the pilot program
21 established under subsection (a) are—

22 (1) to identify cost-saving project delivery alter-
23 natives that reduce the backlog of authorized Corps
24 of Engineers projects; and

1 (2) to evaluate the technical, financial, and or-
2 ganizational benefits of allowing a non-Federal inter-
3 est to carry out and manage the design or construc-
4 tion (or both) of 1 or more of such projects.

5 (c) SUBSEQUENT APPROPRIATIONS.—Any activity
6 undertaken under this section is authorized only to the
7 extent specifically provided for in subsequent appropria-
8 tions Acts.

9 (d) ADMINISTRATION.—In carrying out the pilot pro-
10 gram established under subsection (a), the Secretary
11 shall—

12 (1) identify for inclusion in the program at
13 least 15 projects that are authorized for construction
14 for coastal harbor improvement, channel improve-
15 ment, inland navigation, flood damage reduction, or
16 hurricane and storm damage reduction;

17 (2) notify in writing the Committee on Trans-
18 portation and Infrastructure of the House of Rep-
19 resentatives and the Committee on Environment and
20 Public Works of the Senate of each project identified
21 under paragraph (1);

22 (3) in consultation with the non-Federal inter-
23 est associated with each project identified under
24 paragraph (1), develop a detailed project manage-
25 ment plan for the project that outlines the scope, fi-

1 nancing, budget, design, and construction resource
2 requirements necessary for the non-Federal interest
3 to execute the project, or a separable element of the
4 project;

5 (4) at the request of the non-Federal interest
6 associated with each project identified under para-
7 graph (1), enter into a project partnership agree-
8 ment with the non-Federal interest under which the
9 non-Federal interest is provided full project manage-
10 ment control for the financing, design, or construc-
11 tion (or any combination thereof) of the project, or
12 a separable element of the project, in accordance
13 with plans approved by the Secretary;

14 (5) following execution of a project partnership
15 agreement under paragraph (4) and completion of
16 all work under the agreement, issue payment, in ac-
17 cordance with subsection (g), to the relevant non-
18 Federal interest for that work; and

19 (6) regularly monitor and audit each project
20 carried out under the program to ensure that all ac-
21 tivities related to the project are carried out in com-
22 pliance with plans approved by the Secretary and
23 that construction costs are reasonable.

1 (e) SELECTION CRITERIA.—In identifying projects
2 under subsection (d)(1), the Secretary shall consider the
3 extent to which the project—

4 (1) is significant to the economy of the United
5 States;

6 (2) leverages Federal investment by encour-
7 aging non-Federal contributions to the project;

8 (3) employs innovative project delivery and
9 cost-saving methods;

10 (4) received Federal funds in the past and expe-
11 rienced delays or missed scheduled deadlines;

12 (5) has unobligated Corps of Engineers funding
13 balances; and

14 (6) has not received Federal funding for recap-
15 italization and modernization since the project was
16 authorized.

17 (f) DETAILED PROJECT SCHEDULE.—Not later than
18 180 days after entering into a project partnership agree-
19 ment under subsection (d)(4), a non-Federal interest, to
20 the maximum extent practicable, shall submit to the Sec-
21 retary a detailed project schedule for the relevant project,
22 based on estimated funding levels, that specifies deadlines
23 for each milestone with respect to the project.

1 (g) PAYMENT.—Payment to the non-Federal interest
2 for work completed pursuant to a project partnership
3 agreement under subsection (d)(4) may be made from—

4 (1) if applicable, the balance of the unobligated
5 amounts appropriated for the project;

6 (2) other amounts appropriated to the Corps of
7 Engineers, except that the total amount transferred
8 to the non-Federal interest may not exceed the esti-
9 mate of the Federal share of the cost of construc-
10 tion, including any required design; and

11 (3) revenue generated by the project.

12 (h) TECHNICAL ASSISTANCE.—At the request of a
13 non-Federal interest participating in the pilot program es-
14 tablished under subsection (a), the Secretary may provide
15 to the non-Federal interest, if the non-Federal interest
16 contracts with and compensates the Secretary, technical
17 assistance with respect to—

18 (1) a study, engineering activity, or design ac-
19 tivity related to a project carried out by the non-
20 Federal interest under the program; and

21 (2) obtaining permits necessary for such a
22 project.

23 (i) IDENTIFICATION OF IMPEDIMENTS.—

24 (1) IN GENERAL.—The Secretary shall—

1 (A) except as provided in paragraph (2),
2 identify any procedural requirements under the
3 authority of the Secretary that impede greater
4 use of public-private partnerships and private
5 investment in water resources development
6 projects;

7 (B) develop and implement, on a project-
8 by-project basis, procedures and approaches
9 that—

10 (i) address such impediments; and

11 (ii) protect the public interest and any
12 public investment in water resources devel-
13 opment projects that involve public-private
14 partnerships or private investment in water
15 resources development projects; and

16 (C) not later than 1 year after the date of
17 enactment of this section, issue rules to carry
18 out the procedures and approaches developed
19 under subparagraph (B).

20 (2) RULE OF CONSTRUCTION.—Nothing in this
21 section may be construed to allow the Secretary to
22 waive any requirement under—

23 (A) sections 3141 through 3148 and sec-
24 tions 3701 through 3708 of title 40, United
25 States Code;

1 (B) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.); or

3 (C) any other provision of Federal law.

4 (j) PUBLIC BENEFIT STUDIES.—

5 (1) IN GENERAL.—Before entering into a
6 project partnership agreement under subsection
7 (d)(4), the Secretary shall conduct an assessment of
8 whether, and provide justification in writing to the
9 Committee on Transportation and Infrastructure of
10 the House of Representatives and the Committee on
11 Environment and Public Works of the Senate that,
12 the proposed agreement provides better public and
13 financial benefits than a similar transaction using
14 public funding or financing.

15 (2) REQUIREMENTS.—An assessment under
16 paragraph (1) shall—

17 (A) be completed in a period of not more
18 than 90 days;

19 (B) take into consideration any supporting
20 materials and data submitted by the relevant
21 non-Federal interest and other stakeholders;
22 and

23 (C) determine whether the proposed
24 project partnership agreement is in the public
25 interest by determining whether the agreement

1 will provide public and financial benefits, in-
2 cluding expedited project delivery and savings
3 for taxpayers.

4 (k) NON-FEDERAL FUNDING.—A project carried out
5 under the pilot program established under subsection (a)
6 may consist of the non-Federal interest financing the non-
7 Federal share of the project.

8 (l) APPLICABILITY OF FEDERAL LAW.—Any provi-
9 sion of Federal law that would apply to the Secretary if
10 the Secretary were carrying out a project shall apply to
11 a non-Federal interest carrying out a project under this
12 section.

13 (m) COST SHARE.—Nothing in this section affects a
14 cost-sharing requirement under Federal law that is appli-
15 cable to a project carried out under the pilot program es-
16 tablished under subsection (a).

17 (n) REPORT.—Not later than 3 years after the date
18 of enactment of this Act, the Secretary shall submit to
19 the Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on Envi-
21 ronment and Public Works of the Senate a report describ-
22 ing the results of the pilot program established under sub-
23 section (a), including any recommendations of the Sec-
24 retary concerning whether the program or any component
25 of the program should be implemented on a national basis.

1 (o) NON-FEDERAL INTEREST DEFINED.—In this
2 section, the term “non-Federal interest” includes non-
3 Federal government entities and private entities.

4 **SEC. 118. ANNUAL REPORT TO CONGRESS.**

5 (a) IN GENERAL.—Not later than February 1 of each
6 year, the Secretary shall develop and submit to the Com-
7 mittee on Transportation and Infrastructure of the House
8 of Representatives and the Committee on Environment
9 and Public Works of the Senate an annual report, to be
10 entitled “Report to Congress on Future Water Resources
11 Development”, that identifies the following:

12 (1) FEASIBILITY REPORTS.—Each feasibility
13 report that meets the criteria established in sub-
14 section (c)(1)(A).

15 (2) PROPOSED FEASIBILITY STUDIES.—Any
16 proposed feasibility study submitted to the Secretary
17 by a non-Federal interest pursuant to subsection (b)
18 that meets the criteria established in subsection
19 (c)(1)(A).

20 (3) PROPOSED MODIFICATIONS.—Any proposed
21 modification to an authorized water resources devel-
22 opment project or feasibility study that meets the
23 criteria established in subsection (c)(1)(A) that—

24 (A) is submitted to the Secretary by a non-
25 Federal interest pursuant to subsection (b); or

1 (B) is identified by the Secretary for au-
2 thorization.

3 (b) REQUESTS FOR PROPOSALS.—

4 (1) PUBLICATION.—Not later than May 1 of
5 each year, the Secretary shall publish in the Federal
6 Register a notice requesting proposals from non-
7 Federal interests for proposed feasibility studies and
8 proposed modifications to authorized water resources
9 development projects and feasibility studies to be in-
10 cluded in the annual report.

11 (2) DEADLINE FOR REQUESTS.—The Secretary
12 shall include in each notice required by this sub-
13 section a requirement that non-Federal interests
14 submit to the Secretary any proposals described in
15 paragraph (1) by not later than 120 days after the
16 date of publication of the notice in the Federal Reg-
17 ister in order for such proposals to be considered for
18 inclusion in the annual report.

19 (3) NOTIFICATION.—On the date of publication
20 of each notice required by this subsection, the Sec-
21 retary shall—

22 (A) make the notice publicly available, in-
23 cluding on the Internet; and

24 (B) provide written notification of such
25 publication to the Committee on Transportation

1 and Infrastructure of the House of Representa-
2 tives and the Committee on Environment and
3 Public Works of the Senate.

4 (c) CONTENTS.—

5 (1) FEASIBILITY REPORTS, PROPOSED FEASI-
6 BILITY STUDIES, AND PROPOSED MODIFICATIONS.—

7 (A) CRITERIA FOR INCLUSION IN RE-
8 PORT.—The Secretary shall include in the an-
9 nual report only those feasibility reports, pro-
10 posed feasibility studies, and proposed modifica-
11 tions to authorized water resources development
12 projects and feasibility studies that—

13 (i) are related to the missions and au-
14 thorities of the Corps of Engineers;

15 (ii) require specific authorization by
16 Congress in law or otherwise;

17 (iii) are not authorized by Congress;

18 (iv) have not been included in any
19 previous annual report; and

20 (v) if authorized, could be carried out
21 by the Corps of Engineers.

22 (B) DESCRIPTION OF BENEFITS.—For
23 each proposed feasibility study and proposed
24 modification to an authorized water resources
25 development project or feasibility study included

1 in the annual report, the Secretary shall de-
2 scribe the potential benefit of the proposed fea-
3 sibility study or modification, including, to the
4 extent applicable, whether the water resources
5 development project that is the subject of the
6 proposed feasibility study, or the proposed
7 modification, will—

8 (i) reduce risks to human life or pub-
9 lic safety or property;

10 (ii) benefit the national economy;

11 (iii) stimulate the creation of jobs;

12 (iv) reduce the need for future dis-
13 aster relief;

14 (v) promote the development and de-
15 livery of domestic energy resources;

16 (vi) improve the competitiveness of
17 United States exports;

18 (vii) improve water-related transpor-
19 tation for interstate or international com-
20 merce;

21 (viii) restore or protect, or mitigate
22 the impacts of a water resources develop-
23 ment project on, the environment; or

1 (ix) promote the use of cost-effective
2 and sustainable solutions to water re-
3 sources challenges.

4 (2) TRANSPARENCY.—The Secretary shall in-
5 clude in the annual report, for each feasibility re-
6 port, proposed feasibility study, and proposed modi-
7 fication to an authorized water resources develop-
8 ment project or feasibility study included under
9 paragraph (1)(A)—

10 (A) the name of the associated non-Fed-
11 eral interest, including the name of any non-
12 Federal interest that has contributed, or is ex-
13 pected to contribute, a non-Federal share of the
14 cost of—

15 (i) the feasibility report;

16 (ii) the proposed feasibility study;

17 (iii) the authorized feasibility study
18 for which the modification is proposed; or

19 (iv) construction of—

20 (I) the water resources develop-
21 ment project that is the subject of—

22 (aa) the feasibility report;

23 (bb) the proposed feasibility
24 study; or

1 (cc) the authorized feasi-
2 bility study for which a modifica-
3 tion is proposed; or

4 (II) the proposed modification to
5 an authorized water resources devel-
6 opment project;

7 (B) a letter or statement of support for the
8 feasibility report, proposed feasibility study, or
9 proposed modification to an authorized water
10 resources development project or feasibility
11 study from each associated non-Federal inter-
12 est;

13 (C) the purpose of the feasibility report,
14 proposed feasibility study, or proposed modi-
15 fication to an authorized water resources devel-
16 opment project or feasibility study;

17 (D) an estimate of the Federal, non-Fed-
18 eral, and total costs of—

19 (i) the proposed feasibility study, or
20 proposed modification to an authorized
21 feasibility study; and

22 (ii) construction of—

23 (I) the water resources develop-
24 ment project that is the subject of—

25 (aa) the feasibility report; or

1 (bb) the authorized feasi-
2 bility study for which a modifica-
3 tion is proposed, with respect to
4 the change in costs resulting
5 from such modification; or

6 (II) the proposed modification to
7 an authorized water resources devel-
8 opment project; and

9 (E) an estimate, to the extent practicable,
10 of the monetary and nonmonetary benefits of—

11 (i) the water resources development
12 project that is the subject of—

13 (I) the feasibility report;

14 (II) the proposed feasibility
15 study; or

16 (III) the authorized feasibility
17 study for which a modification is pro-
18 posed, with respect to the benefits of
19 such modification; or

20 (ii) the proposed modification to an
21 authorized water resources development
22 project.

23 (3) CERTIFICATION.—The Secretary shall in-
24 clude in the annual report a certification stating
25 that each feasibility report, proposed feasibility

1 study, and proposed modification to an authorized
2 water resources development project or feasibility
3 study included in the annual report meets the cri-
4 teria in paragraph (1)(A).

5 (4) APPENDIX.—The Secretary shall include in
6 the annual report an appendix listing the proposals
7 submitted under subsection (b) that were not in-
8 cluded in the annual report under paragraph (1)(A)
9 and a description of why the Secretary determined
10 that those proposals did not meet the criteria for in-
11 clusion under such paragraph.

12 (d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—
13 Notwithstanding any other deadlines required by this sec-
14 tion, the Secretary shall—

15 (1) not later than 30 days after the date of en-
16 actment of this Act, publish in the Federal Register
17 a notice required by subsection (b)(1);

18 (2) include in such notice a requirement that
19 non-Federal interests submit to the Secretary any
20 proposals described in subsection (b)(1) by not later
21 than 90 days after the date of publication of such
22 notice in the Federal Register in order for such pro-
23 posals to be considered for inclusion in the first an-
24 nual report developed by the Secretary under this
25 section; and

1 (3) not later than 180 days after the date of
2 enactment of this Act, submit an annual report to
3 the Committee on Transportation and Infrastructure
4 of the House of Representatives and the Committee
5 on Environment and Public Works of the Senate.

6 (e) PUBLICATION.—Upon submission of the annual
7 report to Congress, the Secretary shall make the annual
8 report publicly available, including through publication on
9 the Internet.

10 (f) DEFINITIONS.—In this section, the following defi-
11 nitions apply:

12 (1) ANNUAL REPORT.—The term “annual re-
13 port” means the report required by subsection (a).

14 (2) FEASIBILITY REPORT.—The term “feasi-
15 bility report” means a final feasibility report devel-
16 oped under section 905 of the Water Resources De-
17 velopment Act of 1986 (33 U.S.C. 2282), and in-
18 cludes—

19 (A) a report described in section 105(d)(2)
20 of such Act (33 U.S.C. 2215(d)(2)); and

21 (B) where applicable, any associated report
22 of the Chief of Engineers.

23 (3) FEASIBILITY STUDY.—The term “feasibility
24 study” has the meaning given that term in section

1 105 of the Water Resources Development Act of
2 1986 (33 U.S.C. 2215).

3 (4) NON-FEDERAL INTEREST.—The term “non-
4 Federal interest” has the meaning given that term
5 in section 221 of the Flood Control Act of 1970 (42
6 U.S.C. 1962d–5b).

7 **SEC. 119. ACTIONS TO BE TAKEN IN CONJUNCTION WITH**
8 **THE PRESIDENT’S ANNUAL BUDGET SUBMIS-**
9 **SION TO CONGRESS.**

10 (a) RECOMMENDATIONS FOR CORPS OF ENGINEERS
11 CONSTRUCTION PROJECTS IN PRESIDENT’S BUDGET.—

12 (1) IN GENERAL.—For each fiscal year, as part
13 of the President’s annual budget submission to Con-
14 gress under section 1105(a) of title 31, United
15 States Code, the President shall—

16 (A) identify and recommend Corps of En-
17 gineers construction projects for which Con-
18 gress should provide funding at the full level
19 authorized for the project; and

20 (B) provide an explanation of the process
21 used by the President in making the rec-
22 ommendations.

23 (2) COVERED PERIOD.—The President shall
24 make recommendations under paragraph (1) for the

1 fiscal year for which the budget submission is pre-
2 pared and each of the succeeding 4 fiscal years.

3 (3) BASIS FOR MAKING RECOMMENDATIONS.—

4 The President shall base recommendations under
5 paragraph (1) on the assumption that
6 \$2,000,000,000 will be appropriated for Corps of
7 Engineers construction projects for each fiscal year.

8 (b) MISSOURI RIVER BASIN.—To assist in the
9 prioritization of Federal activities carried out related to
10 the project for mitigation of fish and wildlife losses, Mis-
11 souri River Bank Stabilization and Navigation Project,
12 Missouri, Kansas, Iowa, and Nebraska, authorized by sec-
13 tion 601(a) of the Water Resources Development Act of
14 1986 (100 Stat. 4143), and in conjunction with the Presi-
15 dent's submission to Congress of a budget under section
16 1105(a) of title 31, United States Code, the Secretary
17 shall submit to Congress a report that provides—

18 (1) an inventory of all Federal actions taken
19 and a prioritization of all Federal actions planned in
20 furtherance of the project, including an inventory of
21 lands owned, acquired, or directly controlled by the
22 Federal Government, and lands enrolled in federally
23 assisted conservation programs;

1 (2) a description of the specific Federal actions
2 proposed for the upcoming fiscal year in furtherance
3 of the project;

4 (3) an assessment of the progress made in fur-
5 therance of the project, including a description of
6 how each of the actions identified under paragraph
7 (1) have impacted such progress; and

8 (4) an assessment of additional actions nec-
9 essary to achieve the results of the project.

10 **SEC. 120. HURRICANE AND STORM DAMAGE REDUCTION**
11 **STUDY.**

12 As part of the study for flood and storm damage re-
13 duction related to natural disasters to be carried out by
14 the Secretary under title II of division A of the Disaster
15 Relief Appropriations Act, 2013, under the heading “De-
16 partment of the Army—Corps of Engineers—Civil—In-
17 vestigations” (127 Stat. 5), the Secretary shall make spe-
18 cific project recommendations. In making recommenda-
19 tions pursuant to this section, the Secretary shall consult
20 with key stakeholders, including State, county, and city
21 governments, and, where applicable, State and local water
22 districts, and in the case of recommendations concerning
23 projects that substantially affect communities served by
24 historically Black colleges and universities, Tribal Colleges
25 and Universities, and other minority-serving institutions,

1 the Secretary shall also consult with such colleges, univer-
2 sities, and institutions. The Secretary shall include those
3 recommendations in the report entitled “Report to Con-
4 gress on Future Water Resources Development”, devel-
5 oped in accordance with this Act.

6 **SEC. 121. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL**
7 **FLOOD RISK REDUCTION.**

8 (a) IN GENERAL.—If requested by a non-Federal in-
9 terest, the Secretary shall carry out a locally preferred
10 plan that provides a higher level of protection than a flood
11 risk management project authorized under this Act if the
12 Secretary determines that—

13 (1) the plan is technically feasible and environ-
14 mentally acceptable; and

15 (2) the benefits of the plan exceed the costs of
16 the plan.

17 (b) NON-FEDERAL COSTS.—If the Secretary carries
18 out a locally preferred plan under subsection (a), the cost
19 attributable to the higher level of protection provided
20 under the plan shall be paid by the non-Federal interest.

21 **SEC. 122. REVIEW OF EMERGENCY RESPONSE AUTHORI-**
22 **TIES.**

23 (a) IN GENERAL.—The Secretary shall undertake a
24 review of implementation of section 5 of the Act entitled
25 “An Act authorizing the construction of certain public

1 works on rivers and harbors for flood control, and for
2 other purposes”, approved August 18, 1941 (33 U.S.C.
3 701n), to evaluate the alternatives available to the Sec-
4 retary to ensure—

5 (1) the safety of affected communities to future
6 flooding and storm events;

7 (2) the resiliency of water resources develop-
8 ment projects to future flooding and storm events;

9 (3) the long-term cost effectiveness of water re-
10 sources development projects that provide flood con-
11 trol and hurricane and storm damage reduction ben-
12 efits; and

13 (4) the policy goals and objectives that have
14 been outlined by the President as a response to re-
15 cent extreme weather events, including Hurricane
16 Sandy, that relate to preparing for future floods are
17 met.

18 (b) SCOPE OF REVIEW.—In carrying out the review,
19 the Secretary shall—

20 (1) review the historical precedents and imple-
21 mentation of section 5 of such Act, including those
22 actions undertaken by the Secretary, over time,
23 under that section—

24 (A) to repair or restore a project; and

1 (B) to increase the level of protection for
2 a damaged project to address future conditions;

3 (2) evaluate the difference between adopting, as
4 an appropriate standard under section 5 of such
5 Act, the repair or restoration of a project to pre-
6 flood or pre-storm levels and the repair or restora-
7 tion of a project to a design level of protection, in-
8 cluding an assessment for each standard of—

9 (A) the implications on populations at risk
10 of flooding or damage;

11 (B) the implications on probability of loss
12 of life;

13 (C) the implications on property values at
14 risk of flooding or damage;

15 (D) the implications on probability of in-
16 creased property damage and associated costs;

17 (E) the implications on local and regional
18 economies; and

19 (F) the estimated total cost and estimated
20 cost savings;

21 (3) review and evaluate the historic and poten-
22 tial uses, and economic feasibility for the life of the
23 project, of nonstructural alternatives, including nat-
24 ural features such as dunes, coastal wetlands,
25 floodplains, marshes, and mangroves, to reduce the

1 damage caused by floods, storm surges, winds, and
2 other aspects of extreme weather events, and to in-
3 crease the resiliency and long-term cost-effectiveness
4 of water resources development projects;

5 (4) incorporate the science on expected rates of
6 sea-level rise and extreme weather events; and

7 (5) incorporate the work completed by the Hur-
8 ricane Sandy Rebuilding Task Force, established by
9 Executive Order No. 13632 (December 7, 2012).

10 (c) REPORT TO CONGRESS.—Not later than 1 year
11 after the date of enactment of this section, the Secretary
12 shall submit to the Committee on Transportation and In-
13 frastructure of the House of Representatives and the Com-
14 mittee on Environment and Public Works of the Senate
15 a report on the results of the review.

16 **SEC. 123. EMERGENCY COMMUNICATION OF RISK.**

17 (a) IN GENERAL.—In any river basin where the Sec-
18 retary carries out flood risk management activities subject
19 to an annual operating plan, the Secretary shall establish
20 procedures for providing the public and affected govern-
21 ments, including Indian tribes, in the river basin with—

22 (1) timely information regarding expected water
23 levels;

24 (2) advice regarding appropriate preparedness
25 actions;

1 (3) technical assistance; and

2 (4) any other information or assistance deter-
3 mined appropriate by the Secretary.

4 (b) PUBLIC AVAILABILITY OF INFORMATION.—To
5 the maximum extent practicable, the Secretary, in coordi-
6 nation with the Administrator of the Federal Emergency
7 Management Agency, shall make the information required
8 under subsection (a) available to the public through widely
9 used and readily available means, including on the Inter-
10 net.

11 (c) PROCEDURES.—The Secretary shall utilize the
12 procedures only when precipitation or runoff exceeds those
13 calculations considered as the lowest risk to life and prop-
14 erty contemplated by the annual operating plan.

15 (d) DEFINITIONS.—In this section, the following defi-
16 nitions apply:

17 (1) AFFECTED GOVERNMENT.—The term “af-
18 fected government” means a State, local, or tribal
19 government with jurisdiction over an area that will
20 be affected by a flood.

21 (2) ANNUAL OPERATING PLAN.—The term “an-
22 nual operating plan” means a plan prepared by the
23 Secretary that describes potential water condition
24 scenarios for a river basin for a year.

1 **SEC. 124. IMPROVEMENTS TO THE NATIONAL DAM SAFETY**

2 **PROGRAM ACT.**

3 (a) ADMINISTRATOR.—

4 (1) IN GENERAL.—The National Dam Safety
5 Program Act (33 U.S.C. 467 et seq.) is amended by
6 striking “Director” each place it appears and insert-
7 ing “Administrator”.

8 (2) CONFORMING AMENDMENT.—Section 2(3)
9 of such Act (33 U.S.C. 467(3)) is amended in the
10 paragraph heading by striking “DIRECTOR” and in-
11 sserting “ADMINISTRATOR”.

12 (b) INSPECTION OF DAMS.—Section 3(b)(1) of such
13 Act (33 U.S.C. 467a(b)(1)) is amended by striking “or
14 maintenance” and inserting “maintenance, condition, or
15 provision for emergency operations”.

16 (c) NATIONAL DAM SAFETY PROGRAM.—

17 (1) OBJECTIVES.—Section 8(c)(4) of such Act
18 (33 U.S.C. 467f(c)(4)) is amended to read as fol-
19 lows:

20 “(4) develop and implement a comprehensive
21 dam safety hazard education and public awareness
22 initiative to assist the public in mitigating against,
23 preparing for, responding to, and recovering from
24 dam incidents;”.

25 (2) BOARD.—Section 8(f)(4) of such Act (33
26 U.S.C. 467f(f)(4)) is amended by inserting “, rep-

1 representatives from nongovernmental organizations,”
2 after “State agencies”.

3 **SEC. 125. RESTRICTED AREAS AT CORPS OF ENGINEERS**

4 **DAMS.**

5 Section 2 of the Freedom to Fish Act (Public Law
6 113–13; 127 Stat. 449) is amended—

7 (1) in subsection (b)(1) by striking “until the
8 date that is 2 years after the date of enactment of
9 this Act”;

10 (2) in the heading of subsection (c) by inserting
11 “OR MODIFIED” after “NEW”; and

12 (3) in subsection (c)—

13 (A) in matter preceding paragraph (1) by
14 inserting “new or modified” after “establishes
15 any”; and

16 (B) in paragraph (3) by striking “until the
17 date that is 2 years after the date of enactment
18 of this Act” and inserting “until the Secretary
19 has complied with the provisions of this sub-
20 section”.

21 **SEC. 126. LEVEE SAFETY.**

22 Section 22 of the Water Resources Development Act
23 of 1974 (42 U.S.C. 1962d–16) is amended by redesign-
24 nating subsection (e) as subsection (f) and inserting after
25 subsection (d) the following:

1 “(e) LEVEE SAFETY.—

2 “(1) IN GENERAL.—At the request of a State
3 or political subdivision thereof, and in consultation
4 with that State and appropriate non-Federal inter-
5 ests, the Secretary may provide technical assistance
6 to a State to—

7 “(A) encourage effective State or local pro-
8 grams intended to ensure levee safety to protect
9 human life and property;

10 “(B) assist the State or political subdivi-
11 sion in establishing and carrying out a levee
12 safety program; or

13 “(C) improve an existing State or local
14 levee safety program.

15 “(2) PURPOSES.—The purposes of technical as-
16 sistance provided under this subsection shall be—

17 “(A) to ensure that human lives and prop-
18 erty that are protected by new and existing lev-
19 ees are safe;

20 “(B) to encourage the use of appropriate
21 engineering policies and procedures for levee
22 site investigation, design, construction, oper-
23 ation and maintenance, and emergency pre-
24 paredness;

1 “(C) to encourage effective levee safety
2 programs in a State;

3 “(D) to develop and support public edu-
4 cation and awareness projects to increase public
5 acceptance and support of levee safety pro-
6 grams;

7 “(E) to build public awareness of the re-
8 sidual risks associated with living in levee pro-
9 tected areas; and

10 “(F) to develop technical assistance mate-
11 rials, seminars, and guidelines to improve the
12 security of levees in the United States.

13 “(3) FEDERAL GUIDELINES.—

14 “(A) IN GENERAL.—In carrying out this
15 subsection, the Secretary, in consultation with
16 States and non-Federal interests, shall establish
17 Federal guidelines relating to levee safety.

18 “(B) INCORPORATION OF FEDERAL ACTIVI-
19 TIES.—The guidelines established under sub-
20 paragraph (A) shall encompass, to the max-
21 imum extent practicable, activities and practices
22 carried out by appropriate Federal agencies.

23 “(C) INCORPORATION OF STATE AND
24 LOCAL ACTIVITIES.—The guidelines established

1 under subparagraph (A) shall encompass, to the
2 maximum extent practicable—

3 “(i) the activities and practices car-
4 ried out by States, local governments, and
5 the private sector to safely build, regulate,
6 operate, and maintain levees; and

7 “(ii) Federal activities that facilitate
8 State efforts to develop and implement ef-
9 fective State programs for the safety of
10 levees, including levee inspection, levee re-
11 habilitation, locally developed flood plain
12 management, and public education and
13 training programs.

14 “(D) REVIEW.—The Secretary shall allow
15 States and non-Federal interests, including ap-
16 propriate stakeholders, to review and comment
17 on the guidelines established under subpara-
18 graph (A) before the guidelines are made final.

19 “(4) ASSISTANCE FOR STATE LEVEE SAFETY
20 PROGRAMS.—

21 “(A) ELIGIBILITY.—To be eligible for tech-
22 nical assistance under this subsection, a State
23 shall—

24 “(i) be in the process of establishing
25 or have in effect a State levee safety pro-

1 gram under which a State levee safety
2 agency, in accordance with State law, car-
3 ries out the guidelines established under
4 paragraph (3); and

5 “(ii) allocate sufficient funds in the
6 budget of that State to carry out such
7 State levee safety program.

8 “(B) WORK PLANS.—The Secretary shall
9 enter into an agreement with each State receiv-
10 ing technical assistance under this subsection to
11 develop a work plan necessary for the State
12 levee safety program of that State to reach a
13 level of program performance that meets the
14 guidelines established under paragraph (3).

15 “(C) INSPECTION PROGRAMS.—The Sec-
16 retary shall work with States receiving technical
17 assistance under this subsection to develop
18 State technical guidelines for levee inspection
19 programs that—

20 “(i) address hazard classifications and
21 technically based frameworks for levee as-
22 sessment; and

23 “(ii) are incorporated into State levee
24 safety programs.

1 “(D) MAINTENANCE OF EFFORT.—Tech-
2 nical assistance may not be provided to a State
3 under this subsection during a fiscal year unless
4 the State enters into an agreement with the
5 Secretary to ensure that the State will maintain
6 during that fiscal year aggregate expenditures
7 for programs to ensure levee safety that are at
8 or above the average annual level of such ex-
9 penditures for the State for the 2 fiscal years
10 preceding that fiscal year.”.

11 **SEC. 127. VEGETATION ON LEVEES.**

12 (a) REVIEW.—The Secretary of the Army, in accord-
13 ance with subsection (c), shall undertake a comprehensive
14 review of the Corps of Engineers policy guidelines on vege-
15 tation management for levees (in this section referred to
16 as the “guidelines”). The Secretary shall commence the
17 review upon the date of enactment of this Act.

18 (b) FACTORS.—

19 (1) IN GENERAL.—In conducting the review,
20 the Secretary shall examine the guidelines in view
21 of—

22 (A) the varied interests and responsibilities
23 in managing flood risks, including the need to
24 provide the greatest levee safety benefit with
25 limited resources;

1 (B) preserving, protecting, and enhancing
2 natural resources, including the potential ben-
3 efit that vegetation on levees can have in pro-
4 viding habitat for species of concern;

5 (C) protecting the rights of Indian tribes
6 pursuant to treaties and statutes;

7 (D) determining how vegetation impacts
8 the performance of a levee or levee system dur-
9 ing a storm or flood event; and

10 (E) such other factors as the Secretary
11 considers appropriate.

12 (2) REGIONAL AND WATERSHED CONSIDER-
13 ATIONS.—In conducting the review, the Secretary
14 shall specifically consider factors that promote and
15 allow for consideration of potential variances from
16 national guidelines on a regional or watershed basis.
17 Such factors may include regional or watershed soil
18 conditions, hydrologic factors, vegetation patterns
19 and characteristics, environmental resources, levee
20 performance history, institutional considerations,
21 and other relevant factors. The scope of a variance
22 approved by the Secretary may include an exemption
23 to national guidelines where appropriate.

24 (c) COOPERATION AND RECOMMENDATIONS.—

1 (1) IN GENERAL.—The review shall be under-
2 taken in cooperation with interested Federal agen-
3 cies and in consultation with interested representa-
4 tives of State and local governments, Indian tribes,
5 appropriate nongovernmental organizations, and the
6 public.

7 (2) RECOMMENDATIONS.—Corps of Engineers
8 Regional Integration Teams, representing districts,
9 divisions, and headquarters, in consultation with
10 State and Federal resources agencies, and with par-
11 ticipation by local agencies, shall recommend to the
12 Secretary vegetation management policies for levees
13 that conform with State and Federal laws and other
14 applicable requirements.

15 (d) REVISION OF GUIDELINES.—

16 (1) IN GENERAL.—During the 1-year period be-
17 ginning on the date of enactment of this Act, the
18 Secretary shall—

19 (A) provide the public 30 days to review
20 and comment on the guidelines;

21 (B) revise the guidelines based on consid-
22 eration of the results of the public review; and

23 (C) submit to Congress a report that con-
24 tains a summary of the activities of the Sec-

1 retary and a description of the findings of the
2 Secretary under this section.

3 (2) CONTENT; INCORPORATION INTO MAN-
4 UAL.—The revised guidelines shall—

5 (A) provide a practical process for approv-
6 ing regional or watershed variances from the
7 national guidelines, reflecting due consideration
8 of measures to maximize public safety benefits
9 with limited resources, levee performance, re-
10 gional climatic and hydrologic variations, envi-
11 ronmental quality, implementation challenges,
12 and allocation of responsibilities; and

13 (B) be incorporated into the manual pro-
14 posed under section 5(c) of the Act entitled “An
15 Act authorizing the construction of certain pub-
16 lic works on rivers and harbors for flood con-
17 trol, and for other purposes”, approved August
18 18, 1941 (33 U.S.C. 701n(c)).

19 (e) CONTINUATION OF WORK.—Concurrent with
20 completion of the requirements of this section, the Sec-
21 retary shall proceed without interruption or delay with
22 those ongoing or programmed projects and studies, or ele-
23 ments of projects or studies, that are not directly related
24 to vegetation variance policy.

1 (f) INTERIM RULE.—Until the date on which revi-
2 sions to the guidelines are adopted under this section, the
3 Secretary shall not require the removal of existing vegeta-
4 tion as a condition or requirement for any approval or
5 funding of a project, or any other action, unless the spe-
6 cific vegetation has been demonstrated to present an unac-
7 ceptable safety risk.

8 **SEC. 128. REDUCTION OF FEDERAL COSTS.**

9 Section 204(a) of the Water Resources Development
10 Act of 1992 (33 U.S.C. 2326(a)) is amended by adding
11 at the end the following:

12 “(4) REDUCING COSTS.—To reduce or avoid
13 Federal costs, the Secretary shall consider the bene-
14 ficial use of dredged material in a manner that con-
15 tributes to the maintenance of sediment resources in
16 the nearby coastal system.”.

17 **SEC. 129. ADVANCED MODELING TECHNOLOGIES.**

18 (a) IN GENERAL.—To the greatest extent practicable,
19 the Secretary shall encourage and incorporate advanced
20 modeling technologies, including 3-dimensional digital
21 modeling, for activities related to water resources develop-
22 ment projects and studies.

23 (b) ACTIVITIES.—In carrying out subsection (a), the
24 Secretary, to the greatest extent practicable, shall—

1 (1) compile information related to advanced
2 modeling technologies, including industry best prac-
3 tices with respect to the use of the technologies;

4 (2) disseminate to non-Federal interests the in-
5 formation described in paragraph (1); and

6 (3) promote the use of advanced modeling tech-
7 nologies.

8 (e) **ADVANCED MODELING TECHNOLOGY DE-**
9 **FINED.**—In this section, the term “advanced modeling
10 technology” means an available or developing technology,
11 including 3-dimensional digital modeling, that can expe-
12 dite project delivery for or improve the evaluation of water
13 resources development projects that receive Federal fund-
14 ing by—

15 (1) accelerating and improving the environ-
16 mental review process;

17 (2) increasing effective public participation;

18 (3) enhancing the detail and accuracy of project
19 designs;

20 (4) increasing safety;

21 (5) accelerating construction and reducing con-
22 struction costs; or

23 (6) otherwise achieving such purposes.

1 **SEC. 130. ENHANCED USE OF ELECTRONIC COMMERCE IN**
2 **FEDERAL PROCUREMENT.**

3 (a) REPORT.—Not later than 180 days after the date
4 of enactment of this Act, the Secretary shall submit to
5 the Committee on Transportation and Infrastructure of
6 the House of Representatives and the Committee on Envi-
7 ronment and Public Works of the Senate a report describ-
8 ing the Secretary's actions to carry out section 2301 of
9 title 41, United States Code, regarding the use of elec-
10 tronic commerce in Federal procurement.

11 (b) CONTENTS.—The report submitted under sub-
12 section (a) shall include, with respect to the 2 fiscal years
13 most recently ended before the fiscal year in which the
14 report is submitted—

15 (1) an identification of the number, type, and
16 dollar value of procurement solicitations with respect
17 to which the public was permitted to respond to the
18 solicitation electronically, which shall differentiate
19 between solicitations that allowed full or partial elec-
20 tronic submission;

21 (2) an analysis of the information provided
22 under paragraph (1) and actions that could be taken
23 by the Secretary to refine and improve the use of
24 electronic submission for procurement solicitation re-
25 sponses;

1 (3) an analysis of the potential benefits of and
2 obstacles to implementing fuller use of electronic
3 submission for procurement solicitation responses,
4 including with respect to cost savings, error reduc-
5 tion, paperwork reduction, increased bidder partici-
6 pation, and competition, and expanded use of elec-
7 tronic bid data collection for cost-effective contract
8 management and timely reporting; and

9 (4) an analysis of the options and technologies
10 available to facilitate expanded implementation of
11 electronic submission for procurement solicitation re-
12 sponses and the suitability of each option and tech-
13 nology for contracts of various types and sizes.

14 **SEC. 131. CORROSION PREVENTION.**

15 (a) IN GENERAL.—To the greatest extent practicable,
16 the Secretary shall encourage and incorporate corrosion
17 prevention activities at water resources development
18 projects.

19 (b) ACTIVITIES.—In carrying out subsection (a), the
20 Secretary, to the greatest extent practicable, shall ensure
21 that contractors performing work for water resources de-
22 velopment projects—

23 (1) use best practices to carry out corrosion
24 prevention activities in the field;

1 (2) use industry recognized standards and cor-
2 rosion mitigation and prevention methods when—

3 (A) determining protective coatings;

4 (B) selecting materials; and

5 (C) determining methods of cathodic pro-
6 tection, design, and engineering for corrosion
7 prevention;

8 (3) use certified coating application specialists
9 and cathodic protection technicians and engineers;

10 (4) use best practices in environmental protec-
11 tion to prevent environmental degradation, and to
12 ensure careful handling of all hazardous materials;

13 (5) demonstrate a history of employing indus-
14 try-certified inspectors to ensure adherence to best
15 practices and standards; and

16 (6) demonstrate a history of compliance with
17 applicable requirements of the Occupational Safety
18 and Health Administration.

19 (c) CORROSION PREVENTION ACTIVITIES DE-
20 FINED.—In this section, the term “corrosion prevention
21 activities” means—

22 (1) the application and inspection of protective
23 coatings for complex work involving steel and cemen-
24 titious structures, including structures that will be
25 exposed in immersion;

1 (2) the installation, testing, and inspection of
2 cathodic protection systems; and

3 (3) any other activities related to corrosion pre-
4 vention the Secretary determines appropriate.

5 **SEC. 132. RESILIENT CONSTRUCTION AND USE OF INNOVA-**
6 **TIVE MATERIALS.**

7 The Secretary, to the extent practicable, shall encour-
8 age the use of durable, resilient, and sustainable materials
9 and practices, including the use of geosynthetic materials,
10 advanced composites, and innovative technologies, in car-
11 rying out the activities of the Corps of Engineers.

12 **SEC. 133. ASSESSMENT OF WATER SUPPLY IN ARID RE-**
13 **GIONS.**

14 (a) IN GENERAL.—The Secretary shall conduct an
15 assessment of the management practices, priorities, and
16 authorized purposes at Corps of Engineers reservoirs in
17 arid regions to determine the effects of such practices, pri-
18 orities, and purposes on water supply during periods of
19 drought.

20 (b) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Secretary shall submit to
22 the Committee on Transportation and Infrastructure of
23 the House of Representatives and the Committee on Envi-
24 ronment and Public Works of the Senate a report on the
25 results of the assessment.

1 **SEC. 134. RIVER BASIN COMMISSIONS.**

2 Section 5019 of the Water Resources Development
3 Act of 2007 (121 Stat. 1201) is amended by adding at
4 the end the following:

5 “(f) REPORT.—After each fiscal year, if the Secretary
6 did not allocate funds in accordance with subsection (b),
7 the Secretary, in conjunction with the President’s next
8 submission to Congress of a budget under section 1105(a)
9 of title 31, United States Code, shall submit to Congress
10 a report that describes—

11 “(1) the reasons why the Secretary did not allo-
12 cate funds in accordance with subsection (b) during
13 that fiscal year; and

14 “(2) the impact, on the jurisdiction of each
15 Commission specified in subsection (b), of not allo-
16 cating the funds, including with respect to—

17 “(A) water supply allocation;

18 “(B) water quality protection;

19 “(C) regulatory review and permitting;

20 “(D) water conservation;

21 “(E) watershed planning;

22 “(F) drought management;

23 “(G) flood loss reduction;

24 “(H) recreation; and

25 “(I) energy development.”.

1 **SEC. 135. SENSE OF CONGRESS REGARDING WATER RE-**
2 **SOURCES DEVELOPMENT BILLS.**

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

4 (1) Between 1986 and 2000, a water resources
5 development bill was typically enacted every 2 years.

6 (2) Since 2000, only 1 water resources develop-
7 ment bill has been enacted.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that, because the missions of the Corps of Engineers
10 are unique and benefit all individuals in the United States
11 and because water resources development projects are crit-
12 ical to maintaining economic prosperity, national security,
13 and environmental protection, Congress should consider a
14 water resources development bill not less than once every
15 Congress.

16 **SEC. 136. DONALD G. WALDON LOCK AND DAM.**

17 It is the sense of Congress that, at an appropriate
18 time and in accordance with the rules of the House of Rep-
19 resentatives and the Senate, to recognize the contributions
20 of Donald G. Waldon, whose selfless determination and
21 tireless work, while serving as administrator of the Ten-
22 nessee-Tombigbee Waterway for 21 years, contributed
23 greatly to the realization and success of the Tennessee-
24 Tombigbee Waterway Development Compact, that the lock
25 and dam located at mile 357.5 on the Tennessee-

1 Tombigbee Waterway should be known and designated as
2 the “Donald G. Waldon Lock and Dam”.

3 **SEC. 137. AQUATIC INVASIVE SPECIES.**

4 Section 104(a) of the River and Harbor Act of 1958
5 (33 U.S.C. 610(a)) is amended by inserting “and aquatic
6 invasive species” after “noxious aquatic plant growths”.

7 **SEC. 138. RECREATIONAL ACCESS.**

8 (a) IN GENERAL.—The Secretary may not prohibit
9 the use of a floating cabin on waters under the jurisdiction
10 of the Secretary if—

11 (1) the floating cabin is in compliance regula-
12 tions for recreational vessels issued under chapter 43
13 of title 46, United States Code, and section 312 of
14 the Federal Water Pollution Control Act (33 U.S.C.
15 1322); and

16 (2) the Secretary has authorized the use of rec-
17 reational vessels on such waters.

18 (b) FLOATING CABIN DEFINED.—In this section, the
19 term “floating cabin” means a vessel, as defined in section
20 3 of title 1, United States Code, with overnight accom-
21 modations.

22 **SEC. 139. TERRITORIES OF THE UNITED STATES.**

23 Section 1156 of the Water Resources Development
24 Act of 1986 (33 U.S.C. 2310) is amended—

1 (1) by striking “The Secretary shall waive” and
2 inserting “(a) IN GENERAL.—The Secretary shall
3 waive”;

4 (2) in subsection (a), as so designated, by in-
5 serting “Puerto Rico,” before “and the Trust Terri-
6 tory of the Pacific Islands”; and

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

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

12 **SEC. 140. SENSE OF CONGRESS REGARDING INTERSTATE**
13 **WATER AGREEMENTS AND COMPACTS.**

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

15 (1) States and local interests have primary re-
16 sponsibility for developing water supplies for domes-
17 tic, municipal, industrial, and other purposes.

18 (2) The Federal Government cooperates with
19 States and local interests in developing water sup-
20 plies through the construction, maintenance, and op-
21 eration of Federal water resources development
22 projects.

23 (3) Interstate water disputes are most properly
24 addressed through interstate water agreements or

1 compacts that take into consideration the concerns
2 of all affected States.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) Congress and the Secretary should urge
6 States to reach agreement on interstate water agree-
7 ments and compacts;

8 (2) at the request of the Governor of a State,
9 the Secretary should facilitate and assist in the de-
10 velopment of an interstate water agreement or com-
11 pact;

12 (3) Congress should provide prompt consider-
13 ation of interstate water agreements and compacts;
14 and

15 (4) the Secretary should adopt policies and im-
16 plement procedures for the operation of reservoirs of
17 the Corps of Engineers that are consistent with
18 interstate water agreements and compacts.

19 **SEC. 141. REPORT ON SURFACE ELEVATIONS AT DROUGHT**
20 **EFFECTED LAKES.**

21 (a) ASSESSMENT.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of this Act, the Sec-
24 retary, in coordination with the FERC, shall initiate
25 an assessment of the effects of drought conditions

1 on lakes managed by the Secretary that are affected
2 by FERC-licensed reservoirs, which shall include an
3 assessment of—

4 (A) lake levels and rule curves in areas of
5 previous, current, and prolonged drought; and

6 (B) the effect the long-term FERC licenses
7 have on the Secretary’s ability to manage lakes
8 for hydropower generation, navigation, flood
9 protection, water supply, fish and wildlife, and
10 recreation.

11 (2) REPORT.—The Secretary, in coordination
12 with the FERC, shall submit to Congress a report
13 on the assessment carried out under paragraph (1).

14 **SEC. 142. FUTURE WATER SUPPLY.**

15 Section 301 of the Water Supply Act of 1958 (43
16 U.S.C. 390b) is amended—

17 (1) by redesignating subsections (c) and (d) as
18 subsections (d) and (e), respectively; and

19 (2) by inserting after subsection (b) the fol-
20 lowing:

21 “(c) ESTABLISHMENT OF 10-YEAR PLANS FOR THE
22 UTILIZATION OF FUTURE STORAGE.—

23 “(1) IN GENERAL.—Beginning 180 days after
24 the date of enactment of this subsection and not
25 later than January 1, 2016, the Secretary may ac-

1 cept from an interested State or local interest a sub-
2 mission of a plan for the utilization of future use
3 water storage under this Act.

4 “(2) CONTENTS.—A plan submitted under
5 paragraph (1) shall include—

6 “(A) a 10-year timetable for conversion of
7 future use storage to present use; and

8 “(B) a schedule of actions that the State
9 or local interest agrees to carry out over a 10-
10 year period, in cooperation with the Corps of
11 Engineers, to seek new and alternative users of
12 future water storage that is contracted to the
13 State or local interest on the date of enactment
14 of this subsection.”.

15 **SEC. 143. CONGRESSIONAL CONSENT FOR NEW PROJECT**
16 **PURPOSES.**

17 Nothing in this Act authorizes the Secretary to carry
18 out, at a Corps of Engineers dam or reservoir, any project
19 for a purpose not otherwise authorized as of the date of
20 enactment of this Act.

1 **SEC. 144. MULTIAGENCY EFFORT TO SLOW THE SPREAD OF**
2 **ASIAN CARP IN THE UPPER MISSISSIPPI**
3 **RIVER AND OHIO RIVER BASINS AND TRIBU-**
4 **TARIES.**

5 (a) MULTIAGENCY EFFORT TO SLOW THE SPREAD
6 OF ASIAN CARP IN THE UPPER MISSISSIPPI AND OHIO
7 RIVER BASINS AND TRIBUTARIES.—

8 (1) IN GENERAL.—The Director of the United
9 States Fish and Wildlife Service, in coordination
10 with the Chief of Engineers, the Director of the Na-
11 tional Park Service, and the Director of the United
12 States Geological Survey, shall lead a multiagency
13 effort to slow the spread of Asian carp in the Upper
14 Mississippi and Ohio River basins and tributaries by
15 providing technical assistance, coordination, best
16 practices, and support to State and local govern-
17 ments in carrying out activities designed to slow,
18 and eventually eliminate, the threat posed by Asian
19 carp.

20 (2) BEST PRACTICES.—To the maximum extent
21 practicable, the multiagency effort shall apply les-
22 sons learned and best practices such as those de-
23 scribed in the document prepared by the Asian Carp
24 Working Group entitled “Management and Control
25 Plan for Bighead, Black, Grass, and Silver Carps in
26 the United States” and dated November 2007, and

1 the document prepared by the Asian Carp Regional
2 Coordinating Committee entitled “FY 2012 Asian
3 Carp Control Strategy Framework” and dated Feb-
4 ruary 2012.

5 (b) REPORT TO CONGRESS.—

6 (1) IN GENERAL.—Not later than December 31
7 of each year, the Director of the United States Fish
8 and Wildlife Service, in coordination with the Chief
9 of Engineers, shall submit to the Committee on Ap-
10 propriations, the Committee on Natural Resources,
11 and the Committee on Transportation and Infra-
12 structure of the House of Representatives and the
13 Committee on Appropriations and the Committee on
14 Environment and Public Works of the Senate a re-
15 port describing the coordinated strategies established
16 and progress made toward the goals of controlling
17 and eliminating Asian carp in the Upper Mississippi
18 and Ohio River basins and tributaries.

19 (2) CONTENTS.—Each report submitted under
20 paragraph (1) shall include—

21 (A) any observed changes in the range of
22 Asian carp in the Upper Mississippi and Ohio
23 River basins and tributaries during the 2-year
24 period preceding submission of the report;

1 (B) a summary of Federal agency efforts,
2 including cooperative efforts with non-Federal
3 partners, to control the spread of Asian carp in
4 the Upper Mississippi and Ohio River basins
5 and tributaries;

6 (C) any research that the Director deter-
7 mines could improve the ability to control the
8 spread of Asian carp;

9 (D) any quantitative measures that the Di-
10 rector intends to use to document progress in
11 controlling the spread of Asian carp; and

12 (E) a cross-cut accounting of Federal and
13 non-Federal expenditures to control the spread
14 of Asian carp.

15 **SEC. 145. AQUATIC INVASIVE SPECIES PREVENTION AND**
16 **CONTROL.**

17 (a) ASSESSMENT.—The Comptroller General of the
18 United States shall conduct an assessment of the Federal
19 costs of, and spending on, aquatic invasive species.

20 (b) CONTENTS.—The assessment conducted under
21 subsection (a) shall include—

22 (1) identification of current Federal spending
23 on, and projected future Federal costs of, operation
24 and maintenance related to mitigating the impacts

1 of aquatic invasive species on federally owned or op-
2 erated facilities;

3 (2) identification of current Federal spending
4 on aquatic invasive species prevention;

5 (3) analysis of whether spending identified in
6 paragraph (2) is adequate for the maintenance and
7 protection of services provided by federally owned or
8 operated facilities, based on the current spending
9 and projected future costs identified in paragraph
10 (1); and

11 (4) review of any other aspect of aquatic
12 invasive species prevention or mitigation determined
13 appropriate by the Comptroller General.

14 (c) FINDINGS.—Not later than one year after the
15 date of enactment of this Act, the Comptroller General
16 shall submit to the Committee on Environment and Public
17 Works and the Committee on Energy and Natural Re-
18 sources of the Senate and the Committee on Transpor-
19 tation and Infrastructure and the Committee on Natural
20 Resources of the House of Representatives a report con-
21 taining the findings of the assessment conducted under
22 subsection (a).

23 **SEC. 146. NATIONAL OCEAN POLICY IMPLEMENTATION.**

24 (a) FINDINGS.—Congress finds that—

1 (1) the July 19, 2010, Executive Order No.
2 13547 that established the “National Policy for the
3 Stewardship of the Ocean, Our Coasts, and the
4 Great Lakes” (in this section referred to as the
5 “National Ocean Policy”) among other things re-
6 quires Federal implementation of “ecosystem-based
7 management” to achieve a “fundamental shift” in
8 how the United States manages ocean, coastal, and
9 Great Lakes resources, and the establishment of
10 new governmental “Regional Planning Bodies” and
11 “Coastal and Marine Spatial Plans” in every region
12 of the United States;

13 (2) Executive Order No. 13547 created a 54-
14 member National Ocean Council led by the White
15 House Council on Environmental Quality and Office
16 of Science and Technology Policy that includes prin-
17 cipal and deputy-level representatives from Federal
18 entities, including the Department of Defense;

19 (3) Executive Order No. 13547 requires Na-
20 tional Ocean Council members, including the De-
21 partment of Defense, to take action to implement
22 the National Ocean Policy and participate in Coastal
23 and Marine Spatial Planning to the fullest extent;

24 (4) the Final Recommendations that were
25 adopted by Executive Order No. 13547 state that

1 “effective” implementation of the National Ocean
2 Policy will “require clear and easily understood re-
3 quirements and regulations, where appropriate, that
4 include enforcement as a critical component”;

5 (5) despite repeated congressional requests, the
6 National Ocean Council, which is charged with over-
7 seeing National Ocean Policy implementation, has
8 still not provided a complete accounting of Federal
9 activities taken and resources expended and allo-
10 cated in furtherance of National Ocean Policy imple-
11 mentation;

12 (6) the Corps of Engineers is participating on
13 at least one “Coastal and Marine Spatial Planning
14 Regional Team”; and

15 (7) the Nation’s continued economic and budg-
16 etary challenges underscore the necessity for sound,
17 transparent, and practical Federal policies.

18 (b) PROHIBITION.—None of the programs or actions
19 authorized under this Act may be used to further imple-
20 mentation of the coastal and marine spatial planning and
21 ecosystem-based management components of the National
22 Ocean Policy developed under Executive Order No. 13547.

23 (c) STUDY.—Not later than 90 days after the date
24 of enactment of this Act, the Secretary shall submit to
25 the Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on Com-
2 merce, Science, and Transportation of the Senate a report
3 detailing all activities engaged in and resources expended
4 in furtherance of Executive Order No. 13547 since it was
5 issued on July 19, 2010, as well as any fiscal year 2014
6 budget requests in support of National Ocean Policy im-
7 plementation.

8 **SEC. 147. CALCULATION OF BENEFITS AND COSTS FOR**
9 **FLOOD DAMAGE REDUCTION AND HURRI-**
10 **CANE AND STORM DAMAGE REDUCTION**
11 **PROJECTS.**

12 (a) IN GENERAL.—A feasibility study conducted by
13 the Secretary for a project for flood damage reduction or
14 hurricane and storm damage reduction shall include, as
15 part of the calculation of benefits and costs—

16 (1) a calculation of the anticipated reduction in
17 flood or hurricane damage to public and private
18 property and infrastructure resulting from the com-
19 pletion of the proposed project;

20 (2) a calculation of the anticipated direct and
21 indirect economic benefits resulting from the comple-
22 tion of the proposed project, including such benefits
23 from any potential reductions in national and re-
24 gional economic volatility, disruptions, and losses;
25 and

1 (3) a calculation of the anticipated benefits to
2 public safety, including protection of evacuation
3 routes, resulting from the completion of the pro-
4 posed project.

5 (b) APPLICABILITY.—This section shall apply to any
6 feasibility study for a project for flood damage reduction
7 or hurricane and storm damage reduction that has not
8 been completed before the date of enactment of this Act.

9 **TITLE II—NAVIGATION**
10 **IMPROVEMENTS**
11 **Subtitle A—Ports**

12 **SEC. 201. EXPANDED USE OF HARBOR MAINTENANCE**
13 **TRUST FUND.**

14 (a) IN GENERAL.—For any fiscal year in which tar-
15 get appropriations described in subsection (b) are met, the
16 Secretary may use up to 5 percent of the total amount
17 made available to the Secretary from the Harbor Mainte-
18 nance Trust Fund for the eligible operations and mainte-
19 nance costs described in section 210(a)(2) of the Water
20 Resources Development Act of 1986 (33 U.S.C.
21 2238(a)(2)) for that fiscal year for expanded uses of the
22 Harbor Maintenance Trust Fund.

23 (b) TARGET APPROPRIATIONS.—For purposes of this
24 section, target appropriations are met for a fiscal year if
25 the total amount made available to the Secretary from the

1 Harbor Maintenance Trust Fund for that fiscal year
2 equals or exceeds, as determined by the Secretary, the fol-
3 lowing:

4 (1) For fiscal year 2014, 65 percent of the total
5 amount of harbor maintenance taxes received in fis-
6 cal year 2013.

7 (2) For fiscal year 2015, 67 percent of the total
8 amount of harbor maintenance taxes received in fis-
9 cal year 2014.

10 (3) For fiscal year 2016, 69 percent of the total
11 amount of harbor maintenance taxes received in fis-
12 cal year 2015.

13 (4) For fiscal year 2017, 71 percent of the total
14 amount of harbor maintenance taxes received in fis-
15 cal year 2016.

16 (5) For fiscal year 2018, 73 percent of the total
17 amount of harbor maintenance taxes received in fis-
18 cal year 2017.

19 (6) For fiscal year 2019, 75 percent of the total
20 amount of harbor maintenance taxes received in fis-
21 cal year 2018.

22 (7) For fiscal year 2020, and each fiscal year
23 thereafter, 80 percent of total amount of harbor
24 maintenance taxes received in the previous fiscal
25 year.

1 (c) DEFINITIONS.—In this section, the following defi-
2 nitions apply:

3 (1) ELIGIBLE HARBORS AND INLAND HARBORS
4 DEFINED.—The term “eligible harbor or inland har-
5 bor” means a harbor or inland harbor that, histori-
6 cally, as determined by the Secretary—

7 (A) generates an amount of harbor mainte-
8 nance taxes; that exceeds

9 (B) the value of work carried out for the
10 harbor or inland harbor using amounts from
11 the Harbor Maintenance Trust Fund.

12 (2) EXPANDED USES.—The term “expanded
13 uses” means the following activities performed for
14 an eligible harbor or inland harbor:

15 (A) The maintenance dredging of a berth
16 in a harbor that is accessible to a Federal navi-
17 gation project and that benefits commercial
18 navigation at the harbor.

19 (B) The maintenance dredging and dis-
20 posal of legacy-contaminated sediment, and
21 sediment unsuitable for open water disposal,
22 if—

23 (i) such dredging and disposal bene-
24 fits commercial navigation at the harbor;
25 and

1 (ii) such sediment—

2 (I) is located in and affects the
3 maintenance of a Federal navigation
4 project; or

5 (II) is located in a berth that is
6 accessible to a Federal navigation
7 project.

8 (3) TOTAL AMOUNT OF HARBOR MAINTENANCE
9 TAXES RECEIVED.—The term “total amount of har-
10 bor maintenance taxes received” means, with respect
11 to a fiscal year, the aggregate of amounts appro-
12 priated, transferred, or credited to the Harbor Main-
13 tenance Trust Fund under section 9505(a) of the
14 Internal Revenue Code of 1986 for that fiscal year
15 as set forth in the current year estimate provided in
16 the President’s budget request for the subsequent
17 fiscal year, submitted pursuant to section 1105 of
18 title 31, United States Code.

19 (d) CONFORMING AMENDMENT.—Section 9505(c)(1)
20 of the Internal Revenue Code of 1986 is amended by strik-
21 ing “(as in effect on the date of the enactment of the
22 Water Resources Development Act of 1996)”.

23 (e) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that any increase in harbor maintenance programs
25 described in this section shall result from an overall in-

1 crease in appropriations for the civil works program of the
2 Corps of Engineers and not from similar reductions in the
3 appropriations for other programs, projects, and activities
4 carried out by the Corps of Engineers for other authorized
5 purposes.

6 **SEC. 202. ASSESSMENT AND PRIORITIZATION OF OPER-**
7 **ATION AND MAINTENANCE.**

8 (a) ASSESSMENT.—Section 210 of the Water Re-
9 sources Development Act of 1986 (33 U.S.C. 2238) is
10 amended by adding at the end the following:

11 “(c) ASSESSMENT OF OPERATION AND MAINTE-
12 NANCE NEEDS.—

13 “(1) IN GENERAL.—Not later than 90 days
14 after the date of enactment of this subsection, and
15 biennially thereafter, the Secretary shall assess the
16 operation and maintenance needs of the harbors re-
17 ferred to in subsection (a)(2).

18 “(2) TYPES OF HARBORS.—In carrying out
19 paragraph (1), the Secretary shall assess the oper-
20 ation and maintenance needs of the harbors used
21 for—

22 “(A) commercial navigation;

23 “(B) commercial fishing;

24 “(C) subsistence, including utilization by
25 Indian tribes (as such term is defined in section

1 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 450b)) for
3 subsistence and ceremonial purposes;

4 “(D) use as a harbor of refuge;

5 “(E) transportation of persons;

6 “(F) purposes relating to domestic energy
7 production, including the fabrication, servicing,
8 or supply of domestic offshore energy produc-
9 tion facilities;

10 “(G) activities of the Secretary of the de-
11 partment in which the Coast Guard is oper-
12 ating;

13 “(H) activities of the Secretary of the
14 Navy;

15 “(I) public health and safety related equip-
16 ment for responding to coastal and inland
17 emergencies;

18 “(J) recreation purposes; and

19 “(K) any other authorized purpose.

20 “(3) REPORT TO CONGRESS.—For fiscal year
21 2015, and biennially thereafter, in conjunction with
22 the President’s annual budget submission to Con-
23 gress under section 1105(a) of title 31, United
24 States Code, the Secretary shall submit to the Com-
25 mittee on Transportation and Infrastructure of the

1 House of Representatives and the Committee on En-
2 vironment and Public Works of the Senate a report
3 that, with respect to harbors referred to in sub-
4 section (a)(2)—

5 “(A) identifies the operation and mainte-
6 nance costs associated with the harbors, includ-
7 ing those costs required to achieve and main-
8 tain the authorized length, width, and depth for
9 the harbors and the costs for expanded uses (as
10 such term is defined in section 201(c)(2) of the
11 Water Resources Reform and Development Act
12 of 2013), on a project-by-project basis;

13 “(B) identifies the amount of funding re-
14 quested in the President’s budget for the oper-
15 ation and maintenance costs associated with the
16 harbors, on a project-by-project basis;

17 “(C) identifies the unmet operation and
18 maintenance needs associated with the harbors,
19 on a project-by-project basis; and

20 “(D) identifies the harbors for which the
21 President will allocate funding over the next 5
22 fiscal years for operation and maintenance ac-
23 tivities, on a project-by-project basis, including
24 the amounts to be allocated for such pur-
25 poses.”.

1 (b) OPERATION AND MAINTENANCE OF EMERGING
2 HARBOR PROJECTS.—Section 210 of such Act (33 U.S.C.
3 2238) is further amended by adding at the end the fol-
4 lowing:

5 “(d) OPERATION AND MAINTENANCE OF EMERGING
6 HARBOR PROJECTS.—

7 “(1) IN GENERAL.—To the maximum extent
8 practicable, the Secretary shall make expenditures to
9 pay for operation and maintenance costs of the har-
10 bors referred to in subsection (a)(2), including ex-
11 penditures of funds appropriated from the Harbor
12 Maintenance Trust Fund, based on an equitable al-
13 location of funds among all such harbors, regardless
14 of the size or tonnage throughput of the harbor.

15 “(2) CRITERIA.—In determining the equitable
16 allocation of funds under paragraph (1), the Sec-
17 retary shall—

18 “(A) utilize the information obtained in the
19 assessment conducted under subsection (c);

20 “(B) consider the national and regional
21 significance of harbor operation and mainte-
22 nance;

23 “(C) where appropriate, consider national
24 security and military readiness needs in con-
25 sultation with the Secretary of the Navy; and

1 “(D) not make such allocation based solely
2 on the tonnage transiting through a harbor.

3 “(3) EMERGING HARBORS.—

4 “(A) IN GENERAL.—Notwithstanding para-
5 graph (1), in making expenditures described in
6 paragraph (1) for each of fiscal years 2015 and
7 2016, the Secretary shall allocate not less than
8 10 percent of the total amount of the expendi-
9 tures to pay for operation and maintenance
10 costs of emerging harbors.

11 “(B) EMERGING HARBOR DEFINED.—In
12 this paragraph, the term ‘emerging harbor’
13 means a harbor referred to in subsection (a)(2)
14 that transits less than 1,000,000 tons of com-
15 merce annually.

16 “(4) EMERGENCY EXPENDITURES.—Nothing in
17 this subsection may be construed to prohibit the
18 Secretary from making an expenditure to pay for the
19 operation and maintenance costs of a specific har-
20 bor, including the transfer of funding from the oper-
21 ation and maintenance of a separate project, if—

22 “(A) the Secretary determines that the ac-
23 tion is necessary to address the navigation
24 needs of a harbor where safe navigation has

1 been severely restricted due to an unforeseen
2 event; and

3 “(B) the Secretary provides advance notice
4 and information on the need for the action to
5 the Committee on Transportation and Infra-
6 structure and the Committee on Appropriations
7 of the House of Representatives and the Com-
8 mittee on Environment and Public Works and
9 the Committee on Appropriations of the Senate.

10 “(5) MANAGEMENT OF GREAT LAKES NAVIGA-
11 TION SYSTEM.—To sustain effective and efficient op-
12 eration and maintenance of the Great Lakes Naviga-
13 tion System, including any navigation feature in the
14 Great Lakes that is a Federal responsibility with re-
15 spect to operation and maintenance, the Secretary
16 shall manage and allocate funding for all of the indi-
17 vidually authorized projects in the Great Lakes
18 Navigation System as components of a single, com-
19 prehensive system, recognizing the interdependence
20 of the projects.”.

21 **SEC. 203. PRESERVING UNITED STATES HARBORS.**

22 (a) IN GENERAL.—The Secretary may enter into an
23 agreement with a non-Federal interest, at the request of
24 the non-Federal interest, under which the Secretary
25 agrees to maintain a navigation project for a harbor or

1 inland harbor (in this section referred to as a “federally
2 authorized harbor”) in accordance with section 101(b) of
3 the Water Resources Development Act of 1986 (33 U.S.C.
4 2211(b)).

5 (b) REPORT BY NON-FEDERAL INTEREST.—

6 (1) IN GENERAL.—To be eligible to enter into
7 an agreement under subsection (a) with respect to a
8 federally authorized harbor, a non-Federal interest
9 shall submit to the Secretary a report justifying eco-
10 nomic investment in maintenance of the harbor.

11 (2) JUSTIFICATION OF INVESTMENT.—A report
12 submitted under paragraph (1) may justify economic
13 investment in the maintenance of a federally author-
14 ized harbor based on—

15 (A) projected economic benefits, including
16 transportation savings and job creation; and

17 (B) other factors, including navigation
18 safety, national security, and sustainability of
19 subsistence harbors.

20 (3) TERMINATION OF CERTAIN AGREEMENTS.—

21 An agreement entered into under subsection (a) with
22 respect to a federally authorized harbor shall contain
23 terms to allow the Secretary to terminate the agree-
24 ment if the Secretary determines that Federal eco-

1 nomic investment in maintaining the harbor is no
 2 longer justified.

3 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
 4 Nothing in this section may be construed to preclude the
 5 operation and maintenance of a federally authorized har-
 6 bor under section 101(b) of the Water Resources Develop-
 7 ment Act of 1986 (33 U.S.C. 2211(b)).

8 **SEC. 204. CONSOLIDATION OF DEEP DRAFT NAVIGATION**
 9 **EXPERTISE.**

10 Section 2033(e) of the Water Resources Development
 11 Act of 2007 (33 U.S.C. 2282a(e)) is amended by adding
 12 at the end the following:

13 “(3) DEEP DRAFT NAVIGATION PLANNING CEN-
 14 TER OF EXPERTISE.—

15 “(A) IN GENERAL.—The Secretary shall
 16 consolidate deep draft navigation expertise
 17 within the Corps of Engineers into a deep draft
 18 navigation planning center of expertise.

19 “(B) LIST.—Not later than 60 days after
 20 the date of the consolidation required under
 21 subparagraph (A), the Secretary shall submit to
 22 the Committee on Transportation and Infra-
 23 structure of the House of Representatives and
 24 the Committee on Environment and Public
 25 Works of the Senate a list of personnel, includ-

1 ing the grade levels and expertise of the per-
2 sonnel, assigned to the center described in sub-
3 paragraph (A).”.

4 **SEC. 205. DISPOSAL SITES.**

5 (a) **IN GENERAL.**—The Secretary, in accordance with
6 subsections (b) and (c) and with the concurrence of the
7 Administrator of the Environmental Protection Agency, is
8 authorized to reopen the Cape Arundel Disposal Site (in
9 this section referred to as the “Site”) as an alternative
10 dredged material disposal site under section 103(b) of the
11 Marine Protection, Research, and Sanctuaries Act of 1972
12 (33 U.S.C. 1413(b)).

13 (b) **DEADLINE.**—The Site may remain open under
14 subsection (a) until the earlier of—

15 (1) the date on which the Site does not have
16 any remaining disposal capacity;

17 (2) the date on which an environmental impact
18 statement designating an alternative dredged mate-
19 rial disposal site for southern Maine has been com-
20 pleted; or

21 (3) the date that is 5 years after the date of en-
22 actment of this Act.

23 (c) **LIMITATIONS.**—The use of the Site as a dredged
24 material disposal site under subsection (a) shall be subject
25 to the conditions that—

1 (1) conditions at the Site remain suitable for
2 the continued use of the Site as a dredged material
3 disposal site; and

4 (2) the Site not be used for the disposal of
5 more than 80,000 cubic yards from any single
6 dredging project.

7 **SEC. 206. HARBOR MAINTENANCE TRUST FUND STUDY.**

8 (a) DEFINITIONS.—In this section:

9 (1) LOW-USE PORT.—The term “low-use port”
10 means a port at which not more than 1,000,000
11 tons of cargo are transported each calendar year.

12 (2) MODERATE-USE PORT.—The term “mod-
13 erate-use port” means a port at which more than
14 1,000,000, but fewer than 10,000,000, tons of cargo
15 are transported each calendar year.

16 (b) STUDY.—Not later than 270 days after the date
17 of enactment of this Act, the Comptroller General of the
18 United States shall carry out a study and submit to Con-
19 gress a report that—

20 (1) evaluates the effectiveness of activities fund-
21 ed by the Harbor Maintenance Trust Fund in maxi-
22 mizing economic growth and job creation in the com-
23 munities surrounding low- and moderate-use ports;
24 and

1 (2) includes recommendations relating to the
2 use of amounts in the Harbor Maintenance Trust
3 Fund to increase the competitiveness of United
4 States ports relative to Canadian and Mexican ports.

5 **Subtitle B—Inland Waterways**

6 **SEC. 211. DEFINITIONS.**

7 In this subtitle, the following definitions apply:

8 (1) **INLAND WATERWAYS TRUST FUND.**—The
9 term “Inland Waterways Trust Fund” means the
10 Inland Waterways Trust Fund established by section
11 9506(a) of the Internal Revenue Code of 1986.

12 (2) **QUALIFYING PROJECT.**—The term “quali-
13 fying project” means any construction or major re-
14 habilitation project for navigation infrastructure of
15 the inland and intracoastal waterways that is—

16 (A) authorized before, on, or after the date
17 of enactment of this Act;

18 (B) not completed on the date of enact-
19 ment of this Act; and

20 (C) funded at least in part from the Inland
21 Waterways Trust Fund.

22 **SEC. 212. PROJECT DELIVERY PROCESS REFORMS.**

23 (a) **REQUIREMENTS FOR QUALIFYING PROJECTS.**—

24 With respect to each qualifying project, the Secretary shall
25 require—

1 (1) for each project manager, that—

2 (A) the project manager have formal
3 project management training and certification;
4 and

5 (B) the project manager be assigned from
6 among personnel certified by the Chief of Engi-
7 neers; and

8 (2) for an applicable cost estimation, that—

9 (A) the Secretary utilize a risk-based cost
10 estimate with a confidence level of at least 80
11 percent; and

12 (B) the cost estimate be implemented—

13 (i) for a qualifying project that re-
14 quires an increase in the authorized
15 amount in accordance with section 902 of
16 the Water Resources Development Act of
17 1986 (33 U.S.C. 2280), during the prepa-
18 ration of a post-authorization change re-
19 port or other similar decision document;

20 (ii) for a qualifying project for which
21 the first construction contract has not been
22 awarded, prior to the award of the first
23 construction contract;

24 (iii) for a qualifying project without a
25 completed feasibility report in accordance

1 with section 905 of the Water Resources
2 Development Act of 1986 (33 U.S.C.
3 2282), prior to the completion of such a
4 report; and

5 (iv) for a qualifying project with a
6 completed feasibility report in accordance
7 with section 905 of the Water Resources
8 Development Act of 1986 (33 U.S.C.
9 2282) that has not yet been authorized,
10 during design for the qualifying project.

11 (b) ADDITIONAL PROJECT DELIVERY PROCESS RE-
12 FORMS.—Not later than 18 months after the date of en-
13 actment of this Act, the Secretary shall—

14 (1) establish a system to identify and apply on
15 a continuing basis best management practices from
16 prior or ongoing qualifying projects to improve the
17 likelihood of on-time and on-budget completion of
18 qualifying projects;

19 (2) evaluate early contractor involvement acqui-
20 sition procedures to improve on-time and on-budget
21 project delivery performance; and

22 (3) implement any additional measures that the
23 Secretary determines will achieve the purposes of
24 this subtitle, including—

1 (A) the implementation of applicable prac-
2 tices and procedures developed pursuant to
3 management by the Secretary of an applicable
4 military construction program;

5 (B) the development and use of a portfolio
6 of standard designs for inland navigation locks;

7 (C) the use of full-funding contracts or for-
8 mulation of a revised continuing contracts
9 clause; and

10 (D) the establishment of procedures for
11 recommending new project construction starts
12 using a capital projects business model.

13 (c) PILOT PROJECTS.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 the Secretary may carry out pilot projects to evalu-
16 ate processes and procedures for the study, design,
17 and construction of qualifying projects.

18 (2) INCLUSIONS.—At a minimum, the Secretary
19 shall carry out pilot projects under this subsection to
20 evaluate—

21 (A) early contractor involvement in the de-
22 velopment of features and components;

23 (B) an appropriate use of continuing con-
24 tracts for the construction of features and com-
25 ponents; and

1 (C) applicable principles, procedures, and
2 processes used for military construction
3 projects.

4 (d) INLAND WATERWAYS USER BOARD.—Section
5 302 of the Water Resources Development Act of 1986 (33
6 U.S.C. 2251) is amended—

7 (1) by striking subsection (b) and inserting the
8 following:

9 “(b) DUTIES OF USERS BOARD.—

10 “(1) IN GENERAL.—The Users Board shall
11 meet not less frequently than semiannually to de-
12 velop and make recommendations to the Secretary
13 and Congress regarding the inland waterways and
14 inland harbors of the United States.

15 “(2) ADVICE AND RECOMMENDATIONS.—For
16 commercial navigation features and components of
17 the inland waterways and inland harbors of the
18 United States, the Users Board shall provide—

19 “(A) prior to the development of the budg-
20 et proposal of the President for a given fiscal
21 year, advice and recommendations to the Sec-
22 retary regarding construction and rehabilitation
23 priorities and spending levels;

24 “(B) advice and recommendations to Con-
25 gress regarding any completed feasibility report

1 in accordance with section 905 of the Water
2 Resources Development Act of 1986 (33 U.S.C.
3 2282) relating to those features and compo-
4 nents;

5 “(C) advice and recommendations to Con-
6 gress regarding an increase in the authorized
7 cost of those features and components;

8 “(D) not later than 60 days after the date
9 of the submission of the budget proposal of the
10 President to Congress, advice and recommenda-
11 tions to Congress regarding construction and
12 rehabilitation priorities and spending levels; and

13 “(E) advice and recommendations on the
14 development of a long-term capital investment
15 program in accordance with subsection (d).

16 “(3) PROJECT DEVELOPMENT TEAMS.—The
17 chairperson of the Users Board shall appoint a rep-
18 resentative of the Users Board to serve as an infor-
19 mal advisor to the project development team for a
20 qualifying project or the study or design of a com-
21 mercial navigation feature or component of the in-
22 land waterways and inland harbors of the United
23 States.

24 “(4) INDEPENDENT JUDGMENT.—Any advice or
25 recommendation made by the Users Board to the

1 Secretary shall reflect the independent judgment of
2 the Users Board.”;

3 (2) by striking subsection (c) and inserting the
4 following:

5 “(c) DUTIES OF SECRETARY.—The Secretary shall—

6 “(1) communicate not less than once each quar-
7 ter to the Users Board the status of the study, de-
8 sign, or construction of all commercial navigation
9 features or components of the inland waterways or
10 inland harbors of the United States; and

11 “(2) submit to the Users Board a courtesy copy
12 of all completed feasibility reports relating to a com-
13 mercial navigation feature or component of the in-
14 land waterways or inland harbors of the United
15 States.

16 “(d) CAPITAL INVESTMENT PROGRAM.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this subsection, the Sec-
19 retary, in coordination with the Users Board, shall
20 develop and submit to Congress a report describing
21 a 20-year program for making capital investments
22 on the inland and intracoastal waterways based on
23 the application of objective, national project selection
24 prioritization criteria.

1 “(2) CONSIDERATION.—In developing the pro-
2 gram under paragraph (1), the Secretary shall take
3 into consideration the 20-year capital investment
4 strategy contained in the Inland Marine Transpor-
5 tation System (IMTS) Capital Projects Business
6 Model, Final Report published on April 13, 2010, as
7 approved by the Users Board.

8 “(3) CRITERIA.—In developing the plan and
9 prioritization criteria under paragraph (1), the Sec-
10 retary shall ensure, to the maximum extent prac-
11 ticable, that investments made under the 20-year
12 program described in paragraph (1)—

13 “(A) are made in all geographical areas of
14 the inland waterways system; and

15 “(B) ensure efficient funding of inland wa-
16 terways projects.

17 “(4) STRATEGIC REVIEW AND UPDATE.—Not
18 later than 5 years after the date of enactment of
19 this subsection, and not less frequently than once
20 every 5 years thereafter, the Secretary, in coordina-
21 tion with the Users Board, shall—

22 “(A) submit to Congress a strategic review
23 of the 20-year program in effect under this sub-
24 section, which shall identify and explain any
25 changes to the project-specific recommendations

1 contained in the previous 20-year program (in-
2 cluding any changes to the prioritization cri-
3 teria used to develop the updated recommenda-
4 tions); and

5 “(B) make revisions to the program, as ap-
6 propriate.

7 “(e) PROJECT MANAGEMENT PLANS.—The chair-
8 person of the Users Board and the project development
9 team member appointed by the chairperson under sub-
10 section (b)(3) may sign the project management plan for
11 the qualifying project or the study or design of a commer-
12 cial navigation feature or component of the inland water-
13 ways and inland harbors of the United States.

14 “(f) ADMINISTRATION.—The Users Board shall be
15 subject to the Federal Advisory Committee Act, other than
16 section 14, and, with the consent of the appropriate agen-
17 cy head, the Users Board may use the facilities and serv-
18 ices of any Federal agency. For the purposes of complying
19 with such Act, the members of the Users Board shall not
20 be considered special Government employees (as defined
21 in section 202 of title 18, United States Code). Non-Fed-
22 eral members of the Users Board while engaged in the
23 performance of their duties away from their homes or reg-
24 ular places of business, may be allowed travel expenses,

1 including per diem in lieu of subsistence, as authorized
2 by section 5703 of title 5, United States Code.”.

3 **SEC. 213. EFFICIENCY OF REVENUE COLLECTION.**

4 Not later than 2 years after the date of enactment
5 of this Act, the Comptroller General of the United States
6 shall prepare a report on the efficiency of collecting the
7 fuel tax for the Inland Waterways Trust Fund, which shall
8 include—

9 (1) an evaluation of whether current methods of
10 collection of the fuel tax result in full compliance
11 with requirements of the law;

12 (2) whether alternative methods of collection
13 would result in increased revenues into the Inland
14 Waterways Trust Fund; and

15 (3) an evaluation of alternative collection op-
16 tions.

17 **SEC. 214. INLAND WATERWAYS REVENUE STUDIES.**

18 (a) INLAND WATERWAYS CONSTRUCTION BONDS
19 STUDY.—

20 (1) STUDY.—The Secretary, in coordination
21 with the Secretary of the Treasury, shall conduct a
22 study on the feasibility of authorizing the issuance
23 of federally tax-exempt bonds secured against the
24 available proceeds, including projected annual re-
25 ceipts, in the Inland Waterways Trust Fund estab-

1 lished by section 9506(a) of the Internal Revenue
2 Code of 1986.

3 (2) CONTENTS.—In carrying out the study, the
4 Secretary and the Secretary of the Treasury shall
5 examine the implications of issuing such bonds, in-
6 cluding the potential revenues that could be gen-
7 erated and the projected net cost to the Treasury,
8 including loss of potential revenue.

9 (3) CONSULTATION.—In carrying out the study,
10 the Secretary and the Secretary of the Treasury, at
11 a minimum, shall consult with—

12 (A) representatives of the Inland Water-
13 way Users Board established by section 302 of
14 the Water Resources Development Act of 1986
15 (33 U.S.C. 2251);

16 (B) representatives of the commodities and
17 bulk cargos that are currently shipped for com-
18 mercial purposes on the segments of the inland
19 and intracoastal waterways listed in section 206
20 of the Inland Waterways Revenue Act of 1978
21 (33 U.S.C. 1804);

22 (C) representatives of other users of locks
23 and dams on the inland and intracoastal water-
24 ways, including persons owning, operating,
25 using, or otherwise benefitting from—

- 1 (i) hydropower generation facilities;
2 (ii) electric utilities that rely on the
3 waterways for cooling of existing electricity
4 generation facilities;
5 (iii) municipal and industrial water
6 supply;
7 (iv) recreation;
8 (v) irrigation water supply; or
9 (vi) flood damage reduction;

10 (D) other stakeholders associated with the
11 inland and intracoastal waterways, as identified
12 by the Secretary or the Secretary of the Treas-
13 ury; and

14 (E) the heads of other appropriate Federal
15 agencies, including the Secretary of Transpor-
16 tation, the Secretary of the Interior, and the
17 Administrator of the Environmental Protection
18 Agency.

19 (4) REPORT TO CONGRESS.—Not later than 1
20 year after the date of enactment of this Act, the
21 Secretary and the Secretary of the Treasury shall
22 submit a joint report on the results of the study
23 to—

24 (A) the Committee on Transportation and
25 Infrastructure, the Committee on Ways and

1 Means, and the Committee on the Budget of
2 the House of Representatives; and

3 (B) the Committee on Environment and
4 Public Works, the Committee on Finance, and
5 the Committee on the Budget of the Senate.

6 (b) POTENTIAL FEES FOR BENEFICIARIES AND
7 USERS OF INLAND AND INTRACOASTAL WATERWAYS IN-
8 FRASTRUCTURE.—

9 (1) IN GENERAL.—The Secretary shall conduct
10 a study and submit to Congress a report on poten-
11 tial user fees and revenues from other sources that
12 could be collected to generate additional revenues for
13 the Inland Waterways Trust Fund established by
14 section 9506(a) of the Internal Revenue Code of
15 1986.

16 (2) SCOPE OF STUDY.—

17 (A) IN GENERAL.—In carrying out the
18 study, the Secretary shall evaluate an array of
19 potential user fees and other revenues options
20 that, when combined with funds generated by
21 section 4042 of the Internal Revenue Code of
22 1986, are sufficient to support one-half of an-
23 nual construction expenditure levels of
24 \$380,000,000 for the authorized purposes of
25 the Inland Waterways Trust Fund.

1 (B) POTENTIAL REVENUE OPTIONS FOR
2 STUDY.—In carrying out the study, the Sec-
3 retary, at a minimum, shall evaluate potential
4 user fees and other revenue options identified
5 in—

6 (i) the report of the Congressional
7 Budget Office entitled “Paying for High-
8 ways, Airways, and Waterways: How Can
9 Users Be Charged?”, dated May 1, 1992;

10 (ii) the draft bill submitted by the As-
11 sistant Secretary of the Army (Civil
12 Works) to Congress entitled the “Lock
13 User Fee Act of 2008”, dated April 4,
14 2008;

15 (iii) the Inland Marine Transportation
16 System (IMTS) Capital Projects Business
17 Model, Final Report, published on April
18 12, 2010, as approved by the Inland Wa-
19 terways Users Board established by section
20 302 of the Water Resources Development
21 Act of 1986 (33 U.S.C. 2251); and

22 (iv) the draft bill submitted by the
23 President to Congress entitled the “Inland
24 Waterways Capital Investment Act of
25 2011”, dated September 2011.

1 (3) CONDUCT OF STUDY.—In carrying out the
2 study, the Secretary shall—

3 (A) take into consideration whether the po-
4 tential user fees and revenues from other
5 sources—

6 (i) are equitably associated with the
7 construction, operation, and maintenance
8 of inland and intracoastal waterway infra-
9 structure, including locks, dams, and navi-
10 gation channels; and

11 (ii) can be efficiently collected;

12 (B) consult with, at a minimum—

13 (i) representatives of the Inland Wa-
14 terways Users Board; and

15 (ii) representatives of other non-
16 navigation beneficiaries of inland and in-
17 tracoastal waterway infrastructure, includ-
18 ing persons benefitting from—

19 (I) municipal water supply;

20 (II) hydropower;

21 (III) recreation;

22 (IV) industrial water supply;

23 (V) flood damage reduction;

24 (VI) agricultural water supply;

25 (VII) environmental restoration;

1 (VIII) local and regional eco-
2 nomic development; or

3 (IX) local real estate interests;
4 and

5 (iii) representatives of other interests,
6 as identified by the Secretary; and

7 (C) provide the opportunity for public
8 hearings in each of the geographic regions that
9 contain segments of the inland and intracoastal
10 waterways listed in section 206 of the Inland
11 Waterways Revenue Act of 1978 (33 U.S.C.
12 1804).

13 (4) REPORT TO CONGRESS.—Not later than 1
14 year after the date of enactment of this Act, the
15 Secretary shall submit a report on the results of the
16 study to—

17 (A) the Committee on Transportation and
18 Infrastructure, the Committee on Ways and
19 Means, and the Committee on the Budget of
20 the House of Representatives; and

21 (B) the Committee on Environment and
22 Public Works, the Committee on Finance, and
23 the Committee on the Budget of the Senate.

1 **SEC. 215. INLAND WATERWAYS STAKEHOLDER ROUND-**
2 **TABLE.**

3 (a) IN GENERAL.—The Secretary shall conduct an
4 inland waterways stakeholder roundtable to provide for a
5 review and evaluation of alternative approaches—

6 (1) to address the financial needs of the Inland
7 Waterways Trust Fund; and

8 (2) to support the water infrastructure needs of
9 the Inland Waterways System.

10 (b) SELECTION OF PARTICIPANTS.—

11 (1) IN GENERAL.—Not later than 45 days after
12 the date on which the Secretary submits to Congress
13 the report required by section 214(b), the Secretary
14 shall select individuals to be invited to participate in
15 the stakeholder roundtable.

16 (2) COMPOSITION.—The individuals selected
17 under paragraph (1) shall include—

18 (A) representatives of affected shippers
19 and suppliers;

20 (B) representatives of State and Federal
21 water managers; and

22 (C) other interested persons with direct
23 knowledge of the Inland Waterways System.

24 (c) FRAMEWORK AND AGENDA.—The Secretary shall
25 work with a group of the individuals selected under sub-

1 section (b) to develop the framework and agenda for the
2 stakeholder roundtable.

3 (d) CONDUCT OF STAKEHOLDER ROUNDTABLE.—

4 (1) IN GENERAL.—Not later than 120 days
5 after the date on which the Secretary submits to
6 Congress the report required by section 214(b), the
7 Secretary shall conduct the stakeholder roundtable.

8 (2) ISSUES TO BE DISCUSSED.—The stake-
9 holder roundtable shall provide for the review and
10 evaluation described in subsection (a) and shall in-
11 clude the following:

12 (A) An evaluation of alternatives that have
13 been developed to address funding options for
14 the Inland Waterways System.

15 (B) An evaluation of the funding status of
16 the Inland Waterways Trust Fund.

17 (C) Prioritization of the ongoing and pro-
18 jected water infrastructure needs of the Inland
19 Waterways System.

20 (D) Identification of a process forward for
21 meeting such needs, with timeline for address-
22 ing the funding challenges for the inland water-
23 ways trust system.

24 (e) REPORT TO CONGRESS.—Not later than 180 days
25 after the date on which the Secretary submits to Congress

1 the report required by section 214(b), the Secretary shall
2 submit to Congress a report that contains—

3 (1) a summary the stakeholder roundtable, in-
4 cluding areas of concurrence on funding approaches
5 and areas or disagreement in meeting funding needs;
6 and

7 (2) recommendations developed by the Sec-
8 retary for logical next steps to address the issues
9 discussed at the stakeholder roundtable.

10 **SEC. 216. PRESERVING THE INLAND WATERWAY TRUST**
11 **FUND.**

12 (a) **OLMSTED PROJECT REFORM.**—

13 (1) **IN GENERAL.**—Notwithstanding section
14 3(a)(6) of the Water Resources Development Act of
15 1988 (102 Stat. 4013), for each fiscal year begin-
16 ning after the date of enactment of this Act, 25 per-
17 cent of the cost of construction for the Olmsted
18 Project shall be paid from amounts appropriated
19 from the Inland Waterways Trust Fund.

20 (2) **DEFINITION.**—In this subsection the term
21 “Olmsted Project” means the project for navigation,
22 Lower Ohio River, Locks 52 and 53, Illinois and
23 Kentucky, authorized by section 3(a)(6) of the
24 Water Resources Development Act of 1988 (102
25 Stat. 4013).

1 (3) SENSE OF CONGRESS.—It is the sense of
2 Congress that the appropriation for the Olmsted
3 project should be not less than \$150,000,000 for
4 each fiscal year until construction of the project is
5 completed.

6 (4) REPORT.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary shall
8 submit a report to the Committee on Transportation
9 and Infrastructure of the House of Representatives
10 and the Committee on Environment and Public
11 Works of the Senate regarding the lessons learned
12 from the experience of planning and constructing the
13 Olmsted Project and how such lessons might apply
14 to future inland waterway studies and projects.

15 (b) ANNUAL REPORT ON PROGRESS AND COSTS.—
16 For any inland waterways project that the Secretary car-
17 ries out that has an estimated total cost of \$500,000,000
18 or more, the Secretary shall submit to the congressional
19 committees referred to in subsection (a)(4) an annual fi-
20 nancial plan for the project. The plan shall be based on
21 detailed annual estimates of the cost to complete the re-
22 maining elements of the project and on reasonable as-
23 sumptions, as determined by the Secretary, of any future
24 increases of the cost to complete the project.

1 **SEC. 217. PUBLIC COMMENT ON LOCK OPERATIONS.**

2 At least 90 days before carrying out a proposed modi-
3 fication to the operation of a lock at a project for naviga-
4 tion on the inland waterways, the Secretary shall—

5 (1) provide notice of the proposed modification
6 in the Federal Register; and

7 (2) accept public comments on the proposed
8 modification.

9 **SEC. 218. ASSESSMENT OF OPERATION AND MAINTENANCE**
10 **NEEDS OF THE ATLANTIC INTRACOASTAL**
11 **WATERWAY AND THE GULF INTRACOASTAL**
12 **WATERWAY.**

13 (a) IN GENERAL.—Not later than 90 days after the
14 date of enactment of this Act, the Secretary shall assess
15 the operation and maintenance needs of the Atlantic In-
16 tracoastal Waterway and the Gulf Intracoastal Waterway.

17 (b) TYPES OF ACTIVITIES.—In carrying out sub-
18 section (a), the Secretary shall assess the operation and
19 maintenance needs of the Atlantic Intracoastal Waterway
20 and the Gulf Intracoastal Waterway as used for the fol-
21 lowing purposes:

22 (1) Commercial navigation.

23 (2) Commercial fishing.

24 (3) Subsistence, including utilization by Indian
25 tribes (as such term is defined by section 4 of the
26 Indian Self-Determination and Education Assistance

1 Act (25 U.S.C. 450b)) for subsistence and ceremo-
2 nial purposes.

3 (4) Use as ingress and egress to harbors of ref-
4 uge.

5 (5) Transportation of persons.

6 (6) Purposes relating to domestic energy pro-
7 duction, including fabrication, servicing, and supply
8 of domestic offshore energy production facilities.

9 (7) Activities of the Secretary of the depart-
10 ment in which the Coast Guard is operating.

11 (8) Public health and safety related equipment
12 for responding to coastal and inland emergencies.

13 (9) Recreation purposes.

14 (10) Any other authorized purpose.

15 (c) REPORT TO CONGRESS.—For fiscal year 2015,
16 and biennially thereafter, in conjunction with the Presi-
17 dent’s annual budget submission to Congress under sec-
18 tion 1105(a) of title 31, United States Code, the Secretary
19 shall submit to the Committee on Transportation and In-
20 frastructure of the House of Representatives and the Com-
21 mittee on Environment and Public Works of the Senate
22 a report that, with respect to the Atlantic Intracoastal
23 Waterway and the Gulf Intracoastal Waterway—

1 (1) identifies the operation and maintenance
2 costs required to achieve the authorized length,
3 width, and depth;

4 (2) identifies the amount of funding requested
5 in the President's budget for operation and mainte-
6 nance costs; and

7 (3) identifies the unmet operation and mainte-
8 nance needs of the Atlantic Intracoastal Waterway
9 and the Gulf Intracoastal Waterway.

10 **SEC. 219. UPPER MISSISSIPPI RIVER PROTECTION.**

11 (a) **ECONOMIC IMPACT STUDY.**—Not later than 180
12 days after the date of enactment of this Act, the Secretary
13 shall conduct a study and submit to Congress a report
14 on the impact of closing the Upper St. Anthony Falls Lock
15 and Dam on the economy and the environment, including
16 an assessment of the annual average tonnage moving
17 through the Upper St. Anthony Falls Lock and Dam dur-
18 ing the preceding 5 years.

19 (b) **MANDATORY CLOSURE.**—Not later than 1 year
20 after the date of enactment of this Act, the Secretary shall
21 close the Upper St. Anthony Falls Lock and Dam if the
22 Secretary determines pursuant to the study conducted
23 under subsection (a), or based on other appropriate infor-
24 mation made available to the Secretary, that the annual
25 average tonnage moving through the Upper St. Anthony

1 Falls Lock and Dam during the preceding 5 years was
2 not more than 1,500,000 tons.

3 (c) EMERGENCY OPERATIONS.—Nothing in this sec-
4 tion may be construed to prevent the Secretary from car-
5 rying out emergency lock operations necessary to mitigate
6 flood damage.

7 (d) UPPER ST. ANTHONY FALLS LOCK AND DAM
8 DEFINED.—In this section, the term “Upper St. Anthony
9 Falls Lock and Dam” means the lock and dam located
10 on Mississippi River Mile 853.9 in Minneapolis, Min-
11 nesota.

12 **SEC. 220. CORPS OF ENGINEERS LOCK AND DAM ENERGY**
13 **DEVELOPMENT.**

14 Section 1117 of the Water Resources Development
15 Act of 1986 (100 Stat. 4236) is amended to read as fol-
16 lows:

17 **“SEC. 1117. W.D. MAYO LOCK AND DAM.**

18 “(a) IN GENERAL.—The Cherokee Nation of Okla-
19 homa may—

20 “(1) design and construct one or more hydro-
21 electric generating facilities at the W.D. Mayo Lock
22 and Dam on the Arkansas River, Oklahoma; and

23 “(2) market the electricity generated from any
24 such facility.

25 “(b) PRECONSTRUCTION REQUIREMENTS.—

1 “(1) PERMITS.—Before the date on which con-
2 struction of a hydroelectric generating facility begins
3 under subsection (a), the Cherokee Nation shall ob-
4 tain any permit required under Federal or State law,
5 except that the Cherokee Nation shall be exempt
6 from licensing requirements that may otherwise
7 apply to construction, operation, or maintenance of
8 the facility under the Federal Power Act (16 U.S.C.
9 791a et seq.).

10 “(2) REVIEW OF PLANS AND SPECIFICA-
11 TIONS.—The Cherokee Nation may initiate the de-
12 sign or construction of a hydroelectric generating fa-
13 cility under subsection (a) only after the Secretary
14 reviews and approves the plans and specifications for
15 the design and construction.

16 “(c) PAYMENT OF DESIGN AND CONSTRUCTION
17 COSTS.—

18 “(1) IN GENERAL.—The Secretary may accept
19 funds offered by the Cherokee Nation and use such
20 funds to carry out the design and construction of a
21 hydroelectric generating facility under subsection
22 (a).

23 “(2) ALLOCATION OF COSTS.—The Cherokee
24 Nation shall—

1 “(A) bear all costs associated with the de-
2 sign and construction of a hydroelectric gener-
3 ating facility under subsection (a); and

4 “(B) provide any funds necessary for the
5 design and construction to the Secretary prior
6 to the Secretary initiating any activities related
7 to the design and construction.

8 “(d) ASSUMPTION OF LIABILITY.—The Cherokee Na-
9 tion shall—

10 “(1) hold all title to a hydroelectric generating
11 facility constructed under subsection (a) and may,
12 subject to the approval of the Secretary, assign such
13 title to a third party;

14 “(2) be solely responsible for—

15 “(A) the operation, maintenance, repair,
16 replacement, and rehabilitation of the facility;
17 and

18 “(B) the marketing of the electricity gen-
19 erated by the facility; and

20 “(3) release and indemnify the United States
21 from any claims, causes of action, or liabilities that
22 may arise out of any activity undertaken to carry
23 out this section.

24 “(e) ASSISTANCE AVAILABLE.—The Secretary may
25 provide technical and construction management assistance

1 requested by the Cherokee Nation relating to the design
2 and construction of a hydroelectric generating facility
3 under subsection (a).

4 “(f) THIRD PARTY AGREEMENTS.—The Cherokee
5 Nation may enter into agreements with the Secretary or
6 a third party that the Cherokee Nation or the Secretary
7 determines are necessary to carry out this section.”.

8 **TITLE III—DEAUTHORIZATIONS** 9 **AND BACKLOG PREVENTION**

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

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

12 (1) to identify \$12,000,000,000 in water re-
13 sources development projects authorized by Congress
14 that are no longer viable for construction due to—

15 (A) a lack of local support;

16 (B) a lack of available Federal or non-Fed-
17 eral resources; or

18 (C) an authorizing purpose that is no
19 longer relevant or feasible;

20 (2) to create an expedited and definitive process
21 to deauthorize water resources development projects
22 that are no longer viable for construction; and

23 (3) to allow the continued authorization of
24 water resources development projects that are viable
25 for construction.

1 (b) DEAUTHORIZATION OF PROJECTS AUTHORIZED
2 BEFORE WRDA 2007.—

3 (1) IN GENERAL.—Not later than 90 days after
4 the date of enactment of this Act, the Secretary
5 shall submit to the Committee on Transportation
6 and Infrastructure of the House of Representatives
7 and the Committee on Environment and Public
8 Works of the Senate, and shall publish in the Fed-
9 eral Register, a report that lists each authorized
10 water resources development project, or separable
11 element of a project, authorized for construction be-
12 fore November 8, 2007—

13 (A) for which—

14 (i) construction was not initiated be-
15 fore the date of enactment of this Act; or

16 (ii) construction was initiated before
17 the date of enactment of this Act, but for
18 which no funds, Federal or non-Federal,
19 were obligated for construction of the
20 project or separable element during the 5-
21 year period ending on July 1, 2013; and

22 (B) that is identified in accordance with
23 paragraph (3).

24 (2) SPECIAL RULE FOR ONGOING CONSTRUC-
25 TION.—A project or separable element shall not be

1 listed pursuant to paragraph (1)(A)(ii) if the project
2 or separable element is being constructed as of the
3 date of enactment of this Act.

4 (3) IDENTIFICATION OF PROJECTS.—

5 (A) IN GENERAL.—The Secretary shall
6 identify in the report submitted under para-
7 graph (1) projects and separable elements
8 that—

9 (i) meet the requirements described in
10 subparagraph (A) of that paragraph; and

11 (ii) in the aggregate have an esti-
12 mated Federal cost to complete (as of the
13 date of the report) that is at least
14 \$12,000,000,000.

15 (B) SEQUENCING OF PROJECTS.—In iden-
16 tifying projects and separable elements under
17 subparagraph (A), the Secretary shall identify
18 projects and separable elements according to
19 the order in which the projects and separable
20 elements were authorized, beginning with the
21 earliest authorized projects and separable ele-
22 ments and ending upon the aggregate estimated
23 Federal cost to complete for the projects and
24 separable elements identified satisfying the re-
25 quirement under subparagraph (A)(ii).

1 (4) CONGRESSIONAL REVIEW PERIOD; DE-
2 AUTHORIZATION.—After the expiration of the 180-
3 day period beginning on the date of the submission
4 of the report under this subsection, any project or
5 separable element identified in that report is hereby
6 deauthorized, unless during such period the non-
7 Federal interest for the project or separable element
8 provides, under Federal law, all funds necessary to
9 complete the project or separable element.

10 (c) TREATMENT OF PROJECT MODIFICATIONS.—For
11 purposes of this section, if an authorized water resources
12 development project or separable element has been modi-
13 fied in an Act of Congress, the date of the authorization
14 of the project or separable element shall be deemed to be
15 the date of the most recent such modification.

16 **SEC. 302. REVIEW OF CORPS OF ENGINEERS ASSETS.**

17 (a) ASSESSMENT AND INVENTORY.—Not later than
18 1 year after the date of enactment of this Act, the Sec-
19 retary shall conduct an assessment of all properties under
20 the control of the Corps of Engineers and develop an in-
21 ventory of the properties that are not needed for the mis-
22 sions of the Corps of Engineers.

23 (b) CRITERIA.—In conducting the assessment and
24 developing the inventory under subsection (a), the Sec-
25 retary shall use the following criteria:

1 (1) The extent to which the property aligns
2 with the current missions of the Corps of Engineers.

3 (2) The economic impact of the property on ex-
4 isting communities in the vicinity of the property.

5 (3) The extent to which the utilization rate for
6 the property is being maximized and is consistent
7 with nongovernmental industry standards for the
8 given function or operation.

9 (4) The extent to which the reduction or elimi-
10 nation of the property could reduce operation and
11 maintenance costs of the Corps of Engineers.

12 (5) The extent to which the reduction or elimi-
13 nation of the property could reduce energy consump-
14 tion by the Corps of Engineers.

15 (c) NOTIFICATION.—As soon as practicable following
16 completion of the inventory of properties under subsection
17 (a), the Secretary shall provide the inventory to the Ad-
18 ministrator of General Services.

19 (d) REPORT TO CONGRESS.—Not later than 30 days
20 after the date of the notification under subsection (c), the
21 Secretary shall submit to the Committee on Transpor-
22 tation and Infrastructure of the House of Representatives
23 and the Committee on Environment and Public Works of
24 the Senate a report containing the findings of the Sec-

1 retary with respect to the assessment and inventory re-
2 quired under subsection (a).

3 **SEC. 303. BACKLOG PREVENTION.**

4 (a) PROJECT DEAUTHORIZATION.—

5 (1) IN GENERAL.—A water resources develop-
6 ment project, or separable element of such a project,
7 authorized for construction by this Act shall not be
8 authorized after the last day of the 7-year period be-
9 ginning on the date of enactment of this Act unless
10 during that period funds have been obligated for
11 construction of such project.

12 (2) IDENTIFICATION OF PROJECTS.—Not later
13 than 60 days after the expiration of the 7-year pe-
14 riod referred to in paragraph (1), the Secretary shall
15 submit to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the
17 Committee on Environment and Public Works of the
18 Senate a report that identifies the projects deauthor-
19 ized under paragraph (1).

20 (b) REPORT TO CONGRESS.—Not later than 60 days
21 after the expiration of the 12-year period beginning on the
22 date of enactment of this Act, the Secretary shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and the Committee on

1 Environment and Public Works of the Senate a report
2 that contains—

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

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

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

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

14 **SEC. 304. DEAUTHORIZATIONS.**

15 (a) IN GENERAL.—The following projects are not au-
16 thorized after the date of enactment of this Act:

17 (1) WALNUT CREEK (PACHECO CREEK), CALI-
18 FORNIA.—The portions of the project for flood pro-
19 tection on Walnut Creek, California, constructed
20 under section 203 of the Flood Control Act of 1960
21 (Public Law 86–645; 74 Stat. 488), consisting of
22 the Walnut Creek project from Sta 0+00 to Sta
23 142+00 and the upstream extent of the Walnut
24 Creek project along Pacheco Creek from Sta 0+00
25 to Sta 73+50.

1 (2) WALNUT CREEK (SAN RAMON CREEK), CALI-
2 FORNIA.—The portion of the project for flood pro-
3 tection on Walnut Creek, California, constructed
4 under section 203 of the Flood Control Act of 1960
5 (Public Law 86-645; 74 Stat. 488), consisting of
6 the culvert constructed by the Department of the
7 Army on San Ramon Creek from Sta 4+27 to Sta
8 14+27.

9 (3) HILLSBOROUGH (HILLSBORO) BAY AND
10 RIVER, FLORIDA.—Those portions of the project for
11 navigation, Hillsborough (Hillsboro) Bay and River,
12 Florida, authorized by the Act of March 3, 1899 (30
13 Stat. 1126; chapter 425), that extend on either side
14 of the Hillsborough River from the Kennedy Boule-
15 vard bridge to the mouth of the river that cause the
16 existing channel to exceed 100 feet in width.

17 (4) KAHULUI WASTEWATER RECLAMATION FA-
18 CILITY, MAUI, HAWAII.—The project carried out pur-
19 suant to the authority provided by section 14 of the
20 Flood Control Act of 1946 (33 U.S.C. 701r) to pro-
21 vide shoreline protection for the Kahului Wastewater
22 Reclamation Facility, located on the Island of Maui
23 in the State of Hawaii.

24 (5) CHICAGO HARBOR, ILLINOIS.—The portion
25 of the project for navigation, Chicago Harbor, Illi-

1 nois, authorized by the first section of the Act of
2 March 3, 1899 (30 Stat. 1129; chapter 425), and
3 the first section of the Act of March 2, 1919 (40
4 Stat. 1283; chapter 95), and described as follows:

5 (A) Beginning at the southwest corner of
6 Metropolitan Sanitary District of Greater Chi-
7 cago sluice gate that abuts the north wall of the
8 Chicago River Lock.

9 (B) Thence running north for approxi-
10 mately 290 feet.

11 (C) Thence running east approximately
12 1,000 feet.

13 (D) Thence running south approximately
14 290 feet.

15 (E) Thence running west approximately
16 1,000 feet to the point of origin.

17 (6) LUCAS-BERG PIT, ILLINOIS WATERWAY AND
18 GRANT CALUMET RIVER, ILLINOIS.—The portion of
19 the project for navigation, Illinois Waterway and
20 Grand Calumet River, Illinois, authorized by the
21 first section of the Act entitled “An Act authorizing
22 the construction of certain public works on rivers
23 and harbors for flood control, and for other pur-
24 poses”, approved July 24, 1946 (60 Stat. 636; chap-

1 ter 596), that consists of the Lucas-Berg Pit con-
2 fined disposal facility, Illinois.

3 (7) ROCKLAND HARBOR, MAINE.—The portion
4 of the project for navigation, Rockland Harbor,
5 Maine, authorized by the Act entitled “An Act mak-
6 ing appropriations for the construction, repair, and
7 preservation of certain public works on rivers and
8 harbors, and for other purposes”, approved June 3,
9 1896 (29 Stat. 202), and described as follows:

10 (A) Beginning at the point in the 14-foot
11 turning basin limit with coordinates
12 N162,927.61, E826,210.16.

13 (B) Thence running north 45 degrees 45
14 minutes 15.6 seconds east 287.45 feet to a
15 point N163,128.18, E826,416.08.

16 (C) Thence running south 13 degrees 17
17 minutes 53.3 seconds east 129.11 feet to a
18 point N163,002.53, E826,445.77.

19 (D) Thence running south 45 degrees 45
20 minutes 18.4 seconds west 221.05 feet to a
21 point N162,848.30, E826,287.42.

22 (E) Thence running north 44 degrees 14
23 minutes 59.5 seconds west 110.73 feet to the
24 point of origin.

1 (8) CORSICA RIVER, QUEEN ANNE'S COUNTY,
2 MARYLAND.—The portion of the project for improv-
3 ing the Corsica River, Maryland, authorized by the
4 first section of the Act entitled “An Act making ap-
5 propriations for the construction, repair, and preser-
6 vation of certain public works on rivers and harbors,
7 and for other purposes”, approved July 25, 1912
8 (37 Stat. 205), and described as follows: Approxi-
9 mately 2,000 feet of the eastern section of the
10 project channel extending from—

11 (A) centerline station 0+000 (coordinates
12 N506350.60, E1575013.60); to

13 (B) station 2+000 (coordinates
14 N508012.39, E1574720.18).

15 (9) GLOUCESTER HARBOR AND ANNISQUAM
16 RIVER, MASSACHUSETTS.—The portions of the
17 project for navigation, Gloucester Harbor and
18 Annisquam River, Massachusetts, authorized by sec-
19 tion 2 of the Act entitled “An Act authorizing the
20 construction, repair, and preservation of certain pub-
21 lic works on rivers and harbors, and for other pur-
22 poses”, approved of March 2, 1945 (59 Stat. 12;
23 chapter 19), consisting of an 8-foot anchorage area
24 in Lobster Cove, and described as follows:

1 (A) Beginning at a bend along the easterly
2 limit of the existing project, N3063230.31,
3 E878283.77, thence running northwesterly
4 about 339 feet to a point, N3063478.86,
5 E878053.83, thence running northwesterly
6 about 281 feet to a bend on the easterly limit
7 of the existing project, N3063731.88,
8 E877932.54, thence running southeasterly
9 about 612 feet along the easterly limit of the
10 existing project to the point of origin.

11 (B) Beginning at a bend along the easterly
12 limit of the existing project, N3064065.80,
13 E878031.45, thence running northwesterly
14 about 621 feet to a point, N3064687.05,
15 E878031.13, thence running southwesterly
16 about 122 feet to a point, N3064686.98,
17 E877908.85, thence running southeasterly
18 about 624 feet to a point, N3064063.31,
19 E877909.17, thence running southwesterly
20 about 512 feet to a point, N3063684.73,
21 E877564.56, thence running about 741 feet to
22 a point along the westerly limit of the existing
23 project, N3063273.98, E876947.77, thence
24 running northeasterly about 533 feet to a bend
25 along the westerly limit of the existing project,

1 N3063585.62, E877380.63, thence running
2 about 147 feet northeasterly to a bend along
3 the westerly limit of the project, N3063671.29,
4 E877499.63, thence running northeasterly
5 about 233 feet to a bend along the westerly
6 limit of the existing project, N3063840.60,
7 E877660.29, thence running about 339 feet
8 northeasterly to a bend along the westerly limit
9 of the existing project, N3064120.34,
10 E877852.55, thence running about 573 feet to
11 a bend along the westerly limit of the existing
12 project, N3064692.98, E877865.04, thence
13 running about 113 feet to a bend along the
14 northerly limit of the existing project,
15 N3064739.51, E877968.31, thence running
16 145 feet southeasterly to a bend along the
17 northerly limit of the existing project,
18 N3064711.19, E878110.69, thence running
19 about 650 feet along the easterly limit of the
20 existing project to the point of origin.

21 (10) IPSWICH RIVER, MASSACHUSETTS.—The
22 portion of the project for navigation, Ipswich River,
23 Massachusetts, authorized by the first section of the
24 Act of August 5, 1886 (24 Stat. 317, chapter 929)
25 consisting of a 4-foot channel located at the entrance

1 to the inner harbor at Ipswich Harbor, and de-
2 scribed as follows:

3 (A) Lying northwesterly of a line com-
4 mencing at N3,074,938.09, E837,154.87.

5 (B) Thence running easterly approximately
6 60 feet to a point with coordinates
7 N3,074,972.62, E837,203.93.

8 (11) EAST FORK OF TRINITY RIVER, TEXAS.—
9 The portion of the project for flood protection on the
10 East Fork of the Trinity River, Texas, authorized by
11 section 203 of the Flood Control Act of 1962 (76
12 Stat. 1185), that consists of the 2 levees identified
13 as Kaufman County Levees K5E and K5W.

14 (12) BURNHAM CANAL, WISCONSIN.—The por-
15 tion of the project for navigation, Milwaukee Harbor
16 Project, Milwaukee, Wisconsin, known as the
17 Burnham Canal, authorized by the first section of
18 the Act entitled “An Act for the protection of com-
19 merce on Lake Michigan”, approved March 3, 1843
20 (5 Stat. 619; chapter 85), and described as follows:

21 (A) Beginning at channel point #415a
22 N381768.648, E2524554.836, a distance of
23 about 170.58 feet.

24 (B) Thence running south 53 degrees 43
25 minutes 41 seconds west to channel point #417

1 N381667.728, E2524417.311, a distance of
2 about 35.01 feet.

3 (C) Thence running south 34 degrees 10
4 minutes 40 seconds west to channel point #501
5 N381638.761, E2524397.639, a distance of
6 about 139.25 feet.

7 (D) Thence running south 34 degrees 10
8 minutes 48 seconds west to channel point #503
9 N381523.557, E2524319.406, a distance of
10 about 235.98 feet.

11 (E) Thence running south 32 degrees 59
12 minutes 13 seconds west to channel point #505
13 N381325.615, E2524190.925, a distance of
14 about 431.29 feet.

15 (F) Thence running south 32 degrees 36
16 minutes 05 seconds west to channel point #509
17 N380962.276, E2523958.547, a distance of
18 about 614.52 feet.

19 (G) Thence running south 89 degrees 05
20 minutes 00 seconds west to channel point #511
21 N380952.445, E2523344.107, a distance of
22 about 74.68 feet.

23 (H) Thence running north 89 degrees 04
24 minutes 59 seconds west to channel point #512

1 N381027.13, E2523342.91, a distance of about
2 533.84 feet.

3 (I) Thence running north 89 degrees 05
4 minutes 00 seconds east to channel point #510
5 N381035.67, E2523876.69, a distance of about
6 47.86 feet.

7 (J) Thence running north 61 degrees 02
8 minutes 07 seconds east to channel point #508
9 N381058.84, E2523918.56, a distance of about
10 308.55 feet.

11 (K) Thence running north 36 degrees 15
12 minutes 29 seconds east to channel point #506
13 N381307.65, E2524101.05, a distance of about
14 199.98 feet.

15 (L) Thence running north 32 degrees 59
16 minutes 12 seconds east to channel point #504
17 N381475.40, E2524209.93, a distance of about
18 195.14 feet.

19 (M) Thence running north 26 degrees 17
20 minutes 22 seconds east to channel point #502
21 N381650.36, E2524296.36, a distance of about
22 81.82 feet.

23 (N) Thence running north 88 degrees 51
24 minutes 05 seconds west to channel point #419

1 N381732.17, E2524294.72, a distance of about
2 262.65 feet.

3 (O) Thence running north 82 degrees 01
4 minutes 02 seconds east to channel point
5 #415a, the point of origin.

6 (13) MANITOWOC HARBOR, WISCONSIN.—The
7 portion of the project for navigation, Manitowoc
8 River, Manitowoc, Wisconsin, authorized by the Act
9 of August 30, 1852 (10 Stat. 58; chapter 104), and
10 described as follows: The triangular area bound by—

11 (A) 44.09893383N and 087.66854912W;

12 (B) 44.09900535N and 087.66864372W;

13 and

14 (C) 44.09857884N and 087.66913123W.

15 (b) SEWARD WATERFRONT, SEWARD, ALASKA.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 the portion of the project for navigation, Seward
18 Harbor, Alaska, identified as Tract H, Seward
19 Original Townsite, Waterfront Park Replat, Plat No
20 2012–4, Seward Recording District, shall not be
21 subject to navigation servitude beginning on the date
22 of enactment of this Act.

23 (2) ENTRY BY FEDERAL GOVERNMENT.—The
24 Federal Government may enter upon the property
25 referred to in paragraph (1) to carry out any re-

1 quired operation and maintenance of the general
2 navigation features of the project referred to in
3 paragraph (1).

4 (c) PORT OF HOOD RIVER, OREGON.—

5 (1) EXTINGUISHMENT OF PORTIONS OF EXIST-
6 ING FLOWAGE EASEMENT.—With respect to the
7 properties described in paragraph (2), beginning on
8 the date of enactment of this Act, the flowage ease-
9 ment identified as Tract 1200E–6 on the Easement
10 Deed recorded as Instrument No. 740320 is extin-
11 guished above elevation 79.39 feet (NGVD 29), the
12 ordinary high water line.

13 (2) AFFECTED PROPERTIES.—The properties
14 described in this paragraph, as recorded in Hood
15 River County, Oregon, are as follows:

16 (A) Instrument Number 2010–1235.

17 (B) Instrument Number 2010–02366.

18 (C) Instrument Number 2010–02367.

19 (D) Parcel 2 of Partition Plat 2011–12P.

20 (E) Parcel 1 of Partition Plat 2005–26P.

21 (3) EXTINGUISHMENT OF FLOWAGE EASE-
22 MENT.—With respect to the properties described in
23 paragraph (2), the flowage easement is extinguished
24 if the elevation of the property is above the standard
25 project flood elevation.

1 (4) FEDERAL LIABILITIES.—The United States
2 shall not be liable for any injury caused by the extin-
3 guishment of the easement under this subsection.

4 (5) NO EFFECT ON OTHER RIGHTS.—Nothing
5 in this subsection affects the remaining rights and
6 interests of the Corps of Engineers for authorized
7 project purposes.

8 **SEC. 305. LAND CONVEYANCES.**

9 (a) TULSA PORT OF CATOOSA, ROGERS COUNTY,
10 OKLAHOMA LAND EXCHANGE.—

11 (1) LAND EXCHANGE.—On conveyance by the
12 Tulsa Port of Catoosa to the United States of all
13 right, title, and interest in and to the non-Federal
14 land, the Secretary shall convey to the Tulsa Port of
15 Catoosa all right, title, and interest of the United
16 States in and to the Federal land.

17 (2) DEFINITIONS.—In this subsection, the fol-
18 lowing definitions apply:

19 (A) FEDERAL LAND.—The term “Federal
20 land” means the approximately 87 acres of land
21 situated in Rogers County, Oklahoma, con-
22 tained within United States Tracts 413 and
23 427 and acquired for the McClellan-Kerr Ar-
24 kansas Navigation System.

1 (B) NON-FEDERAL LAND.—The term
2 “non-Federal land” means the approximately
3 34 acres of land situated in Rogers County,
4 Oklahoma, and owned by the Tulsa Port of
5 Catoosa that lie immediately south and east of
6 the Federal land.

7 (3) SPECIFIC CONDITIONS.—

8 (A) DEEDS.—

9 (i) DEED TO NON-FEDERAL LAND.—

10 The Secretary may only accept conveyance
11 of the non-Federal land by warranty deed,
12 as determined acceptable by the Secretary.

13 (ii) DEED TO FEDERAL LAND.—The

14 Secretary shall convey the Federal land to
15 the Tulsa Port of Catoosa by quitclaim
16 deed and subject to any reservations,
17 terms, and conditions the Secretary deter-
18 mines necessary to—

19 (I) allow the United States to op-
20 erate and maintain the McClellan-
21 Kerr Arkansas River Navigation Sys-
22 tem; and

23 (II) protect the interests of the
24 United States.

1 (iii) CASH PAYMENT.—If the ap-
2 praised fair market value of the Federal
3 land, as determined by the Secretary, ex-
4 ceeds the appraised fair market value of
5 the non-Federal land, as determined by the
6 Secretary, the Tulsa Port of Catoosa shall
7 make a cash payment to the United States
8 reflecting the difference in the appraised
9 fair market values.

10 (b) CITY OF ASOTIN, WASHINGTON.—

11 (1) IN GENERAL.—The Secretary shall convey
12 to the city of Asotin, Asotin County, Washington,
13 without monetary consideration, all right, title, and
14 interest of the United States in and to the land de-
15 scribed in paragraph (3).

16 (2) REVERSION.—If the land transferred under
17 this subsection ceases at any time to be used for a
18 public purpose, the land shall revert to the United
19 States.

20 (3) DESCRIPTION.—The land to be conveyed to
21 the city of Asotin, Washington, under this sub-
22 section are—

23 (A) the public ball fields designated as
24 Tracts 1503, 1605, 1607, 1609, 1611, 1613,

1 1615, 1620, 1623, 1624, 1625, 1626, and
2 1631; and

3 (B) other leased areas designated as
4 Tracts 1506, 1522, 1523, 1524, 1525, 1526,
5 1527, 1529, 1530, 1531, and 1563.

6 (c) GENERALLY APPLICABLE PROVISIONS.—

7 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

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

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

16 (3) ADDITIONAL TERMS AND CONDITIONS.—

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

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

23 which a conveyance is made under this section shall
24 be responsible for all reasonable and necessary costs,

1 including real estate transaction and environmental
2 documentation costs, associated with the conveyance.

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

11 **TITLE IV—WATER RESOURCES** 12 **INFRASTRUCTURE**

13 **SEC. 401. AUTHORIZATION OF FINAL FEASIBILITY STUDIES.**

14 The following final feasibility studies for water re-
15 sources development and conservation and other purposes
16 are authorized to be carried out by the Secretary substan-
17 tially in accordance with the plan, and subject to the con-
18 ditions, described in the respective reports designated in
19 this section:

20 (1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
1. TX, LA	Sabine Neches Waterway, Southeast Texas and Southwest Louisiana	July 22, 2011	\$779,399,000	\$359,227,000
2. FL	Jacksonville Harbor- Milepoint	April 30, 2012	\$27,804,000	\$9,122,000
3. GA	Savannah Harbor Expansion Project	Aug. 17, 2012	\$461,000,000	\$201,000,000
4. TX	Freeport Harbor	Jan. 7, 2013	\$121,132,000	\$116,342,000
5. FL	Canaveral Harbor (Sect 203 Sponsor Report)	Feb. 25, 2013	\$28,652,000	\$11,588,000

1 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
1. KS	Topeka	Aug. 24, 2009	\$15,494,000	\$8,343,000
2. CA	American River Wa- tershed, Common Features Project, Natomas Basin	Dec. 30, 2010	\$943,300,000	\$479,500,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
3. IA	Cedar River, Cedar Rapids	Jan. 27, 2011	\$67,216,000	\$36,194,000
4. MN, ND	Fargo-Moor- head Metro	Dec. 19, 2011	\$801,542,000	\$979,806,000
5. KY	Ohio River Shoreline, Paducah	May 16, 2012	\$12,893,000	\$6,943,000

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

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Federal Cost and Estimated Total Federal Cost for Life of Project	E. Estimated Initial Non-Federal Cost and Estimated Total Non-Federal Cost for Life of Project
1. NC	West Onslow Beach and New River Inlet (Top- sail Beach)	Sept. 28, 2009	Initial Cost: \$30,557,000 Total Cost: \$132,372,000	Initial Cost: \$17,315,000 Total Cost: \$132,372,000
2. NC	Surf City and North Top- sail Beach	Dec. 30, 2010	Initial Cost: \$81,484,000 Total Cost: \$106,182,000	Initial Cost: \$43,900,000 Total Cost: \$106,182,000
3. CA	San Clemente Shoreline	April 5, 2012	Initial Cost: \$7,500,000 Total Cost: \$43,400,000	Initial Cost: \$4,000,000 Total Cost: \$43,400,000

3 (4) HURRICANE AND STORM DAMAGE RISK RE-
4 DUCTION AND ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
1. MS	Mississippi Coastal Improvement Program (MSCIP) Hancock, Harrison, and Jackson Counties	Sept. 15, 2009	\$815,090,000	\$438,890,000

1 (5) ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
1. MD	Mid-Chesapeake Bay Island	Aug. 24, 2009	\$1,221,721,000	\$657,849,000
2. FL	Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, Caloosahatchee River (C-43) West Basin Storage Project, Hendry County	March 11, 2010	\$297,189,000	\$297,189,000
3. LA	Louisiana Coastal Area	Dec. 30, 2010	\$954,452,000	\$513,936,000
4. MN	Marsh Lake	Dec. 30, 2011	\$6,403,000	\$3,564,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
5. FL	Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, C-111 Spreader Canal Western Project	Jan. 30, 2012	\$88,992,000	\$88,992,000
6. FL	CERP Biscayne Bay Coastal Wetland, Florida	May 2, 2012	\$96,209,000	\$96,209,000
7. FL	Central and Southern Florida Project, Broward County Water Preserve Area	May 21, 2012	\$433,353,500	\$433,353,500
8. LA	Louisiana Coastal Area-Barataria Basin Barrier	June 22, 2012	\$283,567,000	\$152,690,000
9. NC	Neuse River Basin	April 23, 2013	\$23,253,100	\$12,520,900

1 **SEC. 402. PROJECT MODIFICATIONS.**

2 (a) MIAMI HARBOR, MIAMI-DADE COUNTY, FLOR-

3 IDA.—

1 (1) IN GENERAL.—The project for navigation,
2 Miami Harbor, Miami-Dade County, Florida, au-
3 thorized by section 1001(17) of the Water Resources
4 Development Act of 2007 (121 Stat. 1052), is modi-
5 fied to authorize the Secretary to construct the
6 project at a total cost of \$152,510,000, with an esti-
7 mated Federal cost of \$92,007,000 and a non-Fed-
8 eral cost of \$60,503,000.

9 (2) APPLICABILITY.—Paragraph (1) shall take
10 effect on November 8, 2007.

11 (b) LITTLE CALUMET RIVER BASIN (CADY MARSH
12 DITCH), INDIANA.—The project for flood control, Little
13 Calumet River Basin (Cady Marsh Ditch), Indiana, au-
14 thorized by section 401(a) of the Water Resources Devel-
15 opment Act of 1986 (100 Stat. 4115), and modified by
16 section 127 of Public Law 109–103 (119 Stat. 2259), is
17 further modified to authorize the Secretary to construct
18 the project at a total cost of \$269,988,000, with an esti-
19 mated Federal cost of \$202,800,000 and a non-Federal
20 cost of \$67,188,000.

 Passed the House of Representatives October 23,
2013.

Attest:

Clerk.

113TH CONGRESS
1ST SESSION

H. R. 3080

AN ACT

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.