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# Calendar No. 44

113TH CONGRESS
1ST SESSION

# S. 601

**[Report No. 113–13]**

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 18, 2013

Mrs. BOXER (for herself and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

APRIL 22, 2013

Reported by Mrs. BOXER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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# A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, 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,*

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

~~(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2013".~~

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

~~Sec. 1. Short title; table of contents.~~
~~Sec. 2. Definition of Secretary.~~

~~TITLE I—WATER RESOURCE PROJECTS~~

~~Sec. 1001. Purposes.~~
~~Sec. 1002. Project authorizations.~~
~~Sec. 1003. Project review.~~

~~TITLE II—WATER RESOURCES POLICY REFORMS~~

~~Sec. 2001. Purposes.~~
~~Sec. 2002. Safety assurance review.~~
~~Sec. 2003. Continuing authority programs.~~
~~Sec. 2004. Continuing authority program prioritization.~~
~~Sec. 2005. Fish and wildlife mitigation.~~
~~Sec. 2006. Mitigation status report.~~
~~Sec. 2007. Independent peer review.~~
~~Sec. 2008. Operation and maintenance of navigation and hydroelectric facilities.~~
~~Sec. 2009. Hydropower at Corps of Engineers facilities.~~
~~Sec. 2010. Clarification of work-in-kind credit authority.~~
~~Sec. 2011. Transfer of excess work-in-kind credit.~~
~~Sec. 2012. Credit for in-kind contributions.~~
~~Sec. 2013. Credit in lieu of reimbursement.~~
~~Sec. 2014. Dam optimization.~~
~~Sec. 2015. Water supply.~~
~~Sec. 2016. Report on water storage pricing formulas.~~
~~Sec. 2017. Clarification of previously authorized work.~~
~~Sec. 2018. Consideration of Federal land in feasibility studies.~~
~~Sec. 2019. Planning assistance to States.~~
~~Sec. 2020. Vegetation management policy.~~
~~Sec. 2021. Levee certifications.~~
~~Sec. 2022. Restoration of flood and hurricane storm damage reduction projects.~~
~~Sec. 2023. Operation and maintenance of certain projects.~~
~~Sec. 2024. Dredging study.~~
~~Sec. 2025. Non-Federal project implementation pilot program.~~
~~Sec. 2026. Non-Federal implementation of feasibility studies.~~
~~Sec. 2027. Tribal partnership program.~~
~~Sec. 2028. Cooperative agreements with Columbia River Basin Indian tribes.~~
~~Sec. 2029. Military munitions response actions at civil works shoreline protection projects.~~
~~Sec. 2030. Beach nourishment.~~
~~Sec. 2031. Regional sediment management.~~
~~Sec. 2032. Study acceleration.~~
~~Sec. 2033. Project acceleration.~~

~~Sec. 2034. Feasibility studies.~~
~~Sec. 2035. Accounting and administrative expenses.~~
~~Sec. 2036. Determination of project completion.~~
~~Sec. 2037. Project partnership agreements.~~
~~Sec. 2038. Interagency and international support authority.~~
~~Sec. 2039. Acceptance of contributed funds to increase lock operations.~~
~~Sec. 2040. Emergency response to natural disasters.~~
~~Sec. 2041. Systemwide improvement frameworks.~~
~~Sec. 2042. Funding to process permits.~~
~~Sec. 2043. National riverbank stabilization and erosion prevention study and pilot program.~~
~~Sec. 2044. Hurricane and storm damage risk reduction prioritization.~~
~~Sec. 2045. Prioritization of ecosystem restoration efforts.~~
~~Sec. 2046. Special use permits.~~
~~Sec. 2047. Operations and maintenance on fuel taxed inland waterways.~~
~~Sec. 2048. Corrosion prevention.~~
~~Sec. 2049. Project deauthorizations.~~
~~Sec. 2050. Reports to Congress.~~

~~TITLE III—PROJECT MODIFICATIONS~~

~~Sec. 3001. Purpose.~~
~~Sec. 3002. Chatfield Reservoir, Colorado.~~
~~Sec. 3003. Missouri River Recovery Implementation Committee expenses reimbursement.~~
~~Sec. 3004. Hurricane and storm damage reduction study.~~
~~Sec. 3005. Lower Yellowstone Project, Montana.~~
~~Sec. 3006. Project deauthorizations.~~
~~Sec. 3007. Raritan River Basin, Green Brook Sub-basin, New Jersey.~~
~~Sec. 3008. Red River Basin, Oklahoma, Texas, Arkansas, Louisiana.~~

~~TITLE IV—WATER RESOURCE STUDIES~~

~~Sec. 4001. Purpose.~~
~~Sec. 4002. Initiation of new water resources studies.~~
~~Sec. 4003. Applicability.~~

~~TITLE V—REGIONAL AND NONPROJECT PROVISIONS~~

~~Sec. 5001. Purpose.~~
~~Sec. 5002. Northeast Coastal Region ecosystem restoration.~~
~~Sec. 5003. Chesapeake Bay Environmental Restoration and Protection Program.~~
~~Sec. 5004. Rio Grande environmental management program, Colorado, New Mexico, Texas.~~
~~Sec. 5005. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.~~
~~Sec. 5006. Arkansas River, Arkansas and Oklahoma.~~
~~Sec. 5007. Aquatic invasive species prevention and management; Columbia River Basin.~~
~~Sec. 5008. Upper Missouri Basin flood and drought monitoring.~~
~~Sec. 5009. Northern Rockies headwaters extreme weather mitigation.~~

~~TITLE VI—LEVEE SAFETY~~

~~Sec. 6001. Short title.~~
~~Sec. 6002. Findings; purposes.~~

~~Sec. 6003. Definitions.~~
~~Sec. 6004. National levee safety program.~~
~~Sec. 6005. National levee safety advisory board.~~
~~Sec. 6006. Inventory and inspection of levees.~~
~~Sec. 6007. Reports.~~
~~Sec. 6008. Effect of title.~~
~~Sec. 6009. Authorization of appropriations.~~

~~TITLE VII—INLAND WATERWAYS~~

~~Sec. 7001. Purposes.~~
~~Sec. 7002. Definitions.~~
~~Sec. 7003. Project delivery process reforms.~~
~~Sec. 7004. Major rehabilitation standards.~~
~~Sec. 7005. Inland waterways system revenues.~~
~~Sec. 7006. Efficiency of revenue collection.~~

~~TITLE VIII—HARBOR MAINTENANCE~~

~~Sec. 8001. Short title.~~
~~Sec. 8002. Purposes.~~
~~Sec. 8003. Funding for harbor maintenance programs.~~
~~Sec. 8004. Harbor Maintenance Trust Fund prioritization.~~
~~Sec. 8005. Civil works program of the Corps of Engineers.~~

~~TITLE IX—DAM SAFETY~~

~~Sec. 9001. Short title.~~
~~Sec. 9002. Purpose.~~
~~Sec. 9003. Administrator.~~
~~Sec. 9004. Inspection of dams.~~
~~Sec. 9005. National Dam Safety Program.~~
~~Sec. 9006. Public awareness and outreach for dam safety.~~
~~Sec. 9007. Authorization of appropriations.~~

~~TITLE X—INNOVATIVE FINANCING PILOT PROJECTS~~

~~Sec. 10001. Short title.~~
~~Sec. 10002. Purposes.~~
~~Sec. 10003. Definitions.~~
~~Sec. 10004. Authority to provide assistance.~~
~~Sec. 10005. Applications.~~
~~Sec. 10006. Eligible entities.~~
~~Sec. 10007. Projects eligible for assistance.~~
~~Sec. 10008. Activities eligible for assistance.~~
~~Sec. 10009. Determination of eligibility and project selection.~~
~~Sec. 10010. Secured loans.~~
~~Sec. 10011. Program administration.~~
~~Sec. 10012. State and local permits.~~
~~Sec. 10013. Regulations.~~
~~Sec. 10014. Funding.~~
~~Sec. 10015. Report to Congress.~~

~~TITLE XI—EXTREME WEATHER~~

~~Sec. 11001. Improving management of flood and drought.~~

~~Sec. 11002. GAO study on management of flood and drought.~~
~~Sec. 11003. Post-disaster watershed assessments.~~

**~~SEC. 2. DEFINITION OF SECRETARY.~~**

~~In this Act, the term "Secretary" means the Secretary of the Army.~~

# ~~TITLE I—WATER RESOURCE PROJECTS~~

**~~SEC. 1001. PURPOSES.~~**

~~The purposes of this title are—~~

~~(1) to authorize projects that—~~

~~(A) are the subject of a completed report of the Chief of Engineers containing a determination that the relevant project—~~

~~(i) is in the Federal interest;~~

~~(ii) results in benefits that exceed the costs of the project;~~

~~(iii) is environmentally acceptable; and~~

~~(iv) is technically feasible; and~~

~~(B) have been recommended to Congress for authorization by the Assistant Secretary of the Army for Civil Works; and~~

~~(2) to authorize the Secretary—~~

~~(A) to review projects that require increased authorization; and~~

~~(B) to request an increase of those authorizations after—~~

~~(i) certifying that the increases are necessary; and~~

~~(ii) submitting to Congress reports on the proposed increases.~~

**~~SEC. 1002. PROJECT AUTHORIZATIONS.~~**

~~The Secretary is authorized to carry out projects for water resources development, conservation, and other purposes, subject to the conditions that—~~

~~(1) each project is carried out—~~

~~(A) substantially in accordance with the plan for the project; and~~

~~(B) subject to any conditions described in the report for the project; and~~

~~(2) a Report of the Chief of Engineers has been completed and a referral by the Assistant Secretary of the Army for Civil Works has been made to Congress as of the date of enactment of this Act for the project.~~

**~~SEC. 1003. PROJECT REVIEW.~~**

~~(a) IN GENERAL.—For a project that is authorized by Federal law as of the date of enactment of this Act, the Secretary may modify the authorized project cost set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—~~

~~(1) by submitting the required certification and additional information to Congress in accordance with subsection (b); and~~

~~(2) after receiving an appropriation of funds in accordance with subsection (c).~~

~~(b) REQUIREMENTS FOR SUBMISSION.—~~

~~(1) CERTIFICATION.—The certification to Congress under subsection (a) shall include a certification by the Secretary that—~~

~~(A) expenditures above the authorized cost of the project are necessary to protect life and safety, maintain critical navigation routes, or restore ecosystems;~~

~~(B) the project continues to provide benefits identified in the report of the Chief of Engineers for the project; and~~

~~(C) for projects under construction—~~

~~(i) a temporary stop or delay resulting from a failure to increase the authorized cost of the project will increase costs to the Federal Government; and~~

~~(ii) the amount requested for the project in the budget of the President or included in a work plan for the expenditure of funds for the fiscal year during which~~

~~the certification is submitted will exceed the authorized cost of the project.~~

~~(2) ADDITIONAL INFORMATION.—The information provided to Congress about the project under subsection (a) shall include, at a minimum—~~

~~(A) a comprehensive review of the project costs and reasons for exceeding the authorized limits set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280);~~

~~(B) an expedited analysis of the updated benefits and costs of the project; and~~

~~(C) the new funding level needed to complete the project.~~

~~(3) APPROVAL OF CONGRESS.—The Secretary may not change the authorized project costs under subsection (a) unless—~~

~~(A) a certification and required information is submitted to Congress under subsection (b); and~~

~~(B) after such submission, amounts are appropriated to initiate or continue construction of the project in an appropriations or other Act.~~

~~(c) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section terminates on the~~

~~date that is 3 years after the date of enactment of this Act.~~

# ~~TITLE II—WATER RESOURCES POLICY REFORMS~~

**~~SEC. 2001. PURPOSES.~~**

~~The purposes of this title are—~~

~~(1) to reform the implementation of water resources projects by the Corps of Engineers;~~

~~(2) to make other technical changes to the water resources policy of the Corps of Engineers; and~~

~~(3) to implement reforms, including—~~

~~(A) enhancing the ability of local sponsors to partner with the Corps of Engineers by ensuring the eligibility of the local sponsors to receive and apply credit for work carried out by the sponsors and increasing the role of sponsors in carrying out Corps of Engineers projects;~~

~~(B) ensuring continuing authority programs can continue to meet important needs;~~

~~(C) encouraging the continuation of efforts to modernize feasibility studies and establish targets for expedited completion of feasibility studies;~~

~~(D) seeking efficiencies in the management of dams and related infrastructure to reduce environmental impacts while maximizing other benefits and project purposes, such as flood control, navigation, water supply, and hydropower;~~

~~(E) clarifying mitigation requirements for Corps of Engineers projects and ensuring transparency in the independent external review of those projects; and~~

~~(F) establishing an efficient and transparent process for deauthorizing projects that have failed to receive a minimum level of investment to ensure active projects can move forward while reducing the backlog of authorized projects.~~

**~~SEC. 2002. SAFETY ASSURANCE REVIEW.~~**

~~Section 2035 of the Water Resources Development Act of 2007 (33 U.S.C. 2344) is amended by adding at the end the following:~~

~~"(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.".~~

**~~SEC. 2003. CONTINUING AUTHORITY PROGRAMS.~~**

~~(a) SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.—Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—~~

~~(1) in subsection (a), by striking "$35,000,000" and inserting "$50,000,000"; and~~

~~(2) in subsection (b), by striking "$7,000,000" and inserting "$10,000,000".~~

~~(b) SHORE DAMAGE PREVENTION OR MITIGATION.—Section 111(c) of the River and Harbor Act of 1968 (33 U.S.C. 426i(c)) is amended by striking "$5,000,000" and inserting "$10,000,000".~~

~~(c) REGIONAL SEDIMENT MANAGEMENT.—~~

~~(1) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—~~

~~(A) in subsection (c)(1)(C), by striking "$5,000,000" and inserting "$10,000,000"; and~~

~~(B) in subsection (g), by striking "$30,000,000" and inserting "$50,000,000".~~

~~(2) APPLICABILITY.—Section 2037 of the Water Resources Development Act of 2007 (121 Stat. 1094) is amended by added at the end the following:~~

~~"(c) APPLICABILITY.—The amendment made by subsection (a) shall not apply to any project authorized under this Act if a report of the Chief of Engineers for the project was completed prior to the date of enactment of this Act.".~~

~~(d) SMALL FLOOD CONTROL PROJECTS.—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the third sentence by striking "$7,000,000" and inserting "$10,000,000".~~

~~(e) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(d)) is amended—~~

~~(1) in the second sentence, by striking "Not more than 80 percent of the non-Federal may be" and inserting "The non-Federal share may be provided"; and~~

~~(2) in the third sentence, by striking "$5,000,000" and inserting "$10,000,000".~~

~~(f) AQUATIC ECOSYSTEM RESTORATION.—Section 206(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(d)) is amended by striking "$5,000,000" and inserting "$10,000,000".~~

~~(g) FLOODPLAIN MANAGEMENT SERVICES.—Section 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a)~~

~~is amended by striking "$15,000,000" and inserting "$50,000,000".~~

**~~SEC. 2004. CONTINUING AUTHORITY PROGRAM PRIORITIZATION.~~**

~~(a) DEFINITION OF CONTINUING AUTHORITY PROGRAM PROJECT.—In this section, the term "continuing authority program" means 1 of the following authorities:~~

~~(1) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).~~

~~(2) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).~~

~~(3) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).~~

~~(4) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).~~

~~(5) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).~~

~~(6) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).~~

~~(b) PRIORITIZATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and on a publicly available website, the criteria the Secretary uses for prioritizing annual funding for continuing authority program projects.~~

~~(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall publish in the Federal Register and on a publicly available website, a report on the status of each continuing authority program, which, at a minimum, shall include—~~

~~(1) the name and a short description of each active continuing authority program project;~~

~~(2) the cost estimate to complete each active project; and~~

~~(3) the funding available in that fiscal year for each continuing authority program.~~

~~(d) CONGRESSIONAL NOTIFICATION.—On publication in the Federal Register under subsections (b) and (c), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of all information published under those subsections.~~

**~~SEC. 2005. FISH AND WILDLIFE MITIGATION.~~**

~~(a) IN GENERAL.—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—~~

~~(1) in subsection (d)—~~

~~(A) in paragraph (1)—~~

~~(i) in the first sentence—~~

~~(I) by inserting "for damages to ecological resources, including terrestrial and aquatic resources, and" after "mitigate";~~

~~(II) by inserting "ecological resources and" after "impact on"; and~~

~~(III) by inserting "without the implementation of mitigation measures" before the period; and~~

~~(ii) by inserting before the last sentence the following: "If the Secretary determines that mitigation to in-kind conditions is not possible, the Secretary shall identify in the report the basis for that determination."; and~~

~~(B) in paragraph (3)—~~

~~(i) in subparagraph (A), by inserting ", at a minimum," after "complies with"; and~~

~~(ii) in subparagraph (B)—~~

~~(I) by striking clause (iii);~~

~~(II) by redesginating clauses (iv) and (v) as clauses (v) and (vi), respectively; and~~

~~(III) by inserting after clause (ii) the following:~~

~~"(iii) for projects where mitigation will be carried out by the Secretary—~~

~~"(I) a description of the land and interest in land to be acquired for the mitigation plan;~~

~~"(II) the basis for a determination that the land and interests are available for acquisition; and~~

~~"(III) a determination that the proposed interest sought does not exceed the minimum interest in land necessary to meet the mitigation requirements for the project;~~

~~"(iv) for projects where mitigation will be carried out through a third party mitigation arrangement in accordance with subsection (i)—~~

~~"(I) a description of the third party mitigation instrument to be used; and~~

~~"(II) the basis for a determination that the mitigation instrument~~

can meet the mitigation requirements for the project,''; and

(2) by adding at the end the following:

''(h) PROGRAMMATIC MITIGATION PLANS.—

''(1) IN GENERAL.—The Secretary may develop 1 or more programmatic mitigation plans to address the potential impacts to ecological resources, fish, and wildlife associated with existing or future water resources development projects.

''(2) USE OF MITIGATION PLANS.—The Secretary shall, to the maximum extent practicable, use programmatic mitigation plans developed in accordance with this subsection to guide the development of a mitigation plan under subsection (d).

''(3) NON-FEDERAL PLANS.—The Secretary shall, to the maximum extent practicable and subject to all conditions of this subsection, use programmatic environmental plans developed by a State, a body politic of the State, which derives its powers from a State constitution, a government entity created by State legislation, or a local government, that meet the requirements of this subsection to address the potential environmental impacts of existing or future water resources development projects.

1 ~~"(4) SCOPE.—A programmatic mitigation plan~~
2 ~~developed by the Secretary or an entity described in~~
3 ~~paragraph (3) to address potential impacts of exist-~~
4 ~~ing or future water resources development projects~~
5 ~~may—~~
6 ~~"(A) be developed on a regional, eco-~~
7 ~~system, watershed, or statewide scale;~~
8 ~~"(B) encompass multiple environmental re-~~
9 ~~sources within a defined geographical area or~~
10 ~~focus on a specific resource, such as aquatic re-~~
11 ~~sources or wildlife habitat; and~~
12 ~~"(C) address impacts from all projects in~~
13 ~~a defined geographical area or focus on a spe-~~
14 ~~cific type of project.~~
15 ~~"(5) CONSULTATION.—The scope of the plan~~
16 ~~shall be determined by the Secretary or an entity de-~~
17 ~~scribed in paragraph (3), as appropriate, in con-~~
18 ~~sultation with the agency with jurisdiction over the~~
19 ~~resources being addressed in the environmental miti-~~
20 ~~gation plan.~~
21 ~~"(6) CONTENTS.—A programmatic environ-~~
22 ~~mental mitigation plan may include—~~
23 ~~"(A) an assessment of the condition of en-~~
24 ~~vironmental resources in the geographical area~~
25 ~~covered by the plan, including an assessment of~~

~~recent trends and any potential threats to those resources;~~

~~"(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area covered by the plan through strategic mitigation for impacts of water resources development projects;~~

~~"(C) standard measures for mitigating certain types of impacts;~~

~~"(D) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;~~

~~"(E) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring;~~

~~"(F) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources; and~~

1 ~~"(G) any offsetting benefits of self-miti-~~
2 ~~gating projects, such as ecosystem or resource~~
3 ~~restoration and protection.~~
4 ~~"(7) PROCESS.—Before adopting a pro-~~
5 ~~grammatic environmental mitigation plan for use~~
6 ~~under this subsection, the Secretary shall—~~
7 ~~"(A) for a plan developed by the Sec-~~
8 ~~retary—~~
9 ~~"(i) make a draft of the plan available~~
10 ~~for review and comment by applicable envi-~~
11 ~~ronmental resource agencies and the pub-~~
12 ~~lic; and~~
13 ~~"(ii) consider any comments received~~
14 ~~from those agencies and the public on the~~
15 ~~draft plan; and~~
16 ~~"(B) for a plan developed under paragraph~~
17 ~~(3), determine, not later than 180 days after~~
18 ~~receiving the plan, whether the plan meets the~~
19 ~~requirements of paragraphs (4) through (6) and~~
20 ~~was made available for public comment.~~
21 ~~"(8) INTEGRATION WITH OTHER PLANS.—A~~
22 ~~programmatic environmental mitigation plan may be~~
23 ~~integrated with other plans, including watershed~~
24 ~~plans, ecosystem plans, species recovery plans,~~
25 ~~growth management plans, and land use plans.~~

1 ~~"(9) CONSIDERATION IN PROJECT DEVELOP-~~
2 ~~MENT AND PERMITTING.—If a programmatic envi-~~
3 ~~ronmental mitigation plan has been developed under~~
4 ~~this subsection, any Federal agency responsible for~~
5 ~~environmental reviews, permits, or approvals for a~~
6 ~~water resources development project may use the~~
7 ~~recommendations in that programmatic environ-~~
8 ~~mental mitigation plan when carrying out the re-~~
9 ~~sponsibilities of the agency under the National Envi-~~
10 ~~ronmental Policy Act of 1969 (42 U.S.C. 4321 et~~
11 ~~seq.).~~
12 ~~"(10) PRESERVATION OF EXISTING AUTHORI-~~
13 ~~TIES.—Nothing in this subsection limits the use of~~
14 ~~programmatic approaches to reviews under the Na-~~
15 ~~tional Environmental Policy Act of 1969 (42 U.S.C.~~
16 ~~4321 et seq.).~~
17 ~~"(i) THIRD-PARTY MITIGATION ARRANGEMENTS.—~~
18 ~~"(1) ELIGIBLE ACTIVITIES.—In accordance~~
19 ~~with all applicable Federal laws (including regula-~~
20 ~~tions), mitigation efforts carried out under this sec-~~
21 ~~tion may include—~~
22 ~~"(A) participation in mitigation banking or~~
23 ~~other third-party mitigation arrangements, such~~
24 ~~as—~~

~~"(i) the purchase of credits from commercial or State, regional, or local agency-sponsored mitigation banks; and~~

~~"(ii) the purchase of credits from in-lieu fee mitigation programs; and~~

~~"(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands.~~

~~"(2) INCLUSION OF OTHER ACTIVITIES.—The banks, programs, and efforts described in paragraph (1) include any banks, programs, and efforts developed in accordance with applicable law (including regulations).~~

~~"(3) TERMS AND CONDITIONS.—In carrying out natural habitat and wetlands mitigation efforts under this section, contributions to the mitigation effort may—~~

~~"(A) take place concurrent with, or in advance of, the commitment of funding to a project; and~~

~~"(B) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and water resources development planning processes.~~

1 ~~"(4) PREFERENCE.—At the request of the non-~~
2 ~~Federal project sponsor, preference may be given, to~~
3 ~~the maximum extent practicable, to mitigating an~~
4 ~~environmental impact through the use of a mitiga-~~
5 ~~tion bank, in-lieu fee, or other third-party mitigation~~
6 ~~arrangement, if the use of credits from the mitiga-~~
7 ~~tion bank or in-lieu fee, or the other third-party~~
8 ~~mitigation arrangement for the project has been ap-~~
9 ~~proved by the applicable Federal agency.~~
10 ~~"(j) USE OF FUNDS.—The Secretary may use funds~~
11 ~~made available for preconstruction engineering and design~~
12 ~~prior to authorization of project construction to acquire~~
13 ~~interests in land necessary for meeting the mitigation re-~~
14 ~~quirements of this section.".~~
15 ~~(b) APPLICATION.—The amendments made by sub-~~
16 ~~section (a) shall not apply to a project for which a mitiga-~~
17 ~~tion plan has been completed as of the date of enactment~~
18 ~~of this Act.~~
19 ~~(c) TECHNICAL ASSISTANCE.—~~
20 ~~(1) IN GENERAL.—The Secretary may provide~~
21 ~~technical assistance to States and local governments~~
22 ~~to establish third-party mitigation instruments, in-~~
23 ~~cluding mitigation banks and in-lieu fee programs,~~
24 ~~that will help to target mitigation payments to high-~~
25 ~~priority ecosystem restoration actions.~~

~~(2) REQUIREMENTS.—In providing technical assistance under this subsection, the Secretary shall give priority to States and local governments that have developed State, regional, or watershed-based plans identifying priority restoration actions.~~

~~(3) MITIGATION INSTRUMENTS.—The Secretary shall seek to ensure any technical assistance provided under this subsection will support the establishment of mitigation instruments that will result in restoration of high-priority areas identified in the plans under paragraph (2).~~

**~~SEC. 2006. MITIGATION STATUS REPORT.~~**

~~Section 2036(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2283a) is amended—~~

~~(1) by redesignating paragraph (3) as paragraph (4); and~~

~~(2) by inserting after paragraph (2) the following:~~

~~"(3) INFORMATION INCLUDED.—In reporting the status of all projects included in the report, the Secretary shall—~~

~~"(A) use a uniform methodology for determining the status of all projects included in the report;~~

~~"(B) use a methodology that describes both a qualitative and quantitative status for all projects in the report; and~~

~~"(C) provide specific dates for and participants in the consultations required under section 906(d)(4)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)(4)(B)).".~~

**~~SEC. 2007. INDEPENDENT PEER REVIEW.~~**

~~(a) TIMING OF PEER REVIEW.—Section 2034(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(b)) is amended—~~

~~(1) by redesignating paragraph (3) as paragraph (4); and~~

~~(2) by inserting after paragraph (2) the following:~~

~~"(3) REASONS FOR TIMING.—If the Chief of Engineers does not initiate a peer review for a project study at a time described in paragraph (2), the Chief shall—~~

~~"(A) not later than 7 days after the date on which the Chief of Engineers determines not to initiate a peer review—~~

~~"(i) notify the Committee on Environment and Public Works of the Senate and~~

~~the Committee on Transportation and Infrastructure of the House of Representatives of that decision; and~~

~~"(ii) make publicly available, including on the Internet the reasons for not conducting the review; and~~

~~"(B) include the reasons for not conducting the review in the decision document for the project study.".~~

~~(b) ESTABLISHMENT OF PANELS.—Section 2034(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(c)) is amended by striking paragraph (4) and inserting the following:~~

~~"(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Following the identification of a project study for peer review under this section, but prior to initiation of the review by the panel of experts, the Chief of Engineers shall, not later than 7 days after the date on which the Chief of Engineers determines to conduct a review—~~

~~"(A) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review; and~~

1 ~~"(B) make publicly available, including on~~
2 ~~the Internet, information on—~~
3 ~~"(i) the dates scheduled for beginning~~
4 ~~and ending the review;~~
5 ~~"(ii) the entity that has the contract~~
6 ~~for the review; and~~
7 ~~"(iii) the names and qualifications of~~
8 ~~the panel of experts.".~~
9 ~~(c) RECOMMENDATIONS OF PANEL.—Section 2034(f)~~
10 ~~of the Water Resources Development Act of 2007 (33~~
11 ~~U.S.C. 2343(f)) is amended by striking paragraph (2) and~~
12 ~~inserting the following:~~
13 ~~"(2) PUBLIC AVAILABILITY AND SUBMISSION~~
14 ~~TO CONGRESS.—After receiving a report on a project~~
15 ~~study from a panel of experts under this section, the~~
16 ~~Chief of Engineers shall make available to the pub-~~
17 ~~lic, including on the Internet, and submit to the~~
18 ~~Committee on Environment and Public Works of the~~
19 ~~Senate and the Committee on Transportation and~~
20 ~~Infrastructure of the House of Representatives—~~
21 ~~"(A) a copy of the report not later than 7~~
22 ~~days after the date on which the report is deliv-~~
23 ~~ered to the Chief of Engineers; and~~
24 ~~"(B) a copy of any written response of the~~
25 ~~Chief of Engineers on recommendations con-~~

~~tained in the report not later than 3 days after the date on which the response is delivered to the Chief of Engineers.~~

~~"(3) INCLUSION IN PROJECT STUDY.—A report on a project study from a panel of experts under this section and the written response of the Chief of Engineers shall be included in the final decision document for the project study.".~~

~~(d) APPLICABILITY.—Section 2034(h)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(h)(2)) is amended by striking "7 years" and inserting "12 years".~~

**~~SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.~~**

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

~~(1) by striking the heading and inserting the following:~~

**~~"SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.";~~**

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

~~"(a) IN GENERAL.—Activities currently performed";~~

~~(3) in the second sentence, by striking "This section" and inserting the following:~~

~~"(b) MAJOR MAINTENANCE CONTRACTS ALLOWED.—This section";~~

~~(4) in subsection (a) (as designated by paragraph (2)), by inserting "navigation or" before "hydroelectric"; and~~

~~(5) by adding at the end the following:~~

~~"(c) EXCLUSION.—This section shall not—~~

~~"(1) apply to those navigation facilities that have been or are currently under contract with a non-Federal interest to perform operations and maintenance as of the date of enactment of the Water Resources Development Act of 2013; and~~

~~"(2) prohibit the Secretary from contracting out future commercial activities at those navigation facilities.".~~

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

~~"Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.".~~

**~~SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.~~**

~~(a) FINDINGS.—Congress finds that—~~

~~(1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the "Oak Ridge Lab") released a report finding that adding hydroelectric power to the non-powered dams of the United States has the potential to add more than 12 gigawatts of new generating capacity;~~

~~(2) the top 10 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential could alone supply 3 gigawatts of generating capacity;~~

~~(3) of the 50 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential, 48 are Corps of Engineers civil works projects;~~

~~(4) promoting non-Federal hydroelectric power at Corps of Engineers civil works projects increases the taxpayer benefit of those projects;~~

~~(5) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects—~~

~~(A) can be accomplished in a manner that is consistent with authorized project purposes~~

~~and the responsibilities of the Corps of Engineers to protect the environment; and~~

~~(B) in many instances, may have additional environmental benefits; and~~

~~(6) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects could be promoted through—~~

~~(A) clear and consistent lines of responsibility and authority within and across Corps of Engineers districts and divisions on hydroelectric power development activities;~~

~~(B) consistent and corresponding processes for reviewing and approving hydroelectric power development; and~~

~~(C) developing a means by which non-Federal hydroelectric power developers and stakeholders can resolve disputes with the Corps of Engineers concerning hydroelectric power development activities at Corps of Engineers civil works projects.~~

~~(b) POLICY.—Congress declares that it is the policy of the United States that—~~

~~(1) the development of non-Federal hydroelectric power at Corps of Engineers civil works~~

~~projects, including locks and dams, shall be given priority;~~

~~(2) Corps of Engineers approval of non-Federal hydroelectric power at Corps of Engineers civil works projects, including permitting required under section 14 of the Act of March 3, 1899 (33 U.S.C. 408), shall be completed by the Corps of Engineers in a timely and consistent manner; and~~

~~(3) approval of hydropower at Corps of Engineers civil works projects shall in no way diminish the other priorities and missions of the Corps of Engineers, including authorized project purposes and habitat and environmental protection.~~

~~(c) REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, at a minimum, shall include—~~

~~(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers civil works projects;~~

~~(2) a list of all new hydroelectric power activities by non-Federal entities approved at Corps of~~

~~Engineers civil works projects in that fiscal year, including the length of time the Secretary needed to approve those activities;~~

~~(3) a description of the status of each pending application from non-Federal entities for approval to develop hydroelectric power at Corps of Engineers civil works projects;~~

~~(4) a description of any benefits or impacts to the environment, recreation, or other uses associated with Corps of Engineers civil works projects at which non-Federal entities have developed hydroelectric power in the previous fiscal year; and~~

~~(5) the total annual amount of payments or other services provided to the Corps of Engineers, the Treasury, and any other Federal agency as a result of approved non-Federal hydropower projects at Corps of Engineers civil works projects.~~

**~~SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AUTHORITY.~~**

~~(a) NON-FEDERAL COST SHARE.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended—~~

~~(1) in subsection (a)—~~

~~(A) by inserting ", on, or after" after "before"; and~~

~~(B) by inserting ", program," after "study" each place it appears;~~

~~(2) in subsections (b) and (c), by inserting ", program," after "study" each place it appears; and~~

~~(3) by striking subsection (d) and inserting the following:~~

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

~~(b) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with any relevant agencies of the State of Louisiana, shall establish a process by which to carry out the amendments made by subsection (a)(3).~~

~~(c) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on November 8, 2007.~~

**~~SEC. 2011. TRANSFER OF EXCESS WORK-IN-KIND CREDIT.~~**

~~(a) IN GENERAL.—Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided~~

~~by a non-Federal interest that is in excess of the required non-Federal cost-share for a water resources study or project toward the required non-Federal cost-share for a different water resources study or project.~~

~~(b) RESTRICTIONS.—~~

~~(1) IN GENERAL.—Except for subsection (a)(4)(D)(i) of that section, the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 2012 of this Act) shall not apply to any credit under this section.~~

~~(2) CONDITIONS.—Credit in excess of the non-Federal cost-share for a study or project may be approved under this section only if—~~

~~(A) the non-Federal interest submits a comprehensive plan to the Secretary that identifies—~~

~~(i) the studies and projects for which the non-Federal interest intends to provide in-kind contributions for credit that is in excess of the non-Federal cost share for the study or project; and~~

~~(ii) the studies and projects to which that excess credit would be applied;~~

~~(B) the Secretary approves the comprehensive plan; and~~

~~(C) the total amount of credit does not exceed the total non-Federal cost-share for the studies and projects in the approved comprehensive plan.~~

~~(c) ADDITIONAL CRITERIA.—In evaluating a request to apply credit in excess of the non-Federal cost-share for a study or project toward a different study or project, the Secretary shall consider whether applying that credit will—~~

~~(1) help to expedite the completion of a project or group of projects;~~

~~(2) reduce costs to the Federal Government; and~~

~~(3) aid the completion of a project that provides significant flood risk reduction or environmental benefits.~~

~~(d) TERMINATION OF AUTHORITY.—The authority provided in this section shall terminate 10 years after the date of enactment of this Act.~~

~~(e) REPORT.—~~

~~(1) DEADLINES.—~~

~~(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Sec-~~

~~retary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the use of the authority under this section.~~

~~(B) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the use of the authority under this section.~~

~~(2) INCLUSIONS.—The reports described in paragraph (1) shall include—~~

~~(A) a description of the use of the authority under this section during the reporting period;~~

~~(B) an assessment of the impact of the authority under this section on the time required to complete projects; and~~

~~(C) an assessment of the impact of the authority under this section on other water resources projects.~~

**~~SEC. 2012. CREDIT FOR IN-KIND CONTRIBUTIONS.~~**

~~(a) IN GENERAL.—Section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is amended—~~

~~(1) in subparagraph (A), in the matter preceding clause (i) by inserting "or a project under an environmental infrastructure assistance program" after "law";~~

~~(2) in subparagraph (C), by striking "In any case" and all that follows through the period at the end and inserting the following:~~

~~"(i) CONSTRUCTION.—~~

~~"(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before execution of a partnership agreement and that construction has not been carried out as of the date of enactment of this subparagraph, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating construc-~~

~~tion or issuing a written notice to proceed for the construction.~~

~~"(II) ELIGIBILITY.—Construction that is carried out after the execution of an agreement to carry out work described in subclause (I) and any design activities that are required for that construction, even if the design activity is carried out prior to the execution of the agreement to carry out work, shall be eligible for credit.~~

~~"(ii) PLANNING.—~~

~~"(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of planning carried out by the non-Federal interest before execution of a feasibility cost sharing agreement, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating that planning.~~

1 ~~"(II) ELIGIBILITY.—Planning~~
2 ~~that is carried out by the non-Federal~~
3 ~~interest after the execution of an~~
4 ~~agreement to carry out work described~~
5 ~~in subclause (I) shall be eligible for~~
6 ~~credit.";~~
7 ~~(3) in subparagraph (D)(iii), by striking "sec-~~
8 ~~tions 101 and 103" and inserting "sections~~
9 ~~101(a)(2) and 103(a)(1)(A) of the Water Resources~~
10 ~~Development Act of 1986 (33 U.S.C. 2211(a)(2); 33~~
11 ~~U.S.C. 2213(a)(1)(A))";~~
12 ~~(4) by redesignating subparagraph (E) as sub-~~
13 ~~paragraph (H);~~
14 ~~(5) by inserting after subparagraph (D) the fol-~~
15 ~~lowing:~~
16 ~~"(E) ANALYSIS OF COSTS AND BENE-~~
17 ~~FITS.—In the evaluation of the costs and bene-~~
18 ~~fits of a project, the Secretary shall not con-~~
19 ~~sider construction carried out by a non-Federal~~
20 ~~interest under this subsection as part of the fu-~~
21 ~~ture without project condition.~~
22 ~~"(F) TRANSFER OF CREDIT BETWEEN~~
23 ~~SEPARABLE ELEMENTS OF A PROJECT.—Credit~~
24 ~~for in-kind contributions provided by a non-~~
25 ~~Federal interest that are in excess of the non-~~

~~Federal cost share for an authorized separable element of a project may be applied toward the non-Federal cost share for a different authorized separable element of the same project.~~

~~"(G) APPLICATION OF CREDIT.—To the extent that credit for in-kind contributions, as limited by subparagraph (D), and credit for required land, easements, rights-of-way, dredged material disposal areas, and relocations provided by the non-Federal interest exceed the non-Federal share of the cost of construction of a project other than a navigation project, the Secretary shall reimburse the difference to the non-Federal interest, subject to the availability of funds.";~~ ~~and~~

~~(6) in subparagraph (H) (as redesignated by paragraph (4))—~~

~~(A) in clause (i), by inserting ", and to water resources projects authorized prior to the date of enactment of the Water Resources Development Act of 1986 (Public Law 99–662), if correction of design deficiencies is necessary" before the period at the end;~~ ~~and~~

~~(B) by striking clause (ii) and inserting the following:~~

1 ~~"(ii) AUTHORIZATION IN ADDITION TO SPECIFIC CREDIT PROVISION.—In any case in which a specific provision of law authorizes credit for in-kind contributions provided by a non-Federal interest before the date of execution of a partnership agreement, the Secretary may apply the authority provided in this paragraph to allow credit for in-kind contributions provided by the non-Federal interest on or after the date of execution of the partnership agreement.".~~

16 ~~(b) APPLICABILITY.—Section 2003(e) of the Water~~
17 ~~Resources Development Act of 2007 (42 U.S.C. 1962d-~~
18 ~~5b note) is amended by inserting ", or construction of de-~~
19 ~~sign deficiency corrections on the project," after "con-~~
20 ~~struction on the project".~~

21 ~~(c) EFFECTIVE DATE.—The amendments made by~~
22 ~~subsections (a) and (b) take effect on November 8, 2007.~~

23 ~~(d) GUIDELINES.—~~

24 ~~(1) IN GENERAL.—Not later than 1 year after~~
25 ~~the date of enactment of this Act, the Secretary~~

~~shall update any guidance or regulations for carrying out section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)) (as amended by subsection (a)) that are in existence on the date of enactment of this Act or issue new guidelines, as determined to be appropriate by the Secretary.~~

~~(2) INCLUSIONS.—Any guidance, regulations, or guidelines updated or issued under paragraph (1) shall include, at a minimum—~~

~~(A) the milestone for executing an in-kind memorandum of understanding for construction by a non-Federal interest;~~

~~(B) criteria and procedures for evaluating a request to execute an in-kind memorandum of understanding for construction by a non-Federal interest that is earlier than the milestone under subparagraph (A) for that execution; and~~

~~(C) criteria and procedures for determining whether work carried out by a non-Federal interest is integral to a project.~~

~~(3) PUBLIC AND STAKEHOLDER PARTICIPATION.—Before issuing any new or revised guidance, regulations, or guidelines or any subsequent updates to those documents, the Secretary shall—~~

~~(A) consult with affected non-Federal interests;~~

~~(B) publish the proposed guidelines developed under this subsection in the Federal Register; and~~

~~(C) provide the public with an opportunity to comment on the proposed guidelines.~~

~~(c) OTHER CREDIT.—Nothing in section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) (as amended by subsection (a)) affects any eligibility for credit under section 104 of the Water Resources Development of 1986 (33 U.S.C. 2214) that was approved by the Secretary prior to the date of enactment of this Act.~~

**~~SEC. 2013. CREDIT IN LIEU OF REIMBURSEMENT.~~**

~~Section 211(e)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended by adding at the end the following:~~

~~"(C) STUDIES OR OTHER PROJECTS.—On the request of a non-Federal interest, in lieu of reimbursing a non-Federal interest the amount equal to the estimated Federal share of the cost of an authorized flood damage reduction project or a separable element of an authorized flood damage reduction project under this subsection~~

that has been constructed by the non-Federal interest under this section as of the date of enactment of this Act, the Secretary may provide the non-Federal interest with a credit in that amount, which the non-Federal interest may apply to the share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies.''.

**SEC. 2014. DAM OPTIMIZATION.**

(a) DEFINITIONS.—In this section:

(1) OTHER RELATED PROJECT BENEFITS.—The term ''other related project benefits'' includes—

(A) environmental protection and restoration, including restoration of water quality and water flows, improving movement of fish and other aquatic species, and restoration of floodplains, wetlands, and estuaries;

(B) increased water supply storage;

(C) increased hydropower generation;

(D) reduced flood risk;

(E) additional navigation; and

(F) improved recreation.

(2) WATER CONTROL PLAN.—The term ''water control plan'' means—

~~(A) a plan for coordinated regulation schedules for project or system regulation; and~~

~~(B) such additional provisions as may be required to collect, analyze, and disseminate basic data, prepare detailed operating instructions, ensure project safety, and carry out regulation of projects in an appropriate manner.~~

~~(b) PROGRAM.—~~

~~(1) IN GENERAL.—The Secretary may carry out activities—~~

~~(A) to improve the efficiency of the operations and maintenance of dams and related infrastructure operated by the Corps of Engineers; and~~

~~(B) to maximize, to the extent practicable—~~

~~(i) authorized project purposes; and~~

~~(ii) other related project benefits.~~

~~(2) ELIGIBLE ACTIVITIES.—An eligible activity under this section is any activity that the Secretary would otherwise be authorized to carry out that is designed to provide other related project benefits in a manner that does not adversely impact the authorized purposes of the project, including—~~

~~(A) the review of project operations on a regular and timely basis to determine the potential for operational changes;~~

~~(B) carrying out any investigation or study the Secretary determines to be necessary; and~~

~~(C) the revision or updating of a water control plan or other modification of the operation of a water resource project.~~

~~(3) IMPACT ON AUTHORIZED PURPOSES.—An activity carried out under this section shall not adversely impact any of the authorized purposes of the project.~~

~~(4) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act.~~

~~(5) OTHER LAWS.—~~

~~(A) IN GENERAL.—An activity carried out under this section shall comply with all other applicable laws (including regulations).~~

~~(B) WATER SUPPLY.—Any activity carried out under this section that results in any modification to water supply storage allocations at a reservoir operated by the Secretary shall comply~~

~~with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).~~

~~(c) POLICIES, REGULATIONS, AND GUIDANCE.—The Secretary shall carry out a review of, and as necessary modify, the policies, regulations, and guidance of the Secretary to carry out the activities described in subsection (b).~~

~~(d) COORDINATION.—~~

~~(1) IN GENERAL.—The Secretary shall coordinate all planning and activities carried out under this section with appropriate Federal, State, and local agencies and those public and private entities that the Secretary determines may be affected by those plans or activities.~~

~~(2) NON-FEDERAL INTERESTS.—Prior to carrying out an activity under this section, the Secretary shall consult with any applicable non-Federal interest of the affected dam or related infrastructure.~~

~~(e) REPORTS.—~~

~~(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to Congress a report describing the actions carried out under this section.~~

~~(2) INCLUSIONS.—Each report under paragraph (1) shall include—~~

~~(A) a schedule for reviewing the operations of individual projects; and~~

~~(B) any recommendations of the Secretary on changes that the Secretary determines to be necessary—~~

~~(i) to carry out existing projection authorizations, including the deauthorization of any water resource project that the Secretary determines could more effectively be achieved through other means;~~

~~(ii) to improve the efficiency of water resource project operations; and~~

~~(iii) to maximize authorized project purposes and other related project benefits.~~

~~(3) UPDATED REPORT.—~~

~~(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the report entitled "Authorized and Operating Purposes of Corps of Engineers Reservoirs" and dated July 1992, which was produced pursuant to section 311 of the Water Resources Development Act of 1990 (104 Stat. 4639).~~

~~(B) INCLUSIONS.—The updated report described in subparagraph (A) shall include—~~

~~(i) the date on which the most recent review of project operations was conducted and any recommendations of the Secretary relating to that review the Secretary determines to be significant; and~~

~~(ii) the dates on which the recommendations described in clause (i) were carried out.~~

~~(f) FUNDING.—~~

~~(1) IN GENERAL.—The Secretary may use to carry out this section amounts made available to the Secretary from—~~

~~(A) the general purposes and expenses account;~~

~~(B) the operations and maintenance account; and~~

~~(C) any other amounts that are appropriated to carry out this section.~~

~~(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to carry out this section.~~

~~(g) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with other Federal agencies and non-Federal entities to carry out this section.~~

**~~SEC. 2015. WATER SUPPLY.~~**

~~Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by striking subsection (d) and inserting the following:~~

~~"(d) CONGRESSIONAL APPROVAL OF MODIFICATIONS OF RESERVOIR PROJECTS.—Congressional approval shall be required for any modification of a reservoir project that has been authorized, surveyed, planned, or constructed to include storage for municipal or industrial water supply if, when considered cumulatively with all previous modifications of the project, the modification would—~~

~~"(1) seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed;~~

~~"(2) involve major structural or operational changes; or~~

~~"(3) involve an allocation or reallocation of storage that is equal to or exceeds 5 percent of the conservation storage pool of the project.".~~

**~~SEC. 2016. REPORT ON WATER STORAGE PRICING FORMULAS.~~**

~~(a) FINDINGS.—Congress finds that—~~

~~(1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer reservoirs so as to maintain a reliable supply of water into the foreseeable future;~~

~~(2) water storage pricing formulas should be equitable and not create disparities between users; and~~

~~(3) water pricing formulas should not be cost-prohibitive for communities.~~

~~(b) ASSESSMENT.—~~

~~(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the water storage pricing formulas of the Corps of Engineers, which shall include an assessment of—~~

~~(A) existing water storage pricing formulas of the Corps of Engineers, in particular whether those formulas produce water storage costs for some beneficiaries that are greatly disparate from the costs of other beneficiaries; and~~

~~(B) whether equitable water storage pricing formulas could lessen the disparate impact~~

~~and produce more affordable water storage for potential beneficiaries.~~

~~(2) REPORT.—The Comptroller General of the United States shall submit to Congress a report on the assessment carried out under paragraph (1).~~

**~~SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED WORK.~~**

~~(a) IN GENERAL.—The Secretary may carry out measures to improve fish species habitat within the footprint and downstream of a water resources project constructed by the Secretary that includes a fish hatchery if the Secretary—~~

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

~~(2) determines that the measures are—~~

~~(A) feasible;~~

~~(B) consistent with authorized project purposes and the fish hatchery; and~~

~~(C) in the public interest.~~

~~(b) COST SHARING.—~~

~~(1) IN GENERAL.—Subject to paragraph (2), the non-Federal interest shall contribute 35 percent of the total cost of carrying out activities under this section, including the costs relating to the provision or acquisition of required land, easements, rights-of-~~

~~way, dredged material disposal areas, and relocations.~~

~~(2) OPERATION AND MAINTENANCE.—The non-Federal interest shall contribute 100 percent of the costs of operation, maintenance, replacement, repair, and rehabilitation of a project constructed under this section.~~

~~(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to carry out this section $30,000,000.~~

**~~SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASIBILITY STUDIES.~~**

~~At the request of the non-Federal interest, the Secretary shall include as part of a regional or watershed study any Federal land that is located within the geographic scope of that study.~~

**~~SEC. 2019. PLANNING ASSISTANCE TO STATES.~~**

~~Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—~~

~~(1) in subsection (a)—~~

~~(A) in paragraph (1)—~~

~~(i) by inserting "or other stakeholder working with a State" after "cooperate with any State"; and~~

~~(ii) by inserting ", including plans to comprehensively address water resources challenges," after "of such State"; and~~

~~(B) in paragraph (2)(A), by striking ", at Federal expense,";~~

~~(2) in subsection (b)—~~

~~(A) in paragraph (1), by striking "subsection (a)(1)" each place it appears and inserting "subsection (a)";~~

~~(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and~~

~~(C) by inserting after paragraph (1) the following:~~

~~"(2) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal public body for assistance under this section." ; and~~

~~(3) in subsection (c)—~~

~~(A) in paragraph (1)—~~

~~(i) by striking "$10,000,000" and inserting "$30,000,000"; and~~

~~(ii) by striking "$2,000,000" and inserting "$5,000,000 in Federal funds"; and~~

~~(B) in paragraph (2), by striking "$5,000,000" and inserting "$15,000,000".~~

**~~SEC. 2020. VEGETATION MANAGEMENT POLICY.~~**

~~(a) DEFINITION OF NATIONAL GUIDELINES.—In this section, the term "national guidelines" means the Corps of Engineers policy guidelines for management of vegetation on levees, including—~~

~~(1) Engineering Technical Letter 1110-2-571 entitled "Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures" and adopted April 10, 2009; and~~

~~(2) the draft policy guidance letter entitled "Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls" (77 Fed. Reg. 9637 (Feb. 17, 2012)).~~

~~(b) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out a comprehensive review of the national guidelines in order to determine whether current Federal policy relating to levee vegetation is appropriate for all regions of the United States.~~

~~(c) FACTORS.—~~

~~(1) IN GENERAL.—In carrying out the review, the Secretary shall consider—~~

~~(A) the varied interests and responsibilities in managing flood risks, including the need—~~

~~(i) to provide for levee safety with limited resources; and~~

~~(ii) to ensure that levee safety investments minimize environmental impacts and provide corresponding public safety benefits;~~

~~(B) the levee safety benefits that can be provided by woody vegetation;~~

~~(C) the preservation, protection, and enhancement of natural resources, including—~~

~~(i) the benefit of vegetation on levees in providing habitat for endangered, threatened, and candidate species; and~~

~~(ii) the impact of removing levee vegetation on compliance with other regulatory requirements;~~

~~(D) protecting the rights of Indian tribes pursuant to treaties and statutes;~~

~~(E) the available science and the historical record regarding the link between vegetation on levees and flood risk;~~

~~(F) the avoidance of actions requiring significant economic costs and environmental impacts; and~~

~~(G) other factors relating to the factors described in subparagraphs (A) through (F) identified in public comments that the Secretary determines to be appropriate.~~

~~(2) VARIANCE CONSIDERATIONS.—~~

~~(A) IN GENERAL.—In carrying out the review, the Secretary shall specifically consider whether the national guidelines can be amended to promote and allow for consideration of variances from national guidelines on a Statewide, tribal, regional, or watershed basis, including variances based on—~~

~~(i) soil conditions;~~

~~(ii) hydrologic factors;~~

~~(iii) vegetation patterns and characteristics;~~

~~(iv) environmental resources, including endangered, threatened, or candidate species and related regulatory requirements;~~

~~(v) levee performance history, including historical information on original con-~~

~~struction and subsequent operation and maintenance activities;~~

~~(vi) any effects on water supply;~~

~~(vii) any scientific evidence on the link between levee vegetation and levee safety;~~

~~(viii) institutional considerations, including implementation challenges;~~

~~(ix) the availability of limited funds for levee construction and rehabilitation;~~

~~(x) the economic and environmental costs of removing woody vegetation on levees; and~~

~~(xi) other relevant factors identified in public comments that the Secretary determines to be appropriate.~~

~~(B) SCOPE.—The scope of a variance approved by the Secretary may include a complete exemption to national guidelines, as the Secretary determines to be necessary.~~

~~(d) COOPERATION AND CONSULTATION; RECOMMENDATIONS.—~~

~~(1) IN GENERAL.—The Secretary shall carry out the review under this section in consultation with other applicable Federal agencies, representatives of State, regional, local, and tribal govern-~~

~~ments, appropriate nongovernmental organizations, and the public.~~

~~(2) RECOMMENDATIONS.—The Chief of Engineers and any State, tribal, regional, or local entity may submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal and State laws, including recommendations relating to the review of national guidelines under subsection (b) and the consideration of variances under subsection (c)(2).~~

~~(e) PEER REVIEW.—~~

~~(1) IN GENERAL.—As part of the review, the Secretary shall solicit and consider the views of the National Academy of Engineering and the National Academy of Sciences on the engineering, environmental, and institutional considerations underlying the national guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).~~

~~(2) AVAILABILITY OF VIEWS.—The views of the National Academy of Engineering and the National Academy of Sciences obtained under paragraph (1) shall be—~~

~~(A) made available to the public; and~~

~~(B) included in supporting materials issued in connection with the revised national guidelines required under subsection (f).~~

~~(f) REVISION OF NATIONAL GUIDELINES.—~~

~~(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—~~

~~(A) revise the national guidelines based on the results of the review, including—~~

~~(i) recommendations received as part of the consultation described in subsection (d)(1); and~~

~~(ii) the results of the peer review conducted under subsection (e); and~~

~~(B) submit to Congress a report that contains a summary of the activities of the Secretary and a description of the findings of the Secretary under this section.~~

~~(2) CONTENT; INCORPORATION INTO MANUAL.—The revised national guidelines shall—~~

~~(A) provide a practical, flexible process for approving Statewide, tribal, regional, or watershed variances from the national guidelines that—~~

~~(i) reflect due consideration of the factors described in subsection (c); and~~

~~(ii) incorporate State, tribal, and regional vegetation management guidelines for specific areas that have been adopted through a formal public process; and~~

~~(B) be incorporated into the manual proposed under section 5(c) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(c)).~~

~~(3) FAILURE TO MEET DEADLINES.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of—~~

~~(A) why the deadline was missed;~~

~~(B) solutions needed to meet the deadline; and~~

~~(C) a projected date for submission of the report.~~

~~(g) CONTINUATION OF WORK.—Concurrent with the completion of the requirements of this section, the Secretary shall proceed without interruption or delay with those ongoing or programmed projects and studies, or elements of projects or studies, that are not directly related to vegetation variance policy.~~

~~(h) INTERIM ACTIONS.—~~

~~(1) IN GENERAL.—Until the date on which revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall not require the removal of existing vegetation as a condition or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.~~

~~(2) REVISIONS.—Beginning on the date on which the revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall consider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former national guidelines.~~

**~~SEC. 2021. LEVEE CERTIFICATIONS.~~**

~~(a) IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.—In carrying~~

~~out section 100226 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—~~

~~(1) ensure that at least 1 program activity carried out under the inspection of completed works program of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision for each requirement under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); and~~

~~(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in alignment with the schedule established for the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).~~

~~(b) ACCELERATED LEVEE SYSTEM EVALUATIONS AND CERTIFICATIONS.—~~

~~(1) IN GENERAL.—On receipt of a request from a non-Federal interest, the Secretary may carry out a levee system evaluation and certification of a federally authorized levee for purposes of the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42~~

~~U.S.C. 4011 et seq.) if the evaluation and certification will be carried out earlier than such an evaluation and certification would be carried out under subsection (a).~~

~~(2) REQUIREMENTS.—A levee system evaluation and certification under paragraph (1) shall—~~

~~(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and~~

~~(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Director of the Federal Emergency Management Agency, may establish.~~

~~(3) COST SHARING.—~~

~~(A) NON-FEDERAL SHARE.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection shall be 35 percent.~~

~~(B) ADJUSTMENT.—The Secretary shall adjust the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection in accordance with~~

~~section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).~~

~~(4) APPLICATION.—Nothing in this subsection affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942).~~

**~~SEC. 2022. RESTORATION OF FLOOD AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.~~**

~~(a) IN GENERAL.—The Secretary shall carry out any measures necessary to restore components of federally authorized and federally constructed flood and hurricane storm damage reduction projects to authorized levels of protection for reasons including settlement, subsidence, sea level rise, and new datum, if the Secretary determines the necessary work is feasible.~~

~~(b) COST SHARE.—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).~~

~~(c) OPERATIONS AND MAINTENANCE.—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.~~

~~(d) ELIGIBILITY OF PROJECTS TRANSFERRED TO NON-FEDERAL INTEREST.—The Secretary may carry out measures described in subsection (a) on a water resources project, separable element of a project, or functional component of a project that has been transferred to the non-Federal interest.~~

~~(e) REPORT TO CONGRESS.—Not later than 8 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section, including—~~

~~(1) any recommendations relating to the continued need for the authority provided in this section;~~

~~(2) a description of the measures carried out under this section;~~

~~(3) any lessons learned relating to the measures implemented under this section; and~~

~~(4) best practices for carrying out measures to restore flood damage reduction projects.~~

~~(f) TERMINATION OF AUTHORITY.—The authority to carry out a measure under this section terminates on the date that is 10 years after the date of enactment of this Act.~~

~~(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $250,000,000.~~

**~~SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS.~~**

~~The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012, if—~~

~~(1) the Secretary determines that the requirements under paragraphs (2) and (3) of section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)) are met;~~

~~(2) the Secretary determines that the activities carried out by the non-Federal interest in deepening the navigation channel are economically justified and environmentally acceptable; and~~

~~(3) the deepening activities have been carried out on a Federal navigation channel that—~~

~~(A) exists as of the date of enactment of this Act; and~~

~~(B) has been authorized by Congress.~~

1 **~~SEC. 2024. DREDGING STUDY.~~**

2 ~~(a) IN GENERAL.—The Secretary, in conjunction~~
3 ~~with other relevant Federal agencies and applicable non-~~
4 ~~Federal interests, shall carry out a study—~~

5 ~~(1) to compare domestic and international~~
6 ~~dredging markets, including costs, technologies, and~~
7 ~~management approaches used in each respective~~
8 ~~market, and determine the impacts of those markets~~
9 ~~on dredging needs and practices in the United~~
10 ~~States;~~

11 ~~(2) to analyze past and existing practices, tech-~~
12 ~~nologies, and management approaches used in~~
13 ~~dredging in the United States; and~~

14 ~~(3) to develop recommendations relating to the~~
15 ~~best techniques, practices, and management ap-~~
16 ~~proaches for dredging in the United States.~~

17 ~~(b) PURPOSES.—The purposes of the study under~~
18 ~~this section are—~~

19 ~~(1) the identification of the best techniques,~~
20 ~~methods, and technologies for dredging, including~~
21 ~~the evaluation of the feasibility, cost, and benefits~~
22 ~~of—~~

23 ~~(A) new dredging technologies; and~~

24 ~~(B) improved dredging practices and tech-~~
25 ~~niques;~~

~~(2) the appraisal of the needs of the United States for dredging, including the need to increase the size of private and Corps of Engineers dredging fleets to meet demands for additional construction or maintenance dredging needed as of the date of enactment of this Act and in the subsequent 20 years;~~

~~(3) the identification of any impediments to dredging, including any recommendations of appropriate alternatives for responding to those impediments;~~

~~(4) the assessment, including any recommendations of appropriate alternatives, of the adequacy and effectiveness of—~~

~~(A) the economic, engineering, and environmental methods, models, and analyses used by the Chief of Engineers and private dredging operations for dredging; and~~

~~(B) the current cost structure of construction contracts entered into by the Chief of Engineers;~~

~~(5) the evaluation of the efficiency and effectiveness of past, current, and alternative dredging practices and alternatives to dredging, including agitation dredging; and~~

~~(6) the identification of innovative techniques and cost-effective methods to expand regional sediment management efforts, including the placement of dredged sediment within river diversions to accelerate the creation of wetlands.~~

~~(c) STUDY TEAM.—~~

~~(1) IN GENERAL.—The Secretary shall establish a study team to assist the Secretary in planning, carrying out, and reporting on the results of the study under this section.~~

~~(2) STUDY TEAM.—The study team established pursuant to paragraph (1) shall—~~

~~(A) be appointed by the Secretary; and~~

~~(B) represent a broad spectrum of experts in the field of dredging and representatives of relevant State agencies and relevant non-Federal interests.~~

~~(d) PUBLIC COMMENT PERIOD.—The Secretary shall—~~

~~(1) make available to the public, including on the Internet, all draft and final study findings under this section; and~~

~~(2) allow for a public comment period of not less than 30 days on any draft study findings prior to issuing final study findings.~~

~~(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and subject to available appropriations, the Secretary, in consultation with the study team established under subsection (c), shall submit a detailed report on the results of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.~~

~~(f) FAILURE TO MEET DEADLINES.—If the Secretary does not complete the study under this section and submit a report to Congress under subsection (c) on or before the deadline described in that subsection, the Secretary shall notify Congress and describe why the study was not completed.~~

**~~SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.~~**

~~(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, and coastal harbor and channel and inland harbor navigation projects.~~

~~(b) PURPOSES.—The purposes of the pilot program are—~~

~~(1) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;~~

~~(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and~~

~~(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.~~

~~(c) ADMINISTRATION.—~~

~~(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall—~~

~~(A) identify a total of not more than 12 projects for flood risk management, hurricane and storm damage reduction, including levees, floodwalls, flood control channels, water control structures, and coastal harbor and channel and inland harbor navigation, that have been authorized for construction prior to the date of enactment of this Act that—~~

~~(i)(I) have received Federal funds prior to the date of enactment of this Act; or~~

~~(II) for more than 2 consecutive fiscal years, have an unobligated funding balance for that project in the Corps of Engineers construction account; and~~

~~(ii) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers;~~

~~(B) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;~~

~~(C) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;~~

~~(D) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or~~

~~a separable element of the project, in accordance with plans approved by the Secretary;~~

~~(E) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—~~

~~(i) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and~~

~~(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and~~

~~(F) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compli-~~

~~ance with the plans approved by the Secretary and that the construction costs are reasonable.~~

~~(2) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1)(D), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for each milestone in the construction of the project.~~

~~(3) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance, relating to—~~

~~(A) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this section; and~~

~~(B) expeditiously obtaining any permits necessary for the project.~~

~~(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this section.~~

~~(c) REPORT.—~~

~~(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—~~

~~(A) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(2); and~~

~~(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.~~

~~(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).~~

~~(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.~~

~~(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this section.~~

~~(g) TERMINATION OF AUTHORITY.—The authority to commence a project under this section terminates on the date that is 5 years after the date of enactment of this Act.~~

~~(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.~~

**~~SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.~~**

~~(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out feasibility studies for flood risk management, hurricane and storm damage reduction, ecosystem restoration, and coastal harbor and channel and inland harbor navigation.~~

~~(b) PURPOSES.—The purposes of the pilot program are—~~

~~(1) to identify project delivery and cost-saving alternatives to the existing feasibility study process;~~

~~(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and~~

~~(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.~~

~~(c) ADMINISTRATION.—~~

~~(1) IN GENERAL.—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-~~

~~Federal interest to provide full project management control of a feasibility study for a project for—~~

~~(A) flood risk management;~~

~~(B) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;~~

~~(C) coastal harbor and channel and inland harbor navigation; and~~

~~(D) ecosystem restoration.~~

~~(2) USE OF NON-FEDERAL-FUNDS.—~~

~~(A) IN GENERAL.—A non-Federal interest that has entered into an agreement with the Secretary pursuant to paragraph (1) may use non-Federal funds to carry out the feasibility study.~~

~~(B) CREDIT.—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this section an amount equal to the portion of the cost of developing the study that would have been the responsibility of the Secretary, if the study were carried out by the Secretary, subject to the conditions that—~~

~~(i) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;~~

~~(ii) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and~~

~~(iii) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under paragraph (1).~~

~~(3) TRANSFER OF FUNDS.—~~

~~(A) IN GENERAL.—After the date on which an agreement is executed pursuant to paragraph (1), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—~~

~~(i) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and~~

~~(ii) additional amounts, as determined by the Secretary, from amounts made~~

~~available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.~~

~~(B) ADMINISTRATION.—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under paragraph (1) to ensure that a non-Federal interest receiving Federal funds under this paragraph—~~

~~(i) has the necessary qualifications to administer those funds; and~~

~~(ii) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.~~

~~(4) NOTIFICATION.—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.~~

~~(5) AUDITING.—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to en-~~

~~sure that the use of any funds transferred under paragraph (3) are used in compliance with the agreement signed under paragraph (1).~~

~~(6) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.~~

~~(7) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.~~

~~(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this section.~~

~~(e) REPORT.—~~

~~(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and~~

~~Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—~~

~~(A) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(7); and~~

~~(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.~~

~~(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).~~

~~(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Trans-~~

portation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this section.

(g) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this section terminates on the date that is 5 years after the date of enactment of this Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.

**SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.**

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (d)(1)(B)—

(A) by striking ''The ability'' and inserting the following:

''(i) IN GENERAL.—The ability''; and

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

~~"(ii) DETERMINATION.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall issue guidance on the procedures described in clause (i).";~~ ~~and~~

~~(2) in subsection (c), by striking "2012" and inserting "2023".~~

**~~SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA RIVER BASIN INDIAN TRIBES.~~**

~~The Secretary may enter into a cooperative agreement with 1 or more federally recognized Indian tribes (or a designated representative of the Indian tribes) that are located, in whole or in part, within the boundaries of the Columbia River Basin to carry out authorized activities within the Columbia River Basin to protect fish, wildlife, water quality, and cultural resources.~~

**~~SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT CIVIL WORKS SHORELINE PROTECTION PROJECTS.~~**

~~(a) IN GENERAL.—The Secretary may implement any response action the Secretary determines to be necessary at a site where—~~

(1) the Secretary has carried out a project under civil works authority of the Secretary that includes placing sand on a beach;

(2) as a result of the project described in paragraph (1), military munitions that were originally released as a result of Department of Defense activities are deposited on the beach, posing a threat to human health or the environment.

(b) RESPONSE ACTION FUNDING.—A response action described in subsection (a) shall be funded from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.

**SEC. 2030. BEACH NOURISHMENT.**

Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended to read as follows:

**"SEC. 156. BEACH NOURISHMENT.**

"(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, may provide periodic beach nourishment for each water resources development project for which that nourishment has been authorized for an additional period of time, as determined by the Secretary, subject to the condition that the additional period shall not exceed the later of—

1 ~~"(1) 50 years after the date on which the con-~~
2 ~~struction of the project is initiated; or~~
3 ~~"(2) the date on which the last estimated peri-~~
4 ~~odic nourishment for the project is to be carried out,~~
5 ~~as recommended in the applicable report of the Chief~~
6 ~~of Engineers.~~
7 ~~"(b) EXTENSION.—Before the end of the 50-year pe-~~
8 ~~riod referred to in subsection (a)(1), the Secretary of the~~
9 ~~Army, acting through the Chief of Engineers—~~
10 ~~"(1) may, at the request of the non-Federal in-~~
11 ~~terest and subject to the availability of appropria-~~
12 ~~tions, carry out a review of a nourishment project~~
13 ~~carried out under subsection (a) to evaluate the fea-~~
14 ~~sibility of continuing Federal participation in the~~
15 ~~project for a period not to exceed 15 years; and~~
16 ~~"(2) shall submit to Congress any recommenda-~~
17 ~~tions of the Secretary relating to the review.".~~
18 **~~SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.~~**
19 ~~Section 204 of the Water Resources Development Act~~
20 ~~of 1992 (33 U.S.C. 2326) (as amended by section~~
21 ~~2003(c)) is amended—~~
22 ~~(1) in subsection (a)—~~
23 ~~(A) in paragraph (1), by inserting "or used~~
24 ~~in" after "obtained through"; and~~

~~(B) in paragraph (3)(C), by inserting "for the purposes of improving environmental conditions in marsh and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local risk management adaptation strategies" before the period at the end;~~

~~(2) in subsection (c)(1)(B)—~~

~~(A) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)";~~

~~(B) by redesignating clause (ii) as clause (iii); and~~

~~(C) by inserting after clause (i) the following:~~

~~"(ii) REDUCTION IN NON-FEDERAL SHARE.—The Secretary may reduce the non-Federal share of the costs of construction of a project if the Secretary determines that, through the beneficial use of sediment at another Federal project, there will be an associated reduction or avoidance of Federal costs.";~~

~~(3) in subsection (d)—~~

~~(A) by striking the subsection designation and heading and inserting the following:~~

1 ~~"(d) SELECTION OF DREDGED MATERIAL DISPOSAL~~
2 ~~METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL~~
3 ~~RESTORATION OR STORM DAMAGE AND FLOOD REDUC-~~
4 ~~TION.—"; and~~
5 ~~(B) in paragraph (1), by striking "in rela-~~
6 ~~tion to" and all that follows through the period~~
7 ~~at the end and inserting "in relation to—~~
8 ~~"(A) the environmental benefits, including~~
9 ~~the benefits to the aquatic environment to be~~
10 ~~derived from the creation of wetlands and con-~~
11 ~~trol of shoreline erosion; or~~
12 ~~"(B) the flood and storm damage and~~
13 ~~flood reduction benefits, including shoreline pro-~~
14 ~~tection, protection against loss of life, and dam-~~
15 ~~age to improved property."; and~~
16 ~~(4) in subsection (e), by striking paragraph (1)~~
17 ~~and inserting the following:~~
18 ~~"(1) cooperate with any State or group of~~
19 ~~States in the preparation of a comprehensive State~~
20 ~~or regional sediment management plan within the~~
21 ~~boundaries of the State or among States;".~~
22 **~~SEC. 2032. STUDY ACCELERATION.~~**
23 ~~(a) FINDINGS.—Congress finds that—~~
24 ~~(1) delays in the completion of feasibility stud-~~
25 ~~ies—~~

~~(A) increase costs for the Federal Government as well as State and local governments; and~~

~~(B) delay the implementation of water resources projects that provide critical benefits, including reducing flood risk, maintaining commercially important flood risk, and restoring vital ecosystems; and~~

~~(2) the efforts undertaken by the Corps of Engineers through the establishment of the "3-3-3" planning process should be continued.~~

~~(b) ACCELERATION OF STUDIES.—~~

~~(1) IN GENERAL.—Subject to paragraphs (2) and (3), a feasibility study initiated after the date of enactment of this Act shall—~~

~~(A) be completed not later than 3 years after the date of initiation of the study; and~~

~~(B) have a maximum Federal cost share of $3,000,000.~~

~~(2) ABILITY TO COMPLY.—On initiating a feasibility study under paragraph (1), the Secretary shall—~~

~~(A) certify that the study will comply with the requirements of paragraph (1);~~

~~(B) for projects the Secretary determines to be too complex to comply with the requirements of paragraph (1)—~~

~~(i) not less than 30 days after making a determination, notify the non-Federal interest regarding the inability to comply; and~~

~~(ii) provide a new projected timeline and cost; and~~

~~(C) if the study conditions have changed such that scheduled timelines or study costs will not be met—~~

~~(i) not later than 30 days after the study conditions change, notify the non-Federal interest of those changed conditions; and~~

~~(ii) present the non-Federal interest with a new timeline for completion and new projected study costs.~~

~~(3) APPROPRIATIONS.—~~

~~(A) IN GENERAL.—All timeline and cost conditions under this section shall be subject to the Secretary receiving adequate appropriations for meeting study timeline and cost requirements.~~

~~(B) NOTIFICATION.—Not later than 60 days after receiving appropriations, the Secretary shall notify the non-Federal interest of any changes to timelines or costs due to inadequate appropriations.~~

~~(c) REPORT.—Not later than 18 months after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—~~

~~(1) the status of the implementation of the "3-3-3" planning process, including the number of participating projects;~~

~~(2) the amount of time taken to complete all studies participating in the "3-3-3" planning process; and~~

~~(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process for water resource projects.~~

**~~SEC. 2033. PROJECT ACCELERATION.~~**

~~Section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) is amended to read as follows:~~

1 **~~"SEC. 2045. PROJECT ACCELERATION.~~**

2 ~~"(a) DEFINITIONS.—In this section:~~

3 ~~"(1) ENVIRONMENTAL IMPACT STATEMENT.—~~

4 ~~The term 'environmental impact statement' means~~

5 ~~the detailed statement of environmental impacts of~~

6 ~~water resources projects required to be prepared~~

7 ~~pursuant to the National Environmental Policy Act~~

8 ~~of 1969 (42 U.S.C. 4321 et seq.).~~

9 ~~"(2) ENVIRONMENTAL REVIEW PROCESS.—~~

10 ~~"(A) IN GENERAL.—The term 'environ-~~

11 ~~mental review process' means the process of~~

12 ~~preparing an environmental impact statement,~~

13 ~~environmental assessment, categorical exclusion,~~

14 ~~or other document under the National Environ-~~

15 ~~mental Policy Act of 1969 (42 U.S.C. 4321 et~~

16 ~~seq.) for a water resources project.~~

17 ~~"(B) INCLUSIONS.—The term 'environ-~~

18 ~~mental review process' includes the process for~~

19 ~~and completion of any environmental permit,~~

20 ~~approval, review, or study required for a water~~

21 ~~resources project under any Federal law other~~

22 ~~than the National Environmental Policy Act of~~

23 ~~1969 (42 U.S.C. 4321 et seq.).~~

24 ~~"(3) LEAD AGENCY.—The term 'lead agency'~~

25 ~~means the Corps of Engineers and, if applicable, any~~

~~State, local, or tribal governmental entity serving as a joint lead agency pursuant to this section.~~

~~"(b) POLICY.—The benefits of water resources projects are important to the economy and environment of the United States, and recommendations to Congress regarding those projects should be accelerated by coordinated and efficient review and cooperative efforts to prevent or quickly resolve disputes during the development and implementation of those water resources projects.~~

~~"(c) APPLICABILITY.—~~

~~"(1) IN GENERAL.—The project development procedures under this section apply to the development of projects initiated after the date of enactment of the Water Resources Development Act of 2013 and for which the Secretary determines that—~~

~~"(A) an environmental impact statement is required; or~~

~~"(B) at the discretion of the Secretary, other water resources projects for which an environmental review process document is required to be prepared.~~

~~"(2) FLEXIBILITY.—Any authorities granted in this section may be exercised, and any requirements established under this section may be satisfied, for~~

~~the development of a water resources project, a class of those projects, or a program of those projects.~~

~~"(3) LIST OF WATER RESOURCES DEVELOPMENT PROJECTS.—~~

~~"(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a separate list of each study that the Secretary has determined—~~

~~"(i) meets the standards described in paragraph (1); and~~

~~"(ii) does not have adequate funding to make substantial progress toward the completion of the planning activities for the water resources project.~~

~~"(B) INCLUSIONS.—The Secretary shall include for each study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the study.~~

~~"(4) IMPLEMENTATION GUIDANCE.—The Secretary shall prepare, in consultation with the Council on Environmental Quality and other Federal agencies with jurisdiction over actions or resources that may be impacted by a water resources project, guidance documents that describe the processes that the~~

~~Secretary will use to implement this section, in accordance with the civil works program of the Corps of Engineers and all applicable law.~~

~~"(d) WATER RESOURCES PROJECT REVIEW PROCESS.—The Secretary shall develop and implement a coordinated review process for the development of water resources projects.~~

~~"(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to the development of each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may—~~

~~"(1) have jurisdiction over the project;~~

~~"(2) be required by law to conduct or issue a review, analysis, or opinion for the project; or~~

~~"(3) be required to make a determination on issuing a permit, license, or approval for the project.~~

~~"(f) STATE AUTHORITY.—If the coordinated review process is being implemented under this section by the Secretary with respect to the development of a water resources project described in subsection (e) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—~~

~~"(1) have jurisdiction over the project;~~

1 ~~"(2) are required to conduct or issue a review,~~
2 ~~analysis, or opinion for the project; or~~
3 ~~"(3) are required to make a determination on~~
4 ~~issuing a permit, license, or approval for the project.~~
5 ~~"(g) LEAD AGENCIES.—~~
6 ~~"(1) FEDERAL LEAD AGENCY.—Subject to~~
7 ~~paragraph (2), the Corps of Engineers shall be the~~
8 ~~lead Federal agency in the environmental review~~
9 ~~process for a water resources project.~~
10 ~~"(2) JOINT LEAD AGENCIES.—~~
11 ~~"(A) IN GENERAL.—At the discretion of~~
12 ~~the Secretary and subject to any applicable reg-~~
13 ~~ulations under the National Environmental Pol-~~
14 ~~icy Act of 1969 (42 U.S.C. 4321 et seq.), an~~
15 ~~agency other than the Corps of Engineers may~~
16 ~~serve as the joint lead agency.~~
17 ~~"(B) NON-FEDERAL INTEREST AS JOINT~~
18 ~~LEAD AGENCY.—A non-Federal interest that is~~
19 ~~a State or local governmental entity—~~
20 ~~"(i) may serve as a joint lead agency~~
21 ~~with the Corps of Engineers for purposes~~
22 ~~of preparing any environmental document~~
23 ~~under the National Environmental Policy~~
24 ~~Act of 1969 (42 U.S.C. 4321 et seq.); and~~

~~"(ii) may prepare any environmental review process document required in support of any action or approval by the Secretary if—~~

~~"(I) the Corps of Engineers provides guidance in the preparation process and independently evaluates that document; and~~

~~"(II) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.~~

~~"(3) DUTIES.—The Secretary shall ensure that—~~

~~"(A) the non-Federal interest complies with all design and mitigation commitments made jointly by the Secretary and the non-Federal interest in any environmental document prepared by the non-Federal interest in accordance with this subsection; and~~

~~"(B) any environmental document prepared by the non-Federal interest is appro-~~

~~priately supplemented if changes to the water resources project become necessary.~~

~~"(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency.~~

~~"(5) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any water resources project, the lead agency shall have authority and responsibility—~~

~~"(A) to take such actions as are necessary and proper and within the authority and responsibility of the lead agency to facilitate the expeditious resolution of the environmental review process for the water resources project; and~~

~~"(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a water resources project required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in ac-~~

~~cordance with this section and applicable Federal law.~~

~~"(h) PARTICIPATING AGENCIES.—~~

~~"(1) INVITATION.—~~

~~"(A) IN GENERAL.—The lead agency shall identify, as early as practicable in the environmental review process for a water resources project, any other Federal or non-Federal agencies that may have an interest in that project and invite those agencies to become participating agencies in the environmental review process for the water resources project.~~

~~"(B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the lead agency for good cause.~~

~~"(2) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a water resources project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—~~

~~"(A) has no jurisdiction or authority with respect to the water resources project;~~

~~"(B) has no expertise or information relevant to the water resources project;~~

~~"(C) does not intend to submit comments on the water resources project; and~~

~~"(D) does not have adequate funds to participate in the water resources project.~~

~~"(3) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—~~

~~"(A) supports a proposed water resources project; or~~

~~"(B) has any jurisdiction over, or special expertise with respect to evaluation of, the water resources project.~~

~~"(4) CONCURRENT REVIEWS.—Each participating agency shall—~~

~~"(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and~~

1 ~~"(B) formulate and implement administra-~~
2 ~~tive, policy, and procedural mechanisms to en-~~
3 ~~able the agency to ensure completion of the en-~~
4 ~~vironmental review process in a timely, coordi-~~
5 ~~nated, and environmentally responsible manner.~~
6 ~~"(i) PROGRAMMATIC COMPLIANCE.—~~
7 ~~"(1) IN GENERAL.—The Secretary shall issue~~
8 ~~guidance to allow for the use of programmatic ap-~~
9 ~~proaches to carry out the environmental review proc-~~
10 ~~ess that—~~
11 ~~"(A) eliminates repetitive discussions of~~
12 ~~the same issues;~~
13 ~~"(B) focuses on the actual issues ripe for~~
14 ~~analyses at each level of review;~~
15 ~~"(C) establishes a formal process for co-~~
16 ~~ordinating with participating agencies, including~~
17 ~~the creation of a list of all data that is needed~~
18 ~~to carry out an environmental review process;~~
19 ~~and~~
20 ~~"(D) is consistent with—~~
21 ~~"(i) the National Environmental Pol-~~
22 ~~icy Act of 1969 (42 U.S.C. 4321 et seq.);~~
23 ~~and~~
24 ~~"(ii) other applicable laws.~~

1 ~~"(2) REQUIREMENTS.—In carrying out para-~~
2 ~~graph (1), the Secretary shall—~~
3 ~~"(A) as the first step in drafting guidance~~
4 ~~under that paragraph, consult with relevant~~
5 ~~Federal and State agencies, Indian tribes, and~~
6 ~~the public on the appropriate use and scope of~~
7 ~~the programmatic approaches;~~
8 ~~"(B) emphasize the importance of collabo-~~
9 ~~ration among relevant Federal agencies, State~~
10 ~~agencies, and Indian tribes in undertaking pro-~~
11 ~~grammatic reviews, especially with respect to~~
12 ~~including reviews with a broad geographical~~
13 ~~scope;~~
14 ~~"(C) ensure that the programmatic re-~~
15 ~~views—~~
16 ~~"(i) promote transparency, including~~
17 ~~of the analyses and data used in the envi-~~
18 ~~ronmental review process, the treatment of~~
19 ~~any deferred issues raised by Federal,~~
20 ~~State, or tribal agencies, or the public, and~~
21 ~~the temporal and special scales to be used~~
22 ~~to analyze those issues;~~
23 ~~"(ii) use accurate and timely informa-~~
24 ~~tion in the environmental review process,~~
25 ~~including—~~

1 ~~"(I) criteria for determining the~~
2 ~~general duration of the usefulness of~~
3 ~~the review; and~~
4 ~~"(II) the timeline for updating~~
5 ~~any out-of-date review;~~
6 ~~"(iii) describe—~~
7 ~~"(I) the relationship between pro-~~
8 ~~grammatic analysis and future tiered~~
9 ~~analysis; and~~
10 ~~"(II) the role of the public in the~~
11 ~~creation of future tiered analysis; and~~
12 ~~"(iv) are available to other relevant~~
13 ~~Federal and State agencies, Indian tribes,~~
14 ~~and the public;~~
15 ~~"(D) allow not fewer than 60 days of pub-~~
16 ~~lic notice and comment on any proposed guid-~~
17 ~~ance; and~~
18 ~~"(E) address any comments received under~~
19 ~~subparagraph (D).~~
20 ~~"(j) COORDINATED REVIEWS.—~~
21 ~~"(1) COORDINATION PLAN.—~~
22 ~~"(A) ESTABLISHMENT.—~~
23 ~~"(i) IN GENERAL.—The lead agency~~
24 ~~shall establish a plan for coordinating pub-~~
25 ~~lic and agency participation in, and com-~~

~~ment on, the environmental review process for a water resources project or a category of water resources projects.~~

~~"(ii) INCORPORATION.—The plan established under clause (i) shall be incorporated into the project schedule milestones set under section 905(g)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(g)(2)).~~

~~"(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:~~

~~"(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and States agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—~~

~~"(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, as applicable, and all participating agencies; or~~

~~"(ii) the deadline is extended by the lead agency for good cause.~~

~~"(B) OTHER ENVIRONMENTAL REVIEW PROCESSES.—For all comment periods established by the lead agency for agency or public comments in the environmental review process other than for a draft environmental impact statement, a period of not more than 30 days after the date on which the materials on which comment is requested are made available, unless—~~

~~"(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, and all participating agencies; or~~

~~"(ii) the deadline is extended by the lead agency for good cause.~~

~~"(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (k)(6)(B)(ii), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation~~

~~and Infrastructure of the House of Representatives—~~

~~"(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and~~

~~"(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.~~

~~"(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law (including regulations).~~

~~"(k) ISSUE IDENTIFICATION AND RESOLUTION.—~~

~~"(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the project under applicable laws.~~

1 ~~"(2) LEAD AGENCY RESPONSIBILITIES.—~~

2 ~~"(A) IN GENERAL.—The lead agency shall~~
3 ~~make information available to the participating~~
4 ~~agencies as early as practicable in the environ-~~
5 ~~mental review process regarding the environ-~~
6 ~~mental and socioeconomic resources located~~
7 ~~within the project area and the general loca-~~
8 ~~tions of the alternatives under consideration.~~

9 ~~"(B) DATA SOURCES.—The information~~
10 ~~under subparagraph (A) may be based on exist-~~
11 ~~ing data sources, including geographic informa-~~
12 ~~tion systems mapping.~~

13 ~~"(3) PARTICIPATING AGENCY RESPONSIBIL-~~
14 ~~ITIES.—Based on information received from the lead~~
15 ~~agency, participating agencies shall identify, as early~~
16 ~~as practicable, any issues of concern regarding the~~
17 ~~potential environmental or socioeconomic impacts of~~
18 ~~the project, including any issues that could substan-~~
19 ~~tially delay or prevent an agency from granting a~~
20 ~~permit or other approval that is needed for the~~
21 ~~project.~~

22 ~~"(4) INTERIM DECISION ON ACHIEVING ACCEL-~~
23 ~~ERATED DECISIONMAKING.—~~

24 ~~"(A) IN GENERAL.—Not later than 30~~
25 ~~days after the close of the public comment pe-~~

~~riod on a draft environmental impact statement, the Secretary may convene a meeting with the non-Federal interest or joint lead agency, as applicable, relevant resource agencies, and relevant Federal and State agencies to establish a schedule of deadlines to complete decisions regarding the project.~~

~~"(B) DEADLINES.—~~

~~"(i) IN GENERAL.—The deadlines referred to in subparagraph (A) shall be those established by the Secretary, in consultation with the non-Federal interest or joint lead agency, as applicable, and other relevant Federal and State agencies.~~

~~"(ii) FACTORS FOR CONSIDERATION.—In establishing a schedule, the Secretary shall consider factors such as—~~

~~"(I) the responsibilities of participating agencies under applicable laws;~~

~~"(II) the resources available to the non-Federal interest, joint lead agency, and other relevant Federal and State agencies, as applicable;~~

1 ~~"(III) the overall size and com-~~
2 ~~plexity of the project;~~
3 ~~"(IV) the overall schedule for~~
4 ~~and cost of the project; and~~
5 ~~"(V) the sensitivity of the natural~~
6 ~~and historical resources that could be~~
7 ~~affected by the project.~~
8 ~~"(iii) MODIFICATIONS.—The Sec-~~
9 ~~retary may—~~
10 ~~"(I) lengthen a schedule under~~
11 ~~clause (i) for good cause; and~~
12 ~~"(II) shorten a schedule only~~
13 ~~with concurrence of the affected non-~~
14 ~~Federal interest, joint agency, or rel-~~
15 ~~evant Federal and State agencies, as~~
16 ~~applicable.~~
17 ~~"(C) FAILURE TO MEET DEADLINE.—If~~
18 ~~the agencies described in subparagraph (A) can-~~
19 ~~not provide reasonable assurances that the~~
20 ~~deadlines described in subparagraph (B) will be~~
21 ~~met, the Secretary may initiate the issue resolu-~~
22 ~~tion and referral process described under para-~~
23 ~~graph (5) before the completion of the record of~~
24 ~~decision.~~

1 ~~"(5) ACCELERATED ISSUE RESOLUTION AND~~
2 ~~REFERRAL.—~~
3 ~~"(A) AGENCY ISSUE RESOLUTION MEET-~~
4 ~~ING.—~~
5 ~~"(i) IN GENERAL.—A participating~~
6 ~~agency or non-Federal interest may re-~~
7 ~~quest an issue resolution meeting to be~~
8 ~~conducted by the Secretary.~~
9 ~~"(ii) ACTION BY SECRETARY.—The~~
10 ~~Secretary shall convene an issue resolution~~
11 ~~meeting under clause (i) with the relevant~~
12 ~~participating agencies and the non-Federal~~
13 ~~interest, as applicable, to resolve issues~~
14 ~~that could—~~
15 ~~"(I) delay completion of the envi-~~
16 ~~ronmental review process; or~~
17 ~~"(II) result in denial of any ap-~~
18 ~~provals required for the project under~~
19 ~~applicable laws.~~
20 ~~"(iii) DATE.—A meeting requested~~
21 ~~under this subparagraph shall be held not~~
22 ~~later than 21 days after the date on which~~
23 ~~the Secretary receives the request for the~~
24 ~~meeting, unless the Secretary determines~~

~~that there is good cause to extend that deadline.~~

~~"(iv) NOTIFICATION.—On receipt of a request for a meeting under this subparagraph, the Secretary shall notify all relevant participating agencies of the request, including the issue to be resolved and the date for the meeting.~~

~~"(v) DISPUTES.—If a relevant participating agency with jurisdiction over an approval required for a project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the Secretary disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.~~

~~"(vi) CONVENTION BY LEAD AGENCY.—The Secretary may convene an issue resolution meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under clause (i).~~

~~"(vii) EXCEPTION.—~~

1 ~~"(I) IN GENERAL.—The issue~~
2 ~~resolution and referral process under~~
3 ~~this subparagraph shall not be initi-~~
4 ~~ated if the applicable agency—~~
5 ~~"(aa) certifies that—~~
6 ~~"(AA) the agency has~~
7 ~~not received necessary infor-~~
8 ~~mation or approvals from~~
9 ~~another entity in a manner~~
10 ~~that affects the ability of the~~
11 ~~agency to meet any require-~~
12 ~~ments under Federal, State,~~
13 ~~or local law;~~
14 ~~"(BB) significant new~~
15 ~~information or cir-~~
16 ~~cumstances, including a~~
17 ~~major modification to an as-~~
18 ~~pect of the project, requires~~
19 ~~additional analysis for the~~
20 ~~agency to make a decision~~
21 ~~on the project application; or~~
22 ~~"(CC) the agency lacks~~
23 ~~the financial resources to~~
24 ~~complete the review under~~
25 ~~the scheduled timeframe, in-~~

~~cluding a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline; and~~

~~"(bb) establishes a new deadline for completion of the review.~~

~~"(II) INSPECTOR GENERAL.—If the applicable agency makes a certification under subclause (I)(aa)(CC), the Inspector General of the applicable agency shall conduct a financial audit to review that certification and submit a report on that certification within 90 days to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.~~

1 ~~"(B) ELEVATION OF ISSUE RESOLU-~~
2 ~~TION.—~~
3 ~~"(i) IN GENERAL.—If issue resolution~~
4 ~~is not achieved by not later than 30 days~~
5 ~~after the date on which a relevant meeting~~
6 ~~is held under subparagraph (A), the Sec-~~
7 ~~retary shall notify the heads of the relevant~~
8 ~~participating agencies and the non-Federal~~
9 ~~interest that an issue resolution meeting~~
10 ~~will be convened.~~
11 ~~"(ii) REQUIREMENTS.—The Secretary~~
12 ~~shall identify the issues to be addressed at~~
13 ~~the meeting and convene the meeting not~~
14 ~~later than 30 days after the date on which~~
15 ~~the notice is issued.~~
16 ~~"(C) REFERRAL OF ISSUE RESOLUTION.—~~
17 ~~"(i) REFERRAL TO COUNCIL ON ENVI-~~
18 ~~RONMENTAL QUALITY.—~~
19 ~~"(I) IN GENERAL.—If a resolu-~~
20 ~~tion is not achieved by not later than~~
21 ~~30 days after the date on which an~~
22 ~~issue resolution meeting is held under~~
23 ~~subparagraph (B), the Secretary shall~~
24 ~~refer the matter to the Council on En-~~
25 ~~vironmental Quality.~~

1 ~~"(II) MEETING.—Not later than~~
2 ~~30 days after the date on which the~~
3 ~~Council on Environmental Quality re-~~
4 ~~ceives a referral from the Secretary~~
5 ~~under subclause (I), the Council on~~
6 ~~Environmental Quality shall hold an~~
7 ~~issue resolution meeting with the lead~~
8 ~~agency, the heads of relevant partici-~~
9 ~~pating agencies and the non-Federal~~
10 ~~interest.~~
11 ~~"(ii) REFERRAL TO THE PRESI-~~
12 ~~DENT.—If a resolution of the issue is not~~
13 ~~achieved by not later than 30 days after~~
14 ~~the date on which an issue resolution meet-~~
15 ~~ing is convened by the Council on Environ-~~
16 ~~mental Quality under clause (i)(II), the~~
17 ~~Secretary shall refer the matter directly to~~
18 ~~the President.~~
19 ~~"(6) FINANCIAL PENALTY PROVISIONS.—~~
20 ~~"(A) IN GENERAL.—A Federal agency with~~
21 ~~jurisdiction over an approval required for a~~
22 ~~project under applicable Federal laws (including~~
23 ~~regulations) shall complete any required ap-~~
24 ~~proval on an expeditious basis using the short-~~
25 ~~est existing applicable process.~~

1 ~~"(B) FAILURE TO DECIDE.—~~

2 ~~"(i) IN GENERAL.—If an agency de-~~

3 ~~scribed in subparagraph (A) fails to render~~

4 ~~a decision under any Federal law relating~~

5 ~~to a project that requires the preparation~~

6 ~~of an environmental impact statement or~~

7 ~~environmental assessment, including the~~

8 ~~issuance or denial of a permit, license, or~~

9 ~~other approval by the date described in~~

10 ~~clause (ii), an amount of funding equal to~~

11 ~~the amounts specified in subclause (I) or~~

12 ~~(II) shall be transferred from the applica-~~

13 ~~ble office of the head of the agency, or~~

14 ~~equivalent office to which the authority for~~

15 ~~rendering the decision has been delegated~~

16 ~~by law to the agency or division charged~~

17 ~~with rendering a decision regarding the ap-~~

18 ~~plication by not later than 1 day after the~~

19 ~~applicable date under clause (ii), and once~~

20 ~~each week thereafter until a final decision~~

21 ~~is rendered, subject to subparagraph (C)—~~

22 ~~"(I) $20,000 for any project re-~~

23 ~~quiring the preparation of an environ-~~

24 ~~mental assessment or environmental~~

25 ~~impact statement; or~~

1 ~~"(II) $10,000 for any project re-~~
2 ~~quiring any type of review under the~~
3 ~~National Environmental Policy Act of~~
4 ~~1969 (42 U.S.C. 4321 et seq.) other~~
5 ~~than an environmental assessment or~~
6 ~~environmental impact statement.~~
7 ~~"(ii) DESCRIPTION OF DATE.—The~~
8 ~~date referred to in clause (i) is the later~~
9 ~~of—~~
10 ~~"(I) the date that is 180 days~~
11 ~~after the date on which an application~~
12 ~~for the permit, license, or approval is~~
13 ~~complete; and~~
14 ~~"(II) the date that is 180 days~~
15 ~~after the date on which the Federal~~
16 ~~lead agency issues a decision on the~~
17 ~~project under the National Environ-~~
18 ~~mental Policy Act of 1969 (42 U.S.C.~~
19 ~~4321 et seq.).~~
20 ~~"(C) LIMITATIONS.—~~
21 ~~"(i) IN GENERAL.—No transfer of~~
22 ~~funds under subparagraph (B) relating to~~
23 ~~an individual project shall exceed, in any~~
24 ~~fiscal year, an amount equal to 1 percent~~

~~of the funds made available for the applicable agency office.~~

~~"(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.~~

~~"(D) NO FAULT OF AGENCY.—A transfer of funds under this paragraph shall not be made if—~~

~~"(i) the applicable agency described in subparagraph (A) certifies that—~~

~~"(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law; or~~

~~"(II) significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis~~

~~for the agency to make a decision on the project application; or~~

~~"(III) the agency lacks the financial resources to complete the review under the scheduled timeframe, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline; and~~

~~"(ii) if the applicable agency makes a certification under clause (i)(III), the Inspector General of the applicable agency shall conduct a financial audit to review that certification and submit a report on that certification within 90 days to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.~~

~~"(E) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the~~

office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

"(F) AUDITS.—In any fiscal year in which any funds are transferred from a Federal agency pursuant to this paragraph, the Inspector General of that agency shall—

"(i) conduct an audit to assess compliance with the requirements of this paragraph; and

"(ii) not later than 120 days after the end of the fiscal year in which the transfer occurred, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the reasons why the transfers were levied, including allocations of resources.

"(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

"(l) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on

~~progress made toward improving and expediting the planning and environmental review process.~~

~~"(m) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—~~

~~"(1) SENSE OF CONGRESS.—It is the sense of Congress that—~~

~~"(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State agencies, and Indian tribes on environmental review and water resources project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and water resources project development decisions reflect environmental values; and~~

~~"(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and non-Federal interests of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.~~

1 ~~"(2) TECHNICAL ASSISTANCE.—If requested at~~
2 ~~any time by a State or non-Federal interest, the~~
3 ~~Secretary and other Federal agencies with relevant~~
4 ~~jurisdiction in the environmental review process,~~
5 ~~shall, to the maximum extent practicable and appro-~~
6 ~~priate, as determined by the agencies, provide tech-~~
7 ~~nical assistance to the State or non-Federal interest~~
8 ~~in carrying out early coordination activities.~~
9 ~~"(3) MEMORANDUM OF AGENCY AGREEMENT.—~~
10 ~~If requested at any time by a State or non-Federal~~
11 ~~interest, the lead agency, in consultation with other~~
12 ~~Federal agencies with relevant jurisdiction in the en-~~
13 ~~vironmental review process, may establish memo-~~
14 ~~randa of agreement with the non-Federal interest,~~
15 ~~State and local governments, and other appropriate~~
16 ~~entities to carry out the early coordination activities,~~
17 ~~including providing technical assistance in identi-~~
18 ~~fying potential impacts and mitigation issues in an~~
19 ~~integrated fashion.~~
20 ~~"(n) LIMITATIONS.—Nothing in this section pre-~~
21 ~~empts, supersedes, amends, modifies, or interferes with—~~
22 ~~"(1) any statutory requirement for seeking pub-~~
23 ~~lic comment;~~
24 ~~"(2) any power, jurisdiction, or authority that~~
25 ~~a Federal, State, or local government agency, Indian~~

~~tribe, or non-Federal interest has with respect to carrying out a water resources project;~~

~~"(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the regulations issued by the Council on Environmental Quality to carry out that Act or any other Federal environmental law;~~

~~"(4) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;~~

~~"(5) any practice of seeking, considering, or responding to public comment; or~~

~~"(6) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project or any other provision of law applicable to water resources development projects.~~

~~"(o) CATEGORICAL EXCLUSIONS.—~~

~~"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall—~~

~~"(A) survey the use by the Corps of Engineers of categorical exclusions in water resources projects since 2005;~~

~~"(B) publish a review of the survey that includes a description of—~~

~~"(i) the types of actions categorically excluded; and~~

~~"(ii) any requests previously received by the Secretary for new categorical exclusions; and~~

~~"(C) solicit requests from other Federal agencies and non-Federal interests for new categorical exclusions.~~

~~"(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of this subsection, if the Secretary has identified a categorical exclusion that did not exist on the day before the date of enactment of this subsection based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).~~

1 ~~"(p) REVIEW OF WATER RESOURCES PROJECT AC-~~
2 ~~CELERATION REFORMS.—~~
3 ~~"(1) IN GENERAL.—The Comptroller General of~~
4 ~~the United States shall—~~
5 ~~"(A) assess the reforms carried out under~~
6 ~~this section; and~~
7 ~~"(B) not later than 5 years after the date~~
8 ~~of enactment of this subsection, submit to the~~
9 ~~Committee on Transportation and Infrastruc-~~
10 ~~ture of the House of Representatives and the~~
11 ~~Committee on Environment and Public Works~~
12 ~~of the Senate a report that describes the results~~
13 ~~of the assessment.~~
14 ~~"(2) INSPECTOR GENERAL REPORT.—The In-~~
15 ~~spector General of the Corps of Engineers shall—~~
16 ~~"(A) assess the reforms carried out under~~
17 ~~this section; and~~
18 ~~"(B) submit to the Committee on Trans-~~
19 ~~portation and Infrastructure of the House of~~
20 ~~Representatives and the Committee on Environ-~~
21 ~~ment and Public Works of the Senate—~~
22 ~~"(i) not later than 2 years after the~~
23 ~~date of enactment of this subsection, an~~
24 ~~initial report of the findings of the Inspec-~~
25 ~~tor General; and~~

1 ~~"(ii) not later than 4 years after the~~
2 ~~date of enactment of this subsection, a~~
3 ~~final report of the findings.".~~

4 **~~SEC. 2034. FEASIBILITY STUDIES.~~**

5 ~~Section 905 of the Water Resources Development Act~~
6 ~~of 1986 (33 U.S.C. 2282) is amended by adding at the~~
7 ~~end the following:~~

8 ~~"(g) DETAILED PROJECT SCHEDULE.—~~

9 ~~"(1) IN GENERAL.—Not later than 180 days~~
10 ~~after the date of enactment of this subsection, the~~
11 ~~Secretary shall determine a set of milestones needed~~
12 ~~for the completion of a feasibility study under this~~
13 ~~subsection, including all major actions, report sub-~~
14 ~~missions and responses, reviews, and comment peri-~~
15 ~~ods.~~

16 ~~"(2) DETAILED PROJECT SCHEDULE MILE-~~
17 ~~STONES.—Each District Engineer shall, to the max-~~
18 ~~imum extent practicable, establish a detailed project~~
19 ~~schedule, based on full funding capability, that lists~~
20 ~~all deadlines for milestones relating to feasibility~~
21 ~~studies in the District developed by the Secretary~~
22 ~~under paragraph (1).~~

23 ~~"(3) NON-FEDERAL INTEREST NOTIFICA-~~
24 ~~TION.—Each District Engineer shall submit by cer-~~

~~tified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—~~

~~"(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this section, not later than 180 days after the establishment of milestones under paragraph (1); and~~

~~"(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.~~

~~"(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Beginning in the first full fiscal year after the date of enactment of this Act, the Secretary shall—~~

~~"(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and~~

1 ~~"(B) make publicly available, including on~~
2 ~~the Internet, a copy of the annual report de-~~
3 ~~scribed in subparagraph (A) not later than 14~~
4 ~~days after date on which a report is submitted~~
5 ~~to Congress.~~
6 ~~"(5) FAILURE TO ACT.—If a District Engineer~~
7 ~~fails to meet any of the deadlines in the project~~
8 ~~schedule under paragraph (2), the District Engineer~~
9 ~~shall—~~
10 ~~"(A) not later than 30 days after each~~
11 ~~missed deadline, submit to the non-Federal in-~~
12 ~~terest a report detailing—~~
13 ~~"(i) why the District Engineer failed~~
14 ~~to meet the deadline; and~~
15 ~~"(ii) a revised project schedule reflect-~~
16 ~~ing amended deadlines for the feasibility~~
17 ~~study; and~~
18 ~~"(B) not later than 30 days after each~~
19 ~~missed deadline, make publicly available, includ-~~
20 ~~ing on the Internet, a copy of the amended~~
21 ~~project schedule described in subparagraph~~
22 ~~(A)(ii).".~~
23 **~~SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.~~**
24 ~~(a) IN GENERAL.—On the request of a non-Federal~~
25 ~~interest, the Secretary shall provide to the non-Federal in-~~

terest a detailed accounting of the Federal expenses associated with a water resources project.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a study on the efficiency of the Corps Engineers current staff salaries and administrative expense procedures as compared to using a separate administrative expense account.

(2) CONTENTS.—The study under paragraph (1) shall include any recommendations of the National Academy of Public Administration for improvements to the budgeting and administrative processes that will increase the efficiency of the Corps of Engineers project delivery.

**SEC. 2036. DETERMINATION OF PROJECT COMPLETION.**

(a) IN GENERAL.—The Secretary shall transfer to the non-Federal interest the responsibility for the operation and maintenance of any water resources project for which operation and maintenance is required of the non-Federal interest or separable element or functional portion of that water resources project on such date that the Secretary determines that the project is complete.

(b) NON-FEDERAL INTEREST APPEAL OF DETERMINATION.—

~~(1) IN GENERAL.—Not later than 7 days after receiving a notification under subparagraph (a), the non-Federal interest may appeal the completion determination of the Secretary in writing.~~

~~(2) INDEPENDENT REVIEW.—~~

~~(A) IN GENERAL.—On notification that a non-Federal interest has submitted an appeal under paragraph (1), the Secretary shall contract with 1 or more independent, non-Federal experts to determine whether the applicable water resources project or separable element or functional portion of the water resources project is complete.~~

~~(B) TIMELINE.—An independent review carried out under subparagraph (A) shall be completed not later than 180 days after the date on which the Secretary receives an appeal from a non-Federal interest under paragraph (1).~~

**~~SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.~~**

~~(a) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a comprehensive review of the process for preparing, negotiating, and approving Project Partnership Agree-~~

~~ments and the Project Partnership Agreement template, which shall include—~~

~~(1) a review of the process for preparing, negotiating, and approving Project Partnership Agreements, as in effect on the day before the date of enactment of this Act;~~

~~(2) an evaluation of how the concerns of a non-Federal interest relating to the Project Partnership Agreement and suggestions for modifications to the Project Partnership Agreement made by a non-Federal interest are accommodated;~~

~~(3) recommendations for how the concerns and modifications described in paragraph (2) can be better accommodated;~~

~~(4) recommendations for how the Project Partnership Agreement template can be made more efficient; and~~

~~(5) recommendations for how to make the process for preparing, negotiating, and approving Project Partnership Agreements more efficient.~~

~~(b) REPORT.—The Secretary shall submit a report describing the findings of the National Academy of Public Administration to the Committee on Environment and Public Works of the Senate and the Committee on Trans-~~

portation and Infrastructure of the House of Representatives.

**SEC. 2038. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.**

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) in subsection (a), by striking "other Federal agencies," and inserting "Federal departments or agencies, nongovernmental organizations,";

(2) in subsection (b), by inserting "or foreign governments" after "organizations";

(3) in subsection (c), by inserting "and restoration" after "protection"; and

(4) in subsection (d)—

(A) in the first sentence—

(i) by striking "There is" and inserting "(1) IN GENERAL.—There is"; and

(ii) by striking "2008" and inserting "2014"; and

(B) in the second sentence—

(i) by striking "The Secretary" and inserting "(2) ACCEPTANCE OF FUNDS.—The Secretary"; and

(ii) by striking "other Federal agencies" and inserting "Federal departments

~~or agencies, nongovernmental organizations''.~~

**~~SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS.~~**

~~(a) IN GENERAL.—The Secretary, after providing public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.~~

~~(b) APPLICABILITY.—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based on increases in commercial traffic carried out by the Secretary.~~

~~(c) PUBLIC COMMENT.—Not later than 180 days before a proposed modification to the operation of a lock at a water resources development project will be carried out, the Secretary shall—~~

~~(1) publish the proposed modification in the Federal Register; and~~

~~(2) accept public comment on the proposed modification.~~

~~(d) REPORTS.—~~

~~(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary~~

~~shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that evaluates the cost-savings resulting from reduced lock hours and any economic impacts of modifying lock operations.~~

~~(2) REVIEW OF PILOT PROGRAM.—Not later than September 30, 2017 and each year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the effectiveness of the pilot program under this section.~~

~~(e) ANNUAL REVIEW.—The Secretary shall carry out an annual review of the commercial use of locks and make any necessary adjustments to lock operations based on that review.~~

~~(f) TERMINATION.—The authority to accept funds under this section shall terminate 5 years after the date of enactment of this Act.~~

**~~SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISASTERS.~~**

~~(a) IN GENERAL.—Section 5(a)(1) of the Act entitled "An Act authorizing the construction of certain public~~

~~works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended in the first sentence by striking ''structure damaged or destroyed by wind, wave, or water action of other than an ordinary nature when in the discretion of the Chief of Engineers such repair and restoration is warranted for the adequate functioning of the structure for hurricane or shore protection'' and inserting ''structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies''.~~

~~(b) REPORT.—~~

~~(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the amounts expended in the previous~~

~~5 fiscal years to carry out Corps of Engineers projects under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).~~

~~(2) INCLUSIONS.—A report under paragraph (1) shall, at a minimum, include a description of—~~

~~(A) each project for which amounts are expended, including the type of project and cost of the project; and~~

~~(B) how the Secretary has restored or intends to restore the project to the design level of protection for the project.~~

**~~SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.~~**

~~A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.~~

1 **~~SEC. 2042. FUNDING TO PROCESS PERMITS.~~**

2 ~~Section 214 of the Water Resources Development Act~~
3 ~~of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is~~
4 ~~amended by striking subsections (d) and (e) and inserting~~
5 ~~the following:~~

6 ~~"(d) PUBLIC AVAILABILITY.—~~

7 ~~"(1) IN GENERAL.—The Secretary shall ensure~~
8 ~~that all final permit decisions carried out using~~
9 ~~funds authorized under this section are made avail-~~
10 ~~able to the public in a common format, including on~~
11 ~~the Internet, and in a manner that distinguishes~~
12 ~~final permit decisions under this section from other~~
13 ~~final actions of the Secretary.~~

14 ~~"(2) DECISION DOCUMENT.—The Secretary~~
15 ~~shall—~~

16 ~~"(A) use a standard decision document for~~
17 ~~evaluating all permits using funds accepted~~
18 ~~under this section; and~~

19 ~~"(B) make the standard decision docu-~~
20 ~~ment, along with all final permit decisions,~~
21 ~~available to the public, including on the Inter-~~
22 ~~net.~~

23 ~~"(3) AGREEMENTS.—The Secretary shall make~~
24 ~~all active agreements to accept funds under this sec-~~
25 ~~tion available on a single public Internet site.~~

26 ~~"(e) REPORTING.—~~

1 ~~"(1) IN GENERAL.—The Secretary shall pre-~~
2 ~~pare an annual report on the implementation of this~~
3 ~~section, which, at a minimum, shall include for each~~
4 ~~district of the Corps of Engineers that accepts funds~~
5 ~~under this section—~~
6 ~~"(A) a comprehensive list of any funds ac-~~
7 ~~cepted under this section during the previous~~
8 ~~fiscal year;~~
9 ~~"(B) a comprehensive list of the permits~~
10 ~~reviewed and approved using funds accepted~~
11 ~~under this section during the previous fiscal~~
12 ~~year, including a description of the size and~~
13 ~~type of resources impacted and the mitigation~~
14 ~~required for each permit; and~~
15 ~~"(C) a description of the training offered~~
16 ~~in the previous fiscal year for employees that is~~
17 ~~funded in whole or in part with funds accepted~~
18 ~~under this section.~~
19 ~~"(2) SUBMISSION.—Not later than 90 days~~
20 ~~after the end of each fiscal year, the Secretary~~
21 ~~shall—~~
22 ~~"(A) submit to the Committee on Environ-~~
23 ~~ment and Public Works of the Senate and the~~
24 ~~Committee on Transportation and Infrastruc-~~

~~ture of the House of Representatives the annual report described in paragraph (1); and~~

~~"(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.".~~

**~~SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND EROSION PREVENTION STUDY AND PILOT PROGRAM.~~**

~~(a) DEFINITION OF INLAND AND INTRACOASTAL WATERWAY.—In this section, the term "inland and intracoastal waterway" means the inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).~~

~~(b) PILOT PROGRAM.—The Secretary—~~

~~(1) is authorized to study issues relating to riverbank stabilization and erosion prevention along inland and intracoastal waterways; and~~

~~(2) shall establish and carry out for a period of 5 fiscal years a national riverbank stabilization and erosion prevention pilot program to address riverbank erosion along inland and intracoastal waterways.~~

~~(c) STUDY.—~~

~~(1) IN GENERAL.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall carry out a study of the options and technologies available to prevent the erosion and degradation of riverbanks along inland and intracoastal waterways.~~

~~(2) CONTENTS.—The study shall—~~

~~(A) evaluate the nature and extent of the damages resulting from riverbank erosion along inland and intracoastal waterways throughout the United States;~~

~~(B) identify specific inland and intracoastal waterways and affected wetland areas with the most urgent need for restoration;~~

~~(C) analyze any legal requirements with regard to maintenance of bank lines of inland and intracoastal waterways, including a comparison of Federal, State, and private obligations and practices;~~

~~(D) assess and compare policies and management practices to protect surface areas adjacent to inland and intracoastal waterways applied by various Districts of the Corps of Engineers; and~~

~~(E) make any recommendations the Secretary determines to be appropriate.~~

~~(d) RIVERBANK STABILIZATION AND EROSION PREVENTION PILOT PROGRAM.—~~

~~(1) IN GENERAL.—The Secretary shall develop a pilot program for the construction of riverbank stabilization and erosion prevention projects on public land along inland and intracoastal waterways if the Secretary determines that the projects are feasible and lower maintenance costs of those inland and intracoastal waterways.~~

~~(2) PILOT PROGRAM GOALS.—A project under the pilot program shall, to the maximum extent practicable—~~

~~(A) develop or demonstrate innovative technologies;~~

~~(B) implement efficient designs to prevent erosion at a riverbank site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;~~

~~(C) prioritize natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the riverbank;~~

~~(D) avoid negative impacts to adjacent communities;~~

~~(E) identify the potential for long-term protection afforded by the innovative technology; and~~

~~(F) provide additional benefits, including reduction of flood risk.~~

~~(3) PROJECT SELECTIONS.—The Secretary shall develop criteria for the selection of projects under the pilot program, including criteria based on—~~

~~(A) the extent of damage and land loss resulting from riverbank erosion;~~

~~(B) the rate of erosion;~~

~~(C) the significant threat of future flood risk to public or private property, public infrastructure, or public safety;~~

~~(D) the destruction of natural resources or habitats; and~~

~~(E) the potential cost-savings for maintenance of the channel.~~

~~(4) CONSULTATION.—The Secretary shall carry out the pilot program in consultation with—~~

~~(A) Federal, State, and local governments;~~

~~(B) nongovernmental organizations; and~~

~~(C) applicable university research facilities.~~

~~(5) REPORT.—Not later than 1 year after the first fiscal year for which amounts to carry out this section are appropriated, and every year thereafter, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—~~

~~(A) the activities carried out and accomplishments made under the pilot program since the previous report under this paragraph; and~~

~~(B) any recommendations of the Secretary relating to the program.~~

~~(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2019.~~

**~~SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUCTION PRIORITIZATION.~~**

~~(a) PURPOSES.—The purposes of this section are—~~

~~(1) to provide adequate levels of protection to communities impacted by natural disasters, including hurricanes, tropical storms, and other related extreme weather events; and~~

~~(2) to expedite critical water resources projects in communities that have historically been and continue to remain susceptible to extreme weather events.~~

~~(b) PRIORITY.—For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—~~

~~(1) address an imminent threat to life and property;~~

~~(2) prevent storm surge from inundating populated areas;~~

~~(3) prevent the loss of coastal wetlands that help reduce the impact of storm surge;~~

~~(4) protect emergency hurricane evacuation routes or shelters;~~

~~(5) prevent adverse impacts to publicly owned or funded infrastructure and assets;~~

~~(6) minimize disaster relief costs to the Federal Government; and~~

~~(7) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).~~

~~(c) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—~~

~~(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of all—~~

~~(A) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost share agreements and have received Federal funds since 2009; and~~

~~(B) authorized hurricane and storm damage reduction projects that—~~

~~(i) have been authorized for more than 20 years but are less than 75 percent complete; or~~

~~(ii) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report;~~

~~(2) identify those projects on the list required under paragraph (1) that meet the criteria described in subsection (b); and~~

~~(3) provide a plan for expeditiously completing the projects identified under paragraph (2), subject to available funding.~~

~~(d) PRIORITIZATION OF NEW STUDIES FOR HURRICANE AND STORM DAMAGE RISK REDUCTION.—In selecting new studies for hurricane and storm damage reduction to propose to Congress under section 4002, the Secretary shall give priority to studies—~~

~~(1) that—~~

~~(A) have been recommended in a comprehensive hurricane protection study carried out by the Corps of Engineers; or~~

~~(B) are included in a State plan or program for hurricane, storm damage reduction, flood control, coastal protection, conservation, or restoration, that is created in consultation with the Corps of Engineers or other relevant Federal agencies; and~~

~~(2) for areas for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).~~

**~~SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION EFFORTS.~~**

~~For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—~~

~~(1) that—~~

~~(A) address an identified threat to public health, safety, or welfare;~~

~~(B) preserve, establish, or restore habitats of national significance; and~~

~~(C) preserve habitats of importance for federally protected species, including migratory birds; and~~

~~(2) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.~~

**~~SEC. 2046. SPECIAL USE PERMITS.~~**

~~(a) SPECIAL USE PERMITS.—~~

~~(1) IN GENERAL.—The Secretary may issue special permits for uses such as group activities, recreation events, motorized recreation vehicles, and such other specialized recreation uses as the Secretary determines to be appropriate, subject to such terms and conditions as the Secretary determines to be in the best interest of the Federal Government.~~

~~(2) FEES.—~~

~~(A) IN GENERAL.—In carrying out this subsection, the Secretary may—~~

~~(i) establish and collect fees associated with the issuance of the permits described in paragraph (1); or~~

~~(ii) accept in-kind services in lieu of those fees.~~

~~(B) OUTDOOR RECREATION EQUIPMENT.—The Secretary may establish and collect fees for the provision of outdoor recreation equipment and services at public recreation areas located at lakes and reservoirs operated by the Corps of Engineers.~~

~~(C) USE OF FEES.—Any fees generated pursuant to this subsection shall be—~~

~~(i) retained at the site collected; and~~

~~(ii) available for use, without further appropriation, solely for administering the special permits under this subsection and carrying out related operation and maintenance activities at the site at which the fees are collected.~~

~~(b) COOPERATIVE MANAGEMENT.—~~

~~(1) PROGRAM.—~~

~~(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may enter into an agreement with a State or local government to provide for the cooperative management of a public recreation area if—~~

~~(i) the public recreation area is located—~~

~~(I) at a lake or reservoir operated by the Corps of Engineers; and~~

~~(II) adjacent to or near a State or local park or recreation area; and~~

~~(ii) the Secretary determines that cooperative management between the Corps of Engineers and a State or local government agency of a portion of the Corps of Engineers recreation area or State or local park or recreation area will allow for more effective and efficient management of those areas.~~

~~(B) RESTRICTION.—The Secretary may not transfer administration responsibilities for any public recreation area operated by the Corps of Engineers.~~

~~(2) ACQUISITION OF GOODS AND SERVICES.—The Secretary may acquire from or provide to a State or local government with which the Secretary has entered into a cooperative agreement under paragraph (1) goods and services to be used by the Secretary and the State or local government in the~~

~~cooperative management of the areas covered by the agreement.~~

~~(3) ADMINISTRATION.—The Secretary may enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.~~

~~(c) FUNDING TRANSFER AUTHORITY.—~~

~~(1) IN GENERAL.—If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engineers water resources development projects, the Secretary may transfer funds appropriated for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available at those Corps of Engineers water resource development projects to State, local, and tribal governments and such other public or private nonprofit entities as the Secretary determines to be appropriate.~~

(2) COOPERATIVE AGREEMENTS.—Any transfer of funds pursuant to this subsection shall be carried out through the execution of a cooperative agreement, which shall contain such terms and conditions as the Secretary determines to be necessary in the public interest.

(d) SERVICES OF VOLUNTEERS.—Chapter IV of title I of Public Law 98–63 (33 U.S.C. 569c) is amended—

(1) in the first sentence, by inserting ", including expenses relating to uniforms, transportation, lodging, and the subsistence of those volunteers, without regard to the place of residence of the volunteers," after "incidental expenses"; and

(2) by inserting after the first sentence the following: "The Chief of Engineers may also provide awards of up to $100 in value to volunteers in recognition of the services of the volunteers."

(e) TRAINING AND EDUCATIONAL ACTIVITIES.—Section 213(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by striking "at" and inserting "about".

**SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL TAXED INLAND WATERWAYS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall have responsibility for 65

~~percent of the costs of the operation, maintenance, repair, rehabilitation, and replacement of any flood gate, as well as any pumping station constructed within the channel as a single unit with that flood gate, that—~~

~~(1) was constructed as of the date of enactment of this Act as a feature of an authorized hurricane and storm damage reduction project; and~~

~~(2) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).~~

~~(b) PAYMENT OPTIONS.—For rehabilitation or replacement of any structure under this section, the Secretary may apply to the full non-Federal contribution the payment option provisions under section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).~~

**~~SEC. 2048. CORROSION PREVENTION.~~**

~~(a) GUIDANCE AND PROCEDURES.—The Secretary shall develop guidance and procedures for the certification of qualified contractors for—~~

~~(1) the application of protective coatings; and~~

~~(2) the removal of hazardous protective coatings.~~

~~(b) REQUIREMENTS.—Except as provided in subsection (c), the Secretary shall use certified contractors for—~~

~~(1) the application of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;~~

~~(2) the removal of hazardous coatings or other hazardous materials that are present in sufficient concentrations to create an occupational or environmental hazard; and~~

~~(3) any other activities the Secretary determines to be appropriate.~~

~~(c) EXCEPTION.—The Secretary may approve exceptions to the use of certified contractors under subsection (b) only after public notice, with the opportunity for comment, of any such proposal.~~

**~~SEC. 2049. PROJECT DEAUTHORIZATIONS.~~**

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

~~(1) by striking paragraph (2) and inserting the following:~~

~~"(2) LIST OF PROJECTS.—~~

~~"(A) IN GENERAL.—Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C.~~

~~1113 note; 109 Stat. 734), each year, after the submission of the list under paragraph (1), the Secretary shall submit to Congress a list of projects or separable elements of projects that have been authorized but that have received no obligations during the 5 full fiscal years preceding the submission of that list.~~

~~"(B) ADDITIONAL NOTIFICATION.—On submission of the list under subparagraph (A) to Congress, the Secretary shall notify—~~

~~"(i) each Senator in whose State and each Member of the House of Representatives in whose district a project (including any part of a project) on that list would be located; and~~

~~"(ii) each applicable non-Federal interest associated with a project (including any part of a project) on that list.~~

~~"(C) DEAUTHORIZATION.—A project or separable element included in the list under subparagraph (A) is not authorized after the last date of the fiscal year following the fiscal year in which the list is submitted to Congress, if funding has not been obligated for the plan-~~

~~ning, design, or construction of the project or element of the project during that period.''; and (2) by adding at the end the following:~~

~~''(3) MINIMUM FUNDING LIST.—At the end of each fiscal year, the Secretary shall submit to Congress a list of—~~

~~''(A) projects or separable elements of projects authorized for construction for which funding has been obligated in the 5 previous fiscal years;~~

~~''(B) the amount of funding obligated per fiscal year;~~

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

~~''(D) the amount required to complete those phases.~~

~~''(4) REPORT.—~~

~~''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall compile and publish a complete list of all uncompleted, authorized projects of the Corps of Engineers, including for each project on that list—~~

~~"(i) the original budget authority for the project;~~

~~"(ii) the status of the project;~~

~~"(iii) the estimated date of completion of the project;~~

~~"(iv) the estimated cost of completion of the project; and~~

~~"(v) any amounts for the project that remain unobligated.~~

~~"(B) PUBLICATION.—~~

~~"(i) IN GENERAL.—The Secretary shall submit a copy of the list under subparagraph (A) to—~~

~~"(I) the appropriate committees of Congress; and~~

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

~~"(ii) PUBLIC AVAILABILITY.—Not later than 30 days after providing the report to Congress under clause (i), the Secretary shall make a copy of the list available on a publicly accessible Internet site, in a manner that is downloadable, searchable, and sortable.".~~

~~**SEC. 2050. REPORTS TO CONGRESS.**~~

~~(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete and submit to Congress by the applicable date required the reports that address public safety and enhanced local participation in project delivery described in subsection (b).~~

~~(b) REPORTS.—The reports referred to in subsection (a) are the reports required under—~~

~~(1) section 2020;~~

~~(2) section 2022;~~

~~(3) section 2025;~~

~~(4) section 2026;~~

~~(5) section 2039;~~

~~(6) section 2040;~~

~~(7) section 6007; and~~

~~(8) section 10015.~~

~~(c) FAILURE TO PROVIDE A COMPLETED REPORT.—~~

~~(1) IN GENERAL.—Subject to subsection (d), if the Secretary fails to provide a report listed under subsection (b) by the date that is 180 days after the applicable date required for that report, $5,000 shall be reprogrammed from the Office of the Assistant Secretary of the Army for Civil Works into the account of the division of the Secretary of the Army with responsibility for completing that report.~~

~~(2) SUBSEQUENT REPROGRAMMING.—Subject to subsection (d), for each additional week after the date described in paragraph (1) in which a report described in that paragraph remains uncompleted and unsubmitted to Congress, $5,000 shall be reprogrammed from the Office of the Assistant Secretary of the Army for Civil Works into the account of the division of the Secretary of the Army with responsibility for completing that report.~~

~~(d) LIMITATIONS.—~~

~~(1) IN GENERAL.—For each report, the total amounts reprogrammed under subsection (c) shall not exceed, in any fiscal year, $50,000.~~

~~(2) AGGREGATE LIMITATION.—The total amount reprogrammed under subsection (c) in a fiscal year shall not exceed $200,000.~~

~~(e) NO FAULT OF THE SECRETARY.—Amounts shall not be reprogrammed under subsection (c) if the Secretary certifies in a letter to the applicable committees of Congress that—~~

~~(1) a major modification has been made to the content of the report that requires additional analysis for the Secretary to make a final decision on the report;~~

~~(2) amounts have not been appropriated to the agency under this Act or any other Act to carry out the report; or~~

~~(3) additional information is required from an entity other than the Corps of Engineers and is not available in a timely manner to complete the report by the deadline.~~

~~(f) LIMITATION.—The Secretary shall not reprogram funds to reimburse the Office of the Assistant Secretary of the Army for Civil Works for the loss of the funds.~~

~~(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.~~

# ~~TITLE III—PROJECT MODIFICATIONS~~

**~~SEC. 3001. PURPOSE.~~**

~~The purpose of this title is to modify existing water resource project authorizations, subject to the condition that the modifications do not affect authorized costs.~~

**~~SEC. 3002. CHATFIELD RESERVOIR, COLORADO.~~**

~~Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (123 Stat. 608), is amended in the matter preceding the proviso by inserting "(or a designee of the Department)" after "Colorado Department of Natural Resources".~~

**~~SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE EXPENSES REIMBURSEMENT.~~**

~~Section 5018(b)(5) of the Water Resources Development Act of 2007 (121 Stat. 1200) is amended by striking subparagraph (B) and inserting the following:~~

~~"(B) TRAVEL EXPENSES.—Subject to the availability of funds, the Secretary may reimburse a member of the Committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Committee.".~~

**~~SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION STUDY.~~**

~~With respect to the study for flood and storm damage reduction related to natural disasters to by carried out by the Secretary and authorized under the heading "INVESTIGATIONS" under title II of division A of Public Law 113–2, the Secretary shall include, to the maximum extent practicable, specific project recommendations in the report developed for that study.~~

**~~SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.~~**

~~Section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135) is amended—~~

~~(1) by striking "The Secretary may" and inserting the following:~~

~~"(a) IN GENERAL.—The Secretary may"; and~~

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

~~"(b) LOCAL PARTICIPATION.—In carrying out subsection (a), the Secretary shall consult with, and consider the activities being carried out by—~~

~~"(1) other Federal agencies;~~

~~"(2) conservation districts;~~

~~"(3) the Yellowstone River Conservation District Council; and~~

~~"(4) the State of Montana.".~~

**~~SEC. 3006. PROJECT DEAUTHORIZATIONS.~~**

~~(a) GOOSE CREEK, SOMERSET COUNTY, MARYLAND.—The project for navigation, Goose Creek, Somerset County, Maryland, carried out pursuant to section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577), is realigned as follows: Beginning at Goose Creek Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 0+00, coordinates North 157851.80, East 1636954.70, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of En-~~

~~gineers, Baltimore District, July 2003; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: S. 63 degrees 26 minutes 06 seconds E., 1460.05 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to a point, thence; N. 26 degrees 13 minutes 09 seconds W., 240.39 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 42+57.54, coordinates North 157357.84, East 1640340.23. Geometry Left Toe of the 60-foot-wide main navigational ship channel, Left Toe Station No. 0+00, coordinates North 157879.00, East 1636967.40, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 12 seconds E., 1583.91 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following eight courses and distances: S. 63 degrees 25 minutes 38 seconds E., 1366.25 feet to a point, thence; N. 83 degrees 36 minutes 24 seconds E., 125.85~~

~~feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 805.19 feet to a point, thence; N. 12 degrees 12 minutes 29 seconds E., 78.33 feet to a point thence; N. 26 degrees 13 minutes 28 seconds W., 46.66 feet to a point thence; S. 63 degrees 45 minutes 41 seconds W., 54.96 feet to a point thence; N. 26 degrees 13 minutes 24 seconds W., 119.94 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 41+81.10, coordinates North 157320.30, East 1640264.00. Geometry Right Toe of the 60-foot-wide main navigational ship channel, Right Toe Station No. 0+00, coordinates North 157824.70, East 1636941.90, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following six courses and distances: S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 1016.69 feet to a point, thence; N. 26 degrees 14 minutes 49 seconds W., 144.26 feet to a point, thence; N. 63 degrees 54 minutes 03 seconds E., 55.01 feet to a point~~

~~thence; N. 26 degrees 12 minutes 08 seconds W., 120.03 feet to a point a point on the Right Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+98.61, coordinates North 157395.40, East 1640416.50.~~

~~(b) LOWER THOROUGHFARE, DEAL ISLAND, MARYLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Lower Thoroughfare, Maryland, authorized by the Act of June 25, 1910 (36 Stat. 630, chapter 382) (commonly known as the "River and Harbor Act of 1910"), that begins at Lower Thoroughfare Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 44+88, coordinates North 170435.62, East 1614588.93, as stated and depicted on the Condition Survey Lower Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010, thence departing the aforementioned centerline traveling the following courses and distances: S. 42 degrees 20 minutes 44 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 64 degrees 08 minutes 55 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 43 sec-~~

onds W., 250.08 feet to a point, thence; N. 47 degrees 39 minutes 03 seconds E., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76; thence; continuing with the aforementioned centerline the following courses and distances: S. 42 degrees 20 minutes 42 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 20 degrees 32 minutes 06 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to a point, thence; S. 47 degrees 39 minutes 03 seconds W., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 46 seconds E., 300.08 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76.

(c) THOMASTON HARBOR, GEORGES RIVER, MAINE.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), and

~~modified by section 317 of the Water Resources Development Act of 2000 (Public Law 106–541, 114 Stat. 2604), that lies northwesterly of a line commencing at point N87,220.51, E321,065.80 thence running northeasterly about 125 feet to a point N87,338.71, E321,106.46.~~

~~(d) WARWICK COVE, RHODE ISLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Warwick Cove, Rhode Island, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) that is located within the 5 acre anchorage area east of the channel and lying east of the line beginning at a point with coordinates N220,349.79, E357,664.90 thence running north 9 degrees 10 minutes 21.5 seconds west 170.38 feet to a point N220,517.99, E357,637.74 thence running north 17 degrees 44 minutes 30.4 seconds west 165.98 feet to a point N220,676.08, E357,587.16 thence running north 0 degrees 46 minutes 0.9 seconds east 138.96 feet to a point N220,815.03, E357,589.02 thence running north 8 degrees 36 minutes 22.9 seconds east 101.57 feet to a point N220,915.46, E357,604.22 thence running north 18 degrees 18 minutes 27.3 seconds east 168.20 feet to a point N221,075.14, E357,657.05 thence running north 34 degrees 42 minutes 7.2 seconds east 106.4 feet to a point N221,162.62,~~

~~E357,717.63 thence running south 29 degrees 14 minutes 17.4 seconds east 26.79 feet to a point N221,139.24, E357,730.71 thence running south 30 degrees 45 minutes 30.5 seconds west 230.46 feet to a point N220,941.20, E357,612.85 thence running south 10 degrees 49 minutes 12.0 seconds west 95.46 feet to a point N220,847.44, E357,594.93 thence running south 9 degrees 13 minutes 44.5 seconds east 491.68 feet to a point N220,362.12, E357,673.79 thence running south 35 degrees 47 minutes 19.4 seconds west 15.20 feet to the point of origin.~~

**~~SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NEW JERSEY.~~**

~~Title I of the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62; 111 Stat. 1327) is amended by striking section 102.~~

**~~SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKANSAS, LOUISIANA.~~**

~~(a) IN GENERAL.—The Secretary is authorized to reassign unused irrigation storage within a reservoir on the Red River Basin to municipal and industrial water supply for use by a non-Federal interest if that non-Federal interest has already contracted for a share of municipal and industrial water supply on the same reservoir.~~

~~(b) NON-FEDERAL INTEREST.—A reassignment of storage under subsection (a) shall be contingent upon the~~

execution of an agreement between the Secretary and the applicable non-Federal interest.

# TITLE IV—WATER RESOURCE STUDIES

**SEC. 4001. PURPOSE.**

The purpose of this title is to direct the Corps of Engineers to study and recommend solutions for water resource issues relating to flood risk and storm damage reduction, navigation, and ecosystem restoration.

**SEC. 4002. INITIATION OF NEW WATER RESOURCES STUDIES.**

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the Secretary may initiate a study—

(1) to determine the feasibility of carrying out 1 or more projects for flood risk management, storm damage reduction, ecosystem restoration, navigation, hydropower, or related purposes; or

(2) to carry out watershed and river basin assessments in accordance with section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a).

(b) CRITERIA.—The Secretary may only initiate a study under subsection (a) if—

(1) the study—

~~(A) has been requested by an eligible non-Federal interest;~~

~~(B) is for an area that is likely to include a project with a Federal interest; and~~

~~(C) addresses a high-priority water resource issue necessary for the protection of human life and property, the environment, or the national security interests of the United States; and~~

~~(2) the non-Federal interest has demonstrated—~~

~~(A) that local support exists for addressing the water resource issue; and~~

~~(B) the financial ability to provide the required non-Federal cost-share.~~

~~(c) CONGRESSIONAL APPROVAL.—~~

~~(1) SUBMISSION TO CONGRESS.—Prior to initiating a study under subsection (a), the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House—~~

~~(A) a description of the study, including the geographical area addressed by the study;~~

~~(B) a description of how the study meets each of the requirements of subsection (b); and~~

~~(C) a certification that the proposed study can be completed within 3 years and for a Federal cost of not more than $3,000,000.~~

~~(2) EXPENDITURE OF FUNDS.—No funds may be spent on a study initiated under subsection (a) unless—~~

~~(A) the required information is submitted to Congress under paragraph (1); and~~

~~(B) after such submission, amounts are appropriated to continue construction of the project in an appropriations or other Act to initiate the study.~~

~~(3) ADDITIONAL NOTIFICATION.—The Secretary shall notify each Senator or Member of Congress with a State or congressional district in the study area described in paragraph (1)(A).~~

~~(d) LIMITATIONS.—~~

~~(1) IN GENERAL.—Subsection (a) shall not apply to a project for which a study has been authorized prior to the date of enactment of this Act.~~

~~(2) NEW STUDIES AND PROJECTS.—In each fiscal year, the Secretary may initiate not more than—~~

(A) 3 new studies in each of the primary areas of responsibility of the Corps of Engineers; and

(B) 3 projects from any 1 division of the Corps of Engineers.

(e) TERMINATION.—The authority under subsection (a) expires on the date that is 3 years after the date of enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2014 through 2017.

**SEC. 4003. APPLICABILITY.**

(a) IN GENERAL.—Nothing in this title authorizes the construction of a water resources project.

(b) NEW AUTHORIZATION REQUIRED.—New authorization from Congress is required before any project evaluated in a study under this title is constructed.

# TITLE V—REGIONAL AND NONPROJECT PROVISIONS

**SEC. 5001. PURPOSE.**

The purpose of this title is to authorize regional, multistate authorities to address water resource needs and other non-project provisions.

**~~SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RESTORATION.~~**

~~(a) IN GENERAL.—The Secretary shall plan, design, and construct projects for aquatic ecosystem restoration within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.~~

~~(b) GENERAL COASTAL MANAGEMENT PLAN.—~~

~~(1) ASSESSMENT.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, the Governors of the coastal States from Virginia to Maine, nonprofit organizations, and other interested parties, shall assess the needs regarding, and opportunities for, aquatic ecosystem restoration within the coastal waters of the Northeastern United States.~~

~~(2) PLAN.—The Secretary shall develop a general coastal management plan based on the assessment carried out under paragraph (1), maximizing the use of existing plans and investigation, which plan shall include—~~

~~(A) an inventory and evaluation of coastal habitats;~~

~~(B) identification of aquatic resources in need of improvement;~~

~~(C) identification and prioritization of potential aquatic habitat restoration projects; and~~

~~(D) identification of geographical and ecological areas of concern, including—~~

~~(i) finfish habitats;~~

~~(ii) diadromous fisheries migratory corridors;~~

~~(iii) shellfish habitats;~~

~~(iv) submerged aquatic vegetation;~~

~~(v) wetland; and~~

~~(vi) beach dune complexes and other similar habitats.~~

~~(c) ELIGIBLE PROJECTS.—The Secretary may carry out an aquatic ecosystem restoration project under this section if the project—~~

~~(1) is consistent with the management plan developed under subsection (b); and~~

~~(2) provides for—~~

~~(A) the restoration of degraded aquatic habitat (including coastal, saltmarsh, benthic, and riverine habitat);~~

~~(B) the restoration of geographical or ecological areas of concern, including the restoration of natural river and stream characteristics;~~

~~(C) the improvement of water quality; or~~

~~(D) other projects or activities determined to be appropriate by the Secretary.~~

~~(d) COST SHARING.—~~

~~(1) MANAGEMENT PLAN.—The management plan developed under subsection (b) shall be completed at Federal expense.~~

~~(2) RESTORATION PROJECTS.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.~~

~~(e) COST LIMITATION.—Not more than $10,000,000 in Federal funds may be allocated under this section for an eligible project.~~

~~(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including funds for the completion of the management plan) $25,000,000 for each of fiscal years 2014 through 2018.~~

**~~SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.~~**

~~Section 510 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat. 1202) is amended—~~

~~(1) in subsection (a)—~~

~~(A) in paragraph (1)—~~

~~(i) by striking "pilot program" and inserting "program"; and~~

~~(ii) by inserting "in the basin States described in subsection (f) and the District of Columbia" after "interests"; and~~

~~(B) by striking paragraph (2) and inserting the following:~~

~~"(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chesapeake Bay estuary, based on the comprehensive plan under subsection (b), including projects for—~~

~~"(A) sediment and erosion control;~~

~~"(B) protection of eroding shorelines;~~

~~"(C) ecosystem restoration, including restoration of submerged aquatic vegetation;~~

~~"(D) protection of essential public works;~~

~~"(E) beneficial uses of dredged material; and~~

~~"(F) other related projects that may enhance the living resources of the estuary.";~~

~~(2) by striking subsection (b) and inserting the following:~~

~~"(b) COMPREHENSIVE PLAN.—~~

~~"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Development Act of 2013, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chesapeake Bay restoration plan to guide the implementation of projects under subsection (a)(2).~~

~~"(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.~~

~~"(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.~~

~~"(4) ADMINISTRATION.—The Federal share of the costs of carrying out paragraph (1) shall be 75 percent.";~~

~~(3) in subsection (c)—~~

(A) in paragraph (1), by striking "to provide" and all that follows through the period at the end and inserting "for the design and construction of a project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b).";

(B) in paragraph (2)(A), by striking "facilities or resource protection and development plan" and inserting "resource protection and restoration plan"; and

(C) by adding at the end the following:

"(3) PROJECTS ON FEDERAL LAND.—A project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be a carried out.

"(4) NON-FEDERAL CONTRIBUTIONS.—A Federal agency carrying out a project described in paragraph (3) may accept contributions of funds from non-Federal entities to carry out that project.";

(4) by striking subsection (c) and inserting the following:

"(c) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

1 ~~"(1) the heads of appropriate Federal agencies,~~
2 ~~including—~~
3 ~~"(A) the Administrator of the Environ-~~
4 ~~mental Protection Agency;~~
5 ~~"(B) the Secretary of Commerce, acting~~
6 ~~through the Administrator of the National~~
7 ~~Oceanographic and Atmospheric Administra-~~
8 ~~tion;~~
9 ~~"(C) the Secretary of the Interior, acting~~
10 ~~through the Director of the United States Fish~~
11 ~~and Wildlife Service; and~~
12 ~~"(D) the heads of such other Federal~~
13 ~~agencies as the Secretary determines to be ap-~~
14 ~~propriate; and~~
15 ~~"(2) agencies of a State or political subdivision~~
16 ~~of a State, including the Chesapeake Bay Commis-~~
17 ~~sion.";~~
18 ~~(5) by striking subsection (f) and inserting the~~
19 ~~following:~~
20 ~~"(f) PROJECTS.—The Secretary shall establish, to~~
21 ~~the maximum extent practicable, at least 1 project under~~
22 ~~this section in—~~
23 ~~"(1) regions within the Chesapeake Bay water-~~
24 ~~shed of each of the basin States of Delaware, Mary-~~

~~land, New York, Pennsylvania, Virginia, and West Virginia; and~~

~~"(2) the District of Columbia.";~~

~~(6) by striking subsection (h); and~~

~~(7) by redesignating subsection (i) as subsection (h).~~

**~~SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS.~~**

~~Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended—~~

~~(1) in subsection (b)(2)—~~

~~(A) in the matter preceding subparagraph (A), by striking "2008" and inserting "2014"; and~~

~~(B) in subparagraph (C), by inserting "and an assessment of needs for other related purposes in the Rio Grande Basin, including flood damage reduction" after "assessment";~~

~~(2) in subsection (c)(2)—~~

~~(A) by striking "an interagency agreement with" and inserting "1 or more interagency agreements with the Secretary of State and"; and~~

~~(B) by inserting "or the U.S. Section of the International Boundary and Water Com-~~

~~mission'' after ''the Department of the Interior''; and~~

~~(3) in subsection (f), by striking ''2011'' and inserting ''2024''.~~

**~~SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON.~~**

~~Section 536(g) of the Water Resources Development Act of 2000 (114 Stat. 2661) is amended by striking ''$30,000,000'' and inserting ''$75,000,000''.~~

**~~SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.~~**

~~(a) PROJECT GOAL.—The goal for operation of the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, shall be to maximize the use of the system in a balanced approach that incorporates advice from representatives from all project purposes to ensure that the full value of the system is realized by the United States.~~

~~(b) MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM ADVISORY COMMITTEE.—~~

~~(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, project authorized by~~

~~the Act of July 24, 1946 (60 Stat. 635, chapter 595).~~

~~(2) DUTIES.—The advisory committee shall—~~

~~(A) serve in an advisory capacity only; and~~

~~(B) provide information and recommendations to the Corps of Engineers relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.~~

~~(3) SELECTION AND COMPOSITION.—The advisory committee shall be—~~

~~(A) selected jointly by the Little Rock district engineer and the Tulsa district engineer; and~~

~~(B) composed of members that equally represent the McClellan-Kerr Arkansas River navigation system project purposes.~~

~~(4) AGENCY RESOURCES.—The Little Rock district and the Tulsa district of the Corps of Engineers, under the supervision of the southwestern division, shall jointly provide the advisory committee with adequate staff assistance, facilities, and resources.~~

~~(5) TERMINATION.—~~

~~(A) IN GENERAL.—Subject to subparagraph (B), the advisory committee shall terminate on the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability, and availability of the McClellan-Kerr Arkansas River navigation system.~~

~~(B) RESTRICTION.—The advisory committee shall terminate not less than 2 calendar years after the date on which the advisory committee is established.~~

**~~SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND MANAGEMENT; COLUMBIA RIVER BASIN.~~**

~~(a) IN GENERAL.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington.~~

~~(b) WATERCRAFT INSPECTION STATIONS.—~~

~~(1) IN GENERAL.—In carrying out this section, the Secretary shall establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread~~

~~of aquatic invasive species into reservoirs operated and maintained by the Secretary.~~

~~(2) INCLUSIONS.—Locations identified under paragraph (1) may include—~~

~~(A) State border crossings;~~

~~(B) international border crossings; and~~

~~(C) highway entry points that are used by owners of watercraft to access boat launch facilities owned or managed by the Secretary.~~

~~(3) COST-SHARE.—The non-Federal share of the cost of operating and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be 50 percent.~~

~~(4) OTHER INSPECTION SITES.—The Secretary may establish watercraft inspection stations using amounts made available to carry out this section in States other than those described in paragraph (1) at or near boat launch facilities that the Secretary determines are regularly used by watercraft to enter the States described in paragraph (1).~~

~~(c) MONITORING AND CONTINGENCY PLANNING.—The Secretary shall—~~

~~(1) carry out risk assessments of each major public and private water resources facility in the Columbia River Basin;~~

~~(2) establish an aquatic invasive species monitoring program in the Columbia River Basin;~~

~~(3) establish a Columbia River Basin watershed-wide plan for expedited response to an infestation of aquatic invasive species; and~~

~~(4) monitor water quality, including sediment cores and fish tissue samples, at facilities owned or managed by the Secretary in the Columbia River Basin.~~

~~(d) COORDINATION.—In carrying out this section, the Secretary shall consult and coordinate with—~~

~~(1) the States described in subsection (a);~~

~~(2) Indian tribes; and~~

~~(3) other Federal agencies, including—~~

~~(A) the Department of Agriculture;~~

~~(B) the Department of Energy;~~

~~(C) the Department of Homeland Security;~~

~~(D) the Department of Commerce; and~~

~~(E) the Department of the Interior.~~

~~(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000, of which $5,000,000 may be used to carry out subsection (c).~~

**~~SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT MONITORING.~~**

~~(a) IN GENERAL.—The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of the Bureau of Reclamation, shall establish a program to provide for—~~

~~(1) soil moisture and snowpack monitoring in the Upper Missouri River Basin to reduce flood risk and improve river and water resource management in the Upper Missouri River Basin, as outlined in the February 2013 report entitled "Upper Missouri Basin Monitoring Committee—Snow Sampling and Instrumentation Recommendations";~~

~~(2) restoring and maintaining existing mid- and high-elevation snowpack monitoring sites operated under the SNOTEL program of the Natural Resources Conservation Service; and~~

~~(3) operating streamflow gages and related interpretive studies in the Upper Missouri River Basin under the cooperative water program and the national streamflow information program of the United States Geological Service.~~

~~(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $11,250,000.~~

~~(c) USE OF FUNDS.—Amounts made available to the Secretary under this section shall be used to complement other related activities of Federal agencies that are carried out within the Missouri River Basin.~~

~~(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—~~

~~(1) identifies progress made by the Secretary and other Federal agencies to implement the recommendations contained in the report described in subsection (a)(1) with respect to enhancing soil moisture and snowpack monitoring in the Upper Missouri Basin; and~~

~~(2) includes recommendations to enhance soil moisture and snowpack monitoring in the Upper Missouri Basin.~~

**~~SEC. 5009. NORTHERN ROCKIES HEADWATERS EXTREME WEATHER MITIGATION.~~**

~~(a) IN GENERAL.—Subject to subsection (b), the Secretary shall establish a program to mitigate the impacts of extreme weather events, such as floods and droughts, on communities, water users, and fish and wildlife located in and along the headwaters of the Columbia, Missouri, and Yellowstone Rivers (including the tributaries of those rivers) in the States of Idaho and Montana by carrying out river, stream, and floodplain protection and restoration projects, including—~~

~~(1) floodplain restoration and reconnection;~~

~~(2) floodplain and riparian area protection through the use of conservation easements;~~

~~(3) instream flow restoration projects;~~

~~(4) fish passage improvements;~~

~~(5) channel migration zone mapping; and~~

~~(6) invasive weed management.~~

~~(b) RESTRICTION.—All projects carried out using amounts made available to carry out this section shall emphasize the protection and enhancement of natural riverine processes.~~

~~(c) NON-FEDERAL COST SHARE.—The non-Federal share of the costs of carrying out a project under this section shall not exceed 35 percent of the total cost of the project.~~

~~(d) COORDINATION.—In carrying out this section, the Secretary—~~

~~(1) shall consult and coordinate with the appropriate State natural resource agency in each State; and~~

~~(2) may—~~

~~(A) delegate any authority or responsibility of the Secretary under this section to those State natural resource agencies; and~~

~~(B) provide amounts made available to the Secretary to carry out this section to those State natural resource agencies.~~

~~(e) LIMITATIONS.—Nothing in this section invalidates, preempts, or creates any exception to State water law, State water rights, or Federal or State permitted activities or agreements in the States of Idaho and Montana or any State containing tributaries to rivers in those States.~~

~~(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.~~

# ~~TITLE VI—LEVEE SAFETY~~

**~~SEC. 6001. SHORT TITLE.~~**

~~This title may be cited as the "National Levee Safety Program Act".~~

**~~SEC. 6002. FINDINGS; PURPOSES.~~**

~~(a) FINDINGS.—Congress finds that—~~

~~(1) there is a need to establish a national levee safety program to provide national leadership and encourage the establishment of State and tribal levee safety programs;~~

~~(2) according to the National Committee on Levee Safety, "the level of protection and robustness of design and construction of levees vary considerably across the country";~~

~~(3) knowing the location, condition, and ownership of levees, as well as understanding the population and infrastructure at risk in leveed areas, is necessary for identification and prioritization of activities associated with levees;~~

~~(4) levees are an important tool for reducing flood risk and should be considered in the context of broader flood risk management efforts;~~

~~(5) States and Indian tribes—~~

~~(A) are uniquely positioned to oversee, coordinate, and regulate local and regional levee systems; and~~

~~(B) should be encouraged to participate in a national levee safety program by establishing individual levee safety programs; and~~

~~(6) States, Indian tribes, and local governments that do not invest in protecting the individuals and property located behind levees place those individuals and property at risk.~~

~~(b) PURPOSES.—The purposes of this title are—~~

~~(1) to promote sound technical practices in levee design, construction, operation, inspection, assessment, security, and maintenance;~~

~~(2) to ensure effective public education and awareness of risks involving levees;~~

~~(3) to establish and maintain a national levee safety program that emphasizes the protection of human life and property; and~~

~~(4) to implement solutions and incentives that encourage the establishment of effective State and tribal levee safety programs.~~

**~~SEC. 6003. DEFINITIONS.~~**

~~In this title:~~

~~(1) BOARD.—The term "Board" means the National Levee Safety Advisory Board established under section 6005.~~

~~(2) CANAL STRUCTURE.—~~

~~(A) IN GENERAL.—The term "canal structure" means an embankment, wall, or structure along a canal or manmade watercourse that—~~

~~(i) constrains water flows;~~

~~(ii) is subject to frequent water loading; and~~

~~(iii) is an integral part of a flood risk reduction system that protects the leveed area from flood waters associated with hurricanes, precipitation events, seasonal high water, and other weather-related events.~~

~~(B) EXCLUSION.—The term "canal structure" does not include a barrier across a watercourse.~~

~~(3) FEDERAL AGENCY.—The term "Federal agency" means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a levee.~~

~~(4) FLOOD DAMAGE REDUCTION SYSTEM.—The term "flood damage reduction system" means a system designed and constructed to have appreciable and dependable effects in reducing damage by floodwaters.~~

~~(5) FLOOD MITIGATION.—The term "flood mitigation" means any structural or nonstructural measure that reduces risks of flood damage by reducing~~

~~the probability of flooding, the consequences of flooding, or both.~~

~~(6) FLOODPLAIN MANAGEMENT.—The term "floodplain management" means the operation of a community program of corrective and preventative measures for reducing flood damage.~~

~~(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).~~

~~(8) LEVEE.—~~

~~(A) IN GENERAL.—The term "levee" means a manmade barrier (such as an embankment, floodwall, or other structure)—~~

~~(i) the primary purpose of which is to provide hurricane, storm, or flood protection relating to seasonal high water, storm surges, precipitation, or other weather events; and~~

~~(ii) that is normally subject to water loading for only a few days or weeks during a calendar year.~~

~~(B) INCLUSIONS.—The term "levee" includes a levee system, including—~~

~~(i) levees and canal structures that—~~

~~(I) constrain water flows;~~

~~(II) are subject to more frequent water loading; and~~

~~(III) do not constitute a barrier across a watercourse; and~~

~~(ii) roadway and railroad embankments, but only to the extent that the embankments are integral to the performance of a flood damage reduction system.~~

~~(C) EXCLUSIONS.—The term "levee" does not include—~~

~~(i) a roadway or railroad embankment that is not integral to the performance of a flood damage reduction system;~~

~~(ii) a canal constructed completely within natural ground without any man-made structure (such as an embankment or retaining wall to retain water or a case in which water is retained only by natural ground);~~

~~(iii) a canal regulated by a Federal or State agency in a manner that ensures that applicable Federal safety criteria are met;~~

~~(iv) a levee or canal structure—~~

~~(I) that is not a part of a Federal flood damage reduction system;~~

~~(II) that is not recognized under the National Flood Insurance Program as providing protection from the 1-percent-annual-chance or greater flood;~~

~~(III) that is not greater than 3 feet high;~~

~~(IV) the population in the leveed area of which is less than 50 individuals; and~~

~~(V) the leveed area of which is less than 1,000 acres; or~~

~~(v) any shoreline protection or river bank protection system (such as revetments or barrier islands).~~

~~(9) LEVEE FEATURE.—The term "levee feature" means a structure that is critical to the functioning of a levee, including—~~

~~(A) an embankment section;~~

~~(B) a floodwall section;~~

~~(C) a closure structure;~~

~~(D) a pumping station;~~

~~(E) an interior drainage work; and~~

~~(F) a flood damage reduction channel.~~

~~(10) LEVEE SAFETY GUIDELINES.—The term "levee safety guidelines" means the guidelines established by the Secretary under section 6004(c)(1).~~

~~(11) LEVEE SEGMENT.—The term "levee segment" means a discrete portion of a levee system that is owned, operated, and maintained by a single entity or discrete set of entities.~~

~~(12) LEVEE SYSTEM.—The term "levee system" means 1 or more levee segments, including all levee features that are interconnected and necessary to ensure protection of the associated leveed areas—~~

~~(A) that collectively provide flood damage reduction to a defined area; and~~

~~(B) the failure of 1 of which may result in the failure of the entire system.~~

~~(13) LEVEED AREA.—The term "leveed area" means the land from which flood water in the adjacent watercourse is excluded by the levee system.~~

~~(14) NATIONAL LEVEE DATABASE.—The term "national levee database" means the levee database established under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303).~~

~~(15) PARTICIPATING PROGRAM.—The term "participating program" means a levee safety pro-~~

~~gram developed by a State or Indian tribe that includes the minimum components necessary for recognition by the Secretary.~~

~~(16) REHABILITATION.—The term "rehabilitation" means the repair, replacement, reconstruction, or removal of a levee that is carried out to meet national levee safety guidelines.~~

~~(17) RISK.—The term "risk" means a measure of the probability and severity of undesirable consequences.~~

~~(18) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.~~

~~(19) STATE.—The term "State" means—~~

~~(A) each of the several States of the United States;~~

~~(B) the District of Columbia;~~

~~(C) the Commonwealth of Puerto Rico;~~

~~(D) Guam;~~

~~(E) American Samoa;~~

~~(F) the Commonwealth of the Northern Mariana Islands;~~

~~(G) the Federated States of Micronesia;~~

~~(H) the Republic of the Marshall Islands;~~

~~(I) the Republic of Palau; and~~

~~(J) the United States Virgin Islands.~~

**~~SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.~~**

~~(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish a national levee safety program to provide national leadership and consistent approaches to levee safety, including—~~

~~(1) a national levee database;~~

~~(2) an inventory and inspection of Federal and non-Federal levees;~~

~~(3) national levee safety guidelines;~~

~~(4) a hazard potential classification system for Federal and non-Federal levees;~~

~~(5) research and development;~~

~~(6) a national public education and awareness program, with an emphasis on communication regarding the residual risk to communities protected by levees and levee systems;~~

~~(7) coordination of levee safety, floodplain management, and environmental protection activities;~~

~~(8) development of State and tribal levee safety programs; and~~

~~(9) the provision of technical assistance and materials to States and Indian tribes relating to—~~

~~(A) developing levee safety programs;~~

~~(B) identifying and reducing flood risks associated with residual risk to communities protected by levees and levee systems;~~

~~(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and~~

~~(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.~~

~~(b) MANAGEMENT.—~~

~~(1) IN GENERAL.—The Secretary shall appoint—~~

~~(A) an administrator of the national levee safety program; and~~

~~(B) such staff as is necessary to implement the program.~~

~~(2) ADMINISTRATOR.—The sole duty of the administrator appointed under paragraph (1)(A) shall be the management of the national levee safety program.~~

~~(c) LEVEE SAFETY GUIDELINES.—~~

~~(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with State and local governments and organizations with expertise in levee safe-~~

~~ty, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—~~

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

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

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

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

~~(3) ADOPTION BY FEDERAL AGENCIES.—All Federal agencies shall consider the levee safety guidelines in activities relating to the management of levees.~~

~~(4) PUBLIC COMMENT.—Prior to finalizing the guidelines under this subsection, the Secretary shall—~~

~~(A) issue draft guidelines for public comment; and~~

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

~~(d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—~~

~~(1) ESTABLISHMENT.—The Secretary shall establish a hazard potential classification system for use under the national levee safety program and participating programs.~~

~~(2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.~~

~~(3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.~~

~~(e) TECHNICAL ASSISTANCE AND MATERIALS.—~~

~~(1) ESTABLISHMENT.—The Secretary, in coordination with the Board, shall establish a national levee safety technical assistance and training program to develop and deliver technical support and technical assistance materials, curricula, and training in order to promote levee safety and assist States, communities, and levee owners in—~~

~~(A) developing levee safety programs;~~

~~(B) identifying and reducing flood risks associated with levees;~~

~~(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and~~

~~(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.~~

~~(2) USE OF SERVICES.—In establishing the national levee safety training program under paragraph (1), the Secretary may use the services of—~~

~~(A) the Corps of Engineers;~~

~~(B) the Federal Emergency Management Agency;~~

~~(C) the Bureau of Reclamation; and~~

~~(D) other appropriate Federal agencies, as determined by the Secretary.~~

~~(f) COMPREHENSIVE NATIONAL PUBLIC EDUCATION AND AWARENESS CAMPAIGN.—~~

~~(1) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency and the Board, shall establish a national public education and awareness campaign relating to the national levee safety program.~~

~~(2) PURPOSES.—The purposes of the campaign under paragraph (1) are—~~

~~(A) to educate individuals living in leveed areas regarding the risks of living in those areas;~~

~~(B) to promote consistency in the transmission of information regarding levees among government agencies; and~~

~~(C) to provide national leadership regarding risk communication for implementation at the State and local levels.~~

~~(g) COORDINATION OF LEVEE SAFETY, FLOODPLAIN MANAGEMENT, AND ENVIRONMENTAL CONCERNS.—The Secretary, in coordination with the Board, shall evaluate opportunities to coordinate—~~

~~(1) public safety, floodplain management, and environmental protection activities relating to levees; and~~

~~(2) environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws.~~

~~(h) LEVEE INSPECTION.—~~

~~(1) IN GENERAL.—The Secretary shall carry out a one-time inventory and inspection of all levees identified in the national levee database.~~

~~(2) NO FEDERAL INTEREST.—The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance any levee that is included in the inventory or inspected under this subsection.~~

~~(3) INSPECTION CRITERIA.—In carrying out the inventory and inspection, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.~~

~~(4) STATE AND TRIBAL PARTICIPATION.—At the request of a State or Indian tribe with respect to any levee subject to inspection under this subsection, the Secretary shall—~~

~~(A) allow an official of the State or Indian tribe to participate in the inspection of the levee; and~~

~~(B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.~~

~~(5) EXCEPTIONS.—In carrying out the inventory and inspection under this subsection, the Secretary shall not be required to inspect any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3)~~

~~during the 1-year period immediately preceding the date of enactment of this Act if the Governor of the State or tribal government, as applicable, requests an exemption from the inspection.~~

~~(i) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—~~

~~(1) GUIDELINES.—~~

~~(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in coordination with the Board, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State or tribal levee safety program as a participating program.~~

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

~~(i) has the authority to participate in the national levee safety program;~~

~~(ii) can receive funds under this title;~~

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

~~(iv) will carry out levee inspections;~~

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

~~(vi) will carry out public education and awareness activities consistent with the national public education and awareness campaign established under subsection (f); and~~

~~(vii) will collect and share information regarding the location and condition of levees.~~

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

~~(i) issue draft guidelines for public comment; and~~

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

~~(2) GRANT PROGRAM.—~~

~~(A) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide grants to assist States and Indian tribes in establishing participating pro-~~

~~grams, conducting levee inventories, and carrying out this title.~~

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

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

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

~~(iii) submit to the Secretary any information collected by the State or Indian tribe in carrying out this subsection for inclusion in the national levee safety database; and~~

~~(iv) identify actions to address hazard mitigation activities associated with levees and leveed areas identified in the hazard mitigation plan of the State approved by the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emer-~~

~~gency Assistance Act (42 U.S.C. 5121 et seq.).~~

~~(j) LEVEE REHABILITATION ASSISTANCE PROGRAM.—~~

~~(1) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide assistance to States, Indian tribes, and local governments in addressing flood mitigation activities that result in an overall reduction in flood risk.~~

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

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

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

~~(i) includes all levee risks; and~~

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

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

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

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

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

~~(3) FLOODPLAIN MANAGEMENT PLANS.—~~

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

~~(B) INCLUSIONS.—A plan under subparagraph (A) shall address potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public~~

~~expenditures, and other adverse impacts of flooding in each applicable leveed area.~~

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

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

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

~~(4) USE OF FUNDS.—~~

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

~~(i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State or tribal levee safety program; and~~

~~(ii) only for a levee that is not federally operated and maintained.~~

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

~~(i) to perform routine operation or maintenance for a levee; or~~

~~(ii) to make any modification to a levee that does not result in an improvement to public safety.~~

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

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

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

~~(8) OTHER LAWS.—Assistance provided under this subsection shall be subject to all applicable laws (including regulations) that apply to the construction of a civil works project of the Corps of Engineers.~~

1 ~~(k) EFFECT OF SECTION.—Nothing in this section~~
2 ~~confers any regulatory authority on—~~
3 ~~(1) the Secretary; or~~
4 ~~(2) the Director of the Federal Emergency~~
5 ~~Management Agency.~~
6 **~~SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.~~**
7 ~~(a) ESTABLISHMENT.—The Secretary, in coordina-~~
8 ~~tion with the Administrator of the Federal Emergency~~
9 ~~Management Agency, shall establish a board, to be known~~
10 ~~as the "National Levee Safety Advisory Board"—~~
11 ~~(1) to advise the Secretary and Congress re-~~
12 ~~garding consistent approaches to levee safety;~~
13 ~~(2) to monitor the safety of levees in the United~~
14 ~~States;~~
15 ~~(3) to assess the effectiveness of the national~~
16 ~~levee safety program; and~~
17 ~~(4) to ensure that the national levee safety pro-~~
18 ~~gram is carried out in a manner that is consistent~~
19 ~~with other Federal flood risk management efforts.~~
20 ~~(b) MEMBERSHIP.—~~
21 ~~(1) VOTING MEMBERS.—The Board shall be~~
22 ~~composed of the following 14 voting members, each~~
23 ~~of whom shall be appointed by the Secretary, with~~
24 ~~priority consideration given to representatives from~~

~~those States that have the most Corps of Engineers levees in the State, based on mileage:~~

~~(A) 8 representatives of State levee safety programs, 1 from each of the civil works divisions of the Corps of Engineers.~~

~~(B) 2 representatives of the private sector who have expertise in levee safety.~~

~~(C) 2 representatives of local and regional governmental agencies who have expertise in levee safety.~~

~~(D) 2 representatives of Indian tribes who have expertise in levee safety.~~

~~(2) NONVOTING MEMBERS.—The Secretary (or a designee of the Secretary), the Administrator of the Federal Emergency Management Agency (or a designee of the Administrator), and the administrator of the national levee safety program appointed under section 6004(b)(1)(A) shall serve as nonvoting members of the Board.~~

~~(3) CHAIRPERSON.—The voting members of the Board shall appoint a chairperson from among the voting members of the Board, to serve a term of not more than 2 years.~~

~~(c) QUALIFICATIONS.—~~

~~(1) INDIVIDUALS.—Each voting member of the Board shall be knowledgeable in the field of levee safety, including water resources and flood risk management.~~

~~(2) AS A WHOLE.—The membership of the Board, considered as a whole, shall represent the diversity of skills required to advise the Secretary regarding levee issues relating to—~~

~~(A) engineering;~~

~~(B) public communications;~~

~~(C) program development and oversight;~~

~~(D) with respect to levees, flood risk management and hazard mitigation; and~~

~~(E) public safety and the environment.~~

~~(d) TERMS OF SERVICE.—~~

~~(1) IN GENERAL.—A voting member of the Board shall be appointed for a term of 3 years, except that, of the members first appointed—~~

~~(A) 5 shall be appointed for a term of 1 year;~~

~~(B) 5 shall be appointed for a term of 2 years; and~~

~~(C) 4 shall be appointed for a term of 3 years.~~

~~(2) REAPPOINTMENT.—A voting member of the Board may be reappointed to the Board, as the Secretary determines to be appropriate.~~

~~(3) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment was made.~~

~~(e) STANDING COMMITTEES.—~~

~~(1) IN GENERAL.—The Board shall be supported by Standing Committees, which shall be comprised of volunteers from all levels of government and the private sector, to advise the Board regarding the national levee safety program.~~

~~(2) ESTABLISHMENT.—The Standing Committees of the Board shall include—~~

~~(A) the Standing Committee on Participating Programs, which shall advise the Board regarding—~~

~~(i) the development and implementation of State and tribal levee safety programs; and~~

~~(ii) appropriate incentives (including financial assistance) to be provided to States, Indian tribes, and local and regional entities;~~

~~(B) the Standing Committee on Technical Issues, which shall advise the Board regarding—~~

~~(i) the management of the national levee database;~~

~~(ii) the development and maintenance of levee safety guidelines;~~

~~(iii) processes and materials for developing levee-related technical assistance and training; and~~

~~(iv) research and development activities relating to levee safety;~~

~~(C) the Standing Committee on Public Education and Awareness, which shall advise the Board regarding the development, implementation, and evaluation of targeted public outreach programs—~~

~~(i) to gather public input;~~

~~(ii) to educate and raise awareness in leveed areas of levee risks;~~

~~(iii) to communicate information regarding participating programs; and~~

~~(iv) to track the effectiveness of public education efforts relating to levee risks;~~

~~(D) the Standing Committee on Safety and Environment, which shall advise the Board regarding—~~

~~(i) operation and maintenance activities for existing levee projects;~~

~~(ii) opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees;~~

~~(iii) opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and~~

~~(iv) opportunities for collaboration by environmental protection and public safety interests in leveed areas and adjacent areas; and~~

~~(E) such other standing committees as the Secretary, in consultation with the Board, determines to be necessary.~~

~~(3) MEMBERSHIP.—~~

~~(A) IN GENERAL.—The Board shall recommend to the Secretary for approval individ-~~

~~uals for membership on the Standing Committees.~~

~~(B) QUALIFICATIONS.—~~

~~(i) INDIVIDUALS.—Each member of a Standing Committee shall be knowledgeable in the issue areas for which the Committee is charged with advising the Board.~~

~~(ii) AS A WHOLE.—The membership of each Standing Committee, considered as a whole, shall represent, to the maximum extent practicable, broad geographical diversity.~~

~~(C) LIMITATION.—Each Standing Committee shall be comprised of not more than 10 members.~~

~~(f) DUTIES AND POWERS.—The Board—~~

~~(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the national levee safety program in accordance with section 6007; and~~

~~(2) may secure from other Federal agencies such services, and enter into such contracts, as the Board determines to be necessary to carry out this subsection.~~

~~(g) TASK FORCE COORDINATION.—The Board shall, to the maximum extent practicable, coordinate the activities of the Board with the Federal Interagency Floodplain Management Task Force.~~

~~(h) COMPENSATION.—~~

~~(1) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.~~

~~(2) NON-FEDERAL EMPLOYEES.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the Board who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of~~

~~the member in performance of services for the Board.~~

~~(3) STANDING COMMITTEE MEMBERS.—Each member of a Standing Committee shall—~~

~~(A) serve in a voluntary capacity; but~~

~~(B) receive a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.~~

~~(i) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or the Standing Committees.~~

**~~SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.~~**

~~Section 9004(a)(2)(A) of the Water Resources Development Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amended by striking "and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies" and inserting "and updated levee information provided by States, Indian tribes, Federal agencies, and other entities".~~

**~~SEC. 6007. REPORTS.~~**

~~(a) STATE OF LEVEES.—~~

~~(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Secretary in coordination with the Board, shall submit to Congress a report describing the state of levees in the United States and the effectiveness of the national levee safety program, including—~~

~~(A) progress achieved in implementing the national levee safety program;~~

~~(B) State and tribal participation in the national levee safety program;~~

~~(C) recommendations to improve coordination of levee safety, floodplain management, and environmental protection concerns, including—~~

~~(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees; and~~

~~(ii) evaluating opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and~~

~~(D) any recommendations for legislation and other congressional actions necessary to ensure national levee safety.~~

~~(2) INCLUSION.—Each report under paragraph (1) shall include a report of the Board that describes the independent recommendations of the Board for the implementation of the national levee safety program.~~

~~(b) NATIONAL DAM AND LEVEE SAFETY PROGRAM.—Not later than 3 years after the date of enactment of this Act, to the maximum extent practicable, the Secretary, in coordination with the Board, shall submit to Congress a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.~~

~~(c) ALIGNMENT OF FEDERAL PROGRAMS RELATING TO LEVEES.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, tribal, and local governments and individuals and entities—~~

~~(1) to promote shared responsibility for levee safety;~~

~~(2) to encourage the development of strong State and tribal levee safety programs;~~

~~(3) to better align the national levee safety program with other Federal flood risk management programs; and~~

~~(4) to promote increased levee safety through other Federal programs providing assistance to State and local governments.~~

~~(d) LIABILITY FOR CERTAIN LEVEE ENGINEERING PROJECTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—~~

~~(1) levee owners from obtaining needed levee engineering services; or~~

~~(2) development and implementation of a State or tribal levee safety program.~~

**~~SEC. 6008. EFFECT OF TITLE.~~**

~~Nothing in this title—~~

~~(1) establishes any liability of the United States or any officer or employee of the United States (including the Board and the Standing Committees of the Board) for any damages caused by any action or failure to act; or~~

~~(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability incident to the ownership or operation of the levee.~~

**~~SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.~~**

~~There are authorized to be appropriated to the Secretary to carry out this title—~~

~~(1) for funding the administration and staff of the national levee safety program, the Board, the Standing Committees of the Board, and participating programs, $5,000,000 for each of fiscal years 2014 through 2023;~~

~~(2) for technical programs, including the development of levee safety guidelines, publications, training, and technical assistance—~~

~~(A) $5,000,000 for each of fiscal years 2014 through 2018;~~

~~(B) $7,500,000 for each of fiscal years 2019 and 2020; and~~

~~(C) $10,000,000 for each of fiscal years 2021 through 2023;~~

~~(3) for public involvement and education programs, $3,000,000 for each of fiscal years 2014 through 2023;~~

~~(4) to carry out the levee inventory and inspections under section 9004 of the Water Resources~~

~~Development Act of 2007 (33 U.S.C. 3303), $30,000,000 for each of fiscal years 2014 through 2018;~~

~~(5) for grants to State and tribal levee safety programs, $300,000,000 for fiscal years 2014 through 2023; and~~

~~(6) for levee rehabilitation assistance grants, $300,000,000 for fiscal years 2014 through 2023.~~

# ~~TITLE VII—INLAND WATERWAYS~~

**~~SEC. 7001. PURPOSES.~~**

~~The purposes of this title are—~~

~~(1) to improve program and project management relating to the construction and major rehabilitation of navigation projects on inland waterways;~~

~~(2) to optimize inland waterways navigation system reliability;~~

~~(3) to minimize the size and scope of inland waterways navigation project completion schedules;~~

~~(4) to eliminate preventable delays in inland waterways navigation project completion schedules; and~~

~~(5) to make inland waterways navigation capital investments through the use of prioritization criteria that seek to maximize systemwide benefits and minimize overall system risk.~~

**~~SEC. 7002. DEFINITIONS.~~**

~~In this title:~~

~~(1) INLAND WATERWAYS TRUST FUND.—The term "Inland Waterways Trust Fund" means the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.~~

~~(2) QUALIFYING PROJECT.—The term "qualifying project" means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is—~~

~~(A) authorized before, on, or after the date of enactment of this Act;~~

~~(B) not completed on the date of enactment of this Act; and~~

~~(C) funded at least in part from the Inland Waterways Trust Fund.~~

~~(3) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.~~

**~~SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.~~**

~~(a) REQUIREMENTS FOR QUALIFYING PROJECTS.—With respect to each qualifying project, the Secretary shall require—~~

~~(1) formal project management training and certification for each project manager;~~

~~(2) assignment as project manager only of personnel fully certified by the Chief of Engineers; and~~

~~(3) for an applicable cost estimation, that—~~

~~(A) the estimation—~~

~~(i) is risk-based; and~~

~~(ii) has a confidence level of at least 80 percent; and~~

~~(B) a risk-based cost estimate shall be implemented—~~

~~(i) for a qualified project that requires an increase in the authorized amount in accordance with section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4183), during the preparation of a post-authorization change report or other similar decision document;~~

~~(ii) for a qualified project for which the first construction contract has not been awarded, prior to the award of the first construction contract;~~

~~(iii) for a qualified project without a completed Chief of Engineers report, prior to the completion of such a report; and~~

~~(iv) for a qualified project with a completed Chief of Engineers report that has not yet been authorized, during design for the qualified project.~~

~~(b) ADDITIONAL PROJECT DELIVERY PROCESS REFORMS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—~~

~~(1) establish a system to identify and apply on a continuing basis lessons learned from prior or ongoing qualifying projects to improve the likelihood of on-time and on-budget completion of qualifying projects;~~

~~(2) evaluate early contractor involvement acquisition procedures to improve on-time and on-budget project delivery performance; and~~

~~(3) implement any additional measures that the Secretary determines will achieve the purposes of this title and the amendments made by this title, including, as the Secretary determines to be appropriate—~~

~~(A) the implementation of applicable practices and procedures developed pursuant to management by the Secretary of an applicable military construction program;~~

~~(B) the establishment of 1 or more centers of expertise for the design and review of qualifying projects;~~

~~(C) the development and use of a portfolio of standard designs for inland navigation locks;~~

~~(D) the use of full-funding contracts or formulation of a revised continuing contracts clause; and~~

~~(E) the establishment of procedures for recommending new project construction starts using a capital projects business model.~~

~~(c) PILOT PROJECTS.—~~

~~(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out 1 or more pilot projects to evaluate processes or procedures for the study, design, or construction of qualifying projects.~~

~~(2) INCLUSIONS.—At a minimum, the Secretary shall carry out pilot projects under this subsection to evaluate—~~

~~(A) early contractor involvement in the development of features and components;~~

~~(B) an appropriate use of continuing contracts for the construction of features and components; and~~

~~(C) applicable principles, procedures, and processes used for military construction projects.~~

~~(d) INLAND WATERWAYS USER BOARD.—Section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) is amended—~~

~~(1) by striking subsection (b) and inserting the following:~~

~~"(b) DUTIES OF USERS BOARD.—~~

~~"(1) IN GENERAL.—The Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.~~

~~"(2) ADVICE AND RECOMMENDATIONS.—For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide—~~

~~"(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;~~

~~"(B) advice and recommendations to Congress regarding any report of the Chief of Engi-~~

~~neers relating to those features and components;~~

~~"(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;~~

~~"(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and~~

~~"(E) a long-term capital investment program in accordance with subsection (d).~~

~~"(3) PROJECT DEVELOPMENT TEAMS.—The chairperson of the Users Board shall appoint a representative of the Users Board to serve on the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.~~

~~"(4) INDEPENDENT JUDGMENT.—Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board.";~~

~~(2) by redesignating subsection (c) as subsection (f); and~~

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

~~"(c) DUTIES OF SECRETARY.—The Secretary shall—~~

~~"(1) communicate not less than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and~~

~~"(2) submit to the Users Board a courtesy copy of all reports of the Chief of Engineers relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.~~

~~"(d) CAPITAL INVESTMENT PROGRAM.—~~

~~"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Users Board, shall develop, and submit to Congress a report describing, a 20-year program for making capital investments on the inland and intracoastal waterways, based on the application of objective, national project selection prioritization criteria.~~

~~"(2) CONSIDERATION.—In developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment~~

~~strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010, as approved by the Users Board.~~

~~"(3) CRITERIA.—In developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1)—~~

~~"(A) are made in all geographical areas of the inland waterways system; and~~

~~"(B) ensure efficient funding of inland waterways projects.~~

~~"(4) STRATEGIC REVIEW AND UPDATE.—Not later than 5 years after the date of enactment of this subsection, and not less frequently than once every 5 years thereafter, the Secretary, in conjunction with the Users Board, shall—~~

~~"(A) submit to Congress a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization cri-~~

teria used to develop the updated recommendations); and

"(B) make such revisions to the program as the Secretary and Users Board jointly consider to be appropriate.

"(e) PROJECT MANAGEMENT PLANS.—The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) shall sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.".

**SEC. 7004. MAJOR REHABILITATION STANDARDS.**

(a) IN GENERAL.—The Secretary shall develop a methodology for applying standard accounting principles when classifying activities as major rehabilitation projects.

(b) EVALUATIONS.—The Secretary shall evaluate the effect of applying the methodology developed under subsection (a) to not less than 3 qualifying projects.

(c) REPORT.—The Secretary shall submit to Congress a report on the evaluation under subsection (b).

**SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.**

(a) FINDINGS.—Congress finds that—

(1) there are approximately 12,000 miles of Federal waterways, known as the inland waterways

~~system, that are supported by user fees and managed by the Corps of Engineers;~~

~~(2) the inland waterways system spans 38 States and handles approximately one-half of all inland waterway freight;~~

~~(3) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, freight traffic on the Federal fuel-taxed inland waterways system accounts for 546,000,000 tons of freight each year;~~

~~(4) expenditures for construction and major rehabilitation projects on the inland waterways system are equally cost-shared between the Federal Government and the Inland Waterways Trust Fund;~~

~~(5) the Inland Waterways Trust Fund is financed through a fee of $0.20 per gallon on fuel used by commercial barges;~~

~~(6) the balance of the Inland Waterways Trust Fund has declined significantly in recent years;~~

~~(7) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, the estimated financial need for construction and major rehabilitation projects on the inland waterways system for fiscal years 2011~~

~~through 2030 is approximately $18,000,000,000; and~~

~~(8) users of the inland waterways system are supportive of an increase in the existing revenue sources for inland waterways system construction and major rehabilitation activities to expedite the most critical of those construction and major rehabilitation projects.~~

~~(b) SENSE OF CONGRESS.—It is the sense of Congress that—~~

~~(1) the existing revenue sources for inland waterways system construction and rehabilitation activities are insufficient to cover the costs of non-Federal interests of construction and major rehabilitation projects on the inland waterways system; and~~

~~(2) the issue described in paragraph (1) should be addressed.~~

**~~SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.~~**

~~Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare a report on the efficiency of collecting the fuel tax for the Inland Waterways Trust Fund, which shall include—~~

~~(1) an evaluation of whether current methods of collection of the fuel tax result in full compliance with requirements of the law;~~

~~(2) whether alternative methods of collection would result in increased revenues into the Inland Waterways Trust Fund; and~~

~~(3) an evaluation of alternative collection options.~~

# ~~TITLE VIII—HARBOR MAINTENANCE~~

**~~SEC. 8001. SHORT TITLE.~~**

~~This title may be cited as the "Harbor Maintenance Trust Fund Act of 2013".~~

**~~SEC. 8002. PURPOSES.~~**

~~The purposes of this title are—~~

~~(1) to ensure that revenues collected into the Harbor Maintenance Trust Fund are used for the intended purposes of those revenues;~~

~~(2) to increase investment in the operation and maintenance of United States ports, which are critical for the economic competitiveness of the United States;~~

~~(3) to promote equity among ports nationwide; and~~

~~(4) to ensure United States ports are prepared to meet modern shipping needs, including the capability to receive large ships that require deeper drafts.~~

**~~SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.~~**

~~(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—~~

~~(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9505(c) of such Code.~~

~~(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.~~

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

~~(1) TOTAL BUDGET RESOURCES.—The term "total budget resources" means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.~~

1 ~~(2) LEVEL OF RECEIPTS PLUS INTEREST.—The~~
2 ~~term "level of receipts plus interest" means the level~~
3 ~~of taxes and interest credited to the Harbor Mainte-~~
4 ~~nance Trust Fund under section 9505 of the Inter-~~
5 ~~nal Revenue Code of 1986 for a fiscal year as set~~
6 ~~forth in the President's budget baseline projection as~~
7 ~~defined in section 257 of the Balanced Budget and~~
8 ~~Emergency Deficit Control Act of 1985 (Public Law~~
9 ~~99–177; 99 Stat. 1092) for that fiscal year sub-~~
10 ~~mitted pursuant to section 1105 of title 31, United~~
11 ~~States Code.~~
12 ~~(c) ENFORCEMENT OF GUARANTEES.—It shall not be~~
13 ~~in order in the House of Representatives or the Senate~~
14 ~~to consider any bill, joint resolution, amendment, motion,~~
15 ~~or conference report that would cause total budget re-~~
16 ~~sources in a fiscal year for harbor maintenance programs~~
17 ~~described in subsection (b)(1) for such fiscal year to be~~
18 ~~less than the amount required by subsection (a)(1) for~~
19 ~~such fiscal year.~~
20 ~~**SEC. 8004. HARBOR MAINTENANCE TRUST FUND**~~
21 ~~**PRIORITIZATION.**~~
22 ~~(a) IN GENERAL.—Section 210 of the Water Re-~~
23 ~~sources Development Act of 1986 (33 U.S.C. 2238) is~~
24 ~~amended by adding at the end the following:~~
25 ~~"(c) PRIORITIZATION.—~~

1 ~~"(1) IN GENERAL.—Of the amounts made~~
2 ~~available under this section to carry out projects de-~~
3 ~~scribed in subsection (a)(2), the Secretary of the~~
4 ~~Army, acting through the Chief of Engineers, shall~~
5 ~~give priority to those projects in the following order:~~
6 ~~"(A) In any fiscal year in which all~~
7 ~~projects subject to the harbor maintenance fee~~
8 ~~under section 24.24 of title 19, Code of Federal~~
9 ~~Regulations (or successor regulation) are not~~
10 ~~maintained to their authorized width and depth,~~
11 ~~the Secretary shall prioritize amounts made~~
12 ~~available under this section for those projects—~~
13 ~~"(i) that are high-use deep draft; and~~
14 ~~"(ii) for which construction is com-~~
15 ~~pleted.~~
16 ~~"(B) In any fiscal year in which the~~
17 ~~projects described in subparagraph (A) are~~
18 ~~maintained to their authorized width and depth,~~
19 ~~the Secretary shall prioritize not more than 20~~
20 ~~percent of remaining amounts made available~~
21 ~~under this section for projects—~~
22 ~~"(i) that have been maintained below~~
23 ~~their authorized width and depth during~~
24 ~~the preceding 5 fiscal years; and~~

1 ~~"(ii) for which significant Federal,~~
2 ~~State, and local investments in infrastruc-~~
3 ~~ture have been made at those projects.~~
4 ~~"(2) ADMINISTRATION.—For purposes of this~~
5 ~~subsection, State and local investments in infrastruc-~~
6 ~~ture shall include infrastructure investments made~~
7 ~~using amounts made available for activities under~~
8 ~~section 105(a)(9) of the Housing and Community~~
9 ~~Development Act of 1974 (42 U.S.C. 5305(a)(9)).".~~
10 ~~(b) OPERATION AND MAINTENANCE.—Section~~
11 ~~101(b) of the Water Resources Development Act of 1986~~
12 ~~(33 U.S.C. 2211(b)) is amended—~~
13 ~~(1) in paragraph (1), by striking "45 feet" and~~
14 ~~inserting "50 feet"; and~~
15 ~~(2) by adding at the end the following:~~
16 ~~"(3) OPERATION AND MAINTENANCE ACTIVI-~~
17 ~~TIES DEFINED.—~~
18 ~~"(A) SCOPE OF OPERATION AND MAINTE-~~
19 ~~NANCE ACTIVITIES.—Notwithstanding any~~
20 ~~other provision of law (including regulations~~
21 ~~and guidelines) and subject to subparagraph~~
22 ~~(B), for purposes of this subsection, operation~~
23 ~~and maintenance activities that are eligible for~~
24 ~~the Federal cost share under paragraph (1)~~
25 ~~shall include—~~

~~"(i) the dredging of berths in a harbor that is accessible to a Federal channel, if the Federal channel has been constructed to a depth equal to the authorized depth of the channel; and~~

~~"(ii) the dredging and disposal of legacy-contaminated sediments and sediments unsuitable for ocean disposal that—~~

~~"(I) are located in or affect the maintenance of Federal navigation channels; or~~

~~"(II) are located in berths that are accessible to Federal channels.~~

~~"(B) LIMITATIONS.—~~

~~"(i) IN GENERAL.—For each fiscal year, subparagraph (A) shall only apply if all operation and maintenance activities that are eligible for the Federal cost share under paragraph (1) in a State described in clause (ii) have been funded.~~

~~"(ii) STATE LIMITATION.—For each fiscal year, the operation and maintenance activities described in subparagraph (A) may only be carried out in a State that—~~

1 ~~"(I) contributes not less than 2.5~~
2 ~~percent annually of the total funding~~
3 ~~of the Harbor Maintenance Trust~~
4 ~~Fund established under section 9505~~
5 ~~of the Internal Revenue Code of 1986;~~
6 ~~and~~
7 ~~"(II) received less than 50 per-~~
8 ~~cent of the total amounts collected in~~
9 ~~the State pursuant to section 9505 of~~
10 ~~the Internal Revenue Code of 1986 in~~
11 ~~the previous 3 fiscal years.~~
12 ~~"(iii) PRIORITIZATION.—In allocating~~
13 ~~amounts made available under this para-~~
14 ~~graph, the Secretary shall give priority to~~
15 ~~projects that have received the lowest rate~~
16 ~~of funding from the Harbor Maintenance~~
17 ~~Trust fund in previous fiscal years.".~~
18 ~~(c) CONFORMING AMENDMENT.—Section 9505(c)(1)~~
19 ~~of the Internal Revenue Code of 1986 is amended by strik-~~
20 ~~ing "as in effect on the date of the enactment of the Water~~
21 ~~Resources Development Act of 1996" and inserting "as~~
22 ~~in effect on the date of the enactment of the Harbor Main-~~
23 ~~tenance Trust Fund Act of 2013".~~

**~~SEC. 8005. CIVIL WORKS PROGRAM OF THE CORPS OF ENGINEERS.~~**

~~(a) POINT OF ORDER.—~~

~~(1) IN GENERAL.—Subject to subsections (b) and (c), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would result in making the amounts made available for a given fiscal year to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers other than the harbor maintenance programs to be less than the amounts made available for those purposes in the previous fiscal year.~~

~~(2) CALCULATION OF AMOUNTS.—For each fiscal year, the amounts made available to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers shall not include any amounts that are designated by Congress—~~

~~(A) as being for emergency requirements pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or~~

~~(B) as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget~~

~~and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)).~~

~~(b) EXCEPTIONS.—Subsection (a) shall not apply if amounts made available for the civil works program of the Corps of Engineers for a fiscal year is less than the amounts made available for the civil works program in the previous fiscal year if the reduction in amounts made available—~~

~~(1) applies to all discretionary funds and programs of the Federal Government; and~~

~~(2) is applied to the civil works program in the same percentage and manner as other discretionary funds and programs.~~

~~(c) WAIVER AND APPEAL.—~~

~~(1) SENATE.—~~

~~(A) IN GENERAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn.~~

~~(B) APPEAL.—An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).~~

~~(2) HOUSE OF REPRESENTATIVES.—The Committee on Rules of the House of Representatives may not report a rule or order that would waive a point of order to a bill or joint resolution from being made under subsection (a).~~

# ~~TITLE IX—DAM SAFETY~~

**~~SEC. 9001. SHORT TITLE.~~**

~~This title may be cited as the "Dam Safety Act of 2013".~~

**~~SEC. 9002. PURPOSE.~~**

~~The purpose of this title and the amendments made by this title is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of the Federal Government and non-Federal interests in achieving national dam safety hazard reduction.~~

**~~SEC. 9003. ADMINISTRATOR.~~**

~~(a) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator".~~

~~(b) CONFORMING AMENDMENT.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—~~

~~(1) by striking paragraph (3);~~

~~(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and~~

~~(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:~~

~~"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.".~~

**~~SEC. 9004. INSPECTION OF DAMS.~~**

~~Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking "or maintenance" and inserting "maintenance, condition, or provisions for emergency operations".~~

**~~SEC. 9005. NATIONAL DAM SAFETY PROGRAM.~~**

~~(1) OBJECTIVES.—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:~~

~~"(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;".~~

~~(2) BOARD.—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is~~

~~amended by inserting ", representatives from nongovernmental organizations," after "State agencies".~~

**~~SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.~~**

~~The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—~~

~~(1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and~~

~~(2) by inserting after section 10 (33 U.S.C. 467g–1) the following:~~

**~~"SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.~~**

~~"The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall carry out a nationwide public awareness and outreach program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.".~~

**~~SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.~~**

~~(1) NATIONAL DAM SAFETY PROGRAM.—~~

~~(A) ANNUAL AMOUNTS.—Section 14(a)(1) of the National Dam Safety Program Act (33~~

~~U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking "$6,500,000" and all that follows through "2011" and inserting "$9,200,000 for each of fiscal years 2014 through 2018".~~

~~(B) MAXIMUM AMOUNT OF ALLOCATION.—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—~~

~~(i) by striking "The amount" and inserting the following:~~

~~"(i) IN GENERAL.—The amount"; and~~

~~(ii) by adding at the end the following:~~

~~"(ii) FISCAL YEAR 2014 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2014 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.".~~

~~(2) NATIONAL DAM INVENTORY.—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking "$650,000" and all that follows through~~

~~"2011" and inserting "$500,000 for each of fiscal years 2014 through 2018".~~

~~(3) PUBLIC AWARENESS.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—~~

~~(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and~~

~~(B) by inserting after subsection (b) the following:~~

~~"(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 $1,000,000 for each of fiscal years 2014 through 2018.".~~

~~(4) RESEARCH.—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking "$1,600,000" and all that follows through "2011" and inserting "$1,450,000 for each of fiscal years 2014 through 2018".~~

~~(5) DAM SAFETY TRAINING.—Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking "$550,000" and all that follows through "2011" and inserting "$750,000 for each of fiscal years 2014 through 2018".~~

(6) STAFF.—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking "$700,000" and all that follows through "2011" and inserting "$1,000,000 for each of fiscal years 2014 through 2018".

# TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

**SEC. 10001. SHORT TITLE.**

This title may be cited as the "Water Infrastructure Finance and Innovation Act of 2013".

**SEC. 10002. PURPOSES.**

The purpose of this title is to establish a pilot program to assess the ability of innovative financing tools to—

(1) promote increased development of critical water resources infrastructure by establishing additional opportunities for financing water resources projects that complement but do not replace or reduce existing Federal infrastructure financing tools such as the State water pollution control revolving loan funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);

~~(2) attract new investment capital to infrastructure projects that are capable of generating revenue streams through user fees or other dedicated funding sources;~~

~~(3) complement existing Federal funding sources and address budgetary constraints on the Corps of Engineers civil works program and existing wastewater and drinking water infrastructure financing programs;~~

~~(4) leverage private investment in water resources infrastructure;~~

~~(5) align investments in water resources infrastructure to achieve multiple benefits; and~~

~~(6) assist communities facing significant water quality, drinking water, or flood risk challenges with the development of water infrastructure projects.~~

**~~SEC. 10003. DEFINITIONS.~~**

~~In this title:~~

~~(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.~~

~~(2) COMMUNITY WATER SYSTEM.—The term "community water system" has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).~~

~~(3) FEDERAL CREDIT INSTRUMENT.—The term "Federal credit instrument" means a secured loan or loan guarantee authorized to be made available under this title with respect to a project.~~

~~(4) INVESTMENT-GRADE RATING.—The term "investment-grade rating" means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.~~

~~(5) LENDER.—~~

~~(A) IN GENERAL.—The term "lender" means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).~~

~~(B) INCLUSIONS.—The term "lender" includes—~~

~~(i) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and~~

~~(ii) a governmental plan (as defined in section 414(d) of the Internal Revenue~~

~~Code of 1986) that is a qualified institutional buyer.~~

~~(6) LOAN GUARANTEE.—The term "loan guarantee" means any guarantee or other pledge by the Secretary or the Administrator to pay all or part of the principal of, and interest on, a loan or other debt obligation issued by an obligor and funded by a lender.~~

~~(7) OBLIGOR.—The term "obligor" means an eligible entity that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.~~

~~(8) PROJECT OBLIGATION.—~~

~~(A) IN GENERAL.—The term "project obligation" means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project.~~

~~(B) EXCLUSION.—The term "project obligation" does not include a Federal credit instrument.~~

~~(9) RATING AGENCY.—The term "rating agency" means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined~~

~~in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).~~

~~(10) SECURED LOAN.—The term "secured loan" means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 10010.~~

~~(11) STATE.—The term "State" means—~~

~~(A) a State;~~

~~(B) the District of Columbia;~~

~~(C) the Commonwealth of Puerto Rico; and~~

~~(D) any other territory or possession of the United States.~~

~~(12) STATE INFRASTRUCTURE FINANCING AUTHORITY.—The term "State infrastructure financing authority" means the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).~~

~~(13) SUBSIDY AMOUNT.—The term "subsidy amount" means the amount of budget authority suf-~~

~~ficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, as calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).~~

~~(14) SUBSTANTIAL COMPLETION.—The term "substantial completion", with respect to a project, means the earliest date on which a project is considered to perform the functions for which the project is designed.~~

~~(15) TREATMENT WORKS.—The term "treatment works" has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).~~

**~~SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.~~**

~~(a) IN GENERAL.—The Secretary and the Administrator may provide financial assistance under this title to carry out pilot projects, which shall be selected to ensure a diversity of project types and geographical locations.~~

~~(b) RESPONSIBILITY.—~~

~~(1) SECRETARY.—The Secretary shall carry out all pilot projects under this title that are eligible projects under section 10007(1).~~

~~(2) ADMINISTRATOR.—The Administrator shall carry out all pilot projects under this title that are eligible projects under paragraphs (2), (3), (4), (5), (6), and (8) of section 10007.~~

~~(3) OTHER PROJECTS.—The Secretary or the Administrator, as applicable, may carry out eligible projects under paragraph (7) or (9) of section 10007.~~

**~~SEC. 10005. APPLICATIONS.~~**

~~(a) IN GENERAL.—To receive assistance under this title, an eligible entity shall submit to the Secretary or the Administrator, as applicable, an application at such time, in such manner, and containing such information as the Secretary or the Administrator may require.~~

~~(b) COMBINED PROJECTS.—In the case of an eligible project described in paragraph (8) or (9) of section 10007, the Secretary or the Administrator, as applicable, shall require the eligible entity to submit a single application for the combined group of projects.~~

**~~SEC. 10006. ELIGIBLE ENTITIES.~~**

~~The following entities are eligible to receive assistance under this title:~~

~~(1) A corporation.~~

~~(2) A partnership.~~

~~(3) A joint venture.~~

~~(4) A trust.~~

~~(5) A Federal, State, or local governmental entity, agency, or instrumentality.~~

~~(6) A tribal government or consortium of tribal governments.~~

~~(7) A State infrastructure financing authority.~~

**~~SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.~~**

~~The following projects may be carried out with amounts made available under this title:~~

~~(1) A project for flood control or hurricane and storm damage reduction that the Secretary has determined is technically sound, economically justified, and environmentally acceptable, including—~~

~~(A) a structural or nonstructural measure to reduce flood risk, enhance stream flow, or protect natural resources; and~~

~~(B) a levee, dam, tunnel, aqueduct, reservoir, or other related water infrastructure.~~

~~(2) 1 or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.~~

~~(3) 1 or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)).~~

~~(4) A project for enhanced energy efficiency in the operation of a public water system.~~

~~(5) A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution facility.~~

~~(6) A brackish or sea water desalination project, a managed aquifer recharge project, or a water recycling project.~~

~~(7) Acquisition of real property or an interest in real property—~~

~~(A) if the acquisition is integral to a project described in paragraphs (1) through (6); or~~

~~(B) pursuant to an existing plan that, in the judgment of the Administrator or the Secretary, as applicable, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.~~

~~(8) A combination of projects, each of which is eligible under paragraph (2) or (3), for which a~~

~~State infrastructure financing authority submits to the Administrator a single application.~~

~~(9) A combination of projects secured by a common security pledge, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which an eligible entity, or a combination of eligible entities, submits a single application.~~

**~~SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.~~**

~~For purposes of this title, an eligible activity with respect to an eligible project includes the cost of—~~

~~(1) development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;~~

~~(2) construction, reconstruction, rehabilitation, and replacement activities;~~

~~(3) the acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to section 10007(7)), construction contingencies, and acquisition of equipment;~~

~~(4) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and~~

~~(5) refinancing interim construction funding, long-term project obligations, or a secured loan or loan guarantee made under this title.~~

**~~SEC. 10009. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.~~**

~~(a) ELIGIBILITY REQUIREMENTS.—To be eligible to receive financial assistance under this title, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:~~

~~(1) CREDITWORTHINESS.—~~

~~(A) IN GENERAL.—Subject to subparagraph (B), the project shall be creditworthy, which shall be determined by the Secretary or the Administrator, as applicable, who shall ensure that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment.~~

~~(B) PRELIMINARY RATING OPINION LETTER.—The Secretary or the Administrator, as applicable, shall require each project applicant to provide a preliminary rating opinion letter~~

~~from at least 1 rating agency indicating that the senior obligations of the project (which may be the Federal credit instrument) have the potential to achieve an investment-grade rating.~~

~~(C) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to a State infrastructure financing authority for a project under section 10007(8) or an entity for a project under section 10007(9), which may include requiring the provision of a preliminary rating opinion letter from at least 1 rating agency.~~

~~(2) ELIGIBLE PROJECT COSTS.—The eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.~~

~~(3) DEDICATED REVENUE SOURCES.—The Federal credit instrument for the project shall be repayable, in whole or in part, from dedicated revenue sources that also secure the project obligations.~~

~~(4) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project carried out by an entity that is not a State or local government or an~~

~~agency or instrumentality of a State or local government, the project shall be publicly sponsored.~~

~~(b) SELECTION CRITERIA.—~~

~~(1) ESTABLISHMENT.—The Secretary or the Administrator, as applicable, shall establish criteria for the selection of projects that meet the eligibility requirements of subsection (a), in accordance with paragraph (2).~~

~~(2) CRITERIA.—The selection criteria shall include the following:~~

~~(A) The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as—~~

~~(i) the reduction of flood risk;~~

~~(ii) the improvement of water quality;~~

~~(iii) the protection of drinking water; and~~

~~(iv) the support of international commerce.~~

~~(B) The extent to which the project financing plan includes public or private financing in addition to assistance under this title.~~

~~(C) The likelihood that assistance under this title would enable the project to proceed at~~

~~an earlier date than the project would otherwise be able to proceed.~~

~~(D) The extent to which the project uses new or innovative approaches.~~

~~(E) The amount of budget authority required to fund the Federal credit instrument made available under this title.~~

~~(F) The extent to which the project—~~

~~(i) protects against extreme weather events, such as floods or hurricanes; or~~

~~(ii) helps maintain or protect the environment.~~

~~(G) The extent to which a project serves regions with significant energy exploration, development, or production areas.~~

~~(H) The extent to which a project serves regions with significant water resource challenges, including the need to address—~~

~~(i) water quality concerns in areas of regional, national, or international significance;~~

~~(ii) water quantity concerns related to groundwater, surface water, or other water sources;~~

~~(iii) significant flood risk;~~

(iv) water resource challenges identified in existing regional, State, or multistate agreements; or

(v) water resources with exceptional recreational value or ecological importance.

(I) The extent to which assistance under this title reduces the contribution of Federal assistance to the project.

(3) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—For a project described in section 10007(8), the Administrator shall only consider the criteria described in subparagraphs (B) through (I) of paragraph (2).

(c) FEDERAL REQUIREMENTS.—Nothing in this section supersedes the applicability of other requirements of Federal law (including regulations).

**SEC. 10010. SECURED LOANS.**

(a) AGREEMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary or the Administrator, as applicable, may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

(A) to finance eligible project costs of any project selected under section 10009;

~~(B) to refinance interim construction financing of eligible project costs of any project selected under section 10009; or~~

~~(C) to refinance long-term project obligations or Federal credit instruments, if that refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—~~

~~(i) is selected under section 10009; or~~

~~(ii) otherwise meets the requirements of section 10009.~~

~~(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A secured loan under paragraph (1) shall not be used to refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the applicable project.~~

~~(3) FINANCIAL RISK ASSESSMENT.—Before entering into an agreement under this subsection for a secured loan, the Secretary or the Administrator, as applicable, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 10009(a)(1)(B), shall determine an appropriate capital reserve subsidy amount for~~

~~the secured loan, taking into account each such preliminary rating opinion letter.~~

~~(4) INVESTMENT-GRADE RATING REQUIREMENT.—The execution of a secured loan under this section shall be contingent on receipt by the senior obligations of the project of an investment-grade rating.~~

~~(b) TERMS AND LIMITATIONS.—~~

~~(1) IN GENERAL.—A secured loan provided for a project under this section shall be subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits), as the Secretary or the Administrator, as applicable, determines to be appropriate.~~

~~(2) MAXIMUM AMOUNT.—The amount of a secured loan under this section shall not exceed the lesser of—~~

~~(A) an amount equal to 49 percent of the reasonably anticipated eligible project costs; and~~

~~(B) if the secured loan does not receive an investment-grade rating, the amount of the senior project obligations of the project.~~

~~(3) PAYMENT.—A secured loan under this section—~~

~~(A) shall be payable, in whole or in part, from State or local taxes, user fees, or other dedicated revenue sources that also secure the senior project obligations of the relevant project;~~

~~(B) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and~~

~~(C) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.~~

~~(4) INTEREST RATE.—The interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.~~

~~(5) MATURITY DATE.—~~

~~(A) IN GENERAL.—The final maturity date of a secured loan under this section shall be not later than 35 years after the date of substantial completion of the relevant project.~~

~~(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—The final maturity date of a secured loan to a State infrastructure financing authority under this~~

~~section shall be not later than 35 years after the date on which amounts are first disbursed.~~

~~(6) NONSUBORDINATION.—A secured loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor of the project.~~

~~(7) FEES.—The Secretary or the Administrator, as applicable, may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.~~

~~(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this section may be used to pay any non-Federal share of project costs required if the loan is repayable from non-Federal funds.~~

~~(9) MAXIMUM FEDERAL INVOLVEMENT.—~~

~~(A) IN GENERAL.—Except as provided in subparagraph (B), for each project for which assistance is provided under this title, the total amount of Federal assistance shall not exceed 80 percent of the total project cost.~~

~~(B) EXCEPTION.—Subparagraph (A) shall not apply to any rural water project—~~

~~(i) that is authorized to be carried out by the Secretary of the Interior;~~

~~(ii) that includes among its beneficiaries a federally recognized Indian tribe; and~~

~~(iii) for which the authorized Federal share of the total project costs is greater than the amount described in subparagraph (A).~~

~~(c) REPAYMENT.—~~

~~(1) SCHEDULE.—The Secretary or the Administrator, as applicable, shall establish a repayment schedule for each secured loan provided under this section, based on the projected cash flow from project revenues and other repayment sources.~~

~~(2) COMMENCEMENT.—~~

~~(A) IN GENERAL.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.~~

~~(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—Scheduled loan repayments of principal or interest on a secured loan to a State infrastructure financ-~~

~~ing authority under this title shall commence not later than 5 years after the date on which amounts are first disbursed.~~

~~(3) DEFERRED PAYMENTS.—~~

~~(A) AUTHORIZATION.—If, at any time after the date of substantial completion of a project for which a secured loan is provided under this section, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary or the Administrator, as applicable, subject to subparagraph (C), may allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.~~

~~(B) INTEREST.—Any payment deferred under subparagraph (A) shall—~~

~~(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and~~

~~(ii) be scheduled to be amortized over the remaining term of the secured loan.~~

~~(C) CRITERIA.—~~

~~(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be con-~~

~~tingent on the project meeting such criteria as the Secretary or the Administrator, as applicable, may establish.~~

~~(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.~~

~~(4) PREPAYMENT.—~~

~~(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay a secured loan under this section without penalty.~~

~~(B) USE OF PROCEEDS OF REFINANCING.—A secured loan under this section may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.~~

~~(d) SALE OF SECURED LOANS.—~~

~~(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the date of substantial~~

~~completion of a project and after providing a notice to the obligor, the Secretary or the Administrator, as applicable, may sell to another entity or reoffer into the capital markets a secured loan for a project under this section, if the Secretary or the Administrator, as applicable, determines that the sale or reoffering can be made on favorable terms.~~

~~(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary or the Administrator, as applicable, may not change the original terms and conditions of the secured loan without the written consent of the obligor.~~

~~(e) LOAN GUARANTEES.—~~

~~(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may provide a loan guarantee to a lender in lieu of making a secured loan under this section, if the Secretary or the Administrator, as applicable, determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.~~

~~(2) TERMS.—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be nego-~~

~~tiated between the obligor and the lender, with the consent of the Secretary or the Administrator, as applicable.~~

**~~SEC. 10011. PROGRAM ADMINISTRATION.~~**

~~(a) REQUIREMENT.—The Secretary or the Administrator, as applicable, shall establish a uniform system to service the Federal credit instruments made available under this title.~~

~~(b) FEES.—~~

~~(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may collect and spend fees, contingent on authority being provided in appropriations Acts, at a level that is sufficient to cover—~~

~~(A) the costs of services of expert firms retained pursuant to subsection (d); and~~

~~(B) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments provided under this title.~~

~~(c) SERVICER.—~~

~~(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may appoint a financial entity to assist the Secretary or the Administrator in servicing the Federal credit instruments provided under this title.~~

1 ~~(2) DUTIES.—A servicer appointed under para-~~
2 ~~graph (1) shall act as the agent for the Secretary or~~
3 ~~the Administrator, as applicable.~~
4 ~~(3) FEE.—A servicer appointed under para-~~
5 ~~graph (1) shall receive a servicing fee, subject to ap-~~
6 ~~proval by the Secretary or the Administrator, as ap-~~
7 ~~plicable.~~
8 ~~(d) ASSISTANCE FROM EXPERTS.—The Secretary or~~
9 ~~the Administrator, as applicable, may retain the services,~~
10 ~~including counsel, of organizations and entities with exper-~~
11 ~~tise in the field of municipal and project finance to assist~~
12 ~~in the underwriting and servicing of Federal credit instru-~~
13 ~~ments provided under this title.~~
14 ~~(e) APPLICABILITY OF OTHER LAWS.—Section 513~~
15 ~~of the Federal Water Pollution Control Act (33 U.S.C.~~
16 ~~1372) applies to the construction of a project carried out,~~
17 ~~in whole or in part, with assistance made available through~~
18 ~~a Federal credit instrument under this title in the same~~
19 ~~manner that section applies to a treatment works for~~
20 ~~which a grant is made available under that Act.~~
21 **~~SEC. 10012. STATE AND LOCAL PERMITS.~~**
22 ~~The provision of financial assistance for project under~~
23 ~~this title shall not—~~

~~(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;~~

~~(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or~~

~~(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.~~

**~~SEC. 10013. REGULATIONS.~~**

~~The Secretary or the Administrator, as applicable, may promulgate such regulations as the Secretary or Administrator determines to be appropriate to carry out this title.~~

**~~SEC. 10014. FUNDING.~~**

~~(a) IN GENERAL.—There is authorized to be appropriated to each of the Secretary and the Administrator to carry out this title $50,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.~~

~~(b) ADMINISTRATIVE COSTS.—Of the funds made available to carry out this title, the Secretary or the Administrator, as applicable, may use for the administration of this title, including for the provision of technical assistance to aid project sponsors in obtaining the necessary ap-~~

provals for the project, not more than $2,200,000 for each of fiscal years 2014 through 2018.

**SEC. 10015. REPORT TO CONGRESS.**

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary or the Administrator, as applicable, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing for the projects that are receiving, or have received, assistance under this title—

(1) the financial performance of those projects, including a recommendation as to whether the objectives of this title are being met; and

(2) the public benefit provided by those projects, including, as applicable, water quality improvement, the protection of drinking water, and the reduction of flood risk.

# TITLE XI—EXTREME WEATHER

**SEC. 11001. IMPROVING MANAGEMENT OF FLOOD AND DROUGHT.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences to carry out a study and make recommendations

~~relating to options for reducing risk to human life and property from extreme weather events, such as hurricanes, coastal storms, and inland flooding.~~

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

~~(1) an analysis of strategies and projects, including authorized water resources projects that have not yet been constructed, implemented in the United States and worldwide to respond to risk associated with extreme weather events;~~

~~(2) an analysis of historical extreme weather events and the ability of existing infrastructure to mitigate risks associated with those events;~~

~~(3) an estimation of the funding necessary to improve infrastructure in the United States to reduce risk associated with extreme weather events;~~

~~(4) an analysis of the adequacy of current funding sources and the identification of potential new funding sources to finance the necessary infrastructure improvements referred to in paragraph (3); and~~

~~(5) an analysis of the Federal, State, and local costs of natural disasters and the potential cost-savings associated with implementing mitigation measures.~~

~~(c) COORDINATION.—The National Academy of Sciences may cooperate with the National Academy of Public Administration to carry out 1 or more aspects of the study under subsection (a).~~

~~(d) PUBLICATION.—Not later than 30 days after completion of the study under subsection (a), the National Academy of Sciences shall—~~

~~(1) submit a copy of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and~~

~~(2) make a copy of the study available on a publicly accessible Internet site.~~

**~~SEC. 11002. GAO STUDY ON MANAGEMENT OF FLOOD AND DROUGHT.~~**

~~(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study of the strategies used by the Corps of Engineers for the comprehensive management of water resources in response to floods, storms, and droughts, including an historical review of the ability of the Corps of Engineers to~~

~~manage and respond to historical drought, storm, and flood events.~~

~~(b) CONSIDERATIONS.—The study under subsection (a) shall address—~~

~~(1) the extent to which existing water management activities of the Corps of Engineers can better address and mitigate flood, storm damage, and drought impacts on a national basis;~~

~~(2) whether existing water resources projects built or maintained by the Corps of Engineers, including dams, levees, floodwalls, flood gates, and other appurtenant infrastructure were designed to adequately address flood, storm, and drought impacts and the extent to which the water resources projects have been successful at addressing those impacts;~~

~~(3) whether a reevaluation of existing management approaches of the Corps of Engineers could result in greater efficiencies in water management and project delivery that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions;~~

~~(4) any recommendations for improving the planning processes of the Corps of Engineers to provide opportunities for comprehensive management of~~

~~water resources that increases efficiency and improves response to flood, storm, and drought conditions; and~~

~~(5) any recommendations for improving approaches to rebuilding or restoring infrastructure and natural resources that contribute to risk reduction, such as coastal wetlands, to prepare for flood and drought.~~

**~~SEC. 11003. POST-DISASTER WATERSHED ASSESSMENTS.~~**

~~(a) WATERSHED ASSESSMENTS.—~~

~~(1) IN GENERAL.—In an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, or ecosystem restoration project recommendations that will help to rehabilitate damaged infrastructure and reduce risks to human life and property from future natural disasters.~~

~~(2) EXISTING PROJECTS.—A watershed assessment carried out paragraph (1) may identify existing~~

~~projects being carried out under 1 or more of the authorities referred to in subsection (b) (1).~~

~~(3) DUPLICATE WATERSHED ASSESSMENTS.—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.~~

~~(b) PROJECTS.—~~

~~(1) IN GENERAL.—The Secretary may carry out 1 or more small projects identified in a watershed assessment under subsection (a) that the Secretary would otherwise be authorized to carry out under—~~

~~(A) section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s);~~

~~(B) section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i);~~

~~(C) section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);~~

~~(D) section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a);~~

~~(E) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577); or~~

~~(F) section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).~~

~~(2) EXISTING PROJECTS.—In carrying out a project under paragraph (1), the Secretary shall—~~

~~(A) to the maximum extent practicable, use all existing information and studies available for the project; and~~

~~(B) not require any element of a study completed for the project prior to the disaster to be repeated.~~

~~(c) REQUIREMENTS.—All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.~~

~~(d) LIMITATIONS ON ASSESSMENTS.—~~

~~(1) IN GENERAL.—A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.~~

~~(2) FEDERAL SHARE.—The Federal share of the cost of carrying out a watershed assessment under subsection (a) shall not exceed $1,000,000.~~

~~(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2018.~~

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

*(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2013".*

1 *(b) TABLE OF CONTENTS.—The table of contents of this*
2 *Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Definition of Secretary.*

*TITLE I—WATER RESOURCE PROJECTS*

*Sec. 1001. Purposes.*
*Sec. 1002. Project authorizations.*
*Sec. 1003. Project review.*

*TITLE II—WATER RESOURCES POLICY REFORMS*

*Sec. 2001. Purposes.*
*Sec. 2002. Safety assurance review.*
*Sec. 2003. Continuing authority programs.*
*Sec. 2004. Continuing authority program prioritization.*
*Sec. 2005. Fish and wildlife mitigation.*
*Sec. 2006. Mitigation status report.*
*Sec. 2007. Independent peer review.*
*Sec. 2008. Operation and maintenance of navigation and hydroelectric facilities.*
*Sec. 2009. Hydropower at Corps of Engineers facilities.*
*Sec. 2010. Clarification of work-in-kind credit authority.*
*Sec. 2011. Transfer of excess work-in-kind credit.*
*Sec. 2012. Credit for in-kind contributions.*
*Sec. 2013. Credit in lieu of reimbursement.*
*Sec. 2014. Dam optimization.*
*Sec. 2015. Water supply.*
*Sec. 2016. Report on water storage pricing formulas.*
*Sec. 2017. Clarification of previously authorized work.*
*Sec. 2018. Consideration of Federal land in feasibility studies.*
*Sec. 2019. Planning assistance to States.*
*Sec. 2020. Vegetation management policy.*
*Sec. 2021. Levee certifications.*
*Sec. 2022. Restoration of flood and hurricane storm damage reduction projects.*
*Sec. 2023. Operation and maintenance of certain projects.*
*Sec. 2024. Dredging study.*
*Sec. 2025. Non-Federal project implementation pilot program.*
*Sec. 2026. Non-Federal implementation of feasibility studies.*
*Sec. 2027. Tribal partnership program.*
*Sec. 2028. Cooperative agreements with Columbia River Basin Indian tribes.*
*Sec. 2029. Military munitions response actions at civil works shoreline protection projects.*
*Sec. 2030. Beach nourishment.*
*Sec. 2031. Regional sediment management.*
*Sec. 2032. Study acceleration.*
*Sec. 2033. Project acceleration.*
*Sec. 2034. Feasibility studies.*
*Sec. 2035. Accounting and administrative expenses.*
*Sec. 2036. Determination of project completion.*
*Sec. 2037. Project partnership agreements.*
*Sec. 2038. Interagency and international support authority.*
*Sec. 2039. Acceptance of contributed funds to increase lock operations.*
*Sec. 2040. Emergency response to natural disasters.*

*Sec. 2041. Systemwide improvement frameworks.*
*Sec. 2042. Funding to process permits.*
*Sec. 2043. National riverbank stabilization and erosion prevention study and pilot program.*
*Sec. 2044. Hurricane and storm damage risk reduction prioritization.*
*Sec. 2045. Prioritization of ecosystem restoration efforts.*
*Sec. 2046. Special use permits.*
*Sec. 2047. Operations and maintenance on fuel taxed inland waterways.*
*Sec. 2048. Corrosion prevention.*
*Sec. 2049. Project deauthorizations.*
*Sec. 2050. Reports to Congress.*
*Sec. 2051. Indian Self-Determination and Education Assistance Act conforming amendment.*
*Sec. 2052. Invasive species review.*
*Sec. 2053. Wetlands conservation study.*
*Sec. 2054. Dam repair study.*

*TITLE III—PROJECT MODIFICATIONS*

*Sec. 3001. Purpose.*
*Sec. 3002. Chatfield Reservoir, Colorado.*
*Sec. 3003. Missouri River Recovery Implementation Committee expenses reimbursement.*
*Sec. 3004. Hurricane and storm damage reduction study.*
*Sec. 3005. Lower Yellowstone Project, Montana.*
*Sec. 3006. Project deauthorizations.*
*Sec. 3007. Raritan River Basin, Green Brook Sub-basin, New Jersey.*
*Sec. 3008. Red River Basin, Oklahoma, Texas, Arkansas, Louisiana.*
*Sec. 3009. Point Judith Harbor of Refuge, Rhode Island.*

*TITLE IV—WATER RESOURCE STUDIES*

*Sec. 4001. Purpose.*
*Sec. 4002. Initiation of new water resources studies.*
*Sec. 4003. Applicability.*

*TITLE V—REGIONAL AND NONPROJECT PROVISIONS*

*Sec. 5001. Purpose.*
*Sec. 5002. Northeast Coastal Region ecosystem restoration.*
*Sec. 5003. Chesapeake Bay Environmental Restoration and Protection Program.*
*Sec. 5004. Rio Grande environmental management program, Colorado, New Mexico, Texas.*
*Sec. 5005. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.*
*Sec. 5006. Arkansas River, Arkansas and Oklahoma.*
*Sec. 5007. Aquatic invasive species prevention and management; Columbia River Basin.*
*Sec. 5008. Upper Missouri Basin flood and drought monitoring.*
*Sec. 5009. Northern Rockies headwaters extreme weather mitigation.*
*Sec. 5010. Aquatic nuisance species prevention, Great Lakes and Mississippi River Basin.*

*TITLE VI—LEVEE SAFETY*

*Sec. 6001. Short title.*
*Sec. 6002. Findings; purposes.*

*Sec. 6003. Definitions.*
*Sec. 6004. National levee safety program.*
*Sec. 6005. National levee safety advisory board.*
*Sec. 6006. Inventory and inspection of levees.*
*Sec. 6007. Reports.*
*Sec. 6008. Effect of title.*
*Sec. 6009. Authorization of appropriations.*

*TITLE VII—INLAND WATERWAYS*

*Sec. 7001. Purposes.*
*Sec. 7002. Definitions.*
*Sec. 7003. Project delivery process reforms.*
*Sec. 7004. Major rehabilitation standards.*
*Sec. 7005. Inland waterways system revenues.*
*Sec. 7006. Efficiency of revenue collection.*

*TITLE VIII—HARBOR MAINTENANCE*

*Sec. 8001. Short title.*
*Sec. 8002. Purposes.*
*Sec. 8003. Funding for harbor maintenance programs.*
*Sec. 8004. Harbor Maintenance Trust Fund prioritization.*
*Sec. 8005. Civil works program of the Corps of Engineers.*

*TITLE IX—DAM SAFETY*

*Sec. 9001. Short title.*
*Sec. 9002. Purpose.*
*Sec. 9003. Administrator.*
*Sec. 9004. Inspection of dams.*
*Sec. 9005. National Dam Safety Program.*
*Sec. 9006. Public awareness and outreach for dam safety.*
*Sec. 9007. Authorization of appropriations.*

*TITLE X—INNOVATIVE FINANCING PILOT PROJECTS*

*Sec. 10001. Short title.*
*Sec. 10002. Purposes.*
*Sec. 10003. Definitions.*
*Sec. 10004. Authority to provide assistance.*
*Sec. 10005. Applications.*
*Sec. 10006. Eligible entities.*
*Sec. 10007. Projects eligible for assistance.*
*Sec. 10008. Activities eligible for assistance.*
*Sec. 10009. Determination of eligibility and project selection.*
*Sec. 10010. Secured loans.*
*Sec. 10011. Program administration.*
*Sec. 10012. State and local permits.*
*Sec. 10013. Regulations.*
*Sec. 10014. Funding.*
*Sec. 10015. Report to Congress.*

*TITLE XI—EXTREME WEATHER*

*Sec. 11001. Study on risk reduction.*

*Sec. 11002. GAO study on management of flood, drought, and storm damage.*
*Sec. 11003. Post-disaster watershed assessments.*

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

*In this Act, the term "Secretary" means the Secretary of the Army.*

# *TITLE I—WATER RESOURCE PROJECTS*

***SEC. 1001. PURPOSES.***

*The purposes of this title are—*

*(1) to authorize projects that—*

*(A) are the subject of a completed report of the Chief of Engineers containing a determination that the relevant project—*

*(i) is in the Federal interest;*

*(ii) results in benefits that exceed the costs of the project;*

*(iii) is environmentally acceptable; and*

*(iv) is technically feasible; and*

*(B) have been recommended to Congress for authorization by the Assistant Secretary of the Army for Civil Works; and*

*(2) to authorize the Secretary—*

*(A) to review projects that require increased authorization; and*

*(B) to request an increase of those authorizations after—*

*(i) certifying that the increases are necessary; and*

*(ii) submitting to Congress reports on the proposed increases.*

***SEC. 1002. PROJECT AUTHORIZATIONS.***

*The Secretary is authorized to carry out projects for water resources development, conservation, and other purposes, subject to the conditions that—*

*(1) each project is carried out—*

*(A) substantially in accordance with the plan for the project; and*

*(B) subject to any conditions described in the report for the project; and*

*(2) a Report of the Chief of Engineers has been completed and a referral by the Assistant Secretary of the Army for Civil Works has been made to Congress as of the date of enactment of this Act for the project.*

***SEC. 1003. PROJECT REVIEW.***

*(a) IN GENERAL.—For a project that is authorized by Federal law as of the date of enactment of this Act, the Secretary may modify the authorized project cost set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—*

*(1) by submitting the required certification and additional information to Congress in accordance with subsection (b); and*

*(2) after receiving an appropriation of funds in accordance with subsection (b)(3)(B).*

*(b) REQUIREMENTS FOR SUBMISSION.—*

*(1) CERTIFICATION.—The certification to Congress under subsection (a) shall include a certification by the Secretary that—*

*(A) expenditures above the authorized cost of the project are necessary to protect life and safety, maintain critical navigation routes, or restore ecosystems;*

*(B) the project continues to provide benefits identified in the report of the Chief of Engineers for the project; and*

*(C) for projects under construction—*

*(i) a temporary stop or delay resulting from a failure to increase the authorized cost of the project will increase costs to the Federal Government; and*

*(ii) the amount requested for the project in the budget of the President or included in a work plan for the expenditure of funds for the fiscal year during which the*

*certification is submitted will exceed the authorized cost of the project.*

*(2) ADDITIONAL INFORMATION.—The information provided to Congress about the project under subsection (a) shall include, at a minimum—*

*(A) a comprehensive review of the project costs and reasons for exceeding the authorized limits set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280);*

*(B) an expedited analysis of the updated benefits and costs of the project; and*

*(C) the new funding level needed to complete the project.*

*(3) APPROVAL OF CONGRESS.—The Secretary may not change the authorized project costs under subsection (a) unless—*

*(A) a certification and required information is submitted to Congress under subsection (b); and*

*(B) after such submission, amounts are appropriated to initiate or continue construction of the project in an appropriations or other Act.*

*(c) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section terminates on the date that is 3 years after the date of enactment of this Act.*

# *TITLE II—WATER RESOURCES POLICY REFORMS*

***SEC. 2001. PURPOSES.***

*The purposes of this title are—*

*(1) to reform the implementation of water resources projects by the Corps of Engineers;*

*(2) to make other technical changes to the water resources policy of the Corps of Engineers; and*

*(3) to implement reforms, including—*

*(A) enhancing the ability of local sponsors to partner with the Corps of Engineers by ensuring the eligibility of the local sponsors to receive and apply credit for work carried out by the sponsors and increasing the role of sponsors in carrying out Corps of Engineers projects;*

*(B) ensuring continuing authority programs can continue to meet important needs;*

*(C) encouraging the continuation of efforts to modernize feasibility studies and establish targets for expedited completion of feasibility studies;*

*(D) seeking efficiencies in the management of dams and related infrastructure to reduce environmental impacts while maximizing other benefits and project purposes, such as flood control, navigation, water supply, and hydropower;*

*(E) clarifying mitigation requirements for Corps of Engineers projects and ensuring transparency in the independent external review of those projects; and*

*(F) establishing an efficient and transparent process for deauthorizing projects that have failed to receive a minimum level of investment to ensure active projects can move forward while reducing the backlog of authorized projects.*

***SEC. 2002. SAFETY ASSURANCE REVIEW.***

*Section 2035 of the Water Resources Development Act of 2007 (33 U.S.C. 2344) is amended by adding at the end the following:*

*"(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.".*

***SEC. 2003. CONTINUING AUTHORITY PROGRAMS.***

*(a) SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.—Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—*

*(1) in subsection (a), by striking "$35,000,000" and inserting "$50,000,000"; and*

*(2) in subsection (b), by striking "$7,000,000" and inserting "$10,000,000".*

*(b) SHORE DAMAGE PREVENTION OR MITIGATION.—Section 111(c) of the River and Harbor Act of 1968 (33 U.S.C. 426i(c)) is amended by striking "$5,000,000" and inserting "$10,000,000".*

*(c) REGIONAL SEDIMENT MANAGEMENT.—*

*(1) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—*

*(A) in subsection (c)(1)(C), by striking "$5,000,000" and inserting "$10,000,000"; and*

*(B) in subsection (g), by striking "$30,000,000" and inserting "$50,000,000".*

*(2) APPLICABILITY.—Section 2037 of the Water Resources Development Act of 2007 (121 Stat. 1094) is amended by added at the end the following:*

*"(c) APPLICABILITY.—The amendment made by subsection (a) shall not apply to any project authorized under this Act if a report of the Chief of Engineers for the project was completed prior to the date of enactment of this Act.".*

*(d) SMALL FLOOD CONTROL PROJECTS.—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amend-*

*ed in the third sentence by striking "$7,000,000" and inserting "$10,000,000".*

*(e) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(d)) is amended—*

*(1) in the second sentence, by striking "Not more than 80 percent of the non-Federal may be" and inserting "The non-Federal share may be provided"; and*

*(2) in the third sentence, by striking "$5,000,000" and inserting "$10,000,000".*

*(f) AQUATIC ECOSYSTEM RESTORATION.—Section 206(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(d)) is amended by striking "$5,000,000" and inserting "$10,000,000".*

*(g) FLOODPLAIN MANAGEMENT SERVICES.—Section 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended by striking "$15,000,000" and inserting "$50,000,000".*

***SEC. 2004. CONTINUING AUTHORITY PROGRAM PRIORITIZATION.***

*(a) DEFINITION OF CONTINUING AUTHORITY PROGRAM PROJECT.—In this section, the term "continuing authority program" means 1 of the following authorities:*

*(1) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).*

*(2) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).*

*(3) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).*

*(4) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).*

*(5) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).*

*(6) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).*

*(b) PRIORITIZATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and on a publicly available website, the criteria the Secretary uses for prioritizing annual funding for continuing authority program projects.*

*(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall publish in the Federal Register and on a publicly available website, a report on the status of each continuing authority program, which, at a minimum, shall include—*

*(1) the name and a short description of each active continuing authority program project;*

*(2) the cost estimate to complete each active project; and*

*(3) the funding available in that fiscal year for each continuing authority program.*

*(d) CONGRESSIONAL NOTIFICATION.—On publication in the Federal Register under subsections (b) and (c), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of all information published under those subsections.*

***SEC. 2005. FISH AND WILDLIFE MITIGATION.***

*(a) IN GENERAL.—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—*

*(1) in subsection (d)—*

*(A) in paragraph (1)—*

*(i) in the first sentence—*

*(I) by inserting "for damages to ecological resources, including terrestrial and aquatic resources, and" after "mitigate";*

*(II) by inserting "ecological resources and" after "impact on"; and*

*(III) by inserting "without the implementation of mitigation measures" before the period; and*

*(ii) by inserting before the last sentence the following: "If the Secretary determines that mitigation to in-kind conditions is not possible, the Secretary shall identify in the report the basis for that determination."; and*

*(B) in paragraph (3)—*

*(i) in subparagraph (A), by inserting ", at a minimum," after "complies with"; and*

*(ii) in subparagraph (B)—*

*(I) by striking clause (iii);*

*(II) by redesginating clauses (iv) and (v) as clauses (v) and (vi), respectively; and*

*(III) by inserting after clause (ii) the following:*

*"(iii) for projects where mitigation will be carried out by the Secretary—*

*"(I) a description of the land and interest in land to be acquired for the mitigation plan;*

*"(II) the basis for a determination that the land and interests are available for acquisition; and*

*"(III) a determination that the proposed interest sought does not exceed the minimum interest in land necessary to meet the mitigation requirements for the project;*

*"(iv) for projects where mitigation will be carried out through a third party mitigation arrangement in accordance with subsection (i)—*

*"(I) a description of the third party mitigation instrument to be used; and*

*"(II) the basis for a determination that the mitigation instrument can meet the mitigation requirements for the project;"; and*

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

*"(h) PROGRAMMATIC MITIGATION PLANS.—*

*"(1) IN GENERAL.—The Secretary may develop 1 or more programmatic mitigation plans to address the potential impacts to ecological resources, fish, and*

*wildlife associated with existing or future water resources development projects.*

*"(2) USE OF MITIGATION PLANS.—The Secretary shall, to the maximum extent practicable, use programmatic mitigation plans developed in accordance with this subsection to guide the development of a mitigation plan under subsection (d).*

*"(3) NON-FEDERAL PLANS.—The Secretary shall, to the maximum extent practicable and subject to all conditions of this subsection, use programmatic environmental plans developed by a State, a body politic of the State, which derives its powers from a State constitution, a government entity created by State legislation, or a local government, that meet the requirements of this subsection to address the potential environmental impacts of existing or future water resources development projects.*

*"(4) SCOPE.—A programmatic mitigation plan developed by the Secretary or an entity described in paragraph (3) to address potential impacts of existing or future water resources development projects may—*

*"(A) be developed on a regional, ecosystem, watershed, or statewide scale;*

*"(B) encompass multiple environmental resources within a defined geographical area or*

*focus on a specific resource, such as aquatic resources or wildlife habitat; and*

*"(C) address impacts from all projects in a defined geographical area or focus on a specific type of project.*

*"(5) CONSULTATION.—The scope of the plan shall be determined by the Secretary or an entity described in paragraph (3), as appropriate, in consultation with the agency with jurisdiction over the resources being addressed in the environmental mitigation plan.*

*"(6) CONTENTS.—A programmatic environmental mitigation plan may include—*

*"(A) an assessment of the condition of environmental resources in the geographical area covered by the plan, including an assessment of recent trends and any potential threats to those resources;*

*"(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area covered by the plan through strategic mitigation for impacts of water resources development projects;*

*"(C) standard measures for mitigating certain types of impacts;*

*"(D) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;*

*"(E) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring;*

*"(F) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources; and*

*"(G) any offsetting benefits of self-mitigating projects, such as ecosystem or resource restoration and protection.*

*"(7) PROCESS.—Before adopting a programmatic environmental mitigation plan for use under this subsection, the Secretary shall—*

*"(A) for a plan developed by the Secretary—*

*"(i) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public; and*

*"(ii) consider any comments received from those agencies and the public on the draft plan; and*

*"(B) for a plan developed under paragraph (3), determine, not later than 180 days after receiving the plan, whether the plan meets the requirements of paragraphs (4) through (6) and was made available for public comment.*

*"(8) INTEGRATION WITH OTHER PLANS.—A programmatic environmental mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.*

*"(9) CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.—If a programmatic environmental mitigation plan has been developed under this subsection, any Federal agency responsible for environmental reviews, permits, or approvals for a water resources development project may use the recommendations in that programmatic environmental mitigation plan when carrying out the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*"(10) PRESERVATION OF EXISTING AUTHORITIES.—Nothing in this subsection limits the use of*

*programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*"(i) THIRD-PARTY MITIGATION ARRANGEMENTS.—*

*"(1) ELIGIBLE ACTIVITIES.—In accordance with all applicable Federal laws (including regulations), mitigation efforts carried out under this section may include—*

*"(A) participation in mitigation banking or other third-party mitigation arrangements, such as—*

*"(i) the purchase of credits from commercial or State, regional, or local agency-sponsored mitigation banks; and*

*"(ii) the purchase of credits from in-lieu fee mitigation programs; and*

*"(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands.*

*"(2) INCLUSION OF OTHER ACTIVITIES.—The banks, programs, and efforts described in paragraph (1) include any banks, programs, and efforts developed in accordance with applicable law (including regulations).*

*"(3) TERMS AND CONDITIONS.—In carrying out natural habitat and wetlands mitigation efforts under this section, contributions to the mitigation effort may—*

*"(A) take place concurrent with, or in advance of, the commitment of funding to a project; and*

*"(B) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and water resources development planning processes.*

*"(4) PREFERENCE.—At the request of the non-Federal project sponsor, preference may be given, to the maximum extent practicable, to mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement, if the use of credits from the mitigation bank or in-lieu fee, or the other third-party mitigation arrangement for the project has been approved by the applicable Federal agency.*

*"(j) USE OF FUNDS.—The Secretary may use funds made available for preconstruction engineering and design prior to authorization of project construction to acquire in-*

*terests in land necessary for meeting the mitigation requirements of this section.".*

*(b) APPLICATION.—The amendments made by subsection (a) shall not apply to a project for which a mitigation plan has been completed as of the date of enactment of this Act.*

*(c) TECHNICAL ASSISTANCE.—*

*(1) IN GENERAL.—The Secretary may provide technical assistance to States and local governments to establish third-party mitigation instruments, including mitigation banks and in-lieu fee programs, that will help to target mitigation payments to high-priority ecosystem restoration actions.*

*(2) REQUIREMENTS.—In providing technical assistance under this subsection, the Secretary shall give priority to States and local governments that have developed State, regional, or watershed-based plans identifying priority restoration actions.*

*(3) MITIGATION INSTRUMENTS.—The Secretary shall seek to ensure any technical assistance provided under this subsection will support the establishment of mitigation instruments that will result in restoration of high-priority areas identified in the plans under paragraph (2).*

***SEC. 2006. MITIGATION STATUS REPORT.***

*Section 2036(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2283a) is amended—*

*(1) by redesignating paragraph (3) as paragraph (4); and*

*(2) by inserting after paragraph (2) the following:*

*"(3) INFORMATION INCLUDED.—In reporting the status of all projects included in the report, the Secretary shall—*

*"(A) use a uniform methodology for determining the status of all projects included in the report;*

*"(B) use a methodology that describes both a qualitative and quantitative status for all projects in the report; and*

*"(C) provide specific dates for and participants in the consultations required under section 906(d)(4)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)(4)(B)).".*

***SEC. 2007. INDEPENDENT PEER REVIEW.***

*(a) TIMING OF PEER REVIEW.—Section 2034(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(b)) is amended—*

*(1) by redesignating paragraph (3) as paragraph (4); and*

*(2) by inserting after paragraph (2) the following:*

*"(3) REASONS FOR TIMING.—If the Chief of Engineers does not initiate a peer review for a project study at a time described in paragraph (2), the Chief shall—*

*"(A) not later than 7 days after the date on which the Chief of Engineers determines not to initiate a peer review—*

*"(i) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of that decision; and*

*"(ii) make publicly available, including on the Internet the reasons for not conducting the review; and*

*"(B) include the reasons for not conducting the review in the decision document for the project study.".*

*(b) ESTABLISHMENT OF PANELS.—Section 2034(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(c)) is amended by striking paragraph (4) and inserting the following:*

*"(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Following the identification of a project study for peer review under this section, but prior to initiation of the review by the panel of experts, the Chief of Engineers shall, not later than 7 days after the date on which the Chief of Engineers determines to conduct a review—*

*"(A) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review; and*

*"(B) make publicly available, including on the Internet, information on—*

*"(i) the dates scheduled for beginning and ending the review;*

*"(ii) the entity that has the contract for the review; and*

*"(iii) the names and qualifications of the panel of experts.".*

*(c) RECOMMENDATIONS OF PANEL.—Section 2034(f) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(f)) is amended by striking paragraph (2) and inserting the following:*

*"(2) PUBLIC AVAILABILITY AND SUBMISSION TO CONGRESS.—After receiving a report on a project*

*study from a panel of experts under this section, the Chief of Engineers shall make available to the public, including on the Internet, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—*

*"(A) a copy of the report not later than 7 days after the date on which the report is delivered to the Chief of Engineers; and*

*"(B) a copy of any written response of the Chief of Engineers on recommendations contained in the report not later than 3 days after the date on which the response is delivered to the Chief of Engineers.*

*"(3) INCLUSION IN PROJECT STUDY.—A report on a project study from a panel of experts under this section and the written response of the Chief of Engineers shall be included in the final decision document for the project study.".*

*(d) APPLICABILITY.—Section 2034(h)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(h)(2)) is amended by striking "7 years" and inserting "12 years".*

***SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.***

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

*(1) by striking the heading and inserting the following:*

***"SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.";***

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

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

*(3) in the second sentence, by striking "This section" and inserting the following:*

*"(b) MAJOR MAINTENANCE CONTRACTS ALLOWED.—This section";*

*(4) in subsection (a) (as designated by paragraph (2)), by inserting "navigation or" before "hydroelectric"; and*

*(5) by adding at the end the following:*

*"(c) EXCLUSION.—This section shall not—*

*"(1) apply to those navigation facilities that have been or are currently under contract with a non-Federal interest to perform operations and maintenance as of the date of enactment of the Water Resources Development Act of 2013; and*

*"(2) prohibit the Secretary from contracting out future commercial activities at those navigation facilities.".*

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

*"Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.".*

***SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.***

*(a) FINDINGS.—Congress finds that—*

*(1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the "Oak Ridge Lab") released a report finding that adding hydroelectric power to the non-powered dams of the United States has the potential to add more than 12 gigawatts of new generating capacity;*

*(2) the top 10 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential could alone supply 3 gigawatts of generating capacity;*

*(3) of the 50 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric*

*power potential, 48 are Corps of Engineers civil works projects;*

*(4) promoting non-Federal hydroelectric power at Corps of Engineers civil works projects increases the taxpayer benefit of those projects;*

*(5) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects—*

*(A) can be accomplished in a manner that is consistent with authorized project purposes and the responsibilities of the Corps of Engineers to protect the environment; and*

*(B) in many instances, may have additional environmental benefits; and*

*(6) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects could be promoted through—*

*(A) clear and consistent lines of responsibility and authority within and across Corps of Engineers districts and divisions on hydroelectric power development activities;*

*(B) consistent and corresponding processes for reviewing and approving hydroelectric power development; and*

*(C) developing a means by which non-Federal hydroelectric power developers and stake-*

*holders can resolve disputes with the Corps of Engineers concerning hydroelectric power development activities at Corps of Engineers civil works projects.*

*(b) POLICY.—Congress declares that it is the policy of the United States that—*

*(1) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, including locks and dams, shall be given priority;*

*(2) Corps of Engineers approval of non-Federal hydroelectric power at Corps of Engineers civil works projects, including permitting required under section 14 of the Act of March 3, 1899 (33 U.S.C. 408), shall be completed by the Corps of Engineers in a timely and consistent manner; and*

*(3) approval of hydropower at Corps of Engineers civil works projects shall in no way diminish the other priorities and missions of the Corps of Engineers, including authorized project purposes and habitat and environmental protection.*

*(c) REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transpor-*

*tation and Infrastructure of the House of Representatives a report that, at a minimum, shall include—*

*(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers civil works projects;*

*(2) a list of all new hydroelectric power activities by non-Federal entities approved at Corps of Engineers civil works projects in that fiscal year, including the length of time the Secretary needed to approve those activities;*

*(3) a description of the status of each pending application from non-Federal entities for approval to develop hydroelectric power at Corps of Engineers civil works projects;*

*(4) a description of any benefits or impacts to the environment, recreation, or other uses associated with Corps of Engineers civil works projects at which non-Federal entities have developed hydroelectric power in the previous fiscal year; and*

*(5) the total annual amount of payments or other services provided to the Corps of Engineers, the Treasury, and any other Federal agency as a result of approved non-Federal hydropower projects at Corps of Engineers civil works projects.*

***SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AUTHORITY.***

*(a) NON-FEDERAL COST SHARE.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended—*

*(1) in subsection (a)—*

*(A) by inserting ", on, or after" after "before"; and*

*(B) by inserting ", program," after "study" each place it appears;*

*(2) in subsections (b) and (e)(1), by inserting ", program," after "study" each place it appears; and*

*(3) by striking subsection (d) and inserting the following:*

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

*(b) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with any relevant agencies of the State of Louisiana,*

*shall establish a process by which to carry out the amendments made by subsection (a)(3).*

*(c) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on November 8, 2007.*

***SEC. 2011. TRANSFER OF EXCESS WORK-IN-KIND CREDIT.***

*(a) IN GENERAL.—Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that is in excess of the required non-Federal cost-share for a water resources study or project toward the required non-Federal cost-share for a different water resources study or project.*

*(b) RESTRICTIONS.—*

*(1) IN GENERAL.—Except for subsection (a)(4)(D)(i) of that section, the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 2012 of this Act) shall apply to any credit under this section.*

*(2) CONDITIONS.—Credit in excess of the non-Federal cost-share for a study or project may be approved under this section only if—*

*(A) the non-Federal interest submits a comprehensive plan to the Secretary that identifies—*

*(i) the studies and projects for which the non-Federal interest intends to provide in-kind contributions for credit that is in*

*excess of the non-Federal cost share for the study or project; and*

*(ii) the studies and projects to which that excess credit would be applied;*

*(B) the Secretary approves the comprehensive plan; and*

*(C) the total amount of credit does not exceed the total non-Federal cost-share for the studies and projects in the approved comprehensive plan.*

*(c) ADDITIONAL CRITERIA.—In evaluating a request to apply credit in excess of the non-Federal cost-share for a study or project toward a different study or project, the Secretary shall consider whether applying that credit will—*

*(1) help to expedite the completion of a project or group of projects;*

*(2) reduce costs to the Federal Government; and*

*(3) aid the completion of a project that provides significant flood risk reduction or environmental benefits.*

*(d) TERMINATION OF AUTHORITY.—The authority provided in this section shall terminate 10 years after the date of enactment of this Act.*

*(e) REPORT.—*

*(1) DEADLINES.—*

*(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the use of the authority under this section.*

*(B) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the use of the authority under this section.*

*(2) INCLUSIONS.—The reports described in paragraph (1) shall include—*

*(A) a description of the use of the authority under this section during the reporting period;*

*(B) an assessment of the impact of the authority under this section on the time required to complete projects; and*

*(C) an assessment of the impact of the authority under this section on other water resources projects.*

***SEC. 2012. CREDIT FOR IN-KIND CONTRIBUTIONS.***

*(a) IN GENERAL.—Section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is amended—*

*(1) in subparagraph (A), in the matter preceding clause (i) by inserting "or a project under an environmental infrastructure assistance program" after "law";*

*(2) in subparagraph (C), by striking "In any case" and all that follows through the period at the end and inserting the following:*

*"(i) CONSTRUCTION.—*

*"(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before execution of a partnership agreement and that construction has not been carried out as of the date of enactment of this subparagraph, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Fed-*

*eral interest shall carry out such work prior to the non-Federal interest initiating construction or issuing a written notice to proceed for the construction.*

*"(II) ELIGIBILITY.—Construction that is carried out after the execution of an agreement to carry out work described in subclause (I) and any design activities that are required for that construction, even if the design activity is carried out prior to the execution of the agreement to carry out work, shall be eligible for credit.*

*"(ii) PLANNING.—*

*"(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of planning carried out by the non-Federal interest before execution of a feasibility cost sharing agreement, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior*

*to the non-Federal interest initiating that planning.*

*"(II) ELIGIBILITY.—Planning that is carried out by the non-Federal interest after the execution of an agreement to carry out work described in subclause (I) shall be eligible for credit.";*

*(3) in subparagraph (D)(iii), by striking "sections 101 and 103" and inserting "sections 101(a)(2) and 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C. 2213(a)(1)(A))";*

*(4) by redesignating subparagraph (E) as subparagraph (H);*

*(5) by inserting after subparagraph (D) the following:*

*"(E) ANALYSIS OF COSTS AND BENEFITS.—In the evaluation of the costs and benefits of a project, the Secretary shall not consider construction carried out by a non-Federal interest under this subsection as part of the future without project condition.*

*"(F) TRANSFER OF CREDIT BETWEEN SEPARABLE ELEMENTS OF A PROJECT.—Credit for in-*

*kind contributions provided by a non-Federal interest that are in excess of the non-Federal cost share for an authorized separable element of a project may be applied toward the non-Federal cost share for a different authorized separable element of the same project.*

*"(G) APPLICATION OF CREDIT.—To the extent that credit for in-kind contributions, as limited by subparagraph (D), and credit for required land, easements, rights-of-way, dredged material disposal areas, and relocations provided by the non-Federal interest exceed the non-Federal share of the cost of construction of a project other than a navigation project, the Secretary shall reimburse the difference to the non-Federal interest, subject to the availability of funds."; and*

*(6) in subparagraph (H) (as redesignated by paragraph (4))—*

*(A) in clause (i), by inserting ", and to water resources projects authorized prior to the date of enactment of the Water Resources Development Act of 1986 (Public Law 99–662), if correction of design deficiencies is necessary" before the period at the end; and*

*(B) by striking clause (ii) and inserting the following:*

*"(ii) AUTHORIZATION IN ADDITION TO SPECIFIC CREDIT PROVISION.—In any case in which a specific provision of law authorizes credit for in-kind contributions provided by a non-Federal interest before the date of execution of a partnership agreement, the Secretary may apply the authority provided in this paragraph to allow credit for in-kind contributions provided by the non-Federal interest on or after the date of execution of the partnership agreement.".*

*(b) APPLICABILITY.—Section 2003(e) of the Water Resources Development Act of 2007 (42 U.S.C. 1962d-5b note) is amended by inserting ", or construction of design deficiency corrections on the project," after "construction on the project".*

*(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on November 8, 2007.*

*(d) GUIDELINES.—*

*(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update any guidance or regulations for carrying out section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)) (as amended by subsection (a)) that are in existence on the date of enactment of this Act or issue new guidelines, as determined to be appropriate by the Secretary.*

*(2) INCLUSIONS.—Any guidance, regulations, or guidelines updated or issued under paragraph (1) shall include, at a minimum—*

*(A) the milestone for executing an in-kind memorandum of understanding for construction by a non-Federal interest;*

*(B) criteria and procedures for evaluating a request to execute an in-kind memorandum of understanding for construction by a non-Federal interest that is earlier than the milestone under subparagraph (A) for that execution; and*

*(C) criteria and procedures for determining whether work carried out by a non-Federal interest is integral to a project.*

*(3) PUBLIC AND STAKEHOLDER PARTICIPATION.—Before issuing any new or revised guidance,*

*regulations, or guidelines or any subsequent updates to those documents, the Secretary shall—*

*(A) consult with affected non-Federal interests;*

*(B) publish the proposed guidelines developed under this subsection in the Federal Register; and*

*(C) provide the public with an opportunity to comment on the proposed guidelines.*

*(e) OTHER CREDIT.—Nothing in section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) (as amended by subsection (a)) affects any eligibility for credit under section 104 of the Water Resources Development of 1986 (33 U.S.C. 2214) that was approved by the Secretary prior to the date of enactment of this Act.*

***SEC. 2013. CREDIT IN LIEU OF REIMBURSEMENT.***

*Section 211(e)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended by adding at the end the following:*

*"(C) STUDIES OR OTHER PROJECTS.—On the request of a non-Federal interest, in lieu of reimbursing a non-Federal interest the amount equal to the estimated Federal share of the cost of an authorized flood damage reduction project or a separable element of an authorized flood*

*damage reduction project under this subsection that has been constructed by the non-Federal interest under this section as of the date of enactment of this Act, the Secretary may provide the non-Federal interest with a credit in that amount, which the non-Federal interest may apply to the share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies.''.*

***SEC. 2014. DAM OPTIMIZATION.***

*(a) DEFINITIONS.—In this section:*

*(1) OTHER RELATED PROJECT BENEFITS.—The term ''other related project benefits'' includes—*

*(A) environmental protection and restoration, including restoration of water quality and water flows, improving movement of fish and other aquatic species, and restoration of floodplains, wetlands, and estuaries;*

*(B) increased water supply storage;*

*(C) increased hydropower generation;*

*(D) reduced flood risk;*

*(E) additional navigation; and*

*(F) improved recreation.*

*(2) WATER CONTROL PLAN.—The term ''water control plan'' means—*

*(A) a plan for coordinated regulation schedules for project or system regulation; and*

*(B) such additional provisions as may be required to collect, analyze, and disseminate basic data, prepare detailed operating instructions, ensure project safety, and carry out regulation of projects in an appropriate manner.*

*(b) PROGRAM.—*

*(1) IN GENERAL.—The Secretary may carry out activities—*

*(A) to improve the efficiency of the operations and maintenance of dams and related infrastructure operated by the Corps of Engineers; and*

*(B) to maximize, to the extent practicable—*

*(i) authorized project purposes; and*

*(ii) other related project benefits.*

*(2) ELIGIBLE ACTIVITIES.—An eligible activity under this section is any activity that the Secretary would otherwise be authorized to carry out that is designed to provide other related project benefits in a manner that does not adversely impact the authorized purposes of the project, including—*

*(A) the review of project operations on a regular and timely basis to determine the potential for operational changes;*

*(B) carrying out any investigation or study the Secretary determines to be necessary; and*

*(C) the revision or updating of a water control plan or other modification of the operation of a water resource project.*

*(3) IMPACT ON AUTHORIZED PURPOSES.—An activity carried out under this section shall not adversely impact any of the authorized purposes of the project.*

*(4) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act.*

*(5) OTHER LAWS.—*

*(A) IN GENERAL.—An activity carried out under this section shall comply with all other applicable laws (including regulations).*

*(B) WATER SUPPLY.—Any activity carried out under this section that results in any modification to water supply storage allocations at a reservoir operated by the Secretary shall comply*

*with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).*

*(c) POLICIES, REGULATIONS, AND GUIDANCE.—The Secretary shall carry out a review of, and as necessary modify, the policies, regulations, and guidance of the Secretary to carry out the activities described in subsection (b).*

*(d) COORDINATION.—*

*(1) IN GENERAL.—The Secretary shall coordinate all planning and activities carried out under this section with appropriate Federal, State, and local agencies and those public and private entities that the Secretary determines may be affected by those plans or activities.*

*(2) NON-FEDERAL INTERESTS.—Prior to carrying out an activity under this section, the Secretary shall consult with any applicable non-Federal interest of the affected dam or related infrastructure.*

*(e) REPORTS.—*

*(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to Congress a report describing the actions carried out under this section.*

*(2) INCLUSIONS.—Each report under paragraph (1) shall include—*

*(A) a schedule for reviewing the operations of individual projects; and*

*(B) any recommendations of the Secretary on changes that the Secretary determines to be necessary—*

*(i) to carry out existing project authorizations, including the deauthorization of any water resource project that the Secretary determines could more effectively be achieved through other means;*

*(ii) to improve the efficiency of water resource project operations; and*

*(iii) to maximize authorized project purposes and other related project benefits.*

*(3) UPDATED REPORT.—*

*(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the report entitled "Authorized and Operating Purposes of Corps of Engineers Reservoirs" and dated July 1992, which was produced pursuant to section 311 of the Water Resources Development Act of 1990 (104 Stat. 4639).*

*(B) INCLUSIONS.—The updated report described in subparagraph (A) shall include—*

*(i) the date on which the most recent review of project operations was conducted and any recommendations of the Secretary relating to that review the Secretary determines to be significant; and*

*(ii) the dates on which the recommendations described in clause (i) were carried out.*

*(f) FUNDING.—*

*(1) IN GENERAL.—The Secretary may use to carry out this section amounts made available to the Secretary from—*

*(A) the general purposes and expenses account;*

*(B) the operations and maintenance account; and*

*(C) any other amounts that are appropriated to carry out this section.*

*(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to carry out this section.*

*(g) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with other Federal agencies and non-Federal entities to carry out this section.*

***SEC. 2015. WATER SUPPLY.***

*Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by striking subsection (d) and inserting the following:*

*"(d) CONGRESSIONAL APPROVAL OF MODIFICATIONS OF RESERVOIR PROJECTS.—Congressional approval shall be required for any modification that provides storage for municipal or industrial water supply at a reservoir project that has been authorized, surveyed, planned, or constructed if, when considered cumulatively with all previous modifications of the project, the modification would—*

*"(1) seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed;*

*"(2) involve major structural or operational changes; or*

*"(3) involve an allocation or reallocation of storage that is equal to or exceeds 5 percent of the conservation storage pool of the project.".*

***SEC. 2016. REPORT ON WATER STORAGE PRICING FORMULAS.***

*(a) FINDINGS.—Congress finds that—*

*(1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer*

*reservoirs so as to maintain a reliable supply of water into the foreseeable future;*

*(2) water storage pricing formulas should be equitable and not create disparities between users; and*

*(3) water pricing formulas should not be cost-prohibitive for communities.*

*(b) ASSESSMENT.—*

*(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the water storage pricing formulas of the Corps of Engineers, which shall include an assessment of—*

*(A) existing water storage pricing formulas of the Corps of Engineers, in particular whether those formulas produce water storage costs for some beneficiaries that are greatly disparate from the costs of other beneficiaries; and*

*(B) whether equitable water storage pricing formulas could lessen the disparate impact and produce more affordable water storage for potential beneficiaries.*

*(2) REPORT.—The Comptroller General of the United States shall submit to Congress a report on the assessment carried out under paragraph (1).*

***SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED WORK.***

*(a) IN GENERAL.—The Secretary may carry out measures to improve fish species habitat within the footprint and downstream of a water resources project constructed by the Secretary that includes a fish hatchery if the Secretary—*

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

*(2) determines that the measures are—*

*(A) feasible;*

*(B) consistent with authorized project purposes and the fish hatchery; and*

*(C) in the public interest.*

*(b) COST SHARING.—*

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

*(2) OPERATION AND MAINTENANCE.—The non-Federal interest shall contribute 100 percent of the costs of operation, maintenance, replacement, repair, and rehabilitation of a project constructed under this section.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to carry out this section $30,000,000.*

***SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASIBILITY STUDIES.***

*At the request of the non-Federal interest, the Secretary shall include as part of a regional or watershed study any Federal land that is located within the geographic scope of that study.*

***SEC. 2019. PLANNING ASSISTANCE TO STATES.***

*Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (1)—*

*(i) by inserting "or other stakeholder working with a State" after "cooperate with any State"; and*

*(ii) by inserting ", including plans to comprehensively address water resources challenges," after "of such State"; and*

*(B) in paragraph (2)(A), by striking ", at Federal expense,";*

*(2) in subsection (b)—*

*(A) in paragraph (1), by striking "subsection (a)(1)" each place it appears and inserting "subsection (a)";*

*(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and*

*(C) by inserting after paragraph (1) the following:*

*"(2) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal public body for assistance under this section." ; and*

*(3) in subsection (c)—*

*(A) in paragraph (1)—*

*(i) by striking "$10,000,000" and inserting "$30,000,000"; and*

*(ii) by striking "$2,000,000" and inserting "$5,000,000 in Federal funds"; and*

*(B) in paragraph (2), by striking "$5,000,000" and inserting "$15,000,000".*

***SEC. 2020. VEGETATION MANAGEMENT POLICY.***

*(a) DEFINITION OF NATIONAL GUIDELINES.—In this section, the term "national guidelines" means the Corps of Engineers policy guidelines for management of vegetation on levees, including—*

*(1) Engineering Technical Letter 1110-2-571 entitled "Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures" and adopted April 10, 2009; and*

*(2) the draft policy guidance letter entitled "Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls" (77 Fed. Reg. 9637 (Feb. 17, 2012)).*

*(b) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out a comprehensive review of the national guidelines in order to determine whether current Federal policy relating to levee vegetation is appropriate for all regions of the United States.*

*(c) FACTORS.—*

*(1) IN GENERAL.—In carrying out the review, the Secretary shall consider—*

*(A) the varied interests and responsibilities in managing flood risks, including the need—*

*(i) to provide for levee safety with limited resources; and*

*(ii) to ensure that levee safety investments minimize environmental impacts and provide corresponding public safety benefits;*

*(B) the levee safety benefits that can be provided by woody vegetation;*

*(C) the preservation, protection, and enhancement of natural resources, including—*

*(i) the benefit of vegetation on levees in providing habitat for endangered, threatened, and candidate species; and*

*(ii) the impact of removing levee vegetation on compliance with other regulatory requirements;*

*(D) protecting the rights of Indian tribes pursuant to treaties and statutes;*

*(E) the available science and the historical record regarding the link between vegetation on levees and flood risk;*

*(F) the avoidance of actions requiring significant economic costs and environmental impacts; and*

*(G) other factors relating to the factors described in subparagraphs (A) through (F) identified in public comments that the Secretary determines to be appropriate.*

*(2) VARIANCE CONSIDERATIONS.—*

*(A) IN GENERAL.—In carrying out the review, the Secretary shall specifically consider*

*whether the national guidelines can be amended to promote and allow for consideration of variances from national guidelines on a State-wide, tribal, regional, or watershed basis, including variances based on—*

*(i) soil conditions;*

*(ii) hydrologic factors;*

*(iii) vegetation patterns and characteristics;*

*(iv) environmental resources, including endangered, threatened, or candidate species and related regulatory requirements;*

*(v) levee performance history, including historical information on original construction and subsequent operation and maintenance activities;*

*(vi) any effects on water supply;*

*(vii) any scientific evidence on the link between levee vegetation and levee safety;*

*(viii) institutional considerations, including implementation challenges;*

*(ix) the availability of limited funds for levee construction and rehabilitation;*

*(x) the economic and environmental costs of removing woody vegetation on levees; and*

*(xi) other relevant factors identified in public comments that the Secretary determines to be appropriate.*

*(B) SCOPE.—The scope of a variance approved by the Secretary may include a complete exemption to national guidelines, as the Secretary determines to be necessary.*

*(d) COOPERATION AND CONSULTATION; RECOMMENDATIONS.—*

*(1) IN GENERAL.—The Secretary shall carry out the review under this section in consultation with other applicable Federal agencies, representatives of State, regional, local, and tribal governments, appropriate nongovernmental organizations, and the public.*

*(2) RECOMMENDATIONS.—The Chief of Engineers and any State, tribal, regional, or local entity may submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal and State laws, including recommendations relating to the review of national*

*guidelines under subsection (b) and the consideration of variances under subsection (c)(2).*

*(e) PEER REVIEW.—*

*(1) IN GENERAL.—As part of the review, the Secretary shall solicit and consider the views of the National Academy of Engineering and the National Academy of Sciences on the engineering, environmental, and institutional considerations underlying the national guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).*

*(2) AVAILABILITY OF VIEWS.—The views of the National Academy of Engineering and the National Academy of Sciences obtained under paragraph (1) shall be—*

*(A) made available to the public; and*

*(B) included in supporting materials issued in connection with the revised national guidelines required under subsection (f).*

*(f) REVISION OF NATIONAL GUIDELINES.—*

*(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—*

*(A) revise the national guidelines based on the results of the review, including—*

*(i) recommendations received as part of the consultation described in subsection (d)(1); and*

*(ii) the results of the peer review conducted under subsection (e); and*

*(B) submit to Congress a report that contains a summary of the activities of the Secretary and a description of the findings of the Secretary under this section.*

*(2) CONTENT; INCORPORATION INTO MANUAL.—The revised national guidelines shall—*

*(A) provide a practical, flexible process for approving Statewide, tribal, regional, or watershed variances from the national guidelines that—*

*(i) reflect due consideration of the factors described in subsection (c); and*

*(ii) incorporate State, tribal, and regional vegetation management guidelines for specific areas that have been adopted through a formal public process; and*

*(B) be incorporated into the manual proposed under section 5(c) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control,*

*and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(c)).*

*(3) FAILURE TO MEET DEADLINES.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of—*

*(A) why the deadline was missed;*

*(B) solutions needed to meet the deadline; and*

*(C) a projected date for submission of the report.*

*(g) CONTINUATION OF WORK.—Concurrent with the completion of the requirements of this section, the Secretary shall proceed without interruption or delay with those ongoing or programmed projects and studies, or elements of projects or studies, that are not directly related to vegetation variance policy.*

*(h) INTERIM ACTIONS.—*

*(1) IN GENERAL.—Until the date on which revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall not require the removal of existing vegetation as a condi-*

*tion or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.*

*(2) REVISIONS.—Beginning on the date on which the revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall consider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former national guidelines.*

***SEC. 2021. LEVEE CERTIFICATIONS.***

*(a) IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.—In carrying out section 100226 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—*

*(1) ensure that at least 1 program activity carried out under the inspection of completed works program of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision for each requirement under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); and*

*(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in alignment with the schedule established for the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).*

*(b) ACCELERATED LEVEE SYSTEM EVALUATIONS AND CERTIFICATIONS.—*

*(1) IN GENERAL.—On receipt of a request from a non-Federal interest, the Secretary may carry out a levee system evaluation and certification of a federally authorized levee for purposes of the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) if the evaluation and certification will be carried out earlier than such an evaluation and certification would be carried out under subsection (a).*

*(2) REQUIREMENTS.—A levee system evaluation and certification under paragraph (1) shall—*

*(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and*

*(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Director of the Federal Emergency Management Agency, may establish.*

*(3) COST SHARING.—*

*(A) NON-FEDERAL SHARE.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection shall be 35 percent.*

*(B) ADJUSTMENT.—The Secretary shall adjust the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).*

*(4) APPLICATION.—Nothing in this subsection affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942).*

***SEC. 2022. RESTORATION OF FLOOD AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.***

*(a) IN GENERAL.—The Secretary shall carry out any measures necessary to restore components of federally authorized and federally constructed flood and hurricane*

*storm damage reduction projects to authorized levels of protection for reasons including settlement, subsidence, sea level rise, and new datum, if the Secretary determines the necessary work is feasible.*

*(b) COST SHARE.—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).*

*(c) OPERATIONS AND MAINTENANCE.—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.*

*(d) ELIGIBILITY OF PROJECTS TRANSFERRED TO NON-FEDERAL INTEREST.—The Secretary may carry out measures described in subsection (a) on a water resources project, separable element of a project, or functional component of a project that has been transferred to the non-Federal interest.*

*(e) REPORT TO CONGRESS.—Not later than 8 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section, including—*

*(1) any recommendations relating to the continued need for the authority provided in this section;*

*(2) a description of the measures carried out under this section;*

*(3) any lessons learned relating to the measures implemented under this section; and*

*(4) best practices for carrying out measures to restore flood damage reduction projects.*

*(f) TERMINATION OF AUTHORITY.—The authority to carry out a measure under this section terminates on the date that is 10 years after the date of enactment of this Act.*

*(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $250,000,000.*

***SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS.***

*The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012, if—*

*(1) the Secretary determines that the requirements under paragraphs (2) and (3) of section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)) are met;*

*(2) the Secretary determines that the activities carried out by the non-Federal interest in deepening the navigation channel are economically justified and environmentally acceptable; and*

*(3) the deepening activities have been carried out on a Federal navigation channel that—*

*(A) exists as of the date of enactment of this Act; and*

*(B) has been authorized by Congress.*

***SEC. 2024. DREDGING STUDY.***

*(a) IN GENERAL.—The Secretary, in conjunction with other relevant Federal agencies and applicable non-Federal interests, shall carry out a study—*

*(1) to compare domestic and international dredging markets, including costs, technologies, and management approaches used in each respective market, and determine the impacts of those markets on dredging needs and practices in the United States;*

*(2) to analyze past and existing practices, technologies, and management approaches used in dredging in the United States; and*

*(3) to develop recommendations relating to the best techniques, practices, and management approaches for dredging in the United States.*

*(b) PURPOSES.—The purposes of the study under this section are—*

*(1) the identification of the best techniques, methods, and technologies for dredging, including the evaluation of the feasibility, cost, and benefits of—*

*(A) new dredging technologies; and*

*(B) improved dredging practices and techniques;*

*(2) the appraisal of the needs of the United States for dredging, including the need to increase the size of private and Corps of Engineers dredging fleets to meet demands for additional construction or maintenance dredging needed as of the date of enactment of this Act and in the subsequent 20 years;*

*(3) the identification of any impediments to dredging, including any recommendations of appropriate alternatives for responding to those impediments;*

*(4) the assessment, including any recommendations of appropriate alternatives, of the adequacy and effectiveness of—*

*(A) the economic, engineering, and environmental methods, models, and analyses used by the Chief of Engineers and private dredging operations for dredging; and*

*(B) the current cost structure of construction contracts entered into by the Chief of Engineers;*

*(5) the evaluation of the efficiency and effectiveness of past, current, and alternative dredging practices and alternatives to dredging, including agitation dredging; and*

*(6) the identification of innovative techniques and cost-effective methods to expand regional sediment management efforts, including the placement of dredged sediment within river diversions to accelerate the creation of wetlands.*

*(c) STUDY TEAM.—*

*(1) IN GENERAL.—The Secretary shall establish a study team to assist the Secretary in planning, carrying out, and reporting on the results of the study under this section.*

*(2) STUDY TEAM.—The study team established pursuant to paragraph (1) shall—*

*(A) be appointed by the Secretary; and*

*(B) represent a broad spectrum of experts in the field of dredging and representatives of relevant State agencies and relevant non-Federal interests.*

*(d) PUBLIC COMMENT PERIOD.—The Secretary shall—*

*(1) make available to the public, including on the Internet, all draft and final study findings under this section; and*

*(2) allow for a public comment period of not less than 30 days on any draft study findings prior to issuing final study findings.*

*(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and subject to available appropriations, the Secretary, in consultation with the study team established under subsection (c), shall submit a detailed report on the results of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.*

*(f) FAILURE TO MEET DEADLINES.—If the Secretary does not complete the study under this section and submit a report to Congress under subsection (e) on or before the deadline described in that subsection, the Secretary shall notify Congress and describe why the study was not completed.*

***SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.***

*(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, and coastal harbor and channel and inland harbor navigation projects.*

*(b) PURPOSES.—The purposes of the pilot program are—*

*(1) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;*

*(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and*

*(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.*

*(c) ADMINISTRATION.—*

*(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall—*

*(A) identify a total of not more than 12 projects for flood risk management, hurricane and storm damage reduction, including levees, floodwalls, flood control channels, water control structures, and coastal harbor and channel and inland harbor navigation, that have been authorized for construction prior to the date of enactment of this Act that—*

*(i)(I) have received Federal funds prior to the date of enactment of this Act; or*

*(II) for more than 2 consecutive fiscal years, have an unobligated funding balance for that project in the Corps of Engineers construction account; and*

*(ii) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers;*

*(B) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;*

*(C) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the*

*scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;*

*(D) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;*

*(E) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—*

*(i) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and*

*(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the*

*total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and*

*(F) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.*

*(2) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1)(D), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for each milestone in the construction of the project.*

*(3) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance, relating to—*

*(A) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this section; and*

*(B) expeditiously obtaining any permits necessary for the project.*

*(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this section.*

*(e) REPORT.—*

*(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—*

*(A) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(2); and*

*(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.*

*(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).*

*(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.*

*(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this section.*

*(g) TERMINATION OF AUTHORITY.—The authority to commence a project under this section terminates on the date that is 5 years after the date of enactment of this Act.*

*(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to*

*carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.*

***SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.***

*(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out feasibility studies for flood risk management, hurricane and storm damage reduction, ecosystem restoration, and coastal harbor and channel and inland harbor navigation.*

*(b) PURPOSES.—The purposes of the pilot program are—*

*(1) to identify project delivery and cost-saving alternatives to the existing feasibility study process;*

*(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and*

*(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.*

*(c) ADMINISTRATION.—*

*(1) IN GENERAL.—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-Federal interest to provide full project management control of a feasibility study for a project for—*

*(A) flood risk management;*

*(B) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;*

*(C) coastal harbor and channel and inland harbor navigation; and*

*(D) ecosystem restoration.*

*(2) USE OF NON-FEDERAL-FUNDS.—*

*(A) IN GENERAL.—A non-Federal interest that has entered into an agreement with the Secretary pursuant to paragraph (1) may use non-Federal funds to carry out the feasibility study.*

*(B) CREDIT.—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this section an amount equal to the portion of the cost of developing the study that would have been the responsibility of the Secretary, if the study were car-*

*ried out by the Secretary, subject to the conditions that—*

*(i) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;*

*(ii) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and*

*(iii) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under paragraph (1).*

*(3) TRANSFER OF FUNDS.—*

*(A) IN GENERAL.—After the date on which an agreement is executed pursuant to paragraph (1), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—*

*(i) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and*

*(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.*

*(B) ADMINISTRATION.—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under paragraph (1) to ensure that a non-Federal interest receiving Federal funds under this paragraph—*

*(i) has the necessary qualifications to administer those funds; and*

*(ii) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.*

*(4) NOTIFICATION.—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.*

*(5) AUDITING.—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to ensure that the use of any funds transferred under paragraph (3) are used in compliance with the agreement signed under paragraph (1).*

*(6) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.*

*(7) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.*

*(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this section.*

*(e) REPORT.—*

*(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—*

*(A) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(7); and*

*(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.*

*(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).*

*(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit*

*to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.*

*(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this section.*

*(g) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this section terminates on the date that is 5 years after the date of enactment of this Act.*

*(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.*

***SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.***

*Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—*

*(1) in subsection (d)(1)(B)—*

*(A) by striking "The ability" and inserting the following:*

*"(i) IN GENERAL.—The ability"; and*

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

*"(ii) DETERMINATION.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall issue guidance on the procedures described in clause (i)."; and*

*(2) in subsection (e), by striking "2012" and inserting "2023".*

***SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA RIVER BASIN INDIAN TRIBES.***

*The Secretary may enter into a cooperative agreement with 1 or more federally recognized Indian tribes (or a designated representative of the Indian tribes) that are located, in whole or in part, within the boundaries of the Columbia River Basin to carry out authorized activities within the Columbia River Basin to protect fish, wildlife, water quality, and cultural resources.*

***SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT CIVIL WORKS SHORELINE PROTECTION PROJECTS.***

*(a) IN GENERAL.—The Secretary may implement any response action the Secretary determines to be necessary at a site where—*

*(1) the Secretary has carried out a project under civil works authority of the Secretary that includes placing sand on a beach;*

*(2) as a result of the project described in paragraph (1), military munitions that were originally released as a result of Department of Defense activities are deposited on the beach, posing a threat to human health or the environment.*

*(b) RESPONSE ACTION FUNDING.—A response action described in subsection (a) shall be funded from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.*

***SEC. 2030. BEACH NOURISHMENT.***

*Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended to read as follows:*

***"SEC. 156. BEACH NOURISHMENT.***

*"(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, may provide periodic beach nourishment for each water resources development project for which that nourishment has been authorized for an additional period of time, as determined by the Secretary, subject to the condition that the additional period shall not exceed the later of—*

*"(1) 50 years after the date on which the construction of the project is initiated; or*

*"(2) the date on which the last estimated periodic nourishment for the project is to be carried out, as recommended in the applicable report of the Chief of Engineers.*

*"(b) EXTENSION.—Before the end of the 50-year period referred to in subsection (a)(1), the Secretary of the Army, acting through the Chief of Engineers—*

*"(1) may, at the request of the non-Federal interest and subject to the availability of appropriations, carry out a review of a nourishment project carried out under subsection (a) to evaluate the feasibility of continuing Federal participation in the project for a period not to exceed 15 years; and*

*"(2) shall submit to Congress any recommendations of the Secretary relating to the review.".*

***SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.***

*Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) (as amended by section 2003(c)) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (1), by inserting "or used in" after "obtained through"; and*

*(B) in paragraph (3)(C), by inserting "for the purposes of improving environmental conditions in marsh and littoral systems, stabilizing*

*stream channels, enhancing shorelines, and supporting State and local risk management adaptation strategies" before the period at the end;*

*(2) in subsection (c)(1)(B)—*

*(A) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)";*

*(B) by redesignating clause (ii) as clause (iii); and*

*(C) by inserting after clause (i) the following:*

*"(ii) REDUCTION IN NON-FEDERAL SHARE.—The Secretary may reduce the non-Federal share of the costs of construction of a project if the Secretary determines that, through the beneficial use of sediment at another Federal project, there will be an associated reduction or avoidance of Federal costs.";*

*(3) in subsection (d)—*

*(A) by striking the subsection designation and heading and inserting the following:*

*"(d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL RESTORATION OR STORM DAMAGE AND FLOOD REDUCTION.—"; and*

*(B) in paragraph (1), by striking "in relation to" and all that follows through the period at the end and inserting "in relation to—*

*"(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion; or*

*"(B) the flood and storm damage and flood reduction benefits, including shoreline protection, protection against loss of life, and damage to improved property."; and*

*(4) in subsection (e), by striking paragraph (1) and inserting the following:*

*"(1) cooperate with any State or group of States in the preparation of a comprehensive State or regional sediment management plan within the boundaries of the State or among States;".*

***SEC. 2032. STUDY ACCELERATION.***

*(a) FINDINGS.—Congress finds that—*

*(1) delays in the completion of feasibility studies—*

*(A) increase costs for the Federal Government as well as State and local governments; and*

*(B) delay the implementation of water resources projects that provide critical benefits, including reducing flood risk, maintaining commercially important flood risk, and restoring vital ecosystems; and*

*(2) the efforts undertaken by the Corps of Engineers through the establishment of the "3-3-3" planning process should be continued.*

*(b) ACCELERATION OF STUDIES.—*

*(1) IN GENERAL.—Subject to paragraphs (2) and (3), a feasibility study initiated after the date of enactment of this Act shall—*

*(A) be completed not later than 3 years after the date of initiation of the study; and*

*(B) have a maximum Federal cost share of $3,000,000.*

*(2) ABILITY TO COMPLY.—On initiating a feasibility study under paragraph (1), the Secretary shall—*

*(A) certify that the study will comply with the requirements of paragraph (1);*

*(B) for projects the Secretary determines to be too complex to comply with the requirements of paragraph (1)—*

*(i) not less than 30 days after making a determination, notify the non-Federal interest regarding the inability to comply; and*

*(ii) provide a new projected timeline and cost; and*

*(C) if the study conditions have changed such that scheduled timelines or study costs will not be met—*

*(i) not later than 30 days after the study conditions change, notify the non-Federal interest of those changed conditions; and*

*(ii) present the non-Federal interest with a new timeline for completion and new projected study costs.*

*(3) APPROPRIATIONS.—*

*(A) IN GENERAL.—All timeline and cost conditions under this section shall be subject to the Secretary receiving adequate appropriations for meeting study timeline and cost requirements.*

*(B) NOTIFICATION.—Not later than 60 days after receiving appropriations, the Secretary shall notify the non-Federal interest of any*

*changes to timelines or costs due to inadequate appropriations.*

*(c) REPORT.—Not later than 18 months after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—*

*(1) the status of the implementation of the "3-3-3" planning process, including the number of participating projects;*

*(2) the amount of time taken to complete all studies participating in the "3-3-3" planning process; and*

*(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process for water resource projects.*

***SEC. 2033. PROJECT ACCELERATION.***

*Section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) is amended to read as follows:*

***"SEC. 2045. PROJECT ACCELERATION.***

*"(a) DEFINITIONS.—In this section:*

*"(1) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means the detailed statement of environmental impacts of water*

*resources projects required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*"(2) ENVIRONMENTAL REVIEW PROCESS.—*

*"(A) IN GENERAL.—The term 'environmental review process' means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a water resources project.*

*"(B) INCLUSIONS.—The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a water resources project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*"(3) LEAD AGENCY.—The term 'lead agency' means the Corps of Engineers and, if applicable, any State, local, or tribal governmental entity serving as a joint lead agency pursuant to this section.*

*"(b) POLICY.—The benefits of water resources projects are important to the economy and environment of the United States, and recommendations to Congress regarding*

*those projects should be accelerated by coordinated and efficient review and cooperative efforts to prevent or quickly resolve disputes during the development and implementation of those water resources projects.*

*"(c) APPLICABILITY.—*

*"(1) IN GENERAL.—The project development procedures under this section apply to the development of projects initiated after the date of enactment of the Water Resources Development Act of 2013 and for which the Secretary determines that—*

*"(A) an environmental impact statement is required; or*

*"(B) at the discretion of the Secretary, other water resources projects for which an environmental review process document is required to be prepared.*

*"(2) FLEXIBILITY.—Any authorities granted in this section may be exercised, and any requirements established under this section may be satisfied, for the development of a water resources project, a class of those projects, or a program of those projects.*

*"(3) LIST OF WATER RESOURCES DEVELOPMENT PROJECTS.—*

*"(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a*

*separate list of each study that the Secretary has determined—*

*"(i) meets the standards described in paragraph (1); and*

*"(ii) does not have adequate funding to make substantial progress toward the completion of the planning activities for the water resources project.*

*"(B) INCLUSIONS.—The Secretary shall include for each study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the study.*

*"(4) IMPLEMENTATION GUIDANCE.—The Secretary shall prepare, in consultation with the Council on Environmental Quality and other Federal agencies with jurisdiction over actions or resources that may be impacted by a water resources project, guidance documents that describe the processes that the Secretary will use to implement this section, in accordance with the civil works program of the Corps of Engineers and all applicable law.*

*"(d) WATER RESOURCES PROJECT REVIEW PROCESS.—The Secretary shall develop and implement a coordi-*

*nated review process for the development of water resources projects.*

*"(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to the development of each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may—*

*"(1) have jurisdiction over the project;*

*"(2) be required by law to conduct or issue a review, analysis, or opinion for the project; or*

*"(3) be required to make a determination on issuing a permit, license, or approval for the project.*

*"(f) STATE AUTHORITY.—If the coordinated review process is being implemented under this section by the Secretary with respect to the development of a water resources project described in subsection (c) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—*

*"(1) have jurisdiction over the project;*

*"(2) are required to conduct or issue a review, analysis, or opinion for the project; or*

*"(3) are required to make a determination on issuing a permit, license, or approval for the project.*

*"(g) LEAD AGENCIES.—*

*"(1) FEDERAL LEAD AGENCY.—Subject to paragraph (2), the Corps of Engineers shall be the lead Federal agency in the environmental review process for a water resources project.*

*"(2) JOINT LEAD AGENCIES.—*

*"(A) IN GENERAL.—At the discretion of the Secretary and subject to any applicable regulations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an agency other than the Corps of Engineers may serve as the joint lead agency.*

*"(B) NON-FEDERAL INTEREST AS JOINT LEAD AGENCY.—A non-Federal interest that is a State or local governmental entity—*

*"(i) may serve as a joint lead agency with the Corps of Engineers for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and*

*"(ii) may prepare any environmental review process document required in support of any action or approval by the Secretary if—*

*"(I) the Corps of Engineers provides guidance in the preparation*

*process and independently evaluates that document; and*

*"(II) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.*

*"(3) DUTIES.—The Secretary shall ensure that—*

*"(A) the non-Federal interest complies with all design and mitigation commitments made jointly by the Secretary and the non-Federal interest in any environmental document prepared by the non-Federal interest in accordance with this subsection; and*

*"(B) any environmental document prepared by the non-Federal interest is appropriately supplemented if changes to the water resources project become necessary.*

*"(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent*

*that the Federal agency could adopt or use a document prepared by another Federal agency.*

*"(5) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any water resources project, the lead agency shall have authority and responsibility—*

*"(A) to take such actions as are necessary and proper and within the authority and responsibility of the lead agency to facilitate the expeditious resolution of the environmental review process for the water resources project; and*

*"(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a water resources project required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.*

*"(h) PARTICIPATING AGENCIES.—*

*"(1) INVITATION.—*

*"(A) IN GENERAL.—The lead agency shall identify, as early as practicable in the environmental review process for a water resources project, any other Federal or non-Federal agencies that may have an interest in that project*

*and invite those agencies to become participating agencies in the environmental review process for the water resources project.*

*"(B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the lead agency for good cause.*

*"(2) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a water resources project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—*

*"(A) has no jurisdiction or authority with respect to the water resources project;*

*"(B) has no expertise or information relevant to the water resources project;*

*"(C) does not intend to submit comments on the water resources project; and*

*"(D) does not have adequate funds to participate in the water resources project.*

*"(3) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—*

*"(A) supports a proposed water resources project; or*

*"(B) has any jurisdiction over, or special expertise with respect to evaluation of, the water resources project.*

*"(4) CONCURRENT REVIEWS.—Each participating agency shall—*

*"(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and*

*"(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.*

*"(i) PROGRAMMATIC COMPLIANCE.—*

*"(1) IN GENERAL.—The Secretary shall issue guidance to allow for the use of programmatic ap-*

*proaches to carry out the environmental review process that—*

*"(A) eliminates repetitive discussions of the same issues;*

*"(B) focuses on the actual issues ripe for analyses at each level of review;*

*"(C) establishes a formal process for coordinating with participating agencies, including the creation of a list of all data that is needed to carry out an environmental review process; and*

*"(D) is consistent with—*

*"(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and*

*"(ii) other applicable laws.*

*"(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—*

*"(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal and State agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;*

*"(B) emphasize the importance of collaboration among relevant Federal agencies, State*

*agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;*

*"(C) ensure that the programmatic reviews—*

*"(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, or tribal agencies, or the public, and the temporal and special scales to be used to analyze those issues;*

*"(ii) use accurate and timely information in the environmental review process, including—*

*"(I) criteria for determining the general duration of the usefulness of the review; and*

*"(II) the timeline for updating any out-of-date review;*

*"(iii) describe—*

*"(I) the relationship between programmatic analysis and future tiered analysis; and*

*"(II) the role of the public in the creation of future tiered analysis; and*

*"(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public;*

*"(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and*

*"(E) address any comments received under subparagraph (D).*

*"(j) COORDINATED REVIEWS.—*

*"(1) COORDINATION PLAN.—*

*"(A) ESTABLISHMENT.—*

*"(i) IN GENERAL.—The lead agency shall establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a water resources project or a category of water resources projects.*

*"(ii) INCORPORATION.—The plan established under clause (i) shall be incorporated into the project schedule milestones set under section 905(g)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(g)(2)).*

*"(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:*

*"(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and States agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—*

*"(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, as applicable, and all participating agencies; or*

*"(ii) the deadline is extended by the lead agency for good cause.*

*"(B) OTHER ENVIRONMENTAL REVIEW PROCESSES.—For all comment periods established by the lead agency for agency or public comments in the environmental review process other than for a draft environmental impact statement, a period of not more than 30 days after the date on which the materials on which*

*comment is requested are made available, unless—*

*"(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, and all participating agencies; or*

*"(ii) the deadline is extended by the lead agency for good cause.*

*"(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (k)(6)(B)(ii), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—*

*"(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and*

*"(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that*

*remain outstanding as of the date of the additional notice.*

*"(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law (including regulations).*

*"(k) ISSUE IDENTIFICATION AND RESOLUTION.—*

*"(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the project under applicable laws.*

*"(2) LEAD AGENCY RESPONSIBILITIES.—*

*"(A) IN GENERAL.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.*

*"(B) DATA SOURCES.—The information under subparagraph (A) may be based on exist-*

*ing data sources, including geographic information systems mapping.*

*"(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.*

*"(4) INTERIM DECISION ON ACHIEVING ACCELERATED DECISIONMAKING.—*

*"(A) IN GENERAL.—Not later than 30 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the non-Federal interest or joint lead agency, as applicable, relevant resource agencies, and relevant Federal and State agencies to establish a schedule of deadlines to complete decisions regarding the project.*

*"(B) DEADLINES.—*

*"(i) IN GENERAL.—The deadlines referred to in subparagraph (A) shall be those established by the Secretary, in consultation*

*with the non-Federal interest or joint lead agency, as applicable, and other relevant Federal and State agencies.*

*"(ii) FACTORS FOR CONSIDERATION.—In establishing a schedule, the Secretary shall consider factors such as—*

*"(I) the responsibilities of participating agencies under applicable laws;*

*"(II) the resources available to the non-Federal interest, joint lead agency, and other relevant Federal and State agencies, as applicable;*

*"(III) the overall size and complexity of the project;*

*"(IV) the overall schedule for and cost of the project; and*

*"(V) the sensitivity of the natural and historical resources that could be affected by the project.*

*"(iii) MODIFICATIONS.—The Secretary may—*

*"(I) lengthen a schedule under clause (i) for good cause; and*

*"(II) shorten a schedule only with concurrence of the affected non-Federal*

*interest, joint lead agency, or relevant Federal and State agencies, as applicable.*

*"(C) FAILURE TO MEET DEADLINE.—If the agencies described in subparagraph (A) cannot provide reasonable assurances that the deadlines described in subparagraph (B) will be met, the Secretary may initiate the issue resolution and referral process described under paragraph (5) before the completion of the record of decision.*

*"(5) ACCELERATED ISSUE RESOLUTION AND REFERRAL.—*

*"(A) AGENCY ISSUE RESOLUTION MEETING.—*

*"(i) IN GENERAL.—A participating agency or non-Federal interest may request an issue resolution meeting to be conducted by the Secretary.*

*"(ii) ACTION BY SECRETARY.—The Secretary shall convene an issue resolution meeting under clause (i) with the relevant participating agencies and the non-Federal interest, as applicable, to resolve issues that could—*

*"(I) delay completion of the environmental review process; or*

*"(II) result in denial of any approvals required for the project under applicable laws.*

*"(iii) DATE.—A meeting requested under this subparagraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.*

*"(iv) NOTIFICATION.—On receipt of a request for a meeting under this subparagraph, the Secretary shall notify all relevant participating agencies of the request, including the issue to be resolved and the date for the meeting.*

*"(v) DISPUTES.—If a relevant participating agency with jurisdiction over an approval required for a project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the*

*Secretary disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.*

*"(vi) CONVENTION BY LEAD AGENCY.—The Secretary may convene an issue resolution meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under clause (i).*

*"(vii) EXCEPTION.—*

*"(I) IN GENERAL.—The issue resolution and referral process under this subparagraph shall not be initiated if the applicable agency—*

*"(aa) certifies that—*

*"(AA) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law;*

*"(BB) significant new information or cir-*

*cumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or*

*"(CC) the agency lacks the financial resources to complete the review under the scheduled timeframe, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline; and*

*"(bb) establishes a new deadline for completion of the review.*

*"(II) INSPECTOR GENERAL.—If the applicable agency makes a certification under subclause (I)(aa)(CC), the*

*Inspector General of the applicable agency shall conduct a financial audit to review that certification and submit a report on that certification within 90 days to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.*

*"(B) ELEVATION OF ISSUE RESOLUTION.—*

*"(i) IN GENERAL.—If issue resolution is not achieved by not later than 30 days after the date on which a relevant meeting is held under subparagraph (A), the Secretary shall notify the heads of the relevant participating agencies and the non-Federal interest that an issue resolution meeting will be convened.*

*"(ii) REQUIREMENTS.—The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date on which the notice is issued.*

*"(C) REFERRAL OF ISSUE RESOLUTION.—*

*"(i) REFERRAL TO COUNCIL ON ENVIRONMENTAL QUALITY.—*

*"(I) IN GENERAL.—If a resolution is not achieved by not later than 30 days after the date on which an issue resolution meeting is held under subparagraph (B), the Secretary shall refer the matter to the Council on Environmental Quality.*

*"(II) MEETING.—Not later than 30 days after the date on which the Council on Environmental Quality receives a referral from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant participating agencies and the non-Federal interest.*

*"(ii) REFERRAL TO THE PRESIDENT.—If a resolution of the issue is not achieved by not later than 30 days after the date on which an issue resolution meeting is convened by the Council on Environmental Quality under clause (i)(II), the Secretary*

*shall refer the matter directly to the President.*

*"(6) FINANCIAL PENALTY PROVISIONS.—*

*"(A) IN GENERAL.—A Federal agency with jurisdiction over an approval required for a project under applicable Federal laws (including regulations) shall complete any required approval on an expeditious basis using the shortest existing applicable process.*

*"(B) FAILURE TO DECIDE.—*

*"(i) IN GENERAL.—If an agency described in subparagraph (A) fails to render a decision under any Federal law relating to a project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, or other approval by the date described in clause (ii), an amount of funding equal to the amounts specified in subclause (I) or (II) shall be transferred from the applicable office of the head of the agency, or equivalent office to which the authority for rendering the decision has been delegated by law to the agency or division charged with*

*rendering a decision regarding the application by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)—*

*"(I) $20,000 for any project requiring the preparation of an environmental assessment or environmental impact statement; or*

*"(II) $10,000 for any project requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.*

*"(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—*

*"(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and*

*"(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the*

*project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*"(C) LIMITATIONS.—*

*"(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual project shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.*

*"(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.*

*"(D) NO FAULT OF AGENCY.—A transfer of funds under this paragraph shall not be made if—*

*"(i) the applicable agency described in subparagraph (A) certifies that—*

*"(I) the agency has not received necessary information or approvals from another entity in a manner that*

*affects the ability of the agency to meet any requirements under Federal, State, or local law; or*

*"(II) significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or*

*"(III) the agency lacks the financial resources to complete the review under the scheduled timeframe, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline; and*

*"(ii) if the applicable agency makes a certification under clause (i)(III), the Inspector General of the applicable agency shall conduct a financial audit to review that certification and submit a report on that certification within 90 days to the*

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

*"(E) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.*

*"(F) AUDITS.—In any fiscal year in which any funds are transferred from a Federal agency pursuant to this paragraph, the Inspector General of that agency shall—*

*"(i) conduct an audit to assess compliance with the requirements of this paragraph; and*

*"(ii) not later than 120 days after the end of the fiscal year in which the transfer occurred, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the reasons why the*

*transfers were levied, including allocations of resources.*

*"(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.*

*"(l) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.*

*"(m) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—*

*"(1) SENSE OF CONGRESS.—It is the sense of Congress that—*

*"(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State agencies, and Indian tribes on environmental review and water resources project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and water resources project development decisions reflect environmental values; and*

*"(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and non-Federal interests of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.*

*"(2) TECHNICAL ASSISTANCE.—If requested at any time by a State or non-Federal interest, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or non-Federal interest in carrying out early coordination activities.*

*"(3) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or non-Federal interest, the lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the non-Federal interest, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identi-*

*fying potential impacts and mitigation issues in an integrated fashion.*

*"(n) LIMITATIONS.—Nothing in this section preempts, supersedes, amends, modifies, or interferes with—*

*"(1) any statutory requirement for seeking public comment;*

*"(2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project;*

*"(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the regulations issued by the Council on Environmental Quality to carry out that Act or any other Federal environmental law;*

*"(4) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;*

*"(5) any practice of seeking, considering, or responding to public comment; or*

*"(6) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project or*

*any other provision of law applicable to water resources development projects.*

*"(o) CATEGORICAL EXCLUSIONS.—*

*"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall—*

*"(A) survey the use by the Corps of Engineers of categorical exclusions in water resources projects since 2005;*

*"(B) publish a review of the survey that includes a description of—*

*"(i) the types of actions categorically excluded; and*

*"(ii) any requests previously received by the Secretary for new categorical exclusions; and*

*"(C) solicit requests from other Federal agencies and non-Federal interests for new categorical exclusions.*

*"(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of this subsection, if the Secretary has identified a categorical exclusion that did not exist on the day before the date of enactment of this subsection based on the review under paragraph (1), the Secretary shall publish a*

*notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).*

*"(p) REVIEW OF WATER RESOURCES PROJECT ACCELERATION REFORMS.—*

*"(1) IN GENERAL.—The Comptroller General of the United States shall—*

*"(A) assess the reforms carried out under this section; and*

*"(B) not later than 5 years after the date of enactment of this subsection, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the results of the assessment.*

*"(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Corps of Engineers shall—*

*"(A) assess the reforms carried out under this section; and*

*"(B) submit to the Committee on Transportation and Infrastructure of the House of Rep-*

*resentatives and the Committee on Environment and Public Works of the Senate—*

*"(i) not later than 2 years after the date of enactment of this subsection, an initial report of the findings of the Inspector General; and*

*"(ii) not later than 4 years after the date of enactment of this subsection, a final report of the findings.".*

***SEC. 2034. FEASIBILITY STUDIES.***

*Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:*

*"(g) DETAILED PROJECT SCHEDULE.—*

*"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine a set of milestones needed for the completion of a feasibility study under this subsection, including all major actions, report submissions and responses, reviews, and comment periods.*

*"(2) DETAILED PROJECT SCHEDULE MILESTONES.—Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to feasibility*

*studies in the District developed by the Secretary under paragraph (1).*

*"(3) NON-FEDERAL INTEREST NOTIFICATION.—Each District Engineer shall submit by certified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—*

*"(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this section, not later than 180 days after the establishment of milestones under paragraph (1); and*

*"(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.*

*"(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Beginning in the first full fiscal year after the date of enactment of this Act, the Secretary shall—*

*"(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public*

*Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and*

*"(B) make publicly available, including on the Internet, a copy of the annual report described in subparagraph (A) not later than 14 days after date on which a report is submitted to Congress.*

*"(5) FAILURE TO ACT.—If a District Engineer fails to meet any of the deadlines in the project schedule under paragraph (2), the District Engineer shall—*

*"(A) not later than 30 days after each missed deadline, submit to the non-Federal interest a report detailing—*

*"(i) why the District Engineer failed to meet the deadline; and*

*"(ii) a revised project schedule reflecting amended deadlines for the feasibility study; and*

*"(B) not later than 30 days after each missed deadline, make publicly available, including on the Internet, a copy of the amended project schedule described in subparagraph (A)(ii).".*

***SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.***

*(a) IN GENERAL.—On the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest a detailed accounting of the Federal expenses associated with a water resources project.*

*(b) STUDY.—*

*(1) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a study on the efficiency of the Corps Engineers current staff salaries and administrative expense procedures as compared to using a separate administrative expense account.*

*(2) CONTENTS.—The study under paragraph (1) shall include any recommendations of the National Academy of Public Administration for improvements to the budgeting and administrative processes that will increase the efficiency of the Corps of Engineers project delivery.*

***SEC. 2036. DETERMINATION OF PROJECT COMPLETION.***

*(a) IN GENERAL.—The Secretary shall transfer to the non-Federal interest the responsibility for the operation and maintenance of any water resources project for which operation and maintenance is required of the non-Federal interest or separable element or functional portion of that water resources project on such date that the Secretary determines that the project is complete.*

*(b) NON-FEDERAL INTEREST APPEAL OF DETERMINATION.—*

*(1) IN GENERAL.—Not later than 7 days after receiving a notification under subparagraph (a), the non-Federal interest may appeal the completion determination of the Secretary in writing.*

*(2) INDEPENDENT REVIEW.—*

*(A) IN GENERAL.—On notification that a non-Federal interest has submitted an appeal under paragraph (1), the Secretary shall contract with 1 or more independent, non-Federal experts to determine whether the applicable water resources project or separable element or functional portion of the water resources project is complete.*

*(B) TIMELINE.—An independent review carried out under subparagraph (A) shall be completed not later than 180 days after the date on which the Secretary receives an appeal from a non-Federal interest under paragraph (1).*

***SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.***

*(a) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a comprehensive review of the process for preparing, negotiating, and approving Project Partnership Agreements*

*and the Project Partnership Agreement template, which shall include—*

*(1) a review of the process for preparing, negotiating, and approving Project Partnership Agreements, as in effect on the day before the date of enactment of this Act;*

*(2) an evaluation of how the concerns of a non-Federal interest relating to the Project Partnership Agreement and suggestions for modifications to the Project Partnership Agreement made by a non-Federal interest are accommodated;*

*(3) recommendations for how the concerns and modifications described in paragraph (2) can be better accommodated;*

*(4) recommendations for how the Project Partnership Agreement template can be made more efficient; and*

*(5) recommendations for how to make the process for preparing, negotiating, and approving Project Partnership Agreements more efficient.*

*(b) REPORT.—The Secretary shall submit a report describing the findings of the National Academy of Public Administration to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.*

***SEC. 2038. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.***

*Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—*

*(1) in subsection (a), by striking "other Federal agencies," and inserting "Federal departments or agencies, nongovernmental organizations,";*

*(2) in subsection (b), by inserting "or foreign governments" after "organizations";*

*(3) in subsection (c), by inserting "and restoration" after "protection"; and*

*(4) in subsection (d)—*

*(A) in the first sentence—*

*(i) by striking "There is" and inserting "(1) IN GENERAL.—There is"; and*

*(ii) by striking "2008" and inserting "2014"; and*

*(B) in the second sentence—*

*(i) by striking "The Secretary" and inserting "(2) ACCEPTANCE OF FUNDS.—The Secretary"; and*

*(ii) by striking "other Federal agencies" and inserting "Federal departments or agencies, nongovernmental organizations".*

***SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS.***

*(a) IN GENERAL.—The Secretary, after providing public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.*

*(b) APPLICABILITY.—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based on increases in commercial traffic carried out by the Secretary.*

*(c) PUBLIC COMMENT.—Not later than 180 days before a proposed modification to the operation of a lock at a water resources development project will be carried out, the Secretary shall—*

*(1) publish the proposed modification in the Federal Register; and*

*(2) accept public comment on the proposed modification.*

*(d) REPORTS.—*

*(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the*

*Senate a report that evaluates the cost-savings resulting from reduced lock hours and any economic impacts of modifying lock operations.*

*(2) REVIEW OF PILOT PROGRAM.—Not later than September 30, 2017 and each year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the effectiveness of the pilot program under this section.*

*(e) ANNUAL REVIEW.—The Secretary shall carry out an annual review of the commercial use of locks and make any necessary adjustments to lock operations based on that review.*

*(f) TERMINATION.—The authority to accept funds under this section shall terminate 5 years after the date of enactment of this Act.*

***SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISASTERS.***

*(a) IN GENERAL.—Section 5(a)(1) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended in the first sentence by striking "structure damaged or destroyed by wind, wave, or water*

*action of other than an ordinary nature when in the discretion of the Chief of Engineers such repair and restoration is warranted for the adequate functioning of the structure for hurricane or shore protection" and inserting "structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies".*

*(b) REPORT.—*

*(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the amounts expended in the previous 5 fiscal years to carry out Corps of Engineers projects under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).*

*(2) INCLUSIONS.—A report under paragraph (1) shall, at a minimum, include a description of—*

*(A) each project for which amounts are expended, including the type of project and cost of the project; and*

*(B) how the Secretary has restored or intends to restore the project to the design level of protection for the project.*

***SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.***

*A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.*

***SEC. 2042. FUNDING TO PROCESS PERMITS.***

*Section 214 of the Water Resources Development Act of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is amended by striking subsections (d) and (e) and inserting the following:*

*"(d) PUBLIC AVAILABILITY.—*

*"(1) IN GENERAL.—The Secretary shall ensure that all final permit decisions carried out using funds*

*authorized under this section are made available to the public in a common format, including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.*

*"(2) DECISION DOCUMENT.—The Secretary shall—*

*"(A) use a standard decision document for evaluating all permits using funds accepted under this section; and*

*"(B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.*

*"(3) AGREEMENTS.—The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.*

*"(e) REPORTING.—*

*"(1) IN GENERAL.—The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section—*

*"(A) a comprehensive list of any funds accepted under this section during the previous fiscal year;*

*"(B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and*

*"(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.*

*"(2) SUBMISSION.—Not later than 90 days after the end of each fiscal year, the Secretary shall—*

*"(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and*

*"(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.".*

***SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND EROSION PREVENTION STUDY AND PILOT PROGRAM.***

*(a) DEFINITION OF INLAND AND INTRACOASTAL WATERWAY.—In this section, the term "inland and intra-*

*coastal waterway" means the inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).*

*(b) PILOT PROGRAM.—The Secretary—*

*(1) is authorized to study issues relating to riverbank stabilization and erosion prevention along inland and intracoastal waterways; and*

*(2) shall establish and carry out for a period of 5 fiscal years a national riverbank stabilization and erosion prevention pilot program to address riverbank erosion along inland and intracoastal waterways.*

*(c) STUDY.—*

*(1) IN GENERAL.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall carry out a study of the options and technologies available to prevent the erosion and degradation of riverbanks along inland and intracoastal waterways.*

*(2) CONTENTS.—The study shall—*

*(A) evaluate the nature and extent of the damages resulting from riverbank erosion along inland and intracoastal waterways throughout the United States;*

*(B) identify specific inland and intracoastal waterways and affected wetland areas with the most urgent need for restoration;*

*(C) analyze any legal requirements with regard to maintenance of bank lines of inland and intracoastal waterways, including a comparison of Federal, State, and private obligations and practices;*

*(D) assess and compare policies and management practices to protect surface areas adjacent to inland and intracoastal waterways applied by various Districts of the Corps of Engineers; and*

*(E) make any recommendations the Secretary determines to be appropriate.*

*(d) RIVERBANK STABILIZATION AND EROSION PREVENTION PILOT PROGRAM.—*

*(1) IN GENERAL.—The Secretary shall develop a pilot program for the construction of riverbank stabilization and erosion prevention projects on public land along inland and intracoastal waterways if the Secretary determines that the projects are feasible and lower maintenance costs of those inland and intracoastal waterways.*

*(2) PILOT PROGRAM GOALS.—A project under the pilot program shall, to the maximum extent practicable—*

*(A) develop or demonstrate innovative technologies;*

*(B) implement efficient designs to prevent erosion at a riverbank site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;*

*(C) prioritize natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the riverbank;*

*(D) avoid negative impacts to adjacent communities;*

*(E) identify the potential for long-term protection afforded by the innovative technology; and*

*(F) provide additional benefits, including reduction of flood risk.*

*(3) PROJECT SELECTIONS.—The Secretary shall develop criteria for the selection of projects under the pilot program, including criteria based on—*

*(A) the extent of damage and land loss resulting from riverbank erosion;*

*(B) the rate of erosion;*

*(C) the significant threat of future flood risk to public or private property, public infrastructure, or public safety;*

*(D) the destruction of natural resources or habitats; and*

*(E) the potential cost-savings for maintenance of the channel.*

*(4) CONSULTATION.—The Secretary shall carry out the pilot program in consultation with—*

*(A) Federal, State, and local governments;*

*(B) nongovernmental organizations; and*

*(C) applicable university research facilities.*

*(5) REPORT.—Not later than 1 year after the first fiscal year for which amounts to carry out this section are appropriated, and every year thereafter, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—*

*(A) the activities carried out and accomplishments made under the pilot program since the previous report under this paragraph; and*

*(B) any recommendations of the Secretary relating to the program.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2019.*

***SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUCTION PRIORITIZATION.***

*(a) PURPOSES.—The purposes of this section are—*

*(1) to provide adequate levels of protection to communities impacted by natural disasters, including hurricanes, tropical storms, and other related extreme weather events; and*

*(2) to expedite critical water resources projects in communities that have historically been and continue to remain susceptible to extreme weather events.*

*(b) PRIORITY.—For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—*

*(1) address an imminent threat to life and property;*

*(2) prevent storm surge from inundating populated areas;*

*(3) prevent the loss of coastal wetlands that help reduce the impact of storm surge;*

*(4) protect emergency hurricane evacuation routes or shelters;*

*(5) prevent adverse impacts to publicly owned or funded infrastructure and assets;*

*(6) minimize disaster relief costs to the Federal Government; and*

*(7) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).*

*(c) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—*

*(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of all—*

*(A) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost share agreements and have received Federal funds since 2009; and*

*(B) authorized hurricane and storm damage reduction projects that—*

*(i) have been authorized for more than 20 years but are less than 75 percent complete; or*

*(ii) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report;*

*(2) identify those projects on the list required under paragraph (1) that meet the criteria described in subsection (b); and*

*(3) provide a plan for expeditiously completing the projects identified under paragraph (2), subject to available funding.*

*(d) PRIORITIZATION OF NEW STUDIES FOR HURRICANE AND STORM DAMAGE RISK REDUCTION.—In selecting new studies for hurricane and storm damage reduction to propose to Congress under section 4002, the Secretary shall give priority to studies—*

*(1) that—*

*(A) have been recommended in a comprehensive hurricane protection study carried out by the Corps of Engineers; or*

*(B) are included in a State plan or program for hurricane, storm damage reduction, flood control, coastal protection, conservation, or restoration, that is created in consultation with*

*the Corps of Engineers or other relevant Federal agencies; and*

*(2) for areas for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).*

***SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION EFFORTS.***

*For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—*

*(1) that—*

*(A) address an identified threat to public health, safety, or welfare;*

*(B) preserve, establish, or restore habitats of national significance; or*

*(C) preserve habitats of importance for federally protected species, including migratory birds; and*

*(2) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.*

***SEC. 2046. SPECIAL USE PERMITS.***

*(a) SPECIAL USE PERMITS.—*

*(1) IN GENERAL.—The Secretary may issue special permits for uses such as group activities, recreation events, motorized recreation vehicles, and such other specialized recreation uses as the Secretary determines to be appropriate, subject to such terms and conditions as the Secretary determines to be in the best interest of the Federal Government.*

*(2) FEES.—*

*(A) IN GENERAL.—In carrying out this subsection, the Secretary may—*

*(i) establish and collect fees associated with the issuance of the permits described in paragraph (1); or*

*(ii) accept in-kind services in lieu of those fees.*

*(B) OUTDOOR RECREATION EQUIPMENT.—The Secretary may establish and collect fees for the provision of outdoor recreation equipment and services at public recreation areas located at lakes and reservoirs operated by the Corps of Engineers.*

*(C) USE OF FEES.—Any fees generated pursuant to this subsection shall be—*

*(i) retained at the site collected; and*

*(ii) available for use, without further appropriation, solely for administering the special permits under this subsection and carrying out related operation and maintenance activities at the site at which the fees are collected.*

*(b) COOPERATIVE MANAGEMENT.—*

*(1) PROGRAM.—*

*(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may enter into an agreement with a State or local government to provide for the cooperative management of a public recreation area if—*

*(i) the public recreation area is located—*

*(I) at a lake or reservoir operated by the Corps of Engineers; and*

*(II) adjacent to or near a State or local park or recreation area; and*

*(ii) the Secretary determines that cooperative management between the Corps of Engineers and a State or local government agency of a portion of the Corps of Engineers recreation area or State or local park or recreation area will allow for more effec-*

*tive and efficient management of those areas.*

*(B) RESTRICTION.—The Secretary may not transfer administration responsibilities for any public recreation area operated by the Corps of Engineers.*

*(2) ACQUISITION OF GOODS AND SERVICES.—The Secretary may acquire from or provide to a State or local government with which the Secretary has entered into a cooperative agreement under paragraph (1) goods and services to be used by the Secretary and the State or local government in the cooperative management of the areas covered by the agreement.*

*(3) ADMINISTRATION.—The Secretary may enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.*

*(c) FUNDING TRANSFER AUTHORITY.—*

*(1) IN GENERAL.—If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engi-*

*neers water resources development projects, the Secretary may transfer funds appropriated for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available at those Corps of Engineers water resource development projects to State, local, and tribal governments and such other public or private nonprofit entities as the Secretary determines to be appropriate.*

*(2) COOPERATIVE AGREEMENTS.—Any transfer of funds pursuant to this subsection shall be carried out through the execution of a cooperative agreement, which shall contain such terms and conditions as the Secretary determines to be necessary in the public interest.*

*(d) SERVICES OF VOLUNTEERS.—Chapter IV of title I of Public Law 98–63 (33 U.S.C. 569c) is amended—*

*(1) in the first sentence, by inserting ", including expenses relating to uniforms, transportation, lodging, and the subsistence of those volunteers, without regard to the place of residence of the volunteers," after "incidental expenses"; and*

*(2) by inserting after the first sentence the following: "The Chief of Engineers may also provide*

*awards of up to $100 in value to volunteers in recognition of the services of the volunteers.''*

*(e) TRAINING AND EDUCATIONAL ACTIVITIES.—Section 213(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by striking ''at'' and inserting ''about''.*

***SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL TAXED INLAND WATERWAYS.***

*(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall have responsibility for 65 percent of the costs of the operation, maintenance, repair, rehabilitation, and replacement of any flood gate, as well as any pumping station constructed within the channel as a single unit with that flood gate, that—*

*(1) was constructed as of the date of enactment of this Act as a feature of an authorized hurricane and storm damage reduction project; and*

*(2) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).*

*(b) PAYMENT OPTIONS.—For rehabilitation or replacement of any structure under this section, the Secretary may apply to the full non-Federal contribution the payment option provisions under section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).*

***SEC. 2048. CORROSION PREVENTION.***

*(a) GUIDANCE AND PROCEDURES.—The Secretary shall develop guidance and procedures for the certification of qualified contractors for—*

*(1) the application of protective coatings; and*

*(2) the removal of hazardous protective coatings.*

*(b) REQUIREMENTS.—Except as provided in subsection (c), the Secretary shall use certified contractors for—*

*(1) the application of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;*

*(2) the removal of hazardous coatings or other hazardous materials that are present in sufficient concentrations to create an occupational or environmental hazard; and*

*(3) any other activities the Secretary determines to be appropriate.*

*(c) EXCEPTION.—The Secretary may approve exceptions to the use of certified contractors under subsection (b) only after public notice, with the opportunity for comment, of any such proposal.*

***SEC. 2049. PROJECT DEAUTHORIZATIONS.***

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

*(1) by striking paragraph (2) and inserting the following:*

*"(2) LIST OF PROJECTS.—*

*"(A) IN GENERAL.—Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), each year, after the submission of the list under paragraph (1), the Secretary shall submit to Congress a list of projects or separable elements of projects that have been authorized but that have received no obligations during the 5 full fiscal years preceding the submission of that list.*

*"(B) ADDITIONAL NOTIFICATION.—On submission of the list under subparagraph (A) to Congress, the Secretary shall notify—*

*"(i) each Senator in whose State and each Member of the House of Representatives in whose district a project (including any part of a project) on that list would be located; and*

*"(ii) each applicable non-Federal interest associated with a project (including any part of a project) on that list.*

*"(C) DEAUTHORIZATION.—A project or separable element included in the list under subparagraph (A) is not authorized after the last date of the fiscal year following the fiscal year in which the list is submitted to Congress, if funding has not been obligated for the planning, design, or construction of the project or element of the project during that period."; and*

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

*"(3) MINIMUM FUNDING LIST.—At the end of each fiscal year, the Secretary shall submit to Congress a list of—*

*"(A) projects or separable elements of projects authorized for construction for which funding has been obligated in the 5 previous fiscal years;*

*"(B) the amount of funding obligated per fiscal year;*

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

*"(D) the amount required to complete those phases.*

*"(4) REPORT.—*

*"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall compile and publish a complete list of all uncompleted, authorized projects of the Corps of Engineers, including for each project on that list—*

*"(i) the original budget authority for the project;*

*"(ii) the status of the project;*

*"(iii) the estimated date of completion of the project;*

*"(iv) the estimated cost of completion of the project; and*

*"(v) any amounts for the project that remain unobligated.*

*"(B) PUBLICATION.—*

*"(i) IN GENERAL.—The Secretary shall submit a copy of the list under subparagraph (A) to—*

*"(I) the appropriate committees of Congress; and*

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

*"(ii) PUBLIC AVAILABILITY.—Not later than 30 days after providing the report to Congress under clause (i), the Secretary shall make a copy of the list available on a publicly accessible Internet site, in a manner that is downloadable, searchable, and sortable.".*

*(b) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—*

*(1) PURPOSES.—The purposes of this subsection are—*

*(A) to establish a process for identifying authorized Corps of Engineers water resources projects that are no longer in the Federal interest and no longer feasible;*

*(B) to create a commission—*

*(i) to review suggested deauthorizations, including consideration of recommendations of the States and the Secretary for the deauthorization of water resources projects; and*

*(ii) to make recommendations to Congress;*

*(C) to ensure public participation and comment; and*

*(D) to provide oversight on any recommendations made to Congress by the Commission.*

*(2) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—*

*(A) ESTABLISHMENT.—There is established an independent commission to be known as the "Infrastructure Deauthorization Commission" (referred to in this paragraph as the "Commission").*

*(B) DUTIES.—The Commission shall carry out the review and recommendation duties described in paragraph (5).*

*(C) MEMBERSHIP.—*

*(i) IN GENERAL.—The Commission shall be composed of 8 members, who shall be appointed by the President, by and with the advice and consent of the Senate according to the expedited procedures described in clause (ii).*

*(ii) EXPEDITED NOMINATION PROCEDURES.—*

*(I) PRIVILEGED NOMINATIONS; INFORMATION REQUESTED.—On receipt*

*by the Senate of a nomination under clause (i), the nomination shall—*

*(aa) be placed on the Executive Calendar under the heading "Privileged Nominations—Information Requested"; and*

*(bb) remain on the Executive Calendar under that heading until the Executive Clerk receives a written certification from the Chairman of the committee of jurisdiction under subclause (II).*

*(II) QUESTIONNAIRES.—The Chairman of the Committee on Environment and Public Works of the Senate shall notify the Executive Clerk in writing when the appropriate biographical and financial questionnaires have been received from an individual nominated for a position under clause (i).*

*(III) PRIVILEGED NOMINATIONS; INFORMATION RECEIVED.—On receipt of the certification under subclause (II), the nomination shall—*

*(aa) be placed on the Executive Calendar under the heading "Privileged Nomination—Information Received" and remain on the Executive Calendar under that heading for 10 session days; and*

*(bb) after the expiration of the period referred to in item (aa), be placed on the "Nominations" section of the Executive Calendar.*

*(IV) REFERRAL TO COMMITTEE OF JURISDICTION.—During the period when a nomination under clause (i) is listed under the "Privileged Nomination—Information Requested" section of the Executive Calendar described in subclause (I)(aa) or the "Privileged Nomination—Information Received" section of the Executive Calendar described in subclause (III)(aa)—*

*(aa) any Senator may request on his or her own behalf, or on the behalf of any identified Senator that the nomination be*

*referred to the appropriate committee of jurisdiction; and*

*(bb) if a Senator makes a request described in paragraph item (aa), the nomination shall be referred to the appropriate committee of jurisdiction.*

*(V) EXECUTIVE CALENDAR.—The Secretary of the Senate shall create the appropriate sections on the Executive Calendar to reflect and effectuate the requirements of this clause.*

*(VI) COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.—The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by that committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.*

*(iii) QUALIFICATIONS.—Members of the Commission shall be knowledgeable about Corps of Engineers water resources projects.*

*(iv) GEOGRAPHICAL DIVERSITY.—To the maximum extent practicable, the members of the Commission shall be geographically diverse.*

*(D) COMPENSATION OF MEMBERS.—*

*(i) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.*

*(ii) FEDERAL EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.*

*(iii) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.*

*(3) STATE WATER RESOURCES INFRASTRUCTURE PLAN.—Not later than 2 years after the date of enactment of this Act, each State, in consultation with local interests, may develop and submit to the Commission, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a detailed statewide water resources plan that includes a list of each water resources project that the State recommends for deauthorization.*

*(4) CORPS OF ENGINEERS INFRASTRUCTURE PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Commission, the Committee on Environment and Public Works of the Senate, and the Committee on*

*Transportation and Infrastructure of the House of Representatives a detailed plan that—*

*(A) contains a detailed list of each water resources project that the Corps of Engineers recommends for deauthorization; and*

*(B) is based on assessment by the Secretary of the needs of the United States for water resources infrastructure, taking into account public safety, the economy, and the environment.*

*(5) REVIEW AND RECOMMENDATION COMMISSION.—*

*(A) IN GENERAL.—On the appointment and confirmation of all members of the Commission, the Commission shall solicit public comment on water resources infrastructure issues and priorities and recommendations for deauthorization, including by—*

*(i) holding public hearings throughout the United States; and*

*(ii) receiving written comments.*

*(B) RECOMMENDATIONS.—*

*(i) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Commission shall submit to Congress a*

*list of water resources projects of the Corps of Engineers for deauthorization.*

*(ii) CONSIDERATIONS.—In carrying out this paragraph, the Commission shall establish criteria for evaluating projects for deauthorization, which shall include consideration of—*

*(I) the infrastructure plans submitted by the States and the Secretary under paragraphs (3) and (4);*

*(II) any public comment received during the period described in subparagraph (A);*

*(III) public safety and security;*

*(IV) the environment; and*

*(V) the economy.*

*(C) NON-ELIGIBLE PROJECTS.—The following types of projects shall not be eligible for review for deauthorization by the Commission:*

*(i) Any project authorized after the date of enactment of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3658), including any project that has been reauthorized after that date.*

*(ii) Any project that, as of the date of enactment of this Act, is undergoing a review by the Corps of Engineers.*

*(iii) Any project that has received appropriations in the 10-year period ending on the date of enactment of this Act.*

*(iv) Any project that, on the date of enactment of this Act, is more than 50 percent complete.*

*(v) Any project that has a viable non-Federal sponsor.*

*(D) CONGRESSIONAL DISAPPROVAL.—Any water resources project recommended for deauthorization on the list submitted to Congress under subparagraph (B) shall be deemed to be deauthorized unless Congress passes a joint resolution disapproving of the entire list of deauthorized water resources projects prior to the date that is 180 days after the date on which the Commission submits the list to Congress.*

***SEC. 2050. REPORTS TO CONGRESS.***

*(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete and submit to Congress by the applicable date required the reports that ad-*

*dress public safety and enhanced local participation in project delivery described in subsection (b).*

*(b) REPORTS.—The reports referred to in subsection (a) are the reports required under—*

*(1) section 2020;*

*(2) section 2022;*

*(3) section 2025;*

*(4) section 2026;*

*(5) section 2039;*

*(6) section 2040;*

*(7) section 6007; and*

*(8) section 10015.*

*(c) FAILURE TO PROVIDE A COMPLETED REPORT.—*

*(1) IN GENERAL.—Subject to subsection (d), if the Secretary fails to provide a report listed under subsection (b) by the date that is 180 days after the applicable date required for that report, $5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Army Corps of Engineers with responsibility for completing that report.*

*(2) SUBSEQUENT REPROGRAMMING.—Subject to subsection (d), for each additional week after the date described in paragraph (1) in which a report de-*

*scribed in that paragraph remains uncompleted and unsubmitted to Congress, $5,000 shall be reprogrammed from the Office of the Assistant Secretary of the Army for Civil Works into the account of the division of the Secretary of the Army with responsibility for completing that report.*

*(d) LIMITATIONS.—*

*(1) IN GENERAL.—For each report, the total amounts reprogrammed under subsection (c) shall not exceed, in any fiscal year, $50,000.*

*(2) AGGREGATE LIMITATION.—The total amount reprogrammed under subsection (c) in a fiscal year shall not exceed $200,000.*

*(e) NO FAULT OF THE SECRETARY.—Amounts shall not be reprogrammed under subsection (c) if the Secretary certifies in a letter to the applicable committees of Congress that—*

*(1) a major modification has been made to the content of the report that requires additional analysis for the Secretary to make a final decision on the report;*

*(2) amounts have not been appropriated to the agency under this Act or any other Act to carry out the report; or*

*(3) additional information is required from an entity other than the Corps of Engineers and is not available in a timely manner to complete the report by the deadline.*

*(f) LIMITATION.—The Secretary shall not reprogram funds to reimburse the Office of the Assistant Secretary of the Army for Civil Works for the loss of the funds.*

*(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.*

***SEC. 2051. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT CONFORMING AMENDMENT.***

*Section 106(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1(k)) is amended by adding at the end the following:*

*"(13) Interest payments, the retirement of principal, the costs of issuance, and the costs of insurance or a similar credit support for a debt financing instrument, the proceeds of which are used to support a contracted construction project.".*

***SEC. 2052. INVASIVE SPECIES REVIEW.***

*The Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Chairman of the Tennessee Valley Authority, and other applicable heads of Federal agencies, shall—*

*(1) carry out a review of existing Federal authorities relating to responding to invasive species, including aquatic weeds, aquatic snails, and other aquatic invasive species, that have an impact on water resources; and*

*(2) based on the review under paragraph (1), make any recommendations to Congress and applicable State agencies for improving Federal and State laws to more effectively respond to the threats posed by those invasive species.*

***SEC. 2053. WETLANDS CONSERVATION STUDY.***

*(a) IN GENERAL.—The Comptroller General of the United States shall carry out a study to identify all Federal programs relating to wetlands conservation.*

*(b) REPORT.—The Comptroller General of the United States shall submit to Congress a report based on the study under subsection (a) describing options for maximizing wetlands conservation benefits while reducing redundancy, increasing efficiencies, and reducing costs.*

***SEC. 2054. DAM REPAIR STUDY.***

*(a) IN GENERAL.—The Comptroller General of the United States shall carry out a study to evaluate repairs made at dams on the Cumberland River as compared to similar repairs made by the Corps of Engineers at other dams.*

*(b) CONTENTS.—The study under subsection (a) shall compare—*

*(1) how the repairs were classified at each dam; and*

*(2) the Federal and non-Federal cost-sharing requirements for each dam.*

*(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report based on the study under subsection (a) with the recommendations of the Comptroller General on whether the repairs carried out at dams on the Cumberland River should have been classified as repairs carried out under the National Dam Safety Program Act (33 U.S.C. 467 et seq.).*

# *TITLE III—PROJECT MODIFICATIONS*

***SEC. 3001. PURPOSE.***

*The purpose of this title is to modify existing water resource project authorizations, subject to the condition that the modifications do not affect authorized costs.*

***SEC. 3002. CHATFIELD RESERVOIR, COLORADO.***

*Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (123 Stat. 608), is amended in the matter preceding the proviso by inserting*

*"(or a designee of the Department)" after "Colorado Department of Natural Resources".*

***SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE EXPENSES REIMBURSEMENT.***

*Section 5018(b)(5) of the Water Resources Development Act of 2007 (121 Stat. 1200) is amended by striking subparagraph (B) and inserting the following:*

> *"(B) TRAVEL EXPENSES.—Subject to the availability of funds, the Secretary may reimburse a member of the Committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Committee.".*

***SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION STUDY.***

*With respect to the study for flood and storm damage reduction related to natural disasters to by carried out by the Secretary and authorized under the heading "INVESTIGATIONS" under title II of division A of Public Law 113–2, the Secretary shall include, to the maximum extent practicable, specific project recommendations in the report developed for that study.*

***SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.***

*Section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135) is amended—*

*(1) by striking "The Secretary may" and inserting the following:*

*"(a) IN GENERAL.—The Secretary may"; and*

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

*"(b) LOCAL PARTICIPATION.—In carrying out subsection (a), the Secretary shall consult with, and consider the activities being carried out by—*

*"(1) other Federal agencies;*

*"(2) conservation districts;*

*"(3) the Yellowstone River Conservation District Council; and*

*"(4) the State of Montana.".*

***SEC. 3006. PROJECT DEAUTHORIZATIONS.***

*(a) GOOSE CREEK, SOMERSET COUNTY, MARYLAND.—The project for navigation, Goose Creek, Somerset County, Maryland, carried out pursuant to section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577), is realigned as follows: Beginning at Goose Creek Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 0+00, coordinates North 157851.80, East 1636954.70, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, July*

*2003; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: S. 63 degrees 26 minutes 06 seconds E., 1460.05 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to a point, thence; N. 26 degrees 13 minutes 09 seconds W., 240.39 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 42+57.54, coordinates North 157357.84, East 1640340.23. Geometry Left Toe of the 60-foot-wide main navigational ship channel, Left Toe Station No. 0+00, coordinates North 157879.00, East 1636967.40, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 12 seconds E., 1583.91 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following eight courses and distances: S. 63 degrees 25 minutes 38 seconds E., 1366.25 feet to a point, thence; N. 83 degrees 36 minutes 24 seconds E., 125.85 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 805.19 feet to a point, thence;*

*N. 12 degrees 12 minutes 29 seconds E., 78.33 feet to a point thence; N. 26 degrees 13 minutes 28 seconds W., 46.66 feet to a point thence; S. 63 degrees 45 minutes 41 seconds W., 54.96 feet to a point thence; N. 26 degrees 13 minutes 24 seconds W., 119.94 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 41+81.10, coordinates North 157320.30, East 1640264.00. Geometry Right Toe of the 60-foot-wide main navigational ship channel, Right Toe Station No. 0+00, coordinates North 157824.70, East 1636941.90, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following six courses and distances: S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 1016.69 feet to a point, thence; N. 26 degrees 14 minutes 49 seconds W., 144.26 feet to a point, thence; N. 63 degrees 54 minutes 03 seconds E., 55.01 feet to a point thence; N. 26 degrees 12 minutes 08 seconds W., 120.03 feet to a point a point on the Right Toe of the 60-foot-wide main navigational*

*channel at computed Centerline Station No. 43+98.61, coordinates North 157395.40, East 1640416.50.*

*(b) LOWER THOROUGHFARE, DEAL ISLAND, MARYLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Lower Thoroughfare, Maryland, authorized by the Act of June 25, 1910 (36 Stat. 630, chapter 382) (commonly known as the "River and Harbor Act of 1910"), that begins at Lower Thoroughfare Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 44+88, coordinates North 170435.62, East 1614588.93, as stated and depicted on the Condition Survey Lower Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 42 degrees 20 minutes 44 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 64 degrees 08 minutes 55 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 43 seconds W., 250.08 feet to a point, thence; N. 47 degrees 39 minutes 03 seconds E., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to a point binding on the Left Toe of the 60-*

*foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76; thence; continuing with the aforementioned centerline the following courses and distances: S. 42 degrees 20 minutes 42 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 20 degrees 32 minutes 06 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to a point, thence; S. 47 degrees 39 minutes 03 seconds W., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 46 seconds E., 300.08 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76.*

*(c) THOMASTON HARBOR, GEORGES RIVER, MAINE.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), and modified by section 317 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2604), that lies northwesterly of a line commencing at point N87,220.51,*

*E321,065.80 thence running northeasterly about 125 feet to a point N87,338.71, E321,106.46.*

*(d) WARWICK COVE, RHODE ISLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Warwick Cove, Rhode Island, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) that is located within the 5 acre anchorage area east of the channel and lying east of the line beginning at a point with coordinates N220,349.79, E357,664.90 thence running north 9 degrees 10 minutes 21.5 seconds west 170.38 feet to a point N220,517.99, E357,637.74 thence running north 17 degrees 44 minutes 30.4 seconds west 165.98 feet to a point N220,676.08, E357,587.16 thence running north 0 degrees 46 minutes 0.9 seconds east 138.96 feet to a point N220,815.03, E357,589.02 thence running north 8 degrees 36 minutes 22.9 seconds east 101.57 feet to a point N220,915.46, E357,604.22 thence running north 18 degrees 18 minutes 27.3 seconds east 168.20 feet to a point N221,075.14, E357,657.05 thence running north 34 degrees 42 minutes 7.2 seconds east 106.4 feet to a point N221,162.62, E357,717.63 thence running south 29 degrees 14 minutes 17.4 seconds east 26.79 feet to a point N221,139.24, E357,730.71 thence running south 30 degrees 45 minutes 30.5 seconds west 230.46 feet to a point*

*N220,941.20, E357,612.85 thence running south 10 degrees 49 minutes 12.0 seconds west 95.46 feet to a point N220,847.44, E357,594.93 thence running south 9 degrees 13 minutes 44.5 seconds east 491.68 feet to a point N220,362.12, E357,673.79 thence running south 35 degrees 47 minutes 19.4 seconds west 15.20 feet to the point of origin.*

*(e) CLATSOP COUNTY DIKING DISTRICT NO. 10, KARLSON ISLAND, OREGON.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the Diking District No. 10, Karlson Island portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (as amended) (33 U.S.C. 701h).*

*(f) NUMBERG DIKE NO. 34 LEVEED AREA, CLATSOP COUNTY DIKING DISTRICT NO. 13, CLATSOP COUNTY, OREGON (WALLUSKI-YOUNGS).—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the Numberg Dike No. 34 leveed area, Clatsop County Diking District, No. 13, Walluski River and Youngs River dikes, portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (as amended) (33 U.S.C. 701h).*

*(g) PORT OF HOOD RIVER, OREGON.—*

*(1) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easement identified as Tract 1200E–6 on the Easement Deed recorded as Instrument No. 740320 is extinguished above elevation 79.39 feet (NGVD 29) the Ordinary High Water Line.*

*(2) AFFECTED PROPERTIES.—The properties referred to in paragraph (1), as recorded in Hood River County, Oregon, are as follows:*

*(A) Instrument Number 2010–1235*

*(B) Instrument Number 2010–02366.*

*(C) Instrument Number 2010–02367.*

*(D) Parcel 2 of Partition Plat #2011–12P.*

*(E) Parcel 1 of Partition Plat 2005–26P.*

*(3) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—*

*(A) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of the easement under this subsection.*

*(B) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this subsection establishes any cultural or environmental regula-*

*tion relating to the properties described in paragraph (2).*

*(4) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).*

***SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NEW JERSEY.***

*Title I of the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62; 111 Stat. 1327) is amended by striking section 102.*

***SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKANSAS, LOUISIANA.***

*(a) IN GENERAL.—The Secretary is authorized to reassign unused irrigation storage within a reservoir on the Red River Basin to municipal and industrial water supply for use by a non-Federal interest if that non-Federal interest has already contracted for a share of municipal and industrial water supply on the same reservoir.*

*(b) NON-FEDERAL INTEREST.—A reassignment of storage under subsection (a) shall be contingent upon the execution of an agreement between the Secretary and the applicable non-Federal interest.*

***SEC. 3009. POINT JUDITH HARBOR OF REFUGE, RHODE ISLAND.***

*The project for the Harbor of Refuge at Point Judith, Narragansett, Rhode Island, adopted by the Act of September 19, 1890 (commonly known as the "River and Harbor Act of 1890") (26 Stat. 426, chapter 907), House Document numbered 66, 51st Congress, 1st Session, and modified to include the west shore arm breakwater under the first section of the Act of June 25, 1910 (commonly known as the "River and Harbor Act of 1910") (36 Stat. 632, chapter 382), is further modified to include shore protection and erosion control as project purposes.*

# *TITLE IV—WATER RESOURCE STUDIES*

***SEC. 4001. PURPOSE.***

*The purpose of this title is to direct the Corps of Engineers to study and recommend solutions for water resource issues relating to flood risk and storm damage reduction, navigation, and ecosystem restoration.*

***SEC. 4002. INITIATION OF NEW WATER RESOURCES STUDIES.***

*(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the Secretary may initiate a study—*

*(1) to determine the feasibility of carrying out 1 or more projects for flood risk management, storm*

*damage reduction, ecosystem restoration, navigation, hydropower, or related purposes; or*

*(2) to carry out watershed and river basin assessments in accordance with section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a).*

*(b) CRITERIA.—The Secretary may only initiate a study under subsection (a) if—*

*(1) the study—*

*(A) has been requested by an eligible non-Federal interest;*

*(B) is for an area that is likely to include a project with a Federal interest; and*

*(C) addresses a high-priority water resource issue necessary for the protection of human life and property, the environment, or the national security interests of the United States; and*

*(2) the non-Federal interest has demonstrated—*

*(A) that local support exists for addressing the water resource issue; and*

*(B) the financial ability to provide the required non-Federal cost-share.*

*(c) CONGRESSIONAL APPROVAL.—*

*(1) SUBMISSION TO CONGRESS.—Prior to initiating a study under subsection (a), the Secretary*

*shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House—*

*(A) a description of the study, including the geographical area addressed by the study;*

*(B) a description of how the study meets each of the requirements of subsection (b); and*

*(C) a certification that the proposed study can be completed within 3 years and for a Federal cost of not more than $3,000,000.*

*(2) EXPENDITURE OF FUNDS.—No funds may be spent on a study initiated under subsection (a) unless—*

*(A) the required information is submitted to Congress under paragraph (1); and*

*(B) after such submission, amounts are appropriated to initiate the study in an appropriations or other Act.*

*(3) ADDITIONAL NOTIFICATION.—The Secretary shall notify each Senator or Member of Congress with a State or congressional district in the study area described in paragraph (1)(A).*

*(d) LIMITATIONS.—*

*(1) IN GENERAL.—Subsection (a) shall not apply to a project for which a study has been authorized prior to the date of enactment of this Act.*

*(2) NEW STUDIES.—In each fiscal year, the Secretary may initiate not more than—*

*(A) 3 new studies in each of the primary areas of responsibility of the Corps of Engineers; and*

*(B) 3 new studies from any 1 division of the Corps of Engineers.*

*(e) TERMINATION.—The authority under subsection (a) expires on the date that is 3 years after the date of enactment of this Act.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2014 through 2017.*

***SEC. 4003. APPLICABILITY.***

*(a) IN GENERAL.—Nothing in this title authorizes the construction of a water resources project.*

*(b) NEW AUTHORIZATION REQUIRED.—New authorization from Congress is required before any project evaluated in a study under this title is constructed.*

# *TITLE V—REGIONAL AND NONPROJECT PROVISIONS*

***SEC. 5001. PURPOSE.***

*The purpose of this title is to authorize regional, multistate authorities to address water resource needs and other non-project provisions.*

***SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RESTORATION.***

*(a) IN GENERAL.—The Secretary shall plan, design, and construct projects for aquatic ecosystem restoration within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.*

*(b) GENERAL COASTAL MANAGEMENT PLAN.—*

*(1) ASSESSMENT.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, the Governors of the coastal States from Virginia to Maine, nonprofit organizations, and other interested parties, shall assess the needs regarding, and opportunities for, aquatic ecosystem restoration within the coastal waters of the Northeastern United States.*

*(2) PLAN.—The Secretary shall develop a general coastal management plan based on the assessment*

*carried out under paragraph (1), maximizing the use of existing plans and investigation, which plan shall include—*

*(A) an inventory and evaluation of coastal habitats;*

*(B) identification of aquatic resources in need of improvement;*

*(C) identification and prioritization of potential aquatic habitat restoration projects; and*

*(D) identification of geographical and ecological areas of concern, including—*

*(i) finfish habitats;*

*(ii) diadromous fisheries migratory corridors;*

*(iii) shellfish habitats;*

*(iv) submerged aquatic vegetation;*

*(v) wetland; and*

*(vi) beach dune complexes and other similar habitats.*

*(c) ELIGIBLE PROJECTS.—The Secretary may carry out an aquatic ecosystem restoration project under this section if the project—*

*(1) is consistent with the management plan developed under subsection (b); and*

*(2) provides for—*

*(A) the restoration of degraded aquatic habitat (including coastal, saltmarsh, benthic, and riverine habitat);*

*(B) the restoration of geographical or ecological areas of concern, including the restoration of natural river and stream characteristics;*

*(C) the improvement of water quality; or*

*(D) other projects or activities determined to be appropriate by the Secretary.*

*(d) COST SHARING.—*

*(1) MANAGEMENT PLAN.—The management plan developed under subsection (b) shall be completed at Federal expense.*

*(2) RESTORATION PROJECTS.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.*

*(e) COST LIMITATION.—Not more than $10,000,000 in Federal funds may be allocated under this section for an eligible project.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including funds for the completion of the management plan) $25,000,000 for each of fiscal years 2014 through 2018.*

***SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.***

*Section 510 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat. 1202) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (1)—*

*(i) by striking "pilot program" and inserting "program"; and*

*(ii) by inserting "in the basin States described in subsection (f) and the District of Columbia" after "interests"; and*

*(B) by striking paragraph (2) and inserting the following:*

*"(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chesapeake Bay estuary, based on the comprehensive plan under subsection (b), including projects for—*

*"(A) sediment and erosion control;*

*"(B) protection of eroding shorelines;*

*"(C) ecosystem restoration, including restoration of submerged aquatic vegetation;*

*"(D) protection of essential public works;*

*"(E) beneficial uses of dredged material; and*

*"(F) other related projects that may enhance the living resources of the estuary.";*

*(2) by striking subsection (b) and inserting the following:*

*"(b) COMPREHENSIVE PLAN.—*

*"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Development Act of 2013, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chesapeake Bay restoration plan to guide the implementation of projects under subsection (a)(2).*

*"(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.*

*"(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.*

*"(4) ADMINISTRATION.—The Federal share of the costs of carrying out paragraph (1) shall be 75 percent.";*

*(3) in subsection (c)—*

*(A) in paragraph (1), by striking "to provide" and all that follows through the period at the end and inserting "for the design and construction of a project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b).";*

*(B) in paragraph (2)(A), by striking "facilities or resource protection and development plan" and inserting "resource protection and restoration plan"; and*

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

*"(3) PROJECTS ON FEDERAL LAND.—A project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be a carried out.*

*"(4) NON-FEDERAL CONTRIBUTIONS.—A Federal agency carrying out a project described in paragraph (3) may accept contributions of funds from non-Federal entities to carry out that project.";*

*(4) by striking subsection (e) and inserting the following:*

*"(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—*

*"(1) the heads of appropriate Federal agencies, including—*

*"(A) the Administrator of the Environmental Protection Agency;*

*"(B) the Secretary of Commerce, acting through the Administrator of the National Oceanographic and Atmospheric Administration;*

*"(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and*

*"(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and*

*"(2) agencies of a State or political subdivision of a State, including the Chesapeake Bay Commission.";*

*(5) by striking subsection (f) and inserting the following:*

*"(f) PROJECTS.—The Secretary shall establish, to the maximum extent practicable, at least 1 project under this section in—*

*"(1) regions within the Chesapeake Bay watershed of each of the basin States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; and*

*"(2) the District of Columbia.";*

*(6) by striking subsection (h); and*

*(7) by redesignating subsection (i) as subsection (h).*

***SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS.***

*Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended—*

*(1) in subsection (b)(2)—*

*(A) in the matter preceding subparagraph (A), by striking "2008" and inserting "2014"; and*

*(B) in subparagraph (C), by inserting "and an assessment of needs for other related purposes in the Rio Grande Basin, including flood damage reduction" after "assessment";*

*(2) in subsection (c)(2)—*

*(A) by striking "an interagency agreement with" and inserting "1 or more interagency agreements with the Secretary of State and"; and*

*(B) by inserting "or the U.S. Section of the International Boundary and Water Commission" after "the Department of the Interior"; and*

*(3) in subsection (f), by striking "2011" and inserting "2024".*

***SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON.***

*Section 536(g) of the Water Resources Development Act of 2000 (114 Stat. 2661) is amended by striking "$30,000,000" and inserting "$75,000,000".*

***SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.***

*(a) PROJECT GOAL.—The goal for operation of the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, shall be to maximize the use of the system in a balanced approach that incorporates advice from representatives from all project purposes to ensure that the full value of the system is realized by the United States.*

*(b) MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM ADVISORY COMMITTEE.—*

*(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the McClellan-Kerr Arkansas River navigation sys-*

*tem, Arkansas and Oklahoma, project authorized by the Act of July 24, 1946 (60 Stat. 635, chapter 595).*

*(2) DUTIES.—The advisory committee shall—*

*(A) serve in an advisory capacity only; and*

*(B) provide information and recommendations to the Corps of Engineers relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.*

*(3) SELECTION AND COMPOSITION.—The advisory committee shall be—*

*(A) selected jointly by the Little Rock district engineer and the Tulsa district engineer; and*

*(B) composed of members that equally represent the McClellan-Kerr Arkansas River navigation system project purposes.*

*(4) AGENCY RESOURCES.—The Little Rock district and the Tulsa district of the Corps of Engineers, under the supervision of the southwestern division, shall jointly provide the advisory committee with adequate staff assistance, facilities, and resources.*

*(5) TERMINATION.—*

*(A) IN GENERAL.—Subject to subparagraph (B), the advisory committee shall terminate on*

*the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability, and availability of the McClellan-Kerr Arkansas River navigation system.*

*(B) RESTRICTION.—The advisory committee shall terminate not less than 2 calendar years after the date on which the advisory committee is established.*

***SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND MANAGEMENT; COLUMBIA RIVER BASIN.***

*(a) IN GENERAL.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington.*

*(b) WATERCRAFT INSPECTION STATIONS.—*

*(1) IN GENERAL.—In carrying out this section, the Secretary shall establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species into reservoirs operated and maintained by the Secretary.*

*(2) INCLUSIONS.—Locations identified under paragraph (1) may include—*

*(A) State border crossings;*

*(B) international border crossings; and*

*(C) highway entry points that are used by owners of watercraft to access boat launch facilities owned or managed by the Secretary.*

*(3) COST-SHARE.—The non-Federal share of the cost of operating and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be 50 percent.*

*(4) OTHER INSPECTION SITES.—The Secretary may establish watercraft inspection stations using amounts made available to carry out this section in States other than those described in paragraph (1) at or near boat launch facilities that the Secretary determines are regularly used by watercraft to enter the States described in paragraph (1).*

*(c) MONITORING AND CONTINGENCY PLANNING.—The Secretary shall—*

*(1) carry out risk assessments of each major public and private water resources facility in the Columbia River Basin;*

*(2) establish an aquatic invasive species monitoring program in the Columbia River Basin;*

*(3) establish a Columbia River Basin watershed-wide plan for expedited response to an infestation of aquatic invasive species; and*

*(4) monitor water quality, including sediment cores and fish tissue samples, at facilities owned or managed by the Secretary in the Columbia River Basin.*

*(d) COORDINATION.—In carrying out this section, the Secretary shall consult and coordinate with—*

*(1) the States described in subsection (a);*

*(2) Indian tribes; and*

*(3) other Federal agencies, including—*

*(A) the Department of Agriculture;*

*(B) the Department of Energy;*

*(C) the Department of Homeland Security;*

*(D) the Department of Commerce; and*

*(E) the Department of the Interior.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000, of which $5,000,000 may be used to carry out subsection (c).*

***SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT MONITORING.***

*(a) IN GENERAL.—The Secretary, in coordination with the Administrator of the National Oceanic and Atmos-*

*pheric Administration, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of the Bureau of Reclamation, shall establish a program to provide for—*

*(1) soil moisture and snowpack monitoring in the Upper Missouri River Basin to reduce flood risk and improve river and water resource management in the Upper Missouri River Basin, as outlined in the February 2013 report entitled "Upper Missouri Basin Monitoring Committee—Snow Sampling and Instrumentation Recommendations";*

*(2) restoring and maintaining existing mid- and high-elevation snowpack monitoring sites operated under the SNOTEL program of the Natural Resources Conservation Service; and*

*(3) operating streamflow gages and related interpretive studies in the Upper Missouri River Basin under the cooperative water program and the national streamflow information program of the United States Geological Service.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $11,250,000.*

*(c) USE OF FUNDS.—Amounts made available to the Secretary under this section shall be used to complement*

*other related activities of Federal agencies that are carried out within the Missouri River Basin.*

*(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—*

*(1) identifies progress made by the Secretary and other Federal agencies to implement the recommendations contained in the report described in subsection (a)(1) with respect to enhancing soil moisture and snowpack monitoring in the Upper Missouri Basin; and*

*(2) includes recommendations to enhance soil moisture and snowpack monitoring in the Upper Missouri Basin.*

***SEC. 5009. NORTHERN ROCKIES HEADWATERS EXTREME WEATHER MITIGATION.***

*(a) IN GENERAL.—Subject to subsection (b), the Secretary shall establish a program to mitigate the impacts of extreme weather events, such as floods and droughts, on communities, water users, and fish and wildlife located in and along the headwaters of the Columbia, Missouri, and Yellowstone Rivers (including the tributaries of those rivers)*

*in the States of Idaho and Montana by carrying out river, stream, and floodplain protection and restoration projects, including—*

*(1) floodplain restoration and reconnection;*

*(2) floodplain and riparian area protection through the use of conservation easements;*

*(3) instream flow restoration projects;*

*(4) fish passage improvements;*

*(5) channel migration zone mapping; and*

*(6) invasive weed management.*

*(b) RESTRICTION.—All projects carried out using amounts made available to carry out this section shall emphasize the protection and enhancement of natural riverine processes.*

*(c) NON-FEDERAL COST SHARE.—The non-Federal share of the costs of carrying out a project under this section shall not exceed 35 percent of the total cost of the project.*

*(d) COORDINATION.—In carrying out this section, the Secretary—*

*(1) shall consult and coordinate with the appropriate State natural resource agency in each State; and*

*(2) may—*

*(A) delegate any authority or responsibility of the Secretary under this section to those State natural resource agencies; and*

*(B) provide amounts made available to the Secretary to carry out this section to those State natural resource agencies.*

*(e) LIMITATIONS.—Nothing in this section invalidates, preempts, or creates any exception to State water law, State water rights, or Federal or State permitted activities or agreements in the States of Idaho and Montana or any State containing tributaries to rivers in those States.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.*

***SEC. 5010. AQUATIC NUISANCE SPECIES PREVENTION, GREAT LAKES AND MISSISSIPPI RIVER BASIN.***

*(a) IN GENERAL.—The Secretary is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with any modifications or any emergency measures that the Secretary determines to be appropriate to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.*

*(b) REPORTS.—The Secretary shall report to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives any emergency actions taken pursuant to this section.*

# *TITLE VI—LEVEE SAFETY*

**SEC. 6001. SHORT TITLE.**

*This title may be cited as the "National Levee Safety Program Act".*

**SEC. 6002. FINDINGS; PURPOSES.**

*(a) FINDINGS.—Congress finds that—*

*(1) there is a need to establish a national levee safety program to provide national leadership and encourage the establishment of State and tribal levee safety programs;*

*(2) according to the National Committee on Levee Safety, "the level of protection and robustness of design and construction of levees vary considerably across the country";*

*(3) knowing the location, condition, and ownership of levees, as well as understanding the population and infrastructure at risk in leveed areas, is necessary for identification and prioritization of activities associated with levees;*

*(4) levees are an important tool for reducing flood risk and should be considered in the context of broader flood risk management efforts;*

*(5) States and Indian tribes—*

*(A) are uniquely positioned to oversee, coordinate, and regulate local and regional levee systems; and*

*(B) should be encouraged to participate in a national levee safety program by establishing individual levee safety programs; and*

*(6) States, Indian tribes, and local governments that do not invest in protecting the individuals and property located behind levees place those individuals and property at risk.*

*(b) PURPOSES.—The purposes of this title are—*

*(1) to promote sound technical practices in levee design, construction, operation, inspection, assessment, security, and maintenance;*

*(2) to ensure effective public education and awareness of risks involving levees;*

*(3) to establish and maintain a national levee safety program that emphasizes the protection of human life and property; and*

*(4) to implement solutions and incentives that encourage the establishment of effective State and tribal levee safety programs.*

***SEC. 6003. DEFINITIONS.***

*In this title:*

*(1) BOARD.—The term "Board" means the National Levee Safety Advisory Board established under section 6005.*

*(2) CANAL STRUCTURE.—*

*(A) IN GENERAL.—The term "canal structure" means an embankment, wall, or structure along a canal or manmade watercourse that—*

*(i) constrains water flows;*

*(ii) is subject to frequent water loading; and*

*(iii) is an integral part of a flood risk reduction system that protects the leveed area from flood waters associated with hurricanes, precipitation events, seasonal high water, and other weather-related events.*

*(B) EXCLUSION.—The term "canal structure" does not include a barrier across a watercourse.*

*(3) FEDERAL AGENCY.—The term "Federal agency" means a Federal agency that designs, finances,*

*constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a levee.*

*(4) FLOOD DAMAGE REDUCTION SYSTEM.—The term "flood damage reduction system" means a system designed and constructed to have appreciable and dependable effects in reducing damage by floodwaters.*

*(5) FLOOD MITIGATION.—The term "flood mitigation" means any structural or nonstructural measure that reduces risks of flood damage by reducing the probability of flooding, the consequences of flooding, or both.*

*(6) FLOODPLAIN MANAGEMENT.—The term "floodplain management" means the operation of a community program of corrective and preventative measures for reducing flood damage.*

*(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).*

*(8) LEVEE.—*

*(A) IN GENERAL.—The term "levee" means a manmade barrier (such as an embankment, floodwall, or other structure)—*

*(i) the primary purpose of which is to provide hurricane, storm, or flood protection*

*relating to seasonal high water, storm surges, precipitation, or other weather events; and*

*(ii) that is normally subject to water loading for only a few days or weeks during a calendar year.*

*(B) INCLUSIONS.—The term "levee" includes a levee system, including—*

*(i) levees and canal structures that—*

*(I) constrain water flows;*

*(II) are subject to more frequent water loading; and*

*(III) do not constitute a barrier across a watercourse; and*

*(ii) roadway and railroad embankments, but only to the extent that the embankments are integral to the performance of a flood damage reduction system.*

*(C) EXCLUSIONS.—The term "levee" does not include—*

*(i) a roadway or railroad embankment that is not integral to the performance of a flood damage reduction system;*

*(ii) a canal constructed completely within natural ground without any man-*

*made structure (such as an embankment or retaining wall to retain water or a case in which water is retained only by natural ground);*

*(iii) a canal regulated by a Federal or State agency in a manner that ensures that applicable Federal safety criteria are met;*

*(iv) a levee or canal structure—*

*(I) that is not a part of a Federal flood damage reduction system;*

*(II) that is not recognized under the National Flood Insurance Program as providing protection from the 1-percent-annual-chance or greater flood;*

*(III) that is not greater than 3 feet high;*

*(IV) the population in the leveed area of which is less than 50 individuals; and*

*(V) the leveed area of which is less than 1,000 acres; or*

*(v) any shoreline protection or river bank protection system (such as revetments or barrier islands).*

*(9) LEVEE FEATURE.—The term "levee feature" means a structure that is critical to the functioning of a levee, including—*

*(A) an embankment section;*

*(B) a floodwall section;*

*(C) a closure structure;*

*(D) a pumping station;*

*(E) an interior drainage work; and*

*(F) a flood damage reduction channel.*

*(10) LEVEE SAFETY GUIDELINES.—The term "levee safety guidelines" means the guidelines established by the Secretary under section 6004(c)(1).*

*(11) LEVEE SEGMENT.—The term "levee segment" means a discrete portion of a levee system that is owned, operated, and maintained by a single entity or discrete set of entities.*

*(12) LEVEE SYSTEM.—The term "levee system" means 1 or more levee segments, including all levee features that are interconnected and necessary to ensure protection of the associated leveed areas—*

*(A) that collectively provide flood damage reduction to a defined area; and*

*(B) the failure of 1 of which may result in the failure of the entire system.*

*(13) LEVEED AREA.—The term "leveed area" means the land from which flood water in the adjacent watercourse is excluded by the levee system.*

*(14) NATIONAL LEVEE DATABASE.—The term "national levee database" means the levee database established under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303).*

*(15) PARTICIPATING PROGRAM.—The term "participating program" means a levee safety program developed by a State or Indian tribe that includes the minimum components necessary for recognition by the Secretary.*

*(16) REHABILITATION.—The term "rehabilitation" means the repair, replacement, reconstruction, or removal of a levee that is carried out to meet national levee safety guidelines.*

*(17) RISK.—The term "risk" means a measure of the probability and severity of undesirable consequences.*

*(18) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.*

*(19) STATE.—The term "State" means—*

*(A) each of the several States of the United States;*

*(B) the District of Columbia;*

*(C) the Commonwealth of Puerto Rico;*

*(D) Guam;*

*(E) American Samoa;*

*(F) the Commonwealth of the Northern Mariana Islands;*

*(G) the Federated States of Micronesia;*

*(H) the Republic of the Marshall Islands;*

*(I) the Republic of Palau; and*

*(J) the United States Virgin Islands.*

***SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.***

*(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish a national levee safety program to provide national leadership and consistent approaches to levee safety, including—*

*(1) a national levee database;*

*(2) an inventory and inspection of Federal and non-Federal levees;*

*(3) national levee safety guidelines;*

*(4) a hazard potential classification system for Federal and non-Federal levees;*

*(5) research and development;*

*(6) a national public education and awareness program, with an emphasis on communication re-*

*garding the residual risk to communities protected by levees and levee systems;*

*(7) coordination of levee safety, floodplain management, and environmental protection activities;*

*(8) development of State and tribal levee safety programs; and*

*(9) the provision of technical assistance and materials to States and Indian tribes relating to—*

*(A) developing levee safety programs;*

*(B) identifying and reducing flood risks associated with residual risk to communities protected by levees and levee systems;*

*(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and*

*(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.*

*(b) MANAGEMENT.—*

*(1) IN GENERAL.—The Secretary shall appoint—*

*(A) an administrator of the national levee safety program; and*

*(B) such staff as is necessary to implement the program.*

*(2) ADMINISTRATOR.—The sole duty of the administrator appointed under paragraph (1)(A) shall be the management of the national levee safety program.*

*(c) LEVEE SAFETY GUIDELINES.—*

*(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with State and local governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—*

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

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

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

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

*(3) ADOPTION BY FEDERAL AGENCIES.—All Federal agencies shall consider the levee safety guidelines in activities relating to the management of levees.*

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

*(A) issue draft guidelines for public comment; and*

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

*(d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—*

*(1) ESTABLISHMENT.—The Secretary shall establish a hazard potential classification system for use under the national levee safety program and participating programs.*

*(2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.*

*(3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.*

*(e) TECHNICAL ASSISTANCE AND MATERIALS.—*

*(1) ESTABLISHMENT.—The Secretary, in coordination with the Board, shall establish a national levee*

*safety technical assistance and training program to develop and deliver technical support and technical assistance materials, curricula, and training in order to promote levee safety and assist States, communities, and levee owners in—*

*(A) developing levee safety programs;*

*(B) identifying and reducing flood risks associated with levees;*

*(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and*

*(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.*

*(2) USE OF SERVICES.—In establishing the national levee safety training program under paragraph (1), the Secretary may use the services of—*

*(A) the Corps of Engineers;*

*(B) the Federal Emergency Management Agency;*

*(C) the Bureau of Reclamation; and*

*(D) other appropriate Federal agencies, as determined by the Secretary.*

*(f) COMPREHENSIVE NATIONAL PUBLIC EDUCATION AND AWARENESS CAMPAIGN.—*

*(1) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency and the Board, shall establish a national public education and awareness campaign relating to the national levee safety program.*

*(2) PURPOSES.—The purposes of the campaign under paragraph (1) are—*

*(A) to educate individuals living in leveed areas regarding the risks of living in those areas;*

*(B) to promote consistency in the transmission of information regarding levees among government agencies; and*

*(C) to provide national leadership regarding risk communication for implementation at the State and local levels.*

*(g) COORDINATION OF LEVEE SAFETY, FLOODPLAIN MANAGEMENT, AND ENVIRONMENTAL CONCERNS.—The Secretary, in coordination with the Board, shall evaluate opportunities to coordinate—*

*(1) public safety, floodplain management, and environmental protection activities relating to levees; and*

*(2) environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws.*

*(h) LEVEE INSPECTION.—*

*(1) IN GENERAL.—The Secretary shall carry out a one-time inventory and inspection of all levees identified in the national levee database.*

*(2) NO FEDERAL INTEREST.—The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance any levee that is included in the inventory or inspected under this subsection.*

*(3) INSPECTION CRITERIA.—In carrying out the inventory and inspection, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.*

*(4) STATE AND TRIBAL PARTICIPATION.—At the request of a State or Indian tribe with respect to any levee subject to inspection under this subsection, the Secretary shall—*

*(A) allow an official of the State or Indian tribe to participate in the inspection of the levee; and*

*(B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.*

*(5) EXCEPTIONS.—In carrying out the inventory and inspection under this subsection, the Secretary shall not be required to inspect any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3) during the 1-year period immediately preceding the date of enactment of this Act if the Governor of the State or tribal government, as applicable, requests an exemption from the inspection.*

*(i) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—*

*(1) GUIDELINES.—*

*(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in coordination with the Board, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State or tribal levee safety program as a participating program.*

*(B) GUIDELINE CONTENTS.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating*

*State and Indian tribe to certify to the Secretary that the State or Indian tribe, as applicable—*

*(i) has the authority to participate in the national levee safety program;*

*(ii) can receive funds under this title;*

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

*(iv) will carry out levee inspections;*

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

*(vi) will carry out public education and awareness activities consistent with the national public education and awareness campaign established under subsection (f); and*

*(vii) will collect and share information regarding the location and condition of levees.*

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

*(i) issue draft guidelines for public comment; and*

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

*(2) GRANT PROGRAM.—*

*(A) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide grants to assist States and Indian tribes in establishing participating programs, conducting levee inventories, and carrying out this title.*

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

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

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

*(iii) submit to the Secretary any information collected by the State or Indian tribe in carrying out this subsection for in-*

*clusion in the national levee safety database; and*

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

*(j) LEVEE REHABILITATION ASSISTANCE PROGRAM.—*

*(1) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide assistance to States, Indian tribes, and local governments in addressing flood mitigation activities that result in an overall reduction in flood risk.*

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

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

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

*(i) includes all levee risks; and*

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

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

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

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

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

*(3) FLOODPLAIN MANAGEMENT PLANS.—*

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

*the impacts of future flood events in each applicable leveed area.*

*(B) INCLUSIONS.—A plan under subparagraph (A) shall address potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in each applicable leveed area.*

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

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

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

*(4) USE OF FUNDS.—*

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

*(i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State or tribal levee safety program; and*

*(ii) only for a levee that is not federally operated and maintained.*

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

*(i) to perform routine operation or maintenance for a levee; or*

*(ii) to make any modification to a levee that does not result in an improvement to public safety.*

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

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

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

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

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

*(1) affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942); or*

*(2) confers any regulatory authority on—*

*(A) the Secretary; or*

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

***SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.***

*(a) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency, shall establish a board, to be known as the "National Levee Safety Advisory Board"—*

*(1) to advise the Secretary and Congress regarding consistent approaches to levee safety;*

*(2) to monitor the safety of levees in the United States;*

*(3) to assess the effectiveness of the national levee safety program; and*

*(4) to ensure that the national levee safety program is carried out in a manner that is consistent with other Federal flood risk management efforts.*

*(b) MEMBERSHIP.—*

*(1) VOTING MEMBERS.—The Board shall be composed of the following 14 voting members, each of whom shall be appointed by the Secretary, with priority consideration given to representatives from those States that have the most Corps of Engineers levees in the State, based on mileage:*

*(A) 8 representatives of State levee safety programs, 1 from each of the civil works divisions of the Corps of Engineers.*

*(B) 2 representatives of the private sector who have expertise in levee safety.*

*(C) 2 representatives of local and regional governmental agencies who have expertise in levee safety.*

*(D) 2 representatives of Indian tribes who have expertise in levee safety.*

*(2) NONVOTING MEMBERS.—The Secretary (or a designee of the Secretary), the Administrator of the Federal Emergency Management Agency (or a designee of the Administrator), and the administrator of the national levee safety program appointed under section 6004(b)(1)(A) shall serve as nonvoting members of the Board.*

*(3) CHAIRPERSON.—The voting members of the Board shall appoint a chairperson from among the voting members of the Board, to serve a term of not more than 2 years.*

*(c) QUALIFICATIONS.—*

*(1) INDIVIDUALS.—Each voting member of the Board shall be knowledgeable in the field of levee safety, including water resources and flood risk management.*

*(2) AS A WHOLE.—The membership of the Board, considered as a whole, shall represent the diversity of skills required to advise the Secretary regarding levee issues relating to—*

*(A) engineering;*

*(B) public communications;*

*(C) program development and oversight;*

*(D) with respect to levees, flood risk management and hazard mitigation; and*

*(E) public safety and the environment.*

*(d) TERMS OF SERVICE.—*

*(1) IN GENERAL.—A voting member of the Board shall be appointed for a term of 3 years, except that, of the members first appointed—*

*(A) 5 shall be appointed for a term of 1 year;*

*(B) 5 shall be appointed for a term of 2 years; and*

*(C) 4 shall be appointed for a term of 3 years.*

*(2) REAPPOINTMENT.—A voting member of the Board may be reappointed to the Board, as the Secretary determines to be appropriate.*

*(3) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment was made.*

*(e) STANDING COMMITTEES.—*

*(1) IN GENERAL.—The Board shall be supported by Standing Committees, which shall be comprised of volunteers from all levels of government and the private sector, to advise the Board regarding the national levee safety program.*

*(2) ESTABLISHMENT.—The Standing Committees of the Board shall include—*

*(A) the Standing Committee on Participating Programs, which shall advise the Board regarding—*

*(i) the development and implementation of State and tribal levee safety programs; and*

*(ii) appropriate incentives (including financial assistance) to be provided to States, Indian tribes, and local and regional entities;*

*(B) the Standing Committee on Technical Issues, which shall advise the Board regarding—*

*(i) the management of the national levee database;*

*(ii) the development and maintenance of levee safety guidelines;*

*(iii) processes and materials for developing levee-related technical assistance and training; and*

*(iv) research and development activities relating to levee safety;*

*(C) the Standing Committee on Public Education and Awareness, which shall advise the Board regarding the development, implementa-*

*tion, and evaluation of targeted public outreach programs—*

*(i) to gather public input;*

*(ii) to educate and raise awareness in leveed areas of levee risks;*

*(iii) to communicate information regarding participating programs; and*

*(iv) to track the effectiveness of public education efforts relating to levee risks;*

*(D) the Standing Committee on Safety and Environment, which shall advise the Board regarding—*

*(i) operation and maintenance activities for existing levee projects;*

*(ii) opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees;*

*(iii) opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and*

*(iv) opportunities for collaboration by environmental protection and public safety*

*interests in leveed areas and adjacent areas; and*

*(E) such other standing committees as the Secretary, in consultation with the Board, determines to be necessary.*

*(3) MEMBERSHIP.—*

*(A) IN GENERAL.—The Board shall recommend to the Secretary for approval individuals for membership on the Standing Committees.*

*(B) QUALIFICATIONS.—*

*(i) INDIVIDUALS.—Each member of a Standing Committee shall be knowledgeable in the issue areas for which the Committee is charged with advising the Board.*

*(ii) AS A WHOLE.—The membership of each Standing Committee, considered as a whole, shall represent, to the maximum extent practicable, broad geographical diversity.*

*(C) LIMITATION.—Each Standing Committee shall be comprised of not more than 10 members.*

*(f) DUTIES AND POWERS.—The Board—*

*(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the national levee safety program in accordance with section 6007; and*

*(2) may secure from other Federal agencies such services, and enter into such contracts, as the Board determines to be necessary to carry out this subsection.*

*(g) TASK FORCE COORDINATION.—The Board shall, to the maximum extent practicable, coordinate the activities of the Board with the Federal Interagency Floodplain Management Task Force.*

*(h) COMPENSATION.—*

*(1) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.*

*(2) NON-FEDERAL EMPLOYEES.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the Board who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.*

*(3) STANDING COMMITTEE MEMBERS.—Each member of a Standing Committee shall—*

*(A) serve in a voluntary capacity; but*

*(B) receive a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.*

*(i) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or the Standing Committees.*

***SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.***

*Section 9004(a)(2)(A) of the Water Resources Development Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amended*

*by striking "and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies" and inserting "and updated levee information provided by States, Indian tribes, Federal agencies, and other entities".*

***SEC. 6007. REPORTS.***

*(a) STATE OF LEVEES.—*

*(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Secretary in coordination with the Board, shall submit to Congress a report describing the state of levees in the United States and the effectiveness of the national levee safety program, including—*

*(A) progress achieved in implementing the national levee safety program;*

*(B) State and tribal participation in the national levee safety program;*

*(C) recommendations to improve coordination of levee safety, floodplain management, and environmental protection concerns, including—*

*(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees; and*

*(ii) evaluating opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and*

*(D) any recommendations for legislation and other congressional actions necessary to ensure national levee safety.*

*(2) INCLUSION.—Each report under paragraph (1) shall include a report of the Board that describes the independent recommendations of the Board for the implementation of the national levee safety program.*

*(b) NATIONAL DAM AND LEVEE SAFETY PROGRAM.—Not later than 3 years after the date of enactment of this Act, to the maximum extent practicable, the Secretary, in coordination with the Board, shall submit to Congress a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.*

*(c) ALIGNMENT OF FEDERAL PROGRAMS RELATING TO LEVEES.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, tribal, and local governments and individuals and entities—*

*(1) to promote shared responsibility for levee safety;*

*(2) to encourage the development of strong State and tribal levee safety programs;*

*(3) to better align the national levee safety program with other Federal flood risk management programs; and*

*(4) to promote increased levee safety through other Federal programs providing assistance to State and local governments.*

*(d) LIABILITY FOR CERTAIN LEVEE ENGINEERING PROJECTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—*

*(1) levee owners from obtaining needed levee engineering services; or*

*(2) development and implementation of a State or tribal levee safety program.*

***SEC. 6008. EFFECT OF TITLE.***

*Nothing in this title—*

*(1) establishes any liability of the United States or any officer or employee of the United States (including the Board and the Standing Committees of*

*the Board) for any damages caused by any action or failure to act; or*

*(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability incident to the ownership or operation of the levee.*

***SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to the Secretary to carry out this title—*

*(1) for funding the administration and staff of the national levee safety program, the Board, the Standing Committees of the Board, and participating programs, $5,000,000 for each of fiscal years 2014 through 2023;*

*(2) for technical programs, including the development of levee safety guidelines, publications, training, and technical assistance—*

*(A) $5,000,000 for each of fiscal years 2014 through 2018;*

*(B) $7,500,000 for each of fiscal years 2019 and 2020; and*

*(C) $10,000,000 for each of fiscal years 2021 through 2023;*

*(3) for public involvement and education programs, $3,000,000 for each of fiscal years 2014 through 2023;*

*(4) to carry out the levee inventory and inspections under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303), $30,000,000 for each of fiscal years 2014 through 2018;*

*(5) for grants to State and tribal levee safety programs, $300,000,000 for fiscal years 2014 through 2023; and*

*(6) for levee rehabilitation assistance grants, $300,000,000 for fiscal years 2014 through 2023.*

# *TITLE VII—INLAND WATERWAYS*

***SEC. 7001. PURPOSES.***

*The purposes of this title are—*

*(1) to improve program and project management relating to the construction and major rehabilitation of navigation projects on inland waterways;*

*(2) to optimize inland waterways navigation system reliability;*

*(3) to minimize the size and scope of inland waterways navigation project completion schedules;*

*(4) to eliminate preventable delays in inland waterways navigation project completion schedules; and*

*(5) to make inland waterways navigation capital investments through the use of prioritization cri-*

*teria that seek to maximize systemwide benefits and minimize overall system risk.*

***SEC. 7002. DEFINITIONS.***

*In this title:*

*(1) INLAND WATERWAYS TRUST FUND.—The term "Inland Waterways Trust Fund" means the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.*

*(2) QUALIFYING PROJECT.—The term "qualifying project" means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is—*

*(A) authorized before, on, or after the date of enactment of this Act;*

*(B) not completed on the date of enactment of this Act; and*

*(C) funded at least in part from the Inland Waterways Trust Fund.*

*(3) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.*

***SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.***

*(a) REQUIREMENTS FOR QUALIFYING PROJECTS.—With respect to each qualifying project, the Secretary shall require—*

*(1) formal project management training and certification for each project manager;*

*(2) assignment as project manager only of personnel fully certified by the Chief of Engineers; and*

*(3) for an applicable cost estimation, that—*

*(A) the estimation—*

*(i) is risk-based; and*

*(ii) has a confidence level of at least 80 percent; and*

*(B) a risk-based cost estimate shall be implemented—*

*(i) for a qualified project that requires an increase in the authorized amount in accordance with section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4183), during the preparation of a post-authorization change report or other similar decision document;*

*(ii) for a qualified project for which the first construction contract has not been awarded, prior to the award of the first construction contract;*

*(iii) for a qualified project without a completed Chief of Engineers report, prior to the completion of such a report; and*

*(iv) for a qualified project with a completed Chief of Engineers report that has not yet been authorized, during design for the qualified project.*

*(b) ADDITIONAL PROJECT DELIVERY PROCESS REFORMS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—*

*(1) establish a system to identify and apply on a continuing basis lessons learned from prior or ongoing qualifying projects to improve the likelihood of on-time and on-budget completion of qualifying projects;*

*(2) evaluate early contractor involvement acquisition procedures to improve on-time and on-budget project delivery performance; and*

*(3) implement any additional measures that the Secretary determines will achieve the purposes of this title and the amendments made by this title, including, as the Secretary determines to be appropriate—*

*(A) the implementation of applicable practices and procedures developed pursuant to management by the Secretary of an applicable military construction program;*

*(B) the establishment of 1 or more centers of expertise for the design and review of qualifying projects;*

*(C) the development and use of a portfolio of standard designs for inland navigation locks;*

*(D) the use of full-funding contracts or formulation of a revised continuing contracts clause; and*

*(E) the establishment of procedures for recommending new project construction starts using a capital projects business model.*

*(c) PILOT PROJECTS.—*

*(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out 1 or more pilot projects to evaluate processes or procedures for the study, design, or construction of qualifying projects.*

*(2) INCLUSIONS.—At a minimum, the Secretary shall carry out pilot projects under this subsection to evaluate—*

*(A) early contractor involvement in the development of features and components;*

*(B) an appropriate use of continuing contracts for the construction of features and components; and*

*(C) applicable principles, procedures, and processes used for military construction projects.*

*(d) INLAND WATERWAYS USER BOARD.—Section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) is amended—*

*(1) by striking subsection (b) and inserting the following:*

*"(b) DUTIES OF USERS BOARD.—*

*"(1) IN GENERAL.—The Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.*

*"(2) ADVICE AND RECOMMENDATIONS.—For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide—*

*"(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;*

*"(B) advice and recommendations to Congress regarding any report of the Chief of Engineers relating to those features and components;*

*"(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;*

*"(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and*

*"(E) a long-term capital investment program in accordance with subsection (d).*

*"(3) PROJECT DEVELOPMENT TEAMS.—The chairperson of the Users Board shall appoint a representative of the Users Board to serve on the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.*

*"(4) INDEPENDENT JUDGMENT.—Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board.";*

*(2) by redesignating subsection (c) as subsection (f); and*

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

*"(c) DUTIES OF SECRETARY.—The Secretary shall—*

*"(1) communicate not less than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and*

*"(2) submit to the Users Board a courtesy copy of all reports of the Chief of Engineers relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.*

*"(d) CAPITAL INVESTMENT PROGRAM.—*

*"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Users Board, shall develop, and submit to Congress a report describing, a 20-year program for making capital investments on the inland and intracoastal waterways, based on the application of objective, national project selection prioritization criteria.*

*"(2) CONSIDERATION.—In developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business*

*Model, Final Report published on April 13, 2010, as approved by the Users Board.*

*"(3) CRITERIA.—In developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1)—*

*"(A) are made in all geographical areas of the inland waterways system; and*

*"(B) ensure efficient funding of inland waterways projects.*

*"(4) STRATEGIC REVIEW AND UPDATE.—Not later than 5 years after the date of enactment of this subsection, and not less frequently than once every 5 years thereafter, the Secretary, in conjunction with the Users Board, shall—*

*"(A) submit to Congress a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations); and*

*"(B) make such revisions to the program as the Secretary and Users Board jointly consider to be appropriate.*

*"(e) PROJECT MANAGEMENT PLANS.—The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) shall sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.".*

***SEC. 7004. MAJOR REHABILITATION STANDARDS.***

*(a) IN GENERAL.—The Secretary shall develop a methodology for applying standard accounting principles when classifying activities as major rehabilitation projects.*

*(b) EVALUATIONS.—The Secretary shall evaluate the effect of applying the methodology developed under subsection (a) to not less than 3 qualifying projects.*

*(c) REPORT.—The Secretary shall submit to Congress a report on the evaluation under subsection (b).*

***SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.***

*(a) FINDINGS.—Congress finds that—*

*(1) there are approximately 12,000 miles of Federal waterways, known as the inland waterways system, that are supported by user fees and managed by the Corps of Engineers;*

*(2) the inland waterways system spans 38 States and handles approximately one-half of all inland waterway freight;*

*(3) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, freight traffic on the Federal fuel-taxed inland waterways system accounts for 546,000,000 tons of freight each year;*

*(4) expenditures for construction and major rehabilitation projects on the inland waterways system are equally cost-shared between the Federal Government and the Inland Waterways Trust Fund;*

*(5) the Inland Waterways Trust Fund is financed through a fee of $0.20 per gallon on fuel used by commercial barges;*

*(6) the balance of the Inland Waterways Trust Fund has declined significantly in recent years;*

*(7) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, the estimated financial need for construction and major rehabilitation projects on the inland waterways system for fiscal years 2011 through 2030 is approximately $18,000,000,000; and*

*(8) users of the inland waterways system are supportive of an increase in the existing revenue*

*sources for inland waterways system construction and major rehabilitation activities to expedite the most critical of those construction and major rehabilitation projects.*

*(b) SENSE OF CONGRESS.—It is the sense of Congress that—*

*(1) the existing revenue sources for inland waterways system construction and rehabilitation activities are insufficient to cover the costs of non-Federal interests of construction and major rehabilitation projects on the inland waterways system; and*

*(2) the issue described in paragraph (1) should be addressed.*

***SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.***

*Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare a report on the efficiency of collecting the fuel tax for the Inland Waterways Trust Fund, which shall include—*

*(1) an evaluation of whether current methods of collection of the fuel tax result in full compliance with requirements of the law;*

*(2) whether alternative methods of collection would result in increased revenues into the Inland Waterways Trust Fund; and*

*(3) an evaluation of alternative collection options.*

# *TITLE VIII—HARBOR MAINTENANCE*

***SEC. 8001. SHORT TITLE.***

*This title may be cited as the "Harbor Maintenance Trust Fund Act of 2013".*

***SEC. 8002. PURPOSES.***

*The purposes of this title are—*

*(1) to ensure that revenues collected into the Harbor Maintenance Trust Fund are used for the intended purposes of those revenues;*

*(2) to increase investment in the operation and maintenance of United States ports, which are critical for the economic competitiveness of the United States;*

*(3) to promote equity among ports nationwide; and*

*(4) to ensure United States ports are prepared to meet modern shipping needs, including the capability to receive large ships that require deeper drafts.*

***SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.***

*(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—*

*(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9505(c) of such Code.*

*(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.*

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

*(1) TOTAL BUDGET RESOURCES.—The term "total budget resources" means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.*

*(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term "level of receipts plus interest" means the level of taxes and interest credited to the Harbor Mainte-*

*nance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177; 99 Stat. 1092) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.*

*(c) ENFORCEMENT OF GUARANTEES.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for harbor maintenance programs described in subsection (b)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for such fiscal year.*

***SEC. 8004. HARBOR MAINTENANCE TRUST FUND PRIORITIZATION.***

*(a) IN GENERAL.—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by adding at the end the following:*

*"(c) PRIORITIZATION.—*

*"(1) IN GENERAL.—Of the amounts made available under this section to carry out projects described in subsection (a)(2), the Secretary of the Army, acting through the Chief of Engineers, shall give priority to those projects in the following order:*

*"(A) In any fiscal year in which all projects subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or successor regulation) are not maintained to their authorized width and depth, the Secretary shall prioritize amounts made available under this section for those projects that are high-use deep draft.*

*"(B) In any fiscal year in which the projects described in subparagraph (A) are maintained to their constructed width and depth as of the date of enactment of the Water Resources Development Act of 2013, the Secretary shall prioritize not more than 20 percent of remaining amounts made available under this section for projects—*

*"(i) that have been maintained at less than their authorized width and depth during the preceding 5 fiscal years; and*

*"(ii) for which significant State and local investments in infrastructure have been made at those projects.*

*"(2) ADMINISTRATION.—For purposes of this subsection, State and local investments in infrastructure shall include infrastructure investments made*

*using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).*

*"(3) APPLICATION.—The prioritization criteria under paragraph (1) shall not be implemented in any fiscal year in which the guarantee in section 8003 of the Water Resources Development Act of 2013 is not fully enforced.".*

*(b) OPERATION AND MAINTENANCE.—Section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) is amended—*

*(1) in paragraph (1), by striking "45 feet" and inserting "50 feet"; and*

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

*"(3) OPERATION AND MAINTENANCE ACTIVITIES DEFINED.—*

*"(A) SCOPE OF OPERATION AND MAINTENANCE ACTIVITIES.—Notwithstanding any other provision of law (including regulations and guidelines) and subject to subparagraph (B), for purposes of this subsection, operation and maintenance activities that are eligible for the Federal cost share under paragraph (1) shall include—*

*"(i) the dredging of berths in a harbor that is accessible to a Federal channel, if the*

*Federal channel has been constructed to a depth equal to the authorized depth of the channel; and*

*"(ii) the dredging and disposal of legacy-contaminated sediments and sediments unsuitable for ocean disposal that—*

*"(I) are located in or affect the maintenance of Federal navigation channels; or*

*"(II) are located in berths that are accessible to Federal channels.*

*"(B) LIMITATIONS.—*

*"(i) IN GENERAL.—For each fiscal year, subparagraph (A) shall only apply if all operation and maintenance activities that are eligible for the Federal cost share under paragraph (1) in a State described in clause (ii) have been funded.*

*"(ii) STATE LIMITATION.—For each fiscal year, the operation and maintenance activities described in subparagraph (A) may only be carried out in a State—*

*"(I) in which the total amounts collected pursuant to section 4461 of the Internal Revenue Code of 1986*

*comprise not less than 2.5 percent annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986; and*

*"(II) that received less than 50 percent of the total amounts collected in that State pursuant to section 4461 of the Internal Revenue Code of 1986 in the previous 3 fiscal years.*

*"(iii) PRIORITIZATION.—In allocating amounts made available under this paragraph, the Secretary shall give priority to projects that have received the lowest rate of funding from the Harbor Maintenance Trust fund in the previous 3 fiscal years.".*

*(c) CONFORMING AMENDMENT.—Section 9505(c)(1) of the Internal Revenue Code of 1986 is amended by striking "as in effect on the date of the enactment of the Water Resources Development Act of 1996" and inserting "as in effect on the date of the enactment of the Harbor Maintenance Trust Fund Act of 2013".*

***SEC. 8005. CIVIL WORKS PROGRAM OF THE CORPS OF ENGINEERS.***

*(a) POINT OF ORDER.—*

*(1) IN GENERAL.—Subject to subsections (b) and (c), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would result in making the amounts made available for a given fiscal year to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers other than the harbor maintenance programs to be less than the amounts made available for those purposes in the previous fiscal year.*

*(2) CALCULATION OF AMOUNTS.—For each fiscal year, the amounts made available to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers shall not include any amounts that are designated by Congress—*

*(A) as being for emergency requirements pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or*

*(B) as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)).*

*(b) EXCEPTIONS.—Subsection (a) shall not apply if amounts made available for the civil works program of the Corps of Engineers for a fiscal year is less than the amounts made available for the civil works program in the previous fiscal year if the reduction in amounts made available—*

*(1) applies to all discretionary funds and programs of the Federal Government; and*

*(2) is applied to the civil works program in the same percentage and manner as other discretionary funds and programs.*

*(c) WAIVER AND APPEAL.—*

*(1) SENATE.—*

*(A) IN GENERAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn.*

*(B) APPEAL.—An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).*

*(2) HOUSE OF REPRESENTATIVES.—The Committee on Rules of the House of Representatives may not report a rule or order that would waive a point*

*of order to a bill or joint resolution from being made under subsection (a).*

# *TITLE IX—DAM SAFETY*

***SEC. 9001. SHORT TITLE.***

*This title may be cited as the "Dam Safety Act of 2013".*

***SEC. 9002. PURPOSE.***

*The purpose of this title and the amendments made by this title is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of the Federal Government and non-Federal interests in achieving national dam safety hazard reduction.*

***SEC. 9003. ADMINISTRATOR.***

*(a) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator".*

*(b) CONFORMING AMENDMENT.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—*

*(1) by striking paragraph (3);*

*(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and*

*(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:*

*"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.".*

***SEC. 9004. INSPECTION OF DAMS.***

*Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking "or maintenance" and inserting "maintenance, condition, or provisions for emergency operations".*

***SEC. 9005. NATIONAL DAM SAFETY PROGRAM.***

*(a) OBJECTIVES.—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:*

*"(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;".*

*(b) BOARD.—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by inserting ", representatives from nongovernmental organizations," after "State agencies".*

***SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.***

*The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—*

*(1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and*

*(2) by inserting after section 10 (33 U.S.C. 467g–1) the following:*

***"SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.***

*"The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall carry out a nationwide public awareness and outreach program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.".*

***SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.***

*(a) NATIONAL DAM SAFETY PROGRAM.—*

*(1) ANNUAL AMOUNTS.—Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking "$6,500,000" and all that follows through "2011" and inserting "$9,200,000 for each of fiscal years 2014 through 2018".*

*(2) MAXIMUM AMOUNT OF ALLOCATION.—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—*

*(A) by striking "The amount" and inserting the following:*

*"(i) IN GENERAL.—The amount"; and*

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

*"(ii) FISCAL YEAR 2014 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2014 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.".*

*(b) NATIONAL DAM INVENTORY.—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking "$650,000" and all that follows through "2011" and inserting "$500,000 for each of fiscal years 2014 through 2018".*

*(c) PUBLIC AWARENESS.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—*

*(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and*

*(2) by inserting after subsection (b) the following:*

*"(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 $1,000,000 for each of fiscal years 2014 through 2018.".*

*(d) RESEARCH.—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking "$1,600,000" and all that follows through "2011" and inserting "$1,450,000 for each of fiscal years 2014 through 2018".*

*(e) DAM SAFETY TRAINING.—Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking "$550,000" and all that follows through "2011" and inserting "$750,000 for each of fiscal years 2014 through 2018".*

*(f) STAFF.—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking "$700,000" and all that follows through "2011" and inserting "$1,000,000 for each of fiscal years 2014 through 2018".*

# *TITLE X—INNOVATIVE FINANCING PILOT PROJECTS*

***SEC. 10001. SHORT TITLE.***

*This title may be cited as the "Water Infrastructure Finance and Innovation Act of 2013".*

***SEC. 10002. PURPOSES.***

*The purpose of this title is to establish a pilot program to assess the ability of innovative financing tools to—*

*(1) promote increased development of critical water resources infrastructure by establishing additional opportunities for financing water resources projects that complement but do not replace or reduce existing Federal infrastructure financing tools such as the State water pollution control revolving loan funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);*

*(2) attract new investment capital to infrastructure projects that are capable of generating revenue streams through user fees or other dedicated funding sources;*

*(3) complement existing Federal funding sources and address budgetary constraints on the Corps of Engineers civil works program and existing wastewater and drinking water infrastructure financing programs;*

*(4) leverage private investment in water resources infrastructure;*

*(5) align investments in water resources infrastructure to achieve multiple benefits; and*

*(6) assist communities facing significant water quality, drinking water, or flood risk challenges with the development of water infrastructure projects.*

***SEC. 10003. DEFINITIONS.***

*In this title:*

*(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.*

*(2) COMMUNITY WATER SYSTEM.—The term "community water system" has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).*

*(3) FEDERAL CREDIT INSTRUMENT.—The term "Federal credit instrument" means a secured loan or loan guarantee authorized to be made available under this title with respect to a project.*

*(4) INVESTMENT-GRADE RATING.—The term "investment-grade rating" means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.*

*(5) LENDER.—*

*(A) IN GENERAL.—The term "lender" means any non-Federal qualified institutional*

*buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).*

*(B) INCLUSIONS.—The term "lender" includes—*

*(i) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and*

*(ii) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.*

*(6) LOAN GUARANTEE.—The term "loan guarantee" means any guarantee or other pledge by the Secretary or the Administrator to pay all or part of the principal of, and interest on, a loan or other debt obligation issued by an obligor and funded by a lender.*

*(7) OBLIGOR.—The term "obligor" means an eligible entity that is primarily liable for payment of*

*the principal of, or interest on, a Federal credit instrument.*

*(8) PROJECT OBLIGATION.—*

*(A) IN GENERAL.—The term "project obligation" means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project.*

*(B) EXCLUSION.—The term "project obligation" does not include a Federal credit instrument.*

*(9) RATING AGENCY.—The term "rating agency" means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).*

*(10) SECURED LOAN.—The term "secured loan" means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 10010.*

*(11) STATE.—The term "State" means—*

*(A) a State;*

*(B) the District of Columbia;*

*(C) the Commonwealth of Puerto Rico; and*

*(D) any other territory or possession of the United States.*

*(12) STATE INFRASTRUCTURE FINANCING AUTHORITY.—The term "State infrastructure financing authority" means the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).*

*(13) SUBSIDY AMOUNT.—The term "subsidy amount" means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, as calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).*

*(14) SUBSTANTIAL COMPLETION.—The term "substantial completion", with respect to a project, means the earliest date on which a project is considered to perform the functions for which the project is designed.*

*(15) TREATMENT WORKS.—The term "treatment works" has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).*

***SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.***

*(a) IN GENERAL.—The Secretary and the Administrator may provide financial assistance under this title to carry out pilot projects, which shall be selected to ensure a diversity of project types and geographical locations.*

*(b) RESPONSIBILITY.—*

*(1) SECRETARY.—The Secretary shall carry out all pilot projects under this title that are eligible projects under section 10007(1).*

*(2) ADMINISTRATOR.—The Administrator shall carry out all pilot projects under this title that are eligible projects under paragraphs (2), (3), (4), (5), (6), and (8) of section 10007.*

*(3) OTHER PROJECTS.—The Secretary or the Administrator, as applicable, may carry out eligible projects under paragraph (7) or (9) of section 10007.*

***SEC. 10005. APPLICATIONS.***

*(a) IN GENERAL.—To receive assistance under this title, an eligible entity shall submit to the Secretary or the Administrator, as applicable, an application at such time,*

*in such manner, and containing such information as the Secretary or the Administrator may require.*

*(b) COMBINED PROJECTS.—In the case of an eligible project described in paragraph (8) or (9) of section 10007, the Secretary or the Administrator, as applicable, shall require the eligible entity to submit a single application for the combined group of projects.*

***SEC. 10006. ELIGIBLE ENTITIES.***

*The following entities are eligible to receive assistance under this title:*

*(1) A corporation.*

*(2) A partnership.*

*(3) A joint venture.*

*(4) A trust.*

*(5) A Federal, State, or local governmental entity, agency, or instrumentality.*

*(6) A tribal government or consortium of tribal governments.*

*(7) A State infrastructure financing authority.*

***SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.***

*The following projects may be carried out with amounts made available under this title:*

*(1) A project for flood control or hurricane and storm damage reduction that the Secretary has deter-*

*mined is technically sound, economically justified, and environmentally acceptable, including—*

*(A) a structural or nonstructural measure to reduce flood risk, enhance stream flow, or protect natural resources; and*

*(B) a levee, dam, tunnel, aqueduct, reservoir, or other related water infrastructure.*

*(2) 1 or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.*

*(3) 1 or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)).*

*(4) A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works.*

*(5) A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility.*

*(6) A brackish or sea water desalination project, a managed aquifer recharge project, or a water recycling project.*

*(7) Acquisition of real property or an interest in real property—*

*(A) if the acquisition is integral to a project described in paragraphs (1) through (6); or*

*(B) pursuant to an existing plan that, in the judgment of the Administrator or the Secretary, as applicable, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.*

*(8) A combination of projects, each of which is eligible under paragraph (2) or (3), for which a State infrastructure financing authority submits to the Administrator a single application.*

*(9) A combination of projects secured by a common security pledge, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which an eligible entity, or a combination of eligible entities, submits a single application.*

***SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.***

*For purposes of this title, an eligible activity with respect to an eligible project includes the cost of—*

*(1) development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), rev-*

*enue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;*

*(2) construction, reconstruction, rehabilitation, and replacement activities;*

*(3) the acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to section 10007(7)), construction contingencies, and acquisition of equipment;*

*(4) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and*

*(5) refinancing interim construction funding, long-term project obligations, or a secured loan or loan guarantee made under this title.*

***SEC. 10009. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.***

*(a) ELIGIBILITY REQUIREMENTS.—To be eligible to receive financial assistance under this title, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:*

*(1) CREDITWORTHINESS.—*

*(A) IN GENERAL.—Subject to subparagraph (B), the project shall be creditworthy, which shall be determined by the Secretary or the Administrator, as applicable, who shall ensure that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment.*

*(B) PRELIMINARY RATING OPINION LETTER.—The Secretary or the Administrator, as applicable, shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency indicating that the senior obligations of the project (which may be the Federal credit instrument) have the potential to achieve an investment-grade rating.*

*(C) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to a State infrastructure financing authority for a project under section 10007(8) or an entity for a project under section 10007(9), which may include requiring the provision of a preliminary rating opinion letter from at least 1 rating agency.*

*(2) ELIGIBLE PROJECT COSTS.—The eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.*

*(3) DEDICATED REVENUE SOURCES.—The Federal credit instrument for the project shall be repayable, in whole or in part, from dedicated revenue sources that also secure the project obligations.*

*(4) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project carried out by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project shall be publicly sponsored.*

*(5) LIMITATION.—No project receiving Federal credit assistance under this title may be financed or refinanced (directly or indirectly), in whole or in part, with proceeds of any obligation—*

*(A) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or*

*(B) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.*

*(b) SELECTION CRITERIA.—*

*(1) ESTABLISHMENT.—The Secretary or the Administrator, as applicable, shall establish criteria for*

*the selection of projects that meet the eligibility requirements of subsection (a), in accordance with paragraph (2).*

*(2) CRITERIA.—The selection criteria shall include the following:*

*(A) The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as—*

*(i) the reduction of flood risk;*

*(ii) the improvement of water quality and quantity, including aquifer recharge;*

*(iii) the protection of drinking water; and*

*(iv) the support of international commerce.*

*(B) The extent to which the project financing plan includes public or private financing in addition to assistance under this title.*

*(C) The likelihood that assistance under this title would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.*

*(D) The extent to which the project uses new or innovative approaches.*

*(E) The amount of budget authority required to fund the Federal credit instrument made available under this title.*

*(F) The extent to which the project—*

*(i) protects against extreme weather events, such as floods or hurricanes; or*

*(ii) helps maintain or protect the environment.*

*(G) The extent to which a project serves regions with significant energy exploration, development, or production areas.*

*(H) The extent to which a project serves regions with significant water resource challenges, including the need to address—*

*(i) water quality concerns in areas of regional, national, or international significance;*

*(ii) water quantity concerns related to groundwater, surface water, or other water sources;*

*(iii) significant flood risk;*

*(iv) water resource challenges identified in existing regional, State, or multistate agreements; or*

*(v) water resources with exceptional recreational value or ecological importance.*

*(I) The extent to which assistance under this title reduces the contribution of Federal assistance to the project.*

*(3) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—For a project described in section 10007(8), the Administrator shall only consider the criteria described in subparagraphs (B) through (I) of paragraph (2).*

*(c) FEDERAL REQUIREMENTS.—Nothing in this section supersedes the applicability of other requirements of Federal law (including regulations).*

***SEC. 10010. SECURED LOANS.***

*(a) AGREEMENTS.—*

*(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary or the Administrator, as applicable, may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—*

*(A) to finance eligible project costs of any project selected under section 10009;*

*(B) to refinance interim construction financing of eligible project costs of any project selected under section 10009; or*

*(C) to refinance long-term project obligations or Federal credit instruments, if that refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—*

*(i) is selected under section 10009; or*

*(ii) otherwise meets the requirements of section 10009.*

*(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A secured loan under paragraph (1) shall not be used to refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the applicable project.*

*(3) FINANCIAL RISK ASSESSMENT.—Before entering into an agreement under this subsection for a secured loan, the Secretary or the Administrator, as applicable, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 10009(a)(1)(B), shall determine an appropriate capital reserve subsidy amount for the secured loan, taking into account each such preliminary rating opinion letter.*

*(4) INVESTMENT-GRADE RATING REQUIREMENT.—The execution of a secured loan under this section shall be contingent on receipt by the senior obligations of the project of an investment-grade rating.*

*(b) TERMS AND LIMITATIONS.—*

*(1) IN GENERAL.—A secured loan provided for a project under this section shall be subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits), as the Secretary or the Administrator, as applicable, determines to be appropriate.*

*(2) MAXIMUM AMOUNT.—The amount of a secured loan under this section shall not exceed the lesser of—*

*(A) an amount equal to 49 percent of the reasonably anticipated eligible project costs; and*

*(B) if the secured loan does not receive an investment-grade rating, the amount of the senior project obligations of the project.*

*(3) PAYMENT.—A secured loan under this section—*

*(A) shall be payable, in whole or in part, from State or local taxes, user fees, or other dedi-*

*cated revenue sources that also secure the senior project obligations of the relevant project;*

*(B) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and*

*(C) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.*

*(4) INTEREST RATE.—The interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.*

*(5) MATURITY DATE.—*

*(A) IN GENERAL.—The final maturity date of a secured loan under this section shall be not later than 35 years after the date of substantial completion of the relevant project.*

*(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—The final maturity date of a secured loan to a State infrastructure financing authority under this section shall be not later than 35 years after the date on which amounts are first disbursed.*

*(6) NONSUBORDINATION.—A secured loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor of the project.*

*(7) FEES.—The Secretary or the Administrator, as applicable, may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.*

*(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this section may be used to pay any non-Federal share of project costs required if the loan is repayable from non-Federal funds.*

*(9) MAXIMUM FEDERAL INVOLVEMENT.—*

*(A) IN GENERAL.—Except as provided in subparagraph (B), for each project for which assistance is provided under this title, the total amount of Federal assistance shall not exceed 80 percent of the total project cost.*

*(B) EXCEPTION.—Subparagraph (A) shall not apply to any rural water project—*

*(i) that is authorized to be carried out by the Secretary of the Interior;*

*(ii) that includes among its beneficiaries a federally recognized Indian tribe; and*

*(iii) for which the authorized Federal share of the total project costs is greater than the amount described in subparagraph (A).*

*(c) REPAYMENT.—*

*(1) SCHEDULE.—The Secretary or the Administrator, as applicable, shall establish a repayment schedule for each secured loan provided under this section, based on the projected cash flow from project revenues and other repayment sources.*

*(2) COMMENCEMENT.—*

*(A) IN GENERAL.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.*

*(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—Scheduled loan repayments of principal or interest on a secured loan to a State infrastructure financing authority under this title shall commence not later*

*than 5 years after the date on which amounts are first disbursed.*

*(3) DEFERRED PAYMENTS.—*

*(A) AUTHORIZATION.—If, at any time after the date of substantial completion of a project for which a secured loan is provided under this section, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary or the Administrator, as applicable, subject to subparagraph (C), may allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.*

*(B) INTEREST.—Any payment deferred under subparagraph (A) shall—*

*(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and*

*(ii) be scheduled to be amortized over the remaining term of the secured loan.*

*(C) CRITERIA.—*

*(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting such criteria as*

*the Secretary or the Administrator, as applicable, may establish.*

*(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.*

*(4) PREPAYMENT.—*

*(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay a secured loan under this section without penalty.*

*(B) USE OF PROCEEDS OF REFINANCING.—A secured loan under this section may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.*

*(d) SALE OF SECURED LOANS.—*

*(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the date of substantial completion of a project and after providing a notice to the*

*obligor, the Secretary or the Administrator, as applicable, may sell to another entity or reoffer into the capital markets a secured loan for a project under this section, if the Secretary or the Administrator, as applicable, determines that the sale or reoffering can be made on favorable terms.*

*(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary or the Administrator, as applicable, may not change the original terms and conditions of the secured loan without the written consent of the obligor.*

*(e) LOAN GUARANTEES.—*

*(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may provide a loan guarantee to a lender in lieu of making a secured loan under this section, if the Secretary or the Administrator, as applicable, determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.*

*(2) TERMS.—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between*

*the obligor and the lender, with the consent of the Secretary or the Administrator, as applicable.*

***SEC. 10011. PROGRAM ADMINISTRATION.***

*(a) REQUIREMENT.—The Secretary or the Administrator, as applicable, shall establish a uniform system to service the Federal credit instruments made available under this title.*

*(b) FEES.—*

*(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may collect and spend fees, contingent on authority being provided in appropriations Acts, at a level that is sufficient to cover—*

*(A) the costs of services of expert firms retained pursuant to subsection (d); and*

*(B) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments provided under this title.*

*(c) SERVICER.—*

*(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may appoint a financial entity to assist the Secretary or the Administrator in servicing the Federal credit instruments provided under this title.*

*(2) DUTIES.—A servicer appointed under paragraph (1) shall act as the agent for the Secretary or the Administrator, as applicable.*

*(3) FEE.—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary or the Administrator, as applicable.*

*(d) ASSISTANCE FROM EXPERTS.—The Secretary or the Administrator, as applicable, may retain the services, including counsel, of organizations and entities with expertise in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments provided under this title.*

*(e) APPLICABILITY OF OTHER LAWS.—Section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) applies to the construction of a project carried out, in whole or in part, with assistance made available through a Federal credit instrument under this title in the same manner that section applies to a treatment works for which a grant is made available under that Act.*

***SEC. 10012. STATE, TRIBAL, AND LOCAL PERMITS.***

*The provision of financial assistance for project under this title shall not—*

*(1) relieve any recipient of the assistance of any obligation to obtain any required State, local, or tribal permit or approval with respect to the project;*

*(2) limit the right of any unit of State, local, or tribal government to approve or regulate any rate of return on private equity invested in the project; or*

*(3) otherwise supersede any State, local, or tribal law (including any regulation) applicable to the construction or operation of the project.*

***SEC. 10013. REGULATIONS.***

*The Secretary or the Administrator, as applicable, may promulgate such regulations as the Secretary or Administrator determines to be appropriate to carry out this title.*

***SEC. 10014. FUNDING.***

*(a) IN GENERAL.—There is authorized to be appropriated to each of the Secretary and the Administrator to carry out this title $50,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.*

*(b) ADMINISTRATIVE COSTS.—Of the funds made available to carry out this title, the Secretary or the Administrator, as applicable, may use for the administration of this title, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals*

*for the project, not more than $2,200,000 for each of fiscal years 2014 through 2018.*

***SEC. 10015. REPORT TO CONGRESS.***

*Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary or the Administrator, as applicable, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing for the projects that are receiving, or have received, assistance under this title—*

*(1) the financial performance of those projects, including a recommendation as to whether the objectives of this title are being met; and*

*(2) the public benefit provided by those projects, including, as applicable, water quality and water quantity improvement, the protection of drinking water, and the reduction of flood risk.*

# *TITLE XI—EXTREME WEATHER*

***SEC. 11001. STUDY ON RISK REDUCTION.***

*(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall enter into an arrangement with the National Academy of Sciences to carry out a study and make rec-*

*ommendations relating to infrastructure and coastal restoration options for reducing risk to human life and property from extreme weather events, such as hurricanes, coastal storms, and inland flooding.*

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

*(1) an analysis of strategies and water resources projects, including authorized water resources projects that have not yet been constructed, and other projects implemented in the United States and worldwide to respond to risk associated with extreme weather events;*

*(2) an analysis of historical extreme weather events and the ability of existing infrastructure to mitigate risks associated with those events;*

*(3) identification of proven, science-based approaches and mechanisms for ecosystem protection and identification of natural resources likely to have the greatest need for protection, restoration, and conservation so that the infrastructure and restoration projects can continue safeguarding the communities in, and sustaining the economy of, the United States;*

*(4) an estimation of the funding necessary to improve infrastructure in the United States to reduce risk associated with extreme weather events;*

*(5) an analysis of the adequacy of current funding sources and the identification of potential new funding sources to finance the necessary infrastructure improvements referred to in paragraph (3); and*

*(6) an analysis of the Federal, State, and local costs of natural disasters and the potential cost-savings associated with implementing mitigation measures.*

*(c) COORDINATION.—The National Academy of Sciences may cooperate with the National Academy of Public Administration to carry out 1 or more aspects of the study under subsection (a).*

*(d) PUBLICATION.—Not later than 30 days after completion of the study under subsection (a), the National Academy of Sciences shall—*

*(1) submit a copy of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and*

*(2) make a copy of the study available on a publicly accessible Internet site.*

***SEC. 11002. GAO STUDY ON MANAGEMENT OF FLOOD, DROUGHT, AND STORM DAMAGE.***

*(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall sub-*

*mit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study of the strategies used by the Corps of Engineers for the comprehensive management of water resources in response to floods, storms, and droughts, including an historical review of the ability of the Corps of Engineers to manage and respond to historical drought, storm, and flood events.*

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

*(1) the extent to which existing water management activities of the Corps of Engineers can better meet the goal of addressing future flooding, drought, and storm damage risks, which shall include analysis of all historical extreme weather events that have been recorded during the previous 5 centuries as well as in the geological record;*

*(2) whether existing water resources projects built or maintained by the Corps of Engineers, including dams, levees, floodwalls, flood gates, and other appurtenant infrastructure were designed to adequately address flood, storm, and drought impacts and the extent to which the water resources projects have been successful at addressing those impacts;*

*(3) any recommendations for approaches for repairing, rebuilding, or restoring infrastructure, land, and natural resources that consider the risks and vulnerabilities associated with past and future extreme weather events;*

*(4) whether a reevaluation of existing management approaches of the Corps of Engineers could result in greater efficiencies in water management and project delivery that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions;*

*(5) any recommendations for improving the planning processes of the Corps of Engineers to provide opportunities for comprehensive management of water resources that increases efficiency and improves response to flood, storm, and drought conditions; and*

*(6) any recommendations for improving approaches to rebuilding or restoring infrastructure and natural resources that contribute to risk reduction, such as coastal wetlands, to prepare for flood and drought.*

***SEC. 11003. POST-DISASTER WATERSHED ASSESSMENTS.***

*(a) WATERSHED ASSESSMENTS.—*

*(1) IN GENERAL.—In an area that the President has declared a major disaster in accordance with sec-*

*tion 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, or ecosystem restoration project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.*

*(2) EXISTING PROJECTS.—A watershed assessment carried out paragraph (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b) (1).*

*(3) DUPLICATE WATERSHED ASSESSMENTS.—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.*

*(b) PROJECTS.—*

*(1) IN GENERAL.—The Secretary may carry out 1 or more small projects identified in a watershed assessment under subsection (a) that the Secretary would otherwise be authorized to carry out under—*

*(A) section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s);*

*(B) section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i);*

*(C) section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);*

*(D) section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a);*

*(E) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577); or*

*(F) section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).*

*(2) EXISTING PROJECTS.—In carrying out a project under paragraph (1), the Secretary shall—*

*(A) to the maximum extent practicable, use all existing information and studies available for the project; and*

*(B) not require any element of a study completed for the project prior to the disaster to be repeated.*

*(c) REQUIREMENTS.—All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.*

*(d) LIMITATIONS ON ASSESSMENTS.—*

*(1) IN GENERAL.—A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.*

*(2) FEDERAL SHARE.—The Federal share of the cost of carrying out a watershed assessment under subsection (a) shall not exceed $1,000,000.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2018.*

**Calendar No. 44**

113TH CONGRESS
1ST SESSION

# S. 601

**[Report No. 113–13]**

# A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

APRIL 22, 2013

Reported with an amendment