WATER RESOURCES
DEVELOPMENT ACT OF 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 601, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 601) 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.

Pursuant to the request of Senator McCaskill, Mr. Coburn, and Mr. Flake, the amendment was agreed to.

The amendment as follows:

(Senate Amendment No. 906)

Mr. COBURN. Mr. President, I ask to set aside the pending amendment and call up amendment No. 815.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. Coburn], for himself, Mr. McCain, and Mr. Flake, proposes an amendment numbered 815.

The amendment is as follows:

(Amendment No. 815)

Mr. COBURN. Mr. President, I ask to set aside the pending amendment and call up amendment No. 816.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. Coburn], for himself, Mrs. McCaskill, and Mr. McCain, proposes an amendment numbered 816.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Amendment No. 816)

Mr. COBURN. Mr. President, I ask for the chairman through the Chair, if I might.

Mrs. BOXER. Yes.

Mr. COBURN. My question on the deauthorization commission would be why would they not take into consideration all of the things the Senator just mentioned before they would recommend deauthorizing a program, if, in fact, the only reason they would not deauthorize it was because it was spending money that is not going to have a positive purpose.

So my question is, you trust the deauthorizing committee for all these other areas, but you do not trust their judgment to look at projects that are ongoing. Why would we think they would not make a positive decision in the best interests of the country?

Mrs. BOXER. I would answer my friend in this way. This is a new commission. We set it up in the bill. It has never worked before. We do not know how it will work. So we thought, for starters, let’s go after the older projects, see how it works, and any day we could come back and add more authority. But we think, if there are active projects or active prevention of something, we would be very, very confused signal to the folks back home.

We think this is the way to start it. It is smart. We have never had this commission before. I am very proud that we have it in here. I know my colleagues oppose it. He is already wanting to expand it. But I think we start this way, and then if it looks like we can give them more authority, we can. By the way, any day of the week Congress could deauthorize as well.

Mr. COBURN. The point I would make is the following: The big problem with WRDA bills is they become parochial in nature. So what we have excluded is everything since 1996 forward, which actually includes the present Members of Congress in terms of projects, their parochial wishes. So what we have done is we have said: You may not be capable of defunding or deauthorizing something else, but if it is new, you do not have this opportunity to do that. So what we are doing is we are protecting interests.

I yield back.

The ACTING PRESIDENT pro tempore. The Senator’s time has expired.

Mrs. BOXER. Mr. President, I rise to ask a question for the chairman.

Mr. COBURN. I have an amendment on the floor.

Mr. COBURN. Mr. President, I ask, your respect.

Mrs. BOXER. I would answer my friend in this way. This is a small investment considering the billions of dollars in public and private infrastructure and jobs.

Approximately $48 million of Federal funding has gone toward this project. This is a small investment considering the billions it would take to rebuild Ocean City’s homes, businesses, and hotels along the Atlantic Ocean. I urge my colleagues to oppose Senator Coburn’s amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 815.

Mr. COBURN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. Lautenberg), the Senator from Washington (Mrs. Murray), and the Senator from Florida (Mr. Nelson) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. Nelson) would vote “nay.”

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alaska (Ms. Murkowski).

The PRESIDING OFFICER (Ms. Heitkamp). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 121 Leg.]
The amendment (No. 815) was rejected. The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 816 offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. BOXER. Madam President, I believe there is 2 minutes equally divided. Could I ask my friend if he wishes to make a statement.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Amendment No. 816 expands the review commission so that, in fact, it can look at everything. We have given them the responsibility.

What the bill does is a great first step, but it protects all the earmarks from 1996 forward, so we are not going to look at any of those. We are not going to allow the review commission, the deauthorization commission, to make recommendations on everything. We are going to select what they will look at.

If we trust them to look at the other things, we ought to trust them to look at all of it. We do have an opportunity to turn them down if, in fact, they are trying to deauthorize something the Congress thinks shouldn’t be deauthorized.

Mrs. BOXER. Madam President, I urge a “no” vote. Colleagues, please hear me out. This amendment would expand the authority of a newly created infrastructure deauthorization commission and allow projects in your State to be stopped midstream—active projects, projects that have local funds flowing into them and private funds flowing into them. This is a bridge too far.

I am very proud of the work Senator VITTER and I have done in setting up this commission. We have very clear rules about what the commission could look at, and we protect projects that are active. We say to them: Go after the inactive projects, stop them, and save taxpayer dollars.

Please, let’s have a good “no” vote on this one. Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The assistant bill clerk called the vote and to lay that motion on the table.

The PRESIDING OFFICER. The Senator from Arkansas, Mr. BOOZMAN.

Mr. BOOZMAN. Madam President, this is a commonsense amendment. All it does is allow the Corps of Engineers to participate in the interagency America the Beautiful Pass Program. It just allows military families to participate in the same way they already do with the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation.

Madam President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report the amendment. The assistant bill clerk read as follows:

The amendment is as follows: (Purpose: To authorize the Secretary to participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program)

At the end of the bill, add the following:

TITLe xii—Miscellaneous

SEC. 12001. America the Beautiful National Parks and Federal Recreational Lands Pass Program.

The Secretary may participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program in the same manner as the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation, including the provision of free annual passes to active duty military personnel and dependents.

Mr. BOOZMAN. Again, ditto. This is a very commonsense amendment, and I think we can all agree to it.

The PRESIDING OFFICER. Who yields time in opposition?

Mrs. BOXER. Madam President, we tick all of our time, and we ask for a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 822) was agreed to.

Mrs. BOXER. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 866

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 866, offered by the Senator from Oregon, Mr. MERKLEY.

Mrs. BOXER. Madam President, I support the Merkley amendment. I hope we will have an overwhelming vote on it, and I ask my colleague to take the remaining time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I call up amendment No. 866.
The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself and Mr. BROWN, proposes an amendment beginning on page 866.

The amendment is as follows:

(Purpose: To require the use of American iron, steel, and manufactured goods for innovative financing pilot projects)

At the end of title X, add the following:

SEC. 100. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS

(a) In General.—Except as provided in subsection (b), none of the amounts made available under this Act may be used for the construction, alteration, maintenance, or repair of a project eligible for assistance under this title unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Exception.—Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of materials in some Federal circumstances, this could increase the cost of materials in some Federal projects by close to 25 percent. So if we are talking about $1 billion worth of materials, we are talking almost $250 million of increased cost for certain materials this could bring about.

I thank the Chair.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 866. Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Mrs. MURRAY), and the Senator from Massachusetts (Mrs. WARREN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mrs. WARREN) would vote "yea."

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURkowski).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—60

Baldwin
Baucus
Beighel
Blumenthal
Boozman
Boyer
Brown
Burr
Cardin
Carper
Casey
Cooper
Cox
Cowan
Coons
Cochran
Collins
Green
Grassley
Fischer
Feinstein
NAYS—36

Alexander
Ayotte
Barrasso
Blumenthal
Barrasso
Blumenthal
Blumenthal
Boozman
Boyer
Brown
Burr
Cardin
Carper
Casey
Cooper
Cox
Cowan
Coons
Collins
Green
Grassley
Fischer
Feinstein
NAY—NOT VOTING—4

Lautenberg
Markowski

Mr. LEE. Madam President, I speak in opposition to this amendment.

While I understand the concern underlying it, I also have significant concerns as to what this would do. In some circumstances, this could increase the cost of materials in some Federal projects by close to 25 percent. So if we are talking about $1 billion worth of materials, we are talking almost $250 million of increased cost for certain materials this could bring about.

I thank the Chair.

The PRESIDING OFFICER. The amendment (No. 866) was agreed to.
colleague is right on that—is we sunset the provision in 10 years.

For the first time in history, the resource agencies my friend and I care so much about, such as Fish and Wildlife, EPA, and all the rest, will be in the room when the committee sets the lines. It is very important that we get our job done. Bureaucratic agencies have to get the work done as well.

I think this reform is one we will be proud of, and I look forward to those hearings.

I thank my colleague. We will get on with this and make sure this reform works the way we anticipate it will.

I yield the floor.

AMENDMENT NO. 909, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 909, offered by the Senator from North Dakota.

The Senator from North Dakota.

Mr. HOEVEN. Madam President, I understand that my amendment has already been handed in. I will point out that I have a modification at the desk.

This is a very simple amendment. It provides that the Corps of Engineers cannot charge a State or a tribe or municipality—

Mrs. BOXER. Madam President, the Senate is not in order. I believe this is our last amendment, and this is an important amendment to my friend. It is also important to many States. It would be nice if we could show the Senator some courtesy.

The PRESIDING OFFICER. The Senator who is hailing the amendment is the Senator from North Dakota.

Mr. HOEVEN. Madam President, I thank my colleague from California.

I would also like to thank both Senator BOXER and Senator VITTER for their work on this amendment. I appreciate your very much.

This is a very simple amendment. It says that the Corps of Engineers cannot charge a State fees for water when it violates the State’s water rights. It affects municipalities and tribes as well. We have made sure it does not score under the CBO rules.

This amendment has strong bipartisan support—Senator THUNE, Senator HICKAMP, Senator BAUCUS, and Senator JOHNSON. This does not affect the master manual on the Missouri River or any of the authorized uses, and I wanted to emphasize that.

Again, this is a very simple amendment. It ensures that States rights are properly protected, and I encourage a “yes” vote.

The PRESIDING OFFICER. Without objection, the amendment has been modified.

The amendment (No. 909), as modified, is as follows:

(Purpose: To restrict charges for certain surplus water)

On page 190, after line 23, add the following:

SEC. 2660. RESTRICTION ON CHARGES FOR CER- TAIN SURPLUS WATER.

(a) In General. No fee for surplus water shall be charged under a contract for surplus water if the contract is for surplus water stored on the Missouri River.

(b) Offset.—Of the amounts previously made available for Corps of Engineers—Civil, Department of the Army, Operations and Maintenance that remain unobligated as of the effective date of this Act, $5,000,000 is hereby rescinded.

(c) None of the funds under subsection (b) may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mrs. BOXER. Madam President, if I could be heard on this amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I am supporting this amendment. It is important to the States that are affected, and there are several States that are affected. The fact is that we don’t want to see the corps start a water war, and the Presiding Officer has discussed that with me. I am very grateful to her and Senator HOEVEN for explaining this matter. The tribes were involved as well. We don’t want to see them get in trouble. I think we respect the fact that there are these water rights in place.

I will be supporting this amendment. The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Louisiana.

Mr. VITTER. Madam President, if I could ask unanimous consent to speak for 10 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I also strongly support this amendment. I think it is a very reasonable, commonsense amendment.

Mrs. HOEVEN. Madam Chair, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on this amendment? If not, the question is on agreeing to the amendment as modified.

The amendment (No. 909), as modified, was agreed to.

Mr. HOEVEN. Madam President, again, thank both of the managers of this bill.

The PRESIDING OFFICER. Under the previous order, the cloture motion is withdrawn and the clerk will read the title of the bill for the third time. The bill was ordered to be engrossed for a third reading and was read the third time.

WATER SUPPLY

Mrs. BOXER. Madam President, I want to take this opportunity to address one of the provisions of this bill relating to water supply. Section 2015, which originally had a much broader impact, now expresses the sense of the committee related to a particular dispute between States, and expresses a concern on the part of members of the Committee on Environment and Public Works regarding the ongoing interstate water disputes among the States of Alabama, Florida, and Georgia. I would like to yield to the Committee’s Rank- ing Republican, Senator VITTER, for his remarks about this provision, but I would note that it is the strong desire of the Committee that this dispute be resolved amicably through water compacts that ensure the availability of water to meet all aquifer and environmental needs. Senator VITTER, can you elaborate on the intent of Section 2015?

Mr. VITTER. I thank the chairman for including this provision, and I would note that the Corps of Engineers has long worked to ensure the Apalachee-Chattahoochee-Flint, ACF, River Basin and Alabama-Coosa-Tallapoosa, ACT, River Basins are able to meet the demands of users in Georgia, Alabama and Florida through its operation of dams and reservoirs, and performs an important role in regulating the flow of surface water in these basins. Further, it is the intent of WRDA Section 2015 to recognize that role and to assist the States’ efforts to reach an end to their disputes. While the committee does not intend to express any opinion about reallocations under the existing authority of the Water Supply Act and its application to these basins, we do believe these States should work to come to an agreement. Additionally, the Chairman and I intend to express these same sentiments to the Corps of Engineers through a letter that will be submitted in the RECORD soon after passage of this bill.

Mrs. BOXER. I thank the Senator. That’s correct. And as this new language clearly states, “this subsection does not alter existing rights or obligations under law.” So to reiterate, it is not the intention of Section 2015 to alter the Corps’ existing legal authority to reallocate storage, to express any view on whether current or projected future levels of storage for water supply exceed the Corps’ existing legal authority, or to prohibit or prevent the Corps from taking action consistent with its existing legal authority to study and implement reallocations of reservoir storage to meet municipal and industrial water supply needs.

Mr. VITTER. I thank the Chairman for his assistance with this provision.

HARBOR MAINTENANCE TAXES

Mrs. FEINSTEIN. Madam President, in fiscal year 2011, approximately $1.4 billion in harbor maintenance taxes, HMT, was collected nationally. Of this, over $390 million, nearly 32 percent, was collected in California, with nearly $363 million generated by the ports of Los Angeles and Long Beach. Of the amounts collected, nearly $677 million was allocated to coastal operations and maintenance budgets nationwide annually. Of the past 3 years California’s share of this funding is approximately $54 million, only 13 percent of what was collected in its ports. Put another way,
California contributes 32 percent of the whole HMT but is receiving only 8 percent of what is allocated nationwide.

Section 8004 of the bill establishes a path whereby HMT funds could be used on expanded uses to address the critical needs of California ports. I want to clarify that the amendment submitted by the Senator from Michigan, No. 893, does not preclude or unnecessarily delay the use of HMT funds in California’s largest ports. Is your understanding that this amendment, submitted by the Senator from Michigan, will not preclude or impact funding for expanded uses under Section 8004 (b) of the bill?

Mrs. BOXER. That is my understanding. The additional uses authorized by WRDA 2013 are important for many parts of the country, including California, and are clearly an eligible use of the harbor maintenance trust fund.

Mr. SCHUMER. Madam President, I would like to engage in a colloquy with the Senator from California, the chair of the Committee on Environment and Public Works, as well as the Senators from New Jersey, Senators LAUGENBERG and MENENDEZ, and my colleague from New York, Senator GILLIBRAND. I thank the chair for her leadership in bringing the Water Resources Development Act to the Senate floor to address the urgent need for investment in our Nation’s waterways, port infrastructure, and coastal flood protection. It is my hope that this bill will be passed quickly. The Sandy relief bill provided over $5 billion for the Army Corps of Engineers to construct and repair authorized hurricane protection projects in States devastated by Superstorm Sandy. A $20 million comprehensive study was included in order to analyze the flood risks of the east coast with the congressional intent and authority for the corps to move to specific feasibility studies. However, it is currently our understanding that the Corps of Engineers does not intend to provide specific project recommendations in this study that will result in feasibility studies. I am pleased that I was able to work with you, Chairman Boxer, and my colleagues from the affected States, to add language to this bill that addresses this issue. I would like to clarify the intent of the language.

While the language in section 3004 of the water resources development bill result in specific project recommendations for the Corps study?

Mrs. BOXER. I appreciate the Senator from New York raising this issue. I also know that my good friend from New York and I agree on the need to enhance the resiliency of the east coast in the wake of the devastation caused by Superstorm Sandy. Section 3004 states that, with respect to the corps study for flood and storm damage reduction authorized by the Sandy relief bill, the Secretary shall include specific project recommendations. The bill also includes a new provision to prioritize hurricane protection studies, section 2044, that would give the Secretary the authority to quickly move feasibility studies developed through the comprehensive hurricane study.

Mr. MENENDEZ. I thank the chair for her remarks. If I may, I would like to further clarify the language and purpose of section 3004. Post-Sandy, there is an acute need for an assessment of the northeast region’s storm protection infrastructure needs. Is it correct that section 3004 gives the Corps of Engineers the power to conduct feasibility studies on specific projects?

Mrs. BOXER. I thank the Senator from New Jersey for raising this concern. He is correct that the language of section 3004 authorizes and directs the Corps to conduct feasibility studies for the specific projects it identifies in the regional study.

Mr. LAUGENBERG. I thank the chair for making this clarification. I agree completely with my colleagues concerning the need for section 3004. Could the language in section 3004 about inclusion of specific project recommendations in the comprehensive study somehow hurt or take money away from the comprehensive regional study?

Mrs. BOXER. I thank the Senator from New Jersey for raising this concern. I believe that the Secretary shall include project recommendations, it does not add funding, so such recommendations or feasibility studies would only be possible if monies are available after the regional study is complete.

Mrs. GILLIBRAND. I agree completely with my colleagues’ interpretation of section 3004 and for the necessity of the section in question. When we added the provision in the Sandy relief bill for a comprehensive study to address flood risks on the east coast, we intended for this study to produce specific and actionable recommendations for hurricane protection. I thank my colleagues for their work and Chairman Boxer for her leadership.

GREAT LAKES NAVIGATION FUNDING

Mr. LEVIN: Madam President, this water resources bill includes important provisions for our shipping infrastructure, including the Great Lakes Navigation System, which carries over 160 million tons of cargo annually. I am pleased that the bill would prioritize funding for the Great Lakes Navigation System, which has suffered from historically low water levels, closed harbors, and light loaded vessels. The bill allocates 20 percent of priority funds for the Great Lakes Navigation System, which is equal to the Great Lakes portion of high-use deep draft projects nationwide. I am glad that the 20 percent of priority funds for the Great Lakes Navigation System would receive funds in addition to the baseline funding. I also want to highlight the rationale for identifying the Great Lakes as a single system. A freighter is restricted to loading its vessel based on the shallowest segment of its route. So a freighter that begins at a port that is adequately maintained, will not be able to fully load, reducing the efficiency of the navigation system and reducing our economic competitiveness. The Army Corps of Engineers should manage all of the individual harbor projects in the Great Lakes Navigation System as a single system, recognizing the interconnectedness among the projects. Chairman Boxer, is the interconnected nature of the Great Lakes system one of the reasons the bill distinguishes Great Lakes projects from other harbor and port projects?

Mrs. BOXER. The unique nature of the Great Lakes Navigation System is one of the reasons we do not include Great Lakes projects in the definition of high-use deep draft harbors and instead include the Great Lakes in a separate group for the prioritization.

Mr. SCHUMER. I am pleased that this matter concerning the additional funds for the Great Lakes has been clarified. The chairman has gone to great lengths to address important national priorities in this bill, including providing funding for our high-use, deep draft ports—like those in New York, Los Angeles/Long Beach and Oakland—and supporting unique commerce navigation for the Great Lakes. I also want to make sure that these funds are distributed to harbors in the Great Lakes that have been ignored by the corps over the years. Chairman Boxer, is that the intent of the language in section 8004 of the bill, that additional priority funds could be used for any Great Lakes navigation project, including those that handle lower levels of freight, measured by tonnage?

Mrs. BOXER. Yes, that is correct. The funding could be used for any project in the Great Lakes Navigation System.

Mr. SCHUMER. Thank the Senator for clarifying this matter, and I thank her for her work on this important legislation.

Mrs. KLOBUCHAR. I am also pleased to hear this discussion to clarify how the additional funding for the Great Lakes must be prioritized, I want to ensure the entire Great Lakes system functions effectively, and that means properly dredging the harbors in Minnesota so ships carrying iron ore, coal, limestone, and other commodities can fully load. It is critical that high-use ports like Duluth and Two Harbors in Minnesota get dredged, but for ships to carry goods at full capacity, it is also vital that the grading partners throughout the Great Lakes system are fully dredged. This agreement will go a long way toward increasing the efficiency of shipping across the Great Lakes.
prove the maintenance of the Great Lakes region. And thank you, Chairman BOXER, for working us to begin to improve the maintenance of the Great Lakes Navigation System, which is critical to our economy and jobs and to our global competitiveness.

**HARBOR MAINTENANCE TAX AND HARBOR MAINTENANCE TRUST FUND**

Mrs. MURRAY. Madam President, I rise to address the Water Resources Development Act that we passed today.

This important legislation authorizes Army Corp of Engineers projects that provide flood control, ensure navigation to get our goods to market, and help restore our ecosystems and environment. The component of this bill deals with the Harbor Maintenance Trust Fund.

Shippers pay a Harbor Maintenance Tax, which goes into the Harbor Maintenance Trust Fund and is then appropriated for operations and maintenance at ports throughout our country.

Now, although this legislation does not address the Harbor Maintenance Tax, I want to take a moment to talk about it. Because unfortunately, this policy is encouraging cargo diversion from our ports.

A Federal Maritime Commission report released last year, which I requested with Senator CANTWELL, indicated that cargo coming into U.S. ports cost, on average, an additional $109 due to the Harbor Maintenance Tax.

I find this report extremely troubling.

While this bill does not address the tax, it does address the Harbor Maintenance Trust Fund. The bill sets goals for additional expenditures from the Harbor Maintenance Trust Fund, and it includes a provision that I worked on closely with Chairman BOXER and Senator KLOBUCHE.

This provision will allow our ports to be more competitive internationally by providing payments to shippers entering or transporting cargo through an eligible donor port—one that takes in significantly more in Harbor Maintenance Taxes than it receives back for operations and maintenance, like the Port of Seattle or the Port of Tacoma.

It is meant to reduce cargo diversion from United States ports to international ports or the west coast ports to induce cargo diversion within the United States. I appreciate the hard work by Chairman BOXER to include this provision in the manager's amendment and to keep the provision intact throughout consideration of the Water Resources Development Act.

This provision is a step in the right direction.

But we can do more, and we must.

That is why I'm working on legislation that will comprehensively reform the Harbor Maintenance Tax and the Harbor Maintenance Trust Fund.

It will ensure full spend out of the Harbor Maintenance Trust Fund and ensure all cargo is treated equally as it moves through the supply chain.

My goals are to increase our international competitiveness, ensure we are getting our goods to market, and provide good, family-wage jobs.

I look forward to working with my colleagues on these important issues.

Mrs. BOXER. Mr. President, I ask unanimous consent that a letter dated May 15, 2013, be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows:

Hon. Jo-Ellens Darcy,
Assistant Secretary of the Army for Civil Works, U.S. Army Corps of Engineers, Army Pentagon, Washington, DC.

**DEAR ASSISTANT SECRETARY DARCY:** We are writing regarding recent efforts in our committee to address concerns with the Water Supply Act of 1958 (WSA), 43 U.S.C. 390b. These concerns are most prominently with respect to the U.S. Army Corps of Engineers' management of federal reservoirs in the Apalachicola-Chattahoochee-Flint (ACF) River System, the Alabama-Coosa-Tallapoosa (ACT) River System, where the States of Alabama, Georgia, and Florida have been engaged in a decades-long conflict over the use of water resources in their region.

As committee leadership with jurisdiction over these matters, we are in the principle that water resources conflicts of this nature should be resolved through negotiated interstate water compacts whenever possible. We believe that this resolution can be achieved by taking into consideration the concerns of all affected States and stakeholders, including impacts to other authorized uses of the reservoirs (navigation, water supply for communities and major cities in the region, fisheries management issues, water quality, freshwater flows to communities, rivers, lakes, estuaries, and bays located downstream of projects, agricultural uses, economic development, and other appropriate concerns.

As you are aware, the Senate Committee on Environment and Public Works unanimously reported the Water Resources Development Act of 2013 (S. 601), as amended, on March 20, 2013, Section 301 of this bill, as reported by our committee, sought to clarify the authority of the Army Corps under Section 301 of the WSA in at least two respects. First, Section 301 would modify the WSA to reiterate that federal agencies must consider new WSA allocations "cumulatively" with all previous allocations at the reservoirs. This to make clear that the Army Corps cannot circumvent the intent of the WSA through gradual allocations. Second, Section 2015, as reported, sought to add language setting a more specific threshold when congressional approval is required. We worked in good faith with our committee member, Senator Jeff Sessions of Alabama, to ensure that concerns he had, expressed in committee, both last year and during the current Congress, were addressed.

Today, the Senate passed the WRDA bill and, after significant discussions with several members of the Senate, we have reached an agreement to modify Section 2015. The new language for Section 2015 does not alter existing rights or obligations under law, but it does seek to make clear that the committee remains very concerned about the operation of ACF and ACT projects, and that absent action by the states to resolve these issues, the committee should consider appropriate legislation including any necessary clarifications to the Water Supply Act of 1958 or other law.

Accordingly, we strongly urge your personal and direct involvement in fostering efforts to enable the States of Alabama, Georgia, and Florida to reach an amicable and reasonable water compact as soon as possible. We believe that it is essential that the Army Corps not take actions that favor the position of any of the three States, but rather the Army Corps should serve as a neutral facilitator of a negotiated solution.

Thank you for your kind attention to these matters. Our committee will be following this issue closely.

Very truly yours,

One Barbara Boxer,
Chairman.

Very truly yours,

David Vitter,
Ranking Member.

**HARBOR MAINTENANCE TAX**

Ms. CANTWELL. Madam President, I would like to thank Chairman BAUCUS and Senator MURRAY for their support and resolve to work to address the issue of cargo diversion posed by the harbor maintenance tax.

The Water Resources Development Act that we are discussing here today is an important bill that works to ensure the economic success of our Nation's waterways. The language we were able to include in this bill is just the start of our effort to address the serious and growing competition by foreign ports.

It gives deepwater ports the ability to more cost-effectively utilize the funds raised by the harbor maintenance tax to keep competitive with their Canadian and Mexican counterparts.

Over the past decade, we have seen increasing competition for the market share of U.S.-bound cargo that ports beyond our border to the north and to the south. These diversions can be partially attributed to the added cost of paying the harbor maintenance tax at U.S. ports. In fact, among the top 25 North American ports, the fastest growing in 2012 were the Port of Prince Rupert in Canada and the Port of Lazaro Cardenas in Mexico. Instead of U.S.-bound cargo growing creation growth of U.S. ports, we are witnessing this cargo, previously shipped through our west coast ports, contributing to the growth of Canadian and Mexican ports.

The loss of cargo shipments through American ports leads to decreased port activity and export capacity, and it
erodes the harbor maintenance trust fund, which means fewer direct and indirect American jobs supporting U.S. international commerce. More than 200,000 jobs are tied to the activities at the ports of Seattle and Tacoma, and with nearly 27 percent of intermodal containers moving to Canada from west coast ports, this could result in significant job losses.

Cargo diversion is not my only concern with the harbor maintenance tax. I also am concerned by the poor utilization of the funds collected and the disparate distribution of the funds that are allocated. As of 2011, the balance of the harbor maintenance trust fund has built up to more than $6.4 billion. We should be investing this balance for its designed purpose of improving the ability of our ports to move goods. Furthermore, the harbor maintenance trust fund balance is rarely spent on operations and maintenance at west coast ports, where a significant amount of the tax revenue is generated. Our two largest ports in Washington Seattle and Tacoma generate, on average, close to 7 percent of the funding for the HMTF, but each receives only a fraction of the funds actually collected from shippers who pay the HMT in Seattle and Tacoma.

To remain competitive in an international marketplace, we need a long-term commitment to grow and support infrastructure development and that must include reform of the harbor maintenance tax. Essential to remaining competitive is the ability of our ports to shorten the time it takes to get goods to consumers. This means we must invest in the infrastructure of our ports and freight corridors some-thing that I have worked with Transportation Secretary Ray LaHood on to more quickly deliver the goods from our ports to the rest of the Nation. I look forward to Chairwoman Boxer, who included a provision in the managers’ amendment that would authorize payments to “donor” ports those ports that contribute a significant amount of funds, but receive less than 25 percent of the benefit that can be used to offset the cost of the HMT being paid by shippers.

The language in the managers’ amendment does not mean that the job is done. We do not believe this language guarantees our ports that face now and will continue to face in the future. Rather, we believe this is an interim solution that will help until we can work together to find a larger, more permanent solution addressing cargo diversion. Senator Cantwell and I look forward to working with the Chairman Baucus to address comprehensive reform of the harbor maintenance tax.

Mr. BAUCUS. Mr. President, I thank Senator Cantwell and Chairman MURRAY for their work to reform the harbor maintenance tax in order to keep our ports competitive. As chairman of the Finance Committee, I believe it is important that we work to improve our Nation’s tax policy to make our Nation more globally competitive. I am committed to finding solutions to ensure that the harbor maintenance tax is reformed, to ensure U.S. tax policy does not disadvantage U.S. ports but also to improve our nation’s infrastructure. Port cargo diversion carves into our ability to conduct both domestic and international commerce. Many of my home State goods are exported through west coast ports in the Puget Sound and on the Columbia River, so I understand the broad impact of the ports and the need for continued attention. If we want to continue to compete both now and in the future we must ensure that we have the right policies in place, and that means reforming outdated policies to address the evolving needs of both the ports and our Nation. I look forward to continuing to work with Senator Cantwell and Senator Murray to find an appropriate fix and find an appropriate legislative vehicle for comprehensive reform.

Mr. WHITEHOUSE. Madam President, I rise today to speak in support of the Water Resources Development Act, the main vehicle for authorizing vital infrastructure projects, developed by the Army Corps of Engineers and for setting Army Corps water resource policies. Water resource and flood control projects spur economic growth and create jobs. They fortify communities against storms and floods. They maintain our water and waste water systems. They help maintain our favorite outdoor recreational destinations. And they can protect America’s cherished and economically important—fish and wildlife.

Unfortunately, in Rhode Island and across the country, aging water infrastructure is rapidly approaching the end of its useful life, and funding available for upgrades is far outpaced by the need. This bill will increase the Army Corps’ capacity to ensure the financial state of our water infrastructure while improving the agency’s operations.

I want to express my gratitude to our chairman on the Environment and Public Works Committee, Senator Boxer, as well as our ranking member, Senator Vitter, for their hard work in drafting a bill that addresses a number of national and regional priorities in a bipartisan fashion.

I particularly appreciate the inclusion of a number of provisions designed to clean up the process at the Army Corps, to clear the backlog of construction and maintenance projects, to improve transparency in developing and carrying out civil works projects, and to give local communities a better chance to understand what to expect.

According to the Office of Management and Budget, “The Corps’ enormous backlog of ongoing civil works construction represents a significant source of unrealized economic and environmental benefits. . . . This growth trend in the construction backlog unfairly penalizes both taxpayers and project sponsors.” The bill before us establishes an independent commission to work through an estimated $62 billion backlog of projects and sets a timetable for downsizing the corps’ burdensome to-do list. My colleagues on both sides of the aisle should appreciate the responsibility of corps resources and of taxpayer dollars.

This bill also makes the corps more responsive to communities and businesses, requiring the corps to make more information available to the public about projects under its Continuing Authorities Program, including available funding, cost estimates, and the criteria used to prioritize projects. States like mine and our communities and companies can’t plan around water resource projects because they are so often in the water.

For example, Hope Global has manufactured textiles in Rhode Island since 1983. Today it makes fabrics that are...
used in everything from cars to parachutes to construction. During the historic 2010 floods in our State that clobbered Hope Global, I literally entered the building through the shipping bay in a boat. Hope Global survived, thanks to the dedication and quick thinking of its CEO and employees, but the risk of future flooding along the Blackstone River looms over this business and many others in the area.

The corps has partnered with the State to conduct a feasibility study for flooding mitigation on the Blackstone River. The State used its limited resources to fund the study, hoping to solve the flooding problems once and for all. Three years later, due to lack of transparency in the corps budget, we still don’t know where this project stands. This bill will change that, so communities like those in my State can make informed decisions about their future.

Episodes like the 2010 floods and, more recently, Superstorm Sandy underscore the need to keep communities safe in the face of a changing climate. The Army Corps of Engineers helps communities prepare for extreme weather events and addresses flood control. Many places, including my twin objectives can be pursued through the restoration of natural ecosystems. This reauthorization places greater emphasis on natural defenses like the wetlands and dunes that have protected us for millennia. The cloth of coastal and freshwater wetlands act like sponges during floods, absorbing water and dissipating the impact of wave energy and storm surge. Shoreline vegetation, natural dune formations, and barrier islands do the same. This draft recognizes the benefits of natural resiliency.

This bill also reauthorizes the National Dam Safety Program, which is vitally important to my small State. Rhode Island has about 700 dams, some dating back to the colonial era. One hundred seventy-nine are rated a “high” or “significant risk.” Nationally, America’s dams received a grade of “D” on the American Society of Civil Engineers 2013 Report Card. The Society cited more than 4,000 deficient dams, including more than 2,000 that would result in loss of life if they failed. The Dam Safety Program helps States monitor for deteriorating dam conditions that put communities in danger.

This legislation is not without its detractors, but I think it is important to recognize that both sides have had to make compromises to get this bill to where it is today. That is the hallmark of our legislative process, for millenia.

For example, this reauthorization contains new measures to ensure the timely completion of environmental impact studies and reviews required under the National Environmental Policy Act, or NEPA. While this has raised concerns from some, ensuring prompt environmental review of projects does not mean we are disregarding these reviews entirely. Comprehensive environmental review of federal projects remains critical to protecting the environment and public health from harm, and this bill includes provisions that will prevent harmful projects from being expedited.

NEPA requires projects that protect communities and their water resources. I would have preferred to leave NEPA requirements unaltered; however, I believe the compromise the chair and ranking member negotiated on this issue is wise because it allows us the ability to implement long-overdue improvements to our nation’s water resource infrastructure.

As we grapple with the mounting effects of a changing climate, our towns, our rivers and ports, our beaches and bays rely on the safety and efficiency of modern and resilient water infrastructure. The Water Resources Development Act of 2013 gives the Army Corps of Engineers and its public and private sector partners the tools to design and maintain that infrastructure. I urge my colleagues to support this important, bipartisan legislation.

Ms. CANTWELL. Madam President, as we consider S. 601, the Water Resources Development Act of 2015, I want to highlight critical emerging needs in our Nation’s arctic. The arctic is opening at an alarming rate, which creates a number of ecosystem opportunities. This accessibility also creates new requirements for the U.S. Coast Guard and the Navy. Multiple bipartisan Presidential directives call for increased arctic presence to meet national security and homeland security needs; to facilitate safe, secure, and reliable navigation; to protect maritime commerce; and to protect the environment as resource development increases.

With new shipping lanes and opportunities to obtain and transport natural resources, the arctic has become a new frontier. We need to have arctic infrastructure ready to accommodate this increase in commerce. That is why I have worked closely with Senator Begich to fight for heavy-duty icebreakers and other arctic infrastructure. We need to make sure the Coast Guard acquires the tools they need to fulfill their missions in the arctic.

In fact, the Army Corps of Engineers is in the final phase of a study which assesses feasibility of deep draft ports in the arctic. The corps assessed over 3,000 miles of Alaskan coastline and identified a shortlist of two possible deep draft ports in Nome and Port Clarence.

The U.S. Department of the Interior released a report on emerging Federal management needs in the arctic in March 2013. The report, titled “Managing for the Future in a Rapidly Changing Environment,” found that the U.S. arctic habitat encompasses St. Lawrence Island Northward, based on physical oceanography, seasonal sea ice, and other ecosystem characteristics. These northern seas are vastly different and require unique infrastructure compared to the majority of the Bering Sea, Alaska.

It is the intent of this bill that these arctic deep draft ports are present in the arctic. And while there has been some dispute on how the U.S. arctic is defined, both the Army Corps study and the Department of the Interior report indicate the importance of deep draft ports in close proximity to the Arctic Circle, 66 degrees north. This is where ports of refuge, natural resource shipping, oilspill response, commercial shipping, and other commercial opportunities require a deep draft port.

These key findings identify ports that must be prioritized when considering deep water draft port development in the arctic, where the Federal Government has a and including technical assistance outlined in amendment 903.

Mr. LEVIN. Madam President, Michigan is a water State. The State is surrounded by water on all sides. We depend on our vital water resources for drinking water and commerce. Water provides opportunities for recreation, rest, and reflection. Our waters define us. It has been 6 years since the last Water Resources Development Act was passed. This bill includes several provisions that will improve the management of Michigan’s water resources, such as critical harbor maintenance, upgrades to drinking and wastewater systems, flood control projects, and restoration of aquatic resources, and I will support its passage.

This bill makes some progress toward improving the Great Lakes Navigation System, and I am pleased that the Senate Environment and Public Works Committee worked with us to address concerns with the reported bill. The bill would increase authorized appropriations for harbor maintenance, beginning with $1 billion in fiscal year 2014 and increasing every year thereafter by $100 million through fiscal year 2019. In fiscal year 2020 and beyond, the bill would require that total budget resources for harbor maintenance equal the full amount of funds collected for that purpose. Currently, only about half of the funds collected from shippers for harbor maintenance are used for harbor maintenance. The harbor maintenance trust fund, into which fees from shippers are collected, has a balance of over $7 billion. Great Lakes harbors and channels are in great need of dredging. A backlog of dredging projects forces vessels to carry less than their capacity, to clear large harbors and increases the risk of vessel groundings. These funds need to be used for harbor maintenance instead of for other purposes. I have been fighting to free these funds and worked with the EPW Committee on three of IFW’s Great Lakes Harbor Maintenance Act of 2013, which I introduced earlier this year in February, into the committee-reported
The bill also includes a provision on dam safety that is critical to Michigan communities. The Dam Safety Program provides grant assistance to States for the training of dam safety staff and for the development of safety regulations. The bill also allocates funds to monitor and control species from getting into the Great Lakes. That language is based on a provision I was able to get included in an appropriation bill for fiscal year 2012, and including it in the WRDA bill would make the authority permanent.

I also want to mention the shadow that hangs over this legislation and all the other legislation before us. That shadow is sequestration, and until we lift that shadow, it will erode the good we seek to accomplish with this legislation and all that we do.

Projects authorized in this bill will touch every State in our nation. Despite the challenge of sequestration, I hope appropriators will provide funding in accordance with this directive to the budget.

The projects authorized in this bill would be given first consideration in the budgeting of harbor maintenance trust fund allocations. I fought for this language because the bill includes a new authorization for other uses of the trust fund, and I wanted to make sure that harbor maintenance, including that of the Great Lakes, has a higher claim for these funds than the other new uses.

In addition to the beneficial harbor maintenance provisions, the bill also includes a number of other provisions that will benefit Michigan. One is a pilot program, called the Water Infrastructure Financing and Innovation Act, included in the bill, and it would increase options for financing our nation’s water and wastewater infrastructure.

As Michigan and much of the Midwest recover from damaging flooding, I am pleased to see an authorization for the National Levee Safety Program and the establishment of a National Levee Safety Advisory Board. The board will provide technical assistance to States and tribes on levee safety and facilitate the development of levee safety programs through a Federal grant program. Levees are an essential part of our flood protection infrastructure, and we must make sure our levees are constructed and maintained using sound science and the best available information.

That allow the system to safely and efficiently support this activity. Without sustained financing through the inland waterways trust fund, this infrastructure cannot be properly maintained.

Today I want to bring my colleagues’ attention to an amendment offered by Senator CASEY to S. 601, the Water Resources Development Act. Senator CASEY’s amendment No. 854 takes an important step toward ensuring that the inland waterways trust fund can meet current and future infrastructure needs. While demands on the trust fund have greatly increased in recent years, the financing mechanism, a $0.20-per-gallon barge fuel tax, has not been raised since 1994. Senator CASEY’s amendment would strengthen the trust fund by raising the tax to $0.29. Many locks are already in such disrepair that catastrophic failure could occur in the near future. A lock failure would cause a loss of navigation along the system that point, involving serious economic losses. Not only is this fuel tax increase badly needed, it is widely supported by industries dependent upon our inland waterways, including the barge operating industry, which is directly impacted by a loss of navigation.

While it is unfortunate that Senator CASEY’s amendment could not be brought up for consideration, I hope its substance can become law in the coming months.

Mr. DURBIN. Madam President, today the Senate will pass a Water Resources Development Act, or WRDA, for the first time since 2007. I thank my colleagues, chairman BARBARA BOXER and ranking member JIM WEBB of the Environment and Public Works Committee, for working together to move a bipartisan bill out of committee and to the floor.

I know it wasn’t easy, and compromises were made. But water resources development bills are important to the commerce that moves by river and sea, to those communities and towns that rely on the Corps of Engineers to protect our communities and other storm damage, and to maintaining the precious natural resources that our rivers, streams, and wetlands represent.

We have an infrastructure problem in this country. The American Society of Civil Engineers estimates that we need $3.6 trillion investment in our failing infrastructure. I say failing not only because its literally crumbling but because the American Society of Civil Engineers 2013 Infrastructure Report Card gave America’s infrastructure a “D-plus.” But for our inland waterways, levees, and ports that grade is a “D-minus.”

As an example, consider the locks and dams on the Mississippi and Illinois Rivers. These two rivers are important economic arteries, transporting millions of tons of product each year. The locks and dams that allow barges to move these goods were built in the 1930s and 1940s.

They are aging, and the risk of failure grows by the day. Back in March, a
miter gate at the Marseilles Lock and Dam failed and was closed for 7 days. During that time, more than 50,000 tons of petroleum products came to a halt. That was a 7 day closure—can you imagine the economic impact of a catastrophic failure of just one of these locks? But we also must face reality that we passed this bill in a time of budget caps. This bill tries to update some of the funding mechanisms and processes we use to maintain and build locks, dams, levees, and harbors.

With a greater need and limited resources, my colleague Senator MARK KIRK and I introduced the Water Infrastructure Now Public Private Partnership Act, or WIN P3. I am pleased that the Senate-passed WRDA includes a major provision of our bill. The provision adds a new element to a pilot program that allows for public private agreements between the Corps of Engineers and private entities. The pilot would allow the corps to expedite construction in private entities that have enough of a stake in completing infrastructure projects quickly that they could bring in private resources to help complete the work. The new language ensures that projects not demonstrated federal funds would qualify for the program—projects like lock and dam modernization on the Mississippi and Illinois Rivers.

Currently those upgrades aren’t projected to be complete until 2090. With this new program, I am hopeful new ways to fund and deliver big projects like these will be developed and help Illinois upgrade our water infrastructure more quickly.

This bill includes many provisions that could greatly benefit my home State of Illinois. It would keep up the fight against the spread of Asian carp. We must keep this invasive species from damaging the ecosystem of Lake Michigan.

The bill would also implement a National Levee Safety Program to establish safety standards and provide assistance to locals whose levees require rehabilitation. Many communities in Illinois find themselves in the difficult situation of having their levees decertified but without the funds to make the necessary repairs. I am hopeful that this bill could help at least some of them.

I am pleased that the bill addresses extreme weather. No matter why you think it is happening, it is clear that extreme weather events are becoming more severe and more frequent.

Consider the last year: The two costliest natural disasters in the world occurred in the United States—the Midwest drought and Hurricane Sandy, costing $100 billion. We can’t ignore the reality that weather events like these are the new normal.

This bill would initiate studies by the National Academy of Sciences and GAO to evaluate how we respond to and mitigate extreme weather events. It would also give the corps greater authority to learn from and prepare for extreme weather events.

We have certainly seen our fair share of extreme weather in the Midwest and along the Mississippi River lately. Right now in Illinois and the Midwest, we are recovering from major floods. But it is also true that the drought that sapped the Midwest caused record low water levels on the Mississippi—levels not seen since World WarⅡ. I traveled to see it. The corps and Coast Guard took me out on an observation boat. When we got to the center of the channel, the corps commander said, “Imagine water ten feet over your head right now, that’s where the water levels should be.”

The water was so low it threatened to stop navigation on America’s great commercial artery. Every few days barge operators and shippers were faced with the difficult question of whether there would be enough water for them to safely transit the Mississippi River. We are talking billions of dollars in goods from nearly every sector imaginable—agriculture, energy, dry goods, bulk goods.

During the crisis, some recommended it could all be solved if we simply allowed more water to flow from the Missouri River into the Mississippi. Some even called on the President to declare a disaster and mandate the water be taken from the Missouri River. I said, “I don’t know if it would happen, but if it did, we are all in this together.” What happens on the Missouri affects the Mississippi, and the commerce on the Mississippi clearly benefits the Missouri River States.

Instead of draining the Missouri River for the benefit of the Mississippi, we pushed the corps to expedite removal of rock pinnacles that obstructed navigation. With that, along with some needed rain and creative management by the corps, we were able to maintain navigation without doing any harm to the Missouri River.

In my view, that was a fair and responsible outcome. Equally fair and responsible, now that we are through the crisis, is doing everything we can to learn from what happened and work to ensure we are better prepared if it happens again.

I introduced legislation to do that—the Mississippi River Navigation Sustainment Act. I am pleased that legislation is part of the Senate-passed bill.

It will improve forecasting capabilities and technology on the Mississippi River, give the corps greater flexibility to operate outside of the navigation channel, and create an environmental management pilot program for the Middle Mississippi.

Also included from my bill is a provision that would create a greater Mississippi River Basin severe flooding and drought management study. It will for the first time look at the entire Mississippi River Basin, which covers 40 percent of the United States and is the third largest river basin in the world. The study will help us better understand how the basin functions as a system and how we can best manage it to maintain safe and reliable navigation and protect lives and property—especially during times of extreme flooding and drought.

This provision was added to the bill as an amendment that I introduced with Senator ROY BLUNT and others. That amendment was a compromise between Missouri River Senators and Mississippi River Senators.

I thank my colleagues, including Senator Baucus, for working with me to come up with acceptable language. With this agreement, hopefully we can start to get beyond the parochial wars of the past. It is clear those of us on the Missouri River and the Mississippi River have a new common enemy that isn’t going anywhere soon extreme weather.

I am encouraged that the Senate has come together in a bipartisan way on this bill. I now hope the House will pass legislation that makes needed investments in the waterways that are so important to the flow of commerce and underpin our environment that keep America’s waterways healthy.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, if I could be heard for less than a minute, I would like to thank every single Senator here. I think we have literally worked with every one of the Senators on this bill.

Senator VITTER and I have our differences in a number of areas, but when it comes to the infrastructure of our country, we worked very well together, as I did with Senator INHOFE.

I want everyone to know that this bill is about 500,000 jobs, thousands of businesses, critical flood control, environmental restoration projects, harbor maintenance, inland waterways, and we have adopted dozens and dozens of amendments.

We are very excited about this vote. We hope everyone will vote yea. It would be a wonderful signal to the House so they can get on with this work as well. I yield to my friend.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I join in all of the comments of the distinguished chairman of the committee, and I strongly support this bill as well.

This is a jobs bill as well as a water maritime infrastructure bill that is
good for the economy, and it does it in a way that doesn’t increase the deficit a penny. This bill contains no earmarks. It institutes important reforms to deauthorize projects that are not moving forward, so it should even be authorized. It is neutral. It provides reforms which are needed in terms of the Corps of Engineers.

This is a very strong bipartisan bill. I hope it is also some little suggestion of how we can move forward in this body, work in a bipartisan way, and have real debate, amendments, and votes on the floor, which is another whole aspect of this experience that has been very positive.

I urge a “yes” vote.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. MENENDEZ. Madam President, I ask for the yeas and nays.

The Assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. Lautenberg) and the Senator from Washington (Mrs. Murray) are necessarily absent.

Mr. CORYN. The following Senator is necessarily absent: the Senator from Alaska (Ms. Murkowski).

The PRESIDING OFFICER (Ms. Baldwin). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 14, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—83

Alexander Frankauer   Murphy
Balaozo   Bilirian   Nelson
Barrasso   Graham   Portman
Baucus   Grassley   Pryor
Beigun   Harkin   Reid
Benet   Harkin   Reid
Blumenthal   Harkin   Reid
Bunct   Hearisch   Risch
Boosman   Hittkamp   Rockefeller
Boxer   Hirono   Schatz
Brown   Hoeven   Sasse
Cantwell   Inhofe   Shelby
Cardin   Isakson   Sessions
Carper   Johnson (SD)   Shaheen
Chambliss   Kline   Shelby
Coats   King   Stabenow
Cochran   Kirk   Tester
Collins   Klobuchar   Thune
Coons   Landrieu   Toomey
Corker   Levin   Udall (CO)
Cowan   Manchin   Udall (NM)
Crapo   McCaskill   Vitter
Donnelly   McConnell   Warner
Durbin   Menendez   Warren
Emi   Merkley   Whitehouse
Feinstein   Mikulski   Wicker
Fischen   Moran   Wyden

NAYS—14

Ayotte   Flake   McCain
Burr   Holler   Paul
Coehn   Johnson (WI)   Ruble
Cornyn   Leahy   Scott
Cruz   Lee

NOT VOTING—3

Lautenberg   Markowski   Murray

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, in the Two Hundred Fourteenth Congress of the United States of America, a bill to authorize and direct the actions of the United States Army Corps of Engineers and the Department of the Interior for the purposes of public works for the conservation, development, and improvement of natural resources, a further amendment to the Water Resources Development Act of 2007, and an amendment to the Water Resources Development Act of 2010.

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.

TITIE I—WATER RESOURCES PROJECTS

Sec. 1001. Purposes.
Sec. 1002. Project authorizations.
Sec. 1003. Project review.
Sec. 1004. Future project authorizations.

TITIE II—WATER RESOURCES POLICY REFORMS

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. 2017. Clarification of previously authorized work.
Sec. 2019. Planning assistance to States.
Sec. 2020. Vegetation management policy.
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 cooperation.
Sec. 2039. Accepted contributions for increased lock operations.
Sec. 2040. Emergency response to natural disasters.
Sec. 2041. Systemwide improvement framework.
Sec. 2042. Funding to process permits.
Sec. 2043. National riverbank stabilization and erosion prevention study.
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 modification study.
Sec. 2055. Non-Federal plans to provide additional flood risk reduction.
Sec. 2056. Mississippi River forecasting improvements.
Sec. 2057. Flexibility in maintaining navigation.
Sec. 2058. Restricted areas at Corps of Engineers dams.
Sec. 2059. Maximum cost of projects.
Sec. 2060. Donald G. Waldon Lock and Dam.
Sec. 2061. Improving planning and administration of water supply storage.
Sec. 2062. Crediting authority for Federally authorized navigation projects.
Sec. 2063. River basin commissions.
Sec. 2064. Restriction on charges for certain surplus water.

TITIE II—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.
Sec. 3010. Land conveyance of Hammond Boat Basin, Warrenton, Oregon.
Sec. 3012. Florida Keys water quality improvements.
Sec. 3013. Des Moines Recreational River and Green belt, Iowa.
Sec. 3014. Land conveyance, Craney Island Dredged Material Management Area, Portsmouth, Virginia.
Sec. 3015. Los Angeles County Drainage improvements.
Sec. 3016. Oakland Inner Harbor Tidal Canal, California.
Sec. 3017. Redesignation of Lower Mississippi River Museum and Riverfront Interpretive Site.
Sec. 3018. Louisiana Coastal Area.
Sec. 3019. Four State Run, City of Alexandria and Arlington County, Virginia.
Sec. 3020. East Fork of Trinity River, Texas.
Sec. 3021. Seward Waterfront, Seward, Alaska.

TITIE IV—WATER RESOURCE STUDIES

Sec. 4001. Purpose.
Sec. 4002. Initiation of new water resources studies.
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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) a Report of the Chief of Engineers
has been completed; and

(B) after November 8, 2007, but prior to the
date of enactment of this Act, the Assistant
Secretary of the Army for Civil Works has
submitted to Congress a recommendation to
authorize construction of the project.

SEC. 1003. PROJECT REVIEW.

(a) IN GENERAL.—For a project that is au-
thorized by Federal law as of the date of en-
actment of this Act, the Secretary may mod-
ify the authorized project cost set under sec-
ction 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) the increased authorization; and

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

(ii) the amount requested for the project in
the fiscal year during which the certification
is submitted will exceed the authorized cost
of the project.

(2) ADDITIONAL INFORMATION.—The informa-
tion provided to Congress about the project
under subsection (a) shall include, at a mini-

mum—

(A) a comprehensive review of the project
costs and reasons for exceeding the author-
ized 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 revised cost estimate level for com-
pleting the project.

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

(A) a certification and required informa-
tion is submitted to Congress under sub-
section (b); and

(B) after such submission, amounts are ap-
propriated to initiate or continue construc-
tion of the project in an appropriations or
other Act.

(c) DE MINIMIS AMOUNTS.—If the cost to
complete construction of an authorized
water resources project would exceed the
limitations on the maximum cost of the
project under section 902 of the Water Re-
sources Development Act of 1986 (33 U.S.C.
2280), the Secretary may complete construc-
tion of the project, notwithstanding the limi-
tations imposed by that section if—

(1) construction of the project is at least 70
percent complete at the time the cost of the
project is projected to exceed the limita-
tions; and
(2) the Federal cost to complete construction is less than $5,000,000.
(d) 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.

SEC. 1004. FUTURE PROJECT AUTHORIZATIONS.
(a) AUTHORIZATIONS.—The authority for water resources projects designed and carried out in an economically justifiable, environmentally acceptable, and technically sound manner are important to the economy and environment of the United States and recommendations to Congress regarding those projects should be expedited for approval in a timely manner.
(b) APPLICABILITY.—The procedures under this section apply to 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 identified in the report of the Chief of Engineers for the project; and
(B) subject to any conditions described in the report for the project; and
(2)(A) a report of the Chief of Engineers has been completed; and
(B) after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works has submitted to Congress a recommendation to authorize construction of the project.
(c) EXPEDITED CONSIDERATION.—
(1) IN GENERAL.—A bill shall be eligible for expedited consideration in accordance with this subsection if the bill—
(A) authorizes a project that meets the requirements described in subsection (b); and
(B) is referred to the Committee on Environment and Public Works of the Senate.
(2) COMMITTEE CONSIDERATION.—
(A) IN GENERAL.—Not later than January 31st of the second session of each Congress, the Committee on Environment and Public Works of the Senate shall—
(i) report all bills that meet the requirements of paragraph (1); or
(ii) introduce and report a measure to authorize any project that meets the requirements described in subsection (b).
(B) FAILURE TO ACT.—Subject to subparagraph (A), if the Committee fails to act on a bill that meets the requirements of paragraph (1) by the date specified in subparagraph (A), the bill shall be discharged from the Committee and placed on the calendar of the Senate.
(C) EXCEPTIONS.—Subparagraph (B) shall not apply if—
(i) in the 180-day period immediately preceding the date specified in subparagraph (A), the full Committee holds a legislative hearing on a bill to authorize all projects that meet the requirements described in subsection (b); or
(ii)(I) the Committee favorably reports a bill to authorize all projects that meet the requirements described in subsection (b); and
(II) the bill described in clause (I) is placed on the calendar of the Senate; or
(iii) a bill that meets the requirements of paragraph (1) is referred to the Committee not earlier than 30 days before the date specified in subparagraph (A).
(d) TERMINATION.—The procedures for expedited consideration under this section terminate on December 31, 2013.

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; and
(2) to effectuate 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 practice cost-effectiveness studies 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 studies and establish targets for expedited completion of feasibility studies;
(D) seeking efficiencies in the management of dams and reservoirs to reduce and reusing mitigation of additional environmental impacts while maximizing other benefits and project purposes, such as flood control, navigation, water supply, and hydropower; and
(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 and for making decisions to move forward while reducing the backlog of authorized projects.

SEC. 2002. SAFETY ASSURANCE REVIEW.
Section 206 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 204 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. 426c) 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 (a)(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) The Water Resources Development Act of 2007 (121 Stat. 1094) is amended by adding at the end the following:
"(c) AUTHORIZATION.—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. 706) 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"; and
(2) in the third sentence, by striking "$5,000,000" and inserting "$10,000,000".

(e) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 113(c) of the Water Resources Development Act of 1966 (33 U.S.C. 2309a) 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"; 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. 2309d) is amended by striking "$5,000,000" and inserting "$10,000,000".

(g) FLOODPLAIN MANAGEMENT SERVICES.—Section 306 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 PROGRAMS: PRIORITIZATION.
(a) DEFINITION OF CONTINUING AUTHORITY PROGRAM PROJECT.—In this section, the term "continuing authority program" means 1 of the following:
(1) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 706);
(2) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426c);
(3) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2326);
(4) Section 113 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a);
(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 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 specific 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 copies of all information published under those sections.

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)(b)—
(i) in the first sentence—
(II) by inserting "for damages to ecological resources, including terrestrial and aquatic resources, and" after "mitigate";
(II) by inserting "ecological resources and after "impact"; 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 in kind conditions is not possible, the Secretary shall identify in the report the basis for that determination and the mitigation measures that will be implemented to meet the requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1))".
(b) in paragraph (2)—
(i) in the heading, by striking "DESIGN" and inserting "SELECTION AND DESIGN";
(ii) by inserting "select and after "shall"; and
(iii) by inserting "using a watershed approach after "projects"; and
(C) in paragraph (3)—

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

(ii) in subparagraph (B)—

(I) by striking clauses (i) and (ii) and inserting the following:

‘‘(i) a description of the third party mitigation instrument to be used; and

(ii) the basis for a determination that the mitigation instrument or arrangement can meet the mitigation requirements for the project,’’; and

(ii) by adding at the end the following:

‘‘(h) PROGRAMMATIC MITIGATION PLANS.—

(1) the agency 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) 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, to establish performance under this subsection to address the potential environmental impacts of existing or future water resources development projects.

(4) 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, to the maximum extent practicable—

(A) be developed on a regional, ecosystem, watershed, or statewide scale;

(B) include specific goals for aquatic resources and fish and wildlife habitat restoration, establishment, enhancement, or preservation;

(C) identify priority areas for aquatic resources and fish and wildlife habitat protection or restoration;

(D) encompass multiple environmental resources within a defined geographical area or focus on a specific resource, such as aquatic resources or wildlife habitat; and

(E) 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 such resources;

‘‘(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area, or efforts developed through strategic mitigation for impacts of water resources development projects;

‘‘(C) standard measures for mitigating certain types of impacts, such as protocols or criteria for determining appropriate mitigation sites;

‘‘(D) parameters for determining appropriate mitigation for certain types of impacts, such as protocols or criteria for determining appropriate mitigation sites;

‘‘(E) adaptive management procedures, such as protocols that involve monitoring impacted projects 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 offsets benefitting self-mitigating projects, such as ecosystem or resource restoration and protection.

(7) PROCESS.—Before adopting a programmatic environmental mitigation plan in accordance with this section, 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, within 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 LICENSING.—If a programmatic environmental mitigation plan has been developed under this subsection, any Federal agency responsible for environmental reviews, permits, and other water resources development project may use the recommendations in that programmatic environmental mitigation plan when considering the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(10) TECHNICAL ASSISTANCE.—In providing technical assistance to States and local governments to establish third-party mitigation instruments, including mitigation banks and in-lieu fee programs, that will support the establishment of mitigation in 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.

(a) 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 support the establishment of mitigation in high-priority ecosystem restoration actions.

(b) 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.
SEC. 2007. INDEPENDENT PEER REVIEW.

(a) TIMING OF PEER REVIEW.—Section 2004(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2349(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 of Engineers shall—

(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 that decision; and

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

(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;.

(b) ENFORCEMENT OF PANELS.—Section 2014(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2349(c)) is amended by striking paragraph (4) and inserting the following:

"(4) PANEL PROTECTION.—If the Chief of Engineers fails to initiate a peer review of a project study in accordance with subsection (2), the Chief of Engineers shall—

(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 project study; 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 2014(h) of the Water Resources Development Act of 2007 (33 U.S.C. 2349(h)) is amended by striking paragraph (2) and inserting the following:

"(2) PUBLIC AVAILABILITY AND SUBMISSION TO CONGRESS.—Before submitting 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 list of all new hydroelectric power activities by non-Federal entities approved at Corps of Engineers civil works projects, including permit applications for such activities;.

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

(e) APPLICABILITY.—Section 204(b)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 2349(b)(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) HYDROPOWER FACILITIES.—Activities currently performed

(b) NAVIGATION CONTRACTS ALLOWED.—This section;

(c) EXCLUSION.—This section shall not apply to—

(A) the dates scheduled for beginning and ending the review;

(B) the Secretary of the Department of the Interior,

(C) making available to the public, including on the Internet, the reasons for not conducting the review;

(D) panels of experts;.

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 potential, 48 are Corps of Engineers non-powered dams.

(b) PROMOTION OF HYDROPOWER DEVELOPMENT.—

(1) in subsection (a)—

(A) by inserting ", 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 executed the non-Federal share for a study, program, or project under this title may be applied toward the non-Federal cost share for another study, program, or project carried out under this title.

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 subsection (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 executed the non-Federal share for a study, program, or project under this title may be applied toward the non-Federal cost share for another 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 the relevant agencies of the State of Louisiana, shall establish a process by which to carry the

Corps of Engineers concerning hydroelectric power development activities at Corps of Engineers civil works projects.
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) CONDITIONS.—(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 credits 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 enactment of this Act, and once 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 an interim report on the use of the authority under this section.

(B) RENALIZATION OF AUTHORITY.—Not later than 10 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) a description 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)—

(A) by redesignating that clause as subparagraph (D) and inserting before that subparagraph—

‘‘(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.’’;

(2) I NCLUSIONS.—The reports described in 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.

(b) APPLICABILITY.—Section 2013(e) of the Water Resources Development Act of 2007 (42 U.S.C. 1962d-5b) is amended—

(1) by inserting ‘‘, or construction of design deficiency corrections on the project,’’ after ‘‘construction on the project’’; and

(2) by inserting ‘‘, or under which construction of the project has not been completed and the work to be performed by the non-Federal interest is integral to a project and is creditable only toward any remaining non-Federal cost share,’’ after ‘‘has not been initiated’’.

(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 on a non-Federal interest;

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

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

(D) 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 authority 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 and that results in significant water quality improvements, flood reduction, and energy generation benefits.

SEC. 2014. DAM OPTIMIZATION.

(a) DEFINITION OF OTHER RELATED PROJECT BENEFITS.—In this section, the term "related project benefits" includes—

(1) 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;

(2) increased water supply storage (except for any project in the Apalachicola-Chattahoochee-Flint River system and the Alabama-Coosa-Tallahassee River system);

(3) increased hydropower generation;

(4) reduced flood risk;

(5) additional navigation; and

(6) improved recreation.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out activities, including the deauthorization of any project, that—

(A) 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; and

(B) give priority to planning and activities under this section if the Secretary determines that—

(i) the greatest opportunities exist for achieving the objectives of the program, as specified in subsection (b)(1), and

(ii) the coordination activities under this subsection indicate that there is support for carrying out those planning and 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.

(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—

(A) 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; and

(B) give priority to planning and activities under this section if the Secretary determines that—

(i) the greatest opportunities exist for achieving the objectives of the program, as specified in subsection (b)(1), and

(ii) the coordination activities under this subsection indicate that there is support for carrying out those planning and activities.

(e) ASSESSMENT.—

(1) IN GENERAL.—The Secretary may carry out an activity under this section for potential water and energy benefits to the extent practicable.

(2) ELIGIBLE ACTIVITIES.—An eligible activity under this section is any activity that the Secretary determines could more effectively be achieved through:

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

(B) to maximize, to the extent practicable—

(i) associated project purposes; and

(ii) related project benefits.

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

(f) EFFECT.—

(A) EXISTING AGREEMENTS.—Nothing in this section—

(i) 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; or

(ii) authorizes any amendment to a multistate water-control plan, including the Missouri River Master Water Control Manual (as in effect on the date of enactment of this Act), or the coordination activities under this section.

(B) WATER RIGHTS.—Nothing in this section—

(i) affects any water right in existence on the date of enactment of this Act; or

(ii) preempts or affects any State water law or interstate compact governing water; or

(iii) affects any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within that State.

(g) 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 significant water quality improvements, flood reduction, and energy generation benefits that the Secretary carries out to comply with section 301(b) of the Water Supply Act of 1958 (43 U.S.C. 390b).

(h) 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).

(i) COORDINATION.—

(1) IN GENERAL.—The Secretary shall—

(A) 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; and

(B) give priority to planning and activities under this section if the Secretary determines that—

(i) the greatest opportunities exist for achieving the objectives of the program, as specified in subsection (b)(1), and

(ii) the coordination activities under this subsection indicate that there is support for carrying out those planning and 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.

(j) ASSESSMENT.—

(1) IN GENERAL.—The Secretary may carry out an activity under this section for potential water and energy benefits to the extent practicable.

(2) ELIGIBLE ACTIVITIES.—An eligible activity under this section is any activity that the Secretary determines could more effectively be achieved through:

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

(B) to maximize, to the extent practicable—

(i) associated project purposes; and

(ii) related project benefits.

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

(k) EFFECT.—

(A) EXISTING AGREEMENTS.—Nothing in this section—

(i) 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; or

(ii) authorizes any amendment to a multistate water-control plan, including the Missouri River Master Water Control Manual (as in effect on the date of enactment of this Act), or the coordination activities under this section.

(B) WATER RIGHTS.—Nothing in this section—

(i) affects any water right in existence on the date of enactment of this Act; or

(ii) preempts or affects any State water law or interstate compact governing water; or

(iii) affects any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within that State.

(C) OTHER LAW.—(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 significant water quality improvements, flood reduction, and energy generation benefits that the Secretary carries out to comply with section 301(b) 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—

(A) 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; and

(B) give priority to planning and activities under this section if the Secretary determines that—

(i) the greatest opportunities exist for achieving the objectives of the program, as specified in subsection (b)(1), and

(ii) the coordination activities under this subsection indicate that there is support for carrying out those planning and activities.

SEC. 2015. WATER SUPPLY.

Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by adding at the end the following:

(6) The Committees of jurisdiction are very concerned about the operation of projects in the Apalachicola-Chattahoochee-Flint River System and the Alabama-Coosa-Tallahassee River System, and further, the Committees of jurisdiction recognize that this ongoing water resources dispute raises serious concerns related to the authority of the Secretary of the Army to allocate substantial storage at projects to provide local water supply pursuant to the Water Supply Act of 1958 absent Congressional approval. Interstate water disputes of this nature are more properly addressed through interstate water agreements that take into consideration the concerns of all affected States including impacts to other authorized uses of the projects, water supply for communities and major cities in the region, water quality, freshwater flows to communities, rivers, lakes, estuaries, and bays located downstream of projects, agricultural uses, economic development, and other appropriate concerns. To that end, the Committees of jurisdiction strongly urge the Governors of the affected States to reach agreement on an interstate water compact, and we pledge our commitment to work with the affected States to ensure prompt consideration and approval of any such agreement.

(7) Water storage pricing formulas should be equitable and not create disparities between users; and (8) Water pricing formulas should not be cost-incentive for communities.

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-incentive 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.

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

(3) has been explicitly authorized to compensate for fish losses associated with the project.
(2) determines that the measures are—

(A) feasible;

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

(C) environmentally sound.

(b) C O S T S H A R I N G .—(1) In GENERAL.—Subject to paragraph (2), the non-Federal interest shall contribute 35 percent of the estimated 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) O P E R A T I O N 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) A U T H O R I Z A T I O N OF A P P R O P R I A T I O N S.—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 striking “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), 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)(2)”;

(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) D E F I N I T I O N O F N A T I O N A L G U I D E L I N E S.—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 Management Standards for Levees and Floodwalls” (77 Fed. Reg. 9367 (Feb. 17, 2012)).

(b) R E V I E W .—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) F A C T O R S.—

(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 critical habitats, 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) V A R I A N C E S.—

(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 construction and subsequent operation and maintenance activities;

(vi) any effects on water supply;

(vii) any effects 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) S C O P E .—The scope of a variance approved by the Secretary may include a complete exemption to national guidelines, as the Secretary determines to be necessary.

(c) C O N T I N U A T I O N OF W O R K .—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.

(d) I N T E R I M A C T I O N S.—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 pose an unacceptable safety risk.

(e) P E E R R E V I E W .—(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) A V A I L A B I L I T Y O F V I E W S .—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 subsequent actions issued in connection with the revised national guidelines required under subsection (f).

(3) R E V I S I O N O F N A T I O N A L G U I D E L I N E S.—

(a) IN GENERAL.—Not later than 90 days 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.

(4) C O N T E N T ; I N C O R P O R A T I O N I N T O M A N U A L.—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 special areas that have been adopted through a formal public process; and

(B) be incorporated into the manual proposed under section 9(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 (32 U.S.C. 793).

(f) R E V I S I O N O F N A T I O N A L G U I D E L I N E S.—

(A) IN GENERAL.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to Congress a report on the current condition of vegetation guidelines, 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) request Section 9(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 (32 U.S.C. 793), be amended to—

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

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

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

(ii) be incorporated into the manual proposed under section 9(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 (32 U.S.C. 793).

(g) C O N T I N U A T I O N OF W O R K .—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) I N T E R I M A C T I O N S.—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 pose an unacceptable safety risk.

(2) R E V I S I O N S.—Beginning on the date on which the revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall consider any request for a variance from the national guidelines that is made on request of an affected entity, any previous action of the Corps of Engineers in which the
outcomes was affected by the former national guidelines.

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 294(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2223(m));

(2) 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 PROJECTS.

(a) In General.—The Secretary shall carry out any measures necessary to repair or restore federally authorized flood and hurricane storm damage reduction projects constructed by the Corps of Engineers to authorized levels (as of the date of enactment of this Act) of protection for reasons including settlement, subsidence, sea level rise, and erosion; and the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically beneficial.

(b) Cost Share.—The non-Federal share of the cost of construction of a project carried out under this section shall be 100 percent.

(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 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 and hurricane and storm 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. 2025. NON-FEDERAL PROJECT IMPLEMENTATION 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 technical and cost-effective methods to expand regional sediment management efforts, including the placement and maintenance of sediment within river diversions to accelerate the creation of wetlands.

(b) 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.

(c) 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.

(d) 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.

(e) 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 the Committees described in this section and describe why the study was not completed.

SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION 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 technical and cost-effective methods to expand regional sediment management efforts, including the placement and maintenance of sediment within river diversions to accelerate the creation of wetlands.

(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; and

(2) to evaluate the technical and cost-effective alternatives 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 decen-
tralization of the project management, de-
sign, and construction for authorized Corps of Engineers water resources projects.
(c) ADMINISTRATION.—
(1) IN GENERAL.—Carrying out the pilot program, the Secretary shall—
(A) identify a total of not more than 15 projects for flood risk management, hur-
cricane and storm damage reduction, and levee and flood protection (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channel, inland navigation, and aquatic ecosystem restoration that have been au-
thorized for construction prior to the date of enactment of this Act; or
(bb) for more than 2 consecutive fiscal years, have an unobligated funding balance for 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.
(ii) not more than 3 projects that have not received Federal funds in the period begin-
ing on the date on which the project was authorized and ending on the date of enact-
ment of this Act;
(B) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-
tives 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, based on estimated project schedules, based on estimated resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;
(D) in the request of the non-Federal inter-
est, enter into a project partnership agree-
ment with the Corps of Engineers for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project;
(D) the Secretary may transfer to the non-Federal interest funds for the non-Federal interest in meeting milestones in detailed project schedules, based on estimated project schedules, based on estimated resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project; and
(ii) additional amounts, as determined by the Secretary, from amounts made available under section 2022, except that the total amount transferred to the non-Federal interest under this section 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) TIMELINE.—
(a) IN GENERAL.—Not later than 180 days after entering into an agree-
ment under paragraph (1)(D), each non-Fed-
eral interest to carry out feasibility studies for flood risk management, hurricane and storm damage reduction, and coastal harbor and channel and inland 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 decen-
tralization of the project management, and operational decisionmaking pro-
cess 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 in-
terest to carry out a project under the pilot program.
(2) NON-FEDERAL FUNDING.—
(A) IN GENERAL.—Not later than 3 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 Representa-
tives 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, based on estimated project schedules, based on estimated resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;
(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 Representa-
tives an update of the report described in paragraph (1).
(3) FAILURE TO MEET DEADLINE.—If the Sec-
ch a project for which a feasibility study were carried out by the Secretary, sub-
mission of Federal law enacted after the date on which an agreement is entered into under paragraph (1) and
(3) TRANSFER OF FUNDS.—
(A) IN GENERAL.—After the date on which an agreement is executed pursuant to para-
graph (1), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—
(i) if applicable, the balance of any unobli-
gated funds available under paragraph (1), except that the total amount transferred to the non-Federal interest under this section shall not exceed the updated estimate of the Federal share of the cost of the feasibility study; and
(ii) additional amounts, as determined by the Secretary, from amounts made available under paragraph (1), 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 de-
termines 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 ad-
mimize the use of funds and their effi-
cy (including regulations) relating to the use of those funds.

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-effective-
ness and project delivery efficiency of allow-
ing non-Federal interests to carry out feasibility studies for flood risk management, hurricane and storm damage reduction, aquatic ecosystem restoration, and coastal harbor and channel and inland 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;
(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) or (4) are used in compliance with the agreement signed under paragraph (1).

(6) TECHNICAL ASSISTANCE.—On the request of the Committee on Environment and Public Works and the Committee on Transportation and Infrastructure of the House of Representatives, the Secretary shall provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest so requests, to the extent the technical assistance and compensates the Secretary for the technical assistance.

(7) DETAILED PROJECT SCHEDULE.—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 pilot project program carried out under this section, including—

(A) a description of the progress of the non-Federal interests in meeting milestones in details projects 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 a report updating the report described in paragraph (1), including—

(A) a description of the progress of the non-Federal interests in meeting milestones in details projects 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.

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

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

(5) TERMINATION OF AUTHORITY.—The authority granted by this section shall expire 5 years after the date of enactment of this Act.

(6) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, the Secretary is authorized to appropriate to the non-Federal interest carrying out a feasibility study under this section, including the costs of administration of the Secretary.

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May 15, 2013
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SEC. 2030. BEACH NOURISHMENT.

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

"SEC. 156. BEACH NOURISHMENT.

"(a) IN GENERAL.—Subject to subsection (b)(2)(A), the Secretary, the Secretary of the Army, acting through the Chief of Engineers, may provide periodic beach nourishment for water quality and other Federal project, there will be an associated reduction or avoidance of Federal costs.

(3) in subsection (d)—

(A) by striking "or used in" after "obtained through"; and

(B) in paragraph (3)(c), by striking "for the purpose of implementing environmental conditions in marines and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local management adaptation strategies" before the period at the end;

(4) in subsection (e), by striking paragraph (1) for a period not to exceed 15 years, that period shall begin on the date on which the determination is made.

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 striking "for the purpose of implementing environmental conditions in marines and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local management adaptation strategies" before the period at the end;

(2) in subsection (c)(i)(B)—

(A) in clause (1), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(B) by redesigning clause (ii) as clause (iii);

(3) in subsection (d)—

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

"SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.

"(a) IN GENERAL.—Except as provided in paragraph (3), before the period on which the 50-year period referred to in subsection (a)(1) expires, 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.—

"(1) IN GENERAL.—Except as provided in paragraph (3), before the period on which the 50-year period referred to in subsection (a)(1) expires, the Secretary, acting through the Chief of Engineers—

"(A) 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

"(B) shall submit to Congress any recommendations of the Secretary relating to the review.

"(2) PLAN FOR RECURRING RISK TO PEOPLE AND PROPERTY.—

"(A) IN GENERAL.—The non-Federal interest and the Secretary shall include in the plan for reducing the risk to people and property during the life of the project, the Secretary shall submit to Congress the plan described in paragraph (A) with the recommendations submitted in paragraph (B).

"(B) INCLUSION IN REPORT TO CONGRESS.—

The Secretary shall submit to Congress the plan described in paragraph (A) with the recommendations submitted in paragraph (B).

SEC. 2032. MILITARY MUNITIONS RESPONSE ACTIONS.

Section 2029 of the Water Resources Development Act of 2013 (33 U.S.C. 2309) (as amended and inserted under this section) is amended—

"(2) in subsection (e)—

(A) by striking "2012" and inserting "2023".

"(B) in paragraph (3)(c), by striking "the date on which a determination is made."; and

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

"(ii) the date on which a determination is made.".

"SEC. 2033. MILITARY MUNITIONS RESPONSE ACTIONS.

Subject to subsection (b), military munitions response actions with respect to a military munitions response action under paragraph (1) for a period not to exceed 15 years, that period shall begin on the date on which the determination is made.

"(a) in paragraph (1), by inserting "or used in" after "obtained through"; and

"(b) in paragraph (3)(c), by striking "for the purpose of implementing environmental conditions in marines and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local management adaptation strategies" before the period at the end;
SEC. 2032. STUDY ACCELERATION.
(a) FINDINGS.—Congress finds that—
(1) delays in the completion of feasibility studies; and
(2) the implementation of water resource projects that provide critical benefits, including reducing flood risk, maintaining commercially important flood risk, and restoring critical ecosystems; and
(3) 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 completed not otherwise 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 the 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 regarding the 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 appropriations.
(B) FLEXIBILITY.—Any authorities granted under this section apply to projects.
(c) IN GENERAL.—At the discretion of the Secretary, serve as a joint lead agency with the Corps of Engineers as the lead Federal agency in the environmental review process document is being implemented under this section by the Secretary with respect to the planning of a water resource project described in subsection (b) within the boundary 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 water resource project;
(2) be required by law to conduct or issue a review, analysis, or opinion for the water resource project; or
(3) be required to make a determination on issuing a permit, license, or approval for the water resource project.
3. STATE AUTHORITY.—For the purpose of this section, the approval or issuance of any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), in the concurrence of the proposed joint lead agency, an agency other than the Corps of Engineers may serve as the joint lead agency.
4. NON-FEDERAL INTEREST AS JOINT LEAD AGENCY.—A non-Federal interest that is a State or local governmental entity —
(1) in the concurrence of the Secretary, 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.) required in support of any action or approval by the Secretary if—
"(1) IN GENERAL.—The Secretary shall develop and implement a coordinated review process for the development of water resource projects.
"(2) COORDINATED REVIEW.—The coordinated review process described in paragraph (1) shall include that any analysis, opinion, permit, license, statement, and approval issued or made by a Federal, State, or local governmental agency or an Indian tribe for the planning of a water resource project described in subsection (b) be, to the maximum extent practicable, concurrently with any other applicable governmental agency or an Indian tribe that—
"(3) TIMING.—The coordinated review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under subsection (e), establishes with respect to the water resource project.
"(4) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to the development of each water resource project, the Secretary shall—
"(5) LEAD AGENCIES.—The benefits of water resource projects designed and carried out in an economically and environmentally sound manner are important to the economy and environment of the United States, and recrudescent to Congress regarding those projects should be developed using coordinated and efficient review and cooperative efforts to prevent or quickly resolve disputes during the planning of those water resource projects.
"(1) IN GENERAL.—The project planning procedures under this section apply to proposed 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 resource 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 planning of a water resource 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) to be completed not otherwise 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 resource project.
(B) INCLUSIONS.—The Secretary shall include for each study on the list under subsection (a)—
(i) the status of the implementation of the "3-3-3" planning process, including the number of participating projects; and
(ii) the amount of time taken to complete study activities in the "3-3-3" planning process; and
(iii) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process for water resource projects.
SEC. 2033. PROJECT ACCELERATION.
Section 205 of the Water Resources Development Act of 1987 (33 U.S.C. 2246) 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 resource projects required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
(I) the Committee provides guidance in the preparation process and independently evaluates that document.

(ii) 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

(iii) any environmental document prepared by the non-Federal interest is appropriately supplemented under paragraph (2)(B) to address any changes to the water resource project the Secretary determines are 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 under—

(a) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(b) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(5) AGENCY AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any water resource 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 efficient and effective completion of the environmental review process for the water resource project; and

(B) to prepare or ensure that any required environmental document for a water resource 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 AND Cooperating AGENCIES—

(1) INVITATION.—

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

(B) PROCEDURES.—Section 1901.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Water Resources Development Act of 2013) shall govern the identification and the participation of a cooperating agency under subparagraph (A).

(2) FEDERAL CooperATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a water resource project shall be designated as a cooperating 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 resource project; or

(B) does not have expertise relevant to the water resource project.

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

(A) supports a proposed water resource project; or

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

(4) Concurrent reviews.—Each cooperating agency应当—

(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, so doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out its 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 regarding the use of programmatic approaches to carry out the environmental review process under this subsection that—

(A) eliminates repetitive discussions of the same issues;

(B) focuses on the actual issues ripe for analysis at each level of review;

(C) establishes a formal process for coordinating with cooperating agencies, including the creation of a list of all data that is needed to carry out an environmental review process; and

(D) complies with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) all other applicable laws.

(ii) 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 permitted under that paragraph;

(B) ensure that the guidance is consistent with applicable Federal, State, and tribal laws, and with all design and mitigation commitments made by the lead agency for agency or public comment; and

(C) ensure that the guidance—

(i) promotes 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 a required environmental review; and

(ii) the timeline for updating any out-of-date review.

(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under Federal law relating to 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 described in subsection (k)(6)(B)(ii), 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 are made and published 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 reduces any time period provided for in the environmental review process under applicable Federal law (including regulations).

(k) Issue identification and resolution.—

(1) Cooperation.—The lead agency, the cooperating agencies, and any 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 or delay required for the water resource project under applicable laws.

(2) Lead agency responsibilities.—

(A) In general.—The lead agency shall make the public comments available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the water resource project area and the general locations of the alternatives under consideration.

(B) Data sources.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) Cooperating and participating agency responsibilities.—Based on information received from the lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the water resource project, including any issues that could substantially delay or prevent an agency from obtaining a permit or other approval that is needed for the water resource project.

(l) Time frames for achieving accelerated decisionmaking.—

(1) In general.—Not later than 45 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 water resource project.

(2) Deadlines.—

(A) In general.—The deadlines referred to in subparagraph (A) shall be those established by the Secretary and shall include, in addition to any other time periods, the time period for completion of the issue resolution and referral process described in subparagraph (B) before the completion of the record of decision.

(B) Accelerated issue resolution and elevation.—

(1) Agency issue resolution meeting.—

(A) In general.—A cooperating agency or non-Federal interest may request an issue resolution meeting to be conducted by the Secretary.

(B) Action by secretary.—The Secretary shall convene an issue resolution meeting under clause (i) with the relevant cooperating agencies and the non-Federal interest, as applicable, to resolve issues that could—

(I) delay completion of the environmental review process; or

(II) conflict with the ability of a cooperating agency to carry out applicable Federal laws (including regulations).

(C) Submission of issue resolution.—

(i) Submission to council on environmental quality.—

(1) In general.—If a resolution is not achieved by not later than 30 days after the date on which a relevant meeting is held under subparagraph (B), the Secretary shall submit 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 submission from the Secretary under subclause (I), the Council shall hold an issue resolution meeting with the lead agency, the heads of relevant cooperating agencies and the non-Federal interest.

(2) Additional hearings.—The Council on Environmental Quality may hold public meetings or hearings to obtain additional views and information that the Council on Environmental Quality considers necessary, consistent with the time frames described in this paragraph.

(iii) Submission of issue resolution.—If the resolution of the issue was not achieved, submit to the President for action.

(aa) the submission;

(bb) any views or additional information developed during any additional hearings under clause (i)(II); and

(cc) the recommendation of the Council on Environmental Quality.

(3) Financial penalty provisions.—

(A) In general.—A Federal jurisdictional agency shall complete any required approval or decision on an expeditious basis using the shortest existing applicable process.

(B) Failure to decide.—

(i) In general.—If a Federal jurisdictional agency fails to render a decision under any Federal law relating to a water resource project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, contract, or other approval by the date described in clause (ii), the amount of funds made available to the office of the head of the Federal jurisdictional agency charged with rendering the decision by not later than 1 day after the applicable date
under clause (ii), and once each week thereafter, 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.

(ii) AGENCY OF AGENCY.—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under title II of the Water Resources Development Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.

(iii) LACK OF FINANCIAL RESOURCES.—If 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, the agency may seek technical assistance to the State or non-Federal interest in carrying out early coordination activities.

(iii) LIMITATIONS.—Nothing in this section preempts, supersedes, amends, modifies, repeals, or interferes with—

(1) any statutory or regulatory requirement, including for seeking, considering, or responding to public comment or

(2) any obligation to comply with the provisions any Federal law, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); or

(B) any other Federal environmental law.

(f) REVIEW OF WATER RESOURCE PROJECT ACCELERATION REFORMS.—

(i) 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 Transportation and Infrastructure of the Senate a report on the findings of the Comptroller General.

(g) DETAILED PROJECT SCHEDULE.—

(i) STATEMENT.—Each Director of the Corps of Engineers of the District developed by the Secretary under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation) shall—

(A) develop a report on the notice.

(B) publish a review of the survey that includes a description of the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

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

SEC. 2034. FEASIBILITY STUDIES.

Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2262) is amended by adding at the end the following:

(d) DETAILED PROJECT SCHEDULE.—Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestone and other project activities.
"(3) NON-FEDERAL INTEREST NOTIFICATION.— Each District Engineer shall submit by certificated mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest 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 the date on which a report is submitted to the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives.

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 conduct, in cooperation with the National Academy of Public Administration, a study to examine the efficiency of the Corps Engineers' administrative processes and determine whether changes to the administrative processes will increase the efficiency of the Corps Engineers project delivery.

(2) CONTENTS.—The study under paragraph (1) shall include all recommendations of the National Academy of Public Administration for improving the administration of the Corps Engineers and any recommendations of additional studies that will increase the efficiency of the Corps Engineers project delivery.

SEC. 2036. DETERMINATION OF PROJECT COMPLETION.

(a) IN GENERAL.—The Secretary shall notify the non-Federal interest when construction of a water resources project or a functional portion of the project is completed so that the non-Federal interest may commence responsibility, as applicable, for operating and maintaining the project.

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

(1) IN GENERAL.—Not later than 7 days after notification under subparagraph (a), the non-Federal interest may appeal the completion determination of the Secretary in writing with a detailed explanation of the basis for questioning the completeness of the project or functional portion of the project.

(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 evaluate whether the applicable water resources project or functional portion of the 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 procedures 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 250 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) in subsection (a), by striking “other Federal departments or agencies, nongovernmental organizations,”;

(2) in subsection (b), by inserting “or foreign governments” after “organizations,” approved August 18, 1941 (33 U.S.C. 701o(a)(1)) is amended in the first sentence—

by striking “and the Chief of Engineers may include modifications to the structure or project” and inserting “and the Chief of Engineers may include modifications to the structure or project under this section”;

(3) in subsection (c), by striking “all Federal departments or agencies, nongovernmental organizations,”;

(4) in subsection (d)—

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

(ii) by striking “2008” and inserting “2014”; and

(5) in the second sentence—

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

(ii) by striking “other Federal agencies” and inserting “Federal departments or agencie, nongovernmental organizations.”

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

(a) IN GENERAL.—The Secretary, after providing for the establishment of 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 comments on the proposed modification.

(d) REPORT.—

(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 a report that evaluates the cost-savings resulting from reduced lock operations.

(2) INDEPENDENT REVIEW.—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 a report that describes the effectiveness of the pilot program under this section.

(3) 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.

(4) 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, soil and water conservation, and for other purposes”, approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended in the first sentence—

by striking “in its condition that the Chief of Engineers may include modifications to the structure or project” and inserting “in its condition that the Chief of Engineers may include modifications to the structure or project for hurricane or shor...
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 structure, feature, or project for which amounts are expended, including the type of structure, feature, or project and cost of the work; and

(B) how the Secretary has repaired, re- stored, replaced, or modified each structure, feature, or project or intends to restore the structure, feature, or project to the design level of protection for the structure, feature, or project.

SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAME- WORKS.

A levee system shall remain eligible for re- habilitation 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 satisfactory processes, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.

SEC. 2053. FUNDING TO PERMIT PROCESSES.

Section 214 of the Water Resources De- velopment Act of 2000 (Public Law 106–541; 33 U.S.C. 2281 note) is amended by striking sub- sections (d) and (e) and inserting the fol- lowing:

"(d) PUBLIC AVAILABILITY.—

"(1) IN GENERAL.—The Secretary shall en- sure that its decisions and actions taken under this section are available to the public in a com- mon 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 final permit decision document, along with all final permit decisions, avail- able to the public, including on the Internet.

"(3) AGREEMENT.—The Secretary shall make available to accept funds under this section available on a single pub- lic Internet site.

"(e) REPORTING.—

"(1) IN GENERAL.—The Secretary shall pre- pare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engi- neers that accepts funds under this section—

"(A) a comprehensive list of any funds ac- cepted 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 under this section.

"(2) SUBMISSION.—Not later than 90 days after the end of each fiscal year, the Sec- retary shall—

"(A) submit to the Committee on Environ- ment and Public Works of the Senate and the Committee on Transportation and Infra- structure of the House of Representatives the annual report described in paragraph (1); and

"(B) make each report received under sub- paragraph (A) available on a single publicly accessible Internet site.

SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND RISK PREVENTION STUDY AND PILOT PROGRAM.

(a) DEFINITION OF INLAND AND INTRA- COSTAL WATERWAYS.—In this section, the term "inland and intracoastal waterway" means the inland and intracoastal water- ways of the United States described in sec- tion 306 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) PILOT PROGRAM.—The Secretary shall—

(1) is authorized to study issues relating to riverbank stabilization and erosion preven- tion along inland and intracoastal water- ways; and

(2) shall establish and carry out for a pe- riod 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 con- sultation with appropriate Federal, State, local, and nongovernmental entities, shall carry out a study of the options and tech- nologies 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 intra- coastal waterways and affected wetland areas with the most urgent need for restora- tion;

"(C) analyze any legal requirements with re- gard to maintenance of bank lines of inland and intracoastal waterways, including a comparison of Federal, State, and private ob- ligations and practices;

"(D) assess and compare policies and man- agement practices to protect surface areas adjacent to inland and intracoastal water- ways applied by various Districts of the Corps of Engineers; and

"(E) make any recommendations the Sec- retary determines to be appropriate.

"(d) RIVERBANK STABILIZATION AND EROSION PREVENTION PILOT PROGRAM.

(1) IN GENERAL.—The Secretary shall de- velop a pilot program for the construction of riverbank stabilization and erosion preven- tion structures along inland and intracoastal waterways if the Secretary de- termines that the projects are techni- cally feasible, environmentally acceptable, eco- nomically justified, and lower maintenance costs of those inland and intracoastal water- ways.

(2) PILOT PROGRAM GOALS.—A project under the pilot program shall, to the maximum ex- tent practicable—

"(A) develop or demonstrate innovative technologies;

"(B) implement efficient designs to prevent erosion at a riverbank site, taking into ac- count the lifecycle cost of the design, includ- ing cleanup, maintenance, and amortization;

"(C) optimize natural designs, including the use of native and naturalized vegetation or temporary structures that minimize perma- nent structural alterations to the riverbank;

"(D) avoid adverse impacts to adjacent communities;

"(E) identify the potential for long-term protection afforded by the innovative tech- nology; and

"(F) provide additional benefits, including reduction of flood risk.

"(3) PROJECT SELECTION.—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 re- sulting from riverbank erosion;

"(B) the rate of erosion;

"(C) the significant threat of future flood risk to public or private property, public in- frastructure, or public safety;

"(D) the destruction of natural resources or habitats; and

"(E) the potential cost-savings for mainte- nance of the channel.

"(4) CONSULTATION.—The Secretary shall carry out the pilot program in consulta- tion with—

"(A) Federal, State, and local governments;

"(B) nongovernmental organizations; and

"(C) applicable university research facili- ties.

"(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 En- vironment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representa- tives a report describing—

"(A) the activities carried out and accom- plishments made under the pilot program since the previous report under this para- graph; and

"(B) any recommendations of the Secretary relating to the program.

"(6) 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.

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 disas- ters, including hurricanes, tropical storms, and other related extreme weather events; and

(2) to expedite critical water resources projects in communities that have histori- cally been and continue to remain suscep- tible 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 evacua- tion 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 Presi- dent 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).

EXCEPTED CONSIDERATION OF CUR- RENTLY AUTHORIZED PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) submit to the Committee on Environ- ment and Public Works of the Senate and the Committee on Transportation and Infra- structure 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 funding since 2008; and

"(B) authorized hurricane and storm dam- age reduction projects that—

"(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part under this section.

(2) E XCEPTED CONSIDERATION OF CUR- RENTLY AUTHORIZED PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

"(1) submit to the Committee on Environ- ment and Public Works of the Senate and the Committee on Transportation and Infra- structure 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 funding since 2008; and

"(B) authorized hurricane and storm dam- age reduction projects that—

"(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part under this section.

(2) E XCEPTED CONSIDERATION OF CUR- RENTLY AUTHORIZED PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

"(1) submit to the Committee on Environ- nation 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 funding since 2008; and

"(B) authorized hurricane and storm dam- age reduction projects that—

"(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part under this section.

(2) E XCEPTED CONSIDERATION OF CUR- RENTLY AUTHORIZED PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

"(1) submit to the Committee on Environ- nation 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 funding since 2008; and

"(B) authorized hurricane and storm dam- age reduction projects that—

"(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part under this section.
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) 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 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. 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 activities as the Secretary determines to be appropriate, including leases or licenses, with or without conditions, to non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities, and resources and recreation areas that are jointly managed and funded under this subsection.

(b) COOPERATIVE MANAGEMENT.—

(1) IN GENERAL.—The Secretary may enter into agreements with States, local governments, or combinations of such entities for the execution of a cooperative management of the areas covered by the agreements.

(2) FEES.—

SEC. 2047. OPERATIONS AND MAINTENANCE ON CURRENT FLOODGATES AND FLOODWATERS.

SEC. 2048. CORROSION PREVENTION.

SEC. 2049. PROJECT DEAUTHORIZATIONS.

SEC. 2050. TRAINING AND EDUCATIONAL ACTIVITIES.

SEC. 2051. OPERATIONS AND MAINTENANCE ON OPEN CHANNEL FLOODGATES AND FLOODWATERS.
“(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 projects for the amount that remain unobligated.  

“(B) PUBLICATION.—  

“(i) IN GENERAL.—The Secretary shall submit a copy of the list available on a publicly accessible internet site, in a manner that is downloadable, searchable, and sortable.  

“(ii) EXPEDITED NOMINATION PROCEDURES.—  

“(A) PURPOSES.—The purposes of this sub-section are—  

“(I) 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;  

“(II) to create a mechanism for deauthorizing water resources projects; and  

“(III) to make recommendations to Congress;  

“(IV) to ensure public participation and comments; and  

“(V) to provide oversight on any recommendations made to Congress by the Commission.  

“(B) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—  

“(1) PURPOSES.—The purposes of this subsection are—  

“(I) 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;  

“(II) to create a mechanism for deauthorizing water resources projects; and  

“(III) to make recommendations to Congress;  

“(IV) to ensure public participation and comments; and  

“(V) 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 Commision” (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 (i).  

“(ii) EXPEDITED NOMINATION PROCEDURES.—  

“(A) 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).  

“(I) 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).  

“(II) PRIVILEGED NOMINATIONS; INFORMATION RECEIVED.—  

“(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) if a Senator makes a request described in paragraph (5)(b)(ii) for the Executive Clerk to refer the nomination to the appropriate committee of jurisdiction,  

“(bb) if a Senator makes a request described in paragraph (5)(b)(ii) for the Executive Clerk to refer the nomination to the appropriate committee of jurisdiction.  

“(II) REFERRAL TO COMMITTEE OF JURISDICTION.—During the period when a nomination under clause (i) is listed under the “Privileged Nomination—Information Requested” or “Privileged Nomination—Information Received” section of the Executive Calendar,  

“(A) to each committee of jurisdiction; and  

“(B) to the appropriate committee of jurisdiction; and  

“(bb) if a Senator makes a request described in paragraph (5)(b)(ii) for the Executive Clerk to refer the nomination to the appropriate committee of jurisdiction,  

“(bb) if a Senator makes a request described in paragraph (5)(b)(ii) for the Executive Clerk to refer the nomination to the appropriate committee of jurisdiction.  

“(IV) EXECUTIVE CALENDAR.—The Secretaries of the Senate shall create the appropriate sections on the Executive Calendar to reflect and effectuate the requirements of this clause.  

“(V) 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 for which it is necessary to create a new position within an existing or new Federal entity.  

“(VI) QUALIFICATIONS.—Members of the Commission shall be knowledgeable about Corps of Engineers projects.  

“(VII) 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 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.  

“(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.  

“(IV) REVIEW AND RECOMMENDATION COMMISSION.—  

“(A) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, 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 that has received an appropriation in the 10-year period ending on the date of enactment of this Act;  

“(II) Any project that has received an appropriation in the 10-year period ending on the date of enactment of this Act;  

“(III) Any project that has received an appropriation in the 10-year period ending on the date of enactment of this Act.  

“(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 an appropriation in the 10-year period ending on the date of enactment of this Act.  

“(IV) Any project that, as of 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 shall be 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.
(6) APPLICATION.—For purposes of this subsection, water resources projects shall include environmental infrastructure assistance projects and programs of the Corps of Engineers into the account of the division of the Army Corps of Engineers with responsibilities for carrying out this section $10,000,000.

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 under—
(1) section 2020; and
(2) section 2022.
(b) REPORT.—The reports referred to in subsection (a) are the reports required under—
(1) section 2035; and
(2) section 2036.
(c) Failure To Provide a Completed Report.—In general.—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.

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 loans, issuance of insurance, 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 Federal 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 under subsection (a) describing options for maximizing wetlands conservation benefits while reducing redundancy, increasing efficiencies, and reducing costs.

SEC. 2054. DAM MODIFICATION STUDY.
(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Corps of Engineers, the Southeastern Power Administration, Federal hydropower customers, downstream communities, and other stakeholders, carry out a study to evaluate the structural modifications made at Federal dams in the Cumberland River Basin beginning on January 1, 2000.
(b) CONTENTS.—The study under subsection (a) shall examine—
(1) whether structural modifications at each dam have utilized new state-of-the-art design criteria deemed necessary for safety purposes that have not been used in other circumstances;
(2) whether structural modifications at each dam for downstream safety were executed in accordance with construction criteria that had changed from the original construction criteria;
(3) whether structural modifications at each dam assured safety;
(4) any estimates by the Corps of Engineers of the current, near-term, and long-term need for state-of-the-art construction criteria deemed necessary for safety purposes were not employed; and
(5) whether changes in underlying geology at any of the Federal dams in the Cumberland River Basin have required structural modifications to assure dam safety.
(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report based on the study under subsection (a) describing modifications to each dam for downstream safety were executed in accordance with construction criteria that had changed from the original construction criteria; and make any recommendations to Congress and applicable Federal agencies for improving Federal and State laws to more effectively respond to the threats posed by those invasive species.

SEC. 2055. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL FLOOD RISK REDUCTION.
(a) IN GENERAL.—If requested by a non-Federal interest, the Secretary shall construct a locally preferred plan that provides a higher level of protection than a flood risk management project authorized under this Act if the Secretary determines that the plan is technically feasible and environmentally acceptable; and
(2) the benefits of the plan exceed the costs of the plan.
(b) NON-FEDERAL COST SHARE.—If the Secretary constructs a locally preferred plan under subsection (a), the Federal share of the cost of the project shall be not greater than the share as provided by law for elements of the national flood insurance program.
(2) State.—The term "State" means the applicable agency of the State (including an official of that agency) in which the applicable dam is located that is responsible for enforcing laws that authorize the restrictions.

(b) Restriction on Physical Barriers.—Subject to subsection (c), the Secretary, acting through the Chief of Engineers, in establishing and enforcing restricted areas, shall not order the removal or destruction of any physical barrier unless the Secretary determines that such action is necessary to carry out any of the purposes set forth in subsection (a).

(c) Exclusions.—For purposes of this section, the installation and maintenance of barriers designed to protect the public health and safety or to prevent unauthorized access to waters downstream of a dam owned by the Corps of Engineers:

(1) any public safety or physical barrier owned or controlled by the United States; and

(2) any physical barrier constructed in connection with the restruction of an existing restricted area, unless the Secretary submits to Congress a report on such physical barrier.

(d) Enforcement.—In general.—(1) The Secretary shall not assess any penalty for entrance into a restricted area if the Secretary determines that such entrance is necessary to carry out any of the purposes set forth in subsection (a).

(2) Enforcement of a restricted area shall be the sole responsibility of the State in which the restricted area is located, unless the State fails to enforce such a restricted area.

SEC. 2060. DONALD G. WALDON LOCK AND DAM. (a) FINDINGS.—Congress finds that—

(1) the Tennessee-Tombigbee Waterway Development Authority is a 4-State compact comprised of the States of Alabama, Kentucky, Mississippi, and Tennessee;

(2) the Tennessee-Tombigbee Waterway Development Authority is the regional non-Federal sponsor of the Tennessee-Tombigbee Waterway; and

(3) the Tennessee-Tombigbee Waterway, completed in 1984, has fueled growth in the Southern economy in multiple areas, including agriculture, transportation and infrastructure, and trade.

(b) Expressions of Interest.—(1) The Secretary shall carry out activities to enable non-Federal interests to anticipate and accurately budget for annual operations and maintenance costs and, if applicable, for repair, rehabilitation, and replacement costs incurred by the Secretary relating to the activities carried out relating to the water supply aspects of the project.

(2) The Secretary shall carry out activities to enable non-Federal interests to anticipate and accurately budget for annual operations and maintenance costs and, if applicable, for repair, rehabilitation, and replacement costs incurred by the Secretary relating to the activities carried out relating to the water supply aspects of the project.

(c) Grant Program.—(1) The Secretary shall carry out activities to enable non-Federal interests to anticipate and accurately budget for annual operations and maintenance costs and, if applicable, for repair, rehabilitation, and replacement costs incurred by the Secretary relating to the activities carried out relating to the water supply aspects of the project.

SEC. 2061. IMPROVING PLANNING AND ADMINISTRATION OF WATER SUPPLY STORAGE. (a) IMPROVING PLANNING AND ADMINISTRATION OF WATER SUPPLY STORAGE.—(1) In general.—The Secretary shall carry out activities to enable non-Federal interests to anticipate and accurately budget for annual operations and maintenance costs and, if applicable, for repair, rehabilitation, and replacement costs incurred by the Secretary relating to the activities carried out relating to the water supply aspects of the project.

(b) REPORT TO CONGRESS.—(1) In general.—Subject to paragraph (2), the Secretary shall submit to Congress a report on the findings of the reviews carried out under subsection (a) and any subsequent actions taken by the Secretary relating to those reviews.

(2) Inclusions.—The report under paragraph (1) shall include an analysis of the feasibility and costs associated with the provision by the Secretary to each non-Federal interest of non-Federal interest of not less than 1 statement each year that details for each water storage agreement with non-Federal interests at Corps of Engineers projects the estimated amount of the operations and maintenance costs and, if applicable, the estimated amount of the repair, rehabilitation, and replacement costs incurred by the non-Federal interest in carrying out such activities.

(c) Extension.—The Secretary may delay the submission of the report under paragraph (1) for a period not to exceed 180 days after the deadline described in paragraph (1), subject to the condition that the Secretary submits a preliminary report to Congress not later than 1 year after the date of enactment of this Act.

SEC. 2062. CREDITING AUTHORITY FOR FEDERAL-ALLY AUTHORIZED NAVIGATION PROJECTS. (a) Non-Federal Interest for a Navigation Project.—(1) The Secretary shall carry out activities to enable non-Federal interests to anticipate and accurately budget for annual operations and maintenance costs and, if applicable, for repair, rehabilitation, and replacement costs incurred by the Secretary relating to the activities carried out relating to the water supply aspects of the project.

(b) Report to Congress.—(1) In general.—Subject to paragraph (2), the Secretary shall submit to Congress a report on the findings of the reviews carried out under subsection (a) and any subsequent actions taken by the Secretary relating to those reviews.

(2) Inclusions.—The report under paragraph (1) shall include an analysis of the feasibility and costs associated with the provision by the Secretary to each non-Federal interest of non-Federal interest of not less than 1 statement each year that details for each water storage agreement with non-Federal interests at Corps of Engineers projects the estimated amount of the operations and maintenance costs and, if applicable, the estimated amount of the repair, rehabilitation, and replacement costs incurred by the non-Federal interest in carrying out such activities.

(c) Extension.—The Secretary may delay the submission of the report under paragraph (1) for a period not to exceed 180 days after the deadline described in paragraph (1), subject to the condition that the Secretary submits a preliminary report to Congress not later than 1 year after the date of enactment of this Act.
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 courses and distances: S. 63 degrees 25 minutes 38 seconds E., 20.00 feet to a point, thence; N. 43 degrees 36 minutes 24 seconds W., 125.85 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 805.18 feet to a point, thence; S. 42 degrees 36 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., 308.65 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 157520.30, East 1640294.00. Geometry Right Toe of the 60-foot-wide main navigational channel at right hand Courses and 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 degrading the aforementioned centerline traveling the following courses and distances: 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: 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: E., 1478.79 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 1016.69 feet to a point, thence; N. 12 degrees 14 minutes 14 seconds W., 142.26 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 E., 120.03 feet to a point on the Right Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+96.81, coordinates North 157769.49, East 1640045.90. Geometry Right Toe of the 60-foot-wide main navigational channel at right hand Courses and Station No. 0+00, coordinates North 157935.61, East 1640045.90. Geometry Right Toe of the 60-foot-wide main navigational channel at right hand Courses and Station No. 0+00, coordinates North 157520.30, East 1640294.00. Geometry Right Toe of the 60-foot-wide main navigational channel at right hand Courses and 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 degrading 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., 20.00 feet to a point, thence; N. 43 degrees 36 minutes 24 seconds W., 125.85 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 805.18 feet to a point, thence; S. 42 degrees 36 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., 308.65 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 157520.30, East 1640294.00. Geometry Right Toe of the 60-foot-wide main navigational channel at right hand Courses and 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 degrading 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., 20.00 feet to a point, thence; N. 43 degrees 36 minutes 24 seconds W., 125.85 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 805.18 feet to a point, thence; S. 42 degrees 36 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., 308.65 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 157520.30, East 1640294.00. Geometry Right Toe of the 60-foot-wide main navigational channel at right hand Courses and 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 degrading the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49
(2) A DDITIONAL TERMS AND CONDITIONS .—As a condition of the conveyance under subsection (b), the City shall agree in writing—

(A) that the City and any successor or assign of the City will release and indemnify the United States from any and all liabilities that may arise from or through the operations of the land conveyed by the United States.

(B) to pay any cost associated with the conveyance under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may impose such additional terms and conditions, and requirements on the conveyance under subsection (b) as the Secretary considers appropriate to protect the interest of the United States, including the requirement that the City assume full responsibility for operating and maintaining the channel and the breakwater.

(e) RESERVATION.—If the Secretary determines that the land conveyed under this section ceases to be owned by the public, all right, title, and interest in and to the land shall, at the discretion of the Secretary, revert to the United States.

(f) DEAUTHORIZATION.—After the land is conveyed under this section, the land shall no longer be a portion of the navigation, Hammond Small Boat Basin, Oregon, authorized by section 107 of the Rivers and Harbors Act of 1960 (33 U.S.C. 517).

SEC. 301. METRO EAST FLOOD RISK MANAGEMENT PROGRAM, ILLINOIS.

(a) IN GENERAL.—The following projects shall constitute a program, to be known as the “Metro East Flood Risk Management Program, Illinois”:

(1) Prairie du Pont Drainage and Levee District and Fish Lake Drainage and Levee District, Illinois, authorized by—

(A) section 5 of the Act of June 22, 1936 (33 U.S.C. 701b); and

(B) section 5070 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1220).

(2) East St. Louis, Illinois, authorized by—

(A) section 5 of the Act of June 22, 1936 (33 U.S.C. 701b); and

(B) Energy and Water Development Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 139); and

(3) Wood River Drainage and Levee District, Illinois, authorized by—

(A) section 4 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 June 28, 1938 (52 Stat. 1218); and

SEC. 3012. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109 of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2766A–221, 121 Stat. 1275) is amended—

(1) in subsection (a), by inserting “and additional outfalls” after “and”; and

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following—

“(f) Priority.—In providing assistance under this section, the Secretary shall give priority to projects sponsored by—

“(1) States; 

“(2) a county of the United States; and

“(3) incorporated communities in Monroe County, Florida.”.

SEC. 3013. DES MOINES RECREATIONAL RIVER AND GREENBELT, IOWA.

The boundaries for the project referred to as the Des Moines Recreational River and Greenbelt, Iowa under the heading “CIVIL AND MILITARY” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” in chapter IV of title I of the Supplemental Appropriations Act, 1985 (Public Law 99–88, 99 Stat. 313) are revised to include the entirety of sections 19 and 29, situated in T98N, R23W, SEC. 2014. LAGOON ENFORCEMENT, CRANEY ISLAND DREDGED MATERIAL MANAGEMENT AREA, PORTSMOUTH, VIRGINIA.

(a) In General.—Subject to the conditions described in this section, the Secretary may convey to the Commonwealth of Virginia, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to 2 parcels of land situated within the project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channel Roads, Virginia, authorized by section 1001(d) of the Water Resources Development Act of 2007 (Pub. L. 110–114; 121 Stat. 1057), together with any improvements thereon.

(b) LANDS TO BE CONVEYED.—

(1) IN GENERAL.—The 2 parcels of land to be conveyed under this section include a parcel consisting of approximately 307.82 acres of land and a parcel consisting of approximately 13.33 acres of land, both located along the eastern side of the Craney Island Dredged Material Management Area in Portsmouth, Virginia.

(2) USE.—The 2 parcels of land described in paragraph (1) may be used by the Commonwealth of Virginia exclusively for the purpose of port expansion, including the provision of road and rail access and the construction of a shipping container terminal.

(c) TERMS AND CONDITIONS.—Land conveyed under this section shall be subject to—

(1) a reversionary interest in the United States if the land—

(A) ceases to be held in public ownership; or

(B) is used for any purpose that is inconsistent with subsection (b); and

(2) other terms, conditions, reservations, and restrictions that the Secretary determines to be necessary and appropriate to protect the interests of the United States.

SEC. 3015. LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.

The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (Pub. L. 101–640; 104 Stat. 6411), as modified, is further modified to authorize the Secretary to include, as a part of the project, measures for flood risk management, storm damage reduction, ecosystem restoration, and recreation in the Compton Creek watershed.

SEC. 3016. OAKLAND INNER HARBOR TIDAL MANAGEMENT PROJECT, CALIFORNIA.

Section 3132(b)(1) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1165) is amended—

(1) in subsection (a), by inserting “or” after “country public entity” before “or other” before “public entity”.

SEC. 3017. REDESIGNATION OF LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

(a) IN GENERAL.—Section 103(c)(1) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking “Lower Mississippi River Museum and Riverfront Interpretive Site” and inserting “Jesse Benton Lower Mississippi River Museum and Riverfront Interpretive Site”.

(b) EFFECT.—Reference in a law, map, regulation, document, paper, or other record of the United States to the museum and interpretive site referred to in subsection (a) shall be deemed to be a reference to the “Jesse Benton Lower Mississippi River Museum and Riverfront Interpretive Site”.

SEC. 3019. FHQ SITE, CITY OF ALEXANDRIA AND ARLINGTON COUNTY, VIRGINIA.

Section 9(a)(1) of the Water Resources Development Act of 1974 (Public Law 93–251; 88 Stat. 65) is amended by striking “twenty-seven thousand cubic feet per second” and inserting “18,000 cubic feet per second”.

SEC. 3020. EAST FORK OF TRINITY RIVER, TEXAS.

The portion of the project for flood protection on the East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), that consists of the relocation of levees KV6 through KV10 shall not be authorized as a part of the Federal project as of the date of enactment of this Act.

SEC. 3021. SEWARD WATERFRONT, SEWARD, ALASKA.

(a) IN GENERAL.—The parcel of land included in the Seward Harbor, Alaska navigational project identified as project 702, Seward Original Townsite, Waterfront Park Replat, Plat No 12-4, Seward Recording District, shall be subject to the navigation service (as of the date of enactment of this Act).

(b) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter upon any portion of the land referred to in subsection (a) to carry out any required operation and maintenance of the general navigation features of the project.

TITLE IV—WATER RESOURCE STUDIES

SEC. 4001. PURPOSE.

The purpose of this title is to authorize the Secretary to study and recommend solutions for water resource issues relating to floodplain management, storm damage reduction, ecosystem conservation, navigation, and aquatic ecosystem restoration.

SEC. 4002. INITIATION OF NEW WATER RESOURCE 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, aquatic 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 1985 (12 U.S.C. 2367a).

(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.
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 habitat areas;
(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—
(1) fish habitat;
(2) diadromous fisheries migratory corridors;
(3) shellfish habitats;
(4) submersed aquatic vegetation;
(5) wetland; and
(6) 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 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 2017.

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 (b) (1) of the Chesapeake Bay restoration plan to guide the implementation of projects under subsection (a)(2),
(2) Coordination.—The restoration plan described in paragraph (1) shall give priority to projects eligible under section (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.
(a) Administration.—The Federal share of the costs of carrying out paragraph (1) shall be 75 percent.
(b) in paragraph (2)(A), by striking "facilities, 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 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.
"(d) 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;"

SEC. 5002. NORTHEAST COASTAL REGION ECO-SYSTEM RESTORATION.

(a) In General.—The Secretary shall carry out this section $25,000,000 for each of fiscal years 2014 through 2017.

(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, the States, organizations, and other interested parties, shall assess the needs regarding, and opportunities for, aquatic ecosystem restoration within the coastal waters of the United States.

(2) Plan.—The Secretary shall develop a general coastal management plan based on

the following:

(1) in paragraph (1)—
(a) by striking "pilot program" and inserting "program"; and
(b) by inserting "in the basin States described in subsection (f) and the District of Columbia" after "interests";
and
(2) 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 development 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 reestablishment 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;"

(3) by striking subsection (b) and inserting the following:
"(d) 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 non-governmental 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.
(a) Administration.—The Federal share of the costs of carrying out paragraph (1) shall be 75 percent.
(b) in paragraph (2)(A), by striking "facilities, 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 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.
"(d) 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;"

SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS.

Section 506 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended—

(a) in subsection (b)(2)—

(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) the report required under subsection (b)(1) and (2) of 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 habitat areas;
(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—
(1) fish habitat;
(2) diadromous fisheries migratory corridors;
(3) shellfish habitats;
(4) submersed aquatic vegetation;
(5) wetland; and
(6) beach dune complexes and other similar habitats.

(2) Coordination.—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.
(a) Administration.—The Federal share of the costs of carrying out paragraph (1) shall be 75 percent.
(b) in paragraph (2)(A), by striking "facilities, 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 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.
"(d) 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;"
NAVIGATION SYSTEM ADVISORY COMMITTEE.—

(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.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $112,500,000.

(c) Use of Funds.—Amounts made available for the Secretary shall be used to complement other related activities of Federal agencies that are carried out within the Missouri River Basin.

SEC. 5009. UPPER MISSOURI BASIN SHORELINE EROSION PREVENTION.

(a) In General.—

(1) Authorization of Assistance.—The Secretary may provide planning, design, and construction assistance to not more than 3 federally-recognized Indian tribes in the Upper Missouri River Basin to undertake measures to address shoreline erosion that is jeopardizing existing infrastructure resulting from operation of a reservoir constructed under the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (68 Stat. 891, chapter 665)).

(2) Limitation.—The projects described in paragraph (1) shall be economically justified, technically feasible, and environmentally acceptable.

(b) Federal and non-Federal Cost Share.—

(1) In General.—Subject to paragraph (2), the Federal share of the costs of carrying out this section shall not be less than 75 percent.

(2) Ability to Pay.—The Secretary may adjust the Federal and non-Federal shares of the costs of carrying out this section in accordance with the terms and conditions of section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(c) Conditions.—The Secretary may provide the assistance described in subsection (a) only after—

(1) consultation with the Department of the Interior; and

(2) execution by the Indian tribe of a memorandum of agreement with the Secretary that specifies that the tribe shall—

(A) be responsible for—

(i) all operation and maintenance activities required to ensure the integrity of the measures taken; and

(ii) providing any required real estate in connection with the property on which such measures are to be taken; and

(B) hold and save the United States free from damages arising from planning, design, or construction assistance provided under this section, except for damages due to the failure or negligence of the United States or its contractors.

(d) Authorization of Appropriations.—For each Indian tribe eligible under this section, the Secretary is authorized to appropriate to carry out this section not more than $30,000,000.
SEC. 5010. NORTHERN ROCKIES HEADWATERS EXTREME WEATHER MITIGATION.

(a) IN GENERAL.—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, Snake, 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 reconnect;
(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 55 percent of the total cost of the project.

SEC. 5011. 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 306 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(b) FUNDING.—The amounts made available to carry out subsection (a) shall be used to carry out projects that are not otherwise carried out under section 310 of the Water Resources Development Act of 2007 (121 Stat. 1135).

SEC. 5012. MIDDLE MISSISSIPPI RIVER PILOT PROGRAM.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of May 25, 1910 (36 Stat. 631, chapter 328) (commonly known as the "River and Harbor Act of 1910"), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the "River and Harbor Act of 1927") and the Act of June 3, 1930 (46 Stat. 918, chapter 847), the Secretary shall carry out a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—As part of the pilot program carried out under subsection (a), the Secretary may carry out any activity along the Middle Mississippi River that is necessary to improve navigation through the project while restoring and protecting fish and wildlife habitat in the middle Mississippi River if the Secretary determines that the activity is feasible.

(c) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The maximum Federal share of the cost of carrying out a project under this section shall be 75 percent.

(2) A MOUNT EXPENDED PER PROJECT.—The Federal share described in paragraph (1) shall not exceed $10,000,000 for each project.

(d) 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 2023.

SEC. 5013. IDAHO, WYOMING, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.

Section 501 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 383) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of—

"(1) design and construction assistance for water-related environmental infrastructure and resource protection and development in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, including projects for—

"(A) wastewater treatment and related facilities;
"(B) water supply and related facilities; and
"(C) environmental restoration; and

"(2) surface water resource protection and development;

"(3) technical assistance to small and rural communities for water planning and issues relating to access to water resources.; and

(2) by striking subsection (h) and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001 $450,000,000, which shall—

(1) be made available to the States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities; and

(2) remain available until expended.".

SEC. 5014. CHESAPEAKE BAY OYSTER RESTORATION IN VIRGINIA AND MARYLAND.

Section 708(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2265(b)) is amended—

(1) in paragraph (1), by striking "$50,000,000" and inserting "$70,000,000"; and

(2) by striking subparagraph (B) of paragraph (4) and inserting the following:

"(B) FORM.—The non-Federal share may be provided through in-kind services, including—

"(i) the provision by the non-Federal interest of shell stock material that is determined by the Secretary to be suitable for use in carrying out the project; and "(ii) in the case of a project carried out under paragraph (2)(D) after the date of enactment of this Act, Oyster restoration efforts undertaken by the non-Federal interest that the Secretary determines provide water quality benefits that—

"(I) are integral to the project; and "(II) are integral to the project.

SEC. 5015. MISSOURI RIVER BETWEEN FORT PECK AND SOUTH OF OAK BEND.

Section 8(f) of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665; 102 Stat. 4031) is amended by striking "$5,000,000" and inserting "$5,000,000".

SEC. 5016. OPERATIONS AND MAINTENANCE OF INLAND MISSISSIPPI RIVER PORTS.

(a) DEFINITIONS.—In this section:

(1) SHALLOW DRAFT.—The term "shallow draft" means a project that has a depth less than 14 feet.

(2) INLAND MISSISSIPPI RIVER.—The term "Inland Mississippi River" means the portion of the Mississippi River that begins at the confluence of the Minnesota River and ends at the confluence of the Red River.

(b) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out activities on shallow draft navigation located on the Inland Mississippi River and ports located on the Inland Mississippi River to the respective authorized widths and depths of those inland ports, as authorized on the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—

For each fiscal year, there is authorized to be appropriated to the Secretary to carry out this section $25,000,000.

SEC. 5017. REMOTE AND SUBSISTENCE HARBORS.

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by inserting "or Alaska" after "Hawaii"; and (B) in paragraph (2)—

(i) by striking "community" and inserting "region"; and (ii) by inserting ", as determined by the Secretary based on information provided by the State, as the Federal interest" after "improve"; and

(2) by adding at the end the following:

"(d) PRIORITY OF PROJECTS.—Projects recommended by the Secretary under subsection (a) shall be given equivalent budget consideration and priority as projects recommended solely by national economic development benefits.

"(e) CONSTRUCTION.—

"(1) IN GENERAL.—The Secretary may plan, design, or construct projects for navigation in the noncontiguous States and territories of the United States if the Secretary finds that the project is—

"(A) technically feasible;
"(B) environmentally sound; and "(C) economically justified.

"(2) SPECIAL RULE.—In evaluating and implementing a project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with the criteria established for flood control projects in section 903(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4184) if the detailed project report evaluation indicates that—

"(1) the project is technically feasible;

"(2) the project is environmentally sound; and

"(3) the project is economically justified.

"(3) COST.—The Federal share of the cost of carrying out a project under this section shall not exceed 10,000,000.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to

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carry out projects initiated by the Secretary under this subsection $100,000,000 for fiscal years 2014 through 2023.”.  

SEC. 5106. MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI RIVER AND OHIO RIVER BASINS AND TRIBUTARIES.  

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

(1) IN GENERAL.—The Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, shall develop, implement, and coordinate, in coordination with the Chief of Engineers, the Asian Carp Eradication Group.  

(2) ASSISTANCE AVAILABLE.—Notwithstanding any other provision of law, the Secretary of the Treasury may provide any technical assistance, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries by providing high-level technical assistance, coordination, best practices, and support to State and local governments in carrying out activities designed to slow, and eventually eliminate, the threat posed by Asian carp.  

(b) BEST PRACTICES.—To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those described in the document prepared by the Asian Carp Working Group entitled “Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States”, and dated November 2007, and the plan prepared by the Upper Mississippi River Basin Regional Coordinating Committee entitled “FY 2012 Asian Carp Control Strategy Framework” and dated February 2012.  

(c) ACCEPTANCE OF FUNDS.—The Secretary may provide any technical assistance, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries.  

(d) LIMITATION.—Nothing in this section prevents the Secretary from providing any technical assistance, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries under any other provision of law.  

SEC. 5107. UPPER MISSISSIPPI RIVER AND OHIO RIVER BASINS AND TRIBUTARIES.  

(a) IN GENERAL.—The land waterways of the United States.  

SEC. 5108. RIGHTS AND RESPONSIBILITIES OF THE CHEROKEE NATION OF OKLAHOMA REGARDING W.D. MAYO LOCK AND DAM, OKLAHOMA.  

Section 11 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4236) is amended to read as follows:  

“SEC. 1117. W.D. Mayo Lock and Dam, Oklahoma.  

“(a) IN GENERAL.—The Secretary may acquire title to design and construct 1 or more hydroelectric generating facilities at the W.D. Mayo Lock and Dam on the Arkansas River for the purposes and requirements of subsection (b) and in accordance with the conditions specified in this section; and  

“(b) PRECONSTRUCTION REQUIREMENTS.—  

“(1) IN GENERAL.—The Secretary shall obtain any permit required by Federal or State law before the date on which construction begins on any hydroelectric generating facility under subsection (a).  

“(2) REVIEW BY SECRETARY.—The Secretary shall—  

“(A) the operation, maintenance, repair, replacement, and rehabilitation of any such facility; and  

“(B) the marketing of the electricity generated by any such facility.  

“(d) ACCEPTANCE OF FUNDS.—The Secretary is authorized to accept and expend funds provided by non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), for the development, design, and construction, maintenance, and operation of such generating facilities.”.  

SECTION 5021. UPPER MISSISSIPPI RIVER PROTECTION.  

(a) DEFINITION OF UPPER ST. ANTHONY FALLS LOCK AND DAM.—In this section, the term “Upper St. Anthony Falls Lock and Dam” means the lock and dam located on Mississippi River mile 839.3 in Minneapolis, Minnesota.  

SEC. 5022. ARCTIC DEEP DRAFT PORT DEVELOPMENT AND MANAGEMENT PARTNERSHIPS.  

(a) IN GENERAL.—The Secretary may provide technical assistance, including planning, design, and construction assistance, to non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), for the development, design, and construction, maintenance, and operation of deep draft ports for purposes of dealing with Arctic development and security needs.  

(b) ACCEPTANCE OF FUNDS.—The Secretary shall provide any technical assistance and funding to non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), for the development, design, and construction, maintenance, and operation of deep draft ports for purposes of dealing with Arctic development and security needs.  

(c) LIMITATION.—Nothing in this section shall be construed to prevent the Secretary from providing any technical assistance and funding to non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), for the development, design, and construction, maintenance, and operation of deep draft ports for purposes of dealing with Arctic development and security needs.  

(d) PRIORITIZATION.—The Secretary shall prioritize the Arctic deep draft port identified by the Secretary to be in the national interest.  

SEC. 5023. GREATER MISSISSIPPI RIVER BASIN SEVERE FLOODING AND DRAUGHT MANAGEMENT STUDY.  

(a) DEFINITIONS.—In this section:  

(1) GREATER MISSISSIPPI RIVER BASIN.—The term “greater Mississippi River Basin” means the area covered by hydrologic units 5, 7, 8, 10, and 11, as identified by the United States Geological Survey as of the date of enactment of this Act.  

(2) LOWER MISSISSIPPI RIVER.—The term “lower Mississippi River” means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico.  

(3) MIDDLE MISSISSIPPI RIVER.—The term “middle Mississippi River” means the portion of the Mississippi River that begins at the confluence of the Missouri River and flows to the lower Mississippi River.  

(4) SEVERE FLOODING AND DRAUGHT.—The term “severe flooding and drought” means severe weather events that threaten personal safety, property, and infrastructure, such as those described in the document prepared by the Asian Carp Working Group entitled “Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States”, and dated November 2007, and the plan prepared by the Upper Mississippi River Basin Regional Coordinating Committee entitled “FY 2012 Asian Carp Control Strategy Framework” and dated February 2012.  

(b) STUDY.—The Secretary shall carry out a study of the greater Mississippi River Basin to—  

(1) to improve the coordinated and comprehensive management of water resource
projects in the greater Mississippi River Basin relating to severe flooding and drought conditions; and
(2) to evaluate the feasibility of any modi-
fication to existing water resource projects, consistent with the authorized purposes of those projects, and develop new water re-
source projects to improve the reliability of navigation and more effectively reduce flood risk.
(c) CONTENTS.—The study shall—
(1) identify and make recommendations to
those individuals and property located behind levee systems; and
(2) to the maximum extent practicable, use data in existence as of the date of enactment of this Act; and
(3) incorporate lessons learned and best practices developed as a result of past severe flooding and drought events, including major floods and the successful effort to maintain navigation during the near historic low water levels on the Mississippi River during the winter of 2012-2013.
(e) COST-SHARING.—The Federal share of the cost of carrying out the study under this section shall be 100 percent.
(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Sec-
retary shall submit to Congress a report on the study carried out under this section.
(g) DEDICATION OF FUNDING.—Nothing in this sec-
tion impacts the operations and mainte-
nance of the Missouri River Mainstem Sys-
tem, as authorized by the Act of December 22, 1944 (38 Stat. 897, chapter 665).
SEC. 5024. CAPE ARUNDEL DISPOSAL SITE, MAINE.
(a) IN GENERAL.—The Secretary, in concur-
cence with the Administrator of the Environ-
mental Protection Agency, is authorized to reopening the Cape Arundel Disposal Site se-
lected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protec-
tion, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1411(b)) (referred to in this section as the “Site”).
(b) DEADLINE.—The Site may remain open under conditions that—
(1) the date on which the Site does not have any remaining disposal capacity;
(2) the date on which an environmental im-
 pact statement for an alternative dredged material disposal site for southern Maine has been completed; or
(3) the date that is 5 years after the date of enactment of this Act.
(c) LIMITATIONS.—The use of the Site as a dredged material disposal site under sub-
section (a) shall be subject to the conditions that—
(1) conditions at the Site remain suitable for the continued use of the Site as a dredged material disposal site;
(2) the Site not be used for the disposal of more than 80,000 cubic yards from any single dredging project.
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 lev-
ees 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 reduc-
ing flood risk and should be considered in the context of broader flood risk management ef-
forts;
(5) States and Indian tribes—
(A) are uniquely positioned to oversee, co-
ordinate, and regulate local and regional levee systems; and
(6) should be encouraged to participate in a national levee safety program by establish-
ing interagency levee safety programs and
(6) States, Indian tribes, and local govern-
ments that do not invest in protecting the individuals and property located behind lev-
ees 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, inspec-
tion, assessment, security, and maintenance;
(2) to encourage public education and awareness of risks involving levees;
(3) to establish a national levee safety program that emphasizes the protection of human life and property; and
(4) to implement consistent and incentives that encourage the establishment of effec-
tive State and tribal levee safety programs.
SEC. 6003. DEFINITIONS.
In this title:
(1) BOARD.—The term “Board” means the National Levee Safety Advisory Board estab-
lshed under section 6005.
(2) CANAL STRUCTURE.—
(A) the term “canal structure” means an embankment, wall, or structure along a canal or manmade watercourse that—
(i) constrains water flow;
(ii) is subject to frequent water loading; and
(iii) is an integral part of a flood risk re-
duction system that protects the leveed area from flood waters associated with hurri-
canes, precipitation events, seasonal high water, and other weather-related events.
(B) the term “canal structure” does not include a barrier across a water-
course.
(3) FEDERAL AGENCY.—The term “Federal agency” means an agency that de-
signs, finances, constructs, owns, operates, maintains, or regulates the construction, op-
eration, or maintenance of a levee.
(4) FEDERAL PROGRAM.—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 non-
structural 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 oper-
ation 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 Edu-
(8) LEVEE.—
(A) IN GENERAL.—The term “levee” means a manmade barrier (such as an embankment, floodwall, or other structure)—
(i) levees and canal structures that (I) levees and canal structures that (I)
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(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 levee 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 levee 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, removal of a levee, or reconfiguration of a levee system, including a setback levee, that is carried out to reduce flood risk or 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 comprehensive 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) 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 levee 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 consultation with the Administrator of the Federal Emergency Management Agency and 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; (C) provide for adaptation to local, regional, or watershed conditions; and (D) require procedures, policies, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).

(2) 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 consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, shall establish a hazard potential classification system for use under the national levee safety program and participating programs.

(2) TECHNICAL ASSISTANCE.—In carrying out the inventory and inspection under paragraph (1), the Secretary shall consult with and incorporate into the levee safety action classification tool developed by the Corps of Engineers.

(f) 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.

(g) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—(1) ESTABLISHMENT.—At the request of a State or Indian tribe with respect to any levee 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.

(2) 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.

(h) 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 consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, the Secretary shall issue guidelines that establish...
(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.

(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.

(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.
Section 6006. Inventory and Inspection of Levees

Section 900(a)(2)(A) of the Water Resources Development Act of 2007 (33 U.S.C. sec. 2288(b)(1)(A)) is amended by striking "and A" and inserting "and, upon request, A" for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies, including, and updated levee information provided by States, Indian tribes, Federal agencies, and other entities."

Section 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 Comptroller General 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 activities, including—

(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levee management activities; and

(ii) evaluating opportunities to coordinate environmental permitting processes for operations relating to levees.

(2) Local Levees.—For each of fiscal years 2014 through 2023, 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, including—

(A) promoting shared responsibility for levee safety;

(B) encouraging the development of strong State and tribal levee safety programs;

(C) to better align the national levee safety program with other Federal flood risk management programs; and

(D) to promote increased levee safety through other Federal programs providing assistance to State and local governments.

(b)National Dam and Levee Safety Program.

Section 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.

(c) 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, and the Comptroller General shall carry out the levee inventory and inspections under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. sec. 2288(b)(1)(A)) is amended by inserting "and A" for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies, including, and updated levee information provided by States, Indian tribes, Federal agencies, and other entities."
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 systemwide benefits and minimize overall system risk;

(3) to make inland waterways navigation capital investments through the use of prioritization criteria that seek to maximize systemwide benefits and minimize overall system risk;

(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;

(C) funded at least in part from the Inland Waterways Trust Fund; and

(D) reimbursable under the 20-year program described in paragraph (3).

(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;

(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;

(4) 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 REQUIREMENTS.—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 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 locking facilities;

(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—

(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.

(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 and instate waterways of the United States.

'(2) ADVICE AND RECOMMENDATIONS.—For commercial navigation features or components of the inland waterways or inland harbors of the United States, the Users Board shall provide—

'(A) prior to the development of the budget proposal for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels; and

'(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 80 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 (i); 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 commercial navigation features or components of the inland waterways or inland harbors of the United States; and

'(2) submit to the Users Board a 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.';

(4) CAPITAL INVESTMENT PROGRAM.—

'(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation 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 that is 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 Waterways Trust Fund Business Model, Final Report published on April 13, 2010, as approved by the Users Board.

(5) AUTHORITY.—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) are—

'(A) made in all geographical areas of the inland waterways system; and

'(B) ensure sufficient funding of inland waterways projects.

(6) STRATEGIC REVIEW AND UPDATE.—Not later than 5 years after the date of enactment of this subsection, the Secretary, in consultation 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.

'(c) PROJECT MANAGEMENT PLANS.—The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b) 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.

Section 2327(1)(E)(ii) of the Water Resources Development Act of 1992 (33 U.S.C. 2251(1)(E)(ii)) is amended by striking "$8,000,000" and inserting "$20,000,000."
(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 existing inland waterways system spans 36 States and handles approximately one-half of all inland waterway freight; (3) according to the annual report of the Inland Marine Transportation System Capital Projects Business Model, freight traffic on the Federal fuel-tax inland waterways system accounts for $36,000,000,000 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 annual 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. 

SEC. 7006. EFFICIENCY OF REVENUE COLLECTION. Not later than 2 years after the date of enactment of this Act, the Comptroller General shall report to the Congress on the efficiencies of collecting the fuel tax for the Inland Waterways Trust Fund, which shall include—

(a) an evaluation of whether current methods of collection of the fuel tax result in full compliance with the requirements of the law;

(b) whether alternative methods of collection would result in increased revenues into the Inland Waterways Trust Fund; and

(c) an evaluation of alternative collection options.

SEC. 7007. GAO STUDY, OLMSTED LOCKS AND DAM, LOWER OHIO RIVER, ILLINOIS AND KENTUCKY. As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to Congress a report describing the results of, a study to determine why, and to what extent, the project for navigation improvement at Olmsted Locks and Dam Project, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky (commonly known as the “Olmsted Locks and Dam Project”), authorized by section 3(a)(6) of the Water Resources Development Act of 1983 (40 U.S.C. 4013), has exceeded the budget for the project and the reasons why the project failed to be completed as scheduled, including an assessment of—

(a) engineering methods used for the project;

(b) the management of the project;

(c) the cost to the United States of benefits foregone due to project delays; and

(d) other contributory factors as the Comptroller General determines to be appropriate.

SEC. 7008. OLMSTED LOCKS AND DAM, LOWER OHIO RIVER, ILLINOIS AND KENTUCKY. Section 3(a)(6) of the Water Resources Development Act, 1983 (40 U.S.C. 4013) is amended by striking “and with the costs of construction” and all that follows through “propriate from the general fund of the Treasury.”

TITLE VIII—HARBOR MAINTENANCE

SEC. 8001. DEFINITIONS. 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;

(4) to ensure United States ports are prepared to meet modern shipping needs, including the capable and effective large ships that require deeper drafts; and

(5) to prevent cargo diversion from United States ports.

SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) DEFINITIONS.—In this section:

(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.


(b) IN GENERAL.—It is the sense of Congress that—

(1) amounts made available for the civil works program of the Corps of Engineers for a fiscal year are less than the amounts made available for the civil works program in the previous fiscal year; and

(2) the reduction in amounts made available—

(i) applies to all discretionary funds and programs of the Federal Government; and

(ii) is applied to the civil works program in the same percentage and manner as other discretionary funds and programs.

SEC. 8004. HARBOR MAINTENANCE TRUST FUND PRIORITIZATION.

(a) POLICY.—It is the policy of the United States that the primary use of the Harbor Maintenance Trust Fund is for maintaining the constructed widths and depths of the United States ports, and those functions should be given first consideration in the budgeting of the Harbor Maintenance Trust Fund allocations.

(b) IN GENERAL.—Section 219 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) DEFINITIONS.—In this subsection:

(A) CONSTRUCTED WIDTH AND DEPTH.—The term 'constructed width and depth' means the depth to which a project has been constructed, which shall not exceed the authorized depth and width of the project.

(B) GREAT LAKES NAVIGATION SYSTEM.—The term 'Great Lakes Navigation System' includes—

(i) the Lake Superior;

(ii) the Lake Huron;

(iii) the Lake Michigan;

(iv) the Lake Erie; and

(v) the Lake Ontario;

(B) all connecting waters between the lakes referred to in clause (i) used for commercial navigation;

(C) all navigation features in the lakes referred to in clause (i) or waters described in clause (ii) that are a Federal operation or maintenance responsibility; and

(D) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

(2) PRIORITIZATION.—The term 'high-use deep draft' means a project that has a depth of greater than 14 feet with not less than 1,000,000 tons of cargo annually.

(3) EXCEPTIONS.—Paragraph (1) shall not apply if—

(A) amounts made available for the civil works program of the Corps of Engineers for a fiscal year are less than the amounts made available for the civil works program in the previous fiscal year; and

(B) the reduction in amounts made available—

(i) applies to all discretionary funds and programs of the Federal Government; and

(ii) is applied to the civil works program in the same percentage and manner as other discretionary funds and programs.
"(E) MODERATE-USE PORT.—The term 'moderate-use port' means a port at which more than 1,000,000, but fewer than 10,000,000, tons of cargo are transported each calendar year.

"(2) The amounts made available under this section to carry out projects described in subsection (a)(2) that are in excess of the amounts made available to carry out those projects in fiscal year 2011 shall—

"(1) be used for projects that are a priority for navigation in the Great Lakes Navigation System;

"(2) be used for projects that are a priority for navigation in the Great Lakes Navigation System;

"(B) In any fiscal year in which all amounts made available under this section to carry out projects described in subsection (a)(2) that are high-use deep draft and are maintained to their constructed width and depth, the Secretary shall—

"(I) divide among each of the districts of the Corps of Engineers in which eligible projects are located 10 percent of remaining amounts made available under this section for moderate-use and low-use port projects—

"(I) that have been maintained at less than their constructed width and depth due to insufficient funding during the preceding 6 fiscal years; and

"(II) for which significant State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years; and

"(ii) prioritize any remaining amounts made available under this section for those projects that are not maintained to the minimum width and depth necessary to provide sufficient clearance for fully loaded commercial vessels using those projects to maneuver safely.

"(3) ADMINISTRATION.—For purposes of this subsection, State and local investments in infrastructure include infrastructure investments made using amounts made available for activities under section 108(a)(9) of the Housing and Community Development Act of 1992 (42 U.S.C. 5396(a)(9)).

"(4) EXCEPTIONS.—The Secretary may prioritize a project not identified in paragraph (2) if the Secretary determines that funding for the project is necessary to address—

"(A) hazardous navigation conditions; or

"(B) impacts of natural disasters, including storm surges and other extreme weather events.

"(5) REPORTS TO CONGRESS.—Not later than September 30, 2013, and annually thereafter, the Secretary shall submit to Congress a report that describes, with respect to the preceding fiscal year—

"(A) the amount of funds used to maintain high-use deep draft projects and projects at moderate-use ports and low-use ports to the constructed depth and width of the projects;

"(B) the percentage of total funds provided under this section used for high-use deep draft projects and projects at moderate-use ports and low-use ports;

"(C) the remaining amount of funds made available to carry out this section, if any; and

"(D) any additional amounts needed to maintain the high-use deep draft projects and projects at moderate-use ports and low-use ports to the constructed depth and width of the projects.

"(c) OPERATION AND MAINTENANCE.—Section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) is amended—

"(1) by striking ""(1) shall include—

"(1) 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

"(2) the dredging and disposition 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 or on berths that are accessible to Federal channels.

"(2) LIMITATIONS.—

"(I) in general.—For each fiscal year, subject to section 210(c)(2), subparagraph (A) shall only apply—

"(I) if, in that fiscal year, all projects identified as high-use deep draft (as defined in section 210(c)) are maintained to their constructed width and depth;

"(II) if the amount that is equal to 20 percent of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986; and

"(III) if the amount that is equal to 50 percent of the total amounts collected at that port pursuant to section 4661 of the Internal Revenue Code of 1986 in the preceding 5 fiscal years;

"(2) MODERATE-USE PORT.—The term 'moderate-use port' means—

"(I) a port that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation); and

"(II) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in calendar year 2011; and

"(b) by adding at the end the following:

"(I) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded on to vessels in calendar year 2011.

"(c) DEFINITIONS.—In this paragraph:

"(1) CARGO CONTAINER.—The term 'cargo container' means a cargo container that is 1 Twenty-foot Equivalent Unit.

"(2) ELIGIBLE DONOR PORT.—The term, 'eligible donor port' means a port—

"(I) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

"(II) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in calendar year 2011; and

"(III) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded on to vessels in calendar year 2011.

"(d) ELIGIBLE ENERGY TRANSFER PORT.—The term 'eligible energy transfer port' means a port—

"(I) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulation (or successor regulation); and

"(II) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in calendar year 2011.

"(e) OPERATION AND MAINTENANCE.—Section 210(c)(2), subparagraph (A) shall only apply—

"(I) if the amount that is equal to 20 percent of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986; and

"(II) if the amount that is equal to 50 percent of the total amounts collected at that port pursuant to section 4661 of the Internal Revenue Code of 1986 in the preceding 5 fiscal years.

"(f) REPORT TO CONGRESS.—The amounts described in clause (1)—

"(I) made available for eligible energy transfer ports shall be divided equally among those ports with an eligible energy transfer port; and

"(II) shall be made available only to a port as either an eligible donor port or an eligible energy transfer port;

"(g) Defined terms—

"(1) CARGO CONTAINER.—The term 'cargo container' means a cargo container that is 1 Twenty-foot Equivalent Unit.

"(II) CARGO PORT.—The term 'cargo port' means a port that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation).
SEC. 9005. HARBOR MAINTENANCE TRUST FUND STUDY.

(a) DEFINITIONS.—In this section:

(1) LOW-USE PORT.—The term ‘‘low-use port’’ means a port at which not more than 10,000,000 tons of cargo are transported each calendar year.

(2) MODERATE-USE PORT.—The term ‘‘moderate-use port’’ means a port at which more than 10,000,000 but not more than 50,000,000 tons of cargo are transported each calendar year.

(b) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall carry out a study and submit to Congress a report that—

(1) evaluates the effectiveness of activities funded by the Harbor Maintenance Trust Fund in maximizing economic growth and job creation in the communities surrounding low-and moderate-use ports; and

(2) outlines recommendations relating to the use of amounts in the Harbor Maintenance Trust Fund to increase the competitiveness of United States ports relative to Canadian and Mexican ports.

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 the National Dam Safety Program that brings together the expertise and resources of the Federal Government and non-Federal interests in achieving national dam safety.

SEC. 9003. DEFINITIONS.

(a) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 671 et seq.) is amended—

(1) by redesignating section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 671a(1)) as redesignated by amending 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) BY ADJUSTING THE ENDING.

(1) IN GENERAL.—The amount: and

(2) by inserting 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 commiment 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. 671b(b)) as so redesignated is amended by striking ‘‘$500,000’’ 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. 671j) as so redesignated is amended—

(1) by redesigning 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’’.
and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.).

B. INCLUSIONS.—The term “lender” includes—

(1) a qualified retirement plan (as defined in section 497(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer;

(2) a commercial plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(3) a governmental plan (as defined in section 10007); and

(4) a trust.

(12) A trust.

(13) A joint venture.

(14) A trust.

(15) A governmental plan (as defined in section 10007).

(16) A governmental plan that serves a population of not less than 25,000 individuals.

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 economically justified, and environmentally acceptable, which includes—

(A) a structural or nonstructural measure to reduce flood risk, enhance stream flow, or protect natural resources; and

(B) a levee, a drainage aqueduct, reservoir, or related water infrastructure.

(2) 1 or more activities that are eligible for assistance under section 609(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 (including a facility that serves a population or community of an Indian reservation).

(6) A brackish or seawater desalination project, a managed aquifer recharge project, or a water recycling project.

(7) Acquisition of real property or an interest in real property.

(8) Reimbursement of project development costs, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.

A combination of projects, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which a State infrastructure financing authority submits a single application.

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) developing, implementation, or replacement activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, 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 (1), (2), (3), (4), (5), (6), or (7), for which a State infrastructure financing authority submits a single application.

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. 10009. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(1) 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 the Administrator, as applicable:

(A) CREDITWORTHINESS.—

(I) A combination of projects, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which a State infrastructure financing authority submits a single application.

(2) A DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

SEC. 10010. 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.

(2) 1 or more activities described in section 10007; and

(3) the acquisition of real property or an interest in real property.

(4) Reimbursement of project development costs, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, 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 (1), (2), (3), (4), (5), (6), or (7), for which a State infrastructure financing authority submits a single application.

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.

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(1) development, implementation, or replacement activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.

(2) 1 or more activities described in section 10007; and

(3) the acquisition of real property or an interest in real property.

(4) Reimbursement of project development costs, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, 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 (1), (2), (3), (4), (5), (6), or (7), for which a State infrastructure financing authority submits a single application.

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. 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 the Administrator, as applicable:

(1) CREDITWORTHINESS.—

(A) IN GENERAL.—Subject to subparagraph (B), the project 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.

(B) PENDING RATING OPINION LETTER.—

The Secretary or the Administrator, as applicable, shall require each 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.

(2) ELIGIBLE PROJECT COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.

(B) RURAL WATER INFRASTRUCTURE PROJECTS.—For rural water infrastructure projects, the eligible project costs of a project shall be reasonably anticipated to be not less than $5,000,000.
(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, the guarantor or other instrumentality of a State or local government or a tribal government, the project shall be publicly sponsored.

(5) Federal Credit Instrument.—In the case of a 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 1 or J of part IV of subchapter A of chapter 1 of such Code.

(c) 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:

(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.

(J) Special Rule for Certain Combed Projects.—For a project described in section 1007, the Administrator shall only consider the criteria described in subparagraphs (B) through (J) of paragraph (2).

(K) Federal Requirements.—Nothing in this section shall affect 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 shall 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;

(C) to refinance long-term project obligations or Federal credit instruments, if that refinancing provides additional funding capacity for the project, 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 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 obligors of the project of an investment-grade preliminary rating opinion letter.

(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 less than the yield on United States Treasury securities of a similar maturity to the maturity of the 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 subordinate 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.

(c) Repayment.—

(1) Schedule.—The Secretary or the Administrator, as applicable, may establish a repayment schedule for each secured loan provided under this section, based on the projected cash flow from project revenues other than 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.

(d) 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) Covenants.—

(1) In General.—Any payment deferred under subparagraph (A) shall—

(A) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

(B) be scheduled to be amortized over the remaining term of the secured loan.

(d) Prepayment.—

(A) In General.—Any payment deferred under subparagraph (A) shall—

(B) Special Rule for State Infrastructure Financing Authorities.—Scheduled loans provided under this section may be prepaid in whole or in part, prior to the date on which amounts are first disbursed.

(C) Prepayment Standards.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.
(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 deposits of receipts 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 for the prepayment 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) FEES.—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 615 of the Federal Water Pollution Control Act (33 U.S.C. 1376) 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 section, and the use of funds made available under section 10001(b)(2)(B) 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 permits or approval for the project 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, shall establish 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 fiscal year from 2014 through 2018, to remain available until expended.

(b) ADMINISTRATIVE COSTS.—Of the funds made available in 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 assist 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 Commerce, Science, and Transportation of the House of Representatives a report summarizing the requirements for the project, including a recommendation as to whether the objectives of this title are being met; and

(2) the public benefit provided by those projects, including an examination to determine whether the objectives of this title are being met; and

(2) the public benefit provided by those projects, including an examination to determine whether the objectives of this title are being met.

SEC. 11002. 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 recommendations relating to infrastructure and coastal restoration options to reduce risk to human life and property from extreme weather events, such as hurricanes, coastal storms, and inland flooding.

(b) STUDY.—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 reduce risks associated with extreme weather events;

(2) an analysis of—

(A) historical extreme weather events;

(B) the feasibility of existing infrastructure to mitigate risks associated with extreme weather events; and

(C) the reduction in long-term costs and vulnerability to infrastructure through the use of resilient construction techniques;

(3) identification of proven, science-based approaches and mechanisms for ecosystem protection, restoration, and conservation so that the infrastructure and restoration practices can continue to support 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 the study.
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 Transportation and Infrastructure of the House of Representatives; and

(2) post a copy of the study available on a publicly accessible Internet site.

SEC. 11003. 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 submit to 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) STUDY CONSIDERATIONS.—The study under subsection (a) shall address—

(1) the extent to which existing water management activities of the Corps of Engineers can be used effectively to address 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 geographic record;

(2) whether existing water resources projects built or maintained by the Corps of Engineers, dams, 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 can be used effectively in accordance with management of water resources in flood 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 increase efficiency and improve response to flood, storm, and drought conditions;

(6) any recommendations on the use of resilient construction techniques to reduce future vulnerability from flood, storm, and drought conditions; and

(7) any recommendations for improving approaches to flood management or restoring infrastructure and natural resources that contribute to risk reduction, such as coastal wetlands, to prepare for flood and drought.

SEC. 11004. POSTER 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 existing projects being carried out under 1 or more of the authorities referred to in 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. 701a);

(B) section 3(b) 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 205 of the Water Resources Development Act of 1990 (33 U.S.C. 2309a);

(E) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577); or

(F) section 203 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.

SEC. 11005. AUTHORITY TO ACCEPT AND EXPEND NON-FEDERAL AMOUNTS.

The Secretary is authorized to accept and expend amounts provided by non-Federal interests for the purpose of preparing, repairing, or replacing water resources projects that have been damaged or destroyed as a result of a major disaster or other emergency. The Secretary may decline any non-Federal amounts if the Secretary determines that the acceptance and expenditure of those amounts is in the public interest.

TITLE XII—NATIONAL ENDOWMENT FOR THE OCEANS

SEC. 12001. SHORT TITLE.

This title may be cited as the “National Endowment for the Oceans Act”.

SEC. 12002. PURPOSES.

The purposes of this title are to protect, conserve, restore, and understand the oceans; to meet the needs of the United States, ensuring present and future generations will benefit from the full range of ecological, economic, educational, social, cultural, and recreational opportunities and services these resources are capable of providing.

SEC. 12003. DEFINITIONS.

In this title:

(1) COASTAL SHORELINE COUNTY.—The term “coastal shoreline county” has the meaning given the term by the Administrator of the Federal Emergency Management Agency for purposes of administering the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

(2) COASTAL STATE.—The term “coastal State” has the meaning given the term “coastal state” in section 504 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) CORPUS.—The term “corpus”, with respect to the Endowment fund, means an amount equal to the dividends and interest accruing from investments of the corpus of such fund.

(4) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) INCOME.—The term “income”, with respect to the Endowment fund, means an amount equal to the dividends and interest accruing from investments of the corpus of such fund.

(6) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 923.118(c)(2)(i) of title 15, Code of Federal Regulations, or a similar successor regulation.

SEC. 12004. NATIONAL ENDOWMENT FOR THE OCEANS.

(a) ESTABLISHMENT.—The Secretary and the Foundation are authorized to establish the National Endowment for the Oceans as a perpetual fund. Endowment shall consist of the proceeds described in this section, to further the purposes of this title and to support the programs established under this title.

(b) AGREEMENTS.—The Secretary and the Foundation may enter into such agreements as may be necessary to carry out the purposes of this title.

(c) DEPOSITS.—There shall be deposited in the Fund, which shall constitute the assets of the Fund, amounts as follows:

(1) amounts appropriated or otherwise made available to carry out this title.

(2) amounts earned through investment under subsection (d).

(3) INVESTMENTS.—The Foundation shall invest the Endowment fund corpus and income for the benefit of the Endowment.

(4) ENDOWMENT FUND.—The corpus of the Endowment Fund provided by the Foundation pursuant to this title shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), except the provisions of section 10(a) of that Act (16 U.S.C. 3709(a)).

(f) WITHDRAWALS AND EXPENDITURES.—

(1) ALLOCATION OF FUNDS.—Each fiscal year, the Foundation shall, in consultation with the Secretary, allocate an amount equal to not less than 3 percent and not more than 7 percent of the corpus of the Endowment fund and the income generated from the Endowment fund from the current fiscal year.
(2) EXPENDITURE.—Except as provided in paragraph (3), of the amounts allocated under paragraph (1) for each fiscal year—
   (A) at least 59 percent shall be used by the Foundation to award grants to coastal States under section 12006(b); and
   (B) at least 29 percent shall be allocated by the Foundation to award grants under section 12006(b).

(3) DETERMINATION AMOUNT.—The amount described in paragraph (2) for each fiscal year—
   (i) the amount that is 5 percent of the corpus of the Endowment fund; and
   (ii) the aggregate amount of income the Foundation would be generating from the Endowment fund in that fiscal year.

(g) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary, after consultation with the Foundation, may elect not to use any of the amounts allocated under paragraph (1) for that fiscal year to award grants under section 12006(b).

(A) ELIGIBILITY CRITERIA FOR AWARDING GRANTS.—Programs and activities funded under this section, in addition to supporting the purposes of this title, shall be consistent with the requirements of section 12006(a)(1).

(2) Failing to comply with a procedure, measure, method, or standard established under this section.

(3) FAILING TO COMPLY.—Nothing in this section or section 12006(b) shall be construed to prevent the Secretary from terminating a grant under this section, in whole or in part, if the Secretary disapproves of the procedures, measures, methods, and standards and submit such revised procedures, measures, methods, and standards to the Secretary.

(2) ADMINISTRATION OF GRANTS.—The Foundation shall—
   (A) submittal.—The Foundation shall submit an application and review procedures for the awarding of grants under this section, including the pro-
   (ii) notify the Foundation of such determination.

(II) The Commonwealth of the Northern Mariana Islands.

(2) ELIGIBLE COASTAL STATES.—For purposes of paragraph (1), an eligible coastal State includes—
   (A) a coastal State that has a coastal management program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and
   (B) during the period beginning on the date of the enactment of this Act and ending on December 31, 2018, a coastal State that had, during the period beginning January 1, 2008, and ending on the date of the enactment of this Act, a coastal management program approved under paragraph (A).

(3) MAXIMUM ALLOCATION TO STATES.—Notwithstanding paragraph (1), not more than 10 percent of the total funds distributed under this subsection may be awarded to any single State. Any amount exceeding this limit shall be redistributed among the remaining States according to the formula established under paragraph (4).

(4) MAXIMUM ALLOCATION TO CERTAIN GEOGRAPHIC AREAS.—(A) IN GENERAL.—Notwithstanding paragraph (1), each geographic area described in subparagraph (B) may not receive more than 1 percent of the total funds distributed under this subsection. Any amount exceeding this limit shall be redistributed among the remaining States according to the formula established under paragraph (1).

(B) GEOGRAPHIC AREAS DESCRIBED.—The geographic areas described in this subparagraph are the following:
   (i) American Samoa.
   (ii) The Commonwealth of the Northern Mariana Islands.
   (iii) Guam.
   (iv) Puerto Rico.
30 days after receiving the notice of disapproval, the Secretary shall notify such coastal State that the Secretary—

(B) DISAPPROVAL.—If the Secretary disapproves the plan as submitted, (ii) disapproves the plan as submitted.

(B) UPDATES.—As a condition of receiving a grant under subparagraph (A) or (B) of paragraph (5), the Secretary shall establish an advisory panel to conduct reviews of applications for grants under paragraph (3) that occur under the recommendations of the Advisory Panel with respect to such applications.

(3) Approvals process described in the State's planmittal under this paragraph. (4) periodic process of the State coast-

SEC. 12007. ANNUAL REPORT. (a) REQUIREMENT FOR ANNUAL REPORT.—Beginning with fiscal year 2014, not later than 60 days after the end of each fiscal year, the Foundation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Endowment during the fiscal year.

(b) CONTENT.—Each annual report submitted under subsection (a) for a fiscal year shall include: (1) a statement of the amounts deposited in the Endowment and the balance remaining in the Endowment at the end of the fiscal year; and (2) a description of the expenditures made from the Endowment for the fiscal year, including the purpose of the expenditures.

SEC. 13001. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULES. (a) DEFINITIONS.—In this section:

(1) AUTHORIZED ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) FARM.—The term "farm" means the growing of crops and raising of livestock, and the area irrigated or opened to animal grazing.

(3) OIL.—The term "oil" means the term "discharge" as defined in section 122(2) of title 40, Code of Federal Regulations (or successor regulations).

(4) OIL DISCHARGE HISTORY.—The term "reportable oil discharge history" has the meaning used to describe the legal requirement to report a discharge of oil under applicable law.

(5) OIL DISCHARGE.—The term "oil discharge" has the meaning given the term "discharge" in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(6) L IABILITY.—The Tulsa Port of Catoosa shall hold and save the United States free from damages arising from activities carried out under this section, except for damages due to the fault or negligence of the United States or a contractor of the United States.

TITLE XIII—MISCELLANEOUS

SEC. 12008. TULSA PORT OF CATOOSA, ROGERS COUNTY, OKLAHOMA LAND EXCHANGE. (a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 87 acres of land situated in Rogers County, Oklahoma, contained within United States Tracts 413 and 427, and acquired for the McClellan-Kerr Arkansas Navigation System.

(2) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 34 acres of land situated in Rogers County, Oklahoma and owned by the Tulsa Port of Catoosa that lie immediately south and east of the Federal land.

(3) LAND EXCHANGE.—Subject to subsection (c), the Secretary shall convey to the Tulsa Port of Catoosa the land described in clauses (1) and (2) to the extent provided in this subsection.

(b) CONDITIONS.—(1) DEEDS.—The deed to the Federal land shall be in a form acceptable to the Administrator.

(2) LEGAL DESCRIPTIONS.—The legal descriptions of the Federal land and the non-Federal land shall be determined by surveys acceptable to the Secretary.

(3) PAYMENT OF COSTS.—The Tulsa Port of Catoosa shall be responsible for all costs associated with the land exchange authorized by this section, including any costs that the Secretary determines necessary and reasonable in the interest of the United States, including the costs of acquiring property, securing permits, performing right-of-way con-
discharge to water. 
under subsection (b)(2)(A) and (b)(1)(B) to not 
to determine the appropriate exemption
administrator, in consultation with the Sec-
by the Commissioner of Food and Drugs.
and
have a capacity that is 1,000 gallons or less;
storage capacity of a farm excludes—
subsection (b), the aggregate aboveground
agement with the study.
section (b)(2)(A) and (b)(1)(B) in accordance
istrator, in consultation with the Secretary of
pration, including the provision of free annual
Forest Service, and the Bureau of Reclama-
America the Beautiful National Parks and
SEC. 13002. AMERICA THE BEAUTIFUL NATIONAL
The PRESIDING OFFICER. Without
Mr. REID. Madam President, I ap-
sec that the Senator modify his re-
objection, it is so ordered.
Mr. REID. I yield to my friend from
UNANIMOUS CONSENT REQUEST—
H. CON. RES. 25
Mr. WYDEN. Madam President, I ap-
Mr. WYDEN. I object.
The PRESIDING OFFICER. Objec-
Mr. WYDEN. If I could be recognized
Mr. MCCONNELL. I object.
The PRESIDING OFFICER. Objec-
Mr. MCCONNELL. Madam President, I
Is there objection to the original re-
Mr. WYDEN. I do. 
The PRESIDING OFFICER. Objec-
The Senator from Oregon.

MORNING BUSINESS
Mr. REID. Madam President, I ask
unanimous consent that the Senate proceed to a period of morning business
until 2 p.m. today, with Senators per-
mitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without
objection, it is so ordered.

UNANIMOUS CONSENT AGREEM-
ENT—EXECUTIVE NOMINATION
Mr. REID. I now ask unanimous con-
sent that at 2 p.m., the Senate proceed to executive session to consider Cal-
endar Nos. 40 and 92 en bloc; that the time until 4:30 p.m. be equally divided in the usual form, with Senator McN
continued from 4:15 to 4:30; that upon the use or yielding back of time the Senate proceed to vote with-
out intervening action or debate on the
nominations in the order listed, with 2
minutes for debate between the votes;
and that the second vote be 10 minutes in length; the motions to reconsider be considered made and laid upon the table, with no intervening action or de-
bate; that no further motions be in-

The PRESIDING OFFICER. Does the
Senator so modify his request?
Mr. WYDEN. I yield to my friend from
Oregon.