

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3080) TO PROVIDE FOR IMPROVEMENTS TO THE RIVERS AND HARBORS OF THE UNITED STATES, TO PROVIDE FOR THE CONSERVATION AND DEVELOPMENT OF WATER AND RELATED RESOURCES, AND FOR OTHER PURPOSES

OCTOBER 22, 2013.—Referred to the House Calendar and ordered to be printed

Mr. WEBSTER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 385]

The Committee on Rules, having had under consideration House Resolution 385, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3080, the Water Resources Reform and Development Act of 2013, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The resolution waives all points of order against consideration of the bill.

Section 2 of the resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-24 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report and amendments en bloc described in section 3 of the resolution. Each amendment printed in this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report or against amendments en bloc as described in section 3 of the resolution.

Section 3 of the resolution provides that it shall be in order at any time for the chair of the Committee on Transportation and Infrastructure or his designee to offer amendments en bloc consisting of amendments printed in this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

Section 4 of the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 4(a) of rule XIII, which prohibits consideration of legislation in the House until the third calendar day on which each report of a committee on that measure or matter has been available to Members, Delegates and the Resident Commissioner. The Committee on Transportation and Infrastructure filed its report on October 21, 2013, but the report was not made electronically available in its complete form until October 22, 2013.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report or against amendments en bloc as described in section 3 of the resolution, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 84

Motion by Ms. Slaughter to report an open rule. Defeated: 2–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	
Mr. Cole	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	
Mr. Nugent			
Mr. Webster	Nay		
Ms. Ros-Lehtinen			
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 85

Motion by Ms. Slaughter to make in order and provide the appropriate waivers for amendment #24, offered by Rep. Hahn (CA),

which takes the receipts and disbursements of the Harbor Maintenance Trust Fund “off budget,” and makes the full amount of the Harbor Maintenance tax collected each year available to the Army Corps of Engineers to be spent on ports without further appropriation. Defeated: 2–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	
Mr. Cole	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	
Mr. Nugent			
Mr. Webster	Nay		
Ms. Ros-Lehtinen			
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 86

Motion by Ms. Slaughter to make in order and provide the appropriate waivers for amendment #46, offered by Rep. Brown (FL) and Rep. Frankel (FL) and Rep. Wilson (FL) and Rep. Roybal-Allard (CA) and Rep. Hastings (FL) and Rep. Wasserman Schultz (FL) and Rep. Garcia (FL) and Rep. Crenshaw (FL) and Rep. Posey (FL) and Rep. Murphy (FL), which authorizes projects that receive a final Chief of Engineers Report up to one year following enactment of the bill. Defeated: 2–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	
Mr. Cole	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	
Mr. Nugent			
Mr. Webster	Nay		
Ms. Ros-Lehtinen			
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 87

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #69, offered by Rep. Polis (CO), which requires the Government Accountability Office to carry out a study evaluating why the Olmsted Project has exceeded the budget for the project and reasons the project failed to be completed as scheduled, as well as a list of contract recipients, including the number of women and veteran owned businesses. Defeated: 2–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	
Mr. Cole	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	
Mr. Nugent			
Mr. Webster	Nay		
Ms. Ros-Lehtinen			
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Shuster (PA), Gibbs (OH), Rahall (WV), Bishop, Tim (NY): MANAGERS Adds a new section that provides for expediting the completion of any on-going feasibility study for a project initiated prior to enactment and clarifies that the Corps of Engineers is authorized to move to preconstruction planning, engineering, and design activities immediately after completing a feasibility study. Amends Section 107 of H.R. 3080 to add a savings clause to ensure work carried out under an existing statute related to navigation that is repealed in H.R. 3080 can continue if initiated prior to enactment. Adds a new section providing non-Federal interests the ability to carry out work at their own expense for a project where a final feasibility report has been completed but has not received authorization from Congress. Requires the non-Federal interest to carry out work subject to any State or Federal permitting requirements and to carry out the project in accordance with the final feasibility report. Amends Section 120 of H.R. 3080 to request the Corps of Engineers to review the uses and economic feasibility of non-structural alternatives in their review of existing authorities for carrying out work after a storm event. Amends Section 102 of H.R. 3080 to add natural gas companies to the entities eligible to contribute funds to Corps of Engineers to expedite the processing of permits within the regulatory program of the Corps of Engineers. Makes other technical and conforming changes to H.R. 3080. (10 minutes)

2. DeFazio (OR), Blumenauer (OR), Jackson Lee (TX), Pingree (ME), Edwards (MD), Bonamici (OR): Delays the application of environmental “streamlining” provisions in the bill until the Secretary certifies that there is sufficient funding to reduce the current backlog of authorized Corps projects to less than \$20 billion; more than \$40 billion in projects have already been authorized using existing environmental review processes, but have yet to receive funding for construction. (10 minutes)

3. Flores (TX): Prohibits programs or actions authorized under this Act from further implementation of coastal and marine spatial planning and ecosystem-based management components under Executive Order 13547. Requires the Secretary of the Army to conduct and submit a study detailing all activities engaged in and resources expended in furtherance of Executive Order 13547. The study also should include any budget requests for fiscal year 2014 for support of implementation of Executive Order 13547, and be submitted to the House Committee on Transportation and Infrastructure and Senate Committee on Commerce, Science, and Transportation. (10 minutes)

4. Mullin, Markwayne (OK): Specifies that due to ongoing drought in many parts of the United States, state agencies are finding it difficult to maintain Federal Energy Regulatory Commission-licensed lake levels. Not later than 180 days after enactment, FERC is to initiate an assessment of the effects of drought conditions on these lakes and report to Congress—specifically looking at existing FERC-licensed lakes with rule curves in areas of drought and the effect long-term licenses have on state agencies being able to meet all their obligations. (10 minutes)

5. Young, Don (AK), Petri (WI): Requires USACE to contract with private sector surveying and mapping firms, wherever practical, in performance of surveying and mapping services and activities for Corps projects. Requires the Secretary to issue agency guidance to encourage use of the private sector for surveying and mapping services, and requires a process to provide oversight of the performance of compliance with the guidance. (10 minutes)

6. Hastings, Alcee (FL): Includes operation and maintenance costs associated with sand transfer plants in the annual operations and maintenance budget of the Corps of Engineers. (10 minutes)

7. Bentivolio (MI): Seeks to increase the amount of backlogged projects to be de-authorized, beyond what is initially de-authorized in the bill from \$12,000,000,000 to \$35,000,000,000. (10 minutes)

8. Jones (NC): Exempts the disaster restriction on projects which non-federal interests may contribute to. (10 minutes)

9. Jackson Lee (TX): Provides that in making recommendations pursuant to Section 118 of the Act, the Secretary shall consult with key stakeholders, including State, county, and city governments, and, where applicable, State and local water districts, and in the case of recommendations concerning projects that substantially affect underrepresented communities the Secretary shall also consult with historically Black colleges and universities, Tribal Colleges and Universities, and other minority-serving institutions. (10 minutes)

10. Grimm (NY): Modifies Section 118 to require the Secretary of the Army to include project recommendations made in the study for flood and storm damage reduction related to natural disasters under title II of division A of the Disaster Relief Appropriations Act, 2013 within the Secretary's Report to Congress on Future Water Resources Development. (10 minutes)

11. Peters, Scott (CA): Adds a subsection specifying that the Secretary of the Army coordinates with the Administrator of the FEMA to disseminate the emergency communication of risk to the public through widely used and readily available means. (10 minutes)

12. Stutzman (IN): Provides that the Secretary of the Army shall not require the removal of levee vegetation until the Corps of Engineers' policy guidelines on vegetation management for levees have been reviewed and adopted. Provides an exception for vegetation that presents an unacceptable safety risk. (10 minutes)

13. Velázquez (NY): Establishes a national water-based freight policy to improve the movement of freight and cargo over waterways, canals, ports, and harbors (10 minutes)

14. Pierluisi (PR): Adds Puerto Rico to the provision of law that would be updated for inflation by Section 137 and that authorizes the Secretary of the Army to waive local cost-sharing requirements up to a specified dollar amount for studies and projects in certain U.S. territories. (10 minutes)

15. Cotton (AR): Allows non-federal entities (regional authorities or municipalities) and the Army Corps of Engineers (ACE) to collaborate on a proposal to sell any excess water supply in order to address an oversupply of water resulting from the 1958 Water Supply Act. This would not authorize the Corps to actually sell the water or release the water from storage. (10 minutes)

16. Richmond (LA), Scalise (LA): Directs the Corps to calculate the national benefits of proposed flood protection projects, including benefits from a reduction in national and regional economic losses, as well as the protection of evacuation routes. (10 minutes)

17. Hastings, Doc (WA): Ensures that Congress continue the practice of authorizing project purposes at Corps of Engineers dams or reservoirs. (10 minutes)

18. McCollum (MN), Kelly (PA), Schneider (IL), Lipinski (IL): Establishes a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries by providing technical assistance, coordination, best practices, and support to State and local governments in carrying out such activities. (10 minutes)

19. Thompson, Mike (CA), Benishek (MI), DeFazio (OR), Simpson (ID), Titus (NV): Requires the Government Accountability Office (GAO) to conduct an assessment on the impacts of aquatic invasive species on federal assets and current federal spending on aquatic invasive species prevention. (10 minutes)

20. Brownley (CA): Requires the Army Corps to consider activities of the Secretary of the Navy when assessing the operation and maintenance needs of harbors and the equitable distribution of funds. (10 minutes)

21. Lowenthal (CA): Requires the Secretary to include ‘expanded uses’ of the Harbor Maintenance Trust Fund in the assessments and prioritization of operations and maintenance reports to Congress. (10 minutes)

22. Brownley (CA): Requires GAO to study and report to Congress on 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 include 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. (10 minutes)

23. Schneider (IL): Expands congressional reporting requirements to include recommendations for mitigating current problems and limiting the construction backlog. (10 minutes)

24. Gardner (CO): Establishes the Office of Water Storage at the Army Corp of Engineers to serve as an initial point of contact for the acquisition or satisfaction of a Federal permit for a water storage facility. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHUSTER OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 14, after “company” insert “or natural gas company”.
Page 33, after line 20, insert the following:

SEC. __. EXPEDITED COMPLETION OF REPORTS.

The Secretary shall—

(1) expedite the completion of any on-going feasibility study for a project initiated before the date of enactment of this Act; and

(2) if the Secretary determines that the project is justified in a completed report, proceed directly to preconstruction plan-

ning, engineering, and design of the project in accordance with section 910 of the Water Resources Development Act of 1986 (100 Stat. 4189).

Page 42, after line 23, add the following:

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

Page 46, after line 23, insert the following:

SEC. ____ . CONTRIBUTIONS BY NON-FEDERAL INTERESTS PRIOR TO AUTHORIZATION OF FINAL FEASIBILITY REPORTS.

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

- (1) a final feasibility report has been completed; and
- (2) authority for the Secretary to carry out such project has not specifically been authorized by Congress.

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

- (1) shall, before carrying out the project, obtain any permit, approval, or authorization required pursuant to Federal or State law; and
- (2) shall carry out the project in accordance with the plan, and subject to the conditions, described in the final feasibility report.

(c) CREDIT, REIMBURSEMENT, AND FUTURE MAINTENANCE.—

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

(2) ELIGIBILITY FOR MAINTENANCE OF NAVIGATION PROJECTS.—Subject to paragraph (4), and in accordance with section 211(h) of the Water Resources Development of Act of 1996 (33 U.S.C. 701b–13(h)), whenever a non-Federal interest constructs improvements to a harbor or inland harbor under this section, the Secretary shall be responsible for maintenance of such harbor.

(3) LIMITATION.—Any activities carried out under this section are authorized only to the extent specifically provided for in subsequent appropriations Acts.

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

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

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

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

Page 75, after line 12, insert the following:

(3) review and evaluate the historic and potential uses, and economic feasibility for the life of the project, of nonstructural alternatives, including natural features such as dunes, coastal

wetlands, floodplains, marshes, and mangroves, to reduce the damage caused by floods, storm surges, winds, and other aspects of extreme weather events, and to increase the resiliency and long-term cost-effectiveness of water resources development projects;

Page 128, beginning on line 13, strike “section 102(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2212(a))” and insert “section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013)”.

Page 163, strike lines 1 through 8.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFAZIO OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Beginning on page 11, strike line 19 and all that follows through page 12, line 3, and insert the following:

“(b) EFFECTIVE DATE.—This section shall be effective on the date on which the Secretary certifies to Congress that the cost to construct all water resources development projects that are authorized for construction by the Chief of Engineers by any Act of Congress, but are not completed, is less than \$20,000,000,000 (adjusted for inflation as of the date on which the certification is made).”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLORES OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . NATIONAL OCEAN POLICY IMPLEMENTATION.

(a) FINDINGS.—Congress finds that—

(1) the July 19, 2010, Executive Order 13547 that established the “National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes” (in this section referred to as the “National Ocean Policy”) among other things requires Federal implementation of “ecosystem-based management” to achieve a “fundamental shift” in how the United States manages ocean, coastal, and Great Lakes resources, and the establishment of 9 new governmental “Regional Planning Bodies” and “Coastal and Marine Spatial Plans” in every region of the United States;

(2) Executive Order 13547 created a 54-member National Ocean Council led by the White House Council on Environmental Quality and Office of Science and Technology Policy that includes principal and deputy-level representatives from Federal entities, including the Department of Defense;

(3) Executive Order 13547 requires National Ocean Council members, including the Department of Defense, to take action to implement the National Ocean Policy and participate in Coastal and Marine Spatial Planning to the fullest extent;

(4) the Final Recommendations that were adopted by Executive Order 13547 state that “effective” implementation of the National Ocean Policy will “require clear and easily understood requirements and regulations, where appropriate, that include enforcement as a critical component”;

(5) despite repeated congressional requests, the National Ocean Council, which is charged with overseeing National Ocean Policy implementation, has still not provided a complete accounting of Federal activities taken and resources expended and allocated in furtherance of National Ocean Policy implementation;

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

(6) the Nation’s continued economic and budgetary challenges underscore the necessity for sound, transparent, and practical Federal policies.

(b) PROHIBITION.—None of the programs or actions authorized under this Act may be used to further implementation of the coastal and marine spatial planning and ecosystem-based management components of the National Ocean Policy developed under Executive Order 13547.

(c) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing all activities engaged in and resources expended in furtherance of Executive Order 13547 since it was issued on July 19, 2010, as well as any fiscal year 2014 budget requests in support of National Ocean Policy implementation.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULLIN OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, insert the following:

SEC. ____ . REPORT ON SURFACE ELEVATIONS AT DROUGHT EFFECTED LAKES.

(a) FINDINGS.—Congress finds that—

(1) due to the ongoing drought in many parts of the United States, State agencies are finding it difficult to maintain Federal Energy Regulatory Commission-licensed lake levels; and

(2) local agencies should be able to modify licensees when drought conditions arise and persist.

(b) ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the FERC shall initiate an assessment of the effects of drought conditions on FERC-licensed lakes, which shall include an assessment of—

(A) existing FERC-licensed lakes with stipulated lake levels and rule curves in areas of previous, current and prolonged drought; and

(B) the effect the long-term licenses have on state agencies being able to meet all their obligations, including hydroelectric obligations, water supply downstream, fish and wildlife, and recreation.

(2) REPORT.—FERC shall submit to Congress a report on the assessment carried out under paragraph (1).

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . GEOSPATIAL SURVEYING AND MAPPING.

Section 918 of the Water Resources Development Act of 1986 (33 U.S.C. 2292) is amended to read as follows:

“SEC. 918. GEOSPATIAL SURVEYING AND MAPPING.

“(a) **PROCUREMENT OF SURVEYING AND MAPPING SERVICES.**—Any surveying or mapping services to be performed in connection with a water resources project which is or has been authorized to be undertaken by the Secretary shall be procured in accordance with chapter 11 of title 40, United States Code.

“(b) **GEOSPATIAL SURVEYING AND MAPPING ACTIVITIES.**—In carrying out water resources projects, the Secretary shall, wherever practicable, utilize the private sector for commercially available geospatial surveying and mapping activities. The Secretary shall not start or carry on any activity to provide a commercially available geospatial surveying and mapping service that duplicates, competes with, or can be procured from a commercial source.

“(c) **GUIDANCE.**—

“(1) **ISSUANCE.**—The Secretary shall issue guidance to encourage entities in the Corps of Engineers to utilize, to the maximum extent practicable, contracting with private sector sources for geospatial surveying and mapping services for water resources projects.

“(A) **CONTENTS.**—In carrying out this subsection, the Secretary shall—

“(i) define appropriate inherently governmental roles in geospatial surveying and mapping activities, which roles shall include—

“(I) activities so defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (112 Stat. 2384);

“(II) preparation of standards and specifications;

“(III) research of geospatial surveying and mapping instrumentation and procedures that are not commercially available, with prompt technology transfer to the private sector;

“(IV) providing technical guidance, coordination, and administration of geospatial surveying and mapping activities; and

“(V) contracting with private sector sources for geospatial surveying and mapping activities.

“(ii) define commercially available geospatial surveying and mapping activities to include activities described in—

“(I) section 36.601–4(a)(4)(A) of the Engineer Federal Acquisition Regulation; and

“(II) section 467 of title 10, United States Code.

“(d) **IMPLEMENTATION.**—The Secretary shall develop a process for the oversight and monitoring, on an annual basis, of compliance with the guidance issued under subsection (c).

“(e) **ASSESSMENT.**—Not later than 2 years after the date of enactment of this subsection, the Secretary shall conduct an assessment of all entities in the Corps of Engineers, including divisions, dis-

tricts, laboratories, and technical centers, to determine the extent to which each entity is utilizing governmental and private sector sources for commercially available geospatial surveying and mapping services. In conducting the assessment, the Secretary shall consult with organizations of commercial geospatial surveying and mapping firms.”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. 139. ANNUAL OPERATIONS AND MAINTENANCE BUDGET.

The Secretary shall include operation and maintenance costs associated with sand transfer plants in the annual operations and maintenance budget of the Corps of Engineers.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BENTIVOLIO OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 136, line 12, strike “\$12,000,000,000” and insert “\$35,000,000,000”.

Page 137, beginning line 1, strike “AUTHORIZED BEFORE WRDA 2007”.

Page 137, line 12, strike “November 8, 2007” and insert “the date of enactment of this Act”.

Page 138, line 14, strike “\$12,000,000,000” and insert “\$35,000,000,000”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JONES OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 44, line 3, strike “that has been damaged” and all that follows before the closing quotation marks on line 7.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 72, line 18, insert “In making recommendations pursuant to this section, the Secretary shall consult with key stakeholders, including State, county, and city governments, and, where applicable, State and local water districts, and in the case of recommendations concerning projects that substantially affect communities served by historically Black colleges and universities, Tribal Colleges and Universities, and other minority-serving institutions, the Secretary shall also consult with such colleges, universities, and institutions.” before “The Secretary”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIMM OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 72, line 18, strike “may” and insert “shall”.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERS OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 76, after line 13, insert the following (and redesignate subsequent subsections accordingly):

(b) PUBLIC AVAILABILITY OF INFORMATION.—To the maximum extent practicable, the Secretary, in coordination with the Administrator of the Federal Emergency Management Agency, shall make the information required under subsection (a) available to the public through widely used and readily available means, including on the Internet.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STUTZMAN OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 86, after line 24, insert the following:

(f) INTERIM RULE.—Until the date on which revisions to the guidelines are adopted under this section, the Secretary shall not require the removal of existing vegetation as a condition or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 95, after line 15, insert the following (and redesignate subsequent sections accordingly):

SEC. 137. NATIONAL WATER-BASED FREIGHT POLICY.

(a) IN GENERAL.—It is the policy of the United States to improve the condition and performance of the national water-based freight network to ensure that such network provides the foundation for the United States to compete in the global economy and achieve each goal described in subsection (b).

(b) GOALS.—The goals of the national water-based freight policy are—

(1) to invest in infrastructure improvements and to implement operational improvements that—

(A) strengthen the contribution of the national water-based freight network to the economic competitiveness of the United States;

(B) reduce congestion; and

(C) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

(2) to improve the safety, security, and resilience of water-based freight transportation;

(3) to improve the state of good repair of the national water-based freight network;

(4) to use advanced technology to improve the safety and efficiency of the national water-based freight network;

(5) to incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national water-based freight network;

(6) to improve the economic efficiency of the national water-based freight network; and

(7) to reduce the environmental impacts of freight movement on the national water-based freight network.

(c) ESTABLISHMENT OF A NATIONAL WATER-BASED FREIGHT NETWORK.—

(1) IN GENERAL.—The Secretary shall establish a national water-based freight network in accordance with this section to assist States in strategically directing resources toward improved system performance to achieve efficient movement of freight on inland waterways, canals, ports, and harbors, and related freight intermodal connectors.

(2) NETWORK COMPONENTS.—The national water-based freight network shall consist of the primary water-based freight network, as designated by the Secretary under subsection (d) as most critical to the movement of water-based freight.

(d) DESIGNATION OF PRIMARY WATER-BASED FREIGHT NETWORK.—

(1) INITIAL DESIGNATION.—Not later than 1 year after the date of enactment of this section, the Secretary shall designate a primary water-based freight network based on an inventory of national water-based freight volume and in consultation with stakeholders, including system users, transportation providers, and States.

(2) FACTORS FOR DESIGNATION.—In designating the primary water-based freight network, the Secretary shall consider—

(A) the origins and destinations of water-based freight movement in the United States;

(B) the total tonnage and value of water-based freight moved across United States bodies of water;

(C) the average annual water-based freight traffic on United States bodies of water;

(D) maritime ports of entry;

(E) access to energy exploration, development, installation, or production areas;

(F) population centers; and

(G) network connectivity.

(3) REDESIGNATION.—On the date that is 10 years after the initial designation of the primary water-based freight network, and every 10 years thereafter, using the factors described in paragraph (2), the Secretary shall redesignate the primary water-based freight network.

(e) NATIONAL WATER-BASED FREIGHT STRATEGIC PLAN.—

(1) INITIAL DEVELOPMENT.—Not later than 3 years after the date of enactment of this section, the Secretary, in consultation with State departments of transportation and other appropriate public and private transportation stakeholders, shall develop and post on a public Web site a national water-based freight strategic plan that shall include—

(A) an assessment of the condition and performance of the national water-based freight network;

(B) an identification of bottlenecks on the national water-based freight network that create significant freight congestion problems, based on a quantitative methodology

developed by the Secretary, and, to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

(C) forecasts of water-based freight volumes for the 20-year period beginning with the year during which the plan is issued;

(D) an identification of major trade gateways and national water-based freight corridors that connect major population centers, trade gateways, and other major water-based freight generators for current and forecasted traffic and water-based freight volumes, the identification of which shall be revised, as appropriate, in subsequent plans;

(E) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved water-based freight transportation performance (including opportunities for overcoming the barriers);

(F) an identification of routes providing access to energy exploration, development, installation, or production areas;

(G) an identification of best practices for improving the performance of the national water-based freight network;

(H) an identification of best practices for mitigating the impacts of water-based freight movement on communities;

(I) an identification of a process for addressing multistate projects and encouraging jurisdictions to collaborate; and

(J) an identification of strategies to improve freight intermodal connectivity.

(2) UPDATES.—Not later than 5 years after the date of completion of the first national water-based freight strategic plan under paragraph (1), and every 5 years thereafter, the Secretary shall update and post on a public Web site a revised national water-based freight strategic plan.

(f) WATER-BASED FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of this section, and biennially thereafter, the Secretary shall prepare a report that contains a description of the conditions and performance of the national water-based freight network in the United States.

(g) TRANSPORTATION INVESTMENT DATA AND PLANNING TOOLS.—

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

(A) begin the development of new tools or improve existing tools to support an outcome-oriented, performance-based approach to evaluating proposed water-based freight-related projects, including—

(i) methodologies for systematic analysis of benefits and costs;

(ii) tools for ensuring that the evaluation of water-based freight-related projects and other transportation projects considers safety, economic competitiveness, environmental sustainability, and system condition in the project selection process; and

(iii) other elements to assist in effective transportation planning;

(B) identify water-based transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making water-based transportation investment decisions; and

(C) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing water-based freight flow data collection efforts that could reduce identified water-based freight data gaps and deficiencies and help improve forecasts of water-based freight transportation demand.

(2) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement tools and data collection under paragraph (1).

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PIERLUISI OF PUERTO RICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 95, line 21, strike “and” at the end.

Page 95, after line 21, insert the following:

(2) in subsection (a), as so designated, by inserting “Puerto Rico,” before “and the Trust Territory of the Pacific Islands”; and

Page 95, line 22, strike “(2)” and insert “(3)”.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COTTON OF ARKANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 97, after line 7, insert the following:

SEC. 1 . FUTURE WATER SUPPLY.

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

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

(2) by inserting after subsection (b) the following:

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

“(1) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection and not later than January 1, 2016, the Secretary may accept from an interested State or local interest a submission of a plan for the utilization of future use water storage under this Act.

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

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

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

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICHMOND OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION AND HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.

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

(1) a calculation of the anticipated reduction in flood or hurricane damage to public and private property and infrastructure resulting from the completion of the proposed project;

(2) a calculation of the anticipated direct and indirect economic benefits resulting from the completion of the proposed project, including such benefits from any potential reductions in national and regional economic volatility, disruptions, and losses; and

(3) a calculation of the anticipated benefits to public safety, including protection of evacuation routes, resulting from the completion of the proposed project.

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

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 97, after line 7, insert the following:

SEC. 1 ____ . CONGRESSIONAL CONSENT FOR NEW PROJECT PURPOSES.

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

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCOLLUM OF MINNESOTA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. 139. 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 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, the Director of the National Park Service, and the Director of the United States Geological Survey, shall lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries by providing 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.

(2) **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 document prepared by the Asian Carp Regional Coordinating Committee entitled “FY 2012 Asian Carp Control Strategy Framework” and dated February 2012.

(b) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than December 31 of each year, the Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, shall submit to the Committee on Appropriations, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Appropriations and the Committee on Environment and Public Works of the Senate a report describing the coordinated strategies established and progress made toward the goals of controlling and eliminating Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

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

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

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

(C) any research that the Director determines could improve the ability to control the spread of Asian carp;

(D) any quantitative measures that the Director intends to use to document progress in controlling the spread of Asian carp; and

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

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 97, after line 7, insert the following:

SEC. 1 . AQUATIC INVASIVE SPECIES PREVENTION AND CONTROL.

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

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

(1) identification of current Federal spending on, and projected future Federal costs of, operation and maintenance re-

lated to mitigating the impacts of aquatic invasive species on federally owned or operated facilities;

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

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

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

(c) FINDINGS.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report containing the findings of the assessment conducted under subsection (a).

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWNLEY OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 102, after line 12, insert the following (and redesignate subsequent subparagraphs accordingly):

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

Page 104, line 18, strike “and”.

Page 104, after line 18, insert the following (and redesignate the subsequent subparagraph accordingly):

“(C) where appropriate, consider national security and military readiness needs in consultation with the Secretary of the Navy; and

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOWENTHAL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 103, line 7, insert “and the costs for expanded uses (as such term is defined in section 201(c)(2) of the Water Resources Reform and Development Act of 2013)” after “the harbors”.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWNLEY OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 109, after line 23, insert the following:

SEC. 2 . 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 1,000,000 tons of cargo are transported each calendar year.

- (2) MODERATE-USE PORT.—The term “moderate-use port” means a port at which more than 1,000,000, but fewer than 10,000,000, 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) includes 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.

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHNEIDER OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 142, line 7, strike “and”.

Page 142, line 9, strike the period and insert “; and”.

Page 142, after line 9, insert the following:

- (4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARDNER OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . OFFICE OF WATER STORAGE.

(a) DESIGNATION.—The Secretary, acting through the Chief of Engineers, shall designate a team to serve as the Office of Water Storage (in this section referred to as the “Office”) which shall serve as the principal point of contact for any person carrying out a project to construct a water storage facility that requires the acquisition of a Federal permit or the satisfaction of other Federal requirements.

(b) ADMINISTRATOR.—The Secretary, acting through the Chief of Engineers, shall designate an individual to serve as the head of the Office.

(c) PURPOSE.—The Office shall—

- (1) serve as an initial point of contact for any person carrying out a project to construct a water storage facility that requires the acquisition of a Federal permit or the satisfaction of other Federal requirements;
- (2) act as a liaison between such persons and appropriate Federal departments and agencies, including the Environmental Protection Agency and the Department of the Interior, with respect to such projects to facilitate the acquisition of necessary permits and the satisfaction of all other requirements;
- (3) ensure that, with respect to such projects, necessary Federal permits are acquired and all other Federal requirements are satisfied before construction begins; and

(4) coordinate with appropriate Federal departments and agencies to streamline the Federal approval process with respect to such projects, including by limiting the duration of such process to not more than 365 days in each case in which each Governor of a State associated with the project has provided notice to the Office of that Governor's approval of the project.

(d) **TIMING REQUIREMENT.**—Notwithstanding any other provision of law, with respect to a project to construct a water storage facility, any Federal permit or other Federal requirement necessary to be acquired or satisfied for purposes of such project shall be deemed to be acquired or satisfied if—

(1) each Governor of a State associated with the project has provided notice to the Office of that Governor's approval of the project; and

(2) a determination with respect to approval of the permit or satisfaction of the requirement was not made during the 365-day period beginning on the date on which an application for the permit or an inquiry regarding the satisfaction of the requirement was submitted to the relevant Federal department or agency.

(e) **NOTICE OF PERMIT APPLICATIONS.**—The Administrator of the Environmental Protection Agency and the Secretary of the Interior shall each provide notice to the Administrator of the Office upon the receipt of an application for a permit relating to a water storage facility.

(f) **WATER STORAGE FACILITY DEFINED.**—In this section, the term “water storage facility” means any facility constructed by a person that is equipped to store at least 5,000 acre-feet of water for later use for any purpose, including dams, tanks, covered and uncovered reservoirs, water towers, and artificial water bodies.