

# Union Calendar No. 613

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5303

[Report No. 114–785]

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2016

Mr. SHUSTER (for himself, Mr. DEFAZIO, Mr. GIBBS, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 22, 2016

Reported from the Committee on Transportation and Infrastructure with an amendment

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

SEPTEMBER 22, 2016

The Committee on Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 23, 2016]

# **A BILL**

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

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

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

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5        *“Water Resources Development Act of 2016”.*

6        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 7        *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Secretary defined.*

**TITLE I—GENERAL PROVISIONS**

*Sec. 101. Sense of Congress regarding Water Resources Development Acts.*

*Sec. 102. Training and employment for veterans and members of Armed Forces*  
*in curation and historic preservation.*

*Sec. 103. Youth service and conservation corps organizations.*

*Sec. 104. Navigation safety.*

*Sec. 105. Emerging harbors.*

*Sec. 106. Federal breakwaters and jetties.*

*Sec. 107. Donor ports and energy transfer ports.*

*Sec. 108. Use of Harbor Maintenance Trust Fund to support navigation.*

*Sec. 109. Remote and subsistence harbors.*

*Sec. 110. Beneficial use of dredged material.*

*Sec. 111. Reservoir sediment.*

*Sec. 112. Contributed funds for reservoir operations.*

*Sec. 113. Water supply conservation.*

*Sec. 114. Interstate compacts.*

*Sec. 115. Nonstructural alternatives.*

*Sec. 116. Operation and maintenance of environmental protection and restora-*  
*tion and aquatic ecosystem restoration projects.*

*Sec. 117. Estuary restoration.*

*Sec. 118. Great Lakes fishery and ecosystem restoration.*

*Sec. 119. Agreements.*

*Sec. 120. Corps of Engineers operation of unmanned aircraft systems.*

*Sec. 121. Federal dredge fleet.*

*Sec. 122. Corps of Engineers assets.*

*Sec. 123. Funding to process permits.*

*Sec. 124. Credit in lieu of reimbursement.*

*Sec. 125. Clarification of contributions during emergency events.*

*Sec. 126. Study of water resources development projects by non-Federal interests.*

*Sec. 127. Non-Federal construction of authorized flood damage reduction projects.*

*Sec. 128. Multistate activities.*

*Sec. 129. Regional participation assurance for levee safety activities.*

*Sec. 130. Participation of non-Federal interests.*

*Sec. 131. Indian tribes.*

*Sec. 132. Dissemination of information on the annual report process.*

*Sec. 133. Scope of projects.*

- Sec. 134. Preliminary feasibility study activities.*
- Sec. 135. Post-authorization change reports.*
- Sec. 136. Maintenance dredging data.*
- Sec. 137. Electronic submission and tracking of permit applications.*
- Sec. 138. Data transparency.*
- Sec. 139. Backlog prevention.*
- Sec. 140. Quality control.*
- Sec. 141. Budget development and prioritization.*
- Sec. 142. Use of natural and nature-based features.*
- Sec. 143. Annual report on purchase of foreign manufactured articles.*
- Sec. 144. Integrated water resources planning.*
- Sec. 145. Evaluation of project partnership agreements.*
- Sec. 146. Additional measures at donor ports and energy transfer ports.*
- Sec. 147. Arctic deep draft port development partnerships.*
- Sec. 148. International outreach program.*
- Sec. 149. Comprehensive study.*
- Sec. 150. Alternative models for managing Inland Waterways Trust Fund.*
- Sec. 151. Alternative projects to maintenance dredging.*
- Sec. 152. Fish hatcheries.*
- Sec. 153. Environmental banks.*

## *TITLE II—STUDIES*

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

## *TITLE III—DEAUTHORIZATIONS AND RELATED PROVISIONS*

- Sec. 301. Deauthorization of inactive projects.*
- Sec. 302. Valdez, Alaska.*
- Sec. 303. Los Angeles County Drainage Area, Los Angeles County, California.*
- Sec. 304. Sutter Basin, California.*
- Sec. 305. Essex River, Massachusetts.*
- Sec. 306. Port of Cascade Locks, Oregon.*
- Sec. 307. Central Delaware River, Philadelphia, Pennsylvania.*
- Sec. 308. Huntingdon County, Pennsylvania.*
- Sec. 309. Rivercenter, Philadelphia, Pennsylvania.*
- Sec. 310. Joe Pool Lake, Texas.*
- Sec. 311. Salt Creek, Graham, Texas.*
- Sec. 312. Texas City Ship Channel, Texas City, Texas.*

## *TITLE IV—WATER RESOURCES INFRASTRUCTURE*

- Sec. 401. Project authorizations.*

### **1    SEC. 2. SECRETARY DEFINED.**

2        *In this Act, the term “Secretary” means the Secretary*  
 3    *of the Army.*

1   ***TITLE I—GENERAL PROVISIONS***

2   ***SEC. 101. SENSE OF CONGRESS REGARDING WATER RE-***  
3                   ***SOURCES DEVELOPMENT ACTS.***

4           (a) *FINDINGS.—Congress finds the following:*

5                   (1) *The Corps of Engineers constructs projects*  
6                   *for the purposes of navigation, flood control, beach*  
7                   *erosion control and shoreline protection, hydroelectric*  
8                   *power, recreation, water supply, environmental pro-*  
9                   *tection, restoration, and enhancement, and fish and*  
10                  *wildlife mitigation.*

11                  (2) *The Corps of Engineers is the primary Fed-*  
12                  *eral provider of outdoor recreation in the United*  
13                  *States.*

14                  (3) *The Corps of Engineers owns and operates*  
15                  *more than 600 dams.*

16                  (4) *The Corps of Engineers operates and main-*  
17                  *tains 12,000 miles of commercial inland navigation*  
18                  *channels.*

19                  (5) *The Corps of Engineers manages the dredg-*  
20                  *ing of more than 200,000,000 cubic yards of construc-*  
21                  *tion and maintenance dredge material annually.*

22                  (6) *The Corps of Engineers maintains 926 coast-*  
23                  *al, Great Lakes, and inland harbors.*

1           (7) *The Corps of Engineers restores, creates, en-*  
2           *hances, or preserves tens of thousands of acres of wet-*  
3           *lands annually under the Corps' Regulatory Program.*

4           (8) *The Corps of Engineers provides a total*  
5           *water supply storage capacity of 329,200,000 acre-feet*  
6           *in major Corps lakes.*

7           (9) *The Corps of Engineers owns and operates 24*  
8           *percent of United States hydropower capacity or 3*  
9           *percent of the total electric capacity of the United*  
10          *States.*

11          (10) *The Corps of Engineers supports Army and*  
12          *Air Force installations.*

13          (11) *The Corps of Engineers provides technical*  
14          *and construction support to more than 100 countries.*

15          (12) *The Corps of Engineers manages an Army*  
16          *military construction program that carried out ap-*  
17          *proximately \$44,600,000,000 in construction projects*  
18          *(the largest construction effort since World War II)*  
19          *between 2006 and 2013.*

20          (13) *The Corps of Engineers researches and de-*  
21          *velops technologies to protect the environment and en-*  
22          *hance quality of life in the United States.*

23          (14) *The legislation for authorizing Corps of En-*  
24          *gineers projects is the Water Resources Development*

1     *Act and, between 1986 and 2000, Congress typically*  
2     *enacted an authorization bill every 2 years.*

3             *(15) Since 2000, only 3 Water Resources Devel-*  
4     *opment Acts have been enacted.*

5             *(16) In 2014, the Water Resources Reform and*  
6     *Development Act of 2014 was enacted, which acceler-*  
7     *ated the infrastructure project delivery process, fos-*  
8     *tered fiscal responsibility, and strengthened water*  
9     *transportation networks to promote the competitive-*  
10    *ness, prosperity, and economic growth of the United*  
11    *States.*

12            *(17) Section 1001 of the Water Resources Reform*  
13    *and Development Act of 2014 (33 U.S.C. 2282c) re-*  
14    *quires typical Corps of Engineers project feasibility*  
15    *studies to be completed in 3 years.*

16            *(18) Section 7001 of the Water Resources Reform*  
17    *and Development Act of 2014 (33 U.S.C. 2282d) re-*  
18    *quires the Corps of Engineers to submit annually a*  
19    *Report to Congress on Future Water Resources Devel-*  
20    *opment, which ensures projects and activities pro-*  
21    *posed at the local, regional, and State levels are con-*  
22    *sidered for authorization.*

23            *(19) Passing Water Resources Development Acts*  
24    *on a routine basis enables Congress to exercise over-*  
25    *sight, ensures the Corps of Engineers maintains an*

1       *appropriately sized portfolio, prevents project backlog,*  
2       *and keeps United States infrastructure competitive.*

3       **(b) SENSE OF CONGRESS.**—*It is the sense of Congress*  
4       *that—*

5               *(1) the missions and authorities of the Corps of*  
6       *Engineers are a unique function that benefits all*  
7       *Americans;*

8               *(2) water resources development projects are crit-*  
9       *ical to maintaining economic prosperity, national se-*  
10       *curity, and environmental protection;*

11               *(3) Congress has required timely delivery of*  
12       *project and study authorization proposals from non-*  
13       *Federal project sponsors and the Corps of Engineers;*  
14       *and*

15               *(4) Congress should consider a Water Resources*  
16       *Development Act at least once every Congress.*

17       **SEC. 102. TRAINING AND EMPLOYMENT FOR VETERANS AND**  
18                       **MEMBERS OF ARMED FORCES IN CURATION**  
19                       **AND HISTORIC PRESERVATION.**

20       *Using available funds, the Secretary, acting through*  
21       *the Chief of Engineers, shall carry out a Veterans' Curation*  
22       *Program to train and hire veterans and members of the*  
23       *Armed Forces to assist the Secretary in carrying out*  
24       *curation and historic preservation activities.*



1 **SEC. 103. YOUTH SERVICE AND CONSERVATION CORPS OR-**  
 2 **GANIZATIONS.**

3 *Section 213 of the Water Resources Development Act*  
 4 *of 2000 (33 U.S.C. 2339) is amended—*

5 *(1) by redesignating subsection (c) as subsection*  
 6 *(d); and*

7 *(2) by inserting after subsection (b) the fol-*  
 8 *lowing:*

9 *“(c) YOUTH SERVICE AND CONSERVATION CORPS OR-*  
 10 *GANIZATIONS.—The Secretary shall, to the maximum extent*  
 11 *practicable, enter into cooperative agreements with quali-*  
 12 *fied youth service and conservation corps organizations for*  
 13 *services relating to projects under the jurisdiction of the*  
 14 *Secretary and shall do so in a manner that ensures the*  
 15 *maximum participation and opportunities for such organi-*  
 16 *zations.”.*

17 **SEC. 104. NAVIGATION SAFETY.**

18 *The Secretary shall use section 5 of the Act of March*  
 19 *4, 1915 (38 Stat. 1053, chapter 142; 33 U.S.C. 562), to*  
 20 *carry out navigation safety activities at those projects eligi-*  
 21 *ble for operation and maintenance under section 204(f) of*  
 22 *the Water Resources Development Act of 1986 (33 U.S.C.*  
 23 *2232(f)).*

24 **SEC. 105. EMERGING HARBORS.**

25 *Section 210 of the Water Resources Development Act*  
 26 *of 1986 (33 U.S.C. 2238) is amended—*

1           (1) in subsection (c)(3) by striking “for each of  
2       fiscal years 2015 through 2022” and inserting “for  
3       each fiscal year”; and

4           (2) in subsection (d)(1)(A)—

5               (A) in the matter preceding clause (i) by  
6       striking “For each of fiscal years 2015 through  
7       2024” and inserting “For each fiscal year”;

8               (B) in clause (i) by striking “90” and in-  
9       serting “Not more than 90”; and

10              (C) in clause (ii) by striking “10” and in-  
11       serting “At least 10”.

12 **SEC. 106. FEDERAL BREAKWATERS AND JETTIES.**

13       (a) *IN GENERAL.*—The Secretary shall, at Federal ex-  
14       pense, establish an inventory and conduct an assessment  
15       of the general structural condition of all Federal break-  
16       waters and jetties protecting harbors and inland harbors  
17       within the United States.

18       (b) *CONTENTS.*—The inventory and assessment carried  
19       out under subsection (a) shall include—

20              (1) compiling location information for all Fed-  
21       eral breakwaters and jetties protecting harbors and  
22       inland harbors within the United States;

23              (2) determining the general structural condition  
24       of each breakwater and jetty;

9 (c) *REPORT TO CONGRESS.*—Not later than 1 year  
10 after the date of enactment of this Act, the Secretary shall  
11 submit to Congress a report on the results of the inventory  
12 and assessment carried out under subsection (a).

14        *Section 2106(a)(2)(B) of the Water Resources Reform*  
15   *and Development Act of 2014 (33 U.S.C. 2238c(a)(2)(B))*  
16   *is amended by striking “\$15,000,000” and inserting*  
17   *“\$5,000,000”.*

(a) AVAILABILITY OF AMOUNTS.—Section 210 of the  
Water Resources Development Act of 1986 (33 U.S.C. 2238)  
is amended—

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1           (2) by redesignating subsections (c), (d), (e), and  
 2           (f) as subsections (d), (e), (f), and (g), respectively;  
 3           and

4           (3) by inserting after subsection (b) the fol-  
 5           lowing:

6           “(c) *USE OF COLLECTED FUNDS IN FISCAL YEAR 2027*  
 7           *AND THEREAFTER.*—

8                   “(1) *USE OF FUNDS.*—In addition to the  
 9           amounts appropriated under subsections (a) and (b),  
 10          there shall be available to the Secretary, out of the  
 11          Harbor Maintenance Trust Fund, without further ap-  
 12          propriation, for fiscal year 2027 and each fiscal year  
 13          thereafter, such sums as may be necessary to carry  
 14          out the purposes of subsection (a)(2).

15                   “(2) *AVAILABILITY OF AMOUNTS.*—Amounts  
 16          made available under this subsection shall remain  
 17          available until expended.”.

18          (b) *CONFORMING AMENDMENTS.*—Section 210 of the  
 19          Water Resources Development Act of 1986 (33 U.S.C. 2238)  
 20          is further amended—

21                   (1) in subsection (d)(2)(A)(i) (as redesignated by  
 22          subsection (a)(2) of this section) by striking “sub-  
 23          section (e)” and inserting “subsection (f)”;

24                   (2) in subsection (e)(3)(B)(i) (as redesignated by  
 25          subsection (a)(2) of this section) by striking “sub-

1        *section (c)(2)(A)” and inserting “subsection*  
 2        *(d)(2)(A)”;* and  
 3                *(3) in subsection (f)(2)(A)(ii) (as redesignated by*  
 4        *subsection (a)(2) of this section) by striking “sub-*  
 5        *section (d)(2)” and inserting “subsection (e)(2)”.*

6    **SEC. 109. REMOTE AND SUBSISTENCE HARBORS.**

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

9                *(1) in subsection (a)(3) by inserting “in which*  
 10        *the project is located, or the long-term viability of a*  
 11        *community that is located in the region that is served*  
 12        *by the project and that will rely on the project,” after*  
 13        *“community”; and*

14                *(2) in subsection (b)—*

15                        *(A) in paragraph (1) by inserting “and*  
 16                        *communities that are located in the region to be*  
 17                        *served by the project and that will rely on the*  
 18                        *project” after “community”;*

19                        *(B) in paragraph (4) by striking “local*  
 20                        *population” and inserting “regional population*  
 21                        *to be served by the project”; and*

22                        *(C) in paragraph (5) by striking “commu-*  
 23                        *nity” and inserting “local community and com-*  
 24                        *munities that are located in the region to be*

1           *served by the project and that will rely on the*  
2           *project”.*

3   **SEC. 110. BENEFICIAL USE OF DREDGED MATERIAL.**

4           *(a) IN GENERAL.—Not later than 90 days after the*  
5           *date of enactment of this Act, the Secretary shall establish*  
6           *a pilot program to carry out projects for the beneficial use*  
7           *of dredged material, including projects for the purposes of—*

8                   *(1) reducing storm damage to property and in-*  
9           *frastructure;*

10                   *(2) promoting public safety;*

11                   *(3) protecting, restoring, and creating aquatic*  
12           *ecosystem habitats;*

13                   *(4) stabilizing stream systems and enhancing*  
14           *shorelines;*

15                   *(5) promoting recreation; and*

16                   *(6) supporting risk management adaptation*  
17           *strategies.*

18           *(b) PROJECT SELECTION.—In carrying out the pilot*  
19           *program, the Secretary shall—*

20                   *(1) identify for inclusion in the pilot program*  
21           *and carry out 10 projects for the beneficial use of*  
22           *dredged material;*

23                   *(2) consult with relevant State agencies in select-*  
24           *ing projects; and*

25                   *(3) select projects solely on the basis of—*

1                   (A) *the environmental, economic, and social*  
2                   *benefits of the projects, including monetary and*  
3                   *nonmonetary benefits; and*

4                   (B) *the need for a diversity of project types*  
5                   *and geographical project locations.*

6           (c) *REGIONAL BENEFICIAL USE TEAMS.—*

7                   (1) *IN GENERAL.—In carrying out the pilot pro-*  
8                   *gram, the Secretary shall establish regional beneficial*  
9                   *use teams to identify and assist in the implementa-*  
10                  *tion of projects under the pilot program.*

11                  (2) *COMPOSITION.—*

12                   (A) *LEADERSHIP.—For each regional bene-*  
13                   *ficial use team established under paragraph (1),*  
14                   *the Secretary shall appoint the Commander of*  
15                   *the relevant division of the Corps of Engineers to*  
16                   *serve as the head of the team.*

17                   (B) *MEMBERSHIP.—The membership of*  
18                   *each regional beneficial use team shall include—*

19                           (i) *representatives of relevant Corps of*  
20                           *Engineers districts and divisions;*

21                           (ii) *representatives of relevant State*  
22                           *and local agencies; and*

23                           (iii) *representatives of Federal agencies*  
24                           *and such other entities as the Secretary de-*

1                   *termines appropriate, consistent with the*  
2                   *purposes of this section.*

3           (d) *CONSIDERATIONS.—The Secretary shall carry out*  
4 *the pilot program in a manner that—*

5                   (1) *maximizes the beneficial placement of*  
6 *dredged material from Federal and non-Federal navi-*  
7 *gation channels;*

8                   (2) *incorporates, to the maximum extent prac-*  
9 *ticable, 2 or more Federal navigation, flood control,*  
10 *storm damage reduction, or environmental restoration*  
11 *projects;*

12                   (3) *coordinates the mobilization of dredges and*  
13 *related equipment, including through the use of such*  
14 *efficiencies in contracting and environmental permit-*  
15 *ting as can be implemented under existing laws and*  
16 *regulations;*

17                   (4) *fosters Federal, State, and local collabora-*  
18 *tion;*

19                   (5) *implements best practices to maximize the*  
20 *beneficial use of dredged sand and other sediments;*  
21 *and*

22                   (6) *ensures that the use of dredged material is*  
23 *consistent with all applicable environmental laws.*

24           (e) *COST SHARING.—Projects carried out under this*  
25 *section shall be subject to the cost-sharing requirements ap-*



1 *plicable to projects carried out under section 204 of the*  
 2 *Water Resources Development Act of 1992 (33 U.S.C. 2326).*

3 *(f) REPORT.—Not later than 2 years after the date of*  
 4 *enactment of this Act, and annually thereafter, the Sec-*  
 5 *retary shall submit to the Committee on Environment and*  
 6 *Public Works of the Senate and the Committee on Transpor-*  
 7 *tation and Infrastructure of the House of Representatives*  
 8 *a report that includes—*

9 *(1) a description of the projects selected to be*  
 10 *carried out under the pilot program;*

11 *(2) documentation supporting each of the*  
 12 *projects selected;*

13 *(3) the findings of regional beneficial use teams*  
 14 *regarding project selection; and*

15 *(4) any recommendations of the Secretary or re-*  
 16 *gional beneficial use teams with respect to the pilot*  
 17 *program.*

18 *(g) TERMINATION.—The pilot program shall terminate*  
 19 *after completion of the 10 projects carried out pursuant to*  
 20 *subsection (b)(1).*

21 *(h) EXEMPTION FROM OTHER STANDARDS.—The*  
 22 *projects carried out under this section shall be carried out*  
 23 *notwithstanding the definition of the term “Federal stand-*  
 24 *ard” in section 335.7 of title 33, Code of Federal Regula-*  
 25 *tions.*

1       (i) *CLARIFICATION.*—Section 156(e) of the Water Re-  
 2       sources Development Act of 1976 (42 U.S.C. 1962d–5f(e))  
 3       is amended by striking “3” and inserting “6”.

4       **SEC. 111. RESERVOIR SEDIMENT.**

5       (a) *IN GENERAL.*—Section 215 of the Water Resources  
 6       Development Act of 2000 (33 U.S.C. 2326c) is amended to  
 7       read as follows:

8       **“SEC. 215. RESERVOIR SEDIMENT.**

9       “(a) *IN GENERAL.*—Not later than 180 days after the  
 10       date of enactment of the Water Resources Development Act  
 11       of 2016 and after providing public notice, the Secretary  
 12       shall establish, using available funds, a pilot program to  
 13       accept services provided by a non-Federal interest or com-  
 14       mercial entity for removal of sediment captured behind a  
 15       dam owned or operated by the United States and under  
 16       the jurisdiction of the Secretary for the purpose of restoring  
 17       the authorized storage capacity of the project concerned.

18       “(b) *REQUIREMENTS.*—In carrying out this section,  
 19       the Secretary shall—

20               “(1) review the services of the non-Federal inter-  
 21       est or commercial entity to ensure that the services  
 22       are consistent with the authorized purposes of the  
 23       project concerned;

24               “(2) ensure that the non-Federal interest or com-  
 25       mercial entity will indemnify the United States for,

1       or has entered into an agreement approved by the  
2       Secretary to address, any adverse impact to the dam  
3       as a result of such services;

4               “(3) require the non-Federal interest or commer-  
5       cial entity, prior to initiating the services and upon  
6       completion of the services, to conduct sediment sur-  
7       veys to determine the pre- and post-services sediment  
8       profile and sediment quality; and

9               “(4) limit the number of dams for which services  
10      are accepted to 10.

11      “(c) *LIMITATION.*—

12              “(1) *IN GENERAL.*—The Secretary may not ac-  
13      cept services under subsection (a) if the Secretary,  
14      after consultation with the Chief of Engineers, deter-  
15      mines that accepting the services is not advantageous  
16      to the United States.

17              “(2) *REPORT TO CONGRESS.*—If the Secretary  
18      makes a determination under paragraph (1), the Sec-  
19      retary shall provide to the Committee on Transpor-  
20      tation and Infrastructure of the House of Representa-  
21      tives and the Committee on Environment and Public  
22      Works of the Senate written notice describing the rea-  
23      soning for the determination.

24              “(d) *DISPOSITION OF REMOVED SEDIMENT.*—In ex-  
25      change for providing services under subsection (a), a non-

1 *Federal interest or commercial entity is authorized to re-*  
 2 *tain, use, recycle, sell, or otherwise dispose of any sediment*  
 3 *removed in connection with the services and the Corps of*  
 4 *Engineers may not seek any compensation for the value of*  
 5 *the sediment.*

6 “(e) CONGRESSIONAL NOTIFICATION.—Prior to accept-  
 7 ing services provided by a non-Federal interest or commer-  
 8 cial entity under this section, the Secretary shall provide  
 9 to the Committee on Transportation and Infrastructure of  
 10 the House of Representatives and the Committee on Envi-  
 11 ronment and Public Works of the Senate written notice of  
 12 the acceptance of the services.

13 “(f) REPORT TO CONGRESS.—Upon completion of  
 14 services at the 10 dams allowed under subsection (b)(4), the  
 15 Secretary shall make publicly available and submit to the  
 16 Committee on Transportation and Infrastructure of the  
 17 House of Representatives and the Committee on Environ-  
 18 ment and Public Works of the Senate a report documenting  
 19 the results of the services.”.

20 (b) CLERICAL AMENDMENT.—The table of contents in  
 21 section 1(b) of the Water Resources Development Act of 2000  
 22 is amended by striking the item relating to section 215 and  
 23 inserting the following:

“Sec. 215. Reservoir sediment.”.

1 **SEC. 112. CONTRIBUTED FUNDS FOR RESERVOIR OPER-**  
2 **ATIONS.**

3 *Section 5 of the Act of June 22, 1936 (49 Stat. 1572,*  
4 *chapter 688; 33 U.S.C. 701h), is amended by inserting after*  
5 *“authorized purposes of the project:” the following: “Pro-*  
6 *vided further, That the Secretary is authorized to receive*  
7 *and expend funds from a State or a political subdivision*  
8 *thereof, and other non-Federal interests, to formulate, re-*  
9 *view, or revise operational documents for any reservoir for*  
10 *which the Secretary is authorized to prescribe regulations*  
11 *for the use of storage allocated for flood risk management*  
12 *or navigation pursuant to section 7 of the Act of December*  
13 *22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 709):”.*

14 **SEC. 113. WATER SUPPLY CONSERVATION.**

15 *(a) IN GENERAL.—In a State in which a drought*  
16 *emergency has been declared or was in effect during the 1-*  
17 *year period ending on the date of enactment of this Act,*  
18 *the Secretary is authorized—*

19 *(1) to conduct an evaluation for purposes of ap-*  
20 *proving water supply conservation measures that are*  
21 *consistent with the authorized purposes of water re-*  
22 *sources development projects under the jurisdiction of*  
23 *the Secretary; and*

24 *(2) to enter into written agreements pursuant to*  
25 *section 221 of the Flood Control Act of 1970 (42*  
26 *U.S.C. 1962d–5b) with non-Federal interests to carry*

1        *out the conservation measures approved by such eval-*  
2        *uations.*

3        *(b) ELIGIBILITY.—Water supply conservation meas-*  
4        *ures evaluated under subsection (a) may include the fol-*  
5        *lowing:*

6            *(1) Storm water capture.*

7            *(2) Releases for ground water replenishment or*  
8        *aquifer storage and recovery.*

9            *(3) Releases to augment water supply at another*  
10       *Federal or non-Federal storage facility.*

11           *(4) Other conservation measures that enhance*  
12       *usage of a Corps of Engineers project for water sup-*  
13       *ply.*

14        *(c) COSTS.—A non-Federal interest shall pay only the*  
15       *separable costs associated with the evaluation, implementa-*  
16       *tion, operation, and maintenance of an approved water*  
17       *supply conservation measure, which payments may be ac-*  
18       *cepted and expended by the Corps of Engineers to cover such*  
19       *costs.*

20        *(d) STATUTORY CONSTRUCTION.—Nothing in this sec-*  
21       *tion may be construed to modify or alter the obligations*  
22       *of a non-Federal interest under existing or future agree-*  
23       *ments for—*

1           (1) *water supply storage pursuant to section 301*  
2           *of the Water Supply Act of 1958 (43 U.S.C. 390b);*  
3           *or*

4           (2) *surplus water use pursuant to section 6 of*  
5           *the Act of December 22, 1944 (58 Stat. 890, chapter*  
6           *665; 33 U.S.C. 708).*

7           (e) *LIMITATIONS.—Nothing in this section—*

8           (1) *affects, modifies, or changes the authorized*  
9           *purposes of a Corps of Engineers project;*

10          (2) *affects existing Corps of Engineers authori-*  
11          *ties, including its authorities with respect to naviga-*  
12          *tion, flood damage reduction, and environmental pro-*  
13          *tection and restoration;*

14          (3) *affects the Corps of Engineers ability to pro-*  
15          *vide for temporary deviations;*

16          (4) *affects the application of a cost-share require-*  
17          *ment under section 101, 102, or 103 of the Water Re-*  
18          *sources Development Act of 1986 (33 U.S.C. 2211,*  
19          *2212, and 2213);*

20          (5) *supersedes or modifies any written agreement*  
21          *between the Federal Government and a non-Federal*  
22          *interest that is in effect on the date of enactment of*  
23          *this Act;*

24          (6) *supersedes or modifies any amendment to an*  
25          *existing multistate water control plan, including those*

1        *water control plans along the Missouri River and*  
 2        *those water control plans in the Apalachicola-Chat-*  
 3        *tahoochee-Flint and Alabama-Coosa-Tallapoosa ba-*  
 4        *sins;*

5            *(7) affects any water right in existence on the*  
 6        *date of enactment of this Act; or*

7            *(8) preempts or affects any State water law or*  
 8        *interstate compact governing water.*

9        **SEC. 114. INTERSTATE COMPACTS.**

10        *Section 301 of the Water Supply Act of 1958 (43*  
 11        *U.S.C. 390b) is amended by striking subsection (f).*

12        **SEC. 115. NONSTRUCTURAL ALTERNATIVES.**

13        *Section 5(a)(1) of the Act of August 18, 1941 (55 Stat.*  
 14        *650, chapter 377; 33 U.S.C. 701n(a)(1)), is amended by*  
 15        *striking “if requested” each place it appears and inserting*  
 16        *“after consultation with the non-Federal sponsor and if re-*  
 17        *quested and agreed to”.*

18        **SEC. 116. OPERATION AND MAINTENANCE OF ENVIRON-**  
 19                        **MENTAL PROTECTION AND RESTORATION**  
 20                        **AND AQUATIC ECOSYSTEM RESTORATION**  
 21                        **PROJECTS.**

22        *(a) NON-FEDERAL OBLIGATIONS.—Notwithstanding*  
 23        *section 103(j) of the Water Resources Development Act of*  
 24        *1986 (33 U.S.C. 2213(j)), a non-Federal interest is released*  
 25        *from any obligation to operate and maintain the non-*



1 *structural and nonmechanical components of a water re-*  
2 *sources development project carried out for the purposes of*  
3 *environmental protection and restoration or aquatic eco-*  
4 *system restoration, including a project carried out under*  
5 *section 206 of the Water Resources Development Act of 1996*  
6 *(33 U.S.C. 2330) or section 1135 of the Water Resources*  
7 *Development Act of 1986 (33 U.S.C. 2309a), if the Sec-*  
8 *retary determines that—*

9           (1) *the 50-year period that began on the date on*  
10       *which project construction was completed has con-*  
11       *cluded; or*

12           (2) *the criteria identified in the guidance issued*  
13       *under subsection (c) have been met with respect to the*  
14       *project.*

15       (b) *FEDERAL OBLIGATIONS.—The Secretary is not re-*  
16 *sponsible for the operation or maintenance of any compo-*  
17 *nents of a project with respect to which a non-Federal inter-*  
18 *est is released from obligations under subsection (a).*

19       (c) *GUIDANCE.—In consultation with non-Federal in-*  
20 *terests, and not later than 1 year after the date of enactment*  
21 *of this Act, the Secretary shall issue guidance that identifies*  
22 *criteria for determining, using the best available science,*  
23 *when the purpose of a project for environmental protection*  
24 *and restoration or aquatic ecosystem restoration has been*  
25 *achieved, including criteria for determining when a project*

1 *has resulted in the return of the project location to a condi-*  
 2 *tion where natural hydrologic and ecological functions are*  
 3 *the predominant factors in the condition, functionality, and*  
 4 *durability of the location.*

5 **SEC. 117. ESTUARY RESTORATION.**

6 (a) *PARTICIPATION OF NON-FEDERAL INTERESTS.—*  
 7 *Section 104(f) of the Estuary Restoration Act of 2000 (33*  
 8 *U.S.C. 2903(f)) is amended by adding at the end the fol-*  
 9 *lowing:*

10 “(3) *PROJECT AGREEMENTS.—For a project car-*  
 11 *ried out under this title, the requirements of section*  
 12 *103(j)(1) of the Water Resources Development Act of*  
 13 *1986 (33 U.S.C. 2213(j)(1)) may be fulfilled by a*  
 14 *nongovernmental organization serving as the non-*  
 15 *Federal interest for the project pursuant to paragraph*  
 16 *(2).”.*

17 (b) *EXTENSION.—Section 109(a) of the Estuary Res-*  
 18 *toration Act of 2000 (33 U.S.C. 2908(a)) is amended by*  
 19 *striking “2012” each place it appears and inserting*  
 20 *“2021”.*

21 **SEC. 118. GREAT LAKES FISHERY AND ECOSYSTEM RES-**  
 22 **TORATION.**

23 *Section 506(g) of the Water Resources Development Act*  
 24 *of 2000 (42 U.S.C. 1962d–22(g)) is repealed.*

1 **SEC. 119. AGREEMENTS.**

2 *Section 2036(c) of the Water Resources Development*  
3 *Act of 2007 (33 U.S.C. 2317b) is repealed.*

4 **SEC. 120. CORPS OF ENGINEERS OPERATION OF UN-**  
5 **MANNED AIRCRAFT SYSTEMS.**

6 *(a) IN GENERAL.—The Secretary shall designate an*  
7 *individual, within the headquarters office of the Corps of*  
8 *Engineers, who shall serve as the coordinator and principal*  
9 *approving official for developing the process and procedures*  
10 *by which the Corps of Engineers—*

11 *(1) operates and maintains small unmanned*  
12 *aircraft (as defined in section 331 of the FAA Mod-*  
13 *ernization and Reform Act of 2012 (49 U.S.C. 40101*  
14 *note)) systems in support of civil works and emer-*  
15 *gency response missions of the Corps of Engineers;*  
16 *and*

17 *(2) acquires, applies for, and receives any nec-*  
18 *essary Federal Aviation Administration authoriza-*  
19 *tions for such operations and systems.*

20 *(b) REQUIREMENTS.—A small unmanned aircraft sys-*  
21 *tem acquired, operated, or maintained for carrying out the*  
22 *missions specified in subsection (a) shall be operated in ac-*  
23 *cordance with regulations of the Federal Aviation Adminis-*  
24 *tration as a civil aircraft or public aircraft, at the discre-*  
25 *tion of the Secretary, and shall be exempt from regulations*

1 *of the Department of Defense, including the Department of*  
 2 *the Army, governing such system.*

3 (c) *LIMITATION.*—*A small unmanned aircraft system*  
 4 *acquired, operated, or maintained by the Corps of Engi-*  
 5 *neers is excluded from use by the Department of Defense,*  
 6 *including the Department of the Army, for any mission of*  
 7 *the Department of Defense other than a mission specified*  
 8 *in subsection (a).*

9 **SEC. 121. FEDERAL DREDGE FLEET.**

10 (a) *STUDY.*—*The Comptroller General of the United*  
 11 *States shall conduct a study on the costs and benefits of*  
 12 *expanding, reducing, or maintaining the current configura-*  
 13 *tion with respect to the size and makeup of the federally*  
 14 *owned hopper dredge fleet.*

15 (b) *FACTORS.*—*In carrying out the study, the Comp-*  
 16 *troller General shall evaluate—*

17 (1) *the current and anticipated configuration*  
 18 *and capacity of the Federal and private hopper*  
 19 *dredge fleet;*

20 (2) *the current and anticipated trends for the*  
 21 *volume and type of dredge work required over the next*  
 22 *10 years, and the alignment of the size of the existing*  
 23 *Federal and private hopper dredge fleet with future*  
 24 *dredging needs;*

1           (3) *available historic data on the costs, effi-*  
 2           *ciency, and time required to initiate and complete*  
 3           *dredging work carried out by Federal and private*  
 4           *hopper dredge fleets, respectively;*

5           (4) *whether the requirements of section 3 of the*  
 6           *Act of August 11, 1888 (25 Stat. 423, chapter 860; 33*  
 7           *U.S.C. 622), have any demonstrable impacts on the*  
 8           *factors identified in paragraphs (1) through (3), and*  
 9           *whether such requirements are most economical and*  
 10          *advantageous to the United States; and*

11          (5) *other factors that the Comptroller General de-*  
 12          *termines are necessary to evaluate whether it is eco-*  
 13          *nomical and advantageous to the United States to ex-*  
 14          *pand, reduce, or maintain the current configuration*  
 15          *of the federally owned hopper dredge fleet.*

16          (c) *REPORT.*—*Not later than 1 year after the date of*  
 17          *enactment of this Act, the Comptroller General shall submit*  
 18          *to Congress a report on the results of the study.*

19   **SEC. 122. CORPS OF ENGINEERS ASSETS.**

20          *Section 6002 of the Water Resources Reform and De-*  
 21          *velopment Act of 2014 (Public Law 113–121; 128 Stat.*  
 22          *1349) is amended—*

23               (1) *in subsection (a) by striking “the date of en-*  
 24               *actment of this Act” and inserting “the date of enact-*

1        *ment of the Water Resources Development Act of*  
 2        *2016”; and*

3            *(2) in subsection (b) by adding at the end the*  
 4        *following:*

5            *“(6) The extent to which the property has eco-*  
 6        *nomie, cultural, historic, or recreational significance,*  
 7        *or impacts at the national, State, or local level.”.*

8        **SEC. 123. FUNDING TO PROCESS PERMITS.**

9        *Section 214(a) of the Water Resources Development*  
 10       *Act of 2000 (33 U.S.C. 2352(a)) is amended—*

11           *(1) in paragraph (1) by adding at the end the*  
 12        *following:*

13           *“(C) RAILROAD CARRIER.—The term ‘rail-*  
 14        *road carrier’ has the meaning given the term in*  
 15        *section 20102 of title 49, United States Code.”;*

16           *(2) in paragraph (2)—*

17           *(A) by striking “or natural gas company”*  
 18        *and inserting “, natural gas company, or rail-*  
 19        *road carrier”; and*

20           *(B) by striking “or company” and inserting*  
 21        *“, company, or carrier”;*

22           *(3) by striking paragraph (3);*

23           *(4) by redesignating paragraphs (4) and (5) as*  
 24        *paragraphs (3) and (4), respectively; and*

1           (5) in paragraph (4) (as so redesignated) by  
 2           striking “and natural gas companies” and inserting  
 3           “, natural gas companies, and railroad carriers”.

4 **SEC. 124. CREDIT IN LIEU OF REIMBURSEMENT.**

5           Section 1022 of the Water Resources Reform and De-  
 6           velopment Act of 2014 (33 U.S.C. 2225) is amended—

7           (1) in subsection (a) by striking “that has been  
 8           constructed by a non-Federal interest under section  
 9           211 of the Water Resources Development Act of 1996  
 10          (33 U.S.C. 701b-13) before the date of enactment of  
 11          this Act” and inserting “for which a written agree-  
 12          ment with the Corps of Engineers for construction  
 13          was finalized on or before December 31, 2014, under  
 14          section 211 of the Water Resources Development Act  
 15          of 1996 (33 U.S.C. 701b-13)”; and

16          (2) in subsection (b) by striking “share of the  
 17          cost of the non-Federal interest of carrying out other  
 18          flood damage reduction projects or studies” and in-  
 19          serting “non-Federal share of the cost of carrying out  
 20          other water resources development projects or studies  
 21          of the non-Federal interest”.

22 **SEC. 125. CLARIFICATION OF CONTRIBUTIONS DURING**  
 23 **EMERGENCY EVENTS.**

24           Section 1024(a) of the Water Resources Reform and  
 25           Development Act of 2014 (33 U.S.C. 2325a(a)) is amended

1 *by inserting after “emergency” the following: “, or that has*  
 2 *had or may have an equipment failure (including a failure*  
 3 *caused by a lack of or deferred maintenance),”.*

4 **SEC. 126. STUDY OF WATER RESOURCES DEVELOPMENT**  
 5 **PROJECTS BY NON-FEDERAL INTERESTS.**

6 *Section 203 of the Water Resources Development Act*  
 7 *of 1986 (33 U.S.C. 2231) is amended by adding at the end*  
 8 *the following:*

9 *“(e) TECHNICAL ASSISTANCE.—At the request of a*  
 10 *non-Federal interest, the Secretary may provide to the non-*  
 11 *Federal interest technical assistance relating to any aspect*  
 12 *of a feasibility study if the non-Federal interest contracts*  
 13 *with the Secretary to pay all costs of providing such tech-*  
 14 *nical assistance.”.*

15 **SEC. 127. NON-FEDERAL CONSTRUCTION OF AUTHORIZED**  
 16 **FLOOD DAMAGE REDUCTION PROJECTS.**

17 *Section 204(d) of the Water Resources Development*  
 18 *Act of 1986 (33 U.S.C. 2232(d)) is amended by adding at*  
 19 *the end the following:*

20 *“(5) DISCRETE SEGMENTS.—*

21 *“(A) IN GENERAL.—The Secretary may au-*  
 22 *thorize credit or reimbursement under this sub-*  
 23 *section for a discrete segment of a flood damage*  
 24 *reduction project, or separable element thereof,*



1       *before final completion of the project or separable*  
2       *element if—*

3               “(i) *except as provided in clause (ii),*  
4               *the Secretary determines that the discrete*  
5               *segment satisfies the requirements of para-*  
6               *graphs (1) through (4) in the same manner*  
7               *as the project or separable element; and*

8               “(ii) *notwithstanding paragraph*  
9               *(1)(A)(ii), the Secretary determines, before*  
10              *the approval of the plans under paragraph*  
11              *(1)(A)(i), that the discrete segment is tech-*  
12              *nically feasible and environmentally accept-*  
13              *able.*

14              “(B) *DETERMINATION.—Credit or reim-*  
15              *bursement may not be made available to a non-*  
16              *Federal interest pursuant to this paragraph*  
17              *until the Secretary determines that—*

18                      “(i) *the construction of the discrete seg-*  
19                      *ment for which credit or reimbursement is*  
20                      *requested is complete; and*

21                      “(ii) *the construction is consistent with*  
22                      *the authorization of the applicable flood*  
23                      *damage reduction project, or separable ele-*  
24                      *ment thereof, and the plans approved under*  
25                      *paragraph (1)(A)(i).*

1 “(C) *WRITTEN AGREEMENT.*—

2 “(i) *IN GENERAL.*—As part of the writ-  
 3 ten agreement required under paragraph  
 4 (1)(A)(iii), a non-Federal interest to be eli-  
 5 gible for credit or reimbursement under this  
 6 paragraph shall—

7 “(I) identify any discrete segment  
 8 that the non-Federal interest may  
 9 carry out; and

10 “(II) agree to the completion of  
 11 the flood damage reduction project, or  
 12 separable element thereof, with respect  
 13 to which the discrete segment is a part  
 14 and establish a timeframe for such  
 15 completion.

16 “(ii) *REMITTANCE.*—If a non-Federal  
 17 interest fails to complete a flood damage re-  
 18 duction project, or separable element thereof,  
 19 that it agreed to complete under clause  
 20 (i)(II), the non-Federal interest shall remit  
 21 any reimbursements received under this  
 22 paragraph for a discrete segment of such  
 23 project or separable element.

24 “(D) *DISCRETE SEGMENT DEFINED.*—In  
 25 this paragraph, the term ‘discrete segment’

means a physical portion of a flood damage reduction project, or separable element thereof—

“(i) described by a non-Federal interest in a written agreement required under paragraph (1)(A)(iii); and

“(ii) that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the flood damage reduction project, or separable element thereof.”.

**SEC. 128. MULTISTATE ACTIVITIES.**

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

(1) in subsection (a)(1)—

(A) by striking “or other non-Federal interest” and inserting “, group of States, or non-Federal interest”;

(B) by inserting “or group of States” after “working with a State”; and

(C) by inserting “or group of States” after “boundaries of such State”; and

(2) in subsection (c)(1) by adding at the end the following: “The Secretary may allow 2 or more States to combine all or a portion of the funds that the Sec-

1       retary makes available to the States in carrying out  
2       subsection (a)(1).”.

3   **SEC. 129. REGIONAL PARTICIPATION ASSURANCE FOR**  
4       **LEVEE SAFETY ACTIVITIES.**

5       (a) *NATIONAL LEVEE SAFETY PROGRAM.*—Section  
6   9002 of the Water Resources Development Act of 2007 (33  
7   U.S.C. 3301) is amended—

8           (1) in paragraph (11) by striking “State or In-  
9       dian tribe” and inserting “State, regional district, or  
10      Indian tribe”;

11          (2) by redesignating paragraphs (12) through  
12      (16) as paragraphs (13) through (17), respectively;  
13      and

14          (3) by inserting after paragraph (11) the fol-  
15      lowing:

16           “(12) *REGIONAL DISTRICT.*—The term ‘regional  
17      district’ means a subdivision of a State government,  
18      or a subdivision of multiple State governments, that  
19      is authorized to acquire, construct, operate, and  
20      maintain projects for the purpose of flood damage re-  
21      duction.”.

22      (b) *INVENTORY AND INSPECTION OF LEVEES.*—Section  
23   9004 of the Water Resources Development Act of 2007 (33  
24   U.S.C. 3303) is amended—

25          (1) in subsection (a)—

1           (A) in paragraph (1) by striking “one year  
 2           after the date of enactment of this Act” and in-  
 3           serting “1 year after the date of enactment of the  
 4           Water Resources Development Act of 2016”;

5           (B) in paragraph (2)(A) by striking  
 6           “States, Indian tribes, Federal agencies, and  
 7           other entities” and inserting “States, regional  
 8           districts, Indian tribes, Federal agencies, and  
 9           other entities”; and

10          (C) in paragraph (3)—

11           (i) in the heading for subparagraph  
 12           (A) by striking “FEDERAL, STATE, AND  
 13           LOCAL” and inserting “FEDERAL, STATE,  
 14           REGIONAL, TRIBAL, AND LOCAL”; and

15           (ii) in subparagraph (A) by striking  
 16           “Federal, State, and local” and inserting  
 17           “Federal, State, regional, tribal, and local”;  
 18           and

19          (2) in subsection (c)—

20           (A) in paragraph (4)—

21           (i) in the paragraph heading by strik-  
 22           ing “STATE AND TRIBAL” and inserting  
 23           “STATE, REGIONAL, AND TRIBAL”; and

1                   (ii) by striking “State or Indian tribe”  
 2                   each place it appears and inserting “State,  
 3                   regional district, or Indian tribe”; and  
 4                   (B) in paragraph (5)—

5                   (i) by striking “State or Indian tribe”  
 6                   and inserting “State, regional district, or  
 7                   Indian tribe”; and

8                   (ii) by striking “chief executive of the  
 9                   tribal government” and inserting “chief ex-  
 10                  ecutive of the regional district or tribal gov-  
 11                  ernment”.

12           (c) *LEVEE SAFETY INITIATIVE*.—Section 9005 of the  
 13 *Water Resources Development Act of 2007* (33 U.S.C.  
 14 3303a) is amended—

15           (1) in subsection (c)—

16           (A) in paragraph (1)—

17           (i) in the matter preceding subpara-  
 18           graph (A)—

19           (I) by striking “1 year after the  
 20           date of enactment of this subsection”  
 21           and inserting “1 year after the date of  
 22           enactment of the *Water Resources De-*  
 23           *velopment Act of 2016*”; and

24           (II) by striking “State, local, and  
 25           tribal governments and organizations”

1                   and inserting “State, regional, local,  
2                   and tribal governments and organiza-  
3                   tions”; and

4                   (ii) in subparagraph (A) by striking  
5                   “Federal, State, tribal, and local agencies”  
6                   and inserting “Federal, State, regional,  
7                   local, and tribal agencies”;  
8                   (B) in paragraph (3)—

9                   (i) in subparagraph (A) by striking  
10                  “State, local, and tribal governments” and  
11                  inserting “State, regional, local, and tribal  
12                  governments”; and

13                  (ii) in subparagraph (B) by inserting  
14                  “, regional, or tribal” after “State” each  
15                  place it appears; and

16                  (C) in paragraph (5)(A) by striking  
17                  “States, non-Federal interests, and other appro-  
18                  priate stakeholders” and inserting “States, re-  
19                  gional districts, Indian tribes, non-Federal inter-  
20                  ests, and other appropriate stakeholders”;

21                  (2) in subsection (e)(1) in the matter preceding  
22                  subparagraph (A) by striking “States, communities,  
23                  and levee owners” and inserting “States, regional dis-  
24                  tricts, Indian tribes, communities, and levee owners”;

25                  (3) in subsection (g)—

1           (A) *in the subsection heading by striking*  
2           “STATE AND TRIBAL” *and inserting “STATE,*  
3           *REGIONAL, AND TRIBAL”;*

4           (B) *in paragraph (1)—*

5           (i) *in subparagraph (A)—*

6           (I) *by striking “1 year after the*  
7           *date of enactment of this subsection”*  
8           *and inserting “1 year after the date of*  
9           *enactment of the Water Resources De-*  
10           *velopment Act of 2016”;* *and*

11           (II) *by striking “State or tribal”*  
12           *and inserting “State, regional, or trib-*  
13           *al”;* *and*

14           (ii) *in subparagraph (B)—*

15           (I) *by striking “State and Indian*  
16           *tribe” and inserting “State, regional*  
17           *district, and Indian tribe”;* *and*

18           (II) *by striking “State or Indian*  
19           *tribe” and inserting “State, regional*  
20           *district, or Indian tribe”;* *and*

21           (C) *in paragraph (2)—*

22           (i) *in the paragraph heading by strik-*  
23           *ing “STATES” and inserting “STATES, RE-*  
24           *GIONAL DISTRICTS, AND INDIAN TRIBES”;*



1           (ii) in subparagraph (A) by striking  
2           “States and Indian tribes” and inserting  
3           “States, regional districts, and Indian  
4           tribes”;

5           (iii) in subparagraph (B)—

6                 (I) in the matter preceding clause

7                 (i) by striking “State or Indian tribe”  
8                 and inserting “State, regional district,  
9                 or Indian tribe”;

10                (II) in clause (ii) by striking

11                “levees within the State” and inserting  
12                “levees within the State or regional  
13                district”; and

14                (III) in clause (iii) by striking

15                “State or Indian tribe” and inserting  
16                “State, regional district, or Indian  
17                tribe”;

18           (iv) in subparagraph (C)(ii) in the  
19           matter preceding subclause (I) by striking  
20           “State or tribal” and inserting “State, re-  
21           gional, or tribal”; and

22           (v) in subparagraph (E)—

23                 (I) by striking “States and In-  
24                 dian tribes” each place it appears and

1           *inserting “States, regional districts,*  
2           *and Indian tribes”;*

3                     *(II) in clause (ii)(II)—*

4                             *(aa) in the matter preceding*  
5                             *item (aa) by striking “State or*  
6                             *Indian tribe” and inserting*  
7                             *“State, regional district, or In-*  
8                             *Indian tribe”;*

9                             *(bb) in item (aa) by striking*  
10                            *“miles of levees in the State” and*  
11                            *inserting “miles of levees in the*  
12                            *State or regional district”; and*

13                            *(cc) in item (bb) by striking*  
14                            *“miles of levees in all States” and*  
15                            *inserting “miles of levees in all*  
16                            *States and regional districts”;*  
17                            *and*

18                            *(III) in clause (iii)—*

19                            *(aa) by striking “State or*  
20                            *Indian tribe” and inserting*  
21                            *“State, regional district, or In-*  
22                            *Indian tribe”; and*

23                            *(bb) by striking “State or*  
24                            *tribal” and inserting “State, re-*  
25                            *gional, or tribal”; and*

1           (4) in subsection (h)—

2                 (A) in paragraph (1) by striking “States,  
3                 Indian tribes, and local governments” and in-  
4                 serting “States, regional districts, Indian tribes,  
5                 and local governments”;

6                 (B) in paragraph (2)—

7                     (i) in the matter preceding subpara-  
8                     graph (A) by striking “State, Indian tribe,  
9                     or local government” and inserting “State,  
10                    regional district, Indian tribe, or local gov-  
11                    ernment”; and

12                   (ii) in subparagraph (E) in the matter  
13                   preceding clause (i) by striking “State or  
14                   tribal” and inserting “State, regional, or  
15                   tribal”;

16                 (C) in paragraph (3)—

17                     (i) in subparagraph (A) by striking  
18                     “State, Indian tribe, or local government”  
19                     and inserting “State, regional district, In-  
20                     dian tribe, or local government”; and

21                     (ii) in subparagraph (D) by striking  
22                     “180 days after the date of enactment of  
23                     this subsection” and inserting “180 days  
24                     after the date of enactment of the Water Re-  
25                     sources Development Act of 2016”; and

1           (D) in paragraph (4)(A)(i) by striking  
 2           “State or tribal” and inserting “State, regional,  
 3           or tribal”.

4           (d) *REPORTS*.—Section 9006 of the Water Resources  
 5   Development Act of 2007 (33 U.S.C. 3303b) is amended—

6           (1) in subsection (a)(1)—

7           (A) in the matter preceding subparagraph  
 8           (A) by striking “1 year after the date of enact-  
 9           ment of this subsection” and inserting “1 year  
 10          after the date of enactment of the Water Re-  
 11          sources Development Act of 2016”; and

12          (B) in subparagraph (B) by striking “State  
 13          and tribal” and inserting “State, regional, and  
 14          tribal”;

15          (2) in subsection (c)—

16          (A) in the matter preceding paragraph  
 17          (1)—

18               (i) by striking “2 years after the date  
 19               of enactment of this subsection” and insert-  
 20               ing “2 years after the date of enactment of  
 21               the Water Resources Development Act of  
 22               2016”; and

23               (ii) by striking “State, tribal, and  
 24               local” and inserting “State, regional, tribal,  
 25               and local”;

1           (B) in paragraph (2) by striking “State  
2           and tribal” and inserting “State, regional, and  
3           tribal”; and

4           (C) in paragraph (4) by striking “State  
5           and local” and inserting “State, regional, tribal,  
6           and local”; and

7           (3) in subsection (d)—

8           (A) in the matter preceding paragraph (1)  
9           by striking “1 year after the date of enactment  
10          of this subsection” and inserting “1 year after  
11          the date of enactment of the Water Resources De-  
12          velopment Act of 2016”; and

13          (B) in paragraph (2) by striking “State or  
14          tribal” and inserting “State, regional, or tribal”.

15 **SEC. 130. PARTICIPATION OF NON-FEDERAL INTERESTS.**

16          Section 221(b)(1) of the Flood Control Act of 1970 (42  
17          U.S.C. 1962d–5b(b)(1)) is amended by inserting “and, as  
18          defined in section 3 of the Alaska Native Claims Settlement  
19          Act (43 U.S.C. 1602), a Native village, Regional Corpora-  
20          tion, and Village Corporation” after “Indian tribe”.

21 **SEC. 131. INDIAN TRIBES.**

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

24          (1) in the section heading by inserting “**AND**  
25          **INDIAN TRIBES**” after “**TERRITORIES**”; and

1           (2) *in subsection (a)—*

2                   (A) *by striking “projects in American” and*  
3           *inserting “projects—*

4           *“(1) in American”;*

5                   (B) *by striking the period at the end and*  
6           *inserting “; and”; and*

7                   (C) *by adding at the end the following:*

8           *“(2) for a federally recognized Indian tribe.”.*

9   **SEC. 132. DISSEMINATION OF INFORMATION ON THE AN-**  
10                   **NUAL REPORT PROCESS.**

11           (a) *FINDINGS.—Congress finds the following:*

12                   (1) *Congress plays a central role in identifying,*  
13           *prioritizing, and authorizing vital water resources in-*  
14           *frastructure activities throughout the United States.*

15                   (2) *The Water Resources Reform and Develop-*  
16           *ment Act of 2014 (Public Law 113–121) established*  
17           *a new and transparent process to review and*  
18           *prioritize the water resources development activities of*  
19           *the Corps of Engineers with strong congressional over-*  
20           *sight.*

21                   (3) *Section 7001 of the Water Resources Reform*  
22           *and Development Act of 2014 (33 U.S.C. 2282d) re-*  
23           *quires the Secretary to develop and submit to Con-*  
24           *gress each year a Report to Congress on Future Water*

1       *Resources Development and, as part of the annual re-*  
2       *port process, to—*

3               *(A) publish a notice in the Federal Register*  
4               *that requests from non-Federal interests proposed*  
5               *feasibility studies and proposed modifications to*  
6               *authorized water resources development projects*  
7               *and feasibility studies for inclusion in the re-*  
8               *port; and*

9               *(B) review the proposals submitted and in-*  
10              *clude in the report those proposed feasibility*  
11              *studies and proposed modifications that meet the*  
12              *criteria for inclusion established under section*  
13              *7001.*

14              *(4) Congress will use the information provided*  
15              *in the annual Report to Congress on Future Water*  
16              *Resources Development to determine authorization*  
17              *needs and priorities for purposes of water resources*  
18              *development legislation.*

19              *(5) To ensure that Congress can gain a thorough*  
20              *understanding of the water resources development*  
21              *needs and priorities of the United States, it is impor-*  
22              *tant that the Secretary take sufficient steps to ensure*  
23              *that non-Federal interests are made aware of the new*  
24              *annual report process, including the need for non-*  
25              *Federal interests to submit proposals during the Sec-*

1        *retary’s annual request for proposals in order for such*  
2        *proposals to be eligible for consideration by Congress.*

3        *(b) DISSEMINATION OF PROCESS INFORMATION.—The*  
4        *Secretary shall develop, support, and implement education*  
5        *and awareness efforts for non-Federal interests with respect*  
6        *to the annual Report to Congress on Future Water Re-*  
7        *sources Development required under section 7001 of the*  
8        *Water Resources Reform and Development Act of 2014 (33*  
9        *U.S.C. 2282d), including efforts to—*

10            *(1) develop and disseminate technical assistance*  
11            *materials, seminars, and guidance on the annual*  
12            *process as it relates to non-Federal interests;*

13            *(2) provide written notice to previous and poten-*  
14            *tial non-Federal interests and local elected officials on*  
15            *the annual process and on opportunities to address*  
16            *local water resources challenges through the missions*  
17            *and authorities of the Corps of Engineers;*

18            *(3) issue guidance for non-Federal interests to*  
19            *assist such interests in developing proposals for water*  
20            *resources development projects that satisfy the require-*  
21            *ments of section 7001; and*

22            *(4) provide, at the request of a non-Federal in-*  
23            *terest, assistance with researching and identifying ex-*  
24            *isting project authorizations and Corps of Engineers*  
25            *decision documents.*



1 **SEC. 133. SCOPE OF PROJECTS.**

2        *Section 7001(f) of the Water Resources Reform and De-*  
 3 *velopment Act of 2014 (33 U.S.C. 2282d(f)) is amended by*  
 4 *adding at the end the following:*

5            “(5)    WATER    RESOURCES    DEVELOPMENT  
 6        *PROJECT.—The term ‘water resources development*  
 7        *project’ includes a project under an environmental in-*  
 8        *frastructure assistance program.”.*

9 **SEC. 134. PRELIMINARY FEASIBILITY STUDY ACTIVITIES.**

10        *At the request of a non-Federal interest with respect*  
 11 *to a proposed water resources development project, the Sec-*  
 12 *retary shall meet with the non-Federal interest, prior to ini-*  
 13 *tiating a feasibility study relating to the proposed project,*  
 14 *to review a preliminary analysis of the Federal interest in*  
 15 *the proposed project and the costs, benefits, and environ-*  
 16 *mental impacts of the proposed project, including an esti-*  
 17 *mate of the costs of preparing a feasibility report.*

18 **SEC. 135. POST-AUTHORIZATION CHANGE REPORTS.**

19        (a) *IN GENERAL.—The completion of a post-authoriza-*  
 20 *tion change report prepared by the Corps of Engineers for*  
 21 *a water resources development project—*

22            (1) *may not be delayed as a result of consider-*  
 23 *ation being given to changes in policy or priority*  
 24 *with respect to project consideration; and*

25            (2) *shall be submitted, upon completion, to—*

1                   (A) *the Committee on Environment and*  
2                   *Public Works of the Senate; and*

3                   (B) *the Committee on Transportation and*  
4                   *Infrastructure of the House of Representatives.*

5           (b) *COMPLETION REVIEW.*—*With respect to a post-au-*  
6 *thorization change report subject to review by the Secretary,*  
7 *the Secretary shall, not later than 120 days after the date*  
8 *of completion of such report—*

9                   (1) *review the report; and*

10                  (2) *provide to Congress any recommendations of*  
11 *the Secretary regarding modification of the applicable*  
12 *water resources development project.*

13           (c) *PRIOR REPORTS.*—*Not later than 120 days after*  
14 *the date of enactment of this Act, with respect to any post-*  
15 *authorization change report that was completed prior to the*  
16 *date of enactment of this Act and is subject to a review*  
17 *by the Secretary that has yet to be completed, the Secretary*  
18 *shall complete review of, and provide recommendations to*  
19 *Congress with respect to, the report.*

20           (d) *POST-AUTHORIZATION CHANGE REPORT INCLU-*  
21 *SIONS.*—*In this section, the term “post-authorization*  
22 *change report” includes—*

23                   (1) *a general reevaluation report;*

24                   (2) *a limited reevaluation report; and*

1           (3) *any other report that recommends the modi-*  
2       *fication of an authorized water resources development*  
3       *project.*

4   **SEC. 136. MAINTENANCE DREDGING DATA.**

5       (a) *IN GENERAL.*—*The Secretary shall establish,*  
6       *maintain, and make publicly available a database on*  
7       *maintenance dredging carried out by the Secretary, which*  
8       *shall include information on maintenance dredging carried*  
9       *out by Federal and non-Federal vessels.*

10      (b) *SCOPE.*—*The Secretary shall include in the data-*  
11      *base maintained under subsection (a), for each maintenance*  
12      *dredging project and contract, data on—*

13           (1) *the volume of dredged material removed;*

14           (2) *the initial cost estimate of the Corps of Engi-*  
15      *neers;*

16           (3) *the total cost;*

17           (4) *the party and vessel carrying out the work;*  
18      *and*

19           (5) *the number of private contractor bids re-*  
20      *ceived and the bid amounts, including bids that did*  
21      *not win the final contract award.*

1 **SEC. 137. ELECTRONIC SUBMISSION AND TRACKING OF**  
 2 **PERMIT APPLICATIONS.**

3 (a) *IN GENERAL.*—Section 2040 of the Water Re-  
 4 sources Development Act of 2007 (33 U.S.C. 2345) is  
 5 amended to read as follows:

6 **“SEC. 2040. ELECTRONIC SUBMISSION AND TRACKING OF**  
 7 **PERMIT APPLICATIONS.**

8 “(a) *DEVELOPMENT OF ELECTRONIC SYSTEM.*—

9 “(1) *IN GENERAL.*—The Secretary shall research,  
 10 develop, and implement an electronic system to allow  
 11 the electronic preparation and submission of applica-  
 12 tions for permits and requests for jurisdictional deter-  
 13 minations under the jurisdiction of the Secretary.

14 “(2) *INCLUSION.*—The electronic system required  
 15 under paragraph (1) shall address—

16 “(A) applications for standard individual  
 17 permits;

18 “(B) applications for letters of permission;

19 “(C) joint applications with States for  
 20 State and Federal permits;

21 “(D) applications for emergency permits;

22 “(E) applications or requests for jurisdic-  
 23 tional determinations; and

24 “(F) preconstruction notification submis-  
 25 sions, when required for a nationwide or other  
 26 general permit.

1           “(3) *IMPROVING EXISTING DATA SYSTEMS.*—*The*  
2           *Secretary shall seek to incorporate the electronic sys-*  
3           *tem required under paragraph (1) into existing sys-*  
4           *tems and databases of the Corps of Engineers to the*  
5           *maximum extent practicable.*

6           “(4) *PROTECTION OF INFORMATION.*—*The elec-*  
7           *tronic system required under paragraph (1) shall pro-*  
8           *vide for the protection of personal, private, privileged,*  
9           *confidential, and proprietary information, and infor-*  
10          *mation the disclosure of which is otherwise prohibited*  
11          *by law.*

12          “(b) *SYSTEM REQUIREMENTS.*—*The electronic system*  
13          *required under subsection (a) shall—*

14               “(1) *enable an applicant or requester to prepare*  
15               *electronically an application for a permit or request;*

16               “(2) *enable an applicant or requester to submit*  
17               *to the Secretary, by email or other means through the*  
18               *Internet, the completed application form or request;*

19               “(3) *enable an applicant or requester to submit*  
20               *to the Secretary, by email or other means through the*  
21               *Internet, data and other information in support of*  
22               *the permit application or request;*

23               “(4) *provide an online interactive guide to pro-*  
24               *vide assistance to an applicant or requester at any*

1       *time while filling out the permit application or re-*  
2       *quest; and*

3               “(5) *enable an applicant or requester (or a des-*  
4       *ignated agent) to track the status of a permit applica-*  
5       *tion or request in a manner that will—*

6               “(A) *allow the applicant or requester to de-*  
7       *termine whether the application is pending or*  
8       *final and the disposition of the request;*

9               “(B) *allow the applicant or requester to re-*  
10       *search previously submitted permit applications*  
11       *and requests within a given geographic area and*  
12       *the results of such applications or requests; and*

13               “(C) *allow identification and display of the*  
14       *location of the activities subject to a permit or*  
15       *request through a map-based interface.*

16       “(c) *DOCUMENTATION.—All permit decisions and ju-*  
17       *risdictional determinations made by the Secretary shall be*  
18       *in writing and include documentation supporting the basis*  
19       *for the decision or determination. The Secretary shall pre-*  
20       *scribe means for documenting all decisions or determina-*  
21       *tions to be made by the Secretary.*

22       “(d) *RECORD OF DETERMINATIONS.—*

23               “(1) *IN GENERAL.—The Secretary shall main-*  
24       *tain, for a minimum of 5 years, a record of all per-*  
25       *mit decisions and jurisdictional determinations made*

1       *by the Secretary, including documentation supporting*  
2       *the basis of the decisions and determinations.*

3               “(2) *ARCHIVING OF INFORMATION.*—*The Sec-*  
4       *retary shall explore and implement an appropriate*  
5       *mechanism for archiving records of permit decisions*  
6       *and jurisdictional determinations, including docu-*  
7       *mentation supporting the basis of the decisions and*  
8       *determinations, after the 5-year maintenance period*  
9       *described in paragraph (1).*

10              “(e) *AVAILABILITY OF DETERMINATIONS.*—

11               “(1) *IN GENERAL.*—*The Secretary shall make the*  
12       *records of all permit decisions and jurisdictional de-*  
13       *terminations made by the Secretary available to the*  
14       *public for review and reproduction.*

15               “(2) *PROTECTION OF INFORMATION.*—*The Sec-*  
16       *retary shall provide for the protection of personal,*  
17       *private, privileged, confidential, and proprietary in-*  
18       *formation, and information the disclosure of which is*  
19       *prohibited by law, which may be excluded from dis-*  
20       *closure.*

21               “(f) *DEADLINE FOR ELECTRONIC SYSTEM IMPLEMEN-*  
22       *TATION.*—

23               “(1) *IN GENERAL.*—*The Secretary shall develop*  
24       *and implement, to the maximum extent practicable,*  
25       *the electronic system required under subsection (a)*

1       *not later than 2 years after the date of enactment of*  
 2       *the Water Resources Development Act of 2016.*

3               “(2) *REPORT ON ELECTRONIC SYSTEM IMPLE-*  
 4       *MENTATION.*—*Not later than 180 days after the expi-*  
 5       *ration of the deadline under paragraph (1), the Sec-*  
 6       *retary shall submit to the Committee on Transpor-*  
 7       *tation and Infrastructure of the House of Representa-*  
 8       *tives and the Committee on Environment and Public*  
 9       *Works of the Senate a report describing the measures*  
 10       *implemented and barriers faced in carrying out this*  
 11       *section.*

12              “(g) *APPLICABILITY.*—*The requirements described in*  
 13       *subsections (c), (d), and (e) shall apply to permit applica-*  
 14       *tions and requests for jurisdictional determinations sub-*  
 15       *mitted to the Secretary after the date of enactment of the*  
 16       *Water Resources Development Act of 2016.*

17              “(h) *LIMITATION.*—*This section shall not preclude the*  
 18       *submission to the Secretary, acting through the Chief of En-*  
 19       *gineers, of a physical copy of a permit application or a*  
 20       *request for a jurisdictional determination.”.*

21              “(b) *CLERICAL AMENDMENT.*—*The table of contents in*  
 22       *section 1(b) of the Water Resources Development Act of 2007*  
 23       *is amended by striking the item relating to section 2040*  
 24       *and inserting the following:*

      “Sec. 2040. *Electronic submission and tracking of permit applications.*”.



1 **SEC. 138. DATA TRANSPARENCY.**

2 *Section 2017 of the Water Resources Development Act*  
3 *of 2007 (33 U.S.C. 2342) is amended to read as follows:*

4 **“SEC. 2017. ACCESS TO WATER RESOURCE DATA.**

5 *“(a) IN GENERAL.—Using available funds, the Sec-*  
6 *retary shall make publicly available, including on the Inter-*  
7 *net, all data in the custody of the Corps of Engineers on—*

8 *“(1) the planning, design, construction, oper-*  
9 *ation, and maintenance of water resources develop-*  
10 *ment projects; and*

11 *“(2) water quality and water management of*  
12 *projects owned, operated, or managed by the Corps of*  
13 *Engineers.*

14 *“(b) LIMITATION.—Nothing in this section may be con-*  
15 *strued to compel or authorize the disclosure of data or other*  
16 *information determined by the Secretary to be confidential*  
17 *information, privileged information, law enforcement infor-*  
18 *mation, national security information, infrastructure secu-*  
19 *rity information, personal information, or information the*  
20 *disclosure of which is otherwise prohibited by law.*

21 *“(c) TIMING.—The Secretary shall ensure that data is*  
22 *made publicly available under subsection (a) as quickly as*  
23 *practicable after the data is generated by the Corps of Engi-*  
24 *neers.*

25 *“(d) PARTNERSHIPS.—In carrying out this section, the*  
26 *Secretary may develop partnerships, including through co-*

1 *operative agreements, with State, tribal, and local govern-*  
 2 *ments and other Federal agencies.”.*

3 **SEC. 139. BACKLOG PREVENTION.**

4 *(a) PROJECT DEAUTHORIZATION.—*

5 *(1) IN GENERAL.—A water resources develop-*  
 6 *ment project, or separable element of such a project,*  
 7 *authorized for construction by this Act shall not be*  
 8 *authorized after the last day of the 7-year period be-*  
 9 *ginning on the date of enactment of this Act unless*  
 10 *funds have been obligated for construction of such*  
 11 *project during that period.*

12 *(2) IDENTIFICATION OF PROJECTS.—Not later*  
 13 *than 60 days after the expiration of the 7-year period*  
 14 *referred to in paragraph (1), the Secretary shall sub-*  
 15 *mit to the Committee on Environment and Public*  
 16 *Works of the Senate and the Committee on Transpor-*  
 17 *tation and Infrastructure of the House of Representa-*  
 18 *tives a report that identifies the projects deauthorized*  
 19 *under paragraph (1).*

20 *(b) REPORT TO CONGRESS.—Not later than 60 days*  
 21 *after the expiration of the 12-year period beginning on the*  
 22 *date of enactment of this Act, the Secretary shall submit*  
 23 *to the Committee on Environment and Public Works of the*  
 24 *Senate and the Committee on Transportation and Infra-*

1 *structure of the House of Representatives, and make avail-*  
 2 *able to the public, a report that contains—*

3 *(1) a list of any water resources development*  
 4 *projects authorized by this Act for which construction*  
 5 *has not been completed during that period;*

6 *(2) a description of the reasons the projects were*  
 7 *not completed;*

8 *(3) a schedule for the completion of the projects*  
 9 *based on expected levels of appropriations; and*

10 *(4) a 5-year and 10-year projection of construc-*  
 11 *tion backlog and any recommendations to Congress*  
 12 *regarding how to mitigate current problems and the*  
 13 *backlog.*

14 **SEC. 140. QUALITY CONTROL.**

15 *(a) IN GENERAL.—Paragraph (a) of the first section*  
 16 *of the Act of December 22, 1944 (58 Stat. 888, chapter 665;*  
 17 *33 U.S.C. 701–1(a)), is amended by inserting “and shall*  
 18 *be made publicly available” before the period at the end.*

19 *(b) PROJECT ADMINISTRATION.—Section 2041(b)(1) of*  
 20 *the Water Resources Development Act of 2007 (33 U.S.C.*  
 21 *2346(b)(1)) is amended by inserting “final post-authoriza-*  
 22 *tion change report,” after “final reevaluation report,”.*

23 **SEC. 141. BUDGET DEVELOPMENT AND PRIORITIZATION.**

24 *(a) IN GENERAL.—In conjunction with the President’s*  
 25 *budget submission to Congress with respect to fiscal year*

1 *2018 under section 1105(a) of title 31, United States Code,*  
 2 *and biennially thereafter in conjunction with the Presi-*  
 3 *dent’s budget submission, the Secretary shall submit to the*  
 4 *Committee on Environment and Public Works and the*  
 5 *Committee on Appropriations of the Senate and the Com-*  
 6 *mittee on Transportation and Infrastructure and the Com-*  
 7 *mittee on Appropriations of the House of Representatives*  
 8 *a report that describes—*

9           *(1) the metrics used in developing the civil works*  
 10       *budget for the applicable fiscal year;*

11           *(2) the metrics used in developing each business*  
 12       *line in the civil works budget; and*

13           *(3) how projects are prioritized in the applicable*  
 14       *budget submission, including how the Secretary deter-*  
 15       *mines those projects for which construction initiation*  
 16       *is recommended.*

17       ***(b) NOTIFICATION.—***

18           ***(1) REQUIREMENT.—****If the Secretary proposes a*  
 19       *covered revised budget estimate, the Secretary shall*  
 20       *notify, in writing, each Member of Congress rep-*  
 21       *resenting a congressional district affected by the*  
 22       *study, project, or activity subject to the revised esti-*  
 23       *mate.*

24           ***(2) COVERED REVISED BUDGET ESTIMATE DE-***  
 25       ***FINED.—****In this subsection, the term “covered revised*

1       *budget estimate” means a budget estimate for a water*  
2       *resources development study, project, or activity that*  
3       *differs from the estimate most recently specified for*  
4       *that study, project, or activity in a budget of the*  
5       *President submitted under section 1105(a) of title 31,*  
6       *United States Code.*

7       **SEC. 142. USE OF NATURAL AND NATURE-BASED FEATURES.**

8       *(a) REPORT.—Not later than February 1, 2017, and*  
9       *biennially thereafter, the Secretary shall submit to the Com-*  
10       *mittee on Transportation and Infrastructure of the House*  
11       *of Representatives and the Committee on Environment and*  
12       *Public Works of the Senate a report on the use of natural*  
13       *and nature-based features in water resources development*  
14       *projects, including flood risk reduction, coastal resiliency,*  
15       *and ecosystem restoration projects.*

16       *(b) CONTENTS.—The report shall include, at a min-*  
17       *imum, the following:*

18               *(1) An assessment of the observed and potential*  
19       *impacts of the use of natural and nature-based fea-*  
20       *tures on the cost and effectiveness of water resources*  
21       *development projects and any co-benefits resulting*  
22       *from the use of such features.*

23               *(2) A description of any statutory, fiscal, or reg-*  
24       *ulatory barrier to the appropriate consideration and*

1        *use of natural and nature-based features in carrying*  
 2        *out water resources development projects.*

3        **SEC. 143. ANNUAL REPORT ON PURCHASE OF FOREIGN**  
 4        **MANUFACTURED ARTICLES.**

5        *Section 213(a) of the Water Resources Development*  
 6        *Act of 1992 (Public Law 102–580; 106 Stat. 4831) is*  
 7        *amended by adding at the end the following:*

8                *“(4) ANNUAL REPORT ON PURCHASE OF FOREIGN*  
 9        *MANUFACTURED ARTICLES.—*

10                *“(A) IN GENERAL.—Not later than 90 days*  
 11                *after the last day of each fiscal year, the Sec-*  
 12                *retary shall submit to Congress a report on the*  
 13                *amount of acquisitions in such fiscal year made*  
 14                *by the Corps of Engineers for civil works projects*  
 15                *from entities that manufactured the articles, ma-*  
 16                *terials, or supplies outside of the United States.*

17                *“(B) CONTENTS.—The report required*  
 18                *under subparagraph (A) shall indicate, for each*  
 19                *acquisition—*

20                        *“(i) the dollar value of any articles,*  
 21                        *materials, or supplies purchased that were*  
 22                        *manufactured outside of the United States;*  
 23                        *and*

24                        *“(ii) a summary of the total procure-*  
 25                        *ment funds spent on goods manufactured in*

1                   *the United States and the total procurement*  
2                   *funds spent on goods manufactured outside*  
3                   *of the United States.*

4                   “(C) *PUBLIC AVAILABILITY.*—Not later than  
5                   *30 days after the submission of a report under*  
6                   *subparagraph (A), the Secretary shall make such*  
7                   *report publicly available on the agency’s Web*  
8                   *site.”.*

9   **SEC. 144. INTEGRATED WATER RESOURCES PLANNING.**

10           *In carrying out a feasibility study for a water re-*  
11           *sources development project, the Secretary shall coordinate*  
12           *with communities in the watershed covered by such study*  
13           *to determine if a local or regional water management plan*  
14           *exists or is under development for the purposes of*  
15           *stormwater management, water quality improvement, aquifer*  
16           *recharge, or water reuse. If such a local or regional*  
17           *water management plan exists for the watershed, the Sec-*  
18           *retary shall, in cooperation with the non-Federal sponsor*  
19           *for the plan and affected local public entities, avoid ad-*  
20           *versely affecting the purposes of the plan and, where fea-*  
21           *sible, incorporate the purposes of the plan into the Sec-*  
22           *retary’s feasibility study.*

1 **SEC. 145. EVALUATION OF PROJECT PARTNERSHIP AGREE-**  
 2 **MENTS.**

3 *To the maximum extent practicable, the Secretary*  
 4 *shall prioritize and complete the activities required of the*  
 5 *Secretary under section 1013 of the Water Resources Reform*  
 6 *and Development Act of 2014 (Public Law 113–121; 128*  
 7 *Stat. 1218).*

8 **SEC. 146. ADDITIONAL MEASURES AT DONOR PORTS AND**  
 9 **ENERGY TRANSFER PORTS.**

10 *Section 2106 of the Water Resources Reform and De-*  
 11 *velopment Act of 2014 (33 U.S.C. 2238c) is amended—*

12 *(1) in subsection (a)(4)(A) by striking “Code of*  
 13 *Federal Regulation” and inserting “Code of Federal*  
 14 *Regulations”; and*

15 *(2) in subsection (f)—*

16 *(A) in paragraph (1) by striking “2018”*  
 17 *and inserting “2020”; and*

18 *(B) in paragraph (3)—*

19 *(i) by striking “2015 through 2018”*  
 20 *and inserting “2016 through 2020”; and*

21 *(ii) by striking “2019 through 2022”*  
 22 *and inserting “2021 through 2025”.*

23 **SEC. 147. ARCTIC DEEP DRAFT PORT DEVELOPMENT PART-**  
 24 **NERSHIPS.**

25 *Section 2105 of the Water Resources Reform and De-*  
 26 *velopment Act of 2014 (33 U.S.C. 2243) is amended—*



1           (1) *by striking “(25 U.S.C. 450b))” each place it*  
 2           *appears and inserting “(25 U.S.C. 450b)) and Native*  
 3           *villages, Regional Corporations, and Village Corpora-*  
 4           *tions (as those terms are defined in section 3 of the*  
 5           *Alaska Native Claims Settlement Act (43 U.S.C.*  
 6           *1602))”;*

7           (2) *by redesignating subsection (d) as subsection*  
 8           *(e); and*

9           (3) *by inserting after subsection (c) the fol-*  
 10          *lowing:*

11          “(d) *CONSIDERATION OF NATIONAL SECURITY INTER-*  
 12          *ESTS.—In carrying out a study of the feasibility of an Arc-*  
 13          *tic deep draft port, the Secretary shall consult with the Sec-*  
 14          *retary of Homeland Security and the Secretary of Defense*  
 15          *to identify national security benefits associated with the*  
 16          *Arctic deep draft port.”.*

17          **SEC. 148. INTERNATIONAL OUTREACH PROGRAM.**

18          *Section 401(a) of the Water Resources Development*  
 19          *Act of 1992 (33 U.S.C. 2329(a)) is amended to read as fol-*  
 20          *lows:*

21          “(a) *AUTHORIZATION.—*

22                 “(1) *IN GENERAL.—The Secretary may engage*  
 23                 *in activities to inform the United States of techno-*  
 24                 *logical innovations abroad that could significantly*

1        *improve water resources development in the United*  
 2        *States.*

3            “(2) *INCLUSIONS.—Activities under paragraph*  
 4        *(1) may include—*

5            “(A) *development, monitoring, assessment,*  
 6            *and dissemination of information about foreign*  
 7            *water resources projects that could significantly*  
 8            *improve water resources development in the*  
 9            *United States;*

10           “(B) *research, development, training, and*  
 11           *other forms of technology transfer and exchange;*  
 12           *and*

13           “(C) *offering technical services that cannot*  
 14           *be readily obtained in the private sector to be in-*  
 15           *corporated into water resources projects if the*  
 16           *costs for assistance will be recovered under the*  
 17           *terms of each project.”.*

18    **SEC. 149. COMPREHENSIVE STUDY.**

19           (a) *IN GENERAL.—The Secretary shall conduct a com-*  
 20           *prehensive study on the flood risks for vulnerable coastal*  
 21           *populations in areas within the boundaries of the South*  
 22           *Atlantic Division of the Corps of Engineers.*

23           (b) *INCLUSIONS.—In carrying out the study, the Sec-*  
 24           *retary shall identify—*

1           (1) *activities that warrant additional analysis*  
 2       *by the Corps of Engineers; and*

3           (2) *institutional and other barriers to providing*  
 4       *protection to the vulnerable coastal populations.*

5       (c) *COORDINATION.*—*The Secretary shall conduct the*  
 6       *study in coordination with appropriate Federal agencies*  
 7       *and State, local, and tribal entities to ensure consistency*  
 8       *with related plans.*

9       (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
 10       *authorized to be appropriated \$6,000,000 to carry out this*  
 11       *section.*

12       **SEC. 150. ALTERNATIVE MODELS FOR MANAGING INLAND**  
 13               **WATERWAYS TRUST FUND.**

14       (a) *STUDY.*—*The Comptroller General of the United*  
 15       *States shall conduct a study to analyze alternative models*  
 16       *for managing the Inland Waterways Trust Fund, including*  
 17       *the management of—*

18           (1) *project schedules for projects receiving assist-*  
 19       *ance from the fund; and*

20           (2) *expenditures from the fund.*

21       (b) *CONTENTS.*—*In conducting the study, the Comp-*  
 22       *troller General shall examine, at a minimum, the costs and*  
 23       *benefits of transferring management of the fund to a not-*  
 24       *for-profit corporation or government-owned corporation.*

1       (c) *CONSIDERATIONS.*—*In assessing costs and benefits*  
 2 *under subsection (b), the Comptroller General shall con-*  
 3 *sider, among other factors—*

- 4           (1) *the benefits to the taxpayer;*  
 5           (2) *the impact on project delivery; and*  
 6           (3) *the impact on jobs.*

7       (d) *REPORT.*—*Not later than 1 year after the date of*  
 8 *enactment of this Act, the Comptroller General shall submit*  
 9 *to Congress a report on the results of the study.*

10 **SEC. 151. ALTERNATIVE PROJECTS TO MAINTENANCE**  
 11 **DREDGING.**

12       *The Secretary may enter into agreements to assume*  
 13 *the operation and maintenance costs of an alternative*  
 14 *project to maintenance dredging for a channel if the alter-*  
 15 *native project would lower the overall costs of maintaining*  
 16 *the channel.*

17 **SEC. 152. FISH HATCHERIES.**

18       (a) *IN GENERAL.*—*Notwithstanding any other provi-*  
 19 *sion of law, the Secretary may operate a fish hatchery for*  
 20 *the purpose of restoring a population of fish species located*  
 21 *in the region surrounding the fish hatchery that is listed*  
 22 *as a threatened species or an endangered species under the*  
 23 *Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)*  
 24 *or a similar State law.*

1       (b) *COSTS.*—*A non-Federal entity, a Federal agency*  
2 *other than the Department of Defense, or a group of non-*  
3 *Federal entities or such Federal agencies shall be responsible*  
4 *for 100 percent of the costs associated with managing a fish*  
5 *hatchery for the purpose described in subsection (a) that*  
6 *are not authorized as of the date of enactment of this Act*  
7 *for the fish hatchery.*

8       **SEC. 153. ENVIRONMENTAL BANKS.**

9       (a) *ESTABLISHMENT.*—*Not later than 180 days after*  
10 *the date of enactment of this Act, the Chairperson of the*  
11 *Gulf Coast Ecosystem Restoration Council, with the concur-*  
12 *rence of two-thirds of the Council, shall issue such regula-*  
13 *tions as are necessary for the establishment of procedures*  
14 *and processes for the use, maintenance, and oversight of en-*  
15 *vironmental banks for purposes of mitigating adverse envi-*  
16 *ronmental impacts sustained by construction or other ac-*  
17 *tivities as required by law or regulation.*

18       (b) *REQUIREMENTS.*—*The regulations issued pursuant*  
19 *to subsection (a) shall—*

20               (1) *set forth procedures for certification of envi-*  
21 *ronmental banks, including criteria for adoption of*  
22 *an environmental banking instrument;*

23               (2) *provide a mechanism for the transfer of envi-*  
24 *ronmental credits;*

1           (3) provide for priority certification to environ-  
2           mental banks that enhance the resilience of coastal re-  
3           sources to inundation and coastal erosion, including  
4           the restoration of resources within the scope of a  
5           project authorized for construction;

6           (4) ensure certification is given only to banks  
7           with secured adequate financial assurance and appro-  
8           priate legally enforceable protection for restored lands  
9           or resources;

10          (5) stipulate conditions under which cross-cred-  
11          iting of environmental services may occur and pro-  
12          vide standards for the conversion of such crediting;

13          (6) establish performance criteria for environ-  
14          mental banks;

15          (7) establish criteria for the operation and moni-  
16          toring of environmental banks; and

17          (8) establish a framework whereby the purchase  
18          of credit from an environmental bank may be used to  
19          offset or satisfy past, current, or future adverse envi-  
20          ronmental impacts or liability under law to wetlands,  
21          water, wildlife, or other natural resources.

22          (c) *CONSIDERATION.*—In developing the regulations  
23          required under subsection (a), the Chairperson shall take  
24          into consideration habitat equivalency analysis.

1       (d) *MODIFICATIONS.*—*The Chairperson may modify or*  
 2 *update the regulations issued pursuant to this section, sub-*  
 3 *ject to appropriate consultation and public participation,*  
 4 *provided that two-thirds of the Gulf Coast Ecosystem Res-*  
 5 *toration Council approves the modification or update.*

6       (e) *DEFINITION OF ENVIRONMENTAL BANK.*—*In this*  
 7 *section, the term “environmental bank” means a project,*  
 8 *project increment, or projects for purposes of restoring, cre-*  
 9 *ating, enhancing, or preserving natural resources in a des-*  
 10 *ignated site to provide for credits to offset adverse environ-*  
 11 *mental impacts.*

12       (f) *SAVINGS CLAUSE.*—*Nothing in this section—*

13               (1) *affects the requirements of section 906 of the*  
 14 *Water Resources Development Act of 1986 (33 U.S.C.*  
 15 *2283); or*

16               (2) *affects the obligations or requirements of any*  
 17 *Federal environmental law.*

## 18                               **TITLE II—STUDIES**

### 19 **SEC. 201. AUTHORIZATION OF PROPOSED FEASIBILITY** 20 **STUDIES.**

21       *The Secretary is authorized to conduct a feasibility*  
 22 *study for the following projects for water resources develop-*  
 23 *ment and conservation and other purposes, as identified in*  
 24 *the reports titled “Report to Congress on Future Water Re-*  
 25 *sources Development” submitted to Congress on January*

1 29, 2015, and January 29, 2016, respectively, pursuant to  
2 section 7001 of the Water Resources Reform and Develop-  
3 ment Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed  
4 by Congress:

5 (1) OUACHITA-BLACK RIVERS, ARKANSAS AND  
6 LOUISIANA.—Project for navigation, Ouachita-Black  
7 Rivers, Arkansas and Louisiana.

8 (2) CACHE CREEK SETTling BASIN, CALI-  
9 FORNIA.—Project for flood damage reduction and eco-  
10 system restoration, Cache Creek Settling Basin, Cali-  
11 fornia.

12 (3) COYOTE VALLEY DAM, CALIFORNIA.—Project  
13 for flood damage reduction, environmental restora-  
14 tion, and water supply, Coyote Valley Dam, Cali-  
15 fornia.

16 (4) DEL ROSA CHANNEL, CITY OF SAN  
17 BERNARDINO, CALIFORNIA.—Project for flood damage  
18 reduction and ecosystem restoration, Del Rosa Chan-  
19 nel, city of San Bernardino, California.

20 (5) MERCED COUNTY STREAMS, CALIFORNIA.—  
21 Project for flood damage reduction, Merced County  
22 Streams, California.

23 (6) MISSION-ZANJA CHANNEL, CITIES OF SAN  
24 BERNARDINO AND REDLANDS, CALIFORNIA.—Project  
25 for flood damage reduction and ecosystem restoration,



1      *Mission-Zanja Channel, cities of San Bernardino and*  
 2      *Redlands, California.*

3            (7)    *SOBOBA INDIAN RESERVATION, CALI-*  
 4      *FORNIA.—Project for flood damage reduction, Soboba*  
 5      *Indian Reservation, California.*

6            (8)    *INDIAN RIVER INLET, DELAWARE.—Project*  
 7      *for hurricane and storm damage reduction, Indian*  
 8      *River Inlet, Delaware.*

9            (9)    *LEWES BEACH, DELAWARE.—Project for hur-*  
 10     *ricane and storm damage reduction, Lewes Beach,*  
 11     *Delaware.*

12           (10)   *MISPILLION COMPLEX, KENT AND SUSSEX*  
 13     *COUNTIES, DELAWARE.—Project for hurricane and*  
 14     *storm damage reduction, Mispillion Complex, Kent*  
 15     *and Sussex Counties, Delaware.*

16           (11)   *DAYTONA BEACH, FLORIDA.—Project for*  
 17     *flood damage reduction, Daytona Beach, Florida.*

18           (12)   *BRUNSWICK HARBOR, GEORGIA.—Project for*  
 19     *navigation, Brunswick Harbor, Georgia.*

20           (13)   *DUBUQUE, IOWA.—Project for flood damage*  
 21     *reduction, Dubuque, Iowa.*

22           (14)   *ST. TAMMANY PARISH, LOUISIANA.—Project*  
 23     *for flood damage reduction and ecosystem restoration,*  
 24     *St. Tammany Parish, Louisiana.*

1           (15) *CATTARAUGUS CREEK, NEW YORK.—Project*  
2           *for flood damage reduction, Cattaraugus Creek, New*  
3           *York.*

4           (16) *CAYUGA INLET, ITHACA, NEW YORK.—*  
5           *Project for navigation and flood damage reduction,*  
6           *Cayuga Inlet, Ithaca, New York.*

7           (17) *DELAWARE RIVER BASIN, NEW YORK, NEW*  
8           *JERSEY, PENNSYLVANIA, AND DELAWARE.—Projects*  
9           *for flood control, Delaware River Basin, New York,*  
10          *New Jersey, Pennsylvania, and Delaware, authorized*  
11          *by section 408 of the Act of July 24, 1946 (60 Stat.*  
12          *644, chapter 596), and section 203 of the Flood Con-*  
13          *trol Act of 1962 (76 Stat. 1182), to review operations*  
14          *of the projects to enhance opportunities for ecosystem*  
15          *restoration and water supply.*

16          (18) *SILVER CREEK, HANOVER, NEW YORK.—*  
17          *Project for flood damage reduction and ecosystem res-*  
18          *toration, Silver Creek, Hanover, New York.*

19          (19) *TULSA AND WEST TULSA LEVEES, TULSA,*  
20          *OKLAHOMA.—Project for flood damage reduction,*  
21          *Tulsa and West Tulsa Levees, Tulsa, Oklahoma.*

22          (20) *STONYCREEK AND LITTLE CONEMAUGH RIV-*  
23          *ERS, PENNSYLVANIA.—Project for flood damage reduc-*  
24          *tion and recreation, Stonycreek and Little*  
25          *Conemaugh Rivers, Pennsylvania.*

1           (21) *TIOGA-HAMMOND LAKE, PENNSYLVANIA.—*  
2           *Project for ecosystem restoration, Tioga-Hammond*  
3           *Lake, Pennsylvania.*

4           (22) *BRAZOS RIVER, FORT BEND COUNTY,*  
5           *TEXAS.—Project for flood damage reduction in the vi-*  
6           *cinity of the Brazos River, Fort Bend County, Texas.*

7           (23) *CHACON CREEK, CITY OF LAREDO, TEXAS.—*  
8           *Project for flood damage reduction, ecosystem restora-*  
9           *tion, and recreation, Chacon Creek, city of Laredo,*  
10          *Texas.*

11          (24) *CORPUS CHRISTI SHIP CHANNEL, TEXAS.—*  
12          *Project for navigation, Corpus Christi Ship Channel,*  
13          *Texas.*

14          (25) *CITY OF EL PASO, TEXAS.—Project for flood*  
15          *damage reduction, city of El Paso, Texas.*

16          (26) *GULF INTRACOASTAL WATERWAY, BRAZORIA*  
17          *AND MATAGORDA COUNTIES, TEXAS.—Project for*  
18          *navigation and hurricane and storm damage reduc-*  
19          *tion, Gulf Intracoastal Waterway, Brazoria and*  
20          *Matagorda Counties, Texas.*

21          (27) *PORT OF BAY CITY, TEXAS.—Project for*  
22          *navigation, Port of Bay City, Texas.*

23          (28) *CHINCOTEAGUE ISLAND, VIRGINIA.—Project*  
24          *for hurricane and storm damage reduction, naviga-*

1        *tion, and ecosystem restoration, Chincoteague Island,*  
 2        *Virginia.*

3                (29) *BURLEY CREEK WATERSHED, KITSAP COUN-*  
 4        *TY, WASHINGTON.—Project for flood damage reduction*  
 5        *and ecosystem restoration, Burley Creek Watershed,*  
 6        *Kitsap County, Washington.*

7    **SEC. 202. EXPEDITED COMPLETION OF REPORTS FOR CER-**  
 8                **TAIN PROJECTS.**

9                (a) *FEASIBILITY REPORTS.*—*The Secretary shall expe-*  
 10        *dite the completion of a feasibility study for each of the*  
 11        *following projects, and if the Secretary determines that the*  
 12        *project is justified in a completed report, may proceed di-*  
 13        *rectly to preconstruction planning, engineering, and design*  
 14        *of the project:*

15                (1) *Project for flood risk management, Little Col-*  
 16        *orado River at Winslow, Navajo County, Arizona.*

17                (2) *Project for flood risk management, Lower*  
 18        *San Joaquin River, California. In carrying out the*  
 19        *feasibility study for the project, the Secretary shall*  
 20        *include Reclamation District 17 as part of the study.*

21                (3) *Project for flood risk management and eco-*  
 22        *system restoration, Sacramento River Flood Control*  
 23        *System, California.*

24                (4) *Project for hurricane and storm damage risk*  
 25        *reduction, Ft. Pierce, Florida.*

1           (5) *Project for flood risk management, Des*  
 2           *Moines and Raccoon Rivers, Iowa.*

3           (6) *Project for navigation, Mississippi River*  
 4           *Ship Channel, Louisiana.*

5           (7) *Project for flood risk management, North*  
 6           *Branch Ecorse Creek, Wayne County, Michigan.*

7           (8) *Project for flood risk management, Rahway*  
 8           *River Basin (Upper Basin), New Jersey.*

9           (9) *Project for navigation, Upper Ohio River,*  
 10          *Pennsylvania.*

11          (b) *POST-AUTHORIZATION CHANGE REPORTS.—The*  
 12          *Secretary shall expedite completion of a post-authorization*  
 13          *change report for each of the following projects:*

14               (1) *Project for flood risk management, Swope*  
 15               *Park Industrial Area, Kansas City, Missouri.*

16               (2) *Project for hurricane and storm damage risk*  
 17               *reduction, New Hanover County, North Carolina.*

## 18       ***TITLE III—DEAUTHORIZATIONS*** 19       ***AND RELATED PROVISIONS***

### 20       ***SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.***

21           (a) *PURPOSES.—The purposes of this section are—*

22                       (1) *to identify \$5,000,000,000 in water resources*  
 23                       *development projects authorized by Congress that are*  
 24                       *no longer viable for construction due to—*

25                               (A) *a lack of local support;*

1           (B) a lack of available Federal or non-Fed-  
2           eral resources; or

3           (C) an authorizing purpose that is no  
4           longer relevant or feasible;

5           (2) to create an expedited and definitive process  
6           for Congress to deauthorize water resources develop-  
7           ment projects that are no longer viable for construc-  
8           tion; and

9           (3) to allow the continued authorization of water  
10          resources development projects that are viable for con-  
11          struction.

12       (b) *INTERIM DEAUTHORIZATION LIST.*—

13           (1) *IN GENERAL.*—The Secretary shall develop  
14          an interim deauthorization list that identifies—

15           (A) each water resources development  
16          project, or separable element of a project, author-  
17          ized for construction before November 8, 2007,  
18          for which—

19           (i) planning, design, or construction  
20          was not initiated before the date of enact-  
21          ment of this Act; or

22           (ii) planning, design, or construction  
23          was initiated before the date of enactment of  
24          this Act, but for which no funds, Federal or  
25          non-Federal, were obligated for planning,

1           *design, or construction of the project or sep-*  
 2           *arable element of the project during the cur-*  
 3           *rent fiscal year or any of the 6 preceding*  
 4           *fiscal years; and*

5           *(B) each project or separable element identi-*  
 6           *fied and included on a list to Congress for de-*  
 7           *authorization pursuant to section 1001(b)(2) of*  
 8           *the Water Resources Development Act of 1986*  
 9           *(33 U.S.C. 579a(b)(2)).*

10          (2) *PUBLIC COMMENT AND CONSULTATION.*—

11           *(A) IN GENERAL.*—*The Secretary shall so-*  
 12           *licit comments from the public and the Gov-*  
 13           *ernors of each applicable State on the interim*  
 14           *deauthorization list developed under paragraph*  
 15           *(1).*

16           *(B) COMMENT PERIOD.*—*The public com-*  
 17           *ment period shall be 90 days.*

18          (3) *SUBMISSION TO CONGRESS; PUBLICATION.*—  
 19          *Not later than 90 days after the date of the close of*  
 20          *the comment period under paragraph (2), the Sec-*  
 21          *retary shall—*

22           *(A) submit a revised interim deauthoriza-*  
 23           *tion list to the Committee on Environment and*  
 24           *Public Works of the Senate and the Committee*

on Transportation and Infrastructure of the  
House of Representatives; and

(B) publish the revised interim deauthorization list in the Federal Register.

(c) FINAL DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).

(2) DEAUTHORIZATION AMOUNT.—

(A) PROPOSED FINAL LIST.—The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least \$5,000,000,000.

(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) IDENTIFICATION OF PROJECTS.—

(A) SEQUENCING OF PROJECTS.—



1                   (i) *IN GENERAL.*—*The Secretary shall*  
2                   *identify projects and separable elements of*  
3                   *projects for inclusion on the proposed final*  
4                   *deauthorization list according to the order*  
5                   *in which the projects and separable elements*  
6                   *of the projects were authorized, beginning*  
7                   *with the earliest authorized projects and*  
8                   *separable elements of projects and ending*  
9                   *with the latest project or separable element*  
10                  *of a project necessary to meet the aggregate*  
11                  *amount under paragraph (2).*

12                  (ii) *FACTORS TO CONSIDER.*—*The Sec-*  
13                  *retary may identify projects and separable*  
14                  *elements of projects in an order other than*  
15                  *that established by clause (i) if the Sec-*  
16                  *retary determines, on a case-by-case basis,*  
17                  *that a project or separable element of a*  
18                  *project is critical for interests of the United*  
19                  *States, based on the possible impact of the*  
20                  *project or separable element of the project*  
21                  *on public health and safety, the national*  
22                  *economy, or the environment.*

23                  (iii) *CONSIDERATION OF PUBLIC COM-*  
24                  *MENTS.*—*In making determinations under*

1                   *clause (ii), the Secretary shall consider any*  
 2                   *comments received under subsection (b)(3).*

3                   *(B) APPENDIX.—The Secretary shall in-*  
 4                   *clude as part of the proposed final deauthoriza-*  
 5                   *tion list an appendix that—*

6                   *(i) identifies each project or separable*  
 7                   *element of a project on the interim de-*  
 8                   *authorization list developed under sub-*  
 9                   *section (b) that is not included on the pro-*  
 10                   *posed final deauthorization list; and*

11                   *(ii) describes the reasons why the*  
 12                   *project or separable element is not included*  
 13                   *on the proposed final list.*

14                   *(4) PUBLIC COMMENT AND CONSULTATION.—*

15                   *(A) IN GENERAL.—The Secretary shall so-*  
 16                   *licit comments from the public and the Governor*  
 17                   *of each applicable State on the proposed final de-*  
 18                   *authorization list and appendix developed under*  
 19                   *paragraphs (2) and (3).*

20                   *(B) COMMENT PERIOD.—The public com-*  
 21                   *ment period shall be 90 days.*

22                   *(5) SUBMISSION OF FINAL LIST TO CONGRESS;*  
 23                   *PUBLICATION.—Not later than 120 days after the date*  
 24                   *of the close of the comment period under paragraph*  
 25                   *(4), the Secretary shall—*

1           (A) submit a final deauthorization list and  
2           an appendix to the final deauthorization list in  
3           a report to the Committee on Environment and  
4           Public Works of the Senate and the Committee  
5           on Transportation and Infrastructure of the  
6           House of Representatives; and

7           (B) publish the final deauthorization list  
8           and the appendix to the final deauthorization  
9           list in the Federal Register.

10       (d) *DEAUTHORIZATION; CONGRESSIONAL REVIEW.*—

11           (1) *IN GENERAL.*—After the expiration of the  
12           180-day period beginning on the date of submission  
13           of the final deauthorization list and appendix under  
14           subsection (c), a project or separable element of a  
15           project identified in the final deauthorization list is  
16           hereby deauthorized, unless Congress passes a joint  
17           resolution disapproving the final deauthorization list  
18           prior to the end of such period.

19           (2) *NON-FEDERAL CONTRIBUTIONS.*—

20           (A) *IN GENERAL.*—A project or separable  
21           element of a project identified in the final de-  
22           authorization list under subsection (c) shall not  
23           be deauthorized under this subsection if, before  
24           the expiration of the 180-day period referred to  
25           in paragraph (1), the non-Federal interest for

1           *the project or separable element of the project*  
 2           *provides sufficient funds to complete the project*  
 3           *or separable element of the project.*

4           (B) *TREATMENT OF PROJECTS.*—*Notwith-*  
 5           *standing subparagraph (A), each project and*  
 6           *separable element of a project identified in the*  
 7           *final deauthorization list shall be treated as de-*  
 8           *authorized for purposes of the aggregate de-*  
 9           *authorization amount specified in subsection*  
 10          *(c)(2).*

11          (3) *PROJECTS IDENTIFIED IN APPENDIX.*—*A*  
 12          *project or separable element of a project identified in*  
 13          *the appendix to the final deauthorization list shall re-*  
 14          *main subject to future deauthorization by Congress.*

15          (e) *SPECIAL RULE FOR PROJECTS RECEIVING FUNDS*  
 16          *FOR POST-AUTHORIZATION STUDY.*—*A project or separable*  
 17          *element of a project may not be identified on the interim*  
 18          *deauthorization list developed under subsection (b), or the*  
 19          *final deauthorization list developed under subsection (c), if*  
 20          *the project or separable element received funding for a post-*  
 21          *authorization study during the current fiscal year or any*  
 22          *of the 6 preceding fiscal years.*

23          (f) *GENERAL PROVISIONS.*—

24                (1) *DEFINITIONS.*—*In this section, the following*  
 25          *definitions apply:*

1                   (A) *POST-AUTHORIZATION STUDY.*—*The*  
 2                   *term “post-authorization study” means—*

3                   *(i) a feasibility report developed under*  
 4                   *section 905 of the Water Resources Develop-*  
 5                   *ment Act of 1986 (33 U.S.C. 2282);*

6                   *(ii) a feasibility study, as defined in*  
 7                   *section 105(d) of the Water Resources Devel-*  
 8                   *opment Act of 1986 (33 U.S.C. 2215(d)); or*

9                   *(iii) a review conducted under section*  
 10                  *216 of the Flood Control Act of 1970 (33*  
 11                  *U.S.C. 549a), including an initial ap-*  
 12                  *praisal that—*

13                  *(I) demonstrates a Federal inter-*  
 14                  *est; and*

15                  *(II) requires additional analysis*  
 16                  *for the project or separable element.*

17                  (B) *WATER RESOURCES DEVELOPMENT*  
 18                  *PROJECT.*—*The term “water resources develop-*  
 19                  *ment project” includes an environmental infra-*  
 20                  *structure assistance project or program of the*  
 21                  *Corps of Engineers.*

22                  (2) *TREATMENT OF PROJECT MODIFICATIONS.*—  
 23                  *For purposes of this section, if an authorized water*  
 24                  *resources development project or separable element of*  
 25                  *the project has been modified by an Act of Congress,*

1        *the date of the authorization of the project or sepa-*  
 2        *rate element shall be deemed to be the date of the*  
 3        *most recent such modification.*

4    **SEC. 302. VALDEZ, ALASKA.**

5        *(a) IN GENERAL.—Subject to subsection (b), the por-*  
 6        *tion of the project for navigation, Valdez, Alaska, identified*  
 7        *as Tract G, Harbor Subdivision, shall not be subject to*  
 8        *navigational servitude beginning on the date of enactment*  
 9        *of this Act.*

10       *(b) ENTRY BY FEDERAL GOVERNMENT.—The Federal*  
 11       *Government may enter upon the property referred to in sub-*  
 12       *section (a) to carry out any required operation and mainte-*  
 13       *nance of the general navigation features of the project re-*  
 14       *ferred to in subsection (a).*

15    **SEC. 303. LOS ANGELES COUNTY DRAINAGE AREA, LOS AN-**  
 16       **GELES COUNTY, CALIFORNIA.**

17       *(a) IN GENERAL.—The Secretary shall—*

18           *(1) prioritize the updating of the Water Control*  
 19        *Manuals for control structures in the Los Angeles*  
 20        *County Drainage Area, Los Angeles County, Cali-*  
 21        *fornia, authorized by section 101(b) of the Water Re-*  
 22        *sources Development Act of 1990 (Public Law 101–*  
 23        *640; 104 Stat. 4611); and*

1           (2) *integrate and incorporate into the project*  
 2           *seasonal operations for water conservation and water*  
 3           *supply.*

4           (b) *PARTICIPATION.*—*The update referred to in sub-*  
 5           *section (a) shall be done in coordination with all appro-*  
 6           *priate Federal agencies, elected officials, and members of*  
 7           *the public.*

8   **SEC. 304. SUTTER BASIN, CALIFORNIA.**

9           (a) *IN GENERAL.*—*The separable element constituting*  
 10          *the locally preferred plan increment reflected in the report*  
 11          *of the Chief of Engineers dated March 12, 2014, and author-*  
 12          *ized for construction in item 8 of the table contained in*  
 13          *section 7002(2) of the Water Resources Reform and Develop-*  
 14          *ment Act of 2014 (Public Law 113–121; 128 Stat. 1366)*  
 15          *is no longer authorized beginning on the date of enactment*  
 16          *of this Act.*

17          (b) *SAVINGS PROVISIONS.*—*The deauthorization under*  
 18          *subsection (a) does not affect—*

19               (1) *the national economic development plan sep-*  
 20               *arable element reflected in the report of the Chief of*  
 21               *Engineers dated March 12, 2014, and authorized for*  
 22               *construction in item 8 of the table contained in sec-*  
 23               *tion 7002(2) of the Water Resources Reform and De-*  
 24               *velopment Act of 2014 (Public Law 113–121; 128*  
 25               *Stat. 1366); or*

1           (2) *previous authorizations providing for the*  
 2           *Sacramento River and major and minor tributaries*  
 3           *project, including—*

4                     (A) *section 2 of the Act of March 1, 1917*  
 5                     *(39 Stat. 949, chapter 144);*

6                     (B) *section 12 of the Act of December 22,*  
 7                     *1944 (58 Stat. 900, chapter 665);*

8                     (C) *section 204 of the Flood Control Act of*  
 9                     *1950 (64 Stat. 177, chapter 188); and*

10                    (D) *any other Acts relating to the author-*  
 11                    *ization for the Sacramento River and major and*  
 12                    *minor tributaries project along the Feather River*  
 13                    *right bank between levee stationing 1483+33*  
 14                    *and levee stationing 2368+00.*

15 **SEC. 305. ESSEX RIVER, MASSACHUSETTS.**

16           (a) *DEAUTHORIZATION.—The portions of the project*  
 17           *for navigation, Essex River, Massachusetts, authorized by*  
 18           *the Act of July 13, 1892 (27 Stat. 88, chapter 158), and*  
 19           *modified by the Act of March 3, 1899 (30 Stat. 1121, chap-*  
 20           *ter 425), and the Act of March 2, 1907 (34 Stat. 1073, chap-*  
 21           *ter 2509), that do not lie within the areas described in sub-*  
 22           *section (b) are no longer authorized beginning on the date*  
 23           *of enactment of this Act.*

24           (b) *DESCRIPTION OF PROJECT AREAS.—The areas de-*  
 25           *scribed in this subsection are as follows: Beginning at a*



1 point N3056139.82 E851780.21, thence southwesterly about  
 2 156.88 feet to a point N3055997.75 E851713.67; thence  
 3 southwesterly about 64.59 feet to a point N3055959.37  
 4 E851661.72; thence southwesterly about 145.14 feet to a  
 5 point N3055887.10 E851535.85; thence southwesterly about  
 6 204.91 feet to a point N3055855.12 E851333.45; thence  
 7 northwesterly about 423.50 feet to a point N3055976.70  
 8 E850927.78; thence northwesterly about 58.77 feet to a  
 9 point N3056002.99 E850875.21; thence northwesterly about  
 10 240.57 feet to a point N3056232.82 E850804.14; thence  
 11 northwesterly about 203.60 feet to a point N3056435.41  
 12 E850783.93; thence northwesterly about 78.63 feet to a  
 13 point N3056499.63 E850738.56; thence northwesterly about  
 14 60.00 feet to a point N3056526.30 E850684.81; thence  
 15 southwesterly about 85.56 feet to a point N3056523.33  
 16 E850599.31; thence southwesterly about 36.20 feet to a  
 17 point N3056512.37 E850564.81; thence southwesterly about  
 18 80.10 feet to a point N3056467.08 E850498.74; thence  
 19 southwesterly about 169.05 feet to a point N3056334.36  
 20 E850394.03; thence northwesterly about 48.52 feet to a  
 21 point N3056354.38 E850349.83; thence northeasterly about  
 22 83.71 feet to a point N3056436.35 E850366.84; thence  
 23 northeasterly about 212.38 feet to a point N3056548.70  
 24 E850547.07; thence northeasterly about 47.60 feet to a point  
 25 N3056563.12 E850592.43; thence northeasterly about

1 101.16 feet to a point N3056566.62 E850693.53; thence  
 2 southeasterly about 80.22 feet to a point N3056530.97  
 3 E850765.40; thence southeasterly about 99.29 feet to a point  
 4 N3056449.88 E850822.69; thence southeasterly about  
 5 210.12 feet to a point N3056240.79 E850843.54; thence  
 6 southeasterly about 219.46 feet to a point N3056031.13  
 7 E850908.38; thence southeasterly about 38.23 feet to a point  
 8 N3056014.02 E850942.57; thence southeasterly about  
 9 410.93 feet to a point N3055896.06 E851336.21; thence  
 10 northeasterly about 188.43 feet to a point N3055925.46  
 11 E851522.33; thence northeasterly about 135.47 feet to a  
 12 point N3055992.91 E851639.80; thence northeasterly about  
 13 52.15 feet to a point N3056023.90 E851681.75; thence  
 14 northeasterly about 91.57 feet to a point N3056106.82  
 15 E851720.59.

16 **SEC. 306. PORT OF CASCADE LOCKS, OREGON.**

17 (a) *EXTINGUISHMENT OF PORTIONS OF EXISTING*  
 18 *FLOWAGE EASEMENT.*—With respect to the properties de-  
 19 scribed in subsection (b), beginning on the date of enact-  
 20 ment of this Act, the flowage easements described in sub-  
 21 section (c) are extinguished above elevation 82.2 feet  
 22 (NGVD29), the ordinary high water line.

23 (b) *AFFECTED PROPERTIES.*—The properties described  
 24 in this subsection, as recorded in Hood River County, Or-  
 25 egon, are as follows:

1           (1) *Lots 3, 4, 5, and 7 of the “Port of Cascade*  
 2           *Locks Business Park” subdivision, Instrument Num-*  
 3           *ber 2014–00436.*

4           (2) *Parcels 1, 2, and 3 of Hood River County*  
 5           *Partition, Plat Number 2008–25P.*

6           (c) *FLOWAGE EASEMENTS.—The flowage easements de-*  
 7           *scribed in this subsection are identified as Tracts 302E–*  
 8           *1 and 304E–1 on the easement deeds recorded as instru-*  
 9           *ments in Hood River County, Oregon, and described as fol-*  
 10          *lows:*

11           (1) *A flowage easement dated October 3, 1936,*  
 12           *recorded December 1, 1936, book 25, page 531*  
 13           *(Records of Hood River County, Oregon), in favor of*  
 14           *the United States (302E–1–Perpetual Flowage Ease-*  
 15           *ment from 10/5/37, 10/5/36, and 10/3/36; previously*  
 16           *acquired as Tracts OH–36 and OH–41 and a portion*  
 17           *of Tract OH–47).*

18           (2) *A flowage easement dated October 5, 1936,*  
 19           *recorded October 17, 1936, book 25, page 476 (Records*  
 20           *of Hood River County, Oregon), in favor of the*  
 21           *United States, affecting that portion below the 94-foot*  
 22           *contour line above main sea level (304 E1–Perpetual*  
 23           *Flowage Easement from 8/10/37 and 10/3/36; pre-*  
 24           *viously acquired as Tract OH–042 and a portion of*  
 25           *Tract OH–47).*

1       (d) *FEDERAL LIABILITIES; CULTURAL, ENVIRON-*  
 2 *MENTAL, AND OTHER REGULATORY REVIEWS.—*

3           (1) *FEDERAL LIABILITY.—The United States*  
 4 *shall not be liable for any injury caused by the extin-*  
 5 *guishment of an easement under this section.*

6           (2) *CULTURAL AND ENVIRONMENTAL REGU-*  
 7 *LATORY ACTIONS.—Nothing in this section establishes*  
 8 *any cultural or environmental regulation relating to*  
 9 *the properties described in subsection (b).*

10       (e) *EFFECT ON OTHER RIGHTS.—Nothing in this sec-*  
 11 *tion affects any remaining right or interest of the Corps*  
 12 *of Engineers in the properties described in subsection (b).*

13 **SEC. 307. CENTRAL DELAWARE RIVER, PHILADELPHIA,**  
 14 **PENNSYLVANIA.**

15       (a) *AREA TO BE DECLARED NONNAVIGABLE.—Subject*  
 16 *to subsection (c), unless the Secretary finds, after consulta-*  
 17 *tion with local and regional public officials (including local*  
 18 *and regional public planning organizations), that there are*  
 19 *substantive objections, those portions of the Delaware River,*  
 20 *bounded by the former bulkhead and pierhead lines that*  
 21 *were established by the Secretary of War and successors and*  
 22 *described as follows, are declared to be nonnavigable waters*  
 23 *of the United States:*

24           (1) *Piers 70 South through 38 South, encom-*  
 25 *passing an area bounded by the southern line of*

1        *Moore Street extended to the northern line of Cath-*  
 2        *erine Street extended, including the following piers:*  
 3        *Piers 70, 68, 67, 64, 61–63, 60, 57, 55, 53, 48, 46,*  
 4        *40, and 38.*

5            (2) *Piers 24 North through 72 North, encom-*  
 6        *passing an area bounded by the southern line of Cal-*  
 7        *lowhill Street extended to the northern line of East*  
 8        *Fletcher Street extended, including the following*  
 9        *piers: Piers 24, 25, 27–35, 35.5, 36, 37, 38, 39, 49,*  
 10        *51–52, 53–57, 58–65, 66, 67, 69, 70–72, and*  
 11        *Rivercenter.*

12        (b) *PUBLIC INTEREST DETERMINATION.*—*The Sec-*  
 13        *retary shall make the public interest determination under*  
 14        *subsection (a) separately for each proposed project to be un-*  
 15        *dertaken within the boundaries described in subsection (a),*  
 16        *using reasonable discretion, not later than 150 days after*  
 17        *the date of submission of appropriate plans for the proposed*  
 18        *project.*

19        (c) *LIMITS ON APPLICABILITY; REGULATORY RE-*  
 20        *QUIREMENTS.*—*The declaration under subsection (a) shall*  
 21        *apply only to those parts of the areas described in sub-*  
 22        *section (a) that are or will be bulkheaded and filled or other-*  
 23        *wise occupied by permanent structures, including marina*  
 24        *and recreation facilities. All such work is subject to all ap-*  
 25        *plicable Federal statutes and regulations, including sections*

1 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151, chap-  
 2 ter 425; 33 U.S.C. 401 and 403), section 404 of the Federal  
 3 Water Pollution Control Act (33 U.S.C. 1344), and the Na-  
 4 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
 5 et seq.).

6 **SEC. 308. HUNTINGDON COUNTY, PENNSYLVANIA.**

7 (a) *IN GENERAL.*—The Secretary shall—

8 (1) *prioritize the updating of the Master Plan*  
 9 *for the Juniata River and tributaries project, Hun-*  
 10 *tingdon County, Pennsylvania, authorized by section*  
 11 *203 of the Flood Control Act of 1962 (Public Law 87–*  
 12 *874; 76 Stat. 1182); and*

13 (2) *ensure that alternatives for additional recre-*  
 14 *ation access and development at the project are fully*  
 15 *assessed, evaluated, and incorporated as a part of the*  
 16 *update.*

17 (b) *PARTICIPATION.*—The update referred to in sub-  
 18 section (a) shall be done in coordination with all appro-  
 19 priate Federal agencies, elected officials, and members of  
 20 the public.

21 **SEC. 309. RIVERCENTER, PHILADELPHIA, PENNSYLVANIA.**

22 Section 38(c) of the Water Resources Development Act  
 23 of 1988 (33 U.S.C. 59j–1(c)) is amended—

1           (1) by striking “(except 30 years from such date  
2       of enactment, in the case of the area or any part  
3       thereof described in subsection (a)(5))”; and

4           (2) by adding at the end the following: “Notwith-  
5       standing the preceding sentence, the declaration of  
6       nonnavigability for the area described in subsection  
7       (a)(5), or any part thereof, shall not expire.”.

8       **SEC. 310. JOE POOL LAKE, TEXAS.**

9           *The Secretary shall accept from the Trinity River Au-*  
10       *thority of Texas, if received by September 30, 2016,*  
11       *\$31,233,401 as payment in full of amounts owed to the*  
12       *United States, including any accrued interest, for the ap-*  
13       *proximately 61,747.1 acre-feet of water supply storage space*  
14       *in Joe Pool Lake, Texas (previously known as Lakeview*  
15       *Lake), for which payment has not commenced under Article*  
16       *5.a. (relating to project investment costs) of contract num-*  
17       *ber DACW63–76–C–0106, as of the date of enactment of*  
18       *this Act.*

19       **SEC. 311. SALT CREEK, GRAHAM, TEXAS.**

20           (a) *IN GENERAL.*—*The project for flood control, envi-*  
21       *ronmental restoration, and recreation, Salt Creek, Graham,*  
22       *Texas, authorized by section 101(a)(30) of the Water Re-*  
23       *sources Development Act of 1999 (Public Law 106–53; 113*  
24       *Stat. 278), is no longer authorized as a Federal project be-*  
25       *ginning on the date of enactment of this Act.*

1       (b) *CERTAIN PROJECT-RELATED CLAIMS.*—*The non-*  
 2 *Federal interest for the project shall hold and save the*  
 3 *United States harmless from any claim that has arisen, or*  
 4 *that may arise, in connection with the project.*

5       (c) *TRANSFER.*—*The Secretary is authorized to trans-*  
 6 *fer any land acquired by the Federal Government for the*  
 7 *project on behalf of the non-Federal interest that remains*  
 8 *in Federal ownership on or after the date of enactment of*  
 9 *this Act to the non-Federal interest.*

10       (d) *REVERSION.*—*If the Secretary determines that*  
 11 *land transferred under subsection (c) ceases to be owned by*  
 12 *the public, all right, title, and interest in and to the land*  
 13 *and improvements thereon shall revert, at the discretion of*  
 14 *the Secretary, to the United States.*

15 **SEC. 312. TEXAS CITY SHIP CHANNEL, TEXAS CITY, TEXAS.**

16       (a) *IN GENERAL.*—*The portion of the Texas City Ship*  
 17 *Channel, Texas City, Texas, described in subsection (b)*  
 18 *shall not be subject to navigational servitude beginning on*  
 19 *the date of enactment of this Act.*

20       (b) *DESCRIPTION.*—*The portion of the Texas City Ship*  
 21 *Channel described in this subsection is a tract or parcel*  
 22 *containing 393.53 acres (17,142,111 square feet) of land sit-*  
 23 *uated in the City of Texas City Survey, Abstract Number*  
 24 *681, and State of Texas Submerged Lands Tracts 98A and*



1 99A, Galveston County, Texas, said 393.53 acre tract being  
 2 more particularly described as follows:

3 (1) Beginning at the intersection of an edge of  
 4 fill along Galveston Bay with the most northerly east  
 5 survey line of said City of Texas City Survey, Ab-  
 6 stract No. 681, the same being a called 375.75 acre  
 7 tract patented by the State of Texas to the City of  
 8 Texas City and recorded in Volume 1941, Page 750  
 9 of the Galveston County Deed Records (G.C.D.R.),  
 10 from which a found U.S. Army Corps of Engineers  
 11 Brass Cap stamped "R 4-3" set in the top of the  
 12 Texas City Dike along the east side of Bay Street  
 13 bears North  $56^{\circ} 14' 32''$  West, a distance of 6,045.31  
 14 feet and from which a found U.S. Army Corps of En-  
 15 gineers Brass Cap stamped "R 4-2" set in the top of  
 16 the Texas City Dike along the east side of Bay Street  
 17 bears North  $49^{\circ} 13' 20''$  West, a distance of 6,693.64  
 18 feet.

19 (2) Thence, over and across said State Tracts  
 20 98A and 99A and along the edge of fill along said  
 21 Galveston Bay, the following eight (8) courses and  
 22 distances:

23 (A) South  $75^{\circ} 49' 13''$  East, a distance of  
 24 298.08 feet to an angle point of the tract herein  
 25 described.

1                   (B) South  $81^{\circ} 16' 26''$  East, a distance of  
 2                   170.58 feet to an angle point of the tract herein  
 3                   described.

4                   (C) South  $79^{\circ} 20' 31''$  East, a distance of  
 5                   802.34 feet to an angle point of the tract herein  
 6                   described.

7                   (D) South  $75^{\circ} 57' 32''$  East, a distance of  
 8                   869.68 feet to a point for the beginning of a non-  
 9                   tangent curve to the right.

10                  (E) Easterly along said non-tangent curve  
 11                  to the right having a radius of 736.80 feet, a cen-  
 12                  tral angle of  $24^{\circ} 55' 59''$ , a chord of South  $68^{\circ}$   
 13                   $47' 35''$  East – 318.10 feet, and an arc length of  
 14                  320.63 feet to a point for the beginning of a non-  
 15                  tangent curve to the left.

16                  (F) Easterly along said non-tangent curve  
 17                  to the left having a radius of 373.30 feet, a cen-  
 18                  tral angle of  $31^{\circ} 57' 42''$ , a chord of South  $66^{\circ}$   
 19                   $10' 42''$  East – 205.55 feet, and an arc length of  
 20                  208.24 feet to a point for the beginning of a non-  
 21                  tangent curve to the right.

22                  (G) Easterly along said non-tangent curve  
 23                  to the right having a radius of 15,450.89 feet, a  
 24                  central angle of  $02^{\circ} 04' 10''$ , a chord of South  
 25                   $81^{\circ} 56' 20''$  East – 558.04 feet, and an arc

1        *length of 558.07 feet to a point for the beginning*  
 2        *of a compound curve to the right and the north-*  
 3        *easterly corner of the tract herein described.*

4                *(H) Southerly along said compound curve*  
 5        *to the right and the easterly line of the tract*  
 6        *herein described, having a radius of 1,425.00*  
 7        *feet, a central angle of 133° 08' 00", a chord of*  
 8        *South 14° 20' 15" East – 2,614.94 feet, and an*  
 9        *arc length of 3,311.15 feet to a point on a line*  
 10       *lying 125.00 feet northerly of and parallel with*  
 11       *the centerline of an existing levee for the south-*  
 12       *easterly corner of the tract herein described.*

13               *(3) Thence, continuing over and across said*  
 14       *State Tracts 98A and 99A and along lines lying*  
 15       *125.00 feet northerly of, parallel, and concentric with*  
 16       *the centerline of said existing levee, the following*  
 17       *twelve (12) courses and distances:*

18               *(A) North 78° 01' 58" West, a distance of*  
 19       *840.90 feet to an angle point of the tract herein*  
 20       *described.*

21               *(B) North 76° 58' 35" West, a distance of*  
 22       *976.66 feet to an angle point of the tract herein*  
 23       *described.*

1                   (C) North  $76^{\circ} 44' 33''$  West, a distance of  
 2                   1,757.03 feet to a point for the beginning of a  
 3                   tangent curve to the left.

4                   (D) Southwesterly, along said tangent curve  
 5                   to the left having a radius of 185.00 feet, a cen-  
 6                   tral angle of  $82^{\circ} 27' 32''$ , a chord of South  $62^{\circ}$   
 7                    $01' 41''$  West – 243.86 feet, and an arc length of  
 8                   266.25 feet to a point for the beginning of a com-  
 9                   pound curve to the left.

10                  (E) Southerly, along said compound curve  
 11                  to the left having a radius of 4,535.58 feet, a cen-  
 12                  tral angle of  $11^{\circ} 06' 58''$ , a chord of South  $15^{\circ}$   
 13                   $14' 26''$  West – 878.59 feet, and an arc length of  
 14                  879.97 feet to an angle point of the tract herein  
 15                  described.

16                  (F) South  $64^{\circ} 37' 11''$  West, a distance of  
 17                  146.03 feet to an angle point of the tract herein  
 18                  described.

19                  (G) South  $67^{\circ} 08' 21''$  West, a distance of  
 20                  194.42 feet to an angle point of the tract herein  
 21                  described.

22                  (H) North  $34^{\circ} 48' 22''$  West, a distance of  
 23                  789.69 feet to an angle point of the tract herein  
 24                  described.

1           (I) South  $42^{\circ} 47' 10''$  West, a distance of  
2           161.01 feet to an angle point of the tract herein  
3           described.

4           (J) South  $42^{\circ} 47' 10''$  West, a distance of  
5           144.66 feet to a point for the beginning of a tan-  
6           gent curve to the right.

7           (K) Westerly, along said tangent curve to  
8           the right having a radius of 310.00 feet, a cen-  
9           tral angle of  $59^{\circ} 50' 28''$ , a chord of South  $72^{\circ}$   
10           $42' 24''$  West – 309.26 feet, and an arc length of  
11          323.77 feet to an angle point of the tract herein  
12          described.

13          (L) North  $77^{\circ} 22' 21''$  West, a distance of  
14          591.41 feet to the intersection of said parallel  
15          line with the edge of fill adjacent to the easterly  
16          edge of the Texas City Turning Basin for the  
17          southwesterly corner of the tract herein described,  
18          from which a found U.S. Army Corps of Engi-  
19          neers Brass Cap stamped “SWAN 2” set in the  
20          top of a concrete column set flush in the ground  
21          along the north bank of Swan Lake bears South  
22           $20^{\circ} 51' 58''$  West, a distance of 4,862.67 feet.

23          (4) Thence, over and across said City of Texas  
24          City Survey and along the edge of fill adjacent to the

1        *easterly edge of said Texas City Turning Basin, the*  
2        *following eighteen (18) courses and distances:*

3                *(A) North 01° 34' 19" East, a distance of*  
4                *57.40 feet to an angle point of the tract herein*  
5                *described.*

6                *(B) North 05° 02' 13" West, a distance of*  
7                *161.85 feet to an angle point of the tract herein*  
8                *described.*

9                *(C) North 06° 01' 56" East, a distance of*  
10               *297.75 feet to an angle point of the tract herein*  
11               *described.*

12               *(D) North 06° 18' 07" West, a distance of*  
13               *71.33 feet to an angle point of the tract herein*  
14               *described.*

15               *(E) North 07° 21' 09" West, a distance of*  
16               *122.45 feet to an angle point of the tract herein*  
17               *described.*

18               *(F) North 26° 41' 15" West, a distance of*  
19               *46.02 feet to an angle point of the tract herein*  
20               *described.*

21               *(G) North 01° 31' 59" West, a distance of*  
22               *219.78 feet to an angle point of the tract herein*  
23               *described.*

1                   (H) North  $15^{\circ} 54' 07''$  West, a distance of  
2                   104.89 feet to an angle point of the tract herein  
3                   described.

4                   (I) North  $04^{\circ} 00' 34''$  East, a distance of  
5                   72.94 feet to an angle point of the tract herein  
6                   described.

7                   (J) North  $06^{\circ} 46' 38''$  West, a distance of  
8                   78.89 feet to an angle point of the tract herein  
9                   described.

10                  (K) North  $12^{\circ} 07' 59''$  West, a distance of  
11                  182.79 feet to an angle point of the tract herein  
12                  described.

13                  (L) North  $20^{\circ} 50' 47''$  West, a distance of  
14                  105.74 feet to an angle point of the tract herein  
15                  described.

16                  (M) North  $02^{\circ} 02' 04''$  West, a distance of  
17                  184.50 feet to an angle point of the tract herein  
18                  described.

19                  (N) North  $08^{\circ} 07' 11''$  East, a distance of  
20                  102.23 feet to an angle point of the tract herein  
21                  described.

22                  (O) North  $08^{\circ} 16' 00''$  West, a distance of  
23                  213.45 feet to an angle point of the tract herein  
24                  described.

1                   (P) North  $03^{\circ} 15' 16''$  West, a distance of  
 2                   336.45 feet to a point for the beginning of a non-  
 3                   tangent curve to the left.

4                   (Q) Northerly along said non-tangent curve  
 5                   to the left having a radius of 896.08 feet, a cen-  
 6                   tral angle of  $14^{\circ} 00' 05''$ , a chord of North  $09^{\circ}$   
 7                    $36' 03''$  West – 218.43 feet, and an arc length of  
 8                   218.97 feet to a point for the beginning of a non-  
 9                   tangent curve to the right.

10                  (R) Northerly along said non-tangent curve  
 11                  to the right having a radius of 483.33 feet, a cen-  
 12                  tral angle of  $19^{\circ} 13' 34''$ , a chord of North  $13^{\circ}$   
 13                   $52' 03''$  East – 161.43 feet, and an arc length of  
 14                  162.18 feet to a point for the northwesterly cor-  
 15                  ner of the tract herein described.

16                  (5) Thence, continuing over and across said City  
 17                  of Texas City Survey, and along the edge of fill along  
 18                  said Galveston Bay, the following fifteen (15) courses  
 19                  and distances:

20                  (A) North  $30^{\circ} 45' 02''$  East, a distance of  
 21                  189.03 feet to an angle point of the tract herein  
 22                  described.

23                  (B) North  $34^{\circ} 20' 49''$  East, a distance of  
 24                  174.16 feet to a point for the beginning of a non-  
 25                  tangent curve to the right.



1           (C) *Northeasterly along said non-tangent*  
2           *curve to the right having a radius of 202.01 feet,*  
3           *a central angle of 25° 53' 37", a chord of North*  
4           *33° 14' 58" East – 90.52 feet, and an arc length*  
5           *of 91.29 feet to a point for the beginning of a*  
6           *non-tangent curve to the left.*

7           (D) *Northeasterly along said non-tangent*  
8           *curve to the left having a radius of 463.30 feet,*  
9           *a central angle of 23° 23' 57", a chord of North*  
10          *48° 02' 53" East – 187.90 feet, and an arc*  
11          *length of 189.21 feet to a point for the beginning*  
12          *of a non-tangent curve to the right.*

13          (E) *Northeasterly along said non-tangent*  
14          *curve to the right having a radius of 768.99 feet,*  
15          *a central angle of 16° 24' 19", a chord of North*  
16          *43° 01' 40" East – 219.43 feet, and an arc*  
17          *length of 220.18 feet to an angle point of the*  
18          *tract herein described.*

19          (F) *North 38° 56' 50" East, a distance of*  
20          *126.41 feet to an angle point of the tract herein*  
21          *described.*

22          (G) *North 42° 59' 50" East, a distance of*  
23          *128.28 feet to a point for the beginning of a non-*  
24          *tangent curve to the right.*

1           (H) Northerly along said non-tangent curve  
 2           to the right having a radius of 151.96 feet, a cen-  
 3           tral angle of  $68^{\circ} 36' 31''$ , a chord of North  $57^{\circ}$   
 4            $59' 42''$  East – 171.29 feet, and an arc length of  
 5           181.96 feet to a point for the most northerly cor-  
 6           ner of the tract herein described.

7           (I) South  $77^{\circ} 14' 49''$  East, a distance of  
 8           131.60 feet to an angle point of the tract herein  
 9           described.

10          (J) South  $84^{\circ} 44' 18''$  East, a distance of  
 11          86.58 feet to an angle point of the tract herein  
 12          described.

13          (K) South  $58^{\circ} 14' 45''$  East, a distance of  
 14          69.62 feet to an angle point of the tract herein  
 15          described.

16          (L) South  $49^{\circ} 44' 51''$  East, a distance of  
 17          149.00 feet to an angle point of the tract herein  
 18          described.

19          (M) South  $44^{\circ} 47' 21''$  East, a distance of  
 20          353.77 feet to a point for the beginning of a non-  
 21          tangent curve to the left.

22          (N) Easterly along said non-tangent curve  
 23          to the left having a radius of 253.99 feet, a cen-  
 24          tral angle of  $98^{\circ} 53' 23''$ , a chord of South  $83^{\circ}$   
 25           $28' 51''$  East – 385.96 feet, and an arc length of

1           438.38 feet to an angle point of the tract herein  
2           described.

3           (O) South 75° 49' 13" East, a distance of  
4           321.52 feet to the point of beginning and con-  
5           taining 393.53 acres (17,142,111 square feet) of  
6           land.

7           **TITLE IV—WATER RESOURCES**  
8           **INFRASTRUCTURE**

9           **SEC. 401. PROJECT AUTHORIZATIONS.**

10          *The following projects for water resources development*  
11          *and conservation and other purposes, as identified in the*  
12          *reports titled “Report to Congress on Future Water Re-*  
13          *sources Development” submitted to Congress on January*  
14          *29, 2015, and January 29, 2016, respectively, pursuant to*  
15          *section 7001 of the Water Resources Reform and Develop-*  
16          *ment Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed*  
17          *by Congress, are authorized to be carried out by the Sec-*  
18          *retary substantially in accordance with the plans, and sub-*  
19          *ject to the conditions, described in the respective reports des-*  
20          *ignated in this section:*

21          (1) NAVIGATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. TX	Brazos Island Harbor	Nov. 3, 2014	Federal: \$116,116,000 Non-Federal: \$88,471,000 Total: \$204,587,000
2. LA	Calcasieu Lock	Dec. 2, 2014	Total: \$16,700,000 (to be derived $\frac{1}{2}$ from the general fund of the Treasury and $\frac{1}{2}$ from the Inland Waterways Trust Fund)
3. NH, ME	Portsmouth Harbor and Piscataqua River	Feb. 8, 2015	Federal: \$15,580,000 Non-Federal: \$5,190,000 Total: \$20,770,000
4. FL	Port Everglades	Jun. 25, 2015	Federal: \$220,200,000 Non-Federal: \$102,500,000 Total: \$322,700,000
5. AK	Little Diomedé Harbor	Aug. 10, 2015	Federal: \$26,015,000 Non-Federal: \$2,945,000 Total: \$28,960,000
6. SC	Charleston Harbor	Sep. 8, 2015	Federal: \$224,300,000 Non-Federal: \$269,000,000 Total: \$493,300,000
7. AK	Craig Harbor	March 16, 2016	Federal: \$29,062,000 Non-Federal: \$3,255,000 Total: \$32,317,000.

1 (2) FLOOD RISK MANAGEMENT.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. TX	Leon Creek Watershed	Jun. 30, 2014	Federal: \$18,314,000 Non-Federal: \$9,861,000 Total: \$28,175,000

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
2. MO, KS	<i>Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas Citys</i>	<i>Jan. 27, 2015</i>	<i>Federal: \$207,036,000 Non-Federal: \$111,481,000 Total: \$318,517,000</i>
3. KS	<i>City of Manhattan</i>	<i>Apr. 30, 2015</i>	<i>Federal: \$15,440,100 Non-Federal: \$8,313,900 Total: \$23,754,000</i>
4. TN	<i>Mill Creek</i>	<i>Oct. 16, 2015</i>	<i>Federal: \$17,759,000 Non-Federal: \$10,745,000 Total: \$28,504,000</i>
5. KS	<i>Upper Turkey Creek Basin</i>	<i>Dec. 22, 2015</i>	<i>Federal: \$24,584,000 Non-Federal: \$13,238,000 Total: \$37,822,000</i>
6. NC	<i>Princeville</i>	<i>Feb. 23, 2016</i>	<i>Federal: \$14,001,000 Non-Federal: \$7,539,000 Total: \$21,540,000</i>
7. CA	<i>American River Common Features</i>	<i>Apr. 26, 2016</i>	<i>Federal: \$876,478,000 Non-Federal: \$689,272,000 Total: \$1,565,750,000</i>
8. CA	<i>West Sacramento</i>	<i>Apr. 26, 2016</i>	<i>Federal: \$776,517,000 Non-Federal: \$414,011,000 Total: \$1,190,528,000.</i>

1                   (3) HURRICANE AND STORM DAMAGE RISK RE-  
2                   DUCTION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Initial Costs and Estimated Renourishment Costs</b>
1. SC	Colleton County	Sep. 5, 2014	Initial Federal: \$13,733,850 Initial Non-Federal: \$7,395,150 Initial Total: \$21,129,000 Renourishment Federal: \$16,371,000 Renourishment Non-Federal: \$16,371,000 Renourishment Total: \$32,742,000
2. FL	Flagler County	Dec. 23, 2014	Initial Federal: \$9,218,300 Initial Non-Federal: \$4,963,700 Initial Total: \$14,182,000 Renourishment Federal: \$15,390,000 Renourishment Non-Federal: \$15,390,000 Renourishment Total: \$30,780,000
3. NC	Carteret County	Dec. 23, 2014	Initial Federal: \$24,263,000 Initial Non-Federal: \$13,064,000 Initial Total: \$37,327,000 Renourishment Federal: \$114,728,000 Renourishment Non-Federal: \$114,728,000 Renourishment Total: \$229,456,000
4. NJ	Hereford Inlet to Cape May Inlet, Cape May County	Jan. 23, 2015	Initial Federal: \$14,040,000 Initial Non-Federal: \$7,560,000 Initial Total: \$21,600,000 Renourishment Federal: \$41,215,000 Renourishment Non-Federal: \$41,215,000 Renourishment Total: \$82,430,000
5. LA	West Shore Lake Pontchartrain	Jun. 12, 2015	Federal: \$466,760,000 Non-Federal: \$251,330,000 Total: \$718,090,000

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Initial Costs and Estimated Renourishment Costs</b>
6. CA	San Diego County	Apr. 26, 2016	Initial Federal: \$20,166,000 Initial Non-Federal: \$10,858,000 Initial Total: \$31,024,000 Renourishment Federal: \$68,215,000 Renourishment Non-Federal: \$68,215,000 Renourishment Total: \$136,430,000.

1 (4) *ECOSYSTEM RESTORATION.*—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. FL	Central Everglades	Dec. 23, 2014	Federal: \$976,375,000 Non-Federal: \$974,625,000 Total: \$1,951,000,000
2. WA	Skokomish River	Dec. 14, 2015	Federal: \$12,782,000 Non-Federal: \$6,882,000 Total: \$19,664,000.

2 (5) *FLOOD RISK MANAGEMENT AND ECOSYSTEM*  
3 *RESTORATION.*—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. IL, WI	Upper Des Plaines River and Trib- utaries	Jun. 8, 2015	Federal: \$199,393,000 Non-Federal: \$107,694,000 Total: \$307,087,000.

4 (6) *FLOOD RISK MANAGEMENT, ECOSYSTEM RES-*  
5 *TORATION, AND RECREATION.*—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. CA	South San Francisco Bay Shoreline	Dec. 18, 2015	Federal: \$69,521,000 Non-Federal: \$104,379,000 Total: \$173,900,000.

1 (7) ECOSYSTEM RESTORATION AND RECRE-  
2 ATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. OR	Willamette River	Dec. 14, 2015	Federal: \$19,143,000 Non-Federal: \$10,631,000 Total: \$29,774,000
2. CA	Los Angeles River	Dec. 18, 2015	Federal: \$375,773,000 Non-Federal: \$980,835,000 Total: \$1,356,608,000.

3 (8) DEAUTHORIZATIONS, MODIFICATIONS, AND  
4 OTHER PROJECTS.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Decision Document</b>	<b>D. Estimated Costs</b>
1. TX	Upper Trinity River	May 21, 2008	Federal: \$526,500,000 Non-Federal: \$283,500,000 Total: \$810,000,000
2. KY	Green River Locks and Dams 3, 4, 5, 6 and Barren River Lock and Dam 1 Disposition	Apr. 30, 2015	Federal: \$0 Non-Federal: \$0 Total: \$0
3. KS	Turkey Creek Basin	May 13, 2016	Federal: \$97,067,750 Non-Federal: \$55,465,250 Total: \$152,533,000



<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Decision Document</b>	<b>D. Estimated Costs</b>
4. KY	Ohio River Shore- line	May 13, 2016	Federal: \$20,309,900 Non-Federal: \$10,936,100 Total: \$31,246,000.
5. MO	Blue River Basin	May 13, 2016	Federal: \$34,860,000 Non-Federal: \$11,620,000 Total: \$46,480,000

Union Calendar No. 613

114TH CONGRESS  
2D Session

**H. R. 5303**

[Report No. 114-785]

**A BILL**

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.

SEPTEMBER 22, 2016

Reported from the Committee on Transportation and Infrastructure with an amendment

SEPTEMBER 22, 2016

The Committee on Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed