

In the Senate of the United States,

October 31, 2013.

Resolved, That the bill from the House of Representatives (H.R. 3080) entitled “An Act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCE PROJECTS

Sec. 1001. Purposes.

Sec. 1002. Project authorizations.

Sec. 1003. Project review.

Sec. 1004. Future project authorizations.

TITLE II—WATER RESOURCES POLICY REFORMS

Sec. 2001. Purposes.

Sec. 2002. Safety assurance review.

Sec. 2003. Continuing authority programs.

Sec. 2004. Continuing authority program prioritization.

Sec. 2005. Fish and wildlife mitigation.

Sec. 2006. Mitigation status report.

Sec. 2007. Independent peer review.

Sec. 2008. Operation and maintenance of navigation and hydroelectric facilities.

Sec. 2009. Hydropower at Corps of Engineers facilities.

Sec. 2010. Clarification of work-in-kind credit authority.

Sec. 2011. Transfer of excess work-in-kind credit.

Sec. 2012. Credit for in-kind contributions.

Sec. 2013. Credit in lieu of reimbursement.

Sec. 2014. Dam optimization.

Sec. 2015. Water supply.

Sec. 2016. Report on water storage pricing formulas.

Sec. 2017. Clarification of previously authorized work.

Sec. 2018. Consideration of Federal land in feasibility studies.

Sec. 2019. Planning assistance to States.

Sec. 2020. Vegetation management policy.

Sec. 2021. Levee certifications.

Sec. 2022. Restoration of flood and hurricane storm damage reduction projects.

Sec. 2023. Operation and maintenance of certain projects.

Sec. 2024. Dredging study.

Sec. 2025. Non-Federal project implementation pilot program.

Sec. 2026. Non-Federal implementation of feasibility studies.

Sec. 2027. Tribal partnership program.

Sec. 2028. Cooperative agreements with Columbia River Basin Indian tribes.

Sec. 2029. Military munitions response actions at civil works shoreline protection projects.

Sec. 2030. Beach nourishment.

Sec. 2031. Regional sediment management.

Sec. 2032. Study acceleration.

Sec. 2033. Project acceleration.

Sec. 2034. Feasibility studies.

Sec. 2035. Accounting and administrative expenses.

Sec. 2036. Determination of project completion.

Sec. 2037. Project partnership agreements.

Sec. 2038. Interagency and international support authority.

Sec. 2039. Acceptance of contributed funds to increase lock operations.

Sec. 2040. Emergency response to natural disasters.

Sec. 2041. Systemwide improvement frameworks.

Sec. 2042. Funding to process permits.

Sec. 2043. National riverbank stabilization and erosion prevention study and pilot program.

Sec. 2044. Hurricane and storm damage risk reduction prioritization.

Sec. 2045. Prioritization of ecosystem restoration efforts.

Sec. 2046. Special use permits.

Sec. 2047. Operations and maintenance on fuel taxed inland waterways.

Sec. 2048. Corrosion prevention.

Sec. 2049. Project deauthorizations.

- Sec. 2050. *Reports to Congress.*
 Sec. 2051. *Indian Self-Determination and Education Assistance Act conforming amendment.*
 Sec. 2052. *Invasive species review.*
 Sec. 2053. *Wetlands conservation study.*
 Sec. 2054. *Dam modification study.*
 Sec. 2055. *Non-Federal plans to provide additional flood risk reduction.*
 Sec. 2056. *Mississippi River forecasting improvements.*
 Sec. 2057. *Flexibility in maintaining navigation.*
 Sec. 2058. *Restricted areas at Corps of Engineers dams.*
 Sec. 2059. *Maximum cost of projects.*
 Sec. 2060. *Donald G. Waldon Lock and Dam.*
 Sec. 2061. *Improving planning and administration of water supply storage.*
 Sec. 2062. *Crediting authority for Federally authorized navigation projects.*
 Sec. 2063. *River basin commissions.*
 Sec. 2064. *Restriction on charges for certain surplus water.*

TITLE III—PROJECT MODIFICATIONS

- Sec. 3001. *Purpose.*
 Sec. 3002. *Chatfield Reservoir, Colorado.*
 Sec. 3003. *Missouri River Recovery Implementation Committee expenses reimbursement.*
 Sec. 3004. *Hurricane and storm damage reduction study.*
 Sec. 3005. *Lower Yellowstone Project, Montana.*
 Sec. 3006. *Project deauthorizations.*
 Sec. 3007. *Raritan River Basin, Green Brook Sub-basin, New Jersey.*
 Sec. 3008. *Red River Basin, Oklahoma, Texas, Arkansas, Louisiana.*
 Sec. 3009. *Point Judith Harbor of Refuge, Rhode Island.*
 Sec. 3010. *Land conveyance of Hammond Boat Basin, Warrenton, Oregon.*
 Sec. 3011. *Metro East Flood Risk Management Program, Illinois.*
 Sec. 3012. *Florida Keys water quality improvements.*
 Sec. 3013. *Des Moines Recreational River and Greenbelt, Iowa.*
 Sec. 3014. *Land conveyance, Craney Island Dredged Material Management Area, Portsmouth, Virginia.*
 Sec. 3015. *Los Angeles County Drainage Area, California.*
 Sec. 3016. *Oakland Inner Harbor Tidal Canal, California.*
 Sec. 3017. *Redesignation of Lower Mississippi River Museum and Riverfront Interpretive Site.*
 Sec. 3018. *Louisiana Coastal Area.*
 Sec. 3019. *Four Mile Run, City of Alexandria and Arlington County, Virginia.*
 Sec. 3020. *East Fork of Trinity River, Texas.*
 Sec. 3021. *Seward Waterfront, Seward, Alaska.*

TITLE IV—WATER RESOURCE STUDIES

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

TITLE V—REGIONAL AND NONPROJECT PROVISIONS

- Sec. 5001. *Purpose.*
 Sec. 5002. *Northeast Coastal Region ecosystem restoration.*
 Sec. 5003. *Chesapeake Bay Environmental Restoration and Protection Program.*

- Sec. 5004. Rio Grande environmental management program, Colorado, New Mexico, Texas.*
- Sec. 5005. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.*
- Sec. 5006. Arkansas River, Arkansas and Oklahoma.*
- Sec. 5007. Aquatic invasive species prevention and management; Columbia River Basin.*
- Sec. 5008. Upper Missouri Basin flood and drought monitoring.*
- Sec. 5009. Upper Missouri Basin shoreline erosion prevention.*
- Sec. 5010. Northern Rockies headwaters extreme weather mitigation.*
- Sec. 5011. Aquatic nuisance species prevention, Great Lakes and Mississippi River Basin.*
- Sec. 5012. Middle Mississippi River pilot program.*
- Sec. 5013. Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.*
- Sec. 5014. Chesapeake Bay oyster restoration in Virginia and Maryland.*
- Sec. 5015. Missouri River between Fort Peck Dam, Montana and Gavins Point Dam, South Dakota and Nebraska.*
- Sec. 5016. Operations and maintenance of inland Mississippi River ports.*
- Sec. 5017. Remote and subsistence harbors.*
- Sec. 5018. Multiagency effort to slow the spread of Asian carp in the Upper Mississippi River and Ohio River basins and tributaries.*
- Sec. 5019. Release of use restrictions.*
- Sec. 5020. Rights and responsibilities of Cherokee Nation of Oklahoma regarding W.D. Mayo Lock and Dam, Oklahoma.*
- Sec. 5021. Upper Mississippi River protection.*
- Sec. 5022. Arctic Deep draft port development partnerships.*
- Sec. 5023. Greater Mississippi River Basin severe flooding and drought management study.*
- Sec. 5024. Cape Arundel Disposal Site, Maine.*

TITLE VI—LEVEE SAFETY

- Sec. 6001. Short title.*
- Sec. 6002. Findings; purposes.*
- Sec. 6003. Definitions.*
- Sec. 6004. National levee safety program.*
- Sec. 6005. National levee safety advisory board.*
- Sec. 6006. Inventory and inspection of levees.*
- Sec. 6007. Reports.*
- Sec. 6008. Effect of title.*
- Sec. 6009. Authorization of appropriations.*

TITLE VII—INLAND WATERWAYS

- Sec. 7001. Purposes.*
- Sec. 7002. Definitions.*
- Sec. 7003. Project delivery process reforms.*
- Sec. 7004. Major rehabilitation standards.*
- Sec. 7005. Inland waterways system revenues.*
- Sec. 7006. Efficiency of revenue collection.*
- Sec. 7007. GAO study, Olmsted Locks and Dam, Lower Ohio River, Illinois and Kentucky.*
- Sec. 7008. Olmsted Locks and Dam, Lower Ohio River, Illinois and Kentucky.*

TITLE VIII—HARBOR MAINTENANCE

- Sec. 8001. Short title.*
- Sec. 8002. Purposes.*
- Sec. 8003. Funding for harbor maintenance programs.*
- Sec. 8004. Harbor Maintenance Trust Fund prioritization.*
- Sec. 8005. Harbor maintenance trust fund study.*

TITLE IX—DAM SAFETY

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

TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

- Sec. 10001. Short title.*
- Sec. 10002. Purposes.*
- Sec. 10003. Definitions.*
- Sec. 10004. Authority to provide assistance.*
- Sec. 10005. Applications.*
- Sec. 10006. Eligible entities.*
- Sec. 10007. Projects eligible for assistance.*
- Sec. 10008. Activities eligible for assistance.*
- Sec. 10009. Determination of eligibility and project selection.*
- Sec. 10010. Secured loans.*
- Sec. 10011. Program administration.*
- Sec. 10012. State, tribal, and local permits.*
- Sec. 10013. Regulations.*
- Sec. 10014. Funding.*
- Sec. 10015. Report to Congress.*
- Sec. 10016. Use of American iron, steel, and manufactured goods.*

TITLE XI—EXTREME WEATHER

- Sec. 11001. Definition of resilient construction technique.*
- Sec. 11002. Study on risk reduction.*
- Sec. 11003. GAO study on management of flood, drought, and storm damage.*
- Sec. 11004. Post-disaster watershed assessments.*
- Sec. 11005. Authority to accept and expend non-Federal amounts.*

TITLE XII—NATIONAL ENDOWMENT FOR THE OCEANS

- Sec. 12001. Short title.*
- Sec. 12002. Purposes.*
- Sec. 12003. Definitions.*
- Sec. 12004. National Endowment for the Oceans.*
- Sec. 12005. Eligible uses.*
- Sec. 12006. Grants.*
- Sec. 12007. Annual report.*
- Sec. 12008. Tulsa Port of Catoosa, Rogers County, Oklahoma land exchange.*

TITLE XIII—MISCELLANEOUS

Sec. 13001. Applicability of Spill Prevention, Control, and Countermeasure rule.

Sec. 13002. America the Beautiful National Parks and Federal Recreational Lands Pass program.

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

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

4 **TITLE I—WATER RESOURCE**
 5 **PROJECTS**

6 **SEC. 1001. PURPOSES.**

7 *The purposes of this title are—*

8 *(1) to authorize projects that—*

9 *(A) are the subject of a completed report of*
 10 *the Chief of Engineers containing a determina-*
 11 *tion that the relevant project—*

12 *(i) is in the Federal interest;*

13 *(ii) results in benefits that exceed the*
 14 *costs of the project;*

15 *(iii) is environmentally acceptable;*

16 *and*

17 *(iv) is technically feasible; and*

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

21 *(2) to authorize the Secretary—*

22 *(A) to review projects that require increased*
 23 *authorization; and*

1 (B) to request an increase of those author-
2 izations after—

3 (i) certifying that the increases are
4 necessary; and

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

7 **SEC. 1002. PROJECT AUTHORIZATIONS.**

8 *The Secretary is authorized to carry out projects for*
9 *water resources development, conservation, and other pur-*
10 *poses, subject to the conditions that—*

11 (1) *each project is carried out—*

12 (A) *substantially in accordance with the*
13 *plan for the project; and*

14 (B) *subject to any conditions described in*
15 *the report for the project; and*

16 (2)(A) *a Report of the Chief of Engineers has*
17 *been completed; and*

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

23 **SEC. 1003. PROJECT REVIEW.**

24 (a) *IN GENERAL.—For a project that is authorized by*
25 *Federal law as of the date of enactment of this Act, the Sec-*

1 *retary may modify the authorized project cost set under sec-*
2 *tion 902 of the Water Resources Development Act of 1986*
3 *(33 U.S.C. 2280)—*

4 *(1) by submitting the required certification and*
5 *additional information to Congress in accordance*
6 *with subsection (b); and*

7 *(2) after receiving an appropriation of funds in*
8 *accordance with subsection (b)(3)(B).*

9 *(b) REQUIREMENTS FOR SUBMISSION.—*

10 *(1) CERTIFICATION.—The certification to Con-*
11 *gress under subsection (a) shall include a certification*
12 *by the Secretary that—*

13 *(A) expenditures above the authorized cost*
14 *of the project are necessary to protect life and*
15 *safety or property, maintain critical navigation*
16 *routes, or restore ecosystems;*

17 *(B) the project continues to provide benefits*
18 *identified in the report of the Chief of Engineers*
19 *for the project; and*

20 *(C) for projects under construction—*

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

1 (ii) the amount requested for the
2 project in the budget of the President or in-
3 cluded in a work plan for the expenditure
4 of funds for the fiscal year during which the
5 certification is submitted will exceed the au-
6 thorized cost of the project.

7 (2) *ADDITIONAL INFORMATION.*—The informa-
8 tion provided to Congress about the project under sub-
9 section (a) shall include, at a minimum—

10 (A) a comprehensive review of the project
11 costs and reasons for exceeding the authorized
12 limits set under section 902 of the Water Re-
13 sources Development Act of 1986 (33 U.S.C.
14 2280);

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

17 (C) the revised cost estimate level for com-
18 pleting the project.

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

22 (A) a certification and required informa-
23 tion is submitted to Congress under subsection
24 (b); and

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

4 (c) *DE MINIMIS AMOUNTS.*—If the cost to complete
5 construction of an authorized water resources project would
6 exceed the limitations on the maximum cost of the project
7 under section 902 of the Water Resources Development Act
8 of 1986 (33 U.S.C. 2280), the Secretary may complete con-
9 struction of the project, notwithstanding the limitations im-
10 posed by that section if—

11 (1) construction of the project is at least 70 per-
12 cent complete at the time the cost of the project is pro-
13 jected to exceed the limitations; and

14 (2) the Federal cost to complete construction is
15 less than \$5,000,000.

16 (d) *TERMINATION OF EFFECTIVENESS.*—The authority
17 of the Secretary under this section terminates on the date
18 that is 3 years after the date of enactment of this Act.

19 **SEC. 1004. FUTURE PROJECT AUTHORIZATIONS.**

20 (a) *POLICY.*—The benefits of water resource projects
21 designed and carried out in an economically justifiable, en-
22 vironmentally acceptable, and technically sound manner
23 are important to the economy and environment of the
24 United States and recommendations to Congress regarding

1 *those projects should be expedited for approval in a timely*
2 *manner.*

3 (b) *APPLICABILITY.*—*The procedures under this section*
4 *apply to projects for water resources development, conserva-*
5 *tion, and other purposes, subject to the conditions that—*

6 (1) *each project is carried out—*

7 (A) *substantially in accordance with the*
8 *plan identified in the report of the Chief of Engi-*
9 *neers for the project; and*

10 (B) *subject to any conditions described in*
11 *the report for the project; and*

12 (2)(A) *a report of the Chief of Engineers has*
13 *been completed; and*

14 (B) *after the date of enactment of this Act, the*
15 *Assistant Secretary of the Army for Civil Works has*
16 *submitted to Congress a recommendation to authorize*
17 *construction of the project.*

18 (c) *EXPEDITED CONSIDERATION.*—

19 (1) *IN GENERAL.*—*A bill shall be eligible for ex-*
20 *pedited consideration in accordance with this sub-*
21 *section if the bill—*

22 (A) *authorizes a project that meets the re-*
23 *quirements described in subsection (b); and*

24 (B) *is referred to the Committee on Envi-*
25 *ronment and Public Works of the Senate.*

1 (2) *COMMITTEE CONSIDERATION.*—

2 (A) *IN GENERAL.*—*Not later than January*
3 *31st of the second session of each Congress, the*
4 *Committee on Environment and Public Works of*
5 *the Senate shall—*

6 (i) *report all bills that meet the re-*
7 *quirements of paragraph (1); or*

8 (ii) *introduce and report a measure to*
9 *authorize any project that meets the require-*
10 *ments described in subsection (b).*

11 (B) *FAILURE TO ACT.*—*Subject to subpara-*
12 *graph (C), if the Committee fails to act on a bill*
13 *that meets the requirements of paragraph (1) by*
14 *the date specified in subparagraph (A), the bill*
15 *shall be discharged from the Committee and*
16 *placed on the calendar of the Senate.*

17 (C) *EXCEPTIONS.*—*Subparagraph (B) shall*
18 *not apply if—*

19 (i) *in the 180-day period immediately*
20 *preceding the date specified in subpara-*
21 *graph (A), the full Committee holds a legis-*
22 *lative hearing on a bill to authorize all*
23 *projects that meet the requirements de-*
24 *scribed in subsection (b);*

1 (ii)(I) the Committee favorably reports
2 a bill to authorize all projects that meet the
3 requirements described in subsection (b);
4 and

5 (II) the bill described in subclause (I)
6 is placed on the calendar of the Senate; or

7 (iii) a bill that meets the requirements
8 of paragraph (1) is referred to the Com-
9 mittee not earlier than 30 days before the
10 date specified in subparagraph (A).

11 (d) *TERMINATION.*—The procedures for expedited con-
12 sideration under this section terminate on December 31,
13 2018.

14 **TITLE II—WATER RESOURCES** 15 **POLICY REFORMS**

16 **SEC. 2001. PURPOSES.**

17 *The purposes of this title are—*

18 (1) to reform the implementation of water re-
19 sources projects by the Corps of Engineers;

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

22 (3) to implement reforms, including—

23 (A) enhancing the ability of local sponsors
24 to partner with the Corps of Engineers by ensur-
25 ing the eligibility of the local sponsors to receive

1 *and apply credit for work carried out by the*
2 *sponsors and increasing the role of sponsors in*
3 *carrying out Corps of Engineers projects;*

4 *(B) ensuring continuing authority pro-*
5 *grams can continue to meet important needs;*

6 *(C) encouraging the continuation of efforts*
7 *to modernize feasibility studies and establish tar-*
8 *gets for expedited completion of feasibility stud-*
9 *ies;*

10 *(D) seeking efficiencies in the management*
11 *of dams and related infrastructure to reduce en-*
12 *vironmental impacts while maximizing other*
13 *benefits and project purposes, such as flood con-*
14 *trol, navigation, water supply, and hydropower;*

15 *(E) clarifying mitigation requirements for*
16 *Corps of Engineers projects and ensuring trans-*
17 *parency in the independent external review of*
18 *those projects; and*

19 *(F) establishing an efficient and trans-*
20 *parent process for deauthorizing projects that*
21 *have failed to receive a minimum level of invest-*
22 *ment to ensure active projects can move forward*
23 *while reducing the backlog of authorized projects.*

1 **SEC. 2002. SAFETY ASSURANCE REVIEW.**

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

5 “(g) *NONAPPLICABILITY OF FACAA.—The Federal Ad-*
6 *visory Committee Act (5 U.S.C. App.) shall not apply to*
7 *a safety assurance review conducted under this section.*”.

8 **SEC. 2003. CONTINUING AUTHORITY PROGRAMS.**

9 (a) *SMALL RIVER AND HARBOR IMPROVEMENT*
10 *PROJECTS.—Section 107 of the River and Harbor Act of*
11 *1960 (33 U.S.C. 577) is amended—*

12 (1) *in subsection (a), by striking “\$35,000,000”*
13 *and inserting “\$50,000,000”; and*

14 (2) *in subsection (b), by striking “\$7,000,000”*
15 *and inserting “\$10,000,000”.*

16 (b) *SHORE DAMAGE PREVENTION OR MITIGATION.—*
17 *Section 111(c) of the River and Harbor Act of 1968 (33*
18 *U.S.C. 426i(c)) is amended by striking “\$5,000,000” and*
19 *inserting “\$10,000,000”.*

20 (c) *REGIONAL SEDIMENT MANAGEMENT.—*

21 (1) *IN GENERAL.—Section 204 of the Water Re-*
22 *sources Development Act of 1992 (33 U.S.C. 2326) is*
23 *amended—*

24 (A) *in subsection (c)(1)(C), by striking*
25 *“\$5,000,000” and inserting “\$10,000,000”; and*

1 (B) in subsection (g), by striking
2 “\$30,000,000” and inserting “\$50,000,000”.

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

6 “(c) *APPLICABILITY*.—The amendment made by sub-
7 section (a) shall not apply to any project authorized under
8 this Act if a report of the Chief of Engineers for the project
9 was completed prior to the date of enactment of this Act.”.

10 (d) *SMALL FLOOD CONTROL PROJECTS*.—Section 205
11 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amend-
12 ed in the third sentence by striking “\$7,000,000” and in-
13 serting “\$10,000,000”.

14 (e) *PROJECT MODIFICATIONS FOR IMPROVEMENT OF*
15 *ENVIRONMENT*.—Section 1135(d) of the Water Resources
16 Development Act of 1986 (33 U.S.C. 2309a(d)) is amend-
17 ed—

18 (1) in the second sentence, by striking “Not more
19 than 80 percent of the non-Federal may be” and in-
20 serting “The non-Federal share may be provided”;
21 and

22 (2) in the third sentence, by striking
23 “\$5,000,000” and inserting “\$10,000,000”.

24 (f) *AQUATIC ECOSYSTEM RESTORATION*.—Section
25 206(d) of the Water Resources Development Act of 1996 (33

1 *U.S.C. 2330(d)* is amended by striking “\$5,000,000” and
 2 inserting “\$10,000,000”.

3 (g) *FLOODPLAIN MANAGEMENT SERVICES*.—Section
 4 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a)
 5 is amended by striking “\$15,000,000” and inserting
 6 “\$50,000,000”.

7 **SEC. 2004. CONTINUING AUTHORITY PROGRAM**
 8 **PRIORITIZATION.**

9 (a) *DEFINITION OF CONTINUING AUTHORITY PRO-*
 10 *GRAM PROJECT*.—In this section, the term “continuing au-
 11 *thority program*” means 1 of the following authorities:

12 (1) Section 205 of the Flood Control Act of 1948
 13 (33 U.S.C. 701s).

14 (2) Section 111 of the River and Harbor Act of
 15 1968 (33 U.S.C. 426i).

16 (3) Section 206 of the Water Resources Develop-
 17 *ment Act of 1996* (33 U.S.C. 2330).

18 (4) Section 1135 of the Water Resources Develop-
 19 *ment Act of 1986* (33 U.S.C. 2309a).

20 (5) Section 107 of the River and Harbor Act of
 21 1960 (33 U.S.C. 577).

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

24 (b) *PRIORITIZATION*.—Not later than 1 year after the
 25 date of enactment of this Act, the Secretary shall publish

1 *in the Federal Register and on a publicly available website,*
2 *the criteria the Secretary uses for prioritizing annual fund-*
3 *ing for continuing authority program projects.*

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

10 (1) *the name and a short description of each ac-*
11 *tive continuing authority program project;*

12 (2) *the cost estimate to complete each active*
13 *project; and*

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

16 (d) *CONGRESSIONAL NOTIFICATION.*—On publication
17 in the Federal Register under subsections (b) and (c), the
18 Secretary shall submit to the Committee on Environment
19 and Public Works of the Senate and the Committee on
20 Transportation and Infrastructure of the House of Rep-
21 resentatives a copy of all information published under those
22 subsections.

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

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

1 (1) *in subsection (d)—*

2 (A) *in paragraph (1)—*

3 (i) *in the first sentence—*

4 (I) *by inserting “for damages to*
5 *ecological resources, including terres-*
6 *trial and aquatic resources, and” after*
7 *“mitigate”;*

8 (II) *by inserting “ecological re-*
9 *sources and” after “impact on”; and*

10 (III) *by inserting “without the*
11 *implementation of mitigation meas-*
12 *ures” before the period; and*

13 (ii) *by inserting before the last sentence*
14 *the following: “If the Secretary determines*
15 *that mitigation to in-kind conditions is not*
16 *possible, the Secretary shall identify in the*
17 *report the basis for that determination and*
18 *the mitigation measures that will be imple-*
19 *mented to meet the requirements of this sec-*
20 *tion and the goals of section 307(a)(1) of the*
21 *Water Resources Development Act of 1990*
22 *(33 U.S.C. 2317(a)(1)).”;*

23 (B) *in paragraph (2)—*

1 (i) in the heading, by striking “DE-
2 SIGN” and inserting “SELECTION AND DE-
3 SIGN”;

4 (ii) by inserting “select and” after
5 “shall”; and

6 (iii) by inserting “using a watershed
7 approach” after “projects”; and

8 (C) in paragraph (3)—

9 (i) in subparagraph (A), by inserting
10 “, at a minimum,” after “complies with”;

11 and

12 (ii) in subparagraph (B)—

13 (I) by striking clause (iii);

14 (II) by redesignating clauses (iv)
15 and (v) as clauses (v) and (vi), respec-
16 tively; and

17 (III) by inserting after clause (ii)
18 the following:

19 “(iii) for projects where mitigation
20 will be carried out by the Secretary—

21 “(I) a description of the land and
22 interest in land to be acquired for the
23 mitigation plan;

1 “(II) the basis for a determina-
2 tion that the land and interests are
3 available for acquisition; and

4 “(III) a determination that the
5 proposed interest sought does not ex-
6 ceed the minimum interest in land
7 necessary to meet the mitigation re-
8 quirements for the project;

9 “(iv) for projects where mitigation will
10 be carried out through a third party miti-
11 gation arrangement in accordance with sub-
12 section (i)—

13 “(I) a description of the third
14 party mitigation instrument to be
15 used; and

16 “(II) the basis for a determina-
17 tion that the mitigation instrument
18 can meet the mitigation requirements
19 for the project;”; and

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

21 “(h) PROGRAMMATIC MITIGATION PLANS.—

22 “(1) IN GENERAL.—The Secretary may develop 1
23 or more programmatic mitigation plans to address
24 the potential impacts to ecological resources, fish, and

1 *wildlife associated with existing or future water re-*
2 *sources development projects.*

3 “(2) *USE OF MITIGATION PLANS.*—*The Secretary*
4 *shall, to the maximum extent practicable, use pro-*
5 *grammatic mitigation plans developed in accordance*
6 *with this subsection to guide the development of a*
7 *mitigation plan under subsection (d).*

8 “(3) *NON-FEDERAL PLANS.*—*The Secretary shall,*
9 *to the maximum extent practicable and subject to all*
10 *conditions of this subsection, use programmatic envi-*
11 *ronmental plans developed by a State, a body politic*
12 *of the State, which derives its powers from a State*
13 *constitution, a government entity created by State*
14 *legislation, or a local government, that meet the re-*
15 *quirements of this subsection to address the potential*
16 *environmental impacts of existing or future water re-*
17 *sources development projects.*

18 “(4) *SCOPE.*—*A programmatic mitigation plan*
19 *developed by the Secretary or an entity described in*
20 *paragraph (3) to address potential impacts of existing*
21 *or future water resources development projects shall,*
22 *to the maximum extent practicable—*

23 “(A) *be developed on a regional, ecosystem,*
24 *watershed, or statewide scale;*

1 “(B) include specific goals for aquatic re-
2 source and fish and wildlife habitat restoration,
3 establishment, enhancement, or preservation;

4 “(C) identify priority areas for aquatic re-
5 source and fish and wildlife habitat protection or
6 restoration;

7 “(D) encompass multiple environmental re-
8 sources within a defined geographical area or
9 focus on a specific resource, such as aquatic re-
10 sources or wildlife habitat; and

11 “(E) address impacts from all projects in a
12 defined geographical area or focus on a specific
13 type of project.

14 “(5) CONSULTATION.—The scope of the plan
15 shall be determined by the Secretary or an entity de-
16 scribed in paragraph (3), as appropriate, in consulta-
17 tion with the agency with jurisdiction over the re-
18 sources being addressed in the environmental mitiga-
19 tion plan.

20 “(6) CONTENTS.—A programmatic environ-
21 mental mitigation plan may include—

22 “(A) an assessment of the condition of envi-
23 ronmental resources in the geographical area
24 covered by the plan, including an assessment of

1 *recent trends and any potential threats to those*
2 *resources;*

3 “(B) *an assessment of potential opportuni-*
4 *ties to improve the overall quality of environ-*
5 *mental resources in the geographical area covered*
6 *by the plan through strategic mitigation for im-*
7 *pacts of water resources development projects;*

8 “(C) *standard measures for mitigating cer-*
9 *tain types of impacts;*

10 “(D) *parameters for determining appro-*
11 *priate mitigation for certain types of impacts,*
12 *such as mitigation ratios or criteria for deter-*
13 *mining appropriate mitigation sites;*

14 “(E) *adaptive management procedures, such*
15 *as protocols that involve monitoring predicted*
16 *impacts over time and adjusting mitigation*
17 *measures in response to information gathered*
18 *through the monitoring;*

19 “(F) *acknowledgment of specific statutory*
20 *or regulatory requirements that must be satisfied*
21 *when determining appropriate mitigation for*
22 *certain types of resources; and*

23 “(G) *any offsetting benefits of self-miti-*
24 *gating projects, such as ecosystem or resource*
25 *restoration and protection.*

1 “(7) *PROCESS.—Before adopting a pro-*
2 *grammatic environmental mitigation plan for use*
3 *under this subsection, the Secretary shall—*

4 “(A) *for a plan developed by the Sec-*
5 *retary—*

6 “(i) *make a draft of the plan available*
7 *for review and comment by applicable envi-*
8 *ronmental resource agencies and the public;*
9 *and*

10 “(ii) *consider any comments received*
11 *from those agencies and the public on the*
12 *draft plan; and*

13 “(B) *for a plan developed under paragraph*
14 *(3), determine, not later than 180 days after re-*
15 *ceiving the plan, whether the plan meets the re-*
16 *quirements of paragraphs (4) through (6) and*
17 *was made available for public comment.*

18 “(8) *INTEGRATION WITH OTHER PLANS.—A pro-*
19 *grammatic environmental mitigation plan may be*
20 *integrated with other plans, including watershed*
21 *plans, ecosystem plans, species recovery plans, growth*
22 *management plans, and land use plans.*

23 “(9) *CONSIDERATION IN PROJECT DEVELOPMENT*
24 *AND PERMITTING.—If a programmatic environmental*
25 *mitigation plan has been developed under this sub-*

1 *section, any Federal agency responsible for environ-*
2 *mental reviews, permits, or approvals for a water re-*
3 *sources development project may use the recommenda-*
4 *tions in that programmatic environmental mitigation*
5 *plan when carrying out the responsibilities of the*
6 *agency under the National Environmental Policy Act*
7 *of 1969 (42 U.S.C. 4321 et seq.).*

8 “(10) *PRESERVATION OF EXISTING AUTHORI-*
9 *TIES.—Nothing in this subsection limits the use of*
10 *programmatic approaches to reviews under the Na-*
11 *tional Environmental Policy Act of 1969 (42 U.S.C.*
12 *4321 et seq.).*

13 “(i) *THIRD-PARTY MITIGATION ARRANGEMENTS.—*

14 “(1) *ELIGIBLE ACTIVITIES.—In accordance with*
15 *all applicable Federal laws (including regulations),*
16 *mitigation efforts carried out under this section may*
17 *include—*

18 “(A) *participation in mitigation banking*
19 *or other third-party mitigation arrangements,*
20 *such as—*

21 “(i) *the purchase of credits from com-*
22 *mercial or State, regional, or local agency-*
23 *sponsored mitigation banks; and*

24 “(ii) *the purchase of credits from in-*
25 *lieu fee mitigation programs; and*

1 “(B) contributions to statewide and re-
2 gional efforts to conserve, restore, enhance, and
3 create natural habitats and wetlands if the Sec-
4 retary determines that the contributions will en-
5 sure that the mitigation requirements of this sec-
6 tion and the goals of section 307(a)(1) of the
7 Water Resources Development Act of 1990 (33
8 U.S.C. 2317(a)(1)) will be met.

9 “(2) *INCLUSION OF OTHER ACTIVITIES.*—The
10 banks, programs, and efforts described in paragraph
11 (1) include any banks, programs, and efforts devel-
12 oped in accordance with applicable law (including
13 regulations).

14 “(3) *TERMS AND CONDITIONS.*—In carrying out
15 natural habitat and wetlands mitigation efforts under
16 this section, contributions to the mitigation effort
17 may—

18 “(A) take place concurrent with, or in ad-
19 vance of, the commitment of funding to a project;
20 and

21 “(B) occur in advance of project construc-
22 tion only if the efforts are consistent with all ap-
23 plicable requirements of Federal law (including
24 regulations) and water resources development
25 planning processes.

1 “(4) *PREFERENCE.*—At the request of the non-
2 *Federal project sponsor, preference may be given, to*
3 *the maximum extent practicable, to mitigating an en-*
4 *vironmental impact through the use of a mitigation*
5 *bank, in-lieu fee, or other third-party mitigation ar-*
6 *rangement, if the use of credits from the mitigation*
7 *bank or in-lieu fee, or the other third-party mitiga-*
8 *tion arrangement for the project has been approved by*
9 *the applicable Federal agency.*

10 “(j) *USE OF FUNDS.*—The Secretary may use funds
11 *made available for preconstruction engineering and design*
12 *prior to authorization of project construction to satisfy*
13 *mitigation requirements through third party mechanisms*
14 *or to acquire interests in land necessary for meeting the*
15 *mitigation requirements of this section.”.*

16 “(b) *APPLICATION.*—The amendments made by sub-
17 *section (a) shall not apply to a project for which a mitiga-*
18 *tion plan has been completed as of the date of enactment*
19 *of this Act.*

20 “(c) *TECHNICAL ASSISTANCE.*—

21 “(1) *IN GENERAL.*—The Secretary may provide
22 *technical assistance to States and local governments*
23 *to establish third-party mitigation instruments, in-*
24 *cluding mitigation banks and in-lieu fee programs,*

1 *that will help to target mitigation payments to high-*
2 *priority ecosystem restoration actions.*

3 (2) *REQUIREMENTS.*—*In providing technical as-*
4 *istance under this subsection, the Secretary shall give*
5 *priority to States and local governments that have de-*
6 *veloped State, regional, or watershed-based plans*
7 *identifying priority restoration actions.*

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

14 **SEC. 2006. MITIGATION STATUS REPORT.**

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

17 (1) *by redesignating paragraph (3) as para-*
18 *graph (4); and*

19 (2) *by inserting after paragraph (2) the fol-*
20 *lowing:*

21 “(3) *INFORMATION INCLUDED.*—*In reporting the*
22 *status of all projects included in the report, the Sec-*
23 *retary shall—*

1 “(A) use a uniform methodology for deter-
2 mining the status of all projects included in the
3 report;

4 “(B) use a methodology that describes both
5 a qualitative and quantitative status for all
6 projects in the report; and

7 “(C) provide specific dates for and partici-
8 pants in the consultations required under section
9 906(d)(4)(B) of the Water Resources Develop-
10 ment Act of 1986 (33 U.S.C. 2283(d)(4)(B)).”.

11 **SEC. 2007. INDEPENDENT PEER REVIEW.**

12 (a) *TIMING OF PEER REVIEW.*—Section 2034(b) of the
13 *Water Resources Development Act of 2007 (33 U.S.C.*
14 *2343(b)) is amended—*

15 (1) *by redesignating paragraph (3) as para-*
16 *graph (4); and*

17 (2) *by inserting after paragraph (2) the fol-*
18 *lowing:*

19 “(3) *REASONS FOR TIMING.*—*If the Chief of En-*
20 *gineers does not initiate a peer review for a project*
21 *study at a time described in paragraph (2), the Chief*
22 *shall—*

23 “(A) *not later than 7 days after the date on*
24 *which the Chief of Engineers determines not to*
25 *initiate a peer review—*

1 “(i) notify the Committee on Environ-
2 ment and Public Works of the Senate and
3 the Committee on Transportation and In-
4 frastructure of the House of Representatives
5 of that decision; and

6 “(ii) make publicly available, includ-
7 ing on the Internet the reasons for not con-
8 ducting the review; and

9 “(B) include the reasons for not conducting
10 the review in the decision document for the
11 project study.”.

12 (b) *ESTABLISHMENT OF PANELS.*—Section 2034(c) of
13 *the Water Resources Development Act of 2007 (33 U.S.C.*
14 *2343(c)) is amended by striking paragraph (4) and insert-*
15 *ing the following:*

16 “(4) *CONGRESSIONAL AND PUBLIC NOTIFICA-*
17 *TION.*—Following the identification of a project study
18 *for peer review under this section, but prior to initi-*
19 *ation of the review by the panel of experts, the Chief*
20 *of Engineers shall, not later than 7 days after the*
21 *date on which the Chief of Engineers determines to*
22 *conduct a review—*

23 “(A) notify the Committee on Environment
24 and Public Works of the Senate and the Com-

1 *mittee on Transportation and Infrastructure of*
 2 *the House of Representatives of the review; and*

3 “(B) make publicly available, including on
 4 *the Internet, information on—*

5 “(i) the dates scheduled for beginning
 6 *and ending the review;*

7 “(ii) the entity that has the contract
 8 *for the review; and*

9 “(iii) the names and qualifications of
 10 *the panel of experts.”.*

11 *(c) RECOMMENDATIONS OF PANEL.—Section 2034(f) of*
 12 *the Water Resources Development Act of 2007 (33 U.S.C.*
 13 *2343(f)) is amended by striking paragraph (2) and insert-*
 14 *ing the following:*

15 “(2) *PUBLIC AVAILABILITY AND SUBMISSION TO*
 16 *CONGRESS.—After receiving a report on a project*
 17 *study from a panel of experts under this section, the*
 18 *Chief of Engineers shall make available to the public,*
 19 *including on the Internet, and submit to the Com-*
 20 *mittee on Environment and Public Works of the Sen-*
 21 *ate and the Committee on Transportation and Infra-*
 22 *structure of the House of Representatives—*

23 “(A) *a copy of the report not later than 7*
 24 *days after the date on which the report is deliv-*
 25 *ered to the Chief of Engineers; and*

1 (3) *in the second sentence, by striking “This sec-*
 2 *tion” and inserting the following:*

3 “*(b) MAJOR MAINTENANCE CONTRACTS ALLOWED.—*
 4 *This section”;*

5 (4) *in subsection (a) (as designated by para-*
 6 *graph (2)), by inserting “navigation or” before “hy-*
 7 *droelectric”;* and

8 (5) *by adding at the end the following:*

9 “*(c) EXCLUSION.—This section shall not—*

10 *“(1) apply to those navigation facilities that*
 11 *have been or are currently under contract with a non-*
 12 *Federal interest to perform operations and mainte-*
 13 *nance as of the date of enactment of the Water Re-*
 14 *sources Development Act of 2013; and*

15 *“(2) prohibit the Secretary from contracting out*
 16 *future commercial activities at those navigation fa-*
 17 *cilities.”.*

18 (b) *CLERICAL AMENDMENT.—The table of contents*
 19 *contained in section 1(b) of the Water Resources Develop-*
 20 *ment Act of 1990 (104 Stat. 4604) is amended by striking*
 21 *the item relating to section 314 and inserting the following:*

 “*Sec. 314. Operation and maintenance of navigation and hydroelectric facili-*
 ties.”.

22 **SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILI-**
 23 **TIES.**

24 (a) *FINDINGS.—Congress finds that—*

1 (1) *in April 2012, the Oak Ridge National Lab-*
2 *oratory of the Department of Energy (referred to in*
3 *this section as the “Oak Ridge Lab”)* released a report
4 *finding that adding hydroelectric power to the non-*
5 *powered dams of the United States has the potential*
6 *to add more than 12 gigawatts of new generating ca-*
7 *capacity;*

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

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

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

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

21 *(A) can be accomplished in a manner that*
22 *is consistent with authorized project purposes*
23 *and the responsibilities of the Corps of Engineers*
24 *to protect the environment; and*

1 (B) *in many instances, may have addi-*
2 *tional environmental benefits; and*

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

6 (A) *clear and consistent lines of responsi-*
7 *bility and authority within and across Corps of*
8 *Engineers districts and divisions on hydro-*
9 *electric power development activities;*

10 (B) *consistent and corresponding processes*
11 *for reviewing and approving hydroelectric power*
12 *development; and*

13 (C) *developing a means by which non-Fed-*
14 *eral hydroelectric power developers and stake-*
15 *holders can resolve disputes with the Corps of*
16 *Engineers concerning hydroelectric power devel-*
17 *opment activities at Corps of Engineers civil*
18 *works projects.*

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

21 (1) *the development of non-Federal hydroelectric*
22 *power at Corps of Engineers civil works projects, in-*
23 *cluding locks and dams, shall be given priority;*

24 (2) *Corps of Engineers approval of non-Federal*
25 *hydroelectric power at Corps of Engineers civil works*

1 *projects, including permitting required under section*
2 *14 of the Act of March 3, 1899 (33 U.S.C. 408), shall*
3 *be completed by the Corps of Engineers in a timely*
4 *and consistent manner; and*

5 *(3) approval of hydropower at Corps of Engi-*
6 *neers civil works projects shall in no way diminish*
7 *the other priorities and missions of the Corps of Engi-*
8 *neers, including authorized project purposes and habi-*
9 *tat and environmental protection.*

10 *(c) REPORT.—Not later than 1 year after the date of*
11 *enactment of this Act and each year thereafter, the Sec-*
12 *retary shall submit to the Committee on Environment and*
13 *Public Works of the Senate and the Committee on Transpor-*
14 *tation and Infrastructure of the House of Representatives*
15 *a report that, at a minimum, shall include—*

16 *(1) a description of initiatives carried out by the*
17 *Secretary to encourage the development of hydro-*
18 *electric power by non-Federal entities at Corps of En-*
19 *gineers civil works projects;*

20 *(2) a list of all new hydroelectric power activi-*
21 *ties by non-Federal entities approved at Corps of En-*
22 *gineers civil works projects in that fiscal year, includ-*
23 *ing the length of time the Secretary needed to approve*
24 *those activities;*

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

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

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

15 **SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AU-**
16 **THORITY.**

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

20 (1) in subsection (a)—

21 (A) by inserting “, on, or after” after “be-
22 fore”; and

23 (B) by inserting “, program,” after “study”
24 each place it appears;

1 (2) *in subsections (b) and (e)(1), by inserting “,*
2 *program,” after “study” each place it appears; and*
3 (3) *by striking subsection (d) and inserting the*
4 *following:*

5 “(d) *TREATMENT OF CREDIT BETWEEN PROJECTS.—*
6 *The value of any land, easements, rights-of-way, relocations,*
7 *and dredged material disposal areas and the costs of plan-*
8 *ning, design, and construction work provided by the non-*
9 *Federal interest that exceed the non-Federal cost share for*
10 *a study, program, or project under this title may be applied*
11 *toward the non-Federal cost share for any other study, pro-*
12 *gram, or project carried out under this title.”.*

13 (b) *IMPLEMENTATION.—Not later than 90 days after*
14 *the date of enactment of this Act, the Secretary, in coordina-*
15 *tion with any relevant agencies of the State of Louisiana,*
16 *shall establish a process by which to carry out the amend-*
17 *ments made by subsection (a)(3).*

18 (c) *EFFECTIVE DATE.—The amendments made by sub-*
19 *section (a) take effect on November 8, 2007.*

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

21 (a) *IN GENERAL.—Subject to subsection (b), the Sec-*
22 *retary may apply credit for in-kind contributions provided*
23 *by a non-Federal interest that is in excess of the required*
24 *non-Federal cost-share for a water resources study or project*

1 *toward the required non-Federal cost-share for a different*
2 *water resources study or project.*

3 *(b) RESTRICTIONS.—*

4 *(1) IN GENERAL.—Except for subsection*
5 *(a)(4)(D)(i) of that section, the requirements of sec-*
6 *tion 221 of the Flood Control Act of 1970 (42 U.S.C.*
7 *1962d–5b) (as amended by section 2012 of this Act)*
8 *shall apply to any credit under this section.*

9 *(2) CONDITIONS.—Credit in excess of the non-*
10 *Federal cost-share for a study or project may be ap-*
11 *proved under this section only if—*

12 *(A) the non-Federal interest submits a com-*
13 *prehensive plan to the Secretary that identifies—*

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

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

21 *(B) the Secretary approves the comprehen-*
22 *sive plan; and*

23 *(C) the total amount of credit does not ex-*
24 *ceed the total non-Federal cost-share for the stud-*

1 ies and projects in the approved comprehensive
2 plan.

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

8 (1) *help to expedite the completion of a project*
9 *or group of projects;*

10 (2) *reduce costs to the Federal Government; and*

11 (3) *aid the completion of a project that provides*
12 *significant flood risk reduction or environmental ben-*
13 *efits.*

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

17 (e) *REPORT.*—

18 (1) *DEADLINES.*—

19 (A) *IN GENERAL.*—*Not later than 2 years*
20 *after the date of enactment of this Act, and once*
21 *every 2 years thereafter, the Secretary shall sub-*
22 *mit to the Committee on Environment and Pub-*
23 *lic Works of the Senate and the Committee on*
24 *Transportation and Infrastructure of the House*

1 of Representatives an interim report on the use
2 of the authority under this section.

3 (B) *FINAL REPORT.*—Not later than 10
4 years after the date of enactment of this Act, the
5 Secretary shall submit to the Committee on En-
6 vironment and Public Works of the Senate and
7 the Committee on Transportation and Infra-
8 structure of the House of Representatives a final
9 report on the use of the authority under this sec-
10 tion.

11 (2) *INCLUSIONS.*—The reports described in para-
12 graph (1) shall include—

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

15 (B) an assessment of the impact of the au-
16 thority under this section on the time required to
17 complete projects; and

18 (C) an assessment of the impact of the au-
19 thority under this section on other water re-
20 sources projects.

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

22 (a) *IN GENERAL.*—Section 221(a)(4) of the Flood Con-
23 trol Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is amended—

24 (1) in subparagraph (A), in the matter preceding
25 clause (i) by inserting “or a project under an envi-

1 *ronmental infrastructure assistance program” after*
2 *“law”;*

3 *(2) in subparagraph (C), by striking “In any*
4 *case” and all that follows through the period at the*
5 *end and inserting the following:*

6 *“(i) CONSTRUCTION.—*

7 *“(I) IN GENERAL.—In any case*
8 *in which the non-Federal interest is to*
9 *receive credit under subparagraph (A)*
10 *for the cost of construction carried out*
11 *by the non-Federal interest before exe-*
12 *cution of a partnership agreement and*
13 *that construction has not been carried*
14 *out as of the date of enactment of this*
15 *subparagraph, the Secretary and the*
16 *non-Federal interest shall enter into an*
17 *agreement under which the non-Fed-*
18 *eral interest shall carry out such work*
19 *prior to the non-Federal interest initi-*
20 *ating construction or issuing a written*
21 *notice to proceed for the construction.*

22 *“(II) ELIGIBILITY.—Construction*
23 *that is carried out after the execution*
24 *of an agreement to carry out work de-*
25 *scribed in subclause (I) and any design*

1 *activities that are required for that*
2 *construction, even if the design activity*
3 *is carried out prior to the execution of*
4 *the agreement to carry out work, shall*
5 *be eligible for credit.*

6 “(ii) *PLANNING.—*

7 “(I) *IN GENERAL.—In any case*
8 *in which the non-Federal interest is to*
9 *receive credit under subparagraph (A)*
10 *for the cost of planning carried out by*
11 *the non-Federal interest before execu-*
12 *tion of a feasibility cost sharing agree-*
13 *ment, the Secretary and the non-Fed-*
14 *eral interest shall enter into an agree-*
15 *ment under which the non-Federal in-*
16 *terest shall carry out such work prior*
17 *to the non-Federal interest initiating*
18 *that planning.*

19 “(II) *ELIGIBILITY.—Planning*
20 *that is carried out by the non-Federal*
21 *interest after the execution of an agree-*
22 *ment to carry out work described in*
23 *subclause (I) shall be eligible for cred-*
24 *it.”;*

1 (3) in subparagraph (D)(iii), by striking “sec-
2 tions 101 and 103” and inserting “sections 101(a)(2)
3 and 103(a)(1)(A) of the Water Resources Development
4 Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C.
5 2213(a)(1)(A))”;

6 (4) by redesignating subparagraph (E) as sub-
7 paragraph (H);

8 (5) by inserting after subparagraph (D) the fol-
9 lowing:

10 “(E) ANALYSIS OF COSTS AND BENEFITS.—
11 In the evaluation of the costs and benefits of a
12 project, the Secretary shall not consider construc-
13 tion carried out by a non-Federal interest under
14 this subsection as part of the future without
15 project condition.

16 “(F) TRANSFER OF CREDIT BETWEEN SEPA-
17 RABLE ELEMENTS OF A PROJECT.—Credit for in-
18 kind contributions provided by a non-Federal in-
19 terest that are in excess of the non-Federal cost
20 share for an authorized separable element of a
21 project may be applied toward the non-Federal
22 cost share for a different authorized separable
23 element of the same project.

24 “(G) APPLICATION OF CREDIT.—To the ex-
25 tent that credit for in-kind contributions, as lim-

1 *ited by subparagraph (D), and credit for re-*
2 *quired land, easements, rights-of-way, dredged*
3 *material disposal areas, and relocations provided*
4 *by the non-Federal interest exceed the non-Fed-*
5 *eral share of the cost of construction of a project*
6 *other than a navigation project, the Secretary*
7 *shall reimburse the difference to the non-Federal*
8 *interest, subject to the availability of funds.”;*
9 *and*

10 *(6) in subparagraph (H) (as redesignated by*
11 *paragraph (4))—*

12 *(A) in clause (i), by inserting “, and to*
13 *water resources projects authorized prior to the*
14 *date of enactment of the Water Resources Devel-*
15 *opment Act of 1986 (Public Law 99–662), if cor-*
16 *rection of design deficiencies is necessary” before*
17 *the period at the end; and*

18 *(B) by striking clause (ii) and inserting the*
19 *following:*

20 *“(i) AUTHORIZATION IN AD-*
21 *DITION TO SPECIFIC CREDIT PRO-*
22 *VISION.—In any case in which a*
23 *specific provision of law author-*
24 *izes credit for in-kind contribu-*
25 *tions provided by a non-Federal*

1 *interest before the date of execu-*
2 *tion of a partnership agreement,*
3 *the Secretary may apply the au-*
4 *thority provided in this para-*
5 *graph to allow credit for in-kind*
6 *contributions provided by the*
7 *non-Federal interest on or after*
8 *the date of execution of the part-*
9 *nership agreement.”.*

10 **(b) APPLICABILITY.**—*Section 2003(e) of the Water Re-*
11 *sources Development Act of 2007 (42 U.S.C. 1962d–5b) is*
12 *amended—*

13 *(1) by inserting “, or construction of design defi-*
14 *ciency corrections on the project,” after “construction*
15 *on the project”; and*

16 *(2) by inserting “, or under which construction*
17 *of the project has not been completed and the work to*
18 *be performed by the non-Federal interests has not*
19 *been carried out and is creditable only toward any re-*
20 *maining non-Federal cost share,” after “has not been*
21 *initiated”.*

22 **(c) EFFECTIVE DATE.**—*The amendments made by sub-*
23 *sections (a) and (b) take effect on November 8, 2007.*

24 **(d) GUIDELINES.**—

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this Act, the Secretary shall
3 update any guidance or regulations for carrying out
4 section 221(a)(4) of the Flood Control Act of 1970 (42
5 U.S.C. 1962d–5b(a)(4)) (as amended by subsection
6 (a)) that are in existence on the date of enactment of
7 this Act or issue new guidelines, as determined to be
8 appropriate by the Secretary.

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

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

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

20 (C) criteria and procedures for determining
21 whether work carried out by a non-Federal inter-
22 est is integral to a project.

23 (3) *PUBLIC AND STAKEHOLDER PARTICIPA-*
24 *TION.*—Before issuing any new or revised guidance,

1 *regulations, or guidelines or any subsequent updates*
2 *to those documents, the Secretary shall—*

3 *(A) consult with affected non-Federal inter-*
4 *ests;*

5 *(B) publish the proposed guidelines devel-*
6 *oped under this subsection in the Federal Reg-*
7 *ister; and*

8 *(C) provide the public with an opportunity*
9 *to comment on the proposed guidelines.*

10 *(e) OTHER CREDIT.—Nothing in section 221(a)(4) of*
11 *the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4))*
12 *(as amended by subsection (a)) affects any eligibility for*
13 *credit under section 104 of the Water Resources Develop-*
14 *ment of 1986 (33 U.S.C. 2214) that was approved by the*
15 *Secretary prior to the date of enactment of this Act.*

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

17 *Section 211(e)(2) of the Water Resources Development*
18 *Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended by add-*
19 *ing at the end the following:*

20 “(C) *STUDIES OR OTHER PROJECTS.—On*
21 *the request of a non-Federal interest, in lieu of*
22 *reimbursing a non-Federal interest the amount*
23 *equal to the estimated Federal share of the cost*
24 *of an authorized flood damage reduction project*
25 *or a separable element of an authorized flood*

1 *damage reduction project under this subsection*
2 *that has been constructed by the non-Federal in-*
3 *terest under this section as of the date of enact-*
4 *ment of this Act, the Secretary may provide the*
5 *non-Federal interest with a credit in that*
6 *amount, which the non-Federal interest may*
7 *apply to the share of the cost of the non-Federal*
8 *interest of carrying out other flood damage re-*
9 *duction projects or studies.”.*

10 **SEC. 2014. DAM OPTIMIZATION.**

11 *(a) DEFINITION OF OTHER RELATED PROJECT BENE-*
12 *FITS.—In this section, the term “other related project bene-*
13 *fits” includes—*

14 *(1) environmental protection and restoration, in-*
15 *cluding restoration of water quality and water flows,*
16 *improving movement of fish and other aquatic spe-*
17 *cies, and restoration of floodplains, wetlands, and es-*
18 *tuaries;*

19 *(2) increased water supply storage (except for*
20 *any project in the Apalachicola-Chattahoochee-Flint*
21 *River system and the Alabama-Coosa-Tallapoosa*
22 *River system);*

23 *(3) increased hydropower generation;*

24 *(4) reduced flood risk;*

25 *(5) additional navigation; and*

1 (6) *improved recreation.*

2 (b) *PROGRAM.—*

3 (1) *IN GENERAL.—The Secretary may carry out*
4 *activities—*

5 (A) *to improve the efficiency of the oper-*
6 *ations and maintenance of dams and related in-*
7 *frastructure operated by the Corps of Engineers;*
8 *and*

9 (B) *to maximize, to the extent practicable—*

10 (i) *authorized project purposes; and*

11 (ii) *other related project benefits.*

12 (2) *ELIGIBLE ACTIVITIES.—An eligible activity*
13 *under this section is any activity that the Secretary*
14 *would otherwise be authorized to carry out that is de-*
15 *signed to provide other related project benefits in a*
16 *manner that does not adversely impact the authorized*
17 *purposes of the project.*

18 (3) *IMPACT ON AUTHORIZED PURPOSES.—An ac-*
19 *tivity carried out under this section shall not ad-*
20 *versely impact any of the authorized purposes of the*
21 *project.*

22 (4) *EFFECT.—*

23 (A) *EXISTING AGREEMENTS.—Nothing in*
24 *this section—*

1 (i) *supersedes or modifies any written*
2 *agreement between the Federal Government*
3 *and a non-Federal interest that is in effect*
4 *on the date of enactment of this Act; or*

5 (ii) *supersedes or authorizes any*
6 *amendment to a multistate water-control*
7 *plan, including the Missouri River Master*
8 *Water Control Manual (as in effect on the*
9 *date of enactment of this Act).*

10 (B) *WATER RIGHTS.—Nothing in this sec-*
11 *tion—*

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

14 (ii) *preempts or affects any State*
15 *water law or interstate compact governing*
16 *water; or*

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

21 (5) *OTHER LAWS.—*

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

1 (B) *WATER SUPPLY.*—Any activity carried
2 out under this section that results in any modi-
3 fication to water supply storage allocations at a
4 reservoir operated by the Secretary shall comply
5 with section 301 of the Water Supply Act of
6 1958 (43 U.S.C. 390b).

7 (c) *POLICIES, REGULATIONS, AND GUIDANCE.*—The
8 Secretary shall carry out a review of, and as necessary mod-
9 ify, the policies, regulations, and guidance of the Secretary
10 to carry out the activities described in subsection (b).

11 (d) *COORDINATION.*—

12 (1) *IN GENERAL.*—The Secretary shall—

13 (A) *coordinate all planning and activities*
14 *carried out under this section with appropriate*
15 *Federal, State, and local agencies and those pub-*
16 *lic and private entities that the Secretary deter-*
17 *mines may be affected by those plans or activi-*
18 *ties; and*

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

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

1 (ii) the coordination activities under
2 this subsection indicate that there is support
3 for carrying out those planning and activi-
4 ties.

5 (2) *NON-FEDERAL INTERESTS.*—Prior to car-
6 rying out an activity under this section, the Secretary
7 shall consult with any applicable non-Federal interest
8 of the affected dam or related infrastructure.

9 (e) *REPORTS.*—

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

15 (2) *INCLUSIONS.*—Each report under paragraph
16 (1) shall include—

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

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

22 (i) to carry out existing project author-
23 izations, including the deauthorization of
24 any water resource project that the Sec-

1 *retary determines could more effectively be*
2 *achieved through other means;*

3 *(ii) to improve the efficiency of water*
4 *resource project operations; and*

5 *(iii) to maximize authorized project*
6 *purposes and other related project benefits.*

7 *(3) UPDATED REPORT.—*

8 *(A) IN GENERAL.—Not later than 2 years*
9 *after the date of enactment of this Act, the Sec-*
10 *retary shall update the report entitled “Author-*
11 *ized and Operating Purposes of Corps of Engi-*
12 *neers Reservoirs” and dated July 1992, which*
13 *was produced pursuant to section 311 of the*
14 *Water Resources Development Act of 1990 (104*
15 *Stat. 4639).*

16 *(B) INCLUSIONS.—The updated report de-*
17 *scribed in subparagraph (A) shall include—*

18 *(i) the date on which the most recent*
19 *review of project operations was conducted*
20 *and any recommendations of the Secretary*
21 *relating to that review the Secretary deter-*
22 *mines to be significant; and*

23 *(ii) the dates on which the rec-*
24 *ommendations described in clause (i) were*
25 *carried out.*

1 (f) *FUNDING.*—

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

5 (A) *the general purposes and expenses ac-*
6 *count;*

7 (B) *the operations and maintenance ac-*
8 *count; and*

9 (C) *any other amounts that are appro-*
10 *priated to carry out this section.*

11 (2) *FUNDING FROM OTHER SOURCES.*—*The Sec-*
12 *retary may accept and expend amounts from non-*
13 *Federal entities and other Federal agencies to carry*
14 *out this section.*

15 (g) *COOPERATIVE AGREEMENTS.*—*The Secretary may*
16 *enter into cooperative agreements with other Federal agen-*
17 *cies and non-Federal entities to carry out this section.*

18 **SEC. 2015. WATER SUPPLY.**

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

21 “(e) *The Committees of jurisdiction are very concerned*
22 *about the operation of projects in the Apalachicola-Chat-*
23 *tahoochee-Flint River System and the Alabama-Coosa-*
24 *Tallapoosa River System, and further, the Committees of*
25 *jurisdiction recognize that this ongoing water resources dis-*

1 *pute raises serious concerns related to the authority of the*
2 *Secretary of the Army to allocate substantial storage at*
3 *projects to provide local water supply pursuant to the Water*
4 *Supply Act of 1958 absent congressional approval. Inter-*
5 *state water disputes of this nature are more properly ad-*
6 *dressed through interstate water agreements that take into*
7 *consideration the concerns of all affected States including*
8 *impacts to other authorized uses of the projects, water sup-*
9 *ply for communities and major cities in the region, water*
10 *quality, freshwater flows to communities, rivers, lakes, estu-*
11 *aries, and bays located downstream of projects, agricultural*
12 *uses, economic development, and other appropriate con-*
13 *cerns. To that end, the Committees of jurisdiction strongly*
14 *urge the Governors of the affected States to reach agreement*
15 *on an interstate water compact as soon as possible, and*
16 *we pledge our commitment to work with the affected States*
17 *to ensure prompt consideration and approval of any such*
18 *agreement. Absent such action, the Committees of jurisdic-*
19 *tion should consider appropriate legislation to address these*
20 *matters including any necessary clarifications to the Water*
21 *Supply Act of 1958 or other law. This subsection does not*
22 *alter existing rights or obligations under law.”.*

23 **SEC. 2016. REPORT ON WATER STORAGE PRICING FOR-**
24 **MULAS.**

25 (a) *FINDINGS.—Congress finds that—*

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

6 (2) *water storage pricing formulas should be eq-*
7 *uitable and not create disparities between users; and*

8 (3) *water pricing formulas should not be cost-*
9 *prohibitive for communities.*

10 (b) *ASSESSMENT.—*

11 (1) *IN GENERAL.—Not later than 180 days after*
12 *the date of enactment of this Act, the Comptroller*
13 *General of the United States shall initiate an assess-*
14 *ment of the water storage pricing formulas of the*
15 *Corps of Engineers, which shall include an assessment*
16 *of—*

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

22 (B) *whether equitable water storage pricing*
23 *formulas could lessen the disparate impact and*
24 *produce more affordable water storage for poten-*
25 *tial beneficiaries.*

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

4 **SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED**
5 **WORK.**

6 (a) *IN GENERAL.*—*The Secretary may carry out meas-*
7 *ures to improve fish species habitat within the footprint and*
8 *downstream of a water resources project constructed by the*
9 *Secretary that includes a fish hatchery if the Secretary—*

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

12 (2) *determines that the measures are—*

13 (A) *feasible;*

14 (B) *consistent with authorized project pur-*
15 *poses and the fish hatchery; and*

16 (C) *in the public interest.*

17 (b) *COST SHARING.*—

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

24 (2) *OPERATION AND MAINTENANCE.*—*The non-*
25 *Federal interest shall contribute 100 percent of the*

1 *costs of operation, maintenance, replacement, repair,*
2 *and rehabilitation of a project constructed under this*
3 *section.*

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

7 **SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASI-**
8 **BILITY STUDIES.**

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

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

14 *Section 22 of the Water Resources Development Act of*
15 *1974 (42 U.S.C. 1962d–16) is amended—*

16 *(1) in subsection (a)—*

17 *(A) in paragraph (1)—*

18 *(i) by inserting “or other stakeholder*
19 *working with a State” after “cooperate with*
20 *any State”; and*

21 *(ii) by inserting “, including plans to*
22 *comprehensively address water resources*
23 *challenges,” after “of such State”; and*

24 *(B) in paragraph (2)(A), by striking “, at*
25 *Federal expense,”;*

1 (2) *in subsection (b)—*

2 (A) *in paragraph (1), by striking “sub-*
3 *section (a)(1)” each place it appears and insert-*
4 *ing “subsection (a)”;*

5 (B) *by redesignating paragraphs (2) and*
6 *(3) as paragraphs (3) and (4), respectively; and*

7 (C) *by inserting after paragraph (1) the fol-*
8 *lowing:*

9 “(2) *CONTRIBUTED FUNDS.—The Secretary may*
10 *accept and expend funds in excess of the fees estab-*
11 *lished under paragraph (1) that are provided by a*
12 *State or other non-Federal public body for assistance*
13 *under this section.” ; and*

14 (3) *in subsection (c)—*

15 (A) *in paragraph (1)—*

16 (i) *by striking “\$10,000,000” and in-*
17 *serting “\$30,000,000”; and*

18 (ii) *by striking “\$2,000,000” and in-*
19 *serting “\$5,000,000 in Federal funds”; and*

20 (B) *in paragraph (2), by striking*
21 *“\$5,000,000” and inserting “\$15,000,000”.*

22 **SEC. 2020. VEGETATION MANAGEMENT POLICY.**

23 (a) *DEFINITION OF NATIONAL GUIDELINES.—In this*
24 *section, the term “national guidelines” means the Corps of*

1 *Engineers policy guidelines for management of vegetation*
2 *on levees, including—*

3 (1) *Engineering Technical Letter 1110–2–571*
4 *entitled “Guidelines for Landscape Planting and*
5 *Vegetation Management at Levees, Floodwalls, Em-*
6 *bankment Dams, and Appurtenant Structures” and*
7 *adopted April 10, 2009; and*

8 (2) *the draft policy guidance letter entitled*
9 *“Process for Requesting a Variance from Vegetation*
10 *Standards for Levees and Floodwalls” (77 Fed. Reg.*
11 *9637 (Feb. 17, 2012)).*

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

18 (c) *FACTORS.—*

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

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

23 (i) *to provide for levee safety with lim-*
24 *ited resources; and*

1 (ii) to ensure that levee safety invest-
2 ments minimize environmental impacts and
3 provide corresponding public safety benefits;

4 (B) the levee safety benefits that can be pro-
5 vided by woody vegetation;

6 (C) the preservation, protection, and en-
7 hancement of natural resources, including—

8 (i) the benefit of vegetation on levees in
9 providing habitat for endangered, threat-
10 ened, and candidate species; and

11 (ii) the impact of removing levee vege-
12 tation on compliance with other regulatory
13 requirements;

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

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

19 (F) the avoidance of actions requiring sig-
20 nificant economic costs and environmental im-
21 pacts; and

22 (G) other factors relating to the factors de-
23 scribed in subparagraphs (A) through (F) identi-
24 fied in public comments that the Secretary deter-
25 mines to be appropriate.

1 (2) *VARIANCE CONSIDERATIONS.*—

2 (A) *IN GENERAL.*—*In carrying out the re-*
3 *view, the Secretary shall specifically consider*
4 *whether the national guidelines can be amended*
5 *to promote and allow for consideration of*
6 *variances from national guidelines on a State-*
7 *wide, tribal, regional, or watershed basis, includ-*
8 *ing variances based on—*

9 (i) *soil conditions;*

10 (ii) *hydrologic factors;*

11 (iii) *vegetation patterns and character-*
12 *istics;*

13 (iv) *environmental resources, including*
14 *endangered, threatened, or candidate species*
15 *and related regulatory requirements;*

16 (v) *levee performance history, includ-*
17 *ing historical information on original con-*
18 *struction and subsequent operation and*
19 *maintenance activities;*

20 (vi) *any effects on water supply;*

21 (vii) *any scientific evidence on the link*
22 *between levee vegetation and levee safety;*

23 (viii) *institutional considerations, in-*
24 *cluding implementation challenges;*

1 *(ix) the availability of limited funds*
2 *for levee construction and rehabilitation;*

3 *(x) the economic and environmental*
4 *costs of removing woody vegetation on lev-*
5 *ees; and*

6 *(xi) other relevant factors identified in*
7 *public comments that the Secretary deter-*
8 *mines to be appropriate.*

9 *(B) SCOPE.—The scope of a variance ap-*
10 *proved by the Secretary may include a complete*
11 *exemption to national guidelines, as the Sec-*
12 *retary determines to be necessary.*

13 *(d) COOPERATION AND CONSULTATION; RECOMMENDA-*
14 *TIONS.—*

15 *(1) IN GENERAL.—The Secretary shall carry out*
16 *the review under this section in consultation with*
17 *other applicable Federal agencies, representatives of*
18 *State, regional, local, and tribal governments, appro-*
19 *priate nongovernmental organizations, and the pub-*
20 *lic.*

21 *(2) RECOMMENDATIONS.—The Chief of Engineers*
22 *and any State, tribal, regional, or local entity may*
23 *submit to the Secretary any recommendations for*
24 *vegetation management policies for levees that con-*
25 *form with Federal and State laws, including rec-*

1 *ommendations relating to the review of national*
2 *guidelines under subsection (b) and the consideration*
3 *of variances under subsection (c)(2).*

4 *(e) PEER REVIEW.—*

5 *(1) IN GENERAL.—As part of the review, the Sec-*
6 *retary shall solicit and consider the views of the Na-*
7 *tional Academy of Engineering and the National*
8 *Academy of Sciences on the engineering, environ-*
9 *mental, and institutional considerations underlying*
10 *the national guidelines, including the factors de-*
11 *scribed in subsection (c) and any information ob-*
12 *tained by the Secretary under subsection (d).*

13 *(2) AVAILABILITY OF VIEWS.—The views of the*
14 *National Academy of Engineering and the National*
15 *Academy of Sciences obtained under paragraph (1)*
16 *shall be—*

17 *(A) made available to the public; and*

18 *(B) included in supporting materials issued*
19 *in connection with the revised national guide-*
20 *lines required under subsection (f).*

21 *(f) REVISION OF NATIONAL GUIDELINES.—*

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

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

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

6 (ii) the results of the peer review con-
7 ducted under subsection (e); and

8 (B) submit to Congress a report that con-
9 tains a summary of the activities of the Sec-
10 retary and a description of the findings of the
11 Secretary under this section.

12 (2) *CONTENT; INCORPORATION INTO MANUAL.*—

13 *The revised national guidelines shall—*

14 (A) provide a practical, flexible process for
15 approving Statewide, tribal, regional, or water-
16 shed variances from the national guidelines
17 that—

18 (i) reflect due consideration of the fac-
19 tors described in subsection (c); and

20 (ii) incorporate State, tribal, and re-
21 gional vegetation management guidelines
22 for specific areas that have been adopted
23 through a formal public process; and

24 (B) be incorporated into the manual pro-
25 posed under section 5(c) of the Act entitled “An

1 *Act authorizing the construction of certain pub-*
2 *lic works on rivers and harbors for flood control,*
3 *and for other purposes”, approved August 18,*
4 *1941 (33 U.S.C. 701n(c)).*

5 (3) *FAILURE TO MEET DEADLINES.*—*If the Sec-*
6 *retary fails to submit a report by the required dead-*
7 *line under this subsection, the Secretary shall submit*
8 *to the Committee on Environment and Public Works*
9 *of the Senate and the Committee on Transportation*
10 *and Infrastructure of the House of Representatives a*
11 *detailed explanation of—*

12 (A) *why the deadline was missed;*

13 (B) *solutions needed to meet the deadline;*
14 *and*

15 (C) *a projected date for submission of the*
16 *report.*

17 (g) *CONTINUATION OF WORK.*—*Concurrent with the*
18 *completion of the requirements of this section, the Secretary*
19 *shall proceed without interruption or delay with those ongo-*
20 *ing or programmed projects and studies, or elements of*
21 *projects or studies, that are not directly related to vegetation*
22 *variance policy.*

23 (h) *INTERIM ACTIONS.*—

24 (1) *IN GENERAL.*—*Until the date on which revi-*
25 *sions to the national guidelines are adopted in ac-*

1 *cordance with subsection (f), the Secretary shall not*
2 *require the removal of existing vegetation as a condi-*
3 *tion or requirement for any approval or funding of*
4 *a project, or any other action, unless the specific vege-*
5 *tation has been demonstrated to present an unaccept-*
6 *able safety risk.*

7 (2) *REVISIONS.—Beginning on the date on which*
8 *the revisions to the national guidelines are adopted in*
9 *accordance with subsection (f), the Secretary shall*
10 *consider, on request of an affected entity, any pre-*
11 *vious action of the Corps of Engineers in which the*
12 *outcome was affected by the former national guide-*
13 *lines.*

14 **SEC. 2021. LEVEE CERTIFICATIONS.**

15 (a) *IMPLEMENTATION OF FLOOD PROTECTION STRUC-*
16 *TURE ACCREDITATION TASK FORCE.—In carrying out sec-*
17 *tion 100226 of the Biggert-Waters Flood Insurance Reform*
18 *Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942), the Sec-*
19 *retary shall—*

20 (1) *ensure that at least 1 program activity car-*
21 *ried out under the inspection of completed works pro-*
22 *gram of the Corps of Engineers provides adequate in-*
23 *formation to the Secretary to reach a levee accredita-*
24 *tion decision for each requirement under section 65.10*

1 of title 44, Code of Federal Regulations (or successor
2 regulation); and

3 (2) to the maximum extent practicable, carry out
4 activities under the inspection of completed works
5 program of the Corps of Engineers in alignment with
6 the schedule established for the national flood insur-
7 ance program established under chapter 1 of the Na-
8 tional Flood Insurance Act of 1968 (42 U.S.C. 4011
9 et seq.).

10 (b) ACCELERATED LEVEE SYSTEM EVALUATIONS AND
11 CERTIFICATIONS.—

12 (1) IN GENERAL.—On receipt of a request from
13 a non-Federal interest, the Secretary may carry out
14 a levee system evaluation and certification of a feder-
15 ally authorized levee for purposes of the national flood
16 insurance program established under chapter 1 of the
17 National Flood Insurance Act of 1968 (42 U.S.C.
18 4011 et seq.) if the evaluation and certification will
19 be carried out earlier than such an evaluation and
20 certification would be carried out under subsection
21 (a).

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

24 (A) at a minimum, comply with section
25 65.10 of title 44, Code of Federal Regulations (as

1 *in effect on the date of enactment of this Act);*
2 *and*

3 *(B) be carried out in accordance with such*
4 *procedures as the Secretary, in consultation with*
5 *the Director of the Federal Emergency Manage-*
6 *ment Agency, may establish.*

7 (3) *COST SHARING.—*

8 *(A) NON-FEDERAL SHARE.—Subject to sub-*
9 *paragraph (B), the non-Federal share of the cost*
10 *of carrying out a levee system evaluation and*
11 *certification under this subsection shall be 35*
12 *percent.*

13 *(B) ADJUSTMENT.—The Secretary shall ad-*
14 *just the non-Federal share of the cost of carrying*
15 *out a levee system evaluation and certification*
16 *under this subsection in accordance with section*
17 *103(m) of the Water Resources Development Act*
18 *of 1986 (33 U.S.C. 2213(m)).*

19 (4) *APPLICATION.—Nothing in this subsection af-*
20 *fects the requirement under section 100226(b)(2) of*
21 *the Biggert-Waters Flood Insurance Reform Act of*
22 *2012 (42 U.S.C. 4101 note; 126 Stat. 942).*

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

3 (a) *IN GENERAL.*—*The Secretary shall carry out any*
4 *measures necessary to repair or restore federally authorized*
5 *flood and hurricane and storm damage reduction projects*
6 *constructed by the Corps of Engineers to authorized levels*
7 *(as of the date of enactment of this Act) of protection for*
8 *reasons including settlement, subsidence, sea level rise, and*
9 *new datum, if the Secretary determines the necessary work*
10 *is technically feasible, environmentally acceptable, and eco-*
11 *nomically justified.*

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

17 (c) *OPERATIONS AND MAINTENANCE.*—*The non-Fed-*
18 *eral share of the cost of operations, maintenance, repair,*
19 *replacement, and rehabilitation for a project carried out*
20 *under this section shall be 100 percent.*

21 (d) *ELIGIBILITY OF PROJECTS TRANSFERRED TO NON-*
22 *FEDERAL INTEREST.*—*The Secretary may carry out meas-*
23 *ures described in subsection (a) on a water resources project,*
24 *separable element of a project, or functional component of*
25 *a project that has been transferred to the non-Federal inter-*
26 *est.*

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

7 (1) any recommendations relating to the contin-
8 ued need for the authority provided in this section;

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

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

13 (4) best practices for carrying out measures to
14 restore flood and hurricane and storm damage reduc-
15 tion projects.

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

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

1 **SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN**
2 **PROJECTS.**

3 *The Secretary may assume operation and mainte-*
4 *nance activities for a navigation channel that is deepened*
5 *by a non-Federal interest prior to December 31, 2012, if—*

6 *(1) the Secretary determines that the require-*
7 *ments under paragraphs (2) and (3) of section 204(f)*
8 *of the Water Resources Development Act of 1986 (33*
9 *U.S.C. 2232(f)) are met;*

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

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

16 *(A) exists as of the date of enactment of this*
17 *Act; and*

18 *(B) has been authorized by Congress.*

19 **SEC. 2024. DREDGING STUDY.**

20 *(a) IN GENERAL.—The Secretary, in conjunction with*
21 *other relevant Federal agencies and applicable non-Federal*
22 *interests, shall carry out a study—*

23 *(1) to compare domestic and international*
24 *dredging markets, including costs, technologies, and*
25 *management approaches used in each respective mar-*

1 *ket, and determine the impacts of those markets on*
2 *dredging needs and practices in the United States;*

3 *(2) to analyze past and existing practices, tech-*
4 *nologies, and management approaches used in dredg-*
5 *ing in the United States; and*

6 *(3) to develop recommendations relating to the*
7 *best techniques, practices, and management ap-*
8 *proaches for dredging in the United States.*

9 *(b) PURPOSES.—The purposes of the study under this*
10 *section are—*

11 *(1) the identification of the best techniques,*
12 *methods, and technologies for dredging, including the*
13 *evaluation of the feasibility, cost, and benefits of—*

14 *(A) new dredging technologies; and*

15 *(B) improved dredging practices and tech-*
16 *niques;*

17 *(2) the appraisal of the needs of the United*
18 *States for dredging, including the need to increase the*
19 *size of private and Corps of Engineers dredging fleets*
20 *to meet demands for additional construction or main-*
21 *tenance dredging needed as of the date of enactment*
22 *of this Act and in the subsequent 20 years;*

23 *(3) the identification of any impediments to*
24 *dredging, including any recommendations of appro-*

1 *priate alternatives for responding to those impedi-*
2 *ments;*

3 *(4) the assessment, including any recommenda-*
4 *tions of appropriate alternatives, of the adequacy and*
5 *effectiveness of—*

6 *(A) the economic, engineering, and environ-*
7 *mental methods, models, and analyses used by*
8 *the Chief of Engineers and private dredging op-*
9 *erations for dredging; and*

10 *(B) the current cost structure of construc-*
11 *tion contracts entered into by the Chief of Engi-*
12 *neers;*

13 *(5) the evaluation of the efficiency and effective-*
14 *ness of past, current, and alternative dredging prac-*
15 *tices and alternatives to dredging, including agitation*
16 *dredging; and*

17 *(6) the identification of innovative techniques*
18 *and cost-effective methods to expand regional sedi-*
19 *ment management efforts, including the placement of*
20 *dredged sediment within river diversions to accelerate*
21 *the creation of wetlands.*

22 *(c) STUDY TEAM.—*

23 *(1) IN GENERAL.—The Secretary shall establish*
24 *a study team to assist the Secretary in planning, car-*

1 rying out, and reporting on the results of the study
2 under this section.

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

5 (A) *be appointed by the Secretary; and*

6 (B) *represent a broad spectrum of experts*
7 *in the field of dredging and representatives of*
8 *relevant State agencies and relevant non-Federal*
9 *interests.*

10 (d) *PUBLIC COMMENT PERIOD.*—*The Secretary*
11 *shall—*

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

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

18 (e) *REPORT TO CONGRESS.*—*Not later than 2 years*
19 *after the date of enactment of this Act, and subject to avail-*
20 *able appropriations, the Secretary, in consultation with the*
21 *study team established under subsection (c), shall submit*
22 *a detailed report on the results of the study to the Com-*
23 *mittee on Environment and Public Works of the Senate and*
24 *the Committee on Transportation and Infrastructure of the*
25 *House of Representatives.*

1 (f) *FAILURE TO MEET DEADLINES.*—If the Secretary
2 does not complete the study under this section and submit
3 a report to Congress under subsection (e) on or before the
4 deadline described in that subsection, the Secretary shall
5 notify Congress and describe why the study was not com-
6 pleted.

7 **SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION**
8 **PILOT PROGRAM.**

9 (a) *IN GENERAL.*—Not later than 180 days after the
10 date of enactment of this Act, the Secretary shall establish
11 and implement a pilot program to evaluate the cost-effec-
12 tiveness and project delivery efficiency of allowing non-Fed-
13 eral interests to carry out flood risk management, hurricane
14 and storm damage reduction, coastal harbor and channel
15 inland navigation, and aquatic ecosystem restoration
16 projects.

17 (b) *PURPOSES.*—The purposes of the pilot program
18 are—

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

22 (2) to evaluate the technical, financial, and orga-
23 nizational efficiencies of a non-Federal interest car-
24 rying out the design, execution, management, and
25 construction of 1 or more projects; and

1 (3) *to evaluate alternatives for the decentraliza-*
2 *tion of the project management, design, and construc-*
3 *tion for authorized Corps of Engineers water re-*
4 *sources projects.*

5 (c) *ADMINISTRATION.—*

6 (1) *IN GENERAL.—In carrying out the pilot pro-*
7 *gram, the Secretary shall—*

8 (A) *identify a total of not more than 15*
9 *projects for flood risk management, hurricane*
10 *and storm damage reduction (including levees,*
11 *floodwalls, flood control channels, and water con-*
12 *trol structures), coastal harbor and channels, in-*
13 *land navigation, and aquatic ecosystem restora-*
14 *tion that have been authorized for construction*
15 *prior to the date of enactment of this Act, in-*
16 *cluding—*

17 (i) *not more than 12 projects that—*

18 (I)(aa) *have received Federal*
19 *funds prior to the date of enactment of*
20 *this Act; or*

21 (bb) *for more than 2 consecutive*
22 *fiscal years, have an unobligated fund-*
23 *ing balance for that project in the*
24 *Corps of Engineers construction ac-*
25 *count; and*

1 (ii) to the maximum extent prac-
2 ticable, are located in each of the divi-
3 sions of the Corps of Engineers; and

4 (ii) not more than 3 projects that have
5 not received Federal funds in the period be-
6 ginning on the date on which the project
7 was authorized and ending on the date of
8 enactment of this Act;

9 (B) notify the Committee on Environment
10 and Public Works of the Senate and the Com-
11 mittee on Transportation and Infrastructure of
12 the House of Representatives on the identifica-
13 tion of each project under the pilot program;

14 (C) in collaboration with the non-Federal
15 interest, develop a detailed project management
16 plan for each identified project that outlines the
17 scope, budget, design, and construction resource
18 requirements necessary for the non-Federal inter-
19 est to execute the project, or a separable element
20 of the project;

21 (D) on the request of the non-Federal inter-
22 est, enter into a project partnership agreement
23 with the non-Federal interest for the non-Federal
24 interest to provide full project management con-
25 trol for construction of the project, or a separable

1 *element of the project, in accordance with plans*
2 *approved by the Secretary;*

3 *(E) following execution of the project part-*
4 *nership agreement, transfer to the non-Federal*
5 *interest to carry out construction of the project,*
6 *or a separable element of the project—*

7 *(i) if applicable, the balance of the un-*
8 *obligated amounts appropriated for the*
9 *project, except that the Secretary shall re-*
10 *tain sufficient amounts for the Corps of En-*
11 *gineers to carry out any responsibilities of*
12 *the Corps of Engineers relating to the*
13 *project and pilot program; and*

14 *(ii) additional amounts, as determined*
15 *by the Secretary, from amounts made avail-*
16 *able under subsection (h), except that the*
17 *total amount transferred to the non-Federal*
18 *interest shall not exceed the updated esti-*
19 *mate of the Federal share of the cost of con-*
20 *struction, including any required design;*
21 *and*

22 *(F) regularly monitor and audit each*
23 *project being constructed by a non-Federal inter-*
24 *est under this section to ensure that the construc-*
25 *tion activities are carried out in compliance*

1 with the plans approved by the Secretary and
2 that the construction costs are reasonable.

3 (2) *DETAILED PROJECT SCHEDULE*.—Not later
4 than 180 days after entering into an agreement under
5 paragraph (1)(D), each non-Federal interest, to the
6 maximum extent practicable, shall submit to the Sec-
7 retary a detailed project schedule, based on estimated
8 funding levels, that lists all deadlines for each mile-
9 stone in the construction of the project.

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

15 (A) any study, engineering activity, and de-
16 sign activity for construction carried out by the
17 non-Federal interest under this section; and

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

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

24 (e) *REPORT*.—

1 (1) *IN GENERAL.*—Not later than 3 years after
2 the date of enactment of this Act, the Secretary shall
3 submit to the Committee on Environment and Public
4 Works of the Senate and the Committee on Transpor-
5 tation and Infrastructure of the House of Representa-
6 tives a report detailing the results of the pilot pro-
7 gram carried out under this section, including—

8 (A) a description of the progress of non-Fed-
9 eral interests in meeting milestones in detailed
10 project schedules developed pursuant to sub-
11 section (c)(2); and

12 (B) any recommendations of the Secretary
13 concerning whether the program or any compo-
14 nent of the program should be implemented on a
15 national basis.

16 (2) *UPDATE.*—Not later than 5 years after the
17 date of enactment of this Act, the Secretary shall sub-
18 mit to the Committee on Environment and Public
19 Works of the Senate and the Committee on Transpor-
20 tation and Infrastructure of the House of Representa-
21 tives an update of the report described in paragraph
22 (1).

23 (3) *FAILURE TO MEET DEADLINE.*—If the Sec-
24 retary fails to submit a report by the required dead-
25 line under this subsection, the Secretary shall submit

1 *management, hurricane and storm damage reduction,*
2 *aquatic ecosystem restoration, and coastal harbor and chan-*
3 *nel and inland navigation.*

4 (b) *PURPOSES.*—*The purposes of the pilot program*
5 *are—*

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

8 (2) *to evaluate the technical, financial, and orga-*
9 *nizational efficiencies of a non-Federal interest car-*
10 *rying out a feasibility study of 1 or more projects;*
11 *and*

12 (3) *to evaluate alternatives for the decentraliza-*
13 *tion of the project planning, management, and oper-*
14 *ational decisionmaking process of the Corps of Engi-*
15 *neers.*

16 (c) *ADMINISTRATION.*—

17 (1) *IN GENERAL.*—*On the request of a non-Fed-*
18 *eral interest, the Secretary may enter into an agree-*
19 *ment with the non-Federal interest for the non-Fed-*
20 *eral interest to provide full project management con-*
21 *trol of a feasibility study for a project for—*

22 (A) *flood risk management;*

23 (B) *hurricane and storm damage reduction,*
24 *including levees, floodwalls, flood control chan-*
25 *nels, and water control structures;*

1 (C) *coastal harbor and channel and inland*
2 *navigation; and*

3 (D) *aquatic ecosystem restoration.*

4 (2) *USE OF NON-FEDERAL-FUNDS.—*

5 (A) *IN GENERAL.—A non-Federal interest*
6 *that has entered into an agreement with the Sec-*
7 *retary pursuant to paragraph (1) may use non-*
8 *Federal funds to carry out the feasibility study.*

9 (B) *CREDIT.—The Secretary shall credit to-*
10 *wards the non-Federal share of the cost of con-*
11 *struction of a project for which a feasibility*
12 *study is carried out under this section an*
13 *amount equal to the portion of the cost of devel-*
14 *oping the study that would have been the respon-*
15 *sibility of the Secretary, if the study were car-*
16 *ried out by the Secretary, subject to the condi-*
17 *tions that—*

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

21 (ii) *the Secretary determines that the*
22 *feasibility study complies with all applica-*
23 *ble Federal laws and regulations; and*

24 (iii) *the project is authorized by any*
25 *provision of Federal law enacted after the*

1 *date on which an agreement is entered into*
2 *under paragraph (1).*

3 (3) *TRANSFER OF FUNDS.*—

4 (A) *IN GENERAL.*—*After the date on which*
5 *an agreement is executed pursuant to paragraph*
6 *(1), the Secretary may transfer to the non-Fed-*
7 *eral interest to carry out the feasibility study—*

8 (i) *if applicable, the balance of any*
9 *unobligated amounts appropriated for the*
10 *study, except that the Secretary shall retain*
11 *sufficient amounts for the Corps of Engi-*
12 *neers to carry out any responsibilities of the*
13 *Corps of Engineers relating to the project*
14 *and pilot program; and*

15 (ii) *additional amounts, as determined*
16 *by the Secretary, from amounts made avail-*
17 *able under subsection (h), except that the*
18 *total amount transferred to the non-Federal*
19 *interest shall not exceed the updated esti-*
20 *mate of the Federal share of the cost of the*
21 *feasibility study.*

22 (B) *ADMINISTRATION.*—*The Secretary shall*
23 *include such provisions as the Secretary deter-*
24 *mines to be necessary in an agreement under*
25 *paragraph (1) to ensure that a non-Federal in-*

1 *terest receiving Federal funds under this para-*
2 *graph—*

3 *(i) has the necessary qualifications to*
4 *administer those funds; and*

5 *(ii) will comply with all applicable*
6 *Federal laws (including regulations) relat-*
7 *ing to the use of those funds.*

8 *(4) NOTIFICATION.—The Secretary shall notify*
9 *the Committee on Environment and Public Works of*
10 *the Senate and the Committee on Transportation and*
11 *Infrastructure of the House of Representatives on the*
12 *initiation of each feasibility study under the pilot*
13 *program.*

14 *(5) AUDITING.—The Secretary shall regularly*
15 *monitor and audit each feasibility study carried out*
16 *by a non-Federal interest under this section to ensure*
17 *that the use of any funds transferred under para-*
18 *graph (3) are used in compliance with the agreement*
19 *signed under paragraph (1).*

20 *(6) TECHNICAL ASSISTANCE.—On the request of*
21 *a non-Federal interest, the Secretary may provide*
22 *technical assistance to the non-Federal interest relat-*
23 *ing to any aspect of the feasibility study, if the non-*
24 *Federal interest contracts with the Secretary for the*

1 *technical assistance and compensates the Secretary for*
2 *the technical assistance.*

3 (7) *DETAILED PROJECT SCHEDULE.*—*Not later*
4 *than 180 days after entering into an agreement under*
5 *paragraph (1), each non-Federal interest, to the max-*
6 *imum extent practicable, shall submit to the Sec-*
7 *retary a detailed project schedule, based on full fund-*
8 *ing capability, that lists all deadlines for milestones*
9 *relating to the feasibility study.*

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

14 (e) *REPORT.*—

15 (1) *IN GENERAL.*—*Not later than 2 years after*
16 *the date of enactment of this Act, the Secretary shall*
17 *submit to the Committee on Environment and Public*
18 *Works of the Senate and the Committee on Transpor-*
19 *tation and Infrastructure of the House of Representa-*
20 *tives a report detailing the results of the pilot pro-*
21 *gram carried out under this section, including—*

22 (A) *a description of the progress of the non-*
23 *Federal interests in meeting milestones in de-*
24 *tailed project schedules developed pursuant to*
25 *subsection (c)(7); and*

1 (B) any recommendations of the Secretary
2 concerning whether the program or any compo-
3 nent of the program should be implemented on a
4 national basis.

5 (2) *UPDATE*.—Not later than 5 years after the
6 date of enactment of this Act, the Secretary shall sub-
7 mit to the Committee on Environment and Public
8 Works of the Senate and the Committee on Transpor-
9 tation and Infrastructure of the House of Representa-
10 tives an update of the report described in paragraph
11 (1).

12 (3) *FAILURE TO MEET DEADLINE*.—If the Sec-
13 retary fails to submit a report by the required dead-
14 line under this subsection, the Secretary shall submit
15 to the Committee on Environment and Public Works
16 of the Senate and the Committee on Transportation
17 Infrastructure of the House of Representatives a de-
18 tailed explanation of why the deadline was missed
19 and a projected date for submission of the report.

20 (f) *ADMINISTRATION*.—All laws and regulations that
21 would apply to the Secretary if the Secretary were carrying
22 out the feasibility study shall apply to a non-Federal inter-
23 est carrying out a feasibility study under this section.

24 (g) *TERMINATION OF AUTHORITY*.—The authority to
25 commence a feasibility study under this section terminates

1 *on the date that is 5 years after the date of enactment of*
2 *this Act.*

3 (h) *AUTHORIZATION OF APPROPRIATIONS.—In addi-*
4 *tion to any amounts appropriated for a specific project,*
5 *there is authorized to be appropriated to the Secretary to*
6 *carry out the pilot program under this section, including*
7 *the costs of administration of the Secretary, \$25,000,000 for*
8 *each of fiscal years 2014 through 2018.*

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

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

12 (1) *in subsection (d)(1)(B)—*

13 (A) *by striking “The ability” and inserting*
14 *the following:*

15 “(i) *IN GENERAL.—The ability*”; and

16 (B) *by adding at the end the following:*

17 “(ii) *DETERMINATION.—Not later than*
18 *180 days after the date of enactment of the*
19 *Water Resources Development Act of 2013,*
20 *the Secretary shall issue guidance on the*
21 *procedures described in clause (i).”;* and

22 (2) *in subsection (e), by striking “2012” and in-*
23 *serting “2023”.*

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

3 *The Secretary may enter into a cooperative agreement*
4 *with 1 or more federally recognized Indian tribes (or a des-*
5 *ignated representative of the Indian tribes) that are located,*
6 *in whole or in part, within the boundaries of the Columbia*
7 *River Basin to carry out authorized activities within the*
8 *Columbia River Basin to protect fish, wildlife, water qual-*
9 *ity, and cultural resources.*

10 **SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT**
11 **CIVIL WORKS SHORELINE PROTECTION**
12 **PROJECTS.**

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

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

19 *(2) as a result of the project described in para-*
20 *graph (1), military munitions that were originally*
21 *released as a result of Department of Defense activi-*
22 *ties are deposited on the beach, posing a threat to*
23 *human health or the environment.*

24 *(b) RESPONSE ACTION FUNDING.—A response action*
25 *described in subsection (a) shall be funded from amounts*

1 *made available to the agency within the Department of De-*
 2 *fense responsible for the original release of the munitions.*

3 **SEC. 2030. BEACH NOURISHMENT.**

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

6 **“SEC. 156. BEACH NOURISHMENT.**

7 *“(a) IN GENERAL.—Subject to subsection (b)(2)(A),*
 8 *the Secretary of the Army, acting through the Chief of Engi-*
 9 *neers, may provide periodic beach nourishment for each*
 10 *water resources development project for which that nourish-*
 11 *ment has been authorized for an additional period of time,*
 12 *as determined by the Secretary, subject to the condition that*
 13 *the additional period shall not exceed the later of—*

14 *“(1) 50 years after the date on which the con-*
 15 *struction of the project is initiated; or*

16 *“(2) the date on which the last estimated peri-*
 17 *odic nourishment for the project is to be carried out,*
 18 *as recommended in the applicable report of the Chief*
 19 *of Engineers.*

20 **“(b) EXTENSION.—**

21 *“(1) IN GENERAL.—Except as provided in para-*
 22 *graph (3), before the date on which the 50-year period*
 23 *referred to in subsection (a)(1) expires, the Secretary*
 24 *of the Army, acting through the Chief of Engineers—*

1 “(A) may, at the request of the non-Federal
2 interest and subject to the availability of appro-
3 priations, carry out a review of a nourishment
4 project carried out under subsection (a) to evalu-
5 ate the feasibility of continuing Federal partici-
6 pation in the project for a period not to exceed
7 15 years; and

8 “(B) shall submit to Congress any rec-
9 ommendations of the Secretary relating to the re-
10 view.

11 “(2) *PLAN FOR REDUCING RISK TO PEOPLE AND*
12 *PROPERTY.—*

13 “(A) *IN GENERAL.—The non-Federal inter-*
14 *est shall submit to the Secretary a plan for re-*
15 *ducing the risk to people and property during*
16 *the life of the project.*

17 “(B) *INCLUSION IN REPORT TO CON-*
18 *GRESS.—The Secretary shall submit to Congress*
19 *the plan described in subparagraph (A) with the*
20 *recommendations submitted in paragraph*
21 *(1)(B).*

22 “(3) *REVIEW COMMENCED WITHIN 2 YEARS OF*
23 *EXPIRATION OF 50-YEAR PERIOD.—*

24 “(A) *IN GENERAL.—If the Secretary of the*
25 *Army commences a review under paragraph (1)*

1 *not earlier than the period beginning on the date*
2 *that is 2 years before the date on which the 50-*
3 *year period referred to in subsection (a)(1) ex-*
4 *pires and ending on the date on which the 50-*
5 *year period expires, the project shall remain au-*
6 *thorized after the expiration of the 50-year pe-*
7 *riod until the earlier of—*

8 *“(i) 3 years after the expiration of the*
9 *50-year period; or*

10 *“(ii) the date on which a determina-*
11 *tion is made as to whether to extend Fed-*
12 *eral participation in the project in accord-*
13 *ance with paragraph (1).*

14 *“(B) CALCULATION OF TIME PERIOD FOR*
15 *EXTENSION.—Notwithstanding clauses (i) and*
16 *(ii) of subparagraph (A) and after a review*
17 *under subparagraph (A) is completed, if a deter-*
18 *mination is made to extend Federal participa-*
19 *tion in the project in accordance with paragraph*
20 *(1) for a period not to exceed 15 years, that pe-*
21 *riod shall begin on the date on which the deter-*
22 *mination is made.”.*

1 **SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.**

2 *Section 204 of the Water Resources Development Act*
3 *of 1992 (33 U.S.C. 2326) (as amended by section 2003(c))*
4 *is amended—*

5 *(1) in subsection (a)—*

6 *(A) in paragraph (1), by inserting “or used*
7 *in” after “obtained through”; and*

8 *(B) in paragraph (3)(C), by inserting “for*
9 *the purposes of improving environmental condi-*
10 *tions in marsh and littoral systems, stabilizing*
11 *stream channels, enhancing shorelines, and sup-*
12 *porting State and local risk management adap-*
13 *tation strategies” before the period at the end;*

14 *(2) in subsection (c)(1)(B)—*

15 *(A) in clause (i), by striking “clause (ii)”*
16 *and inserting “clauses (ii) and (iii)”;*

17 *(B) by redesignating clause (ii) as clause*
18 *(iii); and*

19 *(C) by inserting after clause (i) the fol-*
20 *lowing:*

21 *“(i) REDUCTION IN NON-FEDERAL*
22 *SHARE.—The Secretary may reduce the*
23 *non-Federal share of the costs of construc-*
24 *tion of a project if the Secretary determines*
25 *that, through the beneficial use of sediment*
26 *at another Federal project, there will be an*

1 *associated reduction or avoidance of Federal*
2 *costs.”;*

3 *(3) in subsection (d)—*

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

6 “*(d) SELECTION OF DREDGED MATERIAL DISPOSAL*
7 *METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL*
8 *RESTORATION OR STORM DAMAGE AND FLOOD REDUC-*
9 *TION.—”;* *and*

10 *(B) in paragraph (1), by striking “in rela-*
11 *tion to” and all that follows through the period*
12 *at the end and inserting “in relation to—*

13 *“(A) the environmental benefits, including*
14 *the benefits to the aquatic environment to be de-*
15 *derived from the creation of wetlands and control*
16 *of shoreline erosion; or*

17 *“(B) the flood and storm damage and flood*
18 *reduction benefits, including shoreline protection,*
19 *protection against loss of life, and damage to im-*
20 *proved property.”;* *and*

21 *(4) in subsection (e), by striking paragraph (1)*
22 *and inserting the following:*

23 “*(1) cooperate with any State or group of States*
24 *in the preparation of a comprehensive State or re-*

1 *gional sediment management plan within the bound-*
2 *aries of the State or among States;”.*

3 **SEC. 2032. STUDY ACCELERATION.**

4 *(a) FINDINGS.—Congress finds that—*

5 *(1) delays in the completion of feasibility stud-*
6 *ies—*

7 *(A) increase costs for the Federal Govern-*
8 *ment as well as State and local governments;*
9 *and*

10 *(B) delay the implementation of water re-*
11 *sources projects that provide critical benefits, in-*
12 *cluding reducing flood risk, maintaining com-*
13 *mercially important flood risk, and restoring*
14 *vital ecosystems; and*

15 *(2) the efforts undertaken by the Corps of Engi-*
16 *neers through the establishment of the “3–3–3” plan-*
17 *ning process should be continued.*

18 *(b) ACCELERATION OF STUDIES.—*

19 *(1) IN GENERAL.—Subject to paragraphs (2) and*
20 *(3), a feasibility study initiated after the date of en-*
21 *actment of this Act shall—*

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

24 *(B) have a maximum Federal cost share of*
25 *\$3,000,000.*

1 (2) *ABILITY TO COMPLY.*—*On initiating a feasi-*
2 *bility study under paragraph (1), the Secretary*
3 *shall—*

4 (A) *certify that the study will comply with*
5 *the requirements of paragraph (1);*

6 (B) *for projects the Secretary determines to*
7 *be too complex to comply with the requirements*
8 *of paragraph (1)—*

9 (i) *not less than 30 days after making*
10 *a determination, notify the non-Federal in-*
11 *terest regarding the inability to comply;*
12 *and*

13 (ii) *provide a new projected timeline*
14 *and cost; and*

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

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

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

25 (3) *APPROPRIATIONS.*—

1 (A) *IN GENERAL.*—All timeline and cost
2 conditions under this section shall be subject to
3 the Secretary receiving adequate appropriations
4 for meeting study timeline and cost require-
5 ments.

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

11 (c) *REPORT.*—Not later than 18 months after the date
12 of enactment of this Act and each year thereafter, the Sec-
13 retary shall submit to the Committee on Environment and
14 Public Works of the Senate and the Committee on Transpor-
15 tation and Infrastructure of the House of Representatives
16 a report that describes—

17 (1) the status of the implementation of the “3-
18 3-3” planning process, including the number of par-
19 ticipating projects;

20 (2) the amount of time taken to complete all
21 studies participating in the “3-3-3” planning proc-
22 ess; and

23 (3) any recommendations for additional author-
24 ity necessary to support efforts to expedite the feasi-
25 bility study process for water resource projects.

1 **SEC. 2033. PROJECT ACCELERATION.**

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

4 **“SEC. 2045. PROJECT ACCELERATION.**

5 *“(a) DEFINITIONS.—In this section:*

6 *“(1) ENVIRONMENTAL IMPACT STATEMENT.—The*
7 *term ‘environmental impact statement’ means the de-*
8 *tailed statement of environmental impacts of water*
9 *resource projects required to be prepared pursuant to*
10 *the National Environmental Policy Act of 1969 (42*
11 *U.S.C. 4321 et seq.).*

12 *“(2) ENVIRONMENTAL REVIEW PROCESS.—*

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

20 *“(B) INCLUSIONS.—The term ‘environ-*
21 *mental review process’ includes the process for*
22 *and completion of any environmental permit,*
23 *approval, review, or study required for a water*
24 *resource project under any Federal law other*
25 *than the National Environmental Policy Act of*
26 *1969 (42 U.S.C. 4321 et seq.).*

1 “(3) *FEDERAL JURISDICTIONAL AGENCY.*—*The*
2 *term ‘Federal jurisdictional agency’ means a Federal*
3 *agency with jurisdiction delegated by law, regulation,*
4 *order, or otherwise over an approval or decision re-*
5 *quired for a water resource project under applicable*
6 *Federal laws (including regulations).*

7 “(4) *LEAD AGENCY.*—*The term ‘lead agency’*
8 *means the Corps of Engineers and, if applicable, any*
9 *State, local, or tribal governmental entity serving as*
10 *a joint lead agency pursuant to section 1506.3 of title*
11 *40, Code of Federal Regulations (or a successor regu-*
12 *lation).*

13 “(5) *WATER RESOURCE PROJECT.*—*The term*
14 *‘water resource project’ means a Corps of Engineers*
15 *water resource project.*

16 “(b) *POLICY.*—*The benefits of water resource projects*
17 *designed and carried out in an economically and environ-*
18 *mentally sound manner are important to the economy and*
19 *environment of the United States, and recommendations to*
20 *Congress regarding those projects should be developed using*
21 *coordinated and efficient review and cooperative efforts to*
22 *prevent or quickly resolve disputes during the planning of*
23 *those water resource projects.*

24 “(c) *APPLICABILITY.*—

1 “(1) *IN GENERAL.*—*The project planning proce-*
2 *dures under this section apply to proposed projects*
3 *initiated after the date of enactment of the Water Re-*
4 *sources Development Act of 2013 and for which the*
5 *Secretary determines that—*

6 “(A) *an environmental impact statement is*
7 *required; or*

8 “(B) *at the discretion of the Secretary, other*
9 *water resource projects for which an environ-*
10 *mental review process document is required to be*
11 *prepared.*

12 “(2) *FLEXIBILITY.*—*Any authorities granted in*
13 *this section may be exercised, and any requirements*
14 *established under this section may be satisfied, for the*
15 *planning of a water resource project, a class of those*
16 *projects, or a program of those projects.*

17 “(3) *LIST OF WATER RESOURCES DEVELOPMENT*
18 *PROJECTS.*—

19 “(A) *IN GENERAL.*—*The Secretary shall an-*
20 *nually prepare, and make publicly available, a*
21 *separate list of each study that the Secretary has*
22 *determined—*

23 “(i) *meets the standards described in*
24 *paragraph (1); and*

1 “(ii) does not have adequate funding to
2 make substantial progress toward the com-
3 pletion of the planning activities for the
4 water resource project.

5 “(B) INCLUSIONS.—The Secretary shall in-
6 clude for each study on the list under subpara-
7 graph (A) a description of the estimated amounts
8 necessary to make substantial progress on the
9 study.

10 “(4) IMPLEMENTATION GUIDANCE.—The Sec-
11 retary shall prepare, in consultation with the Council
12 on Environmental Quality and other Federal agencies
13 with jurisdiction over actions or resources that may
14 be impacted by a water resource project, guidance
15 documents that describe the coordinated review proc-
16 esses that the Secretary will use to implement this
17 section for the planning of water resource projects, in
18 accordance with the civil works program of the Corps
19 of Engineers and all applicable law.

20 “(d) WATER RESOURCE PROJECT REVIEW PROC-
21 ESS.—

22 “(1) IN GENERAL.—The Secretary shall develop
23 and implement a coordinated review process for the
24 development of water resource projects.

1 “(2) *COORDINATED REVIEW.*—*The coordinated*
2 *review process described in paragraph (1) shall re-*
3 *quire that any analysis, opinion, permit, license,*
4 *statement, and approval issued or made by a Federal,*
5 *State, or local governmental agency or an Indian*
6 *tribe for the planning of a water resource project de-*
7 *scribed in subsection (b) be conducted, to the max-*
8 *imum extent practicable, concurrently with any other*
9 *applicable governmental agency or Indian tribe.*

10 “(3) *TIMING.*—*The coordinated review process*
11 *under this subsection shall be completed not later*
12 *than the date on which the Secretary, in consultation*
13 *and concurrence with the agencies identified under*
14 *subsection (e), establishes with respect to the water re-*
15 *source project.*

16 “(e) *IDENTIFICATION OF JURISDICTIONAL AGEN-*
17 *CIES.*—*With respect to the development of each water re-*
18 *source project, the Secretary shall identify, as soon as prac-*
19 *ticable, all Federal, State, and local government agencies*
20 *and Indian tribes that may—*

21 “(1) *have jurisdiction over the water resource*
22 *project;*

23 “(2) *be required by law to conduct or issue a re-*
24 *view, analysis, or opinion for the water resource*
25 *project; or*

1 “(3) *be required to make a determination on*
2 *issuing a permit, license, or approval for the water*
3 *resource project.*

4 “(f) *STATE AUTHORITY.—If the coordinated review*
5 *process is being implemented under this section by the Sec-*
6 *retary with respect to the planning of a water resource*
7 *project described in subsection (c) within the boundaries of*
8 *a State, the State, consistent with State law, may choose*
9 *to participate in the process and to make subject to the proc-*
10 *ess all State agencies that—*

11 “(1) *have jurisdiction over the water resource*
12 *project;*

13 “(2) *are required to conduct or issue a review,*
14 *analysis, or opinion for the water resource project; or*

15 “(3) *are required to make a determination on*
16 *issuing a permit, license, or approval for the water*
17 *resource project.*

18 “(g) *LEAD AGENCIES.—*

19 “(1) *FEDERAL LEAD AGENCY.—Subject to para-*
20 *graph (2), the Corps of Engineers shall be the lead*
21 *Federal agency in the environmental review process*
22 *for a water resource project.*

23 “(2) *JOINT LEAD AGENCIES.—*

24 “(A) *IN GENERAL.—At the discretion of the*
25 *Secretary and subject to any applicable regula-*

1 *tions under the National Environmental Policy*
2 *Act of 1969 (42 U.S.C. 4321 et seq.), including*
3 *the concurrence of the proposed joint lead agen-*
4 *cy, an agency other than the Corps of Engineers*
5 *may serve as the joint lead agency.*

6 “(B) *NON-FEDERAL INTEREST AS JOINT*
7 *LEAD AGENCY.—A non-Federal interest that is a*
8 *State or local governmental entity—*

9 “(i) *may, with the concurrence of the*
10 *Secretary, serve as a joint lead agency with*
11 *the Corps of Engineers for purposes of pre-*
12 *paring any environmental document under*
13 *the National Environmental Policy Act of*
14 *1969 (42 U.S.C. 4321 et seq.); and*

15 “(ii) *may prepare any environmental*
16 *review process document under the National*
17 *Environmental Policy Act of 1969 (42*
18 *U.S.C. 4321 et seq.) required in support of*
19 *any action or approval by the Secretary*
20 *if—*

21 “(I) *the Secretary provides guid-*
22 *ance in the preparation process and*
23 *independently evaluates that document*

1 “(II) *the non-Federal interest*
2 *complies with all requirements appli-*
3 *cable to the Secretary under—*

4 “(aa) *the National Environ-*
5 *mental Policy Act of 1969 (42*
6 *U.S.C. 4321 et seq.);*

7 “(bb) *any regulation imple-*
8 *menting that Act; and*

9 “(cc) *any other applicable*
10 *Federal law; and*

11 “(III) *the Secretary approves and*
12 *adopts the document before the Sec-*
13 *retary takes any subsequent action or*
14 *makes any approval based on that doc-*
15 *ument, regardless of whether the action*
16 *or approval of the Secretary results in*
17 *Federal funding.*

18 “(3) *DUTIES.—The Secretary shall ensure that—*

19 “(A) *the non-Federal interest complies with*
20 *all design and mitigation commitments made*
21 *jointly by the Secretary and the non-Federal in-*
22 *terest in any environmental document prepared*
23 *by the non-Federal interest in accordance with*
24 *this subsection; and*

1 “(B) any environmental document prepared
2 by the non-Federal interest is appropriately sup-
3 plemented under paragraph (2)(B) to address
4 any changes to the water resource project the
5 Secretary determines are necessary.

6 “(4) *ADOPTION AND USE OF DOCUMENTS.*—Any
7 environmental document prepared in accordance with
8 this subsection may be adopted or used by any Fed-
9 eral agency making any approval to the same extent
10 that the Federal agency could adopt or use a docu-
11 ment prepared by another Federal agency under—

12 “(A) the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.); and

14 “(B) parts 1500 through 1508 of title 40,
15 Code of Federal Regulations (or successor regula-
16 tions).

17 “(5) *ROLES AND RESPONSIBILITY OF LEAD*
18 *AGENCY.*—With respect to the environmental review
19 process for any water resource project, the lead agency
20 shall have authority and responsibility—

21 “(A) to take such actions as are necessary
22 and proper and within the authority and re-
23 sponsibility of the lead agency to facilitate the
24 expeditious resolution of the environmental re-
25 view process for the water resource project; and

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

8 “(h) *PARTICIPATING AND COOPERATING AGENCIES.—*

9 “(1) *INVITATION.—*

10 “(A) *IN GENERAL.—The lead agency shall*
11 *identify, as early as practicable in the environ-*
12 *mental review process for a water resource*
13 *project, any other Federal or non-Federal agen-*
14 *cies that may have an interest in that project*
15 *and invite those agencies to become participating*
16 *or cooperating agencies, as applicable, in the en-*
17 *vironmental review process for the water resource*
18 *project.*

19 “(B) *PROCEDURES.—Section 1501.6 of title*
20 *40, Code of Federal Regulations (as in effect on*
21 *the date of enactment of the Water Resources De-*
22 *velopment Act of 2013) shall govern the identi-*
23 *fication and the participation of a cooperating*
24 *agency under subparagraph (A).*

1 “(C) *DEADLINE.*—*An invitation to partici-*
2 *partate issued under subparagraph (A) shall set a*
3 *deadline by which a response to the invitation*
4 *shall be submitted, which may be extended by the*
5 *lead agency for good cause.*

6 “(2) *FEDERAL COOPERATING AGENCIES.*—*Any*
7 *Federal agency that is invited by the lead agency to*
8 *participate in the environmental review process for a*
9 *water resource project shall be designated as a cooper-*
10 *ating agency by the lead agency unless the invited*
11 *agency informs the lead agency, in writing, by the*
12 *deadline specified in the invitation that the invited*
13 *agency—*

14 “(A)(i) *has no jurisdiction or authority*
15 *with respect to the water resource project;*

16 “(ii) *has no expertise or information rel-*
17 *evant to the water resource project; or*

18 “(iii) *does not have adequate funds to par-*
19 *ticipate in the water resource project; and*

20 “(B) *does not intend to submit comments on*
21 *the water resource project.*

22 “(3) *EFFECT OF DESIGNATION.*—*Designation as*
23 *a participating or cooperating agency under this sub-*
24 *section shall not imply that the participating or co-*
25 *operating agency—*

1 “(A) supports a proposed water resource
2 project; or

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

6 “(4) CONCURRENT REVIEWS.—Each cooperating
7 agency shall—

8 “(A) carry out the obligations of that agen-
9 cy under other applicable law concurrently and
10 in conjunction with the required environmental
11 review process, unless doing so would impair the
12 ability of the Federal agency to conduct needed
13 analysis or otherwise carry out those obligations;
14 and

15 “(B) formulate and implement administra-
16 tive, policy, and procedural mechanisms to en-
17 able the agency to ensure completion of the envi-
18 ronmental review process in a timely, coordi-
19 nated, and environmentally responsible manner.

20 “(i) PROGRAMMATIC COMPLIANCE.—

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

1 “(A) eliminates repetitive discussions of the
2 same issues;

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

5 “(C) establishes a formal process for coordi-
6 nating with cooperating agencies, including the
7 creation of a list of all data that is needed to
8 carry out an environmental review process; and

9 “(D) complies with—

10 “(i) the National Environmental Pol-
11 icy Act of 1969 (42 U.S.C. 4321 et seq.);
12 and

13 “(ii) all other applicable laws.

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

16 “(A) as the first step in drafting guidance
17 under that paragraph, consult with relevant Fed-
18 eral and State agencies, Indian tribes, and the
19 public on the appropriate use and scope of the
20 programmatic approaches;

21 “(B) emphasize the importance of collabora-
22 tion among relevant Federal agencies, State
23 agencies, and Indian tribes in undertaking pro-
24 grammatic reviews, especially with respect to in-
25 cluding reviews with a broad geographical scope;

1 “(C) ensure that the programmatic re-
2 views—

3 “(i) promote transparency, including
4 of the analyses and data used in the envi-
5 ronmental review process, the treatment of
6 any deferred issues raised by Federal, State,
7 or tribal agencies, or the public, and the
8 temporal and special scales to be used to
9 analyze those issues;

10 “(ii) use accurate and timely informa-
11 tion in the environmental review process,
12 including—

13 “(I) criteria for determining the
14 general duration of the usefulness of
15 the review; and

16 “(II) the timeline for updating
17 any out-of-date review;

18 “(iii) describe—

19 “(I) the relationship between pro-
20 grammatic analysis and future tiered
21 analysis; and

22 “(II) the role of the public in the
23 creation of future tiered analysis; and

1 “(iv) are available to other relevant
2 Federal and State agencies, Indian tribes,
3 and the public;

4 “(D) allow not fewer than 60 days of public
5 notice and comment on any proposed guidance;
6 and

7 “(E) address any comments received under
8 subparagraph (D).

9 “(j) *COORDINATED REVIEWS.*—

10 “(1) *COORDINATION PLAN.*—

11 “(A) *ESTABLISHMENT.*—

12 “(i) *IN GENERAL.*—The lead agency
13 shall, after consultation with and with the
14 concurrence of each cooperating agency for
15 the water resource project and the non-Fed-
16 eral interest or joint lead agency, as appli-
17 cable, establish a plan for coordinating pub-
18 lic and agency participation in, and com-
19 ment on, the environmental review process
20 for a water resource project or a category of
21 water resource projects.

22 “(ii) *INCORPORATION.*—The plan es-
23 tablished under clause (i) shall be incor-
24 porated into the project schedule milestones
25 set under section 905(g)(2) of the Water Re-

1 *sources Development Act of 1986 (33 U.S.C.*
2 *2282(g)(2)).*

3 “(2) *COMMENT DEADLINES.—The lead agency*
4 *shall establish the following deadlines for comment*
5 *during the environmental review process for a water*
6 *resource project:*

7 “(A) *DRAFT ENVIRONMENTAL IMPACT*
8 *STATEMENTS.—For comments by Federal and*
9 *States agencies and the public on a draft envi-*
10 *ronmental impact statement, a period of not*
11 *more than 60 days after publication in the Fed-*
12 *eral Register of notice of the date of public avail-*
13 *ability of the draft environmental impact state-*
14 *ment, unless—*

15 “(i) *a different deadline is established*
16 *by agreement of the lead agency, the non-*
17 *Federal interest, as applicable, and all par-*
18 *ticipating and cooperating agencies; or*

19 “(ii) *the deadline is extended by the*
20 *lead agency for good cause.*

21 “(B) *OTHER ENVIRONMENTAL REVIEW*
22 *PROCESSES.—For all comment periods estab-*
23 *lished by the lead agency for agency or public*
24 *comments in the environmental review process of*
25 *an action within a program under the authority*

1 of the lead agency other than for a draft environ-
2 mental impact statement, a period of not more
3 than 30 days after the date on which the mate-
4 rials on which comment is requested are made
5 available, unless—

6 “(i) a different deadline is established
7 by agreement of the lead agency, the non-
8 Federal interest, and all cooperating agen-
9 cies; or

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

12 “(3) *DEADLINES FOR DECISIONS UNDER OTHER*
13 *LAWS.—In any case in which a decision under any*
14 *Federal law relating to a project, including the*
15 *issuance or denial of a permit or license, is required*
16 *to be made by the date described in subsection*
17 *(k)(6)(B)(ii), the Secretary shall submit to the Com-*
18 *mittee on Environment and Public Works of the Sen-*
19 *ate and the Committee on Transportation and Infra-*
20 *structure of the House of Representatives—*

21 “(A) as soon as practicable after the 180-
22 day period described in subsection (k)(6)(B)(ii),
23 an initial notice of the failure of the Federal
24 agency to make the decision; and

1 “(B) every 60 days thereafter until such
2 date as all decisions of the Federal agency relat-
3 ing to the project have been made by the Federal
4 agency, an additional notice that describes the
5 number of decisions of the Federal agency that
6 remain outstanding as of the date of the addi-
7 tional notice.

8 “(4) INVOLVEMENT OF THE PUBLIC.—Nothing in
9 this subsection reduces any time period provided for
10 public comment in the environmental review process
11 under applicable Federal law (including regulations).

12 “(k) ISSUE IDENTIFICATION AND RESOLUTION.—

13 “(1) COOPERATION.—The lead agency, the co-
14 operating agencies, and any participating agencies
15 shall work cooperatively in accordance with this sec-
16 tion to identify and resolve issues that could delay
17 completion of the environmental review process or re-
18 sult in the denial of any approval required for the
19 water resource project under applicable laws.

20 “(2) LEAD AGENCY RESPONSIBILITIES.—

21 “(A) IN GENERAL.—The lead agency shall
22 make information available to the cooperating
23 agencies and participating agencies as early as
24 practicable in the environmental review process
25 regarding the environmental and socioeconomic

1 *resources located within the water resource*
2 *project area and the general locations of the al-*
3 *ternatives under consideration.*

4 “(B) *DATA SOURCES.*—*The information*
5 *under subparagraph (A) may be based on exist-*
6 *ing data sources, including geographic informa-*
7 *tion systems mapping.*

8 “(3) *COOPERATING AND PARTICIPATING AGENCY*
9 *RESPONSIBILITIES.*—*Based on information received*
10 *from the lead agency, cooperating and participating*
11 *agencies shall identify, as early as practicable, any*
12 *issues of concern regarding the potential environ-*
13 *mental or socioeconomic impacts of the water resource*
14 *project, including any issues that could substantially*
15 *delay or prevent an agency from granting a permit*
16 *or other approval that is needed for the water resource*
17 *project.*

18 “(4) *INTERIM DECISION ON ACHIEVING ACCELER-*
19 *ATED DECISIONMAKING.*—

20 “(A) *IN GENERAL.*—*Not later than 45 days*
21 *after the close of the public comment period on*
22 *a draft environmental impact statement, the Sec-*
23 *retary may convene a meeting with the non-Fed-*
24 *eral interest or joint lead agency, as applicable,*
25 *relevant resource agencies, and relevant Federal*

1 *and State agencies to establish a schedule of*
2 *deadlines to complete decisions regarding the*
3 *water resource project.*

4 “(B) *DEADLINES.*—

5 “(i) *IN GENERAL.*—*The deadlines re-*
6 *ferred to in subparagraph (A) shall be those*
7 *established by the Secretary, in consultation*
8 *with and with the concurrence of the non-*
9 *Federal interest or joint lead agency, as ap-*
10 *licable, and other relevant Federal and*
11 *State agencies.*

12 “(ii) *FACTORS FOR CONSIDERATION.*—
13 *In establishing a schedule, the Secretary*
14 *shall consider factors such as—*

15 “(I) *the responsibilities of cooper-*
16 *ating agencies under applicable laws;*

17 “(II) *the resources available to the*
18 *non-Federal interest, joint lead agency,*
19 *and other relevant Federal and State*
20 *agencies, as applicable;*

21 “(III) *the overall size and com-*
22 *plexity of the water resource project;*

23 “(IV) *the overall schedule for and*
24 *cost of the water resource project; and*

1 “(V) *the sensitivity of the natural*
2 *and historical resources that could be*
3 *affected by the water resource project.*

4 “(iii) *MODIFICATIONS.—The Secretary*
5 *may—*

6 “(I) *lengthen a schedule under*
7 *clause (i) for good cause; and*

8 “(II) *shorten a schedule only with*
9 *concurrence of the affected non-Federal*
10 *interest, joint lead agency, or relevant*
11 *Federal and State agencies, as applica-*
12 *ble.*

13 “(C) *FAILURE TO MEET DEADLINE.—If the*
14 *agencies described in subparagraph (A) cannot*
15 *provide reasonable assurances that the deadlines*
16 *described in subparagraph (B) will be met, the*
17 *Secretary may initiate the issue resolution and*
18 *referral process described under paragraph (5)*
19 *before the completion of the record of decision.*

20 “(5) *ACCELERATED ISSUE RESOLUTION AND*
21 *ELEVATION.—*

22 “(A) *AGENCY ISSUE RESOLUTION MEET-*
23 *ING.—*

24 “(i) *IN GENERAL.—A cooperating*
25 *agency or non-Federal interest may request*

1 *an issue resolution meeting to be conducted*
2 *by the Secretary.*

3 “(ii) *ACTION BY SECRETARY.—The*
4 *Secretary shall convene an issue resolution*
5 *meeting under clause (i) with the relevant*
6 *cooperating agencies and the non-Federal*
7 *interest, as applicable, to resolve issues that*
8 *could—*

9 “(I) *delay completion of the envi-*
10 *ronmental review process; or*

11 “(II) *conflict with the ability of a*
12 *cooperating agency to carry out appli-*
13 *cable Federal laws (including regula-*
14 *tions).*

15 “(iii) *DATE.—A meeting requested*
16 *under this subparagraph shall be held not*
17 *later than 21 days after the date on which*
18 *the Secretary receives the request for the*
19 *meeting, unless the Secretary determines*
20 *that there is good cause to extend that dead-*
21 *line.*

22 “(iv) *NOTIFICATION.—On receipt of a*
23 *request for a meeting under this subpara-*
24 *graph, the Secretary shall notify all rel-*
25 *evant cooperating agencies of the request,*

1 including the issue to be resolved and the
2 date for the meeting.

3 “(v) *DISPUTES.*—If a relevant cooper-
4 ating agency with jurisdiction over an ac-
5 tion, including a permit approval, review,
6 or other statement or opinion required for a
7 water resource project under applicable law
8 determines that the relevant information
9 necessary to resolve the issue has not been
10 obtained and could not have been obtained
11 within a reasonable time, but the Secretary
12 disagrees, the resolution of the dispute shall
13 be forwarded to the heads of the relevant
14 agencies for resolution.

15 “(vi) *CONVENTION BY LEAD AGENCY.*—
16 The Secretary may convene an issue resolu-
17 tion meeting under this subsection at any
18 time, at the discretion of the Secretary, re-
19 gardless of whether a meeting is requested
20 under clause (i).

21 “(vii) *EXCEPTION.*—

22 “(I) *IN GENERAL.*—The issue reso-
23 lution and referral process under this
24 subparagraph shall not be initiated if
25 the applicable agency—

1 “(aa) notifies, with a sup-
2 porting explanation, the lead
3 agency, cooperating agencies, and
4 non-Federal interest, as applica-
5 ble, that—

6 “(AA) the agency has
7 not received necessary infor-
8 mation or approvals from
9 another entity in a manner
10 that affects the ability of the
11 agency to meet any require-
12 ments under Federal, tribal,
13 State, or local law;

14 “(BB) significant new
15 information, including from
16 public comments, or cir-
17 cumstances, including a
18 major modification to an as-
19 pect of the water resource
20 project, requires additional
21 analysis for the agency to
22 make a decision on the water
23 resource project application;
24 or

1 “(CC) the agency lacks
2 the financial resources to
3 complete the review under the
4 scheduled time frame, includ-
5 ing a description of the num-
6 ber of full-time employees re-
7 quired to complete the re-
8 view, the amount of funding
9 required to complete the re-
10 view, and a justification as
11 to why there is not enough
12 funding available to complete
13 the review by the deadline;
14 and

15 “(bb) establishes a new dead-
16 line for completion of the review.

17 “(II) INSPECTOR GENERAL.—If
18 the applicable agency makes a certifi-
19 cation under subclause (I)(aa)(CC), the
20 Inspector General of the applicable
21 agency shall conduct a financial audit
22 to review that certification and submit
23 a report on that certification within 90
24 days to the Committee on Environment
25 and Public Works of the Senate and

1 *the Committee on Transportation and*
2 *Infrastructure of the House of Rep-*
3 *resentatives.*

4 “(B) *ELEVATION OF ISSUE RESOLUTION.—*

5 “(i) *IN GENERAL.—If issue resolution*
6 *is not achieved by not later than 30 days*
7 *after the date on which a relevant meeting*
8 *is held under subparagraph (A), the Sec-*
9 *retary shall notify the heads of the relevant*
10 *cooperating agencies and the non-Federal*
11 *interest that an issue resolution meeting*
12 *will be convened.*

13 “(ii) *REQUIREMENTS.—The Secretary*
14 *shall identify the issues to be addressed at*
15 *the meeting and convene the meeting not*
16 *later than 30 days after the date on which*
17 *the notice is issued.*

18 “(C) *SUBMISSION OF ISSUE RESOLUTION.—*

19 “(i) *SUBMISSION TO COUNCIL ON ENVI-*
20 *RONMENTAL QUALITY.—*

21 “(I) *IN GENERAL.—If a resolution*
22 *is not achieved by not later than 30*
23 *days after the date on which an issue*
24 *resolution meeting is held under sub-*
25 *paragraph (B), the Secretary shall sub-*

1 *mit the matter to the Council on Envi-*
2 *ronmental Quality.*

3 “(II) *MEETING.*—Not later than
4 *30 days after the date on which the*
5 *Council on Environmental Quality re-*
6 *ceives a submission from the Secretary*
7 *under subclause (I), the Council on*
8 *Environmental Quality shall hold an*
9 *issue resolution meeting with the lead*
10 *agency, the heads of relevant cooper-*
11 *ating agencies and the non-Federal in-*
12 *terest.*

13 “(III) *ADDITIONAL HEARINGS.*—
14 *The Council on Environmental Qual-*
15 *ity may hold public meetings or hear-*
16 *ings to obtain additional views and in-*
17 *formation that the Council on Envi-*
18 *ronmental Quality determines are nec-*
19 *essary, consistent with the time frames*
20 *described in this paragraph.*

21 “(ii) *REMEDIES.*—Not later than 30
22 *days after the date on which an issue reso-*
23 *lution meeting is convened by the Council*
24 *on Environmental Quality under clause*
25 *(i)(II), the Secretary shall—*

1 “(I) *publish findings that explain*
2 *how the issue was resolved and rec-*
3 *ommendations (including, where ap-*
4 *propriate, a finding that the submis-*
5 *sion does not support the position of*
6 *the submitting agency); or*

7 “(II) *if the resolution of the issue*
8 *was not achieved, submit to the Presi-*
9 *dent for action—*

10 “(aa) *the submission;*

11 “(bb) *any views or addi-*
12 *tional information developed dur-*
13 *ing any additional hearings*
14 *under clause (i)(III); and*

15 “(cc) *the recommendation of*
16 *the Council on Environmental*
17 *Quality.*

18 “(6) *FINANCIAL PENALTY PROVISIONS.—*

19 “(A) *IN GENERAL.—A Federal jurisdic-*
20 *tional agency shall complete any required ap-*
21 *proval or decision on an expeditious basis using*
22 *the shortest existing applicable process.*

23 “(B) *FAILURE TO DECIDE.—*

24 “(i) *IN GENERAL.—If a Federal jurisdic-*
25 *ditional agency fails to render a decision*

1 *under any Federal law relating to a water*
2 *resource project that requires the prepara-*
3 *tion of an environmental impact statement*
4 *or environmental assessment, including the*
5 *issuance or denial of a permit, license,*
6 *statement, opinion, or other approval by the*
7 *date described in clause (ii), the amount of*
8 *funds made available to support the office of*
9 *the head of the Federal jurisdictional agen-*
10 *cy shall be reduced by an amount of fund-*
11 *ing equal to the amounts specified in sub-*
12 *clause (I) or (II) and those funds shall be*
13 *made available to the division of the Fed-*
14 *eral jurisdictional agency charged with ren-*
15 *dering the decision by not later than 1 day*
16 *after the applicable date under clause (ii),*
17 *and once each week thereafter until a final*
18 *decision is rendered, subject to subpara-*
19 *graph (C)—*

20 “(I) \$20,000 for any water re-

21 source project requiring the prepara-

22 tion of an environmental assessment or

23 environmental impact statement; or

24 “(II) \$10,000 for any water re-

25 source project requiring any type of re-

1 *view under the National Environ-*
2 *mental Policy Act of 1969 (42 U.S.C.*
3 *4321 et seq.) other than an environ-*
4 *mental assessment or environmental*
5 *impact statement.*

6 “(ii) *DESCRIPTION OF DATE.—The*
7 *date referred to in clause (i) is the later*
8 *of—*

9 “(I) *the date that is 180 days*
10 *after the date on which an application*
11 *for the permit, license, or approval is*
12 *complete; and*

13 “(II) *the date that is 180 days*
14 *after the date on which the Federal*
15 *lead agency issues a decision on the*
16 *water resource project under the Na-*
17 *tional Environmental Policy Act of*
18 *1969 (42 U.S.C. 4321 et seq.).*

19 “(C) *LIMITATIONS.—*

20 “(i) *IN GENERAL.—No transfer of*
21 *funds under subparagraph (B) relating to*
22 *an individual water resource project shall*
23 *exceed, in any fiscal year, an amount equal*
24 *to 1 percent of the funds made available for*
25 *the applicable agency office.*

1 “(i) *FAILURE TO DECIDE.*—The total
2 amount transferred in a fiscal year as a re-
3 sult of a failure by an agency to make a de-
4 cision by an applicable deadline shall not
5 exceed an amount equal to 5 percent of the
6 funds made available for the applicable
7 agency office for that fiscal year.

8 “(iii) *AGGREGATE.*—Notwithstanding
9 any other provision of law, for each fiscal
10 year, the aggregate amount of financial
11 penalties assessed against each applicable
12 agency office under title II of the Water Re-
13 sources Development Act of 2013 and any
14 other Federal law as a result of a failure of
15 the agency to make a decision by an appli-
16 cable deadline for environmental review, in-
17 cluding the total amount transferred under
18 this paragraph, shall not exceed an amount
19 equal to 9.5 percent of the funds made
20 available for the agency office for that fiscal
21 year.

22 “(D) *NO FAULT OF AGENCY.*—

23 “(i) *IN GENERAL.*—A transfer of funds
24 under this paragraph shall not be made if
25 the applicable agency described in subpara-

1 *graph (A) notifies, with a supporting expla-*
2 *nation, the lead agency, cooperating agen-*
3 *cies, and non-Federal interest, as applica-*
4 *ble, that—*

5 *“(I) the agency has not received*
6 *necessary information or approvals*
7 *from another entity in a manner that*
8 *affects the ability of the agency to meet*
9 *any requirements under Federal, State,*
10 *or local law;*

11 *“(II) significant new information,*
12 *including from public comments, or*
13 *circumstances, including a major*
14 *modification to an aspect of the water*
15 *resource project, requires additional*
16 *analysis for the agency to make a deci-*
17 *sion on the water resource project ap-*
18 *plication; or*

19 *“(III) the agency lacks the finan-*
20 *cial resources to complete the review*
21 *under the scheduled time frame, in-*
22 *cluding a description of the number of*
23 *full-time employees required to com-*
24 *plete the review, the amount of funding*
25 *required to complete the review, and a*

1 *justification as to why there is not*
2 *enough funding available to complete*
3 *the review by the deadline.*

4 “(i) *LACK OF FINANCIAL RE-*
5 *SOURCES.—If the agency provides notice*
6 *under clause (i)(III), the Inspector General*
7 *of the agency shall—*

8 “(I) *conduct a financial audit to*
9 *review the notice; and*

10 “(II) *not later than 90 days after*
11 *the date on which the review described*
12 *in subclause (I) is completed, submit to*
13 *the Committee on Environment and*
14 *Public Works of the Senate and the*
15 *Committee on Transportation and In-*
16 *frastructure of the House of Represent-*
17 *atives a report on the notice.*

18 “(E) *LIMITATION.—The Federal agency*
19 *from which funds are transferred pursuant to*
20 *this paragraph shall not reprogram funds to the*
21 *office of the head of the agency, or equivalent of-*
22 *fice, to reimburse that office for the loss of the*
23 *funds.*

24 “(F) *EFFECT OF PARAGRAPH.—Nothing in*
25 *this paragraph affects or limits the application*

1 *of, or obligation to comply with, any Federal,*
2 *State, local, or tribal law.*

3 “(l) *PERFORMANCE MEASUREMENT.*—*The Secretary*
4 *shall establish a program to measure and report on progress*
5 *made toward improving and expediting the planning and*
6 *environmental review process.*

7 “(m) *MEMORANDUM OF AGREEMENTS FOR EARLY CO-*
8 *ORDINATION.*—

9 “(1) *SENSE OF CONGRESS.*—*It is the sense of*
10 *Congress that—*

11 “(A) *the Secretary and other Federal agen-*
12 *cies with relevant jurisdiction in the environ-*
13 *mental review process should cooperate with each*
14 *other, State agencies, and Indian tribes on envi-*
15 *ronmental review and water resource project de-*
16 *livery activities at the earliest practicable time*
17 *to avoid delays and duplication of effort later in*
18 *the process, prevent potential conflicts, and en-*
19 *sure that planning and water resource project*
20 *development decisions reflect environmental val-*
21 *ues; and*

22 “(B) *the cooperation referred to in subpara-*
23 *graph (A) should include the development of*
24 *policies and the designation of staff that advise*
25 *planning agencies and non-Federal interests of*

1 *studies or other information foreseeably required*
2 *for later Federal action and early consultation*
3 *with appropriate State and local agencies and*
4 *Indian tribes.*

5 “(2) *TECHNICAL ASSISTANCE.*—*If requested at*
6 *any time by a State or non-Federal interest, the Sec-*
7 *retary and other Federal agencies with relevant juris-*
8 *isdiction in the environmental review process, shall, to*
9 *the maximum extent practicable and appropriate, as*
10 *determined by the agencies, provide technical assist-*
11 *ance to the State or non-Federal interest in carrying*
12 *out early coordination activities.*

13 “(3) *MEMORANDUM OF AGENCY AGREEMENT.*—*If*
14 *requested at any time by a State or non-Federal in-*
15 *terest, the lead agency, in consultation with other*
16 *Federal agencies with relevant jurisdiction in the en-*
17 *vironmental review process, may establish memo-*
18 *randa of agreement with the non-Federal interest, In-*
19 *dian tribe, State and local governments, and other*
20 *appropriate entities to carry out the early coordina-*
21 *tion activities, including providing technical assist-*
22 *ance in identifying potential impacts and mitigation*
23 *issues in an integrated fashion.*

24 “(n) *LIMITATIONS.*—*Nothing in this section preempts,*
25 *supersedes, amends, modifies, repeals, or interferes with—*

1 “(1) *any statutory or regulatory requirement,*
2 *including for seeking, considering, or responding to*
3 *public comment;*

4 “(2) *any obligation to comply with the provi-*
5 *sions any Federal law, including—*

6 “(A) *the National Environmental Policy*
7 *Act of 1969 (42 U.S.C. 4321 et seq.);*

8 “(B) *the regulations issued by the Council*
9 *on Environmental Quality or any other Federal*
10 *agency to carry out that Act; and*

11 “(C) *any other Federal environmental law;*

12 “(3) *the reviewability of any final Federal agen-*
13 *cy action in a court of the United States or in the*
14 *court of any State;*

15 “(4) *any practice of seeking, considering, or re-*
16 *sponding to public comment; or*

17 “(5) *any power, jurisdiction, responsibility,*
18 *duty, or authority that a Federal, State, or local gov-*
19 *ernmental agency, Indian tribe, or non-Federal inter-*
20 *est has with respect to carrying out a water resource*
21 *project or any other provision of law applicable to*
22 *water resource projects.*

23 “(o) *CATEGORICAL EXCLUSIONS.—*

1 “(1) *IN GENERAL.*—Not later than 180 days
2 after the date of enactment of this subsection, the Sec-
3 retary shall—

4 “(A) survey the use by the Corps of Engi-
5 neers of categorical exclusions in water resource
6 projects since 2005;

7 “(B) publish a review of the survey that in-
8 cludes a description of—

9 “(i) the types of actions that were cat-
10 egorically excluded or could be the basis for
11 developing a new categorical exclusion; and

12 “(ii) any requests previously received
13 by the Secretary for new categorical exclu-
14 sions; and

15 “(C) solicit requests from other Federal
16 agencies and non-Federal interests for new cat-
17 egorical exclusions.

18 “(2) *NEW CATEGORICAL EXCLUSIONS.*—Not later
19 than 1 year after the date of enactment of this sub-
20 section, if the Secretary has identified a category of
21 activities that merit establishing a categorical exclu-
22 sion that did not exist on the day before the date of
23 enactment of this subsection based on the review
24 under paragraph (1), the Secretary shall publish a
25 notice of proposed rulemaking to propose that new

1 *categorical exclusion, to the extent that the categorical*
2 *exclusion meets the criteria for a categorical exclusion*
3 *under section 1508.4 of title 40, Code of Federal Reg-*
4 *ulations (or successor regulation).*

5 “(p) *REVIEW OF WATER RESOURCE PROJECT ACCEL-*
6 *ERATION REFORMS.*—

7 “(1) *IN GENERAL.*—*The Comptroller General of*
8 *the United States shall—*

9 “(A) *assess the reforms carried out under*
10 *this section; and*

11 “(B) *not later than 5 years after the date*
12 *of enactment of this subsection, submit to the*
13 *Committee on Transportation and Infrastructure*
14 *of the House of Representatives and the Com-*
15 *mittee on Environment and Public Works of the*
16 *Senate a report that describes the results of the*
17 *assessment.*

18 “(2) *INSPECTOR GENERAL REPORT.*—*The Inspec-*
19 *tor General of the Corps of Engineers shall—*

20 “(A) *assess the reforms carried out under*
21 *this section; and*

22 “(B) *submit to the Committee on Transpor-*
23 *tation and Infrastructure of the House of Rep-*
24 *resentatives and the Committee on Environment*
25 *and Public Works of the Senate—*

1 “(i) not later than 2 years after the
2 date of enactment of this subsection, an ini-
3 tial report of the findings of the Inspector
4 General; and

5 “(ii) not later than 4 years after the
6 date of enactment of this subsection, a final
7 report of the findings.

8 “(q) AUTHORIZATION.—The authority provided by
9 this section expires on the date that is 10 years after the
10 date of enactment of this Act.”.

11 **SEC. 2034. FEASIBILITY STUDIES.**

12 Section 905 of the Water Resources Development Act
13 of 1986 (33 U.S.C. 2282) is amended by adding at the end
14 the following:

15 “(g) DETAILED PROJECT SCHEDULE.—

16 “(1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this subsection, the Sec-
18 retary shall determine a set of milestones needed for
19 the completion of a feasibility study under this sub-
20 section, including all major actions, report submis-
21 sions and responses, reviews, and comment periods.

22 “(2) DETAILED PROJECT SCHEDULE MILE-
23 STONES.—Each District Engineer shall, to the max-
24 imum extent practicable, establish a detailed project
25 schedule, based on full funding capability, that lists

1 *all deadlines for milestones relating to feasibility*
2 *studies in the District developed by the Secretary*
3 *under paragraph (1).*

4 “(3) *NON-FEDERAL INTEREST NOTIFICATION.—*
5 *Each District Engineer shall submit by certified mail*
6 *the detailed project schedule under paragraph (2) to*
7 *each relevant non-Federal interest—*

8 “(A) *for projects that have received funding*
9 *from the General Investigations Account of the*
10 *Corps of Engineers in the period beginning on*
11 *October 1, 2009, and ending on the date of enact-*
12 *ment of this section, not later than 180 days*
13 *after the establishment of milestones under para-*
14 *graph (1); and*

15 “(B) *for projects for which a feasibility cost-*
16 *sharing agreement is executed after the establish-*
17 *ment of milestones under paragraph (1), not*
18 *later than 90 days after the date on which the*
19 *agreement is executed.*

20 “(4) *CONGRESSIONAL AND PUBLIC NOTIFICA-*
21 *TION.—Beginning in the first full fiscal year after the*
22 *date of enactment of this Act, the Secretary shall—*

23 “(A) *submit an annual report that lists all*
24 *detailed project schedules under paragraph (2)*
25 *and an explanation of any missed deadlines to*

1 *the Committee on Environment and Public*
2 *Works of the Senate and the Committee on*
3 *Transportation and Infrastructure of the House*
4 *of Representatives; and*

5 “(B) *make publicly available, including on*
6 *the Internet, a copy of the annual report de-*
7 *scribed in subparagraph (A) not later than 14*
8 *days after date on which a report is submitted*
9 *to Congress.*

10 “(5) *FAILURE TO ACT.—If a District Engineer*
11 *fails to meet any of the deadlines in the project sched-*
12 *ule under paragraph (2), the District Engineer*
13 *shall—*

14 “(A) *not later than 30 days after each*
15 *missed deadline, submit to the non-Federal inter-*
16 *est a report detailing—*

17 “(i) *why the District Engineer failed*
18 *to meet the deadline; and*

19 “(ii) *a revised project schedule reflect-*
20 *ing amended deadlines for the feasibility*
21 *study; and*

22 “(B) *not later than 30 days after each*
23 *missed deadline, make publicly available, includ-*
24 *ing on the Internet, a copy of the amended*

1 *project schedule described in subparagraph*
2 *(A)(ii).”.*

3 **SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.**

4 *(a) IN GENERAL.—On the request of a non-Federal in-*
5 *terest, the Secretary shall provide to the non-Federal inter-*
6 *est a detailed accounting of the Federal expenses associated*
7 *with a water resources project.*

8 *(b) STUDY.—*

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

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

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

22 *(a) IN GENERAL.—The Secretary shall notify the non-*
23 *Federal interest when construction of a water resources*
24 *project or a functional portion of the project is completed*

1 *so the non-Federal interest may commence responsibilities,*
2 *as applicable, for operating and maintaining the project.*

3 *(b) NON-FEDERAL INTEREST APPEAL OF DETERMINA-*
4 *TION.—*

5 *(1) IN GENERAL.—Not later than 7 days after*
6 *receiving a notification under subparagraph (a), the*
7 *non-Federal interest may appeal the completion deter-*
8 *mination of the Secretary in writing with a detailed*
9 *explanation of the basis for questioning the complete-*
10 *ness of the project or functional portion of the project.*

11 *(2) INDEPENDENT REVIEW.—*

12 *(A) IN GENERAL.—On notification that a*
13 *non-Federal interest has submitted an appeal*
14 *under paragraph (1), the Secretary shall con-*
15 *tract with 1 or more independent, non-Federal*
16 *experts to evaluate whether the applicable water*
17 *resources project or functional portion of the*
18 *project is complete.*

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

1 **SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.**

2 (a) *IN GENERAL.*—*The Secretary shall contract with*
3 *the National Academy of Public Administration to carry*
4 *out a comprehensive review of the process for preparing,*
5 *negotiating, and approving Project Partnership Agreements*
6 *and the Project Partnership Agreement template, which*
7 *shall include—*

8 (1) *a review of the process for preparing, negoti-*
9 *ating, and approving Project Partnership Agree-*
10 *ments, as in effect on the day before the date of enact-*
11 *ment of this Act;*

12 (2) *an evaluation of how the concerns of a non-*
13 *Federal interest relating to the Project Partnership*
14 *Agreement and suggestions for modifications to the*
15 *Project Partnership Agreement made by a non-Fed-*
16 *eral interest are accommodated;*

17 (3) *recommendations for how the concerns and*
18 *modifications described in paragraph (2) can be bet-*
19 *ter accommodated;*

20 (4) *recommendations for how the Project Part-*
21 *nership Agreement template can be made more effi-*
22 *cient; and*

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

1 **(b) REPORT.**—*The Secretary shall submit a report de-*
2 *scribing the findings of the National Academy of Public Ad-*
3 *ministration to the Committee on Environment and Public*
4 *Works of the Senate and the Committee on Transportation*
5 *and Infrastructure of the House of Representatives.*

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

7 **AUTHORITY.**

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

10 (1) *in subsection (a), by striking “other Federal*
11 *agencies,” and inserting “Federal departments or*
12 *agencies, nongovernmental organizations,”;*

13 (2) *in subsection (b), by inserting “or foreign*
14 *governments” after “organizations”;*

15 (3) *in subsection (c), by inserting “and restora-*
16 *tion” after “protection”; and*

17 (4) *in subsection (d)—*

18 (A) *in the first sentence—*

19 (i) *by striking “There is” and insert-*
20 *ing “(1) IN GENERAL.—There is”;* and

21 (ii) *by striking “2008” and inserting*
22 *“2014”;* and

23 (B) *in the second sentence—*

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

4 (ii) by striking “other Federal agen-
 5 cies” and inserting “Federal departments or
 6 agencies, nongovernmental organizations”.

7 **SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO IN-**
 8 **CREASE LOCK OPERATIONS.**

9 (a) *IN GENERAL.*—The Secretary, after providing pub-
 10 lic notice, shall establish a pilot program for the acceptance
 11 and expenditure of funds contributed by non-Federal inter-
 12 ests to increase the hours of operation of locks at water re-
 13 sources development projects.

14 (b) *APPLICABILITY.*—The establishment of the pilot
 15 program under this section shall not affect the periodic re-
 16 view and adjustment of hours of operation of locks based
 17 on increases in commercial traffic carried out by the Sec-
 18 retary.

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

23 (1) publish the proposed modification in the Fed-
 24 eral Register; and

1 (2) *accept public comment on the proposed modi-*
2 *fication.*

3 (d) *REPORTS.*—

4 (1) *IN GENERAL.*—*Not later than 1 year after*
5 *the date of enactment of this Act, the Secretary shall*
6 *submit to the Committee on Transportation and In-*
7 *frastructure of the House of Representatives and the*
8 *Committee on Environment and Public Works of the*
9 *Senate a report that evaluates the cost-savings result-*
10 *ing from reduced lock hours and any economic im-*
11 *pacts of modifying lock operations.*

12 (2) *REVIEW OF PILOT PROGRAM.*—*Not later than*
13 *September 30, 2017 and each year thereafter, the Sec-*
14 *retary shall submit to the Committee on Transpor-*
15 *tation and Infrastructure of the House of Representa-*
16 *tives and the Committee on Environment and Public*
17 *Works of the Senate a report that describes the effec-*
18 *tiveness of the pilot program under this section.*

19 (e) *ANNUAL REVIEW.*—*The Secretary shall carry out*
20 *an annual review of the commercial use of locks and make*
21 *any necessary adjustments to lock operations based on that*
22 *review.*

23 (f) *TERMINATION.*—*The authority to accept funds*
24 *under this section shall terminate 5 years after the date of*
25 *enactment of this Act.*

1 **SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISAS-**
2 **TERS.**

3 (a) *IN GENERAL.*—Section 5(a)(1) of the Act entitled
4 “An Act authorizing the construction of certain public
5 works on rivers and harbors for flood control, and for other
6 purposes”, approved August 18, 1941 (33 U.S.C.
7 701n(a)(1)), is amended in the first sentence—

8 (1) by inserting “and subject to the condition
9 that the Chief of Engineers may include modifications
10 to the structure or project” after “work for flood con-
11 trol”; and

12 (2) by striking “structure damaged or destroyed
13 by wind, wave, or water action of other than an ordi-
14 nary nature when in the discretion of the Chief of
15 Engineers such repair and restoration is warranted
16 for the adequate functioning of the structure for hur-
17 ricane or shore protection” and inserting “structure
18 or project damaged or destroyed by wind, wave, or
19 water action of other than an ordinary nature to the
20 design level of protection when, in the discretion of
21 the Chief of Engineers, such repair and restoration is
22 warranted for the adequate functioning of the struc-
23 ture or project for hurricane or shore protection, sub-
24 ject to the condition that the Chief of Engineers may
25 include modifications to the structure or project to
26 address major deficiencies or implement nonstructural

1 *alternatives to the repair or restoration of the struc-*
2 *ture if requested by the non-Federal sponsor”.*

3 *(b) REPORT.—*

4 *(1) IN GENERAL.—Not later than 1 year after*
5 *the date of enactment of this Act and every 2 years*
6 *thereafter, the Secretary shall submit to the Com-*
7 *mittee on Environment and Public Works of the Sen-*
8 *ate and the Committee on Transportation and Infra-*
9 *structure of the House of Representatives a report de-*
10 *tailing the amounts expended in the previous 5 fiscal*
11 *years to carry out Corps of Engineers projects under*
12 *section 5 of the Act entitled “An Act authorizing the*
13 *construction of certain public works on rivers and*
14 *harbors for flood control, and for other purposes”, ap-*
15 *proved August 18, 1941 (33 U.S.C. 701n).*

16 *(2) INCLUSIONS.—A report under paragraph (1)*
17 *shall, at a minimum, include a description of—*

18 *(A) each structure, feature, or project for*
19 *which amounts are expended, including the type*
20 *of structure, feature, or project and cost of the*
21 *work; and*

22 *(B) how the Secretary has repaired, re-*
23 *stored, replaced, or modified each structure, fea-*
24 *ture, or project or intends to restore the struc-*

1 *ture, feature, or project to the design level of pro-*
2 *tection for the structure, feature, or project.*

3 **SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.**

4 *A levee system shall remain eligible for rehabilitation*
5 *assistance under the authority provided by section 5 of the*
6 *Act entitled “An Act authorizing the construction of certain*
7 *public works on rivers and harbors for flood control, and*
8 *for other purposes” (33 U.S.C. 701n) as long as the levee*
9 *system sponsor continues to make satisfactory progress, as*
10 *determined by the Secretary, on an approved systemwide*
11 *improvement framework or letter of intent.*

12 **SEC. 2042. FUNDING TO PROCESS PERMITS.**

13 *Section 214 of the Water Resources Development Act*
14 *of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is*
15 *amended by striking subsections (d) and (e) and inserting*
16 *the following:*

17 *“(d) PUBLIC AVAILABILITY.—*

18 *“(1) IN GENERAL.—The Secretary shall ensure*
19 *that all final permit decisions carried out using funds*
20 *authorized under this section are made available to*
21 *the public in a common format, including on the*
22 *Internet, and in a manner that distinguishes final*
23 *permit decisions under this section from other final*
24 *actions of the Secretary.*

1 “(2) *DECISION DOCUMENT.*—*The Secretary*
2 *shall—*

3 “(A) *use a standard decision document for*
4 *evaluating all permits using funds accepted*
5 *under this section; and*

6 “(B) *make the standard decision document,*
7 *along with all final permit decisions, available*
8 *to the public, including on the Internet.*

9 “(3) *AGREEMENTS.*—*The Secretary shall make*
10 *all active agreements to accept funds under this sec-*
11 *tion available on a single public Internet site.*

12 “(e) *REPORTING.*—

13 “(1) *IN GENERAL.*—*The Secretary shall prepare*
14 *an annual report on the implementation of this sec-*
15 *tion, which, at a minimum, shall include for each*
16 *district of the Corps of Engineers that accepts funds*
17 *under this section—*

18 “(A) *a comprehensive list of any funds ac-*
19 *cepted under this section during the previous fis-*
20 *cal year;*

21 “(B) *a comprehensive list of the permits re-*
22 *viewed and approved using funds accepted under*
23 *this section during the previous fiscal year, in-*
24 *cluding a description of the size and type of re-*

1 *sources impacted and the mitigation required for*
 2 *each permit; and*

3 *“(C) a description of the training offered in*
 4 *the previous fiscal year for employees that is*
 5 *funded in whole or in part with funds accepted*
 6 *under this section.*

7 *“(2) SUBMISSION.—Not later than 90 days after*
 8 *the end of each fiscal year, the Secretary shall—*

9 *“(A) submit to the Committee on Environ-*
 10 *ment and Public Works of the Senate and the*
 11 *Committee on Transportation and Infrastructure*
 12 *of the House of Representatives the annual re-*
 13 *port described in paragraph (1); and*

14 *“(B) make each report received under sub-*
 15 *paragraph (A) available on a single publicly ac-*
 16 *cessible Internet site.”.*

17 **SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND ERO-**
 18 **SION PREVENTION STUDY AND PILOT PRO-**
 19 **GRAM.**

20 *(a) DEFINITION OF INLAND AND INTRACOASTAL WA-*
 21 *TERWAY.—In this section, the term “inland and intra-*
 22 *coastal waterway” means the inland and intracoastal wa-*
 23 *terways of the United States described in section 206 of the*
 24 *Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).*

25 *(b) PILOT PROGRAM.—The Secretary—*

1 (1) *is authorized to study issues relating to riverbank stabilization and erosion prevention along inland and intracoastal waterways; and*

2
3
4 (2) *shall establish and carry out for a period of 5 fiscal years a national riverbank stabilization and erosion prevention pilot program to address riverbank erosion along inland and intracoastal waterways.*

5
6
7
8 (c) *STUDY.—*

9 (1) *IN GENERAL.—The Secretary, in consultation with appropriate Federal, State, local, and non-governmental entities, shall carry out a study of the options and technologies available to prevent the erosion and degradation of riverbanks along inland and intracoastal waterways.*

10
11
12
13
14
15 (2) *CONTENTS.—The study shall—*

16 (A) *evaluate the nature and extent of the damages resulting from riverbank erosion along inland and intracoastal waterways throughout the United States;*

17
18
19
20 (B) *identify specific inland and intracoastal waterways and affected wetland areas with the most urgent need for restoration;*

21
22
23 (C) *analyze any legal requirements with regard to maintenance of bank lines of inland and intracoastal waterways, including a comparison*

1 of Federal, State, and private obligations and
2 practices;

3 (D) assess and compare policies and man-
4 agement practices to protect surface areas adja-
5 cent to inland and intracoastal waterways ap-
6 plied by various Districts of the Corps of Engi-
7 neers; and

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

10 (d) *RIVERBANK STABILIZATION AND EROSION PRE-*
11 *VENTION PILOT PROGRAM.*—

12 (1) *IN GENERAL.*—*The Secretary shall develop a*
13 *pilot program for the construction of riverbank sta-*
14 *bilization and erosion prevention projects on public*
15 *land along inland and intracoastal waterways if the*
16 *Secretary determines that the projects are technically*
17 *feasible, environmentally acceptable, economically jus-*
18 *tified, and lower maintenance costs of those inland*
19 *and intracoastal waterways.*

20 (2) *PILOT PROGRAM GOALS.*—*A project under*
21 *the pilot program shall, to the maximum extent prac-*
22 *ticable—*

23 (A) *develop or demonstrate innovative tech-*
24 *nologies;*

1 (B) *implement efficient designs to prevent*
2 *erosion at a riverbank site, taking into account*
3 *the lifecycle cost of the design, including cleanup,*
4 *maintenance, and amortization;*

5 (C) *prioritize natural designs, including the*
6 *use of native and naturalized vegetation or tem-*
7 *porary structures that minimize permanent*
8 *structural alterations to the riverbank;*

9 (D) *avoid negative impacts to adjacent*
10 *communities;*

11 (E) *identify the potential for long-term pro-*
12 *tection afforded by the innovative technology;*
13 *and*

14 (F) *provide additional benefits, including*
15 *reduction of flood risk.*

16 (3) *PROJECT SELECTIONS.—The Secretary shall*
17 *develop criteria for the selection of projects under the*
18 *pilot program, including criteria based on—*

19 (A) *the extent of damage and land loss re-*
20 *sulting from riverbank erosion;*

21 (B) *the rate of erosion;*

22 (C) *the significant threat of future flood risk*
23 *to public or private property, public infrastruc-*
24 *ture, or public safety;*

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

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

5 (4) CONSULTATION.—The Secretary shall carry
6 out the pilot program in consultation with—

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

8 (B) nongovernmental organizations; and

9 (C) applicable university research facilities.

10 (5) REPORT.—Not later than 1 year after the
11 first fiscal year for which amounts to carry out this
12 section are appropriated, and every year thereafter,
13 the Secretary shall prepare and submit to the Com-
14 mittee on Environment and Public Works of the Sen-
15 ate and the Committee on Transportation and Infra-
16 structure of the House of Representatives a report de-
17 scribing—

18 (A) the activities carried out and accom-
19 plishments made under the pilot program since
20 the previous report under this paragraph; and

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

23 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$25,000,000 for each of fiscal years 2014 through 2019.

1 **SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUC-**
2 **TION PRIORITIZATION.**

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

4 (1) *to provide adequate levels of protection to*
5 *communities impacted by natural disasters, including*
6 *hurricanes, tropical storms, and other related extreme*
7 *weather events; and*

8 (2) *to expedite critical water resources projects*
9 *in communities that have historically been and con-*
10 *tinue to remain susceptible to extreme weather events.*

11 (b) *PRIORITY.*—*For authorized projects and ongoing*
12 *feasibility studies with a primary purpose of hurricane and*
13 *storm damage risk reduction, the Secretary shall give fund-*
14 *ing priority to projects and ongoing studies that—*

15 (1) *address an imminent threat to life and prop-*
16 *erty;*

17 (2) *prevent storm surge from inundating popu-*
18 *lated areas;*

19 (3) *prevent the loss of coastal wetlands that help*
20 *reduce the impact of storm surge;*

21 (4) *protect emergency hurricane evacuation*
22 *routes or shelters;*

23 (5) *prevent adverse impacts to publicly owned or*
24 *funded infrastructure and assets;*

25 (6) *minimize disaster relief costs to the Federal*
26 *Government; and*

1 (7) *address hurricane and storm damage risk re-*
2 *duction in an area for which the President declared*
3 *a major disaster in accordance with section 401 of the*
4 *Robert T. Stafford Disaster Relief and Emergency As-*
5 *istance Act (42 U.S.C. 5170).*

6 (c) *EXPEDITED CONSIDERATION OF CURRENTLY AU-*
7 *THORIZED PROJECTS.—Not later than 180 days after the*
8 *date of enactment of this Act, the Secretary shall—*

9 (1) *submit to the Committee on Environment*
10 *and Public Works of the Senate and the Committee on*
11 *Transportation and Infrastructure of the House of*
12 *Representatives a list of all—*

13 (A) *ongoing hurricane and storm damage*
14 *reduction feasibility studies that have signed fea-*
15 *sibility cost share agreements and have received*
16 *Federal funds since 2009; and*

17 (B) *authorized hurricane and storm damage*
18 *reduction projects that—*

19 (i) *have been authorized for more than*
20 *20 years but are less than 75 percent com-*
21 *plete; or*

22 (ii) *are undergoing a post-authorized*
23 *change report, general reevaluation re-*
24 *port, or limited reevaluation report;*

1 (2) *identify those projects on the list required*
2 *under paragraph (1) that meet the criteria described*
3 *in subsection (b); and*

4 (3) *provide a plan for expeditiously completing*
5 *the projects identified under paragraph (2), subject to*
6 *available funding.*

7 (d) *PRIORITIZATION OF NEW STUDIES FOR HURRI-*
8 *CANE AND STORM DAMAGE RISK REDUCTION.—In selecting*
9 *new studies for hurricane and storm damage reduction to*
10 *propose to Congress under section 4002, the Secretary shall*
11 *give priority to studies—*

12 (1) *that—*

13 (A) *have been recommended in a com-*
14 *prehensive hurricane protection study carried*
15 *out by the Corps of Engineers; or*

16 (B) *are included in a State plan or pro-*
17 *gram for hurricane, storm damage reduction,*
18 *flood control, coastal protection, conservation, or*
19 *restoration, that is created in consultation with*
20 *the Corps of Engineers or other relevant Federal*
21 *agencies; and*

22 (2) *for areas for which the President declared a*
23 *major disaster in accordance with section 401 of the*
24 *Robert T. Stafford Disaster Relief and Emergency As-*
25 *sistance Act (42 U.S.C. 5170).*

1 **SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION**
2 **EFFORTS.**

3 *For authorized projects with a primary purpose of eco-*
4 *system restoration, the Secretary shall give funding priority*
5 *to projects—*

6 (1) *that—*

7 (A) *address an identified threat to public*
8 *health, safety, or welfare;*

9 (B) *preserve or restore ecosystems of na-*
10 *tional significance; or*

11 (C) *preserve or restore habitats of impor-*
12 *tance for federally protected species, including*
13 *migratory birds; and*

14 (2) *for which the restoration activities will con-*
15 *tribute to other ongoing or planned Federal, State, or*
16 *local restoration initiatives.*

17 **SEC. 2046. SPECIAL USE PERMITS.**

18 (a) *SPECIAL USE PERMITS.—*

19 (1) *IN GENERAL.—The Secretary may issue spe-*
20 *cial permits for uses such as group activities, recre-*
21 *ation events, motorized recreation vehicles, and such*
22 *other specialized recreation uses as the Secretary de-*
23 *termines to be appropriate, subject to such terms and*
24 *conditions as the Secretary determines to be in the*
25 *best interest of the Federal Government.*

26 (2) *FEEES.—*

1 (A) *IN GENERAL.*—*In carrying out this sub-*
2 *section, the Secretary may—*

3 (i) *establish and collect fees associated*
4 *with the issuance of the permits described in*
5 *paragraph (1); or*

6 (ii) *accept in-kind services in lieu of*
7 *those fees.*

8 (B) *OUTDOOR RECREATION EQUIPMENT.*—
9 *The Secretary may establish and collect fees for*
10 *the provision of outdoor recreation equipment*
11 *and services at public recreation areas located at*
12 *lakes and reservoirs operated by the Corps of En-*
13 *gineers.*

14 (C) *USE OF FEES.*—*Any fees generated pur-*
15 *suant to this subsection shall be—*

16 (i) *retained at the site collected; and*

17 (ii) *available for use, without further*
18 *appropriation, solely for administering the*
19 *special permits under this subsection and*
20 *carrying out related operation and mainte-*
21 *nance activities at the site at which the fees*
22 *are collected.*

23 (b) *COOPERATIVE MANAGEMENT.*—

24 (1) *PROGRAM.*—

1 (A) *IN GENERAL.*—Subject to subparagraph
2 (B), the Secretary may enter into an agreement
3 with a State or local government to provide for
4 the cooperative management of a public recre-
5 ation area if—

6 (i) the public recreation area is lo-
7 cated—

8 (I) at a lake or reservoir operated
9 by the Corps of Engineers; and

10 (II) adjacent to or near a State or
11 local park or recreation area; and

12 (ii) the Secretary determines that coop-
13 erative management between the Corps of
14 Engineers and a State or local government
15 agency of a portion of the Corps of Engi-
16 neers recreation area or State or local park
17 or recreation area will allow for more effec-
18 tive and efficient management of those
19 areas.

20 (B) *RESTRICTION.*—The Secretary may not
21 transfer administration responsibilities for any
22 public recreation area operated by the Corps of
23 Engineers.

24 (2) *ACQUISITION OF GOODS AND SERVICES.*—The
25 Secretary may acquire from or provide to a State or

1 *local government with which the Secretary has en-*
2 *tered into a cooperative agreement under paragraph*
3 *(1) goods and services to be used by the Secretary and*
4 *the State or local government in the cooperative man-*
5 *agement of the areas covered by the agreement.*

6 (3) *ADMINISTRATION.—The Secretary may enter*
7 *into 1 or more cooperative management agreements or*
8 *such other arrangements as the Secretary determines*
9 *to be appropriate, including leases or licenses, with*
10 *non-Federal interests to share the costs of operation,*
11 *maintenance, and management of recreation facilities*
12 *and natural resources at recreation areas that are*
13 *jointly managed and funded under this subsection.*

14 (c) *FUNDING TRANSFER AUTHORITY.—*

15 (1) *IN GENERAL.—If the Secretary determines*
16 *that it is in the public interest for purposes of en-*
17 *hancing recreation opportunities at Corps of Engi-*
18 *neers water resources development projects, the Sec-*
19 *retary may transfer funds appropriated for resource*
20 *protection, research, interpretation, and maintenance*
21 *activities related to resource protection in the areas at*
22 *which outdoor recreation is available at those Corps*
23 *of Engineers water resource development projects to*
24 *State, local, and tribal governments and such other*

1 *public or private nonprofit entities as the Secretary*
2 *determines to be appropriate.*

3 (2) *COOPERATIVE AGREEMENTS.*—*Any transfer*
4 *of funds pursuant to this subsection shall be carried*
5 *out through the execution of a cooperative agreement,*
6 *which shall contain such terms and conditions as the*
7 *Secretary determines to be necessary in the public in-*
8 *terest.*

9 (d) *SERVICES OF VOLUNTEERS.*—*Chapter IV of title*
10 *I of Public Law 98–63 (33 U.S.C. 569c) is amended—*

11 (1) *in the first sentence, by inserting “, includ-*
12 *ing expenses relating to uniforms, transportation,*
13 *lodging, and the subsistence of those volunteers, with-*
14 *out regard to the place of residence of the volunteers,”*
15 *after “incidental expenses”; and*

16 (2) *by inserting after the first sentence the fol-*
17 *lowing: “The Chief of Engineers may also provide*
18 *awards of up to \$100 in value to volunteers in rec-*
19 *ognition of the services of the volunteers.”*

20 (e) *TRAINING AND EDUCATIONAL ACTIVITIES.*—*Sec-*
21 *tion 213(a) of the Water Resources Development Act of 2000*
22 *(33 U.S.C. 2339) is amended by striking “at” and inserting*
23 *“about”.*

1 **SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL**
2 **TAXED INLAND WATERWAYS.**

3 (a) *IN GENERAL.*—Notwithstanding any other provi-
4 sion of law, the Secretary shall have responsibility for 65
5 percent of the costs of the operation, maintenance, repair,
6 rehabilitation, and replacement of any flood gate, as well
7 as any pumping station constructed within the channel as
8 a single unit with that flood gate, that—

9 (1) was constructed as of the date of enactment
10 of this Act as a feature of an authorized hurricane
11 and storm damage reduction project; and

12 (2) crosses an inland or intracoastal waterway
13 described in section 206 of the Inland Waterways
14 Revenue Act of 1978 (33 U.S.C. 1804).

15 (b) *PAYMENT OPTIONS.*—For rehabilitation or replace-
16 ment of any structure under this section, the Secretary may
17 apply to the full non-Federal contribution the payment op-
18 tion provisions under section 103(k) of the Water Resources
19 Development Act of 1986 (33 U.S.C. 2213(k)).

20 **SEC. 2048. CORROSION PREVENTION.**

21 (a) *GUIDANCE AND PROCEDURES.*—The Secretary
22 shall develop guidance and procedures for the certification
23 of qualified contractors for—

24 (1) the application of protective coatings; and

25 (2) the removal of hazardous protective coatings.

1 (b) *REQUIREMENTS.*—*Except as provided in sub-*
2 *section (c), the Secretary shall use certified contractors*
3 *for—*

4 (1) *the application of protective coatings for*
5 *complex work involving steel and cementitious struc-*
6 *tures, including structures that will be exposed in im-*
7 *mersion;*

8 (2) *the removal of hazardous coatings or other*
9 *hazardous materials that are present in sufficient*
10 *concentrations to create an occupational or environ-*
11 *mental hazard; and*

12 (3) *any other activities the Secretary determines*
13 *to be appropriate.*

14 (c) *EXCEPTION.*—*The Secretary may approve excep-*
15 *tions to the use of certified contractors under subsection (b)*
16 *only after public notice, with the opportunity for comment,*
17 *of any such proposal.*

18 **SEC. 2049. PROJECT DEAUTHORIZATIONS.**

19 (a) *IN GENERAL.*—*Section 1001(b) of the Water Re-*
20 *sources Development Act of 1986 (33 U.S.C. 579a(b)) is*
21 *amended—*

22 (1) *by striking paragraph (2) and inserting the*
23 *following:*

24 “(2) *LIST OF PROJECTS.*—

1 “(A) *IN GENERAL.*—Notwithstanding sec-
2 tion 3003 of Public Law 104–66 (31 U.S.C. 1113
3 note; 109 Stat. 734), each year, after the submis-
4 sion of the list under paragraph (1), the Sec-
5 retary shall submit to Congress a list of projects
6 or separable elements of projects that have been
7 authorized but that have received no obligations
8 during the 5 full fiscal years preceding the sub-
9 mission of that list.

10 “(B) *ADDITIONAL NOTIFICATION.*—On sub-
11 mission of the list under subparagraph (A) to
12 Congress, the Secretary shall notify—

13 “(i) each Senator in whose State and
14 each Member of the House of Representa-
15 tives in whose district a project (including
16 any part of a project) on that list would be
17 located; and

18 “(ii) each applicable non-Federal in-
19 terest associated with a project (including
20 any part of a project) on that list.

21 “(C) *DEAUTHORIZATION.*—A project or sep-
22 arable element included in the list under sub-
23 paragraph (A) is not authorized after the last
24 date of the fiscal year following the fiscal year
25 in which the list is submitted to Congress, if

1 *funding has not been obligated for the planning,*
2 *design, or construction of the project or element*
3 *of the project during that period.”; and*

4 *(2) by adding at the end the following:*

5 “(3) *MINIMUM FUNDING LIST.—At the end of*
6 *each fiscal year, the Secretary shall submit to Con-*
7 *gress a list of—*

8 “(A) *projects or separable elements of*
9 *projects authorized for construction for which*
10 *funding has been obligated in the 5 previous fis-*
11 *cal years;*

12 “(B) *the amount of funding obligated per*
13 *fiscal year;*

14 “(C) *the current phase of each project or*
15 *separable element of a project; and*

16 “(D) *the amount required to complete those*
17 *phases.*

18 “(4) *REPORT.—*

19 “(A) *IN GENERAL.—Not later than 180*
20 *days after the date of enactment of the Water Re-*
21 *sources Development Act of 2013, the Secretary*
22 *shall compile and publish a complete list of all*
23 *uncompleted, authorized projects of the Corps of*
24 *Engineers, including for each project on that*
25 *list—*

1 “(i) the original budget authority for
2 the project;

3 “(ii) the status of the project;

4 “(iii) the estimated date of completion
5 of the project;

6 “(iv) the estimated cost of completion
7 of the project; and

8 “(v) any amounts for the project that
9 remain unobligated.

10 “(B) PUBLICATION.—

11 “(i) IN GENERAL.—The Secretary shall
12 submit a copy of the list under subpara-
13 graph (A) to—

14 “(I) the appropriate committees of
15 Congress; and

16 “(II) the Director of the Office of
17 Management and Budget.

18 “(ii) PUBLIC AVAILABILITY.—Not later
19 than 30 days after providing the report to
20 Congress under clause (i), the Secretary
21 shall make a copy of the list available on a
22 publicly accessible Internet site, in a man-
23 ner that is downloadable, searchable, and
24 sortable.”.

1 (b) *INFRASTRUCTURE DEAUTHORIZATION COMMISS-*
2 *SION.—*

3 (1) *PURPOSES.—The purposes of this subsection*
4 *are—*

5 (A) *to establish a process for identifying au-*
6 *thorized Corps of Engineers water resources*
7 *projects that are no longer in the Federal interest*
8 *and no longer feasible;*

9 (B) *to create a commission—*

10 (i) *to review suggested*
11 *deauthorizations, including consideration of*
12 *recommendations of the States and the Sec-*
13 *retary for the deauthorization of water re-*
14 *sources projects; and*

15 (ii) *to make recommendations to Con-*
16 *gress;*

17 (C) *to ensure public participation and com-*
18 *ment; and*

19 (D) *to provide oversight on any rec-*
20 *ommendations made to Congress by the Commis-*
21 *sion.*

22 (2) *INFRASTRUCTURE DEAUTHORIZATION COM-*
23 *MISSION.—*

24 (A) *ESTABLISHMENT.—There is established*
25 *an independent commission to be known as the*

1 *“Infrastructure Deauthorization Commission”*
2 *(referred to in this paragraph as the “Commis-*
3 *sion”).*

4 (B) *DUTIES.—The Commission shall carry*
5 *out the review and recommendation duties de-*
6 *scribed in paragraph (5).*

7 (C) *MEMBERSHIP.—*

8 (i) *IN GENERAL.—The Commission*
9 *shall be composed of 8 members, who shall*
10 *be appointed by the President, by and with*
11 *the advice and consent of the Senate accord-*
12 *ing to the expedited procedures described in*
13 *clause (ii).*

14 (ii) *EXPEDITED NOMINATION PROCE-*
15 *DURES.—*

16 (I) *PRIVILEGED NOMINATIONS; IN-*
17 *FORMATION REQUESTED.—On receipt*
18 *by the Senate of a nomination under*
19 *clause (i), the nomination shall—*

20 *(aa) be placed on the Execu-*
21 *tive Calendar under the heading*
22 *“Privileged Nominations—Infor-*
23 *mation Requested”; and*

24 *(bb) remain on the Executive*
25 *Calendar under that heading*

1 *until the Executive Clerk receives*
2 *a written certification from the*
3 *Chairman of the committee of ju-*
4 *risdiction under subclause (II).*

5 (II) *QUESTIONNAIRES.—The*
6 *Chairman of the Committee on Envi-*
7 *ronment and Public Works of the Sen-*
8 *ate shall notify the Executive Clerk in*
9 *writing when the appropriate bio-*
10 *graphical and financial questionnaires*
11 *have been received from an individual*
12 *nominated for a position under clause*
13 *(i).*

14 (III) *PRIVILEGED NOMINATIONS;*
15 *INFORMATION RECEIVED.—On receipt*
16 *of the certification under subclause*
17 *(II), the nomination shall—*

18 *(aa) be placed on the Execu-*
19 *tive Calendar under the heading*
20 *“Privileged Nomination—Infor-*
21 *mation Received” and remain on*
22 *the Executive Calendar under that*
23 *heading for 10 session days; and*

24 *(bb) after the expiration of*
25 *the period referred to in item*

1 (aa), be placed on the “Nomina-
2 tions” section of the *Executive*
3 *Calendar*.

4 (IV) *REFERRAL TO COMMITTEE*
5 *OF JURISDICTION*.—During the period
6 when a nomination under clause (i) is
7 listed under the “*Privileged Nomina-*
8 *tion—Information Requested*” section
9 of the *Executive Calendar* described in
10 subclause (I)(aa) or the “*Privileged*
11 *Nomination—Information Received*”
12 section of the *Executive Calendar* de-
13 scribed in subclause (III)(aa)—

14 (aa) any Senator may re-
15 quest on his or her own behalf, or
16 on the behalf of any identified
17 Senator that the nomination be
18 referred to the appropriate com-
19 mittee of jurisdiction; and

20 (bb) if a Senator makes a re-
21 quest described in paragraph item
22 (aa), the nomination shall be re-
23 ferred to the appropriate com-
24 mittee of jurisdiction.

1 (V) *EXECUTIVE CALENDAR.*—*The*
2 *Secretary of the Senate shall create the*
3 *appropriate sections on the Executive*
4 *Calendar to reflect and effectuate the*
5 *requirements of this clause.*

6 (VI) *COMMITTEE JUSTIFICATION*
7 *FOR NEW EXECUTIVE POSITIONS.*—*The*
8 *report accompanying each bill or joint*
9 *resolution of a public character re-*
10 *ported by any committee shall contain*
11 *an evaluation and justification made*
12 *by that committee for the establishment*
13 *in the measure being reported of any*
14 *new position appointed by the Presi-*
15 *dent within an existing or new Federal*
16 *entity.*

17 (iii) *QUALIFICATIONS.*—*Members of the*
18 *Commission shall be knowledgeable about*
19 *Corps of Engineers water resources projects.*

20 (iv) *GEOGRAPHICAL DIVERSITY.*—*To*
21 *the maximum extent practicable, the mem-*
22 *bers of the Commission shall be geographi-*
23 *cally diverse.*

24 (D) *COMPENSATION OF MEMBERS.*—

1 (i) *IN GENERAL.*—Each member of the
2 Commission who is not an officer or em-
3 ployee of the Federal Government shall be
4 compensated at a rate equal to the daily
5 equivalent of the annual rate of basic pay
6 prescribed for level IV of the Executive
7 Schedule under section 5315 of title 5,
8 United States Code, for each day (including
9 travel time) during which the member is en-
10 gaged in the performance of the duties of the
11 Commission.

12 (ii) *FEDERAL EMPLOYEES.*—All mem-
13 bers of the Commission who are officers or
14 employees of the United States shall serve
15 without compensation in addition to that
16 received for their services as officers or em-
17 ployees of the United States.

18 (iii) *TRAVEL EXPENSES.*—The mem-
19 bers of the Commission shall be allowed
20 travel expenses, including per diem in lieu
21 of subsistence, at rates authorized for em-
22 ployees of agencies under subchapter I of
23 chapter 57 of title 5, United States Code,
24 while away from their homes or regular

1 *places of business in the performance of*
2 *service for the Commission.*

3 (3) *STATE WATER RESOURCES INFRASTRUCTURE*
4 *PLAN.—Not later than 2 years after the date of enact-*
5 *ment of this Act, each State, in consultation with*
6 *local interests, may develop and submit to the Com-*
7 *mission, the Committee on Environment and Public*
8 *Works of the Senate, and the Committee on Transpor-*
9 *tation and Infrastructure of the House of Representa-*
10 *tives, a detailed statewide water resources plan that*
11 *includes a list of each water resources project that the*
12 *State recommends for deauthorization.*

13 (4) *CORPS OF ENGINEERS INFRASTRUCTURE*
14 *PLAN.—Not later than 2 years after the date of enact-*
15 *ment of this Act, the Secretary shall submit to the*
16 *Commission, the Committee on Environment and*
17 *Public Works of the Senate, and the Committee on*
18 *Transportation and Infrastructure of the House of*
19 *Representatives a detailed plan that—*

20 (A) *contains a detailed list of each water re-*
21 *sources project that the Corps of Engineers rec-*
22 *ommends for deauthorization; and*

23 (B) *is based on assessment by the Secretary*
24 *of the needs of the United States for water re-*

1 *sources infrastructure, taking into account public*
2 *safety, the economy, and the environment.*

3 (5) *REVIEW AND RECOMMENDATION COMMISS-*
4 *SION.—*

5 (A) *IN GENERAL.—On the appointment and*
6 *confirmation of all members of the Commission,*
7 *the Commission shall solicit public comment on*
8 *water resources infrastructure issues and prior-*
9 *ities and recommendations for deauthorization,*
10 *including by—*

11 (i) *holding public hearings throughout*
12 *the United States; and*

13 (ii) *receiving written comments.*

14 (B) *RECOMMENDATIONS.—*

15 (i) *IN GENERAL.—Not later than 4*
16 *years after the date of enactment of this Act,*
17 *the Commission shall submit to Congress a*
18 *list of water resources projects of the Corps*
19 *of Engineers for deauthorization.*

20 (ii) *CONSIDERATIONS.—In carrying*
21 *out this paragraph, the Commission shall*
22 *establish criteria for evaluating projects for*
23 *deauthorization, which shall include consid-*
24 *eration of—*

1 (I) *the infrastructure plans sub-*
2 *mitted by the States and the Secretary*
3 *under paragraphs (3) and (4);*

4 (II) *any public comment received*
5 *during the period described in sub-*
6 *paragraph (A);*

7 (III) *public safety and security;*

8 (IV) *the environment; and*

9 (V) *the economy.*

10 (C) *NON-ELIGIBLE PROJECTS.—The fol-*
11 *lowing types of projects shall not be eligible for*
12 *review for deauthorization by the Commission:*

13 (i) *Any project authorized after the*
14 *date of enactment of the Water Resources*
15 *Development Act of 1996 (Public Law 104–*
16 *303; 110 Stat. 3658), including any project*
17 *that has been reauthorized after that date.*

18 (ii) *Any project that, as of the date of*
19 *enactment of this Act, is undergoing a re-*
20 *view by the Corps of Engineers.*

21 (iii) *Any project that has received ap-*
22 *propriations in the 10-year period ending*
23 *on the date of enactment of this Act.*

1 (iv) Any project that, on the date of
2 enactment of this Act, is more than 50 per-
3 cent complete.

4 (v) Any project that has a viable non-
5 Federal sponsor.

6 (D) CONGRESSIONAL DISAPPROVAL.—Any
7 water resources project recommended for de-
8 authorization on the list submitted to Congress
9 under subparagraph (B) shall be deemed to be
10 deauthorized unless Congress passes a joint reso-
11 lution disapproving of the entire list of deauthor-
12 ized water resources projects prior to the date
13 that is 180 days after the date on which the
14 Commission submits the list to Congress.

15 (6) APPLICATION.—For purposes of this sub-
16 section, water resources projects shall include environ-
17 mental infrastructure assistance projects and pro-
18 grams of the Corps of Engineers.

19 **SEC. 2050. REPORTS TO CONGRESS.**

20 (a) IN GENERAL.—Subject to the availability of appro-
21 priations, the Secretary shall complete and submit to Con-
22 gress by the applicable date required the reports that ad-
23 dress public safety and enhanced local participation in
24 project delivery described in subsection (b).

1 **(b) REPORTS.**—*The reports referred to in subsection*

2 *(a) are the reports required under—*

3 *(1) section 2020;*

4 *(2) section 2022;*

5 *(3) section 2025;*

6 *(4) section 2026;*

7 *(5) section 2039;*

8 *(6) section 2040;*

9 *(7) section 6007; and*

10 *(8) section 10015.*

11 **(c) FAILURE TO PROVIDE A COMPLETED REPORT.**—

12 **(1) IN GENERAL.**—*Subject to subsection (d), if*
13 *the Secretary fails to provide a report listed under*
14 *subsection (b) by the date that is 180 days after the*
15 *applicable date required for that report, \$5,000 shall*
16 *be reprogrammed from the General Expenses account*
17 *of the civil works program of the Army Corps of En-*
18 *gineers into the account of the division of the Army*
19 *Corps of Engineers with responsibility for completing*
20 *that report.*

21 **(2) SUBSEQUENT REPROGRAMMING.**—*Subject to*
22 *subsection (d), for each additional week after the date*
23 *described in paragraph (1) in which a report de-*
24 *scribed in that paragraph remains uncompleted and*
25 *unsubmitted to Congress, \$5,000 shall be repro-*

1 *grammed from the General Expenses account of the*
2 *civil works program of the Army Corps of Engineers*
3 *into the account of the division of the Secretary of the*
4 *Army with responsibility for completing that report.*

5 *(d) LIMITATIONS.—*

6 *(1) IN GENERAL.—For each report, the total*
7 *amounts reprogrammed under subsection (c) shall not*
8 *exceed, in any fiscal year, \$50,000.*

9 *(2) AGGREGATE LIMITATION.—The total amount*
10 *reprogrammed under subsection (c) in a fiscal year*
11 *shall not exceed \$200,000.*

12 *(e) NO FAULT OF THE SECRETARY.—Amounts shall*
13 *not be reprogrammed under subsection (c) if the Secretary*
14 *certifies in a letter to the applicable committees of Congress*
15 *that—*

16 *(1) a major modification has been made to the*
17 *content of the report that requires additional analysis*
18 *for the Secretary to make a final decision on the re-*
19 *port;*

20 *(2) amounts have not been appropriated to the*
21 *agency under this Act or any other Act to carry out*
22 *the report; or*

23 *(3) additional information is required from an*
24 *entity other than the Corps of Engineers and is not*

1 *available in a timely manner to complete the report*
2 *by the deadline.*

3 (f) *LIMITATION.*—*The Secretary shall not reprogram*
4 *funds to reimburse the Office of the Assistant Secretary of*
5 *the Army for Civil Works for the loss of the funds.*

6 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
7 *authorized to be appropriated to carry out this section*
8 *\$10,000,000.*

9 **SEC. 2051. INDIAN SELF-DETERMINATION AND EDUCATION**
10 **ASSISTANCE ACT CONFORMING AMENDMENT.**

11 *Section 106(k) of the Indian Self-Determination and*
12 *Education Assistance Act (25 U.S.C. 450j-1(k)) is amended*
13 *by adding at the end the following:*

14 “(13) *Interest payments, the retirement of prin-*
15 *cipal, the costs of issuance, and the costs of insurance*
16 *or a similar credit support for a debt financing in-*
17 *strument, the proceeds of which are used to support*
18 *a contracted construction project.”.*

19 **SEC. 2052. INVASIVE SPECIES REVIEW.**

20 *The Secretary, in consultation with the Director of the*
21 *United States Fish and Wildlife Service, the Chairman of*
22 *the Tennessee Valley Authority, and other applicable heads*
23 *of Federal agencies, shall—*

24 (1) *carry out a review of existing Federal au-*
25 *thorities relating to responding to invasive species,*

1 *including aquatic weeds, aquatic snails, and other*
2 *aquatic invasive species, that have an impact on*
3 *water resources; and*

4 *(2) based on the review under paragraph (1),*
5 *make any recommendations to Congress and applica-*
6 *ble State agencies for improving Federal and State*
7 *laws to more effectively respond to the threats posed*
8 *by those invasive species.*

9 **SEC. 2053. WETLANDS CONSERVATION STUDY.**

10 *(a) IN GENERAL.—The Comptroller General of the*
11 *United States shall carry out a study to identify all Federal*
12 *programs relating to wetlands conservation.*

13 *(b) REPORT.—The Comptroller General of the United*
14 *States shall submit to Congress a report based on the study*
15 *under subsection (a) describing options for maximizing wet-*
16 *lands conservation benefits while reducing redundancy, in-*
17 *creasing efficiencies, and reducing costs.*

18 **SEC. 2054. DAM MODIFICATION STUDY.**

19 *(a) IN GENERAL.—The Comptroller General of the*
20 *United States shall, in consultation with the Corps of Engi-*
21 *neers, the Southeastern Power Administration, Federal hy-*
22 *dropower customers, downstream communities, and other*
23 *stakeholders, carry out a study to evaluate the structural*
24 *modifications made at Federal dams in the Cumberland*
25 *River Basin beginning on January 1, 2000.*

1 (b) *CONTENTS.*—*The study under subsection (a) shall*
2 *examine—*

3 (1) *whether structural modifications at each dam*
4 *have utilized new state-of-the-art design criteria*
5 *deemed necessary for safety purposes that have not*
6 *been used in other circumstances;*

7 (2) *whether structural modifications at each dam*
8 *for downstream safety were executed in accordance*
9 *with construction criteria that had changed from the*
10 *original construction criteria;*

11 (3) *whether structural modifications at each dam*
12 *assured safety;*

13 (4) *any estimates by the Corps of Engineers of*
14 *consequences of total dam failure if state-of-the-art*
15 *construction criteria deemed necessary for safety pur-*
16 *poses were not employed; and*

17 (5) *whether changes in underlying geology at*
18 *any of the Federal dams in the Cumberland River*
19 *Basin required structural modifications to assure*
20 *dam safety.*

21 (c) *REPORT.*—*Not later than 1 year after the date of*
22 *enactment of this Act, the Comptroller General of the United*
23 *States shall submit to Congress a report based on the study*
24 *under subsection (a) with findings on whether, with respect*
25 *to structural modifications at Federal dams in the Cum-*

1 *berland River Basin, the Corps of Engineers has selected*
2 *and implemented design criteria that rely on state-of-the-*
3 *art design and construction criteria that will provide for*
4 *the safety of downstream communities.*

5 **SEC. 2055. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL**
6 **FLOOD RISK REDUCTION.**

7 (a) *IN GENERAL.*—*If requested by a non-Federal inter-*
8 *est, the Secretary shall construct a locally preferred plan*
9 *that provides a higher level of protection than a flood risk*
10 *management project authorized under this Act if the Sec-*
11 *retary determines that—*

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

14 (2) *the benefits of the plan exceed the costs of the*
15 *plan.*

16 (b) *NON-FEDERAL COST SHARE.*—*If the Secretary*
17 *constructs a locally preferred plan under subsection (a), the*
18 *Federal share of the cost of the project shall be not greater*
19 *than the share as provided by law for elements of the na-*
20 *tional economic development plan.*

21 **SEC. 2056. MISSISSIPPI RIVER FORECASTING IMPROVE-**
22 **MENTS.**

23 (a) *IN GENERAL.*—*The Secretary, in consultation with*
24 *the Secretary of the department in which the Coast Guard*
25 *is operating, the Director of the United States Geological*

1 *Survey, the Administrator of the National Oceanic and At-*
2 *mospheric Administration, and the Director of the National*
3 *Weather Service, as applicable, shall improve forecasting on*
4 *the Mississippi River by—*

5 (1) *updating forecasting technology deployed on*
6 *the Mississippi River and its tributaries through—*

7 (A) *the construction of additional auto-*
8 *mated river gages;*

9 (B) *the rehabilitation of existing automated*
10 *and manual river gages; and*

11 (C) *the replacement of manual river gages*
12 *with automated gages, as the Secretary deter-*
13 *mines to be necessary;*

14 (2) *constructing additional sedimentation ranges*
15 *on the Mississippi River and its tributaries; and*

16 (3) *deploying additional automatic identifica-*
17 *tion system base stations at river gage sites.*

18 (b) *PRIORITIZATION.—In carrying out this section, the*
19 *Secretary shall prioritize the sections of the Mississippi*
20 *River on which additional and more reliable information*
21 *would have the greatest impact on maintaining navigation*
22 *on the Mississippi River.*

23 (c) *REPORT.—Not later than 1 year after the date of*
24 *enactment of this Act, the Secretary shall submit to Con-*

1 *gress a report on the activities carried out by the Secretary*
2 *under this section.*

3 **SEC. 2057. FLEXIBILITY IN MAINTAINING NAVIGATION.**

4 (a) *IN GENERAL.*—*If the Secretary, in consultation*
5 *with the Secretary of the department in which the Coast*
6 *Guard is operating, determines it to be critical to main-*
7 *taining safe and reliable navigation within the authorized*
8 *Federal navigation channel on the Mississippi River, the*
9 *Secretary may carry out only those activities outside the*
10 *authorized Federal navigation channel along the Mis-*
11 *sissippi River, including the construction and operation of*
12 *maintenance of fleeting areas, that are necessary for safe*
13 *and reliable navigation in the Federal channel.*

14 (b) *REPORT.*—*Not later than 60 days after initiating*
15 *an activity under this section, the Secretary shall submit*
16 *to the Committee on Environment and Public Works of the*
17 *Senate and the Committee on Transportation and Infra-*
18 *structure of the House of Representatives a report that in-*
19 *cludes—*

20 (1) *a description of the activities undertaken, in-*
21 *cluding the costs associated with the activities; and*

22 (2) *a comprehensive description of how the ac-*
23 *tivities are necessary for maintaining safe and reli-*
24 *able navigation of the Federal channel.*

1 **SEC. 2058. RESTRICTED AREAS AT CORPS OF ENGINEERS**

2 **DAMS.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *RESTRICTED AREA.—The term “restricted*
5 *area” means a restricted area for hazardous waters at*
6 *dams and other civil works structures in the Cum-*
7 *berland River basin established pursuant to chapter*
8 *10 of the regulation entitled “Project Operations:*
9 *Navigation and Dredging Operations and Mainte-*
10 *nance Policies”, published by the Corps of Engineers*
11 *on November 29, 1996, and any related regulations or*
12 *guidance.*

13 (2) *STATE.—The term “State” means the appli-*
14 *cable agency of the State (including an official of that*
15 *agency) in which the applicable dam is located that*
16 *is responsible for enforcing boater safety.*

17 (b) *RESTRICTION ON PHYSICAL BARRIERS.—Subject*
18 *to subsection (c), the Secretary, acting through the Chief*
19 *of Engineers, in the establishing and enforcing restricted*
20 *areas, shall not take any action to establish a permanent*
21 *physical barrier to prevent public access to waters down-*
22 *stream of a dam owned by the Corps of Engineers.*

23 (c) *EXCLUSIONS.—For purposes of this section, the in-*
24 *stallation and maintenance of measures for alerting the*
25 *public of hazardous water conditions and restricted areas,*
26 *including sirens, strobe lights, and signage, shall not be con-*

1 *sidered to be a permanent physical barrier under subsection*
2 *(b).*

3 *(d) ENFORCEMENT.—*

4 *(1) IN GENERAL.—Enforcement of a restricted*
5 *area shall be the sole responsibility of a State.*

6 *(2) EXISTING AUTHORITIES.—The Secretary*
7 *shall not assess any penalty for entrance into a re-*
8 *stricted area under section 4 of the Act entitled “An*
9 *Act authorizing the construction of certain public*
10 *works on rivers and harbors for flood control, and for*
11 *other purposes”, approved December 22, 1944 (16*
12 *U.S.C. 460d).*

13 *(e) DEVELOPMENT OR MODIFICATION OF RESTRICTED*
14 *AREAS.—In establishing a new restricted area or modifying*
15 *an existing restricted area, the Secretary shall—*

16 *(1) ensure that any restrictions are based on*
17 *operational conditions that create hazardous waters;*
18 *and*

19 *(2) publish a draft describing the restricted area*
20 *and seek and consider public comment on that draft*
21 *prior to establishing or modifying any restricted area.*

22 *(f) EFFECTIVE DATE.—*

23 *(1) IN GENERAL.—Subject to paragraph (2), this*
24 *section shall apply to the establishment of a new re-*

1 *stricted area or the modification of an existing re-*
2 *stricted area on or after August 1, 2012.*

3 (2) *EXISTING RESTRICTIONS.—If the Secretary,*
4 *acting through the Chief of Engineers, has established*
5 *a new restricted area or modified an existing re-*
6 *stricted area during the period beginning on August*
7 *1, 2012, and ending on the date of enactment of this*
8 *Act, the Secretary shall—*

9 (A) *cease implementing the restricted area*
10 *until the later of—*

11 (i) *such time as the restricted area*
12 *meets the requirements of this section; and*

13 (ii) *the date that is 2 years after the*
14 *date of enactment of this Act; and*

15 (B) *remove any permanent physical bar-*
16 *riers constructed in connection with the re-*
17 *stricted area.*

18 **SEC. 2059. MAXIMUM COST OF PROJECTS.**

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

21 (1) *by striking “In order to” and inserting the*
22 *following:*

23 *“(a) IN GENERAL.—In order to”; and*

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

1 “(b) *CONTRIBUTED FUNDS.*—Nothing in this section
2 affects the authority of the Secretary to complete construc-
3 tion of a water resources development project using funds
4 contributed under section 5 of the Act of June 22, 1936 (33
5 U.S.C. 701h).”.

6 **SEC. 2060. DONALD G. WALDON LOCK AND DAM.**

7 (a) *FINDINGS.*—Congress finds that—

8 (1) the Tennessee-Tombigbee Waterway Develop-
9 ment Authority is a 4-State compact comprised of the
10 States of Alabama, Kentucky, Mississippi, and Ten-
11 nessee;

12 (2) the Tennessee-Tombigbee Authority is the re-
13 gional non-Federal sponsor of the Tennessee-
14 Tombigbee Waterway;

15 (3) the Tennessee-Tombigbee Waterway, com-
16 pleted in 1984, has fueled growth in the United States
17 economy by reducing transportation costs and encour-
18 aging economic development; and

19 (4) the selfless determination and tireless work of
20 Donald G. Waldon, while serving as administrator of
21 the waterway compact for 21 years, contributed great-
22 ly to the realization and success of the Tennessee-
23 Tombigbee Waterway.

24 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
25 that, at an appropriate time and in accordance with the

1 *rules of the House of Representatives and the Senate, the*
2 *lock and dam located at mile 357.5 on the Tennessee-*
3 *Tombigbee Waterway should be known and designated as*
4 *the “Donald G. Waldon Lock and Dam”.*

5 **SEC. 2061. IMPROVING PLANNING AND ADMINISTRATION**
6 **OF WATER SUPPLY STORAGE.**

7 (a) *IN GENERAL.*—*The Secretary shall carry out ac-*
8 *tivities to enable non-Federal interests to anticipate and ac-*
9 *curately budget for annual operations and maintenance*
10 *costs and, as applicable, repair, rehabilitation, and replace-*
11 *ments costs, including through—*

12 (1) *the formulation by the Secretary of a uni-*
13 *form billing statement format for those storage agree-*
14 *ments relating to operations and maintenance costs,*
15 *and as applicable, repair, rehabilitation, and replace-*
16 *ment costs, incurred by the Secretary, which, at a*
17 *minimum, shall include—*

18 (A) *a detailed description of the activities*
19 *carried out relating to the water supply aspects*
20 *of the project;*

21 (B) *a clear explanation of why and how*
22 *those activities relate to the water supply aspects*
23 *of the project; and*

24 (C) *a detailed accounting of the cost of car-*
25 *rying out those activities; and*

1 (2) *a review by the Secretary of the regulations*
2 *and guidance of the Corps of Engineers relating to*
3 *criteria and methods for the equitable distribution of*
4 *joint project costs across project purposes in order to*
5 *ensure consistency in the calculation of the appro-*
6 *priate share of joint project costs allocable to the*
7 *water supply purpose.*

8 (b) *REPORT TO CONGRESS.—*

9 (1) *IN GENERAL.—Not later than 1 year after*
10 *the date of enactment of this Act, the Secretary shall*
11 *submit to Congress a report on the findings of the re-*
12 *views carried out under subsection (a)(2) and any*
13 *subsequent actions taken by the Secretary relating to*
14 *those reviews.*

15 (2) *INCLUSIONS.—The report under paragraph*
16 *(1) shall include an analysis of the feasibility and*
17 *costs associated with the provision by the Secretary to*
18 *each non-Federal interest of not less than 1 statement*
19 *each year that details for each water storage agree-*
20 *ment with non-Federal interests at Corps of Engi-*
21 *neers projects the estimated amount of the operations*
22 *and maintenance costs and, as applicable, the esti-*
23 *mated amount of the repair, rehabilitation, and re-*
24 *placement costs, for which the non-Federal interest*
25 *will be responsible in that fiscal year.*

1 (3) *EXTENSION.*—*The Secretary may delay the*
2 *submission of the report under paragraph (1) for a*
3 *period not to exceed 180 days after the deadline de-*
4 *scribed in paragraph (1), subject to the condition that*
5 *the Secretary submits a preliminary progress report*
6 *to Congress not later than 1 year after the date of en-*
7 *actment of this Act.*

8 **SEC. 2062. CREDITING AUTHORITY FOR FEDERALLY AU-**
9 **THORIZED NAVIGATION PROJECTS.**

10 *A non-Federal interest for a navigation project may*
11 *carry out operation and maintenance activities for that*
12 *project subject to all applicable requirements that would*
13 *apply to the Secretary carrying out such operations and*
14 *maintenance, and may receive credit for the costs incurred*
15 *by the non-Federal interest in carrying out such activities*
16 *towards that non-Federal interest's share of construction*
17 *costs for a federally authorized element of the same project*
18 *or another federally authorized navigation project, except*
19 *that in no instance may such credit exceed 20 percent of*
20 *the costs associated with construction of the general naviga-*
21 *tion features of the project for which such credit may be*
22 *received pursuant to this section.*

1 **SEC. 2063. RIVER BASIN COMMISSIONS.**

2 *Section 5019 of the Water Resources Development Act*
3 *of 2007 (121 Stat. 1201) is amended by striking subsection*
4 *(b) and inserting the following:*

5 “(b) *AUTHORIZATION TO ALLOCATE.—*

6 *“(1) IN GENERAL.—Subject to paragraph (2), the*
7 *Secretary shall allocate funds from the General Ex-*
8 *penses account of the civil works program of the*
9 *Army Corps of Engineers to the Susquehanna River*
10 *Basin Commission, Delaware River Basin Commis-*
11 *sion, and the Interstate Commission on the Potomac*
12 *River Basin to fulfill the equitable funding require-*
13 *ments of the respective interstate compacts on an an-*
14 *nuual basis and in amounts equal to the amount deter-*
15 *mined by Commission in accordance with the respec-*
16 *tive interstate compact.*

17 *“(2) LIMITATION.—Not more than 1.5 percent of*
18 *funds from the General Expenses account of the civil*
19 *works program of the Army Corps of Engineers may*
20 *be allocated in carrying out paragraph (1) for any*
21 *fiscal year.*

22 *“(3) REPORT.—For any fiscal year in which*
23 *funds are not allocated in accordance with paragraph*
24 *(1), the Secretary shall submit to the Committee on*
25 *Environment and Public Works of the Senate and the*

1 *Committee on Transportation and Infrastructure of*
2 *the House of Representatives a report that describes—*

3 *“(A) the reasons why the Corps of Engi-*
4 *neers chose not to allocate funds in accordance*
5 *with that paragraph; and*

6 *“(B) the impact of the decision not to allo-*
7 *cate funds on water supply allocation, water*
8 *quality protection, regulatory review and per-*
9 *mitting, water conservation, watershed planning,*
10 *drought management, flood loss reduction, and*
11 *recreation in each area of jurisdiction of the re-*
12 *spective Commission.”.*

13 **SEC. 2064. RESTRICTION ON CHARGES FOR CERTAIN SUR-**
14 **PLUS WATER.**

15 *(a) IN GENERAL.—No fee for surplus water shall be*
16 *charged under a contract for surplus water if the contract*
17 *is for surplus water stored on the Missouri River.*

18 *(b) OFFSET.—Of the amounts previously made avail-*
19 *able for “Corps of Engineers—Civil, Department of the*
20 *Army, Operations and Maintenance” that remain unobli-*
21 *gated as of the effective date of this Act, \$5,000,000 is hereby*
22 *rescinded.*

23 *(c) None of the funds under subsection (b) may be re-*
24 *scinded from amounts that were designated by the Congress*
25 *as an emergency requirement pursuant to the Concurrent*

1 *Resolution on the Budget or the Balanced Budget and*
 2 *Emergency Deficit Control Act of 1985, as amended.*

3 **TITLE III—PROJECT**
 4 **MODIFICATIONS**

5 **SEC. 3001. PURPOSE.**

6 *The purpose of this title is to modify existing water*
 7 *resource project authorizations, subject to the condition that*
 8 *the modifications do not affect authorized costs.*

9 **SEC. 3002. CHATFIELD RESERVOIR, COLORADO.**

10 *Section 116 of the Energy and Water Development and*
 11 *Related Agencies Appropriations Act, 2009 (123 Stat. 608),*
 12 *is amended in the matter preceding the proviso by inserting*
 13 *“(or a designee of the Department)” after “Colorado De-*
 14 *partment of Natural Resources”.*

15 **SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION**
 16 **COMMITTEE EXPENSES REIMBURSEMENT.**

17 *Section 5018(b)(5) of the Water Resources Develop-*
 18 *ment Act of 2007 (121 Stat. 1200) is amended by striking*
 19 *subparagraph (B) and inserting the following:*

20 “(B) *TRAVEL EXPENSES.*—*Subject to the*
 21 *availability of funds, the Secretary may reim-*
 22 *burse a member of the Committee for travel ex-*
 23 *penditures, including per diem in lieu of subsistence,*
 24 *at rates authorized for an employee of a Federal*
 25 *agency under subchapter I of chapter 57 of title*

1 5, *United States Code*, while away from the
 2 home or regular place of business of the member
 3 in performance of services for the Committee.”.

4 **SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION**
 5 **STUDY.**

6 *With respect to the study for flood and storm damage*
 7 *reduction related to natural disasters to be carried out by*
 8 *the Secretary and authorized under the heading “INVESTIGATIONS”*
 9 *under title II of division A of Public Law 113–*
 10 *2, the Secretary shall include specific project recommenda-*
 11 *tions in the report developed for that study.*

12 **SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.**

13 *Section 3109 of the Water Resources Development Act*
 14 *of 2007 (121 Stat. 1135) is amended—*

15 (1) *by striking “The Secretary may” and insert-*
 16 *ing the following:*

17 “*(a) IN GENERAL.—The Secretary may*”; and

18 (2) *by adding at the end the following:*

19 “*(b) LOCAL PARTICIPATION.—In carrying out sub-*
 20 *section (a), the Secretary shall consult with, and consider*
 21 *the activities being carried out by—*

22 “*(1) other Federal agencies;*

23 “*(2) conservation districts;*

24 “*(3) the Yellowstone River Conservation District*
 25 *Council; and*

1 “(4) the State of Montana.”.

2 **SEC. 3006. PROJECT DEAUTHORIZATIONS.**

3 (a) *GOOSE CREEK, SOMERSET COUNTY, MARYLAND.*—

4 *The project for navigation, Goose Creek, Somerset County,*
5 *Maryland, carried out pursuant to section 107 of the Rivers*
6 *and Harbor Act of 1960 (33 U.S.C. 577), is realigned as*
7 *follows: Beginning at Goose Creek Channel Geometry Cen-*
8 *terline of the 60-foot-wide main navigational ship channel,*
9 *Centerline Station No. 0+00, coordinates North 157851.80,*
10 *East 1636954.70, as stated and depicted on the Condition*
11 *Survey Goose Creek, Sheet 1 of 1, prepared by the United*
12 *States Army Corps of Engineers, Baltimore District, July*
13 *2003; thence departing the aforementioned centerline trav-*
14 *eling the following courses and distances: S. 64 degrees 49*
15 *minutes 06 seconds E., 1583.82 feet to a point, on the out-*
16 *line of said 60-foot-wide channel thence binding on said*
17 *out-line the following four courses and distances: S. 63 de-*
18 *grees 26 minutes 06 seconds E., 1460.05 feet to a point,*
19 *thence; N. 50 degrees 38 minutes 26 seconds E., 973.28 feet*
20 *to a point, thence; N. 26 degrees 13 minutes 09 seconds W.,*
21 *240.39 feet to a point on the Left Toe of the 60-foot-wide*
22 *main navigational channel at computed Centerline Station*
23 *No. 42+57.54, coordinates North 157357.84, East*
24 *1640340.23. Geometry Left Toe of the 60-foot-wide main*
25 *navigational ship channel, Left Toe Station No. 0+00, co-*

1 *ordinates North 157879.00, East 1636967.40, as stated and*
2 *depicted on the Condition Survey Goose Creek, Sheet 1 of*
3 *1, prepared by the United States Army Corps of Engineers,*
4 *Baltimore District, August 2010; thence departing the*
5 *aforementioned centerline traveling the following courses*
6 *and distances: S. 64 degrees 49 minutes 12 seconds E.,*
7 *1583.91 feet to a point, on the outline of said 60-foot-wide*
8 *channel thence binding on said out-line the following eight*
9 *courses and distances: S. 63 degrees 25 minutes 38 seconds*
10 *E., 1366.25 feet to a point, thence; N. 83 degrees 36 minutes*
11 *24 seconds E., 125.85 feet to a point, thence; N. 50 degrees*
12 *38 minutes 26 seconds E., 805.19 feet to a point, thence;*
13 *N. 12 degrees 12 minutes 29 seconds E., 78.33 feet to a*
14 *point thence; N. 26 degrees 13 minutes 28 seconds W., 46.66*
15 *feet to a point thence; S. 63 degrees 45 minutes 41 seconds*
16 *W., 54.96 feet to a point thence; N. 26 degrees 13 minutes*
17 *24 seconds W., 119.94 feet to a point on the Left Toe of*
18 *the 60-foot-wide main navigational channel at computed*
19 *Centerline Station No. 41+81.10, coordinates North*
20 *157320.30, East 1640264.00. Geometry Right Toe of the 60-*
21 *foot-wide main navigational ship channel, Right Toe Sta-*
22 *tion No. 0+00, coordinates North 157824.70, East*
23 *1636941.90, as stated and depicted on the Condition Survey*
24 *Goose Creek, Sheet 1 of 1, prepared by the United States*
25 *Army Corps of Engineers, Baltimore District, August 2010;*

1 thence departing the aforementioned centerline traveling the
2 following courses and distances: S. 64 degrees 49 minutes
3 06 seconds E., 1583.82 feet to a point, on the outline of
4 said 60-foot-wide channel thence binding on said out-line
5 the following six courses and distances: S. 63 degrees 25
6 minutes 47 seconds E., 1478.79 feet to a point, thence; N.
7 50 degrees 38 minutes 26 seconds E., 1016.69 feet to a
8 point, thence; N. 26 degrees 14 minutes 49 seconds W.,
9 144.26 feet to a point, thence; N. 63 degrees 54 minutes
10 03 seconds E., 55.01 feet to a point thence; N. 26 degrees
11 12 minutes 08 seconds W., 120.03 feet to a point a point
12 on the Right Toe of the 60-foot-wide main navigational
13 channel at computed Centerline Station No. 43+98.61, co-
14 ordinates North 157395.40, East 1640416.50.

15 (b) LOWER THOROUGHFARE, DEAL ISLAND, MARY-
16 LAND.—Beginning on the date of enactment of this Act, the
17 Secretary is no longer authorized to carry out the portion
18 of the project for navigation, Lower Thoroughfare, Mary-
19 land, authorized by the Act of June 25, 1910 (36 Stat. 630,
20 chapter 382) (commonly known as the “River and Harbor
21 Act of 1910”), that begins at Lower Thoroughfare Channel
22 Geometry Centerline of the 60-foot-wide main navigational
23 ship channel, Centerline Station No. 44+88, coordinates
24 North 170435.62, East 1614588.93, as stated and depicted
25 on the Condition Survey Lower Thoroughfare, Deal Island,

1 *Sheet 1 of 3, prepared by the United States Army Corps*
2 *of Engineers, Baltimore District, August 2010; thence de-*
3 *parting the aforementioned centerline traveling the fol-*
4 *lowing courses and distances: S. 42 degrees 20 minutes 44*
5 *seconds W., 30.00 feet to a point, on the outline of said*
6 *60-foot-wide channel thence binding on said out-line the fol-*
7 *lowing four courses and distances: N. 64 degrees 08 minutes*
8 *55 seconds W., 53.85 feet to a point, thence; N. 42 degrees*
9 *20 minutes 43 seconds W., 250.08 feet to a point, thence;*
10 *N. 47 degrees 39 minutes 03 seconds E., 20.00 feet to a*
11 *point, thence; S. 42 degrees 20 minutes 44 seconds E.,*
12 *300.07 feet to a point binding on the Left Toe of the 60-*
13 *foot-wide main navigational channel at computed Center-*
14 *line Station No. 43+92.67, coordinates North 170415.41,*
15 *1614566.76; thence; continuing with the aforementioned*
16 *centerline the following courses and distances: S. 42 degrees*
17 *20 minutes 42 seconds W., 30.00 feet to a point, on the out-*
18 *line of said 60-foot-wide channel thence binding on said*
19 *out-line the following four courses and distances: N. 20 de-*
20 *grees 32 minutes 06 seconds W., 53.85 feet to a point,*
21 *thence; N. 42 degrees 20 minutes 49 seconds W., 250.08 feet*
22 *to a point, thence; S. 47 degrees 39 minutes 03 seconds W.,*
23 *20.00 feet to a point, thence; S. 42 degrees 20 minutes 46*
24 *seconds E., 300.08 feet to a point binding on the Left Toe*
25 *of the 60-foot-wide main navigational channel at computed*

1 *Centerline Station No. 43+92.67, coordinates North*
2 *170415.41, 1614566.76.*

3 (c) *THOMASTON HARBOR, GEORGES RIVER, MAINE.—*
4 *Beginning on the date of enactment of this Act, the Sec-*
5 *retary is no longer authorized to carry out the portion of*
6 *the project for navigation, Georges River, Maine*
7 *(Thomaston Harbor), authorized by the first section of the*
8 *Act of June 3, 1896 (29 Stat. 215, chapter 314), and modi-*
9 *fied by section 317 of the Water Resources Development Act*
10 *of 2000 (Public Law 106–541; 114 Stat. 2604), that lies*
11 *northwesterly of a line commencing at point N87,220.51,*
12 *E321,065.80 thence running northeasterly about 125 feet to*
13 *a point N87,338.71, E321,106.46.*

14 (d) *WARWICK COVE, RHODE ISLAND.—Beginning on*
15 *the date of enactment of this Act, the Secretary is no longer*
16 *authorized to carry out the portion of the project for naviga-*
17 *tion, Warwick Cove, Rhode Island, authorized by section*
18 *107 of the River and Harbor Act of 1960 (33 U.S.C. 577)*
19 *that is located within the 5 acre anchorage area east of the*
20 *channel and lying east of the line beginning at a point with*
21 *coordinates N220,349.79, E357,664.90 thence running*
22 *north 9 degrees 10 minutes 21.5 seconds west 170.38 feet*
23 *to a point N220,517.99, E357,637.74 thence running north*
24 *17 degrees 44 minutes 30.4 seconds west 165.98 feet to a*
25 *point N220,676.08, E357,587.16 thence running north 0 de-*

1 grees 46 minutes 0.9 seconds east 138.96 feet to a point
 2 N220,815.03, E357,589.02 thence running north 8 degrees
 3 36 minutes 22.9 seconds east 101.57 feet to a point
 4 N220,915.46, E357,604.22 thence running north 18 degrees
 5 18 minutes 27.3 seconds east 168.20 feet to a point
 6 N221,075.14, E357,657.05 thence running north 34 degrees
 7 42 minutes 7.2 seconds east 106.4 feet to a point
 8 N221,162.62, E357,717.63 thence running south 29 degrees
 9 14 minutes 17.4 seconds east 26.79 feet to a point
 10 N221,139.24, E357,730.71 thence running south 30 degrees
 11 45 minutes 30.5 seconds west 230.46 feet to a point
 12 N220,941.20, E357,612.85 thence running south 10 degrees
 13 49 minutes 12.0 seconds west 95.46 feet to a point
 14 N220,847.44, E357,594.93 thence running south 9 degrees
 15 13 minutes 44.5 seconds east 491.68 feet to a point
 16 N220,362.12, E357,673.79 thence running south 35 degrees
 17 47 minutes 19.4 seconds west 15.20 feet to the point of ori-
 18 gin.

19 (e) CLATSOP COUNTY DIKING DISTRICT NO. 10,
 20 KARLSON ISLAND, OREGON.—Beginning on the date of en-
 21 actment of this Act, the Secretary is no longer authorized
 22 to carry out the Diking District No. 10, Karlson Island por-
 23 tion of the project for raising and improving existing levees
 24 in Clatsop County, Oregon, authorized by section 5 of the
 25 Act of June 22, 1936 (33 U.S.C. 701h).

1 (f) *NUMBERG DIKE NO. 34 LEVEED AREA, CLATSOP*
 2 *COUNTY DIKING DISTRICT NO. 13, CLATSOP COUNTY, OR-*
 3 *EGON (WALLUSKI-YOUNGS).—Beginning on the date of en-*
 4 *actment of this Act, the Secretary is no longer authorized*
 5 *to carry out the Numberg Dike No. 34 leveed area, Clatsop*
 6 *County Diking District, No. 13, Walluski River and Youngs*
 7 *River dikes, portion of the project for raising and improv-*
 8 *ing existing levees in Clatsop County, Oregon, authorized*
 9 *by section 5 of the Act of June 22, 1936 (33 U.S.C. 701h).*

10 (g) *PORT OF HOOD RIVER, OREGON.—*

11 (1) *EXTINGUISHMENT OF PORTIONS OF EXISTING*
 12 *FLOWAGE EASEMENT.—With respect to the properties*
 13 *described in paragraph (2), beginning on the date of*
 14 *enactment of this Act, the flowage easement identified*
 15 *as Tract 1200E–6 on the Easement Deed recorded as*
 16 *Instrument No. 740320 is extinguished above ele-*
 17 *vation 79.39 feet (NGVD 29) the Ordinary High*
 18 *Water Line.*

19 (2) *AFFECTED PROPERTIES.—The properties re-*
 20 *ferred to in paragraph (1), as recorded in Hood River*
 21 *County, Oregon, are as follows:*

22 (A) *Instrument Number 2010–1235*

23 (B) *Instrument Number 2010–02366.*

24 (C) *Instrument Number 2010–02367.*

25 (D) *Parcel 2 of Partition Plat #2011–12P.*

1 (E) *Parcel 1 of Partition Plat 2005–26P.*

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

4 (A) *FEDERAL LIABILITY.—The United*
5 *States shall not be liable for any injury caused*
6 *by the extinguishment of the easement under this*
7 *subsection.*

8 (B) *CULTURAL AND ENVIRONMENTAL REGU-*
9 *LATORY ACTIONS.—Nothing in this subsection es-*
10 *tablishes any cultural or environmental regula-*
11 *tion relating to the properties described in para-*
12 *graph (2).*

13 (4) *EFFECT ON OTHER RIGHTS.—Nothing in this*
14 *subsection affects any remaining right or interest of*
15 *the Corps of Engineers in the properties described in*
16 *paragraph (2).*

17 (h) *EIGHTMILE RIVER, CONNECTICUT.—*

18 (1) *The portion of the project for navigation,*
19 *Eightmile River, Connecticut, authorized by the first*
20 *section of the Act of June 25, 1910 (commonly known*
21 *as the “River and Harbor Act of 1910”) (36 Stat.*
22 *633, chapter 382), that begins at a point of the exist-*
23 *ing 8-foot channel limit with coordinates N701002.39,*
24 *E1109247.73, thence running north 2 degrees 19 min-*
25 *utes 57.1 seconds east 265.09 feet to a point*

1 *N701267.26, E1109258.52, thence running north 7*
2 *degrees 47 minutes 19.3 seconds east 322.32 feet to a*
3 *point N701586.60, E1109302.20, thence running*
4 *north 90 degrees 0 minutes 0 seconds east 65.61 to a*
5 *point N701586.60, E1109367.80, thence running*
6 *south 7 degrees 47 minutes 19.3 seconds west 328.11*
7 *feet to a point N701261.52, E1109323.34, thence run-*
8 *ning south 2 degrees 19 minutes 57.1 seconds west*
9 *305.49 feet to an end at a point N700956.28,*
10 *E1109310.91 on the existing 8-foot channel limit,*
11 *shall be reduced to a width of 65 feet and the channel*
12 *realigned to follow the deepest available water.*

13 *(2) Beginning on the date of enactment of this*
14 *Act, the Secretary is no longer authorized to carry out*
15 *the portion of the project beginning at a point*
16 *N701296.72, E1109262.55 and running north 45 de-*
17 *grees 4 minutes 2.8 seconds west 78.09 feet to a point*
18 *N701341.18, E1109217.98, thence running north 5*
19 *degrees 8 minutes 34.6 seconds east 180.14 feet to a*
20 *point N701520.59, E1109234.13, thence running*
21 *north 54 degrees 5 minutes 50.1 seconds east 112.57*
22 *feet to a point N701568.04, E1109299.66, thence run-*
23 *ning south 7 degrees 47 minutes 18.4 seconds west*
24 *292.58 feet to the point of origin; and the remaining*
25 *area north of the channel realignment beginning at a*

1 point N700956.28, E1109310.91 thence running north
2 2 degrees 19 minutes 57.1 seconds east 305.49 feet
3 west to a point N701261.52, E1109323.34 north 7 de-
4 grees 47 minutes 18.4 seconds east 328.11 feet to a
5 point N701586.60, E1109367.81 thence running north
6 90 degrees 0 minutes 0 seconds east 7.81 feet to a
7 point N701586.60, E1109375.62 thence running south
8 5 degrees 8 minutes 34.6 seconds west 626.29 feet to
9 a point N700962.83, E1109319.47 thence south 52 de-
10 grees 35 minutes 36.5 seconds 10.79 feet to the point
11 of origin.

12 (i) *BURNHAM CANAL.*—Beginning on the date of en-
13 actment of this Act, the Secretary is no longer authorized
14 to carry out the portion of the project for navigation, Mil-
15 waukee Harbor Project, Milwaukee, Wisconsin, known as
16 the Burnham Canal, beginning at channel point #415a
17 N381768.648, E2524554.836, a distance of about 170.58
18 feet, thence running south 53 degrees 43 minutes 41 seconds
19 west to channel point #417 N381667.728, E2524417.311,
20 a distance of about 35.01 feet, thence running south 34 de-
21 grees 10 minutes 40 seconds west to channel point #501
22 N381638.761, E2524397.639 a distance of about 139.25
23 feet, thence running south 34 degrees 10 minutes 48 seconds
24 west to channel point #503 N381523.557, E2524319.406
25 a distance of about 235.98 feet, thence running south 32

1 *degrees 59 minutes 13 seconds west to channel point #505*
2 *N381325.615, E2524190.925 a distance of about 431.29*
3 *feet, thence running south 32 degrees 36 minutes 05 seconds*
4 *west to channel point #509 N380962.276, E2523958.547,*
5 *a distance of about 614.52 feet, thence running south 89*
6 *degrees 05 minutes 00 seconds west to channel point #511*
7 *N380952.445, E2523344.107, a distance of about 74.68 feet,*
8 *thence running north 89 degrees 04 minutes 59 seconds west*
9 *to channel point #512 N381027.13, E2523342.91, a dis-*
10 *tance of about 533.84 feet, thence running north 89 degrees*
11 *05 minutes 00 seconds east to channel point #510*
12 *N381035.67, E2523876.69, a distance of about 47.86 feet,*
13 *thence running north 61 degrees 02 minutes 07 seconds east*
14 *to channel point #508 N381058.84, E2523918.56, a dis-*
15 *tance of about 308.55 feet, thence running north 36 degrees*
16 *15 minutes 29 seconds east to channel point #506*
17 *N381307.65, E2524101.05, distance of about 199.98 feet,*
18 *thence running north 32 degrees 59 minutes 12 seconds east*
19 *to channel point #504 N381475.40, E2524209.93, a dis-*
20 *tance of about 195.14 feet, thence running north 26 degrees*
21 *17 minutes 22 seconds east to channel point #502*
22 *N381650.36, E2524296.36, a distance of about 81.82 feet,*
23 *thence running north 88 degrees 51 minutes 05 seconds west*
24 *to channel point #419 N381732.17, E2524294.72 a dis-*
25 *tance of about 262.65 feet, thence running north 82 degrees*

1 01 minutes 02 seconds east to channel point # 415a the
2 point of origin.

3 (j) WALNUT CREEK, CALIFORNIA.—Beginning on the
4 date of enactment of this Act, the Secretary is no longer
5 authorized to carry out the portion of the project for flood
6 protection on Walnut Creek, California, constructed in ac-
7 cordance with the plan authorized by section 203 of the
8 Flood Control Act of 1960 (Public Law 86–645; 74 Stat.
9 488) that consists of the culvert on the San Ramon Creek
10 constructed by the Department of the Army in 1971 that
11 extends from Sta 4+27 to Sta 14+27.

12 **SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-**
13 **BASIN, NEW JERSEY.**

14 Title I of the Energy and Water Development Appro-
15 priations Act, 1998 (Public Law 105–62; 111 Stat. 1327)
16 is amended by striking section 102.

17 **SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKAN-**
18 **SAS, LOUISIANA.**

19 (a) IN GENERAL.—The Secretary is authorized to reas-
20 sign unused irrigation storage within a reservoir on the Red
21 River Basin to municipal and industrial water supply for
22 use by a non-Federal interest if that non-Federal interest
23 has already contracted for a share of municipal and indus-
24 trial water supply on the same reservoir.

1 (b) *NON-FEDERAL INTEREST.*—A reassignment of
 2 storage under subsection (a) shall be contingent upon the
 3 execution of an agreement between the Secretary and the
 4 applicable non-Federal interest.

5 **SEC. 3009. POINT JUDITH HARBOR OF REFUGE, RHODE IS-**
 6 **LAND.**

7 The project for the Harbor of Refuge at Point Judith,
 8 Narragansett, Rhode Island, adopted by the Act of Sep-
 9 tember 19, 1890 (commonly known as the “River and Har-
 10 bor Act of 1890”) (26 Stat. 426, chapter 907), House Docu-
 11 ment numbered 66, 51st Congress, 1st Session, and modified
 12 to include the west shore arm breakwater under the first
 13 section of the Act of June 25, 1910 (commonly known as
 14 the “River and Harbor Act of 1910”) (36 Stat. 632, chapter
 15 382), is further modified to include shore protection and
 16 erosion control as project purposes.

17 **SEC. 3010. LAND CONVEYANCE OF HAMMOND BOAT BASIN,**
 18 **WARRENTON, OREGON.**

19 (a) *DEFINITIONS.*—In this section:

20 (1) *CITY.*—The term “City” means the city of
 21 Warrenton, located in Clatsop County, Oregon.

22 (2) *MAP.*—The term “map” means the map con-
 23 tained in Exhibit A of Department of the Army Lease
 24 No. DACW57–1–88–0033 (or a successor instrument).

1 (b) *CONVEYANCE AUTHORITY.*—Subject to the provi-
2 sions of this section, the Secretary shall convey to the City
3 by quitclaim deed, and without consideration, all right,
4 title, and interest of the United States in and to the parcel
5 of land described in subsection (c).

6 (c) *DESCRIPTION OF LAND.*—

7 (1) *IN GENERAL.*—Except as provided in para-
8 graph (2), the land referred to in subsection (b) is the
9 parcel totaling approximately 59 acres located in the
10 City, together with any improvements thereon, includ-
11 ing the Hammond Marina (as described in the map).

12 (2) *EXCLUSION.*—The land referred to in sub-
13 section (b) shall not include the site provided for the
14 fisheries research support facility of the National Ma-
15 rine Fisheries Service.

16 (3) *AVAILABILITY OF MAP.*—The map shall be on
17 file in the Portland District Office of the Corps of En-
18 gineers.

19 (d) *TERMS AND CONDITIONS.*—

20 (1) *IN GENERAL.*—As a condition of the convey-
21 ance under subsection (b), the City shall agree in
22 writing—

23 (A) that the City and any successor or as-
24 sign of the City will release and indemnify the
25 United States from any claims or liabilities that

1 *may arise from or through the operations of the*
2 *land conveyed by the United States; and*

3 *(B) to pay any cost associated with the con-*
4 *veyance under subsection (b).*

5 (2) *ADDITIONAL TERMS AND CONDITIONS.—The*
6 *Secretary may impose such additional terms, condi-*
7 *tions, and requirements on the conveyance under sub-*
8 *section (b) as the Secretary considers appropriate to*
9 *protect the interest of the United States, including the*
10 *requirement that the City assume full responsibility*
11 *for operating and maintaining the channel and the*
12 *breakwater.*

13 (i) *REVERSION.—If the Secretary determines that the*
14 *land conveyed under this section ceases to be owned by the*
15 *public, all right, title, and interest in and to the land shall,*
16 *at the discretion of the Secretary, revert to the United*
17 *States.*

18 (f) *DEAUTHORIZATION.—After the land is conveyed*
19 *under this section, the land shall no longer be a portion*
20 *of the project for navigation, Hammond Small Boat Basin,*
21 *Oregon, authorized by section 107 of the Rivers and Harbor*
22 *Act of 1960 (33 U.S.C. 577).*

1 **SEC. 3011. METRO EAST FLOOD RISK MANAGEMENT PRO-**
2 **GRAM, ILLINOIS.**

3 (a) *IN GENERAL.*—*The following projects shall con-*
4 *stitute a program, to be known as the “Metro East Flood*
5 *Risk Management Program, Illinois”:*

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

9 (A) *section 5 of the Act of June 22, 1936*
10 *(33 U.S.C. 701h); and*

11 (B) *section 5070 of the Water Resources De-*
12 *velopment Act of 2007 (Public Law 110–114;*
13 *121 Stat. 1220).*

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

15 (A) *section 5 of the Act of June 22, 1936*
16 *(33 U.S.C. 701h); and*

17 (B) *Energy and Water Development Appro-*
18 *priation Act, 1988 (Public Law 100–202; 101*
19 *Stat. 1329–104).*

20 (3) *Wood River Drainage and Levee District, Il-*
21 *linois, authorized by—*

22 (A) *section 4 of the Act entitled “An Act au-*
23 *thorizing the construction of certain public works*
24 *on rivers and harbors for flood control, and for*
25 *other purposes”, approved June 28, 1938 (52*
26 *Stat. 1218); and*

1 (B) section 1001(20) of the Water Resources
2 Development Act of 2007 (Public Law 110–114;
3 121 Stat. 1053).

4 **SEC. 3012. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

5 Section 109 of title I of division B of the Miscellaneous
6 Appropriations Act, 2001 (114 Stat. 2763A–221, 121 Stat.
7 1217) is amended—

8 (1) in subsection (a), by inserting “and unincor-
9 porated communities” after “municipalities”; and

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

12 (3) by inserting after subsection (e) the following:

13 “(f) *PRIORITY.*—In providing assistance under this
14 section, the Secretary shall give priority to projects spon-
15 sored by—

16 “(1) the State of Florida;

17 “(2) Monroe County, Florida; and

18 “(3) incorporated communities in Monroe Coun-
19 ty, Florida.”.

20 **SEC. 3013. DES MOINES RECREATIONAL RIVER AND GREEN-**
21 **BELT, IOWA.**

22 The boundaries for the project referred to as the Des
23 Moines Recreational River and Greenbelt, Iowa under the
24 heading “CORPS OF ENGINEERS—CIVIL” under the heading
25 “DEPARTMENT OF THE ARMY” under the heading “DE-

1 *PARTMENT OF DEFENSE—CIVIL*” in chapter IV of
2 *title I of the Supplemental Appropriations Act, 1985 (Pub-*
3 *lic Law 99–88, 99 Stat. 313) are revised to include the en-*
4 *tirety of sections 19 and 29, situated in T89N, R28W.*

5 **SEC. 3014. LAND CONVEYANCE, CRANEY ISLAND DREDGED**
6 **MATERIAL MANAGEMENT AREA, PORTS-**
7 **MOUTH, VIRGINIA.**

8 (a) *IN GENERAL.*—*Subject to the conditions described*
9 *in this section, the Secretary may convey to the Common-*
10 *wealth of Virginia, by quitclaim deed and without consider-*
11 *ation, all right, title, and interest of the United States in*
12 *and to 2 parcels of land situated within the project for navi-*
13 *gation, Craney Island Eastward Expansion, Norfolk Har-*
14 *bor and Channels, Hampton Roads, Virginia, authorized*
15 *by section 1001(45) of the Water Resources Development Act*
16 *of 2007 (Pub. L. 110–114; 121 Stat. 1057), together with*
17 *any improvements thereon.*

18 (b) *LANDS TO BE CONVEYED.*—

19 (1) *IN GENERAL.*—*The 2 parcels of land to be*
20 *conveyed under this section include a parcel con-*
21 *sisting of approximately 307.82 acres of land and a*
22 *parcel consisting of approximately 13.33 acres of*
23 *land, both located along the eastern side of the Craney*
24 *Island Dredged Material Management Area in Ports-*
25 *mouth, Virginia.*

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

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

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

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

11 (B) *is used for any purpose that is incon-*
12 *sistent with subsection (b); and*

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

17 (d) *LEGAL DESCRIPTION.*—*The exact acreage and*
18 *legal description of land to be conveyed under this section*
19 *shall be determined by a survey that is satisfactory to the*
20 *Secretary.*

21 (e) *CONVEYANCE COSTS.*—*The Commonwealth of Vir-*
22 *ginia shall be responsible for all costs associated with the*
23 *conveyance authorized by this section, including the cost of*
24 *the survey required under subsection (d) and other adminis-*
25 *trative costs.*

1 **SEC. 3015. LOS ANGELES COUNTY DRAINAGE AREA, CALI-**
 2 **FORNIA.**

3 *The project for flood control, Los Angeles County*
 4 *Drainage Area, California, authorized by section 101(b) of*
 5 *the Water Resources Development Act of 1990 (Pub. L. 101–*
 6 *640; 104 Stat. 4611), as modified, is further modified to*
 7 *authorize the Secretary to include, as a part of the project,*
 8 *measures for flood risk reduction, ecosystem restoration,*
 9 *and recreation in the Compton Creek watershed.*

10 **SEC. 3016. OAKLAND INNER HARBOR TIDAL CANAL, CALI-**
 11 **FORNIA.**

12 *Section 3182(b)(1) of the Water Resources Develop-*
 13 *ment Act of 2007 (Public Law 110–114; 121 Stat. 1165)*
 14 *is amended—*

15 *(1) in subparagraph (A), by inserting “, or to a*
 16 *multicounty public entity that is eligible to hold title*
 17 *to real property” after “To the city of Oakland”; and*

18 *(2) by inserting “multicounty public entity or*
 19 *other” before “public entity”.*

20 **SEC. 3017. REDESIGNATION OF LOWER MISSISSIPPI RIVER**
 21 **MUSEUM AND RIVERFRONT INTERPRETIVE**
 22 **SITE.**

23 *(a) IN GENERAL.—Section 103(c)(1) of the Water Re-*
 24 *sources Development Act of 1992 (106 Stat. 4811) is amend-*
 25 *ed by striking “Lower Mississippi River Museum and*
 26 *Riverfront Interpretive Site” and inserting “Jesse Brent*

1 *Lower Mississippi River Museum and Riverfront Interpre-*
 2 *tive Site”.*

3 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
 4 *lation, document, paper, or other record of the United*
 5 *States to the museum and interpretive site referred to in*
 6 *subsection (a) shall be deemed to be a reference to the “Jesse*
 7 *Brent Lower Mississippi River Museum and Riverfront In-*
 8 *terpretive Site”.*

9 **SEC. 3018. LOUISIANA COASTAL AREA.**

10 (a) *INTERIM ADOPTION OF COMPREHENSIVE COASTAL*
 11 *MASTER PLAN.*—

12 (1) *IN GENERAL.*—*Section 7002 of the Water Re-*
 13 *sources Development Act of 2007 (Public Law 110-*
 14 *114; 121 Stat. 1270) is amended—*

15 (A) *by redesignating subsections (d) through*
 16 (f) *as subsections (e) through (g), respectively;*

17 (B) *by inserting after subsection (c) the fol-*
 18 *lowing:*

19 “(d) *INTERIM ADOPTION OF COMPREHENSIVE MASTER*
 20 *PLAN.*—*Prior to completion of the comprehensive plan de-*
 21 *scribed under subsection (a), the Secretary shall adopt the*
 22 *plan of the State of Louisiana entitled ‘Louisiana’s Com-*
 23 *prehensive Master Plan for a Sustainable Coast’ in effect*
 24 *on the date of enactment of the Water Resources Develop-*
 25 *ment Act of 2013 (and subsequent plans), authorized and*

1 *defined pursuant to Act 8 of the First Extraordinary Ses-*
2 *sion of the Louisiana State Legislature, 2005, for pro-*
3 *tecting, preserving, and restoring the coastal Louisiana eco-*
4 *system until implementation of the comprehensive plan is*
5 *complete.”; and*

6 *(C) in subsection (g)(1) (as so redesignated),*
7 *by striking “1 year” and inserting “10 years”.*

8 *(2) CONFORMING AMENDMENT.—Subsection (f)*
9 *(as so redesignated) is amended by striking “sub-*
10 *section (d)(1)” and inserting “subsection (e)(1)”.*

11 *(b) Section 7006 of the Water Resources Development*
12 *Act of 2007 (Public Law 110–114; 121 Stat. 1274) is*
13 *amended—*

14 *(1) in subsection (a)(2)—*

15 *(A) by redesignating subparagraphs (C)*
16 *and (D) as subparagraphs (D) and (E), respec-*
17 *tively; and*

18 *(B) by inserting after subparagraph (B) the*
19 *following:*

20 *“(C) to examine a system-wide approach to*
21 *coastal sustainability, including—*

22 *“(i) flood and storm damage protec-*
23 *tion;*

24 *“(ii) coastal restoration; and*

1 “(iii) the elevation of public and pri-
2 vate infrastructure;” and

3 (2) in subsection (c)(1)(E), by striking “at Myr-
4 tle Grove” and inserting “in the vicinity of Myrtle
5 Grove”.

6 (c) *EFFECT.*—

7 (1) *IN GENERAL.*—Nothing in this section or an
8 amendment made by this section authorizes the con-
9 struction of a project or program associated with a
10 storm surge barrier across the Lake Pontchartrain
11 land bridge (including Chef Menteur Pass and the
12 Rigolets) that would result in unmitigated induced
13 flooding in coastal communities within the State of
14 Mississippi.

15 (2) *REQUIRED CONSULTATION.*—Any study to
16 advance a project described in paragraph (1) that is
17 conducted using funds from the General Investiga-
18 tions Account of the Corps of Engineers shall include
19 consultation and approval of the Governors of the
20 States of Louisiana and Mississippi.

21 **SEC. 3019. FOUR MILE RUN, CITY OF ALEXANDRIA AND AR-**
22 **LINGTON COUNTY, VIRGINIA.**

23 Section 84(a)(1) of the Water Resources Development
24 Act of 1974 (Public Law 93–251; 88 Stat. 35) is amended

1 *by striking “twenty-seven thousand cubic feet per second”*
2 *and inserting “18,000 cubic feet per second”.*

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

4 *The portion of the project for flood protection on the*
5 *East Fork of the Trinity River, Texas, authorized by section*
6 *203 of the Flood Control Act of 1962 (76 Stat. 1185), that*
7 *consists of the 2 levees identified as “Kaufman County Lev-*
8 *ees K5E and K5W” shall no longer be authorized as a part*
9 *of the Federal project as of the date of enactment of this*
10 *Act.*

11 **SEC. 3021. SEWARD WATERFRONT, SEWARD, ALASKA.**

12 *(a) IN GENERAL.—The parcel of land included in the*
13 *Seward Harbor, Alaska navigation project identified as*
14 *Tract H, Seward Original Townsite, Waterfront Park*
15 *Replat, Plat No 2012–4, Seward Recording District, shall*
16 *not be subject to the navigation servitude (as of the date*
17 *of enactment of this Act).*

18 *(b) ENTRY BY FEDERAL GOVERNMENT.—The Federal*
19 *Government may enter upon any portion of the land re-*
20 *ferred to in subsection (a) to carry out any required oper-*
21 *ation and maintenance of the general navigation features*
22 *of the project.*

1 **TITLE IV—WATER RESOURCE**
 2 **STUDIES**

3 **SEC. 4001. PURPOSE.**

4 *The purpose of this title is to authorize the Secretary*
 5 *to study and recommend solutions for water resource issues*
 6 *relating to flood risk and storm damage reduction, naviga-*
 7 *tion, and aquatic ecosystem restoration.*

8 **SEC. 4002. INITIATION OF NEW WATER RESOURCES STUD-**
 9 **IES.**

10 *(a) IN GENERAL.—Subject to subsections (b), (c), and*
 11 *(d), the Secretary may initiate a study—*

12 *(1) to determine the feasibility of carrying out 1*
 13 *or more projects for flood risk management, storm*
 14 *damage reduction, aquatic ecosystem restoration,*
 15 *navigation, hydropower, or related purposes; or*

16 *(2) to carry out watershed and river basin as-*
 17 *sessments in accordance with section 729 of the Water*
 18 *Resources Development Act of 1986 (33 U.S.C.*
 19 *2267a).*

20 *(b) CRITERIA.—The Secretary may only initiate a*
 21 *study under subsection (a) if—*

22 *(1) the study—*

23 *(A) has been requested by an eligible non-*
 24 *Federal interest;*

1 (B) is for an area that is likely to include
2 a project with a Federal interest; and

3 (C) addresses a high-priority water resource
4 issue necessary for the protection of human life
5 and property, the environment, or the national
6 security interests of the United States; and

7 (2) the non-Federal interest has demonstrated—

8 (A) that local support exists for addressing
9 the water resource issue; and

10 (B) the financial ability to provide the re-
11 quired non-Federal cost-share.

12 (c) CONGRESSIONAL APPROVAL.—

13 (1) SUBMISSION TO CONGRESS.—Prior to initi-
14 ating a study under subsection (a), the Secretary
15 shall submit to the Committees on Environment and
16 Public Works and Appropriations of the Senate and
17 the Committees on Transportation and Infrastructure
18 and Appropriations of the House—

19 (A) a description of the study, including the
20 geographical area addressed by the study;

21 (B) a description of how the study meets
22 each of the requirements of subsection (b); and

23 (C) a certification that the proposed study
24 can be completed within 3 years and for a Fed-
25 eral cost of not more than \$3,000,000.

1 (2) *EXPENDITURE OF FUNDS.*—No funds may be
2 spent on a study initiated under subsection (a) un-
3 less—

4 (A) the required information is submitted to
5 Congress under paragraph (1); and

6 (B) after such submission, amounts are ap-
7 propriated to initiate the study in an appropria-
8 tions or other Act.

9 (3) *ADDITIONAL NOTIFICATION.*—The Secretary
10 shall notify each Senator or Member of Congress with
11 a State or congressional district in the study area de-
12 scribed in paragraph (1)(A).

13 (d) *LIMITATIONS.*—

14 (1) *IN GENERAL.*—Subsection (a) shall not apply
15 to a project for which a study has been authorized
16 prior to the date of enactment of this Act.

17 (2) *NEW STUDIES.*—In each fiscal year, the Sec-
18 retary may initiate not more than—

19 (A) 3 new studies in each of the primary
20 mission areas of the Corps of Engineers; and

21 (B) 3 new studies from any 1 division of
22 the Corps of Engineers.

23 (e) *TERMINATION.*—The authority under subsection
24 (a) expires on the date that is 3 years after the date of en-
25 actment of this Act.

1 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Secretary to carry out*
3 *this section \$25,000,000 for each of fiscal years 2014*
4 *through 2017.*

5 **SEC. 4003. APPLICABILITY.**

6 (a) *IN GENERAL.*—*Nothing in this title authorizes the*
7 *construction of a water resources project.*

8 (b) *NEW AUTHORIZATION REQUIRED.*—*New author-*
9 *ization from Congress is required before any project evalu-*
10 *ated in a study under this title is constructed.*

11 **TITLE V—REGIONAL AND**
12 **NONPROJECT PROVISIONS**

13 **SEC. 5001. PURPOSE.**

14 *The purpose of this title is to authorize regional,*
15 *multistate authorities to address water resource needs and*
16 *other non-project provisions.*

17 **SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RES-**
18 **TORATION.**

19 (a) *IN GENERAL.*—*The Secretary shall plan, design,*
20 *and construct projects for aquatic ecosystem restoration*
21 *within the coastal waters of the Northeastern United States*
22 *from the State of Virginia to the State of Maine, including*
23 *associated bays, estuaries, and critical riverine areas.*

24 (b) *GENERAL COASTAL MANAGEMENT PLAN.*—

1 (1) *ASSESSMENT.*—*The Secretary, in coordina-*
2 *tion with the Administrator of the Environmental*
3 *Protection Agency, the heads of other appropriate*
4 *Federal agencies, the Governors of the coastal States*
5 *from Virginia to Maine, nonprofit organizations, and*
6 *other interested parties, shall assess the needs regard-*
7 *ing, and opportunities for, aquatic ecosystem restora-*
8 *tion within the coastal waters of the Northeastern*
9 *United States.*

10 (2) *PLAN.*—*The Secretary shall develop a general*
11 *coastal management plan based on the assessment*
12 *carried out under paragraph (1), maximizing the use*
13 *of existing plans and investigation, which plan shall*
14 *include—*

15 (A) *an inventory and evaluation of coastal*
16 *habitats;*

17 (B) *identification of aquatic resources in*
18 *need of improvement;*

19 (C) *identification and prioritization of po-*
20 *tential aquatic habitat restoration projects; and*

21 (D) *identification of geographical and eco-*
22 *logical areas of concern, including—*

23 (i) *finfish habitats;*

24 (ii) *diadromous fisheries migratory*
25 *corridors;*

- 1 (iii) shellfish habitats;
2 (iv) submerged aquatic vegetation;
3 (v) wetland; and
4 (vi) beach dune complexes and other
5 similar habitats.

6 (c) *ELIGIBLE PROJECTS.*—*The Secretary may carry*
7 *out an aquatic ecosystem restoration project under this sec-*
8 *tion if the project—*

9 (1) *is consistent with the management plan de-*
10 *veloped under subsection (b); and*

11 (2) *provides for—*

12 (A) *the restoration of degraded aquatic*
13 *habitat (including coastal, saltmarsh, benthic,*
14 *and riverine habitat);*

15 (B) *the restoration of geographical or eco-*
16 *logical areas of concern, including the restora-*
17 *tion of natural river and stream characteristics;*

18 (C) *the improvement of water quality; or*

19 (D) *other projects or activities determined*
20 *to be appropriate by the Secretary.*

21 (d) *COST SHARING.*—

22 (1) *MANAGEMENT PLAN.*—*The management plan*
23 *developed under subsection (b) shall be completed at*
24 *Federal expense.*

1 “(2) *FORM.*—*The assistance under paragraph*
2 *(1) shall be in the form of design and construction as-*
3 *sistance for water-related resource protection and res-*
4 *toration projects affecting the Chesapeake Bay estu-*
5 *ary, based on the comprehensive plan under sub-*
6 *section (b), including projects for—*

7 “(A) *sediment and erosion control;*

8 “(B) *protection of eroding shorelines;*

9 “(C) *ecosystem restoration, including res-*
10 *toration of submerged aquatic vegetation;*

11 “(D) *protection of essential public works;*

12 “(E) *beneficial uses of dredged material;*

13 *and*

14 “(F) *other related projects that may en-*
15 *hance the living resources of the estuary.”;*

16 (2) *by striking subsection (b) and inserting the*
17 *following:*

18 “(b) *COMPREHENSIVE PLAN.*—

19 “(1) *IN GENERAL.*—*Not later than 2 years after*
20 *the date of enactment of the Water Resources Develop-*
21 *ment Act of 2013, the Secretary, in cooperation with*
22 *State and local governmental officials and affected*
23 *stakeholders, shall develop a comprehensive Chesa-*
24 *apeake Bay restoration plan to guide the implementa-*
25 *tion of projects under subsection (a)(2).*

1 “(2) *COORDINATION.*—*The restoration plan de-*
2 *scribed in paragraph (1) shall, to the maximum ex-*
3 *tent practicable, consider and avoid duplication of*
4 *any ongoing or planned actions of other Federal,*
5 *State, and local agencies and nongovernmental orga-*
6 *nizations.*

7 “(3) *PRIORITIZATION.*—*The restoration plan de-*
8 *scribed in paragraph (1) shall give priority to*
9 *projects eligible under subsection (a)(2) that will also*
10 *improve water quality or quantity or use natural*
11 *hydrological features and systems.*

12 “(4) *ADMINISTRATION.*—*The Federal share of the*
13 *costs of carrying out paragraph (1) shall be 75 per-*
14 *cent.”;*

15 (3) *in subsection (c)—*

16 (A) *in paragraph (1), by striking “to pro-*
17 *vide” and all that follows through the period at*
18 *the end and inserting “for the design and con-*
19 *struction of a project carried out pursuant to the*
20 *comprehensive Chesapeake Bay restoration plan*
21 *described in subsection (b).”;*

22 (B) *in paragraph (2)(A), by striking “fa-*
23 *ilities or resource protection and development*
24 *plan” and inserting “resource protection and*
25 *restoration plan”;* and

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

2 “(3) *PROJECTS ON FEDERAL LAND.*—A project
3 *carried out pursuant to the comprehensive Chesapeake*
4 *Bay restoration plan described in subsection (b) that*
5 *is located on Federal land shall be carried out at the*
6 *expense of the Federal agency that owns the land on*
7 *which the project will be a carried out.*

8 “(4) *NON-FEDERAL CONTRIBUTIONS.*—A Federal
9 *agency carrying out a project described in paragraph*
10 *(3) may accept contributions of funds from non-Fed-*
11 *eral entities to carry out that project.”;*

12 (4) by striking subsection (e) and inserting the
13 *following:*

14 “(e) *COOPERATION.*—In carrying out this section, the
15 *Secretary shall cooperate with—*

16 “(1) *the heads of appropriate Federal agencies,*
17 *including—*

18 “(A) *the Administrator of the Environ-*
19 *mental Protection Agency;*

20 “(B) *the Secretary of Commerce, acting*
21 *through the Administrator of the National*
22 *Oceanographic and Atmospheric Administration;*

23 “(C) *the Secretary of the Interior, acting*
24 *through the Director of the United States Fish*
25 *and Wildlife Service; and*

1 “(D) the heads of such other Federal agen-
2 cies as the Secretary determines to be appro-
3 priate; and

4 “(2) agencies of a State or political subdivision
5 of a State, including the Chesapeake Bay Commis-
6 sion.”;

7 (5) by striking subsection (f) and inserting the
8 following:

9 “(f) **PROJECTS.**—The Secretary shall establish, to the
10 maximum extent practicable, at least 1 project under this
11 section in—

12 “(1) regions within the Chesapeake Bay water-
13 shed of each of the basin States of Delaware, Mary-
14 land, New York, Pennsylvania, Virginia, and West
15 Virginia; and

16 “(2) the District of Columbia.”;

17 (6) by striking subsection (h); and

18 (7) by redesignating subsection (i) as subsection
19 (h).

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

22 Section 5056 of the Water Resources Development Act
23 of 2007 (121 Stat. 1213) is amended—

24 (1) in subsection (b)(2)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “2008” and inserting “2014”;
3 and

4 (B) in subparagraph (C), by inserting “and
5 an assessment of needs for other related purposes
6 in the Rio Grande Basin, including flood dam-
7 age reduction” after “assessment”;

8 (2) in subsection (c)(2)—

9 (A) by striking “an interagency agreement
10 with” and inserting “1 or more interagency
11 agreements with the Secretary of State and”;
12 and

13 (B) by inserting “or the U.S. Section of the
14 International Boundary and Water Commis-
15 sion” after “the Department of the Interior”;
16 and

17 (3) in subsection (f), by striking “2011” and in-
18 serting “2024”.

19 **SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY**
20 **ECOSYSTEM RESTORATION, OREGON AND**
21 **WASHINGTON.**

22 Section 536(g) of the Water Resources Development Act
23 of 2000 (114 Stat. 2661) is amended by striking
24 “\$30,000,000” and inserting “\$75,000,000”.

1 **SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.**

2 (a) *PROJECT GOAL.*—*The goal for operation of the*
3 *McClellan-Kerr Arkansas River navigation system, Arkan-*
4 *sas and Oklahoma, shall be to maximize the use of the sys-*
5 *tem in a balanced approach that incorporates advice from*
6 *representatives from all project purposes to ensure that the*
7 *full value of the system is realized by the United States.*

8 (b) *MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION*
9 *SYSTEM ADVISORY COMMITTEE.*—

10 (1) *IN GENERAL.*—*In accordance with the Fed-*
11 *eral Advisory Committee Act (5 U.S.C. App.), the*
12 *Secretary shall establish an advisory committee for*
13 *the McClellan-Kerr Arkansas River navigation sys-*
14 *tem, Arkansas and Oklahoma, project authorized by*
15 *the Act of July 24, 1946 (60 Stat. 635, chapter 595).*

16 (2) *DUTIES.*—*The advisory committee shall—*
17 (A) *serve in an advisory capacity only; and*
18 (B) *provide information and recommenda-*
19 *tions to the Corps of Engineers relating to the ef-*
20 *iciency, reliability, and availability of the oper-*
21 *ations of the McClellan-Kerr Arkansas River*
22 *navigation system.*

23 (3) *SELECTION AND COMPOSITION.*—*The advi-*
24 *sory committee shall be—*

1 (A) selected jointly by the Little Rock dis-
2 trict engineer and the Tulsa district engineer;
3 and

4 (B) composed of members that equally rep-
5 resent the McClellan-Kerr Arkansas River navi-
6 gation system project purposes.

7 (4) *AGENCY RESOURCES.*—The Little Rock dis-
8 trict and the Tulsa district of the Corps of Engineers,
9 under the supervision of the southwestern division,
10 shall jointly provide the advisory committee with ade-
11 quate staff assistance, facilities, and resources.

12 (5) *TERMINATION.*—

13 (A) *IN GENERAL.*—Subject to subparagraph
14 (B), the advisory committee shall terminate on
15 the date on which the Secretary submits a report
16 to Congress demonstrating increases in the effi-
17 ciency, reliability, and availability of the
18 McClellan-Kerr Arkansas River navigation sys-
19 tem.

20 (B) *RESTRICTION.*—The advisory committee
21 shall terminate not less than 2 calendar years
22 after the date on which the advisory committee
23 is established.

1 **SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND**
2 **MANAGEMENT; COLUMBIA RIVER BASIN.**

3 (a) *IN GENERAL.*—*The Secretary may establish a pro-*
4 *gram to prevent and manage aquatic invasive species in*
5 *the Columbia River Basin in the States of Idaho, Montana,*
6 *Oregon, and Washington.*

7 (b) *WATERCRAFT INSPECTION STATIONS.*—

8 (1) *IN GENERAL.*—*In carrying out this section,*
9 *the Secretary shall establish watercraft inspection sta-*
10 *tions in the Columbia River Basin to be located in*
11 *the States of Idaho, Montana, Oregon, and Wash-*
12 *ington at locations, as determined by the Secretary,*
13 *with the highest likelihood of preventing the spread of*
14 *aquatic invasive species into reservoirs operated and*
15 *maintained by the Secretary.*

16 (2) *INCLUSIONS.*—*Locations identified under*
17 *paragraph (1) may include—*

18 (A) *State border crossings;*

19 (B) *international border crossings; and*

20 (C) *highway entry points that are used by*
21 *owners of watercraft to access boat launch facili-*
22 *ties owned or managed by the Secretary.*

23 (3) *COST-SHARE.*—*The non-Federal share of the*
24 *cost of operating and maintaining watercraft inspec-*
25 *tion stations described in paragraph (1) (including*
26 *personnel costs) shall be 50 percent.*

1 (4) *OTHER INSPECTION SITES.*—*The Secretary*
2 *may establish watercraft inspection stations using*
3 *amounts made available to carry out this section in*
4 *States other than those described in paragraph (1) at*
5 *or near boat launch facilities that the Secretary deter-*
6 *mines are regularly used by watercraft to enter the*
7 *States described in paragraph (1).*

8 (c) *MONITORING AND CONTINGENCY PLANNING.*—*The*
9 *Secretary shall—*

10 (1) *carry out risk assessments of each major pub-*
11 *lic and private water resources facility in the Colum-*
12 *bia River Basin;*

13 (2) *establish an aquatic invasive species moni-*
14 *toring program in the Columbia River Basin;*

15 (3) *establish a Columbia River Basin watershed-*
16 *wide plan for expedited response to an infestation of*
17 *aquatic invasive species; and*

18 (4) *monitor water quality, including sediment*
19 *cores and fish tissue samples, at facilities owned or*
20 *managed by the Secretary in the Columbia River*
21 *Basin.*

22 (d) *COORDINATION.*—*In carrying out this section, the*
23 *Secretary shall consult and coordinate with—*

24 (1) *the States described in subsection (a);*

25 (2) *Indian tribes; and*

1 (3) *other Federal agencies, including—*

2 (A) *the Department of Agriculture;*

3 (B) *the Department of Energy;*

4 (C) *the Department of Homeland Security;*

5 (D) *the Department of Commerce; and*

6 (E) *the Department of the Interior.*

7 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
8 *authorized to be appropriated to the Secretary to carry out*
9 *this section \$30,000,000, of which \$5,000,000 may be used*
10 *to carry out subsection (c).*

11 **SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT**
12 **MONITORING.**

13 (a) *IN GENERAL.—The Secretary, in coordination*
14 *with the Administrator of the National Oceanic and Atmos-*
15 *pheric Administration, the Chief of the Natural Resources*
16 *Conservation Service, the Director of the United States Geo-*
17 *logical Survey, and the Commissioner of the Bureau of Rec-*
18 *lamation, shall establish a program to provide for—*

19 (1) *soil moisture and snowpack monitoring in*
20 *the Upper Missouri River Basin to reduce flood risk*
21 *and improve river and water resource management in*
22 *the Upper Missouri River Basin, as outlined in the*
23 *February 2013 report entitled “Upper Missouri Basin*
24 *Monitoring Committee—Snow Sampling and Instru-*
25 *mentation Recommendations”;*

1 (2) *restoring and maintaining existing mid- and*
2 *high-elevation snowpack monitoring sites operated*
3 *under the SNOTEL program of the Natural Resources*
4 *Conservation Service; and*

5 (3) *operating streamflow gages and related inter-*
6 *pretive studies in the Upper Missouri River Basin*
7 *under the cooperative water program and the na-*
8 *tional streamflow information program of the United*
9 *States Geological Service.*

10 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
11 *authorized to be appropriated to the Secretary to carry out*
12 *this section \$11,250,000.*

13 (c) *USE OF FUNDS.—Amounts made available to the*
14 *Secretary under this section shall be used to complement*
15 *other related activities of Federal agencies that are carried*
16 *out within the Missouri River Basin.*

17 (d) *REPORT.—Not later than 1 year after the date of*
18 *enactment of this Act, the Comptroller General of the United*
19 *States, in consultation with the Secretary, shall submit to*
20 *the Committee on Environment and Public Works of the*
21 *Senate and the Committee on Transportation and Infra-*
22 *structure of the House of Representatives a report that—*

23 (1) *identifies progress made by the Secretary and*
24 *other Federal agencies to implement the recommenda-*
25 *tions contained in the report described in subsection*

1 (a)(1) *with respect to enhancing soil moisture and*
2 *snowpack monitoring in the Upper Missouri Basin;*
3 *and*

4 (2) *includes recommendations to enhance soil*
5 *moisture and snowpack monitoring in the Upper Mis-*
6 *souri Basin.*

7 **SEC. 5009. UPPER MISSOURI BASIN SHORELINE EROSION**
8 **PREVENTION.**

9 (a) *IN GENERAL.*—

10 (1) *AUTHORIZATION OF ASSISTANCE.*—*The Sec-*
11 *retary may provide planning, design, and construc-*
12 *tion assistance to not more than 3 federally-recog-*
13 *nized Indian tribes in the Upper Missouri River*
14 *Basin to undertake measures to address shoreline ero-*
15 *sion that is jeopardizing existing infrastructure re-*
16 *sulting from operation of a reservoir constructed*
17 *under the Pick-Sloan Missouri River Basin Program*
18 *(authorized by section 9 of the Act of December 22,*
19 *1944 (commonly known as the “Flood Control Act of*
20 *1944”)) (58 Stat. 891, chapter 665)).*

21 (2) *LIMITATION.*—*The projects described in*
22 *paragraph (1) shall be economically justified, tech-*
23 *nically feasible, and environmentally acceptable.*

24 (b) *FEDERAL AND NON-FEDERAL COST SHARE.*—

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

4 (2) *ABILITY TO PAY.*—The Secretary may adjust
5 *the Federal and non-Federal shares of the costs of car-*
6 *rying out this section in accordance with the terms*
7 *and conditions of section 103(m) of the Water Re-*
8 *sources Development Act of 1986 (33 U.S.C.*
9 *2213(m)).*

10 (c) *CONDITIONS.*—The Secretary may provide the as-
11 *sistance described in subsection (a) only after—*

12 (1) *consultation with the Department of the Inte-*
13 *rior; and*

14 (2) *execution by the Indian tribe of a memo-*
15 *randum of agreement with the Secretary that specifies*
16 *that the tribe shall—*

17 (A) *be responsible for—*

18 (i) *all operation and maintenance ac-*
19 *tivities required to ensure the integrity of*
20 *the measures taken; and*

21 (ii) *providing any required real estate*
22 *interests in and to the property on which*
23 *such measures are to be taken; and*

24 (B) *hold and save the United States free*
25 *from damages arising from planning, design, or*

1 (b) *RESTRICTION.*—All projects carried out using
2 amounts made available to carry out this section shall em-
3 phasize the protection and enhancement of natural riverine
4 processes.

5 (c) *NON-FEDERAL COST SHARE.*—The non-Federal
6 share of the costs of carrying out a project under this section
7 shall not exceed 35 percent of the total cost of the project.

8 (d) *COORDINATION.*—In carrying out this section, the
9 Secretary—

10 (1) shall consult and coordinate with the appro-
11 priate State natural resource agency in each State;
12 and

13 (2) may—

14 (A) delegate any authority or responsibility
15 of the Secretary under this section to those State
16 natural resource agencies; and

17 (B) provide amounts made available to the
18 Secretary to carry out this section to those State
19 natural resource agencies.

20 (e) *LIMITATIONS.*—Nothing in this section invalidates,
21 preempts, or creates any exception to State water law, State
22 water rights, or Federal or State permitted activities or
23 agreements in the States of Idaho and Montana or any
24 State containing tributaries to rivers in those States.

25 (f) *EFFECT OF SECTION.*—

1 *tions of the Senate and the Committees on Transportation*
2 *and Infrastructure and Appropriations of the House of*
3 *Representatives any emergency actions taken pursuant to*
4 *this section.*

5 **SEC. 5012. MIDDLE MISSISSIPPI RIVER PILOT PROGRAM.**

6 (a) *IN GENERAL.*—*In accordance with the project for*
7 *navigation, Mississippi River between the Ohio and Mis-*
8 *souri Rivers (Regulating Works), Missouri and Illinois, au-*
9 *thorized by the Act of June 25, 1910 (36 Stat. 631, chapter*
10 *382) (commonly known as the “River and Harbor Act of*
11 *1910”), the Act of January 1, 1927 (44 Stat. 1010, chapter*
12 *47) (commonly known as the “River and Harbor Act of*
13 *1927”), and the Act of July 3, 1930 (46 Stat. 918, chapter*
14 *847), the Secretary shall carry out a pilot program to re-*
15 *store and protect fish and wildlife habitat in the middle*
16 *Mississippi River.*

17 (b) *AUTHORIZED ACTIVITIES.*—*As part of the pilot*
18 *program carried out under subsection (a), the Secretary*
19 *may carry out any activity along the Middle Mississippi*
20 *River that is necessary to improve navigation through the*
21 *project while restoring and protecting fish and wildlife*
22 *habitat in the middle Mississippi River if the Secretary de-*
23 *termines that the activity is feasible.*

24 (c) *COST-SHARING REQUIREMENT.*—

1 (1) *IN GENERAL.*—*The maximum Federal share*
 2 *of the cost of carrying out a project under this section*
 3 *shall be 65 percent.*

4 (2) *AMOUNT EXPENDED PER PROJECT.*—*The*
 5 *Federal share described in paragraph (1) shall not ex-*
 6 *ceed \$10,000,000 for each project.*

7 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 8 *authorized to be appropriated to carry out this section*
 9 *\$25,000,000 for each of fiscal years 2014 through 2023.*

10 **SEC. 5013. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO,**
 11 **RURAL UTAH, AND WYOMING.**

12 *Section 595 of the Water Resources Development Act*
 13 *of 1999 (Public Law 106–53; 113 Stat. 383) is amended—*

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

16 “(c) *FORM OF ASSISTANCE.*—*Assistance under this*
 17 *section may be in the form of—*

18 “(1) *design and construction assistance for*
 19 *water-related environmental infrastructure and re-*
 20 *source protection and development in Idaho, Mon-*
 21 *tana, rural Nevada, New Mexico, rural Utah, and*
 22 *Wyoming, including projects for—*

23 “(A) *wastewater treatment and related fa-*
 24 *cilities;*

25 “(B) *water supply and related facilities;*

1 “(C) *environmental restoration; and*

2 “(D) *surface water resource protection and*
3 *development; and*

4 “(2) *technical assistance to small and rural com-*
5 *munities for water planning and issues relating to*
6 *access to water resources.”; and*

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

9 “(h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
10 *authorized to be appropriated to carry out this section for*
11 *the period beginning with fiscal year 2001 \$450,000,000,*
12 *which shall—*

13 “(1) *be made available to the States and locales*
14 *described in subsection (b) consistent with program*
15 *priorities determined by the Secretary in accordance*
16 *with criteria developed by the Secretary to establish*
17 *the program priorities; and*

18 “(2) *remain available until expended.”.*”

19 **SEC. 5014. CHESAPEAKE BAY OYSTER RESTORATION IN VIR-**
20 **GINIA AND MARYLAND.**

21 *Section 704(b) of Water Resources Development Act of*
22 *1986 (33 U.S.C. 2263(b)) is amended—*

23 (1) *in paragraph (1), by striking “\$50,000,000”*
24 *and inserting “\$70,000,000”; and*

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

3 “(B) *FORM.—The non-Federal share may*
 4 *be provided through in-kind services, includ-*
 5 *ing—*

6 “(i) *the provision by the non-Federal*
 7 *interest of shell stock material that is deter-*
 8 *mined by the Secretary to be suitable for*
 9 *use in carrying out the project; and*

10 “(ii) *in the case of a project carried*
 11 *out under paragraph (2)(D) after the date*
 12 *of enactment of this clause, land conserva-*
 13 *tion or restoration efforts undertaken by the*
 14 *non-Federal interest that the Secretary de-*
 15 *termines provide water quality benefits*
 16 *that—*

17 “(I) *enhance the viability of oys-*
 18 *ter restoration efforts; and*

19 “(II) *are integral to the project.*”.

20 **SEC. 5015. MISSOURI RIVER BETWEEN FORT PECK DAM,**
 21 **MONTANA AND GAVINS POINT DAM, SOUTH**
 22 **DAKOTA AND NEBRASKA.**

23 *Section 9(f) of the Act of December 22, 1944 (com-*
 24 *monly known as the “Flood Control Act of 1944”) (58 Stat.*

1 891, chapter 665; 102 Stat. 4031) is amended by striking
2 “\$3,000,000” and inserting “\$5,000,000”.

3 **SEC. 5016. OPERATIONS AND MAINTENANCE OF INLAND**
4 **MISSISSIPPI RIVER PORTS.**

5 (a) *DEFINITIONS.*—*In this section:*

6 (1) *SHALLOW DRAFT.*—*The term “shallow draft”*
7 *means a project that has a depth less than 14 feet.*

8 (2) *INLAND MISSISSIPPI RIVER.*—*The term “in-*
9 *land Mississippi River” means the portion of the Mis-*
10 *issippi River that begins at the confluence of the*
11 *Minnesota River and ends at the confluence of the*
12 *Red River.*

13 (b) *IN GENERAL.*—*The Secretary, acting through the*
14 *Chief of Engineers, shall carry out dredging activities on*
15 *shallow draft ports located on the Inland Mississippi River*
16 *to the respective authorized widths and depths of those in-*
17 *land ports, as authorized on the date of enactment of this*
18 *Act.*

19 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*For each*
20 *fiscal year, there is authorized to be appropriated to the*
21 *Secretary to carry out this section \$25,000,000.*

22 **SEC. 5017. REMOTE AND SUBSISTENCE HARBORS.**

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

25 (1) *in subsection (a)—*

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

3 (B) in paragraph (2)—

4 (i) by striking “community” and in-
5 serting “region”; and

6 (ii) by inserting “, as determined by
7 the Secretary based on information pro-
8 vided by the non-Federal interest” after
9 “improvement”; and

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

11 “(c) *PRIORITIZATION.*—Projects recommended by the
12 Secretary under subsection (a) shall be given equivalent
13 budget consideration and priority as projects recommended
14 solely by national economic development benefits.

15 “(d) *CONSTRUCTION.*—

16 “(1) *IN GENERAL.*—The Secretary may plan, de-
17 sign, or construct projects for navigation in the non-
18 contiguous States and territories of the United States
19 if the Secretary finds that the project is—

20 “(A) technically feasible;

21 “(B) environmentally sound; and

22 “(C) economically justified.

23 “(2) *SPECIAL RULE.*—In evaluating and imple-
24 menting a project under this section, the Secretary
25 shall allow the non-Federal interest to participate in

1 *the financing of the project in accordance with the*
2 *criteria established for flood control projects in section*
3 *903(c) of the Water Resources Development Act of*
4 *1986 (Public Law 99–662; 100 Stat. 4184) if the de-*
5 *tailed project report evaluation indicates that apply-*
6 *ing that section is necessary to implement the project.*

7 “(3) *COST.—The Federal share of the cost of car-*
8 *rying out a project under this section shall not exceed*
9 *\$10,000,000.*

10 “(4) *AUTHORIZATION OF APPROPRIATIONS.—*
11 *There is authorized to be appropriated to carry out*
12 *projects initiated by the Secretary under this sub-*
13 *section \$100,000,000 for fiscal years 2014 through*
14 *2023.”.*

15 **SEC. 5018. MULTIAGENCY EFFORT TO SLOW THE SPREAD OF**
16 **ASIAN CARP IN THE UPPER MISSISSIPPI**
17 **RIVER AND OHIO RIVER BASINS AND TRIBU-**
18 **TARIES.**

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

22 *(1) IN GENERAL.—The Director of the United*
23 *States Fish and Wildlife Service, in coordination*
24 *with the Chief of Engineers, the Director of the Na-*
25 *tional Park Service, and the Director of the United*

1 *States Geological Survey, shall lead a multiagency ef-*
2 *fort to slow the spread of Asian carp in the Upper*
3 *Mississippi and Ohio River basins and tributaries by*
4 *providing high-level technical assistance, coordina-*
5 *tion, best practices, and support to State and local*
6 *governments in carrying out activities designed to*
7 *slow, and eventually eliminate, the threat posed by*
8 *Asian carp.*

9 (2) *BEST PRACTICES.*—*To the maximum extent*
10 *practicable, the multiagency effort shall apply lessons*
11 *learned and best practices such as those described in*
12 *the document prepared by the Asian Carp Working*
13 *Group entitled “Management and Control Plan for*
14 *Bighead, Black, Grass, and Silver Carps in the*
15 *United States”, and dated November 2007, and the*
16 *document prepared by the Asian Carp Regional Co-*
17 *ordinating Committee entitled “FY 2012 Asian Carp*
18 *Control Strategy Framework” and dated February*
19 *2012.*

20 (b) *REPORT TO CONGRESS.*—

21 (1) *IN GENERAL.*—*Not later than December 31 of*
22 *each year, the Director of the United States Fish and*
23 *Wildlife Service, in coordination with the Chief of*
24 *Engineers, shall submit to the Committee on Appro-*
25 *propriations and the Committee on Natural Resources of*

1 *the House of Representatives and the Committee on*
2 *Appropriations and the Committee on Environmental*
3 *and Public Works of the Senate a report describing*
4 *the coordinated strategies established and progress*
5 *made toward goals to control and eliminate Asian*
6 *carp in the Upper Mississippi and Ohio River basins*
7 *and tributaries.*

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

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

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

19 (C) *any research that the Director deter-*
20 *mines could improve the ability to control the*
21 *spread of Asian carp in the Upper Mississippi*
22 *and Ohio River basins and tributaries;*

23 (D) *any quantitative measures that Direc-*
24 *tor intends to use to document progress in con-*
25 *trolling the spread of Asian carp in the Upper*

1 *Mississippi and Ohio River basins and tribu-*
2 *taries; and*

3 *(E) a cross-cut accounting of Federal and*
4 *non-Federal expenditures to control the spread of*
5 *Asian carp in the Upper Mississippi and Ohio*
6 *River basins and tributaries.*

7 **SEC. 5019. RELEASE OF USE RESTRICTIONS.**

8 *Notwithstanding any other provision of law, the Ten-*
9 *nessee Valley Authority shall, without monetary consider-*
10 *ation, grant releases from real estate restrictions established*
11 *pursuant to section 4(k)(b) of the Tennessee Valley Author-*
12 *ity Act of 1933 (16 U.S.C. 831c(k)(b)) with respect to tracts*
13 *of land identified in section 4(k)(b) of that Act; provided*
14 *that such releases shall be granted in a manner consistent*
15 *with applicable TVA policies.*

16 **SEC. 5020. RIGHTS AND RESPONSIBILITIES OF CHEROKEE**
17 **NATION OF OKLAHOMA REGARDING W.D.**
18 **MAYO LOCK AND DAM, OKLAHOMA.**

19 *Section 1117 of the Water Resources Development Act*
20 *of 1986 (Public Law 99–662; 100 Stat. 4236) is amended*
21 *to read as follows:*

22 **“SEC. 1117. W.D. MAYO LOCK AND DAM, OKLAHOMA.**

23 *“(a) IN GENERAL.—Notwithstanding any other provi-*
24 *sion of law, the Cherokee Nation of Oklahoma has author-*
25 *ization—*

1 “(1) to design and construct 1 or more hydro-
2 electric generating facilities at the W.D. Mayo Lock
3 and Dam on the Arkansas River in the State of Okla-
4 homa, subject to the requirements of subsection (b)
5 and in accordance with the conditions specified in
6 this section; and

7 “(2) to market the electricity generated from any
8 such hydroelectric generating facility.

9 “(b) *PRECONSTRUCTION REQUIREMENTS.*—

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

14 “(2) *REVIEW BY SECRETARY.*—The Cherokee Na-
15 tion may initiate the design or construction of a hy-
16 droelectric generating facility under subsection (a)
17 only after the Secretary reviews and approves the
18 plans and specifications for the design and construc-
19 tion.

20 “(c) *PAYMENT OF DESIGN AND CONSTRUCTION*
21 *COSTS.*—

22 “(1) *IN GENERAL.*—The Cherokee Nation shall—
23 “(A) bear all costs associated with the de-
24 sign and construction of any hydroelectric gener-
25 ating facility under subsection (a); and

1 “(B) provide any funds necessary for the
2 design and construction to the Secretary prior to
3 the Secretary initiating any activities relating to
4 the design and construction of the hydroelectric
5 generating facility.

6 “(2) *USE BY SECRETARY.*—The Secretary may—

7 “(A) accept funds offered by the Cherokee
8 Nation under paragraph (1); and

9 “(B) use the funds to carry out the design
10 and construction of any hydroelectric generating
11 facility under subsection (a).

12 “(d) *ASSUMPTION OF LIABILITY.*—The Cherokee Na-
13 tion—

14 “(1) shall hold all title to any hydroelectric gen-
15 erating facility constructed under this section;

16 “(2) may, subject to the approval of the Sec-
17 retary, assign that title to a third party;

18 “(3) shall be solely responsible for—

19 “(A) the operation, maintenance, repair, re-
20 placement, and rehabilitation of any such facil-
21 ity; and

22 “(B) the marketing of the electricity gen-
23 erated by any such facility; and

24 “(4) shall release and indemnify the United
25 States from any claims, causes of action, or liabilities

1 *that may arise out of any activity undertaken to*
2 *carry out this section.*

3 “(e) *ASSISTANCE AVAILABLE.*—*Notwithstanding any*
4 *other provision of law, the Secretary may provide any tech-*
5 *nical and construction management assistance requested by*
6 *the Cherokee Nation relating to the design and construction*
7 *of any hydroelectric generating facility under subsection*
8 *(a).*

9 “(f) *THIRD PARTY AGREEMENTS.*—*The Cherokee Na-*
10 *tion may enter into agreements with the Secretary or a*
11 *third party that the Cherokee Nation or the Secretary deter-*
12 *mines to be necessary to carry out this section.”.*

13 **SEC. 5021. UPPER MISSISSIPPI RIVER PROTECTION.**

14 (a) *DEFINITION OF UPPER ST. ANTHONY FALLS LOCK*
15 *AND DAM.*—*In this section, the term “Upper St. Anthony*
16 *Falls Lock and Dam” means the lock and dam located on*
17 *Mississippi River mile 853.9 in Minneapolis, Minnesota.*

18 (b) *ECONOMIC IMPACT STUDY.*—*Not later than 180*
19 *days after the date of enactment of this Act, the Secretary*
20 *shall submit to Congress a report regarding the impact of*
21 *closing the Upper St. Anthony Falls Lock and Dam on the*
22 *economic and environmental well-being of the State of Min-*
23 *nesota.*

24 (c) *MANDATORY CLOSURE.*—*Notwithstanding sub-*
25 *section (b) and not later than 1 year after the date of enact-*

1 *ment of this Act, the Secretary shall close the Upper St.*
2 *Anthony Falls Lock and Dam if the Secretary determines*
3 *that the annual average tonnage moving through the Upper*
4 *St. Anthony Falls Lock and Dam for the preceding 5 years*
5 *is not more than 1,500,000 tons.*

6 (d) *EMERGENCY OPERATIONS.*—*Nothing in this sec-*
7 *tion prevents the Secretary from carrying out emergency*
8 *lock operations necessary to mitigate flood damage.*

9 **SEC. 5022. ARCTIC DEEP DRAFT PORT DEVELOPMENT PART-**
10 **NERSHIPS.**

11 (a) *IN GENERAL.*—*The Secretary may provide tech-*
12 *nical assistance, including planning, design, and construc-*
13 *tion assistance, to non-Federal public entities, including In-*
14 *dian tribes (as defined in section 4 of the Indian Self-Deter-*
15 *mination and Education Assistance Act (25 U.S.C. 450b)),*
16 *for the development, construction, operation, and mainte-*
17 *nance of channels, harbors, and related infrastructure asso-*
18 *ciated with deep draft ports for purposes of dealing with*
19 *Arctic development and security needs.*

20 (b) *ACCEPTANCE OF FUNDS.*—*The Secretary is author-*
21 *ized to accept and expend funds provided by non-Federal*
22 *public entities, including Indian tribes (as defined in sec-*
23 *tion 4 of the Indian Self-Determination and Education As-*
24 *sistance Act (25 U.S.C. 450b)), to carry out the activities*
25 *described in subsection (a).*

1 (c) *LIMITATION.*—No assistance may be provided
2 under this section until after the date on which the entity
3 to which that assistance is to be provided enters into a writ-
4 ten agreement with the Secretary that includes such terms
5 and conditions as the Secretary determines to be appro-
6 priate and in the public interest.

7 (d) *PRIORITIZATION.*—The Secretary shall prioritize
8 Arctic deep draft ports identified by the Army Corps, the
9 Department of Homeland Security and the Department of
10 Defense.

11 **SEC. 5023. GREATER MISSISSIPPI RIVER BASIN SEVERE**
12 **FLOODING AND DROUGHT MANAGEMENT**
13 **STUDY.**

14 (a) *DEFINITIONS.*—In this section:

15 (1) *GREATER MISSISSIPPI RIVER BASIN.*—The
16 term “greater Mississippi River Basin” means the
17 area covered by hydrologic units 5, 6, 7, 8, 10, and
18 11, as identified by the United States Geological Sur-
19 vey as of the date of enactment of this Act.

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

24 (3) *MIDDLE MISSISSIPPI RIVER.*—The term
25 “middle Mississippi River” means the portion of the

1 *Mississippi River that begins at the confluence of the*
2 *Missouri River and flows to the lower Mississippi*
3 *River.*

4 (4) *SEVERE FLOODING AND DROUGHT.*—*The*
5 *term “severe flooding and drought” means severe*
6 *weather events that threaten personal safety, property,*
7 *and navigation on the inland waterways of the*
8 *United States.*

9 (b) *IN GENERAL.*—*The Secretary shall carry out a*
10 *study of the greater Mississippi River Basin—*

11 (1) *to improve the coordinated and comprehen-*
12 *sive management of water resource projects in the*
13 *greater Mississippi River Basin relating to severe*
14 *flooding and drought conditions; and*

15 (2) *to evaluate the feasibility of any modifica-*
16 *tions to those water resource projects, consistent with*
17 *the authorized purposes of those projects, and develop*
18 *new water resource projects to improve the reliability*
19 *of navigation and more effectively reduce flood risk.*

20 (c) *CONTENTS.*—*The study shall—*

21 (1) *identify any Federal actions that are likely*
22 *to prevent and mitigate the impacts of severe flooding*
23 *and drought, including changes to authorized channel*
24 *dimensions, operational procedures of locks and dams,*
25 *and reservoir management within the greater Mis-*

1 *Mississippi River Basin, consistent with the authorized*
2 *purposes of the water resource projects;*

3 *(2) identify and make recommendations to rem-*
4 *edy challenges to the Corps of Engineers presented by*
5 *severe flooding and drought, including river access, in*
6 *carrying out its mission to maintain safe, reliable*
7 *navigation, consistent with the authorized purposes of*
8 *the water resource projects in the greater Mississippi*
9 *River Basin; and*

10 *(3) identify and locate natural or other physical*
11 *impediments along the middle and lower Mississippi*
12 *River to maintaining navigation on the middle and*
13 *lower Mississippi River during periods of low water.*

14 *(d) CONSULTATION AND USE OF EXISTING DATA.—In*
15 *carrying out the study, the Secretary shall—*

16 *(1) consult with appropriate committees of Con-*
17 *gress, Federal, State, tribal, and local agencies, envi-*
18 *ronmental interests, agricultural interests, rec-*
19 *reational interests, river navigation industry rep-*
20 *resentatives, other shipping and business interests, or-*
21 *ganized labor, and nongovernmental organizations;*

22 *(2) to the maximum extent practicable, use data*
23 *in existence as of the date of enactment of this Act;*
24 *and*

1 (3) *incorporate lessons learned and best practices*
2 *developed as a result of past severe flooding and*
3 *drought events, including major floods and the suc-*
4 *cessful effort to maintain navigation during the near*
5 *historic low water levels on the Mississippi River dur-*
6 *ing the winter of 2012–2013.*

7 (e) *COST-SHARING.—The Federal share of the cost of*
8 *carrying out the study under this section shall be 100 per-*
9 *cent.*

10 (f) *REPORT.—Not later than 3 years after the date of*
11 *enactment of this Act, the Secretary shall submit to Con-*
12 *gress a report on the study carried out under this section.*

13 (g) *SAVINGS CLAUSE.—Nothing in this section im-*
14 *pacts the operations and maintenance of the Missouri River*
15 *Mainstem System, as authorized by the Act of December*
16 *22, 1944 (58 Stat. 897, chapter 665).*

17 **SEC. 5024. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

18 (a) *IN GENERAL.—The Secretary, in concurrence with*
19 *the Administrator of the Environmental Protection Agency,*
20 *is authorized to reopen the Cape Arundel Disposal Site se-*
21 *lected by the Department of the Army as an alternative*
22 *dredged material disposal site under section 103(b) of the*
23 *Marine Protection, Research, and Sanctuaries Act of 1972*
24 *(33 U.S.C. 1413(b)) (referred to in this section as the*
25 *“Site”).*

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

3 (1) *the date on which the Site does not have any*
4 *remaining disposal capacity;*

5 (2) *the date on which an environmental impact*
6 *statement designating an alternative dredged material*
7 *disposal site for southern Maine has been completed;*
8 *or*

9 (3) *the date that is 5 years after the date of en-*
10 *actment of this Act.*

11 (c) *LIMITATIONS.*—*The use of the Site as a dredged*
12 *material disposal site under subsection (a) shall be subject*
13 *to the conditions that—*

14 (1) *conditions at the Site remain suitable for the*
15 *continued use of the Site as a dredged material dis-*
16 *posal site; and*

17 (2) *the Site not be used for the disposal of more*
18 *than 80,000 cubic yards from any single dredging*
19 *project.*

20 **TITLE VI—LEVEE SAFETY**

21 **SEC. 6001. SHORT TITLE.**

22 *This title may be cited as the “National Levee Safety*
23 *Program Act”.*

24 **SEC. 6002. FINDINGS; PURPOSES.**

25 (a) *FINDINGS.*—*Congress finds that—*

1 (1) *there is a need to establish a national levee*
2 *safety program to provide national leadership and en-*
3 *courage the establishment of State and tribal levee*
4 *safety programs;*

5 (2) *according to the National Committee on*
6 *Levee Safety, “the level of protection and robustness*
7 *of design and construction of levees vary considerably*
8 *across the country”;*

9 (3) *knowing the location, condition, and owner-*
10 *ship of levees, as well as understanding the popu-*
11 *lation and infrastructure at risk in leveed areas, is*
12 *necessary for identification and prioritization of ac-*
13 *tivities associated with levees;*

14 (4) *levees are an important tool for reducing*
15 *flood risk and should be considered in the context of*
16 *broader flood risk management efforts;*

17 (5) *States and Indian tribes—*

18 (A) *are uniquely positioned to oversee, co-*
19 *ordinate, and regulate local and regional levee*
20 *systems; and*

21 (B) *should be encouraged to participate in*
22 *a national levee safety program by establishing*
23 *individual levee safety programs; and*

24 (6) *States, Indian tribes, and local governments*
25 *that do not invest in protecting the individuals and*

1 *property located behind levees place those individuals*
2 *and property at risk.*

3 *(b) PURPOSES.—The purposes of this title are—*

4 *(1) to promote sound technical practices in levee*
5 *design, construction, operation, inspection, assess-*
6 *ment, security, and maintenance;*

7 *(2) to ensure effective public education and*
8 *awareness of risks involving levees;*

9 *(3) to establish and maintain a national levee*
10 *safety program that emphasizes the protection of*
11 *human life and property; and*

12 *(4) to implement solutions and incentives that*
13 *encourage the establishment of effective State and*
14 *tribal levee safety programs.*

15 **SEC. 6003. DEFINITIONS.**

16 *In this title:*

17 *(1) BOARD.—The term “Board” means the Na-*
18 *tional Levee Safety Advisory Board established under*
19 *section 6005.*

20 *(2) CANAL STRUCTURE.—*

21 *(A) IN GENERAL.—The term “canal struc-*
22 *ture” means an embankment, wall, or structure*
23 *along a canal or manmade watercourse that—*

24 *(i) constrains water flows;*

1 (ii) is subject to frequent water load-
2 ing; and

3 (iii) is an integral part of a flood risk
4 reduction system that protects the leveed
5 area from flood waters associated with hur-
6 ricanes, precipitation events, seasonal high
7 water, and other weather-related events.

8 (B) *EXCLUSION.*—The term “canal struc-
9 ture” does not include a barrier across a water-
10 course.

11 (3) *FEDERAL AGENCY.*—The term “Federal agen-
12 cy” means a Federal agency that designs, finances,
13 constructs, owns, operates, maintains, or regulates the
14 construction, operation, or maintenance of a levee.

15 (4) *FLOOD DAMAGE REDUCTION SYSTEM.*—The
16 term “flood damage reduction system” means a sys-
17 tem designed and constructed to have appreciable and
18 dependable effects in reducing damage by floodwaters.

19 (5) *FLOOD MITIGATION.*—The term “flood miti-
20 gation” means any structural or nonstructural meas-
21 ure that reduces risks of flood damage by reducing the
22 probability of flooding, the consequences of flooding,
23 or both.

24 (6) *FLOODPLAIN MANAGEMENT.*—The term
25 “floodplain management” means the operation of a

1 *community program of corrective and preventative*
2 *measures for reducing flood damage.*

3 (7) *INDIAN TRIBE.*—*The term “Indian tribe” has*
4 *the meaning given the term in section 4 of the Indian*
5 *Self-Determination and Education Assistance Act (25*
6 *U.S.C. 450b).*

7 (8) *LEVEE.*—

8 (A) *IN GENERAL.*—*The term “levee” means*
9 *a manmade barrier (such as an embankment,*
10 *floodwall, or other structure)—*

11 (i) *the primary purpose of which is to*
12 *provide hurricane, storm, or flood protection*
13 *relating to seasonal high water, storm*
14 *surges, precipitation, or other weather*
15 *events; and*

16 (ii) *that is normally subject to water*
17 *loading for only a few days or weeks during*
18 *a calendar year.*

19 (B) *INCLUSIONS.*—*The term “levee” in-*
20 *cludes a levee system, including—*

21 (i) *levees and canal structures that—*

22 (I) *constrain water flows;*

23 (II) *are subject to more frequent*
24 *water loading; and*

1 (III) do not constitute a barrier
2 across a watercourse; and

3 (ii) roadway and railroad embank-
4 ments, but only to the extent that the em-
5 bankments are integral to the performance
6 of a flood damage reduction system.

7 (C) *EXCLUSIONS.*—The term “levee” does
8 not include—

9 (i) a roadway or railroad embankment
10 that is not integral to the performance of a
11 flood damage reduction system;

12 (ii) a canal constructed completely
13 within natural ground without any man-
14 made structure (such as an embankment or
15 retaining wall to retain water or a case in
16 which water is retained only by natural
17 ground);

18 (iii) a canal regulated by a Federal or
19 State agency in a manner that ensures that
20 applicable Federal safety criteria are met;

21 (iv) a levee or canal structure—

22 (I) that is not a part of a Federal
23 flood damage reduction system;

24 (II) that is not recognized under
25 the National Flood Insurance Program

1 as providing protection from the 1-per-
2 cent-annual-chance or greater flood;

3 (III) that is not greater than 3
4 feet high;

5 (IV) the population in the leveed
6 area of which is less than 50 individ-
7 uals; and

8 (V) the leveed area of which is less
9 than 1,000 acres; or

10 (v) any shoreline protection or river
11 bank protection system (such as revetments
12 or barrier islands).

13 (9) *LEVEE FEATURE*.—The term “levee feature”
14 means a structure that is critical to the functioning
15 of a levee, including—

16 (A) an embankment section;

17 (B) a floodwall section;

18 (C) a closure structure;

19 (D) a pumping station;

20 (E) an interior drainage work; and

21 (F) a flood damage reduction channel.

22 (10) *LEVEE SAFETY GUIDELINES*.—The term
23 “levee safety guidelines” means the guidelines estab-
24 lished by the Secretary under section 6004(c)(1).

1 (11) *LEVEE SEGMENT.*—*The term “levee seg-*
2 *ment” means a discrete portion of a levee system that*
3 *is owned, operated, and maintained by a single entity*
4 *or discrete set of entities.*

5 (12) *LEVEE SYSTEM.*—*The term “levee system”*
6 *means 1 or more levee segments, including all levee*
7 *features that are interconnected and necessary to en-*
8 *sure protection of the associated leveed areas—*

9 (A) *that collectively provide flood damage*
10 *reduction to a defined area; and*

11 (B) *the failure of 1 of which may result in*
12 *the failure of the entire system.*

13 (13) *LEVEED AREA.*—*The term “leveed area”*
14 *means the land from which flood water in the adja-*
15 *cent watercourse is excluded by the levee system.*

16 (14) *NATIONAL LEVEE DATABASE.*—*The term*
17 *“national levee database” means the levee database es-*
18 *tablished under section 9004 of the Water Resources*
19 *Development Act of 2007 (33 U.S.C. 3303).*

20 (15) *PARTICIPATING PROGRAM.*—*The term “par-*
21 *ticipating program” means a levee safety program de-*
22 *veloped by a State or Indian tribe that includes the*
23 *minimum components necessary for recognition by*
24 *the Secretary.*

1 (16) *REHABILITATION*.—The term “rehabilita-
2 tion” means the repair, replacement, reconstruction,
3 removal of a levee, or reconfiguration of a levee sys-
4 tem, including a setback levee, that is carried out to
5 reduce flood risk or meet national levee safety guide-
6 lines.

7 (17) *RISK*.—The term “risk” means a measure
8 of the probability and severity of undesirable con-
9 sequences.

10 (18) *SECRETARY*.—The term “Secretary” means
11 the Secretary of the Army, acting through the Chief
12 of Engineers.

13 (19) *STATE*.—The term “State” means—

14 (A) each of the several States of the United
15 States;

16 (B) the District of Columbia;

17 (C) the Commonwealth of Puerto Rico;

18 (D) Guam;

19 (E) American Samoa;

20 (F) the Commonwealth of the Northern
21 Mariana Islands;

22 (G) the Federated States of Micronesia;

23 (H) the Republic of the Marshall Islands;

24 (I) the Republic of Palau; and

25 (J) the United States Virgin Islands.

1 **SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.**

2 (a) *ESTABLISHMENT.*—*The Secretary, in consultation*
3 *with the Administrator of the Federal Emergency Manage-*
4 *ment Agency, shall establish a national levee safety pro-*
5 *gram to provide national leadership and consistent ap-*
6 *proaches to levee safety, including—*

7 (1) *a national levee database;*

8 (2) *an inventory and inspection of Federal and*
9 *non-Federal levees;*

10 (3) *national levee safety guidelines;*

11 (4) *a hazard potential classification system for*
12 *Federal and non-Federal levees;*

13 (5) *research and development;*

14 (6) *a national public education and awareness*
15 *program, with an emphasis on communication re-*
16 *garding the residual risk to communities protected by*
17 *levees and levee systems;*

18 (7) *coordination of levee safety, floodplain man-*
19 *agement, and environmental protection activities;*

20 (8) *development of State and tribal levee safety*
21 *programs; and*

22 (9) *the provision of technical assistance and ma-*
23 *terials to States and Indian tribes relating to—*

24 (A) *developing levee safety programs;*

1 (B) identifying and reducing flood risks as-
2 sociated with residual risk to communities pro-
3 tected by levees and levee systems;

4 (C) identifying local actions that may be
5 carried out to reduce flood risks in leveed areas;
6 and

7 (D) rehabilitating, improving, replacing, re-
8 configuring, modifying, and removing levees and
9 levee systems.

10 (b) *MANAGEMENT.*—

11 (1) *IN GENERAL.*—The Secretary shall appoint—

12 (A) an administrator of the national levee
13 safety program; and

14 (B) such staff as is necessary to implement
15 the program.

16 (2) *ADMINISTRATOR.*—The sole duty of the ad-
17 ministrator appointed under paragraph (1)(A) shall
18 be the management of the national levee safety pro-
19 gram.

20 (c) *LEVEE SAFETY GUIDELINES.*—

21 (1) *ESTABLISHMENT.*—Not later than 1 year
22 after the date of enactment of this Act, the Secretary,
23 in consultation with the Administrator of the Federal
24 Emergency Management Agency and in coordination
25 with State and local governments and organizations

1 *with expertise in levee safety, shall establish a set of*
2 *voluntary, comprehensive, national levee safety guide-*
3 *lines that—*

4 *(A) are available for common, uniform use*
5 *by all Federal, State, tribal, and local agencies;*

6 *(B) incorporate policies, procedures, stand-*
7 *ards, and criteria for a range of levee types,*
8 *canal structures, and related facilities and fea-*
9 *tures; and*

10 *(C) provide for adaptation to local, re-*
11 *gional, or watershed conditions.*

12 *(2) REQUIREMENT.—The policies, procedures,*
13 *standards, and criteria under paragraph (1)(B) shall*
14 *be developed taking into consideration the levee haz-*
15 *ard potential classification system established under*
16 *subsection (d).*

17 *(3) ADOPTION BY FEDERAL AGENCIES.—All Fed-*
18 *eral agencies shall consider the levee safety guidelines*
19 *in activities relating to the management of levees.*

20 *(4) PUBLIC COMMENT.—Prior to finalizing the*
21 *guidelines under this subsection, the Secretary shall—*

22 *(A) issue draft guidelines for public com-*
23 *ment; and*

24 *(B) consider any comments received in the*
25 *development of final guidelines.*

1 (d) *HAZARD POTENTIAL CLASSIFICATION SYSTEM.*—

2 (1) *ESTABLISHMENT.*—*The Secretary shall estab-*
3 *lish a hazard potential classification system for use*
4 *under the national levee safety program and partici-*
5 *pating programs.*

6 (2) *REVISION.*—*The Secretary shall review and,*
7 *as necessary, revise the hazard potential classification*
8 *system not less frequently than once every 5 years.*

9 (3) *CONSISTENCY.*—*The hazard potential classi-*
10 *fication system established pursuant to this subsection*
11 *shall be consistent with and incorporated into the*
12 *levee safety action classification tool developed by the*
13 *Corps of Engineers.*

14 (e) *TECHNICAL ASSISTANCE AND MATERIALS.*—

15 (1) *ESTABLISHMENT.*—*The Secretary, in con-*
16 *sultation with the Administrator of the Federal*
17 *Emergency Management Agency and in coordination*
18 *with the Board, shall establish a national levee safety*
19 *technical assistance and training program to develop*
20 *and deliver technical support and technical assistance*
21 *materials, curricula, and training in order to pro-*
22 *mote levee safety and assist States, communities, and*
23 *levee owners in—*

24 (A) *developing levee safety programs;*

1 (B) identifying and reducing flood risks as-
2 sociated with levees;

3 (C) identifying local actions that may be
4 carried out to reduce flood risks in leveed areas;
5 and

6 (D) rehabilitating, improving, replacing, re-
7 configuring, modifying, and removing levees and
8 levee systems.

9 (2) *USE OF SERVICES.*—*In establishing the na-*
10 *tional levee safety training program under paragraph*
11 *(1), the Secretary may use the services of—*

12 (A) *the Corps of Engineers;*

13 (B) *the Federal Emergency Management*
14 *Agency;*

15 (C) *the Bureau of Reclamation; and*

16 (D) *other appropriate Federal agencies, as*
17 *determined by the Secretary.*

18 (f) *COMPREHENSIVE NATIONAL PUBLIC EDUCATION*
19 *AND AWARENESS CAMPAIGN.*—

20 (1) *ESTABLISHMENT.*—*The Secretary, in coordi-*
21 *nation with the Administrator of the Federal Emer-*
22 *gency Management Agency and the Board, shall es-*
23 *tablish a national public education and awareness*
24 *campaign relating to the national levee safety pro-*
25 *gram.*

1 (2) *PURPOSES.*—*The purposes of the campaign*
2 *under paragraph (1) are—*

3 (A) *to educate individuals living in leveed*
4 *areas regarding the risks of living in those areas;*

5 (B) *to promote consistency in the trans-*
6 *mission of information regarding levees among*
7 *government agencies; and*

8 (C) *to provide national leadership regard-*
9 *ing risk communication for implementation at*
10 *the State and local levels.*

11 (g) *COORDINATION OF LEVEE SAFETY, FLOODPLAIN*
12 *MANAGEMENT, AND ENVIRONMENTAL CONCERNS.*—*The*
13 *Secretary, in consultation with the Administrator of the*
14 *Federal Emergency Management Agency and in coordina-*
15 *tion with the Board, shall evaluate opportunities to coordi-*
16 *nate—*

17 (1) *public safety, floodplain management, and*
18 *environmental protection activities relating to levees;*
19 *and*

20 (2) *environmental permitting processes for oper-*
21 *ation and maintenance activities at existing levee*
22 *projects in compliance with all applicable laws.*

23 (h) *LEVEE INSPECTION.*—

1 (1) *IN GENERAL.*—*The Secretary shall carry out*
2 *a one-time inventory and inspection of all levees iden-*
3 *tified in the national levee database.*

4 (2) *NO FEDERAL INTEREST.*—*The inventory and*
5 *inspection under paragraph (1) does not create a*
6 *Federal interest in the construction, operation, or*
7 *maintenance any levee that is included in the inven-*
8 *tory or inspected under this subsection.*

9 (3) *INSPECTION CRITERIA.*—*In carrying out the*
10 *inventory and inspection, the Secretary shall use the*
11 *levee safety action classification criteria to determine*
12 *whether a levee should be classified in the inventory*
13 *as requiring a more comprehensive inspection.*

14 (4) *STATE AND TRIBAL PARTICIPATION.*—*At the*
15 *request of a State or Indian tribe with respect to any*
16 *levee subject to inspection under this subsection, the*
17 *Secretary shall—*

18 (A) *allow an official of the State or Indian*
19 *tribe to participate in the inspection of the levee;*
20 *and*

21 (B) *provide information to the State or In-*
22 *Indian tribe relating to the location, construction,*
23 *operation, or maintenance of the levee.*

24 (5) *EXCEPTIONS.*—*In carrying out the inventory*
25 *and inspection under this subsection, the Secretary*

1 *shall not be required to inspect any levee that has*
2 *been inspected by a State or Indian tribe using the*
3 *same methodology described in paragraph (3) during*
4 *the 1-year period immediately preceding the date of*
5 *enactment of this Act if the Governor of the State or*
6 *tribal government, as applicable, requests an exemp-*
7 *tion from the inspection.*

8 *(i) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—*

9 *(1) GUIDELINES.—*

10 *(A) IN GENERAL.—Not later than 1 year*
11 *after the date of enactment of this Act, in con-*
12 *sultation with the Administrator of the Federal*
13 *Emergency Management Agency and in coordi-*
14 *nation with the Board, the Secretary shall issue*
15 *guidelines that establish the minimum compo-*
16 *nents necessary for recognition of a State or trib-*
17 *al levee safety program as a participating pro-*
18 *gram.*

19 *(B) GUIDELINE CONTENTS.—The guidelines*
20 *under subparagraph (A) shall include provisions*
21 *and procedures requiring each participating*
22 *State and Indian tribe to certify to the Secretary*
23 *that the State or Indian tribe, as applicable—*

24 *(i) has the authority to participate in*
25 *the national levee safety program;*

1 (ii) can receive funds under this title;

2 (iii) has adopted any national levee

3 safety guidelines developed under this title;

4 (iv) will carry out levee inspections;

5 (v) will carry out, consistent with ap-

6 plicable requirements, flood risk manage-

7 ment and any emergency action planning

8 procedures the Secretary determines to be

9 necessary relating to levees;

10 (vi) will carry out public education

11 and awareness activities consistent with the

12 national public education and awareness

13 campaign established under subsection (f);

14 and

15 (vii) will collect and share information

16 regarding the location and condition of lev-

17 ees.

18 (C) *PUBLIC COMMENT.*—Prior to finalizing

19 the guidelines under this paragraph, the Sec-

20 retary shall—

21 (i) issue draft guidelines for public

22 comment; and

23 (ii) consider any comments received in

24 the development of final guidelines.

25 (2) *GRANT PROGRAM.*—

1 (A) *ESTABLISHMENT.*—*The Secretary shall*
2 *establish a program under which the Secretary*
3 *shall provide grants to assist States and Indian*
4 *tribes in establishing participating programs,*
5 *conducting levee inventories, and carrying out*
6 *this title.*

7 (B) *REQUIREMENTS.*—*To be eligible to re-*
8 *ceive grants under this section, a State or Indian*
9 *tribe shall—*

10 (i) *meet the requirements of a partici-*
11 *parting program established by the guide-*
12 *lines issued under paragraph (1);*

13 (ii) *use not less than 25 percent of any*
14 *amounts received to identify and assess*
15 *non-Federal levees within the State or on*
16 *land of the Indian tribe;*

17 (iii) *submit to the Secretary any infor-*
18 *mation collected by the State or Indian*
19 *tribe in carrying out this subsection for in-*
20 *clusion in the national levee safety data-*
21 *base; and*

22 (iv) *identify actions to address hazard*
23 *mitigation activities associated with levees*
24 *and leveed areas identified in the hazard*
25 *mitigation plan of the State approved by*

1 *the Administrator of the Federal Emergency*
2 *Management Agency under the Robert T.*
3 *Stafford Disaster Relief and Emergency As-*
4 *istance Act (42 U.S.C. 5121 et seq.).*

5 (C) *MEASURES TO ASSESS EFFECTIVE-*
6 *NESS.—Not later than 1 year after the enact-*
7 *ment of this Act, the Secretary shall implement*
8 *quantifiable performance measures and metrics*
9 *to assess the effectiveness of the grant program*
10 *established in accordance with subparagraph*
11 *(A).*

12 (j) *LEVEE REHABILITATION ASSISTANCE PROGRAM.—*

13 (1) *ESTABLISHMENT.—The Secretary, in con-*
14 *sultation with the Administrator of the Federal*
15 *Emergency Management Agency, shall establish a*
16 *program under which the Secretary shall provide as-*
17 *sistance to States, Indian tribes, and local govern-*
18 *ments in addressing flood mitigation activities that*
19 *result in an overall reduction in flood risk.*

20 (2) *REQUIREMENTS.—To be eligible to receive*
21 *assistance under this subsection, a State, Indian*
22 *tribe, or local government shall—*

23 (A) *participate in, and comply with, all*
24 *applicable Federal floodplain management and*
25 *flood insurance programs;*

1 (B) have in place a hazard mitigation plan
2 that—

3 (i) includes all levee risks; and

4 (ii) complies with the Disaster Mitiga-
5 tion Act of 2000 (Public Law 106–390; 114
6 Stat. 1552);

7 (C) submit to the Secretary an application
8 at such time, in such manner, and containing
9 such information as the Secretary may require;
10 and

11 (D) comply with such minimum eligibility
12 requirements as the Secretary, in consultation
13 with the Board, may establish to ensure that
14 each owner and operator of a levee under a par-
15 ticipating State or tribal levee safety program—

16 (i) acts in accordance with the guide-
17 lines developed in subsection (c); and

18 (ii) carries out activities relating to
19 the public in the leveed area in accordance
20 with the hazard mitigation plan described
21 in subparagraph (B).

22 (3) FLOODPLAIN MANAGEMENT PLANS.—

23 (A) IN GENERAL.—Not later than 1 year
24 after the date of execution of a project agreement
25 for assistance under this subsection, a State, In-

1 *dian tribe, or local government shall prepare a*
2 *floodplain management plan in accordance with*
3 *the guidelines under subparagraph (D) to reduce*
4 *the impacts of future flood events in each appli-*
5 *cable leveed area.*

6 *(B) INCLUSIONS.—A plan under subpara-*
7 *graph (A) shall address potential measures,*
8 *practices, and policies to reduce loss of life, inju-*
9 *ries, damage to property and facilities, public*
10 *expenditures, and other adverse impacts of flood-*
11 *ing in each applicable leveed area.*

12 *(C) IMPLEMENTATION.—Not later than 1*
13 *year after the date of completion of construction*
14 *of the applicable project, a floodplain manage-*
15 *ment plan prepared under subparagraph (A)*
16 *shall be implemented.*

17 *(D) GUIDELINES.—Not later than 180 days*
18 *after the date of enactment of this Act, the Sec-*
19 *retary, in consultation with the Administrator of*
20 *the Federal Emergency Management Agency,*
21 *shall develop such guidelines for the preparation*
22 *of floodplain management plans prepared under*
23 *this paragraph as the Secretary determines to be*
24 *appropriate.*

1 (E) *TECHNICAL SUPPORT.*—*The Secretary*
2 *may provide technical support for the develop-*
3 *ment and implementation of floodplain manage-*
4 *ment plans prepared under this paragraph.*

5 (4) *USE OF FUNDS.*—

6 (A) *IN GENERAL.*—*Assistance provided*
7 *under this subsection may be used—*

8 (i) *for any rehabilitation activity to*
9 *maximize overall risk reduction associated*
10 *with a levee under a participating State or*
11 *tribal levee safety program; and*

12 (ii) *only for a levee that is not feder-*
13 *ally operated and maintained.*

14 (B) *PROHIBITION.*—*Assistance provided*
15 *under this subsection shall not be used—*

16 (i) *to perform routine operation or*
17 *maintenance for a levee; or*

18 (ii) *to make any modification to a*
19 *levee that does not result in an improve-*
20 *ment to public safety.*

21 (5) *NO PROPRIETARY INTEREST.*—*A contract for*
22 *assistance provided under this subsection shall not be*
23 *considered to confer any proprietary interest on the*
24 *United States.*

1 (6) *COST-SHARE.*—*The maximum Federal share*
2 *of the cost of any assistance provided under this sub-*
3 *section shall be 65 percent.*

4 (7) *PROJECT LIMIT.*—*The maximum amount of*
5 *Federal assistance for a project under this subsection*
6 *shall be \$10,000,000.*

7 (8) *OTHER LAWS.*—*Assistance provided under*
8 *this subsection shall be subject to all applicable laws*
9 *(including regulations) that apply to the construction*
10 *of a civil works project of the Corps of Engineers.*

11 (k) *EFFECT OF SECTION.*—*Nothing in this section—*

12 (1) *affects the requirement under section*
13 *100226(b)(2) of the Biggert-Waters Flood Insurance*
14 *Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat.*
15 *942); or*

16 (2) *confers any regulatory authority on—*

17 (A) *the Secretary; or*

18 (B) *the Director of the Federal Emergency*
19 *Management Agency, including for the purpose*
20 *of setting premium rates under the national*
21 *flood insurance program established under chap-*
22 *ter 1 of the National Flood Insurance Act of*
23 *1968 (42 U.S.C. 4011 et seq.).*

1 **SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.**

2 (a) *ESTABLISHMENT.*—*The Secretary, in coordination*
3 *with the Administrator of the Federal Emergency Manage-*
4 *ment Agency, shall establish a board, to be known as the*
5 *“National Levee Safety Advisory Board”*—

6 (1) *to advise the Secretary and Congress regard-*
7 *ing consistent approaches to levee safety;*

8 (2) *to monitor the safety of levees in the United*
9 *States;*

10 (3) *to assess the effectiveness of the national levee*
11 *safety program; and*

12 (4) *to ensure that the national levee safety pro-*
13 *gram is carried out in a manner that is consistent*
14 *with other Federal flood risk management efforts.*

15 (b) *MEMBERSHIP.*—

16 (1) *VOTING MEMBERS.*—*The Board shall be com-*
17 *posed of the following 14 voting members, each of*
18 *whom shall be appointed by the Secretary, with pri-*
19 *ority consideration given to representatives from those*
20 *States that have the most Corps of Engineers levees in*
21 *the State, based on mileage:*

22 (A) *8 representatives of State levee safety*
23 *programs, 1 from each of the civil works divi-*
24 *sions of the Corps of Engineers.*

25 (B) *2 representatives of the private sector*
26 *who have expertise in levee safety.*

1 (C) 2 representatives of local and regional
2 governmental agencies who have expertise in
3 levee safety.

4 (D) 2 representatives of Indian tribes who
5 have expertise in levee safety.

6 (2) *NONVOTING MEMBERS.*—The Secretary (or a
7 designee of the Secretary), the Administrator of the
8 Federal Emergency Management Agency (or a des-
9 ignee of the Administrator), and the administrator of
10 the national levee safety program appointed under
11 section 6004(b)(1)(A) shall serve as nonvoting mem-
12 bers of the Board.

13 (3) *CHAIRPERSON.*—The voting members of the
14 Board shall appoint a chairperson from among the
15 voting members of the Board, to serve a term of not
16 more than 2 years.

17 (c) *QUALIFICATIONS.*—

18 (1) *INDIVIDUALS.*—Each voting member of the
19 Board shall be knowledgeable in the field of levee safe-
20 ty, including water resources and flood risk manage-
21 ment.

22 (2) *AS A WHOLE.*—The membership of the
23 Board, considered as a whole, shall represent the di-
24 versity of skills required to advise the Secretary re-
25 garding levee issues relating to—

- 1 (A) *engineering;*
2 (B) *public communications;*
3 (C) *program development and oversight;*
4 (D) *with respect to levees, flood risk man-*
5 *agement and hazard mitigation; and*
6 (E) *public safety and the environment.*

7 (d) *TERMS OF SERVICE.—*

8 (1) *IN GENERAL.—A voting member of the Board*
9 *shall be appointed for a term of 3 years, except that,*
10 *of the members first appointed—*

11 (A) *5 shall be appointed for a term of 1*
12 *year;*

13 (B) *5 shall be appointed for a term of 2*
14 *years; and*

15 (C) *4 shall be appointed for a term of 3*
16 *years.*

17 (2) *REAPPOINTMENT.—A voting member of the*
18 *Board may be reappointed to the Board, as the Sec-*
19 *retary determines to be appropriate.*

20 (3) *VACANCIES.—A vacancy on the Board shall*
21 *be filled in the same manner as the original appoint-*
22 *ment was made.*

23 (e) *STANDING COMMITTEES.—*

24 (1) *IN GENERAL.—The Board shall be supported*
25 *by Standing Committees, which shall be comprised of*

1 volunteers from all levels of government and the pri-
2 vate sector, to advise the Board regarding the na-
3 tional levee safety program.

4 (2) *ESTABLISHMENT.*—*The Standing Commit-*
5 *tees of the Board shall include—*

6 (A) *the Standing Committee on Partici-*
7 *parting Programs, which shall advise the Board*
8 *regarding—*

9 (i) *the development and implementa-*
10 *tion of State and tribal levee safety pro-*
11 *grams; and*

12 (ii) *appropriate incentives (including*
13 *financial assistance) to be provided to*
14 *States, Indian tribes, and local and re-*
15 *gional entities;*

16 (B) *the Standing Committee on Technical*
17 *Issues, which shall advise the Board regarding—*

18 (i) *the management of the national*
19 *levee database;*

20 (ii) *the development and maintenance*
21 *of levee safety guidelines;*

22 (iii) *processes and materials for devel-*
23 *oping levee-related technical assistance and*
24 *training; and*

1 (iv) research and development activi-
2 ties relating to levee safety;

3 (C) the Standing Committee on Public Edu-
4 cation and Awareness, which shall advise the
5 Board regarding the development, implementa-
6 tion, and evaluation of targeted public outreach
7 programs—

8 (i) to gather public input;

9 (ii) to educate and raise awareness in
10 leveed areas of levee risks;

11 (iii) to communicate information re-
12 garding participating programs; and

13 (iv) to track the effectiveness of public
14 education efforts relating to levee risks;

15 (D) the Standing Committee on Safety and
16 Environment, which shall advise the Board re-
17 garding—

18 (i) operation and maintenance activi-
19 ties for existing levee projects;

20 (ii) opportunities to coordinate public
21 safety, floodplain management, and envi-
22 ronmental protection activities relating to
23 levees;

24 (iii) opportunities to coordinate envi-
25 ronmental permitting processes for oper-

1 *ation and maintenance activities at existing*
2 *levee projects in compliance with all appli-*
3 *cable laws; and*

4 *(iv) opportunities for collaboration by*
5 *environmental protection and public safety*
6 *interests in leveed areas and adjacent areas;*
7 *and*

8 *(E) such other standing committees as the*
9 *Secretary, in consultation with the Board, deter-*
10 *mines to be necessary.*

11 *(3) MEMBERSHIP.—*

12 *(A) IN GENERAL.—The Board shall rec-*
13 *ommend to the Secretary for approval individ-*
14 *uals for membership on the Standing Commit-*
15 *tees.*

16 *(B) QUALIFICATIONS.—*

17 *(i) INDIVIDUALS.—Each member of a*
18 *Standing Committee shall be knowledgeable*
19 *in the issue areas for which the Committee*
20 *is charged with advising the Board.*

21 *(ii) AS A WHOLE.—The membership of*
22 *each Standing Committee, considered as a*
23 *whole, shall represent, to the maximum ex-*
24 *tent practicable, broad geographical diver-*
25 *sity.*

1 (C) *LIMITATION.*—*Each Standing Com-*
2 *mittee shall be comprised of not more than 10*
3 *members.*

4 (f) *DUTIES AND POWERS.*—*The Board—*

5 (1) *shall submit to the Secretary and Congress*
6 *an annual report regarding the effectiveness of the na-*
7 *tional levee safety program in accordance with section*
8 *6007; and*

9 (2) *may secure from other Federal agencies such*
10 *services, and enter into such contracts, as the Board*
11 *determines to be necessary to carry out this sub-*
12 *section.*

13 (g) *TASK FORCE COORDINATION.*—*The Board shall, to*
14 *the maximum extent practicable, coordinate the activities*
15 *of the Board with the Federal Interagency Floodplain Man-*
16 *agement Task Force.*

17 (h) *COMPENSATION.*—

18 (1) *FEDERAL EMPLOYEES.*—*Each member of the*
19 *Board who is an officer or employee of the United*
20 *States shall serve without compensation in addition*
21 *to compensation received for the services of the mem-*
22 *ber as an officer or employee of the United States, but*
23 *shall be allowed a per diem allowance for travel ex-*
24 *penses, at rates authorized for an employee of an*
25 *agency under subchapter I of chapter 57 of title 5,*

1 *United States Code, while away from the home or reg-*
2 *ular place of business of the member in the perform-*
3 *ance of the duties of the Board.*

4 (2) *NON-FEDERAL EMPLOYEES.—To the extent*
5 *amounts are made available to carry out this section*
6 *in appropriations Acts, the Secretary shall provide to*
7 *each member of the Board who is not an officer or*
8 *employee of the United States a stipend and a per*
9 *diem allowance for travel expenses, at rates author-*
10 *ized for an employee of an agency under subchapter*
11 *I of chapter 57 of title 5, United States Code, while*
12 *away from the home or regular place of business of*
13 *the member in performance of services for the Board.*

14 (3) *STANDING COMMITTEE MEMBERS.—Each*
15 *member of a Standing Committee shall—*

16 (A) *serve in a voluntary capacity; but*

17 (B) *receive a per diem allowance for travel*
18 *expenses, at rates authorized for an employee of*
19 *an agency under subchapter I of chapter 57 of*
20 *title 5, United States Code, while away from the*
21 *home or regular place of business of the member*
22 *in performance of services for the Board.*

23 (i) *NONAPPLICABILITY OF FACCA.—The Federal Advi-*
24 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
25 *Board or the Standing Committees.*

1 **SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.**

2 *Section 9004(a)(2)(A) of the Water Resources Develop-*
3 *ment Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amended*
4 *by striking “and, for non-Federal levees, such information*
5 *on levee location as is provided to the Secretary by State*
6 *and local governmental agencies” and inserting “and up-*
7 *dated levee information provided by States, Indian tribes,*
8 *Federal agencies, and other entities”.*

9 **SEC. 6007. REPORTS.**

10 *(a) STATE OF LEVEES.—*

11 *(1) IN GENERAL.—Not later than 1 year after*
12 *the date of enactment of this Act, and biennially*
13 *thereafter, the Secretary in coordination with the*
14 *Board, shall submit to Congress a report describing*
15 *the state of levees in the United States and the effec-*
16 *tiveness of the national levee safety program, includ-*
17 *ing—*

18 *(A) progress achieved in implementing the*
19 *national levee safety program;*

20 *(B) State and tribal participation in the*
21 *national levee safety program;*

22 *(C) recommendations to improve coordina-*
23 *tion of levee safety, floodplain management, and*
24 *environmental protection concerns, including—*

25 *(i) identifying and evaluating opportu-*
26 *nities to coordinate public safety, floodplain*

1 management, and environmental protection
2 activities relating to levees; and

3 (ii) evaluating opportunities to coordi-
4 nate environmental permitting processes for
5 operation and maintenance activities at ex-
6 isting levee projects in compliance with all
7 applicable laws; and

8 (D) any recommendations for legislation
9 and other congressional actions necessary to en-
10 sure national levee safety.

11 (2) *INCLUSION.*—Each report under paragraph
12 (1) shall include a report of the Board that describes
13 the independent recommendations of the Board for the
14 implementation of the national levee safety program.

15 (b) *NATIONAL DAM AND LEVEE SAFETY PROGRAM.*—
16 Not later than 3 years after the date of enactment of this
17 Act, to the maximum extent practicable, the Secretary, in
18 coordination with the Board, shall submit to Congress a
19 report that includes recommendations regarding the advis-
20 ability and feasibility of, and potential approaches for, es-
21 tablishing a joint national dam and levee safety program.

22 (c) *ALIGNMENT OF FEDERAL PROGRAMS RELATING TO*
23 *LEVEES.*—Not later than 2 years after the date of enact-
24 ment of this Act, the Comptroller General shall submit to
25 Congress a report on opportunities for alignment of Federal

1 *programs to provide incentives to State, tribal, and local*
2 *governments and individuals and entities—*

3 (1) *to promote shared responsibility for levee*
4 *safety;*

5 (2) *to encourage the development of strong State*
6 *and tribal levee safety programs;*

7 (3) *to better align the national levee safety pro-*
8 *gram with other Federal flood risk management pro-*
9 *grams; and*

10 (4) *to promote increased levee safety through*
11 *other Federal programs providing assistance to State*
12 *and local governments.*

13 (d) *LIABILITY FOR CERTAIN LEVEE ENGINEERING*
14 *PROJECTS.—Not later than 1 year after the date of enact-*
15 *ment of this Act, the Secretary shall submit to Congress a*
16 *report that includes recommendations that identify and ad-*
17 *dress any legal liability associated with levee engineering*
18 *projects that prevent—*

19 (1) *levee owners from obtaining needed levee en-*
20 *gineering services; or*

21 (2) *development and implementation of a State*
22 *or tribal levee safety program.*

23 **SEC. 6008. EFFECT OF TITLE.**

24 *Nothing in this title—*

1 (1) *establishes any liability of the United States*
2 *or any officer or employee of the United States (in-*
3 *cluding the Board and the Standing Committees of*
4 *the Board) for any damages caused by any action or*
5 *failure to act; or*

6 (2) *relieves an owner or operator of a levee of*
7 *any legal duty, obligation, or liability incident to the*
8 *ownership or operation of the levee.*

9 **SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.**

10 *There are authorized to be appropriated to the Sec-*
11 *retary to carry out this title—*

12 (1) *for funding the administration and staff of*
13 *the national levee safety program, the Board, the*
14 *Standing Committees of the Board, and participating*
15 *programs, \$5,000,000 for each of fiscal years 2014*
16 *through 2023;*

17 (2) *for technical programs, including the devel-*
18 *opment of levee safety guidelines, publications, train-*
19 *ing, and technical assistance—*

20 (A) *\$5,000,000 for each of fiscal years 2014*
21 *through 2018;*

22 (B) *\$7,500,000 for each of fiscal years 2019*
23 *and 2020; and*

24 (C) *\$10,000,000 for each of fiscal years*
25 *2021 through 2023;*

1 (3) for public involvement and education pro-
2 grams, \$3,000,000 for each of fiscal years 2014
3 through 2023;

4 (4) to carry out the levee inventory and inspec-
5 tions under section 9004 of the Water Resources De-
6 velopment Act of 2007 (33 U.S.C. 3303), \$30,000,000
7 for each of fiscal years 2014 through 2018;

8 (5) for grants to State and tribal levee safety
9 programs, \$300,000,000 for fiscal years 2014 through
10 2023; and

11 (6) for levee rehabilitation assistance grants,
12 \$300,000,000 for fiscal years 2014 through 2023.

13 **TITLE VII—INLAND WATERWAYS**

14 **SEC. 7001. PURPOSES.**

15 *The purposes of this title are—*

16 (1) to improve program and project management
17 relating to the construction and major rehabilitation
18 of navigation projects on inland waterways;

19 (2) to optimize inland waterways navigation
20 system reliability;

21 (3) to minimize the size and scope of inland wa-
22 terways navigation project completion schedules;

23 (4) to eliminate preventable delays in inland
24 waterways navigation project completion schedules;
25 and

1 (5) *to make inland waterways navigation cap-*
2 *ital investments through the use of prioritization cri-*
3 *teria that seek to maximize systemwide benefits and*
4 *minimize overall system risk.*

5 **SEC. 7002. DEFINITIONS.**

6 *In this title:*

7 (1) *INLAND WATERWAYS TRUST FUND.*—*The*
8 *term “Inland Waterways Trust Fund” means the In-*
9 *land Waterways Trust Fund established by section*
10 *9506(a) of the Internal Revenue Code of 1986.*

11 (2) *QUALIFYING PROJECT.*—*The term “quali-*
12 *fying project” means any construction or major reha-*
13 *bilitation project for navigation infrastructure of the*
14 *inland and intracoastal waterways that is—*

15 (A) *authorized before, on, or after the date*
16 *of enactment of this Act;*

17 (B) *not completed on the date of enactment*
18 *of this Act; and*

19 (C) *funded at least in part from the Inland*
20 *Waterways Trust Fund.*

21 (3) *SECRETARY.*—*The term “Secretary” means*
22 *the Secretary of the Army, acting through the Chief*
23 *of Engineers.*

1 **SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.**

2 (a) *REQUIREMENTS FOR QUALIFYING PROJECTS.—*

3 *With respect to each qualifying project, the Secretary shall*
4 *require—*

5 (1) *formal project management training and cer-*
6 *tification for each project manager;*

7 (2) *assignment as project manager only of per-*
8 *sonnel fully certified by the Chief of Engineers; and*

9 (3) *for an applicable cost estimation, that—*

10 (A) *the estimation—*

11 (i) *is risk-based; and*

12 (ii) *has a confidence level of at least 80*
13 *percent; and*

14 (B) *a risk-based cost estimate shall be im-*
15 *plemented—*

16 (i) *for a qualified project that requires*
17 *an increase in the authorized amount in ac-*
18 *cordance with section 902 of the Water Re-*
19 *sources Development Act of 1986 (Public*
20 *Law 99–662; 100 Stat. 4183), during the*
21 *preparation of a post-authorization change*
22 *report or other similar decision document;*

23 (ii) *for a qualified project for which*
24 *the first construction contract has not been*
25 *awarded, prior to the award of the first*
26 *construction contract;*

1 (iii) for a qualified project without a
2 completed Chief of Engineers report, prior
3 to the completion of such a report; and

4 (iv) for a qualified project with a com-
5 pleted Chief of Engineers report that has
6 not yet been authorized, during design for
7 the qualified project.

8 (b) *ADDITIONAL PROJECT DELIVERY PROCESS RE-*
9 *FORMS.*—Not later than 18 months after the date of enact-
10 *ment of this Act, the Secretary shall—*

11 (1) *establish a system to identify and apply on*
12 *a continuing basis lessons learned from prior or ongo-*
13 *ing qualifying projects to improve the likelihood of*
14 *on-time and on-budget completion of qualifying*
15 *projects;*

16 (2) *evaluate early contractor involvement acqui-*
17 *sition procedures to improve on-time and on-budget*
18 *project delivery performance; and*

19 (3) *implement any additional measures that the*
20 *Secretary determines will achieve the purposes of this*
21 *title and the amendments made by this title, includ-*
22 *ing, as the Secretary determines to be appropriate—*

23 (A) *the implementation of applicable prac-*
24 *tices and procedures developed pursuant to man-*

1 *agement by the Secretary of an applicable mili-*
2 *tary construction program;*

3 *(B) the establishment of 1 or more centers*
4 *of expertise for the design and review of quali-*
5 *fying projects;*

6 *(C) the development and use of a portfolio*
7 *of standard designs for inland navigation locks;*

8 *(D) the use of full-funding contracts or for-*
9 *mulation of a revised continuing contracts*
10 *clause; and*

11 *(E) the establishment of procedures for rec-*
12 *ommending new project construction starts using*
13 *a capital projects business model.*

14 *(c) PILOT PROJECTS.—*

15 *(1) IN GENERAL.—Subject to paragraph (2), the*
16 *Secretary may carry out 1 or more pilot projects to*
17 *evaluate processes or procedures for the study, design,*
18 *or construction of qualifying projects.*

19 *(2) INCLUSIONS.—At a minimum, the Secretary*
20 *shall carry out pilot projects under this subsection to*
21 *evaluate—*

22 *(A) early contractor involvement in the de-*
23 *velopment of features and components;*

1 (B) *an appropriate use of continuing con-*
2 *tracts for the construction of features and compo-*
3 *nents; and*

4 (C) *applicable principles, procedures, and*
5 *processes used for military construction projects.*

6 (d) *INLAND WATERWAYS USER BOARD.—Section 302*
7 *of the Water Resources Development Act of 1986 (33 U.S.C.*
8 *2251) is amended—*

9 (1) *by striking subsection (b) and inserting the*
10 *following:*

11 “(b) *DUTIES OF USERS BOARD.—*

12 “(1) *IN GENERAL.—The Users Board shall meet*
13 *not less frequently than semiannually to develop and*
14 *make recommendations to the Secretary and Congress*
15 *regarding the inland waterways and inland harbors*
16 *of the United States.*

17 “(2) *ADVICE AND RECOMMENDATIONS.—For*
18 *commercial navigation features and components of*
19 *the inland waterways and inland harbors of the*
20 *United States, the Users Board shall provide—*

21 “(A) *prior to the development of the budget*
22 *proposal of the President for a given fiscal year,*
23 *advice and recommendations to the Secretary re-*
24 *garding construction and rehabilitation prior-*
25 *ities and spending levels;*

1 “(B) advice and recommendations to Con-
2 gress regarding any report of the Chief of Engi-
3 neers relating to those features and components;

4 “(C) advice and recommendations to Con-
5 gress regarding an increase in the authorized
6 cost of those features and components;

7 “(D) not later than 60 days after the date
8 of the submission of the budget proposal of the
9 President to Congress, advice and recommenda-
10 tions to Congress regarding construction and re-
11 habilitation priorities and spending levels; and

12 “(E) a long-term capital investment pro-
13 gram in accordance with subsection (d).

14 “(3) *PROJECT DEVELOPMENT TEAMS.*—The
15 chairperson of the Users Board shall appoint a rep-
16 resentative of the Users Board to serve on the project
17 development team for a qualifying project or the
18 study or design of a commercial navigation feature or
19 component of the inland waterways and inland har-
20 bors of the United States.

21 “(4) *INDEPENDENT JUDGMENT.*—Any advice or
22 recommendation made by the Users Board to the Sec-
23 retary shall reflect the independent judgment of the
24 Users Board.”;

1 (2) *by redesignating subsection (c) as subsection*
2 *(f); and*

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

5 “(c) *DUTIES OF SECRETARY.—The Secretary shall—*

6 “(1) *communicate not less than once each quar-*
7 *ter to the Users Board the status of the study, design,*
8 *or construction of all commercial navigation features*
9 *or components of the inland waterways or inland*
10 *harbors of the United States; and*

11 “(2) *submit to the Users Board a courtesy copy*
12 *of all reports of the Chief of Engineers relating to a*
13 *commercial navigation feature or component of the*
14 *inland waterways or inland harbors of the United*
15 *States.*

16 “(d) *CAPITAL INVESTMENT PROGRAM.—*

17 “(1) *IN GENERAL.—Not later than 1 year after*
18 *the date of enactment of this subsection, the Secretary,*
19 *in coordination with the Users Board, shall develop,*
20 *and submit to Congress a report describing, a 20-year*
21 *program for making capital investments on the in-*
22 *land and intracoastal waterways, based on the appli-*
23 *cation of objective, national project selection*
24 *prioritization criteria.*

1 “(2) *CONSIDERATION.*—*In developing the pro-*
2 *gram under paragraph (1), the Secretary shall take*
3 *into consideration the 20-year capital investment*
4 *strategy contained in the Inland Marine Transpor-*
5 *tation System (IMTS) Capital Projects Business*
6 *Model, Final Report published on April 13, 2010, as*
7 *approved by the Users Board.*

8 “(3) *CRITERIA.*—*In developing the plan and*
9 *prioritization criteria under paragraph (1), the Sec-*
10 *retary shall ensure, to the maximum extent prac-*
11 *ticable, that investments made under the 20-year pro-*
12 *gram described in paragraph (1)—*

13 “(A) *are made in all geographical areas of*
14 *the inland waterways system; and*

15 “(B) *ensure efficient funding of inland wa-*
16 *terways projects.*

17 “(4) *STRATEGIC REVIEW AND UPDATE.*—*Not*
18 *later than 5 years after the date of enactment of this*
19 *subsection, and not less frequently than once every 5*
20 *years thereafter, the Secretary, in conjunction with*
21 *the Users Board, shall—*

22 “(A) *submit to Congress a strategic review*
23 *of the 20-year program in effect under this sub-*
24 *section, which shall identify and explain any*
25 *changes to the project-specific recommendations*

1 *contained in the previous 20-year program (in-*
2 *cluding any changes to the prioritization criteria*
3 *used to develop the updated recommendations);*
4 *and*

5 *“(B) make such revisions to the program as*
6 *the Secretary and Users Board jointly consider*
7 *to be appropriate.*

8 *“(e) PROJECT MANAGEMENT PLANS.—The chairperson*
9 *of the Users Board and the project development team mem-*
10 *ber appointed by the chairperson under subsection (b)(3)*
11 *shall sign the project management plan for the qualifying*
12 *project or the study or design of a commercial navigation*
13 *feature or component of the inland waterways and inland*
14 *harbors of the United States.”.*

15 **SEC. 7004. MAJOR REHABILITATION STANDARDS.**

16 *Section 205(1)(E)(ii) of the Water Resources Develop-*
17 *ment Act of 1992 (33 U.S.C. 2327(1)(E)(ii)) is amended*
18 *by striking “\$8,000,000” and inserting “\$20,000,000”.*

19 **SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.**

20 *(a) FINDINGS.—Congress finds that—*

21 *(1) there are approximately 12,000 miles of Fed-*
22 *eral waterways, known as the inland waterways sys-*
23 *tem, that are supported by user fees and managed by*
24 *the Corps of Engineers;*

1 (2) *the inland waterways system spans 38 States*
2 *and handles approximately one-half of all inland wa-*
3 *terway freight;*

4 (3) *according to the final report of the Inland*
5 *Marine Transportation System Capital Projects Busi-*
6 *ness Model, freight traffic on the Federal fuel-taxed*
7 *inland waterways system accounts for 546,000,000*
8 *tons of freight each year;*

9 (4) *expenditures for construction and major re-*
10 *habilitation projects on the inland waterways system*
11 *are equally cost-shared between the Federal Govern-*
12 *ment and the Inland Waterways Trust Fund;*

13 (5) *the Inland Waterways Trust Fund is fi-*
14 *nanced through a fee of \$0.20 per gallon on fuel used*
15 *by commercial barges;*

16 (6) *the balance of the Inland Waterways Trust*
17 *Fund has declined significantly in recent years;*

18 (7) *according to the final report of the Inland*
19 *Marine Transportation System Capital Projects Busi-*
20 *ness Model, the estimated financial need for construc-*
21 *tion and major rehabilitation projects on the inland*
22 *waterways system for fiscal years 2011 through 2030*
23 *is approximately \$18,000,000,000; and*

24 (8) *users of the inland waterways system are*
25 *supportive of an increase in the existing revenue*

1 *sources for inland waterways system construction and*
2 *major rehabilitation activities to expedite the most*
3 *critical of those construction and major rehabilitation*
4 *projects.*

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

7 *(1) the existing revenue sources for inland water-*
8 *ways system construction and rehabilitation activities*
9 *are insufficient to cover the costs of non-Federal inter-*
10 *ests of construction and major rehabilitation projects*
11 *on the inland waterways system; and*

12 *(2) the issue described in paragraph (1) should*
13 *be addressed.*

14 **SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.**

15 *Not later than 2 years after the date of enactment of*
16 *this Act, the Comptroller General shall prepare a report on*
17 *the efficiency of collecting the fuel tax for the Inland Water-*
18 *ways Trust Fund, which shall include—*

19 *(1) an evaluation of whether current methods of*
20 *collection of the fuel tax result in full compliance with*
21 *requirements of the law;*

22 *(2) whether alternative methods of collection*
23 *would result in increased revenues into the Inland*
24 *Waterways Trust Fund; and*

1 (3) *an evaluation of alternative collection op-*
2 *tions.*

3 **SEC. 7007. GAO STUDY, OLMSTED LOCKS AND DAM, LOWER**
4 **OHIO RIVER, ILLINOIS AND KENTUCKY.**

5 *As soon as practicable after the date of enactment of*
6 *this Act, the Comptroller General of the United States shall*
7 *conduct, and submit to Congress a report describing the re-*
8 *sults of, a study to determine why, and to what extent, the*
9 *project for navigation, Lower Ohio River, Locks and Dams*
10 *52 and 53, Illinois and Kentucky (commonly known as the*
11 *“Olmsted Locks and Dam project”), authorized by section*
12 *3(a)(6) of the Water Resources Development Act of 1988*
13 *(102 Stat. 4013), has exceeded the budget for the project*
14 *and the reasons why the project failed to be completed as*
15 *scheduled, including an assessment of—*

- 16 (1) *engineering methods used for the project;*
17 (2) *the management of the project;*
18 (3) *contracting for the project;*
19 (4) *the cost to the United States of benefits fore-*
20 *gone due to project delays; and*
21 (5) *such other contributory factors as the Comp-*
22 *troller General determines to be appropriate.*

1 **SEC. 7008. OLMSTED LOCKS AND DAM, LOWER OHIO RIVER,**
 2 **ILLINOIS AND KENTUCKY.**

3 *Section 3(a)(6) of the Water Resources Development*
 4 *Act of 1988 (102 Stat. 4013) is amended by striking “and*
 5 *with the costs of construction” and all that follows through*
 6 *the period at the end and inserting “which amounts re-*
 7 *maining after the date of enactment of this Act shall be*
 8 *appropriated from the general fund of the Treasury.”.*

9 **TITLE VIII—HARBOR**
 10 **MAINTENANCE**

11 **SEC. 8001. SHORT TITLE.**

12 *This title may be cited as the “Harbor Maintenance*
 13 *Trust Fund Act of 2013”.*

14 **SEC. 8002. PURPOSES.**

15 *The purposes of this title are—*

16 *(1) to ensure that revenues collected into the*
 17 *Harbor Maintenance Trust Fund are used for the in-*
 18 *tended purposes of those revenues;*

19 *(2) to increase investment in the operation and*
 20 *maintenance of United States ports, which are crit-*
 21 *ical for the economic competitiveness of the United*
 22 *States;*

23 *(3) to promote equity among ports nationwide;*

24 *(4) to ensure United States ports are prepared to*
 25 *meet modern shipping needs, including the capability*
 26 *to receive large ships that require deeper drafts; and*

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

3 **SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PRO-**
4 **GRAMS.**

5 (a) *DEFINITIONS.*—*In this section:*

6 (1) *TOTAL BUDGET RESOURCES.*—*The term*
7 “total budget resources” *means the total amount made*
8 *available by appropriations Acts from the Harbor*
9 *Maintenance Trust Fund for a fiscal year for making*
10 *expenditures under section 9505(c) of the Internal*
11 *Revenue Code of 1986.*

12 (2) *LEVEL OF RECEIPTS PLUS INTEREST.*—*The*
13 *term “level of receipts plus interest” means the level*
14 *of taxes and interest credited to the Harbor Mainte-*
15 *nance Trust Fund under section 9505 of the Internal*
16 *Revenue Code of 1986 for a fiscal year as set forth in*
17 *the President’s budget baseline projection, as deter-*
18 *mined under section 257 of the Balanced Budget and*
19 *Emergency Deficit Control Act of 1985 (2 U.S.C. 907)*
20 *for that fiscal year submitted pursuant to section*
21 *1105 of title 31, United States Code.*

22 (b) *MINIMUM RESOURCES.*—

23 (1) *MINIMUM RESOURCES.*—

24 (A) *IN GENERAL.*—*The total budget re-*
25 *sources made available to the Secretary from the*

1 *Harbor Maintenance Trust Fund shall be not*
2 *less than the lesser of—*

3 *(i)(I) for fiscal year 2014,*
4 *\$1,000,000,000;*

5 *(II) for fiscal year 2015,*
6 *\$1,100,000,000;*

7 *(III) for fiscal year 2016,*
8 *\$1,200,000,000;*

9 *(IV) for fiscal year 2017,*
10 *\$1,300,000,000;*

11 *(V) for fiscal year 2018,*
12 *\$1,400,000,000; and*

13 *(VI) for fiscal year 2019,*
14 *\$1,500,000,000; and*

15 *(ii) the level of receipts plus interest*
16 *credited to the Harbor Maintenance Trust*
17 *Fund for that fiscal year.*

18 *(B) FISCAL YEAR 2020 AND SUBSEQUENT*
19 *FISCAL YEARS.—For fiscal year 2020 and each*
20 *fiscal year thereafter, the total budget resources*
21 *made available to the Secretary from the Harbor*
22 *Maintenance Trust Fund shall be not less than*
23 *the level of receipts plus interest credited to the*
24 *Harbor Maintenance Trust Fund for that fiscal*
25 *year.*

1 (2) *USE OF AMOUNTS.*—*The amounts described*
2 *in paragraph (1) may be used only for harbor main-*
3 *tenance programs described in section 9505(c) of the*
4 *Internal Revenue Code of 1986.*

5 (c) *IMPACT ON OTHER FUNDS.*—

6 (1) *IN GENERAL.*—*Subject to paragraph (3), sub-*
7 *section (b)(1) shall not apply if providing the min-*
8 *imum resources required under that subsection would*
9 *result in making the amounts made available for the*
10 *applicable fiscal year to carry out all programs,*
11 *projects, and activities of the civil works program of*
12 *the Corps of Engineers, other than the harbor mainte-*
13 *nance programs, to be less than the amounts made*
14 *available for those purposes in the previous fiscal*
15 *year.*

16 (2) *CALCULATION OF AMOUNTS.*—*For each fiscal*
17 *year, the amounts made available to carry out all*
18 *programs, projects, and activities of the civil works*
19 *program of the Corps of Engineers shall not include*
20 *any amounts that are designated by Congress—*

21 (A) *as being for emergency requirements*
22 *pursuant to section 251(b)(2)(A)(i) of the Bal-*
23 *anced Budget and Emergency Deficit Control*
24 *Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or*

1 (B) as being for disaster relief pursuant to
2 section 251(b)(2)(D) of the *Balanced Budget and*
3 *Emergency Deficit Control Act of 1985 (2 U.S.C.*
4 *901(b)(2)(D))*.

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

7 (A) amounts made available for the civil
8 works program of the Corps of Engineers for a
9 fiscal year are less than the amounts made avail-
10 able for the civil works program in the previous
11 fiscal year; and

12 (B) the reduction in amounts made avail-
13 able—

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

17 (ii) is applied to the civil works pro-
18 gram in the same percentage and manner
19 as other discretionary funds and programs.

20 **SEC. 8004. HARBOR MAINTENANCE TRUST FUND**
21 **PRIORITIZATION.**

22 (a) *POLICY.*—*It is the policy of the United States that*
23 *the primary use of the Harbor Maintenance Trust Fund*
24 *is for maintaining the constructed widths and depths of the*
25 *commercial ports and harbors of the United States, and*

1 *those functions should be given first consideration in the*
2 *budgeting of Harbor Maintenance Trust Fund allocations.*

3 **(b) IN GENERAL.**—*Section 210 of the Water Resources*
4 *Development Act of 1986 (33 U.S.C. 2238) is amended by*
5 *adding at the end the following:*

6 **“(c) PRIORITIZATION.**—

7 **“(1) DEFINITIONS.**—*In this subsection:*

8 **“(A) CONSTRUCTED WIDTH AND DEPTH.**—
9 *The term ‘constructed width and depth’ means*
10 *the depth to which a project has been con-*
11 *structed, which shall not exceed the authorized*
12 *width and depth of the project.*

13 **“(B) GREAT LAKES NAVIGATION SYSTEM.**—
14 *The term ‘Great Lakes Navigation System’ in-*
15 *cludes—*

16 **“(i)(I) Lake Superior;**

17 **“(II) Lake Huron;**

18 **“(III) Lake Michigan;**

19 **“(IV) Lake Erie; and**

20 **“(V) Lake Ontario;**

21 **“(ii) all connecting waters between the**
22 *lakes referred to in clause (i) used for com-*
23 *mercial navigation;*

24 **“(iii) any navigation features in the**
25 *lakes referred to in clause (i) or waters de-*

1 scribed in clause (ii) that are a Federal op-
2 eration or maintenance responsibility; and

3 “(iv) areas of the Saint Lawrence
4 River that are operated or maintained by
5 the Federal Government for commercial
6 navigation.

7 “(C) *HIGH-USE DEEP DRAFT*.—

8 “(i) *IN GENERAL*.—The term ‘high-use
9 deep draft’ means a project that has a depth
10 of greater than 14 feet with not less than
11 10,000,000 tons of cargo annually.

12 “(ii) *EXCLUSION*.—The term ‘high-use
13 deep draft’ does not include a project lo-
14 cated in the Great Lakes Navigation Sys-
15 tem.

16 “(D) *LOW-USE PORT*.—The term ‘low-use
17 port’ means a port at which not more than
18 1,000,000 tons of cargo are transported each cal-
19 endar year.

20 “(E) *MODERATE-USE PORT*.—The term
21 ‘moderate-use port’ means a port at which more
22 than 1,000,000, but fewer than 10,000,000, tons
23 of cargo are transported each calendar year.

24 “(2) *PRIORITY*.—Of the amounts made available
25 under this section to carry out projects described in

1 subsection (a)(2) that are in excess of the amounts
2 made available to carry out those projects in fiscal
3 year 2012, the Secretary of the Army, acting through
4 the Chief of Engineers, shall give priority to those
5 projects in the following order:

6 “(A)(i) In any fiscal year in which all
7 projects subject to the harbor maintenance fee
8 under section 24.24 of title 19, Code of Federal
9 Regulations (or a successor regulation) are not
10 maintained to their constructed width and
11 depth, the Secretary shall prioritize amounts
12 made available under this section for those
13 projects that are high-use deep draft and are a
14 priority for navigation in the Great Lakes Navi-
15 gation System.

16 “(ii) Of the amounts made available under
17 clause (i)—

18 “(I) 80 percent shall be used for
19 projects that are high-use deep draft; and

20 “(II) 20 percent shall be used for
21 projects that are a priority for navigation
22 in the Great Lakes Navigation System.

23 “(B) In any fiscal year in which all
24 projects identified as high-use deep draft are

1 *maintained to their constructed width and*
2 *depth, the Secretary shall—*

3 *“(i) equally divide among each of the*
4 *districts of the Corps of Engineers in which*
5 *eligible projects are located 10 percent of re-*
6 *maining amounts made available under*
7 *this section for moderate-use and low-use*
8 *port projects—*

9 *“(I) that have been maintained at*
10 *less than their constructed width and*
11 *depth due to insufficient federal fund-*
12 *ing during the preceding 6 fiscal years;*
13 *and*

14 *“(II) for which significant State*
15 *and local investments in infrastructure*
16 *have been made at those projects dur-*
17 *ing the preceding 6 fiscal years; and*

18 *“(ii) prioritize any remaining*
19 *amounts made available under this section*
20 *for those projects that are not maintained to*
21 *the minimum width and depth necessary to*
22 *provide sufficient clearance for fully loaded*
23 *commercial vessels using those projects to*
24 *maneuver safely.*

1 “(3) *ADMINISTRATION.*—*For purposes of this*
2 *subsection, State and local investments in infrastruc-*
3 *ture shall include infrastructure investments made*
4 *using amounts made available for activities under*
5 *section 105(a)(9) of the Housing and Community De-*
6 *velopment Act of 1974 (42 U.S.C. 5305(a)(9)).*

7 “(4) *EXCEPTIONS.*—*The Secretary may*
8 *prioritize a project not identified in paragraph (2) if*
9 *the Secretary determines that funding for the project*
10 *is necessary to address—*

11 “(A) *hazardous navigation conditions; or*

12 “(B) *impacts of natural disasters, including*
13 *storms and droughts.*

14 “(5) *REPORTS TO CONGRESS.*—*Not later than*
15 *September 30, 2013, and annually thereafter, the Sec-*
16 *retary shall submit to Congress a report that de-*
17 *scribes, with respect to the preceding fiscal year—*

18 “(A) *the amount of funds used to maintain*
19 *high-use deep draft projects and projects at mod-*
20 *erate-use ports and low-use ports to the con-*
21 *structed depth and width of the projects;*

22 “(B) *the respective percentage of total funds*
23 *provided under this section used for high use*
24 *deep draft projects and projects at moderate-use*
25 *ports and low-use ports;*

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

3 “(D) any additional amounts needed to
4 maintain the high-use deep draft projects and
5 projects at moderate-use ports and low-use ports
6 to the constructed depth and width of the
7 projects.”.

8 (c) OPERATION AND MAINTENANCE.—Section 101(b) of
9 the Water Resources Development Act of 1986 (33 U.S.C.
10 2211(b)) is amended—

11 (1) in paragraph (1), by striking “45 feet” and
12 inserting “50 feet”; and

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

14 “(3) OPERATION AND MAINTENANCE ACTIVITIES
15 DEFINED.—

16 “(A) SCOPE OF OPERATION AND MAINTENANCE
17 ACTIVITIES.—Notwithstanding any other
18 provision of law (including regulations and
19 guidelines) and subject to subparagraph (B), for
20 purposes of this subsection, operation and main-
21 tenance activities that are eligible for the Federal
22 cost share under paragraph (1) shall include—

23 “(i) the dredging of berths in a harbor
24 that is accessible to a Federal channel, if the
25 Federal channel has been constructed to a

1 *depth equal to the authorized depth of the*
2 *channel; and*

3 “(ii) *the dredging and disposal of leg-*
4 *acy-contaminated sediments and sediments*
5 *unsuitable for ocean disposal that—*

6 “(I) *are located in or affect the*
7 *maintenance of Federal navigation*
8 *channels; or*

9 “(II) *are located in berths that*
10 *are accessible to Federal channels.*

11 “(B) *LIMITATIONS.—*

12 “(i) *IN GENERAL.—For each fiscal*
13 *year, subject to section 210(c)(2), subpara-*
14 *graph (A) shall only apply—*

15 “(I) *to the amounts made avail-*
16 *able under section 210 to carry out*
17 *projects described in subsection (a)(2)*
18 *of that section that are in excess of the*
19 *amounts made available to carry out*
20 *those projects in fiscal year 2012; and*

21 “(II) *if, in that fiscal year, all*
22 *projects identified as high-use deep*
23 *draft (as defined in section 210(c)) are*
24 *maintained to their constructed width*
25 *and depth.*

1 “(ii) *STATE LIMITATION.*—*For each*
2 *fiscal year, the operation and maintenance*
3 *activities described in subparagraph (A)*
4 *may only be carried out in a State—*

5 “(I) *in which the total amounts*
6 *collected pursuant to section 4461 of*
7 *the Internal Revenue Code of 1986*
8 *comprise not less than 2.5 percent an-*
9 *nually of the total funding of the Har-*
10 *bor Maintenance Trust Fund estab-*
11 *lished under section 9505 of the Inter-*
12 *nal Revenue Code of 1986; and*

13 “(II) *that received less than 50*
14 *percent of the total amounts collected*
15 *in that State pursuant to section 4461*
16 *of the Internal Revenue Code of 1986*
17 *in the previous 3 fiscal years.*

18 “(iii) *PRIORITIZATION.*—*In allocating*
19 *amounts made available under this para-*
20 *graph, the Secretary shall give priority to*
21 *projects that have received the lowest*
22 *amount of funding from the Harbor Main-*
23 *tenance Trust Fund in comparison to the*
24 *amount of funding contributed to the Har-*

1 *bor Maintenance Trust Fund in the pre-*
2 *vious 3 fiscal years.*

3 “(iv) *MAXIMUM AMOUNT.*—*The total*
4 *amount made available in each fiscal year*
5 *to carry out this paragraph shall not exceed*
6 *the lesser of—*

7 *“(I) amount that is equal to 40*
8 *percent of the amounts made available*
9 *under section 210 to carry out projects*
10 *described in subsection (a)(2) of that*
11 *section that are in excess of the*
12 *amounts made available to carry out*
13 *those projects in fiscal year 2012; and*

14 *“(II) the amount that is equal to*
15 *20 percent of the amounts made avail-*
16 *able under section 210 to carry out*
17 *projects described in subsection (a)(2)*
18 *of that section.*

19 “(4) *DONOR PORTS AND PORTS CONTRIBUTING*
20 *TO ENERGY PRODUCTION.*—

21 *“(A) DEFINITIONS.*—*In this paragraph:*

22 *“(i) CARGO CONTAINER.*—*The term*
23 *‘cargo container’ means a cargo container*
24 *that is 1 Twenty-foot Equivalent Unit.*

1 “(i) *ELIGIBLE DONOR PORT.*—The
2 term, ‘eligible donor port’ means a port—

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

7 “(II)(aa) at which the total
8 amounts collected pursuant to section
9 4461 of the Internal Revenue Code of
10 1986 comprise not less than
11 \$15,000,000 annually of the total fund-
12 ing of the Harbor Maintenance Trust
13 Fund established under section 9505 of
14 the Internal Revenue Code of 1986;
15 and

16 “(bb) that received less than 25
17 percent of the total amounts collected
18 at that port pursuant to section 4461
19 of the Internal Revenue Code of 1986
20 in the previous 5 fiscal years; and

21 “(III) that is located in a State
22 in which more than 2,000,000 cargo
23 containers were unloaded from or load-
24 ed on to vessels in calendar year 2011.

1 “(iii) *ELIGIBLE ENERGY TRANSFER*
2 *PORT.*—The term ‘eligible energy transfer
3 port’ means a port—

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

8 “(II)(aa) at which energy com-
9 modities comprised greater than 25
10 percent of all commercial activity by
11 tonnage in calendar year 2011; and

12 “(bb) through which more
13 than 40 million tons of cargo were
14 transported in calendar year
15 2011.

16 “(iv) *ENERGY COMMODITY.*—The term
17 ‘energy commodity’ includes—

18 “(I) petroleum products;

19 “(II) natural gas;

20 “(III) coal;

21 “(IV) wind and solar energy com-
22 ponents; and

23 “(V) biofuels.

24 “(B) *ADDITIONAL USES.*—

1 “(i) *IN GENERAL.*—Subject to appro-
2 priations, the Secretary may provide to eli-
3 gible donor ports and eligible energy trans-
4 fer ports amounts in accordance with clause
5 (ii).

6 “(ii) *LIMITATIONS.*—The amounts de-
7 scribed in clause (i)—

8 “(I) made available for eligible
9 energy transfer ports shall be divided
10 equally among all States with an eligi-
11 ble energy transfer port; and

12 “(II) shall be made available only
13 to a port as either an eligible donor
14 port or an eligible energy transfer port.

15 “(C) *USES.*—Amounts provided to an eligi-
16 ble port under this paragraph may only be used
17 by that port—

18 “(i) to provide payments to importers
19 entering cargo or shippers transporting
20 cargo through an eligible donor port or eli-
21 gible energy transfer port, as calculated by
22 U.S. Customs and Border Protection;

23 “(ii) to dredge berths in a harbor that
24 is accessible to a Federal channel;

1 “(iii) to dredge and dispose of legacy-
2 contaminated sediments and sediments un-
3 suitable for ocean disposal that—

4 “(I) are located in or affect the
5 maintenance of Federal navigation
6 channels; or

7 “(II) are located in berths that
8 are accessible to Federal channels; or

9 “(iv) for environmental remediation
10 related to dredging berths and Federal navi-
11 gation channels.

12 “(D) ADMINISTRATION OF PAYMENTS.—If
13 an eligible donor port or eligible energy transfer
14 port elects to provide payments to importers or
15 shippers in accordance with subparagraph
16 (C)(i), the Secretary shall transfer the amounts
17 that would be provided to the port under this
18 paragraph to the Commissioner of U.S. Customs
19 and Border Protection to provide the payments
20 to the importers or shippers.

21 “(E) AUTHORIZATION OF APPROPRIA-
22 TIONS.—

23 “(i) IN GENERAL.—For fiscal years
24 2014 through 2024, if the total amounts
25 made available from the Harbor Mainte-

1 *nance Trust Fund exceed the total amounts*
2 *made available from the Harbor Mainte-*
3 *nance Trust Fund in fiscal year 2012, there*
4 *is authorized to be appropriated from the*
5 *Harbor Maintenance Trust Fund to carry*
6 *out this paragraph the sum obtained by*
7 *adding—*

8 *“(I) \$50,000,000; and*

9 *“(II) the amount that is equal to*
10 *10 percent of the amounts made avail-*
11 *able under section 210 to carry out*
12 *projects described in subsection (a)(2)*
13 *of that section that are in excess of the*
14 *amounts made available to carry out*
15 *those projects in fiscal year 2012.*

16 *“(ii) DIVISION BETWEEN ELIGIBLE*
17 *DONOR PORTS AND ELIGIBLE ENERGY*
18 *TRANSFER PORTS.—For each fiscal year,*
19 *amounts made available shall be divided*
20 *equally between eligible donor ports and eli-*
21 *gible energy transfer ports.”.*

22 *(d) CONFORMING AMENDMENT.—Section 9505(c)(1) of*
23 *the Internal Revenue Code of 1986 is amended by striking*
24 *“as in effect on the date of the enactment of the Water Re-*
25 *sources Development Act of 1996” and inserting “as in ef-*

1 *fect on the date of the enactment of the Harbor Maintenance*
2 *Trust Fund Act of 2013”.*

3 **SEC. 8005. HARBOR MAINTENANCE TRUST FUND STUDY.**

4 (a) *DEFINITIONS.—In this section:*

5 (1) *LOW-USE PORT.—The term “low-use port”*
6 *means a port at which not more than 1,000,000 tons*
7 *of cargo are transported each calendar year.*

8 (2) *MODERATE-USE PORT.—The term “moderate-*
9 *use port” means a port at which more than*
10 *1,000,000, but fewer than 10,000,000, tons of cargo*
11 *are transported each calendar year.*

12 (b) *STUDY.—Not later than 270 days after the date*
13 *of enactment of this Act, the Comptroller General of the*
14 *United States shall carry out a study and submit to Con-*
15 *gress a report that—*

16 (1) *evaluates the effectiveness of activities funded*
17 *by the Harbor Maintenance Trust Fund in maxi-*
18 *mizing economic growth and job creation in the com-*
19 *munities surrounding low- and moderate-use ports;*
20 *and*

21 (2) *includes recommendations relating to the use*
22 *of amounts in the Harbor Maintenance Trust Fund*
23 *to increase the competitiveness of United States ports*
24 *relative to Canadian and Mexican ports.*

1 **TITLE IX—DAM SAFETY**

2 **SEC. 9001. SHORT TITLE.**

3 *This title may be cited as the “Dam Safety Act of*
4 *2013”.*

5 **SEC. 9002. PURPOSE.**

6 *The purpose of this title and the amendments made*
7 *by this title is to reduce the risks to life and property from*
8 *dam failure in the United States through the reauthoriza-*
9 *tion of an effective national dam safety program that brings*
10 *together the expertise and resources of the Federal Govern-*
11 *ment and non-Federal interests in achieving national dam*
12 *safety hazard reduction.*

13 **SEC. 9003. ADMINISTRATOR.**

14 *(a) IN GENERAL.—The National Dam Safety Program*
15 *Act (33 U.S.C. 467 et seq.) is amended by striking “Direc-*
16 *tor” each place it appears and inserting “Administrator”.*

17 *(b) CONFORMING AMENDMENT.—Section 2 of the Na-*
18 *tional Dam Safety Program Act (33 U.S.C. 467) is amend-*
19 *ed—*

20 *(1) by striking paragraph (3);*

21 *(2) by redesignating paragraphs (1) and (2) as*
22 *paragraphs (2) and (3), respectively; and*

23 *(3) by inserting before paragraph (2) (as redesign-*
24 *ated by paragraph (2)) the following:*

1 “(1) *ADMINISTRATOR.*—The term ‘Adminis-
2 trator’ means the Administrator of the Federal Emer-
3 gency Management Agency.”.

4 **SEC. 9004. INSPECTION OF DAMS.**

5 Section 3(b)(1) of the National Dam Safety Program
6 Act (33 U.S.C. 467a(b)(1)) is amended by striking “or
7 maintenance” and inserting “maintenance, condition, or
8 provisions for emergency operations”.

9 **SEC. 9005. NATIONAL DAM SAFETY PROGRAM.**

10 (a) *OBJECTIVES.*—Section 8(c) of the National Dam
11 Safety Program Act (33 U.S.C. 467f(c)) is amended by
12 striking paragraph (4) and inserting the following:

13 “(4) develop and implement a comprehensive
14 dam safety hazard education and public awareness
15 program to assist the public in preparing for, miti-
16 gating, responding to, and recovering from dam inci-
17 dents;”.

18 (b) *BOARD.*—Section 8(f)(4) of the National Dam
19 Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by
20 inserting “, representatives from nongovernmental organi-
21 zations,” after “State agencies”.

22 **SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM**
23 **SAFETY.**

24 The National Dam Safety Program Act (33 U.S.C. 467
25 et seq.) is amended—

1 (1) *by redesignating sections 11, 12, and 13 as*
2 *sections 12, 13, and 14, respectively; and*

3 (2) *by inserting after section 10 (33 U.S.C.*
4 *467g–1) the following:*

5 **“SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM**
6 **SAFETY.**

7 *“The Administrator, in consultation with other Fed-*
8 *eral agencies, State and local governments, dam owners, the*
9 *emergency management community, the private sector, non-*
10 *governmental organizations and associations, institutions*
11 *of higher education, and any other appropriate entities*
12 *shall carry out a nationwide public awareness and outreach*
13 *program to assist the public in preparing for, mitigating,*
14 *responding to, and recovering from dam incidents.”.*

15 **SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.**

16 *(a) NATIONAL DAM SAFETY PROGRAM.—*

17 (1) *ANNUAL AMOUNTS.—Section 14(a)(1) of the*
18 *National Dam Safety Program Act (33 U.S.C.*
19 *467j(a)(1)) (as so redesignated) is amended by strik-*
20 *ing “\$6,500,000” and all that follows through “2011”*
21 *and inserting “\$9,200,000 for each of fiscal years*
22 *2014 through 2018”.*

23 (2) *MAXIMUM AMOUNT OF ALLOCATION.—Section*
24 *14(a)(2)(B) of the National Dam Safety Program Act*

1 (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is
2 amended—

3 (A) by striking “The amount” and inserting
4 the following:

5 “(i) *IN GENERAL.*—The amount”; and
6 (B) by adding at the end the following:

7 “(ii) *FISCAL YEAR 2014 AND SUBSE-*
8 *QUENT FISCAL YEARS.*—For fiscal year
9 2014 and each subsequent fiscal year, the
10 amount of funds allocated to a State under
11 this paragraph may not exceed the amount
12 of funds committed by the State to imple-
13 ment dam safety activities.”

14 (b) *NATIONAL DAM INVENTORY.*—Section 14(b) of the
15 National Dam Safety Program Act (33 U.S.C. 467j(b)) (as
16 so redesignated) is amended by striking “\$650,000” and all
17 that follows through “2011” and inserting “\$500,000 for
18 each of fiscal years 2014 through 2018”.

19 (c) *PUBLIC AWARENESS.*—Section 14 of the National
20 Dam Safety Program Act (33 U.S.C. 467j) (as so redesi-
21 gnated) is amended—

22 (1) by redesignating subsections (c) through (f)
23 as subsections (d) through (g), respectively; and

24 (2) by inserting after subsection (b) the fol-
25 lowing:

1 “(c) *PUBLIC AWARENESS.*—*There is authorized to be*
 2 *appropriated to carry out section 11 \$1,000,000 for each*
 3 *of fiscal years 2014 through 2018.*”.

4 (d) *RESEARCH.*—*Section 14(d) of the National Dam*
 5 *Safety Program Act (as so redesignated) is amended by*
 6 *striking “\$1,600,000” and all that follows through “2011”*
 7 *and inserting “\$1,450,000 for each of fiscal years 2014*
 8 *through 2018.”.*

9 (e) *DAM SAFETY TRAINING.*—*Section 14(e) of the Na-*
 10 *tional Dam Safety Program Act (as so redesignated) is*
 11 *amended by striking “\$550,000” and all that follows*
 12 *through “2011” and inserting “\$750,000 for each of fiscal*
 13 *years 2014 through 2018.”.*

14 (f) *STAFF.*—*Section 14(f) of the National Dam Safety*
 15 *Program Act (as so redesignated) is amended by striking*
 16 *“\$700,000” and all that follows through “2011” and insert-*
 17 *ing “\$1,000,000 for each of fiscal years 2014 through 2018.”.*

18 **TITLE X—INNOVATIVE**

19 **FINANCING PILOT PROJECTS**

20 **SEC. 10001. SHORT TITLE.**

21 *This title may be cited as the “Water Infrastructure*
 22 *Finance and Innovation Act of 2013.”.*

23 **SEC. 10002. PURPOSES.**

24 *The purpose of this title is to establish a pilot program*
 25 *to assess the ability of innovative financing tools to—*

1 (1) *promote increased development of critical*
2 *water resources infrastructure by establishing addi-*
3 *tional opportunities for financing water resources*
4 *projects that complement but do not replace or reduce*
5 *existing Federal infrastructure financing tools such as*
6 *the State water pollution control revolving loan funds*
7 *established under title VI of the Federal Water Pollu-*
8 *tion Control Act (33 U.S.C. 1381 et seq.) and the*
9 *State drinking water treatment revolving loan funds*
10 *established under section 1452 of the Safe Drinking*
11 *Water Act (42 U.S.C. 300j-12);*

12 (2) *attract new investment capital to infrastruc-*
13 *ture projects that are capable of generating revenue*
14 *streams through user fees or other dedicated funding*
15 *sources;*

16 (3) *complement existing Federal funding sources*
17 *and address budgetary constraints on the Corps of*
18 *Engineers civil works program and existing waste-*
19 *water and drinking water infrastructure financing*
20 *programs;*

21 (4) *leverage private investment in water re-*
22 *sources infrastructure;*

23 (5) *align investments in water resources infra-*
24 *structure to achieve multiple benefits; and*

1 (6) *assist communities facing significant water*
2 *quality, drinking water, or flood risk challenges with*
3 *the development of water infrastructure projects.*

4 **SEC. 10003. DEFINITIONS.**

5 *In this title:*

6 (1) *ADMINISTRATOR.*—*The term “Adminis-*
7 *trator” means the Administrator of the Environ-*
8 *mental Protection Agency.*

9 (2) *COMMUNITY WATER SYSTEM.*—*The term*
10 *“community water system” has the meaning given the*
11 *term in section 1401 of the Safe Drinking Water Act*
12 *(42 U.S.C. 300f).*

13 (3) *FEDERAL CREDIT INSTRUMENT.*—*The term*
14 *“Federal credit instrument” means a secured loan or*
15 *loan guarantee authorized to be made available under*
16 *this title with respect to a project.*

17 (4) *INVESTMENT-GRADE RATING.*—*The term “in-*
18 *vestment-grade rating” means a rating of BBB*
19 *minus, Baa3, bbb minus, BBB (low), or higher as-*
20 *signed by a rating agency to project obligations.*

21 (5) *LENDER.*—

22 (A) *IN GENERAL.*—*The term “lender”*
23 *means any non-Federal qualified institutional*
24 *buyer (as defined in section 230.144A(a) of title*
25 *17, Code of Federal Regulations (or a successor*

1 *regulation), known as Rule 144A(a) of the Secu-*
2 *rities and Exchange Commission and issued*
3 *under the Securities Act of 1933 (15 U.S.C. 77a*
4 *et seq.)).*

5 (B) *INCLUSIONS.—The term “lender” in-*
6 *cludes—*

7 *(i) a qualified retirement plan (as de-*
8 *finied in section 4974(c) of the Internal Rev-*
9 *enue Code of 1986) that is a qualified insti-*
10 *tutional buyer; and*

11 *(ii) a governmental plan (as defined in*
12 *section 414(d) of the Internal Revenue Code*
13 *of 1986) that is a qualified institutional*
14 *buyer.*

15 (6) *LOAN GUARANTEE.—The term “loan guar-*
16 *antee” means any guarantee or other pledge by the*
17 *Secretary or the Administrator to pay all or part of*
18 *the principal of, and interest on, a loan or other debt*
19 *obligation issued by an obligor and funded by a lend-*
20 *er.*

21 (7) *OBLIGOR.—The term “obligor” means an eli-*
22 *gible entity that is primarily liable for payment of*
23 *the principal of, or interest on, a Federal credit in-*
24 *strument.*

25 (8) *PROJECT OBLIGATION.—*

1 (A) *IN GENERAL.*—The term “project obligation” means any note, bond, debenture, or
2 other debt obligation issued by an obligor in connection with the financing of a project.
3
4

5 (B) *EXCLUSION.*—The term “project obligation” does not include a Federal credit instrument.
6
7

8 (9) *RATING AGENCY.*—The term “rating agency” means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).
9
10
11
12
13

14 (10) *RURAL WATER INFRASTRUCTURE PROJECT.*—The term “rural water infrastructure project” means a project that—
15
16

17 (A) is described in section 10007; and

18 (B) is located in a water system that serves
19 not more than 25,000 individuals.

20 (11) *SECURED LOAN.*—The term “secured loan” means a direct loan or other debt obligation issued by
21 an obligor and funded by the Secretary in connection
22 with the financing of a project under section 10010.
23

24 (12) *STATE.*—The term “State” means—

25 (A) a State;

1 (B) *the District of Columbia;*
2 (C) *the Commonwealth of Puerto Rico; and*
3 (D) *any other territory or possession of the*
4 *United States.*

5 (13) *STATE INFRASTRUCTURE FINANCING AU-*
6 *THORITY.—The term “State infrastructure financing*
7 *authority” means the State entity established or des-*
8 *ignated by the Governor of a State to receive a cap-*
9 *italization grant provided by, or otherwise carry out*
10 *the requirements of, title VI of the Federal Water Pol-*
11 *lution Control Act (33 U.S.C. 1381 et. seq.) or section*
12 *1452 of the Safe Drinking Water Act (42 U.S.C.*
13 *300j–12).*

14 (14) *SUBSIDY AMOUNT.—The term “subsidy*
15 *amount” means the amount of budget authority suffi-*
16 *cient to cover the estimated long-term cost to the Fed-*
17 *eral Government of a Federal credit instrument, as*
18 *calculated on a net present value basis, excluding ad-*
19 *ministrative costs and any incidental effects on gov-*
20 *ernmental receipts or outlays in accordance with the*
21 *Federal Credit Reform Act of 1990 (2 U.S.C. 661 et*
22 *seq.).*

23 (15) *SUBSTANTIAL COMPLETION.—The term*
24 *“substantial completion”, with respect to a project,*
25 *means the earliest date on which a project is consid-*

1 ered to perform the functions for which the project is
2 designed.

3 (16) *TREATMENT WORKS.*—*The term “treatment*
4 *works” has the meaning given the term in section 212*
5 *of the Federal Water Pollution Control Act (33 U.S.C.*
6 *1292).*

7 **SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.**

8 (a) *IN GENERAL.*—*The Secretary and the Adminis-*
9 *trator may provide financial assistance under this title to*
10 *carry out pilot projects, which shall be selected to ensure*
11 *a diversity of project types and geographical locations.*

12 (b) *RESPONSIBILITY.*—

13 (1) *SECRETARY.*—*The Secretary shall carry out*
14 *all pilot projects under this title that are eligible*
15 *projects under section 10007(1).*

16 (2) *ADMINISTRATOR.*—*The Administrator shall*
17 *carry out all pilot projects under this title that are*
18 *eligible projects under paragraphs (2), (3), (4), (5),*
19 *(6), and (8) of section 10007.*

20 (3) *OTHER PROJECTS.*—*The Secretary or the Ad-*
21 *ministrator, as applicable, may carry out eligible*
22 *projects under paragraph (7) or (9) of section 10007.*

23 **SEC. 10005. APPLICATIONS.**

24 (a) *IN GENERAL.*—*To receive assistance under this*
25 *title, an eligible entity shall submit to the Secretary or the*

1 *Administrator, as applicable, an application at such time,*
2 *in such manner, and containing such information as the*
3 *Secretary or the Administrator may require.*

4 (b) *COMBINED PROJECTS.*—*In the case of an eligible*
5 *project described in paragraph (8) or (9) of section 10007,*
6 *the Secretary or the Administrator, as applicable, shall re-*
7 *quire the eligible entity to submit a single application for*
8 *the combined group of projects.*

9 **SEC. 10006. ELIGIBLE ENTITIES.**

10 *The following entities are eligible to receive assistance*
11 *under this title:*

12 (1) *A corporation.*

13 (2) *A partnership.*

14 (3) *A joint venture.*

15 (4) *A trust.*

16 (5) *A Federal, State, or local governmental enti-*
17 *ty, agency, or instrumentality.*

18 (6) *A tribal government or consortium of tribal*
19 *governments.*

20 (7) *A State infrastructure financing authority.*

21 **SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.**

22 *The following projects may be carried out with*
23 *amounts made available under this title:*

24 (1) *A project for flood control or hurricane and*
25 *storm damage reduction that the Secretary has deter-*

1 *mined is technically sound, economically justified,*
2 *and environmentally acceptable, including—*

3 *(A) a structural or nonstructural measure*
4 *to reduce flood risk, enhance stream flow, or pro-*
5 *tect natural resources; and*

6 *(B) a levee, dam, tunnel, aqueduct, res-*
7 *ervoir, or other related water infrastructure.*

8 *(2) 1 or more activities that are eligible for as-*
9 *sistance under section 603(c) of the Federal Water*
10 *Pollution Control Act (33 U.S.C. 1383(c)), notwith-*
11 *standing the public ownership requirement under*
12 *paragraph (1) of that subsection.*

13 *(3) 1 or more activities described in section*
14 *1452(a)(2) of the Safe Drinking Water Act (42 U.S.C.*
15 *300j-12(a)(2)).*

16 *(4) A project for enhanced energy efficiency in*
17 *the operation of a public water system or a publicly*
18 *owned treatment works.*

19 *(5) A project for repair, rehabilitation, or re-*
20 *placement of a treatment works, community water*
21 *system, or aging water distribution or waste collec-*
22 *tion facility (including a facility that serves a popu-*
23 *lation or community of an Indian reservation).*

1 (6) *A brackish or sea water desalination project,*
2 *a managed aquifer recharge project, or a water recy-*
3 *cling project.*

4 (7) *Acquisition of real property or an interest in*
5 *real property—*

6 (A) *if the acquisition is integral to a project*
7 *described in paragraphs (1) through (6); or*

8 (B) *pursuant to an existing plan that, in*
9 *the judgment of the Administrator or the Sec-*
10 *retary, as applicable, would mitigate the envi-*
11 *ronmental impacts of water resources infrastruc-*
12 *ture projects otherwise eligible for assistance*
13 *under this section.*

14 (8) *A combination of projects, each of which is*
15 *eligible under paragraph (2) or (3), for which a State*
16 *infrastructure financing authority submits to the Ad-*
17 *ministrator a single application.*

18 (9) *A combination of projects secured by a com-*
19 *mon security pledge, each of which is eligible under*
20 *paragraph (1), (2), (3), (4), (5), (6), or (7), for which*
21 *an eligible entity, or a combination of eligible enti-*
22 *ties, submits a single application.*

23 **SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.**

24 *For purposes of this title, an eligible activity with re-*
25 *spect to an eligible project includes the cost of—*

1 (1) *development-phase activities, including plan-*
2 *ning, feasibility analysis (including any related anal-*
3 *ysis necessary to carry out an eligible project), rev-*
4 *enue forecasting, environmental review, permitting,*
5 *preliminary engineering and design work, and other*
6 *preconstruction activities;*

7 (2) *construction, reconstruction, rehabilitation,*
8 *and replacement activities;*

9 (3) *the acquisition of real property or an interest*
10 *in real property (including water rights, land relat-*
11 *ing to the project, and improvements to land), envi-*
12 *ronmental mitigation (including acquisitions pursu-*
13 *ant to section 10007(7)), construction contingencies,*
14 *and acquisition of equipment;*

15 (4) *capitalized interest necessary to meet market*
16 *requirements, reasonably required reserve funds, cap-*
17 *ital issuance expenses, and other carrying costs dur-*
18 *ing construction; and*

19 (5) *refinancing interim construction funding,*
20 *long-term project obligations, or a secured loan or*
21 *loan guarantee made under this title.*

22 **SEC. 10009. DETERMINATION OF ELIGIBILITY AND PROJECT**
23 **SELECTION.**

24 (a) *ELIGIBILITY REQUIREMENTS.*—*To be eligible to re-*
25 *ceive financial assistance under this title, a project shall*

1 *meet the following criteria, as determined by the Secretary*
2 *or Administrator, as applicable:*

3 (1) *CREDITWORTHINESS.—*

4 (A) *IN GENERAL.—Subject to subparagraph*
5 *(B), the project shall be creditworthy, which shall*
6 *be determined by the Secretary or the Adminis-*
7 *trator, as applicable, who shall ensure that any*
8 *financing for the project has appropriate secu-*
9 *rity features, such as a rate covenant, to ensure*
10 *repayment.*

11 (B) *PRELIMINARY RATING OPINION LET-*
12 *TER.—The Secretary or the Administrator, as*
13 *applicable, shall require each project applicant*
14 *to provide a preliminary rating opinion letter*
15 *from at least 1 rating agency indicating that the*
16 *senior obligations of the project (which may be*
17 *the Federal credit instrument) have the potential*
18 *to achieve an investment-grade rating.*

19 (C) *SPECIAL RULE FOR CERTAIN COMBINED*
20 *PROJECTS.—The Administrator shall develop a*
21 *credit evaluation process for a Federal credit in-*
22 *strument provided to a State infrastructure fi-*
23 *nancing authority for a project under section*
24 *10007(8) or an entity for a project under section*
25 *10007(9), which may include requiring the pro-*

1 *vision of a preliminary rating opinion letter*
2 *from at least 1 rating agency.*

3 (2) *ELIGIBLE PROJECT COSTS.—*

4 (A) *IN GENERAL.—Subject to subparagraph*
5 *(B), the eligible project costs of a project shall be*
6 *reasonably anticipated to be not less than*
7 *\$20,000,000.*

8 (B) *RURAL WATER INFRASTRUCTURE*
9 *PROJECTS.—For rural water infrastructure*
10 *projects, the eligible project costs of a project*
11 *shall be reasonably anticipated to be not less*
12 *than \$5,000,000.*

13 (3) *DEDICATED REVENUE SOURCES.—The Fed-*
14 *eral credit instrument for the project shall be repay-*
15 *able, in whole or in part, from dedicated revenue*
16 *sources that also secure the project obligations.*

17 (4) *PUBLIC SPONSORSHIP OF PRIVATE ENTI-*
18 *TIES.—In the case of a project carried out by an enti-*
19 *ty that is not a State or local government or an agen-*
20 *cy or instrumentality of a State or local government*
21 *or a tribal government or consortium of tribal govern-*
22 *ments, the project shall be publicly sponsored.*

23 (5) *LIMITATION.—No project receiving Federal*
24 *credit assistance under this title may be financed or*

1 *refinanced (directly or indirectly), in whole or in*
2 *part, with proceeds of any obligation—*

3 *(A) the interest on which is exempt from the*
4 *tax imposed under chapter 1 of the Internal Rev-*
5 *enue Code of 1986; or*

6 *(B) with respect to which credit is allowable*
7 *under subpart I or J of part IV of subchapter A*
8 *of chapter 1 of such Code.*

9 *(b) SELECTION CRITERIA.—*

10 *(1) ESTABLISHMENT.—The Secretary or the Ad-*
11 *ministrator, as applicable, shall establish criteria for*
12 *the selection of projects that meet the eligibility re-*
13 *quirements of subsection (a), in accordance with*
14 *paragraph (2).*

15 *(2) CRITERIA.—The selection criteria shall in-*
16 *clude the following:*

17 *(A) The extent to which the project is na-*
18 *tionally or regionally significant, with respect to*
19 *the generation of economic and public benefits,*
20 *such as—*

21 *(i) the reduction of flood risk;*

22 *(ii) the improvement of water quality*
23 *and quantity, including aquifer recharge;*

24 *(iii) the protection of drinking water;*

25 *and*

1 (iv) the support of international com-
2 merce.

3 (B) The extent to which the project financ-
4 ing plan includes public or private financing in
5 addition to assistance under this title.

6 (C) The likelihood that assistance under this
7 title would enable the project to proceed at an
8 earlier date than the project would otherwise be
9 able to proceed.

10 (D) The extent to which the project uses new
11 or innovative approaches.

12 (E) The amount of budget authority re-
13 quired to fund the Federal credit instrument
14 made available under this title.

15 (F) The extent to which the project—

16 (i) protects against extreme weather
17 events, such as floods or hurricanes; or

18 (ii) helps maintain or protect the envi-
19 ronment.

20 (G) The extent to which a project serves re-
21 gions with significant energy exploration, devel-
22 opment, or production areas.

23 (H) The extent to which a project serves re-
24 gions with significant water resource challenges,
25 including the need to address—

1 (i) *water quality concerns in areas of*
2 *regional, national, or international signifi-*
3 *cance;*

4 (ii) *water quantity concerns related to*
5 *groundwater, surface water, or other water*
6 *sources;*

7 (iii) *significant flood risk;*

8 (iv) *water resource challenges identi-*
9 *fied in existing regional, State, or*
10 *multistate agreements; or*

11 (v) *water resources with exceptional*
12 *recreational value or ecological importance.*

13 (I) *The extent to which assistance under*
14 *this title reduces the contribution of Federal as-*
15 *sistance to the project.*

16 (3) *SPECIAL RULE FOR CERTAIN COMBINED*
17 *PROJECTS.—For a project described in section*
18 *10007(8), the Administrator shall only consider the*
19 *criteria described in subparagraphs (B) through (I) of*
20 *paragraph (2).*

21 (c) *FEDERAL REQUIREMENTS.—Nothing in this sec-*
22 *tion supersedes the applicability of other requirements of*
23 *Federal law (including regulations).*

24 **SEC. 10010. SECURED LOANS.**

25 (a) *AGREEMENTS.—*

1 (1) *IN GENERAL.*—Subject to paragraphs (2)
2 through (4), the Secretary or the Administrator, as
3 applicable, may enter into agreements with 1 or more
4 obligors to make secured loans, the proceeds of which
5 shall be used—

6 (A) to finance eligible project costs of any
7 project selected under section 10009;

8 (B) to refinance interim construction fi-
9 nancing of eligible project costs of any project se-
10 lected under section 10009; or

11 (C) to refinance long-term project obliga-
12 tions or Federal credit instruments, if that refi-
13 nancing provides additional funding capacity
14 for the completion, enhancement, or expansion of
15 any project that—

16 (i) is selected under section 10009; or

17 (ii) otherwise meets the requirements of
18 section 10009.

19 (2) *LIMITATION ON REFINANCING OF INTERIM*
20 *CONSTRUCTION FINANCING.*—A secured loan under
21 paragraph (1) shall not be used to refinance interim
22 construction financing under paragraph (1)(B) later
23 than 1 year after the date of substantial completion
24 of the applicable project.

1 (3) *FINANCIAL RISK ASSESSMENT.*—Before enter-
2 ing into an agreement under this subsection for a se-
3 cured loan, the Secretary or the Administrator, as ap-
4 plicable, in consultation with the Director of the Of-
5 fice of Management and Budget and each rating
6 agency providing a preliminary rating opinion letter
7 under section 10009(a)(1)(B), shall determine an ap-
8 propriate capital reserve subsidy amount for the se-
9 cured loan, taking into account each such prelimi-
10 nary rating opinion letter.

11 (4) *INVESTMENT-GRADE RATING REQUIRE-*
12 *MENT.*—The execution of a secured loan under this
13 section shall be contingent on receipt by the senior ob-
14 ligations of the project of an investment-grade rating.

15 (b) *TERMS AND LIMITATIONS.*—

16 (1) *IN GENERAL.*—A secured loan provided for a
17 project under this section shall be subject to such
18 terms and conditions, and contain such covenants,
19 representations, warranties, and requirements (in-
20 cluding requirements for audits), as the Secretary or
21 the Administrator, as applicable, determines to be ap-
22 propriate.

23 (2) *MAXIMUM AMOUNT.*—The amount of a se-
24 cured loan under this section shall not exceed the less-
25 er of—

1 (A) *an amount equal to 49 percent of the*
2 *reasonably anticipated eligible project costs; and*

3 (B) *if the secured loan does not receive an*
4 *investment-grade rating, the amount of the sen-*
5 *ior project obligations of the project.*

6 (3) *PAYMENT.—A secured loan under this sec-*
7 *tion—*

8 (A) *shall be payable, in whole or in part,*
9 *from State or local taxes, user fees, or other dedi-*
10 *cated revenue sources that also secure the senior*
11 *project obligations of the relevant project;*

12 (B) *shall include a rate covenant, coverage*
13 *requirement, or similar security feature sup-*
14 *porting the project obligations; and*

15 (C) *may have a lien on revenues described*
16 *in subparagraph (A), subject to any lien secur-*
17 *ing project obligations.*

18 (4) *INTEREST RATE.—The interest rate on a se-*
19 *cured loan under this section shall be not less than the*
20 *yield on United States Treasury securities of a simi-*
21 *lar maturity to the maturity of the secured loan on*
22 *the date of execution of the loan agreement.*

23 (5) *MATURITY DATE.—*

24 (A) *IN GENERAL.—The final maturity date*
25 *of a secured loan under this section shall be not*

1 *later than 35 years after the date of substantial*
2 *completion of the relevant project.*

3 *(B) SPECIAL RULE FOR STATE INFRASTRUC-*
4 *TURE FINANCING AUTHORITIES.—The final ma-*
5 *turity date of a secured loan to a State infra-*
6 *structure financing authority under this section*
7 *shall be not later than 35 years after the date on*
8 *which amounts are first disbursed.*

9 *(6) NONSUBORDINATION.—A secured loan under*
10 *this section shall not be subordinated to the claims of*
11 *any holder of project obligations in the event of bank-*
12 *ruptcy, insolvency, or liquidation of the obligor of the*
13 *project.*

14 *(7) FEES.—The Secretary or the Administrator,*
15 *as applicable, may establish fees at a level sufficient*
16 *to cover all or a portion of the costs to the Federal*
17 *Government of making a secured loan under this sec-*
18 *tion.*

19 *(8) NON-FEDERAL SHARE.—The proceeds of a se-*
20 *cured loan under this section may be used to pay any*
21 *non-Federal share of project costs required if the loan*
22 *is repayable from non-Federal funds.*

23 *(9) MAXIMUM FEDERAL INVOLVEMENT.—*

24 *(A) IN GENERAL.—Except as provided in*
25 *subparagraph (B), for each project for which as-*

1 *sistance is provided under this title, the total*
2 *amount of Federal assistance shall not exceed 80*
3 *percent of the total project cost.*

4 (B) *EXCEPTION.*—*Subparagraph (A) shall*
5 *not apply to any rural water project—*

6 *(i) that is authorized to be carried out*
7 *by the Secretary of the Interior;*

8 *(ii) that includes among its bene-*
9 *ficiaries a federally recognized Indian tribe;*
10 *and*

11 *(iii) for which the authorized Federal*
12 *share of the total project costs is greater*
13 *than the amount described in subparagraph*
14 *(A).*

15 (c) *REPAYMENT.*—

16 (1) *SCHEDULE.*—*The Secretary or the Adminis-*
17 *trator, as applicable, shall establish a repayment*
18 *schedule for each secured loan provided under this sec-*
19 *tion, based on the projected cash flow from project*
20 *revenues and other repayment sources.*

21 (2) *COMMENCEMENT.*—

22 (A) *IN GENERAL.*—*Scheduled loan repay-*
23 *ments of principal or interest on a secured loan*
24 *under this section shall commence not later than*

1 5 years after the date of substantial completion
2 of the project.

3 (B) *SPECIAL RULE FOR STATE INFRASTRUC-*
4 *TURE FINANCING AUTHORITIES.*—Scheduled loan
5 repayments of principal or interest on a secured
6 loan to a State infrastructure financing author-
7 ity under this title shall commence not later
8 than 5 years after the date on which amounts
9 are first disbursed.

10 (3) *DEFERRED PAYMENTS.*—

11 (A) *AUTHORIZATION.*—If, at any time after
12 the date of substantial completion of a project for
13 which a secured loan is provided under this sec-
14 tion, the project is unable to generate sufficient
15 revenues to pay the scheduled loan repayments of
16 principal and interest on the secured loan, the
17 Secretary or the Administrator, as applicable,
18 subject to subparagraph (C), may allow the obli-
19 gor to add unpaid principal and interest to the
20 outstanding balance of the secured loan.

21 (B) *INTEREST.*—Any payment deferred
22 under subparagraph (A) shall—

23 (i) continue to accrue interest in ac-
24 cordance with subsection (b)(4) until fully
25 repaid; and

1 (ii) *be scheduled to be amortized over*
2 *the remaining term of the secured loan.*

3 (C) *CRITERIA.—*

4 (i) *IN GENERAL.—Any payment defere-*
5 *ral under subparagraph (A) shall be contin-*
6 *gent on the project meeting such criteria as*
7 *the Secretary or the Administrator, as ap-*
8 *plicable, may establish.*

9 (ii) *REPAYMENT STANDARDS.—The*
10 *criteria established under clause (i) shall*
11 *include standards for reasonable assurance*
12 *of repayment.*

13 (4) *PREPAYMENT.—*

14 (A) *USE OF EXCESS REVENUES.—Any ex-*
15 *cess revenues that remain after satisfying sched-*
16 *uled debt service requirements on the project obli-*
17 *gations and secured loan and all deposit require-*
18 *ments under the terms of any trust agreement,*
19 *bond resolution, or similar agreement securing*
20 *project obligations may be applied annually to*
21 *prepay a secured loan under this section without*
22 *penalty.*

23 (B) *USE OF PROCEEDS OF REFINANCING.—*
24 *A secured loan under this section may be pre-*
25 *paid at any time without penalty from the pro-*

1 *ceeds of refinancing from non-Federal funding*
2 *sources.*

3 *(d) SALE OF SECURED LOANS.—*

4 *(1) IN GENERAL.—Subject to paragraph (2), as*
5 *soon as practicable after the date of substantial com-*
6 *pletion of a project and after providing a notice to the*
7 *obligor, the Secretary or the Administrator, as appli-*
8 *cable, may sell to another entity or reoffer into the*
9 *capital markets a secured loan for a project under*
10 *this section, if the Secretary or the Administrator, as*
11 *applicable, determines that the sale or reoffering can*
12 *be made on favorable terms.*

13 *(2) CONSENT OF OBLIGOR.—In making a sale or*
14 *reoffering under paragraph (1), the Secretary or the*
15 *Administrator, as applicable, may not change the*
16 *original terms and conditions of the secured loan*
17 *without the written consent of the obligor.*

18 *(e) LOAN GUARANTEES.—*

19 *(1) IN GENERAL.—The Secretary or the Admin-*
20 *istrator, as applicable, may provide a loan guarantee*
21 *to a lender in lieu of making a secured loan under*
22 *this section, if the Secretary or the Administrator, as*
23 *applicable, determines that the budgetary cost of the*
24 *loan guarantee is substantially the same as that of a*
25 *secured loan.*

1 (2) *TERMS.*—*The terms of a loan guarantee pro-*
2 *vided under this subsection shall be consistent with*
3 *the terms established in this section for a secured*
4 *loan, except that the rate on the guaranteed loan and*
5 *any prepayment features shall be negotiated between*
6 *the obligor and the lender, with the consent of the Sec-*
7 *retary or the Administrator, as applicable.*

8 **SEC. 10011. PROGRAM ADMINISTRATION.**

9 (a) *REQUIREMENT.*—*The Secretary or the Adminis-*
10 *trator, as applicable, shall establish a uniform system to*
11 *service the Federal credit instruments made available under*
12 *this title.*

13 (b) *FEES.*—

14 (1) *IN GENERAL.*—*The Secretary or the Admin-*
15 *istrator, as applicable, may collect and spend fees,*
16 *contingent on authority being provided in appropria-*
17 *tions Acts, at a level that is sufficient to cover—*

18 (A) *the costs of services of expert firms re-*
19 *tained pursuant to subsection (d); and*

20 (B) *all or a portion of the costs to the Fed-*
21 *eral Government of servicing the Federal credit*
22 *instruments provided under this title.*

23 (c) *SERVICER.*—

24 (1) *IN GENERAL.*—*The Secretary or the Admin-*
25 *istrator, as applicable, may appoint a financial enti-*

1 *ty to assist the Secretary or the Administrator in*
2 *servicing the Federal credit instruments provided*
3 *under this title.*

4 (2) *DUTIES.*—*A servicer appointed under para-*
5 *graph (1) shall act as the agent for the Secretary or*
6 *the Administrator, as applicable.*

7 (3) *FEE.*—*A servicer appointed under para-*
8 *graph (1) shall receive a servicing fee, subject to ap-*
9 *proval by the Secretary or the Administrator, as ap-*
10 *plicable.*

11 (d) *ASSISTANCE FROM EXPERTS.*—*The Secretary or*
12 *the Administrator, as applicable, may retain the services,*
13 *including counsel, of organizations and entities with exper-*
14 *tise in the field of municipal and project finance to assist*
15 *in the underwriting and servicing of Federal credit instru-*
16 *ments provided under this title.*

17 (e) *APPLICABILITY OF OTHER LAWS.*—*Section 513 of*
18 *the Federal Water Pollution Control Act (33 U.S.C. 1372)*
19 *applies to the construction of a project carried out, in whole*
20 *or in part, with assistance made available through a Fed-*
21 *eral credit instrument under this title in the same manner*
22 *that section applies to a treatment works for which a grant*
23 *is made available under that Act.*

1 **SEC. 10012. STATE, TRIBAL, AND LOCAL PERMITS.**

2 *The provision of financial assistance for project under*
3 *this title shall not—*

4 *(1) relieve any recipient of the assistance of any*
5 *obligation to obtain any required State, local, or trib-*
6 *al permit or approval with respect to the project;*

7 *(2) limit the right of any unit of State, local, or*
8 *tribal government to approve or regulate any rate of*
9 *return on private equity invested in the project; or*

10 *(3) otherwise supersede any State, local, or tribal*
11 *law (including any regulation) applicable to the con-*
12 *struction or operation of the project.*

13 **SEC. 10013. REGULATIONS.**

14 *The Secretary or the Administrator, as applicable,*
15 *may promulgate such regulations as the Secretary or Ad-*
16 *ministrator determines to be appropriate to carry out this*
17 *title.*

18 **SEC. 10014. FUNDING.**

19 *(a) IN GENERAL.—There is authorized to be appro-*
20 *priated to each of the Secretary and the Administrator to*
21 *carry out this title \$50,000,000 for each of fiscal years 2014*
22 *through 2018, to remain available until expended.*

23 *(b) ADMINISTRATIVE COSTS.—Of the funds made*
24 *available to carry out this title, the Secretary or the Admin-*
25 *istrator, as applicable, may use for the administration of*
26 *this title, including for the provision of technical assistance*

1 *to aid project sponsors in obtaining the necessary approvals*
2 *for the project, not more than \$2,200,000 for each of fiscal*
3 *years 2014 through 2018.*

4 **SEC. 10015. REPORT TO CONGRESS.**

5 *Not later than 2 years after the date of enactment of*
6 *this Act, and every 2 years thereafter, the Secretary or the*
7 *Administrator, as applicable, shall submit to the Committee*
8 *on Environment and Public Works of the Senate and the*
9 *Committee on Transportation and Infrastructure of the*
10 *House of Representatives a report summarizing for the*
11 *projects that are receiving, or have received, assistance*
12 *under this title—*

13 *(1) the financial performance of those projects,*
14 *including a recommendation as to whether the objec-*
15 *tives of this title are being met; and*

16 *(2) the public benefit provided by those projects,*
17 *including, as applicable, water quality and water*
18 *quantity improvement, the protection of drinking*
19 *water, and the reduction of flood risk.*

20 **SEC. 10016. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
21 **TURED GOODS.**

22 *(a) IN GENERAL.—Except as provided in subsection*
23 *(b), none of the amounts made available under this Act may*
24 *be used for the construction, alteration, maintenance, or re-*
25 *pair of a project eligible for assistance under this title un-*

1 *less all of the iron, steel, and manufactured goods used in*
2 *the project are produced in the United States.*

3 (b) *EXCEPTION.*—*Subsection (a) shall not apply in*
4 *any case or category of cases in which the Secretary finds*
5 *that—*

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

8 (2) *iron, steel, and the relevant manufactured*
9 *goods are not produced in the United States in suffi-*
10 *cient and reasonably available quantities and of a*
11 *satisfactory quality; or*

12 (3) *inclusion of iron, steel, and manufactured*
13 *goods produced in the United States will increase the*
14 *cost of the overall project by more than 25 percent.*

15 (c) *PUBLIC NOTICE.*—*If the Secretary determines that*
16 *it is necessary to waive the application of subsection (a)*
17 *based on a finding under subsection (b), the Secretary shall*
18 *publish in the Federal Register a detailed written justifica-*
19 *tion as to why the provision is being waived.*

20 (d) *INTERNATIONAL AGREEMENTS.*—*This section shall*
21 *be applied in a manner consistent with United States obli-*
22 *gations under international agreements.*

1 **TITLE XI—EXTREME WEATHER**

2 **SEC. 11001. DEFINITION OF RESILIENT CONSTRUCTION**
3 **TECHNIQUE.**

4 *In this title, the term “resilient construction tech-*
5 *nique” means a construction method that—*

6 (1) *allows a property—*

7 (A) *to resist hazards brought on by a major*
8 *disaster; and*

9 (B) *to continue to provide the primary*
10 *functions of the property after a major disaster;*

11 (2) *reduces the magnitude or duration of a dis-*
12 *ruptive event to a property; and*

13 (3) *has the absorptive capacity, adaptive capac-*
14 *ity, and recoverability to withstand a potentially dis-*
15 *ruptive event.*

16 **SEC. 11002. STUDY ON RISK REDUCTION.**

17 (a) *IN GENERAL.—Not later than 18 months after the*
18 *date of enactment of this Act, the Secretary, in coordination*
19 *with the Secretary of the Interior and the Secretary of Com-*
20 *merce, shall enter into an arrangement with the National*
21 *Academy of Sciences to carry out a study and make rec-*
22 *ommendations relating to infrastructure and coastal res-*
23 *toration options for reducing risk to human life and prop-*
24 *erty from extreme weather events, such as hurricanes, coast-*
25 *al storms, and inland flooding.*

1 **(b) CONSIDERATIONS.**—*The study under subsection (a)*
2 *shall include—*

3 (1) *an analysis of strategies and water resources*
4 *projects, including authorized water resources projects*
5 *that have not yet been constructed, and other projects*
6 *implemented in the United States and worldwide to*
7 *respond to risk associated with extreme weather*
8 *events;*

9 (2) *an analysis of—*

10 (A) *historical extreme weather events;*

11 (B) *the ability of existing infrastructure to*
12 *mitigate risks associated with extreme weather*
13 *events; and*

14 (C) *the reduction in long-term costs and*
15 *vulnerability to infrastructure through the use of*
16 *resilient construction techniques.*

17 (3) *identification of proven, science-based ap-*
18 *proaches and mechanisms for ecosystem protection*
19 *and identification of natural resources likely to have*
20 *the greatest need for protection, restoration, and con-*
21 *servation so that the infrastructure and restoration*
22 *projects can continue safeguarding the communities*
23 *in, and sustaining the economy of, the United States;*

1 (4) *an estimation of the funding necessary to im-*
2 *prove infrastructure in the United States to reduce*
3 *risk associated with extreme weather events;*

4 (5) *an analysis of the adequacy of current fund-*
5 *ing sources and the identification of potential new*
6 *funding sources to finance the necessary infrastruc-*
7 *ture improvements referred to in paragraph (3); and*

8 (6) *an analysis of the Federal, State, and local*
9 *costs of natural disasters and the potential cost-sav-*
10 *ings associated with implementing mitigation meas-*
11 *ures.*

12 (c) *COORDINATION.*—*The National Academy of*
13 *Sciences may cooperate with the National Academy of Pub-*
14 *lic Administration to carry out 1 or more aspects of the*
15 *study under subsection (a).*

16 (d) *PUBLICATION.*—*Not later than 30 days after com-*
17 *pletion of the study under subsection (a), the National*
18 *Academy of Sciences shall—*

19 (1) *submit a copy of the study to the Committee*
20 *on Environment and Public Works of the Senate and*
21 *the Committee on Transportation and Infrastructure*
22 *of the House of Representatives; and*

23 (2) *make a copy of the study available on a pub-*
24 *licly accessible Internet site.*

1 **SEC. 11003. GAO STUDY ON MANAGEMENT OF FLOOD,**
2 **DROUGHT, AND STORM DAMAGE.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
4 of enactment of this Act, the Comptroller General shall sub-
5 mit to the Committee on Environment and Public Works
6 of the Senate and the Committee on Transportation and
7 Infrastructure of the House of Representatives a study of
8 the strategies used by the Corps of Engineers for the com-
9 prehensive management of water resources in response to
10 floods, storms, and droughts, including an historical review
11 of the ability of the Corps of Engineers to manage and re-
12 spond to historical drought, storm, and flood events.

13 (b) *CONSIDERATIONS.*—The study under subsection (a)
14 shall address—

15 (1) *the extent to which existing water manage-*
16 *ment activities of the Corps of Engineers can better*
17 *meet the goal of addressing future flooding, drought,*
18 *and storm damage risks, which shall include analysis*
19 *of all historical extreme weather events that have been*
20 *recorded during the previous 5 centuries as well as in*
21 *the geological record;*

22 (2) *whether existing water resources projects*
23 *built or maintained by the Corps of Engineers, in-*
24 *cluding dams, levees, floodwalls, flood gates, and other*
25 *appurtenant infrastructure were designed to ade-*
26 *quately address flood, storm, and drought impacts*

1 *and the extent to which the water resources projects*
2 *have been successful at addressing those impacts;*

3 *(3) any recommendations for approaches for re-*
4 *pairing, rebuilding, or restoring infrastructure, land,*
5 *and natural resources that consider the risks and*
6 *vulnerabilities associated with past and future ex-*
7 *treme weather events;*

8 *(4) whether a reevaluation of existing manage-*
9 *ment approaches of the Corps of Engineers could re-*
10 *sult in greater efficiencies in water management and*
11 *project delivery that would enable the Corps of Engi-*
12 *neers to better prepare for, contain, and respond to*
13 *flood, storm, and drought conditions;*

14 *(5) any recommendations for improving the*
15 *planning processes of the Corps of Engineers to pro-*
16 *vide opportunities for comprehensive management of*
17 *water resources that increases efficiency and improves*
18 *response to flood, storm, and drought conditions;*

19 *(6) any recommendations on the use of resilient*
20 *construction techniques to reduce future vulnerability*
21 *from flood, storm, and drought conditions; and*

22 *(7) any recommendations for improving ap-*
23 *proaches to rebuilding or restoring infrastructure and*
24 *natural resources that contribute to risk reduction,*

1 *such as coastal wetlands, to prepare for flood and*
2 *drought.*

3 **SEC. 11004. POST-DISASTER WATERSHED ASSESSMENTS.**

4 *(a) WATERSHED ASSESSMENTS.—*

5 *(1) IN GENERAL.—In an area that the President*
6 *has declared a major disaster in accordance with sec-*
7 *tion 401 of the Robert T. Stafford Disaster Relief and*
8 *Emergency Assistance Act (42 U.S.C. 5170), the Sec-*
9 *retary may carry out a watershed assessment to iden-*
10 *tify, to the maximum extent practicable, specific flood*
11 *risk reduction, hurricane and storm damage reduc-*
12 *tion, ecosystem restoration, or navigation project rec-*
13 *ommendations that will help to rehabilitate and im-*
14 *prove the resiliency of damaged infrastructure and*
15 *natural resources to reduce risks to human life and*
16 *property from future natural disasters.*

17 *(2) EXISTING PROJECTS.—A watershed assess-*
18 *ment carried out paragraph (1) may identify existing*
19 *projects being carried out under 1 or more of the au-*
20 *thorities referred to in subsection (b) (1).*

21 *(3) DUPLICATE WATERSHED ASSESSMENTS.—In*
22 *carrying out a watershed assessment under paragraph*
23 *(1), the Secretary shall use all existing watershed as-*
24 *sessments and related information developed by the*
25 *Secretary or other Federal, State, or local entities.*

1 **(b) PROJECTS.**—

2 **(1) IN GENERAL.**—*The Secretary may carry out*
3 *1 or more small projects identified in a watershed as-*
4 *essment under subsection (a) that the Secretary*
5 *would otherwise be authorized to carry out under—*

6 **(A)** *section 205 of the Flood Control Act of*
7 *1948 (33 U.S.C. 701s);*

8 **(B)** *section 111 of the River and Harbor*
9 *Act of 1968 (33 U.S.C. 426i);*

10 **(C)** *section 206 of the Water Resources De-*
11 *velopment Act of 1996 (33 U.S.C. 2330);*

12 **(D)** *section 1135 of the Water Resources De-*
13 *velopment Act of 1986 (33 U.S.C. 2309a);*

14 **(E)** *section 107 of the River and Harbor*
15 *Act of 1960 (33 U.S.C. 577); or*

16 **(F)** *section 3 of the Act of August 13, 1946*
17 *(33 U.S.C. 426g).*

18 **(2) EXISTING PROJECTS.**—*In carrying out a*
19 *project under paragraph (1), the Secretary shall—*

20 **(A)** *to the maximum extent practicable, use*
21 *all existing information and studies available for*
22 *the project; and*

23 **(B)** *not require any element of a study com-*
24 *pleted for the project prior to the disaster to be*
25 *repeated.*

1 (c) *REQUIREMENTS.*—All requirements applicable to a
2 project under the Acts described in subsection (b) shall
3 apply to the project.

4 (d) *LIMITATIONS ON ASSESSMENTS.*—

5 (1) *IN GENERAL.*—A watershed assessment under
6 subsection (a) shall be initiated not later than 2 years
7 after the date on which the major disaster declaration
8 is issued.

9 (2) *FEDERAL SHARE.*—The Federal share of the
10 cost of carrying out a watershed assessment under
11 subsection (a) shall not exceed \$1,000,000.

12 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
13 authorized to be appropriated to carry out this section
14 \$25,000,000 for each of fiscal years 2014 through 2018.

15 **SEC. 11005. AUTHORITY TO ACCEPT AND EXPEND NON-FED-**
16 **ERAL AMOUNTS.**

17 The Secretary is authorized to accept and expend
18 amounts provided by non-Federal interests for the purpose
19 of repairing, restoring, or replacing water resources projects
20 that have been damaged or destroyed as a result of a major
21 disaster or other emergency if the Secretary determines that
22 the acceptance and expenditure of those amounts is in the
23 public interest.

1 **TITLE XII—NATIONAL**
2 **ENDOWMENT FOR THE OCEANS**

3 **SEC. 12001. SHORT TITLE.**

4 *This title may be cited as the “National Endowment*
5 *for the Oceans Act”.*

6 **SEC. 12002. PURPOSES.**

7 *The purposes of this title are to protect, conserve, re-*
8 *store, and understand the oceans, coasts, and Great Lakes*
9 *of the United States, ensuring present and future genera-*
10 *tions will benefit from the full range of ecological, economic,*
11 *educational, social, cultural, nutritional, and recreational*
12 *opportunities and services these resources are capable of*
13 *providing.*

14 **SEC. 12003. DEFINITIONS.**

15 *In this title:*

16 (1) *COASTAL SHORELINE COUNTY.*—*The term*
17 *“coastal shoreline county” has the meaning given the*
18 *term by the Administrator of the Federal Emergency*
19 *Management Agency for purposes of administering*
20 *the National Flood Insurance Act of 1968 (42 U.S.C.*
21 *4001 et seq.).*

22 (2) *COASTAL STATE.*—*The term “coastal State”*
23 *has the meaning given the term “coastal state” in sec-*
24 *tion 304 of the Coastal Zone Management Act of 1972*
25 *(16 U.S.C. 1453).*

1 (3) *CORPUS*.—The term “corpus”, with respect
2 to the Endowment fund, means an amount equal to
3 the Federal payments to such fund, amounts contrib-
4 uted to the fund from non-Federal sources, and appre-
5 ciation from capital gains and reinvestment of in-
6 come.

7 (4) *ENDOWMENT*.—The term “Endowment”
8 means the endowment established under subsection
9 (a).

10 (5) *ENDOWMENT FUND*.—The term “Endowment
11 fund” means a fund, or a tax-exempt foundation, es-
12 tablished and maintained pursuant to this title by the
13 Foundation for the purposes described in section
14 12004(a).

15 (6) *FOUNDATION*.—The term “Foundation”
16 means the National Fish and Wildlife Foundation es-
17 tablished by section 2(a) of the National Fish and
18 Wildlife Foundation Establishment Act (16 U.S.C.
19 3701(a)).

20 (7) *INCOME*.—The term “income”, with respect
21 to the Endowment fund, means an amount equal to
22 the dividends and interest accruing from investments
23 of the corpus of such fund.

24 (8) *INDIAN TRIBE*.—The term “Indian tribe” has
25 the meaning given that term in section 4 of the In-

1 *dian Self-Determination and Education Assistance*
2 *Act (25 U.S.C. 450b).*

3 (9) *SECRETARY.*—*The term “Secretary” means*
4 *the Secretary of Commerce.*

5 (10) *TIDAL SHORELINE.*—*The term “tidal shore-*
6 *line” has the meaning given that term pursuant to*
7 *section 923.110(c)(2)(i) of title 15, Code of Federal*
8 *Regulations, or a similar successor regulation.*

9 **SEC. 12004. NATIONAL ENDOWMENT FOR THE OCEANS.**

10 (a) *ESTABLISHMENT.*—*The Secretary and the Founda-*
11 *tion are authorized to establish the National Endowment*
12 *for the Oceans as a permanent Endowment fund, in accord-*
13 *ance with this section, to further the purposes of this title*
14 *and to support the programs established under this title.*

15 (b) *AGREEMENTS.*—*The Secretary and the Foundation*
16 *may enter into such agreements as may be necessary to*
17 *carry out the purposes of this title.*

18 (c) *DEPOSITS.*—*There shall be deposited in the Fund,*
19 *which shall constitute the assets of the Fund, amounts as*
20 *follows:*

21 (1) *Amounts appropriated or otherwise made*
22 *available to carry out this title.*

23 (2) *Amounts earned through investment under*
24 *subsection (d).*

1 (d) *INVESTMENTS.*—*The Foundation shall invest the*
2 *Endowment fund corpus and income for the benefit of the*
3 *Endowment.*

4 (e) *REQUIREMENTS.*—*Any amounts received by the*
5 *Foundation pursuant to this title shall be subject to the pro-*
6 *visions of the National Fish and Wildlife Establishment Act*
7 *(16 U.S.C. 3701 et seq.), except the provisions of section*
8 *10(a) of that Act (16 U.S.C. 3709(a)).*

9 (f) *WITHDRAWALS AND EXPENDITURES.*—

10 (1) *ALLOCATION OF FUNDS.*—*Each fiscal year,*
11 *the Foundation shall, in consultation with the Sec-*
12 *retary, allocate an amount equal to not less than 3*
13 *percent and not more than 7 percent of the corpus of*
14 *the Endowment fund and the income generated from*
15 *the Endowment fund from the current fiscal year.*

16 (2) *EXPENDITURE.*—*Except as provided in*
17 *paragraph (3), of the amounts allocated under para-*
18 *graph (1) for each fiscal year—*

19 (A) *at least 59 percent shall be used by the*
20 *Foundation to award grants to coastal States*
21 *under section 12006(b);*

22 (B) *at least 39 percent shall be allocated by*
23 *the Foundation to award grants under section*
24 *12006(c); and*

1 (C) no more than 2 percent may be used by
2 the Secretary and the Foundation for adminis-
3 trative expenses to carry out this title, which
4 amount shall be divided between the Secretary
5 and the Foundation pursuant to an agreement
6 reached and documented by both the Secretary
7 and the Foundation.

8 (3) PROGRAM ADJUSTMENTS.—

9 (A) IN GENERAL.—In any fiscal year in
10 which the amount described in subparagraph (B)
11 is less than \$100,000,000, the Foundation, in
12 consultation with the Secretary, may elect not to
13 use any of the amounts allocated under para-
14 graph (1) for that fiscal year to award grants
15 under section 12006(b).

16 (B) DETERMINATION AMOUNT.—The
17 amount described in this subparagraph for a fis-
18 cal year is the amount that is equal to the sum
19 of—

20 (i) the amount that is 5 percent of the
21 corpus of the Endowment fund; and

22 (ii) the aggregate amount of income the
23 Foundation expects to be generated from the
24 Endowment fund in that fiscal year.

1 (g) *RECOVERY OF PAYMENTS.*—After notice and an
2 opportunity for a hearing, the Secretary is authorized to
3 recover any Federal payments under this section if the
4 Foundation—

5 (1) makes a withdrawal or expenditure of the
6 corpus of the Endowment fund or the income of the
7 Endowment fund that is not consistent with the re-
8 quirements of section 12005; or

9 (2) fails to comply with a procedure, measure,
10 method, or standard established under section
11 12006(a)(1).

12 **SEC. 12005. ELIGIBLE USES.**

13 (a) *IN GENERAL.*—Amounts in the Endowment may
14 be allocated by the Foundation to support programs and
15 activities intended to restore, protect, maintain, or under-
16 stand living marine resources and their habitats and ocean,
17 coastal, and Great Lakes resources, including baseline sci-
18 entific research, ocean observing, and other programs and
19 activities carried out in coordination with Federal and
20 State departments or agencies, that are consistent with Fed-
21 eral environmental laws and that avoid environmental deg-
22 radation, including the following:

23 (1) Ocean, coastal, and Great Lakes restoration
24 and protection, including the protection of the envi-
25 ronmental integrity of such areas, and their related

1 *watersheds, including efforts to mitigate potential im-*
2 *pacts of sea level change, changes in ocean chemistry,*
3 *and changes in ocean temperature.*

4 (2) *Restoration, protection, or maintenance of*
5 *living ocean, coastal, and Great Lakes resources and*
6 *their habitats, including marine protected areas and*
7 *riparian migratory habitat of coastal and marine*
8 *species.*

9 (3) *Planning for and managing coastal develop-*
10 *ment to enhance ecosystem integrity or minimize im-*
11 *pacts from sea level change and coastal erosion.*

12 (4) *Analyses of current and anticipated impacts*
13 *of ocean acidification and assessment of potential ac-*
14 *tions to minimize harm to ocean, coastal, and Great*
15 *Lakes ecosystems.*

16 (5) *Analyses of, and planning for, current and*
17 *anticipated uses of ocean, coastal, and Great Lakes*
18 *areas.*

19 (6) *Regional, subregional, or site-specific man-*
20 *agement efforts designed to manage, protect, or restore*
21 *ocean, coastal, and Great Lakes resources and eco-*
22 *systems.*

23 (7) *Research, assessment, monitoring, observa-*
24 *tion, modeling, and sharing of scientific information*
25 *that contribute to the understanding of ocean, coastal,*

1 *and Great Lakes ecosystems and support the purposes*
2 *of this title.*

3 (8) *Efforts to understand better the processes that*
4 *govern the fate and transport of petroleum hydro-*
5 *carbons released into the marine environment from*
6 *natural and anthropogenic sources, including spills.*

7 (9) *Efforts to improve spill response and pre-*
8 *paredness technologies.*

9 (10) *Acquiring property or interests in property*
10 *in coastal and estuarine areas, if such property or in-*
11 *terest is acquired in a manner that will ensure such*
12 *property or interest will be administered to support*
13 *the purposes of this title.*

14 (11) *Protection and relocation of critical coastal*
15 *public infrastructure affected by erosion or sea level*
16 *change.*

17 (b) *MATCHING REQUIREMENT.*—*An amount from the*
18 *Endowment may not be allocated to fund a project or activ-*
19 *ity described in paragraph (10) or (11) of subsection (a)*
20 *unless non-Federal contributions in an amount equal to 30*
21 *percent or more of the cost of such project or activity is*
22 *made available to carry out such project or activity.*

23 (c) *CONSIDERATIONS FOR GREAT LAKES STATES.*—
24 *Programs and activities funded in Great Lakes States shall*
25 *also seek to attain the goals embodied in the Great Lakes*

1 *Restoration Initiative Plan, the Great Lakes Regional Col-*
2 *laboration Strategy, the Great Lakes Water Quality Agree-*
3 *ment, or other collaborative planning efforts of the Great*
4 *Lakes Region.*

5 (d) *PROHIBITION ON USE OF FUNDS FOR LITIGA-*
6 *TION.—No funds made available under this title may be*
7 *used to fund litigation over any matter.*

8 **SEC. 12006. GRANTS.**

9 (a) *ADMINISTRATION OF GRANTS.—*

10 (1) *IN GENERAL.—Not later than 90 days after*
11 *the date of the enactment of this Act, the Foundation*
12 *shall establish the following:*

13 (A) *Application and review procedures for*
14 *the awarding of grants under this section, in-*
15 *cluding requirements ensuring that any amounts*
16 *awarded under such subsections may only be*
17 *used for an eligible use described under section*
18 *12005.*

19 (B) *Approval procedures for the awarding*
20 *of grants under this section that require con-*
21 *sultation with the Secretary of Commerce and*
22 *the Secretary of the Interior.*

23 (C) *Eligibility criteria for awarding*
24 *grants—*

1 (i) under subsection (b) to coastal
2 States; and

3 (ii) under subsection (c) to entities in-
4 cluding States, Indian tribes, regional bod-
5 ies, associations, non-governmental organi-
6 zations, and academic institutions.

7 (D) Performance accountability and moni-
8 toring measures for programs and activities
9 funded by a grant awarded under subsection (b)
10 or (c).

11 (E) Procedures and methods to ensure accu-
12 rate accounting and appropriate administration
13 grants awarded under this section, including
14 standards of record keeping.

15 (F) Procedures to carry out audits of the
16 Endowment as necessary, but not less frequently
17 than once every 5 years.

18 (G) Procedures to carry out audits of the re-
19 cipients of grants under this section.

20 (2) APPROVAL PROCEDURES.—

21 (A) SUBMITTAL.—The Foundation shall
22 submit to the Secretary each procedure, measure,
23 method, and standard established under para-
24 graph (1).

1 (B) *DETERMINATION AND NOTICE.*—Not
2 later than 90 days after receiving the procedures,
3 measures, methods, and standards under sub-
4 paragraph (A), the Secretary shall—

5 (i) determine whether to approve or
6 disapprove of such procedures, measures,
7 methods, and standards; and

8 (ii) notify the Foundation of such de-
9 termination.

10 (C) *JUSTIFICATION OF DISAPPROVAL.*—If
11 the Secretary disapproves of the procedures,
12 measures, methods, and standards under sub-
13 paragraph (B), the Secretary shall include in
14 notice submitted under clause (ii) of such sub-
15 paragraph the rationale for such disapproval.

16 (D) *RESUBMITTAL.*—Not later than 30 days
17 after the Foundation receives notification under
18 subparagraph (B)(ii) that the Secretary has dis-
19 approved the procedures, measures, methods, and
20 standards, the Foundation shall revise such pro-
21 cedures, measures, methods, and standards and
22 submit such revised procedures, measures, meth-
23 ods, and standards to the Secretary.

24 (E) *REVIEW OF RESUBMITTAL.*—Not later
25 than 30 days after receiving revised procedures,

1 *measures, methods, and standards resubmitted*
2 *under subparagraph (D), the Secretary shall—*

3 *(i) determine whether to approve or*
4 *disapprove the revised procedures, measures,*
5 *methods, and standards; and*

6 *(ii) notify the Foundation of such de-*
7 *termination.*

8 **(b) GRANTS TO COASTAL STATES.—**

9 **(1) IN GENERAL.—***Subject to paragraphs (3) and*
10 *(4), the Foundation shall award grants of amounts*
11 *allocated under section 12004(e)(2)(A) to eligible*
12 *coastal States, based on the following formula:*

13 **(A)** *Fifty percent of the funds are allocated*
14 *equally among eligible coastal States.*

15 **(B)** *Twenty-five percent of the funds are al-*
16 *located on the basis of the ratio of tidal shoreline*
17 *miles in a coastal State to the tidal shoreline*
18 *miles of all coastal States.*

19 **(C)** *Twenty-five percent of the funds are al-*
20 *located on the basis of the ratio of population*
21 *density of the coastal shoreline counties of a*
22 *coastal State to the population density of all*
23 *coastal shoreline counties.*

24 **(2) ELIGIBLE COASTAL STATES.—***For purposes*
25 *of paragraph (1), an eligible coastal State includes—*

1 (A) a coastal State that has a coastal man-
2 agement program approved under the Coastal
3 Zone Management Act of 1972 (16 U.S.C. 1451
4 et seq.); and

5 (B) during the period beginning on the date
6 of the enactment of this Act and ending on De-
7 cember 31, 2018, a coastal State that had, dur-
8 ing the period beginning January 1, 2008, and
9 ending on the date of the enactment of this Act,
10 a coastal management program approved as de-
11 scribed in subparagraph (A).

12 (3) *MAXIMUM ALLOCATION TO STATES.*—Not-
13 withstanding paragraph (1), not more than 10 per-
14 cent of the total funds distributed under this sub-
15 section may be allocated to any single State. Any
16 amount exceeding this limit shall be redistributed
17 among the remaining States according to the formula
18 established under paragraph (1).

19 (4) *MAXIMUM ALLOCATION TO CERTAIN GEO-*
20 *GRAPHIC AREAS.*—

21 (A) *IN GENERAL.*—Notwithstanding para-
22 graph (1), each geographic area described in sub-
23 paragraph (B) may not receive more than 1 per-
24 cent of the total funds distributed under this sub-
25 section. Any amount exceeding this limit shall be

1 *redistributed among the remaining States ac-*
2 *ording to the formula established under para-*
3 *graph (1).*

4 *(B) GEOGRAPHIC AREAS DESCRIBED.—The*
5 *geographic areas described in this subparagraph*
6 *are the following:*

7 *(i) American Samoa.*

8 *(ii) The Commonwealth of the North-*
9 *ern Mariana Islands.*

10 *(iii) Guam.*

11 *(iv) Puerto Rico.*

12 *(v) The Virgin Islands.*

13 *(5) REQUIREMENT TO SUBMIT PLANS.—*

14 *(A) IN GENERAL.—To be eligible to receive*
15 *a grant under this subsection, a coastal State*
16 *shall submit to the Secretary, and the Secretary*
17 *shall review, a 5-year plan, which shall include*
18 *the following:*

19 *(i) A prioritized list of goals the coast-*
20 *al State intends to achieve during the time*
21 *period covered by the 5-year plan.*

22 *(ii) Identification and general descrip-*
23 *tions of existing State projects or activities*
24 *that contribute to realization of such goals,*

1 including a description of the entities con-
2 ducting those projects or activities.

3 (iii) General descriptions of projects or
4 activities, consistent with the eligible uses
5 described in section 12005, applicable provi-
6 sions of law relating to the environment,
7 and existing Federal ocean policy, that
8 could contribute to realization of such goals.

9 (iv) Criteria to determine eligibility
10 for entities which may receive grants under
11 this subsection.

12 (v) A description of the competitive
13 process the coastal State will use in allo-
14 cating funds received from the Endowment,
15 except in the case of allocating funds under
16 paragraph (7), which shall include—

17 (I) a description of the relative
18 roles in the State competitive process of
19 the State coastal zone management
20 program approved under the Coastal
21 Zone Management Act of 1972 (16
22 U.S.C. 1451 et seq.) and any State Sea
23 Grant Program; and

24 (II) a demonstration that such
25 competitive process is consistent with

1 *the application and review procedures*
2 *established by the Foundation under*
3 *subsection (a)(1).*

4 *(B) UPDATES.—As a condition of receiving*
5 *a grant under this subsection, a coastal State*
6 *shall submit to the Secretary, not less frequently*
7 *than once every 5 years, an update to the plan*
8 *submitted by the coastal State under subpara-*
9 *graph (A) for the 5-year period immediately fol-*
10 *lowing the most recent submittal under this*
11 *paragraph.*

12 *(6) OPPORTUNITY FOR PUBLIC COMMENT.—In*
13 *determining whether to approve a plan or an update*
14 *to a plan described in subparagraph (A) or (B) of*
15 *paragraph (5), the Secretary shall provide the oppor-*
16 *tunity for, and take into consideration, public input*
17 *and comment on the plan.*

18 *(7) APPROVAL PROCEDURE.—*

19 *(A) IN GENERAL.—Not later than 30 days*
20 *after the opportunity for public comment on a*
21 *plan or an update to a plan of a coastal State*
22 *under paragraph (6), the Secretary shall notify*
23 *such coastal State that the Secretary—*

24 *(i) approves the plan as submitted; or*

25 *(ii) disapproves the plan as submitted.*

1 (B) *DISAPPROVAL.*—If the Secretary dis-
2 approves a proposed plan or an update of a plan
3 submitted under subparagraph (A) or (B) of
4 paragraph (5), the Secretary shall provide notice
5 of such disapproval to the submitting coastal
6 State in writing, and include in such notice the
7 rationale for the Secretary’s decision.

8 (C) *RESUBMITTAL.*—If the Secretary dis-
9 approves a plan of a coastal State under sub-
10 paragraph (A), the coastal State shall resubmit
11 the plan to the Secretary not later than 30 days
12 after receiving the notice of disapproval under
13 subparagraph (B).

14 (D) *REVIEW OF RESUBMITTAL.*—Not later
15 than 60 days after receiving a plan resubmitted
16 under subparagraph (C), the Secretary shall re-
17 view the plan.

18 (8) *INDIAN TRIBES.*—As a condition on receipt
19 of a grant under this subsection, a State that receives
20 a grant under this subsection shall ensure that Indian
21 tribes in the State are eligible to participate in the
22 competitive process described in the State’s plan
23 under paragraph (5)(A)(v).

24 (c) *NATIONAL GRANTS FOR OCEANS, COASTS, AND*
25 *GREAT LAKES.*—

1 (1) *IN GENERAL.*—*The Foundation may use*
2 *amounts allocated under section 12004(e)(2)(B) to*
3 *award grants according to the procedures established*
4 *in subsection (a) to support activities consistent with*
5 *section 12005.*

6 (2) *ADVISORY PANEL.*—

7 (A) *IN GENERAL.*—*The Foundation shall es-*
8 *tablish an advisory panel to conduct reviews of*
9 *applications for grants under paragraph (1) and*
10 *the Foundation shall consider the recommenda-*
11 *tions of the Advisory Panel with respect to such*
12 *applications.*

13 (B) *MEMBERSHIP.*—*The advisory panel es-*
14 *tablished under subparagraph (A) shall include*
15 *persons representing a balanced and diverse*
16 *range, as determined by the Foundation, of—*

17 (i) *ocean, coastal, and Great Lakes de-*
18 *pendent industries;*

19 (ii) *geographic regions;*

20 (iii) *nonprofit conservation organiza-*
21 *tions with a mission that includes the con-*
22 *servation and protection of living marine*
23 *resources and their habitats; and*

1 (iv) *academic institutions with strong*
2 *scientific or technical credentials and expe-*
3 *rience in marine science or policy.*

4 **SEC. 12007. ANNUAL REPORT.**

5 (a) *REQUIREMENT FOR ANNUAL REPORT.*—*Beginning*
6 *with fiscal year 2014, not later than 60 days after the end*
7 *of each fiscal year, the Foundation shall submit to the Com-*
8 *mittee on Commerce, Science, and Transportation of the*
9 *Senate and the Committee on Natural Resources of the*
10 *House of Representatives a report on the operation of the*
11 *Endowment during the fiscal year.*

12 (b) *CONTENT.*—*Each annual report submitted under*
13 *subsection (a) for a fiscal year shall include—*

14 (1) *a statement of the amounts deposited in the*
15 *Endowment and the balance remaining in the En-*
16 *dowment at the end of the fiscal year; and*

17 (2) *a description of the expenditures made from*
18 *the Endowment for the fiscal year, including the pur-*
19 *pose of the expenditures.*

20 **SEC. 12008. TULSA PORT OF CATOOSA, ROGERS COUNTY,**
21 **OKLAHOMA LAND EXCHANGE.**

22 (a) *DEFINITIONS.*—*In this section:*

23 (1) *FEDERAL LAND.*—*The term “Federal land”*
24 *means the approximately 87 acres of land situated in*
25 *Rogers County, Oklahoma, contained within United*

1 *States Tracts 413 and 427, and acquired for the*
2 *McClellan-Kerr Arkansas Navigation System.*

3 (2) *NON-FEDERAL LAND.*—*The term “non-Fed-*
4 *eral land” means the approximately 34 acres of land*
5 *situated in Rogers County, Oklahoma and owned by*
6 *the Tulsa Port of Catoosa that lie immediately south*
7 *and east of the Federal land.*

8 (b) *LAND EXCHANGE.*—*Subject to subsection (c), on*
9 *conveyance by the Tulsa Port of Catoosa to the United*
10 *States of all right, title, and interest in and to the non-*
11 *Federal land, the Secretary shall convey to the Tulsa Port*
12 *of Catoosa, all right, title, and interest of the United States*
13 *in and to the Federal land.*

14 (c) *CONDITIONS.*—

15 (1) *DEEDS.*—

16 (A) *DEED TO NON-FEDERAL LAND.*—*The*
17 *Secretary may only accept conveyance of the*
18 *non-Federal land by warranty deed, as deter-*
19 *mined acceptable by the Secretary.*

20 (B) *DEED TO FEDERAL LAND.*—*The Sec-*
21 *retary shall convey the Federal land to the Tulsa*
22 *Port of Catoosa by quitclaim deed and subject to*
23 *any reservations, terms, and conditions that the*
24 *Secretary determines necessary to—*

1 (i) allow the United States to operate
2 and maintain the McClellan-Kerr Arkansas
3 River Navigation System; and

4 (ii) protect the interests of the United
5 States.

6 (2) *LEGAL DESCRIPTIONS.*—*The exact acreage*
7 *and legal descriptions of the Federal land and the*
8 *non-Federal land shall be determined by surveys ac-*
9 *ceptable to the Secretary.*

10 (3) *PAYMENT OF COSTS.*—*The Tulsa Port of*
11 *Catoosa shall be responsible for all costs associated*
12 *with the land exchange authorized by this section, in-*
13 *cluding any costs that the Secretary determines nec-*
14 *essary and reasonable in the interest of the United*
15 *States, including surveys, appraisals, real estate*
16 *transaction fees, administrative costs, and environ-*
17 *mental documentation.*

18 (4) *CASH PAYMENT.*—*If the appraised fair mar-*
19 *ket value of the Federal land, as determined by the*
20 *Secretary, exceeds the appraised fair market value of*
21 *the non-Federal land, as determined by the Secretary,*
22 *the Tulsa Port of Catoosa shall make a cash payment*
23 *to the United States reflecting the difference in the*
24 *appraised fair market values.*

1 (5) *LIABILITY.*—*The Tulsa Port of Catoosa shall*
2 *hold and save the United States free from damages*
3 *arising from activities carried out under this section,*
4 *except for damages due to the fault or negligence of*
5 *the United States or a contractor of the United*
6 *States.*

7 **TITLE XIII—MISCELLANEOUS**

8 **SEC. 13001. APPLICABILITY OF SPILL PREVENTION, CON-** 9 **TROL, AND COUNTERMEASURE RULE.**

10 (a) *DEFINITIONS.*—*In this title:*

11 (1) *ADMINISTRATOR.*—*The term “Adminis-*
12 *trator” means the Administrator of the Environ-*
13 *mental Protection Agency.*

14 (2) *FARM.*—*The term “farm” has the meaning*
15 *given the term in section 112.2 of title 40, Code of*
16 *Federal Regulations (or successor regulations).*

17 (3) *GALLON.*—*The term “gallon” means a*
18 *United States liquid gallon.*

19 (4) *OIL.*—*The term “oil” has the meaning given*
20 *the term in section 112.2 of title 40, Code of Federal*
21 *Regulations (or successor regulations).*

22 (5) *OIL DISCHARGE.*—*The term “oil discharge”*
23 *has the meaning given the term “discharge” in section*
24 *112.2 of title 40, Code of Federal Regulations (or suc-*
25 *cessor regulations).*

1 (6) *REPORTABLE OIL DISCHARGE HISTORY.*—
2 The term “reportable oil discharge history” has the
3 meaning used to describe the legal requirement to re-
4 port a discharge of oil under applicable law.

5 (7) *SPILL PREVENTION, CONTROL, AND COUNTER-*
6 *MEASURE RULE.*—The term “Spill Prevention, Con-
7 trol, and Countermeasure rule” means the regulation,
8 including amendments, promulgated by the Adminis-
9 trator under part 112 of title 40, Code of Federal
10 Regulations (or successor regulations).

11 (b) *CERTIFICATION.*—In implementing the Spill Pre-
12 vention, Control, and Countermeasure rule with respect to
13 any farm, the Administrator shall—

14 (1) require certification of compliance with the
15 rule by—

16 (A) a professional engineer for a farm
17 with—

18 (i) an individual tank with an above-
19 ground storage capacity greater than 10,000
20 gallons;

21 (ii) an aggregate aboveground storage
22 capacity greater than or equal to 20,000
23 gallons; or

24 (iii) a reportable oil discharge history;
25 or

1 (B) *the owner or operator of the farm (via*
2 *self-certification) for a farm with—*

3 (i) *an aggregate aboveground storage*
4 *capacity not more than 20,000 gallons and*
5 *not less than the lesser of—*

6 (I) *6,000 gallons; or*

7 (II) *the adjustment described in*
8 *subsection (d)(2); and*

9 (ii) *no reportable oil discharge history*
10 *of oil; and*

11 (2) *not require a certification of a statement of*
12 *compliance with the rule—*

13 (A) *subject to subsection (d), with an aggre-*
14 *gate aboveground storage capacity of not less*
15 *than 2,500 gallons and not more than 6,000 gal-*
16 *lons; and*

17 (B) *no reportable oil discharge history; and*

18 (3) *not require a certification of a statement of*
19 *compliance with the rule for an aggregate above-*
20 *ground storage capacity of not more than 2,500 gal-*
21 *lons.*

22 (c) *CALCULATION OF AGGREGATE ABOVEGROUND*
23 *STORAGE CAPACITY.—For purposes of subsection (b), the*
24 *aggregate aboveground storage capacity of a farm ex-*
25 *cludes—*

1 (1) *all containers on separate parcels that have*
2 *a capacity that is 1,000 gallons or less; and*

3 (2) *all containers holding animal feed ingredi-*
4 *ents approved for use in livestock feed by the Commis-*
5 *sioner of Food and Drugs.*

6 (d) *STUDY.—*

7 (1) *IN GENERAL.—Not later than 12 months of*
8 *the date of enactment of this Act, the Administrator,*
9 *in consultation with the Secretary of Agriculture,*
10 *shall conduct a study to determine the appropriate*
11 *exemption under subsection (b)(2)(A) and (b)(1)(B) to*
12 *not more than 6,000 gallons and not less than 2,500*
13 *gallons, based on a significant risk of discharge to*
14 *water.*

15 (2) *ADJUSTMENT.—Not later than 18 months*
16 *after the date on which the study described in para-*
17 *graph (1) is complete, the Administrator, in consulta-*
18 *tion with the Secretary of Agriculture, shall promul-*
19 *gate a rule to adjust the exemption levels described in*
20 *subsection (b)(2)(A) and (b)(1)(B) in accordance with*
21 *the study.*

1 **SEC. 13002. AMERICA THE BEAUTIFUL NATIONAL PARKS**
2 **AND FEDERAL RECREATIONAL LANDS PASS**
3 **PROGRAM.**

4 *The Secretary may participate in the America the*
5 *Beautiful National Parks and Federal Recreational Lands*
6 *Pass program in the same manner as the National Park*
7 *Service, the Bureau of Land Management, the United*
8 *States Fish and Wildlife Service, the Forest Service, and*
9 *the Bureau of Reclamation, including the provision of free*
10 *annual passes to active duty military personnel and de-*
11 *pendents.*

Attest:

Secretary.

113TH CONGRESS
1ST SESSION

H.R. 3080

AMENDMENT