

113TH CONGRESS
1ST SESSION

H. R. 3080

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2013

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

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Water Resources Reform and Development Act of 2013”.

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

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

TITLE I—PROGRAM REFORMS AND STREAMLINING

- Sec. 101. Vertical integration and acceleration of studies.
 Sec. 102. Expediting the evaluation and processing of permits.
 Sec. 103. Environmental streamlining.
 Sec. 104. Consolidation of studies.
 Sec. 105. Removal of duplicative analyses.
 Sec. 106. Expediting approval of modifications and alterations of projects by non-Federal interests.
 Sec. 107. Construction of projects by non-Federal interests.
 Sec. 108. Contributions by non-Federal interests.
 Sec. 109. Contributions by non-Federal interests for management of Corps of Engineers inland navigation facilities.
 Sec. 110. Clarification of impacts to other Federal facilities.
 Sec. 111. Clarification of previously authorized work.
 Sec. 112. Tribal partnership program.
 Sec. 113. Technical corrections.
 Sec. 114. Water infrastructure public-private partnership pilot program.
 Sec. 115. Annual report to Congress.
 Sec. 116. Actions to be taken in conjunction with the President’s annual budget submission to Congress.
 Sec. 117. Hurricane and storm damage reduction study.
 Sec. 118. Non-Federal plans to provide additional flood risk reduction.
 Sec. 119. Review of emergency response authorities.
 Sec. 120. Emergency communication of risk.
 Sec. 121. Improvements to the National Dam Safety Program Act.
 Sec. 122. Restricted areas at Corps of Engineers dams.
 Sec. 123. Levee safety.
 Sec. 124. Vegetation on levees.
 Sec. 125. Reduction of Federal costs.
 Sec. 126. Advanced modeling technologies.
 Sec. 127. Enhanced use of electronic commerce in Federal procurement.
 Sec. 128. Corrosion prevention.
 Sec. 129. Resilient construction and use of innovative materials.
 Sec. 130. Assessment of water supply in arid regions.
 Sec. 131. River basin commissions.
 Sec. 132. Sense of Congress regarding water resources development bills.

TITLE II—NAVIGATION IMPROVEMENTS

Subtitle A—Ports

- Sec. 201. Expanded use of Harbor Maintenance Trust Fund.
 Sec. 202. Assessment and prioritization of operation and maintenance.
 Sec. 203. Preserving United States harbors.
 Sec. 204. Consolidation of deep draft navigation expertise.
 Sec. 205. Disposal sites.

Subtitle B—Inland Waterways

- Sec. 211. Definitions.
- Sec. 212. Project delivery process reforms.
- Sec. 213. Efficiency of revenue collection.
- Sec. 214. Inland waterways revenue studies.
- Sec. 215. Inland waterways stakeholder roundtable.
- Sec. 216. Preserving the Inland Waterway Trust Fund.
- Sec. 217. Public comment on lock operations.
- Sec. 218. Assessment of operation and maintenance needs of the Atlantic Intra-coastal Waterway.
- Sec. 219. Upper Mississippi River protection.
- Sec. 220. Corps of Engineers lock and dam energy development.

TITLE III—DEAUTHORIZATIONS AND BACKLOG PREVENTION

- Sec. 301. Deauthorization of inactive projects.
- Sec. 302. Review of Corps of Engineers assets.
- Sec. 303. Backlog prevention.
- Sec. 304. Deauthorizations.
- Sec. 305. Land conveyances.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Authorization of final feasibility studies.
- Sec. 402. Project modifications.

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

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Army.

4 **TITLE I—PROGRAM REFORMS** 5 **AND STREAMLINING**

6 **SEC. 101. VERTICAL INTEGRATION AND ACCELERATION OF** 7 **STUDIES.**

8 (a) IN GENERAL.—To the extent practicable, a feasi-
9 bility study initiated by the Secretary, after the date of
10 enactment of this Act, under section 905(a) of the Water
11 Resources Development Act of 1986 (33 U.S.C. 2282(a))
12 shall—

1 (1) result in the completion of a final feasibility
2 report not later than 3 years after the date of initi-
3 ation;

4 (2) have a maximum Federal cost of
5 \$3,000,000; and

6 (3) ensure that personnel from the district, divi-
7 sion, and headquarters levels of the Corps of Engi-
8 neers concurrently conduct the review required
9 under that section.

10 (b) EXCEPTION.—If the Secretary determines that a
11 feasibility study described in subsection (a) will not be
12 conducted in accordance with subsection (a), the Sec-
13 retary, not later than 30 days after the date of making
14 the determination, shall—

15 (1) prepare an updated feasibility study sched-
16 ule and cost estimate;

17 (2) notify the non-Federal feasibility cost shar-
18 ing partner that the feasibility study has been de-
19 layed; and

20 (3) provide written notice to the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives and the Committee on Environment
23 and Public Works of the Senate as to the reasons
24 the requirements of subsection (a) are not attain-
25 able.

1 (c) TERMINATION OF AUTHORIZATION.—A feasibility
2 study for which the Secretary has issued a determination
3 under subsection (b) is not authorized after the last day
4 of the 1-year period beginning on the date of the deter-
5 mination if the Secretary has not completed the study on
6 or before such last day.

7 (d) REPORT.—Not later than 4 years after the date
8 of enactment of this Act, the Secretary shall submit to
9 the Committee on Transportation and Infrastructure of
10 the House of Representatives and the Committee on Envi-
11 ronment and Public Works of the Senate a report that
12 describes—

13 (1) the status of the implementation of this sec-
14 tion, including a description of each feasibility study
15 subject to the requirements of this section;

16 (2) the amount of time taken to complete each
17 such feasibility study; and

18 (3) any recommendations for additional author-
19 ity necessary to support efforts to expedite the feasi-
20 bility study process, including an analysis of whether
21 the limitation established by subsection (a)(2) needs
22 to be adjusted to address the impacts of inflation.

23 (e) REVIEWS.—Not later than 90 days after the date
24 of the initiation of a study described in subsection (a) for
25 a project, the Secretary shall—

1 (1) take all steps necessary to initiate the feder-
2 ally mandated reviews that the Secretary is required
3 to complete as part of the study, including environ-
4 mental reviews;

5 (2) convene a meeting of all Federal, tribal, and
6 State agencies identified under section 2045(d) of
7 the Water Resources Development Act of 2007 (33
8 U.S.C. 2348(d)), as amended by this Act, and that
9 may be required by law to conduct or issue a review,
10 analysis, or opinion on or to make a determination
11 concerning a permit or license for the study;

12 (3) provide the agencies referred to in para-
13 graph (2) with all relevant information related to the
14 scope and potential impacts of the project, including
15 environmental impacts; and

16 (4) take all steps necessary to provide informa-
17 tion that will enable required reviews and analyses
18 related to the project to be conducted by other agen-
19 cies in a thorough and timely manner.

20 **SEC. 102. EXPEDITING THE EVALUATION AND PROCESSING**
21 **OF PERMITS.**

22 Section 214 of the Water Resources Development Act
23 of 2000 (33 U.S.C. 2201 note) is amended—

24 (1) in subsection (a)—

1 (A) by inserting “or public-utility company
2 (as defined in section 1262 of the Public Utility
3 Holding Company Act of 2005 (42 U.S.C.
4 16451))” after “non-Federal public entity”;

5 (B) by inserting “or company” after “that
6 entity”; and

7 (C) by adding at the end the following:
8 “To the maximum extent practicable, the Sec-
9 retary shall ensure that expediting the evalua-
10 tion of a permit through the use of funds ac-
11 cepted and expended under this section does not
12 adversely affect the timeline for evaluation (in
13 the Corps district in which the project or activ-
14 ity is located) of permits under the jurisdiction
15 of the Department of the Army of other entities
16 that have not contributed funds under this sec-
17 tion.”; and

18 (2) by striking subsection (e).

19 **SEC. 103. ENVIRONMENTAL STREAMLINING.**

20 (a) **DECLARATION OF POLICY.—**

21 (1) **IN GENERAL.—**Congress declares that—

22 (A) the benefits of water resources projects
23 are important to the Nation’s economy and en-
24 vironment;

1 (B) it is in the national interest to expedite
2 the delivery of water resources projects;

3 (C) it is in the national interest for Fed-
4 eral and State agencies, local governments, In-
5 dian tribes, and other entities involved in water
6 resources projects—

7 (i) to accelerate study completion and
8 project delivery and to reduce costs; and

9 (ii) to ensure that the planning, de-
10 sign, engineering, construction, and fund-
11 ing of water resources projects is done in
12 an efficient and effective manner, pro-
13 moting accountability for public invest-
14 ments and encouraging greater local and
15 private sector involvement in project fi-
16 nancing and delivery while addressing pub-
17 lic safety and protecting the environment;
18 and

19 (D) delay in the delivery of water resources
20 studies and projects—

21 (i) increases project costs, flood risks,
22 and local and Federal expenditures for
23 emergency management and recovery;

24 (ii) harms the economy of the United
25 States; and

1 (iii) impedes the shipment of goods
2 for the conduct of commerce.

3 (2) POLICY.—Given the declarations set forth
4 in paragraph (1), it is the policy of the United
5 States that—

6 (A) recommendations to Congress regard-
7 ing such projects should be accelerated by co-
8 ordinated and efficient environmental reviews
9 and cooperative efforts to quickly resolve dis-
10 putes during the development of water re-
11 sources projects;

12 (B) the Secretary shall have the lead role
13 among Federal agencies in facilitating the envi-
14 ronmental review process for water resources
15 projects;

16 (C) each Federal agency shall cooperate
17 with the Secretary to expedite the environ-
18 mental review process for water resources
19 projects;

20 (D) programmatic approaches shall be
21 used if applicable to reduce the need for
22 project-by-project reviews and decisions by Fed-
23 eral agencies;

24 (E) the Secretary shall identify opportuni-
25 ties for non-Federal sponsors to assume respon-

1 sibilities of the Secretary if such responsibilities
2 can be assumed in a manner that protects pub-
3 lic health and safety, the environment, and pub-
4 lic participation; and

5 (F) the Assistant Secretary of the Army
6 for Civil Works shall identify and promote the
7 deployment of innovations aimed at reducing
8 the time and money required to deliver water
9 resources projects while protecting the environ-
10 ment.

11 (b) STREAMLINED PROJECT DELIVERY.—

12 (1) IN GENERAL.—Section 2045 of the Water
13 Resources Development Act of 2007 (33 U.S.C.
14 2348) is amended to read as follows:

15 **“SEC. 2045. STREAMLINED PROJECT DELIVERY.**

16 “(a) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) ENVIRONMENTAL IMPACT STATEMENT.—
19 The term ‘environmental impact statement’ means
20 the detailed statement of environmental impacts re-
21 quired to be prepared pursuant to the National En-
22 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
23 seq.).

24 “(2) ENVIRONMENTAL REVIEW PROCESS.—

1 “(A) IN GENERAL.—The term ‘environ-
2 mental review process’ means the process of
3 preparing an environmental impact statement,
4 environmental assessment, categorical exclusion,
5 or other document under the National Environ-
6 mental Policy Act of 1969 (42 U.S.C. 4321 et
7 seq.) for a project study.

8 “(B) INCLUSIONS.—The term ‘environ-
9 mental review process’ includes the process for
10 and completion of any environmental permit,
11 approval, review, or study required for a project
12 study under any Federal law other than the
13 National Environmental Policy Act of 1969 (42
14 U.S.C. 4321 et seq.).

15 “(3) FEDERAL JURISDICTIONAL AGENCY.—The
16 term ‘Federal jurisdictional agency’ means a Federal
17 agency with jurisdiction over a review, analysis,
18 opinion, statement, permit, license, or other approval
19 or decision required for a project study under appli-
20 cable Federal laws, including regulations.

21 “(4) PROJECT.—The term ‘project’ means a
22 Corps of Engineers water resources project.

23 “(5) PROJECT SPONSOR.—The term ‘project
24 sponsor’ means the non-Federal interest as defined

1 in section 221(b) of the Flood Control Act of 1970
2 (42 U.S.C. 1962d–5b).

3 “(6) PROJECT STUDY.—The term ‘project
4 study’ means a feasibility study for a project carried
5 out pursuant to section 905 of the Water Resources
6 Development Act of 1986 (33 U.S.C. 2282).

7 “(b) APPLICABILITY.—The procedures in this section
8 are applicable to all project studies initiated after the date
9 of enactment of the Water Resources Reform and Devel-
10 opment Act of 2013 and for which an environmental im-
11 pact statement is prepared under the National Environ-
12 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
13 may be applied, to the extent determined appropriate by
14 the Secretary, to other project studies for which an envi-
15 ronmental review process document is prepared under
16 such Act.

17 “(c) LEAD AGENCIES.—

18 “(1) FEDERAL LEAD AGENCY.—The Corps of
19 Engineers shall be the Federal lead agency in the
20 environmental review process for a project study.

21 “(2) NON-FEDERAL PROJECT SPONSOR AS
22 JOINT LEAD AGENCY.—At the discretion of the Sec-
23 retary and subject to the requirements of the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.), a non-Federal project sponsor that is
2 an agency defined in subsection (a)—

3 “(A) may serve as a joint lead agency with
4 the Corps of Engineers for purposes of pre-
5 paring any environmental review process docu-
6 ment under the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4321 et seq.); and

8 “(B) may assist in the preparation of any
9 such environmental review process document re-
10 quired under the National Environmental Pol-
11 icy Act of 1969 if the Secretary provides guid-
12 ance in the preparation process, participates in
13 preparing the document, independently evalu-
14 ates that document, and approves and adopts
15 the document before the Secretary takes any
16 subsequent action or makes any approval based
17 on that document.

18 “(3) ADOPTION AND USE OF DOCUMENTS.—

19 Any environmental review process document pre-
20 pared in accordance with this subsection shall be
21 adopted and used by any Federal agency in making
22 any approval of a project subject to this section as
23 the document required to be completed under the
24 National Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.) to the same extent that the

1 Federal agency may adopt or use a document pre-
2 pared by another Federal agency under the National
3 Environmental Policy Act of 1969 (42 U.S.C. 4321
4 et seq.).

5 “(4) ROLES AND RESPONSIBILITY OF FEDERAL
6 LEAD AGENCY.—With respect to the environmental
7 review process for any project, the Federal lead
8 agency shall have authority and responsibility—

9 “(A) to take such actions as are necessary
10 and proper, within the authority of the Federal
11 lead agency, to facilitate the expeditious resolu-
12 tion of the environmental review process for the
13 project study; and

14 “(B) to prepare or ensure that any re-
15 quired environmental impact statement or other
16 document for a project study required to be
17 completed under the National Environmental
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.) is
19 completed in accordance with this section and
20 applicable Federal law.

21 “(d) PARTICIPATING AND COOPERATING AGEN-
22 CIES.—

23 “(1) IDENTIFICATION.—The Federal lead agen-
24 cy shall identify, as early as practicable in the envi-
25 ronmental review process for a project study, any

1 Federal or State agency, local government, or Indian
2 tribe that may—

3 “(A) have jurisdiction over the project;

4 “(B) be required by law to conduct or
5 issue a review, analysis, opinion, or statement
6 for the project study; or

7 “(C) be required to make a determination
8 on issuing a permit, license, or other approval
9 or decision for the project study.

10 “(2) INVITATION.—

11 “(A) IN GENERAL.—The Federal lead
12 agency shall invite any such agency identified
13 under paragraph (1) to become a participating
14 or cooperating agency in the environmental re-
15 view process for the project study.

16 “(B) DEADLINE.—An invitation to partici-
17 pate issued under subparagraph (A) shall estab-
18 lish a deadline by which a response to the invi-
19 tation shall be submitted, which may be ex-
20 tended by the Federal lead agency for good
21 cause.

22 “(3) FEDERAL COOPERATING AGENCY.—Any
23 Federal agency that is invited by the Federal lead
24 agency to participate in the environmental review
25 process for a project study shall be designated as a

1 cooperating agency by the Federal lead agency un-
2 less the invited agency informs the Federal lead
3 agency, in writing, by the deadline specified in the
4 invitation that the invited agency—

5 “(A) has no jurisdiction or authority with
6 respect to the project;

7 “(B) has no expertise or information rel-
8 evant to the project study; and

9 “(C) does not intend to submit comments
10 on the project study.

11 “(4) EFFECT OF DESIGNATION.—

12 “(A) REQUIREMENT.—A participating or
13 cooperating agency shall comply with the re-
14 quirements of this section and any schedule es-
15 tablished under this section.

16 “(B) IMPLICATION.—Designation under
17 this subsection shall not imply that the partici-
18 pating or cooperating agency—

19 “(i) supports a proposed project; or

20 “(ii) has any jurisdiction over, or spe-
21 cial expertise with respect to evaluation of,
22 the project.

23 “(5) CONCURRENT REVIEWS.—Each partici-
24 pating or cooperating agency shall—

1 “(A) carry out the obligations of that
2 agency under other applicable law concurrently
3 and in conjunction with the required environ-
4 mental review process unless doing so would
5 prevent such agency from conducting needed
6 analysis or otherwise carrying out their obliga-
7 tions under those other laws; and

8 “(B) formulate and implement administra-
9 tive, policy, and procedural mechanisms to en-
10 able the agency to ensure completion of the en-
11 vironmental review process in a timely, coordi-
12 nated, and environmentally responsible manner.

13 “(e) PROGRAMMATIC COMPLIANCE.—

14 “(1) IN GENERAL.—The Secretary shall issue
15 guidance regarding the use of programmatic ap-
16 proaches to carry out the environmental review proc-
17 ess that—

18 “(A) eliminates repetitive discussions of
19 the same issues;

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

22 “(C) establishes a formal process for co-
23 ordinating with participating and cooperating
24 agencies, including the creation of a list of all

1 data that is needed to carry out the environ-
2 mental review process; and

3 “(D) complies with—

4 “(i) the National Environmental Pol-
5 icy Act of 1969 (42 U.S.C. 4321 et seq.);
6 and

7 “(ii) all other applicable laws.

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

10 “(A) as the first step in drafting guidance
11 under that paragraph, consult with relevant
12 Federal and State agencies, local governments,
13 Indian tribes, and the public on the use and
14 scope of the programmatic approaches;

15 “(B) emphasize the importance of collabo-
16 ration among relevant Federal agencies, State
17 agencies, local governments, and Indian tribes
18 in undertaking programmatic reviews, especially
19 with respect to reviews with a broad geo-
20 graphical scope;

21 “(C) ensure that the programmatic re-
22 views—

23 “(i) promote transparency, including
24 of the analyses and data used in the envi-
25 ronmental review process, the treatment of

1 any deferred issues raised by a Federal or
2 State agency, local government, Indian
3 tribe, or the public, and the temporal and
4 special scales to be used to analyze those
5 issues;

6 “(ii) use accurate and timely informa-
7 tion in the environmental review process,
8 including—

9 “(I) criteria for determining the
10 general duration of the usefulness of
11 the review; and

12 “(II) the timeline for updating
13 any out-of-date review;

14 “(iii) describe—

15 “(I) the relationship between pro-
16 grammatic analysis and future tiered
17 analysis; and

18 “(II) the role of the public in the
19 creation of future tiered analysis; and

20 “(iv) are available to other relevant
21 Federal and State agencies, local govern-
22 ments, Indian tribes, and the public;

23 “(D) allow not less than 60 days of public
24 notice and comment on any proposed guidance;
25 and

1 “(E) address any comments received under
2 subparagraph (D).

3 “(f) COORDINATED REVIEWS.—

4 “(1) COORDINATION PLAN.—

5 “(A) ESTABLISHMENT.—The Federal lead
6 agency, after consultation with each partici-
7 pating and cooperating agency and the non-
8 Federal project sponsor or joint lead agency, as
9 applicable, shall establish a plan for coordi-
10 nating public and agency participation in and
11 comment on the environmental review process
12 for a project study.

13 “(B) INCORPORATION.—In developing the
14 plan established under subparagraph (A), the
15 Federal lead agency shall take under consider-
16 ation the scheduling requirements under section
17 101 of the Water Resources Reform and Devel-
18 opment Act of 2013.

19 “(2) SCHEDULE.—

20 “(A) IN GENERAL.—The Federal lead
21 agency, after consultation with each partici-
22 pating and cooperating agency and the non-
23 Federal project sponsor or joint lead agency, as
24 applicable, shall establish, as part of the coordi-
25 nation plan established in paragraph (1)(A), a

1 schedule for completion of the environmental re-
2 view process for the project study. In developing
3 the schedule, the Federal lead agency shall take
4 under consideration the scheduling require-
5 ments under section 101 of the Water Re-
6 sources Reform and Development Act of 2013.

7 “(B) FACTORS FOR CONSIDERATION.—In
8 establishing the schedule, the Federal lead
9 agency shall consider factors such as—

10 “(i) the responsibilities of partici-
11 pating and cooperating agencies under ap-
12 plicable laws;

13 “(ii) the resources available to the
14 participating and cooperating agencies and
15 the non-Federal project sponsor or joint
16 lead agency, as applicable;

17 “(iii) the overall size and complexity
18 of the project;

19 “(iv) the overall schedule for and cost
20 of the project; and

21 “(v) the sensitivity of the natural and
22 historic resources that may be affected by
23 the project.

24 “(C) CONSISTENCY WITH OTHER TIME PE-
25 RIODS.—A schedule under subparagraph (A)

1 shall be consistent with any other relevant time
2 periods established under Federal law.

3 “(D) MODIFICATION.—The Federal lead
4 agency may—

5 “(i) lengthen a schedule established
6 under subparagraph (A) for good cause; or

7 “(ii) shorten a schedule only with the
8 concurrence of the affected participating
9 and cooperating agencies and the non-Fed-
10 eral project sponsor or joint lead agency,
11 as applicable.

12 “(E) DISSEMINATION.—A copy of a sched-
13 ule established under subparagraph (A) shall
14 be—

15 “(i) provided to each participating
16 and cooperating agency and the non-Fed-
17 eral project sponsor or joint lead agency,
18 as applicable; and

19 “(ii) made available to the public.

20 “(3) COMMENT DEADLINES.—The Federal lead
21 agency shall establish the following deadlines for
22 comment during the environmental review process
23 for a project study:

24 “(A) DRAFT ENVIRONMENTAL IMPACT
25 STATEMENTS.—For comments by agencies and

1 the public on a draft environmental impact
2 statement, a period of not more than 60 days
3 after such document is made publicly available,
4 unless—

5 “(i) a different deadline is established
6 by agreement of the Federal lead agency,
7 all participating and cooperating agencies,
8 and the non-Federal project sponsor or
9 joint lead agency, as applicable; or

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

12 “(B) OTHER COMMENT PERIODS.—For all
13 other comment periods established by the Fed-
14 eral lead agency for agency or public comments
15 in the environmental review process, a period of
16 not more than 30 days after the date on which
17 the materials for which comment is requested
18 are made available, unless—

19 “(i) a different deadline is established
20 by agreement of the Federal lead agency,
21 all participating and cooperating agencies,
22 and the non-Federal project sponsor or
23 joint lead agency, as applicable; or

24 “(ii) the deadline is extended by the
25 Federal lead agency for good cause.

1 “(4) DEADLINES FOR DECISIONS UNDER
2 OTHER LAWS.—

3 “(A) PRIOR APPROVAL DEADLINE.—If a
4 participating or cooperating agency is required
5 to make a determination regarding or otherwise
6 approve or disapprove the project study prior to
7 the record of decision or finding of no signifi-
8 cant impact, such participating or cooperating
9 agency shall make such determination or ap-
10 proval not later than 30 days after the Federal
11 lead agency publishes notice of the availability
12 of a final environmental impact statement or
13 other final environmental document, or not
14 later than such other date that is otherwise re-
15 quired by law, whichever occurs first.

16 “(B) OTHER DEADLINES.—With regard to
17 any determination or approval of a partici-
18 pating or cooperating agency that is not subject
19 to subparagraph (A), each participating or co-
20 operating agency shall make any required deter-
21 mination or otherwise approve or disapprove the
22 project study not later than 90 days after the
23 date that the Federal lead agency approves the
24 record of decision or finding of no significant
25 impact for the project study, or not later than

1 such other date that is otherwise required by
2 law, whichever occurs first.

3 “(C) RECORD CLOSED.—In the event that
4 any participating or cooperating agency fails to
5 make a determination or approve or disapprove
6 the project study within the applicable deadline
7 described in subparagraph (A), the Federal lead
8 agency may close the record and find the record
9 sufficient for the project study as it relates to
10 such agency determination or approval.

11 “(g) ISSUE IDENTIFICATION AND RESOLUTION.—

12 “(1) COOPERATION.—The Federal lead agency
13 and participating and cooperating agencies shall
14 work cooperatively in accordance with this section to
15 identify and resolve issues that may delay comple-
16 tion of the environmental review process or result in
17 the denial of any approval required for the project
18 study under applicable laws.

19 “(2) FEDERAL LEAD AGENCY RESPONSIBIL-
20 ITIES.—

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

1 economic resources located within the project
2 area and the general locations of the alter-
3 natives under consideration.

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

8 “(3) PARTICIPATING AND COOPERATING AGEN-
9 CY RESPONSIBILITIES.—Based on information re-
10 ceived from the Federal lead agency, participating
11 and cooperating agencies shall identify, as early as
12 practicable, any issues of concern regarding the po-
13 tential environmental or socioeconomic impacts of
14 the project, including any issues that may substan-
15 tially delay or prevent an agency from granting a
16 permit or other approval that is needed for the
17 project study.

18 “(4) ACCELERATED ISSUE RESOLUTION AND
19 ELEVATION.—

20 “(A) IN GENERAL.—Upon the request of a
21 participating or cooperating agency or non-Fed-
22 eral project sponsor, the Secretary shall convene
23 an issue resolution meeting with the relevant
24 participating and cooperating agencies and the

1 non-Federal project sponsor or joint lead agen-
2 cy, as applicable, to resolve issues that may—

3 “(i) delay completion of the environ-
4 mental review process; or

5 “(ii) result in denial of any approval
6 required for the project study under appli-
7 cable laws.

8 “(B) MEETING DATE.—A meeting re-
9 quested under this paragraph shall be held not
10 later than 21 days after the date on which the
11 Secretary receives the request for the meeting,
12 unless the Secretary determines that there is
13 good cause to extend that deadline.

14 “(C) NOTIFICATION.—Upon receipt of a
15 request for a meeting under this paragraph, the
16 Secretary shall notify all relevant participating
17 and cooperating agencies of the request, includ-
18 ing the issue to be resolved and the date for the
19 meeting.

20 “(D) ELEVATION OF ISSUE RESOLU-
21 TION.—If a resolution cannot be achieved with-
22 in 30 days after a meeting under this para-
23 graph and a determination is made by the Sec-
24 retary that all information necessary to resolve
25 the issue has been obtained, the Secretary shall

1 forward the dispute to the heads of the relevant
2 agencies for resolution.

3 “(E) CONVENTION BY SECRETARY.—The
4 Secretary may convene an issue resolution
5 meeting under this subsection at any time, at
6 the discretion of the Secretary, regardless of
7 whether a meeting is requested under subpara-
8 graph (A).

9 “(h) STREAMLINED DOCUMENTATION AND DECI-
10 SIONMAKING.—

11 “(1) IN GENERAL.—The Federal lead agency in
12 the environmental review process for a project study,
13 in order to reduce paperwork and expedite decision-
14 making, shall prepare a condensed final environ-
15 mental impact statement under the National Envi-
16 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
17 seq.).

18 “(2) CONDENSED FORMAT.—A condensed final
19 environmental impact statement for a project study
20 in the environmental review process shall consist
21 only of—

22 “(A) an incorporation by reference of the
23 draft environmental impact statement;

1 “(B) any updates to specific pages or sec-
2 tions of the draft environmental impact state-
3 ment as appropriate; and

4 “(C) responses to comments on the draft
5 environmental impact statement and copies of
6 the comments.

7 “(3) TIMING OF DECISION.—Notwithstanding
8 any other provision of law, in conducting the envi-
9 ronmental review process for a project study, the
10 Federal lead agency shall combine a final environ-
11 mental impact statement and a record of decision
12 for the project study into a single document if—

13 “(A) the alternative approved in the record
14 of decision is either a preferred alternative iden-
15 tified in the draft environmental impact state-
16 ment or is a modification of such preferred al-
17 ternative developed in response to comments on
18 the draft environmental impact statement; and

19 “(B) the Federal lead agency has a written
20 commitment from parties responsible for imple-
21 mentation of the measures applicable to the ap-
22 proved alternative that are identified in the
23 final environmental impact statement that they
24 will implement those measures.

1 “(i) LIMITATIONS.—Nothing in this section shall pre-
2 empt or interfere with—

3 “(1) any practice of seeking, considering, or re-
4 sponding to public comment; or

5 “(2) any power, jurisdiction, responsibility, or
6 authority that a Federal or State agency, local gov-
7 ernment, Indian tribe, or non-Federal project spon-
8 sor has with respect to carrying out a project study
9 or any other provision of law applicable to a project.

10 “(j) TIMING OF CLAIMS.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of law, a claim arising under Federal law
13 seeking judicial review of a permit, license, or other
14 approval issued by a Federal agency for a project
15 study shall be barred unless it is filed not later than
16 150 days after publication of a notice in the Federal
17 Register announcing that the permit, license, or
18 other approval is final pursuant to the law under
19 which the agency action is taken, unless a shorter
20 time is specified in the Federal law which allows ju-
21 dicial review. Nothing in this subsection shall create
22 a right to judicial review or place any limit on filing
23 a claim that a person has violated the terms of a
24 permit, license, or other approval.

1 “(2) NEW INFORMATION.—The Secretary shall
2 consider new information received after the close of
3 a comment period if the information satisfies the re-
4 quirements for a supplemental environmental impact
5 statement under title 40, Code of Federal Regula-
6 tions. The preparation of a supplemental environ-
7 mental impact statement or other environmental
8 document when required by this section shall be con-
9 sidered a separate final agency action and the dead-
10 line for filing a claim for judicial review of such ac-
11 tion shall be 150 days after the date of publication
12 of a notice in the Federal Register announcing such
13 action.

14 “(k) CATEGORICAL EXCLUSIONS.—

15 “(1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this subsection, the
17 Secretary shall—

18 “(A) survey the use by the Corps of Engi-
19 neers of categorical exclusions in projects;

20 “(B) publish a review of the survey that
21 includes a description of—

22 “(i) the types of actions that were cat-
23 egorically excluded or may be the basis for
24 developing a new categorical exclusion; and

1 “(ii) any requests previously received
2 by the Secretary for new categorical exclu-
3 sions; and

4 “(C) solicit requests from other Federal
5 agencies and non-Federal project sponsors for
6 new categorical exclusions.

7 “(2) NEW CATEGORICAL EXCLUSIONS.—Not
8 later than 1 year after the date of enactment of this
9 subsection, if the Secretary identifies, based on the
10 review under paragraph (1), a category of activities
11 that merit establishing a categorical exclusion not in
12 existence on the day before the date of enactment of
13 this subsection, the Secretary shall publish a notice
14 of proposed rulemaking to propose that new categor-
15 ical exclusion, to the extent that the categorical ex-
16 clusion meets the criteria for a categorical exclusion
17 under section 1508.4 of title 40, Code of Federal
18 Regulations (or successor regulation).

19 “(1) IMPLEMENTATION GUIDANCE.—The Secretary
20 shall prepare guidance documents that describe the proc-
21 esses that the Secretary will use to implement this sec-
22 tion.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents contained in section 1(b) of the Water Re-
25 sources Development Act of 2007 is amended by

1 striking the item relating to section 2045 and insert-
2 ing the following:

“2045. Streamlined project delivery.”.

3 (c) CATEGORICAL EXCLUSION IN EMERGENCIES.—
4 For the repair, reconstruction, or rehabilitation of a water
5 resources project that is in operation or under construc-
6 tion when damaged by an event or incident that results
7 in a declaration by the President of a major disaster or
8 emergency pursuant to the Robert T. Stafford Disaster
9 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
10 seq.), the Secretary shall treat such repair, reconstruction,
11 or rehabilitation activity as a class of action categorically
12 excluded from the requirements relating to environmental
13 assessments or environmental impact statements under
14 section 1508.4 of title 40, Code of Federal Regulations,
15 if such repair or reconstruction activity is in the same lo-
16 cation with the same capacity, dimensions, and design as
17 the original water resources project as before the declara-
18 tion described in this section.

19 **SEC. 104. CONSOLIDATION OF STUDIES.**

20 (a) IN GENERAL.—

21 (1) REPEAL.—Section 905(b) of the Water Re-
22 sources Development Act of 1986 (33 U.S.C.
23 2282(b)) is repealed.

24 (2) CONFORMING AMENDMENT.—Section
25 905(a)(1) of such Act (33 U.S.C. 2282(a)(1)) is

1 amended by striking “perform a reconnaissance
2 study and”.

3 (b) CONTENTS OF FEASIBILITY REPORTS.—Section
4 905(a)(2) of such Act (33 U.S.C. 2282(a)(2)) is amended
5 by adding at the end the following: “A feasibility report
6 shall include a preliminary analysis of the Federal interest
7 and the costs, benefits, and environmental impacts of the
8 project.”.

9 (c) APPLICABILITY.—The Secretary shall continue to
10 carry out a study for which a reconnaissance level inves-
11 tigation has been initiated before the date of enactment
12 of this Act as if this section, including the amendments
13 made by this section, had not been enacted.

14 **SEC. 105. REMOVAL OF DUPLICATIVE ANALYSES.**

15 Section 911 of the Water Resources Development Act
16 of 1986 (33 U.S.C. 2288) is repealed.

17 **SEC. 106. EXPEDITING APPROVAL OF MODIFICATIONS AND**

18 **ALTERATIONS OF PROJECTS BY NON-FED-**

19 **ERAL INTERESTS.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Secretary, after pro-
22 viding notice and an opportunity for comment, shall estab-
23 lish a process for the review of section 14 applications in
24 a timely and consistent manner.

1 (b) SECTION 14 APPLICATION DEFINED.—In this
2 section, the term “section 14 application” means an appli-
3 cation submitted by an applicant to the Secretary request-
4 ing permission for the temporary occupation or use of a
5 public work, or the alteration or permanent occupation or
6 use of a public work, under section 14 of the Act entitled
7 “An Act making appropriations for the construction, re-
8 pair, and preservation of certain public works on rivers
9 and harbors, and for other purposes”, approved March 3,
10 1899 (commonly known as the “Rivers and Harbors Ap-
11 propriation Act of 1899”) (33 U.S.C. 408).

12 (c) BENCHMARK GOALS.—

13 (1) ESTABLISHMENT OF BENCHMARK GOALS.—

14 In carrying out subsection (a), the Secretary shall—

15 (A) establish benchmark goals for deter-
16 mining the amount of time it should take the
17 Secretary to determine whether a section 14 ap-
18 plication is complete;

19 (B) establish benchmark goals for deter-
20 mining the amount of time it should take the
21 Secretary to approve or disapprove a section 14
22 application; and

23 (C) to the extent practicable, use such
24 benchmark goals to make a decision on section

1 14 applications in a timely and consistent man-
2 ner.

3 (2) BENCHMARK GOALS.—

4 (A) BENCHMARK GOALS FOR DETER-
5 MINING WHETHER SECTION 14 APPLICATIONS
6 ARE COMPLETE.—To the extent practicable, the
7 benchmark goals established under paragraph
8 (1) shall provide that—

9 (i) the Secretary reach a decision on
10 whether a section 14 application is com-
11 plete not later than 15 days after the date
12 of receipt of the application; and

13 (ii) if the Secretary determines that a
14 section 14 application is not complete, the
15 Secretary promptly notify the applicant of
16 the specific information that is missing or
17 the analysis that is needed to complete the
18 application.

19 (B) BENCHMARK GOALS FOR REVIEWING
20 COMPLETED APPLICATIONS.—To the extent
21 practicable, the benchmark goals established
22 under paragraph (1) shall provide that—

23 (i) the Secretary generally approve or
24 disapprove a completed section 14 applica-

1 tion not later than 45 days after the date
2 of receipt of the completed application; and
3 (ii) in a case in which the Secretary
4 determines that additional time is needed
5 to review a completed section 14 applica-
6 tion due to the type, size, cost, complexity,
7 or impacts of the actions proposed in the
8 application, the Secretary approve or dis-
9 approve the application not later than 180
10 days after the date of receipt of the com-
11 pleted application.

12 (3) NOTICE.—In any case in which the Sec-
13 retary determines that it will take the Secretary
14 more than 45 days to review a completed section 14
15 application, the Secretary shall—

16 (A) provide written notification to the ap-
17 plicant; and

18 (B) include in the written notice a best es-
19 timate of the Secretary as to the amount of
20 time required for completion of the review.

21 (d) FAILURE TO ACHIEVE BENCHMARK GOALS.—In
22 any case in which the Secretary fails make a decision on
23 a section 14 application in accordance with the process
24 established under this section, the Secretary shall provide

1 written notice to the applicant, including a detailed de-
2 scription of—

3 (1) why the Secretary failed to make a decision
4 in accordance with such process;

5 (2) the additional actions required before the
6 Secretary will issue a decision; and

7 (3) the amount of time the Secretary will re-
8 quire to issue a decision.

9 (e) NOTIFICATION.—

10 (1) SUBMISSION TO CONGRESS.—The Secretary
11 shall provide a copy of any written notice provided
12 under subsection (d) to the Committee on Transpor-
13 tation and Infrastructure of the House of Represent-
14 atives and the Committee on Environment and Pub-
15 lic Works of the Senate.

16 (2) PUBLIC AVAILABILITY.—The Secretary
17 shall maintain a publicly available database, includ-
18 ing on the Internet, on—

19 (A) all section 14 applications received by
20 the Secretary; and

21 (B) the current status of such applications.

22 **SEC. 107. CONSTRUCTION OF PROJECTS BY NON-FEDERAL**
23 **INTERESTS.**

24 (a) CONSTRUCTION OF WATER RESOURCES DEVEL-
25 OPMENT PROJECTS.—Section 211 of the Water Resources

1 Development Act of 1996 (33 U.S.C. 701b–13) is amend-
2 ed—

3 (1) in the section heading by striking “**FLOOD**
4 **CONTROL**” and inserting “**WATER RESOURCES**
5 **DEVELOPMENT**”; and

6 (2) by striking “flood control” each place it ap-
7 pears and inserting “water resources development”.

8 (b) COMPLETION OF STUDIES AND DESIGN ACTIVI-
9 TIES.—Section 211(c) of such Act (33 U.S.C. 701b–13(c))
10 is amended by striking “date of the enactment of this Act”
11 and inserting “date of enactment of the Water Resources
12 Reform and Development Act of 2013”.

13 (c) AUTHORITY TO CARRY OUT IMPROVEMENTS.—
14 Section 211(d)(1) of such Act (33 U.S.C. 701b–13(d)(1))
15 is amended—

16 (1) by striking subparagraph (A)(i) and insert-
17 ing the following:

18 “(i) IN GENERAL.—A non-Federal in-
19 terest may carry out construction for
20 which studies and design documents are
21 prepared under subsection (b) only if—

22 “(I) the Secretary approves the
23 project for construction; and

24 “(II) the project is specifically
25 authorized by Congress.”; and

1 (2) by striking subparagraph (B) and inserting
2 the following:

3 “(B) STUDIES AND DESIGN ACTIVITIES
4 UNDER SUBSECTION (c).—Any non-Federal in-
5 terest that has received from the Secretary
6 under subsection (c) a favorable recommenda-
7 tion to carry out a water resources development
8 project, or separable element thereof, based on
9 the results of completed studies and design doc-
10 uments for the project or element may carry
11 out the project or element if—

12 “(i) a final environmental impact
13 statement under the National Environ-
14 mental Policy Act of 1969 (42 U.S.C.
15 4321 et seq.) has been filed for the project
16 or element; and

17 “(ii) the project is specifically author-
18 ized by Congress.”.

19 (d) REIMBURSEMENT.—Section 211(e) of such Act
20 (33 U.S.C. 701b–13(e)) is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (B) by striking “and”
23 at the end;

24 (B) in subparagraph (C) by striking the
25 period at the end and inserting “; and”; and

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

2 “(D) if the project is specifically author-
3 ized by Congress.”;

4 (2) by striking paragraph (2) and redesignating
5 paragraphs (3), (4), (5), and (6) as paragraphs (2),
6 (3), (4), and (5), respectively; and

7 (3) in paragraph (5) (as so redesignated)—

8 (A) by striking subparagraph (B) and re-
9 designating subparagraphs (C) and (D) as sub-
10 paragraphs (B) and (C), respectively; and

11 (B) in subparagraph (B) (as so redesign-
12 ated)—

13 (i) by striking “At the request” and
14 inserting “In accordance with section 221
15 of the Flood Control Act of 1970 (42
16 U.S.C. 1962d–5b), at the request”; and

17 (ii) by inserting before the period at
18 the end the following: “, or toward the
19 non-Federal share of any other authorized
20 water resources development study or
21 project of such non-Federal interest”.

22 (e) OTHER MATTERS.—Section 211 of such Act (33
23 U.S.C. 701b–13) is amended—

24 (1) by striking subsections (f) and (g); and

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

1 “(f) OPERATION AND MAINTENANCE OF NAVIGATION
2 PROJECTS.—Whenever a non-Federal interest constructs
3 improvements to a harbor or inland harbor, the Secretary
4 shall be responsible for maintenance in accordance with
5 section 101(b) of the Water Resources Development Act
6 of 1986 (33 U.S.C. 2211(b)) if—

7 “(1) the Secretary determines, before construc-
8 tion, that the improvements, or separable elements
9 thereof, are economically justified and environ-
10 mentally acceptable;

11 “(2) the Secretary certifies that the project is
12 constructed in accordance with applicable permits
13 and the appropriate engineering and design stand-
14 ards;

15 “(3) the Secretary does not find that the
16 project, or separable element thereof, is no longer
17 economically justified or environmentally acceptable;
18 and

19 “(4) the project is specifically authorized by
20 Congress.

21 “(g) IMPLEMENTATION.—All laws and regulations
22 that would apply to the Secretary if the Secretary were
23 carrying out a project shall apply to the non-Federal inter-
24 est carrying out a project under this section.

1 “(h) NOTIFICATION OF COMMITTEES.—The Sec-
2 retary shall notify in writing the Committee on Transpor-
3 tation and Infrastructure of the House of Representatives
4 and the Committee on Environment and Public Works of
5 the Senate prior to initiation of negotiations with a non-
6 Federal interest regarding the utilization of the authorities
7 under this section.”.

8 (f) REPEALS.—The following provisions are repealed:

9 (1) Section 204 of the Water Resources Devel-
10 opment Act of 1986 (33 U.S.C. 2232).

11 (2) Section 206 of the Water Resources Devel-
12 opment Act of 1992 (33 U.S.C. 426i–1).

13 (3) Section 404 of the Water Resources Devel-
14 opment Act of 1990 (33 U.S.C. 2232 note; 104
15 Stat. 4646).

16 **SEC. 108. CONTRIBUTIONS BY NON-FEDERAL INTERESTS.**

17 (a) IN GENERAL.—Section 5 of the Act entitled “An
18 Act authorizing the construction of certain public works
19 on rivers and harbors for flood control, and for other pur-
20 poses”, approved June 22, 1936 (33 U.S.C. 701h), is
21 amended—

22 (1) by striking “from States and political sub-
23 divisions thereof,” and inserting “from a non-Fed-
24 eral interest (as defined in section 221 of the Flood
25 Control Act of 1970 (42 U.S.C. 1962d–5b))”;

1 (2) by striking “, which includes planning and
2 design”;

3 (3) by inserting “, including a project for navi-
4 gation on the inland waterways,” after “study or
5 project”;

6 (4) by striking “by States and political subdivi-
7 sions thereof,” and inserting “by a non-Federal in-
8 terest”;

9 (5) by striking “: *Provided further*, That the
10 term ‘States’ means the several States, the District
11 of Columbia, the commonwealths, territories, and
12 possessions of the United States, and Federally rec-
13 ognized Indian tribes”; and

14 (6) by inserting “: *And provided further*, That
15 the term ‘work’ means the planning, design, or con-
16 struction of an authorized water resources develop-
17 ment study or project, or the repair, restoration, or
18 replacement of an authorized water resources devel-
19 opment project that has been damaged by an event
20 or incident that results in a declaration by the Presi-
21 dent of a major disaster or emergency pursuant to
22 the Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act (42 U.S.C. 5121 et seq.)”
24 after “contributing interests”.

1 (b) NOTIFICATION FOR CONTRIBUTED FUNDS.—
2 Prior to the initiation of negotiations for accepting con-
3 tributed funds under section 5 of the Act entitled “An Act
4 authorizing the construction of certain public works on
5 rivers and harbors for flood control, and for other pur-
6 poses”, approved June 22, 1936 (33 U.S.C. 701h), the
7 Secretary shall provide written notice to the Committee
8 on Transportation and Infrastructure and the Committee
9 on Appropriations of the House of Representatives and the
10 Committee on Environment and Public Works and the
11 Committee on Appropriations of the Senate.

12 (c) TECHNICAL AMENDMENTS.—The following provi-
13 sions are repealed:

14 (1) Section 111(b) of the Energy and Water
15 Development and Related Agencies Appropriations
16 Act, 2012 (125 Stat. 858).

17 (2) Section 4 of the Act entitled “An Act mak-
18 ing appropriations for the construction, repair, and
19 preservation of certain public works on rivers and
20 harbors, and for other purposes”, approved March 4,
21 1915 (33 U.S.C. 560).

1 **SEC. 109. CONTRIBUTIONS BY NON-FEDERAL INTERESTS**
2 **FOR MANAGEMENT OF CORPS OF ENGINEERS**
3 **INLAND NAVIGATION FACILITIES.**

4 (a) IN GENERAL.—Section 225 of the Water Re-
5 sources Development Act of 1992 (33 U.S.C. 2328) is
6 amended—

7 (1) by striking the section designation and
8 heading and inserting the following:

9 **“SEC. 225. CONTRIBUTIONS BY NON-FEDERAL INTERESTS**
10 **FOR MANAGEMENT OF CORPS OF ENGINEERS**
11 **FACILITIES.”;**

12 (2) in subsection (a) by striking “managing rec-
13 reational facilities” and inserting “operating, main-
14 taining, and managing inland navigational facilities,
15 recreational facilities,”; and

16 (3) in subsection (b) by striking “and manage-
17 ment of recreational facilities” and inserting “,
18 maintenance, and management of inland navigation
19 facilities, recreational facilities,”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 contained in section 1(b) of the Water Resources Develop-
22 ment Act of 1992 is amended by striking the item relating
23 to section 225 and inserting the following:

“225. Contributions by non-Federal interests for management of Corps of Engi-
neers facilities.”.

1 **SEC. 110. CLARIFICATION OF IMPACTS TO OTHER FEDERAL**
2 **FACILITIES.**

3 In any case where the modification or construction
4 of a water resources development project carried out by
5 the Secretary adversely impacts other Federal facilities,
6 the Secretary may accept from other Federal agencies
7 such funds as may be necessary to address the adverse
8 impact, including by removing, relocating, or recon-
9 structing such facilities.

10 **SEC. 111. CLARIFICATION OF PREVIOUSLY AUTHORIZED**
11 **WORK.**

12 (a) IN GENERAL.—The Secretary may carry out
13 measures to improve fish species habitat within the bound-
14 aries and downstream of a water resources project con-
15 structed by the Secretary that includes a fish hatchery if
16 the Secretary—

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

19 (2) determines that the measures are—

20 (A) feasible;

21 (B) consistent with authorized project pur-
22 poses and the fish hatchery; and

23 (C) in the public interest.

24 (b) COST SHARING.—

25 (1) IN GENERAL.—Subject to paragraph (2),
26 the non-Federal interest shall contribute 35 percent

1 of the total cost of carrying out activities under this
2 section, including the costs relating to the provision
3 or acquisition of required land, easements, rights-of-
4 way, dredged material disposal areas, and reloca-
5 tions.

6 (2) OPERATION AND MAINTENANCE.—The non-
7 Federal interest shall contribute 100 percent of the
8 costs of operation, maintenance, replacement, repair,
9 and rehabilitation of the measures carried out under
10 this section.

11 **SEC. 112. TRIBAL PARTNERSHIP PROGRAM.**

12 (a) IN GENERAL.—Section 203 of the Water Re-
13 sources Development Act of 2000 (33 U.S.C. 2269) is
14 amended—

15 (1) in subsection (d)(1)(B)—

16 (A) by striking “The ability” and inserting
17 the following:

18 “(i) IN GENERAL.—The ability”; and

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

20 “(ii) DETERMINATION.—Not later
21 than 180 days after the date of enactment
22 of the Water Resources Reform and Devel-
23 opment Act of 2013, the Secretary shall
24 issue guidance on the procedures described
25 in clause (i).”; and

1 (2) by striking subsection (e) and inserting the
2 following:

3 “(e) RESTRICTIONS.—The Secretary is authorized to
4 carry out activities under this section in fiscal years 2014
5 through 2023.”.

6 (b) COOPERATIVE AGREEMENTS WITH INDIAN
7 TRIBES.—The Secretary may enter into a cooperative
8 agreement with an Indian tribe (or a designated represent-
9 ative of an Indian tribe) to carry out authorized activities
10 of the Corps of Engineers to protect fish, wildlife, water
11 quality, and cultural resources.

12 **SEC. 113. TECHNICAL CORRECTIONS.**

13 (a) LIMITATION; STATUTORY CONSTRUCTION.—Sec-
14 tion 221(a)(4)(E) of the Flood Control Act of 1970 (42
15 U.S.C. 1962d–5b(a)(4)(E)) is amended by striking clause
16 (ii) and inserting the following:

17 “(ii) LIMITATION.—In any case in
18 which a specific provision of law provides
19 for a non-Federal interest to receive credit
20 toward the non-Federal share of the cost
21 of a study for, or construction or operation
22 and maintenance of, a water resources
23 project, the Secretary shall apply—

24 “(I) the specific provision of law
25 instead of this paragraph; or

1 “(II) at the request of the non-
2 Federal interest, the specific provision
3 of law and such provisions of this
4 paragraph as the non-Federal interest
5 may request.

6 “(iii) STATUTORY CONSTRUCTION.—
7 Nothing in this subparagraph may be con-
8 strued to affect the applicability of sub-
9 paragraph (C).”.

10 (b) WATER RESOURCES PROJECT DEFINED.—Sec-
11 tion 221(b) of such Act (42 U.S.C. 1962d–5b(b)) is
12 amended—

13 (1) by moving paragraphs (1) and (2) and the
14 matter following paragraph (2) 2 ems to the right;

15 (2) by redesignating paragraphs (1) and (2) as
16 subparagraphs (A) and (B), respectively;

17 (3) by striking “(b) DEFINITION” and all that
18 follows through “The term” and inserting the fol-
19 lowing:

20 “(b) DEFINITIONS.—

21 “(1) NON-FEDERAL INTEREST.—The term”;

22 and

23 (4) by adding at the end the following:

24 “(2) WATER RESOURCES PROJECT.—The term
25 ‘water resources project’ includes projects studied,

1 reviewed, designed, constructed, operated and main-
2 tained, or otherwise subject to Federal participation
3 under the authority of the civil works program of
4 the Secretary of the Army for the purposes of navi-
5 gation, flood damage reduction, ecosystem restora-
6 tion, hurricane and storm damage reduction, water
7 supply, recreation, hydroelectric power, fish and
8 wildlife conservation, water quality, environmental
9 infrastructure, resource protection and development,
10 and related purposes.”.

11 (c) CORRECTION.—Section 221(c) of such Act (42
12 U.S.C. 1962d–5b(c)) is amended by striking “enforceible”
13 and inserting “enforceable”.

14 (d) FEDERAL ALLOCATION.—Section 2008(a) of the
15 Water Resources Development Act of 2007 (33 U.S.C.
16 2340(a)) is amended by adding at the end the following:
17 “This subsection shall apply without regard to whether the
18 original partnership agreement was entered into before,
19 on, or after the date of enactment of this subsection.”.

20 (e) IN-KIND CREDIT.—Section 221(a)(4)(C) of the
21 Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)(C))
22 is amended by striking “In any case” and all that follows
23 through the period at the end and inserting the following:

24 “(i) CONSTRUCTION.—

1 “(I) IN GENERAL.—In any case
2 in which the non-Federal interest is to
3 receive credit under subparagraph (A)
4 for the cost of construction carried
5 out by the non-Federal interest before
6 execution of a partnership agreement
7 and that construction has not been
8 carried out as of the date of enact-
9 ment of this clause, the Secretary and
10 the non-Federal interest shall enter
11 into an agreement under which the
12 non-Federal interest shall carry out
13 such work and shall do so prior to the
14 non-Federal interest initiating con-
15 struction or issuing a written notice to
16 proceed for the construction.

17 “(II) ELIGIBILITY.—Construc-
18 tion that is carried out after the exe-
19 cution of an agreement under sub-
20 clause (I) and any design activities
21 that are required for that construc-
22 tion, even if the design activity is car-
23 ried out prior to the execution of the
24 agreement, shall be eligible for credit.

25 “(ii) PLANNING.—

1 “(I) IN GENERAL.—In any case
2 in which the non-Federal interest is to
3 receive credit under subparagraph (A)
4 for the cost of planning carried out by
5 the non-Federal interest before execu-
6 tion of a feasibility cost sharing agree-
7 ment, the Secretary and the non-Fed-
8 eral interest shall enter into an agree-
9 ment under which the non-Federal in-
10 terest shall carry out such planning
11 and shall do so prior to the non-Fed-
12 eral interest initiating that planning.

13 “(II) ELIGIBILITY.—Planning
14 that is carried out by the non-Federal
15 interest after the execution of an
16 agreement under subclause (I) shall
17 be eligible for credit.”.

18 **SEC. 114. WATER INFRASTRUCTURE PUBLIC-PRIVATE**
19 **PARTNERSHIP PILOT PROGRAM.**

20 (a) IN GENERAL.—The Secretary shall establish a
21 pilot program to evaluate the cost effectiveness and project
22 delivery efficiency of allowing non-Federal interests to
23 carry out authorized water resources development projects
24 for coastal harbor improvement, channel improvement, in-

1 land navigation, flood damage reduction, and hurricane
2 and storm damage reduction.

3 (b) PURPOSES.—The purposes of the pilot program
4 established under subsection (a) are—

5 (1) to identify cost-saving project delivery alter-
6 natives that reduce the backlog of authorized Corps
7 of Engineers projects; and

8 (2) to evaluate the technical, financial, and or-
9 ganizational benefits of allowing a non-Federal inter-
10 est to carry out and manage the design or construc-
11 tion (or both) of 1 or more of such projects.

12 (c) SUBSEQUENT APPROPRIATIONS.—Any activity
13 undertaken under this section is authorized only to the
14 extent specifically provided for in subsequent appropria-
15 tions Acts.

16 (d) ADMINISTRATION.—In carrying out the pilot pro-
17 gram established under subsection (a), the Secretary
18 shall—

19 (1) identify for inclusion in the program at
20 least 15 projects that are authorized for construction
21 for coastal harbor improvement, channel improve-
22 ment, inland navigation, flood damage reduction, or
23 hurricane and storm damage reduction;

24 (2) notify in writing the Committee on Trans-
25 portation and Infrastructure of the House of Rep-

1 representatives and the Committee on Environment and
2 Public Works of the Senate of each project identified
3 under paragraph (1);

4 (3) in consultation with the non-Federal inter-
5 est associated with each project identified under
6 paragraph (1), develop a detailed project manage-
7 ment plan for the project that outlines the scope, fi-
8 nancing, budget, design, and construction resource
9 requirements necessary for the non-Federal interest
10 to execute the project, or a separable element of the
11 project;

12 (4) at the request of the non-Federal interest
13 associated with each project identified under para-
14 graph (1), enter into a project partnership agree-
15 ment with the non-Federal interest under which the
16 non-Federal interest is provided full project manage-
17 ment control for the financing, design, or construc-
18 tion (or any combination thereof) of the project, or
19 a separable element of the project, in accordance
20 with plans approved by the Secretary;

21 (5) following execution of a project partnership
22 agreement under paragraph (4) and completion of
23 all work under the agreement, issue payment, in ac-
24 cordance with subsection (g), to the relevant non-
25 Federal interest for that work; and

1 (6) regularly monitor and audit each project
2 carried out under the program to ensure that all ac-
3 tivities related to the project are carried out in com-
4 pliance with plans approved by the Secretary and
5 that construction costs are reasonable.

6 (e) SELECTION CRITERIA.—In identifying projects
7 under subsection (d)(1), the Secretary shall consider the
8 extent to which the project—

9 (1) is significant to the economy of the United
10 States;

11 (2) leverages Federal investment by encour-
12 aging non-Federal contributions to the project;

13 (3) employs innovative project delivery and
14 cost-saving methods;

15 (4) received Federal funds in the past and expe-
16 rienced delays or missed scheduled deadlines;

17 (5) has unobligated Corps of Engineers funding
18 balances; and

19 (6) has not received Federal funding for recapi-
20 talization and modernization since the project was
21 authorized.

22 (f) DETAILED PROJECT SCHEDULE.—Not later than
23 180 days after entering into a project partnership agree-
24 ment under subsection (d)(4), a non-Federal interest, to
25 the maximum extent practicable, shall submit to the Sec-

1 retary a detailed project schedule for the relevant project,
2 based on estimated funding levels, that specifies deadlines
3 for each milestone with respect to the project.

4 (g) PAYMENT.—Payment to the non-Federal interest
5 for work completed pursuant to a project partnership
6 agreement under subsection (d)(4) may be made from—

7 (1) if applicable, the balance of the unobligated
8 amounts appropriated for the project;

9 (2) other amounts appropriated to the Corps of
10 Engineers, except that the total amount transferred
11 to the non-Federal interest may not exceed the esti-
12 mate of the Federal share of the cost of construc-
13 tion, including any required design; and

14 (3) revenue generated by the project.

15 (h) TECHNICAL ASSISTANCE.—At the request of a
16 non-Federal interest participating in the pilot program es-
17 tablished under subsection (a), the Secretary may provide
18 to the non-Federal interest, if the non-Federal interest
19 contracts with and compensates the Secretary, technical
20 assistance with respect to—

21 (1) a study, engineering activity, or design ac-
22 tivity related to a project carried out by the non-
23 Federal interest under the program; and

24 (2) obtaining permits necessary for such a
25 project.

1 (i) IDENTIFICATION OF IMPEDIMENTS.—

2 (1) IN GENERAL.—The Secretary shall—

3 (A) except as provided in paragraph (2),
4 identify any procedural requirements under the
5 authority of the Secretary that impede greater
6 use of public-private partnerships and private
7 investment in water resources development
8 projects;

9 (B) develop and implement, on a project-
10 by-project basis, procedures and approaches
11 that—

12 (i) address such impediments; and

13 (ii) protect the public interest and any
14 public investment in water resources devel-
15 opment projects that involve public-private
16 partnerships or private investment in water
17 resources development projects; and

18 (C) not later than 1 year after the date of
19 enactment of this section, issue rules to carry
20 out the procedures and approaches developed
21 under subparagraph (B).

22 (2) RULE OF CONSTRUCTION.—Nothing in this
23 section may be construed to allow the Secretary to
24 waive any requirement under—

1 (A) sections 3141 through 3148 and sec-
2 tions 3701 through 3708 of title 40, United
3 States Code;

4 (B) the National Environmental Policy Act
5 of 1969 (42 U.S.C. 4321 et seq.); or

6 (C) any other provision of Federal law.

7 (j) PUBLIC BENEFIT STUDIES.—

8 (1) IN GENERAL.—Before entering into a
9 project partnership agreement under subsection
10 (d)(4), the Secretary shall conduct an assessment of
11 whether, and provide justification in writing to the
12 Committee on Transportation and Infrastructure of
13 the House of Representatives and the Committee on
14 Environment and Public Works of the Senate that,
15 the proposed agreement provides better public and
16 financial benefits than a similar transaction using
17 public funding or financing.

18 (2) REQUIREMENTS.—An assessment under
19 paragraph (1) shall—

20 (A) be completed in a period of not more
21 than 90 days;

22 (B) take into consideration any supporting
23 materials and data submitted by the relevant
24 non-Federal interest and other stakeholders;
25 and

1 (C) determine whether the proposed
2 project partnership agreement is in the public
3 interest by determining whether the agreement
4 will provide public and financial benefits, in-
5 cluding expedited project delivery and savings
6 for taxpayers.

7 (k) NON-FEDERAL FUNDING.—A project carried out
8 under the pilot program established under subsection (a)
9 may consist of the non-Federal interest financing the non-
10 Federal share of the project.

11 (l) APPLICABILITY OF FEDERAL LAW.—Any provi-
12 sion of Federal law that would apply to the Secretary if
13 the Secretary were carrying out a project shall apply to
14 a non-Federal interest carrying out a project under this
15 section.

16 (m) COST SHARE.—Nothing in this section affects a
17 cost-sharing requirement under Federal law that is appli-
18 cable to a project carried out under the pilot program es-
19 tablished under subsection (a).

20 (n) REPORT.—Not later than 3 years after the date
21 of enactment of this Act, the Secretary shall submit to
22 the Committee on Transportation and Infrastructure of
23 the House of Representatives and the Committee on Envi-
24 ronment and Public Works of the Senate a report describ-
25 ing the results of the pilot program established under sub-

1 section (a), including any recommendations of the Sec-
2 retary concerning whether the program or any component
3 of the program should be implemented on a national basis.

4 (o) NON-FEDERAL INTEREST DEFINED.—In this
5 section, the term “non-Federal interest” includes non-
6 Federal government entities and private entities.

7 **SEC. 115. ANNUAL REPORT TO CONGRESS.**

8 (a) IN GENERAL.—Not later than February 1 of each
9 year, the Secretary shall develop and submit to the Com-
10 mittee on Transportation and Infrastructure of the House
11 of Representatives and the Committee on Environment
12 and Public Works of the Senate an annual report, to be
13 entitled “Report to Congress on Future Water Resources
14 Development”, that identifies the following:

15 (1) FEASIBILITY REPORTS.—Each feasibility
16 report that meets the criteria established in sub-
17 section (c)(1)(A).

18 (2) PROPOSED FEASIBILITY STUDIES.—Any
19 proposed feasibility study submitted to the Secretary
20 by a non-Federal interest pursuant to subsection (b)
21 that meets the criteria established in subsection
22 (c)(1)(A).

23 (3) PROPOSED MODIFICATIONS.—Any proposed
24 modification to an authorized water resources devel-

1 opment project or feasibility study that meets the
2 criteria established in subsection (c)(1)(A) that—

3 (A) is submitted to the Secretary by a non-

4 Federal interest pursuant to subsection (b); or

5 (B) is identified by the Secretary for au-

6 thorization.

7 (b) REQUESTS FOR PROPOSALS.—

8 (1) PUBLICATION.—Not later than May 1 of

9 each year, the Secretary shall publish in the Federal

10 Register a notice requesting proposals from non-

11 Federal interests for proposed feasibility studies and

12 proposed modifications to authorized water resources

13 development projects and feasibility studies to be in-

14 cluded in the annual report.

15 (2) DEADLINE FOR REQUESTS.—The Secretary

16 shall include in each notice required by this sub-

17 section a requirement that non-Federal interests

18 submit to the Secretary any proposals described in

19 paragraph (1) by not later than 120 days after the

20 date of publication of the notice in the Federal Reg-

21 ister in order for such proposals to be considered for

22 inclusion in the annual report.

23 (3) NOTIFICATION.—On the date of publication

24 of each notice required by this subsection, the Sec-

25 retary shall—

1 (A) make the notice publicly available, in-
2 cluding on the Internet; and

3 (B) provide written notification of such
4 publication to the Committee on Transportation
5 and Infrastructure of the House of Representa-
6 tives and the Committee on Environment and
7 Public Works of the Senate.

8 (c) CONTENTS.—

9 (1) FEASIBILITY REPORTS, PROPOSED FEASI-
10 BILITY STUDIES, AND PROPOSED MODIFICATIONS.—

11 (A) CRITERIA FOR INCLUSION IN RE-
12 PORT.—The Secretary shall include in the an-
13 nual report only those feasibility reports, pro-
14 posed feasibility studies, and proposed modifica-
15 tions to authorized water resources development
16 projects and feasibility studies that—

17 (i) the Secretary determines are re-
18 lated to the missions and authorities of the
19 Corps of Engineers;

20 (ii) require specific authorization by
21 Congress in law or otherwise;

22 (iii) are not authorized by Congress;

23 (iv) have not been included in any
24 previous annual report; and

1 (v) if authorized and funded, could be
2 carried out by the Corps of Engineers.

3 (B) DESCRIPTION OF BENEFITS.—For
4 each proposed feasibility study and proposed
5 modification to an authorized water resources
6 development project or feasibility study included
7 in the annual report, the Secretary shall de-
8 scribe the potential benefit of the proposed fea-
9 sibility study or modification, including, to the
10 extent applicable, whether the water resources
11 development project that is the subject of the
12 proposed feasibility study, or the proposed
13 modification, will—

14 (i) reduce risks to human life or pub-
15 lic safety or property;

16 (ii) benefit the national economy;

17 (iii) stimulate the creation of jobs;

18 (iv) reduce the need for future dis-
19 aster relief;

20 (v) promote the development and de-
21 livery of domestic energy resources;

22 (vi) improve the competitiveness of
23 United States exports;

1 (vii) improve water-related transpor-
2 tation for interstate or international com-
3 merce;

4 (viii) restore or protect, or mitigate
5 the impacts of a water resources develop-
6 ment project on, the environment; or

7 (ix) promote the use of cost-effective
8 and sustainable solutions to water re-
9 sources challenges.

10 (2) TRANSPARENCY.—The Secretary shall in-
11 clude in the annual report, for each feasibility re-
12 port, proposed feasibility study, and proposed modi-
13 fication to an authorized water resources develop-
14 ment project or feasibility study—

15 (A) the name of the associated non-Fed-
16 eral interest, including the name of any non-
17 Federal interest that has contributed, or is ex-
18 pected to contribute, a non-Federal share of the
19 cost of—

20 (i) the feasibility report;

21 (ii) the proposed feasibility study;

22 (iii) the authorized feasibility study
23 for which the modification is proposed; or

24 (iv) construction of—

- 1 (I) the water resources develop-
2 ment project that is the subject of—
3 (aa) the feasibility report;
4 (bb) the proposed feasibility
5 study; or
6 (cc) the authorized feasi-
7 bility study for which a modifica-
8 tion is proposed; or
9 (II) the proposed modification to
10 an authorized water resources devel-
11 opment project;
- 12 (B) a letter or statement of support for the
13 feasibility report, proposed feasibility study, or
14 proposed modification to an authorized water
15 resources development project or feasibility
16 study from each associated non-Federal inter-
17 est;
- 18 (C) the purpose of the feasibility report,
19 proposed feasibility study, or proposed modi-
20 fication to an authorized water resources devel-
21 opment project or feasibility study;
- 22 (D) an estimate of the Federal, non-Fed-
23 eral, and total costs of—

1 (i) the proposed feasibility study, or
2 proposed modification to an authorized
3 feasibility study; and

4 (ii) construction of—

5 (I) the water resources develop-
6 ment project that is the subject of—

7 (aa) the feasibility report; or

8 (bb) the authorized feasi-
9 bility study for which a modifica-
10 tion is proposed, with respect to
11 the change in costs resulting
12 from such modification; or

13 (II) the proposed modification to
14 an authorized water resources devel-
15 opment project; and

16 (E) an estimate, to the extent practicable,
17 of the monetary and nonmonetary benefits of—

18 (i) the water resources development
19 project that is the subject of—

20 (I) the feasibility report;

21 (II) the proposed feasibility
22 study; or

23 (III) the authorized feasibility
24 study for which a modification is pro-

1 posed, with respect to the benefits of
2 such modification; or

3 (ii) the proposed modification to an
4 authorized water resources development
5 project.

6 (3) CERTIFICATION.—The Secretary shall in-
7 clude in the annual report a certification stating
8 that each feasibility report, proposed feasibility
9 study, and proposed modification to an authorized
10 water resources development project or feasibility
11 study included in the annual report meets the cri-
12 teria in subsection (c)(1)(A).

13 (d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—
14 Notwithstanding any other deadlines required by this sec-
15 tion, the Secretary shall—

16 (1) not later than 30 days after the date of en-
17 actment of this Act, publish in the Federal Register
18 a notice required by subsection (b)(1);

19 (2) include in such notice a requirement that
20 non-Federal interests submit to the Secretary any
21 proposals described in subsection (b)(1) by not later
22 than 90 days after the date of publication of such
23 notice in the Federal Register in order for such pro-
24 posals to be considered for inclusion in the first an-

1 nual report developed by the Secretary under this
2 section; and

3 (3) not later than 180 days after the date of
4 enactment of this Act, submit an annual report to
5 the Committee on Transportation and Infrastructure
6 of the House of Representatives and the Committee
7 on Environment and Public Works of the Senate.

8 (e) PUBLICATION.—Upon submission of the annual
9 report to Congress, the Secretary shall make the annual
10 report publicly available, including through publication on
11 the Internet.

12 (f) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) ANNUAL REPORT.—The term “annual re-
15 port” means the report required by subsection (a).

16 (2) FEASIBILITY REPORT.—The term “feasi-
17 bility report” means a final feasibility report devel-
18 oped under section 905 of the Water Resources De-
19 velopment Act of 1986 (33 U.S.C. 2282), and in-
20 cludes—

21 (A) a report described in section 105(d)(2)
22 of such Act (33 U.S.C. 2215(d)(2)); and

23 (B) where applicable, any associated report
24 of the Chief of Engineers.

1 (3) FEASIBILITY STUDY.—The term “feasibility
2 study” has the meaning given that term in section
3 105 of the Water Resources Development Act of
4 1986 (33 U.S.C. 2215).

5 (4) NON-FEDERAL INTEREST.—The term “non-
6 Federal interest” has the meaning given that term
7 in section 221 of the Flood Control Act of 1970 (42
8 U.S.C. 1962d–5b).

9 **SEC. 116. ACTIONS TO BE TAKEN IN CONJUNCTION WITH**
10 **THE PRESIDENT’S ANNUAL BUDGET SUBMIS-**
11 **SION TO CONGRESS.**

12 (a) RECOMMENDATIONS FOR CORPS OF ENGINEERS
13 CONSTRUCTION PROJECTS IN PRESIDENT’S BUDGET.—

14 (1) IN GENERAL.—For each fiscal year, as part
15 of the President’s annual budget submission to Con-
16 gress under section 1105(a) of title 31, United
17 States Code, the President shall—

18 (A) identify and recommend Corps of En-
19 gineers construction projects for which Con-
20 gress should provide funding at the full level
21 authorized for the project; and

22 (B) provide an explanation of the process
23 used by the President in making the rec-
24 ommendations.

1 (2) COVERED PERIOD.—The President shall
2 make recommendations under paragraph (1) for the
3 fiscal year for which the budget submission is pre-
4 pared and each of the succeeding 4 fiscal years.

5 (3) BASIS FOR MAKING RECOMMENDATIONS.—
6 The President shall base recommendations under
7 paragraph (1) on the assumption that
8 \$2,000,000,000 will be appropriated for Corps of
9 Engineers construction projects for each fiscal year.

10 (b) MISSOURI RIVER BASIN.—To assist in the
11 prioritization of Federal activities carried out related to
12 the project for mitigation of fish and wildlife losses, Mis-
13 souri River Bank Stabilization and Navigation Project,
14 Missouri, Kansas, Iowa, and Nebraska, authorized by sec-
15 tion 601(a) of the Water Resources Development Act of
16 1986 (100 Stat. 4143), and in conjunction with the Presi-
17 dent’s submission to Congress of a budget under section
18 1105(a) of title 31, United States Code, the Secretary
19 shall submit to Congress a report that provides—

20 (1) an inventory of all Federal actions taken
21 and a prioritization of all Federal actions planned in
22 furtherance of the project, including an inventory of
23 lands owned, acquired, or directly controlled by the
24 Federal Government, and lands enrolled in federally
25 assisted conservation programs;

1 (2) a description of the specific Federal actions
2 proposed for the upcoming fiscal year in furtherance
3 of the project;

4 (3) an assessment of the progress made in fur-
5 therance of the project, including a description of
6 how each of the actions identified under paragraph
7 (1) have impacted such progress; and

8 (4) an assessment of additional actions nec-
9 essary to achieve the results of the project.

10 **SEC. 117. HURRICANE AND STORM DAMAGE REDUCTION**
11 **STUDY.**

12 As part of the study for flood and storm damage re-
13 duction related to natural disasters to be carried out by
14 the Secretary under title II of division A of the Disaster
15 Relief Appropriations Act, 2013, under the heading “De-
16 partment of the Army—Corps of Engineers—Civil—In-
17 vestigations” (127 Stat. 5), the Secretary shall make spe-
18 cific project recommendations. The Secretary may include
19 those recommendations in the report entitled “Report to
20 Congress on Future Water Resources Development”, de-
21 veloped in accordance with this Act.

22 **SEC. 118. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL**
23 **FLOOD RISK REDUCTION.**

24 (a) IN GENERAL.—If requested by a non-Federal in-
25 terest, the Secretary shall carry out a locally preferred

1 plan that provides a higher level of protection than a flood
2 risk management project authorized under this Act if the
3 Secretary determines that—

4 (1) the plan is technically feasible and environ-
5 mentally acceptable; and

6 (2) the benefits of the plan exceed the costs of
7 the plan.

8 (b) NON-FEDERAL COSTS.—If the Secretary carries
9 out a locally preferred plan under subsection (a), the cost
10 attributable to the higher level of protection provided
11 under the plan shall be paid by the non-Federal interest.

12 **SEC. 119. REVIEW OF EMERGENCY RESPONSE AUTHORI-**
13 **TIES.**

14 (a) IN GENERAL.—The Secretary shall undertake a
15 review of implementation of section 5 of the Act entitled
16 “An Act authorizing the construction of certain public
17 works on rivers and harbors for flood control, and for
18 other purposes”, approved August 18, 1941 (33 U.S.C.
19 701n), to evaluate the alternatives available to the Sec-
20 retary to ensure—

21 (1) the safety of affected communities to future
22 flooding and storm events;

23 (2) the resiliency of water resources develop-
24 ment projects to future flooding and storm events;

1 (3) the long-term cost effectiveness of water re-
2 sources development projects that provide flood con-
3 trol and hurricane and storm damage reduction ben-
4 efits; and

5 (4) the policy goals and objectives that have
6 been outlined by the President as a response to re-
7 cent extreme weather events, including Hurricane
8 Sandy, that relate to preparing for future floods are
9 met.

10 (b) SCOPE OF REVIEW.—In carrying out the review,
11 the Secretary shall—

12 (1) review the historical precedents and imple-
13 mentation of section 5 of such Act, including those
14 actions undertaken by the Secretary, over time,
15 under that section—

16 (A) to repair or restore a project; and

17 (B) to increase the level of protection for
18 a damaged project to address future conditions;

19 (2) evaluate the difference between adopting, as
20 an appropriate standard under section 5 of such
21 Act, the repair or restoration of a project to pre-
22 flood or pre-storm levels and the repair or restora-
23 tion of a project to a design level of protection, in-
24 cluding an assessment for each standard of—

1 (A) the implications on populations at risk
2 of flooding or damage;

3 (B) the implications on probability of loss
4 of life;

5 (C) the implications on property values at
6 risk of flooding or damage;

7 (D) the implications on probability of in-
8 creased property damage and associated costs;

9 (E) the implications on local and regional
10 economies; and

11 (F) the estimated total cost and estimated
12 cost savings;

13 (3) incorporate the science on expected rates of
14 sea-level rise and extreme weather events; and

15 (4) incorporate the work completed by the Hur-
16 ricane Sandy Rebuilding Task Force, established by
17 Executive Order 13632 (December 7, 2012).

18 (c) REPORT TO CONGRESS.—Not later than 1 year
19 after the date of enactment of this section, the Secretary
20 shall submit to the Committee on Transportation and In-
21 frastructure of the House of Representatives and the Com-
22 mittee on Environment and Public Works of the Senate
23 a report on the results of the review.

1 **SEC. 120. EMERGENCY COMMUNICATION OF RISK.**

2 (a) IN GENERAL.—In any river basin where the Sec-
3 retary carries out flood risk management activities subject
4 to an annual operating plan, the Secretary shall establish
5 procedures for providing the public and affected govern-
6 ments, including Indian tribes, in the river basin with—

7 (1) timely information regarding expected water
8 levels;

9 (2) advice regarding appropriate preparedness
10 actions;

11 (3) technical assistance; and

12 (4) any other information or assistance deter-
13 mined appropriate by the Secretary.

14 (b) PROCEDURES.—The Secretary shall utilize the
15 procedures only when precipitation or runoff exceeds those
16 calculations considered as the lowest risk to life and prop-
17 erty contemplated by the annual operating plan.

18 (c) DEFINITIONS.—In this section, the following defi-
19 nitions apply:

20 (1) AFFECTED GOVERNMENT.—The term “af-
21 fected government” means a State, local, or tribal
22 government with jurisdiction over an area that will
23 be affected by a flood.

24 (2) ANNUAL OPERATING PLAN.—The term “an-
25 nual operating plan” means a plan prepared by the

1 Secretary that describes potential water condition
2 scenarios for a river basin for a year.

3 **SEC. 121. IMPROVEMENTS TO THE NATIONAL DAM SAFETY**

4 **PROGRAM ACT.**

5 (a) ADMINISTRATOR.—

6 (1) IN GENERAL.—The National Dam Safety
7 Program Act (33 U.S.C. 467 et seq.) is amended by
8 striking “Director” each place it appears and insert-
9 ing “Administrator”.

10 (2) CONFORMING AMENDMENT.—Section 2(3)
11 of such Act (33 U.S.C. 467(3)) is amended in the
12 paragraph heading by striking “Director” and in-
13 serting “Administrator”.

14 (b) INSPECTION OF DAMS.—Section 3(b)(1) of such
15 Act (33 U.S.C. 467a(b)(1)) is amended by striking “or
16 maintenance” and inserting “maintenance, condition, or
17 provision for emergency operations”.

18 (c) NATIONAL DAM SAFETY PROGRAM.—

19 (1) OBJECTIVES.—Section 8(c)(4) of such Act
20 (33 U.S.C. 467f(c)(4)) is amended to read as fol-
21 lows:

22 “(4) develop and implement a comprehensive
23 dam safety hazard education and public awareness
24 initiative to assist the public in mitigating against,

1 preparing for, responding to, and recovering from
2 dam incidents;”.

3 (2) BOARD.—Section 8(f)(4) of such Act (33
4 U.S.C. 467f(f)(4)) is amended by inserting “, rep-
5 resentatives from nongovernmental organizations,”
6 after “State agencies”.

7 **SEC. 122. RESTRICTED AREAS AT CORPS OF ENGINEERS**
8 **DAMS.**

9 Section 2 of the Freedom to Fish Act (Public Law
10 113–13; 127 Stat. 449) is amended—

11 (1) in subsection (b)(1) by striking “until the
12 date that is 2 years after the date of enactment of
13 this Act”;

14 (2) in the heading of subsection (c) by inserting
15 “OR MODIFIED” after “NEW”; and

16 (3) in subsection (c)—

17 (A) in matter preceding paragraph (1) by
18 inserting “new or modified” after “establishes
19 any”; and

20 (B) in paragraph (3) by striking “until the
21 date that is 2 years after the date of enactment
22 of this Act” and inserting “until the Secretary
23 has complied with the provisions of this sub-
24 section”.

1 **SEC. 123. LEVEE SAFETY.**

2 Section 22 of the Water Resources Development Act
3 of 1974 (42 U.S.C. 1962d–16) is amended by redesignig-
4 nating subsection (e) as subsection (f) and inserting after
5 subsection (d) the following:

6 “(e) LEVEE SAFETY.—

7 “(1) IN GENERAL.—At the request of a State,
8 and in consultation with that State and appropriate
9 non-Federal interests, the Secretary may provide
10 technical assistance to a State to—

11 “(A) encourage effective State programs
12 intended to ensure levee safety to protect
13 human life and property;

14 “(B) assist the State in establishing and
15 carrying out a State levee safety program; and

16 “(C) improve an existing State levee safety
17 program.

18 “(2) PURPOSES.—The purposes of technical as-
19 sistance provided under this subsection shall be—

20 “(A) to ensure that human lives and prop-
21 erty that are protected by new and existing lev-
22 ees are safe;

23 “(B) to encourage the use of appropriate
24 engineering policies and procedures for levee
25 site investigation, design, construction, oper-

1 ation and maintenance, and emergency pre-
2 paredness;

3 “(C) to encourage effective levee safety
4 programs in a State;

5 “(D) to develop and support public edu-
6 cation and awareness projects to increase public
7 acceptance and support of State levee safety
8 programs;

9 “(E) to build public awareness of the re-
10 sidual risks associated with living in levee pro-
11 tected areas; and

12 “(F) to develop technical assistance mate-
13 rials, seminars, and guidelines to improve the
14 security of levees in the United States.

15 “(3) FEDERAL GUIDELINES.—

16 “(A) IN GENERAL.—In carrying out this
17 subsection, the Secretary, in consultation with
18 States and non-Federal interests, shall establish
19 Federal guidelines relating to levee safety.

20 “(B) INCORPORATION OF FEDERAL ACTIVI-
21 TIES.—The guidelines established under sub-
22 paragraph (A) shall encompass, to the max-
23 imum extent practicable, activities and practices
24 carried out by appropriate Federal agencies.

1 “(C) INCORPORATION OF STATE AND
2 LOCAL ACTIVITIES.—The guidelines established
3 under subparagraph (A) shall encompass, to the
4 maximum extent practicable—

5 “(i) the activities and practices car-
6 ried out by States, local governments, and
7 the private sector to safely build, regulate,
8 operate, and maintain levees; and

9 “(ii) Federal activities that facilitate
10 State efforts to develop and implement ef-
11 fective State programs for the safety of
12 levees, including levee inspection, levee re-
13 habilitation, locally developed flood plain
14 management, and public education and
15 training programs.

16 “(D) REVIEW.—The Secretary shall allow
17 States and non-Federal interests, including ap-
18 propriate stakeholders, to review and comment
19 on the guidelines established under subpara-
20 graph (A) before the guidelines are made final.

21 “(4) ASSISTANCE FOR STATE LEVEE SAFETY
22 PROGRAMS.—

23 “(A) ELIGIBILITY.—To be eligible for tech-
24 nical assistance under this subsection, a State
25 shall—

1 “(i) be in the process of establishing
2 or have in effect a State levee safety pro-
3 gram under which a State levee safety
4 agency, in accordance with State law, car-
5 ries out the guidelines established under
6 paragraph (3); and

7 “(ii) allocate sufficient funds in the
8 budget of that State to carry out such
9 State levee safety program.

10 “(B) WORK PLANS.—The Secretary shall
11 enter into an agreement with each State receiv-
12 ing technical assistance under this subsection to
13 develop a work plan necessary for the State
14 levee safety program of that State to reach a
15 level of program performance that meets the
16 guidelines established under paragraph (3).

17 “(C) INSPECTION PROGRAMS.—The Sec-
18 retary shall work with States receiving technical
19 assistance under this subsection to develop
20 State technical guidelines for levee inspection
21 programs that—

22 “(i) address hazard classifications and
23 technically based frameworks for levee as-
24 sessment; and

1 “(ii) are incorporated into State levee
2 safety programs.

3 “(D) MAINTENANCE OF EFFORT.—Tech-
4 nical assistance may not be provided to a State
5 under this subsection during a fiscal year unless
6 the State enters into an agreement with the
7 Secretary to ensure that the State will maintain
8 during that fiscal year aggregate expenditures
9 for programs to ensure levee safety that are at
10 or above the average annual level of such ex-
11 penditures for the State for the 2 fiscal years
12 preceding that fiscal year.”.

13 **SEC. 124. VEGETATION ON LEVEES.**

14 (a) REVIEW.—The Secretary of the Army, in accord-
15 ance with subsection (c), shall undertake a comprehensive
16 review of the Corps of Engineers policy guidelines on vege-
17 tation management for levees (in this section referred to
18 as the “guidelines”). The Secretary shall commence the
19 review upon the date of enactment of this Act.

20 (b) FACTORS.—

21 (1) IN GENERAL.—In conducting the review,
22 the Secretary shall examine the guidelines in view
23 of—

24 (A) the varied interests and responsibilities
25 in managing flood risks, including the need to

1 provide the greatest levee safety benefit with
2 limited resources;

3 (B) preserving, protecting, and enhancing
4 natural resources, including the potential ben-
5 efit that vegetation on levees can have in pro-
6 viding habitat for species of concern;

7 (C) protecting the rights of Indian tribes
8 pursuant to treaties and statutes;

9 (D) determining how vegetation impacts
10 the performance of a levee or levee system dur-
11 ing a storm or flood event; and

12 (E) such other factors as the Secretary
13 considers appropriate.

14 (2) REGIONAL AND WATERSHED CONSIDER-
15 ATIONS.—In conducting the review, the Secretary
16 shall specifically consider factors that promote and
17 allow for consideration of potential variances from
18 national guidelines on a regional or watershed basis.
19 Such factors may include regional or watershed soil
20 conditions, hydrologic factors, vegetation patterns
21 and characteristics, environmental resources, levee
22 performance history, institutional considerations,
23 and other relevant factors. The scope of a variance
24 approved by the Secretary may include an exemption
25 to national guidelines where appropriate.

1 (c) COOPERATION AND RECOMMENDATIONS.—

2 (1) IN GENERAL.—The review shall be under-
3 taken in cooperation with interested Federal agen-
4 cies and in consultation with interested representa-
5 tives of State and local governments, Indian tribes,
6 appropriate nongovernmental organizations, and the
7 public.

8 (2) RECOMMENDATIONS.—Corps of Engineers
9 Regional Integration Teams, representing districts,
10 divisions, and headquarters, in consultation with
11 State and Federal resources agencies, and with par-
12 ticipation by local agencies, shall recommend to the
13 Secretary vegetation management policies for levees
14 that conform with State and Federal laws and other
15 applicable requirements.

16 (d) REVISION OF GUIDELINES.—

17 (1) IN GENERAL.—During the 1-year period be-
18 ginning on the date of enactment of this Act, the
19 Secretary shall—

20 (A) provide the public 30 days to review
21 and comment on the guidelines;

22 (B) revise the guidelines based on consid-
23 eration of the results of the public review; and

24 (C) submit to Congress a report that con-
25 tains a summary of the activities of the Sec-

1 retary and a description of the findings of the
2 Secretary under this section.

3 (2) CONTENT; INCORPORATION INTO MAN-
4 UAL.—The revised guidelines shall—

5 (A) provide a practical process for approv-
6 ing regional or watershed variances from the
7 national guidelines, reflecting due consideration
8 of measures to maximize public safety benefits
9 with limited resources, levee performance, re-
10 gional climatic and hydrologic variations, envi-
11 ronmental quality, implementation challenges,
12 and allocation of responsibilities; and

13 (B) be incorporated into the manual pro-
14 posed under section 5(c) of the Act entitled “An
15 Act authorizing the construction of certain pub-
16 lic works on rivers and harbors for flood con-
17 trol, and for other purposes”, approved August
18 18, 1941 (33 U.S.C. 701n(c)).

19 (e) CONTINUATION OF WORK.—Concurrent with
20 completion of the requirements of this section, the Sec-
21 retary shall proceed without interruption or delay with
22 those ongoing or programmed projects and studies, or ele-
23 ments of projects or studies, that are not directly related
24 to vegetation variance policy.

1 **SEC. 125. REDUCTION OF FEDERAL COSTS.**

2 Section 204(a) of the Water Resources Development
3 Act of 1992 (33 U.S.C. 2326(a)) is amended by adding
4 at the end the following:

5 “(4) REDUCING COSTS.—To reduce or avoid
6 Federal costs, the Secretary shall consider the bene-
7 ficial use of dredged material in a manner that con-
8 tributes to the maintenance of sediment resources in
9 the nearby coastal system.”.

10 **SEC. 126. ADVANCED MODELING TECHNOLOGIES.**

11 (a) IN GENERAL.—To the greatest extent practicable,
12 the Secretary shall encourage and incorporate advanced
13 modeling technologies, including 3-dimensional digital
14 modeling, for activities related to water resources develop-
15 ment projects and studies.

16 (b) ACTIVITIES.—In carrying out subsection (a), the
17 Secretary, to the greatest extent practicable, shall—

18 (1) compile information related to advanced
19 modeling technologies, including industry best prac-
20 tices with respect to the use of the technologies;

21 (2) disseminate to non-Federal interests the in-
22 formation described in paragraph (1); and

23 (3) promote the use of advanced modeling tech-
24 nologies.

25 (c) ADVANCED MODELING TECHNOLOGY DE-
26 FINED.—In this section, the term “advanced modeling

1 technology” means an available or developing technology,
2 including 3-dimensional digital modeling, that can expe-
3 dite project delivery for or improve the evaluation of water
4 resources development projects that receive Federal fund-
5 ing by—

6 (1) accelerating and improving the environ-
7 mental review process;

8 (2) increasing effective public participation;

9 (3) enhancing the detail and accuracy of project
10 designs;

11 (4) increasing safety;

12 (5) accelerating construction and reducing con-
13 struction costs; or

14 (6) otherwise achieving such purposes.

15 **SEC. 127. ENHANCED USE OF ELECTRONIC COMMERCE IN**
16 **FEDERAL PROCUREMENT.**

17 (a) REPORT.—Not later than 180 days after the date
18 of enactment of this Act, the Secretary shall submit to
19 the Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on Envi-
21 ronment and Public Works of the Senate a report describ-
22 ing the Secretary’s actions to carry out section 2301 of
23 title 41, United States Code, regarding the use of elec-
24 tronic commerce in Federal procurement.

1 (b) CONTENTS.—The report submitted under sub-
2 section (a) shall include, with respect to the 2 fiscal years
3 most recently ended before the fiscal year in which the
4 report is submitted—

5 (1) an identification of the number, type, and
6 dollar value of procurement solicitations with respect
7 to which the public was permitted to respond to the
8 solicitation electronically, which shall differentiate
9 between solicitations that allowed full or partial elec-
10 tronic submission;

11 (2) an analysis of the information provided
12 under paragraph (1) and actions that could be taken
13 by the Secretary to refine and improve the use of
14 electronic submission for procurement solicitation re-
15 sponses;

16 (3) an analysis of the potential benefits of and
17 obstacles to implementing fuller use of electronic
18 submission for procurement solicitation responses,
19 including with respect to cost savings, error reduc-
20 tion, paperwork reduction, increased bidder partici-
21 pation, and competition, and expanded use of elec-
22 tronic bid data collection for cost-effective contract
23 management and timely reporting; and

24 (4) an analysis of the options and technologies
25 available to facilitate expanded implementation of

1 electronic submission for procurement solicitation re-
2 sponses and the suitability of each option and tech-
3 nology for contracts of various types and sizes.

4 **SEC. 128. CORROSION PREVENTION.**

5 (a) IN GENERAL.—To the greatest extent practicable,
6 the Secretary shall encourage and incorporate corrosion
7 prevention activities at water resources development
8 projects.

9 (b) ACTIVITIES.—In carrying out subsection (a), the
10 Secretary, to the greatest extent practicable, shall ensure
11 that contractors performing work for water resources de-
12 velopment projects—

13 (1) use best practices to carry out corrosion
14 prevention activities in the field;

15 (2) use industry recognized standards and cor-
16 rosion mitigation and prevention methods when—

17 (A) determining protective coatings;

18 (B) selecting materials; and

19 (C) determining methods of cathodic pro-
20 tection, design, and engineering for corrosion
21 prevention;

22 (3) use certified coating application specialists
23 and cathodic protection technicians and engineers;

1 (4) use best practices in environmental protec-
2 tion to prevent environmental degradation, and to
3 ensure careful handling of all hazardous materials;

4 (5) demonstrate a history of employing indus-
5 try-certified inspectors to ensure adherence to best
6 practices and standards; and

7 (6) demonstrate a history of compliance with
8 applicable requirements of the Occupational Safety
9 and Health Administration.

10 (c) CORROSION PREVENTION ACTIVITIES DE-
11 FINED.—In this section, the term “corrosion prevention
12 activities” means—

13 (1) the application and inspection of protective
14 coatings for complex work involving steel and cemen-
15 titious structures, including structures that will be
16 exposed in immersion;

17 (2) the installation, testing, and inspection of
18 cathodic protection systems; and

19 (3) any other activities related to corrosion pre-
20 vention the Secretary determines appropriate.

21 **SEC. 129. RESILIENT CONSTRUCTION AND USE OF INNOVA-**
22 **TIVE MATERIALS.**

23 The Secretary, to the extent practicable, shall encour-
24 age the use of durable, resilient, and sustainable materials
25 and practices, including the use of geosynthetic materials

1 and innovative technologies, in carrying out the activities
2 of the Corps of Engineers.

3 **SEC. 130. ASSESSMENT OF WATER SUPPLY IN ARID RE-**
4 **GIONS.**

5 (a) IN GENERAL.—The Secretary shall conduct an
6 assessment of the management practices, priorities, and
7 authorized purposes at Corps of Engineers reservoirs in
8 arid regions to determine the effects of such practices, pri-
9 orities, and purposes on water supply during periods of
10 drought.

11 (b) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Secretary shall submit to
13 the Committee on Transportation and Infrastructure of
14 the House of Representatives and the Committee on Envi-
15 ronment and Public Works of the Senate a report on the
16 results of the assessment.

17 **SEC. 131. RIVER BASIN COMMISSIONS.**

18 Section 5019 of the Water Resources Development
19 Act of 2007 (121 Stat. 1201) is amended by adding at
20 the end the following:

21 “(f) REPORT.—After each fiscal year, if the Secretary
22 did not allocate funds in accordance with subsection (b),
23 the Secretary, in conjunction with the President’s next
24 submission to Congress of a budget under section 1105(a)

1 of title 31, United States Code, shall submit to Congress
2 a report that describes—

3 “(1) the reasons why the Secretary did not allo-
4 cate funds in accordance with subsection (b) during
5 that fiscal year; and

6 “(2) the impact, on the jurisdiction of each
7 Commission specified in subsection (b), of not allo-
8 cating the funds, including with respect to—

9 “(A) water supply allocation;

10 “(B) water quality protection;

11 “(C) regulatory review and permitting;

12 “(D) water conservation;

13 “(E) watershed planning;

14 “(F) drought management;

15 “(G) flood loss reduction;

16 “(H) recreation; and

17 “(I) energy development.”.

18 **SEC. 132. SENSE OF CONGRESS REGARDING WATER RE-**

19 **SOURCES DEVELOPMENT BILLS.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) Between 1986 and 2000, a water resources
22 development bill was typically enacted every 2 years.

23 (2) Since 2000, only 1 water resources develop-
24 ment bill has been enacted.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that, because the missions of the Corps of Engineers
3 are unique and benefit all individuals in the United States
4 and because water resources development projects are crit-
5 ical to maintaining economic prosperity, national security,
6 and environmental protection, Congress should consider a
7 water resources development bill not less than once every
8 Congress.

9 **TITLE II—NAVIGATION**
10 **IMPROVEMENTS**
11 **Subtitle A—Ports**

12 **SEC. 201. EXPANDED USE OF HARBOR MAINTENANCE**
13 **TRUST FUND.**

14 (a) IN GENERAL.—For any fiscal year in which tar-
15 get appropriations described in subsection (b) are met, the
16 Secretary may use up to 5 percent of the total amount
17 made available to the Secretary from the Harbor Mainte-
18 nance Trust Fund for the eligible operations and mainte-
19 nance costs described in section 210(a)(2) of the Water
20 Resources Development Act of 1986 (33 U.S.C.
21 2238(a)(2)) for that fiscal year for expanded uses of the
22 Harbor Maintenance Trust Fund.

23 (b) TARGET APPROPRIATIONS.—For purposes of this
24 section, target appropriations are met for a fiscal year if
25 the total amount made available to the Secretary from the

1 Harbor Maintenance Trust Fund for that fiscal year
2 equals or exceeds, as determined by the Secretary, the fol-
3 lowing:

4 (1) For fiscal year 2014, 65 percent of the total
5 amount of harbor maintenance taxes received in fis-
6 cal year 2013.

7 (2) For fiscal year 2015, 67 percent of the total
8 amount of harbor maintenance taxes received in fis-
9 cal year 2014.

10 (3) For fiscal year 2016, 69 percent of the total
11 amount of harbor maintenance taxes received in fis-
12 cal year 2015.

13 (4) For fiscal year 2017, 71 percent of the total
14 amount of harbor maintenance taxes received in fis-
15 cal year 2016.

16 (5) For fiscal year 2018, 73 percent of the total
17 amount of harbor maintenance taxes received in fis-
18 cal year 2017.

19 (6) For fiscal year 2019, 75 percent of the total
20 amount of harbor maintenance taxes received in fis-
21 cal year 2018.

22 (7) For fiscal year 2020, and each fiscal year
23 thereafter, 80 percent of total amount of harbor
24 maintenance taxes received in the previous fiscal
25 year.

1 (c) DEFINITIONS.—In this section, the following defi-
2 nitions apply:

3 (1) ELIGIBLE HARBORS AND INLAND HARBORS
4 DEFINED.—The term “eligible harbor or inland har-
5 bor” means a harbor or inland harbor that, histori-
6 cally, as determined by the Secretary—

7 (A) generates an amount of harbor mainte-
8 nance taxes; that exceeds

9 (B) the value of maintenance dredging
10 work carried out for the harbor or inland har-
11 bor using amounts from the Harbor Mainte-
12 nance Trust Fund.

13 (2) EXPANDED USES.—The term “expanded
14 uses” means the following activities performed for
15 an eligible harbor or inland harbor:

16 (A) The maintenance dredging of a berth
17 in a harbor that is accessible to a Federal navi-
18 gation project and that benefits commercial
19 navigation at the harbor.

20 (B) The maintenance dredging and dis-
21 posal of legacy-contaminated sediment, and
22 sediment unsuitable for open water disposal,
23 if—

1 (i) such dredging and disposal bene-
2 fits commercial navigation at the harbor;
3 and

4 (ii) such sediment—

5 (I) is located in and affects the
6 maintenance of a Federal navigation
7 project; or

8 (II) is located in a berth that is
9 accessible to a Federal navigation
10 project.

11 (3) TOTAL AMOUNT OF HARBOR MAINTENANCE
12 TAXES RECEIVED.—The term “total amount of har-
13 bor maintenance taxes received” means, with respect
14 to a fiscal year, the aggregate of amounts appro-
15 priated, transferred, or credited to the Harbor Main-
16 tenance Trust Fund under section 9505(a) of the
17 Internal Revenue Code of 1986 for that fiscal year
18 as set forth in the current year estimate provided in
19 the President’s budget request for the subsequent
20 fiscal year, submitted pursuant to section 1105 of
21 title 31, United States Code.

22 (d) CONFORMING AMENDMENT.—Section 9505(c)(1)
23 of the Internal Revenue Code of 1986 is amended by strik-
24 ing “(as in effect on the date of the enactment of the
25 Water Resources Development Act of 1996)”.

1 (e) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that any increase in harbor maintenance programs
3 described in this section shall result from an overall in-
4 crease in appropriations for the civil works program of the
5 Corps of Engineers and not from similar reductions in the
6 appropriations for other programs, projects, and activities
7 carried out by the Corps of Engineers for other authorized
8 purposes.

9 **SEC. 202. ASSESSMENT AND PRIORITIZATION OF OPER-**
10 **ATION AND MAINTENANCE.**

11 (a) ASSESSMENT.—Section 210 of the Water Re-
12 sources Development Act of 1986 (33 U.S.C. 2238) is
13 amended by adding at the end the following:

14 “(c) ASSESSMENT OF OPERATION AND MAINTENANCE
15 NEEDS.—

16 “(1) IN GENERAL.—Not later than 90 days
17 after the date of enactment of this subsection, and
18 biennially thereafter, the Secretary shall assess the
19 operation and maintenance needs of the harbors re-
20 ferred to in subsection (a)(2).

21 “(2) TYPES OF HARBORS.—In carrying out
22 paragraph (1), the Secretary shall assess the oper-
23 ation and maintenance needs of the harbors used
24 for—

25 “(A) commercial navigation;

1 “(B) commercial fishing;

2 “(C) subsistence, including utilization by
3 Indian tribes (as such term is defined in section
4 of the Indian Self-Determination and Edu-
5 cation Assistance Act (25 U.S.C. 450b)) for
6 subsistence and ceremonial purposes;

7 “(D) use as a harbor of refuge;

8 “(E) transportation of persons;

9 “(F) purposes relating to domestic energy
10 production, including the fabrication, servicing,
11 or supply of domestic offshore energy produc-
12 tion facilities;

13 “(G) activities of the Secretary of the de-
14 partment in which the Coast Guard is oper-
15 ating;

16 “(H) public health and safety related
17 equipment for responding to coastal and inland
18 emergencies;

19 “(I) recreation purposes; and

20 “(J) any other authorized purpose.

21 “(3) REPORT TO CONGRESS.—For fiscal year
22 2015, and biennially thereafter, in conjunction with
23 the President’s annual budget submission to Con-
24 gress under section 1105(a) of title 31, United
25 States Code, the Secretary shall submit to the Com-

1 mittee on Transportation and Infrastructure of the
2 House of Representatives and the Committee on En-
3 vironment and Public Works of the Senate a report
4 that, with respect to harbors referred to in sub-
5 section (a)(2)—

6 “(A) identifies the operation and mainte-
7 nance costs associated with the harbors, includ-
8 ing those costs required to achieve and main-
9 tain the authorized length, width, and depth for
10 the harbors, on a project-by-project basis;

11 “(B) identifies the amount of funding re-
12 quested in the President’s budget for the oper-
13 ation and maintenance costs associated with the
14 harbors, on a project-by-project basis;

15 “(C) identifies the unmet operation and
16 maintenance needs associated with the harbors,
17 on a project-by-project basis; and

18 “(D) identifies the harbors for which the
19 President will allocate funding over the next 5
20 fiscal years for operation and maintenance ac-
21 tivities, on a project-by-project basis, including
22 the amounts to be allocated for such pur-
23 poses.”.

24 (b) OPERATION AND MAINTENANCE OF EMERGING
25 HARBOR PROJECTS.—Section 210 of such Act (33 U.S.C.

1 2238) is further amended by adding at the end the fol-
2 lowing:

3 “(d) OPERATION AND MAINTENANCE OF EMERGING
4 HARBOR PROJECTS.—

5 “(1) IN GENERAL.—To the maximum extent
6 practicable, the Secretary shall make expenditures to
7 pay for operation and maintenance costs of the har-
8 bors referred to in subsection (a)(2), including ex-
9 penditures of funds appropriated from the Harbor
10 Maintenance Trust Fund, based on an equitable al-
11 location of funds among all such harbors, regardless
12 of the size or tonnage throughput of the harbor.

13 “(2) CRITERIA.—In determining the equitable
14 allocation of funds under paragraph (1), the Sec-
15 retary shall—

16 “(A) utilize the information obtained in the
17 assessment conducted under subsection (c);

18 “(B) consider the national and regional
19 significance of harbor operation and mainte-
20 nance; and

21 “(C) not make such allocation based solely
22 on the tonnage transiting through a harbor.

23 “(3) EMERGING HARBORS.—

24 “(A) IN GENERAL.—Notwithstanding para-
25 graph (1), in making expenditures described in

1 paragraph (1) for each of fiscal years 2015 and
2 2016, the Secretary shall allocate not less than
3 10 percent of the total amount of the expendi-
4 tures to pay for operation and maintenance
5 costs of emerging harbors.

6 “(B) EMERGING HARBOR DEFINED.—In
7 this paragraph, the term ‘emerging harbor’
8 means a harbor referred to in subsection (a)(2)
9 that transits less than 1,000,000 tons of com-
10 merce annually.

11 “(4) EMERGENCY EXPENDITURES.—Nothing in
12 this subsection may be construed to prohibit the
13 Secretary from making an expenditure to pay for the
14 operation and maintenance costs of a specific har-
15 bor, including the transfer of funding from the oper-
16 ation and maintenance of a separate project, if—

17 “(A) the Secretary determines that the ac-
18 tion is necessary to address the navigation
19 needs of a harbor where safe navigation has
20 been severely restricted due to an unforeseen
21 event; and

22 “(B) the Secretary provides advance notice
23 and information on the need for the action to
24 the Committee on Transportation and Infra-
25 structure and the Committee on Appropriations

1 of the House of Representatives and the Com-
2 mittee on Environment and Public Works and
3 the Committee on Appropriations of the Senate.

4 “(5) MANAGEMENT OF GREAT LAKES NAVIGA-
5 TION SYSTEM.—To sustain effective and efficient op-
6 eration and maintenance of the Great Lakes Naviga-
7 tion System, including any navigation feature in the
8 Great Lakes that is a Federal responsibility with re-
9 spect to operation and maintenance, the Secretary
10 shall manage and allocate funding for all of the indi-
11 vidually authorized projects in the Great Lakes
12 Navigation System as components of a single, com-
13 prehensive system, recognizing the interdependence
14 of the projects.”.

15 **SEC. 203. PRESERVING UNITED STATES HARBORS.**

16 (a) IN GENERAL.—The Secretary may enter into an
17 agreement with a non-Federal interest, at the request of
18 the non-Federal interest, under which the Secretary
19 agrees to maintain a navigation project for a harbor or
20 inland harbor (in this section referred to as a “federally
21 authorized harbor”) in accordance with section 101(b) of
22 the Water Resources Development Act of 1986 (33 U.S.C.
23 2211(b)).

24 (b) REPORT BY NON-FEDERAL INTEREST.—

1 (1) IN GENERAL.—To be eligible to enter into
2 an agreement under subsection (a) with respect to a
3 federally authorized harbor, a non-Federal interest
4 shall submit to the Secretary a report justifying eco-
5 nomic investment in maintenance of the harbor.

6 (2) JUSTIFICATION OF INVESTMENT.—A report
7 submitted under paragraph (1) may justify economic
8 investment in the maintenance of a federally author-
9 ized harbor based on—

10 (A) projected economic benefits, including
11 transportation savings and job creation; and

12 (B) other factors, including navigation
13 safety, national security, and sustainability of
14 subsistence harbors.

15 (3) TERMINATION OF CERTAIN AGREEMENTS.—
16 An agreement entered into under subsection (a) with
17 respect to a federally authorized harbor shall contain
18 terms to allow the Secretary to terminate the agree-
19 ment if the Secretary determines that Federal eco-
20 nomic investment in maintaining the harbor is no
21 longer justified.

22 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
23 Nothing in this section may be construed to preclude the
24 operation and maintenance of a federally authorized har-

1 bor under section 101(b) of the Water Resources Develop-
2 ment Act of 1986 (33 U.S.C. 2211(b)).

3 **SEC. 204. CONSOLIDATION OF DEEP DRAFT NAVIGATION**
4 **EXPERTISE.**

5 Section 2033(e) of the Water Resources Development
6 Act of 2007 (33 U.S.C. 2282a(e)) is amended by adding
7 at the end the following:

8 “(3) DEEP DRAFT NAVIGATION PLANNING CEN-
9 TER OF EXPERTISE.—

10 “(A) IN GENERAL.—The Secretary shall
11 consolidate deep draft navigation expertise
12 within the Corps of Engineers into a deep draft
13 navigation planning center of expertise.

14 “(B) LIST.—Not later than 60 days after
15 the date of the consolidation required under
16 subparagraph (A), the Secretary shall submit to
17 the Committee on Transportation and Infra-
18 structure of the House of Representatives and
19 the Committee on Environment and Public
20 Works of the Senate a list of personnel, includ-
21 ing the grade levels and expertise of the per-
22 sonnel, assigned to the center described in sub-
23 paragraph (A).”.

1 **SEC. 205. DISPOSAL SITES.**

2 (a) IN GENERAL.—The Secretary, in accordance with
3 subsections (b) and (c) and with the concurrence of the
4 Administrator of the Environmental Protection Agency, is
5 authorized to reopen the Cape Arundel Disposal Site (in
6 this section referred to as the “Site”) as an alternative
7 dredged material disposal site under section 103(b) of the
8 Marine Protection, Research, and Sanctuaries Act of 1972
9 (33 U.S.C. 1413(b)).

10 (b) DEADLINE.—The Site may remain open under
11 subsection (a) until the earlier of—

12 (1) the date on which the Site does not have
13 any remaining disposal capacity;

14 (2) the date on which an environmental impact
15 statement designating an alternative dredged mate-
16 rial disposal site for southern Maine has been com-
17 pleted; or

18 (3) the date that is 5 years after the date of en-
19 actment of this Act.

20 (c) LIMITATIONS.—The use of the Site as a dredged
21 material disposal site under subsection (a) shall be subject
22 to the conditions that—

23 (1) conditions at the Site remain suitable for
24 the continued use of the Site as a dredged material
25 disposal site; and

1 (2) the Site not be used for the disposal of
2 more than 80,000 cubic yards from any single
3 dredging project.

4 **Subtitle B—Inland Waterways**

5 **SEC. 211. DEFINITIONS.**

6 In this subtitle, the following definitions apply:

7 (1) INLAND WATERWAYS TRUST FUND.—The
8 term “Inland Waterways Trust Fund” means the
9 Inland 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 re-
13 habilitation project for navigation infrastructure of
14 the 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 enact-
18 ment of this Act; and

19 (C) funded at least in part from the Inland
20 Waterways Trust Fund.

21 **SEC. 212. PROJECT DELIVERY PROCESS REFORMS.**

22 (a) REQUIREMENTS FOR QUALIFYING PROJECTS.—
23 With respect to each qualifying project, the Secretary shall
24 require—

25 (1) for each project manager, that—

1 (A) the project manager have formal
2 project management training and certification;
3 and

4 (B) the project manager be assigned from
5 among personnel certified by the Chief of Engi-
6 neers; and

7 (2) for an applicable cost estimation, that—

8 (A) the Secretary utilize a risk-based cost
9 estimate with a confidence level of at least 80
10 percent; and

11 (B) the cost estimate be implemented—

12 (i) for a qualifying project that re-
13 quires an increase in the authorized
14 amount in accordance with section 902 of
15 the Water Resources Development Act of
16 1986 (33 U.S.C. 2280), during the prepa-
17 ration of a post-authorization change re-
18 port or other similar decision document;

19 (ii) for a qualifying project for which
20 the first construction contract has not been
21 awarded, prior to the award of the first
22 construction contract;

23 (iii) for a qualifying project without a
24 completed feasibility report in accordance
25 with section 905 of the Water Resources

1 Development Act of 1986 (33 U.S.C.
2 2282), prior to the completion of such a
3 report; and

4 (iv) for a qualifying project with a
5 completed feasibility report in accordance
6 with section 905 of the Water Resources
7 Development Act of 1986 (33 U.S.C.
8 2282) that has not yet been authorized,
9 during design for the qualifying project.

10 (b) ADDITIONAL PROJECT DELIVERY PROCESS RE-
11 FORMS.—Not later than 18 months after the date of en-
12 actment of this Act, the Secretary shall—

13 (1) establish a system to identify and apply on
14 a continuing basis best management practices from
15 prior or ongoing qualifying projects to improve the
16 likelihood of on-time and on-budget completion of
17 qualifying projects;

18 (2) evaluate early contractor involvement acqui-
19 sition procedures to improve on-time and on-budget
20 project delivery performance; and

21 (3) implement any additional measures that the
22 Secretary determines will achieve the purposes of
23 this subtitle, including—

24 (A) the implementation of applicable prac-
25 tices and procedures developed pursuant to

1 management by the Secretary of an applicable
2 military construction program;

3 (B) the development and use of a portfolio
4 of standard designs for inland navigation locks;

5 (C) the use of full-funding contracts or for-
6 mulation of a revised continuing contracts
7 clause; and

8 (D) the establishment of procedures for
9 recommending new project construction starts
10 using a capital projects business model.

11 (c) PILOT PROJECTS.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 the Secretary may carry out pilot projects to evalu-
14 ate processes and procedures for the study, design,
15 and construction of qualifying projects.

16 (2) INCLUSIONS.—At a minimum, the Secretary
17 shall carry out pilot projects under this subsection to
18 evaluate—

19 (A) early contractor involvement in the de-
20 velopment of features and components;

21 (B) an appropriate use of continuing con-
22 tracts for the construction of features and com-
23 ponents; and

1 (C) applicable principles, procedures, and
2 processes used for military construction
3 projects.

4 (d) INLAND WATERWAYS USER BOARD.—Section
5 302 of the Water Resources Development Act of 1986 (33
6 U.S.C. 2251) is amended—

7 (1) by striking subsection (b) and inserting the
8 following:

9 “(b) DUTIES OF USERS BOARD.—

10 “(1) IN GENERAL.—The Users Board shall
11 meet not less frequently than semiannually to de-
12 velop and make recommendations to the Secretary
13 and Congress regarding the inland waterways and
14 inland harbors of the United States.

15 “(2) ADVICE AND RECOMMENDATIONS.—For
16 commercial navigation features and components of
17 the inland waterways and inland harbors of the
18 United States, the Users Board shall provide—

19 “(A) prior to the development of the budg-
20 et proposal of the President for a given fiscal
21 year, advice and recommendations to the Sec-
22 retary regarding construction and rehabilitation
23 priorities and spending levels;

24 “(B) advice and recommendations to Con-
25 gress regarding any completed feasibility report

1 in accordance with section 905 of the Water
2 Resources Development Act of 1986 (33 U.S.C.
3 2282) relating to those features and compo-
4 nents;

5 “(C) advice and recommendations to Con-
6 gress regarding an increase in the authorized
7 cost of those features and components;

8 “(D) not later than 60 days after the date
9 of the submission of the budget proposal of the
10 President to Congress, advice and recommenda-
11 tions to Congress regarding construction and
12 rehabilitation priorities and spending levels; and

13 “(E) advice and recommendations on the
14 development of a long-term capital investment
15 program in accordance with subsection (d).

16 “(3) PROJECT DEVELOPMENT TEAMS.—The
17 chairperson of the Users Board shall appoint a rep-
18 resentative of the Users Board to serve as an infor-
19 mal advisor to the project development team for a
20 qualifying project or the study or design of a com-
21 mercial navigation feature or component of the in-
22 land waterways and inland harbors of the United
23 States.

24 “(4) INDEPENDENT JUDGMENT.—Any advice or
25 recommendation made by the Users Board to the

1 Secretary shall reflect the independent judgment of
2 the Users Board.”;

3 (2) by striking subsection (c) and inserting the
4 following:

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, de-
8 sign, or construction of all commercial navigation
9 features or components of the inland waterways or
10 inland harbors of the United States; and

11 “(2) submit to the Users Board a courtesy copy
12 of all completed feasibility reports relating to a com-
13 mercial navigation feature or component of the in-
14 land 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 Sec-
19 retary, in coordination with the Users Board, shall
20 develop and submit to Congress a report describing
21 a 20-year program for making capital investments
22 on the inland and intracoastal waterways based on
23 the application 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
12 program 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
19 this subsection, and not less frequently than once
20 every 5 years thereafter, the Secretary, in coordina-
21 tion with 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 cri-
3 teria used to develop the updated recommenda-
4 tions); and

5 “(B) make revisions to the program, as ap-
6 propriate.

7 “(e) PROJECT MANAGEMENT PLANS.—The chair-
8 person of the Users Board and the project development
9 team member appointed by the chairperson under sub-
10 section (b)(3) may sign the project management plan for
11 the qualifying project or the study or design of a commer-
12 cial navigation feature or component of the inland water-
13 ways and inland harbors of the United States.

14 “(f) ADMINISTRATION.—The Users Board shall be
15 subject to the Federal Advisory Committee Act, other than
16 section 14, and, with the consent of the appropriate agen-
17 cy head, the Users Board may use the facilities and serv-
18 ices of any Federal agency. For the purposes of complying
19 with such Act, the members of the Users Board shall not
20 be considered special Government employees (as defined
21 in section 202 of title 18, United States Code). Non-Fed-
22 eral members of the Users Board while engaged in the
23 performance of their duties away from their homes or reg-
24 ular places of business, may be allowed travel expenses,

1 including per diem in lieu of subsistence, as authorized
2 by section 5703 of title 5, United States Code.”.

3 **SEC. 213. EFFICIENCY OF REVENUE COLLECTION.**

4 Not later than 2 years after the date of enactment
5 of this Act, the Comptroller General of the United States
6 shall prepare a report on the efficiency of collecting the
7 fuel tax for the Inland Waterways Trust Fund, which shall
8 include—

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

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

15 (3) an evaluation of alternative collection op-
16 tions.

17 **SEC. 214. INLAND WATERWAYS REVENUE STUDIES.**

18 (a) INLAND WATERWAYS CONSTRUCTION BONDS
19 STUDY.—

20 (1) STUDY.—The Secretary, in coordination
21 with the Secretary of the Treasury, shall conduct a
22 study on the feasibility of authorizing the issuance
23 of federally tax-exempt bonds secured against the
24 available proceeds, including projected annual re-
25 ceipts, in the Inland Waterways Trust Fund estab-

1 lished by section 9506(a) of the Internal Revenue
2 Code of 1986.

3 (2) CONTENTS.—In carrying out the study, the
4 Secretary and the Secretary of the Treasury shall
5 examine the implications of and the potential reve-
6 nues that could be generated by the issuance of such
7 bonds.

8 (3) CONSULTATION.—In carrying out the study,
9 the Secretary and the Secretary of the Treasury, at
10 a minimum, shall consult with—

11 (A) representatives of the Inland Water-
12 way Users Board established by section 302 of
13 the Water Resources Development Act of 1986
14 (33 U.S.C. 2251);

15 (B) representatives of the commodities and
16 bulk cargos that are currently shipped for com-
17 mercial purposes on the segments of the inland
18 and intracoastal waterways listed in section 206
19 of the Inland Waterways Revenue Act of 1978
20 (33 U.S.C. 1804);

21 (C) representatives of other users of locks
22 and dams on the inland and intracoastal water-
23 ways, including persons owning, operating,
24 using, or otherwise benefitting from—

25 (i) hydropower generation facilities;

1 (ii) electric utilities that rely on the
2 waterways for cooling of existing electricity
3 generation facilities;

4 (iii) municipal and industrial water
5 supply;

6 (iv) recreation;

7 (v) irrigation water supply; or

8 (vi) flood damage reduction;

9 (D) other stakeholders associated with the
10 inland and intracoastal waterways, as identified
11 by the Secretary or the Secretary of the Treas-
12 ury; and

13 (E) the heads of other appropriate Federal
14 agencies, including the Secretary of Transpor-
15 tation, the Secretary of the Interior, and the
16 Administrator of the Environmental Protection
17 Agency.

18 (4) REPORT TO CONGRESS.—Not later than 1
19 year after the date of enactment of this Act, the
20 Secretary and the Secretary of the Treasury shall
21 submit a joint report on the results of the study
22 to—

23 (A) the Committee on Transportation and
24 Infrastructure, the Committee on Ways and

1 Means, and the Committee on the Budget of
2 the House of Representatives; and

3 (B) the Committee on Environment and
4 Public Works, the Committee on Finance, and
5 the Committee on the Budget of the Senate.

6 (b) POTENTIAL FEES FOR BENEFICIARIES AND
7 USERS OF INLAND AND INTRACOASTAL WATERWAYS IN-
8 FRASTRUCTURE.—

9 (1) IN GENERAL.—The Secretary shall conduct
10 a study and submit to Congress a report on poten-
11 tial user fees and revenues from other sources that
12 could be collected to generate additional revenues for
13 the Inland Waterways Trust Fund established by
14 section 9506(a) of the Internal Revenue Code of
15 1986.

16 (2) SCOPE OF STUDY.—

17 (A) IN GENERAL.—In carrying out the
18 study, the Secretary shall evaluate an array of
19 potential user fees and other revenues options
20 that, when combined with funds generated by
21 section 4042 of the Internal Revenue Code of
22 1986, are sufficient to support one-half of an-
23 nual construction expenditure levels of
24 \$380,000,000 for the authorized purposes of
25 the Inland Waterways Trust Fund.

1 (B) POTENTIAL REVENUE OPTIONS FOR
2 STUDY.—In carrying out the study, the Sec-
3 retary, at a minimum, shall evaluate potential
4 user fees and other revenue options identified
5 in—

6 (i) the report of the Congressional
7 Budget Office entitled “Paying for High-
8 ways, Airways, and Waterways: How Can
9 Users Be Charged?”, dated May 1, 1992;

10 (ii) the draft bill submitted by the As-
11 sistant Secretary of the Army (Civil
12 Works) to Congress entitled the “Lock
13 User Fee Act of 2008”, dated April 4,
14 2008;

15 (iii) the Inland Marine Transportation
16 System (IMTS) Capital Projects Business
17 Model, Final Report, published on April
18 12, 2010, as approved by the Inland Wa-
19 terways Users Board established by section
20 302 of the Water Resources Development
21 Act of 1986 (33 U.S.C. 2251); and

22 (iv) the draft bill submitted by the
23 President to Congress entitled the “Inland
24 Waterways Capital Investment Act of
25 2011”, dated September 2011.

1 (3) CONDUCT OF STUDY.—In carrying out the
2 study, the Secretary shall—

3 (A) take into consideration whether the po-
4 tential user fees and revenues from other
5 sources—

6 (i) are equitably associated with the
7 construction, operation, and maintenance
8 of inland and intracoastal waterway infra-
9 structure, including locks, dams, and navi-
10 gation channels; and

11 (ii) can be efficiently collected;

12 (B) consult with, at a minimum—

13 (i) representatives of the Inland Wa-
14 terways Users Board; and

15 (ii) representatives of other non-
16 navigation beneficiaries of inland and in-
17 tracoastal waterway infrastructure, includ-
18 ing persons benefitting from—

19 (I) municipal water supply;

20 (II) hydropower;

21 (III) recreation;

22 (IV) industrial water supply;

23 (V) flood damage reduction;

24 (VI) agricultural water supply;

25 (VII) environmental restoration;

1 (VIII) local and regional eco-
2 nomic development; or

3 (IX) local real estate interests;
4 and

5 (iii) representatives of other interests,
6 as identified by the Secretary; and

7 (C) provide the opportunity for public
8 hearings in each of the geographic regions that
9 contain segments of the inland and intracoastal
10 waterways listed in section 206 of the Inland
11 Waterways Revenue Act of 1978 (33 U.S.C.
12 1804).

13 (4) REPORT TO CONGRESS.—Not later than 1
14 year after the date of enactment of this Act, the
15 Secretary shall submit a report on the results of the
16 study to—

17 (A) the Committee on Transportation and
18 Infrastructure, the Committee on Ways and
19 Means, and the Committee on the Budget of
20 the House of Representatives; and

21 (B) the Committee on Environment and
22 Public Works, the Committee on Finance, and
23 the Committee on the Budget of the Senate.

1 **SEC. 215. INLAND WATERWAYS STAKEHOLDER ROUND-**
2 **TABLE.**

3 (a) IN GENERAL.—The Secretary shall conduct an
4 inland waterways stakeholder roundtable to provide for a
5 review and evaluation of alternative approaches—

6 (1) to address the financial needs of the Inland
7 Waterways Trust Fund; and

8 (2) to support the water infrastructure needs of
9 the Inland Waterways System.

10 (b) SELECTION OF PARTICIPANTS.—

11 (1) IN GENERAL.—Not later than 45 days after
12 the date on which the Secretary submits to Congress
13 the report required by section 214(b), the Secretary
14 shall select individuals to be invited to participate in
15 the stakeholder roundtable.

16 (2) COMPOSITION.—The individuals selected
17 under paragraph (1) shall include—

18 (A) representatives of affected shippers
19 and suppliers;

20 (B) representatives of State and Federal
21 water managers; and

22 (C) other interested persons with direct
23 knowledge of the Inland Waterways System.

24 (c) FRAMEWORK AND AGENDA.—The Secretary shall
25 work with a group of the individuals selected under sub-

1 section (b) to develop the framework and agenda for the
2 stakeholder roundtable.

3 (d) CONDUCT OF STAKEHOLDER ROUNDTABLE.—

4 (1) IN GENERAL.—Not later than 120 days
5 after the date on which the Secretary submits to
6 Congress the report required by section 214(b), the
7 Secretary shall conduct the stakeholder roundtable.

8 (2) ISSUES TO BE DISCUSSED.—The stake-
9 holder roundtable shall provide for the review and
10 evaluation described in subsection (a) and shall in-
11 clude the following:

12 (A) An evaluation of alternatives that have
13 been developed to address funding options for
14 the Inland Waterways System.

15 (B) An evaluation of the funding status of
16 the Inland Waterways Trust Fund.

17 (C) Prioritization of the ongoing and pro-
18 jected water infrastructure needs of the Inland
19 Waterways System.

20 (D) Identification of a process forward for
21 meeting such needs, with timeline for address-
22 ing the funding challenges for the inland water-
23 ways trust system.

24 (e) REPORT TO CONGRESS.—Not later than 180 days
25 after the date on which the Secretary submits to Congress

1 the report required by section 214(b), the Secretary shall
2 submit to Congress a report that contains—

3 (1) a summary the stakeholder roundtable, in-
4 cluding areas of concurrence on funding approaches
5 and areas or disagreement in meeting funding needs;
6 and

7 (2) recommendations developed by the Sec-
8 retary for logical next steps to address the issues
9 discussed at the stakeholder roundtable.

10 **SEC. 216. PRESERVING THE INLAND WATERWAY TRUST**
11 **FUND.**

12 (a) **OLMSTED PROJECT REFORM.**—

13 (1) **IN GENERAL.**—Notwithstanding section
14 102(a) of the Water Resources Development Act of
15 1986 (33 U.S.C. 2212(a)), for each fiscal year be-
16 ginning after the date of enactment of this Act, 25
17 percent of the cost of construction for the Olmsted
18 Project shall be paid from amounts appropriated
19 from the Inland Waterways Trust Fund.

20 (2) **DEFINITION.**—In this subsection the term
21 “Olmsted Project” means the project for navigation,
22 Lower Ohio River, Locks 52 and 53, Illinois and
23 Kentucky, authorized by section 3(a)(6) of the
24 Water Resources Development Act of 1988 (102
25 Stat. 4013).

1 (3) SENSE OF CONGRESS.—It is the sense of
2 Congress that the appropriation for the Olmsted
3 project should be not less than \$150,000,000 for
4 each fiscal year until construction of the project is
5 completed.

6 (4) REPORT.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary shall
8 submit a report to the Committee on Transportation
9 and Infrastructure of the House of Representatives
10 and the Committee on Environment and Public
11 Works of the Senate regarding the lessons learned
12 from the experience of planning and constructing the
13 Olmsted Project and how such lessons might apply
14 to future inland waterway studies and projects.

15 (b) ANNUAL REPORT ON PROGRESS AND COSTS.—
16 For any inland waterways project that the Secretary car-
17 ries out that has an estimated total cost of \$500,000,000
18 or more, the Secretary shall submit to the congressional
19 committees referred to in subsection (a)(4) an annual fi-
20 nancial plan for the project. The plan shall be based on
21 detailed annual estimates of the cost to complete the re-
22 maining elements of the project and on reasonable as-
23 sumptions, as determined by the Secretary, of any future
24 increases of the cost to complete the project.

1 **SEC. 217. PUBLIC COMMENT ON LOCK OPERATIONS.**

2 At least 90 days before carrying out a proposed modi-
3 fication to the operation of a lock at a project for naviga-
4 tion on the inland waterways, the Secretary shall—

5 (1) provide notice of the proposed modification
6 in the Federal Register; and

7 (2) accept public comments on the proposed
8 modification.

9 **SEC. 218. ASSESSMENT OF OPERATION AND MAINTENANCE**
10 **NEEDS OF THE ATLANTIC INTRACOASTAL**
11 **WATERWAY.**

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of enactment of this Act, the Secretary shall assess
14 the operation and maintenance needs of the Atlantic In-
15 tracoastal Waterway.

16 (b) TYPES OF ACTIVITIES.—In carrying out sub-
17 section (a), the Secretary shall assess the operation and
18 maintenance needs of the Atlantic Intracoastal Waterway
19 as used for the following purposes:

20 (1) Commercial navigation.

21 (2) Commercial fishing.

22 (3) Subsistence, including utilization by Indian
23 tribes (as such term is defined by section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 450b)) for subsistence and ceremo-
26 nial purposes.

1 (4) Use as ingress and egress to harbors of ref-
2 uge.

3 (5) Transportation of persons.

4 (6) Purposes relating to domestic energy pro-
5 duction, including fabrication, servicing, and supply
6 of domestic offshore energy production facilities.

7 (7) Activities of the Secretary of the depart-
8 ment in which the Coast Guard is operating.

9 (8) Public health and safety related equipment
10 for responding to coastal and inland emergencies.

11 (9) Recreation purposes.

12 (10) Any other authorized purpose.

13 (c) REPORT TO CONGRESS.—For fiscal year 2015,
14 and biennially thereafter, in conjunction with the Presi-
15 dent’s annual budget submission to Congress under sec-
16 tion 1105(a) of title 31, United States Code, the Secretary
17 shall submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Environment and Public Works of the Senate
20 a report that, with respect to the Atlantic Intracoastal
21 Waterway—

22 (1) identifies the operation and maintenance
23 costs required to achieve the authorized length,
24 width, and depth;

1 (2) identifies the amount of funding requested
2 in the President's budget for operation and mainte-
3 nance costs; and

4 (3) identifies the unmet operation and mainte-
5 nance needs of the Atlantic Intracoastal Waterway.

6 **SEC. 219. UPPER MISSISSIPPI RIVER PROTECTION.**

7 (a) **ECONOMIC IMPACT STUDY.**—Not later than 180
8 days after the date of enactment of this Act, the Secretary
9 shall conduct a study and submit to Congress a report
10 on the impact of closing the Upper St. Anthony Falls Lock
11 and Dam on the economy and the environment, including
12 an assessment of the annual average tonnage moving
13 through the Upper St. Anthony Falls Lock and Dam dur-
14 ing the preceding 5 years.

15 (b) **MANDATORY CLOSURE.**—Not later than 1 year
16 after the date of enactment of this Act, the Secretary shall
17 close the Upper St. Anthony Falls Lock and Dam if the
18 Secretary determines pursuant to the study conducted
19 under subsection (a) that the annual average tonnage
20 moving through the Upper St. Anthony Falls Lock and
21 Dam during the preceding 5 years was not more than
22 1,500,000 tons.

23 (c) **EMERGENCY OPERATIONS.**—Nothing in this sec-
24 tion may be construed to prevent the Secretary from car-

1 rying out emergency lock operations necessary to mitigate
2 flood damage.

3 (d) UPPER ST. ANTHONY FALLS LOCK AND DAM
4 DEFINED.—In this section, the term “Upper St. Anthony
5 Falls Lock and Dam” means the lock and dam located
6 on Mississippi River Mile 853.9 in Minneapolis, Min-
7 nesota.

8 **SEC. 220. CORPS OF ENGINEERS LOCK AND DAM ENERGY**
9 **DEVELOPMENT.**

10 Section 1117 of the Water Resources Development
11 Act of 1986 (100 Stat. 4236) is amended to read as fol-
12 lows:

13 **“SEC. 1117. W.D. MAYO LOCK AND DAM.**

14 “(a) IN GENERAL.—The Cherokee Nation of Okla-
15 homa may—

16 “(1) design and construct one or more hydro-
17 electric generating facilities at the W.D. Mayo Lock
18 and Dam on the Arkansas River, Oklahoma; and

19 “(2) market the electricity generated from any
20 such facility.

21 “(b) PRECONSTRUCTION REQUIREMENTS.—

22 “(1) PERMITS.—Before the date on which con-
23 struction of a hydroelectric generating facility begins
24 under subsection (a), the Cherokee Nation shall ob-
25 tain any permit required under Federal or State law,

1 except that the Cherokee Nation shall be exempt
2 from licensing requirements that may otherwise
3 apply to construction, operation, or maintenance of
4 the facility under the Federal Power Act (16 U.S.C.
5 791a et seq.).

6 “(2) REVIEW OF PLANS AND SPECIFICA-
7 TIONS.—The Cherokee Nation may initiate the de-
8 sign or construction of a hydroelectric generating fa-
9 cility under subsection (a) only after the Secretary
10 reviews and approves the plans and specifications for
11 the design and construction.

12 “(c) PAYMENT OF DESIGN AND CONSTRUCTION
13 COSTS.—

14 “(1) IN GENERAL.—The Secretary may accept
15 funds offered by the Cherokee Nation and use such
16 funds to carry out the design and construction of a
17 hydroelectric generating facility under subsection
18 (a).

19 “(2) ALLOCATION OF COSTS.—The Cherokee
20 Nation shall—

21 “(A) bear all costs associated with the de-
22 sign and construction of a hydroelectric gener-
23 ating facility under subsection (a); and

24 “(B) provide any funds necessary for the
25 design and construction to the Secretary prior

1 to the Secretary initiating any activities related
2 to the design and construction.

3 “(d) ASSUMPTION OF LIABILITY.—The Cherokee Na-
4 tion shall—

5 “(1) hold all title to a hydroelectric generating
6 facility constructed under subsection (a) and may,
7 subject to the approval of the Secretary, assign such
8 title to a third party;

9 “(2) be solely responsible for—

10 “(A) the operation, maintenance, repair,
11 replacement, and rehabilitation of the facility;
12 and

13 “(B) the marketing of the electricity gen-
14 erated by the facility; and

15 “(3) release and indemnify the United States
16 from any claims, causes of action, or liabilities that
17 may arise out of any activity undertaken to carry
18 out this section.

19 “(e) ASSISTANCE AVAILABLE.—The Secretary may
20 provide technical and construction management assistance
21 requested by the Cherokee Nation relating to the design
22 and construction of a hydroelectric generating facility
23 under subsection (a).

24 “(f) THIRD PARTY AGREEMENTS.—The Cherokee
25 Nation may enter into agreements with the Secretary or

1 a third party that the Cherokee Nation or the Secretary
2 determines are necessary to carry out this section.”.

3 **TITLE III—DEAUTHORIZATIONS**
4 **AND BACKLOG PREVENTION**

5 **SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

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

7 (1) to identify \$12,000,000,000 in water re-
8 sources development projects authorized by Congress
9 that are no longer viable for construction due to—

10 (A) a lack of local support;

11 (B) a lack of available Federal or non-Fed-
12 eral resources; or

13 (C) an authorizing purpose that is no
14 longer relevant or feasible;

15 (2) to create an expedited and definitive process
16 to deauthorize water resources development projects
17 that are no longer viable for construction; and

18 (3) to allow the continued authorization of
19 water resources development projects that are viable
20 for construction.

21 (b) DEAUTHORIZATION OF PROJECTS AUTHORIZED
22 BEFORE WRDA 2007.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of enactment of this Act, the Secretary
25 shall submit to the Committee on Transportation

1 and Infrastructure of the House of Representatives
2 and the Committee on Environment and Public
3 Works of the Senate, and shall publish in the Fed-
4 eral Register, a report that lists each authorized
5 water resources development project, or separable
6 element of a project, authorized for construction be-
7 fore November 8, 2007—

8 (A) for which—

9 (i) construction was not initiated be-
10 fore the date of enactment of this Act; or

11 (ii) construction was initiated before
12 the date of enactment of this Act, but for
13 which no funds, Federal or non-Federal,
14 were obligated for construction of the
15 project or separable element during the 5-
16 year period ending on July 1, 2013; and

17 (B) that is identified in accordance with
18 paragraph (3).

19 (2) SPECIAL RULE FOR ONGOING CONSTRUC-
20 TION.—A project or separable element shall not be
21 listed pursuant to paragraph (1)(A)(ii) if the project
22 or separable element is being constructed as of the
23 date of enactment of this Act.

24 (3) IDENTIFICATION OF PROJECTS.—

1 (A) IN GENERAL.—The Secretary shall
2 identify in the report submitted under para-
3 graph (1) projects and separable elements
4 that—

5 (i) meet the requirements described in
6 that paragraph; and

7 (ii) in the aggregate have an esti-
8 mated Federal cost to complete (as of the
9 date of the report) that is at least
10 \$12,000,000,000.

11 (B) SEQUENCING OF PROJECTS.—In iden-
12 tifying projects and separable elements under
13 subparagraph (A), the Secretary shall identify
14 projects and separable elements according to
15 the order in which the projects and separable
16 elements were authorized, beginning with the
17 earliest authorized projects and separable ele-
18 ments and ending upon the aggregate estimated
19 Federal cost to complete for the projects and
20 separable elements identified satisfying the re-
21 quirement under subparagraph (A)(ii).

22 (4) CONGRESSIONAL REVIEW PERIOD; DE-
23 AUTHORIZATION.—After the expiration of the 180-
24 day period beginning on the date of the submission
25 of the report under this subsection, any project or

1 separable element identified in that report is hereby
2 deauthorized, unless during such period the non-
3 Federal interest for the project or separable element
4 provides, under Federal law, all funds necessary to
5 complete the project or separable element.

6 (c) TREATMENT OF PROJECT MODIFICATIONS.—For
7 purposes of this section, if an authorized water resources
8 development project or separable element has been modi-
9 fied in an Act of Congress, the date of the authorization
10 of the project or separable element shall be deemed to be
11 the date of the most recent such modification.

12 **SEC. 302. REVIEW OF CORPS OF ENGINEERS ASSETS.**

13 (a) ASSESSMENT AND INVENTORY.—Not later than
14 1 year after the date of enactment of this Act, the Sec-
15 retary shall conduct an assessment of all properties under
16 the control of the Corps of Engineers and develop an in-
17 ventory of the properties that are not needed for the mis-
18 sions of the Corps of Engineers.

19 (b) CRITERIA.—In conducting the assessment and
20 developing the inventory under subsection (a), the Sec-
21 retary shall use the following criteria:

22 (1) The extent to which the property aligns
23 with the current missions of the Corps of Engineers.

24 (2) The economic impact of the property on ex-
25 isting communities in the vicinity of the property.

1 (3) The extent to which the utilization rate for
2 the property is being maximized and is consistent
3 with nongovernmental industry standards for the
4 given function or operation.

5 (4) The extent to which the reduction or elimi-
6 nation of the property could reduce operation and
7 maintenance costs of the Corps of Engineers.

8 (5) The extent to which the reduction or elimi-
9 nation of the property could reduce energy consump-
10 tion by the Corps of Engineers.

11 (c) NOTIFICATION.—As soon as practicable following
12 completion of the inventory of properties under subsection
13 (a), the Secretary shall provide the inventory to the Ad-
14 ministrators of General Services.

15 (d) REPORT TO CONGRESS.—Not later than 30 days
16 after the date of the notification under subsection (c), the
17 Secretary shall submit to the Committee on Transpor-
18 tation and Infrastructure of the House of Representatives
19 and the Committee on Environment and Public Works of
20 the Senate a report containing the findings of the Sec-
21 retary with respect to the assessment and inventory re-
22 quired under subsection (a).

23 **SEC. 303. BACKLOG PREVENTION.**

24 (a) PROJECT DEAUTHORIZATION.—

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

8 (2) IDENTIFICATION OF PROJECTS.—Not later
9 than 60 days after the expiration of the 7-year pe-
10 riod referred to in paragraph (1), the Secretary shall
11 submit to the Committee on Transportation and In-
12 frastructure of the House of Representatives and the
13 Committee on Environment and Public Works of the
14 Senate a report that identifies the projects deauthor-
15 ized under paragraph (1).

16 (b) REPORT TO CONGRESS.—Not later than 60 days
17 after the expiration of the 12-year period beginning on the
18 date of enactment of this Act, the Secretary shall submit
19 to the Committee on Transportation and Infrastructure
20 of the House of Representatives and the Committee on
21 Environment and Public Works of the Senate a report
22 that contains—

23 (1) a list of any water resources development
24 projects authorized by this Act for which construc-
25 tion has not been completed during that period;

1 (2) a description of the reasons the projects
2 were not completed; and

3 (3) a schedule for the completion of the projects
4 based on expected levels of appropriations.

5 **SEC. 304. DEAUTHORIZATIONS.**

6 (a) IN GENERAL.—The following projects are not au-
7 thorized after the date of enactment of this Act:

8 (1) WALNUT CREEK (PACHECO CREEK), CALI-
9 FORNIA.—The portions of the project for flood pro-
10 tection on Walnut Creek, California, constructed
11 under section 203 of the Flood Control Act of 1960
12 (Public Law 86–645; 74 Stat. 488), consisting of
13 the Walnut Creek project from Sta 0+00 to Sta
14 142+00 and the upstream extent of the Walnut
15 Creek project along Pacheco Creek from Sta 0+00
16 to Sta 73+50.

17 (2) WALNUT CREEK (SAN RAMON CREEK), CALI-
18 FORNIA.—The portion of the project for flood pro-
19 tection on Walnut Creek, California, constructed
20 under section 203 of the Flood Control Act of 1960
21 (Public Law 86–645; 74 Stat. 488), consisting of
22 the culvert constructed by the Department of the
23 Army on San Ramon Creek from Sta 4+27 to Sta
24 14+27.

1 (3) HILLSBOROUGH (HILLSBORO) BAY AND
2 RIVER, FLORIDA.—Those portions of the project for
3 navigation, Hillsborough (Hillsboro) Bay and River,
4 Florida, authorized by the Act of March 3, 1899 (30
5 Stat. 1126; chapter 425), that extend on either side
6 of the Hillsborough River from the Kennedy Boule-
7 vard bridge to the mouth of the river that cause the
8 existing channel to exceed 100 feet in width.

9 (4) KAHULUI WASTEWATER RECLAMATION FA-
10 CILITY, MAUI, HAWAII.—The project carried out pur-
11 suant to the authority provided by section 14 of the
12 Flood Control Act of 1946 (33 U.S.C. 701r) to pro-
13 vide shoreline protection for the Kahului Wastewater
14 Reclamation Facility, located on the Island of Maui
15 in the State of Hawaii.

16 (5) CHICAGO HARBOR, ILLINOIS.—The portion
17 of the project for navigation, Chicago Harbor, Illi-
18 nois, authorized by the first section of the Act of
19 March 3, 1899 (30 Stat. 1129; chapter 425), and
20 the first section of the Act of March 2, 1919 (40
21 Stat. 1283; chapter 95), and described as follows:

22 (A) Beginning at the southwest corner of
23 Metropolitan Sanitary District of Greater Chi-
24 cago sluice gate that abuts the north wall of the
25 Chicago River Lock.

1 (B) Thence running north for approxi-
2 mately 290 feet.

3 (C) Thence running east approximately
4 1,000 feet.

5 (D) Thence running south approximately
6 290 feet.

7 (E) Thence running west approximately
8 1,000 feet to the point of origin.

9 (6) LUCAS-BERG PIT, ILLINOIS WATERWAY AND
10 GRANT CALUMET RIVER, ILLINOIS.—The portion of
11 the project for navigation, Illinois Waterway and
12 Grand Calumet River, Illinois, authorized by the
13 first section of the Act entitled “An Act authorizing
14 the construction of certain public works on rivers
15 and harbors for flood control, and for other pur-
16 poses”, approved July 24, 1946 (60 Stat. 636; chap-
17 ter 596), that consists of the Lucas-Berg Pit con-
18 fined disposal facility, Illinois.

19 (7) ROCKLAND HARBOR, MAINE.—The portion
20 of the project for navigation, Rockland Harbor,
21 Maine, authorized by the Act entitled “An Act mak-
22 ing appropriations for the construction, repair, and
23 preservation of certain public works on rivers and
24 harbors, and for other purposes”, approved June 3,
25 1896 (29 Stat. 202), and described as follows:

1 (A) Beginning at the point in the 14-foot
2 turning basin limit with coordinates
3 N162,927.61, E826,210.16.

4 (B) Thence running north 45 degrees 45
5 minutes 15.6 seconds east 287.45 feet to a
6 point N163,128.18, E826,416.08.

7 (C) Thence running south 13 degrees 17
8 minutes 53.3 seconds east 129.11 feet to a
9 point N163,002.53, E826,445.77.

10 (D) Thence running south 45 degrees 45
11 minutes 18.4 seconds west 221.05 feet to a
12 point N162,848.30, E826,287.42.

13 (E) Thence running north 44 degrees 14
14 minutes 59.5 seconds west 110.73 feet to the
15 point of origin.

16 (8) CORSICA RIVER, QUEEN ANNE'S COUNTY,
17 MARYLAND.—The portion of the project for improv-
18 ing the Corsica River, Maryland, authorized by the
19 first section of the Act entitled “An Act making ap-
20 propriations for the construction, repair, and preser-
21 vation of certain public works on rivers and harbors,
22 and for other purposes”, approved July 25, 1912
23 (37 Stat. 205), and described as follows: Approxi-
24 mately 2,000 feet of the eastern section of the
25 project channel extending from—

1 (A) centerline station 0+000 (coordinates
2 N506350.60, E1575013.60); to

3 (B) station 2+000 (coordinates
4 N508012.39, E1574720.18).

5 (9) GLOUCESTER HARBOR AND ANNISQUAM
6 RIVER, MASSACHUSETTS.—The portions of the
7 project for navigation, Gloucester Harbor and
8 Annisquam River, Massachusetts, authorized by sec-
9 tion 2 of the Act entitled “An Act authorizing the
10 construction, repair, and preservation of certain pub-
11 lic works on rivers and harbors, and for other pur-
12 poses”, approved of March 2, 1945 (59 Stat. 12;
13 chapter 19), consisting of an 8-foot anchorage area
14 in Lobster Cove, and described as follows:

15 (A) Beginning at a bend along the easterly
16 limit of the existing project, N3063230.31,
17 E878283.77, thence running northwesterly
18 about 339 feet to a point, N3063478.86,
19 E878053.83, thence running northwesterly
20 about 281 feet to a bend on the easterly limit
21 of the existing project, N3063731.88,
22 E877932.54, thence running southeasterly
23 about 612 feet along the easterly limit of the
24 existing project to the point of origin.

1 (B) Beginning at a bend along the easterly
2 limit of the existing project, N3064065.80,
3 E878031.45, thence running northwesterly
4 about 621 feet to a point, N3064687.05,
5 E878031.13, thence running southwesterly
6 about 122 feet to a point, N3064686.98,
7 E877908.85, thence running southeasterly
8 about 624 feet to a point, N3064063.31,
9 E877909.17, thence running southwesterly
10 about 512 feet to a point, N3063684.73,
11 E877564.56, thence running about 741 feet to
12 a point along the westerly limit of the existing
13 project, N3063273.98, E876947.77, thence
14 running northeasterly about 533 feet to a bend
15 along the westerly limit of the existing project,
16 N3063585.62, E877380.63, thence running
17 about 147 feet northeasterly to a bend along
18 the westerly limit of the project, N3063671.29,
19 E877499.63, thence running northeasterly
20 about 233 feet to a bend along the westerly
21 limit of the existing project, N3063840.60,
22 E877660.29, thence running about 339 feet
23 northeasterly to a bend along the westerly limit
24 of the existing project, N3064120.34,
25 E877852.55, thence running about 573 feet to

1 a bend along the westerly limit of the existing
2 project, N3064692.98, E877865.04, thence
3 running about 113 feet to a bend along the
4 northerly limit of the existing project,
5 N3064739.51, E877968.31, thence running
6 145 feet southeasterly to a bend along the
7 northerly limit of the existing project,
8 N3064711.19, E878110.69, thence running
9 about 650 feet along the easterly limit of the
10 existing project to the point of origin.

11 (10) IPSWICH RIVER, MASSACHUSETTS.—The
12 portion of the project for navigation, Ipswich River,
13 Massachusetts, authorized by the first section of the
14 Act of August 5, 1886 (24 Stat. 317, chapter 929)
15 consisting of a 4-foot channel located at the entrance
16 to the inner harbor at Ipswich Harbor, and de-
17 scribed as follows:

18 (A) Lying northwesterly of a line com-
19 mencing at N3,074,938.09, E837,154.87.

20 (B) Thence running easterly approximately
21 60 feet to a point with coordinates
22 N3,074,972.62, E837,203.93.

23 (11) EAST FORK OF TRINITY RIVER, TEXAS.—
24 The portion of the project for flood protection on the
25 East Fork of the Trinity River, Texas, authorized by

1 section 203 of the Flood Control Act of 1962 (76
2 Stat. 1185), that consists of the 2 levees identified
3 as Kaufman County Levees K5E and K5W.

4 (12) BURNHAM CANAL, WISCONSIN.—The por-
5 tion of the project for navigation, Milwaukee Harbor
6 Project, Milwaukee, Wisconsin, known as the
7 Burnham Canal, authorized by the first section of
8 the Act entitled “An Act for the protection of com-
9 merce on Lake Michigan”, approved March 3, 1843
10 (5 Stat. 619; chapter 85), and described as follows:

11 (A) Beginning at channel point #415a
12 N381768.648, E2524554.836, a distance of
13 about 170.58 feet.

14 (B) Thence running south 53 degrees 43
15 minutes 41 seconds west to channel point #417
16 N381667.728, E2524417.311, a distance of
17 about 35.01 feet.

18 (C) Thence running south 34 degrees 10
19 minutes 40 seconds west to channel point #501
20 N381638.761, E2524397.639, a distance of
21 about 139.25 feet.

22 (D) Thence running south 34 degrees 10
23 minutes 48 seconds west to channel point #503
24 N381523.557, E2524319.406, a distance of
25 about 235.98 feet.

1 (E) Thence running south 32 degrees 59
2 minutes 13 seconds west to channel point #505
3 N381325.615, E2524190.925, a distance of
4 about 431.29 feet.

5 (F) Thence running south 32 degrees 36
6 minutes 05 seconds west to channel point #509
7 N380962.276, E2523958.547, a distance of
8 about 614.52 feet.

9 (G) Thence running south 89 degrees 05
10 minutes 00 seconds west to channel point #511
11 N380952.445, E2523344.107, a distance of
12 about 74.68 feet.

13 (H) Thence running north 89 degrees 04
14 minutes 59 seconds west to channel point #512
15 N381027.13, E2523342.91, a distance of about
16 533.84 feet.

17 (I) Thence running north 89 degrees 05
18 minutes 00 seconds east to channel point #510
19 N381035.67, E2523876.69, a distance of about
20 47.86 feet.

21 (J) Thence running north 61 degrees 02
22 minutes 07 seconds east to channel point #508
23 N381058.84, E2523918.56, a distance of about
24 308.55 feet.

1 (K) Thence running north 36 degrees 15
2 minutes 29 seconds east to channel point #506
3 N381307.65, E2524101.05, a distance of about
4 199.98 feet.

5 (L) Thence running north 32 degrees 59
6 minutes 12 seconds east to channel point #504
7 N381475.40, E2524209.93, a distance of about
8 195.14 feet.

9 (M) Thence running north 26 degrees 17
10 minutes 22 seconds east to channel point #502
11 N381650.36, E2524296.36, a distance of about
12 81.82 feet.

13 (N) Thence running north 88 degrees 51
14 minutes 05 seconds west to channel point #419
15 N381732.17, E2524294.72, a distance of about
16 262.65 feet.

17 (O) Thence running north 82 degrees 01
18 minutes 02 seconds east to channel point
19 #415a, the point of origin.

20 (13) MANITOWOC HARBOR, WISCONSIN.—The
21 portion of the project for navigation, Manitowoc
22 River, Manitowoc, Wisconsin, authorized by the Act
23 of August 30, 1852 (10 Stat. 58; chapter 104), and
24 described as follows: The triangular area bound by—

25 (A) 44.09893383N and 087.66854912W;

1 (B) 44.09900535N and 087.66864372W;

2 and

3 (C) 44.09857884N and 087.66913123W.

4 (b) SEWARD WATERFRONT, SEWARD, ALASKA.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 the portion of the project for navigation, Seward
7 Harbor, Alaska, identified as Tract H, Seward
8 Original Townsite, Waterfront Park Replat, Plat No
9 2012–4, Seward Recording District, shall not be
10 subject to navigation servitude beginning on the date
11 of enactment of this Act.

12 (2) ENTRY BY FEDERAL GOVERNMENT.—The
13 Federal Government may enter upon the property
14 referred to in paragraph (1) to carry out any re-
15 quired operation and maintenance of the general
16 navigation features of the project referred to in
17 paragraph (1).

18 (c) PORT OF HOOD RIVER, OREGON.—

19 (1) EXTINGUISHMENT OF PORTIONS OF EXIST-
20 ING FLOWAGE EASEMENT.—With respect to the
21 properties described in paragraph (2), beginning on
22 the date of enactment of this Act, the flowage ease-
23 ment identified as Tract 1200E–6 on the Easement
24 Deed recorded as Instrument No. 740320 is extin-

1 guished above elevation 79.39 feet (NGVD 29), the
2 ordinary high water line.

3 (2) **AFFECTED PROPERTIES.**—The properties
4 described in this paragraph, as recorded in Hood
5 River County, Oregon, are as follows:

6 (A) Instrument Number 2010–1235.

7 (B) Instrument Number 2010–02366.

8 (C) Instrument Number 2010–02367.

9 (D) Parcel 2 of Partition Plat 2011–12P.

10 (E) Parcel 1 of Partition Plat 2005–26P.

11 (3) **EXTINGUISHMENT OF FLOWAGE EASE-**
12 **MENT.**—With respect to the properties described in
13 paragraph (2), the flowage easement is extinguished
14 if the elevation of the property is above the standard
15 project flood elevation.

16 (4) **FEDERAL LIABILITIES.**—The United States
17 shall not be liable for any injury caused by the extin-
18 guishment of the easement under this subsection.

19 (5) **NO EFFECT ON OTHER RIGHTS.**—Nothing
20 in this subsection affects the remaining rights and
21 interests of the Corps of Engineers for authorized
22 project purposes.

23 **SEC. 305. LAND CONVEYANCES.**

24 (a) **TULSA PORT OF CATOOSA, ROGERS COUNTY,**
25 **OKLAHOMA LAND EXCHANGE.**—

1 (1) LAND EXCHANGE.—On conveyance by the
2 Tulsa Port of Catoosa to the United States of all
3 right, title, and interest in and to the non-Federal
4 land, the Secretary shall convey to the Tulsa Port of
5 Catoosa all right, title, and interest of the United
6 States in and to the Federal land.

7 (2) DEFINITIONS.—In this subsection, the fol-
8 lowing definitions apply:

9 (A) FEDERAL LAND.—The term “Federal
10 land” means the approximately 87 acres of land
11 situated in Rogers County, Oklahoma, con-
12 tained within United States Tracts 413 and
13 427 and acquired for the McClellan-Kerr Ar-
14 kansas Navigation System.

15 (B) NON-FEDERAL LAND.—The term
16 “non-Federal land” means the approximately
17 34 acres of land situated in Rogers County,
18 Oklahoma, and owned by the Tulsa Port of
19 Catoosa that lie immediately south and east of
20 the Federal land.

21 (3) SPECIFIC CONDITIONS.—

22 (A) DEEDS.—

23 (i) DEED TO NON-FEDERAL LAND.—
24 The Secretary may only accept conveyance

1 of the non-Federal land by warranty deed,
2 as determined acceptable by the Secretary.

3 (ii) DEED TO FEDERAL LAND.—The
4 Secretary shall convey the Federal land to
5 the Tulsa Port of Catoosa by quitclaim
6 deed and subject to any reservations,
7 terms, and conditions the Secretary deter-
8 mines necessary to—

9 (I) allow the United States to op-
10 erate and maintain the McClellan-
11 Kerr Arkansas River Navigation Sys-
12 tem; and

13 (II) protect the interests of the
14 United States.

15 (iii) CASH PAYMENT.—If the ap-
16 praised fair market value of the Federal
17 land, as determined by the Secretary, ex-
18 ceeds the appraised fair market value of
19 the non-Federal land, as determined by the
20 Secretary, the Tulsa Port of Catoosa shall
21 make a cash payment to the United States
22 reflecting the difference in the appraised
23 fair market values.

24 (b) CITY OF ASOTIN, WASHINGTON.—

1 (1) IN GENERAL.—The Secretary shall convey
2 to the city of Asotin, Walla Walla County, Wash-
3 ington, without monetary consideration, all right,
4 title, and interest of the United States in and to the
5 land described in paragraph (3).

6 (2) REVERSION.—If the land transferred under
7 this subsection ceases at any time to be used for a
8 public purpose, the land shall revert to the United
9 States.

10 (3) DESCRIPTION.—The land to be conveyed to
11 the city of Asotin, Washington, under this sub-
12 section are—

13 (A) the public ball fields designated as
14 Tracts 1503, 1605, 1607, 1609, 1611, 1613,
15 1615, 1620, 1623, 1624, 1625, 1626, and
16 1631; and

17 (B) other leased areas designated as
18 Tracts 1506, 1522, 1523, 1524, 1525, 1526,
19 1527, 1529, 1530, 1531, and 1563.

20 (c) GENERALLY APPLICABLE PROVISIONS.—

21 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—
22 The exact acreage and the legal description of any
23 real property to be conveyed under this section shall
24 be determined by a survey that is satisfactory to the
25 Secretary.

1 (2) APPLICABILITY OF PROPERTY SCREENING
2 PROVISIONS.—Section 2696 of title 10, United
3 States Code, shall not apply to any conveyance
4 under this section.

5 (3) ADDITIONAL TERMS AND CONDITIONS.—
6 The Secretary may require that any conveyance
7 under this section be subject to such additional
8 terms and conditions as the Secretary considers nec-
9 essary and appropriate to protect the interests of the
10 United States.

11 (4) COSTS OF CONVEYANCE.—An entity to
12 which a conveyance is made under this section shall
13 be responsible for all reasonable and necessary costs,
14 including real estate transaction and environmental
15 documentation costs, associated with the conveyance.

16 (5) LIABILITY.—An entity to which a convey-
17 ance is made under this section shall hold the
18 United States harmless from any liability with re-
19 spect to activities carried out, on or after the date
20 of the conveyance, on the real property conveyed.
21 The United States shall remain responsible for any
22 liability with respect to activities carried out, before
23 such date, on the real property conveyed.

1 **TITLE IV—WATER RESOURCES**
 2 **INFRASTRUCTURE**

3 **SEC. 401. AUTHORIZATION OF FINAL FEASIBILITY STUDIES.**

4 The following final feasibility studies for water re-
 5 sources development and conservation and other purposes
 6 are authorized to be carried out by the Secretary substan-
 7 tially in accordance with the plan, and subject to the con-
 8 ditions, described in the respective reports designated in
 9 this section:

10 (1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
1. TX, LA	Sabine Neches Waterway, Southeast Texas and Southwest Louisiana	July 22, 2011	\$779,399,000	\$359,227,000
2. FL	Jacksonville Harbor- Milepoint	April 30, 2012	\$27,804,000	\$9,122,000
3. GA	Savannah Harbor Expansion Project	Aug. 17, 2012	\$461,000,000	\$201,000,000
4. TX	Freeport Harbor	Jan. 7, 2013	\$121,132,000	\$116,342,000
5. FL	Canaveral Harbor (Sect 203 Sponsor Report)	Feb. 25, 2013	\$28,652,000	\$11,588,000

1 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
1. KS	Topeka	Aug. 24, 2009	\$15,494,000	\$8,343,000
2. CA	American River Wa- tershed, Common Features Project, Natomas Basin	Dec. 30, 2010	\$943,300,000	\$479,500,000
3. IA	Cedar River, Cedar Rapids	Jan. 27, 2011	\$67,216,000	\$36,194,000
4. MN, ND	Fargo-Moor- head Metro	Dec. 19, 2011	\$801,542,000	\$979,806,000
5. KY	Ohio River Shoreline, Paducah	May 16, 2012	\$12,893,000	\$6,943,000

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

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Federal Cost and Estimated Total Federal Cost for Life of Project	E. Estimated Initial Non-Federal Cost and Estimated Total Non-Federal Cost for Life of Project
1. NC	West Onslow Beach and New River Inlet (Top- sail Beach)	Sept. 28, 2009	Initial Cost: \$30,557,000 Total Cost: \$132,372,000	Initial Cost: \$17,315,000 Total Cost: \$132,372,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Federal Cost and Estimated Total Federal Cost for Life of Project	E. Estimated Initial Non-Federal Cost and Estimated Total Non-Federal Cost for Life of Project
2. NC	Surf City and North Top- sail Beach	Dec. 30, 2010	Initial Cost: \$81,484,000 Total Cost: \$106,182,000	Initial Cost: \$43,900,000 Total Cost: \$106,182,000
3. CA	San Clemente Shoreline	April 5, 2012	Initial Cost: \$7,500,000 Total Cost: \$43,400,000	Initial Cost: \$4,000,000 Total Cost: \$43,400,000

1 (4) HURRICANE AND STORM DAMAGE RISK RE-
2 DUCTION AND ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
1. MS	Mississippi Coastal Improve- ment Pro- gram (MSCIP) Hancock, Harrison, and Jack- son Coun- ties	Sept. 15, 2009	\$815,090,000	\$438,890,000

3 (5) ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
1. MD	Mid-Chesapeake Bay Island	Aug. 24, 2009	\$1,221,721,000	\$657,849,000
2. FL	Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, Caloosahatchee River (C-43) West Basin Storage Project, Hendry County	March 11, 2010	\$297,189,000	\$297,189,000
3. LA	Louisiana Coastal Area	Dec. 30, 2010	\$954,452,000	\$513,936,000
4. MN	Marsh Lake	Dec. 30, 2011	\$6,403,000	\$3,564,000
5. FL	Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, C-111 Spreader Canal Western Project	Jan. 30, 2012	\$88,992,000	\$88,992,000
6. FL	CERP Biscayne Bay Coastal Wetland, Florida	May 2, 2012	\$96,209,000	\$96,209,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Federal Cost	E. Estimated Non-Federal Cost
7. FL	Central and Southern Florida Project, Broward County Water Preserve Area	May 21, 2012	\$433,353,500	\$433,353,500
8. LA	Louisiana Coastal Area-Barataria Basin Barrier	June 22, 2012	\$283,567,000	\$152,690,000
9. NC	Neuse River Basin	April 23, 2013	\$23,253,100	\$12,520,900

1 **SEC. 402. PROJECT MODIFICATIONS.**

2 (a) MIAMI HARBOR, MIAMI-DADE COUNTY, FLOR-
3 IDA.—

4 (1) IN GENERAL.—The project for navigation,
5 Miami Harbor, Miami-Dade County, Florida, au-
6 thorized by section 1001(17) of the Water Resources
7 Development Act of 2007 (121 Stat. 1052), is modi-
8 fied to authorize the Secretary to construct the
9 project at a total cost of \$152,510,000, with an esti-
10 mated Federal cost of \$92,007,000 and a non-Fed-
11 eral cost of \$60,503,000.

12 (2) APPLICABILITY.—Paragraph (1) shall take
13 effect on November 8, 2007.

1 (b) LOWER OHIO RIVER, ILLINOIS AND KEN-
2 TUCKY.—The project for navigation, Lower Ohio River,
3 Locks and Dams 52 and 53, Illinois and Kentucky, au-
4 thorized by section 3(a)(6) of the Water Resources Devel-
5 opment Act of 1988 (102 Stat. 4013), is modified to au-
6 thorize the Secretary to construct the project at a total
7 cost of \$2,300,000,000, with a first Federal cost of
8 \$2,300,000,000.

9 (c) LITTLE CALUMET RIVER BASIN (CADY MARSH
10 DITCH), INDIANA.—The project for flood control, Little
11 Calumet River Basin (Cady Marsh Ditch), Indiana, au-
12 thorized by section 401(a) of the Water Resources Devel-
13 opment Act of 1986 (100 Stat. 4115), and modified by
14 section 127 of Public Law 109–103 (119 Stat. 2259), is
15 further modified to authorize the Secretary to construct
16 the project at a total cost of \$269,988,000, with an esti-
17 mated Federal cost of \$202,800,000 and a non-Federal
18 cost of \$67,188,000.

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