

113TH CONGRESS  
1ST SESSION

# S. 601

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## AN ACT

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

**TITLE I—WATER RESOURCE PROJECTS**

Sec. 1001. Purposes.

Sec. 1002. Project authorizations.

Sec. 1003. Project review.

Sec. 1004. Future project authorizations.

**TITLE II—WATER RESOURCES POLICY REFORMS**

Sec. 2001. Purposes.

Sec. 2002. Safety assurance review.

Sec. 2003. Continuing authority programs.

Sec. 2004. Continuing authority program prioritization.

Sec. 2005. Fish and wildlife mitigation.

Sec. 2006. Mitigation status report.

Sec. 2007. Independent peer review.

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

Sec. 2009. Hydropower at Corps of Engineers facilities.

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

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

Sec. 2012. Credit for in-kind contributions.

Sec. 2013. Credit in lieu of reimbursement.

Sec. 2014. Dam optimization.

Sec. 2015. Water supply.

Sec. 2016. Report on water storage pricing formulas.

Sec. 2017. Clarification of previously authorized work.

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

Sec. 2019. Planning assistance to States.

Sec. 2020. Vegetation management policy.

Sec. 2021. Levee certifications.

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

Sec. 2023. Operation and maintenance of certain projects.

Sec. 2024. Dredging study.

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

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

Sec. 2027. Tribal partnership program.

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

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

Sec. 2030. Beach nourishment.

Sec. 2031. Regional sediment management.

Sec. 2032. Study acceleration.

- Sec. 2033. Project acceleration.
- Sec. 2034. Feasibility studies.
- Sec. 2035. Accounting and administrative expenses.
- Sec. 2036. Determination of project completion.
- Sec. 2037. Project partnership agreements.
- Sec. 2038. Interagency and international support authority.
- Sec. 2039. Acceptance of contributed funds to increase lock operations.
- Sec. 2040. Emergency response to natural disasters.
- Sec. 2041. Systemwide improvement frameworks.
- Sec. 2042. Funding to process permits.
- Sec. 2043. National riverbank stabilization and erosion prevention study and pilot program.
- Sec. 2044. Hurricane and storm damage risk reduction prioritization.
- Sec. 2045. Prioritization of ecosystem restoration efforts.
- Sec. 2046. Special use permits.
- Sec. 2047. Operations and maintenance on fuel taxed inland waterways.
- Sec. 2048. Corrosion prevention.
- Sec. 2049. Project deauthorizations.
- Sec. 2050. Reports to Congress.
- Sec. 2051. Indian Self-Determination and Education Assistance Act conforming amendment.
- Sec. 2052. Invasive species review.
- Sec. 2053. Wetlands conservation study.
- Sec. 2054. Dam modification study.
- Sec. 2055. Non-Federal plans to provide additional flood risk reduction.
- Sec. 2056. Mississippi River forecasting improvements.
- Sec. 2057. Flexibility in maintaining navigation.
- Sec. 2058. Restricted areas at Corps of Engineers dams.
- Sec. 2059. Maximum cost of projects.
- Sec. 2060. Donald G. Waldon Lock and Dam.
- Sec. 2061. Improving planning and administration of water supply storage.
- Sec. 2062. Crediting authority for Federally authorized navigation projects.
- Sec. 2063. River basin commissions.
- Sec. 2064. Restriction on charges for certain surplus water.

### TITLE III—PROJECT MODIFICATIONS

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

- Sec. 3017. Redesignation of Lower Mississippi River Museum and Riverfront Interpretive Site.
- Sec. 3018. Louisiana Coastal Area.
- Sec. 3019. Four Mile Run, City of Alexandria and Arlington County, Virginia.
- Sec. 3020. East Fork of Trinity River, Texas.
- Sec. 3021. Seward Waterfront, Seward, Alaska.

#### TITLE IV—WATER RESOURCE STUDIES

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

#### TITLE V—REGIONAL AND NONPROJECT PROVISIONS

- Sec. 5001. Purpose.
- Sec. 5002. Northeast Coastal Region ecosystem restoration.
- Sec. 5003. Chesapeake Bay Environmental Restoration and Protection Program.
- Sec. 5004. Rio Grande environmental management program, Colorado, New Mexico, Texas.
- Sec. 5005. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.
- Sec. 5006. Arkansas River, Arkansas and Oklahoma.
- Sec. 5007. Aquatic invasive species prevention and management; Columbia River Basin.
- Sec. 5008. Upper Missouri Basin flood and drought monitoring.
- Sec. 5009. Upper Missouri Basin shoreline erosion prevention.
- Sec. 5010. Northern Rockies headwaters extreme weather mitigation.
- Sec. 5011. Aquatic nuisance species prevention, Great Lakes and Mississippi River Basin.
- Sec. 5012. Middle Mississippi River pilot program.
- Sec. 5013. Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.
- Sec. 5014. Chesapeake Bay oyster restoration in Virginia and Maryland.
- Sec. 5015. Missouri River between Fort Peck Dam, Montana and Gavins Point Dam, South Dakota and Nebraska.
- Sec. 5016. Operations and maintenance of inland Mississippi River ports.
- Sec. 5017. Remote and subsistence harbors.
- Sec. 5018. Multiagency effort to slow the spread of Asian carp in the Upper Mississippi River and Ohio River basins and tributaries.
- Sec. 5019. Release of use restrictions.
- Sec. 5020. Rights and responsibilities of Cherokee Nation of Oklahoma regarding W.D. Mayo Lock and Dam, Oklahoma.
- Sec. 5021. Upper Mississippi River protection.
- Sec. 5022. Arctic Deep draft port development partnerships.
- Sec. 5023. Greater Mississippi River Basin severe flooding and drought management study.
- Sec. 5024. Cape Arundel Disposal Site, Maine.

#### TITLE VI—LEVEE SAFETY

- Sec. 6001. Short title.
- Sec. 6002. Findings; purposes.
- Sec. 6003. Definitions.
- Sec. 6004. National levee safety program.

- Sec. 6005. National levee safety advisory board.
- Sec. 6006. Inventory and inspection of levees.
- Sec. 6007. Reports.
- Sec. 6008. Effect of title.
- Sec. 6009. Authorization of appropriations.

#### TITLE VII—INLAND WATERWAYS

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

#### TITLE VIII—HARBOR MAINTENANCE

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

#### TITLE IX—DAM SAFETY

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

#### TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

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

#### TITLE XI—EXTREME WEATHER

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

TITLE XII—NATIONAL ENDOWMENT FOR THE OCEANS

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

TITLE XIII—MISCELLANEOUS

- Sec. 13001. Applicability of Spill Prevention, Control, and Countermeasure rule.
- Sec. 13002. America the Beautiful National Parks and Federal Recreational Lands Pass program.

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

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

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

6 **SEC. 1001. PURPOSES.**

7 The purposes of this title are—

8 (1) to authorize projects that—

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

12 (i) is in the Federal interest;

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

15 (iii) is environmentally acceptable; and

- 1 (iv) is technically feasible; and
- 2 (B) have been recommended to Congress
- 3 for authorization by the Assistant Secretary of
- 4 the Army for Civil Works; and
- 5 (2) to authorize the Secretary—
- 6 (A) to review projects that require in-
- 7 creased authorization; and
- 8 (B) to request an increase of those author-
- 9 izations after—
- 10 (i) certifying that the increases are
- 11 necessary; and
- 12 (ii) submitting to Congress reports on
- 13 the proposed increases.

14 **SEC. 1002. PROJECT AUTHORIZATIONS.**

15 The Secretary is authorized to carry out projects for

16 water resources development, conservation, and other pur-

17 poses, subject to the conditions that—

- 18 (1) each project is carried out—
- 19 (A) substantially in accordance with the
- 20 plan for the project; and
- 21 (B) subject to any conditions described in
- 22 the report for the project; and
- 23 (2)(A) a Report of the Chief of Engineers has
- 24 been completed; and

1           (B) after November 8, 2007, but prior to the  
2           date of enactment of this Act, the Assistant Sec-  
3           retary of the Army for Civil Works has submitted to  
4           Congress a recommendation to authorize construc-  
5           tion of the project.

6 **SEC. 1003. PROJECT REVIEW.**

7           (a) IN GENERAL.—For a project that is authorized  
8           by Federal law as of the date of enactment of this Act,  
9           the Secretary may modify the authorized project cost set  
10          under section 902 of the Water Resources Development  
11          Act of 1986 (33 U.S.C. 2280)—

12           (1) by submitting the required certification and  
13           additional information to Congress in accordance  
14           with subsection (b); and

15           (2) after receiving an appropriation of funds in  
16           accordance with subsection (b)(3)(B).

17          (b) REQUIREMENTS FOR SUBMISSION.—

18           (1) CERTIFICATION.—The certification to Con-  
19           gress under subsection (a) shall include a certifi-  
20           cation by the Secretary that—

21           (A) expenditures above the authorized cost  
22           of the project are necessary to protect life and  
23           safety or property, maintain critical navigation  
24           routes, or restore ecosystems;



1 (B) the project continues to provide bene-  
2 fits identified in the report of the Chief of Engi-  
3 neers for the project; and

4 (C) for projects under construction—

5 (i) a temporary stop or delay resulting  
6 from a failure to increase the authorized  
7 cost of the project will increase costs to the  
8 Federal Government; and

9 (ii) the amount requested for the  
10 project in the budget of the President or  
11 included in a work plan for the expenditure  
12 of funds for the fiscal year during which  
13 the certification is submitted will exceed  
14 the authorized cost of the project.

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

18 (A) a comprehensive review of the project  
19 costs and reasons for exceeding the authorized  
20 limits set under section 902 of the Water Re-  
21 sources Development Act of 1986 (33 U.S.C.  
22 2280);

23 (B) an expedited analysis of the updated  
24 benefits and costs of the project; and

1 (C) the revised cost estimate level for com-  
2 pleting the project.

3 (3) APPROVAL OF CONGRESS.—The Secretary  
4 may not change the authorized project costs under  
5 subsection (a) unless—

6 (A) a certification and required informa-  
7 tion is submitted to Congress under subsection  
8 (b); and

9 (B) after such submission, amounts are  
10 appropriated to initiate or continue construction  
11 of the project in an appropriations or other Act.

12 (c) DE MINIMIS AMOUNTS.—If the cost to complete  
13 construction of an authorized water resources project  
14 would exceed the limitations on the maximum cost of the  
15 project under section 902 of the Water Resources Develop-  
16 ment Act of 1986 (33 U.S.C. 2280), the Secretary may  
17 complete construction of the project, notwithstanding the  
18 limitations imposed by that section if—

19 (1) construction of the project is at least 70  
20 percent complete at the time the cost of the project  
21 is projected to exceed the limitations; and

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

24 (d) TERMINATION OF EFFECTIVENESS.—The au-  
25 thority of the Secretary under this section terminates on

1 the date that is 3 years after the date of enactment of  
2 this Act.

3 **SEC. 1004. FUTURE PROJECT AUTHORIZATIONS.**

4 (a) **POLICY.**—The benefits of water resource projects  
5 designed and carried out in an economically justifiable, en-  
6 vironmentally acceptable, and technically sound manner  
7 are important to the economy and environment of the  
8 United States and recommendations to Congress regard-  
9 ing those projects should be expedited for approval in a  
10 timely manner.

11 (b) **APPLICABILITY.**—The procedures under this sec-  
12 tion apply to projects for water resources development,  
13 conservation, and other purposes, subject to the conditions  
14 that—

15 (1) each project is carried out—

16 (A) substantially in accordance with the  
17 plan identified in the report of the Chief of En-  
18 gineers for the project; and

19 (B) subject to any conditions described in  
20 the report for the project; and

21 (2)(A) a report of the Chief of Engineers has  
22 been completed; and

23 (B) after the date of enactment of this Act, the  
24 Assistant Secretary of the Army for Civil Works has

1 submitted to Congress a recommendation to author-  
2 ize construction of the project.

3 (c) EXPEDITED CONSIDERATION.—

4 (1) IN GENERAL.—A bill shall be eligible for ex-  
5 pedited consideration in accordance with this sub-  
6 section if the bill—

7 (A) authorizes a project that meets the re-  
8 quirements described in subsection (b); and

9 (B) is referred to the Committee on Envi-  
10 ronment and Public Works of the Senate.

11 (2) COMMITTEE CONSIDERATION.—

12 (A) IN GENERAL.—Not later than January  
13 31st of the second session of each Congress, the  
14 Committee on Environment and Public Works  
15 of the Senate shall—

16 (i) report all bills that meet the re-  
17 quirements of paragraph (1); or

18 (ii) introduce and report a measure to  
19 authorize any project that meets the re-  
20 quirements described in subsection (b).

21 (B) FAILURE TO ACT.—Subject to sub-  
22 paragraph (C), if the Committee fails to act on  
23 a bill that meets the requirements of paragraph  
24 (1) by the date specified in subparagraph (A),

1 the bill shall be discharged from the Committee  
2 and placed on the calendar of the Senate.

3 (C) EXCEPTIONS.—Subparagraph (B)  
4 shall not apply if—

5 (i) in the 180-day period immediately  
6 preceding the date specified in subpara-  
7 graph (A), the full Committee holds a leg-  
8 islative hearing on a bill to authorize all  
9 projects that meet the requirements de-  
10 scribed in subsection (b);

11 (ii)(I) the Committee favorably re-  
12 ports a bill to authorize all projects that  
13 meet the requirements described in sub-  
14 section (b); and

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

17 (iii) a bill that meets the requirements  
18 of paragraph (1) is referred to the Com-  
19 mittee not earlier than 30 days before the  
20 date specified in subparagraph (A).

21 (d) TERMINATION.—The procedures for expedited  
22 consideration under this section terminate on December  
23 31, 2018.

1     **TITLE II—WATER RESOURCES**  
2                     **POLICY REFORMS**

3     **SEC. 2001. PURPOSES.**

4         The purposes of this title are—

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

7             (2) to make other technical changes to the  
8             water resources policy of the Corps of Engineers;  
9             and

10            (3) to implement reforms, including—

11                 (A) enhancing the ability of local sponsors  
12                 to partner with the Corps of Engineers by en-  
13                 suring the eligibility of the local sponsors to re-  
14                 ceive and apply credit for work carried out by  
15                 the sponsors and increasing the role of sponsors  
16                 in carrying out Corps of Engineers projects;

17                 (B) ensuring continuing authority pro-  
18                 grams can continue to meet important needs;

19                 (C) encouraging the continuation of efforts  
20                 to modernize feasibility studies and establish  
21                 targets for expedited completion of feasibility  
22                 studies;

23                 (D) seeking efficiencies in the management  
24                 of dams and related infrastructure to reduce  
25                 environmental impacts while maximizing other

1 benefits and project purposes, such as flood  
2 control, navigation, water supply, and hydro-  
3 power;

4 (E) clarifying mitigation requirements for  
5 Corps of Engineers projects and ensuring trans-  
6 parency in the independent external review of  
7 those projects; and

8 (F) establishing an efficient and trans-  
9 parent process for deauthorizing projects that  
10 have failed to receive a minimum level of invest-  
11 ment to ensure active projects can move for-  
12 ward while reducing the backlog of authorized  
13 projects.

14 **SEC. 2002. SAFETY ASSURANCE REVIEW.**

15 Section 2035 of the Water Resources Development  
16 Act of 2007 (33 U.S.C. 2344) is amended by adding at  
17 the end the following:

18 “(g) NONAPPLICABILITY OF FACCA.—The Federal  
19 Advisory Committee Act (5 U.S.C. App.) shall not apply  
20 to a safety assurance review conducted under this sec-  
21 tion.”.

22 **SEC. 2003. CONTINUING AUTHORITY PROGRAMS.**

23 (a) SMALL RIVER AND HARBOR IMPROVEMENT  
24 PROJECTS.—Section 107 of the River and Harbor Act of  
25 1960 (33 U.S.C. 577) is amended—

1           (1) in subsection (a), by striking  
2           “\$35,000,000” and inserting “\$50,000,000”; and  
3           (2) in subsection (b), by striking “\$7,000,000”  
4           and inserting “\$10,000,000”.

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

9           (c) REGIONAL SEDIMENT MANAGEMENT.—

10           (1) IN GENERAL.—Section 204 of the Water  
11           Resources Development Act of 1992 (33 U.S.C.  
12           2326) is amended—

13                   (A) in subsection (c)(1)(C), by striking  
14                   “\$5,000,000” and inserting “\$10,000,000”;  
15                   and

16                   (B) in subsection (g), by striking  
17                   “\$30,000,000” and inserting “\$50,000,000”.

18           (2) APPLICABILITY.—Section 2037 of the  
19           Water Resources Development Act of 2007 (121  
20           Stat. 1094) is amended by added at the end the fol-  
21           lowing:

22           “(c) APPLICABILITY.—The amendment made by sub-  
23           section (a) shall not apply to any project authorized under  
24           this Act if a report of the Chief of Engineers for the



1 project was completed prior to the date of enactment of  
2 this Act.”.

3 (d) SMALL FLOOD CONTROL PROJECTS.—Section  
4 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)  
5 is amended in the third sentence by striking “\$7,000,000”  
6 and inserting “\$10,000,000”.

7 (e) PROJECT MODIFICATIONS FOR IMPROVEMENT OF  
8 ENVIRONMENT.—Section 1135(d) of the Water Resources  
9 Development Act of 1986 (33 U.S.C. 2309a(d)) is amend-  
10 ed—

11 (1) in the second sentence, by striking “Not  
12 more than 80 percent of the non-Federal may be”  
13 and inserting “The non-Federal share may be pro-  
14 vided”; and

15 (2) in the third sentence, by striking  
16 “\$5,000,000” and inserting “\$10,000,000”.

17 (f) AQUATIC ECOSYSTEM RESTORATION.—Section  
18 206(d) of the Water Resources Development Act of 1996  
19 (33 U.S.C. 2330(d)) is amended by striking “\$5,000,000”  
20 and inserting “\$10,000,000”.

21 (g) FLOODPLAIN MANAGEMENT SERVICES.—Section  
22 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a)  
23 is amended by striking “\$15,000,000” and inserting  
24 “\$50,000,000”.

1 **SEC. 2004. CONTINUING AUTHORITY PROGRAM**  
2 **PRIORITIZATION.**

3 (a) DEFINITION OF CONTINUING AUTHORITY PRO-  
4 GRAM PROJECT.—In this section, the term “continuing  
5 authority program” means 1 of the following authorities:

6 (1) Section 205 of the Flood Control Act of  
7 1948 (33 U.S.C. 701s).

8 (2) Section 111 of the River and Harbor Act of  
9 1968 (33 U.S.C. 426i).

10 (3) Section 206 of the Water Resources Devel-  
11 opment Act of 1996 (33 U.S.C. 2330).

12 (4) Section 1135 of the Water Resources Devel-  
13 opment Act of 1986 (33 U.S.C. 2309a).

14 (5) Section 107 of the River and Harbor Act of  
15 1960 (33 U.S.C. 577).

16 (6) Section 3 of the Act of August 13, 1946  
17 (33 U.S.C. 426g).

18 (b) PRIORITIZATION.—Not later than 1 year after the  
19 date of enactment of this Act, the Secretary shall publish  
20 in the Federal Register and on a publicly available website,  
21 the criteria the Secretary uses for prioritizing annual  
22 funding for continuing authority program projects.

23 (c) ANNUAL REPORT.—Not later than 1 year after  
24 the date of enactment of this Act and each year thereafter,  
25 the Secretary shall publish in the Federal Register and  
26 on a publicly available website, a report on the status of

1 each continuing authority program, which, at a minimum,  
2 shall include—

3 (1) the name and a short description of each  
4 active continuing authority program project;

5 (2) the cost estimate to complete each active  
6 project; and

7 (3) the funding available in that fiscal year for  
8 each continuing authority program.

9 (d) CONGRESSIONAL NOTIFICATION.—On publication  
10 in the Federal Register under subsections (b) and (c), the  
11 Secretary shall submit to the Committee on Environment  
12 and Public Works of the Senate and the Committee on  
13 Transportation and Infrastructure of the House of Rep-  
14 resentatives a copy of all information published under  
15 those subsections.

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

17 (a) IN GENERAL.—Section 906 of the Water Re-  
18 sources Development Act of 1986 (33 U.S.C. 2283) is  
19 amended—

20 (1) in subsection (d)—

21 (A) in paragraph (1)—

22 (i) in the first sentence—

23 (I) by inserting “for damages to  
24 ecological resources, including terres-

1 trial and aquatic resources, and” after  
2 “mitigate”;

3 (II) by inserting “ecological re-  
4 sources and” after “impact on”; and

5 (III) by inserting “without the  
6 implementation of mitigation meas-  
7 ures” before the period; and

8 (ii) by inserting before the last sen-  
9 tence the following: “If the Secretary de-  
10 termines that mitigation to in-kind condi-  
11 tions is not possible, the Secretary shall  
12 identify in the report the basis for that de-  
13 termination and the mitigation measures  
14 that will be implemented to meet the re-  
15 quirements of this section and the goals of  
16 section 307(a)(1) of the Water Resources  
17 Development Act of 1990 (33 U.S.C.  
18 2317(a)(1)).”;

19 (B) in paragraph (2)—

20 (i) in the heading, by striking “DE-  
21 SIGN” and inserting “SELECTION AND DE-  
22 SIGN”;

23 (ii) by inserting “select and” after  
24 “shall”; and

1 (iii) by inserting “using a watershed  
2 approach” after “projects”; and

3 (C) in paragraph (3)—

4 (i) in subparagraph (A), by inserting  
5 “, at a minimum,” after “complies with”;  
6 and

7 (ii) in subparagraph (B)—

8 (I) by striking clause (iii);

9 (II) by redesignating clauses (iv)  
10 and (v) as clauses (v) and (vi), respec-  
11 tively; and

12 (III) by inserting after clause (ii)  
13 the following:

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

16 “(I) a description of the land and  
17 interest in land to be acquired for the  
18 mitigation plan;

19 “(II) the basis for a determina-  
20 tion that the land and interests are  
21 available for acquisition; and

22 “(III) a determination that the  
23 proposed interest sought does not ex-  
24 ceed the minimum interest in land

1                   necessary to meet the mitigation re-  
2                   quirements for the project;

3                   “(iv) for projects where mitigation will  
4                   be carried out through a third party miti-  
5                   gation arrangement in accordance with  
6                   subsection (i)—

7                   “(I) a description of the third  
8                   party mitigation instrument to be  
9                   used; and

10                  “(II) the basis for a determina-  
11                  tion that the mitigation instrument  
12                  can meet the mitigation requirements  
13                  for the project;” and

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

15                  “(h) PROGRAMMATIC MITIGATION PLANS.—

16                  “(1) IN GENERAL.—The Secretary may develop  
17                  1 or more programmatic mitigation plans to address  
18                  the potential impacts to ecological resources, fish,  
19                  and wildlife associated with existing or future water  
20                  resources development projects.

21                  “(2) USE OF MITIGATION PLANS.—The Sec-  
22                  retary shall, to the maximum extent practicable, use  
23                  programmatic mitigation plans developed in accord-  
24                  ance with this subsection to guide the development  
25                  of a mitigation plan under subsection (d).

1           “(3) NON-FEDERAL PLANS.—The Secretary  
2 shall, to the maximum extent practicable and subject  
3 to all conditions of this subsection, use pro-  
4 grammatic environmental plans developed by a  
5 State, a body politic of the State, which derives its  
6 powers from a State constitution, a government enti-  
7 ty created by State legislation, or a local govern-  
8 ment, that meet the requirements of this subsection  
9 to address the potential environmental impacts of  
10 existing or future water resources development  
11 projects.

12           “(4) SCOPE.—A programmatic mitigation plan  
13 developed by the Secretary or an entity described in  
14 paragraph (3) to address potential impacts of exist-  
15 ing or future water resources development projects  
16 shall, to the maximum extent practicable—

17           “(A) be developed on a regional, eco-  
18 system, watershed, or statewide scale;

19           “(B) include specific goals for aquatic re-  
20 source and fish and wildlife habitat restoration,  
21 establishment, enhancement, or preservation;

22           “(C) identify priority areas for aquatic re-  
23 source and fish and wildlife habitat protection  
24 or restoration;

1           “(D) encompass multiple environmental re-  
2           sources within a defined geographical area or  
3           focus on a specific resource, such as aquatic re-  
4           sources or wildlife habitat; and

5           “(E) address impacts from all projects in  
6           a defined geographical area or focus on a spe-  
7           cific type of project.

8           “(5) CONSULTATION.—The scope of the plan  
9           shall be determined by the Secretary or an entity de-  
10          scribed in paragraph (3), as appropriate, in con-  
11          sultation with the agency with jurisdiction over the  
12          resources being addressed in the environmental miti-  
13          gation plan.

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

16               “(A) an assessment of the condition of en-  
17               vironmental resources in the geographical area  
18               covered by the plan, including an assessment of  
19               recent trends and any potential threats to those  
20               resources;

21               “(B) an assessment of potential opportuni-  
22               ties to improve the overall quality of environ-  
23               mental resources in the geographical area cov-  
24               ered by the plan through strategic mitigation



1 for impacts of water resources development  
2 projects;

3 “(C) standard measures for mitigating cer-  
4 tain types of impacts;

5 “(D) parameters for determining appro-  
6 priate mitigation for certain types of impacts,  
7 such as mitigation ratios or criteria for deter-  
8 mining appropriate mitigation sites;

9 “(E) adaptive management procedures,  
10 such as protocols that involve monitoring pre-  
11 dicted impacts over time and adjusting mitiga-  
12 tion measures in response to information gath-  
13 ered through the monitoring;

14 “(F) acknowledgment of specific statutory  
15 or regulatory requirements that must be satis-  
16 fied when determining appropriate mitigation  
17 for certain types of resources; and

18 “(G) any offsetting benefits of self-miti-  
19 gating projects, such as ecosystem or resource  
20 restoration and protection.

21 “(7) PROCESS.—Before adopting a pro-  
22 grammatic environmental mitigation plan for use  
23 under this subsection, the Secretary shall—

24 “(A) for a plan developed by the Sec-  
25 retary—

1                   “(i) make a draft of the plan available  
2                   for review and comment by applicable envi-  
3                   ronmental resource agencies and the pub-  
4                   lic; and

5                   “(ii) consider any comments received  
6                   from those agencies and the public on the  
7                   draft plan; and

8                   “(B) for a plan developed under paragraph  
9                   (3), determine, not later than 180 days after  
10                  receiving the plan, whether the plan meets the  
11                  requirements of paragraphs (4) through (6) and  
12                  was made available for public comment.

13                  “(8) INTEGRATION WITH OTHER PLANS.—A  
14                  programmatic environmental mitigation plan may be  
15                  integrated with other plans, including watershed  
16                  plans, ecosystem plans, species recovery plans,  
17                  growth management plans, and land use plans.

18                  “(9) CONSIDERATION IN PROJECT DEVELOP-  
19                  MENT AND PERMITTING.—If a programmatic envi-  
20                  ronmental mitigation plan has been developed under  
21                  this subsection, any Federal agency responsible for  
22                  environmental reviews, permits, or approvals for a  
23                  water resources development project may use the  
24                  recommendations in that programmatic environ-  
25                  mental mitigation plan when carrying out the re-

1 responsibilities of the agency under the National Envi-  
2 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
3 seq.).

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

9 “(i) THIRD-PARTY MITIGATION ARRANGEMENTS.—

10 “(1) ELIGIBLE ACTIVITIES.—In accordance  
11 with all applicable Federal laws (including regula-  
12 tions), mitigation efforts carried out under this sec-  
13 tion may include—

14 “(A) participation in mitigation banking or  
15 other third-party mitigation arrangements, such  
16 as—

17 “(i) the purchase of credits from com-  
18 mercial or State, regional, or local agency-  
19 sponsored mitigation banks; and

20 “(ii) the purchase of credits from in-  
21 lieu fee mitigation programs; and

22 “(B) contributions to statewide and re-  
23 gional efforts to conserve, restore, enhance, and  
24 create natural habitats and wetlands if the Sec-  
25 retary determines that the contributions will en-

1           sure that the mitigation requirements of this  
2           section and the goals of section 307(a)(1) of the  
3           Water Resources Development Act of 1990 (33  
4           U.S.C. 2317(a)(1)) will be met.

5           “(2) INCLUSION OF OTHER ACTIVITIES.—The  
6           banks, programs, and efforts described in paragraph  
7           (1) include any banks, programs, and efforts devel-  
8           oped in accordance with applicable law (including  
9           regulations).

10          “(3) TERMS AND CONDITIONS.—In carrying out  
11          natural habitat and wetlands mitigation efforts  
12          under this section, contributions to the mitigation ef-  
13          fort may—

14                 “(A) take place concurrent with, or in ad-  
15                 vance of, the commitment of funding to a  
16                 project; and

17                 “(B) occur in advance of project construc-  
18                 tion only if the efforts are consistent with all  
19                 applicable requirements of Federal law (includ-  
20                 ing regulations) and water resources develop-  
21                 ment planning processes.

22          “(4) PREFERENCE.—At the request of the non-  
23          Federal project sponsor, preference may be given, to  
24          the maximum extent practicable, to mitigating an  
25          environmental impact through the use of a mitiga-

1       tion bank, in-lieu fee, or other third-party mitigation  
2       arrangement, if the use of credits from the mitiga-  
3       tion bank or in-lieu fee, or the other third-party  
4       mitigation arrangement for the project has been ap-  
5       proved by the applicable Federal agency.

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

12      (b) APPLICATION.—The amendments made by sub-  
13      section (a) shall not apply to a project for which a mitiga-  
14      tion plan has been completed as of the date of enactment  
15      of this Act.

16      (c) TECHNICAL ASSISTANCE.—

17          (1) IN GENERAL.—The Secretary may provide  
18          technical assistance to States and local governments  
19          to establish third-party mitigation instruments, in-  
20          cluding mitigation banks and in-lieu fee programs,  
21          that will help to target mitigation payments to high-  
22          priority ecosystem restoration actions.

23          (2) REQUIREMENTS.—In providing technical as-  
24          sistance under this subsection, the Secretary shall  
25          give priority to States and local governments that

1 have developed State, regional, or watershed-based  
2 plans identifying priority restoration actions.

3 (3) MITIGATION INSTRUMENTS.—The Secretary  
4 shall seek to ensure any technical assistance pro-  
5 vided under this subsection will support the estab-  
6 lishment of mitigation instruments that will result in  
7 restoration of high-priority areas identified in the  
8 plans under paragraph (2).

9 **SEC. 2006. MITIGATION STATUS REPORT.**

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

12 (1) by redesignating paragraph (3) as para-  
13 graph (4); and

14 (2) by inserting after paragraph (2) the fol-  
15 lowing:

16 “(3) INFORMATION INCLUDED.—In reporting  
17 the status of all projects included in the report, the  
18 Secretary shall—

19 “(A) use a uniform methodology for deter-  
20 mining the status of all projects included in the  
21 report;

22 “(B) use a methodology that describes  
23 both a qualitative and quantitative status for all  
24 projects in the report; and

1           “(C) provide specific dates for and partici-  
2           pants in the consultations required under sec-  
3           tion 906(d)(4)(B) of the Water Resources De-  
4           velopment Act of 1986 (33 U.S.C.  
5           2283(d)(4)(B)).”.

6 **SEC. 2007. INDEPENDENT PEER REVIEW.**

7           (a) **TIMING OF PEER REVIEW.**—Section 2034(b) of  
8 the Water Resources Development Act of 2007 (33 U.S.C.  
9 2343(b)) is amended—

10           (1) by redesignating paragraph (3) as para-  
11           graph (4); and

12           (2) by inserting after paragraph (2) the fol-  
13           lowing:

14           “(3) **REASONS FOR TIMING.**—If the Chief of  
15           Engineers does not initiate a peer review for a  
16           project study at a time described in paragraph (2),  
17           the Chief shall—

18           “(A) not later than 7 days after the date  
19           on which the Chief of Engineers determines not  
20           to initiate a peer review—

21           “(i) notify the Committee on Environ-  
22           ment and Public Works of the Senate and  
23           the Committee on Transportation and In-  
24           frastructure of the House of Representa-  
25           tives of that decision; and

1                   “(ii) make publicly available, including  
2                   on the Internet the reasons for not con-  
3                   ducting the review; and

4                   “(B) include the reasons for not con-  
5                   ducting the review in the decision document for  
6                   the project study.”.

7           (b) ESTABLISHMENT OF PANELS.—Section 2034(c)  
8 of the Water Resources Development Act of 2007 (33  
9 U.S.C. 2343(c)) is amended by striking paragraph (4) and  
10 inserting the following:

11                   “(4) CONGRESSIONAL AND PUBLIC NOTIFICA-  
12                   TION.—Following the identification of a project  
13                   study for peer review under this section, but prior to  
14                   initiation of the review by the panel of experts, the  
15                   Chief of Engineers shall, not later than 7 days after  
16                   the date on which the Chief of Engineers determines  
17                   to conduct a review—

18                   “(A) notify the Committee on Environment  
19                   and Public Works of the Senate and the Com-  
20                   mittee on Transportation and Infrastructure of  
21                   the House of Representatives of the review; and

22                   “(B) make publicly available, including on  
23                   the Internet, information on—

24                   “(i) the dates scheduled for beginning  
25                   and ending the review;



1                   “(ii) the entity that has the contract  
2                   for the review; and

3                   “(iii) the names and qualifications of  
4                   the panel of experts.”.

5           (c) RECOMMENDATIONS OF PANEL.—Section 2034(f)  
6 of the Water Resources Development Act of 2007 (33  
7 U.S.C. 2343(f)) is amended by striking paragraph (2) and  
8 inserting the following:

9                   “(2) PUBLIC AVAILABILITY AND SUBMISSION  
10           TO CONGRESS.—After receiving a report on a project  
11           study from a panel of experts under this section, the  
12           Chief of Engineers shall make available to the pub-  
13           lic, including on the Internet, and submit to the  
14           Committee on Environment and Public Works of the  
15           Senate and the Committee on Transportation and  
16           Infrastructure of the House of Representatives—

17                   “(A) a copy of the report not later than 7  
18           days after the date on which the report is deliv-  
19           ered to the Chief of Engineers; and

20                   “(B) a copy of any written response of the  
21           Chief of Engineers on recommendations con-  
22           tained in the report not later than 3 days after  
23           the date on which the response is delivered to  
24           the Chief of Engineers.

1           “(3) INCLUSION IN PROJECT STUDY.—A report  
2           on a project study from a panel of experts under  
3           this section and the written response of the Chief of  
4           Engineers shall be included in the final decision doc-  
5           ument for the project study.”.

6           (d) APPLICABILITY.—Section 2034(h)(2) of the  
7           Water Resources Development Act of 2007 (33 U.S.C.  
8           2343(h)(2)) is amended by striking “7 years” and insert-  
9           ing “12 years”.

10 **SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION**  
11 **AND HYDROELECTRIC FACILITIES.**

12           (a) IN GENERAL.—Section 314 of the Water Re-  
13           sources Development Act of 1990 (33 U.S.C. 2321) is  
14           amended—

15                 (1) by striking the heading and inserting the  
16                 following:

17 **“SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION**  
18 **AND HYDROELECTRIC FACILITIES.”;**

19                 (2) in the first sentence, by striking “Activities  
20                 currently performed” and inserting the following:

21                 “(a) IN GENERAL.—Activities currently performed”;

22                 (3) in the second sentence, by striking “This  
23                 section” and inserting the following:

24                 “(b) MAJOR MAINTENANCE CONTRACTS AL-  
25                 LOWED.—This section”;

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

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

5           “(c) EXCLUSION.—This section shall not—

6           “(1) apply to those navigation facilities that  
7           have been or are currently under contract with a  
8           non-Federal interest to perform operations and  
9           maintenance as of the date of enactment of the  
10          Water Resources Development Act of 2013; and

11          “(2) prohibit the Secretary from contracting  
12          out future commercial activities at those navigation  
13          facilities.”.

14          (b) CLERICAL AMENDMENT.—The table of contents  
15          contained in section 1(b) of the Water Resources Develop-  
16          ment Act of 1990 (104 Stat. 4604) is amended by striking  
17          the item relating to section 314 and inserting the fol-  
18          lowing:

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

19   **SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILI-**  
20                                   **TIES.**

21          (a) FINDINGS.—Congress finds that—

22               (1) in April 2012, the Oak Ridge National Lab-  
23               oratory of the Department of Energy (referred to in  
24               this section as the “Oak Ridge Lab”) released a re-

1 port finding that adding hydroelectric power to the  
2 non-powered dams of the United States has the po-  
3 tential to add more than 12 gigawatts of new gener-  
4 ating capacity;

5 (2) the top 10 non-powered dams identified by  
6 the Oak Ridge Lab as having the highest hydro-  
7 electric power potential could alone supply 3  
8 gigawatts of generating capacity;

9 (3) of the 50 non-powered dams identified by  
10 the Oak Ridge Lab as having the highest hydro-  
11 electric power potential, 48 are Corps of Engineers  
12 civil works projects;

13 (4) promoting non-Federal hydroelectric power  
14 at Corps of Engineers civil works projects increases  
15 the taxpayer benefit of those projects;

16 (5) the development of non-Federal hydro-  
17 electric power at Corps of Engineers civil works  
18 projects—

19 (A) can be accomplished in a manner that  
20 is consistent with authorized project purposes  
21 and the responsibilities of the Corps of Engi-  
22 neers to protect the environment; and

23 (B) in many instances, may have addi-  
24 tional environmental benefits; and

1           (6) the development of non-Federal hydro-  
2 electric power at Corps of Engineers civil works  
3 projects could be promoted through—

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

8           (B) consistent and corresponding processes  
9 for reviewing and approving hydroelectric power  
10 development; and

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

17       (b) POLICY.—Congress declares that it is the policy  
18 of the United States that—

19           (1) the development of non-Federal hydro-  
20 electric power at Corps of Engineers civil works  
21 projects, including locks and dams, shall be given  
22 priority;

23           (2) Corps of Engineers approval of non-Federal  
24 hydroelectric power at Corps of Engineers civil  
25 works projects, including permitting required under

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

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

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

15 (1) a description of initiatives carried out by  
16 the Secretary to encourage the development of hy-  
17 droelectric power by non-Federal entities at Corps of  
18 Engineers civil works projects;

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

24 (3) a description of the status of each pending  
25 application from non-Federal entities for approval to

1 develop hydroelectric power at Corps of Engineers  
2 civil works projects;

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

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

13 **SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AU-**  
14 **THORITY.**

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

18 (1) in subsection (a)—

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

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

23 (2) in subsections (b) and (e)(1), by inserting  
24 “, program,” after “study” each place it appears;  
25 and

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

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

12           (b) IMPLEMENTATION.—Not later than 90 days after  
13 the date of enactment of this Act, the Secretary, in coordi-  
14 nation with any relevant agencies of the State of Lou-  
15 isiana, shall establish a process by which to carry out the  
16 amendments made by subsection (a)(3).

17           (c) EFFECTIVE DATE.—The amendments made by  
18 subsection (a) take effect on November 8, 2007.

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

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



1 (b) RESTRICTIONS.—

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

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

10 (A) the non-Federal interest submits a  
11 comprehensive plan to the Secretary that identi-  
12 fies—

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

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

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

22 (C) the total amount of credit does not ex-  
23 ceed the total non-Federal cost-share for the  
24 studies and projects in the approved com-  
25 prehensive plan.

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

6 (1) help to expedite the completion of a project  
7 or group of projects;

8 (2) reduce costs to the Federal Government;  
9 and

10 (3) aid the completion of a project that provides  
11 significant flood risk reduction or environmental  
12 benefits.

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

16 (e) REPORT.—

17 (1) DEADLINES.—

18 (A) IN GENERAL.—Not later than 2 years  
19 after the date of enactment of this Act, and  
20 once every 2 years thereafter, the Secretary  
21 shall submit to the Committee on Environment  
22 and Public Works of the Senate and the Com-  
23 mittee on Transportation and Infrastructure of  
24 the House of Representatives an interim report  
25 on the use of the authority under this section.

1           (B) FINAL REPORT.—Not later than 10  
 2           years after the date of enactment of this Act,  
 3           the Secretary shall submit to the Committee on  
 4           Environment and Public Works of the Senate  
 5           and the Committee on Transportation and In-  
 6           frastructure of the House of Representatives a  
 7           final report on the use of the authority under  
 8           this section.

9           (2) INCLUSIONS.—The reports described in  
 10          paragraph (1) shall include—

11           (A) a description of the use of the author-  
 12          ity under this section during the reporting pe-  
 13          riod;

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

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

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

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

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

1 environmental infrastructure assistance program”  
2 after “law”;

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

6 “(i) CONSTRUCTION.—

7 “(I) IN GENERAL.—In any case  
8 in which the non-Federal interest is to  
9 receive credit under subparagraph (A)  
10 for the cost of construction carried  
11 out by the non-Federal interest before  
12 execution of a partnership agreement  
13 and that construction has not been  
14 carried out as of the date of enact-  
15 ment of this subparagraph, the Sec-  
16 retary and the non-Federal interest  
17 shall enter into an agreement under  
18 which the non-Federal interest shall  
19 carry out such work prior to the non-  
20 Federal interest initiating construc-  
21 tion or issuing a written notice to pro-  
22 ceed for the construction.

23 “(II) ELIGIBILITY.—Construc-  
24 tion that is carried out after the exe-  
25 cution of an agreement to carry out

1 work described in subclause (I) and  
2 any design activities that are required  
3 for that construction, even if the de-  
4 sign activity is carried out prior to the  
5 execution of the agreement to carry  
6 out work, shall be eligible for credit.

7 “(ii) PLANNING.—

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

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

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

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

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

10           “(E) ANALYSIS OF COSTS AND BENE-  
11           FITS.—In the evaluation of the costs and bene-  
12           fits of a project, the Secretary shall not con-  
13           sider construction carried out by a non-Federal  
14           interest under this subsection as part of the fu-  
15           ture without project condition.

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

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

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

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

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

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

20 “(ii) AUTHORIZATION IN AD-  
21 DITION TO SPECIFIC CREDIT  
22 PROVISION.—In any case in  
23 which a specific provision of law  
24 authorizes credit for in-kind con-  
25 tributions provided by a non-Fed-

1                   eral interest before the date of  
2                   execution of a partnership agree-  
3                   ment, the Secretary may apply  
4                   the authority provided in this  
5                   paragraph to allow credit for in-  
6                   kind contributions provided by  
7                   the non-Federal interest on or  
8                   after the date of execution of the  
9                   partnership agreement.”.

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

13                   (1) by inserting “, or construction of design de-  
14                   ficiency corrections on the project,” after “construc-  
15                   tion on the project”; and

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

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

24           (d) **GUIDELINES.**—



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

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

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

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

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

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

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

3 (A) consult with affected non-Federal in-  
4 terests;

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

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

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

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

18 Section 211(e)(2) of the Water Resources Develop-  
19 ment Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended  
20 by adding at the end the following:

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

1           or a separable element of an authorized flood  
2           damage reduction project under this subsection  
3           that has been constructed by the non-Federal  
4           interest under this section as of the date of en-  
5           actment of this Act, the Secretary may provide  
6           the non-Federal interest with a credit in that  
7           amount, which the non-Federal interest may  
8           apply to the share of the cost of the non-Fed-  
9           eral interest of carrying out other flood damage  
10          reduction projects or studies.”.

11 **SEC. 2014. DAM OPTIMIZATION.**

12          (a) **DEFINITION OF OTHER RELATED PROJECT BEN-**  
13 **EFITS.**—In this section, the term “other related project  
14 benefits” includes—

15           (1) environmental protection and restoration,  
16           including restoration of water quality and water  
17           flows, improving movement of fish and other aquatic  
18           species, and restoration of floodplains, wetlands, and  
19           estuaries;

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

24           (3) increased hydropower generation;

25           (4) reduced flood risk;

1 (5) additional navigation; and

2 (6) improved recreation.

3 (b) PROGRAM.—

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

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

10 (B) to maximize, to the extent prac-  
11 ticable—

12 (i) authorized project purposes; and

13 (ii) other related project benefits.

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

20 (3) IMPACT ON AUTHORIZED PURPOSES.—An  
21 activity carried out under this section shall not ad-  
22 versely impact any of the authorized purposes of the  
23 project.

24 (4) EFFECT.—

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

3 (i) supersedes or modifies any written  
4 agreement between the Federal Govern-  
5 ment and a non-Federal interest that is in  
6 effect on the date of enactment of this Act;  
7 or

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

13 (B) WATER RIGHTS.—Nothing in this sec-  
14 tion—

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

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

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

24 (5) OTHER LAWS.—

1 (A) IN GENERAL.—An activity carried out  
2 under this section shall comply with all other  
3 applicable laws (including regulations).

4 (B) WATER SUPPLY.—Any activity carried  
5 out under this section that results in any modi-  
6 fication to water supply storage allocations at a  
7 reservoir operated by the Secretary shall comply  
8 with section 301 of the Water Supply Act of  
9 1958 (43 U.S.C. 390b).

10 (c) POLICIES, REGULATIONS, AND GUIDANCE.—The  
11 Secretary shall carry out a review of, and as necessary  
12 modify, the policies, regulations, and guidance of the Sec-  
13 retary to carry out the activities described in subsection  
14 (b).

15 (d) COORDINATION.—

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

17 (A) coordinate all planning and activities  
18 carried out under this section with appropriate  
19 Federal, State, and local agencies and those  
20 public and private entities that the Secretary  
21 determines may be affected by those plans or  
22 activities; and

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

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

4 (ii) the coordination activities under  
5 this subsection indicate that there is sup-  
6 port for carrying out those planning and  
7 activities.

8 (2) NON-FEDERAL INTERESTS.—Prior to car-  
9 rying out an activity under this section, the Sec-  
10 retary shall consult with any applicable non-Federal  
11 interest of the affected dam or related infrastruc-  
12 ture.

13 (e) REPORTS.—

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

19 (2) INCLUSIONS.—Each report under para-  
20 graph (1) shall include—

21 (A) a schedule for reviewing the operations  
22 of individual projects; and

23 (B) any recommendations of the Secretary  
24 on changes that the Secretary determines to be  
25 necessary—

1 (i) to carry out existing project au-  
2 thorizations, including the deauthorization  
3 of any water resource project that the Sec-  
4 retary determines could more effectively be  
5 achieved through other means;

6 (ii) to improve the efficiency of water  
7 resource project operations; and

8 (iii) to maximize authorized project  
9 purposes and other related project benefits.

10 (3) UPDATED REPORT.—

11 (A) IN GENERAL.—Not later than 2 years  
12 after the date of enactment of this Act, the Sec-  
13 retary shall update the report entitled “Author-  
14 ized and Operating Purposes of Corps of Engi-  
15 neers Reservoirs” and dated July 1992, which  
16 was produced pursuant to section 311 of the  
17 Water Resources Development Act of 1990  
18 (104 Stat. 4639).

19 (B) INCLUSIONS.—The updated report de-  
20 scribed in subparagraph (A) shall include—

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



1                   (ii) the dates on which the rec-  
2                   ommendations described in clause (i) were  
3                   carried out.

4           (f) FUNDING.—

5                   (1) IN GENERAL.—The Secretary may use to  
6                   carry out this section amounts made available to the  
7                   Secretary from—

8                           (A) the general purposes and expenses ac-  
9                           count;

10                           (B) the operations and maintenance ac-  
11                           count; and

12                           (C) any other amounts that are appro-  
13                           priated to carry out this section.

14                   (2) FUNDING FROM OTHER SOURCES.—The  
15                   Secretary may accept and expend amounts from  
16                   non-Federal entities and other Federal agencies to  
17                   carry out this section.

18           (g) COOPERATIVE AGREEMENTS.—The Secretary  
19           may enter into cooperative agreements with other Federal  
20           agencies and non-Federal entities to carry out this section.

21 **SEC. 2015. WATER SUPPLY.**

22           Section 301 of the Water Supply Act of 1958 (43  
23           U.S.C. 390b) is amended by adding at the end the fol-  
24           lowing:

1       “(e) The Committees of jurisdiction are very con-  
2       cerned about the operation of projects in the Apalachicola-  
3       Chattahoochee-Flint River System and the Alabama-  
4       Coosa-Tallapoosa River System, and further, the Commit-  
5       tees of jurisdiction recognize that this ongoing water re-  
6       sources dispute raises serious concerns related to the au-  
7       thority of the Secretary of the Army to allocate substantial  
8       storage at projects to provide local water supply pursuant  
9       to the Water Supply Act of 1958 absent congressional ap-  
10      proval. Interstate water disputes of this nature are more  
11      properly addressed through interstate water agreements  
12      that take into consideration the concerns of all affected  
13      States including impacts to other authorized uses of the  
14      projects, water supply for communities and major cities  
15      in the region, water quality, freshwater flows to commu-  
16      nities, rivers, lakes, estuaries, and bays located down-  
17      stream of projects, agricultural uses, economic develop-  
18      ment, and other appropriate concerns. To that end, the  
19      Committees of jurisdiction strongly urge the Governors of  
20      the affected States to reach agreement on an interstate  
21      water compact as soon as possible, and we pledge our com-  
22      mitment to work with the affected States to ensure prompt  
23      consideration and approval of any such agreement. Absent  
24      such action, the Committees of jurisdiction should con-  
25      sider appropriate legislation to address these matters in-

1 cluding any necessary clarifications to the Water Supply  
2 Act of 1958 or other law. This subsection does not alter  
3 existing rights or obligations under law.”.

4 **SEC. 2016. REPORT ON WATER STORAGE PRICING FOR-**  
5 **MULAS.**

6 (a) FINDINGS.—Congress finds that—

7 (1) due to the ongoing drought in many parts  
8 of the United States, communities are looking for  
9 ways to enhance their water storage on Corps of En-  
10 gineer reservoirs so as to maintain a reliable supply  
11 of water into the foreseeable future;

12 (2) water storage pricing formulas should be  
13 equitable and not create disparities between users;  
14 and

15 (3) water pricing formulas should not be cost-  
16 prohibitive for communities.

17 (b) ASSESSMENT.—

18 (1) IN GENERAL.—Not later than 180 days  
19 after the date of enactment of this Act, the Comp-  
20 troller General of the United States shall initiate an  
21 assessment of the water storage pricing formulas of  
22 the Corps of Engineers, which shall include an as-  
23 sessment of—

24 (A) existing water storage pricing formulas  
25 of the Corps of Engineers, in particular wheth-

1 er those formulas produce water storage costs  
2 for some beneficiaries that are greatly disparate  
3 from the costs of other beneficiaries; and

4 (B) whether equitable water storage pric-  
5 ing formulas could lessen the disparate impact  
6 and produce more affordable water storage for  
7 potential beneficiaries.

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

11 **SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED**  
12 **WORK.**

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

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

20 (2) determines that the measures are—

21 (A) feasible;

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

24 (C) in the public interest.

25 (b) COST SHARING.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           the non-Federal interest shall contribute 35 percent  
3           of the total cost of carrying out activities under this  
4           section, including the costs relating to the provision  
5           or acquisition of required land, easements, rights-of-  
6           way, dredged material disposal areas, and reloca-  
7           tions.

8           (2) OPERATION AND MAINTENANCE.—The non-  
9           Federal interest shall contribute 100 percent of the  
10          costs of operation, maintenance, replacement, repair,  
11          and rehabilitation of a project constructed under  
12          this section.

13          (c) AUTHORIZATION OF APPROPRIATIONS.—For each  
14          fiscal year, there is authorized to be appropriated to carry  
15          out this section \$30,000,000.

16 **SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASI-**  
17 **BILITY STUDIES.**

18          At the request of the non-Federal interest, the Sec-  
19          retary shall include as part of a regional or watershed  
20          study any Federal land that is located within the geo-  
21          graphic scope of that study.

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

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

25                 (1) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) by inserting “or other stakeholder  
3 working with a State” after “cooperate  
4 with any State”; and

5 (ii) by inserting “, including plans to  
6 comprehensively address water resources  
7 challenges,” after “of such State”; and

8 (B) in paragraph (2)(A), by striking “, at  
9 Federal expense,”;

10 (2) in subsection (b)—

11 (A) in paragraph (1), by striking “sub-  
12 section (a)(1)” each place it appears and insert-  
13 ing “subsection (a)”;

14 (B) by redesignating paragraphs (2) and  
15 (3) as paragraphs (3) and (4), respectively; and

16 (C) by inserting after paragraph (1) the  
17 following:

18 “(2) CONTRIBUTED FUNDS.—The Secretary  
19 may accept and expend funds in excess of the fees  
20 established under paragraph (1) that are provided  
21 by a State or other non-Federal public body for as-  
22 sistance under this section.” ; and

23 (3) in subsection (c)—

24 (A) in paragraph (1)—

1 (i) by striking “\$10,000,000” and in-  
2 serting “\$30,000,000”; and

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

5 and

6 (B) in paragraph (2), by striking  
7 “\$5,000,000” and inserting “\$15,000,000”.

8 **SEC. 2020. VEGETATION MANAGEMENT POLICY.**

9 (a) DEFINITION OF NATIONAL GUIDELINES.—In this  
10 section, the term “national guidelines” means the Corps  
11 of Engineers policy guidelines for management of vegeta-  
12 tion on levees, including—

13 (1) Engineering Technical Letter 1110–2–571  
14 entitled “Guidelines for Landscape Planting and  
15 Vegetation Management at Levees, Floodwalls, Em-  
16 bankment Dams, and Appurtenant Structures” and  
17 adopted April 10, 2009; and

18 (2) the draft policy guidance letter entitled  
19 “Process for Requesting a Variance from Vegetation  
20 Standards for Levees and Floodwalls” (77 Fed. Reg.  
21 9637 (Feb. 17, 2012)).

22 (b) REVIEW.—Not later than 180 days after the date  
23 of enactment of this Act, the Secretary shall carry out a  
24 comprehensive review of the national guidelines in order  
25 to determine whether current Federal policy relating to

1 levee vegetation is appropriate for all regions of the United  
2 States.

3 (c) FACTORS.—

4 (1) IN GENERAL.—In carrying out the review,  
5 the Secretary shall consider—

6 (A) the varied interests and responsibilities  
7 in managing flood risks, including the need—

8 (i) to provide for levee safety with lim-  
9 ited resources; and

10 (ii) to ensure that levee safety invest-  
11 ments minimize environmental impacts and  
12 provide corresponding public safety bene-  
13 fits;

14 (B) the levee safety benefits that can be  
15 provided by woody vegetation;

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

18 (i) the benefit of vegetation on levees  
19 in providing habitat for endangered,  
20 threatened, and candidate species; and

21 (ii) the impact of removing levee vege-  
22 tation on compliance with other regulatory  
23 requirements;

24 (D) protecting the rights of Indian tribes  
25 pursuant to treaties and statutes;



1 (E) the available science and the historical  
2 record regarding the link between vegetation on  
3 levees and flood risk;

4 (F) the avoidance of actions requiring sig-  
5 nificant economic costs and environmental im-  
6 pacts; and

7 (G) other factors relating to the factors de-  
8 scribed in subparagraphs (A) through (F) iden-  
9 tified in public comments that the Secretary de-  
10 termines to be appropriate.

11 (2) VARIANCE CONSIDERATIONS.—

12 (A) IN GENERAL.—In carrying out the re-  
13 view, the Secretary shall specifically consider  
14 whether the national guidelines can be amended  
15 to promote and allow for consideration of  
16 variances from national guidelines on a State-  
17 wide, tribal, regional, or watershed basis, in-  
18 cluding variances based on—

19 (i) soil conditions;

20 (ii) hydrologic factors;

21 (iii) vegetation patterns and charac-  
22 teristics;

23 (iv) environmental resources, includ-  
24 ing endangered, threatened, or candidate

1 species and related regulatory require-  
2 ments;

3 (v) levee performance history, includ-  
4 ing historical information on original con-  
5 struction and subsequent operation and  
6 maintenance activities;

7 (vi) any effects on water supply;

8 (vii) any scientific evidence on the link  
9 between levee vegetation and levee safety;

10 (viii) institutional considerations, in-  
11 cluding implementation challenges;

12 (ix) the availability of limited funds  
13 for levee construction and rehabilitation;

14 (x) the economic and environmental  
15 costs of removing woody vegetation on lev-  
16 ees; and

17 (xi) other relevant factors identified in  
18 public comments that the Secretary deter-  
19 mines to be appropriate.

20 (B) SCOPE.—The scope of a variance ap-  
21 proved by the Secretary may include a complete  
22 exemption to national guidelines, as the Sec-  
23 retary determines to be necessary.

24 (d) COOPERATION AND CONSULTATION; REC-  
25 OMMENDATIONS.—

1           (1) IN GENERAL.—The Secretary shall carry  
2 out the review under this section in consultation  
3 with other applicable Federal agencies, representa-  
4 tives of State, regional, local, and tribal govern-  
5 ments, appropriate nongovernmental organizations,  
6 and the public.

7           (2) RECOMMENDATIONS.—The Chief of Engi-  
8 neers and any State, tribal, regional, or local entity  
9 may submit to the Secretary any recommendations  
10 for vegetation management policies for levees that  
11 conform with Federal and State laws, including rec-  
12 ommendations relating to the review of national  
13 guidelines under subsection (b) and the consider-  
14 ation of variances under subsection (c)(2).

15 (e) PEER REVIEW.—

16           (1) IN GENERAL.—As part of the review, the  
17 Secretary shall solicit and consider the views of the  
18 National Academy of Engineering and the National  
19 Academy of Sciences on the engineering, environ-  
20 mental, and institutional considerations underlying  
21 the national guidelines, including the factors de-  
22 scribed in subsection (c) and any information ob-  
23 tained by the Secretary under subsection (d).

24           (2) AVAILABILITY OF VIEWS.—The views of the  
25 National Academy of Engineering and the National

1 Academy of Sciences obtained under paragraph (1)  
2 shall be—

3 (A) made available to the public; and

4 (B) included in supporting materials issued  
5 in connection with the revised national guide-  
6 lines required under subsection (f).

7 (f) REVISION OF NATIONAL GUIDELINES.—

8 (1) IN GENERAL.—Not later than 2 years after  
9 the date of enactment of this Act, the Secretary  
10 shall—

11 (A) revise the national guidelines based on  
12 the results of the review, including—

13 (i) recommendations received as part  
14 of the consultation described in subsection  
15 (d)(1); and

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

18 (B) submit to Congress a report that con-  
19 tains a summary of the activities of the Sec-  
20 retary and a description of the findings of the  
21 Secretary under this section.

22 (2) CONTENT; INCORPORATION INTO MAN-  
23 UAL.—The revised national guidelines shall—

24 (A) provide a practical, flexible process for  
25 approving Statewide, tribal, regional, or water-

1 shed variances from the national guidelines  
2 that—

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

5 (ii) incorporate State, tribal, and re-  
6 gional vegetation management guidelines  
7 for specific areas that have been adopted  
8 through a formal public process; and

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

15 (3) FAILURE TO MEET DEADLINES.—If the  
16 Secretary fails to submit a report by the required  
17 deadline under this subsection, the Secretary shall  
18 submit to the Committee on Environment and Pub-  
19 lic Works of the Senate and the Committee on  
20 Transportation and Infrastructure of the House of  
21 Representatives a detailed explanation of—

22 (A) why the deadline was missed;

23 (B) solutions needed to meet the deadline;

24 and

1                   (C) a projected date for submission of the  
2                   report.

3           (g) CONTINUATION OF WORK.—Concurrent with the  
4 completion of the requirements of this section, the Sec-  
5 retary shall proceed without interruption or delay with  
6 those ongoing or programmed projects and studies, or ele-  
7 ments of projects or studies, that are not directly related  
8 to vegetation variance policy.

9           (h) INTERIM ACTIONS.—

10           (1) IN GENERAL.—Until the date on which revi-  
11 sions to the national guidelines are adopted in ac-  
12 cordance with subsection (f), the Secretary shall not  
13 require the removal of existing vegetation as a condi-  
14 tion or requirement for any approval or funding of  
15 a project, or any other action, unless the specific  
16 vegetation has been demonstrated to present an un-  
17 acceptable safety risk.

18           (2) REVISIONS.—Beginning on the date on  
19 which the revisions to the national guidelines are  
20 adopted in accordance with subsection (f), the Sec-  
21 retary shall consider, on request of an affected enti-  
22 ty, any previous action of the Corps of Engineers in  
23 which the outcome was affected by the former na-  
24 tional guidelines.

1 **SEC. 2021. LEVEE CERTIFICATIONS.**

2 (a) IMPLEMENTATION OF FLOOD PROTECTION  
3 STRUCTURE ACCREDITATION TASK FORCE.—In carrying  
4 out section 100226 of the Biggert-Waters Flood Insurance  
5 Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat.  
6 942), the Secretary shall—

7 (1) ensure that at least 1 program activity car-  
8 ried out under the inspection of completed works  
9 program of the Corps of Engineers provides ade-  
10 quate information to the Secretary to reach a levee  
11 accreditation decision for each requirement under  
12 section 65.10 of title 44, Code of Federal Regula-  
13 tions (or successor regulation); and

14 (2) to the maximum extent practicable, carry  
15 out activities under the inspection of completed  
16 works program of the Corps of Engineers in align-  
17 ment with the schedule established for the national  
18 flood insurance program established under chapter 1  
19 of the National Flood Insurance Act of 1968 (42  
20 U.S.C. 4011 et seq.).

21 (b) ACCELERATED LEVEE SYSTEM EVALUATIONS  
22 AND CERTIFICATIONS.—

23 (1) IN GENERAL.—On receipt of a request from  
24 a non-Federal interest, the Secretary may carry out  
25 a levee system evaluation and certification of a fed-  
26 erally authorized levee for purposes of the national

1 flood insurance program established under chapter 1  
2 of the National Flood Insurance Act of 1968 (42  
3 U.S.C. 4011 et seq.) if the evaluation and certifi-  
4 cation will be carried out earlier than such an eval-  
5 uation and certification would be carried out under  
6 subsection (a).

7 (2) REQUIREMENTS.—A levee system evalua-  
8 tion and certification under paragraph (1) shall—

9 (A) at a minimum, comply with section  
10 65.10 of title 44, Code of Federal Regulations  
11 (as in effect on the date of enactment of this  
12 Act); and

13 (B) be carried out in accordance with such  
14 procedures as the Secretary, in consultation  
15 with the Director of the Federal Emergency  
16 Management Agency, may establish.

17 (3) COST SHARING.—

18 (A) NON-FEDERAL SHARE.—Subject to  
19 subparagraph (B), the non-Federal share of the  
20 cost of carrying out a levee system evaluation  
21 and certification under this subsection shall be  
22 35 percent.

23 (B) ADJUSTMENT.—The Secretary shall  
24 adjust the non-Federal share of the cost of car-  
25 rying out a levee system evaluation and certifi-



1 cation under this subsection in accordance with  
2 section 103(m) of the Water Resources Devel-  
3 opment Act of 1986 (33 U.S.C. 2213(m)).

4 (4) APPLICATION.—Nothing in this subsection  
5 affects the requirement under section 100226(b)(2)  
6 of the Biggert-Waters Flood Insurance Reform Act  
7 of 2012 (42 U.S.C. 4101 note; 126 Stat. 942).

8 **SEC. 2022. RESTORATION OF FLOOD AND HURRICANE**  
9 **STORM DAMAGE REDUCTION PROJECTS.**

10 (a) IN GENERAL.—The Secretary shall carry out any  
11 measures necessary to repair or restore federally author-  
12 ized flood and hurricane and storm damage reduction  
13 projects constructed by the Corps of Engineers to author-  
14 ized levels (as of the date of enactment of this Act) of  
15 protection for reasons including settlement, subsidence,  
16 sea level rise, and new datum, if the Secretary determines  
17 the necessary work is technically feasible, environmentally  
18 acceptable, and economically justified.

19 (b) COST SHARE.—The non-Federal share of the cost  
20 of construction of a project carried out under this section  
21 shall be determined as provided in subsections (a) through  
22 (d) of section 103 of the Water Resources Development  
23 Act of 1986 (33 U.S.C. 2213).

24 (c) OPERATIONS AND MAINTENANCE.—The non-Fed-  
25 eral share of the cost of operations, maintenance, repair,

1 replacement, and rehabilitation for a project carried out  
2 under this section shall be 100 percent.

3 (d) ELIGIBILITY OF PROJECTS TRANSFERRED TO  
4 NON-FEDERAL INTEREST.—The Secretary may carry out  
5 measures described in subsection (a) on a water resources  
6 project, separable element of a project, or functional com-  
7 ponent of a project that has been transferred to the non-  
8 Federal interest.

9 (e) REPORT TO CONGRESS.—Not later than 8 years  
10 after the date of enactment of this Act, the Secretary shall  
11 submit to the Committee on Environment and Public  
12 Works of the Senate and the Committee on Transpor-  
13 tation and Infrastructure of the House of Representatives  
14 a report on the implementation of this section, including—

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

17 (2) a description of the measures carried out  
18 under this section;

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

21 (4) best practices for carrying out measures to  
22 restore flood and hurricane and storm damage re-  
23 duction projects.

24 (f) TERMINATION OF AUTHORITY.—The authority to  
25 carry out a measure under this section terminates on the

1 date that is 10 years after the date of enactment of this  
2 Act.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Secretary to carry  
5 out this section \$250,000,000.

6 **SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN**  
7 **PROJECTS.**

8 The Secretary may assume operation and mainte-  
9 nance activities for a navigation channel that is deepened  
10 by a non-Federal interest prior to December 31, 2012,  
11 if—

12 (1) the Secretary determines that the require-  
13 ments under paragraphs (2) and (3) of section  
14 204(f) of the Water Resources Development Act of  
15 1986 (33 U.S.C. 2232(f)) are met;

16 (2) the Secretary determines that the activities  
17 carried out by the non-Federal interest in deepening  
18 the navigation channel are economically justified and  
19 environmentally acceptable; and

20 (3) the deepening activities have been carried  
21 out on a Federal navigation channel that—

22 (A) exists as of the date of enactment of  
23 this Act; and

24 (B) has been authorized by Congress.

1 **SEC. 2024. DREDGING STUDY.**

2 (a) IN GENERAL.—The Secretary, in conjunction  
3 with other relevant Federal agencies and applicable non-  
4 Federal interests, shall carry out a study—

5 (1) to compare domestic and international  
6 dredging markets, including costs, technologies, and  
7 management approaches used in each respective  
8 market, and determine the impacts of those markets  
9 on dredging needs and practices in the United  
10 States;

11 (2) to analyze past and existing practices, tech-  
12 nologies, and management approaches used in  
13 dredging in the United States; and

14 (3) to develop recommendations relating to the  
15 best techniques, practices, and management ap-  
16 proaches for dredging in the United States.

17 (b) PURPOSES.—The purposes of the study under  
18 this section are—

19 (1) the identification of the best techniques,  
20 methods, and technologies for dredging, including  
21 the evaluation of the feasibility, cost, and benefits  
22 of—

23 (A) new dredging technologies; and

24 (B) improved dredging practices and tech-  
25 niques;

1           (2) the appraisal of the needs of the United  
2 States for dredging, including the need to increase  
3 the size of private and Corps of Engineers dredging  
4 fleets to meet demands for additional construction or  
5 maintenance dredging needed as of the date of en-  
6 actment of this Act and in the subsequent 20 years;

7           (3) the identification of any impediments to  
8 dredging, including any recommendations of appro-  
9 priate alternatives for responding to those impedi-  
10 ments;

11           (4) the assessment, including any recommenda-  
12 tions of appropriate alternatives, of the adequacy  
13 and effectiveness of—

14                 (A) the economic, engineering, and envi-  
15 ronmental methods, models, and analyses used  
16 by the Chief of Engineers and private dredging  
17 operations for dredging; and

18                 (B) the current cost structure of construc-  
19 tion contracts entered into by the Chief of En-  
20 gineers;

21           (5) the evaluation of the efficiency and effec-  
22 tiveness of past, current, and alternative dredging  
23 practices and alternatives to dredging, including agi-  
24 tation dredging; and

1           (6) the identification of innovative techniques  
2           and cost-effective methods to expand regional sedi-  
3           ment management efforts, including the placement  
4           of dredged sediment within river diversions to accel-  
5           erate the creation of wetlands.

6           (c) STUDY TEAM.—

7           (1) IN GENERAL.—The Secretary shall establish  
8           a study team to assist the Secretary in planning,  
9           carrying out, and reporting on the results of the  
10          study under this section.

11          (2) STUDY TEAM.—The study team established  
12          pursuant to paragraph (1) shall—

13                 (A) be appointed by the Secretary; and

14                 (B) represent a broad spectrum of experts  
15          in the field of dredging and representatives of  
16          relevant State agencies and relevant non-Fed-  
17          eral interests.

18          (d) PUBLIC COMMENT PERIOD.—The Secretary  
19          shall—

20                 (1) make available to the public, including on  
21          the Internet, all draft and final study findings under  
22          this section; and

23                 (2) allow for a public comment period of not  
24          less than 30 days on any draft study findings prior  
25          to issuing final study findings.

1 (e) REPORT TO CONGRESS.—Not later than 2 years  
2 after the date of enactment of this Act, and subject to  
3 available appropriations, the Secretary, in consultation  
4 with the study team established under subsection (c), shall  
5 submit a detailed report on the results of the study to the  
6 Committee on Environment and Public Works of the Sen-  
7 ate and the Committee on Transportation and Infrastruc-  
8 ture of the House of Representatives.

9 (f) FAILURE TO MEET DEADLINES.—If the Sec-  
10 retary does not complete the study under this section and  
11 submit a report to Congress under subsection (e) on or  
12 before the deadline described in that subsection, the Sec-  
13 retary shall notify Congress and describe why the study  
14 was not completed.

15 **SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION**  
16 **PILOT PROGRAM.**

17 (a) IN GENERAL.—Not later than 180 days after the  
18 date of enactment of this Act, the Secretary shall establish  
19 and implement a pilot program to evaluate the cost-effec-  
20 tiveness and project delivery efficiency of allowing non-  
21 Federal interests to carry out flood risk management, hur-  
22 ricane and storm damage reduction, coastal harbor and  
23 channel inland navigation, and aquatic ecosystem restora-  
24 tion projects.

1 (b) PURPOSES.—The purposes of the pilot program  
2 are—

3 (1) to identify project delivery and cost-saving  
4 alternatives that reduce the backlog of authorized  
5 Corps of Engineers projects;

6 (2) to evaluate the technical, financial, and or-  
7 ganizational efficiencies of a non-Federal interest  
8 carrying out the design, execution, management, and  
9 construction of 1 or more projects; and

10 (3) to evaluate alternatives for the decentraliza-  
11 tion of the project management, design, and con-  
12 struction for authorized Corps of Engineers water  
13 resources projects.

14 (c) ADMINISTRATION.—

15 (1) IN GENERAL.—In carrying out the pilot  
16 program, the Secretary shall—

17 (A) identify a total of not more than 15  
18 projects for flood risk management, hurricane  
19 and storm damage reduction (including levees,  
20 floodwalls, flood control channels, and water  
21 control structures), coastal harbor and chan-  
22 nels, inland navigation, and aquatic ecosystem  
23 restoration that have been authorized for con-  
24 struction prior to the date of enactment of this  
25 Act, including—



1 (i) not more than 12 projects that—

2 (I)(aa) have received Federal  
3 funds prior to the date of enactment  
4 of this Act; or

5 (bb) for more than 2 consecutive  
6 fiscal years, have an unobligated fund-  
7 ing balance for that project in the  
8 Corps of Engineers construction ac-  
9 count; and

10 (II) to the maximum extent prac-  
11 ticable, are located in each of the divi-  
12 sions of the Corps of Engineers; and

13 (ii) not more than 3 projects that  
14 have not received Federal funds in the pe-  
15 riod beginning on the date on which the  
16 project was authorized and ending on the  
17 date of enactment of this Act;

18 (B) notify the Committee on Environment  
19 and Public Works of the Senate and the Com-  
20 mittee on Transportation and Infrastructure of  
21 the House of Representatives on the identifica-  
22 tion of each project under the pilot program;

23 (C) in collaboration with the non-Federal  
24 interest, develop a detailed project management  
25 plan for each identified project that outlines the

1 scope, budget, design, and construction resource  
2 requirements necessary for the non-Federal in-  
3 terest to execute the project, or a separable ele-  
4 ment of the project;

5 (D) on the request of the non-Federal in-  
6 terest, enter into a project partnership agree-  
7 ment with the non-Federal interest for the non-  
8 Federal interest to provide full project manage-  
9 ment control for construction of the project, or  
10 a separable element of the project, in accord-  
11 ance with plans approved by the Secretary;

12 (E) following execution of the project part-  
13 nership agreement, transfer to the non-Federal  
14 interest to carry out construction of the project,  
15 or a separable element of the project—

16 (i) if applicable, the balance of the un-  
17 obligated amounts appropriated for the  
18 project, except that the Secretary shall re-  
19 tain sufficient amounts for the Corps of  
20 Engineers to carry out any responsibilities  
21 of the Corps of Engineers relating to the  
22 project and pilot program; and

23 (ii) additional amounts, as determined  
24 by the Secretary, from amounts made  
25 available under subsection (h), except that

1           the total amount transferred to the non-  
2           Federal interest shall not exceed the up-  
3           dated estimate of the Federal share of the  
4           cost of construction, including any required  
5           design; and

6           (F) regularly monitor and audit each  
7           project being constructed by a non-Federal in-  
8           terest under this section to ensure that the con-  
9           struction activities are carried out in compli-  
10          ance with the plans approved by the Secretary  
11          and that the construction costs are reasonable.

12          (2) DETAILED PROJECT SCHEDULE.—Not later  
13          than 180 days after entering into an agreement  
14          under paragraph (1)(D), each non-Federal interest,  
15          to the maximum extent practicable, shall submit to  
16          the Secretary a detailed project schedule, based on  
17          estimated funding levels, that lists all deadlines for  
18          each milestone in the construction of the project.

19          (3) TECHNICAL ASSISTANCE.—On the request  
20          of a non-Federal interest, the Secretary may provide  
21          technical assistance to the non-Federal interest, if  
22          the non-Federal interest contracts with and com-  
23          pensates the Secretary for the technical assistance  
24          relating to—

1           (A) any study, engineering activity, and  
2           design activity for construction carried out by  
3           the non-Federal interest under this section; and

4           (B) expeditiously obtaining any permits  
5           necessary for the project.

6           (d) COST-SHARE.—Nothing in this section affects the  
7           cost-sharing requirement applicable on the day before the  
8           date of enactment of this Act to a project carried out  
9           under this section.

10          (e) REPORT.—

11           (1) IN GENERAL.—Not later than 3 years after  
12           the date of enactment of this Act, the Secretary  
13           shall submit to the Committee on Environment and  
14           Public Works of the Senate and the Committee on  
15           Transportation and Infrastructure of the House of  
16           Representatives a report detailing the results of the  
17           pilot program carried out under this section, includ-  
18           ing—

19           (A) a description of the progress of non-  
20           Federal interests in meeting milestones in de-  
21           tailed project schedules developed pursuant to  
22           subsection (c)(2); and

23           (B) any recommendations of the Secretary  
24           concerning whether the program or any compo-

1           ment of the program should be implemented on  
2           a national basis.

3           (2) UPDATE.—Not later than 5 years after the  
4           date of enactment of this Act, the Secretary shall  
5           submit to the Committee on Environment and Pub-  
6           lic Works of the Senate and the Committee on  
7           Transportation and Infrastructure of the House of  
8           Representatives an update of the report described in  
9           paragraph (1).

10          (3) FAILURE TO MEET DEADLINE.—If the Sec-  
11          retary fails to submit a report by the required dead-  
12          line under this subsection, the Secretary shall sub-  
13          mit to the Committee on Environment and Public  
14          Works of the Senate and the Committee on Trans-  
15          portation Infrastructure of the House of Representa-  
16          tives a detailed explanation of why the deadline was  
17          missed and a projected date for submission of the  
18          report.

19          (f) ADMINISTRATION.—All laws and regulations that  
20          would apply to the Secretary if the Secretary were car-  
21          rying out the project shall apply to a non-Federal interest  
22          carrying out a project under this section.

23          (g) TERMINATION OF AUTHORITY.—The authority to  
24          commence a project under this section terminates on the

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

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

9 **SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASI-**  
10 **BILITY STUDIES.**

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

19 (b) PURPOSES.—The purposes of the pilot program  
20 are—

21 (1) to identify project delivery and cost-saving  
22 alternatives to the existing feasibility study process;

23 (2) to evaluate the technical, financial, and or-  
24 ganizational efficiencies of a non-Federal interest

1 carrying out a feasibility study of 1 or more  
2 projects; and

3 (3) to evaluate alternatives for the decentraliza-  
4 tion of the project planning, management, and oper-  
5 ational decisionmaking process of the Corps of Engi-  
6 neers.

7 (c) ADMINISTRATION.—

8 (1) IN GENERAL.—On the request of a non-  
9 Federal interest, the Secretary may enter into an  
10 agreement with the non-Federal interest for the non-  
11 Federal interest to provide full project management  
12 control of a feasibility study for a project for—

13 (A) flood risk management;

14 (B) hurricane and storm damage reduc-  
15 tion, including levees, floodwalls, flood control  
16 channels, and water control structures;

17 (C) coastal harbor and channel and inland  
18 navigation; and

19 (D) aquatic ecosystem restoration.

20 (2) USE OF NON-FEDERAL-FUNDS.—

21 (A) IN GENERAL.—A non-Federal interest  
22 that has entered into an agreement with the  
23 Secretary pursuant to paragraph (1) may use  
24 non-Federal funds to carry out the feasibility  
25 study.

1           (B) CREDIT.—The Secretary shall credit  
2 towards the non-Federal share of the cost of  
3 construction of a project for which a feasibility  
4 study is carried out under this section an  
5 amount equal to the portion of the cost of de-  
6 veloping the study that would have been the re-  
7 sponsibility of the Secretary, if the study were  
8 carried out by the Secretary, subject to the con-  
9 ditions that—

10           (i) non-Federal funds were used to  
11 carry out the activities that would have  
12 been the responsibility of the Secretary;

13           (ii) the Secretary determines that the  
14 feasibility study complies with all applica-  
15 ble Federal laws and regulations; and

16           (iii) the project is authorized by any  
17 provision of Federal law enacted after the  
18 date on which an agreement is entered into  
19 under paragraph (1).

20       (3) TRANSFER OF FUNDS.—

21           (A) IN GENERAL.—After the date on which  
22 an agreement is executed pursuant to para-  
23 graph (1), the Secretary may transfer to the  
24 non-Federal interest to carry out the feasibility  
25 study—



1 (i) if applicable, the balance of any  
2 unobligated amounts appropriated for the  
3 study, except that the Secretary shall re-  
4 tain sufficient amounts for the Corps of  
5 Engineers to carry out any responsibilities  
6 of the Corps of Engineers relating to the  
7 project and pilot program; and

8 (ii) additional amounts, as determined  
9 by the Secretary, from amounts made  
10 available under subsection (h), except that  
11 the total amount transferred to the non-  
12 Federal interest shall not exceed the up-  
13 dated estimate of the Federal share of the  
14 cost of the feasibility study.

15 (B) ADMINISTRATION.—The Secretary  
16 shall include such provisions as the Secretary  
17 determines to be necessary in an agreement  
18 under paragraph (1) to ensure that a non-Fed-  
19 eral interest receiving Federal funds under this  
20 paragraph—

21 (i) has the necessary qualifications to  
22 administer those funds; and

23 (ii) will comply with all applicable  
24 Federal laws (including regulations) relat-  
25 ing to the use of those funds.

1           (4) NOTIFICATION.—The Secretary shall notify  
2 the Committee on Environment and Public Works of  
3 the Senate and the Committee on Transportation  
4 and Infrastructure of the House of Representatives  
5 on the initiation of each feasibility study under the  
6 pilot program.

7           (5) AUDITING.—The Secretary shall regularly  
8 monitor and audit each feasibility study carried out  
9 by a non-Federal interest under this section to en-  
10 sure that the use of any funds transferred under  
11 paragraph (3) are used in compliance with the  
12 agreement signed under paragraph (1).

13           (6) TECHNICAL ASSISTANCE.—On the request  
14 of a non-Federal interest, the Secretary may provide  
15 technical assistance to the non-Federal interest re-  
16 lating to any aspect of the feasibility study, if the  
17 non-Federal interest contracts with the Secretary for  
18 the technical assistance and compensates the Sec-  
19 retary for the technical assistance.

20           (7) DETAILED PROJECT SCHEDULE.—Not later  
21 than 180 days after entering into an agreement  
22 under paragraph (1), each non-Federal interest, to  
23 the maximum extent practicable, shall submit to the  
24 Secretary a detailed project schedule, based on full

1 funding capability, that lists all deadlines for mile-  
2 stones relating to the feasibility study.

3 (d) COST-SHARE.—Nothing in this section affects the  
4 cost-sharing requirement applicable on the day before the  
5 date of enactment of this Act to a feasibility study carried  
6 out under this section.

7 (e) REPORT.—

8 (1) IN GENERAL.—Not later than 2 years after  
9 the date of enactment of this Act, the Secretary  
10 shall submit to the Committee on Environment and  
11 Public Works of the Senate and the Committee on  
12 Transportation and Infrastructure of the House of  
13 Representatives a report detailing the results of the  
14 pilot program carried out under this section, includ-  
15 ing—

16 (A) a description of the progress of the  
17 non-Federal interests in meeting milestones in  
18 detailed project schedules developed pursuant to  
19 subsection (c)(7); and

20 (B) any recommendations of the Secretary  
21 concerning whether the program or any compo-  
22 nent of the program should be implemented on  
23 a national basis.

24 (2) UPDATE.—Not later than 5 years after the  
25 date of enactment of this Act, the Secretary shall

1 submit to the Committee on Environment and Pub-  
2 lic Works of the Senate and the Committee on  
3 Transportation and Infrastructure of the House of  
4 Representatives an update of the report described in  
5 paragraph (1).

6 (3) FAILURE TO MEET DEADLINE.—If the Sec-  
7 retary fails to submit a report by the required dead-  
8 line under this subsection, the Secretary shall sub-  
9 mit to the Committee on Environment and Public  
10 Works of the Senate and the Committee on Trans-  
11 portation Infrastructure of the House of Representa-  
12 tives a detailed explanation of why the deadline was  
13 missed and a projected date for submission of the  
14 report.

15 (f) ADMINISTRATION.—All laws and regulations that  
16 would apply to the Secretary if the Secretary were car-  
17 rying out the feasibility study shall apply to a non-Federal  
18 interest carrying out a feasibility study under this section.

19 (g) TERMINATION OF AUTHORITY.—The authority to  
20 commence a feasibility study under this section terminates  
21 on the date that is 5 years after the date of enactment  
22 of this Act.

23 (h) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
24 tion to any amounts appropriated for a specific project,  
25 there is authorized to be appropriated to the Secretary to

1 carry out the pilot program under this section, including  
2 the costs of administration of the Secretary, \$25,000,000  
3 for each of fiscal years 2014 through 2018.

4 **SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.**

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

7 (1) in subsection (d)(1)(B)—

8 (A) by striking “The ability” and inserting  
9 the following:

10 “(i) IN GENERAL.—The ability”; and

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

12 “(ii) DETERMINATION.—Not later  
13 than 180 days after the date of enactment  
14 of the Water Resources Development Act  
15 of 2013, the Secretary shall issue guidance  
16 on the procedures described in clause (i).”;  
17 and

18 (2) in subsection (e), by striking “2012” and  
19 inserting “2023”.

20 **SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA**  
21 **RIVER BASIN INDIAN TRIBES.**

22 The Secretary may enter into a cooperative agree-  
23 ment with 1 or more federally recognized Indian tribes (or  
24 a designated representative of the Indian tribes) that are  
25 located, in whole or in part, within the boundaries of the

1 Columbia River Basin to carry out authorized activities  
2 within the Columbia River Basin to protect fish, wildlife,  
3 water quality, and cultural resources.

4 **SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT**  
5 **CIVIL WORKS SHORELINE PROTECTION**  
6 **PROJECTS.**

7 (a) IN GENERAL.—The Secretary may implement  
8 any response action the Secretary determines to be nec-  
9 essary at a site where—

10 (1) the Secretary has carried out a project  
11 under civil works authority of the Secretary that in-  
12 cludes placing sand on a beach;

13 (2) as a result of the project described in para-  
14 graph (1), military munitions that were originally re-  
15 leased as a result of Department of Defense activi-  
16 ties are deposited on the beach, posing a threat to  
17 human health or the environment.

18 (b) RESPONSE ACTION FUNDING.—A response action  
19 described in subsection (a) shall be funded from amounts  
20 made available to the agency within the Department of  
21 Defense responsible for the original release of the muni-  
22 tions.

1 **SEC. 2030. BEACH NOURISHMENT.**

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

5 **“SEC. 156. BEACH NOURISHMENT.**

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

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

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

20 “(b) EXTENSION.—

21 “(1) IN GENERAL.—Except as provided in para-  
22 graph (3), before the date on which the 50-year pe-  
23 riod referred to in subsection (a)(1) expires, the Sec-  
24 retary of the Army, acting through the Chief of En-  
25 gineers—

1           “(A) may, at the request of the non-Fed-  
2           eral interest and subject to the availability of  
3           appropriations, carry out a review of a nourish-  
4           ment project carried out under subsection (a) to  
5           evaluate the feasibility of continuing Federal  
6           participation in the project for a period not to  
7           exceed 15 years; and

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

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

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

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

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

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



1 not earlier than the period beginning on the  
2 date that is 2 years before the date on which  
3 the 50-year period referred to in subsection  
4 (a)(1) expires and ending on the date on which  
5 the 50-year period expires, the project shall re-  
6 main authorized after the expiration of the 50-  
7 year period until the earlier of—

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

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

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

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

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

5 (1) in subsection (a)—

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

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

14 (2) in subsection (c)(1)(B)—

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

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

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

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

1           will be an associated reduction or avoid-  
2           ance of Federal costs.”;

3           (3) in subsection (d)—

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

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

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

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

17           “(B) the flood and storm damage and  
18           flood reduction benefits, including shoreline pro-  
19           tection, protection against loss of life, and dam-  
20           age to improved property.”; and

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

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

1 or regional sediment management plan within the  
2 boundaries of the State or among States;”.

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

4 (a) FINDINGS.—Congress finds that—

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

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

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

15 (2) the efforts undertaken by the Corps of En-  
16 gineers through the establishment of the “3–3–3”  
17 planning process should be continued.

18 (b) ACCELERATION OF STUDIES.—

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

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

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

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

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

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

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

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

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

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

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

25           (3) APPROPRIATIONS.—

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

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

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

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

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

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

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

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

5 **“SEC. 2045. PROJECT ACCELERATION.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ENVIRONMENTAL IMPACT STATEMENT.—

8 The term ‘environmental impact statement’ means  
9 the detailed statement of environmental impacts of  
10 water resource projects required to be prepared pur-  
11 suant to the National Environmental Policy Act of  
12 1969 (42 U.S.C. 4321 et seq.).

13 “(2) ENVIRONMENTAL REVIEW PROCESS.—

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

21 “(B) INCLUSIONS.—The term ‘environ-  
22 mental review process’ includes the process for  
23 and completion of any environmental permit,  
24 approval, review, or study required for a water  
25 resource project under any Federal law other

1 than the National Environmental Policy Act of  
2 1969 (42 U.S.C. 4321 et seq.).

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

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

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

18 “(b) POLICY.—The benefits of water resource  
19 projects designed and carried out in an economically and  
20 environmentally sound manner are important to the econ-  
21 omy and environment of the United States, and rec-  
22 ommendations to Congress regarding those projects  
23 should be developed using coordinated and efficient review  
24 and cooperative efforts to prevent or quickly resolve dis-



1 putes during the planning of those water resource  
2 projects.

3 “(c) APPLICABILITY.—

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

9 “(A) an environmental impact statement is  
10 required; or

11 “(B) at the discretion of the Secretary,  
12 other water resource projects for which an envi-  
13 ronmental review process document is required  
14 to be prepared.

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

20 “(3) LIST OF WATER RESOURCES DEVELOP-  
21 MENT PROJECTS.—

22 “(A) IN GENERAL.—The Secretary shall  
23 annually prepare, and make publicly available, a  
24 separate list of each study that the Secretary  
25 has determined—

1                   “(i) meets the standards described in  
2                   paragraph (1); and

3                   “(ii) does not have adequate funding  
4                   to make substantial progress toward the  
5                   completion of the planning activities for  
6                   the water resource project.

7                   “(B) INCLUSIONS.—The Secretary shall  
8                   include for each study on the list under sub-  
9                   paragraph (A) a description of the estimated  
10                  amounts necessary to make substantial progress  
11                  on the study.

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

22                  “(d) WATER RESOURCE PROJECT REVIEW PROC-  
23                  ESS.—

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

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

14          “(3) TIMING.—The coordinated review process  
15          under this subsection shall be completed not later  
16          than the date on which the Secretary, in consulta-  
17          tion and concurrence with the agencies identified  
18          under subsection (e), establishes with respect to the  
19          water resource project.

20          “(e) IDENTIFICATION OF JURISDICTIONAL AGEN-  
21          CIES.—With respect to the development of each water re-  
22          source project, the Secretary shall identify, as soon as  
23          practicable, all Federal, State, and local government agen-  
24          cies and Indian tribes that may—

1           “(1) have jurisdiction over the water resource  
2 project;

3           “(2) be required by law to conduct or issue a  
4 review, analysis, or opinion for the water resource  
5 project; or

6           “(3) be required to make a determination on  
7 issuing a permit, license, or approval for the water  
8 resource project.

9           “(f) STATE AUTHORITY.—If the coordinated review  
10 process is being implemented under this section by the  
11 Secretary with respect to the planning of a water resource  
12 project described in subsection (c) within the boundaries  
13 of a State, the State, consistent with State law, may  
14 choose to participate in the process and to make subject  
15 to the process all State agencies that—

16           “(1) have jurisdiction over the water resource  
17 project;

18           “(2) are required to conduct or issue a review,  
19 analysis, or opinion for the water resource project;  
20 or

21           “(3) are required to make a determination on  
22 issuing a permit, license, or approval for the water  
23 resource project.

24           “(g) LEAD AGENCIES.—

1           “(1) FEDERAL LEAD AGENCY.—Subject to  
2 paragraph (2), the Corps of Engineers shall be the  
3 lead Federal agency in the environmental review  
4 process for a water resource project.

5           “(2) JOINT LEAD AGENCIES.—

6           “(A) IN GENERAL.—At the discretion of  
7 the Secretary and subject to any applicable reg-  
8 ulations under the National Environmental Pol-  
9 icy Act of 1969 (42 U.S.C. 4321 et seq.), in-  
10 cluding the concurrence of the proposed joint  
11 lead agency, an agency other than the Corps of  
12 Engineers may serve as the joint lead agency.

13           “(B) NON-FEDERAL INTEREST AS JOINT  
14 LEAD AGENCY.—A non-Federal interest that is  
15 a State or local governmental entity—

16           “(i) may, with the concurrence of the  
17 Secretary, serve as a joint lead agency with  
18 the Corps of Engineers for purposes of  
19 preparing any environmental document  
20 under the National Environmental Policy  
21 Act of 1969 (42 U.S.C. 4321 et seq.); and

22           “(ii) may prepare any environmental  
23 review process document under the Na-  
24 tional Environmental Policy Act of 1969  
25 (42 U.S.C. 4321 et seq.) required in sup-

1 port of any action or approval by the Sec-  
2 retary if—

3 “(I) the Secretary provides guid-  
4 ance in the preparation process and  
5 independently evaluates that docu-  
6 ment

7 “(II) the non-Federal interest  
8 complies with all requirements appli-  
9 cable to the Secretary under—

10 “(aa) the National Environ-  
11 mental Policy Act of 1969 (42  
12 U.S.C. 4321 et seq.);

13 “(bb) any regulation imple-  
14 menting that Act; and

15 “(cc) any other applicable  
16 Federal law; and

17 “(III) the Secretary approves and  
18 adopts the document before the Sec-  
19 retary takes any subsequent action or  
20 makes any approval based on that  
21 document, regardless of whether the  
22 action or approval of the Secretary re-  
23 sults in Federal funding.

24 “(3) DUTIES.—The Secretary shall ensure  
25 that—

1           “(A) the non-Federal interest complies  
2 with all design and mitigation commitments  
3 made jointly by the Secretary and the non-Fed-  
4 eral interest in any environmental document  
5 prepared by the non-Federal interest in accord-  
6 ance with this subsection; and

7           “(B) any environmental document pre-  
8 pared by the non-Federal interest is appro-  
9 priately supplemented under paragraph (2)(B)  
10 to address any changes to the water resource  
11 project the Secretary determines are necessary.

12           “(4) ADOPTION AND USE OF DOCUMENTS.—  
13 Any environmental document prepared in accordance  
14 with this subsection may be adopted or used by any  
15 Federal agency making any approval to the same ex-  
16 tent that the Federal agency could adopt or use a  
17 document prepared by another Federal agency  
18 under—

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

21           “(B) parts 1500 through 1508 of title 40,  
22 Code of Federal Regulations (or successor regu-  
23 lations).

24           “(5) ROLES AND RESPONSIBILITY OF LEAD  
25 AGENCY.—With respect to the environmental review

1 process for any water resource project, the lead  
2 agency shall have authority and responsibility—

3 “(A) to take such actions as are necessary  
4 and proper and within the authority and re-  
5 sponsibility of the lead agency to facilitate the  
6 expeditious resolution of the environmental re-  
7 view process for the water resource project; and

8 “(B) to prepare or ensure that any re-  
9 quired environmental impact statement or other  
10 environmental review document for a water re-  
11 source project required to be completed under  
12 the National Environmental Policy Act of 1969  
13 (42 U.S.C. 4321 et seq.) is completed in ac-  
14 cordance with this section and applicable Fed-  
15 eral law.

16 “(h) PARTICIPATING AND COOPERATING AGEN-  
17 CIES.—

18 “(1) INVITATION.—

19 “(A) IN GENERAL.—The lead agency shall  
20 identify, as early as practicable in the environ-  
21 mental review process for a water resource  
22 project, any other Federal or non-Federal agen-  
23 cies that may have an interest in that project  
24 and invite those agencies to become partici-  
25 pating or cooperating agencies, as applicable, in



1 the environmental review process for the water  
2 resource project.

3 “(B) PROCEDURES.—Section 1501.6 of  
4 title 40, Code of Federal Regulations (as in ef-  
5 fect on the date of enactment of the Water Re-  
6 sources Development Act of 2013) shall govern  
7 the identification and the participation of a co-  
8 operating agency under subparagraph (A).

9 “(C) DEADLINE.—An invitation to partici-  
10 pate issued under subparagraph (A) shall set a  
11 deadline by which a response to the invitation  
12 shall be submitted, which may be extended by  
13 the lead agency for good cause.

14 “(2) FEDERAL COOPERATING AGENCIES.—Any  
15 Federal agency that is invited by the lead agency to  
16 participate in the environmental review process for a  
17 water resource project shall be designated as a co-  
18 operating agency by the lead agency unless the in-  
19 vited agency informs the lead agency, in writing, by  
20 the deadline specified in the invitation that the in-  
21 vited agency—

22 “(A)(i) has no jurisdiction or authority  
23 with respect to the water resource project;

24 “(ii) has no expertise or information rel-  
25 evant to the water resource project; or

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

3           “(B) does not intend to submit comments  
4           on the water resource project.

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

9           “(A) supports a proposed water resource  
10          project; or

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

14          “(4) CONCURRENT REVIEWS.—Each cooper-  
15          ating agency shall—

16          “(A) carry out the obligations of that  
17          agency under other applicable law concurrently  
18          and in conjunction with the required environ-  
19          mental review process, unless doing so would  
20          impair the ability of the Federal agency to con-  
21          duct needed analysis or otherwise carry out  
22          those obligations; and

23          “(B) formulate and implement administra-  
24          tive, policy, and procedural mechanisms to en-  
25          able the agency to ensure completion of the en-

1           environmental review process in a timely, coordi-  
2           nated, and environmentally responsible manner.

3           “(i) PROGRAMMATIC COMPLIANCE.—

4           “(1) IN GENERAL.—The Secretary shall issue  
5           guidance regarding the use of programmatic ap-  
6           proaches to carry out the environmental review proc-  
7           ess that—

8           “(A) eliminates repetitive discussions of  
9           the same issues;

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

12           “(C) establishes a formal process for co-  
13           ordinating with cooperating agencies, including  
14           the creation of a list of all data that is needed  
15           to carry out an environmental review process;  
16           and

17           “(D) complies with—

18           “(i) the National Environmental Pol-  
19           icy Act of 1969 (42 U.S.C. 4321 et seq.);  
20           and

21           “(ii) all other applicable laws.

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

24           “(A) as the first step in drafting guidance  
25           under that paragraph, consult with relevant

1 Federal and State agencies, Indian tribes, and  
2 the public on the appropriate use and scope of  
3 the programmatic approaches;

4 “(B) emphasize the importance of collabo-  
5 ration among relevant Federal agencies, State  
6 agencies, and Indian tribes in undertaking pro-  
7 grammatic reviews, especially with respect to  
8 including reviews with a broad geographical  
9 scope;

10 “(C) ensure that the programmatic re-  
11 views—

12 “(i) promote transparency, including  
13 of the analyses and data used in the envi-  
14 ronmental review process, the treatment of  
15 any deferred issues raised by Federal,  
16 State, or tribal agencies, or the public, and  
17 the temporal and special scales to be used  
18 to analyze those issues;

19 “(ii) use accurate and timely informa-  
20 tion in the environmental review process,  
21 including—

22 “(I) criteria for determining the  
23 general duration of the usefulness of  
24 the review; and

1                   “(II) the timeline for updating  
2                   any out-of-date review;

3                   “(iii) describe—

4                   “(I) the relationship between pro-  
5                   grammatic analysis and future tiered  
6                   analysis; and

7                   “(II) the role of the public in the  
8                   creation of future tiered analysis; and

9                   “(iv) are available to other relevant  
10                  Federal and State agencies, Indian tribes,  
11                  and the public;

12                  “(D) allow not fewer than 60 days of pub-  
13                  lic notice and comment on any proposed guid-  
14                  ance; and

15                  “(E) address any comments received under  
16                  subparagraph (D).

17                  “(j) COORDINATED REVIEWS.—

18                   “(1) COORDINATION PLAN.—

19                   “(A) ESTABLISHMENT.—

20                   “(i) IN GENERAL.—The lead agency  
21                   shall, after consultation with and with the  
22                   concurrence of each cooperating agency for  
23                   the water resource project and the non-  
24                   Federal interest or joint lead agency, as  
25                   applicable, establish a plan for coordi-

1 nating public and agency participation in,  
2 and comment on, the environmental review  
3 process for a water resource project or a  
4 category of water resource projects.

5 “(ii) INCORPORATION.—The plan es-  
6 tablished under clause (i) shall be incor-  
7 porated into the project schedule mile-  
8 stones set under section 905(g)(2) of the  
9 Water Resources Development Act of 1986  
10 (33 U.S.C. 2282(g)(2)).

11 “(2) COMMENT DEADLINES.—The lead agency  
12 shall establish the following deadlines for comment  
13 during the environmental review process for a water  
14 resource project:

15 “(A) DRAFT ENVIRONMENTAL IMPACT  
16 STATEMENTS.—For comments by Federal and  
17 States agencies and the public on a draft envi-  
18 ronmental impact statement, a period of not  
19 more than 60 days after publication in the Fed-  
20 eral Register of notice of the date of public  
21 availability of the draft environmental impact  
22 statement, unless—

23 “(i) a different deadline is established  
24 by agreement of the lead agency, the non-

1 Federal interest, as applicable, and all par-  
2 ticipating and cooperating agencies; or

3 “(ii) the deadline is extended by the  
4 lead agency for good cause.

5 “(B) OTHER ENVIRONMENTAL REVIEW  
6 PROCESSES.—For all comment periods estab-  
7 lished by the lead agency for agency or public  
8 comments in the environmental review process  
9 of an action within a program under the au-  
10 thority of the lead agency other than for a draft  
11 environmental impact statement, a period of not  
12 more than 30 days after the date on which the  
13 materials on which comment is requested are  
14 made available, unless—

15 “(i) a different deadline is established  
16 by agreement of the lead agency, the non-  
17 Federal interest, and all cooperating agen-  
18 cies; or

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

21 “(3) DEADLINES FOR DECISIONS UNDER  
22 OTHER LAWS.—In any case in which a decision  
23 under any Federal law relating to a project, includ-  
24 ing the issuance or denial of a permit or license, is  
25 required to be made by the date described in sub-

1 section (k)(6)(B)(ii), the Secretary shall submit to  
2 the Committee on Environment and Public Works of  
3 the Senate and the Committee on Transportation  
4 and Infrastructure of the House of Representa-  
5 tives—

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

10 “(B) every 60 days thereafter until such  
11 date as all decisions of the Federal agency re-  
12 lating to the project have been made by the  
13 Federal agency, an additional notice that de-  
14 scribes the number of decisions of the Federal  
15 agency that remain outstanding as of the date  
16 of the additional notice.

17 “(4) INVOLVEMENT OF THE PUBLIC.—Nothing  
18 in this subsection reduces any time period provided  
19 for public comment in the environmental review  
20 process under applicable Federal law (including reg-  
21 ulations).

22 “(k) ISSUE IDENTIFICATION AND RESOLUTION.—

23 “(1) COOPERATION.—The lead agency, the co-  
24 operating agencies, and any participating agencies  
25 shall work cooperatively in accordance with this sec-



1 tion to identify and resolve issues that could delay  
2 completion of the environmental review process or  
3 result in the denial of any approval required for the  
4 water resource project under applicable laws.

5 “(2) LEAD AGENCY RESPONSIBILITIES.—

6 “(A) IN GENERAL.—The lead agency shall  
7 make information available to the cooperating  
8 agencies and participating agencies as early as  
9 practicable in the environmental review process  
10 regarding the environmental and socioeconomic  
11 resources located within the water resource  
12 project area and the general locations of the al-  
13 ternatives under consideration.

14 “(B) DATA SOURCES.—The information  
15 under subparagraph (A) may be based on exist-  
16 ing data sources, including geographic informa-  
17 tion systems mapping.

18 “(3) COOPERATING AND PARTICIPATING AGEN-  
19 CY RESPONSIBILITIES.—Based on information re-  
20 ceived from the lead agency, cooperating and partici-  
21 pating agencies shall identify, as early as prac-  
22 ticable, any issues of concern regarding the potential  
23 environmental or socioeconomic impacts of the water  
24 resource project, including any issues that could sub-  
25 stantially delay or prevent an agency from granting

1 a permit or other approval that is needed for the  
2 water resource project.

3 “(4) INTERIM DECISION ON ACHIEVING ACCEL-  
4 ERATED DECISIONMAKING.—

5 “(A) IN GENERAL.—Not later than 45  
6 days after the close of the public comment pe-  
7 riod on a draft environmental impact statement,  
8 the Secretary may convene a meeting with the  
9 non-Federal interest or joint lead agency, as ap-  
10 plicable, relevant resource agencies, and rel-  
11 evant Federal and State agencies to establish a  
12 schedule of deadlines to complete decisions re-  
13 garding the water resource project.

14 “(B) DEADLINES.—

15 “(i) IN GENERAL.—The deadlines re-  
16 ferred to in subparagraph (A) shall be  
17 those established by the Secretary, in con-  
18 sultation with and with the concurrence of  
19 the non-Federal interest or joint lead agen-  
20 cy, as applicable, and other relevant Fed-  
21 eral and State agencies.

22 “(ii) FACTORS FOR CONSIDER-  
23 ATION.—In establishing a schedule, the  
24 Secretary shall consider factors such as—

1           “(I) the responsibilities of co-  
2           operating agencies under applicable  
3           laws;

4           “(II) the resources available to  
5           the non-Federal interest, joint lead  
6           agency, and other relevant Federal  
7           and State agencies, as applicable;

8           “(III) the overall size and com-  
9           plexity of the water resource project;

10          “(IV) the overall schedule for  
11          and cost of the water resource project;  
12          and

13          “(V) the sensitivity of the natural  
14          and historical resources that could be  
15          affected by the water resource project.

16          “(iii) MODIFICATIONS.—The Sec-  
17          retary may—

18                 “(I) lengthen a schedule under  
19                 clause (i) for good cause; and

20                 “(II) shorten a schedule only  
21                 with concurrence of the affected non-  
22                 Federal interest, joint lead agency, or  
23                 relevant Federal and State agencies,  
24                 as applicable.

1           “(C) FAILURE TO MEET DEADLINE.—If  
2           the agencies described in subparagraph (A) can-  
3           not provide reasonable assurances that the  
4           deadlines described in subparagraph (B) will be  
5           met, the Secretary may initiate the issue resolu-  
6           tion and referral process described under para-  
7           graph (5) before the completion of the record of  
8           decision.

9           “(5) ACCELERATED ISSUE RESOLUTION AND  
10          ELEVATION.—

11           “(A) AGENCY ISSUE RESOLUTION MEET-  
12          ING.—

13           “(i) IN GENERAL.—A cooperating  
14           agency or non-Federal interest may re-  
15           quest an issue resolution meeting to be  
16           conducted by the Secretary.

17           “(ii) ACTION BY SECRETARY.—The  
18           Secretary shall convene an issue resolution  
19           meeting under clause (i) with the relevant  
20           cooperating agencies and the non-Federal  
21           interest, as applicable, to resolve issues  
22           that could—

23           “(I) delay completion of the envi-  
24           ronmental review process; or

1                   “(II) conflict with the ability of a  
2                   cooperating agency to carry out appli-  
3                   cable Federal laws (including regula-  
4                   tions).

5                   “(iii) DATE.—A meeting requested  
6                   under this subparagraph shall be held not  
7                   later than 21 days after the date on which  
8                   the Secretary receives the request for the  
9                   meeting, unless the Secretary determines  
10                  that there is good cause to extend that  
11                  deadline.

12                  “(iv) NOTIFICATION.—On receipt of a  
13                  request for a meeting under this subpara-  
14                  graph, the Secretary shall notify all rel-  
15                  evant cooperating agencies of the request,  
16                  including the issue to be resolved and the  
17                  date for the meeting.

18                  “(v) DISPUTES.—If a relevant cooper-  
19                  ating agency with jurisdiction over an ac-  
20                  tion, including a permit approval, review,  
21                  or other statement or opinion required for  
22                  a water resource project under applicable  
23                  law determines that the relevant informa-  
24                  tion necessary to resolve the issue has not  
25                  been obtained and could not have been ob-

1           tained within a reasonable time, but the  
2           Secretary disagrees, the resolution of the  
3           dispute shall be forwarded to the heads of  
4           the relevant agencies for resolution.

5           “(vi) CONVENTION BY LEAD AGEN-  
6           CY.—The Secretary may convene an issue  
7           resolution meeting under this subsection at  
8           any time, at the discretion of the Sec-  
9           retary, regardless of whether a meeting is  
10          requested under clause (i).

11          “(vii) EXCEPTION.—

12           “(I) IN GENERAL.—The issue  
13           resolution and referral process under  
14           this subparagraph shall not be initi-  
15           ated if the applicable agency—

16           “(aa) notifies, with a sup-  
17           porting explanation, the lead  
18           agency, cooperating agencies, and  
19           non-Federal interest, as applica-  
20           ble, that—

21           “(AA) the agency has  
22           not received necessary infor-  
23           mation or approvals from  
24           another entity in a manner  
25           that affects the ability of the

1 agency to meet any require-  
2 ments under Federal, tribal,  
3 State, or local law;

4 “(BB) significant new  
5 information, including from  
6 public comments, or cir-  
7 cumstances, including a  
8 major modification to an as-  
9 pect of the water resource  
10 project, requires additional  
11 analysis for the agency to  
12 make a decision on the  
13 water resource project appli-  
14 cation; or

15 “(CC) the agency lacks  
16 the financial resources to  
17 complete the review under  
18 the scheduled time frame,  
19 including a description of  
20 the number of full-time em-  
21 ployees required to complete  
22 the review, the amount of  
23 funding required to complete  
24 the review, and a justifica-  
25 tion as to why there is not

1 enough funding available to  
2 complete the review by the  
3 deadline; and

4 “(bb) establishes a new  
5 deadline for completion of the re-  
6 view.

7 “(II) INSPECTOR GENERAL.—If  
8 the applicable agency makes a certifi-  
9 cation under subclause (I)(aa)(CC),  
10 the Inspector General of the applica-  
11 ble agency shall conduct a financial  
12 audit to review that certification and  
13 submit a report on that certification  
14 within 90 days to the Committee on  
15 Environment and Public Works of the  
16 Senate and the Committee on Trans-  
17 portation and Infrastructure of the  
18 House of Representatives.

19 “(B) ELEVATION OF ISSUE RESOLU-  
20 TION.—

21 “(i) IN GENERAL.—If issue resolution  
22 is not achieved by not later than 30 days  
23 after the date on which a relevant meeting  
24 is held under subparagraph (A), the Sec-  
25 retary shall notify the heads of the relevant



1 cooperating agencies and the non-Federal  
2 interest that an issue resolution meeting  
3 will be convened.

4 “(ii) REQUIREMENTS.—The Secretary  
5 shall identify the issues to be addressed at  
6 the meeting and convene the meeting not  
7 later than 30 days after the date on which  
8 the notice is issued.

9 “(C) SUBMISSION OF ISSUE RESOLU-  
10 TION.—

11 “(i) SUBMISSION TO COUNCIL ON EN-  
12 VIRONMENTAL QUALITY.—

13 “(I) IN GENERAL.—If a resolu-  
14 tion is not achieved by not later than  
15 30 days after the date on which an  
16 issue resolution meeting is held under  
17 subparagraph (B), the Secretary shall  
18 submit the matter to the Council on  
19 Environmental Quality.

20 “(II) MEETING.—Not later than  
21 30 days after the date on which the  
22 Council on Environmental Quality re-  
23 ceives a submission from the Sec-  
24 retary under subclause (I), the Coun-  
25 cil on Environmental Quality shall

1 hold an issue resolution meeting with  
2 the lead agency, the heads of relevant  
3 cooperating agencies and the non-Fed-  
4 eral interest.

5 “(III) ADDITIONAL HEARINGS.—  
6 The Council on Environmental Qual-  
7 ity may hold public meetings or hear-  
8 ings to obtain additional views and in-  
9 formation that the Council on Envi-  
10 ronmental Quality determines are nec-  
11 essary, consistent with the time  
12 frames described in this paragraph.

13 “(ii) REMEDIES.—Not later than 30  
14 days after the date on which an issue reso-  
15 lution meeting is convened by the Council  
16 on Environmental Quality under clause  
17 (i)(II), the Secretary shall—

18 “(I) publish findings that explain  
19 how the issue was resolved and rec-  
20 ommendations (including, where ap-  
21 propriate, a finding that the submis-  
22 sion does not support the position of  
23 the submitting agency); or

1                   “(II) if the resolution of the issue  
2                   was not achieved, submit to the Presi-  
3                   dent for action—

4                               “(aa) the submission;

5                               “(bb) any views or addi-  
6                   tional information developed dur-  
7                   ing any additional hearings under  
8                   clause (i)(III); and

9                               “(cc) the recommendation of  
10                   the Council on Environmental  
11                   Quality.

12                   “(6) FINANCIAL PENALTY PROVISIONS.—

13                               “(A) IN GENERAL.—A Federal jurisdic-  
14                   tional agency shall complete any required ap-  
15                   proval or decision on an expeditious basis using  
16                   the shortest existing applicable process.

17                               “(B) FAILURE TO DECIDE.—

18                               “(i) IN GENERAL.—If a Federal jurisdic-  
19                   tional agency fails to render a decision  
20                   under any Federal law relating to a water  
21                   resource project that requires the prepara-  
22                   tion of an environmental impact statement  
23                   or environmental assessment, including the  
24                   issuance or denial of a permit, license,  
25                   statement, opinion, or other approval by

1 the date described in clause (ii), the  
2 amount of funds made available to support  
3 the office of the head of the Federal juris-  
4 dictional agency shall be reduced by an  
5 amount of funding equal to the amounts  
6 specified in subclause (I) or (II) and those  
7 funds shall be made available to the divi-  
8 sion of the Federal jurisdictional agency  
9 charged with rendering the decision by not  
10 later than 1 day after the applicable date  
11 under clause (ii), and once each week  
12 thereafter until a final decision is ren-  
13 dered, subject to subparagraph (C)—

14 “(I) \$20,000 for any water re-  
15 source project requiring the prepara-  
16 tion of an environmental assessment  
17 or environmental impact statement; or

18 “(II) \$10,000 for any water re-  
19 source project requiring any type of  
20 review under the National Environ-  
21 mental Policy Act of 1969 (42 U.S.C.  
22 4321 et seq.) other than an environ-  
23 mental assessment or environmental  
24 impact statement.

1           “(ii) DESCRIPTION OF DATE.—The  
2           date referred to in clause (i) is the later  
3           of—

4                   “(I) the date that is 180 days  
5                   after the date on which an application  
6                   for the permit, license, or approval is  
7                   complete; and

8                   “(II) the date that is 180 days  
9                   after the date on which the Federal  
10                  lead agency issues a decision on the  
11                  water resource project under the Na-  
12                  tional Environmental Policy Act of  
13                  1969 (42 U.S.C. 4321 et seq.).

14           “(C) LIMITATIONS.—

15                   “(i) IN GENERAL.—No transfer of  
16                   funds under subparagraph (B) relating to  
17                   an individual water resource project shall  
18                   exceed, in any fiscal year, an amount equal  
19                   to 1 percent of the funds made available  
20                   for the applicable agency office.

21                   “(ii) FAILURE TO DECIDE.—The total  
22                   amount transferred in a fiscal year as a re-  
23                   sult of a failure by an agency to make a  
24                   decision by an applicable deadline shall not  
25                   exceed an amount equal to 5 percent of the

1 funds made available for the applicable  
2 agency office for that fiscal year.

3 “(iii) AGGREGATE.—Notwithstanding  
4 any other provision of law, for each fiscal  
5 year, the aggregate amount of financial  
6 penalties assessed against each applicable  
7 agency office under title II of the Water  
8 Resources Development Act of 2013 and  
9 any other Federal law as a result of a fail-  
10 ure of the agency to make a decision by an  
11 applicable deadline for environmental re-  
12 view, including the total amount trans-  
13 ferred under this paragraph, shall not ex-  
14 ceed an amount equal to 9.5 percent of the  
15 funds made available for the agency office  
16 for that fiscal year.

17 “(D) NO FAULT OF AGENCY.—

18 “(i) IN GENERAL.—A transfer of  
19 funds under this paragraph shall not be  
20 made if the applicable agency described in  
21 subparagraph (A) notifies, with a sup-  
22 porting explanation, the lead agency, co-  
23 operating agencies, and non-Federal inter-  
24 est, as applicable, that—

1           “(I) the agency has not received  
2           necessary information or approvals  
3           from another entity in a manner that  
4           affects the ability of the agency to  
5           meet any requirements under Federal,  
6           State, or local law;

7           “(II) significant new information,  
8           including from public comments, or  
9           circumstances, including a major  
10          modification to an aspect of the water  
11          resource project, requires additional  
12          analysis for the agency to make a de-  
13          cision on the water resource project  
14          application; or

15          “(III) the agency lacks the finan-  
16          cial resources to complete the review  
17          under the scheduled time frame, in-  
18          cluding a description of the number of  
19          full-time employees required to com-  
20          plete the review, the amount of fund-  
21          ing required to complete the review,  
22          and a justification as to why there is  
23          not enough funding available to com-  
24          plete the review by the deadline.

1           “(ii) LACK OF FINANCIAL RE-  
2 SOURCES.—If the agency provides notice  
3 under clause (i)(III), the Inspector General  
4 of the agency shall—

5                   “(I) conduct a financial audit to  
6 review the notice; and

7                   “(II) not later than 90 days after  
8 the date on which the review described  
9 in subclause (I) is completed, submit  
10 to the Committee on Environment  
11 and Public Works of the Senate and  
12 the Committee on Transportation and  
13 Infrastructure of the House of Rep-  
14 resentatives a report on the notice.

15           “(E) LIMITATION.—The Federal agency  
16 from which funds are transferred pursuant to  
17 this paragraph shall not reprogram funds to the  
18 office of the head of the agency, or equivalent  
19 office, to reimburse that office for the loss of  
20 the funds.

21           “(F) EFFECT OF PARAGRAPH.—Nothing in  
22 this paragraph affects or limits the application  
23 of, or obligation to comply with, any Federal,  
24 State, local, or tribal law.



1       “(l) PERFORMANCE MEASUREMENT.—The Secretary  
2 shall establish a program to measure and report on  
3 progress made toward improving and expediting the plan-  
4 ning and environmental review process.

5       “(m) MEMORANDUM OF AGREEMENTS FOR EARLY  
6 COORDINATION.—

7           “(1) SENSE OF CONGRESS.—It is the sense of  
8 Congress that—

9           “(A) the Secretary and other Federal  
10 agencies with relevant jurisdiction in the envi-  
11 ronmental review process should cooperate with  
12 each other, State agencies, and Indian tribes on  
13 environmental review and water resource  
14 project delivery activities at the earliest prac-  
15 ticable time to avoid delays and duplication of  
16 effort later in the process, prevent potential  
17 conflicts, and ensure that planning and water  
18 resource project development decisions reflect  
19 environmental values; and

20           “(B) the cooperation referred to in sub-  
21 paragraph (A) should include the development  
22 of policies and the designation of staff that ad-  
23 vise planning agencies and non-Federal inter-  
24 ests of studies or other information foreseeably  
25 required for later Federal action and early con-

1           sultation with appropriate State and local agen-  
2           cies and Indian tribes.

3           “(2) TECHNICAL ASSISTANCE.—If requested at  
4           any time by a State or non-Federal interest, the  
5           Secretary and other Federal agencies with relevant  
6           jurisdiction in the environmental review process,  
7           shall, to the maximum extent practicable and appro-  
8           priate, as determined by the agencies, provide tech-  
9           nical assistance to the State or non-Federal interest  
10          in carrying out early coordination activities.

11          “(3) MEMORANDUM OF AGENCY AGREEMENT.—  
12          If requested at any time by a State or non-Federal  
13          interest, the lead agency, in consultation with other  
14          Federal agencies with relevant jurisdiction in the en-  
15          vironmental review process, may establish memo-  
16          randa of agreement with the non-Federal interest,  
17          Indian tribe, State and local governments, and other  
18          appropriate entities to carry out the early coordina-  
19          tion activities, including providing technical assist-  
20          ance in identifying potential impacts and mitigation  
21          issues in an integrated fashion.

22          “(n) LIMITATIONS.—Nothing in this section pre-  
23          empts, supersedes, amends, modifies, repeals, or interferes  
24          with—

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

4           “(2) any obligation to comply with the provi-  
5 sions any Federal law, including—

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

8                 “(B) the regulations issued by the Council  
9 on Environmental Quality or any other Federal  
10 agency to carry out that Act; and

11                 “(C) any other Federal environmental law;

12           “(3) the reviewability of any final Federal agen-  
13 cy action in a court of the United States or in the  
14 court of any State;

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

17           “(5) any power, jurisdiction, responsibility,  
18 duty, or authority that a Federal, State, or local  
19 governmental agency, Indian tribe, or non-Federal  
20 interest has with respect to carrying out a water re-  
21 source project or any other provision of law applica-  
22 ble to water resource projects.

23           “(o) CATEGORICAL EXCLUSIONS.—

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

4           “(A) survey the use by the Corps of Engi-  
5 neers of categorical exclusions in water resource  
6 projects since 2005;

7           “(B) publish a review of the survey that  
8 includes a description of—

9           “(i) the types of actions that were cat-  
10 egorically excluded or could be the basis  
11 for developing a new categorical exclusion;  
12 and

13           “(ii) any requests previously received  
14 by the Secretary for new categorical exclu-  
15 sions; and

16           “(C) solicit requests from other Federal  
17 agencies and non-Federal interests for new cat-  
18 egorical exclusions.

19           “(2) NEW CATEGORICAL EXCLUSIONS.—Not  
20 later than 1 year after the date of enactment of this  
21 subsection, if the Secretary has identified a category  
22 of activities that merit establishing a categorical ex-  
23 clusion that did not exist on the day before the date  
24 of enactment of this subsection based on the review  
25 under paragraph (1), the Secretary shall publish a

1 notice of proposed rulemaking to propose that new  
2 categorical exclusion, to the extent that the categor-  
3 ical exclusion meets the criteria for a categorical ex-  
4 clusion under section 1508.4 of title 40, Code of  
5 Federal Regulations (or successor regulation).

6 “(p) REVIEW OF WATER RESOURCE PROJECT AC-  
7 CELERATION REFORMS.—

8 “(1) IN GENERAL.—The Comptroller General of  
9 the United States shall—

10 “(A) assess the reforms carried out under  
11 this section; and

12 “(B) not later than 5 years after the date  
13 of enactment of this subsection, submit to the  
14 Committee on Transportation and Infrastruc-  
15 ture of the House of Representatives and the  
16 Committee on Environment and Public Works  
17 of the Senate a report that describes the results  
18 of the assessment.

19 “(2) INSPECTOR GENERAL REPORT.—The In-  
20 spector General of the Corps of Engineers shall—

21 “(A) assess the reforms carried out under  
22 this section; and

23 “(B) submit to the Committee on Trans-  
24 portation and Infrastructure of the House of

1           Representatives and the Committee on Environ-  
2           ment and Public Works of the Senate—

3                   “(i) not later than 2 years after the  
4                   date of enactment of this subsection, an  
5                   initial report of the findings of the Inspec-  
6                   tor General; and

7                   “(ii) not later than 4 years after the  
8                   date of enactment of this subsection, a  
9                   final report of the findings.

10          “(q) AUTHORIZATION.—The authority provided by  
11 this section expires on the date that is 10 years after the  
12 date of enactment of this Act.”.

13 **SEC. 2034. FEASIBILITY STUDIES.**

14          Section 905 of the Water Resources Development Act  
15 of 1986 (33 U.S.C. 2282) is amended by adding at the  
16 end the following:

17          “(g) DETAILED PROJECT SCHEDULE.—

18                  “(1) IN GENERAL.—Not later than 180 days  
19 after the date of enactment of this subsection, the  
20 Secretary shall determine a set of milestones needed  
21 for the completion of a feasibility study under this  
22 subsection, including all major actions, report sub-  
23 missions and responses, reviews, and comment peri-  
24 ods.

1           “(2) DETAILED PROJECT SCHEDULE MILE-  
2 STONES.—Each District Engineer shall, to the max-  
3 imum extent practicable, establish a detailed project  
4 schedule, based on full funding capability, that lists  
5 all deadlines for milestones relating to feasibility  
6 studies in the District developed by the Secretary  
7 under paragraph (1).

8           “(3) NON-FEDERAL INTEREST NOTIFICA-  
9 TION.—Each District Engineer shall submit by cer-  
10 tified mail the detailed project schedule under para-  
11 graph (2) to each relevant non-Federal interest—

12           “(A) for projects that have received fund-  
13 ing from the General Investigations Account of  
14 the Corps of Engineers in the period beginning  
15 on October 1, 2009, and ending on the date of  
16 enactment of this section, not later than 180  
17 days after the establishment of milestones  
18 under paragraph (1); and

19           “(B) for projects for which a feasibility  
20 cost-sharing agreement is executed after the es-  
21 tablishment of milestones under paragraph (1),  
22 not later than 90 days after the date on which  
23 the agreement is executed.

24           “(4) CONGRESSIONAL AND PUBLIC NOTIFICA-  
25 TION.—Beginning in the first full fiscal year after

1 the date of enactment of this Act, the Secretary  
2 shall—

3 “(A) submit an annual report that lists all  
4 detailed project schedules under paragraph (2)  
5 and an explanation of any missed deadlines to  
6 the Committee on Environment and Public  
7 Works of the Senate and the Committee on  
8 Transportation and Infrastructure of the House  
9 of Representatives; and

10 “(B) make publicly available, including on  
11 the Internet, a copy of the annual report de-  
12 scribed in subparagraph (A) not later than 14  
13 days after date on which a report is submitted  
14 to Congress.

15 “(5) FAILURE TO ACT.—If a District Engineer  
16 fails to meet any of the deadlines in the project  
17 schedule under paragraph (2), the District Engineer  
18 shall—

19 “(A) not later than 30 days after each  
20 missed deadline, submit to the non-Federal in-  
21 terest a report detailing—

22 “(i) why the District Engineer failed  
23 to meet the deadline; and



1                   “(ii) a revised project schedule reflect-  
2                   ing amended deadlines for the feasibility  
3                   study; and

4                   “(B) not later than 30 days after each  
5                   missed deadline, make publicly available, includ-  
6                   ing on the Internet, a copy of the amended  
7                   project schedule described in subparagraph  
8                   (A)(ii).”.

9 **SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.**

10           (a) **IN GENERAL.**—On the request of a non-Federal  
11 interest, the Secretary shall provide to the non-Federal in-  
12 terest a detailed accounting of the Federal expenses asso-  
13 ciated with a water resources project.

14           (b) **STUDY.**—

15                   (1) **IN GENERAL.**—The Secretary shall contract  
16 with the National Academy of Public Administration  
17 to carry out a study on the efficiency of the Corps  
18 Engineers current staff salaries and administrative  
19 expense procedures as compared to using a separate  
20 administrative expense account.

21                   (2) **CONTENTS.**—The study under paragraph  
22 (1) shall include any recommendations of the Na-  
23 tional Academy of Public Administration for im-  
24 provements to the budgeting and administrative

1 processes that will increase the efficiency of the  
2 Corps of Engineers project delivery.

3 **SEC. 2036. DETERMINATION OF PROJECT COMPLETION.**

4 (a) IN GENERAL.—The Secretary shall notify the  
5 non-Federal interest when construction of a water re-  
6 sources project or a functional portion of the project is  
7 completed so the non-Federal interest may commence re-  
8 sponsibilities, as applicable, for operating and maintaining  
9 the project.

10 (b) NON-FEDERAL INTEREST APPEAL OF DETER-  
11 MINATION.—

12 (1) IN GENERAL.—Not later than 7 days after  
13 receiving a notification under subparagraph (a), the  
14 non-Federal interest may appeal the completion de-  
15 termination of the Secretary in writing with a de-  
16 tailed explanation of the basis for questioning the  
17 completeness of the project or functional portion of  
18 the project.

19 (2) INDEPENDENT REVIEW.—

20 (A) IN GENERAL.—On notification that a  
21 non-Federal interest has submitted an appeal  
22 under paragraph (1), the Secretary shall con-  
23 tract with 1 or more independent, non-Federal  
24 experts to evaluate whether the applicable water

1 resources project or functional portion of the  
2 project is complete.

3 (B) **TIMELINE.**—An independent review  
4 carried out under subparagraph (A) shall be  
5 completed not later than 180 days after the  
6 date on which the Secretary receives an appeal  
7 from a non-Federal interest under paragraph  
8 (1).

9 **SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.**

10 (a) **IN GENERAL.**—The Secretary shall contract with  
11 the National Academy of Public Administration to carry  
12 out a comprehensive review of the process for preparing,  
13 negotiating, and approving Project Partnership Agree-  
14 ments and the Project Partnership Agreement template,  
15 which shall include—

16 (1) a review of the process for preparing, nego-  
17 tiating, and approving Project Partnership Agree-  
18 ments, as in effect on the day before the date of en-  
19 actment of this Act;

20 (2) an evaluation of how the concerns of a non-  
21 Federal interest relating to the Project Partnership  
22 Agreement and suggestions for modifications to the  
23 Project Partnership Agreement made by a non-Fed-  
24 eral interest are accommodated;



1           (3) in subsection (c), by inserting “and restora-  
2           tion” after “protection”; and

3           (4) in subsection (d)—

4                 (A) in the first sentence—

5                     (i) by striking “There is” and insert-  
6                     ing “(1) IN GENERAL.—There is”; and

7                     (ii) by striking “2008” and inserting  
8                     “2014”; and

9                 (B) in the second sentence—

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

13                    (ii) by striking “other Federal agen-  
14                    cies” and inserting “Federal departments  
15                    or agencies, nongovernmental organiza-  
16                    tions”.

17 **SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO IN-**  
18 **CREASE LOCK OPERATIONS.**

19           (a) IN GENERAL.—The Secretary, after providing  
20 public notice, shall establish a pilot program for the ac-  
21 ceptance and expenditure of funds contributed by non-  
22 Federal interests to increase the hours of operation of  
23 locks at water resources development projects.

24           (b) APPLICABILITY.—The establishment of the pilot  
25 program under this section shall not affect the periodic

1 review and adjustment of hours of operation of locks based  
2 on increases in commercial traffic carried out by the Sec-  
3 retary.

4 (c) PUBLIC COMMENT.—Not later than 180 days be-  
5 fore a proposed modification to the operation of a lock  
6 at a water resources development project will be carried  
7 out, the Secretary shall—

8 (1) publish the proposed modification in the  
9 Federal Register; and

10 (2) accept public comment on the proposed  
11 modification.

12 (d) REPORTS.—

13 (1) IN GENERAL.—Not later than 1 year after  
14 the date of enactment of this Act, the Secretary  
15 shall submit to the Committee on Transportation  
16 and Infrastructure of the House of Representatives  
17 and the Committee on Environment and Public  
18 Works of the Senate a report that evaluates the  
19 cost-savings resulting from reduced lock hours and  
20 any economic impacts of modifying lock operations.

21 (2) REVIEW OF PILOT PROGRAM.—Not later  
22 than September 30, 2017 and each year thereafter,  
23 the Secretary shall submit to the Committee on  
24 Transportation and Infrastructure of the House of  
25 Representatives and the Committee on Environment

1 and Public Works of the Senate a report that de-  
2 scribes the effectiveness of the pilot program under  
3 this section.

4 (e) ANNUAL REVIEW.—The Secretary shall carry out  
5 an annual review of the commercial use of locks and make  
6 any necessary adjustments to lock operations based on  
7 that review.

8 (f) TERMINATION.—The authority to accept funds  
9 under this section shall terminate 5 years after the date  
10 of enactment of this Act.

11 **SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISAS-**  
12 **TERS.**

13 (a) IN GENERAL.—Section 5(a)(1) of the Act entitled  
14 “An Act authorizing the construction of certain public  
15 works on rivers and harbors for flood control, and for  
16 other purposes”, approved August 18, 1941 (33 U.S.C.  
17 701n(a)(1)), is amended in the first sentence—

18 (1) by inserting “and subject to the condition  
19 that the Chief of Engineers may include modifica-  
20 tions to the structure or project” after “work for  
21 flood control”; and

22 (2) by striking “structure damaged or de-  
23 stroyed by wind, wave, or water action of other than  
24 an ordinary nature when in the discretion of the  
25 Chief of Engineers such repair and restoration is

1 warranted for the adequate functioning of the struc-  
2 ture for hurricane or shore protection” and inserting  
3 “structure or project damaged or destroyed by wind,  
4 wave, or water action of other than an ordinary na-  
5 ture to the design level of protection when, in the  
6 discretion of the Chief of Engineers, such repair and  
7 restoration is warranted for the adequate func-  
8 tioning of the structure or project for hurricane or  
9 shore protection, subject to the condition that the  
10 Chief of Engineers may include modifications to the  
11 structure or project to address major deficiencies or  
12 implement nonstructural alternatives to the repair or  
13 restoration of the structure if requested by the non-  
14 Federal sponsor”.

15 (b) REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after  
17 the date of enactment of this Act and every 2 years  
18 thereafter, the Secretary shall submit to the Com-  
19 mittee on Environment and Public Works of the  
20 Senate and the Committee on Transportation and  
21 Infrastructure of the House of Representatives a re-  
22 port detailing the amounts expended in the previous  
23 5 fiscal years to carry out Corps of Engineers  
24 projects under section 5 of the Act entitled “An Act  
25 authorizing the construction of certain public works



1 on rivers and harbors for flood control, and for other  
2 purposes”, approved August 18, 1941 (33 U.S.C.  
3 701n).

4 (2) INCLUSIONS.—A report under paragraph  
5 (1) shall, at a minimum, include a description of—

6 (A) each structure, feature, or project for  
7 which amounts are expended, including the type  
8 of structure, feature, or project and cost of the  
9 work; and

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

16 **SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.**

17 A levee system shall remain eligible for rehabilitation  
18 assistance under the authority provided by section 5 of  
19 the Act entitled “An Act authorizing the construction of  
20 certain public works on rivers and harbors for flood con-  
21 trol, and for other purposes” (33 U.S.C. 701n) as long  
22 as the levee system sponsor continues to make satisfactory  
23 progress, as determined by the Secretary, on an approved  
24 systemwide improvement framework or letter of intent.

1 **SEC. 2042. FUNDING TO PROCESS PERMITS.**

2 Section 214 of the Water Resources Development Act  
3 of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is  
4 amended by striking subsections (d) and (e) and inserting  
5 the following:

6 “(d) PUBLIC AVAILABILITY.—

7 “(1) IN GENERAL.—The Secretary shall ensure  
8 that all final permit decisions carried out using  
9 funds authorized under this section are made avail-  
10 able to the public in a common format, including on  
11 the Internet, and in a manner that distinguishes  
12 final permit decisions under this section from other  
13 final actions of the Secretary.

14 “(2) DECISION DOCUMENT.—The Secretary  
15 shall—

16 “(A) use a standard decision document for  
17 evaluating all permits using funds accepted  
18 under this section; and

19 “(B) make the standard decision docu-  
20 ment, along with all final permit decisions,  
21 available to the public, including on the Inter-  
22 net.

23 “(3) AGREEMENTS.—The Secretary shall make  
24 all active agreements to accept funds under this sec-  
25 tion available on a single public Internet site.

26 “(e) REPORTING.—

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

6           “(A) a comprehensive list of any funds ac-  
7       cepted under this section during the previous  
8       fiscal year;

9           “(B) a comprehensive list of the permits  
10      reviewed and approved using funds accepted  
11      under this section during the previous fiscal  
12      year, including a description of the size and  
13      type of resources impacted and the mitigation  
14      required for each permit; and

15          “(C) a description of the training offered  
16      in the previous fiscal year for employees that is  
17      funded in whole or in part with funds accepted  
18      under this section.

19          “(2) SUBMISSION.—Not later than 90 days  
20      after the end of each fiscal year, the Secretary  
21      shall—

22          “(A) submit to the Committee on Environ-  
23      ment and Public Works of the Senate and the  
24      Committee on Transportation and Infrastruc-

1           ture of the House of Representatives the annual  
2           report described in paragraph (1); and

3           “(B) make each report received under sub-  
4           paragraph (A) available on a single publicly ac-  
5           cessible Internet site.”.

6 **SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND**  
7           **EROSION PREVENTION STUDY AND PILOT**  
8           **PROGRAM.**

9           (a) DEFINITION OF INLAND AND INTRACOASTAL WA-  
10          TERWAY.—In this section, the term “inland and intra-  
11          coastal waterway” means the inland and intracoastal wa-  
12          terways of the United States described in section 206 of  
13          the Inland Waterways Revenue Act of 1978 (33 U.S.C.  
14          1804).

15          (b) PILOT PROGRAM.—The Secretary—

16               (1) is authorized to study issues relating to riv-  
17          erbank stabilization and erosion prevention along in-  
18          land and intracoastal waterways; and

19               (2) shall establish and carry out for a period of  
20          5 fiscal years a national riverbank stabilization and  
21          erosion prevention pilot program to address river-  
22          bank erosion along inland and intracoastal water-  
23          ways.

24          (c) STUDY.—

1           (1) IN GENERAL.—The Secretary, in consulta-  
2           tion with appropriate Federal, State, local, and non-  
3           governmental entities, shall carry out a study of the  
4           options and technologies available to prevent the ero-  
5           sion and degradation of riverbanks along inland and  
6           intracoastal waterways.

7           (2) CONTENTS.—The study shall—

8                   (A) evaluate the nature and extent of the  
9                   damages resulting from riverbank erosion along  
10                  inland and intracoastal waterways throughout  
11                  the United States;

12                  (B) identify specific inland and intra-  
13                  coastal waterways and affected wetland areas  
14                  with the most urgent need for restoration;

15                  (C) analyze any legal requirements with re-  
16                  gard to maintenance of bank lines of inland and  
17                  intracoastal waterways, including a comparison  
18                  of Federal, State, and private obligations and  
19                  practices;

20                  (D) assess and compare policies and man-  
21                  agement practices to protect surface areas adja-  
22                  cent to inland and intracoastal waterways ap-  
23                  plied by various Districts of the Corps of Engi-  
24                  neers; and

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

3           (d) RIVERBANK STABILIZATION AND EROSION PRE-  
4           VENTION PILOT PROGRAM.—

5           (1) IN GENERAL.—The Secretary shall develop  
6           a pilot program for the construction of riverbank  
7           stabilization and erosion prevention projects on pub-  
8           lic land along inland and intracoastal waterways if  
9           the Secretary determines that the projects are tech-  
10          nically feasible, environmentally acceptable, economi-  
11          cally justified, and lower maintenance costs of those  
12          inland and intracoastal waterways.

13          (2) PILOT PROGRAM GOALS.—A project under  
14          the pilot program shall, to the maximum extent  
15          practicable—

16                (A) develop or demonstrate innovative  
17                technologies;

18                (B) implement efficient designs to prevent  
19                erosion at a riverbank site, taking into account  
20                the lifecycle cost of the design, including clean-  
21                up, maintenance, and amortization;

22                (C) prioritize natural designs, including  
23                the use of native and naturalized vegetation or  
24                temporary structures that minimize permanent  
25                structural alterations to the riverbank;

1 (D) avoid negative impacts to adjacent  
2 communities;

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

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

8 (3) PROJECT SELECTIONS.—The Secretary  
9 shall develop criteria for the selection of projects  
10 under the pilot program, including criteria based  
11 on—

12 (A) the extent of damage and land loss re-  
13 sulting from riverbank erosion;

14 (B) the rate of erosion;

15 (C) the significant threat of future flood  
16 risk to public or private property, public infra-  
17 structure, or public safety;

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

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

22 (4) CONSULTATION.—The Secretary shall carry  
23 out the pilot program in consultation with—

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

25 (B) nongovernmental organizations; and

1 (C) applicable university research facilities.

2 (5) REPORT.—Not later than 1 year after the  
3 first fiscal year for which amounts to carry out this  
4 section are appropriated, and every year thereafter,  
5 the Secretary shall prepare and submit to the Com-  
6 mittee on Environment and Public Works of the  
7 Senate and the Committee on Transportation and  
8 Infrastructure of the House of Representatives a re-  
9 port describing—

10 (A) the activities carried out and accom-  
11 plishments made under the pilot program since  
12 the previous report under this paragraph; and

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

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$25,000,000 for each of fiscal years 2014 through 2019.

18 **SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUC-**  
19 **TION PRIORITIZATION.**

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

21 (1) to provide adequate levels of protection to  
22 communities impacted by natural disasters, includ-  
23 ing hurricanes, tropical storms, and other related ex-  
24 treme weather events; and



1           (2) to expedite critical water resources projects  
2           in communities that have historically been and con-  
3           tinue to remain susceptible to extreme weather  
4           events.

5           (b) PRIORITY.—For authorized projects and ongoing  
6           feasibility studies with a primary purpose of hurricane and  
7           storm damage risk reduction, the Secretary shall give  
8           funding priority to projects and ongoing studies that—

9           (1) address an imminent threat to life and  
10          property;

11          (2) prevent storm surge from inundating popu-  
12          lated areas;

13          (3) prevent the loss of coastal wetlands that  
14          help reduce the impact of storm surge;

15          (4) protect emergency hurricane evacuation  
16          routes or shelters;

17          (5) prevent adverse impacts to publicly owned  
18          or funded infrastructure and assets;

19          (6) minimize disaster relief costs to the Federal  
20          Government; and

21          (7) address hurricane and storm damage risk  
22          reduction in an area for which the President de-  
23          clared a major disaster in accordance with section  
24          401 of the Robert T. Stafford Disaster Relief and  
25          Emergency Assistance Act (42 U.S.C. 5170).

1 (c) EXPEDITED CONSIDERATION OF CURRENTLY AU-  
2 THORIZED PROJECTS.—Not later than 180 days after the  
3 date of enactment of this Act, the Secretary shall—

4 (1) submit to the Committee on Environment  
5 and Public Works of the Senate and the Committee  
6 on Transportation and Infrastructure of the House  
7 of Representatives a list of all—

8 (A) ongoing hurricane and storm damage  
9 reduction feasibility studies that have signed  
10 feasibility cost share agreements and have re-  
11 ceived Federal funds since 2009; and

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

14 (i) have been authorized for more  
15 than 20 years but are less than 75 percent  
16 complete; or

17 (ii) are undergoing a post-authoriza-  
18 tion change report, general reevaluation re-  
19 port, or limited reevaluation report;

20 (2) identify those projects on the list required  
21 under paragraph (1) that meet the criteria described  
22 in subsection (b); and

23 (3) provide a plan for expeditiously completing  
24 the projects identified under paragraph (2), subject  
25 to available funding.

1 (d) PRIORITIZATION OF NEW STUDIES FOR HURRI-  
2 CANE AND STORM DAMAGE RISK REDUCTION.—In select-  
3 ing new studies for hurricane and storm damage reduction  
4 to propose to Congress under section 4002, the Secretary  
5 shall give priority to studies—

6 (1) that—

7 (A) have been recommended in a com-  
8 prehensive hurricane protection study carried  
9 out by the Corps of Engineers; or

10 (B) are included in a State plan or pro-  
11 gram for hurricane, storm damage reduction,  
12 flood control, coastal protection, conservation,  
13 or restoration, that is created in consultation  
14 with the Corps of Engineers or other relevant  
15 Federal agencies; and

16 (2) for areas for which the President declared  
17 a major disaster in accordance with section 401 of  
18 the Robert T. Stafford Disaster Relief and Emer-  
19 gency Assistance Act (42 U.S.C. 5170).

20 **SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION**  
21 **EFFORTS.**

22 For authorized projects with a primary purpose of  
23 ecosystem restoration, the Secretary shall give funding  
24 priority to projects—

25 (1) that—

1 (A) address an identified threat to public  
2 health, safety, or welfare;

3 (B) preserve or restore ecosystems of na-  
4 tional significance; or

5 (C) preserve or restore habitats of impor-  
6 tance for federally protected species, including  
7 migratory birds; and

8 (2) for which the restoration activities will con-  
9 tribute to other ongoing or planned Federal, State,  
10 or local restoration initiatives.

11 **SEC. 2046. SPECIAL USE PERMITS.**

12 (a) SPECIAL USE PERMITS.—

13 (1) IN GENERAL.—The Secretary may issue  
14 special permits for uses such as group activities,  
15 recreation events, motorized recreation vehicles, and  
16 such other specialized recreation uses as the Sec-  
17 retary determines to be appropriate, subject to such  
18 terms and conditions as the Secretary determines to  
19 be in the best interest of the Federal Government.

20 (2) FEES.—

21 (A) IN GENERAL.—In carrying out this  
22 subsection, the Secretary may—

23 (i) establish and collect fees associated  
24 with the issuance of the permits described  
25 in paragraph (1); or

1                   (ii) accept in-kind services in lieu of  
2                   those fees.

3                   (B) OUTDOOR RECREATION EQUIPMENT.—

4                   The Secretary may establish and collect fees for  
5                   the provision of outdoor recreation equipment  
6                   and services at public recreation areas located  
7                   at lakes and reservoirs operated by the Corps of  
8                   Engineers.

9                   (C) USE OF FEES.—Any fees generated  
10                  pursuant to this subsection shall be—

11                  (i) retained at the site collected; and

12                  (ii) available for use, without further  
13                  appropriation, solely for administering the  
14                  special permits under this subsection and  
15                  carrying out related operation and mainte-  
16                  nance activities at the site at which the  
17                  fees are collected.

18                  (b) COOPERATIVE MANAGEMENT.—

19                   (1) PROGRAM.—

20                   (A) IN GENERAL.—Subject to subpara-  
21                   graph (B), the Secretary may enter into an  
22                   agreement with a State or local government to  
23                   provide for the cooperative management of a  
24                   public recreation area if—

1 (i) the public recreation area is lo-  
2 cated—

3 (I) at a lake or reservoir operated  
4 by the Corps of Engineers; and

5 (II) adjacent to or near a State  
6 or local park or recreation area; and

7 (ii) the Secretary determines that co-  
8 operative management between the Corps  
9 of Engineers and a State or local govern-  
10 ment agency of a portion of the Corps of  
11 Engineers recreation area or State or local  
12 park or recreation area will allow for more  
13 effective and efficient management of those  
14 areas.

15 (B) RESTRICTION.—The Secretary may  
16 not transfer administration responsibilities for  
17 any public recreation area operated by the  
18 Corps of Engineers.

19 (2) ACQUISITION OF GOODS AND SERVICES.—  
20 The Secretary may acquire from or provide to a  
21 State or local government with which the Secretary  
22 has entered into a cooperative agreement under  
23 paragraph (1) goods and services to be used by the  
24 Secretary and the State or local government in the

1 cooperative management of the areas covered by the  
2 agreement.

3 (3) ADMINISTRATION.—The Secretary may  
4 enter into 1 or more cooperative management agree-  
5 ments or such other arrangements as the Secretary  
6 determines to be appropriate, including leases or li-  
7 censes, with non-Federal interests to share the costs  
8 of operation, maintenance, and management of  
9 recreation facilities and natural resources at recre-  
10 ation areas that are jointly managed and funded  
11 under this subsection.

12 (c) FUNDING TRANSFER AUTHORITY.—

13 (1) IN GENERAL.—If the Secretary determines  
14 that it is in the public interest for purposes of en-  
15 hancing recreation opportunities at Corps of Engi-  
16 neers water resources development projects, the Sec-  
17 retary may transfer funds appropriated for resource  
18 protection, research, interpretation, and maintenance  
19 activities related to resource protection in the areas  
20 at which outdoor recreation is available at those  
21 Corps of Engineers water resource development  
22 projects to State, local, and tribal governments and  
23 such other public or private nonprofit entities as the  
24 Secretary determines to be appropriate.

1           (2) COOPERATIVE AGREEMENTS.—Any transfer  
2 of funds pursuant to this subsection shall be carried  
3 out through the execution of a cooperative agree-  
4 ment, which shall contain such terms and conditions  
5 as the Secretary determines to be necessary in the  
6 public interest.

7           (d) SERVICES OF VOLUNTEERS.—Chapter IV of title  
8 I of Public Law 98–63 (33 U.S.C. 569c) is amended—

9           (1) in the first sentence, by inserting “, includ-  
10 ing expenses relating to uniforms, transportation,  
11 lodging, and the subsistence of those volunteers,  
12 without regard to the place of residence of the volun-  
13 teers,” after “incidental expenses”; and

14           (2) by inserting after the first sentence the fol-  
15 lowing: “The Chief of Engineers may also provide  
16 awards of up to \$100 in value to volunteers in rec-  
17 ognition of the services of the volunteers.”

18           (e) TRAINING AND EDUCATIONAL ACTIVITIES.—Sec-  
19 tion 213(a) of the Water Resources Development Act of  
20 2000 (33 U.S.C. 2339) is amended by striking “at” and  
21 inserting “about”.

22 **SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL**  
23 **TAXED INLAND WATERWAYS.**

24           (a) IN GENERAL.—Notwithstanding any other provi-  
25 sion of law, the Secretary shall have responsibility for 65



1 percent of the costs of the operation, maintenance, repair,  
2 rehabilitation, and replacement of any flood gate, as well  
3 as any pumping station constructed within the channel as  
4 a single unit with that flood gate, that—

5           (1) was constructed as of the date of enactment  
6           of this Act as a feature of an authorized hurricane  
7           and storm damage reduction project; and

8           (2) crosses an inland or intracoastal waterway  
9           described in section 206 of the Inland Waterways  
10          Revenue Act of 1978 (33 U.S.C. 1804).

11          (b) PAYMENT OPTIONS.—For rehabilitation or re-  
12 placement of any structure under this section, the Sec-  
13 retary may apply to the full non-Federal contribution the  
14 payment option provisions under section 103(k) of the  
15 Water Resources Development Act of 1986 (33 U.S.C.  
16 2213(k)).

17 **SEC. 2048. CORROSION PREVENTION.**

18          (a) GUIDANCE AND PROCEDURES.—The Secretary  
19 shall develop guidance and procedures for the certification  
20 of qualified contractors for—

21           (1) the application of protective coatings; and

22           (2) the removal of hazardous protective coat-  
23 ings.

1 (b) REQUIREMENTS.—Except as provided in sub-  
2 section (c), the Secretary shall use certified contractors  
3 for—

4 (1) the application of protective coatings for  
5 complex work involving steel and cementitious struc-  
6 tures, including structures that will be exposed in  
7 immersion;

8 (2) the removal of hazardous coatings or other  
9 hazardous materials that are present in sufficient  
10 concentrations to create an occupational or environ-  
11 mental hazard; and

12 (3) any other activities the Secretary deter-  
13 mines to be appropriate.

14 (c) EXCEPTION.—The Secretary may approve excep-  
15 tions to the use of certified contractors under subsection  
16 (b) only after public notice, with the opportunity for com-  
17 ment, of any such proposal.

18 **SEC. 2049. PROJECT DEAUTHORIZATIONS.**

19 (a) IN GENERAL.—Section 1001(b) of the Water Re-  
20 sources Development Act of 1986 (33 U.S.C. 579a(b)) is  
21 amended—

22 (1) by striking paragraph (2) and inserting the  
23 following:

24 “(2) LIST OF PROJECTS.—

1           “(A) IN GENERAL.—Notwithstanding sec-  
2           tion 3003 of Public Law 104–66 (31 U.S.C.  
3           1113 note; 109 Stat. 734), each year, after the  
4           submission of the list under paragraph (1), the  
5           Secretary shall submit to Congress a list of  
6           projects or separable elements of projects that  
7           have been authorized but that have received no  
8           obligations during the 5 full fiscal years pre-  
9           ceding the submission of that list.

10           “(B) ADDITIONAL NOTIFICATION.—On  
11           submission of the list under subparagraph (A)  
12           to Congress, the Secretary shall notify—

13                   “(i) each Senator in whose State and  
14                   each Member of the House of Representa-  
15                   tives in whose district a project (including  
16                   any part of a project) on that list would be  
17                   located; and

18                   “(ii) each applicable non-Federal in-  
19                   terest associated with a project (including  
20                   any part of a project) on that list.

21           “(C) DEAUTHORIZATION.—A project or  
22           separable element included in the list under  
23           subparagraph (A) is not authorized after the  
24           last date of the fiscal year following the fiscal  
25           year in which the list is submitted to Congress,

1 if funding has not been obligated for the plan-  
2 ning, design, or construction of the project or  
3 element of the project during that period.”; and  
4 (2) by adding at the end the following:

5 “(3) MINIMUM FUNDING LIST.—At the end of  
6 each fiscal year, the Secretary shall submit to Con-  
7 gress a list of—

8 “(A) projects or separable elements of  
9 projects authorized for construction for which  
10 funding has been obligated in the 5 previous  
11 fiscal years;

12 “(B) the amount of funding obligated per  
13 fiscal year;

14 “(C) the current phase of each project or  
15 separable element of a project; and

16 “(D) the amount required to complete  
17 those phases.

18 “(4) REPORT.—

19 “(A) IN GENERAL.—Not later than 180  
20 days after the date of enactment of the Water  
21 Resources Development Act of 2013, the Sec-  
22 retary shall compile and publish a complete list  
23 of all uncompleted, authorized projects of the  
24 Corps of Engineers, including for each project  
25 on that list—

1           “(i) the original budget authority for  
2 the project;

3           “(ii) the status of the project;

4           “(iii) the estimated date of completion  
5 of the project;

6           “(iv) the estimated cost of completion  
7 of the project; and

8           “(v) any amounts for the project that  
9 remain unobligated.

10          “(B) PUBLICATION.—

11           “(i) IN GENERAL.—The Secretary  
12 shall submit a copy of the list under sub-  
13 paragraph (A) to—

14           “(I) the appropriate committees  
15 of Congress; and

16           “(II) the Director of the Office of  
17 Management and Budget.

18           “(ii) PUBLIC AVAILABILITY.—Not  
19 later than 30 days after providing the re-  
20 port to Congress under clause (i), the Sec-  
21 retary shall make a copy of the list avail-  
22 able on a publicly accessible Internet site,  
23 in a manner that is downloadable, search-  
24 able, and sortable.”.

1 (b) INFRASTRUCTURE DEAUTHORIZATION COMMIS-  
2 SION.—

3 (1) PURPOSES.—The purposes of this sub-  
4 section are—

5 (A) to establish a process for identifying  
6 authorized Corps of Engineers water resources  
7 projects that are no longer in the Federal inter-  
8 est and no longer feasible;

9 (B) to create a commission—

10 (i) to review suggested  
11 deauthorizations, including consideration  
12 of recommendations of the States and the  
13 Secretary for the deauthorization of water  
14 resources projects; and

15 (ii) to make recommendations to Con-  
16 gress;

17 (C) to ensure public participation and com-  
18 ment; and

19 (D) to provide oversight on any rec-  
20 ommendations made to Congress by the Com-  
21 mission.

22 (2) INFRASTRUCTURE DEAUTHORIZATION COM-  
23 MISSION.—

24 (A) ESTABLISHMENT.—There is estab-  
25 lished an independent commission to be known

1 as the “Infrastructure Deauthorization Com-  
2 mission” (referred to in this paragraph as the  
3 “Commission”).

4 (B) DUTIES.—The Commission shall carry  
5 out the review and recommendation duties de-  
6 scribed in paragraph (5).

7 (C) MEMBERSHIP.—

8 (i) IN GENERAL.—The Commission  
9 shall be composed of 8 members, who shall  
10 be appointed by the President, by and with  
11 the advice and consent of the Senate ac-  
12 cording to the expedited procedures de-  
13 scribed in clause (ii).

14 (ii) EXPEDITED NOMINATION PROCE-  
15 DURES.—

16 (I) PRIVILEGED NOMINATIONS;  
17 INFORMATION REQUESTED.—On re-  
18 ceipt by the Senate of a nomination  
19 under clause (i), the nomination  
20 shall—

21 (aa) be placed on the Execu-  
22 tive Calendar under the heading  
23 “Privileged Nominations—Infor-  
24 mation Requested”; and

1 (bb) remain on the Execu-  
2 tive Calendar under that heading  
3 until the Executive Clerk receives  
4 a written certification from the  
5 Chairman of the committee of ju-  
6 risdiction under subclause (II).

7 (II) QUESTIONNAIRES.—The  
8 Chairman of the Committee on Envi-  
9 ronment and Public Works of the  
10 Senate shall notify the Executive  
11 Clerk in writing when the appropriate  
12 biographical and financial question-  
13 naires have been received from an in-  
14 dividual nominated for a position  
15 under clause (i).

16 (III) PRIVILEGED NOMINATIONS;  
17 INFORMATION RECEIVED.—On receipt  
18 of the certification under subclause  
19 (II), the nomination shall—

20 (aa) be placed on the Execu-  
21 tive Calendar under the heading  
22 “Privileged Nomination—Infor-  
23 mation Received” and remain on  
24 the Executive Calendar under



1 that heading for 10 session days;  
2 and

3 (bb) after the expiration of  
4 the period referred to in item  
5 (aa), be placed on the “Nomina-  
6 tions” section of the Executive  
7 Calendar.

8 (IV) REFERRAL TO COMMITTEE  
9 OF JURISDICTION.—During the period  
10 when a nomination under clause (i) is  
11 listed under the “Privileged Nomina-  
12 tion—Information Requested” section  
13 of the Executive Calendar described in  
14 subclause (I)(aa) or the “Privileged  
15 Nomination—Information Received”  
16 section of the Executive Calendar de-  
17 scribed in subclause (III)(aa)—

18 (aa) any Senator may re-  
19 quest on his or her own behalf,  
20 or on the behalf of any identified  
21 Senator that the nomination be  
22 referred to the appropriate com-  
23 mittee of jurisdiction; and

24 (bb) if a Senator makes a  
25 request described in paragraph

1 item (aa), the nomination shall  
2 be referred to the appropriate  
3 committee of jurisdiction.

4 (V) EXECUTIVE CALENDAR.—  
5 The Secretary of the Senate shall cre-  
6 ate the appropriate sections on the  
7 Executive Calendar to reflect and ef-  
8 fectuate the requirements of this  
9 clause.

10 (VI) COMMITTEE JUSTIFICATION  
11 FOR NEW EXECUTIVE POSITIONS.—  
12 The report accompanying each bill or  
13 joint resolution of a public character  
14 reported by any committee shall con-  
15 tain an evaluation and justification  
16 made by that committee for the estab-  
17 lishment in the measure being re-  
18 ported of any new position appointed  
19 by the President within an existing or  
20 new Federal entity.

21 (iii) QUALIFICATIONS.—Members of  
22 the Commission shall be knowledgeable  
23 about Corps of Engineers water resources  
24 projects.

1           (iv) GEOGRAPHICAL DIVERSITY.—To  
2 the maximum extent practicable, the mem-  
3 bers of the Commission shall be geographi-  
4 cally diverse.

5 (D) COMPENSATION OF MEMBERS.—

6           (i) IN GENERAL.—Each member of  
7 the Commission who is not an officer or  
8 employee of the Federal Government shall  
9 be compensated at a rate equal to the daily  
10 equivalent of the annual rate of basic pay  
11 prescribed for level IV of the Executive  
12 Schedule under section 5315 of title 5,  
13 United States Code, for each day (includ-  
14 ing travel time) during which the member  
15 is engaged in the performance of the duties  
16 of the Commission.

17           (ii) FEDERAL EMPLOYEES.—All mem-  
18 bers of the Commission who are officers or  
19 employees of the United States shall serve  
20 without compensation in addition to that  
21 received for their services as officers or  
22 employees of the United States.

23           (iii) TRAVEL EXPENSES.—The mem-  
24 bers of the Commission shall be allowed  
25 travel expenses, including per diem in lieu

1 of subsistence, at rates authorized for em-  
2 ployees of agencies under subchapter I of  
3 chapter 57 of title 5, United States Code,  
4 while away from their homes or regular  
5 places of business in the performance of  
6 service for the Commission.

7 (3) STATE WATER RESOURCES INFRASTRUC-  
8 TURE PLAN.—Not later than 2 years after the date  
9 of enactment of this Act, each State, in consultation  
10 with local interests, may develop and submit to the  
11 Commission, the Committee on Environment and  
12 Public Works of the Senate, and the Committee on  
13 Transportation and Infrastructure of the House of  
14 Representatives, a detailed statewide water resources  
15 plan that includes a list of each water resources  
16 project that the State recommends for deauthoriza-  
17 tion.

18 (4) CORPS OF ENGINEERS INFRASTRUCTURE  
19 PLAN.—Not later than 2 years after the date of en-  
20 actment of this Act, the Secretary shall submit to  
21 the Commission, the Committee on Environment  
22 and Public Works of the Senate, and the Committee  
23 on Transportation and Infrastructure of the House  
24 of Representatives a detailed plan that—

1 (A) contains a detailed list of each water  
2 resources project that the Corps of Engineers  
3 recommends for deauthorization; and

4 (B) is based on assessment by the Sec-  
5 retary of the needs of the United States for  
6 water resources infrastructure, taking into ac-  
7 count public safety, the economy, and the envi-  
8 ronment.

9 (5) REVIEW AND RECOMMENDATION COMMIS-  
10 SION.—

11 (A) IN GENERAL.—On the appointment  
12 and confirmation of all members of the Com-  
13 mission, the Commission shall solicit public  
14 comment on water resources infrastructure  
15 issues and priorities and recommendations for  
16 deauthorization, including by—

17 (i) holding public hearings throughout  
18 the United States; and

19 (ii) receiving written comments.

20 (B) RECOMMENDATIONS.—

21 (i) IN GENERAL.—Not later than 4  
22 years after the date of enactment of this  
23 Act, the Commission shall submit to Con-  
24 gress a list of water resources projects of

1 the Corps of Engineers for deauthoriza-  
2 tion.

3 (ii) CONSIDERATIONS.—In carrying  
4 out this paragraph, the Commission shall  
5 establish criteria for evaluating projects for  
6 deauthorization, which shall include consid-  
7 eration of—

8 (I) the infrastructure plans sub-  
9 mitted by the States and the Sec-  
10 retary under paragraphs (3) and (4);

11 (II) any public comment received  
12 during the period described in sub-  
13 paragraph (A);

14 (III) public safety and security;

15 (IV) the environment; and

16 (V) the economy.

17 (C) NON-ELIGIBLE PROJECTS.—The fol-  
18 lowing types of projects shall not be eligible for  
19 review for deauthorization by the Commission:

20 (i) Any project authorized after the  
21 date of enactment of the Water Resources  
22 Development Act of 1996 (Public Law  
23 104–303; 110 Stat. 3658), including any  
24 project that has been reauthorized after  
25 that date.

1           (ii) Any project that, as of the date of  
2           enactment of this Act, is undergoing a re-  
3           view by the Corps of Engineers.

4           (iii) Any project that has received ap-  
5           propriations in the 10-year period ending  
6           on the date of enactment of this Act.

7           (iv) Any project that, on the date of  
8           enactment of this Act, is more than 50  
9           percent complete.

10          (v) Any project that has a viable non-  
11          Federal sponsor.

12          (D) CONGRESSIONAL DISAPPROVAL.—Any  
13          water resources project recommended for de-  
14          authorization on the list submitted to Congress  
15          under subparagraph (B) shall be deemed to be  
16          deauthorized unless Congress passes a joint res-  
17          olution disapproving of the entire list of de-  
18          authorized water resources projects prior to the  
19          date that is 180 days after the date on which  
20          the Commission submits the list to Congress.

21          (6) APPLICATION.—For purposes of this sub-  
22          section, water resources projects shall include envi-  
23          ronmental infrastructure assistance projects and  
24          programs of the Corps of Engineers.

1 **SEC. 2050. REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—Subject to the availability of ap-  
3 propriations, the Secretary shall complete and submit to  
4 Congress by the applicable date required the reports that  
5 address public safety and enhanced local participation in  
6 project delivery described in subsection (b).

7 (b) REPORTS.—The reports referred to in subsection  
8 (a) are the reports required under—

- 9 (1) section 2020;  
10 (2) section 2022;  
11 (3) section 2025;  
12 (4) section 2026;  
13 (5) section 2039;  
14 (6) section 2040;  
15 (7) section 6007; and  
16 (8) section 10015.

17 (c) FAILURE TO PROVIDE A COMPLETED REPORT.—

18 (1) IN GENERAL.—Subject to subsection (d), if  
19 the Secretary fails to provide a report listed under  
20 subsection (b) by the date that is 180 days after the  
21 applicable date required for that report, \$5,000 shall  
22 be reprogrammed from the General Expenses ac-  
23 count of the civil works program of the Army Corps  
24 of Engineers into the account of the division of the  
25 Army Corps of Engineers with responsibility for  
26 completing that report.



1           (2) SUBSEQUENT REPROGRAMMING.—Subject  
2 to subsection (d), for each additional week after the  
3 date described in paragraph (1) in which a report  
4 described in that paragraph remains uncompleted  
5 and unsubmitted to Congress, \$5,000 shall be repro-  
6 grammed from the General Expenses account of the  
7 civil works program of the Army Corps of Engineers  
8 into the account of the division of the Secretary of  
9 the Army with responsibility for completing that re-  
10 port.

11 (d) LIMITATIONS.—

12           (1) IN GENERAL.—For each report, the total  
13 amounts reprogrammed under subsection (c) shall  
14 not exceed, in any fiscal year, \$50,000.

15           (2) AGGREGATE LIMITATION.—The total  
16 amount reprogrammed under subsection (c) in a fis-  
17 cal year shall not exceed \$200,000.

18 (e) NO FAULT OF THE SECRETARY.—Amounts shall  
19 not be reprogrammed under subsection (c) if the Secretary  
20 certifies in a letter to the applicable committees of Con-  
21 gress that—

22           (1) a major modification has been made to the  
23 content of the report that requires additional anal-  
24 ysis for the Secretary to make a final decision on the  
25 report;



1 **SEC. 2052. INVASIVE SPECIES REVIEW.**

2 The Secretary, in consultation with the Director of  
3 the United States Fish and Wildlife Service, the Chairman  
4 of the Tennessee Valley Authority, and other applicable  
5 heads of Federal agencies, shall—

6 (1) carry out a review of existing Federal au-  
7 thorities relating to responding to invasive species,  
8 including aquatic weeds, aquatic snails, and other  
9 aquatic invasive species, that have an impact on  
10 water resources; and

11 (2) based on the review under paragraph (1),  
12 make any recommendations to Congress and applica-  
13 ble State agencies for improving Federal and State  
14 laws to more effectively respond to the threats posed  
15 by those invasive species.

16 **SEC. 2053. WETLANDS CONSERVATION STUDY.**

17 (a) IN GENERAL.—The Comptroller General of the  
18 United States shall carry out a study to identify all Fed-  
19 eral programs relating to wetlands conservation.

20 (b) REPORT.—The Comptroller General of the  
21 United States shall submit to Congress a report based on  
22 the study under subsection (a) describing options for  
23 maximizing wetlands conservation benefits while reducing  
24 redundancy, increasing efficiencies, and reducing costs.

1 **SEC. 2054. DAM MODIFICATION STUDY.**

2 (a) IN GENERAL.—The Comptroller General of the  
3 United States shall, in consultation with the Corps of En-  
4 gineers, the Southeastern Power Administration, Federal  
5 hydropower customers, downstream communities, and  
6 other stakeholders, carry out a study to evaluate the struc-  
7 tural modifications made at Federal dams in the Cum-  
8 berland River Basin beginning on January 1, 2000.

9 (b) CONTENTS.—The study under subsection (a)  
10 shall examine—

11 (1) whether structural modifications at each  
12 dam have utilized new state-of-the-art design criteria  
13 deemed necessary for safety purposes that have not  
14 been used in other circumstances;

15 (2) whether structural modifications at each  
16 dam for downstream safety were executed in accord-  
17 ance with construction criteria that had changed  
18 from the original construction criteria;

19 (3) whether structural modifications at each  
20 dam assured safety;

21 (4) any estimates by the Corps of Engineers of  
22 consequences of total dam failure if state-of-the-art  
23 construction criteria deemed necessary for safety  
24 purposes were not employed; and

25 (5) whether changes in underlying geology at  
26 any of the Federal dams in the Cumberland River

1 Basin required structural modifications to assure  
2 dam safety.

3 (c) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, the Comptroller General of the  
5 United States shall submit to Congress a report based on  
6 the study under subsection (a) with findings on whether,  
7 with respect to structural modifications at Federal dams  
8 in the Cumberland River Basin, the Corps of Engineers  
9 has selected and implemented design criteria that rely on  
10 state-of-the-art design and construction criteria that will  
11 provide for the safety of downstream communities.

12 **SEC. 2055. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL**  
13 **FLOOD RISK REDUCTION.**

14 (a) IN GENERAL.—If requested by a non-Federal in-  
15 terest, the Secretary shall construct a locally preferred  
16 plan that provides a higher level of protection than a flood  
17 risk management project authorized under this Act if the  
18 Secretary determines that—

19 (1) the plan is technically feasible and environ-  
20 mentally acceptable; and

21 (2) the benefits of the plan exceed the costs of  
22 the plan.

23 (b) NON-FEDERAL COST SHARE.—If the Secretary  
24 constructs a locally preferred plan under subsection (a),  
25 the Federal share of the cost of the project shall be not

1 greater than the share as provided by law for elements  
2 of the national economic development plan.

3 **SEC. 2056. MISSISSIPPI RIVER FORECASTING IMPROVE-**  
4 **MENTS.**

5 (a) IN GENERAL.—The Secretary, in consultation  
6 with the Secretary of the department in which the Coast  
7 Guard is operating, the Director of the United States Geo-  
8 logical Survey, the Administrator of the National Oceanic  
9 and Atmospheric Administration, and the Director of the  
10 National Weather Service, as applicable, shall improve  
11 forecasting on the Mississippi River by—

12 (1) updating forecasting technology deployed on  
13 the Mississippi River and its tributaries through—

14 (A) the construction of additional auto-  
15 mated river gages;

16 (B) the rehabilitation of existing auto-  
17 mated and manual river gages; and

18 (C) the replacement of manual river gages  
19 with automated gages, as the Secretary deter-  
20 mines to be necessary;

21 (2) constructing additional sedimentation  
22 ranges on the Mississippi River and its tributaries;  
23 and

24 (3) deploying additional automatic identification  
25 system base stations at river gage sites.

1 (b) PRIORITIZATION.—In carrying out this section,  
2 the Secretary shall prioritize the sections of the Mis-  
3 sissippi River on which additional and more reliable infor-  
4 mation would have the greatest impact on maintaining  
5 navigation on the Mississippi River.

6 (c) REPORT.—Not later than 1 year after the date  
7 of enactment of this Act, the Secretary shall submit to  
8 Congress a report on the activities carried out by the Sec-  
9 retary under this section.

10 **SEC. 2057. FLEXIBILITY IN MAINTAINING NAVIGATION.**

11 (a) IN GENERAL.—If the Secretary, in consultation  
12 with the Secretary of the department in which the Coast  
13 Guard is operating, determines it to be critical to main-  
14 taining safe and reliable navigation within the authorized  
15 Federal navigation channel on the Mississippi River, the  
16 Secretary may carry out only those activities outside the  
17 authorized Federal navigation channel along the Mis-  
18 sissippi River, including the construction and operation of  
19 maintenance of fleeting areas, that are necessary for safe  
20 and reliable navigation in the Federal channel.

21 (b) REPORT.—Not later than 60 days after initiating  
22 an activity under this section, the Secretary shall submit  
23 to the Committee on Environment and Public Works of  
24 the Senate and the Committee on Transportation and In-

1 frastructure of the House of Representatives a report that  
2 includes—

3 (1) a description of the activities undertaken,  
4 including the costs associated with the activities; and

5 (2) a comprehensive description of how the ac-  
6 tivities are necessary for maintaining safe and reli-  
7 able navigation of the Federal channel.

8 **SEC. 2058. RESTRICTED AREAS AT CORPS OF ENGINEERS**  
9 **DAMS.**

10 (a) DEFINITIONS.—In this section:

11 (1) RESTRICTED AREA.—The term “restricted  
12 area” means a restricted area for hazardous waters  
13 at dams and other civil works structures in the  
14 Cumberland River basin established pursuant to  
15 chapter 10 of the regulation entitled “Project Oper-  
16 ations: Navigation and Dredging Operations and  
17 Maintenance Policies”, published by the Corps of  
18 Engineers on November 29, 1996, and any related  
19 regulations or guidance.

20 (2) STATE.—The term “State” means the ap-  
21 plicable agency of the State (including an official of  
22 that agency) in which the applicable dam is located  
23 that is responsible for enforcing boater safety.

24 (b) RESTRICTION ON PHYSICAL BARRIERS.—Subject  
25 to subsection (c), the Secretary, acting through the Chief



1 of Engineers, in the establishing and enforcing restricted  
2 areas, shall not take any action to establish a permanent  
3 physical barrier to prevent public access to waters down-  
4 stream of a dam owned by the Corps of Engineers.

5 (c) EXCLUSIONS.—For purposes of this section, the  
6 installation and maintenance of measures for alerting the  
7 public of hazardous water conditions and restricted areas,  
8 including sirens, strobe lights, and signage, shall not be  
9 considered to be a permanent physical barrier under sub-  
10 section (b).

11 (d) ENFORCEMENT.—

12 (1) IN GENERAL.—Enforcement of a restricted  
13 area shall be the sole responsibility of a State.

14 (2) EXISTING AUTHORITIES.—The Secretary  
15 shall not assess any penalty for entrance into a re-  
16 stricted area under section 4 of the Act entitled “An  
17 Act authorizing the construction of certain public  
18 works on rivers and harbors for flood control, and  
19 for other purposes”, approved December 22, 1944  
20 (16 U.S.C. 460d).

21 (e) DEVELOPMENT OR MODIFICATION OF RE-  
22 STRICTED AREAS.—In establishing a new restricted area  
23 or modifying an existing restricted area, the Secretary  
24 shall—

1           (1) ensure that any restrictions are based on  
2 operational conditions that create hazardous waters;  
3 and

4           (2) publish a draft describing the restricted  
5 area and seek and consider public comment on that  
6 draft prior to establishing or modifying any re-  
7 stricted area.

8 (f) EFFECTIVE DATE.—

9           (1) IN GENERAL.—Subject to paragraph (2),  
10 this section shall apply to the establishment of a new  
11 restricted area or the modification of an existing re-  
12 stricted area on or after August 1, 2012.

13           (2) EXISTING RESTRICTIONS.—If the Secretary,  
14 acting through the Chief of Engineers, has estab-  
15 lished a new restricted area or modified an existing  
16 restricted area during the period beginning on Au-  
17 gust 1, 2012, and ending on the date of enactment  
18 of this Act, the Secretary shall—

19           (A) cease implementing the restricted area  
20 until the later of—

21                   (i) such time as the restricted area  
22 meets the requirements of this section; and

23                   (ii) the date that is 2 years after the  
24 date of enactment of this Act; and

1           (B) remove any permanent physical bar-  
2           riers constructed in connection with the re-  
3           stricted area.

4 **SEC. 2059. MAXIMUM COST OF PROJECTS.**

5           Section 902 of the Water Resources Development Act  
6 of 1986 (33 U.S.C. 2280) is amended—

7           (1) by striking “In order to” and inserting the  
8           following:

9           “(a) IN GENERAL.—In order to”; and

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

11          “(b) CONTRIBUTED FUNDS.—Nothing in this section  
12 affects the authority of the Secretary to complete con-  
13 struction of a water resources development project using  
14 funds contributed under section 5 of the Act of June 22,  
15 1936 (33 U.S.C. 701h).”.

16 **SEC. 2060. DONALD G. WALDON LOCK AND DAM.**

17          (a) FINDINGS.—Congress finds that—

18           (1) the Tennessee-Tombigbee Waterway Devel-  
19           opment Authority is a 4-State compact comprised of  
20           the States of Alabama, Kentucky, Mississippi, and  
21           Tennessee;

22           (2) the Tennessee-Tombigbee Authority is the  
23           regional non-Federal sponsor of the Tennessee-  
24           Tombigbee Waterway;



1 costs, and as applicable, repair, rehabilitation, and  
2 replacement costs, incurred by the Secretary, which,  
3 at a minimum, shall include—

4 (A) a detailed description of the activities  
5 carried out relating to the water supply aspects  
6 of the project;

7 (B) a clear explanation of why and how  
8 those activities relate to the water supply as-  
9 pects of the project; and

10 (C) a detailed accounting of the cost of  
11 carrying out those activities; and

12 (2) a review by the Secretary of the regulations  
13 and guidance of the Corps of Engineers relating to  
14 criteria and methods for the equitable distribution of  
15 joint project costs across project purposes in order  
16 to ensure consistency in the calculation of the appro-  
17 priate share of joint project costs allocable to the  
18 water supply purpose.

19 (b) REPORT TO CONGRESS.—

20 (1) IN GENERAL.—Not later than 1 year after  
21 the date of enactment of this Act, the Secretary  
22 shall submit to Congress a report on the findings of  
23 the reviews carried out under subsection (a)(2) and  
24 any subsequent actions taken by the Secretary relat-  
25 ing to those reviews.

1           (2) INCLUSIONS.—The report under paragraph  
2           (1) shall include an analysis of the feasibility and  
3           costs associated with the provision by the Secretary  
4           to each non-Federal interest of not less than 1 state-  
5           ment each year that details for each water storage  
6           agreement with non-Federal interests at Corps of  
7           Engineers projects the estimated amount of the op-  
8           erations and maintenance costs and, as applicable,  
9           the estimated amount of the repair, rehabilitation,  
10          and replacement costs, for which the non-Federal in-  
11          terest will be responsible in that fiscal year.

12          (3) EXTENSION.—The Secretary may delay the  
13          submission of the report under paragraph (1) for a  
14          period not to exceed 180 days after the deadline de-  
15          scribed in paragraph (1), subject to the condition  
16          that the Secretary submits a preliminary progress  
17          report to Congress not later than 1 year after the  
18          date of enactment of this Act.

19 **SEC. 2062. CREDITING AUTHORITY FOR FEDERALLY AU-**  
20 **THORIZED NAVIGATION PROJECTS.**

21          A non-Federal interest for a navigation project may  
22          carry out operation and maintenance activities for that  
23          project subject to all applicable requirements that would  
24          apply to the Secretary carrying out such operations and  
25          maintenance, and may receive credit for the costs incurred

1 by the non-Federal interest in carrying out such activities  
2 towards that non-Federal interest's share of construction  
3 costs for a federally authorized element of the same  
4 project or another federally authorized navigation project,  
5 except that in no instance may such credit exceed 20 per-  
6 cent of the costs associated with construction of the gen-  
7 eral navigation features of the project for which such cred-  
8 it may be received pursuant to this section.

9 **SEC. 2063. RIVER BASIN COMMISSIONS.**

10 Section 5019 of the Water Resources Development  
11 Act of 2007 (121 Stat. 1201) is amended by striking sub-  
12 section (b) and inserting the following:

13 “(b) AUTHORIZATION TO ALLOCATE.—

14 “(1) IN GENERAL.—Subject to paragraph (2),  
15 the Secretary shall allocate funds from the General  
16 Expenses account of the civil works program of the  
17 Army Corps of Engineers to the Susquehanna River  
18 Basin Commission, Delaware River Basin Commis-  
19 sion, and the Interstate Commission on the Potomac  
20 River Basin to fulfill the equitable funding require-  
21 ments of the respective interstate compacts on an  
22 annual basis and in amounts equal to the amount  
23 determined by Commission in accordance with the  
24 respective interstate compact.

1           “(2) LIMITATION.—Not more than 1.5 percent  
2 of funds from the General Expenses account of the  
3 civil works program of the Army Corps of Engineers  
4 may be allocated in carrying out paragraph (1) for  
5 any fiscal year.

6           “(3) REPORT.—For any fiscal year in which  
7 funds are not allocated in accordance with para-  
8 graph (1), the Secretary shall submit to the Com-  
9 mittee on Environment and Public Works of the  
10 Senate and the Committee on Transportation and  
11 Infrastructure of the House of Representatives a re-  
12 port that describes—

13                 “(A) the reasons why the Corps of Engi-  
14 neers chose not to allocate funds in accordance  
15 with that paragraph; and

16                 “(B) the impact of the decision not to allo-  
17 cate funds on water supply allocation, water  
18 quality protection, regulatory review and per-  
19 mitting, water conservation, watershed plan-  
20 ning, drought management, flood loss reduc-  
21 tion, and recreation in each area of jurisdiction  
22 of the respective Commission.”.



1 **SEC. 2064. RESTRICTION ON CHARGES FOR CERTAIN SUR-**  
2 **PLUS WATER.**

3 (a) IN GENERAL.—No fee for surplus water shall be  
4 charged under a contract for surplus water if the contract  
5 is for surplus water stored on the Missouri River.

6 (b) OFFSET.—Of the amounts previously made avail-  
7 able for “Corps of Engineers—Civil, Department of the  
8 Army, Operations and Maintenance” that remain unobli-  
9 gated as of the effective date of this Act, \$5,000,000 is  
10 hereby rescinded.

11 (c) None of the funds under subsection (b) may be  
12 rescinded from amounts that were designated by the Con-  
13 gress as an emergency requirement pursuant to the Con-  
14 current Resolution on the Budget or the Balanced Budget  
15 and Emergency Deficit Control Act of 1985, as amended.

16 **TITLE III—PROJECT**  
17 **MODIFICATIONS**

18 **SEC. 3001. PURPOSE.**

19 The purpose of this title is to modify existing water  
20 resource project authorizations, subject to the condition  
21 that the modifications do not affect authorized costs.

22 **SEC. 3002. CHATFIELD RESERVOIR, COLORADO.**

23 Section 116 of the Energy and Water Development  
24 and Related Agencies Appropriations Act, 2009 (123 Stat.  
25 608), is amended in the matter preceding the proviso by

1 inserting “(or a designee of the Department)” after “Colo-  
2 rado Department of Natural Resources”.

3 **SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION**  
4 **COMMITTEE EXPENSES REIMBURSEMENT.**

5 Section 5018(b)(5) of the Water Resources Develop-  
6 ment Act of 2007 (121 Stat. 1200) is amended by striking  
7 subparagraph (B) and inserting the following:

8 “(B) TRAVEL EXPENSES.—Subject to the  
9 availability of funds, the Secretary may reim-  
10 burse a member of the Committee for travel ex-  
11 penses, including per diem in lieu of subsist-  
12 ence, at rates authorized for an employee of a  
13 Federal agency under subchapter I of chapter  
14 57 of title 5, United States Code, while away  
15 from the home or regular place of business of  
16 the member in performance of services for the  
17 Committee.”.

18 **SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION**  
19 **STUDY.**

20 With respect to the study for flood and storm damage  
21 reduction related to natural disasters to be carried out by  
22 the Secretary and authorized under the heading “INVESTIGATIONS”  
23 under title II of division A of Public Law  
24 113–2, the Secretary shall include specific project rec-  
25 ommendations in the report developed for that study.

1 **SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.**

2 Section 3109 of the Water Resources Development  
3 Act of 2007 (121 Stat. 1135) is amended—

4 (1) by striking “The Secretary may” and in-  
5 serting the following:

6 “(a) IN GENERAL.—The Secretary may”; and

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

8 “(b) LOCAL PARTICIPATION.—In carrying out sub-  
9 section (a), the Secretary shall consult with, and consider  
10 the activities being carried out by—

11 “(1) other Federal agencies;

12 “(2) conservation districts;

13 “(3) the Yellowstone River Conservation Dis-  
14 trict Council; and

15 “(4) the State of Montana.”.

16 **SEC. 3006. PROJECT DEAUTHORIZATIONS.**

17 (a) GOOSE CREEK, SOMERSET COUNTY, MARY-  
18 LAND.—The project for navigation, Goose Creek, Som-  
19 erset County, Maryland, carried out pursuant to section  
20 107 of the Rivers and Harbor Act of 1960 (33 U.S.C.  
21 577), is realigned as follows: Beginning at Goose Creek  
22 Channel Geometry Centerline of the 60-foot-wide main  
23 navigational ship channel, Centerline Station No. 0+00,  
24 coordinates North 157851.80, East 1636954.70, as stated  
25 and depicted on the Condition Survey Goose Creek, Sheet  
26 1 of 1, prepared by the United States Army Corps of En-

1 gineers, Baltimore District, July 2003; thence departing  
2 the aforementioned centerline traveling the following  
3 courses and distances: S. 64 degrees 49 minutes 06 sec-  
4 onds E., 1583.82 feet to a point, on the outline of said  
5 60-foot-wide channel thence binding on said out-line the  
6 following four courses and distances: S. 63 degrees 26  
7 minutes 06 seconds E., 1460.05 feet to a point, thence;  
8 N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to  
9 a point, thence; N. 26 degrees 13 minutes 09 seconds W.,  
10 240.39 feet to a point on the Left Toe of the 60-foot-  
11 wide main navigational channel at computed Centerline  
12 Station No. 42+57.54, coordinates North 157357.84,  
13 East 1640340.23. Geometry Left Toe of the 60-foot-wide  
14 main navigational ship channel, Left Toe Station No.  
15 0+00, coordinates North 157879.00, East 1636967.40,  
16 as stated and depicted on the Condition Survey Goose  
17 Creek, Sheet 1 of 1, prepared by the United States Army  
18 Corps of Engineers, Baltimore District, August 2010;  
19 thence departing the aforementioned centerline traveling  
20 the following courses and distances: S. 64 degrees 49 min-  
21 utes 12 seconds E., 1583.91 feet to a point, on the outline  
22 of said 60-foot-wide channel thence binding on said out-  
23 line the following eight courses and distances: S. 63 de-  
24 grees 25 minutes 38 seconds E., 1366.25 feet to a point,  
25 thence; N. 83 degrees 36 minutes 24 seconds E., 125.85

1 feet to a point, thence; N. 50 degrees 38 minutes 26 sec-  
2 onds E., 805.19 feet to a point, thence; N. 12 degrees  
3 12 minutes 29 seconds E., 78.33 feet to a point thence;  
4 N. 26 degrees 13 minutes 28 seconds W., 46.66 feet to  
5 a point thence; S. 63 degrees 45 minutes 41 seconds W.,  
6 54.96 feet to a point thence; N. 26 degrees 13 minutes  
7 24 seconds W., 119.94 feet to a point on the Left Toe  
8 of the 60-foot-wide main navigational channel at computed  
9 Centerline Station No. 41+81.10, coordinates North  
10 157320.30, East 1640264.00. Geometry Right Toe of the  
11 60-foot-wide main navigational ship channel, Right Toe  
12 Station No. 0+00, coordinates North 157824.70, East  
13 1636941.90, as stated and depicted on the Condition Sur-  
14 vey Goose Creek, Sheet 1 of 1, prepared by the United  
15 States Army Corps of Engineers, Baltimore District, Au-  
16 gust 2010; thence departing the aforementioned centerline  
17 traveling the following courses and distances: S. 64 de-  
18 grees 49 minutes 06 seconds E., 1583.82 feet to a point,  
19 on the outline of said 60-foot-wide channel thence binding  
20 on said out-line the following six courses and distances:  
21 S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to  
22 a point, thence; N. 50 degrees 38 minutes 26 seconds E.,  
23 1016.69 feet to a point, thence; N. 26 degrees 14 minutes  
24 49 seconds W., 144.26 feet to a point, thence; N. 63 de-  
25 grees 54 minutes 03 seconds E., 55.01 feet to a point

1 thence; N. 26 degrees 12 minutes 08 seconds W., 120.03  
2 feet to a point a point on the Right Toe of the 60-foot-  
3 wide main navigational channel at computed Centerline  
4 Station No. 43+98.61, coordinates North 157395.40,  
5 East 1640416.50.

6 (b) LOWER THOROUGHFARE, DEAL ISLAND, MARY-  
7 LAND.—Beginning on the date of enactment of this Act,  
8 the Secretary is no longer authorized to carry out the por-  
9 tion of the project for navigation, Lower Thoroughfare,  
10 Maryland, authorized by the Act of June 25, 1910 (36  
11 Stat. 630, chapter 382) (commonly known as the “River  
12 and Harbor Act of 1910”), that begins at Lower Thor-  
13 oughfare Channel Geometry Centerline of the 60-foot-wide  
14 main navigational ship channel, Centerline Station No.  
15 44+88, coordinates North 170435.62, East 1614588.93,  
16 as stated and depicted on the Condition Survey Lower  
17 Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the  
18 United States Army Corps of Engineers, Baltimore Dis-  
19 trict, August 2010; thence departing the aforementioned  
20 centerline traveling the following courses and distances: S.  
21 42 degrees 20 minutes 44 seconds W., 30.00 feet to a  
22 point, on the outline of said 60-foot-wide channel thence  
23 binding on said out-line the following four courses and dis-  
24 tances: N. 64 degrees 08 minutes 55 seconds W., 53.85  
25 feet to a point, thence; N. 42 degrees 20 minutes 43 sec-

1 onds W., 250.08 feet to a point, thence; N. 47 degrees  
 2 39 minutes 03 seconds E., 20.00 feet to a point, thence;  
 3 S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to  
 4 a point binding on the Left Toe of the 60-foot-wide main  
 5 navigational channel at computed Centerline Station No.  
 6 43+92.67, coordinates North 170415.41, 1614566.76;  
 7 thence; continuing with the aforementioned centerline the  
 8 following courses and distances: S. 42 degrees 20 minutes  
 9 42 seconds W., 30.00 feet to a point, on the outline of  
 10 said 60-foot-wide channel thence binding on said out-line  
 11 the following four courses and distances: N. 20 degrees  
 12 32 minutes 06 seconds W., 53.85 feet to a point, thence;  
 13 N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to  
 14 a point, thence; S. 47 degrees 39 minutes 03 seconds W.,  
 15 20.00 feet to a point, thence; S. 42 degrees 20 minutes  
 16 46 seconds E., 300.08 feet to a point binding on the Left  
 17 Toe of the 60-foot-wide main navigational channel at com-  
 18 puted Centerline Station No. 43+92.67, coordinates  
 19 North 170415.41, 1614566.76.

20 (c) THOMASTON HARBOR, GEORGES RIVER,  
 21 MAINE.—Beginning on the date of enactment of this Act,  
 22 the Secretary is no longer authorized to carry out the por-  
 23 tion of the project for navigation, Georges River, Maine  
 24 (Thomaston Harbor), authorized by the first section of the  
 25 Act of June 3, 1896 (29 Stat. 215, chapter 314), and

1 modified by section 317 of the Water Resources Develop-  
2 ment Act of 2000 (Public Law 106–541; 114 Stat. 2604),  
3 that lies northwesterly of a line commencing at point  
4 N87,220.51, E321,065.80 thence running northeasterly  
5 about 125 feet to a point N87,338.71, E321,106.46.

6 (d) WARWICK COVE, RHODE ISLAND.—Beginning on  
7 the date of enactment of this Act, the Secretary is no  
8 longer authorized to carry out the portion of the project  
9 for navigation, Warwick Cove, Rhode Island, authorized  
10 by section 107 of the River and Harbor Act of 1960 (33  
11 U.S.C. 577) that is located within the 5 acre anchorage  
12 area east of the channel and lying east of the line begin-  
13 ning at a point with coordinates N220,349.79,  
14 E357,664.90 thence running north 9 degrees 10 minutes  
15 21.5 seconds west 170.38 feet to a point N220,517.99,  
16 E357,637.74 thence running north 17 degrees 44 minutes  
17 30.4 seconds west 165.98 feet to a point N220,676.08,  
18 E357,587.16 thence running north 0 degrees 46 minutes  
19 0.9 seconds east 138.96 feet to a point N220,815.03,  
20 E357,589.02 thence running north 8 degrees 36 minutes  
21 22.9 seconds east 101.57 feet to a point N220,915.46,  
22 E357,604.22 thence running north 18 degrees 18 minutes  
23 27.3 seconds east 168.20 feet to a point N221,075.14,  
24 E357,657.05 thence running north 34 degrees 42 minutes  
25 7.2 seconds east 106.4 feet to a point N221,162.62,



1 E357,717.63 thence running south 29 degrees 14 minutes  
2 17.4 seconds east 26.79 feet to a point N221,139.24,  
3 E357,730.71 thence running south 30 degrees 45 minutes  
4 30.5 seconds west 230.46 feet to a point N220,941.20,  
5 E357,612.85 thence running south 10 degrees 49 minutes  
6 12.0 seconds west 95.46 feet to a point N220,847.44,  
7 E357,594.93 thence running south 9 degrees 13 minutes  
8 44.5 seconds east 491.68 feet to a point N220,362.12,  
9 E357,673.79 thence running south 35 degrees 47 minutes  
10 19.4 seconds west 15.20 feet to the point of origin.

11 (e) CLATSOP COUNTY DIKING DISTRICT NO. 10,  
12 KARLSON ISLAND, OREGON.—Beginning on the date of  
13 enactment of this Act, the Secretary is no longer author-  
14 ized to carry out the Diking District No. 10, Karlson Is-  
15 land portion of the project for raising and improving exist-  
16 ing levees in Clatsop County, Oregon, authorized by sec-  
17 tion 5 of the Act of June 22, 1936 (33 U.S.C. 701h).

18 (f) NUMBERG DIKE NO. 34 LEVEED AREA, CLATSOP  
19 COUNTY DIKING DISTRICT NO. 13, CLATSOP COUNTY,  
20 OREGON (WALLUSKI-YOUNGS).—Beginning on the date of  
21 enactment of this Act, the Secretary is no longer author-  
22 ized to carry out the Numberg Dike No. 34 leveed area,  
23 Clatsop County Diking District, No. 13, Walluski River  
24 and Youngs River dikes, portion of the project for raising  
25 and improving existing levees in Clatsop County, Oregon,

1 authorized by section 5 of the Act of June 22, 1936 (33  
2 U.S.C. 701h).

3 (g) PORT OF HOOD RIVER, OREGON.—

4 (1) EXTINGUISHMENT OF PORTIONS OF EXIST-  
5 ING FLOWAGE EASEMENT.—With respect to the  
6 properties described in paragraph (2), beginning on  
7 the date of enactment of this Act, the flowage ease-  
8 ment identified as Tract 1200E-6 on the Easement  
9 Deed recorded as Instrument No. 740320 is extin-  
10 guished above elevation 79.39 feet (NGVD 29) the  
11 Ordinary High Water Line.

12 (2) AFFECTED PROPERTIES.—The properties  
13 referred to in paragraph (1), as recorded in Hood  
14 River County, Oregon, are as follows:

15 (A) Instrument Number 2010-1235

16 (B) Instrument Number 2010-02366.

17 (C) Instrument Number 2010-02367.

18 (D) Parcel 2 of Partition Plat #2011-  
19 12P.

20 (E) Parcel 1 of Partition Plat 2005-26P.

21 (3) FEDERAL LIABILITIES; CULTURAL, ENVI-  
22 RONMENTAL, AND OTHER REGULATORY REVIEWS.—

23 (A) FEDERAL LIABILITY.—The United  
24 States shall not be liable for any injury caused

1 by the extinguishment of the easement under  
2 this subsection.

3 (B) CULTURAL AND ENVIRONMENTAL  
4 REGULATORY ACTIONS.—Nothing in this sub-  
5 section establishes any cultural or environ-  
6 mental regulation relating to the properties de-  
7 scribed in paragraph (2).

8 (4) EFFECT ON OTHER RIGHTS.—Nothing in  
9 this subsection affects any remaining right or inter-  
10 est of the Corps of Engineers in the properties de-  
11 scribed in paragraph (2).

12 (h) EIGHTMILE RIVER, CONNECTICUT.—

13 (1) The portion of the project for navigation,  
14 Eightmile River, Connecticut, authorized by the first  
15 section of the Act of June 25, 1910 (commonly  
16 known as the “River and Harbor Act of 1910”) (36  
17 Stat. 633, chapter 382), that begins at a point of  
18 the existing 8-foot channel limit with coordinates  
19 N701002.39, E1109247.73, thence running north 2  
20 degrees 19 minutes 57.1 seconds east 265.09 feet to  
21 a point N701267.26, E1109258.52, thence running  
22 north 7 degrees 47 minutes 19.3 seconds east  
23 322.32 feet to a point N701586.60, E1109302.20,  
24 thence running north 90 degrees 0 minutes 0 sec-  
25 onds east 65.61 to a point N701586.60,

1 E1109367.80, thence running south 7 degrees 47  
2 minutes 19.3 seconds west 328.11 feet to a point  
3 N701261.52, E1109323.34, thence running south 2  
4 degrees 19 minutes 57.1 seconds west 305.49 feet to  
5 an end at a point N700956.28, E1109310.91 on the  
6 existing 8-foot channel limit, shall be reduced to a  
7 width of 65 feet and the channel realigned to follow  
8 the deepest available water.

9 (2) Beginning on the date of enactment of this  
10 Act, the Secretary is no longer authorized to carry  
11 out the portion of the project beginning at a point  
12 N701296.72, E1109262.55 and running north 45  
13 degrees 4 minutes 2.8 seconds west 78.09 feet to a  
14 point N701341.18, E1109217.98, thence running  
15 north 5 degrees 8 minutes 34.6 seconds east 180.14  
16 feet to a point N701520.59, E1109234.13, thence  
17 running north 54 degrees 5 minutes 50.1 seconds  
18 east 112.57 feet to a point N701568.04,  
19 E1109299.66, thence running south 7 degrees 47  
20 minutes 18.4 seconds west 292.58 feet to the point  
21 of origin; and the remaining area north of the chan-  
22 nel realignment beginning at a point N700956.28,  
23 E1109310.91 thence running north 2 degrees 19  
24 minutes 57.1 seconds east 305.49 feet west to a  
25 point N701261.52, E1109323.34 north 7 degrees 47

1 minutes 18.4 seconds east 328.11 feet to a point  
2 N701586.60, E1109367.81 thence running north 90  
3 degrees 0 minutes 0 seconds east 7.81 feet to a  
4 point N701586.60, E1109375.62 thence running  
5 south 5 degrees 8 minutes 34.6 seconds west 626.29  
6 feet to a point N700962.83, E1109319.47 thence  
7 south 52 degrees 35 minutes 36.5 seconds 10.79  
8 feet to the point of origin.

9 (i) BURNHAM CANAL.—Beginning on the date of en-  
10 actment of this Act, the Secretary is no longer authorized  
11 to carry out the portion of the project for navigation, Mil-  
12 waukee Harbor Project, Milwaukee, Wisconsin, known as  
13 the Burnham Canal, beginning at channel point #415a  
14 N381768.648, E2524554.836, a distance of about 170.58  
15 feet, thence running south 53 degrees 43 minutes 41 sec-  
16 onds west to channel point #417 N381667.728,  
17 E2524417.311, a distance of about 35.01 feet, thence run-  
18 ning south 34 degrees 10 minutes 40 seconds west to  
19 channel point #501 N381638.761, E2524397.639 a dis-  
20 tance of about 139.25 feet, thence running south 34 de-  
21 grees 10 minutes 48 seconds west to channel point #503  
22 N381523.557, E2524319.406 a distance of about 235.98  
23 feet, thence running south 32 degrees 59 minutes 13 sec-  
24 onds west to channel point #505 N381325.615,  
25 E2524190.925 a distance of about 431.29 feet, thence

1 running south 32 degrees 36 minutes 05 seconds west to  
2 channel point #509 N380962.276, E2523958.547, a dis-  
3 tance of about 614.52 feet, thence running south 89 de-  
4 grees 05 minutes 00 seconds west to channel point #511  
5 N380952.445, E2523344.107, a distance of about 74.68  
6 feet, thence running north 89 degrees 04 minutes 59 sec-  
7 onds west to channel point #512 N381027.13,  
8 E2523342.91, a distance of about 533.84 feet, thence run-  
9 ning north 89 degrees 05 minutes 00 seconds east to chan-  
10 nel point #510 N381035.67, E2523876.69, a distance of  
11 about 47.86 feet, thence running north 61 degrees 02 min-  
12 utes 07 seconds east to channel point #508 N381058.84,  
13 E2523918.56, a distance of about 308.55 feet, thence run-  
14 ning north 36 degrees 15 minutes 29 seconds east to chan-  
15 nel point #506 N381307.65, E2524101.05, distance of  
16 about 199.98 feet, thence running north 32 degrees 59  
17 minutes 12 seconds east to channel point #504  
18 N381475.40, E2524209.93, a distance of about 195.14  
19 feet, thence running north 26 degrees 17 minutes 22 sec-  
20 onds east to channel point #502 N381650.36,  
21 E2524296.36, a distance of about 81.82 feet, thence run-  
22 ning north 88 degrees 51 minutes 05 seconds west to  
23 channel point #419 N381732.17, E2524294.72 a dis-  
24 tance of about 262.65 feet, thence running north 82 de-

1 grees 01 minutes 02 seconds east to channel point # 415a  
2 the point of origin.

3 (j) WALNUT CREEK, CALIFORNIA.—Beginning on the  
4 date of enactment of this Act, the Secretary is no longer  
5 authorized to carry out the portion of the project for flood  
6 protection on Walnut Creek, California, constructed in ac-  
7 cordance with the plan authorized by section 203 of the  
8 Flood Control Act of 1960 (Public Law 86–645; 74 Stat.  
9 488) that consists of the culvert on the San Ramon Creek  
10 constructed by the Department of the Army in 1971 that  
11 extends from Sta 4+27 to Sta 14+27.

12 **SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-**  
13 **BASIN, NEW JERSEY.**

14 Title I of the Energy and Water Development Appro-  
15 priations Act, 1998 (Public Law 105–62; 111 Stat. 1327)  
16 is amended by striking section 102.

17 **SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKAN-**  
18 **SAS, LOUISIANA.**

19 (a) IN GENERAL.—The Secretary is authorized to re-  
20 assign unused irrigation storage within a reservoir on the  
21 Red River Basin to municipal and industrial water supply  
22 for use by a non-Federal interest if that non-Federal inter-  
23 est has already contracted for a share of municipal and  
24 industrial water supply on the same reservoir.

1 (b) NON-FEDERAL INTEREST.—A reassignment of  
 2 storage under subsection (a) shall be contingent upon the  
 3 execution of an agreement between the Secretary and the  
 4 applicable non-Federal interest.

5 **SEC. 3009. POINT JUDITH HARBOR OF REFUGE, RHODE IS-**  
 6 **LAND.**

7 The project for the Harbor of Refuge at Point Ju-  
 8 dith, Narragansett, Rhode Island, adopted by the Act of  
 9 September 19, 1890 (commonly known as the “River and  
 10 Harbor Act of 1890”) (26 Stat. 426, chapter 907), House  
 11 Document numbered 66, 51st Congress, 1st Session, and  
 12 modified to include the west shore arm breakwater under  
 13 the first section of the Act of June 25, 1910 (commonly  
 14 known as the “River and Harbor Act of 1910”) (36 Stat.  
 15 632, chapter 382), is further modified to include shore  
 16 protection and erosion control as project purposes.

17 **SEC. 3010. LAND CONVEYANCE OF HAMMOND BOAT BASIN,**  
 18 **WARRENTON, OREGON.**

19 (a) DEFINITIONS.—In this section:

20 (1) CITY.—The term “City” means the city of  
 21 Warrenton, located in Clatsop County, Oregon.

22 (2) MAP.—The term “map” means the map  
 23 contained in Exhibit A of Department of the Army  
 24 Lease No. DACW57-1-88-0033 (or a successor in-  
 25 strument).



1 (b) CONVEYANCE AUTHORITY.—Subject to the provi-  
2 sions of this section, the Secretary shall convey to the City  
3 by quitclaim deed, and without consideration, all right,  
4 title, and interest of the United States in and to the parcel  
5 of land described in subsection (c).

6 (c) DESCRIPTION OF LAND.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), the land referred to in subsection (b) is  
9 the parcel totaling approximately 59 acres located in  
10 the City, together with any improvements thereon,  
11 including the Hammond Marina (as described in the  
12 map).

13 (2) EXCLUSION.—The land referred to in sub-  
14 section (b) shall not include the site provided for the  
15 fisheries research support facility of the National  
16 Marine Fisheries Service.

17 (3) AVAILABILITY OF MAP.—The map shall be  
18 on file in the Portland District Office of the Corps  
19 of Engineers.

20 (d) TERMS AND CONDITIONS.—

21 (1) IN GENERAL.—As a condition of the con-  
22 veyance under subsection (b), the City shall agree in  
23 writing—

24 (A) that the City and any successor or as-  
25 sign of the City will release and indemnify the

1 United States from any claims or liabilities that  
2 may arise from or through the operations of the  
3 land conveyed by the United States; and

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

6 (2) ADDITIONAL TERMS AND CONDITIONS.—

7 The Secretary may impose such additional terms,  
8 conditions, and requirements on the conveyance  
9 under subsection (b) as the Secretary considers ap-  
10 propriate to protect the interest of the United  
11 States, including the requirement that the City as-  
12 sume full responsibility for operating and maintain-  
13 ing the channel and the breakwater.

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

19 (f) DEAUTHORIZATION.—After the land is conveyed  
20 under this section, the land shall no longer be a portion  
21 of the project for navigation, Hammond Small Boat  
22 Basin, Oregon, authorized by section 107 of the Rivers  
23 and Harbor Act of 1960 (33 U.S.C. 577).

1 **SEC. 3011. METRO EAST FLOOD RISK MANAGEMENT PRO-**  
2 **GRAM, ILLINOIS.**

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

6 (1) Prairie du Pont Drainage and Levee Dis-  
7 trict and Fish Lake Drainage and Levee District, Il-  
8 linois, authorized by—

9 (A) section 5 of the Act of June 22, 1936  
10 (33 U.S.C. 701h); and

11 (B) section 5070 of the Water Resources  
12 Development Act of 2007 (Public Law 110–  
13 114; 121 Stat. 1220).

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

15 (A) section 5 of the Act of June 22, 1936  
16 (33 U.S.C. 701h); and

17 (B) Energy and Water Development Ap-  
18 propriation Act, 1988 (Public Law 100–202;  
19 101 Stat. 1329–104).

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

22 (A) section 4 of the Act entitled “An Act  
23 authorizing the construction of certain public  
24 works on rivers and harbors for flood control,  
25 and for other purposes”, approved June 28,  
26 1938 (52 Stat. 1218); and

1 (B) section 1001(20) of the Water Re-  
2 sources Development Act of 2007 (Public Law  
3 110–114; 121 Stat. 1053).

4 **SEC. 3012. FLORIDA KEYS WATER QUALITY IMPROVE-**  
5 **MENTS.**

6 Section 109 of title I of division B of the Miscella-  
7 neous Appropriations Act, 2001 (114 Stat. 2763A–221,  
8 121 Stat. 1217) is amended—

9 (1) in subsection (a), by inserting “and unin-  
10 corporated communities” after “municipalities”; and

11 (2) by redesignating subsection (f) as sub-  
12 section (g); and

13 (3) by inserting after subsection (e) the fol-  
14 lowing:

15 “(f) PRIORITY.—In providing assistance under this  
16 section, the Secretary shall give priority to projects spon-  
17 sored by—

18 “(1) the State of Florida;

19 “(2) Monroe County, Florida; and

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

22 **SEC. 3013. DES MOINES RECREATIONAL RIVER AND GREEN-**  
23 **BELT, IOWA.**

24 The boundaries for the project referred to as the Des  
25 Moines Recreational River and Greenbelt, Iowa under the

1 heading “CORPS OF ENGINEERS—CIVIL” under the head-  
2 ing “DEPARTMENT OF THE ARMY” under the heading  
3 “DEPARTMENT OF DEFENSE—CIVIL” in chapter  
4 IV of title I of the Supplemental Appropriations Act, 1985  
5 (Public Law 99–88, 99 Stat. 313) are revised to include  
6 the entirety of sections 19 and 29, situated in T89N,  
7 R28W.

8 **SEC. 3014. LAND CONVEYANCE, CRANEY ISLAND DREDGED**  
9 **MATERIAL MANAGEMENT AREA, PORTS-**  
10 **MOUTH, VIRGINIA.**

11 (a) IN GENERAL.—Subject to the conditions de-  
12 scribed in this section, the Secretary may convey to the  
13 Commonwealth of Virginia, by quitclaim deed and without  
14 consideration, all right, title, and interest of the United  
15 States in and to 2 parcels of land situated within the  
16 project for navigation, Craney Island Eastward Expan-  
17 sion, Norfolk Harbor and Channels, Hampton Roads, Vir-  
18 ginia, authorized by section 1001(45) of the Water Re-  
19 sources Development Act of 2007 (Pub. L. 110–114; 121  
20 Stat. 1057), together with any improvements thereon.

21 (b) LANDS TO BE CONVEYED.—

22 (1) IN GENERAL.—The 2 parcels of land to be  
23 conveyed under this section include a parcel con-  
24 sisting of approximately 307.82 acres of land and a  
25 parcel consisting of approximately 13.33 acres of

1 land, both located along the eastern side of the  
2 Craney Island Dredged Material Management Area  
3 in Portsmouth, Virginia.

4 (2) USE.—The 2 parcels of land described in  
5 paragraph (1) may be used by the Commonwealth of  
6 Virginia exclusively for the purpose of port expansion,  
7 including the provision of road and rail access  
8 and the construction of a shipping container terminal.  
9

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

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

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

15 or

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

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

22 (d) LEGAL DESCRIPTION.—The exact acreage and  
23 legal description of land to be conveyed under this section  
24 shall be determined by a survey that is satisfactory to the  
25 Secretary.

1 (e) CONVEYANCE COSTS.—The Commonwealth of  
 2 Virginia shall be responsible for all costs associated with  
 3 the conveyance authorized by this section, including the  
 4 cost of the survey required under subsection (d) and other  
 5 administrative costs.

6 **SEC. 3015. LOS ANGELES COUNTY DRAINAGE AREA, CALI-**  
 7 **FORNIA.**

8 The project for flood control, Los Angeles County  
 9 Drainage Area, California, authorized by section 101(b)  
 10 of the Water Resources Development Act of 1990 (Pub.  
 11 L. 101–640; 104 Stat. 4611), as modified, is further  
 12 modified to authorize the Secretary to include, as a part  
 13 of the project, measures for flood risk reduction, eco-  
 14 system restoration, and recreation in the Compton Creek  
 15 watershed.

16 **SEC. 3016. OAKLAND INNER HARBOR TIDAL CANAL, CALI-**  
 17 **FORNIA.**

18 Section 3182(b)(1) of the Water Resources Develop-  
 19 ment Act of 2007 (Public Law 110–114; 121 Stat. 1165)  
 20 is amended—

21 (1) in subparagraph (A), by inserting “, or to  
 22 a multicounty public entity that is eligible to hold  
 23 title to real property” after “To the city of Oak-  
 24 land”; and

1           (2) by inserting “multicounty public entity or  
2       other” before “public entity”.

3 **SEC. 3017. REDESIGNATION OF LOWER MISSISSIPPI RIVER**  
4                   **MUSEUM AND RIVERFRONT INTERPRETIVE**  
5                   **SITE.**

6       (a) IN GENERAL.—Section 103(c)(1) of the Water  
7 Resources Development Act of 1992 (106 Stat. 4811) is  
8 amended by striking “Lower Mississippi River Museum  
9 and Riverfront Interpretive Site” and inserting “Jesse  
10 Brent Lower Mississippi River Museum and Riverfront In-  
11 terpretive Site”.

12       (b) REFERENCES.—Any reference in a law, map, reg-  
13 ulation, document, paper, or other record of the United  
14 States to the museum and interpretive site referred to in  
15 subsection (a) shall be deemed to be a reference to the  
16 “Jesse Brent Lower Mississippi River Museum and River-  
17 front Interpretive Site”.

18 **SEC. 3018. LOUISIANA COASTAL AREA.**

19       (a) INTERIM ADOPTION OF COMPREHENSIVE COAST-  
20 AL MASTER PLAN.—

21           (1) IN GENERAL.—Section 7002 of the Water  
22 Resources Development Act of 2007 (Public Law  
23 110–114; 121 Stat. 1270) is amended—



1           (A) by redesignating subsections (d)  
2           through (f) as subsections (e) through (g), re-  
3           spectively;

4           (B) by inserting after subsection (c) the  
5           following:

6           “(d) INTERIM ADOPTION OF COMPREHENSIVE MAS-  
7           TER PLAN.—Prior to completion of the comprehensive  
8           plan described under subsection (a), the Secretary shall  
9           adopt the plan of the State of Louisiana entitled ‘Louisiana’s  
10           Comprehensive Master Plan for a Sustainable Coast’  
11           in effect on the date of enactment of the Water Resources  
12           Development Act of 2013 (and subsequent plans), author-  
13           ized and defined pursuant to Act 8 of the First Extraor-  
14           dinary Session of the Louisiana State Legislature, 2005,  
15           for protecting, preserving, and restoring the coastal Lou-  
16           isiana ecosystem until implementation of the comprehen-  
17           sive plan is complete.”; and

18           (C) in subsection (g)(1) (as so redesign-  
19           ated), by striking “1 year” and inserting “10  
20           years”.

21           (2) CONFORMING AMENDMENT.—Subsection (f)  
22           (as so redesignated) is amended by striking “sub-  
23           section (d)(1)” and inserting “subsection (e)(1)”.

1 (b) Section 7006 of the Water Resources Develop-  
2 ment Act of 2007 (Public Law 110–114; 121 Stat. 1274)  
3 is amended—

4 (1) in subsection (a)(2)—

5 (A) by redesignating subparagraphs (C)  
6 and (D) as subparagraphs (D) and (E), respec-  
7 tively; and

8 (B) by inserting after subparagraph (B)  
9 the following:

10 “(C) to examine a system-wide approach to  
11 coastal sustainability, including—

12 “(i) flood and storm damage protec-  
13 tion;

14 “(ii) coastal restoration; and

15 “(iii) the elevation of public and pri-  
16 vate infrastructure;”; and

17 (2) in subsection (c)(1)(E), by striking “at  
18 Myrtle Grove” and inserting “in the vicinity of Myr-  
19 tle Grove”.

20 (c) EFFECT.—

21 (1) IN GENERAL.—Nothing in this section or an  
22 amendment made by this section authorizes the con-  
23 struction of a project or program associated with a  
24 storm surge barrier across the Lake Pontchartrain  
25 land bridge (including Chef Menteur Pass and the

1 Rigolets) that would result in unmitigated induced  
2 flooding in coastal communities within the State of  
3 Mississippi.

4 (2) REQUIRED CONSULTATION.—Any study to  
5 advance a project described in paragraph (1) that is  
6 conducted using funds from the General Investiga-  
7 tions Account of the Corps of Engineers shall in-  
8 clude consultation and approval of the Governors of  
9 the States of Louisiana and Mississippi.

10 **SEC. 3019. FOUR MILE RUN, CITY OF ALEXANDRIA AND AR-**  
11 **LINGTON COUNTY, VIRGINIA.**

12 Section 84(a)(1) of the Water Resources Develop-  
13 ment Act of 1974 (Public Law 93–251; 88 Stat. 35) is  
14 amended by striking “twenty-seven thousand cubic feet  
15 per second” and inserting “18,000 cubic feet per second”.

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

17 The portion of the project for flood protection on the  
18 East Fork of the Trinity River, Texas, authorized by sec-  
19 tion 203 of the Flood Control Act of 1962 (76 Stat. 1185),  
20 that consists of the 2 levees identified as “Kaufman Coun-  
21 ty Levees K5E and K5W” shall no longer be authorized  
22 as a part of the Federal project as of the date of enact-  
23 ment of this Act.

1 **SEC. 3021. SEWARD WATERFRONT, SEWARD, ALASKA.**

2 (a) IN GENERAL.—The parcel of land included in the  
3 Seward Harbor, Alaska navigation project identified as  
4 Tract H, Seward Original Townsite, Waterfront Park  
5 Replat, Plat No 2012–4, Seward Recording District, shall  
6 not be subject to the navigation servitude (as of the date  
7 of enactment of this Act).

8 (b) ENTRY BY FEDERAL GOVERNMENT.—The Fed-  
9 eral Government may enter upon any portion of the land  
10 referred to in subsection (a) to carry out any required op-  
11 eration and maintenance of the general navigation fea-  
12 tures of the project.

13 **TITLE IV—WATER RESOURCE**  
14 **STUDIES**

15 **SEC. 4001. PURPOSE.**

16 The purpose of this title is to authorize the Secretary  
17 to study and recommend solutions for water resource  
18 issues relating to flood risk and storm damage reduction,  
19 navigation, and aquatic ecosystem restoration.

20 **SEC. 4002. INITIATION OF NEW WATER RESOURCES STUD-**  
21 **IES.**

22 (a) IN GENERAL.—Subject to subsections (b), (c),  
23 and (d), the Secretary may initiate a study—

24 (1) to determine the feasibility of carrying out  
25 1 or more projects for flood risk management, storm

1 damage reduction, aquatic ecosystem restoration,  
2 navigation, hydropower, or related purposes; or

3 (2) to carry out watershed and river basin as-  
4 sements in accordance with section 729 of the  
5 Water Resources Development Act of 1986 (33  
6 U.S.C. 2267a).

7 (b) CRITERIA.—The Secretary may only initiate a  
8 study under subsection (a) if—

9 (1) the study—

10 (A) has been requested by an eligible non-  
11 Federal interest;

12 (B) is for an area that is likely to include  
13 a project with a Federal interest; and

14 (C) addresses a high-priority water re-  
15 source issue necessary for the protection of  
16 human life and property, the environment, or  
17 the national security interests of the United  
18 States; and

19 (2) the non-Federal interest has dem-  
20 onstrated—

21 (A) that local support exists for addressing  
22 the water resource issue; and

23 (B) the financial ability to provide the re-  
24 quired non-Federal cost-share.

25 (c) CONGRESSIONAL APPROVAL.—

1           (1) SUBMISSION TO CONGRESS.—Prior to initi-  
2     ating a study under subsection (a), the Secretary  
3     shall submit to the Committees on Environment and  
4     Public Works and Appropriations of the Senate and  
5     the Committees on Transportation and Infrastruc-  
6     ture and Appropriations of the House—

7           (A) a description of the study, including  
8     the geographical area addressed by the study;

9           (B) a description of how the study meets  
10    each of the requirements of subsection (b); and

11          (C) a certification that the proposed study  
12    can be completed within 3 years and for a Fed-  
13    eral cost of not more than \$3,000,000.

14          (2) EXPENDITURE OF FUNDS.—No funds may  
15    be spent on a study initiated under subsection (a)  
16    unless—

17          (A) the required information is submitted  
18    to Congress under paragraph (1); and

19          (B) after such submission, amounts are  
20    appropriated to initiate the study in an appro-  
21    priations or other Act.

22          (3) ADDITIONAL NOTIFICATION.—The Sec-  
23    retary shall notify each Senator or Member of Con-  
24    gress with a State or congressional district in the  
25    study area described in paragraph (1)(A).

1 (d) LIMITATIONS.—

2 (1) IN GENERAL.—Subsection (a) shall not  
3 apply to a project for which a study has been au-  
4 thorized prior to the date of enactment of this Act.

5 (2) NEW STUDIES.—In each fiscal year, the  
6 Secretary may initiate not more than—

7 (A) 3 new studies in each of the primary  
8 mission areas of the Corps of Engineers; and

9 (B) 3 new studies from any 1 division of  
10 the Corps of Engineers.

11 (e) TERMINATION.—The authority under subsection  
12 (a) expires on the date that is 3 years after the date of  
13 enactment of this Act.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to the Secretary to carry  
16 out this section \$25,000,000 for each of fiscal years 2014  
17 through 2017.

18 **SEC. 4003. APPLICABILITY.**

19 (a) IN GENERAL.—Nothing in this title authorizes  
20 the construction of a water resources project.

21 (b) NEW AUTHORIZATION REQUIRED.—New author-  
22 ization from Congress is required before any project evalu-  
23 ated in a study under this title is constructed.

1           **TITLE V—REGIONAL AND**  
2           **NONPROJECT PROVISIONS**

3 **SEC. 5001. PURPOSE.**

4           The purpose of this title is to authorize regional,  
5 multistate authorities to address water resource needs and  
6 other non-project provisions.

7 **SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RES-**  
8                           **TORATION.**

9           (a) **IN GENERAL.**—The Secretary shall plan, design,  
10 and construct projects for aquatic ecosystem restoration  
11 within the coastal waters of the Northeastern United  
12 States from the State of Virginia to the State of Maine,  
13 including associated bays, estuaries, and critical riverine  
14 areas.

15           (b) **GENERAL COASTAL MANAGEMENT PLAN.**—

16                   (1) **ASSESSMENT.**—The Secretary, in coordina-  
17 tion with the Administrator of the Environmental  
18 Protection Agency, the heads of other appropriate  
19 Federal agencies, the Governors of the coastal  
20 States from Virginia to Maine, nonprofit organiza-  
21 tions, and other interested parties, shall assess the  
22 needs regarding, and opportunities for, aquatic eco-  
23 system restoration within the coastal waters of the  
24 Northeastern United States.



1           (2) PLAN.—The Secretary shall develop a gen-  
2           eral coastal management plan based on the assess-  
3           ment carried out under paragraph (1), maximizing  
4           the use of existing plans and investigation, which  
5           plan shall include—

6                   (A) an inventory and evaluation of coastal  
7           habitats;

8                   (B) identification of aquatic resources in  
9           need of improvement;

10                  (C) identification and prioritization of po-  
11           tential aquatic habitat restoration projects; and

12                  (D) identification of geographical and eco-  
13           logical areas of concern, including—

14                           (i) finfish habitats;

15                           (ii) diadromous fisheries migratory  
16           corridors;

17                           (iii) shellfish habitats;

18                           (iv) submerged aquatic vegetation;

19                           (v) wetland; and

20                           (vi) beach dune complexes and other  
21           similar habitats.

22           (c) ELIGIBLE PROJECTS.—The Secretary may carry  
23           out an aquatic ecosystem restoration project under this  
24           section if the project—

1 (1) is consistent with the management plan de-  
2 veloped under subsection (b); and

3 (2) provides for—

4 (A) the restoration of degraded aquatic  
5 habitat (including coastal, saltmarsh, benthic,  
6 and riverine habitat);

7 (B) the restoration of geographical or eco-  
8 logical areas of concern, including the restora-  
9 tion of natural river and stream characteristics;

10 (C) the improvement of water quality; or

11 (D) other projects or activities determined  
12 to be appropriate by the Secretary.

13 (d) COST SHARING.—

14 (1) MANAGEMENT PLAN.—The management  
15 plan developed under subsection (b) shall be com-  
16 pleted at Federal expense.

17 (2) RESTORATION PROJECTS.—The non-Fed-  
18 eral share of the cost of a project carried out under  
19 this section shall be 35 percent.

20 (e) COST LIMITATION.—Not more than \$10,000,000  
21 in Federal funds may be allocated under this section for  
22 an eligible project.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated to carry out this section (in-

1 cluding funds for the completion of the management plan)  
 2 \$25,000,000 for each of fiscal years 2014 through 2023.

3 **SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
 4 **TION AND PROTECTION PROGRAM.**

5 Section 510 of the Water Resources Development Act  
 6 of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat.  
 7 1202) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by striking “pilot program” and  
 11 inserting “program”; and

12 (ii) by inserting “in the basin States  
 13 described in subsection (f) and the District  
 14 of Columbia” after “interests”; and

15 (B) by striking paragraph (2) and insert-  
 16 ing the following:

17 “(2) FORM.—The assistance under paragraph  
 18 (1) shall be in the form of design and construction  
 19 assistance for water-related resource protection and  
 20 restoration projects affecting the Chesapeake Bay  
 21 estuary, based on the comprehensive plan under sub-  
 22 section (b), including projects for—

23 “(A) sediment and erosion control;

24 “(B) protection of eroding shorelines;

1           “(C) ecosystem restoration, including res-  
2           toration of submerged aquatic vegetation;

3           “(D) protection of essential public works;

4           “(E) beneficial uses of dredged material;

5           and

6           “(F) other related projects that may en-  
7           hance the living resources of the estuary.”;

8           (2) by striking subsection (b) and inserting the  
9           following:

10          “(b) COMPREHENSIVE PLAN.—

11           “(1) IN GENERAL.—Not later than 2 years  
12           after the date of enactment of the Water Resources  
13           Development Act of 2013, the Secretary, in coopera-  
14           tion with State and local governmental officials and  
15           affected stakeholders, shall develop a comprehensive  
16           Chesapeake Bay restoration plan to guide the imple-  
17           mentation of projects under subsection (a)(2).

18           “(2) COORDINATION.—The restoration plan de-  
19           scribed in paragraph (1) shall, to the maximum ex-  
20           tent practicable, consider and avoid duplication of  
21           any ongoing or planned actions of other Federal,  
22           State, and local agencies and nongovernmental orga-  
23           nizations.

24           “(3) PRIORITIZATION.—The restoration plan  
25           described in paragraph (1) shall give priority to

1 projects eligible under subsection (a)(2) that will  
2 also improve water quality or quantity or use nat-  
3 ural hydrological features and systems.

4 “(4) ADMINISTRATION.—The Federal share of  
5 the costs of carrying out paragraph (1) shall be 75  
6 percent.”;

7 (3) in subsection (c)—

8 (A) in paragraph (1), by striking “to pro-  
9 vide” and all that follows through the period at  
10 the end and inserting “for the design and con-  
11 struction of a project carried out pursuant to  
12 the comprehensive Chesapeake Bay restoration  
13 plan described in subsection (b).”;

14 (B) in paragraph (2)(A), by striking “fa-  
15 cilities or resource protection and development  
16 plan” and inserting “resource protection and  
17 restoration plan”; and

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

19 “(3) PROJECTS ON FEDERAL LAND.—A project  
20 carried out pursuant to the comprehensive Chesa-  
21 peake Bay restoration plan described in subsection  
22 (b) that is located on Federal land shall be carried  
23 out at the expense of the Federal agency that owns  
24 the land on which the project will be a carried out.

1           “(4) NON-FEDERAL CONTRIBUTIONS.—A Fed-  
2           eral agency carrying out a project described in para-  
3           graph (3) may accept contributions of funds from  
4           non-Federal entities to carry out that project.”;

5           (4) by striking subsection (e) and inserting the  
6           following:

7           “(e) COOPERATION.—In carrying out this section, the  
8           Secretary shall cooperate with—

9           “(1) the heads of appropriate Federal agencies,  
10          including—

11           “(A) the Administrator of the Environ-  
12          mental Protection Agency;

13           “(B) the Secretary of Commerce, acting  
14          through the Administrator of the National  
15          Oceanographic and Atmospheric Administra-  
16          tion;

17           “(C) the Secretary of the Interior, acting  
18          through the Director of the United States Fish  
19          and Wildlife Service; and

20           “(D) the heads of such other Federal  
21          agencies as the Secretary determines to be ap-  
22          propriate; and

23           “(2) agencies of a State or political subdivision  
24          of a State, including the Chesapeake Bay Commis-  
25          sion.”;

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

3           “(f) PROJECTS.—The Secretary shall establish, to  
4 the maximum extent practicable, at least 1 project under  
5 this section in—

6           “(1) regions within the Chesapeake Bay water-  
7 shed of each of the basin States of Delaware, Mary-  
8 land, New York, Pennsylvania, Virginia, and West  
9 Virginia; and

10           “(2) the District of Columbia.”;

11           (6) by striking subsection (h); and

12           (7) by redesignating subsection (i) as subsection  
13 (h).

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

16           Section 5056 of the Water Resources Development  
17 Act of 2007 (121 Stat. 1213) is amended—

18           (1) in subsection (b)(2)—

19           (A) in the matter preceding subparagraph  
20 (A), by striking “2008” and inserting “2014”;  
21 and

22           (B) in subparagraph (C), by inserting  
23 “and an assessment of needs for other related  
24 purposes in the Rio Grande Basin, including  
25 flood damage reduction” after “assessment”;

1 (2) in subsection (c)(2)—

2 (A) by striking “an interagency agreement  
3 with” and inserting “1 or more interagency  
4 agreements with the Secretary of State and”;  
5 and

6 (B) by inserting “or the U.S. Section of  
7 the International Boundary and Water Com-  
8 mission” after “the Department of the Inte-  
9 rior”; and

10 (3) in subsection (f), by striking “2011” and  
11 inserting “2024”.

12 **SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY**  
13 **ECOSYSTEM RESTORATION, OREGON AND**  
14 **WASHINGTON.**

15 Section 536(g) of the Water Resources Development  
16 Act of 2000 (114 Stat. 2661) is amended by striking  
17 “\$30,000,000” and inserting “\$75,000,000”.

18 **SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.**

19 (a) PROJECT GOAL.—The goal for operation of the  
20 McClellan-Kerr Arkansas River navigation system, Arkan-  
21 sas and Oklahoma, shall be to maximize the use of the  
22 system in a balanced approach that incorporates advice  
23 from representatives from all project purposes to ensure  
24 that the full value of the system is realized by the United  
25 States.



1 (b) McCLELLAN-KERR ARKANSAS RIVER NAVIGA-  
2 TION SYSTEM ADVISORY COMMITTEE.—

3 (1) IN GENERAL.—In accordance with the Fed-  
4 eral Advisory Committee Act (5 U.S.C. App.), the  
5 Secretary shall establish an advisory committee for  
6 the McClellan-Kerr Arkansas River navigation sys-  
7 tem, Arkansas and Oklahoma, project authorized by  
8 the Act of July 24, 1946 (60 Stat. 635, chapter  
9 595).

10 (2) DUTIES.—The advisory committee shall—

11 (A) serve in an advisory capacity only; and

12 (B) provide information and recommenda-  
13 tions to the Corps of Engineers relating to the  
14 efficiency, reliability, and availability of the op-  
15 erations of the McClellan-Kerr Arkansas River  
16 navigation system.

17 (3) SELECTION AND COMPOSITION.—The advi-  
18 sory committee shall be—

19 (A) selected jointly by the Little Rock dis-  
20 trict engineer and the Tulsa district engineer;  
21 and

22 (B) composed of members that equally rep-  
23 resent the McClellan-Kerr Arkansas River navi-  
24 gation system project purposes.

1           (4) AGENCY RESOURCES.—The Little Rock dis-  
2       trict and the Tulsa district of the Corps of Engi-  
3       neers, under the supervision of the southwestern di-  
4       vision, shall jointly provide the advisory committee  
5       with adequate staff assistance, facilities, and re-  
6       sources.

7           (5) TERMINATION.—

8           (A) IN GENERAL.—Subject to subpara-  
9       graph (B), the advisory committee shall termi-  
10      nate on the date on which the Secretary sub-  
11      mits a report to Congress demonstrating in-  
12      creases in the efficiency, reliability, and avail-  
13      ability of the McClellan-Kerr Arkansas River  
14      navigation system.

15          (B) RESTRICTION.—The advisory com-  
16      mittee shall terminate not less than 2 calendar  
17      years after the date on which the advisory com-  
18      mittee is established.

19 **SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND**  
20 **MANAGEMENT; COLUMBIA RIVER BASIN.**

21          (a) IN GENERAL.—The Secretary may establish a  
22      program to prevent and manage aquatic invasive species  
23      in the Columbia River Basin in the States of Idaho, Mon-  
24      tana, Oregon, and Washington.

25          (b) WATERCRAFT INSPECTION STATIONS.—

1           (1) IN GENERAL.—In carrying out this section,  
2           the Secretary shall establish watercraft inspection  
3           stations in the Columbia River Basin to be located  
4           in the States of Idaho, Montana, Oregon, and Wash-  
5           ington at locations, as determined by the Secretary,  
6           with the highest likelihood of preventing the spread  
7           of aquatic invasive species into reservoirs operated  
8           and maintained by the Secretary.

9           (2) INCLUSIONS.—Locations identified under  
10          paragraph (1) may include—

11                   (A) State border crossings;

12                   (B) international border crossings; and

13                   (C) highway entry points that are used by  
14          owners of watercraft to access boat launch fa-  
15          cilities owned or managed by the Secretary.

16          (3) COST-SHARE.—The non-Federal share of  
17          the cost of operating and maintaining watercraft in-  
18          spection stations described in paragraph (1) (includ-  
19          ing personnel costs) shall be 50 percent.

20          (4) OTHER INSPECTION SITES.—The Secretary  
21          may establish watercraft inspection stations using  
22          amounts made available to carry out this section in  
23          States other than those described in paragraph (1)  
24          at or near boat launch facilities that the Secretary

1 determines are regularly used by watercraft to enter  
2 the States described in paragraph (1).

3 (c) MONITORING AND CONTINGENCY PLANNING.—

4 The Secretary shall—

5 (1) carry out risk assessments of each major  
6 public and private water resources facility in the Co-  
7 lumbia River Basin;

8 (2) establish an aquatic invasive species moni-  
9 toring program in the Columbia River Basin;

10 (3) establish a Columbia River Basin water-  
11 shed-wide plan for expedited response to an infesta-  
12 tion of aquatic invasive species; and

13 (4) monitor water quality, including sediment  
14 cores and fish tissue samples, at facilities owned or  
15 managed by the Secretary in the Columbia River  
16 Basin.

17 (d) COORDINATION.—In carrying out this section, the  
18 Secretary shall consult and coordinate with—

19 (1) the States described in subsection (a);

20 (2) Indian tribes; and

21 (3) other Federal agencies, including—

22 (A) the Department of Agriculture;

23 (B) the Department of Energy;

24 (C) the Department of Homeland Security;

25 (D) the Department of Commerce; and

1 (E) the Department of the Interior.

2 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
3 authorized to be appropriated to the Secretary to carry  
4 out this section \$30,000,000, of which \$5,000,000 may  
5 be used to carry out subsection (c).

6 **SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT**  
7 **MONITORING.**

8 (a) IN GENERAL.—The Secretary, in coordination  
9 with the Administrator of the National Oceanic and At-  
10 mospheric Administration, the Chief of the Natural Re-  
11 sources Conservation Service, the Director of the United  
12 States Geological Survey, and the Commissioner of the  
13 Bureau of Reclamation, shall establish a program to pro-  
14 vide for—

15 (1) soil moisture and snowpack monitoring in  
16 the Upper Missouri River Basin to reduce flood risk  
17 and improve river and water resource management  
18 in the Upper Missouri River Basin, as outlined in  
19 the February 2013 report entitled “Upper Missouri  
20 Basin Monitoring Committee—Snow Sampling and  
21 Instrumentation Recommendations”;

22 (2) restoring and maintaining existing mid- and  
23 high-elevation snowpack monitoring sites operated  
24 under the SNOTEL program of the Natural Re-  
25 sources Conservation Service; and

1           (3) operating streamflow gages and related in-  
2           terpretive studies in the Upper Missouri River Basin  
3           under the cooperative water program and the na-  
4           tional streamflow information program of the United  
5           States Geological Service.

6           (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
7           authorized to be appropriated to the Secretary to carry  
8           out this section \$11,250,000.

9           (c) USE OF FUNDS.—Amounts made available to the  
10          Secretary under this section shall be used to complement  
11          other related activities of Federal agencies that are carried  
12          out within the Missouri River Basin.

13          (d) REPORT.—Not later than 1 year after the date  
14          of enactment of this Act, the Comptroller General of the  
15          United States, in consultation with the Secretary, shall  
16          submit to the Committee on Environment and Public  
17          Works of the Senate and the Committee on Transpor-  
18          tation and Infrastructure of the House of Representatives  
19          a report that—

20                 (1) identifies progress made by the Secretary  
21                 and other Federal agencies to implement the rec-  
22                 ommendations contained in the report described in  
23                 subsection (a)(1) with respect to enhancing soil  
24                 moisture and snowpack monitoring in the Upper  
25                 Missouri Basin; and

1           (2) includes recommendations to enhance soil  
2           moisture and snowpack monitoring in the Upper  
3           Missouri Basin.

4 **SEC. 5009. UPPER MISSOURI BASIN SHORELINE EROSION**  
5           **PREVENTION.**

6           (a) IN GENERAL.—

7           (1) AUTHORIZATION OF ASSISTANCE.—The  
8           Secretary may provide planning, design, and con-  
9           struction assistance to not more than 3 federally-rec-  
10          ognized Indian tribes in the Upper Missouri River  
11          Basin to undertake measures to address shoreline  
12          erosion that is jeopardizing existing infrastructure  
13          resulting from operation of a reservoir constructed  
14          under the Pick-Sloan Missouri River Basin Program  
15          (authorized by section 9 of the Act of December 22,  
16          1944 (commonly known as the “Flood Control Act  
17          of 1944”) (58 Stat. 891, chapter 665)).

18          (2) LIMITATION.—The projects described in  
19          paragraph (1) shall be economically justified, tech-  
20          nically feasible, and environmentally acceptable.

21          (b) FEDERAL AND NON-FEDERAL COST SHARE.—

22          (1) IN GENERAL.—Subject to paragraph (2),  
23          the Federal share of the costs of carrying out this  
24          section shall be not less than 75 percent.

1           (2) ABILITY TO PAY.—The Secretary may ad-  
2 just the Federal and non-Federal shares of the costs  
3 of carrying out this section in accordance with the  
4 terms and conditions of section 103(m) of the Water  
5 Resources Development Act of 1986 (33 U.S.C.  
6 2213(m)).

7           (c) CONDITIONS.—The Secretary may provide the as-  
8 sistance described in subsection (a) only after—

9           (1) consultation with the Department of the In-  
10 terior; and

11           (2) execution by the Indian tribe of a memo-  
12 randum of agreement with the Secretary that speci-  
13 fies that the tribe shall—

14           (A) be responsible for—

15           (i) all operation and maintenance ac-  
16 tivities required to ensure the integrity of  
17 the measures taken; and

18           (ii) providing any required real estate  
19 interests in and to the property on which  
20 such measures are to be taken; and

21           (B) hold and save the United States free  
22 from damages arising from planning, design, or  
23 construction assistance provided under this sec-  
24 tion, except for damages due to the fault or



1 negligence of the United States or its contrac-  
2 tors.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—For  
4 each Indian tribe eligible under this section, there is au-  
5 thorized to be appropriated to carry out this section not  
6 more than \$30,000,000.

7 **SEC. 5010. NORTHERN ROCKIES HEADWATERS EXTREME**  
8 **WEATHER MITIGATION.**

9 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
10 retary shall establish a program to mitigate the impacts  
11 of extreme weather events, such as floods and droughts,  
12 on communities, water users, and fish and wildlife located  
13 in and along the headwaters of the Columbia, Missouri,  
14 and Yellowstone Rivers (including the tributaries of those  
15 rivers) in the States of Idaho and Montana by carrying  
16 out river, stream, and floodplain protection and restora-  
17 tion projects, including—

- 18 (1) floodplain restoration and reconnection;  
19 (2) floodplain and riparian area protection  
20 through the use of conservation easements;  
21 (3) instream flow restoration projects;  
22 (4) fish passage improvements;  
23 (5) channel migration zone mapping; and  
24 (6) invasive weed management.

1 (b) RESTRICTION.—All projects carried out using  
2 amounts made available to carry out this section shall em-  
3 phasize the protection and enhancement of natural  
4 riverine processes.

5 (c) NON-FEDERAL COST SHARE.—The non-Federal  
6 share of the costs of carrying out a project under this sec-  
7 tion shall not exceed 35 percent of the total cost of the  
8 project.

9 (d) COORDINATION.—In carrying out this section, the  
10 Secretary—

11 (1) shall consult and coordinate with the appro-  
12 priate State natural resource agency in each State;  
13 and

14 (2) may—

15 (A) delegate any authority or responsibility  
16 of the Secretary under this section to those  
17 State natural resource agencies; and

18 (B) provide amounts made available to the  
19 Secretary to carry out this section to those  
20 State natural resource agencies.

21 (e) LIMITATIONS.—Nothing in this section invali-  
22 dates, preempts, or creates any exception to State water  
23 law, State water rights, or Federal or State permitted ac-  
24 tivities or agreements in the States of Idaho and Montana

1 or any State containing tributaries to rivers in those  
2 States.

3 (f) EFFECT OF SECTION.—

4 (1) IN GENERAL.—Nothing in this section re-  
5 places or provides a substitute for the authority to  
6 carry out projects under section 3110 of the Water  
7 Resources Development Act of 2007 (121 Stat.  
8 1135).

9 (2) FUNDING.—The amounts made available to  
10 carry out this section shall be used to carry out  
11 projects that are not otherwise carried out under  
12 section 3110 of the Water Resources Development  
13 Act of 2007 (121 Stat. 1135).

14 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to the Secretary to carry  
16 out this section \$30,000,000.

17 **SEC. 5011. AQUATIC NUISANCE SPECIES PREVENTION,**  
18 **GREAT LAKES AND MISSISSIPPI RIVER BASIN.**

19 (a) IN GENERAL.—The Secretary is authorized to im-  
20 plement measures recommended in the efficacy study au-  
21 thorized under section 3061 of the Water Resources De-  
22 velopment Act of 2007 (121 Stat. 1121) or in interim re-  
23 ports, with any modifications or any emergency measures  
24 that the Secretary determines to be appropriate to prevent  
25 aquatic nuisance species from dispersing into the Great

1 Lakes by way of any hydrologic connection between the  
2 Great Lakes and the Mississippi River Basin.

3 (b) REPORTS.—The Secretary shall report to the  
4 Committees on Environment and Public Works and Ap-  
5 propriations of the Senate and the Committees on Trans-  
6 portation and Infrastructure and Appropriations of the  
7 House of Representatives any emergency actions taken  
8 pursuant to this section.

9 **SEC. 5012. MIDDLE MISSISSIPPI RIVER PILOT PROGRAM.**

10 (a) IN GENERAL.—In accordance with the project for  
11 navigation, Mississippi River between the Ohio and Mis-  
12 souri Rivers (Regulating Works), Missouri and Illinois,  
13 authorized by the Act of June 25, 1910 (36 Stat. 631,  
14 chapter 382) (commonly known as the “River and Harbor  
15 Act of 1910”), the Act of January 1, 1927 (44 Stat. 1010,  
16 chapter 47) (commonly known as the “River and Harbor  
17 Act of 1927”), and the Act of July 3, 1930 (46 Stat. 918,  
18 chapter 847), the Secretary shall carry out a pilot pro-  
19 gram to restore and protect fish and wildlife habitat in  
20 the middle Mississippi River.

21 (b) AUTHORIZED ACTIVITIES.—As part of the pilot  
22 program carried out under subsection (a), the Secretary  
23 may carry out any activity along the Middle Mississippi  
24 River that is necessary to improve navigation through the  
25 project while restoring and protecting fish and wildlife

1 habitat in the middle Mississippi River if the Secretary  
2 determines that the activity is feasible.

3 (c) COST-SHARING REQUIREMENT.—

4 (1) IN GENERAL.—The maximum Federal share  
5 of the cost of carrying out a project under this sec-  
6 tion shall be 65 percent.

7 (2) AMOUNT EXPENDED PER PROJECT.—The  
8 Federal share described in paragraph (1) shall not  
9 exceed \$10,000,000 for each project.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
11 authorized to be appropriated to carry out this section  
12 \$25,000,000 for each of fiscal years 2014 through 2023.

13 **SEC. 5013. IDAHO, MONTANA, RURAL NEVADA, NEW MEX-**  
14 **ICO, RURAL UTAH, AND WYOMING.**

15 Section 595 of the Water Resources Development Act  
16 of 1999 (Public Law 106–53; 113 Stat. 383) is amend-  
17 ed—

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

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

22 “(1) design and construction assistance for  
23 water-related environmental infrastructure and re-  
24 source protection and development in Idaho, Mon-

1 tana, rural Nevada, New Mexico, rural Utah, and  
2 Wyoming, including projects for—

3 “(A) wastewater treatment and related fa-  
4 cilities;

5 “(B) water supply and related facilities;

6 “(C) environmental restoration; and

7 “(D) surface water resource protection and  
8 development; and

9 “(2) technical assistance to small and rural  
10 communities for water planning and issues relating  
11 to access to water resources.”; and

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

14 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
15 is authorized to be appropriated to carry out this section  
16 for the period beginning with fiscal year 2001  
17 \$450,000,000, which shall—

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

23 “(2) remain available until expended.”.”

1 **SEC. 5014. CHESAPEAKE BAY OYSTER RESTORATION IN**  
2 **VIRGINIA AND MARYLAND.**

3 Section 704(b) of Water Resources Development Act  
4 of 1986 (33 U.S.C. 2263(b)) is amended—

5 (1) in paragraph (1), by striking  
6 “\$50,000,000” and inserting “\$70,000,000”; and

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

9 “(B) FORM.—The non-Federal share may  
10 be provided through in-kind services, includ-  
11 ing—

12 “(i) the provision by the non-Federal  
13 interest of shell stock material that is de-  
14 termined by the Secretary to be suitable  
15 for use in carrying out the project; and

16 “(ii) in the case of a project carried  
17 out under paragraph (2)(D) after the date  
18 of enactment of this clause, land conserva-  
19 tion or restoration efforts undertaken by  
20 the non-Federal interest that the Secretary  
21 determines provide water quality benefits  
22 that—

23 “(I) enhance the viability of oys-  
24 ter restoration efforts; and

25 “(II) are integral to the  
26 project.”.

1 **SEC. 5015. MISSOURI RIVER BETWEEN FORT PECK DAM,**  
2 **MONTANA AND GAVINS POINT DAM, SOUTH**  
3 **DAKOTA AND NEBRASKA.**

4 Section 9(f) of the Act of December 22, 1944 (com-  
5 monly known as the “Flood Control Act of 1944”) (58  
6 Stat. 891, chapter 665; 102 Stat. 4031) is amended by  
7 striking “\$3,000,000” and inserting “\$5,000,000”.

8 **SEC. 5016. OPERATIONS AND MAINTENANCE OF INLAND**  
9 **MISSISSIPPI RIVER PORTS.**

10 (a) DEFINITIONS.—In this section:

11 (1) SHALLOW DRAFT.—The term “shallow  
12 draft” means a project that has a depth less than  
13 14 feet.

14 (2) INLAND MISSISSIPPI RIVER.—The term “in-  
15 land Mississippi River” means the portion of the  
16 Mississippi River that begins at the confluence of  
17 the Minnesota River and ends at the confluence of  
18 the Red River.

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



1 (c) AUTHORIZATION OF APPROPRIATIONS.—For each  
2 fiscal year, there is authorized to be appropriated to the  
3 Secretary to carry out this section \$25,000,000.

4 **SEC. 5017. REMOTE AND SUBSISTENCE HARBORS.**

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

7 (1) in subsection (a)—

8 (A) in paragraph (1)(B), by inserting “or  
9 Alaska” after “Hawaii”; and

10 (B) in paragraph (2)—

11 (i) by striking “community” and in-  
12 serting “region”; and

13 (ii) by inserting “, as determined by  
14 the Secretary based on information pro-  
15 vided by the non-Federal interest” after  
16 “improvement”; and

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

18 “(c) PRIORITIZATION.—Projects recommended by the  
19 Secretary under subsection (a) shall be given equivalent  
20 budget consideration and priority as projects rec-  
21 ommended solely by national economic development bene-  
22 fits.

23 “(d) CONSTRUCTION.—

24 “(1) IN GENERAL.—The Secretary may plan,  
25 design, or construct projects for navigation in the

1 noncontiguous States and territories of the United  
2 States if the Secretary finds that the project is—

3 “(A) technically feasible;

4 “(B) environmentally sound; and

5 “(C) economically justified.

6 “(2) SPECIAL RULE.—In evaluating and imple-  
7 menting a project under this section, the Secretary  
8 shall allow the non-Federal interest to participate in  
9 the financing of the project in accordance with the  
10 criteria established for flood control projects in sec-  
11 tion 903(c) of the Water Resources Development Act  
12 of 1986 (Public Law 99–662; 100 Stat. 4184) if the  
13 detailed project report evaluation indicates that ap-  
14 plying that section is necessary to implement the  
15 project.

16 “(3) COST.—The Federal share of the cost of  
17 carrying out a project under this section shall not  
18 exceed \$10,000,000.

19 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
20 There is authorized to be appropriated to carry out  
21 projects initiated by the Secretary under this sub-  
22 section \$100,000,000 for fiscal years 2014 through  
23 2023.”.

1 **SEC. 5018. MULTIAGENCY EFFORT TO SLOW THE SPREAD**  
2 **OF ASIAN CARP IN THE UPPER MISSISSIPPI**  
3 **RIVER AND OHIO RIVER BASINS AND TRIBU-**  
4 **TARIES.**

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

8 (1) IN GENERAL.—The Director of the United  
9 States Fish and Wildlife Service, in coordination  
10 with the Chief of Engineers, the Director of the Na-  
11 tional Park Service, and the Director of the United  
12 States Geological Survey, shall lead a multiagency  
13 effort to slow the spread of Asian carp in the Upper  
14 Mississippi and Ohio River basins and tributaries by  
15 providing high-level technical assistance, coordina-  
16 tion, best practices, and support to State and local  
17 governments in carrying out activities designed to  
18 slow, and eventually eliminate, the threat posed by  
19 Asian carp.

20 (2) BEST PRACTICES.—To the maximum extent  
21 practicable, the multiagency effort shall apply les-  
22 sons learned and best practices such as those de-  
23 scribed in the document prepared by the Asian Carp  
24 Working Group entitled “Management and Control  
25 Plan for Bighead, Black, Grass, and Silver Carps in  
26 the United States”, and dated November 2007, and

1 the document prepared by the Asian Carp Regional  
2 Coordinating Committee entitled “FY 2012 Asian  
3 Carp Control Strategy Framework” and dated Feb-  
4 ruary 2012.

5 (b) REPORT TO CONGRESS.—

6 (1) IN GENERAL.—Not later than December 31  
7 of each year, the Director of the United States Fish  
8 and Wildlife Service, in coordination with the Chief  
9 of Engineers, shall submit to the Committee on Ap-  
10 propriations and the Committee on Natural Re-  
11 sources of the House of Representatives and the  
12 Committee on Appropriations and the Committee on  
13 Environmental and Public Works of the Senate a re-  
14 port describing the coordinated strategies established  
15 and progress made toward goals to control and  
16 eliminate Asian carp in the Upper Mississippi and  
17 Ohio River basins and tributaries.

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

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

24 (B) a summary of Federal agency efforts,  
25 including cooperative efforts with non-Federal

1 partners, to control the spread of Asian carp in  
2 the Upper Mississippi and Ohio River basins  
3 and tributaries;

4 (C) any research that the Director deter-  
5 mines could improve the ability to control the  
6 spread of Asian carp in the Upper Mississippi  
7 and Ohio River basins and tributaries;

8 (D) any quantitative measures that Direc-  
9 tor intends to use to document progress in con-  
10 trolling the spread of Asian carp in the Upper  
11 Mississippi and Ohio River basins and tribu-  
12 taries; and

13 (E) a cross-cut accounting of Federal and  
14 non-Federal expenditures to control the spread  
15 of Asian carp in the Upper Mississippi and  
16 Ohio River basins and tributaries.

17 **SEC. 5019. RELEASE OF USE RESTRICTIONS.**

18 Notwithstanding any other provision of law, the Ten-  
19 nessee Valley Authority shall, without monetary consider-  
20 ation, grant releases from real estate restrictions estab-  
21 lished pursuant to section 4(k)(b) of the Tennessee Valley  
22 Authority Act of 1933 (16 U.S.C. 831e(k)(b)) with respect  
23 to tracts of land identified in section 4(k)(b) of that Act;  
24 provided that such releases shall be granted in a manner  
25 consistent with applicable TVA policies.

1 **SEC. 5020. RIGHTS AND RESPONSIBILITIES OF CHEROKEE**  
2 **NATION OF OKLAHOMA REGARDING W.D.**  
3 **MAYO LOCK AND DAM, OKLAHOMA.**

4 Section 1117 of the Water Resources Development  
5 Act of 1986 (Public Law 99-662; 100 Stat. 4236) is  
6 amended to read as follows:

7 **“SEC. 1117. W.D. MAYO LOCK AND DAM, OKLAHOMA.**

8 “(a) IN GENERAL.—Notwithstanding any other pro-  
9 vision of law, the Cherokee Nation of Oklahoma has au-  
10 thorization—

11 “(1) to design and construct 1 or more hydro-  
12 electric generating facilities at the W.D. Mayo Lock  
13 and Dam on the Arkansas River in the State of  
14 Oklahoma, subject to the requirements of subsection  
15 (b) and in accordance with the conditions specified  
16 in this section; and

17 “(2) to market the electricity generated from  
18 any such hydroelectric generating facility.

19 **“(b) PRECONSTRUCTION REQUIREMENTS.—**

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

25 “(2) REVIEW BY SECRETARY.—The Cherokee  
26 Nation may initiate the design or construction of a

1 hydroelectric generating facility under subsection (a)  
2 only after the Secretary reviews and approves the  
3 plans and specifications for the design and construc-  
4 tion.

5 “(c) PAYMENT OF DESIGN AND CONSTRUCTION  
6 COSTS.—

7 “(1) IN GENERAL.—The Cherokee Nation  
8 shall—

9 “(A) bear all costs associated with the de-  
10 sign and construction of any hydroelectric gen-  
11 erating facility under subsection (a); and

12 “(B) provide any funds necessary for the  
13 design and construction to the Secretary prior  
14 to the Secretary initiating any activities relating  
15 to the design and construction of the hydro-  
16 electric generating facility.

17 “(2) USE BY SECRETARY.—The Secretary  
18 may—

19 “(A) accept funds offered by the Cherokee  
20 Nation under paragraph (1); and

21 “(B) use the funds to carry out the design  
22 and construction of any hydroelectric gener-  
23 ating facility under subsection (a).

24 “(d) ASSUMPTION OF LIABILITY.—The Cherokee Na-  
25 tion—

1           “(1) shall hold all title to any hydroelectric gen-  
2           erating facility constructed under this section;

3           “(2) may, subject to the approval of the Sec-  
4           retary, assign that title to a third party;

5           “(3) shall be solely responsible for—

6                   “(A) the operation, maintenance, repair,  
7                   replacement, and rehabilitation of any such fa-  
8                   cility; and

9                   “(B) the marketing of the electricity gen-  
10                  erated by any such facility; and

11           “(4) shall release and indemnify the United  
12           States from any claims, causes of action, or liabil-  
13           ities that may arise out of any activity undertaken  
14           to carry out this section.

15           “(e) ASSISTANCE AVAILABLE.—Notwithstanding any  
16           other provision of law, the Secretary may provide any  
17           technical and construction management assistance re-  
18           quested by the Cherokee Nation relating to the design and  
19           construction of any hydroelectric generating facility under  
20           subsection (a).

21           “(f) THIRD PARTY AGREEMENTS.—The Cherokee  
22           Nation may enter into agreements with the Secretary or  
23           a third party that the Cherokee Nation or the Secretary  
24           determines to be necessary to carry out this section.”.



1 **SEC. 5021. UPPER MISSISSIPPI RIVER PROTECTION.**

2 (a) DEFINITION OF UPPER ST. ANTHONY FALLS  
3 LOCK AND DAM.—In this section, the term “Upper St.  
4 Anthony Falls Lock and Dam” means the lock and dam  
5 located on Mississippi River mile 853.9 in Minneapolis,  
6 Minnesota.

7 (b) ECONOMIC IMPACT STUDY.—Not later than 180  
8 days after the date of enactment of this Act, the Secretary  
9 shall submit to Congress a report regarding the impact  
10 of closing the Upper St. Anthony Falls Lock and Dam  
11 on the economic and environmental well-being of the State  
12 of Minnesota.

13 (c) MANDATORY CLOSURE.—Notwithstanding sub-  
14 section (b) and not later than 1 year after the date of  
15 enactment of this Act, the Secretary shall close the Upper  
16 St. Anthony Falls Lock and Dam if the Secretary deter-  
17 mines that the annual average tonnage moving through  
18 the Upper St. Anthony Falls Lock and Dam for the pre-  
19 ceding 5 years is not more than 1,500,000 tons.

20 (d) EMERGENCY OPERATIONS.—Nothing in this sec-  
21 tion prevents the Secretary from carrying out emergency  
22 lock operations necessary to mitigate flood damage.

23 **SEC. 5022. ARCTIC DEEP DRAFT PORT DEVELOPMENT**  
24 **PARTNERSHIPS.**

25 (a) IN GENERAL.—The Secretary may provide tech-  
26 nical assistance, including planning, design, and construc-

1 tion assistance, to non-Federal public entities, including  
2 Indian tribes (as defined in section 4 of the Indian Self-  
3 Determination and Education Assistance Act (25 U.S.C.  
4 450b)), for the development, construction, operation, and  
5 maintenance of channels, harbors, and related infrastruc-  
6 ture associated with deep draft ports for purposes of deal-  
7 ing with Arctic development and security needs.

8 (b) ACCEPTANCE OF FUNDS.—The Secretary is au-  
9 thorized to accept and expend funds provided by non-Fed-  
10 eral public entities, including Indian tribes (as defined in  
11 section 4 of the Indian Self-Determination and Education  
12 Assistance Act (25 U.S.C. 450b)), to carry out the activi-  
13 ties described in subsection (a).

14 (c) LIMITATION.—No assistance may be provided  
15 under this section until after the date on which the entity  
16 to which that assistance is to be provided enters into a  
17 written agreement with the Secretary that includes such  
18 terms and conditions as the Secretary determines to be  
19 appropriate and in the public interest.

20 (d) PRIORITIZATION.—The Secretary shall prioritize  
21 Arctic deep draft ports identified by the Army Corps, the  
22 Department of Homeland Security and the Department  
23 of Defense.

1 **SEC. 5023. GREATER MISSISSIPPI RIVER BASIN SEVERE**  
2 **FLOODING AND DROUGHT MANAGEMENT**  
3 **STUDY.**

4 (a) DEFINITIONS.—In this section:

5 (1) GREATER MISSISSIPPI RIVER BASIN.—The  
6 term “greater Mississippi River Basin” means the  
7 area covered by hydrologic units 5, 6, 7, 8, 10, and  
8 11, as identified by the United States Geological  
9 Survey as of the date of enactment of this Act.

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

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

19 (4) SEVERE FLOODING AND DROUGHT.—The  
20 term “severe flooding and drought” means severe  
21 weather events that threaten personal safety, prop-  
22 erty, and navigation on the inland waterways of the  
23 United States.

24 (b) IN GENERAL.—The Secretary shall carry out a  
25 study of the greater Mississippi River Basin—

1           (1) to improve the coordinated and comprehen-  
2           sive management of water resource projects in the  
3           greater Mississippi River Basin relating to severe  
4           flooding and drought conditions; and

5           (2) to evaluate the feasibility of any modifica-  
6           tions to those water resource projects, consistent  
7           with the authorized purposes of those projects, and  
8           develop new water resource projects to improve the  
9           reliability of navigation and more effectively reduce  
10          flood risk.

11          (c) CONTENTS.—The study shall—

12           (1) identify any Federal actions that are likely  
13           to prevent and mitigate the impacts of severe flood-  
14           ing and drought, including changes to authorized  
15           channel dimensions, operational procedures of locks  
16           and dams, and reservoir management within the  
17           greater Mississippi River Basin, consistent with the  
18           authorized purposes of the water resource projects;

19           (2) identify and make recommendations to rem-  
20           edy challenges to the Corps of Engineers presented  
21           by severe flooding and drought, including river ac-  
22           cess, in carrying out its mission to maintain safe, re-  
23           liable navigation, consistent with the authorized pur-  
24           poses of the water resource projects in the greater  
25           Mississippi River Basin; and

1           (3) identify and locate natural or other physical  
2           impediments along the middle and lower Mississippi  
3           River to maintaining navigation on the middle and  
4           lower Mississippi River during periods of low water.

5           (d) CONSULTATION AND USE OF EXISTING DATA.—

6           In carrying out the study, the Secretary shall—

7           (1) consult with appropriate committees of Con-  
8           gress, Federal, State, tribal, and local agencies, envi-  
9           ronmental interests, agricultural interests, rec-  
10          reational interests, river navigation industry rep-  
11          resentatives, other shipping and business interests,  
12          organized labor, and nongovernmental organizations;

13          (2) to the maximum extent practicable, use  
14          data in existence as of the date of enactment of this  
15          Act; and

16          (3) incorporate lessons learned and best prac-  
17          tices developed as a result of past severe flooding  
18          and drought events, including major floods and the  
19          successful effort to maintain navigation during the  
20          near historic low water levels on the Mississippi  
21          River during the winter of 2012–2013.

22          (e) COST-SHARING.—The Federal share of the cost  
23          of carrying out the study under this section shall be 100  
24          percent.

1 (f) REPORT.—Not later than 3 years after the date  
2 of enactment of this Act, the Secretary shall submit to  
3 Congress a report on the study carried out under this sec-  
4 tion.

5 (g) SAVINGS CLAUSE.—Nothing in this section im-  
6 pacts the operations and maintenance of the Missouri  
7 River Mainstem System, as authorized by the Act of De-  
8 cember 22, 1944 (58 Stat. 897, chapter 665).

9 **SEC. 5024. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

10 (a) IN GENERAL.—The Secretary, in concurrence  
11 with the Administrator of the Environmental Protection  
12 Agency, is authorized to reopen the Cape Arundel Dis-  
13 posal Site selected by the Department of the Army as an  
14 alternative dredged material disposal site under section  
15 103(b) of the Marine Protection, Research, and Sanc-  
16 tuaries Act of 1972 (33 U.S.C. 1413(b)) (referred to in  
17 this section as the “Site”).

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

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

22 (2) the date on which an environmental impact  
23 statement designating an alternative dredged mate-  
24 rial disposal site for southern Maine has been com-  
25 pleted; or

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

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

6           (1) conditions at the Site remain suitable for  
7 the continued use of the Site as a dredged material  
8 disposal site; and

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

## 12           **TITLE VI—LEVEE SAFETY**

### 13           **SEC. 6001. SHORT TITLE.**

14           This title may be cited as the “National Levee Safety  
15 Program Act”.

### 16           **SEC. 6002. FINDINGS; PURPOSES.**

17           (a) FINDINGS.—Congress finds that—

18           (1) there is a need to establish a national levee  
19 safety program to provide national leadership and  
20 encourage the establishment of State and tribal levee  
21 safety programs;

22           (2) according to the National Committee on  
23 Levee Safety, “the level of protection and robustness  
24 of design and construction of levees vary consider-  
25 ably across the country”;

1           (3) knowing the location, condition, and owner-  
2           ship of levees, as well as understanding the popu-  
3           lation and infrastructure at risk in leveed areas, is  
4           necessary for identification and prioritization of ac-  
5           tivities associated with levees;

6           (4) levees are an important tool for reducing  
7           flood risk and should be considered in the context of  
8           broader flood risk management efforts;

9           (5) States and Indian tribes—

10           (A) are uniquely positioned to oversee, co-  
11           ordinate, and regulate local and regional levee  
12           systems; and

13           (B) should be encouraged to participate in  
14           a national levee safety program by establishing  
15           individual levee safety programs; and

16           (6) States, Indian tribes, and local governments  
17           that do not invest in protecting the individuals and  
18           property located behind levees place those individuals  
19           and property at risk.

20           (b) PURPOSES.—The purposes of this title are—

21           (1) to promote sound technical practices in  
22           levee design, construction, operation, inspection, as-  
23           sessment, security, and maintenance;

24           (2) to ensure effective public education and  
25           awareness of risks involving levees;



1           (3) to establish and maintain a national levee  
2 safety program that emphasizes the protection of  
3 human life and property; and

4           (4) to implement solutions and incentives that  
5 encourage the establishment of effective State and  
6 tribal levee safety programs.

7 **SEC. 6003. DEFINITIONS.**

8 In this title:

9           (1) BOARD.—The term “Board” means the Na-  
10 tional Levee Safety Advisory Board established  
11 under section 6005.

12           (2) CANAL STRUCTURE.—

13           (A) IN GENERAL.—The term “canal struc-  
14 ture” means an embankment, wall, or structure  
15 along a canal or manmade watercourse that—

16                   (i) constrains water flows;

17                   (ii) is subject to frequent water load-  
18 ing; and

19                   (iii) is an integral part of a flood risk  
20 reduction system that protects the leveed  
21 area from flood waters associated with  
22 hurricanes, precipitation events, seasonal  
23 high water, and other weather-related  
24 events.

1           (B) EXCLUSION.—The term “canal struc-  
2           ture” does not include a barrier across a water-  
3           course.

4           (3) FEDERAL AGENCY.—The term “Federal  
5           agency” means a Federal agency that designs, fi-  
6           nances, constructs, owns, operates, maintains, or  
7           regulates the construction, operation, or mainte-  
8           nance of a levee.

9           (4) FLOOD DAMAGE REDUCTION SYSTEM.—The  
10          term “flood damage reduction system” means a sys-  
11          tem designed and constructed to have appreciable  
12          and dependable effects in reducing damage by flood-  
13          waters.

14          (5) FLOOD MITIGATION.—The term “flood miti-  
15          gation” means any structural or nonstructural meas-  
16          ure that reduces risks of flood damage by reducing  
17          the probability of flooding, the consequences of  
18          flooding, or both.

19          (6) FLOODPLAIN MANAGEMENT.—The term  
20          “floodplain management” means the operation of a  
21          community program of corrective and preventative  
22          measures for reducing flood damage.

23          (7) INDIAN TRIBE.—The term “Indian tribe”  
24          has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 450b).

3 (8) LEVEE.—

4 (A) IN GENERAL.—The term “levee”  
5 means a manmade barrier (such as an embank-  
6 ment, floodwall, or other structure)—

7 (i) the primary purpose of which is to  
8 provide hurricane, storm, or flood protec-  
9 tion relating to seasonal high water, storm  
10 surges, precipitation, or other weather  
11 events; and

12 (ii) that is normally subject to water  
13 loading for only a few days or weeks dur-  
14 ing a calendar year.

15 (B) INCLUSIONS.—The term “levee” in-  
16 cludes a levee system, including—

17 (i) levees and canal structures that—

18 (I) constrain water flows;

19 (II) are subject to more frequent  
20 water loading; and

21 (III) do not constitute a barrier  
22 across a watercourse; and

23 (ii) roadway and railroad embank-  
24 ments, but only to the extent that the em-

1           bankments are integral to the performance  
2           of a flood damage reduction system.

3           (C) EXCLUSIONS.—The term “levee” does  
4           not include—

5                   (i) a roadway or railroad embankment  
6                   that is not integral to the performance of  
7                   a flood damage reduction system;

8                   (ii) a canal constructed completely  
9                   within natural ground without any man-  
10                  made structure (such as an embankment  
11                  or retaining wall to retain water or a case  
12                  in which water is retained only by natural  
13                  ground);

14                  (iii) a canal regulated by a Federal or  
15                  State agency in a manner that ensures  
16                  that applicable Federal safety criteria are  
17                  met;

18                  (iv) a levee or canal structure—

19                           (I) that is not a part of a Fed-  
20                           eral flood damage reduction system;

21                           (II) that is not recognized under  
22                           the National Flood Insurance Pro-  
23                           gram as providing protection from the  
24                           1-percent-annual-chance or greater  
25                           flood;

1 (III) that is not greater than 3  
2 feet high;

3 (IV) the population in the leveed  
4 area of which is less than 50 individ-  
5 uals; and

6 (V) the leveed area of which is  
7 less than 1,000 acres; or

8 (v) any shoreline protection or river  
9 bank protection system (such as revet-  
10 ments or barrier islands).

11 (9) LEVEE FEATURE.—The term “levee fea-  
12 ture” means a structure that is critical to the func-  
13 tioning of a levee, including—

14 (A) an embankment section;

15 (B) a floodwall section;

16 (C) a closure structure;

17 (D) a pumping station;

18 (E) an interior drainage work; and

19 (F) a flood damage reduction channel.

20 (10) LEVEE SAFETY GUIDELINES.—The term  
21 “levee safety guidelines” means the guidelines estab-  
22 lished by the Secretary under section 6004(c)(1).

23 (11) LEVEE SEGMENT.—The term “levee seg-  
24 ment” means a discrete portion of a levee system

1 that is owned, operated, and maintained by a single  
2 entity or discrete set of entities.

3 (12) LEVEE SYSTEM.—The term “levee sys-  
4 tem” means 1 or more levee segments, including all  
5 levee features that are interconnected and necessary  
6 to ensure protection of the associated leveed areas—

7 (A) that collectively provide flood damage  
8 reduction to a defined area; and

9 (B) the failure of 1 of which may result in  
10 the failure of the entire system.

11 (13) LEVEED AREA.—The term “leveed area”  
12 means the land from which flood water in the adja-  
13 cent watercourse is excluded by the levee system.

14 (14) NATIONAL LEVEE DATABASE.—The term  
15 “national levee database” means the levee database  
16 established under section 9004 of the Water Re-  
17 sources Development Act of 2007 (33 U.S.C. 3303).

18 (15) PARTICIPATING PROGRAM.—The term  
19 “participating program” means a levee safety pro-  
20 gram developed by a State or Indian tribe that in-  
21 cludes the minimum components necessary for rec-  
22 ognition by the Secretary.

23 (16) REHABILITATION.—The term “rehabilita-  
24 tion” means the repair, replacement, reconstruction,  
25 removal of a levee, or reconfiguration of a levee sys-

1       tem, including a setback levee, that is carried out to  
2       reduce flood risk or meet national levee safety guide-  
3       lines.

4           (17) RISK.—The term “risk” means a measure  
5       of the probability and severity of undesirable con-  
6       sequences.

7           (18) SECRETARY.—The term “Secretary”  
8       means the Secretary of the Army, acting through  
9       the Chief of Engineers.

10          (19) STATE.—The term “State” means—

11           (A) each of the several States of the  
12       United States;

13           (B) the District of Columbia;

14           (C) the Commonwealth of Puerto Rico;

15           (D) Guam;

16           (E) American Samoa;

17           (F) the Commonwealth of the Northern  
18       Mariana Islands;

19           (G) the Federated States of Micronesia;

20           (H) the Republic of the Marshall Islands;

21           (I) the Republic of Palau; and

22           (J) the United States Virgin Islands.

23 **SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.**

24       (a) ESTABLISHMENT.—The Secretary, in consulta-  
25       tion with the Administrator of the Federal Emergency

1 Management Agency, shall establish a national levee safe-  
2 ty program to provide national leadership and consistent  
3 approaches to levee safety, including—

4 (1) a national levee database;

5 (2) an inventory and inspection of Federal and  
6 non-Federal levees;

7 (3) national levee safety guidelines;

8 (4) a hazard potential classification system for  
9 Federal and non-Federal levees;

10 (5) research and development;

11 (6) a national public education and awareness  
12 program, with an emphasis on communication re-  
13 garding the residual risk to communities protected  
14 by levees and levee systems;

15 (7) coordination of levee safety, floodplain man-  
16 agement, and environmental protection activities;

17 (8) development of State and tribal levee safety  
18 programs; and

19 (9) the provision of technical assistance and  
20 materials to States and Indian tribes relating to—

21 (A) developing levee safety programs;

22 (B) identifying and reducing flood risks as-  
23 sociated with residual risk to communities pro-  
24 tected by levees and levee systems;



1 (C) identifying local actions that may be  
2 carried out to reduce flood risks in leveed areas;  
3 and

4 (D) rehabilitating, improving, replacing,  
5 reconfiguring, modifying, and removing levees  
6 and levee systems.

7 (b) MANAGEMENT.—

8 (1) IN GENERAL.—The Secretary shall ap-  
9 point—

10 (A) an administrator of the national levee  
11 safety program; and

12 (B) such staff as is necessary to implement  
13 the program.

14 (2) ADMINISTRATOR.—The sole duty of the ad-  
15 ministrator appointed under paragraph (1)(A) shall  
16 be the management of the national levee safety pro-  
17 gram.

18 (c) LEVEE SAFETY GUIDELINES.—

19 (1) ESTABLISHMENT.—Not later than 1 year  
20 after the date of enactment of this Act, the Sec-  
21 retary, in consultation with the Administrator of the  
22 Federal Emergency Management Agency and in co-  
23 ordination with State and local governments and or-  
24 ganizations with expertise in levee safety, shall es-

1        establish a set of voluntary, comprehensive, national  
2        levee safety guidelines that—

3                (A) are available for common, uniform use  
4                by all Federal, State, tribal, and local agencies;

5                (B) incorporate policies, procedures, stand-  
6                ards, and criteria for a range of levee types,  
7                canal structures, and related facilities and fea-  
8                tures; and

9                (C) provide for adaptation to local, re-  
10               regional, or watershed conditions.

11               (2) REQUIREMENT.—The policies, procedures,  
12               standards, and criteria under paragraph (1)(B) shall  
13               be developed taking into consideration the levee haz-  
14               ard potential classification system established under  
15               subsection (d).

16               (3) ADOPTION BY FEDERAL AGENCIES.—All  
17               Federal agencies shall consider the levee safety  
18               guidelines in activities relating to the management  
19               of levees.

20               (4) PUBLIC COMMENT.—Prior to finalizing the  
21               guidelines under this subsection, the Secretary  
22               shall—

23                (A) issue draft guidelines for public com-  
24                ment; and

1 (B) consider any comments received in the  
2 development of final guidelines.

3 (d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—

4 (1) ESTABLISHMENT.—The Secretary shall es-  
5 tablish a hazard potential classification system for  
6 use under the national levee safety program and  
7 participating programs.

8 (2) REVISION.—The Secretary shall review and,  
9 as necessary, revise the hazard potential classifica-  
10 tion system not less frequently than once every 5  
11 years.

12 (3) CONSISTENCY.—The hazard potential clas-  
13 sification system established pursuant to this sub-  
14 section shall be consistent with and incorporated  
15 into the levee safety action classification tool devel-  
16 oped by the Corps of Engineers.

17 (e) TECHNICAL ASSISTANCE AND MATERIALS.—

18 (1) ESTABLISHMENT.—The Secretary, in con-  
19 sultation with the Administrator of the Federal  
20 Emergency Management Agency and in coordination  
21 with the Board, shall establish a national levee safe-  
22 ty technical assistance and training program to de-  
23 velop and deliver technical support and technical as-  
24 sistance materials, curricula, and training in order

1 to promote levee safety and assist States, commu-  
2 nities, and levee owners in—

3 (A) developing levee safety programs;

4 (B) identifying and reducing flood risks as-  
5 sociated with levees;

6 (C) identifying local actions that may be  
7 carried out to reduce flood risks in leveed areas;  
8 and

9 (D) rehabilitating, improving, replacing,  
10 reconfiguring, modifying, and removing levees  
11 and levee systems.

12 (2) USE OF SERVICES.—In establishing the na-  
13 tional levee safety training program under para-  
14 graph (1), the Secretary may use the services of—

15 (A) the Corps of Engineers;

16 (B) the Federal Emergency Management  
17 Agency;

18 (C) the Bureau of Reclamation; and

19 (D) other appropriate Federal agencies, as  
20 determined by the Secretary.

21 (f) COMPREHENSIVE NATIONAL PUBLIC EDUCATION  
22 AND AWARENESS CAMPAIGN.—

23 (1) ESTABLISHMENT.—The Secretary, in co-  
24 ordination with the Administrator of the Federal  
25 Emergency Management Agency and the Board,

1 shall establish a national public education and  
2 awareness campaign relating to the national levee  
3 safety program.

4 (2) PURPOSES.—The purposes of the campaign  
5 under paragraph (1) are—

6 (A) to educate individuals living in leveed  
7 areas regarding the risks of living in those  
8 areas;

9 (B) to promote consistency in the trans-  
10 mission of information regarding levees among  
11 government agencies; and

12 (C) to provide national leadership regard-  
13 ing risk communication for implementation at  
14 the State and local levels.

15 (g) COORDINATION OF LEVEE SAFETY, FLOODPLAIN  
16 MANAGEMENT, AND ENVIRONMENTAL CONCERNS.—The  
17 Secretary, in consultation with the Administrator of the  
18 Federal Emergency Management Agency and in coordina-  
19 tion with the Board, shall evaluate opportunities to coordi-  
20 nate—

21 (1) public safety, floodplain management, and  
22 environmental protection activities relating to levees;  
23 and

1           (2) environmental permitting processes for op-  
2           eration and maintenance activities at existing levee  
3           projects in compliance with all applicable laws.

4           (h) LEVEE INSPECTION.—

5           (1) IN GENERAL.—The Secretary shall carry  
6           out a one-time inventory and inspection of all levees  
7           identified in the national levee database.

8           (2) NO FEDERAL INTEREST.—The inventory  
9           and inspection under paragraph (1) does not create  
10          a Federal interest in the construction, operation, or  
11          maintenance any levee that is included in the inven-  
12          tory or inspected under this subsection.

13          (3) INSPECTION CRITERIA.—In carrying out the  
14          inventory and inspection, the Secretary shall use the  
15          levee safety action classification criteria to determine  
16          whether a levee should be classified in the inventory  
17          as requiring a more comprehensive inspection.

18          (4) STATE AND TRIBAL PARTICIPATION.—At  
19          the request of a State or Indian tribe with respect  
20          to any levee subject to inspection under this sub-  
21          section, the Secretary shall—

22                 (A) allow an official of the State or Indian  
23                 tribe to participate in the inspection of the  
24                 levee; and

1           (B) provide information to the State or In-  
2           dian tribe relating to the location, construction,  
3           operation, or maintenance of the levee.

4           (5) EXCEPTIONS.—In carrying out the inven-  
5           tory and inspection under this subsection, the Sec-  
6           retary shall not be required to inspect any levee that  
7           has been inspected by a State or Indian tribe using  
8           the same methodology described in paragraph (3)  
9           during the 1-year period immediately preceding the  
10          date of enactment of this Act if the Governor of the  
11          State or tribal government, as applicable, requests  
12          an exemption from the inspection.

13          (i) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—

14           (1) GUIDELINES.—

15           (A) IN GENERAL.—Not later than 1 year  
16           after the date of enactment of this Act, in con-  
17           sultation with the Administrator of the Federal  
18           Emergency Management Agency and in coordi-  
19           nation with the Board, the Secretary shall issue  
20           guidelines that establish the minimum compo-  
21           nents necessary for recognition of a State or  
22           tribal levee safety program as a participating  
23           program.

24           (B) GUIDELINE CONTENTS.—The guide-  
25           lines under subparagraph (A) shall include pro-

1           visions and procedures requiring each partici-  
2           pating State and Indian tribe to certify to the  
3           Secretary that the State or Indian tribe, as ap-  
4           plicable—

5                   (i) has the authority to participate in  
6                   the national levee safety program;

7                   (ii) can receive funds under this title;

8                   (iii) has adopted any national levee  
9                   safety guidelines developed under this title;

10                  (iv) will carry out levee inspections;

11                  (v) will carry out, consistent with ap-  
12                  plicable requirements, flood risk manage-  
13                  ment and any emergency action planning  
14                  procedures the Secretary determines to be  
15                  necessary relating to levees;

16                  (vi) will carry out public education  
17                  and awareness activities consistent with  
18                  the national public education and aware-  
19                  ness campaign established under sub-  
20                  section (f); and

21                  (vii) will collect and share information  
22                  regarding the location and condition of lev-  
23                  ees.



1 (C) PUBLIC COMMENT.—Prior to finalizing  
2 the guidelines under this paragraph, the Sec-  
3 retary shall—

4 (i) issue draft guidelines for public  
5 comment; and

6 (ii) consider any comments received in  
7 the development of final guidelines.

8 (2) GRANT PROGRAM.—

9 (A) ESTABLISHMENT.—The Secretary  
10 shall establish a program under which the Sec-  
11 retary shall provide grants to assist States and  
12 Indian tribes in establishing participating pro-  
13 grams, conducting levee inventories, and car-  
14 rying out this title.

15 (B) REQUIREMENTS.—To be eligible to re-  
16 ceive grants under this section, a State or In-  
17 dian tribe shall—

18 (i) meet the requirements of a partici-  
19 pating program established by the guide-  
20 lines issued under paragraph (1);

21 (ii) use not less than 25 percent of  
22 any amounts received to identify and as-  
23 sess non-Federal levees within the State or  
24 on land of the Indian tribe;

1 (iii) submit to the Secretary any infor-  
2 mation collected by the State or Indian  
3 tribe in carrying out this subsection for in-  
4 clusion in the national levee safety data-  
5 base; and

6 (iv) identify actions to address hazard  
7 mitigation activities associated with levees  
8 and leveed areas identified in the hazard  
9 mitigation plan of the State approved by  
10 the Administrator of the Federal Emer-  
11 gency Management Agency under the Rob-  
12 ert T. Stafford Disaster Relief and Emer-  
13 gency Assistance Act (42 U.S.C. 5121 et  
14 seq.).

15 (C) MEASURES TO ASSESS EFFECTIVE-  
16 NESS.—Not later than 1 year after the enact-  
17 ment of this Act, the Secretary shall implement  
18 quantifiable performance measures and metrics  
19 to assess the effectiveness of the grant program  
20 established in accordance with subparagraph  
21 (A).

22 (j) LEVEE REHABILITATION ASSISTANCE PRO-  
23 GRAM.—

24 (1) ESTABLISHMENT.—The Secretary, in con-  
25 sultation with the Administrator of the Federal

1       Emergency Management Agency, shall establish a  
2       program under which the Secretary shall provide as-  
3       sistance to States, Indian tribes, and local govern-  
4       ments in addressing flood mitigation activities that  
5       result in an overall reduction in flood risk.

6               (2) REQUIREMENTS.—To be eligible to receive  
7       assistance under this subsection, a State, Indian  
8       tribe, or local government shall—

9                       (A) participate in, and comply with, all ap-  
10                      plicable Federal floodplain management and  
11                      flood insurance programs;

12                     (B) have in place a hazard mitigation plan  
13                      that—

14                               (i) includes all levee risks; and

15                               (ii) complies with the Disaster Mitiga-  
16                              tion Act of 2000 (Public Law 106–390;  
17                              114 Stat. 1552);

18                     (C) submit to the Secretary an application  
19                      at such time, in such manner, and containing  
20                      such information as the Secretary may require;  
21                      and

22                     (D) comply with such minimum eligibility  
23                      requirements as the Secretary, in consultation  
24                      with the Board, may establish to ensure that

1 each owner and operator of a levee under a par-  
2 ticipating State or tribal levee safety program—

3 (i) acts in accordance with the guide-  
4 lines developed in subsection (c); and

5 (ii) carries out activities relating to  
6 the public in the leveed area in accordance  
7 with the hazard mitigation plan described  
8 in subparagraph (B).

9 (3) FLOODPLAIN MANAGEMENT PLANS.—

10 (A) IN GENERAL.—Not later than 1 year  
11 after the date of execution of a project agree-  
12 ment for assistance under this subsection, a  
13 State, Indian tribe, or local government shall  
14 prepare a floodplain management plan in ac-  
15 cordance with the guidelines under subpara-  
16 graph (D) to reduce the impacts of future flood  
17 events in each applicable leveed area.

18 (B) INCLUSIONS.—A plan under subpara-  
19 graph (A) shall address potential measures,  
20 practices, and policies to reduce loss of life, in-  
21 juries, damage to property and facilities, public  
22 expenditures, and other adverse impacts of  
23 flooding in each applicable leveed area.

24 (C) IMPLEMENTATION.—Not later than 1  
25 year after the date of completion of construc-

1           tion of the applicable project, a floodplain man-  
2           agement plan prepared under subparagraph (A)  
3           shall be implemented.

4           (D) GUIDELINES.—Not later than 180  
5           days after the date of enactment of this Act,  
6           the Secretary, in consultation with the Adminis-  
7           trator of the Federal Emergency Management  
8           Agency, shall develop such guidelines for the  
9           preparation of floodplain management plans  
10          prepared under this paragraph as the Secretary  
11          determines to be appropriate.

12          (E) TECHNICAL SUPPORT.—The Secretary  
13          may provide technical support for the develop-  
14          ment and implementation of floodplain manage-  
15          ment plans prepared under this paragraph.

16          (4) USE OF FUNDS.—

17           (A) IN GENERAL.—Assistance provided  
18           under this subsection may be used—

19                   (i) for any rehabilitation activity to  
20                   maximize overall risk reduction associated  
21                   with a levee under a participating State or  
22                   tribal levee safety program; and

23                   (ii) only for a levee that is not feder-  
24                   ally operated and maintained.

1 (B) PROHIBITION.—Assistance provided  
2 under this subsection shall not be used—

3 (i) to perform routine operation or  
4 maintenance for a levee; or

5 (ii) to make any modification to a  
6 levee that does not result in an improve-  
7 ment to public safety.

8 (5) NO PROPRIETARY INTEREST.—A contract  
9 for assistance provided under this subsection shall  
10 not be considered to confer any proprietary interest  
11 on the United States.

12 (6) COST-SHARE.—The maximum Federal  
13 share of the cost of any assistance provided under  
14 this subsection shall be 65 percent.

15 (7) PROJECT LIMIT.—The maximum amount of  
16 Federal assistance for a project under this sub-  
17 section shall be \$10,000,000.

18 (8) OTHER LAWS.—Assistance provided under  
19 this subsection shall be subject to all applicable laws  
20 (including regulations) that apply to the construc-  
21 tion of a civil works project of the Corps of Engi-  
22 neers.

23 (k) EFFECT OF SECTION.—Nothing in this section—

24 (1) affects the requirement under section  
25 100226(b)(2) of the Biggert-Waters Flood Insur-

1       ance Reform Act of 2012 (42 U.S.C. 4101 note; 126  
2       Stat. 942); or

3               (2) confers any regulatory authority on—

4                       (A) the Secretary; or

5                       (B) the Director of the Federal Emergency  
6       Management Agency, including for the purpose  
7       of setting premium rates under the national  
8       flood insurance program established under  
9       chapter 1 of the National Flood Insurance Act  
10      of 1968 (42 U.S.C. 4011 et seq.).

11 **SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.**

12       (a) ESTABLISHMENT.—The Secretary, in coordina-  
13      tion with the Administrator of the Federal Emergency  
14      Management Agency, shall establish a board, to be known  
15      as the “National Levee Safety Advisory Board”—

16               (1) to advise the Secretary and Congress re-  
17      garding consistent approaches to levee safety;

18               (2) to monitor the safety of levees in the United  
19      States;

20               (3) to assess the effectiveness of the national  
21      levee safety program; and

22               (4) to ensure that the national levee safety pro-  
23      gram is carried out in a manner that is consistent  
24      with other Federal flood risk management efforts.

25       (b) MEMBERSHIP.—

1           (1) VOTING MEMBERS.—The Board shall be  
2 composed of the following 14 voting members, each  
3 of whom shall be appointed by the Secretary, with  
4 priority consideration given to representatives from  
5 those States that have the most Corps of Engineers  
6 levees in the State, based on mileage:

7           (A) 8 representatives of State levee safety  
8 programs, 1 from each of the civil works divi-  
9 sions of the Corps of Engineers.

10           (B) 2 representatives of the private sector  
11 who have expertise in levee safety.

12           (C) 2 representatives of local and regional  
13 governmental agencies who have expertise in  
14 levee safety.

15           (D) 2 representatives of Indian tribes who  
16 have expertise in levee safety.

17           (2) NONVOTING MEMBERS.—The Secretary (or  
18 a designee of the Secretary), the Administrator of  
19 the Federal Emergency Management Agency (or a  
20 designee of the Administrator), and the adminis-  
21 trator of the national levee safety program appointed  
22 under section 6004(b)(1)(A) shall serve as nonvoting  
23 members of the Board.

24           (3) CHAIRPERSON.—The voting members of the  
25 Board shall appoint a chairperson from among the



1 voting members of the Board, to serve a term of not  
2 more than 2 years.

3 (c) QUALIFICATIONS.—

4 (1) INDIVIDUALS.—Each voting member of the  
5 Board shall be knowledgeable in the field of levee  
6 safety, including water resources and flood risk man-  
7 agement.

8 (2) AS A WHOLE.—The membership of the  
9 Board, considered as a whole, shall represent the di-  
10 versity of skills required to advise the Secretary re-  
11 garding levee issues relating to—

12 (A) engineering;

13 (B) public communications;

14 (C) program development and oversight;

15 (D) with respect to levees, flood risk man-  
16 agement and hazard mitigation; and

17 (E) public safety and the environment.

18 (d) TERMS OF SERVICE.—

19 (1) IN GENERAL.—A voting member of the  
20 Board shall be appointed for a term of 3 years, ex-  
21 cept that, of the members first appointed—

22 (A) 5 shall be appointed for a term of 1  
23 year;

24 (B) 5 shall be appointed for a term of 2  
25 years; and

1           (C) 4 shall be appointed for a term of 3  
2           years.

3           (2) REAPPOINTMENT.—A voting member of the  
4           Board may be reappointed to the Board, as the Sec-  
5           retary determines to be appropriate.

6           (3) VACANCIES.—A vacancy on the Board shall  
7           be filled in the same manner as the original appoint-  
8           ment was made.

9           (e) STANDING COMMITTEES.—

10           (1) IN GENERAL.—The Board shall be sup-  
11           ported by Standing Committees, which shall be com-  
12           prised of volunteers from all levels of government  
13           and the private sector, to advise the Board regard-  
14           ing the national levee safety program.

15           (2) ESTABLISHMENT.—The Standing Commit-  
16           tees of the Board shall include—

17           (A) the Standing Committee on Partici-  
18           pating Programs, which shall advise the Board  
19           regarding—

20           (i) the development and implementa-  
21           tion of State and tribal levee safety pro-  
22           grams; and

23           (ii) appropriate incentives (including  
24           financial assistance) to be provided to

1 States, Indian tribes, and local and re-  
2 gional entities;

3 (B) the Standing Committee on Technical  
4 Issues, which shall advise the Board regard-  
5 ing—

6 (i) the management of the national  
7 levee database;

8 (ii) the development and maintenance  
9 of levee safety guidelines;

10 (iii) processes and materials for devel-  
11 oping levee-related technical assistance and  
12 training; and

13 (iv) research and development activi-  
14 ties relating to levee safety;

15 (C) the Standing Committee on Public  
16 Education and Awareness, which shall advise  
17 the Board regarding the development, imple-  
18 mentation, and evaluation of targeted public  
19 outreach programs—

20 (i) to gather public input;

21 (ii) to educate and raise awareness in  
22 leveed areas of levee risks;

23 (iii) to communicate information re-  
24 garding participating programs; and

1 (iv) to track the effectiveness of public  
2 education efforts relating to levee risks;

3 (D) the Standing Committee on Safety and  
4 Environment, which shall advise the Board re-  
5 garding—

6 (i) operation and maintenance activi-  
7 ties for existing levee projects;

8 (ii) opportunities to coordinate public  
9 safety, floodplain management, and envi-  
10 ronmental protection activities relating to  
11 levees;

12 (iii) opportunities to coordinate envi-  
13 ronmental permitting processes for oper-  
14 ation and maintenance activities at existing  
15 levee projects in compliance with all appli-  
16 cable laws; and

17 (iv) opportunities for collaboration by  
18 environmental protection and public safety  
19 interests in leveed areas and adjacent  
20 areas; and

21 (E) such other standing committees as the  
22 Secretary, in consultation with the Board, de-  
23 termines to be necessary.

24 (3) MEMBERSHIP.—

1 (A) IN GENERAL.—The Board shall rec-  
2 ommend to the Secretary for approval individ-  
3 uals for membership on the Standing Commit-  
4 tees.

5 (B) QUALIFICATIONS.—

6 (i) INDIVIDUALS.—Each member of a  
7 Standing Committee shall be knowledge-  
8 able in the issue areas for which the Com-  
9 mittee is charged with advising the Board.

10 (ii) AS A WHOLE.—The membership  
11 of each Standing Committee, considered as  
12 a whole, shall represent, to the maximum  
13 extent practicable, broad geographical di-  
14 versity.

15 (C) LIMITATION.—Each Standing Com-  
16 mittee shall be comprised of not more than 10  
17 members.

18 (f) DUTIES AND POWERS.—The Board—

19 (1) shall submit to the Secretary and Congress  
20 an annual report regarding the effectiveness of the  
21 national levee safety program in accordance with  
22 section 6007; and

23 (2) may secure from other Federal agencies  
24 such services, and enter into such contracts, as the

1 Board determines to be necessary to carry out this  
2 subsection.

3 (g) TASK FORCE COORDINATION.—The Board shall,  
4 to the maximum extent practicable, coordinate the activi-  
5 ties of the Board with the Federal Interagency Floodplain  
6 Management Task Force.

7 (h) COMPENSATION.—

8 (1) FEDERAL EMPLOYEES.—Each member of  
9 the Board who is an officer or employee of the  
10 United States shall serve without compensation in  
11 addition to compensation received for the services of  
12 the member as an officer or employee of the United  
13 States, but shall be allowed a per diem allowance for  
14 travel expenses, at rates authorized for an employee  
15 of an agency under subchapter I of chapter 57 of  
16 title 5, United States Code, while away from the  
17 home or regular place of business of the member in  
18 the performance of the duties of the Board.

19 (2) NON-FEDERAL EMPLOYEES.—To the extent  
20 amounts are made available to carry out this section  
21 in appropriations Acts, the Secretary shall provide to  
22 each member of the Board who is not an officer or  
23 employee of the United States a stipend and a per  
24 diem allowance for travel expenses, at rates author-  
25 ized for an employee of an agency under subchapter

1 I of chapter 57 of title 5, United States Code, while  
2 away from the home or regular place of business of  
3 the member in performance of services for the  
4 Board.

5 (3) STANDING COMMITTEE MEMBERS.—Each  
6 member of a Standing Committee shall—

7 (A) serve in a voluntary capacity; but

8 (B) receive a per diem allowance for travel  
9 expenses, at rates authorized for an employee of  
10 an agency under subchapter I of chapter 57 of  
11 title 5, United States Code, while away from  
12 the home or regular place of business of the  
13 member in performance of services for the  
14 Board.

15 (i) NONAPPLICABILITY OF FACA.—The Federal Ad-  
16 visory Committee Act (5 U.S.C. App.) shall not apply to  
17 the Board or the Standing Committees.

18 **SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.**

19 Section 9004(a)(2)(A) of the Water Resources Devel-  
20 opment Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amend-  
21 ed by striking “and, for non-Federal levees, such informa-  
22 tion on levee location as is provided to the Secretary by  
23 State and local governmental agencies” and inserting  
24 “and updated levee information provided by States, Indian  
25 tribes, Federal agencies, and other entities”.

1 **SEC. 6007. REPORTS.**

2 (a) STATE OF LEVEES.—

3 (1) IN GENERAL.—Not later than 1 year after  
4 the date of enactment of this Act, and biennially  
5 thereafter, the Secretary in coordination with the  
6 Board, shall submit to Congress a report describing  
7 the state of levees in the United States and the ef-  
8 fectiveness of the national levee safety program, in-  
9 cluding—

10 (A) progress achieved in implementing the  
11 national levee safety program;

12 (B) State and tribal participation in the  
13 national levee safety program;

14 (C) recommendations to improve coordina-  
15 tion of levee safety, floodplain management, and  
16 environmental protection concerns, including—

17 (i) identifying and evaluating opportu-  
18 nities to coordinate public safety, flood-  
19 plain management, and environmental pro-  
20 tection activities relating to levees; and

21 (ii) evaluating opportunities to coordi-  
22 nate environmental permitting processes  
23 for operation and maintenance activities at  
24 existing levee projects in compliance with  
25 all applicable laws; and



1           (D) any recommendations for legislation  
2           and other congressional actions necessary to en-  
3           sure national levee safety.

4           (2) INCLUSION.—Each report under paragraph  
5           (1) shall include a report of the Board that describes  
6           the independent recommendations of the Board for  
7           the implementation of the national levee safety pro-  
8           gram.

9           (b) NATIONAL DAM AND LEVEE SAFETY PRO-  
10          GRAM.—Not later than 3 years after the date of enactment  
11          of this Act, to the maximum extent practicable, the Sec-  
12          retary, in coordination with the Board, shall submit to  
13          Congress a report that includes recommendations regard-  
14          ing the advisability and feasibility of, and potential ap-  
15          proaches for, establishing a joint national dam and levee  
16          safety program.

17          (c) ALIGNMENT OF FEDERAL PROGRAMS RELATING  
18          TO LEVEES.—Not later than 2 years after the date of en-  
19          actment of this Act, the Comptroller General shall submit  
20          to Congress a report on opportunities for alignment of  
21          Federal programs to provide incentives to State, tribal,  
22          and local governments and individuals and entities—

23                 (1) to promote shared responsibility for levee  
24                 safety;

1           (2) to encourage the development of strong  
2 State and tribal levee safety programs;

3           (3) to better align the national levee safety pro-  
4 gram with other Federal flood risk management pro-  
5 grams; and

6           (4) to promote increased levee safety through  
7 other Federal programs providing assistance to  
8 State and local governments.

9           (d) **LIABILITY FOR CERTAIN LEVEE ENGINEERING**  
10 **PROJECTS.**—Not later than 1 year after the date of enact-  
11 ment of this Act, the Secretary shall submit to Congress  
12 a report that includes recommendations that identify and  
13 address any legal liability associated with levee engineer-  
14 ing projects that prevent—

15           (1) levee owners from obtaining needed levee  
16 engineering services; or

17           (2) development and implementation of a State  
18 or tribal levee safety program.

19 **SEC. 6008. EFFECT OF TITLE.**

20 Nothing in this title—

21           (1) establishes any liability of the United States  
22 or any officer or employee of the United States (in-  
23 cluding the Board and the Standing Committees of  
24 the Board) for any damages caused by any action or  
25 failure to act; or

1           (2) relieves an owner or operator of a levee of  
2           any legal duty, obligation, or liability incident to the  
3           ownership or operation of the levee.

4 **SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.**

5           There are authorized to be appropriated to the Sec-  
6           retary to carry out this title—

7           (1) for funding the administration and staff of  
8           the national levee safety program, the Board, the  
9           Standing Committees of the Board, and partici-  
10          pating programs, \$5,000,000 for each of fiscal years  
11          2014 through 2023;

12          (2) for technical programs, including the devel-  
13          opment of levee safety guidelines, publications, train-  
14          ing, and technical assistance—

15                  (A) \$5,000,000 for each of fiscal years  
16                  2014 through 2018;

17                  (B) \$7,500,000 for each of fiscal years  
18                  2019 and 2020; and

19                  (C) \$10,000,000 for each of fiscal years  
20                  2021 through 2023;

21          (3) for public involvement and education pro-  
22          grams, \$3,000,000 for each of fiscal years 2014  
23          through 2023;

24          (4) to carry out the levee inventory and inspec-  
25          tions under section 9004 of the Water Resources

1 Development Act of 2007 (33 U.S.C. 3303),  
2 \$30,000,000 for each of fiscal years 2014 through  
3 2018;

4 (5) for grants to State and tribal levee safety  
5 programs, \$300,000,000 for fiscal years 2014  
6 through 2023; and

7 (6) for levee rehabilitation assistance grants,  
8 \$300,000,000 for fiscal years 2014 through 2023.

## 9 **TITLE VII—INLAND WATERWAYS**

### 10 **SEC. 7001. PURPOSES.**

11 The purposes of this title are—

12 (1) to improve program and project manage-  
13 ment relating to the construction and major rehabili-  
14 tation of navigation projects on inland waterways;

15 (2) to optimize inland waterways navigation  
16 system reliability;

17 (3) to minimize the size and scope of inland wa-  
18 terways navigation project completion schedules;

19 (4) to eliminate preventable delays in inland  
20 waterways navigation project completion schedules;  
21 and

22 (5) to make inland waterways navigation capital  
23 investments through the use of prioritization criteria  
24 that seek to maximize systemwide benefits and mini-  
25 mize overall system risk.

1 **SEC. 7002. DEFINITIONS.**

2 In this title:

3 (1) **INLAND WATERWAYS TRUST FUND.**—The  
4 term “Inland Waterways Trust Fund” means the  
5 Inland Waterways Trust Fund established by section  
6 9506(a) of the Internal Revenue Code of 1986.

7 (2) **QUALIFYING PROJECT.**—The term “quali-  
8 fying project” means any construction or major re-  
9 habilitation project for navigation infrastructure of  
10 the inland and intracoastal waterways that is—

11 (A) authorized before, on, or after the date  
12 of enactment of this Act;

13 (B) not completed on the date of enact-  
14 ment of this Act; and

15 (C) funded at least in part from the Inland  
16 Waterways Trust Fund.

17 (3) **SECRETARY.**—The term “Secretary” means  
18 the Secretary of the Army, acting through the Chief  
19 of Engineers.

20 **SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.**

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

24 (1) formal project management training and  
25 certification for each project manager;

1           (2) assignment as project manager only of per-  
2           sonnel fully certified by the Chief of Engineers; and

3           (3) for an applicable cost estimation, that—

4                (A) the estimation—

5                   (i) is risk-based; and

6                   (ii) has a confidence level of at least

7                80 percent; and

8                (B) a risk-based cost estimate shall be im-  
9           plemented—

10                   (i) for a qualified project that requires  
11                   an increase in the authorized amount in  
12                   accordance with section 902 of the Water  
13                   Resources Development Act of 1986 (Pub-  
14                   lic Law 99–662; 100 Stat. 4183), during  
15                   the preparation of a post-authorization  
16                   change report or other similar decision  
17                   document;

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

22                   (iii) for a qualified project without a  
23                   completed Chief of Engineers report, prior  
24                   to the completion of such a report; and

1 (iv) for a qualified project with a com-  
2 pleted Chief of Engineers report that has  
3 not yet been authorized, during design for  
4 the qualified project.

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

8 (1) establish a system to identify and apply on  
9 a continuing basis lessons learned from prior or on-  
10 going qualifying projects to improve the likelihood of  
11 on-time and on-budget completion of qualifying  
12 projects;

13 (2) evaluate early contractor involvement acqui-  
14 sition procedures to improve on-time and on-budget  
15 project delivery performance; and

16 (3) implement any additional measures that the  
17 Secretary determines will achieve the purposes of  
18 this title and the amendments made by this title, in-  
19 cluding, as the Secretary determines to be appro-  
20 priate—

21 (A) the implementation of applicable prac-  
22 tices and procedures developed pursuant to  
23 management by the Secretary of an applicable  
24 military construction program;

1           (B) the establishment of 1 or more centers  
2 of expertise for the design and review of quali-  
3 fying projects;

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

6           (D) the use of full-funding contracts or  
7 formulation of a revised continuing contracts  
8 clause; and

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

12 (c) PILOT PROJECTS.—

13           (1) IN GENERAL.—Subject to paragraph (2),  
14 the Secretary may carry out 1 or more pilot projects  
15 to evaluate processes or procedures for the study,  
16 design, or construction of qualifying projects.

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

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

22           (B) an appropriate use of continuing con-  
23 tracts for the construction of features and com-  
24 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 report of the Chief of Engi-

1           neers relating to those features and compo-  
2           nents;

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

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

11          “(E) a long-term capital investment pro-  
12          gram in accordance with subsection (d).

13          “(3) PROJECT DEVELOPMENT TEAMS.—The  
14          chairperson of the Users Board shall appoint a rep-  
15          resentative of the Users Board to serve on the  
16          project development team for a qualifying project or  
17          the study or design of a commercial navigation fea-  
18          ture or component of the inland waterways and in-  
19          land harbors of the United States.

20          “(4) INDEPENDENT JUDGMENT.—Any advice or  
21          recommendation made by the Users Board to the  
22          Secretary shall reflect the independent judgment of  
23          the Users Board.”;

24          (2) by redesignating subsection (c) as sub-  
25          section (f); and

1           (3) by inserting after subsection (b) the fol-  
2           lowing:

3           “(c) DUTIES OF SECRETARY.—The Secretary shall—

4           “(1) communicate not less than once each quar-  
5           ter to the Users Board the status of the study, de-  
6           sign, or construction of all commercial navigation  
7           features or components of the inland waterways or  
8           inland harbors of the United States; and

9           “(2) submit to the Users Board a courtesy copy  
10          of all reports of the Chief of Engineers relating to  
11          a commercial navigation feature or component of the  
12          inland waterways or inland harbors of the United  
13          States.

14          “(d) CAPITAL INVESTMENT PROGRAM.—

15          “(1) IN GENERAL.—Not later than 1 year after  
16          the date of enactment of this subsection, the Sec-  
17          retary, in coordination with the Users Board, shall  
18          develop, and submit to Congress a report describing,  
19          a 20-year program for making capital investments  
20          on the inland and intracoastal waterways, based on  
21          the application of objective, national project selection  
22          prioritization criteria.

23          “(2) CONSIDERATION.—In developing the pro-  
24          gram under paragraph (1), the Secretary shall take  
25          into consideration the 20-year capital investment

1 strategy contained in the Inland Marine Transpor-  
2 tation System (IMTS) Capital Projects Business  
3 Model, Final Report published on April 13, 2010, as  
4 approved by the Users Board.

5 “(3) CRITERIA.—In developing the plan and  
6 prioritization criteria under paragraph (1), the Sec-  
7 retary shall ensure, to the maximum extent prac-  
8 ticable, that investments made under the 20-year  
9 program described in paragraph (1)—

10 “(A) are made in all geographical areas of  
11 the inland waterways system; and

12 “(B) ensure efficient funding of inland wa-  
13 terways projects.

14 “(4) STRATEGIC REVIEW AND UPDATE.—Not  
15 later than 5 years after the date of enactment of  
16 this subsection, and not less frequently than once  
17 every 5 years thereafter, the Secretary, in conjunc-  
18 tion with the Users Board, shall—

19 “(A) submit to Congress a strategic review  
20 of the 20-year program in effect under this sub-  
21 section, which shall identify and explain any  
22 changes to the project-specific recommendations  
23 contained in the previous 20-year program (in-  
24 cluding any changes to the prioritization cri-

1           teria used to develop the updated recommenda-  
2           tions); and

3           “(B) make such revisions to the program  
4           as the Secretary and Users Board jointly con-  
5           sider to be appropriate.

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

13          **SEC. 7004. MAJOR REHABILITATION STANDARDS.**

14          Section 205(1)(E)(ii) of the Water Resources Devel-  
15          opment Act of 1992 (33 U.S.C. 2327(1)(E)(ii)) is amend-  
16          ed by striking “\$8,000,000” and inserting  
17          “\$20,000,000”.

18          **SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.**

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

20                 (1) there are approximately 12,000 miles of  
21          Federal waterways, known as the inland waterways  
22          system, that are supported by user fees and man-  
23          aged by the Corps of Engineers;

1           (2) the inland waterways system spans 38  
2 States and handles approximately one-half of all in-  
3 land waterway freight;

4           (3) according to the final report of the Inland  
5 Marine Transportation System Capital Projects  
6 Business Model, freight traffic on the Federal fuel-  
7 taxed inland waterways system accounts for  
8 546,000,000 tons of freight each year;

9           (4) expenditures for construction and major re-  
10 habilitation projects on the inland waterways system  
11 are equally cost-shared between the Federal Govern-  
12 ment and the Inland Waterways Trust Fund;

13           (5) the Inland Waterways Trust Fund is fi-  
14 nanced through a fee of \$0.20 per gallon on fuel  
15 used by commercial barges;

16           (6) the balance of the Inland Waterways Trust  
17 Fund has declined significantly in recent years;

18           (7) according to the final report of the Inland  
19 Marine Transportation System Capital Projects  
20 Business Model, the estimated financial need for  
21 construction and major rehabilitation projects on the  
22 inland waterways system for fiscal years 2011  
23 through 2030 is approximately \$18,000,000,000;  
24 and

1           (8) users of the inland waterways system are  
2       supportive of an increase in the existing revenue  
3       sources for inland waterways system construction  
4       and major rehabilitation activities to expedite the  
5       most critical of those construction and major reha-  
6       bilitation projects.

7       (b) SENSE OF CONGRESS.—It is the sense of Con-  
8       gress that—

9           (1) the existing revenue sources for inland wa-  
10       terways system construction and rehabilitation ac-  
11       tivities are insufficient to cover the costs of non-Fed-  
12       eral interests of construction and major rehabilita-  
13       tion projects on the inland waterways system; and

14           (2) the issue described in paragraph (1) should  
15       be addressed.

16 **SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.**

17       Not later than 2 years after the date of enactment  
18       of this Act, the Comptroller General shall prepare a report  
19       on the efficiency of collecting the fuel tax for the Inland  
20       Waterways Trust Fund, which shall include—

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

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

4           (3) an evaluation of alternative collection op-  
5 tions.

6 **SEC. 7007. GAO STUDY, OLMSTED LOCKS AND DAM, LOWER**  
7 **OHIO RIVER, ILLINOIS AND KENTUCKY.**

8       As soon as practicable after the date of enactment  
9 of this Act, the Comptroller General of the United States  
10 shall conduct, and submit to Congress a report describing  
11 the results of, a study to determine why, and to what ex-  
12 tent, the project for navigation, Lower Ohio River, Locks  
13 and Dams 52 and 53, Illinois and Kentucky (commonly  
14 known as the “Olmsted Locks and Dam project”), author-  
15 ized by section 3(a)(6) of the Water Resources Develop-  
16 ment Act of 1988 (102 Stat. 4013), has exceeded the  
17 budget for the project and the reasons why the project  
18 failed to be completed as scheduled, including an assess-  
19 ment of—

- 20           (1) engineering methods used for the project;  
21           (2) the management of the project;  
22           (3) contracting for the project;  
23           (4) the cost to the United States of benefits  
24 foregone due to project delays; and



1           (5) such other contributory factors as the  
2           Comptroller General determines to be appropriate.

3 **SEC. 7008. OLMSTED LOCKS AND DAM, LOWER OHIO RIVER,**  
4 **ILLINOIS AND KENTUCKY.**

5           Section 3(a)(6) of the Water Resources Development  
6 Act of 1988 (102 Stat. 4013) is amended by striking “and  
7 with the costs of construction” and all that follows  
8 through the period at the end and inserting “which  
9 amounts remaining after the date of enactment of this Act  
10 shall be appropriated from the general fund of the Treas-  
11 ury.”.

12 **TITLE VIII—HARBOR**  
13 **MAINTENANCE**

14 **SEC. 8001. SHORT TITLE.**

15           This title may be cited as the “Harbor Maintenance  
16 Trust Fund Act of 2013”.

17 **SEC. 8002. PURPOSES.**

18           The purposes of this title are—

19           (1) to ensure that revenues collected into the  
20 Harbor Maintenance Trust Fund are used for the  
21 intended purposes of those revenues;

22           (2) to increase investment in the operation and  
23 maintenance of United States ports, which are crit-  
24 ical for the economic competitiveness of the United  
25 States;

1           (3) to promote equity among ports nationwide;

2           (4) to ensure United States ports are prepared  
3 to meet modern shipping needs, including the capa-  
4 bility to receive large ships that require deeper  
5 drafts; and

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

8 **SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PRO-**  
9 **GRAMS.**

10 (a) DEFINITIONS.—In this section:

11           (1) TOTAL BUDGET RESOURCES.—The term  
12 “total budget resources” means the total amount  
13 made available by appropriations Acts from the Har-  
14 bor Maintenance Trust Fund for a fiscal year for  
15 making expenditures under section 9505(c) of the  
16 Internal Revenue Code of 1986.

17           (2) LEVEL OF RECEIPTS PLUS INTEREST.—The  
18 term “level of receipts plus interest” means the level  
19 of taxes and interest credited to the Harbor Mainte-  
20 nance Trust Fund under section 9505 of the Inter-  
21 nal Revenue Code of 1986 for a fiscal year as set  
22 forth in the President’s budget baseline projection,  
23 as determined under section 257 of the Balanced  
24 Budget and Emergency Deficit Control Act of 1985

1 (2 U.S.C. 907) for that fiscal year submitted pursu-  
2 ant to section 1105 of title 31, United States Code.

3 (b) MINIMUM RESOURCES.—

4 (1) MINIMUM RESOURCES.—

5 (A) IN GENERAL.—The total budget re-  
6 sources made available to the Secretary from  
7 the Harbor Maintenance Trust Fund shall be  
8 not less than the lesser of—

9 (i)(I) for fiscal year 2014,  
10 \$1,000,000,000;

11 (II) for fiscal year 2015,  
12 \$1,100,000,000;

13 (III) for fiscal year 2016,  
14 \$1,200,000,000;

15 (IV) for fiscal year 2017,  
16 \$1,300,000,000;

17 (V) for fiscal year 2018,  
18 \$1,400,000,000; and

19 (VI) for fiscal year 2019,  
20 \$1,500,000,000; and

21 (ii) the level of receipts plus interest  
22 credited to the Harbor Maintenance Trust  
23 Fund for that fiscal year.

24 (B) FISCAL YEAR 2020 AND SUBSEQUENT  
25 FISCAL YEARS.—For fiscal year 2020 and each

1           fiscal year thereafter, the total budget resources  
2           made available to the Secretary from the Har-  
3           bor Maintenance Trust Fund shall be not less  
4           than the level of receipts plus interest credited  
5           to the Harbor Maintenance Trust Fund for  
6           that fiscal year.

7           (2) USE OF AMOUNTS.—The amounts described  
8           in paragraph (1) may be used only for harbor main-  
9           tenance programs described in section 9505(c) of the  
10          Internal Revenue Code of 1986.

11          (c) IMPACT ON OTHER FUNDS.—

12           (1) IN GENERAL.—Subject to paragraph (3),  
13           subsection (b)(1) shall not apply if providing the  
14           minimum resources required under that subsection  
15           would result in making the amounts made available  
16           for the applicable fiscal year to carry out all pro-  
17           grams, projects, and activities of the civil works pro-  
18           gram of the Corps of Engineers, other than the har-  
19           bor maintenance programs, to be less than the  
20           amounts made available for those purposes in the  
21           previous fiscal year.

22           (2) CALCULATION OF AMOUNTS.—For each fis-  
23           cal year, the amounts made available to carry out all  
24           programs, projects, and activities of the civil works

1 program of the Corps of Engineers shall not include  
2 any amounts that are designated by Congress—

3 (A) as being for emergency requirements  
4 pursuant to section 251(b)(2)(A)(i) of the Bal-  
5 anced Budget and Emergency Deficit Control  
6 Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or

7 (B) as being for disaster relief pursuant to  
8 section 251(b)(2)(D) of the Balanced Budget  
9 and Emergency Deficit Control Act of 1985 (2  
10 U.S.C. 901(b)(2)(D)).

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

13 (A) amounts made available for the civil  
14 works program of the Corps of Engineers for a  
15 fiscal year are less than the amounts made  
16 available for the civil works program in the pre-  
17 vious fiscal year; and

18 (B) the reduction in amounts made avail-  
19 able—

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

23 (ii) is applied to the civil works pro-  
24 gram in the same percentage and manner  
25 as other discretionary funds and programs.

1 **SEC. 8004. HARBOR MAINTENANCE TRUST FUND**  
2 **PRIORITIZATION.**

3 (a) **POLICY.**—It is the policy of the United States  
4 that the primary use of the Harbor Maintenance Trust  
5 Fund is for maintaining the constructed widths and  
6 depths of the commercial ports and harbors of the United  
7 States, and those functions should be given first consider-  
8 ation in the budgeting of Harbor Maintenance Trust Fund  
9 allocations.

10 (b) **IN GENERAL.**—Section 210 of the Water Re-  
11 sources Development Act of 1986 (33 U.S.C. 2238) is  
12 amended by adding at the end the following:

13 “(c) **PRIORITIZATION.**—

14 “(1) **DEFINITIONS.**—In this subsection:

15 “(A) **CONSTRUCTED WIDTH AND DEPTH.**—

16 The term ‘constructed width and depth’ means  
17 the depth to which a project has been con-  
18 structed, which shall not exceed the authorized  
19 width and depth of the project.

20 “(B) **GREAT LAKES NAVIGATION SYS-**  
21 **TEM.**—The term ‘Great Lakes Navigation Sys-  
22 tem’ includes—

23 “(i)(I) Lake Superior;

24 “(II) Lake Huron;

25 “(III) Lake Michigan;

26 “(IV) Lake Erie; and

1 “(V) Lake Ontario;

2 “(ii) all connecting waters between the  
3 lakes referred to in clause (i) used for com-  
4 mercial navigation;

5 “(iii) any navigation features in the  
6 lakes referred to in clause (i) or waters de-  
7 scribed in clause (ii) that are a Federal op-  
8 eration or maintenance responsibility; and

9 “(iv) areas of the Saint Lawrence  
10 River that are operated or maintained by  
11 the Federal Government for commercial  
12 navigation.

13 “(C) HIGH-USE DEEP DRAFT.—

14 “(i) IN GENERAL.—The term ‘high-  
15 use deep draft’ means a project that has a  
16 depth of greater than 14 feet with not less  
17 than 10,000,000 tons of cargo annually.

18 “(ii) EXCLUSION.—The term ‘high-  
19 use deep draft’ does not include a project  
20 located in the Great Lakes Navigation Sys-  
21 tem.

22 “(D) LOW-USE PORT.—The term ‘low-use  
23 port’ means a port at which not more than  
24 1,000,000 tons of cargo are transported each  
25 calendar year.

1           “(E) MODERATE-USE PORT.—The term  
2           ‘moderate-use port’ means a port at which more  
3           than 1,000,000, but fewer than 10,000,000,  
4           tons of cargo are transported each calendar  
5           year.

6           “(2) PRIORITY.—Of the amounts made avail-  
7           able under this section to carry out projects de-  
8           scribed in subsection (a)(2) that are in excess of the  
9           amounts made available to carry out those projects  
10          in fiscal year 2012, the Secretary of the Army, act-  
11          ing through the Chief of Engineers, shall give pri-  
12          ority to those projects in the following order:

13               “(A)(i) In any fiscal year in which all  
14               projects subject to the harbor maintenance fee  
15               under section 24.24 of title 19, Code of Federal  
16               Regulations (or a successor regulation) are not  
17               maintained to their constructed width and  
18               depth, the Secretary shall prioritize amounts  
19               made available under this section for those  
20               projects that are high-use deep draft and are a  
21               priority for navigation in the Great Lakes Navi-  
22               gation System.

23               “(ii) Of the amounts made available under  
24               clause (i)—



1           “(I) 80 percent shall be used for  
2           projects that are high-use deep draft; and

3           “(II) 20 percent shall be used for  
4           projects that are a priority for navigation  
5           in the Great Lakes Navigation System.

6           “(B) In any fiscal year in which all  
7           projects identified as high-use deep draft are  
8           maintained to their constructed width and  
9           depth, the Secretary shall—

10           “(i) equally divide among each of the  
11           districts of the Corps of Engineers in  
12           which eligible projects are located 10 per-  
13           cent of remaining amounts made available  
14           under this section for moderate-use and  
15           low-use port projects—

16           “(I) that have been maintained  
17           at less than their constructed width  
18           and depth due to insufficient federal  
19           funding during the preceding 6 fiscal  
20           years; and

21           “(II) for which significant State  
22           and local investments in infrastruc-  
23           ture have been made at those projects  
24           during the preceding 6 fiscal years;  
25           and

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

8           “(3) ADMINISTRATION.—For purposes of this  
9           subsection, State and local investments in infrastruc-  
10          ture shall include infrastructure investments made  
11          using amounts made available for activities under  
12          section 105(a)(9) of the Housing and Community  
13          Development Act of 1974 (42 U.S.C. 5305(a)(9)).

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

18                 “(A) hazardous navigation conditions; or

19                 “(B) impacts of natural disasters, includ-  
20          ing storms and droughts.

21          “(5) REPORTS TO CONGRESS.—Not later than  
22          September 30, 2013, and annually thereafter, the  
23          Secretary shall submit to Congress a report that de-  
24          scribes, with respect to the preceding fiscal year—

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

5           “(B) the respective percentage of total  
6 funds provided under this section used for high  
7 use deep draft projects and projects at mod-  
8 erate-use ports and low-use ports;

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

11           “(D) any additional amounts needed to  
12 maintain the high-use deep draft projects and  
13 projects at moderate-use ports and low-use  
14 ports to the constructed depth and width of the  
15 projects.”.

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

19           (1) in paragraph (1), by striking “45 feet” and  
20 inserting “50 feet”; and

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

22           “(3) OPERATION AND MAINTENANCE ACTIVI-  
23 TIES DEFINED.—

24           “(A) SCOPE OF OPERATION AND MAINTENANCE  
25           ACTIVITIES.—Notwithstanding any

1 other provision of law (including regulations  
2 and guidelines) and subject to subparagraph  
3 (B), for purposes of this subsection, operation  
4 and maintenance activities that are eligible for  
5 the Federal cost share under paragraph (1)  
6 shall include—

7 “(i) the dredging of berths in a har-  
8 bor that is accessible to a Federal channel,  
9 if the Federal channel has been con-  
10 structed to a depth equal to the authorized  
11 depth of the channel; and

12 “(ii) the dredging and disposal of leg-  
13 acy-contaminated sediments and sediments  
14 unsuitable for ocean disposal that—

15 “(I) are located in or affect the  
16 maintenance of Federal navigation  
17 channels; or

18 “(II) are located in berths that  
19 are accessible to Federal channels.

20 “(B) LIMITATIONS.—

21 “(i) IN GENERAL.—For each fiscal  
22 year, subject to section 210(c)(2), subpara-  
23 graph (A) shall only apply—

24 “(I) to the amounts made avail-  
25 able under section 210 to carry out

1 projects described in subsection (a)(2)  
2 of that section that are in excess of  
3 the amounts made available to carry  
4 out those projects in fiscal year 2012;  
5 and

6 “(II) if, in that fiscal year, all  
7 projects identified as high-use deep  
8 draft (as defined in section 210(e))  
9 are maintained to their constructed  
10 width and depth.

11 “(ii) STATE LIMITATION.—For each  
12 fiscal year, the operation and maintenance  
13 activities described in subparagraph (A)  
14 may only be carried out in a State—

15 “(I) in which the total amounts  
16 collected pursuant to section 4461 of  
17 the Internal Revenue Code of 1986  
18 comprise not less than 2.5 percent an-  
19 nually of the total funding of the Har-  
20 bor Maintenance Trust Fund estab-  
21 lished under section 9505 of the In-  
22 ternal Revenue Code of 1986; and

23 “(II) that received less than 50  
24 percent of the total amounts collected  
25 in that State pursuant to section

1                   4461 of the Internal Revenue Code of  
2                   1986 in the previous 3 fiscal years.

3                   “(iii) PRIORITIZATION.—In allocating  
4                   amounts made available under this para-  
5                   graph, the Secretary shall give priority to  
6                   projects that have received the lowest  
7                   amount of funding from the Harbor Main-  
8                   tenance Trust Fund in comparison to the  
9                   amount of funding contributed to the Har-  
10                  bor Maintenance Trust Fund in the pre-  
11                  vious 3 fiscal years.

12                  “(iv) MAXIMUM AMOUNT.—The total  
13                  amount made available in each fiscal year  
14                  to carry out this paragraph shall not ex-  
15                  ceed the lesser of—

16                         “(I) amount that is equal to 40  
17                         percent of the amounts made available  
18                         under section 210 to carry out  
19                         projects described in subsection (a)(2)  
20                         of that section that are in excess of  
21                         the amounts made available to carry  
22                         out those projects in fiscal year 2012;  
23                         and

24                         “(II) the amount that is equal to  
25                         20 percent of the amounts made avail-

1                   able under section 210 to carry out  
2                   projects described in subsection (a)(2)  
3                   of that section.

4                   “(4) DONOR PORTS AND PORTS CONTRIBUTING  
5 TO ENERGY PRODUCTION.—

6                   “(A) DEFINITIONS.—In this paragraph:

7                   “(i) CARGO CONTAINER.—The term  
8 ‘cargo container’ means a cargo container  
9 that is 1 Twenty-foot Equivalent Unit.

10                  “(ii) ELIGIBLE DONOR PORT.—The  
11 term, ‘eligible donor port’ means a port—

12                   “(I) that is subject to the harbor  
13 maintenance fee under section 24.24  
14 of title 19, Code of Federal Regula-  
15 tions (or a successor regulation);

16                   “(II)(aa) at which the total  
17 amounts collected pursuant to section  
18 4461 of the Internal Revenue Code of  
19 1986 comprise not less than  
20 \$15,000,000 annually of the total  
21 funding of the Harbor Maintenance  
22 Trust Fund established under section  
23 9505 of the Internal Revenue Code of  
24 1986; and

1           “(bb) that received less than 25  
2           percent of the total amounts collected  
3           at that port pursuant to section 4461  
4           of the Internal Revenue Code of 1986  
5           in the previous 5 fiscal years; and

6           “(III) that is located in a State  
7           in which more than 2,000,000 cargo  
8           containers were unloaded from or  
9           loaded on to vessels in calendar year  
10          2011.

11          “(iii) ELIGIBLE ENERGY TRANSFER  
12          PORT.—The term ‘eligible energy transfer  
13          port’ means a port—

14               “(I) that is subject to the harbor  
15               maintenance fee under section 24.24  
16               of title 19, Code of Federal Regula-  
17               tion (or successor regulation); and

18               “(II)(aa) at which energy com-  
19               modities comprised greater than 25  
20               percent of all commercial activity by  
21               tonnage in calendar year 2011; and

22               “(bb) through which more  
23               than 40 million tons of cargo  
24               were transported in calendar year  
25               2011.



1                   “(iv) ENERGY COMMODITY.—The  
2 term ‘energy commodity’ includes—

3                   “(I) petroleum products;

4                   “(II) natural gas;

5                   “(III) coal;

6                   “(IV) wind and solar energy com-  
7 ponents; and

8                   “(V) biofuels.

9                   “(B) ADDITIONAL USES.—

10                   “(i) IN GENERAL.—Subject to appro-  
11 priations, the Secretary may provide to eli-  
12 gible donor ports and eligible energy trans-  
13 fer ports amounts in accordance with  
14 clause (ii).

15                   “(ii) LIMITATIONS.—The amounts de-  
16 scribed in clause (i)—

17                   “(I) made available for eligible  
18 energy transfer ports shall be divided  
19 equally among all States with an eligi-  
20 ble energy transfer port; and

21                   “(II) shall be made available only  
22 to a port as either an eligible donor  
23 port or an eligible energy transfer  
24 port.

1           “(C) USES.—Amounts provided to an eligi-  
2 ble port under this paragraph may only be used  
3 by that port—

4           “(i) to provide payments to importers  
5 entering cargo or shippers transporting  
6 cargo through an eligible donor port or eli-  
7 gible energy transfer port, as calculated by  
8 U.S. Customs and Border Protection;

9           “(ii) to dredge berths in a harbor that  
10 is accessible to a Federal channel;

11           “(iii) to dredge and dispose of legacy-  
12 contaminated sediments and sediments un-  
13 suitable for ocean disposal that—

14           “(I) are located in or affect the  
15 maintenance of Federal navigation  
16 channels; or

17           “(II) are located in berths that  
18 are accessible to Federal channels; or

19           “(iv) for environmental remediation  
20 related to dredging berths and Federal  
21 navigation channels.

22           “(D) ADMINISTRATION OF PAYMENTS.—If  
23 an eligible donor port or eligible energy transfer  
24 port elects to provide payments to importers or  
25 shippers in accordance with subparagraph

1 (C)(i), the Secretary shall transfer the amounts  
2 that would be provided to the port under this  
3 paragraph to the Commissioner of U.S. Cus-  
4 toms and Border Protection to provide the pay-  
5 ments to the importers or shippers.

6 “(E) AUTHORIZATION OF APPROPRIA-  
7 TIONS.—

8 “(i) IN GENERAL.—For fiscal years  
9 2014 through 2024, if the total amounts  
10 made available from the Harbor Mainte-  
11 nance Trust Fund exceed the total  
12 amounts made available from the Harbor  
13 Maintenance Trust Fund in fiscal year  
14 2012, there is authorized to be appro-  
15 priated from the Harbor Maintenance  
16 Trust Fund to carry out this paragraph  
17 the sum obtained by adding—

18 “(I) \$50,000,000; and

19 “(II) the amount that is equal to  
20 10 percent of the amounts made avail-  
21 able under section 210 to carry out  
22 projects described in subsection (a)(2)  
23 of that section that are in excess of  
24 the amounts made available to carry  
25 out those projects in fiscal year 2012.

1                   “(ii) DIVISION BETWEEN ELIGIBLE  
2                   DONOR PORTS AND ELIGIBLE ENERGY  
3                   TRANSFER PORTS.—For each fiscal year,  
4                   amounts made available shall be divided  
5                   equally between eligible donor ports and el-  
6                   igible energy transfer ports.”.

7           (d) CONFORMING AMENDMENT.—Section 9505(e)(1)  
8 of the Internal Revenue Code of 1986 is amended by strik-  
9 ing “as in effect on the date of the enactment of the Water  
10 Resources Development Act of 1996” and inserting “as  
11 in effect on the date of the enactment of the Harbor Main-  
12 tenance Trust Fund Act of 2013”.

13 **SEC. 8005. HARBOR MAINTENANCE TRUST FUND STUDY.**

14           (a) DEFINITIONS.—In this section:

15                   (1) LOW-USE PORT.—The term “low-use port”  
16                   means a port at which not more than 1,000,000  
17                   tons of cargo are transported each calendar year.

18                   (2) MODERATE-USE PORT.—The term “mod-  
19                   erate-use port” means a port at which more than  
20                   1,000,000, but fewer than 10,000,000, tons of cargo  
21                   are transported each calendar year.

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

1           (1) evaluates the effectiveness of activities fund-  
2           ed by the Harbor Maintenance Trust Fund in maxi-  
3           mizing economic growth and job creation in the com-  
4           munities surrounding low- and moderate-use ports;  
5           and

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

## 10           **TITLE IX—DAM SAFETY**

### 11           **SEC. 9001. SHORT TITLE.**

12           This title may be cited as the “Dam Safety Act of  
13           2013”.

### 14           **SEC. 9002. PURPOSE.**

15           The purpose of this title and the amendments made  
16           by this title is to reduce the risks to life and property from  
17           dam failure in the United States through the reauthoriza-  
18           tion of an effective national dam safety program that  
19           brings together the expertise and resources of the Federal  
20           Government and non-Federal interests in achieving na-  
21           tional dam safety hazard reduction.

### 22           **SEC. 9003. ADMINISTRATOR.**

23           (a) IN GENERAL.—The National Dam Safety Pro-  
24           gram Act (33 U.S.C. 467 et seq.) is amended by striking

1 “Director” each place it appears and inserting “Adminis-  
2 trator”.

3 (b) CONFORMING AMENDMENT.—Section 2 of the  
4 National Dam Safety Program Act (33 U.S.C. 467) is  
5 amended—

6 (1) by striking paragraph (3);

7 (2) by redesignating paragraphs (1) and (2) as  
8 paragraphs (2) and (3), respectively; and

9 (3) by inserting before paragraph (2) (as redesi-  
10 gnated by paragraph (2)) the following:

11 “(1) ADMINISTRATOR.—The term ‘Adminis-  
12 trator’ means the Administrator of the Federal  
13 Emergency Management Agency.”.

14 **SEC. 9004. INSPECTION OF DAMS.**

15 Section 3(b)(1) of the National Dam Safety Program  
16 Act (33 U.S.C. 467a(b)(1)) is amended by striking “or  
17 maintenance” and inserting “maintenance, condition, or  
18 provisions for emergency operations”.

19 **SEC. 9005. NATIONAL DAM SAFETY PROGRAM.**

20 (a) OBJECTIVES.—Section 8(c) of the National Dam  
21 Safety Program Act (33 U.S.C. 467f(c)) is amended by  
22 striking paragraph (4) and inserting the following:

23 “(4) develop and implement a comprehensive  
24 dam safety hazard education and public awareness  
25 program to assist the public in preparing for, miti-

1       gating, responding to, and recovering from dam inci-  
2       dents;”.

3       (b) BOARD.—Section 8(f)(4) of the National Dam  
4       Safety Program Act (33 U.S.C. 467f(f)(4)) is amended  
5       by inserting “, representatives from nongovernmental or-  
6       ganizations,” after “State agencies”.

7       **SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM**  
8               **SAFETY.**

9       The National Dam Safety Program Act (33 U.S.C.  
10      467 et seq.) is amended—

11           (1) by redesignating sections 11, 12, and 13 as  
12           sections 12, 13, and 14, respectively; and

13           (2) by inserting after section 10 (33 U.S.C.  
14           467g–1) the following:

15      **“SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM**  
16               **SAFETY.**

17      “The Administrator, in consultation with other Fed-  
18      eral agencies, State and local governments, dam owners,  
19      the emergency management community, the private sec-  
20      tor, nongovernmental organizations and associations, in-  
21      stitutions of higher education, and any other appropriate  
22      entities shall carry out a nationwide public awareness and  
23      outreach program to assist the public in preparing for,  
24      mitigating, responding to, and recovering from dam inci-  
25      dents.”.

1 **SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) NATIONAL DAM SAFETY PROGRAM.—

3 (1) ANNUAL AMOUNTS.—Section 14(a)(1) of  
4 the National Dam Safety Program Act (33 U.S.C.  
5 467j(a)(1)) (as so redesignated) is amended by  
6 striking “\$6,500,000” and all that follows through  
7 “2011” and inserting “\$9,200,000 for each of fiscal  
8 years 2014 through 2018”.

9 (2) MAXIMUM AMOUNT OF ALLOCATION.—Sec-  
10 tion 14(a)(2)(B) of the National Dam Safety Pro-  
11 gram Act (33 U.S.C. 467j(a)(2)(B)) (as so redesi-  
12 gnated) is amended—

13 (A) by striking “The amount” and insert-  
14 ing the following:

15 “(i) IN GENERAL.—The amount”; and

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

17 “(ii) FISCAL YEAR 2014 AND SUBSE-  
18 QUENT FISCAL YEARS.—For fiscal year  
19 2014 and each subsequent fiscal year, the  
20 amount of funds allocated to a State under  
21 this paragraph may not exceed the amount  
22 of funds committed by the State to imple-  
23 ment dam safety activities.”.

24 (b) NATIONAL DAM INVENTORY.—Section 14(b) of  
25 the National Dam Safety Program Act (33 U.S.C.  
26 467j(b)) (as so redesignated) is amended by striking



1 “\$650,000” and all that follows through “2011” and in-  
2 serting “\$500,000 for each of fiscal years 2014 through  
3 2018”.

4 (c) PUBLIC AWARENESS.—Section 14 of the National  
5 Dam Safety Program Act (33 U.S.C. 467j) (as so redesign-  
6 nated) is amended—

7 (1) by redesignating subsections (c) through (f)  
8 as subsections (d) through (g), respectively; and

9 (2) by inserting after subsection (b) the fol-  
10 lowing:

11 “(c) PUBLIC AWARENESS.—There is authorized to be  
12 appropriated to carry out section 11 \$1,000,000 for each  
13 of fiscal years 2014 through 2018.”.

14 (d) RESEARCH.—Section 14(d) of the National Dam  
15 Safety Program Act (as so redesignated) is amended by  
16 striking “\$1,600,000” and all that follows through  
17 “2011” and inserting “\$1,450,000 for each of fiscal years  
18 2014 through 2018”.

19 (e) DAM SAFETY TRAINING.—Section 14(e) of the  
20 National Dam Safety Program Act (as so redesignated)  
21 is amended by striking “\$550,000” and all that follows  
22 through “2011” and inserting “\$750,000 for each of fiscal  
23 years 2014 through 2018”.

24 (f) STAFF.—Section 14(f) of the National Dam Safe-  
25 ty Program Act (as so redesignated) is amended by strik-

1 ing “\$700,000” and all that follows through “2011” and  
 2 inserting “\$1,000,000 for each of fiscal years 2014  
 3 through 2018”.

4 **TITLE X—INNOVATIVE**  
 5 **FINANCING PILOT PROJECTS**

6 **SEC. 10001. SHORT TITLE.**

7 This title may be cited as the “Water Infrastructure  
 8 Finance and Innovation Act of 2013”.

9 **SEC. 10002. PURPOSES.**

10 The purpose of this title is to establish a pilot pro-  
 11 gram to assess the ability of innovative financing tools  
 12 to—

13 (1) promote increased development of critical  
 14 water resources infrastructure by establishing addi-  
 15 tional opportunities for financing water resources  
 16 projects that complement but do not replace or re-  
 17 duce existing Federal infrastructure financing tools  
 18 such as the State water pollution control revolving  
 19 loan funds established under title VI of the Federal  
 20 Water Pollution Control Act (33 U.S.C. 1381 et  
 21 seq.) and the State drinking water treatment revolv-  
 22 ing loan funds established under section 1452 of the  
 23 Safe Drinking Water Act (42 U.S.C. 300j–12);

24 (2) attract new investment capital to infrastruc-  
 25 ture projects that are capable of generating revenue

1 streams through user fees or other dedicated fund-  
2 ing sources;

3 (3) complement existing Federal funding  
4 sources and address budgetary constraints on the  
5 Corps of Engineers civil works program and existing  
6 wastewater and drinking water infrastructure fi-  
7 nancing programs;

8 (4) leverage private investment in water re-  
9 sources infrastructure;

10 (5) align investments in water resources infra-  
11 structure to achieve multiple benefits; and

12 (6) assist communities facing significant water  
13 quality, drinking water, or flood risk challenges with  
14 the development of water infrastructure projects.

15 **SEC. 10003. DEFINITIONS.**

16 In this title:

17 (1) ADMINISTRATOR.—The term “Adminis-  
18 trator” means the Administrator of the Environ-  
19 mental Protection Agency.

20 (2) COMMUNITY WATER SYSTEM.—The term  
21 “community water system” has the meaning given  
22 the term in section 1401 of the Safe Drinking Water  
23 Act (42 U.S.C. 300f).

24 (3) FEDERAL CREDIT INSTRUMENT.—The term  
25 “Federal credit instrument” means a secured loan

1 or loan guarantee authorized to be made available  
2 under this title with respect to a project.

3 (4) INVESTMENT-GRADE RATING.—The term  
4 “investment-grade rating” means a rating of BBB  
5 minus, Baa3, bbb minus, BBB (low), or higher as-  
6 signed by a rating agency to project obligations.

7 (5) LENDER.—

8 (A) IN GENERAL.—The term “lender”  
9 means any non-Federal qualified institutional  
10 buyer (as defined in section 230.144A(a) of  
11 title 17, Code of Federal Regulations (or a suc-  
12 cessor regulation), known as Rule 144A(a) of  
13 the Securities and Exchange Commission and  
14 issued under the Securities Act of 1933 (15  
15 U.S.C. 77a et seq.)).

16 (B) INCLUSIONS.—The term “lender” in-  
17 cludes—

18 (i) a qualified retirement plan (as de-  
19 fined in section 4974(c) of the Internal  
20 Revenue Code of 1986) that is a qualified  
21 institutional buyer; and

22 (ii) a governmental plan (as defined in  
23 section 414(d) of the Internal Revenue  
24 Code of 1986) that is a qualified institu-  
25 tional buyer.

1           (6) LOAN GUARANTEE.—The term “loan guar-  
2           antee” means any guarantee or other pledge by the  
3           Secretary or the Administrator to pay all or part of  
4           the principal of, and interest on, a loan or other debt  
5           obligation issued by an obligor and funded by a lend-  
6           er.

7           (7) OBLIGOR.—The term “obligor” means an  
8           eligible entity that is primarily liable for payment of  
9           the principal of, or interest on, a Federal credit in-  
10          strument.

11          (8) PROJECT OBLIGATION.—

12           (A) IN GENERAL.—The term “project obli-  
13           gation” means any note, bond, debenture, or  
14           other debt obligation issued by an obligor in  
15           connection with the financing of a project.

16           (B) EXCLUSION.—The term “project obli-  
17           gation” does not include a Federal credit in-  
18           strument.

19          (9) RATING AGENCY.—The term “rating agen-  
20          cy” means a credit rating agency registered with the  
21          Securities and Exchange Commission as a nationally  
22          recognized statistical rating organization (as defined  
23          in section 3(a) of the Securities Exchange Act of  
24          1934 (15 U.S.C. 78c(a))).

1           (10) RURAL WATER INFRASTRUCTURE  
2 PROJECT.—The term “rural water infrastructure  
3 project” means a project that—

4                   (A) is described in section 10007; and

5                   (B) is located in a water system that  
6 serves not more than 25,000 individuals.

7           (11) SECURED LOAN.—The term “secured  
8 loan” means a direct loan or other debt obligation  
9 issued by an obligor and funded by the Secretary in  
10 connection with the financing of a project under sec-  
11 tion 10010.

12           (12) STATE.—The term “State” means—

13                   (A) a State;

14                   (B) the District of Columbia;

15                   (C) the Commonwealth of Puerto Rico;

16           and

17                   (D) any other territory or possession of the  
18 United States.

19           (13) STATE INFRASTRUCTURE FINANCING AU-  
20 THORITY.—The term “State infrastructure financing  
21 authority” means the State entity established or des-  
22 ignated by the Governor of a State to receive a cap-  
23 italization grant provided by, or otherwise carry out  
24 the requirements of, title VI of the Federal Water  
25 Pollution Control Act (33 U.S.C. 1381 et. seq.) or

1 section 1452 of the Safe Drinking Water Act (42  
2 U.S.C. 300j-12).

3 (14) **SUBSIDY AMOUNT.**—The term “subsidy  
4 amount” means the amount of budget authority suf-  
5 ficient to cover the estimated long-term cost to the  
6 Federal Government of a Federal credit instrument,  
7 as calculated on a net present value basis, excluding  
8 administrative costs and any incidental effects on  
9 governmental receipts or outlays in accordance with  
10 the Federal Credit Reform Act of 1990 (2 U.S.C.  
11 661 et seq.).

12 (15) **SUBSTANTIAL COMPLETION.**—The term  
13 “substantial completion”, with respect to a project,  
14 means the earliest date on which a project is consid-  
15 ered to perform the functions for which the project  
16 is designed.

17 (16) **TREATMENT WORKS.**—The term “treat-  
18 ment works” has the meaning given the term in sec-  
19 tion 212 of the Federal Water Pollution Control Act  
20 (33 U.S.C. 1292).

21 **SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.**

22 (a) **IN GENERAL.**—The Secretary and the Adminis-  
23 trator may provide financial assistance under this title to  
24 carry out pilot projects, which shall be selected to ensure  
25 a diversity of project types and geographical locations.

1 (b) RESPONSIBILITY.—

2 (1) SECRETARY.—The Secretary shall carry out  
3 all pilot projects under this title that are eligible  
4 projects under section 10007(1).

5 (2) ADMINISTRATOR.—The Administrator shall  
6 carry out all pilot projects under this title that are  
7 eligible projects under paragraphs (2), (3), (4), (5),  
8 (6), and (8) of section 10007.

9 (3) OTHER PROJECTS.—The Secretary or the  
10 Administrator, as applicable, may carry out eligible  
11 projects under paragraph (7) or (9) of section  
12 10007.

13 **SEC. 10005. APPLICATIONS.**

14 (a) IN GENERAL.—To receive assistance under this  
15 title, an eligible entity shall submit to the Secretary or  
16 the Administrator, as applicable, an application at such  
17 time, in such manner, and containing such information as  
18 the Secretary or the Administrator may require.

19 (b) COMBINED PROJECTS.—In the case of an eligible  
20 project described in paragraph (8) or (9) of section 10007,  
21 the Secretary or the Administrator, as applicable, shall re-  
22 quire the eligible entity to submit a single application for  
23 the combined group of projects.



1 **SEC. 10006. ELIGIBLE ENTITIES.**

2 The following entities are eligible to receive assistance  
3 under this title:

4 (1) A corporation.

5 (2) A partnership.

6 (3) A joint venture.

7 (4) A trust.

8 (5) A Federal, State, or local governmental en-  
9 tity, agency, or instrumentality.

10 (6) A tribal government or consortium of tribal  
11 governments.

12 (7) A State infrastructure financing authority.

13 **SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.**

14 The following projects may be carried out with  
15 amounts made available under this title:

16 (1) A project for flood control or hurricane and  
17 storm damage reduction that the Secretary has de-  
18 termined is technically sound, economically justified,  
19 and environmentally acceptable, including—

20 (A) a structural or nonstructural measure  
21 to reduce flood risk, enhance stream flow, or  
22 protect natural resources; and

23 (B) a levee, dam, tunnel, aqueduct, res-  
24ervoir, or other related water infrastructure.

25 (2) 1 or more activities that are eligible for as-  
26sistance under section 603(c) of the Federal Water

1 Pollution Control Act (33 U.S.C. 1383(c)), notwith-  
2 standing the public ownership requirement under  
3 paragraph (1) of that subsection.

4 (3) 1 or more activities described in section  
5 1452(a)(2) of the Safe Drinking Water Act (42  
6 U.S.C. 300j-12(a)(2)).

7 (4) A project for enhanced energy efficiency in  
8 the operation of a public water system or a publicly  
9 owned treatment works.

10 (5) A project for repair, rehabilitation, or re-  
11 placement of a treatment works, community water  
12 system, or aging water distribution or waste collec-  
13 tion facility (including a facility that serves a popu-  
14 lation or community of an Indian reservation).

15 (6) A brackish or sea water desalination  
16 project, a managed aquifer recharge project, or a  
17 water recycling project.

18 (7) Acquisition of real property or an interest  
19 in real property—

20 (A) if the acquisition is integral to a  
21 project described in paragraphs (1) through (6);  
22 or

23 (B) pursuant to an existing plan that, in  
24 the judgment of the Administrator or the Sec-  
25 retary, as applicable, would mitigate the envi-

1           ronmental impacts of water resources infra-  
2           structure projects otherwise eligible for assist-  
3           ance under this section.

4           (8) A combination of projects, each of which is  
5           eligible under paragraph (2) or (3), for which a  
6           State infrastructure financing authority submits to  
7           the Administrator a single application.

8           (9) A combination of projects secured by a com-  
9           mon security pledge, each of which is eligible under  
10          paragraph (1), (2), (3), (4), (5), (6), or (7), for  
11          which an eligible entity, or a combination of eligible  
12          entities, submits a single application.

13 **SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.**

14          For purposes of this title, an eligible activity with re-  
15          spect to an eligible project includes the cost of—

16           (1) development-phase activities, including plan-  
17           ning, feasibility analysis (including any related anal-  
18           ysis necessary to carry out an eligible project), rev-  
19           enue forecasting, environmental review, permitting,  
20           preliminary engineering and design work, and other  
21           preconstruction activities;

22           (2) construction, reconstruction, rehabilitation,  
23           and replacement activities;

24           (3) the acquisition of real property or an inter-  
25           est in real property (including water rights, land re-

1       lating to the project, and improvements to land), en-  
2       vironmental mitigation (including acquisitions pursu-  
3       ant to section 10007(7)), construction contingencies,  
4       and acquisition of equipment;

5           (4) capitalized interest necessary to meet mar-  
6       ket requirements, reasonably required reserve funds,  
7       capital issuance expenses, and other carrying costs  
8       during construction; and

9           (5) refinancing interim construction funding,  
10      long-term project obligations, or a secured loan or  
11      loan guarantee made under this title.

12 **SEC. 10009. DETERMINATION OF ELIGIBILITY AND**  
13 **PROJECT SELECTION.**

14       (a) **ELIGIBILITY REQUIREMENTS.**—To be eligible to  
15      receive financial assistance under this title, a project shall  
16      meet the following criteria, as determined by the Secretary  
17      or Administrator, as applicable:

18           (1) **CREDITWORTHINESS.**—

19               (A) **IN GENERAL.**—Subject to subpara-  
20              graph (B), the project shall be creditworthy,  
21              which shall be determined by the Secretary or  
22              the Administrator, as applicable, who shall en-  
23              sure that any financing for the project has ap-  
24              propriate security features, such as a rate cov-  
25              enant, to ensure repayment.

1 (B) PRELIMINARY RATING OPINION LET-  
2 TER.—The Secretary or the Administrator, as  
3 applicable, shall require each project applicant  
4 to provide a preliminary rating opinion letter  
5 from at least 1 rating agency indicating that  
6 the senior obligations of the project (which may  
7 be the Federal credit instrument) have the po-  
8 tential to achieve an investment-grade rating.

9 (C) SPECIAL RULE FOR CERTAIN COM-  
10 BINED PROJECTS.—The Administrator shall de-  
11 velop a credit evaluation process for a Federal  
12 credit instrument provided to a State infra-  
13 structure financing authority for a project  
14 under section 10007(8) or an entity for a  
15 project under section 10007(9), which may in-  
16 clude requiring the provision of a preliminary  
17 rating opinion letter from at least 1 rating  
18 agency.

19 (2) ELIGIBLE PROJECT COSTS.—

20 (A) IN GENERAL.—Subject to subpara-  
21 graph (B), the eligible project costs of a project  
22 shall be reasonably anticipated to be not less  
23 than \$20,000,000.

24 (B) RURAL WATER INFRASTRUCTURE  
25 PROJECTS.—For rural water infrastructure

1 projects, the eligible project costs of a project  
2 shall be reasonably anticipated to be not less  
3 than \$5,000,000.

4 (3) DEDICATED REVENUE SOURCES.—The Fed-  
5 eral credit instrument for the project shall be repay-  
6 able, in whole or in part, from dedicated revenue  
7 sources that also secure the project obligations.

8 (4) PUBLIC SPONSORSHIP OF PRIVATE ENTI-  
9 TIES.—In the case of a project carried out by an en-  
10 tity that is not a State or local government or an  
11 agency or instrumentality of a State or local govern-  
12 ment or a tribal government or consortium of tribal  
13 governments, the project shall be publicly sponsored.

14 (5) LIMITATION.—No project receiving Federal  
15 credit assistance under this title may be financed or  
16 refinanced (directly or indirectly), in whole or in  
17 part, with proceeds of any obligation—

18 (A) the interest on which is exempt from  
19 the tax imposed under chapter 1 of the Internal  
20 Revenue Code of 1986; or

21 (B) with respect to which credit is allow-  
22 able under subpart I or J of part IV of sub-  
23 chapter A of chapter 1 of such Code.

24 (b) SELECTION CRITERIA.—

1           (1) ESTABLISHMENT.—The Secretary or the  
2 Administrator, as applicable, shall establish criteria  
3 for the selection of projects that meet the eligibility  
4 requirements of subsection (a), in accordance with  
5 paragraph (2).

6           (2) CRITERIA.—The selection criteria shall in-  
7 clude the following:

8           (A) The extent to which the project is na-  
9 tionally or regionally significant, with respect to  
10 the generation of economic and public benefits,  
11 such as—

12                   (i) the reduction of flood risk;

13                   (ii) the improvement of water quality  
14 and quantity, including aquifer recharge;

15                   (iii) the protection of drinking water;

16                   and

17                   (iv) the support of international com-  
18 merce.

19           (B) The extent to which the project financ-  
20 ing plan includes public or private financing in  
21 addition to assistance under this title.

22           (C) The likelihood that assistance under  
23 this title would enable the project to proceed at  
24 an earlier date than the project would otherwise  
25 be able to proceed.

1           (D) The extent to which the project uses  
2 new or innovative approaches.

3           (E) The amount of budget authority re-  
4 quired to fund the Federal credit instrument  
5 made available under this title.

6           (F) The extent to which the project—  
7           (i) protects against extreme weather  
8 events, such as floods or hurricanes; or  
9           (ii) helps maintain or protect the envi-  
10 ronment.

11           (G) The extent to which a project serves  
12 regions with significant energy exploration, de-  
13 velopment, or production areas.

14           (H) The extent to which a project serves  
15 regions with significant water resource chal-  
16 lenges, including the need to address—

17           (i) water quality concerns in areas of  
18 regional, national, or international signifi-  
19 cance;

20           (ii) water quantity concerns related to  
21 groundwater, surface water, or other water  
22 sources;

23           (iii) significant flood risk;



1 (iv) water resource challenges identi-  
2 fied in existing regional, State, or  
3 multistate agreements; or

4 (v) water resources with exceptional  
5 recreational value or ecological importance.

6 (I) The extent to which assistance under  
7 this title reduces the contribution of Federal as-  
8 sistance to the project.

9 (3) SPECIAL RULE FOR CERTAIN COMBINED  
10 PROJECTS.—For a project described in section  
11 10007(8), the Administrator shall only consider the  
12 criteria described in subparagraphs (B) through (I)  
13 of paragraph (2).

14 (c) FEDERAL REQUIREMENTS.—Nothing in this sec-  
15 tion supersedes the applicability of other requirements of  
16 Federal law (including regulations).

17 **SEC. 10010. SECURED LOANS.**

18 (a) AGREEMENTS.—

19 (1) IN GENERAL.—Subject to paragraphs (2)  
20 through (4), the Secretary or the Administrator, as  
21 applicable, may enter into agreements with 1 or  
22 more obligors to make secured loans, the proceeds of  
23 which shall be used—

24 (A) to finance eligible project costs of any  
25 project selected under section 10009;

1 (B) to refinance interim construction fi-  
2 nancing of eligible project costs of any project  
3 selected under section 10009; or

4 (C) to refinance long-term project obliga-  
5 tions or Federal credit instruments, if that refi-  
6 nancing provides additional funding capacity for  
7 the completion, enhancement, or expansion of  
8 any project that—

9 (i) is selected under section 10009; or

10 (ii) otherwise meets the requirements

11 of section 10009.

12 (2) LIMITATION ON REFINANCING OF INTERIM  
13 CONSTRUCTION FINANCING.—A secured loan under  
14 paragraph (1) shall not be used to refinance interim  
15 construction financing under paragraph (1)(B) later  
16 than 1 year after the date of substantial completion  
17 of the applicable project.

18 (3) FINANCIAL RISK ASSESSMENT.—Before en-  
19 tering into an agreement under this subsection for  
20 a secured loan, the Secretary or the Administrator,  
21 as applicable, in consultation with the Director of  
22 the Office of Management and Budget and each rat-  
23 ing agency providing a preliminary rating opinion  
24 letter under section 10009(a)(1)(B), shall determine  
25 an appropriate capital reserve subsidy amount for

1 the secured loan, taking into account each such pre-  
2 liminary rating opinion letter.

3 (4) INVESTMENT-GRADE RATING REQUIRE-  
4 MENT.—The execution of a secured loan under this  
5 section shall be contingent on receipt by the senior  
6 obligations of the project of an investment-grade rat-  
7 ing.

8 (b) TERMS AND LIMITATIONS.—

9 (1) IN GENERAL.—A secured loan provided for  
10 a project under this section shall be subject to such  
11 terms and conditions, and contain such covenants,  
12 representations, warranties, and requirements (in-  
13 cluding requirements for audits), as the Secretary or  
14 the Administrator, as applicable, determines to be  
15 appropriate.

16 (2) MAXIMUM AMOUNT.—The amount of a se-  
17 cured loan under this section shall not exceed the  
18 lesser of—

19 (A) an amount equal to 49 percent of the  
20 reasonably anticipated eligible project costs; and

21 (B) if the secured loan does not receive an  
22 investment-grade rating, the amount of the sen-  
23 ior project obligations of the project.

24 (3) PAYMENT.—A secured loan under this sec-  
25 tion—

1           (A) shall be payable, in whole or in part,  
2           from State or local taxes, user fees, or other  
3           dedicated revenue sources that also secure the  
4           senior project obligations of the relevant  
5           project;

6           (B) shall include a rate covenant, coverage  
7           requirement, or similar security feature sup-  
8           porting the project obligations; and

9           (C) may have a lien on revenues described  
10          in subparagraph (A), subject to any lien secur-  
11          ing project obligations.

12          (4) INTEREST RATE.—The interest rate on a  
13          secured loan under this section shall be not less than  
14          the yield on United States Treasury securities of a  
15          similar maturity to the maturity of the secured loan  
16          on the date of execution of the loan agreement.

17          (5) MATURITY DATE.—

18               (A) IN GENERAL.—The final maturity date  
19               of a secured loan under this section shall be not  
20               later than 35 years after the date of substantial  
21               completion of the relevant project.

22               (B) SPECIAL RULE FOR STATE INFRA-  
23               STRUCTURE FINANCING AUTHORITIES.—The  
24               final maturity date of a secured loan to a State  
25               infrastructure financing authority under this

1 section shall be not later than 35 years after  
2 the date on which amounts are first disbursed.

3 (6) NONSUBORDINATION.—A secured loan  
4 under this section shall not be subordinated to the  
5 claims of any holder of project obligations in the  
6 event of bankruptcy, insolvency, or liquidation of the  
7 obligor of the project.

8 (7) FEES.—The Secretary or the Adminis-  
9 trator, as applicable, may establish fees at a level  
10 sufficient to cover all or a portion of the costs to the  
11 Federal Government of making a secured loan under  
12 this section.

13 (8) NON-FEDERAL SHARE.—The proceeds of a  
14 secured loan under this section may be used to pay  
15 any non-Federal share of project costs required if  
16 the loan is repayable from non-Federal funds.

17 (9) MAXIMUM FEDERAL INVOLVEMENT.—

18 (A) IN GENERAL.—Except as provided in  
19 subparagraph (B), for each project for which  
20 assistance is provided under this title, the total  
21 amount of Federal assistance shall not exceed  
22 80 percent of the total project cost.

23 (B) EXCEPTION.—Subparagraph (A) shall  
24 not apply to any rural water project—

1 (i) that is authorized to be carried out  
2 by the Secretary of the Interior;

3 (ii) that includes among its bene-  
4 ficiaries a federally recognized Indian tribe;  
5 and

6 (iii) for which the authorized Federal  
7 share of the total project costs is greater  
8 than the amount described in subpara-  
9 graph (A).

10 (c) REPAYMENT.—

11 (1) SCHEDULE.—The Secretary or the Admin-  
12 istrator, as applicable, shall establish a repayment  
13 schedule for each secured loan provided under this  
14 section, based on the projected cash flow from  
15 project revenues and other repayment sources.

16 (2) COMMENCEMENT.—

17 (A) IN GENERAL.—Scheduled loan repay-  
18 ments of principal or interest on a secured loan  
19 under this section shall commence not later  
20 than 5 years after the date of substantial com-  
21 pletion of the project.

22 (B) SPECIAL RULE FOR STATE INFRA-  
23 STRUCTURE FINANCING AUTHORITIES.—Sched-  
24 uled loan repayments of principal or interest on  
25 a secured loan to a State infrastructure financ-

1           ing authority under this title shall commence  
2           not later than 5 years after the date on which  
3           amounts are first disbursed.

4           (3) DEFERRED PAYMENTS.—

5           (A) AUTHORIZATION.—If, at any time  
6           after the date of substantial completion of a  
7           project for which a secured loan is provided  
8           under this section, the project is unable to gen-  
9           erate sufficient revenues to pay the scheduled  
10          loan repayments of principal and interest on the  
11          secured loan, the Secretary or the Adminis-  
12          trator, as applicable, subject to subparagraph  
13          (C), may allow the obligor to add unpaid prin-  
14          cipal and interest to the outstanding balance of  
15          the secured loan.

16          (B) INTEREST.—Any payment deferred  
17          under subparagraph (A) shall—

18                  (i) continue to accrue interest in ac-  
19                  cordance with subsection (b)(4) until fully  
20                  repaid; and

21                  (ii) be scheduled to be amortized over  
22                  the remaining term of the secured loan.

23          (C) CRITERIA.—

24                  (i) IN GENERAL.—Any payment defer-  
25                  ral under subparagraph (A) shall be con-

1           tingent on the project meeting such cri-  
2           teria as the Secretary or the Adminis-  
3           trator, as applicable, may establish.

4           (ii) REPAYMENT STANDARDS.—The  
5           criteria established under clause (i) shall  
6           include standards for reasonable assurance  
7           of repayment.

8           (4) PREPAYMENT.—

9           (A) USE OF EXCESS REVENUES.—Any ex-  
10          cess revenues that remain after satisfying  
11          scheduled debt service requirements on the  
12          project obligations and secured loan and all de-  
13          posit requirements under the terms of any trust  
14          agreement, bond resolution, or similar agree-  
15          ment securing project obligations may be ap-  
16          plied annually to prepay a secured loan under  
17          this section without penalty.

18          (B) USE OF PROCEEDS OF REFI-  
19          NANCING.—A secured loan under this section  
20          may be prepaid at any time without penalty  
21          from the proceeds of refinancing from non-Fed-  
22          eral funding sources.

23          (d) SALE OF SECURED LOANS.—

24               (1) IN GENERAL.—Subject to paragraph (2), as  
25          soon as practicable after the date of substantial



1 completion of a project and after providing a notice  
2 to the obligor, the Secretary or the Administrator, as  
3 applicable, may sell to another entity or reoffer into  
4 the capital markets a secured loan for a project  
5 under this section, if the Secretary or the Adminis-  
6 trator, as applicable, determines that the sale or re-  
7 offering can be made on favorable terms.

8 (2) CONSENT OF OBLIGOR.—In making a sale  
9 or reoffering under paragraph (1), the Secretary or  
10 the Administrator, as applicable, may not change the  
11 original terms and conditions of the secured loan  
12 without the written consent of the obligor.

13 (e) LOAN GUARANTEES.—

14 (1) IN GENERAL.—The Secretary or the Admin-  
15 istrator, as applicable, may provide a loan guarantee  
16 to a lender in lieu of making a secured loan under  
17 this section, if the Secretary or the Administrator,  
18 as applicable, determines that the budgetary cost of  
19 the loan guarantee is substantially the same as that  
20 of a secured loan.

21 (2) TERMS.—The terms of a loan guarantee  
22 provided under this subsection shall be consistent  
23 with the terms established in this section for a se-  
24 cured loan, except that the rate on the guaranteed  
25 loan and any prepayment features shall be nego-

1       tiated between the obligor and the lender, with the  
2       consent of the Secretary or the Administrator, as  
3       applicable.

4 **SEC. 10011. PROGRAM ADMINISTRATION.**

5       (a) **REQUIREMENT.**—The Secretary or the Adminis-  
6       trator, as applicable, shall establish a uniform system to  
7       service the Federal credit instruments made available  
8       under this title.

9       (b) **FEEES.**—

10           (1) **IN GENERAL.**—The Secretary or the Admin-  
11       istrator, as applicable, may collect and spend fees,  
12       contingent on authority being provided in appropria-  
13       tions Acts, at a level that is sufficient to cover—

14           (A) the costs of services of expert firms re-  
15       tained pursuant to subsection (d); and

16           (B) all or a portion of the costs to the  
17       Federal Government of servicing the Federal  
18       credit instruments provided under this title.

19       (c) **SERVICER.**—

20           (1) **IN GENERAL.**—The Secretary or the Admin-  
21       istrator, as applicable, may appoint a financial entity  
22       to assist the Secretary or the Administrator in serv-  
23       icing the Federal credit instruments provided under  
24       this title.

1           (2) DUTIES.—A servicer appointed under para-  
2           graph (1) shall act as the agent for the Secretary or  
3           the Administrator, as applicable.

4           (3) FEE.—A servicer appointed under para-  
5           graph (1) shall receive a servicing fee, subject to ap-  
6           proval by the Secretary or the Administrator, as ap-  
7           plicable.

8           (d) ASSISTANCE FROM EXPERTS.—The Secretary or  
9           the Administrator, as applicable, may retain the services,  
10          including counsel, of organizations and entities with exper-  
11          tise in the field of municipal and project finance to assist  
12          in the underwriting and servicing of Federal credit instru-  
13          ments provided under this title.

14          (e) APPLICABILITY OF OTHER LAWS.—Section 513  
15          of the Federal Water Pollution Control Act (33 U.S.C.  
16          1372) applies to the construction of a project carried out,  
17          in whole or in part, with assistance made available through  
18          a Federal credit instrument under this title in the same  
19          manner that section applies to a treatment works for  
20          which a grant is made available under that Act.

21          **SEC. 10012. STATE, TRIBAL, AND LOCAL PERMITS.**

22          The provision of financial assistance for project under  
23          this title shall not—

1           (1) relieve any recipient of the assistance of any  
2           obligation to obtain any required State, local, or  
3           tribal permit or approval with respect to the project;

4           (2) limit the right of any unit of State, local,  
5           or tribal government to approve or regulate any rate  
6           of return on private equity invested in the project;  
7           or

8           (3) otherwise supersede any State, local, or  
9           tribal law (including any regulation) applicable to  
10          the construction or operation of the project.

11 **SEC. 10013. REGULATIONS.**

12          The Secretary or the Administrator, as applicable,  
13          may promulgate such regulations as the Secretary or Ad-  
14          ministrator determines to be appropriate to carry out this  
15          title.

16 **SEC. 10014. FUNDING.**

17          (a) **IN GENERAL.**—There is authorized to be appro-  
18          priated to each of the Secretary and the Administrator  
19          to carry out this title \$50,000,000 for each of fiscal years  
20          2014 through 2018, to remain available until expended.

21          (b) **ADMINISTRATIVE COSTS.**—Of the funds made  
22          available to carry out this title, the Secretary or the Ad-  
23          ministrator, as applicable, may use for the administration  
24          of this title, including for the provision of technical assist-  
25          ance to aid project sponsors in obtaining the necessary ap-

1 provals for the project, not more than \$2,200,000 for each  
2 of fiscal years 2014 through 2018.

3 **SEC. 10015. REPORT TO CONGRESS.**

4 Not later than 2 years after the date of enactment  
5 of this Act, and every 2 years thereafter, the Secretary  
6 or the Administrator, as applicable, shall submit to the  
7 Committee on Environment and Public Works of the Sen-  
8 ate and the Committee on Transportation and Infrastruc-  
9 ture of the House of Representatives a report summa-  
10 rizing for the projects that are receiving, or have received,  
11 assistance under this title—

12 (1) the financial performance of those projects,  
13 including a recommendation as to whether the objec-  
14 tives of this title are being met; and

15 (2) the public benefit provided by those  
16 projects, including, as applicable, water quality and  
17 water quantity improvement, the protection of drink-  
18 ing water, and the reduction of flood risk.

19 **SEC. 10016. USE OF AMERICAN IRON, STEEL, AND MANU-  
20 FACTURED GOODS.**

21 (a) IN GENERAL.—Except as provided in subsection  
22 (b), none of the amounts made available under this Act  
23 may be used for the construction, alteration, maintenance,  
24 or repair of a project eligible for assistance under this title

1 unless all of the iron, steel, and manufactured goods used  
2 in the project are produced in the United States.

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

6 (1) applying subsection (a) would be incon-  
7 sistent with the public interest;

8 (2) iron, steel, and the relevant manufactured  
9 goods are not produced in the United States in suffi-  
10 cient and reasonably available quantities and of a  
11 satisfactory quality; or

12 (3) inclusion of iron, steel, and manufactured  
13 goods produced in the United States will increase  
14 the cost of the overall project by more than 25 per-  
15 cent.

16 (c) PUBLIC NOTICE.—If the Secretary determines  
17 that it is necessary to waive the application of subsection  
18 (a) based on a finding under subsection (b), the Secretary  
19 shall publish in the Federal Register a detailed written  
20 justification as to why the provision is being waived.

21 (d) INTERNATIONAL AGREEMENTS.—This section  
22 shall be applied in a manner consistent with United States  
23 obligations under international agreements.

# 1 **TITLE XI—EXTREME WEATHER**

## 2 **SEC. 11001. DEFINITION OF RESILIENT CONSTRUCTION** 3 **TECHNIQUE.**

4 In this title, the term “resilient construction tech-  
5 nique” means a construction method that—

6 (1) allows a property—

7 (A) to resist hazards brought on by a  
8 major disaster; and

9 (B) to continue to provide the primary  
10 functions of the property after a major disaster;

11 (2) reduces the magnitude or duration of a dis-  
12 ruptive event to a property; and

13 (3) has the absorptive capacity, adaptive capac-  
14 ity, and recoverability to withstand a potentially dis-  
15 ruptive event.

## 16 **SEC. 11002. STUDY ON RISK REDUCTION.**

17 (a) IN GENERAL.—Not later than 18 months after  
18 the date of enactment of this Act, the Secretary, in coordi-  
19 nation with the Secretary of the Interior and the Secretary  
20 of Commerce, shall enter into an arrangement with the  
21 National Academy of Sciences to carry out a study and  
22 make recommendations relating to infrastructure and  
23 coastal restoration options for reducing risk to human life  
24 and property from extreme weather events, such as hurri-  
25 canes, coastal storms, and inland flooding.

1 (b) CONSIDERATIONS.—The study under subsection

2 (a) shall include—

3 (1) an analysis of strategies and water re-  
4 sources projects, including authorized water re-  
5 sources projects that have not yet been constructed,  
6 and other projects implemented in the United States  
7 and worldwide to respond to risk associated with ex-  
8 treme weather events;

9 (2) an analysis of—

10 (A) historical extreme weather events;

11 (B) the ability of existing infrastructure to  
12 mitigate risks associated with extreme weather  
13 events; and

14 (C) the reduction in long-term costs and  
15 vulnerability to infrastructure through the use  
16 of resilient construction techniques.

17 (3) identification of proven, science-based ap-  
18 proaches and mechanisms for ecosystem protection  
19 and identification of natural resources likely to have  
20 the greatest need for protection, restoration, and  
21 conservation so that the infrastructure and restora-  
22 tion projects can continue safeguarding the commu-  
23 nities in, and sustaining the economy of, the United  
24 States;



1           (4) an estimation of the funding necessary to  
2 improve infrastructure in the United States to re-  
3 duce risk associated with extreme weather events;

4           (5) an analysis of the adequacy of current fund-  
5 ing sources and the identification of potential new  
6 funding sources to finance the necessary infrastruc-  
7 ture improvements referred to in paragraph (3); and

8           (6) an analysis of the Federal, State, and local  
9 costs of natural disasters and the potential cost-sav-  
10 ings associated with implementing mitigation meas-  
11 ures.

12       (c) COORDINATION.—The National Academy of  
13 Sciences may cooperate with the National Academy of  
14 Public Administration to carry out 1 or more aspects of  
15 the study under subsection (a).

16       (d) PUBLICATION.—Not later than 30 days after  
17 completion of the study under subsection (a), the National  
18 Academy of Sciences shall—

19           (1) submit a copy of the study to the Com-  
20 mittee on Environment and Public Works of the  
21 Senate and the Committee on Transportation and  
22 Infrastructure of the House of Representatives; and

23           (2) make a copy of the study available on a  
24 publicly accessible Internet site.

1 **SEC. 11003. GAO STUDY ON MANAGEMENT OF FLOOD,**  
2 **DROUGHT, AND STORM DAMAGE.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the Comptroller General  
5 shall submit to the Committee on Environment and Public  
6 Works of the Senate and the Committee on Transpor-  
7 tation and Infrastructure of the House of Representatives  
8 a study of the strategies used by the Corps of Engineers  
9 for the comprehensive management of water resources in  
10 response to floods, storms, and droughts, including an his-  
11 torical review of the ability of the Corps of Engineers to  
12 manage and respond to historical drought, storm, and  
13 flood events.

14 (b) CONSIDERATIONS.—The study under subsection  
15 (a) shall address—

16 (1) the extent to which existing water manage-  
17 ment activities of the Corps of Engineers can better  
18 meet the goal of addressing future flooding, drought,  
19 and storm damage risks, which shall include analysis  
20 of all historical extreme weather events that have  
21 been recorded during the previous 5 centuries as  
22 well as in the geological record;

23 (2) whether existing water resources projects  
24 built or maintained by the Corps of Engineers, in-  
25 cluding dams, levees, floodwalls, flood gates, and  
26 other appurtenant infrastructure were designed to

1 adequately address flood, storm, and drought im-  
2 pacts and the extent to which the water resources  
3 projects have been successful at addressing those im-  
4 pacts;

5 (3) any recommendations for approaches for re-  
6 pairing, rebuilding, or restoring infrastructure, land,  
7 and natural resources that consider the risks and  
8 vulnerabilities associated with past and future ex-  
9 treme weather events;

10 (4) whether a reevaluation of existing manage-  
11 ment approaches of the Corps of Engineers could re-  
12 sult in greater efficiencies in water management and  
13 project delivery that would enable the Corps of Engi-  
14 neers to better prepare for, contain, and respond to  
15 flood, storm, and drought conditions;

16 (5) any recommendations for improving the  
17 planning processes of the Corps of Engineers to pro-  
18 vide opportunities for comprehensive management of  
19 water resources that increases efficiency and im-  
20 proves response to flood, storm, and drought condi-  
21 tions;

22 (6) any recommendations on the use of resilient  
23 construction techniques to reduce future vulner-  
24 ability from flood, storm, and drought conditions;  
25 and

1           (7) any recommendations for improving ap-  
2           proaches to rebuilding or restoring infrastructure  
3           and natural resources that contribute to risk reduc-  
4           tion, such as coastal wetlands, to prepare for flood  
5           and drought.

6 **SEC. 11004. POST-DISASTER WATERSHED ASSESSMENTS.**

7           (a) WATERSHED ASSESSMENTS.—

8           (1) IN GENERAL.—In an area that the Presi-  
9           dent has declared a major disaster in accordance  
10          with section 401 of the Robert T. Stafford Disaster  
11          Relief and Emergency Assistance Act (42 U.S.C.  
12          5170), the Secretary may carry out a watershed as-  
13          sessment to identify, to the maximum extent prac-  
14          ticable, specific flood risk reduction, hurricane and  
15          storm damage reduction, ecosystem restoration, or  
16          navigation project recommendations that will help to  
17          rehabilitate and improve the resiliency of damaged  
18          infrastructure and natural resources to reduce risks  
19          to human life and property from future natural dis-  
20          asters.

21          (2) EXISTING PROJECTS.—A watershed assess-  
22          ment carried out paragraph (1) may identify existing  
23          projects being carried out under 1 or more of the  
24          authorities referred to in subsection (b) (1).

1           (3) DUPLICATE WATERSHED ASSESSMENTS.—

2           In carrying out a watershed assessment under para-  
3           graph (1), the Secretary shall use all existing water-  
4           shed assessments and related information developed  
5           by the Secretary or other Federal, State, or local en-  
6           tities.

7           (b) PROJECTS.—

8           (1) IN GENERAL.—The Secretary may carry out  
9           1 or more small projects identified in a watershed  
10          assessment under subsection (a) that the Secretary  
11          would otherwise be authorized to carry out under—

12                   (A) section 205 of the Flood Control Act  
13                   of 1948 (33 U.S.C. 701s);

14                   (B) section 111 of the River and Harbor  
15                   Act of 1968 (33 U.S.C. 426i);

16                   (C) section 206 of the Water Resources  
17                   Development Act of 1996 (33 U.S.C. 2330);

18                   (D) section 1135 of the Water Resources  
19                   Development Act of 1986 (33 U.S.C. 2309a);

20                   (E) section 107 of the River and Harbor  
21                   Act of 1960 (33 U.S.C. 577); or

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

24          (2) EXISTING PROJECTS.—In carrying out a  
25          project under paragraph (1), the Secretary shall—

1 (A) to the maximum extent practicable,  
2 use all existing information and studies avail-  
3 able for the project; and

4 (B) not require any element of a study  
5 completed for the project prior to the disaster  
6 to be repeated.

7 (c) REQUIREMENTS.—All requirements applicable to  
8 a project under the Acts described in subsection (b) shall  
9 apply to the project.

10 (d) LIMITATIONS ON ASSESSMENTS.—

11 (1) IN GENERAL.—A watershed assessment  
12 under subsection (a) shall be initiated not later than  
13 2 years after the date on which the major disaster  
14 declaration is issued.

15 (2) FEDERAL SHARE.—The Federal share of  
16 the cost of carrying out a watershed assessment  
17 under subsection (a) shall not exceed \$1,000,000.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section  
20 \$25,000,000 for each of fiscal years 2014 through 2018.

21 **SEC. 11005. AUTHORITY TO ACCEPT AND EXPEND NON-FED-**  
22 **ERAL AMOUNTS.**

23 The Secretary is authorized to accept and expend  
24 amounts provided by non-Federal interests for the purpose  
25 of repairing, restoring, or replacing water resources

1 projects that have been damaged or destroyed as a result  
2 of a major disaster or other emergency if the Secretary  
3 determines that the acceptance and expenditure of those  
4 amounts is in the public interest.

5                   **TITLE XII—NATIONAL**  
6                   **ENDOWMENT FOR THE OCEANS**

7 **SEC. 12001. SHORT TITLE.**

8           This title may be cited as the “National Endowment  
9 for the Oceans Act”.

10 **SEC. 12002. PURPOSES.**

11           The purposes of this title are to protect, conserve,  
12 restore, and understand the oceans, coasts, and Great  
13 Lakes of the United States, ensuring present and future  
14 generations will benefit from the full range of ecological,  
15 economic, educational, social, cultural, nutritional, and  
16 recreational opportunities and services these resources are  
17 capable of providing.

18 **SEC. 12003. DEFINITIONS.**

19           In this title:

20                   (1) **COASTAL SHORELINE COUNTY.**—The term  
21           “coastal shoreline county” has the meaning given  
22           the term by the Administrator of the Federal Emer-  
23           gency Management Agency for purposes of admin-  
24           istering the National Flood Insurance Act of 1968  
25           (42 U.S.C. 4001 et seq.).

1           (2) COASTAL STATE.—The term “coastal  
2 State” has the meaning given the term “coastal  
3 state” in section 304 of the Coastal Zone Manage-  
4 ment Act of 1972 (16 U.S.C. 1453).

5           (3) CORPUS.—The term “corpus”, with respect  
6 to the Endowment fund, means an amount equal to  
7 the Federal payments to such fund, amounts con-  
8 tributed to the fund from non-Federal sources, and  
9 appreciation from capital gains and reinvestment of  
10 income.

11           (4) ENDOWMENT.—The term “Endowment”  
12 means the endowment established under subsection  
13 (a).

14           (5) ENDOWMENT FUND.—The term “Endow-  
15 ment fund” means a fund, or a tax-exempt founda-  
16 tion, established and maintained pursuant to this  
17 title by the Foundation for the purposes described in  
18 section 12004(a).

19           (6) FOUNDATION.—The term “Foundation”  
20 means the National Fish and Wildlife Foundation  
21 established by section 2(a) of the National Fish and  
22 Wildlife Foundation Establishment Act (16 U.S.C.  
23 3701(a)).

24           (7) INCOME.—The term “income”, with respect  
25 to the Endowment fund, means an amount equal to



1 the dividends and interest accruing from investments  
2 of the corpus of such fund.

3 (8) INDIAN TRIBE.—The term “Indian tribe”  
4 has the meaning given that term in section 4 of the  
5 Indian Self-Determination and Education Assistance  
6 Act (25 U.S.C. 450b).

7 (9) SECRETARY.—The term “Secretary” means  
8 the Secretary of Commerce.

9 (10) TIDAL SHORELINE.—The term “tidal  
10 shoreline” has the meaning given that term pursu-  
11 ant to section 923.110(c)(2)(i) of title 15, Code of  
12 Federal Regulations, or a similar successor regula-  
13 tion.

14 **SEC. 12004. NATIONAL ENDOWMENT FOR THE OCEANS.**

15 (a) ESTABLISHMENT.—The Secretary and the Foun-  
16 dation are authorized to establish the National Endow-  
17 ment for the Oceans as a permanent Endowment fund,  
18 in accordance with this section, to further the purposes  
19 of this title and to support the programs established under  
20 this title.

21 (b) AGREEMENTS.—The Secretary and the Founda-  
22 tion may enter into such agreements as may be necessary  
23 to carry out the purposes of this title.

1       (c) DEPOSITS.—There shall be deposited in the  
2 Fund, which shall constitute the assets of the Fund,  
3 amounts as follows:

4           (1) Amounts appropriated or otherwise made  
5 available to carry out this title.

6           (2) Amounts earned through investment under  
7 subsection (d).

8       (d) INVESTMENTS.—The Foundation shall invest the  
9 Endowment fund corpus and income for the benefit of the  
10 Endowment.

11       (e) REQUIREMENTS.—Any amounts received by the  
12 Foundation pursuant to this title shall be subject to the  
13 provisions of the National Fish and Wildlife Establish-  
14 ment Act (16 U.S.C. 3701 et seq.), except the provisions  
15 of section 10(a) of that Act (16 U.S.C. 3709(a)).

16       (f) WITHDRAWALS AND EXPENDITURES.—

17           (1) ALLOCATION OF FUNDS.—Each fiscal year,  
18 the Foundation shall, in consultation with the Sec-  
19 retary, allocate an amount equal to not less than 3  
20 percent and not more than 7 percent of the corpus  
21 of the Endowment fund and the income generated  
22 from the Endowment fund from the current fiscal  
23 year.

1           (2) EXPENDITURE.—Except as provided in  
2 paragraph (3), of the amounts allocated under para-  
3 graph (1) for each fiscal year—

4           (A) at least 59 percent shall be used by the  
5 Foundation to award grants to coastal States  
6 under section 12006(b);

7           (B) at least 39 percent shall be allocated  
8 by the Foundation to award grants under sec-  
9 tion 12006(c); and

10          (C) no more than 2 percent may be used  
11 by the Secretary and the Foundation for ad-  
12 ministrative expenses to carry out this title,  
13 which amount shall be divided between the Sec-  
14 retary and the Foundation pursuant to an  
15 agreement reached and documented by both the  
16 Secretary and the Foundation.

17          (3) PROGRAM ADJUSTMENTS.—

18          (A) IN GENERAL.—In any fiscal year in  
19 which the amount described in subparagraph  
20 (B) is less than \$100,000,000, the Foundation,  
21 in consultation with the Secretary, may elect  
22 not to use any of the amounts allocated under  
23 paragraph (1) for that fiscal year to award  
24 grants under section 12006(b).

1           (B) DETERMINATION AMOUNT.—The  
2           amount described in this subparagraph for a  
3           fiscal year is the amount that is equal to the  
4           sum of—

5                   (i) the amount that is 5 percent of the  
6                   corpus of the Endowment fund; and

7                   (ii) the aggregate amount of income  
8                   the Foundation expects to be generated  
9                   from the Endowment fund in that fiscal  
10                  year.

11          (g) RECOVERY OF PAYMENTS.—After notice and an  
12          opportunity for a hearing, the Secretary is authorized to  
13          recover any Federal payments under this section if the  
14          Foundation—

15                  (1) makes a withdrawal or expenditure of the  
16                  corpus of the Endowment fund or the income of the  
17                  Endowment fund that is not consistent with the re-  
18                  quirements of section 12005; or

19                  (2) fails to comply with a procedure, measure,  
20                  method, or standard established under section  
21                  12006(a)(1).

22          **SEC. 12005. ELIGIBLE USES.**

23          (a) IN GENERAL.—Amounts in the Endowment may  
24          be allocated by the Foundation to support programs and  
25          activities intended to restore, protect, maintain, or under-

1 stand living marine resources and their habitats and  
2 ocean, coastal, and Great Lakes resources, including base-  
3 line scientific research, ocean observing, and other pro-  
4 grams and activities carried out in coordination with Fed-  
5 eral and State departments or agencies, that are con-  
6 sistent with Federal environmental laws and that avoid en-  
7 vironmental degradation, including the following:

8           (1) Ocean, coastal, and Great Lakes restoration  
9           and protection, including the protection of the envi-  
10          ronmental integrity of such areas, and their related  
11          watersheds, including efforts to mitigate potential  
12          impacts of sea level change, changes in ocean chem-  
13          istry, and changes in ocean temperature.

14          (2) Restoration, protection, or maintenance of  
15          living ocean, coastal, and Great Lakes resources and  
16          their habitats, including marine protected areas and  
17          riparian migratory habitat of coastal and marine  
18          species.

19          (3) Planning for and managing coastal develop-  
20          ment to enhance ecosystem integrity or minimize im-  
21          pacts from sea level change and coastal erosion.

22          (4) Analyses of current and anticipated impacts  
23          of ocean acidification and assessment of potential ac-  
24          tions to minimize harm to ocean, coastal, and Great  
25          Lakes ecosystems.

1           (5) Analyses of, and planning for, current and  
2 anticipated uses of ocean, coastal, and Great Lakes  
3 areas.

4           (6) Regional, subregional, or site-specific man-  
5 agement efforts designed to manage, protect, or re-  
6 store ocean, coastal, and Great Lakes resources and  
7 ecosystems.

8           (7) Research, assessment, monitoring, observa-  
9 tion, modeling, and sharing of scientific information  
10 that contribute to the understanding of ocean, coast-  
11 al, and Great Lakes ecosystems and support the  
12 purposes of this title.

13           (8) Efforts to understand better the processes  
14 that govern the fate and transport of petroleum hy-  
15 drocarbons released into the marine environment  
16 from natural and anthropogenic sources, including  
17 spills.

18           (9) Efforts to improve spill response and pre-  
19 paredness technologies.

20           (10) Acquiring property or interests in property  
21 in coastal and estuarine areas, if such property or  
22 interest is acquired in a manner that will ensure  
23 such property or interest will be administered to  
24 support the purposes of this title.

1           (11) Protection and relocation of critical coastal  
2       public infrastructure affected by erosion or sea level  
3       change.

4       (b) MATCHING REQUIREMENT.—An amount from the  
5       Endowment may not be allocated to fund a project or ac-  
6       tivity described in paragraph (10) or (11) of subsection  
7       (a) unless non-Federal contributions in an amount equal  
8       to 30 percent or more of the cost of such project or activity  
9       is made available to carry out such project or activity.

10       (c) CONSIDERATIONS FOR GREAT LAKES STATES.—  
11       Programs and activities funded in Great Lakes States  
12       shall also seek to attain the goals embodied in the Great  
13       Lakes Restoration Initiative Plan, the Great Lakes Re-  
14       gional Collaboration Strategy, the Great Lakes Water  
15       Quality Agreement, or other collaborative planning efforts  
16       of the Great Lakes Region.

17       (d) PROHIBITION ON USE OF FUNDS FOR LITIGA-  
18       TION.—No funds made available under this title may be  
19       used to fund litigation over any matter.

20       **SEC. 12006. GRANTS.**

21       (a) ADMINISTRATION OF GRANTS.—

22           (1) IN GENERAL.—Not later than 90 days after  
23       the date of the enactment of this Act, the Founda-  
24       tion shall establish the following:

1           (A) Application and review procedures for  
2 the awarding of grants under this section, in-  
3 cluding requirements ensuring that any  
4 amounts awarded under such subsections may  
5 only be used for an eligible use described under  
6 section 12005.

7           (B) Approval procedures for the awarding  
8 of grants under this section that require con-  
9 sultation with the Secretary of Commerce and  
10 the Secretary of the Interior.

11           (C) Eligibility criteria for awarding  
12 grants—

13                 (i) under subsection (b) to coastal  
14 States; and

15                 (ii) under subsection (c) to entities in-  
16 cluding States, Indian tribes, regional bod-  
17 ies, associations, non-governmental organi-  
18 zations, and academic institutions.

19           (D) Performance accountability and moni-  
20 toring measures for programs and activities  
21 funded by a grant awarded under subsection (b)  
22 or (c).

23           (E) Procedures and methods to ensure ac-  
24 curate accounting and appropriate administra-



1           tion grants awarded under this section, includ-  
2           ing standards of record keeping.

3           (F) Procedures to carry out audits of the  
4           Endowment as necessary, but not less fre-  
5           quently than once every 5 years.

6           (G) Procedures to carry out audits of the  
7           recipients of grants under this section.

8           (2) APPROVAL PROCEDURES.—

9           (A) SUBMITTAL.—The Foundation shall  
10          submit to the Secretary each procedure, meas-  
11          ure, method, and standard established under  
12          paragraph (1).

13          (B) DETERMINATION AND NOTICE.—Not  
14          later than 90 days after receiving the proce-  
15          dures, measures, methods, and standards under  
16          subparagraph (A), the Secretary shall—

17                 (i) determine whether to approve or  
18                 disapprove of such procedures, measures,  
19                 methods, and standards; and

20                 (ii) notify the Foundation of such de-  
21                 termination.

22          (C) JUSTIFICATION OF DISAPPROVAL.—If  
23          the Secretary disapproves of the procedures,  
24          measures, methods, and standards under sub-  
25          paragraph (B), the Secretary shall include in

1 notice submitted under clause (ii) of such sub-  
2 paragraph the rationale for such disapproval.

3 (D) RESUBMITTAL.—Not later than 30  
4 days after the Foundation receives notification  
5 under subparagraph (B)(ii) that the Secretary  
6 has disapproved the procedures, measures,  
7 methods, and standards, the Foundation shall  
8 revise such procedures, measures, methods, and  
9 standards and submit such revised procedures,  
10 measures, methods, and standards to the Sec-  
11 retary.

12 (E) REVIEW OF RESUBMITTAL.—Not later  
13 than 30 days after receiving revised procedures,  
14 measures, methods, and standards resubmitted  
15 under subparagraph (D), the Secretary shall—

16 (i) determine whether to approve or  
17 disapprove the revised procedures, meas-  
18 ures, methods, and standards; and

19 (ii) notify the Foundation of such de-  
20 termination.

21 (b) GRANTS TO COASTAL STATES.—

22 (1) IN GENERAL.—Subject to paragraphs (3)  
23 and (4), the Foundation shall award grants of  
24 amounts allocated under section 12004(e)(2)(A) to

1 eligible coastal States, based on the following for-  
2 mula:

3 (A) Fifty percent of the funds are allocated  
4 equally among eligible coastal States.

5 (B) Twenty-five percent of the funds are  
6 allocated on the basis of the ratio of tidal shore-  
7 line miles in a coastal State to the tidal shore-  
8 line miles of all coastal States.

9 (C) Twenty-five percent of the funds are  
10 allocated on the basis of the ratio of population  
11 density of the coastal shoreline counties of a  
12 coastal State to the population density of all  
13 coastal shoreline counties.

14 (2) ELIGIBLE COASTAL STATES.—For purposes  
15 of paragraph (1), an eligible coastal State includes—

16 (A) a coastal State that has a coastal man-  
17 agement program approved under the Coastal  
18 Zone Management Act of 1972 (16 U.S.C.  
19 1451 et seq.); and

20 (B) during the period beginning on the  
21 date of the enactment of this Act and ending on  
22 December 31, 2018, a coastal State that had,  
23 during the period beginning January 1, 2008,  
24 and ending on the date of the enactment of this

1 Act, a coastal management program approved  
2 as described in subparagraph (A).

3 (3) MAXIMUM ALLOCATION TO STATES.—Not-  
4 withstanding paragraph (1), not more than 10 per-  
5 cent of the total funds distributed under this sub-  
6 section may be allocated to any single State. Any  
7 amount exceeding this limit shall be redistributed  
8 among the remaining States according to the for-  
9 mula established under paragraph (1).

10 (4) MAXIMUM ALLOCATION TO CERTAIN GEO-  
11 GRAPHIC AREAS.—

12 (A) IN GENERAL.—Notwithstanding para-  
13 graph (1), each geographic area described in  
14 subparagraph (B) may not receive more than 1  
15 percent of the total funds distributed under this  
16 subsection. Any amount exceeding this limit  
17 shall be redistributed among the remaining  
18 States according to the formula established  
19 under paragraph (1).

20 (B) GEOGRAPHIC AREAS DESCRIBED.—  
21 The geographic areas described in this subpara-  
22 graph are the following:

23 (i) American Samoa.

24 (ii) The Commonwealth of the North-  
25 ern Mariana Islands.

- 1 (iii) Guam.
- 2 (iv) Puerto Rico.
- 3 (v) The Virgin Islands.

4 (5) REQUIREMENT TO SUBMIT PLANS.—

5 (A) IN GENERAL.—To be eligible to receive  
6 a grant under this subsection, a coastal State  
7 shall submit to the Secretary, and the Secretary  
8 shall review, a 5-year plan, which shall include  
9 the following:

10 (i) A prioritized list of goals the coast-  
11 al State intends to achieve during the time  
12 period covered by the 5-year plan.

13 (ii) Identification and general descrip-  
14 tions of existing State projects or activities  
15 that contribute to realization of such goals,  
16 including a description of the entities con-  
17 ducting those projects or activities.

18 (iii) General descriptions of projects  
19 or activities, consistent with the eligible  
20 uses described in section 12005, applicable  
21 provisions of law relating to the environ-  
22 ment, and existing Federal ocean policy,  
23 that could contribute to realization of such  
24 goals.

1 (iv) Criteria to determine eligibility  
2 for entities which may receive grants under  
3 this subsection.

4 (v) A description of the competitive  
5 process the coastal State will use in allo-  
6 cating funds received from the Endow-  
7 ment, except in the case of allocating funds  
8 under paragraph (7), which shall include—

9 (I) a description of the relative  
10 roles in the State competitive process  
11 of the State coastal zone management  
12 program approved under the Coastal  
13 Zone Management Act of 1972 (16  
14 U.S.C. 1451 et seq.) and any State  
15 Sea Grant Program; and

16 (II) a demonstration that such  
17 competitive process is consistent with  
18 the application and review procedures  
19 established by the Foundation under  
20 subsection (a)(1).

21 (B) UPDATES.—As a condition of receiving  
22 a grant under this subsection, a coastal State  
23 shall submit to the Secretary, not less fre-  
24 quently than once every 5 years, an update to  
25 the plan submitted by the coastal State under

1           subparagraph (A) for the 5-year period imme-  
2           diately following the most recent submittal  
3           under this paragraph.

4           (6) OPPORTUNITY FOR PUBLIC COMMENT.—In  
5           determining whether to approve a plan or an update  
6           to a plan described in subparagraph (A) or (B) of  
7           paragraph (5), the Secretary shall provide the oppor-  
8           tunity for, and take into consideration, public input  
9           and comment on the plan.

10          (7) APPROVAL PROCEDURE.—

11           (A) IN GENERAL.—Not later than 30 days  
12           after the opportunity for public comment on a  
13           plan or an update to a plan of a coastal State  
14           under paragraph (6), the Secretary shall notify  
15           such coastal State that the Secretary—

- 16                   (i) approves the plan as submitted; or  
17                   (ii) disapproves the plan as submitted.

18           (B) DISAPPROVAL.—If the Secretary dis-  
19           approves a proposed plan or an update of a  
20           plan submitted under subparagraph (A) or (B)  
21           of paragraph (5), the Secretary shall provide  
22           notice of such disapproval to the submitting  
23           coastal State in writing, and include in such no-  
24           tice the rationale for the Secretary's decision.

1           (C) RESUBMITTAL.—If the Secretary dis-  
2           approves a plan of a coastal State under sub-  
3           paragraph (A), the coastal State shall resubmit  
4           the plan to the Secretary not later than 30 days  
5           after receiving the notice of disapproval under  
6           subparagraph (B).

7           (D) REVIEW OF RESUBMITTAL.—Not later  
8           than 60 days after receiving a plan resubmitted  
9           under subparagraph (C), the Secretary shall re-  
10          view the plan.

11          (8) INDIAN TRIBES.—As a condition on receipt  
12          of a grant under this subsection, a State that re-  
13          ceives a grant under this subsection shall ensure  
14          that Indian tribes in the State are eligible to partici-  
15          pate in the competitive process described in the  
16          State’s plan under paragraph (5)(A)(v).

17          (c) NATIONAL GRANTS FOR OCEANS, COASTS, AND  
18          GREAT LAKES.—

19           (1) IN GENERAL.—The Foundation may use  
20           amounts allocated under section 12004(e)(2)(B) to  
21           award grants according to the procedures estab-  
22           lished in subsection (a) to support activities con-  
23           sistent with section 12005.

24           (2) ADVISORY PANEL.—



1 (A) IN GENERAL.—The Foundation shall  
2 establish an advisory panel to conduct reviews  
3 of applications for grants under paragraph (1)  
4 and the Foundation shall consider the rec-  
5 ommendations of the Advisory Panel with re-  
6 spect to such applications.

7 (B) MEMBERSHIP.—The advisory panel es-  
8 tablished under subparagraph (A) shall include  
9 persons representing a balanced and diverse  
10 range, as determined by the Foundation, of—

11 (i) ocean, coastal, and Great Lakes  
12 dependent industries;

13 (ii) geographic regions;

14 (iii) nonprofit conservation organiza-  
15 tions with a mission that includes the con-  
16 servation and protection of living marine  
17 resources and their habitats; and

18 (iv) academic institutions with strong  
19 scientific or technical credentials and expe-  
20 rience in marine science or policy.

21 **SEC. 12007. ANNUAL REPORT.**

22 (a) REQUIREMENT FOR ANNUAL REPORT.—Begin-  
23 ning with fiscal year 2014, not later than 60 days after  
24 the end of each fiscal year, the Foundation shall submit  
25 to the Committee on Commerce, Science, and Transpor-

1 tation of the Senate and the Committee on Natural Re-  
 2 sources of the House of Representatives a report on the  
 3 operation of the Endowment during the fiscal year.

4 (b) CONTENT.—Each annual report submitted under  
 5 subsection (a) for a fiscal year shall include—

6 (1) a statement of the amounts deposited in the  
 7 Endowment and the balance remaining in the En-  
 8 dowment at the end of the fiscal year; and

9 (2) a description of the expenditures made from  
 10 the Endowment for the fiscal year, including the  
 11 purpose of the expenditures.

12 **SEC. 12008. TULSA PORT OF CATOOSA, ROGERS COUNTY,**  
 13 **OKLAHOMA LAND EXCHANGE.**

14 (a) DEFINITIONS.—In this section:

15 (1) FEDERAL LAND.—The term “Federal land”  
 16 means the approximately 87 acres of land situated  
 17 in Rogers County, Oklahoma, contained within  
 18 United States Tracts 413 and 427, and acquired for  
 19 the McClellan-Kerr Arkansas Navigation System.

20 (2) NON-FEDERAL LAND.—The term “non-Fed-  
 21 eral land” means the approximately 34 acres of land  
 22 situated in Rogers County, Oklahoma and owned by  
 23 the Tulsa Port of Catoosa that lie immediately south  
 24 and east of the Federal land.

1       (b) LAND EXCHANGE.—Subject to subsection (c), on  
2 conveyance by the Tulsa Port of Catoosa to the United  
3 States of all right, title, and interest in and to the non-  
4 Federal land, the Secretary shall convey to the Tulsa Port  
5 of Catoosa, all right, title, and interest of the United  
6 States in and to the Federal land.

7       (c) CONDITIONS.—

8           (1) DEEDS.—

9               (A) DEED TO NON-FEDERAL LAND.—The  
10 Secretary may only accept conveyance of the  
11 non-Federal land by warranty deed, as deter-  
12 mined acceptable by the Secretary.

13               (B) DEED TO FEDERAL LAND.—The Sec-  
14 retary shall convey the Federal land to the  
15 Tulsa Port of Catoosa by quitclaim deed and  
16 subject to any reservations, terms, and condi-  
17 tions that the Secretary determines necessary  
18 to—

19                   (i) allow the United States to operate  
20 and maintain the McClellan-Kerr Arkansas  
21 River Navigation System; and

22                   (ii) protect the interests of the United  
23 States.

24           (2) LEGAL DESCRIPTIONS.—The exact acreage  
25 and legal descriptions of the Federal land and the

1 non-Federal land shall be determined by surveys ac-  
2 ceptable to the Secretary.

3 (3) PAYMENT OF COSTS.—The Tulsa Port of  
4 Catoosa shall be responsible for all costs associated  
5 with the land exchange authorized by this section,  
6 including any costs that the Secretary determines  
7 necessary and reasonable in the interest of the  
8 United States, including surveys, appraisals, real es-  
9 tate transaction fees, administrative costs, and envi-  
10 ronmental documentation.

11 (4) CASH PAYMENT.—If the appraised fair mar-  
12 ket value of the Federal land, as determined by the  
13 Secretary, exceeds the appraised fair market value of  
14 the non-Federal land, as determined by the Sec-  
15 retary, the Tulsa Port of Catoosa shall make a cash  
16 payment to the United States reflecting the dif-  
17 ference in the appraised fair market values.

18 (5) LIABILITY.—The Tulsa Port of Catoosa  
19 shall hold and save the United States free from  
20 damages arising from activities carried out under  
21 this section, except for damages due to the fault or  
22 negligence of the United States or a contractor of  
23 the United States.

1     **TITLE XIII—MISCELLANEOUS**

2     **SEC. 13001. APPLICABILITY OF SPILL PREVENTION, CON-**  
3             **TROL, AND COUNTERMEASURE RULE.**

4     (a) DEFINITIONS.—In this title:

5             (1) ADMINISTRATOR.—The term “Adminis-

6             trator” means the Administrator of the Environ-

7             mental Protection Agency.

8             (2) FARM.—The term “farm” has the meaning

9             given the term in section 112.2 of title 40, Code of

10            Federal Regulations (or successor regulations).

11            (3) GALLON.—The term “gallon” means a

12            United States liquid gallon.

13            (4) OIL.—The term “oil” has the meaning

14            given the term in section 112.2 of title 40, Code of

15            Federal Regulations (or successor regulations).

16            (5) OIL DISCHARGE.—The term “oil discharge”

17            has the meaning given the term “discharge” in sec-

18            tion 112.2 of title 40, Code of Federal Regulations

19            (or successor regulations).

20            (6) REPORTABLE OIL DISCHARGE HISTORY.—

21            The term “reportable oil discharge history” has the

22            meaning used to describe the legal requirement to

23            report a discharge of oil under applicable law.

24            (7) SPILL PREVENTION, CONTROL, AND COUN-

25            TERMEASURE RULE.—The term “Spill Prevention,

1 Control, and Countermeasure rule” means the regu-  
2 lation, including amendments, promulgated by the  
3 Administrator under part 112 of title 40, Code of  
4 Federal Regulations (or successor regulations).

5 (b) CERTIFICATION.—In implementing the Spill Pre-  
6 vention, Control, and Countermeasure rule with respect to  
7 any farm, the Administrator shall—

8 (1) require certification of compliance with the  
9 rule by—

10 (A) a professional engineer for a farm  
11 with—

12 (i) an individual tank with an above-  
13 ground storage capacity greater than  
14 10,000 gallons;

15 (ii) an aggregate aboveground storage  
16 capacity greater than or equal to 20,000  
17 gallons; or

18 (iii) a reportable oil discharge history;

19 or

20 (B) the owner or operator of the farm (via  
21 self-certification) for a farm with—

22 (i) an aggregate aboveground storage  
23 capacity not more than 20,000 gallons and  
24 not less than the lesser of—

25 (I) 6,000 gallons; or

1 (II) the adjustment described in  
2 subsection (d)(2); and

3 (ii) no reportable oil discharge history  
4 of oil; and

5 (2) not require a certification of a statement of  
6 compliance with the rule—

7 (A) subject to subsection (d), with an ag-  
8 gregate aboveground storage capacity of not  
9 less than 2,500 gallons and not more than  
10 6,000 gallons; and

11 (B) no reportable oil discharge history; and

12 (3) not require a certification of a statement of  
13 compliance with the rule for an aggregate above-  
14 ground storage capacity of not more than 2,500 gal-  
15 lons.

16 (c) CALCULATION OF AGGREGATE ABOVEGROUND  
17 STORAGE CAPACITY.—For purposes of subsection (b), the  
18 aggregate aboveground storage capacity of a farm ex-  
19 cludes—

20 (1) all containers on separate parcels that have  
21 a capacity that is 1,000 gallons or less; and

22 (2) all containers holding animal feed ingredi-  
23 ents approved for use in livestock feed by the Com-  
24 missioner of Food and Drugs.

25 (d) STUDY.—

1           (1) IN GENERAL.—Not later than 12 months of  
2           the date of enactment of this Act, the Administrator,  
3           in consultation with the Secretary of Agriculture,  
4           shall conduct a study to determine the appropriate  
5           exemption under subsection (b)(2)(A) and (b)(1)(B)  
6           to not more than 6,000 gallons and not less than  
7           2,500 gallons, based on a significant risk of dis-  
8           charge to water.

9           (2) ADJUSTMENT.—Not later than 18 months  
10          after the date on which the study described in para-  
11          graph (1) is complete, the Administrator, in con-  
12          sultation with the Secretary of Agriculture, shall  
13          promulgate a rule to adjust the exemption levels de-  
14          scribed in subsection (b)(2)(A) and (b)(1)(B) in ac-  
15          cordance with the study.

16 **SEC. 13002. AMERICA THE BEAUTIFUL NATIONAL PARKS**  
17                           **AND FEDERAL RECREATIONAL LANDS PASS**  
18                           **PROGRAM.**

19          The Secretary may participate in the America the  
20          Beautiful National Parks and Federal Recreational Lands  
21          Pass program in the same manner as the National Park  
22          Service, the Bureau of Land Management, the United  
23          States Fish and Wildlife Service, the Forest Service, and  
24          the Bureau of Reclamation, including the provision of free



1 annual passes to active duty military personnel and de-  
2 pendants.

Passed the Senate May 15, 2013.

Attest:

*Secretary.*

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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**S. 601**

**AN ACT**

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.