AN	TENDMENT NO Calendar No
Pu	rpose: In the nature of a substitute.
IN	THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.
	S. 601
То	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.
R	eferred to the Committee on and ordered to be printed
	Ordered to lie on the table and to be printed
	MENDMENT IN THE NATURE OF A SUBSTITUTE intended be proposed by Mrs. BOXER (for herself and Mr. VITTER)
Viz	:
1	Strike all after the enacting clause and insert the fol-
2	lowing:
3	SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
4	(a) SHORT TITLE.—This Act may be cited as the
5	"Water Resources Development Act of 2013".
6	(b) Table of Contents.—The table of contents of
7	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.

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.

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.

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. Northern Rockies headwaters extreme weather mitigation.

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.

4

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. Civil works program of the Corps of Engineers.

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 and local permits.
- Sec. 10013. Regulations.
- Sec. 10014. Funding.
- Sec. 10015. Report to Congress.

TITLE XI—EXTREME WEATHER

- Sec. 11001. Study on risk reduction.
- Sec. 11002. GAO study on management of flood, drought, and storm damage.
- Sec. 11003. Post-disaster watershed assessments.

1 SEC. 2. DEFINITION OF SECRETARY.

- 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—

1	(1) to authorize projects that—
2	(A) are the subject of a completed report
3	of the Chief of Engineers containing a deter-
4	mination that the relevant project—
5	(i) is in the Federal interest;
6	(ii) results in benefits that exceed the
7	costs of the project;
8	(iii) is environmentally acceptable; and
9	(iv) is technically feasible; and
10	(B) have been recommended to Congress
11	for authorization by the Assistant Secretary of
12	the Army for Civil Works; and
13	(2) to authorize the Secretary—
14	(A) to review projects that require in-
15	creased authorization; and
16	(B) to request an increase of those author-
17	izations after—
18	(i) certifying that the increases are
19	necessary; and
20	(ii) submitting to Congress reports on
21	the proposed increases.
22	SEC. 1002. PROJECT AUTHORIZATIONS.
23	The Secretary is authorized to carry out projects for
24	water resources development, conservation, and other pur-
25	poses, subject to the conditions that—

1	(1) each project is carried out—
2	(A) substantially in accordance with the
3	plan for the project; and
4	(B) subject to any conditions described in
5	the report for the project; and
6	(2) a Report of the Chief of Engineers has been
7	completed and a referral by the Assistant Secretary
8	of the Army for Civil Works has been made to Con-
9	gress as of the date of enactment of this Act for the
10	project.
11	SEC. 1003. PROJECT REVIEW.
12	(a) In General.—For a project that is authorized
13	by Federal law as of the date of enactment of this Act,
14	the Secretary may modify the authorized project cost set
15	under section 902 of the Water Resources Development
16	Act of 1986 (33 U.S.C. 2280)—
17	(1) by submitting the required certification and
18	additional information to Congress in accordance
19	with subsection (b); and
20	(2) after receiving an appropriation of funds in
21	accordance with subsection (c).
22	(b) Requirements for Submission.—
23	(1) Certification.—The certification to Con-
24	gress under subsection (a) shall include a certifi-
25	cation by the Secretary that—

1	(A) expenditures above the authorized cost
2	of the project are necessary to protect life and
3	safety, maintain critical navigation routes, or
4	restore ecosystems;
5	(B) the project continues to provide bene-
6	fits identified in the report of the Chief of Engi-
7	neers for the project; and
8	(C) for projects under construction—
9	(i) a temporary stop or delay resulting
10	from a failure to increase the authorized
11	cost of the project will increase costs to the
12	Federal Government; and
13	(ii) the amount requested for the
14	project in the budget of the President or
15	included in a work plan for the expenditure
16	of funds for the fiscal year during which
17	the certification is submitted will exceed
18	the authorized cost of the project.
19	(2) Additional information.—The informa-
20	tion provided to Congress about the project under
21	subsection (a) shall include, at a minimum—
22	(A) a comprehensive review of the project
23	costs and reasons for exceeding the authorized
24	limits set under section 902 of the Water Re-

1	sources Development Act of 1986 (33 U.S.C.
2	2280);
3	(B) an expedited analysis of the updated
4	benefits and costs of the project; and
5	(C) the new funding level needed to com-
6	plete the project.
7	(3) Approval of congress.—The Secretary
8	may not change the authorized project costs under
9	subsection (a) unless—
10	(A) a certification and required informa-
11	tion is submitted to Congress under subsection
12	(b); and
13	(B) after such submission, amounts are
14	appropriated to initiate or continue construction
15	of the project in an appropriations or other Act.
16	(c) TERMINATION OF EFFECTIVENESS.—The author-
17	ity of the Secretary under this section terminates on the
18	date that is 3 years after the date of enactment of this
19	Act.
20	TITLE II—WATER RESOURCES
21	POLICY REFORMS
22	SEC. 2001. PURPOSES.
23	The purposes of this title are—
24	(1) to reform the implementation of water re-
25	sources projects by the Corps of Engineers;

1	(2) to make other technical changes to the
2	water resources policy of the Corps of Engineers;
3	and
4	(3) to implement reforms, including—
5	(A) enhancing the ability of local sponsors
6	to partner with the Corps of Engineers by en-
7	suring the eligibility of the local sponsors to re-
8	ceive and apply credit for work carried out by
9	the sponsors and increasing the role of sponsors
10	in carrying out Corps of Engineers projects;
11	(B) ensuring continuing authority pro-
12	grams can continue to meet important needs;
13	(C) encouraging the continuation of efforts
14	to modernize feasibility studies and establish
15	targets for expedited completion of feasibility
16	studies;
17	(D) seeking efficiencies in the management
18	of dams and related infrastructure to reduce
19	environmental impacts while maximizing other
20	benefits and project purposes, such as flood
21	control, navigation, water supply, and hydro-
22	power;
23	(E) clarifying mitigation requirements for
24	Corps of Engineers projects and ensuring trans-

1	parency in the independent external review of
2	those projects; and
3	(F) establishing an efficient and trans-
4	parent process for deauthorizing projects that
5	have failed to receive a minimum level of invest-
6	ment to ensure active projects can move for-
7	ward while reducing the backlog of authorized
8	projects.
9	SEC. 2002. SAFETY ASSURANCE REVIEW.
10	Section 2035 of the Water Resources Development
11	Act of 2007 (33 U.S.C. 2344) is amended by adding at
12	the end the following:
13	"(g) Nonapplicability of FACA.—The Federal
14	Advisory Committee Act (5 U.S.C. App.) shall not apply
15	to a safety assurance review conducted under this sec-
16	tion.".
17	SEC. 2003. CONTINUING AUTHORITY PROGRAMS.
18	(a) Small River and Harbor Improvement
19	Projects.—Section 107 of the River and Harbor Act of
20	1960 (33 U.S.C. 577) is amended—
21	(1) in subsection (a), by striking
22	" $\$35,000,000$ " and inserting " $\$50,000,000$ "; and
23	(2) in subsection (b), by striking "\$7,000,000"
24	and inserting "\$10,000,000".

1	(b) Shore Damage Prevention or Mitigation.—
2	Section 111(c) of the River and Harbor Act of 1968 (33
3	U.S.C. 426i(c)) is amended by striking "\$5,000,000" and
4	inserting "\$10,000,000".
5	(c) REGIONAL SEDIMENT MANAGEMENT.—
6	(1) In General.—Section 204 of the Water
7	Resources Development Act of 1992 (33 U.S.C.
8	2326) is amended—
9	(A) in subsection $(c)(1)(C)$, by striking
10	"\$5,000,000" and inserting "\$10,000,000";
11	and
12	(B) in subsection (g), by striking
13	"\$30,000,000" and inserting "\$50,000,000".
14	(2) Applicability.—Section 2037 of the
15	Water Resources Development Act of 2007 (121
16	Stat. 1094) is amended by added at the end the fol-
17	lowing:
18	"(c) Applicability.—The amendment made by sub-
19	section (a) shall not apply to any project authorized under
20	this Act if a report of the Chief of Engineers for the
21	project was completed prior to the date of enactment of
22	this Act.".
23	(d) SMALL FLOOD CONTROL PROJECTS.—Section
24	205 of the Flood Control Act of 1948 (33 U.S.C. 701s)

- 1 is amended in the third sentence by striking "\$7,000,000"
- 2 and inserting "\$10,000,000".
- 3 (e) Project Modifications for Improvement of
- 4 Environment.—Section 1135(d) of the Water Resources
- 5 Development Act of 1986 (33 U.S.C. 2309a(d)) is amend-
- 6 ed—
- 7 (1) in the second sentence, by striking "Not
- 8 more than 80 percent of the non-Federal may be"
- 9 and inserting "The non-Federal share may be pro-
- 10 vided"; and
- 11 (2) in the third sentence, by striking
- "\$5,000,000" and inserting "\$10,000,000".
- 13 (f) AQUATIC ECOSYSTEM RESTORATION.—Section
- 14 206(d) of the Water Resources Development Act of 1996
- 15 (33 U.S.C. 2330(d)) is amended by striking "\$5,000,000"
- 16 and inserting "\$10,000,000".
- 17 (g) Floodplain Management Services.—Section
- 18 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a)
- 19 is amended by striking "\$15,000,000" and inserting
- 20 "\$50,000,000".
- 21 SEC. 2004. CONTINUING AUTHORITY PROGRAM
- PRIORITIZATION.
- 23 (a) Definition of Continuing Authority Pro-
- 24 GRAM PROJECT.—In this section, the term "continuing
- 25 authority program" means 1 of the following authorities:

1	(1) Section 205 of the Flood Control Act of
2	1948 (33 U.S.C. 701s).
3	(2) Section 111 of the River and Harbor Act of
4	1968 (33 U.S.C. 426i).
5	(3) Section 206 of the Water Resources Devel-
6	opment Act of 1996 (33 U.S.C. 2330).
7	(4) Section 1135 of the Water Resources Devel-
8	opment Act of 1986 (33 U.S.C. 2309a).
9	(5) Section 107 of the River and Harbor Act of
10	1960 (33 U.S.C. 577).
11	(6) Section 3 of the Act of August 13, 1946
12	(33 U.S.C. 426g).
13	(b) PRIORITIZATION.—Not later than 1 year after the
14	date of enactment of this Act, the Secretary shall publish
15	in the Federal Register and on a publicly available website,
16	the criteria the Secretary uses for prioritizing annual
17	funding for continuing authority program projects.
18	(c) Annual Report.—Not later than 1 year after
19	the date of enactment of this Act and each year thereafter,
20	the Secretary shall publish in the Federal Register and
21	on a publicly available website, a report on the status of
22	each continuing authority program, which, at a minimum,
23	shall include—
24	(1) the name and a short description of each
25	active continuing authority program project;

1	(2) the cost estimate to complete each active
2	project; and
3	(3) the funding available in that fiscal year for
4	each continuing authority program.
5	(d) Congressional Notification.—On publication
6	in the Federal Register under subsections (b) and (c), the
7	Secretary shall submit to the Committee on Environment
8	and Public Works of the Senate and the Committee on
9	Transportation and Infrastructure of the House of Rep-
10	resentatives a copy of all information published under
11	those subsections.
12	SEC. 2005. FISH AND WILDLIFE MITIGATION.
13	(a) In General.—Section 906 of the Water Re-
14	sources Development Act of 1986 (33 U.S.C. 2283) is
15	amended—
16	(1) in subsection (d)—
17	(A) in paragraph (1)—
18	(i) in the first sentence—
19	(I) by inserting "for damages to
20	ecological resources, including terres-
21	trial and aquatic resources, and" after
22	"mitigate";
23	(II) by inserting "ecological re-
24	sources and" after "impact on"; and

1	(III) by inserting "without the
2	implementation of mitigation meas-
3	ures" before the period; and
4	(ii) by inserting before the last sen-
5	tence the following: "If the Secretary de-
6	termines that mitigation to in-kind condi-
7	tions is not possible, the Secretary shall
8	identify in the report the basis for that de-
9	termination."; and
10	(B) in paragraph (3)—
11	(i) in subparagraph (A), by inserting
12	", at a minimum," after "complies with";
13	and
14	(ii) in subparagraph (B)—
15	(I) by striking clause (iii);
16	(II) by redesginating clauses (iv)
17	and (v) as clauses (v) and (vi), respec-
18	tively; and
19	(III) by inserting after clause (ii)
20	the following:
21	"(iii) for projects where mitigation
22	will be carried out by the Secretary—
23	"(I) a description of the land and
24	interest in land to be acquired for the
25	mitigation plan;

1	"(II) the basis for a determina-
2	tion that the land and interests are
3	available for acquisition; and
4	"(III) a determination that the
5	proposed interest sought does not ex-
6	ceed the minimum interest in land
7	necessary to meet the mitigation re-
8	quirements for the project;
9	"(iv) for projects where mitigation will
10	be carried out through a third party miti-
11	gation arrangement in accordance with
12	subsection (i)—
13	"(I) a description of the third
14	party mitigation instrument to be
15	used; and
16	"(II) the basis for a determina-
17	tion that the mitigation instrument
18	can meet the mitigation requirements
19	for the project;"; and
20	(2) by adding at the end the following:
21	"(h) Programmatic Mitigation Plans.—
22	"(1) IN GENERAL.—The Secretary may develop
23	1 or more programmatic mitigation plans to address
24	the potential impacts to ecological resources, fish,

1	and wildlife associated with existing or future water
2	resources development projects.
3	"(2) USE OF MITIGATION PLANS.—The Sec-
4	retary shall, to the maximum extent practicable, use
5	programmatic mitigation plans developed in accord-
6	ance with this subsection to guide the development
7	of a mitigation plan under subsection (d).
8	"(3) Non-federal plans.—The Secretary
9	shall, to the maximum extent practicable and subject
10	to all conditions of this subsection, use pro-
11	grammatic environmental plans developed by a
12	State, a body politic of the State, which derives its
13	powers from a State constitution, a government enti-
14	ty created by State legislation, or a local govern-
15	ment, that meet the requirements of this subsection
16	to address the potential environmental impacts of
17	existing or future water resources development
18	projects.
19	"(4) Scope.—A programmatic mitigation plan
20	developed by the Secretary or an entity described in
21	paragraph (3) to address potential impacts of exist-
22	ing or future water resources development projects
23	may—
24	"(A) be developed on a regional, eco-
25	system, watershed, or statewide scale;

1	"(B) 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	"(C) 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	sponsibilities 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.

1	"(2) INCLUSION OF OTHER ACTIVITIES.—The
2	banks, programs, and efforts described in paragraph
3	(1) include any banks, programs, and efforts devel-
4	oped in accordance with applicable law (including
5	regulations).
6	"(3) Terms and conditions.—In carrying out
7	natural habitat and wetlands mitigation efforts
8	under this section, contributions to the mitigation ef-
9	fort may—
10	"(A) take place concurrent with, or in ad-
11	vance of, the commitment of funding to a
12	project; and
13	"(B) occur in advance of project construc-
14	tion only if the efforts are consistent with all
15	applicable requirements of Federal law (includ-
16	ing regulations) and water resources develop-
17	ment planning processes.
18	"(4) Preference.—At the request of the non-
19	Federal project sponsor, preference may be given, to
20	the maximum extent practicable, to mitigating an
21	environmental impact through the use of a mitiga-
22	tion bank, in-lieu fee, or other third-party mitigation
23	arrangement, if the use of credits from the mitiga-
24	tion bank or in-lieu fee, or the other third-party

23 1 mitigation arrangement for the project has been ap-2 proved by the applicable Federal agency. 3 "(j) Use of Funds.—The Secretary may use funds made available for preconstruction engineering and design prior to authorization of project construction to acquire interests in land necessary for meeting the mitigation re-6 7 quirements of this section.". 8 (b) APPLICATION.—The amendments made by subsection (a) shall not apply to a project for which a mitiga-10 tion plan has been completed as of the date of enactment 11 of this Act. 12 (c) Technical Assistance.— 13 (1) In General.—The Secretary may provide 14 technical assistance to States and local governments 15 to establish third-party mitigation instruments, in-16 cluding mitigation banks and in-lieu fee programs, 17 that will help to target mitigation payments to high-18 priority ecosystem restoration actions. 19 (2) REQUIREMENTS.—In providing technical as-20 sistance under this subsection, the Secretary shall 21 give priority to States and local governments that 22 have developed State, regional, or watershed-based 23 plans identifying priority restoration actions. 24 (3) MITIGATION INSTRUMENTS.—The Secretary

shall seek to ensure any technical assistance pro-

25

1	vided under this subsection will support the estab-
2	lishment of mitigation instruments that will result in
3	restoration of high-priority areas identified in the
4	plans under paragraph (2).
5	SEC. 2006. MITIGATION STATUS REPORT.
6	Section 2036(b) of the Water Resources Development
7	Act of 2007 (33 U.S.C. 2283a) is amended—
8	(1) by redesignating paragraph (3) as para-
9	graph (4); and
10	(2) by inserting after paragraph (2) the fol-
11	lowing:
12	"(3) Information included.—In reporting
13	the status of all projects included in the report, the
14	Secretary shall—
15	"(A) use a uniform methodology for deter-
16	mining the status of all projects included in the
17	report;
18	"(B) use a methodology that describes
19	both a qualitative and quantitative status for all
20	projects in the report; and
21	"(C) provide specific dates for and partici-
22	pants in the consultations required under sec-
23	tion 906(d)(4)(B) of the Water Resources De-
24	velopment Act of 1986 (33 U.S.C.
25	2283(d)(4)(B)).".

4						
	CEC	0007	INDEPEN	$\mathbf{D}\mathbf{F}\mathbf{M}\mathbf{T}$	DEED	DEVIEW

2	(a) Timing of Peer Review.—Section 2034(b) of
3	the Water Resources Development Act of 2007 (33 U.S.C.
4	2343(b)) is amended—
5	(1) by redesignating paragraph (3) as para-
6	graph (4); and
7	(2) by inserting after paragraph (2) the fol-
8	lowing:
9	"(3) Reasons for timing.—If the Chief of
10	Engineers does not initiate a peer review for a
11	project study at a time described in paragraph (2),
12	the Chief shall—
13	"(A) not later than 7 days after the date
14	on which the Chief of Engineers determines not
15	to initiate a peer review—
16	"(i) notify the Committee on Environ-
17	ment and Public Works of the Senate and
18	the Committee on Transportation and In-
19	frastructure of the House of Representa-
20	tives of that decision; and
21	"(ii) make publicly available, including
22	on the Internet the reasons for not con-
23	ducting the review; and
24	"(B) include the reasons for not con-
25	ducting the review in the decision document for
26	the project study.".

1	(b) Establishment of Panels.—Section 2034(c)
2	of the Water Resources Development Act of 2007 (33
3	U.S.C. 2343(c)) is amended by striking paragraph (4) and
4	inserting the following:
5	"(4) Congressional and public notifica-
6	TION.—Following the identification of a project
7	study for peer review under this section, but prior to
8	initiation of the review by the panel of experts, the
9	Chief of Engineers shall, not later than 7 days after
10	the date on which the Chief of Engineers determines
11	to conduct a review—
12	"(A) notify the Committee on Environment
13	and Public Works of the Senate and the Com-
14	mittee on Transportation and Infrastructure of
15	the House of Representatives of the review; and
16	"(B) make publicly available, including or
17	the Internet, information on—
18	"(i) the dates scheduled for beginning
19	and ending the review;
20	"(ii) the entity that has the contract
21	for the review; and
22	"(iii) the names and qualifications of
23	the panel of experts.".
24	(c) Recommendations of Panel.—Section 2034(f)
25	of the Water Resources Development Act of 2007 (33

U.S.C. 2343(f)) is amended by striking paragraph (2) and 2 inserting the following: 3 "(2) Public availability and submission 4 TO CONGRESS.—After receiving a report on a project 5 study from a panel of experts under this section, the 6 Chief of Engineers shall make available to the public, including on the Internet, and submit to the 7 8 Committee on Environment and Public Works of the 9 Senate and the Committee on Transportation and 10 Infrastructure of the House of Representatives— "(A) a copy of the report not later than 7 11 12 days after the date on which the report is deliv-13 ered to the Chief of Engineers; and 14 "(B) a copy of any written response of the 15 Chief of Engineers on recommendations con-16 tained in the report not later than 3 days after 17 the date on which the response is delivered to 18 the Chief of Engineers. 19 "(3) Inclusion in project study.—A report 20 on a project study from a panel of experts under 21 this section and the written response of the Chief of 22 Engineers shall be included in the final decision doc-23 ument for the project study.". 24 (d) APPLICABILITY.—Section 2034(h)(2) of the Water Resources Development Act of 2007 (33 U.S.C.

1	2343(h)(2)) is amended by striking "7 years" and insert-
2	ing "12 years".
3	SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION
4	AND HYDROELECTRIC FACILITIES.
5	(a) In General.—Section 314 of the Water Re-
6	sources Development Act of 1990 (33 U.S.C. 2321) is
7	amended—
8	(1) by striking the heading and inserting the
9	following:
10	"SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION
11	AND HYDROELECTRIC FACILITIES.";
12	(2) in the first sentence, by striking "Activities
13	currently performed" and inserting the following:
14	"(a) In General.—Activities currently performed";
15	(3) in the second sentence, by striking "This
16	section" and inserting the following:
17	"(b) Major Maintenance Contracts Al-
18	LOWED.—This section";
19	(4) in subsection (a) (as designated by para-
20	graph (2)), by inserting "navigation or" before "hy-
21	droelectric"; and
22	(5) by adding at the end the following:
23	"(c) Exclusion.—This section shall not—
24	"(1) apply to those navigation facilities that
25	have been or are currently under contract with a

1	non-Federal interest to perform operations and
2	maintenance as of the date of enactment of the
3	Water Resources Development Act of 2013; and
4	"(2) prohibit the Secretary from contracting
5	out future commercial activities at those navigation
6	facilities.".
7	(b) CLERICAL AMENDMENT.—The table of contents
8	contained in section 1(b) of the Water Resources Develop-
9	ment Act of 1990 (104 Stat. 4604) is amended by striking
10	the item relating to section 314 and inserting the fol-
11	lowing:
	"Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.".
12	SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILI-
12 13	SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.
13	TIES.
13 14	TIES. (a) FINDINGS.—Congress finds that—
13 14 15	TIES. (a) FINDINGS.—Congress finds that— (1) in April 2012, the Oak Ridge National Lab-
13 14 15 16	TIES. (a) FINDINGS.—Congress finds that— (1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in
13 14 15 16	TIES. (a) FINDINGS.—Congress finds that— (1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the "Oak Ridge Lab") released a re-
13 14 15 16 17	TIES. (a) FINDINGS.—Congress finds that— (1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the "Oak Ridge Lab") released a report finding that adding hydroelectric power to the
13 14 15 16 17 18	(a) FINDINGS.—Congress finds that— (1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the "Oak Ridge Lab") released a report finding that adding hydroelectric power to the non-powered dams of the United States has the po-
13 14 15 16 17 18 19 20	(a) FINDINGS.—Congress finds that— (1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the "Oak Ridge Lab") released a report finding that adding hydroelectric power to the non-powered dams of the United States has the potential to add more than 12 gigawatts of new gener-

1	electric power potential could alone supply 3
2	gigawatts of generating capacity;
3	(3) of the 50 non-powered dams identified by
4	the Oak Ridge Lab as having the highest hydro-
5	electric power potential, 48 are Corps of Engineers
6	civil works projects;
7	(4) promoting non-Federal hydroelectric power
8	at Corps of Engineers civil works projects increases
9	the taxpayer benefit of those projects;
10	(5) the development of non-Federal hydro-
11	electric power at Corps of Engineers civil works
12	projects—
13	(A) can be accomplished in a manner that
14	is consistent with authorized project purposes
15	and the responsibilities of the Corps of Engi-
16	neers to protect the environment; and
17	(B) in many instances, may have addi-
18	tional environmental benefits; and
19	(6) the development of non-Federal hydro-
20	electric power at Corps of Engineers civil works
21	projects could be promoted through—
22	(A) clear and consistent lines of responsi-
23	bility and authority within and across Corps of
24	Engineers districts and divisions on hydro-
25	electric power development activities;

1	(B) consistent and corresponding processes
2	for reviewing and approving hydroelectric power
3	development; and
4	(C) developing a means by which non-Fed-
5	eral hydroelectric power developers and stake-
6	holders can resolve disputes with the Corps of
7	Engineers concerning hydroelectric power devel-
8	opment activities at Corps of Engineers civil
9	works projects.
10	(b) Policy.—Congress declares that it is the policy
11	of the United States that—
12	(1) the development of non-Federal hydro-
13	electric power at Corps of Engineers civil works
14	projects, including locks and dams, shall be given
15	priority;
16	(2) Corps of Engineers approval of non-Federal
17	hydroelectric power at Corps of Engineers civil
18	works projects, including permitting required under
19	section 14 of the Act of March 3, 1899 (33 U.S.C.
20	408), shall be completed by the Corps of Engineers
21	in a timely and consistent manner; and
22	(3) approval of hydropower at Corps of Engi-
23	neers civil works projects shall in no way diminish
24	the other priorities and missions of the Corps of En-

1	gineers, including authorized project purposes and
2	habitat and environmental protection.
3	(c) Report.—Not later than 1 year after the date
4	of enactment of this Act and each year thereafter, the Sec-
5	retary shall submit to the Committee on Environment and
6	Public Works of the Senate and the Committee on Trans-
7	portation and Infrastructure of the House of Representa-
8	tives a report that, at a minimum, shall include—
9	(1) a description of initiatives carried out by
10	the Secretary to encourage the development of hy-
11	droelectric power by non-Federal entities at Corps of
12	Engineers civil works projects;
13	(2) a list of all new hydroelectric power activi-
14	ties by non-Federal entities approved at Corps of
15	Engineers civil works projects in that fiscal year, in-
16	cluding the length of time the Secretary needed to
17	approve those activities;
18	(3) a description of the status of each pending
19	application from non-Federal entities for approval to
20	develop hydroelectric power at Corps of Engineers
21	civil works projects;
22	(4) a description of any benefits or impacts to
23	the environment, recreation, or other uses associated
24	with Corps of Engineers civil works projects at

1	which non-Federal entities have developed hydro-
2	electric power in the previous fiscal year; and
3	(5) the total annual amount of payments or
4	other services provided to the Corps of Engineers,
5	the Treasury, and any other Federal agency as a re-
6	sult of approved non-Federal hydropower projects at
7	Corps of Engineers civil works projects.
8	SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AU-
9	THORITY.
10	(a) Non-Federal Cost Share.—Section 7007 of
11	the Water Resources Development Act of 2007 (121 Stat.
12	1277) is amended—
13	(1) in subsection (a)—
14	(A) by inserting ", on, or after" after "be-
15	fore"; and
16	(B) by inserting ", program," after
17	"study" each place it appears;
18	(2) in subsections (b) and (e), by inserting ",
19	program," after "study" each place it appears; and
20	(3) by striking subsection (d) and inserting the
21	following:
22	"(d) Treatment of Credit Between
23	Projects.—The value of any land, easements, rights-of-
24	way, relocations, and dredged material disposal areas and
25	the costs of planning, design, and construction work pro-

- 1 vided by the non-Federal interest that exceed the non-Fed-
- 2 eral cost share for a study, program, or project under this
- 3 title may be applied toward the non-Federal cost share
- 4 for any other study, program, or project carried out under
- 5 this title.".
- 6 (b) IMPLEMENTATION.—Not later than 90 days after
- 7 the date of enactment of this Act, the Secretary, in coordi-
- 8 nation with any relevant agencies of the State of Lou-
- 9 isiana, shall establish a process by which to carry out the
- 10 amendments made by subsection (a)(3).
- 11 (c) Effective Date.—The amendments made by
- 12 subsection (a) take effect on November 8, 2007.
- 13 SEC. 2011. TRANSFER OF EXCESS WORK-IN-KIND CREDIT.
- 14 (a) IN GENERAL.—Subject to subsection (b), the Sec-
- 15 retary may apply credit for in-kind contributions provided
- 16 by a non-Federal interest that is in excess of the required
- 17 non-Federal cost-share for a water resources study or
- 18 project toward the required non-Federal cost-share for a
- 19 different water resources study or project.
- 20 (b) Restrictions.—
- 21 (1) In General.—Except for subsection
- 22 (a)(4)(D)(i) of that section, the requirements of sec-
- tion 221 of the Flood Control Act of 1970 (42
- U.S.C. 1962d–5b) (as amended by section 2012 of
- 25 this Act) shall apply to any credit under this section.

1	(2) CONDITIONS.—Credit in excess of the non-
2	Federal cost-share for a study or project may be ap-
3	proved under this section only if—
4	(A) the non-Federal interest submits a
5	comprehensive plan to the Secretary that identi-
6	fies—
7	(i) the studies and projects for which
8	the non-Federal interest intends to provide
9	in-kind contributions for credit that is in
10	excess of the non-Federal cost share for
11	the study or project; and
12	(ii) the studies and projects to which
13	that excess credit would be applied;
14	(B) the Secretary approves the comprehen-
15	sive plan; and
16	(C) the total amount of credit does not ex-
17	ceed the total non-Federal cost-share for the
18	studies and projects in the approved com-
19	prehensive plan.
20	(c) Additional Criteria.—In evaluating a request
21	to apply credit in excess of the non-Federal cost-share for
22	a study or project toward a different study or project, the
23	Secretary shall consider whether applying that credit
24	will—

1	(1) help to expedite the completion of a project
2	or group of projects;
3	(2) reduce costs to the Federal Government;
4	and
5	(3) aid the completion of a project that provides
6	significant flood risk reduction or environmental
7	benefits.
8	(d) TERMINATION OF AUTHORITY.—The authority
9	provided in this section shall terminate 10 years after the
10	date of enactment of this Act.
11	(e) Report.—
12	(1) Deadlines.—
13	(A) In general.—Not later than 2 years
14	after the date of enactment of this Act, the Sec-
15	retary shall submit to the Committee on Envi-
16	ronment and Public Works of the Senate and
17	the Committee on Transportation and Infra-
18	structure of the House of Representatives an
19	interim report on the use of the authority under
20	this section.
21	(B) Final report.—Not later than 5
22	years after the date of enactment of this Act,
23	the Secretary shall submit to the Committee on
24	Environment and Public Works of the Senate
25	and the Committee on Transportation and In-

1	frastructure of the House of Representatives a
2	final report on the use of the authority under
3	this section.
4	(2) Inclusions.—The reports described in
5	paragraph (1) shall include—
6	(A) a description of the use of the author-
7	ity under this section during the reporting pe-
8	$\operatorname{riod};$
9	(B) an assessment of the impact of the au-
10	thority under this section on the time required
11	to complete projects; and
12	(C) an assessment of the impact of the au-
13	thority under this section on other water re-
14	sources projects.
15	SEC. 2012. CREDIT FOR IN-KIND CONTRIBUTIONS.
16	(a) In General.—Section 221(a)(4) of the Flood
17	Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is
18	amended—
19	(1) in subparagraph (A), in the matter pre-
20	ceding clause (i) by inserting "or a project under an
21	environmental infrastructure assistance program'
22	after "law";
23	(2) in subparagraph (C), by striking "In any
24	case" and all that follows through the period at the
25	end and inserting the following:

1 "(i) Construction.— 2 "(I) IN GENERAL.—In any case 3 in which the non-Federal interest is to 4 receive credit under subparagraph (A) for the cost of construction carried 6 out by the non-Federal interest before 7 execution of a partnership agreement 8 and that construction has not been 9 carried out as of the date of enact-10 ment of this subparagraph, the Sec-11 retary and the non-Federal interest 12 shall enter into an agreement under 13 which the non-Federal interest shall 14 carry out such work prior to the non-15 Federal interest initiating construc-16 tion or issuing a written notice to pro-17 ceed for the construction. 18 "(II) ELIGIBILITY.—Construc-19 tion that is carried out after the exe-20 cution of an agreement to carry out 21 work described in subclause (I) and

any design activities that are required

for that construction, even if the de-

sign activity is carried out prior to the

22

23

24

1	execution of the agreement to carry
2	out work, shall be eligible for credit.
3	"(ii) Planning.—
4	"(I) In general.—In any case
5	in which the non-Federal interest is to
6	receive credit under subparagraph (A)
7	for the cost of planning carried out by
8	the non-Federal interest before execu-
9	tion of a feasibility cost sharing agree-
10	ment, the Secretary and the non-Fed-
11	eral interest shall enter into an agree-
12	ment under which the non-Federal in-
13	terest shall carry out such work prior
14	to the non-Federal interest initiating
15	that planning.
16	"(II) Eligibility.—Planning
17	that is carried out by the non-Federal
18	interest after the execution of an
19	agreement to carry out work described
20	in subclause (I) shall be eligible for
21	credit.";
22	(3) in subparagraph (D)(iii), by striking "sec-
23	tions 101 and 103" and inserting "sections
24	101(a)(2) and 103(a)(1)(A) of the Water Resources

1	Development Act of 1986 (33 U.S.C. 2211(a)(2); 33
2	U.S.C. 2213(a)(1)(A))";
3	(4) by redesignating subparagraph (E) as sub-
4	paragraph (H);
5	(5) by inserting after subparagraph (D) the fol-
6	lowing:
7	"(E) Analysis of costs and bene-
8	FITS.—In the evaluation of the costs and bene-
9	fits of a project, the Secretary shall not con-
10	sider construction carried out by a non-Federal
11	interest under this subsection as part of the fu-
12	ture without project condition.
13	"(F) Transfer of credit between
14	SEPARABLE ELEMENTS OF A PROJECT.—Credit
15	for in-kind contributions provided by a non-
16	Federal interest that are in excess of the non-
17	Federal cost share for an authorized separable
18	element of a project may be applied toward the
19	non-Federal cost share for a different author-
20	ized separable element of the same project.
21	"(G) APPLICATION OF CREDIT.—To the
22	extent that credit for in-kind contributions, as
23	limited by subparagraph (D), and credit for re-
24	quired land, easements, rights-of-way, dredged
25	material disposal areas, and relocations pro-

1	vided by the non-Federal interest exceed the
2	non-Federal share of the cost of construction of
3	a project other than a navigation project, the
4	Secretary shall reimburse the difference to the
5	non-Federal interest, subject to the availability
6	of funds."; and
7	(6) in subparagraph (H) (as redesignated by
8	paragraph (4))—
9	(A) in clause (i), by inserting ", and to
10	water resources projects authorized prior to the
11	date of enactment of the Water Resources De-
12	velopment Act of 1986 (Public Law 99–662), if
13	correction of design deficiencies is necessary"
14	before the period at the end; and
15	(B) by striking clause (ii) and inserting the
16	following:
17	"(ii) Authorization in Ad-
18	DITION TO SPECIFIC CREDIT
19	PROVISION.—In any case in
20	which a specific provision of law
21	authorizes credit for in-kind con-
22	tributions provided by a non-Fed-
23	eral interest before the date of
24	execution of a partnership agree-
25	ment, the Secretary may apply

1	the authority provided in this
2	paragraph to allow credit for in-
3	kind contributions provided by
4	the non-Federal interest on or
5	after the date of execution of the
6	partnership agreement.".
7	(b) Applicability.—Section 2003(e) of the Water
8	Resources Development Act of 2007 (42 U.S.C. 1962d-
9	5b note) is amended by inserting ", or construction of de-
10	sign deficiency corrections on the project," after "con-
11	struction on the project".
12	(c) Effective Date.—The amendments made by
13	subsections (a) and (b) take effect on November 8, 2007.
14	(d) Guidelines.—
15	(1) In general.—Not later than 1 year after
16	the date of enactment of this Act, the Secretary
17	shall update any guidance or regulations for car-
18	rying out section 221(a)(4) of the Flood Control Act
19	of 1970 (42 U.S.C. 1962d-5b(a)(4)) (as amended by
20	subsection (a)) that are in existence on the date of
21	enactment of this Act or issue new guidelines, as de-
22	termined to be appropriate by the Secretary.
23	(2) Inclusions.—Any guidance, regulations, or
24	guidelines updated or issued under paragraph (1)
25	shall include, at a minimum—

1	(A) the milestone for executing an in-kind
2	memorandum of understanding for construction
3	by a non-Federal interest;
4	(B) criteria and procedures for evaluating
5	a request to execute an in-kind memorandum of
6	understanding for construction by a non-Fed-
7	eral interest that is earlier than the milestone
8	under subparagraph (A) for that execution; and
9	(C) criteria and procedures for determining
10	whether work carried out by a non-Federal in-
11	terest is integral to a project.
12	(3) Public and stakeholder participa-
13	TION.—Before issuing any new or revised guidance,
14	regulations, or guidelines or any subsequent updates
15	to those documents, the Secretary shall—
16	(A) consult with affected non-Federal in-
17	terests;
18	(B) publish the proposed guidelines devel-
19	oped under this subsection in the Federal Reg-
20	ister; and
21	(C) provide the public with an opportunity
22	to comment on the proposed guidelines.
23	(e) Other Credit.—Nothing in section 221(a)(4) of
24	the Flood Control Act of 1970 (42 U.S.C. 1962d-
25	5b(a)(4)) (as amended by subsection (a)) affects any eligi-

- 1 bility for credit under section 104 of the Water Resources
- 2 Development of 1986 (33 U.S.C. 2214) that was approved
- 3 by the Secretary prior to the date of enactment of this
- 4 Act.

5 SEC. 2013. CREDIT IN LIEU OF REIMBURSEMENT.

- 6 Section 211(e)(2) of the Water Resources Develop-
- 7 ment Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended
- 8 by adding at the end the following:
- 9 "(C) Studies or other projects.—On 10 the request of a non-Federal interest, in lieu of 11 reimbursing a non-Federal interest the amount 12 equal to the estimated Federal share of the cost 13 of an authorized flood damage reduction project 14 or a separable element of an authorized flood 15 damage reduction project under this subsection 16 that has been constructed by the non-Federal 17 interest under this section as of the date of en-18 actment of this Act, the Secretary may provide 19 the non-Federal interest with a credit in that 20 amount, which the non-Federal interest may 21 apply to the share of the cost of the non-Fed-22 eral interest of carrying out other flood damage 23 reduction projects or studies.".

24 SEC. 2014. DAM OPTIMIZATION.

25 (a) Definitions.—In this section:

1	(1) Other related project benefits.—
2	The term "other related project benefits" includes—
3	(A) environmental protection and restora-
4	tion, including restoration of water quality and
5	water flows, improving movement of fish and
6	other aquatic species, and restoration of
7	floodplains, wetlands, and estuaries;
8	(B) increased water supply storage;
9	(C) increased hydropower generation;
10	(D) reduced flood risk;
11	(E) additional navigation; and
12	(F) improved recreation.
13	(2) Water control plan.—The term "water
14	control plan' means—
15	(A) a plan for coordinated regulation
16	schedules for project or system regulation; and
17	(B) such additional provisions as may be
18	required to collect, analyze, and disseminate
19	basic data, prepare detailed operating instruc-
20	tions, ensure project safety, and carry out regu-
21	lation of projects in an appropriate manner.
22	(b) Program.—
23	(1) IN GENERAL.—The Secretary may carry out
24	activities—

1	(A) to improve the efficiency of the oper-
2	ations and maintenance of dams and related in-
3	frastructure operated by the Corps of Engi-
4	neers; and
5	(B) to maximize, to the extent prac-
6	ticable—
7	(i) authorized project purposes; and
8	(ii) other related project benefits.
9	(2) Eligible activities.—An eligible activity
10	under this section is any activity that the Secretary
11	would otherwise be authorized to carry out that is
12	designed to provide other related project benefits in
13	a manner that does not adversely impact the author-
14	ized purposes of the project, including—
15	(A) the review of project operations on a
16	regular and timely basis to determine the po-
17	tential for operational changes;
18	(B) carrying out any investigation or study
19	the Secretary determines to be necessary; and
20	(C) the revision or updating of a water
21	control plan or other modification of the oper-
22	ation of a water resource project.
23	(3) Impact on authorized purposes.—An
24	activity carried out under this section shall not ad-

1	versely impact any of the authorized purposes of the
2	project.
3	(4) Effect on existing agreements.—
4	Nothing in this section supersedes or modifies any
5	written agreement between the Federal Government
6	and a non-Federal interest that is in effect on the
7	date of enactment of this Act.
8	(5) Other Laws.—
9	(A) In general.—An activity carried out
10	under this section shall comply with all other
11	applicable laws (including regulations).
12	(B) Water supply.—Any activity carried
13	out under this section that results in any modi-
14	fication to water supply storage allocations at a
15	reservoir operated by the Secretary shall comply
16	with section 301 of the Water Supply Act of
17	1958 (43 U.S.C. 390b).
18	(c) Policies, Regulations, and Guidance.—The
19	Secretary shall carry out a review of, and as necessary
20	modify, the policies, regulations, and guidance of the Sec-
21	retary to carry out the activities described in subsection
22	(b).
23	(d) Coordination.—
24	(1) In General.—The Secretary shall coordi-
25	nate all planning and activities carried out under

1	this section with appropriate Federal, State, and
2	local agencies and those public and private entities
3	that the Secretary determines may be affected by
4	those plans or activities.
5	(2) Non-federal interests.—Prior to car-
6	rying out an activity under this section, the Sec-
7	retary shall consult with any applicable non-Federal
8	interest of the affected dam or related infrastruc-
9	ture.
10	(e) Reports.—
11	(1) In general.—Not later than 2 years after
12	the date of enactment of this Act and every 2 years
13	thereafter, the Secretary shall submit to Congress a
14	report describing the actions carried out under this
15	section.
16	(2) Inclusions.—Each report under para-
17	graph (1) shall include—
18	(A) a schedule for reviewing the operations
19	of individual projects; and
20	(B) any recommendations of the Secretary
21	on changes that the Secretary determines to be
22	necessary—
23	(i) to carry out existing projection au-
24	thorizations, including the deauthorization
25	of any water resource project that the Sec-

1	retary determines could more effectively be
2	achieved through other means;
3	(ii) to improve the efficiency of water
4	resource project operations; and
5	(iii) to maximize authorized project
6	purposes and other related project benefits.
7	(3) Updated report.—
8	(A) IN GENERAL.—Not later than 2 years
9	after the date of enactment of this Act, the Sec-
10	retary shall update the report entitled "Author-
11	ized and Operating Purposes of Corps of Engi-
12	neers Reservoirs" and dated July 1992, which
13	was produced pursuant to section 311 of the
14	Water Resources Development Act of 1990
15	(104 Stat. 4639).
16	(B) INCLUSIONS.—The updated report de-
17	scribed in subparagraph (A) shall include—
18	(i) the date on which the most recent
19	review of project operations was conducted
20	and any recommendations of the Secretary
21	relating to that review the Secretary deter-
22	mines to be significant; and
23	(ii) the dates on which the rec-
24	ommendations described in clause (i) were
25	carried out.

1	(f) F'UNDING.—
2	(1) In general.—The Secretary may use to
3	carry out this section amounts made available to the
4	Secretary from—
5	(A) the general purposes and expenses ac-
6	$\operatorname{count};$
7	(B) the operations and maintenance ac-
8	count; and
9	(C) any other amounts that are appro-
10	priated to carry out this section.
11	(2) Funding from other sources.—The
12	Secretary may accept and expend amounts from
13	non-Federal entities and other Federal agencies to
14	carry out this section.
15	(g) Cooperative Agreements.—The Secretary
16	may enter into cooperative agreements with other Federal
17	agencies and non-Federal entities to carry out this section.
18	SEC. 2015. WATER SUPPLY.
19	Section 301 of the Water Supply Act of 1958 (43
20	U.S.C. 390b) is amended by striking subsection (d) and
21	inserting the following:
22	"(d) Congressional Approval of Modifications
23	OF RESERVOIR PROJECTS.—Congressional approval shall
24	be required for any modification that provides storage for
25	municipal or industrial water supply at a reservoir project

1	that has been authorized, surveyed, planned, or con-
2	structed if, when considered cumulatively with all previous
3	modifications of the project, the modification would—
4	"(1) seriously affect the purposes for which the
5	project was authorized, surveyed, planned, or con-
6	structed;
7	"(2) involve major structural or operational
8	changes; or
9	"(3) involve an allocation or reallocation of
10	storage that is equal to or exceeds 5 percent of the
11	conservation storage pool of the project.".
12	SEC. 2016. REPORT ON WATER STORAGE PRICING FOR-
13	MULAS.
13 14	MULAS. (a) FINDINGS.—Congress finds that—
14	(a) FINDINGS.—Congress finds that—
14 15	(a) FINDINGS.—Congress finds that—(1) due to the ongoing drought in many parts
14 15 16	(a) FINDINGS.—Congress finds that—(1) due to the ongoing drought in many parts of the United States, communities are looking for
14 15 16 17	 (a) FINDINGS.—Congress finds that— (1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of En-
14 15 16 17	(a) FINDINGS.—Congress finds that— (1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer reservoirs so as to maintain a reliable supply
14 15 16 17 18	(a) FINDINGS.—Congress finds that— (1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer reservoirs so as to maintain a reliable supply of water into the foreseeable future;
14 15 16 17 18 19 20	 (a) FINDINGS.—Congress finds that— (1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer reservoirs so as to maintain a reliable supply of water into the foreseeable future; (2) water storage pricing formulas should be
14 15 16 17 18 19 20	 (a) FINDINGS.—Congress finds that— (1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer reservoirs so as to maintain a reliable supply of water into the foreseeable future; (2) water storage pricing formulas should be equitable and not create disparities between users;
14 15 16 17 18 19 20 21	 (a) FINDINGS.—Congress finds that— (1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer reservoirs so as to maintain a reliable supply of water into the foreseeable future; (2) water storage pricing formulas should be equitable and not create disparities between users;

1	(1) In General.—Not later than 180 days
2	after the date of enactment of this Act, the Comp-
3	troller General of the United States shall initiate an
4	assessment of the water storage pricing formulas of
5	the Corps of Engineers, which shall include an as-
6	sessment of—
7	(A) existing water storage pricing formulas
8	of the Corps of Engineers, in particular wheth-
9	er those formulas produce water storage costs
10	for some beneficiaries that are greatly disparate
11	from the costs of other beneficiaries; and
12	(B) whether equitable water storage pric-
13	ing formulas could lessen the disparate impact
14	and produce more affordable water storage for
15	potential beneficiaries.
16	(2) Report.—The Comptroller General of the
17	United States shall submit to Congress a report on
18	the assessment carried out under paragraph (1).
19	SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED
20	WORK.
21	(a) In General.—The Secretary may carry out
22	measures to improve fish species habitat within the foot-
23	print and downstream of a water resources project con-
24	structed by the Secretary that includes a fish hatchery if
25	the Secretary—

1	(1) has been explicitly authorized to compensate
2	for fish losses associated with the project; and
3	(2) determines that the measures are—
4	(A) feasible;
5	(B) consistent with authorized project pur-
6	poses and the fish hatchery; and
7	(C) in the public interest.
8	(b) Cost Sharing.—
9	(1) In General.—Subject to paragraph (2),
10	the non-Federal interest shall contribute 35 percent
11	of the total cost of carrying out activities under this
12	section, including the costs relating to the provision
13	or acquisition of required land, easements, rights-of-
14	way, dredged material disposal areas, and reloca-
15	tions.
16	(2) OPERATION AND MAINTENANCE.—The non-
17	Federal interest shall contribute 100 percent of the
18	costs of operation, maintenance, replacement, repair
19	and rehabilitation of a project constructed under
20	this section.
21	(c) AUTHORIZATION OF APPROPRIATIONS.—For each
22	fiscal year, there is authorized to be appropriated to carry
23	out this section \$30,000,000.

1	SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASI-
2	BILITY STUDIES.
3	At the request of the non-Federal interest, the Sec-
4	retary shall include as part of a regional or watershed
5	study any Federal land that is located within the geo-
6	graphic scope of that study.
7	SEC. 2019. PLANNING ASSISTANCE TO STATES.
8	Section 22 of the Water Resources Development Act
9	of 1974 (42 U.S.C. 1962d–16) is amended—
10	(1) in subsection (a)—
11	(A) in paragraph (1)—
12	(i) by inserting "or other stakeholder
13	working with a State" after "cooperate
14	with any State"; and
15	(ii) by inserting ", including plans to
16	comprehensively address water resources
17	challenges," after "of such State"; and
18	(B) in paragraph (2)(A), by striking ", at
19	Federal expense,";
20	(2) in subsection (b)—
21	(A) in paragraph (1), by striking "sub-
22	section (a)(1)" each place it appears and insert-
23	ing "subsection (a)";
24	(B) by redesignating paragraphs (2) and
25	(3) as paragraphs (3) and (4), respectively; and

1	(C) by inserting after paragraph (1) the
2	following:
3	"(2) Contributed funds.—The Secretary
4	may accept and expend funds in excess of the fees
5	established under paragraph (1) that are provided
6	by a State or other non-Federal public body for as-
7	sistance under this section."; and
8	(3) in subsection (c)—
9	(A) in paragraph (1)—
10	(i) by striking "\$10,000,000" and in-
11	serting "\$30,000,000"; and
12	(ii) by striking "\$2,000,000" and in-
13	serting "\$5,000,000 in Federal funds";
14	and
15	(B) in paragraph (2), by striking
16	"\$5,000,000" and inserting "\$15,000,000".
17	SEC. 2020. VEGETATION MANAGEMENT POLICY.
18	(a) Definition of National Guidelines.—In this
19	section, the term "national guidelines" means the Corps
20	of Engineers policy guidelines for management of vegeta-
21	tion on levees, including—
22	(1) Engineering Technical Letter 1110-2-571
23	entitled "Guidelines for Landscape Planting and
24	Vegetation Management at Levees, Floodwalls, Em-

1	bankment Dams, and Appurtenant Structures" and
2	adopted April 10, 2009; and
3	(2) the draft policy guidance letter entitled
4	"Process for Requesting a Variance from Vegetation
5	Standards for Levees and Floodwalls' (77 Fed. Reg.
6	9637 (Feb. 17, 2012)).
7	(b) Review.—Not later than 180 days after the date
8	of enactment of this Act, the Secretary shall carry out a
9	comprehensive review of the national guidelines in order
10	to determine whether current Federal policy relating to
11	levee vegetation is appropriate for all regions of the United
12	States.
13	(c) Factors.—
14	(1) In general.—In carrying out the review,
15	the Secretary shall consider—
16	(A) the varied interests and responsibilities
17	in managing flood risks, including the need—
18	(i) to provide for levee safety with lim-
19	ited resources; and
20	(ii) to ensure that levee safety invest-
21	ments minimize environmental impacts and
22	provide corresponding public safety bene-
23	fits;
24	(B) the levee safety benefits that can be
25	provided by woody vegetation;

1	(C) the preservation, protection, and en-
2	hancement of natural resources, including—
3	(i) the benefit of vegetation on levees
4	in providing habitat for endangered,
5	threatened, and candidate species; and
6	(ii) the impact of removing level vege-
7	tation on compliance with other regulatory
8	requirements;
9	(D) protecting the rights of Indian tribes
10	pursuant to treaties and statutes;
11	(E) the available science and the historical
12	record regarding the link between vegetation on
13	levees and flood risk;
14	(F) the avoidance of actions requiring sig-
15	nificant economic costs and environmental im-
16	pacts; and
17	(G) other factors relating to the factors de-
18	scribed in subparagraphs (A) through (F) iden-
19	tified in public comments that the Secretary de-
20	termines to be appropriate.
21	(2) Variance considerations.—
22	(A) In general.—In carrying out the re-
23	view, the Secretary shall specifically consider
24	whether the national guidelines can be amended
25	to promote and allow for consideration of

1	variances from national guidelines on a State-
2	wide, tribal, regional, or watershed basis, in-
3	cluding variances based on—
4	(i) soil conditions;
5	(ii) hydrologic factors;
6	(iii) vegetation patterns and charac-
7	teristics;
8	(iv) environmental resources, includ-
9	ing endangered, threatened, or candidate
10	species and related regulatory require-
11	ments;
12	(v) levee performance history, includ-
13	ing historical information on original con-
14	struction and subsequent operation and
15	maintenance activities;
16	(vi) any effects on water supply;
17	(vii) any scientific evidence on the link
18	between level vegetation and level safety;
19	(viii) institutional considerations, in-
20	cluding implementation challenges;
21	(ix) the availability of limited funds
22	for levee construction and rehabilitation;
23	(x) the economic and environmental
24	costs of removing woody vegetation on lev-
25	ees; and

1	(xi) other relevant factors identified in
2	public comments that the Secretary deter-
3	mines to be appropriate.
4	(B) Scope.—The scope of a variance ap-
5	proved by the Secretary may include a complete
6	exemption to national guidelines, as the Sec-
7	retary determines to be necessary.
8	(d) Cooperation and Consultation; Rec-
9	OMMENDATIONS.—
10	(1) In general.—The Secretary shall carry
11	out the review under this section in consultation
12	with other applicable Federal agencies, representa-
13	tives of State, regional, local, and tribal govern-
14	ments, appropriate nongovernmental organizations,
15	and the public.
16	(2) RECOMMENDATIONS.—The Chief of Engi-
17	neers and any State, tribal, regional, or local entity
18	may submit to the Secretary any recommendations
19	for vegetation management policies for levees that
20	conform with Federal and State laws, including rec-
21	ommendations relating to the review of national
22	guidelines under subsection (b) and the consider-
23	ation of variances under subsection $(c)(2)$.
24	(e) Peer Review.—

1	(1) In General.—As part of the review, the
2	Secretary shall solicit and consider the views of the
3	National Academy of Engineering and the National
4	Academy of Sciences on the engineering, environ-
5	mental, and institutional considerations underlying
6	the national guidelines, including the factors de-
7	scribed in subsection (c) and any information ob-
8	tained by the Secretary under subsection (d).
9	(2) AVAILABILITY OF VIEWS.—The views of the
10	National Academy of Engineering and the National
11	Academy of Sciences obtained under paragraph (1)
12	shall be—
13	(A) made available to the public; and
14	(B) included in supporting materials issued
15	in connection with the revised national guide-
16	lines required under subsection (f).
17	(f) REVISION OF NATIONAL GUIDELINES.—
18	(1) In general.—Not later than 2 years after
19	the date of enactment of this Act, the Secretary
20	shall—
21	(A) revise the national guidelines based on
22	the results of the review, including—
23	(i) recommendations received as part
24	of the consultation described in subsection
25	(d)(1); and

1	(ii) the results of the peer review con-
2	ducted under subsection (e); and
3	(B) submit to Congress a report that con-
4	tains a summary of the activities of the Sec-
5	retary and a description of the findings of the
6	Secretary under this section.
7	(2) Content; incorporation into man-
8	UAL.—The revised national guidelines shall—
9	(A) provide a practical, flexible process for
10	approving Statewide, tribal, regional, or water-
11	shed variances from the national guidelines
12	that—
13	(i) reflect due consideration of the fac-
14	tors described in subsection (e); and
15	(ii) incorporate State, tribal, and re-
16	gional vegetation management guidelines
17	for specific areas that have been adopted
18	through a formal public process; and
19	(B) be incorporated into the manual pro-
20	posed under section 5(c) of the Act entitled "An
21	Act authorizing the construction of certain pub-
22	lie works on rivers and harbors for flood con-
23	trol, and for other purposes", approved August
24	18, 1941 (33 U.S.C. 701n(c)).

1	(3) Failure to meet deadlines.—If the
2	Secretary fails to submit a report by the required
3	deadline under this subsection, the Secretary shall
4	submit to the Committee on Environment and Pub-
5	lic Works of the Senate and the Committee on
6	Transportation and Infrastructure of the House of
7	Representatives a detailed explanation of—
8	(A) why the deadline was missed;
9	(B) solutions needed to meet the deadline;
10	and
11	(C) a projected date for submission of the
12	report.
13	(g) CONTINUATION OF WORK.—Concurrent with the
14	completion of the requirements of this section, the Sec-
15	retary shall proceed without interruption or delay with
16	those ongoing or programmed projects and studies, or ele-
17	ments of projects or studies, that are not directly related
18	to vegetation variance policy.
19	(h) Interim Actions.—
20	(1) In general.—Until the date on which revi-
21	sions to the national guidelines are adopted in ac-
22	cordance with subsection (f), the Secretary shall not
23	require the removal of existing vegetation as a condi-
24	tion or requirement for any approval or funding of
25	a project, or any other action, unless the specific

vegetation has been demonstrated to present an unacceptable safety risk.
 (2) REVISIONS.—Beginning on the date on

which the revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall consider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former national guidelines.

10 SEC. 2021. LEVEE CERTIFICATIONS.

4

5

6

7

8

9

22

23

24

25

- 11 (a) Implementation of Flood Protection
- 12 Structure Accreditation Task Force.—In carrying
- 13 out section 100226 of the Biggert-Waters Flood Insurance
- 14 Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat.
- 15 942), the Secretary shall—
- 16 (1) ensure that at least 1 program activity car17 ried out under the inspection of completed works
 18 program of the Corps of Engineers provides ade19 quate information to the Secretary to reach a levee
 20 accreditation decision for each requirement under
 21 section 65.10 of title 44, Code of Federal Regula-

tions (or successor regulation); and

(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in align-

1	ment with the schedule established for the national						
2	flood insurance program established under chapter 1						
3	of the National Flood Insurance Act of 1968 (42						
4	U.S.C. 4011 et seq.).						
5	(b) Accelerated Levee System Evaluations						
6	AND CERTIFICATIONS.—						
7	(1) In general.—On receipt of a request from						
8	a non-Federal interest, the Secretary may carry out						
9	a levee system evaluation and certification of a fed-						
10	erally authorized levee for purposes of the national						
11	flood insurance program established under chapter 1						
12	of the National Flood Insurance Act of 1968 (42						
13	U.S.C. 4011 et seq.) if the evaluation and certifi-						
14	cation will be carried out earlier than such an eval-						
15	uation and certification would be carried out under						
16	subsection (a).						
17	(2) Requirements.—A levee system evalua-						
18	tion and certification under paragraph (1) shall—						
19	(A) at a minimum, comply with section						
20	65.10 of title 44, Code of Federal Regulations						
21	(as in effect on the date of enactment of this						
22	Act); and						
23	(B) be carried out in accordance with such						
24	procedures as the Secretary, in consultation						

1	with the Director of the Federal Emergency						
2	Management Agency, may establish.						
3	(3) Cost sharing.—						
4	(A) Non-federal share.—Subject to						
5	subparagraph (B), the non-Federal share of the						
6	cost of carrying out a levee system evaluation						
7	and certification under this subsection shall be						
8	35 percent.						
9	(B) Adjustment.—The Secretary shall						
10	adjust the non-Federal share of the cost of car-						
11	rying out a levee system evaluation and certifi-						
12	cation under this subsection in accordance with						
13	section 103(m) of the Water Resources Devel-						
14	opment Act of 1986 (33 U.S.C. 2213(m)).						
15	(4) APPLICATION.—Nothing in this subsection						
16	affects the requirement under section 100226(b)(2)						
17	of the Biggert-Waters Flood Insurance Reform Act						
18	of 2012 (42 U.S.C. 4101 note; 126 Stat. 942).						
19	SEC. 2022. RESTORATION OF FLOOD AND HURRICANE						
20	STORM DAMAGE REDUCTION PROJECTS.						
21	(a) In General.—The Secretary shall carry out any						
22	measures necessary to restore components of federally au-						
23	thorized and federally constructed flood and hurricane						
24	storm damage reduction projects to authorized levels of						
25	protection for reasons including settlement, subsidence,						

- 1 sea level rise, and new datum, if the Secretary determines
- 2 the necessary work is feasible.
- 3 (b) Cost Share.—The non-Federal share of the cost
- 4 of construction of a project carried out under this section
- 5 shall be determined as provided in subsections (a) through
- 6 (d) of section 103 of the Water Resources Development
- 7 Act of 1986 (33 U.S.C. 2213).
- 8 (c) Operations and Maintenance.—The non-Fed-
- 9 eral share of the cost of operations, maintenance, repair,
- 10 replacement, and rehabilitation for a project carried out
- 11 under this section shall be 100 percent.
- 12 (d) Eligibility of Projects Transferred to
- 13 Non-Federal Interest.—The Secretary may carry out
- 14 measures described in subsection (a) on a water resources
- 15 project, separable element of a project, or functional com-
- 16 ponent of a project that has been transferred to the non-
- 17 Federal interest.
- 18 (e) Report to Congress.—Not later than 8 years
- 19 after the date of enactment of this Act, the Secretary shall
- 20 submit to the Committee on Environment and Public
- 21 Works of the Senate and the Committee on Transpor-
- 22 tation and Infrastructure of the House of Representatives
- 23 a report on the implementation of this section, including—
- 24 (1) any recommendations relating to the contin-
- 25 ued need for the authority provided in this section;

I	(2) a description of the measures carried out					
2	under this section;					
3	(3) any lessons learned relating to the measures					
4	implemented under this section; and					
5	(4) best practices for carrying out measures to					
6	restore flood damage reduction projects.					
7	(f) TERMINATION OF AUTHORITY.—The authority to					
8	carry out a measure under this section terminates on the					
9	date that is 10 years after the date of enactment of this					
10	Act.					
11	(g) AUTHORIZATION OF APPROPRIATIONS.—There is					
12	authorized to be appropriated to the Secretary to carry					
13	out this section \$250,000,000.					
	, , ,					
14	SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN					
14	SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN					
14 15 16	SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS.					
14 15 16 17	SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS. The Secretary may assume operation and mainte-					
14 15 16 17	SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS. The Secretary may assume operation and maintenance activities for a navigation channel that is deepened					
14 15 16 17	SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS. The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012,					
14 15 16 17 18	SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS. The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012, if—					
14 15 16 17 18 19 20	SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS. The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012, if— (1) the Secretary determines that the require-					
14 15 16 17 18 19 20 21	PROJECTS. The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012, if— (1) the Secretary determines that the requirements under paragraphs (2) and (3) of section					
14 15 16 17 18 19 20 21	PROJECTS. The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012, if— (1) the Secretary determines that the requirements under paragraphs (2) and (3) of section 204(f) of the Water Resources Development Act of					

1	the navigation channel are economically justified and					
2	environmentally acceptable; and					
3	(3) the deepening activities have been carrie					
4	out on a Federal navigation channel that—					
5	(A) exists as of the date of enactment of					
6	this Act; and					
7	(B) has been authorized by Congress.					
8	SEC. 2024. DREDGING STUDY.					
9	(a) In General.—The Secretary, in conjunction					
10	with other relevant Federal agencies and applicable non-					
11	Federal interests, shall carry out a study—					
12	(1) to compare domestic and international					
13	dredging markets, including costs, technologies, and					
14	management approaches used in each respective					
15	market, and determine the impacts of those markets					
16	on dredging needs and practices in the United					
17	States;					
18	(2) to analyze past and existing practices, tech-					
19	nologies, and management approaches used in					
20	dredging in the United States; and					
21	(3) to develop recommendations relating to the					
22	best techniques, practices, and management ap-					
23	proaches for dredging in the United States.					
24	(b) Purposes.—The purposes of the study under					
25	this section are—					

1	(1) the identification of the best techniques
2	methods, and technologies for dredging, including
3	the evaluation of the feasibility, cost, and benefits
4	of—
5	(A) new dredging technologies; and
6	(B) improved dredging practices and tech-
7	niques;
8	(2) the appraisal of the needs of the United
9	States for dredging, including the need to increase
10	the size of private and Corps of Engineers dredging
11	fleets to meet demands for additional construction or
12	maintenance dredging needed as of the date of en-
13	actment of this Act and in the subsequent 20 years
14	(3) the identification of any impediments to
15	dredging, including any recommendations of appro-
16	priate alternatives for responding to those impedi-
17	ments;
18	(4) the assessment, including any recommenda-
19	tions of appropriate alternatives, of the adequacy
20	and effectiveness of—
21	(A) the economic, engineering, and envi-
22	ronmental methods, models, and analyses used
23	by the Chief of Engineers and private dredging
24	operations for dredging; and

1	(B) the current cost structure of construc-
2	tion contracts entered into by the Chief of En-
3	gineers;
4	(5) the evaluation of the efficiency and effec-
5	tiveness of past, current, and alternative dredging
6	practices and alternatives to dredging, including agi-
7	tation dredging; and
8	(6) the identification of innovative techniques
9	and cost-effective methods to expand regional sedi-
10	ment management efforts, including the placement
11	of dredged sediment within river diversions to accel-
12	erate the creation of wetlands.
13	(c) STUDY TEAM.—
14	(1) IN GENERAL.—The Secretary shall establish
15	a study team to assist the Secretary in planning
16	carrying out, and reporting on the results of the
17	study under this section.
18	(2) Study team established
19	pursuant to paragraph (1) shall—
20	(A) be appointed by the Secretary; and
21	(B) represent a broad spectrum of experts
22	in the field of dredging and representatives of
23	relevant State agencies and relevant non-Fed-
24	eral interests.

1	(d) Public Comment Period.—The Secretary						
2	shall—						
3	(1) make available to the public, including on						
4	the Internet, all draft and final study findings under						
5	this section; and						
6	(2) allow for a public comment period of not						
7	less than 30 days on any draft study findings prior						
8	to issuing final study findings.						
9	(e) Report to Congress.—Not later than 2 years						
10	after the date of enactment of this Act, and subject to						
11	available appropriations, the Secretary, in consultation						
12	with the study team established under subsection (c), shall						
13	submit a detailed report on the results of the study to the						
14	Committee on Environment and Public Works of the Sen-						
15	ate and the Committee on Transportation and Infrastruc-						
16	ture of the House of Representatives.						
17	(f) Failure to Meet Deadlines.—If the Sec-						
18	retary does not complete the study under this section and						
19	submit a report to Congress under subsection (e) on or						
20	before the deadline described in that subsection, the Sec-						
21	retary shall notify Congress and describe why the study						
22	was not completed.						

1	SEC.	2025.	NON-FE	EDERAL	PROJECT	IMPLEMENTATION	
2	PILOT PROGRAM.						
3	(a) In General.—Not later than 180 days after the						
4	date of enactment of this Act, the Secretary shall establish						
5	and implement a pilot program to evaluate the cost-effec-						
6	tiveness and project delivery efficiency of allowing non-						
7	Federal interests to carry out flood risk management, hur-						
8	ricane and storm damage reduction, and coastal harbor						
9	and channel and inland harbor navigation projects.						
10	(b) Purposes.—The purposes of the pilot program						
11	are—						
12	(1) to identify project delivery and cost-saving						
13	i	alterna	tives th	at reduc	e the ba	cklog of authorized	
14	(Corps	of Engir	neers pro	jects;		
15		(2) to eva	luate the	e technica	l, financial, and or-	
16		ganizat	tional e	fficiencie	s of a n	on-Federal interest	
17	(carryin	g out th	ne design	, execution	n, management, and	
18	(constr	ection of	1 or mo	re project	s; and	
19		(3) to eva	luate alte	ernatives t	for the decentraliza-	
20		tion of	the pro	ject plan	ning, mar	nagement, and oper-	
21	į	ational	decision	nmaking	process of	the Corps of Engi-	
22	-	neers.					
23		(c) AD	MINISTR	ATION.—	-		
24		(1) In G	ENERAL.	—In carr	ying out the pilot	
25	program, the Secretary shall—						

1	(A) identify a total of not more than 12
2	projects for flood risk management, hurricane
3	and storm damage reduction, including levees
4	floodwalls, flood control channels, water control
5	structures, and coastal harbor and channel and
6	inland harbor navigation, that have been au-
7	thorized for construction prior to the date of
8	enactment of this Act that—
9	(i)(I) have received Federal funds
10	prior to the date of enactment of this Act
11	or
12	(II) for more than 2 consecutive fisca
13	years, have an unobligated funding balance
14	for that project in the Corps of Engineers
15	construction account; and
16	(ii) to the maximum extent prac-
17	ticable, are located in each of the divisions
18	of the Corps of Engineers;
19	(B) notify the Committee on Environment
20	and Public Works of the Senate and the Com-
21	mittee on Transportation and Infrastructure of
22	the House of Representatives on the identifica-
23	tion of each project under the pilot program;
24	(C) in collaboration with the non-Federa
25	interest, develop a detailed project management

1	plan for each identified project that outlines the
2	scope, budget, design, and construction resource
3	requirements necessary for the non-Federal in-
4	terest to execute the project, or a separable ele-
5	ment of the project;
6	(D) on the request of the non-Federal in-
7	terest, enter into a project partnership agree-
8	ment with the non-Federal interest for the non-
9	Federal interest to provide full project manage-
10	ment control for construction of the project, or
11	a separable element of the project, in accord-
12	ance with plans approved by the Secretary;
13	(E) following execution of the project part-
14	nership agreement, transfer to the non-Federal
15	interest to carry out construction of the project,
16	or a separable element of the project—
17	(i) if applicable, the balance of the un-
18	obligated amounts appropriated for the
19	project, except that the Secretary shall re-
20	tain sufficient amounts for the Corps of
21	Engineers to carry out any responsibilities
22	of the Corps of Engineers relating to the
23	project and pilot program; and
24	(ii) additional amounts, as determined
25	by the Secretary, from amounts made

1	available under subsection (h), except that
2	the total amount transferred to the non-
3	Federal interest shall not exceed the up-
4	dated estimate of the Federal share of the
5	cost of construction, including any required
6	design; and
7	(F) regularly monitor and audit each
8	project being constructed by a non-Federal in-
9	terest under this section to ensure that the con-
10	struction activities are carried out in compli-
11	ance with the plans approved by the Secretary
12	and that the construction costs are reasonable.
13	(2) DETAILED PROJECT SCHEDULE.—Not later
14	than 180 days after entering into an agreement
15	under paragraph (1)(D), each non-Federal interest
16	to the maximum extent practicable, shall submit to
17	the Secretary a detailed project schedule, based on
18	full funding capability, that lists all deadlines for
19	each milestone in the construction of the project.
20	(3) TECHNICAL ASSISTANCE.—On the request
21	of a non-Federal interest, the Secretary may provide
22	technical assistance to the non-Federal interest, if
23	the non-Federal interest contracts with the Sec-
24	retary for the technical assistance and compensates

1	the Secretary for the technical assistance, relating
2	to—
3	(A) any study, engineering activity, and
4	design activity for construction carried out by
5	the non-Federal interest under this section; and
6	(B) expeditiously obtaining any permits
7	necessary for the project.
8	(d) Cost-share.—Nothing in this section affects the
9	cost-sharing requirement applicable on the day before the
10	date of enactment of this Act to a project carried out
11	under this section.
12	(e) Report.—
13	(1) In General.—Not later than 2 years after
14	the date of enactment of this Act, the Secretary
15	shall submit to the Committee on Environment and
16	Public Works of the Senate and the Committee on
17	Transportation and Infrastructure of the House of
18	Representatives a report detailing the results of the
19	pilot program carried out under this section, includ-
20	ing—
21	(A) a description of the progress of non-
22	Federal interests in meeting milestones in de-
23	tailed project schedules developed pursuant to
24	subsection $(e)(2)$; and

(B) any recommendations of the Secretary 1 2 concerning whether the program or any compo-3 nent of the program should be implemented on 4 a national basis. 5 (2) UPDATE.—Not later than 5 years after the 6 date of enactment of this Act, the Secretary shall 7 submit to the Committee on Environment and Pub-8 lic Works of the Senate and the Committee on 9 Transportation and Infrastructure of the House of 10 Representatives an update of the report described in 11 paragraph (1). 12 (3) Failure to meet deadline.—If the Sec-13 retary fails to submit a report by the required dead-14 line under this subsection, the Secretary shall sub-15 mit to the Committee on Environment and Public 16 Works of the Senate and the Committee on Trans-17 portation Infrastructure of the House of Representa-18 tives a detailed explanation of why the deadline was 19 missed and a projected date for submission of the 20 report. 21 (f) ADMINISTRATION.—All laws and regulations that 22 would apply to the Secretary if the Secretary were car-23 rying out the project shall apply to a non-Federal interest carrying out a project under this section.

- 1 (g) TERMINATION OF AUTHORITY.—The authority to
- 2 commence a project under this section terminates on the
- 3 date that is 5 years after the date of enactment of this
- 4 Act.
- 5 (h) AUTHORIZATION OF APPROPRIATIONS.—In addi-
- 6 tion to any amounts appropriated for a specific project,
- 7 there is authorized to be appropriated to the Secretary to
- 8 carry out the pilot program under this section, including
- 9 the costs of administration of the Secretary, \$25,000,000
- 10 for each of fiscal years 2014 through 2018.
- 11 SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASI-
- 12 BILITY STUDIES.
- 13 (a) IN GENERAL.—Not later than 180 days after the
- 14 date of enactment of this Act, the Secretary shall establish
- 15 and implement a pilot program to evaluate the cost-effec-
- 16 tiveness and project delivery efficiency of allowing non-
- 17 Federal interests to carry out feasibility studies for flood
- 18 risk management, hurricane and storm damage reduction,
- 19 ecosystem restoration, and coastal harbor and channel and
- 20 inland harbor navigation.
- 21 (b) Purposes.—The purposes of the pilot program
- 22 are—
- 23 (1) to identify project delivery and cost-saving
- 24 alternatives to the existing feasibility study process;

1	(2) to evaluate the technical, financial, and or-
2	ganizational efficiencies of a non-Federal interest
3	carrying out a feasibility study of 1 or more
4	projects; and
5	(3) to evaluate alternatives for the decentraliza-
6	tion of the project planning, management, and oper-
7	ational decisionmaking process of the Corps of Engi-
8	neers.
9	(c) Administration.—
10	(1) In general.—On the request of a non-
11	Federal interest, the Secretary may enter into an
12	agreement with the non-Federal interest for the non-
13	Federal interest to provide full project management
14	control of a feasibility study for a project for—
15	(A) flood risk management;
16	(B) hurricane and storm damage reduc-
17	tion, including levees, floodwalls, flood control
18	channels, and water control structures;
19	(C) coastal harbor and channel and inland
20	harbor navigation; and
21	(D) ecosystem restoration.
22	(2) Use of non-federal-funds.—
23	(A) In general.—A non-Federal interest
24	that has entered into an agreement with the
25	Secretary pursuant to paragraph (1) may use

1	non-Federal funds to carry out the feasibility
2	study.
3	(B) Credit.—The Secretary shall credit
4	towards the non-Federal share of the cost of
5	construction of a project for which a feasibility
6	study is carried out under this section an
7	amount equal to the portion of the cost of de-
8	veloping the study that would have been the re-
9	sponsibility of the Secretary, if the study were
10	carried out by the Secretary, subject to the con-
11	ditions that—
12	(i) non-Federal funds were used to
13	carry out the activities that would have
14	been the responsibility of the Secretary;
15	(ii) the Secretary determines that the
16	feasibility study complies with all applica-
17	ble Federal laws and regulations; and
18	(iii) the project is authorized by any
19	provision of Federal law enacted after the
20	date on which an agreement is entered into
21	under paragraph (1).
22	(3) Transfer of funds.—
23	(A) In GENERAL.—After the date on which
24	an agreement is executed pursuant to para-
25	graph (1), the Secretary may transfer to the

1	non-Federal interest to carry out the feasibility
2	study—
3	(i) if applicable, the balance of any
4	unobligated amounts appropriated for the
5	study, except that the Secretary shall re-
6	tain sufficient amounts for the Corps of
7	Engineers to carry out any responsibilities
8	of the Corps of Engineers relating to the
9	project and pilot program; and
10	(ii) additional amounts, as determined
11	by the Secretary, from amounts made
12	available under subsection (h), except that
13	the total amount transferred to the non-
14	Federal interest shall not exceed the up-
15	dated estimate of the Federal share of the
16	cost of the feasibility study.
17	(B) Administration.—The Secretary
18	shall include such provisions as the Secretary
19	determines to be necessary in an agreement
20	under paragraph (1) to ensure that a non-Fed-
21	eral interest receiving Federal funds under this
22	paragraph—
23	(i) has the necessary qualifications to
24	administer those funds; and

1	(ii) will comply with all applicable
2	Federal laws (including regulations) relat-
3	ing to the use of those funds.
4	(4) Notification.—The Secretary shall notify
5	the Committee on Environment and Public Works of
6	the Senate and the Committee on Transportation
7	and Infrastructure of the House of Representatives
8	on the initiation of each feasibility study under the
9	pilot program.
10	(5) Auditing.—The Secretary shall regularly
11	monitor and audit each feasibility study carried out
12	by a non-Federal interest under this section to en-
13	sure that the use of any funds transferred under
14	paragraph (3) are used in compliance with the
15	agreement signed under paragraph (1).
16	(6) TECHNICAL ASSISTANCE.—On the request
17	of a non-Federal interest, the Secretary may provide
18	technical assistance to the non-Federal interest re-
19	lating to any aspect of the feasibility study, if the
20	non-Federal interest contracts with the Secretary for
21	the technical assistance and compensates the Sec-
22	retary for the technical assistance.
23	(7) DETAILED PROJECT SCHEDULE.—Not later
24	than 180 days after entering into an agreement
25	under paragraph (1), each non-Federal interest, to

1	the maximum extent practicable, shall submit to the
2	Secretary a detailed project schedule, based on ful
3	funding capability, that lists all deadlines for mile-
4	stones relating to the feasibility study.
5	(d) Cost-share.—Nothing in this section affects the
6	cost-sharing requirement applicable on the day before the
7	date of enactment of this Act to a feasibility study carried
8	out under this section.
9	(e) Report.—
10	(1) IN GENERAL.—Not later than 2 years after
11	the date of enactment of this Act, the Secretary
12	shall submit to the Committee on Environment and
13	Public Works of the Senate and the Committee on
14	Transportation and Infrastructure of the House of
15	Representatives a report detailing the results of the
16	pilot program carried out under this section, includ-
17	ing—
18	(A) a description of the progress of the
19	non-Federal interests in meeting milestones in
20	detailed project schedules developed pursuant to
21	subsection $(e)(7)$; and
22	(B) any recommendations of the Secretary
23	concerning whether the program or any compo-
24	nent of the program should be implemented on
25	a national basis.

1 (2) UPDATE.—Not later than 5 years after the 2 date of enactment of this Act, the Secretary shall 3 submit to the Committee on Environment and Pub-4 lic Works of the Senate and the Committee on 5 Transportation and Infrastructure of the House of 6 Representatives an update of the report described in 7 paragraph (1). 8 (3) Failure to meet deadline.—If the Sec-9 retary fails to submit a report by the required dead-10 line under this subsection, the Secretary shall sub-11 mit to the Committee on Environment and Public 12 Works of the Senate and the Committee on Trans-13 portation Infrastructure of the House of Representa-14 tives a detailed explanation of why the deadline was 15 missed and a projected date for submission of the 16 report. 17 (f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were car-18 19 rying out the feasibility study shall apply to a non-Federal 20 interest carrying out a feasibility study under this section. 21 (g) TERMINATION OF AUTHORITY.—The authority to 22 commence a feasibility study under this section terminates 23 on the date that is 5 years after the date of enactment of this Act.

1	(h) AUTHORIZATION OF APPROPRIATIONS.—In addi-
2	tion to any amounts appropriated for a specific project,
3	there is authorized to be appropriated to the Secretary to
4	carry out the pilot program under this section, including
5	the costs of administration of the Secretary, \$25,000,000
6	for each of fiscal years 2014 through 2018.
7	SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.
8	Section 203 of the Water Resources Development Act
9	of 2000 (33 U.S.C. 2269) is amended—
10	(1) in subsection $(d)(1)(B)$ —
11	(A) by striking "The ability" and inserting
12	the following:
13	"(i) In general.—The ability"; and
14	(B) by adding at the end the following:
15	"(ii) Determination.—Not later
16	than 180 days after the date of enactment
17	of the Water Resources Development Act
18	of 2013, the Secretary shall issue guidance
19	on the procedures described in clause (i).";
20	and
21	(2) in subsection (e), by striking "2012" and
22	inserting "2023".

1	SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA
2	RIVER BASIN INDIAN TRIBES.
3	The Secretary may enter into a cooperative agree-
4	ment with 1 or more federally recognized Indian tribes (or
5	a designated representative of the Indian tribes) that are
6	located, in whole or in part, within the boundaries of the
7	Columbia River Basin to carry out authorized activities
8	within the Columbia River Basin to protect fish, wildlife,
9	water quality, and cultural resources.
10	SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT
11	CIVIL WORKS SHORELINE PROTECTION
12	PROJECTS.
13	(a) In General.—The Secretary may implement
14	any response action the Secretary determines to be nec-
15	essary at a site where—
16	(1) the Secretary has carried out a project
17	under civil works authority of the Secretary that in-
18	cludes placing sand on a beach;
19	(2) as a result of the project described in para-
20	graph (1), military munitions that were originally re-
21	leased as a result of Department of Defense activi-
22	ties are deposited on the beach, posing a threat to
23	human health or the environment.
24	(b) RESPONSE ACTION FUNDING.—A response action
25	described in subsection (a) shall be funded from amounts
26	made available to the agency within the Department of

1 Defense responsible for the original release of the muni-

- 2 tions.
- 3 SEC. 2030. BEACH NOURISHMENT.
- 4 Section 156 of the Water Resources Development Act
- 5 of 1976 (42 U.S.C. 1962d–5f) is amended to read as fol-
- 6 lows:
- 7 "SEC. 156. BEACH NOURISHMENT.
- 8 "(a) IN GENERAL.—The Secretary of the Army, act-
- 9 ing through the Chief of Engineers, may provide periodic
- 10 beach nourishment for each water resources development
- 11 project for which that nourishment has been authorized
- 12 for an additional period of time, as determined by the Sec-
- 13 retary, subject to the condition that the additional period
- 14 shall not exceed the later of—
- 15 "(1) 50 years after the date on which the con-
- struction of the project is initiated; or
- 17 "(2) the date on which the last estimated peri-
- odic nourishment for the project is to be carried out,
- as recommended in the applicable report of the Chief
- of Engineers.
- 21 "(b) Extension.—Before the end of the 50-year pe-
- 22 riod referred to in subsection (a)(1), the Secretary of the
- 23 Army, acting through the Chief of Engineers—
- 24 "(1) may, at the request of the non-Federal in-
- 25 terest and subject to the availability of appropria-

1	tions, carry out a review of a nourishment project
2	carried out under subsection (a) to evaluate the fea-
3	sibility of continuing Federal participation in the
4	project for a period not to exceed 15 years; and
5	"(2) shall submit to Congress any recommenda-
6	tions of the Secretary relating to the review.".
7	SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.
8	Section 204 of the Water Resources Development Act
9	of 1992 (33 U.S.C. 2326) (as amended by section
10	2003(c)) is amended—
11	(1) in subsection (a)—
12	(A) in paragraph (1), by inserting "or used
13	in" after "obtained through"; and
14	(B) in paragraph (3)(C), by inserting "for
15	the purposes of improving environmental condi-
16	tions in marsh and littoral systems, stabilizing
17	stream channels, enhancing shorelines, and sup-
18	porting State and local risk management adap-
19	tation strategies" before the period at the end;
20	(2) in subsection $(c)(1)(B)$ —
21	(A) in clause (i), by striking "clause (ii)"
22	and inserting "clauses (ii) and (iii)";
23	(B) by redesignating clause (ii) as clause
24	(iii); and

1	(C) by inserting after clause (i) the fol-
2	lowing:
3	"(ii) Reduction in Non-Federal
4	SHARE.—The Secretary may reduce the
5	non-Federal share of the costs of construc-
6	tion of a project if the Secretary deter-
7	mines that, through the beneficial use of
8	sediment at another Federal project, there
9	will be an associated reduction or avoid-
10	ance of Federal costs.";
11	(3) in subsection (d)—
12	(A) by striking the subsection designation
13	and heading and inserting the following:
14	"(d) Selection of Dredged Material Disposal
15	METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL
16	RESTORATION OR STORM DAMAGE AND FLOOD REDUC-
17	TION.—"; and
18	(B) in paragraph (1), by striking "in rela-
19	tion to" and all that follows through the period
20	at the end and inserting "in relation to—
21	"(A) the environmental benefits, including
22	the benefits to the aquatic environment to be
23	derived from the creation of wetlands and con-
24	trol of shoreline erosion; or

"(B) the flood and storm damage and
flood reduction benefits, including shoreline pro-
tection, protection against loss of life, and dam-
age to improved property."; and
(4) in subsection (e), by striking paragraph (1)
and inserting the following:
"(1) cooperate with any State or group of
States in the preparation of a comprehensive State
or regional sediment management plan within the
boundaries of the State or among States;".
SEC. 2032. STUDY ACCELERATION.
(a) FINDINGS.—Congress finds that—
(1) delays in the completion of feasibility stud-
ies—
(A) increase costs for the Federal Govern-
ment as well as State and local governments;
and
(B) delay the implementation of water re-
sources projects that provide critical benefits,
including reducing flood risk, maintaining com-
mercially important flood risk, and restoring
vital ecosystems; and
(2) the efforts undertaken by the Corps of En-
gineers through the establishment of the "3-3-3"
planning process should be continued.

I	(b) ACCELERATION OF STUDIES.—
2	(1) In general.—Subject to paragraphs (2)
3	and (3), a feasibility study initiated after the date
4	of enactment of this Act shall—
5	(A) be completed not later than 3 years
6	after the date of initiation of the study; and
7	(B) have a maximum Federal cost share of
8	\$3,000,000.
9	(2) Ability to comply.—On initiating a feasi-
10	bility study under paragraph (1), the Secretary
11	shall—
12	(A) certify that the study will comply with
13	the requirements of paragraph (1);
14	(B) for projects the Secretary determines
15	to be too complex to comply with the require-
16	ments of paragraph (1)—
17	(i) not less than 30 days after making
18	a determination, notify the non-Federal in-
19	terest regarding the inability to comply;
20	and
21	(ii) provide a new projected timeline
22	and cost; and
23	(C) if the study conditions have changed
24	such that scheduled timelines or study costs will
25	not be met—

1	(i) not later than 30 days after the
2	study conditions change, notify the non-
3	Federal interest of those changed condi-
4	tions; and
5	(ii) present the non-Federal interest
6	with a new timeline for completion and
7	new projected study costs.
8	(3) Appropriations.—
9	(A) In general.—All timeline and cost
10	conditions under this section shall be subject to
11	the Secretary receiving adequate appropriations
12	for meeting study timeline and cost require-
13	ments.
14	(B) NOTIFICATION.—Not later than 60
15	days after receiving appropriations, the Sec-
16	retary shall notify the non-Federal interest of
17	any changes to timelines or costs due to inad-
18	equate appropriations.
19	(c) Report.—Not later than 18 months after the
20	date of enactment of this Act and each year thereafter
21	the Secretary shall submit to the Committee on Environ-
22	ment and Public Works of the Senate and the Committee
23	on Transportation and Infrastructure of the House of
24	Representatives a report that describes—

1	(1) the status of the implementation of the "3-
2	3-3" planning process, including the number of par-
3	ticipating projects;
4	(2) the amount of time taken to complete all
5	studies participating in the "3-3-3" planning proc-
6	ess; and
7	(3) any recommendations for additional author-
8	ity necessary to support efforts to expedite the feasi-
9	bility study process for water resource projects.
10	SEC. 2033. PROJECT ACCELERATION.
11	Section 2045 of the Water Resources Development
12	Act of 2007 (33 U.S.C. 2348) is amended to read as fol-
13	lows:
14	"SEC. 2045. PROJECT ACCELERATION.
15	"(a) Definitions.—In this section:
15 16	"(a) Definitions.—In this section: "(1) Environmental impact statement.—
16	"(1) Environmental impact statement.—
16 17	"(1) Environmental impact statement' means
16 17 18	"(1) Environmental impact statement' means the detailed statement of environmental impacts of
16 17 18 19	"(1) Environmental impact statement' means the detailed statement of environmental impacts of water resources projects required to be prepared
16 17 18 19 20	"(1) Environmental impact statement' means the detailed statement of environmental impacts of water resources projects required to be prepared pursuant to the National Environmental Policy Act
116 117 118 119 220 221	"(1) Environmental impact statement' means the detailed statement of environmental impacts of water resources projects required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
16 17 18 19 20 21 22	"(1) Environmental impact statement' means the detailed statement of environmental impacts of water resources projects required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). "(2) Environmental Review Process.—

1	environmental assessment, categorical exclusion,
2	or other document under the National Environ-
3	mental Policy Act of 1969 (42 U.S.C. 4321 et
4	seq.) for a water resources project.
5	"(B) Inclusions.—The term 'environ-
6	mental review process' includes the process for
7	and completion of any environmental permit,
8	approval, review, or study required for a water
9	resources project under any Federal law other
10	than the National Environmental Policy Act of
11	1969 (42 U.S.C. 4321 et seq.).
12	"(3) Lead agency.—The term 'lead agency'
13	means the Corps of Engineers and, if applicable, any
14	State, local, or tribal governmental entity serving as
15	a joint lead agency pursuant to this section.
16	"(b) Policy.—The benefits of water resources
17	projects are important to the economy and environment
18	of the United States, and recommendations to Congress
19	regarding those projects should be accelerated by coordi-
20	nated and efficient review and cooperative efforts to pre-
21	vent or quickly resolve disputes during the development
22	and implementation of those water resources projects.
23	"(c) Applicability.—
24	"(1) IN GENERAL.—The project development
25	procedures under this section apply to the develop-

I	ment of projects initiated after the date of enact-
2	ment of the Water Resources Development Act of
3	2013 and for which the Secretary determines that—
4	"(A) an environmental impact statement is
5	required; or
6	"(B) at the discretion of the Secretary,
7	other water resources projects for which an en-
8	vironmental review process document is re-
9	quired to be prepared.
10	"(2) Flexibility.—Any authorities granted in
11	this section may be exercised, and any requirements
12	established under this section may be satisfied, for
13	the development of a water resources project, a class
14	of those projects, or a program of those projects.
15	"(3) List of water resources develop-
16	MENT PROJECTS.—
17	"(A) IN GENERAL.—The Secretary shall
18	annually prepare, and make publicly available, a
19	separate list of each study that the Secretary
20	has determined—
21	"(i) meets the standards described in
22	paragraph (1); and
23	"(ii) does not have adequate funding
24	to make substantial progress toward the

1 completion of the planning activities for 2 the water resources project. "(B) Inclusions.—The Secretary shall 3 4 include for each study on the list under sub-5 paragraph (A) a description of the estimated 6 amounts necessary to make substantial progress 7 on the study. 8 "(4) Implementation guidance.—The Sec-9 retary shall prepare, in consultation with the Council 10 on Environmental Quality and other Federal agen-11 cies with jurisdiction over actions or resources that 12 may be impacted by a water resources project, guid-13 ance documents that describe the processes that the 14 Secretary will use to implement this section, in ac-15 cordance with the civil works program of the Corps 16 of Engineers and all applicable law. 17 "(d) Water Resources Project Review Proc-18 ESS.—The Secretary shall develop and implement a co-19 ordinated review process for the development of water re-20 sources projects. 21 "(e) Identification of Jurisdictional Agen-22 CIES.—With respect to the development of each water re-23 sources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may—

1	"(1) have jurisdiction over the project;
2	"(2) be required by law to conduct or issue a
3	review, analysis, or opinion for the project; or
4	"(3) be required to make a determination on
5	issuing a permit, license, or approval for the project.
6	"(f) State Authority.—If the coordinated review
7	process is being implemented under this section by the
8	Secretary with respect to the development of a water re-
9	sources project described in subsection (e) within the
10	boundaries of a State, the State, consistent with State law,
11	may choose to participate in the process and to make sub-
12	ject to the process all State agencies that—
13	"(1) have jurisdiction over the project;
14	"(2) are required to conduct or issue a review,
15	analysis, or opinion for the project; or
16	"(3) are required to make a determination on
17	issuing a permit, license, or approval for the project.
18	"(g) Lead Agencies.—
19	"(1) Federal Lead Agency.—Subject to
20	paragraph (2), the Corps of Engineers shall be the
21	lead Federal agency in the environmental review
22	process for a water resources project.
23	"(2) Joint Lead Agencies.—
24	"(A) In General.—At the discretion of
25	the Secretary and subject to any applicable reg-

1	ulations under the National Environmental Pol-
2	icy Act of 1969 (42 U.S.C. 4321 et seq.), an
3	agency other than the Corps of Engineers may
4	serve as the joint lead agency.
5	"(B) Non-federal interest as joint
6	LEAD AGENCY.—A non-Federal interest that is
7	a State or local governmental entity—
8	"(i) may serve as a joint lead agency
9	with the Corps of Engineers for purposes
10	of preparing any environmental document
11	under the National Environmental Policy
12	Act of 1969 (42 U.S.C. 4321 et seq.); and
13	"(ii) may prepare any environmental
14	review process document required in sup-
15	port of any action or approval by the Sec-
16	retary if—
17	"(I) the Corps of Engineers pro-
18	vides guidance in the preparation
19	process and independently evaluates
20	that document; and
21	"(II) the Secretary approves and
22	adopts the document before the Sec-
23	retary takes any subsequent action or
24	makes any approval based on that
25	document, regardless of whether the

1	action or approval of the Secretary re-
2	sults in Federal funding.
3	"(3) Duties.—The Secretary shall ensure
4	that—
5	"(A) the non-Federal interest complies
6	with all design and mitigation commitments
7	made jointly by the Secretary and the non-Fed-
8	eral interest in any environmental document
9	prepared by the non-Federal interest in accord-
10	ance with this subsection; and
11	"(B) any environmental document pre-
12	pared by the non-Federal interest is appro-
13	priately supplemented if changes to the water
14	resources project become necessary.
15	"(4) Adoption and use of documents.—
16	Any environmental document prepared in accordance
17	with this subsection may be adopted or used by any
18	Federal agency making any approval to the same ex-
19	tent that the Federal agency could adopt or use a
20	document prepared by another Federal agency.
21	"(5) Roles and responsibility of lead
22	AGENCY.—With respect to the environmental review
23	process for any water resources project, the lead
24	agency shall have authority and responsibility—

1	"(A) to take such actions as are necessary
2	and proper and within the authority and re-
3	sponsibility of the lead agency to facilitate the
4	expeditious resolution of the environmental re-
5	view process for the water resources project
6	and
7	"(B) to prepare or ensure that any re-
8	quired environmental impact statement or other
9	environmental review document for a water re-
10	sources project required to be completed under
11	the National Environmental Policy Act of 1969
12	(42 U.S.C. 4321 et seq.) is completed in ac-
13	cordance with this section and applicable Fed-
14	eral law.
15	"(h) Participating Agencies.—
16	"(1) Invitation.—
17	"(A) IN GENERAL.—The lead agency shall
18	identify, as early as practicable in the environ-
19	mental review process for a water resources
20	project, any other Federal or non-Federal agen-
21	cies that may have an interest in that project
22	and invite those agencies to become partici-
23	pating agencies in the environmental review
24	process for the water resources project.

1	"(B) DEADLINE.—An invitation to partici-
2	pate issued under subparagraph (A) shall set a
3	deadline by which a response to the invitation
4	shall be submitted, which may be extended by
5	the lead agency for good cause.
6	"(2) Federal participating agencies.—Any
7	Federal agency that is invited by the lead agency to
8	participate in the environmental review process for a
9	water resources project shall be designated as a par-
10	ticipating agency by the lead agency unless the in-
11	vited agency informs the lead agency, in writing, by
12	the deadline specified in the invitation that the in-
13	vited agency—
14	"(A) has no jurisdiction or authority with
15	respect to the water resources project;
16	"(B) has no expertise or information rel-
17	evant to the water resources project;
18	"(C) does not intend to submit comments
19	on the water resources project; and
20	"(D) does not have adequate funds to par-
21	ticipate in the water resources project.
22	"(3) Effect of Designation.—Designation
23	as a participating agency under this subsection shall
24	not imply that the participating agency—

1	"(A) supports a proposed water resources
2	project; or
3	"(B) has any jurisdiction over, or special
4	expertise with respect to evaluation of, the
5	water resources project.
6	"(4) Concurrent reviews.—Each partici-
7	pating agency shall—
8	"(A) carry out the obligations of that
9	agency under other applicable law concurrently
10	and in conjunction with the required environ-
11	mental review process, unless doing so would
12	impair the ability of the Federal agency to con-
13	duct needed analysis or otherwise carry out
14	those obligations; and
15	"(B) formulate and implement administra-
16	tive, policy, and procedural mechanisms to en-
17	able the agency to ensure completion of the en-
18	vironmental review process in a timely, coordi-
19	nated, and environmentally responsible manner.
20	"(i) Programmatic Compliance.—
21	"(1) In general.—The Secretary shall issue
22	guidance to allow for the use of programmatic ap-
23	proaches to carry out the environmental review proc-
24	ess that—

1	"(A) eliminates repetitive discussions of
2	the same issues;
3	"(B) focuses on the actual issues ripe for
4	analyses at each level of review;
5	"(C) establishes a formal process for co-
6	ordinating with participating agencies, including
7	the creation of a list of all data that is needed
8	to carry out an environmental review process
9	and
10	"(D) is consistent with—
11	"(i) the National Environmental Pol-
12	icy Act of 1969 (42 U.S.C. 4321 et seq.)
13	and
14	"(ii) other applicable laws.
15	"(2) Requirements.—In carrying out para-
16	graph (1), the Secretary shall—
17	"(A) as the first step in drafting guidance
18	under that paragraph, consult with relevant
19	Federal and State agencies, Indian tribes, and
20	the public on the appropriate use and scope of
21	the programmatic approaches;
22	"(B) emphasize the importance of collabo-
23	ration among relevant Federal agencies, State
24	agencies, and Indian tribes in undertaking pro-
25	grammatic reviews, especially with respect to

1	including reviews with a broad geographical
2	scope;
3	"(C) ensure that the programmatic re-
4	views—
5	"(i) promote transparency, including
6	of the analyses and data used in the envi-
7	ronmental review process, the treatment of
8	any deferred issues raised by Federal,
9	State, or tribal agencies, or the public, and
10	the temporal and special scales to be used
11	to analyze those issues;
12	"(ii) use accurate and timely informa-
13	tion in the environmental review process,
14	including—
15	"(I) criteria for determining the
16	general duration of the usefulness of
17	the review; and
18	"(II) the timeline for updating
19	any out-of-date review;
20	"(iii) describe—
21	"(I) the relationship between pro-
22	grammatic analysis and future tiered
23	analysis; and
24	"(II) the role of the public in the
25	creation of future tiered analysis; and

1	"(iv) are available to other relevant
2	Federal and State agencies, Indian tribes,
3	and the public;
4	"(D) allow not fewer than 60 days of pub-
5	lic notice and comment on any proposed guid-
6	ance; and
7	"(E) address any comments received under
8	subparagraph (D).
9	"(j) Coordinated Reviews.—
10	"(1) Coordination Plan.—
11	"(A) Establishment.—
12	"(i) In general.—The lead agency
13	shall establish a plan for coordinating pub-
14	lic and agency participation in, and com-
15	ment on, the environmental review process
16	for a water resources project or a category
17	of water resources projects.
18	"(ii) Incorporation.—The plan es-
19	tablished under clause (i) shall be incor-
20	porated into the project schedule mile-
21	stones set under section $905(g)(2)$ of the
22	Water Resources Development Act of 1986
23	(33 U.S.C. 2282(g)(2)).
24	"(2) COMMENT DEADLINES.—The lead agency
25	shall establish the following deadlines for comment

I	during the environmental review process for a
2	project:
3	"(A) Draft environmental impact
4	STATEMENTS.—For comments by Federal and
5	States agencies and the public on a draft envi-
6	ronmental impact statement, a period of not
7	more than 60 days after publication in the Fed-
8	eral Register of notice of the date of public
9	availability of the draft environmental impact
10	statement, unless—
11	"(i) a different deadline is established
12	by agreement of the lead agency, the non-
13	Federal interest, as applicable, and all par-
14	ticipating agencies; or
15	"(ii) the deadline is extended by the
16	lead agency for good cause.
17	"(B) Other environmental review
18	PROCESSES.—For all comment periods estab-
19	lished by the lead agency for agency or public
20	comments in the environmental review process
21	other than for a draft environmental impact
22	statement, a period of not more than 30 days
23	after the date on which the materials on which
24	comment is requested are made available, un-
25	less—

1	"(i) a different deadline is established
2	by agreement of the lead agency, the non-
3	Federal interest, and all participating
4	agencies; or
5	"(ii) the deadline is extended by the
6	lead agency for good cause.
7	"(3) Deadlines for decisions under
8	OTHER LAWS.—In any case in which a decision
9	under any Federal law relating to a project, includ-
10	ing the issuance or denial of a permit or license, is
11	required to be made by the date described in sub-
12	section (k)(6)(B)(ii), the Secretary shall submit to
13	the Committee on Environment and Public Works of
14	the Senate and the Committee on Transportation
15	and Infrastructure of the House of Representa-
16	tives—
17	"(A) as soon as practicable after the 180-
18	day period, an initial notice of the failure of the
19	Federal agency to make the decision; and
20	"(B) every 60 days thereafter until such
21	date as all decisions of the Federal agency re-
22	lating to the project have been made by the
23	Federal agency, an additional notice that de-
24	scribes the number of decisions of the Federal

1	agency that remain outstanding as of the date
2	of the additional notice.
3	"(4) Involvement of the public.—Nothing
4	in this subsection shall reduce any time period pro-
5	vided for public comment in the environmental re-
6	view process under existing Federal law (including
7	regulations).
8	"(k) Issue Identification and Resolution.—
9	"(1) Cooperation.—The lead agency and the
10	participating agencies shall work cooperatively in ac-
11	cordance with this section to identify and resolve
12	issues that could delay completion of the environ-
13	mental review process or result in the denial of any
14	approval required for the project under applicable
15	laws.
16	"(2) Lead agency responsibilities.—
17	"(A) IN GENERAL.—The lead agency shall
18	make information available to the participating
19	agencies as early as practicable in the environ-
20	mental review process regarding the environ-
21	mental and socioeconomic resources located
22	within the project area and the general loca-
23	tions of the alternatives under consideration.
24	"(B) DATA SOURCES.—The information
25	under subparagraph (A) may be based on exist-

1	ing data sources, including geographic informa-
2	tion systems mapping.
3	"(3) Participating agency responsibil-
4	ITIES.—Based on information received from the lead
5	agency, participating agencies shall identify, as early
6	as practicable, any issues of concern regarding the
7	potential environmental or socioeconomic impacts of
8	the project, including any issues that could substan-
9	tially delay or prevent an agency from granting a
10	permit or other approval that is needed for the
11	project.
12	"(4) Interim decision on achieving accel-
13	ERATED DECISIONMAKING.—
14	"(A) IN GENERAL.—Not later than 30
15	days after the close of the public comment pe-
16	riod on a draft environmental impact statement
17	the Secretary may convene a meeting with the
18	non-Federal interest or joint lead agency, as ap-
19	plicable, relevant resource agencies, and rel-
20	evant Federal and State agencies to establish a
21	schedule of deadlines to complete decisions re-
22	garding the project.
23	"(B) Deadlines.—
24	"(i) In general.—The deadlines re-
25	ferred to in subparagraph (A) shall be

1	those established by the Secretary, in con-
2	sultation with the non-Federal interest or
3	joint lead agency, as applicable, and other
4	relevant Federal and State agencies.
5	"(ii) Factors for consider-
6	ATION.—In establishing a schedule, the
7	Secretary shall consider factors such as—
8	"(I) the responsibilities of par-
9	ticipating agencies under applicable
10	laws;
11	"(II) the resources available to
12	the non-Federal interest, joint lead
13	agency, and other relevant Federal
14	and State agencies, as applicable;
15	"(III) the overall size and com-
16	plexity of the project;
17	"(IV) the overall schedule for
18	and cost of the project; and
19	"(V) the sensitivity of the natural
20	and historical resources that could be
21	affected by the project.
22	"(iii) Modifications.—The Sec-
23	retary may—
24	"(I) lengthen a schedule under
25	clause (i) for good cause; and

111

1	"(II) shorten a schedule only
2	with concurrence of the affected non-
3	Federal interest, joint agency, or rel-
4	evant Federal and State agencies, as
5	applicable.
6	"(C) Failure to meet deadline.—If
7	the agencies described in subparagraph (A) can-
8	not provide reasonable assurances that the
9	deadlines described in subparagraph (B) will be
10	met, the Secretary may initiate the issue resolu-
11	tion and referral process described under para-
12	graph (5) before the completion of the record of
13	decision.
14	"(5) Accelerated issue resolution and
15	REFERRAL.—
16	"(A) AGENCY ISSUE RESOLUTION MEET-
17	ING.—
18	"(i) In General.—A participating
19	agency or non-Federal interest may re-
20	quest an issue resolution meeting to be
21	conducted by the Secretary.
22	"(ii) ACTION BY SECRETARY.—The
23	Secretary shall convene an issue resolution
24	meeting under clause (i) with the relevant
25	participating agencies and the non-Federal

1	interest, as applicable, to resolve issues
2	that could—
3	"(I) delay completion of the envi-
4	ronmental review process; or
5	"(II) result in denial of any ap-
6	provals required for the project under
7	applicable laws.
8	"(iii) Date.—A meeting requested
9	under this subparagraph shall be held not
10	later than 21 days after the date on which
11	the Secretary receives the request for the
12	meeting, unless the Secretary determines
13	that there is good cause to extend that
14	deadline.
15	"(iv) NOTIFICATION.—On receipt of a
16	request for a meeting under this subpara-
17	graph, the Secretary shall notify all rel-
18	evant participating agencies of the request,
19	including the issue to be resolved and the
20	date for the meeting.
21	"(v) Disputes.—If a relevant partici-
22	pating agency with jurisdiction over an ap-
23	proval required for a project under applica-
24	ble law determines that the relevant infor-
25	mation necessary to resolve the issue has

1	not been obtained and could not have been
2	obtained within a reasonable time, but the
3	Secretary disagrees, the resolution of the
4	dispute shall be forwarded to the heads of
5	the relevant agencies for resolution.
6	"(vi) Convention by Lead Agen-
7	CY.—The Secretary may convene an issue
8	resolution meeting under this subsection at
9	any time, at the discretion of the Sec-
10	retary, regardless of whether a meeting is
11	requested under clause (i).
12	"(vii) Exception.—
13	"(I) In General.—The issue
14	resolution and referral process under
15	this subparagraph shall not be initi-
16	ated if the applicable agency—
17	"(aa) certifies that—
18	"(AA) the agency has
19	not received necessary infor-
20	mation or approvals from
21	another entity in a manner
22	that affects the ability of the
23	agency to meet any require-
24	ments under Federal, State,
25	or local law;

1	"(BB) significant new
2	information or cir-
3	cumstances, including a
4	major modification to an as-
5	pect of the project, requires
6	additional analysis for the
7	agency to make a decision
8	on the project application; or
9	"(CC) the agency lacks
10	the financial resources to
11	complete the review under
12	the scheduled timeframe, in-
13	cluding a description of the
14	number of full-time employ-
15	ees required to complete the
16	review, the amount of fund-
17	ing required to complete the
18	review, and a justification as
19	to why there is not enough
20	funding available to com-
21	plete the review by the dead-
22	line; and
23	"(bb) establishes a new
24	deadline for completion of the re-
25	view.

S.L.C. ${\rm CEL}13291$

115

1	"(II) Inspector general.—If
2	the applicable agency makes a certifi-
3	cation under subclause (I)(aa)(CC),
4	the Inspector General of the applica-
5	ble agency shall conduct a financial
6	audit to review that certification and
7	submit a report on that certification
8	within 90 days to the Committee on
9	Environment and Public Works of the
10	Senate and the Committee on Trans-
11	portation and Infrastructure of the
12	House of Representatives.
13	"(B) Elevation of Issue Resolu-
14	TION.—
15	"(i) In general.—If issue resolution
16	is not achieved by not later than 30 days
17	after the date on which a relevant meeting
18	is held under subparagraph (A), the Sec-
19	retary shall notify the heads of the relevant
20	participating agencies and the non-Federal
21	interest that an issue resolution meeting
22	will be convened.
23	"(ii) Requirements.—The Secretary
24	shall identify the issues to be addressed at
25	the meeting and convene the meeting not

116

1	later than 30 days after the date on which
2	the notice is issued.
3	"(C) Referral of Issue Resolution.—
4	"(i) Referral to council on envi-
5	RONMENTAL QUALITY.—
6	"(I) In general.—If a resolu-
7	tion is not achieved by not later than
8	30 days after the date on which an
9	issue resolution meeting is held under
10	subparagraph (B), the Secretary shall
11	refer the matter to the Council on En-
12	vironmental Quality.
13	"(II) MEETING.—Not later than
14	30 days after the date on which the
15	Council on Environmental Quality re-
16	ceives a referral from the Secretary
17	under subclause (I), the Council on
18	Environmental Quality shall hold an
19	issue resolution meeting with the lead
20	agency, the heads of relevant partici-
21	pating agencies and the non-Federal
22	interest.
23	"(ii) Referral to the presi-
24	DENT.—If a resolution of the issue is not
25	achieved by not later than 30 days after

24

25

CEL13291 S.L.C.

1	the date on which an issue resolution meet-
2	ing is convened by the Council on Environ-
3	mental Quality under clause (i)(II), the
4	Secretary shall refer the matter directly to
5	the President.
6	"(6) Financial penalty provisions.—
7	"(A) IN GENERAL.—A Federal agency with
8	jurisdiction over an approval required for a
9	project under applicable Federal laws (including
10	regulations) shall complete any required ap-
11	proval on an expeditious basis using the short-
12	est existing applicable process.
13	"(B) Failure to decide.—
14	"(i) In general.—If an agency de-
15	scribed in subparagraph (A) fails to render
16	a decision under any Federal law relating
17	to a project that requires the preparation
18	of an environmental impact statement or
19	environmental assessment, including the
20	issuance or denial of a permit, license, or
21	other approval by the date described in
22	clause (ii), an amount of funding equal to
23	the amounts specified in subclause (I) or

(II) shall be transferred from the applica-

ble office of the head of the agency, or

1	equivalent office to which the authority for
2	rendering the decision has been delegated
3	by law to the agency or division charged
4	with rendering a decision regarding the ap-
5	plication by not later than 1 day after the
6	applicable date under clause (ii), and once
7	each week thereafter until a final decision
8	is rendered, subject to subparagraph (C)—
9	"(I) \$20,000 for any project re-
10	quiring the preparation of an environ-
11	mental assessment or environmental
12	impact statement; or
13	"(II) \$10,000 for any project re-
14	quiring any type of review under the
15	National Environmental Policy Act of
16	1969 (42 U.S.C. 4321 et seq.) other
17	than an environmental assessment or
18	environmental impact statement.
19	"(ii) Description of date.—The
20	date referred to in clause (i) is the later
21	of—
22	"(I) the date that is 180 days
23	after the date on which an application
24	for the permit, license, or approval is
25	complete; and

119

1	"(II) the date that is 180 days
2	after the date on which the Federal
3	lead agency issues a decision on the
4	project under the National Environ-
5	mental Policy Act of 1969 (42 U.S.C.
6	4321 et seq.).
7	"(C) Limitations.—
8	"(i) In general.—No transfer of
9	funds under subparagraph (B) relating to
10	an individual project shall exceed, in any
11	fiscal year, an amount equal to 1 percent
12	of the funds made available for the appli-
13	cable agency office.
14	"(ii) Failure to decide.—The total
15	amount transferred in a fiscal year as a re-
16	sult of a failure by an agency to make a
17	decision by an applicable deadline shall not
18	exceed an amount equal to 5 percent of the
19	funds made available for the applicable
20	agency office for that fiscal year.
21	"(D) NO FAULT OF AGENCY.—A transfer
22	of funds under this paragraph shall not be
23	made if—
24	"(i) the applicable agency described in
25	subparagraph (A) certifies 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; or
7	"(II) significant new information
8	or circumstances, including a major
9	modification to an aspect of the
10	project, requires additional analysis
11	for the agency to make a decision on
12	the project application; or
13	"(III) the agency lacks the finan-
14	cial resources to complete the review
15	under the scheduled timeframe, in-
16	cluding a description of the number of
17	full-time employees required to com-
18	plete the review, the amount of fund-
19	ing required to complete the review,
20	and a justification as to why there is
21	not enough funding available to com-
22	plete the review by the deadline; and
23	"(ii) if the applicable agency makes a
24	certification under clause (i)(III), the In-
25	spector General of the applicable agency

1	shall conduct a financial audit to review
2	that certification and submit a report on
3	that certification within 90 days to the
4	Committee on Environment and Public
5	Works of the Senate and the Committee on
6	Transportation and Infrastructure of the
7	House of Representatives.
8	"(E) Limitation.—The Federal agency
9	from which funds are transferred pursuant to
10	this paragraph shall not reprogram funds to the
11	office of the head of the agency, or equivalent
12	office, to reimburse that office for the loss of
13	the funds.
14	"(F) Audits.—In any fiscal year in which
15	any funds are transferred from a Federal agen-
16	cy pursuant to this paragraph, the Inspector
17	General of that agency shall—
18	"(i) conduct an audit to assess com-
19	pliance with the requirements of this para-
20	graph; and
21	"(ii) not later than 120 days after the
22	end of the fiscal year in which the transfer
23	occurred, submit to the Committee on En-
24	vironment and Public Works of the Senate
25	and the Committee on Transportation and

1	Infrastructure of the House of Representa-
2	tives a report describing the reasons why
3	the transfers were levied, including alloca-
4	tions of resources.
5	"(G) Effect of Paragraph.—Nothing
6	in this paragraph affects or limits the applica-
7	tion of, or obligation to comply with, any Fed-
8	eral, State, local, or tribal law.
9	"(l) Performance Measurement.—The Secretary
10	shall establish a program to measure and report on
11	progress made toward improving and expediting the plan-
12	ning and environmental review process.
13	"(m) Memorandum of Agreements for Early
14	COORDINATION.—
15	"(1) Sense of congress.—It is the sense of
16	Congress that—
17	"(A) the Secretary and other Federal
18	agencies with relevant jurisdiction in the envi-
19	ronmental review process should cooperate with
20	each other, State agencies, and Indian tribes on
21	environmental review and water resources
22	project delivery activities at the earliest prac-
23	ticable time to avoid delays and duplication of
24	effort later in the process, prevent potential
25	conflicts, and ensure that planning and water

1	resources project development decisions reflect
2	environmental values; and
3	"(B) the cooperation referred to in sub-
4	paragraph (A) should include the development
5	of policies and the designation of staff that ad-
6	vise planning agencies and non-Federal inter-
7	ests of studies or other information foreseeably
8	required for later Federal action and early con-
9	sultation with appropriate State and local agen-
10	cies and Indian tribes.
11	"(2) Technical assistance.—If requested at
12	any time by a State or non-Federal interest, the
13	Secretary and other Federal agencies with relevant
14	jurisdiction in the environmental review process,
15	shall, to the maximum extent practicable and appro-
16	priate, as determined by the agencies, provide tech-
17	nical assistance to the State or non-Federal interest
18	in carrying out early coordination activities.
19	"(3) Memorandum of agency agreement.—
20	If requested at any time by a State or non-Federal
21	interest, the lead agency, in consultation with other
22	Federal agencies with relevant jurisdiction in the en-
23	vironmental review process, may establish memo-
24	randa of agreement with the non-Federal interest,
25	State and local governments, and other appropriate

1	entities to carry out the early coordination activities,
2	including providing technical assistance in identi-
3	fying potential impacts and mitigation issues in an
4	integrated fashion.
5	"(n) Limitations.—Nothing in this section pre-
6	empts, supersedes, amends, modifies, or interferes with—
7	"(1) any statutory requirement for seeking pub-
8	lic comment;
9	"(2) any power, jurisdiction, or authority that
10	a Federal, State, or local government agency, Indian
11	tribe, or non-Federal interest has with respect to
12	carrying out a water resources project;
13	"(3) any obligation to comply with the provi-
14	sions of the National Environmental Policy Act of
15	1969 (42 U.S.C. 4321 et seq.) and the regulations
16	issued by the Council on Environmental Quality to
17	carry out that Act or any other Federal environ-
18	mental law;
19	"(4) the reviewability of any final Federal agen-
20	cy action in a court of the United States or in the
21	court of any State;
22	"(5) any practice of seeking, considering, or re-
23	sponding to public comment; or
24	"(6) any power, jurisdiction, responsibility, or
25	authority that a Federal, State, or local govern-

1	mental agency, Indian tribe, or non-Federal interest
2	has with respect to carrying out a water resources
3	project or any other provision of law applicable to
4	water resources development projects.
5	"(o) CATEGORICAL EXCLUSIONS.—
6	"(1) In general.—Not later than 180 days
7	after the date of enactment of this subsection, the
8	Secretary shall—
9	"(A) survey the use by the Corps of Engi-
10	neers of categorical exclusions in water re-
11	sources projects since 2005;
12	"(B) publish a review of the survey that
13	includes a description of—
14	"(i) the types of actions categorically
15	excluded; and
16	"(ii) any requests previously received
17	by the Secretary for new categorical exclu-
18	sions; and
19	"(C) solicit requests from other Federal
20	agencies and non-Federal interests for new cat-
21	egorical exclusions.
22	"(2) New Categorical Exclusions.—Not
23	later than 1 year after the date of enactment of this
24	subsection, if the Secretary has identified a categor-
25	ical exclusion that did not exist on the day before

1	the date of enactment of this subsection based on
2	the review under paragraph (1), the Secretary shall
3	publish a notice of proposed rulemaking to propose
4	that new categorical exclusion, to the extent that the
5	categorical exclusion meets the criteria for a categor-
6	ical exclusion under section 1508.4 of title 40, Code
7	of Federal Regulations (or successor regulation).
8	"(p) REVIEW OF WATER RESOURCES PROJECT AC-
9	CELERATION REFORMS.—
10	"(1) IN GENERAL.—The Comptroller General of
11	the United States shall—
12	"(A) assess the reforms carried out under
13	this section; and
14	"(B) not later than 5 years after the date
15	of enactment of this subsection, submit to the
16	Committee on Transportation and Infrastruc-
17	ture of the House of Representatives and the
18	Committee on Environment and Public Works
19	of the Senate a report that describes the results
20	of the assessment.
21	"(2) Inspector general report.—The In-
22	spector General of the Corps of Engineers shall—
23	"(A) assess the reforms carried out under
24	this section; and

1	"(B) submit to the Committee on Trans-			
2	portation and Infrastructure of the House of			
3	Representatives and the Committee on Environ-			
4	ment and Public Works of the Senate—			
5	"(i) not later than 2 years after the			
6	date of enactment of this subsection, an			
7	initial report of the findings of the Inspec			
8	tor General; and			
9	"(ii) not later than 4 years after the			
10	date of enactment of this subsection, a			
11	final report of the findings.".			
12	SEC. 2034. FEASIBILITY STUDIES.			
13	Section 905 of the Water Resources Development Act			
14	of 1986 (33 U.S.C. 2282) is amended by adding at the			
15	end the following:			
16	"(g) Detailed Project Schedule.—			
17	"(1) In general.—Not later than 180 days			
18	after the date of enactment of this subsection, the			
19	Secretary shall determine a set of milestones needed			
20	for the completion of a feasibility study under this			
21	subsection, including all major actions, report sub-			
22	missions and responses, reviews, and comment peri-			
23	ods.			
24	"(2) Detailed project schedule mile-			
25	STONES.—Each District Engineer shall, to the max-			

I	imum extent practicable, establish a detailed project
2	schedule, based on full funding capability, that lists
3	all deadlines for milestones relating to feasibility
4	studies in the District developed by the Secretary
5	under paragraph (1).
6	"(3) Non-federal interest notifica-
7	TION.—Each District Engineer shall submit by cer-
8	tified mail the detailed project schedule under para-
9	graph (2) to each relevant non-Federal interest—
10	"(A) for projects that have received fund-
11	ing from the General Investigations Account of
12	the Corps of Engineers in the period beginning
13	on October 1, 2009, and ending on the date of
14	enactment of this section, not later than 180
15	days after the establishment of milestones
16	under paragraph (1); and
17	"(B) for projects for which a feasibility
18	cost-sharing agreement is executed after the es-
19	tablishment of milestones under paragraph (1)
20	not later than 90 days after the date on which
21	the agreement is executed.
22	"(4) Congressional and public notifica-
23	TION.—Beginning in the first full fiscal year after
24	the date of enactment of this Act, the Secretary
25	shall—

1	"(A) submit an annual report that lists all
2	detailed project schedules under paragraph (2)
3	and an explanation of any missed deadlines to
4	the Committee on Environment and Public
5	Works of the Senate and the Committee on
6	Transportation and Infrastructure of the House
7	of Representatives; and
8	"(B) make publicly available, including on
9	the Internet, a copy of the annual report de-
10	scribed in subparagraph (A) not later than 14
11	days after date on which a report is submitted
12	to Congress.
13	"(5) Failure to act.—If a District Engineer
14	fails to meet any of the deadlines in the project
15	schedule under paragraph (2), the District Engineer
16	shall—
17	"(A) not later than 30 days after each
18	missed deadline, submit to the non-Federal in-
19	terest a report detailing—
20	"(i) why the District Engineer failed
21	to meet the deadline; and
22	"(ii) a revised project schedule reflect-
23	ing amended deadlines for the feasibility
24	study; and

1	"(B) not later than 30 days after each
2	missed deadline, make publicly available, includ-
3	ing on the Internet, a copy of the amended
4	project schedule described in subparagraph
5	(A)(ii).".
6	SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.
7	(a) In General.—On the request of a non-Federal
8	interest, the Secretary shall provide to the non-Federal in-
9	terest a detailed accounting of the Federal expenses asso-
10	ciated with a water resources project.
11	(b) Study.—
12	(1) In General.—The Secretary shall contract
13	with the National Academy of Public Administration
14	to carry out a study on the efficiency of the Corps
15	Engineers current staff salaries and administrative
16	expense procedures as compared to using a separate
17	administrative expense account.
18	(2) Contents.—The study under paragraph
19	(1) shall include any recommendations of the Na-
20	tional Academy of Public Administration for im-
21	provements to the budgeting and administrative
22	processes that will increase the efficiency of the
23	Corps of Engineers project delivery.

_				
	9096	DETERMINATION	OF DDO IFOT	COMDI ETION
SH: 1:	7113h		CH PROMECT	COMPLETION

1	SEC. 2000. BETERMINATION OF TROSECT COMPLETION.
2	(a) IN GENERAL.—The Secretary shall transfer to
3	the non-Federal interest the responsibility for the oper-
4	ation and maintenance of any water resources project for
5	which operation and maintenance is required of the non-
6	Federal interest or separable element or functional portion
7	of that water resources project on such date that the Sec-
8	retary determines that the project is complete.
9	(b) Non-Federal Interest Appeal of Deter-
10	MINATION.—
11	(1) IN GENERAL.—Not later than 7 days after
12	receiving a notification under subparagraph (a), the
13	non-Federal interest may appeal the completion de-
14	termination of the Secretary in writing.
15	(2) Independent review.—
16	(A) In general.—On notification that a
17	non-Federal interest has submitted an appeal
18	under paragraph (1), the Secretary shall con-
19	tract with 1 or more independent, non-Federal
20	experts to determine whether the applicable
21	water resources project or separable element or
22	functional portion of the water resources project
23	is complete.
24	(B) Timeline.—An independent review
25	carried out under subparagraph (A) shall be
26	completed not later than 180 days after the

1	date on which the Secretary receives an appeal
2	from a non-Federal interest under paragraph
3	(1).
4	SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.
5	(a) In General.—The Secretary shall contract with
6	the National Academy of Public Administration to carry
7	out a comprehensive review of the process for preparing,
8	negotiating, and approving Project Partnership Agree-
9	ments and the Project Partnership Agreement template,
10	which shall include—
11	(1) a review of the process for preparing, nego-
12	tiating, and approving Project Partnership Agree-
13	ments, as in effect on the day before the date of en-
14	actment of this Act;
15	(2) an evaluation of how the concerns of a non-
16	Federal interest relating to the Project Partnership
17	Agreement and suggestions for modifications to the
18	Project Partnership Agreement made by a non-Fed-
19	eral interest are accommodated;
20	(3) recommendations for how the concerns and
21	modifications described in paragraph (2) can be bet-
22	ter accommodated;
23	(4) recommendations for how the Project Part-
24	nership Agreement template can be made more effi-
25	cient; and

1	(5) recommendations for how to make the proc-
2	ess for preparing, negotiating, and approving Project
3	Partnership Agreements more efficient.
4	(b) Report.—The Secretary shall submit a report
5	describing the findings of the National Academy of Public
6	Administration to the Committee on Environment and
7	Public Works of the Senate and the Committee on Trans-
8	portation and Infrastructure of the House of Representa-
9	tives.
10	SEC. 2038. INTERAGENCY AND INTERNATIONAL SUPPORT
11	AUTHORITY.
12	Section 234 of the Water Resources Development Act
13	of 1996 (33 U.S.C. 2323a) is amended—
14	(1) in subsection (a), by striking "other Federal
15	agencies," and inserting "Federal departments or
16	agencies, nongovernmental organizations,";
17	(2) in subsection (b), by inserting "or foreign
18	governments" after "organizations";
19	(3) in subsection (c), by inserting "and restora-
19 20	(3) in subsection (c), by inserting "and restoration" after "protection"; and
20	tion" after "protection"; and
20 21	tion" after "protection"; and (4) in subsection (d)—

1	(ii) by striking "2008" and inserting
2	"2014"; and
3	(B) in the second sentence—
4	(i) by striking "The Secretary" and
5	inserting "(2) Acceptance of funds.—
6	The Secretary"; and
7	(ii) by striking "other Federal agen-
8	cies" and inserting "Federal departments
9	or agencies, nongovernmental organiza-
10	tions".
11	SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO IN-
12	CREASE LOCK OPERATIONS.
13	(a) In General.—The Secretary, after providing
	(a) IN GENERAL.—The Secretary, after providing public notice, shall establish a pilot program for the ac-
14	
14 15	public notice, shall establish a pilot program for the ac-
141516	public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-
14151617	public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of
14151617	public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.
1415161718	public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects. (b) Applicability.—The establishment of the pilot
141516171819	public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects. (b) Applicability.—The establishment of the pilot program under this section shall not affect the periodic
14 15 16 17 18 19 20	public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects. (b) Applicability.—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based
14 15 16 17 18 19 20 21	public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects. (b) Applicability.—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based on increases in commercial traffic carried out by the Sec-

1	at a water resources development project will be carried
2	out, the Secretary shall—
3	(1) publish the proposed modification in the
4	Federal Register; and
5	(2) accept public comment on the proposed
6	modification.
7	(d) Reports.—
8	(1) IN GENERAL.—Not later than 1 year after
9	the date of enactment of this Act, the Secretary
10	shall submit to the Committee on Transportation
11	and Infrastructure of the House of Representatives
12	and the Committee on Environment and Public
13	Works of the Senate a report that evaluates the
14	cost-savings resulting from reduced lock hours and
15	any economic impacts of modifying lock operations.
16	(2) Review of Pilot Program.—Not later
17	than September 30, 2017 and each year thereafter,
18	the Secretary shall submit to the Committee on
19	Transportation and Infrastructure of the House of
20	Representatives and the Committee on Environment
21	and Public Works of the Senate a report that de-
22	scribes the effectiveness of the pilot program under
23	this section.
24	(e) Annual Review.—The Secretary shall carry out
25	an annual review of the commercial use of locks and make

- 1 any necessary adjustments to lock operations based on
- 2 that review.
- 3 (f) TERMINATION.—The authority to accept funds
- 4 under this section shall terminate 5 years after the date
- 5 of enactment of this Act.
- 6 SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISAS-
- 7 TERS.
- 8 (a) IN GENERAL.—Section 5(a)(1) of the Act entitled
- 9 "An Act authorizing the construction of certain public
- 10 works on rivers and harbors for flood control, and for
- 11 other purposes", approved August 18, 1941 (33 U.S.C.
- 12 701n(a)(1), is amended in the first sentence by striking
- 13 "structure damaged or destroyed by wind, wave, or water
- 14 action of other than an ordinary nature when in the dis-
- 15 cretion of the Chief of Engineers such repair and restora-
- 16 tion is warranted for the adequate functioning of the
- 17 structure for hurricane or shore protection" and inserting
- 18 "structure or project damaged or destroyed by wind, wave,
- 19 or water action of other than an ordinary nature to the
- 20 design level of protection when, in the discretion of the
- 21 Chief of Engineers, such repair and restoration is war-
- 22 ranted for the adequate functioning of the structure or
- 23 project for hurricane or shore protection, subject to the
- 24 condition that the Chief of Engineers may include modi-

1	fications to the structure or project to address major defi-
2	ciencies".
3	(b) Report.—
4	(1) IN GENERAL.—Not later than 1 year after
5	the date of enactment of this Act and every 2 years
6	thereafter, the Secretary shall submit to the Com-
7	mittee on Environment and Public Works of the
8	Senate and the Committee on Transportation and
9	Infrastructure of the House of Representatives a re-
10	port detailing the amounts expended in the previous
11	5 fiscal years to carry out Corps of Engineers
12	projects under section 5 of the Act entitled "An Act
13	authorizing the construction of certain public works
14	on rivers and harbors for flood control, and for other
15	purposes", approved August 18, 1941 (33 U.S.C.
16	701n).
17	(2) Inclusions.—A report under paragraph
18	(1) shall, at a minimum, include a description of—
19	(A) each project for which amounts are ex-
20	pended, including the type of project and cost
21	of the project; and
22	(B) how the Secretary has restored or in-
23	tends to restore the project to the design level
24	of protection for the project.

1 SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.

- 2 A levee system shall remain eligible for rehabilitation
- 3 assistance under the authority provided by section 5 of
- 4 the Act entitled "An Act authorizing the construction of
- 5 certain public works on rivers and harbors for flood con-
- 6 trol, and for other purposes" (33 U.S.C. 701n) as long
- 7 as the levee system sponsor continues to make satisfactory
- 8 progress, as determined by the Secretary, on an approved
- 9 systemwide improvement framework or letter of intent.

10 SEC. 2042. FUNDING TO PROCESS PERMITS.

- 11 Section 214 of the Water Resources Development Act
- 12 of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is
- 13 amended by striking subsections (d) and (e) and inserting
- 14 the following:
- 15 "(d) Public Availability.—
- 16 "(1) IN GENERAL.—The Secretary shall ensure
- that all final permit decisions carried out using
- funds authorized under this section are made avail-
- able to the public in a common format, including on
- the Internet, and in a manner that distinguishes
- 21 final permit decisions under this section from other
- final actions of the Secretary.
- 23 "(2) Decision document.—The Secretary
- shall—

1	"(A) use a standard decision document for
2	evaluating all permits using funds accepted
3	under this section; and
4	"(B) make the standard decision docu-
5	ment, along with all final permit decisions,
6	available to the public, including on the Inter-
7	net.
8	"(3) AGREEMENTS.—The Secretary shall make
9	all active agreements to accept funds under this sec-
10	tion available on a single public Internet site.
11	"(e) Reporting.—
12	"(1) In general.—The Secretary shall pre-
13	pare an annual report on the implementation of this
14	section, which, at a minimum, shall include for each
15	district of the Corps of Engineers that accepts funds
16	under this section—
17	"(A) a comprehensive list of any funds ac-
18	cepted under this section during the previous
19	fiscal year;
20	"(B) a comprehensive list of the permits
21	reviewed and approved using funds accepted
22	under this section during the previous fiscal
23	year, including a description of the size and
24	type of resources impacted and the mitigation
25	required for each permit; and

1	"(C) a description of the training offered
2	in the previous fiscal year for employees that is
3	funded in whole or in part with funds accepted
4	under this section.
5	"(2) Submission.—Not later than 90 days
6	after the end of each fiscal year, the Secretary
7	shall—
8	"(A) submit to the Committee on Environ-
9	ment and Public Works of the Senate and the
10	Committee on Transportation and Infrastruc-
11	ture of the House of Representatives the annual
12	report described in paragraph (1); and
13	"(B) make each report received under sub-
14	paragraph (A) available on a single publicly ac-
15	cessible Internet site.".
16	SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND
17	EROSION PREVENTION STUDY AND PILOT
18	PROGRAM.
19	(a) Definition of Inland and Intracoastal Wa-
20	TERWAY.—In this section, the term "inland and intra-
21	coastal waterway" means the inland and intracoastal wa-
22	terways of the United States described in section 206 of
23	the Inland Waterways Revenue Act of 1978 (33 U.S.C.
24	1804).
25	(b) PILOT PROGRAM.—The Secretary—

1	(1) is authorized to study issues relating to riv-
2	erbank stabilization and erosion prevention along in-
3	land and intracoastal waterways; and
4	(2) shall establish and carry out for a period of
5	5 fiscal years a national riverbank stabilization and
6	erosion prevention pilot program to address river-
7	bank erosion along inland and intracoastal water-
8	ways.
9	(c) Study.—
10	(1) In General.—The Secretary, in consulta-
11	tion with appropriate Federal, State, local, and non-
12	governmental entities, shall carry out a study of the
13	options and technologies available to prevent the ero-
14	sion and degradation of riverbanks along inland and
15	intracoastal waterways.
16	(2) Contents.—The study shall—
17	(A) evaluate the nature and extent of the
18	damages resulting from riverbank erosion along
19	inland and intracoastal waterways throughout
20	the United States;
21	(B) identify specific inland and intra-
22	coastal waterways and affected wetland areas
23	with the most urgent need for restoration;
24	(C) analyze any legal requirements with re-
25	gard to maintenance of bank lines of inland and

1	intracoastal waterways, including a comparison
2	of Federal, State, and private obligations and
3	practices;
4	(D) assess and compare policies and man-
5	agement practices to protect surface areas adja-
6	cent to inland and intracoastal waterways ap-
7	plied by various Districts of the Corps of Engi-
8	neers; and
9	(E) make any recommendations the Sec-
10	retary determines to be appropriate.
11	(d) RIVERBANK STABILIZATION AND EROSION PRE-
12	VENTION PILOT PROGRAM.—
13	(1) In general.—The Secretary shall develop
14	a pilot program for the construction of riverbank
15	stabilization and erosion prevention projects on pub-
16	lic land along inland and intracoastal waterways if
17	the Secretary determines that the projects are fea-
18	sible and lower maintenance costs of those inland
19	and intracoastal waterways.
20	(2) Pilot program goals.—A project under
21	the pilot program shall, to the maximum extent
22	practicable—
23	(A) develop or demonstrate innovative
24	technologies;

1	(B) implement efficient designs to prevent
2	erosion at a riverbank site, taking into account
3	the lifecycle cost of the design, including clean-
4	up, maintenance, and amortization;
5	(C) prioritize natural designs, including
6	the use of native and naturalized vegetation or
7	temporary structures that minimize permanent
8	structural alterations to the riverbank;
9	(D) avoid negative impacts to adjacent
10	communities;
11	(E) identify the potential for long-term
12	protection afforded by the innovative tech-
13	nology; and
14	(F) provide additional benefits, including
15	reduction of flood risk.
16	(3) Project selections.—The Secretary
17	shall develop criteria for the selection of projects
18	under the pilot program, including criteria based
19	on—
20	(A) the extent of damage and land loss re-
21	sulting from riverbank erosion;
22	(B) the rate of erosion;
23	(C) the significant threat of future flood
24	risk to public or private property, public infra-
25	structure, or public safety;

1	(D) the destruction of natural resources or
2	habitats; and
3	(E) the potential cost-savings for mainte-
4	nance of the channel.
5	(4) Consultation.—The Secretary shall carry
6	out the pilot program in consultation with—
7	(A) Federal, State, and local governments
8	(B) nongovernmental organizations; and
9	(C) applicable university research facilities
10	(5) REPORT.—Not later than 1 year after the
11	first fiscal year for which amounts to carry out this
12	section are appropriated, and every year thereafter
13	the Secretary shall prepare and submit to the Com-
14	mittee on Environment and Public Works of the
15	Senate and the Committee on Transportation and
16	Infrastructure of the House of Representatives a re-
17	port describing—
18	(A) the activities carried out and accom-
19	plishments made under the pilot program since
20	the previous report under this paragraph; and
21	(B) any recommendations of the Secretary
22	relating to the program.
23	(e) Authorization of Appropriations.—There is
24	authorized to be appropriated to carry out this section
25	\$25,000,000 for each of fiscal years 2014 through 2019

1	SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUC-
2	TION PRIORITIZATION.
3	(a) Purposes.—The purposes of this section are—
4	(1) to provide adequate levels of protection to
5	communities impacted by natural disasters, includ-
6	ing hurricanes, tropical storms, and other related ex-
7	treme weather events; and
8	(2) to expedite critical water resources projects
9	in communities that have historically been and con-
10	tinue to remain susceptible to extreme weather
11	events.
12	(b) Priority.—For authorized projects and ongoing
13	feasibility studies with a primary purpose of hurricane and
14	storm damage risk reduction, the Secretary shall give
15	funding priority to projects and ongoing studies that—
16	(1) address an imminent threat to life and
17	property;
18	(2) prevent storm surge from inundating popu-
19	lated areas;
20	(3) prevent the loss of coastal wetlands that
21	help reduce the impact of storm surge;
22	(4) protect emergency hurricane evacuation
23	routes or shelters;
24	(5) prevent adverse impacts to publicly owned
25	or funded infrastructure and assets;

1	(6) minimize disaster relief costs to the Federal
2	Government; and
3	(7) address hurricane and storm damage risk
4	reduction in an area for which the President de-
5	clared a major disaster in accordance with section
6	401 of the Robert T. Stafford Disaster Relief and
7	Emergency Assistance Act (42 U.S.C. 5170).
8	(c) Expedited Consideration of Currently Au-
9	THORIZED PROJECTS.—Not later than 180 days after the
10	date of enactment of this Act, the Secretary shall—
11	(1) submit to the Committee on Environment
12	and Public Works of the Senate and the Committee
13	on Transportation and Infrastructure of the House
14	of Representatives a list of all—
15	(A) ongoing hurricane and storm damage
16	reduction feasibility studies that have signed
17	feasibility cost share agreements and have re-
18	ceived Federal funds since 2009; and
19	(B) authorized hurricane and storm dam-
20	age reduction projects that—
21	(i) have been authorized for more
22	than 20 years but are less than 75 percent
23	complete; or

1	(ii) are undergoing a post-authoriza-			
2	tion change report, general reevaluation re			
3	port, or limited reevaluation report;			
4	(2) identify those projects on the list required			
5	under paragraph (1) that meet the criteria described			
6	in subsection (b); and			
7	(3) provide a plan for expeditiously completing			
8	the projects identified under paragraph (2), subject			
9	to available funding.			
10	(d) Prioritization of New Studies for Hurri-			
11	CANE AND STORM DAMAGE RISK REDUCTION.—In select-			
12	ing new studies for hurricane and storm damage reduction			
13	to propose to Congress under section 4002, the Secretary			
14	shall give priority to studies—			
15	(1) that—			
16	(A) have been recommended in a com-			
17	prehensive hurricane protection study carried			
18	out by the Corps of Engineers; or			
19	(B) are included in a State plan or pro-			
20	gram for hurricane, storm damage reduction,			
21	flood control, coastal protection, conservation,			
22	or restoration, that is created in consultation			
23	with the Corps of Engineers or other relevant			
24	Federal agencies; and			

1	(2) for areas for which the President declared	
2	a major disaster in accordance with section 401 of	
3	the Robert T. Stafford Disaster Relief and Emer-	
4	gency Assistance Act (42 U.S.C. 5170).	
5	SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION	
6	EFFORTS.	
7	For authorized projects with a primary purpose of	
8	ecosystem restoration, the Secretary shall give funding	
9	priority to projects—	
10	(1) that—	
11	(A) address an identified threat to public	
12	health, safety, or welfare;	
13	(B) preserve, establish, or restore habitats	
14	of national significance; and	
15	(C) preserve habitats of importance for	
16	federally protected species, including migratory	
17	birds; and	
18	(2) for which the restoration activities will con-	
19	tribute to other ongoing or planned Federal, State,	
20	or local restoration initiatives.	
21	SEC. 2046. SPECIAL USE PERMITS.	
22	(a) Special Use Permits.—	
23	(1) In General.—The Secretary may issue	
24	special permits for uses such as group activities,	
25	recreation events, motorized recreation vehicles, and	

1	such other specialized recreation uses as the Sec-
2	retary determines to be appropriate, subject to such
3	terms and conditions as the Secretary determines to
4	be in the best interest of the Federal Government.
5	(2) Fees.—
6	(A) In general.—In carrying out this
7	subsection, the Secretary may—
8	(i) establish and collect fees associated
9	with the issuance of the permits described
10	in paragraph (1); or
11	(ii) accept in-kind services in lieu of
12	those fees.
13	(B) Outdoor recreation equipment.—
14	The Secretary may establish and collect fees for
15	the provision of outdoor recreation equipment
16	and services at public recreation areas located
17	at lakes and reservoirs operated by the Corps of
18	Engineers.
19	(C) Use of fees.—Any fees generated
20	pursuant to this subsection shall be—
21	(i) retained at the site collected; and
22	(ii) available for use, without further
23	appropriation, solely for administering the
24	special permits under this subsection and
25	carrying out related operation and mainte-

1	nance activities at the site at which the
2	fees are collected.
3	(b) Cooperative Management.—
4	(1) Program.—
5	(A) In general.—Subject to subpara-
6	graph (B), the Secretary may enter into an
7	agreement with a State or local government to
8	provide for the cooperative management of a
9	public recreation area if—
10	(i) the public recreation area is lo-
11	cated—
12	(I) at a lake or reservoir operated
13	by the Corps of Engineers; and
14	(II) adjacent to or near a State
15	or local park or recreation area; and
16	(ii) the Secretary determines that co-
17	operative management between the Corps
18	of Engineers and a State or local govern-
19	ment agency of a portion of the Corps of
20	Engineers recreation area or State or local
21	park or recreation area will allow for more
22	effective and efficient management of those
23	areas.
24	(B) RESTRICTION.—The Secretary may
25	not transfer administration responsibilities for

any public recreation area operated by the
 Corps of Engineers.
 (2) Acquisition of Goods and Services.—

The Secretary may acquire from or provide to a State or local government with which the Secretary has entered into a cooperative agreement under paragraph (1) goods and services to be used by the Secretary and the State or local government in the cooperative management of the areas covered by the agreement.

(3) Administration.—The Secretary may enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.

(c) Funding Transfer Authority.—

(1) IN GENERAL.—If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engineers water resources development projects, the Secretary may transfer funds appropriated for resource

1 protection, research, interpretation, and maintenance 2 activities related to resource protection in the areas 3 at which outdoor recreation is available at those 4 Corps of Engineers water resource development 5 projects to State, local, and tribal governments and 6 such other public or private nonprofit entities as the 7 Secretary determines to be appropriate. 8 (2) Cooperative agreements.—Any transfer 9 of funds pursuant to this subsection shall be carried 10 out through the execution of a cooperative agree-11 ment, which shall contain such terms and conditions 12 as the Secretary determines to be necessary in the 13 public interest. 14 (d) Services of Volunteers.—Chapter IV of title 15 I of Public Law 98–63 (33 U.S.C. 569c) is amended— 16 (1) in the first sentence, by inserting ", includ-17 ing expenses relating to uniforms, transportation, 18 lodging, and the subsistence of those volunteers, 19 without regard to the place of residence of the volun-20 teers," after "incidental expenses"; and 21 (2) by inserting after the first sentence the fol-22 lowing: "The Chief of Engineers may also provide 23 awards of up to \$100 in value to volunteers in rec-24 ognition of the services of the volunteers."

1	(e) Training and Educational Activities.—Sec-		
2	tion 213(a) of the Water Resources Development Act of		
3	2000 (33 U.S.C. 2339) is amended by striking "at" and		
4	inserting "about".		
5	SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL		
6	TAXED INLAND WATERWAYS.		
7	(a) In General.—Notwithstanding any other provi-		
8	sion of law, the Secretary shall have responsibility for 65		
9	percent of the costs of the operation, maintenance, repair,		
10	rehabilitation, and replacement of any flood gate, as well		
11	as any pumping station constructed within the channel as		
12	a single unit with that flood gate, that—		
13	(1) was constructed as of the date of enactment		
14	of this Act as a feature of an authorized hurricane		
15	and storm damage reduction project; and		
16	(2) crosses an inland or intracoastal waterway		
17	described in section 206 of the Inland Waterways		
18	Revenue Act of 1978 (33 U.S.C. 1804).		
19	(b) Payment Options.—For rehabilitation or re-		
20	placement of any structure under this section, the Sec-		
21	retary may apply to the full non-Federal contribution the		
22	payment option provisions under section 103(k) of the		
23	Water Resources Development Act of 1986 (33 U.S.C.		
24	2213(k)).		

4				
	CEC	2010	CODDOCION	DREVENTION

2	(a) Guidance and Procedures.—The Secretary
3	shall develop guidance and procedures for the certification
4	of qualified contractors for—
5	(1) the application of protective coatings; and
6	(2) the removal of hazardous protective coat-
7	ings.
8	(b) Requirements.—Except as provided in sub-
9	section (c), the Secretary shall use certified contractors
10	for—
11	(1) the application of protective coatings for
12	complex work involving steel and cementitious struc-
13	tures, including structures that will be exposed in
14	immersion;
15	(2) the removal of hazardous coatings or other
16	hazardous materials that are present in sufficient
17	concentrations to create an occupational or environ-
18	mental hazard; and
19	(3) any other activities the Secretary deter-
20	mines to be appropriate.
21	(c) Exception.—The Secretary may approve excep-
22	tions to the use of certified contractors under subsection
23	(b) only after public notice, with the opportunity for com-
24	ment, of any such proposal.

1	ana	20.40		DE ATMITODICAMIONO
ı	SHILL.	20149	PROMECT	DEAUTHORIZATIONS.

2	(a) In General.—Section 1001(b) of the Water Re-
3	sources Development Act of 1986 (33 U.S.C. 579a(b)) is
4	amended—
5	(1) by striking paragraph (2) and inserting the
6	following:
7	"(2) List of projects.—
8	"(A) In General.—Notwithstanding sec-
9	tion 3003 of Public Law 104–66 (31 U.S.C.
10	1113 note; 109 Stat. 734), each year, after the
11	submission of the list under paragraph (1), the
12	Secretary shall submit to Congress a list of
13	projects or separable elements of projects that
14	have been authorized but that have received no
15	obligations during the 5 full fiscal years pre-
16	ceding the submission of that list.
17	"(B) Additional notification.—On
18	submission of the list under subparagraph (A)
19	to Congress, the Secretary shall notify—
20	"(i) each Senator in whose State and
21	each Member of the House of Representa-
22	tives in whose district a project (including
23	any part of a project) on that list would be
24	located; and

1	"(ii) each applicable non-Federal in-
2	terest associated with a project (including
3	any part of a project) on that list.
4	"(C) Deauthorization.—A project or
5	separable element included in the list under
6	subparagraph (A) is not authorized after the
7	last date of the fiscal year following the fiscal
8	year in which the list is submitted to Congress,
9	if funding has not been obligated for the plan-
10	ning, design, or construction of the project or
11	element of the project during that period."; and
12	(2) by adding at the end the following:
13	"(3) MINIMUM FUNDING LIST.—At the end of
14	each fiscal year, the Secretary shall submit to Con-
15	gress a list of—
16	"(A) projects or separable elements of
17	projects authorized for construction for which
18	funding has been obligated in the 5 previous
19	fiscal years;
20	"(B) the amount of funding obligated per
21	fiscal year;
22	"(C) the current phase of each project or
23	separable element of a project; and
24	"(D) the amount required to complete
25	those phases.

1	"(4) REPORT.—
2	"(A) IN GENERAL.—Not later than 180
3	days after the date of enactment of the Water
4	Resources Development Act of 2013, the Sec-
5	retary shall compile and publish a complete list
6	of all uncompleted, authorized projects of the
7	Corps of Engineers, including for each project
8	on that list—
9	"(i) the original budget authority for
10	the project;
11	"(ii) the status of the project;
12	"(iii) the estimated date of completion
13	of the project;
14	"(iv) the estimated cost of completion
15	of the project; and
16	"(v) any amounts for the project that
17	remain unobligated.
18	"(B) Publication.—
19	"(i) In General.—The Secretary
20	shall submit a copy of the list under sub-
21	paragraph (A) to—
22	"(I) the appropriate committees
23	of Congress; and
24	"(II) the Director of the Office of
25	Management and Budget.

1	"(ii) Public availability.—Not
2	later than 30 days after providing the re-
3	port to Congress under clause (i), the Sec-
4	retary shall make a copy of the list avail-
5	able on a publicly accessible Internet site,
6	in a manner that is downloadable, search-
7	able, and sortable.".
8	(b) Infrastructure Deauthorization Commis-
9	SION.—
10	(1) Purposes.—The purposes of this sub-
11	section are—
12	(A) to establish a process for identifying
13	authorized Corps of Engineers water resources
14	projects that are no longer in the Federal inter-
15	est and no longer feasible;
16	(B) to create a commission—
17	(i) to review suggested
18	deauthorizations, including consideration
19	of recommendations of the States and the
20	Secretary for the deauthorization of water
21	resources projects; and
22	(ii) to make recommendations to Con-
23	gress;
24	(C) to ensure public participation and com-
25	ment; and

1	(D) to provide oversight on any rec-
2	ommendations made to Congress by the Com-
3	mission.
4	(2) Infrastructure deauthorization com-
5	MISSION.—
6	(A) Establishment.—There is estab-
7	lished an independent commission to be known
8	as the "Infrastructure Deauthorization Com-
9	mission" (referred to in this paragraph as the
10	"Commission").
11	(B) Duties.—The Commission shall carry
12	out the review and recommendation duties de-
13	scribed in paragraph (5).
14	(C) Membership.—
15	(i) In General.—The Commission
16	shall be composed of 8 members, who shall
17	be appointed by the President, by and with
18	the advice and consent of the Senate ac-
19	cording to the expedited procedures de-
20	scribed in clause (ii).
21	(ii) Expedited nomination proce-
22	DURES.—
23	(I) Privileged nominations;
24	INFORMATION REQUESTED.—On re-
25	ceipt by the Senate of a nomination

CEL13291	S.L.C.

1	0	\cap
	h	
	v	v

1	under clause (i), the nomination
2	shall—
3	(aa) be placed on the Execu-
4	tive Calendar under the heading
5	"Privileged Nominations—Infor-
6	mation Requested"; and
7	(bb) remain on the Execu-
8	tive Calendar under that heading
9	until the Executive Clerk receives
10	a written certification from the
11	Chairman of the committee of ju-
12	risdiction under subclause (II).
13	(II) QUESTIONNAIRES.—The
14	Chairman of the Committee on Envi-
15	ronment and Public Works of the
16	Senate shall notify the Executive
17	Clerk in writing when the appropriate
18	biographical and financial question-
19	naires have been received from an in-
20	dividual nominated for a position
21	under clause (i).
22	(III) Privileged nominations;
23	INFORMATION RECEIVED.—On receipt
24	of the certification under subclause
25	(II), the nomination shall—

1	(aa) be placed on the Execu-
2	tive Calendar under the heading
3	"Privileged Nomination—Infor-
4	mation Received" and remain on
5	the Executive Calendar under
6	that heading for 10 session days;
7	and
8	(bb) after the expiration of
9	the period referred to in item
10	(aa), be placed on the "Nomina-
11	tions" section of the Executive
12	Calendar.
13	(IV) Referral to committee
14	OF JURISDICTION.—During the period
15	when a nomination under clause (i) is
16	listed under the "Privileged Nomina-
17	tion—Information Requested" section
18	of the Executive Calendar described in
19	subclause (I)(aa) or the "Privileged
20	Nomination—Information Received"
21	section of the Executive Calendar de-
22	scribed in subclause (III)(aa)—
23	(aa) any Senator may re-
24	quest on his or her own behalf,
25	or on the behalf of any identified

CEL13291	S.L.C

162)
-----	---

1	Senator that the nomination be
2	referred to the appropriate com-
3	mittee of jurisdiction; and
4	(bb) if a Senator makes a
5	request described in paragraph
6	item (aa), the nomination shall
7	be referred to the appropriate
8	committee of jurisdiction.
9	(V) EXECUTIVE CALENDAR.—
10	The Secretary of the Senate shall cre-
11	ate the appropriate sections on the
12	Executive Calendar to reflect and ef-
13	fectuate the requirements of this
14	clause.
15	(VI) COMMITTEE JUSTIFICATION
16	FOR NEW EXECUTIVE POSITIONS.—
17	The report accompanying each bill or
18	joint resolution of a public character
19	reported by any committee shall con-
20	tain an evaluation and justification
21	made by that committee for the estab-
22	lishment in the measure being re-
23	ported of any new position appointed
24	by the President within an existing or
25	new Federal entity.

1	(iii) Qualifications.—Members of
2	the Commission shall be knowledgeable
3	about Corps of Engineers water resources
4	projects.
5	(iv) Geographical diversity.—To
6	the maximum extent practicable, the mem-
7	bers of the Commission shall be geographi-
8	cally diverse.
9	(D) Compensation of members.—
10	(i) In general.—Each member of
11	the Commission who is not an officer or
12	employee of the Federal Government shall
13	be compensated at a rate equal to the daily
14	equivalent of the annual rate of basic pay
15	prescribed for level IV of the Executive
16	Schedule under section 5315 of title 5,
17	United States Code, for each day (includ-
18	ing travel time) during which the member
19	is engaged in the performance of the duties
20	of the Commission.
21	(ii) Federal employees.—All mem-
22	bers of the Commission who are officers or
23	employees of the United States shall serve
24	without compensation in addition to that

1	received for their services as officers or
2	employees of the United States.
3	(iii) Travel expenses.—The mem-
4	bers of the Commission shall be allowed
5	travel expenses, including per diem in lieu
6	of subsistence, at rates authorized for em-
7	ployees of agencies under subchapter I of
8	chapter 57 of title 5, United States Code,
9	while away from their homes or regular
10	places of business in the performance of
11	service for the Commission.
12	(3) State water resources infrastruc-
13	TURE PLAN.—Not later than 2 years after the date
14	of enactment of this Act, each State, in consultation
15	with local interests, may develop and submit to the
16	Commission, the Committee on Environment and
17	Public Works of the Senate, and the Committee on
18	Transportation and Infrastructure of the House of
19	Representatives, a detailed statewide water resources
20	plan that includes a list of each water resources
21	project that the State recommends for deauthoriza-
22	tion.
23	(4) Corps of engineers infrastructure
24	PLAN.—Not later than 2 years after the date of en-
25	actment of this Act, the Secretary shall submit to

1	the Commission, the Committee on Environment
2	and Public Works of the Senate, and the Committee
3	on Transportation and Infrastructure of the House
4	of Representatives a detailed plan that—
5	(A) contains a detailed list of each water
6	resources project that the Corps of Engineers
7	recommends for deauthorization; and
8	(B) is based on assessment by the Sec-
9	retary of the needs of the United States for
10	water resources infrastructure, taking into ac-
11	count public safety, the economy, and the envi-
12	ronment.
13	(5) REVIEW AND RECOMMENDATION COMMIS-
14	SION.—
15	(A) IN GENERAL.—On the appointment
16	and confirmation of all members of the Com-
17	mission, the Commission shall solicit public
18	comment on water resources infrastructure
19	issues and priorities and recommendations for
20	deauthorization, including by—
21	(i) holding public hearings throughout
22	the United States; and
23	(ii) receiving written comments.
24	(B) Recommendations.—

1	(i) In General.—Not later than 4
2	years after the date of enactment of this
3	Act, the Commission shall submit to Con-
4	gress a list of water resources projects of
5	the Corps of Engineers for deauthoriza-
6	tion.
7	(ii) Considerations.—In carrying
8	out this paragraph, the Commission shall
9	establish criteria for evaluating projects for
10	deauthorization, which shall include consid-
11	eration of—
12	(I) the infrastructure plans sub-
13	mitted by the States and the Sec-
14	retary under paragraphs (3) and (4)
15	(II) any public comment received
16	during the period described in sub-
17	paragraph (A);
18	(III) public safety and security;
19	(IV) the environment; and
20	(V) the economy.
21	(C) Non-eligible projects.—The fol-
22	lowing types of projects shall not be eligible for
23	review for deauthorization by the Commission
24	(i) Any project authorized after the
25	date of enactment of the Water Resources

1	Development Act of 1996 (Public Law
2	104-303; 110 Stat. 3658), including any
3	project that has been reauthorized after
4	that date.
5	(ii) Any project that, as of the date of
6	enactment of this Act, is undergoing a re-
7	view by the Corps of Engineers.
8	(iii) Any project that has received ap-
9	propriations in the 10-year period ending
10	on the date of enactment of this Act.
11	(iv) Any project that, on the date of
12	enactment of this Act, is more than 50
13	percent complete.
14	(v) Any project that has a viable non-
15	Federal sponsor.
16	(D) Congressional disapproval.—Any
17	water resources project recommended for de-
18	authorization on the list submitted to Congress
19	under subparagraph (B) shall be deemed to be
20	deauthorized unless Congress passes a joint res-
21	olution disapproving of the entire list of de-
22	authorized water resources projects prior to the
23	date that is 180 days after the date on which
24	the Commission submits the list to Congress.

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;
- (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
- the Secretary fails to provide a report listed under
- subsection (b) by the date that is 180 days after the
- applicable date required for that report, \$5,000 shall
- be reprogrammed from the Office of the Assistant
- 23 Secretary of the Army for Civil Works into the ac-
- 24 count of the division of the Secretary of the Army
- 25 with responsibility for 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 Office of the Assistant Secretary
7	of the Army for Civil Works into the account of the
8	division of the Secretary of the Army with responsi-
9	bility for completing that report.
10	(d) Limitations.—
11	(1) IN GENERAL.—For each report, the total
12	amounts reprogrammed under subsection (c) shall
13	not exceed, in any fiscal year, \$50,000.
14	(2) AGGREGATE LIMITATION.—The total
15	amount reprogrammed under subsection (e) in a fis-
16	cal year shall not exceed \$200,000.
17	(e) No Fault of the Secretary.—Amounts shall
18	not be reprogrammed under subsection (c) if the Secretary
19	certifies in a letter to the applicable committees of Con-
20	gress that—
21	(1) a major modification has been made to the
22	content of the report that requires additional anal-
23	ysis for the Secretary to make a final decision on the
24	report;

1	(2) amounts have not been appropriated to the
2	agency under this Act or any other Act to carry out
3	the report; or
4	(3) additional information is required from an
5	entity other than the Corps of Engineers and is not
6	available in a timely manner to complete the report
7	by the deadline.
8	(f) LIMITATION.—The Secretary shall not reprogram
9	funds to reimburse the Office of the Assistant Secretary
10	of the Army for Civil Works for the loss of the funds.
11	(g) Authorization of Appropriations.—There is
12	authorized to be appropriated to carry out this section
13	\$10,000,000.
14	TITLE III—PROJECT
15	MODIFICATIONS
16	SEC. 3001. PURPOSE.
17	The purpose of this title is to modify existing water
18	resource project authorizations, subject to the condition
19	that the modifications do not affect authorized costs.
20	SEC. 3002. CHATFIELD RESERVOIR, COLORADO.
21	Section 116 of the Energy and Water Development
22	and Related Agencies Appropriations Act, 2009 (123 Stat
23	608), is amended in the matter preceding the proviso by
24	ingerting "(or a decigned of the Department)" after "Colo
	inserting "(or a designee of the Department)" after "Colo-
25	rado Department of Natural Resources".

1	SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION
2	COMMITTEE EXPENSES REIMBURSEMENT.
3	Section 5018(b)(5) of the Water Resources Develop-
4	ment Act of 2007 (121 Stat. 1200) is amended by striking
5	subparagraph (B) and inserting the following:
6	"(B) Travel expenses.—Subject to the
7	availability of funds, the Secretary may reim-
8	burse a member of the Committee for travel ex-
9	penses, including per diem in lieu of subsist-
10	ence, at rates authorized for an employee of a
11	Federal agency under subchapter I of chapter
12	57 of title 5, United States Code, while away
13	from the home or regular place of business of
14	the member in performance of services for the
15	Committee.".
16	SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION
17	STUDY.
18	With respect to the study for flood and storm damage
19	reduction related to natural disasters to by carried out by
20	the Secretary and authorized under the heading "INVES-
21	TIGATIONS" under title II of division A of Public Law
22	113-2, the Secretary shall include, to the maximum extent
23	practicable, specific project recommendations in the report
24	developed for that study.

	172
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	triet 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 (e) 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 SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-
- 12 BASIN, NEW JERSEY.
- 13 Title I of the Energy and Water Development Appro-
- 14 priations Act, 1998 (Public Law 105–62; 111 Stat. 1327)
- 15 is amended by striking section 102.
- 16 SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKAN-
- 17 SAS, LOUISIANA.
- 18 (a) In General.—The Secretary is authorized to re-
- 19 assign unused irrigation storage within a reservoir on the
- 20 Red River Basin to municipal and industrial water supply
- 21 for use by a non-Federal interest if that non-Federal inter-
- 22 est has already contracted for a share of municipal and
- 23 industrial water supply on the same reservoir.
- 24 (b) Non-Federal Interest.—A reassignment of
- 25 storage under subsection (a) shall be contingent upon the

	1.0
1	execution of an agreement between the Secretary and the
2	applicable non-Federal interest.
3	SEC. 3009. POINT JUDITH HARBOR OF REFUGE, RHODE IS-
4	LAND.
5	The project for the Harbor of Refuge at Point Ju-
6	dith, Narragansett, Rhode Island, adopted by the Act of
7	September 19, 1890 (commonly known as the "River and
8	Harbor Act of 1890'') (26 Stat. 426, chapter 907), House
9	Document numbered 66, 51st Congress, 1st Session, and
10	modified to include the west shore arm breakwater under
11	the first section of the Act of June 25, 1910 (commonly
12	known as the "River and Harbor Act of 1910") (36 Stat.
13	632, chapter 382), is further modified to include shore
14	protection and erosion control as project purposes.
15	TITLE IV—WATER RESOURCE
16	STUDIES
17	SEC. 4001. PURPOSE.
18	The purpose of this title is to direct the Corps of En-
19	gineers to study and recommend solutions for water re-
20	source issues relating to flood risk and storm damage re-
21	duction, navigation, and ecosystem restoration.
22	SEC. 4002. INITIATION OF NEW WATER RESOURCES STUD-
23	IES.
24	(a) In General.—Subject to subsections (b), (c),
25	and (d), the Secretary may initiate a study—

1	(1) to determine the feasibility of carrying out
2	1 or more projects for flood risk management, storm
3	damage reduction, ecosystem restoration, navigation,
4	hydropower, or related purposes; or
5	(2) to carry out watershed and river basin as-
6	sessments in accordance with section 729 of the
7	Water Resources Development Act of 1986 (33
8	U.S.C. 2267a).
9	(b) Criteria.—The Secretary may only initiate a
10	study under subsection (a) if—
11	(1) the study—
12	(A) has been requested by an eligible non-
13	Federal interest;
14	(B) is for an area that is likely to include
15	a project with a Federal interest; and
16	(C) addresses a high-priority water re-
17	source issue necessary for the protection of
18	human life and property, the environment, or
19	the national security interests of the United
20	States; and
21	(2) the non-Federal interest has dem-
22	onstrated—
23	(A) that local support exists for addressing
24	the water resource issue; and

1	(B) the financial ability to provide the re-
2	quired non-Federal cost-share.
3	(c) Congressional Approval.—
4	(1) Submission to congress.—Prior to initi-
5	ating a study under subsection (a), the Secretary
6	shall submit to the Committees on Environment and
7	Public Works and Appropriations of the Senate and
8	the Committees on Transportation and Infrastruc-
9	ture and Appropriations of the House—
10	(A) a description of the study, including
11	the geographical area addressed by the study;
12	(B) a description of how the study meets
13	each of the requirements of subsection (b); and
14	(C) a certification that the proposed study
15	can be completed within 3 years and for a Fed-
16	eral cost of not more than \$3,000,000.
17	(2) Expenditure of funds.—No funds may
18	be spent on a study initiated under subsection (a)
19	unless—
20	(A) the required information is submitted
21	to Congress under paragraph (1); and
22	(B) after such submission, amounts are
23	appropriated to initiate the study in an appro-
24	priations or other Act.

1	(3) Additional notification.—The Sec-
2	retary shall notify each Senator or Member of Con-
3	gress with a State or congressional district in the
4	study area described in paragraph (1)(A).
5	(d) Limitations.—
6	(1) In general.—Subsection (a) shall not
7	apply to a project for which a study has been au-
8	thorized prior to the date of enactment of this Act.
9	(2) New studies.—In each fiscal year, the
10	Secretary may initiate not more than—
11	(A) 3 new studies in each of the primary
12	areas of responsibility of the Corps of Engi-
13	neers; and
14	(B) 3 new studies from any 1 division of
15	the Corps of Engineers.
16	(e) TERMINATION.—The authority under subsection
17	(a) expires on the date that is 3 years after the date of
18	enactment of this Act.
19	(f) AUTHORIZATION OF APPROPRIATIONS.—There is
20	authorized to be appropriated to the Secretary to carry
21	out this section \$25,000,000 for each of fiscal years 2014
22	through 2017.
23	SEC. 4003. APPLICABILITY.
24	(a) In General.—Nothing in this title authorizes
25	the construction of a water resources project.

1 (b) NEW AUTHORIZATION REQUIRED.—New author-2 ization from Congress is required before any project evalu-3 ated in a study under this title is constructed. TITLE V—REGIONAL AND 4 NONPROJECT PROVISIONS 5 6 SEC. 5001. PURPOSE. 7 The purpose of this title is to authorize regional, 8 multistate authorities to address water resource needs and other non-project provisions. SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RES-10 11 TORATION. 12 (a) In General.—The Secretary shall plan, design, 13 and construct projects for aquatic ecosystem restoration 14 within the coastal waters of the Northeastern United 15 States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine 16 17 areas. 18 (b) General Coastal Management Plan.— 19 (1) Assessment.—The Secretary, in coordina-20 tion with the Administrator of the Environmental 21 Protection Agency, the heads of other appropriate 22 Federal agencies, the Governors of the coastal 23 States from Virginia to Maine, nonprofit organiza-24 tions, and other interested parties, shall assess the 25 needs regarding, and opportunities for, aquatic eco-

1	system restoration within the coastal waters of the
2	Northeastern United States.
3	(2) Plan.—The Secretary shall develop a gen-
4	eral coastal management plan based on the assess-
5	ment carried out under paragraph (1), maximizing
6	the use of existing plans and investigation, which
7	plan shall include—
8	(A) an inventory and evaluation of coastal
9	habitats;
10	(B) identification of aquatic resources in
11	need of improvement;
12	(C) identification and prioritization of po-
13	tential aquatic habitat restoration projects; and
14	(D) identification of geographical and eco-
15	logical areas of concern, including—
16	(i) finfish habitats;
17	(ii) diadromous fisheries migratory
18	corridors;
19	(iii) shellfish habitats;
20	(iv) submerged aquatic vegetation;
21	(v) wetland; and
22	(vi) beach dune complexes and other
23	similar habitats.

1	(c) Eligible Projects.—The Secretary may carry
2	out an aquatic ecosystem restoration project under this
3	section if the project—
4	(1) is consistent with the management plan de-
5	veloped under subsection (b); and
6	(2) provides for—
7	(A) the restoration of degraded aquatic
8	habitat (including coastal, saltmarsh, benthic,
9	and riverine habitat);
10	(B) the restoration of geographical or eco-
11	logical areas of concern, including the restora-
12	tion of natural river and stream characteristics;
13	(C) the improvement of water quality; or
14	(D) other projects or activities determined
15	to be appropriate by the Secretary.
16	(d) Cost Sharing.—
17	(1) Management Plan.—The management
18	plan developed under subsection (b) shall be com-
19	pleted at Federal expense.
20	(2) RESTORATION PROJECTS.—The non-Fed-
21	eral share of the cost of a project carried out under
22	this section shall be 35 percent.
23	(e) Cost Limitation.—Not more than \$10,000,000
24	in Federal funds may be allocated under this section for
25	an eligible project.

1	(f) Authorization of Appropriations.—There is
2	authorized to be appropriated to carry out this section (in-
3	cluding funds for the completion of the management plan)
4	\$25,000,000 for each of fiscal years 2014 through 2018.
5	SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-
6	TION AND PROTECTION PROGRAM.
7	Section 510 of the Water Resources Development Act
8	of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat.
9	1202) is amended—
10	(1) in subsection (a)—
11	(A) in paragraph (1)—
12	(i) by striking "pilot program" and
13	inserting "program"; and
14	(ii) by inserting "in the basin States
15	described in subsection (f) and the District
16	of Columbia" after "interests"; and
17	(B) by striking paragraph (2) and insert-
18	ing the following:
19	"(2) Form.—The assistance under paragraph
20	(1) shall be in the form of design and construction
21	assistance for water-related resource protection and
22	restoration projects affecting the Chesapeake Bay
23	estuary, based on the comprehensive plan under sub-
24	section (b), including projects for—
25	"(A) sediment and erosion control;

1	"(B) protection of eroding shorelines;
2	"(C) ecosystem restoration, including res-
3	toration of submerged aquatic vegetation;
4	"(D) protection of essential public works;
5	"(E) beneficial uses of dredged material
6	and
7	"(F) other related projects that may en-
8	hance the living resources of the estuary.";
9	(2) by striking subsection (b) and inserting the
10	following:
11	"(b) Comprehensive Plan.—
12	"(1) IN GENERAL.—Not later than 2 years
13	after the date of enactment of the Water Resources
14	Development Act of 2013, the Secretary, in coopera-
15	tion with State and local governmental officials and
16	affected stakeholders, shall develop a comprehensive
17	Chesapeake Bay restoration plan to guide the imple-
18	mentation of projects under subsection (a)(2).
19	"(2) Coordination.—The restoration plan de-
20	scribed in paragraph (1) shall, to the maximum ex-
21	tent practicable, consider and avoid duplication of
22	any ongoing or planned actions of other Federal
23	State, and local agencies and nongovernmental orga-
24	nizations.

1	"(3) Prioritization.—The restoration plan
2	described in paragraph (1) shall give priority to
3	projects eligible under subsection (a)(2) that will
4	also improve water quality or quantity or use nat-
5	ural hydrological features and systems.
6	"(4) Administration.—The Federal share of
7	the costs of carrying out paragraph (1) shall be 75
8	percent.";
9	(3) in subsection (c)—
10	(A) in paragraph (1), by striking "to pro-
11	vide" and all that follows through the period at
12	the end and inserting "for the design and con-
13	struction of a project carried out pursuant to
14	the comprehensive Chesapeake Bay restoration
15	plan described in subsection (b).";
16	(B) in paragraph (2)(A), by striking "fa-
17	cilities or resource protection and development
18	plan" and inserting "resource protection and
19	restoration plan"; and
20	(C) by adding at the end the following:
21	"(3) Projects on federal land.—A project
22	carried out pursuant to the comprehensive Chesa-
23	peake Bay restoration plan described in subsection
24	(b) that is located on Federal land shall be carried

1	out at the expense of the Federal agency that owns
2	the land on which the project will be a carried out
3	"(4) Non-federal contributions.—A Fed-
4	eral agency carrying out a project described in para-
5	graph (3) may accept contributions of funds from
6	non-Federal entities to carry out that project.";
7	(4) by striking subsection (e) and inserting the
8	following:
9	"(e) Cooperation.—In carrying out this section, the
10	Secretary shall cooperate with—
11	"(1) the heads of appropriate Federal agencies.
12	including—
13	"(A) the Administrator of the Environ-
14	mental Protection Agency;
15	"(B) the Secretary of Commerce, acting
16	through the Administrator of the National
17	Oceanographic and Atmospheric Administra-
18	tion;
19	"(C) the Secretary of the Interior, acting
20	through the Director of the United States Fish
21	and Wildlife Service; and
22	"(D) the heads of such other Federal
23	agencies as the Secretary determines to be ap-
24	propriate; and

1	"(2) agencies of a State or political subdivision
2	of a State, including the Chesapeake Bay Commis-
3	sion.";
4	(5) by striking subsection (f) and inserting the
5	following:
6	"(f) Projects.—The Secretary shall establish, to
7	the maximum extent practicable, at least 1 project under
8	this section in—
9	"(1) regions within the Chesapeake Bay water-
10	shed of each of the basin States of Delaware, Mary-
11	land, New York, Pennsylvania, Virginia, and West
12	Virginia; and
13	"(2) the District of Columbia.";
14	(6) by striking subsection (h); and
15	(7) by redesignating subsection (i) as subsection
13	(1) 20 20 20 20 20 20 20 20 20 20 20 20 20
16	(h).
16	(h).
16 17	(h). SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT
161718	(h). SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS.
16171819	(h). SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS. Section 5056 of the Water Resources Development
16 17 18 19 20	(h). SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS. Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended—
16 17 18 19 20 21	(h). SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS. Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended— (1) in subsection (b)(2)—

1	(B) in subparagraph (C), by inserting
2	"and an assessment of needs for other related
3	purposes in the Rio Grande Basin, including
4	flood damage reduction" after "assessment";
5	(2) in subsection $(c)(2)$ —
6	(A) by striking "an interagency agreement
7	with" and inserting "1 or more interagency
8	agreements with the Secretary of State and";
9	and
10	(B) by inserting "or the U.S. Section of
11	the International Boundary and Water Com-
12	mission" after "the Department of the Inte-
13	rior"; and
14	(3) in subsection (f), by striking "2011" and
15	inserting "2024".
16	SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY
17	ECOSYSTEM RESTORATION, OREGON AND
18	WASHINGTON.
19	Section 536(g) of the Water Resources Development
20	Act of 2000 (114 Stat. 2661) is amended by striking
21	"\$30,000,000" and inserting "\$75,000,000".
22	SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.
23	(a) Project Goal.—The goal for operation of the
24	McClellan-Kerr Arkansas River navigation system, Arkan-
25	sas and Oklahoma, shall be to maximize the use of the

1	system in a balanced approach that incorporates advice
2	from representatives from all project purposes to ensure
3	that the full value of the system is realized by the United
4	States.
5	(b) McClellan-Kerr Arkansas River Naviga-
6	TION SYSTEM ADVISORY COMMITTEE.—
7	(1) IN GENERAL.—In accordance with the Fed-
8	eral Advisory Committee Act (5 U.S.C. App.), the
9	Secretary shall establish an advisory committee for
10	the McClellan-Kerr Arkansas River navigation sys-
11	tem, Arkansas and Oklahoma, project authorized by
12	the Act of July 24, 1946 (60 Stat. 635, chapter
13	595).
14	(2) Duties.—The advisory committee shall—
15	(A) serve in an advisory capacity only; and
16	(B) provide information and recommenda-
17	tions to the Corps of Engineers relating to the
18	efficiency, reliability, and availability of the op-
19	erations of the McClellan-Kerr Arkansas River
20	navigation system.
21	(3) SELECTION AND COMPOSITION.—The advi-
22	sory committee shall be—
23	(A) selected jointly by the Little Rock dis-
24	trict engineer and the Tulsa district engineer
25	and

1	(B) composed of members that equally rep-
2	resent the McClellan-Kerr Arkansas River navi-
3	gation system project purposes.
4	(4) AGENCY RESOURCES.—The Little Rock dis-
5	trict and the Tulsa district of the Corps of Engi-
6	neers, under the supervision of the southwestern di-
7	vision, shall jointly provide the advisory committee
8	with adequate staff assistance, facilities, and re-
9	sources.
10	(5) Termination.—
11	(A) In general.—Subject to subpara-
12	graph (B), the advisory committee shall termi-
13	nate on the date on which the Secretary sub-
14	mits a report to Congress demonstrating in-
15	creases in the efficiency, reliability, and avail-
16	ability of the McClellan-Kerr Arkansas River
17	navigation system.
18	(B) Restriction.—The advisory com-
19	mittee shall terminate not less than 2 calendar
20	years after the date on which the advisory com-
21	mittee is established.
22	SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND
23	MANAGEMENT; COLUMBIA RIVER BASIN.
24	(a) In General.—The Secretary may establish a
25	program to prevent and manage aquatic invasive species

l	in the Columbia River Basin in the States of Idaho, Mon-
2	tana, Oregon, and Washington.
3	(b) Watercraft Inspection Stations.—
4	(1) In general.—In carrying out this section,
5	the Secretary shall establish watercraft inspection
6	stations in the Columbia River Basin to be located
7	in the States of Idaho, Montana, Oregon, and Wash-
8	ington at locations, as determined by the Secretary,
9	with the highest likelihood of preventing the spread
10	of aquatic invasive species into reservoirs operated
11	and maintained by the Secretary.
12	(2) Inclusions.—Locations identified under
13	paragraph (1) may include—
14	(A) State border crossings;
15	(B) international border crossings; and
16	(C) highway entry points that are used by
17	owners of watercraft to access boat launch fa-
18	cilities owned or managed by the Secretary.
19	(3) Cost-share.—The non-Federal share of
20	the cost of operating and maintaining watercraft in-
21	spection stations described in paragraph (1) (includ-
22	ing personnel costs) shall be 50 percent.
23	(4) Other inspection sites.—The Secretary
24	may establish watercraft inspection stations using
25	amounts made available to carry out this section in

1	States other than those described in paragraph (1)	
2	at or near boat launch facilities that the Secretary	
3	determines are regularly used by watercraft to enter	
4	the States described in paragraph (1).	
5	(c) Monitoring and Contingency Planning.—	
6	The Secretary shall—	
7	(1) carry out risk assessments of each major	
8	public and private water resources facility in the Co-	
9	lumbia River Basin;	
10	(2) establish an aquatic invasive species moni-	
11	toring program in the Columbia River Basin;	
12	(3) establish a Columbia River Basin water-	
13	shed-wide plan for expedited response to an infesta-	
14	tion of aquatic invasive species; and	
15	(4) monitor water quality, including sediment	
16	cores and fish tissue samples, at facilities owned or	
17	managed by the Secretary in the Columbia River	
18	Basin.	
19	(d) COORDINATION.—In carrying out this section, the	
20	Secretary shall consult and coordinate with—	
21	(1) the States described in subsection (a);	
22	(2) Indian tribes; and	
23	(3) other Federal agencies, including—	
24	(A) the Department of Agriculture;	
25	(B) the Department of Energy;	

1	(C) the Department of Homeland Security;	
2	(D) the Department of Commerce; and	
3	(E) the Department of the Interior.	
4	(e) Authorization of Appropriations.—There is	
5	authorized to be appropriated to the Secretary to carry	
6	out this section \$30,000,000, of which \$5,000,000 may	
7	be used to carry out subsection (c).	
8	SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT	
9	MONITORING.	
10	(a) In General.—The Secretary, in coordination	
11	with the Administrator of the National Oceanic and At-	
12	mospheric Administration, the Chief of the Natural Re-	
13	sources Conservation Service, the Director of the United	
14	States Geological Survey, and the Commissioner of the	
15	Bureau of Reclamation, shall establish a program to pro-	
16	vide for—	
17	(1) soil moisture and snowpack monitoring in	
18	the Upper Missouri River Basin to reduce flood risk	
19	and improve river and water resource management	
20	in the Upper Missouri River Basin, as outlined in	
21	the February 2013 report entitled "Upper Missouri	
22	Basin Monitoring Committee—Snow Sampling and	
23	Instrumentation Recommendations";	
24	(2) restoring and maintaining existing mid- and	
25	high-elevation snowpack monitoring sites operated	

1	under the SNOTEL program of the Natural Re-
2	sources Conservation Service; and
3	(3) operating streamflow gages and related in-
4	terpretive studies in the Upper Missouri River Basin
5	under the cooperative water program and the na-
6	tional streamflow information program of the United
7	States Geological Service.
8	(b) AUTHORIZATION OF APPROPRIATIONS.—There is
9	authorized to be appropriated to the Secretary to carry
10	out this section \$11,250,000.
11	(c) Use of Funds.—Amounts made available to the
12	Secretary under this section shall be used to complement
13	other related activities of Federal agencies that are carried
14	out within the Missouri River Basin.
15	(d) REPORT.—Not later than 1 year after the date
16	of enactment of this Act, the Comptroller General of the
17	United States, in consultation with the Secretary, shall
18	submit to the Committee on Environment and Public
19	Works of the Senate and the Committee on Transpor-
20	tation and Infrastructure of the House of Representatives
21	a report that—
22	(1) identifies progress made by the Secretary
23	and other Federal agencies to implement the rec-
24	ommendations contained in the report described in
25	subsection (a)(1) with respect to enhancing soil

1	moisture and snowpack monitoring in the Upper
2	Missouri Basin; and
3	(2) includes recommendations to enhance soil
4	moisture and snowpack monitoring in the Upper
5	Missouri Basin.
6	SEC. 5009. NORTHERN ROCKIES HEADWATERS EXTREME
7	WEATHER MITIGATION.
8	(a) In General.—Subject to subsection (b), the Sec-
9	retary shall establish a program to mitigate the impacts
10	of extreme weather events, such as floods and droughts,
11	on communities, water users, and fish and wildlife located
12	in and along the headwaters of the Columbia, Missouri,
13	and Yellowstone Rivers (including the tributaries of those
14	rivers) in the States of Idaho and Montana by carrying
15	out river, stream, and floodplain protection and restora-
16	tion projects, including—
17	(1) floodplain restoration and reconnection;
18	(2) floodplain and riparian area protection
19	through the use of conservation easements;
20	(3) instream flow restoration projects;
21	(4) fish passage improvements;
22	(5) channel migration zone mapping; and
23	(6) invasive weed management.
24	(b) Restriction.—All projects carried out using
25	amounts made available to carry out this section shall em-

1	phasize the protection and enhancement of natural
2	riverine processes.
3	(c) Non-federal Cost Share.—The non-Federal
4	share of the costs of carrying out a project under this sec-
5	tion shall not exceed 35 percent of the total cost of the
6	project.
7	(d) COORDINATION.—In carrying out this section, the
8	Secretary—
9	(1) shall consult and coordinate with the appro-
10	priate State natural resource agency in each State;
11	and
12	(2) may—
13	(A) delegate any authority or responsibility
14	of the Secretary under this section to those
15	State natural resource agencies; and
16	(B) provide amounts made available to the
17	Secretary to carry out this section to those
18	State natural resource agencies.
19	(e) Limitations.—Nothing in this section invali-
20	dates, preempts, or creates any exception to State water
21	law, State water rights, or Federal or State permitted ac-
22	tivities or agreements in the States of Idaho and Montana
23	or any State containing tributaries to rivers in those
24	States.

1	(f) Authorization of Appropriations.—There is	
2	authorized to be appropriated to the Secretary to carry	
3	out this section \$30,000,000.	
4	TITLE VI—LEVEE SAFETY	
5	SEC. 6001. SHORT TITLE.	
6	This title may be cited as the "National Levee Safety	
7	Program Act".	
8	SEC. 6002. FINDINGS; PURPOSES.	
9	(a) FINDINGS.—Congress finds that—	
10	(1) there is a need to establish a national levee	
11	safety program to provide national leadership and	
12	encourage the establishment of State and tribal levee	
13	safety programs;	
14	(2) according to the National Committee on	
15	Levee Safety, "the level of protection and robustness	
16	of design and construction of levees vary consider-	
17	ably across the country";	
18	(3) knowing the location, condition, and owner-	
19	ship of levees, as well as understanding the popu-	
20	lation and infrastructure at risk in leveed areas, is	
21	necessary for identification and prioritization of ac-	
22	tivities associated with levees;	
23	(4) levees are an important tool for reducing	
24	flood risk and should be considered in the context of	
25	broader flood risk management efforts;	

201

1	(5) States and Indian tribes—
2	(A) are uniquely positioned to oversee, co-
3	ordinate, and regulate local and regional levee
4	systems; and
5	(B) should be encouraged to participate in
6	a national levee safety program by establishing
7	individual levee safety programs; and
8	(6) States, Indian tribes, and local governments
9	that do not invest in protecting the individuals and
10	property located behind levees place those individuals
11	and property at risk.
12	(b) Purposes.—The purposes of this title are—
13	(1) to promote sound technical practices in
14	levee design, construction, operation, inspection, as-
15	sessment, security, and maintenance;
16	(2) to ensure effective public education and
17	awareness of risks involving levees;
18	(3) to establish and maintain a national levee
19	safety program that emphasizes the protection of
20	human life and property; and
21	(4) to implement solutions and incentives that
22	encourage the establishment of effective State and
23	tribal levee safety programs.
24	SEC. 6003. DEFINITIONS.
25	In this title:

1	(1) Board.—The term "Board" means the Na-
2	tional Levee Safety Advisory Board established
3	under section 6005.
4	(2) Canal Structure.—
5	(A) IN GENERAL.—The term "canal struc-
6	ture" means an embankment, wall, or structure
7	along a canal or manmade watercourse that—
8	(i) constrains water flows;
9	(ii) is subject to frequent water load-
10	ing; and
11	(iii) is an integral part of a flood risk
12	reduction system that protects the leveed
13	area from flood waters associated with
14	hurricanes, precipitation events, seasonal
15	high water, and other weather-related
16	events.
17	(B) Exclusion.—The term "canal struc-
18	ture" does not include a barrier across a water-
19	course.
20	(3) FEDERAL AGENCY.—The term "Federal
21	agency" means a Federal agency that designs, fi-
22	nances, constructs, owns, operates, maintains, or
23	regulates the construction, operation, or mainte-
24	nance of a levee.

1	(4) FLOOD DAMAGE REDUCTION SYSTEM.—The
2	term "flood damage reduction system" means a sys-
3	tem designed and constructed to have appreciable
4	and dependable effects in reducing damage by flood-
5	waters.
6	(5) FLOOD MITIGATION.—The term "flood miti-
7	gation" means any structural or nonstructural meas-
8	ure that reduces risks of flood damage by reducing
9	the probability of flooding, the consequences of
10	flooding, or both.
11	(6) FLOODPLAIN MANAGEMENT.—The term
12	"floodplain management" means the operation of a
13	community program of corrective and preventative
14	measures for reducing flood damage.
15	(7) Indian tribe.—The term "Indian tribe"
16	has the meaning given the term in section 4 of the
17	Indian Self-Determination and Education Assistance
18	Act (25 U.S.C. 450b).
19	(8) Levee.—
20	(A) IN GENERAL.—The term "levee"
21	means a manmade barrier (such as an embank-
22	ment, floodwall, or other structure)—
23	(i) the primary purpose of which is to
24	provide hurricane, storm, or flood protec-
25	tion relating to seasonal high water, storm

)	U	4
\sim	ν,	_

1	surges, precipitation, or other weather
2	events; and
3	(ii) that is normally subject to water
4	loading for only a few days or weeks dur-
5	ing a calendar year.
6	(B) Inclusions.—The term "levee" in-
7	cludes a levee system, including—
8	(i) levees and canal structures that—
9	(I) constrain water flows;
10	(II) are subject to more frequent
11	water loading; and
12	(III) do not constitute a barrier
13	across a watercourse; and
14	(ii) roadway and railroad embank-
15	ments, but only to the extent that the em-
16	bankments are integral to the performance
17	of a flood damage reduction system.
18	(C) Exclusions.—The term "levee" does
19	not include—
20	(i) a roadway or railroad embankment
21	that is not integral to the performance of
22	a flood damage reduction system;
23	(ii) a canal constructed completely
24	within natural ground without any man-
25	made structure (such as an embankment

1	or retaining wall to retain water or a case
2	in which water is retained only by natural
3	ground);
4	(iii) a canal regulated by a Federal or
5	State agency in a manner that ensures
6	that applicable Federal safety criteria are
7	met;
8	(iv) a levee or canal structure—
9	(I) that is not a part of a Fed-
10	eral flood damage reduction system;
11	(II) that is not recognized under
12	the National Flood Insurance Pro-
13	gram as providing protection from the
14	1-percent-annual-chance or greater
15	flood;
16	(III) that is not greater than 3
17	feet high;
18	(IV) the population in the leveed
19	area of which is less than 50 individ-
20	uals; and
21	(V) the leveed area of which is
22	less than 1,000 acres; or
23	(v) any shoreline protection or river
24	bank protection system (such as revet-
25	ments or barrier islands).

1	(9) Levee feature.—The term "levee fea-
2	ture" means a structure that is critical to the func-
3	tioning of a levee, including—
4	(A) an embankment section;
5	(B) a floodwall section;
6	(C) a closure structure;
7	(D) a pumping station;
8	(E) an interior drainage work; and
9	(F) a flood damage reduction channel.
10	(10) Levee safety guidelines.—The term
11	"levee safety guidelines" means the guidelines estab-
12	lished by the Secretary under section $6004(c)(1)$.
13	(11) Levee segment.—The term "levee seg-
14	ment" means a discrete portion of a levee system
15	that is owned, operated, and maintained by a single
16	entity or discrete set of entities.
17	(12) Levee system.—The term "levee sys-
18	tem" means 1 or more levee segments, including all
19	levee features that are interconnected and necessary
20	to ensure protection of the associated leveed areas—
21	(A) that collectively provide flood damage
22	reduction to a defined area; and
23	(B) the failure of 1 of which may result in
24	the failure of the entire system.

1	(13) Leveed area.—The term "leveed area"
2	means the land from which flood water in the adja-
3	cent watercourse is excluded by the levee system.
4	(14) National Levee Database.—The term
5	"national levee database" means the levee database
6	established under section 9004 of the Water Re-
7	sources Development Act of 2007 (33 U.S.C. 3303).
8	(15) Participating program.—The term
9	"participating program" means a levee safety pro-
10	gram developed by a State or Indian tribe that in-
11	cludes the minimum components necessary for rec-
12	ognition by the Secretary.
13	(16) Rehabilitation.—The term "rehabilita-
14	tion" means the repair, replacement, reconstruction,
15	or removal of a levee that is carried out to meet na-
16	tional levee safety guidelines.
17	(17) Risk.—The term "risk" means a measure
18	of the probability and severity of undesirable con-
19	sequences.
20	(18) Secretary.—The term "Secretary"
21	means the Secretary of the Army, acting through
22	the Chief of Engineers.
23	(19) State.—The term "State" means—
24	(A) each of the several States of the
25	United States;

208

1	(B) the District of Columbia;
2	(C) the Commonwealth of Puerto Rico;
3	(D) Guam;
4	(E) American Samoa;
5	(F) the Commonwealth of the Northern
6	Mariana Islands;
7	(G) the Federated States of Micronesia;
8	(H) the Republic of the Marshall Islands;
9	(I) the Republic of Palau; and
10	(J) the United States Virgin Islands.
11	SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.
12	(a) Establishment.—The Secretary, in consulta-
13	tion with the Administrator of the Federal Emergency
14	Management Agency, shall establish a national levee safe-
15	ty program to provide national leadership and consistent
16	approaches to levee safety, including—
17	(1) a national levee database;
18	(2) an inventory and inspection of Federal and
19	non-Federal levees;
20	(3) national levee safety guidelines;
21	(4) a hazard potential classification system for
22	Federal and non-Federal levees;
23	(5) research and development;
24	(6) a national public education and awareness
25	program, with an emphasis on communication re-

1	garding the residual risk to communities protected
2	by levees and levee systems;
3	(7) coordination of levee safety, floodplain man-
4	agement, and environmental protection activities;
5	(8) development of State and tribal levee safety
6	programs; and
7	(9) the provision of technical assistance and
8	materials to States and Indian tribes relating to—
9	(A) developing levee safety programs;
10	(B) identifying and reducing flood risks as-
11	sociated with residual risk to communities pro-
12	tected by levees and levee systems;
13	(C) identifying local actions that may be
14	carried out to reduce flood risks in leveed areas;
15	and
16	(D) rehabilitating, improving, replacing,
17	reconfiguring, modifying, and removing levees
18	and levee systems.
19	(b) Management.—
20	(1) In General.—The Secretary shall ap-
21	point—
22	(A) an administrator of the national levee
23	safety program; and
24	(B) such staff as is necessary to implement
25	the program.

1	(2) Administrator.—The sole duty of the ad-
2	ministrator appointed under paragraph (1)(A) shall
3	be the management of the national levee safety pro-
4	gram.
5	(c) Levee Safety Guidelines.—
6	(1) Establishment.—Not later than 1 year
7	after the date of enactment of this Act, the Sec-
8	retary, in coordination with State and local govern-
9	ments and organizations with expertise in levee safe-
10	ty, shall establish a set of voluntary, comprehensive,
11	national levee safety guidelines that—
12	(A) are available for common, uniform use
13	by all Federal, State, tribal, and local agencies;
14	(B) incorporate policies, procedures, stand-
15	ards, and criteria for a range of levee types,
16	canal structures, and related facilities and fea-
17	tures; and
18	(C) provide for adaptation to local, re-
19	gional, or watershed conditions.
20	(2) Requirement.—The policies, procedures,
21	standards, and criteria under paragraph (1)(B) shall
22	be developed taking into consideration the levee haz-
23	ard potential classification system established under
24	subsection (d).

1	(3) Adoption by federal agencies.—All
2	Federal agencies shall consider the levee safety
3	guidelines in activities relating to the management
4	of levees.
5	(4) Public comment.—Prior to finalizing the
6	guidelines under this subsection, the Secretary
7	shall—
8	(A) issue draft guidelines for public com-
9	ment; and
10	(B) consider any comments received in the
11	development of final guidelines.
12	(d) Hazard Potential Classification System.—
13	(1) Establishment.—The Secretary shall es-
14	tablish a hazard potential classification system for
15	use under the national levee safety program and
16	participating programs.
17	(2) Revision.—The Secretary shall review and
18	as necessary, revise the hazard potential classifica-
19	tion system not less frequently than once every 5
20	years.
21	(3) Consistency.—The hazard potential clas-
22	sification system established pursuant to this sub-
23	section shall be consistent with and incorporated
24	into the levee safety action classification tool devel-
25	oped by the Corps of Engineers.

1	(e) TECHNICAL ASSISTANCE AND MATERIALS.—
2	(1) Establishment.—The Secretary, in co-
3	ordination with the Board, shall establish a national
4	levee safety technical assistance and training pro-
5	gram to develop and deliver technical support and
6	technical assistance materials, curricula, and train-
7	ing in order to promote levee safety and assist
8	States, communities, and levee owners in—
9	(A) developing levee safety programs;
10	(B) identifying and reducing flood risks as-
11	sociated with levees;
12	(C) identifying local actions that may be
13	carried out to reduce flood risks in leveed areas:
14	and
15	(D) rehabilitating, improving, replacing,
16	reconfiguring, modifying, and removing levees
17	and levee systems.
18	(2) Use of services.—In establishing the na-
19	tional levee safety training program under para-
20	graph (1), the Secretary may use the services of—
21	(A) the Corps of Engineers;
22	(B) the Federal Emergency Management
23	Agency;
24	(C) the Bureau of Reclamation; and

1	(D) other appropriate Federal agencies, as
2	determined by the Secretary.
3	(f) Comprehensive National Public Education
4	AND AWARENESS CAMPAIGN.—
5	(1) Establishment.—The Secretary, in co-
6	ordination with the Administrator of the Federal
7	Emergency Management Agency and the Board,
8	shall establish a national public education and
9	awareness campaign relating to the national levee
10	safety program.
11	(2) Purposes.—The purposes of the campaign
12	under paragraph (1) are—
13	(A) to educate individuals living in leveed
14	areas regarding the risks of living in those
15	areas;
16	(B) to promote consistency in the trans-
17	mission of information regarding levees among
18	government agencies; and
19	(C) to provide national leadership regard-
20	ing risk communication for implementation at
21	the State and local levels.
22	(g) Coordination of Levee Safety, Floodplain
23	MANAGEMENT, AND ENVIRONMENTAL CONCERNS.—The
24	Secretary, in coordination with the Board, shall evaluate
25	opportunities to coordinate—

1	(1) public safety, floodplain management, and
2	environmental protection activities relating to levees;
3	and
4	(2) environmental permitting processes for op-
5	eration and maintenance activities at existing levee
6	projects in compliance with all applicable laws.
7	(h) LEVEE INSPECTION.—
8	(1) In General.—The Secretary shall carry
9	out a one-time inventory and inspection of all levees
10	identified in the national levee database.
11	(2) No federal interest.—The inventory
12	and inspection under paragraph (1) does not create
13	a Federal interest in the construction, operation, or
14	maintenance any levee that is included in the inven-
15	tory or inspected under this subsection.
16	(3) Inspection criteria.—In carrying out the
17	inventory and inspection, the Secretary shall use the
18	levee safety action classification criteria to determine
19	whether a levee should be classified in the inventory
20	as requiring a more comprehensive inspection.
21	(4) STATE AND TRIBAL PARTICIPATION.—At
22	the request of a State or Indian tribe with respect
23	to any levee subject to inspection under this sub-
24	section, the Secretary shall—

1	(A) allow an official of the State or Indian
2	tribe to participate in the inspection of the
3	levee; and
4	(B) provide information to the State or In-
5	dian tribe relating to the location, construction,
6	operation, or maintenance of the levee.
7	(5) Exceptions.—In carrying out the inven-
8	tory and inspection under this subsection, the Sec-
9	retary shall not be required to inspect any levee that
10	has been inspected by a State or Indian tribe using
11	the same methodology described in paragraph (3)
12	during the 1-year period immediately preceding the
13	date of enactment of this Act if the Governor of the
14	State or tribal government, as applicable, requests
15	an exemption from the inspection.
16	(i) State and Tribal Levee Safety Program.—
17	(1) Guidelines.—
18	(A) In general.—Not later than 1 year
19	after the date of enactment of this Act, in co-
20	ordination with the Board, the Secretary shall
21	issue guidelines that establish the minimum
22	components necessary for recognition of a State
23	or tribal levee safety program as a participating
24	program.

1	(B) Guideline contents.—The guide-
2	lines under subparagraph (A) shall include pro-
3	visions and procedures requiring each partici-
4	pating State and Indian tribe to certify to the
5	Secretary that the State or Indian tribe, as ap-
6	plicable—
7	(i) has the authority to participate in
8	the national levee safety program;
9	(ii) can receive funds under this title;
10	(iii) has adopted any national levee
11	safety guidelines developed under this title;
12	(iv) will carry out levee inspections;
13	(v) will carry out, consistent with ap-
14	plicable requirements, flood risk manage-
15	ment and any emergency action planning
16	procedures the Secretary determines to be
17	necessary relating to levees;
18	(vi) will carry out public education
19	and awareness activities consistent with
20	the national public education and aware-
21	ness campaign established under sub-
22	section (f); and
23	(vii) will collect and share information
24	regarding the location and condition of lev-
25	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	(j) Levee Rehabilitation Assistance Pro-
16	GRAM.—
17	(1) Establishment.—The Secretary shall es-
18	tablish a program under which the Secretary shall
19	provide assistance to States, Indian tribes, and local
20	governments in addressing flood mitigation activities
21	that result in an overall reduction in flood risk.
22	(2) REQUIREMENTS.—To be eligible to receive
23	assistance under this subsection, a State, Indian
24	tribe, or local government shall—

I	(A) participate in, and comply with, all ap-
2	plicable Federal floodplain management and
3	flood insurance programs;
4	(B) have in place a hazard mitigation plan
5	that—
6	(i) includes all levee risks; and
7	(ii) complies with the Disaster Mitiga-
8	tion Act of 2000 (Public Law 106–390;
9	114 Stat. 1552);
10	(C) submit to the Secretary an application
11	at such time, in such manner, and containing
12	such information as the Secretary may require;
13	and
14	(D) comply with such minimum eligibility
15	requirements as the Secretary, in consultation
16	with the Board, may establish to ensure that
17	each owner and operator of a levee under a par-
18	ticipating State or tribal levee safety program—
19	(i) acts in accordance with the guide-
20	lines developed in subsection (c); and
21	(ii) carries out activities relating to
22	the public in the leveed area in accordance
23	with the hazard mitigation plan described
24	in subparagraph (B).
25	(3) Floodplain management plans.—

1	(A) In general.—Not later than 1 year
2	after the date of execution of a project agree-
3	ment for assistance under this subsection, a
4	State, Indian tribe, or local government shall
5	prepare a floodplain management plan in ac-
6	cordance with the guidelines under subpara-
7	graph (D) to reduce the impacts of future flood
8	events in each applicable leveed area.
9	(B) Inclusions.—A plan under subpara-
10	graph (A) shall address potential measures,
11	practices, and policies to reduce loss of life, in-
12	juries, damage to property and facilities, public
13	expenditures, and other adverse impacts of
14	flooding in each applicable leveed area.
15	(C) Implementation.—Not later than 1
16	year after the date of completion of construc-
17	tion of the applicable project, a floodplain man-
18	agement plan prepared under subparagraph (A)
19	shall be implemented.
20	(D) Guidelines.—Not later than 180
21	days after the date of enactment of this Act,
22	the Secretary shall develop such guidelines for
23	the preparation of floodplain management plans
24	prepared under this paragraph as the Secretary

determines to be appropriate.

25

1	(E) TECHNICAL SUPPORT.—The Secretary
2	may provide technical support for the develop-
3	ment and implementation of floodplain manage-
4	ment plans prepared under this paragraph.
5	(4) Use of funds.—
6	(A) In General.—Assistance provided
7	under this subsection may be used—
8	(i) for any rehabilitation activity to
9	maximize overall risk reduction associated
10	with a levee under a participating State or
11	tribal levee safety program; and
12	(ii) only for a levee that is not feder-
13	ally operated and maintained.
14	(B) Prohibition.—Assistance provided
15	under this subsection shall not be used—
16	(i) to perform routine operation or
17	maintenance for a levee; or
18	(ii) to make any modification to a
19	levee that does not result in an improve-
20	ment to public safety.
21	(5) No proprietary interest.—A contract
22	for assistance provided under this subsection shall
23	not be considered to confer any proprietary interest
24	on the United States.

1	(6) Cost-share.—The maximum Federal
2	share of the cost of any assistance provided under
3	this subsection shall be 65 percent.
4	(7) Project limit.—The maximum amount of
5	Federal assistance for a project under this sub-
6	section shall be \$10,000,000.
7	(8) Other laws.—Assistance provided under
8	this subsection shall be subject to all applicable laws
9	(including regulations) that apply to the construc-
10	tion of a civil works project of the Corps of Engi-
11	neers.
12	(k) Effect of Section.—Nothing in this section—
13	(1) affects the requirement under section
14	100226(b)(2) of the Biggert-Waters Flood Insur-
15	ance Reform Act of 2012 (42 U.S.C. 4101 note; 126
16	Stat. 942); or
17	(2) confers any regulatory authority on—
18	(A) the Secretary; or
19	(B) the Director of the Federal Emergency
20	Management Agency.
21	SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.
22	(a) Establishment.—The Secretary, in coordina-
23	tion with the Administrator of the Federal Emergency
24	Management Agency, shall establish a board, to be known
25	as the "National Levee Safety Advisory Board"—

1	(1) to advise the Secretary and Congress re-
2	garding consistent approaches to levee safety;
3	(2) to monitor the safety of levees in the United
4	States;
5	(3) to assess the effectiveness of the national
6	levee safety program; and
7	(4) to ensure that the national levee safety pro-
8	gram is carried out in a manner that is consistent
9	with other Federal flood risk management efforts.
10	(b) Membership.—
11	(1) Voting members.—The Board shall be
12	composed of the following 14 voting members, each
13	of whom shall be appointed by the Secretary, with
14	priority consideration given to representatives from
15	those States that have the most Corps of Engineers
16	levees in the State, based on mileage:
17	(A) 8 representatives of State levee safety
18	programs, 1 from each of the civil works divi-
19	sions of the Corps of Engineers.
20	(B) 2 representatives of the private sector
21	who have expertise in level safety.
22	(C) 2 representatives of local and regional
23	governmental agencies who have expertise in
24	levee safety.

1	(D) 2 representatives of Indian tribes who
2	have expertise in level safety.
3	(2) Nonvoting members.—The Secretary (or
4	a designee of the Secretary), the Administrator of
5	the Federal Emergency Management Agency (or a
6	designee of the Administrator), and the adminis-
7	trator of the national levee safety program appointed
8	under section 6004(b)(1)(A) shall serve as nonvoting
9	members of the Board.
10	(3) Chairperson.—The voting members of the
11	Board shall appoint a chairperson from among the
12	voting members of the Board, to serve a term of not
13	more than 2 years.
14	(c) QUALIFICATIONS.—
15	(1) Individuals.—Each voting member of the
16	Board shall be knowledgeable in the field of levee
17	safety, including water resources and flood risk man-
18	agement.
19	(2) As a whole.—The membership of the
20	Board, considered as a whole, shall represent the di-
21	versity of skills required to advise the Secretary re-
22	garding levee issues relating to—
23	(A) engineering;
24	(B) public communications;
25	(C) program development and oversight;

1	(D) with respect to levees, flood risk man-
2	agement and hazard mitigation; and
3	(E) public safety and the environment.
4	(d) Terms of Service.—
5	(1) IN GENERAL.—A voting member of the
6	Board shall be appointed for a term of 3 years, ex-
7	cept that, of the members first appointed—
8	(A) 5 shall be appointed for a term of 1
9	year;
10	(B) 5 shall be appointed for a term of 2
11	years; and
12	(C) 4 shall be appointed for a term of 3
13	years.
14	(2) REAPPOINTMENT.—A voting member of the
15	Board may be reappointed to the Board, as the Sec-
16	retary determines to be appropriate.
17	(3) Vacancies.—A vacancy on the Board shall
18	be filled in the same manner as the original appoint-
19	ment was made.
20	(e) Standing Committees.—
21	(1) IN GENERAL.—The Board shall be sup-
22	ported by Standing Committees, which shall be com-
23	prised of volunteers from all levels of government
24	and the private sector, to advise the Board regard-
25	ing the national levee safety program.

1	(2) Establishment.—The Standing Commit-
2	tees of the Board shall include—
3	(A) the Standing Committee on Partici-
4	pating Programs, which shall advise the Board
5	regarding—
6	(i) the development and implementa-
7	tion of State and tribal levee safety pro-
8	grams; and
9	(ii) appropriate incentives (including
10	financial assistance) to be provided to
11	States, Indian tribes, and local and re-
12	gional entities;
13	(B) the Standing Committee on Technical
14	Issues, which shall advise the Board regard-
15	ing—
16	(i) the management of the national
17	levee database;
18	(ii) the development and maintenance
19	of levee safety guidelines;
20	(iii) processes and materials for devel-
21	oping levee-related technical assistance and
22	training; and
23	(iv) research and development activi-
24	ties relating to levee safety;

1	(C) the Standing Committee on Public
2	Education and Awareness, which shall advise
3	the Board regarding the development, imple-
4	mentation, and evaluation of targeted public
5	outreach programs—
6	(i) to gather public input;
7	(ii) to educate and raise awareness in
8	leveed areas of levee risks;
9	(iii) to communicate information re-
10	garding participating programs; and
11	(iv) to track the effectiveness of public
12	education efforts relating to levee risks;
13	(D) the Standing Committee on Safety and
14	Environment, which shall advise the Board re-
15	garding—
16	(i) operation and maintenance activi-
17	ties for existing levee projects;
18	(ii) opportunities to coordinate public
19	safety, floodplain management, and envi-
20	ronmental protection activities relating to
21	levees;
22	(iii) opportunities to coordinate envi-
23	ronmental permitting processes for oper-
24	ation and maintenance activities at existing

1	levee projects in compliance with all appli-
2	cable laws; and
3	(iv) opportunities for collaboration by
4	environmental protection and public safety
5	interests in leveed areas and adjacent
6	areas; and
7	(E) such other standing committees as the
8	Secretary, in consultation with the Board, de-
9	termines to be necessary.
10	(3) Membership.—
11	(A) IN GENERAL.—The Board shall rec-
12	ommend to the Secretary for approval individ-
13	uals for membership on the Standing Commit-
14	tees.
15	(B) Qualifications.—
16	(i) Individuals.—Each member of a
17	Standing Committee shall be knowledge-
18	able in the issue areas for which the Com-
19	mittee is charged with advising the Board.
20	(ii) As a whole.—The membership
21	of each Standing Committee, considered as
22	a whole, shall represent, to the maximum
23	extent practicable, broad geographical di-
24	versity.

1	(C) Limitation.—Each Standing Com-
2	mittee shall be comprised of not more than 10
3	members.
4	(f) Duties and Powers.—The Board—
5	(1) shall submit to the Secretary and Congress
6	an annual report regarding the effectiveness of the
7	national levee safety program in accordance with
8	section 6007; and
9	(2) may secure from other Federal agencies
10	such services, and enter into such contracts, as the
11	Board determines to be necessary to carry out this
12	subsection.
13	(g) TASK FORCE COORDINATION.—The Board shall,
14	to the maximum extent practicable, coordinate the activi-
15	ties of the Board with the Federal Interagency Floodplain
16	Management Task Force.
17	(h) Compensation.—
18	(1) Federal employees.—Each member of
19	the Board who is an officer or employee of the
20	United States shall serve without compensation in
21	addition to compensation received for the services of
22	the member as an officer or employee of the United
23	States, but shall be allowed a per diem allowance for
24	travel expenses, at rates authorized for an employee
25	of an agency under subchapter I of chapter 57 of

title 5, United States Code, while away from the
home or regular place of business of the member in
the performance of the duties of the Board.
(2) Non-federal employees.—To the extent
amounts are made available to carry out this section
in appropriations Acts, the Secretary shall provide to
each member of the Board who is not an officer or
employee of the United States a stipend and a per
diem allowance for travel expenses, at rates author-
ized for an employee of an agency under subchapter
I of chapter 57 of title 5, United States Code, while
away from the home or regular place of business of
the member in performance of services for the
Board.
(3) STANDING COMMITTEE MEMBERS.—Each
member of a Standing Committee shall—
(A) serve in a voluntary capacity; but
(B) receive a per diem allowance for travel
expenses, at rates authorized for an employee of
an agency under subchapter I of chapter 57 of
title 5, United States Code, while away from
the home or regular place of business of the
member in performance of services for the
Board.

1	(i) Nonapplicability of FACA.—The Federal Ad-
2	visory Committee Act (5 U.S.C. App.) shall not apply to
3	the Board or the Standing Committees.
4	SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.
5	Section 9004(a)(2)(A) of the Water Resources Devel-
6	opment Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amend-
7	ed by striking "and, for non-Federal levees, such informa-
8	tion on levee location as is provided to the Secretary by
9	State and local governmental agencies" and inserting
10	"and updated levee information provided by States, Indian
11	tribes, Federal agencies, and other entities".
12	SEC. 6007. REPORTS.
13	(a) State of Levees.—
14	(1) In general.—Not later than 1 year after
15	the date of enactment of this Act, and biennially
16	thereafter, the Secretary in coordination with the
17	Board, shall submit to Congress a report describing
18	the state of levees in the United States and the ef-
19	fectiveness of the national levee safety program, in-
20	cluding—
21	(A) progress achieved in implementing the
22	national levee safety program;
23	(B) State and tribal participation in the
24	national levee safety program;

1	(C) recommendations to improve coordina-
2	tion of levee safety, floodplain management, and
3	environmental protection concerns, including—
4	(i) identifying and evaluating opportu-
5	nities to coordinate public safety, flood-
6	plain management, and environmental pro-
7	tection activities relating to levees; and
8	(ii) evaluating opportunities to coordi-
9	nate environmental permitting processes
10	for operation and maintenance activities at
11	existing levee projects in compliance with
12	all applicable laws; and
13	(D) any recommendations for legislation
14	and other congressional actions necessary to en-
15	sure national levee safety.
16	(2) Inclusion.—Each report under paragraph
17	(1) shall include a report of the Board that describes
18	the independent recommendations of the Board for
19	the implementation of the national levee safety pro-
20	gram.
21	(b) National Dam and Levee Safety Pro-
22	GRAM.—Not later than 3 years after the date of enactment
23	of this Act, to the maximum extent practicable, the Sec-
24	retary, in coordination with the Board, shall submit to
25	Congress a report that includes recommendations regard-

- 1 ing the advisability and feasibility of, and potential ap-
- 2 proaches for, establishing a joint national dam and levee
- 3 safety program.
- 4 (c) Alignment of Federal Programs Relating
- 5 TO LEVEES.—Not later than 2 years after the date of en-
- 6 actment of this Act, the Comptroller General shall submit
- 7 to Congress a report on opportunities for alignment of
- 8 Federal programs to provide incentives to State, tribal,
- 9 and local governments and individuals and entities—
- 10 (1) to promote shared responsibility for levee
- 11 safety;
- 12 (2) to encourage the development of strong
- 13 State and tribal levee safety programs;
- 14 (3) to better align the national levee safety pro-
- gram with other Federal flood risk management pro-
- 16 grams; and
- 17 (4) to promote increased levee safety through
- other Federal programs providing assistance to
- 19 State and local governments.
- 20 (d) Liability for Certain Levee Engineering
- 21 Projects.—Not later than 1 year after the date of enact-
- 22 ment of this Act, the Secretary shall submit to Congress
- 23 a report that includes recommendations that identify and
- 24 address any legal liability associated with levee engineer-
- 25 ing projects that prevent—

1	(1) levee owners from obtaining needed levee
2	engineering services; or
3	(2) development and implementation of a State
4	or tribal levee safety program.
5	SEC. 6008. EFFECT OF TITLE.
6	Nothing in this title—
7	(1) establishes any liability of the United States
8	or any officer or employee of the United States (in-
9	cluding the Board and the Standing Committees of
10	the Board) for any damages caused by any action or
11	failure to act; or
12	(2) relieves an owner or operator of a levee of
13	any legal duty, obligation, or liability incident to the
14	ownership or operation of the levee.
15	SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.
16	There are authorized to be appropriated to the Sec-
17	retary to carry out this title—
18	(1) for funding the administration and staff of
19	the national levee safety program, the Board, the
20	Standing Committees of the Board, and partici-
21	pating programs, \$5,000,000 for each of fiscal years
22	2014 through 2023;
23	(2) for technical programs, including the devel-
24	opment of levee safety guidelines, publications, train-
25	ing, and technical assistance—

1	(A) \$5,000,000 for each of fiscal years
2	2014 through 2018;
3	(B) \$7,500,000 for each of fiscal years
4	2019 and 2020; and
5	(C) \$10,000,000 for each of fiscal years
6	2021 through 2023;
7	(3) for public involvement and education pro-
8	grams, \$3,000,000 for each of fiscal years 2014
9	through 2023;
10	(4) to carry out the levee inventory and inspec-
11	tions under section 9004 of the Water Resources
12	Development Act of 2007 (33 U.S.C. 3303),
13	\$30,000,000 for each of fiscal years 2014 through
14	2018;
14 15	(5) for grants to State and tribal levee safety
15	(5) for grants to State and tribal levee safety
15 16	(5) for grants to State and tribal levee safety programs, \$300,000,000 for fiscal years 2014
15 16 17	(5) for grants to State and tribal levee safety programs, \$300,000,000 for fiscal years 2014 through 2023; and
15 16 17 18	(5) for grants to State and tribal levee safety programs, \$300,000,000 for fiscal years 2014 through 2023; and (6) for levee rehabilitation assistance grants,
15 16 17 18 19	(5) for grants to State and tribal levee safety programs, \$300,000,000 for fiscal years 2014 through 2023; and (6) for levee rehabilitation assistance grants, \$300,000,000 for fiscal years 2014 through 2023.
15 16 17 18 19 20	(5) for grants to State and tribal levee safety programs, \$300,000,000 for fiscal years 2014 through 2023; and (6) for levee rehabilitation assistance grants, \$300,000,000 for fiscal years 2014 through 2023. TITLE VII—INLAND WATERWAYS
15 16 17 18 19 20 21	(5) for grants to State and tribal levee safety programs, \$300,000,000 for fiscal years 2014 through 2023; and (6) for levee rehabilitation assistance grants, \$300,000,000 for fiscal years 2014 through 2023. TITLE VII—INLAND WATERWAYS SEC. 7001. PURPOSES.
15 16 17 18 19 20 21 22	(5) for grants to State and tribal levee safety programs, \$300,000,000 for fiscal years 2014 through 2023; and (6) for levee rehabilitation assistance grants, \$300,000,000 for fiscal years 2014 through 2023. TITLE VII—INLAND WATERWAYS SEC. 7001. PURPOSES. The purposes of this title are—

1	(2) to optimize inland waterways navigation
2	system reliability;
3	(3) to minimize the size and scope of inland wa-
4	terways navigation project completion schedules;
5	(4) to eliminate preventable delays in inland
6	waterways navigation project completion schedules;
7	and
8	(5) to make inland waterways navigation capital
9	investments through the use of prioritization criteria
10	that seek to maximize systemwide benefits and mini-
11	mize overall system risk.
12	SEC. 7002. DEFINITIONS.
13	In this title:
14	(1) Inland waterways trust fund.—The
15	term "Inland Waterways Trust Fund" means the
16	Inland Waterways Trust Fund established by section
17	9506(a) of the Internal Revenue Code of 1986.
18	(2) Qualifying project.—The term "quali-
19	fying project" means any construction or major re-
20	habilitation project for navigation infrastructure of
21	the inland and intracoastal waterways that is—
22	(A) authorized before, on, or after the date
23	of enactment of this Act;
24	(B) not completed on the date of enact-
25	ment of this Act; and

1	(C) funded at least in part from the Inland
2	Waterways Trust Fund.
3	(3) Secretary.—The term "Secretary" means
4	the Secretary of the Army, acting through the Chief
5	of Engineers.
6	SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.
7	(a) Requirements for Qualifying Projects.—
8	With respect to each qualifying project, the Secretary shall
9	require—
10	(1) formal project management training and
11	certification for each project manager;
12	(2) assignment as project manager only of per-
13	sonnel fully certified by the Chief of Engineers; and
14	(3) for an applicable cost estimation, that—
15	(A) the estimation—
16	(i) is risk-based; and
17	(ii) has a confidence level of at least
18	80 percent; and
19	(B) a risk-based cost estimate shall be im-
20	plemented—
21	(i) for a qualified project that requires
22	an increase in the authorized amount in
23	accordance with section 902 of the Water
24	Resources Development Act of 1986 (Pub-
25	lic Law 99–662; 100 Stat. 4183), during

1	the preparation of a post-authorization
2	change report or other similar decision
3	document;
4	(ii) for a qualified project for which
5	the first construction contract has not been
6	awarded, prior to the award of the first
7	construction contract;
8	(iii) for a qualified project without a
9	completed Chief of Engineers report, prior
10	to the completion of such a report; and
11	(iv) for a qualified project with a com-
12	pleted Chief of Engineers report that has
13	not yet been authorized, during design for
14	the qualified project.
15	(b) Additional Project Delivery Process Re-
16	FORMS.—Not later than 18 months after the date of en-
17	actment of this Act, the Secretary shall—
18	(1) establish a system to identify and apply on
19	a continuing basis lessons learned from prior or on-
20	going qualifying projects to improve the likelihood of
21	on-time and on-budget completion of qualifying
22	projects;
23	(2) evaluate early contractor involvement acqui-
24	sition procedures to improve on-time and on-budget
25	project delivery performance; and

1	(3) implement any additional measures that the
2	Secretary determines will achieve the purposes of
3	this title and the amendments made by this title, in-
4	cluding, as the Secretary determines to be appro-
5	priate—
6	(A) the implementation of applicable prac-
7	tices and procedures developed pursuant to
8	management by the Secretary of an applicable
9	military construction program;
10	(B) the establishment of 1 or more centers
11	of expertise for the design and review of quali-
12	fying projects;
13	(C) the development and use of a portfolio
14	of standard designs for inland navigation locks;
15	(D) the use of full-funding contracts or
16	formulation of a revised continuing contracts
17	clause; and
18	(E) the establishment of procedures for
19	recommending new project construction starts
20	using a capital projects business model.
21	(c) Pilot Projects.—
22	(1) In General.—Subject to paragraph (2),
23	the Secretary may carry out 1 or more pilot projects
24	to evaluate processes or procedures for the study,
25	design, or construction of qualifying projects.

1	(2) Inclusions.—At a minimum, the Secretary
2	shall carry out pilot projects under this subsection to
3	evaluate—
4	(A) early contractor involvement in the de-
5	velopment of features and components;
6	(B) an appropriate use of continuing con-
7	tracts for the construction of features and com-
8	ponents; and
9	(C) applicable principles, procedures, and
10	processes used for military construction
11	projects.
12	(d) Inland Waterways User Board.—Section
13	302 of the Water Resources Development Act of 1986 (33
14	U.S.C. 2251) is amended—
15	(1) by striking subsection (b) and inserting the
16	following:
17	"(b) Duties of Users Board.—
18	"(1) In General.—The Users Board shall
19	meet not less frequently than semiannually to de-
20	velop and make recommendations to the Secretary
21	and Congress regarding the inland waterways and
22	inland harbors of the United States.
23	"(2) Advice and recommendations.—For
24	commercial navigation features and components of

1	the inland waterways and inland harbors of the
2	United States, the Users Board shall provide—
3	"(A) prior to the development of the budg-
4	et proposal of the President for a given fiscal
5	year, advice and recommendations to the Sec-
6	retary regarding construction and rehabilitation
7	priorities and spending levels;
8	"(B) advice and recommendations to Con-
9	gress regarding any report of the Chief of Engi-
10	neers relating to those features and compo-
11	nents;
12	"(C) advice and recommendations to Con-
13	gress regarding an increase in the authorized
14	cost of those features and components;
15	"(D) not later than 60 days after the date
16	of the submission of the budget proposal of the
17	President to Congress, advice and recommenda-
18	tions to Congress regarding construction and
19	rehabilitation priorities and spending levels; and
20	"(E) a long-term capital investment pro-
21	gram in accordance with subsection (d).
22	"(3) Project development teams.—The
23	chairperson of the Users Board shall appoint a rep-
24	resentative of the Users Board to serve on the
25	project development team for a qualifying project or

1	the study or design of a commercial navigation fea-
2	ture or component of the inland waterways and in-
3	land harbors of the United States.
4	"(4) Independent judgment.—Any advice or
5	recommendation made by the Users Board to the
6	Secretary shall reflect the independent judgment of
7	the Users Board.";
8	(2) by redesignating subsection (c) as sub-
9	section (f); and
10	(3) by inserting after subsection (b) the fol-
11	lowing:
12	"(c) Duties of Secretary.—The Secretary shall—
13	"(1) communicate not less than once each quar-
14	ter to the Users Board the status of the study, de-
15	sign, or construction of all commercial navigation
16	features or components of the inland waterways or
17	inland harbors of the United States; and
18	"(2) submit to the Users Board a courtesy copy
19	of all reports of the Chief of Engineers relating to
20	a commercial navigation feature or component of the
21	inland waterways or inland harbors of the United
22	States.
23	"(d) Capital Investment Program.—
24	"(1) IN GENERAL.—Not later than 1 year after
25	the date of enactment of this subsection, the Sec-

1	retary, in coordination with the Users Board, shall
2	develop, and submit to Congress a report describing,
3	a 20-year program for making capital investments
4	on the inland and intracoastal waterways, based on
5	the application of objective, national project selection
6	prioritization criteria.
7	"(2) Consideration.—In developing the pro-
8	gram under paragraph (1), the Secretary shall take
9	into consideration the 20-year capital investment
10	strategy contained in the Inland Marine Transpor-
11	tation System (IMTS) Capital Projects Business
12	Model, Final Report published on April 13, 2010, as
13	approved by the Users Board.
14	"(3) Criteria.—In developing the plan and
15	prioritization criteria under paragraph (1), the Sec-
16	retary shall ensure, to the maximum extent prac-
17	ticable, that investments made under the 20-year
18	program described in paragraph (1)—
19	"(A) are made in all geographical areas of
20	the inland waterways system; and
21	"(B) ensure efficient funding of inland wa-
22	terways projects.
23	"(4) Strategic review and update.—Not
24	later than 5 years after the date of enactment of
25	this subsection, and not less frequently than once

1	every 5 years thereafter, the Secretary, in conjunc-
2	tion with the Users Board, shall—
3	"(A) submit to Congress a strategic review
4	of the 20-year program in effect under this sub-
5	section, which shall identify and explain any
6	changes to the project-specific recommendations
7	contained in the previous 20-year program (in-
8	cluding any changes to the prioritization cri-
9	teria used to develop the updated recommenda-
10	tions); and
11	"(B) make such revisions to the program
12	as the Secretary and Users Board jointly con-
13	sider to be appropriate.
14	"(e) Project Management Plans.—The chair-
15	person of the Users Board and the project development
16	team member appointed by the chairperson under sub-
17	section (b)(3) shall sign the project management plan for
18	the qualifying project or the study or design of a commer-
19	cial navigation feature or component of the inland water-
20	ways and inland harbors of the United States.".
21	SEC. 7004. MAJOR REHABILITATION STANDARDS.
22	(a) In General.—The Secretary shall develop a
23	methodology for applying standard accounting principles
24	when classifying activities as major rehabilitation projects.

1	(b) EVALUATIONS.—The Secretary shall evaluate the
2	effect of applying the methodology developed under sub-
3	section (a) to not less than 3 qualifying projects.
4	(c) Report.—The Secretary shall submit to Con-
5	gress a report on the evaluation under subsection (b).
6	SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.
7	(a) FINDINGS.—Congress finds that—
8	(1) there are approximately 12,000 miles of
9	Federal waterways, known as the inland waterways
10	system, that are supported by user fees and man-
11	aged by the Corps of Engineers;
12	(2) the inland waterways system spans 38
13	States and handles approximately one-half of all in-
14	land waterway freight;
15	(3) according to the final report of the Inland
16	Marine Transportation System Capital Projects
17	Business Model, freight traffic on the Federal fuel-
18	taxed inland waterways system accounts for
19	546,000,000 tons of freight each year;
20	(4) expenditures for construction and major re-
21	habilitation projects on the inland waterways system
22	are equally cost-shared between the Federal Govern-
23	ment and the Inland Waterways Trust Fund;

1	(5) the Inland Waterways Trust Fund is fi-
2	nanced through a fee of \$0.20 per gallon on fuel
3	used by commercial barges;
4	(6) the balance of the Inland Waterways Trust
5	Fund has declined significantly in recent years;
6	(7) according to the final report of the Inland
7	Marine Transportation System Capital Projects
8	Business Model, the estimated financial need for
9	construction and major rehabilitation projects on the
10	inland waterways system for fiscal years 2011
11	through 2030 is approximately \$18,000,000,000;
12	and
13	(8) users of the inland waterways system are
14	supportive of an increase in the existing revenue
15	sources for inland waterways system construction
16	and major rehabilitation activities to expedite the
17	most critical of those construction and major reha-
18	bilitation projects.
19	(b) Sense of Congress.—It is the sense of Con-
20	gress that—
21	(1) the existing revenue sources for inland wa-
22	terways system construction and rehabilitation ac-
23	tivities are insufficient to cover the costs of non-Fed-
24	eral interests of construction and major rehabilita-
25	tion projects on the inland waterways system; and

1	(2) the issue described in paragraph (1) should
2	be addressed.
3	SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.
4	Not later than 2 years after the date of enactment
5	of this Act, the Comptroller General shall prepare a report
6	on the efficiency of collecting the fuel tax for the Inland
7	Waterways Trust Fund, which shall include—
8	(1) an evaluation of whether current methods of
9	collection of the fuel tax result in full compliance
10	with requirements of the law;
11	(2) whether alternative methods of collection
12	would result in increased revenues into the Inland
13	Waterways Trust Fund; and
14	(3) an evaluation of alternative collection op-
15	tions.
16	TITLE VIII—HARBOR
17	MAINTENANCE
18	SEC. 8001. SHORT TITLE.
19	This title may be cited as the "Harbor Maintenance
20	Trust Fund Act of 2013".
21	SEC. 8002. PURPOSES.
22	The purposes of this title are—
23	(1) to ensure that revenues collected into the
24	Harbor Maintenance Trust Fund are used for the
25	intended purposes of those revenues;

1	(2) to increase investment in the operation and
2	maintenance of United States ports, which are crit-
3	ical for the economic competitiveness of the United
4	States;
5	(3) to promote equity among ports nationwide;
6	and
7	(4) to ensure United States ports are prepared
8	to meet modern shipping needs, including the capa-
9	bility to receive large ships that require deeper
10	drafts.
11	SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PRO-
12	GRAMS.
13	(a) Harbor Maintenance Trust Fund Guar-
13 14	(a) Harbor Maintenance Trust Fund Guar- antee.—
14	ANTEE.—
14 15	ANTEE.— (1) IN GENERAL.—The total budget resources
141516	ANTEE.— (1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust
14151617	ANTEE.— (1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of
14 15 16 17 18	(1) In General.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to ex-
14 15 16 17 18 19	(1) In General.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust
14 15 16 17 18 19 20	(1) In General.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus in-
14 15 16 17 18 19 20 21	(1) In General.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust

1	(2) Guarantee.—No funds may be appro-
2	priated for harbor maintenance programs described
3	in such section unless the amount described in para-
4	graph (1) has been provided.
5	(b) Definitions.—In this section, the following defi-
6	nitions apply:
7	(1) Total budget resources.—The term
8	"total budget resources" means the total amount
9	made available by appropriations Acts from the Har-
10	bor Maintenance Trust Fund for a fiscal year for
11	making expenditures under section 9505(c) of the
12	Internal Revenue Code of 1986.
13	(2) Level of receipts plus interest.—The
14	term "level of receipts plus interest" means the level
15	of taxes and interest credited to the Harbor Mainte-
16	nance Trust Fund under section 9505 of the Inter-
17	nal Revenue Code of 1986 for a fiscal year as set
18	forth in the President's budget baseline projection as
19	defined in section 257 of the Balanced Budget and
20	Emergency Deficit Control Act of 1985 (Public Law
21	99–177; 99 Stat. 1092) for that fiscal year sub-
22	mitted pursuant to section 1105 of title 31, United
23	States Code.
24	(e) Enforcement of Guarantees.—It shall not be
25	in order in the House of Representatives or the Senate

to consider any bill, joint resolution, amendment, motion, 2 or conference report that would cause total budget re-3 sources in a fiscal year for harbor maintenance programs 4 described in subsection (b)(1) for such fiscal year to be 5 less than the amount required by subsection (a)(1) for 6 such fiscal year. 7 SEC. 8004. **HARBOR MAINTENANCE TRUST FUND** 8 PRIORITIZATION. 9 (a) In General.—Section 210 of the Water Re-10 sources Development Act of 1986 (33 U.S.C. 2238) is 11 amended by adding at the end the following: 12 "(c) Prioritization.— 13 "(1) IN GENERAL.—Of the amounts made 14 available under this section to carry out projects de-15 scribed in subsection (a)(2), the Secretary of the 16 Army, acting through the Chief of Engineers, shall 17 give priority to those projects in the following order: 18 "(A) In any fiscal year in which all 19 projects subject to the harbor maintenance fee 20 under section 24.24 of title 19, Code of Federal 21 Regulations (or successor regulation) are not 22 maintained to their authorized width and depth, 23 the Secretary shall prioritize amounts made 24 available under this section for those projects

that are high-use deep draft.

25

1	"(B) In any fiscal year in which the
2	projects described in subparagraph (A) are
3	maintained to their constructed width and
4	depth as of the date of enactment of the Water
5	Resources Development Act of 2013, the Sec-
6	retary shall prioritize not more than 20 percent
7	of remaining amounts made available under this
8	section for projects—
9	"(i) that have been maintained at less
10	than their authorized width and depth dur-
11	ing the preceding 5 fiscal years; and
12	"(ii) for which significant State and
13	local investments in infrastructure have
14	been made at those projects.
15	"(2) Administration.—For purposes of this
16	subsection, State and local investments in infrastruc-
17	ture shall include infrastructure investments made
18	using amounts made available for activities under
19	section 105(a)(9) of the Housing and Community
20	Development Act of 1974 (42 U.S.C. 5305(a)(9)).
21	"(3) APPLICATION.—The prioritization criteria
22	under paragraph (1) shall not be implemented in
23	any fiscal year in which the guarantee in section
24	8003 of the Water Resources Development Act of
25	2013 is not fully enforced.".

1	(b) OPERATION AND MAINTENANCE.—Section
2	101(b) of the Water Resources Development Act of 1986
3	(33 U.S.C. 2211(b)) is amended—
4	(1) in paragraph (1), by striking "45 feet" and
5	inserting "50 feet"; and
6	(2) by adding at the end the following:
7	"(3) Operation and maintenance activi-
8	TIES DEFINED.—
9	"(A) Scope of operation and mainte-
10	NANCE ACTIVITIES.—Notwithstanding any
11	other provision of law (including regulations
12	and guidelines) and subject to subparagraph
13	(B), for purposes of this subsection, operation
14	and maintenance activities that are eligible for
15	the Federal cost share under paragraph (1)
16	shall include—
17	"(i) the dredging of berths in a har-
18	bor that is accessible to a Federal channel,
19	if the Federal channel has been con-
20	structed to a depth equal to the authorized
21	depth of the channel; and
22	"(ii) the dredging and disposal of leg-
23	acy-contaminated sediments and sediments
24	unsuitable for ocean disposal that—

 ${\rm CEL}13291$ S.L.C.

253

1	"(I) are located in or affect the
2	maintenance of Federal navigation
3	channels; or
4	"(II) are located in berths that
5	are accessible to Federal channels.
6	"(B) Limitations.—
7	"(i) In general.—For each fiscal
8	year, subparagraph (A) shall only apply if
9	all operation and maintenance activities
10	that are eligible for the Federal cost share
11	under paragraph (1) in a State described
12	in clause (ii) have been funded.
13	"(ii) State Limitation.—For each
14	fiscal year, the operation and maintenance
15	activities described in subparagraph (A)
16	may only be carried out in a State—
17	"(I) in which the total amounts
18	collected pursuant to section 4461 of
19	the Internal Revenue Code of 1986
20	comprise not less than 2.5 percent an-
21	nually of the total funding of the Har-
22	bor Maintenance Trust Fund estab-
23	lished under section 9505 of the In-
24	ternal Revenue Code of 1986; and

1	"(II) that received less than 50
2	percent of the total amounts collected
3	in that State pursuant to section
4	4461 of the Internal Revenue Code of
5	1986 in the previous 3 fiscal years.
6	"(iii) Prioritization.—In allocating
7	amounts made available under this para-
8	graph, the Secretary shall give priority to
9	projects that have received the lowest rate
10	of funding from the Harbor Maintenance
11	Trust fund in the previous 3 fiscal years."
12	(c) Conforming Amendment.—Section 9505(c)(1)
13	of the Internal Revenue Code of 1986 is amended by strik-
14	ing "as in effect on the date of the enactment of the Water
15	Resources Development Act of 1996" and inserting "as
16	in effect on the date of the enactment of the Harbor Main-
17	tenance Trust Fund Act of 2013".
18	SEC. 8005. CIVIL WORKS PROGRAM OF THE CORPS OF ENGI
19	NEERS.
20	(a) Point of Order.—
21	(1) In general.—Subject to subsections (b)
22	and (c), it shall not be in order in the House of Rep-
23	resentatives or the Senate to consider any bill, joint
24	resolution, amendment, motion, or conference report
25	that would result in making the amounts made

1 available for a given fiscal year to carry out all pro-2 grams, projects, and activities of the civil works pro-3 gram of the Corps of Engineers other than the har-4 bor maintenance programs to be less than the 5 amounts made available for those purposes in the 6 previous fiscal year. 7 (2) Calculation of amounts.—For each fis-8 cal year, the amounts made available to carry out all 9 programs, projects, and activities of the civil works 10 program of the Corps of Engineers shall not include 11 any amounts that are designated by Congress— 12 (A) as being for emergency requirements 13 pursuant to section 251(b)(2)(A)(i) of the Bal-14 anced Budget and Emergency Deficit Control 15 Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or 16 (B) as being for disaster relief pursuant to 17 section 251(b)(2)(D) of the Balanced Budget 18 and Emergency Deficit Control Act of 1985 (2) 19 U.S.C. 901(b)(2)(D). 20 (b) Exceptions.—Subsection (a) shall not apply if 21 amounts made available for the civil works program of the 22 Corps of Engineers for a fiscal year is less than the 23 amounts made available for the civil works program in the previous fiscal year if the reduction in amounts made available— 25

1	(1) applies to all discretionary funds and pro-
2	grams of the Federal Government; and
3	(2) is applied to the civil works program in the
4	same percentage and manner as other discretionary
5	funds and programs.
6	(c) WAIVER AND APPEAL.—
7	(1) Senate.—
8	(A) In general.—Subsection (a) may be
9	waived or suspended in the Senate only by an
10	affirmative vote of 3/5 of the Members of the
11	Senate, duly chosen and sworn.
12	(B) Appeal.—An affirmative vote of 3/5
13	of the Members of the Senate, duly chosen and
14	sworn, shall be required to sustain an appeal of
15	the ruling of the Chair on a point of order
16	raised under subsection (a).
17	(2) House of representatives.—The Com-
18	mittee on Rules of the House of Representatives
19	may not report a rule or order that would waive a
20	point of order to a bill or joint resolution from being
21	made under subsection (a).
22	TITLE IX—DAM SAFETY
23	SEC. 9001. SHORT TITLE.
24	This title may be cited as the "Dam Safety Act of
25	2013".

1 SEC. 9002. PURPOSE.

- 2 The purpose of this title and the amendments made
- 3 by this title is to reduce the risks to life and property from
- 4 dam failure in the United States through the reauthoriza-
- 5 tion of an effective national dam safety program that
- 6 brings together the expertise and resources of the Federal
- 7 Government and non-Federal interests in achieving na-
- 8 tional dam safety hazard reduction.

9 SEC. 9003. ADMINISTRATOR.

- 10 (a) IN GENERAL.—The National Dam Safety Pro-
- 11 gram Act (33 U.S.C. 467 et seq.) is amended by striking
- 12 "Director" each place it appears and inserting "Adminis-
- 13 trator".
- 14 (b) Conforming Amendment.—Section 2 of the
- 15 National Dam Safety Program Act (33 U.S.C. 467) is
- 16 amended—
- 17 (1) by striking paragraph (3);
- 18 (2) by redesignating paragraphs (1) and (2) as
- paragraphs (2) and (3), respectively; and
- 20 (3) by inserting before paragraph (2) (as redes-
- ignated by paragraph (2)) the following:
- 22 "(1) Administrator.—The term 'Adminis-
- trator' means the Administrator of the Federal
- 24 Emergency Management Agency.".

1	SEC	0004	INSPECTION	OF DAMS
	5 P.C.	9004.	INSPECTION	UR DAWS.

- 2 Section 3(b)(1) of the National Dam Safety Program
- 3 Act (33 U.S.C. 467a(b)(1)) is amended by striking "or
- 4 maintenance" and inserting "maintenance, condition, or
- 5 provisions for emergency operations".

6 SEC. 9005. NATIONAL DAM SAFETY PROGRAM.

- 7 (1) Objectives.—Section 8(c) of the National
- 8 Dam Safety Program Act (33 U.S.C. 467f(c)) is
- 9 amended by striking paragraph (4) and inserting the
- 10 following:
- 11 "(4) develop and implement a comprehensive
- dam safety hazard education and public awareness
- program to assist the public in preparing for, miti-
- gating, responding to, and recovering from dam inci-
- dents;".
- 16 (2) Board.—Section 8(f)(4) of the National
- Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is
- amended by inserting ", representatives from non-
- 19 governmental organizations," after "State agencies".
- 20 SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM
- 21 SAFETY.
- The National Dam Safety Program Act (33 U.S.C.
- 23 467 et seq.) is amended—
- 24 (1) by redesignating sections 11, 12, and 13 as
- sections 12, 13, and 14, respectively; and

1	(2) by inserting after section 10 (33 U.S.C.
2	467g-1) the following:
3	"SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM
4	SAFETY.
5	"The Administrator, in consultation with other Fed-
6	eral agencies, State and local governments, dam owners,
7	the emergency management community, the private sec-
8	tor, nongovernmental organizations and associations, in-
9	stitutions of higher education, and any other appropriate
10	entities shall carry out a nationwide public awareness and
11	outreach program to assist the public in preparing for,
12	mitigating, responding to, and recovering from dam inci-
13	dents.".
14	SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.
15	(1) National dam safety program.—
16	(A) Annual amounts.—Section 14(a)(1)
17	of the National Dam Safety Program Act (33
18	U.S.C. $467j(a)(1)$ (as so redesignated) is
19	amended by striking "\$6,500,000" and all that
20	follows through "2011" and inserting
21	" $\$9,200,000$ for each of fiscal years 2014
22	through 2018".
23	(B) MAXIMUM AMOUNT OF ALLOCATION.—
24	Section 14(a)(2)(B) of the National Dam Safe-

1	ty Program Act $(33 \text{ U.S.C. } 467j(a)(2)(B))$ (as
2	so redesignated) is amended—
3	(i) by striking "The amount" and in-
4	serting the following:
5	"(i) IN GENERAL.—The amount"; and
6	(ii) by adding at the end the fol-
7	lowing:
8	"(ii) FISCAL YEAR 2014 AND SUBSE-
9	QUENT FISCAL YEARS.—For fiscal year
10	2014 and each subsequent fiscal year, the
11	amount of funds allocated to a State under
12	this paragraph may not exceed the amount
13	of funds committed by the State to imple-
14	ment dam safety activities.".
15	(2) National dam inventory.—Section 14(b)
16	of the National Dam Safety Program Act (33
17	U.S.C. 467j(b)) (as so redesignated) is amended by
18	striking "\$650,000" and all that follows through
19	"2011" and inserting "\$500,000 for each of fiscal
20	years 2014 through 2018".
21	(3) Public Awareness.—Section 14 of the
22	National Dam Safety Program Act (33 U.S.C. 467j)
23	(as so redesignated) is amended—

1	(A) by redesignating subsections (c)
2	through (f) as subsections (d) through (g), re-
3	spectively; and
4	(B) by inserting after subsection (b) the
5	following:
6	"(c) Public Awareness.—There is authorized to be
7	appropriated to carry out section 11 \$1,000,000 for each
8	of fiscal years 2014 through 2018.".
9	(4) Research.—Section 14(d) of the National
10	Dam Safety Program Act (as so redesignated) is
11	amended by striking "\$1,600,000" and all that fol-
12	lows through "2011" and inserting "\$1,450,000 for
13	each of fiscal years 2014 through 2018".
14	(5) Dam safety training.—Section 14(e) of
15	the National Dam Safety Program Act (as so redes-
16	ignated) is amended by striking "\$550,000" and all
17	that follows through "2011" and inserting
18	"\$750,000 for each of fiscal years 2014 through
19	2018".
20	(6) Staff.—Section 14(f) of the National Dam
21	Safety Program Act (as so redesignated) is amended
22	by striking "\$700,000" and all that follows through
23	"2011" and inserting "\$1,000,000 for each of fiscal
24	years 2014 through 2018".

1 TITLE X—INNOVATIVE 2 FINANCING PILOT PROJECTS

3 SEC. 10001. SHORT TITLE.

4 This title may be cited as the "Water Infrastructure

5 Finance and Innovation Act of 2013".

6 SEC. 10002. PURPOSES.

7 The purpose of this title is to establish a pilot pro-

8 gram to assess the ability of innovative financing tools

9 to—

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

- (1) promote increased development of critical water resources infrastructure by establishing additional opportunities for financing water resources projects that complement but do not replace or reduce existing Federal infrastructure financing tools such as the State water pollution control revolving loan funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);
 - (2) attract new investment capital to infrastructure projects that are capable of generating revenue streams through user fees or other dedicated funding sources;

1	(3) complement existing Federal funding
2	sources and address budgetary constraints on the
3	Corps of Engineers civil works program and existing
4	wastewater and drinking water infrastructure fi-
5	nancing programs;
6	(4) leverage private investment in water re-
7	sources infrastructure;
8	(5) align investments in water resources infra-
9	structure to achieve multiple benefits; and
10	(6) assist communities facing significant water
11	quality, drinking water, or flood risk challenges with
12	the development of water infrastructure projects.
13	SEC. 10003. DEFINITIONS.
14	In this title:
15	(1) Administrator.—The term "Adminis-
16	trator" means the Administrator of the Environ-
17	mental Protection Agency.
18	(2) Community water system.—The term
19	"community water system" has the meaning given
20	the term in section 1401 of the Safe Drinking Water
21	Act (42 U.S.C. 300f).
22	(3) Federal Credit Instrument.—The term
23	"Federal credit instrument" means a secured loan
24	or loan guarantee authorized to be made available
25	under this title with respect to a project.

1	(4) Investment-grade rating.—The term
2	"investment-grade rating" means a rating of BBB
3	minus, Baa3, bbb minus, BBB (low), or higher as-
4	signed by a rating agency to project obligations.
5	(5) Lender.—
6	(A) IN GENERAL.—The term "lender"
7	means any non-Federal qualified institutional
8	buyer (as defined in section 230.144A(a) of
9	title 17, Code of Federal Regulations (or a suc-
10	cessor regulation), known as Rule 144A(a) of
11	the Securities and Exchange Commission and
12	issued under the Securities Act of 1933 (15
13	U.S.C. 77a et seq.)).
14	(B) Inclusions.—The term "lender" in-
15	cludes—
16	(i) a qualified retirement plan (as de-
17	fined in section 4974(c) of the Internal
18	Revenue Code of 1986) that is a qualified
19	institutional buyer; and
20	(ii) a governmental plan (as defined in
21	section 414(d) of the Internal Revenue
22	Code of 1986) that is a qualified institu-
23	tional buyer.
24	(6) Loan guarantee.—The term "loan guar-
25	antee" means any guarantee or other pledge by the

1	Secretary or the Administrator to pay all or part of
2	the principal of, and interest on, a loan or other debt
3	obligation issued by an obligor and funded by a lend-
4	er.
5	(7) Obligor.—The term "obligor" means an
6	eligible entity that is primarily liable for payment of
7	the principal of, or interest on, a Federal credit in-
8	strument.
9	(8) Project obligation.—
10	(A) IN GENERAL.—The term "project obli-
11	gation" means any note, bond, debenture, or
12	other debt obligation issued by an obligor in
13	connection with the financing of a project.
14	(B) Exclusion.—The term "project obli-
15	gation" does not include a Federal credit in-
16	strument.
17	(9) Rating agency.—The term "rating agen-
18	cy" means a credit rating agency registered with the
19	Securities and Exchange Commission as a nationally
20	recognized statistical rating organization (as defined
21	in section 3(a) of the Securities Exchange Act of
22	1934 (15 U.S.C. 78c(a))).
23	(10) Secured Loan.—The term "secured
24	loan" means a direct loan or other debt obligation
25	issued by an obligor and funded by the Secretary in

1	connection with the financing of a project under sec-
2	tion 10010.
3	(11) State.—The term "State" means—
4	(A) a State;
5	(B) the District of Columbia;
6	(C) the Commonwealth of Puerto Rico;
7	and
8	(D) any other territory or possession of the
9	United States.
10	(12) State infrastructure financing au-
11	THORITY.—The term "State infrastructure financing
12	authority" means the State entity established or des-
13	ignated by the Governor of a State to receive a cap-
14	italization grant provided by, or otherwise carry out
15	the requirements of, title VI of the Federal Water
16	Pollution Control Act (33 U.S.C. 1381 et. seq.) or
17	section 1452 of the Safe Drinking Water Act (42
18	U.S.C. 300j–12).
19	(13) Subsidy amount.—The term "subsidy
20	amount" means the amount of budget authority suf-
21	ficient to cover the estimated long-term cost to the
22	Federal Government of a Federal credit instrument,
23	as calculated on a net present value basis, excluding
24	administrative costs and any incidental effects on
25	governmental receipts or outlays in accordance with

1	the Federal Credit Reform Act of 1990 (2 U.S.C.
2	661 et seq.).
3	(14) Substantial completion.—The term
4	"substantial completion", with respect to a project,
5	means the earliest date on which a project is consid-
6	ered to perform the functions for which the project
7	is designed.
8	(15) Treatment works.—The term "treat-
9	ment works" has the meaning given the term in sec-
10	tion 212 of the Federal Water Pollution Control Act
11	(33 U.S.C. 1292).
12	SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.
13	(a) In General.—The Secretary and the Adminis-
14	trator may provide financial assistance under this title to
15	carry out pilot projects, which shall be selected to ensure
16	a diversity of project types and geographical locations.
17	(b) Responsibility.—
18	(1) Secretary.—The Secretary shall carry out
19	all pilot projects under this title that are eligible
20	projects under section $10007(1)$.
21	(2) Administrator.—The Administrator shall
22	carry out all pilot projects under this title that are
23	eligible projects under paragraphs (2), (3), (4), (5),

1	(3) OTHER PROJECTS.—The Secretary or the
2	Administrator, as applicable, may carry out eligible
3	projects under paragraph (7) or (9) of section
4	10007.
5	SEC. 10005. APPLICATIONS.
6	(a) In General.—To receive assistance under this
7	title, an eligible entity shall submit to the Secretary or
8	the Administrator, as applicable, an application at such
9	time, in such manner, and containing such information as
10	the Secretary or the Administrator may require.
11	(b) Combined Projects.—In the case of an eligible
12	project described in paragraph (8) or (9) of section 10007,
13	the Secretary or the Administrator, as applicable, shall re-
14	quire the eligible entity to submit a single application for
15	the combined group of projects.
16	SEC. 10006. ELIGIBLE ENTITIES.
17	The following entities are eligible to receive assistance
18	under this title:
19	(1) A corporation.
20	(2) A partnership.
21	(3) A joint venture.
22	(4) A trust.
23	(5) A Federal, State, or local governmental en-
24	tity, agency, or instrumentality.

1	(6) A tribal government or consortium of tribal
2	governments.
3	(7) A State infrastructure financing authority
4	SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.
5	The following projects may be carried out with
6	amounts made available under this title:
7	(1) A project for flood control or hurricane and
8	storm damage reduction that the Secretary has de-
9	termined is technically sound, economically justified
10	and environmentally acceptable, including—
11	(A) a structural or nonstructural measure
12	to reduce flood risk, enhance stream flow, or
13	protect natural resources; and
14	(B) a levee, dam, tunnel, aqueduct, res-
15	ervoir, or other related water infrastructure.
16	(2) 1 or more activities that are eligible for as-
17	sistance under section 603(c) of the Federal Water
18	Pollution Control Act (33 U.S.C. 1383(e)), notwith-
19	standing the public ownership requirement under
20	paragraph (1) of that subsection.
21	(3) 1 or more activities described in section
22	1452(a)(2) of the Safe Drinking Water Act (42
23	U.S.C. 300j–12(a)(2)).

1	(4) A project for enhanced energy efficiency in
2	the operation of a public water system or a publicly
3	owned treatment works.
4	(5) A project for repair, rehabilitation, or re-
5	placement of a treatment works, community water
6	system, or aging water distribution or waste collec-
7	tion facility.
8	(6) A brackish or sea water desalination
9	project, a managed aquifer recharge project, or a
10	water recycling project.
11	(7) Acquisition of real property or an interest
12	in real property—
13	(A) if the acquisition is integral to a
14	project described in paragraphs (1) through (6);
15	or
16	(B) pursuant to an existing plan that, in
17	the judgment of the Administrator or the Sec-
18	retary, as applicable, would mitigate the envi-
19	ronmental impacts of water resources infra-
20	structure projects otherwise eligible for assist-
21	ance under this section.
22	(8) A combination of projects, each of which is
23	eligible under paragraph (2) or (3), for which a
24	State infrastructure financing authority submits to
25	the Administrator a single application.

1	(9) A combination of projects secured by a com-
2	mon security pledge, each of which is eligible under
3	paragraph (1) , (2) , (3) , (4) , (5) , (6) , or (7) , for
4	which an eligible entity, or a combination of eligible
5	entities, submits a single application.
6	SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.
7	For purposes of this title, an eligible activity with re-
8	spect to an eligible project includes the cost of—
9	(1) development-phase activities, including plan-
10	ning, feasibility analysis (including any related anal-
11	ysis necessary to carry out an eligible project), rev-
12	enue forecasting, environmental review, permitting
13	preliminary engineering and design work, and other
14	preconstruction activities;
15	(2) construction, reconstruction, rehabilitation
16	and replacement activities;
17	(3) the acquisition of real property or an inter-
18	est in real property (including water rights, land re-
19	lating to the project, and improvements to land), en-
20	vironmental mitigation (including acquisitions pursu-
21	ant to section 10007(7)), construction contingencies
22	and acquisition of equipment;
23	(4) capitalized interest necessary to meet mar-
24	ket requirements, reasonably required reserve funds

1	capital issuance expenses, and other carrying costs
2	during construction; and
3	(5) refinancing interim construction funding,
4	long-term project obligations, or a secured loan or
5	loan guarantee made under this title.
6	SEC. 10009. DETERMINATION OF ELIGIBILITY AND
7	PROJECT SELECTION.
8	(a) Eligibility Requirements.—To be eligible to
9	receive financial assistance under this title, a project shall
10	meet the following criteria, as determined by the Secretary
11	or Administrator, as applicable:
12	(1) Creditworthiness.—
13	(A) In General.—Subject to subpara-
14	graph (B), the project shall be creditworthy,
15	which shall be determined by the Secretary or
16	the Administrator, as applicable, who shall en-
17	sure that any financing for the project has ap-
18	propriate security features, such as a rate cov-
19	enant, to ensure repayment.
20	(B) Preliminary rating opinion let-
21	TER.—The Secretary or the Administrator, as
22	applicable, shall require each project applicant
23	to provide a preliminary rating opinion letter
24	from at least 1 rating agency indicating that
25	the senior obligations of the project (which may

1 be the Federal credit instrument) have the po-2 tential to achieve an investment-grade rating. 3 (C) Special rule for certain com-4 BINED PROJECTS.—The Administrator shall de-5 velop a credit evaluation process for a Federal 6 credit instrument provided to a State infra-7 structure financing authority for a project 8 under section 10007(8) or an entity for a 9 project under section 10007(9), which may in-10 clude requiring the provision of a preliminary 11 rating opinion letter from at least 1 rating 12 agency. 13 (2) Eligible Project Costs.—The eligible 14 project costs of a project shall be reasonably anticipated to be not less than \$20,000,000. 15 16 (3) Dedicated revenue sources.—The Fed-17 eral credit instrument for the project shall be repay-18 able, in whole or in part, from dedicated revenue 19 sources that also secure the project obligations. 20 (4) Public sponsorship of private enti-21 TIES.—In the case of a project carried out by an en-22 tity that is not a State or local government or an 23 agency or instrumentality of a State or local govern-24 ment, the project shall be publicly sponsored.

(b) Selection Criteria.—

25

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 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—

281

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

CEL13291 S.L.C.

completion of a project and after providing a notice to the obligor, the Secretary or the Administrator, as applicable, may sell to another entity or reoffer into the capital markets a secured loan for a project under this section, if the Secretary or the Administrator, as applicable, determines that the sale or reoffering can be made on favorable terms.

(2) Consent of obligor.—In making a sale or reoffering under paragraph (1), the Secretary or the Administrator, as applicable, may not change the original terms and conditions of the secured loan without the written consent of the obligor.

(e) Loan Guarantees.—

- (1) In General.—The Secretary or the Administrator, as applicable, may provide a loan guarantee to a lender in lieu of making a secured loan under this section, if the Secretary or the Administrator, as applicable, determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.
- (2) TERMS.—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this section for a secured loan, except that the rate on the guaranteed 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) Fees.—
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.

(2) Duties.—A servicer appointed under para-

CEL13291 S.L.C.

1

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 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 or local per-
3	mit or approval with respect to the project;
4	(2) limit the right of any unit of State or local
5	government to approve or regulate any rate of re-
6	turn on private equity invested in the project; or
7	(3) otherwise supersede any State or local law
8	(including any regulation) applicable to the construc-
9	tion or operation of the project.
10	SEC. 10013. REGULATIONS.
11	The Secretary or the Administrator, as applicable,
12	may promulgate such regulations as the Secretary or Ad-
13	ministrator determines to be appropriate to carry out this
14	title.
15	SEC. 10014. FUNDING.
16	(a) In General.—There is authorized to be appro-
17	priated to each of the Secretary and the Administrator
18	to carry out this title \$50,000,000 for each of fiscal years
19	2014 through 2018, to remain available until expended.
20	(b) Administrative Costs.—Of the funds made
21	available to carry out this title, the Secretary or the Ad-
22	ministrator, as applicable, may use for the administration
23	of this title, including for the provision of technical assist-
24	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,
- including a recommendation as to whether the objec-
- tives of this title are being met; and
- 15 (2) the public benefit provided by those
- projects, including, as applicable, water quality and
- water quantity improvement, the protection of drink-
- ing water, and the reduction of flood risk.

19 TITLE XI—EXTREME WEATHER

- 20 SEC. 11001. STUDY ON RISK REDUCTION.
- 21 (a) IN GENERAL.—Not later than 18 months after
- 22 the date of enactment of this Act, the Secretary, in coordi-
- 23 nation with the Secretary of the Interior and the Secretary
- 24 of Commerce, shall enter into an arrangement with the
- 25 National Academy of Sciences to carry out a study and

289 make recommendations relating to infrastructure and coastal restoration options for reducing risk to human life 2 3 and property from extreme weather events, such as hurri-4 canes, coastal storms, and inland flooding. 5 (b) Considerations.—The study under subsection 6 (a) shall include— 7 (1) an analysis of strategies and water re-8 sources projects, including authorized water re-9 sources projects that have not yet been constructed, 10 and other projects implemented in the United States 11 and worldwide to respond to risk associated with ex-12 treme weather events; 13 (2) an analysis of historical extreme weather 14 events and the ability of existing infrastructure to 15 mitigate risks associated with those events; 16 (3) identification of proven, science-based ap-17 proaches and mechanisms for ecosystem protection 18 and identification of natural resources likely to have 19 the greatest need for protection, restoration, and 20 conservation so that the infrastructure and restora-21 tion projects can continue safeguarding the commu-

nities in, and sustaining the economy of, the United

22

23

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. 11002. 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; and
22	(6) any recommendations for improving ap-
23	proaches to rebuilding or restoring infrastructure
24	and natural resources that contribute to risk reduc-

1 tion, such as coastal wetlands, to prepare for flood 2 and drought.

3 SEC. 11003. POST-DISASTER WATERSHED ASSESSMENTS.

4 (a) Watershed Assessments.—

11

18

19

20

21

22

23

24

25

- 5 (1) In General.—In an area that the Presi-6 dent has declared a major disaster in accordance 7 with section 401 of the Robert T. Stafford Disaster 8 Relief and Emergency Assistance Act (42 U.S.C. 9 5170), the Secretary may carry out a watershed as-10 sessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and 12 storm damage reduction, or ecosystem restoration 13 project recommendations that will help to rehabili-14 tate and improve the resiliency of damaged infra-15 structure and natural resources to reduce risks to 16 human life and property from future natural disas-17 ters.
 - (2) Existing projects.—A watershed assessment carried out paragraph (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b) (1).
 - (3) Duplicate watershed assessments.— In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed

1	by the Secretary or other Federal, State, or local en-
2	tities.
3	(b) Projects.—
4	(1) IN GENERAL.—The Secretary may carry out
5	1 or more small projects identified in a watershed
6	assessment under subsection (a) that the Secretary
7	would otherwise be authorized to carry out under—
8	(A) section 205 of the Flood Control Act
9	of 1948 (33 U.S.C. 701s);
10	(B) section 111 of the River and Harbor
11	Act of 1968 (33 U.S.C. 426i);
12	(C) section 206 of the Water Resources
13	Development Act of 1996 (33 U.S.C. 2330);
14	(D) section 1135 of the Water Resources
15	Development Act of 1986 (33 U.S.C. 2309a);
16	(E) section 107 of the River and Harbor
17	Act of 1960 (33 U.S.C. 577); or
18	(F) section 3 of the Act of August 13,
19	1946 (33 U.S.C. 426g).
20	(2) Existing projects.—In carrying out a
21	project under paragraph (1), the Secretary shall—
22	(A) to the maximum extent practicable,
23	use all existing information and studies avail-
24	able for the project; and

1	(B) not require any element of a study
2	completed for the project prior to the disaster
3	to be repeated.
4	(c) Requirements.—All requirements applicable to
5	a project under the Acts described in subsection (b) shall
6	apply to the project.
7	(d) Limitations on Assessments.—
8	(1) In General.—A watershed assessment
9	under subsection (a) shall be initiated not later than
10	2 years after the date on which the major disaster
11	declaration is issued.
12	(2) FEDERAL SHARE.—The Federal share of
13	the cost of carrying out a watershed assessment
14	under subsection (a) shall not exceed \$1,000,000.
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 2018.