

113th CONGRESS

1st Session

H. R. 3080

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

IN THE HOUSE OF REPRESENTATIVES

September 11, 2013

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title- This Act may be cited as the `Water Resources Reform and Development Act of 2013'.

(b) Table of Contents- The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I--PROGRAM REFORMS AND STREAMLINING

Sec. 101. Vertical integration and acceleration of studies.

Sec. 102. Expediting the evaluation and processing of permits.

Sec. 103. Environmental streamlining.

Sec. 104. Consolidation of studies.

Sec. 105. Removal of duplicative analyses.

Sec. 106. Expediting approval of modifications and alterations of projects by non-Federal interests.

Sec. 107. Construction of projects by non-Federal interests.

Sec. 108. Contributions by non-Federal interests.

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

TITLE II--NAVIGATION IMPROVEMENTS

Subtitle A--Ports

- Sec. 201. Expanded use of Harbor Maintenance Trust Fund.
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Subtitle B--Inland Waterways

Sec. 211. Definitions.

Sec. 212. Project delivery process reforms.

Sec. 213. Efficiency of revenue collection.

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Sec. 216. Preserving the Inland Waterway Trust Fund.

Sec. 217. Public comment on lock operations.

Sec. 218. Assessment of operation and maintenance needs of the Atlantic Intracoastal Waterway.

Sec. 219. Upper Mississippi River protection.

Sec. 220. Corps of Engineers lock and dam energy development.

TITLE III--DEAUTHORIZATIONS AND BACKLOG PREVENTION

Sec. 301. Deauthorization of inactive projects.

Sec. 302. Review of Corps of Engineers assets.

Sec. 303. Backlog prevention.

Sec. 304. Deauthorizations.

Sec. 305. Land conveyances.

TITLE IV--WATER RESOURCES INFRASTRUCTURE

Sec. 401. Authorization of final feasibility studies.

Sec. 402. Project modifications.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term `Secretary' means the Secretary of the Army.

TITLE I--PROGRAM REFORMS AND STREAMLINING

SEC. 101. VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.

(a) In General- To the extent practicable, a feasibility study initiated by the Secretary, after the date of enactment of this Act, under section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)) shall--

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

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

(3) ensure that personnel from the district, division, and headquarters levels of the Corps of Engineers concurrently conduct the review required under that section.

(b) Exception- If the Secretary determines that a feasibility study described in subsection (a) will not be conducted in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall--

(1) prepare an updated feasibility study schedule and cost estimate;

(2) notify the non-Federal feasibility cost sharing partner that the feasibility study has been delayed; and

(3) provide written notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate as to the reasons the requirements of subsection (a) are not attainable.

(c) Termination of Authorization- A feasibility study for which the Secretary has issued a determination under subsection (b) is not authorized after the last day of the 1-year period beginning on the date of the determination if the Secretary has not completed the study on or before such last day.

(d) Report- Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes--

(1) the status of the implementation of this section, including a description of each feasibility study subject to the requirements of this section;

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

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process, including an analysis of whether the limitation established by subsection (a)(2) needs to be adjusted to address the impacts of inflation.

(e) Reviews- Not later than 90 days after the date of the initiation of a study described in subsection (a) for a project, the Secretary shall--

(1) take all steps necessary to initiate the federally mandated reviews that the Secretary is required to complete as part of the study, including environmental reviews;

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

(3) provide the agencies referred to in paragraph (2) with all relevant information related to the scope and potential impacts of the project, including environmental impacts; and

(4) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

SEC. 102. EXPEDITING THE EVALUATION AND PROCESSING OF PERMITS.

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

(1) in subsection (a)--

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

(B) by inserting `or company' after `that entity'; and

(C) by adding at the end the following: `To the maximum extent practicable, the Secretary shall ensure that expediting the evaluation of a permit through the use of funds accepted and expended under this section does not adversely affect the timeline for evaluation (in the Corps district in which the project or activity is located) of permits under the jurisdiction of the Department of the Army of other entities that have not contributed funds under this section.'; and

(2) by striking subsection (e).

SEC. 103. ENVIRONMENTAL STREAMLINING.

(a) Declaration of Policy-

(1) IN GENERAL- Congress declares that--

(A) the benefits of water resources projects are important to the Nation's economy and environment;

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

(C) it is in the national interest for Federal and State agencies, local governments, Indian tribes, and other entities involved in water resources projects--

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

(ii) to ensure that the planning, design, engineering, construction, and funding of water resources projects is done in an efficient and effective manner, promoting accountability for public investments and encouraging greater local and private sector involvement in project financing and delivery while addressing public safety and protecting the environment; and

(D) delay in the delivery of water resources studies and projects--

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

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

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

(2) POLICY- Given the declarations set forth in paragraph (1), it is the policy of the United States that--

(A) recommendations to Congress regarding such projects should be accelerated by coordinated and efficient environmental reviews and cooperative efforts to quickly resolve disputes during the development of water resources projects;

(B) the Secretary shall have the lead role among Federal agencies in facilitating the environmental review process for water resources projects;

(C) each Federal agency shall cooperate with the Secretary to expedite the environmental review process for water resources projects;

(D) programmatic approaches shall be used if applicable to reduce the need for project-by-project reviews and decisions by Federal agencies;

(E) the Secretary shall identify opportunities for non-Federal sponsors to assume responsibilities of the Secretary if such responsibilities can be assumed in a manner that protects public health and safety, the environment, and public participation; and

(F) the Assistant Secretary of the Army for Civil Works shall identify and promote the deployment of innovations aimed at reducing the time and money required to deliver water resources projects while protecting the environment.

(b) Streamlined Project Delivery-

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

SEC. 2045. STREAMLINED PROJECT DELIVERY.

(a) Definitions- In this section, the following definitions apply:

(1) ENVIRONMENTAL IMPACT STATEMENT- The term 'environmental impact statement' means the detailed statement of environmental impacts required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) ENVIRONMENTAL REVIEW PROCESS-

(A) IN GENERAL- The term 'environmental review process' means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project study.

(B) INCLUSIONS- The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a project study under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) FEDERAL JURISDICTIONAL AGENCY- The term 'Federal jurisdictional agency' means a Federal agency with jurisdiction over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a project study under applicable Federal laws, including regulations.

(4) PROJECT- The term 'project' means a Corps of Engineers water resources project.

(5) PROJECT SPONSOR- The term 'project sponsor' means the non-Federal interest as defined in section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

(6) PROJECT STUDY- The term 'project study' means a feasibility study for a project carried out pursuant to section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282).

(b) Applicability- The procedures in this section are applicable to all project studies initiated after the date of enactment of the Water Resources Reform and Development Act of 2013 and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and may be applied, to the extent determined appropriate by the Secretary, to other project studies for which an environmental review process document is prepared under such Act.

(c) Lead Agencies-

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

(2) NON-FEDERAL PROJECT SPONSOR AS JOINT LEAD AGENCY- At the discretion of the Secretary and subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), a non-Federal project sponsor that is an agency defined in subsection (a)--

`(A) may serve as a joint lead agency with the Corps of Engineers for purposes of preparing any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

`(B) may assist in the preparation of any such environmental review process document required under the National Environmental Policy Act of 1969 if the Secretary provides guidance in the preparation process, participates in preparing the document, independently evaluates that document, and approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document.

`(3) ADOPTION AND USE OF DOCUMENTS- Any environmental review process document prepared in accordance with this subsection shall be adopted and used by any Federal agency in making any approval of a project subject to this section as the document required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to the same extent that the Federal agency may adopt or use a document prepared by another Federal agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

`(4) ROLES AND RESPONSIBILITY OF FEDERAL LEAD AGENCY- With respect to the environmental review process for any project, the Federal lead agency shall have authority and responsibility--

`(A) to take such actions as are necessary and proper, within the authority of the Federal lead agency, to facilitate the expeditious resolution of the environmental review process for the project study; and

`(B) to prepare or ensure that any required environmental impact statement or other document for a project study required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

`(d) Participating and Cooperating Agencies-

`(1) IDENTIFICATION- The Federal lead agency shall identify, as early as practicable in the environmental review process for a project study, any Federal or State agency, local government, or Indian tribe that may--

`(A) have jurisdiction over the project;

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

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

`(2) INVITATION-

`(A) IN GENERAL- The Federal lead agency shall invite any such agency identified under paragraph (1) to become a participating or cooperating agency in the environmental review process for the project study.

`(B) DEADLINE- An invitation to participate issued under subparagraph (A) shall establish a deadline by which a response to the invitation shall be submitted, which may be extended by the Federal lead agency for good cause.

`(3) FEDERAL COOPERATING AGENCY- Any Federal agency that is invited by the Federal lead agency to participate in the environmental review process for a project study shall be designated as a cooperating agency by the Federal lead agency unless the invited agency informs the Federal lead agency, in writing, by the deadline specified in the invitation that the invited agency--

- ` (A) has no jurisdiction or authority with respect to the project;
- ` (B) has no expertise or information relevant to the project study; and
- ` (C) does not intend to submit comments on the project study.

` (4) EFFECT OF DESIGNATION-

` (A) REQUIREMENT- A participating or cooperating agency shall comply with the requirements of this section and any schedule established under this section.

` (B) IMPLICATION- Designation under this subsection shall not imply that the participating or cooperating agency--

` (i) supports a proposed project; or

` (ii) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

` (5) CONCURRENT REVIEWS- Each participating or cooperating agency shall--

` (A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process unless doing so would prevent such agency from conducting needed analysis or otherwise carrying out their obligations under those other laws; and

` (B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

` (e) Programmatic Compliance-

` (1) IN GENERAL- The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that--

` (A) eliminates repetitive discussions of the same issues;

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

` (C) establishes a formal process for coordinating with participating and cooperating agencies, including the creation of a list of all data that is needed to carry out the environmental review process; and

` (D) complies with--

` (i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

` (ii) all other applicable laws.

` (2) REQUIREMENTS- In carrying out paragraph (1), the Secretary shall--

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

` (B) emphasize the importance of collaboration among relevant Federal agencies, State agencies, local governments, and Indian tribes in undertaking programmatic reviews, especially with respect to reviews with a broad geographical scope;

` (C) ensure that the programmatic reviews--

`(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by a Federal or State agency, local government, Indian tribe, or the public, and the temporal and special scales to be used to analyze those issues;

`(ii) use accurate and timely information in the environmental review process, including--

 `(I) criteria for determining the general duration of the usefulness of the review; and

 `(II) the timeline for updating any out-of-date review;

`(iii) describe--

 `(I) the relationship between programmatic analysis and future tiered analysis; and

 `(II) the role of the public in the creation of future tiered analysis; and

`(iv) are available to other relevant Federal and State agencies, local governments, Indian tribes, and the public;

`(D) allow not less than 60 days of public notice and comment on any proposed guidance; and

`(E) address any comments received under subparagraph (D).

`(f) Coordinated Reviews-

 `(1) COORDINATION PLAN-

 `(A) ESTABLISHMENT- The Federal lead agency, after consultation with each participating and cooperating agency and the non-Federal project sponsor or joint lead agency, as applicable, shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project study.

 `(B) INCORPORATION- In developing the plan established under subparagraph (A), the Federal lead agency shall take under consideration the scheduling requirements under section 101 of the Water Resources Reform and Development Act of 2013.

 `(2) SCHEDULE-

 `(A) IN GENERAL- The Federal lead agency, after consultation with each participating and cooperating agency and the non-Federal project sponsor or joint lead agency, as applicable, shall establish, as part of the coordination plan established in paragraph (1)(A), a schedule for completion of the environmental review process for the project study. In developing the schedule, the Federal lead agency shall take under consideration the scheduling requirements under section 101 of the Water Resources Reform and Development Act of 2013.

 `(B) FACTORS FOR CONSIDERATION- In establishing the schedule, the Federal lead agency shall consider factors such as--

 `(i) the responsibilities of participating and cooperating agencies under applicable laws;

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

 `(iii) the overall size and complexity of the project;

`(iv) the overall schedule for and cost of the project; and

`(v) the sensitivity of the natural and historic resources that may be affected by the project.

`(C) CONSISTENCY WITH OTHER TIME PERIODS- A schedule under subparagraph (A) shall be consistent with any other relevant time periods established under Federal law.

`(D) MODIFICATION- The Federal lead agency may--

`(i) lengthen a schedule established under subparagraph (A) for good cause; or

`(ii) shorten a schedule only with the concurrence of the affected participating and cooperating agencies and the non-Federal project sponsor or joint lead agency, as applicable.

`(E) DISSEMINATION- A copy of a schedule established under subparagraph (A) shall be--

`(i) provided to each participating and cooperating agency and the non-Federal project sponsor or joint lead agency, as applicable; and

`(ii) made available to the public.

`(3) COMMENT DEADLINES- The Federal lead agency shall establish the following deadlines for comment during the environmental review process for a project study:

`(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS- For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after such document is made publicly available, unless--

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

`(ii) the deadline is extended by the Federal lead agency for good cause.

`(B) OTHER COMMENT PERIODS- For all other comment periods established by the Federal lead agency for agency or public comments in the environmental review process, a period of not more than 30 days after the date on which the materials for which comment is requested are made available, unless--

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

`(ii) the deadline is extended by the Federal lead agency for good cause.

`(4) DEADLINES FOR DECISIONS UNDER OTHER LAWS-

`(A) PRIOR APPROVAL DEADLINE- If a participating or cooperating agency is required to make a determination regarding or otherwise approve or disapprove the project study prior to the record of decision or finding of no significant impact, such participating or cooperating agency shall make such determination or approval not later than 30 days after the Federal lead agency publishes notice of the availability of a final environmental impact statement or other final environmental document, or not later than such other date that is otherwise required by law, whichever occurs first.

`(B) OTHER DEADLINES- With regard to any determination or approval of a participating or cooperating agency that is not subject to subparagraph (A), each

participating or cooperating agency shall make any required determination or otherwise approve or disapprove the project study not later than 90 days after the date that the Federal lead agency approves the record of decision or finding of no significant impact for the project study, or not later than such other date that is otherwise required by law, whichever occurs first.

`(C) RECORD CLOSED- In the event that any participating or cooperating agency fails to make a determination or approve or disapprove the project study within the applicable deadline described in subparagraph (A), the Federal lead agency may close the record and find the record sufficient for the project study as it relates to such agency determination or approval.

`(g) Issue Identification and Resolution-

`(1) COOPERATION- The Federal lead agency and participating and cooperating agencies shall work cooperatively in accordance with this section to identify and resolve issues that may delay completion of the environmental review process or result in the denial of any approval required for the project study under applicable laws.

`(2) FEDERAL LEAD AGENCY RESPONSIBILITIES-

`(A) IN GENERAL- The Federal lead agency shall make information available to the participating and cooperating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

`(B) DATA SOURCES- Such information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

`(3) PARTICIPATING AND COOPERATING AGENCY RESPONSIBILITIES- Based on information received from the Federal lead agency, participating and cooperating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that may substantially delay or prevent an agency from granting a permit or other approval that is needed for the project study.

`(4) ACCELERATED ISSUE RESOLUTION AND ELEVATION-

`(A) IN GENERAL- Upon the request of a participating or cooperating agency or non-Federal project sponsor, the Secretary shall convene an issue resolution meeting with the relevant participating and cooperating agencies and the non-Federal project sponsor or joint lead agency, as applicable, to resolve issues that may--

`(i) delay completion of the environmental review process; or

`(ii) result in denial of any approval required for the project study under applicable laws.

`(B) MEETING DATE- A meeting requested under this paragraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

`(C) NOTIFICATION- Upon receipt of a request for a meeting under this paragraph, the Secretary shall notify all relevant participating and cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

`(D) ELEVATION OF ISSUE RESOLUTION- If a resolution cannot be achieved within 30 days after a meeting under this paragraph and a determination is made by the Secretary that all information necessary to resolve the issue has been obtained, the

Secretary shall forward the dispute to the heads of the relevant agencies for resolution.

`(E) CONVENTION BY SECRETARY- The Secretary may convene an issue resolution meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under subparagraph (A).

`(h) Streamlined Documentation and Decisionmaking-

`(1) IN GENERAL- The Federal lead agency in the environmental review process for a project study, in order to reduce paperwork and expedite decisionmaking, shall prepare a condensed final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

`(2) CONDENSED FORMAT- A condensed final environmental impact statement for a project study in the environmental review process shall consist only of--

`(A) an incorporation by reference of the draft environmental impact statement;

`(B) any updates to specific pages or sections of the draft environmental impact statement as appropriate; and

`(C) responses to comments on the draft environmental impact statement and copies of the comments.

`(3) TIMING OF DECISION- Notwithstanding any other provision of law, in conducting the environmental review process for a project study, the Federal lead agency shall combine a final environmental impact statement and a record of decision for the project study into a single document if--

`(A) the alternative approved in the record of decision is either a preferred alternative identified in the draft environmental impact statement or is a modification of such preferred alternative developed in response to comments on the draft environmental impact statement; and

`(B) the Federal lead agency has a written commitment from parties responsible for implementation of the measures applicable to the approved alternative that are identified in the final environmental impact statement that they will implement those measures.

`(i) Limitations- Nothing in this section shall preempt or interfere with--

`(1) any practice of seeking, considering, or responding to public comment; or

`(2) any power, jurisdiction, responsibility, or authority that a Federal or State agency, local government, Indian tribe, or non-Federal project sponsor has with respect to carrying out a project study or any other provision of law applicable to a project.

`(j) Timing of Claims-

`(1) IN GENERAL- Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for a project study shall be barred unless it is filed not later than 150 days after publication of a notice in the Federal Register announcing that the permit, license, or other approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law which allows judicial review. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or other approval.

`(2) NEW INFORMATION- The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations. The

preparation of a supplemental environmental impact statement or other environmental document when required by this section shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 150 days after the date of publication of a notice in the Federal Register announcing such action.

`(k) Categorical Exclusions-

`(1) IN GENERAL- Not later than 180 days after the date of enactment of this subsection, the Secretary shall--

`(A) survey the use by the Corps of Engineers of categorical exclusions in projects;

`(B) publish a review of the survey that includes a description of--

`(i) the types of actions that were categorically excluded or may be the basis for developing a new categorical exclusion; and

`(ii) any requests previously received by the Secretary for new categorical exclusions; and

`(C) solicit requests from other Federal agencies and non-Federal project sponsors for new categorical exclusions.

`(2) NEW CATEGORICAL EXCLUSIONS- Not later than 1 year after the date of enactment of this subsection, if the Secretary identifies, based on the review under paragraph (1), a category of activities that merit establishing a categorical exclusion not in existence on the day before the date of enactment of this subsection, the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

`(l) Implementation Guidance- The Secretary shall prepare guidance documents that describe the processes that the Secretary will use to implement this section.'

(2) CLERICAL AMENDMENT- The table of contents contained in section 1(b) of the Water Resources Development Act of 2007 is amended by striking the item relating to section 2045 and inserting the following:

`2045. Streamlined project delivery.'

(c) Categorical Exclusion in Emergencies- For the repair, reconstruction, or rehabilitation of a water resources project that is in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations, if such repair or reconstruction activity is in the same location with the same capacity, dimensions, and design as the original water resources project as before the declaration described in this section.

SEC. 104. CONSOLIDATION OF STUDIES.

(a) In General-

(1) REPEAL- Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is repealed.

(2) CONFORMING AMENDMENT- Section 905(a)(1) of such Act (33 U.S.C. 2282(a)(1)) is amended by striking `perform a reconnaissance study and'.

(b) Contents of Feasibility Reports- Section 905(a)(2) of such Act (33 U.S.C. 2282(a)(2)) is amended by adding at the end the following: 'A feasibility report shall include a preliminary analysis of the Federal interest and the costs, benefits, and environmental impacts of the project.'

(c) Applicability- The Secretary shall continue to carry out a study for which a reconnaissance level investigation has been initiated before the date of enactment of this Act as if this section, including the amendments made by this section, had not been enacted.

SEC. 105. REMOVAL OF DUPLICATIVE ANALYSES.

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

SEC. 106. EXPEDITING APPROVAL OF MODIFICATIONS AND ALTERATIONS OF PROJECTS BY NON-FEDERAL INTERESTS.

(a) In General- Not later than 1 year after the date of enactment of this Act, the Secretary, after providing notice and an opportunity for comment, shall establish a process for the review of section 14 applications in a timely and consistent manner.

(b) Section 14 Application Defined- In this section, the term 'section 14 application' means an application submitted by an applicant to the Secretary requesting permission for the temporary occupation or use of a public work, or the alteration or permanent occupation or use of a public work, under section 14 of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved March 3, 1899 (commonly known as the 'Rivers and Harbors Appropriation Act of 1899') (33 U.S.C. 408).

(c) Benchmark Goals-

(1) ESTABLISHMENT OF BENCHMARK GOALS- In carrying out subsection (a), the Secretary shall--

(A) establish benchmark goals for determining the amount of time it should take the Secretary to determine whether a section 14 application is complete;

(B) establish benchmark goals for determining the amount of time it should take the Secretary to approve or disapprove a section 14 application; and

(C) to the extent practicable, use such benchmark goals to make a decision on section 14 applications in a timely and consistent manner.

(2) BENCHMARK GOALS-

(A) BENCHMARK GOALS FOR DETERMINING WHETHER SECTION 14 APPLICATIONS ARE COMPLETE- To the extent practicable, the benchmark goals established under paragraph (1) shall provide that--

(i) the Secretary reach a decision on whether a section 14 application is complete not later than 15 days after the date of receipt of the application; and

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

(B) BENCHMARK GOALS FOR REVIEWING COMPLETED APPLICATIONS- To the extent practicable, the benchmark goals established under paragraph (1) shall provide that--

(i) the Secretary generally approve or disapprove a completed section 14 application not later than 45 days after the date of receipt of the completed application; and

(ii) in a case in which the Secretary determines that additional time is needed to review a completed section 14 application due to the type, size, cost, complexity, or impacts of the actions proposed in the application, the Secretary approve or disapprove the application not later than 180 days after the date of receipt of the completed application.

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

(A) provide written notification to the applicant; and

(B) include in the written notice a best estimate of the Secretary as to the amount of time required for completion of the review.

(d) Failure To Achieve Benchmark Goals- In any case in which the Secretary fails make a decision on a section 14 application in accordance with the process established under this section, the Secretary shall provide written notice to the applicant, including a detailed description of--

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

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

(3) the amount of time the Secretary will require to issue a decision.

(e) Notification-

(1) SUBMISSION TO CONGRESS- The Secretary shall provide a copy of any written notice provided under subsection (d) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(2) PUBLIC AVAILABILITY- The Secretary shall maintain a publicly available database, including on the Internet, on--

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

(B) the current status of such applications.

SEC. 107. CONSTRUCTION OF PROJECTS BY NON-FEDERAL INTERESTS.

(a) Construction of Water Resources Development Projects- Section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13) is amended--

(1) in the section heading by striking 'flood control' and inserting 'water resources development'; and

(2) by striking 'flood control' each place it appears and inserting 'water resources development'.

(b) Completion of Studies and Design Activities- Section 211(c) of such Act (33 U.S.C. 701b-13(c)) is amended by striking 'date of the enactment of this Act' and inserting 'date of enactment of the Water Resources Reform and Development Act of 2013'.

(c) Authority To Carry Out Improvements- Section 211(d)(1) of such Act (33 U.S.C. 701b-13(d)(1)) is amended--

(1) by striking subparagraph (A)(i) and inserting the following:

`(i) IN GENERAL- A non-Federal interest may carry out construction for which studies and design documents are prepared under subsection (b) only if--

`(I) the Secretary approves the project for construction; and

`(II) the project is specifically authorized by Congress.'; and

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

`(B) STUDIES AND DESIGN ACTIVITIES UNDER SUBSECTION (c)- Any non-Federal interest that has received from the Secretary under subsection (c) a favorable recommendation to carry out a water resources development project, or separable element thereof, based on the results of completed studies and design documents for the project or element may carry out the project or element if--

`(i) a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been filed for the project or element; and

`(ii) the project is specifically authorized by Congress.'.

(d) Reimbursement- Section 211(e) of such Act (33 U.S.C. 701b-13(e)) is amended--

(1) in paragraph (1)--

(A) in subparagraph (B) by striking `and' at the end;

(B) in subparagraph (C) by striking the period at the end and inserting `; and'; and

(C) by adding at the end the following:

`(D) if the project is specifically authorized by Congress.';

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

(3) in paragraph (5) (as so redesignated)--

(A) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(B) in subparagraph (B) (as so redesignated)--

(i) by striking `At the request' and inserting `In accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), at the request'; and

(ii) by inserting before the period at the end the following: `, or toward the non-Federal share of any other authorized water resources development study or project of such non-Federal interest'.

(e) Other Matters- Section 211 of such Act (33 U.S.C. 701b-13) is amended--

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

(2) by adding at the end the following:

`(f) Operation and Maintenance of Navigation Projects- Whenever a non-Federal interest constructs improvements to a harbor or inland harbor, the Secretary shall be responsible for maintenance in accordance with section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) if--

`(1) the Secretary determines, before construction, that the improvements, or separable elements thereof, are economically justified and environmentally acceptable;

`(2) the Secretary certifies that the project is constructed in accordance with applicable permits and the appropriate engineering and design standards;

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

`(4) the project is specifically authorized by Congress.

`(g) Implementation- All laws and regulations that would apply to the Secretary if the Secretary were carrying out a project shall apply to the non-Federal interest carrying out a project under this section.

`(h) Notification of Committees- The Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate prior to initiation of negotiations with a non-Federal interest regarding the utilization of the authorities under this section.'

(f) Repeals- The following provisions are repealed:

(1) Section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232).

(2) Section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1).

(3) Section 404 of the Water Resources Development Act of 1990 (33 U.S.C. 2232 note; 104 Stat. 4646).

SEC. 108. CONTRIBUTIONS BY NON-FEDERAL INTERESTS.

(a) In General- Section 5 of the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved June 22, 1936 (33 U.S.C. 701h), is amended--

(1) by striking 'from States and political subdivisions thereof,' and inserting 'from a non-Federal interest (as defined in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b))';

(2) by striking ', which includes planning and design';

(3) by inserting ', including a project for navigation on the inland waterways,' after 'study or project';

(4) by striking 'by States and political subdivisions thereof,' and inserting 'by a non-Federal interest';

(5) by striking ': *Provided further*, That the term 'States' means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Federally recognized Indian tribes'; and

(6) by inserting ': *And provided further*, That the term 'work' means the planning, design, or construction of an authorized water resources development study or project, or the repair, restoration, or replacement of an authorized water resources development project that has been damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)' after 'contributing interests'.

(b) Notification for Contributed Funds- Prior to the initiation of negotiations for accepting contributed funds under section 5 of the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved June 22, 1936 (33 U.S.C. 701h), the Secretary shall provide written notice to the Committee on Transportation and

Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate.

(c) Technical Amendments- The following provisions are repealed:

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

(2) Section 4 of the Act entitled `An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved March 4, 1915 (33 U.S.C. 560).

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

(a) In General- Section 225 of the Water Resources Development Act of 1992 (33 U.S.C. 2328) is amended--

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

`SEC. 225. CONTRIBUTIONS BY NON-FEDERAL INTERESTS FOR MANAGEMENT OF CORPS OF ENGINEERS FACILITIES.';

(2) in subsection (a) by striking `managing recreational facilities' and inserting `operating, maintaining, and managing inland navigational facilities, recreational facilities,'; and

(3) in subsection (b) by striking `and management of recreational facilities' and inserting `, maintenance, and management of inland navigation facilities, recreational facilities,'.

(b) Clerical Amendment- The table of contents contained in section 1(b) of the Water Resources Development Act of 1992 is amended by striking the item relating to section 225 and inserting the following:

`225. Contributions by non-Federal interests for management of Corps of Engineers facilities.'.

SEC. 110. CLARIFICATION OF IMPACTS TO OTHER FEDERAL FACILITIES.

In any case where the modification or construction of a water resources development project carried out by the Secretary adversely impacts other Federal facilities, the Secretary may accept from other Federal agencies such funds as may be necessary to address the adverse impact, including by removing, relocating, or reconstructing such facilities.

SEC. 111. CLARIFICATION OF PREVIOUSLY AUTHORIZED WORK.

(a) In General- The Secretary may carry out measures to improve fish species habitat within the boundaries and downstream of a water resources project constructed by the Secretary that includes a fish hatchery if the Secretary--

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

(2) determines that the measures are--

(A) feasible;

(B) consistent with authorized project purposes and the fish hatchery; and

(C) in the public interest.

(b) Cost Sharing-

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

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

SEC. 112. TRIBAL PARTNERSHIP PROGRAM.

(a) In General- Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended--

(1) in subsection (d)(1)(B)--

(A) by striking 'The ability' and inserting the following:

'(i) IN GENERAL- The ability'; and

(B) by adding at the end the following:

'(ii) DETERMINATION- Not later than 180 days after the date of enactment of the Water Resources Reform and Development Act of 2013, the Secretary shall issue guidance on the procedures described in clause (i).'; and

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

'(e) Restrictions- The Secretary is authorized to carry out activities under this section in fiscal years 2014 through 2023.'

(b) Cooperative Agreements With Indian Tribes- The Secretary may enter into a cooperative agreement with an Indian tribe (or a designated representative of an Indian tribe) to carry out authorized activities of the Corps of Engineers to protect fish, wildlife, water quality, and cultural resources.

SEC. 113. TECHNICAL CORRECTIONS.

(a) Limitation; Statutory Construction- Section 221(a)(4)(E) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(E)) is amended by striking clause (ii) and inserting the following:

'(ii) LIMITATION- In any case in which a specific provision of law provides for a non-Federal interest to receive credit toward the non-Federal share of the cost of a study for, or construction or operation and maintenance of, a water resources project, the Secretary shall apply--

'(I) the specific provision of law instead of this paragraph; or

'(II) at the request of the non-Federal interest, the specific provision of law and such provisions of this paragraph as the non-Federal interest may request.

'(iii) STATUTORY CONSTRUCTION- Nothing in this subparagraph may be construed to affect the applicability of subparagraph (C).'

(b) Water Resources Project Defined- Section 221(b) of such Act (42 U.S.C. 1962d-5b(b)) is amended--

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

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

(3) by striking '(b) Definition' and all that follows through 'The term' and inserting the following:

'(b) Definitions-

'(1) NON-FEDERAL INTEREST- The term'; and

(4) by adding at the end the following:

'(2) WATER RESOURCES PROJECT- The term 'water resources project' includes projects studied, reviewed, designed, constructed, operated and maintained, or otherwise subject to Federal participation under the authority of the civil works program of the Secretary of the Army for the purposes of navigation, flood damage reduction, ecosystem restoration, hurricane and storm damage reduction, water supply, recreation, hydroelectric power, fish and wildlife conservation, water quality, environmental infrastructure, resource protection and development, and related purposes.'

(c) Correction- Section 221(c) of such Act (42 U.S.C. 1962d-5b(c)) is amended by striking 'enforcible' and inserting 'enforceable'.

(d) Federal Allocation- Section 2008(a) of the Water Resources Development Act of 2007 (33 U.S.C. 2340(a)) is amended by adding at the end the following: 'This subsection shall apply without regard to whether the original partnership agreement was entered into before, on, or after the date of enactment of this subsection.'

(e) In-Kind Credit- Section 221(a)(4)(C) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(C)) is amended by striking 'In any case' and all that follows through the period at the end and inserting the following:

'(i) CONSTRUCTION-

'(I) IN GENERAL- In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before execution of a partnership agreement and that construction has not been carried out as of the date of enactment of this clause, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work and shall do so prior to the non-Federal interest initiating construction or issuing a written notice to proceed for the construction.

'(II) ELIGIBILITY- Construction that is carried out after the execution of an agreement under subclause (I) and any design activities that are required for that construction, even if the design activity is carried out prior to the execution of the agreement, shall be eligible for credit.

'(ii) PLANNING-

'(I) IN GENERAL- In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of planning carried out by the non-Federal interest before execution of a feasibility cost sharing agreement, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such planning and shall do so prior to the non-Federal interest initiating that planning.

'(II) ELIGIBILITY- Planning that is carried out by the non-Federal interest after the execution of an agreement under subclause (I) shall be eligible for credit.'

SEC. 114. WATER INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.

(a) In General- The Secretary shall establish a pilot program to evaluate the cost effectiveness and project delivery efficiency of allowing non-Federal interests to carry out authorized water resources development projects for coastal harbor improvement, channel improvement, inland navigation, flood damage reduction, and hurricane and storm damage reduction.

(b) Purposes- The purposes of the pilot program established under subsection (a) are--

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

(2) to evaluate the technical, financial, and organizational benefits of allowing a non-Federal interest to carry out and manage the design or construction (or both) of 1 or more of such projects.

(c) Subsequent Appropriations- Any activity undertaken under this section is authorized only to the extent specifically provided for in subsequent appropriations Acts.

(d) Administration- In carrying out the pilot program established under subsection (a), the Secretary shall--

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

(2) notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of each project identified under paragraph (1);

(3) in consultation with the non-Federal interest associated with each project identified under paragraph (1), develop a detailed project management plan for the project that outlines the scope, financing, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;

(4) at the request of the non-Federal interest associated with each project identified under paragraph (1), enter into a project partnership agreement with the non-Federal interest under which the non-Federal interest is provided full project management control for the financing, design, or construction (or any combination thereof) of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

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

(6) regularly monitor and audit each project carried out under the program to ensure that all activities related to the project are carried out in compliance with plans approved by the Secretary and that construction costs are reasonable.

(e) Selection Criteria- In identifying projects under subsection (d)(1), the Secretary shall consider the extent to which the project--

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

(2) leverages Federal investment by encouraging non-Federal contributions to the project;

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

(4) received Federal funds in the past and experienced delays or missed scheduled deadlines;

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

(6) has not received Federal funding for recapitalization and modernization since the project was authorized.

(f) Detailed Project Schedule- Not later than 180 days after entering into a project partnership agreement under subsection (d)(4), a non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule for the relevant project, based on estimated funding levels, that specifies deadlines for each milestone with respect to the project.

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

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

(2) other amounts appropriated to the Corps of Engineers, except that the total amount transferred to the non-Federal interest may not exceed the estimate of the Federal share of the cost of construction, including any required design; and

(3) revenue generated by the project.

(h) Technical Assistance- At the request of a non-Federal interest participating in the pilot program established under subsection (a), the Secretary may provide to the non-Federal interest, if the non-Federal interest contracts with and compensates the Secretary, technical assistance with respect to--

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

(2) obtaining permits necessary for such a project.

(i) Identification of Impediments-

(1) IN GENERAL- The Secretary shall--

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

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

(i) address such impediments; and

(ii) protect the public interest and any public investment in water resources development projects that involve public-private partnerships or private investment in water resources development projects; and

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

(2) RULE OF CONSTRUCTION- Nothing in this section may be construed to allow the Secretary to waive any requirement under--

(A) sections 3141 through 3148 and sections 3701 through 3708 of title 40, United States Code;

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

(C) any other provision of Federal law.

(j) Public Benefit Studies-

(1) IN GENERAL- Before entering into a project partnership agreement under subsection (d)(4), the Secretary shall conduct an assessment of whether, and provide justification in writing to the Committee on Transportation and Infrastructure of the House of

Representatives and the Committee on Environment and Public Works of the Senate that, the proposed agreement provides better public and financial benefits than a similar transaction using public funding or financing.

(2) REQUIREMENTS- An assessment under paragraph (1) shall--

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

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

(C) determine whether the proposed project partnership agreement is in the public interest by determining whether the agreement will provide public and financial benefits, including expedited project delivery and savings for taxpayers.

(k) Non-Federal Funding- A project carried out under the pilot program established under subsection (a) may consist of the non-Federal interest financing the non-Federal share of the project.

(l) Applicability of Federal Law- Any provision of Federal law that would apply to the Secretary if the Secretary were carrying out a project shall apply to a non-Federal interest carrying out a project under this section.

(m) Cost Share- Nothing in this section affects a cost-sharing requirement under Federal law that is applicable to a project carried out under the pilot program established under subsection (a).

(n) Report- Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the pilot program established under subsection (a), including any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(o) Non-Federal Interest Defined- In this section, the term 'non-Federal interest' includes non-Federal government entities and private entities.

SEC. 115. ANNUAL REPORT TO CONGRESS.

(a) In General- Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate an annual report, to be entitled 'Report to Congress on Future Water Resources Development', that identifies the following:

(1) FEASIBILITY REPORTS- Each feasibility report that meets the criteria established in subsection (c)(1)(A).

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

(3) PROPOSED MODIFICATIONS- Any proposed modification to an authorized water resources development project or feasibility study that meets the criteria established in subsection (c)(1)(A) that--

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) is identified by the Secretary for authorization.

(b) Requests for Proposals-

(1) PUBLICATION- Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed

feasibility studies and proposed modifications to authorized water resources development projects and feasibility studies to be included in the annual report.

(2) DEADLINE FOR REQUESTS- The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for such proposals to be considered for inclusion in the annual report.

(3) NOTIFICATION- On the date of publication of each notice required by this subsection, the Secretary shall--

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of such publication to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) Contents-

(1) FEASIBILITY REPORTS, PROPOSED FEASIBILITY STUDIES, AND PROPOSED MODIFICATIONS-

(A) CRITERIA FOR INCLUSION IN REPORT- The Secretary shall include in the annual report only those feasibility reports, proposed feasibility studies, and proposed modifications to authorized water resources development projects and feasibility studies that--

(i) the Secretary determines are related to the missions and authorities of the Corps of Engineers;

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

(iii) are not authorized by Congress;

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

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

(B) DESCRIPTION OF BENEFITS- For each proposed feasibility study and proposed modification to an authorized water resources development project or feasibility study included in the annual report, the Secretary shall describe the potential benefit of the proposed feasibility study or modification, including, to the extent applicable, whether the water resources development project that is the subject of the proposed feasibility study, or the proposed modification, will--

(i) reduce risks to human life or public safety or property;

(ii) benefit the national economy;

(iii) stimulate the creation of jobs;

(iv) reduce the need for future disaster relief;

(v) promote the development and delivery of domestic energy resources;

(vi) improve the competitiveness of United States exports;

(vii) improve water-related transportation for interstate or international commerce;

(viii) restore or protect, or mitigate the impacts of a water resources development project on, the environment; or

(ix) promote the use of cost-effective and sustainable solutions to water resources challenges.

(2) TRANSPARENCY- The Secretary shall include in the annual report, for each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project or feasibility study--

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of--

(i) the feasibility report;

(ii) the proposed feasibility study;

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

(iv) construction of--

(I) the water resources development project that is the subject of--

(aa) the feasibility report;

(bb) the proposed feasibility study; or

(cc) the authorized feasibility study for which a modification is proposed; or

(II) the proposed modification to an authorized water resources development project;

(B) a letter or statement of support for the feasibility report, proposed feasibility study, or proposed modification to an authorized water resources development project or feasibility study from each associated non-Federal interest;

(C) the purpose of the feasibility report, proposed feasibility study, or proposed modification to an authorized water resources development project or feasibility study;

(D) an estimate of the Federal, non-Federal, and total costs of--

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

(ii) construction of--

(I) the water resources development project that is the subject of--

(aa) the feasibility report; or

(bb) the authorized feasibility study for which a modification is proposed, with respect to the change in costs resulting from such modification; or

(II) the proposed modification to an authorized water resources development project; and

(E) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of--

(i) the water resources development project that is the subject of--

(I) the feasibility report;

(II) the proposed feasibility study; or

(III) the authorized feasibility study for which a modification is proposed, with respect to the benefits of such modification; or

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

(3) CERTIFICATION- The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project or feasibility study included in the annual report meets the criteria in subsection (c)(1)(A).

(d) Special Rule for Initial Annual Report- Notwithstanding any other deadlines required by this section, the Secretary shall--

(1) not later than 30 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1);

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 90 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section; and

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

(e) Publication- Upon submission of the annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(f) Definitions- In this section, the following definitions apply:

(1) ANNUAL REPORT- The term `annual report' means the report required by subsection (a).

(2) FEASIBILITY REPORT- The term `feasibility report' means a final feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), and includes--

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

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

(3) FEASIBILITY STUDY- The term `feasibility study' has the meaning given that term in section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(4) NON-FEDERAL INTEREST- The term `non-Federal interest' has the meaning given that term in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

SEC. 116. ACTIONS TO BE TAKEN IN CONJUNCTION WITH THE PRESIDENT'S ANNUAL BUDGET SUBMISSION TO CONGRESS.

(a) Recommendations for Corps of Engineers Construction Projects in President's Budget-

(1) IN GENERAL- For each fiscal year, as part of the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, the President shall--

(A) identify and recommend Corps of Engineers construction projects for which Congress should provide funding at the full level authorized for the project; and

(B) provide an explanation of the process used by the President in making the recommendations.

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

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

(b) Missouri River Basin- To assist in the prioritization of Federal activities carried out related to the project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), and in conjunction with the President's submission to Congress of a budget under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report that provides--

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

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

(3) an assessment of the progress made in furtherance of the project, including a description of how each of the actions identified under paragraph (1) have impacted such progress; and

(4) an assessment of additional actions necessary to achieve the results of the project.

SEC. 117. HURRICANE AND STORM DAMAGE REDUCTION STUDY.

As part of the study for flood and storm damage reduction related to natural disasters to be carried out by the Secretary under title II of division A of the Disaster Relief Appropriations Act, 2013, under the heading `Department of the Army--Corps of Engineers--Civil--Investigations' (127 Stat. 5), the Secretary shall make specific project recommendations. The Secretary may include those recommendations in the report entitled `Report to Congress on Future Water Resources Development', developed in accordance with this Act.

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

(a) In General- If requested by a non-Federal interest, the Secretary shall carry out a locally preferred plan that provides a higher level of protection than a flood risk management project authorized under this Act if the Secretary determines that--

(1) the plan is technically feasible and environmentally acceptable; and

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

(b) Non-Federal Costs- If the Secretary carries out a locally preferred plan under subsection (a), the cost attributable to the higher level of protection provided under the plan shall be paid by the non-Federal interest.

SEC. 119. REVIEW OF EMERGENCY RESPONSE AUTHORITIES.

(a) In General- The Secretary shall undertake a review of implementation of section 5 of the Act entitled `An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved August 18, 1941 (33 U.S.C. 701n), to evaluate the alternatives available to the Secretary to ensure--

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

(2) the resiliency of water resources development projects to future flooding and storm events;

(3) the long-term cost effectiveness of water resources development projects that provide flood control and hurricane and storm damage reduction benefits; and

(4) the policy goals and objectives that have been outlined by the President as a response to recent extreme weather events, including Hurricane Sandy, that relate to preparing for future floods are met.

(b) Scope of Review- In carrying out the review, the Secretary shall--

(1) review the historical precedents and implementation of section 5 of such Act, including those actions undertaken by the Secretary, over time, under that section--

(A) to repair or restore a project; and

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

(2) evaluate the difference between adopting, as an appropriate standard under section 5 of such Act, the repair or restoration of a project to pre-flood or pre-storm levels and the repair or restoration of a project to a design level of protection, including an assessment for each standard of--

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

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

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

(D) the implications on probability of increased property damage and associated costs;

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

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

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

(4) incorporate the work completed by the Hurricane Sandy Rebuilding Task Force, established by Executive Order 13632 (December 7, 2012).

(c) Report to Congress- Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the review.

SEC. 120. EMERGENCY COMMUNICATION OF RISK.

(a) In General- In any river basin where the Secretary carries out flood risk management activities subject to an annual operating plan, the Secretary shall establish procedures for providing the public and affected governments, including Indian tribes, in the river basin with--

(1) timely information regarding expected water levels;

(2) advice regarding appropriate preparedness actions;

(3) technical assistance; and

(4) any other information or assistance determined appropriate by the Secretary.

(b) Procedures- The Secretary shall utilize the procedures only when precipitation or runoff exceeds those calculations considered as the lowest risk to life and property contemplated by the annual operating plan.

(c) Definitions- In this section, the following definitions apply:

(1) AFFECTED GOVERNMENT- The term `affected government' means a State, local, or tribal government with jurisdiction over an area that will be affected by a flood.

(2) ANNUAL OPERATING PLAN- The term `annual operating plan' means a plan prepared by the Secretary that describes potential water condition scenarios for a river basin for a year.

SEC. 121. IMPROVEMENTS TO THE NATIONAL DAM SAFETY PROGRAM ACT.

(a) Administrator-

(1) IN GENERAL- The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking `Director' each place it appears and inserting `Administrator'.

(2) CONFORMING AMENDMENT- Section 2(3) of such Act (33 U.S.C. 467(3)) is amended in the paragraph heading by striking `Director' and inserting `Administrator'.

(b) Inspection of Dams- Section 3(b)(1) of such Act (33 U.S.C. 467a(b)(1)) is amended by striking `or maintenance' and inserting `maintenance, condition, or provision for emergency operations'.

(c) National Dam Safety Program-

(1) OBJECTIVES- Section 8(c)(4) of such Act (33 U.S.C. 467f(c)(4)) is amended to read as follows:

`(4) develop and implement a comprehensive dam safety hazard education and public awareness initiative to assist the public in mitigating against, preparing for, responding to, and recovering from dam incidents;'

(2) BOARD- Section 8(f)(4) of such Act (33 U.S.C. 467f(f)(4)) is amended by inserting `, representatives from nongovernmental organizations,' after `State agencies'.

SEC. 122. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.

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

(1) in subsection (b)(1) by striking `until the date that is 2 years after the date of enactment of this Act';

(2) in the heading of subsection (c) by inserting `or Modified' after `New'; and

(3) in subsection (c)--

(A) in matter preceding paragraph (1) by inserting `new or modified' after `establishes any'; and

(B) in paragraph (3) by striking `until the date that is 2 years after the date of enactment of this Act' and inserting `until the Secretary has complied with the provisions of this subsection'.

SEC. 123. LEVEE SAFETY.

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

`(e) Levee Safety-

`(1) IN GENERAL- At the request of a State, and in consultation with that State and appropriate non-Federal interests, the Secretary may provide technical assistance to a State to--

`(A) encourage effective State programs intended to ensure levee safety to protect human life and property;

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

`(C) improve an existing State levee safety program.

`(2) PURPOSES- The purposes of technical assistance provided under this subsection shall be--

`(A) to ensure that human lives and property that are protected by new and existing levees are safe;

`(B) to encourage the use of appropriate engineering policies and procedures for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;

`(C) to encourage effective levee safety programs in a State;

`(D) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

`(E) to build public awareness of the residual risks associated with living in levee protected areas; and

`(F) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

`(3) FEDERAL GUIDELINES-

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

`(B) INCORPORATION OF FEDERAL ACTIVITIES- The guidelines established under subparagraph (A) shall encompass, to the maximum extent practicable, activities and practices carried out by appropriate Federal agencies.

`(C) INCORPORATION OF STATE AND LOCAL ACTIVITIES- The guidelines established under subparagraph (A) shall encompass, to the maximum extent practicable--

`(i) the activities and practices carried out by States, local governments, and the private sector to safely build, regulate, operate, and maintain levees; and

`(ii) Federal activities that facilitate State efforts to develop and implement effective State programs for the safety of levees, including levee inspection, levee rehabilitation, locally developed flood plain management, and public education and training programs.

`(D) REVIEW- The Secretary shall allow States and non-Federal interests, including appropriate stakeholders, to review and comment on the guidelines established under subparagraph (A) before the guidelines are made final.

`(4) ASSISTANCE FOR STATE LEVEE SAFETY PROGRAMS-

`(A) ELIGIBILITY- To be eligible for technical assistance under this subsection, a State shall--

`(i) be in the process of establishing or have in effect a State levee safety program under which a State levee safety agency, in accordance with State law, carries out the guidelines established under paragraph (3); and

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

`(B) WORK PLANS- The Secretary shall enter into an agreement with each State receiving technical assistance under this subsection to develop a work plan necessary for the State levee safety program of that State to reach a level of program performance that meets the guidelines established under paragraph (3).

`(C) INSPECTION PROGRAMS- The Secretary shall work with States receiving technical assistance under this subsection to develop State technical guidelines for levee inspection programs that--

`(i) address hazard classifications and technically based frameworks for levee assessment; and

`(ii) are incorporated into State levee safety programs.

`(D) MAINTENANCE OF EFFORT- Technical assistance may not be provided to a State under this subsection during a fiscal year unless the State enters into an agreement with the Secretary to ensure that the State will maintain during that fiscal year aggregate expenditures for programs to ensure levee safety that are at or above the average annual level of such expenditures for the State for the 2 fiscal years preceding that fiscal year.'

SEC. 124. VEGETATION ON LEVEES.

(a) Review- The Secretary of the Army, in accordance with subsection (c), shall undertake a comprehensive review of the Corps of Engineers policy guidelines on vegetation management for levees (in this section referred to as the `guidelines'). The Secretary shall commence the review upon the date of enactment of this Act.

(b) Factors-

(1) IN GENERAL- In conducting the review, the Secretary shall examine the guidelines in view of--

(A) the varied interests and responsibilities in managing flood risks, including the need to provide the greatest levee safety benefit with limited resources;

(B) preserving, protecting, and enhancing natural resources, including the potential benefit that vegetation on levees can have in providing habitat for species of concern;

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

(D) determining how vegetation impacts the performance of a levee or levee system during a storm or flood event; and

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

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

(c) Cooperation and Recommendations-

(1) IN GENERAL- The review shall be undertaken in cooperation with interested Federal agencies and in consultation with interested representatives of State and local governments, Indian tribes, appropriate nongovernmental organizations, and the public.

(2) RECOMMENDATIONS- Corps of Engineers Regional Integration Teams, representing districts, divisions, and headquarters, in consultation with State and Federal resources agencies, and with participation by local agencies, shall recommend to the Secretary vegetation management policies for levees that conform with State and Federal laws and other applicable requirements.

(d) Revision of Guidelines-

(1) IN GENERAL- During the 1-year period beginning on the date of enactment of this Act, the Secretary shall--

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

(B) revise the guidelines based on consideration of the results of the public review; and

(C) submit to Congress a report that contains a summary of the activities of the Secretary and a description of the findings of the Secretary under this section.

(2) CONTENT; INCORPORATION INTO MANUAL- The revised guidelines shall--

(A) provide a practical process for approving regional or watershed variances from the national guidelines, reflecting due consideration of measures to maximize public safety benefits with limited resources, levee performance, regional climatic and hydrologic variations, environmental quality, implementation challenges, and allocation of responsibilities; and

(B) be incorporated into the manual proposed under section 5(c) of the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved August 18, 1941 (33 U.S.C. 701n(c)).

(e) Continuation of Work- Concurrent with completion of the requirements of this section, the Secretary shall proceed without interruption or delay with those ongoing or programmed projects and studies, or elements of projects or studies, that are not directly related to vegetation variance policy.

SEC. 125. REDUCTION OF FEDERAL COSTS.

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

'(4) REDUCING COSTS- To reduce or avoid Federal costs, the Secretary shall consider the beneficial use of dredged material in a manner that contributes to the maintenance of sediment resources in the nearby coastal system.'

SEC. 126. ADVANCED MODELING TECHNOLOGIES.

(a) In General- To the greatest extent practicable, the Secretary shall encourage and incorporate advanced modeling technologies, including 3-dimensional digital modeling, for activities related to water resources development projects and studies.

(b) Activities- In carrying out subsection (a), the Secretary, to the greatest extent practicable, shall--

- (1) compile information related to advanced modeling technologies, including industry best practices with respect to the use of the technologies;
- (2) disseminate to non-Federal interests the information described in paragraph (1); and
- (3) promote the use of advanced modeling technologies.

(c) Advanced Modeling Technology Defined- In this section, the term `advanced modeling technology' means an available or developing technology, including 3-dimensional digital modeling, that can expedite project delivery for or improve the evaluation of water resources development projects that receive Federal funding by--

- (1) accelerating and improving the environmental review process;
- (2) increasing effective public participation;
- (3) enhancing the detail and accuracy of project designs;
- (4) increasing safety;
- (5) accelerating construction and reducing construction costs; or
- (6) otherwise achieving such purposes.

SEC. 127. ENHANCED USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

(a) Report- Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the Secretary's actions to carry out section 2301 of title 41, United States Code, regarding the use of electronic commerce in Federal procurement.

(b) Contents- The report submitted under subsection (a) shall include, with respect to the 2 fiscal years most recently ended before the fiscal year in which the report is submitted--

- (1) an identification of the number, type, and dollar value of procurement solicitations with respect to which the public was permitted to respond to the solicitation electronically, which shall differentiate between solicitations that allowed full or partial electronic submission;
- (2) an analysis of the information provided under paragraph (1) and actions that could be taken by the Secretary to refine and improve the use of electronic submission for procurement solicitation responses;
- (3) an analysis of the potential benefits of and obstacles to implementing fuller use of electronic submission for procurement solicitation responses, including with respect to cost savings, error reduction, paperwork reduction, increased bidder participation, and competition, and expanded use of electronic bid data collection for cost-effective contract management and timely reporting; and
- (4) an analysis of the options and technologies available to facilitate expanded implementation of electronic submission for procurement solicitation responses and the suitability of each option and technology for contracts of various types and sizes.

SEC. 128. CORROSION PREVENTION.

(a) In General- To the greatest extent practicable, the Secretary shall encourage and incorporate corrosion prevention activities at water resources development projects.

(b) Activities- In carrying out subsection (a), the Secretary, to the greatest extent practicable, shall ensure that contractors performing work for water resources development projects--

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

(2) use industry recognized standards and corrosion mitigation and prevention methods when--

(A) determining protective coatings;

(B) selecting materials; and

(C) determining methods of cathodic protection, design, and engineering for corrosion prevention;

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

(4) use best practices in environmental protection to prevent environmental degradation, and to ensure careful handling of all hazardous materials;

(5) demonstrate a history of employing industry-certified inspectors to ensure adherence to best practices and standards; and

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

(c) Corrosion Prevention Activities Defined- In this section, the term `corrosion prevention activities' means--

(1) the application and inspection of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;

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

(3) any other activities related to corrosion prevention the Secretary determines appropriate.

SEC. 129. RESILIENT CONSTRUCTION AND USE OF INNOVATIVE MATERIALS.

The Secretary, to the extent practicable, shall encourage the use of durable, resilient, and sustainable materials and practices, including the use of geosynthetic materials and innovative technologies, in carrying out the activities of the Corps of Engineers.

SEC. 130. ASSESSMENT OF WATER SUPPLY IN ARID REGIONS.

(a) In General- The Secretary shall conduct an assessment of the management practices, priorities, and authorized purposes at Corps of Engineers reservoirs in arid regions to determine the effects of such practices, priorities, and purposes on water supply during periods of drought.

(b) Report- Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the assessment.

SEC. 131. RIVER BASIN COMMISSIONS.

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

`(f) Report- After each fiscal year, if the Secretary did not allocate funds in accordance with subsection (b), the Secretary, in conjunction with the President's next submission to Congress of a budget under section 1105(a) of title 31, United States Code, shall submit to Congress a report that describes--

`(1) the reasons why the Secretary did not allocate funds in accordance with subsection (b) during that fiscal year; and

`(2) the impact, on the jurisdiction of each Commission specified in subsection (b), of not allocating the funds, including with respect to--

- `(A) water supply allocation;
- `(B) water quality protection;
- `(C) regulatory review and permitting;
- `(D) water conservation;
- `(E) watershed planning;
- `(F) drought management;
- `(G) flood loss reduction;
- `(H) recreation; and
- `(I) energy development.'

SEC. 132. SENSE OF CONGRESS REGARDING WATER RESOURCES DEVELOPMENT BILLS.

(a) Findings- Congress finds the following:

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

(2) Since 2000, only 1 water resources development bill has been enacted.

(b) Sense of Congress- It is the sense of Congress that, because the missions of the Corps of Engineers are unique and benefit all individuals in the United States and because water resources development projects are critical to maintaining economic prosperity, national security, and environmental protection, Congress should consider a water resources development bill not less than once every Congress.

TITLE II--NAVIGATION IMPROVEMENTS

Subtitle A--Ports

SEC. 201. EXPANDED USE OF HARBOR MAINTENANCE TRUST FUND.

(a) In General- For any fiscal year in which target appropriations described in subsection (b) are met, the Secretary may use up to 5 percent of the total amount made available to the Secretary from the Harbor Maintenance Trust Fund for the eligible operations and maintenance costs described in section 210(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(a)(2)) for that fiscal year for expanded uses of the Harbor Maintenance Trust Fund.

(b) Target Appropriations- For purposes of this section, target appropriations are met for a fiscal year if the total amount made available to the Secretary from the Harbor Maintenance Trust Fund for that fiscal year equals or exceeds, as determined by the Secretary, the following:

(1) For fiscal year 2014, 65 percent of the total amount of harbor maintenance taxes received in fiscal year 2013.

(2) For fiscal year 2015, 67 percent of the total amount of harbor maintenance taxes received in fiscal year 2014.

(3) For fiscal year 2016, 69 percent of the total amount of harbor maintenance taxes received in fiscal year 2015.

(4) For fiscal year 2017, 71 percent of the total amount of harbor maintenance taxes received in fiscal year 2016.

(5) For fiscal year 2018, 73 percent of the total amount of harbor maintenance taxes received in fiscal year 2017.

(6) For fiscal year 2019, 75 percent of the total amount of harbor maintenance taxes received in fiscal year 2018.

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

(c) Definitions- In this section, the following definitions apply:

(1) ELIGIBLE HARBORS AND INLAND HARBORS DEFINED- The term 'eligible harbor or inland harbor' means a harbor or inland harbor that, historically, as determined by the Secretary--

(A) generates an amount of harbor maintenance taxes; that exceeds

(B) the value of maintenance dredging work carried out for the harbor or inland harbor using amounts from the Harbor Maintenance Trust Fund.

(2) EXPANDED USES- The term 'expanded uses' means the following activities performed for an eligible harbor or inland harbor:

(A) The maintenance dredging of a berth in a harbor that is accessible to a Federal navigation project and that benefits commercial navigation at the harbor.

(B) The maintenance dredging and disposal of legacy-contaminated sediment, and sediment unsuitable for open water disposal, if--

(i) such dredging and disposal benefits commercial navigation at the harbor; and

(ii) such sediment--

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

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

(3) TOTAL AMOUNT OF HARBOR MAINTENANCE TAXES RECEIVED- The term 'total amount of harbor maintenance taxes received' means, with respect to a fiscal year, the aggregate of amounts appropriated, transferred, or credited to the Harbor Maintenance Trust Fund under section 9505(a) of the Internal Revenue Code of 1986 for that fiscal year as set forth in the current year estimate provided in the President's budget request for the subsequent fiscal year, submitted pursuant to section 1105 of title 31, United States Code.

(d) Conforming Amendment- Section 9505(c)(1) of the Internal Revenue Code of 1986 is amended by striking '(as in effect on the date of the enactment of the Water Resources Development Act of 1996)'

(e) Sense of Congress- It is the sense of Congress that any increase in harbor maintenance programs described in this section shall result from an overall increase in appropriations for the civil works program of the Corps of Engineers and not from similar reductions in the appropriations for other programs, projects, and activities carried out by the Corps of Engineers for other authorized purposes.

SEC. 202. ASSESSMENT AND PRIORITIZATION OF OPERATION AND MAINTENANCE.

(a) Assessment- Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by adding at the end the following:

`(c) Assessment of Operation and Maintenance Needs-

`(1) IN GENERAL- Not later than 90 days after the date of enactment of this subsection, and biennially thereafter, the Secretary shall assess the operation and maintenance needs of the harbors referred to in subsection (a)(2).

`(2) TYPES OF HARBORS- In carrying out paragraph (1), the Secretary shall assess the operation and maintenance needs of the harbors used for--

`(A) commercial navigation;

`(B) commercial fishing;

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

`(D) use as a harbor of refuge;

`(E) transportation of persons;

`(F) purposes relating to domestic energy production, including the fabrication, servicing, or supply of domestic offshore energy production facilities;

`(G) activities of the Secretary of the department in which the Coast Guard is operating;

`(H) public health and safety related equipment for responding to coastal and inland emergencies;

`(I) recreation purposes; and

`(J) any other authorized purpose.

`(3) REPORT TO CONGRESS- For fiscal year 2015, and biennially thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that, with respect to harbors referred to in subsection (a)(2)--

`(A) identifies the operation and maintenance costs associated with the harbors, including those costs required to achieve and maintain the authorized length, width, and depth for the harbors, on a project-by-project basis;

`(B) identifies the amount of funding requested in the President's budget for the operation and maintenance costs associated with the harbors, on a project-by-project basis;

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

`(D) identifies the harbors for which the President will allocate funding over the next 5 fiscal years for operation and maintenance activities, on a project-by-project basis, including the amounts to be allocated for such purposes.'.

(b) Operation and Maintenance of Emerging Harbor Projects- Section 210 of such Act (33 U.S.C. 2238) is further amended by adding at the end the following:

`(d) Operation and Maintenance of Emerging Harbor Projects-

`(1) IN GENERAL- To the maximum extent practicable, the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors referred to in subsection (a)(2), including expenditures of funds appropriated from the Harbor Maintenance Trust Fund, based on an equitable allocation of funds among all such harbors, regardless of the size or tonnage throughput of the harbor.

`(2) CRITERIA- In determining the equitable allocation of funds under paragraph (1), the Secretary shall--

`(A) utilize the information obtained in the assessment conducted under subsection (c);

`(B) consider the national and regional significance of harbor operation and maintenance; and

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

`(3) EMERGING HARBORS-

`(A) IN GENERAL- Notwithstanding paragraph (1), in making expenditures described in paragraph (1) for each of fiscal years 2015 and 2016, the Secretary shall allocate not less than 10 percent of the total amount of the expenditures to pay for operation and maintenance costs of emerging harbors.

`(B) EMERGING HARBOR DEFINED- In this paragraph, the term `emerging harbor' means a harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of commerce annually.

`(4) EMERGENCY EXPENDITURES- Nothing in this subsection may be construed to prohibit the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor, including the transfer of funding from the operation and maintenance of a separate project, if--

`(A) the Secretary determines that the action is necessary to address the navigation needs of a harbor where safe navigation has been severely restricted due to an unforeseen event; and

`(B) the Secretary provides advance notice and information on the need for the action to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate.

`(5) MANAGEMENT OF GREAT LAKES NAVIGATION SYSTEM- To sustain effective and efficient operation and maintenance of the Great Lakes Navigation System, including any navigation feature in the Great Lakes that is a Federal responsibility with respect to operation and maintenance, the Secretary shall manage and allocate funding for all of the individually authorized projects in the Great Lakes Navigation System as components of a single, comprehensive system, recognizing the interdependence of the projects.'

SEC. 203. PRESERVING UNITED STATES HARBORS.

(a) In General- The Secretary may enter into an agreement with a non-Federal interest, at the request of the non-Federal interest, under which the Secretary agrees to maintain a navigation project for a harbor or inland harbor (in this section referred to as a `federally authorized harbor') in accordance with section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)).

(b) Report by Non-Federal Interest-

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

(2) JUSTIFICATION OF INVESTMENT- A report submitted under paragraph (1) may justify economic investment in the maintenance of a federally authorized harbor based on--

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

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

(3) TERMINATION OF CERTAIN AGREEMENTS- An agreement entered into under subsection (a) with respect to a federally authorized harbor shall contain terms to allow the Secretary to terminate the agreement if the Secretary determines that Federal economic investment in maintaining the harbor is no longer justified.

(c) Limitation on Statutory Construction- Nothing in this section may be construed to preclude the operation and maintenance of a federally authorized harbor under section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)).

SEC. 204. CONSOLIDATION OF DEEP DRAFT NAVIGATION EXPERTISE.

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

`(3) DEEP DRAFT NAVIGATION PLANNING CENTER OF EXPERTISE-

`(A) IN GENERAL- The Secretary shall consolidate deep draft navigation expertise within the Corps of Engineers into a deep draft navigation planning center of expertise.

`(B) LIST- Not later than 60 days after the date of the consolidation required under subparagraph (A), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a list of personnel, including the grade levels and expertise of the personnel, assigned to the center described in subparagraph (A).'

SEC. 205. DISPOSAL SITES.

(a) In General- The Secretary, in accordance with subsections (b) and (c) and with the concurrence of the Administrator of the Environmental Protection Agency, is authorized to reopen the Cape Arundel Disposal Site (in this section referred to as the `Site') as an alternative dredged material disposal site under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)).

(b) Deadline- The Site may remain open under subsection (a) until the earlier of--

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

(2) the date on which an environmental impact statement designating an alternative dredged material disposal site for southern Maine has been completed; or

(3) the date that is 5 years after the date of enactment of this Act.

(c) Limitations- The use of the Site as a dredged material disposal site under subsection (a) shall be subject to the conditions that--

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

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

Subtitle B--Inland Waterways

SEC. 211. DEFINITIONS.

In this subtitle, the following definitions apply:

- (1) INLAND WATERWAYS TRUST FUND- The term `Inland Waterways Trust Fund' means the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.
- (2) QUALIFYING PROJECT- The term `qualifying project' means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is--
 - (A) authorized before, on, or after the date of enactment of this Act;
 - (B) not completed on the date of enactment of this Act; and
 - (C) funded at least in part from the Inland Waterways Trust Fund.

SEC. 212. PROJECT DELIVERY PROCESS REFORMS.

(a) Requirements for Qualifying Projects- With respect to each qualifying project, the Secretary shall require--

(1) for each project manager, that--

- (A) the project manager have formal project management training and certification; and
- (B) the project manager be assigned from among personnel certified by the Chief of Engineers; and

(2) for an applicable cost estimation, that--

- (A) the Secretary utilize a risk-based cost estimate with a confidence level of at least 80 percent; and
- (B) the cost estimate be implemented--
 - (i) for a qualifying project that requires an increase in the authorized amount in accordance with section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), during the preparation of a post-authorization change report or other similar decision document;
 - (ii) for a qualifying project for which the first construction contract has not been awarded, prior to the award of the first construction contract;
 - (iii) for a qualifying project without a completed feasibility report in accordance with section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), prior to the completion of such a report; and
 - (iv) for a qualifying project with a completed feasibility report in accordance with section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) that has not yet been authorized, during design for the qualifying project.

(b) Additional Project Delivery Process Reforms- Not later than 18 months after the date of enactment of this Act, the Secretary shall--

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

(2) evaluate early contractor involvement acquisition procedures to improve on-time and on-budget project delivery performance; and

(3) implement any additional measures that the Secretary determines will achieve the purposes of this subtitle, including--

(A) the implementation of applicable practices and procedures developed pursuant to management by the Secretary of an applicable military construction program;

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

(C) the use of full-funding contracts or formulation of a revised continuing contracts clause; and

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

(c) Pilot Projects-

(1) IN GENERAL- Subject to paragraph (2), the Secretary may carry out pilot projects to evaluate processes and procedures for the study, design, and construction of qualifying projects.

(2) INCLUSIONS- At a minimum, the Secretary shall carry out pilot projects under this subsection to evaluate--

(A) early contractor involvement in the development of features and components;

(B) an appropriate use of continuing contracts for the construction of features and components; and

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

(d) Inland Waterways User Board- Section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) is amended--

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

`(b) Duties of Users Board-

`(1) IN GENERAL- The Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.

`(2) ADVICE AND RECOMMENDATIONS- For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide--

`(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;

`(B) advice and recommendations to Congress regarding any completed feasibility report in accordance with section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) relating to those features and components;

`(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;

`(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and

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

`(3) PROJECT DEVELOPMENT TEAMS- The chairperson of the Users Board shall appoint a representative of the Users Board to serve as an informal advisor to the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

`(4) INDEPENDENT JUDGMENT- Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board.';

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

`(c) Duties of Secretary- The Secretary shall--

`(1) communicate not less than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and

`(2) submit to the Users Board a courtesy copy of all completed feasibility reports relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.

`(d) Capital Investment Program-

`(1) IN GENERAL- Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Users Board, shall develop and submit to Congress a report describing a 20-year program for making capital investments on the inland and intracoastal waterways based on the application of objective, national project selection prioritization criteria.

`(2) CONSIDERATION- In developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010, as approved by the Users Board.

`(3) CRITERIA- In developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1)--

`(A) are made in all geographical areas of the inland waterways system; and

`(B) ensure efficient funding of inland waterways projects.

`(4) STRATEGIC REVIEW AND UPDATE- Not later than 5 years after the date of enactment of this subsection, and not less frequently than once every 5 years thereafter, the Secretary, in coordination with the Users Board, shall--

`(A) submit to Congress a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations); and

`(B) make revisions to the program, as appropriate.

`(e) Project Management Plans- The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) may sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

`(f) Administration- The Users Board shall be subject to the Federal Advisory Committee Act, other than section 14, and, with the consent of the appropriate agency head, the Users Board may use the facilities and services of any Federal agency. For the purposes of complying with such Act, the members of the Users Board shall not be considered special Government employees (as defined in section 202 of title 18, United States Code). Non-Federal members of the Users Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.'

SEC. 213. EFFICIENCY OF REVENUE COLLECTION.

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

- (1) an evaluation of whether current methods of collection of the fuel tax result in full compliance with requirements of the law;
- (2) whether alternative methods of collection would result in increased revenues into the Inland Waterways Trust Fund; and
- (3) an evaluation of alternative collection options.

SEC. 214. INLAND WATERWAYS REVENUE STUDIES.

(a) Inland Waterways Construction Bonds Study-

(1) STUDY- The Secretary, in coordination with the Secretary of the Treasury, shall conduct a study on the feasibility of authorizing the issuance of federally tax-exempt bonds secured against the available proceeds, including projected annual receipts, in the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

(2) CONTENTS- In carrying out the study, the Secretary and the Secretary of the Treasury shall examine the implications of and the potential revenues that could be generated by the issuance of such bonds.

(3) CONSULTATION- In carrying out the study, the Secretary and the Secretary of the Treasury, at a minimum, shall consult with--

(A) representatives of the Inland Waterway Users Board established by section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251);

(B) representatives of the commodities and bulk cargos that are currently shipped for commercial purposes on the segments of the inland and intracoastal waterways listed in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804);

(C) representatives of other users of locks and dams on the inland and intracoastal waterways, including persons owning, operating, using, or otherwise benefitting from--

(i) hydropower generation facilities;

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

(iii) municipal and industrial water supply;

- (iv) recreation;
- (v) irrigation water supply; or
- (vi) flood damage reduction;

(D) other stakeholders associated with the inland and intracoastal waterways, as identified by the Secretary or the Secretary of the Treasury; and

(E) the heads of other appropriate Federal agencies, including the Secretary of Transportation, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency.

(4) REPORT TO CONGRESS- Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Treasury shall submit a joint report on the results of the study to--

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

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

(b) Potential Fees for Beneficiaries and Users of Inland and Intracoastal Waterways Infrastructure-

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

(2) SCOPE OF STUDY-

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

(B) POTENTIAL REVENUE OPTIONS FOR STUDY- In carrying out the study, the Secretary, at a minimum, shall evaluate potential user fees and other revenue options identified in--

(i) the report of the Congressional Budget Office entitled 'Paying for Highways, Airways, and Waterways: How Can Users Be Charged?', dated May 1, 1992;

(ii) the draft bill submitted by the Assistant Secretary of the Army (Civil Works) to Congress entitled the 'Lock User Fee Act of 2008', dated April 4, 2008;

(iii) the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report, published on April 12, 2010, as approved by the Inland Waterways Users Board established by section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251); and

(iv) the draft bill submitted by the President to Congress entitled the 'Inland Waterways Capital Investment Act of 2011', dated September 2011.

(3) CONDUCT OF STUDY- In carrying out the study, the Secretary shall--

(A) take into consideration whether the potential user fees and revenues from other sources--

(i) are equitably associated with the construction, operation, and maintenance of inland and intracoastal waterway infrastructure, including locks, dams, and navigation channels; and

(ii) can be efficiently collected;

(B) consult with, at a minimum--

(i) representatives of the Inland Waterways Users Board; and

(ii) representatives of other nonnavigation beneficiaries of inland and intracoastal waterway infrastructure, including persons benefitting from--

(I) municipal water supply;

(II) hydropower;

(III) recreation;

(IV) industrial water supply;

(V) flood damage reduction;

(VI) agricultural water supply;

(VII) environmental restoration;

(VIII) local and regional economic development; or

(IX) local real estate interests; and

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

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

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

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

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

SEC. 215. INLAND WATERWAYS STAKEHOLDER ROUNDTABLE.

(a) In General- The Secretary shall conduct an inland waterways stakeholder roundtable to provide for a review and evaluation of alternative approaches--

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

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

(b) Selection of Participants-

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

(2) COMPOSITION- The individuals selected under paragraph (1) shall include--

- (A) representatives of affected shippers and suppliers;
- (B) representatives of State and Federal water managers; and
- (C) other interested persons with direct knowledge of the Inland Waterways System.

(c) Framework and Agenda- The Secretary shall work with a group of the individuals selected under subsection (b) to develop the framework and agenda for the stakeholder roundtable.

(d) Conduct of Stakeholder Roundtable-

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

(2) ISSUES TO BE DISCUSSED- The stakeholder roundtable shall provide for the review and evaluation described in subsection (a) and shall include the following:

- (A) An evaluation of alternatives that have been developed to address funding options for the Inland Waterways System.
- (B) An evaluation of the funding status of the Inland Waterways Trust Fund.
- (C) Prioritization of the ongoing and projected water infrastructure needs of the Inland Waterways System.
- (D) Identification of a process forward for meeting such needs, with timeline for addressing the funding challenges for the inland waterways trust system.

(e) Report to Congress- Not later than 180 days after the date on which the Secretary submits to Congress the report required by section 214(b), the Secretary shall submit to Congress a report that contains--

(1) a summary the stakeholder roundtable, including areas of concurrence on funding approaches and areas or disagreement in meeting funding needs; and

(2) recommendations developed by the Secretary for logical next steps to address the issues discussed at the stakeholder roundtable.

SEC. 216. PRESERVING THE INLAND WATERWAY TRUST FUND.

(a) Olmsted Project Reform-

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

(2) DEFINITION- In this subsection the term `Olmsted Project' means the project for navigation, Lower Ohio River, Locks 52 and 53, Illinois and Kentucky, authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013).

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

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

(b) Annual Report on Progress and Costs- For any inland waterways project that the Secretary carries out that has an estimated total cost of \$500,000,000 or more, the Secretary shall submit to the congressional committees referred to in subsection (a)(4) an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of any future increases of the cost to complete the project.

SEC. 217. PUBLIC COMMENT ON LOCK OPERATIONS.

At least 90 days before carrying out a proposed modification to the operation of a lock at a project for navigation on the inland waterways, the Secretary shall--

- (1) provide notice of the proposed modification in the Federal Register; and
- (2) accept public comments on the proposed modification.

SEC. 218. ASSESSMENT OF OPERATION AND MAINTENANCE NEEDS OF THE ATLANTIC INTRACOASTAL WATERWAY.

(a) In General- Not later than 90 days after the date of enactment of this Act, the Secretary shall assess the operation and maintenance needs of the Atlantic Intracoastal Waterway.

(b) Types of Activities- In carrying out subsection (a), the Secretary shall assess the operation and maintenance needs of the Atlantic Intracoastal Waterway as used for the following purposes:

- (1) Commercial navigation.
- (2) Commercial fishing.
- (3) Subsistence, including utilization by Indian tribes (as such term is defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for subsistence and ceremonial purposes.
- (4) Use as ingress and egress to harbors of refuge.
- (5) Transportation of persons.
- (6) Purposes relating to domestic energy production, including fabrication, servicing, and supply of domestic offshore energy production facilities.
- (7) Activities of the Secretary of the department in which the Coast Guard is operating.
- (8) Public health and safety related equipment for responding to coastal and inland emergencies.
- (9) Recreation purposes.
- (10) Any other authorized purpose.

(c) Report to Congress- For fiscal year 2015, and biennially thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that, with respect to the Atlantic Intracoastal Waterway--

- (1) identifies the operation and maintenance costs required to achieve the authorized length, width, and depth;
- (2) identifies the amount of funding requested in the President's budget for operation and maintenance costs; and

(3) identifies the unmet operation and maintenance needs of the Atlantic Intracoastal Waterway.

SEC. 219. UPPER MISSISSIPPI RIVER PROTECTION.

(a) Economic Impact Study- Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a study and submit to Congress a report on the impact of closing the Upper St. Anthony Falls Lock and Dam on the economy and the environment, including an assessment of the annual average tonnage moving through the Upper St. Anthony Falls Lock and Dam during the preceding 5 years.

(b) Mandatory Closure- Not later than 1 year after the date of enactment of this Act, the Secretary shall close the Upper St. Anthony Falls Lock and Dam if the Secretary determines pursuant to the study conducted under subsection (a) that the annual average tonnage moving through the Upper St. Anthony Falls Lock and Dam during the preceding 5 years was not more than 1,500,000 tons.

(c) Emergency Operations- Nothing in this section may be construed to prevent the Secretary from carrying out emergency lock operations necessary to mitigate flood damage.

(d) Upper St. Anthony Falls Lock and Dam Defined- In this section, the term 'Upper St. Anthony Falls Lock and Dam' means the lock and dam located on Mississippi River Mile 853.9 in Minneapolis, Minnesota.

SEC. 220. CORPS OF ENGINEERS LOCK AND DAM ENERGY DEVELOPMENT.

Section 1117 of the Water Resources Development Act of 1986 (100 Stat. 4236) is amended to read as follows:

SEC. 1117. W.D. MAYO LOCK AND DAM.

(a) In General- The Cherokee Nation of Oklahoma may--

(1) design and construct one or more hydroelectric generating facilities at the W.D. Mayo Lock and Dam on the Arkansas River, Oklahoma; and

(2) market the electricity generated from any such facility.

(b) Preconstruction Requirements-

(1) PERMITS- Before the date on which construction of a hydroelectric generating facility begins under subsection (a), the Cherokee Nation shall obtain any permit required under Federal or State law, except that the Cherokee Nation shall be exempt from licensing requirements that may otherwise apply to construction, operation, or maintenance of the facility under the Federal Power Act (16 U.S.C. 791a et seq.).

(2) REVIEW OF PLANS AND SPECIFICATIONS- The Cherokee Nation may initiate the design or construction of a hydroelectric generating facility under subsection (a) only after the Secretary reviews and approves the plans and specifications for the design and construction.

(c) Payment of Design and Construction Costs-

(1) IN GENERAL- The Secretary may accept funds offered by the Cherokee Nation and use such funds to carry out the design and construction of a hydroelectric generating facility under subsection (a).

(2) ALLOCATION OF COSTS- The Cherokee Nation shall--

(A) bear all costs associated with the design and construction of a hydroelectric generating facility under subsection (a); and

(B) provide any funds necessary for the design and construction to the Secretary prior to the Secretary initiating any activities related to the design and construction.

(d) Assumption of Liability- The Cherokee Nation shall--

(1) hold all title to a hydroelectric generating facility constructed under subsection (a) and may, subject to the approval of the Secretary, assign such title to a third party;

(2) be solely responsible for--

(A) the operation, maintenance, repair, replacement, and rehabilitation of the facility; and

(B) the marketing of the electricity generated by the facility; and

(3) release and indemnify the United States from any claims, causes of action, or liabilities that may arise out of any activity undertaken to carry out this section.

(e) Assistance Available- The Secretary may provide technical and construction management assistance requested by the Cherokee Nation relating to the design and construction of a hydroelectric generating facility under subsection (a).

(f) Third Party Agreements- The Cherokee Nation may enter into agreements with the Secretary or a third party that the Cherokee Nation or the Secretary determines are necessary to carry out this section.¹

TITLE III--DEAUTHORIZATIONS AND BACKLOG PREVENTION

SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.

(a) Purposes- The purposes of this section are--

(1) to identify \$12,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to--

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

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

(2) to create an expedited and definitive process to deauthorize water resources development projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) Deauthorization of Projects Authorized Before WRDA 2007-

(1) IN GENERAL- Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and shall publish in the Federal Register, a report that lists each authorized water resources development project, or separable element of a project, authorized for construction before November 8, 2007--

(A) for which--

(i) construction was not initiated before the date of enactment of this Act; or

(ii) construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for construction of the project or separable element during the 5-year period ending on July 1, 2013; and

(B) that is identified in accordance with paragraph (3).

(2) SPECIAL RULE FOR ONGOING CONSTRUCTION- A project or separable element shall not be listed pursuant to paragraph (1)(A)(ii) if the project or separable element is being constructed as of the date of enactment of this Act.

(3) IDENTIFICATION OF PROJECTS-

(A) IN GENERAL- The Secretary shall identify in the report submitted under paragraph (1) projects and separable elements that--

(i) meet the requirements described in that paragraph; and

(ii) in the aggregate have an estimated Federal cost to complete (as of the date of the report) that is at least \$12,000,000,000.

(B) SEQUENCING OF PROJECTS- In identifying projects and separable elements under subparagraph (A), the Secretary shall identify projects and separable elements according to the order in which the projects and separable elements were authorized, beginning with the earliest authorized projects and separable elements and ending upon the aggregate estimated Federal cost to complete for the projects and separable elements identified satisfying the requirement under subparagraph (A)(ii).

(4) CONGRESSIONAL REVIEW PERIOD; DEAUTHORIZATION- After the expiration of the 180-day period beginning on the date of the submission of the report under this subsection, any project or separable element identified in that report is hereby deauthorized, unless during such period the non-Federal interest for the project or separable element provides, under Federal law, all funds necessary to complete the project or separable element.

(c) Treatment of Project Modifications- For purposes of this section, if an authorized water resources development project or separable element has been modified in an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent such modification.

SEC. 302. REVIEW OF CORPS OF ENGINEERS ASSETS.

(a) Assessment and Inventory- Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an assessment of all properties under the control of the Corps of Engineers and develop an inventory of the properties that are not needed for the missions of the Corps of Engineers.

(b) Criteria- In conducting the assessment and developing the inventory under subsection (a), the Secretary shall use the following criteria:

(1) The extent to which the property aligns with the current missions of the Corps of Engineers.

(2) The economic impact of the property on existing communities in the vicinity of the property.

(3) The extent to which the utilization rate for the property is being maximized and is consistent with nongovernmental industry standards for the given function or operation.

(4) The extent to which the reduction or elimination of the property could reduce operation and maintenance costs of the Corps of Engineers.

(5) The extent to which the reduction or elimination of the property could reduce energy consumption by the Corps of Engineers.

(c) Notification- As soon as practicable following completion of the inventory of properties under subsection (a), the Secretary shall provide the inventory to the Administrator of General Services.

(d) Report to Congress- Not later than 30 days after the date of the notification under subsection (c), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the findings of the Secretary with respect to the assessment and inventory required under subsection (a).

SEC. 303. BACKLOG PREVENTION.

(a) Project Deauthorization-

(1) IN GENERAL- A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 7-year period beginning on the date of enactment of this Act unless during that period funds have been obligated for construction of such project.

(2) IDENTIFICATION OF PROJECTS- Not later than 60 days after the expiration of the 7-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that identifies the projects deauthorized under paragraph (1).

(b) Report to Congress- Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that contains--

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

(2) a description of the reasons the projects were not completed; and

(3) a schedule for the completion of the projects based on expected levels of appropriations.

SEC. 304. DEAUTHORIZATIONS.

(a) In General- The following projects are not authorized after the date of enactment of this Act:

(1) WALNUT CREEK (PACHECO CREEK), CALIFORNIA- The portions of the project for flood protection on Walnut Creek, California, constructed under section 203 of the Flood Control Act of 1960 (Public Law 86-645; 74 Stat. 488), consisting of the Walnut Creek project from Sta 0+00 to Sta 142+00 and the upstream extent of the Walnut Creek project along Pacheco Creek from Sta 0+00 to Sta 73+50.

(2) WALNUT CREEK (SAN RAMON CREEK), CALIFORNIA- The portion of the project for flood protection on Walnut Creek, California, constructed under section 203 of the Flood Control Act of 1960 (Public Law 86-645; 74 Stat. 488), consisting of the culvert constructed by the Department of the Army on San Ramon Creek from Sta 4+27 to Sta 14+27.

(3) HILLSBOROUGH (HILLSBORO) BAY AND RIVER, FLORIDA- Those portions of the project for navigation, Hillsborough (Hillsboro) Bay and River, Florida, authorized by the Act of March 3, 1899 (30 Stat. 1126; chapter 425), that extend on either side of the Hillsborough River from the Kennedy Boulevard bridge to the mouth of the river that cause the existing channel to exceed 100 feet in width.

(4) KAHULUI WASTEWATER RECLAMATION FACILITY, MAUI, HAWAII- The project carried out pursuant to the authority provided by section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) to provide shoreline protection for the Kahului Wastewater Reclamation Facility, located on the Island of Maui in the State of Hawaii.

(5) CHICAGO HARBOR, ILLINOIS- The portion of the project for navigation, Chicago Harbor, Illinois, authorized by the first section of the Act of March 3, 1899 (30 Stat. 1129; chapter 425), and the first section of the Act of March 2, 1919 (40 Stat. 1283; chapter 95), and described as follows:

(A) Beginning at the southwest corner of Metropolitan Sanitary District of Greater Chicago sluice gate that abuts the north wall of the Chicago River Lock.

(B) Thence running north for approximately 290 feet.

(C) Thence running east approximately 1,000 feet.

(D) Thence running south approximately 290 feet.

(E) Thence running west approximately 1,000 feet to the point of origin.

(6) LUCAS-BERG PIT, ILLINOIS WATERWAY AND GRANT CALUMET RIVER, ILLINOIS- The portion of the project for navigation, Illinois Waterway and Grand Calumet River, Illinois, authorized by the first section of the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved July 24, 1946 (60 Stat. 636; chapter 596), that consists of the Lucas-Berg Pit confined disposal facility, Illinois.

(7) ROCKLAND HARBOR, MAINE- The portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved June 3, 1896 (29 Stat. 202), and described as follows:

(A) Beginning at the point in the 14-foot turning basin limit with coordinates N162,927.61, E826,210.16.

(B) Thence running north 45 degrees 45 minutes 15.6 seconds east 287.45 feet to a point N163,128.18, E826,416.08.

(C) Thence running south 13 degrees 17 minutes 53.3 seconds east 129.11 feet to a point N163,002.53, E826,445.77.

(D) Thence running south 45 degrees 45 minutes 18.4 seconds west 221.05 feet to a point N162,848.30, E826,287.42.

(E) Thence running north 44 degrees 14 minutes 59.5 seconds west 110.73 feet to the point of origin.

(8) CORSICA RIVER, QUEEN ANNE'S COUNTY, MARYLAND- The portion of the project for improving the Corsica River, Maryland, authorized by the first section of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved July 25, 1912 (37 Stat. 205), and described as follows: Approximately 2,000 feet of the eastern section of the project channel extending from--

(A) centerline station 0+000 (coordinates N506350.60, E1575013.60); to

(B) station 2+000 (coordinates N508012.39, E1574720.18).

(9) GLOUCESTER HARBOR AND ANNISQUAM RIVER, MASSACHUSETTS- The portions of the project for navigation, Gloucester Harbor and Annisquam River, Massachusetts, authorized by section 2 of the Act entitled 'An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes',

approved of March 2, 1945 (59 Stat. 12; chapter 19), consisting of an 8-foot anchorage area in Lobster Cove, and described as follows:

(A) Beginning at a bend along the easterly limit of the existing project, N3063230.31, E878283.77, thence running northwesterly about 339 feet to a point, N3063478.86, E878053.83, thence running northwesterly about 281 feet to a bend on the easterly limit of the existing project, N3063731.88, E877932.54, thence running southeasterly about 612 feet along the easterly limit of the existing project to the point of origin.

(B) Beginning at a bend along the easterly limit of the existing project, N3064065.80, E878031.45, thence running northwesterly about 621 feet to a point, N3064687.05, E878031.13, thence running southwesterly about 122 feet to a point, N3064686.98, E877908.85, thence running southeasterly about 624 feet to a point, N3064063.31, E877909.17, thence running southwesterly about 512 feet to a point, N3063684.73, E877564.56, thence running about 741 feet to a point along the westerly limit of the existing project, N3063273.98, E876947.77, thence running northeasterly about 533 feet to a bend along the westerly limit of the existing project, N3063585.62, E877380.63, thence running about 147 feet northeasterly to a bend along the westerly limit of the project, N3063671.29, E877499.63, thence running northeasterly about 233 feet to a bend along the westerly limit of the existing project, N3063840.60, E877660.29, thence running about 339 feet northeasterly to a bend along the westerly limit of the existing project, N3064120.34, E877852.55, thence running about 573 feet to a bend along the westerly limit of the existing project, N3064692.98, E877865.04, thence running about 113 feet to a bend along the northerly limit of the existing project, N3064739.51, E877968.31, thence running 145 feet southeasterly to a bend along the northerly limit of the existing project, N3064711.19, E878110.69, thence running about 650 feet along the easterly limit of the existing project to the point of origin.

(10) IPSWICH RIVER, MASSACHUSETTS- The portion of the project for navigation, Ipswich River, Massachusetts, authorized by the first section of the Act of August 5, 1886 (24 Stat. 317, chapter 929) consisting of a 4-foot channel located at the entrance to the inner harbor at Ipswich Harbor, and described as follows:

(A) Lying northwesterly of a line commencing at N3,074,938.09, E837,154.87.

(B) Thence running easterly approximately 60 feet to a point with coordinates N3,074,972.62, E837,203.93.

(11) EAST FORK OF TRINITY RIVER, TEXAS- The portion of the project for flood protection on the East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), that consists of the 2 levees identified as Kaufman County Levees K5E and K5W.

(12) BURNHAM CANAL, WISCONSIN- The portion of the project for navigation, Milwaukee Harbor Project, Milwaukee, Wisconsin, known as the Burnham Canal, authorized by the first section of the Act entitled 'An Act for the protection of commerce on Lake Michigan', approved March 3, 1843 (5 Stat. 619; chapter 85), and described as follows:

(A) Beginning at channel point #415a N381768.648, E2524554.836, a distance of about 170.58 feet.

(B) Thence running south 53 degrees 43 minutes 41 seconds west to channel point #417 N381667.728, E2524417.311, a distance of about 35.01 feet.

(C) Thence running south 34 degrees 10 minutes 40 seconds west to channel point #501 N381638.761, E2524397.639, a distance of about 139.25 feet.

(D) Thence running south 34 degrees 10 minutes 48 seconds west to channel point #503 N381523.557, E2524319.406, a distance of about 235.98 feet.

(E) Thence running south 32 degrees 59 minutes 13 seconds west to channel point #505 N381325.615, E2524190.925, a distance of about 431.29 feet.

(F) Thence running south 32 degrees 36 minutes 05 seconds west to channel point #509 N380962.276, E2523958.547, a distance of about 614.52 feet.

(G) Thence running south 89 degrees 05 minutes 00 seconds west to channel point #511 N380952.445, E2523344.107, a distance of about 74.68 feet.

(H) Thence running north 89 degrees 04 minutes 59 seconds west to channel point #512 N381027.13, E2523342.91, a distance of about 533.84 feet.

(I) Thence running north 89 degrees 05 minutes 00 seconds east to channel point #510 N381035.67, E2523876.69, a distance of about 47.86 feet.

(J) Thence running north 61 degrees 02 minutes 07 seconds east to channel point #508 N381058.84, E2523918.56, a distance of about 308.55 feet.

(K) Thence running north 36 degrees 15 minutes 29 seconds east to channel point #506 N381307.65, E2524101.05, a distance of about 199.98 feet.

(L) Thence running north 32 degrees 59 minutes 12 seconds east to channel point #504 N381475.40, E2524209.93, a distance of about 195.14 feet.

(M) Thence running north 26 degrees 17 minutes 22 seconds east to channel point #502 N381650.36, E2524296.36, a distance of about 81.82 feet.

(N) Thence running north 88 degrees 51 minutes 05 seconds west to channel point #419 N381732.17, E2524294.72, a distance of about 262.65 feet.

(O) Thence running north 82 degrees 01 minutes 02 seconds east to channel point #415a, the point of origin.

(13) MANITOWOC HARBOR, WISCONSIN- The portion of the project for navigation, Manitowoc River, Manitowoc, Wisconsin, authorized by the Act of August 30, 1852 (10 Stat. 58; chapter 104), and described as follows: The triangular area bound by--

(A) 44.09893383N and 087.66854912W;

(B) 44.09900535N and 087.66864372W; and

(C) 44.09857884N and 087.66913123W.

(b) Seward Waterfront, Seward, Alaska-

(1) IN GENERAL- Subject to paragraph (2), the portion of the project for navigation, Seward Harbor, Alaska, identified as Tract H, Seward Original Townsite, Waterfront Park Replat, Plat No 2012-4, Seward Recording District, shall not be subject to navigation servitude beginning on the date of enactment of this Act.

(2) ENTRY BY FEDERAL GOVERNMENT- The Federal Government may enter upon the property referred to in paragraph (1) to carry out any required operation and maintenance of the general navigation features of the project referred to in paragraph (1).

(c) Port of Hood River, Oregon-

(1) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT- With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easement identified as Tract 1200E-6 on the Easement Deed recorded as Instrument No. 740320 is extinguished above elevation 79.39 feet (NGVD 29), the ordinary high water line.

(2) **AFFECTED PROPERTIES-** The properties described in this paragraph, as recorded in Hood River County, Oregon, are as follows:

- (A) Instrument Number 2010-1235.
- (B) Instrument Number 2010-02366.
- (C) Instrument Number 2010-02367.
- (D) Parcel 2 of Partition Plat 2011-12P.
- (E) Parcel 1 of Partition Plat 2005-26P.

(3) **EXTINGUISHMENT OF FLOWAGE EASEMENT-** With respect to the properties described in paragraph (2), the flowage easement is extinguished if the elevation of the property is above the standard project flood elevation.

(4) **FEDERAL LIABILITIES-** The United States shall not be liable for any injury caused by the extinguishment of the easement under this subsection.

(5) **NO EFFECT ON OTHER RIGHTS-** Nothing in this subsection affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

SEC. 305. LAND CONVEYANCES.

(a) **Tulsa Port of Catoosa, Rogers County, Oklahoma Land Exchange-**

(1) **LAND EXCHANGE-** On conveyance by the Tulsa Port of Catoosa to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to the Tulsa Port of Catoosa all right, title, and interest of the United States in and to the Federal land.

(2) **DEFINITIONS-** In this subsection, the following definitions apply:

(A) **FEDERAL LAND-** The term `Federal land' means the approximately 87 acres of land situated in Rogers County, Oklahoma, contained within United States Tracts 413 and 427 and acquired for the McClellan-Kerr Arkansas Navigation System.

(B) **NON-FEDERAL LAND-** The term `non-Federal land' means the approximately 34 acres of land situated in Rogers County, Oklahoma, and owned by the Tulsa Port of Catoosa that lie immediately south and east of the Federal land.

(3) **SPECIFIC CONDITIONS-**

(A) **DEEDS-**

(i) **DEED TO NON-FEDERAL LAND-** The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(ii) **DEED TO FEDERAL LAND-** The Secretary shall convey the Federal land to the Tulsa Port of Catoosa by quitclaim deed and subject to any reservations, terms, and conditions the Secretary determines necessary to--

(I) allow the United States to operate and maintain the McClellan-Kerr Arkansas River Navigation System; and

(II) protect the interests of the United States.

(iii) **CASH PAYMENT-** If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, the Tulsa Port of

Catoosa shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(b) City of Asotin, Washington-

(1) IN GENERAL- The Secretary shall convey to the city of Asotin, Walla Walla County, Washington, without monetary consideration, all right, title, and interest of the United States in and to the land described in paragraph (3).

(2) REVERSION- If the land transferred under this subsection ceases at any time to be used for a public purpose, the land shall revert to the United States.

(3) DESCRIPTION- The land to be conveyed to the city of Asotin, Washington, under this subsection are--

(A) the public ball fields designated as Tracts 1503, 1605, 1607, 1609, 1611, 1613, 1615, 1620, 1623, 1624, 1625, 1626, and 1631; and

(B) other leased areas designated as Tracts 1506, 1522, 1523, 1524, 1525, 1526, 1527, 1529, 1530, 1531, and 1563.

(c) Generally Applicable Provisions-

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION- The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS- Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) ADDITIONAL TERMS AND CONDITIONS- The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(4) COSTS OF CONVEYANCE- An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) LIABILITY- An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

TITLE IV--WATER RESOURCES INFRASTRUCTURE

SEC. 401. AUTHORIZATION OF FINAL FEASIBILITY STUDIES.

The following final feasibility studies for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plan, and subject to the conditions, described in the respective reports designated in this section:

(1) NAVIGATION-

A. State		B. Name C. Dat
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1. TX, LA Sabine Neches Waterway, Southeast Texas and Southwest Louisiana
2. FL Jacksonville Harbor- Milepoint
3. GA Savannah Harbor Expansion Project
4. TX Freeport Harbor
5. FL Canaveral Harbor (Sect 203 Sponsor Report)

(2) FLOOD RISK MANAGEMENT-

A. State

B. Name C. Da

1. KS Topeka
2. CA American River Watershed, Common Features Project, Natomas Basin
3. IA Cedar River, Cedar Rapids
4. MN, ND Fargo-Moorhead Metro
5. KY Ohio River Shoreline, Paducah

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION-

A. State

B. Name C. Date of Report

1. NC West Onslow Beach and New River Inlet (Topsail Beach)
2. NC Surf City and North Topsail Beach
3. CA San Clemente Shoreline

(4) HURRICANE AND STORM DAMAGE RISK REDUCTION AND ENVIRONMENTAL RESTORATION-

A. State

1. MS Mississippi Coastal Improvement Program (MSCIP) Hancock, Harrison, and
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(5) ENVIRONMENTAL RESTORATION-

A. State

1. MD

2. FL Central and Southern Florida Project, Comprehensive Everglades Restorat

3. LA

4. MN

5. FL Central and Southern Florida Project,

6. FL

7. FL

8. LA

9. NC
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SEC. 402. PROJECT MODIFICATIONS.

(a) Miami Harbor, Miami-Dade County, Florida-

(1) IN GENERAL- The project for navigation, Miami Harbor, Miami-Dade County, Florida, authorized by section 1001(17) of the Water Resources Development Act of 2007 (121 Stat. 1052), is modified to authorize the Secretary to construct the project at a total cost of \$152,510,000, with an estimated Federal cost of \$92,007,000 and a non-Federal cost of \$60,503,000.

(2) APPLICABILITY- Paragraph (1) shall take effect on November 8, 2007.

(b) Lower Ohio River, Illinois and Kentucky- The project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky, authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to construct the project at a total cost of \$2,300,000,000, with a first Federal cost of \$2,300,000,000.

(c) Little Calumet River Basin (Cady Marsh Ditch), Indiana- The project for flood control, Little Calumet River Basin (Cady Marsh Ditch), Indiana, authorized by section 401(a) of the Water

Resources Development Act of 1986 (100 Stat. 4115), and modified by section 127 of Public Law 109-103 (119 Stat. 2259), is further modified to authorize the Secretary to construct the project at a total cost of \$269,988,000, with an estimated Federal cost of \$202,800,000 and a non-Federal cost of \$67,188,000.

END