

Comparing the base document H.R.8, as reported, with Rules Committee Print 115-72

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Deletions: One or more sections (or big levels) were deleted from the first document. All deleted sections or big levels are illustrated at the bottom of the comparative print. If the sections before and after a deleted section are still present in the comparative print, the deleted section will also appear between them. If one or more consecutive sections from a series of sections has been deleted, the deleted sections will also appear before the last section of the series if it is still present.

Section 1. Short title; table of contents

(a) SHORT TITLE.— This Act may be cited as the "Water Resources Development Act of 2018".

(b) TABLE OF CONTENTS.—

The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Secretary defined.

TITLE I—GENERAL PROVISIONS

Sec. 101. Sense of Congress regarding water resources development bills.

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- Sec. 1254. Funding to process permits.
- Sec. 1265. Study on economic and budgetary analyses.
- Sec. 1276. Study of corrosion management at Corps of Engineers projects.
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- Sec. 1298. Report on innovative materials.
- Sec. 13029. Study on Corps of Engineers.
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- Sec. 1321. GAO report on Alaska Native village relocation efforts due to flooding and erosion threats.
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- Sec. 1343. Corps of Engineers continuing authorities program.
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- Sec. 1365. Lake Okeechobee regulation schedule review.
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- Sec. 1387. Access to real estate data.
- Sec. 1398. Aquatic invasive species research.
- Sec. 14039. Harmful algal bloom technology demonstration.
- Sec. 1410. Bubbly Creek, Chicago ecosystem restoration.
- Sec. 1421. Operation and maintenance of navigation and hydroelectric facilities.
- Sec. 1432. Hurricane and storm damage reduction.
- Sec. 1443. Post-disaster watershed assessments in the territories of the United States.

TITLE II—STUDIES

- Sec. 201. Authorization of proposed feasibility studies.
- Sec. 202. Additional studies.
- Sec. 203. Expedited completion of reports for certain projects.

TITLE III—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS

- Sec. 301. Deauthorization of inactive projects.
- Sec. 302. Backlog prevention.
- Sec. 303. Project modifications.
- Sec. 304. Milwaukee Harbor, Milwaukee, Wisconsin.
- Sec. 305. Bridgeport Harbor, Connecticut.
- Sec. 306. Conveyances.
- Sec. 307. Clatsop County, Oregon.
- Sec. 308. Kissimmee River Restoration, Central and Southern Florida.
- Sec. 309. Lytle and Cajon Creeks, California.
- Sec. 310. Yuba River Basin, California.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Project authorizations.

Sec. 2. Secretary defined

In this Act, the term "Secretary" means the Secretary of the Army.

Title I—General Provisions

Sec. 101. Sense of Congress regarding water resources development bills

It is the sense of Congress that, because the missions of the Corps of Engineers for navigation, flood control, beach erosion control and shoreline protection, hydroelectric power, recreation, water supply, environmental protection, restoration, and enhancement, and fish and wildlife mitigation benefit all Americans, and because water resources development projects are critical to maintaining the country's economic prosperity, national security, and environmental protection, Congress should consider a water resources development bill not less often than once every Congress.

[NOTE-- DELETED : Sec. 102. Use of Harbor Maintenance Trust Fund to support navigation]

Sec. 1032. Assessment of harbors and inland harbors

~~Subsection (f) of section 210(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2238), as redesignated by section 102,~~ is amended—

(1) in paragraph (1), by striking "shall assess the" and inserting "shall assess, and issue a report to Congress on, the"; and

(2) in paragraph (2), by adding at the end the following:

"(C) OPPORTUNITIES FOR BENEFICIAL USE OF DREDGED MATERIALS.— In carrying out paragraph (1), the Secretary shall identify potential opportunities for the beneficial use of dredged materials obtained from harbors and inland harbors referred to in subsection (a)(2), including projects eligible under section 1122 of the Water Resources Development Act of 2016 (130 Stat. 1645; 33 U.S.C. 2326 note)."

Sec. 1043. Levee safety initiative reauthorization

Title IX of the Water Resources Development Act of 2007 (33 U.S.C. 3301 et seq.) is amended—

(1) in section 9005(g)(2)(E)(i), by striking "2015 through 2019" and inserting "2019 through 2023"; and

(2) in section 9008, by striking "2015 through 2019" each place it appears and inserting "2019 through 2023".

Sec. 1054. Dam safety

Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended by striking "2015 through 2019" each place it appears and inserting "2019 through 2023".

Sec. 1065. Rehabilitation of Corps of Engineers constructed dams

Section 1177 of the Water Resources Development Act of 2016 (33 U.S.C. 467f–2 note) is amended—

(1) in subsection (e), by striking "\$10,000,000" and inserting "\$40,000,000"; and

(2) in subsection (f), by striking "\$10,000,000" and inserting "\$40,000,000".

Sec. 1076. Forecast-informed reservoir operations

(a) REPORT ON FORECAST-INFORMED RESERVOIR OPERATIONS.— Not later than one year after the date of completion of the forecast-informed reservoir operations research study pilot program at Coyote Valley Dam, Russian River Basin, California (authorized by the River and Harbor Act of 1950 (64 Stat. 177)), the Secretary shall issue 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 on the results of the study pilot program.

(b) CONTENTS OF REPORT.— The Secretary shall include in the report issued under subsection (a)—

(1) an analysis of the use of forecast-informed reservoir operations at Coyote Valley Dam, California;

(2) an assessment of the viability of using forecast-informed reservoir operations at other dams owned or operated by the Secretary;

(3) an identification of other dams owned or operated by the Secretary where forecast-informed reservoir operations may assist the Secretary in the optimization of future reservoir operations; and

(4) any additional areas for future study of forecast-informed reservoir operations.

Sec. 1087. Identification of nonpowered dams for hydropower development

(a) IN GENERAL.— Not later than 18 months after the date of enactment of this section, the Secretary shall develop a list of existing nonpowered dams owned and operated by the Corps of Engineers that have the greatest potential for hydropower development.

(b) CONSIDERATIONS.— In developing the list under subsection (a), the Secretary may consider the following:

(1) The compatibility of hydropower generation with existing purposes of the dam.

(2) The proximity of the dam to existing transmission resources.

(3) The existence of studies to characterize environmental, cultural, and historic resources relating to the dam.

(4) Whether hydropower is an authorized purpose of the dam.

(c) AVAILABILITY.— The Secretary shall provide the list developed under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make such list available to the public.

Sec. 1098. Emergency response to natural disasters

(a) IN GENERAL.— Section 5(a)(1) of the Act of August 18, 1941 (33 U.S.C. 701n(a)(1)) is amended in the first sentence—

(1) by striking "strengthening, raising, extending, or other modification thereof" and inserting "strengthening, raising, extending, realigning, or other modification thereof"; and

(2) by striking "structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers," and inserting "structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to either the pre-storm level or the design level of protection, whichever provides greater protection, when, in the discretion of the Chief of Engineers,".

(b) DURATION.— Section 156(e) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by striking "6 years" and inserting "9 years".

Sec. 1102. Integrated water resources planning

In carrying out a water resources development feasibility study, the Secretary shall consult with local governments in the watershed covered by such study to determine if local water management plans exist, or are under development, for the purposes of stormwater management, water quality improvement, aquifer recharge, or water reuse.

Sec. 1110. Mitigation banks

(a) DEFINITION OF MITIGATION BANK.— In this section, the term "mitigation bank" has the meaning given that term in section 332.2 of title 33, Code of Federal Regulations.

(b) GUIDANCE.— The Secretary shall issue guidance on the use of mitigation banks to meet requirements for water resources development projects in order to update mitigation bank credit release schedules to—

(1) support the goal of achieving efficient permitting and maintaining appropriate environmental protections; and

(2) promote increased transparency in the use of mitigation banks.

(c) REQUIREMENTS.— The guidance issued under subsection (b) shall—

(1) be consistent with—

(A) part 230 of title 40, Code of Federal Regulations;

(B) section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283);

(C) part 332 of title 33, Code of Federal Regulations; and

(D) section 314(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 33 U.S.C. 1344 note); and

(2) provide for—

(A) the mitigation bank sponsor to provide sufficient financial assurances to ensure a high level of confidence that the compensatory mitigation project will be successfully completed, in accordance with applicable performance standards, under section 332.3(n) of title 33, Code of Federal Regulations;

(B) the mitigation bank sponsor to reserve the share of mitigation bank credits required to ensure ecological performance of the mitigation bank, in accordance with section 332.8(o) of title 33, Code of Federal Regulations; and

(C) all credits except for the share reserved under subparagraph (B) to be available upon completion of the construction of the mitigation bank.

Sec. 1121. Indian Tribes

(a) **COST SHARING PROVISIONS FOR THE TERRITORIES AND INDIAN TRIBES.**— Section 1156(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2310(a)(2)) is amended by striking "section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130)" and inserting "section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))".

(b) **WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.**— Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1)) is amended by striking "a federally recognized Indian tribe and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation, and Village Corporation" and inserting "an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))".

Sec. 1132. Columbia River

(a) **BONNEVILLE DAM, OREGON.**— Section 1178(c)(1)(A) of the Water Resources Development Act of 2016 (130 Stat. 1675) is amended by striking "may provide assistance" and inserting "may provide assistance, which may include housing and related improvements,".

(b) **JOHN DAY DAM, WASHINGTON AND OREGON.**—

(1) **IN GENERAL.**— The Secretary shall, not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of the Interior, conduct a study to determine the extent to which Indian Tribes have been displaced as a result of the construction of the John Day Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179), including an assessment of effects related to housing and related improvements.

(2) **ADDITIONAL ACTIONS.**— If the Secretary determines, based on the study under paragraph (1), that assistance is required, the Secretary may use all existing authorities of the Secretary to provide assistance, which may include housing and related improvements, to Indian Tribes displaced as a result of the construction of the John Day Dam, Columbia River, Washington and Oregon.

(3) **REPEAL.**— Section 1178(c)(2) of the Water Resources Development Act of 2016 (130 Stat. 1675) is repealed.

(c) **THE DALLES DAM, WASHINGTON AND OREGON.**— The Secretary, in consultation with the Secretary of the Interior, shall complete a village development plan for any Indian Tribe displaced as a result of the construction of the Dalles Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179).

Sec. 1143. Dissemination of information

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

(1) Congress plays a central role in identifying, prioritizing, and authorizing vital water resources infrastructure activities throughout the United States.

(2) The Water Resources Reform and Development Act of 2014 (Public Law 113–121) established a new and transparent process to review and prioritize the water resources development activities of the Corps of Engineers with strong congressional oversight.

(3) Section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) requires the Secretary to develop and submit to Congress each year a Report to Congress on Future Water Resources Development and, as part of the annual report process, to—

(A) publish a notice in the Federal Register that requests from non-Federal interests proposed feasibility studies and proposed modifications to authorized water resources development projects and feasibility studies for inclusion in the report; and

(B) review the proposals submitted and include in the report those proposed feasibility studies and proposed modifications that meet the criteria for inclusion established under such section 7001.

(4) Congress will use the information provided in the annual Report to Congress on Future Water Resources Development to determine authorization needs and priorities for purposes of water resources development legislation.

(5) To ensure that Congress can gain a thorough understanding of the water resources development needs and priorities of the United States, it is important that the Secretary take sufficient steps to ensure that non-Federal interests are made aware of the new annual report process, including the need for non-Federal interests to submit proposals during the Secretary's annual request for proposals in order for such proposals to be eligible for consideration by Congress.

(b) DISSEMINATION OF PROCESS INFORMATION.— The Secretary shall develop, support, and implement education and awareness efforts for non-Federal interests with respect to the annual Report to Congress on Future Water Resources Development required under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), including efforts to—

(1) develop and disseminate technical assistance materials, seminars, and guidance on the annual process as it relates to non-Federal interests;

(2) provide written notice to local elected officials and previous and potential non-Federal interests on the annual process and on opportunities to address local water resources challenges through the missions and authorities of the Corps of Engineers;

(3) issue guidance for non-Federal interests to assist such interests in developing proposals for water resources development projects that satisfy the requirements of such section 7001; and

(4) provide, at the request of a non-Federal interest, assistance with researching and identifying existing project authorizations and Corps of Engineers decision documents.

Sec. 1154. Non-Federal engagement and review

(a) PUBLIC NOTICE.—

(1) IN GENERAL.— Prior to developing and issuing any new or revised implementation guidance for a covered water resources development law, the Secretary shall issue a public notice that—

(A) informs potentially interested non-Federal stakeholders of the Secretary's intent to develop and issue such guidance; and

(B) provides an opportunity for interested non-Federal stakeholders to engage with, and provide input and recommendations to, the Secretary on the development and issuance of such guidance.

(2) ISSUANCE OF NOTICE.— The Secretary shall issue the notice under paragraph (1) through a posting on a publicly accessible website dedicated to providing notice on the development and issuance of implementation guidance for a covered water resources development law.

(b) STAKEHOLDER ENGAGEMENT.—

(1) INPUT.— The Secretary shall allow a minimum of 60 days after issuance of the public notice under subsection (a) for non-Federal stakeholders to provide input and recommendations to the Secretary, prior to finalizing implementation guidance for a covered water resources development law.

(2) OUTREACH.— The Secretary may, as appropriate (as determined by the Secretary), reach out to non-Federal stakeholders and circulate drafts of implementation guidance for a covered water resources development law for informal feedback and recommendations.

(c) DEVELOPMENT OF GUIDANCE.— When developing implementation guidance for a covered water resources development law, the Secretary shall take into consideration the input and recommendations received from non-Federal stakeholders, and make the final guidance available to the public on-line on a publicly accessible website.

(d) COVERED WATER RESOURCES DEVELOPMENT LAW.— In this section, the term "covered water resources development law" means—

(1) the Water Resources Reform and Development Act of 2014;

(2) the Water Resources Development Act of 2016;

(3) this Act; and

(4) any Federal water resources development law enacted after the date of enactment of this Act.

Sec. 1165. Comprehensive backlog report

Section 1001(b)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(4)) is amended—

- (1) in the header, by inserting "and operation and maintenance" after "backlog";
- (2) by amending subparagraph (A) to read as follows:
- "(A) IN GENERAL.— The Secretary shall compile and publish—
- "(i) a complete list of all projects and separable elements of projects of the Corps of Engineers that are authorized for construction but have not been completed; and
- "(ii) a list of major Federal operation and maintenance needs of projects and properties under the control of the Corps of Engineers.";
- (3) in subparagraph (B)—
- (A) in the heading, by inserting "backlog" before "information"; and
- (B) in the matter preceding clause (i), by striking "subparagraph (A)" and inserting "subparagraph (A)(i)";
- (4) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:
- "(C) REQUIRED OPERATION AND MAINTENANCE INFORMATION.— The Secretary shall include on the list developed under subparagraph (A)(ii), for each project and property under the control of the Corps of Engineers on that list—
- "(i) the authority under which the project was authorized or the property was acquired by the Corps of Engineers;
- "(ii) a brief description of the project or property;
- "(iii) an estimate of the Federal costs to meet the major operation and maintenance needs at the project or property; and
- "(iv) an estimate of unmet or deferred operation and maintenance needs at the project or property."; and
- (5) in subparagraph (D), as so redesignated—
- (A) in clause (i), in the matter preceding subclause (I), by striking "Not later than 1 year after the date of enactment of this paragraph, the Secretary shall submit a copy of the list" and inserting "For fiscal year 2019, 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 a copy of the lists"; and
- (B) in clause (ii), by striking "list" and inserting "lists".

Sec. 1176. Structures and facilities constructed by Secretary

Section 14 of the Act of March 3, 1899 (33 U.S.C. 408) is amended by adding at the end the following:

"(d) WORK DEFINED.— For the purposes of this section, the term 'work' shall not include unimproved real estate owned or operated by the Secretary as part of a water resources development project if the Secretary determines that modification of such real estate would not affect the function and usefulness of the project."

Sec. 1187. Transparency in administrative expenses

Section 1012(b)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2315a(b)(1)) is amended by striking "The Secretary" and inserting "Not later than 1 year after the date of enactment of the Water Resources Development Act of 2018, the Secretary".

Sec. 1198. Study of the future of the United States Army Corps of Engineers

(a) IN GENERAL.— The Secretary shall enter into an agreement with the National Academy of Sciences to convene a committee of experts to carry out a comprehensive study on—

(1) the ability of the Corps of Engineers to carry out its statutory missions and responsibilities, and the potential effects of transferring the functions (including regulatory obligations), personnel, assets, and civilian staff responsibilities of the Secretary relating to civil works from the Department of Defense to a new or existing agency or subagency of the Federal Government, including how such a transfer might affect the Federal Government's ability to meet the current statutory missions and responsibilities of the Corps of Engineers; and

(2) improving the Corps of Engineers' project delivery processes, including recommendations for such improvements, taking into account factors including—

(A) the effect of the annual appropriations process on the ability of the Corps of Engineers to efficiently secure and carry out contracts for water resources projects and perform regulatory obligations;

(B) the effect that the current Corps of Engineers leadership and geographic structure at the division and district levels has on its ability to carry out its missions in a cost-effective manner; and

(C) the effect of the frequency of rotations of senior leaders of the Corps of Engineers and how such frequency affects the function of the district.

(b) CONSIDERATIONS.— The study carried out under subsection (a) shall include consideration of—

(1) effects on the national security of the United States;

(2) the ability of the Corps of Engineers to maintain sufficient engineering capability and capacity to assist ongoing and future operations of the United States armed services; and

(3) emergency and natural disaster response obligations of the Federal Government that are carried out by the Corps of Engineers.

(c) CONSULTATION.— The agreement entered into under subsection (a) shall require the National Academy to, in carrying out the study, consult with—

(1) the Department of Defense, including the Secretary of the Army and the Assistant Secretary of the Army for Civil Works;

(2) the Department of Transportation;

(3) the Environmental Protection Agency;

(4) the Department of Homeland Security;

(5) the Office of Management and Budget;

(6) other appropriate Federal agencies;

(7) professional and nongovernmental organizations; and

(8) the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(d) SUBMISSION TO CONGRESS.— The Secretary shall submit the final report of the National Academy containing the findings of the study carried out under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate not later than 2 years after the date of enactment of this Act.

Sec. ~~12019~~. Acknowledgment of credit

Section 7007(a) of the Water Resources Development Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended by adding at the end the following: "Notwithstanding section 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(C)(i)), the Secretary may provide credit for work carried out during the period beginning on November 8, 2007, and ending on the date of enactment of the Water Resources Development Act of 2018 by the non-Federal interest for a project under this title if the Secretary determines that the work is integral to the project and was carried out in accordance with the laws specified in section 5014(i)(2)(A) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1331) and all other applicable Federal laws."

Sec. ~~1210~~. Non-Federal implementation pilot program

Section 1043(b)(8) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note(b)(8)) is amended by striking "2015 through 2019" and inserting "2019 through 2023".

Sec. ~~1221~~. Study of water resources development projects by non-Federal interests

Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended—

(1) in subsection (a)(1), by inserting "federally authorized" before "feasibility study";

(2) by amending subsection (c) to read as follows:

"(c) SUBMISSION TO CONGRESS.—

"(1) REVIEW AND SUBMISSION OF STUDIES TO CONGRESS.— Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

"(A) the results of the Secretary's review of the study under subsection (b), including a determination of whether the project is feasible;

"(B) any recommendations the Secretary may have concerning the plan or design of the project; and

"(C) any conditions the Secretary may require for construction of the project.

"(2) LIMITATION.— The completion of the review by the Secretary of a feasibility study that has been submitted under subsection (a)(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration."; and

(3) by amending subsection (e) to read as follows:

"(e) REVIEW AND TECHNICAL ASSISTANCE.—

"(1) REVIEW.— The Secretary may accept and expend funds provided by non-Federal interests to undertake reviews, inspections, certifications, and other activities that are the responsibility of the Secretary in carrying out this section.

"(2) TECHNICAL ASSISTANCE.— At the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.

"(3) LIMITATION.— Funds provided by non-Federal interests under this subsection shall not be eligible for credit under subsection (d) or reimbursement.

"(4) IMPARTIAL DECISIONMAKING.— In carrying out this section, the Secretary shall ensure that the use of funds accepted from a non-Federal interest will not affect the impartial decisionmaking of the Secretary, either substantively or procedurally."

Sec. 1232. Construction of water resources development projects by non-Federal interests

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

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting "federally authorized" before "water resources development project";

(B) in paragraph (2)(A), by inserting ", except as provided in paragraph (3)" before the semicolon; and

(C) by adding at the end the following:

"(3) PERMIT EXCEPTION.—

"(A) IN GENERAL.— For a project described in subsection (a)(1) or subsection (a)(3), or a separable element thereof, with respect to which a written agreement described in subparagraph (B) has been entered into, a non-Federal interest that carries out a project under this section shall not be required to obtain any Federal permits or approvals that would not be required if the Secretary carried out the project or separable element unless significant new circumstances or information relevant to environmental concerns or compliance have arisen since development of the project recommendation.

"(B) WRITTEN AGREEMENT.— For purposes of this paragraph, a written agreement shall provide that the non-Federal interest shall comply with the same legal and technical requirements that would apply if the project or separable element were carried out by the Secretary, including all mitigation required to offset environmental impacts of the project or separable element as determined by the Secretary.

"(C) CERTIFICATIONS.— Notwithstanding subparagraph (A), if a non-Federal interest carrying out a project under this section would, in the absence of a written agreement entered into under this paragraph, be required to obtain a certification from a State under

Federal law to carry out the project, such certification shall still be required if a written agreement is entered into with respect to the project under this paragraph."; and

(2) in subsection (d)—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B)(ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) in the case of reimbursement, appropriations are provided by Congress for such purpose."; and

(B) in paragraph (5)—

(i) by striking "flood damage reduction" each place it appears and inserting "water resources development";

(ii) in subparagraph (A), by striking "for a discrete segment of a" and inserting "for carrying out a discrete segment of a federally authorized"; and

(iii) in subparagraph (D), in the matter preceding clause (i), by inserting "to be carried out" after "project".

Sec. 1243. Advanced funds for water resources development studies and projects

(a) CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS FOR IMMEDIATE USE ON AUTHORIZED FLOOD-CONTROL WORK; REPAYMENT.— The Act of October 15, 1940 (54 Stat. 1176; 33 U.S.C. 701h–1) is amended—

(1) by striking "a flood-control project duly adopted and authorized by law" and inserting "a federally authorized water resources development project,";

(2) by striking "such work" and inserting "such project";

(3) by striking "from appropriations which may be provided by Congress for flood-control work" and inserting "if appropriations are provided by Congress for such purpose"; and

(4) by adding at the end the following: "For purposes of this Act, the term 'State' means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))).".

(b) NO ADVERSE EFFECT ON PROCESSES.— In implementing any provision of law that authorizes a non-Federal interest to provide, advance, or contribute funds to the Secretary for the development or implementation of a water resources development project (including sections 203 and 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232), section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), and the Act of October 15, 1940 (33 U.S.C. 701h–1)), the Secretary shall ensure, to the maximum extent practicable, that the use by a non-Federal interest of such authorities does not adversely affect—

(1) the process or timeline for development and implementation of other water resources development projects by other non-Federal entities that do not use such authorities; or

(2) the process for including such projects in the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code.

(c) ADVANCES BY PRIVATE PARTIES; REPAYMENT.— Section 11 of the Act of March 3, 1925 (Chapter 467; 33 U.S.C. 561) is repealed.

Sec. 1254. Funding to process permits

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)) is amended—

(1) in paragraph (3), by striking "10 years" and inserting "12 years"; and

(2) in paragraph (5)—

(A) by striking "4 years after the date of enactment of this paragraph" and inserting "December 31, 2022"; and

(B) by striking "carry out a study" and inserting "carry out a followup study".

Sec. 1265. Study on economic and budgetary analyses

(a) **IN GENERAL.**— Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to—

(1) carry out a study on the economic principles and analytical methodologies currently used by or applied to the Corps of Engineers to formulate, evaluate, and budget for water resources development projects; and

(2) make recommendations to Congress on potential changes to such principles and methodologies to improve transparency, return on Federal investment, cost savings, and prioritization, in the formulation, evaluation, and budgeting of such projects.

(b) **CONSIDERATIONS.**— The study under subsection (a) shall include—

(1) an analysis of the current economic principles and analytical methodologies used by or applied to the Corps of Engineers in determining the total benefits and total costs during the formulation of, and plan selection for, a water resources development project;

(2) an analysis of improvements or alternatives to how the Corps of Engineers utilizes the National Economic Development, Regional Economic Development, Environmental Quality, and Other Social Effects accounts developed by the Institute for Water Resources of the Corps of Engineers in the formulation of, and plan selection for, such projects;

(3) an analysis of whether such principles and methodologies fully account for all of the potential benefits of project alternatives, including any reasonably associated benefits of such alternatives that are not contrary to law, Federal policy, or sound water resources management;

(4) an analysis of whether such principles and methodologies fully account for all of the costs of project alternatives, including potential societal costs, such as lost ecosystem services, and full lifecycle costs for such alternatives; and

(5) an analysis of the methodologies utilized by the Federal Government in setting and applying discount rates for benefit-cost analyses used in the formulation, evaluation, and budgeting of Corps of Engineers water resources development projects.

(c) **PUBLICATION.**— The agreement entered into under subsection (a) shall require the National Academy of Sciences to, not later than 30 days after the completion of the study—

(1) submit a report containing the results of the study and the recommendations to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make a copy of such report available on a publicly accessible website.

(d) **SENSE OF CONGRESS ON BUDGETARY EVALUATION METRICS AND TRANSPARENCY.**— It is the sense of Congress that the President, in the formulation of the annual budget request for the U.S. Army Corps of Engineers (Civil Works), should submit to Congress a budget that—

(1) aligns the assessment of the potential benefit-cost ratio for budgeting water resources development projects with that used by the Corps of Engineers during project plan formulation and evaluation pursuant to section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17); and

(2) demonstrates the transparent criteria and metrics utilized by the President in the evaluation and selection of water resources development projects included in the budget request.

Sec. 1276. Study of corrosion management at Corps of Engineers projects

(a) **IN GENERAL.**— Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States 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 study of corrosion management efforts at projects and properties under the control of the Corps of Engineers.

(b) **REQUIREMENTS.**— The study under subsection (a) shall include—

(1) an analysis of—

(A) asset management protocols that are utilized by the Corps of Engineers, including protocols that examine both asset integrity and the integration of corrosion management efforts within the asset lifecycle, which includes the stages of design, manufacturing and construction, operation and maintenance, and decommissioning;

(B) available corrosion prevention technologies that may be used at projects and properties under the control of the Corps of Engineers;

(C) corrosion-related asset failures and the management protocols of the Corps of Engineers to incorporate lessons learned from such failures into work and management practices;

(D) training of Corps of Engineers employees with respect to, and best practices for, identifying and preventing corrosion at projects and properties under the control of the Corps of Engineers; and

(E) the estimated costs and anticipated benefits, including safety benefits, associated with the integration of corrosion management efforts within the asset lifecycle; and

(2) a description of Corps of Engineers, stakeholder, and expert perspectives on the effectiveness of corrosion management efforts to reduce the incidence of corrosion at projects and properties under the control of the Corps of Engineers.

Sec. 1287. Costs in excess of Federal participation limit

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by inserting ", and if such amount is not sufficient to cover the costs included in the Federal cost share for a project, as determined by the Secretary, the non-Federal interest shall be responsible for any such costs that exceed such amount" before the period at the end.

Sec. 1298. Report on innovative materials

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes activities conducted by the Corps of Engineers at centers of expertise, technology centers, technical centers, research and development centers, and similar facilities and organizations relating to the testing, research, development, identification, and recommended uses for innovative materials in water resources development projects.

Sec. 13029. Study on Corps of Engineers

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) describes the capacity and preparedness of the Corps of Engineers workforce, including challenges related to diversity, recruitment, retention, retirements, credentialing, professional development, on-the-job training, and other readiness-related gaps in ensuring a fully prepared 21st century Corps of Engineers workforce; and

(2) contains an assessment of the existing technology used by the Corps of Engineers, the effects of inefficiencies in the Corps' current technology usage, and recommendations for improved technology or tools to accomplish its missions and responsibilities.

Sec. 1310. GAO study

(a) **IN GENERAL.**— Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study of the consideration by the Corps of Engineers of natural features and nature-based features in the study of the feasibility of projects for flood risk management, hurricane and storm damage reduction, and ecosystem restoration.

(b) **CONSIDERATIONS.**— The study under subsection (a) shall include—

(1) a description of guidance or instructions issued, and other measures taken, by the Secretary and the Chief of Engineers to consider natural features and nature-based features in project feasibility studies;

(2) an assessment of the costs, benefits, impacts, and trade-offs associated with natural features and nature-based features recommended by the Secretary for flood risk reduction, hurricane and storm

damage reduction, and ecosystem restoration projects, and the effectiveness of those natural features and nature-based features;

(3) a description of any statutory, fiscal, regulatory, or other policy barriers to the appropriate consideration and use of a full array of natural features and nature-based features; and

(4) any recommendations for changes to statutory, fiscal, regulatory, or other policies to improve the use of natural features and nature-based features by the Corps of Engineers.

(c) DEFINITIONS.— In this section, the terms "natural feature" and "nature-based feature" have the meanings given such terms in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a).

Sec. 1321. GAO report on Alaska Native village relocation efforts due to flooding and erosion threats

(a) DEFINITION OF ALASKA NATIVE VILLAGE.— In this section, the term "Alaska Native village" means a Native village that has a Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(b) REPORT.— The Comptroller General of the United States shall submit to Congress a report on efforts to relocate Alaska Native villages due to flooding and erosion threats that updates the report of the Comptroller General entitled "Alaska Native Villages: Limited Progress Has Been Made on Relocating Villages Threatened by Flooding and Erosion", dated June 2009.

(c) INCLUSIONS.— The report under subsection (b) shall include—

(1) a summary of flooding and erosion threats to Alaska Native villages throughout the State of Alaska, based on information from—

(A) the Corps of Engineers;

(B) the Denali Commission; and

(C) any other relevant sources of information as the Comptroller General determines to be appropriate;

(2) the status of efforts to relocate Alaska Native villages due to flooding and erosion threats; and

(3) any other issues relating to flooding and erosion threats to, or relocation of, Alaska Native villages, as the Comptroller General determines to be appropriate.

Sec. 1332. Study and report on expediting certain waiver processes

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report based on the results of a study on the best options available to the Secretary to implement the waiver process for the non-Federal cost share under section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2851).

Sec. 1343. Corps of Engineers continuing authorities program

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) in subsection (a), by striking "\$50,000,000" and inserting "\$62,500,000"; and

(2) in subsection (b), by striking "\$10,000,000" and inserting "\$12,500,000".

Sec. 1354. Credit in lieu of reimbursement

Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended to read as follows:

"Sec. 1022. Credit in lieu of reimbursement

"(a) REQUESTS FOR CREDITS.— With respect to an authorized flood damage reduction project, or separable element thereof, that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13), or an authorized coastal navigation project that has been constructed by the Corps of Engineers pursuant to section 11 of the Act of March 3, 1925, before the date of enactment of the Water Resources Development Act of 2018, the Secretary may provide to the non-Federal interest,

at the request of the non-Federal interest, a credit in an amount equal to the estimated Federal share of the cost of the project or separable element, in lieu of providing to the non-Federal interest a reimbursement in that amount.

"(b) APPLICATION OF CREDITS.— At the request of the non-Federal interest, the Secretary may apply such credit to the share of the cost of the non-Federal interest of carrying out other flood damage reduction and coastal navigation projects or studies."

Sec. 1365. Lake Okeechobee regulation schedule review

The Secretary, acting through the Chief of Engineers, shall expedite completion of the Lake Okeechobee regulation schedule to coincide with the completion of the Herbert Hoover Dike project, and may consider all relevant aspects of the Comprehensive Everglades Restoration Plan described in section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

Sec. 1376. Missouri River

(a) IRC REPORT.— Not later than 18 months 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 regarding the impacts of interception-rearing complex construction on the navigation, flood control, and other authorized purposes set forth in the Missouri River Master Manual, and on the population recovery of the pallid sturgeon.

(b) NO ADDITIONAL IRC CONSTRUCTION.— Until the report under subsection (a) is submitted, no additional interception-rearing complex construction is authorized.

Sec. 1387. Access to real estate data

(a) IN GENERAL.— As soon as is practicable, using available funds, the Secretary shall make publicly available, including on a publicly accessible website, information relating to all real property with respect to which the Corps of Engineers holds an interest. The information shall include standardized real estate plat descriptions and geospatial information.

(b) LIMITATION.— Nothing in this section may be construed to compel or authorize the disclosure of data or other information determined by the Secretary to be confidential, privileged, national security, or personal information, or information the disclosure of which is otherwise prohibited by law.

Sec. 1398. Aquatic invasive species research

(a) IN GENERAL.— As part of the ongoing activities of the Engineer Research and Development Center to address the spread and impacts of aquatic invasive species, the Secretary shall undertake research on the management and eradication of aquatic invasive species, including Asian carp and zebra mussels.

(b) LOCATIONS.— In carrying out subsection (a), the Secretary shall work with Corps of Engineers district offices representing diverse geographical regions of the continental United States that are impacted by aquatic invasive species, such as the Atlantic, Pacific, and Gulf coasts and the Great Lakes.

(c) REPORT.— Not later than 180 days 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 recommending a plan to address the spread and impacts of aquatic invasive species.

Sec. 14039. Harmful algal bloom technology demonstration

(a) IN GENERAL.— The Secretary, acting through the Engineer Research and Development Center of the Chief of Engineers, shall implement a 5-year harmful algal bloom technology development demonstration under the Aquatic Nuisance Research Program. To the extent practicable, the Corps of Engineers shall support research that will identify and develop improved strategies for early detection, prevention, and management techniques and procedures to reduce the occurrence and effects of harmful algal blooms in the Nation's water resources.

(b) SCALABILITY REQUIREMENT.— The Secretary shall ensure that technologies identified, tested, and deployed under the harmful algal bloom program technology development demonstration have the ability to scale up to meet the needs of harmful-algal-bloom-related events.

Sec. 1410. Bubbly Creek, Chicago ecosystem restoration

The Secretary shall enter into a memorandum of understanding with the Administrator of the Environmental Protection Agency to facilitate ecosystem restoration activities at the South Fork of the South Branch of the Chicago River (commonly known as Bubbly Creek).

Sec. 1421. Operation and maintenance of navigation and hydroelectric facilities

(a) IN GENERAL.— Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended—

(1) in the heading by inserting "navigation and" before "hydroelectric facilities";

(2) in the first sentence, by striking "Activities currently performed" and inserting the following:

"(a) IN GENERAL.— Activities currently performed";

(3) in subsection (a) (as designated by paragraph (2)), by inserting "navigation or" before "hydroelectric";

(4) in the second sentence, by striking "This section" and inserting the following:

"(b) MAJOR MAINTENANCE CONTRACTS ALLOWED.— This section"; and

(5) by adding at the end the following:

"(c) EXCLUSION.— This section does not—

"(1) apply to a navigation facility that was under contract on or before the date of enactment of this subsection with a non-Federal interest to perform operations or maintenance; and

"(2) prohibit the Secretary from contracting out commercial activities after the date of enactment of this subsection at a navigation facility.".

(b) CLERICAL AMENDMENT.—

The table of contents contained in section 1(b) of the Water Resources Development Act of 1990 (104 Stat. 4604) is amended by striking the item relating to section 314 and inserting the following:

"Sec. 314. Operation and maintenance of navigation and hydroelectric facilities."

Sec. 1432. Hurricane and storm damage reduction

Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended in subsection (b)—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.— Notwithstanding"; and

(2) by adding at the end the following:

"(2) TIMING.— The 15 additional years under paragraph (1) shall begin on the date of initiation of construction of congressionally authorized nourishment.".

Sec. 1443. Post-disaster watershed assessments in the territories of the United States

Section 3025 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2267b) is amended by adding at the end the following:

"(e) ASSESSMENTS IN THE TERRITORIES OF THE UNITED STATES.—

"(1) IN GENERAL.— For any major disaster declared in the territories of the United States before the date of enactment of this subsection, all activities in the territory carried out or undertaken pursuant to the authorities described under this section shall be conducted at full Federal expense unless the President determines that the territory has the ability to pay the cost share for an assessment under this section without the use of non-Federal funds or loans.

"(2) TERRITORIES DEFINED.— In this subsection, the term 'territories of the United States' means those insular areas specified in section 1156(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2310(a)(1))."

Title II—Studies

Sec. 201. Authorization of proposed feasibility studies

The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

- (1) CAVE BUTTES DAM, ARIZONA.— Project for flood risk management, Phoenix, Arizona.
- (2) SAN DIEGO RIVER, CALIFORNIA.— Project for flood risk management, navigation, and ecosystem restoration, San Diego, California.
- (3) J. BENNETT JOHNSTON WATERWAY, LOUISIANA.— Project for navigation, J. Bennett Johnston Waterway, Louisiana.
- (4) NORTHSHORE, LOUISIANA.— Project for flood risk management, St. Tammany Parish, Louisiana.
- (5) OUACHITA-BLACK RIVERS, LOUISIANA.— Project for navigation, Little River, Louisiana.
- (6) CHAUTAUQUA LAKE, NEW YORK.— Project for ecosystem restoration and flood risk management, Chautauqua, New York.
- (7) TRINITY RIVER AND TRIBUTARIES, TEXAS.— Project for navigation, Liberty, Texas.
- (8) WEST CELL LEVEE, TEXAS.— Project for flood risk management, Irving, Texas.
- (9) COASTAL VIRGINIA, VIRGINIA.— Project for flood risk management, ecosystem restoration, and navigation, Coastal Virginia.
- (10) TANGIER ISLAND, VIRGINIA.— Project for flood risk management and ecosystem restoration, Tangier Island, Virginia.

Sec. 202. Additional studies

(a) LOWER MISSISSIPPI RIVER; MISSOURI, KENTUCKY, TENNESSEE, ARKANSAS, MISSISSIPPI, AND LOUISIANA.—

(1) IN GENERAL.— The Secretary is authorized to carry out studies to determine the feasibility of habitat restoration for each of the eight reaches identified as priorities in the report prepared by the Secretary pursuant to section 402 of the Water Resources Development Act of 2000, titled "Lower Mississippi River Resource Assessment; Final Assessment In Response to Section 402 of WRDA 2000" and dated July 2015.

(2) CONSULTATION.— The Secretary shall consult with the Lower Mississippi River Conservation Committee during each feasibility study carried out under paragraph (1).

(b) ST. LOUIS RIVERFRONT, MERAMEC RIVER BASIN, MISSOURI AND ILLINOIS.—

(1) IN GENERAL.— The Secretary is authorized to carry out studies to determine the feasibility of a project for ecosystem restoration and flood risk management in Madison, St. Clair, and Monroe Counties, Illinois, St. Louis City, and St. Louis, Jefferson, Franklin, Gasconade, Maries, Phelps, Crawford, Dent, Washington, Iron, St. Francois, St. Genevieve, Osage, Reynolds, and Texas Counties, Missouri.

(2) CONTINUATION OF EXISTING STUDY.— Any study carried out under paragraph (1) shall be considered a continuation of the study being carried out under Committee Resolution 2642 of the Committee on Transportation and Infrastructure of the House of Representatives, adopted June 21, 2000.

Sec. 203. Expedited completion of reports for certain projects

(a) FEASIBILITY REPORTS.— The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

- (1) Project for riverbank stabilization, Selma, Alabama.
- (2) Project for ecosystem restoration, Three Mile Creek, Alabama.
- (3) Project for navigation, Nome, Alaska.
- (4) Project for flood diversion, Seward, Alaska.
- (5) Project for navigation, Three Rivers, Arkansas.
- (6) Project for flood control, water conservation, and related purposes, Coyote Valley Dam, California.

- (7) Project for flood risk management, Lower Cache Creek, California.
- (8) Project for flood risk management, Lower San Joaquin River, California, as described in section 1322(b)(2)(F) of the Water Resources Development Act of 2016 (130 Stat. 1707) (second phase of feasibility study).
- (9) Project for flood risk management, South San Francisco, California.
- (10) Project for flood risk management and ecosystem restoration, Tijuana River, California.
- (11) Project for flood risk management in East Hartford, Connecticut.
- (12) Project for flood risk management in Hartford, Connecticut.
- (13) Projects under the Comprehensive Flood Mitigation Study for the Delaware River Basin.
- (14) Project for ecosystem restoration, Lake Apopka, Florida.
- (15) Project for ecosystem restoration, Kansas River Weir, Kansas.
- (16) Project for water resource improvements, Willamette River Basin, Fern Ridge, Oregon.
- (17) Project for ecosystem restoration, Resacas at Brownsville, Texas.
- (18) Project for navigation, Norfolk Harbor, Virginia.
- (19) Project for coastal storm risk management, Norfolk, Virginia.
- (20) Project for navigation, Tacoma Harbor, Washington.

(b) LOWER SAN JOAQUIN RIVER, CALIFORNIA.— In expediting completion of the second phase of the Lower San Joaquin River feasibility study under subsection (a)(8), the Secretary shall review and give priority to any plans and designs requested by non-Federal interests and incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

(c) POST-AUTHORIZATION CHANGE REPORTS.— The Secretary shall expedite completion of a post-authorization change report for the following projects:

- (1) Project for flood risk management, San Luis Rey River Flood Control Protection Project, California.
- (2) Project for flood risk management, Success Reservoir Enlargement Project, California.
- (3) Everglades Agricultural Area Reservoir, Central Everglades Planning Project, Florida.
- (4) Project for navigation, Sault Sainte Marie, Michigan.

(d) UPPER MISSISSIPPI RIVER PROTECTION.—

Section 2010 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270) is amended by adding at the end the following:

"(d) CONSIDERATIONS.— In carrying out a disposition study with respect to the Upper St. Anthony Falls Lock and Dam, including a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), the Secretary may not complete such study until the Secretary considers, and issues 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 on—

"(1) the feasibility of carrying out modifications to the Upper St. Anthony Falls Lock and Dam to—

"(A) preserve and enhance recreational opportunities and the health of the ecosystem; and

"(B) maintain the benefits to the natural ecosystem and human environment; and

"(2) the preservation of any portion of the Upper St. Anthony Falls Lock and Dam necessary to maintain flood control.".

Title III—Deauthorizations, Modifications, and Related Provisions

Sec. 301. Deauthorization of inactive projects

(a) PURPOSES.— The purposes of this section are—

- (1) to identify \$3,000,000,000 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 for Congress 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) INTERIM DEAUTHORIZATION LIST.—

(1) IN GENERAL.— The Secretary shall develop an interim deauthorization list that identifies—

(A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

- (i) planning, design, or construction was not initiated before the date of enactment of this Act; or
- (ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years;

(B) each project or separable element identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)); and

(C) any project or separable element for which the non-Federal sponsor of such project or separable element submits a request for inclusion on the list.

(2) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.— The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

(B) COMMENT PERIOD.— The public comment period shall be 90 days.

(3) SUBMISSION TO CONGRESS; PUBLICATION.— Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall—

(A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the revised interim deauthorization list in the Federal Register.

(c) FINAL DEAUTHORIZATION LIST.—

(1) IN GENERAL.— The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).

(2) DEAUTHORIZATION AMOUNT.—

(A) PROPOSED FINAL LIST.— The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least \$3,000,000,000.

(B) DETERMINATION OF FEDERAL COST TO COMPLETE.— For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) IDENTIFICATION OF PROJECTS.—

(A) SEQUENCING OF PROJECTS.—

(i) IN GENERAL.— The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects

and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2)(A).

(ii) **FACTORS TO CONSIDER.**— The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

(iii) **CONSIDERATION OF PUBLIC COMMENTS.**— In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(2).

(B) **APPENDIX.**— The Secretary shall include as part of the proposed final deauthorization list an appendix that—

(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included on the proposed final list.

(4) **PUBLIC COMMENT AND CONSULTATION.**—

(A) **IN GENERAL.**— The Secretary shall solicit comments from the public and the Governor of each applicable State on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).

(B) **COMMENT PERIOD.**— The public comment period shall be 90 days.

(5) **SUBMISSION OF FINAL LIST TO CONGRESS; PUBLICATION.**— Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall—

(A) submit a final deauthorization list and an appendix to the final deauthorization list in a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

(d) **DEAUTHORIZATION; CONGRESSIONAL REVIEW.**—

(1) **IN GENERAL.**— After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.

(2) **NON-FEDERAL CONTRIBUTIONS.**—

(A) **IN GENERAL.**— A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) **TREATMENT OF PROJECTS.**— Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2)(A).

(3) **PROJECTS IDENTIFIED IN APPENDIX.**— A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

(e) **SPECIAL RULE FOR PROJECTS RECEIVING FUNDS FOR POST-AUTHORIZATION STUDY.**— A project or separable element of a project may not be identified on the interim deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

(f) **GENERAL PROVISIONS.**—

(1) **DEFINITIONS.**— In this section, the following definitions apply:

(A) **POST-AUTHORIZATION STUDY.**— The term "post-authorization study" means—

- (i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);
- (ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or
- (iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—
 - (I) demonstrates a Federal interest; and
 - (II) requires additional analysis for the project or separable element.

(B) WATER RESOURCES DEVELOPMENT PROJECT.— The term "water resources development project" includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) TREATMENT OF PROJECT MODIFICATIONS.— For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by 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 modification.

Sec. 302. 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 10-year period beginning on the date of enactment of this Act unless—

- (A) funds have been obligated for construction of, or a post-authorization study for, such project or separable element during that period; or
- (B) the authorization contained in this Act has been modified by a subsequent Act of Congress.

(2) IDENTIFICATION OF PROJECTS.— Not later than 60 days after the expiration of the 10-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives 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 Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, 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;
- (3) a schedule for the completion of the projects based on expected levels of appropriations; and
- (4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.

(c) CLARIFICATION.— Section 6003(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579c(a)) is amended by striking "7-year" each place it appears and inserting "10-year".

Sec. 303. Project modifications

(a) CONSISTENCY WITH REPORTS.— Congress finds that the project modifications described in this section are in accordance with the reports submitted to Congress by the Secretary under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), titled "Report to Congress on Future Water Resources Development", or have otherwise been reviewed by Congress.

(b) MODIFICATIONS.—

(1) HARBOR/SOUTH BAY, CALIFORNIA.— Section 219(f)(43) of the Water Resources Development Act of 1992 (113 Stat. 337; 114 Stat. 2763A–220) is amended by striking "\$35,000,000" and inserting "\$70,000,000".

(2) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.— Section 219(f)(25) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220; 117 Stat. 1838; 130 Stat. 1677) is amended by striking "\$60,000,000" and inserting "\$89,550,000".

Sec. 304. Milwaukee Harbor, Milwaukee, Wisconsin

The portion of the project for navigation, Milwaukee Harbor, Milwaukee, Wisconsin, authorized by the first section of the Act of March 3, 1843 (5 Stat. 619; chapter 85), consisting of the navigation channel within the Menomonee River that extends from the 16th Street Bridge upstream to the upper limit of the authorized navigation channel and described as follows is no longer authorized beginning on the date of enactment of this Act:

(1) Beginning at a point in the channel just downstream of the 16th Street Bridge, N383219.703, E2521152.527.

(2) Thence running westerly along the channel about 2,530.2 feet to a point, N383161.314, E2518620.712.

(3) Thence running westerly by southwesterly along the channel about 591.7 feet to a point at the upstream limit of the existing project, N383080.126, E2518036.371.

(4) Thence running northerly along the upstream limit of the existing project about 80.5 feet to a point, N383159.359, E2518025.363.

(5) Thence running easterly by northeasterly along the channel about 551.2 feet to a point, N383235.185, E2518571.108.

(6) Thence running easterly along the channel about 2,578.9 feet to a point, N383294.677, E2521150.798.

(7) Thence running southerly across the channel about 74.3 feet to the point of origin.

Sec. 305. Bridgeport Harbor, Connecticut

That portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of June 18, 1878 (20 Stat. 158), and modified by the Act of August 11, 1888 (25 Stat. 401), the Act of March 3, 1899 (30 Stat. 1122), the Act of June 25, 1910 (36 Stat. 633), and the Act of July 3, 1930 (46 Stat. 919), and lying upstream of a line commencing at point N627942.09, E879709.18 thence running southwesterly about 125 feet to a point N627832.03, E879649.91 is no longer authorized beginning on the date of enactment of this Act.

Sec. 306. Conveyances

(a) CHEATHAM COUNTY, TENNESSEE.—

(1) CONVEYANCE AUTHORIZED.— The Secretary may convey to Cheatham County, Tennessee (in this subsection referred to as the "Grantee"), all right, title, and interest of the United States in and to the real property in Cheatham County, Tennessee, consisting of approximately 9.19 acres, identified as portions of tracts E–514–1, E–514–2, E–518–1, E–518–2, E–519–1, E–537–1, and E–538, all being part of the Cheatham Lock and Dam project at CRM 158.5, including any improvements thereon.

(2) DEED.— The conveyance of property under this subsection shall be accomplished using a quitclaim deed and upon such terms and conditions as the Secretary determines appropriate to protect the interests of the United States, to include retaining the right to inundate with water any land transferred under this subsection.

(3) CONSIDERATION.— The Grantee shall pay to the Secretary an amount that is not less than the fair market value of the land conveyed under this subsection, as determined by the Secretary.

(4) SUBJECT TO EXISTING EASEMENTS AND OTHER INTERESTS.— The conveyance of property under this section shall be subject to all existing easements, rights-of-way, and leases that are in effect as of the date of the conveyance.

(b) NASHVILLE, TENNESSEE.—

(1) CONVEYANCE AUTHORIZED.— The Secretary may convey, without consideration, to the City of Nashville, Tennessee (in this subsection referred to as the "City"), all right, title, and interest of the United States in and to the real property covered by Lease No. DACW62–1–84–149, including any improvements thereon, at the Riverfront Park Recreational Development, consisting of approximately 5 acres, subject to the right of the Secretary to retain any required easements in the property.

(2) CONVEYANCE AGREEMENT.— A quit claim deed shall be used to convey real property under this subsection upon the terms and conditions mutually satisfactory to the Secretary and the City. The deed shall provide that in the event the City, its successors, or assigns cease to maintain improvements for recreation

included in the conveyance or otherwise utilize the real property conveyed for purposes other than recreation and compatible flood risk management, the City, its successor, or assign shall repay to the United States the Federal share of the cost of constructing the improvements for recreation under the agreement between the United States and the City dated December 8, 1981, increased as necessary to account for inflation.

(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 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.

Sec. 307. Clatsop County, Oregon

The portions of the project for raising and improving existing levees of Clatsop County Diking District No. 13, in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1590), that are referred to as Christensen No. 1 Dike No. 42 and Christensen No. 2 Levee No. 43 are no longer authorized beginning on the date of enactment of this Act.

Sec. 308. Kissimmee River Restoration, Central and Southern Florida

Subject to a determination by the Secretary that the costs are reasonable and allowable and that the work for which credit is requested was carried out in accordance with the laws specified in section 5014(i)(2)(A) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1331) and all other applicable Federal laws, the Secretary may credit toward the non-Federal share of the cost of the Kissimmee River project, authorized in section 101(8) of the Water Resources Development Act of 1992 (106 Stat. 4802), the value of in-kind contributions made by the non-Federal interest with respect to the six following actions, as described in the final report of the Director of Civil Works on the Central and Southern Florida Project, Kissimmee River Restoration Project, dated April 27, 2018:

- (1) Shady Oaks Fish Camp land preparation.
- (2) Rocks Fish Camp land preparation.
- (3) Levee breaching of Sparks Candler and Bronson Levees.
- (4) Packingham Slough construction related to land acquisition.
- (5) Engineering analysis of River Acres engineering solution.
- (6) Small local levee modifications.

Sec. 309. Lytle and Cajon Creeks, California

That portion of the channel improvement project, Lytle and Cajon Creeks, California, authorized to be carried out as a part of the project for the Santa Ana River Basin, California, by the Act of December 22, 1944 (Chapter 665; 58 Stat. 900) that consists of five earth-filled groins commonly referred to as "the Riverside Avenue groins" is no longer authorized as a Federal project beginning on the date of enactment of this Act.

Sec. 310. Yuba River Basin, California

(a) **IN GENERAL.—** The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275) is modified to allow a non-Federal interest to construct a new levee to connect the existing levee with high ground.

(b) **PROJECT DESCRIPTION.**— The levee to be constructed shall tie into the existing levee at a point Northing 2186189.2438, Easting 6703908.8657, thence running east and south along a path to be determined to a point Northing 2187849.4328, Easting 6719262.0164.

(c) **COOPERATION AGREEMENT.**— The Secretary shall execute a conforming amendment to the Memorandum of Understanding Respecting the Sacramento River Flood Control Project with the State of California dated November 30, 1953, that is limited to changing the description of the project to reflect the modification.

(d) **NO FEDERAL COST.**—

(1) **REVIEW COSTS.**— Before construction of the levee described in subsection (b), the Secretary may accept and expend funds received from a non-Federal interest to review the planning, engineering, and design of the levee described in subsection (b) to ensure that such planning, engineering, and design complies with Federal standards.

(2) **NON-FEDERAL SHARE.**— The non-Federal share of the cost of constructing the levee shall be 100 percent.

Title IV—Water Resources Infrastructure

Sec. 401. Project authorizations

The following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) **NAVIGATION.**— **A. State** **B.**

Name **C.**

Date of

Report of

Chief of Engineers **D.**

Estimated

Costs	1. TX	Galveston Harbor Channel Extension Project, Houston-Galveston Navigation Channels	Aug. 8, 2017	Federal: \$10,046,000
				Non-Federal: \$3,349,000
				Total: \$13,395,000

(2) **FLOOD RISK MANAGEMENT.**—

A. State	B. Name
1. NY	Mamaroneck-Sheldrake Rivers
2. HI	Ala Wai Canal

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name
1. FL	St. Johns County

A. State	B. Name
2. TX	Sabine Pass to Galveston Bay
3. FL	St. Lucie County

A. State	B. Name

(4) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

A. State	B. Name
1. NM	Española Valley, Rio Grande

A. State	B. Name

(5) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name
1. GA	Savannah Harbor Expansion Project
2. KY	Kentucky River Locks and Dams - 1, 2, 3, and

Deleted Sections

~~[Sec. 102. Use of Harbor Maintenance Trust Fund to support navigation](#)~~

(a) ~~AVAILABILITY OF AMOUNTS.~~— Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended—

(1) in the section heading by striking "Authorization of appropriations" and inserting "Funding for harbor navigation";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively; and

(3) by inserting after subsection (b) the following:—

~~"(c) USE OF COLLECTED FUNDS IN FISCAL YEAR 2029 AND THEREAFTER.—~~

~~"(1) USE OF FUNDS.— In addition to amounts appropriated under subsections (a) and (b), there shall be available to the Secretary, out of the Harbor Maintenance Trust Fund, without further appropriation, for fiscal year 2029 and each fiscal year thereafter, such sums as may be necessary to carry out the purposes of subsection (a)(2).~~

~~"(2) AVAILABILITY OF AMOUNTS.— Amounts made available under this subsection shall remain available until expended."~~

(b) ~~CONFORMING AMENDMENTS.~~— Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is further amended—

(1) in subsection (d)(2)(A)(i) (as redesignated by subsection (a)(2) of this section) by striking "subsection (e)" and inserting "subsection (f)";

(2) in subsection (e)(3)(B)(i) (as redesignated by subsection (a)(2) of this section) by striking "subsection (e)(2)(A)" and inserting "subsection (d)(2)(A)"; and

(3) in subsection (f)(2)(A)(ii) (as redesignated by subsection (a)(2) of this section) by striking "subsection (d)(2)" and inserting "subsection (e)(2)".

