

115TH CONGRESS
2D SESSION

H. R. 8

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

MAY 18, 2018

Mr. SHUSTER (for himself, Mr. DEFAZIO, Mr. GRAVES of Louisiana, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Water Resources Development Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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.
- Sec. 102. Use of Harbor Maintenance Trust Fund to support navigation.
- Sec. 103. Assessment of harbors and inland harbors.
- Sec. 104. Levee safety initiative reauthorization.
- Sec. 105. Dam safety.
- Sec. 106. Rehabilitation of Corps of Engineers constructed dams.
- Sec. 107. Forecast-informed reservoir operations.
- Sec. 108. Emergency response to natural disasters.
- Sec. 109. Integrated water resources planning.
- Sec. 110. Mitigation banks.
- Sec. 111. Indian Tribes.
- Sec. 112. Columbia River.
- Sec. 113. Dissemination of information.
- Sec. 114. Non-Federal engagement and review.
- Sec. 115. Comprehensive backlog report.
- Sec. 116. Structures and facilities constructed by Secretary.
- Sec. 117. Transparency in administrative expenses.
- Sec. 118. Study of the future of the United States Army Corps of Engineers.
- Sec. 119. Acknowledgment of credit.
- Sec. 120. Non-Federal implementation pilot program.
- Sec. 121. Study of water resources development projects by non-Federal interests.
- Sec. 122. Construction of water resources development projects by non-Federal interests.
- Sec. 123. Advanced funds for water resources development studies and projects.
- Sec. 124. Funding to process permits.
- Sec. 125. Study on economic and budgetary analyses.

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.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Project authorizations.

1 **SEC. 2. SECRETARY DEFINED.**

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

4 **TITLE I—GENERAL PROVISIONS**

5 **SEC. 101. SENSE OF CONGRESS REGARDING WATER RE-**
6 **SOURCES DEVELOPMENT BILLS.**

7 It is the sense of Congress that, because the missions
8 of the Corps of Engineers for navigation, flood control,
9 beach erosion control and shoreline protection, hydro-
10 electric power, recreation, water supply, environmental
11 protection, restoration, and enhancement, and fish and
12 wildlife mitigation benefit all Americans, and because
13 water resources development projects are critical to main-
14 taining the country’s economic prosperity, national secu-
15 rity, and environmental protection, Congress should con-
16 sider a water resources development bill not less often
17 than once every Congress.

18 **SEC. 102. USE OF HARBOR MAINTENANCE TRUST FUND TO**
19 **SUPPORT NAVIGATION.**

20 (a) AVAILABILITY OF AMOUNTS.—Section 210 of the
21 Water Resources Development Act of 1986 (33 U.S.C.
22 2238) is amended—

23 (1) in the section heading by striking “**AU-**
24 **THORIZATION OF APPROPRIATIONS**” and insert-
25 ing “**FUNDING FOR HARBOR NAVIGATION**”;

1 (2) by redesignating subsections (c), (d), (e),
 2 and (f) as subsections (d), (e), (f), and (g), respec-
 3 tively; and

4 (3) by inserting after subsection (b) the fol-
 5 lowing:

6 “(c) USE OF COLLECTED FUNDS IN FISCAL YEAR
 7 2029 AND THEREAFTER.—

8 “(1) USE OF FUNDS.—In addition to amounts
 9 appropriated under subsections (a) and (b), there
 10 shall be available to the Secretary, out of the Harbor
 11 Maintenance Trust Fund, without further appropria-
 12 tion, for fiscal year 2029 and each fiscal year there-
 13 after, such sums as may be necessary to carry out
 14 the purposes of subsection (a)(2).

15 “(2) AVAILABILITY OF AMOUNTS.—Amounts
 16 made available under this subsection shall remain
 17 available until expended.”.

18 (b) CONFORMING AMENDMENTS.—Section 210 of the
 19 Water Resources Development Act of 1986 (33 U.S.C.
 20 2238) is further amended—

21 (1) in subsection (d)(2)(A)(i) (as redesignated
 22 by subsection (a)(2) of this section) by striking
 23 “subsection (e)” and inserting “subsection (f)”;

24 (2) in subsection (e)(3)(B)(i) (as redesignated
 25 by subsection (a)(2) of this section) by striking

1 “subsection (c)(2)(A)” and inserting “subsection
2 (d)(2)(A)”; and
3 (3) in subsection (f)(2)(A)(ii) (as redesignated
4 by subsection (a)(2) of this section) by striking
5 “subsection (d)(2)” and inserting “subsection
6 (e)(2)”.

7 **SEC. 103. ASSESSMENT OF HARBORS AND INLAND HAR-**
8 **BORS.**

9 Section 210(e) of the Water Resources Development
10 Act of 1986 (33 U.S.C. 2238(e)) is amended—

11 (1) in paragraph (1), by striking “shall assess
12 the” and inserting “shall assess, and issue a report
13 to Congress on, the”; and

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

16 “(C) OPPORTUNITIES FOR BENEFICIAL
17 USE OF DREDGED MATERIALS.—In carrying out
18 paragraph (1), the Secretary shall identify po-
19 tential opportunities for the beneficial use of
20 dredged materials obtained from harbors and
21 inland harbors referred to in subsection (a)(2),
22 including projects eligible under section 1122 of
23 the Water Resources Development Act of 2016
24 (130 Stat. 1645; 33 U.S.C. 2326 note).”.

1 **SEC. 104. LEVEE SAFETY INITIATIVE REAUTHORIZATION.**

2 Title IX of the Water Resources Development Act of
3 2007 (33 U.S.C. 3301 et seq.) is amended—

4 (1) in section 9005(g)(2)(E)(i), by striking
5 “2015 through 2019” and inserting “2019 through
6 2023”; and

7 (2) in section 9008, by striking “2015 through
8 2019” each place it appears and inserting “2019
9 through 2023”.

10 **SEC. 105. DAM SAFETY.**

11 Section 14 of the National Dam Safety Program Act
12 (33 U.S.C. 467j) is amended by striking “2015 through
13 2019” each place it appears and inserting “2019 through
14 2023”.

15 **SEC. 106. REHABILITATION OF CORPS OF ENGINEERS CON-**
16 **STRUCTED DAMS.**

17 Section 1177(e) of the Water Resources Development
18 Act of 2016 (33 U.S.C. 467f–2 note) is amended by strik-
19 ing “\$10,000,000” and inserting “\$40,000,000”.

20 **SEC. 107. FORECAST-INFORMED RESERVOIR OPERATIONS.**

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

1 issue a report to the Committee on Transportation and
 2 Infrastructure of the House of Representatives and the
 3 Committee on Environment and Public Works of the Sen-
 4 ate on the results of the study pilot program.

5 (b) CONTENTS OF REPORT.—The Secretary shall in-
 6 clude in the report issued under subsection (a)—

7 (1) an analysis of the use of forecast-informed
 8 reservoir operations at Coyote Valley Dam, Cali-
 9 fornia;

10 (2) an assessment of the viability of using fore-
 11 cast-informed reservoir operations at other dams
 12 owned or operated by the Secretary;

13 (3) an identification of other dams owned or op-
 14 erated by the Secretary where forecast-informed res-
 15 ervoir operations may assist the Secretary in the op-
 16 timization of future reservoir operations; and

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

19 **SEC. 108. EMERGENCY RESPONSE TO NATURAL DISASTERS.**

20 (a) IN GENERAL.—Section 5(a)(1) of the Act of Au-
 21 gust 18, 1941 (33 U.S.C. 701n(a)(1)) is amended in the
 22 first sentence—

23 (1) by striking “strengthening, raising, extend-
 24 ing, or other modification thereof” and inserting

1 “strengthening, raising, extending, realigning, or
2 other modification thereof”; and

3 (2) by striking “structure or project damaged
4 or destroyed by wind, wave, or water action of other
5 than an ordinary nature to the design level of pro-
6 tection when, in the discretion of the Chief of Engi-
7 neers,” and inserting “structure or project damaged
8 or destroyed by wind, wave, or water action of other
9 than an ordinary nature to either the pre-storm level
10 or the design level of protection, whichever provides
11 greater protection, when, in the discretion of the
12 Chief of Engineers,”.

13 (b) DURATION.—Section 156(e) of the Water Re-
14 sources Development Act of 1976 (42 U.S.C. 1962d–
15 5f(e)) is amended by striking “6 years” and inserting “9
16 years”.

17 **SEC. 109. INTEGRATED WATER RESOURCES PLANNING.**

18 In carrying out a water resources development feasi-
19 bility study, the Secretary shall consult with local govern-
20 ments in the watershed covered by such study to deter-
21 mine if local water management plans exist, or are under
22 development, for the purposes of stormwater management,
23 water quality improvement, aquifer recharge, or water
24 reuse.

1 **SEC. 110. MITIGATION BANKS.**

2 (a) DEFINITION OF MITIGATION BANK.—In this sec-
3 tion, the term “mitigation bank” has the meaning given
4 that term in section 332.2 of title 33, Code of Federal
5 Regulations.

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

10 (1) support the goal of achieving efficient per-
11 mitting and maintaining appropriate environmental
12 protections; and

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

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

17 (1) be consistent with—

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

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

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

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

1 (2) provide for—

2 (A) the mitigation bank sponsor to provide
3 sufficient financial assurances to ensure a high
4 level of confidence that the compensatory miti-
5 gation project will be successfully completed, in
6 accordance with applicable performance stand-
7 ards, under section 332.3(n) of title 33, Code of
8 Federal Regulations;

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

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

18 **SEC. 111. INDIAN TRIBES.**

19 (a) COST SHARING PROVISIONS FOR THE TERRI-
20 TORIES AND INDIAN TRIBES.—Section 1156(a)(2) of the
21 Water Resources Development Act of 1986 (33 U.S.C.
22 2310(a)(2)) is amended by striking “section 102 of the
23 Federally Recognized Indian Tribe List Act of 1994 (25
24 U.S.C. 5130)” and inserting “section 4(e) of the Indian

1 Self-Determination and Education Assistance Act (25
2 U.S.C. 5304(e))”.

3 (b) WRITTEN AGREEMENT REQUIREMENT FOR
4 WATER RESOURCES PROJECTS.—Section 221(b)(1) of the
5 Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1))
6 is amended by striking “federally recognized Indian tribe
7 and, as defined in section 3 of the Alaska Native Claims
8 Settlement Act (43 U.S.C. 1602), a Native village, Re-
9 gional Corporation, and Village Corporation” and insert-
10 ing “Indian tribe, as defined in section 4(e) of the Indian
11 Self-Determination and Education Assistance Act (25
12 U.S.C. 5304(e))”.

13 **SEC. 112. COLUMBIA RIVER.**

14 (a) BONNEVILLE DAM, OREGON.—Section
15 1178(c)(1)(A) of the Water Resources Development Act
16 of 2016 (130 Stat. 1675) is amended by striking “may
17 provide assistance” and inserting “may provide assistance,
18 which may include housing and related improvements,”.

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

20 (1) IN GENERAL.—The Secretary shall, not
21 later than 180 days after the date of enactment of
22 this Act, and in consultation with the Secretary of
23 the Interior, conduct a study to determine the extent
24 to which Indian Tribes have been displaced as a re-
25 sult of the construction of the John Day Dam, Co-

1 olumbia River, Washington and Oregon, as author-
2 ized by section 204 of the Flood Control Act of 1950
3 (64 Stat. 179), including an assessment of effects
4 related to housing and related improvements.

5 (2) ADDITIONAL ACTIONS.—If the Secretary de-
6 termines, based on the study under paragraph (1),
7 that assistance is required, the Secretary may use all
8 existing authorities of the Secretary to provide as-
9 sistance, which may include housing and related im-
10 provements, to Indian Tribes displaced as a result of
11 the construction of the John Day Dam, Columbia
12 River, Washington and Oregon.

13 (3) REPEAL.—Section 1178(c)(2) of the Water
14 Resources Development Act of 2016 (130 Stat.
15 1675) is repealed.

16 (c) THE DALLES DAM, WASHINGTON AND OR-
17 EGON.—The Secretary, in consultation with the Secretary
18 of the Interior, shall complete a village development plan
19 for any Indian Tribe displaced as a result of the construc-
20 tion of the Dalles Dam, Columbia River, Washington and
21 Oregon, as authorized by section 204 of the Flood Control
22 Act of 1950 (64 Stat. 179).

23 **SEC. 113. DISSEMINATION OF INFORMATION.**

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

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

4 (2) The Water Resources Reform and Develop-
5 ment Act of 2014 (Public Law 113–121) established
6 a new and transparent process to review and
7 prioritize the water resources development activities
8 of the Corps of Engineers with strong congressional
9 oversight.

10 (3) Section 7001 of the Water Resources Re-
11 form and Development Act of 2014 (33 U.S.C.
12 2282d) requires the Secretary to develop and submit
13 to Congress each year a Report to Congress on Fu-
14 ture Water Resources Development and, as part of
15 the annual report process, to—

16 (A) publish a notice in the Federal Reg-
17 ister that requests from non-Federal interests
18 proposed feasibility studies and proposed modi-
19 fications to authorized water resources develop-
20 ment projects and feasibility studies for inclu-
21 sion in the report; and

22 (B) review the proposals submitted and in-
23 clude in the report those proposed feasibility
24 studies and proposed modifications that meet

1 the criteria for inclusion established under such
2 section 7001.

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

8 (5) To ensure that Congress can gain a thor-
9 ough understanding of the water resources develop-
10 ment needs and priorities of the United States, it is
11 important that the Secretary take sufficient steps to
12 ensure that non-Federal interests are made aware of
13 the new annual report process, including the need
14 for non-Federal interests to submit proposals during
15 the Secretary's annual request for proposals in order
16 for such proposals to be eligible for consideration by
17 Congress.

18 (b) DISSEMINATION OF PROCESS INFORMATION.—
19 The Secretary shall develop, support, and implement edu-
20 cation and awareness efforts for non-Federal interests
21 with respect to the annual Report to Congress on Future
22 Water Resources Development required under section
23 7001 of the Water Resources Reform and Development
24 Act of 2014 (33 U.S.C. 2282d), including efforts to—

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

4 (2) provide written notice to local elected offi-
5 cials and previous and potential non-Federal inter-
6 ests on the annual process and on opportunities to
7 address local water resources challenges through the
8 missions and authorities of the Corps of Engineers;

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

13 (4) provide, at the request of a non-Federal in-
14 terest, assistance with researching and identifying
15 existing project authorizations and Corps of Engi-
16 neers decision documents.

17 **SEC. 114. NON-FEDERAL ENGAGEMENT AND REVIEW.**

18 (a) PUBLIC NOTICE.—

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

23 (A) informs potentially interested non-Fed-
24 eral stakeholders of the Secretary's intent to
25 develop and issue such guidance; and

1 (B) provides an opportunity for interested
2 non-Federal stakeholders to engage with, and
3 provide input and recommendations to, the Sec-
4 retary on the development and issuance of such
5 guidance.

6 (2) ISSUANCE OF NOTICE.—The Secretary shall
7 issue the notice under paragraph (1) through a post-
8 ing on a publicly accessible website dedicated to pro-
9 viding notice on the development and issuance of im-
10 plementation guidance for a covered water resources
11 development law.

12 (b) STAKEHOLDER ENGAGEMENT.—

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

19 (2) OUTREACH.—The Secretary may, as appro-
20 priate (as determined by the Secretary), reach out to
21 non-Federal stakeholders and circulate drafts of im-
22 plementation guidance for a covered water resources
23 development law for informal feedback and rec-
24 ommendations.

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

7 (d) COVERED WATER RESOURCES DEVELOPMENT
 8 LAW.—In this section, the term “covered water resources
 9 development law” means—

10 (1) the Water Resources Reform and Develop-
 11 ment Act of 2014;

12 (2) the Water Resources Development Act of
 13 2016;

14 (3) this Act; and

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

17 **SEC. 115. COMPREHENSIVE BACKLOG REPORT.**

18 Section 1001(b)(4) of the Water Resources Develop-
 19 ment Act of 1986 (33 U.S.C. 579a(b)(4)) is amended—

20 (1) in the header, by inserting “AND OPER-
 21 ATION AND MAINTENANCE” after “BACKLOG”;

22 (2) by amending subparagraph (A) to read as
 23 follows:

24 “(A) IN GENERAL.—The Secretary shall
 25 compile and publish—

1 “(i) a complete list of all projects and
 2 separable elements of projects of the Corps
 3 of Engineers that are authorized for con-
 4 struction but have not been completed; and

5 “(ii) a list of major Federal operation
 6 and maintenance needs of projects and
 7 properties under the control of the Corps
 8 of Engineers.”;

9 (3) in subparagraph (B)—

10 (A) in the heading, by inserting “BACK-
 11 LOG” before “INFORMATION”; and

12 (B) in the matter preceding clause (i), by
 13 striking “subparagraph (A)” and inserting
 14 “subparagraph (A)(i)”;

15 (4) by redesignating subparagraph (C) as sub-
 16 paragraph (D) and inserting after subparagraph (B)
 17 the following:

18 “(C) REQUIRED OPERATION AND MAINTEN-
 19 NANCE INFORMATION.—The Secretary shall in-
 20 clude on the list developed under subparagraph
 21 (A)(ii), for each project and property under the
 22 control of the Corps of Engineers on that list—

23 “(i) the authority under which the
 24 project was authorized or the property was
 25 acquired by the Corps of Engineers;

1 “(ii) a brief description of the project
2 or property;

3 “(iii) an estimate of the Federal costs
4 to meet the major operation and mainte-
5 nance needs at the project or property; and

6 “(iv) an estimate of unmet or deferred
7 operation and maintenance needs at the
8 project or property.”; and

9 (5) in subparagraph (D), as so redesignated—

10 (A) in clause (i), in the matter preceding
11 subclause (I), by striking “Not later than 1
12 year after the date of enactment of this para-
13 graph, the Secretary shall submit a copy of the
14 list” and inserting “For fiscal year 2019, and
15 biennially thereafter, in conjunction with the
16 President’s annual budget submission to Con-
17 gress under section 1105(a) of title 31, United
18 States Code, the Secretary shall submit a copy
19 of the lists”; and

20 (B) in clause (ii), by striking “list” and in-
21 serting “lists”.

22 **SEC. 116. STRUCTURES AND FACILITIES CONSTRUCTED BY**
23 **SECRETARY.**

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

1 “(d) WORK DEFINED.—For the purposes of this sec-
 2 tion, the term ‘work’ shall not include unimproved real es-
 3 tate owned or operated by the Secretary as part of a water
 4 resources development project if the Secretary determines
 5 that modification of such real estate would not affect the
 6 function and usefulness of the project.”.

7 **SEC. 117. TRANSPARENCY IN ADMINISTRATIVE EXPENSES.**

8 Section 1012(b)(1) of the Water Resources Reform
 9 and Development Act of 2014 (33 U.S.C. 2315a(b)(1))
 10 is amended by striking “The Secretary” and inserting
 11 “Not later than 1 year after the date of enactment of the
 12 Water Resources Development Act of 2018, the Sec-
 13 retary”.

14 **SEC. 118. STUDY OF THE FUTURE OF THE UNITED STATES**
 15 **ARMY CORPS OF ENGINEERS.**

16 (a) IN GENERAL.—The Secretary shall enter into an
 17 agreement with the National Academy of Sciences to con-
 18 vene a committee of experts to carry out a comprehensive
 19 study on—

20 (1) the ability of the Corps of Engineers to
 21 carry out its statutory missions and responsibilities,
 22 and the potential effects of transferring the func-
 23 tions (including regulatory obligations), personnel,
 24 assets, and civilian staff responsibilities of the Sec-
 25 retary relating to civil works from the Department

1 of Defense to a new or existing agency or sub-agency
2 of the Federal Government, including how such a
3 transfer might affect the Federal Government's ability
4 to meet the current statutory missions and responsibilities
5 of the Corps of Engineers; and

6 (2) improving the Corps of Engineers' project
7 delivery processes, including recommendations for
8 such improvements, taking into account factors including—
9

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

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

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

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

24 (2) the ability of the Corps of Engineers to
25 maintain sufficient engineering capability and capacity

1 ity to assist ongoing and future operations of the
2 United States Armed Services; and

3 (3) emergency and natural disaster response
4 obligations of the Federal Government that are car-
5 ried out by the Corps of Engineers.

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

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

12 (2) the Department of Transportation;

13 (3) the Environmental Protection Agency;

14 (4) the Department of Homeland Security;

15 (5) the Office of Management and Budget;

16 (6) other appropriate Federal agencies;

17 (7) professional and non-governmental organi-
18 zations; and

19 (8) the Committee on Transportation and In-
20 frastructure of the House of Representatives and the
21 Committee on Environment and Public Works of the
22 Senate.

23 (d) SUBMISSION TO CONGRESS.—The Secretary shall
24 submit the final report of the National Academy con-
25 taining the findings of the study carried out under sub-

1 section (a) to the Committee on Transportation and Infra-
2 structure of the House of Representatives and the Com-
3 mittee on Environment and Public Works of the Senate
4 not later than 2 years after the date of enactment of this
5 Act.

6 **SEC. 119. ACKNOWLEDGMENT OF CREDIT.**

7 Section 7007(a) of the Water Resources Development
8 Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended
9 by adding at the end the following: “Notwithstanding sec-
10 tion 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42
11 U.S.C. 1962d–5b(a)(4)(C)(i)), the Secretary may provide
12 credit for work carried out during the period beginning
13 on November 8, 2007, and ending on the date of enact-
14 ment of the Water Resources Development Act of 2018
15 by the non-Federal interest for a project under this title
16 if the Secretary determines that the work is integral to
17 the project and was carried out in accordance with the
18 laws specified in section 5014(i)(2)(A) of the Water Re-
19 sources Reform and Development Act of 2014 (128 Stat.
20 1331) and all other applicable Federal laws.”.

21 **SEC. 120. NON-FEDERAL IMPLEMENTATION PILOT PRO-**
22 **GRAM.**

23 Section 1043(b)(8) of the Water Resources Reform
24 and Development Act of 2014 (33 U.S.C. 2201

1 note(b)(8)) is amended by striking “2015 through 2019”
2 and inserting “2019 through 2023”.

3 **SEC. 121. STUDY OF WATER RESOURCES DEVELOPMENT**
4 **PROJECTS BY NON-FEDERAL INTERESTS.**

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

7 (1) in subsection (a)(1), by inserting “federally
8 authorized” before “feasibility study”;

9 (2) by amending subsection (c) to read as fol-
10 lows:

11 “(c) SUBMISSION TO CONGRESS.—

12 “(1) REVIEW AND SUBMISSION OF STUDIES TO
13 CONGRESS.—Not later than 180 days after the date
14 of receipt of a feasibility study of a project under
15 subsection (a)(1), the Secretary shall submit to the
16 Committee on Environment and Public Works of the
17 Senate and the Committee on Transportation and
18 Infrastructure of the House of Representatives a re-
19 port that describes—

20 “(A) the results of the Secretary’s review
21 of the study under subsection (b), including a
22 determination of whether the project is feasible;

23 “(B) any recommendations the Secretary
24 may have concerning the plan or design of the
25 project; and

1 “(C) any conditions the Secretary may re-
2 quire for construction of the project.

3 “(2) LIMITATION.—The completion of the re-
4 view by the Secretary of a feasibility study that has
5 been submitted under subsection (a)(1) may not be
6 delayed as a result of consideration being given to
7 changes in policy or priority with respect to project
8 consideration.”; and

9 (3) by amending subsection (e) to read as fol-
10 lows:

11 “(e) REVIEW AND TECHNICAL ASSISTANCE.—

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

17 “(2) TECHNICAL ASSISTANCE.—At the request
18 of a non-Federal interest, the Secretary may provide
19 to the non-Federal interest technical assistance re-
20 lating to any aspect of a feasibility study if the non-
21 Federal interest contracts with the Secretary to pay
22 all costs of providing such technical assistance.

23 “(3) LIMITATION.—Funds provided by non-
24 Federal interests under this subsection shall not be

1 eligible for credit under subsection (d) or reimburse-
2 ment.

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

8 **SEC. 122. CONSTRUCTION OF WATER RESOURCES DEVEL-**
9 **OPMENT PROJECTS BY NON-FEDERAL INTER-**
10 **ESTS.**

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

13 (1) in subsection (b)—

14 (A) in paragraph (1), in the matter pre-
15 ceding subparagraph (A), by inserting “feder-
16 ally authorized” before “water resources devel-
17 opment project”;

18 (B) in paragraph (2)(A), by inserting “,
19 except as provided in paragraph (3)” before the
20 semicolon; and

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

22 “(3) PERMIT EXCEPTION.—

23 “(A) IN GENERAL.—With respect to a
24 project described in subsection (a)(1) or sub-
25 section (a)(3), or a separable element thereof,

1 and subject to the execution of a written agree-
2 ment described in subparagraph (B), a non-
3 Federal interest that carries out a project under
4 this section shall not be required to obtain any
5 Federal permits or approvals that would not be
6 required if the Secretary carried out the project
7 or separable element unless there are significant
8 new circumstances or information relevant to
9 environmental concerns or compliance since de-
10 velopment of the project recommendation

11 “(B) WRITTEN AGREEMENT.—For pur-
12 poses of this paragraph, a written agreement
13 shall provide that the non-Federal interest shall
14 comply with the same legal and technical re-
15 quirements that would apply if the project or
16 separable element were carried out by the Sec-
17 retary, including all mitigation required to off-
18 set environmental impacts of the project or sep-
19 arable element as determined by the Secretary”;
20 and

21 (2) in subsection (d)(5)—

22 (A) by striking “flood damage reduction”
23 each place it appears and inserting “water re-
24 sources development”;

1 (B) in subparagraph (A), by striking “for
 2 a discrete segment of a” and inserting “for car-
 3 rying out a discrete segment of a federally au-
 4 thorized”; and

5 (C) in subparagraph (D), in the matter
 6 preceding clause (i), by inserting “to be carried
 7 out” after “project”.

8 **SEC. 123. ADVANCED FUNDS FOR WATER RESOURCES DE-**
 9 **VELOPMENT STUDIES AND PROJECTS.**

10 (a) CONTRIBUTIONS BY STATES AND POLITICAL
 11 SUBDIVISIONS FOR IMMEDIATE USE ON AUTHORIZED
 12 FLOOD-CONTROL WORK; REPAYMENT.—The Act of Octo-
 13 ber 14, 1940 (54 Stat. 1176; 33 U.S.C. 701h–1) is
 14 amended—

15 (1) by striking “a flood-control project duly
 16 adopted and authorized by law” and inserting “a
 17 federally authorized water resources development
 18 project,”;

19 (2) by striking “such work” and inserting
 20 “such project”;

21 (3) by striking “flood-control work” and insert-
 22 ing “such project”; and

23 (4) by adding at the end the following: “For
 24 purposes of this Act, the term ‘State’ means the sev-
 25 eral States, the District of Columbia, the common-

1 wealths, territories, and possessions of the United
2 States, and Indian tribes (as defined in section 4(e)
3 of the Indian Self-Determination and Education As-
4 sistance Act (25 U.S.C. 5304(e))).”.

5 (b) NO ADVERSE EFFECT ON PROCESSES.—In im-
6 plementing any provision of law that authorizes a non-
7 Federal interest to provide, advance, or contribute funds
8 to the Secretary for the development or implementation
9 of a water resources development project (including sec-
10 tions 203 and 204 of the Water Resources Development
11 Act of 1986 (33 U.S.C. 2231, 2232), section 5 of the Act
12 of June 22, 1936 (33 U.S.C. 701h), and the Act of Octo-
13 ber 15, 1940 (33 U.S.C. 701h–1)), the Secretary shall en-
14 sure, to the maximum extent practicable, that the use by
15 a non-Federal interest of such authorities does not ad-
16 versely affect—

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

21 (2) the process for including such projects in
22 the President’s annual budget submission to Con-
23 gress under section 1105(a) of title 31, United
24 States Code.

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

4 **SEC. 124. FUNDING TO PROCESS PERMITS.**

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

7 (1) in paragraph (3), by striking “10 years”
 8 and inserting “12 years”; and

9 (2) in paragraph (5)—

10 (A) by striking “4 years after the date of
 11 enactment of this paragraph” and inserting
 12 “December 31, 2022”; and

13 (B) by striking “carry out a study” and in-
 14 serting “carry out a follow-up study”.

15 **SEC. 125. STUDY ON ECONOMIC AND BUDGETARY ANAL-**
 16 **YSES.**

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

21 (1) carry out a study on the economic principles
 22 and analytical methodologies currently used by or
 23 applied to the Corps of Engineers to formulate,
 24 evaluate, and budget for water resources develop-
 25 ment projects; and

1 (2) make recommendations to Congress on po-
2 tential changes to such principles and methodologies
3 to improve transparency, return on Federal invest-
4 ment, cost savings, and prioritization, in the formu-
5 lation, evaluation, and budgeting of such projects.

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

8 (1) an analysis of the current economic prin-
9 ciples and analytical methodologies used by or ap-
10 plied to the Corps of Engineers in determining the
11 total benefits and total costs during the formulation
12 of, and plan selection for, a water resources develop-
13 ment project;

14 (2) an analysis of improvements or alternatives
15 to how the Corps of Engineers utilizes the National
16 Economic Development, Regional Economic Develop-
17 ment, Environmental Quality, and Other Social Ef-
18 fects accounts developed by the Institute for Water
19 Resources of the Corps of Engineers in the formula-
20 tion of, and plan selection for, such projects;

21 (3) an analysis of whether such principles and
22 methodologies fully account for all of the potential
23 benefits of project alternatives, including any reason-
24 ably associated benefits of such alternatives that are

1 not contrary to law, Federal policy, or sound water
2 resources management;

3 (4) an analysis of whether such principles and
4 methodologies fully account for all of the costs of
5 project alternatives, including potential societal
6 costs, such as lost ecosystem services, and full life-
7 cycle costs for such alternatives; and

8 (5) an analysis of the methodologies utilized by
9 the Federal Government in setting and applying dis-
10 count rates for benefit-cost analyses used in the for-
11 mulation, evaluation, and budgeting of Corps of En-
12 gineers water resources development projects.

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

17 (1) submit a report containing the results of
18 the study and the recommendations to the Com-
19 mittee on Environment and Public Works of the
20 Senate and the Committee on Transportation and
21 Infrastructure of the House of Representatives; and

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

24 (d) SENSE OF CONGRESS ON BUDGETARY EVALUA-
25 TION METRICS AND TRANSPARENCY.—It is the sense of

1 Congress that the President, in the formulation of the an-
 2 nual budget request for the U.S. Army Corps of Engineers
 3 (Civil Works), should submit to Congress a budget that—

- 4 (1) aligns the assessment of the potential ben-
 5 efit-cost ratio for budgeting water resources develop-
 6 ment projects with that used by the Corps of Engi-
 7 neers during project plan formulation and evaluation
 8 pursuant to section 80 of the Water Resources De-
 9 velopment Act of 1974 (42 U.S.C. 1962d–17); and
 10 (2) demonstrates the transparent criteria and
 11 metrics utilized by the President in the evaluation
 12 and selection of water resources development
 13 projects included in the budget request.

14 **TITLE II—STUDIES**

15 **SEC. 201. AUTHORIZATION OF PROPOSED FEASIBILITY** 16 **STUDIES.**

17 The Secretary is authorized to conduct a feasibility
 18 study for the following projects for water resources devel-
 19 opment and conservation and other purposes, as identified
 20 in the reports titled “Report to Congress on Future Water
 21 Resources Development” submitted to Congress on March
 22 17, 2017, and February 5, 2018, respectively, pursuant
 23 to section 7001 of the Water Resources Reform and Devel-
 24 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-
 25 viewed by Congress:

1 (1) CAVE BUTTES DAM, ARIZONA.—Project for
2 flood risk management, Phoenix, Arizona.

3 (2) SAN DIEGO RIVER, CALIFORNIA.—Project
4 for flood risk management, navigation, and eco-
5 system restoration, San Diego, California.

6 (3) J. BENNETT JOHNSTON WATERWAY, LOU-
7 ISIANA.—Project for navigation, J. Bennett John-
8 ston Waterway, Louisiana.

9 (4) NORTSHORE, LOUISIANA.—Project for
10 flood risk management, St. Tammany Parish, Lou-
11 isiana.

12 (5) OUACHITA-BLACK RIVERS, LOUISIANA.—
13 Project for navigation, Little River, Louisiana.

14 (6) CHAUTAUQUA LAKE, NEW YORK.—Project
15 for ecosystem restoration and flood risk manage-
16 ment, Chautauqua, New York.

17 (7) TRINITY RIVER AND TRIBUTARIES,
18 TEXAS.—Project for navigation, Liberty, Texas.

19 (8) WEST CELL LEVEE, TEXAS.—Project for
20 flood risk management, Irving, Texas.

21 (9) COASTAL VIRGINIA, VIRGINIA.—Project for
22 flood risk management, ecosystem restoration, and
23 navigation, Coastal Virginia.

1 (10) TANGIER ISLAND, VIRGINIA.—Project for
2 flood risk management and ecosystem restoration,
3 Tangier Island, Virginia.

4 **SEC. 202. ADDITIONAL STUDIES.**

5 (a) LOWER MISSISSIPPI RIVER; MISSOURI, KEN-
6 TUCKY, TENNESSEE, ARKANSAS, MISSISSIPPI, AND LOU-
7 ISIANA.—

8 (1) IN GENERAL.—The Secretary is authorized
9 to carry out studies to determine the feasibility of
10 habitat restoration for each of the eight reaches
11 identified as priorities in the report prepared by the
12 Secretary pursuant to section 402 of the Water Re-
13 sources Development Act of 2000, titled “Lower
14 Mississippi River Resource Assessment; Final As-
15 sessment In Response to Section 402 of WRDA
16 2000” and dated July 2015.

17 (2) CONSULTATION.—The Secretary shall con-
18 sult with the Lower Mississippi River Conservation
19 Committee during each feasibility study carried out
20 under paragraph (1).

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

23 (1) IN GENERAL.—The Secretary is authorized
24 to carry out studies to determine the feasibility of a
25 project for ecosystem restoration and flood risk man-

1 agement in Madison, St. Clair, and Monroe counties,
 2 Illinois, St. Louis City, and St. Louis, Jefferson,
 3 Franklin, Gasconade, Maries, Phelps, Crawford,
 4 Dent, Washington, Iron, St. Francois, St. Genevieve,
 5 Osage, Reynolds, and Texas counties, Missouri.

6 (2) CONTINUATION OF EXISTING STUDY.—Any
 7 study carried out under paragraph (1) shall be con-
 8 sidered a continuation of the study being carried out
 9 under Committee Resolution 2642 of the Committee
 10 on Transportation and Infrastructure of the House
 11 of Representatives, adopted June 21, 2000.

12 **SEC. 203. EXPEDITED COMPLETION OF REPORTS FOR CER-**
 13 **TAIN PROJECTS.**

14 (a) FEASIBILITY REPORTS.—The Secretary shall ex-
 15 pedite the completion of a feasibility study for each of the
 16 following projects, and if the Secretary determines that
 17 the project is justified in a completed report, may proceed
 18 directly to preconstruction planning, engineering, and de-
 19 sign of the project:

20 (1) Project for riverbank stabilization, Selma,
 21 Alabama.

22 (2) Project for ecosystem restoration, Three
 23 Mile Creek, Alabama.

24 (3) Project for flood diversion, Seward, Alaska.

1 (4) Project for flood control, water conserva-
2 tion, and related purposes, Coyote Valley Dam, Cali-
3 fornia.

4 (5) Project for flood risk management, South
5 San Francisco, California.

6 (6) Project for flood risk management and eco-
7 system restoration, Tijuana River, California.

8 (7) Project for flood risk management in East
9 Hartford, Connecticut.

10 (8) Project for flood risk management in Hart-
11 ford, Connecticut.

12 (9) Projects under the Comprehensive Flood
13 Mitigation Study for the Delaware River Basin.

14 (10) Project for ecosystem restoration, Lake
15 Apopka, Florida.

16 (11) Project for ecosystem restoration, Kansas
17 River Weir, Kansas.

18 (12) Project for water resource improvements,
19 Willamette River Basin, Fern Ridge, Oregon.

20 (13) Project for navigation, Tacoma Harbor,
21 Washington.

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

1 (1) Project for flood risk management, San
 2 Luis Rey River Flood Control Protection Project,
 3 California.

4 (2) Project for flood risk management, Success
 5 Reservoir Enlargement Project, California.

6 (3) Everglades Agricultural Area Reservoir,
 7 Central Everglades Planning Project, Florida.

8 **TITLE III—DEAUTHORIZATIONS,**
 9 **MODIFICATIONS, AND RE-**
 10 **LATED PROVISIONS**

11 **SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

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

13 (1) to identify \$3,000,000,000 in water re-
 14 sources development projects authorized by Congress
 15 that are no longer viable for construction due to—

16 (A) a lack of local support;

17 (B) a lack of available Federal or non-Fed-
 18 eral resources; or

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

21 (2) to create an expedited and definitive process
 22 for Congress to deauthorize water resources develop-
 23 ment projects that are no longer viable for construc-
 24 tion; and

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

4 (b) INTERIM DEAUTHORIZATION LIST.—

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

7 (A) each water resources development
8 project, or separable element of a project, au-
9 thorized for construction before November 8,
10 2007, for which—

11 (i) planning, design, or construction
12 was not initiated before the date of enact-
13 ment of this Act; or

14 (ii) planning, design, or construction
15 was initiated before the date of enactment
16 of this Act, but for which no funds, Fed-
17 eral or non-Federal, were obligated for
18 planning, design, or construction of the
19 project or separable element of the project
20 during the current fiscal year or any of the
21 6 preceding fiscal years; and

22 (B) each project or separable element iden-
23 tified and included on a list to Congress for de-
24 authorization pursuant to section 1001(b)(2) of

1 the Water Resources Development Act of 1986
2 (33 U.S.C. 579a(b)(2)).

3 (2) PUBLIC COMMENT AND CONSULTATION.—

4 (A) IN GENERAL.—The Secretary shall so-
5 licit comments from the public and the Gov-
6 ernors of each applicable State on the interim
7 deauthorization list developed under paragraph
8 (1).

9 (B) COMMENT PERIOD.—The public com-
10 ment period shall be 90 days.

11 (3) SUBMISSION TO CONGRESS; PUBLICA-
12 TION.—Not later than 90 days after the date of the
13 close of the comment period under paragraph (2),
14 the Secretary shall—

15 (A) submit a revised interim deauthoriza-
16 tion list to the Committee on Environment and
17 Public Works of the Senate and the Committee
18 on Transportation and Infrastructure of the
19 House of Representatives; and

20 (B) publish the revised interim deauthor-
21 ization list in the Federal Register.

22 (c) FINAL DEAUTHORIZATION LIST.—

23 (1) IN GENERAL.—The Secretary shall develop
24 a final deauthorization list of water resources devel-
25 opment projects, or separable elements of projects,

1 from the revised interim deauthorization list de-
2 scribed in subsection (b)(3).

3 (2) DEAUTHORIZATION AMOUNT.—

4 (A) PROPOSED FINAL LIST.—The Sec-
5 retary shall prepare a proposed final deauthor-
6 ization list of projects and separable elements of
7 projects that have, in the aggregate, an esti-
8 mated Federal cost to complete that is at least
9 \$3,000,000,000.

10 (B) DETERMINATION OF FEDERAL COST
11 TO COMPLETE.—For purposes of subparagraph
12 (A), the Federal cost to complete shall take into
13 account any allowances authorized by section
14 902 of the Water Resources Development Act
15 of 1986 (33 U.S.C. 2280), as applied to the
16 most recent project schedule and cost estimate.

17 (3) IDENTIFICATION OF PROJECTS.—

18 (A) SEQUENCING OF PROJECTS.—

19 (i) IN GENERAL.—The Secretary shall
20 identify projects and separable elements of
21 projects for inclusion on the proposed final
22 deauthorization list according to the order
23 in which the projects and separable ele-
24 ments of the projects were authorized, be-
25 ginning with the earliest authorized

1 projects and separable elements of projects
2 and ending with the latest project or sepa-
3 rable element of a project necessary to
4 meet the aggregate amount under para-
5 graph (2)(A).

6 (ii) FACTORS TO CONSIDER.—The
7 Secretary may identify projects and sepa-
8 rable elements of projects in an order other
9 than that established by clause (i) if the
10 Secretary determines, on a case-by-case
11 basis, that a project or separable element
12 of a project is critical for interests of the
13 United States, based on the possible im-
14 pact of the project or separable element of
15 the project on public health and safety, the
16 national economy, or the environment.

17 (iii) CONSIDERATION OF PUBLIC COM-
18 MENTS.—In making determinations under
19 clause (ii), the Secretary shall consider any
20 comments received under subsection (b)(2).

21 (B) APPENDIX.—The Secretary shall in-
22 clude as part of the proposed final deauthoriza-
23 tion list an appendix that—

24 (i) identifies each project or separable
25 element of a project on the interim de-

1 authorization list developed under sub-
2 section (b) that is not included on the pro-
3 posed final deauthorization list; and

4 (ii) describes the reasons why the
5 project or separable element is not in-
6 cluded on the proposed final list.

7 (4) PUBLIC COMMENT AND CONSULTATION.—

8 (A) IN GENERAL.—The Secretary shall so-
9 licit comments from the public and the Gov-
10 ernor of each applicable State on the proposed
11 final deauthorization list and appendix devel-
12 oped under paragraphs (2) and (3).

13 (B) COMMENT PERIOD.—The public com-
14 ment period shall be 90 days.

15 (5) SUBMISSION OF FINAL LIST TO CONGRESS;
16 PUBLICATION.—Not later than 120 days after the
17 date of the close of the comment period under para-
18 graph (4), the Secretary shall—

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

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

4 (d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

5 (1) IN GENERAL.—After the expiration of the
6 180-day period beginning on the date of submission
7 of the final deauthorization list and appendix under
8 subsection (c), a project or separable element of a
9 project identified in the final deauthorization list is
10 hereby deauthorized, unless Congress passes a joint
11 resolution disapproving the final deauthorization list
12 prior to the end of such period.

13 (2) NON-FEDERAL CONTRIBUTIONS.—

14 (A) IN GENERAL.—A project or separable
15 element of a project identified in the final de-
16 authorization list under subsection (c) shall not
17 be deauthorized under this subsection if, before
18 the expiration of the 180-day period referred to
19 in paragraph (1), the non-Federal interest for
20 the project or separable element of the project
21 provides sufficient funds to complete the project
22 or separable element of the project.

23 (B) TREATMENT OF PROJECTS.—Notwith-
24 standing subparagraph (A), each project and
25 separable element of a project identified in the

1 final deauthorization list shall be treated as de-
2 authorized for purposes of the aggregate de-
3 authorization amount specified in subsection
4 (c)(2)(A).

5 (3) PROJECTS IDENTIFIED IN APPENDIX.—A
6 project or separable element of a project identified
7 in the appendix to the final deauthorization list shall
8 remain subject to future deauthorization by Con-
9 gress.

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

18 (f) GENERAL PROVISIONS.—

19 (1) DEFINITIONS.—In this section, the fol-
20 lowing definitions apply:

21 (A) POST-AUTHORIZATION STUDY.—The
22 term “post-authorization study” means—

23 (i) a feasibility report developed under
24 section 905 of the Water Resources Devel-
25 opment Act of 1986 (33 U.S.C. 2282);

1 (ii) a feasibility study, as defined in
2 section 105(d) of the Water Resources De-
3 velopment Act of 1986 (33 U.S.C.
4 2215(d)); or

5 (iii) a review conducted under section
6 216 of the Flood Control Act of 1970 (33
7 U.S.C. 549a), including an initial appraisal
8 that—

9 (I) demonstrates a Federal inter-
10 est; and

11 (II) requires additional analysis
12 for the project or separable element.

13 (B) WATER RESOURCES DEVELOPMENT
14 PROJECT.—The term “water resources develop-
15 ment project” includes an environmental infra-
16 structure assistance project or program of the
17 Corps of Engineers.

18 (2) TREATMENT OF PROJECT MODIFICA-
19 TIONS.—For purposes of this section, if an author-
20 ized water resources development project or sepa-
21 rable element of the project has been modified by an
22 Act of Congress, the date of the authorization of the
23 project or separable element shall be deemed to be
24 the date of the most recent modification.

1 **SEC. 302. BACKLOG PREVENTION.**

2 (a) PROJECT DEAUTHORIZATION.—

3 (1) IN GENERAL.—A water resources develop-
4 ment project, or separable element of such a project,
5 authorized for construction by this Act shall not be
6 authorized after the last day of the 10-year period
7 beginning on the date of enactment of this Act un-
8 less—

9 (A) funds have been obligated for construc-
10 tion of, or a post-authorization study for, such
11 project or separable element during that period;
12 or

13 (B) the authorization contained in this Act
14 has been modified by a subsequent Act of Con-
15 gress.

16 (2) IDENTIFICATION OF PROJECTS.—Not later
17 than 60 days after the expiration of the 10-year pe-
18 riod referred to in paragraph (1), the Secretary shall
19 submit to the Committee on Environment and Pub-
20 lic Works of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives a report that identifies the projects
23 deauthorized under paragraph (1).

24 (b) REPORT TO CONGRESS.—Not later than 60 days
25 after the expiration of the 12-year period beginning on the
26 date of enactment of this Act, the Secretary shall submit

1 to the Committee on Environment and Public Works of
2 the Senate and the Committee on Transportation and In-
3 frastructure of the House of Representatives, and make
4 available to the public, a report that contains—

5 (1) a list of any water resources development
6 projects authorized by this Act for which construc-
7 tion has not been completed during that period;

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

10 (3) a schedule for the completion of the projects
11 based on expected levels of appropriations; and

12 (4) a 5-year and 10-year projection of construc-
13 tion backlog and any recommendations to Congress
14 regarding how to mitigate current problems and the
15 backlog.

16 (c) CLARIFICATION.—Section 6003(a) of the Water
17 Resources Reform Development Act of 2014 (33 U.S.C.
18 579c(a)) is amended by striking “7” each place it appears
19 and inserting “10”.

20 **SEC. 303. PROJECT MODIFICATIONS.**

21 (a) CONSISTENCY WITH REPORTS.—Congress finds
22 that the project modifications described in this section are
23 in accordance with the reports submitted to Congress by
24 the Secretary under section 7001 of the Water Resources
25 Reform and Development Act of 2014 (33 U.S.C. 2282d),

1 titled “Report to Congress on Future Water Resources
2 Development”, or have otherwise been reviewed by Con-
3 gress.

4 (b) MODIFICATIONS.—

5 (1) HARBOR/SOUTH BAY, CALIFORNIA.—Sec-
6 tion 219(f)(43) of the Water Resources Development
7 Act of 1992 (113 Stat. 337; 114 Stat. 2763A–220)
8 is amended by striking “\$35,000,000” and inserting
9 “\$70,000,000”.

10 (2) LAKES MARION AND MOULTRIE, SOUTH
11 CAROLINA.—Section 219(f)(25) of the Water Re-
12 sources Development Act of 1992 (113 Stat. 336;
13 114 Stat. 2763A–220; 117 Stat. 1838; 130 Stat.
14 1677) is amended by striking “\$60,000,000” and in-
15 serting “\$89,550,000”.

16 **SEC. 304. MILWAUKEE HARBOR, MILWAUKEE, WISCONSIN.**

17 The portion of the project for navigation, Milwaukee
18 Harbor, Milwaukee, Wisconsin, authorized by the first sec-
19 tion of the Act of March 3, 1843 (5 Stat. 619; chapter
20 85), consisting of the navigation channel within the
21 Menomonee River that extends from the 16th Street
22 Bridge upstream to the upper limit of the authorized navi-
23 gation channel and described as follows is no longer au-
24 thorized beginning on the date of enactment of this Act:

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

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

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

11 (4) Thence running northerly along the up-
12 stream limit of the existing project about 80.5 feet
13 to a point, N383159.359, E2518025.363.

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

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

20 (7) Thence running southerly across the chan-
21 nel about 74.3 feet to the point of origin.

22 **SEC. 305. BRIDGEPORT HARBOR, CONNECTICUT.**

23 That portion of the project for navigation, Bridgeport
24 Harbor, Connecticut, authorized by the Act of June 18,
25 1878 (20 Stat. 158), and modified by the Act of August

1 11, 1888 (25 Stat. 401), the Act of March 3, 1899 (30
 2 Stat. 1122), the Act of June 25, 1910 (36 Stat. 633),
 3 and the Act of July 3, 1930 (46 Stat. 919), and lying
 4 upstream of a line commencing at point N627942.09,
 5 E879709.18 thence running southwesterly about 125 feet
 6 to a point N627832.03, E879649.91 is no longer author-
 7 ized beginning on the date of enactment of this Act.

8 **SEC. 306. CONVEYANCES.**

9 (a) CHEATHAM COUNTY, TENNESSEE.—

10 (1) CONVEYANCE AUTHORIZED.—The Secretary
 11 of the Army may convey to Cheatham County, Ten-
 12 nessee (in this subsection referred to as the “Grant-
 13 ee”), all right, title, and interest of the United
 14 States in and to the real property in Cheatham
 15 County, Tennessee, consisting of approximately 9.19
 16 acres, identified as portions of tracts E–514–1, E–
 17 514–2, E–518–1, E–518–2, E–519–1, E–537–1,
 18 and E–538, all being part of the Cheatham Lock
 19 and Dam project at CRM 158.5, including any im-
 20 provements thereon.

21 (2) DEED.—The conveyance of property under
 22 this subsection shall be accomplished using a quit-
 23 claim deed and upon such terms and conditions as
 24 the Secretary determines appropriate to protect the
 25 interests of the United States, to include retaining

1 the right to inundate with water any land trans-
2 ferred under this subsection.

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

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

12 (b) NASHVILLE, TENNESSEE.—

13 (1) CONVEYANCE AUTHORIZED.—The Secretary
14 of the Army may convey, without consideration, to
15 the City of Nashville, Tennessee (in this subsection
16 referred to as “City”), all right, title, and interest of
17 the United States in and to the real property cov-
18 ered by Lease No. DACW62–1–84–149, including
19 any improvements thereon, at the Riverfront Park
20 Recreational Development, consisting of approxi-
21 mately 5 acres, subject to the right of the Secretary
22 to retain any required easements in the property.

23 (2) CONVEYANCE AGREEMENT.—A quit claim
24 deed shall be used to convey real property under this
25 subsection upon the terms and conditions mutually

1 satisfactory to the Secretary and the City. The deed
2 shall provide that in the event the City, its succes-
3 sors, or assigns cease to maintain improvements for
4 recreation included in the conveyance or otherwise
5 utilize the real property conveyed for purposes other
6 than recreation and compatible flood risk manage-
7 ment, the City, its successor, or assign shall repay
8 to the United States the Federal share of the cost
9 of constructing the improvements for recreation
10 under the agreement between the United States and
11 the City dated December 8, 1981, increased as nec-
12 essary to account for inflation.

13 (c) GENERALLY APPLICABLE PROVISIONS.—

14 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

15 The exact acreage and the legal description of any
16 real property to be conveyed under this section shall
17 be determined by a survey that is satisfactory to the
18 Secretary.

19 (2) APPLICABILITY OF PROPERTY SCREENING
20 PROVISIONS.—Section 2696 of title 10, United
21 States Code, shall not apply to any conveyance
22 under this section.

23 (3) ADDITIONAL TERMS AND CONDITIONS.—

24 The Secretary may require that any conveyance
25 under this section be subject to such additional

1 terms and conditions as the Secretary considers nec-
2 essary and appropriate to protect the interests of the
3 United States.

4 (4) COSTS OF CONVEYANCE.—An entity to
5 which a conveyance is made under this section shall
6 be responsible for all reasonable and necessary costs,
7 including real estate transaction and environmental
8 documentation costs, associated with the conveyance.

9 (5) LIABILITY.—An entity to which a convey-
10 ance is made under this section shall hold the
11 United States harmless from any liability with re-
12 spect to activities carried out, on or after the date
13 of the conveyance, on real property conveyed. The
14 United States shall remain responsible for any liabil-
15 ity with respect to activities carried out, before such
16 date, on the real property conveyed.

17 **SEC. 307. CLATSOP COUNTY, OREGON.**

18 The portions of the project for raising and improving
19 existing levees of Clatsop County Diking District No. 13,
20 in Clatsop County, Oregon, authorized by section 5 of the
21 Act of June 22, 1936 (49 Stat. 1590), that are referred
22 to as Christensen No. 1 Dike No. 42 and Christensen No.
23 2 Levee No. 43 are no longer authorized beginning on the
24 date of enactment of this Act.

1 **SEC. 308. KISSIMMEE RIVER RESTORATION, CENTRAL AND**
2 **SOUTHERN FLORIDA.**

3 Subject to a determination by the Secretary that the
4 costs are reasonable and allowable and that the work for
5 which credit is requested was carried out in accordance
6 with the laws specified in section 5014(i)(2)(A) of the
7 Water Resources Reform and Development Act of 2014
8 (128 Stat. 1331) and all other applicable Federal laws,
9 the Secretary may credit toward the non-Federal share of
10 the cost of the Kissimmee River project, authorized in sec-
11 tion 101(8) of the Water Resources Development Act of
12 1992 (106 Stat. 4802), the value of in-kind contributions
13 made by the non-Federal interest with respect to the six
14 following actions, as described in the final report of the
15 Director of Civil Works on the Central and Southern Flor-
16 ida Project, Kissimmee River Restoration Project, dated
17 April 27, 2018:

- 18 (1) Shady Oaks Fish Camp land preparation.
19 (2) Rocks Fish Camp land preparation.
20 (3) Levee breaching of Sparks Candler and
21 Bronson Levees.
22 (4) Packingham Slough construction related to
23 land acquisition.
24 (5) Engineering analysis of River Acres engi-
25 neering solution.
26 (6) Small local levee modifications.

1 **SEC. 309. LYTLE AND CAJON CREEKS, CALIFORNIA.**

2 That portion of the channel improvement project,
3 Lytle and Cajon Creeks, California, authorized to be car-
4 ried out as a part of the project for the Santa Ana River
5 Basin, California, by the Act of December 22, 1944
6 (Chapter 665; 58 Stat. 900), that consists of five earth-
7 filled groins commonly referred to as “the Riverside Ave-
8 nue groins” is no longer authorized as a Federal project
9 beginning on the date of enactment of this Act.

10 **TITLE IV—WATER RESOURCES**
11 **INFRASTRUCTURE**

12 **SEC. 401. PROJECT AUTHORIZATIONS.**

13 The following projects for water resources develop-
14 ment and conservation and other purposes, as identified
15 in the reports titled “Report to Congress on Future Water
16 Resources Development” submitted to Congress on March
17 17, 2017, and February 5, 2018, respectively, pursuant
18 to section 7001 of the Water Resources Reform and Devel-
19 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-
20 viewed by Congress are authorized to be carried out by
21 the Secretary substantially in accordance with the plans,
22 and subject to the conditions, described in the respective
23 reports or decision documents designated in this section:

1 (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 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. NY	Mamaroneck-Sheldrake Rivers	Dec. 14, 2017	Federal: \$53,500,000 Non-Federal: \$28,750,000 Total: \$82,250,000
2. HI	Ala Wai Canal	Dec. 21, 2017	Federal: \$198,962,000; Non-Federal: \$107,133,000 Total: \$306,095,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-
2 DUCATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. FL	St. Johns County	Aug. 8, 2017	Initial Federal: \$5,712,000 Initial Non-Federal: \$19,122,000 Initial Total: \$24,834,000 Renourishment Federal: \$9,484,000 Renourishment Non-Federal: \$44,099,000 Renourishment Total: \$53,583,000
2. TX	Sabine Pass to Galveston Bay	Dec. 7, 2017	Initial Federal: \$2,157,202,000 Initial Non-Federal: \$1,161,570,000 Initial Total: \$3,318,772,000
3. FL	St. Lucie County	Dec. 15, 2017	Initial Federal: \$7,097,000 Initial Non-Federal: \$13,179,000 Initial Total: \$20,276,000 Renourishment Federal: \$8,915,000 Renourishment Non-Federal: \$24,105,000 Renourishment Total: \$33,020,000

3 (4) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. GA	Savannah Harbor Expansion Project	Dec. 5, 2016	Federal: \$677,613,600 Non-Federal: \$295,829,400 Total: \$973,443,000

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
2. KY	Kentucky River Locks and Dams - 1, 2, 3, and 4	April 20, 2018	Federal: \$0 Non-Federal: \$0 Total: \$0

