

Water Resources Reform and Development Act of 2014

Section-by-Section

Section 1. Short Title; Table of Contents.

Section 2. Definition of Secretary.

This section defines the term Secretary in the Act as meaning the Secretary of the Army.

Title I—PROGRAM REFORMS AND STREAMLINING

Section 1001. Vertical Integration and Acceleration of Studies.

This section limits Corps of Engineers feasibility studies to 3 years and \$3 million in federal costs per feasibility study. It also requires District, Division, and Headquarters personnel to concurrently conduct reviews of a feasibility study. For any feasibility study not complete after 3 years, upon notification of the non-federal project sponsor and Congress, the Secretary of the Army may take up to one additional year to complete the feasibility study or provide a certification for certain complex projects. If the feasibility study is still not complete, authorization for the feasibility study is terminated.

Section 1002. Consolidation of Studies.

This section repeals requirements that the Corps of Engineers conduct a reconnaissance study prior to initiating a feasibility study. It creates an accelerated process which allows non-federal project sponsors and the Corps of Engineers to proceed directly to the feasibility study. At any point during a feasibility study, the Secretary may terminate the study when it is clear that a project in the public interest is not possible for technical, legal, or financial reasons.

Section 1003. Expedited Completion of Reports.

This section encourages the Secretary to expedite the completion of any ongoing feasibility study, and if the Secretary deems the project justifiable, the project may move immediately to preconstruction, planning, engineering, and design activities following a completed feasibility study.

Section 1004. Removal of Duplicative Analyses.

This section repeals a requirement that the Corps of Engineers reevaluate government cost-estimates immediately after initial cost-estimates have been completed.

Section 1005. Project Acceleration.

This section accelerates Corps of Engineers studies and reviews by requiring early coordination between the Secretary of the Army, as the lead agency, and other agencies that must approve a project; creates opportunities for non-federal sponsors to assume greater responsibilities in protecting public health, safety, and the environment; and establishes deadlines for action by all agencies providing materials and comments for studies and reviews.

Section 1006. Expediting the Evaluation and Processing of Permits.

This section provides permanent authority for the Corps of Engineers to accept funds from non-federal public interests to expedite the processing of permits within the regulatory program of the Corps of Engineers. Additionally, this section allows public utility companies and natural gas companies to participate in the program for a period of 7 years. Finally, this section directs the Secretary to ensure that use of the authority does not slow down the permit processing time of applicants that choose not to participate in the program and ensures adequate oversight of decisions made under this authority.

Section 1007. Expediting Approval of Modifications and Alterations of Projects by Non-Federal Interests.

This section requires the Secretary of the Army to develop a 45-day benchmark for reviewing and processing applications from non-federal entities to modify or improve eligible federal water resources projects, and a 180-day benchmark for those applications that require more complicated project modifications.

Section 1008. Expediting Hydropower at Corps of Engineers Facilities.

This section encourages the development of hydropower at Corps of Engineers facilities and requires the Secretary of the Army to submit a report to Congress describing activities carried out by the Corps of Engineers that encourages the development of hydroelectric power at Corps of Engineers projects by non-federal interests.

Section 1009. Enhanced Use of Electronic Commerce in Federal Procurement.

This section requires the Secretary of the Army to submit a report to Congress detailing activities carried out by the Corps of Engineers that are necessary to comply with federal procurement laws related to electronic bidding.

Section 1010. Determination of Project Completion.

This section authorizes an appeals process for any non-federal interest regarding determinations made by the Corps of Engineers on project completeness.

Section 1011. Prioritization.

This section requires the Secretary, when considering authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, to give priority to those projects and feasibility studies that address an imminent threat to life and property. It also requires the Secretary, when considering authorized projects with a primary purpose of ecosystem restoration, to give priority to projects that address an identified threat to public health, safety, or welfare.

Section 1012. Transparency in Accounting and Administrative Expenses.

This section requires the Secretary to provide, upon a request of a non-federal interest, a detailed accounting of all federal expenses related to a water resources project.

Section 1013. Evaluation of Project Partnership Agreements.

This section requires the Secretary to contract with the National Academy of Public Administration to carry out a comprehensive review of the process the Corps of Engineers utilizes for preparing, negotiating, and approving project partnership agreements, and to submit the review to Congress.

Section 1014. Study and Construction of Water Resources Development Projects by Non-Federal Interests.

This section provides non-federal interests the opportunity to study, design, and construct water resources projects using their own funding, and, in accordance with designated Corps of Engineers criteria, to seek future credit or reimbursement for any non-federal funds expended that are in excess of the non-federal cost share of the project.

Section 1015. Contributions by Non-Federal Interests.

This section clarifies that non-federal interests may contribute funds toward construction of authorized water resources projects. Additionally, this section clarifies that inland navigation facilities and the repair of water resources facilities after an emergency declaration are eligible for contributed funds from non-federal interests.

Section 1016. Operation and Maintenance of Certain Projects.

This section authorizes the Secretary to assume operation and maintenance responsibilities for certain navigation projects that were constructed by non-federal interests, provided that certain engineering and construction conditions are met.

Section 1017. Acceptance of Contributed Funds to Increase Lock Operations.

This section establishes a 5-year pilot program for the acceptance and expenditure of funds contributed by non-federal interests to operate and maintain specific locks located on the nation's inland waterways transportation system. This section also requires the Secretary to provide notice and an opportunity for public comment on any proposal to change the current operation schedule of existing navigation locks.

Section 1018. Credit for In-Kind Contributions.

This section corrects two provisions in WRDA 2007 that have not been properly executed due to unintended interpretations. In previous Water Resources Development Acts, credit was authorized for individual projects. However, many of these provisions had been written differently over time, though the intent was the same. In an effort to harmonize those activities for which credit could be authorized, Congress requested technical assistance from the Corps of Engineers in drafting a credit provision that could be applied to all Corps projects. While the language provided by the Corps was part of WRDA 2007, the Corps subsequently came back to Congress saying that specific sections of law could not be executed as Congress intended. This provision ensures eligible non-federal project sponsors receive credit for in-kind contributions related to federal water resources development projects. It also establishes a predictable and transparent process for approval of requests to carry out work for in-kind credit.

Section 1019. Clarification of In-Kind Credit Authority.

This section amends section 7007 of the Water Resources Development Act of 2007 to clarify those items which are eligible for work-in-kind credit.

Section 1020. Transfer of Excess Credit.

This section authorizes a non-federal sponsor to apply credit for in-kind contributions that are in excess of the non-federal share to other water resources development projects being carried out by the same non-federal sponsor, subject to certain conditions.

Section 1021. Crediting Authority for Federally Authorized Navigation Projects.

This section authorizes a non-federal interest to carry out operation and maintenance responsibilities of an authorized navigation project using its own funds, subject to the conditions that the non-federal interest follow all applicable laws and regulations, and provides that the credit received for such work may be applied toward construction costs of another element of the same project or another authorized navigation project sponsored by the same non-federal interest, but cannot exceed 20 percent of the construction of a new navigation project.

Section 1022. Credit In Lieu of Reimbursement.

This section authorizes the Secretary, at the request of a non-federal interest, to provide credit towards a future flood damage reduction project carried out by a non-federal interest in lieu of reimbursement of funds.

Section 1023. Additional Contributions by Non-Federal Interests.

This section allows the Secretary to accept funds from a non-federal interest for any authorized water resources development project that meets or exceeds their cost limit as long as the federal share does not increase.

Section 1024. Authority to Accept and Use Materials and Services.

This section authorizes the Secretary to accept material and services provided by a non-federal interest, including public, non-profit, or private entities, for the purposes of repairing, restoring, or replacing a water resources development project or separable elements of that project that have been damaged or destroyed during an emergency event.

Section 1025. Water Resources Projects on Federal Land.

This section authorizes the Secretary to carry out projects on federal lands where the acquisition of those lands have been paid for by a non-federal project sponsor.

Section 1026. Clarification of Impacts to Other Federal Facilities.

This section clarifies that when a Corps of Engineers project adversely impacts other federal facilities, the Secretary of the Army may accept funds from other federal agencies to address the impacts, including removal, relocation, and reconstruction of such facilities.

Section 1027. Clarification of Munition Disposal Authorities.

This section authorizes the Secretary to remove military munitions from the vicinity of Corps of Engineers projects.

Section 1028. Clarification of Mitigation Authority.

This section clarifies that the Secretary may carry out measures to improve fish species habitats within the boundaries and downstream of a Corps project that may include a fish hatchery, if the Secretary is explicitly authorized to compensate for fish losses associated with the project.

Section 1029. Clarification of Interagency Support Authorities.

This section authorizes the Secretary to accept funds from other federal agencies to carry out work on their behalf.

Section 1030. Continuing Authority.

This section modifies the authorization for small continuing authority programs associated with navigation, flood damage reduction, ecosystem restoration, emergency streambank protection, control of invasive species, and other activities carried out by the Corps of Engineers.

Section 1031. Tribal Partnership Program.

This section authorizes the Corps of Engineers to carry out water-related planning activities and construct water resource development projects that are located primarily within Indian country or impacts tribal resources. Previous Water Resources Development Acts have authorized individual Tribes to carry out these activities. This section is intended to provide this authority generically so that all Tribes may benefit.

Section 1032. Territories of the United States.

This section updates the cost sharing responsibilities for the Corps of Engineers for work performed in United States Territories.

Section 1033. Corrosion Prevention.

This section encourages the Corps of Engineers to incorporate corrosion prevention activities to extend the life of federal water resources projects.

Section 1034. Advanced Modeling Technologies.

This section encourages the Corps of Engineers to utilize industry best modeling practices to expedite project delivery and improve the evaluation of water resources development projects.

Section 1035. Recreational Access.

This section clarifies that floating cabins on reservoirs cannot be prohibited by the Corps of Engineers if they meet certain criteria, including meeting the United States Coast Guard definition of a recreational vessel and being maintained to required health and safety standards.

Section 1036. Non-Federal Plans to Provide Additional Flood Risk Reduction.

This section authorizes the Secretary of the Army to carry out a locally preferred plan if that project increment does not increase the Federal share and provides a higher level of flood protection and is economically justified, technically achievable, and environmentally acceptable.

Section 1037. Hurricane and Storm Damage Reduction.

This section authorizes a non-federal interest to request a Corps of Engineers study of hurricane and storm damage reduction projects to determine if there is a federal interest in carrying out an additional 15 years of work. If the study is favorable, the non-federal interest may request project specific authorization through the Annual Report process described in section 7001 of this Act. For those projects that will expire in the next 5 years, the Corps of Engineers is authorized to continue work for another 3 years, providing an opportunity for those impacted non-federal interests to work through the study process and Annual Report requirements.

Section 1038. Reduction of Federal Costs for Hurricane and Storm Damage Reduction Projects.

This section authorizes the Secretary to place dredged material in nearby shoreline systems to protect coastal infrastructure and reduce future and existing emergency repair costs.

Section 1039. Invasive Species.

This section authorizes the Secretary and heads of the United States Fish and Wildlife Service, the Tennessee Valley Authority, and other applicable agencies to review existing authorities related to the prevention of invasive species and make recommendations to Congress on how to more effectively respond to threats and requires the Comptroller General to review federal costs of operation and maintenance related to mitigating the impacts of aquatic invasive species on federally owned and operated facilities.

This section also requires the United States Fish and Wildlife Service, along with the Corps of Engineers, National Park Service, and United States Geological Survey, to work to slow the spread of Asian Carp by providing technical assistance, coordination, and support to state and local governments. Additionally, this section authorizes the Corps of Engineers to make modifications and enhancements to existing projects to prevent the spread of invasive species in the Great Lakes, increases the authorization of a small continuing authority program carried out by the Corps of Engineers for the purpose of preventing the spread of invasive species, and authorizes the Secretary, in consultation and coordination with the States of Idaho, Montana, Oregon, and Washington, to establish watercraft inspection stations in the vicinity of reservoirs operated by the Corps of Engineers.

Section 1040. Fish and Wildlife Mitigation.

This section clarifies that the determination of whether a proposed Corps of Engineers project will have negligible adverse impacts on fish and wildlife is to be made without consideration of proposed mitigation, requires additional justification requirements any time the Secretary does not mitigate to existing conditions, and clarifies that the requirement that mitigation plans for Corps projects comply with mitigation requirements under the regulatory programs administered by the Secretary is a minimum requirement.

This section also requires that the Secretary identify the land or interest in land that will be acquired to implement the mitigation plan and requires that the Secretary determine that the interest in land to be acquired does not exceed the minimum interest in land necessary to meet mitigation requirements, establishes alternative requirements for information that must be provided when third party mitigation arrangements will be used, and authorizes the Secretary to develop programmatic mitigation plans or use qualified mitigation plans developed by other entities and requires that the Secretary use those programmatic mitigation plans to the maximum extent practicable to guide the development of a mitigation plan under this subsection.

Additionally, this section encourages mitigation for water resources projects that results in broader ecosystem benefits and complements other ongoing federal, state, and local conservation and restoration actions, requires that plans be developed in consultation with appropriate state and federal agencies, and authorizes the Secretary to provide technical assistance to states and local governments to establish third-party mitigation instruments to target mitigation payments to high-priority ecosystem restoration actions.

Section 1041. Mitigation Status Report.

This section requires an annual report to Congress on the status of mitigation efforts required for projects of the Corps.

Section 1042. Reports to Congress.

This section would penalize the Secretary for failing to provide in a timely manner certain reports to Congress required under this Act. Failure to provide a specified report (or reports) would trigger and initiate a schedule of reprogramming of funds from the General Expenses account of the Civil Works program of the Corps of Engineers into the account of the division of the Corps of Engineers with responsibility for completing that report until such time as that report is completed and transmitted to Congress.

Section 1043. Non-Federal Implementation Pilot Program.

This section authorizes the Secretary to establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-federal interests to carry out feasibility studies and the construction of projects for flood risk management, hurricane and storm damage reduction, ecosystem restoration, and coastal harbor and channel and inland harbor navigation.

Section 1044. Independent Peer Review.

This section extends the statutory obligation for the Secretary to carry out independent peer reviews during the development of feasibility studies for an additional 5 years. This section raises the cost threshold for triggering such reviews to \$200 million per project.

Section 1045. Report on Surface Elevations at Drought Affected Lakes.

This section requires the Secretary, in coordination with the Federal Energy Regulatory Commission, to report to Congress on the impact of droughts on the elevation of Corps of Engineers reservoirs.

Section 1046. Reservoir Operations and Water Supply.

This section requires the Secretary to carry out an assessment of management practices, priorities, and authorized purposes at Corps of Engineers dams to determine the effects of such practices on water supply during periods of drought. This section also requires the Secretary to update a report on the operating purposes of Corps reservoirs and develop a plan for reviewing and updating, as appropriate, the operations of reservoirs. Nothing in this section changes the authorized purpose of any Corps of Engineers dam or reservoir.

This section also requires the Secretary to notify applicable non-federal interests before each fiscal year of the anticipated operation and maintenance anticipated activities for that fiscal year and for each of the subsequent four fiscal years for which the non-federal interest is required to

contribute amounts, and it prohibits the Secretary from charging a fee for surplus water storage over the next 10 years on Corps of Engineers reservoir projects in the Upper Missouri River Basin. Additionally, this section authorizes a non-federal interest to submit a plan to the Secretary for review prior to any effort to convert future use storage obligations to present use storage.

Section 1047. Special Use Permits.

This section authorizes the Secretary to issue special use permits and charge fees at Corps of Engineers recreation properties for the purpose of hosting group activities and other events. It also authorizes the Corps of Engineers to enter into cooperative agreements with state or local governments to provide recreational opportunities at reservoirs adjacent to state or local recreation properties.

Section 1048. America the Beautiful National Parks and Federal Recreational Lands Pass Program.

This section authorizes the Corps of Engineers to issue and accept visitor passes typically associated with Department of the Interior and United States Forest Service recreation lands.

Section 1049. Applicability of Spill Prevention, Control, and Countermeasure Rule.

This section requires the Environmental Protection Agency, in implementing the Spill Prevention, Control, and Countermeasure (SPCC) regulations with respect to any farm, to require certification of compliance with the rule by a professional engineer for a farm with an individual tank with a storage capacity greater than 10,000 gallons, an aggregate storage capacity of at least 20,000 gallons, or a history that includes a spill; or the owner or operator of the farm may self-certify for a farm with an aggregate storage capacity less than 20,000 gallons. The Administrator of the EPA in consultation with the Secretary of Agriculture is required to undertake a study to determine the threshold for exemption of a farm from all requirements of the rule. Such threshold will be an aggregate storage capacity of less than 6,000 gallons and greater than 2,500 gallons and no history of spills. The bill excludes all containers on separate parcels that have a capacity that is less than 1,000 gallons from the aggregate storage capacity of a farm. The storage capacities stated in this section for triggering the different levels of certification are higher than the capacities under the current SPCC regulations.

Section 1050. Namings.

This section authorizes the re-naming of three Corps of Engineers facilities for distinguished Americans.

Section 1051. Interstate Water Agreements and Compacts.

This section encourages states to resolve interstate water disputes through interstate water compacts.

Section 1052. Sense of Congress Regarding Water Resources Development Bills.

This section encourages the House and Senate to enact a Water Resources Development Act not less than once every Congress.

Title II—NAVIGATION
Subtitle A – Inland Waterways

Section 2001. Definitions.

This section defines the terms used in this subtitle.

Section 2002. Project Delivery Process Reforms.

This section requires the Secretary of the Army, for all capital improvement projects on the inland waterways navigation system, to utilize certified project managers, utilize risk-based cost estimates, evaluate early contractor involvement and acquisition procedures, review the use of fully funded contracts or continuing contracts, identify and utilize best management practices to speed project delivery, and develop a portfolio of standard design for inland navigation locks. This section also augments the duties of the Inland Waterways Users Board and requires the Secretary, in coordination with the Board, to submit to Congress a 20-year investment strategy for the nation's inland and intracoastal waterways.

Section 2003. Efficiency of Revenue Collection.

This section requires the Comptroller General of the United States to prepare an evaluation of the current method of collection of revenue for the Inland Waterways Trust Fund and to review alternative methods of collection.

Section 2004. Inland Waterways Revenue Studies.

This section requires a study on the feasibility of authorizing the issuance of federally tax-exempt bonds secured against available proceeds in the Inland Waterways Trust Fund. This section also requires the Secretary of the Army to evaluate alternative revenue options, including those recommended by the Inland Waterways Users Board, for financing inland waterways projects.

Section 2005. Inland Waterways Stakeholder Roundtable.

This section requires the Secretary of the Army to conduct a meeting of a broad cross-section of Inland Waterway stakeholders to review and evaluate alternatives to address the financial needs of the system.

Section 2006. Preserving the Inland Waterway Trust Fund.

This section authorizes a change in cost-share for the inland navigation project in the vicinity of Olmsted, Illinois to provide that, beginning with fiscal year 2015, 15 percent of the cost of construction for the Olmsted Project shall be paid for each fiscal year from the Inland Waterways Trust Fund. It also provides a sense of Congress that expenditures for the Olmsted project should be not less than \$150 million annually until completion and modifies the definition of rehabilitation for major projects.

Section 2007. Inland Waterways Oversight.

This section requires that the Secretary and the Government Accountability Office report to Congress on the challenges associated with the Olmsted project. Additionally, this section requires that for any future inland navigation project that is estimated to cost more than or has achieved a cost of \$500 million, the Secretary shall submit to Congress an annual financial plan for the project.

Section 2008. Assessment of Operation and Maintenance Needs of the Atlantic Intracoastal Waterway and Gulf Intracoastal Waterway.

This section requires the Secretary of the Army to conduct an assessment of the operation and maintenance needs of the Atlantic Intracoastal Waterway System and the Gulf Intracoastal Waterway System.

Section 2009. Inland Waterways Riverbank Stabilization.

This section authorizes the Secretary to determine the feasibility of carrying out projects along the inland and intracoastal waterways for the purposes of flood damage reduction, shoreline protection, or improvement of the environment.

Section 2010. Upper Mississippi River Protection.

This section directs the Secretary to close the Upper St. Anthony's Falls Lock and Dam not later than one year after the enactment of this Act.

Section 2011. Corps of Engineers Lock and Dam Energy Development.

This section encourages the development of hydropower generation capacity by non-federal interests at an existing Corps of Engineers Lock and Dam facility. Any development of hydropower generation capacity developed under this section would be financed entirely by the non-federal interests and would be considered a secondary priority in operations.

Section 2012. Restricted Areas at Corps of Engineers Dams.

This section would prohibit the Secretary of the Army from installing permanent barriers or restricting public access in the vicinity of the 10 dams on the Cumberland River in Kentucky and Tennessee for a period of 4 years.

Section 2013. Operation and Maintenance of Fuel Taxed Inland Waterways.

This section authorizes the Secretary to carry out operation and maintenance activities at flood gates that cross navigation channels at a cost share of 65 percent federal and 35 percent non-federal.

Subtitle B—Port and Harbor Maintenance

Section 2101. Funding for Harbor Maintenance Programs.

This section sets target expenditures from the Harbor Maintenance Trust Fund increasing each year so that by fiscal year 2025, and each year thereafter, 100 percent of the funds collected go to operation and maintenance activities. This section only applies if the level of appropriations for the Civil Works program of the Corps of Engineers in that fiscal year is increased.

Section 2102. Operation and Maintenance of Harbor Projects.

This section requires the Secretary of the Army review the operation and maintenance needs of all types of harbors, and to identify the unmet needs in the President's annual budget submission to Congress. To the maximum extent practicable, the Secretary shall make future operation and maintenance expenditures based on an equitable allocation among all harbor types considering a variety of enumerated factors.

Additionally, this section establishes a new prioritization of future annual expenditures for operation and maintenance of eligible harbors. First, from fiscal years 2015 through 2022, the Secretary is required to allocate not less than 10 percent of annual operation and maintenance funds that are equal in value to those appropriated in fiscal year 2012 (the 2012 baseline) to address the maintenance dredging needs of emerging harbors. For the remaining 90 percent of funds within the 2012 baseline, the Secretary is authorized to make funding decisions as necessary to address harbor needs, provided that these allocations are made on an equitable basis. Second, for funds appropriated to address the operation and maintenance needs of harbors above the 2012 baseline (priority funds), for fiscal years 2015 through 2024, the Secretary is directed to allocate 90 percent of such funds to meet the needs of high-use and moderate-use harbor projects, and to allocate 10 percent of such funds to meet the needs of emerging harbors (this 10 percent allocation of above the 2012 baseline funds is in addition to the 10 percent allocation within the 2012 baseline). Third, in addition to 90 percent-10 percent division of priority funds, the Secretary is directed, for fiscal years 2015 through 2024, to allocate not less than 5 percent of funds to meet the needs of underserved harbor projects; and not less than 10 percent of funds for projects located within the Great Lakes Navigation System. Finally, of the priority funds, for fiscal years 2015 through 2024, the Secretary is directed to use not less than 10 percent of funds for expanded uses (as defined) carried out at eligible harbors or inland harbors (as defined).

Section 2103. Consolidation of Deep Draft Navigation Expertise.

This section requires the Secretary to consolidate coastal navigation expertise into one location.

Section 2104. Remote and Subsistence Harbors.

This section modifies the existing remote and subsistence harbors program to include Alaska as an eligible state, and gives these projects equivalent budget consideration to projects recommended solely on national economic development benefits.

Section 2105. Arctic Deep Draft Port Development Projects.

This section authorizes the Secretary to provide technical assistance for the development, construction, and operation and maintenance of deep draft harbors in the Arctic.

Section 2106. Additional Measures at Donor Ports and Energy Transfer Ports.

This section authorizes discretionary appropriations to be used to provide payments to qualifying donor and energy transfer ports. These ports are authorized to use these funds for expanded uses including berths and the dredging of contaminated sediments, environmental remediation, or payments to importers or shippers transporting cargo through that port.

This section authorizes appropriations of \$50 million for each of fiscal years 2015 through 2018. If the targets for appropriations set forth in Section 2101 of this Act are met, there is authorized to be appropriated an additional \$50 million for each of fiscal years 2019 through 2022.

Section 2107. Preserving United States Harbors.

This section authorizes the Secretary to enter into agreements with non-federal interests whereby a non-federal interest provides the Corps of Engineers with an economic justification in order to receive priority federal operation and maintenance funding for authorized projects. Agreements under this section do not change the Secretary's responsibility to carry out at federal expense the maintenance of federal navigation channels, and nothing in this section is intended to affect the application of section 101 of the Water Resources Development Act of 1986 to harbors that choose not to utilize the authority in this section.

TITLE III – SAFETY IMPROVEMENTS AND ADDRESSING EXTREME WEATHER EVENTS

Subtitle A—Dam Safety

Section 3001. Dam Safety.

This section authorizes technical and clarifying changes to the Federal Emergency Management Agency's Dam Safety Program, including developing a dam safety education and awareness initiative to assist the public in preparing for, mitigating for, responding to, and recovering from dam incidents.

Subtitle B—Levee Safety

Section 3011. Systemwide Improvement Framework.

This section authorizes levee systems to remain eligible for the P.L. 84-99 program if the non-federal project sponsor continues to demonstrate commitment to meeting the federal program requirements and to provide improvements to the levee system.

Section 3012. Management of Flood Risk Reduction Projects.

This section authorizes the Secretary, upon the request of a non-federal interest, to consider two or more flood control projects in the same vicinity as a single program for budgeting purposes.

Section 3013. Vegetation Management Policy.

This section requires the Secretary of the Army to re-issue regulations regarding vegetation on levees that take into consideration and incorporate regional characteristics, habitat for species of concern, and levee performance.

Section 3014. Levee Certifications.

This section authorizes the Secretary, upon receipt of a request from a non-federal interest, to carry out a levee system evaluation and certification of a federally authorized levee for purposes of meeting the requirements of the national flood insurance program. The cost share for activities carried out under this subsection will be 50 percent federal and 50 percent non-federal.

Section 3015. Planning Assistance to States.

This section modifies the authorization for the Planning Assistance to States Program from \$10 million annually to \$30 million annually and sets the annual per state limit at \$5 million.

Section 3016. Levee Safety.

This section authorizes the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, to carry out a national levee safety initiative, including the establishment of voluntary levee safety guidelines and technical assistance to states to create local levee safety programs.

Section 3017. Rehabilitation of Existing Levees.

This section authorizes the Secretary to carry out measures to evaluate and address consolidation, settlement, subsidence, sea level rise, and other new datum to restore federally authorized hurricane and storm damage reduction projects to authorized protection levels. This authority expires after 10 years.

Subtitle C—Additional Safety Improvements and Risk Reduction Measures

Section 3021. Use of Innovative Materials.

This section encourages the Corps of Engineers to use innovative materials in carrying out activities related to water resources development projects in order to promote long and short term cost savings, increased efficiency, reliability, safety, and improved environmental results.

Section 3022. Durability, Sustainability, and Resilience.

This section encourages the Corps of Engineers to use durable and sustainable materials and resilient construction techniques in carrying out activities related to water resources development projects.

Section 3023. Study on Risk Reduction.

This section requires the Secretary and the Department of the Interior to contract with the National Academy of Sciences to undertake a comprehensive evaluation of measures to respond to extreme weather and to mitigate risk associated with these disasters.

Section 3024. Management of Flood, Drought, and Storm Damage.

This section directs the Government Accountability Office to review the Corps' policies and practices related to water resources management in response to floods, storms, and droughts to ensure it is taking appropriate measures to prepare for and respond to these extreme events.

Section 3025. Post-Disaster Watershed Assessments.

This section authorizes the Secretary to conduct post-disaster watershed assessments immediately following a disaster and implement limited flood control and ecosystem restoration projects identified in those assessments. This provision will ensure the Corps of Engineers is better prepared for future extreme weather events by modernizing the approach used by the agency to respond to disasters such as flooding. Additionally, the Secretary is authorized to recommend larger flood control and ecosystem restoration projects to Congress projects for authorization in the Annual Report in accordance with Section 7001 of this Act.

Section 3026. Hurricane and Storm Damage Reduction Study.

This section requires the Secretary of the Army to make specific project recommendations to Congress regarding damage reduction options a result of the study funded through the Disaster Relief Appropriations Act of 2013.

Section 3027. Emergency Communication of Risk.

This section authorizes the Secretary to establish procedures for notifying the public and affected governments and Indian tribes of flood risk when precipitation and runoff in a river basin presents a risk to life and property.

Section 3028. Safety Assurance Review.

This section clarifies that the panels established in Section 2035 of the Water Resources Development Act of 2007 to conduct safety assurance reviews are not subject to the Federal Advisory Committee Act.

Section 3029. Emergency Response to Natural Disasters.

This section authorizes the Secretary of the Army to evaluate alternative levels of restoration for federal flood damage reduction projects that are damaged after storm events. Under P.L. 84-99, the Corps of Engineers has the authority to repair or restore certain qualifying flood damage reduction projects that have been impacted by storm events, and may strengthen, raise, extend, or otherwise modify these projects at the discretion of the Secretary of the Army. Typically, the Corps of Engineers will, at a minimum, repair these projects to their pre-event condition. This section is intended for the Corps of Engineers to review their historic and current practices in implementing P.L. 84-99 activities, including activities related to economically feasible non-structural alternatives.

Title IV—RIVER BASINS AND COASTAL AREAS

Section 4001. River Basin Commissions.

This section requires that, for every year the President does not request funding for Corps of Engineers activities related to participating in River Basin Commissions, the Secretary of the Army must submit to Congress a justification and explanation for the lack of funding and an analysis of the associated impacts.

Section 4002. Mississippi River.

This section authorizes the Secretary to update forecasting technology in the interest of maintaining navigation; study the feasibility of carrying out projects to improve navigation and aquatic ecosystem restoration; carry out a study to improve the coordinated and comprehensive management of water resource projects related to severe flooding and drought conditions; and carry out navigation projects outside of the authorized federal navigation channel to ensure safe and reliable fleeting areas.

Section 4003. Missouri River.

This section authorizes the Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of the Bureau of Reclamation, to provide for a coordinated and supported effort to conduct soil moisture and snowpack monitoring in the Upper Missouri River Basin. This section also modifies a small continuing authority program for ecosystem restoration projects along the Upper Missouri River; authorizes reimbursement for individuals' travel expenses associated with participation in the Missouri River Recovery Implementation Committee; and authorizes the Secretary to carry out a study to determine the feasibility of carrying out shoreline erosion projects to mitigate damages to tribal lands and infrastructure in the Missouri River basin.

In addition, this section requires the Corps of Engineers, as part of the President's annual budget process, to report to Congress on the prioritization of federal actions to be carried out during the next fiscal year to mitigate for fish and wildlife losses as a result of Corps of Engineers projects in the Missouri River Basin. It also clarifies that the Secretary shall consult with other federal agencies, conservation districts, the Yellowstone River Conservation District Council, and the state of Montana in carrying out the Yellowstone River project in the vicinity of Intake, Montana.

Section 4004. Arkansas River.

This section authorizes the Secretary to establish a McClellan-Kerr Arkansas River Navigation System Advisory Committee. The Committee will serve in an advisory capacity only and duties include providing information and recommendations to the Corps relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.

Section 4005. Columbia Basin.

This section modifies the ecosystem restoration program for the Lower Columbia River and Tillamook Bay to increase the authorization of appropriations from \$30 million to \$50 million.

Section 4006. Rio Grande.

This section modifies and extends the authorization for the flood damage reduction and ecosystem restoration program for the Rio Grande River to 2019.

Section 4007. Northern Rockies Headwaters.

This section authorizes the Secretary to study the feasibility of carrying out projects to mitigate the impacts of extreme weather events, including floods and droughts, on communities, water users, and fish and wildlife and their habitats located in and along the headwaters of the Columbia, Missouri, and Yellowstone Rivers and tributaries. The Secretary may carry out feasible projects in accordance with the criteria for an appropriate Continuing Authority Program or recommend projects for authorization in the Annual Report in accordance with Section 7001 of this Act.

Section 4008. Rural Western Water.

This section modifies the environmental infrastructure assistance program for rural Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming to increase the authorization to \$435 million.

Section 4009. North Atlantic Coastal Region.

This section authorizes the Secretary to carry out a study to determine the feasibility of carrying out projects to restore aquatic ecosystems in the coastal waters from the State of Virginia to the State of Maine. The Secretary may carry out feasible projects in accordance with the criteria for an appropriate Continuing Authority Program or recommend projects for authorization in the Annual Report in accordance with Section 7001 of this Act.

Section 4010. Chesapeake Bay.

This section reauthorizes the Chesapeake Bay Environmental Restoration Program, which was originally authorized in the Water Resources Development Act of 1996. The modifications made in this section incorporate the regions within the Chesapeake Bay basin in Maryland, Pennsylvania, Virginia, New York, West Virginia, Delaware and the District of Columbia. This section requires the Corps of Engineers in cooperation with state and local officials to develop a comprehensive Chesapeake Bay restoration plan to assure that the restoration projects executed in the states in the basin occur where they are most needed and will achieve maximum benefit and to execute projects in accordance with this plan. This section removes wastewater treatment and water supply facilities from the eligible projects list. This section also prescribes that that the Corps, to the maximum extent practicable, must pursue at least one project in each of the five Chesapeake Bay basin states, and the District of Columbia. In addition, this section increases the authorization for conservation of fish and wildlife projects under section 704(b) of the Water Resources Development Act of 1986 from \$50 million to \$60 million.

Section 4011. Louisiana Coastal Area.

This section authorizes the Secretary to review Louisiana’s Comprehensive Master Plan for a Sustainable Coast developed by the State of Louisiana for the purposes of coastal protection and restoration, and to conduct feasibility studies for up to 10 projects included in the state plan. This section also modifies the existing science and technology program to examine system-wide approaches to coastal sustainability.

Section 4012. Red River Basin.

This section authorizes the Secretary to reassign unused irrigation storage within the Red River Basin to municipal and industrial water supply if the non-federal interest has already contracted for a share of municipal and industrial water supply on the same reservoir.

Section 4013. Technical Corrections.

This section makes technical corrections at no cost in the Raritan River, New Jersey; Des Moines, Boone, and Raccoon Rivers, Iowa; the South Florida Coastal Area; the Trinity River, Texas; the Central and Southern Florida Canal, Florida; the South Platte River Watershed, Colorado; and the Potomac River, Virginia.

Section 4014. Ocean and Coastal Resiliency.

This section authorizes the Secretary to carry out studies to determine the feasibility of carrying out projects in coastal zones to enhance ocean and coastal ecosystem resiliency. The Secretary may carry out projects in accordance with the criteria for the appropriate Continuing Authority Program or recommend projects for authorization in the Annual Report in accordance with Section 7001 of this Act.

Title V—WATER INFRASTRUCTURE FINANCING

Subtitle A—State Water Pollution Control Revolving Funds

Section 5001. General Authority for Capitalization Grants.

This section amends the preamble of Section 601 of the Clean Water Act to ensure grants to states to establish and finance revolving loan fund programs are used to accomplish the objectives of the Clean Water Act.

Section 5002. Capitalization Grant Agreements

This section adds new requirements on states participating in the Clean Water Act State Revolving Fund (SRF) Program, including that fund balances be available in perpetuity, fees charged by a state are considered program income for the purpose of financing the administration of the fund, that a grant or loan recipient has evaluated the cost effectiveness of a project, that a grant or loan recipient has selected an activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and that a recipient has complied with Chapter 11 of Title 40, United States Code or an equivalent state-based requirement.

Section 5003. Water Pollution Control Revolving Loan Funds.

This section clarifies the projects and activities eligible for assistance under the SRF, clarifies that states may provide additional subsidization including forgiveness of principal and negative interest loans, and clarifies affordability criteria for municipalities in a state.

Section 5004. Requirements.

This section clarifies that funds made available through Title VI of the Clean Water Act may not be used for a project unless all of the iron and steel products used in the project are produced in the United States.

Section 5005. Report on the Allotment of Funds.

This section requires the Administrator of the Environmental Protection Agency to carry out a review of the allotment formula for the allocation of funds to States under Title VI of the Clean Water Act and submit a report to Congress within 18 months of enactment.

Section 5006. Effective Date.

This section establishes the effective date for the changes made in this subtitle.

Subtitle B—General Provisions

Section 5011. Watershed Pilot Projects.

This section clarifies Section 122 of the Clean Water Act to ensure innovative methods are utilized to manage, reduce, treat, recapture, or reuse municipal stormwater, to demonstrate methods to reduce non-point sources of pollution on a watershed basis, and increase resilience and use of these systems.

Section 5012. Definition of Treatment Works.

This section clarifies the definition of a construction of a project includes acquisition of land necessary for the project.

Section 5013. Funding for Indian Programs.

This section clarifies not more than 2 percent of funds are to be made available for loans through the SRF for Indian Tribes.

Section 5014. Water Infrastructure Public-Private Partnership Pilot Program.

This section authorizes the Secretary of the Army to enter into agreements with non-federal interests, including private entities, to finance construction of at least 15 authorized water resources development projects. The definition of water resources development projects is intended to cover Corps of Engineers activities related to construction and major rehabilitation projects.

Subtitle C—Innovative Financing Pilot Projects

Section 5021. Short Title.

This section titles this subtitle the “Water Infrastructure Finance and Innovation Act of 2014.”

Section 5022. Definitions.

This section defines the terms used in this subtitle.

Section 5023. Authority to Provide Assistance.

This section clarifies the types of activities to be carried out by the Army Corps of Engineers and the types of activities to be carried out by the Environmental Protection Agency.

Section 5024. Applications.

This section clarifies that in order to be eligible for assistance under this subtitle, an eligible entity must submit to the Secretary or the Administrator an application containing information the Corps of Engineers or the Environmental Protection Agency require.

Section 5025. Eligible Entities.

This section defines eligible entities as corporations, partnerships, joint ventures, trusts, a federal, state, or local government or agency, a tribal government or tribal consortium, or a state infrastructure financing authority.

Section 5026. Projects Eligible for Assistance.

This section defines those projects eligible for assistance, including but not limited to projects for flood damage reduction, restoration of aquatic ecosystems, improvements to inland and intracoastal waterway navigation systems, wastewater treatment works, desalination plants, and the acquisition of property for the construction of projects.

Section 5027. Activities Eligible for Assistance.

This section defines eligible project activities such as planning, feasibility analysis, revenue forecasting, permitting, engineering, design, construction, rehabilitation, replacement, and the acquisition of property..

Section 5028. Determination of Eligibility and Project Selection.

This section defines the criteria to be eligible to receive financial assistance and the factors considered for project selection.

Section 5029. Secured Loans.

This section defines the types of financing mechanisms and requirements that may be provided to carry out projects and activities authorized under this subtitle.

Section 5030. Program Administration.

This section authorizes the Secretary and the Administrator to collect and spend fees sufficient to cover appropriate costs, and authorizes the appointment of a financial entity to assist the agencies in servicing federal credit instruments.

Section 5031. State, Tribal, and Local Permits.

This section clarifies that recipients of funds through this subtitle must to comply with all applicable federal, state, local, and Tribal laws.

Section 5032. Regulations.

This section authorizes the Secretary and the Administrator to promulgate regulations to carry out this subtitle.

Section 5033. Funding.

This section establishes discretionary appropriations to be used to carry out this subtitle. For fiscal year 2015, \$20 million is to be provided. For fiscal year 2016, \$25 million is to be provided. For fiscal year 2017, \$35 million is to be provided. For fiscal year 2018, \$45 million is to be provided. For fiscal year 2019, \$50 million is to be provided.

Section 5034. Reports on Pilot Program Implementation.

This section requires the Secretary and the Administrator to make transparent on the Internet each application received for assistance and a list of projects selected for assistance. This section also requires that not later than 4 years after enactment, the Government Accountability Office must submit a report to Congress a review of the program and any subsequent recommendations to improve the program.

Section 5035. Requirements.

This section clarifies that funds made available through this subtitle may not be used for a project unless all of the iron and steel products used in the project are produced in the United States.

Title VI—DEAUTHORIZATION AND BACKLOG PREVENTION

Section 6001. Deauthorization of Inactive Projects.

This section establishes a process that will lead to the deauthorization of previously authorized and inactive projects, the value of which shall exceed the value of projects authorized in this Act by \$6 billion. This section requires the Secretary of the Army submit a list of inactive projects to the Congress that were authorized prior to the Water Resources Development Act of 2007, have not begun construction, or if they have begun construction, have not received any funds, federal or non-federal, in the past 6 years. The Secretary shall identify projects beginning from the oldest authorization to the newest until the total federal cost of the projects on the list totals not less than \$18 billion. After a 180 day period of congressional review, the projects on the list are automatically deauthorized.

Section 6002. Review of Corps of Engineers Assets.

This section requires the Secretary of the Army to complete an assessment of property under the control of the Corps of Engineers within one year and to identify property that is excess to project needs. The Secretary is further directed to notify and work with the Administrator of the General Services Administration for the disposal of all excess property.

Section 6003. Backlog Prevention.

This section terminates the authorization for any project or separable element of a project authorized for construction by this Act after 7 years unless construction has been initiated. At the end of the 7-year period, the Secretary must submit to the Committee on Transportation and Infrastructure of the House and the Committee on Environment and Public Works of the Senate a report that identifies the projects deauthorized by this section. After the expiration of a 12-year period, the Secretary shall submit a report to the Committees that identifies any projects for which construction has been initiated but not completed, describes the reasons the projects were not completed, and provides a schedule for the completion of the projects based on expected levels of appropriations.

Section 6004. Deauthorizations.

This section deauthorizes components of specific Army Corps of Engineers projects that had previously been authorized for navigation, flood control, shoreline protection, or public works projects.

Section 6005. Land Conveyances.

This section accomplishes the conveyance of land for 6 projects, which transfer lands deemed in excess for project purposes.

Title VII—WATER RESOURCES INFRASTRUCTURE

Section 7001. Annual Report to Congress.

This section requires the Secretary of the Army to annually publish a notice in the Federal Register requesting proposals, from non-federal interests, for project authorizations, studies, and modifications to existing Corps of Engineers projects. Further, it requires the Secretary submit to Congress and make publicly available an annual report of those activities that are related to the missions of the Corps of Engineers and require specific authorization by law. Additionally, this section requires the Secretary to certify the proposals included in the annual report meet the criteria established by Congress in this section.

Section 7002. Authorization of Final Feasibility Studies.

This section authorizes 34 water resources projects that have completed the technical review by the Corps of Engineers and are recommended by the Chief of Engineers. The projects are authorized to be carried out in accordance with the plan, and subject to the conditions, described in the Chief's Reports. Each of the projects has as its primary purpose, one of the following: navigation, hurricane and storm damage risk reduction, flood risk management, environmental restoration.

Section 7003. Authorization of Project Modifications Recommended by the Secretary.

This section modifies eight previously authorized water resources projects. These modifications were requested by the Administration. Subject to Section 902 of the Water Resources Development Act of 1986, project cost increases must be authorized by Congress. This section authorizes new cost levels that are sufficient to complete the projects.

Section 7004. Expedited Consideration in the House and Senate.

This section creates expedited mechanisms for the House and Senate to consider authorization of Corps of Engineers projects.

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