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Summary of the Senate-passed S. 601 Water Resources Development Act of 2013

The Senate Environment and Public Works Committee marked up and unanimously approved S. 601 on March 20, 2013. Amendments adopted by the Committee were added without any objections. The Senate began floor consideration of the bill the week of May 6, 2013 and passed the final bill 83-14 on May 15, 2013. Below is a modified summary of important aspects of the bill for the Northeast-Midwest region, incorporating the changes adopted on the floor, followed by more detailed section analyses with the changes from the committee bill noted in **red**.

Modifications made on the Senate floor

Harbor Maintenance Trust Fund

- Sets aside 20% of harbor maintenance funds in excess of FY2012 levels for Great Lakes projects (other 80% of funding above FY2012 levels is for high-use, deep draft ports). (Manager's Amendment)
- Sets specific minimum funding levels from the HMTF, set as the lesser of HMTF receipts plus interest collected or \$1 billion in FY2014; increases by \$100 million each year through FY2019, after which (FY2020 and beyond) the required funding level is total receipts plus interest. These funding levels are not required should other Army Corps programs, projects, or activities be impacted (Manager's Amendment)
- Establishes the "primary purpose" of the HMTF as maintaining the width and depth of ports and those projects should receive "first consideration." (Floor Amendment; Levin/Stabenow; Passed by Unanimous Consent)
- Adds direction for funding low-use and moderate-use ports when high-use, deep draft harbors have been funded, and those lower-use ports have received significant state and local infrastructure investments (Floor Amendment; Wyden/Merkley; Passed by Unanimous Consent)
- Requires a GAO study of the use of HMTF funds in low-use and moderate-use ports (Floor Amendment; Wyden/Cantwell; Passed by Unanimous Consent)

Invasive Species

- Authorizes U.S. Fish and Wildlife Service to lead a multi-agency effort in the Upper Mississippi and Ohio River basins and tributaries to provide technical assistance, coordination, best practices, and support to State and local governments in carrying out activities designed to slow, and eventually eliminate, the threat posed by Asian carp (Floor Amendment; Brown/Toomey/Casey; Passed 95-0)
- Requires an economic impact study of the Upper St. Anthony Falls Lock and Dam (MN) and requires closure if Secretary determines annual average tonnage moving through the lock and dam is less than 1.5 million tons, in order to prevent Asian carp from advancing (Floor Amendment; Klobuchar/Franken; Passed by Unanimous Consent)

Watershed restoration

- Modifies the allocation of funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin to fulfill equitable funding requirements of the Commissions' interstate compacts; requires a report if funds are not fully allocated and the impacts of not fully allocating funds (Floor Amendment; Carper; Passed by Unanimous Consent)
- Establishes the National Endowment for the Oceans to provide grants for coastal restoration, research, and management (Floor Amendment; Whitehouse; Passed 67-32)

Flood control

- Requires a study of the greater Mississippi River Basin existing flood control and navigation infrastructure to improve coordinated and comprehensive management of water resource projects in relation to flooding and drought and to evaluate improvements to the infrastructure to improve navigation reliability and reduce flood risk (Floor Amendment; Durbin; Passed by Unanimous Consent)
- Requires a GAO study on the Corps' water management response to floods, storms, and droughts to include an evaluation of reducing long-term costs and vulnerability to infrastructure through the use of resilient construction techniques (Floor Amendment; Blunt/Nelson; Passed by Unanimous Consent)

Water use

- Prohibits the imposition of fees on states for removing surplus water from certain Missouri River reservoirs (Floor Amendment; Hoeven; Passed by Voice Vote)

Project acceleration/streamlining

- Removes a denial of approval for prompting a resolution meeting among reviewing agencies of water resources projects and replaces it with a meeting if an agency would be in conflict with other laws; Sunsets the streamlining reforms after 10 years (Floor Amendment; Cardin; Passed by Unanimous Consent)

Project Authorizations

- Provides a process for future expedited consideration in Committee and on the Senate floor for future bills authorizing water resources projects that have been recommended to Congress by the Assistant Secretary of the Army for Civil Works (Floor Amendment; Brown/Graham; Passed by Unanimous Consent)

Shipping/Materials

- Requires the use of American iron, steel and manufactured goods for innovative financing pilot projects (Floor Amendment; Merkley/Brown; Passed 60-36)

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More detailed section reviews

Title I. Water Resource Projects

Sec. 1002. Project authorizations

- Projects that have a completed report by the Chief of Engineers and a referral to Congress by the Assistant Secretary of the Army for Civil Works **between passage of the last WRDA bill in 2007 and** the date of enactment are authorized
- New projects within the Northeast-Midwest region that would meet this requirement include:
 - Cedar River, Cedar Rapids, Iowa; projected total \$103.4 million; flood-risk management
 - Fargo-Moorhead Metro, North Dakota & Minnesota; projected total \$1.78 billion; flood-risk management
 - Marsh Lake, Minnesota; projected total \$9.97 million; environmental restoration
- Other Northeast-Midwest region projects may meet this authorization threshold before the bill's enactment. Those projects with reports anticipated to be completed by the end of 2013 include:
 - Mid-Chesapeake Bay Island, Maryland; projected total \$1.88 billion; environmental restoration; report pending
 - Boston Harbor, Massachusetts; anticipated July 2013; navigation
 - Searsport Harbor, Maine; anticipated October 2013; navigation

Sec. 1003. Project review

- Costs may be increased for projects already authorized if the Secretary justifies the increase in a certification sent to Congress, and when the project funding is appropriated by Congress; ability to increase authorized cost expires in three years

Sec. 1004. Future Project Authorizations

- **Provides a process for future expedited consideration in Committee and on the Senate floor for future bills authorizing water resources projects that have been recommended to Congress by the Assistant Secretary of the Army for Civil Works (Floor Amendment; Brown/Graham; Passed by Unanimous Consent)**

Title II. Water Resources Policy Reforms

Sec. 2003-4. Continuing Authority Program authorizations. Sec. 2003 raises authorized spending caps for a number of Army Corps continuing authorities, thereby authorizing the Army Corps to implement a variety of relatively small-scale projects without first having received specific Congressional authorization. Sec. 2004 requires the Secretary to publish criteria that are used by the Army Corps to prioritize annual project funding for those projects under the continuing authorities programs.

- Small River and Harbor Improvements Act: Raises yearly cap on authorizations for projects not specifically authorized by Congress from \$35 million to \$50 million, and raises specific allotment per project from \$7 million to \$10 million
- Shore Damage Prevention/Mitigation: Increases the level at which Congressional authorization is needed to begin a shoreline mitigation project, to prevent damage from a federal project, from \$5 million to \$10 million
- Regional Sediment Management: Raises the maximum federal contribution for a project from \$5 million to \$10 million and raises overall authorized amount for sediment management from \$30 million to \$50 million

- Small Flood Control Projects: Increases single project amount from \$7 million to \$10 million
- Environmental Improvement: Allows the full federal share to be in-kind services and raises the federal amount per modification from \$5 million to \$10 million; these modifications specifically include modifications to structures within the Great Lakes basin to assist in sea lamprey control
- Aquatic Ecosystem Restoration: Increases federal amount per locality from \$5 million to \$10 million; includes dam removal projects
- Collection and dispersal of floodplain management information: Raises maximum amount per year from \$15 million to \$50 million

Sec. 2005. Clarifies the range of impacts that must be mitigated (i.e., "potential impacts to ecological resources, fish, and wildlife associated with existing or future water resources development projects"), and the process through which mitigation should be planned and implemented. Allows the Army Corps to develop overarching programmatic mitigation plans, with clarified mitigation requirements, to direct the subsequent development of project-specific mitigation plans. Authorizes the Secretary to ignore the requirement to mitigate to not less than in-kind conditions. Allows the Secretary to give preference to mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement. Fish and Wildlife Mitigation: expanded to include ecological damages; allows development and use of programmatic environmental mitigation plans by multiple federal agencies to fulfill the NEPA review requirements;

Sec. 2007. Independent Peer Review

- Extends the independent peer review requirements for five additional years (from seven to twelve years). Promotes the early initiation of peer review process and requires the Secretary to provide timely Congressional and public notice of peer review panel membership, member qualifications, panel reports, and agency responses to peer review panel reports.

Sec 2009. Hydropower at Corps of Engineers Facilities

- Based on study at Oak Ridge National Laboratory, 48 of the top 50 non-hydropower dams, which could provide hydropower, are Corps of Engineers Facilities
- Prioritizes providing non-federal hydropower at Corps Facilities currently not providing hydropower, including locks and dams
- Report in one year required including the progress of approval of hydroelectric power, the time to permit and approve these developments

Sec. 2011. Transfer of Excess Work In-Kind Credit

- Allows sharing of excess non-federal credits among projects, as long as detailed in a comprehensive plan and approved
- Approval depends on whether the sharing expedites the project, reduces costs to the federal government, and aids the completion of the project for flood risk management or environmental restoration

Sec. 2012. Credit for In-Kind Contributions

- Expands credit for non-federal in-kind contributions to include design and construction activities initiated or performed prior to the signing of an agreement with the Corps
- Allows, if funds are available, reimbursement for non-federal credit that exceeds the non-federal construction share for a non-navigation project
- Retroactive to the last WRDA bill (Nov 8, 2007)

Sec. 2013 provides for credit in lieu of payment for flood control work or studies that also covered the federal share

Sec. 2014. Dam Optimization

- Authorizes the Secretary to carry out activities necessary to improve the efficiency of dam operations and maintenance and to maximize various additional outcomes, including environmental protection and restoration, such as: restoration of water quality and water flows, improving movement of fish and other aquatic species, and restoration of floodplains, wetlands, and estuaries; increased water supply storage; increased hydropower generation; reduced flood risk; additional navigation and improved recreation. **Clarification that does not impact any current water resource rights, modify interstate compacts, or impact existing multi-state water management plans.**

Sec. 2016. Report on Water Storage Pricing Formulas

- In response to the drought and communities' desire to enhance water storage with Corps facilities, requires a report of water pricing formulas, the different impacts and costs on beneficiaries, and whether the formulas could be more equitable

Sec. 2019. Planning Assistance to States

- Expands the requirement to cooperate with states to stakeholders working with states and removes the requirement that technical assistance for water management be made at federal expense
- Increases total authorized spending from \$10 million to \$30 million, increases authorized funding per state from \$2 million to \$5 million, and increases authorized amount for technical assistance from \$5 million to \$15 million

Sec. 2020. Vegetation Management Policy

- Within 180 days, requires the Secretary to carry out a comprehensive review of the national guidelines to determine whether current federal policy relating to levee vegetation is appropriate for all U.S. regions (in response to objections from communities—mainly California—that the Corps removed trees and other vegetation, believed to be stabilizing, from levees; Some objections have also been raised in [Indiana](#)).
- Within two years requires the Secretary to revise the national guidelines based on the results of the above review.

Sec. 2022. Restoration of Flood and Hurricane Storm Damage Reduction projects

- Where feasible, components of federally authorized and federally constructed flood and hurricane storm damage reduction projects are to be restored by any measures necessary to authorized levels of protection, if impacted by settlement, subsidence, sea level rise, and new datum.
- Further operations and maintenance will be supported by the non-federal partner
- Authorized at \$250 million and authority terminates in 10 years

Sec. 2023. Operation and maintenance of certain projects

- Allows Secretary to take over operation and maintenance of a navigation channel deepened by a non-federal party prior to December 31, 2012 under certain conditions
- Port of Miami and Charleston have been looking at this option for deepening and maintaining a deepened navigation channel to accommodate larger vessels after opening of the larger Panama Canal

Sec. 2024. Dredging Study

- Requires the Secretary to assess the nation's dredging needs, and to conduct a study, in conjunction with other federal agencies and non-federal parties, identifying thereby the best techniques, methods, and technologies to be used for dredging.
- Will focus on the practice and technique of dredging, including equipment, contracts, and sediment management

Sec. 2025. Non-Federal Project Implementation Pilot Program

- Pilot program to evaluate efficiency of allowing non-federal parties to carry out flood risk management, hurricane and storm damage reduction, and navigation projects
- No change in the cost share formula; maximum of 12 projects allowed
- In addition to the projects' authorized amounts, \$25 million authorized to administer the program
- Non-federal parties must comply with all laws and regulations that would otherwise apply to the Secretary.
- Sec. 2026 allows similar pilot program for non-federal parties to carry out feasibility studies
- **Adds inland navigation and aquatic ecosystem restoration as eligible projects**

Sec. 2030. Beach nourishment

- Allows authorized beach nourishment to continue to 50 years after construction or as recommended by the Chief of engineers, whichever is later
- **Allows a temporary extension of up to 3 years while the Corps reviews whether authorization of beach nourishment should be extended**
- This section is a response to calls for beaches, whose 50-year nourishment plan is expiring, for continued assistance in beach nourishment

Sec. 2031. Regional sediment management

- Allows decrease in non-federal share when determined that reuse of sediment from one project in another will decrease the overall federal costs
- Expands reasons for selecting a higher-cost sediment disposal option from just benefits to the environment to also flood and storm damage protection

Sec. 2032. Study acceleration

- Directs the Corps of Engineers to continue efforts established under its “3-3-3” planning process
- Requires newly-initiated feasibility studies to be completed within three years and have a maximum federal cost share of \$3,000,000, except under extenuating circumstances

Sec. 2033. Project acceleration.

- Proposes to streamline the water resource project environmental review process (the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act), as well as project implementation, by directing the Secretary to coordinate federal agency reviews, and by setting review deadlines, establishing agency fines for not meeting deadlines, and prescribing dispute resolution procedures
- Allows use of comprehensive environmental review document to be used by any agency involved in federal review of a project
- Allows for coordinated agency review and public comment periods
- **Requires the concurrence of all agencies involved in developing a coordination plan and setting deadlines for completing reviews of a project**
- Caps public review of environmental impact statements at 60 days unless an extension is determined to be necessary; other environmental reviews are capped at 30 days
- **Ensures agencies are able to adapt deadlines based on new information identified in public comments**
- **Clarifies that a transfer of funds required for not completing applies to the agency or subdivision of an agency to which the decision has been delegated by law, regulation, order, or otherwise**
- **Limits aggregate penalties/funding transfers under all laws to 9.5% of the annual budget of the applicable agency office**
- Allows preemptive planning should the accelerated schedule not likely to be met and elevation of issues with the planning and execution timing should the issues not be resolved among the agencies and non-federal partners
- Does not suspend other mandatory timelines or review requirements already existing
- Requires review and report on process

Sec. 2034. Feasibility Studies

- Within 180 days, requires the Secretary to establish a set of milestones needed for the completion of feasibility studies
- Requires the Army Corps to establish detailed schedules for key feasibility study milestones for each project, and submit annual reports to Congress and the public on the status of those project schedules

Sec. 2035. Accounting and Administrative Expenses

- Requires the National Academy of Public Administration to conduct a study of the impact of the Corps' practice of funding staff salaries and administrative expenses through project specific appropriations (as opposed to using a separate administrative expense account), and to include in the study report recommendations for improving the Army Corps' budgeting and administrative processes that will increase efficiency in project delivery

Sec. 2039. Acceptance of Contributed Funds to Increase Lock Operations

- 5-year pilot program to allow non-federal funds to increase lock operations

Sec. 2040. Emergency Response to Natural Disasters

- Allows for modifications to the project when rebuilding after a natural disaster in order to provide greater resiliency in the face of future disasters
- Clarifies the Corps' authority to modify the design of a project, including using non-structural approaches, when reconstructing the project after a disaster

Sec. 2043. National Riverbank Stabilization and Erosion Prevention Study and Pilot Program

- Establishes study and five-year pilot program to stabilize inland intracoastal waterway river banks
- Encourages different technology and approaches to maintaining the waterways to prevent riverbank sediment erosion

Sec. 2044. Hurricane and Storm damage risk reduction prioritization

- Establishes seven priorities for funding to restore certain protective measures from hurricane and storm damage, including impacts on evacuation routes, wetlands, human life, publicly owned or funded infrastructure, or areas designated as a federal disaster (no year specified)
- Requires development of a plan for expeditiously completing hurricane and storm damage reduction projects that have been authorized for over 20 years but are less than 75% complete

Sec. 2045 gives priority to ecosystem restoration projects

Sec. 2044 stresses importance of Secretary to give recommendations, where practicable, for specific projects

Sec. 2045. Prioritization of Ecosystem Restoration Efforts

- Establishes three criteria to be followed by the Secretary in prioritizing funding for ecosystem restoration projects; those being: addresses an identified threat to public health, safety, or welfare; preserves, establishes, or restores habitats of national significance; and preserves habitats of importance for federally protected species, including migratory birds (as long as the restoration activities also contribute to other ongoing or planned federal, state, or local restoration initiatives)

Sec. 2046. Special Use Permits

- Allows issuance of special permits to use Corps facilities for recreation and collection of fees by the Corps
- All fees collected remain at the location and may be expended, without further appropriation, towards administering special permits
- Also allows for cooperative management with local or state government

Sec. 2047. Operations and Maintenance on Fuel Taxed Inland Waterways

- Addresses areas where the Inland Waterways Trust Fund fuel tax is collected
- Increases the federal share of operation, maintenance, repair, rehabilitation, and replacement of any flood gate or pumping station from 50% to 65%
- Only applies to existing structures built as part of an authorized hurricane and storm damage reduction project

Sec. 2049. Project Deauthorizations

- Requires additional levels of notification by the Secretary of those projects that meet the conditions for deauthorization
- Deauthorizes previously authorized projects that have not received funding for the preceding seven fiscal years, assuming they were included in the Secretary's report to Congress following five fiscal years of not being funded

Sec. 2052. Invasive Species Review

- Amendment offered by Sen. Jeff Sessions (AL) in Committee
- Requires review of existing authorities to respond to invasive species and make recommendations to Congress and state agencies for improving federal and state laws to more effectively respond to threats of invasive species

Sec. 2056. Mississippi River Forecasting Improvements

- Requires improvement of forecasting by updating and expanding technology like river gauges, prioritizing areas that have the greatest impact on maintaining navigation on the Mississippi
- Requires involvement with other agencies when improving forecasting (like the U.S. Coast Guard)

Sec. 2057. Flexibility in Maintaining Navigation

- Allows the Secretary to carry out activities outside the authorized navigation channel, including constructing and maintaining fleeting areas, if determined necessary to continue safe and reliable navigation on the Mississippi River.

Sec. 2059. Maximum Cost of Projects

- Allows the Secretary to receive non-federal funds to complete a project, even if the project has exceeded its authorized cost

Title III. Project Modifications

Sec. 3004. Hurricane and Storm Damage Reduction Study

- Requires the Secretary to include specific recommendations in the storm damage reduction study included in the Superstorm Sandy Supplemental Appropriations (previously the Secretary was required to include recommendations to the maximum extent practicable)

Sec. 3006. Project Deauthorizations

- Goose Creek, Somerset County, Maryland: navigation
- Lower Thoroughfare, Deal Island, Maryland: navigation
- Thomaston Harbor, Georges River, Maine: navigation
- Warwick Cove, Rhode Island: navigation

Sec. 3007. Raritan River Basin, Green Brook Subbasin, New Jersey

- Strikes Title I of the [Energy and Water Development Appropriations Act of 1998](#), which stated that "No funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to construct the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-Basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4119)."

Sec. 3009. Point Judith Harbor of Refuge, Rhode Island

- Project purposes now include shore protection and erosion control

Sec. 3011. Metro East Flood Risk Management Program, Illinois

- Consolidates three projects into one project called Metro East Flood Risk Management Program, Illinois

Sec. 3013. Des Moines Recreational River and Greenbelt, Iowa

- Modifies the boundaries of the project

Title IV. Water Resource Studies

Sec. 4002. Initiation of New Water Resources Studies

- Allows the Secretary to initiate one or more new feasibility studies for flood risk management, storm damage reduction, ecosystem restoration, navigation, hydropower, or related purposes; or to carry out watershed and river basin assessments, if requested by non-federal interest, in an area with a federal project, addresses a high priority water resource issue, and local support exists for funding and addressing the issue
- Must be approved by Congress, last no longer than three years, and cost the federal government no more than \$3 million

- Maximum of three new studies per year in each of the Corps' missions areas and three projects per division
- Sunsets in three years

Sec. 4003 clarifies that a study, alone, does not constitute authorization of a project

Title V. Regional and Nonproject Provisions. Title V authorizes specific, regional, multistate authorities to address water resource needs and other non-project provisions of the Act, including the following authorities:

Sec. 5002. Northeast Coastal Region Ecosystem Restoration

- Maine to Virginia
- Management plan to be developed at full federal expense; restoration projects have 35% non-federal share
- Maximum \$10 million per project authorized; total \$25 million authorized through FY2018

Sec. 5003. Chesapeake Bay Environmental Restoration and Protection Program

- Converts from pilot program to a regular program and includes the District of Columbia
- Requires Chesapeake Bay comprehensive restoration plan within two years at 75% federal expense

Sec. 5008. Upper Missouri Basin Flood and Drought Monitoring

- Provides for monitoring of snowpack and flow levels in the Missouri River
- Authorizes \$11.25 million for the program

Sec. 5010. Aquatic Nuisance Species Prevention, Great Lakes and Mississippi River Basin

- Amendment offered by Sen. Kirstin Gillibrand (NY) in Committee
- Authorizes implementation of measures recommended in the Great Lakes-Mississippi River Interbasin Study reports as well as emergency measures determined to be necessary to prevent aquatic nuisance species from entering the Great Lakes from the Mississippi River (although not from the Great Lakes into the Mississippi River)

Sec. 5011. Middle Mississippi River Pilot Program

- Authorizes a program to restore and protect fish and wildlife habitat in the middle Mississippi River while improving navigation, setting the maximum federal cost share at 65% and \$10 million

Sec. 5013. Chesapeake Bay Oyster Restoration in Virginia and Maryland

- Reauthorizes oyster restoration in Chesapeake Bay at \$70 million (up from \$50 million) and clarifies that the non-federal share may be provided through in-kind services

Sec. 5015. Operations and Maintenance of Inland Mississippi River Ports

- Authorizes a \$25 million annual program for dredging activities on shallow draft ports located on the Inland Mississippi River to the respective authorized widths and depths of those inland ports, as authorized on the date of enactment of this Act

Title VI. Levee Safety

Sec. 6004. National Levee Safety Program

- Establishes a national program for a consistent approach to levee safety with the Federal Emergency Management Agency
- Allows for providing technical assistance to states and tribes to develop and implement plans consistent with safety requirements, as well as to give financial assistance for conducting inventories and inspections of levees
- Provides for technical and financial assistance for floodplain management at a federal cost share of up to 65% and \$10 million
- Sec. 6005 establishes a National Levee Safety Advisory Board to: advise the Secretary and Congress regarding consistent approaches to levee safety; monitor the safety of U.S. levees; assess the effectiveness of the national levee safety program; and ensure that the national levee safety program is carried out consistently? with other federal flood risk management efforts

Sec. 6007 requires an annual state of the levees report

- Authorizes technical assistance, rehabilitation assistance and education outreach support through FY2023

Title VII. Inland Waterways

Sec. 7003. Project Delivery Process Reforms

- Establishes requirements to improve the inland waterways project delivery process, including requiring the Secretary to establish and then apply a system to identify lessons learned from prior or ongoing projects to improve the likelihood of on-time and on-budget project completion
- Provides for review of project design and construction and a pilot program to involve contractors early on in the design process
- Establishes new range of duties and responsibilities for the Inland Waterways Users Board, including providing recommendations on budgeting and project priorities to the Secretary and Congress
- **Increases the threshold for cost-sharing major rehabilitation projects from \$8 million to \$20 million**
- Requires the Secretary, in consultation with the Inland Waterways Users Board, to develop and submit to Congress a 20-year program for making capital investments in the system based on objective, national project selection prioritization criteria (and taking into consideration the Users Board-approved, 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010)
- Directs that those capital investments should be made in all geographical areas of the inland waterway system, and ensure efficient funding of inland waterways projects
- **Requires a GAO study of the Olmstead Lock and Dam project and eliminates the requirement for Inland Waterways Trust Fund money to support half of the project costs**

Sec. 7005. Inland Waterways Revenues

- States the Sense of Congress that the collection of revenues, which are currently not able to meet the funding needs, should be addressed

Sec. 7006 requires the Comptroller General to prepare a report on the efficiency of the collection of the fuel tax for the Inland Waterways Trust Fund within two years

Title VIII. Harbor Maintenance. Cited as the "Harbor Maintenance Trust Fund Act of 2013," this Title makes significant changes to the how the Harbor Maintenance Trust Fund and its funded activities are managed.

Sec. 8003. Funding for Harbor Maintenance Programs

- Sets specific minimum funding levels from the HMTF, set as the lesser of HMTF receipts plus interest collected or \$1 billion in FY2014 and increasing by \$100 million through FY2019, after which (FY2020 and beyond) the required funding level is total receipts plus interest. These funding levels are not required should other Army Corps programs, projects, or activities be impacted (Manager's Amendment)

Sec. 8004. Harbor Maintenance Trust Fund Prioritization

- Prioritizes funding for deep draft and fully constructed projects and projects essential for navigation in the Great Lakes when all harbor maintenance projects are not fully maintained
- Sets aside 20% of harbor maintenance funds in excess of FY2012 levels for Great Lakes projects (other 80% of funding above FY2012 levels is for high-use, deep draft ports). (Manager's Amendment)
- Prioritizes up to 10% of additional funds for projects that have not received funding in past 5 years but have been subject to significant investment, including federal, state and local, in years in which all deep draft ports are fully maintained
- Deepens maximum depth for operations and maintenance to 50 feet (from 45 feet) and expands operations and maintenance definition to include dredging of harbors that are accessible to the federally-authorized channel
- Points of order originally included were removed

Floor Amendments

- Establishes the "primary purpose" of the HMTF as maintaining the width and depth of ports and those projects should receive "first consideration" (Floor Amendment; Levin/Stabenow; Passed by Unanimous Consent)
- Adds direction for funding low-use and moderate-use ports when high-use, deep draft harbors have been funded, and those lower-use ports have received significant state and local infrastructure investments (Floor Amendment; Wyden/Merkley; Passed by Unanimous Consent)
- Requires a GAO study of the use of HMTF funds in low-use and moderate-use ports (Floor Amendment; Wyden/Cantwell; Passed by Unanimous Consent)

Title IX. Dam Safety. This Title reauthorizes the national dam safety program by, among other means:

Sec. 9007. Authorization of Appropriations

- Extends authorizations through FY2018
- Maintains authorization for the Federal Emergency Management Agency for dam safety at \$9.2 million
- Reduces the authorized amount for the national dam inventory from \$650,000 to \$500,000

- Authorizes \$1 million for public awareness
- Reduces authorization for research from \$2 million to \$1.45 million
- Maintains authorization for Dam Safety training at \$750,000
- Reduces authorization for Federal Emergency Management Agency staff to support the programs from \$1.1 million to \$1 million

Title X. Innovative Financing Pilot Projects

Allows for development of a financing pilot project to allow additional sources of funds to support planning, feasibility, construction, property acquisition, or refinancing

Sec. 10007. Projects eligible for assistance

- Authorizes funding of, among other things, both structural and nonstructural measures to reduce flood risk, enhance stream flow, or protect natural resources

Sec. 10009. Determination of eligibility and project selection

- Lays out the requirements for a project to be included in the program, including credit worthiness, maximum project cost of \$20 million, benefit to the public, innovativeness of the financing, and need for the additional financing to complete the project

Sec. 10010. Secured loans

- Limits the total amount of a secured loan for the project to 49% of the total projected costs, and maximum level of federal assistance is capped at 80% of total projected costs except for some rural water projects

Sec. 10014. Funding

- Authorizes \$50 million plus \$2.2 million for administrative expenses through FY2018

Sec. 10015. Report to Congress

- Requires a report to Congress every two years

Title XI. Extreme Weather

Sec. 11001. Improving Management of Flood and Drought

- Requires the Secretary within 18 months of enactment to contract with the National Academy of Sciences (NAS) and for the NAS to prepare a report on options to reduce risk to human life and property from extreme weather
- Considerations to include past extreme events, current infrastructure and its ability to withstand events, and costs to improve infrastructure

Sec. 11002. GAO Study on Management of Flood and Drought

- Requires the GAO to evaluate and report to Congress on the Army Corps' strategies for comprehensive management of water resources in response to floods, drought, and severe storms (the report to be completed within one year of enactment)

Sec. 11003. Post-disaster watershed assessments

- Authorizes the Secretary to carry out watershed assessments in Presidentially-declared major disaster areas to identify specific flood risk, hurricane or storm damage reduction or ecosystem restoration projects that will help rehabilitate damaged infrastructure and reduce risks to human life and property from future natural disasters. If projects identified in the watershed assessment fall under the continuing authorities acts, those projects may be completed given appropriations
- Limits the federal share per watershed assessment to \$1 million and authorizes a total of \$25 million per year through FY2018