

# **Water Resources Development Act of 2018**

## **Section-by-Section**

Sec. 1. Short Title

Sec. 2. Definition of Secretary

### **TITLE I – GENERAL PROVISIONS**

#### **Section 101. Sense of Congress Regarding Water Resources Development Bills.**

This Sense of Congress emphasizes the unique functions carried out by the missions of the Corps of Engineers and re-affirms that Water Resources Development Acts should be considered by Congress every two years.

#### **Section 102. Use of Harbor Maintenance Trust Fund to Support Navigation.**

This section allows the Corps to use the funds available in the Harbor Maintenance Trust Fund to carry out eligible operations and maintenance costs assigned to commercial navigation of harbors and inland harbors within the United States, beginning in fiscal year 2029.

#### **Section 103. Assessment of Harbors and Inland Harbors.**

This section directs the Corps to include in its assessment of the operation and maintenance needs at the Nation’s harbors and inland harbors, opportunities for the potential beneficial use of dredged materials.

#### **Section 104. Levee Safety Initiative Reauthorization.**

This section reauthorizes programs within National Levee Safety Initiative to continue promoting improved levee safety practices at the local, state, and federal levels.

#### **Section 105. Dam Safety.**

This section reauthorizes programs within the National Dam Safety Program Act to continue the Corps’ role in reducing the risks to life and property from dam failure in the United States.

### **Section 106. Rehabilitation of Corps of Engineers Constructed Dams.**

This section amends a program for the Corps to carry out projects for the rehabilitation of high hazard potential dams constructed before 1940.

### **Section 107. Forecast-Informed Reservoir Operations.**

This section directs the Corps to report to Congress on the use of forecast-informed reservoir operations at the Lake Mendocino in California and the viability of using forecast-informed reservoir operations at other dams owned and operated by the Corps.

### **Section 108. Emergency Response to Natural Disasters.**

This section clarifies that hurricane and storm damage risk reduction projects damaged or destroyed by natural disasters, shall be rebuilt to either pre-storm levels or its design level of protection, whichever is greater.

### **Section 109. Integrated Water Resources Planning.**

This section directs the Corps to work with communities covered by a proposed water resources development project to coordinate the feasibility study with any existing local or regional water management plan.

### **Section 110. Mitigation Banks.**

This section directs the Corps to develop guidance on mitigation bank credit releases to support efficient permitting of water resources development projects and increased transparency in the use of mitigation banks.

### **Section 111. Indian Tribes.**

This section provides a more comprehensive definition of federally recognized Indian tribes that may work in partnership with the Corps on water resources development projects.

### **Section 112. Columbia Rivers.**

This section provides additional clarification for Corps obligations to provide assistance to Indian tribes displaced as a result of the construction of the Bonneville, John Day Dam, and The Dalles Dams, in Oregon and Washington.

### **Section 113. Dissemination of Information.**

This section directs the Corps to develop and support education and awareness efforts to ensure that potential non-federal interests and locally elected officials are informed of the annual Report to Congress on Future Water Resources Development process established under Section 7001 of the Water Resources Reform and Development Act of 2014.

### **Section 114. Non-Federal Engagement and Review.**

This section directs the Corps to engage with non-federal stakeholders when finalizing implementation guidance for water resources development laws.

### **Section 115. Comprehensive Backlog Report.**

This section directs the Corps to furnish a report to Congress on a complete list of projects, and separable elements of projects, that are authorized for construction but not completed. Additionally, the Corps shall submit a report to Congress on all deferred operation and maintenance needs at projects and properties under their control.

### **Section 116. Structures and Facilities Constructed by Secretary.**

This section clarifies that the scope of reviews for permissions under section 14 of the Act of March 3, 1899 (commonly referred to as section 408) is limited the structure of a water resources development project.

### **Section 117. Transparency in Administrative Expenses.**

This section directs the Corps to issue a contract to the National Academy of Public Administration to study the efficiency of the Corps' current staff salaries and administrative expense procedures, within one year of enactment.

### **Section 118. Study of the Future of the United States Army Corps of Engineers.**

This section directs the Corps to contract with the National Academy of Sciences in order to evaluate and provide recommendations to Congress on the efficacy of the current organizational structure of the civil works functions of the Corps and identify impediments to efficient project delivery.

### **Section 119. Acknowledgement of Credit.**

This section clarifies section 7007 of WRDA 2007 to direct the Corps to consider acknowledging credit on work carried out by non-federal interests under title VII of WRDA 2007 between enactment of WRDA 2007 and enactment of WRDA 2018, if that work was integral to the project.

### **Section 120. Non-Federal Implementation Pilot Program.**

This section reauthorizes a pilot program that allows the Corps to provide a non-federal interest full project management control over a water resources development project.

### **Section 121. Study of Water Resources Development Projects by Non-Federal Interests.**

This section helps expedite projects by directing the Corps to furnish section 203 reviews to Congress upon completion, instead of after Administration review. Additionally, this section allows the Secretary of the Army-Civil Works to accept and expend funds provided by a non-federal interest to conduct activities that are inherently governmental functions. Currently, when carrying out a study under section 203 authority, the Assistant Secretary of the Army may not have the opportunity to review or participate in a proposed study until late in the process.

### **Section 122. Construction of Water Resources Development Projects by Non-Federal Interests.**

This section accelerates project delivery by allowing credit or reimbursement for certain segments of water resources development projects. Additionally, this section amends section 204 of WRDA 1986 to allow a non-Federal sponsor to advance projects more expeditiously through the use of a streamlined agreement with the Corps.

### **Section 123. Advanced Funds for Water Resources Development Studies and Projects.**

This section helps move projects into construction by expanding the Corps' authority to accept advanced funds from non-federal interests for any water resources development project.

### **Section 124. Funding to Process Permits.**

This section amends Section 214 of the Water Resources Development Act of 2000 to extend the authority for certain entities to contribute funds to the Corps to expedite the evaluation of a permit, under the jurisdiction of the Department of the Army, related to a project or activity for public purpose.

### **Section 125. Study on Economic and Budgetary Analyses.**

This section directs the Corps to contract the National Academy of Sciences to review and make recommendations on improving the Corps' economic principles and analytical methodologies when evaluating the budgeting for water resources development projects.

## **TITLE II – STUDIES**

### **Section 201. Authorization of Proposed Feasibility Studies.**

This section authorizes the Corps to conduct feasibility studies for 10 projects for water resources development and conservation and other purposes. These projects that the Corps is authorized to study were submitted to Congress in a Report to Congress on Future Water Resources Development pursuant to Section 7001 of the Water Resources Reform and Development Act of 2014, or otherwise reviewed by Congress. Each of the projects has as its primary purpose, one of the following: navigation, hurricane and storm damage reduction, flood damage reduction, or ecosystem restoration.

### **Section 202. Additional Studies.**

This section directs the Corps to conduct a study along the Lower Mississippi River Basin and modify a study along the St. Louis Riverfront. These projects that the Corps is authorized to study were submitted to Congress in a Report to Congress on Future Water Resources Development pursuant to Section 7001 of the Water Resources Reform and Development Act of 2014, or otherwise reviewed by Congress.

### **Section 203. Expedited Completion of Reports for Certain Projects.**

This section directs the Corps to expedite the completion of 13 feasibility studies currently underway. Upon completion of the study, if the Corps determines that the project is justified, the Corps may proceed directly to preconstruction planning, engineering, and design. This section also directs the Corps to expedite the completion of post-authorization change reports for three projects that are currently underway.

## **TITLE III – DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS**

### **Section 301. Deauthorization of Inactive Projects.**

This section establishes a process that will lead to the deauthorization of \$3 billion in previously authorized, yet inactive Corps projects. This section requires the Corps to submit a list of inactive project to Congress that were authorized for construction prior to November 8, 2007, have not begun planning, design, or construction, or, if projects have begun planning, design, or construction, they have not received any funds, federal or non-federal, in the past six years. After a 180-day period of congressional review, the projects on the list are automatically deauthorized.

### **Section 302. Backlog Prevention.**

This section terminates the authorization for any project or separable element of a project authorized for construction by this Act after 10 years unless construction has been initiated, a post-authorization study has been issued, or the authorization has been modified by an Act of Congress. Additionally, this section amends the backlog prevention provision in Section 6003 of WRRDA 2014 to align with this section.

### **Section 303. Project Modifications.**

This section modifies the Harbor/South Bay, California and Lakes Marion and Moultrie, South Carolina project in accordance with the Report to Congress on Future Water Resources Development pursuant to Section 7001 of the Water Resources Reform and Development Act of 2014, or otherwise reviewed by Congress.

### **Section 304. Milwaukee Harbor, Milwaukee, Wisconsin.**

This section deauthorizes a portion of the project for navigation in Milwaukee Harbor, Milwaukee, Wisconsin.

### **Section 305. Bridgeport Harbor, Connecticut.**

This section deauthorizes a portion of the project for navigation in Bridgeport Harbor, Connecticut.

**Section 306. Conveyances.**

This section authorizes the Corps to convey real property owned by the federal government in Nashville, Tennessee and Cheatham County, Tennessee.

**Section 307. Clatsop County, Oregon.**

This section deauthorizes a portion of the project for raising and improving existing levees in Clatsop County, Oregon.

**Section 308. Kissimmee River Restoration, Central and Southern Florida.**

This section authorizes the Corps to credit work performed by a non-federal interest in support of the Central and Southern Florida, Kissimmee River Restoration project.

**Section 309. Lytle and Cajon Creeks, California.**

This section deauthorizes a portion of the channel improvement project in Lytle and Cajon Creeks, California.

**TITLE IV – WATER RESOURCES INFRASTRUCTURE**

**Section 401. Project Authorizations.**

This section authorizes six water resources projects that have completed technical review by the Corps 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, flood risk management, hurricane and storm damage risk reduction, or ecosystem restoration. This section also authorizes two project modifications for previously authorized projects.