



Legislative Bulletin.....October 23, 2013

Contents:

Amendments to H.R. 3080 – Water Resources Reform and Development Act of 2013

Order of Business: The amendments to H.R. 3080, the Water Resources Reform and Development Act of 2013, are scheduled to be considered on Wednesday, October 23, 2013, under a structured rule ([H. Res. 385](#)) making 24 amendments in order and described below in this Legislative Bulletin. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. It also provides 10 minutes of debate on each of the 24 amendments made in order.

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SUMMARY OF AMENDMENTS RULES IN ORDER

1. **McCollum (D-MN), Kelly (R-PA), Schneider (D-IL), Lipinski (D-IL):** This amendment creates a multiagency effort to combat the spread of the Asian Carp in the Upper Mississippi and Ohio River basins. The multiagency group will be required to submit an annual report to Congress on the best practices for Asian carp management and the progress made in slowing the spread of the fish. More information about Asian carp can be found [here](#). Text of the amendment is available [here](#).
2. **Grimm (R-NY):** This amendment modifies Section 118 of the bill to *require* the Secretary of the Army to include project recommendations related to storm and flood damage reduction from the Disaster Relief Appropriations Act of 2013 in the Secretary’s Report to Congress on Future Water Resources Development (Secretary’s Report). The base bill only *allows* such projects to be included in the Secretary’s Report. Under WRRDA 2013, only projects included in the Secretary’s Report to can be funded in future WRDA bills. Text of the amendment is available [here](#).
3. **Schneider (D-IL):** This amendment requires the Secretary of Army (the Secretary) to report to Congress the 5 and 10-year projection for construction backlogs and include recommendations on how to mitigate the backlog and current problems. Text of the amendment is available [here](#).

4. **Peters (D-CA):** This amendment requires the Secretary to coordinate with the Director of the Federal Emergency Management Agency to inform the public through widely used and available means, including the Internet, of emergency communication of risk of flood risk management activities. Such information would include timely information regarding expected water levels; technical assistance; advice regarding appropriate preparedness options; and other information determined appropriate by the Secretary. Text of the amendment is available [here](#).
5. **Thompson (D-CA), Benishek (R-MI), DeFazio (D-OR), Simpson (R-ID), Titus (D-NV):** This amendment requires the Comptroller General of the United States to conduct an assessment of all Federal costs and spending on aquatic invasive species. The assessment must indicate the current spending and projected future spending; whether the current level of spending is sufficient to and any additional aspect of aquatic invasive species prevention or mitigation determined appropriate by the Comptroller General. More information about aquatic invasive species can be found on United States Fish and Wildlife Service website [here](#). Some examples of invasive aquatic species include zebra mussels, Asian carp, hydrilla, and sea lampreys. Text of the amendment is available [here](#).
6. **Hastings (D-FL):** This amendment requires the Secretary to include operation and maintenance costs associated with sand transfer plants in the annual operation and maintenance budget of the Corps of Engineers. Sand transfer plants are fixed dredges placed on one side of navigational inlets that collect sand and transfer it to harbor structures to down coast beaches. Text of the amendment is available [here](#).
7. **Stutzman (R-IN):** This amendment prohibits the Secretary from requiring the removal of levee vegetation until the Corps of Engineers reviews and adopts policy guidelines for levee vegetation and management. The Corps will be allowed to require the removal of levee vegetation if it poses an unacceptable level of risk. Text of the amendment is available [here](#).
8. **Richmond (D-LA), Scalise (R-LA):** This amendment requires the Corps to include a calculation of the national benefits of proposed flood protection projects, including benefits from a reduction in national and regional economic losses, as well as the protection of evacuation routes in feasibility studies for flood damage reduction and storm damage reduction projects. This requirement applies to all storm damage and flood damage reduction projects that have not been completed by the date of enactment of this bill. Text of the amendment is available [here](#).
9. **Young (R-AK), Petri (R-WI):** This amendment requires the Secretary to contract out to the private sector, when practicable, geospatial surveying and mapping activities for water resources projects. The amendment also requires the Secretary to conduct an assessment of all entities of the Corps to the extent to which these activities are contracted out. Text of the amendment is available [here](#). This amendment is supported by the American Conservative Union.
10. **Gardner (R-CO):** This amendment creates the Office of Water Storage in the Army Corps of Engineers to serve as the first point of contact for satisfaction or acquisition of a Federal

permit for a water storage facility. In addition, the amendment requires the Secretary of the Interior and the Administrator of the Environmental Protection Agency to provide notice to the Administrator of the Office of Office of Water Storage. Any permit request will be deemed to be acquired or satisfied if the Governor of the State provides the Office with notice of the Governor's approval and a determination for approval was not made within one year from the date that the permit was applied for. The amendment defines "water storage facility" as any facility constructed by a person that is equipped to store at least 5,000 acre-feet of water. Text of the amendment is available [here](#).

11. **Brownley (D-CA):** This amendment requires the General Accountability Office (GAO) to study and submit to Congress within 270 days after passage of the bill, a report on the effectiveness of activities funded by the Harbor Maintenance Trust Fund in maximizing job creation and economic growth in communities surrounding moderate-use and low-use ports. This report must also include recommendations for the use of funds to increase the competitiveness of U.S. ports in relation to Mexican and Canadian ports. The Harbor Maintenance Trust Fund (HMTF) was created in 1986 to fund the maintenance and operation of harbors and ports and is funded by a tax paid by shippers based on the value of goods being shipped through the ports. The funds are used to dredge ports, navigation channels, and other maintenance activities. Text of the amendment is available [here](#).
12. **Lowenthal (D-CA):** This amendment requires the Secretary include "expanded uses" of the Harbor Maintenance Trust Fund in reports to Congress on the assessments and prioritization of operations and maintenance. The Harbor Maintenance Trust Fund (HMTF) was created in 1986 to fund the maintenance and operation of harbors and ports and is funded by a tax paid by shippers based on the value of goods being shipped through the ports. The funds are used to dredge ports, navigation channels, and other maintenance activities. Text of the amendment is available [here](#).
13. **Brownley (D-CA):** This amendment requires the Secretary to consider military readiness and national security needs in consultation with the Secretary of the Navy when assessing the maintenance needs of harbors and the equitable distribution of funds. Text of the amendment is available [here](#).
14. **Pierluisi (D-PR):** This amendment allows the Secretary to waive the local cost share requirements for studies and projects in Puerto Rico. Currently, the Secretary can only waive up to \$200,000, adjusted for inflation beginning on November 17, 1986. Text of the amendment is available [here](#).
15. **Jackson Lee (D-TX):** This amendment requires the Secretary to consult with key stakeholders and when making specific flood and storm damage reduction project recommendations included in the "Report to Congress on Future Water Resources Development" (the Report). When these recommendations substantially affect communities served by historically Black colleges and universities, Tribal Colleges and Universities, and other minority serving colleges and universities, the Secretary is required to consult with these universities as well before making submitting the Report to Congress. Text of the amendment is available [here](#).

16. **Hastings (R-WA)**: This amendment clarifies that all projects at Corps dams and reservoirs must continue to be approved by Congress. Text of the amendment is available [here](#).
17. **Bentivolio (R-MI)**: This amendment increases the dollar amount of Corps projects that must be deauthorized from \$12,000,000 to \$35,000,000. The [Heritage Foundation](#) has recommended cuts beyond the \$12,000,000 that was included in the bill. Text of the amendment is available [here](#).
18. **DeFazio (D-OR), Blumenauer (OR), Jackson Lee (D-TX), Pingree (D-ME), Edwards (D-MD), Bonamici (D-OR)**: This amendment delays the implementation of the environmental streamlining provisions of the bill until the Secretary certifies that the backlog for all authorized construction projects is less than \$20 billion (adjusted for inflation on the date the certification is made). Text of the amendment is available [here](#).
19. **Mullin (R-OK)**: This amendment requires the [Federal Energy Regulatory Commission \(FERC\)](#) to begin an assessment within 180 days after passage of the bill of the effects of drought conditions at FERC-licensed lakes. This overall assessment must include an assessment of the effect of the long-term licenses have had on state agencies being able to meet all their obligations, including hydroelectric obligations, fish and wildlife, water supply downstream, and recreation. The overall assessment must also include an assessment of existing FERC-licensed lakes with stipulated lake levels and rule curves in areas of previous, current and prolonged drought. The amendment also states that due to the ongoing drought in many parts of the United States it may be difficult for state agencies to maintain FERC-licensed lake levels and that local agencies should have the flexibility to modify these levels when affected by persistent drought conditions. A drought map can be viewed [here](#). Text of this amendment is available [here](#).
20. **Cotton (R-AR)**: This amendment allows the Corps and non-Federal entities, including municipalities and regional authorities, to collaborate on any proposals to sell excess water supply in response to an oversupply of water created as a result of the 1958 Water Supply Act. It allows for the creation of a 10-year plan to address this oversupply. This amendment does not authorize the Corps to release or sell water from storage. Text of this amendment is available [here](#).
21. **Shuster (R-PA), Gibbs (R-OH), Rahall (D-WV), Bishop (D-NY)**: This amendment allows the Secretary to expedite the completion of any ongoing feasibility study that was begun before the Act was enacted *if* the Secretary determines that the project is justified in a completed report to proceed directly to preconstruction planning, design, and engineering in accordance with criteria established by Section 910 of WRDA 1986. It also amends section 120 of the bill to request the Corps of Engineers to review the uses and economic feasibility of non-structural alternatives in their review of existing authorities for carrying out work after a storm event. It amends section 102 of the bill to include natural gas companies in the list of entities eligible to contribute funds to Corps to expedite the processing of permits within the regulatory program of the Corps of Engineers. The amendment also adds a savings clause to Section 107 of the bill to ensure that work carried out under an existing

statute related to navigation that is repealed in the bill can continue if begun prior to enactment of the Act. In addition, it adds a new section that allows non-Federal interests to carry out work at their own expense for a project where a final feasibility report has been completed but has not received authorization from Congress. It requires the non-Federal interest to carry out the work subject to any Federal or State permitting requirements and to carry out the project in accordance with the final feasibility report. It also makes technical changes. Text of the amendment is available [here](#).

22. **Flores (R-TX):** This amendment prohibits any of the programs or actions authorized under this Act from being used to further implement the implementation of the coastal and marine spatial planning and ecosystem-based management components of the National Ocean Policy Developed under Executive Order 13547. This amendment also requires the Secretary to submit a report with 90 days after enactment of the Act to the House Committee on Transportation and Infrastructure and the Committee on Commerce, Science, and Transportation of the Senate detailing all activities engaged in and resources expended in furtherance of Executive Order 13547 since it was issued on July 19, 2010, including any FY 2014 budget requests for the National Ocean Policy. The President Created the National Ocean Council to implement the Executive Order. Information about the National Ocean Council can be viewed [here](#). Text of Executive Order 13547 can be viewed [here](#). Text of the amendment is available [here](#).

23. **Velazquez (D-NY):** This amendment creates a new Section 137 establishing the “national water-based freight policy” of the United States. It states that the goals of the policy are to improve the condition and performance of the national water-based freight network to insure that such network provides the foundation for the United States to compete in the global economy and achieve certain goals detailed included in the amendment. The amendment requires the Secretary to consult with State departments of transportation and other appropriate agencies to develop a national water-based freight strategic plan within three years of enactment of the Act and post it on a public website. Text of the amendment is available [here](#).

24. **Jones (R-NC):** This amendment exempts the disaster restriction on projects that non-federal interests may contribute to. Text of the amendment is available [here](#).

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