

HOUSE OF REPRESENTATIVES  
OFFICIAL COPY

CEL14515

S.L.C.

113TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
2nd Session } SENATE { 113-\_\_\_\_\_

---

---

WATER RESOURCES REFORM AND DEVELOPMENT ACT  
OF 2014

\_\_\_\_\_, 2014.—Ordered to be printed

\_\_\_\_\_, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H. R. 3080]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3080), to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

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

(a) *SHORT TITLE.*—This Act may be cited as the “Water Resources Reform and Development Act of 2014”.

(b) *TABLE OF CONTENTS.*—

- Sec. 1. *Short title; table of contents.*  
Sec. 2. *Definition of Secretary.*

**TITLE I—PROGRAM REFORMS AND STREAMLINING**

- Sec. 1001. *Vertical integration and acceleration of studies.*  
Sec. 1002. *Consolidation of studies.*  
Sec. 1003. *Expedited completion of reports.*  
Sec. 1004. *Removal of duplicative analyses.*  
Sec. 1005. *Project acceleration.*  
Sec. 1006. *Expediting the evaluation and processing of permits.*  
Sec. 1007. *Expediting approval of modifications and alterations of projects by non-Federal interests.*  
Sec. 1008. *Expediting hydropower at Corps of Engineers facilities.*  
Sec. 1009. *Enhanced use of electronic commerce in Federal procurement.*

- Sec. 1010. *Determination of project completion.*
- Sec. 1011. *Prioritization.*
- Sec. 1012. *Transparency in accounting and administrative expenses.*
- Sec. 1013. *Evaluation of project Partnership Agreements.*
- Sec. 1014. *Study and construction of water resources development projects by non-Federal interests.*
- Sec. 1015. *Contributions by non-Federal interests.*
- Sec. 1016. *Operation and maintenance of certain projects.*
- Sec. 1017. *Acceptance of contributed funds to increase lock operations.*
- Sec. 1018. *Credit for in-kind contributions.*
- Sec. 1019. *Clarification of in-kind credit authority.*
- Sec. 1020. *Transfer of excess credit.*
- Sec. 1021. *Crediting authority for federally authorized navigation projects.*
- Sec. 1022. *Credit in lieu of reimbursement.*
- Sec. 1023. *Additional contributions by non-Federal interests.*
- Sec. 1024. *Authority to accept and use materials and services.*
- Sec. 1025. *Water resources projects on Federal land.*
- Sec. 1026. *Clarification of impacts to other Federal facilities.*
- Sec. 1027. *Clarification of munition disposal authorities.*
- Sec. 1028. *Clarification of mitigation authority.*
- Sec. 1029. *Clarification of interagency support authorities.*
- Sec. 1030. *Continuing authority.*
- Sec. 1031. *Tribal partnership program.*
- Sec. 1032. *Territories of the United States.*
- Sec. 1033. *Corrosion prevention.*
- Sec. 1034. *Advanced modeling technologies.*
- Sec. 1035. *Recreational access.*
- Sec. 1036. *Non-Federal plans to provide additional flood risk reduction.*
- Sec. 1037. *Hurricane and storm damage reduction.*
- Sec. 1038. *Reduction of Federal costs for hurricane and storm damage reduction projects.*
- Sec. 1039. *Invasive species.*
- Sec. 1040. *Fish and wildlife mitigation.*
- Sec. 1041. *Mitigation status report.*
- Sec. 1042. *Reports to Congress.*
- Sec. 1043. *Non-Federal implementation pilot program.*
- Sec. 1044. *Independent peer review.*
- Sec. 1045. *Report on surface elevations at drought affected lakes.*
- Sec. 1046. *Reservoir operations and water supply.*
- Sec. 1047. *Special use permits.*
- Sec. 1048. *America the Beautiful National Parks and Federal Recreational Lands Pass program.*
- Sec. 1049. *Applicability of spill prevention, control, and countermeasure rule.*
- Sec. 1050. *Namings.*
- Sec. 1051. *Interstate water agreements and compacts.*
- Sec. 1052. *Sense of Congress regarding water resources development bills.*

## TITLE II—NAVIGATION

### Subtitle A—Inland Waterways

- Sec. 2001. *Definitions.*
- Sec. 2002. *Project delivery process reforms.*
- Sec. 2003. *Efficiency of revenue collection.*
- Sec. 2004. *Inland waterways revenue studies.*
- Sec. 2005. *Inland waterways stakeholder roundtable.*
- Sec. 2006. *Preserving the Inland Waterway Trust Fund.*
- Sec. 2007. *Inland waterways oversight.*
- Sec. 2008. *Assessment of operation and maintenance needs of the Atlantic Intra-coastal Waterway and the Gulf Intracoastal Waterway.*
- Sec. 2009. *Inland waterways riverbank stabilization.*
- Sec. 2010. *Upper Mississippi River protection.*
- Sec. 2011. *Corps of Engineers lock and dam energy development.*
- Sec. 2012. *Restricted areas at Corps of Engineers dams.*
- Sec. 2013. *Operation and maintenance of fuel taxed inland waterways.*

### Subtitle B—Port and Harbor Maintenance

- Sec. 2101. *Funding for harbor maintenance programs.*
- Sec. 2102. *Operation and maintenance of harbor projects.*
- Sec. 2103. *Consolidation of deep draft navigation expertise.*

- Sec. 2104. *Remote and subsistence harbors.*
- Sec. 2105. *Arctic deep draft port development partnerships.*
- Sec. 2106. *Additional measures at donor ports and energy transfer ports.*
- Sec. 2107. *Preserving United States harbors.*

**TITLE III—SAFETY IMPROVEMENTS AND ADDRESSING EXTREME  
WEATHER EVENTS**

*Subtitle A—Dam Safety*

- Sec. 3001. *Dam Safety.*

*Subtitle B—Levee Safety*

- Sec. 3011. *Systemwide improvement framework.*
- Sec. 3012. *Management of flood risk reduction projects.*
- Sec. 3013. *Vegetation management policy.*
- Sec. 3014. *Levee certifications.*
- Sec. 3015. *Planning assistance to States.*
- Sec. 3016. *Levee safety.*
- Sec. 3017. *Rehabilitation of existing levees.*

*Subtitle C—Additional Safety Improvements and Risk Reduction Measures*

- Sec. 3021. *Use of innovative materials.*
- Sec. 3022. *Durability, sustainability, and resilience.*
- Sec. 3023. *Study on risk reduction.*
- Sec. 3024. *Management of flood, drought, and storm damage.*
- Sec. 3025. *Post-disaster watershed assessments.*
- Sec. 3026. *Hurricane and storm damage reduction study.*
- Sec. 3027. *Emergency communication of risk.*
- Sec. 3028. *Safety assurance review.*
- Sec. 3029. *Emergency response to natural disasters.*

**TITLE IV—RIVER BASINS AND COASTAL AREAS**

- Sec. 4001. *River basin commissions.*
- Sec. 4002. *Mississippi River.*
- Sec. 4003. *Missouri River.*
- Sec. 4004. *Arkansas River.*
- Sec. 4005. *Columbia Basin.*
- Sec. 4006. *Rio Grande.*
- Sec. 4007. *Northern Rockies headwaters.*
- Sec. 4008. *Rural Western water.*
- Sec. 4009. *North Atlantic Coastal Region.*
- Sec. 4010. *Chesapeake Bay.*
- Sec. 4011. *Louisiana coastal area.*
- Sec. 4012. *Red River Basin.*
- Sec. 4013. *Technical corrections.*
- Sec. 4014. *Ocean and coastal resiliency.*

**TITLE V—WATER INFRASTRUCTURE FINANCING**

*Subtitle A—State Water Pollution Control Revolving Funds*

- Sec. 5001. *General authority for capitalization grants.*
- Sec. 5002. *Capitalization grant agreements.*
- Sec. 5003. *Water pollution control revolving loan funds.*
- Sec. 5004. *Requirements.*
- Sec. 5005. *Report on the allotment of funds.*
- Sec. 5006. *Effective date.*

*Subtitle B—General Provisions*

- Sec. 5011. *Watershed pilot projects.*
- Sec. 5012. *Definition of treatment works.*
- Sec. 5013. *Funding for Indian programs.*
- Sec. 5014. *Water infrastructure public-private partnership pilot program.*

*Subtitle C—Innovative Financing Pilot Projects*

- Sec. 5021. *Short title.*
- Sec. 5022. *Definitions.*
- Sec. 5023. *Authority to provide assistance.*
- Sec. 5024. *Applications.*

(6) *STAFF.*—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking “\$700,000” and all that follows through “2011” and inserting “\$1,000,000 for each of fiscal years 2015 through 2019”.

(f) *TECHNICAL AMENDMENT.*—Section 14 (a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking “sections 7, 8, and 11” and inserting “sections 7, 8, and 12”.

## **Subtitle B—Levee Safety**

### **SEC. 3011. SYSTEMWIDE IMPROVEMENT FRAMEWORK.**

A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.

### **SEC. 3012. MANAGEMENT OF FLOOD RISK REDUCTION PROJECTS.**

(a) *IN GENERAL.*—If 2 or more flood control projects are located within the same geographic area, the Secretary shall, at the request of the non-Federal interests for the affected projects, consider those projects as a single program for budgetary or project management purposes, if the Secretary determines that doing so would not be incompatible with the authorized project purposes.

(b) *COST SHARE.*—

(1) *IN GENERAL.*—If any work on a project to which subsection (a) applies is required solely because of impacts to that project from a navigation project, the cost of carrying out that work shall be shared in accordance with the cost-sharing requirements for the navigation project.

(2) *USE OF AMOUNTS.*—Work described in paragraph (1) may be carried out using amounts made available under subsection (a).

### **SEC. 3013. VEGETATION MANAGEMENT POLICY.**

(a) *DEFINITION OF GUIDELINES.*—In this section, the term “guidelines” means the Corps of Engineers policy guidelines for management of vegetation on levees, including—

(1) Engineering Technical Letter 1110-2-571 entitled “Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures” and adopted April 10, 2009; and

(2) the draft policy guidance letter entitled “Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls” (77 Fed. Reg. 9637 (Feb. 17, 2012)).

(b) *REVIEW.*—The Secretary shall carry out a comprehensive review of the guidelines in order to determine whether current Federal policy relating to levee vegetation is appropriate for all regions of the United States.

(c) *FACTORS.*—

(1) *IN GENERAL.*—In carrying out the review, the Secretary shall consider—

(A) the varied interests and responsibilities in managing flood risks, including the need—

(i) to provide the greatest benefits for public safety with limited resources; and

(ii) to ensure that levee safety investments minimize environmental impacts and provide corresponding public safety benefits;

(B) the levee safety benefits that can be provided by woody vegetation;

(C) the preservation, protection, and enhancement of natural resources, including—

(i) the benefit of vegetation on levees in providing habitat for species of concern, including endangered, threatened, and candidate species; and

(ii) the impact of removing levee vegetation on compliance with other regulatory requirements;

(D) protecting the rights of Indian tribes pursuant to treaties and statutes;

(E) determining how vegetation impacts the performance of a levee or levee system during a storm or flood event;

(F) the available science and the historical record regarding the link between vegetation on levees and flood risk;

(G) the avoidance of actions requiring significant economic costs and environmental impacts; and

(H) other factors relating to the factors described in subparagraphs (A) through (F) identified in public comments that the Secretary determines to be appropriate.

(2) VARIANCE CONSIDERATIONS.—

(A) IN GENERAL.—In carrying out the review, the Secretary shall specifically consider factors that promote and allow for consideration of variances from guidelines on a Statewide, tribal, regional, or watershed basis, including variances based on—

(i) regional or watershed soil conditions;

(ii) hydrologic factors;

(iii) vegetation patterns and characteristics;

(iv) environmental resources, including endangered, threatened, or candidate species and related regulatory requirements;

(v) levee performance history, including historical information on original construction and subsequent operation and maintenance activities;

(vi) any effects on water supply;

(vii) any scientific evidence on the link between levee vegetation and levee safety;

(viii) institutional considerations, including implementation challenges and conflicts with or violations of Federal or State environmental laws;

(ix) the availability of limited funds for levee construction and rehabilitation;

(x) the economic and environmental costs of removing woody vegetation on levees; and

(xi) other relevant factors identified in public comments that the Secretary determines to be appropriate.

(B) SCOPE.—*The scope of a variance approved by the Secretary may include a complete exemption to guidelines, if appropriate.*

(d) COOPERATION AND CONSULTATION; RECOMMENDATIONS.—

(1) IN GENERAL.—*The Secretary shall carry out the review under this section in consultation with other applicable Federal agencies, representatives of State, regional, local, and tribal governments, appropriate nongovernmental organizations, and the public.*

(2) RECOMMENDATIONS.—

(A) REGIONAL INTEGRATION TEAMS.—*Corps of Engineers Regional Integration Teams, representing districts, divisions, and headquarters, in consultation with State and Federal resource agencies, and with participation by local agencies, shall submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal and State laws and other applicable requirements, including recommendations relating to the review of guidelines under subsection (b) and the consideration of variances under subsection (c)(2).*

(B) STATE, TRIBAL, REGIONAL, AND LOCAL ENTITIES.—*The Secretary shall consider and accept recommendations from any State, tribal, regional, or local entity for vegetation management policies for levees that conform with Federal and State laws and other applicable requirements, including recommendations relating to the review of guidelines under subsection (b) and the consideration of variances under subsection (c)(2).*

(e) INDEPENDENT CONSULTATION.—

(1) IN GENERAL.—*As part of the review, the Secretary shall solicit and consider the views of independent experts on the engineering, environmental, and institutional considerations underlying the guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).*

(2) AVAILABILITY OF VIEWS.—*The views of the independent experts obtained under paragraph (1) shall be—*

(A) *made available to the public; and*

(B) *included in supporting materials issued in connection with the revised guidelines required under subsection (f).*

(f) REVISION OF GUIDELINES.—

(1) IN GENERAL.—*Not later than 18 months after the date of enactment of this Act, the Secretary shall—*

(A) *revise the guidelines based on the results of the review, including—*

(i) *recommendations received as part of the consultation described in subsection (d)(1); and*

(ii) *the views received under subsection (e);*

(B) *provide the public not less than 30 days to review and comment on draft guidelines before issuing final guidelines; and*

(C) *submit to Congress and make publicly available a report that contains a summary of the activities of the Sec-*

retary and a description of the findings of the Secretary under this section.

(2) **CONTENT; INCORPORATION INTO MANUAL.**—The revised guidelines shall—

(A) provide a practical, flexible process for approving Statewide, tribal, regional, or watershed variances from the guidelines that—

(i) reflect due consideration of the factors described in subsection (c); and

(ii) incorporate State, tribal, and regional vegetation management guidelines for specific areas that—

(I) are consistent with the guidelines; and

(II) have been adopted through a formal public process; and

(B) be incorporated into the manual proposed under section 5(c) of the Act of August 18, 1941 (33 U.S.C. 701n(c)).

(3) **FAILURE TO MEET DEADLINES.**—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of—

(A) why the deadline was missed;

(B) solutions needed to meet the deadline; and

(C) a projected date for submission of the report.

(g) **INTERIM ACTIONS.**—

(1) **IN GENERAL.**—Until the date on which revisions to the guidelines are adopted in accordance with subsection (f), the Secretary shall not require the removal of existing vegetation as a condition or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.

(2) **REVISIONS.**—Beginning on the date on which the revisions to the guidelines are adopted in accordance with subsection (f), the Secretary shall reconsider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former guidelines.

**SEC. 3014. LEVEE CERTIFICATIONS.**

(a) **IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.**—In carrying out section 100226 of Public Law 112-141 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—

(1) ensure that at least 1 program activity carried out under the inspection of completed works program of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); and

(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in alignment with the schedule established for the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) **ACCELERATED LEVEE SYSTEM EVALUATIONS.**—

(1) *IN GENERAL.*—On receipt of a request from a non-Federal interest, the Secretary may carry out a levee system evaluation of a federally authorized levee for purposes of the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 *et seq.*) if the evaluation will be carried out earlier than such an evaluation would be carried out under subsection (a).

(2) *REQUIREMENTS.*—A levee system evaluation under paragraph (1) shall—

(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, may establish.

(3) *FUNDING.*—

(A) *IN GENERAL.*—The Secretary may use amounts made available under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) to carry out this subsection.

(B) *COST SHARE.*—The Secretary shall apply the cost share under section 22(b) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(b)) to any activities carried out under this subsection.

**SEC. 3015. PLANNING ASSISTANCE TO STATES.**

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “or other non-Federal interest working with a State” after “cooperate with any State”; and

(ii) by inserting “, including plans to comprehensively address water resources challenges,” after “of such State”; and

(B) in paragraph (2)(A), by striking “, at Federal expense,”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “subsection (a)(1)” each place it appears and inserting “subsection (a)”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

“(2) *CONTRIBUTED FUNDS.*—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal interest for assistance under this section.”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “\$10,000,000” and inserting “\$30,000,000”; and

(ii) by striking “\$2,000,000” and inserting “\$5,000,000 in Federal funds”; and

(B) in paragraph (2), by striking “\$5,000,000” and inserting “\$15,000,000”.

**SEC. 3016. LEVEE SAFETY.**

(a) **PURPOSES.**—Section 9001 of the Water Resources Development Act of 2007 (33 U.S.C. 3301 note) is amended—

(1) in the section heading, by inserting “; **PURPOSES**” after “**TITLE**”;

(2) by striking “This title” and inserting the following:

“(a) **SHORT TITLE.**—This title”; and

(3) by adding at the end the following:

“(b) **PURPOSES.**—The purposes of this title are—

“(1) to ensure that human lives and property that are protected by new and existing levees are safe;

“(2) to encourage the use of appropriate engineering policies, procedures, and technical practices for levee site investigation, design, construction, operation and maintenance, inspection, assessment, and emergency preparedness;

“(3) to develop and support public education and awareness projects to increase public acceptance and support of levee safety programs and provide information;

“(4) to build public awareness of the residual risks associated with living in levee protected areas;

“(5) to develop technical assistance materials, seminars, and guidelines to improve the security of levees of the United States; and

“(6) to encourage the establishment of effective State and tribal levee safety programs.”

(b) **DEFINITIONS.**—Section 9002 of the Water Resources Development Act of 2007 (33 U.S.C. 3301) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), and (6), as paragraphs (3), (6), (7), (14), (15), and (16), respectively;

(2) by inserting before paragraph (3) (as redesignated by paragraph (1)) the following:

“(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) **CANAL STRUCTURE.**—

“(A) **IN GENERAL.**—The term ‘canal structure’ means an embankment, wall, or structure along a canal or manmade watercourse that—

“(i) constrains water flows;

“(ii) is subject to frequent water loading; and

“(iii) is an integral part of a flood risk reduction system that protects the leveed area from flood waters associated with hurricanes, precipitation events, seasonal high water, and other weather-related events.

“(B) **EXCLUSION.**—The term ‘canal structure’ does not include a barrier across a watercourse.”;

(3) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

“(4) **FLOODPLAIN MANAGEMENT.**—The term ‘floodplain management’ means the operation of a community program of corrective and preventative measures for reducing flood damage.

“(5) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).”; and

(4) by striking paragraph (7) (as redesignated by paragraph (1)) and inserting the following:

“(7) **LEVEE.**—

“(A) **IN GENERAL.**—The term ‘levee’ means a manmade barrier (such as an embankment, floodwall, or other structure)—

“(i) the primary purpose of which is to provide hurricane, storm, or flood protection relating to seasonal high water, storm surges, precipitation, or other weather events; and

“(ii) that is normally subject to water loading for only a few days or weeks during a calendar year.

“(B) **INCLUSIONS.**—The term ‘levee’ includes a levee system, including—

“(i) levees and canal structures that—

“(I) constrain water flows;

“(II) are subject to more frequent water loading; and

“(III) do not constitute a barrier across a watercourse; and

“(ii) roadway and railroad embankments, but only to the extent that the embankments are integral to the performance of a flood damage reduction system.

“(C) **EXCLUSIONS.**—The term ‘levee’ does not include—

“(i) a roadway or railroad embankment that is not integral to the performance of a flood damage reduction system;

“(ii) a canal constructed completely within natural ground without any manmade structure (such as an embankment or retaining wall to retain water or a case in which water is retained only by natural ground);

“(iii) a canal regulated by a Federal or State agency in a manner that ensures that applicable Federal safety criteria are met;

“(iv) a levee or canal structure—

“(I) that is not a part of a Federal flood damage reduction system;

“(II) that is not recognized under the National Flood Insurance Program as providing protection from the 1-percent-annual-chance or greater flood;

“(III) that is not greater than 3 feet high;

“(IV) the population in the leveed area of which is less than 50 individuals; and

“(V) the leveed area of which is less than 1,000 acres; or

“(v) any shoreline protection or river bank protection system (such as revetments or barrier islands).

“(8) **LEVEE FEATURE.**—The term ‘levee feature’ means a structure that is critical to the functioning of a levee, including—

“(A) an embankment section;

“(B) a floodwall section;

“(C) a closure structure;

“(D) a pumping station;

“(E) an interior drainage work; and

“(F) a flood damage reduction channel.

“(9) *LEVEE SYSTEM.*—The term ‘levee system’ means 1 or more levee segments, including all levee features that are interconnected and necessary to ensure protection of the associated leveed areas—

“(A) that collectively provide flood damage reduction to a defined area; and

“(B) the failure of 1 of which may result in the failure of the entire system.

“(10) *NATIONAL LEVEE DATABASE.*—The term ‘national levee database’ means the levee database established under section 9004.

“(11) *PARTICIPATING PROGRAM.*—The term ‘participating program’ means a levee safety program developed by a State or Indian tribe that includes the minimum components necessary for recognition by the Secretary.

“(12) *REHABILITATION.*—The term ‘rehabilitation’ means the repair, replacement, reconstruction, removal of a levee, or reconfiguration of a levee system, including a setback levee, that is carried out to reduce flood risk or meet national levee safety guidelines.

“(13) *RISK.*—The term ‘risk’ means a measure of the probability and severity of undesirable consequences.”

(c) *COMMITTEE ON LEVEE SAFETY.*—Section 9003 of the Water Resources Development Act of 2007 (33 U.S.C. 3302) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) *NONVOTING MEMBERS.*—The following 2 nonvoting members:

“(A) The Secretary (or a designee of the Secretary).

“(B) The Administrator (or a designee of the Administrator).”;

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated by subparagraph (B)) by inserting “voting” after “14”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by striking subsections (c) through (f) and inserting the following:

“(c) *ADMINISTRATION.*—

“(1) *TERMS OF VOTING MEMBERS.*—

“(A) *IN GENERAL.*—A voting member of the committee shall be appointed for a term of 3 years, except that, of the members first appointed—

“(i) 5 shall be appointed for a term of 1 year;

“(ii) 5 shall be appointed for a term of 2 years; and

“(iii) 4 shall be appointed for a term of 3 years.

“(B) *REAPPOINTMENT.*—A voting member of the committee may be reappointed to the committee, as the Secretary determines to be appropriate.

“(C) *VACANCIES.*—A vacancy on the committee shall be filled in the same manner as the original appointment was made.

“(2) *CHAIRPERSON.*—

*“(A) IN GENERAL.—The voting members of the committee shall appoint a chairperson from among the voting members of the committee.”*

*“(B) TERM.—The chairperson shall serve a term of not more than 2 years.”*

*“(d) STANDING COMMITTEES.—*

*“(1) IN GENERAL.—The committee may establish standing committees comprised of volunteers from all levels of government and the private sector, to advise the committee regarding specific levee safety issues, including participating programs, technical issues, public education and awareness, and safety and the environment.”*

*“(2) MEMBERSHIP.—The committee shall recommend to the Secretary for approval individuals for membership on the standing committees.”*

*“(e) DUTIES AND POWERS.—The committee—*

*“(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the levee safety initiative in accordance with section 9006; and*

*“(2) may secure from other Federal agencies such services, and enter into such contracts, as the committee determines to be necessary to carry out this subsection.”*

*“(f) TASK FORCE COORDINATION.—The committee shall, to the maximum extent practicable, coordinate the activities of the committee with the Federal Interagency Floodplain Management Task Force.”*

*“(g) COMPENSATION.—*

*“(1) FEDERAL EMPLOYEES.—Each member of the committee who is an officer or employee of the United States—*

*“(A) shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States; but*

*“(B) shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.”*

*“(2) NON-FEDERAL EMPLOYEES.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the committee who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the committee.”*

*“(3) STANDING COMMITTEE MEMBERS.—Each member of a standing committee shall serve in a voluntary capacity.”*

*(d) INVENTORY OF LEVEES.—Section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) is amended—*

*(1) in subsection (a)(2)(A) by striking “and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies” and insert-*

ing "and updated levee information provided by States, Indian tribes, Federal agencies, and other entities"; and

(2) by adding at the end the following:

"(c) **LEVEE REVIEW.**—

"(1) **IN GENERAL.**—The Secretary shall carry out a one-time inventory and review of all levees identified in the national levee database.

"(2) **NO FEDERAL INTEREST.**—The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance of any levee that is included in the inventory or inspected under this subsection.

"(3) **REVIEW CRITERIA.**—In carrying out the inventory and review, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.

"(4) **STATE AND TRIBAL PARTICIPATION.**—At the request of a State or Indian tribe with respect to any levee subject to review under this subsection, the Secretary shall—

"(A) allow an official of the State or Indian tribe to participate in the review of the levee; and

"(B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.

"(5) **EXCEPTIONS.**—In carrying out the inventory and review under this subsection, the Secretary shall not be required to review any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3) during the 1-year period immediately preceding the date of enactment of this subsection if the Governor of the State or chief executive of the tribal government, as applicable, requests an exemption from the review."

(e) **LEVEE SAFETY INITIATIVE.**—

(1) **IN GENERAL.**—Sections 9005 and 9006 of the Water Resources Development Act of 2007 (33 U.S.C. 3304, 3305) are redesignated as sections 9007 and 9008, respectively.

(2) **LEVEE SAFETY INITIATIVE.**—Title IX of the Water Resources Development Act of 2007 (33 U.S.C. 3301 et seq.) is amended by inserting after section 9004 the following:

**"SEC. 9005. LEVEE SAFETY INITIATIVE.**

"(a) **ESTABLISHMENT.**—The Secretary, in consultation with the Administrator, shall carry out a levee safety initiative.

"(b) **MANAGEMENT.**—The Secretary shall appoint—

"(1) an administrator of the levee safety initiative; and

"(2) such staff as are necessary to implement the initiative.

"(c) **LEVEE SAFETY GUIDELINES.**—

"(1) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with the Administrator and in coordination with State, local, and tribal governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—

"(A) are available for common, uniform use by all Federal, State, tribal, and local agencies;

“(B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and

“(C) provide for adaptation to local, regional, or watershed conditions.

“(2) REQUIREMENT.—The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).

“(3) INCORPORATION.—The guidelines shall address, to the maximum extent practicable—

“(A) the activities and practices carried out by State, local, and tribal governments, and the private sector to safely build, regulate, operate, and maintain levees; and

“(B) Federal activities that facilitate State efforts to develop and implement effective State programs for the safety of levees, including levee inspection, levee rehabilitation, locally developed floodplain management, and public education and training programs.

“(4) CONSIDERATION BY FEDERAL AGENCIES.—To the maximum extent practicable, all Federal agencies shall consider the levee safety guidelines in carrying out activities relating to the management of levees.

“(5) PUBLIC COMMENT.—Prior to finalizing the guidelines under this subsection, the Secretary shall—

“(A) issue draft guidelines for public comment, including comment by States, non-Federal interests, and other appropriate stakeholders; and

“(B) consider any comments received in the development of final guidelines.

“(d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a hazard potential classification system for use under the levee safety initiative and participating programs.

“(2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.

“(3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.

“(e) TECHNICAL ASSISTANCE AND MATERIALS.—

“(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall provide technical assistance and training to promote levee safety and assist States, communities, and levee owners in—

“(A) developing levee safety programs;

“(B) identifying and reducing flood risks associated with levees;

“(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and

“(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

“(2) ELIGIBILITY.—To be eligible to receive technical assistance under this subsection, a State shall—

“(A) be in the process of establishing or have in effect a State levee safety program under which a State levee safety agency, in accordance with State law, carries out the guidelines established under subsection (c)(1); and

“(B) allocate sufficient funds in the budget of that State to carry out that State levee safety program.

“(3) WORK PLANS.—The Secretary shall enter into an agreement with each State receiving technical assistance under this subsection to develop a work plan necessary for the State levee safety program of that State to reach a level of program performance that meets the guidelines established under subsection (c)(1).

“(f) PUBLIC EDUCATION AND AWARENESS.—

“(1) IN GENERAL.—The Secretary, in coordination with the Administrator, shall carry out public education and awareness efforts relating to the levee safety initiative.

“(2) CONTENTS.—In carrying out the efforts under paragraph (1), the Secretary and the Administrator shall—

“(A) educate individuals living in leveed areas regarding the risks of living in those areas; and

“(B) promote consistency in the transmission of information regarding levees among Federal agencies and regarding risk communication at the State and local levels.

“(g) STATE AND TRIBAL LEEVE SAFETY PROGRAM.—

“(1) GUIDELINES.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in consultation with the Administrator, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State or tribal levee safety program as a participating program.

“(B) GUIDELINE CONTENTS.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating State and Indian tribe to certify to the Secretary that the State or Indian tribe, as applicable—

“(i) has the authority to participate in the levee safety initiative;

“(ii) can receive funds under this title;

“(iii) has adopted any levee safety guidelines developed under this title;

“(iv) will carry out levee inspections;

“(v) will carry out, consistent with applicable requirements, flood risk management and any emergency action planning procedures the Secretary determines to be necessary relating to levees;

“(vi) will carry out public education and awareness activities consistent with the efforts carried out under subsection (f); and

“(vii) will collect and share information regarding the location and condition of levees, including for inclusion in the national levee database.

“(C) PUBLIC COMMENT.—Prior to finalizing the guidelines under this paragraph, the Secretary shall—

“(i) issue draft guidelines for public comment; and

*“(ii) consider any comments received in the development of final guidelines.*

**“(2) ASSISTANCE TO STATES.—**

**“(A) ESTABLISHMENT.—***The Administrator may provide assistance, subject to the availability of funding specified in appropriations Acts for Federal Emergency Management Agency activities pursuant to this title and subject to amounts available under subparagraph (E), to States and Indian tribes in establishing participating programs, conducting levee inventories, and improving levee safety programs in accordance with subparagraph (B).*

**“(B) REQUIREMENTS.—***To be eligible to receive assistance under this section, a State or Indian tribe shall—*

*“(i) meet the requirements of a participating program established by the guidelines issued under paragraph (1);*

*“(ii) use not less than 25 percent of any amounts received to identify and assess non-Federal levees within the State or on land of the Indian tribe;*

*“(iii) submit to the Secretary and Administrator any information collected by the State or Indian tribe in carrying out this subsection for inclusion in the national levee safety database; and*

*“(iv) identify actions to address hazard mitigation activities associated with levees and leveed areas identified in the hazard mitigation plan of the State approved by the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).*

**“(C) MEASURES TO ASSESS EFFECTIVENESS.—**

*“(i) IN GENERAL.—*Not later than 1 year after the date of enactment of this subsection, the Administrator shall implement quantifiable performance measures and metrics to assess the effectiveness of the assistance provided in accordance with subparagraph (A).

*“(ii) CONSIDERATIONS.—*In assessing the effectiveness of assistance under clause (i), the Administrator shall consider the degree to which the State or tribal program—

*“(I) ensures that human lives and property that are protected by new and existing levees are safe;*

*“(II) encourages the use of appropriate engineering policies, procedures, and technical practices for levee site investigation, design, construction, operation and maintenance, inspection, assessment, and emergency preparedness;*

*“(III) develops and supports public education and awareness projects to increase public acceptance and support of levee safety programs and provide information;*

*“(IV) builds public awareness of the residual risks associated with living in levee protected areas; and*

“(V) develops technical assistance materials, seminars, and guidelines to improve the security of levees of the United States.

“(D) MAINTENANCE OF EFFORT.—Technical assistance or grants may not be provided to a State under this subsection during a fiscal year unless the State enters into an agreement with the Administrator to ensure that the State will maintain during that fiscal year aggregate expenditures for programs to ensure levee safety that equal or exceed the average annual level of such expenditures for the State for the 2 fiscal years preceding that fiscal year.

“(E) AUTHORIZATION OF APPROPRIATIONS.—

“(i) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this subsection \$25,000,000 for each of fiscal years 2015 through 2019.

“(ii) ALLOCATION.—For each fiscal year, amounts made available under this subparagraph shall be allocated among the States and Indian tribes as follows:

“(I)  $\frac{1}{3}$  among States and Indian tribes that qualify for assistance under this subsection.

“(II)  $\frac{2}{3}$  among States and Indian tribes that qualify for assistance under this subsection, to each such State or Indian tribe in the proportion that—

“(aa) the miles of levees in the State or on the land of the Indian tribe that are listed on the inventory of levees; bears to

“(bb) the miles of levees in all States and on the land of all Indian tribes that are in the national levee database.

“(iii) MAXIMUM AMOUNT OF ALLOCATION.—The amounts allocated to a State or Indian tribe under this subparagraph shall not exceed 50 percent of the reasonable cost of implementing the State or tribal levee safety program.

“(F) PROHIBITION.—No amounts made available to the Administrator under this title shall be used for levee construction, rehabilitation, repair, operations, or maintenance.

“(h) LEVEE REHABILITATION ASSISTANCE PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall provide assistance to States, Indian tribes, and local governments relating to addressing flood mitigation activities that result in an overall reduction in flood risk.

“(2) REQUIREMENTS.—To be eligible to receive assistance under this subsection, a State, Indian tribe, or local government shall—

“(A) participate in, and comply with, all applicable Federal floodplain management and flood insurance programs;

“(B) have in place a hazard mitigation plan that—

“(i) includes all levee risks; and

“(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106-390; 114 Stat. 1552);

“(C) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(D) commit to provide normal operation and maintenance of the project for the 50 year-period following completion of rehabilitation; and

“(E) comply with such minimum eligibility requirements as the Secretary, in consultation with the committee, may establish to ensure that each owner and operator of a levee under a participating State or tribal levee safety program—

“(i) acts in accordance with the guidelines developed under subsection (c); and

“(ii) carries out activities relating to the public in the leveed area in accordance with the hazard mitigation plan described in subparagraph (B).

“(3) FLOODPLAIN MANAGEMENT PLANS.—

“(A) IN GENERAL.—Not later than 1 year after the date of execution of a project agreement for assistance under this subsection, a State, Indian tribe, or local government shall prepare a floodplain management plan in accordance with the guidelines under subparagraph (D) to reduce the impacts of future flood events in each applicable leveed area.

“(B) INCLUSIONS.—A plan under subparagraph (A) shall address—

“(i) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in each applicable leveed area;

“(ii) plans for flood fighting and evacuation; and

“(iii) public education and awareness of flood risks.

“(C) IMPLEMENTATION.—Not later than 1 year after the date of completion of construction of the applicable project, a floodplain management plan prepared under subparagraph (A) shall be implemented.

“(D) GUIDELINES.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Administrator, shall develop such guidelines for the preparation of floodplain management plans prepared under this paragraph as the Secretary determines to be appropriate.

“(E) TECHNICAL SUPPORT.—The Secretary may provide technical support for the development and implementation of floodplain management plans prepared under this paragraph.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—Assistance provided under this subsection may be used—

“(i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State or tribal levee safety program; and

“(ii) only for a levee that is not federally operated and maintained.

“(B) **PROHIBITION.**—Assistance provided under this subsection shall not be used—

“(i) to perform routine operation or maintenance for a levee; or

“(ii) to make any modification to a levee that does not result in an improvement to public safety.

“(5) **NO PROPRIETARY INTEREST.**—A contract for assistance provided under this subsection shall not be considered to confer any proprietary interest on the United States.

“(6) **COST SHARE.**—The maximum Federal share of the cost of any assistance provided under this subsection shall be 65 percent.

“(7) **PROJECT LIMIT.**—The maximum amount of Federal assistance for a project under this subsection shall be \$10,000,000.

“(8) **LIMITATION.**—A project shall not receive Federal assistance under this subsection more than 1 time.

“(9) **FEDERAL INTEREST.**—For a project that is not a project eligible for rehabilitation assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), the Secretary shall determine that the proposed rehabilitation is in the Federal interest prior to providing assistance for such rehabilitation.

“(10) **OTHER LAWS.**—Assistance provided under this subsection shall be subject to all applicable laws (including regulations) that apply to the construction of a civil works project of the Corps of Engineers.

“(i) **EFFECT OF SECTION.**—Nothing in this section—

“(1) affects the requirement under section 100226(b)(2) of Public Law 112-141 (42 U.S.C. 4101 note; 126 Stat. 942); or

“(2) confers any regulatory authority on—

“(A) the Secretary; or

“(B) the Administrator, including for the purpose of setting premium rates under the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

“**SEC. 9006. REPORTS.**—

“(a) **STATE OF LEVEES.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection, and biennially thereafter, the Secretary in coordination with the committee, shall submit to Congress and make publicly available a report describing the state of levees in the United States and the effectiveness of the levee safety initiative, including—

“(A) progress achieved in implementing the levee safety initiative;

“(B) State and tribal participation in the levee safety initiative;

“(C) recommendations to improve coordination of levee safety, floodplain management, and environmental protection concerns, including—

“(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees; and

“(ii) evaluating opportunities to coordinate environmental permitting processes for operation and

*maintenance activities at existing levee projects in compliance with all applicable laws; and*

*“(D) any recommendations for legislation and other congressional actions necessary to ensure national levee safety.*

*“(2) INCLUSION.—Each report under paragraph (1) shall include a report of the committee that describes the independent recommendations of the committee for the implementation of the levee safety initiative.*

*“(b) NATIONAL DAM AND LEVEE SAFETY PROGRAM.—Not later than 3 years after the date of enactment of this subsection, to the maximum extent practicable, the Secretary and the Administrator, in coordination with the committee, shall submit to Congress and make publicly available a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.*

*“(c) ALIGNMENT OF FEDERAL PROGRAMS RELATING TO LEVEES.—Not later than 2 years after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, tribal, and local governments and individuals and entities—*

*“(1) to promote shared responsibility for levee safety;*

*“(2) to encourage the development of strong State and tribal levee safety programs;*

*“(3) to better align the levee safety initiative with other Federal flood risk management programs; and*

*“(4) to promote increased levee safety through other Federal programs providing assistance to State and local governments.*

*“(d) LIABILITY FOR CERTAIN LEVEE ENGINEERING PROJECTS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to Congress and make publicly available a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—*

*“(1) levee owners from obtaining needed levee engineering services; or*

*“(2) development and implementation of a State or tribal levee safety program.”.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—Section 9008 of the Water Resources Development Act of 2007 (as redesignated by subsection (e)(1)) is amended—*

*(1) by striking “are” and inserting “is”; and*

*(2) by striking “Secretary” and all that follows through the period at the end and inserting the following:*

*“Secretary—*

*“(1) to carry out sections 9003, 9005(c), 9005(d), 9005(e), and 9005(f), \$4,000,000 for each of fiscal years 2015 through 2019;*

*“(2) to carry out section 9004, \$20,000,000 for each of fiscal years 2015 through 2019; and*

*“(3) to carry out section 9005(h), \$30,000,000 for each of fiscal years 2015 through 2019.”.*

**SEC. 3017. REHABILITATION OF EXISTING LEVEES.**

(a) *IN GENERAL.*—The Secretary shall carry out measures that address consolidation, settlement, subsidence, sea level rise, and new datum to restore federally authorized hurricane and storm damage reduction projects that were constructed as of the date of enactment of this Act to the authorized levels of protection of the projects if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified.

(b) *LIMITATION.*—This section shall only apply to those projects for which the executed project partnership agreement provides that the non-Federal interest is not required to perform future measures to restore the project to the authorized level of protection of the project to account for subsidence and sea-level rise as part of the operation, maintenance, repair, replacement, and rehabilitation responsibilities.

(c) *COST SHARE.*—

(1) *IN GENERAL.*—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(2) *CERTAIN ACTIVITIES.*—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.

(d) *REPORT TO CONGRESS.*—Not later than 5 years after the date of enactment of this Act, the Secretary shall include in the annual report developed under section 7001—

(1) any recommendations relating to the continued need for the authority provided under this section;

(2) a description of the measures carried out under this section;

(3) any lessons learned relating to the measures implemented under this section; and

(4) best practices for carrying out measures to restore hurricane and storm damage reduction projects.

(e) *TERMINATION OF AUTHORITY.*—The authority of the Secretary under this subsection terminates on the date that is 10 years after the date of enactment of this Act.

## **Subtitle C—Additional Safety Improvements and Risk Reduction Measures**

**SEC. 3021. USE OF INNOVATIVE MATERIALS.**

Section 8(d) of the Water Resources Development Act of 1988 (33 U.S.C. 2314) is amended by striking “materials” and all that follows through the period at the end and inserting “methods, or materials, including roller compacted concrete, geosynthetic materials, and advanced composites, that the Secretary determines are appropriate to carry out this section.”.

**SEC. 3022. DURABILITY, SUSTAINABILITY, AND RESILIENCE.**

In carrying out the activities of the Corps of Engineers, the Secretary, to the maximum extent practicable, shall encourage the use