

“(e) ASSISTANCE AVAILABLE.—The Secretary may provide technical and construction management assistance requested by the Cherokee Nation relating to the design and construction of a hydroelectric generating facility under subsection (a).

“(f) THIRD PARTY AGREEMENTS.—The Cherokee Nation may enter into agreements with the Secretary or a third party that the Cherokee Nation or the Secretary determines are necessary to carry out this section.”.

**SEC. 2012. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.**

Section 2 of the Freedom to Fish Act (127 Stat. 449) is amended—

(1) in subsection (b)(1) by striking “2 years after the date of enactment of this Act” and inserting “4 years after the date of enactment of the Water Resources Reform and Development Act of 2014”;

(2) in the heading of subsection (c) by inserting “OR MODIFIED” after “NEW”; and

(3) in subsection (c)—

(A) in matter preceding paragraph (1) by inserting “new or modified” after “establishes any”; and

(B) in paragraph (3) by striking “2 years after the date of enactment of this Act” and inserting “4 years after the date of enactment of the Water Resources Reform and Development Act of 2014”.

**SEC. 2013. OPERATION AND MAINTENANCE OF FUEL TAXED INLAND WATERWAYS.**

Section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) FLOODGATES ON THE INLAND WATERWAYS.—

“(1) OPERATION AND MAINTENANCE CARRIED OUT BY THE SECRETARY.—Notwithstanding any other provision of law, the Secretary shall be responsible for the operation and maintenance, including repair, of any flood gate, as well as any pumping station constructed within the channel as a single unit with that flood gate, that—

“(A) was constructed as of the date of enactment of the Water Resources Reform and Development Act of 2014 as a feature of an authorized hurricane and storm damage reduction project; and

“(B) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

“(2) NON-FEDERAL COST SHARE.—The non-Federal share of the cost of operation, maintenance, repair, rehabilitation, and replacement of any structure under this subsection shall be 35 percent.”.

## **Subtitle B—Port and Harbor Maintenance**

**SEC. 2101. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.**

(a) DEFINITIONS.—In this section:

(1) **TOTAL AMOUNT OF HARBOR MAINTENANCE TAXES RECEIVED.**—The term “total amount of harbor maintenance taxes received” means, with respect to a fiscal year, the aggregate of amounts appropriated, transferred, or credited to the Harbor Maintenance Trust Fund under section 9505(a) of the Internal Revenue Code of 1986 for that fiscal year as set forth in the current year estimate provided in the President’s budget request for the subsequent fiscal year, submitted pursuant to section 1105 of title 31, United States Code.

(2) **TOTAL BUDGET RESOURCES.**—The term “total budget resources” means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(b) **TARGET APPROPRIATIONS.**—

(1) **IN GENERAL.**—The target total budget resources made available to the Secretary from the Harbor Maintenance Trust Fund for a fiscal year shall be not less than the following:

(A) For fiscal year 2015, 67 percent of the total amount of harbor maintenance taxes received in fiscal year 2014.

(B) For fiscal year 2016, 69 percent of the total amount of harbor maintenance taxes received in fiscal year 2015.

(C) For fiscal year 2017, 71 percent of the total amount of harbor maintenance taxes received in fiscal year 2016.

(D) For fiscal year 2018, 74 percent of the total amount of harbor maintenance taxes received in fiscal year 2017.

(E) For fiscal year 2019, 77 percent of the total amount of harbor maintenance taxes received in fiscal year 2018.

(F) For fiscal year 2020, 80 percent of the total amount of harbor maintenance taxes received in fiscal year 2019.

(G) For fiscal year 2021, 83 percent of the total amount of harbor maintenance taxes received in fiscal year 2020.

(H) For fiscal year 2022, 87 percent of the total amount of harbor maintenance taxes received in fiscal year 2021.

(I) For fiscal year 2023, 91 percent of the total amount of harbor maintenance taxes received in fiscal year 2022.

(J) For fiscal year 2024, 95 percent of the total amount of harbor maintenance taxes received in fiscal year 2023.

(K) For fiscal year 2025, and each fiscal year thereafter, 100 percent of the total amount of harbor maintenance taxes received in the previous fiscal year.

(2) **USE OF AMOUNTS.**—The total budget resources described in paragraph (1) may be used only for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(c) **IMPACT ON OTHER FUNDS.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that any increase in funding for harbor maintenance programs under this section shall result from an overall increase in appropriations for the civil works program of the Corps of Engineers and not from reductions in the appropriations for other programs, projects, and activities carried out by the Corps of Engineers for other authorized purposes.

(2) **APPLICATION.**—The target total budget resources for a fiscal year specified in subsection (b)(1) shall only apply in a fiscal year for which the level of appropriations provided for the

*civil works program of the Corps of Engineers in that fiscal year is increased, as compared to the previous fiscal year, by a dollar amount that is at least equivalent to the dollar amount necessary to address such target total budget resources in that fiscal year.*

**SEC. 2102. OPERATION AND MAINTENANCE OF HARBOR PROJECTS.**

(a) *IN GENERAL.*—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by adding at the end the following:

“(c) *OPERATION AND MAINTENANCE OF HARBOR PROJECTS.*—

“(1) *IN GENERAL.*—To the maximum extent practicable, the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), including expenditures of funds appropriated from the Harbor Maintenance Trust Fund, based on an equitable allocation of funds among all such harbors and inland harbors.

“(2) *CRITERIA.*—

“(A) *IN GENERAL.*—In determining an equitable allocation of funds under paragraph (1), the Secretary shall—

“(i) consider the information obtained in the assessment conducted under subsection (e);

“(ii) consider the national and regional significance of harbor operations and maintenance; and

“(iii) as appropriate, consider national security and military readiness needs.

“(B) *LIMITATION.*—The Secretary shall not allocate funds under paragraph (1) based solely on the tonnage transiting through a harbor.

“(3) *EMERGING HARBOR PROJECTS.*—Notwithstanding any other provision of this subsection, in making expenditures under paragraph (1) for each of fiscal years 2015 through 2022, the Secretary shall allocate for operation and maintenance costs of emerging harbor projects an amount that is not less than 10 percent of the funds made available under this section for fiscal year 2012 to pay the costs described in subsection (a)(2).

“(4) *MANAGEMENT OF GREAT LAKES NAVIGATION SYSTEM.*—To sustain effective and efficient operation and maintenance of the Great Lakes Navigation System, including any navigation feature in the Great Lakes that is a Federal responsibility with respect to operation and maintenance, the Secretary shall manage all of the individually authorized projects in the Great Lakes Navigation System as components of a single, comprehensive system, recognizing the interdependence of the projects.

“(d) *PRIORITIZATION.*—

“(1) *PRIORITY.*—

“(A) *IN GENERAL.*—For each of fiscal years 2015 through 2024, if priority funds are available, the Secretary shall use the priority funds as follows:

“(i) 90 percent of the priority funds shall be used for high- and moderate-use harbor projects.

“(ii) 10 percent of the priority funds shall be used for emerging harbor projects.

*“(B) ADDITIONAL CONSIDERATIONS.—For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use—*

*“(i) not less than 5 percent of such funds for underserved harbor projects; and*

*“(ii) not less than 10 percent of such funds for projects that are located within the Great Lakes Navigation System.*

*“(C) UNDERSERVED HARBORS.—In determining which underserved harbor projects shall receive funds under this paragraph, the Secretary shall consider—*

*“(i) the total quantity of commerce supported by the water body on which the project is located; and*

*“(ii) the minimum width and depth that—*

*“(I) would be necessary at the underserved harbor project to provide sufficient clearance for fully loaded commercial vessels using the underserved harbor project to maneuver safely; and*

*“(II) does not exceed the constructed width and depth of the authorized navigation project.*

*“(2) EXPANDED USES.—*

*“(A) DEFINITION OF ELIGIBLE HARBOR OR INLAND HARBOR DEFINED.—In this paragraph, the term ‘eligible harbor or inland harbor’ means a harbor or inland harbor at which the total amount of harbor maintenance taxes collected in the immediately preceding 3 fiscal years exceeds the value of the work carried out for the harbor or inland harbor using amounts from the Harbor Maintenance Trust Fund during those 3 fiscal years.*

*“(B) USE OF EXPANDED USES FUNDS.—*

*“(i) FISCAL YEARS 2015 THROUGH 2024.—For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use not less than 10 percent of such funds for expanded uses carried out at an eligible harbor or inland harbor.*

*“(ii) SUBSEQUENT FISCAL YEARS.—For fiscal year 2025 and each fiscal year thereafter, the Secretary shall use not less than 10 percent of the priority funds available for expanded uses carried out at an eligible harbor or inland harbor.*

*“(C) PRIORITIZATION.—In allocating funds under this paragraph, the Secretary shall give priority to projects at eligible harbors or inland harbors for which the difference, calculated in dollars, is greatest between—*

*“(i) the total amount of funding made available for projects at that eligible harbor or inland harbor from the Harbor Maintenance Trust Fund in the immediately preceding 3 fiscal years; and*

*“(ii) the total amount of harbor maintenance taxes collected at that harbor or inland harbor in the immediately preceding 3 fiscal years.*

*“(3) REMAINING FUNDS.—*

*“(A) IN GENERAL.—For each of fiscal years 2015 through 2024, if after fully funding all projects eligible for funding under paragraphs (1)(B) and (2)(B)(i), priority*

*funds made available under those paragraphs remain unobligated, the Secretary shall use those remaining funds to pay for operation and maintenance costs of any harbor or inland harbor referred to in subsection (a)(2) based on an equitable allocation of those funds among the harbors and inland harbors.*

*“(B) CRITERIA.—In determining an equitable allocation of funds under subparagraph (A), the Secretary shall—*

*“(i) use the criteria specified in subsection (c)(2)(A);*

*and*

*“(ii) make amounts available in accordance with the requirements of paragraph (1)(A).*

*“(4) EMERGENCY EXPENDITURES.—Nothing in this subsection prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if—*

*“(A) the Secretary determines that the action is necessary to address the navigation needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and*

*“(B) the Secretary provides within 90 days of the action notice and information on the need for the action to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.*

*“(e) ASSESSMENT OF HARBORS AND INLAND HARBORS.—*

*“(1) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, and biennially thereafter, the Secretary shall assess the operation and maintenance needs and uses of the harbors and inland harbors referred to in subsection (a)(2).*

*“(2) ASSESSMENT OF HARBOR NEEDS AND ACTIVITIES.—*

*“(A) TOTAL OPERATION AND MAINTENANCE NEEDS OF HARBORS.—In carrying out paragraph (1), the Secretary shall identify—*

*“(i) the total future costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2); and*

*“(ii) the total expected costs for expanded uses at eligible harbors or inland harbors referred to in subsection (d)(2).*

*“(B) USES OF HARBORS AND INLAND HARBORS.—In carrying out paragraph (1), the Secretary shall identify current uses (and, to the extent practicable, assess the national, regional, and local benefits of such uses) of harbors and inland harbors referred to in subsection (a)(2), including the use of those harbors for—*

*“(i) commercial navigation, including the movement of goods;*

*“(ii) domestic trade;*

*“(iii) international trade;*

*“(iv) commercial fishing;*

“(v) subsistence, including use by Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for subsistence and ceremonial purposes;

“(vi) use as a harbor of refuge;

“(vii) transportation of persons;

“(viii) purposes relating to domestic energy production, including the fabrication, servicing, or supply of domestic offshore energy production facilities;

“(ix) activities of the Secretary of the department in which the Coast Guard is operating;

“(x) activities of the Secretary of the Navy;

“(xi) public health and safety related equipment for responding to coastal and inland emergencies;

“(xii) recreation purposes; and

“(xiii) other authorized purposes.

“(3) REPORT TO CONGRESS.—

“(A) IN GENERAL.—For fiscal year 2016, and biennially thereafter, in conjunction with the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that, with respect to harbors and inland harbors referred to in subsection (a)(2)—

“(i) identifies the operation and maintenance costs associated with the harbors and inland harbors, including those costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors and the costs for expanded uses at eligible harbors and inland harbors, on a project-by-project basis;

“(ii) identifies the amount of funding requested in the President’s budget for the operation and maintenance costs associated with the harbors and inland harbors, on a project-by-project basis;

“(iii) identifies the unmet operation and maintenance needs associated with the harbors and inland harbors, on a project-by-project basis; and

“(iv) identifies the harbors and inland harbors for which the President will allocate funding over the subsequent 5 fiscal years for operation and maintenance activities, on a project-by-project basis, including the amounts to be allocated for such purposes.

“(B) PUBLIC AVAILABILITY.—The Secretary shall make the report submitted under subparagraph (A) available to the public, including on the Internet.

“(f) DEFINITIONS.—In this section:

“(1) CONSTRUCTED WIDTH AND DEPTH.—The term ‘constructed width and depth’ means the width and depth to which a project has been constructed, which may not exceed the authorized width and depth of the project.

“(2) *EMERGING HARBOR PROJECT*.—The term ‘emerging harbor project’ means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually.

“(3) *EXPANDED USES*.—The term ‘expanded uses’ means the following activities:

“(A) The maintenance dredging of a berth in a harbor that is accessible to a Federal navigation project and that benefits commercial navigation at the harbor.

“(B) The maintenance dredging and disposal of legacy-contaminated sediment, and sediment unsuitable for open water disposal, if—

“(i) such dredging and disposal benefits commercial navigation at the harbor; and

“(ii) such sediment is located in and affects the maintenance of a Federal navigation project or is located in a berth that is accessible to a Federal navigation project.

“(4) *GREAT LAKES NAVIGATION SYSTEM*.—The term ‘Great Lakes Navigation System’ includes—

“(A)(i) Lake Superior;

“(ii) Lake Huron;

“(iii) Lake Michigan;

“(iv) Lake Erie; and

“(v) Lake Ontario;

“(B) all connecting waters between the lakes referred to in subparagraph (A) used for commercial navigation;

“(C) any navigation features in the lakes referred to in subparagraph (A) or waters described in subparagraph (B) that are a Federal operation or maintenance responsibility; and

“(D) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

“(5) *HARBOR MAINTENANCE TAX*.—The term ‘harbor maintenance tax’ means the amounts collected under section 4461 of the Internal Revenue Code of 1986.

“(6) *HIGH-USE HARBOR PROJECT*.—The term ‘high-use harbor project’ means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits not less than 10,000,000 tons of cargo annually.

“(7) *MODERATE-USE HARBOR PROJECT*.—The term ‘moderate-use harbor project’ means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits annually—

“(A) more than 1,000,000 tons of cargo; but

“(B) less than 10,000,000 tons of cargo.

“(8) *PRIORITY FUNDS*.—The term ‘priority funds’ means the difference between—

“(A) the total funds that are made available under this section to pay the costs described in subsection (a)(2) for a fiscal year; and

“(B) the total funds made available under this section to pay the costs described in subsection (a)(2) in fiscal year 2012.

**“(9) UNDERSERVED HARBOR PROJECT.—**

**“(A) IN GENERAL.—**The term ‘underserved harbor project’ means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2)—

**“(i) that is a moderate-use harbor project or an emerging harbor project;**

**“(ii) that has been maintained at less than the constructed width and depth of the project during each of the preceding 6 fiscal years; and**

**“(iii) for which State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years.**

**“(B) ADMINISTRATION.—**For purposes of this paragraph, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).”

**(b) OPERATION AND MAINTENANCE.—**Section 101(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)(1)) is amended by striking “45 feet” and inserting “50 feet”.

**(c) CONFORMING AMENDMENT.—**Section 9505(c)(1) of the Internal Revenue Code of 1986 is amended by striking “(as in effect on the date of the enactment of the Water Resources Development Act of 1996)”.

**SEC. 2103. CONSOLIDATION OF DEEP DRAFT NAVIGATION EXPERTISE.**

Section 2033(e) of the Water Resources Development Act of 2007 (33 U.S.C. 2282a(e)) is amended by adding at the end the following:

**“(3) DEEP DRAFT NAVIGATION PLANNING CENTER OF EXPERTISE.—**

**“(A) IN GENERAL.—**The Secretary shall consolidate deep draft navigation expertise within the Corps of Engineers into a deep draft navigation planning center of expertise.

**“(B) LIST.—**Not later than 60 days after the date of the consolidation required under subparagraph (A), 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 list of the grade levels and expertise of each of the personnel assigned to the center described in subparagraph (A).”

**SEC. 2104. REMOTE AND SUBSISTENCE HARBORS.**

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

**(1) in subsection (a)—**

**(A) in paragraph (1)(B) by inserting “or Alaska” after “Hawaii”; and**

**(B) in paragraph (2)—**

**(i) by striking “community” and inserting “region”; and**

**(ii) by inserting “, as determined by the Secretary, including consideration of information provided by the non-Federal interest” after “improvement”; and**

**(2) by adding at the end the following:**



“(c) **PRIORITIZATION.**—Projects recommended by the Secretary under subsection (a) shall be given equivalent budget consideration and priority as projects recommended solely by national economic development benefits.

“(d) **DISPOSITION.**—

“(1) **IN GENERAL.**—The Secretary may carry out any project identified in the study carried out pursuant to subsection (a) in accordance with the criteria for projects carried out under the authority of the Secretary under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

“(2) **NON-FEDERAL INTERESTS.**—In evaluating and implementing a project under this section, the Secretary shall allow a non-Federal interest to participate in the financing of a project in accordance with the criteria established for flood control projects under section 903(c) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4184).

“(e) **ANNUAL REPORT.**—For a project that cannot be carried out under the authority specified in subsection (d), on a determination by the Secretary of the feasibility of the project under subsection (a), the Secretary may include a recommendation concerning the project in the annual report submitted to Congress under section 7001.”

**SEC. 2105. ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.**

(a) **IN GENERAL.**—The Secretary may provide technical assistance to non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), for the development, construction, operation, and maintenance of channels, harbors, and related infrastructure associated with deep draft ports for purposes of dealing with Arctic development and security needs.

(b) **ACCEPTANCE OF FUNDS.**—The Secretary is authorized to accept and expend funds provided by non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), to carry out the technical assistance activities described in subsection (a).

(c) **LIMITATION.**—No assistance may be provided under this section until after the date on which the entity to which that assistance is to be provided enters into a written agreement with the Secretary that includes such terms and conditions as the Secretary determines to be appropriate and in the public interest.

(d) **PRIORITIZATION.**—The Secretary shall prioritize technical assistance provided under this section for Arctic deep draft ports identified by the Secretary, the Secretary of Homeland Security, and the Secretary of Defense as important for Arctic development and security.

**SEC. 2106. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.**

(a) **DEFINITIONS.**—In this section:

(1) **CARGO CONTAINER.**—The term “cargo container” means a cargo container that is 1 Twenty-foot Equivalent Unit.

(2) **DONOR PORT.**—The term “donor port” means a port—

(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

(B) at which the total amount of harbor maintenance taxes collected comprise not less than \$15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986;

(C) that received less than 25 percent of the total amount of harbor maintenance taxes collected at that port in the previous 5 fiscal years; and

(D) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded on to vessels in fiscal year 2012.

(3) **ENERGY COMMODITY.**—The term “energy commodity” includes—

(A) petroleum products;

(B) natural gas;

(C) coal;

(D) wind and solar energy components; and

(E) biofuels.

(4) **ENERGY TRANSFER PORT.**—The term “energy transfer port” means a port—

(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulation (or any successor regulation); and

(B)(i) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in fiscal year 2012; and

(ii) through which more than 40,000,000 tons of cargo were transported in fiscal year 2012.

(5) **EXPANDED USES.**—The term “expanded uses” has the meaning given the term in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f)).

(6) **HARBOR MAINTENANCE TAX.**—The term “harbor maintenance tax” has the meaning given the term in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f)).

(b) **AUTHORITY.**—

(1) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary may provide to donor ports and energy transfer ports amounts in accordance with this section.

(2) **LIMITATIONS.**—Amounts provided under this section—

(A) for energy transfer ports shall be divided equally among all States with an energy transfer port; and

(B) shall be made available to a port as either a donor port or an energy transfer port and no port may receive amounts as both a donor port and an energy transfer port.

(c) **USE OF FUNDS.**—Amounts provided under this section may be used by a donor port or an energy transfer port—

(1) to provide payments to importers entering cargo or shippers transporting cargo through that port, as calculated by U.S. Customs and Border Protection according to the amount of harbor maintenance taxes collected;

(2) for expanded uses; or

(3) for environmental remediation related to dredging berths and Federal navigation channels.

(d) **ADMINISTRATION OF PAYMENTS.**—If a donor port or an energy transfer port elects to provide payments to importers or shippers under subsection (c), the Secretary shall transfer the amount that would otherwise be provided to the port under this section that is equal to those payments to the Commissioner of U.S. Customs and Border Protection to provide the payments to the importers or shippers.

(e) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this section, the Secretary shall assess the impact of the authority provided by this section and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of that assessment, including any recommendations for amending or reauthorizing the authority.

(2) **FACTORS.**—In carrying out the assessment under paragraph (1), the Secretary shall assess—

(A) the impact of the amounts provided and used under this section on those ports that received funds under this section; and

(B) any impact on domestic harbors and ports that did not receive funds under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2015 through 2018.

(2) **DIVISION BETWEEN DONOR PORTS AND ENERGY TRANSFER PORTS.**—For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to donor ports and energy transfer ports.

(3) **ADDITIONAL APPROPRIATIONS.**—If the target total budget resources under subparagraphs (A) through (D) of section 2101(b)(1) are met for each of fiscal years 2015 through 2018, there is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2019 through 2022.

**SEC. 2107. PRESERVING UNITED STATES HARBORS.**

(a) **IN GENERAL.**—Upon a request from a non-Federal interest, the Secretary shall review a report developed by the non-Federal interest that provides an economic justification for Federal investment in the operation and maintenance of a federally authorized harbor or inland harbor (referred to in this section as a “federally authorized harbor”).

(b) **JUSTIFICATION OF INVESTMENT.**—A report submitted under subsection (a) may provide for an economic justification of Federal investment in the operation and maintenance of a federally authorized harbor based on—

(1) the projected economic benefits, including transportation savings and job creation; and

(2) other factors, including navigation safety, national security, and sustainability of subsistence harbors.

(c) **WRITTEN RESPONSE.**—Not later than 180 days after the date on which the Secretary receives a report under subsection (a), the Secretary shall provide to the non-Federal interest a written re-

sponse to the report, including an assessment of the information provided by the non-Federal interest.

(d) **PRIORITIZATION.**—As the Secretary determines to be appropriate, the Secretary may use the information provided in the report under subsection (a) to justify additional operation and maintenance funding for a federally authorized harbor in accordance with section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)).

(e) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section may be construed to preclude the operation and maintenance of a federally authorized harbor under section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)).

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

#### **Subtitle A—Dam Safety**

##### **SEC. 3001. DAM SAFETY.**

###### **(a) ADMINISTRATOR.**—

(1) **IN GENERAL.**—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator”.

(2) **CONFORMING AMENDMENT.**—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)) the following:

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

(b) **INSPECTION OF DAMS.**—Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking “or maintenance” and inserting “maintenance, condition, or provisions for emergency operations”.

###### **(c) NATIONAL DAM SAFETY PROGRAM.**—

(1) **OBJECTIVES.**—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:

“(4) develop and implement a comprehensive dam safety hazard education and public awareness initiative to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;”.

(2) **BOARD.**—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by inserting “representatives from nongovernmental organizations,” after “State agencies”.

(d) **PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—