

**§ 2252. Project delivery process reforms****(a) Requirements for qualifying projects**

With respect to each qualifying project, the Secretary shall require—

(1) for each project manager, that—

(A) the project manager have formal project management training and certification; and

(B) the project manager be assigned from among personnel certified by the Chief of Engineers; and

(2) for an applicable cost estimation, that—

(A) the Secretary utilize a risk-based cost estimate with a confidence level of at least 80 percent; and

(B) the cost estimate be developed—

(i) for a qualifying project that requires an increase in the authorized amount in accordance with section 2280 of this title, during the preparation of a post-authorization change report or other similar decision document;

(ii) for a qualifying project for which the first construction contract has not been awarded, prior to the award of the first construction contract;

(iii) for a qualifying project without a completed feasibility report in accordance with section 2282 of this title, prior to the completion of such a report; and

(iv) for a qualifying project with a completed feasibility report in accordance with section 2282 of this title that has not yet been authorized, during design for the qualifying project.

**(b) Additional project delivery process reforms**

Not later than 18 months after June 10, 2014, the Secretary shall—

(1) establish a system to identify and apply on a continuing basis best management practices from prior or ongoing qualifying projects to improve the likelihood of on-time and on-budget completion of qualifying projects;

(2) evaluate early contractor involvement acquisition procedures to improve on-time and on-budget project delivery performance; and

(3) implement any additional measures that the Secretary determines will achieve the purposes of this subtitle, including—

(A) the implementation of applicable practices and procedures developed pursuant to management by the Secretary of an applicable military construction program;

(B) the development and use of a portfolio of standard designs for inland navigation locks, incorporating the use of a center of expertise for the design and review of qualifying projects;

(C) the use of full-funding contracts or formulation of a revised continuing contracts clause; and

(D) the establishment of procedures for recommending new project construction starts using a capital projects business model.

**(c) Pilot projects****(1) In general**

Subject to paragraph (2), the Secretary may carry out pilot projects to evaluate processes

and procedures for the study, design, and construction of qualifying projects.

**(2) Inclusions**

At a minimum, the Secretary shall carry out pilot projects under this subsection to evaluate—

(A) early contractor involvement in the development of features and components;

(B) an appropriate use of continuing contracts for the construction of features and components; and

(C) applicable principles, procedures, and processes used for military construction projects.

(Pub. L. 113–121, title II, §2002, June 10, 2014, 128 Stat. 1261.)

## REFERENCES IN TEXT

This subtitle, referred to in subsec. (b)(3), is subtitle A (§§2001–2013) of title II of Pub. L. 113–121, which enacted this section and sections 2253, 2254, and 2255 of this title, amended sections 2212, 2251, and 2327 of this title, and enacted provisions set out as a note under this section. For complete classification of subtitle A to the Code, see Tables.

## CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Section is comprised of section 2002 of Pub. L. 113–121. Subsec. (d) of section 2002 of Pub. L. 113–121 amended section 2251 of this title.

## DEFINITIONS

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113–121, set out as a note under section 2201 of this title.

Pub. L. 113–121, title II, §2001, June 10, 2014, 128 Stat. 1260, provided that: “In this title [enacting this section and sections 2211a, 2238b, 2238c, 2243, 2253, 2254, and 2255 of this title and amending sections 2211, 2212, 2238, 2242, 2251, 2282a, and 2327 of this title and section 9505 of Title 26, Internal Revenue Code]:

“(1) INLAND WATERWAYS TRUST FUND.—The term ‘Inland Waterways Trust Fund’ means the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986 [26 U.S.C. 9506(a)].

“(2) QUALIFYING PROJECT.—The term ‘qualifying project’ means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is—

“(A) authorized before, on, or after the date of enactment of this Act [June 10, 2014];

“(B) not completed on the date of enactment of this Act; and

“(C) funded at least in part from the Inland Waterways Trust Fund.”

**§ 2253. Annual financial review**

For any inland waterways project that the Secretary carries out that has an estimated total cost of \$500,000,000 or more, the Secretary shall submit to the congressional committees referred to in subsection (a)<sup>1</sup> an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of any future increases of the cost to complete the project.

(Pub. L. 113–121, title II, §2007(b), June 10, 2014, 128 Stat. 1268.)

<sup>1</sup> See References in Text note below.

## REFERENCES IN TEXT

The congressional committees referred to in subsection (a), referred to in text, mean the congressional committees referred to in subsec. (a) of section 2007 of Pub. L. 113–121, which are the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

## CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

## “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113–121, set out as a note under section 2201 of this title.

**§ 2254. Assessment of operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway**

**(a) In general**

Not later than 90 days after June 10, 2014, the Secretary shall assess the operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.

**(b) Types of activities**

In carrying out subsection (a), the Secretary shall assess the operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway as used for the following purposes:

- (1) Commercial navigation.
- (2) Commercial fishing.
- (3) Subsistence, including utilization by Indian tribes (as defined in section 450b of title 25) for subsistence and ceremonial purposes.
- (4) Use as ingress and egress to harbors of refuge.
- (5) Transportation of persons.
- (6) Purposes relating to domestic energy production, including fabrication, servicing, and supply of domestic offshore energy production facilities.
- (7) Activities of the Secretary of the department in which the Coast Guard is operating.
- (8) Public health and safety related equipment for responding to coastal and inland emergencies.
- (9) Recreation purposes.
- (10) Any other authorized purpose.

**(c) Report to Congress**

For fiscal year 2015, and biennially thereafter, in conjunction with the annual budget submission by the President to Congress under section 1105(a) of title 31, 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 and make publicly available a report that, with respect to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway—

- (1) identifies the operation and maintenance costs required to achieve the authorized length, width, and depth;
- (2) identifies the amount of funding requested in the President’s budget for operation and maintenance costs; and

(3) identifies the unmet operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.

(Pub. L. 113–121, title II, § 2008, June 10, 2014, 128 Stat. 1268.)

## CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

## “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113–121, set out as a note under section 2201 of this title.

**§ 2255. Inland waterways riverbank stabilization**

**(a) In general**

Not later than 1 year after June 10, 2014, and biennially thereafter, the Secretary shall conduct a study to determine the feasibility of—

- (1) carrying out projects for the inland and intracoastal waterways for purposes of—
  - (A) flood damage reduction;
  - (B) emergency streambank and shoreline protection; and
  - (C) prevention and mitigation of shore damages attributable to navigation improvements; and
- (2) modifying projects for the inland and intracoastal waterways for the purpose of improving the quality of the environment.

**(b) Recommendations**

In conducting the study, the Secretary shall develop specific project recommendations and prioritize those recommendations based on—

- (1) the extent of damage and land loss resulting from riverbank erosion;
- (2) the rate of erosion;
- (3) the significant threat of future flood risk to public property, public infrastructure, or public safety;
- (4) the destruction of natural resources or habitats; and
- (5) the potential cost savings for maintenance of the channel.

**(c) Disposition**

The Secretary may carry out any project identified in the study conducted pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

- (1) Section 701r of this title.
- (2) Section 701s of this title.
- (3) Section 426i of this title.
- (4) Section 2309a of this title.

**(d) Annual report**

For a project recommended pursuant to the study that cannot be carried out under any of the authorities specified in subsection (c), upon a determination by the Secretary of the feasibility of the project, the Secretary may include a recommendation concerning the project in the annual report submitted to Congress under section 2282d of this title.

(Pub. L. 113–121, title II, § 2009, June 10, 2014, 128 Stat. 1269.)