

AMENDMENT
OFFERED BY MR. OWENS OF UTAH

At the appropriate place in title I, insert the following:

1 **SEC. 1____. RESEARCH ACTIVITIES AND OTHER TRANS-**
2 **ACTION AUTHORITY.**

3 Section 7 of the Water Resources Development Act
4 of 1988 (33 U.S.C. 2313) is amended—

5 (1) in the section heading by striking “**AND**
6 **DEVELOPMENT**” and inserting “**ACTIVITIES AND**
7 **OTHER TRANSACTION AUTHORITY**”;

8 (2) in subsection (a) in the subsection heading
9 by striking “**IN GENERAL**” and inserting “**RE-**
10 **SEARCH ACTIVITIES**”;

11 (3) In subsection (c)—

12 (A) in the subsection heading by striking
13 “**TRANSACTIONAL AUTHORITY FOR PROTOTYPE**
14 **PROJECTS**” and inserting “**TRANSACTION AU-**
15 **THORITY**”;

16 (B) by amending subsection (c) to read as
17 follows:

18 “(c) **OTHER TRANSACTION AUTHORITY.—**

1 “(1) IN GENERAL.—The Secretary is authorized
2 to enter into transactions (other than contracts, co-
3 operative agreements, or grants) to carry out civil
4 works projects that are directly relevant to the civil
5 works missions and authorities of the Corps of Engi-
6 neers using authorities provided to the Secretary of
7 Defense or the Secretary of a military department
8 under—

9 “(A) section 2808a of title 10, United
10 States Code—

11 “(i) as if the phrase ‘follow-on produc-
12 tion contract or transaction’ refers to a fol-
13 low-on project contract or transaction
14 under this subsection; and

15 “(ii) except that—

16 “(I) subsections (b), (d), and (e)
17 of such section shall not apply; and

18 “(II) the use of such authority
19 shall not be subject to section 2853 of
20 such title;

21 “(B) section 4021 of title 10, United
22 States Code; and

23 “(C) section 4022 of title 10, United
24 States Code—

1 “(i) as if the phrase ‘follow-on produc-
2 tion contract or transaction’ refers to a fol-
3 low-on project contract or transaction
4 under this subsection; and

5 “(ii) except that subsection (i) of such
6 section shall not apply.

7 “(2) GUIDANCE.—Prior to entering into the
8 first transaction under this subsection after the date
9 of enactment of the Water Resources Development
10 Act of 2026, the Secretary shall update or issue
11 guidance for entering into such transactions (includ-
12 ing guidance for follow-on project contracts or trans-
13 actions).

14 “(3) COMPETITIVE PROCEDURES.—In selecting
15 an entity with which to enter into a transaction
16 under this subsection, the Secretary shall ensure
17 that competitive procedures are used to the max-
18 imum extent practicable.

19 “(4) PAYMENT AND PERFORMANCE BONDS.—
20 As a condition of entering into a transaction under
21 this subsection involving the construction, alteration,
22 or repair of a public building or public work, the
23 Secretary shall require the entity primarily respon-
24 sible for executing the transaction to furnish pay-
25 ment and performance bonds executed by a cor-

1 porate surety in a manner satisfying the require-
2 ments of sections 9304 through 9308 of title 31,
3 United States Code, in amounts and under terms
4 that are equivalent to those required under chapter
5 31 of title 40, United States Code.

6 “(5) COMPTROLLER GENERAL ACCESS TO IN-
7 FORMATION.—

8 “(A) EXAMINATION OF RECORDS.—As a
9 condition of any transaction under this sub-
10 section that provides for one or more payments
11 that, in total, exceed \$5,000,000, each party to
12 the transaction shall agree to allow the Comp-
13 troller General of the United States to access
14 and examine the records of the party, and any
15 other entity that participates in the perform-
16 ance of the transaction, subject to subpara-
17 graph (B), upon request by the Comptroller
18 General.

19 “(B) LIMITATIONS.—

20 “(i) PARTIES AND ENTITIES.—Exam-
21 ination of records by the Comptroller Gen-
22 eral pursuant to subparagraph (A) shall be
23 limited as provided under clause (ii) in the
24 case of a party to a transaction under this
25 subsection, or an entity that participates in

1 the performance of the transaction, if the
2 only transactions that the party or entity,
3 as applicable, entered into with Govern-
4 ment entities in the year prior to the date
5 of the transaction were entered into under
6 paragraph (1) or under sections 2808a,
7 4021 or 4022 of title 10, United States
8 Code.

9 “(ii) RECORDS.—The only records of
10 a party or other entity described in clause
11 (i) that the Comptroller General may ex-
12 amine pursuant to subparagraph (A) are
13 records of the same type as the records
14 that the Government has had the right to
15 examine under the audit access clauses of
16 previous transactions described in such
17 clause that were entered into by the party
18 or entity, as applicable.

19 “(C) WAIVER.—The Head of the Con-
20 tracting Activity for the Corps of Engineers
21 may waive the applicability of subparagraph (A)
22 to a transaction if the Head of the Contracting
23 Activity for the Corps of Engineers—

1 “(i) determines that it would not be in
2 the public interest to apply the require-
3 ment to the transaction; and

4 “(ii) transmits to the Committee on
5 Environment and Public Works of the Sen-
6 ate, the Committee on Transportation and
7 Infrastructure of the House of Representa-
8 tives, and the Comptroller General, before
9 the transaction is entered into, a notifica-
10 tion of the waiver, including the rationale
11 for the determination under clause (i).

12 “(D) TIMING.—The Comptroller General
13 may not examine records pursuant to subpara-
14 graph (A) more than 3 years after the final
15 payment is made by the United States under
16 the transaction.”;

17 (4) in subsection (d) by inserting “and other
18 civil works projects” before the period at the end;
19 and

20 (5) in subsection (e)—

21 (A) in paragraph (1) by striking “proto-
22 type projects” and inserting “transactions for
23 civil works project”; and

24 (B) in paragraph (2)(A)—

- 1 (i) in clause (iv) by adding “and”
- 2 after the semicolon; and
- 3 (ii) by striking clause (vi).

Page 211, strike lines 15 through 18.

